

**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION
CITY COUNCIL CHAMBERS
June 28, 2017**



AGENDA

MEETING CALLED TO ORDER AT 5:30PM

ROLL CALL

ADOPTION OF MINUTES OF June 14, 2017

PUBLIC COMMUNICATIONS – *Items not scheduled on the regular agenda*

STAFF BOARD COMMUNICATIONS AND DISCLOSURES

CONTINUATIONS

Land Management Code (LMC) amendments regarding Master Planned Affordable Housing Development amending LMC Chapter 6 Section 7, and other applicable sections in the LMC. *Planner* 67
Astorga

Public hearing and continuation to date uncertain

1800 Park Avenue, Double Tree (formally the Yarrow) - The applicant has requested an extension for the indefinite continuance of their previously approved Conditional Use Permit to allow for a temporary structure (tent) to be use twice per year for a maximum period of one hundred eighty days consecutively but for a maximum of 260 days out of 365 days in a year. PL-17-03537 69
Planner
Morlan

Public hearing and continuation to July 26, 2017

REGULAR AGENDA – *Discussion, public hearing, and possible action as outlined below*

280 Daly Avenue – Appeal of planning staff’s determination for new construction regarding 1. a subdivision plat note regarding Maximum House Size and 2. Subdivision Conditions of Approval regarding the construction of a sidewalk. PL-17-03522 70
Planner
Scarff

Quasi- Judicial review, Public hearing and possible action

4001 Kearns Boulevard – First Amendment to the Park City Film Studios Subdivision, a re-plat to create three platted lots of record from existing 29.55 acre Lot 1 and to include a 0.8 acre parcel acquired from UDOT for storm water detention. The property consists of approximately 30 acres. PL-15-03005 235
Planner
Whetstone

Public hearing and possible recommendation to City Council on July 20, 2017

1450-1460 Park Avenue – A plat amendment requesting to combine Lots 1 and 2 of the Retreat at the Park Subdivision at 1450-1460 Park Avenue into one lot of record. PL-17-03501 332
Planner
Grahn

Public hearing and possible recommendation to City Council on August 3, 2017

1450-1460 Park Avenue - Conditional Use Permit (CUP) application for the construction of a Parking Area of five (5) or more than spaces at 1450-1460 Park Avenue. Applicant is proposing to construct nine (9) parking spaces along Sullivan Road. PL-17-03502 350
Planner
Grahn

Public hearing and possible action

1450-1460 Park Avenue- Request for Approval of a Condominium Plat for the combined Lots of the Retreat at the Park Subdivision for eight (8) residential units.
Public hearing and possible recommendation to City Council on August 3, 2017

PL-17-03503 372
Planner
Grahn

*Land Management Code (LMC) amendments - Administrative and substantive amendments to the Park City Land Management Code, including, but not limited to amendments to address Utah State Code modifications specifically amending Land Management Code Title 15 Chapter 1, Section 18 Appeals and Reconsideration Process; Title 15 Chapter 11 Section 10 Park City Historic Sites Inventory (Council adoption of properties designated on the Historic Sites Inventory); Title 15 Chapter 11, Section 11 Design Guidelines for Park City's Historic Districts and Historic Sites; Title 15, Chapter 2.25 Historic Sites Overlay Zone (new overlay zone for sites on the Historic Sites Inventory; and Title 15- Chapter 13 Design Guidelines (adopting new chapter to codify the existing Design Guidelines into the Land Management Code). Pending ordinance is available in the Planning Department.
Public hearing and possible recommendation to City Council on August 3, 2017*

PL-17-03588 395
Planner
Grahn &
Tyler

ADJOURN

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

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Park City Planning Department at (435) 615-5060 24 hours prior to the meeting.

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JUNE 14, 2017

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

Bruce Erickson, Planning Director, Francisco Astorga, Planner; Kirsten Whetstone, Planner; Ashley Scarff, Planner; Makena Hawley; Planner; Polly Samuels McLean, Assistant City Attorney; Mark Harrington, City Attorney, Jody Burnett, Outside Counsel
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REGULAR MEETING

ROLL CALL

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

ADOPTION OF MINUTES

May 24, 2017

Commissioner Joyce referred to page 22, Item 5, and changed the name of the property owner from Rudus to correctly read **Redus**.

Commissioner Band referred to page 5, which stated that she would be recusing herself from 7195 Little Bell Court "because she had sold a condo there yesterday". She clarified that she had sold the condo at a different and she just happened to be there yesterday.

MOTION: Commissioner Phillips moved to APPROVE the minutes of May 24, 2017 as corrected. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Chair Strachan noted that 1302 Norfolk, an item on the agenda this evening, would be continued because the appellant was seeking an opinion from the property rights Ombudsman. Assistant City Attorney recommended that the Planning Commission open the public hearing when the item comes up on the agenda and Continue to a date uncertain. A notice of the continuance was posted on the front door.

Director Erickson reported that the application for 442/444 Main Street regarding the public utility easement had been withdrawn. It was an easement for the City Council and it was noticed for the Planning Commission in error. No public hearing or action was required.

Planner Astorga announced that Planner Makena Hawley was leaving Park City and moving to the country of Columbia. Her last day is June 23rd, and she would be greatly missed.

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

Commissioner Joyce noted that the three 1450/1460 items listed on the agenda for Continuation were actually continued at the last meeting to June 28th. He asked if they needed to re-continue them to June 28th this evening. Assistant City Attorney stated that they were listed in error on this agenda and they did not need to be continued again. Chair Strachan preferred to open a public hearing since they were on the agenda.

1. 1450-1460 Park Avenue – A plat amendment requesting to combine Lots 1 and 2 of the Retreat at the Park Subdivision at 1450-1460 Park Avenue into one lot of record. (Application PL-17-03501)
2. 1450-1460 Park Avenue - Conditional Use Permit (CUP) application for the construction of a Parking Area of five (5) or more than spaces at 1450-1460 Park Avenue. Applicant is proposing to construct nine (9) parking spaces along Sullivan Road. (Application PL-17-03502)
3. 1450-1460 Park Avenue- Request for Approval of a Condominium Plat for the combined Lots of the Retreat at the Park Subdivision for eight (8) residential units. (Application PL-17-03503)

Chair Strachan opened the public hearing on the three items above.

There were no comments.

Chair Strachan closed the public hearing.

Chair Strachan reiterated that the Planning Commission had continued these items to June 28th at the last meeting and no action was required.

4. Land Management Code (LMC) amendments regarding Master Planned Affordable Housing Development amending LMC Chapter 6 Section 7, and other applicable sections in the LMC.

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

MOTION: Commissioner Band moved to CONTINUE the LMC Code Amendments to June 28, 2017. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

5. 1800 Park Avenue, Double Tree (formally the Yarrow) - The applicant has requested an extension for the indefinite continuance of their previously approved Conditional Use Permit to allow for a temporary structure (tent) to be use twice per year for a maximum period of one hundred eighty days consecutively but for a maximum of 260 days out of 365 days in a year. (Application PL-17-03537)

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

MOTION: Commissioner Joyce moved to CONTINUE the extension of the CUP for the Double Tree at 1800 Park Avenue to June 28, 2017. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

NOTE: The Treasure Hill portion of the Minutes is a verbatim transcript.

1. Treasure Hill Conditional Use Permit, Creole Gulch and Town Lift Mid-station Sites – Sweeney Properties Master Plan (Application PL-08-00370)

Chair

Strachan: Francisco, how are we going to tackle things tonight?

Planner

Astorga: Okay, so I will start out with a brief presentation, which then we'll turn the time over to Alfred Knotts, Transportation Planning Manager, and Matt Cassel, City Engineer. After which, we'll turn the time over to Gary Horton, which is the applicant's traffic engineer. Then we'd like to see if the Planning Commission has any clarifying questions up to that point. Which then we recommend having a public hearing, and then at the end additional questions and comments by the Commission.

Chair

Strachan: Makes sense. All right.

Planner

Astorga: All right, so to start out with, we continue to report that the website---we've got all public comments received as of noon today has been updated and uploaded on the City's website, which equates to 82 public comments received to date.

I don't want to go over every page of the Staff report, but we do want to have a discussion with you to continue to review the transportation and traffic update that was submitted by the applicant. This is the Addendum #7 that they identified as such. We went ahead and placed all of the traffic documents on page 40 and 41 of your Staff report, so we have all the hyperlinks, including this one. And with that said, we, we do want you to see if we're---if we need to add any additional comments that were listed from Staff's initial response to the updated document that was submitted and starts on page 41. The purpose of Mr. Knott's and Mr. Cassel's presentation will be to summarize the information provided to the Planning Commission of our areas of, of concerns or clarifications that, that we need to receive. So I'll let them get to that.

We do want to focus the discussion on questions on the Staff report and process, questions on the applicant's report, questions regarding Staff analysis up to date that we're continuing to pursue, as the applicant has indicated that this is not their final copy of the transportation document. In fact, it even indicated in recent communications to the City that they're not going to be able to respond to every item identified so far tonight. So, and

we also want you to see if there's any questions regarding the Street Master Plan and the current Lowell project.

I'll---throughout the presentation or throughout the public hearing tonight, I'll be more than happy to answer any questions as I'm--- wrote the Staff report so I might be, I might have the first answer for you, but obviously, that's why I brought Mr. Knotts and Mr. Cassel to have their portion of their presentation. And before I turn the time over to them, we'd like to simply acknowledge that we have invited the building official who's sitting in the back with Scott Adams and Michael with the Park City Fire District, as they're getting acquainted, better acquainted with the Park City process and their future involvement.

With that said, I think we're just going to plug in for a power point presentation.

Chair

Strachan: Great. While you guys do that, I just want to confirm that list of the traffic related documents starting on page 39 spanning to the top of 41, is that all? I think it might be. I looked through and cross-referenced my notes back from 2009. I think it is, but are we missing anything? And I, you know, I'm going to ask the applicant the same thing.

Planner

Astorga: If I could answer that first. Some of these studies were named a little differently or, or had a different label. The, the theme that I try to keep was when it was submitted to the City, what it is, and the company that prepared it. I thought that made more sense. And then also we placed it in chrono-, chronological order. It did take a while to complete. I, I do believe that it is it, so I would love to hear the applicant's response to make sure that we haven't missed any documents.

Chair

Strachan: Okay, thanks. All right. Alfred, Matt, thanks you guys, first of all for going through all of this and providing a little bit of expertise on traffic on traffic and engineering because we don't have it, at least not to your extent. So take it away.

Alfred

Knotts: Absolutely. Thank you, Mr. Chairman, members of the Planning Commissioner. Alfred Knotts, Transportation Planning Manager. As you

mentioned, Mr. Chair, we did go through the most recent study and actually Addendum, Addendum #7 that was prepared to revalidate and recalibrate some of the counts within the project area, to look at some of the assumptions and see if the projections based on the previous studies are still accurate and to see what those projections were with project and with the existing condition as well.

So in general we tried to disclassify these, and these are a little high level. Obviously, we didn't put together a full report as Avenue Consultants did. And actually, we'd like to---the date on here is intended to be the May 22nd date. That is when Matt and I sat down and we did a thorough review on the information that was provided as part of Addendum #7. So, this was prepared prior to the Avenue Consultants, but we have looked at that report and I can say that our findings and recommendations and inquiry for additional information are rather consistent with Avenue Consultants' request as well.

So, again, some of these are just remedial. We want to make sure this is very digestible for the public. Level of service is something that we operate in and talk about all the time. Nevertheless, for the general public it's hard for people to understand what that is. So we did request that they just define what the goal of the level of service is for this area. Different transportation facilities have different levels of service and capacity where they can operate, so we wanted to just make sure that the reader and the public could digest what that level of service is. And just for the, the benefit of the public right now, and for the Commission, this is typically defined as a Level of Service D is acceptable, and that is defined in the highway capacity manual. Below that is everything---like Level of Service E and Level of Service F are measured by minutes of delay or seconds of delay. So, to see how those register with what's acceptable for that type of road and service.

What we also wanted to identify, is again for the public to be able to digest this, is when was the study time---to just be very clear on when that study time was. The day and time, the weather conditions that existed at that time, also, and then also the actual dates as well.

Another general thing that we've identified, or issue, is that the Cabriolet plays a very, very integral part of the construction mitigation and actually the project mitigation as well. So for that purpose, we think that the hours of operation need to be very, very clearly defined. Operating and [inaudible] mitigation measures, again coming from---and I know you always hear about

where I came from, but having mitigation needs to be very clear. And I have an example that I will provide the applicant, too, that's a finding of fact that's been under the Federal requirements, also. But you need to identify specifically what that impact is. It needs to be quantifiable. And then you have to identify specifically what that mitigation measure is. And not just what the mitigation measure is, but what also---who is responsible for implementing that mitigation measure, and what is the timing of that mitigation measure.

And if a cost could be associated and assigned to that, it should also be in effect. So we need to make sure that the mitigation measures are implemented consistent with the project. For example, it does call out that all the construction, most of the construction activity and employees will arrive via the Cabriolet. Well, that means the Cabriolet needs to be constructed as part of the first part of the project if the construction workers are going to access the site. So we just need to be very clear on when that is done. Again, that's a big financial commitment to the [inaudible], and they need to be able to budget for that also, and the contractor needs to be away. So that's really why we have to be able to be clear about when, what, and who does these mitigation efforts.

Again, in general, we ask that they just go back and verify every table as accurate and just to make sure they do a very, very thorough QAQC, so again, the public can, you know, they don't have to weed through all these different turning movements, and it's very digestible. Again, verify the intersection figures to make sure those correlate to those turning movement counts.

One thing that's not very clear, and maybe if we looked over it again, and again, but we have very, very---many, many times looked over the actual project proposal, the development agreement and everything else that comes with it, just to make sure that all the commercial space is accounted for. And in that commercial space, or whatever that lane use is, that it correlates directly with the, the institute of traffic engineers, the IT Manual for those land uses within the actual project areas. So for example, we want to make sure that support commercial, you know, is this commercial that's available to the general public. If it is, those trips should be accounted for within the trip generation rates. If it's support commercial, then obviously those internal trips can be accounted for, those reductions can be account for. And that's, so the theme in here too, is what are the assumptions that are applied to these trip reductions as well. Again some of these could be very optimistic, but they also could be under accounted for, too. So, they

need to be very clear what these assumptions are based on these trip reductions. If there's any real world experience and valid information that they can rely on. We talked about, for example again, the Cabriolet. How many people they move per hour. Certain Cabriolets and other aerial systems have been constructed at other ski resorts, some that I'm familiar with, that have been actual mitigation as well. That they could look at those, the effectiveness of those measures and apply those trip reductions based on what we've seen in the real world experience.

Again, so [inaudible] trip reduction, again, justifiable trip reductions. We're not saying that they kind of pulled them out of the air, but we also need to make sure that there's some validity to them. You know, some numbers are thrown around at 30% for the Cabriolet, some internal trips. And just to make sure that those assumptions are built into their---because I'll go back again to what I mentioned earlier about being able to monitor these effective, the mitigation measures also down the road, and whether there's another adaptive management strategies or contingency mitigation measures that are employed or implemented if certain mitigations measures aren't working. So if the Cabriolet isn't carrying that 30%, that it is monitored, and what can we do to make sure that these mitigation measures are effective in mitigating the impact it has been identified to mitigate.

Park Avenue/Deer Valley Drive is not modeled at the worst case scenario. They could come back, and again, we don't always model for the peak because we don't want to build for the peak. But we would like to see what the rationale and the validation for that approach and that methodology was.

Again, determine when Empire and Silver King fail. Some of the projects that are modeled are pushed out 13 to 20 years, and then they go from, for example, they go from---and I'll just use an example of a number, our, our level of service classification. But it will go from B to F. So when did it trigger to that F so the mitigation measure can be planned for, it can be a capital, it's going to be a capital infrastructure project, and the public entity, such as the City, shares a cost in. But we all need to be able to plan for these types of, of failures in the system should they occur. But we need to know, is it two years from now, is it five years from now, is it ten years from now so we can plan and we're not being reactive or being proactive for these mitigation measures.

Again, [inaudible] assigned to the on-site commercial. Employee parking will be off-site. But there's a constant being within the mitigation measures, too, about employees and guests that they will be encouraged to use these alternative modes or other incentives. We need to be firm on not encouraging, but they, they're not shoulds and they should be shalls. And they should be very clear on how those incentives will be tracked, what exactly will they be, and if people are parking are off-site, you know, we need to know exactly where that is. Is, is it something that the project proponent is going to have to procure, is it something that involves cost-sharing and an in-lieu cost with the County to do a joint project. We also feel that when the Cabriolet is mentioned, that the employees will access the site from the Cabriolet, how are they getting to the Cabriolet. We don't know if they're driving to the Cabriolet. It's insinuated that they will use Park City Transit, but unless those employees live within the service area of the Park City Transit, they will not be able to access the Cabriolet via transit until we have all the regional system. And again, we see that being a flaw in the analysis, because if people are parking into the Old Town area and on Park Avenue, you know, what impact is that? That's an indirect impact that's not evaluated, also. So looking at direct impacts, indirect impacts. And then we've also requested everything be measured on a cumulative basis, too. So the list within the spirit of influence of the project, that we're looking not only at this project, but other potential projects that have been titled in the area, such as the PCMR development. And they do recognize that and they have responded to that, also.

Other thoughts is, you know, the operation of the road. The study addresses road and intersection capacity and some mitigation measures, but we don't really talk about the operation of the road. And I think you'll see that in Avenue. Some of the figures, the pictures are very telling about how the road currently operates, which is something to consider too. Before the project it obviously doesn't operate based on snow, snow removal operations, and as its full capacity also. So it's something that we need to consider. And going back to the clarification of being very specific on how the road will be cleared, how snow will be managed, who's paying for it because it will increase the Level of Service to the City, and that that's all adequately funded and mapped out and clear on whose responsibility it is.

So, impacts on operation of Lowell and Empire need to be better defined and mitigated. And the construction impacts---and I know that's something once we get not too much further down the road, but something that the client and

something that we're internally continuing to monitor, monitor and drive home. That that, with a project of this scale and the location and just the nature of the construction activities, those temporary impacts, although temporary, will be significant to the adjacent community, into our network, also.

So that's our initial overview of the, the report when we evaluated Addendum #7 back in May. Again, we have looked at the Avenue Consultants and we find that their recommendations and their review of the document to be very consistent with our concerns as well, and we'll look forward to the applicant, and the project proponent responding to this over the next couple of weeks.

Chair

Strachan: Matt, anything to add?

Matt

Cassel: That was it.

Chair

Strachan: Okay, great. Commissioners, any quick questions before we let the applicant chime in?

Commissioner

Joyce: Yeah, just, one. The, the work that's going on, on Lowell right now, I know they're kind of milling it up and repaving it. Is, are any of the other improvements that are part of this plan, are, are they being done? I mean, sidewalks widening, space for snow storage, any of that kind of stuff being done?

Matt

Cassel: As far as the Lowell Project?

Commissioner

Joyce: Yeah.

Matt

Cassel: Lowell is being built per our 2011 Master Plan, the Transportation Traffic Master Plan. So there are no sidewalks right now going in on Lowell. The pavement section is getting slightly narrower, and it's going to match what is down on Empire Avenue.

Commissioner

Joyce: Okay. And so the only thing that's being done with respect to Treasure is, I understand that it was being paved a little deeper, you know, bigger so that it can handle [inaudible].

Matt

Cassel: [Inaudible.] Yes, the asphalt is thicker and the road base is much thicker. Yes.

Commissioner

Joyce: Okay. Thank you.

Director

Erickson: So let, let me clarify that for you. The, the Streets Master Plan considered the trip generation from Treasure. Correct, Matt?

Matt

Cassel: Correct.

Director

Erickson: And the Bamberger parcel had no reduction in trip generation when they set that, set that with. So, those, those cumulative effect projects that are in the roadway design [inaudible] being constructed now. The operational issues that Alfred brought up, the additional snow removal, potential sidewalks, things like that, those are independent variables from just the pure engineering of that street to, to our standard.

Commissioner

Joyce: So when we go back and look at the, some of the drawings that were part of the proposal, I guess, hashed out back in like the 2009 time-frame where it was, you know, is the sidewalk going to be on the left or the right or whatever. Those pictures had a lot of discussion about pull outs and parking and how many cars can park and all that kind of stuff. And none of that is really being addressed. What we're basically doing is the street.

Matt

Cassel: Right. None of those items that we're discussing, which is dividing of parking and allocating areas for snow storage, those were being driven by the traffic discussion in 2009. So, without---in 2009 we also did not have a master plan idea of what we were building for our local residential street. Now that we

know what we're building, we test it based on the trips generated by full buildout, and that gave us the residential road. But none of those pieces that were trying to help augment, do things for Treasure, are included in this construction.

Commissioner

Joyce: Okay. Thank you.

Commissioner

Thimm: So I have one question. I don't know if the answer is going to be quick or not. But the trip reductions actually result in a very significant decrease in the number of trips generated. And I was wondering if, Alfred or Matt, if there is, if there's an opinion between the two of you with regard to such things as 30% for the Cabriolet and 10% for beginner ski runs and that sort of thing. Is there any professional opinion that, that you have regarding those reductions?

Matt

Cassel: Not yet. That's, that's the background information we need from the applicant to be able to understand how real those numbers are and how achievable those numbers are.

Commissioner

Thimm: Okay.

Director

Erickson: And it's also, you saw in our Staff report that we're making a recommendation to move forward with a third party consultant with direct relevant experience to those resort type reductions.

Commissioner

Thimm: And that's a good idea.

Director

Erickson: So, we thought you'd like that. But it's the report now and it's in the public.

Chair

Strachan: Can you guys give an opinion on the sufficiency of any of the mitigation that the applicant has suggested as to whether it's good enough, needs improvement; or do you not have enough information.

Alfred

Knotts: I think they're on the right track. I think it does provide a suite of mitigate measures that aren't necessarily just focused on actual capital construction, such as the Cabriolet. But there's a very programmatic approach to making sure what they have the proposed. So I think they're on the right track. I think, really, the devil is in the details and I think that's really is where it's going to come back with the accuracy of the, the monitoring, also, and the reporting. I see that as a key component that the, the applicant should consider and we've recommended over and over. I think, that the number of the 30% of the Cabriolet, there's just so many different variables in there. If people are staying at this property and they're wanting to go to Deer Valley--- you know, it's assuming almost everybody at Treasure Hill is going to be going down to Main Street for dinner. If that's the case, yeah, then you can count for a pretty large percentage on the Cabriolet. But if people are going to other areas, such as Bonanza Park, they're going to Prospector, they're going to Deer Valley and those areas, that Cabriolet is not going to be as attractive as it would be to the point to point service. So, there's just so many variables that we need to keep into account for that we really won't see it until the operation occurs, which is a risk, and I understand that. But we need to have a safety net there about how to, to be able to mitigate that and to monitor that.

Chair

Strachan: And my question is a little bit more specific. And that is, based on what you have today, which is Addendum 7, and then all the documents listed on page 39 through 41 of the packet, which is all the prior traffic documents, can you make any conclusions as to whether any of the mitigation that they've proposed will work or not. For instance, they've proposed stairs down some of the streets in Old Town. Are the number associated with the mitigation for those, are those accurate? Do you have a beef with them, or do you still need more information?

Alfred

Knotts: More information.

Chair

Strachan: All right. You can't reach a conclusion as to any of the mitigation that was submitted to you?

Alfred
Knotts: Not [inaudible].

Chair
Strachan: All right. All right. Okay.

Gary
Horton: So I think mine will continue on the theme of some of what's already been mentioned. I'm going to bring up three things that will probably less than five minutes. First---

Chair
Strachan: Sorry, Gary, just state your name for us. Sorry.

Gary
Horton: Gary Horton, Traffic Engineer for the applicant.

Chair
Strachan: Thank you.

Gary
Horton: Three items. One, the document that is in front of you and in front of the Staff is a draft document with the understanding that we anticipate comments would be coming back. With the document of, and the major of the development, there are things that we had put in there and assumptions that had to be made that typically get responses from Staff, the public and others. So, that's part of the reason it is in a draft form, and with the understanding we wanted to meet with Staff to try and carve out what the best picture or the best understanding of what the picture would look like after Treasure Hill was built, or without it being built because we display both those pictures in this traffic study, so that we have an understanding, a comparison of apples to apples as best we can. So understand it's a draft. We're working with Staff. We received our comments last Friday. We had a meeting before that so we were aware of some of the comments coming, and we're working through those. And I believe most of those comments will be able to be addressed. Understanding more details need be, need to be provided, that information will be given. So from some of the comments and questions regarding specifically trip reduction, there will be an elaboration and further expansion on how those numbers were achieved. As we've done some more research since the draft has been submitted and we've had

conversation, I can also tell you some of those numbers will be modified in the final report.

So I'm, I'm acknowledging that so you understand it is a draft and that they will be different. So when you get the final, do not be surprised if some of those numbers are changed.

So, that was a draft. We are in the process of preparing that final report. We have, we're trying to schedule another meeting with the Staff. We're going to address the comments that are obvious and then have a conversation that those are, that may not be so obvious to us, so that when the final report is submitted, they can at least say we have all the information. They may not agree with the results or opinions may differ, but at least we've tried to provide enough information to understand the report.

All also, the last item that will be in this, I'll say Addendum 7, but it's actually part of the final reporting working backwards, we will address all the previous addendums along with the original report as recommended at the last Planning Commission meeting, our current stance on those. And that hasn't happened yet, and that will be part of that final report as well.

Commissioner

Thimm: So the intent is that ultimately it's a standalone document without reference to the other 59 documents.

Gary

Horton: That's what I'm trying to do. Yes. Because I, yeah, you're not the only one who has to go through archives to get all this stuff out. So, yes, that's, that's what I'm trying to do. And hopeful, that's---when I submit that to the Staff that they can see that as well, and if I'm missing something I want to make sure that I address it so that it can be a standalone document, and hopefully not have to go back 12 years [inaudible].

Chair

Strachan: All right. Are there any things that the Staff requested that the applicant has decided already they're just not going to provide?

Gary

Horton: I think we're still in discussions. I don't know that there's anything we're not going to provide. There may be some differences on the final resolution, but I don't know that there's anything that we're not going to provide, no. I don't think that's the intent. And I think everything is to try and get it addressed is the best that we have at this time, one of them being the Cabriolet. The operations will be done by Vail, so there's a lot of things that, as an applicant in the traffic study, there's limitations on what we can [inaudible] operations that we don't control. So those are the types of things that we'll try to include in the document to understand we're doing our best to forecast that plan, but to commit for Vail is somewhat out of our control.

Chair

Strachan: Understood. All right. Anything further from the applicant? Okay. Anything, any response you guys want to make to that just before---I want the public to have all of you guys' input before we open the public comment. Okay.

Commissioner

Phillips: Can I make one comment? Or just---

Chair

Strachan: Question or comment?

Commissioner

Phillips: Question.

Chair

Strachan: Okay.

Commissioner

Phillips: And so I heard Alfred mention earlier, I just want to make sure that I clear---I understand. The MPD prohibits drawing in people to the project for any commercial space. Is that correct, Francisco?

Planner

Astorga: Yes.

Commissioner

Phillips: So, are your traffic studies, or your trip generations working off that assumption? Because I, I heard Alfred say we're not sure if it is or isn't, but I believe the MPD states that it shall not.

Planner

Astorga: I can, I can clarify that. And I think that, that question needs to be answered by the applicant in the future. The difficult is that the applicant has identified two areas of commercial. They've identified one area as identified as allotted commercial, and another area they called it support commercial. As we had a parking discussion two or three months ago, I think we, we talked about this regarding a specific finding in the development parameters and conditions where it said almost word for word, that the support commercial is oriented and can serve the people residing or visiting the resort. Visiting means staying overnight, not just visiting it. So, I think that's a question that the applicant needs to address, but I think that's the challenge or the difficulty, or the lack of agreement from the applicant and Staff.

Matt

Cassel: And additionally, one of the things we're trying to do---we're walking a fine line. Even though the Master Plan states that no external trips will be generated, we want to be cautious, we want to be conservative, and we want to---what we think may happen, and include those trips that possibly would be generated, even if they're not allowed, and make sure that they're accounted for so that as we mitigate, capturing those number of trips also.

Gary

Horton: I'll let the lawyers answer the original question, but from a trip generation it most definitely counts for vehicles outside of the project. That's the way ITE currently does it. They don't have reference to something like this where it's only people staying there. So, yes, the trip generation accounts for vehicles or people that would be coming outside of the project area.

Pat

Sweeney: Adam, may I say one thing.

Chair

Strachan: Yeah.

Pat

Sweeney: I'm, I'm not sure that---

Chair

Strachan: Just state your name and note that you're on behalf of the applicant. That you are the applicant.

Pat

Sweeney: Pat Sweeney, representing MPE. Before your public input, we'd like Rob McMann to spend ten or 15 minutes going over some of the construction aspects that are relevant to this whole discussion.

Chair

Strachan: Construction aspects of what?

Pat

Sweeney: Constructability, which obviously impacts the roads.

Chair

Strachan: For traffic?

Pat

Sweeney: Well, in many ways. But we would like to take the time to do that.

Chair

Strachan: Well, I'm not sure that's been agendized and the public is not quite ready for that. I mean, I thought we were going to stick to traffic discussion. Constructability, I take it, and correct me if I'm wrong, is cement, rebar, how you're going to build things.

Pat

Sweeney: [Inaudible.] Whether we use the roads for dirt or not, that kind of thing. If you don't want to do it--we'd like to do it for the record, but if you don't want to do it, then we can do it in writing. That's, that's totally doable.

Director

Erickson: Mr. Chairman, I think these elements are some of the things that were requested as part of Alfred and Matt Cassel's response back to the applicant. Talk to us about how many times the roads are going to be used. I think its best that they put this stuff in writing at this point so that we have an opportunity to evaluate it and the public can read the information rather than doing it loosely over verbal.

Chair

Strachan: Yeah, I'd prefer to do that, too. I mean, that's nowhere in the packet and the public's had no notice on that. So.

Pat

Sweeney: We're good with putting it in writing. We'll get it to you.

Chair

Strachan: Yeah. And we'll, I mean constructability is clearly going to be one of the bigger issues we're going to be talking about, so we will have our time and day for that. Thanks, Pat.

So, anything further from the applicant or Staff? Francisco?

Planner

Astorga: Yeah, just going back to Commissioner Phillips concern. And I can go back and check the, the record, but I do believe, again, when we talk about the parking, we asked exactly that, what, what are you going to do to manage parking so that you don't draw people that are not supposed to be there. And, and I believe that that's on the applicant's list to address and, and answer.

Chair

Strachan: Okay. Great. All right. Let's open the public hearing on Treasure Hill Conditional Use Permit, Creole Gulch and Town Lift Mid-Station sites.

Public comment

Neals

Vernagaard: I got to take a minute to boot up here.

Chair

Strachan: You bet. Just to get an idea of the time frame and whether we're going to need to take a break during public comment or not, how many people are intending to give public input, at least at this point? Just a show of hands? Okay, great. All right. If we go on for a while we'll take a break in between so you don't have to sit here and [inaudible].

Neals

Vernagaard: My name is Neals Vernagaard. I'm a full-time resident with my wife, Pam, at 822 Lowell, which is right across the street from the entrance to Treasure. We wanted to---Kyra Parkhurst help me put this together. We wanted to give the Commission a little bit of an idea of what living in Old Town on Empire and Lowell is really like. They have had a lot of information about a lot of technical details about traffic capacity and what the roads are like and all the rest of that, but I thought pictures are worth a 1,000 words, and Bruce, you get your snow pictures.

Chair

Strachan: Neals, if you could submit it to us so that it's part of the current record.

Neals

Vernagaard: I've committed to give that to Francisco at the end so he will have it.

Neals

Vernagaard: So there's a lot of pictures here in movie format. I will try not to talk on every picture, because I could. But if any of you have any questions about any specifics, just stop me and I will hold, hold it up.

Mr. Vernagaard presented a video of his neighborhood.

Neals

Vernagaard: Okay, just to stop here. Just to remind people what Presidents Day Weekend was like this, this year. It was warm and it rained. And I realize for the Commission and for traffic studies it's really hard to pick two specific days and two different time periods and come up with exact weather and exact conditions. At the end of the day we all know that living in Park City or any ski resort, that it's going to be busy on bluebird powder days, and it's not going to be so busy when it's raining. We also know that with Vail now having taken over and their Epic pass, the Epic local pass is blacked out during those periods. When the previous study was done, for comparison sake, Vail didn't own it, there wasn't an Epic pass and it wasn't blacked out. I have no idea what the weather was like.

So just a quick stop here. This is, you've seen all these pictures. You know, like I said, I live on Lowell. I drive up Empire and Lowell every day. I don't have a clue as to where this is. And quite frankly, not to be too

condescending, but it looks like Chattanooga in the summer time. We live in a ski resort, so we'll show you pictures.

Okay, let me just quickly stop here. Kyra Parkhurst did a little video clip. This is---to put you in context, this is her on Empire taking a left on to Park three days after the traffic study was done, just to show you how traffic was backed up. She narrates it a bit. I'm not sure how well the sound will, will come through, but that's the gist of what you're going to see.

I just want to stop on this one. This is not a sight you'll see very often in Old Town, and you probably all know why. The post office refused to deliver mail into Old Town because the roads are substandard. And you know, I have no idea if the City's attorney has, had talked to you about liability or not. You know, but at the end of the day if somebody gets hurt up there, injured, and they can't get an ambulance up to them, I would suggest a plaintiff's attorney is going to work really hard on piercing the City's immunity from liability. And because it would be real easy to put somebody up there and just say, hey, the post office won't even deliver mail up there but you've put a, a convention center up there.

So as you can see it's a one-lane road. Two trucks trying to get by, we have a, a standoff going on here. This happens all the time.

Just quickly stop here. Where this picture is taken is if you come up Crescent Tram and take a left on to Empire as it goes up to Lowell, all these cars are legally parked. Just saying. Anybody going to get through here?

This is going up Crescent Tram. As you know, this road narrows functionally, even in the summer time to a one-lane road.

I heard one of the traffic engineers talk about worst case scenario. This year it was during Sundance. Lowell and Empire did not move all day one day. It was completely blocked. You can see---this is outside my driveway. People were trying to get down Crescent Tram on to 8th into Main. Nothing moved for a day. That's reality. It's what we live with.

Here, this is at the bottom of Lowell. As you know, none of the houses have parking and they all have to park on the street. And there's a couple of things to note in this picture. To the right you can see where the giant snow plows, snow blowers have already been through and widened the street to its maximum width. Okay? This is a one-lane road, period. Okay? I don't care

what any of our traffic studies say, this is one lane. It's been implied that Lowell is the same as Marsac by the applicant and others. Not here it's not.

Another point here, just down at the bottom of Lowell. As, as you know, there's a, a red brick building on the corner of Lowell and Manor. It's a Vail administrative building. More importantly, it's where all the ski instructors, ski patrol, liftees, mountain operations have their lockers, and where they have to report to work in the morning and again in the afternoon. There's literally hundreds of people crossing this road. And having---increasing the traffic down this, this hill is just going to make it less safe.

Just a note on Crescent Tram. It's really not addressed in the applicant's study at all, but you know, it just goes without saying that in today's world with Google Maps and Google Apps and all the rest of that, that somebody sitting up at Treasure that doesn't know their way around and wants to get down to Main Street or to Deer Valley is going to hit their Google App. And guess how it's going to take them? It's going to take them right down Empire on to Crescent Tram and then down to 8th. And I would ask the, the traffic people to really look at this Cabriolet with a bit of a jaundice eye. At the end of the day somebody going to one of the restaurants on Main, and gets all dressed up to go do that, coming out of a Fairmont or fancy hotel, is not going to go down to a Cabriolet and then walk over to Main. They're going to get in their Uber and, and go over. I highly doubt from the experience that I've had in places like that, that people are going to get on public transportation.

It's interesting, the ski patrol walking up to get to work.

Just to reiterate this point here. As you know, we don't have backyards in, in Old Town, so the streets become our yards. People go walk their dogs, push their kids around in, in strollers, and you know, play, play games. This is our yard. This is a residential neighborhood. The applicant fails to agree with that, that this is a residential neighborhood. It's not the Montage, it's not the Ritz Carlton, it's not St. Regis, rather. All those places have---are not in residential neighborhoods. This is a residential neighborhood. We live here.

You can't read this but this is a---the part that's underlined is about the berm between my house and, and the property. The berm is owned by the Sweeney's. But I want to just point out that again they're trying to have it both ways. In other public comments over the months they talk about how the berm helps isolate the community. Here, they talk about having to

bulldoze it. A couple days or weeks ago they talked about planting trees. It's a small point but it's just indicative of many of the other points that they've had. You can't have it both ways. It's one or the other.

We need to talk about construction traffic a little bit, and the next few pictures will do that.

Here is an interesting one. This is one where a contractor brought a truck up that was too big. It took them about a half an hour to get this thing around the corner from Empire on, on to Lowell. It was last summer.

Okay. So as you know, last summer then decided to rip up Lowell and then they had a problem with the contractor and had to repave it. But I thought it was a good picture. We estimate that bringing rubble out of a, out of the construction site will be about 300 dump trucks a day. The applicant has said they will have a majority of the rubble kept on site, but they've never defined majority. Here's a picture with six dump trucks and one pickup truck. This is a one-way street with these dump trucks. You cannot go both ways on this so they're going to have to come up Empire and go down Lowell. It's just functionally the only way they're going to do it. They've strengthened Lowell or are in the process of strengthening Lowell to handle the weight, but they've not done it with Empire. You can---picture says it all. This is a one-way road in the summertime for these trucks. Can you imagine in the winter time with the pictures I just showed you?

The Sweeney's in the paper today accused us of trying to steal their land. We're not trying to steal their land. We just want a win/win scenario where we can live our lives, live in our residential neighborhood, and they can realize some value out of their property. That's all we're asking. We're not trying to steal anything from anybody.

With that I think this is done. With that I thought it best, because it fits in, if Arnie might come up and talk. He wrote a rather lengthy letter because he didn't think he was going to be here. I hope you had a chance to read it. A few months ago there was a fire in the house next to me. I didn't bring any pictures of that. Fortunately, it was just a chimney fire, nobody was hurt. But it's a great example of fire response, I guess. And, and Arnie witnessed it all. So, Arnie?

Chair

Strachan: Before you go there, when you submit that to Francisco, if you could submit the digital files that have the dates and the times that those pictures are taken, that would be particularly helpful.

Neals

Vernagaard: Okay. I'll work on that.

Chair

Strachan: Okay. Thanks.

Arnie

Rusten: Yes, my name's Arnie Rusten and I live on 1058 Lowell Avenue. And as Neals explained, I witnessed a very interesting fire response from my upstairs. I saw the flashing lights and I heard the sirens, and I was just looking out the window. And this was at the end of January after Sundance. And I looked down the street and here comes a fire truck, and boy it had a hard time. Really hard time. Very skillfully maneuvering up, dodging cars and garbage cans and snow banks. And I thought, well, that's interesting, the slow going. I sure hope there isn't a real emergency here. But anyway, so it continued up to the top of the hill and stopped up there. I could see it. And when it finished the business up there, it tried to continue around, but then couldn't. And then literally the whole show had to go backwards down Lowell. They backed down, obviously, very skillfully. Even better than coming up, actually. And, you know, so again I thought, you know, this, this is reality where we live. I mean we, we all would love to have totally open streets all the time, but we can't. And as we just have seen of a tremendous, I think, pictorial of what it's like, this is reality.

I've spent 40 years in engineering and planning, civil, structural. I am by no means anti-development. I am definitely for responsible development, and that is what we really have to look at here. It is---it has to do with what you always do in any planning and expansions near you, is you have to look at access, you have to look at traffic and the impacts. You have to look at infrastructure impacts. And we really haven't talked to that yet. We haven't, as was said earlier, heard anything in detail about what's going to happen during construction, but I assure you that construction versus what you're going to have after, a completed project, is really what is going to totally paralyze this community in my opinion, unless we do something, something different. So I really urge the applicant and I urge the City to work with the applicant and see what can be done with regard to getting to a responsible

development. And I for one welcome the opportunity. I appreciate the opportunity to speak, and I hope that we can get somewhere. But as you've seen, to get there I believe there is some significant work needed relative to access in particular. So I appreciate the time. Thank you. And I'm sure I'll speak again later.

Chair

Strachan: Thank you. All right. Anyone else from the public?

Nikki

DeForge: Good evening. My name is Nikki DeForge. I'm an attorney with Fabian VanCott here to say a few words on behalf of THINC. I think that that presentation really summed up everything very nicely, and so I don't want to belabor the point too much. Just to briefly touch on again a study that, that THINC has commissioned and has submitted from Avenue Consultants. And it, it really provides a compelling rebuttal of the Treasure Hill Addendum that was recently submitted. And I encourage you to read it in its entirety.

For tonight I just want to highlight a couple of issues there in the report, rather than going over it in detail. I think first that the most glaring admission in that report is its failure to evaluate what is perhaps the most serious traffic impact of this project, and that is street capacity. Remember that CUP Criteria #2 requires the Planning Commission to evaluate, quote "the capacity of the existing streets in the area". With that in mind, let me quote from this rebuttal report. "In a typical location, capacity is driven by the intersections. However, the Treasure Hill study area is decidedly non-typical due to the narrow width and steep grade of most roads in the study area. These non-standard features, especially combined with heavy snowfall, on-street parking, lack of sidewalks, heavy truck traffic and many pedestrians create conditions where traffic capacity is dictated by mid-block locations, where only one car in direction can pass at a time, rather than by intersection performance. The City needs to consider these actual roadway constrained conditions rather than just the idealized intersection constrained conditions. So, in other words, the true impact of this project on traffic is not really measured by how quickly cars can get through intersections, but rather by what happens after they get through the intersections and on to these narrow, steep, historic roads and neighborhoods. So by focusing solely on intersection performance and ignoring the actual street capacity as required by Criteria 2, the addendum presents an intrinsically flawed depiction of the actual traffic impact of the project on these neighborhoods.

And in addition to Criteria 2, there are several other CUP criteria that must be considered as part of any serious evaluation of the traffic impacts. For example, Criteria 4 pertains to emergency vehicle access. We've heard some discussion about how that is currently functioning on these roads. Criteria 5 concerns off-street parking. We've certainly seen that. Criteria 13 concerns delivery and service vehicles. We've seen that as well. Even now, emergency vehicles, trucks, traffic, pedestrians, they cannot safely navigate these streets and co-exist on these streets. And you can imagine what that is going to look like once we start into construction with this massive excavation and construction for a development that's going to be carved deeply into the mountain. And on top of that, imagine what these roads will be like with an additional 202 hotel rooms, 18 units of three-story condos, three units of two-story condos, 82 units of one-story condos, 6,669 square feet of employee dormitory style housing, and 60,000 square feet of commercial space, all located at the confluence of Lowell and Empire Avenues, which we have just seen in these pictures.

Now, according to Treasure Hill, all of this will have little to no impact, and a few traffic light adjustments should be able to take care of all of it. And that simply is not plausible based on what we've seen here tonight.

A couple of other points raised by this, this rebuttal report, is that the---and I think we've discussed it a little tonight, the Staff has certainly, that the day chosen for measuring what would be the peak traffic is not the peak traffic, based on the conditions, the Epic pass and so forth. The UDOT traffic counters actually show that the a.m. traffic volumes would need to be increased by 18% because this, it turns out, was the, probably the lowest traffic Saturday in February this year. And the p.m. volumes would need to be increased by 5%. On top of that, it's not Saturdays that provide the peak. It's weekdays in Park City for the a.m. hours, and so an upward adjustment of 31% would be needed just to get what might be the peak. But even then, we have no idea, really, what the true peak volumes would look like for a Sundance day with no blackout restrictions and excellent ski conditions. And yet that is really what may not even be the worst case scenario, but it certainly represents a more accurate depiction of the peak days. And so without that information this study is, is inherently unreliable and inaccurate.

The trip reduction rates are another problem. They are very speculative, overly aggressive. Even last month, when the applicant's treasure---or excuse me, traffic expert talked about these trip reduction rates, he repeatedly referred to them as speculative. And, and they are. And that's

the reason that the Planning Staff is properly requesting that this, that the applicant justify the rationale for each of these trip reduction rates, because they really do appear to be merely speculative.

Final point. We've talked about construction and the need to have some information about that before we can evaluate traffic. And I just want to refer again to the master plan which says, "in evaluating traffic impacts, both construction and future automobile demand are considered. Many related issues also come into play, such as efforts to minimize site grading and waste export". Paragraph 9 of the master plan specifies that, "At the time of conditional use review and approval..." In other words, now. "...individual products or phases shall provide detailed construction phasing plans", excuse me "staging plans". So we're not just talking about some general idea about how this construction is going to work. We're not just talking about a ten-minute blurb at the Planning Commission meeting. We need detailed plans as to how this construction is going to be managed and function, in order to really evaluate what the traffic impacts are going to be. And also, to evaluate what the proposed mitigation is going to be. There was a reference earlier to this issue to the Cabriolet. Obviously, the Cabriolet has to be built by construction workers before it can be used to transport construction workers. So it's not just a timing issue. It's whether, it's whether that will even mitigate the construction impact at all. It's really a chicken and the egg kind of problem that we're dealing with. In order for it to be effective mitigation it's got to be constructed in advance of the, the, the construction traffic, and that won't be the case.

Also, the Master Plan made it perfectly clear that these traffic impacts could not be evaluated at the conditional use permit phase without these construction plans. And because we don't have that, the conditional use permit simply cannot be issued without running afoul of the Master Plan.

So in summary, this recent traffic addendum provided by the applicant is not reliable or accurate. It does not adequately assess the true impact of the project on traffic in these historic neighborhoods, and the applicant has not provided the information necessary to properly evaluate that impact. And as a result, the applicant has not met and cannot meet the requirement for issuance of a conditional use permit for this project.

Thank you.

Chair

Strachan: Thanks. Nikki, would you also mind submitting like a CV or something that shows the qualification of Avenue---the person who drafted the Avenue Consultants report.

Nikki

DeForge: We have. And we actually submitted that to Francisco today, and he has, I believe [inaudible].

Chair

Strachan: Did I overlook that?

Planner

Astorga: It's on the website.

Chair

Strachan: Oh, okay. Thank you. Thanks.

Cynthia

Fowler: Hi, my name is Cynthia Fowler. We have a home on 1177 Empire Avenue. I'd like to thank the previous speakers for their incredible detailed report. I just have a few things to add just being a resident there. I, I saw that they were going to be putting up the traffic cameras to check the traffic. We chose not to go skiing that day because it was raining. So it's an absolute flawed study. It was crazy because I, I would just sit there and look at it. And everybody left early. And they only did it from a certain time saying that that's when the traffic was going to be. It wasn't. The next weekend was even crazier. It was a beautiful bluebird day. We were all there.

They also may argue that a lot of the pictures had the, the snow from this season. It was an epic season. We all know that. There was snow everywhere. The traffic was crazy everywhere. But that has happened every year. It happens every time it snows. Garbage day and snow day is crazy on Empire Avenue. You can't get in you can't get out. Those are things that we have noticed over the years. We just never thought that they would want to do this massive structure in a historic town where they have no egress or ingress.

The other thing is Sundance on Empire is a joke. It is back to back traffic. Nobody can move. One year I was out shoveling and the guy got out of

his car that was just stopped in traffic. He shoveled my driveway because he had never shoveled before. He loved it. I, I was sitting there only to find out he was some movie star who I don't know, my family knew. And then he was able to get back in his car and sit there and still continue to wait. It took that long for traffic to move. That was a few years ago. The snow then wasn't as great it was this year. But we still have those issues on Empire Avenue.

So I do thank you. We do avoid coming up here on holidays because of the traffic. I do come up for Sundance because it's a real fun time to be here and catch a few movies, but I can't drive anywhere. I can't drive anywhere. I can't get in my driveway I can't get out of my driveway. I'm stuck. And then if I see an opening I'll, I'll be able to jump in my car and get out. We walk to the grocery store because, again, you cannot get in and out. The other thing that they say is for their construction workers, that they will use the Cabriolet. They will not. I'm in construction. I know the business. Not every guy is going to use---carry all of his tools and supplies in and out. Every guy will come in with their truck full of their tools and supplies. I know that. So that too is very flawed.

So thank you very much.

Chair

Strachan: Thank you.

Mary

Whitesides: Hi, Mary Whitesides. I live in Old Town. I'm a resident, a permanent resident of Old Town. I moved to Park City 38 years ago from New York City. My address is listed as 812 Empire Avenue, and that road actually runs behind my house as an old miner's number for my property. The front of my house faces Crescent Tram. This creates a traffic situation both behind my house and in front of my house. Over the years the traffic on Crescent Tram has increased to a point that it has become a major thorough between the Resort and Old Town. Even so, the road has not been widened, which would be impossible anyway, given the terrain and the neighborhood houses. The newest additions on the east side of the street are built right up to the curb. One day while I worked in my garden an Old Town resident stopped her SUV to talk to me. I asked her why did she choose Crescent Tram to drive on. She told me it was her secret shortcut. As it turns out it is the secret shortcut for hotel vans, transportation vans, taxis, delivery vans, UPS and Fed Ex trucks,

construction trucks, pickup trucks, dump trucks, and yes, even tractor-trailers now and then. It is used by locals and visitors driving SUVs, sedans, sports cars, motorcycles and bicycles. Crescent Tram also accommodates pedestrians walking to access Main Street. Shoppers, diners, tourists, runners, dog walkers, skiers, snowboarders, and bikers all using the same shortcut. I have to be extra, extra cautious when I pull out of my driveway not to hit any of them or be hit by a speeding car. The street is also so narrow that when I pull out I, I can easily hit the gutter on the opposite side of the street. The traffic continues into the night hours with headlights flashing and drivers gunning their motors up 8th Street making a lot of noise. Partying groups whooping and hollering as they walk along in groups are unconscious of neighbors sleeping at hours exceeding 1:00 a.m. During a snow storm it is impossible to pass another driver, and my driveway is the chosen spot to turn around. I can have dozens of car in a day pulling into my driveway to let others pass. No matter if it has snowed and not been cleared, they pull up anyway and leave compressed tire tracks hard to shovel.

When one woman, when one woman stopped last winter as I hand shoveled the snow, she asked if she could pull off into my driveway. It was a little annoying as she was the fifth person to pull in that day. I asked my she chose Crescent Tram. She said it was on her GPS and she needed directions as she was a visitor. Driver's speed up 8th Street and around the curb on to Crescent Tram like it's a grand prix race in Monaco. Likewise, they come down from Empire Avenue also speeding.

I do like my neighborhood. I love the house I live in. I love that I'm a long term resident of Park City. I have seen many changes since 1979, and at this point I can tolerate how Crescent Tram is used. But one can anticipate traffic coming off of Treasure Hill, turning right on to Empire, then taking an immediate right on to Crescent Tram to access Old Town, increasing the traffic to a level that would not be tolerable. As it is now, whenever I step out of my driveway to walk my dogs, I encounter a car immediately, having to drag them off the road. And the thought of adding more foot traffic suggested by the developer is incredulous. I think Park City residents need to think long and hard about the quality of life that would be sorely interrupted by a New York development like Treasure Hill in the historical Old Town District, interrupting the very reason visitors love the flavor of Park City.

For all the multiple reasons Treasure Hill should not be built, increased traffic is high on the long list.

Thank you.

Ann

MacQuoid: Hi, I'm Ann MacQuoid. I, too, have lived in Park City for 38 years this year, and I was elected to the City Council in 1985 and I served until 1989. My name is on the approval documents of the Master Plan of the Sweeney project, which I have read and re-read now, this year going back to September, probably more than I ever read it in 1985 and again in 1986 when we finally approved it. I'm shocked at how specific it is, and how it---when I spoke before, a few months ago, I was really speaking to the intent of the 1986 City Council. And what our intent was and what our---the whole concept. And the concept back then was to save 110 acres of pristine open space going up the hill above Old Town. And as Brad Olch explained as Chairman of the Planning Commission and as Bill Ligety talked about as Planning Director back then, we felt that clustering the development in 413 to 430,000 square feet, depending on which version you're looking at, with 5% commercial, was a viable plan. Now again I remind you, there, there wasn't anything much built up at that end of Lowell and Empire. I mean, you know, there---the Town Lift was just underway. So there was really not very much to mitigate at that point in time. The roads were certainly ineffective back then. But that was taken care of in our plan. We said that the applicant had to widen those roads. The applicant had to add utilities. The City would not be responsible for those things. And I don't think anyone ever thought it would be 31 years until this came before the Planning Commission again and the City Council, but obviously not this year.

So I have to address it from a couple of different perspectives. Number one, we have precedent, you guys. The precedent is the infamous Deer Valley Parcel D in Upper Deer Valley in the Silver Lake area of Deer Valley, which was attempted many years ago by a famous, infamous couple of guys to create a Ritz Carlton Hotel. That's not a hotel site. It was zoned as a residential condominium stacked up development with some surrounding single family, not unlike this project. Later it was sold to a developer out of California who abided by the rules that were decided on in that Master Plan Development approval, and he built Stein Eriksen Residences, which is not a hotel. It's a condominium project. It has amenities. And those amenities, ie., a club area, small restaurant area, a

beautiful swimming pool, indoor/outdoor swimming pool, and some other lovely facilities are specifically and strictly for the use of the owners of those condominiums and homes and the guests that are staying in those condominiums and homes if their friends, family or renters are staying there. The parking is designed for that purpose only. And that was only completed last September so it's not long, it's not far to look back at those records.

So my---a couple of points I want to make about commercial. I've heard some different numbers so I'm really not sure which is correct, Mr. Sweeney. But I have heard anywhere from 60,000 to 100,000 square feet of new retail/commercial space within the Treasure Hill proposal, the proposed. That would, on the upper end, be 50% of all the retail commercial space on Main Street. So, we would---that's how much it would be. If it's on the lower end of 60,000 square feet, again, most of---you have to think about this, most of the commercial buildings and spaces on Main Street are between 2500 and 5,000 square feet. We've never seen 60,000 square feet. Anyway, that cannot possibly be utilized 100% by the people who are either owners or guests in the, or employees, in the residential property that was just outlined. They can't possibly fill it up. And as a matter of fact, at Stein Eriksen Residences, the use of the facilities that were built by the developer for the use of the owners and the guests staying there is quite under-utilized, frankly. It just is. This is the first winter it's been open and it's not open to the public, period. End of story.

So my, my question is that about traffic. If you add 60,000 square feet, or whatever the number is, of commercial space to a facility that has now morphed into a condominium hotel, not just a condominium project, and I know very well about those because I also know a lot about the St. Regis and about the use that's there. And by the way, the City of Park City just did a traffic study seeing if the St. Regis was adding too much traffic to Queen Esther Drive. Well, no it doesn't. Do you know why? Because the St. Regis is behind the gates of Deer Crest Estates. And people can't drive through the gates of Deer Crest Estates either on the east side or the west side as guests. Well, hotel people or people going to visit people, or people going to a wedding or people going to a conference, which there are plenty of at the St. Regis. They cannot use the roads to access that hotel, period. So I do know a bit about it.

Anyway, I'm, I'm not going to say---I'm not going to stand here and be hypocritical and say that I oppose this project. I can't. My name is on it. But I, in every way conceivable, oppose the traffic impacts, the human impacts, and the impact in our Historic District that this hugely enlarged version would create.

Thank you.

John

Stafsholt: Anyway, first I'd like to just thank Neals and Kyra and Nikki for all the work they did this week. I've been traveling almost non-stop so I don't have time. I've kind of slacked off on this. So it's good for everyone. It will be nice and short.

So only a few quick things. One thing as you've heard, and we saw some pictures, Crescent Tram is not included in the traffic study. It's kind of ludicrous. That will be the main thoroughfare to Main Street whether it's private cars or taxis or Ubers or anyone who follows their GPS. And it's absolutely not able to handle any cars, hardly.

Second thing. Garbage day. We brought it up. It's kind of funny but people who don't live in Old Town don't realize, you know, there's two police cars escort the garbage truck through the streets, one in front and one in back. On my street many times there's ten, ten to 15 cars behind the garbage truck, and that's why they need the police there so there's not road rage incidents with the garbage truck. And that's just the way it is. I mean, that's reality. That's all year around.

CUP Criteria 2 requires traffic mitigation of existing streets. Existing is the whole key here. We've been through this since 2004, I think. Some of the proposed mitigations, they're calling them mitigations here, is making Lowell and Empire one-way streets. Well, there's not cross streets between Lowell and Empire, and if you live on the bottom of one and you had to go one way this way, or live on the bottom of the other and go the other way, it's 8 or 10 blocks out of your way. It puts a lot more cars on the street and it makes it actually much more dangerous. We've had to fight this on upper Woodside a few times, and the amount of time it takes me to get from my house, if it's one-way, to get back to the bottom of my street, which is like 30 yards away, I could be past the Canyons. And I timed it and that's reality. And typically I timed it and it was about 13 to 18

construction projects just going up Woodside and down Park. Similar where they are. It's not a mitigation.

Widening Lowell and Empire, they offered to widen Lowell and Empire 12 feet. Well, removing everyone's existing driveway and front lawn isn't much of a mitigation. It also adds more cars to park on the street. Another mitigation proposed has been remove parking on the streets. Well, many historic homes have no garages and have to park on the streets. Where do those people go? They've live there for decades. Where do they go. They park in front of their neighbor's street, houses, whatever? There's no mitigation. It's just kicking people out of their homes because they can't live there anymore.

What happens to hundreds of us---their property values due to these types of mitigations. These aren't mitigations. These are impacts and they should be called impacts. And they should be understood as that.

So moving on from that. Again, I won't take too long. In this study we're talking about the intersections only, and as you heard, that's kind of a misnomer of how to, how to gauge it. But if all the, all the intersections have currently acceptable levels of service, why did the Park City Police park at at least four intersections, and sometimes as many as six, every day during the ski season when they let out. I know this because I'm in the southern end of Old Town, and if I try to leave my house I'm stuck. I can't get out. A lot of times its very, very slow. So I went in and spoke to the police about it and they put out from the hours, I believe the hours are 3:00 to 7:00, I'm not sure. But I believe it's four hours a day, every day during the ski season, the peak part of the ski season. There's marked police cruisers with all their lights flashing and blazing. And they're at Park Avenue and Empire, they're at Park Avenue and Kearns, they're at Bonanza and Kearns, and they're at Deer Valley and Bonanza. Those are at a minimum. Every day we're putting police cars in those four. We also put them at Manor Way and Empire, and Park Ave and 15th Street. So if our level of service is sufficient, why would we be paying, you know, at least four police officers to spend four hours a day at those intersections. And I encourage you to call the police and ask them about it.

Anyway, that's all I got. Thanks.

Chair

Strachan: Thank you. All right. After Clay, how many more people do we think will give public comment? I just want to know if we should take a break or press through and finish public comment. One more? Okay, we can make it, right? Okay.

Clay

Stuard: Good evening, Commissioners. My name is Clay Stuard. I'm a Park Meadows resident and a former Planning Commissioner. I've attended lots of these meetings and haven't made any comments yet, even though I've heard some wonderful public testimony at most of those meetings, whether it was talking about the impacts of the excessive building mass or the excavation or materials and all the other topics that have been covered so far.

I've read lots of traffic studies in my career as a, as a developer and they vary in quality. And I'll have a little bit more to say about this one in just a second. But tonight's public testimony was so much---so exceptional. I mean, it's so real. This is what people live with in Old Town on those streets. They're talking about life and death consequences from this development. And I don't see any way that the City can ultimately approve this project. I don't think there are any mitigating conditions that can be put on this project that alleviate those kind of problems.

So in summary, I just want to say that, you know, we all recognize BS when we spell it and this traffic study and the entire over-ask nature of this development have that very same aroma. Thank you.

Dee

Downing: Hello, my name is Dee Downing. I've lived here for over 30 years as well and I, I was just curious. Are the Sweeney's here? They're not here. That are build, that are putting---. Okay.

Pat

Sweeney: Three of us are here [inaudible].

Dee

Downing: Yes, okay. Thank you. I don't know the format and this may be wholly inappropriate, but I don't understand why you want to do this project. Look around. I, I haven't spoken to one person who wants this, and I'm, I'm curious, and I understand you're not speaking, but I really am curious

about why you want to push this through when there's so much community opposition for practical reasons. Not just to rain on your parade. Practical reasons. I just don't understand it. I'm, I'm curious about all the money you're spending. I'm curious about the effort, the energy that you're putting into ramming this through. Aren't there better things to do with your time and money. And I, I say that with respect. And I really am curious. I just want to say, I, I don't want this project. I, I think it would be, I think it would be awful.

Chair

Strachan: Thank you. All right. Anyone else from the public wishing to comments? Okay, seeing no one, we'll close the public hearing.

End of public comment.

Chair

Strachan: Let's take a quick five-minute recess and everybody can stretch a little bit. Anyway, we'll take a little break and we'll be back in five. Thanks.

Break

Chair

Strachan: We've completed the public comment and appreciate it. Anything further to add from Staff? Nothing?

Planner

Astorga: No.

Chair

Strachan: Okay. And the applicant? Anything? Okay. Commissioners, comments on what you've heard, keeping in mind, I guess, that applicant, but the applicant says it's a draft, staff says they don't have enough information, so we're not looking at a final final here, but comments nonetheless.

Commissioner

Thimm: Well just a couple of quick things. Well, I, I agree with the commentary and inquiries that were brought forth by Alfred and Matt's presentation, and I look forward to responses to all of those. They tend to match up with the number of comments I've had in reading the report. At the end of the day, just talking about traffic and transportation, and as pointed out very poignantly I think tonight, the crux of this traffic and the transportation

issue comes down to what is happening on peak conditions, with an emergency situation, on a heavy winter storm day both during construction and then at full occupancy.

The second thing that I, I just wanted to make sure doesn't get lost in all of this, is in addition to traffic and mitigation and, and those analyses, part of this report is the, is the parking analysis. And there hasn't been a whole lot of discussion regarding this. The number of stalls and that sort of thing, I think, need to be addressed. And I don't think that anybody would like to see this project be under parked because of what impact that can have on a surrounding neighborhood. But at the same time, I, I guess I was a little confused in looking through the parking analysis. It has a number of stalls equal to about 8.5 stalls per 1,000 square feet of commercial space, if my math is correct. You know, if we're, if we're really talking about the commercial not being a commercial draw, but rather to be used exclusively for, or almost exclusively for the guests of the resort, why would a traffic volume, or a parking volume of that size be considered. And so I'd like for Staff to look closely at the ratios.

That's it.

Chair

Strachan: Thank you. Commissioner Campbell.

Commissioner

Campbell: I don't have anything tonight.

Chair

Strachan: Okay.

Commissioner

Band: Gosh, I have a lot. You know, the problem is that we, we know these studies are using Best Practices, but nobody really knows what's going to happen here. And if we get it wrong, it's going to have pretty drastic effects on not just Old Town but the entire town. And the Genie is not going back in the bottle. So I really don't think that we can over study this mitigation point.

Thanks to everybody who came tonight, and every night, of course, including the applicant for all the work they've done. It's, it's definitely a long and arduous process. I really support a third party study. Yet,

another one. I'd like them to look at both the applicant's study as well as the THINC study. And especially to other people's point of road capacity during high snow, or during---road capacity, not just intersection capacity. And, you know, the devil is in the details. And the Staff's point about shalls for mitigation impacts are very important. They shall have a shuttle for guests, they shall tell guests there's limited parking, they shall introduce a ride sharing program for employees. All those mitigations will be really important, not just suggestions.

And one thing I would like to suggest, and this isn't necessarily for Treasure, I would really like to see permitted parking only in Old Town probably year-round. I mean other, other cities do it. Aspen, if you drive a car into somebody's neighborhood, they'll tell you. They'll give you a ticket. Right now it's the resorts---if they're, if they're going to fill the resort with skiers maybe they need to allow parking, the City needs to help with that. Obviously, we don't want to hinder business. We'd do some parking outside of town. But having traffic bleed into our neighborhood communities, our residential communities, I don't think that's a great solution. I don't really want to see people parking on Empire and walking down the street with their skis, day skiers. I just don't think that's a great solution. Again, whether we have this project or any other project.

And Ann brought this up, and I've brought it up before, back to the commercial, I just don't see how with the sheer volume that is proposed right now, how that support commercial, how are you going to fill all of that up and have it be viable and survive year around without outside patrons.

That's it.

Chair

Strachan: Thanks. Commissioner Joyce?

Commissioner

Joyce: I have kind of a mix of just some comments of things I'd like to see in the future, and then I've got some questions because quite frankly I don't understand all of the, the traffic stuff. So when we look at something that says peak hour, is that supposed to be the peak hour on a peak day, or is that a peak hour on an average day, or what is that---I see that and I see a number and I don't know what to do with it.

Alfred
Knotts: It's average day.

Commissioner
Joyce: So it's, it's not necessarily supposed to be the busiest Saturday of whenever. It's---so, so how do we deal with that then? If it's an average day, the peak hour of an average day, and then all of a sudden we have Christmas week or something, how do we evaluate what the peak hour on a peak day is going to be like? It's not that---I think as Staff kind of mentioned, we don't necessarily design around that, but it would be interesting to know if all of a sudden you have, you know, eight minute waits at traffic lights or something. How does that get figured out?

Alfred
Knotts: You can, I believe the legal counsel for the THINC group hit on this also, is you add the percentage of escalator on there, too. So you do, can do a percent of increase as a co-efficient to do the peak/peak. Because you don't want to design and build for that, but there's other strategies that we do want to be able to have that knowledge when that would occur, and what other strategies you can put in place; whether it's not necessarily just a construction related portion of the project, but what other strategies. Again, as I think Clay was mentioning, too---maybe it wasn't Clay. But anyway, the intersections where we put the police in there, we do look at those peak intersections at those times, and that's when we determine when we use those other strategies. So that's how you would do, and then what it would be utilized for would be those other strategies.

Commissioner
Joyce: So I would like to understand, that's kind of where I felt we were going to end up. And I guess I would go back and wonder if there was any way that, as we look at mitigations, if we have understandings for kind of a Plan B. I mean, if you get a, a day that things really get bad, I certainly that if you look at like what PCMR did when I worked there years ago, when they got too busy weeks and stuff, employees were all put on shuttle buses and you weren't allowed to park anywhere close to it and things. So there were additional mitigations that were aimed at busy times. It would be, it would be interesting to see how bad a real bad day is going to get. And so I would ask that maybe in the simulations if we could see that.

Is there anything in these simulations that differentiates between that which is a car and that which is a truck. Because clearly they're, they're different in how they impact traffic. Or all they just all a vehicle? Is that it?

Gary

Horton: There's a typical, typically you assume about a 2% level of truck traffic. Not like my Ford 150, but like construction level vehicles.

Commissioner

Joyce: Delivery trucks and things like that?

Gary

Horton: Yeah. So those---we typically apply those. When we do the traffic counts oftentimes we'll try and identify it. That's the volume you see out there in that given time frame. That's not the number of vehicles we saw in the existing counts. So we used a lower number. I think it's 1%. So during the peak hour of a winter ski day, not, you know.

Commissioner

Joyce: I would love to see that, that actually documented in what you have just because I think the characteristic is going to change that right now what you have up there is skiers and a residential neighborhood. And as soon as you put a hotel you're going to have deliveries and cleaning services and maintenance vehicles and all those kinds of things. And I think that would noticeably change the character of, of what you would witness on a, on a given day. So, if you could at least just document what you're working from.

We saw pictures of it, but it was a big concern for me when you guys were talking about updating the study about six months ago. And I was talking about pedestrians and there's a lot of them. There's, you know, there's the ones that come up and down Lowell and Empire, but a lot of the traffic I see for pedestrian traffic is right there around Manor, Manor and Lowell and Manor and Empire. And I don't think I've seen anything where we talk about crosswalks or anything being added there. And if they're necessary, what impact do they have. Obviously, if, you know, cars trying to turn are giving, you know, right-of-way to pedestrians and there's a lot of pedestrians, that clearly has an impact on delay. But I think we've kind of left pedestrians out of this completely.

Matt

Cassel: As part of the Lowell projects we did look at the Manor/Lowell intersection and there is, is sidewalks in that intersection. They just don't get plowed in the winter, and that's why people are in the road. But we also have a problem with the parking lot at PCMR, because you have a huge section of asphalt before you get to the off-street section. And we were going to try to fix that as part of the Lowell project, but as other things were being proposed in the area we backed off and we focused on making sure we got the crosswalks in, because we do have a large number of people crossing over to 1310 or the PCMR offices. And, and we worked with them as where they wanted the best fit, the crosswalks, and that's where we're putting them. There's was other things that are going to change as we go forward, and that is the area where we do want more sidewalks, we want better pedestrian facilities, and, and our focus is to get those in there when other things break forward.

Commissioner

Joyce: Okay. I think we, we've discussed, and certainly there was a lot more discussion back in like 2009 of sidewalks that, going, you know, which side of Lowell and Empire they go on and that kind of thing. But there's a lot of issues that have been brought up about snow removal on those. That's a concern for me and I'd like to see some way of addressing the idea. If all of a sudden you have lots and lots of people crossing Manor, probably more than anything else, what impact that has on those intersections right there.

One of the questions Staff brought that I, I flagged it, was that the Deer Valley/Park Avenue intersection is reported differently and we don't see kind of the worst case on that one. I'd like to see that reported in a similar way, even if it's a stoplight instead of a stop sign.

The trip, the trip reduction numbers, again, I think everybody's brought up the idea that they seem kind of grabbed out of the air. The thing I would ask you is when you work on those and bring us back more detail on what you decided to do, do it so that someone who is, you know, dimmer about traffic can understand. So in terms of, you know, what trips are you really getting rid of. For instance, you're not getting rid of grocery store trips because you don't have a grocery store and there's not one on Main Street, but you may be getting rid of restaurant trips or something like that. Just that level of kind of thought to be in human terms would help be either believe or not believe the, the assumptions that you're making.

Reduction for hotel traffic. You assume 65% hotel occupancy. That number from the Chamber was kind of a big, fluffy, rounded-off number. Again, when I get back to my "what's a peak day" question---I know I had a friend coming in trying at the last minute, not necessarily bright, for Sundance. And, I mean, it's 100% everywhere. He ended up staying down at I-80 because there was nothing. I mean, absolutely nothing where he could stay. So 65% may be a nice average for the Snyderville Basin plus Park City averaged out over all the days of the week and everything, but boy, that's not what I see. And I, my wife happens to work for Deer Valley sometimes at the Montage and I hear, you know, how often its full. And its full a lot. And you guys, the hotel you're looking at building is, you know, ski in/ski out, kind of aiming at that same level. And it would surprise me to say that, you know, your expectation is you're going to sit at 65%. So I'd like to either really get to where I can believe that number, and right now I don't, or find me a better number and use that in your calculations. But one way or another I need to kind of sync up with that.

The Cabriolet, 2500 per hour was the number saw in here. That's pretty big. I mean, I look at the funicular at St. Regis, and this would pretty much smoke that. I mean, so this is a lot of capacity, which is fine, because if that's really what you're counting on pulling 30% of the trips down, fine. But that actually worries me a little bit more when we talk about if you're really going to go from early morning employees to late evening employees, you know, working the restaurants and bars and things like that, and you've got some pretty long hours. And so all the concerns that we've had about noise mitigation from, from the, the Cabriolet, something seems to break somewhere. It's either small and quiet or its big and probably noisier, and you need it running pretty long hours to cover all the things that you're kind of dumping into that bucket for, you know, employees and guests and workers and everything. So I kind of want to see where that goes. And I don't know how you can help me with that other than to maybe show me an example and get us some better information about the noise that something like that would create. And we really do need to get to a point where we have hours of operation. I know the Vail issue is a problem, but I don't see how we can talk about reasonable mitigation without, without having that.

There was a lot of discussion about coming in on public transportation and then getting, I guess, to the bus stop or, or the bus terminal, and then

getting on the Cabriolet. Are you making any assumptions about changes to how either the public transportation drops off there or the trolley or something, because I just have a lot of doubts about a lot of our guests taking the Cabriolet down and then walking all the way up to, you know, Wasatch Brew Pub or something up at the top of the street. I have doubts about, you know, a construction worker with tool belts and all that kind of stuff getting off at the bus stop and then walking, trudging through, you know, two or three blocks of town to get to the Cabriolet. So, if you're making any assumptions there then I think the City Planning needs to know it. And if you're not, then please convince me a little bit better that that's going to work well, because it's not, it's not designed well. I mean, when they're designed well, you know, the, the transit all kind of dumps off and picks up at the same place. So if your Cabriolet was starting over at the, the bus station, I'd believe this. But it's not. And I think that makes it a lot more awkward. And the trolley doesn't come by that way, either, so, for getting up to the top of the street.

Employee parking. We've, we've heard this a couple of times. You've got to help me on this one. I don't understand where they're coming from, where they're parking, how they're getting up here, how they're getting on a Cabriolet for construction that doesn't exist, and for day to day stuff again, hours of operation. How that's all going to work. But, but part of it is, when I looked at the parking pieces of it, it's confusing to me where the parking numbers are for the hotel, whether all the employees and stuff are, are buried in there, or they just don't get parking at all. I mean, when the---when I look at the---I think it was page 81 or so, I'll find it. Nope, I'm too far back. I'll find it in a second. But when I looked at the parking there's parking for hotel, employee housing, condominium/townhouse, and commercial. And so I can't find---other---for the employees that don't live there in the employee housing, where are they parking. And it seems like some of it, the way the wording was, was some of it was buried in the hotel or something. But it would help me to understand employees in general. I mean, you've got a ton of commercial space, 50, 51,000 square feet of commercial space was---at least the old number. I saw 60 in here for commercial plus meeting. You've got \$16,000 square feet of meeting space. That's a lot. And so I would love to see something from you guys at some point, whether it's---I think it ties really into traffic, but employees for both parking and traffic. You've got hotels, you've got condos, you've got maintenance, you've got maintenance, you've got cleaning people. You've got a bunch of restaurants and coffee shops and a spa, and all this kind of stuff. I would love to see somewhere where you

guys do a little table that says, here's all the things that we think we come to a reasonable shift of employees, and how many employees are going to work at this place. Because I think it's a really big number and it's nowhere. We don't have anything to work from. It's always kind of buried somewhere and there's assumptions that they'll park elsewhere. You know, if it's 50 I'm not worried. If it's 500 then we've got really serious problems. And it certainly doesn't show up in any of your parking projections.

I think you guys need to get in sync, because I think if it hasn't happened already, this is going to drive us to do resident parking passes in Old Town. It's going to be too easy for somebody to want to just go park at the Library or up Park Avenue, or Empire or Lowell or wherever, and, and go up into to, you know, the whole community up there. And I think that's going to cause so much problems in the neighborhood if we don't have well enforced parking passes.

I'm sorry I'm going on, but I just figure I'll unload so next time maybe this will go smooth. Commercial is, I'm still broken on commercial. I mean, you know, fundamentally I think there was a limit in the original master plan that said you get 19 UEs of commercial and that's it. And I thought it was very explicit about that's it. But you've got the 19 UEs plus 33,000 square feet of commercial support, plus 16,000 square feet of, of the meeting space. And I can't quite figure out how it fits into the trip generation numbers. When I look at the commercial, which is one-third of the total commercial, it seems to have about the same number of parking space, parking spaces as a 200-person hotel with twice the amount of commercial space, plus all the meeting space. And that just matches one-third of the commercial. And that doesn't make any sense to me at all. So that's something that maybe as you kind of build this out---man I don't, I just don't get it. And again, for the, the people thinking about it, it's like 33,000 square feet of, of support commercial is, is big. I mean, that's a lot. I mean, a 200-person restaurant from references I've seen from the restaurant industry is, you know, 4 or 5,000 for a high end restaurant, square feet. We're talking about a lot of space here. And the last thing I, for, for the commercial piece that I haven't heard yet, is any mitigation that says you guys plan on containing this, the support commercial, to the facility. And I'll tell you, I, I started---when I got my package I went through the newspaper and I went through the emails I've gotten in the past week, and I'm getting things for come to the Montage Spa, come to the St. Regis and eat dinner, two for ones at Hotel Park City. And all of

these things are for the hotel patrons, and it's not happening anywhere in town. And so I, quite frankly I don't believe it. And so unless you guys can, can come back with some strong mitigation that says here's how we're going to be different than what everybody else is doing. And I mean, they're, they're literally printing ads in papers to draw people into their facilities. Unless you can convince me, then I'm going to have to assume that it really is going to be the same thing, and you really are going to try to draw people in from outside. And therefore, that hits trip generation and that hits parking in big ways. So I am, I am still completely broke on the, on the amount of commercial in an area where you guys said that you were just going it to service the hotels and the local people.

Your growth population, your---sorry. Your growth percentages were based around population at 1.1% per year. That's, that's an okay number, but I don't think it's probably the right one to work with. The real interesting thing in that area is the tourist population. And so like when I saw Vail's numbers for the Canyon Spa, they were talking about a 5% increase year to year over the next five or six years. That compounds a lot faster than 1.1%. So when I, when I look now, if you just look at that area up there and say, you know, I've got skiers days going, but I also have infill in the community that's happening, we've got Treasure numbers plus Vail numbers, plus Bamberger numbers. That's a lot of people right up there that I think adds up a lot bigger in that neighborhood than 1.1%. So the fact that Park Meadows didn't grow much isn't terribly relevant to me because it's already kind of built out. What's interesting is how does that area right there grow, and what is the tourist projection growth. And I think they're a lot bigger than 1.1%

And my last one, and then I'll shut up, is just construction traffic. You've heard that. I think we've got a lot of stuff for construction that has to get addressed as part of this because that's very different than the kinds of numbers and projections we're seeing. Thanks.

Chair

Strachan: Commissioner Phillips?

Commissioner

Phillips: All right, well, I'll start off by saying that I agree with everything that has been said. Well very said. I think, one of the things that I have hard time with, with the traffic studies and how that's all done. And I know it's, there is a way it's done and you guys all do it the same way. But I struggle with-

-- you know and I know we, we've asked the question of how do you account for, you know, weather conditions. And there really isn't, and I can understand why that is. But in reality, it is probably one of the most difficult situations to deal with living in Old Town on a street similar where its one car passes another. What I worry most about is if we're---if, if this is designed and not built for those situations, it becomes a huge public safety problem. It happens many times a year on my street where our family is literally in danger. And I've been dealing with it. And it's almost drive, driven me to insanity to think that I can't protect my children. And so I don't know how that can be factored in. But I guess in the end, since there is no way of formulating that, I'm really, you know, once this is all vetted and gone through back and forth, the Staff's questions are answered, I'm really going to need to see a good visual plan with a snow removal plan and, and just everything, you know, all put together to, to be able to look at it as a whole.

I do have some suggestions when it comes to snow removal. And I'm, and I'm, you know, and I guess---I am no professional at it and that's what you guys do. And I thank you guys for coming out tonight and giving us your input. I have seen snow melters being used in other places, and I think it is something that could be entertained to be put on site to where we would not have to put the snow in trucks which adds more traffic. And that actually is the crux, is when the snow is built up, there's cars can't get by each other. Then you come in and you try to haul it off with trucks. I think the City in general should look at that and in, you know, as much of the carbon footprint that it takes for us to remove our snow, to look at buying these machines that are portable, or you can put them fixed, and you can shovel the snow right into them and it melts it. So that's just one suggestion if anybody is interested in looking into that. So, yeah, I, I don't know. I mean, it is difficult.

So, beyond that, let's see what else I have. As far, touching on what Steve had to say about, you know, how, how do you mitigate people coming in and using the commercial. I think it's a major concern of all of ours. And I've said it before and I'll say it again, that I think that any commercial, any transactions should be---shall be done through a room card. And I don't know how else, you know, unless, you know, how else you can limit it. But, I'd like to see something very strict along those lines.

The Cabriolet is probably one thing that really has me perplexed. And I think a lot of us, including, you know, yourself as we're throwing numbers

out there and guesses. It's, it's hard to know exactly what that thing is going to do, you know. Is, is it going to create all kinds of parking problems at the base of the Cabriolet. And, you know, is that going to take away from business? Is that going to create congestion? One of the other things, you know, along the lines of the Cabriolet are, you know, if you're driving, if all the construction workers are going up that way, are they all getting dropped off right there, and is that going to be like the school zone drop-off where there a line of, you know, cars dropping people off right there. And so everybody else has to take a different route to get through town. These are things that really need to be thought through, you know. I do, I do know that in commercial construction not every employee has to bring bags and all that, so I could see how it could work in commercial construction. Typically, the employee's tools are---a lot of times they don't even have to supply their own tools, they just have to show up to work. And I think something of this scale will probably have a lot of employees like that. But, once again, how are, how is this whole thing functioning. So, also, on the Cabriolet, I mean as I see it, I'm picturing one similar to the Canyons, it's an open cab thing. I personally would like to---I think, I think if there was an enclosed cab it might work better because in the winter people going to the restaurants, if there's a blizzard outside they're not going to hop on that thing. They're going to drive the Uber which is actually the time we don't want them in their cars going down the steep roads. So I'm just curious on more details on the Cabriolet itself. Having an enclosed cab would also reduce the sound issues that may occur.

So, I think that is all I had. You know, the whole traffic and these roads, man it is, it is tough. And I think everybody that has come here tonight, the Commissioners, the public, the applicant, the Staff has put a lot thought into this, and there's, there's a ton of thought in this room right now going into this. And I'm hopeful that we can make some progress here. I wish there was another way to get there, you know. Is there? I keep thinking there's got to be another way to get there. And I know there's not, but in my mind I keep wondering, and I'm sure I'll get told immediately, why, why we couldn't do it, but is there any way to bring a road in underneath the ski run off of Park Avenue. You know, that, that's the entrance where the ski bridge comes over. And right now it's just a black void. Could that be where they turn in and go up that way. I'm sure there's land issues and there's reasons why. Access, I don't know. But---and I don't---and that shoves the burden to a different part of town, but I

think it puts it a lot closer to Deer Valley Drive. And I guess what I'm saying is I just wish there was another way. So, that's all I have to say.

Chair

Strachan: Thanks. Okay. I'm going to keep it really short. We don't have final information here. We're dealing, as the applicant said, with only a draft. So, I would urge you to get that standalone document as soon as possible. The longer the delay on that, the longer the delay on our decision. So that rests with you guys. Choose what you're going to provide and what you're not going to provide from Staff's requests. If you're not going to provide it, you've got to say so. Otherwise, we're just going to sit here and we're going to ask---we're going to be waiting, asking, are you going to provide that or not. And meetings go by and times go by and the decision gets delay. So outright say if you're not going to provide it. Otherwise, we're going to assume you're not going to. All right?

That's pretty much it. I agree with the comments and I'm going to be looking pretty closely at CUP Criteria #2, Street Capacity. You could see that coming. It's not a stretch, but we're going to need some specific numbers as to what those streets are actually going to be asked to hold, because we can't make a determination---well, we can make a negative recommendation if we don't have those numbers, but we can't make a positive recommendation without them. All right?

That's all I have. Any more comments.

Commissioner

Joyce: I'm sorry. Just, just triggered one more thought. I seem to remember back earlier in, in the discussions that---reading back through like the 2009 stuff, that the intent had originally been to push the traffic to Lowell. And there was discussion about, you know, signage and things like that to, to kind of try to drive the, the traffic to Lowell instead of Empire or Crescent Trams. Am I remembering that correct?

Matt

Cassel: You are. We were going in that direction.

Commissioner

Joyce: So is that, has that changed or, I mean, I noticed the model was 50/50 between Cres-, between Empire and Lowell and zero, or almost zero on Crescent.

Matt

Cassel: The Planning Commission at that time was pushing in that direction. And so at this time we are not focusing everything on Lowell, but we need more information backup to be able to understand how each road is being impacted.

Commissioner

Joyce: Okay. I can't honestly even remember exactly why they were pushing it all towards Lowell instead of Empire, but I guess at some point if all the analysis is based on 50/50, then that's what we assume and have to look for when we look for road improvements and that kind of thing.

Chair

Strachan: I can't remember why they did that, but I do seem to recall that. Okay. Anything further? All right.

Let's move on on the agenda. We'll give you guys a little bit of time to shuffle out.

MOTION: Commissioner Thimm moved to Continue the Treasure Hill CUP to July 12, 2017. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

2. **4001 Kearns Boulevard – First Amendment to the Park City Film Studios Subdivision, a re-plat to create three platted lots of record from existing 29.55 acre Lot 1 and to include a 0.8 acre parcel acquired from UDOT for storm water detention. The property consists of approximately 30 acres. (Application PL-15-03005)**

Planner Whetstone reviewed the request to subdivide the one lot of the Park City Film Studio subdivision into three lots of record, consistent with the phasing for the film studio master plan. The property is located at 4001 Kearns Boulevard, at the southwest corner of US40 and Highway 248, in the Quinn's neighborhood. The Studio subdivision was approved in 2014 and it consists of 29.55 acres. This plat amendment is requesting to combine a .8 acre parcel located at the northern portion of the property,

which the property owner acquired from UDOT; and it is being used for storm water detention. The applicant was requesting that the property be added to the proposed Lot A, resulting in a total acreage of 30.35. Planner Whetstone noted that the applicant had made that request in writing, and the Staff believed it made sense to include that parcel because the storm drainage is used for the property.

Planner Whetstone had prepared a detailed Staff report, and she noted that the request was similar to the original subdivision. The same issues had been reviewed for compliance with the Subdivision Chapter of the Land Management Code. The Staff also looked at whether putting the lot lines in the middle of the project would still meet the setbacks, parking, utility easements, drainage easements, etc. She stated that after a lengthy discussion several revisions were made. They also addressed whether there was sufficient water for fire flow and storage because the City is not providing water to the project. The water will be provided by Summit Water and the Water Department, the Fire District, and the City Engineer wanted to make sure the project if built as proposed would have fire flows and storage.

The Staff found that the plat was consistent with the approved Film Studio Master Planned Development. It does not create a non-compliance or non-conforming issues. However, it does create legal lots that conform to the CT zone. There is access, easements, utilities, it meets the setbacks, and there are no changes to the uses allowed by all the various agreement. Planner Whetstone explained that there was a settlement agreement with the County, and the City entered into a pre-annexation agreement. There was the annexation agreement and the master plan development agreement, and the conditional use permit for the actual building that currently exists. She had researched all the history to make sure that by putting in three lots they could still meet all of those requirements.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council, pursuant to the findings of fact, conclusions of law, and conditions of approval as stated in the draft ordinance.

Doug Rosecranz was present to represent the applicant, Quinn's Junction Partners L.C. Mr. Rosecranz stated that the application had been through a thorough review by the Staff over the last five or six months. He believed everything they were asked to do had been accomplished to the Staff's approval.

Commissioner Joyce asked why this subdivision was needed. Mr. Rosecranz replied that it is very likely that Quinn's Junction Partners would not develop the other parts under the same entity. One is strictly a film production facility, and the other has

different components to it. It was likely that there may be other ownerships. It may be the same people, but under different ownership, and that could not be done without a subdivision. Mr. Rosecranz remarked that it also addressed issues with being able to collateralize long term financing as well.

Commissioner Band understood that the original master planned development anticipated potentially other entities. She wanted to know what this subdivision was not done at the very beginning. Mr. Rosecranz was unable to answer that question.

Planner Whetstone stated that the development agreement has language stating that it was anticipated that the hotel would be owned by the developer or assigns. Commissioner Band acknowledged that it was anticipated that they might not do the whole project, and she was curious why this was being done, apart from collateralizing.

Planner Whetstone replied that the City usually does not allow a building permit to be issued without it being a platted parcel. At the time they probably did not know where to put the lines. As many projects do, they come in for a one-lot subdivision. She thought it was similar to Empire Pass, the National Ability Center and other projects that were approved as one lot.

Commissioner Band noticed that Finding of Fact #19 noted "On May 10, 2017, the Planning Staff observed elements of the landscaping installed with Phase 1. It did not survive the winter and needed to be replaced". She also noted that it was addressed in a condition of approval. Commissioner Band recalled that the Planning Commission previously talked about the landscaping long before May 10, 2017. It has been said before, but if the City requires conditions of approval they need to be enforced; otherwise they are useless. Since it was mentioned a while ago, she wanted to know what the City was doing about it.

Planner Whetstone replied that the Studio received a Certificate of Occupancy in the winter before all the landscaping was put in, and they bonded for the remaining landscaping. She spoke with the Building Department last week and they had not received a request for inspection. Planner Whetstone noted that the City was holding the bond for the remaining landscape. The bond can also include any landscaping that did not survive. She stated that the landscaping had not been completed and the applicant had not requested an inspection.

Chair Strachan asked if there had been a No Action determination. Planner Whetstone answered no. Chair Strachan suggested that it might be the next step.

Commissioner Band clarified that she understood that Planner Whetstone was not responsible for following up on the matter, and she only asked about it as a general question regarding an issue that the Planning Commission has raised several times.

Planner Whetstone stated that she has told the applicant that they could send their landscaping expert, Maria, to talk to them about plants and trees that would survive. The applicant's plan showed evergreens on the corner and those will not make it that far away from the building. However, the applicant wanted the trees in that location for Christmas lights. She noted that many other trees are not surviving because they are in a very harsh and difficult climate. Planner Whetstone had offered to work with the applicant on revising the landscape plan for landscaping that would work better and have a better chance of surviving.

Commissioner Band understood that because it is a condition of approval it would be taken care of if someone wants to buy and build the next two phases. However, she wanted to know at what point the City would take action. Planner Whetstone believed there was a process that the City follows. She was only familiar with what the former Building Official, Ron Ivie, would do. In the 23 years she has been with the City, she was not aware of any time where the City has had to use the bond to landscape the project.

Commissioner Joyce noted that the conditions state that the landscaping will be done before the plat is recorded. He would be very frustrated if the plat is recorded and the bad trees are still there. Commissioner Joyce remarked that it is not about the bond, because a portion of the landscape bond was returned in exchange for the trees that are now dead. In his opinion, it is important to make sure that until the landscaping is put in and meets the criteria, the plat cannot be recorded.

Planner Whetstone remarked that the language she had written in the condition said, "or bonded". She was willing to revise the condition if the Commissioners wanted it specifically tied to plat recordation.

Commissioner Joyce stated that they add conditions and they get ignored. He believed the only teeth they have is to require that the landscaping must be completed satisfactorily before the plat can be recorded. He pointed out that the bond had not worked.

Mr. Rosecranz remarked that the landscaping was not fixed because of lack of desire by the applicant. This would clean up ownership issues and allow the applicant to do things that to this point have been difficult to do because of how the ownership is

structured. If a bond is required as part of the recordation of the plat, they would not be opposed.

Planner Whetstone suggested language stating, "Landscaping which is no longer alive or thriving shall be replaced or bonded for, as required by the Building Department, prior to plat recordation". She asked if they wanted to specify a time-frame for completion of the landscaping.

Chair Strachan thought that saying the plat cannot be recorded until the landscaping is in and viable was sufficient.

Commissioner Thimm noted that Condition #16 references landscaping, per the approved administrative CUP. He assumed that was the landscape plan with the landscape materials that did not survive. Planner Whetstone replied that he was correct. Commissioner Thimm asked if the condition should be changed to indicate that the Staff had suggested that the applicant seek recommendation from the expert landscaper on Staff, and further state "through a revised landscape plan with materials that are appropriate to survive in those conditions".

Director Erickson asked if the Planning Commission wanted to vet the proposed language changes this evening, or whether they wanted the Staff to come back with additional language.

City Attorney Harrington recommended that they open the public hearing.

Chair Strachan opened the public hearing.

City Attorney Harrington reported that the Staff had received an email request for a continuance of one meeting by the other ownership group of the property. He pointed out that there was an ongoing dispute between Quinn's Junction Partnership and Quinn Capital Partners, LLC. Quinn Capital Partners had requested a one meeting extension to finalize matters between the two parties. Mr. Harrington stated that the City recognizes the owner of record at the time of application and as verified by the title report. The City does not get involved in disputes of contract if they arise during the application. The burden is on the parties to legally resolve the issue. However, because one of the parties requested a continuance, the Staff was compelled to provide that request to the Planning Commission.

City Attorney Harrington clarified that the Planning Commission would only be forwarding a recommendation to the City Council. It would not be a final action. Mr. Harrington understood that this applicant objected to the request and did not want a

continuance this evening. Mr. Harrington remarked that it was up to the Planning Commission to decide whether or not to move forward or continue to allow the Staff time to draft the revised condition of approval.

Chair Strachan asked for the name of the record title holder according to the Summit County Recorder's Office. Mr. Rosecranz replied that the title holder was Quinn's Junction Partners LC, which was the applicant he was representing this evening. They are the owners and they would like to move forward. Mr. Rosecranz remarked that Quinn's Junction Partners LC was the only owner at this point in time. Chair Strachan asked which entity alleges that they own it. Mr. Harrington replied that Quinn Capital Partners alleges that they have equitable ownership pending a settlement that was currently in court.

Chair Strachan asked Mr. Rosecranz how the applicant would be harmed by a continuance as the alleged record title holder. Mr. Rosecranz stated that this dispute has been going on for so long that it has held up some business transactions, and it has prevented them from doing things they would like to do in terms of structuring deals for the operation of the project. If the other party performs, which they have not yet done, then the property will most likely be sold. Mr. Rosecranz pointed out that it was not on their side of the property. It was on someone else's ability to perform what the judge ordered them to do.

Chair Strachan asked if there were any hard deals that were scheduled to close between now and the next Planning Commission meeting. Mr. Rosecranz replied that there were operation deals that were scheduled to close, but he was not at liberty to disclose them. He was unaware of the exact dates. Mr. Rosecranz did not believe anything would change and he requested that they move forward this evening.

There were no other public comments.

Chair Strachan closed the public hearing.

Chair Strachan stated that between a dispute as to ownership and no firm evidence of hardship between now and the next meeting, as well as concerns over the landscaping, as a non-voting chairman his suggestion would be to continue the item.

Commissioner Campbell noted that the two parties were having a dispute over ownership of the single parcel. If they allow this applicant to subdivide into three parcels, he wanted to know how that would negatively affect the rights of either party. He asked if a settlement by a Judge would still hold if it were split into three parcels.

City Attorney Harrington stated that he did not know the terms of the settlement, but his understanding was that it regarded the entire property and not a portion of the property. Mr. Harrington did not believe the ownership issue was germane to their decision. He recommended that they focus on the landscape issue, whether they have clarity on the language for the condition of approval, and whether they need further information from the Planning Department regarding enforcement, and whether it would be better handled under the administrative CUP enforcement process or whether it should be incorporated into the plat criteria. Mr. Harrington stated that language for plat recordation is different than the enabling statute for the conditional use permit that enabled the bonding to be the remedy in place. That is specified in the Code, and if they intend to do something beyond that, such as tying it to plat recordation, he would like at least one meeting to review the language. If the Planning Commission intends to keep the Condition of Approval as written, it has already been reviewed and it is justifiable because it extends the bond provision.

Commissioner Campbell stated that considering the length of future agendas, his preference would be to act on this application this evening. However, since Mr. Harrington has requested the opportunity to review it, he was willing to consider a continuance. Mr. Harrington clarified that he would only need time for review if the Planning Commission requests to modify the Condition of Approval. Chair Strachan remarked that the clogged agenda is the issue. An equitable owner could come in later and request a different plat amendment with different conditions. He would like to avoid that situation.

The Planning Commission and Mr. Harrington discussed the risks of continuing this matter and how long the dispute could go on. Mr. Harrington noted that the City does not make determinations on title disputes, but they do make a determination in terms of whether there is a good cause in terms of the efficiency or some validity that goes beyond the actual contract terms. The City does not interpret contract terms, and in this case, they do not have access to the contract terms. It is a sealed settlement in a bankruptcy court and he understood that it was not a public document. Mr. Harrington was certain it had not yet closed. It was a dispute between someone with an equitable contract interest and ownership, but it was not fee ownership either. The City does not get involved in the kind of rights attached to that equitable interest pending the closure of the contract. Mr. Harrington pointed out that the applicant is entitled to the due process under which they filed their application, and as the owner they can move forward. If the Planning Commission was inclined to work on the one Condition of Approval it resolved their question about delaying the process, and that was easier to deal with than the ownership issue.

City Attorney Harrington reminded the Planning Commission that they would only be forwarding a recommendation to the City Council, and a final approval would take several more weeks. That would give the equitable interest party time to obtain an injunction from the Bankruptcy Court.

Commissioner Band understood that typically when something like this is contested, if there is validity to it, a judge would put a stop to this action. Commissioner Campbell pointed out that Mr. Harrington had requested the opportunity to review the language if the condition was revised, and he believed at least two people were in favor of adding new language. Commissioner Phillips stated that he would like a condition of approval with more teeth.

Commissioner Joyce thought changing the condition would be simple. He read the condition as written, "Landscaping which is no longer alive or thriving shall be replaced or bonded for as required by the Building Department prior to plat recordation", and clarified that he was only proposing to remove the words "or bonded for". Mr. Harrington replied that he was not comfortable with that revision because "bonded for" is part of the current statutory process. He noted that the applicant installed properly living plants at one point, and they died. They may not have that same condition met in terms of survivability within the one year recording period of the plat. Mr. Harrington remarked that State Statute has very strict bonding requirements for subdivisions. It is much different than what they typically do through mitigation conditions of approval on a conditional use permit. It is a completely different statutory process.

Mr. Rosecranz stated that if the Planning Commission was willing to leave the condition the bonding language as required by Code, they could add additional language stating that they would modify the landscape plan per Staff recommendations. Mr. Harrington thought that was vague and he had no idea what it meant. In his opinion, it would be opposite from what they were trying to accomplish.

Chair Strachan asked if bonding was required by State Statute for all landscaping plans. Mr. Harrington answered no. A Subdivision is a different statutory process in which they can require performance beforehand. The applicant has different rights as well. They can choose and have more power over how some things are fulfilled. He was not prepared to "wing it" on this matter because he did not know the degree of non-compliance as it relates to other requirements. If the Commissioners wanted to change the condition of approval, he would like to come with appropriate language to marry the necessary enforcement under the Administrative CUP with what they can attach by virtue of the subdivision State Statute and Ordinance.

Chair Strachan suggested that the Planning Commission could continue this item with direction to Staff to find any statutorily available way of eliminating the bonding language from Condition of Approval #16. Commissioner Joyce was comfortable with that direction. Chair Strachan pointed out that if they come back and still have nothing to work with they would be in the same place, but the title issue may be resolved. Commissioner Joyce had no desire to get involved with the title issue or allow it to sway their decision.

Commissioner Campbell clarified that the issue was not removing the bond. They were looking for some enforcement capability. Mr. Harrington agreed; however, it was enforcement of the prior action and not this application.

Mr. Rosecranz stated that if he could get approval to move forward and get the subdivision recorded, it would free up the money to solve the landscaping problem. If they continue, the problem still exists.

Commissioner Campbell noted that enforcement of the conditions is an issue the Commissioners have struggled with in the four years he has been on the Planning Commission. He did not think it was fair to take out their frustration on one applicant unless it is defensible; and Mr. Harrington was telling them that what they wanted to do this evening was not defensible. He thought the Planning Commission should ask Mr. Harrington to find an enforcement mechanism for future conditions of approval to ensure the conditions are not forgotten.

Director Erickson did not think the landscaping on this project had been forgotten. There was over three years of history talking with the applicant over their landscape plan. There is a growing period for all landscaping and a seasonality of the installation of the landscaping. He believed there were circumstances and records that Planner Whetstone would build in the Findings of Fact before they accuse the applicant of not having done anything in 24-36 months. Part of the fight over the water in the subdivision was trying to get the landscaping back in place. Director Erickson stated that in the absence of other information from the City Attorney's Office, he would ask for a completion bond irrespective, because in a year after the completion of the project the landscaping is still not completed, the owner would have to fit it, even if they are bankrupt. Director Erickson suggested that the Planning Commission continue this item and allow the Staff time to look at the language, and produce additional findings of fact to show the number of times they have had the conversation on this particular project.

MOTION: Commissioner Phillips moved to CONTINUE the first amendment to the Park City Film Studio subdivision to June 28, 2017. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

3. **442/444 Main Street – Plat Amendment to combine Lot 12, Block 23 of the Park City Survey with two adjacent metes and bounds parcels to the east to form one unified lot of record. The property currently contains one (1) historic building with a non-historic addition, and the owner wishes to make another small addition onto the back of the building, which fronts Swede Alley. (Application PL-16-03396)**

Planner Ashley Scarff reviewed the request for a plat amendment at the site known as 442/444 Main Street, which consists of all of Lot 12, Block 23 of the amended plat of the Park City Survey, as well as two metes and bounds parcels that are contiguous to the east that fall within the Millsite Reservation. The applicant owns all three parcels and requests to combine them into one legal lot of record that will remove two interior lot lines. The site currently contains a historic commercial building. The Frank Andrew Building has the Shabu Restaurant inside currently. It was constructed in 1898 and fronts Main Street. The structure is listed on the Historic Sites Inventory as a Significant structure. A non-historic rear addition was constructed in 1989, and the owner wishes to construct another minor addition on to the rear of the structure within the metes and bounds parcel that fronts Swede Alley.

This plat amendment is required to combine all lots into a legal lot of record, which will allow for further development.

JF Lanvers, representing the applicant, was available to answer questions.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Band moved to forward a POSITIVE recommendation for 442/444 Main Street plat amendment to combine Lot 12, Block 23 of the Park City Survey with two adjacent metes and bounds parcels to the east, to form one unified lot of record, based on the Findings the Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 442/444 Main Street

1. The property is located at 442/444 Main Street.
2. The subject property consists of all of Lot 12, Block 23, Amended Plat of the Park City Survey, and two (2) metes and bounds parcels to the east that fall within the Millsite Reservation.
3. The property is located within the Historic Commercial Business (HCB) District.
4. The proposed plat amendment combines the three (3) existing parcels into one (1) lot of record, removing two (2) interior lot lines.
5. The site contains a historic commercial structure listed on Park City's Historic Sites Inventory (HSI) and designated as Significant, which has a non-historic rear addition that was constructed in 1989.
6. The existing structure is oriented in a way that results in a 4.34 square foot encroachment onto 450 Main Street to the north, and a 76.30 square foot encroachment onto 440 Main Street to the south. The Planning Director has determined that the 4.34 square foot encroachment onto 450 Main Street is de minimus and will not require an encroachment agreement with that property owner.
7. The HCB District has no minimum required front, rear, or side yard setback areas. All future development will be entirely contained within the property boundary.
8. The HCB District has a minimum lot size of 1,250 square feet. The proposed lot exceeds the minimum lot size requirement at 3,125 square feet.
9. The required minimum lot width is 25 feet. The proposed lot has a width of 25 feet, meeting this requirement.
10. The required minimum lot depth is 50 feet. The proposed lot has double-frontage, thus, exceeds the minimum lot depth requirement at 125 feet.
11. A Quit Claim Deed document was recorded at Summit County on October 5, 1994, which transferred the ownership of the easternmost metes and bounds parcel (PC-304-C) from Park City Municipal to the owner of 442/444 Main Street. The City retained a public utility easement over the entire parcel area.

12.A façade preservation easement was executed between a former property owner and the City and recorded on October 5, 1994—this easement perpetually runs with the land.

13. Most recently, the current property owner submitted a Historic District Design Review (HDDR) pre-application on April 14, 2016, to evaluate the feasibility of constructing a new addition on the Swede Alley site of the proposed lot.

14. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

15. The property is located in a FEMA flood zone A.

Conclusions of Law – 442/444 Main Street

1. There is good cause for this Plat Amendment.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
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 – 442/444 Main Street

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 will 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 property owner shall revise the recorded encroachment agreement with 440 Main Street to eliminate reference to new construction over property lines prior to recordation of this plat amendment.
4. New construction shall comply with all applicable parameters of Land Management Code §15-2.6 regarding floor area ratio, maximum building volume and height,

architectural review, Swede Alley development criteria, parking regulations, etc.

5. New construction shall not occur within parcel PC-304-C unless Park City Council approves the vacation of the public utility easement that exists within it.

6. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.

7. New construction must comply with all flood plain regulations per the City Engineer.

8. New construction shall comply with all requirements outlined in the property's recorded façade preservation easement.

4. **1302 Norfolk Avenue – Appeal of the Community Development Director's Determination to deny a demolition permit for a house being reviewed for designation to the Historic Sites Inventory. (Application PL-17-03487)**

Director Erickson reported that the property owner had made an application to the State Property Ombudsman's Office for an opinion. For that reason, the Staff recommended a continuance to a date uncertain. Director Erickson remarked that the Staff was willing to review the Ombudsman's opinion when it is received.

Jodi Hoffman, legal counsel representing the applicant, confirmed that an application had been made to the State Property Ombudsman and the applicant was requesting a continuance.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Band moved to CONTINUE 1302 Norfolk Avenue – Appeal of the Community Development Determination to deny a demolition permit for a house being reviewed for designation to the Historic Sites Inventory, to a date uncertain. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

5. **352 Woodside Avenue- Request for a Plat amendment proposing to combine the south half of Lot 19, all of lot 20, and the north half of Lot 21, of Block 3 amended plat of the Park City Survey into one lot of record. (Application PL-17-03546)**

Planner Makena Hawley reviewed the application for a plat amendment at 352 Woodside Avenue for a vacant site consisting of two half lots and one full lot. The applicant will be required to come back to the Planning Commission for a Steep Slope CUP and a building height exception per the LMC for a request in the HDDR. Planner Hawley stated that the HDDR is in process but it has not been completed.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council for 352 Woodside Avenue plat amendment based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 352 Woodside Avenue

1. The property is located at 352 Woodside Avenue.
2. The property is in the Historic Residential (HR-1) District.
3. The subject property consists of south half of Lot 19, all of Lot 20, and the north half of Lot 21, of Block 3 amended plat of the Park City Survey. The proposed plat amendment creates one (1) lot of record.
4. The Plat Amendment removes two (2) lot lines going through the vacant property.
5. The proposed Plat Amendment combines the property into one (1) lot measuring 3,757.5 square feet or .09 acres.
6. A single-family dwelling is an allowed use in the District.

7. The minimum lot area for a single-family dwelling is 1,875 square feet. The proposed lots meet the minimum lot area for single-family dwellings as well as for a duplex which is a conditional use in the HR-1 District.
8. The proposed lot width is width is 50.1 feet along Woodside Avenue.
9. The minimum lot width required is twenty-five feet (25'). The proposed lot meets the minimum lot width requirement.
10. The maximum building footprint allowed based on proposed lot size of 3,757.5 square feet is 1,521.14 square feet. The proposed house equates to a footprint of approximately 1,519 square feet.
11. The minimum front/rear yard setbacks are ten feet (10'); the minimum total front/rear yard setbacks are twenty feet (20'). The existing house has a front yard setback of 10 feet and a 10 foot rear yard setback.
12. The minimum side yard setbacks are five feet (5'); the south side yard setback is proposed to meet at 5 feet and 9 feet on the north side yard.
13. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – 352 Woodside Avenue

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 lot combinations.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 352 Woodside Avenue

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 will 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. A ten foot (10') wide public snow storage easement along the Woodside Avenue frontage shall be provided.

4. Modified 13-D sprinklers are required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.

5. New construction shall comply with Land Management Code Section 15-2.2 regarding setbacks, building height, building envelope, building footprint, etc. and Design Guidelines for Historic Districts and Sites.

The Park City Planning Commission Meeting adjourned at 9:00 p.m.

Approved by Planning Commission: _____

Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: Land Management Code Amendments
regarding Master Planned Affordable
Housing Development
Author: Francisco Astorga, AICP, Senior Planner
Date: 28 June 2017
Types of Item: Legislative – Land Management Code Amendments

Summary Recommendations

Staff recommends that the Planning Commission open and continue the public hearing for Land Management Code (LMC) Amendments to **a date uncertain** to allow staff additional time for research.

Topic

Applicant: Park City Planning Department
Location: Citywide
Reason for Review: Land Management Code Amendments require Planning Commission review and recommendation to City Council.

Summary

The Planning Department is reviewing administrative and substantive amendments to the Park City Development Code, specifically amending Land Management Code Chapter 15-6-7 Master Planned Developments Affordable Housing Development; and other applicable sections in the LMC. Staff recommends that the Planning Commission allow additional time for research and vetting prior to presenting amendments to the Planning Commission for review.

Exhibits

Exhibit A – LMC § [15-6-7 Master Planned Affordable Housing Development](#)

Exhibit A

15-6-7 Master Planned Affordable Housing Development

- A. **PURPOSE.** The purpose of the master planned Affordable Housing Development is to promote housing for a diversity of income groups by providing Dwelling Units for rent or for sale in a price range affordable by families in the low-to-moderate income range. This may be achieved by encouraging the private sector to develop Affordable Housing.

Master Planned Developments, which are one hundred percent (100%) Affordable Housing, as defined by the housing resolution in effect at the time of Application, would be considered for a Density incentive greater than that normally allowed under the applicable Zoning District and Master Planned Development regulations with the intent of encouraging quality Development of permanent rental and permanent Owner-occupied housing stock for low and moderate income families within the Park City Area.

- B. **RENTAL OR SALES PROGRAM.** If a Developer seeks to exercise the increased Density allowance incentive by providing an Affordable Housing project, the Developer must agree to follow the guidelines and restrictions set forth by the Housing Authority in the adopted Affordable Housing resolution in effect at the time of Application.
- C. **MIXED RENTAL AND OWNER/ OCCUPANT PROJECTS.** When projects are approved that comprise both rental and Owner/occupant Dwelling Units, the combination and phasing of the Development shall be specifically approved by the reviewing agency and become a condition of project approval. A permanent rental housing unit is one which is subject to a binding agreement with the Park City Housing Authority.
- D. **MPD REQUIREMENTS.** All of the MPD requirements and findings of this section shall apply to Affordable Housing MPD projects.
- E. **DENSITY BONUS.** The reviewing agency may increase the allowable Density to a maximum of twenty (20) Unit Equivalents per acre. The Unit Equivalent formula applies.
- F. **PARKING.** Off-Street parking will be required at a rate of one (1) space per Bedroom.
- G. **OPEN SPACE.** A minimum of fifty percent (50%) of the Parcel shall be retained or developed as open space. A reduction in the percentage of open space, to not less than forty percent (40%), may be granted upon a finding by the Planning Commission that additional on or Off-Site amenities, such as playgrounds, trails, recreation facilities, bus shelters, significant landscaping, or other amenities will be provided above any that are required. Project open space may be utilized for project amenities, such as tennis courts, Buildings not requiring a Building Permit, pathways, plazas, and similar Uses. Open space may not be utilized for Streets, roads, or Parking Areas.
- H. **RENTAL RESTRICTIONS.** The provisions of the moderate income housing exception shall not prohibit the monthly rental of an individually owned unit. However, Nightly Rentals or timesharing shall not be permitted within Developments using this exception. Monthly rental of individually owned units shall comply with the guidelines and restrictions set forth by the Housing Authority as stated in the adopted Affordable Housing resolution in effect at the time of Application.

Adopted by Ord. [02-07](#) on 5/23/2002

Amended by Ord. [06-22](#) on 4/27/2006

Amended by Ord. [09-10](#) on 3/5/2009



Planning Commission Continuation Report

PLANNING DEPARTMENT

Subject: 1800 Park Avenue, Double Tree by Hilton – The Yarrow
Author: Tippe Morlan, Planner
Project Number: PL-17-03537
Date: June 28, 2017
Type of Item: Modification to a previously approved Conditional Use Permit for a temporary structure (tent)

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing for the proposed Modification/Extension Application at 1800 Park Avenue, and continue the item to July 26, 2017, to allow additional time for staff to do analysis in regards to parking and use of their temporary structure.

Description

Project Name: Double Tree by Hilton – formally known as The Yarrow
Applicant: Nicole Sharp, Yarrow Resorts
Location: 1800 Park Avenue
Proposal: Modification of a Conditional Use Permit approved on May 14, 2014
Zoning: General Commercial (GC)
Adjacent Uses: Residential/Commercial/Retail

Planning Commission Staff Report



Subject: 280 Daly Avenue
Author: Ashley Scarff, Planning Technician
Project #: PL-17-03522
Date: June 28, 2017
Type of Item: Quasi-Judicial Appeal of Planning Staff's Determination regarding Interpretation Relating to Plat Notes and Land Management Code (LMC)

Summary Recommendations

Staff recommends that the Planning Commission reviews an appeal of Planning Staff determinations for new construction relating to plat notes and the Land Management Code (LMC), holds a public hearing, and considers denying the appeal based on the Findings of Fact and Conclusions of Law prepared for the Commission's consideration.

Description

Appellant: Jennifer & Gideon Malherbe
Applicant: Jed & Susan Bradshaw, represented by Jonathan DeGray, Architect
Location: 280 Daly Avenue
Zoning: Historic Residential (HR-1) District
Historic Designation: Non-historic site
Adjacent Land Uses: Historic and non-historic Residential
Reason for Review: Appeals of Staff determinations related to interpretation of the LMC are reviewed by the Planning Commission.

Purpose

The purpose of the Historic Residential (HR-1) District is to:

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

Background

On January 3, 2017, the City received two (2) applications related to proposed development at 280 Daly Avenue: a Steep Slope Conditional Use Permit (SS CUP)

application and a Historic District Design Review (HDDR) application. The SS CUP application was deemed complete on January 19, 2017, and approved by the Planning Commission on March 22, 2017 (Exhibit D). The HDDR application was deemed complete on January 10, 2017, and officially approved via Staff final action on March 27, 2017, following the SS CUP approval by the Planning Commission.

The HDDR plans (Exhibit F) were stamped approved on March 24, 2017, and the final action letter (Exhibit I) to the applicant was *drafted* and dated for the same date as well. However, staff erred in not actually distributing the final action letter to the applicant or noticing adjacent property owners within 100 feet (100') until March 27, 2017, resulting in approved plans and a final action letter that do not reflect the correct final action date of March 27, 2017. Exhibit J is an email documenting that the final action letter was distributed to the Applicant Representative on March 27, 2017, and an appeal period running through April 6, 2017, was established. Also on March 27th, the property was posted and letters were mailed to adjacent property owners within 100 feet (100') to notify them that Staff had determined that the HDDR application complies with the Park City Design Guidelines for Historic Districts and Historic Sites, as required by the LMC (Exhibit J).

Both of the SS CUP and HDDR applications supported the request to construct a new single-family house at 280 Daly Avenue, which is currently a vacant lot. 280 Daly is platted as Lot 1 of the Washington Mill Subdivision, which was approved by the Park City Council on October 21, 1993 (Exhibit B—Meeting Minutes). The attached minutes for that meeting include Conditions of Approval that limits the “*Max. House Size*” of Lot 1 to 2,500 square feet (sf), and creates a 6-foot (6') wide sidewalk easement along the front property lines of Lots 1 and 2, which Council indicated should contain a 4-foot (4') wide sidewalk (Exhibit A--Plat).

In line with the LMC definition of *Maximum House Size*, which defers to the definition of *Gross Residential Floor Area*, the final approved HDDR plans (Exhibit G) include a single-family structure with a *total floor area* of 4,220.6 sf including all of the garage and exterior walls, but with a *gross floor area* of 2,461 sf including all of the garage and exterior walls, but excluding the basement areas (see section below for more detailed analysis and amendments to this approval). The approved set of plans did not initially include a 4' wide sidewalk running along the front of the lot, but Staff has since required the Applicant to revise the site plan to show a sidewalk since its construction was a Condition of Approval during the 1993 Subdivision process (See Exhibit H--revised site plan). The 1993 Council action would need to be amended by the current Council to void the requirement to construct a sidewalk at 280 Daly.

On April 4, 2017, the Planning Department received an appeal letter (Exhibit K) from Jennifer and Gideon Malherbe, owners of 297 Daly Avenue, which was focused on the SS CUP approval. Staff notified the Appellants that the appeal period had already passed for the SS CUP, but that the appeal letter included objections that could apply to staff determinations made as part of the HDDR approval, which still had an active appeal period. The Appellants chose to move forward with the appeal of staff

determinations related to the HDDR approval knowing that a large number of objections they'd made were specific to the SS CUP, thus, not appealable.

The appeal was submitted within ten (10) calendar days of the distribution of the HDDR final action letter to the applicant, as well as the posting of the property and mailing of notice letters to property owners living within 100' of the site (March 27th). Supplemental information (Exhibit L) was provided to the Planning Department by the Appellant on the deadline of June 9, 2017, which was a date established by the Planning Director.

Pursuant to LMC §15-1-18, Appeals and Reconsideration Process, *any decision by either the Planning Director or Planning Staff regarding Application of [the] LMC to a Property may be appealed to the Planning Commission.*

LMC §15-1-18(G) Burden of Proof and Standard of Review

The appeal authority [Planning Commission] shall act in a quasi-judicial manner. The appellant has the burden of proving that the land use authority [Planning Staff] erred. The appeal authority shall review factual matters de novo and it shall determine the correctness of the decision of the land use authority in its interpretation and application of the land use ordinance [LMC]. All appeals must be made in writing. Review of petitions of appeal shall include a public hearing and shall be limited to consideration of only those matters raised by the petition(s), unless the appeal authority grants either party approval to enlarge the scope of the appeal to accept information on other matters. New evidence may be received so long as it relates to the scope of the appeal.

Analysis

Eliminating items from the first appeal letter that were specific to the SS CUP and no longer able to be appealed, Staff grouped the many points provided in the first letter and two (2) supplemental letters into four (4) main issues/topics being raised by the Appellants:

- 1. Vertical Articulation**
- 2. Calculation of Maximum House Size**
- 3. Garage Size**
- 4. Sidewalk and Sidewalk Easement**

Staff has addressed each of the applicable comments below, which have been copied verbatim, new numbering and bold formatting added:

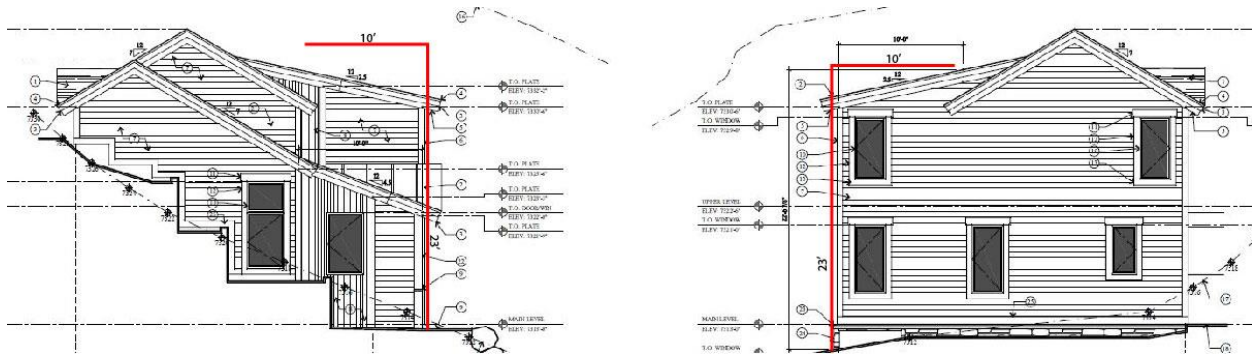
Vertical Articulation

- 1. The application requests permission to encroach into the minimum 10 ft setback for vertical articulation. (from Exhibit K, Appeal Letter)**

LMC §15-2.2-5(B) is intended to create vertical articulation on a proposed structure on its downhill side with the following language: *A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the*

finish Grade on all sides of the Structure. The horizontal step shall take place at a maximum height of twenty three feet (23') from where the Building Footprint meets the lowest point of existing Grade. Architectural features, that provide articulation to the upper story façade setback, may encroach into the minimum ten foot (10') setback but shall be limited to no more than twenty five percent (25%) of the width of the building encroaching no more than four feet (4') into the setback, subject to compliance with the Design Guidelines for Historic Sites and Historic Districts.

There is no documentation of the Applicant ever requesting permission from Staff or the Planning Commission to design a structure that encroaches into the minimum ten foot (10') horizontal step required by LMC §15-2.2-5(B). During Staff's review for both the SS CUP and HDDR applications, it was determined that the proposal meets the vertical articulation requirement. The images below (not to scale) show the south and north elevations of the approved HDDR plans, with the red line representing approximately where Staff would draw the building envelope that elements of the downhill façade would need to remain within, i.e., 23 feet (23') in height from where the Building Footprint meets the lowest point of existing Grade, with a ten foot (10') horizontal step occurring at that point. Staff maintains the determination that the proposal meets criteria of LMC §15-2.2-5(B).



Calculation of Maximum House Size

1. The 1993 plat and Park City Council approval clearly states maximum square footage of home to be 2500 square feet. The subject application requests a home with total floor area of 4,200.6 s.f. We specifically object to the use of “gross residential” square feet, as well as the applicant’s calculation thereof, in an effort to comply with the Land Management Code (LMC) definition of “floor area.” The Land Management Code is not necessarily applicable in this case as the approved plat already reduces what is allowed by the LMC. (from Exhibit K, Appeal Letter)

As mentioned above, the Applicant is referring to Conditions of Approval for the Washington Mill Subdivision plat, which was approved by the Park City Council on October 21, 1993. The meeting minutes (Exhibit B) include the following language:

The HR-1 zone, in which the subdivision is located, specifies maximum house sizes

calculated by floor area ratio. However, the applicant has agreed to maximum house sizes more restrictive than the zone would otherwise allow. The maximum square footages proposed under the subdivision are as follows. As per the Land Management Code, each lot will have a garage allowance of 400 square feet per unit.

<u>Lot</u>	<u>Max S.F.</u>
1	2500
2-5	2200

Condition of Approval #1 reads: *The maximum house sizes shall be 2500 square feet for lot 1 and 2200 square feet for each lots 2 through 5. A note to this effect shall be included on the plat.*

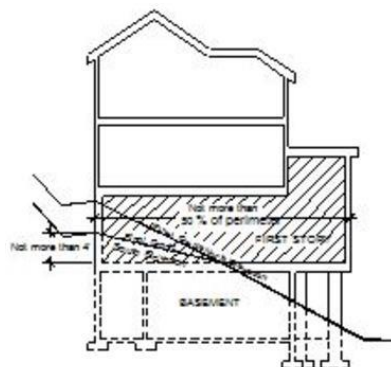
In regard to Item #1 above, Staff finds that the 1993 plat note (Exhibit A) and Park City Council subdivision conditions of approval both state that the *maximum house size* for Lot 1 is 2,500 square feet. When this language is used, Staff typically applies the following methodology to calculate *maximum house size*:

Maximum House Size is a term specifically defined in the LMC §15-15-1.168 as *A measurement of Gross Floor Area.*

LMC §15-15-1.109 defines **Floor Area, Gross Residential** as *The Area of a Building, including all enclosed Areas. Unenclosed porches, Balconies, patios and decks, vent shafts and courts are not calculated in Gross Residential Floor Area. Garages, up to a maximum Area of [400] square feet, are not considered Floor Area. Basement and Crawl Space Areas below Final Grade are not considered Floor Area. Floor Area is measured from the finished surface of the interior of the exterior boundary walls.*

LMC §15-15-1.27 defines **Basement** as *Any floor level below the First Story in a Building. Those floor levels in Buildings having only one floor level shall be classified as a Basement, unless that floor level qualifies as a First Story as defined herein. See First Story.*

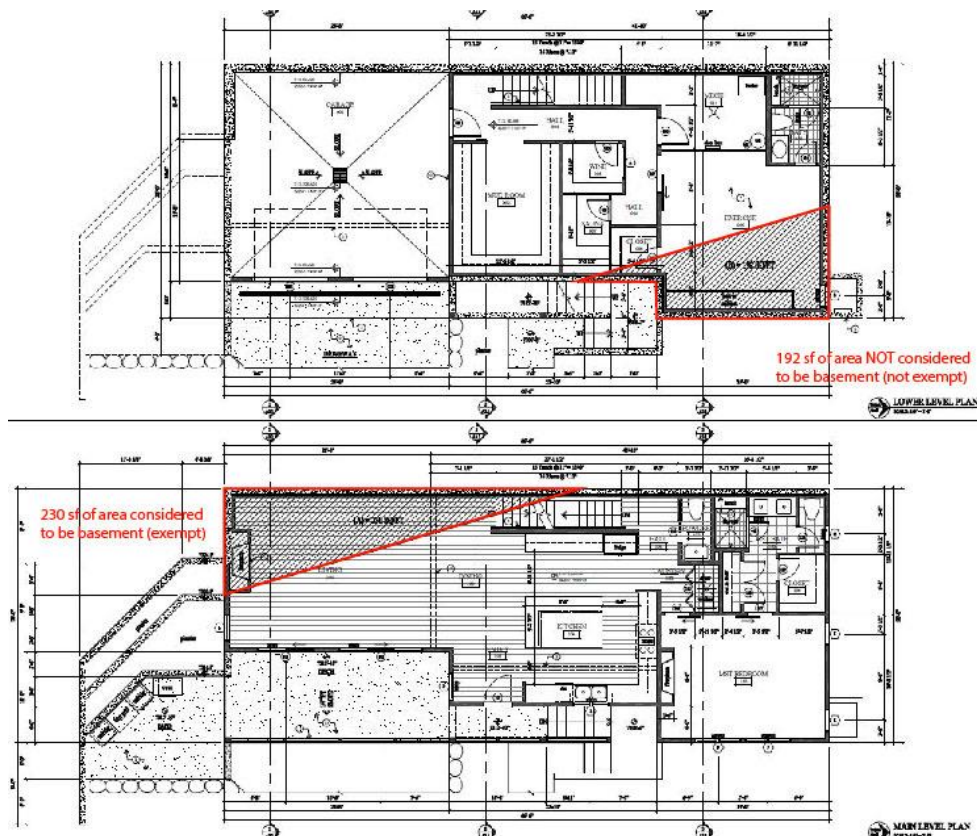
LMC §15-15-1.107 defines **First Story** as *The lowest Story in a Building provided the floor level is not more than four feet (4') below Final Grade for more than fifty percent (50%) of the perimeter. Can include habitable or uninhabitable Floor Area. See the following illustration:*



In applying the above definitions to the 280 Daly Avenue project, Staff finds that for enclosed areas, up to 400 sf of garage area could be considered exempt from the gross residential floor area (thus, maximum house size) calculation, as well as basement and crawl space areas falling below final grade. When determining if floor area can be considered basement area, Staff has historically deemed area on the lowest level exempt if the ceiling of that level is within one foot (1') of final grade.

The images below show the approved lower and main level floor plans, with shaded areas illustrating what is considered to be basement and what is not considered to be basement. In this case the architect followed Staff direction by marking areas on the perimeter of the structure where the ceiling of any floor level is within 1' of final grade, and striking a line through the floor plans to delineate areas that are below or above grade; however, during this de novo review, Staff has found that this direction was made in error, as area on the main level is not eligible for any exemptions under the definition of Basement and First Story. Staff finds that 230 sf of area on the main level was incorrectly exempted from the maximum house size calculation.

The discovery of this error prompted a recalculation of exempted basement area, during which Staff also found that the architect's inclusion of 192 sf of lower level area in the maximum house size calculation (see exhibit below, red boundary) was more conservative than necessary. Upon completion of a re-review, Staff finds that they would only consider approximately 68 sf of area on the lower level to be above final grade, which results in a revised gross residential floor area, or maximum house size, calculation of 2,567 sf.



The table below compares floor area calculations of the project as approved (with 230 sf incorrectly exempted from the main level and 192 sf considered above grade on the lower level) with floor area calculations that resulted from the de novo review completed as part of this appeal. The resulting 2,567 sf of gross residential floor area is greater than the allowable 2,500 sf maximum house size; however, this calculation includes the areas of the exterior walls, which are all approximately one foot (1') wide and eligible for exemption. Staff finds that, after exemption of the areas of the exterior walls of the structure, the gross residential floor area calculation would be less than 2,500 sf. As part of the building permit application, Staff will require the Applicant to revise the floor area calculations on the plans to omit the exterior wall areas.

<u>Floor</u>	<u>Total Floor Area</u>	<u>Area Below Final Grade (as approved)</u>	<u>Areas Below Final Grade (following de novo review)</u>	<u>Area Above Final Grade (i.e., Maximum House Size—as approved)*</u>	<u>Maximum House Size Calculation (following de novo review)*</u>
Lower	1,672 sf	1,480 sf	1,604 sf	192 sf	68 sf
Main	1,524 sf	230 sf	0 sf	1,294 sf	1,524 sf
Upper	1,024.6 sf	0 sf	0 sf	975 sf (discounts stairs)	975 sf (discounts stairs)
TOTAL	4,220.6 sf	1,710 sf	1,604 sf	2,461 sf	2,567 sf

**includes area of exterior walls, which is eligible for exemption under the definition of Gross Residential Floor Area*

As for the last statement of #1, the Land Management Code (LMC) is always applicable for all land use projects proposed in Park City. Because the HDDR was a new application submitted on January 3, 2017, the current LMC was applied to the project.

The Appellants are correct in stating that the plat note limiting maximum house size reduces the size and mass of the structure that would have otherwise been allowed by the current LMC in the HR-1 zoning district, but that does not negate the application of the current LMC to this project. For this project, Staff enforced a Maximum House Size as well as lot and site requirements of the HR-1 zoning district, which have additional restrictions on building footprint, and exterior and interior building heights. As the table below shows, without the plat note that limits maximum house size, the structure would have been held to a maximum building footprint of 2,912.7 sf, and the same external and internal height requirements that were applied to the current project—this could have resulted in a structure with more square footage than what is currently proposed. The single-family structure, as approved, has a much smaller building footprint of 1,672 sf, with the same maximum exterior and internal height requirements.

Maximum House Size Potential at 280 Daly Under Current LMC:

	HR-1 Requirement	Potential without MHS Plat Note	Proposed Under MHS Plat Note (actual)
Building Footprint	Based on 10,522 sf lot size	2,912.7 sf	1,672 sf
Height	27 feet from existing grade, maximum	27 feet from existing grade, maximum	Approximately 24 feet above existing grade at tallest point, <u>complies.</u>
Height (continued)	A Structure shall have a maximum height of 35 feet measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.	A Structure shall have a maximum height of 35 feet measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.	Approximately 28.6 feet at highest interior height, <u>complies.</u>

2. In addition, again referring to the 1993 Washington Mill subdivision and restrictions, as well as the Park City Council meeting minutes, excerpt above, the maximum square footage allowed for a home on Lot 1 is clearly stated to be maximum 2500 square feet. There is no reference to alternative forms of calculation such as “floor area” or “gross residential” area that might later be determined. We believe that the proposed position from the city that much of the home is “buried” and therefore the excessive size is okay, is really not okay. The proposed home is massive compared to the other homes that are constructed within the Washington Mill subdivision area. (From Exhibit L, Supplemental Appeal Materials)

As copied above, the 1993 Washington Mill Subdivision plat document and October 21, 1993, City Council minutes, which contain the approved conditions of approval, use the term *maximum house size* to describe limitations of the size and massing allowed on Lot 1. The minutes do use the term *maximum square footage* once in the Background Information and Project Description section, but that language was not used in the official Condition of Approval or on the final recorded plat.

In regard to the Appellant’s statement that the City Council minutes provided no direction to utilize alternative forms of calculation such as gross residential floor area--this is the standard way for Staff to enforce a plat note with this specific language. Any plat with a note that sets limits on *maximum house size* would lead Staff to utilize the current LMC definition in effect at the time of application, which results in the type of calculation methodology described in the section above. The LMC definition of *maximum house size* defers to the LMC definition of *Gross Residential Floor Area*, which was applied to this proposal.

The statement regarding the structure being buried is an assumption on the Appellant's part, but Staff does believe that the intent of the *Maximum House Size* and *Gross Residential Floor Area* definitions is to limit the size and massing of structures above final grade. The calculation methodology outlined in the section above results in a single-family structure with less than 2,500 sf of gross residential floor area that falls above final grade, thus, is viewable from street level. The remainder of the floor area is considered to be basement area, as it is located in an area that has a ceiling within one foot (1') of final grade on the perimeter of the structure. Per the LMC, basement areas are exempt from inclusion in the *gross residential floor area* calculation.

Please refer to the section below for a comparison of sizes of existing homes within the vicinity of 280 Daly.

3. With regard to the size of the proposed dwelling, we request that the Park City Planning Department (and Historic Preservation Board) limit the volume of the structure to mitigate the visual mass as well as to mitigate the differences between the proposed structure and existing structures. All of the other structures that are part of the 1993 Washington Mill Subdivision are clearly 2500 square feet or less and of similar design and character. We believe that proposed structure is obtrusive in size, based on the visual renderings from the north and south perspectives submitted by the property owners, and is not fitting with the size and character of the other homes in the Washington Mill subdivision. (From Exhibit L, Supplemental Appeal Materials)

As part of this Appeal action, the Planning Commission is limited to reviewing Staff's interpretation of the plat notes or the LMC. The Appellants had two (2) opportunities during the HDDR public hearing process and one (1) opportunity during the SS CUP process, which was approved by the Planning Commission on March 22, 2017, to object to the volume of the structure and its appropriateness within the larger neighborhood context.

The table below is a list of addresses within the vicinity of the project site, 280 Daly. The noted lot sizes, living areas, and attached garage areas were pulled from Summit County records and may not be exact, but provide a good estimate for comparison purposes.

Address	Lot Size (sf)	Living Area (sf)	Attached/Built-in Garage Area (sf)
240 Daly	8,712	1,800	0
250 Daly	4,356	1,922	0
260 Daly	9,147.6	1,800	0
270 Daly	5,662.8	1,800	0
279 Daly	8,276.4	842	0
280 Daly	10,522	2,567*	592 (below final grade)
291 Daly	6,534	2,307	234
297 Daly	8,276.4	3,436	331

313 Daly	8,276.4	2,603	480
314 Daly	7,405.2	884	0
319 Daly	8,712	958	0**
325 Daly	7,405.2	2,792	378

Note: Figures pulled from Summit County Assessor's Office

*includes area of exterior walls, which is eligible for exemption under the definition of Gross Residential Floor Area

**319 Daly has "unattached improvements" that total to 338 sf

It's hard to compare proposed floor areas at 280 Daly Avenue with those from the County records as their methodology is not known and they do not seem to include basements; however, the approved gross residential floor area above grade for 280 Daly is less than 2,500 sf, which is comparable to living areas on record for nearby lots. It must also be noted that the lot size at 280 Daly is significantly larger than all nearby lots included in this analysis. Staff disagrees with the Appellant's statement that that proposed structure is obtrusive in size and does not fit with the size and character of the other homes in the area.

Staff did not compare the size of the proposed structure at 280 Daly exclusively with structures within the Washington Mill Subdivision, as cohesiveness within the larger neighborhood context is dependent on the entire street section, not just four (4) other lots on the same side of the street as the site. However, those properties are highlighted in red in the table above, and their living areas are all less than the allowable maximum house size of 2,200 sf platted for the lots. It must be noted that this comparison is a bit misleading, as these structures are all duplexes which were developed as affordable housing units and do not contain any garages. 280 Daly is a market-rate single-family structure with a 2-car garage.

4. The 1993 plat applicant specifically agreed to house sizes more restrictive than the HR-1 zone allows. The subject application requests a house size much more permissive than the HR-1 zone allows. (from Exhibit K, Appeal Letter)

The October 21, 1993, City Council minutes do indicate that, at the time of subdivision approval, maximum house sizes in the HR-1 zoning district were calculated using floor area ratios, but that the applicant had agreed to a maximum house size limitation that was more restrictive than what the zone would otherwise allow.

As mentioned above, the current LMC was applied to this project as it was the version in effect at the time of application, January 3, 2017. Even under the current LMC, it is true that the plat note limiting Maximum House Size to 2,500 sf results in a smaller structure than what would be allowed under LMC §15-2.2-3 Lot and Site Requirements without the plat note (also illustrated above). For example, LMC §15-2.2-3(D) Building Footprint includes a calculation for maximum allowable building footprint based on lot size. Due to the larger lot size of 10,522 sf, the maximum allowable building footprint is 2,912.7 sf. If the plat note was not present, the structure could have a footprint of 2,912.7 sf, with the same internal and external height restrictions that were applied to the current approval. The current proposal, as approved, has a building footprint of

1,672 sf, with all other restrictions (internal and external height, setbacks, etc.) remaining constant.

5. In general, the 1993 Washington Mill Subdivision Plat approved by the Park City Council is more restrictive than the Land Management Code. With regard to any conflict that may exist between the 1993 Washington Mill subdivision and the Park City Land Management Code, the LMC itself provides clear guidelines for decision-making. The municipal code states, with regard to conflict, as follows:

15-1-3 Conflict

The provisions of the LMC are in addition to all other City ordinances, the Laws of the State of Utah, the Laws of the United States, and applicable common law. The LMC shall not supersede any private land Use regulations in deeds or covenants, which are more restrictive than the LMC. Whenever a conflict exists, the more restrictive provision shall apply to the extent allowed by law. The City does not enforce private restrictive covenants, nor shall any such covenant have the effect of modifying the regulations herein.

Adopted by Ord. 00-25 on 3/30/2000

We request that the Park City Planning Department (and Historic Preservation Board) therefore adhere to the clear requirements of the 1993 Washington Mill subdivision plat. (From Exhibit L, Supplemental Appeal Materials)

As described in the section above, Staff concurs that the 1993 Washington Mill Subdivision plat as approved by the Park City Council is more restrictive than the current LMC when it comes to the maximum allowable size of the structure. The only conflict between the subdivision approval and HR-1 zone section of the LMC is the plat note that limits the Maximum House Size on Lot 1 to 2,500 sf, while the HR-1 zone does not outline a Maximum House Size, but includes a maximum building footprint and internal and external heights. In this situation, Staff complied with LMC §15-1-3 Conflict, above, by enforcing the stricter Maximum House Size plat note.

Garage Size

1. Garage area allowed in the 1993 conditional approval is maximum 400 s.f. The subject application includes a garage well over the maximum allotted size. (from Exhibit K, Appeal Letter)

The definition of **Gross Residential Floor Area** found in LMC §15-15-1.109 includes the *Area of a Building, including all enclosed Areas. Unenclosed porches, Balconies, patios and decks, vent shafts and courts are not calculated in Gross Residential Floor Area. Garages, up to a maximum Area of 600¹ square feet, are not considered Floor Area. Basement and Crawl Space Areas below Final Grade are not considered Floor Area. Floor Area is measured from the finished surface of the interior of the exterior boundary walls.*

¹400 sq. ft. in Historic Districts

Because 280 Daly falls within the Historic District, this means that up to 400 sf of garage area may be considered exempt from gross residential floor area, or maximum house

size, calculations. In the case of the 280 Daly proposal, the garage is on the lower level of the structure and meets criteria necessary to be deemed basement area—thus, the entire garage is considered exempt from the *maximum house size* calculation regardless of its size. If the garage had been proposed on the main level and could not be considered to be basement area, up to 400 sf of its area would have been exempt from the *gross residential floor area* calculation.

In reference to the 1993 City Council approval of the Washington Mill Subdivision, the minutes state that, *As per the Land Management Code, each lot will have a garage allowance of 400 square feet per unit.*

The LMC that was in effect on October 21, 1993 provided restrictions for the HR-1 zoning district, which included the following regarding garage area:

In calculating the FAR for a single family structure, 400 square feet may be added to the total floor area for a two car garage after calculating the FAR [...]

It is Staff's belief that when the 1993 City Council minutes reference the LMC providing a 400 sf allowance for garages, previous Staff and Councilors were not stating that garages in the Washington Mill Subdivision could not exceed 400 sf in area. If they had intended to do this, it would have been included as a condition of approval. Instead, they were simply citing that the LMC at the time provided what could be considered a 400 sf bonus for garage areas that would be considered exempt from floor area ratio calculations. This is similar to the current LMC (above), which exempts 400 sf of garage area from *gross residential floor area* calculations within the Historic District.

2. With regard to the size of the garage, the Park City Council Meeting Minutes of October 21, 1993 clearly state the maximum allowed garage size shall be 400 s.f. The proposed structure includes a garage that is 800 s.f. Again, the apparently proposed justification for the massive size is that part of the garage is "buried." We believe that this argument does not uphold the original intent and spirit of the restrictions running with the 1993 Washington Mill subdivision which are clearly to maintain a size and character of structure within the subdivision. (From Exhibit J, Supplemental Appeal Materials)

As described above, Staff believes that the language in the 1993 City Council minutes regarding garage area was simply referencing restrictions of the HR-1 zoning district that were in effect at the time, copied above. If the Councilors had intended for the total garage areas for each lot to be limited to 400 sf, they would have included it as an official Condition of Approval.

None of the structures on Lots 2-5 of the Washington Mill subdivision have a garage. The proposal for Lot 1 involves an 800 square foot garage. This is clearly not in keeping with the character of the surrounding homes. (From Exhibit J, Supplemental Appeal Materials)

The approved proposal for 280 Daly includes a garage the measures approximately 592 sf, not 800 sf. Next, even if none of the other structures within the Washington Mill Subdivision have a garage, there is nothing in the 1993 subdivision approval that prevented the development of garages on those properties, and nothing that prevents the development of a garage at 280 Daly Avenue. In fact, the LMC requires the provision of two (2) off-street parking spaces on private property as part of the development of a single-family home. Also, when determining if a proposal maintains overall neighborhood character and fits within the context, it is not judged solely against developments that fall within the same subdivision, especially in the Historic District. It is much more important to weight the proposal against properties on all four (4) sides of the subject site, which in this case would include homes across the street, which all have garages.

We refer to the same assertions above with regard to any conflict between the 1993 Washington Mill subdivision and the LMC, in our objection to the proposed size of garage. (From Exhibit J, Supplemental Appeal Materials)

Again, Staff feels strongly that the most stringent of the regulations applicable to the property have been applied during review of the project. As stated above, the approximately 592 sf of garage area (including external wall area) was considered exempt from the *gross residential floor area* calculation as it meets criteria to be classified as basement area. If it had been proposed on an above-ground level, up to 400 sf of the garage could have been exempted from the Gross Residential Floor Area calculation.

Sidewalk and Sidewalk Easement

1. The current application does not account for the 1993 Park City Council staff recommendations of a four-foot sidewalk along the front of the lot and six-foot trail/sidewalk easement provided in conjunction with the sidewalk. (from Exhibit H, Appeal Letter)

With regard to the 1993 subdivision plat requirement of a six-foot trail/sidewalk easement, we understand from Ashley's email communication as follows (From Exhibit J, Supplemental Appeal Materials):

In reviewing this appeal with others, it was determined that the requirement of the construction of a 4 foot sidewalk in front of 280 Daly Avenue was a Council-sanctioned condition of approval as part of the original subdivision action in 1993. For that reason, it was a staff error to not require this sidewalk as part of the recent project, and we plan to notify the property owner that we will need to see the sidewalk shown on a revised set of plans for the property.

We would assert that it is not only the four-foot sidewalk that must be required, but the six-foot easement specified in the Park City Council Meeting Minutes of October 21, 1993, excerpt of those meeting minutes below:

III. STAFF RECOMMENDATION

Based upon compliance of the Washington Mill Subdivision with the subdivision ordinances, the staff recommends approval of the final plat with the following conditions of approval.

1. The maximum house sizes shall be 2500 square feet for lot 1 and 2200 square feet for each lots 2 through 5. A note to this effect shall be included on the plat.
2. A four-foot sidewalk shall be constructed along the front of the lots with the final configuration to approved by the staff. A six-foot trail/sidewalk easement shall be provided in conjunction with the sidewalk and shall be shown on the plat.
3. A security shall be posted for all public improvements, including the sidewalk, prior to plat recordation.
4. A parks fee of \$1035 per lot shall be paid prior to plat recordation.
5. All standard conditions of approval apply.
6. The approved parking plan shall be enforced by the manager of the affordable housing as long as the affordable housing restriction is in place.

At the time of initial appeal (April 4, 2017), the approved set of HDDR plans did not include a four-foot (4') wide sidewalk as was a Condition of Approval during the City Council approval of the Washington Mill Subdivision on October 21, 1993, which reads as follows (Exhibit B):

C.O.A. #2. A four-foot sidewalk shall be constructed along the front of the lots with the final configuration to approved by the staff. A six-foot trail/sidewalk easement shall be provided in conjunction with the sidewalk and shall be shown on the plat.

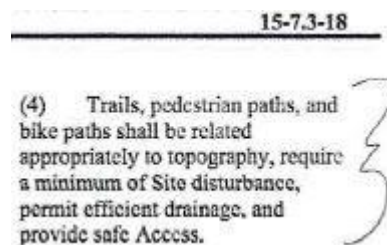
Following the appeal, Staff recognized the error in not requiring a four-foot wide sidewalk as part of the proposal, and did notify the Applicant that a sidewalk would be required for approval of a building permit. The alternative to constructing the sidewalk is for the Applicant to petition Council to amend the 1993 action, making Lot 1 of the Washington Mill Subdivision exempt from Condition of Approval number 2. Exhibit I is the revised site plan, created after date of appeal, which shows the accommodation of a four-foot wide sidewalk.

As for the six-foot (6') wide sidewalk easement, it was provided for during plat recordation, as can be seen on the Washington Mill Subdivision plat document.

3. The revised drawings submitted by the property owner show the easement obstructed by retaining wall(s) running through the six-foot easement as well as the four-foot wide sidewalk portion of the easement. We believe these obstructions are contrary to the purpose and intent of the 1993 trail/sidewalk easement which should allow for clear and unobstructed use. We believe any and all structures, retaining or otherwise, must be located outside of the six-foot easement.

Further, Chapter 7.3 of Title 15 LMC specifically states that trail easements must

have a minimum of site disturbance and provide safe access. See excerpt of LMC below:



We believe retaining walls, some of which are 4 foot in height, actually running through the required six-foot easement are clearly contrary to this requirement.

The Council minutes indicate that the Applicant at the time proposed the construction of a four-foot (4') wide sidewalk along the front of the property where appropriate. The related Condition of Approval #2, copied in the section above, states that the final configuration of the sidewalk shall be approved by Staff, and also calls for a 6-foot (6') wide easement to be provided in conjunction with the sidewalk, and to be shown on the plat. The sidewalk easement is shown on the plat.

The revised site plan provided by the Applicant Representative does include sections of retaining walls, which are not to exceed four feet (4') in height, meant to retain grade to provide room to construct the 4' sidewalk on-site. On the southern side of the property, the sidewalk does encroach into the right-of-way in order to follow along the existing high back curb that can be seen on the site plan. Planning Staff and the City Engineer have determined that this is logical placement so that there is no wasted space between the curb and sidewalk.

The current LMC does not define an easement, but the version of the LMC in effect at the time of the 1993 subdivision approval defined it as follows:

Easement: *Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.*

It is Staff's stance that the purpose of the 6' sidewalk easement is to reserve room for the construction, existence, and use of the 4' wide sidewalk. There is no regulation that prohibits the construction of retaining walls within the easement, especially if the walls' only purposes are to retain grade so that construction of the sidewalk is possible. In addition, the walls meet restrictions of the LMC, which state that retaining walls within the front yard setback area shall not exceed 4' in height, measured from final grade.

Staff also does not concur with the argument that the proposed retaining walls will cause excessive site disturbance or inhibit safe access, or use of the sidewalk—Staff finds that they are essentially part of the sidewalk, as they are being constructed for its benefit. If a sidewalk is required to be constructed, there needs to be a way to retain grade on this very steep slope.

4. Lots 2-5 of the Washington Mill Subdivision all have the six-foot trail/sidewalk easement freely running through, free of obstruction and providing safe access. There also exists a four-foot concrete sidewalk running the length of lots 2-5, which is entirely unobstructed.

Staff has confirmed that there is a concrete sidewalk that runs the length of lots 2-5 of the Washington Mill Subdivision, adjacent and within the right-of-way. However, during a site visit on the morning of June 15, 2017, Staff found that the sidewalk was obstructed in areas as it was being used for parking and storage of trash bins. Due to the narrowness of Daly Avenue, this is likely what will happen to the new sidewalk at 280 Daly, which will be hard to prevent.

5. [On the Washington Mill Subdivision Plat], there is an additional written restriction regarding the six-foot trail-sidewalk easement, stating it “is dedicated for the perpetual use of the general public.” The property owners’ proposed revised drawings contain retaining walls that obstruct the trail/sidewalk easement and render it not conducive to perpetual public use.

The plat does include the above-mentioned dedication to the public, but Staff does not find that the installation of the retaining walls prevent the public from utilizing the 4’ wide sidewalk. While adjacent to each other in areas, there is never a time when the rock walls encroach into the proposed sidewalk location. Reserving an area as an easement does not prohibit other improvements from being located within that area, especially if the improvements (retaining walls) are solely for the benefit of the sidewalk itself.

6. In addition, notes on the recorded plat also call for a ten-foot non-exclusive utility and drainage and snow storage easement along all front lines.

The plat document outlines the ten foot (10’) wide nonexclusive utility and drainage easement along all front lot lines of the Washington Mill Subdivision. At the time of subdivision approval, the City Council approved a sidewalk easement over the utility easement at the front of lots 1 and 2, thus, they provided direction to construct the sidewalk over a portion of the utility easement. Again, Staff finds that the proposed retaining walls are only necessary for the construction and existence of the sidewalk, and they may be permitted within the sidewalk easement area. It is not uncommon for minor improvements to be located within utility easements, and this situation will be handled in the same manner as other similar situations.

Notice

On June 14, 2017, the property was posted and notice was mailed to adjacent property owners within one hundred feet (100’). Legal notice was also placed in the Park Record.

Alternatives

- The Planning Commission may deny the appeal and affirm the Planning Staff’s approval of the Historic District Design Review (HDDR) for 280 Daly Avenue,

- wholly or partially; or
- The Planning Commission may grant the appeal and reverse the Planning Staff's approval of the HDDR for 280 Daly Avenue, wholly or partially; or
- The Planning Commission may continue the discussion to a specified or unspecified date.

Recommendation

Staff recommends that the Planning Commission reviews an appeal of Planning Staff determinations for new construction relating to plat notes and the Land Management Code (LMC), holds a public hearing, and considers denying the appeal based on the Findings of Fact and Conclusions of Law prepared for the Commission's consideration.

Findings of Fact:

1. The site is located at 280 Daly Avenue.
2. The site is located within the Historic Residential (HR-1) District.
3. The site is not identified as a historic site on the City's Historic Sites Inventory.
4. On January 3, 2017, the City received both a Steep Slope CUP application and HDDR application related to proposed development at 280 Daly Avenue.
5. The Steep Slope CUP application was deemed complete on January 19, 2017, and approved by the Planning Commission on March 22, 2017.
6. The HDDR application was deemed complete on January 10, 2017, and was officially approved via Staff final action on March 27, 2017, following Commission approval of the Steep Slope CUP on March 22, 2017.
7. The HDDR plans were stamped approved, and the final action letter to the applicant was drafted and dated on March 24, 2017; however, Staff erred in not distributing the final action letter to the applicant or noticing adjacent property owners within 100 feet (100') until March 27, 2017, resulting in approved plans and a final action letter that do not reflect the correct final action date of March 27, 2017.
8. Exhibit G of this report is an email that confirms that the HDDR final action letter was distributed to the Applicant Representative on March 27, 2017, as well as a letter showing that adjacent property owners were noticed of final action on March 27th as well. Both documents established a ten (10) day appeal period that ran through April 6, 2017.
9. Both of the SS CUP and HDDR applications supported the request to construct a new single-family house at 280 Daly Avenue, which is currently a vacant lot.
10. 280 Daly Avenue is platted as Lot 1 of the Washington Mill Subdivision, which was approved by Park City Council on October 21, 1993.
11. Council minutes for October 21, 1993, contain Conditions of Approval which limit the maximum house size on Lot 1 at 2,500 square feet, and create a 6-foot (6') wide sidewalk easement along the front property lines of Lots 1 and 2, which Council indicated should contain a 4-foot (4') wide sidewalk. The maximum house size and 6' sidewalk easement are both included as notes on the Washington Mill Subdivision plat document.
12. The LMC defines Maximum House Size as follows: *§15-15-1.168 MAXIMUM HOUSE SIZE. A measurement of Gross Floor Area.*

13. The final HDDR plans approved a single-family structure with a total floor area of 4,220.6 sf including all garage, basement area, and exterior wall areas, but with a gross residential floor area of 2,567 sf, which includes all garage and exterior wall areas.
14. Staff finds that, if the exterior wall areas were made exempt from the gross floor area calculation, the result would be a maximum house size that is less than 2,500 sf, in accordance with the plat note. This calculation will be a requirement during the building permit application process.
15. The approved set of plans did not include a 4' wide sidewalk running through the platted 6' wide sidewalk easement shown on the plat, but Staff has since required the Applicant to revise the site plan to show a sidewalk since its construction was a Condition of Approval during the 1993 subdivision process.
16. The 1993 Council action would need to be amended by the current City Council to void the requirement to construct a sidewalk at 280 Daly.
17. On April 4, 2017, the Planning Department received an appeal letter from Jennifer and Gideon Malherbe, owners of 297 Daly Avenue, which was focused on appealing the SS CUP approval that occurred on March 22, 2017.
18. The 10-day appeal period for the SS CUP had already lapsed, but Staff notified the appellants that the appeal letter included objections that could apply to Staff determinations made as part of the HDDR approval, which still had an active appeal period. The appellants chose to move forward with the appeal of Staff determinations related to the HDDR approval knowing that a number of objections they'd made were specific to the SS CUP, thus, not appealable.
19. The appeal was submitted within ten (10) calendar days of the distribution of the HDDR final action letter to the applicant, as well as the posting of the property and mailing of notice letters to property owners living within 100' of the site (March 27th).
20. Supplemental information was provided to the Planning Department by the Appellant on the deadline of June 9, 2017, which was a date established by the Planning Director.
21. Above discussion found in the staff report is incorporated herein.
22. The HR-1 chapter of the LMC requires the inclusion of a ten-foot (10') minimum horizontal step in the downhill façade, which shall take place at a maximum height of twenty three feet (23') from where the Building Footprint meets the lowest point of existing Grade. Staff finds that the applicant never requested permission from Staff or the Planning Commission to design a structure that encroaches into the minimum 10' horizontal step that is required, and that the project complies with requirements of LMC §15-2.2-5(B), as proposed and approved.
23. Staff finds that the note printed on the Washington Mill Subdivision plat document, as well as language used in the 1993 City Council minutes, utilizes the term *maximum house size*. Because the HDDR application was submitted on January 3, 2017, the project was reviewed under the current version of the LMC. Under the current LMC, when the term *maximum house size* is utilized, Staff refers to the LMC definition of the term, which refers to the definition of *gross residential floor area*.

24. LMC §15-15-1.109 defines gross residential floor area, which provides exemptions for 400 square feet of garage area, as well as basement and crawl space areas falling below final grade.
25. When determining if floor area can be considered basement area, Staff has historically deemed area on the lowest level exempt if the ceiling of that level is within one foot (1') of final grade.
26. During the de novo review completed as part of this appeal, Staff found that they erred in directing the project architect to exempt 230 sf of area on the main level of the structure that had a ceiling level within 1' of final grade. Floor area on the main level is not eligible for exemption from the gross residential floor area calculation.
27. During this de novo review, Staff also found that the amount of floor area (192 sf) on the lower level that was included in the gross residential floor area calculation was more conservative than Staff's determination. Staff finds that they would only consider approximately 68 sf of area on the lower level to be above final grade, which results in a revised gross residential floor area, or maximum house size, calculation of 2,567 sf. This calculation includes the area of the exterior walls, which is exempt from the floor area calculation.
28. Staff finds that no other direction regarding the calculation of maximum house size is provided on the Washington Mill Subdivision plat or within the minutes of the 1993 City Council approval.
29. Staff finds that the intent of the maximum house size and gross residential floor area definitions is to limit the size and mass of structures that falls above grade, thus, is viewable from adjacent properties.
30. Based on Summit County records, Staff finds that the proposed floor area for 280 Daly is comparable to those of existing, nearby Daly Avenue properties, especially when the larger than average lot size of 280 Daly is considered.
31. Staff finds that the Appellants had two (2) opportunities during the HDDR public hearing process and during the SS CUP process, which was approved by the Planning Commission on March 22, 2017, to object to the volume of the structure and its appropriateness within the larger neighborhood context.
32. The 1993 City Council minutes describing the approval of the Washington Mill Subdivision do indicate that, at the time, maximum house sizes in the HR-1 zoning district were calculated using floor area ratios, but that the applicant had agreed to a size more restrictive than what the zone would otherwise allow.
33. Staff finds that, even with the application of the current version of the LMC, a larger structure could have been approved under restrictions of the HR-1 zone if the plat note was not present. In line with LMC §15-1-3 Conflict, the most restrictive limitation was applied to the project, restricting the size of the structure beyond what could have otherwise been achieved.
34. The definition of *gross residential floor area* allows for the exemption of 400 square feet of garage area if a project is located within the Historic District.
35. The proposed garage area, measuring approximately 592 square feet including exterior wall area, is located on the lower level of structure and was exempted from the *gross residential floor area* calculation as it met the criteria of a basement area.

36. Staff finds that if the garage had been proposed to be located on the main level, it would not have been considered basement area, and up to 400 sf of its area would have been considered exempt from the *gross residential floor area* calculation.
37. Staff finds that the language included in the 1993 City Council minutes approving the Washington Mill Subdivision regarding garage size did not have the intent of limiting total allowable garage area to 400 square feet, rather, was citing the LMC that was in effect at the time, which provided a 400 square foot exemption for garage areas over the maximum allowable house size, which at the time was quantified using a floor area ratio.
38. Staff finds that it is irrelevant that the other structures in the Washington Mill Subdivision do not include garages, as there is nothing in the 1993 subdivision approval that prevented the development of garages on those properties, and nothing that prevents the development of a garage at 280 Daly Avenue.
39. At the time of initial appeal (April 4, 2017), the approved set of HDDR plans did not include a four-foot (4') wide sidewalk as was a Condition of Approval during the City Council approval of the Washington Mill Subdivision on October 21, 1993.
40. Following the appeal, Staff recognized the error in not requiring a 4' wide sidewalk as part of the proposal, and the Applicant has revised the site plan to reflect a 4' wide sidewalk that parallels the Daly Avenue right-of-way.
41. The revised site plan does include multiple retaining walls, not to exceed 4' in height measured from final grade, within the 6' wide easement area with the purpose of retaining grade to provide room for the sidewalk.
42. Staff finds that there is no regulation that prohibits the construction of retaining walls within the 6' wide sidewalk easement, especially because the walls are included specifically for the benefit of the sidewalk.
43. Staff also finds that the construction of the retaining walls will not cause excessive site disturbance or inhibit safe access for pedestrians along the 4' wide sidewalk. If a sidewalk is to be constructed, there needs to be a mechanism for retaining grade on the steep slope at the front of the lot.
44. Staff finds that the construction of the retaining walls will not prevent the perpetual use of the sidewalk by the general public, as the Appellant has claimed in the appeal materials.

Conclusions of Law:

1. Staff interpretation of the plat notes was correct.
2. Staff interpretation of the Land Management Code (LMC) was correct..

Conditions of Approval:

1. Approval is based on Historic District Design Review (HDDR) plans stamped approved on March 24, 2017. Building permit plans must substantially comply with the approved set of plans, as amended to include a 4' wide sidewalk parallel to the Daly Avenue right-of-way.
2. All of the conditions of approval of the HDDR approval letter dated March 24, 2017, shall continue to apply.

3. The expiration date of the HDDR approval shall be extended to one (1) year from the date of this order. A building permit shall be secured by the applicant by June 28, 2018.

Order:

1. The appeal is denied and Planning Staff's determinations are upheld.

Exhibits

- Exhibit A - Washington Mill Subdivision Plat
- Exhibit B – October 21, 1993 City Council Minutes approving the Subdivision
- Exhibit C – Action Letter, Staff Report, and Meeting Minutes for October 13, 1993
Planning Commission Final Plat Approval
- Exhibit D – Action Letter, Staff Report, and Meeting Minutes for July 28, 1993 Planning
Commission Sketch & Preliminary Plat Approval
- Exhibit E – HR-1 District section of the Park City LMC, 29th Ed., Revised April 1, 1993
- Exhibit F – March 22, 2017 Planning Commission Staff Report and Minutes for SS CUP
- Exhibit G – Approved HDDR Plans
- Exhibit H – Revised Site Plan dated May 22, 2017
- Exhibit I – HDDR Final Action Letter
- Exhibit J – HDDR Final Action Letter Email and Notice Letter
- Exhibit K – Appeal Letter of Staff's Determinations dated April 4, 2017
- Exhibit L – Supplemental Appeal Materials dated June 9, 2017
- Exhibit M – Public Comment regarding the Appeal

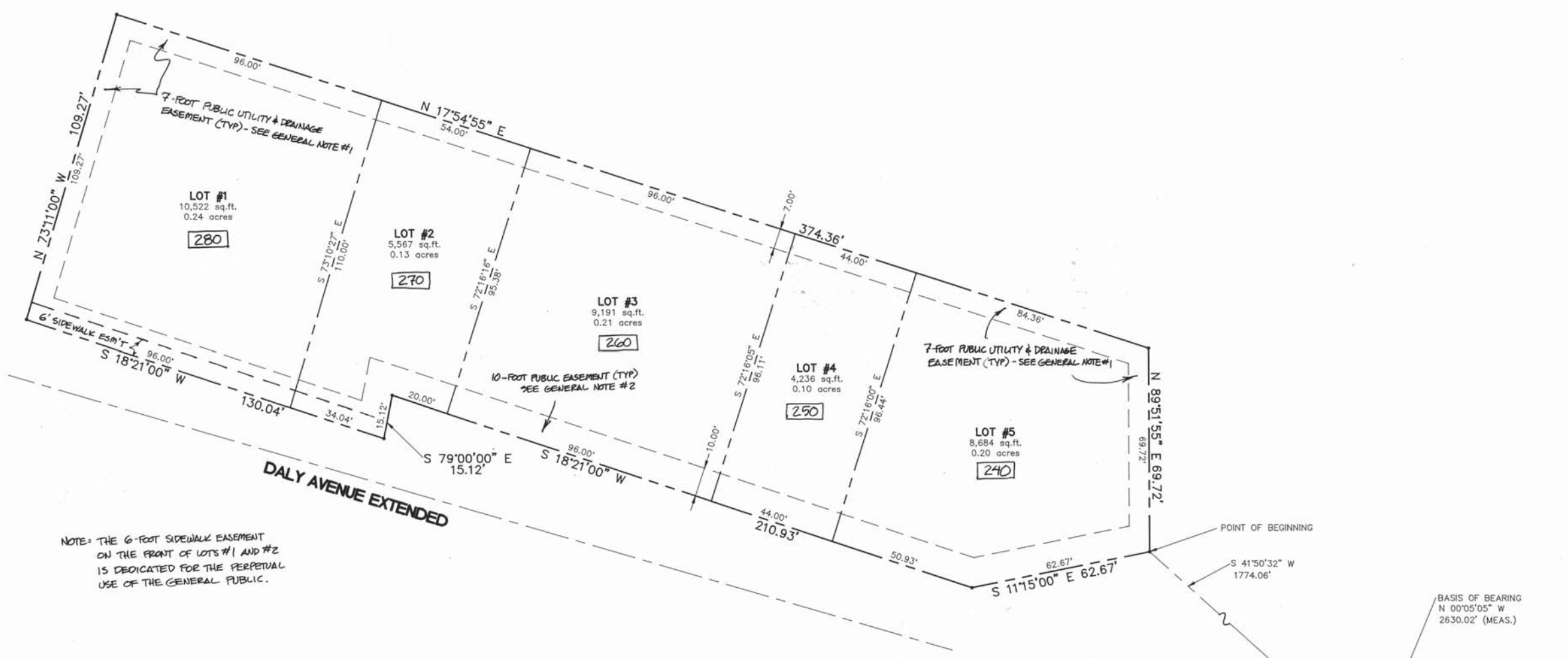
GENERAL NOTES

1. 7.0' WIDE BACK/SIDE LOT NONEXCLUSIVE UTILITY AND DRAINAGE EASEMENT ALONG THE BACK/SIDE OF LOTS AS SHOWN.
2. 10.0' WIDE NONEXCLUSIVE UTILITY AND DRAINAGE AND SNOW STORAGE EASEMENT ALONG ALL FRONT LOT LINES AS SHOWN.
3. #5 REBAR AND CAP SET AT PROPERTY CORNERS.
4. LOT 1; MAX. HOUSE SIZE = 2500 SQ.FT.
LOTS 2-5; MAX. HOUSE SIZE = 2200 SQ.FT.

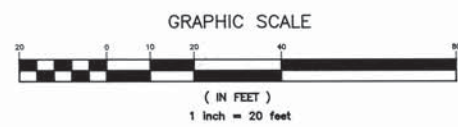
5. INDIVIDUAL SANITARY SERVICE LATERALS HAVE NOT BEEN INSTALLED TO EACH LOT. EACH INDIVIDUAL LOT OWNER IS RESPONSIBLE FOR THE INSTALLATION AT HIS OWN EXPENSE, OF A SANITARY SEWER SERVICE LATERAL FROM THE SANITARY SEWER MAIN LOCATED IN DALY AVENUE. ALL CONSTRUCTION TO BE IN ACCORDANCE WITH SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT DESIGN STANDARDS AND CONSTRUCTION SPECIFICATIONS. A STREET CUT FROM PARK CITY PUBLIC WORKS DEPARTMENT WILL ALSO BE REQUIRED.

LEGEND

- EASEMENT LINES
- STREET ADDRESS



NOTE: THE 6-FOOT SIDEWALK EASEMENT ON THE FRONT OF LOTS #1 AND #2 IS DEDICATED FOR THE PERPETUAL USE OF THE GENERAL PUBLIC.



SURVEYOR'S CERTIFICATE

I, Jack Harmon, do hereby certify that I am a Registered Civil Engineer, and or Land Surveyor, and that I hold certificate No. 8934, as prescribed under the laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots, private easements, and public right-of-ways to be hereafter known as Washington Mill Subdivision and that same has been correctly surveyed and staked on the ground as shown on this plat.

LEGAL DESCRIPTION

Beginning at a point which is South 41°50'32" West 1774.06 feet from the Northeast corner of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian; (said point also being the Southeast corner of Section 16 Township 2 South, Range 4 East, Salt Lake Base & Meridian) said point being on the North line of Washington Millsite Lot 80-B, and the Westerly line of Daly Avenue extended, as dedicated; and running:
thence along said Westerly line for the next 4 courses:
1) South 11°15'00" East 62.67 feet;
2) South 18°21'00" West 210.93 feet;
3) South 79°00'00" East 15.12 feet;
4) South 18°21'00" West 130.04 feet;
thence North 73°11'00" West 109.27 feet to a point on the Westerly line of said Washington Millsite;
thence along said Westerly line North 17°54'55" East 374.36 feet to the Northwest corner of said Washington Millsite;
thence along the North line of said Washington Millsite North 89°51'55" East 69.72 feet to the point of beginning.
Contains 38,200 square feet of .88 acres.

10-29-93

Jack Harmon
License No. 8934



OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENT: That the undersigned owner() of the above described tract of land, having caused same to be subdivided into lots, public right-of-ways, together with easements to be hereafter known as Washington Mill Subdivision do hereby dedicate for the perpetual use of the public use all parcels of land shown on this plat as intended for public use and further consent to the recordation of this Record of Survey Plat in accordance with Utah Law

ALSO, the owner hereby dedicates to Park City municipal Corporation, Snyderville Basin Sewer Improvement District, Park City Fire Protection District, and Summit County a non-exclusive easement over the easements shown on this plat for the purpose of providing access for utility installation, maintenance, use and eventual replacement, and sidewalk access, and snow storage.

In witness whereof, I have hereunto set my hand and seal this 18th day of November, A.D., 19 93

Royal Street Land Company

By Ruth D. Bezelin
Vice President

ACKNOWLEDGMENT

STATE OF UTAH } s.s.
County of Summit
On the 18 day of November, A.D., 1993, personally appeared before me, the undersigned Notary Public, in and for said County of Summit in said State of Utah, the signer() of the above Owner's dedication, in number, who duly acknowledged to me that HE signed it freely and voluntarily and for the uses and purposes therein mentioned.

MY COMMISSION EXPIRES: 7-5-96 Jean M. Herndon
NOTARY PUBLIC

RESIDING IN Salt Lake COUNTY

WASHINGTON MILL SUBDIVISION

A SUBDIVISION LOCATED IN SEC. 21,
TOWNSHIP 2 SOUTH, 4 EAST,
SALT LAKE BASE & MERIDIAN

Entry# 410682 RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, and FILED AT THE REQUEST OF
HIGH COUNTRY TITLE

DATE 7-26-94 TIME 16:05 BOOK 3508 PAGE 1
FEE \$ 10.00 Clean Spriggs
COUNTY RECORDER

THE SEAR-BROWN GROUP
FULL SERVICE DESIGN PROFESSIONALS
2749 E. Parley's Way, Suite 300 Salt Lake City, Utah 84109
(801)486-8787 Fax (801)486-8870

PLANNING COMMISSION
APPROVED BY THE PARK CITY
PLANNING COMMISSION THIS 23rd
DAY OF December, A.D., 19 93
BY Ruth D. Bezelin CHAIRMAN

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN
ACCORDANCE WITH INFORMATION ON
FILE IN MY OFFICE THIS 11th
DAY OF JULY, A.D., 19 94
BY Eric W. DeLaam PE
PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVE AS TO FORM THIS 21st
DAY OF JULY, A.D., 19 94
BY Mah D. Hagg
PARK CITY ATTORNEY

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL
THIS 21st DAY OF OCTOBER, A.D., 19 93
BY Ruth D. Bezelin
MAYOR, PRO TEM
ATTEST: Antita A. Sheldon
City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
OCTOBER 21, 1993

I ROLL CALL

Mayor Brad Olch called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, October 21, 1993. Members in attendance were Sally Elliott, Ruth Gezelius, Roger Harlan, Bob Richer, and Brad Olch. Leslie Miller was excused. Staff present were Toby Ross, City Manager; Susan Lykes, Senior Planner; Richard Carlile, Building Inspector; and Jodi Hoffman, City Attorney.

II PUBLIC INPUT

The Mayor invited the public to comment on any matter of City business not scheduled on the agenda. Hearing none, the public input session was closed.

III MINUTES OF MEETING OF OCTOBER 14, 1993

Sally Elliott corrected Page 4 and added language that she supported the Snowcreek Project as long as trails were a part of the first phase. Ruth Gezelius asked her comments on Page 6 be reworded. Ruth Gezelius, "I move approval of the minutes as amended". Sally Elliott seconded. Motion carried.

Sally Elliott	Aye
Ruth Gezelius	Aye
Roger Harlan	Aye
Leslie Miller	Absent
Bob Richer	Aye

IV CONSENT AGENDA

Ruth Gezelius, "I move approval of Consent Agenda Items 1 through 7." Bob Richer seconded. Motion carried.

Sally Elliott	Aye
Ruth Gezelius	Aye
Roger Harlan	Aye
Leslie Miller	Absent
Bob Richer	Aye

1. Approval of final plat for Ontario Subdivision -

I. PROJECT STATISTICS

Project Name: Washington Mill

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City Council Meeting
October 21, 1993

Applicant: Royal Street Land Company, represented by
Bob Wells
Location: Southwestern corner of the Ridge and Daly
Avenue intersection
Proposal: Final plat for a five-lot subdivision
Zoning: HR-1
Adjacent Land Uses: Residential
Date of Application: May 12, 1993
Project Planner: Susan Traylor Lykes
Staff Recommendation: APPROVE with conditions

II. BACKGROUND INFORMATION AND PROJECT DESCRIPTION

The Planning Commission approved the sketch plat for the Washington Mill Subdivision on July 28th.

The subdivision is located on the southwest corner of the intersection of Daly Avenue and Ridge Avenue. The .87-acre property is owned by the Royal Street Land Company. The lot sizes are 10,522, 5,567, 9,191, 4,236, and 8,684 square feet for lots 1 through 5, respectively.

The HR-1 zone, in which the subdivision is located, specifies maximum house sizes calculated by floor area ratio. However, the applicant has agreed to maximum house sizes more restrictive than the zone would otherwise allow. The maximum square footage proposed under the subdivision are as follows. As per the Land Management Code, each lot will have a garage allowance of 400 square feet per unit.

<u>LOT</u>	<u>MAX S.F.</u>
1	2500
2	2200
3	2200
4	2200
5	2200

Duplexes may be built on any of the lots, per the HR-1 zone regulations. The code-required setbacks are based upon the lot size will be as follows:

	<u>FRONT AND REAR</u>	<u>SIDE</u>
LOT 1	total of 30', min. of 10' each	10' each
LOT 2	total of 30', min. of 10' each	total of 10'
LOT 3	total of 25', min. of 10' each	10' each
LOT 4	10' each	total of 10'
LOT 5	total of 25', min. of 10' each	10' each

Page 3
City Council Meeting
October 21, 1993

The applicants propose constructing a four-foot sidewalk along the front of the property between the parking areas and the structures where appropriate. The Trails Master Plan calls for a two-foot, dirt single-track trails along the property. The staff believes that the sidewalk is appropriate given the parking configuration on the site.

All construction on these lots will be required to be reviewed by the Historic District Commission prior to issuance of building permits.

PUBLIC INPUT STATEMENT. The property has been posted, notice has been mailed to adjacent property owners within 300 feet, and notice has been published in the Park Record. As of October 7th, no additional input has been received by the staff.

III. STAFF RECOMMENDATION

Based upon compliance of the Washington Mill Subdivision with the subdivision ordinance, the staff recommends approval of the final plat with the following conditions of approval.

1. The maximum house sizes shall be 2500 square feet for lot 1 and 2200 square feet for each lots 2 through 5. A note to this effect shall be included on the plat.
2. A four-foot sidewalk shall be constructed along the front of the lots with the final configuration to approved by the staff. A six-foot trail/sidewalk easement shall be provided in conjunction with the sidewalk and shall be shown on the plat.
3. A security shall be posted for all public improvements, including the sidewalk, prior to plat recordation.
4. A parks fee of \$1035 per lot shall be paid prior to plat recordation.
5. All standard conditions of approval apply.
6. The approved parking plan shall be enforced by the manager of the affordable housing as long as the affordable housing restriction is in place.

PLANNING COMMISSION ACTION. The Planning Commission approved the final plat of the Washington Mill Subdivision on October 13th with the conditions as outlined above. The City Council will review the affordable housing project proposed to be located within this

Page 4
City Council Meeting
October 21, 1993

subdivision in the near future. However, this review concerns only the subdivision of the property.

2. Approval of final plat for Washington Mill Subdivision -

I. PROJECT STATISTICS

Project Name:	Ontario Avenue Subdivision
Applicant:	Royal Street Land Company
Location:	Corner of Marsac and Ontario Avenues
Proposal:	Final plat for a three-lot subdivision
Zoning:	R-1
Adjacent Land Uses:	Single family, vacant
Date of Application:	May 12, 1993
Project Planner:	Susan Traylor Lykes
Staff Recommendation:	APPROVE with conditions

II. BACKGROUND INFORMATION AND PROJECT DESCRIPTION

The Planning Commission approved the Ontario Avenue Subdivision sketch plat on July 28th. The only condition of approval attached was that a trails plan must be approved by the Planning Commission concurrently with final plat. Copies of the trails plan and final plat are attached.

The subdivision will create three lots of 4375, 6005, and 5225 square feet (lots 1 through 3, respectively). The historic blue house on lower Marsac is already located on what will be lot 3. The maximum house sizes will be 2200 square feet on lots 1 and 3, and 2600 square feet on lot 2 (where the transitional housing facility is planned to be located). Maximum house sizes will be indicated on the plat.

Design review of any new structures or additions to be built within the subdivision will be conducted by the staff under the Historic District Design Guidelines. A note will be included on the plat to this effect.

According to the Trails Master Plan, an eight-foot wide asphalt path is to be constructed along Marsac Avenue. The proposed trail is in compliance with the plan.

PUBLIC INPUT STATEMENT. The property has been posted, notice has been mailed to adjacent property owners within 300 feet, and notice has been published in the Park Record. As of October 7th, no public input has been received by the staff.



Department of Community Development
Engineering • Building Inspection • Planning

October 18, 1993

Royal Street Land Co.
Attn: Bob Wells
P O Box 889
Park City UT 84060

NOTICE OF PLANNING COMMISSION ACTION

Project Name: Washington Mill Subdivision

Project Description: Final Plat Approval for a Five Lot
Subdivision (Upper Daly Avenue)

Date of Meeting: October 13, 1993

Action Taken By Planning Commission: APPROVED

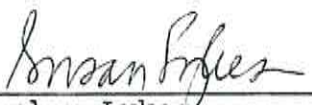
Conditions of Approval:

- ✓ 1. The maximum house sizes shall be 2500 square feet for lot 1 and 2200 square feet for each lots 2 through 5. A note to this effect shall be included on the plat.
2. A four-foot sidewalk shall be constructed along the front of the lots with the final configuration to be approved by the staff. A six-foot trail/sidewalk easement shall be provided in conjunction with the sidewalk and shall be shown on the plat.
3. A security shall be posted for all public improvements, including the sidewalk, prior to plat recordation.
4. A parks fee of \$1035 per lot shall be paid prior to plat recordation.
5. All standard conditions of approval apply.
6. The approved parking plan shall be enforced by the manager of the affordable housing as long as the affordable housing restriction is in place.



Planning Commission Action
October 18, 1993
Page Two

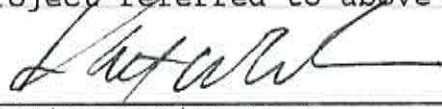
Date of Expiration: October 13, 1994


Susan Traylor Lykes
Planner II

Date 10/20/93

ACKNOWLEDGEMENT

I, the undersigned, hereby acknowledge the conditions by which the project referred to above was approved.


Applicant Signature

Date 10/25/93

NO CONSTRUCTION SHALL BE PERMITTED UNTIL A SIGNED COPY OF THIS LETTER, SIGNIFYING CONSENT TO THE CONDITIONS OUTLINED ABOVE, HAS BEEN RETURNED TO THE PLANNING DEPARTMENT.

PARK CITY PLANNING DEPARTMENT
STAFF REPORT

TO: PLANNING COMMISSION *SL*
FROM: PLANNING STAFF
DATE: 13 OCTOBER 1993
RE: WASHINGTON MILL SUBDIVISION
=====

I. PROJECT STATISTICS

Project Name: Washington Mill
Applicant: Royal Street Land Company, represented by Bob Wells
Location: Southwestern corner of the Ridge and Daly Avenue intersection
Proposal: Final plat for a five-lot subdivision
Zoning: HR-1
Adjacent Land Uses: Residential
Date of Application: May 12, 1993
Project Planner: Susan Traylor Lykes
Staff Recommendation: APPROVE with conditions

II. BACKGROUND INFORMATION AND PROJECT DESCRIPTION

The Planning Commission approved the sketch plat for the Washington Mill Subdivision on July 28th.

The subdivision is located on the southwest corner of the intersection of Daly Avenue and Ridge Avenue. The .87-acre property is owned by the Royal Street Land Company. The lot sizes are 10,522, 5,567, 9,191, 4,236, and 8,684 square feet for lots 1 through 5, respectively.

The HR-1 zone, in which the subdivision is located, specifies maximum house sizes calculated by floor area ratio. However, the applicant has agreed to maximum house sizes more restrictive than the zone would otherwise allow. The maximum square footage proposed under the subdivision are as follows. As per the Land Management Code, each lot will have a garage allowance of 400 square feet per unit.

<u>LOT</u>	<u>MAX S.F.</u>
1	2500
2	2200
3	2200
4	2200
5	2200

Duplexes may be built on any of the lots, per the HR-1 zone regulations. The code-required setbacks are based upon the lot size will be as follows:

	<u>FRONT AND REAR</u>	<u>SIDE</u>
LOT 1	total of 30', min. of 10' each	10' each
LOT 2	total of 30', min. of 10' each	total of 10'
LOT 3	total of 25', min. of 10' each	10' each
LOT 4	10' each	total of 10'
LOT 5	total of 25', min. of 10' each	10' each

The applicants propose constructing a four-foot sidewalk along the front of the property between the parking areas and the structures where appropriate. The Trails Master Plan calls for a two-foot, dirt single-track trails along the property. The staff believes that the sidewalk is appropriate given the parking configuration on the site.

All construction on these lots will be required to be reviewed by the Historic District Commission prior to issuance of building permits.

PUBLIC INPUT STATEMENT. The property has been posted, notice has been mailed to adjacent property owners within 300 feet, and notice has been published in the Park Record. As of October 7th, no additional input has been received by the staff.

III. STAFF RECOMMENDATION

Based upon compliance of the Washington Mill Subdivision with the subdivision ordinance, the staff recommends approval of the final plat with the following conditions of approval.

1. The maximum house sizes shall be 2500 square feet for lot 1 and 2200 square feet for each lots 2 through 5. A note to this effect shall be included on the plat.
2. A four-foot sidewalk shall be constructed along the front of the lots with the final configuration to approved by the staff. A six-foot trail/sidewalk easement shall be provided in conjunction with the sidewalk and shall be shown on the plat.
3. A security shall be posted for all public improvements, including the sidewalk, prior to plat recordation.
4. A parks fee of \$1035 per lot shall be paid prior to plat recordation.
5. All standard conditions of approval apply.
6. The approved parking plan shall be enforced by the manager of the affordable housing as long as the affordable housing restriction is in place.

Planning Commission Meeting
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Page 3

Commissioners during the work session. The memo explained her reasons for requesting the amendment, and she offered to answer any questions.

Commissioner Chris Erickson asked Ms. Elliott if this request was from the City Council as a body or from her as an individual Council member. She responded that the request was from her, but the City Council honored her request.

Planner Susan Lykes reported that the Historic District Commission had recommended that only the change regarding the term expiration date be approved and that the changes on the demolition ordinance be approved as contained in the staff report.

Chairman Bruce Erickson closed the public hearing.

2. Washington Mill Subdivision - Final Plat Approval for a Five Lot Subdivision (Upper Daly Avenue) Washington Mill, Inc.

Due to a conflict of interest, Chairman Bruce Erickson excused himself from the discussion and turned the meeting over to Vice-Chair Alison Child.

The Staff recommended approval of the five-lot Washington Mill Subdivision on Upper Daly with conditions as outlined in the staff report.

Vice-Chair Alison Child opened the public hearing.

There was no public input.

Vice-Chair Alison Child closed the public hearing.

3. Ontario Avenue Subdivision - Final Plat Approval for a Three Lot Subdivision (Lower Ontario Avenue) Washington Mill, Inc.

The Staff recommended approval of the final plat with the conditions outlined in the staff report.

Vice-Chair Alison Child opened the public hearing.

There was no public input.

Vice-Chair Alison Child closed the public hearing.

Chairman Bruce Erickson resumed the chair.

Planning Commission Meeting
Minutes of, October 13, 1993
Page 5

Conditions of Approval - Summit Watch at Park City

1. The timeshare contacting use shall not be allowed to commence until a certificate of occupancy has been issued for the proposed location.
2. No off-premise signage shall be allowed and any signage must be approved by the Planning Staff and must be consistent with the approved sign plan for 693 Main Street.
3. This approval shall be for one year. An extension for one year may be granted by the Planning Staff if no complaints have been filed, or issues raised, relating to the use. If complaints are filed, or the Planning Staff has issues with the use, the request for extension will be reviewed by the Planning Commission.

Conditions of Approval - Washington Mill Subdivision

1. The maximum house sizes shall be 2500 square feet for Lot 1 and 2200 square feet for each Lots 2 through 5. A note to this effect shall be included on the plat.
2. A four-foot sidewalk shall be constructed along the front of the lots with the final configuration to be approved by the staff. A six-foot trail/sidewalk easement shall be provided in conjunction with the sidewalk and shall be shown on the plat.
3. A security shall be posted for all public improvements, including the sidewalk, prior to plat recordation.
4. A parks fee of \$1035 per lot shall be paid prior to plat recordation.
5. All standard conditions of approval apply.
6. The approved parking plan shall be enforced by the manager of the affordable housing as long as the affordable housing restriction is in place.

Conditions of Approval - Ontario Avenue Subdivision

1. All standard conditions of approval apply.
2. A security for all public improvements including the path shall be posted prior to plat recordation.



August 2, 1993

Royal Street Land Company
Attention: Mr. Bob Wells
P O Box 889
Park City UT 84060

NOTICE OF PLANNING COMMISSION ACTION

Project Name: Washington Mill Subdivision

Project Description: Request of Sketch and Preliminary Plat Approval for a Five Lot Subdivision (Upper Daly Avenue)

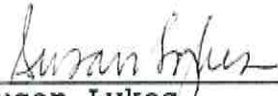
Date of Meeting: July 28, 1993

Action Taken By Planning Commission: APPROVED

Conditions of Approval:

1. A trails plan shall be approved concurrently with the final plat.
2. All parking must meet the requirements of the Land Management Code. The Planning Commission shall review a plan for parking prior to final plat approval. The parking plan shall address a maximum number of cars per unit and management of parking.
3. All standard conditions of approval apply.
4. Maximum house sizes shall be 2500 square feet for Lot 1 and 2200 square feet for Lots 2-5. A note to this effect shall be contained on the plat.

Date of Expiration: July 28, 1994



Susan Lykes,
Planner II

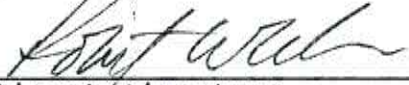
Date 4 August 1993



Planning Commission Action
Washington Mill Subdivision
Page Two

ACKNOWLEDGEMENT

I, the undersigned, hereby acknowledge the conditions by which the project referred to above was approved.


Applicant Signature

Date 8/6/93

NO CONSTRUCTION SHALL BE PERMITTED UNTIL A SIGNED COPY OF THIS LETTER, SIGNIFYING CONSENT TO THE CONDITIONS OUTLINED ABOVE, HAS BEEN RETURNED TO THE PLANNING DEPARTMENT.

PARK CITY PLANNING DEPARTMENT
STAFF REPORT

TO: PLANNING COMMISSION
FROM: PLANNING STAFF *JS*
DATE: 28 JULY 1993
RE: WASHINGTON MILL SUBDIVISION

I. PROJECT STATISTICS

Project Name: Washington Mill
Applicant: Royal Street Land Company, represented by Bob Wells
Location: Southwestern corner of the Ridge and Daly Avenue intersection
Proposal: Sketch plat for a five-lot subdivision
Zoning: HR-1
Adjacent Land Uses: Residential
Date of Application: May 12, 1993
Project Planner: Susan Traylor Lykes
Staff Recommendation: APPROVE WITH CONDITIONS

II. BACKGROUND INFORMATION

The Planning Commission reviewed the Washington Mill Subdivision at the last work session. At that time, the Commission discussed the compliance of the subdivision with Land Management Code §7.1.3(a) which encourages Old Town resubdivision of larger parcels into standard lots. While this subdivision does not comply with that direction, the applicant has agreed to square footage maximums which would keep the house sizes consistent with those found on the street. In addition, Daly Avenue is somewhat singular in Old Town for its unconventional lot sizes. This subdivision would be consistent with the lot patterns existing on the street.

The Commission also discussed parking which was shown on the sketch plat as part of the proposed affordable housing. The staff has included discussion of parking below.

The affordable housing which is proposed on the site is a permitted use and therefore does not require Planning Commission review. Design of the duplexes will be reviewed by the Historic District Commission.

III. PROJECT DESCRIPTION

The following information is from the July 14 staff report and has been included for the record.

The subdivision is located on the southwest corner of the intersection of Daly Avenue and Ridge Avenue. The .87-acre property is owned by the Royal Street Land Company. The applicant proposes five lots of 3900, 5150, 8350, 9700, and 10,900 square feet. A copy of the sketch plat is attached.

The HR-1 zone, in which the subdivision is located, specifies maximum house sizes calculated by floor area ratio. However, the applicant has agreed to maximum house sizes more restrictive than the zone would otherwise allow. They are 2500 square feet for lot 1 and 2200 square feet each for lots 2 through 5. As per the Land Management Code, each lot will have a garage allowance of 400 square feet per unit.

Duplexes may be built on any of the lots, per the HR-1 zone regulations. The code-required setbacks are based upon the lot size will be as follows:

	<u>FRONT AND REAR</u>	<u>SIDE</u>
LOT 1	total of 30', min. of 10' each	10' each
LOT 2	total of 30', min. of 10' each	total of 10'
LOT 3	total of 25', min. of 10' each	10' each
LOT 4	10' each	total of 10'
LOT 5	total of 25', min. of 10' each	10' each

PUBLIC INPUT STATEMENT. The property has been posted, notice has once again been mailed to adjacent property owners within 300 feet, and notice has been published in the Park Record. As of July 21, the staff has received no public input since the original staff report.

IV. ISSUES FOR DISCUSSION

TRAILS. The Trails Master Plan requires a two-foot, dirt single-track trail with a six-foot easement along the property. The staff has included a condition of approval that a trails plan shall be approved concurrently with the final plat.

PARKING. At the work session, the Commissioners indicated that they want to review a parking plan for the subdivision. The applicants had submitted an earlier plan in response to staff concerns. The plan contains 16 spaces, half of which are entirely located within the property lines. Five spaces have minor encroachments into the street right-of-way. Two spaces are half--and one is almost entirely--in the city right-of-way.

Per LMC §7.1.4(e), the City Engineer may approve encroachments of parking into the right-of-way when it does not adversely affect public use of the street at present or in the future. City Engineer Eric DeHaan has indicated that he would approve the seven spaces with parking encroachments up to half the stall length. Therefore, one stall would not be in conformance with LMC §7.1.4(e) and would need to be realigned prior to final plat approval.

The review of parking for a residential subdivision is not specifically within the purview of the Commission during subdivision review. An applicant may agree to the more intensive review by the Commission, however. Mr. Wells appears to have assented to Commission review of parking. The subdivision ordinance does specify that any subdivision must comply with all parameters of the Land Management Code and therefore, as outlined above, small encroachments of parking into the street right-of-way could be allowed by the City Engineer. The staff has included a condition of sketch plat approval that all parking for the subdivision shall meet the parameters of the LMC and that the Planning Commission shall review a plan for parking prior to final plat approval.

V. STAFF RECOMMENDATION

Based upon compliance with the subdivision ordinance, the staff recommends that the Planning Commission APPROVE the sketch plat for the Washington Mill Subdivision with the following conditions.

1. A trails plan shall be approved concurrently with the final plat.
2. All parking must meet the requirements of the Land Management Code. The Planning Commission shall review a plan for parking prior to final plat approval.
3. All standard conditions of approval apply.

Planning Commission Meeting
Minutes of July 28, 1993
Page 3

Chairman Bruce Erickson commented on the request for direction from the Planning Commission stating that, when the committee was formed, they were to formulate recommendations for Planning Commission consideration. The process on the accessory apartments was correct, and he felt they should continue in that direction. He also acknowledged Mr. Wells' expertise in affordable housing and asked if the committee would consider him as an ex-officio member.

Regarding the fee waivers for Deer Valley, Commissioner Joe Tesch disclosed that the total amount was about \$42,000.

Chairman Bruce Erickson reported that he had met with the City Finance Director, the Accounting Manager, the City Manager, the Community Development Director and the Acting Planning Director to discuss the Hidden Meadows fiscal impact analysis. The results would be discussed in a meeting when the applicant was available, but it was generally agreed that the impact fees could not be applied against general fund costs. They agreed on a model to determine all other costs of operation to a subdivision outside of the general fund. He was comfortable with the results, and the applicant would be requested to remodel the subdivision in a number of ways which the Planning Commission should see in a couple of weeks.

V. PUBLIC HEARING

Chairman Bruce Erickson declared that his firm was working on the first two public hearing items, so he abstained from discussion due to a conflict of interest. He turned the meeting over to Vice-Chair Alison Child.

1. Washington Mill Subdivision, Request for Sketch and Preliminary Plat Approval for a Five-Lot Subdivision (Upper Daly Avenue) - Washington Mill, Inc.

Vice-Chair Alison Child opened the public hearing on Washington Mill Subdivision.

Planner Susan Lykes reported that the proposal was for a five-lot subdivision just above the intersection of Ridge Avenue and Daly Avenue. The Planning Commission was reviewing only the subdivision, not the affordable housing component proposed for the site. Affordable housing is a permitted use, so the subdivision was the only use to be reviewed by the Planning Commission.

There was discussion at the last meeting about the lot sizes. The Commissioners asked Mr. Wells to place restrictions on the maximum house size in order to mitigate the concerns about the large size of the lots. The maximum house sizes allowed were 2,500 square

Planning Commission Meeting
Minutes of July 28, 1993
Page 4

feet for Lot 1 and 2,200 square feet for Lots 2 through 5. Planner Susan Lykes said the staff report outlined the setback required on each lot which is a function of the HR-1 zone. There was a trail requirement for a two-foot, dirt, single-track trail. The location would be specified prior to the final plat stage.

The Planning Commission was concerned about parking and the parking configuration. The current plan shows the revised parking configuration. One parking space on the plan would have to be relocated to meet the Land Management Code. Some parking spaces encroached in the City's right-of-way, but the Land Management Code allows the City Engineer to approve encroachments of parking into the right-of-way when it does not adversely affect present or future public use of the street.

De Fisher, a resident of Daly Avenue, showed pictures of her property buried in snow last winter and stated there was no place for snow storage. She was concerned about parking, snow storage, and excess traffic on a narrow road associated with eight affordable housing units. She agreed that affordable housing was important to the community but felt it would be better and less expensive for the City if it were located somewhere like Kamas. She saw the impacts on Daly Canyon as a huge problem and asked the Planning Commission to take more time to consider the issues. She was also concerned that, if women from the domestic abuse shelter moved into the affordable housing units with their children, the potential for danger from an angry spouse was a threat to the neighborhood.

Regina White asked about garage space. Planner Lykes responded that the Code allowed 400 square feet per unit for a garage above and beyond the maximum floor area allowed in that zone. These units would only have surface parking because garages are not a requirement of the zone. Ms. White clarified that only 16 spaces were being provided which was less than what was originally proposed. Planner Lykes explained that the original plan was a solid line of parking, and the Planning Commission asked that it be reconfigured. The result was less parking, more green space, and an appearance more typical of a regular subdivision. Ms. White asked why the fifth building did not appear on the site plan. Planner Lykes explained that the transitional housing facility was relocated to another site, leaving the fifth lot as a development lot that could be sold.

Rob McMahon, a resident of Daly Avenue, agreed that the potential danger to the neighborhood from an angry spouse was a good point. He felt the changes to the plan made it more acceptable, but he was still concerned about the parking and related snow removal. Mr.

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McMahon suggested incorporating underground parking into the project.

Mr. Bob Wells answered some questions relating to affordable housing. The proposed affordable housing program had stringent rules regarding income which precluded this type of housing from functioning as seasonal housing. This would be geared toward year-round, family-type housing. Four wage earners could not qualify to live in a two-bedroom apartment. The affordable housing would be tied directly to the transitional housing facility because the rents from the proposed eight units on Daly would hopefully pay for financing the transitional housing facility. The Daly Avenue affordable housing cannot be reserved as a second stage for people moving from the proposed shelter on Marsac. However, nothing would prohibit someone from the shelter from applying for or qualifying for the affordable housing, but it would not be automatic.

There were several ways the parking could be configured, and what governed the configuration was what the City wanted done with the enlarged right-of-way existing in front of the property. Once that was determined, the site could easily accommodate the required number of parking spaces and additional spaces beyond the Code requirement.

De Fisher asked what the affordable housing rent would be. Planner Lykes said they would rent for \$515 per unit, and the maximum income limitation was 60% of the area median income which changes annually. At the present rate, a family of four could have a maximum total income of \$28,980. The renter would pay the entire amount and not be subsidized in any way. Ms. Fisher did not consider \$515 affordable for a single mother trying to support her children. Planner Lykes pointed out that this was affordable housing, not low-income housing, and based on rents elsewhere in the area, \$515 was quite low.

Katy LePay, a Daly resident, asked who would manage the eight units. Mr. Wells explained that there was no intent at the present time to have an on-site manager. Ms. LePay asked how the residency would be enforced so the people actually renting the units would be the only ones living in them. Mr. Tim Kenny from the State of Utah Housing Finance Agency responded that his agency was charged with enforcing restrictions on the affordable housing projects financed with low income tax credits. By law they were required to obtain evidence from the management company that the individuals renting met the income requirements and the rents charged were affordable. Failure to comply with regulations would cause the loss of the financing for this project. The restrictions are in place for 31 years, reviewed annually, certified under penalties of perjury, and are audited by Mr. Kenny's agency as well as the IRS. They are not

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allowed to discriminate against occupants who apply for the project unless they exceed the maximum income level.

Ms. LePay asked what would happen if four single ski instructors rented one unit and had four cars. Vice-Chair Alison Child reminded Ms. LePay that the duplexes were permitted uses for whatever reason. If the affordable housing project was not an issue, there could still be duplexes with the same concerns but fewer restrictions. Ms. LePay requested that garages be required and asked where emergency vehicles would go when trying to get up the canyon with more cars parked on the road. Planner Susan Lykes addressed some of Ms. LePay's concerns. The condos at the bottom of Daly provided only one parking space per unit creating a problem there. The affordable housing project at Washington Mill followed the strict parking requirements placed on the North Horse project. If the project had been proposed as a subdivision without affordable housing, the zone allows greater density than the eight proposed units, so the impact could be much worse.

Ms. White thought that off-street parking was not allowed and that a variance must be obtained to allow it. Planner Lykes responded that it depended on the zone. Because of the density and the 10-foot setback in the HR-1 zone, parking was allowed in the front setback. Ms. White felt this caused a problem on Daly Avenue because of the snow removal and asked for off-street parking or garages.

2. Ontario Avenue Subdivision, Request for Sketch and Preliminary Plat Approval for a Three-Lot Subdivision and for a Conditional Use Permit to Allow a Transitional Housing Shelter (Lower Ontario Avenue) - Washington Mill, Inc.

Vice-Chair Alison Child opened the public hearing on the Ontario Subdivision and the transitional housing facility.

Planner Susan Lykes reviewed the three-lot subdivision on the corner of Ontario and Marsac Avenues. There is a duplex currently located on one of the parcels to which an addition would be allowed under the square footage maximum set by the Planning Commission. This subdivision is located just outside the HR-1 zone, so those regulations would not apply.

The Planning Commission had asked the applicant to restrict the maximum house size to 2,200 square feet on Lots 1 and 3 and 2,600 square feet on Lot 2. Design review would follow the Historic District Design Guidelines but would be reviewed by the Staff instead of the Historic District Commission.

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Commissioner Dean Berrett felt it was best to discuss the signage all at once. He was concerned that, if they approved the wall mounted sign without knowing what they would do about the free standing sign, the applicant would probably make changes and have to come back anyway. He suggested continuing the entire matter.

Representing the applicants, Dennis Harper and Cindy Hanks said it was important to get signage as quickly as possible. They felt the proposed sign was adequate, but they were willing to modify the existing sign because it was a higher sign. The wall sign would not change if it were approved before the monument sign, but they needed some type of signage now.

Commissioner Alison Child asked if the applicant's signage needs could be accommodated without a monument sign by putting one sign on the front and one on the side of the building. Mr. Harper said they would elect to put the two on the building but still have the monument setback. They also wanted some ground lighting to illuminate the sign.

Mr. Scott Lowry commented that Commissioner Alison Child raised a good point. If the Bank One sign was not brought into conformity, the next applicant who applied for an exception could use Bank One as an example. He felt that situations should be corrected when there was a change of use. Chairman Bruce Erickson responded that the use had not changed; this was merely a change in name for the same use.

VOTE: The motion passed unanimously.

Condition of Approval - Bank One

1. The staff shall approve final colors consistent with the color requirements of the Park City Sign Code.
2. Washington Mill Subdivision, Request for Sketch and Preliminary Plat Approval for a Five-Lot Subdivision (Upper Daly Avenue) -Washington Mill, Inc.

Chairman Bruce Erickson turned the meeting over to Vice-Chair Alison Child.

Commissioner Dean Berrett asked how many units would be credited toward the Deer Valley affordable housing requirement. Planner Susan Lykes responded that it would come back to the Commissioners at the final plat stage for their recommendation. The basic question was if they wanted to apply the eight units to the SEP requirement.

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Commissioner Dean Berrett asked if it was possible to include in the parking plan a permitted number of cars, such as one car per bedroom. Mr. Tim Kenny said that, as long as it didn't cause discrimination against certain individuals, there would be no violation under the State's program. Commissioner Dean Berrett asked the staff to revise Condition #2 so the parking plan would address restricting the number of cars in the lease agreement.

Commissioner Joe Tesch reported that the information he requested from Mr. Bob Wells at the last meeting was submitted in the form of a letter to Planner Susan Lykes July 22, 1993. Commissioner Tesch felt it was information that should be included in the record because it demonstrated the difficulty and intricacy of this development. It also outlined the participation of the State and local government in detail and the required restrictions.

Commissioner Chuck Klingenstein expressed appreciation for public input received from the residents concerning the Washington Mill project. The City, the Staff, and the Planning Commission had worked together to resolve issues of snow removal and parking problems because these problems were being experienced everywhere in Park City. He felt that due to the applicant's and the Staff's hard work, a good subdivision had been proposed with smaller size units mitigating the density and related problems as far as possible.

Commissioner Chris Erickson said he had always been a proponent of smaller lots for smaller houses. He felt this project was a win-win situation because, even though the lots were larger, self-imposed restrictions created smaller house sizes and less density. The problems the residents talked about would still occur, but they would occur to a lesser extent with this type of master planning than if these were cut into typical Old Town lots.

MOTION: Commissioner Chuck Klingenstein moved to APPROVE the Washington Mill Subdivision as outlined in the staff report with the three conditions plus a fourth condition that the Planning Commission asked to be added regarding self-imposed house sizes. Commissioner Chris Erickson seconded the motion.

Planner Susan Lykes asked if the motion included Commissioner Dean Berrett's request for a maximum number of cars allowed per unit. Vice-Chair Alison Child asked how that would be regulated.

Commissioner Dean Berrett asked Commissioner Chuck Klingenstein to amend his motion to include the following condition of approval: "A parking plan be approved to address a maximum number of cars and a program addressed to monitor those." He didn't have an answer for how it could be regulated, and that was why he suggested using

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the parking plan to make it incumbent upon the applicant to find a way to reasonably enable the number of cars to be monitored.

Commissioners Chuck Klingenstein and Chris Erickson accepted the amendment to the motion.

VOTE: The motion passed unanimously. Chairman Bruce Erickson abstained from the vote.

Conditions of Approval - Washington Mill Subdivision

1. A trails plan shall be approved concurrently with the final plat.
2. All parking must meet the requirements of the Land Management Code. The Planning Commission shall review a plan for parking prior to final plat approval. A parking plan shall be approved to address a maximum number of cars and a program designed to monitor those.
3. All standard conditions of approval apply.
4. The maximum house sizes allowed shall be 2,500 square feet for Lot 1 and 2,200 square feet for Lots 2 through 5. A note to this effect shall be included on the plat.
3. Ontario Avenue Subdivision Request for Sketch and Preliminary Plat Approval for a Three-Lot Subdivision (Lower Ontario Avenue) - Washington Mill, Inc.

MOTION: Commissioner Fred Jones moved to APPROVE the sketch and preliminary plat of Ontario Subdivision with the two conditions discussed by the Staff and Planning Commission. Commissioner Chuck Klingenstein seconded the motion.

Vice-Chair Alison Child clarified that Condition #2 would read: Maximum house sizes shall be 2,200 square feet on Lots 1 and 3 and 2,600 square feet on Lot 2. A note to this effect shall be included on the plat.

VOTE: The motion passed unanimously. Commissioners Joe Tesch and Bruce Erickson abstained from the vote.

Conditions of Approval - Ontario Avenue Subdivision

1. A trails plan shall be approved concurrently with the final plat.

CHAPTER 7. DISTRICTS AND REGULATIONS

7.1. HISTORIC RESIDENTIAL (HR-1) DISTRICT

7.1.1. PURPOSE. The purpose of the Historic Residential HR-1 District is to allow the preservation of the present land uses and the character of the historic residential areas of Park City, and to encourage the preservation of historic structures and the construction of new structures that preserve and contribute to the character of the district, and to encourage densities of development that will preserve the desirable residential environment, and also densities which are consistent with the inherent constraints on development within the narrow canyon areas and on areas that may have steep or substandard street systems.

7.1.2. PERMITTED USES. In the HR-1 district, no building or structure shall be erected which is arranged, designed, or intended to be used, or which is used for any purpose other than those purposes designated on the Use Table as being permitted uses (designated by the letter "A") or conditional uses (designated by the letter "C"). All other land uses are prohibited.

7.1.3. LOT SIZE AND COVERAGE REGULATIONS.

(a) Lot Size. The minimum lot area shall be 1,875 square feet for a single family residence; 3,750 square feet for a duplex, and 5,625 square feet for a triplex. The minimum width of a lot shall be 25 feet, measured 15 feet back from the front lot line. The Historic District Commission advises that all resubdivisions of lots within the HR-1 zone comply with a standard lot size of approximately 25 x 75 feet. Because combinations of lots are permitted for larger structures, development potential of resubdivided parcels is not affected. However, smaller lots do allow the potential for the development of smaller single family structures, while resubdivisions into larger lots promotes the construction of larger houses, duplexes, and triplexes.

(b) Floor Area Ratio. The floor area of all new structures constructed within the HR-1 District shall be limited by the Floor Area Ratio (FAR) which shall be the Floor Area as defined in Chapter 2, divided by the total area of the lot or parcel. For lots up to 1875 square feet, the maximum FAR shall be .9. For parcels of 1876 square feet or larger, the floor area ratio is equivalent to the maximum floor area for the first 1875 square feet (1687 square feet), plus 30% of additional lot square footage. The maximum square footage is calculated by the following formula:

$$\text{MAXIMUM FLOOR AREA} = 1687 + (.30 \times (\text{Parcel Size} - 1875))$$

In calculating the FAR for a single family structure, 400

square feet may be added to the total floor area for a two car garage after calculating the FAR. For duplexes, triplexes and multi-unit structures, the garage addition shall be 400 square feet for each residential unit.

In an effort to further maintain Park City's Historic District, this Floor Area Ratio requirement shall not apply to renovations, additions, or expansions to historic structures (structures at least 50 years old, as approved by the Historic District Commission).

- (c) Side Yard. The minimum side yard for a single family structure shall be three feet. The minimum side yard for any structure of two units or more shall be five feet.

For structures on lots from 25 to 50 feet in total width, the sum of the side yard setbacks must total ten feet. For structures on parcels from 51 to 75 feet in total width, the total side setbacks must be 15 feet with a minimum of five feet on one side. For structures on parcels of greater than 76 feet total width, the side setbacks must be ten feet each.

1. A side yard shall not be required between structures designed with a common wall on a lot line. The longest dimension of buildings thus joined shall not exceed 50 feet.
 2. For side yards of less than five feet, the special side yard exceptions as provided in Section 8.14 shall not apply, except for projections of less than four inches as specified in Section 8.14(a) and for allowance for a driveway as specified in Section 8.14(h).
 3. On corner lots, any yard which faces on a street for both main and accessory buildings shall not be less than 10 feet.
- (d) Rear Yard. The minimum depth of the rear yard for all main buildings shall be based upon the size of the parcel. On parcels 100 feet deep or less and 75 feet wide or less, the rear setback must be ten feet. On parcels between 75 feet and 100 feet deep and of greater than 75 feet width, the front and rear setbacks must total 25 feet with a minimum of ten feet. On parcels deeper than 100 feet, the front and rear setbacks must total 30 feet, with a minimum of ten feet.

Accessory buildings shall have a minimum rear setback of one foot from the rear property line. On corner lots which rear upon the side yard of an adjacent lot, accessory buildings shall be located no closer than five feet to the rear property line.

- (e) Front Yard. The minimum depth of the front yard for all main buildings and accessory buildings, including garages, shall be based on the size of the parcel. On parcels 100 feet deep or less and 75 feet wide or less, the front setback must be ten feet. On parcels between 75 feet and 100 feet deep and of greater than 75 feet width, the front and rear setback must total 25 feet with a minimum of ten feet. On parcels deeper than 100 feet, the front and rear setbacks must total 30 feet, with a minimum of ten feet. Open parking spaces may be permitted in the front yard area, but not within the minimum side yard area. "Open parking spaces" does not include carports.

7.1.4. SPECIAL PARKING REGULATIONS.

- (a) Tandem parking is permitted for single family and duplex dwellings in the Historic District.
- (b) To encourage the location of parking in the rear, common driveways may be permitted along shared side yard property lines where those drives provide access to parking in the rear of the main building. Restrictions on the deeds to both properties must provide for the preservation of such a shared drive.
- (c) Common parking facilities may be permitted, upon approval of the Planning Department, where such a grouping may facilitate the development of individual buildings that more closely conform to the scale of historic structures in the district as defined in the design guidelines. Parking structures may be permitted, provided that the structure maintains all yard setbacks above grade, but may occupy below grade side yard areas between participating developments.
- (d) In order to minimize the amount of hard-surfaced paving in front yards, the following limits on the widths of paved areas for driveways and exposed parking that are visible from the street shall apply:
 - 1. For a single family dwelling on a 25 foot wide lot, the total area of hard surface for drive and parking shall not exceed 12 feet in width. The balance of any parking area or drive area shall be made of porous paving material. Drives shared with adjoining properties shall not exceed 35 feet in total width, regardless of placement on the lots involved.
 - 2. For all other buildings, the total drive area shall not exceed 27 feet in width for hard surfaced drive and parking area, with additional parking and drive area provided with porous paving material. This hard surfaced width may be divided into separate drives, or in a single

drive.

3. Garage door openings on single family structures on 25 foot lots shall not exceed 10 feet in width. On single lots that are more than 25 feet, but less than 37.5 feet in frontage width, the garage door openings shall not exceed 16 feet in width. Duplex structures on 50 foot or wider lots may have one garage door opening (or combination of openings) totaling 18 feet in width for each unit of the duplex, or a total of 36 feet in width for the structure. Triplex structures, which are required to have a common underground parking area, shall have only one garage door opening, which shall not exceed 18 feet. Where garage door openings appear on a facade that does not face a street, so the garage is accessed from a common drive between adjoining properties, the Community Development Department may waive the maximum door width if necessary to make the common drive arrangement function.

- (e) It is the City's policy to consider allowing a portion of the length of a code required parking stall to be placed within the City right of way, subject to the City Engineer's approval. The City Engineer shall consider the likelihood of future roadway changes, utilities, and any other health/safety considerations which may render parking in the right of way unacceptable.

7.1.5. BUILDING HEIGHT.

- (a) Structures shall be erected to a height no greater than 28 feet, as defined in Section 8.17. No volume or area above this 28 foot height may be used for facade variation open space.
- (b) Downhill facades may not exceed 28 feet from natural or final grade (whichever is more restrictive) to the peak of the roof. The design of the structure must incorporate a significant facade shift after the 28 foot limit to break up the mass of the structure as viewed from public rights-of-way or properties below. The length of the facade shift should be in proportion to the building mass and may be roughly equal to the difference between natural and final grade at the base of the downhill facade. However, in order to avoid dictating design, no absolute standard for the size of the shift is specified. Rather, the Historic District Commission shall review the facade shift during normal design review and may approve lesser or require greater shifts based upon neighborhood compatibility, visibility from public rights-of-way, and other design considerations.

7.1.6. SPECIAL REQUIREMENTS FOR CONDITIONAL USES. The

following impacts shall be considered in reviewing conditional uses:

- (a) Scale of the building in relation to historic structures in the district.
- (b) The need for increased yard areas and the resulting impact on the established set backs in the block.
- (c) The impact of noise or nearby residences.
- (d) The impact of traffic and on-street parking in the block.

7.1.7. CRITERIA FOR BED AND BREAKFAST INNS. Bed and Breakfast Inns may be approved as conditional uses by the Planning Commission. In making a determination whether a Bed and Breakfast Inn use is appropriate, the Planning Commission shall consider the following criteria:

- (a) Bed and Breakfast Inns are to be considered for structures of historical significance, whether or not they are officially listed on the National Register of Historic Places. As a part of the renovation of a structure as a Bed and Breakfast Inn, every attempt will be made by the applicant to restore the structure to its original condition so that it may become eligible for listing on the National Register.
- (b) Bed and Breakfast Inns are only appropriate for the larger residential structures in the Historic District. The houses should have a minimum of two rentable rooms. The maximum number of rooms will be determined by the applicant's ability to demonstrate that impacts such as parking and neighborhood compatibility can be adequately mitigated.
- (c) The length of stay for patrons of Bed and Breakfast Inns will be limited to less than 30 days (nightly rental).
- (d) It is preferable that Bed and Breakfast Inns have an owner/manager living on the site, but may, as a minimum requirement, have 24 hour on site management and check in. The check in facility may be off site if it is within close proximity of the Bed and Breakfast Inn.
- (e) Common kitchen facilities are allowed for the benefit of overnight guests only and are not intended to serve outside visitors. Individual kitchens within rooms shall not be permitted.
- (f) Signage shall be limited to one sign which shall not exceed six square feet in size. A permit must be obtained for the sign and it must comply with the provisions of the Park City Sign Ordinance.

- (g) Parking shall be provided on site at a rate of one space per rentable room. If no on site parking is possible, parking in close proximity to the Inn shall be provided. The Planning Commission may waive the parking requirement if it is found that no on-site parking is possible and all alternatives for other parking have been explored and exhausted. The Planning Commission must find that the structure which is to be a Bed and Breakfast Inn is not economically feasible to restore or maintain without the granting of the adaptive use. The burden of proof in requesting a parking exception shall be on the applicant. In no case may parking spaces on the downhill side of public streets and those partially or totally within the City right-of-way be counted toward parking requirement.

7.1.8. ARCHITECTURAL REVIEW. Prior to the issuance of building permits for any conditional or permitted use within this zone, the Community Development Department shall review the proposed plans for compliance with the architectural design guidelines prepared by the Historic District Commission and adopted by resolution of the City Council as a supplement to this Ordinance. Appeals of departmental actions on architectural compliance are heard by the Historic District Commission, and then may be appealed to the Council as set forth in Chapter 1 of this Code. Property within this zone may be subject to subdivision regulations and covenants that regulate design, materials, yard and height more strictly than this Code. This Code does not supersede more restrictive provisions in private covenants. In addition, no structure within the zone may be painted or repainted without review and approval of the exterior color scheme by the Community Development Department.

Planning Commission Staff Report



Subject: 280 Daly Avenue
Project #: PL-17-03423
Author: Ashley Scarff, Planning Technician
Date: March 22, 2017
Type of Item: Administrative – Steep Slope Conditional Use Permit

Summary Recommendations

Staff recommends that the Planning Commission reviews the application for a Steep Slope Conditional Use Permit at 280 Daly Avenue, conducts a public hearing, and considers approving the Steep Slope CUP. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Description

Owner/Applicant: Jed & Susan Bradshaw, represented by Jonathan DeGray, Architect
Location: 280 Daly Avenue
Zoning: Historic Residential (HR-1) District
Adjacent Land Uses: Residential
Reason for Review: In the HR-1 District, a Steep Slope Conditional Use Permit is required for construction of any Structure with a Building Footprint in excess of two hundred square feet (200 sf) if said Building Footprint is located on or projecting over an existing Slope of thirty percent (30%) or greater.

Proposal

This application is a request for a Steep Slope CUP for the construction of a single-family home with a Building Footprint in excess of 200 sf, to be built upon an existing Slope of 30% or greater. The proposed structure will have a footprint of 1,672 sf, a *total floor area* of approximately 4,220.6 sf, and *gross residential floor area* of 2,461 sf, based on definitions found in the Land Management Code (LMC) Section 15-15-1.168 and 1.109(A) (calculation detailed below).

The uphill lot is currently vacant, measures 10,522 sf in area, and has an approximate overall slope of 55.5 – 60 percent (55.5-60%). The house is proposed to be located at the front of the large lot, which is the least steep area. The northeast corner and east side of the structure's footprint (front of home) will be located in an area with a slope of approximately 13 percent (13%). The west and southwest corner of the footprint (rear of home) is proposed for an area with grades ranging from 80 – 100 percent (80-100%). The back half of the lot continues to slope steeply upward, but will remain undeveloped (refer to Exhibits D and E).

Background

On January 3, 2017, the City received an application for a Steep Slope CUP at 280 Daly Avenue; the application was deemed complete on January 19, 2017. This application supports a request to construct a new single-family house on the lot. 280 Daly Avenue is located in the Historic Residential (HR-1) District, thus, the proposed structure must meet applicable LMC requirements and also be in compliance with the Historic District Design Guidelines. A Historic District Design Review (HDDR) application was also submitted on January 3, 2017, and deemed complete on January 10, 2017. The HDDR application is being processed concurrently with this Steep Slope CUP.

Purpose

The purpose of the Historic Residential (HR-1) District is to:

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

Analysis

280 Daly Avenue is platted as Lot 1 of the Washington Mill Subdivision, which was approved by the Park City Council on October 21, 1993 (Exhibit C). The plat contains a note that limits the "Max. House Size" of Lot 1 to 2,500 sf (refer to Exhibit B). The LMC defines *Maximum House Size* as "a measurement of Gross Floor Area." The LMC definition of *Floor Area, Gross Residential* was applied for this project review, defined as "The Area of a Building, including all enclosed Areas. Unenclosed porches, Balconies, patios and decks, vent shafts and courts are not calculated in Gross Residential Floor Area. Garages, up to a maximum Area of 600 square feet [400 sf in the Historic District], are not considered Floor Area. Basement and Crawl Space Areas below Final Grade are not considered Floor Area. Floor Area is measured from the finished surface of the interior of the exterior boundary walls." Because this definition discounts basement and crawl space areas located below final grade, the final design has a *total floor area* of 4,220.6 sf including the garage and exterior walls, but a *gross residential floor area*, or *maximum house size*, of 2,461 sf including the garage and exterior walls, which satisfies the requirement of the plat note. The stair area on the upper floor was discounted so not counted multiple times.

Floor Level	Total Floor Area	Area Below Final Grade	Gross Residential Floor Area
Lower	1,672 sf	1,480 sf	192 sf
Main	1,524 sf	230 sf	1,294 sf
Upper	1,024.6 sf	0 sf	975 sf (discounts stairs)
TOTAL	4,220.6 sf	1,710 sf	2,461 sf

The proposed single-family home will have a building footprint of 1,672 sf, which is less than the 2,912.7 sf allowed by the LMC, but the platted restriction of the maximum house size does not allow for a footprint of that size. As currently proposed, the new development complies with all setback, height, grading, and parking requirements, as outlined in the following table. Staff reviewed the most current set of plans and made the following LMC-related findings:

Requirement	LMC or Plat Requirement	Proposed
Lot Size	Minimum of 1,875 square feet for single-family structure	10,522 square feet, <u>complies.</u>
Max. House Size	Plat note limits Maximum House Size of Lot 1 to 2,500 square feet	2,461 square feet, <u>complies.</u>
Building Footprint	2912.7 square feet maximum based on LMC; however, plat note limits Maximum House Size to 2,500 sf	1,672 square feet, <u>complies.</u>
Front/Rear Yards	15 feet minimum, 30 feet total	Front: 15 feet, <u>complies.</u> Rear: Approx. 66.5 feet, <u>complies.</u>
Side Yard	10 feet minimum, 24 feet total	10 feet on north side, approx. 19 feet on south side, <u>complies.</u> Total of approx. 29 feet, <u>complies.</u>
Height	27 feet from existing grade, maximum.	Approximately 24 feet above existing grade at tallest point, <u>complies.</u>
Height (continued)	A Structure shall have a maximum height of 35 feet measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.	Approximately 28.6 feet at highest interior height, <u>complies.</u>
Final grade	Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.	Maximum difference is 4 feet on the north, south, and west elevations; exception for garage access, <u>complies.</u>
Vertical articulation	A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish Grade on all sides of the Structure. The horizontal step shall take place at a maximum height of twenty three feet (23') from where Building Footprint meets the lowest point of existing Grade. Architectural features, that provide articulation to the upper story façade setback may	Current plans show a ten foot (10') minimum horizontal step in the downhill façade, which takes place at a maximum height of twenty three feet from where the footprint meets the lowest point of existing grade, <u>complies.</u>

	encroach into the minimum 10 ft. setback but shall be limited to no more than 25% of the width of the building encroaching no more than 4 ft. into the setback.	
Roof Pitch	Between 7:12 and 12:12.	The main roof form has a 7:12 pitch, <u>complies.</u>
Parking	Two (2) off-street parking spaces required.	Two (2) interior spaces provided within a double-car garage, <u>complies.</u>

280 Daly Avenue is not located within the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance); however, due to its proximity to areas with historic mining activities and mine waste impacts, soils with metals impacts may be encountered. If the property owner does encounter mine waste or mine waste impacted soils, he/she must handle the material in accordance to State and Federal law. Staff has included this as a Condition of Approval.

LMC §15-2.2-6 requires a Steep Slope CUP for any new construction with a Building Footprint that exceeds 200 sf, if located upon an existing slope of 30% or greater. As previously noted, the new single-family home will have a footprint of 1,672 sf. The uphill lot is currently vacant, measures 10,522 sf in area, and has an approximate overall slope of 55.5 – 60 percent (55.5-60%). The house is proposed to be located at the front of the large lot, which is the least steep. The northeast corner and east side of the structure's footprint (front of home) will be located in an area with a slope of approximately 13 percent (13%). The west and southwest corner of the footprint (rear of home) is proposed for an area with grades ranging from 80 – 100 percent (80-100%). The back half of the lot continues to slope steeply upward, but will remain undeveloped (refer to Exhibits C and D).

Steep Slope CUP applications are subject to the following criteria:

Criteria 1: Location of Development.

Development is located and designed to reduce visual and environmental impacts of the Structure. **No unmitigated impacts.**

From street level, the lot rises 6-8 feet, and then has a relatively flat area of approximately 30 feet by 70 feet (30' x 70') before continuing to slope steeply upwards for the remainder of the lot. The flat area seems like it may have been a previous home site, and the single-family dwelling has been designed to be primarily centered on that area to avoid impacting the steeper portions of the lot. The proposed structure is wider than it is long, thus, the rooflines follow the natural topography of the site, minimizing the required amount of excavation into the hillside at the back of the lot. The proposed placement and orientation match the other homes along this portion of Daly Avenue. The proposed house will have a footprint of 1,672 sf, which is less than what is typically allowed by the LMC, but the Washington Mill Subdivision plat contains a note that restricts Maximum House Size. The front, rear, and side yard setback areas meet all minimum requirements, with the southern side yard setback area exceeding minimum

requirements by approximately five feet (5'). The back half of the lot will not be impacted by construction at all.

Criteria 2: Visual Analysis.

The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points to determine potential impacts of the proposed Access, Building mass and design, and to identify the potential for Screening, Slope stabilization, erosion mitigation, vegetation protection, and other design opportunities.

No unmitigated impacts.

The applicant has provided both uphill and downhill street views of the site, with and without renderings of the single-family structure in its proposed location. The visuals show that the applicant has made effort to mitigate potential impacts of the proposed access and building mass and design as much as possible. The structure will be accessed from Daly Avenue, and because the structure is located at the front of the lot, there will be minimal impact from construction of the driveway and garage. Due to the large lot size, the structure is wider than other single-family dwellings on the street, but the design breaks up the mass horizontally with steps in the building wall. In addition, the design avoids the back half of the lot, which is extremely steep and contains significant amounts of vegetation.

Criteria 3: Access.

Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. Common driveways and Parking Areas, and side Access to garages are strongly encouraged **No unmitigated impacts.**

The proposed design incorporates a driveway on the uphill end of the lot (south) that is twelve feet (12') in width where it meets the right-of-way, and becomes wider as it moves back toward the two-car garage doors, which are approximately 19.5 feet (19.5') in from the front property line. The two garage doors are recessed under a deck area. Because the lot has some steepness where the driveway is located, a retaining structure is proposed at the southeast corner of the lot to retain and flatten grade for the driveway area. The project architect has stated that the driveway is proposed in a location that minimizes the amount of cutting into the bank off the street. Even though the lot is large enough to accommodate a side access garage, it would likely cause more excavation than what is currently proposed, as the driveway would either need to extend further up the steep slope areas, or more of the building footprint would need to be located in the steeper areas. A side access garage is not being proposed.

Criteria 4: Terracing.

The project may include terraced retaining Structures if necessary to regain Natural Grade. **No unmitigated impacts.**

The plans initially submitted for this project have been altered as Staff has worked with the applicant to achieve a design that meets the LMC and Historic District Design Guidelines. Current plans show three (3) smaller retaining structures at the front of the home that have the purpose of retaining grade for the driveway and front entry access points. Terraced walls have also been introduced at the rear and south sides of the

home to capture two (2) separate patio areas. None of these walls will exceed four feet (4') in height.

Criteria 5: Building Location.

Buildings, access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and provide variation of the Front Yard. **No unmitigated impacts.**

As described above, the building and its access points have been designed to fall within as much of the flat portion of the parcel as possible, avoiding the steepest slopes. The result is a structure pushed to the front of the large lot, with the back half of the lot remaining largely untouched. The structure is wider than it is long, leading to rooflines that follow the natural topography of the site. The wide front façade has been broken up with horizontal articulation so the appearance of building masses remains consistent along Daly Avenue. A significant amount of vegetation located on very steep slopes will be preserved and unaltered with the proposed design.

A note on the Washington Mill Subdivision plat restricts the maximum allowable house size for this lot, which led to a smaller building footprint than what would typically be permitted by the LMC. This also resulted in setbacks that exceed the minimum required on the south and rear sides.

Criteria 6: Building Form and Scale.

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. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Director and/or Planning Commission may require a garage separate from the main Structure or no garage. **No unmitigated impacts.**

The building is proposed to be located on the flattest part of the lot, which may have previously contained a structure. This flat area runs parallel to the street and is approximately 70 feet long and 30 feet deep. Locating the structure here results in a wider building along the street front, but the large lot size allows for a design that is less tall than what is allowed by Code, with roof lines that follow the natural contours of the site. Adjacent properties have similar orientations to the street. The design also incorporates the vertical articulation requirement of the LMC, which aims to minimize perceived mass from street level. The visual importance of the two-car garage has been minimized by recessing it under a cantilevered deck. The proposed design and style of the house is consistent with the Historic District Design Guidelines.

Criteria 7: Setbacks.

The Planning Department and/or Planning Commission may require an increase in one or more Setbacks to minimize the creation of a "wall effect" along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints,

proposed Building scale, and Setbacks on adjacent Structures. **No unmitigated impacts.**

The proposed structure meets the LMC-required setback areas for a lot of this size. Front/rear setbacks must both be 15 feet (15'). The proposed front yard setback is 15', and because the rear half of the lot will remain undeveloped, the rear setback area measures approximately 66.5 feet (66.5'). The minimum side yard setbacks required are ten feet (10') minimum, 24 feet (24') total. The northern side yard setback is 10', and the southern side yard setback exceeds the minimum requirement by five feet (5'), resulting in a nineteen foot (19') setback on that side. The visual impacts of a wide structure with a two-car garage have been mitigated with changes in horizontal wall plane, as well as recessing the garage doors under a cantilevered deck area. The undesirable wall effect along the street front has been avoided through design.

Criteria 8: Dwelling Volume.

The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Department and/or Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures. **No unmitigated impacts.**

Despite the large size of this lot, the potential volume of any dwelling to be constructed on the lot was minimized during the Washington Mill Subdivision process. The Washington Mill Subdivision plat includes a note that limits the "Max. House Size" of Lot 1 (280 Daly) to 2,500 sf. This effectively led to the reduction of the building footprint to be below what is allowed by the LMC, as the Code allows for a footprint that exceeds the platted maximum house size. In addition, the design provides a greater side yard setback than what is required to the south of the structure, and the decision to center the mass on the flattest part of the lot led to the preservation of the back half of the lot. The structure meets minimum setbacks, interior and exterior heights, and its design includes articulation of the wide front façade to make massing more compatible with other structures found on Daly Avenue.

Criteria 9: Building Height (Steep Slope).

The Zone Height in the HR-1 District is twenty-seven feet (27') and is restricted as stated above in Section 15-2.2-5. The Planning Department and/or Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures. **No unmitigated impacts.**

The proposed new construction meets the twenty-seven feet (27') maximum building height requirement measured from existing grade at the highest point. The height of the tallest roof form is approximately twenty-four feet (24') above existing grade.

The construction also meets the criteria outlined in LMC 15-2.2-5(A) stating that the structure shall have a maximum height of thirty-five feet (35') measured from the lowest finished floor plane to the point of the highest wall top plate that supports the ceiling

joists or roof rafters. The height from the lowest finished floor plane to the highest wall plate is approximately 28.6 feet (28.6').

Process

Approval of this application constitutes Final Action that may be appealed to the City Council following appeal procedures found in LMC §15-1-18. The applicant has submitted a Historic District Design Review (HDDR) application; however, this has not yet been approved.

Department Review

This project has gone through an interdepartmental review. Any comments provided have been addressed with Conditions of Approval.

Notice

The property was posted and notice was mailed to property owners within 300 feet on March 8, 2017. Legal notice was also published in the Park Record in accordance with requirements of the LMC on March 8th.

Public Input

As of the publish date of this staff report, no public input has been received by Staff. Public comment will be taken at the regularly scheduled meeting on March 22, 2017.

Alternatives

- The Planning Commission may approve the Conditional Use Permit for 280 Daly Avenue as proposed and conditioned; or
- The Planning Commission may deny the Conditional Use Permit and direct Staff to prepare Findings supporting this recommendation; or
- The Planning Commission may continue the discussion to a date certain to allow the applicant time to respond to any additional concerns or issues raised at the Planning Commission hearing.

Significant Impacts

As conditioned, there are no significant fiscal or environmental impacts from this application. The lot is an existing platted, undeveloped residential lot that contains native grasses and shrubs, and a few significant trees. All significant vegetation removed to make way for the new home will be replaced in-kind by the applicant.

Consequences of not taking the Suggested Recommendation

The construction as proposed could not occur and the applicant would need to revise the plans, or ultimately not build on the lot at all.

Recommendation

Staff recommends that the Planning Commission reviews the application for a Steep Slope Conditional Use Permit (CUP) at 280 Daly Avenue, conducts a public hearing, and considers approving the Steep Slope CUP. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Findings of Fact:

1. On January 3, 2017, the Planning Department received an application for a Steep Slope Conditional Use Permit (CUP); the application was deemed complete on January 19, 2017.
2. The subject property is located at 280 Daly Avenue, Lot 1 of the Washington Mill Subdivision.
3. The property is located within the Historic Residential (HR-1) District and meets the purpose of the zone.
4. The lot is currently vacant, and the applicant is proposing to construct a new single-family home with a proposed footprint of 1,672 square feet.
5. A single family dwelling is an allowed use in the HR-1 District.
6. The lot contains 10,522 square feet. It is an uphill lot with a relatively flat portion at the front near Daly Avenue with an approximate grade of 13 percent (13%). The west and southwest (rear of structure) corner of the footprint is proposed in an area with grades ranging from 80-100 percent (80-100%). The rear of the lot slopes steeply upward, but will remain undeveloped due to the proposed design of the structure.
7. A Historic District Design Review (HDDR) application for a single-family dwelling is currently under review.
8. Access to the property is from Daly Avenue, a public street.
9. Two (2) off-street parking spaces are proposed on site. The applicant is proposing a double-car garage that is recessed under a cantilevered deck on the front façade.
10. The neighborhood is characterized by a mix of historic and non-historic residential structures, single family homes, and duplexes.
11. The Washington Mill Subdivision plat includes a note that restricts Maximum House Size to 2,500 square feet.
12. The proposal will create a single-family dwelling with a total floor area of approximately 4,220 square feet, including all garage, basement, and exterior wall areas. Based on Land Management Code definitions, the structure will have a gross residential floor area of 2,461 square feet, which satisfies the plat note.
13. The proposed construction complies with all minimum required setbacks. The minimum front and rear yard setbacks are both fifteen feet (15'). The minimum side yard setbacks are ten feet (10') minimum, 24 feet (24') total.
14. The proposed construction complies with the twenty-seven foot (27') maximum building height requirement measured from existing grade. It also meets the thirty-five foot (35') maximum interior height requirement.
15. The proposed structure has been designed so that its mass is centered on the flattest portion of the lot, in an attempt to avoid the steepest slopes. The structure is wider than it is long, with roof lines that follow the natural contours of the site. The wide façade has been designed with horizontal and vertical steps in the building wall to break up mass along the street front, and to avoid an undesirable wall effect.
16. The large lot size combined with the platted restriction on maximum house size has resulted in a structure that provides greater setbacks to the south and rear of the structure than what is required. The back half of the lot will remain largely undeveloped, preserving a significant amount of vegetation, and avoiding cuts into extremely steep slopes (grades greater than 100 percent (100%)). The proposed footprint is also below what is typically allowed by the LMC.

17. As required, the applicant submitted both uphill and downhill street views of the site, with and without renderings of the single-family structure in its proposed location. The visuals show that the applicant has made an effort to mitigate potential impacts of the proposed access and building mass and design as much as possible. The structure will be accessed off Daly Avenue, and because the structure is located at the front of the lot, there will be minimal impact from construction of the driveway and garage. This analysis shows that the structure will complement existing conditions along Daly Avenue.
18. The proposed design includes a driveway that is twelve feet (12') in width where it intersects with the right-of-way, and becomes wider as it moves back toward the two-car garage doors, which are approximately 19.5 feet (19.5') in from the front property line. The visual impact of the two garage doors are mitigated by recessing them under a cantilevered deck area. The project architect has stated that the driveway location minimizes the amount of cutting into the bank off the street.
19. Current plans show three (3) retaining structures at the front of the home with the purpose of retaining grade for the driveway and front entry access points. Terraced walls have also been introduced at the rear and south sides of the home to capture two (2) separate patio areas.
20. No lighting has been proposed at this time. Lighting will be reviewed at the time of the HDDR and Building Permit application for compliance with the LMC lighting code standards.
21. The property was posted and notice was mailed to property owners within 300 feet on March 8, 2017. Legal notice was also published in the Park Record in accordance with requirements of the LMC on March 8th.
22. The property is located outside of the Soils Ordinance boundary.
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 15-2.2-6.
2. The CUP, as conditioned, is consistent with the goals and objectives of the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass, and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. 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 March 22, 2018, if a building permit has not yet been issued by the building department, 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 March 22, 2017, and the Final HDDR Design.
6. All retaining walls within any of the setback areas shall not exceed more than six feet (6') in height measured from final grade, except that retaining walls in the front yard shall not exceed four feet (4') in height, unless an exception is granted by the City Engineer per the LMC, Chapter 4.
7. Modified 13-D residential fire sprinklers are required for all new construction on this lot.
8. All exterior lighting, on porches, decks, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited. Final lighting details will be reviewed by the Planning Staff prior to installation.
9. Construction waste should be diverted from the landfill and recycled when possible.
10. All excavation work to construct the foundation 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, he determines that it is necessary based upon specific site conditions such as access, or lack thereof, exist, or in an effort to reduce impacts on adjacent properties.
11. 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.
12. On-site storm water detention shall be required.

Exhibits

Exhibit A – Project Narrative

Exhibit B – Washington Mill Subdivision Plat

Exhibit C – October 21, 1993 City Council Minutes approving the Subdivision

Exhibit D – Survey of Existing Conditions

Exhibit E – Site and Landscape Plans

Exhibit F – Floor Plans

Exhibit G – Proposed Elevations and Sections

Exhibit H – Existing and Proposed Site Photos

December 29, 2016

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

Attn: Planning Staff

Re: 280 Daly Avenue
Steep Slope CUP

Dear Staff,

280 Daly is a 2.4-acre single family lot in the HR-1 zone. It has been plat restricted to a maximum of 2500 sq. ft. of living area.

The lot at the street banks up 6-8' and then has a relatively flat area for a depth of 30' x 70' long. Beyond this flat area, the site slopes up steeply.

We are proposing to build primarily on the flat area of the lot with a portion of the building extending on to the steeper slope to the rear. Because of this steep area, we will need to submit application for a Steep Slope CUP. Below is a summary of how this project fits within the steep slope criteria found in 15-2.2-6, B of the Land Management Code.

1. **Location of Development** – The home has been placed on the flat part of the lot. This appears to have been a previous home site. This placement and orientation match the other homes along the street in this area.
2. **Visual Analysis** – Renderings of the home have been provided from both the uphill and downhill street view perspective.
3. **Access** – The driveway has been placed on the south/east side of the lot. This is the uphill side of the lot. By placing the driveway on this side of the lot the cut into the bank off the street is minimized, the home is only two levels at this location, which helps to reduce the building mass from the driveway view. The garage doors are recessed under a deck.
4. **Terracing** – The home foundation walls act as the main retaining structures, eliminating the need for terraced walls along the front of the building. Terrace walls have been introduced at the rear and south side of the home to help capture a patio areas. No walls will exceed 4' in height.
5. **Building Location** – The home has been located on the flat area of the lot. An area that would appear to have been a previous home site. The location and orientation match that of other homes on the street.
6. **Building Form and Scale** – The building has been located on the flat part of the lot. This flat area runs parallel to the street and is approximately 70' long and 30' deep. Adjacent properties to either side and across the street have similar orientations to the street. The garage has been tucked under the home reducing its visual import ants.

614 Main Street, Suite 302
P.O. Box 1674, Park City, Utah 84060 Tel./Fax 435-649-7263
Email: degrayarch@qwestoffice.net Web: www.degrayarchitect.com



7. **Setbacks** – The building has been located using code setbacks. Due to the size of the lot the setbacks exceed what is typically seen in the zone. The front and rear are 15' each and the sides are 10' and 14'.
8. **Dwelling Volume** - The building has been limited to 2500 sq. ft. per plat requirements. The lot size is 2.4 acres. The building complies with the 35' and 27' height requirements for the zone. The volume of the proposed home is in scale to the homes around it.
9. **Building Height** – The height in the zone is 35' as measured from the lowest floor to the roof bearing plate. This home does not exceed 29'. The height from grade, per code, is 27'. This home does not exceed 25' in height from grade.

Please review the accompanying information and let me know if you have any questions.

Sincerely,

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

Jonathan DeGray - Architect



Exhibit B

GENERAL NOTES

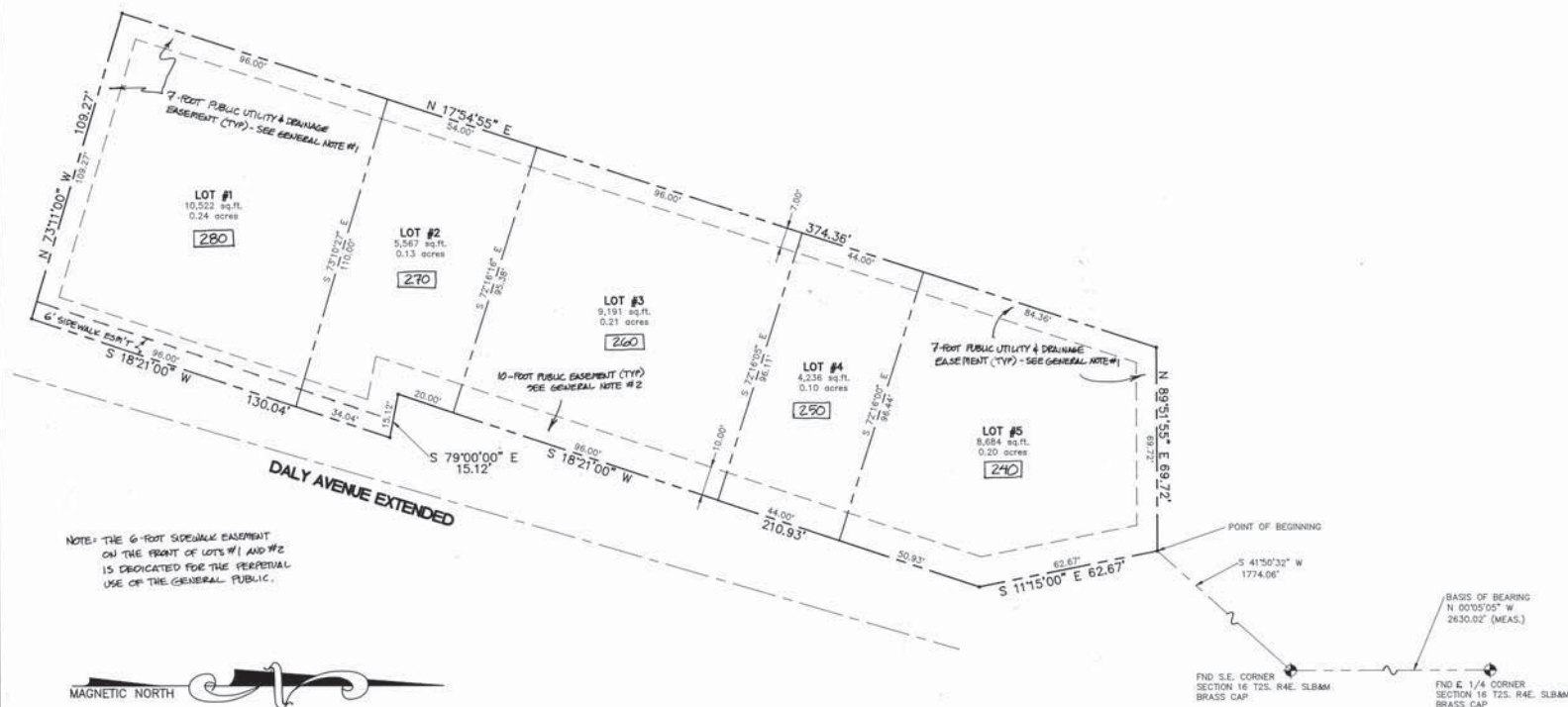
- 7.0' WIDE BACK/SIDE LOT NONEXCLUSIVE UTILITY AND DRAINAGE EASEMENT ALONG THE BACK/SIDE OF LOTS AS SHOWN.
- 10.0' WIDE NONEXCLUSIVE UTILITY AND DRAINAGE AND SNOW STORAGE EASEMENT ALONG ALL FRONT LOT LINES AS SHOWN.
- 85 REBAR AND CAP SET AT PROPERTY CORNERS.
- LOT 1; MAX. HOUSE SIZE = 2500 SQ. FT.
LOTS 2-5; MAX. HOUSE SIZE = 2200 SQ. FT.

LEGEND

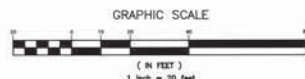
EASEMENT LINES

260 STREET ADDRESS

5 INDIVIDUAL SANITARY SERVICE LATERALS HAVE NOT BEEN INSTALLED TO EACH LOT. EACH INDIVIDUAL LOT OWNER IS RESPONSIBLE FOR THE INSTALLATION AT HIS OWN EXPENSE, OF A SANITARY SEWER SERVICE LATERAL FROM THE SANITARY SEWER MAIN LOCATED IN DALY AVENUE. ALL CONSTRUCTION TO BE IN ACCORDANCE WITH SNOWBORNE SEWER IMPROVEMENT DISTRICT DESIGN STANDARDS AND CONSTRUCTION SPECIFICATIONS. A STREET CUT FROM PARK CITY PUBLIC WORKS DEPARTMENT WILL ALSO BE REQUIRED.



NOTE: THE 6-FOOT SIDEWALK EASEMENT ON THE FRONT OF LOTS #1 AND #2 IS DEDICATED FOR THE PERPETUAL USE OF THE GENERAL PUBLIC.



SURVEYOR'S CERTIFICATE

I, Jack Harmon, do hereby certify that I am a Registered Civil Engineer, and or Land Surveyor, and that I hold certificate No. 8934, as prescribed under the laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plot and described below, and have subdivided said tract of land into lots, private easements, and public right-of-ways to be hereafter known as Washington Mill Subdivision and that same has been correctly surveyed and staked on the ground as shown on this plot.

LEGAL DESCRIPTION

Beginning at a point which is South 41°50'32" West 1774.06 feet from the Northeast corner of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian; (said point also being the Southeast corner of Section 16 Township 2 South, Range 4 East, Salt Lake Base and Meridian) said point being on the North line of Washington Mill Lot 80-S, and the Westerly line of Daly Avenue extended, as dedicated; and running:
thence along said Westerly line for the next 4 courses:
1) South 11°15'00" East 62.67 feet;
2) South 18°21'00" West 210.93 feet;
3) South 79°00'00" East 15.12 feet;
4) South 18°21'00" West 130.04 feet;
thence North 73°11'00" West 109.27 feet to a point on the Westerly line of said Washington Mill Lot;
thence along said Westerly line North 17°54'55" East 374.36 feet to the Northwest corner of said Washington Mill Lot;
thence along the North line of said Washington Mill Lot North 89°51'52" East 69.72 feet to the point of beginning.
Contains 38,200 square feet of .88 acres.

10-29-93

DATE



Jack Harmon
License No. 8934

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS: That the undersigned owner(s) of the above described tract of land, having caused same to be subdivided into lots, public right-of-ways, together with easements to be hereafter known as Washington Mill Subdivision, do hereby dedicate for the perpetual use of the public use all parcels of land shown on this plot as intended for public use and further consent to the recordation of this Record of Survey Plot in accordance with Utah Law.

ALSO, the owner hereby dedicates to Park City municipal Corporation, Snyderdese Basin Sewer Improvement District, Park City Fire Protection District, and Summit County a non-exclusive easement over the easements shown on this plot for the purpose of providing access for utility installation, maintenance, use and eventual replacement, and recreational access, and snow storage.

In witness whereof, I, Jack Harmon, have hereunto set my hand and seal this 18th day of November, A.D. 19 93.

Royal Street Land Company

By Robert W. Miller
Vice President

RECORD

ACKNOWLEDGMENT

STATE OF UTAH
County of SUMMIT s.s.

On the 18th day of November, 1993, personally appeared before me, the undersigned Notary Public, in and for said County of SUMMIT, in said State of Utah, the signer(s) of the above Owner's dedication, in number, who duly acknowledged to me that he signed it, freely and voluntarily and for the uses and purposes therein mentioned.

MY COMMISSION EXPIRES: 7-5-96 John M. Henderson
NOTARY PUBLIC
RESIDING IN SALT LAKE COUNTY

WASHINGTON MILL SUBDIVISION

A SUBDIVISION LOCATED IN SEC. 21,
TOWNSHIP 2 SOUTH, 4 EAST,
SALT LAKE BASE & MERIDIAN

Entry # 410602 RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, and FILED AT THE REQUEST OF

HIGH COUNTRY TITLE

DATE 7-26-94 TIME 16:05 BOOK 3508 PAGE 1

BY Alan Sanjiga COUNTY RECORDER

WASHINGTON MILL

THE SEAR-BROWN GROUP
FULL SERVICE DESIGN PROFESSIONALS
2740 E. Parkway Way, Suite 200 Salt Lake City, Utah 84109
(801)486-1337 fax (801)486-8815

PLANNING COMMISSION

APPROVED BY THE PARK CITY
PLANNING COMMISSION THIS 23rd day of November, 1993
BY [Signature]
CHAIRMAN

ENGINEER'S CERTIFICATE

I FIND THIS PLAN TO BE IN
ACCORDANCE WITH INFORMATION ON
FILE IN MY OFFICE THIS 11th day of JULY, A.D. 19 94
BY Eric W. DeHaan, PE
PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVE AS TO FORM THIS 21st day of JULY, A.D. 19 94
BY Mad D. Hagg
PARK CITY ATTORNEY

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL
THIS 21st day of OCTOBER, A.D. 19 93
BY Ruth D. Bezelin
MAYOR PRO TEM
ATTEST: Quita R. Sheldon
City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
OCTOBER 21, 1993

I ROLL CALL

Mayor Brad Olch called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, October 21, 1993. Members in attendance were Sally Elliott, Ruth Gezelius, Roger Harlan, Bob Richer, and Brad Olch. Leslie Miller was excused. Staff present were Toby Ross, City Manager; Susan Lykes, Senior Planner; Richard Carlile, Building Inspector; and Jodi Hoffman, City Attorney.

II PUBLIC INPUT

The Mayor invited the public to comment on any matter of City business not scheduled on the agenda. Hearing none, the public input session was closed.

III MINUTES OF MEETING OF OCTOBER 14, 1993

Sally Elliott corrected Page 4 and added language that she supported the Snowcreek Project as long as trails were a part of the first phase. Ruth Gezelius asked her comments on Page 6 be reworded. Ruth Gezelius, "I move approval of the minutes as amended". Sally Elliott seconded. Motion carried.

Sally Elliott	Aye
Ruth Gezelius	Aye
Roger Harlan	Aye
Leslie Miller	Absent
Bob Richer	Aye

IV CONSENT AGENDA

Ruth Gezelius, "I move approval of Consent Agenda Items 1 through 7." Bob Richer seconded. Motion carried.

Sally Elliott	Aye
Ruth Gezelius	Aye
Roger Harlan	Aye
Leslie Miller	Absent
Bob Richer	Aye

1. Approval of final plat for Ontario Subdivision -

I. PROJECT STATISTICS

Project Name: Washington Mill

Page 2
City Council Meeting
October 21, 1993

Applicant: Royal Street Land Company, represented by
Bob Wells
Location: Southwestern corner of the Ridge and Daly
Avenue intersection
Proposal: Final plat for a five-lot subdivision
Zoning: HR-1
Adjacent Land Uses: Residential
Date of Application: May 12, 1993
Project Planner: Susan Traylor Lykes
Staff Recommendation: APPROVE with conditions

II. BACKGROUND INFORMATION AND PROJECT DESCRIPTION

The Planning Commission approved the sketch plat for the Washington Mill Subdivision on July 28th.

The subdivision is located on the southwest corner of the intersection of Daly Avenue and Ridge Avenue. The .87-acre property is owned by the Royal Street Land Company. The lot sizes are 10,522, 5,567, 9,191, 4,236, and 8,684 square feet for lots 1 through 5, respectively.

The HR-1 zone, in which the subdivision is located, specifies maximum house sizes calculated by floor area ratio. However, the applicant has agreed to maximum house sizes more restrictive than the zone would otherwise allow. The maximum square footage proposed under the subdivision are as follows. As per the Land Management Code, each lot will have a garage allowance of 400 square feet per unit.

<u>LOT</u>	<u>MAX S.F.</u>
1	2500
2	2200
3	2200
4	2200
5	2200

Duplexes may be built on any of the lots, per the HR-1 zone regulations. The code-required setbacks are based upon the lot size will be as follows:

	<u>FRONT AND REAR</u>	<u>SIDE</u>
LOT 1	total of 30', min. of 10' each	10' each
LOT 2	total of 30', min. of 10' each	total of 10'
LOT 3	total of 25', min. of 10' each	10' each
LOT 4	10' each	total of 10'
LOT 5	total of 25', min. of 10' each	10' each

The applicants propose constructing a four-foot sidewalk along the front of the property between the parking areas and the structures where appropriate. The Trails Master Plan calls for a two-foot, dirt single-track trails along the property. The staff believes that the sidewalk is appropriate given the parking configuration on the site.

All construction on these lots will be required to be reviewed by the Historic District Commission prior to issuance of building permits.

PUBLIC INPUT STATEMENT. The property has been posted, notice has been mailed to adjacent property owners within 300 feet, and notice has been published in the Park Record. As of October 7th, no additional input has been received by the staff.

III. STAFF RECOMMENDATION

Based upon compliance of the Washington Mill Subdivision with the subdivision ordinance, the staff recommends approval of the final plat with the following conditions of approval.

1. The maximum house sizes shall be 2500 square feet for lot 1 and 2200 square feet for each lots 2 through 5. A note to this effect shall be included on the plat.
2. A four-foot sidewalk shall be constructed along the front of the lots with the final configuration to approved by the staff. A six-foot trail/sidewalk easement shall be provided in conjunction with the sidewalk and shall be shown on the plat.
3. A security shall be posted for all public improvements, including the sidewalk, prior to plat recordation.
4. A parks fee of \$1035 per lot shall be paid prior to plat recordation.
5. All standard conditions of approval apply.
6. The approved parking plan shall be enforced by the manager of the affordable housing as long as the affordable housing restriction is in place.

PLANNING COMMISSION ACTION. The Planning Commission approved the final plat of the Washington Mill Subdivision on October 13th with the conditions as outlined above. The City Council will review the affordable housing project proposed to be located within this

Page 4
City Council Meeting
October 21, 1993

subdivision in the near future. However, this review concerns only the subdivision of the property.

2. Approval of final plat for Washington Mill Subdivision -

I. PROJECT STATISTICS

Project Name:	Ontario Avenue Subdivision
Applicant:	Royal Street Land Company
Location:	Corner of Marsac and Ontario Avenues
Proposal:	Final plat for a three-lot subdivision
Zoning:	R-1
Adjacent Land Uses:	Single family, vacant
Date of Application:	May 12, 1993
Project Planner:	Susan Traylor Lykes
Staff Recommendation:	APPROVE with conditions

II. BACKGROUND INFORMATION AND PROJECT DESCRIPTION

The Planning Commission approved the Ontario Avenue Subdivision sketch plat on July 28th. The only condition of approval attached was that a trails plan must be approved by the Planning Commission concurrently with final plat. Copies of the trails plan and final plat are attached.

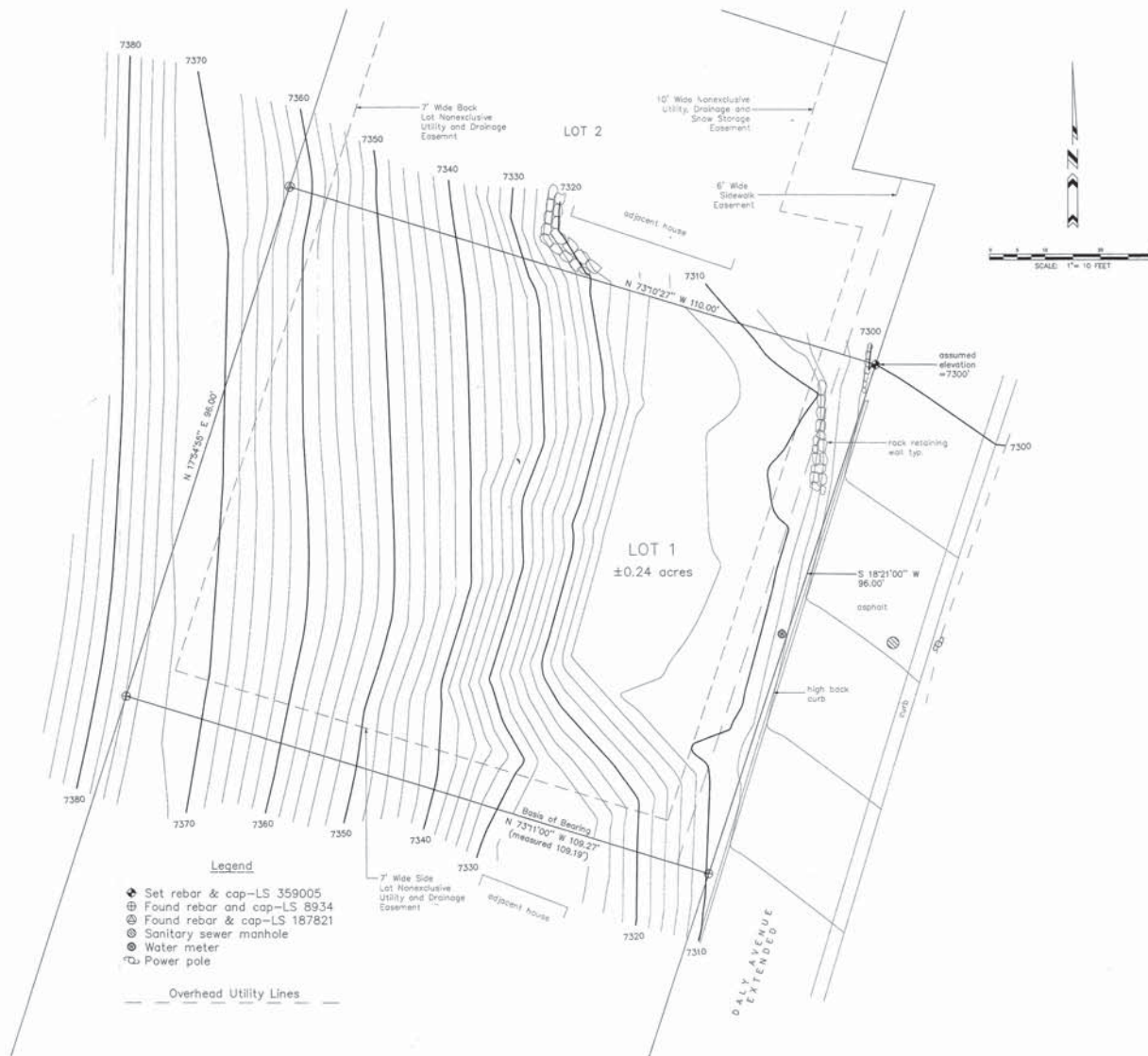
The subdivision will create three lots of 4375, 6005, and 5225 square feet (lots 1 through 3, respectively). The historic blue house on lower Marsac is already located on what will be lot 3. The maximum house sizes will be 2200 square feet on lots 1 and 3, and 2600 square feet on lot 2 (where the transitional housing facility is planned to be located). Maximum house sizes will be indicated on the plat.

Design review of any new structures or additions to be built within the subdivision will be conducted by the staff under the Historic District Design Guidelines. A note will be included on the plat to this effect.

According to the Trails Master Plan, an eight-foot wide asphalt path is to be constructed along Marsac Avenue. The proposed trail is in compliance with the plan.

PUBLIC INPUT STATEMENT. The property has been posted, notice has been mailed to adjacent property owners within 300 feet, and notice has been published in the Park Record. As of October 7th, no public input has been received by the staff.

Washington Mill Subdivision Lot 1



NARRATIVE

1. Survey requested by: Jerry Fiat.
2. Purpose of survey: locate the deed description and the topographic relief.
3. Basis of survey: found property monuments as shown.
4. Date of survey: May 28, 2008.
5. Property monuments set or found as shown.
6. Located in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
7. See the official plat of the Washington Mill Subdivision for other possible easements, setbacks or restrictions.
8. The owner of the property should be aware of any items affecting the property that may appear in a title insurance report.
9. An assumed elevation of 7300 feet, from the U.S.G.S. Quad. Map 'Park City East', was assigned to the top of the Northeastery property monument, as shown.
10. See the previous survey of Washington Mill Subdivision recorded as Survey File No.'s S-2209 & S-2257 in the office of the Summit County Recorder.

LEGAL DESCRIPTION

All of Lot 1, Washington Mill Subdivision, according to the official plat thereof, on file and of record in the office of the Summit County Recorder; containing 0.24 acres, more or less.

SURVEYOR'S CERTIFICATE

I, J.D. Colley, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 359005, do hereby certify that I have supervised a survey of the hereon described property and that this plat is a true representation of said survey.



July 15, 2008
Date

J.D. Colley License 359005



Alpine Survey, Inc.
19 Prospector Drive
Park City, Utah 84060
(435) 655-8016

FILE NO. S0006881
11/20/2008 02:16:33 PM S. 0002 P. 0713
Summit County Recorder
Summit County, Utah



C. 1001



SNOW PLOWED FROM DRIVE SHALL NOT BE PUSHED ONTO THE STREET

--	--

	SEWER MANHOLE LID
	FOUND REBAR & CAP-LS 18721
	FOUND REBAR & CAP - LS8934
	SET REBAR & CAP - LS35005
	WATER METER
	POWER POLE
-----	NON-EXCLUSIVE PUBLIC BASEMENT
-----	LOD FENCE
→ →	SURFACE DRAINAGE FLOW
-----	EXISTING CONTOUR LINE
-----	NEW CONTOUR LINE
—WL—	WATER LATERAL LINE
—SL—	SEWER LATERAL LINE
-----	OVERHEAD UTILITY LINE

P.O. Box 1674, 614 Main Street, Suite 302, Park City, Utah 84002
Tel: 435-640-7362 E-mail: doan@arch@businessoffice.net

BRADSHAW RESIDENCE
HISTORIC DISTRICT DESIGN REVIEW SET
280 DALY AVENUE
PARK CITY, UTAH 84060

CHAPTER ARCHITECTURAL SITE PLAN

REFERENCES:

DATE: _____

MARCH 01, 2017

PROJECT NUMBER:

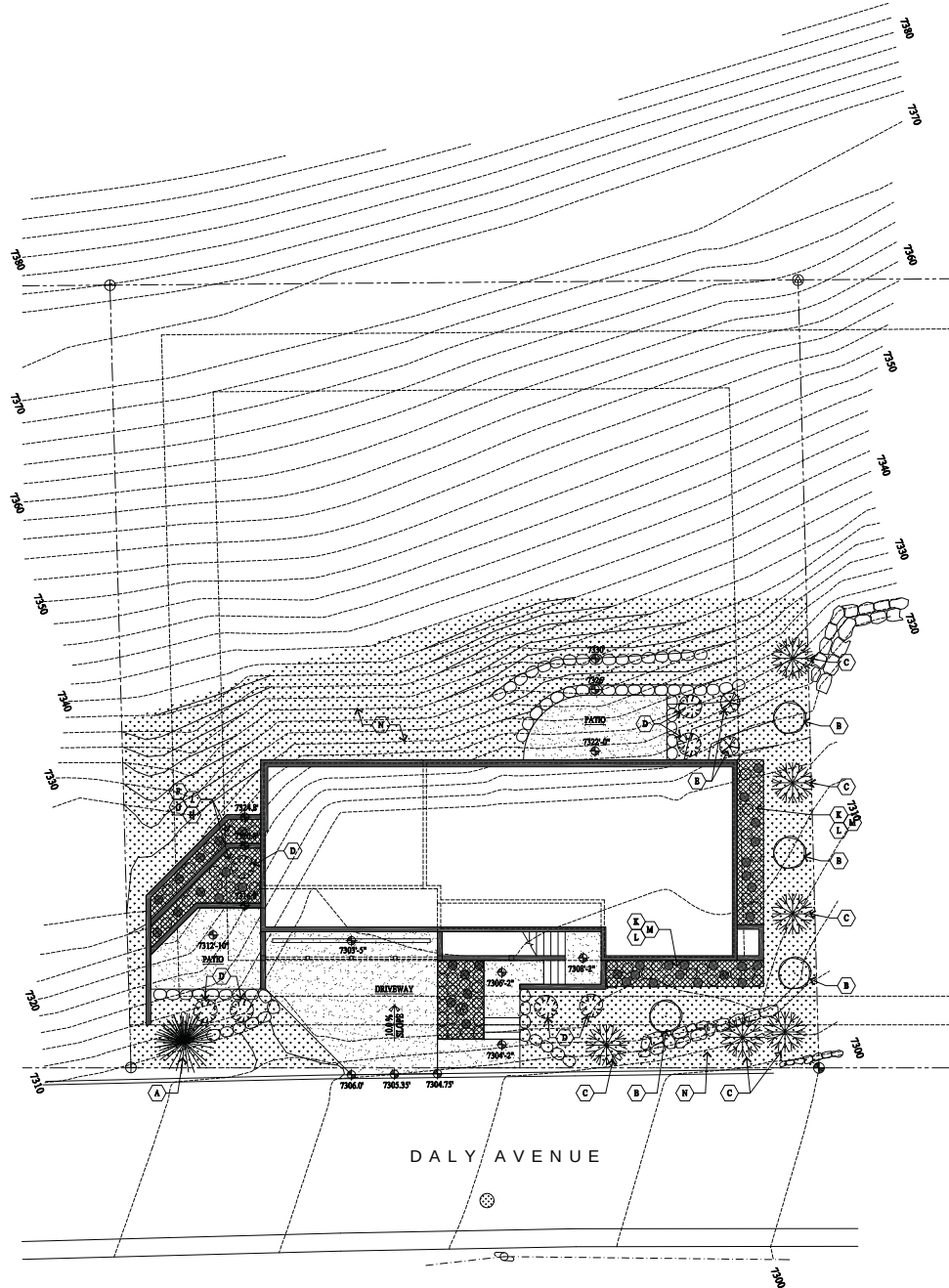
1611-01

SECRET NUMBER:

ΛΟ 1

A0.1

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PLANT SCHEDULE

SYMBOL	KEY	QUANTITY	COMMON NAME	SCIENTIFIC NAME	SIZE	SPACING	COMMENTS
CONIFEROUS TREES							
(A)	1	Colorado Blue Spruce	<i>Picea pungens</i>	6'-8'	15'		
DECIDUOUS TREES							
(B)	4	Rocky Mtn. Maple	<i>Acer glabrum</i>	3" Dia.	9'-8'		
(C)	6	Aspen	<i>Populus tremuloides</i>	3" Dia.	6'-10'		
SHRUBS							
(D)	7	Red twig dogwood	<i>Cornus sericea 'Rutgers'</i>	5 Gal.		Spacing as noted on plan	
(E)	2	Mountain Sage	<i>Artemisia tridentata</i>	5 Gal.		Spacing as noted on plan	
PERENNIAL PLANTS							
(F)	15	Bluebell	<i>Campsis</i>	1 Gal.	12"-18"	Diastrophs Equally	
(G)	15	Columbine	<i>Aquilegia canadensis</i>	1 Gal.	12"-18"	Diastrophs Equally	
(H)	15	Trailing Daisy	<i>Eriogonum flagellare</i>	1 Gal.	12"-18"	Diastrophs Equally	
(I)	15	Blacktop Flower	<i>Gaillardia aristata</i>	1 Gal.	12"-18"	Diastrophs Equally	
GROUND COVER AND HYDRANGEAS							
(J)	50	Mountain Lily	<i>Lilium Michauxii</i>	4" Pots	12"-18"	Diastrophs Equally	
(K)	30	Climbing Mahonia	<i>Mahonia repens</i>	1 Gal.	12"-18"	Diastrophs Equally	
(L)	240 SFT	Wood Chips			Small	3" Thick Layer	
(M)	2725 SFT	Native Grass Seed Mix			1 M/100 (Hydroseed)	See seed mix below	

NATIVE GRASS SEED MIX

The seed mix shall be utilized in areas specified for native grasses. This mixture shall be applied at a sufficient rate so that germination is subsequent coverage reaches 80% in a representative 10'x10' area. If coverage does not reach 80% reseedling must occur. Apply at a rate of 80 lbs./acre on the following percentages:
20% Crested Wheatgrass, 10% Broadleaf Wheatgrass, 20% Perennial Ryegrass, 15% Perennial Ryegrass, 15% Mountain Broomrape
10% Indian Ryegrass, 10% Alpine Bluegrass
* In addition, add 10 lbs./acre each of Limn. leucophylla and Pennstemon. Retain with native grass seed mixture.

PLANTING NOTES

1. CONTRACTOR TO VERIFY LOCATION OF ALL UTILITIES PRIOR TO INITIATION OF EXCAVATION OR PLANTING OPERATIONS. ANY DAMAGE TO EXISTING UTILITIES ON SITE OR ADJACENT PROPERTY SHALL BE CONTRACTOR'S RESPONSIBILITY.
2. ALL PLANT MATERIAL SHALL CONFORM TO CURRENT AMERICAN ASSOCIATION OF NURSERYMANS STANDARD SPECIFICATIONS.
3. ALL PLANT MATERIAL SHALL BE INSTALLED AS PER DRAWINGS, DETAILS, AND SPECIFICATIONS.
4. CONTRACTOR SHALL VERIFY ALL QUANTITIES. IN CASE OF A DISCREPANCY, THE ILLUSTRATED LOCATIONS SHALL PREVAIL.
5. CONTRACTOR SHALL COORDINATE ALL PLANTING WITH IRRIGATION CONTRACTOR, AS REQUIRED.
6. IN THE EVENT OF A DISCREPANCY NOTIFY THE ARCHITECT OR OWNER IMMEDIATELY.
7. NO REINFORCEMENTS SHALL BE ALLOWED WITHOUT WRITTEN PERMISSION OF THE ARCHITECT OR OWNER.
8. SHRUB SEED SHALL BE 9" OF TOPSOIL.
9. ALL SHRUB SEED SHALL HAVE 1" OF DECOMPOSED BARK MULCH INSTALLED.
10. SHRUB BED EDGING SHALL BE PRESSURE TREATED WOOD OR "TREX" EDGING.
11. ALL SHRUB BEDS SHALL BE PLANTED WITH NATIVE GRASS LOCATIONS.
12. ALL ROOT WRAPPING MATERIAL SHALL BE REMOVED AT TIME OF PLANTING AND PROPERLY DISCARDED.
13. NO BARE ROOT STOCK SHALL BE USED.

LANDSCAPE PLAN
SCALE: 1/8" = 1'-0"

Jonathan DeGray
Architect

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BRADSHAW RESIDENCE
HISTORIC DISTRICT DESIGN REVIEW SET
280 DALY AVENUE
PARK CITY, UTAH 84060

LANDSCAPE PLAN

REVISION:

DATE:

MARCH 01, 2017

PROJECT NUMBER:

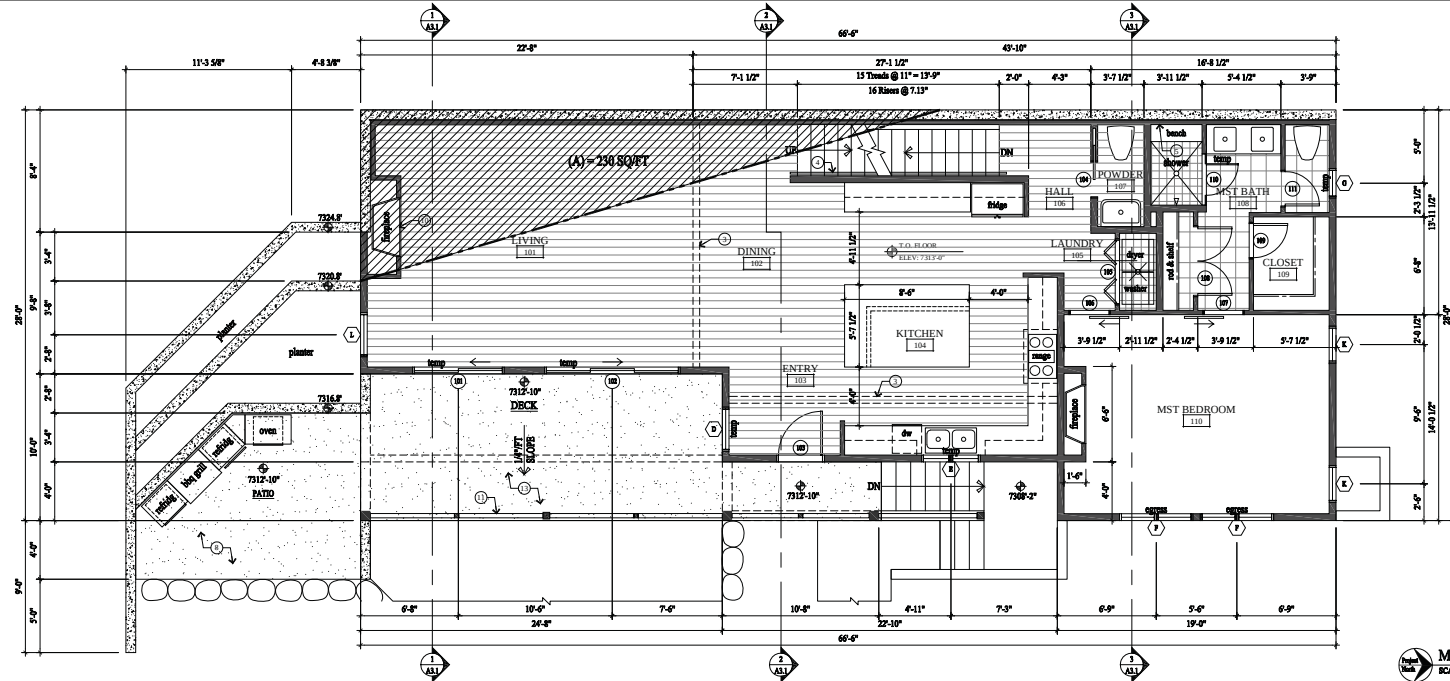
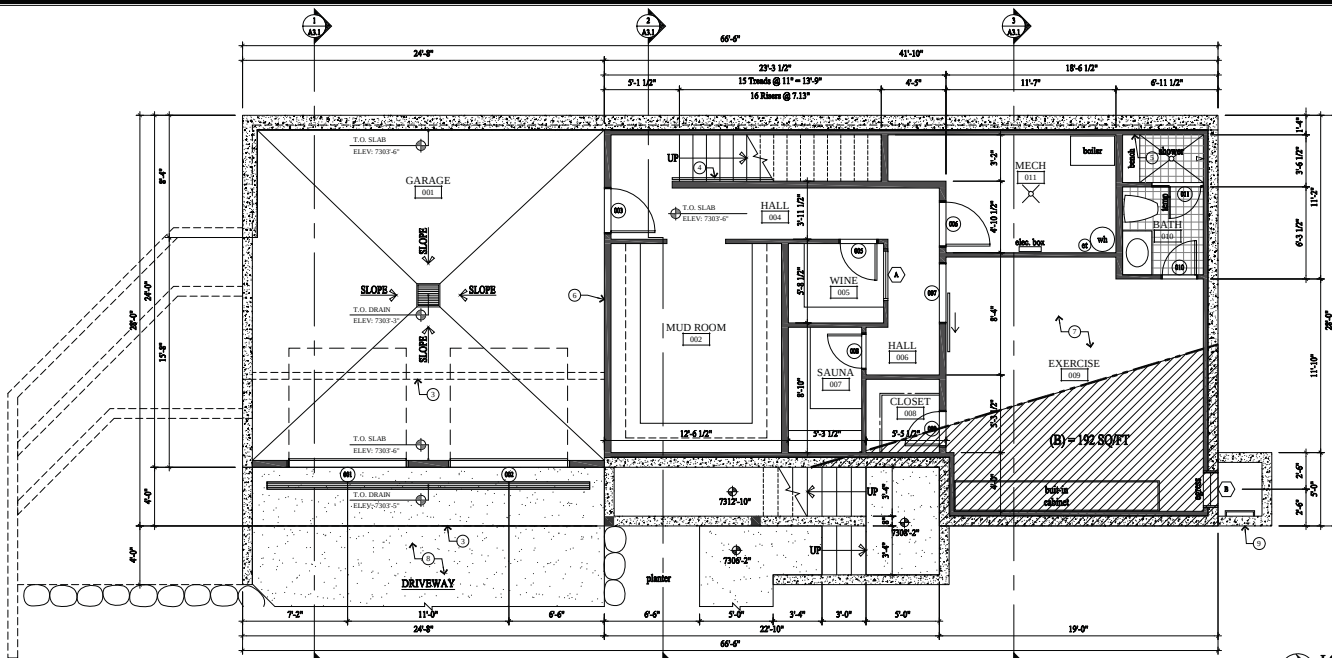
1611-01

SHEET NUMBER:

A0.2

Exhibit F

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WALL LEGEND

- NEW CONCRETE WALL**
NEW 2x FRAMED WALL
- EXTERIOR WALLS TO BE 2x4 FRAMED W/ 8" INSULATION R-15. TYP. ALL INTERIOR WALLS TO BE 2x4 FRAMED U.N.O. W/ 8" INSULATION R-15. TYP. ALL INTERIOR PARTITIONING AND BEARING WALLS TO BE 2x4 FRAMED U.N.O. W/ 8" INSULATION R-15. TYP. ALL ROOF JOIST TO BE 12" X 12" TRUSSING U.N.O. W/ 7" CLOSED CELL INSULATION R-49. TYP.
 - FIRE SPRINKLERS TO BE ON THE WARM SIDE OF THE BUILDING ENVELOPE. ANTERIOR WALLS WILL NO LONGER BE ALLOWED IN FIRE SPRINKLER SYSTEMS.
- ALL DIMENSIONS ARE APPROXIMATE AND ARE TO BE FIELD VERIFIED PRIOR TO ANY CONSTRUCTION.

KEY NOTES

- ARCHITECTURAL GRADE COMPOSITION SHALL BE 3" THICK PRESIDENTIAL FL. 1500 PSI SQUARE, NON-SKID AND WATER MEMBRANE, SLOD MEMBRANE 12" DOWN FROM RIDGE FOR VENTILATION.
- NON-REFLECTIVE STANDING SEAM METAL ROOF. METAL ROOF TO BE ICC-ES APPROVED. ON ICE AND WATER MEMBRANE.
- LINE OF WALL/CEILING ABOVE.
- FOR TYPICAL STAIRWAY, HANDRAILING AND GUARDRAILING NOTES & DETAILS SEE SHEET A1.1.
- TILES AND SHOWERS WITH TILED WALLS REQUIRES A PORTLAND CEMENT APPLICATION, FIBER-CEMENT OR GLASS MAT OVERLAY BACKER. GREEN BOARD IS NO LONGER ALLOWED IN THIS APPLICATION.
- 50" TYPE 2" ON GARAGE CEILING AND WALL SEPARATING THE GARAGE AND LIVING SPACE.
- 4" REINFORCED CONCRETE SLAB ON 6" ME. POLYSTYRENE VAPOR RETARDER (POINTS TO LAF F.M.S.) ON 4" GRAVEL BASE. CLANDERGLASS.
- 4" REINFORCED CONCRETE PATIO/DRIVEWAY ON 4" GRAVEL BASE.
- 4" CONCRETE WINDOW WELL W/ BORERS LADDERS.
- 40" HEAT & OLD SHELVE GAS FIREPLACE, 40" X 40" FRAME ON 12" PLATFORM. HEATED GAS APPLIANCE APPROVED FOR SLEEPING AREA.
- 30" EXIST GUARD RAILING: 2x SHAPED HARDWOOD CONTINUOUS TOP RAIL W/ 30" DIA. STEEL CABLE. HORIZONTAL, SPACED LESS THAN 4". THROUGH 7x7" and 7x7" VERTICAL TUBES, POSTS.
- 30" EXIST WOOD TOP RAIL/HEAD ONP TO BE STD. 30" DIA. STEEL BALLAST, VERTICAL, SPACED LESS THAN 4".
- CONCRETE COMPOSITE FLOOR DECK.
- CONCRETE LIGHT WELL.

Jonathan DeGray
Architect

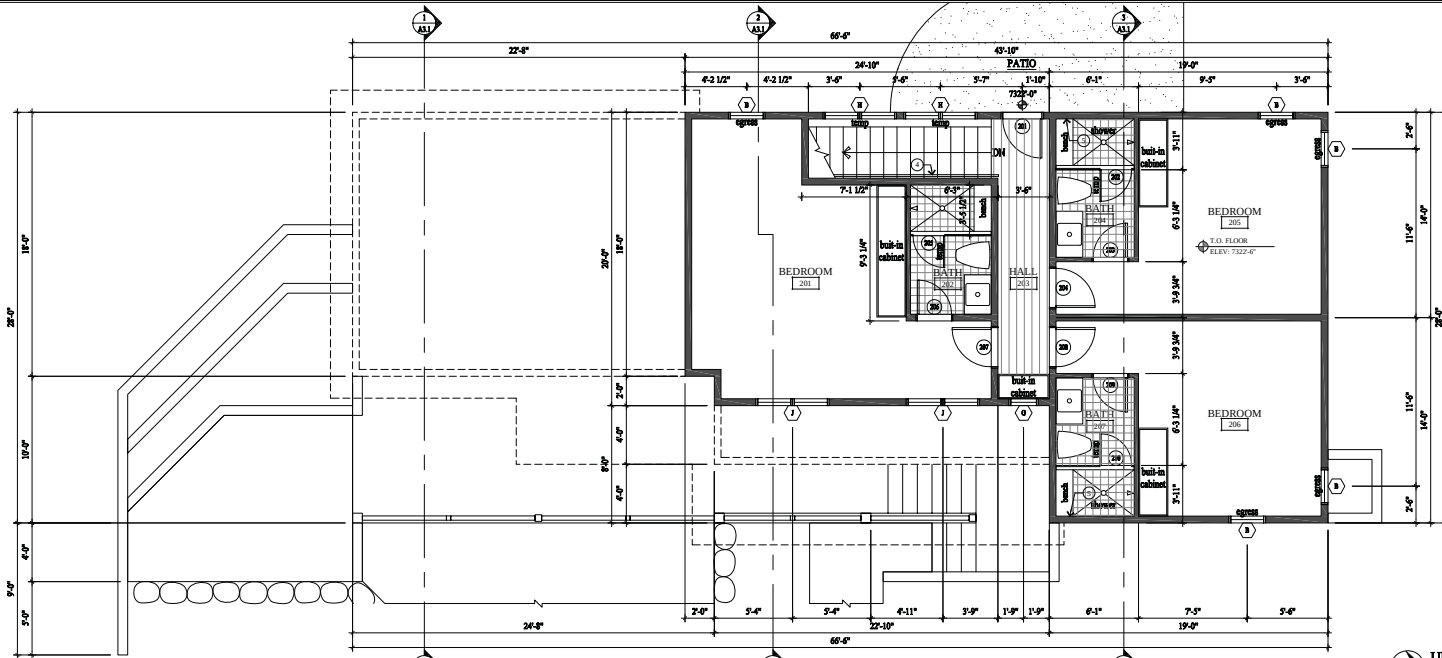
BRADSHAW RESIDENCE
HISTORIC DISTRICT DESIGN REVIEW SET
280 DALY AVENUE
PARK CITY, UTAH 84400

LOWER LEVEL PLAN
MAIN LEVEL PLAN

DATE: MARCH 01, 2017
PROJECT NUMBER: 1611-01
SHEET NUMBER:

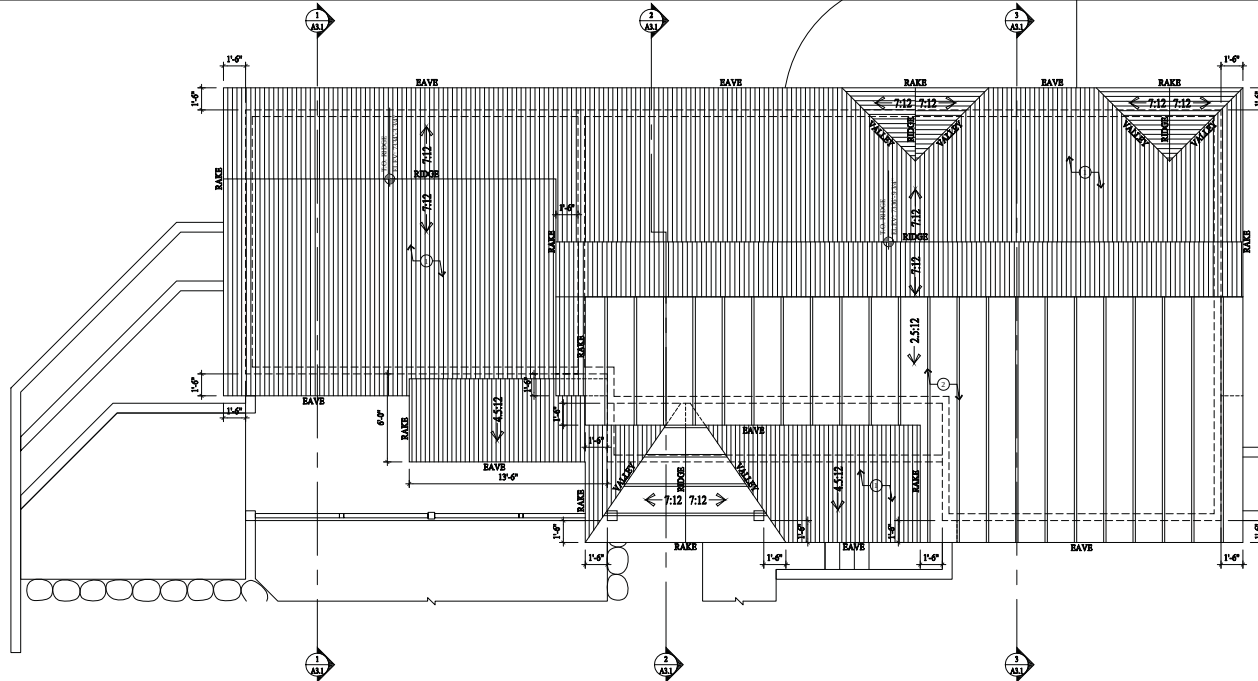
A1.1

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UPPER LEVEL PLAN
SCALE: 1/4" = 1'-0"

NOTE:
SEE SHEET A5.3 FOR
TYPICAL ROOF
FLASHING DETAILS



ROOF PLAN
SCALE: 1/4" = 1'-0"

WALL LEGEND

- NEW CONCRETE WALL
1. EXTERIOR WALLS TO BE 2x4 FRAMING W/ WB INSULATION R-15 - TYP. ALL INTERIOR WALLS TO BE 2x4 FRAMING, UNO. W/ WB INSULATION R-15 - TYP. ALL INTERIOR PARTITION AND BREAKING WALLS TO BE 2x4 FRAMING, UNO. W/ WB INSULATION R-20 - TYP. ALL FLOOR JOIST TO BE 12" X 12" FRAMING UNO. W/ WB INSULATION R-19 - TYP. ALL ROOF JOIST TO BE 12" X 12" FRAMING UNO. W/ P-CLOSED CELL INSULATION R-49 - TYP.
2. FIRE SPRINKLERS TO BE ON THE WARM SIDE OF THE BUILDING ENVELOPE. ANTHERIES WILL NO LONGER BE ALLOWED IN FIRE SPRINKLER SYSTEMS

ALL DIMENSIONS ARE APPROXIMATE AND ARE TO BE FIELD VERIFIED PRIOR TO ANY CONSTRUCTION

KEY NOTES

- ARCHITECTURAL GRADE COMPOSITION SHALL BE 3" THICK PRESIDENTIAL XL 1500 FOR SQUARE, NON-ON ICE AND WATER MEMBRANE, SOLD MEMBRANE 12" DOWN FROM RIDGE FOR VENTILATION.
- NON-REFLECTIVE STANDING SEAM METAL ROOF. METAL ROOF TO BE ICC-ES APPROVED, ON ICE AND WATER MEMBRANE.
- LINE OF WALL/CEILING ABOVE.
- FOR TYPICAL STAIRWAY, HANDRAILING AND GUARDRAILING NOTES & DETAILS SEE SHEET A5.1.
- TUBS AND SHOWERS WITH TILED WALLS REQUIRES A PORTLAND CEMENT APPLICATION, FIBER-CEMENT OR GLASS MAT OVERLAY BACKER, GREEN BOARD IS NO LONGER ALLOWED IN THIS APPLICATION.
- 50" TYPE 2" ON GARAGE CEILING AND WALL SEPARATING THE GARAGE AND LIVING SPACE.
- 4" REINFORCED CONCRETE SLAB ON 6" ME. POLYSTYRENE VAPOR RETARDER (POINTS TO LAF FIBER) ON 4" GRAVEL BASE, CLANDERGRADED.
- 4" REINFORCED CONCRETE PATIO/DRIVEWAY ON 4" GRAVEL BASE.
- 6" CONCRETE WINDOW WELL W/ BORERS LADDERS.
- 48" HEAT & OLD BURNING GAS FIREPLACE, 48" AS, FRAMES ON 12" PLATFORM, HEATED GAS APPLIANCE APPROVED FOR BURNING AREAS.
- 30" RISK GUARD RAILING: 2x SHAPED BARNWOOD CONTINUOUS TOP RAIL, W/ 30" DIA. STEEL CABLE, HORIZONTAL, SPACED 18" TYP. THAN 4" THROUGH 7x7" AND 7x7" VERTICAL TUBES STEEL POSTS.
- 30" RISK WOOD TOP RAIL/RAIL ON 2x12 STEEL BEAMS, 30" DIA. STEEL BALLAST, VERTICAL, SPACED 18" TYP. THAN 4".
- CONCRETE COMPOSITE FLOOR DECK.

Jonathan DeGray
Architect

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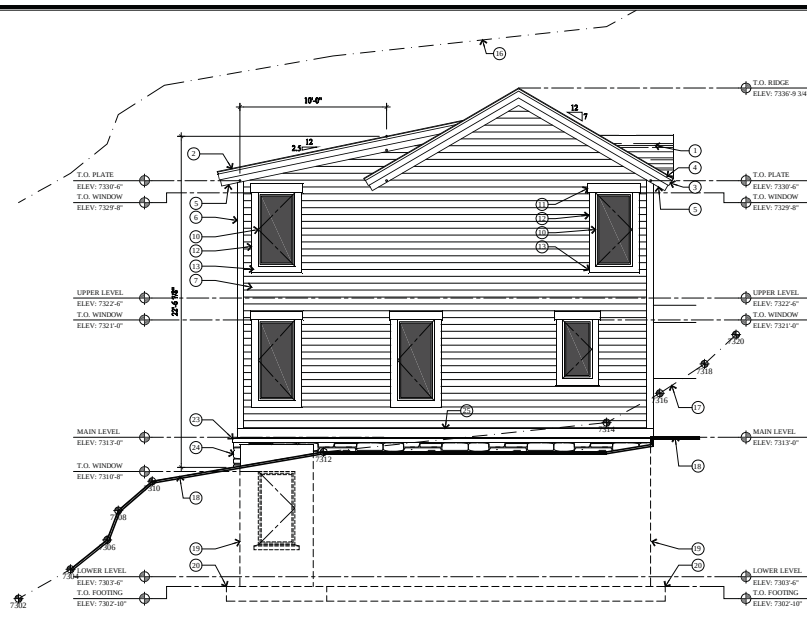
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UPPER LEVEL PLAN
ROOF PLAN

DATE:
MARCH 01, 2017

PROJECT NUMBER:
1611-01

SHEET NUMBER:
A1.2

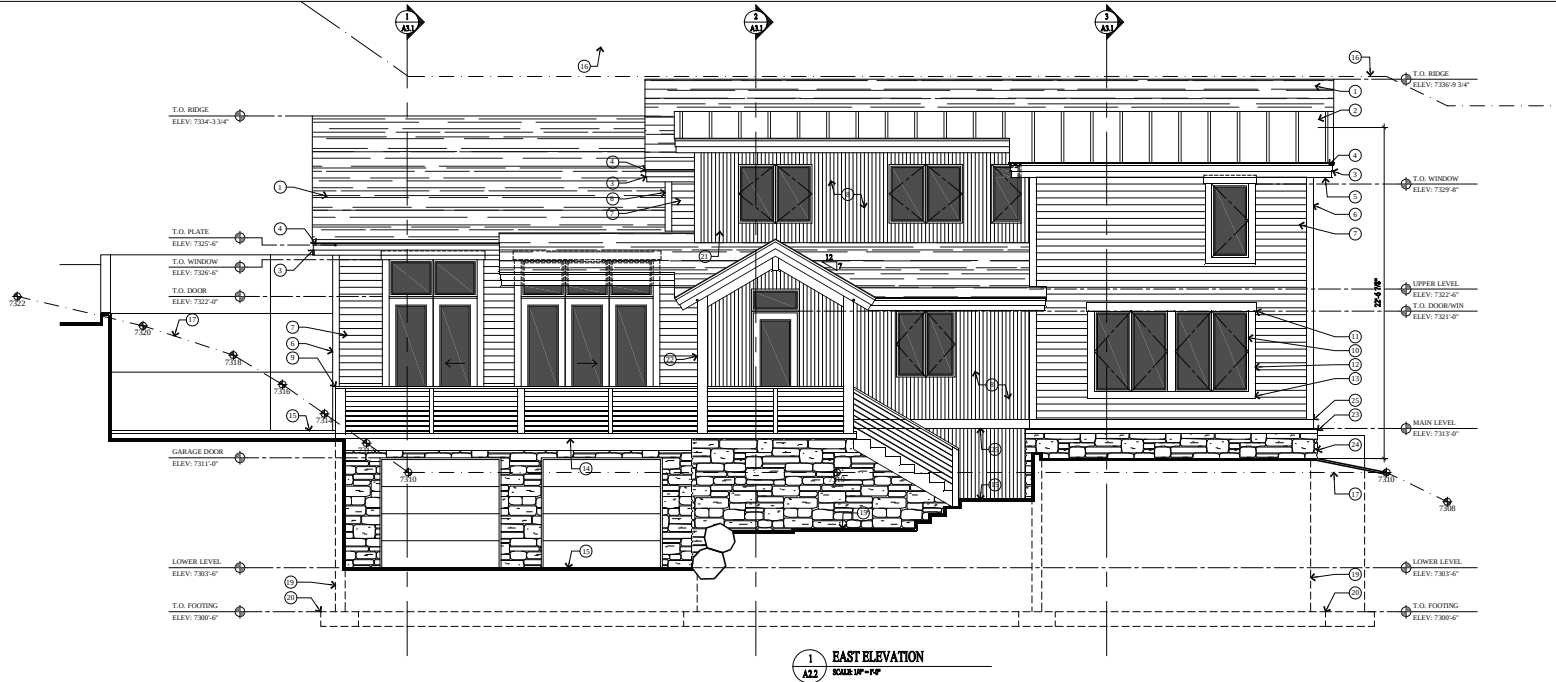


2 NORTH ELEVATION
A2.1 SCALE: 1/4" = 1'-0"

[illegible]

A2.1

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KEY NOTES

- 1 ARCHITECTURAL GRADE COMPOSITION: SINGLE 30 YEAR PRESIDENTIAL 11' 0\"/>
- 2 NON-REFLECTIVE STANDING SEAM METAL ROOF METAL ROOF TO BE ICC-ES APPROVED, ON ICE AND WATER MEMBRANE.
- 3 1 1/2\"/>
- 4 1 1/2\"/>
- 5 1 1/2\"/>
- 6 2x6 CEDAR OUTSIDE CORNER BOARD, 2x2 CEDAR INSIDE CORNER BOARD - STAINED
- 7 1x6 CEDAR HORIZONTAL LAP SIDING ON TYVEE HOMEWRAP ON 1/2\"/>
- 8 2x6 STUD WALL @ 16\"/>
- 9 NON-REFLECTIVE CORRUGATED STEEL SIDING ON TYVEE HOMEWRAP ON 1/2\"/>
- 10 3\"/>
- 11 3\"/>
- 12 1x4\"/>
- 13 WOOD ALUMINUM CLAD WINDOWS AND DOORS W/ INSULATED GLASS - SEE SCHEDULE
- 14 2x6 WINDOW/DOOR HEAD - PAINTED W/ METAL FLASHING
- 15 2x6 WINDOW/DOOR JAMB - STAINED
- 16 2x6 WINDOW SILL - STAINED
- 17 4\"/>
- 18 12\"/>
- 19 FINISH GRADE TO SLOPE AWAY FROM HOUSE A MIN. OF 6\"/>
- 20 FOUNDATION - SEE STRUCTURAL FOR SIZE AND REINFORCING
- 21 FOOTING - SEE STRUCTURAL FOR SIZE AND REINFORCING
- 22 ROOF TO WALL SURFACE, EXTEND RUTTER/RAIN MEMBRANE OVER ROOF DECK & UP WALL SURFACE 24\"/>
- 23 TIMBER COLUMN - SEE STRUCTURAL FOR SIZE
- 24 CUT STONE SILLCAP CONTINUOUS
- 25 4\"/>
- 26 2x6 CEDAR TRIM BOARD - STAINED
- 27 2x6 CEDAR TRIM BOARD - STAINED

EAST ELEVATION

BRADSHAW RESIDENCE
HISTORIC DISTRICT DESIGN REVIEW SET

280 DALY AVENUE
PARK CITY, UTAH 84060

Jonathan DeGray
Architect

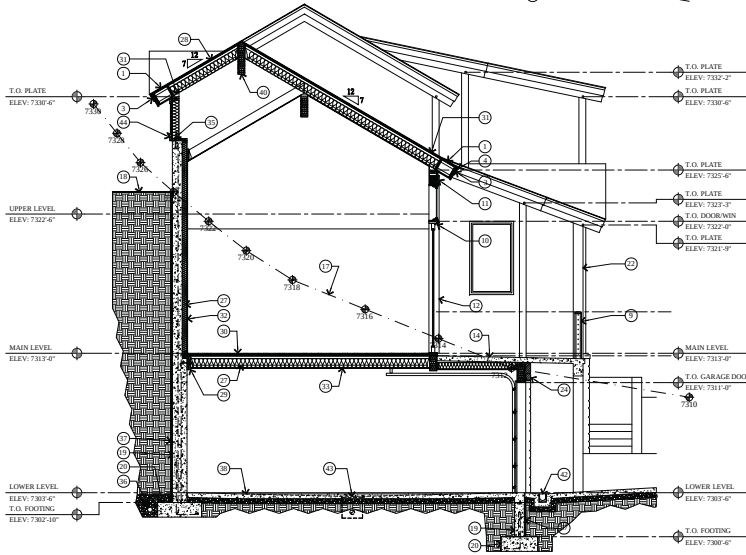
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Tel: 435-646-7363, E-mail: deggrayarchitects.net

DATE:
MARCH 01, 2017

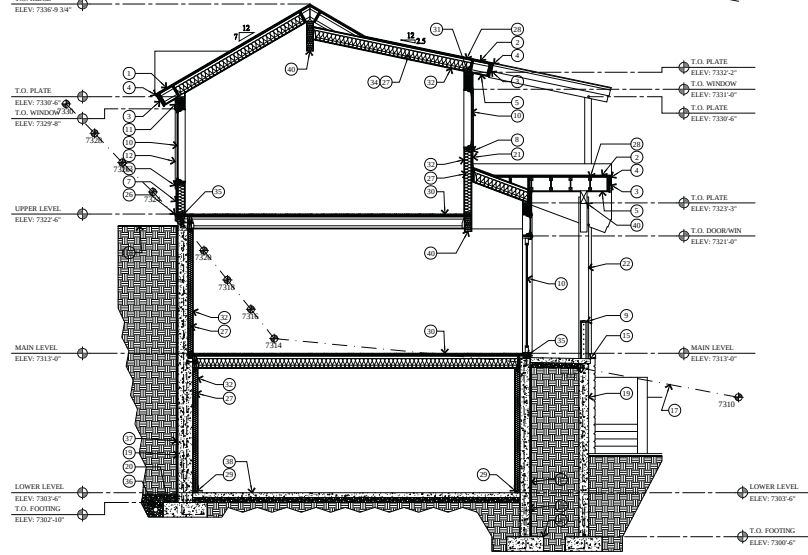
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SHEET NUMBER:
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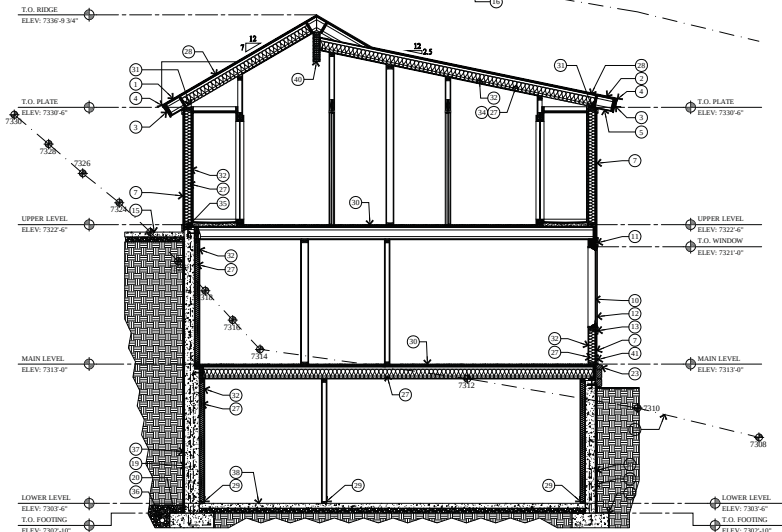
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1 BUILDING SECTION
SCALE 1/8" = 1'-0"



2 BUILDING SECTION
SCALE 1/8" = 1'-0"



3 BUILDING SECTION
SCALE 1/8" = 1'-0"

KEY NOTES

1. ARCHITECTURAL GRADE COMPOSITION: 2" THICK 1500 PSI CONCRETE SLAB ON 4" GRAVEL. 2" THICK 1500 PSI CONCRETE SLAB ON 4" GRAVEL. 2" THICK 1500 PSI CONCRETE SLAB ON 4" GRAVEL.
2. NON-REFLECTIVE STANDING SEAM METAL ROOF. METAL ROOF TO BE ICC-ES APPROVED, ON ICE AND WATER MEMBRANE. FIELD MEMBRANE 12" DOWN FROM RIDGE.
3. 1/4" ON 1/4" BUILT-UP PARCA - STAINED.
4. 1 1/2" x 1 1/2" CONTINUOUS METAL DRIP EDGE.
5. 1/2" CEDAR BOFFIT - STAINED W/ METAL ROOF VENT.
6. 2x4 CEDAR OUTSIDE CORNER BOARD, 2x4 CEDAR INSIDE CORNER BOARD - STAINED.
7. 1/4" CEDAR HORIZONTAL LAP SIDING ON TYVEE ROOFWRAP ON 1/2" EXTERIOR INSULATION. SEPARATING ON 2x6 STUD WALL @ 16" O.C.
8. NON-REFLECTIVE CORRUGATED STEEL SIDING ON TYVEE ROOFWRAP ON 1/2" EXTERIOR INSULATION. SEPARATING ON 2x6 STUD WALL @ 16" O.C.
9. 3/4" HIGH GROUND RAILING 2x4 BOARD. RAILING CONTINUOUS TOP CAP, W/ 3/4" DIA. STEEL CABLE, HORIZONTAL, SPACED LESS THAN 4". TYPICAL: 2x4x8 7x5 7x5 VERTICAL TUBE STEEL POSTS.
10. WOOD ALUMINUM GLAD WINDOWS AND DOORS. W/ INSULATED GLASS - SEE SCHEDULE.
11. 2x6 WINDOW/DOOR HEAD - PAINTED W/ METAL FLASHING.
12. 2x6 WINDOW/DOOR HEAD - STAINED.
13. 2x6 WINDOW SILL - STAINED.
14. CONCRETE COMPOSITE FLOOR DECK.
15. 4" REINFORCED CONCRETE SLAB ON 4" GRAVEL.
16. 1/2" x 1/2" SIGHT ABOVE EXISTING GRADE.
17. EXISTING GRADE LINE.
18. FINISH GRADE TO SLOPE AWAY FROM HOUSE A MIN. OF 4" WITHIN THE FIRST 10'. IRC R401.3.
19. FOUNDATION - SEE STRUCTURAL FOR SIZE AND REINFORCING.
20. FOOTING - SEE STRUCTURAL FOR SIZE AND REINFORCING.
21. ROOF TO WALL SURFACE, EXTERIOR RUTTING MEMBRANE OVER ROOF DECK & UP WALL. SLOPE 1/4".
22. TIMBER COLUMN - SEE STRUCTURAL FOR SIZE.
23. CUT STONE SILL/CAP CONTINUOUS.
24. 4" STONE VENEER - SEE SCHEDULE. 1.1. GENERAL. STRUCTURAL NOTES FOR INFILTRATION. 2.15 - TYP. ALL INTERIOR PLUMBING AND DRAINAGE WALLS TO BE 2x6 FRAMING, UNCO. W/ 1/2" INSULATION R-13 - TYP. ALL FLOOR JOIST TO BE 9 1/2" TYP. FRAMING UNCO. W/ 1/2" INSULATION R-13 - TYP. ALL ROOF JOIST TO BE 9 1/2" TYP. FRAMING UNCO. W/ 1/2" INSULATION R-13 - TYP. ALL ROOF JOIST TO BE 9 1/2" TYP. FRAMING UNCO. W/ 1/2" INSULATION R-13 - TYP. ALL ROOF JOIST TO BE 9 1/2" TYP. FRAMING UNCO. W/ 1/2" INSULATION R-13 - TYP.
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Jonathan DeGray
Architect

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Tel: 435-649-7363, E-mail: deggrayarchitect@aol.net

BRADSHAW RESIDENCE
HISTORIC DISTRICT DESIGN REVIEW SET
280 DALY AVENUE
PARK CITY, UTAH 84060

BUILDING SECTIONS

DATE:

MARCH 01, 2017

PROJECT NUMBER:

1611-01

SHEET NUMBER:

A3.1

Exhibit H



280 Daly Ave

Google Earth

Imagery Date: 7/8/2016 40°38'05.02" N 111°29'47.10" W elev 7331 ft eye alt 8134 ft

1993









Jonathan DeGray
Architect



19/12/2016



PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC BUILDING
MARCH 22, 2017

COMMISSIONERS IN ATTENDANCE:

Chair Adam Strachan, Melissa Band, Preston Campbell, John Phillips, Laura Suesser, Doug Thimm

EX OFFICIO:

Bruce Erickson, Planning Director, Kirsten Whetstone, Planner; Ashley Scarff, Planner; Makena Hawley, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

ROLL CALL

Chair Strachan called the meeting to order at 5:30 p.m. and noted that all Commissioners were present except Commissioner Joyce, who was excused.

ADOPTION OF MINUTES

March 8, 2017

MOTION: Commissioner Thimm moved to APPROVE the Minutes of March 8, 2017. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Erickson reported that the appeal of the Planning Commission action for the special events facility at the Kimball Garage will be heard by the City Council on March 30, 2017.

The Staff was preparing for the next Treasure Hill meeting on April 12, 2017.

Assistant City Attorney McLean noted that in the past, a member from the Planning Commission attends the City Council meeting when their action is being appealed. However, it is not mandatory. Commissioners Phillips and Suesser offered to attend.

Board Member Band disclosed that she was a Verizon customer, however, it would not affect her decision.

Commissioner Member Band stated that should be out of town for the April 12th meeting. Chair Strachan announced that he would be out of town on April 12th as well. Commissioner Suesser stated that she would attend the meeting on April 12th, but she would be absent from the meeting on April 26th.

Commissioner Suesser disclosed that she would be recusing herself from the Intermountain Health Care item on the agenda this evening.

CONSENT AGENDA

1. 1335 Lowell Avenue – Conditional Use Permit (CUP) application for the installation of telecommunication facilities on the rooftop, and within the parking garage, of the Lowell Condominiums. (Application PL-17-03458)

This item was pulled from the Consent Agenda for revisions to the conditions of approval.

2. 280 Daly Avenue – Steep Slope Conditional Use Permit (SS CUP) application for the construction of a new single-family home with at least 200 square feet of the Building Footprint proposed to be built upon an existing slope of 30% or greater. (Application PL-17-03423)

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

MOTION: Commissioner Phillips moved to APPROVE the Consent Agenda.
Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 280 Daly Avenue

1. On January 3, 2017, the Planning Department received an application for a Steep Slope Conditional Use Permit (CUP); the application was deemed complete on January 19, 2017.

2. The subject property is located at 280 Daly Avenue, Lot 1 of the Washington Mill Subdivision.
3. The property is located within the Historic Residential (HR-1) District and meets the purpose of the zone.
4. The lot is currently vacant, and the applicant is proposing to construct a new single-family home with a proposed footprint of 1,672 square feet.
5. A single family dwelling is an allowed use in the HR-1 District.
6. The lot contains 10,522 square feet. It is an uphill lot with a relatively flat portion at the front near Daly Avenue with an approximate grade of 13 percent (13%). The west and southwest (rear of structure) corner of the footprint is proposed in an area with grades ranging from 80-100 percent (80-100%). The rear of the lot slopes steeply upward, but will remain undeveloped due to the proposed design of the structure.
7. A Historic District Design Review (HDDR) application for a single-family dwelling is currently under review.
8. Access to the property is from Daly Avenue, a public street.
9. Two (2) off-street parking spaces are proposed on site. The applicant is proposing a double-car garage that is recessed under a cantilevered deck on the front façade.
10. The neighborhood is characterized by a mix of historic and non-historic residential structures, single family homes, and duplexes.
11. The Washington Mill Subdivision plat includes a note that restricts Maximum House Size to 2,500 square feet.
12. The proposal will create a single-family dwelling with a total floor area of approximately 4,220 square feet, including all garage, basement, and exterior wall areas. Based on Land Management Code definitions, the structure will have a gross residential floor area of 2,461 square feet, which satisfies the plat note.
13. The proposed construction complies with all minimum required setbacks. The minimum front and rear yard setbacks are both fifteen feet (15'). The minimum side yard setbacks are ten feet (10') minimum, 24 feet (24') total.
14. The proposed construction complies with the twenty-seven foot (27') maximum building height requirement measured from existing grade. It also meets the thirty-five foot (35') maximum interior height requirement.
15. The proposed structure has been designed so that its mass is centered on the flattest portion of the lot, in an attempt to avoid the steepest slopes. The structure is wider than it is long, with roof lines that follow the natural contours of the site. The wide façade has been designed with horizontal and vertical steps in the building wall to break up mass along the street front, and to avoid an undesirable wall effect.
16. The large lot size combined with the platted restriction on maximum house size has resulted in a structure that provides greater setbacks to the south and rear of the structure than what is required. The back half of the lot will remain largely undeveloped, preserving a significant amount of vegetation, and avoiding cuts into

extremely steep slopes (grades greater than 100 percent (100%)). The proposed footprint is also below what is typically allowed by the LMC.

17. As required, the applicant submitted both uphill and downhill street views of the site, with and without renderings of the single-family structure in its proposed location. The visuals show that the applicant has made an effort to mitigate potential impacts of the proposed access and building mass and design as much as possible. The structure will be accessed off Daly Avenue, and because the structure is located at the front of the lot, there will be minimal impact from construction of the driveway and garage. This analysis shows that the structure will complement existing conditions along Daly Avenue.

18. The proposed design includes a driveway that is twelve feet (12') in width where it intersects with the right-of-way, and becomes wider as it moves back toward the two-car garage doors, which are approximately 19.5 feet (19.5') in from the front property line. The visual impact of the two garage doors is mitigated by recessing them under a cantilevered deck area. The project architect has stated that the driveway location minimizes the amount of cutting into the bank off the street.

19. Current plans show three (3) retaining structures at the front of the home with the purpose of retaining grade for the driveway and front entry access points. Terraced walls have also been introduced at the rear and south sides of the home to capture two (2) separate patio areas.

20. No lighting has been proposed at this time. Lighting will be reviewed at the time of the HDDR and Building Permit application for compliance with the LMC lighting code standards.

21. The property was posted and notice was mailed to property owners within 300 feet on March 8, 2017. Legal notice was also published in the Park Record in accordance with requirements of the LMC on March 8th.

22. The property is located outside of the Soils Ordinance boundary.

23. The findings in the Analysis section of this report are incorporated herein.

Conclusions of Law – 280 Daly Avenue

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.2-6.

2. The CUP, as conditioned, is consistent with the goals and objectives of the Park City General Plan.

3. The proposed use will be compatible with the surrounding structures in use, scale, mass, and circulation.

4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval – 280 Daly Avenue

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 March 22, 2018, if a building permit has not yet been issued by the building department, 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 March 22, 2017, and the Final HDDR Design.
6. All retaining walls within any of the setback areas shall not exceed more than six feet (6') in height measured from final grade, except that retaining walls in the front yard shall not exceed four feet (4') in height, unless an exception is granted by the City Engineer per the LMC, Chapter 4.
7. Modified 13-D residential fire sprinklers are required for all new construction on this lot.
8. All exterior lighting, on porches, decks, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited. Final lighting details will be reviewed by the Planning Staff prior to installation.
9. Construction waste should be diverted from the landfill and recycled when possible.
10. All excavation work to construct the foundation 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, he determines that it is necessary based upon specific site conditions such as access, or lack thereof, exist, or in an effort to reduce impacts on adjacent properties.
11. 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.
12. On-site storm water detention shall be required.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 1335 Lowell Avenue – Conditional Use Permit (CUP) application for the installation of telecommunication facilities on the rooftop, and within the parking garage, of the Lowell Condominiums. (Application PL-17-03458)

Planner Ashley Scarff reviewed the request for a conditional use permit for Verizon Wireless to establish a new telecommunication facility. She explained that Telecommunication Facilities can be amended administratively if they are already established; however, this was a new location on top of the Lowell Condominium at 1335 Lowell Avenue. The intent is to provide improved capacity at the base of PCMR.

Planner Scarff requested to amend the Conditions of Approval in the Staff report by striking Condition #2, which states, "Panel Antennas shall be no more than five square feet (5 sq. ft.) in Area per face". She explained that in this situation all rooftop equipment would be completely screened from the adjacent properties. Limiting to that area would impact Verizon's ability to complete their project. Planner Scarff also added a sentence to Condition of Approval #3 stating that the rooftop equipment shall not exceed the height of the antenna skids.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Band moved to APPROVE the Conditional Use Permit application for the installation of Telecommunication Facilities on the Rooftop and within the parking garage of the Lowell Avenue condominiums, in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval as amended by the Staff. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

Director Erickson remarked that the telecommunication industry is increasing and the Staff is starting to relook at the Code with respect to the proliferation of antennas, small cells, densification antennas, underground transmission devices, and franchise agreements for connection to fiber.

Commissioner Thimm liked how the one they just approved is completely screened. He commended the Planning Department if they had any part in working with the applicant to accomplish that. If they continue to look at this in the future, screening would be an important factor.

Planner Scarff stated that two antenna proposals would be coming before the Planning Commission next month. She believed that the Industry has improved on ways to disguise the antennas. In this case screening was part of Verizon's proposal and she had nothing to do with it.

Findings of Fact – 1335 Lowell Avenue

1. On January 31, 2017, the Planning Department received an application for a Conditional Use Permit (CUP) to allow Verizon Wireless to establish a new Telecommunication Facility on the roof and within the underground parking garage of The Lowell Condominiums, located at 1335 Lowell Avenue. The application was considered complete on February 22, 2017.

2. The subject property falls within the Recreation Commercial (RC) District.

3. The Land Management Code (LMC) states that, within the RC District, Telecommunication Antennas are a Conditional Use, subject to LMC Section 15-4-14, Supplemental Regulations for Telecommunication Facilities, in addition to the standard Conditional Use review criteria of Section 15-1-10(E).

4. The proposed rooftop equipment will consist of two (2) screened antenna skids that will match the building wall of The Lowell Condominiums to mitigate visual impact. These screened skids will have a ten foot (10') setback from the roof edge, and the screen walls will be 9 feet, 6 inches (9', 6") in height above the flat roofline. The skids will contain nine (9) total panel antennas, nine (9) remote radio heads to provide service to the antennas, and three (3) MOVP boxes. All cable chases will also be painted to match the building's exterior.

5. The necessary ground equipment will be located within the first sub-level of the underground parking garage of The Lowell. The applicant proposes to screen off a 121.5 square foot area located behind a stairwell in the parking garage, which is designated as having Limited Common ownership on the plat. The HOA has consented to this project, and indicated that the space is currently used by cleaning crews for laundry purposes. This is not designated for parking on the plat. No parking will be eliminated with this project.

6. Staff finds that the project, as proposed and conditioned, meets all requirements related to setbacks, height, and design found in LMC Section 15-4-14, Supplemental Regulations for Telecommunications Facilities.

7. On March 8, 2017, the property was posted and notice was mailed to affected property owners within 300 feet. Legal notice was also published in the Park Record on March 8th.

8. This application has been reviewed under Land Management Code Section 15-1-10 (E).

9. The Findings in the Analysis Section are incorporated herein.

Conclusions of Law – 1335 Lowell Avenue

1. The application satisfies all Conditional Use Permit review criteria as established by the LMC's Conditional Use Review process (§15-1-10(E), Criteria 1-16);
2. The Use, as conditioned, is compatible with surrounding structures in use, scale, mass, and circulation;
3. The Application complies with all requirements of the LMC; and
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval – 1335 Lowell Avenue

1. The scope of this approval includes two (2) screened antenna skids on the rooftop of The Lowell Condominiums that will contain nine (9) total panel antennas, nine (9) remote radio heads to provide service to the antennas, and three (3) MOVP boxes, as well as associated cable chases and ground equipment, which will be located behind a stairwell in the first sub-level of the underground parking garage.
2. The rooftop antenna skids shall be set back ten feet (10') from the roof edge, and the screen walls shall not exceed 10' in height, measured from the plane of the flat roofline. the rooftop equipment shall not exceed the height of the antenna skids
3. The antenna skids shall be painted to match the building wall of the existing condominium building.
4. All necessary cable chases shall also be painted to match the existing building.

5. All equipment located within the underground parking garage shall be screened off to separate uses, and to ensure the health and safety of the parking garage users.

6. Signs shall only be installed on site if necessary for the health and safety of the general public.

7. Prior to installing the equipment, the applicant must apply for and procure a Building Permit from the Building Department

2. 1003 Woodside Avenue – A plat amendment requesting to combine the property into one lot of record. 1003 Woodside Avenue consists of Lot 1 and Lot 2 of Block 9, Section 16 of Snyder’s Addition to Park City. The non-historic structure sits over Lots 1 and 2. (Application PL-17-03473)

Planner Makena Hawley reviewed the request for a plat amendment to combine Lots 1 and 2 of the Block 9, Section 16 of Snyder’s Addition to Park City. The Staff supports this request because it would remove a lot line that goes through a house. The applicant would be doing encroachment agreements with the City to address the encroachments in the right-of way. They would also be given snow storage easements.

Planner Hawley remarked that the plan is to tear down the house and build a new house. Unless the lot line is removed, the applicant would not be able to do any reconstruction or additions.

Chair Strachan asked where this home fits into a previous discussion about the inventory of Significant and Historical and the reclassification of structures based on the mishap on Park Avenue that occurred months earlier. Planner Hawley stated that the existing house was not historic. It was built in 1967 and was never considered for Determination of Significance by the Planning Department. Director Erickson asked if it could be considered a skier house. Planner Hawley replied that it was an A-frame shape; however, she had done the research and spoken with the Preservation Planners, and at this time there was no intent of doing a Determination of Significance.

Chair Strachan clarified that he was referencing a demolition that was allowed on Park Avenue that sparked a review of how the City handles demolitions of not only historic homes, but also non-historic homes which have some level of significance. Commissioner Phillips understood that it now requires engineering before demolition can be considered.

Director Erickson explained that last year the LMC was revised to change the criteria for structures in the Historic Districts, and they added a new classification of Contributory structures. However, there is no prohibition against the demolition of a Contributory structure and Contributory structures are not listed on the Historic Sites Inventory. Director Erickson emphasized that at this time there was not a lot of regulatory control on this type of structure, and the City Council has not indicated an increased level of management. Director Erickson stated that the Planning Department would prefer to curate the ski era homes and be able to tell the story going forward. In the meantime, when a building on Park Avenue fell over they added two clauses. One was the Engineering clause that Commissioner Phillips had referenced, and the second was criteria on steep slopes requiring that excavation for raising a building could not be done between October 15 through April 15. He pointed out that this home at 1003 Park Avenue was not a historic site.

Planner Hawley stated that through the HDDR process, before they demolish the structure the applicant is asked to show how the house looked and to provide the designs, the plans, and the elevations.

Chair Strachan wanted to know who decides whether a structure is Contributory. Director Erickson recalled that a 40-year threshold was the only criteria. He reiterated that currently there is no regulatory control on a Contributory building. Chair Strachan asked if anyone had tried to classify this structure as Contributory. He understood that the classification may not have any repercussions on what could be done with the home. If they have a new classification, he thought they should try to classify the structures to see if it fits.

Commissioner Thimm pointed out that the Planning Commission was only being asked to approve a lot consolidation. Chair Strachan stated that if the City was supposed to put this building under the Contributory classification procedurally under the Code and it was not done, they should catch that error. Commissioner Thimm believed that issue was separate from consolidating two lots where the building crosses the property line. Chair Strachan was unsure what the Code language actually says about designating the classification so he was not able to determine whether one affects the other.

Commissioner Suesser noted that the Staff reports states that the applicant intends to demolish the home. It also states that it is a non-historic structure; so that would need to be redefined. Chair Strachan agreed that it may be an exercise in futility if being classified as Contributory results in absolutely no change in the process.

Commissioner Band understood that the Staff has the right to ask for plans and other items to document the history of the home.

Assistant City Attorney McLean pulled up the Code 15-11-10 and read that a Contributory structure is eligible for historic district grant funding. It also says that they are eligible for demolition. Ms. McLean thought the Contributory classification was adopted with the idea of being a middle section, and a means of talking to the homeowners before a structure is demolished to offer incentives such as grant funding to keep the structure.

Director Erickson noted Planner Hawley had discussed this with the Historic Preservation Planners, Anya Grahm and Hannah Tyler, and they would have clearly informed Director Erickson or Planner Hawley if they thought a different process should be followed. Ms. Hawley had done her due diligence and if she had not already spoken with the Preservation Planners he would be more willing to relook at this. He asked Planner Hawley if her conversation with the Preservation Planners was noted in the Findings. Planner Hawley replied that the Finding only stated that it was not a historic site.

Chair Strachan noted that Section 15-11-10 says, "The Historic Preservation Board may designate sites". He thought the HPB need to make that decision. Chair Strachan pointed out that the definition of a Contributory site is that it is 40 years or older and meet one of two criteria. He thought the most applicable was Criteria 2, "It is important in local, regional, history architecture or culture associated with at least one era of historic importance to the community." Chair Strachan remarked that this structure was the classic ski era architecture.

Director Erickson referred to Commissioner Thimm's comment that this was a subdivision application. The Planning Commission could add a condition of approval requiring that the building be reviewed for a Contributory site. He did not believe the HPB needed to be involved until there is a determination of Contributory. Director Erickson stated that it would be up to him to make an application to the HPB to list the house. He did not believe there were any Contributory structures listed on the HSI.

Director Erickson asked if the Planning Commission was willing to proceed with the subdivision with Planning Department review for the Contributory nature of the structure. Chair Strachan was comfortable with that approach.

Assistant City Attorney McLean stated that they could also add a Finding of Fact stating that the structure is over 40 years old and may qualify as Contributory. Chair Strachan stated that if it is black and white he was comfortable with the Staff could make that determination. However, if it is on the edge or there is any question, he preferred that it go to the HPB for a determination.

Chair Strachan thought the condition of approval should read, "The Staff shall review it pursuant to 15-11-10, A-3; and if necessary recommend Historic Preservation Board review." Assistant City Attorney McLean suggested a Finding linked to the Condition of Approval stating that "The home is more than 40 years old and built in 1967, and based on its age it may qualify to be Contributory. Chair Strachan suggested adding that it may have important local or regional history or architecture, and be associated with an Era of historic important.

Commissioner Suesser asked if the City right-of-way was just on the stair side. She noted that Finding #14 describes an encroachment on the northwest property line into the City right-of-way. Planner Hawley indicated the encroachment. Everything on the street side is the City right-of-way.

Chair Strachan opened the public hearing.

Cheryl Sosnick, a resident at 1007 Woodside, stated that he originally intended to voice her objections due to the issues that the Commissioners had raised. However, after hearing their discussion she was comfortable with the suggested approach and thanked them for going in that direction. Ms. Sosnick regretted that in the past the City had not treated the historic ski era A-frames in a loving manner. She cried when the historic ski era A-frame at 1031 was demolished in a day and a McMansion was built. Having lived next door to this particular ski era A-frame since 1986, she has become fond of it. Ms. Sosnick commented on the ski era A-frames. She is a volunteer at the Museum and she gives walking tours on Main Street. One of the things that she stresses and that the tourists really appreciate is the variety of buildings up and down Main Street from many different eras. It combines to make a very unique and loving Main Street, and she would be sad if all of the buildings on Main Street looked the same. Ms. Sosnick felt the same was true for the residential areas. She thought it was important to keep the old A-frame houses. The house next door to her is not beautiful, but it is one of the few remaining, recognizable ski era A-frames. The others have either been torn down or remodeled. Ms. Sosnick appreciated the Planning Commission for sending this back for review. She pointed out that the house was built in 1967 which makes it 50 years old this year. She was unsure whether that would move it to the historic category and asked them to keep that in mind.

Chair Strachan encouraged Ms. Sosnick to follow the website so she would know when this item is scheduled to either come back to the Planning Commission or placed on the HPB agenda in the future. He understood that the people who want to protect the A-frames are a silent and often unheard minority, but they do exist. He encouraged public comment and appreciated that Ms. Sosnick came to speak this evening.

Chair Strachan closed the public hearing.

Director Erickson summarized that the direction from the Planning Commission is for the Staff to review the house against the criteria for Contributory designation. The added condition of approval would give him the authority to review it as the Planning Director. If anything is questionable, it could go to the HPB. Director Erickson pointed out that regardless of that outcome, the HDDR is publicly noticed and the lot is posted. If they have to go through a Determination of Significance, the Staff would not begin the HDDR and it would be scheduled on the HPB agenda.

Director Erickson clarified that the Planning Commission could forward a recommendation to the City Council, and in the meantime the Planning Department would review it as a Contributory site, or under the Procedure for Designating Sites to the Historic Sites Inventory.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council for a plat amendment at 1003 Woodside Avenue, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as amended. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 100 Woodside

1. The property is located at 1003 Woodside Avenue.
2. The property is in the Historic Residential (HR-1) District.
3. The subject property consists of Lot 1 and Lot 2, Block 9 of Snyders Addition to Park City. The proposed plat amendment creates one (1) lot of record.
4. The Plat Amendment removes one (1) lot line going through the existing structure.
5. The proposed Plat Amendment combines the property into one (1) lot measuring 3,750 square feet.
6. A single-family dwelling is an allowed use in the District.
7. The minimum lot area for a single-family dwelling is 1,875 square feet. The proposed lots meet the minimum lot area for single-family dwellings as well as for a duplex which is a conditional use in the HR-1 District.
8. The proposed lot width is width is 50 feet along Woodside Avenue.
9. The minimum lot width required is twenty-five feet (25'). The proposed lot meets the minimum lot width requirement.
10. The maximum building footprint allowed based on proposed lot size of 3,750 square feet is 1,519 square feet. The existing house equates to a footprint of approximately 880 square feet.

11. The minimum front/rear yard setbacks are ten feet (10'); the minimum total front/rear yard setbacks are twenty feet (20'). The existing house has a front yard setback of 23 feet and a 15 foot rear yard setback.
12. The minimum side yard setbacks are five feet (5'); the minimum total front/rear yard setbacks are 10 feet. The existing house has a front yard setback of 23 feet and a 15 foot rear yard setback. The existing structure does not meet the north side yard setback. The structure has not been deemed legal non-complying, no research could be found on past building permits. The south side yard setback is met utilizing 9 feet to the property line.
13. The degree of non-conformity isn't increased by the plat amendment
14. There is a stone retaining wall along the northwest front property line that encroaches into the City Right of Way. There are also stone retaining walls, railroad ties and a slat wood fence along the south side yard property line encroaching into the City Right of Way.
15. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.
16. The existing house was built in 1967.

Conclusions of Law – 1003 Woodside Avenue

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 lot combinations.
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 – 1003 Woodside Avenue

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 will 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. A ten foot (10') wide public snow storage easement along the front (Woodside Avenue) as well as a five foot (5') public snow storage easement along the side (10th

street) property lines to address street frontages will be required.

4. A five foot (5') wide utility easement may be required along Woodside Avenue if the existing storm drain is found to be crossing the property.

5. Prior to plat recordation, the property owner shall resolve the encroachment of the stone retaining walls over the front (east) property line into the City Right-of-Way (ROW) by either removing the retaining walls or entering into a recorded agreement with the City Engineer.

6. Prior to plat recordation, the property owner shall resolve the encroachment of the stone retaining walls, the railroad ties, and the slat wood fence over the side (north) property line into the City Right-of-Way (ROW) by either removing them or entering into a recorded agreement with the City Engineer.

7. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.

8. New construction shall comply with Land Management Code Section 15-2.2 regarding setbacks, building height, building envelope, building footprint, etc. and historic district guidelines.

9. Planning Commission requires Staff provide an additional review of the existing home at 1003 Woodside Avenue of Section 15-11-10 (A) -3 and if necessary recommend HPB review due to the possibility that the existing home may possess local or regional history, architecture, engineering, or cultural associated with (A) An era of Historic importance to the community; or (B) Lives of Persons who were of historic importance to the community, or (C) Noteworthy methods of construction, materials, or craftsmanship used during the historic period.

3. **Intermountain Healthcare Amended Master Planned Development (MPD)-
Ratification of Development Agreement – Ratification of Development
Agreement.** (Application PL-15-02999)

Commissioner Suesser recused herself and left the room.

Planner Kirsten Whetstone reviewed the request for a Ratification of the Development Agreement for the Intermountain Healthcare (IHC) approved Master Planned Development, and the two amended approvals. The amended approvals occurred in

October 2014 and January 2016. The action letters were attached to the proposed Development Agreement. Planner Whetstone explained that ratify the Development Agreement memorializes the Planning Commissions' approvals.

Planner Kirsten stated that this was originally under the Annexation Agreement for the Burbidge Annexation. An annexation agreement is harder to amend and it does not capture everything that is specific to the Master Planned Development. One of the conditions of the second approval was to create a Development Agreement that could be ratified by the Planning Commission and recorded. She noted that parts of the Annexation Agreement were linked throughout the Development Agreement.

Planner Kirsten stated that the final revised Agreement was emailed to the Planning Commissioners earlier in the week.

Planner Whetstone reviewed a few changes. The first was in Section 1 under Property. "Lot 4, originally identified for the 28 deed restricted housing units, is identified for public safety uses", and she added "...such as a fire station or other public safety buildings".

Planner Whetstone noted that the second change was in Section 2.5. It did not change specific language but it qualified the section because the LMC states that a Development Agreement must have these specific items. One was the Developer's Obligation. However, the language says, "Developer exactions and agreed upon public dedications". Planner Whetstone had added that language to Section 2.5 so it would conform to the requirements of the LMC.

Planner Whetstone referred to the Water Agreement in Section 7. She noted that they did not have confirmation from the attorney, Tom Bailey, as to whether they satisfied all the water obligations with the Annexation Agreement. Therefore, that language was not included but it could be added if they receive confirmation.

The final change related to Affordable Housing. Planner Kirsten revised the language to clarify that it is subject to the original affordable housing plan mitigation plan, as well as the one that was amended with the Peace House. It collects all of the affordable housing mitigation plans that were subject to the Master Planned Development. Planner Whetstone had also added the notary statement at the end of the Agreement.

Director Erickson clarified that the changes were delivered to the Planning Department and reviewed by the Staff, but they were not included at the time the Staff report was prepared due to a glitch in the new system. The Planning Staff had been reviewing these changes for over a month and the Legal Department had completed their review.

Planner Whetstone noted that a public hearing is not required, but the Planning Commission had the discretion to take public comment. The Staff recommended that the Planning Commission ratify the IHC Development Agreement as revised in Exhibit A that was posted on the website and provided to the Planning Commission via email on March 20, 2017, pursuant to the Findings of Fact outlined in the Staff report.

Morgan Bush, representing IHC, stated that after reading through the changes, he had three suggestions. Under 2.5, the sentence reading, "The following are outstanding developer obligations...." He proposed adding to the sentence additional language stating, "The following are outstanding developer obligations from the Annexation Agreement, the MPD, and the MPD Amendments". He thought the suggested language better clarified because changes since the original annexation agreement were reflected in this list.

Chair Strachan stated that they could make a new paragraph 2.6 and have it say, "The following are outstanding development obligations that are tied to the Annexation Agreement..." Mr. Bush was comfortable with different language as long as the intent was clear. Assistant City Attorney McLean thought Mr. Bush had drafted sufficient language to show the source of those obligations. She also favored Chair Strachan's suggestion to make it a separate paragraph as 2.6. Mr. Bush stated that if they were making it a separate paragraph 2.6, he preferred to say, "The following are the outstanding developer obligations from the MPD and the MPD Amendments". A through D comes from the Annexation Agreement. The new language would be E. Assistant City Attorney McLean preferred to keep the obligations together.

Planner Whetstone clarified the language as "The following are the outstanding developer obligations outlined in the Annexation Agreement, the MPD and amended MPDs".

Mr. Bush questioned the language in D, The Silver Summit Frontage Road Easement. He noted that Finding 19 in the Annexation Agreement said that they were to cooperate with Park City Municipal Corporation. The timing of it was not linked to the certificate of occupancy of any phase of the construction. Ms. McLean stated that she would have to look at the Annexation Agreement before she could comment. He recalled that the City wanted that and the easement was shown on the Second Amended Subdivision Plat. They have agreed that if the City requests, IHC would do the actual dedication and grant that. However, the timing was not tied to anything specific. The City was to decide and work with the County on when or if that frontage road is ever built.

Mr. Bush referred to the Notary for Intermountain Health Care and noted that it should read Vice-President because they do not have Managing Partners.

Assistant City Attorney McLean referred to Finding 19 on page 184 of the Staff report and read the last sentence, "To the extent that the property is adjacent to the Frontage Road to Silver Summit, the petitioner shall cooperate with the City in the dedication of a non-exclusive right-of-way over and across the property to access such frontage road". She suggested that they remove the second part beginning with "and...." and just say "subject to the Annexation Agreement Finding 19". Mr. Bush was comfortable with that revision. Planner Whetstone clarified that once the Hospital and everything else is completed it would still be an obligation in the Annexation Agreement. Mr. Bush stated that it was the reason for putting it on the subdivision plat because it memorialized the agreement in the Annexation. Whenever the City requests, they would go ahead and do the actual dedication.

Chair Strachan stated that he would be more comfortable if the language under D said, "Silver Summit Frontage Road easement as required by Finding 19 of the Annexation Agreement". Mr. Bush and Ms. Mclean were comfortable with that revision.

Chair Strachan stated that typically he is not comfortable with a Development Agreement that appears to be in draft form; however, he realized that they were up against a deadline for having a Development Agreement in place and the delay was partially caused by the City. He would normally support sending this back to the Staff and waiting for a clean copy, but he felt they needed to move forward this evening. Assistant City Attorney McLean was comfortable moving forward. These changes were not real substantive and she had reviewed the highlighted changes last week. The problem is that there was an issue with which version ended up in the Staff report.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Band moved to RATIFY the Intermountain Healthcare Development Agreement to memorialize the Amended MPD, with the additional amendments discussed this evening. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously. Commissioner Suesser was recused.

Findings of Fact – IHC

1. The IHC MPD was approved by the Planning Commission on May 23, 2007, subject

to the Annexation Agreement recorded at Summit County on January 23, 2007.

2. The IHC MPD consists of Lots 1, 2, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of the Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility Subdivision (IHC/USSA Subdivision), and generally includes an Intermountain Healthcare Hospital of 300,000 square feet (180 Unit Equivalents) located on Lot 1 and Support Medical Office space of 150,000 square feet (150 Unit Equivalents) located on Lots 1, 7, and 10, as well as the Peace House CUP located on Lot 8.

3. The property is generally located on Round Valley Drive west of US 40 and east of Round Valley in the Quinn's Junction neighborhood of Park City.

4. The property is located in the Community Transition (CT) Zoning District.

5. The First Amended Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility Subdivision plat was approved by the City Council on October 11, 2007 and recorded at Summit County on May 20, 2008. The first amended plat memorialized various easements and road layouts and adjusted the location of various lots consistent with the approved MPD. The plat consisted of nine lots of record.

6. The Second Amended Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility Subdivision plat was approved by the City Council on July 31, 2008 and recorded at Summit County on November 25, 2008. The second amended plat created new Lots 10 and 11 out of the previous Lot 8. Lot 10 was created for the Summit County Health Department and the People's Health Clinic building and Lot 11 was created as a separate lot for IHC as it was located south of Victory Lane. This plat consists of eleven lots of record.

7. Lot 2 of the IHC/USSA Subdivision plat is dedicated as open space.

8. Lot 3 is not part of the IHC MPD and is owned by and the location of the USSA Headquarters and Training Center MPD.

9. Lot 4 was the original location of 28 affordable, deed restricted townhouse units incorporated into the Park City Heights neighborhood during the Park City Heights MPD approval. Lot 4 currently has no designated density and was transferred to Park City.

10. Lot 5 was dedicated and transferred to Park City for future recreation uses and has

no designated density.

11. The density initially designated for Lots 6 and 8 was transferred to Lot 1 with the First Amendment to the MPD. A Conditional Use Permit for the Peace House was approved on Lot 8. Lot 6 currently has no designated density.

12. Lot 7 contains the 25,000 sf of medical support office uses and is also known as Physician Holdings or MOB (Medical Office Building).

13. Lot 9 contains a small Questar gas regulating facility.

14. Lot 10 is the location of the Summit County Health Department and People's Health Clinic utilizing 25,000 sf of support medical office density. Summit County has a ground lease from IHC on this lot.

15. Lot 11 is the one acre lot around Lot 9, owned by IHC and not designated as to use or density.

16. A Third Amended Subdivision plat to subdivide Lot 8 into two lots (Lot 8 and Lot 12) was approved by the City Council on July 21, 2016. Recordation of this twelve lot plat amendment is pending.

17. The Annexation Agreement sets forth maximum building floor areas, development location, and conditions related to developer-provided amenities on the various lots of the IHC/USSA subdivision plat, such as roads, utilities, trails, and affordable housing.

18. A Development Agreement reflecting the approved Master Planned Development and subsequent amendments is required to be ratified by the Planning Commission and recorded at Summit County.

19. A First Amended IHC MPD was approved by the Planning Commission on October 8, 2014, transferring assigned medical support density from Lots 6 and 8 to Lot 1, along with other amendments related to Phase 2 of the Medical Center construction.

20. The Second Amended IHC MPD was approved by the Planning Commission on January 13, 2016, approving administrative corrections to conditions #16 and #17 of the October 8, 2014 First Amended IHC MPD, acknowledging that a Fire Station is an appropriate use within the MPD, as contemplated on Lot 4, allowing the subdivision of Lot 8 into two lots, and allowing the Peace House use on amended Lot 8.

21. One additional item included in the Second IHC MPD Amendment application, regarding additional density for support medical uses, was continued to a date uncertain, and final action on this item submitted with the IHC pre-MPD application has not yet occurred.

22. The January 13, 2016, approved MPD Amendments included the following conditions of approval:

1. All applicable conditions of approval of the IHC/USSA Annexation Agreement shall apply to this MPD amendment.

2. All applicable conditions of approval of the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility Second Amended subdivision plat shall apply.

3. Construction of the Peace House facility on Lot 8 is subject to the Conditional Use Permit approved on January 13, 2016, as well as to all applicable conditions of approval of the MPD, as amended, the Annexation Agreement, and the Subdivision plat. Peace House facility consists of approximately 37,600 square feet of new construction for an emergency shelter for victims of domestic violence; including emergency and transitional housing, support uses (day care, counseling, training, common kitchen and living areas, laundry, storage) and administrative offices.

4. A Development Agreement specifically for the IHC Master Planned Development, as amended, shall be ratified by the Planning Commission within 6 months of final action on the MPD Amendment application.

5. The Development Agreement shall reiterate all applicable requirements of the Annexation Agreement, as well as zoning requirements related to findings, conclusions, and conditions of approval of the MPD, included the approved amendments.

6. The Development Agreement shall include an express reservation of the future legislative power and zoning authority of the City, a copy of the approved MPD plans and any other plans that are a part of the Planning Commission approval, a description of all Developer exactions or agreed upon public dedications, an agreement to pay all specified impact fees; a description of the form of ownership anticipated for the project; and a list and map of all known Physical Mine Hazards on the property.

7. All construction within the IHC MPD is subject to the plat notes and conditions of approval of the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility amended subdivision plat recorded at Summit County on November 25, 2008, as well as conditions of approval of the IHC MPD, as amended, including amendments to Conditions #16 and #17 of the October 8, 2014 MPD Amendment approval, as described in #8 below.

8. Conditions #16 and #17 of the October 8, 2014 approval of the First Amended IHC MPD shall be amended, and reflected in the Development Agreement, as follows:

- a) Condition #16 shall be deleted.
- b) Condition #17 shall be amended to state the following: The applicant shall submit a parking study as part of an application for the next Medical Center expansion. The study shall include qualified transportation professionals recommendations addressing the potential impact of reduced parking ratios in future phases and a comprehensive program to increase utilization of underutilized parking areas; along with impacts to street intersections out to and including SR-248.

23. The applicant and Staff were waiting for the density issue requested with the Second MPD Amendment application to be considered by the Planning Commission prior to drafting the a Development Agreement. This amendment requires further density discussion and possible Land Management Code amendments, and has been continued to a date uncertain.

24. On October 12, 2016, Staff and the applicant met and the applicant requested that a Development Agreement be ratified for the MPD amendments approved to date.

25. As the 6 month timeframe has passed, based on the January 13, 2016 approval date of the Second Amendment, the applicant requested an extension to the ratification timeframe.

26. On December 14, 2016, the Planning Commission approved an extension to the ratification timeframe to July 13, 2017.

27. A draft Development Agreement consistent with the MPD Amendments approved on October 8, 2014 and January 13, 2016 was prepared and reviewed by the City Legal Department, City Engineer, and Planning Director.

28. Following ratification and approval as to final form by the City Attorney, the Development Agreement will be executed and recorded at Summit County.

29. If final action is taken to approve the request for additional density an amended Development Agreement shall be ratified and recorded per the Land Management Code.

30. The MPD is subject to the amended IHC Housing Mitigation Plan approved by the Park City Housing Authority on February 3, 2017.

31. Development on Lot 8 is subject to the January 13 2016 Peace House Conditional Use Permit, and any approved amendments. There is no assigned Unit Equivalent (UE) density on Lot 8. Density on Lot 8 is related to Affordable Unit Equivalents(AUE) and the Peace House facility.

Commissioner Suesser returned to the meeting.

4. **Request by Deer Crest Associates to amend the Deer Crest Settlement Agreement/Master Planned Development approved on December 29, 1995, to eliminate a required physical disconnect of Deer Hollow Road (aka Keetley Road) at the Slalom Village (aka Deer Hollow) development parcel location. (Application PL-16-03209)**

The Planning Commission previously reviewed this application on February 8, 2017.

Planner Whetstone reviewed the request to amend the Deer Crest Settlement Agreement. The Staff recommended approval of the Master Plan Amendment for Deer Crest, and requested that the Planning Commission forward a positive recommendation to the City Council regarding the Third Amended Deer Crest Settlement Agreement pursuant to the Findings in the Staff report.

Tom Bennett, representing the applicant, stated that the only change since the last meeting was to modify the Amendment to the Settlement Agreement to incorporate the issues that were recommended and discussed at that meeting.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Commissioner Campbell stated that if there was an agreement and one party wants to change it for their benefit, even if the other party agrees with the change, in order to forward a positive recommendation to the City Council there should be a benefit. He referred to a color coded map and understood that the portion in red was what the applicant wanted to protect. It was the private neighborhood that should remain that way. Commissioner Campbell asked if the gates would serve the same purpose if they were moved to the intersection of the roads shown in blue, green and red. They would still be able to use the green road for deliveries; and at some point in the future, that road could potentially be used by the rest of the City if it was ever necessary.

Commissioner Campbell stated that if the City was being asked to amend the agreement he thought the City should get something in return. Commissioner Campbell clarified that the Planning Commission did not have the authority to negotiate a benefit, but as part of their recommendation they could ask the City Council to negotiate that change.

Mr. Zacaro understood that Commissioner Campbell was suggesting that they move the Queen Esther gate to the intersection of Deer Hollow Road and Deer Crest Estates; and that he was proposing the same for the Jordanelle gate. Commissioner Campbell replied that he was correct. Mr. Zacaro clarified that there are two developments within Deer Crest and others to be built that have restricted gate access. If they follow Commissioner Campbell's suggestion, that access would be located outside of the gates and access to those communities would be open to everyone. Mr. Zacaro noted that people purchases their property with the understanding that the community would be private and gated. He did not believe it would be appropriate for the Master Association to take portions of what is currently the Deer Crest community and open it to traffic.

Commissioner Campbell asked which end it would be accessed from. Mr. Zacaro used the map to indicate the location of 15 townhomes and noted that more would be built. They are currently located within the gate; however, if the gate is moved as proposed by Commissioner Campbell, the area would be open to traffic. In terms of the concerns that were raised at the last meeting regarding opening the road to vehicle traffic during traffic emergencies, Mr. Zacaro was unsure what would be accomplished by moving the gate. The gates are substantial structures and it would be a significant cost to move them. He did not believe the Master Association would be in agreement with moving the gates.

Commissioner Campbell noted that the two communities that his proposal would remove from protection inside the gate could be accessed from Highway 40 or from Queen Esther. Mr. Zacaro answered yes. Commissioner Campbell stated that if the road is broken in half, which the current agreement forces them to do, each community would be forced to come in from one side. Mr. Zacaro replied that the people living in the townhomes could still come from both sides. However, if the disconnect were ever to occur, they would still be inside a gated community. Moving the gates would remove that protection. Commissioner Campbell understood that the idea of the disconnect was that the gates would be temporary and at some points the gates would be taken down and the disconnect would serve the function of keeping traffic from using that as an entry into Park City. He thought the developer wanted to remove the disconnect because of construction access. Planner Whetstone pointed out that the east and west perimeter gates were listed in the settlement agreement as required gates. The settlement talks about uses outside the east perimeter gate and access through the

west perimeter gate. The Queen Esther Settlement Agreement talks specifically about the two gates.

Commissioner Band understood that the disconnect was not required in the beginning because it was only something that could be done in case the gates did not work. The gates were always in the MPD and they were intended to serve a purpose. However, in case the gates did not do serve that purpose, they did not want the traffic coming from Wasatch. If the gates did not work, the road would be disconnected to keep people from using it to get into Lower Deer Valley.

Assistant City Attorney McLean stated that based on the conversation from the last meeting, the City was asking that the “give” would be that the City could use that access for traffic emergencies. Commissioner Campbell clarified that his reason for raising the issue was to give the City more measure of control. Ms. McLean recalled from the last meeting that the majority of the Commissioners did not support giving access for traffic emergencies.

Commissioner Suesser stated that it was her position at the last meeting that the City should be granted access in the event of a traffic emergency as determined by the City Police Chief. She still held that position.

Planner Whetstone thought there was consensus at the last meeting that there should be access in the event of an emergency declared by the Police, the Sheriff or the Fire Departments, but not because of heavy ski traffic.

Commissioner Phillips questioned whether it would be a public safety issue if Deer Valley had a good ski day and an ambulance could not get from Point A to Point B. Planner Whetstone replied that such a circumstance could be determined by the Fire District.

Director Erickson referred to Exhibit A, the Agreement, on page 259 of the Staff report and noted that Item 5 allows for the Park City Fire Marshall, Park City Police Chief, Wasatch County Fire Chief or other public safety officer in Park City or Wasatch County to declare an emergency. The language makes the specific distinction that other non-life endangering causes would not be an emergency. He believed that any case where an emergency vehicle is delayed becomes life-endangering. However, it could not be opened up to alleviate traffic congestion.

Commissioner Suesser objected to the last sentence that Director Erickson referenced regarding non-life endangering. Commissioner Campbell agreed. He stated that sometimes the traffic gets so bad at the bottom of Bonanza Drive that it becomes an

emergency for everyone, because by time they know an ambulance cannot get through it is too late. When the traffic reaches a certain density at the intersection of Bonanza and Kearns, the Police Chief should be able to open up the back road.

Director Erickson asked if the other Commissioners concurred. Commissioners Band and Phillips did not concur. Commissioner Phillips did not believe that road was a safe route for excess traffic. Commissioner Band thought it was a “can of worms”. If they intend to renegotiate the Agreement they needed to talk to the Queen Esther HOA and Wasatch County. If they intend to put a significant amount of traffic on potentially a regular basis she questioned how those roads and Highway 40 would handle it. Commissioner Band noted that the reason for putting the disconnect in place was to keep people from doing that. If they intend to make the change, she thought they should first look at why the disconnect was considered in the first place. Commissioner Band thought the conversation should involve the City Council, Wasatch County, Queen Esther, and possibly UDOT.

Commissioner Campbell agreed with Commissioner Band and he did not believe they would be able to settle the matter this evening. If they forward a recommendation to the City Council, it should include the recommendation to discuss it with all the parties mentioned.

Commissioner Phillip stated that removing the disconnect would add traffic through that area. However, if it was used only by the people living in the neighborhood it would not be significant. Commissioner Phillips favored removing the disconnect because it would be better for the traffic to go through that road rather than congesting the entry corridor roads. He believed it was a benefit to the City in that regard. Commissioner Phillips agreed that it would be great to have another way to get people out of town, but he did not think this was the right place to do that. Commissioner Campbell agreed.

Commissioner Campbell clarified that he was not proposing that the road would be open to workers or service vehicles. His point is that long term it may be one of the only primary entrances into town. Because the applicant wants to make a change to the MPD and the Agreement, now is the time to negotiate something that could be good for the City. He completely agreed that this was not the place to do it. Commissioner Campbell did not believe this should be settled by the Planning Commission. The City Council needed to work with other parties to develop a long-term plan that works for everyone.

Mr. Bennett stated that the applicant was not asking the Planning Commission to renegotiate an agreement. They were required to come before the Planning Commission and request a recommendation to the City Council. Mr. Bennett clarified that they

wanted to go directly to the City Council but they were told to come to the Planning Commission first.

Mr. Bennett thought the Commissioners made it sound like the applicant was trying to take something away from the City, therefore, the City needed to take something back for itself. He noted that they made a concerted effort to go to the various governmental agencies that are impacted by this request. He understood from their response that they would rather have the disconnect requirement eliminated. They believe it would be a benefit to the City and the County. Mr. Bennett clarified that the intent is to eliminate something that was overkill in the first place. It was an extra step that did not make sense.

Commissioner Campbell believed that all the Commissioners agreed that the disconnect should be eliminated. He clarified that he was not suggesting that the applicant was trying to take something from the City. His point is that that piece of property is one of two or three long-term possibilities for traffic access into Park City. In the near term, traffic congestion is the biggest issue they face, and they need to look at all options. If they are going to renegotiate, he would like a conversation about more than just the disconnect, because it is an opportunity to look long-term.

Assistant City Attorney McLean recalled that the Transportation Manager, Alfred Knotts, had given Planner Whetstone language that he thought would be helpful to the City for traffic management. Ms. McLean understood that the applicant was willing to allow something more than just full-on emergency. She recalled discussions about some allowances for using the disconnect under very limited circumstances. Ms. McLean thought it would be helpful for Mr. Bennett to explain to the Planning Commission what the applicant was willing to allow.

Planner Whetstone stated that Mr. Knotts had suggested opening it for traffic flow if another access point was needed. Based on the comments at the last meeting, she understood that the Planning Commission would not support that recommendation and she had articulated that to the City Engineer and the Transportation Manager. Planner Whetstone remarked that the point of the Agreement was to prevent through traffic.

Director Erickson outlined the options. The first option is that the Planning Commission could make a motion with the additional condition of approval that the City Council consider a request for additional traffic capacity during emergencies. The second option is that the Planning Commission could make a motion with a slightly variable requirement. Director Erickson remarked that in both cases, should the City Council elect to take their recommendation, it would come back to the Planning Commission with a request to debate it in the format suggested by Commissioner Band, which was

to include Park City, Wasatch County, UDOT, Queen Esther, and all other affected parties. If the City Council chooses to send it back to the Planning Commission, that discussion would occur in a Work Session.

Commissioner Campbell clarified that the City Council could reject their recommendation and approve the request. Director Erickson replied that he was correct.

Director recommended that the Planning Commission forward the recommendation outlined in the Staff report to eliminate the disconnect and recommend that the City Council consider amending the Development Agreement. However, the motion should also include a recommendation for the City Council to consider additional traffic mitigation for either emergency services or through-traffic.

Commissioner Campbell stated that he would be comfortable with a motion as suggested by Director Erickson. Chair Strachan stated that if the Planning Commission made that motion, it should specifically reference the last sentence in Item 5 of the Agreement on page 259 of the Staff report.

Commissioner Suesser asked if the applicant would be willing to consider different language as opposed to going through the process Director Erickson had outlined. Mr. Zacaro noted that Commissioner Joyce spoke at great length about this same matter at the last meeting, and the direction from the Planning Commission resulted from that conversation. As reflected in the Minutes, Commissioner Joyce spoke strongly against allowing traffic, and only thought that the road should be opened in the case of a life safety/fire safety type of emergency; and he wanted a commitment from the applicant to do that. In response to Commissioner Campbell, Mr. Zacaro pointed out that currently there was no requirement at this time to do the disconnect. The disconnect requirement is triggered when the Deer Hollow Development is completed. He explained that the only thing different since 1995 is that the Master Association owns the road. Mr. Zacaro emphasized that the Master Association would never allow that road to be disconnected, even if it means that the Deer Hollow Development could never occur. He stated that there is no trigger right now, and the trigger may not come up for ten years. Mr. Zacaro noted that the Master Association Board talked about this prior to the last Planning Commission, and the Board was willing to go along with a recommendation consistent with what Commissioner Joyce had discussed on February 8th. The Board had a follow-up meeting and agreed to go along with the amendment that was proposed before the meeting this evening. Mr. Zacaro remarked that if the amendment changes to say that the Deer Hollow road could be opened in a traffic emergency, the Master Association Board would not agree to that or any amendment that includes that requirement. Mr. Zacaro stated that Wasatch County also would

never let that road be disconnected. Fire safety for Deer Crest comes primarily through the Jordanelle Gate. They would not jeopardize lives by allowing someone to put in a disconnect that is not needed simply because the alternative put before the Deer Crest Master Association was either the disconnect requirement or an agreement to open the gates any time someone thinks there is a traffic emergency. Mr. Zacaro was only willing to entertain additional conversations regarding life-safety and similar emergencies.

Commissioner Thimm stated that when this was previously discussed he spoke against the disconnect because it is a public safety-issue. He believed having another path to get an emergency vehicle in quickly is important. Commissioner Thimm stated that if there is a traffic emergency because a glut of vehicles was clogging SR248 and the road was opened up to reduce that glut, this path would become clogged as well, and they would lose the ability to have a safe route for an emergency vehicle. Commissioner Thimm was not concerned about whether or not Deer Crest Master Association would endorse this because the issue is access for emergency vehicles.

Commissioner Campbell agreed with Commissioner Thimm. He believed everyone agreed that it would be difficult to define a traffic emergency and that would have to be negotiated. Commissioner Campbell clarified that no one was talking about a daily or weekly occurrence. It would be used very infrequently. He pointed out that those types of "emergencies" usually occur in the afternoon, and most of the traffic would be going out, which would leave the uphill road free for an emergency vehicle. He could not see both the uphill and the downhill sides being clogged at the same time.

Commissioner Thimm agreed that it was unlikely that both sides would be clogged at the same time, but he questioned whether that was a risk they were willing to take when they have the opportunity to keep it open to emergency vehicles only.

Commissioner Phillips noted that at some point the emergency vehicle would also have to leave in the other direction. In his opinion, this was a public safety benefit and he supported it.

Chair Strachan called for a motion. Assistant City Attorney McLean explained that the Planning Commission would be making a recommendation to the City Council on amending the Settlement Agreement because the MPD is tied to the Settlement Agreement. In addition, it also came to the Planning Commission because it was an MPD. The Planning Commission would be voting to approve it and make a recommendation to the City Council in order to amend the Settlement Agreement.

Director Erickson stated that the motion would be to recommend an amendment to the MPD to eliminate the required physical disconnection of the Deer Hollow Road at the Slalom Village Development parcel location; and forward a POSITIVE recommendation to the City Council to amend the Settlement Agreement in accordance with the recommendations, with a further recommendation to consider expanding the uses of Deer Hollow Road for additional emergency services and/or high traffic exiting requirements.

Mr. Bennett stated that the amendment to the Settlement Agreement as currently proposed already has a provision for emergency access. Director Erickson clarified that he had crafted the language to include an expansion of that to eliminate the last sentence of Item 5 on page 259, Item 5.

Commissioner Suesser proposed replacing the last sentence of Item 5 with language to read, "With regard to the immediately preceding sentence, the parties acknowledge and agree that traffic congestion or delays caused by weather, public or private events and gatherings, and other non-life endangering causes may be considered events sufficient to justify or allow occasional access to public traffic over Deer Hollow Drive".

Chair Strachan believed there either needed to be a clean motion with the language proposed by Commissioner Suesser; or a motion to approve the draft settlement agreement as outlined in the Staff report.

Commissioner Campbell understood that if a motion is made to forward a recommendation to the City Council and include the language drafted by Commissioner Suesser, the City Council would have the opportunity to accept or reject that language, or to revise it. Assistant City Attorney McLean replied that he was correct. Commissioner Band pointed out that through their motion to the City Council the Planning Commission would be agreeing to that language.

MOTION: Commissioner Suesser moved to APPROVE the Third Amendment to the Deer Crest Master Planned Development; and forward a POSITIVE recommendation to the City Council to amend the Settlement Agreement to suspend the requirement that Deer Hollow Road be physically disconnected at the time of development of the Deer Hollow Village aka Slalom Village parcel, pursuant to the Findings of Fact, Conclusions of Law, and Conditions of Approval with the amendment that the last sentence of paragraph 5 of the Third Amendment to the Settlement Agreement be replaced with "With regard to the immediately preceding sentence, the parties acknowledge and agree that traffic congestion or delays caused by weather, public or private events and gatherings and other non-life endangering causes may be considered events sufficient

to justify or allow occasional access to public traffic over Deer Hollow Drive". Chair Strachan seconded the motion.

VOTE: The motion failed. Commissioners Suesser and Campbell voted in favor of the motion. Commissioners Thimm, Phillips and Band voted against the motion.

MOTION: Commissioner Phillips moved to APPROVE the Third Amendment to the Deer Crest Master Planned Development; and forward a POSITIVE recommendation to the City Council to amend the Settlement Agreement to suspend a requirement that Deer Hollow Road may physically be disconnected at the time of development of Deer Hollow Village parcel, pursuant to the Findings of Fact, Conclusions of Law and Conditions of Approval. Commissioner Band seconded the motion.

VOTE: The motion passed. Commissioners Thimm, Phillips and Band voted in favor of the motion. Commissioners Suesser and Campbell voted against the motion.

Findings of Fact

1. The Deer Crest Settlement Agreement (Agreement) by and between Park City Consolidated Mines Company and Trans-Wasatch Company, L.L.C and Park City Municipal Corporation was executed on December 29, 1995.
2. A requirement for a physical disconnection of Keetley Road (aka Deer Hollow Road) in the vicinity of a development parcel known as the Slalom Village parcel (aka Deer Hollow Village) was included in this original Agreement.
3. The original purpose of the disconnect requirement was to prevent direct public through traffic between Jordanelle basin/US 40 and Park City.
4. During development of Deer Crest, permanent gates were installed on the east and west entrances. These east and west gates are guard controlled and are known as the east and west perimeter gates.
5. In 1996 a Settlement Agreement and Release was executed between the Queen Ester Village Project Owners Association, Trans Wasatch LLC, Deer Crest Associates I, L.C., and Park City Consolidated Mines (PCCM) (Trans Wasatch, Deer Crest and PCCM were the developers).
6. Included in this Queen Ester Settlement Agreement was a provision that allowed the removal of the physical disconnect at Slalom Village, if approved by Park City, "so as to permit and encourage the use of the east control gate as the point

of entry and exit for commercial, oversized or trailering vehicles, and vehicles operating outside of specified hours of operation, subject to Developer's agreement to implement gate controls no less stringent than those set forth on Exhibit B hereto in the master covenants, conditions and restrictions for the Deer Crest Project..."

7. A First Amendment to the 1995 Deer Crest Settlement Agreement (aka the First Amendment to the Telemark Park Settlement Agreement) was approved by City Council on April 8, 1997.

8. Items of the First Amendment included the following: 1) clarified density, use and configuration, and location of the development areas; 2) addressed timing of annexation of and permit issuance for the Snowtop/Hidden Hollow, Slalom Village, and Roosevelt Gap Areas; 3) moved the previous 20,000 sf ski academy (and parking limitation) from the Slalom Village Area to Telemark Park Village (aka Jordanelle Village Resort) outside of the east perimeter gate and increased the single family lots by one to five (5); 4) added right to construct ski runs and lifts to the section pertaining to the right to construct roads under certain conditions, and 5) included additional stipulations related to ski lifts, ski runs, open space, trails, other road construction, gates, utilities, and ski runs.

9. A Second Amendment to the 1995 Deer Crest Settlement Agreement (aka the Second Amendment to the Telemark Park Settlement Agreement) was approved by City Council on April 6, 2001.

10. The purpose of the Second Amendment was to increase the density of Hidden Hollow subdivision by one single family lot, thus increasing the total number of single family lots lying west of the east perimeter gate by one to 151 (from 150) and increasing the total number of units by one to 546 units (from 545); amending related exhibits, and amending the annexation agreement for Alternative A for the Roosevelt Gap/Snow Park Hotel Area (now known as the St. Regis Resort approved with the Deer Crest Hotel Conditional Use Permit) to allow the Planning Commission to approve up to 105 overnight parking spaces at Roosevelt Gap.

11. The 1995 Deer Crest Settlement Agreement property consists of approximately 678 acres, of which 523 are located within Wasatch County and 155 acres are located within Summit County.

12. The property is generally located between Deer Valley Drive East and US 40.

13. At the time of the Agreement a majority of the property was located within the unincorporated areas of these counties.

14. The Deer Crest Settlement Agreement requires Property Owner and/or Homeowners' Association responsibility for the permanent maintenance of all perimeter gates, roads, hard surfaced pedestrian and bike pathways, including snow removal.

15. On December 17th, 1998, Park City annexed 253 acres of this property as the Deer Crest Annexation (Ordinance 98-53) and 84 acres as the Hidden Hollow Annexation (Ordinance 98-52). The remaining property was developed in unincorporated Wasatch County.

16. Access to a majority of the Deer Crest Community is from US 40 at the Mayflower interchange via the east perimeter control gate (also known as the Jordanelle gate house). Access from Park City to the Deer Crest Community is from Deer Valley Drive to Queen Ester Drive and to Deer Hollow Road via the west perimeter control gates (also known as the Queen Ester gate house).

17. Two other parcels were developed in Park City, namely the Roosevelt Gap parcel with the Deer Crest Hotel CUP (St. Regis Hotel) and the Snow Park Hotel parcel with the funicular connecting to Roosevelt Gap, parking, and two employee housing units and one residential condominium unit within the funicular building, also as part of the approved Deer Crest Hotel CUP.

18. Phases 2 and 3 of the St. Regis Hotel (aka Deer Crest Hotel CUP) (future residential condominiums) are also approved at the Snow Park Hotel site but have not been constructed. Parking and access through the west perimeter gates for the St. Regis Hotel (approved as the Deer Crest Hotel CUP) is subject to the Settlement Agreement, as amended, and as reflected in the Deer Crest Hotel CUP conditions of approval.

19. Access through the gates is also described in the Queen Ester Settlement Agreement executed on August 1, 1996.

20. The applicant, Deer Crest Associates I, L.C., developer of the Deer Crest Master Planned Development community, is successor in interest to Trans Wasatch Company, L.L.C. and Park City Consolidated Mines Company in matters related to the Deer Crest Settlement Agreement dated December 29, 1995.

21. On June 9, 2016, the applicant submitted a request for a Third Amendment to the Settlement Agreement (which acts as the Master Planned Development for the property) to suspend a requirement for a physical disconnection of Keetley Road (aka Deer Hollow Road) in the vicinity of a development parcel known as the Slalom Village parcel (aka Deer Hollow Village).
22. The application was considered complete on November 22, 2016 upon submittal of a revised surrounding property owner mailing list and envelopes on November 22, 2016.
23. Subject property, e.g. the general location of the required disconnect, is zoned Recreation Commercial- Master Planned Development (RC-MPD).
24. Deer Crest Master Association (DCMA), as owner and responsible party for the roads and gates within the Deer Crest Development, is party to this Third Amendment.
25. Wasatch County, Deer Valley Resort, JSSD special service district, the Deer Crest Master Association, and Deer Valley Resort submitted letters in support of this amendment.
26. Staff received numerous letters in support of this amendment from home owners within Deer Crest Estates.
27. This proposed Third Amended Settlement Agreement does not request changes to the approved Deer Crest Hotel CUP, or any of the other development parcels within the Deer Crest Development area.
28. On February 8, 2017, the Planning Commission conducted a public hearing on the Third Amended Settlement Agreement and Deer Crest Development MPD.
29. A representative from Deer Valley Resort spoke in favor of the requested Third Amendment to suspend the disconnect requirement.
30. A property owner from the Deer Crest community also spoke in favor of the requested Third Amendment to suspend the disconnect requirement, reiterating the adverse effects of the requirement, as stated in many of the letters received regarding this amendment.
31. A property owner from the Snow Top Subdivision also expressed many of the same concerns with the requirement to disconnect Deer Hollow Road.

32. The managing partner of the St. Regis Resort, a property that is located within the east and west perimeter gates, also spoke in favor of the requested amendment.

33. No changes are proposed to approved parcel densities outlined in the Settlement Agreement, as amended. Slalom Village (aka Deer Hollow Village) is one of the remaining undeveloped areas of the MPD. Section 5.2.3.1 states the density “shall not exceed 83 multi-family units (maximum 2,400 square feet per unit) with support commercial space up to 5% of the gross square footage and appropriate amenities and five (5) single-family lots (per 1st Amendment)”. Alternatively, the Agreement states “in the event Property Owners elect not to construct the development described in Section 5.2.3 above, then Property Owners shall have the right to develop a single family subdivision not to exceed twelve (12) lots in place of the 83 multi-family units. The twelve (12) single-family lots are in addition to the five (5) original lots.

34. No changes are proposed to setbacks, open space, off-street parking, building height, landscaping, sensitive lands compliance, affordable housing requirements, child care, trails, clustered development site planning, grading and retaining walls, as outlined in the Settlement Agreement, as amended.

35. The proposed MPD and Third Settlement Agreement Amendment allows internal vehicular and pedestrian/bicycle circulation for residents within the Deer Crest/Hidden Hollow/Snowtop/St Regis Hotel Neighborhood area, by keeping the loop open within the area (keeping the perimeter gates in place). There will continue to be relatively direct access between the various subdivisions and hotels within the development.

36. Additionally, service and delivery, employee vans, guests and owners of the St. Regis Hotel, approaching from US 40 and the east gate, will take a more direct route using Deer Hollow Road, as opposed to Deer Crest Estates Drive, a more circuitous route through a residential neighborhood. Creation of two dead end roads interrupts a loop route for internal circulation within (inside the two gates) the Deer Crest/Hidden Hollow/Snowtop/St. Regis Hotel Neighborhood.

37. The MPD and Third Settlement Agreement amendment includes a provision for a gated emergency /utility road at the Deer Hollow Village location (one that does not allow general public access) in the event a permanent disconnect is required at some time in the future.

38. Snow removal and snow storage for the Deer Hollow Village parcel are not

changed with the proposed MPD Amendment. Specifics of snow removal and snow storage are reviewed at the time of the Conditional Use Permit review. Creation of two dead end roads interrupts a more efficient loop route for snow removal services, and requires two large turn around areas to be constructed. The road is relatively steep (about 10%) in this area and the terrain within the Slalom Village parcel slopes down from north to south at a 50-60% slope with the north side of the road steeper than the south.

39. Creation of two dead end roads at Deer Hollow Village interrupts a loop route for refuse and recycling collection within the Deer Crest neighborhood. Specifics of trash dumpsters and recycling containers, and the screening of these facilities, are reviewed at the time of the Conditional Use Permit review.

40. The MPD and Third Settlement Agreement Amendment encourages reduction of vehicular trips. A more direct route from US 40 to the Hotel for van and shuttle service and employee shuttles will contribute to a reduction in vehicular trips within the Deer Crest Development area and the west entrance gates.

41. Site specific items regarding service and delivery and loading/unloading areas are reviewed at the time of a Conditional Use Permit.

42. Mine Hazards and Historic Mine Waste mitigation will be identified and reviewed at the time of the Conditional Use Permit.

43. Historic Structures and any required mitigation measures will be identified and reviewed at the time of the Conditional Use Permit.

44. Best planning practices for sustainable development, including water conservation measures and energy efficient design and construction, per the Residential and Commercial Energy and Green Building programs and codes adopted by the Park City Building Department in effect at the time of the Conditional Use Permit Application, will be reviewed at the time of the Conditional Use Permit.

45. The MPD and Third Settlement Agreement Amendment were reviewed for consistency with goals and objectives of the Park City General Plan and found to maintain Park City's resort and neighborhood character, protect neighborhoods from impacts of development, provide pedestrian amenities and connections, promote efficient delivery of services and emergency response, provide efficient vehicular circulation and promote reduction of vehicular trips.

46. On November 30, 2016, the property was posted and notices of the public hearing were mailed to property owners within the Deer Crest Master HOA as well as to property owners within 300 feet of the lower west perimeter gate, including the Queen Ester and lower Solamere neighborhoods.

47. Legal notice was published in the Park Record, on the City Website, and on the Utah Public Notice Website on November 26, 2016.

Conclusions of Law

1. The MPD and Settlement Agreement amendment complies with all the requirements of the Land Management Code.
2. The MPD and Settlement Agreement amendment meets the minimum requirements of Section 15-6-5 of the LMC Code.
3. The MPD and Settlement Agreement amendment provides the highest value of open space, as determined by the Planning Commission.
4. The MPD and Settlement Agreement amendment strengthens and enhances the resort character of Park City.
5. The MPD and Settlement Agreement amendment compliments the natural features on the Site and preserves significant features or vegetation to the extent possible.
6. The MPD and Settlement Agreement amendment is Compatible in Use, scale and mass with adjacent Properties, and promotes neighborhood Compatibility and protects residential neighborhoods and Uses.
7. The MPD and Settlement Agreement amendment provides amenities to the community so that there is no net loss of community amenities.
8. The MPD and Settlement Agreement amendment is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
9. The MPD and Settlement Agreement amendment meets the provisions of the Sensitive Lands requirements of the Land Management Code. The project has been designed to place Development on the most developable Land and least visually obtrusive portions of the Site.
10. The MPD and Settlement Agreement amendment promotes the Use of non-vehicular forms of transportation through design and by providing trail connections.
11. The MPD and Settlement Agreement amendment has been noticed and public hearing held in accordance with this Code.
12. The MPD and Settlement Agreement amendment incorporates best planning practices for sustainable development, including water conservation measures and energy efficient design and construction, per the Residential and Commercial

Energy and Green Building programs and codes adopted by the Park City Building Department in effect at the time of the Application.

13. The MPD and Settlement Agreement Amendment, as conditioned, addresses Historic Sites and Mine Hazard Waste.

Conditions of Approval

1. All provisions, requirements, regulations, and conditions of approval of the 1995 Deer Crest Settlement Agreement, as amended, continue to apply.
2. Historic Sites and Structures on the property shall be identified and any required mitigation measures shall be taken into consideration during Planning Commission review of the Conditional Use Permit application for the Deer Hollow Village parcels.
3. Mine Hazard Waste shall be identified and any required mitigation shall be taken into consideration during Planning Commission review of the Conditional Use Permit application for the Deer Hollow Village parcels.
4. Best planning practices for sustainable development, including water conservation measures and energy efficient design and construction, per the Residential and Commercial Energy and Green Building programs and codes adopted by the Park City Building Department in effect at the time of the Conditional Use Permit application, shall be reviewed by the Planning Commission during review of the Conditional Use Permit application for Deer Hollow Village parcels.
5. Approval of the Third Amendment to the Settlement Agreement by the City Council is a condition precedent to submittal of a Conditional Use Permit for development of the Deer Hollow Village parcels.
6. The Third Amendment to the Settlement Agreement shall be fully executed and recorded at Summit County within six (6) months of approval by City Council or this approval shall be null and void, unless a written request for an extension is submitted to the Planning Department and approved by the Planning Commission.

The Planning Commission adjourned the Regular Meeting and moved into Work Session for general legal training and the Open Public Meetings Act.

WORK SESSION

Annual Legal Training

Assistant City Attorney McLean reviewed general legal training issues.

Commissioner Band stated that she had attended the Board of Adjustment meeting as the Planning Commission liaison. When the public hearing was opened she had things she wanted to say as a private citizen, but decided against it because she was unsure if it was appropriate. Ms. McLean explained that it would not have been appropriate for Commissioner Band to comment on behalf of the Planning Commission due to a potential conflict of having the matter come back to the Planning Commission. Commissioner Band assumed that even if she had made comments as an individual, she would have to recuse herself if it did come back to the Planning Commission. Ms. McLean answered yes. She cautioned them to avoid the appearance of conflict.

Assistant City Attorney McLean stated that there were major changes to the State Code resulting from the recent legislative session. Many of the changes related to historic and nightly rentals. It was not an overhaul of LUDMA, but there were many tweaks that affect cities and how they administer policy. The Planning Commission should expect to see changes from the Legal and Planning Departments to comply with the legislative changes. She stated that the changes do not go into effect until May and they will give them to the Commissioners prior to that time.

Commissioner Campbell asked if there was an urgency to change the LMC to comply with the new changes. Ms. McLean stated that if the State Code supersedes Municipal law, the State Code would control.

Commissioner Thimm stated that if there is a conflict between the LMC and recently adopted legislation by the State, he thought that should be transparent and the Planning Commission should adhere strictly to the LMC. Ms. McLean replied that if the State Code supersedes the City Code, they need to abide by State law. She had not had the opportunity to review all of the changes; however, by the time it goes into effect she would be prepared to advise the Planning Commission on the relevant Code sections to make sure the applications are reviewed within the requirements of the State Code, even if the LMC still needed to be updated to reflect those changes.

Assistant City Attorney McLean stated that in an effort to make their decisions more defensible in Court, the Commissioners should stay away from the tendency of saying I like..., I think..., we don't need this. She recommended that they use phrases such as, "this use complies, this application meets the criteria because..., etc." They should try

to remove themselves personally and center their comments based on the Code and their interpretation of the Code. Commissioner Suesser struggled with this because she felt like they were expressing their understanding rather than just stating a fact. Because their opinions vary, she sometimes phrases her comments as "it's my understanding or my read of this". Ms. McLean suggested that a better phrase would be, "my interpretation of criteria....is supported by findings of fact #...." Ms. McLean explained that the Courts look at whether the Planning Commission's decision was arbitrary and capricious. Their decision can be overturned if it is based on an illegal Code section, or if it is just arbitrary or capricious. If their decision is based on facts and evidence, the Legal Department has more evidence to show to the Court to defend it.

Commissioner Campbell understood that if there is a specific case they feel is important, they are allowed to read a written statement during the meeting. He asked if it would be appropriate to bring it to the Legal Department for editing and advice before the meeting. Ms. McLean stated that she would be able to look at it first. Chair Strachan suggested that if a Commissioner intends to draft a written statement, they should meet with Ms. McLean privately first to discuss what they would like to write to make sure it is appropriate.

Assistant City Attorney McLean encouraged the Commissioners to come to the Legal Department and talk with her on an individual basis. There is nothing to preclude one on one counsel and their conversation is protected and privileged. Ms. McLean reminded the Planning Commission that anything they submit in an open meeting becomes part of the record.

Commissioner Band wanted to know the procedure for making comments if a Commissioner has read through the packet but could not attend the meeting. Ms. McLean stated that she would have to look at wording in terms of entering it into the record. She thought the best way would be to talk to one Commissioner and ask that person to relay their comments. Another option would be for the Planning Commission to start with electronic meetings. This currently has not been done, because despite all of the technological advances there are still failures.

Commissioner Thimm stated that he has been at hearings with electronic participation and it does not work well. Chair Strachan recalled that in the past, if a Commissioner was unable to attend a meeting they could submit their comments in writing to the Chair, and the Chair would make it part of the record. Ms. McLean believed that was still an appropriate procedure, but she would double-check to make sure.

Assistant City Attorney McLean reminded the Planning Commission of the requirement to update their disclosure statement. She noted that the Municipal Code was now online. If any of the Commissioners wanted a hard copy they should ask the Planning Department.

Assistant City Attorney McLean talked about media training in terms of speaking for themselves versus speaking for the Planning Commission. This group is good about communicating with the radio and newspaper to do recaps of the meeting. It is important not to talk about open applications. The record speaks for itself. Regardless of one person's opinion, the focus should be on how the Planning Commission voted.

Assistant City Attorney McLean thanked the Commissioners for being diligent in attending the meetings. If they cannot attend a meeting they should notify the Planning Department as soon as possible.

Assistant City Attorney McLean noted that the written Minutes are the official record of their meeting. She commented on the number of "hats" the Commissioners wear. In terms of legislative they look at LMC and General Plan matters, as well as plat amendments. Administrative are MPDs and CUPs. Quasi-judicial are appeals of the Planning Director or Planning Department determinations. Based on the "hat" they are wearing, the type of public input changes. It is acceptable to listen to public clamor on legislative matters. Public input on administrative matters are more restrictive. The Planning Commission is bound by the law and not public opinion. Quasi-judicial is the most restrictive because the Planning Commissioner has the role of judge. All comments should take place at the meeting so both sides have the ability to hear all the evidence. The Commissioners never have to recuse on legislative matters, but they do have to disclose if the change may affect them. The Commissioners definitely need to disclose and/or recuse on administrative or quasi-judicial matters if they have a personal interest or conflict. Whether or not to disclose is up to the individual Commissioner; however, if a Commissioner is unsure about whether or not to disclose or recuse they could talk to her prior to the meeting and she would help advise them.

Assistant City Attorney McLean remarked that the training on the Open Public Meetings Act was the same as previous years.

The Park City Planning Commission Meeting adjourned at 8:00 p.m.

Approved by Planning Commission: _____

DRAFT

WHEN RECORDED, MAIL TO:
 City Recorder
 Park City Municipal Corporation
 P. O. Box 1480
 Park City, Utah 84060

**DEVELOPMENT AGREEMENT
 FOR THE INTERMOUNTAIN HEALTHCARE (IHC) MASTER PLANNED
 DEVELOPMENT (MPD), AS AMENDED, LOCATED ON LOTS 1, 2, 4, 5, 6, 7, 8, 9, 10,
 11, AND 12 OF THE THIRD AMENDED INTERMOUNTAIN HEALTHCARE PARK
 CITY MEDICAL CAMPUS/USSA HEADQUARTERS AND TRAINING FACILITY
 SUBDIVISION PLAT LOCATED AT ROUND VALLEY DRIVE, PARK CITY, SUMMIT
 COUNTY, UTAH**

This Development Agreement is entered into as of this ____ day of _____, 2017, by and between IHC Hospital, Inc. ("Developer") as the owner and developer of certain real property located in Park City, Summit County, Utah, on which Developer proposes the development of a project known as the Intermountain Healthcare (IHC) Master Planned Development, and Park City Municipal Corporation, a municipality and political subdivision of the State of Utah ("Park City"), by and through its City Council.

R E C I T A L S

A. Developer is the owner of LOTS 1, 2, 6, 8, 9, 10, 11, and 12 OF THE SECOND- AND THIRD AMENDED INTERMOUNTAIN HEALTHCARE PARK CITY MEDICAL CAMPUS/USSA HEADQUARTERS AND TRAINING FACILITY SUBDIVISION PLATS located on Round Valley Drive in Park City, Summit County, Utah, as described in the Legal Description, which is attached hereto as Attachment 1, and incorporated herein by this reference (the "Property"), on which it has obtained approval for the development known as the Intermountain Healthcare (IHC) Master Planned Development aka IHC MPD, as amended, and as more fully described in the incorporated approved MPD Plans attached hereto as Attachment 2. Lots 4 and 5 OF THE SECOND AND THIRD AMENDED INTERMOUNTAIN HEALTHCARE PARK CITY MEDICAL CAMPUS/USSA HEADQUARTERS AND TRAINING FACILITY SUBDIVISION PLATS are owned by Park City Municipal Corporation. Lot 7 OF THE SECOND AND THIRD AMENDED INTERMOUNTAIN HEALTHCARE PARK CITY MEDICAL CAMPUS/USSA HEADQUARTERS AND TRAINING FACILITY SUBDIVISION PLATS was originally owned by the Developer and is part of this MPD and its amendments, and is now owned by Physicians Holding, Inc.

B. The Property is also subject to an Annexation Agreement that set forth terms and conditions under which the City would annex certain land, consisting of 157 acres and located in unincorporated Summit County, Utah at the northwest corner of State Road 248 and Highway 40, into the corporate limits of the City and extend municipal services to the Property. The Annexation Agreement recorded at Summit County on 1/23/2007 (Entry No. 00802747) and attached hereto as Attachment 3, includes as an attachment certain Findings and Annexation Agreement Points that apply to the IHC MPD.

C. The Property is subject to the Second and Third Amended Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility Subdivision plats attached hereto as Attachment 4.

D. Park City requires development agreements under the requirements of the Park City Land Management Code (“LMC”) Section 15-6-4 (G) for all Master Planned Developments.

E. Developer is willing to design and develop the Project in a manner that is in harmony with and intended to promote the long-range policies, goals and objectives of the Park City General Plan, and to address other issues as more fully set forth below.

F. Park City, acting pursuant to its authority under Utah Code Ann., Section 10-9-101, *et seq.*, and in furtherance of its land use policies, goals, objectives, ordinances, resolutions, and regulations has made certain determinations with respect to the proposed Project, and, in the exercise of its legislative discretion, has elected to approve this amended Development Agreement.

Now, therefore, in consideration of the mutual covenants, conditions and considerations as more fully set forth below, Developer and Park City hereby agree as follows:

1. **Property**

The IHC MPD, as Amended, consists of Lots 1, 2, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of the Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility Subdivision (IHC/USSA Subdivisions as Amended), and generally includes an Intermountain Healthcare Hospital of 300,000 square feet (180 Unit Equivalents) located on Lot 1 and Support Medical Office space of 150,000 square feet (150 Unit Equivalents) located on Lots 1, 7, and 10. The Peace House facility was approved to be located on Lot 8. Lot 2 was dedicated as open space. Lot 4, originally identified for 28 deed restricted housing units, is identified for public safety uses **such as a Fire Station or other public safety buildings**, and open space. Lot 5 is dedicated to the City for future recreation uses. Support medical office uses previously approved for Lots 6 and 8 were transferred to Lot 1. Lot 9 contains a small Questar gas regulating facility, Lot 11 is a one acre lot surrounding Lot 9, and Lot 12 is a separate lot created by subdividing Lot 8 that has no currently assigned density or uses. Lot 3 of the IHC/USSA Subdivision is not part of the IHC MPD and is owned by and the location of the USSA Headquarters and Training Center Master Planned Development. The Second and Third Amended IHC/USSA Subdivision plats are attached hereto as Attachment 4.

The property is located on Round Valley Drive west of US 40 and east of the Round Valley Open Space area, in the Quinn’s Junction neighborhood of Park City, as described in the Park City General Plan. The property is located in the Community Transition (CT) Zoning District.

2. **Project Conditions, Exactions and Agreed Dedications**

2.1. The Action letters and MPD Plans as approved by the Planning Commission on May 23, 2007, attached hereto as Attachment 5, as amended and approved by the Planning Commission on October 8, 2014 and attached hereto as Attachment 6, and as further amended and approved by the Planning Commission on January 13, 2016 and attached hereto as Attachment 7, are incorporated herein as the Project; subject to changes detailed herein.

2.2. Developer and its successors agree to pay the then current impact fees imposed and as uniformly established by the Park City Municipal Code at the time of permit application, whether or not state statutes regarding such fees are amended in the future.

2.3. Developer and any successors agree that the following are required to be entered into and approved by Park City prior to issuance of a Building Permit: (a) a construction mitigation plan, (b) utility and grading plans, (c) a storm water plan, (d) flood plain and wetland delineation studies; and (e) a water efficient landscape and irrigation plan showing snow storage areas.

2.4. Developer is responsible for compliance with all local, state, and federal regulations regarding any contaminated soils as well as streams and wetlands. Developer is responsible for receiving any Army Corp of Engineer Permits required related to any disturbance of streams and wetlands.

2.5. **Developer Exactions and agreed upon public dedications are outlined in the Annexation Agreement. The following are outstanding Developer obligations:**

- a. Trails Easement – being executed prior to building permit issuance for final phase of Hospital construction.
- b. Affordable Housing – 4 AUEs – Upon payment of Intermountain of \$816,000 to Peace House and Peace House completing construction of its facility.
- c. Affordable Housing – 6.82 AUEs – To be fulfilled before certificate of occupancy of full build out of the hospital.
- d. Silver Summit Frontage Road Easement – Upon request by Park City Municipal Corporation and prior to certificate of occupancy of final phase of Hospital construction.
- e. Parking Study – Upon submission of next application for construction on Hospital campus by Intermountain Healthcare

3. **Vested Rights and Reserved Legislative Powers**

3.1 Subject to the provisions of this Agreement, Developer shall have the right to develop and construct the Project in accordance with the uses, densities, intensities, and general configuration of development approved by this Agreement, subject to compliance with the other applicable ordinances and regulations of Park City.

3.2 **Reserved Legislative Powers.** Developer acknowledges that the City is restricted in its authority to limit its police power by contract and that the limitations, reservations and exceptions set forth herein are intended to reserve to the City all of its police power that cannot be so limited. Notwithstanding the retained power of the City to enact such legislation under the police powers, such legislation shall only be applied to modify the existing land use and zoning regulations which are applicable to the Project under the terms of this Agreement based upon policies, facts and circumstances meeting the compelling, countervailing public interest exception to the vested rights doctrine in the State of Utah. Any such proposed legislative changes affecting the Project and terms and conditions of this Agreement applicable to the Project shall be of general application to all development activity in the City; and, unless the City declares an emergency, Developer shall be entitled to the required notice and an opportunity to

be heard with respect to the proposed change and its applicability to the Project under the compelling, countervailing public interest exception to the vested rights doctrine.

4. **Successors and Assigns.**

4.1 **Binding Effect.** This Agreement shall be binding on the successors and assigns of Developer in the ownership or development of any portion of the Project.

4.2 **Assignment.** Neither this Agreement nor any of the provisions, terms or conditions hereof can be assigned to any other party, individual or entity without assigning the rights as well as the responsibilities under this Agreement and without the prior written consent of the City, which consent shall not be unreasonably withheld. Any such request for assignment may be made by letter addressed to the City and the prior written consent of the City may also be evidenced by letter from the City to Developer or its successors or assigns. This restriction on assignment is not intended to prohibit or impede the sale of parcels of fully or partially improved or unimproved land by Developer prior to construction of buildings or improvements on the parcels, with Developer retaining all rights and responsibilities under this Agreement.

5. **General Terms and Conditions.**

5.1 **Term of Agreement.** Construction as defined by the Uniform Building Code did commence within two (2) years of the date of the approval of the original MPD Construction, as defined by the Uniform Building Code. After Construction commences, the IHC Master Planned Development and this Agreement shall continue in force and effect until all obligations hereto have been satisfied. The Master Plan approval for the Project shall remain valid so long as construction is proceeding in accordance with the approved Phasing Plan as set forth herein (Attachment 8).

5.2 **Agreement to Run With the Land.** This Development Agreement shall be recorded against the Property, as described herein, and shall be deemed to run with the land and shall be binding on all successors and assigns of Developer in the ownership or development of any portion of the Property.

5.3 **No Joint Venture, Partnership or Third Party Rights.** This Development Agreement does not create any joint venture, partnership, undertaking or business arrangement between the parties hereto, nor any rights or benefits to third parties.

5.4 **Integration.** This Development Agreement, with Attachments incorporated herein, contains the entire Agreement with respect to the subject matter hereof and integrates all prior conversations, discussions or understandings of whatever kind or nature and may only be modified by a subsequent writing duly executed by the parties hereto.

5.5 **Severability.** If any part or provision of this Agreement shall be determined to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, then such a decision shall not affect any other part or provision of this Agreement except that specific provision determined to be unconstitutional, invalid or unenforceable. If any condition, covenant or other provision of this Agreement shall be deemed invalid due its scope or breadth, such provision shall be deemed valid to the extent of the scope or breadth permitted by law.

5.6 Attorney's Fees. If this Development Agreement or any of the Attachments hereto are breached, the party at fault agrees to pay the attorney's fees and all costs of enforcement of the non-breaching party.

5.7 Minor Administrative Modification. Minor administrative modification may occur to this MPD approval without necessity of revision of this Agreement.

6. **Phasing.**

6.1 Project Phasing. The Project has been and will continue to be developed in multiple phases as outlined on the approved amended Phasing Plan attached hereto as Attachment 8.

6.2 Form of Ownership Anticipated for the Project. The Project will consist of hospital and medical office uses, the Peace House, Summit County Health Department and People's Health Clinic offices and clinics, future City recreational uses, public safety uses, open space, and other related improvements. Developer anticipates that the Lots and Parcels of the MPD will be owned and/or leased by Developer, or its assigns. Lot 5 was dedicated to the City for future recreational uses. Any proposal to condominiumize the Project for private ownership, fractional ownership and common ownership of land and common facilities requires additional approvals and shall be in compliance with applicable ordinances and state code.

7. **Water.**

Developer acknowledges that water development fees were calculated by the City in the same manner and in the same comparative amount as with other developments within the municipal boundaries and that impact fees so collected will not be refunded to Developer or to individual building permit applicants developing within the Project. Additional requirements regarding water are memorialized in the Annexation Agreement, attached hereto as Attachment 3, as recorded at Summit County on 1/23/2007 (Entry No. 00802747). ~~Last sentence deleted pending final verification from Legal.~~

8. **Affordable Housing.**

This Master Planned Development is subject to affordable housing requirements as described in the Annexation Agreement, attached hereto as Attachment 3, as recorded at Summit County on 1/23/2007 (Entry No. 00802747). Additionally, the MPD is subject to a Housing Mitigation Plan approved by the Park City Housing Authority on June 4, 2016 and attached hereto as Attachment 9a. and an amended Housing Mitigation Plan as approved by the Park City Housing Authority on February 2, 2017, and attached hereto as Attachment 9b. The amended Housing Mitigation Plan includes requirements related to the Peace House facility proposed to be constructed on Lot 8 of the Third Amended IHC Subdivision plat. The Developer shall comply with the affordable housing requirements as amended with the February 3, 2017, Amended Affordable Housing Mitigation Plan, prior to receiving certificates of occupancy for the Peace House and the affordable housing requirements of the Annexation Agreement for future phases of the MPD.

9. **Physical Mine Hazards.**

There are no known Physical Mine Hazards on the property as determined through the exercise of reasonable due diligence by the Owner attached hereto as Attachment 10.

10. **Historic Structures.**

There are no known Historic Structures on the Property, according to the City's Historic Sites Inventory.

11. **Quinn's Junction Area Study.**

The City hereby confirms that the Property is located within the Quinn's Junction Area Study ("QJAS") and the findings and conclusions of the QJAS, attached hereto as Attachment 11, are consistent with the provisions of this Development Agreement.

12. **Ratification of Development Agreement.**

On December 14, 2016, the Planning Commission approved an extension to ratify the Development Agreement by July 13, 2017 as stated in the Extension of ratification Action Letter, attached hereto as Attachment 12.

13. **Notices.**

All notices, requests, demands, and other communications hereunder shall be in writing and shall be given (i) by Federal Express, UPS, or other established express delivery service which maintains delivery records, (ii) by hand delivery, or (iii) by certified or registered mail, postage prepaid, return receipt requested, to the parties at the following addresses, or at such other address as the parties may designate by written notice in the above manner:

To Developers:

IHC Health Services, Inc. Utah
36 South State Street, 23rd Floor
Salt Lake City, UT 84111
Attn: Corporate Real Estate Director

To Park City:

Park City Municipal Corporation
445 Marsac Avenue
PO Box 1480
Park City, UT 84060
Attn: City Attorney

Such communication may also be given by facsimile and/or email transmission, provided any such communication is concurrently given by one of the above methods. Notices shall be deemed effective upon receipt, or upon attempted delivery thereof if delivery is refused by the intended recipient or if delivery is impossible because the intended recipient has failed to provide a reasonable means for accomplishing delivery.

14. **List of Attachments.**

Attachment 1- Legal Description of Property

Attachment 2- Approved MPD Site Plan

Attachment 3- Annexation Agreement (Recorded 1/23/2007 Entry No. 00802747)

Attachment 4- Second and Third Amended IHC/USSA Subdivision plats

Attachment 5- Action letter Planning Commission approval of MPD - May 23, 2007

Attachment 6- Action letter Planning Commission approval of First Amended MPD - October 8, 2014

Attachment 7- Action letter Planning Commission approval of Second Amended MPD -January 13, 2016

Attachment 8- Phasing Plan (Approved Amended Phasing Plan - October 8, 2014)

Attachment 9a- Housing Mitigation Plan approved on June 4, 2015

Attachment 9b- Amended Housing Mitigation Plan approved on February 3, 2017

Attachment 10- Mine Hazard Letter

Attachment 11- Quinn's Junction Area Study Findings and Conclusions

Attachment 12- Extension of ratification by Planning Commission - December 14, 2016

IN WITNESS WHEREOF, this Development Agreement has been executed by the Developer by persons duly authorized to execute the same and by the City of Park City, acting by and through its City Council as of the ____ day of _____, 2017.

PARK CITY MUNICIPAL CORPORATION:

By: _____

Jack Thomas, Mayor

ATTEST:

By: _____

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

Mark D. Harrington, City Attorney

STATE OF UTAH)

: ss

COUNTY OF SUMMIT)

On this ____ day of _____, 2017, personally appeared before me Jack Thomas, whose identity is personally known to me/or proved to me on the basis of satisfactory evidence and who by me duly sworn/affirmed), did say that he is the Mayor of Park City Municipal Corporation.

Notary Public:

IHC Health Services, Inc. Utah
36 South State Street, 23rd Floor
Salt Lake City, UT 84111
Attn: Corporate Real Estate Director

By: _____

STATE OF UTAH)
 : ss
COUNTY OF SUMMIT)

On this ____ day of _____, 2017, personally appeared before me _____, whose identity is personally known to me/or proved to me on the basis of satisfactory evidence and who by me duly sworn/affirmed), did say that he is a managing partner of IHC Health Services, INC. Utah

Notary Public

BRADSHAW RESIDENCE
HISTORIC DISTRICT DESIGN REVIEW SET
280 DALY AVENUE
PARK CITY, UTAH 84060

CONSULTANTS

LEGEND

	BRICK & STONE	OFFICE 103	ROOM NAME ROOM NUMBER
	EARTH		FLOOR, POINT ELEV.
	CONCRETE		CENTER LINE
	CONCRETE MASONRY UNIT		ROUND, DIA.
	STEEL (LARGE SCALE)		CHANNEL
	RIGID INSULATION		ANGLE
	ROUGH WOOD		DETAIL
	BLOCKING		SECTION CUT, DETAIL
	ALUMINUM (LARGE SCALE)		BUILDING SECTION
	GRAVEL		KEYED NOTES
	FINISHED WOOD		WINDOW TYPE
	BATT OR BLOWN INSULATION		DOOR NUMBER
	PLASTER, SAND, GROUT, MORTAR		REVISION
	STEEL (SMALL SCALE)		INTERIOR WALL ELEV.
	BITUMINOUS PAVING		WALL TYPE
	PLYWOOD		
	GYPSUM BOARD		

CODE ANALYSIS

APPLICABLE CODES
2015 IRC 2015 IBC
2015 IPC 2015 IMC
2014 NEC 2015 IFGC
2015 IECC 2015 IFC

OCCUPANCY: R2

CONSTRUCTION TYPE: VB
BUILDING TO BE FIRE SPRINKLED: CONTRACTOR TO PROVIDE APPROVALS PRIOR TO INSTALLATION.

AREA CALCULATIONS
LOWER LEVEL LIVING AREA: 1080 SQ/FT
MAIN LEVEL LIVING AREA: 1524 SQ/FT
UPPER LEVEL LIVING AREA: 975 SQ/FT
TOTAL LIVING AREA: 3579 SQ/FT
GARAGE AREA: 592 SQ/FT
PATIO AREA: 318 SQ/FT
DECK AREA: 290 SQ/FT
ALLOWABLE LIVING AREA ABOVE GRADE: 2500 SQ/FT
PROPOSED LIVING AREA ABOVE GRADE: 2461 SQ/FT
LOT AREA: 10,522 S/F - 2.4 ACRES

AREA CALCULATIONS ABOVE GRADE
MAIN LEVEL: 1524
UPPER LEVEL: 975
AREA *(B): 192
TOTAL AREA: 2691 - AREA *(A): 230 = 2461 < 2500
NOTE: SEE SHEET A0.1 & A1.1 FOR AREA *(A) & *(B)

INDEX TO DRAWINGS

#	SHEET #	SHEET DESCRIPTION
1	Aa	COVER SHEET
2	1of 1	TOPOGRAPHIC & EXISTING CONDITIONS SURVEY
3	A0.1	ARCHITECTURAL SITE PLAN
4	A0.2	LANDSCAPE PLAN
5	A1.1	LOWER LEVEL PLAN & MAIN LEVEL PLAN
6	A1.2	UPPER LEVEL PLAN & ROOF PLAN
7	A2.1	SOUTH ELEVATION & NORTH ELEVATION & WEST ELEVATION
8	A2.2	EAST ELEVATION
9	A3.1	BUILDING SECTIONS
10	A6.1	DOOR, WINDOW, ROOM SCHEDULES

ABBREVIATIONS

A/C	AIR CONDITIONING	F.D.	FLOOR DRAIN	PR.	PAIR
ACOUST.	ACOUSTICAL	FND.	FOUNDATION	R.D.	ROOF DRAIN
ADD.	ADDENDUM	FIN.	FINISH	REG.	REGULAR
ADJ.	ADJUSTABLE	FLR.	FLOOR	R.S.	ROUGH-SAWN
ALLOW.	ALLOWANCE	F.R.	FIRE RATED	RAD.	RADIUS
ALUM.	ALUMINUM	FTG.	FOOTING	REINF.	REINFORCING
APPROX.	APPROXIMATE	G.	GAS	REQ'D.	REQUIRED
B.D.	BOARD	G.I.	GALVANIZED IRON	REV.	REVISED
B.U.	BUILT-UP	GA.	GAUGE	RM.	ROOM
B.W.	BOTH WAYS	GALV.	GALVANIZED	R.O.	ROUGH OPENING
BLDG.	BUILDING	GRD.	GRADE	S & R	SHELF AND ROD
BLK.	BLOCK	G.W.B.	GYPSUM WALL BOARD	S.C.	SOLID CORE
BRK.	BRICK	G.L.B.	GLU-LAM BEAM	SCHED.	SCHEDULE
C.I.	CAST IRON	H.B.	HOSE BIBB	SHT.	SHEET
C.J.	CONTROL JOINT	HD.	HEAD	SIM.	SIMILAR
C.M.U.	CONCRETE MASONRY UNIT	H.M.	HOLLOW METAL	SPEC.	SPECIFICATION
CLG.	CEILING	HOR.	HORIZONTAL	STD.	STANDARD
COL.	COLUMN	L.D.	INSIDE DIAMETER	STL.	STEEL
COMP.	COMPACTED/COMPOSITE	INT.	INTERIOR	STRUCT.	STRUCTURAL
CONC.	CONCRETE	IRRIG.	IRRIGATION	SYS.	SYSTEM
CONST.	CONSTRUCTION	INSUL.	INSULATION	T & B	TOP AND BOTTOM
CONTR.	CONTRACTOR	J.B.	JAMB	T & G	TONGUE AND GROOVE
CONT.	CONTINUOUS	JNT.	JOINT	T.O.	TOP OF
D.F.	DRINKING FOUNTAIN/DOUGLAS FIR	M.R.	MOISTURE RESISTANT	T.O.F.	TOP OF FOOTING
DIA.	DIAMETER	MANFR.	MANUFACTURER	T.O.W.	TOP OF WALL
DIM.	DIMENSION	MAX.	MAXIMUM	TYP.	TYPICAL
DN.	DOWN	MECH.	MECHANICAL	T.S.	STEEL TUBE COLUMN
DWG.	DRAWING	MIN.	MINIMUM	UNO.	UNLESS NOTED OTHERWISE
DYL.	DYAL	NO.	NOT	VERT.	VERTICAL
EA.	EACH	N.C.	NOT IN CONTRACT	VENT.	VENT THROUGH ROOF
E.F.	EXHAUST FAN	N.T.S.	NOT TO SCALE	W.	WATER
E.I.F.S.	EXT. INSUL. FINISH SYSTEM	NO.	NUMBER	WD.	WOOD
E.J.	EXPANSION JOINT	O.C.	ON CENTER	W/	WITH
ELC.	ELECTRIC/ELECTRICAL	O.D.	OUTSIDE DIAMETER	WP.	WATERPROOF
ELEV.	ELEVATION	OF.D.	OVERFLOW DRAIN	W.R.	WATER RESISTANT
EQ.	EQUAL	OPNG	OPENING	W.H.	WATER HEATER
E.T.	EXPANSION TANK	PLYWD.	PLYWOOD	W.S.	WATER SOFTNER
EXIST. (E)	EXISTING	PAINT	PAINT	W.W.F.	WELDED WIRE FABRIC
EXT.	EXTERIOR	PNTD.	PAINTED	W.W.M.	WOVEN WIRE MESH

GENERAL NOTES

- THIS DESIGN IS AN ORIGINAL UNPUBLISHED WORK AND MAY NOT BE DUPLICATED, PUBLISHED AND/OR USED WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT/ENGINEER.
- THESE SHEETS - LISTED BY DRAWING INDEX, ALL ACCOMPANYING SPECIFICATIONS FOR MATERIALS, WORKMANSHIP QUALITY, AND NOTES HAVE BEEN PREPARED SOLELY FOR THE CONSTRUCTION AND FINISH OF PROJECT IMPROVEMENTS, COMPLETE AND READY FOR OCCUPANCY AND USE.
- ALL WORK IS TO BE PERFORMED IN ACCORDANCE WITH PERTINENT JURISDICTIONAL CODES, RESTRICTIONS, COVENANTS, AND/OR ORDINANCES. ANY CONFLICT BETWEEN DESIGN AND REQUIREMENT SHALL BE REPORTED TO THE ARCHITECT/ENGINEER BEFORE PROCEEDING.
- ANY AND ALL PROPOSED CHANGE, MODIFICATIONS AND/OR SUBSTITUTION SHALL BE REPORTED TO THE ARCHITECT/ENGINEER BEFORE PROCEEDING.
- IN THE EVENT OF CONFLICT BETWEEN THE DESIGN DOCUMENTS AND/OR JURISDICTIONAL REQUIREMENTS, THE MORE RESTRICTIVE FROM THE STANDPOINT OF SAFETY AND PHYSICAL SECURITY SHALL APPLY.
- ANY INSTALLATION, FINISH, OR COMPONENT INTENDED TO PROVIDE ENCLOSURE, WEATHER ABILITY OR APPEARANCE QUALITY SHALL BE PRODUCED AS A REPRESENTATIVE SAMPLE PRIOR TO PROCEEDING WITH COMPLETION. WORK PERFORMED WITHOUT WRITTEN APPROVAL OF SUCH SAMPLE BY THE ARCHITECT/ENGINEER SHALL BE DONE AT THE RISK OF THE CONTRACTOR. A MINIMUM OF TWO (2) WORKING DAYS NOTICE SHALL BE GIVEN.
- ALL WORK SHALL BE INSPECTED BY GOVERNING AGENCIES IN ACCORDANCE WITH THEIR REQUIREMENTS. JURISDICTIONAL APPROVAL SHALL BE SECURED BEFORE PROCEEDING WITH WORK.
- BUILDING DESIGN IS GENERALLY PREDICATED UPON PROVISIONS OF THE 2015 IRC AND AMENDMENTS AS MAY HAVE BEEN LOCALLY ENACTED. ALL REQUIREMENTS OF THE JURISDICTIONAL FIRE SAFETY/PREVENTION DISTRICT SHALL BE ACCOMMODATED BY THIS DESIGN AND ANY CONSEQUENT CONSTRUCTION.
- ALL 2/5 lb. GAS PIPE SYSTEM METER SETS REQUIRES PRIOR APPROVAL FROM QUESTAR GAS COMPANY. PROVIDE A LETTER FROM QUESTAR APPROVING SYSTEM.
- ALL FIELD WELDING OR TORCH WORK, WILL REQUIRE A SEPARATE "HOT WORK" PERMIT PRIOR TO BEGINNING WORK. IFC 105.6.11
- TOWER CRANES REQUIRE A SEPARATE PERMIT. CONTACT BUILDING DEPARTMENT FOR REQUIREMENTS.

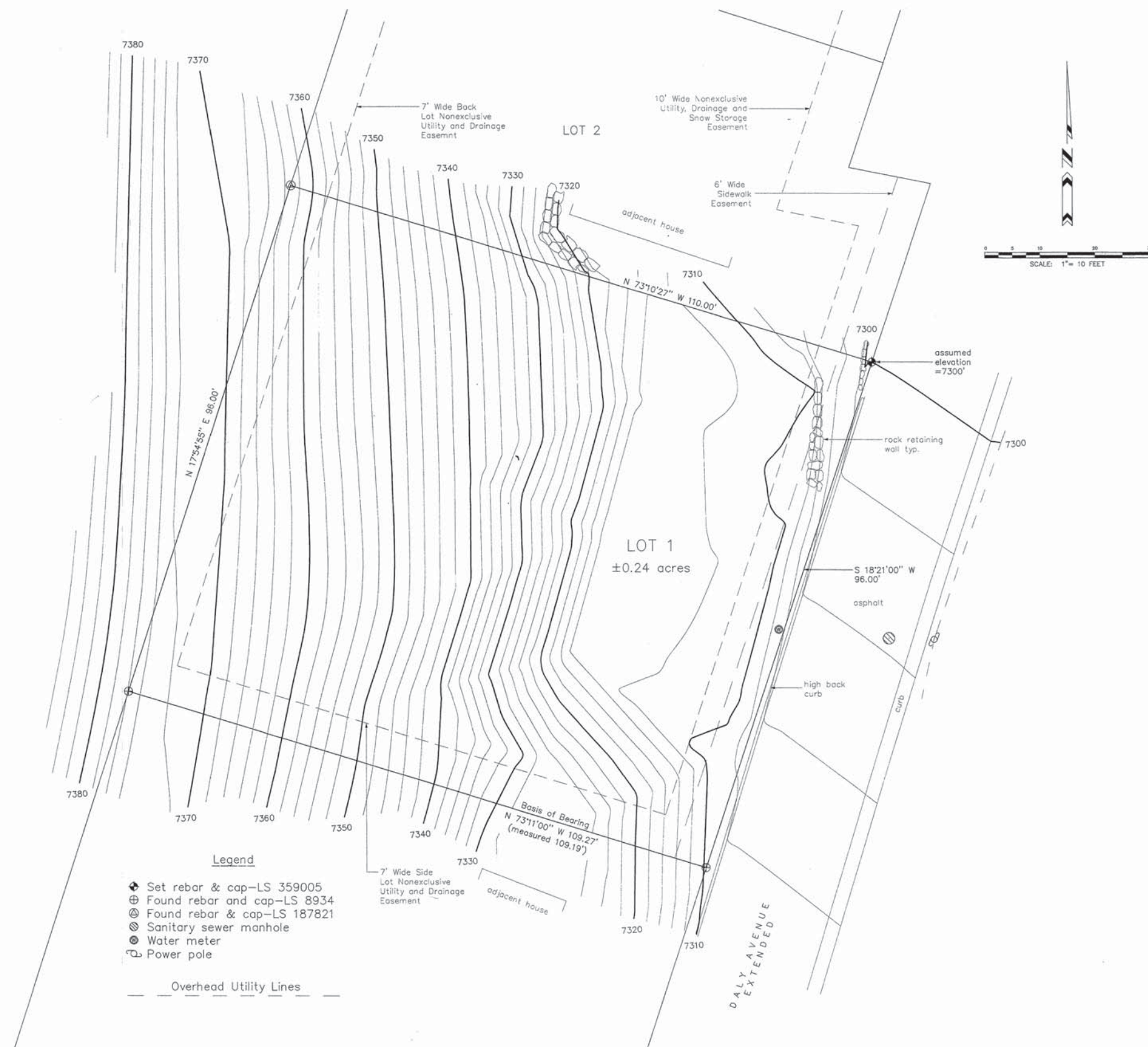
Jonathan DeGray
Architect
P.O. Box 1674, 614 Main Street, Suite 302, Park City, Utah 84060
Tel. 435-649-7263, E-mail: degrayarch@guestoffice.net

BRADSHAW RESIDENCE
HISTORIC DISTRICT DESIGN REVIEW SET
280 DALY AVENUE
PARK CITY, UTAH 84060

COVER SHEET

DATE: MARCH 01, 2017
PROJECT NUMBER: 1611-01
SHEET NUMBER:

Washington Mill Subdivision Lot 1



NARRATIVE

1. Survey requested by: Jerry Fiat.
2. Purpose of survey: locate the deed description and the topographic relief.
3. Basis of survey: found property monuments as shown.
4. Date of survey: May 28, 2008.
5. Property monuments set or found as shown.
6. Located in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
7. See the official plat of the Washington Mill Subdivision for other possible easements, setbacks or restrictions.
8. The owner of the property should be aware of any items affecting the property that may appear in a title insurance report.
9. An assumed elevation of 7300 feet, from the U.S.G.S. Quad. Map 'Park City East', was assigned to the top of the Northeastly property monument, as shown.
10. See the previous survey of Washington Mill Subdivision recorded as Survey File No.'s S-2209 & S-2257 in the office of the Summit County Recorder.

LEGAL DESCRIPTION

All of Lot 1, Washington Mill Subdivision, according to the official plat thereof, on file and of record in the office of the Summit County Recorder; containing 0.24 acres, more or less.

SURVEYOR'S CERTIFICATE

I, J.D. Gailey, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 359005, do hereby certify that I have supervised a survey of the hereon described property and that this plat is a true representation of said survey.

July 15, '08
Date



J.D. Gailey 359005

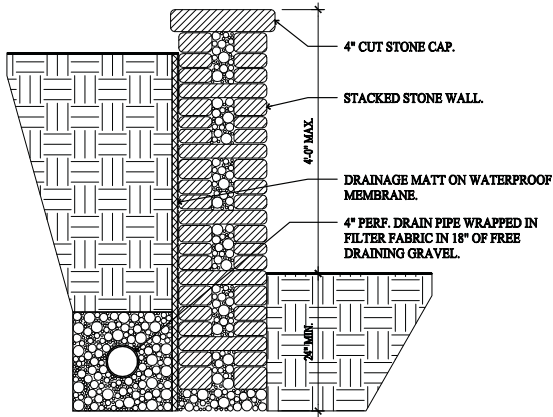


Alpine Survey, Inc.
19 Prospector Drive
Park City, Utah 84060
(435) 655-8016

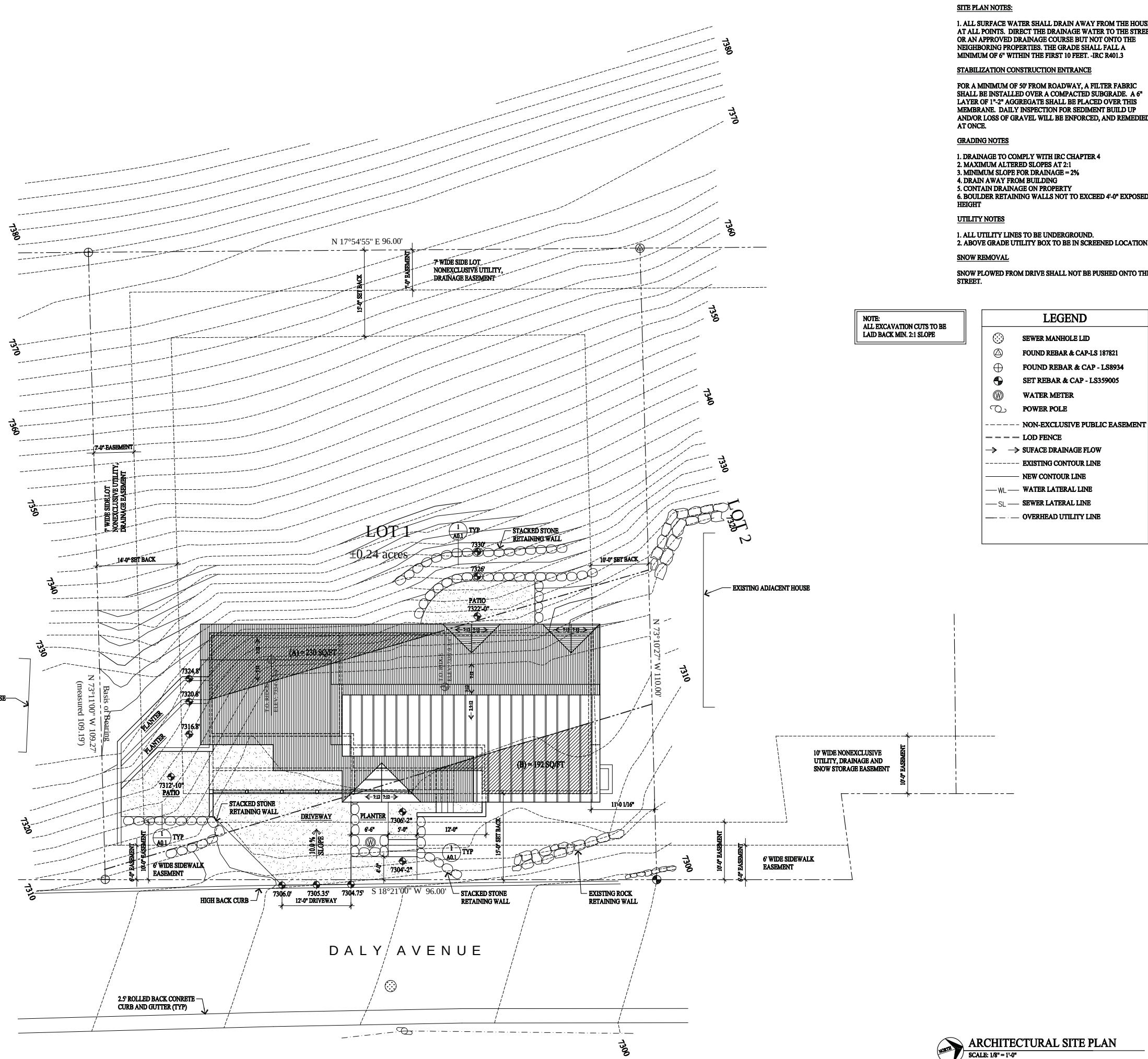
FILE NO. S0006881
11/05/2008 02:18:33 PM B: 0002 P: 0713

Survey 1 of 1
SUMMIT COUNTY RECORDER
FEE \$ 10.00 BY ALPINE SURVEY INC

THE GRAPHIC MATERIAL AND DESIGN ON THIS SHEET ARE INSTRUMENTS OF SERVICE AND REMAIN AT ALL TIMES THE PROPERTY OF JONATHAN DEGRAY, ARCHITECT P.C. REPRODUCTION OR REUSE OF THE MATERIAL AND DESIGN CONTAINED HEREIN IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF JONATHAN DEGRAY, ARCHITECT P.C. VIOLATORS WILL BE PROSECUTED TO THE FULLEST EXTENT OF THE LAW.
JONATHAN DEGRAY, ARCHITECT P.C. ALL RIGHTS RESERVED



1
A0.1
STACKED STONE RETAINING WALL
NO SCALE



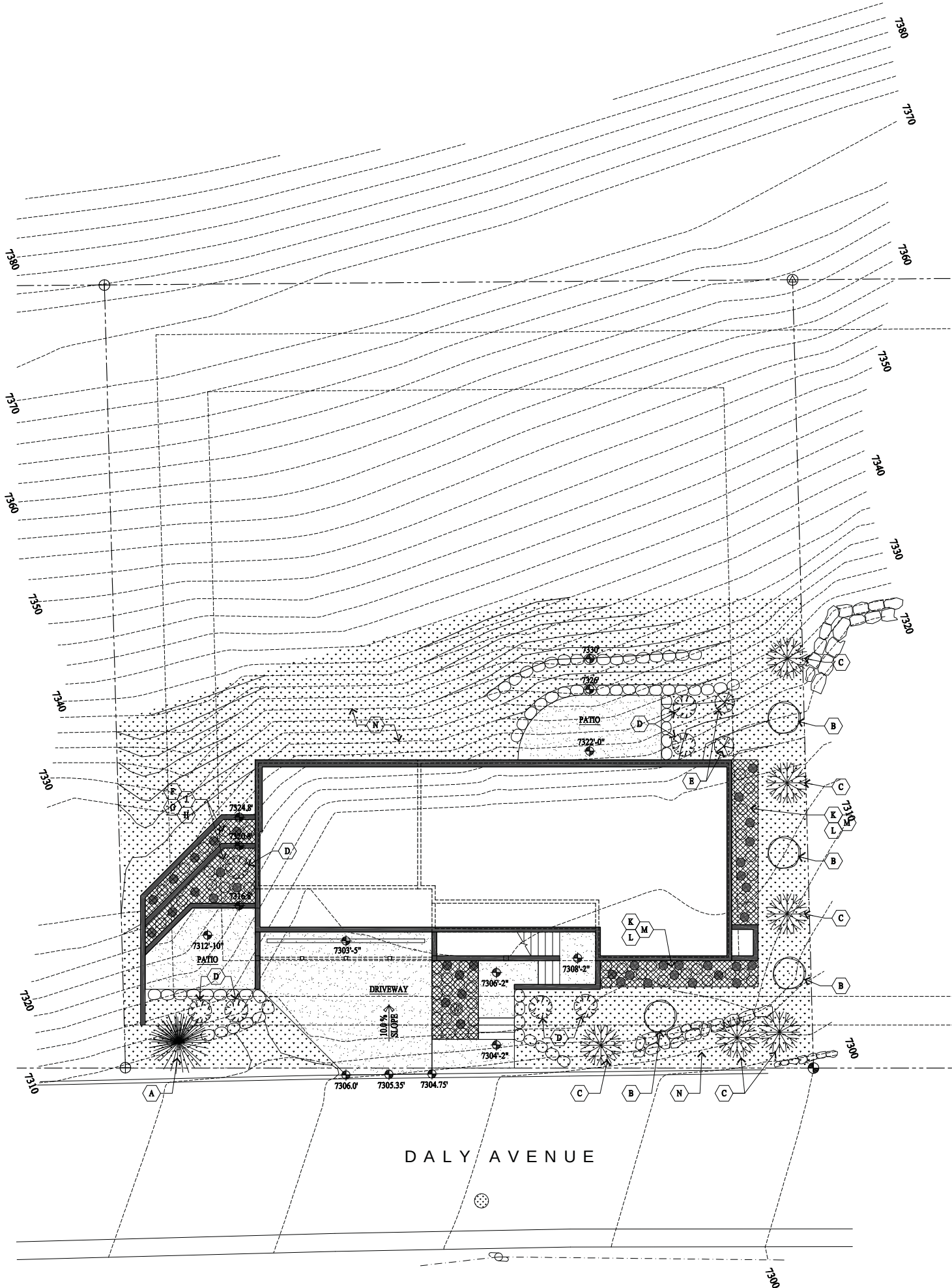
NOTE:
ALL EXCAVATION CUTS TO BE
LAID BACK MIN. 2:1 SLOPE

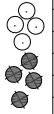
LEGEND	
	SEWER MANHOLE LID
	FOUND REBAR & CAP - LS 187821
	FOUND REBAR & CAP - LS 88934
	SET REBAR & CAP - LS 359005
	WATER METER
	POWER POLE
	NON-EXCLUSIVE PUBLIC EASEMENT
	LOD FENCE
	SURFACE DRAINAGE FLOW
	EXISTING CONTOUR LINE
	NEW CONTOUR LINE
	WATER LATERAL LINE
	SEWER LATERAL LINE
	OVERHEAD UTILITY LINE

SITE PLAN NOTES:

1. ALL SURFACE WATER SHALL DRAIN AWAY FROM THE HOUSE AT ALL POINTS. DIRECT THE DRAINAGE WATER TO THE STREET OR AN APPROVED DRAINAGE COURSE BUT NOT ONTO THE NEIGHBORING PROPERTIES. THE GRADE SHALL FALL A MINIMUM OF 6\"/>

THE GRAPHIC MATERIAL AND DESIGN ON THIS SHEET ARE INSTRUMENTS OF SERVICE AND REMAIN AT ALL TIMES THE PROPERTY OF JONATHAN DEGRAY, ARCHITECT P.C. REPRODUCTION OR REUSE OF THE MATERIAL AND DESIGN CONTAINED HEREIN IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF JONATHAN DEGRAY, ARCHITECT P.C. VIOLATORS WILL BE PROSECUTED TO THE FULLEST EXTENT OF THE LAW.
JONATHAN DEGRAY - ARCHITECT P.C. ALL RIGHTS RESERVED

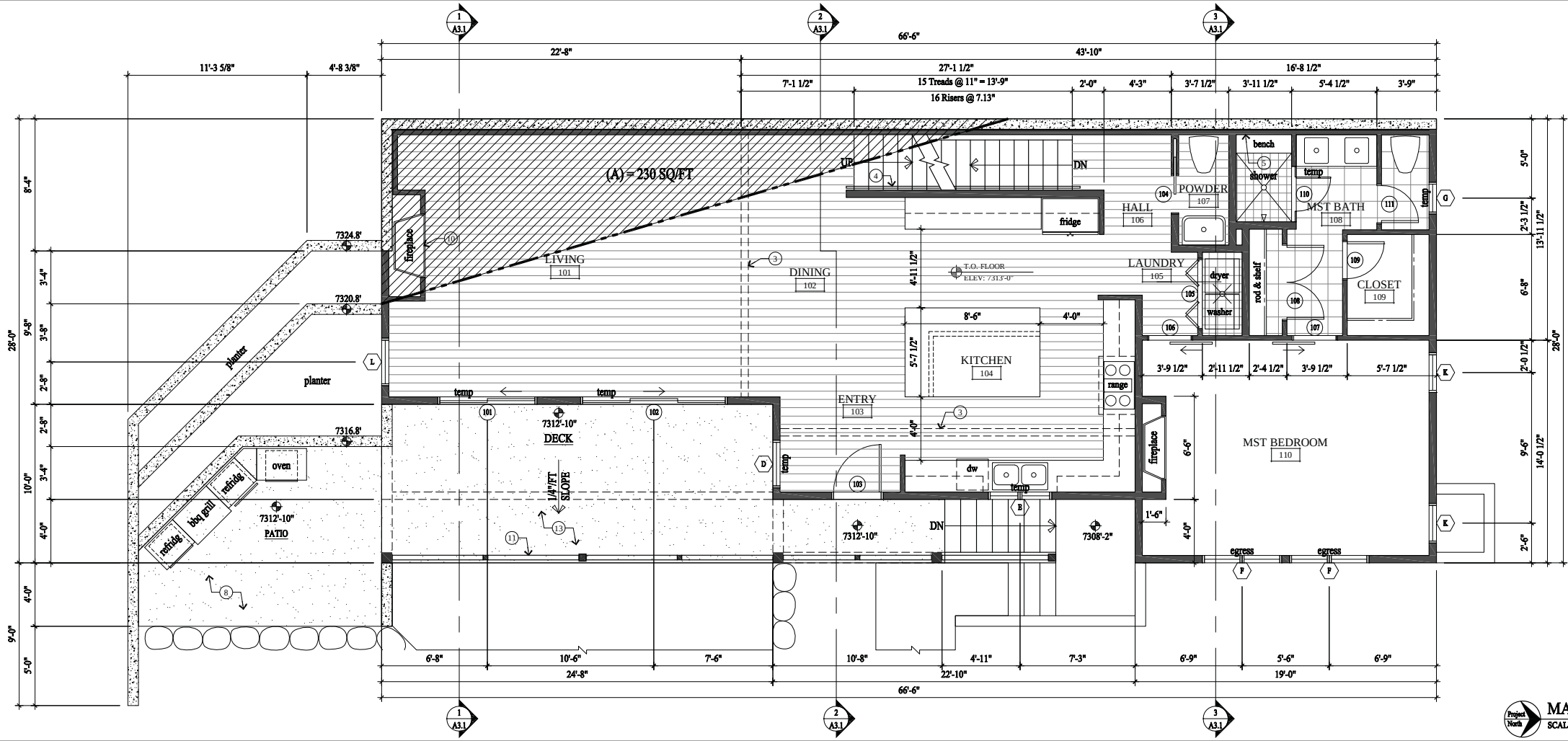


PLANT SCHEDULE							
SYMBOL	KEY	QUANTITY	COMMON NAME	SCIENTIFIC NAME	SIZE	SPACING	COMMENTS
	A	1	Colorado Blue Spruce	CONIFEROUS TREES			
				Picea pungens	6'-8'	15'	
	B	4	Rocky Mtn. Maple	DECIDUOUS TREES			
				Acer glabrum	3" Dia.	3'-8'	
	C	6	Aspen	Populus tremuloides	3" Dia.	6'-10'	
	D	7	Red twig dogwood	SHRUBS			
				Cornus sericea "baileysii"	5 Gal.		Spacing as noted on plan
	E	2	Mountain Sage	Artemisia Tridentata Vaseyana	5 Gal.		Spacing as noted on plan
	F	15	Bluebells	Campanula	1 Gal.	12"-18"	Distribute Equally
	G	15	Columbine	Aquilegia Caerulea	1 Gal.	12"-18"	Distribute Equally
	H	15	Trailing Daisy	Erigeron Flagellaris	1 Gal.	12"-18"	Distribute Equally
	J	15	Blanket Flower	Gaillardia Aristata	1 Gal.	12"-18"	Distribute Equally
PERENNIAL PLANTS							
GROUND COVER AND HYDROSEEDING							
	K	30	Mountain Lover	Pachistima Myrsinites	4" Pots	12"-18"	Distribute Equally
	L	30	Creeping Mahonia	Mahonia Repens	1 Gal.	12"-18"	Distribute Equally
	M	240 S/F	Wood Chips		Small		3" Thick Layer
	N	2725 S/F	Native Grass Seed Mix		1 lb/1500	Hydroseeded	See seed mix below

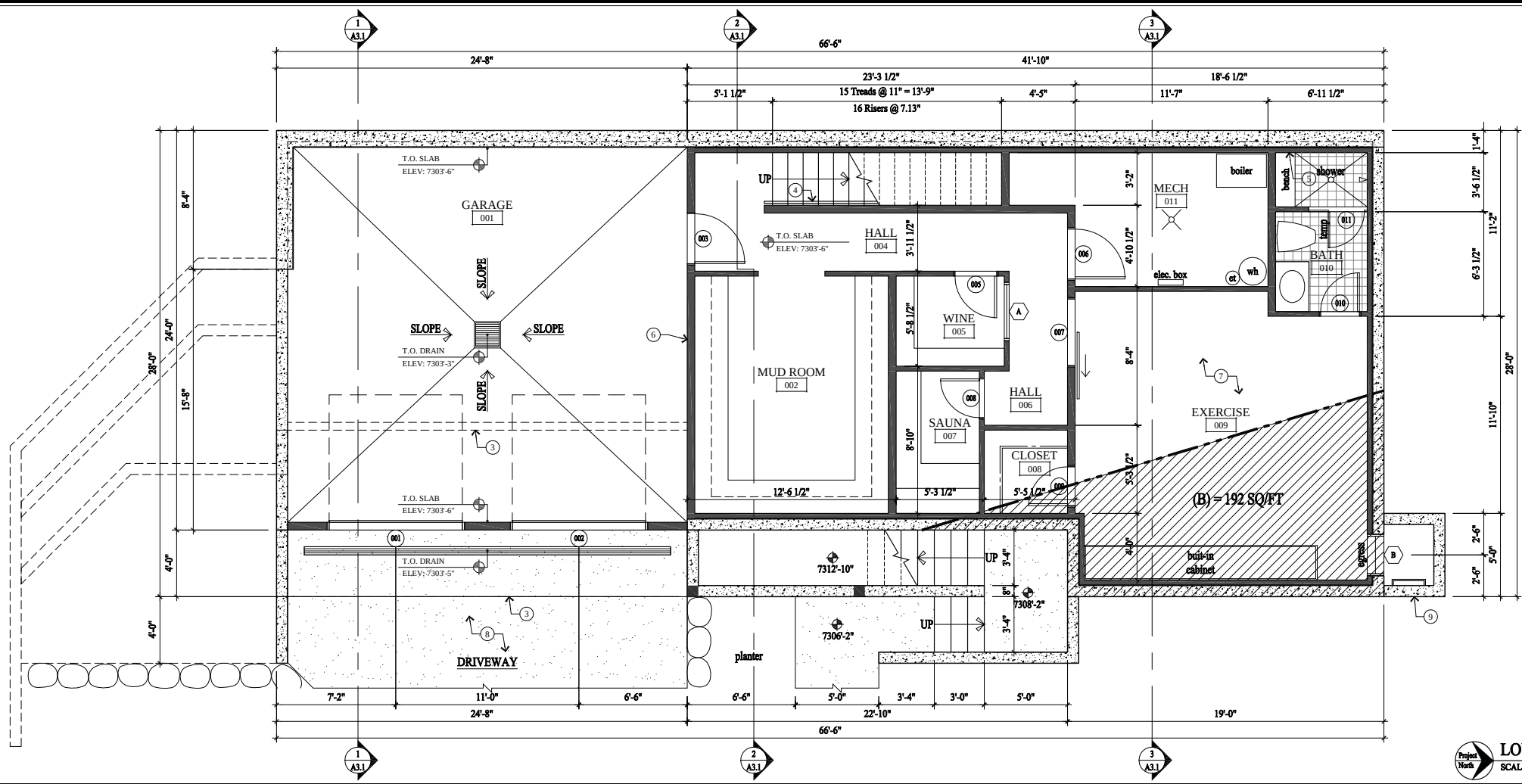
NATIVE GRASS SEED MIX
The seed mix shall be utilized in areas specified for native grasses. This mixture shall be applied at a sufficient rate so that germination and subsequent coverage reaches 80% in a representative 10'x10' area. If coverage does not reach 80% reseeded must occur. Apply at a rate of 80 lbs./ acre on the following percentages:
20% Crested Wheatgrass, 10% Streambank Wheatgrass, 20% Pubescent Wheatgrass, 15% Perennial Ryegrass, 15% Mountain Bromegrass, 10% Indian Ryegrass, 10% Alpine Bluegrass.
* In addition, add 10 lbs./ acre each of Linum lewisii and Penstemon. Estonii with native grass seed mixture.

- PLANTING NOTES**
1. CONTRACTOR TO VERIFY LOCATION OF ALL UTILITIES PRIOR TO INITIATION OF EXCAVATION OR PLANTING OPERATIONS. ANY DAMAGE TO EXISTING UTILITIES ON SITE OR ADJACENT PROPERTY SHALL BE CONTRACTORS RESPONSIBILITY.
 2. ALL PLANT MATERIAL SHALL CONFORM TO CURRENT AMERICAN ASSOCIATION OF NURSERYMANS STANDARD SPECIFICATIONS.
 3. ALL PLANT MATERIAL SHALL BE INSTALLED AS PER DRAWINGS, DETAILS, AND SPECIFICATIONS.
 4. CONTRACTOR SHALL VERIFY ALL QUANTITIES. IN CASE OF A DISCREPANCY, THE ILLUSTRATED LOCATIONS SHALL DICTATE COUNT.
 5. CONTRACTOR SHALL COORDINATE ALL PLANTING WITH IRRIGATION CONTRACTOR, AS NEEDED.
 6. IN THE EVENT OF A DISCREPANCY NOTIFY THE ARCHITECT OR OWNER IMMEDIATELY.
 7. NO SUBSTITUTIONS SHALL BE ALLOWED WITHOUT WRITTEN PERMISSION OF THE ARCHITECT OR OWNER.
 8. SHRUB BEDS SHALL RECEIVE 6" OF TOPSOIL.
 9. ALL SHRUB BEDS SHALL HAVE 3" OF DECOMPOSED BARK MULCH INSTALLED.
 10. SHRUB BED EDGING SHALL BE PRESSURE TREATED WOOD OR "TREX" EDGING. IT SHALL SEPARATE ALL SHRUB BEDS/ NATIVE GRASS LOCATIONS.
 11. ALL PLANTS AND ALL PLANT STAKES SHALL BE SET PLUMB.
 12. ALL ROOT WRAPPING MATERIAL MADE OF SYNTHETICS OR PLASTICS SHALL BE REMOVED AT TIME OF PLANTING AND PROPERLY DISCARDED.
 13. NO BARE ROOT STOCK SHALL BE USED.

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Project North
MAIN LEVEL PLAN
SCALE: 1/4" = 1'-0"



Project North
LOWER LEVEL PLAN
SCALE: 1/4" = 1'-0"

WALL LEGEND

- NEW CONCRETE WALL
NEW 2x FRAMED WALL
1. EXTERIOR WALLS TO BE 2x6 FRAMING W/ BIB INSULATION R-23 - TYP. ALL INTERIOR WALLS TO BE 2x4 FRAMING, U.N.O. W/ BIB INSULATION R-15 - TYP. ALL INTERIOR FLOORING AND BEARING WALLS TO BE 2x6 FRAMING, U.N.O. W/ BIB INSULATION R-23 - TYP. ALL FLOOR JOIST TO BE 9 1/2" TYP. ALL ROOF JOIST TO BE 9 1/2" TYP. ALL ROOF U.N.O. W/ 7" CLOSED CELL INSULATION R-49 - TYP.
2. FIRE SPRINKLERS TO BE ON THE WARM SIDE OF THE BUILDING ENVELOPE. ANTIFREEZE WILL NO LONGER BE ALLOWED IN FIRE SPRINKLER SYSTEMS

ALL DIMENSIONS ARE APPROXIMATE AND ARE TO BE FIELD VERIFIED PRIOR TO ANY CONSTRUCTION

KEY NOTES

1. ARCHITECTURAL GRADE COMPOSITION SHINGLE 50 YEAR PRESIDENTIAL TL (355# PER SQUARE, MIN.) ON ICE AND WATER MEMBRANE, HOLD MEMBRANE 12" DOWN FROM RIDGE FOR VENTILATION.
2. NON-REFLECTIVE STANDING SEAM METAL ROOF. METAL ROOF TO BE ICC-ES APPROVED, ON ICE AND WATER MEMBRANE.
3. LINE OF WALL/BEAM ABOVE.
4. FOR TYPICAL STAIRWAY, HANDRAILING AND GUARDRAILING NOTES & DETAILS SEE SHEET A5.1.
5. TUBS AND SHOWERS WITH TILED WALLS REQUIRE A PORTLAND CEMENT APPLICATION, FIBER-CEMENT OR GLASS MAT GYPSUM BACKER, GREEN BOARD IS NO LONGER ALLOWED IN THIS APPLICATION.
6. 5/8" TYPE "X" ON GARAGE CEILING AND WALL SEPARATING THE GARAGE AND LIVING SPACE.
7. 4" REINFORCED CONCRETE SLAB ON 6 MIL POLYETHYLENE VAPOR RETARDER (JOINTS TO LAP 6" MIN) ON 4" GRAVEL BASE CLEANED/GRADED.
8. 4" REINFORCED CONCRETE PATIO/DRIVEWAY ON 4" GRAVEL BASE.
9. 8" CONCRETE WINDOW WELL W/ EGRESS LADDER.
10. 48" HEAT & GLO SLIMLINE GAS FIREPLACE, #SL-9X, FRAME ON 10" PLATFORM. SEALED GAS APPLIANCE APPROVED FOR SLEEPING AREAS.
11. 36" HIGH GUARD RAILING: 2x SHAPED HARDWOOD CONTINUOUS TOP CAP, W/ 3/8" DIA. STEEL CABLE, HORIZONTAL, SPACED LESS THAN 4". THROUGH 5"x5" and 3"x3" VERTICAL TUBE STEEL POSTS.
12. 36" HIGH WOOD TOP RAIL/HAND GRIP TO BE STD MILL SHAPE CONT. W/ 1/2" DIA. STEEL BALLAST, VERTICAL, SPACED LESS THAN 4".
13. CONCRETE COMPOSITE FLOOR DECK.
14. CONCRETE LIGHT WELL.

Jonathan DeGray
Architect

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BRADSHAW RESIDENCE
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280 DALY AVENUE
PARK CITY, UTAH 84060

LOWER LEVEL PLAN
MAIN LEVEL PLAN

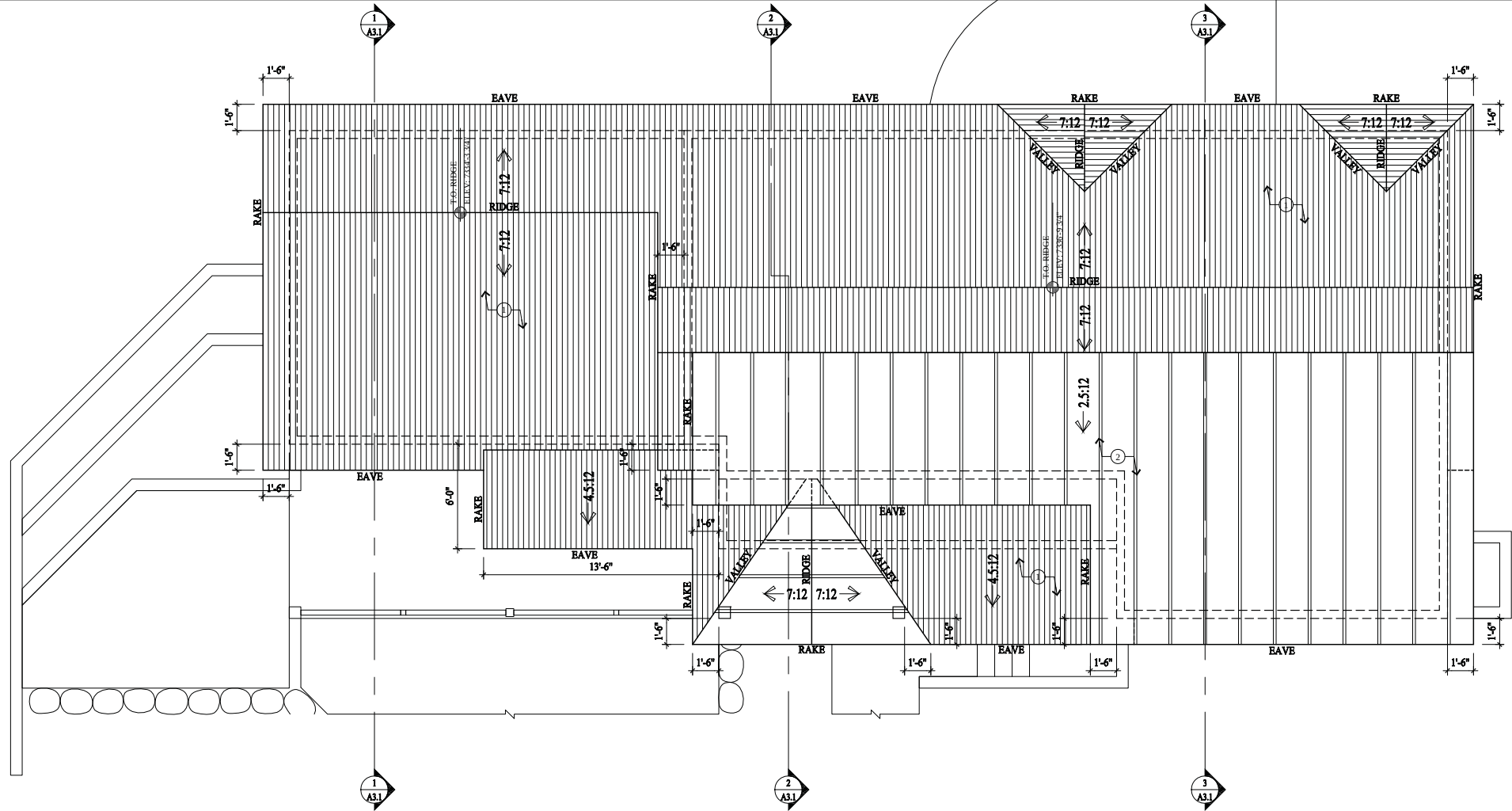
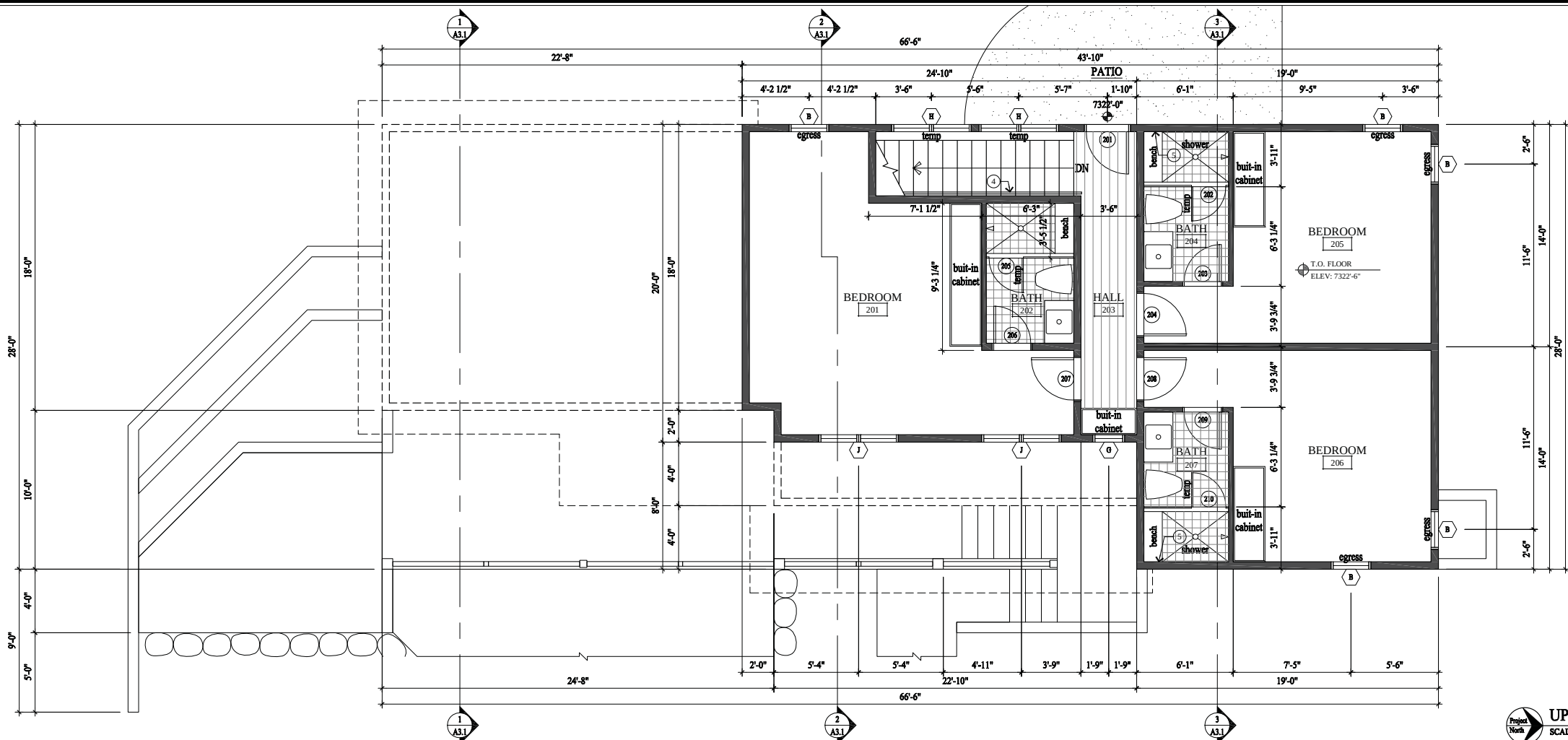
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DATE:
MARCH 01, 2017

PROJECT NUMBER:
1611-01

SHEET NUMBER:

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WALL LEGEND

NEW CONCRETE WALL
NEW 2x FRAMED WALL

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KEY NOTES

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2. NON-REFLECTIVE STANDING SEAM METAL ROOF. METAL ROOF TO BE ICC-ES APPROVED, ON ICE AND WATER MEMBRANE.

3. LINE OF WALL/BEAM ABOVE.

4. FOR TYPICAL STAIRWAY, HANDRAILING AND GUARDRAILING NOTES & DETAILS SEE SHEET A5.1.

5. TUBS AND SHOWERS WITH TILED WALLS REQUIRE A PORTLAND CEMENT APPLICATION, FIBER-CEMENT OR GLASS MAT GYPSUM BACKER. GREEN BOARD IS NO LONGER ALLOWED IN THIS APPLICATION.

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11. 36" HIGH GUARD RAILING: 2x SHAPED HARDWOOD CONTINUOUS TOP CAP, W/ 3/8" DIA. STEEL CABLE, HORIZONTAL, SPACED LESS THAN 4". THROUGH 5"x5" and 3"x3" VERTICAL TUBE STEEL POSTS.

12. 36" HIGH WOOD TOP RAIL/HAND GRIP TO BE STD MILL SHAPE CONT. W/ 1/2" DIA. STEEL BALLAST, VERTICAL, SPACED LESS THAN 4".

13. CONCRETE COMPOSITE FLOOR DECK.

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BRADSHAW RESIDENCE
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280 DALY AVENUE
PARK CITY, UTAH 84060

PROJECT DESCRIPTION:
UPPER LEVEL PLAN
ROOF PLAN

REVISIONS:

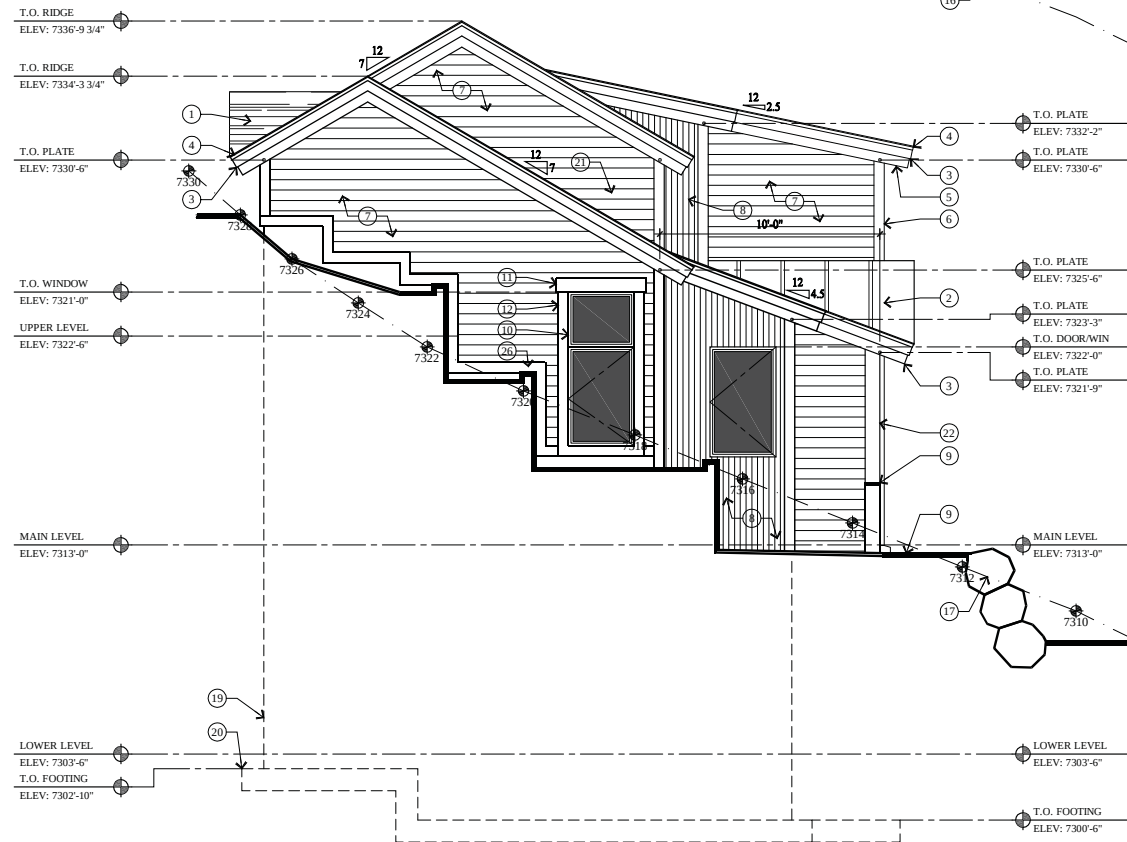
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1611-01

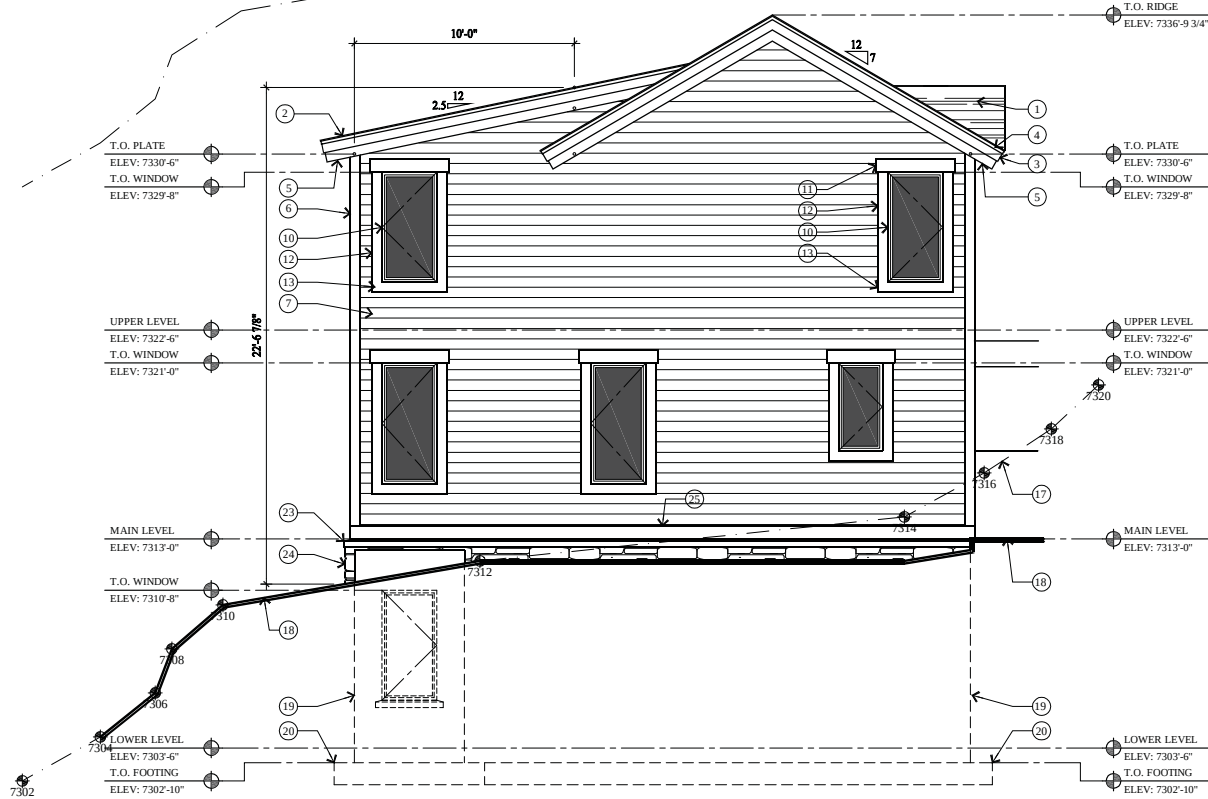
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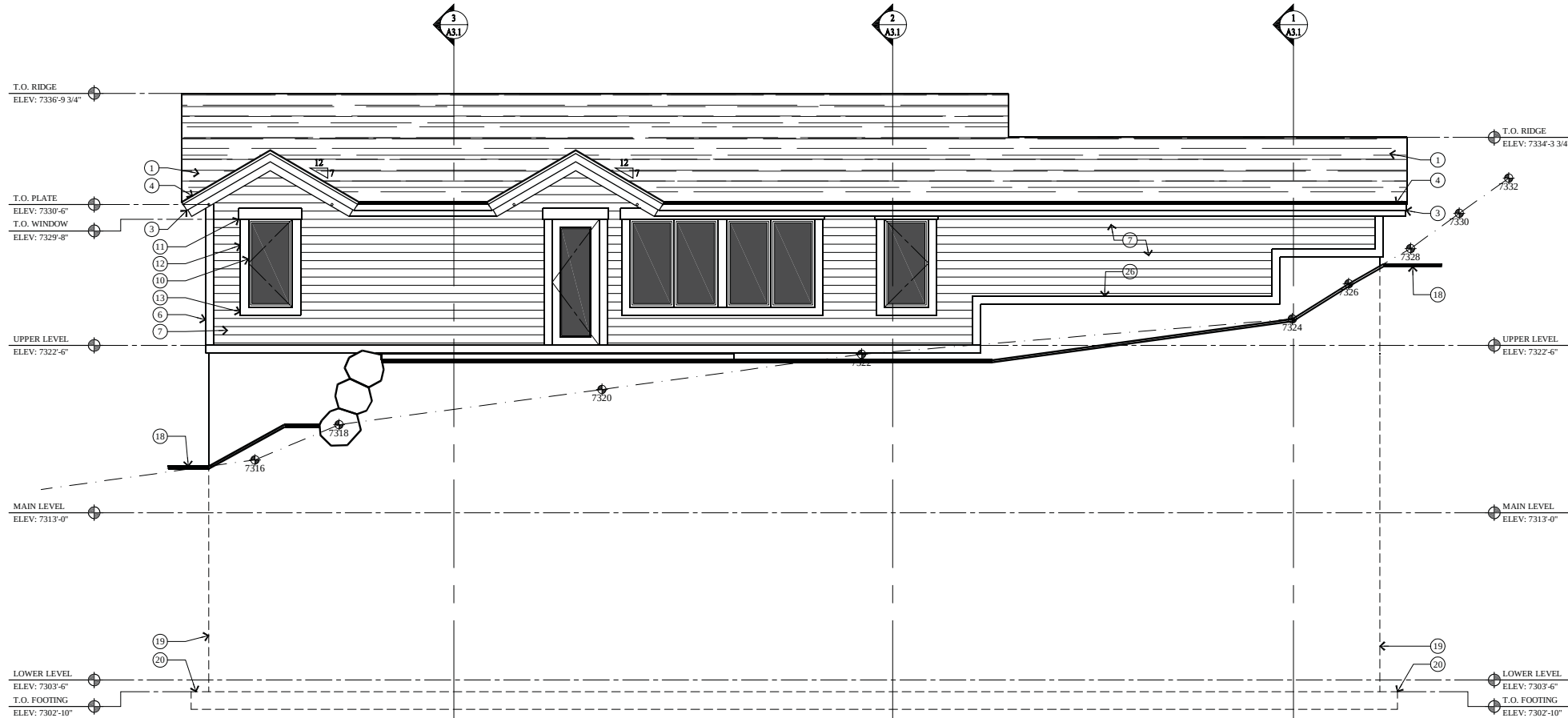
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1
A2.1 SOUTH ELEVATION
SCALE: 1/4\"/>



2
A2.1 NORTH ELEVATION
SCALE: 1/4\"/>



3
A2.1 WEST ELEVATION
SCALE: 1/4\"/>

KEY NOTES

- 1 ARCHITECTURAL GRADE COMPOSITION SHINGLE 50 YEAR PRESIDENTIAL TL (35# PER SQUARE, MIN.) ON ICE AND WATER MEMBRANE HOLD MEMBRANE 12\"/>
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- 3 1x6 ON 1x8 BUILT-UP FASCIA - STAINED
- 4 1 1/2\"/>
- 5 1x CEDAR SOFFIT - STAINED W/ CONTINUOUS SOFFIT VENT.
- 6 2x6 CEDAR OUTSIDE CORNER BOARD, 2x2 CEDAR INSIDE CORNER BOARD - STAINED
- 7 1x6 CEDAR HORIZONTAL LAP SIDING ON TYVEK HOMEWRAP ON 1/2\"/>
- 8 NON-REFLECTIVE CORRUGATED STEEL SIDING ON TYVEK HOMEWRAP ON 1/2\"/>
- 9 36\"/>
- 10 WOOD ALUMINUM GLAD WINDOWS AND DOORS: W/ INSULATED GLASS - SEE SCHEDULE.
- 11 2x8 WINDOW/DOOR HEAD - PAINTED W/ METAL FLASHING.
- 12 2x6 WINDOW/DOOR JAMB - STAINED.
- 13 2x6 WINDOW SILL - STAINED.
- 14 CONCRETE COMPOSITE FLOOR DECK.
- 15 4\"/>
- 16 LINE 27'-0\"/>
- 17 EXISTING GRADE LINE.
- 18 FINISH GRADE TO SLOPE AWAY FROM HOUSE A MIN. OF 6\"/>
- 19 FOUNDATION - SEE STRUCTURAL FOR SIZE AND REINFORCING.
- 20 FOOTING - SEE STRUCTURAL FOR SIZE AND REINFORCING.
- 21 ROOF TO WALL SURFACE; EXTEND BITUTHANE MEMBRANE OVER ROOF DECK & UP WALL SURFACE 24\"/>
- 22 TIMBER COLUMN - SEE STRUCTURAL FOR SIZE.
- 23 CUT STONE SILL/CAP CONTINUOUS.
- 24 4\"/>
- 25 2x8 CONTINUOUS TRIM BOARD - STAINED
- 26 2x6 CEDAR TRIM BOARD - STAINED

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SOUTH ELEVATION
NORTH ELEVATION
WEST ELEVATION

REVISIONS:

DATE:

MARCH 01, 2017

PROJECT NUMBER:

1611-01

SHEET NUMBER:

MINISTERED

- 1 ARCHITECTURAL GRADE COMPOSITION
SHINGLE 50 YEAR PRESIDENTIAL TL 0556 PER
SQUARE, MNJ) ON ICE AND WATER MEMBRANE
HOLD MEMBRANE 12" DOWN FROM RIDGE.
- 2 NON-REFLECTIVE STANDING SEAM METAL
ROOF. METAL ROOF TO BE ICC-ES APPROVED,
ON ICE AND WATER MEMBRANE.
- 3 1x6 ON 1x6 BUILT-UP FASCIA - STAINED
- 4 1 1/2" x 3" x 1/2" CONTINUOUS METAL Drip EDGE.
- 5 1X CEDAR SOFFIT - STAINED W/ CONTINUOUS
SOFFIT VENT.
- 6 2x6 CEDAR OUTSIDE CORNER BOARD, 2x2 CEDAR
INSIDE CORNER BOARD - STAINED
- 7 1x6 CEDAR HORIZONTAL LAP SIDING ON TYPICAL
HOMEPWR/ ON 1/2" EXTERIOR SHEATHING ON
2x6 STUD WALL @ 16" O.C.
- 8 NON-REFLECTIVE CORRUGATED STEEL SIDING
ON TYPICAL HOMEPWR/ ON 1/2" EXTERIOR
SHEATHING ON 2x6 STUD WALL @ 16" O.C.
- 9 3/4" HIGH GUARD RAILING, 2x SEALED
HARDWOOD CONTINUOUS TOP CAP, W/ 3/8" DIA
STEEL CABLE, HORIZONTAL, SPACED LESS
THAN 4", THROUGH 5x5" AND 3x3" VERTICAL
TUBE STEEL POSTS.
- 10 WOOD ALUMINUM CLAD WINDOWS AND DOOR
W/ INSULATED GLASS - SEE SCHEDULE.
- 11 2x6 WINDOW/DOOR JAMB - PAINTED W/ METAL
FLASHING.
- 12 2x6 WINDOW/DOOR JAMB - STAINED.
- 13 2x6 WINDOW SILL - STAINED.
- 14 CONCRETE COMPOSITE FLOOR DECK.
- 15 4" REINFORCED CONCRETE SLAB ON 4" GRAVEL
BASE.
- 16 LINE 27'-0" HEIGHT ABOVE EXISTING GRADE
17 EXISTING GRADE LINE.
- 18 FINISH GRADE TO SLOPE AWAY FROM HOUSE A
MIN. OF 6" WITHIN THE FIRST 10'. IFC R401.3
- 19 FOUNDATION - SEE STRUCTURAL FOR SIZE AND
REINFORCING.
- 20 FOOTING - SEE STRUCTURAL FOR SIZE AND
REINFORCING.
- 21 ROOF TO WALL SURFACE; EXTEND BIRTHFURNANCE
MEMBRANE OVER ROOF DECK & UP WALL
SURFACE 24".
- 22 TIMBER COLUMN - SEE STRUCTURAL FOR SIZE.
- 23 CUT STONE SILL/CAP CONTINUOUS.
- 24 4" STONE VENEER - SEE SHEET S1.1. GENERAL
STRUCTURAL NOTE FOR INFORMATION.
- 25 2x6 CEDAR TRIM BOARD - STAINED
- 26 2x6 CEDAR TRIM BOARD - STAINED

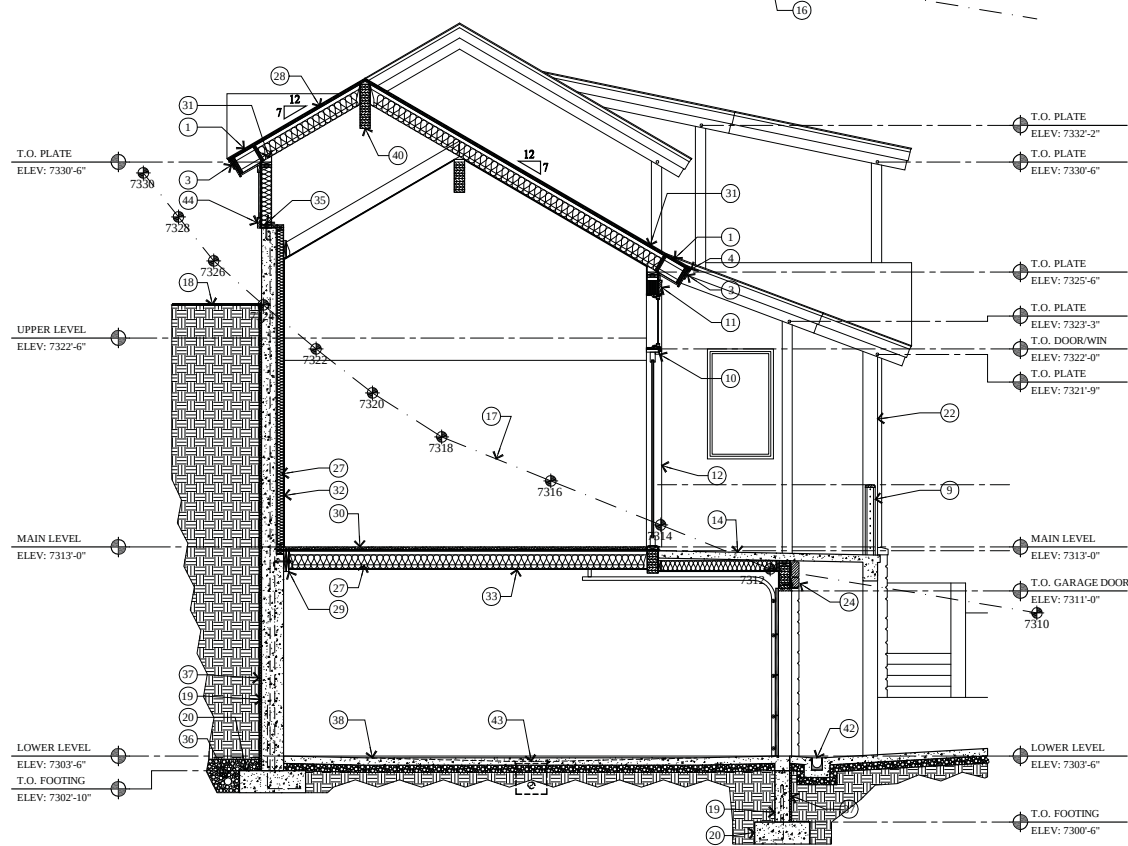
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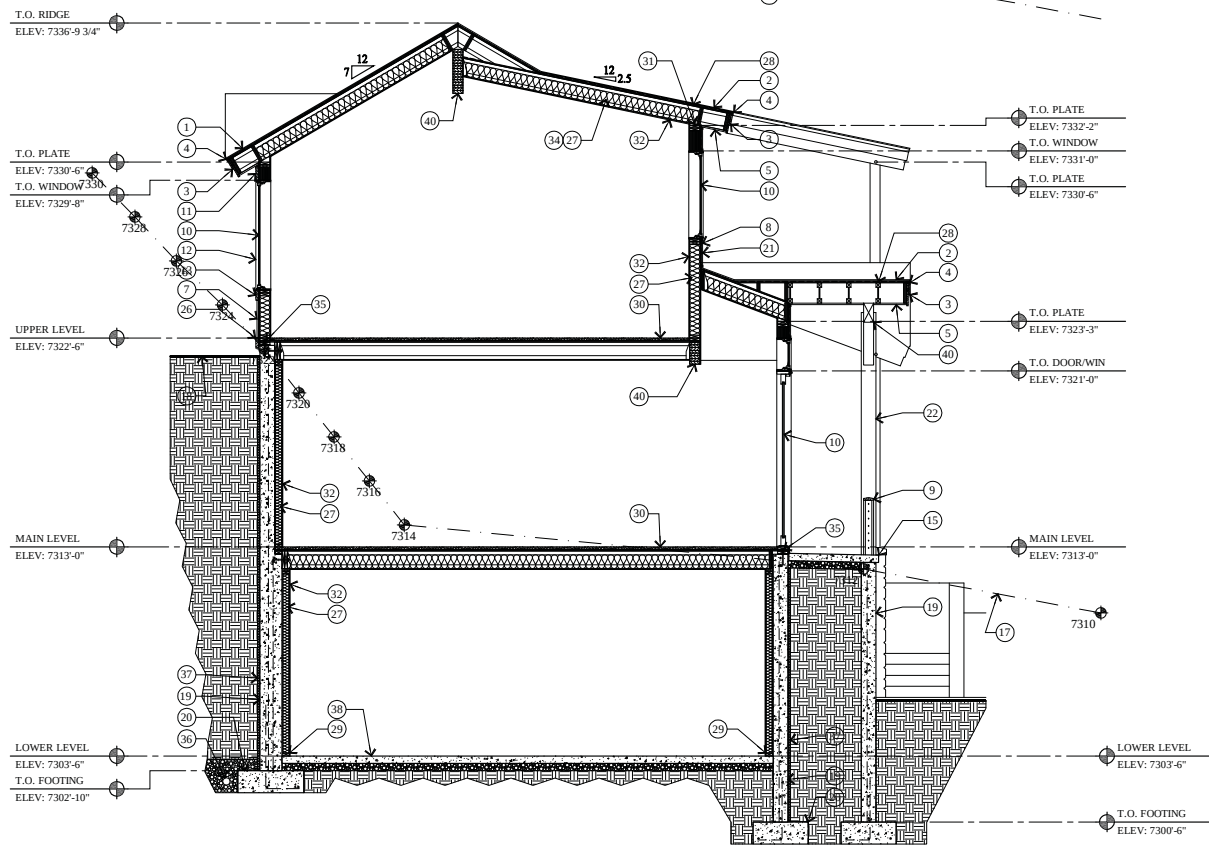
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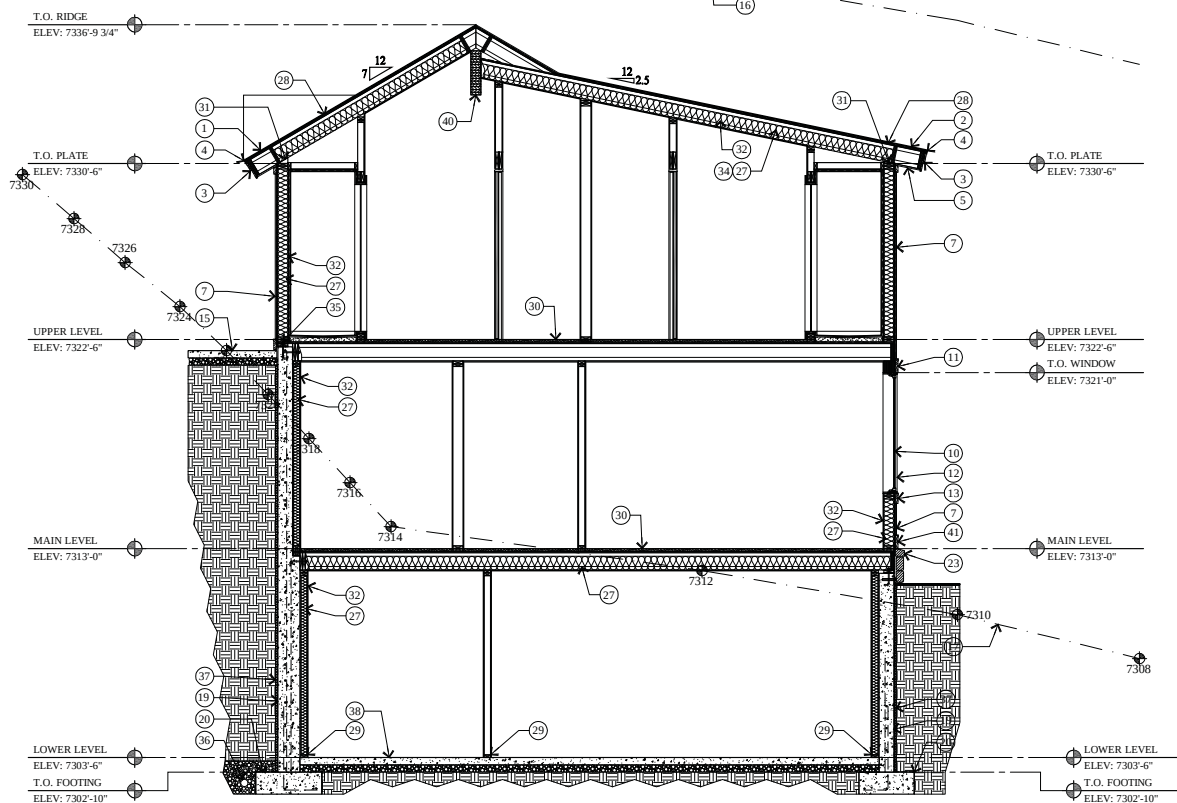
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1 BUILDING SECTION
A3.1 SCALE: 1/4" = 1'-0"



2 BUILDING SECTION
A3.1 SCALE: 1/4" = 1'-0"



3 BUILDING SECTION
A3.1 SCALE: 1/4" = 1'-0"

KEY NOTES

- ARCHITECTURAL GRADE COMPOSITION SHINGLE 50 YEAR PRESIDENTIAL TL (35# PER SQUARE, MIN.) ON ICE AND WATER MEMBRANE HOLD MEMBRANE 12" DOWN FROM RIDGE.
- NON-REFLECTIVE STANDING SEAM METAL ROOF. METAL ROOF TO BE ICC-ES APPROVED, ON ICE AND WATER MEMBRANE.
- 1x6 ON 1x8 BUILT-UP FASCIA - STAINED
- 1 1/2" x 3 1/2" CONTINUOUS METAL DRIP EDGE.
- 1x CEDAR SOFFIT - STAINED W/ CONTINUOUS SOFFIT VENT.
- 2x6 CEDAR OUTSIDE CORNER BOARD, 2x2 CEDAR INSIDE CORNER BOARD - STAINED
- 1x6 CEDAR HORIZONTAL LAP SIDING ON TYVEK HOMEWRAP ON 1/2" EXTERIOR SHEATHING ON 2x6 STUD WALL @ 16" O.C.
- NON-REFLECTIVE CORRUGATED STEEL SIDING ON TYVEK HOMEWRAP ON 1/2" EXTERIOR SHEATHING ON 2x6 STUD WALL @ 16" O.C.
- 36" HIGH GUARD RAILING: 2x SHAPED HARDWOOD CONTINUOUS TOP CAP, W/ 3/8" DIA. STEEL CABLE, HORIZONTAL, SPACED LESS THAN 4". THROUGH 5"x5" and 3"x3" VERTICAL TUBE STEEL POSTS.
- WOOD ALUMINUM CLAD WINDOWS AND DOORS: W/ INSULATED GLASS - SEE SCHEDULE.
- 2x8 WINDOW/DOOR HEAD - PAINTED W/ METAL FLASHING.
- 2x6 WINDOW/DOOR JAMB - STAINED.
- 2x6 WINDOW SILL - STAINED.
- CONCRETE COMPOSITE FLOOR DECK.
- 4" REINFORCED CONCRETE SLAB ON 4" GRAVEL BASE.
- LINE 27'-0" HEIGHT ABOVE EXISTING GRADE.
- EXISTING GRADE LINE.
- FINISH GRADE TO SLOPE AWAY FROM HOUSE A MIN. OF 6" WITHIN THE FIRST 10'. IRC R401.3
- FOUNDATION - SEE STRUCTURAL FOR SIZE AND REINFORCING.
- FOOTING - SEE STRUCTURAL FOR SIZE AND REINFORCING.
- ROOF TO WALL SURFACE: EXTEND BITUTHANE MEMBRANE OVER ROOF DECK & UP WALL SURFACE 24".
- TIMBER COLUMN - SEE STRUCTURAL FOR SIZE.
- CUT STONE SILL/CAP CONTINUOUS.
- 4" STONE VENER - SEE SHEET S1.1 GENERAL STRUCTURAL NOTE FOR INSTALLATION.
- STONE SUPPORT: 6"x6" x 3/16" CONTINUOUS ANGLE W/ 3/4" DIA. EPOXY BOLTS x 3" EMBED @ 24" O.C. WITH MASTIC AROUND ANGLE & BOLTS 3/16" DIA. WEEP HOLE @ 32" O.C. STEEL TO BE SHOP COATED W/ RUST-INHIBITIVE PAINT.
- METAL FLASHING.
- EXTERIOR WALLS TO BE 2x6 FRAMING W/ BIB INSULATION R-23 - TYP. ALL INTERIOR WALLS TO BE 2x4 FRAMING, U.N.O. W/ BIB INSULATION R-15 - TYP. ALL INTERIOR PLUMBING AND BEARING WALLS TO BE 2x6 FRAMING, U.N.O. W/ BIB INSULATION R-23 - TYP. ALL FLOOR JOIST TO BE 9 1/2" TI FRAMING U.N.O. W/ BIB INSULATOR R-39 - TYP. ALL ROOF JOIST TO BE 9 1/2" TI FRAMING U.N.O. W/ 7" CLOSED CELL INSULATION R-49 - TYP.
- 5/8" EXTERIOR SHEATHING ON ROOF JOIST - SEE STRUCTURAL FOR SIZE AND SPACING.
- ALL LUMBER IN CONTACT WITH CONCRETE OR MASONRY INCLUDING LEDGERS AND PURRING WALLS MUST BE PRESERVATIVELY TREATED OR FOUNDATION GRADE REDWOOD.
- 1 1/2" GYPCRETE W/ HYDRAUNIC HEATING ON 3/4" PLYWOOD ON FLOOR JOIST - SEE STRUCTURAL FOR SIZE AND SPACING.
- HURRICANE HOLD DOWN AT EACH RAFTER OR SIMPSON VFA.
- 1/2" GYP. BD. ON 4 MIL POLYETHYLENE VAPOR RETARDER AT FLOOR JOIST AND EXTERIOR WALLS. PA MEMBRANE (SMART VAPOR RETARDER) AT ROOF TRUSS/JOIST.
- 5/8" TYPE "X" GYPSUM BOARD ON GARAGE CEILING AND WALL SEPARATING THE GARAGE AND LIVING SPACE.
- FIRE BLOCK STUD SPACES AT SOFFIT, FLOOR AND CEILING JOIST LINES, AT 10 FT. VERTICALLY AND HORIZONTALLY, AND AT ANY OTHER LOCATIONS NOT SPECIFICALLY MENTIONED WHICH COULD AFFORD PASSAGE FOR FLAMES. - IRC R302.11
- TREATED WOOD SILL PLATE W/ 1/2" ANCHOR BOLTS EMBEDDED 7" INTO CONCRETE, SPACED 32" O.C. U.N.O. ON PLANS. PLATE WASHERS SHALL 3"x3"x1/4" AND USED ON EACH BOLT. SEE STRUCTURAL SHEAR WALL SCHEDULE.
- 6" PERF. DRAIN PIPE WRAPPED IN FILTER FABRIC IN 18" OF FREE DRAINING GRAVEL TIED INTO STORM DRAIN.
- DRAINAGE MATT ON WATERPROOF MEMBRANE
- 4" REINFORCED CONCRETE SLAB ON 6 MIL POLYETHYLENE VAPOR RETARDER (JOINTS TO LAPPED 6" MIN.) ON 4" GRAVEL BASE CLEANED/GRAVEL - SEE STRUCT. FOR REINFORCING.
- FOR TYPICAL STAIRWAY, HANDRAILING AND GUARDRAILING NOTES & DETAILS ON SEE SHEET A5.1.
- STRUCTURAL BEAM - SEE STRUCTURAL DRAWINGS FOR SIZE AND DETAILS.
- 2x8 CONTINUOUS TRIM BOARD - STAINED
- TRENCH DRAIN, TIE INTO STORM DRAIN.
- HEAVY DUTY 18"x18" FLOOR DRAIN W/ INTEGRAL TRAP FOR SEDIMENT BUCKET, W/ FLOOR LEVEL CLEANOUT. TIE INTO STORM DRAIN.
- 2x6 CEDAR TRIM BOARD - STAINED

Jonathan DeGray
A r c h i t e c t

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BRADSHAW RESIDENCE
HISTORIC DISTRICT DESIGN REVIEW SET
280 DALY AVENUE
PARK CITY, UTAH 84060

BUILDING SECTIONS

REVISIONS:

DATE:

MARCH 01, 2017

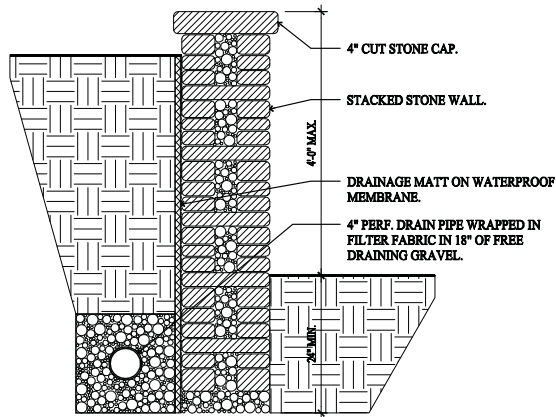
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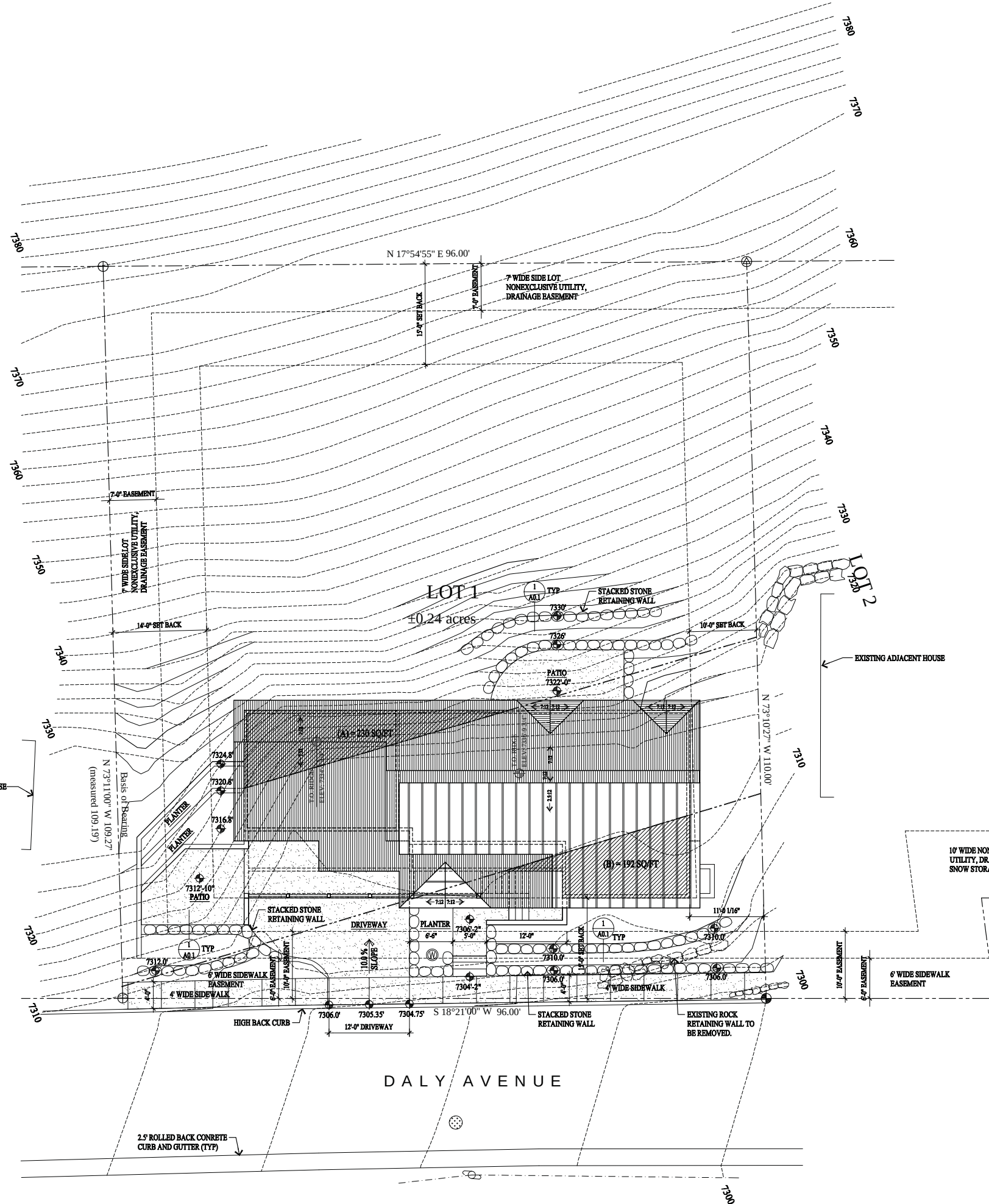
Packet Pg. 210

THE GRAPHIC MATERIAL AND DESIGN ON THIS SHEET ARE INSTRUMENTS OF SERVICE AND REMAIN AT ALL TIMES THE PROPERTY OF JONATHAN DEGRAY, ARCHITECT P.C. REPRODUCTION OR REUSE OF THE MATERIAL AND DESIGN CONTAINED HEREIN IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF JONATHAN DEGRAY, ARCHITECT P.C. VIOLATIONS WILL BE PROSECUTED TO THE FULLEST EXTENT OF THE LAW.
JONATHAN DEGRAY, ARCHITECT P.C. ALL RIGHTS RESERVED



1
A0.1
STACKED STONE RETAINING WALL
NO SCALE

Exhibit H - Revised Site Plan dated 05.22.17



NOTE:
ALL EXCAVATION CUTS TO BE
LAID BACK MIN. 2:1 SLOPE

LEGEND	
	SEWER MANHOLE LID
	FOUND REBAR & CAP - LS 187821
	FOUND REBAR & CAP - LS 88934
	SET REBAR & CAP - LS 359005
	WATER METER
	POWER POLE
	NON-EXCLUSIVE PUBLIC EASEMENT
	LOD FENCE
	SURFACE DRAINAGE FLOW
	EXISTING CONTOUR LINE
	NEW CONTOUR LINE
	WATER LATERAL LINE
	SEWER LATERAL LINE
	OVERHEAD UTILITY LINE

SITE PLAN NOTES:

1. ALL SURFACE WATER SHALL DRAIN AWAY FROM THE HOUSE AT ALL POINTS. DIRECT THE DRAINAGE WATER TO THE STREET OR AN APPROVED DRAINAGE COURSE BUT NOT ONTO THE NEIGHBORING PROPERTIES. THE GRADE SHALL FALL A MINIMUM OF 6" WITHIN THE FIRST 10 FEET. -IRC R401.3

STABILIZATION CONSTRUCTION ENTRANCE

FOR A MINIMUM OF 50' FROM ROADWAY, A FILTER FABRIC SHALL BE INSTALLED OVER A COMPACTED SUBGRADE. A 6" LAYER OF 1"-2" AGGREGATE SHALL BE PLACED OVER THIS MEMBRANE. DAILY INSPECTION FOR SEDIMENT BUILD UP AND/OR LOSS OF GRAVEL WILL BE ENFORCED, AND REMEDIED AT ONCE.

GRADING NOTES

1. DRAINAGE TO COMPLY WITH IRC CHAPTER 4
2. MAXIMUM ALTERED SLOPES AT 2:1
3. MINIMUM SLOPE FOR DRAINAGE = 2%
4. DRAIN AWAY FROM BUILDING
5. CONTAIN DRAINAGE ON PROPERTY
6. BOULDER RETAINING WALLS NOT TO EXCEED 4'-0" EXPOSED HEIGHT

UTILITY NOTES

1. ALL UTILITY LINES TO BE UNDERGROUND.
2. ABOVE GRADE UTILITY BOX TO BE IN SCREENED LOCATION.

SNOW REMOVAL

SNOW PLOWED FROM DRIVE SHALL NOT BE PUSHED ONTO THE STREET.



ARCHITECTURAL SITE PLAN
SCALE: 1/8" = 1'-0"

Jonathan DeGray
Architect

P.O. Box 1674, 614 Main Street, Suite 302, Park City, Utah 84060
Tel. 435-649-7263, E-mail: degarayarch@guestoffice.net

BRADSHAW RESIDENCE
HISTORIC DISTRICT DESIGN REVIEW SET
280 DALY AVENUE
PARK CITY, UTAH 84060

ARCHITECTURAL SITE PLAN

REVISIONS:

DATE:
MARCH 01, 2017

PROJECT NUMBER:
1611-01

SHEET NUMBER:



March 24, 2017

Jed & Susan Bradshaw
c/o IWSM
16445 N. 91st, #105
Scottsdale, AZ 85260

CC: Jonathan DeGray, Architect

NOTICE OF PLANNING DEPARTMENT ACTION

<u>Project Address:</u>	280 Daly Avenue
<u>Project Description:</u>	Historic District Design Review
<u>Date of Action:</u>	March 24, 2017
<u>Project Number:</u>	PL-16-03285

Summary of Staff Action

Staff reviewed this HDDR application for compliance with the 2009 Historic District Design Guidelines, specifically with 1) Universal Guidelines for New Construction in Historic Districts (#1 through #8) and 2) Specific Guidelines: A. Site Design; B. Primary Structures; D. Off-Street Parking Areas, Garages, & Driveways; G. Exterior Lighting; and I. Sustainability. Staff found that, as conditioned, the proposed new single-family home will comply with applicable Guidelines. This letter serves as the final action letter and approval for the proposed design for the new single-family home at 280 Daly Avenue. The plans, as redlined, are approved subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. On January 3, 2017, the Planning Department received a Historic District Design Review (HDDR) application for the construction of a new single-family home at 280 Daly Avenue. The application was deemed complete on January 10, 2017.
2. On January 10, 2017, Staff posted notice of receipt of the HDDR application and sent out notice letters to property owners as required by the Land Management Code. A public hearing was held on January 25th, and no public comment was provided regarding the new single-family home that was not mitigated.
3. The subject property is platted as Lot 1 of the Washington Mill Subdivision and is currently vacant.
4. The property is not listed as a historic site as defined by the Park City Historic Sites Inventory.

5. The property is located in the Historic Residential (HR-1) zoning district and is subject to all requirements of the Park City Land Management Code (LMC) and the 2009 Historic District Design Guidelines.
6. A single-family dwelling is an allowed use in the HR-1 zone. The surrounding neighborhood is characterized by historic and non-historic single-family homes and condominiums on single lots and lot combinations.
7. In the HR-1 district, the LMC requires a minimum lot area of 1,875 square feet for a single-family structure. Lot 1 of the Washington Mill subdivision has an area of 10,522 square feet.
8. The Washington Mill subdivision plat contains a note that limits the “maximum house size” of Lot 1 to 2,500 square feet. In line with the LMC definitions of *Maximum House Size* and *Gross Residential Floor Area*, the proposed structure will have a *total floor area* of 4,220.6 square feet including the garage and exterior walls, but a *gross floor area* of 2,461 square feet including the garage and exterior walls (refer to PL-17-03423 – 280 Daly Avenue SS CUP staff report for a detailed analysis).
9. The maximum building footprint allowed for a lot of this size is 2,912.7 square feet; however, the plat note that limits maximum house size to 2,500 square feet does not allow for that large of a footprint. The approved plans show a building footprint of 1,672 square feet.
10. The proposed new single-family home will comply with all setback requirements.
11. Per LMC §15-2.2-5, no structure shall be erected to a height greater than twenty-seven feet (27') from existing grade. The proposed new construction does not exceed this zone height, with a height of approximately 24 feet (24') at its tallest point.
12. Per LMC §15-2.2-5(A), a structure shall have a maximum interior height of 35 feet (35'), measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters. The proposed structure has an interior height of approximately 28.6 feet (28.6') at its highest point.
13. Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure. Besides the excavation required for the garage access, the maximum change in grade being proposed is four feet (4') on the north, south, and west elevations.
14. The approved plans show a ten foot (10') minimum horizontal step in the downhill façade (facing Daly), which takes place at a maximum height of twenty three feet from where the footprint meets the lowest point of existing grade.
15. The main roof form has a 7:12 roof pitch, which is in compliance with the LMC.
16. Vehicular and pedestrian access to the property is from Daly Avenue, a public street.
17. Two off-street parking spaces are provided within the proposed double-car garage, which has access via Daly Avenue.
18. The lot runs uphill with a relatively flat portion at the front near Daly Avenue with an approximate grade of 13 percent (13%). The west and southwest (rear of structure) corner of the footprint is proposed in an area with grades ranging from

- 80-100 percent (80-100%). The rear of the lot slopes steeply upward, but will remain undeveloped due to the proposed design of the structure.
19. The Park City Planning Commission approved a Steep Slope Conditional Use Permit (SS CUP) required as part of this project on March 22, 2017. The SS CUP final action letter was issued to the applicant on March 23, 2017.
 20. The proposal, as conditioned, complies with applicable Universal Design Guidelines for new construction in Historic Districts, #1-8.
 21. The proposal, as conditioned complies with applicable Specific Design Guidelines for new construction, including A- Site Design; B- Primary Structures; D- Off-Street Parking Areas, Garages, & Driveways; G- Exterior Lighting; and I- Sustainability.
 22. On March 27, 2017, Staff posted notice of final action as required by the Land Management Code. The appeal period runs until 5 pm on April 6, 2017.

Conclusion of Law

1. The proposal complies with the 2009 Park City Design Guidelines for Historic Districts and Historic Sites, as conditioned.
2. The proposal complies with the Land Management Code requirements pursuant to the Historic Residential 1 (HR-1) District (lot size, setbacks, etc.).
3. The proposed work is consistent with the Park City General Plan.

Conditions of Approval

1. Receipt and approval of a Construction Mitigation Plan (CMP) by the Building Department is a condition precedent to the issuance of any building permit. The CMP shall consider and mitigate impacts to the existing neighboring structures, and existing infrastructure/streets from the construction. All anticipated road closures shall be described and permitted in advance by the Building Department.
2. Final building plans and construction details shall reflect substantial compliance with the drawings approved on March 24, 2017, as redlined. Any changes, modifications, or deviations from the approved design shall be reviewed and approved by the Planning Director prior to construction. Any changes, modifications, or deviations from the approved work that have not been approved by the Planning and Building Departments may result in a stop work order.
3. The designer and/or applicant shall be responsible for coordinating the approved architectural drawings/documents with the approved construction drawings/documents. The overall aesthetics of the approved architectural drawings/documents shall take precedence. Any discrepancies found among these documents that would cause a change in the approved construction shall be reviewed and approved prior to construction.
4. If a complete building permit has not been obtained by March 24, 2018, this HDDR approval will expire, unless an extension is requested prior to the expiration date and granted by the Planning Department.
5. The City Engineer shall review and approve all appropriate grading, utility installation, public improvements, drainage plans, and flood plain issues, for

compliance with City and Federal standards, and this is a condition precedent to building permit issuance.

6. All excavation work to construct the foundation 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, he determines that it is necessary based upon specific site conditions such as access, or lack thereof, exist, or in an effort to reduce impacts on adjacent properties.
7. 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.
8. On-site storm water detention shall be required.
9. Any areas disturbed during construction surrounding the proposed work shall be brought back to its original state.
10. A final Landscape Plan shall be submitted to the City for review prior to building permit issuance. Such plan will include water efficient landscaping and drip irrigation. Lawn shall be limited in area. Existing trees shall be shown on the final Landscape Plan and shall be maintained, unless permission is granted by the City Engineer and/or City Forester for removal. Mitigation shall be proposed for all Significant Vegetation proposed to be removed.
11. The final landscape plan shall balance water efficient irrigation methods and drought-tolerant plant materials with existing plant materials and site features. The landscape plan shall identify snow storage from the driveway and incorporate landscape treatments for driveways, walkways, paths, and the building in a comprehensive, complimentary, and integrated design. Landscape separations shall be provided between parking areas, driveways, vehicular access points, and public use areas.
12. Construction waste should be diverted from the landfill and recycled when possible.
13. All exterior lighting shall meet Park City's lighting ordinance and be downward directed and shielded.
14. All electrical service equipment and sub-panels and all mechanical equipment, except those owned and maintained by public utility companies and solar panels, shall be painted to match the surrounding wall color or painted and screened to blend with the surrounding natural terrain. Roof mounted equipment and vents shall be painted to match the roof and/or adjacent wall color and shall be screened or integrated into the design of the structure.
15. All exterior wood siding shall be painted or stained a solid color, and when possible, a low VOC (volatile organic compound) paint and finish shall be used. Provide a weather protective finish to wood surfaces that were not historically painted.
16. All retaining walls within any of the setback areas shall not exceed more than six feet (6") in height measured from final grade, except that retaining walls in the

front yard shall not exceed four feet (4') in height, unless an exception is granted by the City Engineer per the LMC, Chapter 4.

17. Stone retaining walls shall consist of square, natural stones, small enough in size that a miner could carry.
18. All stone veneer should consist of natural stone.
19. All exterior concrete must be textured.
20. All exterior steel guardrails and metal trim must be non-reflective.
21. Hot tubs require a building permit and compliance with the zone setbacks.
22. Approval of this HDDR was noticed on March 27, 2017, and any approval is subject to a 10-day appeal period.
23. All standard conditions of approval shall apply (see attached).

If you have any questions about this approval, please do not hesitate to contact me. I can be reached at (435) 615-5063, or via e-mail at ashley.scarff@parkcity.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ashley Scarff', is written over a light gray horizontal line.

Ashley Scarff
Planning Technician

**PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS**

1. The applicant is responsible for compliance with all conditions of approval.
2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 5, Architectural Review); International Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.
4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.
5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Planning Department, Planning Commission, or Historic Preservation Board prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit must be specifically requested and approved by the Planning Department, Planning Commission and/or Historic Preservation Board in writing prior to execution.
6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Planning, Building, and Engineering Departments. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Planning and Building Departments prior to issuance of a footing and foundation permit. This survey shall be used to assist

the Planning Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.

8. A Construction Mitigation Plan (CMP), submitted to and approved by the Planning, Building, and Engineering Departments, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.
9. Any removal of existing building materials or features on historic buildings shall be approved and coordinated by the Planning Department according to the LMC, prior to removal.
10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.
11. Final landscape plans, when required, shall be reviewed and approved by the Planning Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.
12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the City Engineer, posted prior to occupancy.
13. The Snyderville Basin Water Reclamation District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Water Reclamation District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.

14. The planning and infrastructure review and approval is transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.
17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Planning and Building Departments. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.
18. All exterior lights must be in conformance with the applicable Lighting section of the Land Management Code. Prior to purchase and installation, it is recommended that exterior lights be reviewed by the Planning Department.
19. All projects located within the Soils Ordinance Boundary require a Soil Mitigation Plan to be submitted and approved by the Building and Planning departments prior to the issuance of a Building permit.

Exhibit J - HDDR Final Action Noticing

From: Ashley Scarff
To: degrayarch@gwestoffice.net
Subject: PL-16-03285 280 Daly Avenue HDDR Final Action
Date: Monday, March 27, 2017 11:24:30 AM
Attachments: [PL-16-03285 280 Daly Ave HDDR Final Action 3.24.17.pdf](#)

Jon,

Attached is the final action letter approving the HDDR application for 280 Daly Avenue. The ten-day appeal period begins today and will run through April 6.

Thanks!

Ashley Scarff

Park City Municipal Planning Department

445 Marsac Avenue, P.O. Box 1480

ashley.scarff@parkcity.org

(435) 615-5063



March 27, 2017

NOTICE TO PROPERTY OWNERS

Dear Property Owner:

The Park City Planning Department has received a Historic District Design Review application for a project to be located in your neighborhood. This is the second notice regarding this application. The Planning Department has reviewed the application and has found that the application complies with the Park City Design Guidelines for Historic Districts and Historic Sites. This notice is to inform you of the Final Action of the Planning Department approving the design review application. This establishes the 10 day period in which the Planning Department's decision may be appealed. Appeals will be accepted until **April 6, 2017 at 5 pm** regarding this project and compliance with the Design Guidelines for Park City's Historic District and Historic Sites. This project is described as follows:

Project Location:	280 Daly Avenue
Project Number:	PL-16-03285
Applicant:	Jed & Susan Bradshaw, represented by Jonathan DeGray, Architect
Project Description:	Construction of a new single-family structure on a vacant lot

If you have any questions, concerns or comments regarding the proposal or would like to review the plans, please contact me at (435) 615-5063 or ashley.scarff@parkcity.org during normal business hours prior to the date indicated above.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ashley Scarff".

Ashley Scarff
Park City Planning Department

Jennifer & Gideon Malherbe

297 Daly Ave
Park City, Utah 84060
1776 Park Ave Ste 4-363
Park City, Utah 84060
Tel: 435-214-7149

April 4, 2017

Park City Planning Department
445 Marsac Ave
Park City, Utah

Attention: Ashley Scharff, Planning Technician

Re: NOTICE OF APPEAL
Project # PL-17-03423
280 Daly Ave

Dear Sirs & Madams:

This is to give notice and provide particulars of our Appeal to the Park City Planning Department of the above-noted application for a Steep Slope Conditional Use and Building Permit.

Enclosed is our check for the \$500.00 appeal fee.

Our concerns include, but are not necessarily limited to, the following:

1. The proposed conditional use permit and building structure do not comply with the specifications of the Washington Mill Subdivision plat and accompanying notes.
2. The 1993 plat and Park City Council approval clearly states maximum square footage of home to be 2500 square feet. The subject application requests a home with total floor area of 4,200.6 s.f. We specifically object to the use of "gross residential" square feet, as well as the applicant's calculation thereof, in an effort to comply with the Land Management Code (LMC) definition of "floor area." The Land Management Code is not necessarily applicable in this case as the approved plat already reduces what is allowed by the LMC.
3. The Planning Department's notes under Criteria 8 of Steel Slope CUP specifically refer to the reduction of the building footprint in the Washington Mill Subdivision plat – below what is normally allowed in the Land Management Code (LMC).
4. The 1993 plat applicant specifically agreed to house sizes more restrictive than the HR-1 zone allows. The subject application requests a house size much more permissive than the HR-1 zone allows.
5. Garage area allowed in the 1993 conditional approval is maximum 400 s.f. The subject application includes a garage well over the maximum allotted size.

RECEIVED

APR 04 2017

PARK CITY
PLANNING DEPT.

6. Contrary to Steep Slope CUP Criteria, the applicant's proposed garage is not subordinate in design to the main structure.
7. Contrary to Steep Slope CUP Criteria, the building form and scale is not similar to the existing structures on adjacent properties.
8. Contrary to Steep Slope CUP Criteria and the LMC, the proposed building scale is not minimized from the perception of street level as indicated by the applicant's visual renderings.
9. The current application does not account for the 1993 Park City Council staff recommendations of a four-foot sidewalk along the front of the lot and six-foot trail/sidewalk easement provided in conjunction with the sidewalk.
10. The application requests permission to encroach into the minimum 10 ft setback for vertical articulation.
11. We believe the Planning Department should consider an increased front setback requirement to fit in with the scale and appearance of neighboring structures.
12. Other particular concerns not yet identified.

Respectfully submitted,


Jennifer & Gideon Malherbe

Jennifer & Gideon Malherbe

297 Daly Ave
Park City, Utah 84060
1776 Park Ave Ste 4-363
Park City, Utah 84060
Tel: 435-214-7149

June 9, 2017

Park City Planning Department
445 Marsac Ave
Park City, Utah

Attention: Ashley Scarff, Planning Technician
Bruce Erickson, Planning Director

Re: NOTICE OF APPEAL
Project # PL-17-03423
280 Daly Ave

Dear Ashley & Bruce:

This letter is in follow-up to our above-noted appeal dated April 4, 2017. We herewith submit the following points in furtherance of our appeal.

The survey submitted by the property owners is dated 2008 and specifically refers to the 1993 Washington Mill subdivision plat and restrictions on file with the Summit County Recorder.

We believe the 1993 subdivision plat, as a deed of covenant, with all restrictions pertaining thereto, as well as the determinations of the Park City Council as noted in the October 21, 1993 meeting minutes on file, should be upheld by the Park City Planning Department (and Historic Preservation Board) in considering the specifics of the proposed structure at 280 Daly Ave.

Following is a reiteration of our specific objections as well as further evidence to support our position.

1. With regard to the 1993 subdivision plat requirement of a six-foot trail/sidewalk easement, we understand from Ashley's email communication as follows:

In reviewing this appeal with others, it was determined that the requirement of the construction of a 4 foot sidewalk in front of 280 Daly Avenue was a Council-sanctioned condition of approval as part of the original subdivision action in 1993. For that reason, it was a staff error to not require this sidewalk as part of the recent project, and we plan to notify the property owner that we will need to see the sidewalk shown on a revised set of plans for the property.



We would assert that it is not only the four-foot sidewalk that must be required, but the six-foot easement specified in the Park City Council Meeting Minutes of October 21, 1993, excerpt of those meeting minutes below:

III. STAFF RECOMMENDATION

Based upon compliance of the Washington Mill Subdivision with the subdivision ordinance, the staff recommends approval of the final plat with the following conditions of approval.

1. The maximum house sizes shall be 2500 square feet for lot 1 and 2200 square feet for each lots 2 through 5. A note to this effect shall be included on the plat.
2. A four-foot sidewalk shall be constructed along the front of the lots with the final configuration to approved by the staff. A six-foot trail/sidewalk easement shall be provided in conjunction with the sidewalk and shall be shown on the plat.
3. A security shall be posted for all public improvements, including the sidewalk, prior to plat recordation.
4. A parks fee of \$1035 per lot shall be paid prior to plat recordation.
5. All standard conditions of approval apply.
6. The approved parking plan shall be enforced by the manager of the affordable housing as long as the affordable housing restriction is in place.

The revised drawings submitted by the property owner show the easement obstructed by retaining wall(s) running through the six-foot easement as well as the four-foot wide sidewalk portion of the easement. We believe these obstructions are contrary to the purpose and intent of the 1993 trail/sidewalk easement which should allow for clear and unobstructed use. We believe any and all structures, retaining or otherwise, must be located outside of the six-foot easement.

Further, Chapter 7.3 of Title 15 LMC specifically states that trail easements must have a minimum of site disturbance and provide safe access. See excerpt of the LMC below:

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 7.3 - Requirements for Improvements, Reservations, and Design **15-7.3-18**

(B) RESIDENTIAL AND NONRESIDENTIAL SUBDIVISIONS.

Sanitary sewer facilities shall connect with the public sanitary sewer at sizes required by the Water Reclamation District. No individual disposal system or treatment plants, private or group disposal systems, shall be permitted. Sanitary sewer facilities, including the installation of laterals in the Right-of-Way, shall be subject to the SBWRD's specifications, rules, regulations, and guidelines.

(Amended by Ord. No. 06-22)

15-7.3-8. SIDEWALKS, HIKING TRAILS, BIKE PATHS, AND HORSE TRAILS.

(A) REQUIRED IMPROVEMENTS.

(1) Sidewalks shall be included within the dedicated non-pavement Right-of-Way of all roads unless an alternate location has been specifically approved by the Planning Commission. In many

(4) Trails, pedestrian paths, and bike paths shall be related appropriately to topography, require a minimum of Site disturbance, permit efficient drainage, and provide safe Access.

(5) Hiking trails, bike paths, and horse trails shall be provided by the Developer in accordance with the City Trails Master Plan and where otherwise necessary as determined by the Planning Commission. Trails should connect traffic generators such as schools, recreation facilities, commercial Areas, parks, and other significant natural features. Such trails shall be built to City specifications and easements shall be dedicated for such trails. The trails shall be constructed at the time of road construction, unless the Planning Commission determines otherwise, in which case cash deposits shall be required pursuant to Section 15-7.2 of this Code.

We believe retaining walls, some of which are 4 foot in height, actually running through the required six-foot easement are clearly contrary to this requirement.

Lots 2-5 of the Washington Mill Subdivision all have the six-foot trail/sidewalk easement freely running through, free of obstruction and providing safe access. There also exists a four-foot concrete sidewalk running the length of lots 2-5, which is entirely unobstructed.

We ask that Park City Planning Department require the six-foot trail/sidewalk easement be fully upheld and the four-foot wide sidewalk be constructed; all of which must be clear of any and all obstruction to ensure safe access.

2. With regard to the size of the proposed dwelling, we request that the Park City Planning Department (and Historic Preservation Board) limit the volume of the structure to mitigate the visual mass as well as to mitigate the differences between the proposed structure and existing

structures. All of the other structures that are part of the 1993 Washington Mill Subdivision are clearly 2500 square feet or less and of similar design and character.

We believe the proposed structure is obtrusive in size, based on the visual renderings from the north and south perspectives submitted by the property owners, and it not fitting with the size and character of the other homes in the Washington Mill subdivision.

In addition, again referring to the 1993 Washington Mill subdivision and restrictions, as well as the Park City Council meeting minutes, excerpt above, the maximum square footage allowed for a home on Lot 1 is clearly stated to be maximum 2500 square feet. There is no reference to alternative forms of calculation such as "floor area" or "gross residential" area that might later be determined.

We believe that the proposed position from the city that much of the home is "buried" and therefore the excessive size is okay, is really not okay. The proposed home is massive compared to the other homes that are constructed within the Washington Mill subdivision area.

In general, the 1993 Washington Mill Subdivision Plat approved by the Park City Council is more restrictive than the Land Management Code.

With regard to any conflict that may exist between the 1993 Washington Mill subdivision and the Park City Land Management Code, the LMC itself provides clear guidelines for decision-making. The municipal code states, with regard to conflict, as follows:

15-1-3 Conflict

The provisions of the LMC are in addition to all other City ordinances, the Laws of the State of Utah, the Laws of the United States, and applicable common law. The LMC shall not supersede any private land Use regulations in deeds or covenants, which are more restrictive than the LMC. Whenever a conflict exists, the more restrictive provision shall apply to the extent allowed by law. The City does not enforce private restrictive covenants, nor shall any such covenant have the effect of modifying the regulations herein.

Adopted by Ord. 00-25 on 3/30/2000

We request that the Park City Planning Department (and Historic Preservation Board) therefore adhere to the clear requirements of the 1993 Washington Mill subdivision plat.

3. With regard to the size of the garage, the Park City Council Meeting Minutes of October 21, 1993 clearly state the maximum allowed garage size shall be 400 s.f. The proposed structure includes a garage that is 800 s.f. Again, the apparently proposed justification for the massive size is that part of the garage is "buried."

We believe this argument does not uphold the original intent and spirit of the restrictions running with the 1993 Washington Mill subdivision which are clearly to maintain a size and character of structure within the subdivision.

None of the structures on Lots 2-5 of the Washington Mill subdivision have a garage. The proposal for Lot 1 involves an 800 square foot garage. This is clearly not in keeping with the character of the surrounding homes.

We refer to the same assertions above with regard to any conflict between the 1993 Washington Mill subdivision and the LMC, in our objection to the proposed size of garage.

It is our overall assertion that the restrictions placed on record by the 1993 Washington Mill subdivision, as a deed of covenant, as well as the specific determinations of the Park City Council outlined in the October 21, 1993 meeting minutes, should be upheld and required in whole by the Park City Planning department as outlined above. And this specifically with regard to (1) the six-foot trail/sidewalk easement, (2) the proposed size of home structure, and (3) proposed size of garage.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jennifer & Gideon Matherbe". The signature is written in a cursive, flowing style. Below the signature, the names "Jennifer & Gideon Matherbe" are printed in a standard sans-serif font.

cc: Polly Samuels McLean
Assistant City Attorney

Jennifer & Gideon Malherbe

297 Daly Ave
Park City, Utah 84060
1776 Park Ave Ste 4-363
Park City, Utah 84060
Tel: 435-214-7149

June 9, 2017

Park City Planning Department
445 Marsac Ave
Park City, Utah

Attention: Ashley Scarff, Planning Technician
Bruce Erickson, Planning Director

Re: NOTICE OF APPEAL
Project # PL-17-03423
280 Daly Ave

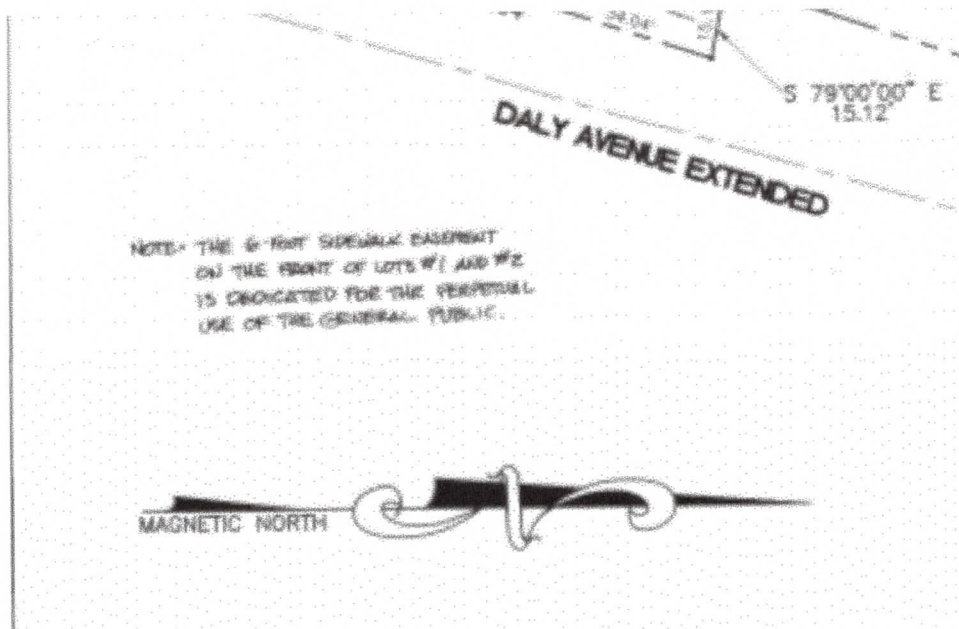
Dear Ashley & Bruce:

This letter provides additional points to the letter submitted earlier this afternoon.

We were able to pull up the 1993 Washington Mill subdivision plat on the Summit County Recorder's website to review details thereof. Please note the following:

There is an additional written restriction regarding the six-foot trail-sidewalk easement, stating it

"is dedicated for the perpetual use of the general public"



The property owners' proposed revised drawings contain retaining walls that obstruct the trail/sidewalk easement and render it not conducive to perpetual public use.

In addition, notes on the recorded plat also call for a ten-foot non-exclusive utility and drainage and snow storage easement along all front lines

GENERAL NOTES

1. 7.0' WIDE BACK/SIDE LOT NONEXCLUSIVE UTILITY AND DRAINAGE EASEMENT ALONG THE BACK/SIDE OF LOTS AS SHOWN.
2. 10.0' WIDE NONEXCLUSIVE UTILITY AND DRAINAGE AND SNOW STORAGE EASEMENT ALONG ALL FRONT LOT LINES AS SHOWN.
3. #5 REBAR AND CAP SET AT PROPERTY CORNERS.
4. LOT 1; MAX. HOUSE SIZE = 2500 SQ. FT.
LOTS 2-5; MAX. HOUSE SIZE = 2200 SQ. FT.

LEGEND

----- EASEMENT LINES

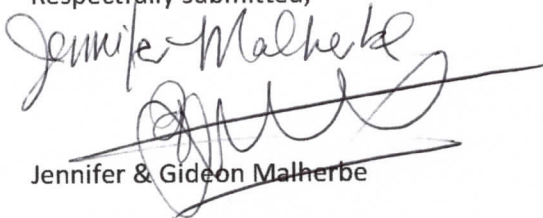
280

STREET ADDRESS

The plat notes further support that the maximum size of house on Lot 1 shall be limited to 2,500 square feet.

We request that the Park City Building Department require that the owners of the property at 280 Daly Ave be required to submit a new development plan that is aligned with the purpose and intent and restrictions of the 1993 Washington Mill Subdivision; and this in terms of size of home, size of garage, and design to account for the trail/sidewalk easement (without obstruction).

Respectfully submitted,


Jennifer & Gideon Malherbe

cc: Polly Samuels McLean
Assistant City Attorney

ACKNOWLEDGMENT

STATE OF UTAH } ss.
County of SUMMIT

On the 18 day of November, 1993, personally appeared before me, the undersigned Notary Public, in and for said County of Summit in said State of Utah, the signer() of the above Owner's dedication, in number, who duly acknowledged to me that she signed it freely and voluntarily and for the uses and purposes therein mentioned.

MY COMMISSION EXPIRES:

7-5-96

Jean M. Henderson
NOTARY PUBLIC

RESIDING IN Salt Lake COUNTY

WASHINGTON MILL SUBDIVISION

A SUBDIVISION LOCATED IN SEC. 21,
TOWNSHIP 2 SOUTH, 4 EAST,
SALT LAKE BASE & MERIDIAN

ENTERED 4/26/02

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, WAS FILED AT THE REQUEST OF

High Country Title

DATE 7-26-94

TIME 16.05

BOOK

PAGE

353

Alan Sanjo
COUNTY RECORDER

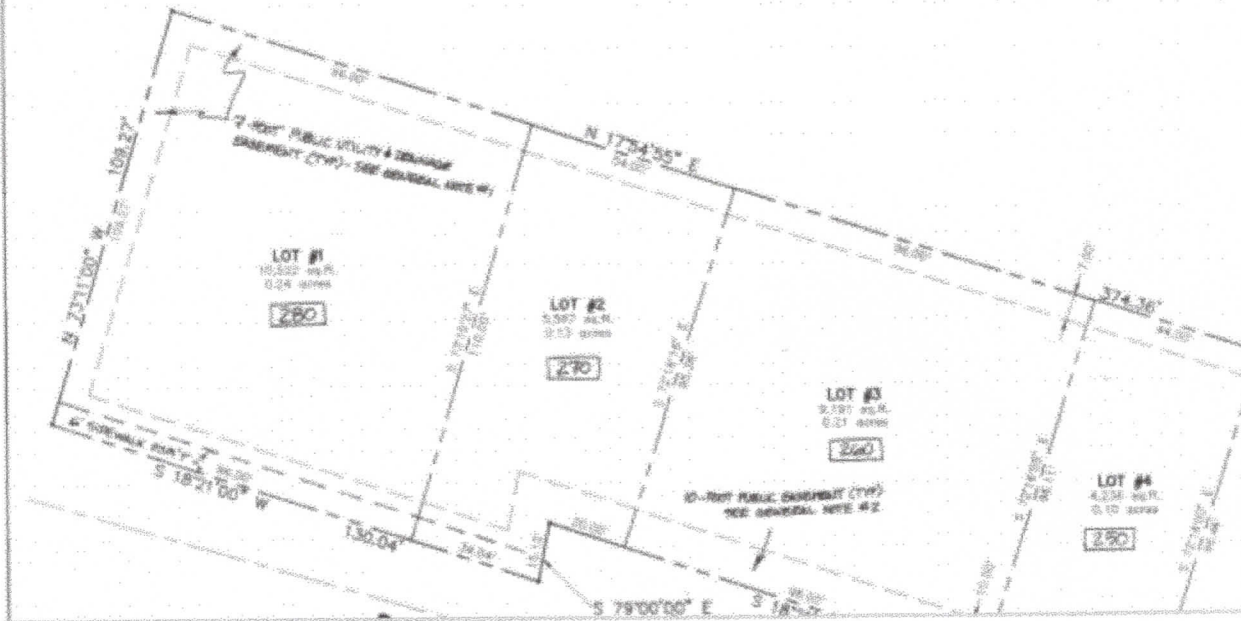
WASHINGTON MILL

GENERAL NOTES

1. 7.5' WIDE BACK/SIDE LOT NONRESIDENTIAL UTILITY AND DRAINAGE EASEMENT ALONG THE BACK/SIDE OF LOT# AS SHOWN.
2. 10' WIDE NONRESIDENTIAL UTILITY AND DRAINAGE AND SEWER EASEMENT ALONG ALL FRONT LOT LINES AS SHOWN.
3. #5 REBAR AND CAP SET AT PROPERTY CORNERS.
4. LOT 1: MAX. DRIVE SIZE = 2500 SQ. FT.
LOT# 2: MAX. DRIVE SIZE = 2500 SQ. FT.

LEGEND

- EASEMENT LINE
- 250' STREET ADDRESS



June 8, 2017

Park City Planning Department
445 Marsac Ave
Park City, Utah

Attention: Ashley Scharff, Planning Technician
Bruce Erickson, Planning Director

Re: NOTICE OF APPEAL
Project # PL-17-03423
280 Daly Ave

Dear Ashley & Bruce:

Please note, I am in support of the Appeal filed by Jennifer & Gideon Malherbe on the proposed home at 280 Daly Ave.

Respectfully submitted,



Tom Gadek
291 Daly Ave
Park City, UT 84060



Planning Commission Staff Report

Application: PL-15-03005
Subject: First Amendment to the Park City Film Studios Subdivision
Author: Kirsten Whetstone, MS, AICP- Senior Planner
Date: June 28, 2017
Type of Item: Legislative

Summary Recommendation

Staff recommends Planning Commission conduct a public hearing and forward a positive recommendation to City Council to approve the First Amendment to the Park City Film Studios Subdivision plat to create three lots of record pursuant to the findings of fact, conclusions of law, and conditions of approval as stated in the draft Ordinance.

Description

Applicant: Quinn's Junction Partners L.C.
Location: 4001 Kearns Blvd
Zoning District: Community Transition (CT) with Regional Commercial Overlay (RCO) per Annexation Agreement
Surrounding Land Uses: IHC Park City Medical Campus, Summit County Health Department and People's Health clinic, USSA Training Facility, Quinn's Recreation and Park City Ice Rink complex, US 40, Park City Heights residential MPD, open space and trails.
Reason for Review: Plat amendments require a public hearing and recommendation by the Planning Commission with final action by City Council.

Summary of Proposal

This application for the First Amended Park City Film Studios Subdivision plat (Exhibit A) is a request to create three platted lots of record from an existing 29.55 acre lot and to include a 0.8 acre parcel acquired from the Utah Department of Transportation (UDOT) for storm water detention into Lot A. The purpose of the subdivision is to provide platted lots for the three phases of the Quinn's Junction Partnership Master Planned Development (MPD). Uses on the lots are restricted by conditions of the MPD and associated Development Agreement. See Exhibits B, C, and D for the existing Park City Studio plat and ordinances for the approved subdivision and annexation.

Purpose of CT Zoning District

The purpose of the Community Transition (CT) District is to:

- (A) Encourage low-Density public, quasi-public, and/or institutional Uses relating to community open space, recreation, sports training and Development, tourism, and community health;
- (B) Encourage low Density Development designed in a manner so as to cluster Uses in the least visually sensitive Areas and maximizes open space;
- (C) Enhance and expand public open space and recreation Uses Compatible with the adjacent public deed-restricted open space;
- (D) Prohibit highway service commercial, regional-commercial, and limit residential land Uses;
- (E) Require Building and Site design solutions that minimize the visual impacts of parking and parking lot lighting from the entry corridor and adjacent neighborhoods and land Uses;
- (F) Preserve and enhance environmentally Sensitive Lands such as wetlands, Steep Slopes, ridgelines, wooded Areas, and Stream Corridors;
- (G) Preserve Park City's scenic entry corridor by providing significant open space and landscape buffers between Development and the highway corridor;
- (H) Encourage transit-oriented Development and Uses;
- (I) Promote significant linkages to the broader community open space and trail network;
- (J) Encourage the Development of high quality public places such as parks, trails, and recreation facilities;
- (K) Encourage Development which preserves the natural setting to the greatest extent possible; and
- (L) Minimize curb cuts, driveways, and Access points to the highway.
- (M) Encourage sustainability, conservation, and renewable energy.

Background

May 12, 2012 – The property was annexed into Park City with the Quinn's Junction Partnership (QJP) Annexation and was zoned Community Transition (CT) with Regional Commercial Overlay (RCO). The intent of the RCO is to allow for commercial uses on properties not otherwise zoned for regional commercial uses. The property is subject to Annexation Ordinance 12-12 and a Master Planned Development (MPD) Development Agreement (May 24, 2012). The Development Agreement includes concept plans for a film studio campus, including film studios and support uses, a 100 key hotel with an events center/film screening theater component, as well as support retail uses for the campus, as further defined in the Agreement, and consistent with a January 17, 2012 pre-annexation Agreement. The permitted uses, density, and development requirements were part of the negotiated Annexation Agreement.

December 5, 2013 – City Council approved an amendment to the Phasing Plan allowing Phase One to be broken into three sub-phases (1-A, 1-B, 1-C). Council included a condition of approval requiring approval and recordation of a subdivision plat for the property prior to issuance of a building permit for the Film Studio project.

December 11, 2013 – Administrative Conditional Use Permit (CUP) application for Phase 1-A of the Park City Film Studios project was submitted.

April 17, 2014 – City Council approved a final subdivision plat to create a 29.55 acre platted lot of record for the Park City Film Studios project pursuant to the Quinn's Junction Partnership Annexation and the Park City Film Studio project Master Planned Development (MPD). Conditions of approval of the Annexation and MPD Development Agreements, including conditions of approval of the amended phasing plan and the Film Studio Conditional Use permit, continued to apply.

April 30, 2014 – Planning Director approved the Administrative Conditional Use Permit for Phase 1-A.

May 23, 2014 – Park City Film Studio Subdivision plat recorded at Summit County.

March 28, 2014 – Park City Film Studio submitted for a building permit for Buildings 7, 7a, and 7b (Phase 1A).

May 23, 2014 – Park City Film Studio building permit issued for Phase 1A.

September 9, 2015 – final planning, building, and engineering site inspections were conducted.

October 13, 2015 – constructed Phase 1-A (Buildings 7, 7A, and 7B) received a certificate of occupancy and a landscape bond for completion of a portion of the landscaping for this phase was posted. All of the required landscaping was installed and inspected per the landscape plan approved with the Conditional Use Permit for Phase

1-A. The area south of the studio building, used for the access road, construction trailers, stockpiling of materials as well as excess top soil and dirt, had not been sufficiently graded and seeded at the time of requested certificate of occupancy. Due to weather and contract for studio uses the applicant posted a landscape bond for completion of this landscaping. As of today, this landscaping has not been completed, an inspection has not been requested and the bond has not been released.

November 19, 2015 – applicant submitted an application for the First Amended Park City Film Studios Subdivision plat.

December 15, 2015 – Initial Development Review and comment letter sent to applicant requested revised plat and resolution of utility issues. SBWRD commented that they would be unable to provide sewer service to all of the lots due to the configuration.

February 16, 2016 – application was taken to Development Review for second time with revised Plat addressing comments from Engineering Department and SBWRD.

April 19, 2016 – staff visited the site and observed that many trees along the perimeter fence and in the parking islands at the rear of the building were not thriving. Staff verbally communicated to the applicant that they should check on the landscape warranty and have the dying trees replaced while still on warranty.

June 14, 2016 – Third time to Development Review with revised plat and information from the Park City Fire District related to fire flow and water storage requirements.

October 3, 2016 – staff met with the applicants to discuss the plat application and reminded the applicant that the dying and now dead trees needed to be replaced.

January 30, 2017 – following a meeting regarding the plat amendment application staff again reminded the applicant to inspect the trees and arrange to have someone replace the dead trees in the Spring (of 2017) when the weather would be conducive to planting.

February 14, 2017 – Fourth time to Development Review with revised plat and additional information regarding adequacy of water for fire flow and water storage related to the proposed type of construction.

April 5, 2017 – amended application for a three lot subdivision was deemed complete upon submittal of final letters from the Park City Fire District, Summit Water Company, and Weber Basin Conservancy District addressing water concerns raised at the development review meetings.

May 10th, 2017 – staff visited the site to post the notice sign and again observed that the trees previously identified as dead or dying and not been replaced and communicated this to the applicant.

Analysis

The proposed subdivision plat creates three lots of record from Lot One (29.55 acres) of the Park City Film Studios Subdivision and a 0.8 acre parcel acquired by the owner from UDOT and utilized for storm water detention. Total property is 30.35 acres in area.

Access for all lots is at an existing signalized intersection of SR 248 with Round Valley Way. This is an approved UDOT access point according to the 248 Corridor Preservation Plan and a traffic signal for west bound traffic was installed during construction of the first phase of the Film Studio building.

All streets and drives within the subdivision plat are private and all maintenance and snow removal is the responsibility of the property owner. Shared public utility, drainage easements and sewer easements are provided on the proposed plat, subject to final review by the City Engineer and Snyderville Basin Water Reclamation District (SBWRD).

The property is subject to the Quinn's Junction Property Annexation and Master Planned Development Agreements (Exhibit H) that identified uses, site layout for buildings and parking, specific building heights and setbacks, architectural character, green building requirements, landscaping, and pedestrian connectivity. This proposed plat amendment does not propose changes to these requirements.

On October 13, 2015, the constructed Phase 1-A (Buildings 7, 7A, and 7B) received a certificate of occupancy and a landscape bond for completion of a portion of the landscaping for this phase was posted. All of the required landscaping was installed and inspected per the landscape plan approved with the Conditional Use Permit for Phase 1-A. The area south of the studio building, used for the access road, construction trailers, stockpiling of materials as well as excess top soil and dirt, had not been sufficiently graded and seeded at the time of requested certificate of occupancy. Due to weather and contract for studio uses the applicant posted a landscape bond for completion of this landscaping. As of today, this landscaping has not been completed, an inspection has not been requested and the bond has not been released.

On April 19, 2016, staff visited the site and observed that many trees along the perimeter fence and in the parking islands at the rear of the building were not thriving. Staff verbally communicated to the applicant that they should check on the landscape warranty and have the dying trees replaced while still on warranty. October 3, 2016, staff met with the applicants to discuss the plat application and reminded the applicant that the dying and now dead trees needed to be replaced. On January 30, 2017, following a meeting regarding the plat amendment application staff again reminded the applicant to inspect the trees and arrange to have someone replace the dead trees in the Spring (of 2017) when the weather would be conducive to planting. On May 10, 2017 staff visited the site to post the notice sign and again observed that the trees previously identified as dead or dying and not been replaced and communicated this to the applicant.

Based on the timeline above Staff recommends a condition of approval of this plat that

prior to plat recordation a revised landscape plan shall be submitted to the Planning Department for approval. The landscape plan is for landscaping in Phase 1-A that did not survive initial planting, e.g. primarily the perimeter landscaping and trees within the parking islands located north and east of the building. The landscape plan shall include appropriate drought tolerant trees and shrubs and shall indicate the methods of irrigation. A landscape bond for this landscaping shall be posted prior to plat recordation. The amount of the bond shall be based on three independent bids for the value of the approved landscaping and installation.

Land Management Code and Master Planned Development review

Zoning for the subdivision is Community Transition (CT) with Regional Commercial Overlay (RCO) zone, subject to the Quinn's Junction Partnership Annexation and MPD Agreement (Exhibit H) as further described below:

CT Zone	Permitted through MPD	Proposed
Building Height	MPD allowed max 32', except 50' for main Sound Stage Building 7 or up to max of 60' if contract for long term film production necessitated full studio height. Also 70% of non-studio buildings may have height of 36 – 40 feet.	Heights per Annexation and MPD Development Agreement. No changes to permitted heights are requested. No buildings are proposed with this plat.
Unit Equivalents	Up to 1 unit per acre for residential with MPD/bonus criteria of the zone. Up to 3 units per acre for non-residential uses with MPD/bonus criteria or as negotiated during Annexation/MPD process.	Per Annexation/MPD maximum total of 374,000 sf as specified in the Annexation and Development Agreement. No change to density is requested with this plat.
Lot Size	No minimum lot size	A- 14.71 acres B- 7.42 acres C- 8.22 acres Total- 30.35 acres (29.55 + 0.8).
Front setback (minimum)	CT zone requires minimum 25' setback. MPD requires minimum 150' setback from centerline of <u>SR 248</u> and US 40 for any building over 28' in height and 100' setback for all other buildings and structures.	No changes proposed to allowable setbacks with this plat.

Rear setback (minimum)	CT zone requires minimum 25' setback. MPD requires minimum 150' setback from centerline of SR 248 and <u>US 40</u> for any building over 28' in height and 100' setback for all other buildings and structures.	No changes proposed to allowable setbacks with this plat.
Side setbacks (minimum)	CT zone requires minimum 25' setback from side property lines.	No changes proposed to allowable setbacks with this plat.
Parking	Per LMC for specific uses or as approved by Planning Commission during MPD review. Maximum of 730 surface spaces and 150 underground spaces permitted by the Annexation Ordinance with parking to be phased with phases of development.	Phase 1 parking proposed is 449 spaces with 316 spaces constructed with Phase 1-A and 133 spaces remaining to be built on Lot A for the rest of Phase 1. Parking for future phases on Lots B and C will be reviewed with each Administrative CUP and if shared parking is desired between lots, then a shared parking agreement will be submitted with the Admin CUP applications and recorded at Summit County upon approval (Exhibits E and F). No changes to parking are requested with this plat.
Uses	MPD allows specific uses as outlined in the Annexation and MPD Agreements, such as recreation, international film school, commercial support retail, entertainment center, hotel/lodging, motion picture media campus, sound stages/studios, and event center.	No changes in uses are proposed with this plat.

General Subdivision Requirements

(A) Subdivision Name- The proposed subdivision name does not duplicate or

closely approximate the name of another Subdivision in the area.

- (B) Monuments-** All survey monumentation is required to be completed prior to acceptance of public improvements.
- (C) Limits of Disturbance-** A landscape and limits of disturbance plan for construction will be submitted with the CUP applications as well as with building permit applications per the MPD Agreement for each phase of development.
- (D) Ridgeline Development-** Not applicable as there are no major or minor ridgelines within the property.
- (E) Open Space-** There are no open space parcels designated with this property per conditions of the QJP Annexation and MPD Agreement.
- (F) Roads and Utility Lines-** All roads internal to the development are to be designated as private drives. Easements are provided as needed for public utilities and storm drainage. A shared access easement with the City's parcel to the south is provided for possible future shared access point with SR 248, consistent with the existing subdivision plat. Staff recommends a condition of approval that dry utility infrastructure must be located on the property and shown on the building plans prior to building permit issuance to ensure that utility companies verify that the areas provided for their facilities are viable and that exposed meters and boxes can be screened with landscaping elements.
- (G) Drainage Ways-** Final design of the storm water management system and required public utility easements are subject to approval by the City Engineer.
- (H) Soils Conditions-** Due to the potential for areas of expansive soils within this subdivision, a soils conditions report shall be submitted prior to issuance of any building permits for structures, utilities, and roads, and shall be reviewed by the City Engineer and Building Official prior to issuance of an excavation permit for any construction. The property is not located within the Park City Soils Ordinance boundary however; any areas of disturbance due to off-site utility improvements that fall within the Park City Soils Ordinance boundary are required to adhere to all requirements of the Ordinance.
- (I) Trails and Sidewalks-** Trails and sidewalks are to be provided consistent with the MPD Development Agreement for each phase of development. Public access easements shall be shown on the plat consistent with the MPD Agreement. The applicant provided the City with the required \$75,000 for trails to be constructed to the site by the City.
- (J) Limits of Disturbance/Building Pad locations-** The MPD and Annexation Agreement identify approximate location of building pads with final location to be determined during Conditional Use Permit and building permit review.
- (K) Top Soil Preservation and Final Grading-** Top soil preservation and final grading shall be reviewed with Conditional Use Permits for each phase of development consistent with the Annexation and MPD Agreement. No portion of this property is within the Park City Soils Ordinance boundary;
- (L) Architectural Standards-** Compliance with architectural guidelines is reviewed by the Planning Director at the time of Administrative CUP per the Annexation and MPD Agreement.
- (M) Water Bodies and Water Courses-** There are no bodies of water incorporated into the lots so as to not burden the City with responsibility of a water body.

There are remnants of an irrigation ditch on the southern portion of the property. No water has been diverted through the ditch since 1995, according to the City Water Department. If the applicant intends to use the ditch for irrigation of landscaping for Phases Two and Three, there would first need to be resolution of water right and water source issues relative to this ditch. The property owner is responsible for maintenance of drainage areas, including any irrigation ditches and canals that are required to provide water for downstream users. Retention areas that are part of the storm water management plan may have standing water at times. Maintenance of these areas is the responsibility of the property owner.

- (N) Fire Sprinkling-** There is a plat note requiring all construction to comply with the International Building Code requirements for fire protection or as required by the City's Chief Building Official.

General Lot Design Requirements

Staff has reviewed the proposed plat for compliance with the General Lot Design Requirements per LMC 15-7.3-3 as follows:

- (A) Lot Arrangement-** there are no foreseeable difficulties, for reasons of topography or access, in securing building permits to build on these lots subject to compliance with the applicable building codes, the LMC, and in providing reasonable access and utilities.
- (B) Building Sites-** building sites shall comply with the Annexation and MPD Agreements and all LMC Setback requirements for the proposed lots, consistent with the Annexation and Development stipulations (Exhibit H).
- (C) Square footage-** maximum building size and floor area for all buildings and uses are identified in the Annexation and MPD Development Agreements (Exhibit H).
- (D) Lot Dimensions-** proposed lot dimensions comply with the minimum lot dimensions of the CT and RCO zones per the MPD. No non-conforming conditions are created by the proposed plat amendment.
- (E) Double Frontage Lots and access to Lots-** Lots fronting on two streets is generally to be avoided. The lots front State Highway 248 to the west, and US 40 to the east. Only the west side frontage provides access.
- (F) Lot Drainage-** Drainage plans are required with each Conditional Use Permit and building permit. Drainage easements on the plat are subject to final approval by the City Engineer.
- (G) Landscaping-** Prior to issuance of building permits for each phase of development a landscape plan is required to be submitted and reviewed by the Staff for compliance with the LMC and conditions of the MPD and Administrative Conditional Use Permits.
- (H) Limits of Disturbance/Vegetation protection-** Prior to issuance of a building permit for each lot a limits of disturbance and vegetation protection plan is required to be submitted and reviewed by the Staff for compliance with conditions of the MPD and/or CUP plans and conditions.
- (I) Re-vegetation, seed, and sod-** All disturbed areas will be re-vegetated, seeded, and/or sodded prior to issuance of a certificate of occupancy and a financial

guarantee for the completion of this re-vegetation is required to be paid or posted prior to issuance of the permit.

(J) Debris and Waste- Debris and waste are required to be removed per the LMC prior to issuance of a certificate of occupancy. This is a condition of building permitting. Consolidation and recycling of construction waste and debris shall be identified on the Construction Mitigation Plan prior to issuance of a building permit.

(K) Fencing- Fencing of hazardous conditions may be required by the Chief Building Official. Fences will be constructed according to standards of the LMC and conditions of approval of the MPD and CUP for the various phases of development.

Road Requirements and Design

Staff has reviewed the proposed plat for compliance with the Road Requirements and Design per LMC 15-7.3-4. There are no public streets proposed. The MPD access point is at an existing signalized intersection with Round Valley Way as contemplated by the February 1, 2007 Cooperative Corridor Preservation Agreement between UDOT and Park City. **Staff recommends a condition of approval that a note shall be added to the plat regarding a future shared access easement with the City's parcel to the south to provide shared access to SR 248 if this access is approved by UDOT consistent with existing plat.** The City Engineer shall approve access easement language prior to plat recordation.

Utility Requirements

Sanitary sewer facilities are required to be installed in a manner prescribed by the SBWRD. The applicants have met with the SBWRD officials to review the plat and utility plans for compliance with these requirements (Exhibit G). Final approval of the sewer facilities and a signature on the plat from SBWRD is required prior to final plat recordation. Water is provided by Summit Water for this property, per the Annexation Agreement. The applicant coordinated with Park City Fire District, Summit Water, and Weber Basin regarding water service, adequacy of water storage and sufficient fire flows for existing and future construction (Exhibit I).

Green Building

The Annexation/MPD requires LEED construction at the certified level without commissioning per the Annexation Agreement for the Studio Building. Also, at a minimum, the future Hotel shall include a "Green" operational policy within industry standards and a door key activated light shut-off (or similar system) in all rooms.

Analysis Summary

Staff finds this subdivision, as conditioned complies with the Land Management Code regarding final subdivision plats, including zoning requirements (with exceptions as permitted during the Annexation /MPD approvals), general subdivision requirements, and lot and street design standards and requirements. General subdivision requirements related to 1) drainage and storm water; 2) water facilities; 3) sidewalks and trails; 4) utilities such as gas, electric, power, telephone, cable, etc.; 5) public uses,

such as trails and trail heads; and 6) preservation of natural amenities and features have been addressed through the Master Planned Development process and this plat amendment application as required by the Land Management Code.

Process

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. Development of each lot is subject to requirements of the Community Transition zone and the Annexation and MPD Agreement. Lots are also subject to approved Conditional Use Permits.

Good Cause

There is good cause for this subdivision plat in that it creates legal lots of record for future phases of the Park City Film Studios MPD, incorporates a remnant parcel that the applicant owns into Lot A, provides necessary utility and access easements, and is consistent with the approved QJP Annexation and MPD.

Department Review

The application has been reviewed by the Planning, Building, Engineering and Legal departments as well as the utility providers. Issues raised during the review process have been addressed with revisions to the submittal, plat notes, and by conditions of approval.

Notice

On May 10, 2017, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was published in the Park Record and on the Utah Public Notice website on and May 10th for the May 24th meeting.

Public Input

No public input was received prior to publication of this report. The Planning Commission held a public hearing on May 24th and continued the item to June 14, 2017 to allow staff additional time for review of the staff's recommended conditions. There was no public input at the meeting on May 24th. On June 14, 2017 the Commission conducted a public hearing, there was no input, and voted to continue this item to June 28, 2017 to allow Staff additional time to review the landscaping bond condition.

Alternatives

- The Planning Commission may forward a positive recommendation to approve the plat amendment as conditioned and/or amended; or
- The Planning Commission may forward a negative recommendation to deny the plat amendment and direct staff to make findings of fact to support this decision; or
- The Planning Commission may continue the discussion and request additional information on specific items.

Significant Impacts

There are no significant fiscal and environmental impacts from this amended subdivision.

Consequences of not taking the Suggested Recommendation

Lot 1 will remain in its current configuration with future development occurring on the single lot of record pursuant to the approved annexation and master planned development agreements. Portions of the property could not be sold separately. The acquired UDOT parcel will remain a separate parcel for storm drainage purposes.

Summary Recommendations

Staff recommends Planning Commission conduct a public hearing and forward a positive recommendation to City Council to approve the First Amendment to the Park City Film Studios Subdivision plat pursuant to the findings of fact, conclusions of law, and conditions of approval as stated in the draft Ordinance.

Exhibits

Ordinance

Exhibit A- Proposed plat

Exhibit B- Park City Film Studios Subdivision recorded plat

Exhibit C- Ordinance 14-16 (Subdivision approval)

Exhibit D- Ordinance 12-12 (Annexation approval)

Exhibit E- Parking layout

Exhibit F- Amended Phasing Plan

Exhibit G- SBWRD letter and Grant of Easement

Exhibit H- QJP Annexation and MPD Development Agreements

Exhibit I - Fire District, Summit Water, and Weber Basin letters regarding water service

DRAFT Ordinance No. 2017-XX

AN ORDINANCE APPROVING A FIRST AMENDMENT TO THE PARK CITY FILM STUDIOS SUBDIVISION PLAT, LOCATED AT 4001 KEARNS BLVD, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 4001 Kearns Boulevard petitioned the City Council for approval of the First Amendment to the Park City Film Studios Subdivision Plat; and

WHEREAS, on April 22 and May 10, 2017, proper legal notice was published in the Park Record and on the Utah Public Notice website; and

WHEREAS, on May 10, 2017 the property was properly posted and notices were sent to property owners according to the requirements of the Land Management Code; and

WHEREAS, the Planning Commission held public hearings on May 24th, June 14th, and June 28th, 2017, to receive input on the First Amendment to the Park City Film Studios Subdivision plat;

WHEREAS, the Planning Commission, on June 28, 2017, forwarded a recommendation to the City Council; and,

WHEREAS, on July 20, 2017, the City Council held a public hearing on the First Amendment to the Park City Film Studios Subdivision plat; and

WHEREAS, there is good cause and it is in the best interest of Park City, Utah to approve the First Amendment to the Park City Film Studios Subdivision plat.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The First Amendment to the Park City Film Studios Subdivision plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 4001 Kearns Boulevard in Park City, Utah.
2. The property is located north of Richardson Flat Road, east of SR 248 and west of US Highway 40.
3. The property contains 30.35 acres and includes a 29.55 acre Lot One of the Park City Film Studios Subdivision and a 0.80 acre remnant parcel to be combined with proposed Lot A.

4. The property was annexed into Park City with the Quinn's Junction Partnership (QJP) Annexation on May 12, 2012, and is subject to Ordinance 12-12. The property was zoned Community Transition (CT) with Regional Commercial Overlay (RCO).
5. On May 24, 2012 a Development Agreement was executed and recorded at Summit County.
6. The Development Agreement includes concept plans for a film studio campus, a 100 key hotel, and commercial and support uses, as further defined in the Development Agreement, consistent with the prior January 17, 2012 Annexation Agreement, a pre-annexation agreement between the City and the property owner.
7. The Annexation Agreement and Ordinance 12-12 include a condition of approval that an Administrative Conditional Use Permit is required for the Park City Film Studio project prior to issuance of any building permits.
8. On December 5, 2013, the City Council approved an amended phasing plan for Phase 1 allowing it to be broken into three sub-phases (1-A, 1-B, 1-C).
9. On December 11, 2013, the applicant submitted an Administrative Conditional Use Permit (CUP) application for Phase 1-A of the Park City Film Studios project.
10. On March 28, 2014, application for a building permit for Phase 1-A was submitted to the Building Department.
11. On April 17, 2014, City Council approved a final subdivision plat to create a 29.55 acre platted lot of record for the Park City Film Studios project pursuant to the Quinn's Junction Partnership Annexation and the Park City Film Studio project Master Planned Development (MPD). The plat was recorded at Summit County on May 23, 2014.
12. Conditions of approval of the Annexation and MPD Development Agreements, including conditions of approval of the amended phasing plan and the Film Studio Conditional Use permit, continued to apply to this property.
13. On April 30, 2014, the Planning Director approved the Administrative Conditional Use Permit for Phase 1-A.
14. On May 23, 2014 a building permit for Phase 1-A was approved by the Building Department.
15. On September 9, 2015 final planning, building, and engineering site inspections were conducted.
16. October 13, 2015, constructed Phase 1-A (Buildings 7, 7A, and 7B) received a certificate of occupancy and a landscape bond for completion of a portion of the landscaping for this phase was posted. All of the required landscaping was installed and inspected per the landscape plan approved with the Conditional Use Permit for Phase 1-A. The area south of the studio building, used for the access road, construction trailers, stockpiling of materials as well as excess top soil and dirt, had not been sufficiently graded and seeded at the time of requested certificate of occupancy. Due to weather and contract for studio uses the applicant posted a landscape bond for completion of this landscaping. As of today, this landscaping has not been completed, an inspection has not been requested and the bond has not been released.
17. On November 19, 2015, the applicant submitted an application for a four lot subdivision plat amendment that was taken to Development Review on December

- 15, 2015. SBWRD commented that they would be unable to provide sewer service to all of the lots due to the configuration.
18. On February 16, 2016, staff took a proposed three lot subdivision plat to Development Review and provided comments to the applicant regarding utility and drainage easements, parking requirements, and water service.
 19. On April 19, 2016, staff visited the site and observed that many trees along the perimeter fence and in the parking islands at the rear of the building were not thriving. Staff verbally communicated to the applicant that they should check on the landscape warranty and have the dying trees replaced while still on warranty.
 20. On June 14, 2016, a further revised plat was taken to Development Review.
 21. On October 3, 2016, staff met with the applicants to discuss the plat application and reminded the applicant that the dying and now dead trees needed to be replaced.
 22. On January 30, 2017, following a meeting regarding the plat amendment staff again reminded the applicant to inspect the trees and arrange to have someone replace the dead trees in the Spring (of 2017) when the weather would be conducive to planting.
 23. February 14, 2017, the application was taken back to Development Review with information regarding water service provided by the applicant. Staff requested further documentation regarding water storage and flow required for fire protection, as well as information regarding anticipated type of construction of the remaining phases.
 24. On April 5, 2017, the application for a three lot subdivision amendment was deemed complete upon submittal of letters from the Park City Fire District, Summit Water Company, and Weber Basin Conservancy District addressing water concerns raised at the initial development review meeting.
 25. On May 10th, 2017, staff visited the site to post the notice sign and again observed that the trees previously identified as dead or dying and not been replaced and communicated this to the applicant.
 26. No portion of this plat is within the Park City Soils Ordinance boundary.
 27. The proposed subdivision plat creates three lots of record for the Park City Film Studios project.
 28. Phase 1 parking proposed is 449 spaces with 316 spaces constructed with Phase 1-A and 133 spaces remaining to be built on Lot A for Phase 1.
 29. Parking for future phases shall be provided on each lot that corresponds to each future Phase. Parking will be reviewed with each Administrative CUP and if shared parking is desired between lots, then a shared parking agreement shall be submitted with CUP applications and recorded at Summit County upon approval.
 30. No non-conforming conditions are created by the subdivision plat.
 31. The property is accessed from Kearns Blvd, aka SR 248, a State Highway. The MPD access point is at an existing signalized intersection with Round Valley Way as contemplated by the February 1, 2007 Cooperative Corridor Preservation Agreement between UDOT and Park City.
 32. All roads will be designated as private drives and streets. Easements are provided as needed for public utilities, including storm drainage.
 33. A shared access easement with the City's parcel to the south is provided for possible future shared access point with SR 248.

34. There are no public streets within the subdivision. Each phase is designed to accommodate fire and emergency vehicle circulation through the phase.
35. The subdivision plat application complies with the Land Management Code regarding final subdivision plats.
36. General subdivision requirements related to 1) drainage and storm water; 2) water facilities; 3) sidewalks and trails; 4) utilities such as gas, electric, power, telephone, cable, etc.; 5) public uses, such as parks and playgrounds; and 6) preservation of natural amenities and features have been addressed through the Master Planned Development process as required by the Land Management Code.
37. The Annexation Ordinance applies to this plat. The Ordinance requires LEED construction at the certified level without commissioning per the Annexation Agreement and at a minimum, the Hotel shall include a "Green" operational policy within industry standards and a door key activated light shut-off (or similar system) in all of the rooms.
38. Sanitary sewer facilities are required to be installed in a manner prescribed by the Snyderville Basin Water Reclamation District (SBWRD).
39. Water facilities are required to be installed in a manner prescribed by the Park City Fire District, Summit Water, and Weber Basin Water Conservancy District.
40. There are wetlands adjacent to the site to the north and east, as identified on the National Wetlands Inventory. The Inventory does not identify wetlands on the property.
41. There are remnants of an irrigation ditch running through the southern portion of the property. If the applicant intends to use the ditch for irrigation of landscaping for Phase Two, there would first need to be resolution of water right and water source issues.
42. A Riparian Analysis prepared by Psomas and submitted with the CUP application, concludes that no riparian conditions exist within the property boundaries.
43. Water service is provided by Summit Water for this property per the Annexation Agreement.
44. There is good cause for this subdivision plat in that it creates legal lots of record for the film studios campus uses.
45. Trails and sidewalks are provided consistent with the MPD Development Agreement.
46. The applicant has provided the City with the required \$75,000 for trails to be constructed to the site by the City.
47. Development of each lot requires an Administrative Conditional Use permit subject to the QJP Annexation and MPD Agreement.
48. Attention to the location of visible dry utility boxes and installations is an important consideration when designing a site in order to ensure that adequate area is available for landscape elements to provide adequate screening from public view.
49. The findings in the Analysis section are incorporated herein.

Conclusions of Law:

1. There is good cause for this amended subdivision plat.
2. The plat complies with LMC 15-7.3 as conditioned.
3. The plat is consistent with the Park City Land Management Code and applicable State law regarding subdivisions and amendments.

4. The plat is consistent with the May 12, 2012, Quinn's Junction Partnership Annexation and May 24, 2012 MPD Development Agreement, as amended with the December 5, 2013 Council approved phasing plan for Phase 1-A.
5. Neither the public nor any person will be materially injured as a result of approval of the proposed subdivision plat, as conditioned herein.
6. Approval of the proposed subdivision amendment, subject to the conditions stated herein, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. City Attorney and City Engineer review and approval of the final form and content of the subdivision plat for compliance with State law, the Land Management Code, and the conditions of approval, is a condition precedent to recordation of the plat.
2. The applicant will record the subdivision plat at Summit 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 amendment 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. Conditions of approval of the May 12, 2012, Quinn's Junction Partnership Annexation, as stated in the Annexation Agreement and Ordinance 12-12, continue to apply, and shall be noted on the plat.
4. Conditions of approval of the May 24, 2012, MPD Development Agreement, as amended by the City Council on December 5, 2013, continue to apply, and shall be noted on the plat.
5. Final utility, storm water, and grading plans shall be approved by the City Engineer prior to Building Permit issuance.
6. Final sewer easements and conditions must be approved by the SBWRD prior to recordation of the plat. A note shall be included on the plat prior to recordation stating that at the time of any resurfacing of paved areas, the property owner shall be responsible to adjust waste water manholes to grade according to SBWRD standards. Prior notification of the adjustments and inspection by SBWRD are required.
7. Any proposed impacts to the off-site wetland areas require prior approval from the Army Corps of Engineers and/or UDOT. All proposed impacts shall be identified with the conditional use and building permit applications.
8. A construction mitigation plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, LMC, and the MPD/CUP conditions of approval prior to issuance of a building permit. A construction recycling area and excavation materials storage area within the development shall be utilized and identified on the CMP.
9. A financial guarantee, in a form and amount acceptable to the City and in conformance MPD conditions of approvals, for the value of all public improvements, including landscaping, shall be provided to the City prior to building permit issuance for new construction within each phase. All public improvements shall be completed according to City standards and accepted by the City Council prior to release of this guarantee.

10. Documentation reconfirming that there is water sufficient for adequate redundancy and fire flows per the Park City Fire District, is required prior to issuance of building permits for vertical construction for each phase of development.
11. Topsoil shall be stockpiled on site for use on the property and export of excess material from the site shall be minimized and shall be described in the CMP prior to building permit issuance.
12. A note shall be added to the plat regarding a future shared access easement with the City's parcel to the south to provide shared access to SR 248 if this access is approved by UDOT consistent with the existing plat.
13. Due to the potential for areas of expansive soils within this subdivision, a soils conditions report shall be submitted prior to issuance of any building permits for structures, utilities, and roads, and shall be reviewed by the City Engineer and Building Official prior to issuance of an excavation permit for any construction.
14. Dry utility infrastructure must be located on the property and shown on the building plans prior to building permit issuance to ensure that utility companies verify that the areas provided for their facilities are viable and that exposed meters and boxes can be screened with landscaping elements.
15. The development will disturb over 1.0 acre and is part of a common plan development therefore an MS4 storm water permit is required for all land disturbance activities for each separate phase and/or each separate lot of construction, prior to building permit issuance.
16. Prior to plat recordation a revised landscape plan shall be submitted to the Planning Department for approval. The landscape plan is for landscaping in Phase 1-A that did not survive initial planting, e.g. primarily the perimeter landscaping and trees within the parking islands located north and east of the building. The landscape plan shall include appropriate drought tolerant trees and shrubs and shall indicate the methods of irrigation. The landscaping required in the revised plan shall be installed before September 15, 2017. Additionally, prior to plat recordation a financial guarantee, in a form approved by the City Attorney, in an amount for installation of materials shown on the approved, revised landscape plan and for replacement of the materials at the end of a one year warranty period, from the completion of final landscape inspection, shall be posted.

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

PASSED AND ADOPTED this 20th day of July, 2017.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

Michelle Kellogg, City Recorder

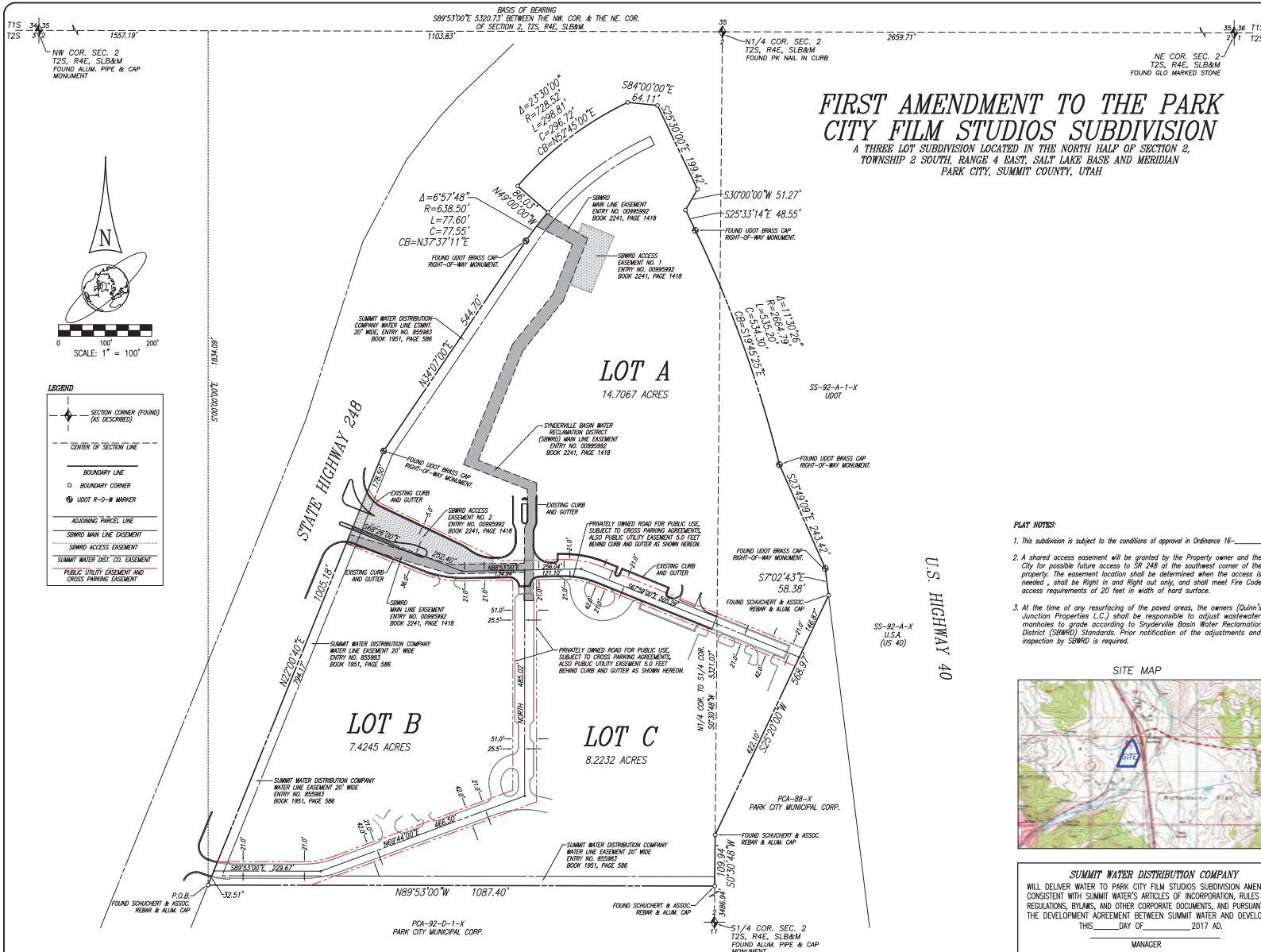
APPROVED AS TO FORM:

Mark Harrington, City Attorney

Exhibit

Exhibit A- Proposed plat

EXHIBIT A



SURVEYOR'S CERTIFICATE
I, Ted M. Biehn, do hereby certify that I am a Registered Land Surveyor, and that I hold Certificate No. 163473 as prescribed under the laws of the State of Utah. I further certify that, by the authority of the owner, I have made a survey of the tract of land shown on this plat as First Amendment to the Park City Film Studios Subdivision and that the same as been correctly staked on the ground as shown on this plat. I further certify that the information on this plat is accurate.
Signed on this _____ day of _____, A.D. 2017

Ted M. Biehn, PLS
Utah Registration No. 163473

BOUNDARY DESCRIPTION
Beginning on the easterly line of State Highway 248 at a point which is S89°53'00"E 1557.19 feet along the Section Line (Basis of Bearing) and S07°00'00"E 1834.09 feet from an aluminum pipe monument at the Northwest Corner of Section 2, Township 2 South, Range 4 East, Salt Lake Base and Meridian from which Section Corner the GLO Stone Monument at the Northeast Corner of said Section 2 bears S89°53'00"E 5320.73 feet (w);
thence N22°00'40"E 1005.18 feet along the easterly Right-Of-Way Line of said Highway to a UDOT brass cap monument;
thence N34°07'00"E 544.70 feet along said Right-Of-Way Line to a UDOT brass cap monument and the beginning of a 635.50 foot radius curve the center of which bears S55°51'43"E;
thence Northeastly 77.60 feet along said Right-Of-Way Line and said curve to the right through a central angle of 65°48' (chord bearing = N37°17'12"E 72.55 feet);
thence N49°00'00"W 86.03 feet along said Right-Of-Way Line to a point on the arc of a 728.52 foot radius curve, the center of which bears S49°00'00"E;
thence Northeastly 298.81 feet along said Right-Of-Way and said curve to the right through a central angle of 33°30'00" (chord bearing = N52°45'00"E 236.72 feet);
thence S84°00'00"E 64.11 feet along said Right-Of-Way to the westerly Right-Of-Way of US Highway 40;
thence S25°30'00"E 199.42 feet along said westerly Right-Of-Way;
thence S30°00'00"W 51.27 feet along said westerly Right-Of-Way;
thence S25°33'14"E 48.55 feet along said Right-Of-Way Line to a UDOT brass cap monument and the beginning of a 2664.79 foot radius curve the center of which bears S64°22'22"W;
thence Southeastly 535.20 feet along said Right-Of-Way Line and said curve to the right through a central angle of 11°30'26" (chord bearing = S19°45'25"E 534.30 feet) to a UDOT brass cap monument;
thence S74°09'00"E 243.42 feet along said Right-Of-Way Line to a UDOT brass cap monument;
thence S70°43'E 58.38 feet along said Right-Of-Way to a rebar with aluminum cap at a point that is S89°53'00"E 800.00 feet and S25°20'00"W 1336.80 feet from the PK nail marking the North Quarter Corner of said Section 2;
thence S25°20'00"W 568.97 feet to a rebar with aluminum cap on the North-South Center of Section Line of said Section 2;
thence S2°54'40"W 109.84 feet along said North-South Center of Section Line to a rebar with aluminum cap, said point being S0°30'48"W 1834.13 feet from said North Quarter Corner of Section 2;
thence N89°53'00"W 1087.40 feet to a rebar with aluminum cap and the point of beginning. Contains 30.3544 acres.

Owner's Dedication

Known all by these presents that the undersigned owner of the described tract of land above, have caused the same to be subdivided into a three lot subdivision to hereafter be known as the First Amendment to the Park City Film Studios Subdivision. Quinn's Junction Properties L.C. (QJP) hereby grants a public utility easement to all existing utilities shown hereon, the existing private roadways, and the future privately owned roads shown on this plat. Said utility easements are granted for the purpose of maintenance, repair and eventual replacement of all public utilities constructed within the First Amended Park City Film Studios Subdivision.
In witness whereof, we have hereunto set our hands this _____ day of _____, A.D. 2017.

Quinn's Junction Properties L.C., a Utah limited liability company
Greg Erickson
President

Acknowledgement

State of Utah _____, SS
County of _____
On this _____ day of _____, 2017, Greg Erickson personally appeared before me, the undersigned Notary Public, in and for said State and County. Having been duly sworn, Greg Erickson, acknowledged to me that Quinn's Junction Properties L.C., a Utah limited liability company, is the owner of the herein described tract of land and that he, as President of Quinn's Junction Properties L.C., is authorized to sign the above Owner's Dedication and Consent to Record freely and voluntarily.

My commission expires _____
Residing in _____



SUMMIT WATER DISTRIBUTION COMPANY
WILL DELIVER WATER TO PARK CITY FILM STUDIOS SUBDIVISION AMENDED, CONSISTENT WITH SUMMIT WATER'S ARTICLES OF INCORPORATION, RULES AND REGULATIONS, BYLAWS, AND OTHER CORPORATE DOCUMENTS, AND PURSUANT TO THE DEVELOPMENT AGREEMENT BETWEEN SUMMIT WATER AND DEVELOPER.
THIS _____ DAY OF _____, 2017 AD.
MANAGER

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2017 AD.

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2017 AD.

MAYOR

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

Robinson, Biehn & Biehn, Inc.
Professional Land Surveyors
RBB
3483 South 100 East
Bountiful, Utah 84010
(801) 566-1118

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS
ON THIS _____ DAY OF _____, 2017 AD.
SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

PLANNING COMMISSION
REVIEWED THIS _____ DAY OF _____, 2017 AD.
BY THE PARK CITY PLANNING COMMISSION
CHAIR

CITY ENGINEER APPROVAL
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE
THIS _____ DAY OF _____, 2017 AD.
PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM
THIS _____ DAY OF _____, 2017 AD.
PARK CITY ATTORNEY

PARK CITY RECORDER

T1S 34 35
T2S 37 2
NW COR. SEC. 2
T2S, R4E, SLB&M
FOUND ALUM. PIPE & CAP
MONUMENT

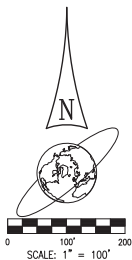
BASIS OF BEARING
S89°53'00"E 5320.73' BETWEEN THE NW COR. & THE NE COR.
OF SECTION 2, T2S, R4E, SLB&M

N1/4 COR. SEC. 2
T2S, R4E, SLB&M
FOUND PK NAIL IN CURB

NE COR. SEC. 2
T2S, R4E, SLB&M
FOUND GLO MARKED STONE

FIRST AMENDMENT TO THE PARK CITY FILM STUDIOS SUBDIVISION

A THREE LOT SUBDIVISION LOCATED IN THE NORTH HALF OF SECTION 2,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



LEGEND

- SECTION CORNER (FOUND) (AS DESCRIBED)
- CENTER OF SECTION LINE
- BOUNDARY LINE
- BOUNDARY CORNER
- WOOD R-O-W MARKER
- ADJOINING PARCEL LINE
- SEWED MAIN LINE EASEMENT
- SEWED ACCESS EASEMENT
- SUMMIT WATER DIST. CO. EASEMENT
- PUBLIC UTILITY EASEMENT AND CROSS PARKING EASEMENT
- CENTER LINE STORM DRAIN EASEMENT
- CENTER LINE WATER LINE EASEMENT

LOT B

LOT C

LOT A

CENTER LINE WATER LINE EASEMENT TABLE

W1	S89°53'00"E	16.00'
W2	S38°19'55"E	45.00'
W3	S17°53'00"W	15.00'
W4	S17°53'00"W	15.00'
W5	S38°19'55"E	15.00'
W6	S22°00'00"W	15.00'
W7	S88°18'00"E	15.00'
W8	S21°00'00"E	12.00'
W9	S21°33'00"W	19.00'
W10	S25°30'00"E	14.00'
W11	S88°18'00"E	15.00'
W12	N89°53'00"E	20.00'
W13	S21°33'00"W	15.00'
W14	S21°00'00"E	12.00'
W15	N88°58'00"E	10.00'
W16	S67°51'00"E	21.00'
W17	S67°51'00"E	18.00'
W18	S22°00'00"W	15.00'
W19	N21°33'00"W	15.00'
W20	N21°33'00"W	15.00'
W21	N88°58'00"E	10.00'

CENTER LINE STORM DRAIN EASEMENT TABLE

SD1	N89°42'00"E	67.00'
SD2	N28°18'00"E	35.00'
SD3	N55°45'00"E	23.00'
SD4	N89°28'00"E	25.00'
SD5	S14°00'00"E	18.00'
SD6	S68°28'00"E	142.00'
SD7	S68°28'00"E	23.32'
SD8	S28°33'00"W	27.00'
SD9	S14°28'00"W	222.00'
SD10	S36°18'00"W	64.00'
SD11	S45°53'00"W	67.00'
SD12	S45°00'00"W	205.00'
SD13	S12°00'00"E	154.00'
SD14	S21°33'00"W	120.00'
SD15	S88°47'00"W	37.00'
SD16	S27°17'00"W	45.00'
SD17	S21°00'00"E	84.00'
SD18	S25°30'00"W	31.00'
SD19	S24°42'00"E	263.00'
SD20	S13°00'00"W	203.00'
SD21	S22°00'00"W	245.00'
SD22	S12°33'00"W	122.00'
SD23	S66°44'00"W	65.00'
SD24	S18°35'00"E	118.00'
SD25	S27°48'00"E	231.00'
SD26	S17°53'00"E	104.00'
SD27	S17°48'00"W	168.00'
SD28	S22°07'00"W	35.00'

FIRST AMENDMENT TO THE PARK CITY FILM STUDIOS SUBDIVISION

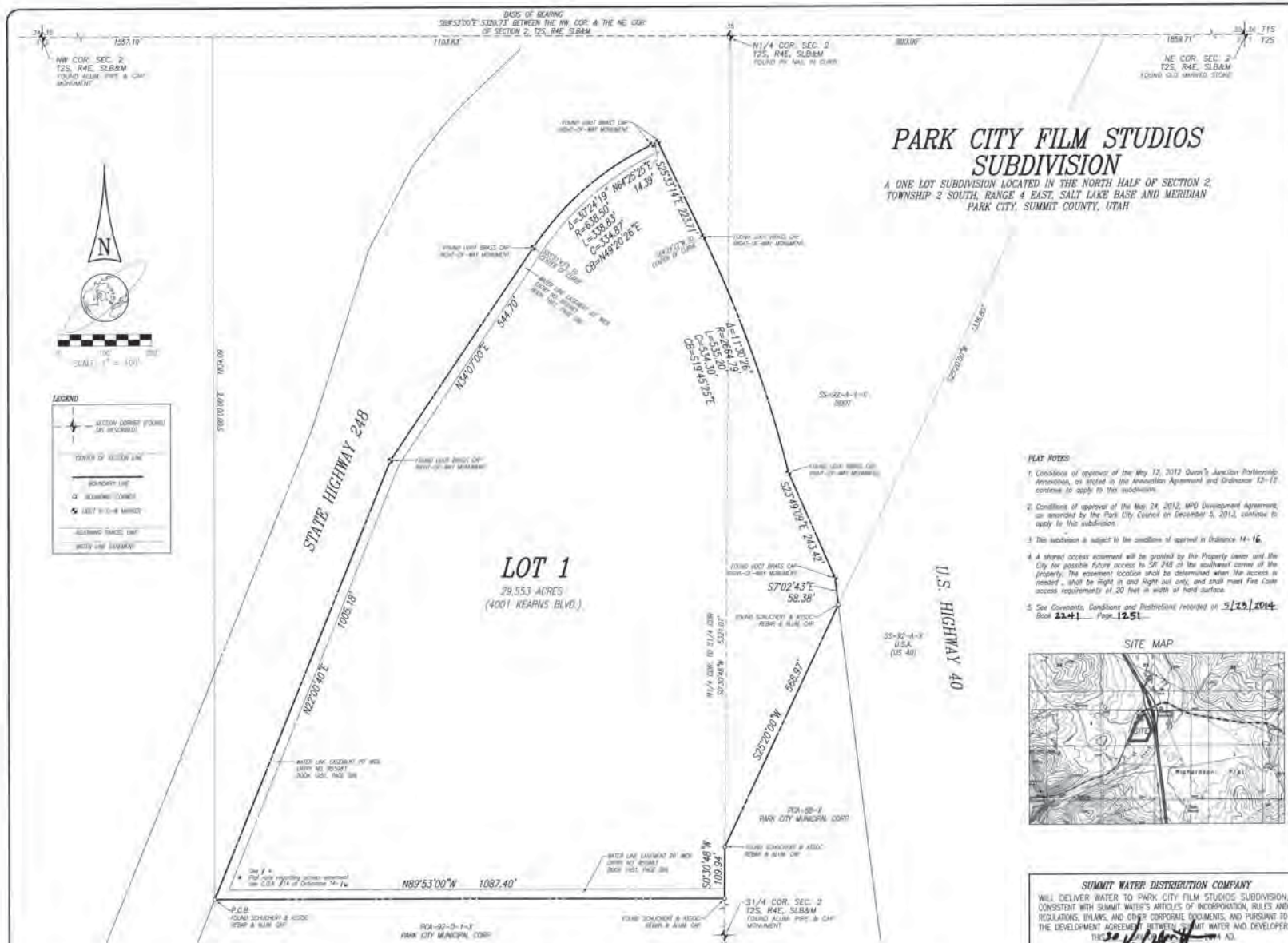
A THREE LOT SUBDIVISION LOCATED IN THE NORTH HALF OF SECTION 2,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH
SHEET 2 OF 2

ENTRY NO.

STATE OF UTAH, COUNTY OF SUMMIT COUNTY,
RECORDED AND FILED AT THE REQUEST OF

DATE _____ TIME _____ BOOK _____ PAGE _____

FEE \$ _____ DEPUTY COUNTY RECORDER SUMMIT COUNTY RECORDER



SURVEYOR'S CERTIFICATE

I, Ted M. Biehn, do hereby certify that I am a Registered Land Surveyor, and that I hold Certificate No. 163473 as prescribed under the laws of the State of Utah. I further certify that, by the authority of the owner, I have made a survey of the tract of land shown on this plat as Lot 1, PARK CITY FILM STUDIOS SUBDIVISION and that the same as been correctly stated on the ground as shown on this plat. I further certify that the information on this plat is accurate.

Signed on this 29th day of April, A.D. 2014

Ted M. Biehn, P.L.S.
Utah Registration No. 163473



BOUNDARY DESCRIPTION

Beginning on the westerly line of State Highway 248 at a point which is S89°53'00"E 1557.19 feet along the Section Line (Basis of Bearing) and S70°00'00"E 1634.09 feet from an aluminum pipe monument at the Northwest Corner of Section 2, Township 2 South, Range 4 East, Salt Lake Basin and Meridian from which Section Corner, the GLO Stone Monument at the Northwest Corner of said Section 2 bears S89°53'00"E 5320.73 feet; thence N22°00'40"E 1005.18 feet along the westerly Right-Of-Way Line of said Highway to a 1000' brass cap monument;

thence N44°07'00"E 544.70 feet along said Right-Of-Way Line to a 1000' brass cap monument and the beginning of a 638.50 foot radius curve the center of which bears S55°13'12"E;

thence Northeasterly 338.83 feet along said Right-Of-Way Line and said curve to the right through a central angle of 37°24'19" (chord bearing = N48°20'26"E 334.87 feet) to a 1000' brass cap monument;

thence N48°25'55"E 14.38 feet along said Right-Of-Way Line to a 1000' brass cap monument, said point also being on the westerly Right-Of-Way Line of US Highway 40;

thence S25°31'14"E 223.71 feet along said westerly Right-Of-Way Line to a 1000' brass cap monument and the beginning of a 2854.79 foot radius curve the center of which bears S84°22'22"W;

thence Southeasterly 515.20 feet along said Right-Of-Way Line and said curve to the right through a central angle of 11°30'26" (chord bearing = S19°45'25"E 514.30 feet) to a 1000' brass cap monument;

thence S23°49'09"E 243.42 feet along said Right-Of-Way Line to a 1000' brass cap monument;

thence S72°41'12"E 58.58 feet along said Right-Of-Way Line to a meter with aluminum cap at a point that is S89°53'00"E 600.00 feet and S25°20'00"W 1336.80 feet from the PE sign marking the North Quarter Corner of said Section 2;

thence S25°20'00"W 568.97 feet to a meter with aluminum cap on the North-South Center of Section Line of said Section 2;

thence S37°30'48"W 108.84 feet along said North-South Center of Section Line to a meter with aluminum cap, said point being S37°30'48"W 1834.13 feet from said North Quarter Corner of Section 2;

thence N85°33'07"E 1387.40 feet to a meter with aluminum cap and the point of beginning. Contains 29.5530 acres.

Owner's Dedication

known all by these presents that the undersigned owner of the described tract of land above, have caused the same to be subdivided as to a one lot subdivision. It is hereby declared that the PARK CITY FILM STUDIOS SUBDIVISION, No. 163473, is dedicated to the public as part of the PARK CITY FILM STUDIOS SUBDIVISION.

In witness whereof, we have hereunto set our hands this 29th day of April, A.D. 2014.

Quin's Junction Properties L.C., a Utah limited liability company

Oleg Erickson
President
Signature

Acknowledgement

State of Utah
County of Salt Lake
On this 29th day of April, 2014, Oleg Erickson personally appeared before me, the undersigned Notary Public, to and for said State and County. Having been duly sworn, Oleg Erickson, acknowledged to me that Quin's Junction Properties L.C. is the owner of the herein described tract of land and that he is a President of Quin's Junction Properties L.C. is authorized to sign the above Owner's Dedication and Consent to Record. He is voluntarily.



Oleg Erickson
Notary Public
Residing in Utah County

My commission expires 12/31/17

SUMMIT WATER DISTRIBUTION COMPANY
WILL DELIVER WATER TO PARK CITY FILM STUDIOS SUBDIVISION, CONSISTENT WITH SUMMIT WATER'S ARTICLES OF INCORPORATION, BYLAWS AND REGULATIONS, ETC., AND OTHER CORPORATE DOCUMENTS, AND PURSUANT TO THE DEVELOPMENT AGREEMENT BETWEEN SUMMIT WATER AND DEVELOPER, THIS 14th DAY OF May, 2014 A.D.

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY THE PARK CITY COUNCIL, THIS 17th DAY OF May, 2014 A.D.

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL, THIS 17th DAY OF April, 2014 A.D.

ENTRY NO. 995940
STATE OF UTAH, COUNTY OF SUMMIT COUNTY, RECORDED AND FILED IN THIS REQUEST
ACRA NATIONAL TITLE
DATE 3/10/14 TIME 10:37pm BOOK --- PAGE ---
3/10
C. Williams
DEPUTY COUNTY RECORDER SUMMIT COUNTY RECORDER

Robinson, Biehn & Biehn, Inc.
Professional Land Surveyors
RBB
1482 South 199 East
Salt Lake City, Utah 84119
801-224-1710

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS
ON THIS 29th DAY OF April, 2014 A.D.
[Signature]
SYNDERVILLE BASIN WATER RECLAMATION DISTRICT

PLANNING COMMISSION
REVIEWED THIS 5th DAY OF May, 2014 A.D.
BY THE PARK CITY PLANNING COMMISSION
[Signature]
CHAIR

CITY ENGINEER APPROVAL
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION FILED IN MY OFFICE
THIS 5th DAY OF May, 2014 A.D.
[Signature]
PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM
THIS 14th DAY OF May, 2014 A.D.
[Signature]
PARK CITY ATTORNEY

APPROVAL AS TO FORM
APPROVED AS TO FORM
THIS 14th DAY OF May, 2014 A.D.
[Signature]
PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL, THIS 17th DAY OF April, 2014 A.D.
[Signature]
MAYOR

Ordinance No. 14-16**AN ORDINANCE APPROVING THE PARK CITY FILM STUDIOS SUBDIVISION
LOCATED AT 4001 KEARNS BLVD, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as Quinn's Junction Properties, aka, Park City Film Studios, located at 4001 Kearns Blvd, north of Richardson Flat Road, east of State Road 248 and west of US 40, have petitioned the City Council for approval of the Park City Film Studios 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 according to the Land Management Code of Park City; and

WHEREAS, the Planning Commission held a public hearing on March 26, 2014, to receive input on the subdivision; and

WHEREAS, the Planning Commission, on March 26, 2014, forwarded a positive recommendation to the City Council; and

WHEREAS, on April 17, 2014, the City Council held a public hearing on the Park City Film Studios subdivision; and

WHEREAS, it is in the best interest of Park City, Utah, to approve the Park City Film Studios subdivision to memorialize the existing metes and bounds parcel as a legal lot of record in compliance with requirements of the annexation agreement, development agreement, and phasing plan approval.

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 Park City Film Studios subdivision, as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 4001 Kearns Boulevard in Park City, Utah.
2. The property is located north of Richardson Flat Road, east of SR 248 and west of US Highway 40.
3. The property contains 29.55 acres.
4. The property was annexed into Park City with the Quinn's Junction Partnership (QJP) Annexation on May 12, 2012, and is subject to Ordinance 12-12. The property was zoned Community Transition (CT) with Regional Commercial Overlay (RCO).
5. On May 24, 2012 a Development Agreement was executed and recorded at Summit

County.

6. The Development Agreement includes concept plans for a film studio campus, a 100 key hotel, and commercial and support uses, as further defined in the Development Agreement, consistent with the prior January 17, 2012 Annexation Agreement, a pre-annexation agreement between the City and the property owner.
7. The Annexation Agreement and Ordinance 12-12 include a condition of approval that an Administrative Conditional Use Permit is required for the Park City Film Studio project prior to issuance of any building permits.
8. On December 5, 2013, the City Council approved an amended phasing plan for Phase 1 allowing it to be broken into three sub-phases (1-A, 1-B, 1-C).
9. On December 11, 2013, the applicant submitted an Administrative Conditional Use Permit (CUP) application for Phase 1-A of the Park City Film Studios project.
10. On March 11, 2014, the Planning Director conducted an administrative public hearing to receive public comment on the Administrative Conditional Use permit. No public comment was provided.
11. No portion of this plat is within the Park City Soils Ordinance boundary.
12. The proposed subdivision plat creates a lot of record for the Park City Film Studios project that is planned to be maintained under the common ownership of Quinn's Junction Properties, LC, the current owner.
13. No non-conforming conditions are created by the subdivision plat.
14. The property is accessed from Kearns Blvd, aka SR 248, a State Highway. The MPD access point is at an existing signalized intersection with Round Valley Way as contemplated by the February 1, 2007 Cooperative Corridor Preservation Agreement between UDOT and Park City. A traffic signal for the entrance/exit to the Film Studio site will be installed as part of the Studio project. The cost associated with the traffic signal shall be worked out between the applicant and UDOT.
15. All roads will be designated as private drives and streets. Easements are provided as needed for public utilities. A shared access easement with the City's parcel to the south is provided for possible future shared access point with SR 248.
16. There are no public streets within the subdivision. Each phase is designed to accommodate fire and emergency vehicle circulation through the phase.
17. The subdivision plat application complies with the Land Management Code regarding final subdivision plats.
18. General subdivision requirements related to 1) drainage and storm water; 2) water facilities; 3) sidewalks and trails; 4) utilities such as gas, electric, power, telephone, cable, etc.; 5) public uses, such as parks and playgrounds; and 6) preservation of natural amenities and features have been addressed through the Master Planned Development process as required by the Land Management Code.
19. The Annexation Ordinance applies to this plat. The Ordinance requires LEED construction at the certified level without commissioning per the Annexation Agreement and at a minimum, the Hotel shall include a "Green" operational policy within industry standards and a door key activated light shut-off (or similar system) in all of the rooms.
20. Sanitary sewer facilities are required to be installed in a manner prescribed by the Snyderville Basin Water Reclamation District (SBWRD).
21. There are wetlands adjacent to the site to the north and east, as identified on the National Wetlands Inventory. The Inventory does not identify wetlands on the

property.

22. There are remnants of an irrigation ditch running through the property. No water has been diverted through the ditch since 1995. If the applicant intends to use the ditch for irrigation of landscaping for Phase Two, there would first need to be resolution of water right and water source issues.
23. A Riparian Analysis prepared by Psomas and submitted with the CUP application, concludes that no riparian conditions exist within the property boundaries.
24. Water service is provided by Summit Water for this property.
25. There is good cause for this subdivision plat in that it creates a legal lot of record from metes and bounds described parcel for a future film studios project.
26. Trails and sidewalks are provided consistent with the MPD Development Agreement. The applicant has provided the City with the required \$75,000 for trails to be constructed to the site by the City.
27. The findings in the Analysis section are incorporated herein.

Conclusions of Law:

1. The subdivision plat complies with LMC 15-7.3 as conditioned.
2. The subdivision plat is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.
3. The subdivision plat is consistent with the May 12, 2012, Quinn's Junction Partnership Annexation and May 24, 2012 MPD Development Agreement, as amended with the December 5, 2013 Council approved phasing plan for Phase 1-A.
4. Neither the public nor any person will be materially injured as a result of approval of the proposed subdivision plat, as conditioned herein.
5. Approval of the proposed subdivision plat, subject to the conditions stated herein, will not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. City Attorney and City Engineer review and approval of the final form and content of the subdivision plat for compliance with State law, the Land Management Code, and the conditions of approval, is a condition precedent to recordation of the plat.
2. The applicant will record the subdivision plat at Summit 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 amendment 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. Conditions of approval of the May 12, 2012, Quinn's Junction Partnership Annexation, as stated in the Annexation Agreement and Ordinance 12-12, continue to apply, and shall be noted on the plat.
4. Conditions of approval of the May 24, 2012, MPD Development Agreement, as amended by the City Council on December 5, 2013, continue to apply, and shall be noted on the plat.
5. A final utility plan shall be approved by the City Engineer prior to issuance of permits for site work for each phase.
6. A final grading plan shall be approved by the City Engineer prior to issuance of permits for site work for each phase.

7. "The potential adjacent wetlands shown on the National Wetlands Inventory map will be delineated prior to occupancy of the first building in phase 1a. If such wetlands exist and could be impacted, PCFS shall provide sufficient irrigation water, based on the Corp of Engineer's findings, to maintain it prior to occupancy of the first building in phase 1a. The original irrigation ditch that supplied water to the wetland will either remain in place until a determination from the Corp of Engineers is received or can be modified to bypass the proposed construction but must still provide irrigation/storm/runoff waters to the potential adjacent offsite wetlands."
8. UDOT approval is required for any off-site storm-water detention facilities and/or landscaping and fencing proposed within the UDOT right-of-way areas, prior to approval of final utility plans by the City Engineer for each phase.
9. A construction mitigation plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, LMC, and the MPD conditions of approval prior to issuance of a building permit. A construction recycling area and excavation materials storage area within the development shall be utilized and identified on the CMP.
10. A financial guarantee, in a form and amount acceptable to the City and in conformance MPD conditions of approvals, for the value of all public improvements, including landscaping, shall be provided to the City prior to building permit issuance for new construction within each phase. All public improvements shall be completed according to City standards and accepted by the City Council prior to release of this guarantee.
11. Water sufficient for adequate redundancy and fire flows per the Park City Fire District is required prior to issuance of building permits for vertical construction for each phase.
12. A certificate of occupancy for Buildings 7, 7A, and 7B (as identified on the approved revised phasing plan) shall be issued by the Park City Building Department prior to requesting a certificate of occupancy for Buildings 6 and 8 as identified on the approved revised phasing plan per the MPD Agreement.
13. Topsoil shall be stockpiled on site for use on the property and export of excess material from the site shall be minimized.
14. A note shall be added to the plat indicating that a shared access easement will be granted by the Property owner and the City for possible future shared access to SR 248 at the southwest corner of the property. The City Engineer shall identify the easement requirements prior to recordation of the easements at such time that the easements are needed.
15. Due to the potential for areas of expansive soils within this subdivision, a soils conditions report shall be submitted prior to issuance of any building permits for structures, utilities, and roads, and shall be reviewed by the City Engineer and Building Official prior to issuance of an excavation permit for any construction.

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

PASSED AND ADOPTED this 17th day of April, 2014.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas
Jack Thomas, MAYOR

ATTEST:

Marci Heil
Marci Heil, City Recorder

APPROVED AS TO FORM:

Mark Harrington
Mark Harrington, City Attorney





When recorded return to:
City Recorder
Park City Municipal Corporation
P.O. Box 1480
Park City, UT 84060

Ordinance 12- 12**EXHIBIT D**

AN ORDINANCE ANNEXING APPROXIMATELY 29.55 ACRES OF PROPERTY LOCATED AT THE SOUTHWEST CORNER OF THE SR248 AND US40 INTERCHANGE IN THE QUINN'S JUNCTION AREA, KNOWN AS THE QUINN'S PARTNERSHIP ANNEXATION, INTO THE CORPORATE LIMITS OF PARK CITY, UTAH, AND AMENDING THE OFFICIAL ZONING MAP OF PARK CITY TO ZONE THE PROPERTY COMMUNITY TRANSITION (CT) WITH A REGIONAL COMMERCIAL OVERLAY (RCO) DESIGNATION

WHEREAS, on January 24, 2005, the property owner, Quinn's Junction Partnership, of the property shown on the attached Annexation Plat "Exhibit A", (the "Property"), first petitioned the City Council for approval of an annexation into the Park City limits; and

WHEREAS, the Property is approximately 29.55 acres in area and is located southwest of the intersection of State Road 248 and US-40 as described in the attached Legal Description "Exhibit B"; and

WHEREAS, the Property is included within the Park City Annexation Expansion Area, and is not included within any other municipal jurisdiction; and

WHEREAS, on January 18, 2012, Summit County and the Quinn's Junction Partnership executed a Settlement Agreement "Exhibit C" regarding vested development rights for this parcel, including an Annexation Agreement which was entered into by and among the Quinn's Junction Partnership and Park City Municipal Corporation on January 17, 2012 ("Annexation Agreement"); and

WHEREAS, on January 20, 2012, a revised annexation petition, including a zoning map amendment request to zone the property Community Transition (CT) with a Regional Commercial Overlay (RCO) was submitted. Additional information related to the annexation petition and the Master Planned Development for a 374,000 sf (Gross Floor area as described in the January 17, 2012 Annexation Agreement) movie/film studio campus, with associated uses and a 100 room (keys) hotel, was submitted to the City, and the submittal was deemed complete; and

WHEREAS, the Park City Council accepted the Quinn's Junction Partnership Annexation petition on January 26, 2012; and

WHEREAS, the City reviewed the petition against the criteria stated in Sections 10-2-403 (2), (3), and (4) of the Utah Code, annotated 1953 as amended, and found the petition complied with all applicable criteria of the Utah Code; and

WHEREAS, On February 2, 2012, the City Recorder certified the annexation petition and delivered notice letters to the "affected entities" required by Utah

Code, Section 10-2-405, giving notice that the petition had been certified and the required 30-day protest period had begun; and

WHEREAS, no protests were filed by any "affected entities" or other jurisdictions within the 30-day protest period and the petition was considered accepted on March 5, 2012; and

WHEREAS, the Planning Commission, after proper notice, conducted public hearings regarding the Annexation petition application on March 14th, March 28th, April 11th, and April 25th; and

WHEREAS, on April 25, 2012, the Planning Commission voted to forward to City Council a negative recommendation on the proposed annexation and zoning of Community Transition (CT) with a Regional Commercial Overlay (RCO) as described in the Annexation Agreement; and

WHEREAS, on May 17th and May 24th, 2012, the City Council conducted public hearings and discussed the annexation, MPD, and zoning map amendment and took public testimony on the matter, as required by law; and

WHEREAS, the January 17, 2012, Annexation Agreement outlines parameters, conditions, and restrictions regarding the Master Planned Development (the "Proposed MPD") on the 29.55 acres for a film and media campus, with associated uses; and

WHEREAS, the MPD Plans dated May 24, 2012 as "Exhibit F" submitted by the Applicant, set forth further conditions, design objectives and standards, building massing and articulation, site plan requirements, landscaping and buffering, materials, and other specific items that have a goal of enhancing rather than detracting from the aesthetic quality of the entry corridor; and

WHEREAS, a Development Agreement between the City and Petitioner, pursuant to the Land Management Code Section 15-8-5 (C), setting forth further terms and conditions of the Annexation and Master Planned Development is herein included as Exhibit G ("Development Agreement").

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

SECTION 1. ANNEXATION APPROVAL. The Property is hereby annexed into the corporate limits of Park City, Utah according to the Annexation Plat executed in substantially the same form as is attached hereto as "Exhibit A" and according to the Findings of Fact, Conclusions of Law, and Conditions of Approval as stated below.

The Property so annexed shall enjoy the privileges of being in Park City as described in the Development Agreement attached as "Exhibit G" and shall be

subject to all City levies and assessments as described in the terms of said Development Agreement.

The Property shall be subject to all City laws, rules and regulations upon the effective date of this Ordinance.

SECTION 2. ANNEXATION DEVELOPMENT AGREEMENT. Council hereby authorizes the Mayor to execute the Development Agreement in substantially the same form as is attached hereto as "Exhibit G" and as approved by the City Attorney.

SECTION 3. COMPLIANCE WITH STATE LAW, GENERAL PLAN, AND ANNEXATION POLICY PLAN. This annexation meets the standards for annexation set forth in Title 10, Chapter 2 of the Utah Code, the Park City General Plan, and The Annexation Policy Plan - Land Management Code Chapter 8, Annexation. The CT zoning designation with Regional Commercial Overlay (RCO) is consistent with the Annexation Agreement approved by the City Council and executed on January 17, 2012.

SECTION 4. OFFICIAL PARK CITY ZONING MAP AMENDMENT. The Official Park City Zoning Map is hereby amended to include said Property in the CT zoning district, with an RCO overlay as shown in "Exhibit E".

SECTION 5. FINDINGS OF FACT, CONCLUSIONS OF LAW, AND CONDITIONS OF APPROVAL.

Findings of Fact

1. The property is subject to the January 17, 2012 Annexation Agreement between Park City and Quinn's Junction Partnership that sets forth certain requirements and waivers for the MPD development. These waivers are due to pre-existing vesting in Summit County and the terms of the January 18, 2012 County Settlement Agreement.
2. Land Uses proposed in the MPD Plans include a 100 room/key hotel and associated lodging uses, a film studio campus with sound stages, and associated uses, including support commercial, recording studio, outdoor stage amphitheater, enclosed atrium area between the hotel and ballroom/meeting space, screening rooms and theater, related mixed use office/retail/entertainment, sound stages, film school and related educational uses, associated offices, workshops, and production support and offices. The Gross Floor Area allowed per the Annexation Agreement is 374,000 square feet. Exceptions to the Floor Area, including porches, balconies, patios and decks, vent shafts, courts, and one atrium subject to further restrictions, are spelled out in the Annexation Agreement.
3. Proposed uses as identified in the MPD Plans (Exhibit F) are consistent with the January 17, 2012 Annexation Agreement.

4. The City Council as the final approving body of the MPD has decreased the number of Off-Street Parking Spaces within MPDs based upon a parking analysis and recommendation from the Planning Department per Section 15-6-5 (E).
5. The City Council hereby incorporates the staff reports dated March 14th, March 28th, April 11th, April 25th, May 17th and May 24th, 2012 as part of the record of decision.

Conclusions of Law

1. Due to the unique circumstances of the terms and conditions of the County Settlement Agreement, the Annexation and Zoning Map amendment are consistent with the Annexation Agreement (Exhibit D), the City's Annexation Policy Plan, Quinn's Junction Study Area, the required findings and conclusions of LMC 15-6-6, and the Park City General Plan (2005).
2. Approval of the Annexation and Zoning Map amendment does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The Official Zoning Map shall be amended to designate the Quinn's Junction Partnership Annexation property with Community Transition (CT) zoning, with a Regional Commercial Overlay (RCO) limited to the commercial uses provided in the Annexation Agreement dated January 17, 2012 and the MPD concurrently approved herein. To the extent there is any conflict between the MPD and the Annexation Agreement, the terms of the MPD shall govern.
2. The attached Exhibits, including the Development Agreement for the Quinn's Junction Annexation and the Annexation Agreement, shall be fully executed and recorded at Summit County, along with the Annexation Plat.
3. The Master Planned Development Plans hereby approved and all final design, Administrative CUP and building permits shall comply with the Annexation Agreement and all applicable Land Management Code "LMC" provisions that are not contrary to said Annexation Agreement.
4. The required Administrative Conditional Use permit application for final design shall be reviewed for consistency with the Annexation Agreement and the MPD Plans package, these conditions of approval including site design, building massing and height, setbacks, architectural design and vernacular, materials, colors, landscaping, lighting, fencing, grading, berming, trails, circulation for buses and emergency vehicles, parking and phasing, etc. and conditions of the Annexation Development Agreement. Rendered elevations, material and color samples, shall be provided for Planning Department review prior to approval of the Administrative Conditional Use permit. Maximum building height of Building 8 (formerly Pad 7) is limited to 50 feet or maximum height not to exceed 60 feet in the event a major, long term film production contract necessitates the full studio height in compliance with Paragraph 2.5(e) of the Annexation Agreement. Final Architectural Review pursuant to 15-2.23-6 shall be

- concurrent with the Administrative CUP. Commissioner Jack Thomas shall participate in the Administrative CUP as a liaison for purpose of further input on final design and architectural elements. Final building footprints shall substantially conform to the MPD Site Plan approved by the City Council. Minor variations in building size and articulation will be considered by the Planning Director at the time of review of the Administrative CUP, provided that there is no increase in the total Gross Floor Area for each of the four main areas, namely: 1) the hotel, 2) office/sound stage support, 3) sound stage, and 4) retail/support. Final building footprints shall be located within the identified building pads.
5. A preliminary landscape plan, provided by a licensed landscape architect, and including landscape site design and materials consistent with those identified in the Annexation Agreement and as further specified in the MPD Plan package is required to be submitted with the Administrative Conditional Use permit application. The landscape plan shall identify grading, heights, and undulation of the perimeter berming to soften the view of the commercial structures. The landscape plan shall include a planting plan and an irrigation plan. Ground cover for green roofs shall also be included in the landscape plan. Perimeter landscaping should be of a substantial size and shall be reviewed and approved by the City Arborist and Landscape Architect. The landscape plan shall indicate how the landscaping will be phased and shall indicate perimeter plantings to be installed prior to vertical construction to provide screening of construction work. Temporary irrigation will be required to ensure these plantings survive. Final landscape plans, consistent with the preliminary landscape plan submitted with the Administrative CUP, shall be submitted and must be approved by the City with the building permit plan sets.
 6. Parking lot and all other exterior lighting shall meet requirements of the LMC with additional restrictions on the overall wattage, automatic timers, and lighting designed in zones and shall comply with best lighting practices as recommended by the Dark Skies organization. A lighting plan, provided by a qualified lighting professional, shall be submitted with the Administrative Conditional Use permit application. The plan shall include a requirement to shut off lighting in parking areas used on an intermittent basis, particularly in the secure studio campus.
 7. Security fencing on the property perimeter shall not exceed 7' in height and internal gate fencing may be 12' in height in areas limited to as shown on Exhibit F (page 42). Fencing shall not include razor wire or other details that read as "high security" fencing. Use of electronic monitoring is allowed. Fencing details shall be provided with the Administrative Conditional Use permit application and shall be consistent with the Final MPD Plan Package (Exhibit F, page 39) in terms of location, design, materials, colors, and extent. Perimeter fencing shall be phased consistent with the phased parking lot construction described in #16 below.
 8. All vehicular access points to the development from SR-248 shall comply with any and all existing Corridor Preservation Agreements. Changes to

these Agreements must be approved by the Utah Department of Transportation. The City approves of the two proposed access locations as depicted on the Final MPD Plan Package (Exhibit F- page 9). The Applicant will be responsible for filing application for required access approvals with the Utah Department of Transportation. Without additional UDOT approvals, there will be a single public access to the property at the signalized intersection of Round Valley Drive and SR 248, and emergency access as approved by UDOT, and the Fire and Building departments.

9. In the event that the south secondary access point is approved, this access shall be located in such a way as to not preclude access to the adjacent City open space parcel. Necessary cross access easements shall be provided, on the subdivision plat, through the public area of the MPD to provide access to the signalized intersection for the City parcel.
10. Traffic Management Plans for special events shall be approved by the City's Special Events staff as well as by the City's Police Departments of Transportation and Public Safety. All necessary special event permits and conditional use permits shall be obtained prior to commencing the Special Event or Master Festival. No overcrowding permits may be granted by the Building Department. The Applicant agrees to City use of surplus parking, said "surplus" amount and availability determined by the Applicant, for City-approved special events, primarily for overflow parking for the Park City Sports Complex (ice, fields and hosted trail races). Provided such use is consistent with deed restrictions, the City will provide reciprocal use of surplus parking as determined by the City at the Sports Complex. Fees shall not be charged for the parking unless the host event is charging fees for the parking at other locations.
11. Outdoor activities and noise shall be limited to 7AM to 10 PM and shall not exceed the City's noise ordinance, unless otherwise allowed through a Special Event/Master Festival permit in accordance with the Municipal Code.
12. At the time of the Administrative Conditional Use permit application, the applicant shall identify the square footage of all parking areas and all hard surfaced areas. Interior and perimeter parking lot landscaping shall meet requirements of the LMC Chapter 3. Snow storage areas shall be provided in accordance with the LMC Sections 15-3-3(E) and 15-3-4.8(E).
13. At the time of the Administrative Conditional Use permit application, the applicant shall provide a detailed parking analysis to identify specific uses, square footage, employee, hours of operation, shared parking ratios, and other items that will allow the Planning Staff to calculate the parking demands as such relates to the progression of the proposed phasing plan. The parking analysis shall look at the extent to which alternative modes of travel (bus, shuttle, carpool, bike, etc.) and use of the Richardson Park and Ride can reduce the demand for parking at the site, on a day to day basis. The parking analysis shall also provide information about special events and parking demand. With reductions for shared parking as well as support uses which reduce the required parking spaces, parking spaces are hereby approved up to a maximum of 730

surface spaces, and an additional 150 spaces underground at the hotel, for a total of 880 parking spaces. .

14. A phased parking plan shall be provided by the Applicant with the Administrative Conditional Use permit for approval by the Planning Department. The plan shall identify only essential paving with each phase of development, propose measures to reduce parking demand with various programs and incentives, and mitigate employee parking, particularly on the public campus and during construction. Prior to building each phase of parking, the applicant shall provide a parking analysis of existing conditions and needs, including traffic mitigation and use of the Richardson Park and Ride by full-time shift employees and mitigation of construction employee parking (such use the City hereby approves). The Planning Director must approve proceeding to construction for each phase of the parking; however such approval may not be unreasonably withheld. The final phase of parking area on Exhibit F, pg. 33 (farthest north/east lot) and any un-striped temporary parking shall contain a permeable surface area system.
15. The applicant shall pay the City \$75,000 to fulfill the proportionate share of the development's construction of public trail connections to the Park City Heights Rail Trail connector. The City shall build the trail. The applicant may install trail head amenities as shown on the MPD Plans at their expense.
16. Bike racks shall be provided for the various uses, as required by LMC Section 15-6, Master Planned Developments (hotel, mixed use, trail head area, sound stage, etc.).
17. Construction of a bus loop/bus shelter shall be provided prior to issuance of a certificate of occupancy for the hotel or mixed use buildings. The shelter shall be located at the bus drop-off located at one location of either option A, or B, as approved by the City Transit Manager. The Transit Manager may approve alternate location(s) as part of the Administrative CUP.
18. A grading plan shall be submitted with the Administrative Conditional Use permit application. Excavated materials shall remain on site to the greatest extent reasonably possible. Final grading plans, consistent with the preliminary grading plan submitted with the Administrative CUP, shall be submitted and must be approved by the City with the building permit plan sets.
19. Grading of the site, including the undulating berms and swales along SR 248 shall meet the sight distance and clear zone requirements of UDOT and be consistent with the grading proposed in the MPD Plans (with additional berm east of Building 2 adjacent to city property as reflected on revised sheets #10 and depicted on revised sheet #20, dated 5/24/12).
20. All landscaping, parking lots, driveways, roads, plazas, sidewalks, trails on the property, and other common areas shall be maintained by the property owner, or an Owner's Association, as the City will not maintain such areas.

21. Recycling centers shall be installed in the hotel, mixed use, and sound stage areas prior to issuance of a certificate of occupancy for the building.
22. The hotel shall provide shuttle service for guests within Park City and encourage guests to utilize shuttles from the airport as well as around town. The shuttle service shall be in place prior to issuance of a final certificate of occupancy for the hotel.
23. In accordance with Paragraph 2.5(h) of the Annexation Agreement, the applicant shall pay all applicable fees, including development, Building and Planning, Business licensing, and all other legally imposed fees and taxes collected by City Departments for services, utilities, etc.
24. A storm water management plan, prepared by a licensed professional, shall be submitted with the Administrative Conditional Use permit application and must meet all applicable code requirements on-site. The plan shall be consistent with best management practices for storm water management, including pre versus post run-off, water oil separators for parking facilities, and 100 year storm event detention on site. Final storm water plans, consistent with the preliminary plan submitted with the Administrative CUP, shall be submitted and must be approved by the City with the building permit plan sets.
25. Roof top mechanical equipment shall be architecturally screened from public view.
26. Trash and recycling enclosures shall be screened with landscaping, fencing, buildings, berms, etc. per the LMC.
27. LEED construction at the certified level without commissioning per the Annexation Agreement is required for the movie studios. The Applicant's architect shall score the construction and submit such to the Park City Building Department for confirmation. Based on the agreement of the anticipated manager of the complex, Raleigh Studios, Raleigh shall use best efforts to determine whether it is in their best interests to seek and obtain official LEED Construction Commissioning at the increased standard of Silver. However, at a minimum, the Hotel shall include a "Green" operational policy within industry standards and a door key activated light shut-off (or similar system) in all the rooms.
28. Areas of plazas, pedestrian walk ways, patios, etc. shall not be heat melted. Solar panels and skylights are allowed on rooftops per the LMC Chapter 5.
29. Acknowledging that the inside areas of the studio campus may be active 24/7, the applicant shall propose specific hours of operation for approval by the Planning Director as part of the Administrative CUP to mitigate traffic of employee loading and unloading. Support commercial uses, such as food service, deli, café, etc. shall be open during filming hours and office hours to mitigate vehicular trips off site for breaks and lunch. Where possible, set shift work will be scheduled in non-peak traffic times.
30. Additional Building articulation as required by LMC Chapter 5 shall be demonstrated on the final building plans prior to issuance of a building permit.

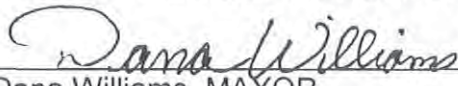
31. Permanent power shall be provided for the trailer parking area and the applicant shall use best effort to utilize solar or other renewable energy resource if technically and economically feasible.
32. A sign plan must be filed with the Administrative CUP in compliance with LMC Title 12. No icon, water tower, or billboards are allowed. Internal "plaza" areas shall be defined on the sign plan.
33. Final Subdivision approval shall contain covenants and restrictions (CCRS) in compliance with Paragraph 2.6 of the Annexation Agreement.
34. Water service is provided by Summit Water. The applicant may be required to construct an emergency connection to the City system if required by state drinking water approval or the project fails the flow and standards required by the International Fire Code (2009), specifically including Section 507, Appendix B and Table B105.1. Should City service be necessary in the future, the project may first be required to annex into the City Water District and the applicant shall pay applicable impact and user fees in effect at such time and make such dedications as required by LMC 15-8-5(C) (1-3).
35. This MPD approval and zoning approved herein are limited to the terms of the Annexation Agreement and due to the unique circumstances regarding a legal settlement of historic claims in the Summit County Settlement Agreement, such approval shall not be considered precedent for future zoning amendments or annexation petition to this or neighboring properties in the Quinn's/CT zone area. All future development applications, changes in commercial use, or rezone requests shall be processed in accordance with the General Plan, zoning and LMC in effect at the time of application. The densities approved herein shall not be considered in terms of neighborhood compatibility in the event of a rezone or CT amendment request by other properties within the CT zone.
36. As part of the required Construction Mitigation Plan, to be submitted prior to issuance of any building permits on the property, the landscape guarantee shall insure phased and adequate berming along SR248 in the event the project is not completed, and the construction guarantee bond shall take into consideration the location of this property on the entry corridor and provide for adequate landscape and site disturbance coverage for each phase of the building construction as proposed in Exhibit G of the Development Agreement to insure visual and physical impacts of any work stoppage are mitigated in the event construction is not completed on this property.
37. No wood burning devices or outdoor gas firepits/fireplaces with the exception of one fire pit (non-wood burning) and permanent BBQ appliances are allowed on the property at the hotel
38. Specific soils test pits shall be reviewed prior to building permit issuance and if environmental issues, such as contaminated soils are present, a mitigation plan shall be required prior to issuance of permits. To satisfy this condition, developer may submit prior tests and studies performed on the property.

39. The secure studio campus shall serve as a public emergency shelter if approved within the City's Emergency Plan.
40. The Planning Staff and the applicant shall complete a review of the Administrative Conditional Use Permit within one year of the first certificate of occupancy, and the staff shall provide a report of the review to the City Council.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect upon publication of this Ordinance, recordation of the Annexation Plat and Development Agreement, and compliance with state annexation filing requirements, pursuant to the Utah Code Annotated Section 10-2-425.

PASSED AND ADOPTED this 24th day of May, 2012.

PARK CITY MUNICIPAL CORPORATION

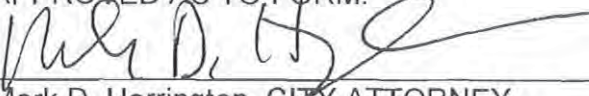

Dana Williams, MAYOR



ATTEST:


Janet M. Scott, CITY RECORDER

APPROVED AS TO FORM:


Mark D. Harrington, CITY ATTORNEY

Exhibits to the Ordinance

- Exhibit A- Annexation plat
- Exhibit B- Legal Description
- Exhibit C- County Settlement Agreement executed January 18, 2012
- Exhibit D- City Annexation Agreement
- Exhibit E- Zoning map amendment
- Exhibit F- Final MPD Plans packet
- Exhibit G- Annexation Development Agreement



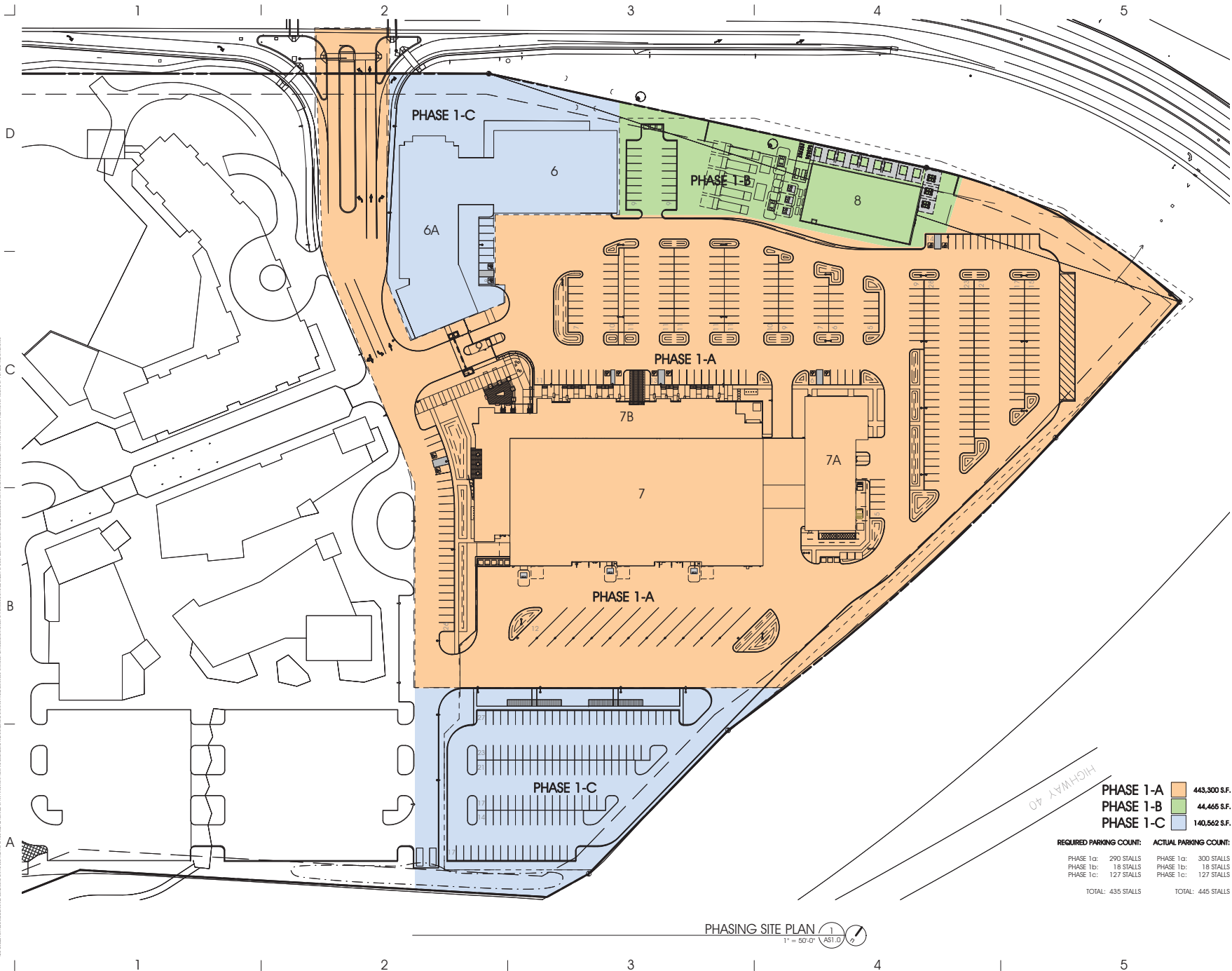
**Park Citry Film Studio
Parking Exhibit**
449 spaces approved
316 spaces existing
not including star trailer site
Remaining 133 future spaces to be built
on remaining studio site

**Future 133
parking
spaces to reach
approved 449
spaces on Studio
side of project**

1993

Imagery Date: 7/8/2016 40°40'47.7"

EXHIBIT F



ARCHITECT 1334
ajc architects
703 east 1700 south
salt lake city, utah 84105
ph: 801.466.8818
fx: 801.466.4411
www.ajcarchitects.com

CONSULTANT

OWNER INFORMATION

PROJECT DESCRIPTION
PARK CITY FILM STUDIOS

4001 KEARNS BLVD
PARK CITY, UT 84060

SHEET NAME:
PHASING SITE PLAN

REVISIONS
MARK DATE DESCRIPTION

ISSUE DATA
ISSUE DATE: DEC 11, 2013
ISSUE TYPE: CUP PHASE 1A
DRAWN BY: ajc
CHECKED BY: J. Jones

SHEET NUMBER:

AS1.0



SNYDERVILLE BASIN

WATER RECLAMATION DISTRICT

2800 HOMESTEAD RD, PARK CITY, UT 84098

WWW.SBWRD.ORG

T 435-649-7993

F 435-649-8040

December 15, 2015

Kirsten Whetstone
Park City Municipal Corp.
445 Marsac Avenue
P.O. Box 1480
Park City, UT 84060

Subject: Park City Film Studios Subdivision Amended
Plat Review

Dear Ms. Whetstone,

The Snyderville Basin Water Reclamation District (SBWRD) has reviewed the referenced plat and has the following comments:

1. The recording information (Entry #, Book and Page) for the SBWRD easement needs to be included on the plat. This easement identifies both main line and access easements, which should also be specified on the plat (see enclosed).
2. The easement must be shown extending through Lot 3 (see attached red-lined drawing).
3. Several wastewater laterals serving Lot 1 cross a portion of the proposed Lot 2 area (see attached red-lined drawing). Per SBWRD policies, laterals may not cross adjacent lots beyond the area of the SBWRD main line easement. A possible solution will be to revise the lot lines in order to eliminate the cross-lot laterals.
4. The following note must be added:

At the time of any resurfacing of the paved areas, the (name of Owner's Association) shall be responsible to adjust wastewater manholes to grade according to Snyderville Basin Water Reclamation District (SBWRD) standards. Prior notification of the adjustments and inspection by SBWRD is required.

The applicant should contact me to schedule a time for plat signing after the Owner's Dedication has been signed and the above comments have been addressed.

Sincerely,

Bryan D. Atwood, P.E.
District Engineer

Enclosures

cc: Greg Erickson, Quinn's Junction Properties L.C.
Ted Biehn, Robinson, Biehn & Biehn, Inc.
Plat Review File

Kirsten Whetstone

From: Bryan Atwood <BATwood@sbwr.org>
Sent: Tuesday, December 22, 2015 10:51 AM
To: Matt Cassel; Kirsten Whetstone
Cc: Kevin Berkley
Subject: RE: PCFS subdivision plat
Attachments: Plat Review.pdf

Kirsten,

The 3 lot configuration would address our cross-lot lateral issue, which is item 3 of our review letter (attached). It should be an easy matter to add the items addressed in our other comments to the plat.



Bryan D. Atwood, P.E.
District Engineer
Snyderville Basin Water Reclamation District
2800 Homestead Road
Park City, UT 84098
Office: 435-214-5245
Mobile: 435-731-0039
batwood@sbwr.org

From: Matt Cassel [mailto:matt.cassel@parkcity.org]
Sent: Monday, December 21, 2015 4:08 PM
To: Kirsten Whetstone <kirsten@parkcity.org>
Cc: Bryan Atwood <BATwood@sbwr.org>
Subject: RE: PCFS subdivision plat

Kirsten:

What were my comments from the meeting?

- Drainage from lot to lot,
- access easements and future access points,
- What parking requirements must be met on site, and will there need to be parking easements for the site,
- Water supply to cover fire demands still needs to be resolved.

Matthew Cassel, P.E.
City Engineer
435-615-5075



When recorded return to:
 Snyderville Basin Water Reclamation District
 2800 Homestead Road
 Park City, Utah 84098

ENTRY NO. 00995992

05/27/2014 09:41:49 AM B: 2241 P: 1418

Easements PAGE 1/4

MARY ANN TRUSSELL, SUMMIT COUNTY RECORDER
 T FEE 0.00 BY SNYDERVILLE BASIN WATER RECLAMATION DISTRICT



**GRANT OF EASEMENT AND ACCESS EASEMENT
 FOR CONSTRUCTION AND MAINTENANCE OF WASTEWATER COLLECTION
 AND TRANSPORTATION PIPELINE(S) AND APPURTENANCES**

Quinn's Junction Properties L.C., a Utah limited liability company, Grantor, does hereby convey and warrant to the Snyderville Basin Water Reclamation District, a local District of the state of Utah, (the District) Grantee, of Summit County, Utah, for good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, a permanent non-exclusive easement and right-of-way for the purpose of constructing, operating and maintaining one or more underground pipelines and appurtenances in the easement granted herein for the collection and transportation of wastewater as permitted by the District in the exclusive discretion of the District, over, across, through and under the premises of the Grantor situated in Summit County, Utah which are more specifically described as follows:

Main Line Easement:

A sanitary sewer easement beginning at a point South 89°53'00" East along the north section line of Section 2, Township 2 South, Range 4 East 2285.00 feet; thence South 00°07'00" West, 391.39 feet from the Northwest corner of Section 2, Township 2 South, Range 4 East and running thence South 58°31'56" East, 102.61 feet; thence South 21°18'42" West, 142.98 feet; thence South 39°00'52" West, 137.84 feet; thence South 22°08'34" West, 254.26 feet; thence South 68°45'01" East, 134.23 feet; thence South 00°00'00" East, 87.15 feet; thence South 22°47'04" West, 15.49 feet; thence South 00°26'12" West, 151.27 feet; thence North 89°04'00" West, 20.00 feet; thence North 00°56'00" East, 60.33 feet; thence South 88°54'29" West, 160.74 feet; thence North 73°27'49" West, 231.03 feet; thence North 22°00'49" East, 20.09 feet; thence South 73°27'49" East, 226.01 feet; thence North 88°54'29" East, 158.19 feet; thence North 00°00'00" East, 74.65 feet; thence North 22°47'04" East, 17.51 feet; thence North 00°39'42" West, 67.58 feet; thence North 68°45'01" West, 146.86 feet; thence North 22°08'34" East, 278.53 feet; thence North 39°00'52" East, 137.65 feet; thence North 21°18'42" East, 116.22 feet; thence North 63°23'14" West, 85.97 feet; thence 34.53 feet along a 638.56 radius curve to the right (chord bears North 39°11'37" East, 34.52 feet) to the point of beginning.

Said easement contains 32,149 square feet
 (Within Parcel PCA-91-A)

Also granting to the Snyderville Basin Water Reclamation District a perpetual right of ingress and egress to and from and along said right-of-way and with the right to operate, maintain, repair, replace, augment and/or remove the pipelines and appurtenances deemed necessary by the District for the collection and transportation of wastewater; also the right to trim, clear or remove, at any time from said right-of-way any tree, brush, structure or obstruction of any character whatsoever, which in the sole judgment of the Grantee may endanger the safety

of or interfere with the operation of Grantee's facilities. The Grantor and its successors in interest hereby forever relinquish the right to allow or construct any surface or underground improvement which would interfere with the operation, replacement or repair of the pipelines constructed and maintained under the provisions of this easement and covenant and agree that no underground or surface improvement, trees or structures will be constructed under or over the surface of the easement granted herein, without the express written consent in advance of the Grantee, which would interfere with the exercise of the rights of the Grantee to operate, maintain, repair or replace the sewer pipeline constructed by or for the Grantee.

Also granting to the Snyderville Basin Water Reclamation District a perpetual right of ingress and egress to the above described permanent easement over, across, and through the premises of the Grantor situated in Summit County, Utah which are more specifically described as follows:

Access Easement #1:

Beginning at a point South 89°53'00" East along the north section line of Section 2, Township 2 South, Range 4 East 2360.93 feet; thence South 00°07'00" West, 411.39 feet from the Northwest corner of Section 2, Township 2 South, Range 4 East and running thence South 67°59'11" East, 73.99 feet; thence South 22°00'49" West, 131.81 feet; thence North 68°41'18" West, 49.39 feet; thence North 21°18'42" East, 105.81 feet; thence North 58°15'42" West, 23.64 feet; thence North 22°00'49" East 22.62 feet to the point of beginning.

Said easement contains 7,201 square feet

(Within Parcel PCA-91-A)

Access Easement #2:

Beginning at a point South 89°53'00" East along the north section line of Section 2, Township 2 South, Range 4 East 1900.69 feet; thence South 00°07'00" West, 988.77 feet from the Northwest corner of Section 2, Township 2 South, Range 4 East and running thence 46.79 feet along a 68.50 foot radius curve to the left (chord bears South 45°01'09" East, 45.89 feet); thence South 64°35'18" East, 187.24 feet; thence 18.68 feet along a 100.50 radius curve to the right (chord bears South 59°15'54" East, 18.65 feet); thence South 53°56'30" East, 4.10 feet; thence 53.13 feet along a 85.20 foot radius curve to the left (chord bears South 71°48'13" East, 52.27 feet); thence South 01°05'31" East, 13.69 feet; thence South 88°54'29" West, 91.45 feet; thence North 73°27'49" West, 226.01 feet; thence North 22°00'49" East, 99.40 feet to the point of beginning.

Said easement contains 17,448 square feet

(Within Parcel PCA-91-A)

The easements granted herein are subject to the condition that the Grantee shall indemnify and hold harmless, the Grantor, its heirs and successors against any and all liability caused by the acts of the Grantee, its contractors or agents, during the construction, operation or maintenance of the sewer pipeline provided for in this easement; the Grantor's right to indemnification or to be held harmless by the Grantee under the terms of this paragraph are expressly conditioned upon prompt and immediate notice to the Grantee of any claim or demand which would cause a claim against the Grantee and upon the Grantees right to defend any claim

against the Grantor which would cause a claim of indemnification against the Grantor. This provision shall not be interpreted or construed to waive the rights of the Grantee to the affirmative defenses to claims provided under the Utah Governmental Immunity Act.

WITNESS the hand of said Grantor this 17th day of April, 2014

By: [Signature]

Name: Greg Erickson

Title: Manager

STATE OF UTAH)
COUNTY OF SUMMIT Davis)

On the 17th day of April, 2014, personally appeared before me Greg Erickson the signor of the foregoing instrument, who did personally acknowledge to me that the foregoing easement was executed by the Grantor.

[Signature]
NOTARY PUBLIC

RESIDING AT: Kaysville, Utah

My Commission Expires:

2-9-2017

Revised and Readopted 4/12



C4.0
SHEET NUMBER

5

4

3

1

CI

120' 0' 50' 100'

SCALE OF FEET

FIELD SIZE (24x36) 1"=60'

PROJECT BENCHMARK
P.O.B
FOUR SCHUCHERT & ASSOC.
PEBBLE & ALUM. CAP
ELEVATION-6571.62
DATELINE NAVD 88
BASIS OF BEARING
QUARTER SECTION LINE
S69°37'00"E 3310.72'
STATION NW COR. & NE COR. OF
SECTION 2, T25S, R4E, S14E, 40N

120' 0' 60' 120'

SCALE OF FEET

FIELD SIZE (24x36) 1"=60'

5

4

3

1

CI

Packet Pg. 279

**DEVELOPMENT AGREEMENT
FOR THE
QUINN'S JUNCTION PARTNERSHIP ANNEXATION
MASTER PLANNED DEVELOPMENT
PARK CITY, SUMMIT COUNTY, UTAH**

This Development Agreement is entered into as of this 24th day of May, 2012, by and between QUINNS JUNCTION PARTNERSHIP ("Developer"), as the owner and developer of certain real property located in Park City, Summit County, Utah, on which Developer proposes the development of a project known as the Quinn's Junction Partnership Annexation Master Planned Development, and PARK CITY MUNICIPAL CORPORATION, a municipality and political subdivision of the State of Utah ("Park City"), by and through its City Council.

RECITALS

A. Developer is the owner of approximately 29 acres of real property located in Park City, Summit County, Utah, which real property is more particularly described on Exhibit A attached hereto and incorporated herein by reference, and which real property is depicted on the site plan attached hereto as Exhibit D and incorporated herein by reference (the "Property").

B. As a compromise of claims and in settlement of litigation, Summit County recognized that the property in question has a vested development right to commercial uses.

C. Developer obtained these vested rights for a commercial project now known as "Quinn's Junction Partnership Annexation Planned Development" wherein, the parties agreed to settle long standing differences in return for recognition for a commercial use of the property in question. The Settlement Agreement is attached hereto as Exhibit B.

D. Developer and Park City also entered into an Annexation Agreement wherein Park City recognized the property has vested development rights to the commercial uses, densities, and configuration as part of a motion picture studio and media campus as stated in the Settlement Agreement described in Recital B. A copy of the Annexation Agreement is attached hereto as Exhibit C.

E. Based on a further agreement between developer and Park City with the consent of the County, Developer applied to build a mixed use development on the Property consisting of a Motion Picture Studio and Media Campus, ancillary and support commercial and lodging (the "Film Studio").

F. Developer obtained Park City approval for the development on the Property of a mixed use hotel and commercial project known as the Quinn's Junction Partnership Annexation Master Planned Development (the "Master Planned Development Approval"), as more fully described in the incorporated Approval Documents (hereinafter defined) and as set forth below (the "Project").

G. Park City requires development agreements under its Park City Land Management Code ("LMC") for all Master Planned Developments.

H. Park City determined that, subject to the terms and conditions of this Development Agreement,

Developer complied with the applicable provisions the Land Management Code (“LMC”) as provided in the Settlement Agreement and Annexation Agreement, and has found that the Project is consistent with the purpose and intent of the relevant provisions of the LMC, as limited by the Annexation Agreement.

I. Following a lawfully advertized public hearing, Park City, acting pursuant to its authority under Utah Code Ann., Section 10-9-101, *et seq.*, and in furtherance of its land use policies, goals, objectives, ordinances, resolutions, and regulations made certain determinations with respect to the proposed Project, and, in the exercise of its legislative discretion, elected to approve this Development Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, conditions and considerations as more fully set forth below, Developer and Park City hereby agree as follows:

1. Project Conditions:

1.1. The (i) Findings of Fact, Conclusions of Law and Conditions of Approval dated May 24, 2012, attached hereto as Exhibit E, and (ii) Film Studio Master Planned Development, prepared by IBI, dated May 24, 2012, attached hereto as Exhibit F, together with related documents attached thereto, are hereby incorporated herein by reference (the “Approval Documents”) and shall govern the development of Project, subject to the provisions of the January 17th, 2012 Annexation agreement including the vested rights of 374,000 gross sq. ft of development of Motion Picture and Media Campus and any modifications specifically set forth in this Development Agreement. The Project is located in the Community Transition (CT) Zoning District, with a Regional Commercial Overlay (RCO). Development Application for an Administrative Conditional Use Permit and a Park City Building Department building permit are required prior to the commencement of any construction in connection with the Project and shall be processed and granted as set forth in this Development Agreement.

1.2. Developer agrees to pay the then-current impact fees lawfully imposed and as uniformly established by the Park City Municipal Code at the time of permit application, whether or not state statutes regarding such fees are amended in the future, unless otherwise made unlawful.

1.3. Developer and its successors agree that the following are required to be entered into and approved by Park City prior to the issuance of a Building Permit: (a) a construction mitigation plan; (b) a utility plan; (c) a storm water plan; (d) a grading plan; and (e) a landscape plan in compliance with condition of approval #5 of the MPD approval and the Annexation agreement. Approvals by Park City shall not be unreasonably withheld.

1.4 Development Applications.

1.4.1 Development applications shall be approved by the City within a reasonable time if they comply with the January 17, 2012 Annexation Agreement, City’s vested rights laws and conform to this Development Agreement.

1.4.2 City’s Denial of a Development Application. Assuming Annexation is approved, if the City denies any Development Application, the City shall provide a written determination advising the Applicant of the reasons for denial including specifying the reasons

the City believes that the Development application is not consistent with this MPD and/or the City's vested rights laws.

1.4.3 Meet and Confer regarding Development Application Denials. The City and Applicant shall meet within fifteen (15) business days of a denial to resolve the issues specified in the denial of a Development Application.

1.4.4 City Denials of Development Applications Based on Denials from Non-City Agencies. If the City's denial of a Development Application is based on the denial of the Development Application by a non-city agency, Developer shall appeal any such denial through the appropriate procedures for such a decision and not through the processes specified below.

1.4.5 Mediation of Development Application Denials.

1.4.5.1 Issues Subject to Mediation. Issues resulting from the City's denial of a Development Application shall be mediated.

1.4.5.2 Mediation Process. If the City and Applicant are unable to resolve a disagreement subject to mediation, the parties shall attempt within ten (10) business days to appoint a mutually acceptable mediator with knowledge of the issue in dispute. If the parties are unable to agree on a single acceptable mediator, they shall each, within ten (10) business days, appoint their own representative. These two representatives shall, between them, choose the single mediator. Applicant shall pay the fees of the chosen mediator. The chosen mediator shall within fifteen (15) business days, review the positions of the parties regarding the mediation issue and promptly attempt to mediate the issue between the parties. If the parties are unable to reach agreement, the mediator shall notify the parties in writing of the resolution that the mediator deems appropriate. The mediator's opinion shall not be binding of the parties.

1.4.6 Parcel Sales. The City acknowledges that the precise location and details of the public improvements, lot layout and design and any other similar item regarding the development of a particular parcel may not be known at the time of the sale of a parcel. Developer may obtain approval of a subdivision that does not create any individually developable lots in the parcel without being subject to any requirement in the City's vested laws to complete or provide security for any public infrastructure at the time of such subdivision. The responsibility for completing and providing security for completion of any public infrastructure in the parcel shall be that of the developer or subdeveloper upon a subsequent re-subdivision of the parcel that creates individually development lots, or any building permit application, whichever occurs first.

1.5 Developer is responsible for compliance with all local, state and federal regulations regarding the soils and environmental conditions on the Property. Furthermore, Developer is responsible for receiving any required Army Corp of Engineer Permits related to the riparian zone of Silver Creek if it is required.

2. Master Plan Approval and Reserved Legislative Powers

2.1 MPD. Subject to the provisions of this Development Agreement, Developer is hereby granted the right by **Park City**, to develop and construct the Project in accordance with the general uses, densities, massing, intensities, and general configuration of development approved in the January 17, 2012 Annexation Agreement, this Development Agreement, in accordance with, and subject to the terms and conditions of the Approval Documents, and subject to compliance with the other applicable ordinances and regulations of Park City. Both parties acknowledge the Site Plan attached as Exhibit D and the Approval Documents supersede and replace the Site Plan attached as Attachment A to the Annexation Agreement.

2.2 If the Developer acquires any additional property contiguous to the Property and located within the bounds of Park City or the City Annexation Declaration area, then Developer may petition to annex or apply to add such future property within this Development Agreement. Park City will reasonably process and consider such petition or application in accordance with applicable state law and the Land Management Code in effect at that time.

2.3 Reserved Legislative Powers. Developer acknowledges that the City is restricted in its authority to limit its police power by contract and that the limitations, reservations and exceptions set forth herein are intended to reserve to the City all of its police power that cannot be so limited. Notwithstanding the power of the City to enact legislation under the police powers vested in a city such exercise of power through legislation shall only be applied to modify land use and zoning regulations which are applicable to the Project in conflict with the terms of this Development Agreement based upon policies, facts and circumstances meeting the compelling, countervailing public interest exception to the vested rights doctrine in the State of Utah. Any such proposed legislative changes affecting the Project and terms and conditions of this Development Agreement under the above specific limitations and applicable to the Project shall be of general application to all development activity in the City of Park City; and, unless Park City declares an emergency, Developer shall be entitled to the required notice and an opportunity to be heard with respect to the proposed change and its applicability to the Project under the compelling, countervailing public interest exception to the vested rights doctrine. Nothing in this section shall limit the future legislative amendment of more specific ordinances or codes for which the Developer does not yet have a vested right, and except as otherwise provided in this agreement, will not vest until such time as a complete application is filed in conformance with the applicable code(s), including but not limited to: building and energy, lighting, sign and subdivision codes.

2.4 Application Under City's Future Laws. Without waiving any rights granted by the January 17, 2012 Annexation Agreement, or this Development Agreement, Developer may at any time choose to submit a Development Application for some or all of the Project under the City's Future Laws in effect at the time of the Development Application. Any Development Application filed for consideration under the City's Future Laws shall be governed by all portions of the City's Future Laws related to the Development Application so applied for. The election by the Developer at any time to submit a Development Application under the City's Future Laws shall not be construed to prevent Developer from relying on prior Development Applications or the City's Vested right Law as they pertain thereto.

3. General Terms and Conditions

3.1 Term of Agreement. The Master Planned Development is subject to Section 15-6-4 (H) of the Land Management Code. Unless a delay is a result of delay of process by the City for a complete,

pending application, a building permit for the first phase of the Project must be approved within two years of the execution of this Development Agreement.

3.2 Binding Effect; Agreement to Run With the Land. This Development Agreement shall be recorded against the Property as described on Exhibit A hereto, and shall be deemed to run with the land provided it remains effective and shall be binding on all successors and assigns of Developer in the ownership or development of any portion of the Property.

3.3 Provision of Municipal Services. Except as otherwise provided in the Annexation Agreement, Park City shall provide all City services to the Project that it provides from time-to-time to other residents and properties within the City including but not limited to police and other emergency services. The services shall be provided to the Project at the same level of services, on the same terms, and at the same rates as provided to other residents and properties in the City or applicable service district.

3.4 Assignment. Neither this Development Agreement nor any of the provisions, terms or conditions hereof can be assigned to any other party, individual or entity without assigning the rights as well as the responsibilities under this Development Agreement and without the prior written consent of the City directed to the City Recorder, which consent shall not unreasonably withheld. Any such request for assignment may be made by letter addressed to the City and the prior written consent of the City may also be evidenced by letter from the City to Developer or its successors or assigns. If no response is given by the City within 14 calendar days following Developer's delivery of a request for consent, the City consent will be deemed to have been granted. This restriction on assignment shall not prohibit or impede the sale of parcels of fully or partially improved or unimproved land by Developer prior to construction of buildings or improvements on the parcels, with Developer retaining all rights and responsibilities under this Development Agreement.

3.5 No Joint Venture, Partnership or Third Party Rights. This Development Agreement does not create any joint venture, partnership, undertaking or business arrangement between the parties hereto, nor any rights or benefits to third parties.

3.6 Integration. Except vested rights granted by Summit County to developer in consideration of the dismissal of litigation against the County and recognized by the City in the Annexation Agreement, this Development Agreement and the Approval Documents collectively contain the entire agreement with respect to the subject matter hereof and integrates all prior conversations, discussions or understandings of whatever kind or nature and may only be modified by a subsequent writing duly executed by the parties hereto.

3.7 Severability. If any part or provision of this Development Agreement shall be determined to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, then such a decision shall not affect any other part or provision of this Development Agreement except that specific provision determined to be unconstitutional, invalid or unenforceable. If any condition, covenant or other provision of this Development Agreement shall be deemed invalid due its scope or breadth, such provision shall be deemed valid to the extent of the scope or breadth permitted by law.

3.8 Attorney's Fees. If either party commences litigation regarding this Development Agreement, any of the Exhibits hereto or the Approval Documents, the prevailing party, as determined by a court of competent jurisdiction, shall be entitled to reasonable attorney's fees and all costs paid by the other party.

3.9 Minor Administrative Modification. Minor, immaterial administrative modification may occur to the approvals contemplated and referenced herein without revision of this Development Agreement. These include but are not limited to changes in building configuration to accommodate tenants so long as the square footage, general location and uses are consistent with what is vested herein.

3.10 No Waiver. Failure to enforce any rights under this Development Agreement or applicable laws shall not be deemed to constitute a waiver of such right.

3.11 Default.

3.11.1 **Notice.** If Developer or the City fails to perform their respective obligations hereunder or to comply with the terms hereof, the party believing that a Default has occurred shall provide Notice to the other party. If the City believes that the Default has been committed by a subdeveloper, then the City shall also provide a courtesy copy of the Notice to Developer.

3.11.2 **Contents of the Notice of Default.** The Notice of Default shall:

3.11.2.1 Specific Claim. Specify the claimed event of Default;

3.11.2.2 Applicable Provisions. Identify with particularity the provisions of any applicable law, rule, regulation, or provision of this Development Agreement (including exhibits) that is claimed to be in Default;

3.11.2.3 Materiality. Identify why the Default is claimed to be materials; and

3.11.2.4 Optional Cure. If the City chooses, in its discretion, propose a method and time for curing the Default which shall be of no less than sixty (60) days duration.

3.11.3 **Meet and Confer; Mediation.** Upon the issuance of a Notice of Default the parties shall engage in the “Meet and Confer” and “Mediation” processes specified in Sections 1.4.3- 1.4.5.

3.11.4 **Remedies.** If the parties are not able to resolve the Default by “Meet and Confer” or by Mediation, then the parties may have the following remedies:

3.11.4.1 Law and Equity. All rights and remedies available at law and in equity, including, but not limited to, injunctive relief, specific performance and/or damages.

3.11.4.2 Security. The right to draw on any security posted or provided in connection with the Project and relating to remedying of the particular Default.

3.11.4.3 Future Approvals. The right to withhold all further reviews, approvals, licenses, building permits and/or other permits for development of the Project in the case of a default by the Developer, or in the case of a default by a subdeveloper, development of those Parcels owned by the subdeveloper until the Default has been cured.

3.11.5 Public Meeting. Before any remedy in Section 3.11.4 may be imposed by the City, the party allegedly in Default shall be afforded the right to attend a public meeting before the City Council and address the City Council regarding the Claimed Default.

3.11.6 Emergency Defaults. Anything in this Development Agreement notwithstanding, if the City Council finds on the record that a default materially impairs a compelling, countervailing interest of the City and that any delays in imposing such a default would also impair a compelling, countervailing interest of the City, then the City may impose the remedies of Section 3.11.4 without the requirements of Section 3.11.5. The City shall give Notice to the Developer and/or any applicable subdeveloper of any public meeting at which an emergency default is to be considered and the Developer and/or any applicable subdeveloper shall be allowed to address the City Council at that meeting regarding the claimed emergency Default.

3.11.7 Extended Cure Period. If any Default cannot be reasonably cured within sixty (60) days, then such cure period shall be extended so long as the defaulting party is pursuing a cure with reasonable diligence.

3.11.8 Cumulative Rights. The rights and remedies set forth herein shall be cumulative.

3.11.9 Default of Assignee. A default of any obligations assumed by an assignee shall not be deemed a default of Developer.

4. Phasing; Access.

4.1 Project Phasing. The Project shall be constructed in phases in accordance with the phasing plan approved together with this Development Agreement (the "Phasing Plan") (attached hereto as Exhibit G), and in accordance with the LMC. Developer may proceed by constructing the Project all at one time or by phase within this approved project Phasing Plan. In the event of such phasing, the issuance of a building permit on the first such phase shall be deemed to satisfy the requirement of issuance of a building permit in Section 3.1 above. Any major modifications or elaborations to the approved Phasing Plan must be approved by the City Council prior to the commencement of construction of the applicable phase. If such proposed major modifications or elaborations are substantial as determined by the Chief Building Official and the Planning Director, such modifications or elaborations will come before the City Council for approval.

4.2 Construction of Access. Developer may commence grading access to the Project as approved by the City Engineer according to generally accepted engineering practices and standards, and pursuant to permit requirements of the LMC, the International Building Code (or if such Code is no longer then in effect, according to the code that is, in fact, then in effect), the Uniform Fire Code, and the Army Corps of Engineers. Developer shall be responsible for maintenance of any such accesses until they are completed according to City standards and accepted by the City.

4.3 Form of Ownership Anticipated for Project. The Project will consist of a commercial building and related improvements, and a hotel building including 100 units and related improvements. Developer anticipates that the commercial portions and, if applicable, the hotel of the Project will be owned by Developer, or its assigns. Any condominiumization of the Project for private ownership, fractional ownership and common ownership of land and common facilities requires additional approvals and shall be in compliance with applicable ordinances and state code.

5. **Affordable Housing.** Pursuant to the Annexation Agreement, no affordable housing is required for this MPD. QJP shall post City affordable housing information in a work place accessible to all its employees.

6. **Open Space.** Pursuant to the Annexation Agreement, no definable open space is required for this MPD within the granted and approved development of 374,000 gross sq ft as defined in the agreement between the parties incorporated as exhibits hereto.

7. **Physical Mine Hazards.** If any, a list and map of all known Physical Mine Hazards on the property as determined through the exercise of reasonable due diligence by the Owner as well as a description and GPS coordinates of those Physical Mine Hazards are hereby attached and incorporated as Exhibit H.

8. **Notices.** All notices, requests, demands, and other communications hereunder shall be in writing and shall be given (i) by Federal Express, UPS, or other established express delivery service which maintains delivery records, (ii) by hand delivery, or (iii) by certified or registered mail, postage prepaid, return receipt requested, to the parties at the following addresses, or at such other address as the parties may designate by written notice in the above manner:

To Developer:

c/o Greg Ericksen Esq.
1065 South 500 West
Bountiful, Utah 84010

With a copy to:

Scott M. Lilja
Van Cott, Bagley, Cornwall & McCarthy
36 south State Street, Suite 1900
Salt Lake City, UT 84111-1478

To Park City:

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

Such communications may also be given by facsimile and/or email transmission, provided any such communication is concurrently given by one of the above methods. Notices shall be deemed effective upon receipt, or upon attempted delivery thereof if delivery is refused by the intended recipient or if delivery is impossible because the intended recipient has failed to provide a reasonable means for accomplishing delivery.

8. **List of Exhibits.**

Exhibit A – Legal Description

Exhibit B – Settlement Agreement for film and media campus

Exhibit D – Site Plan
Exhibit C – Annexation Agreement
Exhibit E – Master Planned Development Findings of Fact, Conclusions of Law and Conditions of
Approval dated May 24, 2012
Exhibit F - Master Planned Development Plans dated May 24, 2012
Exhibit G - Phasing Plan
Exhibit H - List of all known Physical Mine Hazards on the property (None)

IN WITNESS WHEREOF, this Development Agreement has been executed by Developer by a person duly authorized to execute the same, and by Park City acting by and through its City Council, as of the 24th day of May, 2012.

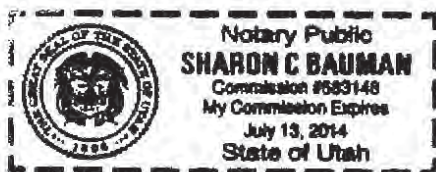
QUINNS JUNCTION PARTNERSHIP “Developer”

By: *[Signature]* *managing member.*
MICHAEL MARTIN

Acknowledgment

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

On this 19 day of June, 2012, before me, the undersigned notary, personally appeared, personally known to me/proved to me through identification document allowed by law, to be the person whose name is signed on the preceding or attached document, and acknowledged that he/she signed it voluntarily for its stated purpose as MANAGING MEMBER (title) for QUINNS JUNCTION PARTNERSHIP, a Utah partnership.



Sharon C Bauman
Notary Public

PARK CITY MUNICIPAL CORPORATION "Park City"

By: *Dana Williams*
Dana Williams, Mayor

ATTEST:

By: *Janet M. Scott*
Janet M. Scott, City Recorder

APPROVED AS TO FORM:

Mark D. Harrington
Mark D. Harrington, City Attorney



EXHIBIT A

That certain real property located in Summit County, State of Utah described as follows:

QUINN'S JUNCTION PARCEL

Beginning on the easterly line of State Highway 248 at a point which is S89°53'00"E 1557.19 feet along the Section Line (Basis of Bearing) and S0°00'00"E 1834.09 feet from an aluminum pipe monument at the Northwest Corner of Section 2, Township 2 South, Range 4 East, Salt Lake Base and Meridian from which Section Corner the GLO Stone Monument at the Northeast Corner of said Section 2 bears S89°53'00"E 5320.73 feet);

thence N22°00'40"E 1005.18 feet along the easterly Right-Of-Way Line of said Highway to a UDOT brass cap monument;

thence N34°07'00"E 544.70 feet along said Right-Of-Way Line to a UDOT brass cap monument and the beginning of a 638.50 foot radius curve the center of which bears S55°51'43"E;

thence Northeasterly 338.83 feet along said Right-Of-Way Line and said curve to the right through a central angle of 30°24'19" (chord bearing = N49°20'26"E 334.87 feet) to a UDOT brass cap monument;

thence N64°25'25"E 14.39 feet along said Right-Of-Way Line to a UDOT brass cap monument, said point also being on the westerly Right-Of-Way Line of US Highway 40;

thence S25°33'14"E 223.71 feet along said westerly Right-Of-Way Line to a UDOT brass cap monument and the beginning of a 2664.79 foot radius curve the center of which bears S64°29'22"W;

thence Southeasterly 535.20 feet along said Right-Of-Way Line and said curve to the right through a central angle of 11°30'26" (chord bearing = S19°45'25"E 534.30 feet) to a UDOT brass cap monument;

thence S23°49'09"E 243.42 feet along said Right-Of-Way Line to a UDOT brass cap monument;

thence S7°02'43"E 58.38 feet along said Right-Of-Way to a rebar with aluminum cap at a point that is S89°53'00"E 800.00 feet and S25°20'00"W 1336.80 feet from the PK nail marking the North Quarter Corner of said Section 2;

thence S25°20'00"W 568.97 feet to a rebar with aluminum cap on the North-South Center of Section Line of said Section 2;

thence S0°30'48"W 109.94 feet along said North-South Center of Section Line to a rebar with aluminum cap, said point being S0°30'48"W 1834.13 feet from said North Quarter Corner of Section 2;

thence N89°53'00"W 1087.40 feet to a rebar with aluminum cap and the point of beginning. Contains 29.5530 acres.

WHEN RECORDED RETURN TO

David L. Thomas
Chief Civil Deputy
Summit County Attorney
P.O. Box 128
60 N. Main Street
Coalville, Utah 84017

**SETTLEMENT AGREEMENT
FOR FILM AND MEDIA CAMPUS**

THIS SETTLEMENT AGREEMENT (the "Agreement") is entered into as of this 8th day of January, 2012, by and among QUINNS JUNCTION PARTNERSHIP (Michael Martin, General Partner), the sole owner of certain undeveloped real property in the Snyderville Basin, including all legal claims belonging to Ralph Merrill (the "QJP"), and SUMMIT COUNTY, a political subdivision of the State of Utah, by and through its County Manager (the "County").

RECITALS:

A. QJP is the owner of approximately 29 acres of land and appurtenant real property rights, located on the southwest corner of Quinn's Junction, which is at the intersection of U.S. 40 and S/R 248 in the Snyderville Basin, Summit County, Utah (the "Property"). QJP desires to build a mixed use development on the Property consisting of a Motion Picture Studio and Media Campus, ancillary and support commercial and lodging (the "Film Studio").

B. The Property is claimed to be within the Annexation Policy Plan of Park City Municipal Corporation (the "City") and its Expansion Area (the "Park City Annexation Declaration Area") in accordance with Utah Code Annotated ("UCA"), §10-2-201.5. The provisions of UCA, §10-2-402 have been satisfied. QJP has filed an Annexation Petition with Park City (the "QJP Annexation Petition" or "Petition") in accordance with UCA, §10-2-403.

C. QJP has asserted claims and commenced litigation against the County in two separate lawsuits and other administrative actions that are currently pending in State and Federal Courts.

D. As a result of this litigation several disputes have arisen between Summit County and QJP.

E. The parties desire to settle all claims, actions, and litigation between them (the "Litigation").

F. This Agreement implements the agreed upon conditions for settlement of the Litigation.

F. This Agreement provides that QJP shall attempt in good faith to annex into the City. In the event of a rejection of the annexation petition by the City, QJP will be vested with certain development rights within unincorporated Summit County.

G. Summit County, acting pursuant to its authority under Utah Code Annotated, Section 17-27a-101, et seq. and the Code, has made certain determinations with respect to the proposed Film Studio, and, in the exercise of the discretion afforded the County Manager in Summit County Code §1-14-10(F)(17) to settle lawsuits, has elected to approve of this Agreement.

SUMMIT COUNTY AND QJP HEREBY AGREE AS FOLLOWS:

ARTICLE I

Vested Rights within Unincorporated Summit County

1.1 Legal Description of Property. The legal description of the Property included with the Film Studio is attached hereto as Exhibit A, which is incorporated into this Agreement by this reference. No other property may be added to the legal description of the Film Studio for purposes of this Agreement, except by written amendment. Except as expressly set forth in this Agreement, this Agreement shall not affect any land other than the Property.

1.2 General Description of Film Studio. The Film Studio covered by this Agreement consists of approximately 29 acres of land located generally nearby and on the southwest corner of U.S. 40 and S.R. 248 in Summit County, Utah.

1.3 Vested Development Right. As a compromise of claims and in settlement of the Litigation, the County hereby recognizes that the Property has a vested development right to the following commercial uses, densities, and configuration as part of a Motion Picture Studio and Media Campus:

1.3.1 Total Density not to exceed a maximum of 355,000 gross square feet.

1.3.2 One Hotel/Lodging facility which shall not exceed 100 keyed rooms within the gross square footage granted herein without further approval by the County.

1.3.3 Heights not to exceed 32 feet except in the cases of sound stages/studios and entry way fire suppression water tank, which shall not exceed 60 feet.

1.3.4 Setback of buildings from the centerline of SR 248 and US 40 shall not be less than 150 feet from any building over 28 feet in height. Setback of all other buildings or structures shall not be less than 100 feet from the centerline of SR 248 and US 40.

1.3.5 All exterior street and other lighting shall be kept to a minimum, directed downward, and ensure that light sources are fully shielded. Only high pressure

sodium, incandescent, LED or other sources appearing to be amber in color consistent with the Code provisions for the protection of the night sky shall be allowed.

1.3.6 Permitted Uses shall be Recreation, International Film School, Commercial Support Retail, Entertainment Center, Hotel/Lodging, Motion Picture Media Campus, Sound Stages/Studios, and Event Center. All other uses are prohibited.

1.3.7 All other provisions of Summit County Code, §§ 10-1 thru 10-11, and all other County ordinances, which are not in conflict with §§1.3.1 – 1.3.6 herein, shall be applicable to the Property.

- 1.4 Process. §1.3 shall be subject to the approval of an appropriate form of Development Agreement.

ARTICLE II

Annexation to Park City

2.1 Annexation Declaration Area. Utah law favors that development take place within the boundaries of cities and towns where land is located in a city's annexation declaration area. The Property is claimed to be within the Park City Annexation Declaration Area.

2.2 Annexation Agreement. As a condition subsequent to the vesting of uses, densities, and configuration of the Film Studio contained in §1.3, QJP and the City have executed an Annexation Agreement, a copy of which is fully set forth at "Exhibit B" herein.

2.3 Petition. As a further condition subsequent to the vesting of uses, densities, and configuration of the Film Studio contained in §1.3, QJP has filed the QJP Annexation Petition with the City and QJP agrees it will not withdraw the petition prior to the City Council rendering a final decision/vote or the expiration of the time periods set forth in paragraph 2.3 of the Annexation Agreement, whichever occurs first.

2.4 Decision on Petition. The City shall either approve or reject the QJP Annexation Petition within ninety (90) days of the acceptance of the Petition by the City consistent with UCA, §10-2-405(1).

2.5 Effect of Petition Approval. Upon approval of the QJP Annexation Petition, the provisions of §§1.3 and 1.4 as they pertain to the Film Studio shall be vacated. The remainder of this Agreement shall remain in full force and effect.

2.6 Effect of Petition Rejection. Upon rejection of the QJP annexation petition, the provisions of §§1.3 and 1.4 as they pertain to the Film Studio shall be effective and in full force and effect.

ARTICLE III

Releases and Hold Harmless

3.1 Mutual Releases. At the time of, and subject to, the execution of this Agreement, and the acceptance of the QJP Annexation Petition by the City pursuant to UCA, §10-2-405(1), and excepting the parties' respective rights and obligations under this Agreement, QJP, on behalf of itself and QJP's partners, officers, directors, employees, agents, attorneys and consultants, hereby releases the County and the County's board members, council members, officials, employees, agents, attorneys and consultants, and the County, on behalf of itself and the County's board members, officials, employees, agents, attorneys and consultants, hereby releases QJP and QJP's partners, officers, directors, employees, agents, attorneys and consultants, from and against any and all claims, demands, liabilities, costs, expenses of whatever nature, whether known or unknown, and whether liquidated or contingent, arising on or before the date of this Agreement in connection with the Property or the application, processing or approval of applications relating to the Property or the Film Studio, to include any past claims for vested development rights that are not provided for in this Agreement and those lawsuits styled Merrill v. Summit County, Case No. 2:08-cv-723 pending in the U.S. District Court in and for the State of Utah, Central Division, and Merrill v. Summit County, Case No. 050500052 pending in the Third District Court, Summit County, Utah. Said lawsuits shall be dismissed with prejudice within five (5) calendar days of the acceptance by the City of the QJP Annexation Petition in accordance with UCA, §10-2-405(1).

ARTICLE IV

General Terms and Conditions.

4.1 Agreements to Run with the Land. This Agreement and its accompanying Exhibits shall be recorded against the Property described in Exhibit A. The agreements contained herein shall be deemed to run with the land and shall be binding on and shall inure to the benefit of all successors in ownership of the Property. As used herein, QJP shall include the parties signing this Agreement and all successor owners of any part of the Property.

4.2 State and Federal Law. The parties agree, intend and understand that the obligations imposed by this Agreement are only such as are consistent with state and federal law. The parties further agree that if any provision of this Agreement becomes, in its performance, inconsistent with state or federal law or is declared invalid, this Agreement shall be deemed amended to the extent necessary to make it consistent with state or federal law, as the case may be, and the balance of the Agreement shall remain in full force and effect.

4.3 Entire Agreement. This Agreement constitutes the entire agreement between the parties and supersedes all prior agreements, whether oral or written, covering the same subject matter. This Agreement may not be modified or amended except in writing mutually agreed to and accepted by both parties to this Agreement.

4.4 Notices. All notices hereunder shall be given in writing by certified mail, postage prepaid, at the following addresses:

To the County:

Summit County Manager
Summit County Courthouse
60 N. Main
P.O. Box 128
Coalville, UT 84017

With copies to:

David L. Thomas
Chief Civil Deputy Summit County Attorney
60 N. Main
P.O. Box 128
Coalville, UT 84017

To Developer:

Quinns Junction Partnership
Attn: Greg S. Ericksen
Law Offices of Greg S. Ericksen
1065 South 500 West
Bountiful, UT 84010

With copies to:

Scott M. Lilja
VanCott Bagley Cornwall & McCarthy
36 South State Street, Suite 1900
Salt Lake City, UT 84111

4.5 Applicable Law. This Agreement is entered into under and pursuant to, and is to be construed and enforceable in accordance with, the laws of the State of Utah.

4.6 Rights of Third Parties. This Agreement is not intended to affect or create any additional rights or obligations on the part of third parties.

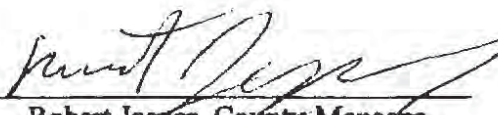
4.7 Execution of Agreement. This Agreement may be executed in multiple parts as originals or by facsimile copies of executed originals; provided, however, if executed and evidence of execution is made by facsimile copy, then an original shall be provided to the other party within seven (7) days of receipt of said facsimile copy.

4.8 Duration. The term of this Agreement shall commence on, and the effective date of this Agreement shall be, the date upon which the last signature appears hereon. The Term of this Agreement shall extend for a period of ten (10) years following the effective date unless the Agreement is earlier terminated, or its term modified by written amendment to this Agreement.

IN WITNESS WHEREOF, this Agreement has been executed by Summit County, acting by and through the County Manager, and by a duly authorized representative of QJP as of the above-stated date.

COUNTY:

COUNTY MANAGER OF SUMMIT COUNTY,
STATE OF UTAH

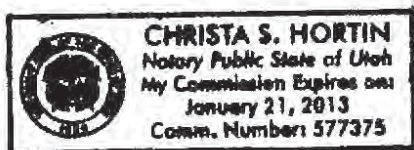
By: 
Robert Jasper, County Manager

APPROVED AS TO FORM:


David L. Thomas
Chief Civil Deputy

STATE OF UTAH)
 : ss.
COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me this 18th day of January, 2012, by Robert Jasper, the County Manager of Summit County, State of Utah.




NOTARY PUBLIC
Residing at: Wanship, Utah

My Commission Expires: 1-21-13

Quinns Junction Partnership:

Quinns Junction Partnership, by its General Manager:

By: *Michael Martin*, general manager
Michael Martin, Its General Manager

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 12th day of January, 2012, by Michael Martin, General Manager of Quinns Junction Partnership.



Joni E. Simmons
NOTARY PUBLIC
Residing at: West Jordan, Utah

My Commission Expires:

10/16/13

EXHIBIT "A"

That certain real property located in Summit County, State of Utah described as follows:

Beginning on the Easterly line of State Highway 248 at a point which is South 89°53' East along the Section line 1557.19 feet and South 00°00'00" East 1834.09 feet from an aluminum pipe monument at the Northwest corner of Section 2, Township 2 South, Range 4 East, Salt Lake Base and Meridian (from which Section corner the Glo Stone Monument at the Northeast corner of said Section 2 bears South 89°53'00" East 5320.725 feet); thence along the Easterly right-of-way line of said Highway North 22°00'40" East 1005.180 feet to a UDOT brass cap monument; thence along said right-of-way line North 34°07'00" East 544.699 feet to a UDOT brass cap monument; thence along said right-of-way line 338.834 feet along the arc of a 638.500 foot radius curve to the right (chord bears North 49°20'26" East 334.872 feet) to a UDOT brass cap monument; thence North 64°25'25" East 14.394 feet to a UDOT brass cap monument; thence along the Westerly right-of-way line of the new U.S. Highway 40 South 25°33'14" East 223.713 feet to a UDOT brass cap monument; thence along said Westerly right-of-way line 535.196 feet along the arc of a 2664.790 foot radius curve to the right (chord bears South 19°45'25" East 534.297 feet) to a UDOT brass cap monument; thence along said right-of-way line South 23°49'09" East 243.421 feet to a UDOT brass cap monument; thence along said right-of-way line South 7°02'43" East 58.383 feet to a rebar with aluminum cap at a point that is South 89°53' East along the Section line 800.00 feet and South 25°20'00" West 1336.802 feet from the PK nail marking the location of the North Quarter corner of said Section 2; thence South 25°20'00" West 568.966 feet to a rebar with aluminum cap on the North-South Quarter-Section line of said Section 2; thence along said Quarter-Section line South 0°30'48" West 109.935 feet to a rebar with aluminum cap at a point that is South 0°30'48" West 1834.13 feet from said North Quarter corner of Section 2; thence North 89°53'00" West 1087.396 feet to a rebar with aluminum cap at the point of beginning.

EXHIBIT C

ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT (the "Agreement") is entered into as of this 17th day of January, 2012, by and among QUINNS JUNCTION PARTNERSHIP (Michael Martin, General Partner), the sole owner of certain undeveloped real property in the Snyderville Basin, including all legal claims belonging to Ralph Merrill (the "QJP"), and PARK CITY MUNICIPAL CORPORATION, a political subdivision of the State of Utah, by and through its City Manager (the "Park City").

RECITALS:

A. QJP is the owner of approximately 29 acres of land and appurtenant real property rights, located on the southwest corner of Quinn's Junction, which is at the intersection of U.S. 40 and S/R 248 in the Snyderville Basin, Summit County, Utah (the "Property"). QJP desires to build a mixed use development on the Property consisting of a Motion Picture Studio and Media Campus, ancillary and support commercial and lodging (the "Film Studio").

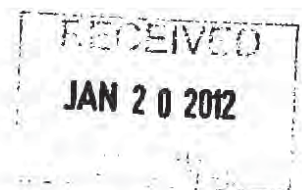
B. QJP has asserted claims and commenced litigation against Summit County ("the County") in two separate lawsuits and other administrative actions that are currently pending in State and Federal Courts. QJP anticipates consolidating the cases and adding the Park City as a defendant to the litigation.

C. As a result of this litigation several disputes have arisen between the Park City, the County and QJP.

D. The parties desire to settle all claims, actions, and litigation between them (the "Litigation").

E. This Agreement is part of that certain *Settlement Agreement For Film And Media Campus* (the "Settlement Agreement") which is expected to be entered into by and between the County and QJP. This Agreement and the Settlement Agreement collectively implement the agreed upon conditions for settlement of the Litigation.

F. This Agreement provides that QJP shall attempt in good faith to annex into Park City. In the event of a rejection of the annexation petition, QJP will be vested with certain development rights within unincorporated Summit County as defined in the County Settlement Agreement.



PARK CITY AND QJP HEREBY AGREE AS FOLLOWS:

ARTICLE I

Property

1.1 Legal Description of Property. The legal description of the Property included with the Film Studio is attached to the County Settlement Agreement as Exhibit A, which is incorporated into this Agreement by this reference. No other property may be added to the legal description of the Film Studio for purposes of this Agreement, except by written amendment. Except as expressly set forth in this Agreement, this Agreement shall not affect any land other than the Property.

1.2 General Description of Film Studio. The Film Studio covered by this Agreement consists of approximately 29 acres of land located generally nearby and on the southwest corner of U.S. 40 and S.R. 248 in Summit County, Utah.

1.3 Vested Development Right. As a compromise of claims and in settlement of the Litigation, Park City hereby recognizes that the Property has a vested development right to the commercial uses, densities, and configuration as part of a Motion Picture Studio and Media Campus as stated in the County Settlement Agreement.

ARTICLE II

Annexation to Park City

2.1 Annexation Declaration Area. Utah law favors that development take place within the boundaries of cities and towns where land is located in a city's annexation declaration area. The Property is within the Park City Annexation Declaration Area.

2.2 Petition. Park City shall expedite its review process to decide whether to annex the Property or not within 90 days of acceptance of the petition. The petition shall include the most recent traffic study and the most recent Environmental report on the QJP property.

2.3 Decision on Petition. Park City shall use all reasonable efforts to either approve or reject the QJP Annexation Petition within ninety (90) days. If reasonable circumstances require additional time (such as QJP failure to provide legally required information, third party protest, or state or local mandated notice provisions), both parties shall continue to cooperate to expedite the review and QJP shall provide at least 14 days written notice after the expiration of 90 days of its intent to withdraw the petition unless the City Council votes to annex. QJP agrees it will not withdraw the petition prior to the City Council rendering a final decision/vote or the expiration of the above time periods, whichever occurs first.

2.4 Zoning. The annexation petition will propose Regional Commercial Overlay- CT (Community Transition) zoning for the Property, which Park City will adopt

concurrently if the annexation is approved to enable the Master Plan discussed in Section 2.5.

2.5 Master Plan. The intent of the parties is to include such Master Plan components in a development agreement to be approved by the City Council concurrently with the annexation of the Property. The City Council shall receive the recommendation of the Planning Commission regarding the annexation, zoning and Master Planned Development ("MPD"). Due to the pre-existing vesting in the County and the terms of the County Settlement Agreement, QJP shall be exempt from any conflicting Park City Land Management Code provisions as expressly stated in the MPD. The following shall form the basis of the final MPD:

- a. Total Development Activity shall be limited to a Gross Commercial Floor Area of 374,000 square feet. Gross Commercial Floor Area shall include all enclosed areas of a building but shall not include roads, parking lots, or parking structures. Unenclosed porches, balconies, patios and decks, vent shafts, courts and one atrium subject to the restrictions below are not calculated in Gross Commercial Floor Area. As part of the MPD Site Plan in subsection (b), QJP may propose an enclosed atrium which primarily serves as a pedestrian connection between two building pads but which may also be used for studio film/set work provided such atrium is not a stand-alone studio/building and may not be converted to habitable space, is in an area screened from SR 248, and is approved as part of the Annexation, such approval not to be unreasonably withheld.
- b. The Site Plan and berming shall materially be the same as Site Plan included as Attachment A, unless modified by the City Council and accepted by QJP. Final design approval shall be an administrative conditional use permit reviewed by the Planning Department in compliance with LMC Chapter 5 and the Architectural Standards attached as Attachment B. This Annexation Agreement shall govern in the event of any conflict with Attachment B. Green Building design and construction shall meet minimum shadow LEED standards. All signage must comply with generally applicable Park City codes and no icon, water tower, or highway billboard is permitted.
- c. No open space, setbacks or affordable housing requirements may be imposed. QJP shall post City affordable housing information in a work place accessible to all its employees.
- d. Uses, including the amphitheater, shall be of the type as shown on Attachment C and/or consistent with the Film Studio and Campus concept and the gross square footage of those uses shall not exceed the limitation of paragraph 2.5 a. above. The hotel shall limited to 100 rooms and keys. The amphitheater stage may not be oriented toward City open space and shall be reviewed for compliance with Attachment B.
- e. Maximum building height 50 feet for sound stages, or a maximum height not to exceed 60 feet in Pad 7 of Attachment A in the event a major, long-term film production contract necessitates the full studio height. Non- Sound Stage Buildings:

- No more than 70% of the remaining buildings on the campus are between 36 - 40 feet in height.
 - Remaining building(s) on the campus are not greater than 28 feet in height (the CT Zone height limit).
 - No building shall be greater than 28 feet in height unless located more than 150 feet from the centerline of a public roadway.
 - Smaller buildings are massed and/or placed strategically to break up the volumes of the Sound Stage Buildings. This "stepping" will mitigate the appearance of the vertical façade of the taller buildings.
- f. Park City acknowledges that the Movie Studio portion of the campus shall have perimeter and entry security controls. Otherwise, internal circulation and trails shall otherwise comply with generally required MPD requirements.
 - g. The City shall request state funding for structured/underground parking and QJP shall support the City's request including the use of lobbyists to coordinate such joint request for the 2012 legislative session. Mitigation of the visual impacts of the parking and its relation to public transit planned for the project are acknowledged to be a material element of this settlement. Both parties must agree in advance on any legislative strategy regarding film studios in Park City or in the County or associated parking as stated above.
 - h. QJP shall pay all normal and legally imposed fees associated with planning review, permits and subsequent Development Activity, and all generally applicable impact fees, levies and taxes, all of which shall be nonrefundable unless otherwise provided by Park City ordinance. Park City acknowledges prior receipt of the annexation fee and no additional annexation fee is required.
 - i. QJP is responsible for coordinating water and utility service, which may include a third party provider, in compliance with applicable standards prior to annexation approval.
 - j. As a result of QJP's rights vesting as a result of County applications prior to the Quinns Junction Area Study (the "QJAS"), Park City hereby finds the terms of this Agreement exempt from the findings of the QJAS.

2.6 Non-compete and Sundance Sponsorship. QJP shall encourage the owner/operator of the Film Studio (currently anticipated to be Raleigh Studios) to consult with and enter into such sponsorship and use agreement with the Sundance Institute regarding the 2012 Sundance Film Festival (and thereafter so long as the studio is operational). Any agreements reached between Raleigh and Sundance shall be confidential but shall be provided to Park City prior to the approval of annexation of the property. QJP shall create covenants and restrictions (CCRs) applicable to the entire Property, including the Film Studio and all commercial owners and tenants, which prohibit commercial uses of any facility within the MPD which directly ambushes the Sundance Film Festival. Nothing herein shall prevent independent negotiations and agreements between the film studio operator and Park City or any Park City Master Festival License (MFL) holder. If such agreements are reached either prior to or subsequent annexation of the property, QJP shall incorporate such provisions into the CCRS so as to apply to all commercial tenants or owners. Direct ambush commercial

uses shall be defined to include but not be limited to event rental or subleasing during the dates of the Sundance Film Festival for the purposes of commercial business activity, marketing or promotional gifting not approved by Sundance which directly and materially competes with existing, official Sundance sponsorship. In the event annexation is not approved, this paragraph 2.6 shall apply to the vested development rights as defined in the County Settlement Agreement.

ARTICLE III

Release

3. Mutual Releases. At the time of, and contingent upon approval or rejection of the completed annexation, and excepting the parties' respective rights and obligations under this Agreement, QJP, on behalf of itself and QJP's partners, officers, directors, employees, agents, attorneys and consultants, hereby releases Park City, council members, officials, employees, agents, attorneys and consultants, and Park City, on behalf of itself and Park City's board members, officials, employees, agents, attorneys and consultants, hereby releases QJP and QJP's partners, officers, directors, employees, agents, attorneys and consultants, from and against any and all claims, demands, liabilities, costs, expenses of whatever nature, whether known or unknown, and whether liquidated or contingent, arising on or before the date of this Annexation Agreement in connection with the Property or the application for annexation, processing or approval of applications relating to annexation of the Property or the Film Studio, to include any past claims for vested development rights, not including those recognized by Summit County, that are not provided for in this Agreement and any claims or potential claims arising out those lawsuits styled Merrill v. Summit County, Case No. 2:08-cv-723 pending in the U.S. District Court in and for the State of Utah, Central Division, and Merrill v. Summit County, Case No. 050500052 pending in the Third District Court, Summit County, Utah. Nothing herein shall alter or effect the terms and conditions of the Settlement agreement or subsequent agreements if annexation fails as provided herein between QJP and Summit County.

ARTICLE IV

General Terms and Conditions.

4.1 Agreements to Run with the Land. This Annexation Agreement and its accompanying Exhibits shall be recorded against the Property described in Exhibit A to the County Settlement Agreement. The agreements contained herein shall be deemed to run with the land and shall be binding on and shall inure to the benefit of all successors in ownership of the Property. As used herein, QJP shall include the parties signing this Agreement and all successor owners of any part of the Property.

4.2 State and Federal Law. The parties agree, intend and understand that the obligations imposed by this Agreement are only such as are consistent with state and federal law. The parties further agree that if any provision of this Agreement becomes, in its performance, inconsistent with state or federal law or is declared invalid, this Agreement shall be deemed amended to the extent necessary to make it consistent with

state or federal law, as the case may be, and the balance of the Agreement shall remain in full force and effect.

4.3 Entire Agreement. This Agreement constitutes the entire agreement between the parties and supersedes all prior agreements, whether oral or written, covering the same subject matter. This Agreement may not be modified or amended except in writing mutually agreed to and accepted by both parties to this Agreement.

4.4 Applicable Law. This Agreement is entered into under and pursuant to, and is to be construed and enforceable in accordance with, the laws of the State of Utah.

4.5 Rights of Third Parties. This Agreement is not intended to affect or create any additional rights or obligations on the part of third parties.

4.6 Execution of Agreement. This Agreement may be executed in multiple parts as originals or by facsimile copies of executed originals; provided, however, if executed and evidence of execution is made by facsimile copy, then an original shall be provided to the other party within seven (7) days of receipt of said facsimile copy.

4.7 City Council Approval. This Agreement is subject to the legislative approval of the City Council at an appropriately noticed open and public meeting.

4.8 Notices. Notices pursuant to this Agreement shall be deemed to have been properly given when deposited, postage prepaid, with the U.S. Postal Service, addressed to the parties as follows:

Quinns Junction Partnership
Attn: Greg S. Ericksen
Law Offices of Greg S. Ericksen
1065 South 500 West
Bountiful, UT 84010

With copies to:

Scott M. Lilja
VanCott Bagley Cornwall & McCarthy
36 South State Street, Suite 1900
Salt Lake City, UT 84111

Park City Municipal Corporation
Attention: City Attorney
P. O. Box 1480
Park City, Utah 84060
Tel.: (435) 615-5025
Fax: (435) 615-4901

- 4.9 Legislative Decision. The parties acknowledge that the decision to annex is purely a legislative decision by the City Council and nothing herein shall limit the City Council's discretion or power to make that legislative decision. While certain staff members of Park City have provided preliminary input to Quinn's and interested purchasers of the Property, and staff will continue to do so, such input is merely advisory as the final authority and decision to annex rests solely with the legislative body of Park City. Nothing herein shall limit the Park City's ability to annex the Property so long as an annexation petition is in conformance with U.C.A, § 10-2-403, and all other applicable requirements of Park City ordinances, the Park City General Plan, and Title 10, Chapter 2, Part 4 of the Utah Code.
- 4.10 This Agreement is contingent on QJP and Summit County entering into the *Settlement Agreement for Film and Media Campus* referred to in Recital E. above. In the event that *Settlement Agreement* is not entered into within 10 days from the date of this Agreement, this Agreement is null and void.
- 4.11 In the event Park City does not annex the property into the City jurisdiction in good faith as provided in this agreement, the parties hereby agree that QJP may apply to Summit County for development without protest ("protest" does not include public comment on final site planning and aesthetic design) from Park City provided that the application is consistent with the County Settlement Agreement. Nothing herein shall prevent Park City from public hearing participation or submitting comments on Settlement Agreement amendments or any subsequent development plan amendments.

DATED this 17th day of January, 2012.

QUINN'S JUNCTION PARTNERSHIP

By:  General Partner
Q.J.P.

PARK CITY MUNICIPAL CORPORATION

By: TL [Signature]
Thomas Bakaly, City Manager

Attest:

Sharon C. Bauman
City Recorder's Office

Approved as to Form:

[Signature]
City Attorney's Office



LEGAL DESCRIPTION
EXHIBIT A

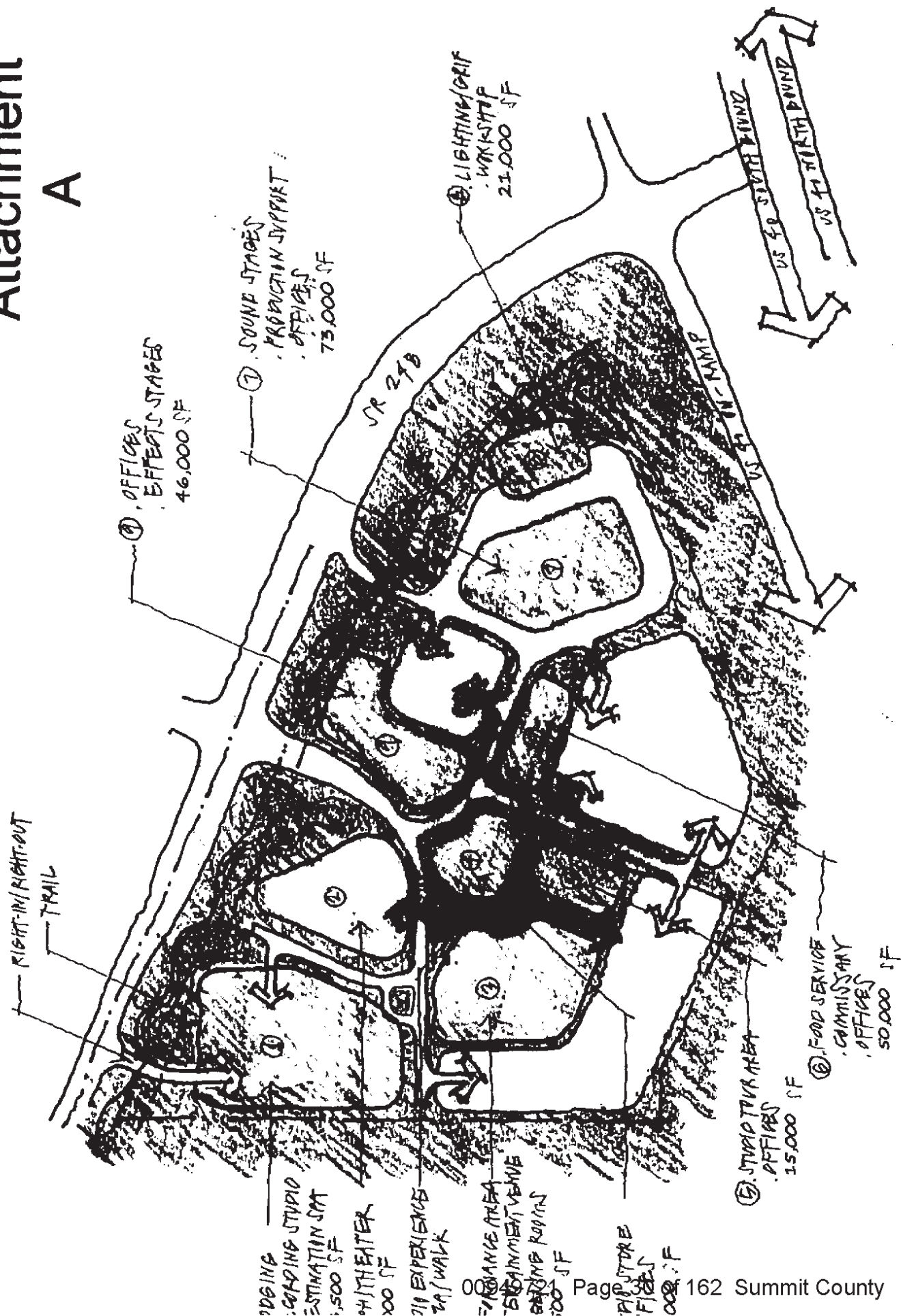
Order No. 161891

The land referred to in this exhibit is situated in the county of Summit State of Utah, and is described as follows:

Beginning on the Easterly line of State Highway 248 at a point which is South 89°53' East along the Section line 1557.19 feet and South 00°00'00" East 1834.09 feet from an aluminum pipe monument at the Northwest corner of Section 2, Township 2 South, Range 4 East, Salt Lake Base and Meridian (from which Section corner the Glo Stone Monument at the Northeast corner of said Section 2 bears South 89°53'00" East 5320.725 feet), thence along the Easterly right of way line of said Highway North 22°00'40" East 1005.180 feet to a UDOT brass cap monument, thence along said right of way line North 34°07'00" East 544.699 feet to a UDOT brass cap monument, thence along said right of way line 338.834 feet along the arc of a 638.500 foot radius curve to the right (chord bears North 49°20'26" East 334.872 feet) to a UDOT brass cap monument, thence North 64°25'25" East 14.394 feet to a UDOT brass cap monument, thence along the Westerly right of way line of the new U.S. Highway 40 South 25°33'14" East 223.713 feet to a UDOT brass cap monument, thence along said Westerly right of way line 535.196 feet along the arc of a 2664.790 foot radius curve to the right (chord bears South 19°45'25" East 534.297 feet) to a UDOT brass cap monument, thence along said right of way line South 23°49'09" East 243.421 feet to a UDOT brass cap monument, thence along said right of way line South 7°02'43" East 58.383 feet to a rebar with aluminum cap at a point that is South 89°53' East along the Section line 800.00 feet and South 25°20'00" West 1336.802 feet from the PK nail marking the location of the North Quarter corner of said Section 2, thence South 25°20'00" West 568.966 feet to a rebar with aluminum cap on the North-South Quarter Section line of said Section 2, thence along said Quarter Section line South 0°30'48" West 109.935 feet to a rebar with aluminum cap at a point that is South 0°30'48" West 1834.13 feet from said North Quarter corner of Section 2, thence North 89°53'00" West 1087.396 feet to a rebar with aluminum cap at the point of beginning.

Tax ID No: SS-91-A

Attachment A



Attachment B

Architectural Design Guidelines

The purpose of the architectural design guidelines is to provide direction for development of the vertical elements of the Film Studio Campus in order to achieve a built environment that is in harmony with the natural setting, existing structures where appropriate, and provides a comfortable, distinctive, and stimulating environment. The buildings currently located west of the US 40 and SR 248 Interchange and also located in the Park City Municipal limits were developed as a gathering of buildings to support sport, recreation and health.

In the design process, the existing buildings were reviewed by the Park City Planning Staff and Planning Commission. As such, the building designs capture the essence of the mountain setting while at the same time honoring the architecture of the era. Varying examples of this style can be found in the IHC Hospital, Summit County Public Health Center and Park City Ice Arena.

The goal of these design guidelines is to synthesize the proposed Film Studio Campus design into an architectural expression that connects to the surrounding structures and respects the importance of the Park City entry corridor.



November 16, 2011

ADG1

General Guidelines

- Each new building should have a distinct architectural concept that is consistent in theme but rich in subtle variation.
- Buildings should be designed to provide a clear, unified, and easily identifiable image. Methods to achieve this include using similar architectural styles and materials, complementary roof forms, signs, colors, and pavement.
- All buildings should relate visually to one another and be compatible with adjacent buildings.
- Encouraged architectural and landscape design qualities and elements for the Film Studio Campus buildings are:
 - Using buildings to screen parking areas, service areas and storage areas;
 - Providing building modulation, entry accentuation and rich architectural details;
 - Incorporation of water conservation site design;
 - Use of shielded exterior lighting, protecting the night sky and creating path illumination; and
 - Natural landscaping to soften building exteriors and buffer between uses.
 - Green Building design and construction to meet minimum LEED Silver Standards.

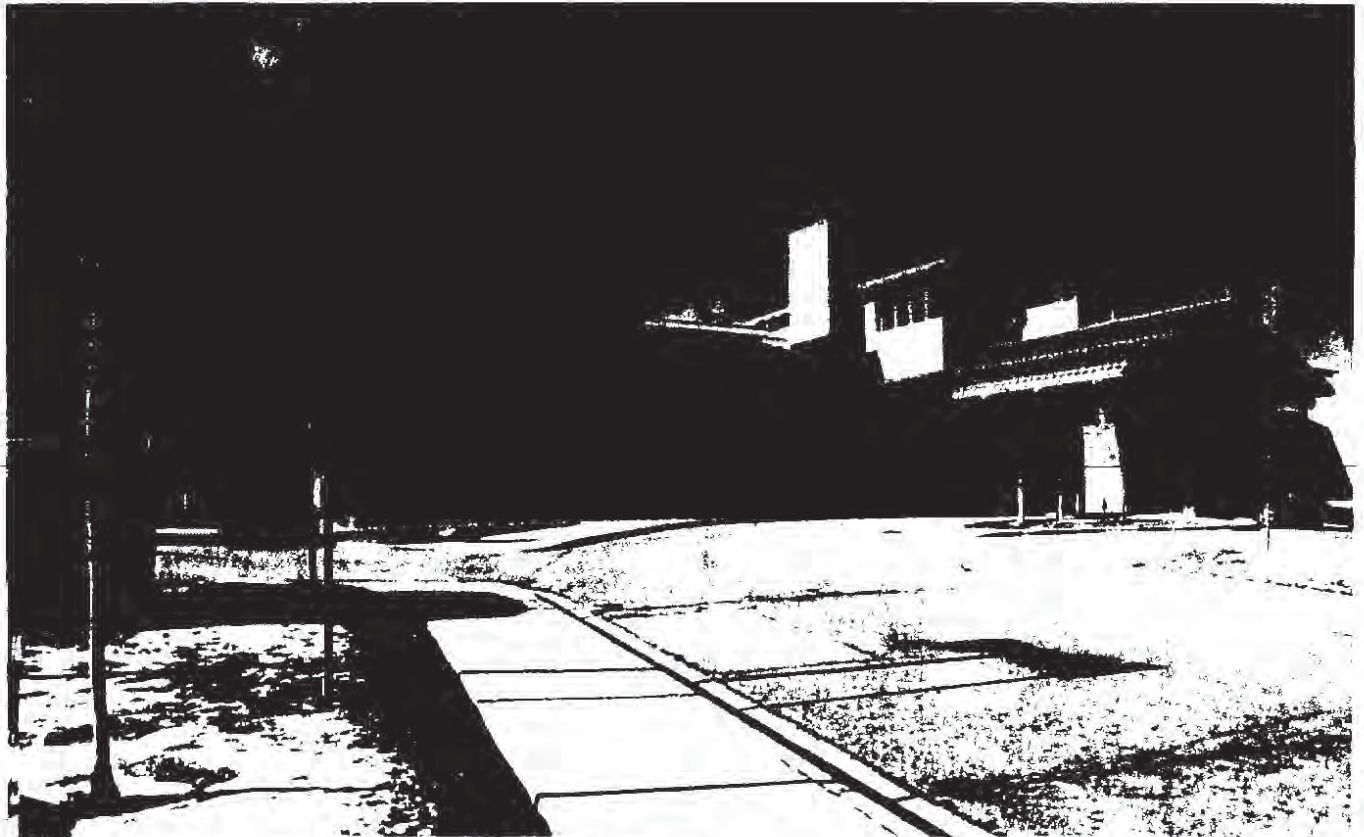


View of three compatible buildings showing natural landscaping as a buffer between uses.

ADG2

Height and Mass

- The height and mass of the Film Studio Campus buildings should consider the visual and physical relationship to adjacent uses. A structure that dominates its environment by its relative size is strongly discouraged.
- The mass of a larger building should be broken down into a group of buildings clustered into traditional building compounds or a campus setting to create a sense of community.
- Building design should employ clean, simple, geometric forms and coordinated massing to produce overall unity, scale, and interest.
- Varying building heights, massing, roof forms and setbacks to define different functions such as offices, residential, hotel, studio and other uses is encouraged.
- Buildings should relate to the terrain and each other in their massing and forms. Larger masses should be located at the centers of building compositions, with smaller forms stepping outwards and down.

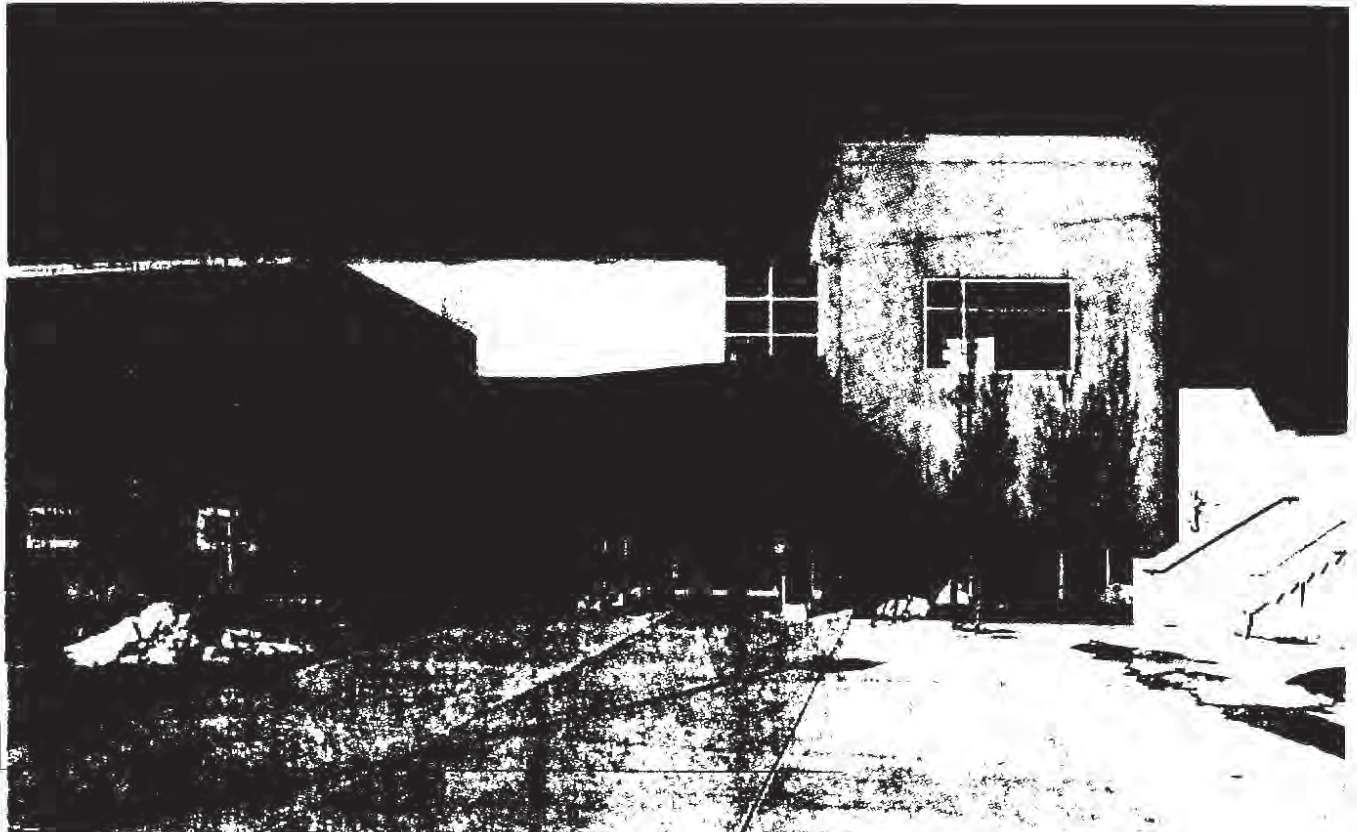


IHC Hospital showing variation in building mass and roof form.

ADG3

Building Design

- Variety in building forms should be employed to create visual character and interest.
- Facades with a high level of visual interest from both vehicular and pedestrian viewpoints are encouraged. The exterior character of all buildings should enhance pedestrian activity in their immediate vicinities.
- Long building facades should be broken up with architectural details. Facades with varied setbacks are encouraged to provide visual interest.
- Rear and side wall elevations should provide building offsets and architectural details similar to the front facade.
- Entrances to individual buildings should be readily identifiable to visitors through the use of recesses or pop-outs, roof elements, columns, or other architectural elements.



Park City Ice Arena showing a variety of form and identifiable entry.

Roofs

- Roofs should be integral to the architectural theme of the Film Studio Campus buildings and contribute to the visual continuity. Rooflines of buildings should include variations to avoid long, continuous planes.
- Rooftops should be considered as design elements from various viewpoints: at ground level, from other buildings, and from adjacent perimeter roadways. Mixing roof forms on buildings creates variety in the "roofscape." Roofs should also be interesting when seen from above from upper levels of the mountain terrain.
- Rooftop equipment should be screened from view on all four sides by architectural features integrated with the design of the building.
- Roof design shall allow solar panels to be integrated into the roof design. Building orientation and shading design should minimize solar gain and maximize daylight harvesting.



Summit County Public Health Center showing a roof as a design element.

Materials and Color

- Materials should be chosen to withstand abuse or accidental damage by machinery. False facades and other simulated materials and ornamentation are not allowed.
- Clear or lightly tinted low-e glass (glazing) should be used, particularly at pedestrian levels where transparency between indoor and outdoor spaces is desirable.
- The use of various siding materials (i.e. masonry, concrete, metal, or wood siding to produce effects of texture and relief that provide architectural interest) is required.
- The use of compatible colors in a single facade or composition is required. Compatible colors add interest and variety while reducing building scale and breaking up plain walls.
- A color palette should be used on the Film Studio Campus buildings to help reduce their perceived size. Contrasting design elements and material colors that help break up the vertical monotony of large walls is necessary.



Example of Material Palette.

ADG6

Attachment C

FILM AND TELEVISION/RECORDING STUDIO -PARK CITY

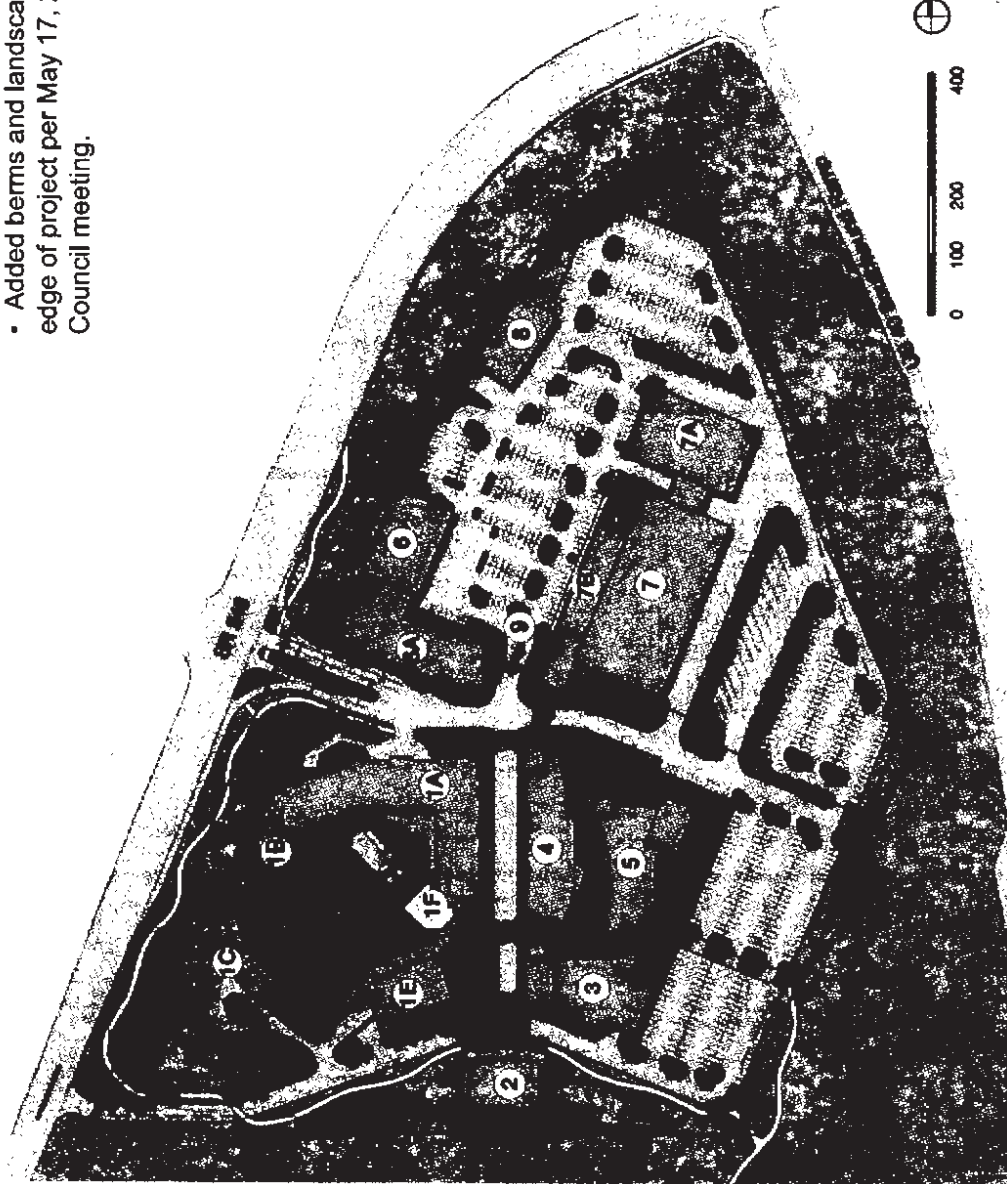
	Square Footage	Bldg Number	Bldg Total SF
STUDIO LODGING	85,000	1	
RECORDING STUDIO	2,500	1	
DESTINATION SPA	6,000	1	93,500
AMPITHEATER	6,000	2	6,000
SPECIAL EVENT STAGE	15,000	3	
SCREENING ROOMS	14,000	3	
ENTERTAINMENT VENUE	3,000	3	
PERFORMANCE AREAS/ OTHER VILLAGE VENUES	17,500	3	49,500
STUDIO STORE/ OTHER VILLAGE VENUES/OFFICES	20,000	4	20,000
STUDIO TOUR AREAS	6,000	5	
OFFICES/ OTHER VILLAGE VENUES	9,000	5	15,000
FOOD SERVICES COMMISSARY/ OFFICES ANCHOR TENANT	50,000	6	50,000
SOUNDSTAGES	48,000	7	
PRODUCTION SUPPORT/OFFICES	25,000	7	73,000
LIGHTING & GRIP WORKSHOP/EQUIPMENT STORAGE	10,500 10,500	8 8	21,000
EFFECTS STAGE/ OFFICES	46,000	9	46,000
TOTAL SF			374,000

Raleigh Studios – Conceptual Site Plan

- Added berms and landscaping to south edge of project per May 17, 2012 City Council meeting.

Building Legend

1A	Hotel Lodging
1B	Recording Studio
1C	Stage Venue
1D	Residence - omitted
1E	Grand Ball Room
1F	Atrium
2	Screening Rooms/Theater
3	Entertainment Venue
4	Mixed Use
5	Mixed Use
6	Sound Effects Stage
6A	Office, Effects Stage
7	Sound Stages
7A	Workshop
7B	Production Support/Offices
8	Workshop Office
9	Guard House



Raleigh Studios
Park City, UT

Conceptual Site Plan
May 24, 2012



EXHIBIT D

subject to all City levies and assessments as described in the terms of said Development Agreement.

The Property shall be subject to all City laws, rules and regulations upon the effective date of this Ordinance.

SECTION 2. ANNEXATION DEVELOPMENT AGREEMENT. Council hereby authorizes the Mayor to execute the Development Agreement in substantially the same form as is attached hereto as "Exhibit G" and as approved by the City Attorney.

SECTION 3. COMPLIANCE WITH STATE LAW, GENERAL PLAN, AND ANNEXATION POLICY PLAN. This annexation meets the standards for annexation set forth in Title 10, Chapter 2 of the Utah Code, the Park City General Plan, and The Annexation Policy Plan - Land Management Code Chapter 8, Annexation. The CT zoning designation with Regional Commercial Overlay (RCO) is consistent with the Annexation Agreement approved by the City Council and executed on January 17, 2012.

SECTION 4. OFFICIAL PARK CITY ZONING MAP AMENDMENT. The Official Park City Zoning Map is hereby amended to include said Property in the CT zoning district, with an RCO overlay as shown in "Exhibit E".

SECTION 5. FINDINGS OF FACT, CONCLUSIONS OF LAW, AND CONDITIONS OF APPROVAL.

Findings of Fact

1. The property is subject to the January 17, 2012 Annexation Agreement between Park City and Quinn's Junction Partnership that sets forth certain requirements and waivers for the MPD development. These waivers are due to pre-existing vesting in Summit County and the terms of the January 18, 2012 County Settlement Agreement.
2. Land Uses proposed in the MPD Plans include a 100 room/key hotel and associated lodging uses, a film studio campus with sound stages, and associated uses, including support commercial, recording studio, outdoor stage amphitheater, enclosed atrium area between the hotel and ballroom/meeting space, screening rooms and theater, related mixed use office/retail/entertainment, sound stages, film school and related educational uses, associated offices, workshops, and production support and offices. The Gross Floor Area allowed per the Annexation Agreement is 374,000 square feet. Exceptions to the Floor Area, including porches, balconies, patios and decks, vent shafts, courts, and one atrium subject to further restrictions, are spelled out in the Annexation Agreement.
3. Proposed uses as identified in the MPD Plans (Exhibit F) are consistent with the January 17, 2012 Annexation Agreement.

4. The City Council as the final approving body of the MPD has decreased the number of Off-Street Parking Spaces within MPDs based upon a parking analysis and recommendation from the Planning Department per Section 15-6-5 (E).
5. The City Council hereby incorporates the staff reports dated March 14th, March 28th, April 11th, April 25th, May 17th and May 24th, 2012 as part of the record of decision.

Conclusions of Law

1. Due to the unique circumstances of the terms and conditions of the County Settlement Agreement, the Annexation and Zoning Map amendment are consistent with the Annexation Agreement (Exhibit D), the City's Annexation Policy Plan, Quinn's Junction Study Area, the required findings and conclusions of LMC 15-6-6, and the Park City General Plan (2005).
2. Approval of the Annexation and Zoning Map amendment does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The Official Zoning Map shall be amended to designate the Quinn's Junction Partnership Annexation property with Community Transition (CT) zoning, with a Regional Commercial Overlay (RCO) limited to the commercial uses provided in the Annexation Agreement dated January 17, 2012 and the MPD concurrently approved herein. To the extent there is any conflict between the MPD and the Annexation Agreement, the terms of the MPD shall govern.
2. The attached Exhibits, including the Development Agreement for the Quinn's Junction Annexation and the Annexation Agreement, shall be fully executed and recorded at Summit County, along with the Annexation Plat.
3. The Master Planned Development Plans hereby approved and all final design, Administrative CUP and building permits shall comply with the Annexation Agreement and all applicable Land Management Code "LMC" provisions that are not contrary to said Annexation Agreement.
4. The required Administrative Conditional Use permit application for final design shall be reviewed for consistency with the Annexation Agreement and the MPD Plans package, these conditions of approval including site design, building massing and height, setbacks, architectural design and vernacular, materials, colors, landscaping, lighting, fencing, grading, berming, trails, circulation for buses and emergency vehicles, parking and phasing, etc. and conditions of the Annexation Development Agreement. Rendered elevations, material and color samples, shall be provided for Planning Department review prior to approval of the Administrative Conditional Use permit. Maximum building height of Building 8 (formerly Pad 7) is limited to 50 feet or maximum height not to exceed 60 feet in the event a major, long term film production contract necessitates the full studio height in compliance with Paragraph 2.5(e) of the Annexation Agreement. Final Architectural Review pursuant to 15-2.23-6 shall be

concurrent with the Administrative CUP. Commissioner Jack Thomas shall participate in the Administrative CUP as a liaison for purpose of further input on final design and architectural elements. Final building footprints shall substantially conform to the MPD Site Plan approved by the City Council. Minor variations in building size and articulation will be considered by the Planning Director at the time of review of the Administrative CUP, provided that there is no increase in the total Gross Floor Area for each of the four main areas, namely: 1) the hotel, 2) office/sound stage support, 3) sound stage, and 4) retail/support. Final building footprints shall be located within the identified building pads.

5. A preliminary landscape plan, provided by a licensed landscape architect, and including landscape site design and materials consistent with those identified in the Annexation Agreement and as further specified in the MPD Plan package is required to be submitted with the Administrative Conditional Use permit application. The landscape plan shall identify grading, heights, and undulation of the perimeter berming to soften the view of the commercial structures. The landscape plan shall include a planting plan and an irrigation plan. Ground cover for green roofs shall also be included in the landscape plan. Perimeter landscaping should be of a substantial size and shall be reviewed and approved by the City Arborist and Landscape Architect. The landscape plan shall indicate how the landscaping will be phased and shall indicate perimeter plantings to be installed prior to vertical construction to provide screening of construction work. Temporary irrigation will be required to ensure these plantings survive. Final landscape plans, consistent with the preliminary landscape plan submitted with the Administrative CUP, shall be submitted and must be approved by the City with the building permit plan sets.
6. Parking lot and all other exterior lighting shall meet requirements of the LMC with additional restrictions on the overall wattage, automatic timers, and lighting designed in zones and shall comply with best lighting practices as recommended by the Dark Skies organization. A lighting plan, provided by a qualified lighting professional, shall be submitted with the Administrative Conditional Use permit application. The plan shall include a requirement to shut off lighting in parking areas used on an intermittent basis, particularly in the secure studio campus.
7. Security fencing on the property perimeter shall not exceed 7' in height and internal gate fencing may be 12' in height in areas limited to as shown on Exhibit F (page 42). Fencing shall not include razor wire or other details that read as "high security" fencing. Use of electronic monitoring is allowed. Fencing details shall be provided with the Administrative Conditional Use permit application and shall be consistent with the Final MPD Plan Package (Exhibit F, page 39) in terms of location, design, materials, colors, and extent. Perimeter fencing shall be phased consistent with the phased parking lot construction described in #16 below.
8. All vehicular access points to the development from SR-248 shall comply with any and all existing Corridor Preservation Agreements. Changes to

these Agreements must be approved by the Utah Department of Transportation. The City approves of the two proposed access locations as depicted on the Final MPD Plan Package (Exhibit F- page 9). The Applicant will be responsible for filing application for required access approvals with the Utah Department of Transportation. Without additional UDOT approvals, there will be a single public access to the property at the signalized intersection of Round Valley Drive and SR 248, and emergency access as approved by UDOT, and the Fire and Building departments.

9. In the event that the south secondary access point is approved, this access shall be located in such a way as to not preclude access to the adjacent City open space parcel. Necessary cross access easements shall be provided, on the subdivision plat, through the public area of the MPD to provide access to the signalized intersection for the City parcel.
10. Traffic Management Plans for special events shall be approved by the City's Special Events staff as well as by the City's Police Departments of Transportation and Public Safety. All necessary special event permits and conditional use permits shall be obtained prior to commencing the Special Event or Master Festival. No overcrowding permits may be granted by the Building Department. The Applicant agrees to City use of surplus parking, said "surplus" amount and availability determined by the Applicant, for City-approved special events, primarily for overflow parking for the Park City Sports Complex (ice, fields and hosted trail races). Provided such use is consistent with deed restrictions, the City will provide reciprocal use of surplus parking as determined by the City at the Sports Complex. Fees shall not be charged for the parking unless the host event is charging fees for the parking at other locations.
11. Outdoor activities and noise shall be limited to 7AM to 10 PM and shall not exceed the City's noise ordinance, unless otherwise allowed through a Special Event/Master Festival permit in accordance with the Municipal Code.
12. At the time of the Administrative Conditional Use permit application, the applicant shall identify the square footage of all parking areas and all hard surfaced areas. Interior and perimeter parking lot landscaping shall meet requirements of the LMC Chapter 3. Snow storage areas shall be provided in accordance with the LMC Sections 15-3-3(E) and 15-3-4.8(E).
13. At the time of the Administrative Conditional Use permit application, the applicant shall provide a detailed parking analysis to identify specific uses, square footage, employee, hours of operation, shared parking ratios, and other items that will allow the Planning Staff to calculate the parking demands as such relates to the progression of the proposed phasing plan. The parking analysis shall look at the extent to which alternative modes of travel (bus, shuttle, carpool, bike, etc.) and use of the Richardson Park and Ride can reduce the demand for parking at the site, on a day to day basis. The parking analysis shall also provide information about special events and parking demand. With reductions for shared parking as well as support uses which reduce the required parking spaces, parking spaces are hereby approved up to a maximum of 730

surface spaces, and an additional 150 spaces underground at the hotel, for a total of 880 parking spaces.

14. A phased parking plan shall be provided by the Applicant with the Administrative Conditional Use permit for approval by the Planning Department. The plan shall identify only essential paving with each phase of development, propose measures to reduce parking demand with various programs and incentives, and mitigate employee parking, particularly on the public campus and during construction. Prior to building each phase of parking, the applicant shall provide a parking analysis of existing conditions and needs, including traffic mitigation and use of the Richardson Park and Ride by full-time shift employees and mitigation of construction employee parking (such use the City hereby approves). The Planning Director must approve proceeding to construction for each phase of the parking; however such approval may not be unreasonably withheld. The final phase of parking area on Exhibit F, pg. 33 (farthest north/east lot) and any un-striped temporary parking shall contain a permeable surface area system.
15. The applicant shall pay the City \$75,000 to fulfill the proportionate share of the development's construction of public trail connections to the Park City Heights Rail Trail connector. The City shall build the trail. The applicant may install trail head amenities as shown on the MPD Plans at their expense.
16. Bike racks shall be provided for the various uses, as required by LMC Section 15-6, Master Planned Developments (hotel, mixed use, trail head area, sound stage, etc.).
17. Construction of a bus loop/bus shelter shall be provided prior to issuance of a certificate of occupancy for the hotel or mixed use buildings. The shelter shall be located at the bus drop-off located at one location of either option A, or B, as approved by the City Transit Manager. The Transit Manager may approve alternate location(s) as part of the Administrative CUP.
18. A grading plan shall be submitted with the Administrative Conditional Use permit application. Excavated materials shall remain on site to the greatest extent reasonably possible. Final grading plans, consistent with the preliminary grading plan submitted with the Administrative CUP, shall be submitted and must be approved by the City with the building permit plan sets.
19. Grading of the site, including the undulating berms and swales along SR 248 shall meet the sight distance and clear zone requirements of UDOT and be consistent with the grading proposed in the MPD Plans (with additional berm east of Building 2 adjacent to city property as reflected on revised sheets #10 and depicted on revised sheet #20, dated 5/24/12).
20. All landscaping, parking lots, driveways, roads, plazas, sidewalks, trails on the property, and other common areas shall be maintained by the property owner, or an Owner's Association, as the City will not maintain such areas.

21. Recycling centers shall be installed in the hotel, mixed use, and sound stage areas prior to issuance of a certificate of occupancy for the building.
22. The hotel shall provide shuttle service for guests within Park City and encourage guests to utilize shuttles from the airport as well as around town. The shuttle service shall be in place prior to issuance of a final certificate of occupancy for the hotel.
23. In accordance with Paragraph 2.5(h) of the Annexation Agreement, the applicant shall pay all applicable fees, including development, Building and Planning, Business licensing, and all other legally imposed fees and taxes collected by City Departments for services, utilities, etc.
24. A storm water management plan, prepared by a licensed professional, shall be submitted with the Administrative Conditional Use permit application and must meet all applicable code requirements on-site. The plan shall be consistent with best management practices for storm water management, including pre versus post run-off, water oil separators for parking facilities, and 100 year storm event detention on site. Final storm water plans, consistent with the preliminary plan submitted with the Administrative CUP, shall be submitted and must be approved by the City with the building permit plan sets.
25. Roof top mechanical equipment shall be architecturally screened from public view.
26. Trash and recycling enclosures shall be screened with landscaping, fencing, buildings, berms, etc. per the LMC.
27. LEED construction at the certified level without commissioning per the Annexation Agreement is required for the movie studios. The Applicant's architect shall score the construction and submit such to the Park City Building Department for confirmation. Based on the agreement of the anticipated manager of the complex, Raleigh Studios, Raleigh shall use best efforts to determine whether it is in their best interests to seek and obtain official LEED Construction Commissioning at the increased standard of Silver. However, at a minimum, the Hotel shall include a "Green" operational policy within industry standards and a door key activated light shut-off (or similar system) in all the rooms.
28. Areas of plazas, pedestrian walk ways, patios, etc. shall not be heat melted. Solar panels and skylights are allowed on rooftops per the LMC Chapter 5.
29. Acknowledging that the inside areas of the studio campus may be active 24/7, the applicant shall propose specific hours of operation for approval by the Planning Director as part of the Administrative CUP to mitigate traffic of employee loading and unloading. Support commercial uses, such as food service, deli, café, etc. shall be open during filming hours and office hours to mitigate vehicular trips off site for breaks and lunch. Where possible, set shift work will be scheduled in non-peak traffic times.
30. Additional Building articulation as required by LMC Chapter 5 shall be demonstrated on the final building plans prior to issuance of a building permit.

31. Permanent power shall be provided for the trailer parking area and the applicant shall use best effort to utilize solar or other renewable energy resource if technically and economically feasible.
32. A sign plan must be filed with the Administrative CUP in compliance with LMC Title 12. No icon, water tower, or billboards are allowed. Internal "plaza" areas shall be defined on the sign plan.
33. Final Subdivision approval shall contain covenants and restrictions (CCRS) in compliance with Paragraph 2.6 of the Annexation Agreement.
34. Water service is provided by Summit Water. The applicant may be required to construct an emergency connection to the City system if required by state drinking water approval or the project fails the flow and standards required by the International Fire Code (2009), specifically including Section 507, Appendix B and Table B105.1. Should City service be necessary in the future, the project may first be required to annex into the City Water District and the applicant shall pay applicable impact and user fees in effect at such time and make such dedications as required by LMC 15-8-5(C) (1-3).
35. This MPD approval and zoning approved herein are limited to the terms of the Annexation Agreement and due to the unique circumstances regarding a legal settlement of historic claims in the Summit County Settlement Agreement, such approval shall not be considered precedent for future zoning amendments or annexation petition to this or neighboring properties in the Quinn's/CT zone area. All future development applications, changes in commercial use, or rezone requests shall be processed in accordance with the General Plan, zoning and LMC in effect at the time of application. The densities approved herein shall not be considered in terms of neighborhood compatibility in the event of a rezone or CT amendment request by other properties within the CT zone.
36. As part of the required Construction Mitigation Plan, to be submitted prior to issuance of any building permits on the property, the landscape guarantee shall insure phased and adequate berming along SR248 in the event the project is not completed, and the construction guarantee bond shall take into consideration the location of this property on the entry corridor and provide for adequate landscape and site disturbance coverage for each phase of the building construction as proposed in Exhibit G of the Development Agreement to insure visual and physical impacts of any work stoppage are mitigated in the event construction is not completed on this property.
37. No wood burning devices or outdoor gas firepits/fireplaces with the exception of one fire pit (non-wood burning) and permanent BBQ appliances are allowed on the property at the hotel
38. Specific soils test pits shall be reviewed prior to building permit issuance and if environmental issues, such as contaminated soils are present, a mitigation plan shall be required prior to issuance of permits. To satisfy this condition, developer may submit prior tests and studies performed on the property.

39. The secure studio campus shall serve as a public emergency shelter if approved within the City's Emergency Plan.
40. The Planning Staff and the applicant shall complete a review of the Administrative Conditional Use Permit within one year of the first certificate of occupancy, and the staff shall provide a report of the review to the City Council.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect upon publication of this Ordinance, recordation of the Annexation Plat and Development Agreement, and compliance with state annexation filing requirements, pursuant to the Utah Code Annotated Section 10-2-425.

PASSED AND ADOPTED this 24th day of May, 2012.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

Janet M. Scott, CITY RECORDER

APPROVED AS TO FORM:

Mark D. Harrington, CITY ATTORNEY

Exhibits to the Ordinance (Exhibits not attached)

- Exhibit A- Annexation plat
- Exhibit B- Legal Description
- Exhibit C- County Settlement Agreement executed January 18, 2012
- Exhibit D- City Annexation Agreement
- Exhibit E- Zoning map amendment
- Exhibit F- Final MPD Plans packet
- Exhibit G- Annexation Development Agreement



March 7, 2017

Bruce Erickson
Planning Director
Park City Municipal Corporation
445 Marsac
P.O. Box 1480
Park City, UT 84060

PARK CITY FILM STUDIO SITE FIRE FLOW

Mr. Erickson:

We are in receipt of the letter from Dave Fuller, Assistant General Manager, Summit Water Distribution Company (SWDC), dated March 6, 2017.

Mr. Fuller has indicated in his letter that SWDC has sufficient water to serve Phase I and II of the Park City Film Studio. In the letter, Mr. Fuller states that the system has a storage capacity of 345,000-gallons for fire flow.

Based upon the information provided for the available fire flow for Phase I and II, the following conditions must be recorded as part of the Park City Fire District approval:

- All buildings in Phase I and II shall be constructed with fire sprinkler protection in accordance with NFPA 13.
- Buildings classified as Type V-B construction by the 2015 edition of the International Building Code cannot exceed 47,400 ft².
- Building 1A - Studio Lodging, must constructed of Type II-A construction as classified by the 2015 edition of the International Building Code, and the fire flow requirement for this structure cannot exceed 2,375 G.P.M.

Given the information from SWDC for the water supply system for Phase I and II of the Park City Film Studio, it seems the fire flow requirements are met and are acceptable to PCFD, provided the above conditions of approval are recorded as part of the developmental agreement and recorded on the final plat drawings.

Sincerely,

A handwritten signature in black ink that reads "Scott W. Adams".

Scott W. Adams
Assistant Fire Chief
District Fire Marshal
Park City Fire Service District

cc: Doug Rosecrans, P.E. - email



3/6/2017

Greg Ericksen
Via Email

Re: Will Serve Letter

Dear Mr. Ericksen,

This letter confirms Summit Water Distribution Company's ("SWDC") willingness to serve the Park City Film Studio Phases I and II. This water service is in accordance with commitments being made in the project's development agreement, which is to be executed by the developer as a condition precedent to water delivery.

SWDC has water sufficient to serve the estimated water requirements of the proposed development at the Park City Film Studio Phases I and II. In addition, SWDC has existing infrastructure tied to the project with sufficient capacity and adequate reservoir storage available to serve the project. As requested, below are the calculated fireflow requirements for the project.

IFC – Table B105.1(2)

Construction Type: II-B - Square Footage: 70,601—77,000 square feet - Fire Flow: 5,750 GPM

Fire Sprinkler Reduction – 50%

Adjusted Fire Flow – 2,875 GPM

Duration – 120 minutes

Total Fire Flow Storage - 2,875 GPM x 120 minutes = 345,000 Gallons

Listed below are the capacity calculations for the SWDC Section 27 Highway 40 water system.

Peak Daily Demand - 214 gpm Maximum Fire Flow Required - 2,875 gpm for 2 hours (Phase 1 Film Studio) Total Flow = 3,089 gpm

16-inch pipeline capacity at 10 feet per second velocity = 6,200 gpm 75% of total capacity = 4,650 gpm.

Available flow capacity beyond Film Studio = 1,561 gpm.

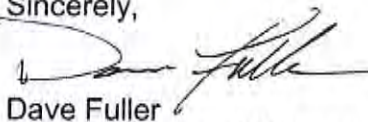
Storage committed = 492,726 gallons

- 69,548 gallons for indoor use
- 78,178 gallons for outdoor use
- 345,000 gallons fire storage

Section 27 - SWDC - 75% = 562,500
 Available volume = 69,774 gallons

Note that capacities to serve both phases of the Park City Film Studio are sufficient.
 If we can be of additional help concerning this project, please feel free to contact us at any time.

Sincerely,



Dave Fuller
 Assistant General Manager
 Summit Water Distribution Company



WEBER BASIN WATER CONSERVANCY DISTRICT

2837 East Highway 193 • Layton, Utah 84040 • Phone (801) 771-1677 • (SLC) 359-4494 • Fax (801) 544-0103

March 15, 2017

Tage I. Flint
General Manager/CEO

Andy Garland, General Manager
Summit Water Distribution Company
8506 Bluebird Lane
Park City, UT 84098

Board of Trustees:

Kyle R. Stephens
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Kym O. Buttschardt
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Marlin K. Jensen
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John Petroff Jr.
Davis County

Paul C. Summers
Davis County

Dave Ure
Summit County

Dee Alan Waldron
Morgan County

RE: Highway 40 System Capacity

Dear Mr. Garland: *Andy*

At our joint meeting on February 22, 2017, Weber Basin Water Conservancy District (WBWCD) was asked to write a clarification letter regarding Summit Water Distribution Company's (SWDC) use of the Highway 40 system capacity, as understood in the Western Summit County Project Master Agreement (Master Agreement) and subsequent Purchase Agreement. Below is the requested clarification.

On June 26, 2013, WBWCD purchased from SWDC the right to use up to fifty percent (50%) of the capacity in the Highway 40 system (as that term is defined in the Master Agreement) from the East Canyon Water Treatment Plant on the north to Quinn's Junction on the south, together with and including all storage facilities, pipelines, pump stations, and other infrastructure and appurtenances. This 50% capacity (the "WBWCD Capacity") was to be used by WBWCD to deliver water to its wholesale customers, Park City, SWDC, and Mountain Regional Water Special Service District (MRWSSD). Based on water sales contracts with WBWCD, these wholesale customers could also use a portion of the WBWCD Capacity to deliver this contract water to their retail customers. The limits of this proportional use of the WBWCD Capacity by each party was defined in Exhibit J of the Master Agreement. SWDC retained the right to use the other 50% of the capacity of the Highway 40 system.

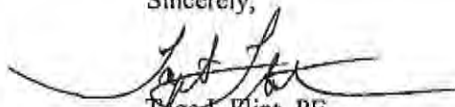
To date, based on the water sales contracts between WBWCD and SWDC (currently for 800 AF/yr), SWDC is entitled to the continued use of twenty-four and a half percent (24.5%) of WBWCD's capacity in the Highway 40 System (based on an estimated total capacity of 4,000 gpm, as outlined below). At the time of writing the Master Agreement, the total capacity of the Highway 40 system was estimated to be about 4,000 gpm through the pipeline sections of the system. This capacity may, at some point in the future, be better defined by actual testing of the system, which may be performed cooperatively by the parties (SWDC, WBWCD, Park City, and MRWSSD) as the need arises. A flow test performed by SWDC and the fire marshall during the summer of 2016 indicated that flows of 6,000 gpm could be sustained at Quinn's Junction from Section 27 Reservoir, with a residual pressure of at least 20 psi.

As outlined in its letter to SWDC dated November 9, 2016, WBWCD authorized SWDC to use all of the WBWCD Capacity in the Highway 40 system until January 1, 2020. This permission was given due to the fact that WBWCD was not currently using

this capacity and that none of the other parties, except for SWDC, were expected to use this capacity for at least the next few years. Thus, when coupled with SWDC's retained 50% interest in the capacity of the Highway 40 system, SWDC has the right to use one hundred percent (100%) of the capacity of the Highway 40 system until January 1, 2020. After January 1, 2020, the use of the capacity of the Highway 40 system shall revert back to that described in the Master Agreement at which time SWDC will continue to have the right to use 74.5% of the capacity of the Highway 40 system. With the storage reservoir capacity on the Highway 40 system currently at 2,250,000 gallons, SWDC is also entitled to use all of the storage until January 1, 2020 and, as outlined above and pursuant to the water sales contracts, 1,676,250 gallons of storage continually.

Should you have any further questions, feel free to contact our offices.

Sincerely,


 Tage I. Flint, PE
 General Manager/CEO

cc: Andy Armstrong, Mountain Regional Water Special Service District
 Clint McAfee, Park City Municipal Corporation

TIF/SWP/kc

E-22



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

Alan Matheson
Executive Director

DIVISION OF DRINKING WATER
Kenneth H. Bousfield, P.E.
Director

December 22, 2016

Dave Fuller
Summit Water Distribution Company
6400 North Pace Frontage Road, Unit A
Park City, Utah 84098

Dear Mr. Fuller:

Subject: **Operating Permit**, Phase 1 Park City Film Studio Project, System #22059, File #9634

The Division of Drinking Water (the Division) received a request for an Operating Permit for the Park City Film Studio Phase 1 project from your consultant, Tena Campbell, P.E. with Bowen, Collins & Associates on December 16, 2016. The Division issued Plan Approval for this project on April 30, 2014.

Our understanding of the project is that it included a connection to the existing 16-inch water line on the northwest corner of Quinn's Junction with 315 linear feet of 12-inch ductile iron (DI) water line extension from SR 248 to the film studio site. It is our understanding that the water lines located within the site will be maintained and operated by Summit Water Distribution Company.

We have received the following information for the Phase 1 Park City Film Studio project:

1. Certification of Rule Conformance with plan approval conditions by a professional engineer
2. Evidence of O&M manual delivery.
3. As-built or record drawings.
4. Satisfactory bacteriological results as evidence of proper flushing and disinfection.

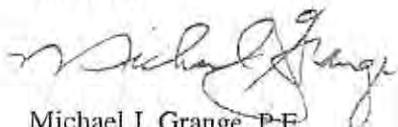
We have determined that all conditions for operating permit issuance have been met. On this basis, an **Operating Permit for the water lines included in the Phase 1 Park City Film Studio project is hereby issued as constituted by this letter.** You may now place the water lines in service in your water system.

Please maintain a copy of this letter with your permanent records for future reference.

Dave Fuller
Page 2 of 2
December 22, 2016

If you have any questions regarding this Operating Permit, please contact Julie Cobleigh, of this office, at (801) 536-4197.

Sincerely,



Michael J. Grange, P.E.
Acting Director

jjc/nl/mdb/hb

cc: Phillip Bondurant, Environmental Director, Summit County Health Department, pdondurant@summitcounty.org
Julie Cobleigh, Division of Drinking Water, jcobleigh@utah.gov
Dave Fuller, Summit Water Distribution Company, dave@swdc.us
Tena Campbell, P. E., tcampbell@bowencollins.com

DDW-2016-020934.docx

Planning Commission Staff Report

Subject: Retreat at the Park First Amended—1450-1460 Park Avenue
Author: Anya Grahn, Historic Preservation Planner
Project Number: PL-17-03501
Date: June 28, 2017
Type of Item: Legislative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the Retreat at the Park, First Amended located at the 1450-1460 Park Avenue and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Description

Applicant: Park City Municipal Corporation, represented by Rhoda Stauffer
Location: 1450-1460 Park Avenue
Zoning: Historic Residential-Medium Density District (HRM)
Adjacent Land Uses: Commercial and Residential
Reason for Review: Plat Amendments require Planning Commission review and City Council review and action

Proposal

The applicant is proposing to combine Lots 1 and 2 of the Retreat at the Park Subdivision, recorded in 2007, in order to create one larger lot—the Retreat at the Park First Amended. The property is located at 1450 (Lot 2) and 1460 (Lot 1) Park Avenue. There are historic houses located at both 1450 and 1460 Park Avenue; they are both listed as Significant on the City's Historic Sites Inventory (HSI). The applicant has already started construction on three (3) new houses on each lot, for a total of 6 new single-family houses. The applicant wishes to combine the lots in order to record a condo plat over the entire property.

Background

On March 29, 2007, Ordinance 07-20 approved the creation of two (2) legal lots of record from two (2) metes and bounds parcels at 1450-1460 Park Avenue. Later that year, the Retreat at the Park Subdivision was recorded on August 16, 2007.

In 2009, the City purchased the properties at 1450-1460 Park Avenue through the Lower Park Redevelopment Agency with the intent of creating an affordable housing project. In March 2012, City Council began collaborating with Green Park Cohousing, LLC on the purchase of the property following an RFP process. Following the approvals of the Conditional Use Permit (CUP) and a plat amendment that was not recorded,

Green Park Cohousing withdrew their applications as they were unable to secure financing for the project.

The City has since chosen to develop these two lots at 1450-1460 Park Avenue. The applicant is proposing to rehabilitate the existing two (2) historic houses at 1450 and 1460 Park Avenue as well as build six (6) new single-family houses; there will be a total of eight (8) affordable housing units located on the two (2) properties.

On December 8, 2015, the Planning Department received two Historic District Design Review (HDDR) applications for the rehabilitation and relocation of the historic houses at 1450 and 1460 Park Avenue; the applications were deemed complete on December 17, 2015. On February 3, 2016, the Historic Preservation Board (HPB) approved the material deconstruction at both 1450 and 1460 Park Avenue. The relocation of the house at 1450 Park Avenue by a distance of 8'6" to the west and the relocation of the house at 1460 Park Avenue by a distance of 5'5" to the west towards Park Avenue were approved by the HPB on March 2, 2016. The HDDR applications for the rehab of the historic homes were approved by the Planning Department on June 14, 2016; the HDDRs to construct the new single-family dwellings behind the historic house were approved on November 21, 2016.

On May 2, 2016, the Planning Department received a CUP application for access off Sullivan Road; the application was approved by the Planning Commission on July 13, 2016. [See [Report \(page 231\)](#) + [Minutes \(page 51\)](#).] The CUP included a condition of approval that required the applicant to dedicate façade preservation easements to the City for both of the historic structures at 1450 and 1460 Park Avenue following their restoration and prior to sale of the historic buildings to private property owners; staff has included this in the conditions of approval for this plat amendment as well.

On December 1, 2016, the Planning Department received completed Condominium Record of Survey applications for both 1450 and 1460 Park Avenue. The applicant's intent was to create separate condominium surveys at both 1450 and 1460 Park Avenue. This application was withdrawn on March 20, 2017.

The applicant has since resubmitted applications to combine the lots at 1450-1460 Park Avenue to create one legal lot of record and then record a condominium plat in order to create individual ownership. This application for a plat amendment to combine Lots 1 and 2 of the Retreat at the Park Subdivision was deemed complete on March 27, 2017. This staff report is for the plat amendment to combine the Lots 1 and 2 of the Retreat at the Park Subdivision.

Purpose

The purpose of the Historic Residential Medium Density (HRM) District is to:

- A. allow continuation of permanent residential and transient housing in original residential Areas of Park City,
- B. encourage new Development along an important corridor that is Compatible with Historic Structures in the surrounding Area,

- C. encourage the rehabilitation of existing Historic Structures,
- D. encourage Development that provides a transition in Use and scale between the Historic District and the resort Developments,
- E. encourage Affordable Housing,
- F. encourage Development which minimizes the number of new driveways Accessing existing thoroughfares and minimizes the visibility of Parking Areas, and
- G. establish specific criteria for the review of Neighborhood Commercial Uses in Historic Structures along Park Avenue.

Analysis

The proposed Plat Amendment creates one (1) lot of record from the existing Lots 1 and 2 of the Retreat at the Park Subdivision. The Plat Amendment removes one (1) interior lot line that divides the property into two lots. The proposed Plat Amendment combines the property into one (1) lot measuring 18,294.43 square feet. The site contains two legal lots of record identified as Lot 1 (1460 Park) and Lot 2 (1450 Park) of the Retreat at the Park Subdivision.

The two (2) lots contain a total of 18,294.43 square feet. The property abuts Park Avenue on the west side and Sullivan Road on the east side. It is surrounded by residential development to the north and south. There are no existing encroachments on the site. There is a recorded utility easement through the center of the property, along the shared lot line between Lots 1 and 2; it is 21 feet in width. This easement will remain.

A single-family dwelling is an allowed use in the HRM District. The minimum lot area for a single-family dwelling is 1,875 square feet. The applicant is proposing to rehabilitate the two historic houses and construct three (3) additional houses on each lot in order to provide a total of eight (8) affordable housing units at 1450 and 1460 Park Avenue. The lot size required for eight (8) dwelling units is 9,625 square feet. The proposed combined lot size of 18,294.43 feet is 1.9 times larger than what is required. If the condo plat is not approved (also being reviewed by Planning Commission on June 28th), the applicant will not be able to sell these units to individual owners.

The proposed lot meets the minimum lot area for single family dwellings. The proposed lot width, once combined, is 108.25 feet along Park Avenue and 100.99 feet along Sullivan Road; the minimum lot width of the HRM District is 37.50 feet.

Based on the feedback and recommendations of the Community Development Department, the HOA will be responsible for developing and enforcing a parking plan for the site. Parking spaces will not be assigned to individuals, but shared among the development. The Conditional Use Permit for a Parking Area of nine (9) spaces is dependent on the applicant recording the plat amendment to combine the two properties at 1450-1460 Park Avenue.

The following table shows the applicable Land Management Code (LMC) development parameters in the HRM District:

Required:	Existing:		Permitted:
	Lot 1 (1460 Park)	Lot 2 (1450 Park)	
Lot Size	9,073 SF	9,212 SF	1,875 SF minimum for single family dwelling; <i>complies</i> 9,625 SF minimum for 8 dwelling units; <i>complies</i>
Front/Rear Yard Setbacks	15 ft. front yard; 30 ft. rear yard	15 ft. front yard; 22 ft. rear yard	15 ft. front yard/10 ft. rear yard; <i>complies</i>
Side Yard Setbacks	5 ft. north property line	5 ft. south property line	5 ft. side yard; complies

The HRM zoning district does not have a maximum building footprint. Rather the development simply has to meet the required setbacks.

The City Engineer will also require the applicant grant ten foot (10') snow storage easements along the front (Park Avenue) Condition of Approval #7.

Good Cause

Staff finds good cause for this Plat Amendment as the interior lot line between the two lots will be removed. The development of affordable housing at the Retreat at the Park Subdivision is a single project developing two (2) single lots. This plat amendment to combine the two lots will allow the project to develop a single lot and create a single condominium plat.

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 further issues were brought up at that time.

Notice

On May 10, 2017, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record on May 6, 2017, and June 10, 2017 according to requirements of the Land Management Code.

Public Input

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

Alternatives

- The Planning Commission may forward positive recommendation to the City Council for the Retreat at the Park, First Amended located at the 1450-1460 Park Avenue as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the Retreat at the Park, First Amended located at the 1450-1460 Park Avenue and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the Retreat at the Park, First Amended located at the 1450-1460 Park Avenue.

Significant Impacts

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

Consequences of not taking recommended action

Consequences of not taking the Planning Department's recommendation are that the Site would remain as is. The new development would continue to be two single projects on individual lots of record.

Summary Recommendation

Staff recommends the Planning Commission hold a public hearing for the Retreat at the Park, First Amended located at the 1450-1460 Park Avenue and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat (Attachment 1)

Exhibit B – Survey

Exhibit C – Aerial Photographs with 500' Radius

Exhibit D– Site Photographs

Exhibit A – Draft Ordinance

Ordinance No. 17-XX

AN ORDINANCE APPROVING THE RETREAT AT THE PARK, FIRST AMENDED LOCATED AT THE 1450-1460 PARK AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 1450-1460 Park Avenue have petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on May 10, 2017, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on May 6, 2017, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on public hearing on May, 24, June 14, and June 28, 2017,, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on June 28, 2017, forwarded a _____ recommendation to the City Council; and,

WHEREAS, on June 15, 2017, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Retreat at the Park, First Amended located at the 1450-1460 Park Avenue.

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

SECTION 1. APPROVAL. The Retreat at the Park, First Amended located at the 1450-1460 Park Avenue, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

1. The property is located at 1450-1460 Park Avenue in the Historic Residential-Medium Density (HRM) District.
2. The subject property consists of Lots 1 and 2 of the Retreat at the Park Subdivision approved by the City Council as Ordinance 07-20 and recorded at Summit County on August 16, 2007.

3. On December 8, 2015, the Planning Department received a Historic District Design Review (HDDR) application for the rehabilitation and relocation of the historic houses at 1450 and 1460 Park Avenue. The HDDR applications were approved on November 21, 2016.
4. On February 3, 2016, the Historic Preservation Board (HPB) approved the material deconstruction for the historic houses at 1450 and 1460 Park Avenue. The HPB approved the relocation of the house at 1450 Park Avenue 8'6" to the west towards Park Avenue and the relocation of the house at 1460 Park Avenue 5'5" to the west towards Park Avenue was approved by the HPB on March 2, 2016
5. On July 13, 2016, the Planning Department approved Conditional Use Permits (CUP) at each address to allow access off Sullivan Road.
6. On March 20, 2017, the Planning Department received an application for a plat amendment to combine Lots 1 and 2 of the Retreat at the Park Subdivision at 1450-1460 Park Avenue; the application was deemed complete on March 27, 2017.
7. The proposal complies with the allowed uses in the HRM District.
8. The combined lot size will be 18,294.43 square feet.
9. The minimum lot width in the HRM District is 37.50 feet; the combined lot width will be 108.25 feet along Park Avenue and 100.99 feet along Sullivan Road.
10. The required front yard setback is 15 feet in the HRM District; the applicant is providing a 15 foot front yard setback.
11. The required rear yard setback is 10 feet in the HRM District; the applicant is proposing a 22 foot setback.
12. The required side yard setback is 5 feet in the HRM District; the applicant is proposing 5 feet along the north and south side yards.
13. Single-family dwellings are an allowed use in the HRM District.
14. The site is not located within the Sensitive Lands Overlay District. There are no known physical mine hazards. The site is within the Soils Ordinance Boundary and the site will have to meet the Soils Ordinance.
15. Property is located in a FEMA Flood Zone A
16. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

1. There is good cause for this Plat Amendment.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
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 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 at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
 3. Required public improvements and landscaping, as applicable, shall be completed at the time of conversion or security provided to ensure completion as provided by ordinance.
 4. The applicant shall dedicate a façade preservation easement to the City for the historic structures at 1450 and 1460 Park Avenue following their restoration and prior to sale of the historic buildings to private property owners.
 5. The property is located within the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) boundary. Final construction must comply with the Soils Ordinance regulations.
 6. The applicant shall show and label their easement with Snyderville Basin Water Reclamation District (SBWRD) on the plat amendment.
 7. A ten feet (10') wide public snow storage easement will be required along the Park Avenue frontage of the property.
 8. Surface utility boxes for this project shall be located on the property.
 9. Because of Park City's implemented Storm Management Plan, construction projects shall need to identify drainage areas and planned Best Management Practices ("BMPs") to control erosion and off-site migration of soils.

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

PASSED AND ADOPTED this 13th day of July, 2017.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

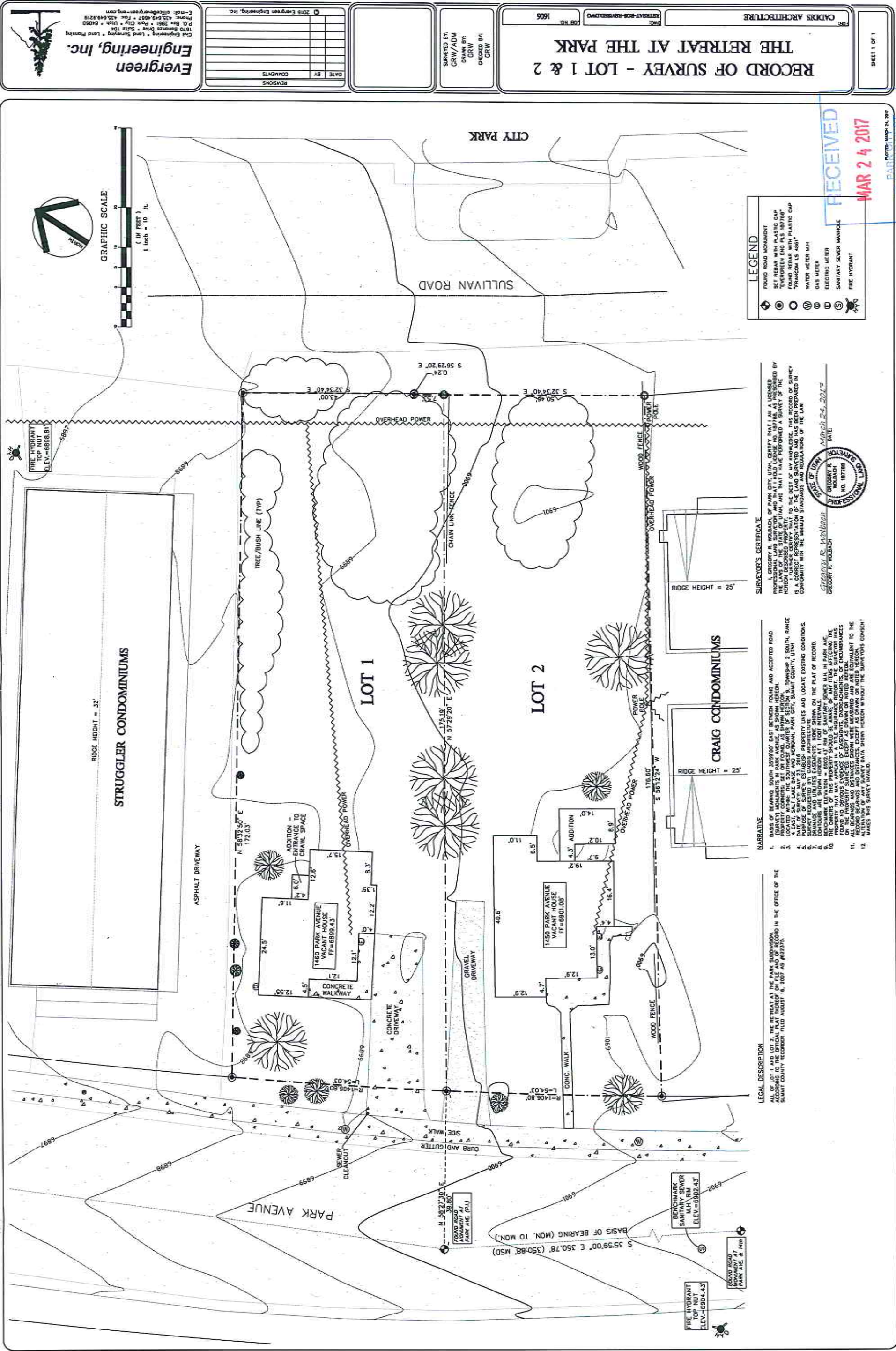
ATTEST:

City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Proposed Plat



Evergreen
Engineering, Inc.
1570 Bonanza Drive • Suite 104
Park City, Utah • 84060
Phone: 435.643.6937 • Fax: 435.643.8219
E-mail: office@evergreen-eng.com

REVISIONS	DATE	BY	COMMENTS

DESIGNED BY:
CRW/ADM
DRAWN BY:
CRW
CHECKED BY:
CRW

RECORD OF SURVEY - LOT 1 & 2
JOB NO. 1606
CADDIS ARCHITECTURE

SHEET 1 OF 1

RECEIVED
MAR 24 2017
PARK CITY PLANNING DEPT.

Exhibit D













Planning Commission Staff Report

Subject: 1450-1460 Park Avenue
Author: Anya Grahn, Historic Preservation Planner
Project Number: PL-17-03502
Date: June 28, 2017
Type of Item: Administrative – Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing, review the proposed CUP for a parking area of more than five (5) spaces along Sullivan Road, and consider approving the CUP according to the findings of fact, conclusions of law, and conditions of approval outlined in this report.

Description

Applicant: Park City Municipal Corporation, represented by Rhoda Stauffer
Location: 1450-1460 Park Avenue
Zoning: Historic Residential- Medium Density (HRM) District
Adjacent Land Uses: Historic and non-historic residential single family and multi-family condominium developments, City Park
Reason for Review: Conditional Use Permits require Planning Commission review and approval

Proposal

The owner of 1450 and 1460 Park Avenue, the City, is requesting approval of a Conditional Use Permit (CUP) for a Parking Area with more than five (5) spaces. A Parking Area with five (5) or more spaces requires a Conditional Use Permit (CUP) in the HRM zoning district. Should the plat amendment to combine the lots at 1450-1460 Park Avenue be approved, the applicant is proposing a Parking Area of nine (9) spaces accessed from Sullivan Road.

Background

On March 29, 2007, Ordinance 07-20 approved the creation of two (2) legal lots of record from two (2) metes and bounds parcels at 1450-1460 Park Avenue. Later that year, the Retreat at the Park Subdivision was recorded on August 16, 2007.

In 2009, the City purchased the properties at 1450-1460 Park Avenue through the Lower Park Redevelopment Agency with the intent of creating an affordable housing project. In March 2012, City Council began collaborating with Green Park Cohousing, LLC on the purchase of the property following an RFP process. Following the approvals of the Conditional Use Permit (CUP) and a plat amendment that was not recorded, Green Park Cohousing withdrew their applications as they were unable to secure financing for the project.

The City has since chosen to develop these two (2) lots at 1450-1460 Park Avenue. The applicant is proposing to rehabilitate the existing two (2) historic houses at 1450 and 1460 Park Avenue as well as build six (6) new single-family houses; there will be a total of eight (8) affordable housing units located on the two (2) properties.

On December 8, 2015, the Planning Department received a Historic District Design Review (HDDR) application for the rehabilitation and relocation of the historic houses at 1450-1460 Park Avenue. On February 3, 2016, the Historic Preservation Board (HPB) approved the material deconstruction at both 1450 and 1460 Park Avenue. The relocation of the house at 1450 Park Avenue by a distance of 8'6" and the house at 1460 Park Avenue by a distance of 5'5" to the west towards Park Avenue was approved by the HPB on March 2, 2016. The HDDR application for the rehab of the historic homes was approved by the Planning Department on June 14, 2016; the HDDR to construct the new single-family dwellings behind the historic house was approved on November 21, 2016.

On May 2, 2016, the Planning Department received a CUP application for access off Sullivan Road; the application was approved by the Planning Commission on July 13, 2016. [See [Report \(page 231\)](#) + [Minutes \(page 51\)](#).] The Planning Commission had expressed concern that the historic houses were not required to provide parking as they found this would create additional demand for the on-site parking. There were also concerns about the neighbors within the development sharing a tandem parking space and the inconvenience of moving cars. Based on the feedback and recommendations of the Community Development Department, the HOA will be responsible for developing and enforcing a parking plan for the site. Parking spaces will not be assigned to individuals, but shared among the development.

On March 20, 2017, the Planning Department received a CUP application for a Parking Area of five (5) or more spaces at 1450-1460 Park Avenue; the application was deemed complete on March 27, 2017.

This CUP application for a Parking Area for more than five (5) spaces is being reviewed in conjunction with requests for a Plat Amendment and Condominium Plat at 1450-1460 Park. These applications will also be reviewed on June 28, 2017, by the Planning Commission. The CUP is requesting a Parking Area of nine (9) spaces along Sullivan Road, dependent on the approval of a plat amendment to combine Lots 1 and 2 of the Retreat at the Park Subdivision.

Analysis

Based on the feedback they received from the Planning Commission in July 2016, the applicant has redesigned their parking plans. Initially, the applicant had pursued a plan that would maintain the two (2) separate lots. On the 1450 Park Avenue property, the applicant had proposed two (2) parking spaces in a tandem configuration accessible from Park Avenue and adjacent to the historic house; four additional parking spaces were proposed along Sullivan Road. On the 1460 Park Avenue property, the applicant had proposed two (2) side-by-side parking spaces accessible from Park Avenue and

adjacent to the historic house; four additional spaces were proposed along Sullivan Road.

The Planning Commission expressed concern about neighbors parking in a tandem configuration off of Park Avenue, the nuisance of neighbors requesting one another to relocate cars as necessary, and the difficulty in backing up on to Park Avenue. This proposal for tandem parking was also not supported by the City Engineer. This tandem parking arrangement is permitted under the provisions of the Land Management Code (LMC) for single family homes and not for condominium developments.

The applicant revised the plans as part of the HDDR application. The applicant proposed limiting parking at 1450 Park Avenue to one (1) parking space accessible from Park Avenue. The second space would be transferred to the 1460 Park Avenue project and would be adjacent to 1460 Park Avenue Unit D as a tandem stall accessible from Sullivan Road. Staff recognized that this would create a Parking Area of five (5) spaces at 1460 Park Avenue along Sullivan Road and which requires a CUP.

The applicant has since revised their plans once again, and staff favors this latest proposal as it addresses the concerns expressed by the Planning Commission in July 2016. The applicant is now proposing to provide three (3) parking spaces accessible from Park Avenue. The applicant is also proposing a total of nine (9) parking spaces accessible from Sullivan Road following recording of the plat amendment to combine the two (2) properties. The Parking Area is separated from Sullivan Road by a vegetated berm that will mitigate the appearance of the spaces and to meet the LMC for maximum driveway width. A Parking Area of five (5) or more spaces is a Conditional Use in the HRM zoning district.

Section I: LMC § 15-1-10(E) - Standard Conditional Use Review Criteria

The Planning Commission shall review the Application according to Conditional Use permit criteria set forth in Section 15-1-10, as follows:

1. Size and location of the Site. No unmitigated impacts.

The applicant is proposing to rehabilitate the two (2) existing historic houses at 1450 and 1460 Park Avenue and construct a total of six (6) additional houses on site in order to provide a total of eight (8) affordable housing units at 1450 and 1460 Park Avenue. The lot size required for eight (8) dwelling units is 9,625 square feet. The proposed combined lot size of 1450-1460 Park Avenue, following recording of a plat amendment, of 18,294.43 square feet is greater than the minimum required lot size for a development of eight (8) dwelling units (9,625 SF).

The applicant has provided the minimum number of parking spaces required—twelve. The proposed Parking Area of nine (9) spaces is proposed along Sullivan Road, a private drive that runs through City Park. By concentrating the parking on the back of the lot, the applicant has maintained the historic integrity of the two historic houses and created compatible development along Park

Avenue. The vegetated berm also visually mitigates the Parking Area along Sullivan Road, which has become characterized by paved parking areas adjacent to neighboring multi-family development projects.

2. Traffic considerations including capacity of the existing Streets in the Area. **No unmitigated impacts.**

The applicant has divided access to the site between Park Avenue and Sullivan Road. Two (2) spaces will be provided adjacent to the historic house at 1460 Park Avenue and one (1) space will be provided adjacent to the historic house at 1450 Park Avenue—both of these spaces will be accessible from Park Avenue.

At the back of the lot, along Sullivan Road, the applicant has proposed Parking Areas on both 1450 and 1460 Park Avenue. Per the HRM zone, a parking area of four (4) spaces is an allowed use, and the applicant is proposing a parking area of four (4) spaces along Sullivan Road at 1460 Park Avenue. A Parking Area of five (5) parking spaces is a Conditional Use in the HRM zone, and the applicant is proposing a Parking Area of five (5) spaces at 1450 Park Avenue. Should the plat be recorded to combine the lots at 1450-1460 Park Avenue, this will become a Parking Area of nine (9) spaces.

The City Engineer finds that on average, the eight (8) homes would generate ten (10) trips/day/home or approximately 80 new trips that will be absorbed by Sullivan Road and Park Avenue. The majority of the year, the additional trips will not cause additional congestion on these streets; however, 60 to 65 days per year, the additional trips will add to the existing congestion on Park Avenue that is evident during holiday weekends and special events such as Christmas and Sundance. There is no local remedy that this development can provide that will alleviate an existing, holistic problem.

3. Utility capacity, including Storm Water run-off. **No unmitigated impacts.**

The applicant will have to accommodate the necessary utility capacity for a functioning project. The applicant is responsible for making these necessary arrangements. The applicant shall also be responsible for working with the many utility companies and the City Engineer related to utility capacity.

The utility capacity shall not adversely affect the project in a way that causes an unreasonable aesthetic look and feel. A utility easement measuring 21 feet in width has already been recorded and runs down the middle of the property, along the shared property line between 1450 and 1460 Park Avenue. No additional utilities are required for the Parking Area that have not already been approved as part of the HDDR and building permit applications.

Storm water run-off has already been addressed as part of the overall development of the site.

4. Emergency vehicle Access. **No unmitigated impacts.**

Emergency vehicles can access the project off Park Avenue and/or Sullivan Road and no additional access is required. The vegetated berm has been located on City property in a way that allows emergency access to pull into the Parking Area and provide emergency service, as necessary.

5. Location and amount of off-Street parking. **No unmitigated impacts.**

Per LMC 15-2.4-6 existing historic structures that do not comply with off-street parking requirements are valid non-complying structures. The historic houses at 1450 and 1460 Park Avenue are designated as “Significant” on the City’s Historic Sites Inventory (HSI), and are not required to provide parking. The six (6) new single-family dwellings proposed on the combined lot are required to provide two (2) parking spaces each for a total of twelve (12) spaces.

The applicant has provided a site plan showing the location of the parking spaces. There will be one (1) parking space accessible from Park Avenue adjacent to the historic house at 1450 Park Avenue and two (2) parking spaces accessible from Park Avenue adjacent to the historic house at 1460 Park Avenue. Following recording of the plat amendment to create a single lot of record, there will be a Parking Area of nine (9) spaces between the 1450-1460 Park Avenue properties. There is sufficient Lot Area for the proposed parking and the Parking Area is visually mitigated from neighboring properties by a fence along the north property line, a vegetated berm to the east of the Parking Areas, and a vegetated side yard along the south property line.

Per [LMC 15-3-4](#), Parking Areas with five (5) or more spaces must maintain the required Front and Side Yard setbacks as required for any structure. The proposed parking area meets the required five foot (5’) side yard setbacks and has a front yard setback of 145 feet from Park Avenue. Sullivan Road is a driveway within City Park and is not considered a City street.

Based on the feedback and recommendations of the Community Development Department, the HOA will be responsible for developing and enforcing a parking plan for the site. Parking spaces will not be assigned to individuals, but shared among the development. As this proposal for a Parking Area of nine (9) spaces is dependent on the applicant recording the plat amendment to combine the two properties at 1450-1460 Park Avenue, staff has added Condition of Approval 7 requiring the plat to be recorded prior to certificate of occupancy issuance for the six new houses.

Staff has added Condition of Approval #9 to require that the HOA develop a parking plan and incorporate it into their CCRs for approval by the City Planning Director and City Engineer prior to issuance of certificates of occupancy for the six new houses. The parking plan should address the following issues:

- No more than 2 cars allowed per unit
- The HOA shall maintain signed and striped ADA parking (if required)

- Length of time a vehicle can be parked without moving
- Restrictions on vehicle size to prevent semis, work trailers, storage units (PODs), etc. in designated parking areas
- Snow removal restrictions
- Determine if parking spaces are assigned to individual owners or units
- Signs
- Fair tie-breaker and changes to plan clause

The proposed ordinance for the condo plat includes a Condition of Approval requiring that a plat note shall be included indicating that the parking spaces off of Park Avenue are for the use of all residents within the condominium development.

6. *Internal vehicular and pedestrian circulation system. No unmitigated impacts.*

The applicant will provide vehicular access to the site from Park Avenue and Sullivan Road. A single-car parking space and two (2) side-by-side parking spaces will be provided off of Park Avenue. A pedestrian path will straddle the existing property line between 1450 and 1460 Park Avenue and provide a pedestrian connection between Park Avenue and Sullivan Road. Along Sullivan Road, the Parking Areas will be accessible behind a vegetated berm. The berm will provide ingress and egress from the Parking Areas to Sullivan Road on the north and south ends of the Parking Area.

7. *Fencing, Screening, and landscaping to separate the Use from adjoining Uses. No unmitigated impacts.*

The applicant has minimized the visual impacts of the nine (9)-car Parking Area along Sullivan Road at 1450-1460 Park Avenue. In addition to adding vegetation in the side yards of the Parking Area, the applicant has also proposed a vegetated berm in the City right-of-way that will shield the view of the Parking Area along Sullivan Road. The Parking Area will be largely invisible from the Park Avenue right-of-way as the Units 1450-D and 1460-D will shield the parking spaces from view.

8. *Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots. No unmitigated impacts.*

The surrounding neighborhood contains historic and non-historic dwellings. Many of the historic residential structures have out-of-period additions constructed prior to the adoption of the 2009 Design Guidelines. To the north and south of the property, large multi-unit dwellings exist.

By constructing six (6) single-family residences behind the existing historic houses, the applicant has significantly reduced the mass and scale of the development as compared to the previous design reviewed as part of the 2013 CUP. Each house is consistent in mass and scale to the historic structures. The low height of each house and the separation between the houses minimizes their visibility and allows the historic structure to remain the focal point of the project.

Concentrating the uncovered parking spaces along Sullivan Road has eliminated the need for additional building bulk and mass to be located on the lot, as would have been created with a garage structure. Access from Sullivan Road prevents the nine (9)-car Parking Areas from detracting from the site's historic character along Park Avenue. The vegetated berm also visually mitigates the Parking Areas along Sullivan Road, which has become characterized by paved parking areas adjacent to neighboring multi-family development projects.

9. Usable Open Space. **No unmitigated impacts.**

There are no open space requirements for this site as the applicant is proposing to construct single-family homes, not a multi-unit dwelling. Per LMC 15-2.4-5, only Triplex and Multi-Unit dwellings are required to meet the open space requirements. If this were a Multi-Unit dwelling, it would be required to provide 30% open space as it is a deed-restricted affordable housing project of an existing development. The total amount of open space on this lot is proposed to be approximately 10,160 square feet of open space or 55% of the combined lots.

10. Signs and lighting. **Complies as conditioned.**

No signs and lighting are associated with this proposal. All future lighting will be subject to the LMC development standards related to lighting and will be reviewed for compliance with the LMC and Design Guidelines at the time of the building permit review. Any existing exterior lighting will be required, as part of this application, to be brought up to current standards. As reflected in Condition of Approval #13, any signs within the Parking Area shall be reviewed by the Planning Department prior to installation. Condition of Approval #14 requires the Planning Department to approve any lighting prior to installation.

11. Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing. **No unmitigated impacts.**

The surrounding neighborhood contains historic and non-historic dwellings. Many of the historic residential structures have out-of-period additions constructed prior to the adoption of the 2009 Design Guidelines. To the north and south of the property, large multi-unit dwellings exist. The new development was found to comply with the Design Guidelines through the HDDR process and the six (6) new houses did not require a CUP.

The proposed location of the Parking Area is in keeping with the Design Guidelines. The Design Guidelines promote off-street parking to visually buffered from adjacent properties and visually subordinate to the character-defining streetscape elements of the neighborhood. The proposed parking off of Park Avenue will maintain the original location of gravel driveways on the site and be visually subordinate to the historic structures. The Design Guidelines also encourage off-street parking areas to be relocated in the rear yard so that the traditional pattern of development can be maintained; in this case, the concentration of parking along Sullivan Road preserves the traditional

development and historic character of historic houses and 12 foot wide driveways along Park Avenue. Sullivan Road is currently characterized by large Parking Areas for neighboring multi-dwellings abutting the street, and while this project maintains that pattern, it improves upon it by shielding the parking area with a vegetated berm that creates a single ingress and egress access into the Parking Area at the back of the 1450-1460 Park lots.

12. Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site. No unmitigated impacts.

The proposed use does not provide noise, vibration, odors, steam, or other mechanical factors that are not already associated within the HRM District. The location of the parking along Sullivan Road and landscaped berm will further mitigate noise and view of the vehicles in the Parking Area.

13. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas. No unmitigated impacts.

Trash storage and recycling storage areas are designated on the rear (south) elevation of each structure. Delivery and service will occur along Park Avenue and Sullivan Road. Trash and recycling pick-up areas will be along Sullivan Road. The applicant has proposed a trash enclosure on the northeast corner of the site, adjacent to the Parking Area and accessible from Sullivan Road.

14. Expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities. No unmitigated impacts.

Expected ownership of the entire project is anticipated as a single entity until the Condominium Plat has been recorded, enabling the applicant to sell each private unit individually. Following the sale, these will be deed-restricted affordable housing units.

Nightly rentals are an allowed use within the District; however, as affordable housing units, these units will be deed-restricted to prevent nightly rentals.

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

The site is not located within the Sensitive Lands Overlay District. There are no known physical mine hazards. The site is within the Soils Ordinance Boundary and the site will have to meet the Soils Ordinance. The site is not on any steep slopes and the proposal is appropriate for its topography.

16. Consistent with General Plan- provide a general paragraph of protection of neighborhood, compatible design, protection of historic resources, etc. how it addresses main ideas of the GP.

Complies.

In an effort to provide greater diversity of primary housing opportunities that address the changing needs of residents, the Park City General Plan has provided goals and objectives to guide the development of affordable housing. It recommends development in existing neighborhoods, such as Lower Park Avenue, that have available infrastructure and resource capacity. It also encourages new housing in primarily residential neighborhoods that promote livability with access to daily needs such as mini markets, neighborhood parks, walkability, and bus access that meet the needs of residents. Full-time residency is further promoted by providing a diversity of primary housing stock within primarily residential neighborhoods. Lastly, it seeks to provide housing opportunities that are affordable to a wide range of income levels within all Park City neighborhoods. This project embodies all of these objectives.

The City has also set goals and objectives to maintain our Historic Character. This project maintains the character, context, and scale of local historic districts with the compatible infill of the six (6) new houses. By locating the Parking Area at the back of the lot, along Sullivan Road, the applicant is maintaining and promoting the historic character of Park Avenue in the City's entry corridor. Furthermore, the General Plan seeks to create opportunities for affordable housing in neighborhoods adjacent to and along Main Street to support local businesses. This affordable housing project promotes full-time residency in the historic district.

Section II: LMC § 15-2.4-3 - Conditional Use Permit Review

Per LMC 15-2.4-3, the Planning Director shall review any Conditional Use permit (CUP) Application in the HRM District and shall forward a recommendation to the Planning Commission regarding compliance with the Design Guidelines for Park City's Historic Districts and Historic Sites and Chapter 5. The Planning Director has reviewed the plans submitted on March 20, 2017, and included as Exhibit A of this staff report. Planning Director Erickson finds that, as proposed, the project complies with the Universal Design Guidelines. This is further supported by the approval of the HDDR applications on June 14, 2016, and November 21, 2016.

The Planning Commission shall also review the Application according to Conditional Use permit criteria set forth in Section 15-2.4-3:

A. Consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites.

Complies.

Staff has found that the proposed parking along Sullivan Road also complies with the Design Guidelines. The Design Guidelines encourage off-street parking within the rear yard and beyond the rear wall plane of primary structures. The applicant has minimized the appearance of the parking by consolidating the majority of the parking (nine spaces) at the rear of the lot along Sullivan Road where it will not impact the historic character of Park Avenue.

The visibility of the parking is further visually buffered from Sullivan Road by a vegetated berm separating the drive access to the parking spaces from the road. By limiting the parking along Park Avenue, the applicant will maintain the traditional pattern of development along Park Avenue by limiting parking to a single driveway. This will preserve the historic character of the site as viewed from the Park Avenue right-of-way.

The Design Guidelines require that any off-street parking area and associated vehicles be visually buffered from adjacent properties and the primary public right-of-way. The applicant has proposed to landscape the berm in order to mitigate the appearance of the Parking Area; additional vegetation will be provided along the south property line and a fence will be installed along the north property line to limit the view of the Parking Area from adjacent properties.

B. The applicant may not alter the Historic Structure to minimize the residential character of the Building.

Complies. The applicant is proposing to remove non-historic additions on the historic houses, construct new additions, and restore the existing historic structures. The houses are currently designated as "Significant", rather than "Landmark," due to their incompatible materials, including the aluminum porch structure, asbestos siding, and 1970s windows. The HDDRs for the historic houses were approved on June 14, 2016.

As previously indicated, no alterations are proposed to the Historic Structures in order to accommodate the parking. Rather, the applicant has pushed the Parking Area of nine (9) spaces to the back of the lot in order to preserve the historic integrity of the historic houses along Park Avenue.

C. Dedication of a Façade Preservation Easement to assure preservation of the Structure is required.

Complies as conditioned. The applicant is to dedicate façade preservation easements to the City following the restoration of the historic structures and prior

to the sale of the historic buildings to private property owners. Condition of Approval #5 has been added requiring the façade easements.

- D. New Buildings and additions must be in scale and Compatible with existing Historic Buildings in the neighborhood. Larger Building masses should be located to the rear of the Structure to minimize the perceived mass from the Street.

Complies. By constructing six (6) single-family residences behind the historic houses, the applicant has significantly reduced the mass and scale of the development as compared to the previous design reviewed as part of the 2013 CUP. Each house is consistent in mass and scale to the historic structures. The low height of each house and the separation between the houses minimizes their visibility and allows the historic structures to remain the focal point of the project.

Concentrating the uncovered parking spaces along Sullivan Road has eliminated the need for additional building bulk and mass to be located on the lot, as would be created with a garage structure. Access from and concentration of parking along Sullivan Road prevents parking areas from detracting from the site's historic character along Park Avenue and the vegetated berm will minimize the visibility of the Parking Area along Sullivan Road.

- E. Parking requirements of Section 15-3 shall be met. The Planning Commission may waive parking requirements for Historic Structures. The Planning Commission may allow on-Street parallel parking adjacent to the Front Yard to count as parking for Historic Structures; if the Applicant can document that on-Street Parking will not impact adjacent Uses or create traffic circulation hazards. A traffic study, prepared by a registered Engineer, may be required.

Complies. Per LMC 15-2.4-6 existing historic structures that do not comply with off-street parking requirements are valid non-complying structures. The historic houses at 1450 and 1460 Park Avenue are designated as "Significant" on the City's Historic Sites Inventory (HSI), and are not required to provide parking. The six (6) new single-family dwellings proposed on the combined lots are required to provide two (2) parking spaces each for a total of twelve (12).

The applicant complies with the required parking for the development. The applicant proposes to provide parking for nine (9) vehicles along Sullivan Road, and three (3) parking spaces accessible from Park Avenue. The applicant will be including parking provisions in their CCRs. They propose to assign one (1) parking space per unit and the remainder will be shared.

- F. All Yards must be designed and maintained in a residential manner. Existing mature landscaping shall be preserved wherever possible. The Use of native plants and trees is strongly encouraged.

Complies as conditioned. The applicant will retain the residential nature of the site through their landscape plan. Most of the existing landscaping at the start of construction was comprised of voluntary trees and shrubs that were significantly overgrown; these plants and shrubs were largely concentrated on the north side of the property, though some also existed on the south side. The HPB added additional Conditions of Approval to ensure the conservation of lilacs and mature trees at the front of the lot as well as incorporate fruit trees and lilac bushes, consistent with the current and historic vegetation that existed on site. Staff has reiterated these Conditions of Approval in #9 and #10.

G. Required Fencing and Screening between commercial and Residential Uses is required along common Property Lines.

Complies. The applicant is proposing limited new fencing and screening between the combined lot of 1450 and 1460 Park Avenue and its neighbors. As the property is surrounded by residential uses and no commercial uses are proposed, there is no need for screening. The applicant has indicated that snow storage will occur on-site and in front of parking spaces.

The applicant has, however, made an effort to screen the Parking Areas along Sullivan Road from both the neighboring properties as well as Sullivan Road. As previously described, the applicant is proposing to construct a vegetated berm to shield the appearance of the Parking Area from Sullivan Road and City Park. A fenced trash enclosure will be located on the northeast corner of the site to shield the Parking Area from the neighbor to the north and vegetation will be added to the south side yard to screen the parking from the neighbor to the south.

This CUP does not preclude any new fences from being installed in the future. Should the applicant request construction of a new fence at a later date, the fence will be required to comply with LMC 15-4-2 and the Design Guidelines.

H. All utility equipment and service Areas must be fully Screened to prevent visual and noise impacts on adjacent Properties and on pedestrians.

Complies as conditioned. The applicant is proposing to provide utilities to the houses underground and through the utility easement extending over the shared lot line between 1450 and 1460 Park Avenue. Staff has added Condition of Approval #11 further requiring any ground-level equipment to be screened using landscape elements such as fences, stone walls, or perennial plant material.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up that were not already addressed through the HDDR and building permit.

Notice

The property was posted and notice was mailed to property owners within 300 feet on May 10, 2017. Legal notice was also published in the Park Record on May 6, 2017, and June 10, 2017.

Public Input

Staff has not received any public input at the time of writing this report.

Alternatives

- The Planning Commission may approve the Conditional Use Permit as conditioned or amended, or
- The Planning Commission may deny the Conditional Use Permit and direct staff to make Findings for this decision, or
- The Planning Commission may continue the discussion on the Conditional Use Permit.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The applicant will revise the parking plan to provide two (2) tandem parking spaces along Park Avenue adjacent to 1450 Park Avenue; while this is not a preferred method, it does comply with the LMC. The applicant will also not move forward with a plat amendment to combine the lots. The lots will remain separate and each will have its own condo plat and the Parking Areas will not contain more than four (4) spaces per lot, therefore a CUP for the Parking Area with five (5) or more spaces will not be required.

Future Process

The Planning Commission takes final action on Conditional Use permit applications. Approval or denial of a conditional use permit may be appealed according to LMC Section 1-18. Prior to building permit issuance, approval of a Historic District Design Review application for the Parking Area of nine (9) spaces is required and any conditions of approval of the CUP must be met.

Recommendation

Staff recommends the Planning Commission conduct a public hearing, review the proposed CUP for a parking area of more than five (5) spaces along Sullivan Road, and consider approving the CUP according to the findings of fact, conclusions of law, and conditions of approval outlined in this report.

Findings of Fact

1. The property is located at 1450 and 1460 Park Avenue.
2. The zoning is Historic Residential-Medium (HRM) Density District.
3. The lots at 1450 and 1460 Park Avenue currently each contain a historic house.
The sites are designated as Significant on the City's Historic Sites Inventory (HSI).

4. The property is identified as Lots 1 and 2 the Retreat at the Park Subdivision and contains a total of 18,294.43 square feet. Both lots have street frontages along both Park Avenue. The rear yard of the properties back up to Sullivan Road.
5. Sullivan Road is a private drive, not a City Street.
6. On February 3, 2016, the Historic Preservation Board (HPB) approved the material deconstructions at 1450 and 1460 Park Avenue. The relocation of the house at 1450 Park Avenue by 8'6" and the house at 1460 Park Avenue by 5'5" to the west towards Park Avenue was approved by the HPB on March 2, 2016. The HDDR applications were approved on June 14, 2016.
7. The HDDR applications to construct the three (3) new single-family dwellings behind each of the historic houses were approved on November 21, 2016.
8. On July 13, 2016, the Planning Commission reviewed a CUP request for access off of Sullivan Road; the CUP was approved.
9. The proposed combined lot size of 1450 and 1460 Park Avenue, following recording of a plat amendment, of 18,294.43 square feet is greater than the minimum required lot size for a development of eight (8) dwelling units (9,625 SF). On July 13, 2016, the Planning Commission approved a CUP application for access off of Sullivan Road.
10. The existing site is located on Park Avenue, which is a major residential collector street. The site is immediately surrounded by multi-family dwellings.
11. The historic houses at 1450 and 1460 Park Avenue are designated as "Significant" on the City's Historic Sites Inventory (HSI), and are not required to provide parking. The six (6) new single-family dwellings proposed on the combined lot are required to provide two (2) parking spaces each for a total of twelve (12) spaces.
12. To lessen traffic conflicts along Park Avenue, the applicants have chosen to locate most of the parking at the rear of the lot along Sullivan Road. The applicant is proposing one (1) parking space accessible from Park Avenue to be adjacent to the historic house at 1450 Park Avenue; two (2) parking spaces accessible from Park Avenue will be adjacent to the historic house at 1460 Park Avenue; and the remaining nine (9) parking spaces will be concentrated at the east (rear) of the lot along Sullivan Road in a single Parking Area.
13. The City Engineer finds that on average, the eight (8) homes would generate ten (10) trips/day/home or approximately 80 new trips that will be absorbed by Sullivan Road and Park Avenue. The additional trips will not cause additional congestion except during holiday weekends and special events when there is existing congestion. There is no local remedy that this development can provide to alleviate the existing, holistic problem.
14. A Parking Area of five (5) or more spaces is a Conditional Use in the HRM zoning district.
15. The applicant will have to accommodate the necessary utility capacity for a functioning project. The applicant is responsible for making these necessary arrangements. The applicant shall also be accountable for working with the many utility companies and City Engineer related to utility capacity. The utility capacity shall not adversely affect the project in a way that causes an unreasonable aesthetic look and feel. Storm water run-off has already been addressed as part of the overall development of the site.

16. Emergency vehicles can easily access the project off Park Avenue and/or Sullivan Road and no additional access is required.
17. The applicant requests that most of the direct access to the site come from Sullivan Road. The applicant is proposing a total of three (3) parking spaces accessible from Park Avenue and nine (9) parking spaces accessible from Sullivan Road.
18. The applicant proposes to provide internal vehicular access from Park Avenue and Sullivan Road. A pedestrian path will straddle the existing interior lot line between 1450 and 1460 Park Avenue and provide a pedestrian connection between Park Avenue and Sullivan Road.
19. The applicant has minimized the visual impacts of the nine (9)-car Parking Area along Sullivan Road at 1450-1460 Park Avenue by providing a fenced trash enclosure along the north property line, a vegetated berm between the Parking Area and Sullivan Road, and a vegetated side yard along the south property line.
20. By constructing six (6) single-family residences behind the existing historic houses, the applicant has significantly reduced the mass and scale of the development. They have maintained the traditional orientation of buildings along the Park Avenue right-of-way. By concentrating the uncovered Parking Area along Sullivan Road they have reduced the mass that would have been created on the lot by creating a covered parking structure.
21. There are no open space requirements for this site as the applicant is proposing to construct single-family homes, not a multi-unit dwelling. The total amount of open space on this lot is proposed to be approximately 10,160 square feet of open space or 55% of the combined lots.
22. No signs and lighting are associated with this proposal. All future lighting will be subject to the LMC development standards related to lighting and will be reviewed for compliance with the LMC and Design Guidelines at the time of the building permit review. Any existing exterior lighting will be required, as part of this application, to be brought up to current standards.
23. The physical design of the proposed Parking Area and development is compatible with surrounding Structures in mass, scale, style, design, and architectural detailing.
24. The proposed use does not provide noise, vibration, odors, steam, or other mechanical factors that are not already associated within the HRM District. The location of the Parking Area at the back of the lot along Sullivan Road and the vegetated berm will mitigate the associated vehicles from the view of the neighborhood.
25. Trash storage and recycling pick areas will be located on the rear (south) elevation of the new houses. Trash collection will occur along Sullivan Road.
26. Expected ownership of the entire project is anticipated as a single entity until the applicant files a Condominium Record of Survey to be able to sell each private unit individually.
27. The site is not located within the Sensitive Lands Overlay District. There are no known physical mine hazards. The site is within the Soils Ordinance Boundary and the site will have to meet the Soils Ordinance. The site is not on any steep slopes and the proposal is appropriate for its topography. Storm water runoff from Parking Area has been addressed as part of the overall development of the site.

28. Expected ownership of the entire project is anticipated as a single entity until the Condominium Plat has been recorded, enabling the applicant to sell each private unit individually. Following the sale, these will be deed-restricted affordable housing units.
29. Per LMC 15-2.4-3, the Planning Director shall review any Conditional Use permit (CUP) Application in the HRM District and shall forward a recommendation to the Planning Commission regarding compliance with the Design Guidelines for Park City's Historic Districts and Historic Sites and Chapter 5. The proposed design of the six (6) new single-family dwellings meets the Design Guidelines for Park City's Historic Districts and Historic Sites.
30. The applicant is not proposing to alter the Historic Structure to minimize the residential character of the building; rather, the applicant is proposing to remove non-historic additions on the historic house, construct a new addition, and restore the existing historic structure. The proposed Parking Area along Sullivan Road is also consistent with the Design Guidelines as the guideline encourage locating Parking Areas in rear yards where they do not detract from the historic character of the primary right-of-way.
31. The new buildings and addition to the historic structure will be in scale and compatible with existing historic buildings in the neighborhood. Larger masses will be located to the behind the historic structure to minimize the perceived mass from the street.
32. By constructing the six (6) single family residences behind the historic houses, the applicant has significantly reduced the mass and scale of the development as viewed from Park Avenue. The small scale of these new houses is consistent to that of the historic structures. The low height of each house and the separation between the houses minimizes their visibility and allows the historic structure to remain the focal point of the project.
33. Parking requirements of Section 15-3 will be met. The required amount of parking for six (6) new single family homes is twelve (12) spaces. The applicant will provide three (3) parking spaces accessible from Park Avenue and nine (9) parking spaces accessible from Sullivan Road.
34. All yards are designed and maintained in a residential manner. Existing mature landscaping shall be preserved as possible.
35. As the property is surrounded by residential uses and no commercial uses are proposed, therefore the applicant is not providing fencing and screening between along common property lines.
36. All utility equipment is proposed to be located underground.
37. General statement about consistent with the GP.
38. The staff 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.
2. The proposed use, as conditioned, will be compatible with the surrounding structures in use, scale, mass and circulation.
3. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval

1. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The plan shall include phasing, timing, staging, and coordination of construction with adjacent projects to address mitigation of neighborhood impacts due to the volume of construction in this neighborhood.
2. City Engineer review and approval of all construction, including grading, utility installation, public improvements and storm drainage plans, and all construction within the ROW, for compliance with City standards, is a condition precedent to building permit issuance.
3. Snyderville Basin Water Reclamation District (SBWRD) review and approval of the utility plans for compliance with SBWRD standards and procedures, is a condition precedent to building permit issuance. A 21 foot wide utilities easement has been dedicated to SBWRD along the shared property line of 1450-1460 Park Avenue.
4. A final landscape plan shall be submitted for approval by the Planning Department and the landscaping shall be complete prior to issuance of a final certificate of occupancy for the project. The landscape plan shall provide mitigation of the visual impacts of the driveways, parking areas, and mechanical equipment.
5. The applicant shall dedicate façade preservation easements to the City for the historic structures at 1450 and 1460 Park Avenue following their restoration and prior to sale of the historic buildings to a private property owners.
6. The plat amendment to combine Lots 1 and 2 of the Retreat at the Park Subdivision, located at 1450-1460 Park Avenue shall be recorded else this CUP approval for a Parking Area of nine (9) parking spaces along Sullivan Road is void.
7. The HOA shall create and enforce a parking plan to be approved by the City Planning Director and City Engineer prior to issuance of certificates of occupancy that addresses the following:
 - a. No more than 2 cars allowed per unit
 - b. The HOA shall maintain signed and striped ADA parking (if required)
 - c. Length of time a vehicle can be parked without moving
 - d. Restrictions on vehicle size to prevent semis, work trailers, storage units (PODs), etc. in designated parking areas
 - e. Snow removal restrictions
 - f. Determine if parking spaces are assigned to individual owners or units
 - g. Signs
 - h. Fair tie-breaker and changes to plan clause
 - i. Signs
8. The applicant is responsible for providing an updated landscape plan as part of the building permit application. Any significant vegetation that needs to be removed shall be replaced in-kind or a multiple of trees of the same caliper shall be provided to match the diameter of the existing tree. The updated landscape plan shall incorporate fruit trees and lilac bushes, consistent with the current vegetation that exists on site. If possible, the applicant will preserve the lilac bushes.
9. Existing mature landscaping shall be preserved per a tree preservation plan submitted by a certified arborist and approved by the City prior to issuance of a building permit.

10. All ground-level equipment shall be screened from view using landscape elements such as fences, low stone walls, or perennial plant materials.
11. All parking areas and driveways shall be screened in order to visually buffer off-street parking areas from adjacent properties and the primary rights-of-way.
12. All parking area signs shall be approved by the Planning Department prior to installation.
13. Any new exterior lighting features shall be reviewed and approved by the Planning Department prior to installation. Exterior lighting features shall be compatible to the building's style, period, and materials, but shall also be down-directed and shielded.
14. All Standard Project Conditions shall apply.

Exhibits

Exhibit A- Proposed plans

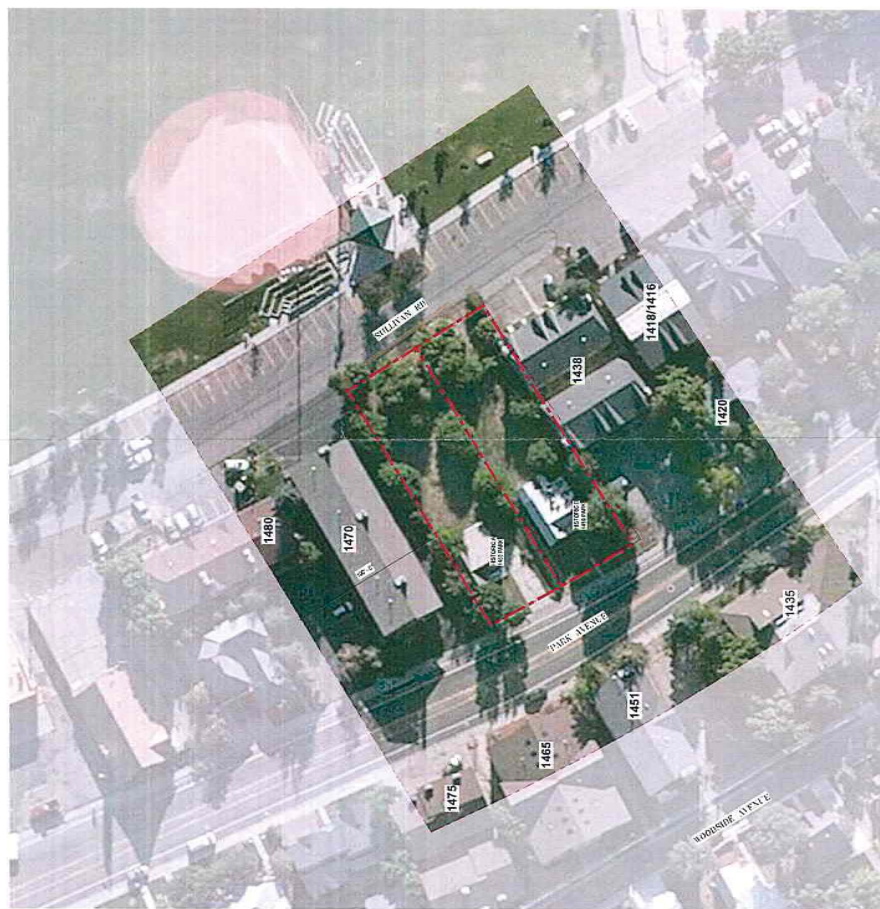
Exhibit B- Applicant's Analysis



**PARK CITY MUNICIPAL
CORPORATION**

**1450/1460 PARK AVE.
AFFORDABLE HOUSING**

NEIGHBOR PROPERTIES
100 FT

NEIGHBOR PROPERTIES
100 FT[illegible]

AREA PLAN

As indicated

PROJECT # 1521

PROJECT # 1521
CADDIS PC

1450-1460 Park Avenue

Application for Conditional Use Permit

For Parking area on Sullivan Road to accommodate nine cars

Submitted by the Affordable Housing Program of

Park City Municipal Corporation

1. How will the proposed use “fit-in” with surrounding uses?

The proposed use does not change from the historical use – residential single family homes. The proposed use maximizes the number of units that can be built within current code on a half-acre lot. With the rehabilitation of two existing historic dwellings, six additional units will be built in the balance of the lot. The surrounding uses are primarily larger multi-unit buildings, however the applicant proposes to retain this lot as a small pocket neighborhood for permanent, year-round residents. While small, single family homes might feel dwarfed by the larger structures, it will provide a linkage to other historic single family homes in the neighborhood. The parking is not dissimilar to many properties along Sullivan with one difference. It will be screened by a landscaped barrier along Sullivan.

2. What type of service will it provide to Park City?

The project will provide affordable, workforce housing for Park City residents.

3. Is the proposed use consistent with the current zoning district and with the General Plan?

The proposed use complies with all set-back requirements for the zoning district with one exception – the desire to place nine parking spaces on Sullivan Avenue. More than four requires a Conditional Use Permit.

In order to maintain the pocket neighborhood feel and provide as much open space as possible on a compact lot, parking is proposed to remain on the periphery which means that nine spaces are located on Sullivan and three on Park Avenue. This is similar to many surrounding properties, however, a landscaped berm is provided at the rear of the parking area to help mitigate a “parking lot” appearance on Sullivan.

The proposed use is consistent with the General Plan to provide infill affordable units as well as locating them near public transit nodes. One of the Park City transit system’s busiest routes is Park Avenue and the bus stop is located within two hundred yards of the property. General Plan Objectives that are addressed by this project include 7D, 7E, 8A & 15E:

7D - Facilitate the implementation of a housing plan that promotes economic diversity.

7E – Create housing opportunities for the City’s aging population. (Two of the houses will be adaptable and configured for age-in-place occupants.)

8A – Provide increased housing opportunities that are affordable to a wide range of income levels within all Park City neighborhoods.



1450-1460 Park Avenue
CUP Application narrative, page 1

15E – Encourage adaptive reuse of historic resources – please note that details of how the historic home at 1460 will be rehabilitated can be found attached at the end of this narrative.

4. Is the proposed use similar or compatible with other uses in the same area?

The proposed use is both similar and compatible. The property is surrounded on all sides by residential properties with parking along Sullivan Road. Most properties are larger structures – multi-unit buildings – however, there is still a scattering of small, historic detached houses. This property will provide additional historic context to the street with similar small detached houses.

5. Is the proposed use suitable for the proposed site?

The proposed use fits within current zoning and code requirements. It will provide a lovely, small neighborhood for permanent residents to live close to their work and to most amenities necessary for a complete lifestyle. Grocery stores, banks, medical facilities and entertainment can be found within walking distance or a short bus ride.

6. Will the proposed use emit noise, glare, dust, pollutants, and odor?

The proposed use will not contribute any of these.

7. What is the hour of operation and how many people will be employed?

The proposed use is residential and therefore will not have hours of operation, nor will people be employed on site.

8. Are other special issues that need to be mitigated? None



1450-1460 Park Avenue
CUP Application narrative, page 2

Planning Commission Staff Report

Subject: Retreat at the Park Condominiums (1450-1460 Park Avenue)
Author: Anya Grahn, Historic Preservation Planner
Project Number: PL-16-03384
Date: June 28, 2017
Type of Item: Legislative – Condominium Plat

Summary Recommendations

Staffs recommends that the Planning Commission hold a public hearing for the Retreat at the Park Condominiums located at 1450-1460 Park Avenue and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the draft ordinance.

Description

Applicant: Park City Municipal Corporation, represented by Rhoda Stauffer
Location: 1450-1460 Park Avenue
Zoning: Historic Residential-Medium Density District (HRM)
Adjacent Land Uses: Commercial and Residential
Reason for Review: Condominium Plats require Planning Commission review and City Council review and action

Proposal

The property owner proposes to record a Condominium Record of Survey that creates a total of eight (8) residential units.

Background

On March 29, 2007, Ordinance 07-20 approved the creation of two (2) legal lots of record from two (2) metes and bounds parcels at 1450-1460 Park Avenue. Later that year, the Retreat at the Park Subdivision was recorded on August 16, 2007.

In 2009, the City purchased the properties at 1450-1460 Park Avenue through the Lower Park Redevelopment Agency with the intent of creating an affordable housing project. In March 2012, City Council began collaborating with Green Park Cohousing, LLC on the purchase of the property following an RFP process. Following the approvals of the Conditional Use Permit (CUP) and a plat amendment that was not recorded, Green Park Cohousing withdrew their applications as they were unable to secure financing for the project.

The City has since chosen to develop these two lots at 1450-1460 Park Avenue. The applicant is proposing to rehabilitate the existing two (2) historic houses at 1450 and 1460 Park Avenue as well as build six (6) new single-family houses; there will be a total of eight (8) affordable housing units located on the two (2) properties.

On December 8, 2015, the Planning Department received two Historic District Design Review (HDDR) applications for the rehabilitation and relocation of the historic houses at 1450-1460 Park Avenue; the applications were deemed complete on December 17, 2015. On February 3, 2016, the Historic Preservation Board (HPB) approved material deconstruction at 1450 and 1460 Park Avenue. The relocation of the house at 1450 Park 8'6" and the historic house at 1460 Park 5'5" to the west towards Park Avenue were approved by the HPB on March 2, 2016. The HDDR applications for the rehab of the historic homes were approved by the Planning Department on June 14, 2016; the HDDRs to construct the new single-family dwellings behind the historic house were approved on November 21, 2016.

On May 2, 2016, the Planning Department received CUP applications for access off Sullivan Road; the applications were approved by the Planning Commission on July 13, 2016. [See [Report \(page 231\)](#) + [Minutes \(page 51\)](#).] The CUPs included conditions of approval that required the applicant to dedicate a façade preservation easement to the City for both the historic structures at 1450 and 1460 Park Avenue following its restoration and prior to sale of the historic building to a private property owner; staff has included this in the conditions of approval for this condominium plat as well.

On December 1, 2016, the Planning Department received a completed Condominium Record of Survey application for the Retreat at the Park Condominiums. The property is located at 1450 – 1460 Park Avenue in the HRM District. The project was scheduled for Planning Commission on May 24, 2017, but was continued at the request of the applicant to June 28th.

Purpose

The purpose of the Historic Residential Medium Density (HRM) District is to:

- A. Allow continuation of permanent residential and transient housing in original residential Areas of Park City,
- B. Encourage new Development along an important corridor that is Compatible with Historic Structures in the surrounding Area,
- C. Encourage the rehabilitation of existing Historic Structures,
- D. Encourage Development that provides a transition in Use and scale between the Historic District and the resort Developments,
- E. Encourage Affordable Housing,
- F. Encourage Development which minimizes the number of new driveways Accessing existing thoroughfares and minimizes the visibility of Parking Areas, and
- G. Establish specific criteria for the review of Neighborhood Commercial Uses in Historic Structures along Park Avenue.

Analysis

A condominium is not a type of use but a form of ownership. The proposed Condominium Record of Survey plat identifies private, common, and limited common ownership areas within the existing and proposed building and site.

The proposed Retreat at the Park condominium plat is consistent with the purpose statements of the HRM District and meets all Land Management Code (LMC) requirements. The applicant is in the process of rehabilitating the existing historic houses and constructing six (6) additional houses behind each of the historic houses on site in order to provide a total of eight (8) affordable housing units at 1450-1460 Park Avenue.

A single-family dwelling is an allowed use in the HRM District. The minimum lot area for a single-family dwelling is 1,875 square feet. The applicant is proposing to rehabilitate the two historic houses and construct three (3) additional houses on each lot in order to provide a total of eight (8) affordable housing units at 1450 and 1460 Park Avenue. The lot size required for eight (8) dwelling units is 9,625 square feet. The proposed combined lot size of 18,294.43 feet is 1.9 times larger than what is required.

Per LMC 15-2.4-6 existing historic structures that do not comply with off-street parking requirements are valid non-complying structures. The historic houses at 1450 and 1460 Park Avenue are designated as “Significant” on the City’s Historic Sites Inventory (HSI), and are not required to provide parking. The six (6) new single-family dwellings proposed on the lot are required to provide two (2) parking spaces each for a total of twelve (12) spaces. Three (3) spaces will be accessible from Park Avenue while the remaining nine (9) spaces will be accessible from Sullivan Road.

Based on the feedback and recommendations of the Community Development Department, the HOA will be responsible for developing and enforcing a parking plan for the site. Parking spaces will not be assigned to individuals, but shared among the development.

	Permitted in HRM	Proposed in HDDR and Under Construction	
		Lot 1 (1450 Park Ave)	Lot 2 (1450 Park Ave)
Lot and Site Requirements	9,625 SF	9,073 SF; <i>complies</i>	9,212 SF; <i>complies</i>
Lot Width	37.50 ft., measured fifteen feet (15') from the Front Lot Line	53 ft.; <i>complies</i>	54 ft.; <i>complies</i>
Setbacks Front Yard Rear Yard Side Yard	15 ft. 10 ft. 5 ft.	15.7 ft. 30 ft. 5 ft. north; 11 ft. south <i>complies</i>	15.7 ft. 31 ft. 5 ft. south; 10 ft. north <i>complies</i>
Height	27 ft.	26 ft. 8 inches; <i>complies</i>	26 ft. 8 inches; <i>complies</i>

Parking	Two spaces are required for each residential unit. The historic houses are not required to provide parking; therefore, a total of twelve (12) parking spaces are required.	2 parking spaces will be accessible from Park Avenue, and the remaining 4 spaces will be accessible from Sullivan Road. <i>complies</i>	1 parking space will be accessible from Park Avenue, and the remaining 5 spaces will be accessible from Sullivan Road. <i>complies</i>
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Condominium Conversions

LMC § 15-4-12 indicates that existing structures shall not be converted to condominium ownership without first receiving the review and recommendation of the Planning, Engineering and Building Departments, City Attorney, and Record of Survey Plat approval from the City. Furthermore, required public improvements and landscaping shall be completed at the time of conversion or security provided to ensure completion as provided by ordinance.

In December 2015, the City issued a building permit to construct the six (6) new single-family houses behind the two (2) historic houses. The applicant is still working on this active building permit. The structures, as approved on plans, are to be built per current building codes as approved.

The applicant is proposing the following:

Common Area	12,736.3 SF
Limited Common Area	
Unit 1450A	100.3 SF
Unit 1450B	139.3 SF
Unit 1450C	139.3 SF
Unit 1450D	160.0 SF
Unit 1460A	124.1 SF
Unit 1460B	139.3 SF
Unit 1460C	139.3 SF
Unit 1460D	219.0 SF
Private Area (Units)	
Unit 1450A	713.1 SF
Unit 1450B	944.5 SF
Unit 1450C	944.5 SF
Unit 1450D	1,170.6 SF
Unit 1460A	629.2 SF
Unit 1460B	944.5 SF
Unit 1460C	944.5 SF
Unit 1460D	944.5 SF

Soils Boundary

The site is not located within the Sensitive Lands Overlay District. There are no known physical mine hazards. The site is within the Soils Ordinance Boundary and the site will have to meet requirements of the Soils Ordinance. It is also located in FEMA flood Zone A.

Good Cause

Staff finds Good Cause for the Condominium Record of Survey as the requested form of ownership is not detrimental to the overall character of the neighborhood. In addition, it allows for the sale of the individual units.

Process

The approval of this Condominium Record of Survey application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC § 1-18.

Department Review

This project has gone through an interdepartmental review. Snyderville Basin Water Reclamation District (SBWRD) requested that the applicant show and label their easement on the plat. This has been incorporated as Condition of Approval #6. No additional issues were brought up at that time.

Notice

The property was posted and notice was mailed to property owners within 300 feet on May 10, 2017. Legal notice was also published in the Park Record according to requirements of the Land Management Code on May 13, 2017, and June 10, 2017.

Public Input

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

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the Retreat at the Park Condominiums plat as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the Retreat at the Park Condominiums plat and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on Retreat at the Park Condominiums plat.

Significant Impacts

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

Consequences of not taking the Planning Department's Recommendation

The proposed building would remain as is and the property owner would not have the

option to sell the units individually.

Summary Recommendation

Staffs recommends that the Planning Commission hold a public hearing for the Retreat at the Park Condominiums located at 1450-1460 Park Avenue and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Condominium Record of Survey plat

Exhibit B – Recorded Retreat at the Park Plat Amendment

Exhibit C – Survey

Exhibit D – Aerial Photograph

Exhibit E – Site Photographs

Ordinance No. 17-XX

**AN ORDINANCE APPROVING THE RETREAT AT THE PARK CONDOMINIUMS
LOCATED AT 1450-1460 PARK AVENUE, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 1450-1460 Park Avenue has petitioned the City Council for approval of the Condominium Record of Survey; and

WHEREAS, on May 10, 2017, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on May 10, 2017 proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on May, 24, June 14, and June 28, 2017, to receive input on plat amendment; and

WHEREAS, the Planning Commission, June 28, 2017, forwarded a _____ recommendation to the City Council; and,

WHEREAS, on July 15, 2017, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Retreat at the Park Condominiums.

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

SECTION 1. APPROVAL. Retreat at the Park Condominiums plat as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 1450-1460 Park Avenue in the Historic Residential-Medium Density (HRM) District.
2. The subject property consists of Lots 1 and 2 of the Retreat at the Park Subdivision approved by the City Council as Ordinance 07-20 and recorded at Summit County on August 16, 2007.
3. On December 8, 2015, the Planning Department received two Historic District Design Review (HDDR) applications for the rehabilitation and relocation of the historic house at 1450 and 1460 Park Avenue. The HDDR applications were approved on November 21, 2016.

4. On February 3, 2016, the Historic Preservation Board (HPB) approved the material deconstructions for 1450 and 1460 Park Avenue. The relocation of the house at 1450 Park 8'6" to the west and the house at 1460 Park 5'5" to the west towards Park Avenue was approved by the HPB on March 2, 2016.
5. On July 13, 2016, the Planning Department approved Conditional Use Permits (CUP) to allow access off Sullivan Road.
6. On March 20, 2017, the Planning Department received a Condominium Record of Survey application for the Retreat at the Park Condominiums; it was deemed complete April 14, 2017.
7. The property owner proposes to record a Condominium Record of Survey that creates a total of eight (8) units.
8. A condominium is not a type of use but a form of ownership.
9. The proposal complies with the allowed uses in the HRM District.
10. Together, Lots 1 and 2 of the Retreat at the Park Subdivision contain 18,294.43 square feet. This is greater than the minimum lot size required for eight (8) dwelling units which is 9,625 square feet.
11. The minimum lot width in the HRM District is 37.50 feet; together, Lots 1 and 2 are 108.25 feet in width.
12. The required front yard setback is 15 feet in the HRM District; the applicant is providing a 15 foot front yard setback.
13. The required rear yard setback is 10 feet in the HRM District; the applicant is proposing a 30 foot setback.
14. The required side yard setback is 5 feet in the HRM District; the applicant is proposing 5 feet along the north side yards.
15. A single-family dwelling is an allowed use in the HRM District.
16. The proposed Condominium Record of Survey Plat is appropriate as the requested form of ownership is not detrimental to the overall character of the neighborhood.
17. This application allows the following residential units to be platted as private ownership:
 - a. Unit 1450A: 713.1 square feet
 - b. Unit 1450B: 944.5 square feet
 - c. Unit 1450C: 944.5 square feet
 - d. Unit 1450D: 1,170.6 square feet
 - e. Unit 1460A: 529.2 square feet
 - f. Unit 1460B: 944.5 square feet
 - g. Unit 1460C: 944.5 square feet
 - h. Unit 1460D: 944.5 square feet
18. The total private ownership of this project is 7,235.4 square feet.
19. This application allows the following residential units to be platted as limited common ownership:
 - a. Unit 1450A: 100.3 square feet
 - b. Unit 1450B: 139.3 square feet
 - c. Unit 1450C: 139.3 square feet
 - d. Unit 1450D: 160.0 square feet
 - e. Unit 1460A: 124.1 square feet

- f. Unit 1460 B: 139.3 square feet
- g. Unit 1460C: 139.3 square feet
- h. Unit 1460D: 219.0 square feet
- 20. The application allows for 1,160.6 square feet of limited common area.
- 21. This application allow for 12,736.3 square feet in common area.
- 22. The proposed Record of Survey consists of common area, private residential, limited common residential, and private commercial.
- 23. The exterior and boundary walls, floor joists, foundations, roofs, mechanical areas, utility chase, etc. are to be platted as common space.
- 24. The site is not located within the Sensitive Lands Overlay District. There are no known physical mine hazards. The site is within the Soils Ordinance Boundary and the site will have to meet the Soils Ordinance. It is also located in FEMA flood zone A.
- 25. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

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

Conditions of Approval:

- 1. The City 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 will record the plat at the County within one year from the date of City Council approval and after the homes are completed to ensure that the condo plat reflects the built conditions. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
- 3. Required public improvements and landscaping, as applicable, shall be completed at the time of conversion or security provided to ensure completion as provided by ordinance.
- 4. The applicant shall require façade preservation easements to the City for the historic structures at 1450 and 1460 Park Avenue following their restoration and prior to sale of the historic building to private property owners.
- 5. The property is located within the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) boundary. Prior to building permit issuance, a soils management plan must be submitted and final construction must comply with the Soils Ordinance.
- 6. The applicant shall show and label their easement with Snyderville Basin Water Reclamation District (SBWRD) on the condo plat amendment.

7. A plat note shall be included indicating that the parking spaces off of Park Avenue are for the use of all residents within the condominium development.

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

PASSED AND ADOPTED this 13th day of July, 2017.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

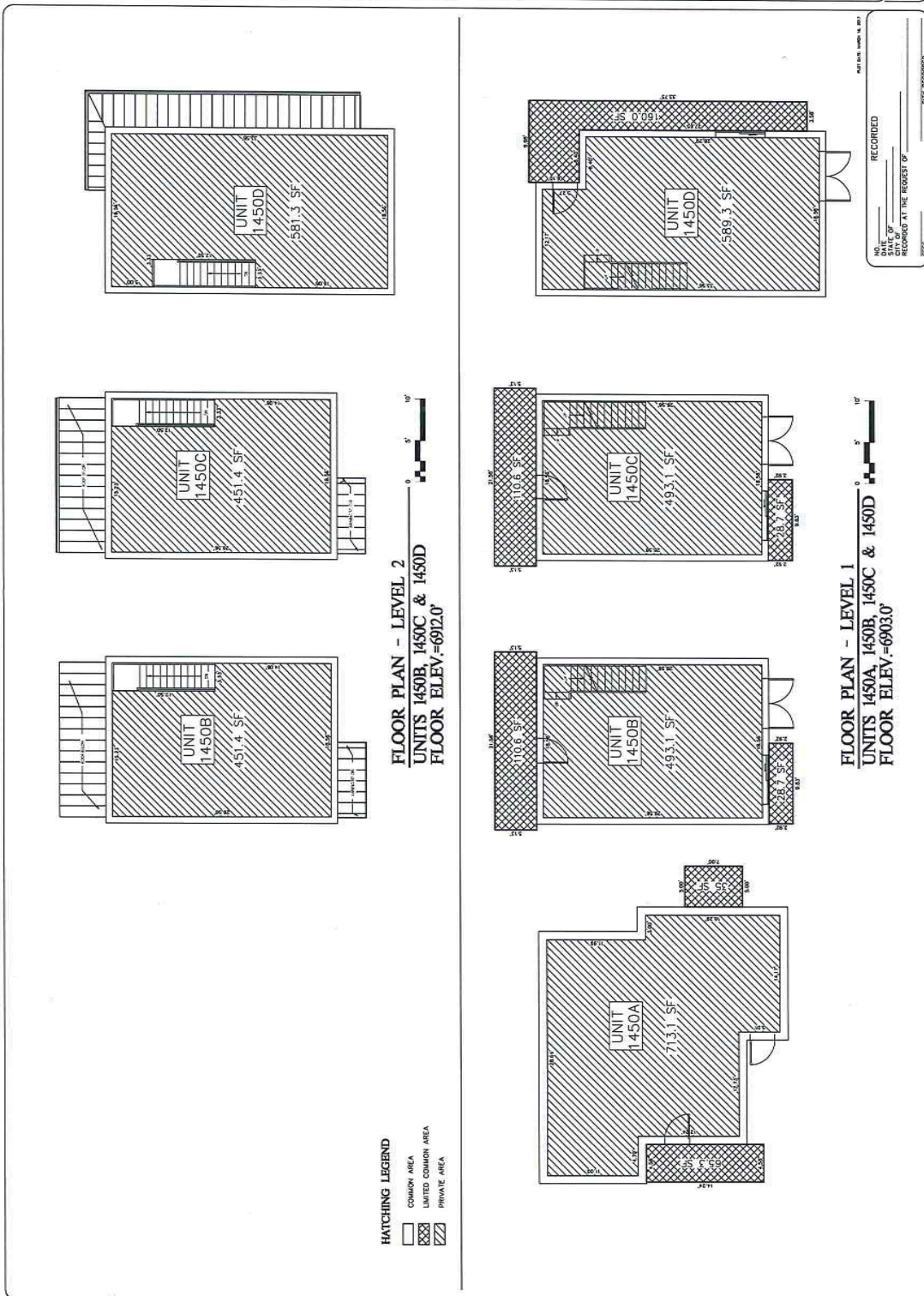
Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Proposed Plat

[illegible]



RECEIVED
MAR 20 2017
PARK CITY PLANNING

THE RETREAT AT THE PARK CONDOMINIUMS
UNITS 1460A, 1460B, 1460C, 1460D
FLOOR PLANS

PARK CITY MUNICIPAL CORP.
PLAT PP-COM-000000
SHEET 1 OF 4

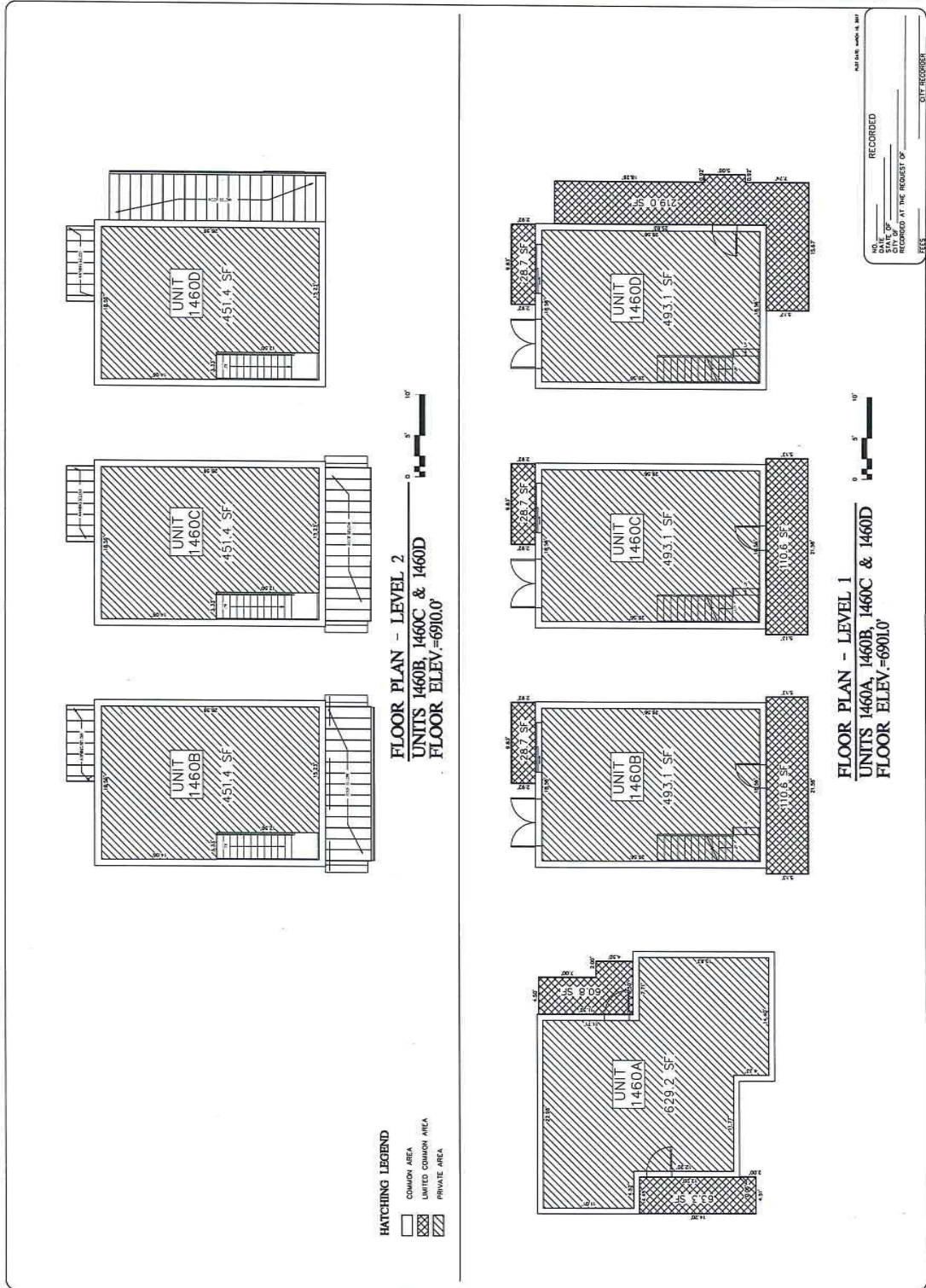
Evergreen Engineering, Inc.
1000 West 1000 North, Suite 100
Provo, UT 84604
Phone: (801) 735-1000
Fax: (801) 735-1001
www.evergreeneng.com

DATE: 01/11/17
BY: [Signature]
CHECKED: [Signature]
APPROVED: [Signature]

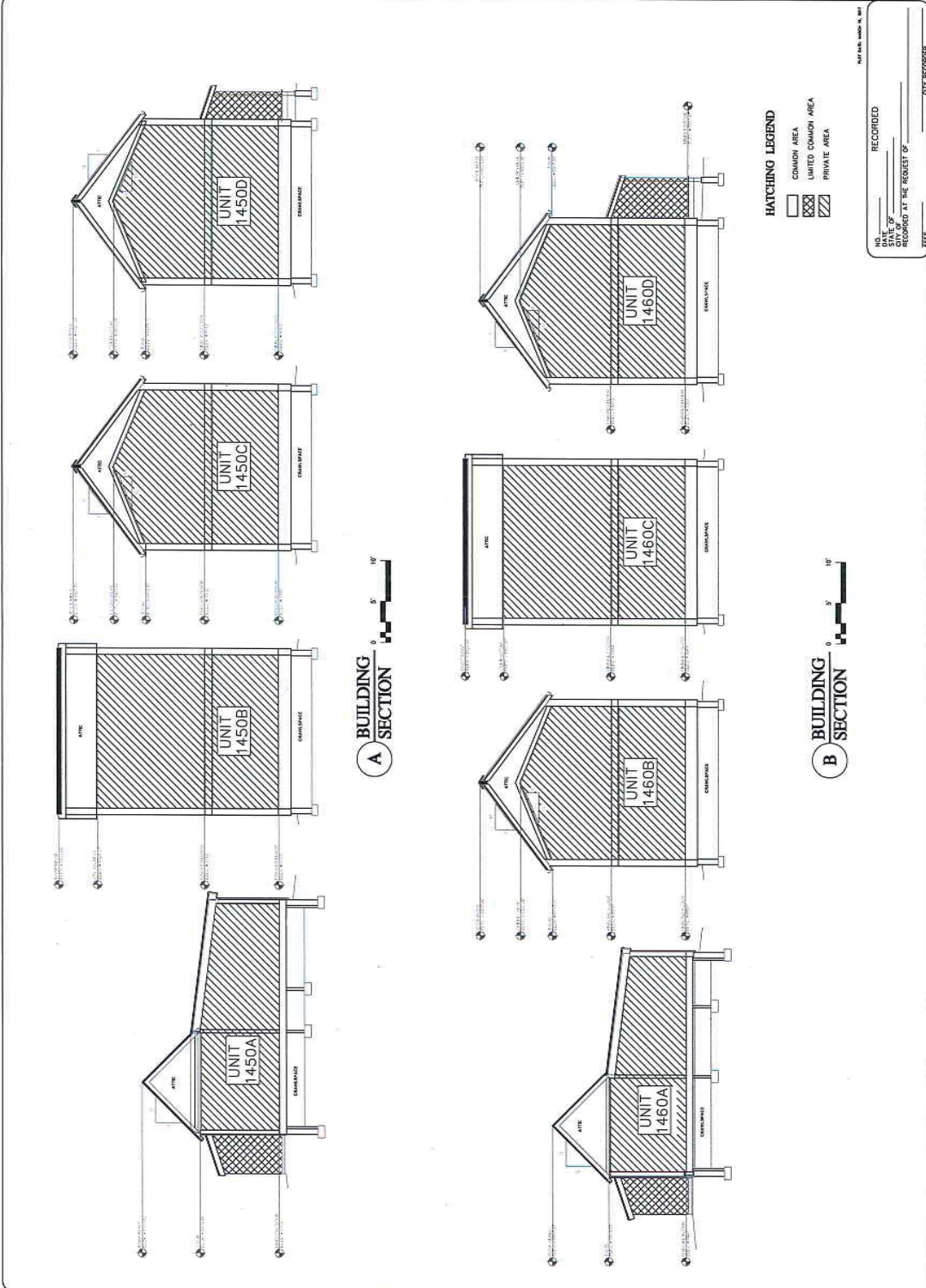
PROJECT: THE RETREAT AT THE PARK CONDOMINIUMS
SHEET: 1 OF 4
SCALE: AS SHOWN
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APPROVED BY: [Signature]

REVISIONS

NO.	DATE	DESCRIPTION
1	01/11/17	ISSUED FOR PERMIT



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 PARK CITY
 PLANNING DEPT.



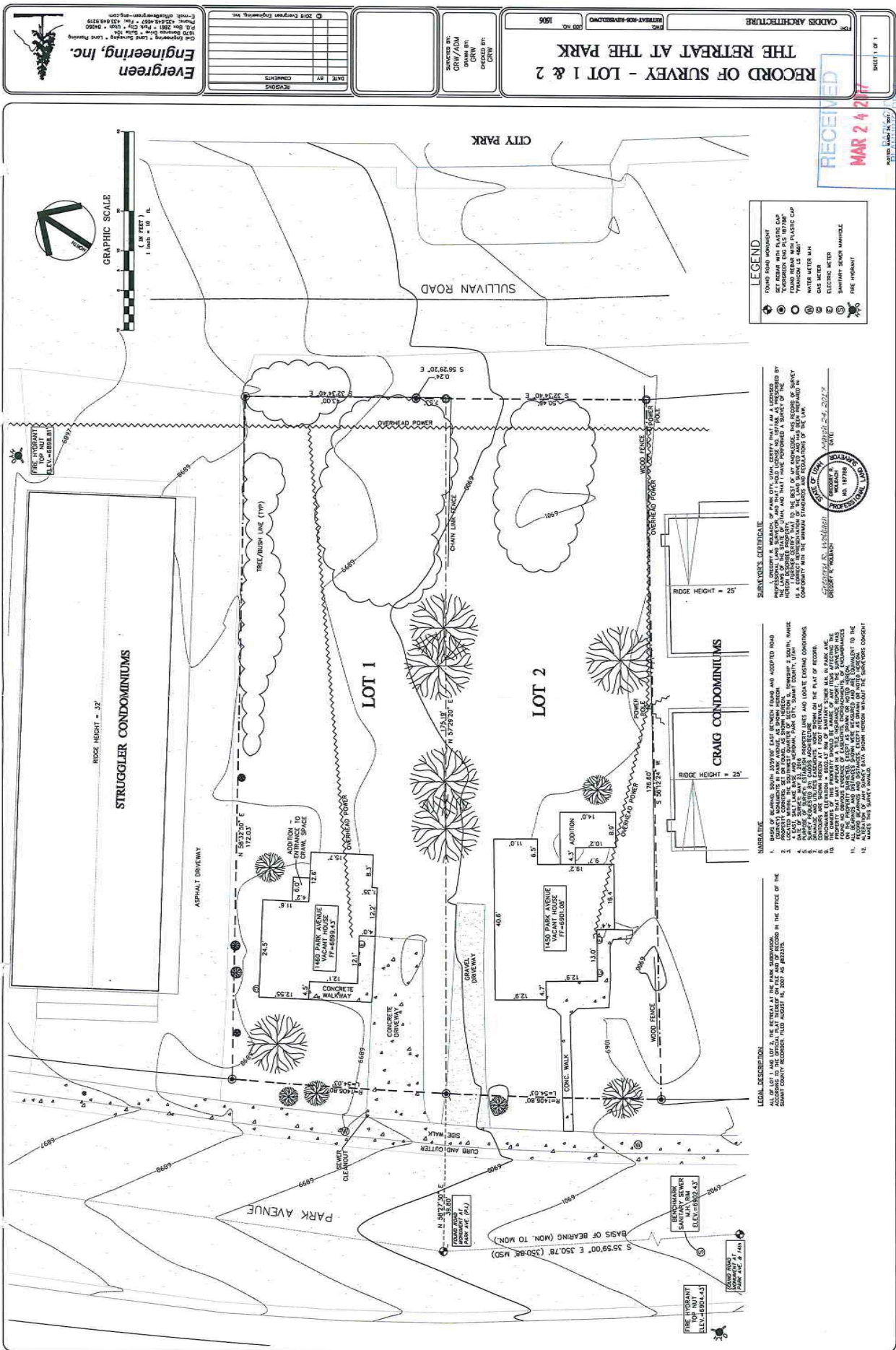


Exhibit E















Planning Commission Staff Report

PLANNING DEPARTMENT

Application: PL-17-03588
Subject: LMC Amendments
Author: Anya Grahn, Historic Preservation Planner
Hannah Tyler, Planner II
Bruce Erickson, AICP, Planning Director
Date: June 28, 2017
Type of Item: Legislative – Land Management Code Amendment

Recommendation

Staff recommends that the Planning Commission review the proposed administrative and substantive amendments to the Land Management Code (LMC) regarding LMC Section 15-1-18 Appeals and Reconsideration Process, Title 15 Chapter 11 Section 10 Park City Historic Sites Inventory; LMC 15-11-11 Design Guidelines for Park City's Historic Districts and Historic Sites, and LMC 15-13 Design Guidelines conduct a public hearing, and consider forwarding a positive recommendation to the City Council pursuant to the attached Draft Ordinance.

Description

Project Name: LMC Amendments
Location: Citywide
Proposal: Administrative and substantive amendments to the Park City Development Code regarding Land Management Code Chapter 15 Section 1-18 Appeals and Reconsideration Process; Chapter 15 Section 11-10 Park City Historic Sites Inventory (legislatively adopting the list of designated properties on the Historic Inventory); Chapter 15 Section 11-11 Design Guidelines for Park City's Historic Districts and Historic Sites; and Chapter 15-13 Design Guidelines(adopting new chapter in the Land Management Code which codifies the existing guidelines)
Reason for Review: LMC Amendments require Planning Commission review and City Council review and action.

Acronyms

For the sake of clarify here is a list of are acronyms used in this report:

HPB Historic Preservation Board
HSI Historic Sites Inventory
LMC Land Management Code

Background

Due to recent changes in the state law that went into effect on May 9, 2017, staff is proposing to amend the LMC in order to comply with State Code. Staff is proposing to:

- **Amend Section 15-1-18 Appeals and Reconsideration Process** as the appellant now has the ability to choose for appeals on Historic Preservation related applications to be reviewed by either the Board of Adjustment (current appeal body) or City Council.
- **Amend Section 15-11-10 Park City Historic Sites Inventory**
- **Amend Section 15-11-11 Design Guidelines for Park City's Historic Districts and Historic Sites**
- **Adopt Chapter 15-13 Design Guidelines** as we propose inserting new chapter for the existing guidelines specifically into the Land Management Code

Analysis

1. Section 15-1-18 Appeals and Reconsideration Process

Based on the current state legislation which amended Utah Code 10-9a-701 that came into effect on May 9, 2017, the appellant now has the option to appeal any administrative decisions related to application of historic preservation regulations to either the Board of Adjustment (BOA) or the City Council. Thus, appeals of Staff decisions on Historic District Design Review (HDDR) application for compliance with the Design Guidelines for Historic Districts and Historic Sites) and appeals of Historic Preservation Board decisions shall now go either to the BOA or City Council. In addition, Utah Code 10-9a-704 was amended which allows for 30 days to appeal Historic Preservation Board decisions. Lastly, Utah Code 10-9a-707 added language regarding interpretation of land use regulations by the appeal authority. Staff is proposing the following revisions to LMC 15-1-18:

15-1-18 Appeals And Reconsideration Process

- A. **STAFF.** Any decision by either the Planning Director or Planning Staff regarding Application of this LMC to a Property may be appealed to the Planning Commission. Appeals of decisions regarding the Design Guidelines for Historic Districts and Historic Sites shall be reviewed by the Board of Adjustment or City Council at the request of the appellant.
- B. **HISTORIC PRESERVATION BOARD (HPB).** The City or any Person with standing adversely affected by any decision of the Historic Preservation Board may be appealed to the Board of Adjustment or City Council at the request of the appellant.
- ...
- E. **TIMING.** All appeals must be made within ten (10) calendar days of the Final Action except for an appeal from a decision by the historic preservation authority which is Staff regarding the Design Guidelines for Historic Districts and Historic Sites or a decision by the Historic Preservation Board regarding a land use application, the applicant may appeal the decision within 30 days after the day on which the historic preservation authority issues a written decision. The reviewing body, with the consultation of the appellant, shall set a date for the appeal. All appeals shall be

heard by the reviewing body within forty-five (45) days of the date that the appellant files an appeal unless all parties, including the City, stipulate otherwise.

...

G BURDEN OF PROOF AND STANDARD OF REVIEW. The appeal authority shall act in a quasi-judicial manner even if the appeal authority is the City Council. The appellant has the burden of proving that the land use authority erred. The appeal authority shall review factual matters de novo, without deference to the land use authority's determination of factual matters, and it The appeal authority shall determine the correctness of the decision of the land use authority in its interpretation and application of the land use ordinance land use authority's interpretation and application of the plain meaning of the land use regulations, and interpret and apply a land use regulation to favor a land use application unless the land use regulation plainly restricts the land use application. All appeals must be made in writing. Review of petitions of appeal shall include a public hearing and shall be limited to consideration of only those matters raised by the petition(s), unless the appeal authority grants either party approval to enlarge the scope of the appeal to accept information on other matters. New evidence may be received so long as it relates to the scope of the appeal. City Council, when acting as an appeal body for appeals of Historic Preservation decisions may exercise only administrative authority.

2. Chapter 15-11-10 Park City Historic Sites Inventory

Staff is proposing to codify the adoption of properties designated on the Historic Sites Inventory and the process by which determinations of significance are made. Staff is proposing the following revisions:

15-11-10 Park City Historic Sites Inventory

The ~~Historic Preservation Board~~ City Council may designate Sites to the Historic Sites Inventory as a means of providing recognition to and encouraging the Preservation of Historic Sites in the community. City Council shall make the final determination on all Determination of Significance applications considering the criteria below, with the recommendation of the Historic Preservation Board.

A. CRITERIA FOR DESIGNATING SITES TO THE PARK CITY HISTORIC SITES INVENTORY.

1. **LANDMARK SITE.** Any Buildings (main, attached, detached, or public), Accessory Buildings, and/or Structures may be designated to the Historic Sites Inventory as a Landmark Site if the City Council, with a recommendation from the Historic Preservation Board, finds it meets considers all the criteria listed below:
 - a. It is at least fifty (50) years old or if the Site is of exceptional importance to the community; and
 - b. It retains its Historic Integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the National Park Service for the National Register of Historic Places; and

- c. It is significant in local, regional or national history, architecture, engineering or culture associated with at least one (1) of the following:
 1. An era that has made a significant contribution to the broad patterns of our history; or
 2. The lives of Persons significant in the history of the community, state, region, or nation; or
 3. The distinctive characteristics of type, period, or method of construction or the work of a notable architect or master craftsman.
2. **SIGNIFICANT SITE.** Any Buildings (main, attached, detached or public), Accessory Buildings and/or Structures may be designated to the Historic Sites Inventory as a Significant Site if the City Council, with a recommendation from the Historic Preservation Board ~~finds it meets~~ considers all the criteria listed below:
 - a. It is at least fifty (50) years old or the Site is of exceptional importance to the community; and
 - b. It retains its Essential Historic Form as may be demonstrated but not limited by any of the following:
 1. It previously received a historic grant from the City; or
 2. It was previously listed on the Historic Sites Inventory; or
 3. It was listed as Significant on any reconnaissance or intensive level survey of historic resources; and
 - c. It has one (1) or more of the following:
 1. It retains its historic scale, context, materials in a manner and degree which can be restored to its Essential Historic Form even if it has non-historic additions; or
 2. It reflects the Historical or Architectural character of the site or district through design characteristics such as mass, scale, composition, materials, treatment, cornice, and/or other architectural features as are Visually Compatible to the Mining Era Residences National Register District even if it has non-historic additions; and
 - d. It is important in local or regional history architecture, engineering, or culture associated with at least one (1) of the following:
 1. An era of Historic Importance to the community, or
 2. Lives of Persons who were of Historic importance to the community, or
 3. Noteworthy methods of construction, materials, or craftsmanship used during the Historic period.
3. **CONTRIBUTORY SITE.** Any Buildings (main, attached, detached or public), Accessory Buildings and/or Structures may be designated to the Historic Sites Inventory as a Contributory Site if the City Council, with a recommendation from the Planning Department ~~finds it meets~~ considers all the criteria listed below:

- a. The structure is forty (40) years old or older (this includes buildings not historic to Park City that were relocated to prevent demolition); and
- b. Meets one of the following:
 1. Expresses design characteristics such as mass, scale, composition, materials, treatment, cornice, and/or other architectural features as are Visually Compatible to the Mining Era Residences National Register District; or
 2. It is important in local or regional history, architecture, engineering, or culture associated with at least one (1) of the following:
 1. An era of Historic importance to the community; or
 2. Lives of Persons who were of Historic importance to the community, or
 3. Noteworthy methods of construction, materials, or craftsmanship used during the Historic Period
- c. Contributory structures may be eligible for Historic District Grant funding. Contributory structures are eligible for demolition.
4. Any Development involving the Reassembly or Reconstruction of a Landmark Site or a Significant Site that is executed pursuant to Sections 15-11-14 or 15-11-15 of this code shall remain on the Park City Historic Sites Inventory. Following Reassembly or Reconstruction, the City Council, with a recommendation from the Historic Preservation Board will review the project to determine if the work has required a change in the site or structure's historic designation from Landmark to Significant.

B. PROCEDURE FOR DESIGNATING SITES TO THE PARK CITY HISTORIC SITES INVENTORY.

The Planning Department shall maintain an inventory of Historic Sites which reflects the Historic Sites Inventory adopted herein. It is hereby declared that all Buildings (main, attached, detached or public), Accessory Buildings, and/or Structures within Park City, which City Council considers ~~comply with~~ the criteria found in Sections 15-11-10(A)(1) or 15-11-10(A)(2) are determined to be on the Park City Historic Sites Inventory.

Any Owner of a Building (main, attached, detached or public), Accessory Building, and/or Structure, may nominate it for listing in the Park City Historic Sites Inventory. The Planning Department may nominate a Building (main, attached, detached or public), Accessory Building, and/or Structure for listing in the Park City Historic Sites Inventory. The nomination and designation procedures are as follows:

1. **COMPLETE APPLICATION.** The Application shall be on forms as prescribed by the City and shall be filed with the Planning Department. Upon receiving a Complete Application for designation, the Planning staff shall schedule a hearing before the Historic Preservation Board within ninety (90) days.
2. **NOTICE.** Prior to taking action on the Application, the Planning staff shall provide public notice pursuant to Section 15-1-21 of this Code.
3. **HEARING AND DECISION.** The Historic Preservation Board will hold a public hearing and will review the Application for compliance with the "Criteria for Designating Historic Sites to the Park City Historic Sites Inventory." If the Historic Preservation Board finds that the Application complies with the criteria set forth in

Section 15-11-10(A)(1) or Section 15-11-10(A)(2), the Building (main, attached, detached or public), Accessory Building, and/or Structure will be recommended to the City Council to be added to the Historic Sites Inventory.

~~a. The HPB shall forward a copy of its written findings to the Owner and/or Applicant.~~

- C. **REMOVAL OF A SITE FROM THE PARK CITY HISTORIC SITES INVENTORY.** The City Council, with a recommendation from the Historic Preservation Board may remove a Site from the Historic Sites Inventory. Any Owner of a Site listed on the Park City Historic Sites Inventory may submit an Application for the removal of his/her Site from the Park City Historic Sites Inventory. The Planning Department may submit an Application for the removal of a Site from the Park City Historic Sites Inventory. The criteria and procedures for removing a Site from the Park City Historic Sites Inventory are as follows:

1. **CRITERIA FOR REMOVAL.**

- a. The Site no longer meets the criteria set forth in Section 15-11-10(A)(1) or 15-11-10(A)(2) because the qualities that caused it to be originally designated have been lost or destroyed; or
- b. The Building (main, attached, detached, or public) Accessory Building, and/or Structure on the Site has been demolished and will not be reconstructed; or
- c. Additional information indicates that the Building, Accessory Building, and/or Structure on the Site do not comply with the criteria set forth in Section 15-11-10(A)(1) or 15-11-10(A)(2).

2. **PROCEDURE FOR REMOVAL.**

- a. **Complete Application.** The Application shall be on forms as prescribed by the City and shall be filed with the Planning Department. Upon receiving a Complete Application for removal, the Planning staff shall schedule a hearing before the Historic Preservation Board within ninety (90) days.
- b. **Notice.** Prior to taking action on the Application, the Planning staff shall provide public notice pursuant to Section 15-1-21 of this Code.
- c. **Hearing and Decision.** The Historic Preservation Board will hear testimony from the Applicant and public and will review the Application for compliance with the "Criteria for Designating Historic Sites to the Park City Historic Sites Inventory." The HPB shall review the Application "de novo" giving no deference to the prior determination. The Applicant has the burden of proof in removing the Site from the inventory. The HPB will make a recommendation to City Council, if the HPB City Council will consider finds that the Application does not comply with the criteria set forth in Section 15-11-10(A)(1) or Section 15-11-10(A)(2), the Building (main, attached, detached, or public) Accessory Building, and/or Structure to be removed from the Historic Sites Inventory. ~~The HPB shall forward a copy of its written findings to the Owner and/or Applicant.~~

D. Properties identified on the Historic Sites Inventory are hereby designated by Ordinance as Landmark or Significant. These properties include:

(Staff has included the full list of Landmark, Significant, and Contributory properties as part of Exhibit A—Attachment 2 .)

3. Chapter 15-11-11 Design Guidelines for Park City's Historic Districts and Historic Sites

The state legislature has amended the State Code (10-9a-103 (28)) to clarify the definition of a "land use regulation" to include any "rule that governs the use or development of land." The State Code (10-9a-501) also now requires that only the City Council may enact a land use regulation. Therefore, staff has proposed codifying the Design Guidelines in order to strengthen their enforceability through the land use code. Currently, the Design Guidelines for Historic Sites (Design Guidelines) are described generally in LMC 15-11-11. Staff is proposing relocating the Design Guidelines to Chapter 15-13, a new chapter that will specifically outline and adopt by Ordinance the Design Guidelines. The existing Design Guidelines were adopted by Resolution (23-09) by City Council in 2009.

Staff has been working with the Historic Preservation Board since 2016 to revise and reorganize the Design Guidelines, and bringing those changes to City Council for approval. At this time, the HPB has only reviewed and revised the Historic District Design Guidelines for Historic Commercial and Historic Residential Buildings. Staff began working on revisions to the Design Guidelines for new Infill Commercial and Infill Residential Buildings starting in 2017.

Staff proposes adopting the existing 2009 Design Guidelines as part of the LMC. Staff anticipates repealing and replacing these guidelines, based on the feedback of the HPB, Planning Commission, and City Council starting in fall 2017.

For now, staff recommends the following amendments to LMC 15-11-11:

15-11-11 Design Guidelines For Park City's Historic Districts And Historic Sites

The HPB shall promulgate and update as necessary Design Guidelines for Use in the Historic District zones and for Historic Sites which shall be reviewed by the City Council. These guidelines shall, upon adoption of the City Council, be used by the Planning Department staff in reviewing Historic District/Site design review Applications. The Design Guidelines for Park City's Historic Districts and Historic Sites shall address rehabilitation of existing Structures, additions to existing Structures, and the construction of new Structures. The Design Guidelines are incorporated into this Code ~~by reference in Chapter 15-13~~. From time to time, the HPB may recommend changes in the Design Guidelines for Park City's Historic Districts and Historic Sites to Council, provided that no changes in the guidelines shall take effect until adopted by ~~a resolution~~ an ordinance of the City Council.

4. Chapter 15-13 Design Guidelines

This is also a new chapter proposed for the LMC. In response to changes in the State Code, staff proposes creating a new chapter that will specifically outline the Design Guidelines. Staff has been working with the HPB since January 2016 to update and revise the Design Guidelines. Staff anticipates completing this review in late-summer 2017. Staff will then repeal and replace this section with the new Design Guidelines.

Because the existing Design Guidelines were meant to be guidelines and not code, there may be some difficulties that occur when the guidelines become mandated as code. Staff has worked to revise these in our Design Guideline revisions; however, in the meantime, staff finds that it would be appropriate for the Planning Director to make minor adjustments when issues arise.

Staff is proposing the following be included in this chapter:

15-13 Design Guidelines for Historic Districts and Historic Sites

15-13-1 Purpose and Policy

15-13-2 Design Guidelines for Historic Districts and Historic Sites

15-13-1 Policy and Purpose

The Design Guidelines for Park City's Historic Districts and Historic Sites (referred to throughout the document as the "Design Guidelines") is intended to fulfill the policy directives provided in the General Plan and the Land Management Code.

The goal of the Design Guidelines is to meet the needs of various interests in the community by providing guidance in determining the suitability and architectural compatibility of proposed projects, while at the same time allowing for reasonable changes to individual buildings to meet current needs. For property owners, design professionals, and contractors, it provides guidance in planning projects sympathetic to the unique architectural and cultural qualities of Park City. For the Planning Department staff and the Historic Preservation Board, it offers a framework for evaluating proposed projects to ensure that decisions are not arbitrary or based on personal taste. Finally, it affords residents the benefit of knowing what to expect when a project is proposed in their neighborhood.

The Design Guidelines are not intended to be used as a technical manual for rehabilitating or building a structure, nor are they an instruction booklet for completing the Historic District/Site Design Review Application. Instead, they provide applicants, staff, and the Historic Preservation Board with a foundation for making decisions and a framework for ensuring consistent procedures and fair deliberations.

15-2.25-2 Design Guidelines for Historic Districts and Historic Sites

The Design Guidelines for Historic Districts and Historic Sites are hereby adopted and incorporated herein.

Process

LMC amendments are processed according to LMC § 15-1-7. Amendments to the LMC require Planning Commission review and recommendation and City Council review and adoption. City Council final action may be appealed to a court of competent jurisdiction per LMC § 15-1-18. A public hearing is required by both the Planning Commission and City Council, with proper notice.

Notice

On Saturday, June 9, 2017 a legal notice was published in the Park Record and placed on the City's website as well as on the Utah Public Notice website.

Public Input

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

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion to a date certain or uncertain.

Significant Impacts

Staff recommends that the Planning Commission review the proposed administrative and substantive amendments to the Land Management Code (LMC) regarding LMC Section 15-1-18 Appeals and Reconsideration Process, Title 15 Chapter 11 Section 10 Park City Historic Sites Inventory; LMC 15-11-11 Design Guidelines for Park City's Historic Districts and Historic Sites, and LMC 15-13 Design Guidelines conduct a public hearing, and consider forwarding a positive recommendation to the City Council pursuant to the attached Draft Ordinance.

Recommendation

Staff recommends that the Planning Commission review the proposed administrative and substantive amendments to the Land Management Code (LMC) regarding inclusion of Design Guidelines for Historic Districts and Sites, conduct a public hearing, and consider forwarding a positive recommendation to the City Council pursuant to the attached Draft Ordinance.

Exhibits

Exhibit A – Draft Ordinance with corresponding Attachments

Attachment 1 – LMC Chapter 15-1-18 Appeals and Reconsideration Process

Attachment 2 – LMC Chapter 15-11-10 Park City Historic Sites Inventory

Attachment 3 – LMC Chapter 15-11-11 Design Guidelines for Park City's Historic
Districts and Historic Sites
Attachment 4 – LMC Chapter 15-13 Design Guidelines

Exhibit A – Draft Ordinance 17-XX

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE CHAPTER 15 SECTION 1-18 APPEALS AND RECONSIDERATION PROCESS; CHAPTER 15 SECTION 11-10 PARK CITY HISTORIC SITES INVENTORY (INSERTING LIST OF DESIGNATED PROPERTIES); CHAPTER 15 SECTION 11-11 DESIGN GUIDELINES FOR PARK CITY'S HISTORIC DISTRICTS AND HISTORIC SITES (INSERTING THE EXISTING GUIDELINE SPECIFICALLY INTO THE LAND MANAGEMENT CODE);; AND ADOPTING CHAPTER 15-13 DESIGN GUIDELINES.

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents, visitors, and property owners of Park City; and

WHEREAS, the Utah state legislature recently made changes that impact the treatment of historic resources; and

WHEREAS, the Land Management Code seeks to preserve the City's unique Historic character and to encourage compatible design and construction through the creation of comprehensive Design Guidelines for Park City's Historic Districts and Historic Resources; and

WHEREAS, it is a benefit to the community to safeguard the heritage of the City in protecting Historic Sites, Buildings, and/or Structures; and

WHEREAS, the Planning Commission duly noticed and conducted public hearings at the regularly scheduled meetings on June 28, 2017, and forwarded a _____ recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on August 3, 2017; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the State of Utah Code and the Park City General Plan and to be consistent with the values and goals of the Park City community and City Council, to protect health and safety, to maintain the quality of life for its residents, to preserve and protect the residential neighborhoods, to ensure compatible development, to preserve historic resources, to protect environmentally sensitive lands, and to preserve the community's unique character.

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

SECTION 1. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 1 Section 18 (Appeals and Reconsideration Process). The recitals above are incorporated herein as findings of fact. Chapter 15-1-18 of the Land Management Code of Park City is hereby amended as redlined (see Attachment 1).

SECTION 2. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 11 Section 10 (Park City Historic Sites Inventory). The recitals above are incorporated herein as findings of fact. Chapter 15-11-10 of the Land Management Code of Park City is hereby amended as redlined (see Attachment 2).

SECTION 3. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 11 Section 11 (Design Guidelines for Park City's Historic Districts and Historic Sites). The recitals above are incorporated herein as findings of fact. Chapter 15-11-11 of the Land Management Code of Park City is hereby amended as redlined (see Attachment 3).

SECTION 4. AMENDMENTS TO TITLE 15 – adoption of Land Management Code Chapter 13 (Design Guidelines). The recitals above are incorporated herein as findings of fact. Chapter 15-13 of the Land Management Code of Park City is hereby added as redlined (see Attachment 4).

SECTION 6. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this ____ day of _____, 2017

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, Mayor

Attest:

Michelle Kellogg, Recorder

Approved as to form:

Mark Harrington, City Attorney

Attachments (Redlines of specific LMC Sections)

Attachment 1 – LMC Chapter 15-1-18 Appeals and Reconsideration Process

Attachment 2 – LMC Chapter 15-11-10 Park City Historic Sites Inventory

Attachment 3 – LMC Chapter 15-11-11 Design Guidelines for Park City's Historic
Districts and Historic Sites

Attachment 4 – LMC Chapter 15-13 Design Guidelines

Attachment 1 – LMC Chapter 15-1-18 Appeals and Reconsideration Process

15-1-18 Appeals And Reconsideration Process

- A. **STAFF.** Any decision by either the Planning Director or Planning Staff regarding Application of this LMC to a Property may be appealed to the Planning Commission. Appeals of decisions regarding the Design Guidelines for Historic Districts and Historic Sites shall be reviewed by the Board of Adjustment or City Council at the request of the appellant.
- B. **HISTORIC PRESERVATION BOARD (HPB).** The City or any Person with standing adversely affected by any decision of the Historic Preservation Board may be appealed to the Board of Adjustment or City Council at the request of the appellant.
- C. **PLANNING COMMISSION.** The City or any Person with standing adversely affected by a Final Action by the Planning Commission on appeals of Staff action may petition the District Court in Summit County for a review of the decision. Final Action by the Planning Commission on Conditional Use permits and Master Planned Developments (MPDs) involving City Development may be appealed to the Board of Adjustment at the City Council's request. All other Final Action by the Planning Commission concerning Conditional Use permits (excluding those Conditional Use permits decided by Staff and appealed to the Planning Commission; final action on such an appeal shall be appealed to the District Court) and MPDs may be appealed to the City Council. When the City Council determines it necessary to ensure fair due process for all affected parties or to otherwise preserve the appearance of fairness in any appeal, the City Council may appoint an appeal panel as appeal authority to hear any appeal or call up that the Council would otherwise have jurisdiction to hear. The appeal panel will have the same scope of authority and standard of review as the City Council. Only those decisions in which the Planning Commission has applied a land Use ordinance to a particular Application, Person, or Parcel may be appealed to an appeal authority.
 1. **APPEAL PANEL MEMBERSHIP AND QUALIFICATIONS.** The appeal panel shall have three (3) members. The decision to appoint and the appointment of an appeal panel shall be made by the City Council at a duly noticed public meeting after publicly noticed request for qualifications. Qualifications shall include a weighted priority for the following: Park City or Area residency, five years or more of prior experience in an adjudicative position, and/or a legal or planning degree. Each member of the appeal panel shall have the ability to:
 - a. Conduct quasi-judicial administrative hearings in an orderly, impartial and highly professional manner.
 - b. Follow complex oral and written arguments and identify key issues of local concern.
 - c. Master non-legal concepts required to analyze specific situations, render findings and determinations.
 - d. Absent any conflict of interest, render findings and determinations on cases heard, based on neutral consideration of the issues, sound legal reasoning, and good judgment.
 2. **PROCESS.** Any hearing before an appeal panel shall be publicly noticed, include a public hearing, and meet all requirements of the Utah Open and Public Meetings Act. The appeal panel shall have the same authority and follow the same procedures as designated for the "City Council" in this section 15-1-18 (G-

- I). The City Council may decide to appoint an appeal panel for a particular matter at any time an application is pending but the appointment of the individual members of the panel shall not occur until an actual appeal or call up is pending.
- D. **STANDING TO APPEAL**. The following has standing to appeal a Final Action:
1. Any Person who submitted written comment or testified on a proposal before the Planning Department, Historic Preservation Board or Planning Commission;
 2. The Owner of any Property within three hundred feet (300') of the boundary of the subject site;
 3. Any City official, Board or Commission having jurisdiction over the matter; and
 4. The Owner of the subject Property.
- E. **TIMING**. All appeals must be made within ten (10) calendar days of the Final Action except for an appeal from a decision by the historic preservation authority which is Staff regarding the Design Guidelines for Historic Districts and Historic Sites or a decision by the Historic Preservation Board regarding a land use application, the applicant may appeal the decision within 30 days after the day on which the historic preservation authority issues a written decision. The reviewing body, with the consultation of the appellant, shall set a date for the appeal. All appeals shall be heard by the reviewing body within forty-five (45) days of the date that the appellant files an appeal unless all parties, including the City, stipulate otherwise.
- F. **FORM OF APPEALS**. Appeals to the Planning Commission, Board of Adjustment, or Historic Preservation Board must be filed with the Planning Department. Appeals to the City Council must be filed with the City Recorder. Appeals must be by letter or petition, and must contain the name, address, and telephone number of the petitioner; his or her relationship to the project or subject Property; and must have a comprehensive statement of all the reasons for the appeal, including specific provisions of the law, if known, that are alleged to be violated by the action taken. The Appellant shall pay the applicable fee established by resolution when filing the appeal. The Appellant shall present to the appeal authority every theory of relief that it can raise in district court. The Appellant shall provide required envelopes within fourteen (14) days of filing the appeal.
- G. **BURDEN OF PROOF AND STANDARD OF REVIEW**. The appeal authority shall act in a quasi-judicial manner even if the appeal authority is the City Council. The appellant has the burden of proving that the land use authority erred. The appeal authority shall review factual matters de novo without deference to the land use authority's determination of factual matters. ~~and it~~ The appeal authority shall determine the correctness of the decision of the land use authority in its interpretation and application of the land use ordinance land use authority's interpretation and application of the plain meaning of the land use regulations, and interpret and apply a land use regulation to favor a land use application unless the land use regulation plainly restricts the land use application. All appeals must be made in writing. Review of petitions of appeal shall include a public hearing and shall be limited to consideration of only those matters raised by the petition(s), unless the appeal authority grants either party approval to enlarge the scope of the appeal to accept information on other matters. New evidence may be received so long as it relates to the scope of the appeal. City Council, when acting as an appeal body for appeals of Historic Preservation decisions may exercise only administrative authority.
- H. **NON-ADVERSARIAL PROCESS**. For all appeals before City Council, and any Board or Commission, the following shall apply:

1. The procedural hearings and reviews established by the City's regulatory procedures does not adopt or utilize in any way the adversary criminal or civil justice system used in the courts.
 2. The role of City staff, including legal staff, is to provide technical and legal advice and professional judgment to each decision making body, including City Council, as they are not advocates of any party or position in a dispute, notwithstanding the fact that their technical and legal advice and professional judgment may lead them to make recommendations concerning the matter.
 3. In the absence of clear evidence in the record that a staff member has lost his or her impartiality as a technical adviser, the City's need for consistent, coherent and experienced advisers outweighs any claims of bias by the applicant.
- I. **WRITTEN FINDINGS REQUIRED.** The appeal authority shall direct staff to prepare detailed written Findings of Fact, Conclusions of Law and the Order.
- J. **CITY COUNCIL ACTION ON APPEALS.**
1. The City Council, with the consultation of the appellant, shall set a date for the appeal.
 2. The City Recorder shall notify the Property Owner and/or the Applicant of the appeal date. The City Recorder shall obtain the findings, conclusions and all other pertinent information from the Planning Department and shall transmit them to the Council.
 3. The City Council may affirm, reverse, or affirm in part and reverse in part any properly appealed decision of the Planning Commission. The City Council may remand the matter to the appropriate body with directions for specific Areas of review or clarification. City Council review of petitions of appeal shall include a public hearing and be limited to consideration of only those matters raised by the petition(s), unless the Council by motion, enlarges the scope of the appeal to accept information on other matters.
 4. Staff must prepare written findings within fifteen (15) working days of the City Council vote on the matter.
- K. **CITY COUNCIL CALL-UP.** Within fifteen (15) calendar days of Final Action on any project, the City Council, on its own motion, may call up any Final Action taken by the Planning Commission or Planning Director for review by the Council. Call-ups involving City Development may be heard by the Board of Adjustment at the City Council's request. The call-up shall require the majority vote of the Council. Notice of the call-up shall be given to the Chairman of the Commission and/or Planning Director by the Recorder, together with the date set by the Council for consideration of the merits of the matter. The Recorder shall also provide notice as required by Sections 15-1 -12 and 15-1-18 (K) herein. In calling a matter up, the Council may limit the scope of the call-up hearing to certain issues. The City Council, with the consultation of the Applicant, shall set a date for the call-up. The City Recorder shall notify the Applicant of the call-up date. The City Recorder shall obtain the findings, and all other pertinent information and transmit them to the Council.
- L. **NOTICE.** There shall be no additional notice for appeals of Staff determination other than listing the matter on the agenda, unless notice of the Staff review was provided, in which case the same notice must be given for the appeal.
Notice of appeals of Final Action by the Planning Commission and Historic Preservation Board; notice of all appeals to City Council, reconsiderations, or call-ups shall be given by:

1. Publishing the matter once at least fourteen (14) days prior to the first hearing in a newspaper having general circulation in Park City;
 2. Mailing courtesy notice at least fourteen (14) days prior to the first hearing to all parties who received mailed courtesy notice for the original action.
 3. Posting the Property at least fourteen (14) days prior to the first hearing; and
 4. Publishing notice on the Utah Public Notice Website at least fourteen (14) days prior to the first hearing.
- M. **STAY OF APPROVAL PENDING REVIEW OF APPEAL**. Upon the filing of an appeal, any approval granted under this Chapter will be suspended until the appeal body, pursuant to this Section 15-1-18 has acted on the appeal.
- N. **APPEAL FROM THE CITY COUNCIL**. The Applicant or any Person aggrieved by City action on the project may appeal the Final Action by the City Council to a court of competent jurisdiction. The decision of the Council stands, and those affected by the decision may act in reliance on it unless and until the court enters an interlocutory or final order modifying the decision.
- O. **RECONSIDERATION**. The City Council, and any Board or Commission, may reconsider at any time any legislative decision upon an affirmative vote of a majority of that body. The City Council, and any Board or Commission, may reconsider any quasi-judicial decision upon an affirmative vote of a majority of that body at any time prior to Final Action. Any action taken by the deciding body shall not be reconsidered or rescinded at a special meeting unless the number of members of the deciding body present at the special meeting is equal to or greater than the number of members present at the meeting when the action was approved.
- P. No participating member of the appeal panel may entertain an appeal in which he or she acted as the land Use authority.

Attachment 2 – LMC Chapter 15-11-10 Park City Historic Sites Inventory

15-11-10 Park City Historic Sites Inventory

The ~~Historic Preservation Board~~ City Council may designate Sites to the Historic Sites Inventory as a means of providing recognition to and encouraging the Preservation of Historic Sites in the community City Council shall make the final determination on all Determination of Significance applications considering the criteria below, with the recommendation of the Historic Preservation Board.

D. CRITERIA FOR DESIGNATING SITES TO THE PARK CITY HISTORIC SITES INVENTORY.

1. **LANDMARK SITE.** Any Buildings (main, attached, detached, or public), Accessory Buildings, and/or Structures may be designated to the Historic Sites Inventory as a Landmark Site if the City Council, with a recommendation from the Historic Preservation Board, -finds it meets considers all the criteria listed below:
 - a. It is at least fifty (50) years old or if the Site is of exceptional importance to the community; and
 - b. It retains its Historic Integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the National Park Service for the National Register of Historic Places; and
 - c. It is significant in local, regional or national history, architecture, engineering or culture associated with at least one (1) of the following:
 1. An era that has made a significant contribution to the broad patterns of our history; or
 2. The lives of Persons significant in the history of the community, state, region, or nation; or
 3. The distinctive characteristics of type, period, or method of construction or the work of a notable architect or master craftsman.
2. **SIGNIFICANT SITE.** Any Buildings (main, attached, detached or public), Accessory Buildings and/or Structures may be designated to the Historic Sites Inventory as a Significant Site if the City Council, with a recommendation from the Historic Preservation Board finds it meets considers all the criteria listed below:
 - a. It is at least fifty (50) years old or the Site is of exceptional importance to the community; and
 - b. It retains its Essential Historic Form as may be demonstrated but not limited by any of the following:
 1. It previously received a historic grant from the City; or
 2. It was previously listed on the Historic Sites Inventory; or
 3. It was listed as Significant on any reconnaissance or intensive level survey of historic resources; and
 - c. It has one (1) or more of the following:

1. It retains its historic scale, context, materials in a manner and degree which can be restored to its Essential Historic Form even if it has non-historic additions; or
2. It reflects the Historical or Architectural character of the site or district through design characteristics such as mass, scale, composition, materials, treatment, cornice, and/or other architectural features as are Visually Compatible to the Mining Era Residences National Register District even if it has non-historic additions; and
- d. It is important in local or regional history architecture, engineering, or culture associated with at least one (1) of the following:
 1. An era of Historic Importance to the community, or
 2. Lives of Persons who were of Historic importance to the community, or
 3. Noteworthy methods of construction, materials, or craftsmanship used during the Historic period.
3. **CONTRIBUTORY SITE.** Any Buildings (main, attached, detached or public), Accessory Buildings and/or Structures may be designated to the Historic Sites Inventory as a Contributory Site if the City Council, with a recommendation from the Planning Department ~~finds it meets~~ considers all the criteria listed below:
 - a. The structure is forty (40) years old or older (this includes buildings not historic to Park City that were relocated to prevent demolition); and
 - b. Meets one of the following:
 1. Expresses design characteristics such as mass, scale, composition, materials, treatment, cornice, and/or other architectural features as are Visually Compatible to the Mining Era Residences National Register District; or
 2. It is important in local or regional history, architecture, engineering, or culture associated with at least one (1) of the following:
 1. An era of Historic importance to the community; or
 2. Lives of Persons who were of Historic importance to the community, or
 3. Noteworthy methods of construction, materials, or craftsmanship used during the Historic Period
 - c. Contributory structures may be eligible for Historic District Grant funding. Contributory structures are eligible for demolition.
4. Any Development involving the Reassembly or Reconstruction of a Landmark Site or a Significant Site that is executed pursuant to Sections 15-11-14 or 15-11-15 of this code shall remain on the Park City Historic Sites Inventory. Following Reassembly or Reconstruction, the City Council, with a recommendation from the Historic Preservation Board will review the project to determine if the work has required a change in the site or structure's historic designation from Landmark to Significant.

E. **PROCEDURE FOR DESIGNATING SITES TO THE PARK CITY HISTORIC SITES INVENTORY.**

The Planning Department shall maintain an inventory of Historic Sites which reflects the Historic Sites Inventory adopted herein. It is hereby declared that all Buildings (main, attached, detached or public), Accessory Buildings, and/or Structures within Park City, which ~~City Council considers comply with~~ the criteria found in Sections 15-11-10(A)(1) or 15-11-10(A)(2) are determined to be on the Park City Historic Sites Inventory.

Any Owner of a Building (main, attached, detached or public), Accessory Building, and/or Structure, may nominate it for listing in the Park City Historic Sites Inventory. The Planning Department may nominate a Building (main, attached, detached or public), Accessory Building, and/or Structure for listing in the Park City Historic Sites Inventory. The nomination and designation procedures are as follows:

1. **COMPLETE APPLICATION.** The Application shall be on forms as prescribed by the City and shall be filed with the Planning Department. Upon receiving a Complete Application for designation, the Planning staff shall schedule a hearing before the Historic Preservation Board within ninety (90) days.
2. **NOTICE.** Prior to taking action on the Application, the Planning staff shall provide public notice pursuant to Section 15-1-21 of this Code.
3. **HEARING AND DECISION.** The Historic Preservation Board will hold a public hearing and will review the Application for compliance with the "Criteria for Designating Historic Sites to the Park City Historic Sites Inventory." If the Historic Preservation Board finds that the Application complies with the criteria set forth in Section 15-11-10(A)(1) or Section 15-11-10(A)(2), the Building (main, attached, detached or public), Accessory Building, and/or Structure will be recommended to the City Council to be added to the Historic Sites Inventory.
 - a. ~~The HPB shall forward a copy of its written findings to the Owner and/or Applicant.~~

F. **REMOVAL OF A SITE FROM THE PARK CITY HISTORIC SITES INVENTORY.** The City Council, with a recommendation from the Historic Preservation Board may remove a Site from the Historic Sites Inventory. Any Owner of a Site listed on the Park City Historic Sites Inventory may submit an Application for the removal of his/her Site from the Park City Historic Sites Inventory. The Planning Department may submit an Application for the removal of a Site from the Park City Historic Sites Inventory. The criteria and procedures for removing a Site from the Park City Historic Sites Inventory are as follows:

1. **CRITERIA FOR REMOVAL.**

- a. The Site no longer meets the criteria set forth in Section 15-11-10(A)(1) or 15-11-10(A)(2) because the qualities that caused it to be originally designated have been lost or destroyed; or
- b. The Building (main, attached, detached, or public) Accessory Building, and/or Structure on the Site has been demolished and will not be reconstructed; or
- c. Additional information indicates that the Building, Accessory Building, and/or Structure on the Site do not comply with the criteria set forth in Section 15-11-10(A)(1) or 15-11-10(A)(2).

2. PROCEDURE FOR REMOVAL.

- a. **Complete Application.** The Application shall be on forms as prescribed by the City and shall be filed with the Planning Department. Upon receiving a Complete Application for removal, the Planning staff shall schedule a hearing before the Historic Preservation Board within ninety (90) days.
- b. **Notice.** Prior to taking action on the Application, the Planning staff shall provide public notice pursuant to Section 15-1-21 of this Code.
- c. **Hearing and Decision.** The Historic Preservation Board will hear testimony from the Applicant and public and will review the Application for compliance with the "Criteria for Designating Historic Sites to the Park City Historic Sites Inventory." The HPB shall review the Application "de novo" giving no deference to the prior determination. The Applicant has the burden of proof in removing the Site from the inventory. The HPB will make a recommendation to City Council, If The HPB City Council will consider finds that the Application does not comply with the criteria set forth in Section 15-11-10(A)(1) or Section 15-11-10(A)(2), the Building (main, attached, detached, or public) Accessory Building, and/or Structure to be removed from the Historic Sites Inventory. ~~The HPB shall forward a copy of its written findings to the Owner and/or Applicant.~~

D. Properties identified on the Historic Sites Inventory are hereby designated by Ordinance as Landmark or Significant. These properties include:

A. Landmark

- | | |
|---------------------------|---------------------------|
| 1. 44 Chambers Street | 26. 1400 Lucky John Drive |
| 2. 64 Chambers Street | 27. 125 Main Street |
| 3. 732 Crescent Tram | 28. 140 Main Street |
| 4. 61 Daly Avenue | 29. 150 Main Street |
| 5. 118 Daly Avenue | 30. 151 Main Street |
| 6. 131 Daly Avenue | 31. 170 Main Street |
| 7. 142 Daly Avenue | 32. 176 Main Street |
| 8. 145 Daly Avenue | 33. 221 Main Street |
| 9. 162 Daly Avenue | 34. 305 Main Street |
| 10. 166 Daly Avenue | 35. 306 Main Street |
| 11. 243 Daly Avenue | 36. 309 Main Street |
| 12. 279 Daly Avenue | 37. 312 Main Street |
| 13. 314 Daly Avenue | 38. 322 Main Street |
| 14. 830 Empire Avenue | 39. 328 Main Street |
| 15. 835 Empire Avenue | 40. 350 Main Street |
| 16. 911 Empire Avenue | 41. 361-363 Main Street |
| 17. 939 Empire Avenue | 42. 368 Main Street |
| 18. 270 Grant Avenue | 43. 402 Main Street |
| 19. 27 Hillside Avenue | 44. 405 Main Street |
| 20. 3000 Highway 224 | 45. 419 Main Street |
| 21. 2780 Kearns Boulevard | 46. 427 Main Street |
| 22. 33 King Road | 47. 430 Main Street |
| 23. 45 King Road | 48. 434 Main Street |
| 24. 69 King Road | 49. 436 Main Street |
| 25. 74 King Road | 50. 438 Main Street |

51. 440 Main Street
52. 447 Main Street
53. 508 Main Street
54. 509 Main Street
55. 511 Main Street
56. 523 Main Street
57. 528 Main Street
65. 252 Marsac Avenue
66. 334 Marsac Avenue
67. 342 Marsac Avenue
68. 412 Marsac Avenue
69. 416 Marsac Avenue
70. 445 Marsac Avenue
71. 243 McHenry Avenue
72. 2414 Monitor Drive
73. 143 Norfolk Avenue
74. 802 Norfolk Avenue
75. 811 Norfolk Avenue
76. 823 Norfolk Avenue
77. 824 Norfolk Avenue
78. 843 Norfolk Avenue
79. 902 Norfolk Avenue
80. 933 Norfolk Avenue
81. 945 Norfolk Avenue
82. 946 Norfolk Avenue
83. 955 Norfolk Avenue
84. 962 Norfolk Avenue
85. 1002.5 Norfolk Avenue
86. 1003 Norfolk Avenue
87. 1101 Norfolk Avenue
88. 1102 Norfolk Avenue
89. 264 Ontario Avenue
90. 316 Ontario Avenue
91. 323 Ontario Avenue
92. 355 Ontario Avenue
93. 413 Ontario Avenue
94. 417 Ontario Avenue
95. 44 Ontario Canyon Street
96. 121 Park Avenue
97. 139 Park Avenue
98. 157 Park Avenue
99. 161 Park Avenue
100. 259 Park Avenue
101. 323 Park Avenue
102. 325 Park Avenue
103. 343 Park Avenue
104. 351 Park Avenue
105. 363 Park Avenue
106. 401 Park Avenue
107. 402 Park Avenue

58. 540 Main Street
59. 541 Main Street
60. 550 Main Street
61. 562 Main Street
62. 573 Main Street
63. 586 Main Street
64. 660 Main Street
108. 416 Park Avenue
109. 421 Park Avenue
110. 424 Park Avenue
111. 445 Park Avenue
112. 455 Park Avenue
113. 463 Park Avenue
114. 502 Park Avenue
115. 517 Park Avenue
116. 525 Park Avenue
117. 527 Park Avenue
118. 528 Park Avenue
119. 539 Park Avenue
120. 543 Park Avenue
121. 553 Park Avenue
122. 606 Park Avenue
123. 610 Park Avenue
124. 614 Park Avenue
125. 638 Park Avenue
126. 651 Park Avenue
127. 690 Park Avenue
128. 698 Park Avenue
129. 703 Park Avenue
130. 943 Park Avenue
131. 959 Park Avenue
132. 1021 Park Avenue
133. 1049 Park Avenue
134. 1062 Park Avenue
135. 1063 Park Avenue
136. 1119 Park Avenue
137. 1124 Park Avenue
138. 1125 Park Avenue
139. 1128 Park Avenue
140. 1141 Park Avenue
141. 1150 Park Avenue
142. 1209 Park Avenue
143. 1215 Park Avenue
144. 1255 Park Avenue
145. 1280 Park Avenue
146. 1301 Park Avenue
147. 1304 Park Avenue
148. 1328 Park Avenue
149. 1354 Park Avenue
150. 1503 Park Avenue

151. 14 Prospect Street
152. 22 Prospect Street
153. 36 Prospect Street
154. 51 Prospect Street
155. 57 Prospect Street
156. 59 Prospect Street
157. 68 Prospect Street
158. 101 Prospect Street
159. 622 Rossie Hill Drive
160. 652 Rossie Hill Drive
161. 660 Rossie Hill Drive
162. 41 Sampson Avenue
163. 222 Sandridge Road
164. 39 Seventh Street
165. 41 Seventh Street
166. Glenwood Cemetery
167. 147 Swede Alley
168. 1895 Three Kings
Drive
169. 109 Woodside
Avenue
170. 232 Woodside
Avenue
171. 335 Woodside
Avenue
172. 564 Woodside
Avenue

173. 655 Woodside
Avenue
174. 817 Woodside
Avenue
175. 839 Woodside
Avenue
176. 901 Woodside
Avenue
177. 951 Woodside
Avenue
178. 1010 Woodside
Avenue
179. 1026 Woodside
Avenue
180. 1057 Woodside
Avenue
181. 1060 Woodside
Avenue
182. 1100 Woodside
Avenue
183. 1110 Woodside
Avenue
184. 1127 Woodside
Avenue
185. 1162 Woodside
Avenue
186. 1167 Woodside
Avenue

B. Significant

1. 5 Daly Avenue
2. 10 Daly Avenue
3. 24 Daly Avenue
4. 71 Daly Avenue
5. 81 Daly Avenue
6. 97 Daly Avenue
7. 124 Daly Avenue
8. 161 Daly Avenue
9. 167 Daly Avenue
10. 172 Daly Avenue
11. 173 Daly Avenue
12. 180 Daly Avenue
13. 187 Daly Avenue
14. 199 Daly Avenue
15. 239 Daly Avenue
16. 255 Daly Avenue
17. 257 Daly Avenue
18. 269 Daly Avenue
19. 291 Daly Avenue
20. 297 Daly Avenue
21. 309 Daly Avenue
22. 360 Daly Avenue
23. 555 Deer Valley Drive
24. 560 Deer Valley Drive
25. 577 Daly Avenue
26. 595 Deer Valley Loop Road
27. 632 Deer Valley Loop Road
28. 2465 Doc Holiday Drive
29. 841 Empire Avenue
30. 844 Empire Avenue
31. 901 Empire Avenue
32. 920 Empire Avenue
33. 923 Empire Avenue
34. 963 Empire Avenue
35. 964 Empire Avenue
36. 1004 Empire Avenue
37. 1011 Empire Avenue
38. 1013-1015 Empire Avenue
39. 250 Grant Avenue
40. 262 Grant Avenue

41. 304 Grant Avenue
42. 199 Heber Avenue
43. 201 Heber Avenue
44. 9 Hillside Avenue
45. 37 Hillside Avenue
46. 114 Hillside Avenue
47. 3000 HWY 224
48. 80 King Road
49. 81 King Road
50. 109 Main Street
51. 115 Main Street
52. 122 Main Street
53. 133 Main Street
54. 148 Main Street
55. 158 Main Street
56. 186 Main Street
57. 227 Main Street
75. 220 Marsac Avenue
76. 338 Marsac Avenue
77. 402 Marsac Avenue
78. 508 Marsac Avenue
79. 257 McHenry Avenue
80. 2245 Monitor Drive
81. 164 Norfolk Avenue
82. 668 Norfolk Avenue
83. 713 Norfolk Avenue
84. 803 Norfolk Avenue
85. 827 Norfolk Avenue
86. 835 Norfolk Avenue
87. 901 Norfolk Avenue
88. 915 Norfolk Avenue
89. 1002 Norfolk Avenue
90. 1009 Norfolk Avenue
91. 1021 Norfolk Avenue
92. 1055 Norfolk Avenue
93. 1063 Norfolk Avenue
94. 1135 Norfolk Avenue
95. 1259 Norfolk Avenue
96. 1302 Norfolk Avenue*
97. 308 Ontario Avenue
98. 317 Ontario Avenue
99. 341 Ontario Avenue
100. 405 Ontario Avenue
101. 422 Ontario Avenue
102. 104 Park Avenue
103. 145 Park Avenue
104. 263 Park Avenue
105. 305 Park Avenue
106. 339 Park Avenue
107. 364 Park Avenue

58. 268 Main Street
59. 347-357 Main Street
60. 354 Main Street
61. 355-357 Main Street
62. 359 Main Street
63. 361.5 Main Street
64. 408 Main Street
65. 412 Main Street
66. 442-444 Main Street
67. 449 Main Street
68. 450 Main Street
69. 461-463 Main Street
70. 510 Main Street
71. 515 Main Street
72. 556 Main Street
73. 558 Main Street
74. 591 Main Street
108. 411 Park Avenue
109. 435 Park Avenue
110. 450 Park Avenue
111. 526 Park Avenue
112. 527 Park Avenue
113. 557 Park Avenue
114. 561 Park Avenue
115. 569 Park Avenue*
116. 575 Park Avenue
117. 581 Park Avenue
118. 602 Park Avenue
119. 628 Park Avenue
120. 657 Park Avenue
121. 801 Park Avenue
122. 811 Park Avenue
123. 817 Park Avenue
124. 819 Park Avenue
125. 820 Park Avenue
126. 909 Park Avenue
127. 915 Park Avenue
128. 923 Park Avenue
129. 929 Park Avenue
130. 937 Park Avenue
131. 949 Park Avenue
132. 1015 Park Avenue
133. 1043 Park Avenue
134. 1059 Park Avenue
135. 1060 Park Avenue
136. 1101 Park Avenue
137. 1102 Park Avenue
138. 1108 Park Avenue
139. 1109 Park Avenue
140. 1114 Park Avenue

- | | | | |
|------|----------------------|--|----------------------|
| 141. | 1129 Park Avenue | 181. | 359 Woodside Avenue |
| 142. | 1135 Park Avenue | 182. | 401 Woodside Avenue |
| 143. | 1149 Park Avenue | 183. | 405 Woodside Avenue |
| 144. | 1160 Park Avenue | 184. | 424 Woodside Avenue |
| 145. | 1266 Park Avenue | 185. | 429 Woodside Avenue |
| 146. | 1274 Park Avenue | 186. | 481 Woodside Avenue |
| 147. | 1323 Park Avenue | 187. | 501 Woodside Avenue |
| 148. | 1326 Park Avenue | 188. | 505 Woodside Avenue |
| 149. | 1333 Park Avenue | 189. | 543 Woodside Avenue |
| 150. | 1359 Park Avenue | 190. | 563 Woodside Avenue |
| 151. | 1420 Park Avenue | 191. | 605 Woodside Avenue |
| 152. | 1450 Park Avenue | 192. | 615 Woodside Avenue |
| 153. | 1460 Park Avenue | 193. | 627 Woodside Avenue |
| 154. | 1488 Park Avenue | 194. | 633 Woodside Avenue |
| 155. | 9 Prospect Street | 195. | 664 Woodside Avenue |
| 156. | 52 Prospect Street | 196. | 733 Woodside Avenue |
| 157. | 60 Prospect Street | 197. | 805 Woodside Avenue |
| 158. | 147 Ridge Avenue | 198. | 823 Woodside Avenue |
| 159. | 16 Sampson Avenue | 199. | 827 Woodside Avenue |
| 160. | 40 Sampson Avenue | 200. | 835 Woodside Avenue |
| 161. | 60 Sampson Avenue | 201. | 905 Woodside Avenue |
| 162. | 115 Sampson Avenue | 202. | 909 Woodside Avenue |
| 163. | 135 Sampson Avenue | 203. | 919 Woodside Avenue |
| 164. | 130 Sandridge Road | 204. | 1002 Woodside Avenue |
| 165. | 152 Sandridge Road | 205. | 1007 Woodside Avenue |
| 166. | 164 Sandridge Road | 206. | 1013 Woodside Avenue |
| 167. | 218 Sandridge Road | 207. | 1020 Woodside Avenue |
| 168. | 228 Sandridge Road | 208. | 1027 Woodside Avenue |
| 169. | 224 Sandridge Road | 209. | 1045 Woodside Avenue |
| 170. | 175 Snows Lane | 210. | 1053 Woodside Avenue |
| 171. | 205 Snows Lane | 211. | 1062 Woodside Avenue |
| 172. | 601 Sunnyside Avenue | 212. | 1103 Woodside Avenue |
| 173. | 115 Woodside Avenue | 213. | 1107 Woodside Avenue |
| 174. | 133 Woodside Avenue | 214. | 1120 Woodside Avenue |
| 175. | 139 Woodside Avenue | 215. | 1147 Woodside Avenue |
| 176. | 149 Woodside Avenue | 216. | 1158 Woodside Avenue |
| 177. | 311 Woodside Avenue | 217. | 1323 Woodside Avenue |
| 178. | 316 Woodside Avenue | 218. | 1439 Woodside Avenue |
| 179. | 332 Woodside Avenue | 219. | 1445 Woodside Avenue |
| 180. | 347 Woodside Avenue | 220. | 1455 Woodside Avenue |
| 221. | Mining Sites | | |
| | a) | California Comstock Mine Site—Mill Building and Cabin | |
| | b) | Jupiter Mine—Ore Bin and Frame | |
| | c) | Daly West Mine—Head Frame and Fire Hydrant Shacks | |
| | d) | Alliance Mine – Office/Dwelling, Change Room, and Power House | |
| | e) | Silver King Consolidated Spiro Tunnel Complex—Foundry Building, Ivers Tunnel Structure, Spiro Tunnel Portal, Machine Shop Building, Sawmill Building, Water Tank A, and Coal Hopper/Boiler Structure | |

- f) Judge Mine Site—Assay Office and Change Room Building, Shed Structure, Explosives Bunker Portal, Mine Complex Ruins
- g) Judge Mine Aerial Tramway Towers
- h) Little Bell Mine—Ore Bin
- i) Silver King Tramway Towers
- j) Silver King Mine Site—Boarding House, Boarding House Vault, Change House, Hoist House, Mill Building, Fire Hose Shacks, Stone Wall, Stores Department Building, Transformer House, and Water Tanks
- k) Silver King Consolidated Mine—Ore bin and Counterweight
- l) Thaynes Mine—Conveyor Gallery, Hoist House, Conveyor Gallery, Fire Hydrant Shack, Boarding House Ruins, Accessory Buildings 1 and 2

C. Contributory

Reserved for future designations

**These properties are currently under appeal for Determination of Significance.*

Attachment 3 – LMC Chapter 15-11-11 Design Guidelines for Park City's Historic Districts and Historic Sites

15-11-11 Design Guidelines For Park City's Historic Districts And Historic Sites

The HPB shall promulgate and update as necessary Design Guidelines for Use in the Historic District zones and for Historic Sites. These guidelines shall, upon adoption by resolution of the City Council, be used by the Planning Department staff in reviewing Historic District/Site design review Applications. The Design Guidelines for Park City's Historic Districts and Historic Sites shall address rehabilitation of existing Structures, additions to existing Structures, and the construction of new Structures. The Design Guidelines are incorporated into this Code by ~~by~~ reference as Chapter 15-13. From time to time, the HPB may recommend changes in the Design Guidelines for Park City's Historic Districts and Historic Sites to Council, provided that no changes in the guidelines shall take effect until adopted by ~~a resolution~~ an ordinance of the City Council.

Attachment 4 – LMC Chapter 15-13 Design Guidelines

15-13 Design Guidelines for Historic Districts and Historic Sites

15-13-1 Purpose and Policy

15-13-2 Design Guidelines for Historic Districts and Historic Sites

15-13-1 Policy and Purpose

The Design Guidelines for Park City's Historic Districts and Historic Sites (referred to throughout the document as the "Design Guidelines") is intended to fulfill the policy directives provided in the General Plan and the Land Management Code.

The goal of the Design Guidelines is to meet the needs of various interests in the community by providing guidance in determining the suitability and architectural compatibility of proposed projects, while at the same time allowing for reasonable changes to individual buildings to meet current needs. For property owners, design professionals, and contractors, it provides guidance in planning projects sympathetic to the unique architectural and cultural qualities of Park City. For the Planning Department staff and the Historic Preservation Board, it offers a framework for evaluating proposed projects to ensure that decisions are not arbitrary or based on personal taste. Finally, it affords residents the benefit of knowing what to expect when a project is proposed in their neighborhood.

The Design Guidelines are not intended to be used as a technical manual for rehabilitating or building a structure, nor are they an instruction booklet for completing the Historic District/Site Design Review Application. Instead, they provide applicants, staff, and the Historic Preservation Board with a foundation for making decisions and a framework for ensuring consistent procedures and fair deliberations.

15-2.25-2 Design Guidelines for Historic Districts and Historic Sites

The Design Guidelines for Historic Districts and Historic Sites are hereby adopted and incorporated herein.