

**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION
CITY COUNCIL CHAMBERS
June 13, 2018**



AGENDA

MEETING CALLED TO ORDER AT 5:30PM

ROLL CALL

ADOPTION OF MINUTES OF May 23, 2018

PUBLIC COMMUNICATIONS – Items not scheduled on the regular agenda

STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

CONTINUATIONS

Land Management Code (LMC) Amendment – LMC Amendments regarding Chapter 15-1-21 Notice Matrix to reflect the 30 day appeal period for Historic District Design Reviews.
Public hearing and continuation to July 11, 2018.

PL-18-03870 16
*Planner
Grah*

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

638 Park Avenue – City Council Remand of a Conditional Use Permit (CUP) for a Private Event Facility Back to Planning Commission for Additional Review.
Public hearing and possible action.

PL-16-03412 17
*Planner
Grah*

Twisted Branch Subdivision Plat – A Subdivision Plat for 4 lots of record for an on-mountain private restaurant, a City water tank, a City pump station, and a recreational warming shelter/yurt; existing Twisted Branch Road; parcels for Deer Valley Resort uses; open space; and existing SR 244, subject to the Flagstaff Annexation and Development Agreement, located within the Empire Pass Development Area and Flagstaff Mountain and Empire Pass Development Construction Mitigation Plan amendments regarding clean excavation materials stockpiling and depositing and construction traffic routing.
Public hearing, discussion, and continuation to July 11, 2018.

PL-18-03664 92
*Planner
Whetstone*

Park City Heights Subdivision – Amendment to subdivision phasing plan.
Public hearing and possible action.

PL-17-03552 172
*Planner
Whetstone*

Daly Delight Plat Amendment at 180 & 182 Daly Avenue - The applicant intends to create a two (2) lot subdivision two platted lots and vacated Anchor Avenue. In addition, a portion of the property will be dedicated to Park City Municipal Corporation as Daly Avenue Right-of-Way. Another portion of the property will be dedicated to Park City Municipal Corporation as Ridge Avenue Right-of-Way.
Public Hearing and possible recommendation for City Council on June 28th, 2018.

PL-18-03838 196
Planner Tyler

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.

115 Sampson Avenue – Steep Slope Conditional Use Permit – applicant is proposing to construct an addition to a historic house, designated as “Significant” on the Historic Sites Inventory, on a slope greater than 30%. <i>Public hearing and possible action.</i>	PL-18-03794 <i>Planner Grah</i>	219
Land Management Code (LMC) Amendment – Removing Garage at 1503 Park Avenue from the Park City Historic Sites Inventory (HSI) as codified by LMC Section 15-11-10(D)(2)(dt). <i>Public hearing and possible recommendation for City Council on June 21st, 2018.</i>	PL-18-03830 <i>Planner Grah</i>	255
813 Woodside Avenue Plat Amendment – Proposal to remove an interior lot line to create one (1) lot of record 2,417 sf. in size. <i>Public hearing and possible recommendation for City Council on July 12, 2018</i>	PL-18-03841 <i>Planner Astorga and Planner Jackson</i>	279
Land Management Code Amendments regarding Setbacks and Yards in Chapters 15-2.1 Historic Residential-Low Density (HRL); 15-2.2 Historic Residential (HR-1); 15-2.3 Historic Residential (HR-2); 15-2.4 Historic Residential Medium District (HRM); 15-2.5 Historic Recreation Commercial (HRC); 15-2.6 Historic Commercial Business (HCB); 15-2.7 Recreation and Open Space (ROS); 15-2.8 Protected Open Space (POS); 15-2.9 Rural Estate (E-40); 15-2.10 Estate (E); 15-2.11 Single Family (SF); 15-2.12 Residential (R-1); 15-2.13 Residential Development (RD); 15-2.14 Residential Development-Medium Density (RDM); 15-2.15 Residential- Medium Density (RM); 15-2.16 Recreation Commercial (RC); 15-2.18 General Commercial (GC); 15-2.19 Light Industrial (LI); 15-2.22 Public Use Transition (PUT); 15-2.23 Community Transition (CT); 15-3 Off-Street Parking; 15-4 Supplemental Regulations; and 15-15 Defined Terms. <i>Public hearing and possible recommendation for City Council on July 12, 2018.</i>	PL-18-03867 <i>Planner Morlan and Planner Jackson and Planner Newberry</i>	296
1304 Park Avenue Plat Amendment – Proposal to create one (1) legal lot of record from a metes and bounds parcel. <i>Public hearing and possible recommendation for City Council on July 12, 2018.</i>	PL-18-03539 <i>Planner Jackson</i>	370
1201 – 1299 Lowell Avenue – King's Crown Development Agreement. <i>Review and ratification.</i>	PL-17-03515 <i>Planner Astorga</i>	382

ADJOURN

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

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PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
MAY 23, 2018

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO: Planning Director, Bruce Erickson; Anya Grahn, Planner; Hannah Turner, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

ROLL CALL

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

ADOPTION OF MINUTES

May 9, 2018

Commissioner Kenworthy referred to page 23, last full paragraph, and added the words **extended height**. the revised sentence read "The City is doing everything possible regarding transportation, but if we want to satisfy the affordable housing issue, they may have to compromise by allowing height in areas where we do not particularly want **extended height**".

Commissioner Thimm referred to page 23, second paragraph, first sentence and changed "Commissioner Thimm said that the..." to correctly read, "Commissioner Thimm said that **he** has been involved in a number of affordable housing projects...".

MOTION: Commissioner Phillips moved to APPROVE the Minutes of May 19, 2018 as amended. Commissioner Sletten seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC COMMUNICATIONS

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Planning Director Erickson announced that Planner Anya Grahm and Planner Tippe Morlan had earned their American Institute of Certified Planners certification. He believed Park City has more certified planners per capita than any other planning department in the State. He noted that both had scored 100%. Director Erickson congratulated Anya and Tippe.

Director Erickson stated that Planner Hannah Tyler would be taking the test in November.

Chair Band welcomed former Planning Commissioner Adam Strachan and recognized the number of years and hours he gave to the City and the Planning Commission; especially on the Treasure Hill application. He was an amazing leader and a great asset to the community.

Mayor Andy Beerman presented Adam with a plaque for his service, and questioned how they could properly thank him for all the time he had given over ten years. He named a number of the larger and more contentious projects the City faced during his time on the Planning Commission. Mayor Beerman believed they had reached this point in trying to resolve Treasure Hill because of the hard work the Planning Commission did under Adam's leadership. On behalf of everyone, Mayor Beerman thanked Adam for his service and all his good work.

Adam stated that he was thankful and honored. The Planning Commission is close to his heart and he does not regret any of the time he spent on the Commission. He appreciated the opportunity of having served with Commissioners Phillips, Band, Suesser and Thimm; and he wished the new Commissioners the best of luck.

Director Erickson thanked Laura Newberry and Liz Jackson for their efforts in getting the plaque for Adam.

CONTINUATIONS – Public hearing and continue to date specified.

1. 115 Sampson Avenue – Steep Slope Conditional Use Permit – applicant is proposing to construct an addition to a historic house, designated as “Significant” on the Historic Sites Inventory, on a slope greater than 30%.
(Application PL-18-03794)

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

MOTION: Commissioner Thimm moved to CONTINUE 115 Sampson Avenue Steep Slope CUP to June 13, 2018. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

2. Land Management Code Amendments regarding Food Trucks in Chapters 15-1-10 Conditional Use Review Process; 15-2.5 Historic Recreation Commercial (HRC) District; 15-2.6 Historic Commercial Business (HCB) District; 15-2.13 Residential Development (RD) District; 15-2.14 Residential Development-Medium Density (RDM) District; 15-2.16 Recreation Commercial (RC) District; 15-2.17 Regional Commercial Overlay (RCO) District; 15-2.18 General Commercial (GC) District; 15-2.19 Light Industrial (LI) District; 15-2.22 Public Use Transition (PUT) District; 15-2.23 Community Transition (CT) District; and 15-15 Defined Terms. (Application PL-18-03846)

Planner Tyler reported that this was a LMC amendment for food truck locations in Park City. The Staff would be taking this amendment to the City Council for policy direction on June 13th. After getting that direction, doing their analysis, and reaching out to the important stakeholders in the community, the Staff will come back to the Planning Commission with a Land Management Code amendment. She noted that the objective this evening was to give notice to the public that this amendment was being considered and it would be aligned with State Code.

Commissioner Thimm read from Item 14 on page 35 of the Staff report, "Food Trucks must not impede safe movement". He noted that Item 3 only refers to emergency vehicle access. Commissioner Thimm thought Item 3 should be strongly worded in its final form to say that it must not impede emergency vehicles.

Commissioner Suesser wanted to know which locations were being considered for food trucks; or whether there were potential sites. Planner Tyler noted that page 29 showed all the possible zones for food trucks. At this point, food trucks will not be located in the rights-of-way due to safety concerns. It would only be for private property.

Assistant City Attorney McLean pointed out that it could also be for City-owned properties; and the City would have to follow the same CUP process as a private property owner. Regarding rights-of-way, Ms. McLean stated that State Code is very explicit about what they have to allow. If food trucks are allowed in the right-of-way a CUP would not apply.

Commissioner Band opened the public hearing. There were no comments. Chair Band closed the public hearing.

MOTION: Commissioner Sletten moved to CONTINUE the Land Management Code Amendments regarding food trucks to a date uncertain. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed unanimously.

3. Twisted Branch Road Subdivision Plat – A Subdivision Plat for 3 lots of record for an on-mountain private restaurant, a City water tank and pump station, and a recreational warming shelter/yurt; existing Twisted Branch Road; parcels for Deer Valley Resort uses; open space and existing SR 244, subject to the Flagstaff Annexation and Development Agreement, located within the Empire Pass Development Area. (Application PL-17-03664)

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

Commissioner Phillips questioned the number of times this item has been continued. Commissioner Band noted that this would be the third continuation. Planner Whetstone thought they would be ready to come to the Planning Commission on June 13, 2018.

MOTION: Commissioner Suesser moved to CONTINUE Twisted Branch Road Subdivision Plat to June 13, 2018. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

4. Flagstaff Mountain and Empire Pass Development – Construction Mitigation Plan amendments regarding clean excavation materials stockpiling and depositing and construction traffic routing.

Commissioner Band opened the public hearing. There were no comments. Chair Band closed the public hearing.

MOTION: Commissioner Thimm moved to CONTINUE Flagstaff Mountain and Empire Pass Development – Construction Mitigation Plan Amendments to June 13, 2018. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

5. Park City Heights Subdivision – Amendment to subdivision phasing plan.

Commissioner Band opened the public hearing. There were no comments.
Commissioner Band closed the public hearing.

MOTION: Commissioner Sletten moved to CONTINUE the Park City Heights Subdivision Amendment to the subdivision phasing plan to June 21, 2018.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 1062 and 1064 Park Avenue – A plat amendment proposing to create a two (2) lot subdivision from four (4) existing lots of record and two (2) metes-and-bounds parcels. (Application PL-18-03818)

Commissioner Suesser assumed from the photos in the Staff report that the existing residence straddles two of the four lots. Planner Tyler answered yes. She explained that there is a Landmark structure on Lot B that straddles both of the interior lots. This amendment would clean that up, as well as the lot lines on the metes and bounds parcel.

Planner Tyler reported that this was a simple plat amendment. Both platted lots are the same site configuration as two platted lots in the Snyder's addition, along with an adjacent metes and bounds parcel. The request is to combine the existing lots four lots and the metes and bounds parcel into two lots of record.

The Staff recommended that the Planning Commission forward a POSITIVE recommendation to the City Council for the Plat Amendment at 1062 and 1064 Park Avenue based on the findings of fact, conclusions of law, and conditions of approved found in the draft ordinance.

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

MOTION: Commissioner Thimm moved to forward a POSITIVE recommendation to the City Council regarding the Sunshine Ski Home plat amendment located at 1062 Park Avenue and 1064 Park Avenue, based upon the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1062 and 1064 Park Avenue

1. The properties are located at 1062 Park Avenue and 1064 Park Avenue are in the Historic Residential-Medium Density (HR-M) District.
2. The proposed site location consists of 1062 Park Avenue (“Landmark” Single-Family Dwelling) and 1064 Park Avenue (vacant lot).
3. 1062 Park Avenue and 1064 Park Avenue are adjoining properties, each consisting of two (2) platted lots in Snyder’s Addition to Park City Survey and an adjacent metes-and-bounds parcel to the northeast.
4. The applicant intends to create a two (2) lot subdivision from the four (4) platted lots and two (2) metes-and-bounds parcels.
5. The Plat Amendment application was complete on March 21, 2018.
6. 1062 Park Avenue is listed as a “Landmark” Site (single-family dwelling) on the Park City Historic Sites Inventory (HSI). The applicant has stated their intent to restore the “Landmark” single-family dwelling and construct an addition in the rear.
7. 1064 Park Avenue is currently a vacant lot.
8. Portions of both 1062 and 1064 Park Avenue are located in Federal Emergency Management Agency’s (FEMA) Flood Zone AO and Flood Zone X. All development will have to provide elevation certificates certifying compliance with the minimum FEMA Flood Zone requirements.
9. The minimum lot width in the HRM District is 37.5 feet; the lot width of Lot A and Lot B will be 37.5 feet.
10. For lots over 75 feet in depth, the required Front Yard Setback for the Single-family Dwelling and a Duplex Dwelling is 15 feet in the HRM Zoning District.
11. The required Rear Yard Setback is 10 feet in the HRM Zoning District.
12. The required Side Yard Setback for the Single-Family Dwelling and a Duplex Dwelling is 5 feet in the HRM District.
13. A single-family dwelling is an allowed use in the HRM Zoning District.
14. A duplex dwelling is an allowed use in the HRM Zoning District.
15. Staff finds good cause for this Plat Amendment as interior lot lines and metes and-bounds parcel boundaries will be removed for both 1062 and 1064 Park Avenue creating two (2) legal lots of record. In addition, ten foot (10’) public snow storage easements along Park Avenue and 11th Street will be granted to the City.
16. The site is not located within the Sensitive Lands Overlay District. There are no known physical mine hazards.
17. On May 9th, 2018 the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published on the Utah Public Notice Website and Park Record on May 5th, 2018 according to requirements of

the Land Management Code.

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

Conclusions of Law – 1062 and 1064 Park Avenue

1. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
2. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
3. There is good cause for this plat amendment as it will resolve lot line encroachments and provide snow storage easements.
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 – 1062 and 1064 Park Avenue

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 is granted by the City Council.
3. The applicant shall show and label all easements with Snyderville Basin Water Reclamation District (SBWRD) on the plat amendment.
4. A ten feet (10') wide public snow storage easement will be required along the Park Avenue and 11th Street frontage of the property.
5. All development will have to provide elevation certificates certifying compliance with the minimum FEMA Flood Zone requirements.

2. **1011 Empire Plat Amendment, located at the same address – A plat amendment proposing to subdivide 3 existing lots of record addressed at 1011 Empire Avenue into two lots of record. (Application PL-17-03625)**

Planner Anya Grahn reviewed the application for a plat amendment at 1011 Empire Avenue. There is an existing historic house on Lot 1 of the proposed subdivision. The applicant is proposing to subdivide three lots into two lots of record. The historic house would remain on Lot 1.

Planner Grahn reported that the applicant went before the Historic Preservation Board for material deconstruction approval, which addressed a number of encroachments such as the garage and retaining walls in the right-of-way.

Commissioner Suesser thought the historic house actually sits on Lots 1 and 2 because it is larger than one lot. Planner Grahn stated that in looking at the current survey, the historic house sits over Lots 4, 5 and 6. However, when they actually do the subdivision it will be on Lot 1 of the new subdivided plat.

Chair Band opened the public hearing.

There were no comments.

Chair Band closed the public hearing.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council for the 1011 Empire Avenue Plat Amendment, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance. Commissioner Sletten seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1011 Empire Avenue

1. The property is located at 1011 Empire Avenue.
2. The property consists of all of Lots 4, 5, and 6 of Block 28 of Snyder's Addition to Park City.
3. The property is in the Historic Residential (HR-1) District.
4. This site is listed on Park City's Historic Sites Inventory (HSI) and is designated as Significant.
5. The Plat Amendment removes two (2) interior lot lines.
6. The proposed Plat Amendment combines the property into two (2) lots: Lot 1 which includes the historic house will include 2,812.5 square feet. Lot 2 will contain 2,812.5 square feet.
7. The minimum lot area for a single-family dwelling is 1,875 square feet in the HR-1 zone. The proposed lots meet the minimum lot area for single-family dwellings. The proposed lots do not meet the minimum lot area for a duplex at 3,750 square feet.
8. A single-family dwelling is an allowed use in the District.
9. The minimum width of a Lot is 25 feet measured 15 feet back from the Front Lot Line. The proposed lots meet the minimum lot width requirement with widths of 37.50 feet.

10.LMC § 15-2.2-4 indicates that historic structures that do not comply with building setbacks are valid complying structures.

11.The applicant proposes to maintain and renovate the historic house on Lot 1 of the 1011 Empire Avenue Subdivision and develop Lot 2 with a new single family house.

12.The minimum front/rear yard setbacks are 10 feet (10'); the minimum total front plus rear yard setbacks are minimum of twenty feet (20'). The historic house, located on Lot 1 of the proposed plat amendment, has a front yard setback of 19 feet and a rear yard of 8 feet. The 8-foot rear setback is valid non-complying. There is an existing non-historic garage which is non-historic which has 0' front setback and encroaches in the City right of way. The owner has indicated he will remove the garage.

13.The minimum side yards for the two (2) proposed lots are 3 feet for a total of 6 feet for each lot.

14.There are several existing encroachments on site. The existing non-historic garage, constructed in the 1970s, encroaches three feet (3') into the City right-of-way. There are also stacked stone retaining walls that encroach approximately two feet (2') into the right-of-way.

15.The area behind the curb is not landscaped and has become an illegal, gravel parking space.

16.The applicant stipulates to abandoning the Bed and Breakfast use approved in 1991 and 1999 by the Park City Planning Commission and to removal of the reserved parking sign.

17.The Park City Planning Department received the plat amendment application on July 26, 2017; the application was deemed complete on August 14, 2017. The applicant then amended his plat amendment and submitted a revised request on March 6, 2018.

18.On April 18, 2018 the Historic Preservation Board approved the Material Deconstruction associated with the HDDR at 1011 Empire, this included approval to remove the non-historic garage and stone retaining walls in the public ROW.

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

Conclusions of Law – 1011 Empire 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 – 1011 Empire 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. The existing garage encroaches approximately three feet (3') into the right-of-way. The applicant shall remove the existing garage prior to recordation of this plat amendment.
 4. The existing stone retaining walls encroach approximately three feet (3') into the right-of-way. The applicant shall remove the existing retaining walls prior to recordation of this plat amendment.
 5. Residential fire sprinklers will be required for all new construction per the requirements of the Chief Building Official.
 6. Ten foot (10') public snow storage easement shall be granted along the Woodside Avenue right-of-way.
 7. The "Reserved Parking" signs within the right-of-way shall be removed as street parking is public and not exclusively reserved for 1011 Empire Avenue.
 8. Prior to plat recordation, the applicant shall remove the illegal gravel parking pads behind the curb and landscape this area to prevent future parking.
 9. The Owner stipulates that he is abandoning the Bed and Breakfast Use at this Location.
3. **1135 Norfolk Plat Amendment, located at the same address—A plat amendment proposing to combine all of Lots 8 and 9 and the south half of Lot 10, Block 17 of the Snyder's Addition to Park City into one lot of record. (Application PL-18-03826)**

Planner Grahn reported that this was a Significant Site on the Historic Site Inventory. The existing house encroaches over two interior lot lines. The entire site contains 2-1/2 lots. There is also a non-historic garage. The applicant currently does not have a Historic District Design Review; but cleaning up the lot lines is the first step in the process. If the plat amendment is approved, the next step would be to submit a proposal for the house and the site.

The Staff recommended approving this plat amendment to create one lot of record and to remove the interior lot lines.

Chair Band opened the public hearing.

There were no comments.

Chair Band closed the public hearing.

Commissioner Suesser asked if Lot 10 was on the north side of the property. Planner Grahn thought it was on the north side. Commissioner Suesser understood that this plat amendment would combine half of Lot 10 with Lots 8 and 9 to form one lot of record. Planner Grahn replied that the current parcel contains 2-1/2 lots. She was unsure when the half portion was acquired. She clarified that 2-1/2 lots would be combined into one lot of record.

Commissioner Suesser asked if the non-historic garage was an encroachment. Planner Grahn answered yes. She pointed to where it encroaches on to the neighboring property, but mostly into the right-of-way. Planner Grahn stated that the garage is in poor condition and she believed the applicant was interested in removing the garage. The Staff asked the applicant to pull back the garage and remove the portions that encroach in order to resolve the encroachment issue.

MOTION: Commissioner Kenworthy moved to forward a POSITIVE recommendation to the City Council for the 1135 Norfolk plat amendment, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1135 Norfolk

1. The property is located at 1135 Norfolk Avenue.
2. The site contains all of Lots 8 and 9 and the south half of Lot 10, Block 17 of the Snyder's Addition to Park City. The property is in the Historic Residential (HR-1) District.
3. This site is listed on Park City's Historic Sites Inventory (HSI) and is designated as Significant.
4. The Plat Amendment removes two (2) interior lot lines.
5. The proposed Plat Amendment combines the property into one lot of record.
6. The minimum Lot Size for a single-family dwelling is 1,875 square feet in the HR-1 zone. The proposed lots meet the minimum lot area for single-family dwellings as it will create a lot containing 4,687.5 square feet.
7. The total lot size and width will be larger than neighboring single-family lots;

however, development on this lot is limited due to the location of the historic house on the site, which limits additional development to the rear of the historic house.

8. A single-family dwelling is an allowed use in the District.

9. The minimum width of a Lot is 25 feet measured 15 feet back from the Front Lot Line. The proposed lot meets the minimum lot width requirement at 62.50 feet.

10.LMC § 15-2.2-4 indicates that historic structures that do not comply with building setbacks are valid complying structures.

11.The minimum front/rear yard setbacks are 10 feet (10'); there is a non-historic shed in the backyard that has a 5-foot rear yard setback and complies with the allowed rear yard setback of 1 foot for Accessory Buildings less than 18 feet in height, per LMC 15-2.2-3(G)(6). There is a 0 foot front yard setback as a non-historic concrete garage encroaches over the front property line and into the City's right-of-way.

12.The minimum side yards are 5 feet for a total of 14 feet. The existing site has a side yard setback of 5 feet along the north property line, but 0 feet along the south property line. The non-historic concrete garage encroaches into the neighboring property to the south.

13.There are several existing encroachments on site. The existing non-historic concrete garage encroaches approximately 2 feet into the City right-of-way and approximately 1.5 feet into the property directly to the south at 1121 Norfolk Avenue. There are concrete retaining walls built into the right-of-way and into the neighboring property at 1121 Norfolk Avenue. There is also a railroad tie retaining wall that encroaches over the property west property line and into the neighboring property. The Victorian Village Condominiums. Finally, it appears that the Victorian Village Condominiums built a composite staircase that bisects the northwest corner of the subject site.

14.The Park City Planning Department received the plat amendment application on March 23, 2018; the application was deemed complete on March 29, 2018.

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

Conclusions of Law - 1135 Norfolk

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 – 1135 Norfolk

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 applicant shall demolish the portion of the non-historic concrete garage that encroaches into the City right-of-way and neighboring property at 1121 Norfolk Avenue prior to recordation of the plat amendment.
4. The applicant shall demolish the portion of the non-historic concrete and railroad tie retaining walls prior to recordation of the plat amendment.
5. The composite staircase that bisects the northwest corner of this lot and owned by the Victorian Village Condominiums shall either be removed or the applicant shall enter into an encroachment agreement with Victorian Village Condominiums for the stairs, prior to recordation of the plat amendment.
6. Residential fire sprinklers are required for all new construction per requirements of the Chief Building Official, and shall be noted on the plat
7. Ten foot (10') public snow storage easement shall be granted along the Woodside Avenue right-of-way.

The Park City Planning Commission Meeting adjourned at 5:50 p.m.

Approved by Planning Commission: _____



PLANNING DEPARTMENT

Planning Commission Staff Report

Subject: LMC Amendments – Notice Matrix
Author: Anya Grahn, Historic Preservation Planner
Project Number: PL-18-03870
Date: July 11, 2018
Type of Item: Legislative – Land Management Code (LMC) Amendments

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing and continue the item to July 11, 2018 to allow staff to make additional revisions to this chapter regarding the appeal process.

Description

Proposal: LMC amendments to update Notice Matrix to reflect 30-day required appeal period for Historic District Design Reviews (HDDR).
Applicant: Planning Department
Location: Historic Zoning Districts [Historic Residential Low-Density (HRL); Historic Residential 1(HR-1); Historic Residential 2 (HR-2); Historic Residential-Medium Density (HRM); Historic Recreation Commercial (HRC); Historic Commercial Business (HCB)]; sites designated as Historic but outside the H-Districts
Reason for Review: LMC Amendments require Planning Commission review, public hearing, and recommendation plus City Council review, public hearing, and final action

Planning Commission Staff Report

Subject: 638 Park Avenue (Kimball Garage)
Author: Anya Grahn, Historic Preservation Planner
Project Number: PL-16-03412
Date: June 13, 2018
Type of Item: Administrative – City Council Remand of an appeal of Planning Commission’s Approval of a Conditional Use Permit (CUP) for a Private Event Facility

Summary Recommendations

Staff recommends that the Planning Commission discuss the remand of the appeal of the Conditional Use Permit (CUP) for a Private Event Facility at the Historic Kimball Garage at 638 Park Avenue, hold a public hearing, and consider providing direction to prepare findings to approve with additional conditions or denying the CUP for the Private Event Facility.

Topic

Applicant: CPP Kimball LLC represented by Tony Tyler and Architect Craig Elliot
Location: Historic Kimball Garage at 638 Park Avenue
Zoning: Historic Recreation Commercial (HRC), Heber Avenue Subzone
Adjacent Land Use: Residential single-family and multi-family; commercial
Reason for review: Appeals of Planning Commission’s decisions are reviewed by the City Council; City Council remanded this CUP back to the Planning Commission on March 30, 2017.

Summary of Proposal

On September 19, 2016, the Planning Department received an application for a Conditional Use Permit (CUP) for a Private Event Facility at 638 Park Avenue. The applicant is rehabilitating the existing historic building for Retail and other Commercial uses and is constructing a new addition to the east, adjacent to Main Street. The upper level of the addition is proposed to be used as a Private Event Facility; an exterior rooftop terrace, part of the Private Event Facility, will be over the historic building. The CUP application is specifically to allow the Private Event Facility uses. The building is currently under construction and is not subject to the CUP. Only the proposed use of the Private Event Space in the new addition and rooftop deck are subject to the CUP review.

Background

Recent History of Applications

The Historic District Design Review (HDDR) for the new development was originally approved on June 20, 2016; an appeal of the HDDR was submitted by the Park City Museum and Historical Society on June 30, 2016. The Board of Adjustment (BOA) met

on October 18, 2016, denied the appeal and upheld staff's determination [[Staff Report](#) (page 23) and [Minutes](#) (page 1)]. The time to appeal that decision to the District Court has passed and no appeal has been filed.

The Park City Museum had objected to a number of issues, including the removal of one (1) of the two (2) bow-string arches forming the roof of the building; however, the BOA found that the removal complied with the Design Guidelines as rooftop additions are permitted on commercial buildings in the Main Street National Register District, of which the Kimball Garage is a part of. Further, because the barrel was not visible from the primary public rights-of-way, it was appropriate to remove it to accommodate the rooftop deck addition which will sit below the parapet and will generally not be visible from the Heber Avenue right-of-way.

The BOA stressed that they found the rooftop terrace addition permissible because it would generally not be visible from the Heber Avenue right-of-way. The approval included Finding of Fact #26 specifying, "the proposal complies with Specific Design Guidelines B.1. Roofs. The BOA has determined that the original roof form, consisting of two (2) barrel vaults running north-to-south are not character-defining features of the historic structure, and, thus, the applicant will only be required to maintain the western barrel-vault." As designed, the rooftop terrace will be setback from the Heber Avenue façade of the building in order to minimize the visibility of the necessary railing from street view. The BOA recommended that the Planning Department and the applicant propose rules to regulate the rooftop deck and prevent umbrellas, tents, and other temporary structures from detracting from the invisibility of the deck. (See [BOA Minutes 10.18.16.](#))

The Park City Council also approved the Kimball on Main plat amendment for this property at 638 Park Avenue on May 19, 2016 (See [Ordinance 2016-21](#)). The plat was recorded on February 3, 2017.

On March 20, 2016, the Planning Director found that the Kimball Art Center was current in their assessment to the Main Street Parking Special Improvement District as of January 1, 1984, for parking requirements up to a Floor Area Ratio (FAR) of 1.5. It is important to note that in 1984, the Kimball Art Center was located in the Historic Commercial Business (HCB) District; however, the zone changed in 2006 to Historic Recreation Commercial (HRC). The property is currently in the Heber Avenue Subzone of the HRC District. The proposed FAR of the proposed project with the new addition is 1.45.

History of Conditional Use Permit (CUP) for Private Event Facility

On September 19, 2016, the Planning Department received an application for a Conditional Use Permit (CUP) for a Private Event Facility at 638 Park Avenue. The applicant is in the process of rehabilitating the existing historic building for Retail and other Commercial uses and constructing a new addition to the east, adjacent to Main Street. (A building permit was issued on February 16, 2017.) The upper level of the addition is proposed to be a Private Event Facility that extends on to the rooftop terrace.

(This CUP will allow for outdoor private events, without requiring approval of an individual Administrative CUP for each outdoor event.)

The following staff reports and meeting summarize the history of this application:

- **November 9, 2016:** Planning Commission reviews CUP for Private Event Facility on [see [Staff Report](#) (starting page 23) and [Minutes](#) (starting page 28)]. Planning Commission continues the item to December for further discussion.
- **December 14, 2016:** Planning Commission reviews CUP [see [Staff Report](#) (starting page 95) and [Minutes](#) (starting page 60)]. They voted unanimously (6-0) to approve the CUP for Private Event Facility.
- **March 30, 2017:** Park City Council heard the appeal [[Staff Report](#) (page 151), [Minutes](#) (page 9), and [Audio](#)]. The Park City Council was overall not in favor of the CUP as they found there were reasonably anticipated detrimental effects of the proposed CUP that could not be substantially mitigated. City Council remanded the appeal back to the Planning Commission for further review.
- **September 27, 2017:** Staff held a work session with the Planning Commission to receive additional direction on moving forward [[Staff Report](#) (starting page 202) and [Minutes](#) (starting page 3)].

Process:

This appeal has been remanded back to the Planning Commission for their review of the CUP. The Planning Commission will review the scope of the remand on the CUP and make a determination on the CUP. The scope of the Planning Commission review is limited to the remand.

Per LMC 15-1-18(J), 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.

Analysis:

In response to the City Council remand on March 30, 2017 and the Planning Commission work session on September 27, 2017, the applicant submitted a response to Staff on the remand on May 11, 2018.

Pursuant to [LMC 15-1-10 Conditional Use Review Process](#), "There are certain Uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land Uses, may not be Compatible in some Areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts. The Planning Department will evaluate all proposed Conditional Uses and may recommend conditions of approval to preserve the character of the zone, and to mitigate potential adverse effects of the Conditional Use. A Conditional Use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the

reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards.

If the reasonable anticipated detrimental effects of a proposed Conditional Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards, the Conditional Use may be denied.” The Conditional Use review items are outlined in [LMC 15-1-10\(E\)](#).

Staff has provided a summary of past City Council and Planning Commission direction on each of the four (4) items below. The size of the possible events to be held at this Private Event Facility warrants consideration of specific mitigation strategies. Staff concludes that the proposed mitigation strategies are not specific to the size of the impacts. The Planning Commission should review these mitigation strategies, and determine whether or not the applicant has mitigated the issues and addressed concerns. A complete report by the applicant has been provided as Exhibit C; staff has summarized the applicant’s responses below.

1. NOISE

City Council Direction

- City Council found that the location was a geographic problem because it faced uphill residential neighborhoods, and they determined that the Conditions of Approval did not adequately address noise associated with the outdoor event space. They worried that the likelihood of violations of the noise ordinance would unreasonably and adversely impact the residential neighbors, forcing the neighborhood to bare an unreasonable enforcement role especially after-hours and weekends.
- City Council found that the glass railing and walls surrounding the outdoor space would be sound reflectors and amplify the noise. To combat this, they suggested amplified sound be limited to the interior only.
- Finally, City Council directed the Planning Commission to mitigate or find a way to restrict the noise through more restrictive event uses, more limited hours, and additional methods that would limit operations and prevent the use from becoming a nuisance to the surrounding neighborhood.

Planning Commission Work Session Analysis

- The Planning Commission also had concerns about the location of the site; however, they found that the outdoor space would likely regulate itself due to the Park City’s climate. They recommended that outdoor activity not be permitted after the sun goes down and to refrain from heating the outdoor space after dark to encourage guests to move inside.
- The Planning Commission also considered the applicant’s design solutions to mitigate noise. They found that the proposed vestibule between the indoor event space and outdoor space would likely help mitigate sound; however, they requested additional analysis on how the glass railings would act as a speaker and amplify the noise.

- In response to the applicant's presentation of a sound mitigation system, they found that the noise mitigation plan was technically advanced, but they were unsure how it could be regulated. They asked the applicant to further demonstrate how it would function for amplified noises. They also expressed concerns about the noise monitoring equipment not being able to mitigate the impacts of guests having a conversation on the deck. Like City Council, the Planning Commission worried about noise enforcement falling on the neighbors.
- They also emphasized the need for time limitations on the use of the outdoor space to prevent excessive noise.

Applicant's Response

- The applicant has commissioned Henderson Engineers to conduct a third-party study of noise. The consultants found that the baseline for ambient noise averaged about 52.5 dBA. Based on an analysis of 150 guests with 2 acoustic musicians on the terrace and 75 people talking simultaneously, the study found that the maximum noise level would be 72 dBA for "loud talking." The study also measured comparable outdoor music and human chatter at other active locations and found that the levels were roughly 53 and 54 dBA, below the Maximum Permissible Sound Levels for the Commercial Use District. The applicant believes that the Henderson Study demonstrates that any event at maximum capacity on the terrace would not exceed the Maximum Permissible Sound Levels for the Commercial District, which vary from 60 dBA to 65 dBA depending on the time of the day. They find that the proposed use will comply with the City's [Noise Ordinance](#).
- The applicant has also introduced design features that would further mitigate noise. They have incorporated a sound trap in the soffit of the west elevation that will diffuse sound waves and acoustic baffles in the ventilation outlets to minimize noise transfers through the mechanical shafts. The insulated glass used on the doors and windows of the west façade and railings will reduce sound reflectivity and reduce noise traveling between the interior and exterior spaces. In particular, the applicant argues that the glass railings surrounding the terrace will actually reduce the sound on the outdoor terrace because it will reflect the sound back into the terrace and not project it into surrounding neighborhoods. They are also proposing automatic closing devices on the exterior doors to ensure that the doors are maintained in a closed position and are not left open. The applicant also notes that the barrel vault on the west side of the terrace will provide a physical separation and noise barrier. Landscape buffers on the south and west sides of the terrace will provide additional separation and help absorb sound.
- Additionally, the applicant has proposed a Noise Management Plan as part of their operations management. The plan calls for the use of sound limiting and monitoring equipment, training procedures for event staff, and robust complaint procedures. The applicant proposes to train their management staff to educate guests and facility users of the city's noise ordinance requirements as well as conduct periodic measurements to ensure compliance. Detailed complaint

procedures designate the operator of the event space as the first line of communication. Additional procedures will disallow the removal of containers (garbage) and emptying of bottles to external areas after 9pm, permitting these activities to occur the following day and reduce nighttime noise.

- The applicant has not proposed to modify the hours of operation, which the CUP initially limited to 8am and midnight for the indoor event space and 11am to 10pm for the outdoor space, consistent with the City's Noise Ordinance.

Staff Analysis

- Staff finds that the applicant has mitigated the impacts for potential amplified music and sound on the balcony through the use of design elements and technology; however, the applicant has not provided a means of controlling the non-amplified noise that is caused by maximum occupancy. This was of particular concern for the Planning Commission and City Council during their past reviews.
- According to the approved building permit plans, staff finds that the maximum occupancy load permitted on the outdoor terrace is 141 guests for non-constrained assembly (i.e. no tables and chairs) and will be less than 141 guests for most events due to the need for outdoor furnishings. In the past, City Council and the Planning Commission have made the distinction between acoustic music and bands playing on the patio. The applicant has restricted the patio level for only amplified acoustic music, meaning the bands and DJs will be restricted to the indoor event space. Further, the applicant has proposed a robust sound mitigation strategy through the use of technology and operations plan.
- They also have both requested that the hours of operation on the patio be limited; in the September 2017 meeting, the applicant did not want to restrict the use of the patio after 10pm in case guests wanted to go outside to smoke or carry on a conversation. Staff finds that there is a second balcony proposed on the Main Street-Heber Avenue corner that can be utilized to accommodate these types of activities after 10pm.
- Per the noise study by Henderson Engineers, the proposed use of the outdoor rooftop terrace should not violate the City's noise ordinance if operated within the proposed restrictions. Should the Planning Commission find that the use needs to be further mitigated due to the unique location and design issues, staff recommends that the Planning Commission direct the applicant to:
 - o Further limiting the number of guests allowed on the rooftop terrace.
 - o Limiting the hours of operation for the rooftop terrace further than what is required by the Noise Ordinance, with special consideration given to uphill residential neighborhoods.
 - o Limiting outdoor activities that might generate undue noise to daytime hours.

2. LOADING, TRAFFIC, AND PARKING

City Council Direction

- City Council did not find that traffic, loading, and parking demands was sufficiently mitigated. They feared that this use would only exasperate the already congested intersections of Main Street and Heber Avenue as well as Park Avenue and Heber Avenue.
- They did not want to see overflow parking on Park Avenue that would create additional duress for the residential neighborhood.

Planning Commission Direction

- The Planning Commission found that the traffic mitigation needed to be more closely looked at, with special consideration given the proximity of congested intersections along Park Avenue, Heber Avenue, and Main Street. There was concern that traffic congestion at these intersections would block bus traffic. They did not believe the Heber Avenue intersections functioned in the same way that the rest of Main Street did, and they wanted to see a viable plan for mitigating the traffic.
- The Planning Commission also did not believe the applicant had adequately addressed loading/unloading areas. In addition to blocking sidewalk traffic, some commissioners feared that large crowds departing at the same time would increase noise levels; they recommended the applicant consider designating a loading/unloading zone for Transportation Network Companies (TNC) to pull off the street altogether.
- The Planning Commission Chair specifically addressed concern about the applicant relying on loading/unloading techniques for upper Main Street as a solution, as he found the Heber Avenue Subzone could not be treated the same because of impacts to the neighboring residents.
- The Commissioners were split regarding event parking mitigation. The Planning Commission asserted it was inappropriate for the applicant to perpetually rely on purchasing parking spaces from the City to address parking generated by the events. They were also not supportive of reducing parking or permanently converting parking along Heber Avenue into a 15-minute loading/unloading zone.

Applicant's Response

- The applicant reiterates that the Planning, Engineering, and Transportation Staffs' opinion that this use would not generate significantly greater traffic to the site than what already existed during the Kimball Arts Center events. They further state that the Planning Director determined on March 20, 2016 that parking had provided up to an FAR of 1.5 and no additional parking is required.
- The applicant goes on to say that they had approached the City about redesigning the Main Street-Heber Avenue intersection for the benefit of their project. They had offered to create a drop-off zone along Heber Avenue, however, the City did not approve those plans as the City was moving forward with their own redesign of the streetscape at this intersection.

- Applicant believes that the LMC does not require load-in and load-out zones for the event use, and the applicant has taken significant steps to mitigate any potential impacts by constructing on-site storage. The applicant has proposed a 1,180 square foot on-site storage room to allow the private event facility to store goods associated with the events; they believe this will minimize loading/unloading requirements associated with the events.
- The applicant further relies on [LMC 15-3-10 Off-Street Loading Spaces](#) which states that “Except in the Historic District Zones, every Structure that is to be used for any purpose which involves the receipt or distribution of materials or merchandise by vehicle, must provide and maintain adequate space for standing, loading, or unloading services Off-Street. All such loading Areas or berths shall be located so that no vehicle loading or unloading merchandise or other material shall be parked in any Front Yard or in any Street or Right-of-Way.” Applicant intends to follow the regulations for delivery along Main Street as provided in [Municipal Code 9-8-3](#).
- Applicant finds that emergency vehicle access has been provided as the building permit plans were approved by the Park City Fire District.

Staff Analysis

- During the September 2017 work session, the Planning Commission specifically requested that the applicant provide traffic mitigation plan, address loading/unloading of guest attendees and the associated noise, and parking. Since this application was submitted, the City has implemented a paid parking plan to further address parking in the commercial core and encourage the use of public transportation; however, as the Planning Commission noted in their last review, the applicant’s plans have not addressed rideshare programs that would require on-site drop-off and pick-up.
- The Planning Commission stated in their last review that the loading/unloading plans for Main Street were not synonymous with the activities of Lower Main Street. While on-site storage may mitigate some of the impact of loading/unloading, staff finds that deliveries will still be necessary to support the event space. Staff agrees with the applicant that there are specific provisions to address loading/unloading on upper Main Street, staff also finds that [Municipal Code 9-8-3](#) does address deliveries on Lower Main Street stating that:
 - A. Delivery vehicles operating north of Heber Avenue shall utilize Main Street during the hours from 7:00 a.m. to 12:00 noon. After 12:00 noon, no delivery vehicle shall be parked on Main Street.
 - B. Delivery vehicles may double park on Main Street north of Heber Avenue from the hours of 7:00 a.m. to 12:00 noon. Delivery vehicles may double park provided that: the double parked vehicle is in the course of an expeditious delivery, there is no other curb parking available, the double parked vehicle does not inhibit traffic flow or block a legally parked car from leaving the curb.

The Municipal Code goes on to say that deliveries cannot impede traffic on Main Street. Staff finds that the applicant will likely need to pay careful attention to deliveries and their impacts on the Park Avenue-Heber Avenue and Main Street-

Heber Avenue intersections to ensure that parked trucks do not create traffic implications.

- Staff finds that the applicant has not addressed all the concerns expressed by the Planning Commission during the September 2017 work session, specifically in regards to traffic mitigation, loading/unloading guests, and parking. Staff finds that while the applicant has met the minimum requirements for loading/unloading and parking, the Planning Commission had emphasized the increased intensity of spikes in traffic, loading/unloading, and parking generated by the use. Staff finds that the Planning Commission could further mitigate the impacts of the Private Event Space by directing the applicant to:
 - o Providing an adopted traffic mitigation and off-site parking plan for all events over a set number of participants. This plan should address private shuttle service, enforcement of drop-off and loading zones, stewards to direct parking patrons to correct locations, and other mitigation strategies.
 - o Consistent with other special events, the applicant's parking mitigation plan could require large events to make arrangements with other private parking areas to address the parking generated by the event.
 - o Events will need to be staffed. Thus far, the emphasis has been on parking for event participants; however, the applicant's proposed parking plan should also address parking for staff.
- In our discussions with Public Works, staff found that there was concerns that traffic along this intersection could impede public bus traffic. Should the Planning Commission choose to approve this CUP, staff recommends adding a Condition of Approval requiring a minimum of two (2) traffic controlers to help control traffic while private high occupancy vehicles are loading and unloading event attendees.
- Emergency Manager Mike McComb expressed concerns about the lack of traffic mitigation and parking impact, especially when events at this location coincided with other large-scale community events, such as the Kimball Arts Festival. He recommended that the applicant create and train staff on an emergency operations plan for use during evacuation and/or shelter-in-place while an event was occurring. Should the Planing Commission choose to approve this CUP, staff recommends adding a Condition of Approval that the applicant develop an Emergency Management Plan to be submitted, reviewed, and approved by the City.

3. COMPATIBILITY WITH THE NEIGHBORING USES

City Council Direction

- City Council found that outdoor use faced compatibility challenges due to the building design, height of the deck and the fact it faced the residential area. There were specific concerns for the impacts of this use on the adjacent residential areas that abut the Heber Avenue Subzone.

Planning Commission Direction

- During the work session, the applicant compared the use of this space to neighboring event spaces such as the Town Lift as well as restaurants with outdoor dining. The Planning Commission believed that outdoor dining associated with neighboring restaurants had a much lower occupancy load than what was proposed on the outdoor terrace of this private event space. As such, they believed the outdoor space was not consistent with other outdoor dining areas.
- The Planning Commission requested actual occupancy loads for the interior and outdoor spaces.
- They also found that there would be fewer concerns with the use if the applicant was willing to limit the types of events, hours of operation, and duration of events at this site.
- The Planning Commission recommended that the outdoor space should be removed from the applicants request and that the applicant apply for individual CUPs for all proposed outdoor events.

Applicant's Response

- The applicant refers to the General Plan which encourages the use of Old Town as a backdrop for festivals, competitions, concerts, and other special events. The applicant believes that the proposed use is consistent with these public events.
- The applicant argues that the HRC zoning district is intended to “provide a transitional in scale and land Uses between the HR-1 and HCB Districts that retains the character of the Historic Buildings in the Area.” They contend that the Heber Avenue Subzone was created to allow more intensive uses adjacent to upper Main Street, zoned HCB, than in the rest of the HRC zone. The applicant further points out that property is surrounded by primarily commercial and retail uses and limited adjacent residential uses. The neighbors include two restaurants, two ski rental shops, two real estate office, two condominium developments, a parking garage, and two private commercial properties used for private events.
- The applicant believes they have mitigated the impacts of this use on the neighborhood. The entry to the private event facility has been located along Heber Avenue, away from the proposed retail spaces along Main Street. They have also incorporated design elements into the outdoor event space to mitigate noise levels. They conclude that they have mitigated the impacts of parking, loading/unloading, and traffic.
- Finally, the applicant points out that they have agreed to regular review of this use by the City, as stated in Condition of Approval #23 that states, “In the event that sustained code violations are registered with the City regarding this use, including complaints of glare, noise, smoke, odor, grease, or traffic, the applicant will be required to address the code violation within 30 days. The Planning Department shall investigate these complaints and take measures necessary to

ensure that the property owner complies with the requirements of this permit. Additionally, the Planning Department may bring forward these complaints to the Planning Commission, as deemed necessary by the Planning Director, in order to further mitigate the nuisance. Should these code violations not be mitigated, the Planning Commission may revoke this CUP.”

- The applicant also points out that they are working with the Planning Department on their sign permit and that lighting has already been approved.

Staff Analysis

- The applicant has not specified the occupancy loads for the outdoor space in this submittal, as requested by the Planning Commission. Based on the approved building permit, the occupancy loads for the space are:

Interior Event Space	522 occupants, based on concentrated assembly use
Kitchen Space	2 occupants
Outdoor Event Space	141 Occupants, based on un-concentrated assembly use
Total Occupancy Load	480 guests, based on applicant's self-imposed occupancy limit

Despite this use generating a total occupancy load of a maximum of 665, the applicant has placed a self-imposed occupancy limit to 480 guests. This is a 27.8% reduction in the allowable occupancy based on building codes.

- Staff also finds that this use differs from neighboring restaurants and associated outdoor dining areas. Neighboring restaurants are far smaller in occupancy loads, even when outdoor dining is provided. Additionally, no other outdoor dining area in the vicinity has an occupancy load of up to 141 outdoor guests. Based on limited data of occupancy loads, staff has provided the following comparison of other outdoor dining spaces. The most comparable occupancy to this proposed space is that of the Bone Yard.

Business:	Zone:	Occupancy in outdoor areas:
Bone Yard-1251 Kearns	GC	133 occupants
Spur-352 Main Street	HCB	49 occupants
No Name-447 Main Street	HCB	49 occupants
Riverhorse- 544 Main Street	HCB	154 occupants (includes indoor space)
Wahso- 577 Main Street	HCB	Approx. 16 occupants
Sky Lodge -201 Heber	HRC	68 occupants

One significant difference between this space and adjacent outdoor dining is that even the most successful private event spaces are not booked every hour of every day. Unlike a restaurant that may offer outdoor dining every day of the week, the private event space will probably only offer events several days a week. At the same time, restaurants do not have a fixed arrival/departure time

the way that an event space will. Nor does a restaurant require guests to check credentials or enter queuing lines the way that a private event space might.

- Staff finds that the LMC permits a Private Event Space when the impacts of the use have been mitigated. The applicant has provided mitigation strategies; however, the applicant has not addressed Planning Commission's comments regarding limiting the types of events, hours of operation, and duration of events at this site. The applicant has maintained the hours of operation approved in the original CUP approval which limit the hours of activity to 8am and midnight for the indoor event space and 11am to 10pm for the outdoor space, in accordance with the City's Noise Ordinance.
- Staff finds that the impacts of this use could be further mitigated by:
 - o Limiting the number of occupants on the rooftop terrace.
 - o Limiting the hours of operation for the rooftop terrace beyond the requirements of the Noise Ordinance. Outdoor activities should be limited to daytime hours to prevent disruption to the residential neighborhood.
 - o Providing a traffic mitigation and off-site parking plan for events over a set number of guests. The plan should address staff parking as well as drop-off and pick-up areas to reduce traffic congestion and impacts on bus circulation at the Park Avenue-Heber Avenue and Main Street-Heber Avenue intersections.
 - o Developing an Emergency Management Plan to be approved by the City. Special emphasis should be given to events occurring at the same time as community-wide events along Main Street.
- While staff confirms that the applicant has been working with the Planning Department through their sign permit application, staff has not reviewed and approved any outdoor lighting at this site. Condition of Approval #19 of the HDDR Action Letter states, "All new lighting fixtures shall be reviewed and approved by the Planning Department prior to installation. Exterior light fixtures shall be compatible with the building's style, period and materials, and shall also be down-directed and shielded." All exterior lighting will need to be downward directed and shielded as well as compatible in design to the building.
- The Planning Commission could consider adding a Condition of Approval limiting the number of lights on the rooftop terrace to further prevent outdoor events from occurring after sunset.

4. TENTS ON THE BALCONY

City Council Direction

- City Council found that the use of the outdoor terrace to accommodate a tent was counterintuitive to the BOA's finding that outdoor furnishings, heaters, and other visual obstructions be limited on the deck space. City Council requested that the Planning Commission review and address visual inconsistencies of the tent.

Planning Commission Direction

- The Planning Commission had initially approved the CUP with specific Conditions of Approval that addressed the location, placement, mass and scale, and duration of any tents required as part of the private event's outdoor use.
- During the work session, the Planning Commission was appreciative that the applicant had removed the tent from the CUP request for the private event facility; however, they wanted to see Conditions of Approval that defined the location of the tent.

Applicant's Response

- The applicant has withdrawn the tent from the CUP request for the private event facility. The applicant argues that the BOA did not require the applicant to reduce the visibility of the rooftop deck, but supported its design and so their intent was not to regulate the use of the deck.

Staff's Analysis

- Staff would generally agree with the applicant that they have mitigated the impacts of the tent, but further explain that the BOA did request that a set of guidelines be developed to regulate outdoor furnishings on the deck as they did not want to add mass and bulk to it by allowing umbrellas, heaters, tents, etc. to be left up indefinitely.
- The applicant had proposed specifications for a tent that was to be specifically constructed for use on the rooftop deck. The Planning Commission reviewed this tent and included Conditions of Approval to address the tent and other outdoor furnishings associated with the outdoor event space:

#11. The use of umbrellas, portable heaters, and similar improvements may be used during an event; however, they shall not be permanently stored on the rooftop terrace or visible from the public right-of-way except when in use during the private event.

#12. Any proposed tent shall comply with the following regulations:

- a. The tent shall not increase the occupancy of the existing building.*
- b. The tent shall be setback from the parapet along Heber Avenue and the south edge of the roof terrace in order to limit its visibility and mass from the street.*
- c. The tent shall be solid in color; however, it may have some clear openings such as windows or doors. The colors and materials of the tent shall complement the building and shall not contain reflective material.*
- d. The tent shall be no more than fifteen feet (15') in height.*
- e. The tent's installation and/or disassembly shall not require the use of any machinery such as cranes, compressors, or generators. Hand portable air compressors may be used to operate power tools as necessary.*
- f. The tent shall not be erected for more than four (4) consecutive days up to fifteen (15) times per year (including setup and removal), except for the once a year in which the tent shall be allowed to be erected for ten (10)*

- days (including setup and removal). The number of days the tent is up shall not exceed 70 days, as required by LMC 15-4-16.*
- g. The applicant is responsible for coordinating the necessary building permits with the Building Department for all plans for tents.*
- h. The size of the tent shall be limited to 780 square feet.*
- i. The rooftop terrace shall be limited to one (1) tent.*
- j. The applicant shall provide an exhibit showing the location of the tent and dimensioned in feet and inches.*

Staff recommends that should the Planning Commission find that the applicant has addressed the Planning Commission's concerns regarding the tent, these Conditions of Approval should be included in any final action.

Department Review

This project has gone through an interdepartmental review. Specifically, this staff report has been reviewed by the Planning, Building, Engineering, Police, Public Works, Emergency Management, and Legal Departments. No further issues were brought up at that time.

Notice

Legal notice was published in the Park Record on May 26, 2018, according to requirements of the Land Management Code. A property notice and mailing was also completed on May 30, 2018.

Public Input

No additional public input has been received by the time of this report. Past public comment has been provided as exhibits to previous staff reports.

Recommendation

Staff recommends that the Planning Commission discuss the remand of the appeal of the Conditional Use Permit (CUP) for a Private Event Facility at the Historic Kimball Garage at 638 Park Avenue, hold a public hearing, and consider providing direction to prepare findings to approve with additional conditions or denying the CUP for the Private Event Facility.

Exhibits

- Exhibit A – City Council Remand Letter,
- Exhibit B – Planning Commission Action Letter, 12.16.16
- Exhibit C – Applicant's revised submittal
- Exhibit D – Public Comment

PROPOSED ORDER DENYING THE CUP:

Finding of Fact:

1. The subject property is located 638 Park Avenue. It is also Lot 1 of the Kimball on Main plat amendment that was recorded on February 3, 2017.
2. The property is located in the Historic Recreation Commercial (HRC) District.
3. Per 15-2.5-10, the property is located in the Heber Avenue Subzone; the allowed

uses within the sub-zone are identical to the allowed uses of the Historic Commercial Business (HCB) District, and the Conditional Uses within the sub-zone are identical to the Conditional Uses in the HCB District.

4. The property is bound by Main Street to the east, Heber Avenue to the south, and Park Avenue to the west. These are all public streets.
5. The Park City Council also approved a Kimball on Main Plat Amendment for this property at 638 Park Avenue on May 19, 2016. The plat was recorded on February 2, 2017.
6. The site is designated as Landmark on the City's Historic Sites Inventory (HSI).
7. The Historic District Design Review (HDDR) for the new development was originally approved on June 20, 2016. The applicant is proposing to rehabilitate the historic Kimball Garage and construct a new addition to the east, fronting Main Street.
8. An appeal of the HDDR was submitted by the Park City Museum and Historical Society on June 30, 2016. The Board of Adjustment met on October 18, 2016, denied the appeal and upheld staff's determination. The BOA recommended that the Planning Department and the applicant propose rules to regulate the rooftop deck and prevent umbrellas, tents, and other temporary structures from detracting from the invisibility of the deck.
9. The BOA found that the rooftop deck addition above the historic Kimball Garage was appropriate as the Design Guidelines permit construction of rooftop additions and the addition would remove one of the two barrel-vaulted roof forms. The addition was permissible because it was generally not visible from the primary public right-of-way along Heber Avenue.
10. On March 20, 2016, the Planning Director found that the Kimball Art Center was current in their assessment to the Main Street Parking Special Improvement District as of January 1, 1984, for parking requirements up to a Floor Area Ratio (FAR) of 1.5. In 1984, the Kimball Art Center was located in the Historic Commercial Business (HCB) District; however, the zone changed in 2006 to Historic Recreation Commercial (HRC). The proposed FAR of the proposed project with the new addition is 1.45.
11. In 1984, the Kimball Art Center had a Gross Floor Area of approximately 13,477 square feet, which generates an FAR of 0.7. The 0.7 FAR is less than the 1.5 FAR that they paid for as part of the Main Street Parking Special Improvement District.
12. Gross Commercial Floor Area includes all enclosed Areas of the building, but excludes parking areas. Unenclosed porches, Balconies, patios and decks, vent shafts and courts are not calculated in Gross Commercial Floor Area. Areas below Final Grade used for commercial purposes including, but not limited to, storage, bathrooms, and meeting space, are considered Floor Area.
13. Because 638 Park Avenue is located in the Heber Avenue Subzone, the FAR limitation of the HRC District does not apply to gross commercial floor area; however, the parking exception is only for an FAR up to 1.5.
14. The Conditional Use Permit (CUP) for the Private Event Facility requires that all developments are subject to the conditions and requirements of the conditional use review of LMC chapter 15-1-10.
15. The Planning Commission held public hearings for the CUP application on November 9, 2016 and December 14, 2016; the Planning Commission unanimously

approved the CUP application with a 6-0 vote on December 14, 2016. The Planning Commission Chair does not vote (unless there is a tie).

16. The Planning Commission approval of the CUP was appealed to the City Council and on December 22, 2016.
17. On March 30, 2017, the Park City Council reviewed the appeal and remanded the appeal back to the Planning Commission for further review. The City Council was overall not in favor of the proposed CUP as they believed that there were reasonably anticipated detrimental effects of the proposed CUP that could not be substantially mitigated. These impacts included:
 - a. The location of the site faced uphill residential neighborhoods and additional Conditions of Approval would be needed to adequately address noise associated with the outdoor event space. There were concerns that the geographic location of the site prevented the mitigation of noise impacts altogether.
 - b. The glass railings and walls would be sound reflectors and amplify the noise.
 - c. Concerns that event uses, hours, and operations would become a nuisance to the surrounding residential neighborhood.
 - d. Fears that the Private Event Facility use would exasperate the already congested intersections of Main Street and Heber Avenue as well as Park Avenue and Heber Avenue due to increased traffic, loading/unloading, and additional parking demands generated by the use. They did not want to see overflow parking on Park Avenue that would create additional duress for the residential neighborhood.
 - e. Found that the use was compatible with some, but not all of the neighbors, specifically the surrounding and adjacent residential areas that abut the Heber Avenue Subzone.
 - f. Believed allowing tents on the outdoor terrace was counterintuitive to the BOA's finds that outdoor furnishings, heaters, and other visual obstructions be limited on the deck space.
18. On September 27, 2017, the Planning Commission reviewed the applicant's proposed mitigation strategies during work session. The Planning Commission expressed concerns about:
 - a. Wanted to limit the use of the outdoor terrace to daylight hours only and refrain from heating the space after dark.
 - b. Found the proposed vestibule between the indoor and outdoor event spaces would mitigate sound, but wanted additional analysis to ensure that the glass railings would not act as a speaker and amplify noise.
 - c. Requested further demonstration on how amplified noises would be regulated by the proposed technology. Also concerns about the noise monitoring equipment not being able to mitigate the sound of guests having a conversation on the deck.
 - d. The additional traffic generated by this use would block bus traffic and requested the applicant provide a viable plan for mitigating the traffic.
 - e. The applicant had not adequately addressed loading/unloading areas. In addition to blocking sidewalk traffic, there were concerns that large crowds

- departing the event space at the same time would increase noise levels.
 - f. The additional parking generated by this use would rely on China Bridge, which was designed for shared parking not intensive private events.
 - g. It was not appropriate for the applicant to perpetually rely on purchasing parking spaces from the City to address parking generated by the events. The Planning Commission was also not supportive of reducing parking or permanently converting parking along Heber Avenue into a 15-minute loading/unloading zone.
 - h. The outdoor dining associated with neighboring restaurants had a much lower occupancy load than the proposed outdoor terrace of the Private Event Facility. Planning Commission requested the applicant to provide occupancy loads for the interior and exterior spaces.
 - i. Believed there would be fewer concerns with the use if the applicant was willing to limit the types of events, hours of operation, and duration of events on the site.
 - j. Requested that Conditions of Approval defining the location and duration of any tents on the outdoor event space be maintained.
19. On May 11, 2018, the applicant submitted a narrative describing the ways in which they believed they have mitigated the impacts of the Private Event Facility by:
- a. Commissioning Henderson Engineers to conduct a third-party study of noise. The consultants found that ambient noise averaged about 52.5 dBA. Based on an analysis of 150 guests with 2 acoustic musicians on the terrace and 75 people talking simultaneously, the study found the maximum noise level would be 72 dBA for “loud talking”. Applicant believes that the average sound levels will vary between 60 dBA to 65 dBA depending on the time of day for outdoor events, which complies with the City’s Noise Ordinance standards of 60 dBA from 10pm to 6am and 65 dBA from 6am to 10pm.
 - b. Introducing design features such as a sound trap in the soffit of the west elevation, acoustic baffles in the ventilation outlets, insulated glass doors and windows, a vestibule between the interior and exterior event spaces, automatic closing devices on the exterior doors, and landscape buffers on the south and west sides of the terrace to mitigate noise. The applicant also argues that the glass railings will actually reflect the noise back into the terrace and not outwards towards the uphill residential neighborhoods.
 - c. Proposing a Noise Mitigation Plan as part of their operations management that provide for sound limiting and monitoring equipment, training procedures for event staff, and robust complaint procedures. Additional procedures will disallow the removal of containers (garbage) and emptying of bottles to external areas after 9pm.
 - d. Providing parking up to an FAR of 1.5, thus no additional parking is required.
 - e. Providing on-site storage to further mitigate the need for loading/unloading of deliveries associated with the Private Event Facility. Applicant has stated they will follow the regulations for delivery along Main Street as provided in Municipal Code 9-8-3.

- f. Applicant believes the use is consistent with the General Plan, which encourages the use of Old Town as a backdrop for events. Applicant further argues that the HRC Heber Avenue Subzone is intended to provide a transition in scale and land Uses between the HR-1 and HCB zoning district. Applicant contests that they have mitigated the impacts of the use by locating the entrance to the space along Heber Avenue, addressing noise, and mitigating impacts of parking, loading/unloading, and traffic.
 - g. Applicant has committed to requesting an Administrative Conditional Use Permit for any proposed tents to be installed on the rooftop terrace.
- 20. The proposal **does not comply** with LMC 15-1-10(D) in that the City Council found that the CUP complies with all of the requirements of the LMC; that the use is **not** compatible with surrounding Structures in Use, scale, mass and circulation; and that the effects of any differences in Use or scale have **not** been mitigated through careful planning. The applicant's occupancy loads are 480 occupants for the entire space, with the outdoor event space limited to 141 occupants, based on un-concentrated assembly use on the outdoor event space; this is a 27.8% reduction in the allowable occupancy based on building codes. The occupancy of the proposed rooftop terrace is significantly larger than similar outdoor dining space in the HCB and HRC zoning district. The applicant has not sufficiently addressed limiting the types of events, hours of operation, and duration of events at the site. The applicant has not adequately addressed traffic mitigation, off-site parking, and loading/unloading. Emergency management has not been addressed.
- 21. The proposal **does not comply** with LMC 15-1-10(E)(12) in that noise, vibration, odors, steam, and other mechanical factors that might affect people and Property Off-Site have **not** been mitigated through the Conditions of Approval of the CUP approved on December 14, 2016. While the applicant has mitigated the impacts for potential amplified music and sound on the balcony through the use of design elements and technology, the applicant has not provided a means of controlling the non-amplified noise that is caused by a talking crowd. Further, the applicant has not reduced the hours of operation or occupancy load on the rooftop terrace which could have further limited noise.
- 22. The proposal complies with LMC 15-1-10(E)(10) in that exterior lighting has been mitigated through the Conditions of Approval of the CUP approved on December 14, 2016. All exterior lighting must be in compliance with the Park City codes and the Design Guidelines for Historic Districts and Historic Sites, which requires that lighting fixtures be downward directed and shielded.
- 23. The proposal **does not comply** with LMC 15-1-10(E)(2) in that traffic considerations including capacity of the existing streets in the area; LMC 15-1-10(E)(4) Emergency Vehicle Access; and LMC 15-1-10(E)(13) control of delivery and service vehicles, loading and unloading zones, and screening of trash and recycling pick-up Areas. The City Council has found that the current owner will not be reducing the overall size of the event space and the new event space will generate new and additional traffic to the site. Guests and patrons of the Private Event Space will have to abide by the same parking and access restrictions as other visitors to Main Street. While the applicant has met the minimum requirements for parking and loading/unloading as outlined in the Municipal Code and LMC, they have not addressed the increased

intensity of the proposed use. The applicant has not provided a traffic and parking mitigation plan, nor emergency management plans for when the proposed private events coincide with large-scale community events.

24. The proposal **does not comply** with LMC 15-1-10(E)(5) Location and amount of off-street parking. The Planning Director found that the Kimball Art Center was current in their assessment to the Main Street Parking Improvement District as of January 1, 1984, for a parking requirement up to an FAR of 1.5. The applicant is proposing a total FAR of 1.45 following completion of the new addition, and is not required to provide on-site parking. Exterior spaces, such as the rooftop terrace, are not included in the FAR calculation. Nevertheless, City Council finds that the proposed use will cause additional congestion and traffic demands on the Main Street corridor that exceed existing conditions, particularly for load-in and load-out. The applicant has not sufficiently addressed the impacts of spikes in traffic and parking demands generated by the private event space, nor have they demonstrated that any loading/unloading of guests attending private events will not add to the already congested intersections of Park Avenue-Heber Avenue and Main Street-Heber Avenue. They have also not shown that loading/unloading will not impede bus traffic and circulation.
25. The applicant has consented to applying for separate Administrative Conditional Use Permits (Admin-CUPs) for any tents installed on the rooftop terrace.
26. The proposal complies with LMC 15-1-10(D)(1) in that the application complies with all requirements of the LMC, including the Design Guidelines. The BOA reviewed the Park City Museum's appeal of the HDDR and upheld staff's determination that the HDDR complied with the Design Guidelines.
27. The approval of a tent on the rooftop deck is at odds with the concerns and reasons that the Board of Adjustment stated were important to their design as approved with Conditions of Approval by the Planning Commission on December 14, 2016.
28. The rooftop outdoor event space **does not comply** with LMC 15-1-10(E)(16) Goals and Objectives of the Park City General Plan. The Private Event Space will create impacts on the Old Town residential and commercial core that have not been mitigated, including increased noise, traffic congestion, additional parking demands, and load-in and load-out. Further, the applicant has not demonstrated that this use is compatible with the surrounding neighborhood.
29. The proposed rooftop terrace is consistent with the Design Guidelines, as determined by the BOA during the October 18, 2016 appeal hearing.
30. The proposed rooftop outdoor event facility **does not comply** with LMC 15-1-10(E)(16) Goals and Objectives of the Park City General Plan as it will cause additional negative impacts on adjacent residential neighborhoods and discourage full-time residents from living in Old Town. The private event space will **not** contribute to our goals of maintaining and enhancing the long term viability of the Historic District. Unmitigated impacts include parking, loading/unloading, additional traffic, and noise.
31. The proposed Rooftop outdoor event facility is consistent with the Design Guidelines as determined by the BOA during the October 18, 2016 hearing.

Conclusions of Law

1. The application is **not** consistent with the Park City Land Management Code, particularly section 15-1-10, Conditional Use Permits.
2. There are changes in circumstance that result in unmitigated impacts and result in findings of non-compliance with the Park City General Plan or Land Management Code.

ACTION LETTER

Subject: Remand from City Council to the Planning Commission on the Appeal of a Private Events Facility at 638 Park Avenue (Historic Kimball Garage)

Project#: PL-16-03412

Date: April 14, 2017

Type of Item: Remand of a Quasi-Judicial Appeal of Planning Commission's approval of a Conditional Use Permit (CUP) for a Private Events Facility

On March 30, 2017, the City Council held a public hearing and considered a Quasi-Judicial Appeal of Planning Commission's approval of a Conditional Use Permit (CUP) for a Private Events Facility at 638 Park Avenue and hereby REMANDS the CUP and the use as proposed/configured back to the Planning Commission with specific direction as outlined below:

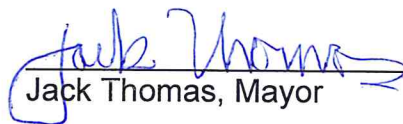
1. The Conditional Use Permit (CUP) for the Private Event Facility requires that the use is subject to the conditions and requirements of the conditional use review of LMC chapter 15-1-10.
2. The City Council reviewed the appeal of the CUP for a Private Events Facility at 638 Park Avenue (historic Kimball Garage) on March 30, 2017.
3. During the City Council review of the appeal of the proposed use, Council found that impacts from the noise from the outdoor terrace on the second level of the historic Kimball building was not mitigated.
4. Council found that the impacts of the proposed use as configured related to amplified outdoor music and human chatter could violate the City's Noise Ordinance.
5. Council found that the glass railings and open space on the deck would amplify the noise and create noise impacts on the roof deck which cannot be mitigated.
6. City Council found that impacts from the proposed use as configured related to traffic had not been mitigated. They found it impacts included likely bottlenecking on the corners of Heber Avenue and Main Street as well as Heber Avenue and Park Avenue, particularly during peak load-in and load-out times.
7. Council found that the impacts of the use would increase parking demand which has not been mitigated.
8. City Council found that unmitigated impacts included the lack of a load-in and load-out zone or a clear traffic mitigation plan for events.
9. City Council found that the use of the second level roof deck as Private Event Space as proposed was not mitigated to be compatible with the surrounding residential uses to the north and west of the site.
10. City Council found that the use of the proposed roof deck on the second level was too unrestricted and not compatible in use to neighboring structures as currently proposed. They found it was very visible due to its geographic location at the bottom of the street and it was too public and too impactful to the surrounding neighborhood as currently proposed.

11. City Council found that the proposed tent to be located on the northwest corner of the roof deck conflicted with the BOA's findings that activities on the deck should be visually minimized. Council found that a mitigation could be to require any tents to be reviewed and approved through a special events permit.
12. At a minimum, Council suggested the impacts could be mitigated by a limitation on the number of days and times the roof deck and tent would be in use.
13. City Council found that a mitigation of the impacts could include on going monitoring with the Planning Commission to ensure the applicant was complying with the conditions of approval of the CUP.
14. City Council found that mitigations of the impacts included reducing the visibility of the roof deck which was required by the Board of Adjustment.
15. The City Council found the proposed use and configuration failed to mitigate the impacts in reviewing the criteria listed in LMC § 15-1-10(E)(2), (4), (5), (6), (7), (10) (11), (12), (13) and (16) by failing to mitigate the traffic considerations including capacity of the existing streets in the Area; emergency vehicle Access; location and amount of off-street parking; internal vehicular circulation system; Fencing, Screening, and landscaping to separate the Use from adjoining Uses; signs and lighting; physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing, noise vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site; control of delivery and service vehicles, loading and unloading zones, and pickup areas and 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;.
16. Council remanded the appeal for further review of the Indoor use related to the private event facility and required additional mitigation evaluation by the Planning Commission on loading areas, traffic and parking
17. Council remanded the CUP for further review by the Planning Commission to mitigate the impacts of the Outdoor deck use. As proposed the impacts are not adequately mitigated. Review of the impacts and their mitigation should include at a minimum a strong re-evaluation of the design, and conditions of approval which reflect the requirements of the Board of Adjustment decision including minimum visual impacts on the roof.
18. Council remanded the CUP for further review by the Planning Commission to mitigate the impacts specific to the overall use purposed of traffic from deliveries including loading and unloading for deliveries and load in/load out areas
19. Council remanded the CUP for further review by the Planning Commission to mitigate the impacts specific to the overall use purposed of traffic patron use including loading and unloading and pick up and load in/load out areas
20. Council remanded the CUP for further review by the Planning Commission to mitigate the impacts of Sound and Noise created by the use of the outdoor space The impacts of the sound needs to be mitigated by keeping the sound inside of the space so it doesn't unduly impact neighbors.
21. Council remanded the CUP for further review by the Planning Commission to mitigate the impacts of the Outdoor space on the compatibility of the

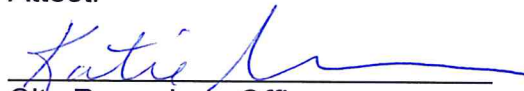
neighborhood. Such mitigation may include denial of use of the deck beyond which is already permitted, limit number of people on the deck, limiting the use of the deck for the conditional use. Council asked Planning Commission to focus on implementing strong mitigation for impacts of use of outdoor deck including compatibility, noise mitigation concerns and impacts beyond ancillary deck use which is permitted. Mitigation should limit any noise any mitigation use beyond permitted use on the deck and consider mitigation including design changes, limitation or reduction of use by hours per days or number of days, direction of deck/event space, remove speakers, require sound insulation between indoor use and outdoor use (i.e don't permit glass separation)

22. Council asked Planning commission to review impacts related to criteria 2, 5, 6, 12, and 13 closely.
23. Council remanded the CUP for the Planning Commission to consider mitigating impacts by having an affirmative review by the City incrementally by the use, more frequently than just once a year.
24. Council asked Planning commission to review impacts related to criteria 3 and 4 address loading traffic and parking. More specific conditions are needed to mitigate current impacts.
25. Council asked Planning commission to review impacts related to Noise. Council is unable to find a way to mitigation for noise and asked Planning Commission to revisit criteria 2,5,6,12,13 and 15 to find a better way to mitigate or to restrict the use to limit the noise through more restrictive event usage or limited hours.
26. Council asked Planning commission to review impacts related to the visual impacts and found Condition of Approval 11 of the Planning Commission determination contradicts Board of Adjustment findings and impacts need to be mitigated related to tents and other rooftop visual impacts
27. Council asked Planning commission to review impacts of Condition of Approval 15 of the Planning Commission determination and consider an additional review component.

Remanded March 30, 2017


 Jack Thomas, Mayor

Attest:


 City Recorder's Office

Approved as to form:


 City Attorney's Office





December 16, 2016

Tony Tyler
CPP Kimball LLC
C/O: Columbus Pacific Properties
429 Santa Monica Blvd. Ste. 600
Santa Monica, CA 90401

NOTICE OF PLANNING COMMISSION ACTION

<u>Application #</u>	PL-16-03313
<u>Subject</u>	638 Park Avenue/Historic Kimball Garage
<u>Address</u>	638 Park Avenue
<u>Description</u>	Conditional Use Permit for Private Event Facility and Tent
<u>Action Taken</u>	Approved
<u>Date of Action</u>	December 14, 2016

On December 14, 2016, the Planning Commission called a meeting to order, a quorum was established, a public meeting was held, and the Planning Commission approved the proposed Private Event Facility and Tent at 638 Park Avenue based on the following:

Findings of Fact

1. The Condition Use Permit is for a private event facility at 638 Park Avenue .
2. The property is located in the Historic Recreation Commercial (HRC) District).
3. Per 15-2.5-10he property is located in the Heber Avenue Subzone; the allowed uses within the sub-zone are identical to the allowed uses of the Historic Commercial Business (HCB) District, and the Conditional Uses within the sub-zone are identical to the Conditional Uses in the HCB District.
4. The property is bound by Main Street to the east, Heber Avenue to the south, and Park Avenue to the west. These are all public streets.
5. The Park City Council also approved a Kimball on Main plat amendment for this property at 638 Park Avenue on May 19, 2016. The plat has not yet been recorded.
6. The site is designated as Landmark on the City's Historic Sites Inventory (HSI).
7. The Historic District Design Review (HDDR) for the new development was originally approved on June 20, 2016. The applicant is proposing to rehabilitate the historic Kimball Garage and construct a new addition to the east, fronting Main Street.

8. An appeal of the HDDR was submitted by the Park City Museum and Historical Society on June 30, 2016. The Board of Adjustment met on October 18, 2016, denied the appeal and upheld staff's determination. The BOA recommended that the Planning Department and the applicant propose rules to regulate the rooftop deck and prevent umbrellas, tents, and other temporary structures from detracting from the invisibility of the deck.
9. The BOA found that the rooftop deck addition above the historic Kimball Garage was appropriate as the Design Guidelines permit construction of rooftop additions and the addition would remove one of the two barrel-vaulted roof forms. The addition was permissible because it was generally not visible from the primary public right-of-way along Heber Avenue.
10. On March 20, 2016, the Planning Director found that the Kimball Art Center was current in their assessment to the Main Street Parking Special Improvement District as of January 1, 1984, for parking requirements up to a Floor Area Ratio (FAR) of 1.5. In 1984, the Kimball Art Center was located in the Historic Commercial Business (HCB) District; however, the zone changed in 2006 to Historic Recreation Commercial (HRC). The proposed FAR of the proposed project with the new addition is 1.45.
11. In 1984, the Kimball Art Center had a Gross Floor Area of approximately 13,477 square feet, which generates an FAR of 0.7. The 0.7 FAR is less than the 1.5 FAR that they paid for as part of the Main Street Parking Special Improvement District.
12. The minimum front/rear yard setbacks are ten feet (10'). The historic structure has a 1-foot front yard setback along Park Avenue and the new addition will have a 12-foot rear yard setback along Main Street.
13. Gross Commercial Floor Area includes all enclosed Areas of the building, but excludes parking areas. Unenclosed porches, Balconies, patios and decks, vent shafts and courts are not calculated in Gross Commercial Floor Area. Areas below Final Grade used for commercial purposes including, but not limited to, storage, bathrooms, and meeting space, are considered Floor Area.
14. Because 638 Park Avenue is located in the Heber Avenue Subzone, the FAR limitation of the HRC District does not apply to gross commercial floor area; however, the parking exception is only for an FAR up to 1.5.
15. The minimum side yard setbacks are five feet (5'); the historic structure currently has a side yard setback of 6 feet along the north property line. The new addition will have a 5-foot setback from the north property line.
16. On corner lots, such as this, the side yard setback that faces a street is ten feet (10'). The historic structure has a 1-foot side yard setback along Heber Avenue; the new addition will have a 10-foot setback along Heber Avenue.
17. Per LMC 15-2.5-4, a project may have only one vehicular Access from Park Avenue, Main Street, Heber Avenue, Swede Alley, or Deer Valley Drive, unless

an additional Access is approved by the Planning Commission. The applicant has provided vehicular access along Heber Avenue.

18. Per LMC 15-2.5-5, no structure, including a tent, shall be erected to a height greater than 32 feet from Existing Grade; the height of the roof on the new addition is a maximum of 30.5 feet.
19. Per LMC 15-2.5-5(A)(3), mechanical equipment and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building; the applicant is proposing parapets incorporated into the design of the street front facades in order to reduce the visibility of rooftop mechanical equipment. These parapets do not exceed 4.5 feet in height, for a maximum height of 35 feet above existing grade.
20. Per LMC 15-2.5-5(A)(5), an Elevator Penthouse may extend up to eight feet (8') above the Zone Height. The applicant has proposed an elevator penthouse on the northwest corner of the new addition. The height of the Elevator Penthouse does not exceed 38 feet in height from Existing Grade.
21. Per LMC 15-2.5-6, Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures.
22. Per LMC 15-2.5-8, all exterior mechanical equipment must be screened to minimize noise infiltration to adjoining Properties and to eliminate visual impacts on nearby Properties, including those Properties located above the roof tops of Structures in the HRC District. The applicant has proposed to locate mechanical equipment on the rooftop of the new addition, screening it with parapets and other rooftop screening.
23. Per LMC 15-2.5-9, all Development must provide an on-Site refuse collection and loading Area. Refuse and service Areas must be properly Screened and ventilated. Refuse collection Areas may not be located in the required Yards. The applicant has proposed an acceptable refuse storage area along the north property line, adjacent to Main Street.
24. On the third level of the new addition, the applicant is proposing a Private Event Facility. The Private Event Facility will include 3,785 square feet of interior space on the top floor above the street level commercial spaces as well as a 477 square foot outdoor balcony and 2,530 square foot rooftop terrace.
25. The LMC defines this as a facility where the primary Use is for staging, conducting, and holding Private Events. Private Events are events, gathering, party, or activity that is closed to the general public or that requires an invitation and/or fee to attend. A Private Event Facility is a Conditional Use in the Heber Avenue Sub-zone and is not permitted in storefronts along Heber, Park, and Main Street.
26. The Private Event Facility will be accessible from a street-level lobby along Heber Avenue. Access, circulation, and lobby areas are permitted within Storefront property.

27. In 2015, the Kimball hosted an event with an occupant load of 697 people. The applicant finds that the proposed Private Event Facility will have an occupancy load of 480 people, a 32% reduction from past event occupancy loads.
28. Special Events, as defined by the LMC, are those events, public or private, with either public or private venues, requiring City licensing beyond the scope of normal Business and/or liquor regulations or creates public impacts through any of the following: (A) Use of City personnel; (B) Impacts via disturbance to adjacent residents; (C) Traffic/parking; (D) Disruption of the normal routine of the community or affected neighborhood; or (E) Necessitates Special Event temporary beer or liquor licensing in conjunction with the public impacts, neighborhood block parties or other events requiring Street closure of any residential Street that is not necessary for the safe and efficient flow of traffic in Park City for a duration of less than one (1) day shall be considered a Special Event.
29. There is no vehicular access proposed. Delivery, loading, and unloading zones for the private event facility will be limited to Heber Avenue.
30. Outdoor use of the terraces and balconies are permitted by this CUP, and shall comply with all conditions and regulations included herein.
31. Any temporary structures, such as tents, are permitted by this CUP, and shall comply with all conditions and regulations included herein.
32. The Building Department will require a fire permit for the installation of any tent in excess of 400 square feet, measured from the outside dimensions.
33. The applicant anticipates that hours of use will vary depending on the event; however, typical operating hours will be between 8am and midnight. Outdoor speakers and music will be limited to 11am to 10pm in accordance with the City's Noise Ordinance.
34. There are no open space requirements specified for this development.
35. The design complies with the Park City Design Guidelines for Historic Districts and Sites and complements the mass, scale, style, design, and architectural detailing of its neighbors.
36. The applicant has proposed an acceptable screened refuse storage area along the north property line, adjacent to Main Street. Delivery, loading, and unloading zones for the private event facility will be limited to Heber Avenue.
37. The event space is intended to be privately owned and professionally managed. The applicant anticipates that the number of employees will vary from 4 to 40 based on the event; as previously noted, the applicant anticipates events no larger than an occupant load of 480.
38. The site is located within the Park City Soils Ordinance boundary and FEMA flood Zone A.
39. The site is located in a FEMA flood Zone A.
40. The CUP application was deemed complete on September 28, 2016 upon receipt of additional materials.

41. The proposed conditional use meets the criteria set forth in LMC 15-1-10(E).
42. 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. All standard conditions of approval apply to this Conditional Use Permit for a Private Event Facility as well as a temporary tent.
2. Should the owner host an event in the Private Event Facility that goes beyond the Private Event Facility Use and the Conditions of Approval outlined in this CUP, a Special Event permit may be required.
3. Guests and patrons using the Private Event Facility shall abide by the same parking and access restrictions as other visitors to Main Street.
4. The applicant, at its cost, shall incorporate such measures to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the events will be conducted with due regard for safety are provided and paid for by the applicant.
5. The owner shall orient the activities so as to minimize sound impacts to the neighborhoods and the applicant shall monitor the following:
 - a. The owner, or his/her designee, shall provide on-site management for each aspect of the event.
 - b. The owner shall be responsible to ensure that the sound system maintains level adjustments not to exceed provisions of the Park City Noise Ordinance for the outdoor use.
6. All exterior signs require a separate sign permit reviewed by the Planning and Building Departments and multi-tenant buildings require a Master Sign Plan.
7. The final building plans and construction details for the project shall meet substantial compliance with the HDDR approved on June 20, 2016 and the drawings reviewed by the Planning Commission on November 9, 2016.
8. Utility and grading plans, including storm water drainage plans, must be approved by the City Engineer prior to Building Permit issuance.
9. A Utility Plan must be provided at the time of the building permit application showing the location of dry facilities on the property to ensure that the location of transformers and other utility infrastructure on the property can be adequately screened and written approval from the utility company is provided indicating that are satisfying this condition

10. All exterior mechanical equipment shall be painted and/or otherwise screened and shielded from public streets. All wall and roof top vents and protruding mechanical shall be painted to match the adjacent wall or roof and/or screened from public view.
11. The use of umbrellas, portable heaters, and similar improvements may be used during an event; however, they shall not be permanently stored on the rooftop terrace or visible from the public right-of-way except when in use during the private event.
12. Any proposed tent shall comply with the following regulations:
 - a. The tent shall not increase the occupancy of the existing building.
 - b. The tent shall be setback from the parapet along Heber Avenue and the south edge of the roof terrace in order to limit its visibility and mass from the street.
 - c. The tent shall be solid in color; however, it may have some clear openings such as windows or doors. The colors and materials of the tent shall complement the building and shall not contain reflective material.
 - d. The tent shall be no more than fifteen feet (15') in height.
 - e. The tent's installation and/or disassembly shall not require the use of any machinery such as cranes, compressors, or generators. Hand portable air compressors may be used to operate power tools as necessary.
 - f. The tent shall not be erected for more than four (4) consecutive days up to fifteen (15) times per year (including setup and removal), except for the once a year in which the tent shall be allowed to be erected for ten (10) days (including setup and removal). The number of days the tent is up shall not exceed 70 days, as required by LMC 15-4-16.
 - g. The applicant is responsible for coordinating the necessary building permits with the Building Department for all plans for tents.
 - h. The size of the tent shall be limited to 780 square feet.
 - i. The rooftop terrace shall be limited to one (1) tent.
 - j. The applicant shall provide an exhibit showing the location of the tent and dimensioned in feet and inches.
13. The hours of operation within the interior shall be limited to 8am to midnight.
14. The rooftop terrace shall not be used for activities that may create dust or odor, such as but not limited to cooking.
15. The owner shall not permit or provide either live or recorded amplified music within the interior of the space without first having closed all exterior doors and windows of the licensed premise. Doors may be opened to provide ingress and egress, but shall not be blocked in the open position to provide ventilation. Doors shall be equipped with automatic closing devices to keep them in the closed position except to permit ingress and egress of patrons.
16. Outdoor speakers will only be allowed between the hours of 11am to 10pm.
17. The applicant agrees to abide by all current and future Park City municipal

codes.

18. The applicant must submit a condo plat in order to sell any of the individual retail/commercial units.
19. A final Construction Mitigation Plan must be approved by the Planning and Building Departments prior to issuance of a building permit.
20. All projects within the Soils Ordinance Boundary require a Soil Mitigation Plan to be submitted and approved by the Building and Planning Departments prior to issuance of a Building Permit.
21. Property is located in a FEMA flood Zone A. The lowest occupied floor shall be at or above the base flood elevation. Additionally, an H and H study must be completed showing the impacts to the flood plain. Any changes to the flood plain by 12 inches or more will require the filing of a LOMR.
22. All exterior lighting, including any existing lighting and lighting on the balcony and terrace, shall comply with the Lighting Requirements of LMC 15-5-5(I). The lighting shall be downward directed and fully shielded. Exterior lighting shall be approved by the Planning Department prior to installation.
23. In the event that sustained code violations are registered with the City regarding this use, including complaints of glare, noise, smoke, odor, grease, or traffic, the applicant will be required to address the code violation within 30 days. The Planning Department shall investigate these complaints and take measures necessary to ensure that the property owner complies with the requirements of this permit. Additionally, the Planning Department may bring forward these complaints to the Planning Commission, as deemed necessary by the Planning Director, in order to further mitigate the nuisance. Should these code violations not be mitigated, the Planning Commission may revoke this CUP.

If you have questions regarding your project or the action taken please don't hesitate to contact me at 435-615-5067 or anya.grahn@parkcity.org.

Sincerely,

A handwritten signature in black ink that reads "Anya E. Grahn". The signature is written in a cursive, flowing style.

Anya Grahn
Historic Preservation Planner

THE
KIMBALL
ON MAIN
BY COLUMBUS PACIFIC

May 11, 2018

Park City Planning Department
C/O Anya Grahn
445 Marsac
Park City, UT 84060

RE: Project Number PL-16-03412

Dear Anya,

Please see the attached response to the City Council's Action Letter for review by the Planning Commission under the Remand directive. While the Council's letter included 27 numbered items for the Planning Commission to discuss and address, some of these items contained multiple references to other documents (namely the Land Management Code and December 16, 2016 Planning Commission Approval conditions), effectively increasing the specific directives identified in the Action Letter to 49 individual items. Each of these items contains a detailed response from the Applicant, including references where necessary.

If you have any additional follow up questions prior to the scheduled June 13, 2018 Planning Commission meeting, please feel free to reach out to me directly.

Thank you and have a great day!

Sincerely,



Tony Tyler
Authorized Representative
CPP Kimball, LLC

OFFICE MEMORANDUM

TO: Park City Planning
Department

FROM: Applicant and Wade Budge

DATE: May 11, 2018

RE: Project Number PL-16-03412

CITY COUNCIL ACTION LETTER
Applicant Responses

1. **The Conditional Use Permit (CUP) for the Private Event Facility requires that the use is subject to the conditions and requirements of the conditional use review of LMC chapter 15-1-10.**

RESPONSE

The Applicant has followed the process.

2. **The City Council reviewed the appeal of the CUP for a Private Events Facility at 638 Park Avenue (historic Kimball Garage) on March 30, 2017.**

RESPONSE

The Applicant confirms.

3. **During the City Council review of the appeal of the proposed use, Council found that impacts from the noise from the outdoor terrace on the second level of the historic Kimball building was not mitigated.**

RESPONSE

In addition to the detailed information provided under Responses 4, 5 and 15, the Applicant commissioned a professional third-party study by an expert in environmental noise in order to determine the impacts to be mitigated. Please see the attached Environmental Noise Study dated April 19, 2018, conducted by Henderson Engineers on and around the development site (the "Henderson Study"). The data was collected on March 28 and 29, 2018, a Wednesday and Thursday with clear weather, light to moderate winds, and no residual snow on the adjacent streets or sidewalks. The study dates were carefully chosen by Henderson in an effort to represent as close to an average day in Park City as possible from an environmental noise perspective.

The existing ambient noise measurements provide a baseline for comparison of the anticipated noise generated from the event use. The measurements were taken specifically to conform to the mechanism defined in the city's noise ordinance. The Land Management Code ("LMC") chapter 6-3-9(A) states

*Maximum Permissible Sound Level: It is a violation of this chapter for any person to operate or permit to be operated any stationary source of sound in such a manner as to create **a ninetieth percentile sound pressure level (L90)** of any measurement period **(which shall not be less than 10 minutes)** unless otherwise provided in this chapter) which exceeds the limits set forth for the following receiving land use districts, **when measured at or within the property line of the receiving property** [emphasis added]*

The related exhibit recognizes that the noise limits for the Commercial Use District is 60 dBA from 10:00pm – 6:00am and 65 dBA from 6:00am – 10:00pm. It is worth noting that the subject property does not border a Residential Use District, so the Commercial Use District is the applicable standard for the event use. The results of the Henderson Study determined that the baseline for ambient noise at the Southwest corner of the subject property averaged 52.5 dBA utilizing the L90 metric. The quietest one-hour time period was from 5:00am – 6:00am (48 dBA) and loudest was 10:00am – 11:00am (60 dBA), both of which fall within the Maximum Permissible Sound Level as defined in the LMC.

Similarly, the predicted sound levels for the event use on the outdoor terrace were carefully determined to include 150 guests, calculated with and without 2 acoustic musicians, and configured in the anticipated orientation for a maximum capacity event for the outdoor terrace. As noted in the Henderson Study, “Sound levels for the human voice can vary significantly depending on many factors including size of group, ambient noise, age, directionality (which way people are facing), and activity” [Henderson, pg 5]. These described factors indicate the variation in voice effort, which ranges from “Relaxed Normal Talking” at 54 dBA to “Loud Talking” at 72 dBA [Henderson, pg 5]. For the purposes of predicting the sound levels for the event use on the outdoor terrace, the Henderson Study utilized a worst-case scenario of 75 people talking simultaneously (full capacity with each person engaged in a 1 on 1 conversation where one person is talking and one is listening), and at the highest voice effort, 72 dBA. Additionally, Henderson utilized a more conservative measurement technique, the Equivalent Sound Energy Level, or “LEQ”. The result of an event at full capacity on the outdoor terrace without musicians is 54 dBA and with musicians is 59 dBA. In both instances, the anticipated noise generated from a maximum capacity event on the outdoor terrace is below the Maximum Permissible Sound Levels for the Commercial Use District, regardless of day or night use.

As shown in the Henderson Study, the anticipated noise from the event use on the outdoor terrace is not only below the Maximum Permissible Sound Levels for the Commercial Use District for all time periods, but also the “sound levels are below the existing ambient noise level measurements during the event space hours of operation” [Henderson, pg 6]. As a result, there is no noise from the outdoor terrace to be mitigated, as ambient city noise exceeds the noise that would be generated by the event use.

Despite the fact that the anticipated noise generated from the event use is overshadowed by the existing ambient city noise, the Applicant designed sound mitigation measures into

the development plans for the construction of the space. These measures included a sound trap in the soffit of the Western façade of the event space, which is architecturally designed to diffuse sound waves from the outdoor terrace space. Additionally, the Western façade specified insulated glass units which reduce sound reflectivity and insulate both the exterior space from interior noise and vice versa. Automatic closing devices were added to the exterior doors accessible from the event space, which maintain the doors in a closed position. All ventilation outlets that serve the event space also include acoustic baffles to minimize noise transfer through mechanical shafts. As part of the overall design of the outdoor terrace, landscape buffers were added on the South and West borders. These planters offer a soft-scape next to the outdoor terrace use, which further diffuses sound that may originate from the event use. An added feature of the subject property is the barrel roof shape, which has been retained and restored on the Western half of the historic building. The shape, height and configuration of the barrel roof structure acts to reduce any sound originating from the outdoor terrace, via “a noise barrier effect, which partially blocks the line of sight to the adjacent buildings” [Henderson, pg 5].

The Applicant has also previously provided a proposed comprehensive Noise Management Plan to detail the policies and procedures in place for the operator of the event space. The Noise Management Plan calls for sound limiting equipment, training procedures for event space staff, ongoing monitoring equipment and a robust complaints procedure for the public. The sound limiting equipment proposed is capable of shutting down the power source to amplified music in the interior of the event space in a situation where a preset sound pressure level is exceeded for a certain period of time. This system operates on a traffic light sequence, providing immediate feedback on noise levels to the users and allowing for instantaneous corrections to the amplified sound levels to better control overall noise originating from the event space. For example, a green light indicates the sound source is producing noise within acceptable levels, while a yellow light indicates the sound source is nearing the preset threshold. A red light indicates immediate corrective action must be taken in order to avoid an automatic shutdown of the power source servicing the amplified sound source. The management staff is trained not only to educate guests and users of the facility of the city’s noise ordinance requirements, but also to be able to take periodic measurements of the noise levels originating from the event use, using on-site and available monitoring equipment. Lastly, the Applicant proposed a detailed complaints procedure that allows the operator of the event space to be the first line of communication for any complaints received related to the event use. This process encourages healthy communication and education between the operator and the public to facilitate resolution of any real or perceived violations of the city’s noise ordinance.

Based on the information noted above, the Applicant has demonstrated that there are no detrimental impacts from the noise from the outdoor terrace on the second level of the historic Kimball building and that the Applicant has taken steps beyond a reasonable standard to further “mitigate” any noise originating from the event use.

- 4. Council found that the impacts of the proposed use as configured related to amplified outdoor music and human chatter could violate the City's Noise Ordinance.**

RESPONSE

In addition to the detailed information provided under Responses 3, 5 and 15, the Henderson Study also measured two similar venues that utilize outdoor amplified music, The Cabin Bar and Collie's Sports Bar. The results, periodically taken over the evening hours, found that the sound levels at these comparable locations were between 53 and 54 dBA – well below the Maximum Permissible Sound Levels for the Commercial Use District.

Based on the information provided above, the Applicant has demonstrated that amplified outdoor music and associated human chatter already exist in the Commercial Use District and do not violate the city's noise ordinance.

- 5. Council found that the glass railings and open space on the deck would amplify the noise and create noise impacts on the roof deck which cannot be mitigated.**

RESPONSE

In addition to the detailed information provided under Responses 3, 4 and 15, and contrary to the Council finding, glass railings serve to reduce the sound originating from the outdoor terrace because it reflects sound back into the terrace, thereby adding distance between the point source and the off-site recipient. Sound levels diminish over distance (the Inverse-Square Law), so a barrier such as a glass railing disrupts the sound and adds distance between the point source and recipient of the noise.

Based on the information provided above, the Applicant has demonstrated that the glass railings and open space on the deck will not amplify the noise impacts from the event use on the outdoor terrace.

- 6. City Council found that impacts from the proposed use as configured related to traffic had not been mitigated. They found it impacts included likely bottlenecking on the corners of Heber Avenue and Main Street as well as Heber Avenue and Park Avenue, particularly during peak load-in and load-out times.**

RESPONSE

In addition to the detailed information provided under Responses 7, 8 and 15, the Staff Report indicates on page 210 that

*Staff has met with the City Engineer Matt Cassel and Transportation Planning Manager Alfred Knotts to discuss the applicant's revised proposal. **The City Engineer found that this location had already been used for private events** and activities when the building was in use by the Kimball Arts Center; **the City Engineer did not believe the new event***

space would generate any significantly greater traffic to the site. The Transportation Manager came to a similar conclusion. [emphasis added]

After reviewing the Applicant's proposal for the event use, the City's staff experts in engineering and transportation indicated that the proposed use will not have a detrimental impact to existing and historical traffic surrounding the subject property.

Additionally, Applicant proposed street improvements, at its cost, to Heber Avenue, including a dedicated drop-off and loading zone on Heber Avenue and increased sidewalk widths, which also serve to increase the safe turning radius of the Heber Avenue / Park Avenue intersection (as noted in the Planning Commission Staff Report dated September 27, 2017, pg 209, the "Staff Report"). This dedicated drop-off and loading zone would service not only the event use, but would also serve as a potential ride-share drop-off for the City and loading zones for retailers along Heber Avenue. In further discussions with City staff, it was determined that the City was pursuing its own redesign of the streetscape surrounding the subject property and that while a dedicated drop-off and loading zone on Heber Avenue must wait for the final City streetscape design, the added sidewalk width and subsequent safer turning radius at the Heber Avenue / Park Avenue intersection (specifically for busses) was desirable, approved and implemented into the project construction. The Applicant not only provided the design and engineering for this detail, but also incurred the cost of the re-configured curb and sidewalk dimension to incorporate the beneficial change to the streetscape.

Based on the information provided above, the Applicant has demonstrated compliance with the standards as indicated by determinations made by the City Engineer and Transportation Manager.

7. Council found that the impacts of the use would increase parking demand which has not been mitigated.

RESPONSE

In addition to the detailed information provided under Response 6, 8 and 15, the Applicant has previously provided evidence that

*The Planning Director found, that the Kimball Art Center was current in their assessment to the Main Street Parking Special Improvement District as of January 1, 1984, **for parking requirements up to a Floor Area Ratio (FAR) of 1.5**; the determination was made on March 20, 2016....**The proposed FAR of the proposed project with the new addition is 1.45.** [Staff Report, pg 210, Note that determination was made March 20, 2015 and not 2016, also referenced on pg 203, emphasis added]*

Furthermore,

*A Conditional Use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use **in accordance with applicable standards.** [LMC 15-1-10, emphasis added]*

The applicable standard in the case of the event use can be found under LMC 15-3-7(A), which states that, “...in review of Conditional Use permits, the initial parking requirement is determined by referring to the requirements for the Use and the underlying zone.” The requirements of the Use proposed are not specifically identified in LMC 15-3-6(B) for a Private Event Facility, and even if a separate requirement was defined in the LMC for the proposed use, the determination by the Planning Director cited above allows for the payment to the Main Street Parking Special Improvement District to offset all required parking for the subject property up to an FAR of 1.5, regardless of the type of Non-Residential Use. The LMC, in 15-2.5-6 also states that “Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment.” In the case of the subject property, the addition to the historic structure did not create a Lockout Unit or an Accessory Apartment, which clearly exempts the addition from further Off-Street parking requirements, independent of the determination above.

Based on the information provided above, the Applicant has demonstrated that neither the LMC nor the Planning Director’s determination of parking for the subject property require any off-street parking for the proposed use.

8. City Council found that unmitigated impacts included the lack of a load-in and load-out zone or a clear traffic mitigation plan for events.

RESPONSE

In addition to the detailed information provided under Responses 6, 7 and 15, the LMC specifically addresses loading and delivery service in three locations:

Delivery vehicles operating south of Heber Avenue shall utilize the west side of Main Street during the hours from 3:00 a.m. to 12:00 noon. [9.8.3(A)]

Delivery vehicles may double park on the west side of Main Street south of Heber Avenue from the hours of 3:00 a.m. to 12:00 noon. [9.8.3(B)]

Except in the Historic District Zones, every Structure that is to be used for any purpose which involves the receipt or distribution of materials or merchandise by vehicle, must provide and maintain adequate space for standing, loading, or unloading services Off-Street. All such loading Areas or berths shall be located so that no vehicle loading or unloading merchandise or other material shall be parked in any Front Yard or in any Street or Right-of-Way. [15-3-10(A), emphasis added]

The subject property is located within the Historic District Zones, which exempts the use from any requirement for Off-Street standing, loading or unloading services. Additionally, the LMC specifically provides for delivery vehicles in the Main Street Core under chapter 9.8.3, allowing both times and locations for deliveries to occur. As a further mitigation to load-in and load-out requirements, the Applicant constructed an 1,180 square foot on-site storage room. This storage room is directly accessible by elevator to the event space and outdoor terrace and provides for storage of most durable goods required for operation of the event use, thereby minimizing the load-in and load-out requirements of the use.

Based on the information provided above, the Applicant has demonstrated the LMC does not require load-in or load-out zones for the event use, however, the Applicant has taken significant steps to mitigate any potential impacts by constructing the storage space to drastically limit load-in and load-out requirements associated with the use.

9. City Council found that the use of the second level roof deck as Private Event Space as proposed was not mitigated to be compatible with the surrounding residential uses to the North and West of the site.

RESPONSE

In addition to the detailed information provided under Responses 3, 4, 5, 6, 7, 8, 11, 13, 14, 15, 26 and previously provided Exhibit D-2 in the Staff Report [pgs 237-242], the Applicant has provided significant design information related to the layout of the event space and outdoor terrace. The Staff Report supports the Applicant's stance related to the configuration of the building, stating that "The project is currently under construction and is not subject to the CUP. Only the proposed use of the Private Event Space in the new addition and rooftop deck are subject to the CUP review" [Staff Report, pg 202]. The project design has been approved on three separate occasions, each time appealed by the same party. The Historic District Design Review ("HDDR") was approved on June 20, 2016. The Board of Adjustment ("BoA") denied the subsequent appeal and again re-affirmed the HDDR approval the project on October 18, 2016. The Park City Building Department then issued a building permit on February 16, 2017. The ensuing Conditional Use Permit application for the Private Event Facility was approved on December 14, 2016. In each case, the ruling board determined that both the design and the anticipated use of the event space and outdoor terrace was compatible with the surrounding uses. The Planning Commission action approving the Conditional Use Permit explicitly addressed the compatibility of the project and associated use in Findings of Fact #9, 35, 41 and Conclusions of Law #2 and 3 [Staff Report, pgs 217, 219 and 220].

The subject property is located within the Historic Recreation Commercial ("HRC") Zone, and specifically within the Heber Avenue Sub-zone. The described purpose of the HRC zone is to "provide a transition in scale and land Uses between the HR-1 and HCB Districts that retains the character of Historic Buildings in the Area" [LMC 15-2.5-1(E), emphasis added]. The

subject property itself does not abut the HR-1 zone and moreover was intended to be a more intensive use than other HRC-zoned property. This more intensive use is evidenced by the inclusion of the subject property in the Heber Avenue Sub-zone, which adds all of the available Allowed Uses and Conditional Uses of the Historic Commercial Business (“HCB”) zone and additionally removes the limitation on non-residential FAR to which other HRC zoned property is limited [LMC 15-2.5.10 and LMC 15-2.5-3(G)]. Based on the LMC alone, it is clear that the code specifically transitions the uses from the most intensive HCB zone, to the HRC-Heber Avenue Sub-zone, to the HRC, then to the HR-1 zone. The Private Event Facility Use is listed as a Conditional Use in both the LMC chapter 15-2.5.2(B)32 related to the HRC zone and 15-2.6-2(B)25 related to the HCB zone (as incorporated by the Heber Avenue Sub-zone), which also reinforces the compatibility of the event use at the subject property.

Based on the information provided above, the Applicant has demonstrated that the use and configuration of the event space is compatible with the surrounding zone.

- 10. City Council found that the use of the proposed roof deck on the second level was too unrestricted and not compatible in use to neighboring structures as currently proposed. They found it was very visible due to its geographic location at the bottom of the street and it was too public and too impactful to the surrounding neighborhood as currently proposed.**

RESPONSE

Please see the detailed information provided under Responses 3, 4, 5, 6, 7, 8, 9, 11, 13, 14, 15 and 26.

- 11. City Council found that the proposed tent to be located on the northwest corner of the roof deck should be visually minimized. Council found that a mitigation could be to require any tents to be reviewed and approved through a special events permit.**

RESPONSE

The Applicant has withdrawn its request for Condition of Approval #12 [Staff Report, pg 221].

- 12. At a minimum, Council suggested that the impacts could be mitigated by a limitation on the number of days and times the roof deck and tent would be in use.**

RESPONSE

Please see the detailed information provided under Responses 3, 4, 5, 6, 7, 8, 9, 11, 13, 14, 15 and 26.

- 13. City Council found that the mitigation of the impacts could include on going monitoring with the Planning Commission to ensure the applicant was complying with the conditions of approval of the CUP.**

RESPONSE

In addition to the detailed information provided under Responses 3, 4, 5, 6, 7, 8, 9, 11, 13, 14, 15 and 26, the LMC specifically addresses enforcement under chapter 15-14-3, namely

*The City, through its designated officials, shall, have the right of Access to any premises at any reasonable hour for the purpose of inspecting all Buildings and Structures during the course of their construction, modification, or repair, **and to inspect land Uses to determine compliance with the provisions of this Code;** and to make examinations and surveys pertinent to the preparation of the General Plan or preparation or enforcement of this Code. [emphasis added]*

Based on the information provided above, including the enforcement provisions of the LMC, existing processes will ensure conformity with applicable standards.

- 14. City Council found that the mitigations of the impacts included reducing the visibility of the roof deck which was required by the Board of Adjustment.**

RESPONSE

In addition to the detailed information provided under Response 9, 15 and 26, the BoA discussed and determined that the visibility of the outdoor terrace was acceptable, but only as it specifically related to the design of the project and not as it related to the use. See BoA Meeting Minutes dated October 18, 2016, Findings of Fact #16, 22, 24, 26, 28 and 29. It is indisputable that the BoA did not require any additional mitigation related to the visibility of the outdoor terrace and, in fact, supported the design and configuration with their Findings of Fact.

Based on the information provided above, the Applicant has demonstrated that the Board of Adjustment did not require mitigations of the impacts of the visibility of the roof deck.

- 15. The City Council found the proposed use and configuration failed to mitigate the impacts in reviewing the criteria listed in LMC 15-1-10(E)(2), (4), (5), (6), (7), (10) (11), (12), (13) and (16) by failing to mitigate the traffic considerations including capacity of the existing streets in the Area; emergency vehicle Access; location and amount of off-street parking; internal vehicular circulation system; Fencing, Screening and landscaping to separate the Use from adjoining Uses; signs and lighting; physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing, noise vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site; control of delivery and service vehicles, loading and unloading zones, and pickup areas and 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;

Incorporated by reference above, 15-1-10(E):

(2): traffic considerations including capacity of the existing Streets in the Area;

RESPONSE

Please see the detailed information provided under Responses 6, 7, 8 and 15.

(4): emergency vehicle Access;

RESPONSE

In addition to the detailed information provided under Responses 6, 7, 8 and 15, the Park City Fire District conducted a Non-Structural Fire & Life Safety Review on the project and forwarded a Favorable Recommendation for Approval on December 7, 2016.

(5): location and amount of off-Street parking;

RESPONSE

Please see the detailed information provided under Responses 6, 7, 8 and 15.

(7): Fencing, Screening, and landscaping to separate the Use from adjoining Uses;

RESPONSE

In addition to the detailed information provided under Responses 3, 5, 9, 11, 14, 15 and 26, the event space is physically located on the second floor above Heber Avenue on the South building façade and extends to the third floor above Main Street on the East building façade. The event space access is set back from the building façade to separate the guest entry from the retail storefronts on either side of the entry. This design and use is provided for in the LMC 15-2.5-2, which states "...access, circulation, and lobby areas are permitted within Storefront Property" [footnote 5]. Occupying the full width of Heber Avenue between Park Ave and Main Street, the subject property is bordered only by HRC and HCB zones, and include uses such as two restaurants, two ski rental shops, two real estate offices, two condominium developments (one with associated lobby access on Main Street), a parking garage and two private commercial properties used for private events.

Based on the information provided above, the Applicant has demonstrated that the event use is both compatible with the surrounding and adjoining Uses and physically separated from the same Uses.

(10): signs and lighting;

RESPONSE

The Staff Report “finds that City Council likely did not mean to include Condition of Approval #6 referencing signage on site as this was not discussed as part of the appeal” [pg 205]. However, the Applicant is currently working with city Planning Staff on the required Master Sign Plan, pursuant to Condition of Approval #6. The project lighting was approved through the building permit process, and no additional outdoor lighting is proposed to serve the event use.

Based on the information provided above, the Applicant has demonstrated that the event use complies with the signs and lighting provision of the LMC 15-1-10.

(11): physical design and Compatibility with surrounding Structures in mass, scale, style design, and architectural detailing;

RESPONSE

In addition to the detailed information provided under Responses 9, 11, 14, 15 and 26, the project was designed and purpose-built to accommodate the Private Event Facility use. This process allowed for significant city Staff and public input into the design and configuration of the project, which was ultimately approved via HDDR, upheld at the BoA and confirmed by issuance of the building permit for construction of the space [Permit # BD-16-23516]. Also recall in Action Letter Response #9 that the configuration of the project is not subject to the Conditional Use Permit review process [Staff Report, pg 202].

Based on the information provided above, the Applicant has demonstrated that the event space design has been confirmed to be compatible with the surrounding Structures in mass, scale, style, design and architectural detailing.

(12): noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site;

RESPONSE

In addition to the detailed information provided under Responses 3, 4, 5 and 15, the Condition of Approval #13 states that “The rooftop terrace shall not be used for activities that may create dust or odor, such as but not limited to cooking” [Staff Report, pg 221]. This condition restricts the outdoor terrace use to mitigate these potential impacts. Further, the Condition of Approval #10 defines and restricts the potential visible impacts associated with the mechanical factors, saying

All exterior mechanical equipment shall be painted and/or otherwise screened and shielded from public streets. All wall and roof top vents and protruding

mechanical shall be painted to match the adjacent wall or roof and/or screened from public view. [Staff Report, pg 221]

Based on the information provided above, the Applicant has demonstrated that the event space has been appropriately mitigated by the Planning Commission's Approval of the Conditional Use Permit.

(13): control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas;

RESPONSE

In addition to the detailed information provided under Responses 6, 7, 8 and 15, the Findings of Fact #36 state that "The applicant has proposed an acceptable screened refuse storage area along the north property line, adjacent to Main Street" [pg 219]. The Noise Management Plan also restricts the impacts of refuse disposal from the event use. "The removal of used containers to external areas after 9:00pm will not be permitted nor the emptying of used bottles until the following day" [Staff Report, pg 234].

Based on the information provided above, the Applicant has demonstrated that the event space has been appropriately mitigated by the Planning Commission's Approval of the Conditional Use Permit.

(16): reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding. [Note that the Action Letter directive #15 incorrectly references 15-1-10(E)(15) rather than (16)]

RESPONSE

The General Plan specifically addresses event uses for the Old Town neighborhood, describing that

***This central core is also the backdrop to community events** such as parades, festivals, competitions, and concerts. **Continued programming of the street** provides local businesses with year round patrons. As a center for cultural and recreation tourism, the street is becoming more than a winter destination, but **host to events year round**. Being **in the spot light for large events** translates into national and international advertising of the Park City experience and capturing new visitors. Ensuring quality management, safe venues, and a straightforward process by the City for master festival and special events license holders is key to continued success for programming the street [General Plan, pg 219, emphasis added].*

The subject property's location is also addressed and identified explicitly, saying that uses such as "...the Kimball Arts Center draw in Parkites for various events and classes" [General Plan, pg 219, emphasis added].

Based on the direct and detailed language in the General Plan for event uses and the subject property's historic uses, the Applicant has demonstrated that the event use is consistent with the goals and objectives of the Park City General Plan.

- 16. Council remanded the appeal for further review of the Indoor use related to the private event facility and require additional mitigation evaluation by the Planning Commission on loading areas, traffic and parking.**

RESPONSE

Please see the detailed information provided under Responses 6, 7, 8 and 15.

- 17. Council remanded the CUP for further review by the Planning Commission to mitigate the impacts of the Outdoor deck use. As proposed the impacts are not adequately mitigated. Review of the impacts and their mitigation should include at a minimum a strong re-evaluation of the design, and conditions of the approval which reflect the requirements of the Board of Adjustment decision including minimum visual impacts on the roof.**

RESPONSE

Please see the detailed information provided under Responses 3, 4, 5, 6, 7, 8, 9, 11, 13, 14, 15 and 26.

- 18. Council remanded the CUP for further review by the Planning Commission to mitigate the impacts specific to the overall purposed of traffic from deliveries including loading and unloading for deliveries and load in/out areas.**

RESPONSE

Please see the detailed information provided under Responses 6, 7, 8 and 15.

- 19. Council remanded the CUP for further review by the Planning Commission to mitigate the impacts specific to the overall use purposed of traffic patron use including loading and unloading and pick up and loan in/out areas.**

RESPONSE

Please see the detailed information provided under Responses 6, 7, 8 and 15.

- 20. Council remanded the CUP for further review by the Planning Commission to mitigate the impacts of Sound and Noise created by the use of the outdoor space. The impacts of the**

sound needs to be mitigated by keeping the sound inside of the space so it doesn't unduly impact neighbors.

RESPONSE

Please see the detailed information provided under Responses 3, 4, 5 and 15.

- 21. Council remanded the CUP for further review by the Planning Commission to mitigate the impacts of the Outdoor space on the compatibility of the neighborhood. Such mitigation may include denial of use of the deck beyond which is already permitted, limit number of people on the deck, limiting the use of the deck for the conditional use. Council also asked Planning Commission to focus on implementing strong mitigation for impacts of use of outdoor deck including compatibility, noise mitigation concerns and impacts beyond ancillary deck use which is permitted. Mitigation should limit any noise any mitigation use beyond permitted use on the deck and consider mitigation including design changes, limitation or reduction of use by hours per days or number of days, direction of deck/event space, remove speakers, require sound insulation between indoor and outdoor use (i.e. don't permit glass separation).**

RESPONSE

Please see the detailed information provided under Responses 3, 4, 5, 6, 7, 8, 9, 11, 13, 14, 15 and 26.

- 22. Council asked Planning commission to review impacts related to criteria 2, 5, 6, 12, and 13 closely.**

Incorporated by reference above [Staff Report, pgs 220, 221]:

(2): Should the owner host an event in the Private Event Facility that goes beyond the Private Event Facility Use and the Conditions of Approval outlined in the CUP, a Special Event permit may be required.

RESPONSE

The Applicant confirms.

(5): The owner shall orient the activities so as to minimize sound impacts to the neighborhoods and the applicant shall monitor the following:

- a. The owner, or his/her designee, shall provide an on-site management for each aspect of the event.**
- b. The owner shall be responsible to ensure that the sound system maintains level adjustments not to exceed provisions of the Park City Noise Ordinance for the outdoor use.**

RESPONSE

Please see the detailed information provided under Responses 3, 4, 5 and 15.

(6): All exterior signs require a separate sign permit reviewed by the Planning and Building Departments and multi-tenant buildings require a Master Sign Plan.

RESPONSE

Please see the detailed information provided under Response 15.

(12): Any proposed tent shall comply with the following regulations:

- a. The tent shall not increase the occupancy of the existing building.
- b. The tent shall be setback from the parapet along Heber Avenue and the south edge of the roof terrace in order to limit its visibility and mass from the street.
- c. The tent shall be solid in color; however, it may have some clear openings such as windows or doors. The colors and materials of the tent shall complement the building and shall not contain reflective material.
- d. The tent shall be no more than fifteen feet (15') in height.
- e. The tent's installation and/or disassembly shall not require the use of any machinery such as cranes, compressors, or generators. Hand portable air compressors may be used to operate power tools as necessary.
- f. The tent shall not be erected for more than four (4) consecutive days up to fifteen (15) times per year (including setup and removal), except for the once a year in which the tent shall be allowed to be erected for ten (10) days (including setup and removal). The number of days the tent is up shall not exceed 70 days, as required by LMC 15-4-16.
- g. The applicant is responsible for coordinating the necessary building permits with the Building Department for all plans for tents.
- h. The size of the tent shall be limited to 780 square feet.
- i. The rooftop terrace shall be limited to one (1) tent.
- j. The applicant shall provide an exhibit showing the location of the tent and dimensioned in feet and inches.

RESPONSE

Please see the detailed information provided under Response 11.

(13): The hours of operation within the interior shall be limited to 8am to midnight.

RESPONSE

In addition to the detailed information provided under Responses 3, 4, 5 and 15, the Applicant confirms.

- 23. Council remanded the CUP for the Planning Commission to consider mitigating impacts by having an affirmative review the City incrementally by the use, more frequently than just once a year.**

RESPONSE

Please see the detailed information provided under Response 13.

- 24. Council asked Planning commission to review impacts related to criteria 3 and 4 address loading traffic and parking. More specific conditions are needed to mitigate current impacts.**

Incorporated by reference above [Staff Report, pgs 220, 221]:

(3): Guests and patrons using the Private Event Facility shall abide by the same parking and access restrictions as other visitors to Main Street.

RESPONSE

Please see the detailed information provided under Responses 6, 7, 8 and 15, the Applicant confirms.

(3): The applicant, at its cost, shall incorporate such measures to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the events will be conducted with due regard for safety are provided and paid for by the applicant.

RESPONSE

In addition to the detailed information provided under Responses 6, 7, 8 and 15, the Applicant confirms.

- 25. Council asked Planning commission to review impacts related to Noise. Council is unable to find a way to mitigation for noise and asked Planning Commission to revisit criteria 2,5,6,12,13 and 15 to find a better way to mitigate or to restrict the use to limit the noise through more restrictive event usage or limited hours.**

Incorporated by reference above [Staff Report, pgs 220, 221]:

(2): Should the owner host an event in the Private Event Facility that goes beyond the Private Event Facility Use and the Conditions of Approval outlined in this CUP, a Special Event permit may be required.

RESPONSE

The Applicant confirms.

(5): The owner shall orient the activities so as to minimize sound impacts to the neighborhoods and the applicant shall monitor the following:

- a. The owner, or his/her designee, shall provide an on-site management for each aspect of the event.
- b. The owner shall be responsible to ensure that the sound system maintains level adjustments not to exceed provisions of the Park City Noise Ordinance for the outdoor use.

RESPONSE

Please see the detailed information provided under Responses 3, 4, 5 and 15.

(6): All exterior signs require a separate sign permit reviewed by the Planning and Building Departments and multi-tenant buildings require a Master Sign Plan.

RESPONSE

Please see the detailed information provided under Response 15.

(12): Any proposed tent shall comply with the following regulations:

- a. The tent shall not increase the occupancy of the existing building.
- b. The tent shall be setback from the parapet along Heber Avenue and the south edge of the roof terrace in order to limit its visibility and mass from the street.
- c. The tent shall be solid in color; however, it may have some clear openings such as windows or doors. The colors and materials of the tent shall complement the building and shall not contain reflective material.
- d. The tent shall be no more than fifteen feet (15') in height.
- e. The tent's installation and/or disassembly shall not require the use of any machinery such as cranes, compressors, or generators. Hand portable air compressors may be used to operate power tools as necessary.
- f. The tent shall not be erected for more than four (4) consecutive days up to fifteen (15) times per year (including setup and removal), except for the once a year in which the tent shall be allowed to be erected for ten (10) days (including setup and removal). The number of days the tent is up shall not exceed 70 days, as required by LMC 15-4-16.
- g. The applicant is responsible for coordinating the necessary building permits with the Building Department for all plans for tents.
- h. The size of the tent shall be limited to 780 square feet.
- i. The rooftop terrace shall be limited to one (1) tent.
- j. The applicant shall provide an exhibit showing the location of the tent and dimensioned in feet and inches.

RESPONSE

Please see the detailed information provided under Response 11.

(13): The hours of operation within the interior shall be limited to 8am to midnight.

RESPONSE

In addition to the detailed information provided under Responses 3, 4, 5 and 15, the Applicant confirms.

(15): The owner shall not permit or provide either live or recorded amplified music within the interior of the space without first having closed all exterior doors and windows of the licensed premise. Doors may be opened to provide ingress and egress, but shall not be blocked in the open position to provide ventilation. Doors shall be equipped with automatic closing devices to keep them in the closed position except to permit ingress and egress of patrons.

RESPONSE

In addition to the detailed information provided under Responses 3, 4, 5 and 15, the Applicant confirms.

26. Council asked Planning commission to review impacts related to the visual impacts and found Condition of Approval 11 of the Planning Commission determination contradicts Board of Adjustment findings and impacts need to be mitigated related to tents and other rooftop visual impacts.

Incorporated by reference above [Staff Report, pg 221]:

(11): The use of umbrellas, portable heaters, and similar improvements may be used during an event; however, they shall not be permanently stored on the rooftop terrace or visible from the public right-of-way except when in use during the private event.

RESPONSE

In addition to the detailed information provided under Responses 9, 11, 14, and 15, the BoA discussed the visibility of the improvements associated with the event use, specifically railings, umbrellas and the tent (since withdrawn from the Conditional Use Permit application pursuant to Response 11). The BoA was specifically concerned with any permanent visible improvements and much less so with temporary improvements, as evidenced by the Meeting Minutes dated October 18, 2016. The Assistant City Attorney Mclean noted, “If the Board has concerns with permanent or temporary elements, and how long those items could be visible from the street are present, this would be the time to add a condition of approval with those restrictions” [BoA Meeting Minutes dated October 18, 2016, pg 25]. The subsequent BoA vote included 30 Findings of Fact and 1 Condition of Approval – none of which addressed the visibility of temporary improvements associated with the event use, despite clear optionality to include a condition in the motion.

Based on the information provided above, the Applicant has demonstrated that the BoA did not specifically restrict temporary improvements, and instead left the condition to the Planning Commission to determine, which was provided under this Condition of Approval #11 [Staff Report, pg 221].

27. Council asked Planning commission to review impacts of Condition of Approval 15 of the Planning Commission determination and consider an additional review component.

Incorporated by reference above [Staff Report, pg 221]:

(15): The owner shall not permit or provide either live or recorded amplified music within the interior of the space without first having closed all exterior doors and windows of the licensed premise. Doors may be opened to provide ingress and egress, but shall not be blocked in the open position to provide ventilation. Doors shall be equipped with automatic closing devices to keep them in the closed position except to permit ingress and egress of patrons.

RESPONSE

In addition to the detailed information provided under Responses 3, 4, 5 and 15, the Applicant confirms.

April 19, 2018

Craig Elliott
Elliott Workgroup
1441 W. Ute Blvd., Suite 100
Park City, Utah 84098

RE: The Kimball on Main – Environmental Noise Study
Project No. 1750004581

Dear Craig:

The Kimball on Main is a new event venue currently under construction at 638 Park Avenue in Park City, Utah. The City has requested a review of the sound levels from the rooftop patio to adjacent properties to ensure compliance with the City Municipal Code.

We visited the project site on March 28 and 29, 2018 to conduct ambient noise measurements of the existing conditions. The most noise-sensitive neighbor appears to be the residential use buildings southwest of the project site. The figure below shows a map of the surrounding areas. This report includes details on the criteria, ambient noise measurements, and predicted noise levels.



Figure 1: Map - Project and Surrounding Sites

Criteria

The Park City Municipal Code Section 6-3-9 states maximum permissible sound levels.

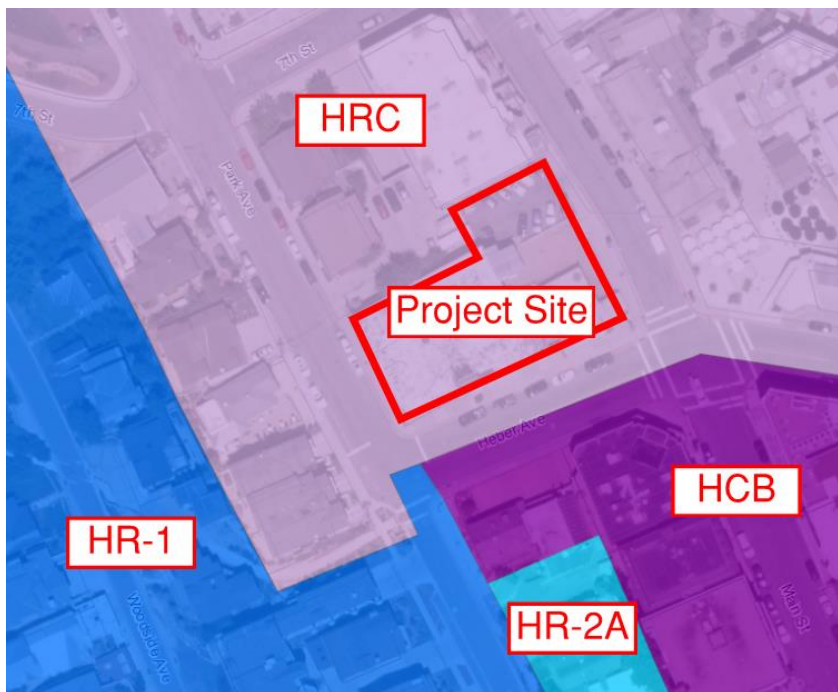
It is a violation of this chapter for any person to operate or permit to be operated any stationary source of sound in such a manner as to create a ninetieth percentile sound pressure level (L90) of any measurement period (which shall not be less than 10 minutes unless otherwise provided in this chapter) which exceeds the limits set forth for the following receiving land use districts, when measured at or within the property line of the receiving property:

Use District	10:00 p.m. - 6:00 a.m.	6:00 a.m. - 10:00 p.m.
Residential	50 dBA	55 dBA
Commercial	60 dBA	65 dBA

When a noise source can be identified and its noise measured in more than one land use category, the limits of the least restrictive use shall apply at the boundaries between different land use categories.

A zoning map of the project site and surrounding area is shown below. The project and adjacent properties to the North, East, and West are zoned HRC (Historic Recreation Commercial). The adjacent property to the southeast is zoned HCB (Historic Commercial Business). Both HRC and HCB are Commercial zoning. However, the building to the southwest of the site appears to have three residences.

The noise limits for Residential districts are 55 dBA during the day and 50 dBA at night. The noise limits for Commercial districts are 65 dBA during the day and 60 dBA at night.



HRC Historic Recreation Commercial
HCB Historic Commercial Business
HR-1 Historic Residential
HR-2A Historic Residential

Figure 2: Zoning Map

Ambient Noise Measurements

Sound measurements were conducted at various times of day and night from Wednesday, March 28 to Thursday, March 29, 2018. Measurements used a Type-1 Svantek Model 979 Sound Level Meter with ½" microphone. The sound level meter was field calibrated before the measurements and checked at the end of the measurements to ensure accuracy. The instrument used a windscreen for all measurements. All measurements were 45 to 60 minutes in duration.



Figure 3: Sound Meter Location - Looking Southeast

The sound meter was placed on the roof of the existing building in the far southwest corner. A tripod was used to ensure the microphone remained at a height of 5-feet above the roof. This location had direct line of sight to the street below and the adjacent residential use buildings.

During the measurements, the temperature ranged from 36 to 52 degrees Fahrenheit and wind ranged from calm to 26 mph from the NW. Roads and sidewalks were dry and snow had melted from most surfaces except for the ski slopes. Overall, environmental conditions negligibly influenced the measurement results.

The main source of noise was traffic including cars and buses on Park Avenue and Heber Avenue. In addition, there was construction noise on site during the daytime sound measurements, which will not be typical during event space operation. The nighttime measurements represent typical ambient sound levels. The table below shows the sound levels measured at various hours of the day. Measurements included L90, LEQ (equivalent/average sound level), and L10 which are defined in the appendix. More measurement details are available upon request.

Date	Time	Sound Pressure Level (dBA)			Comments
		L90	LEQ	L10	
3/28	1:00-2:00 P.M.	53	66	68	Some Construction Noise
	2:00-3:00 P.M.	55	65	66	Some Construction Noise
	6:00-7:00 P.M.	53	62	63	
	8:00-9:00 P.M.	51	61	63	
	9:00-10:00 P.M.	51	62	62	Busses still running at 10:00 P.M.
3/29	4:00-5:00 A.M.	49	52	54	
	5:00-6:00 A.M.	48	51	51	
	10:00-11:00 A.M.	60	65	67	Some Construction Noise

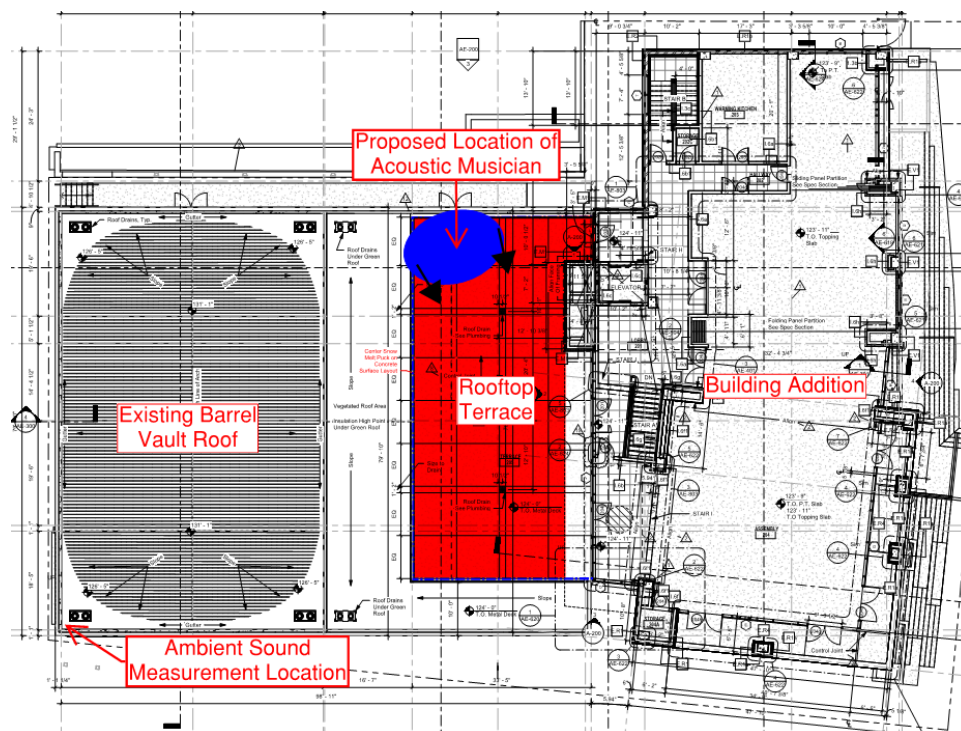
As shown above, the quietest sound levels were measured from 5:00 to 6:00 A.M., which was 51 dBA (LEQ). From 9:00 to 10:00 P.M., the measured sound level was 62 dBA (LEQ). Note, the outdoor event space has limited hours, and will not be occupied during the quietest hours of the night. Therefore, the commercial requirements of 65 dBA during the daytime and 60 dBA at night are sufficient to ensure the sound level from the proposed building are below the existing ambient sound levels.

Additional measurements were conducted on March 28 to determine the sound levels from two existing establishments (The Cabin Bar and Collie's Sports Bar). The sound meter was placed on the second story patio near the town ski lift (approximately 825 Main Street) approximately 50 feet from The Cabin and 100 feet from Collie's Sports Bar. However, due to the cold temperature there was little to no outdoor activity. Only a few patrons were outdoors, and the background music was set to a low volume. The main noise source was traffic on Main Street, not voices or music from the surrounding establishments. Each measurement was 10 minutes in duration. Although this data is likely insignificant, the short-term sound levels at the comparable location are presented in the table below for completeness purposes.

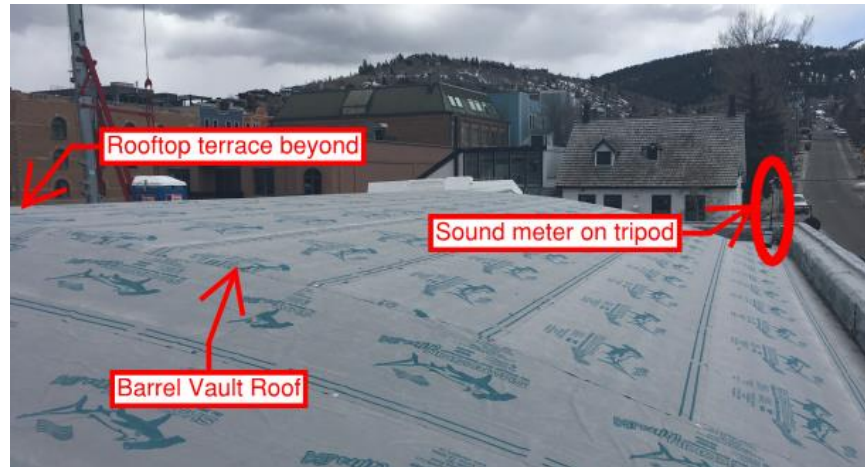
Time	Sound Pressure Level (dBA)		
	L90	LEQ	L10
3:00 P.M.	54	58	60
5:45 P.M.	53	64	65
7:15 P.M.	54	57	59
10:00 P.M.	53	62	64

Predicted Sound Levels

The proposed rooftop terrace space has a capacity of approximately 150 people. The majority of the sound from events will be people talking. Some events may include live acoustic guitar music on the rooftop as well. The figure below shows the roof plan including the extents of the rooftop terrace and proposed location for acoustic musicians. The center of the rooftop terrace is approximately 145 feet away from the southwest adjacent property line. The musician location is approximately 130 feet away from the southwest adjacent property line.



The existing barrel vault roof provides a noise barrier effect, which partially blocks the line of sight to the adjacent buildings. The photo below shows the rooftop looking south.



Sound levels for the human voice can vary significantly depending on many factors including size of group, ambient noise, age, directionality (which way people are facing), and activity. The table below shows typical sound levels for one person talking at various effort levels.

Voice Effort	Average Speech Sound Pressure Level (dBA, LEQ @ 3-ft)	Sound Power Level (LWA)
Relaxed Normal Talking	54	61
Raised Normal Talking	60	67
Loud Talking	72	79

We assume the worst-case scenario would be 75 people talking simultaneously at the “Loud Talking” voice effort. This would be full capacity with each person engaged in a 1 on 1 conversation where one person is listening and one person is listening.

Some events may have acoustic musicians playing background music. The proposed musician location is shown on the previous page. The musicians will point towards the rooftop terrace and the second floor of the building, and away from adjacent properties. A typical acoustic musician will produce a sound level of approximately 85 dBA at 10 feet (equivalent to 103 LWA sound power level). We assume the worst-case scenario would be two musicians at this location. Music levels can vary drastically depending on style of music and equipment used. The event space should ensure musicians will not produce excessive sound levels.

Note, the predicted sound levels are LEQ. The L90 required by the code will always be less than or equal to the LEQ. The table below shows the predicted noise level at the southwest adjacent property line, for an event on the rooftop terrace at full capacity with people talking at “loud talking” levels.

Source	Sound Power, LwA	Number of Sources	Distance Reduction (ft)	Reduction Factors	Sound Pressure, dB(A)
People Talking	79	+19 (x75 Sources)	-41 (145')	-3*	54
Combined LEQ Sound Pressure Level (dBA)					54

*Barrier effect from barrel vault roof

The table below shows the predicted noise level at the southwest adjacent property line, for an event on the rooftop terrace at full capacity with people talking at “loud talking” levels with two acoustic musicians playing.

Source	Sound Power, LwA	Number of Sources	Distance Reduction (ft)	Reduction Factors	Sound Pressure, dB(A)
People Talking	79	+19 (x75 Sources)	-41 (145')	-3*	54
Musicians	103	+3 (x2 Sources)	-40 (130')	-3*, -5+	58
Combined LEQ Sound Pressure Level (dBA)					59

*Barrier effect from barrel vault roof

+Off axis receiver, musicians pointed towards terrace and away from neighbors

Conclusion

As shown in the tables above, the predicted sound levels at the southwest adjacent property meet the Park City Municipal Code requirements for commercial district (65 dBA during the day and 60 dBA at night). In addition, these predicted sound levels are below the existing ambient noise level measurements during the event space hours of operation.

Please contact me if you have any questions.

Sincerely,

Henderson Engineers



Josh Thede
Acoustics Specialist

Acoustical Terms

- dBA** The sound level in decibels as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the response of the human ear and gives good correlation with subjective reactions to noise.
- LEQ** Equivalent sound energy level. The sound level correctly corresponding to steady-state sound level containing the same total energy as a time-varying signal over a given sample period.
- L₁₀** Tenth percentile noise – The A-weighted sound pressure level that is exceeded 10 percent of the time in any measurement period.
- L₉₀** Ninetieth percentile noise - The A-weighted sound pressure level that is exceeded 90 percent of the time in any measurement period.

Exhibit D

Public Comment for Kimball Event Center CUP Application

I am writing this letter to voice my opposition to any approval of the proposed outdoor Private Event deck above the old Kimball Art Center. This process has been flawed from the start, from the Board of Adjustment's override of the appeal to leave the barrel roof structures intact on this Landmark Bldg, (which enabled this deck in the first place), to the Planning Commission's prior unanimous vote to approve the CUP for the use of the entire facility without any substantial or verifiable mitigation.

When the approval was appealed to the City Council, the Council members not only voted unanimously to remand that decision back to Planning, but also questioned how the deck was allowed in the first place, at the expense of the historic integrity of the structure. Since the deck construction is almost complete, that ship has, sadly, sailed. But it is still within the Planning Commission's power, and duty, to greatly reduce the other negative effects of this facility's use.

While I believe the applicant has failed to mitigate almost all of the points brought up by the Council in its remand letter, I am particularly concerned about the approval for UNLIMITED PRIVATE EVENTS on the deck (and the facility in general), and the devastating and PERMANENT PRECEDENT that any approval will set.

For starters, just down the street from the Kimball sits the privately owned Town Lift deck. The owners of that site currently must apply for a Special Event Permit to hold events there, each individual event subject to the rules, constraints and supervision of the Special Events process. With approval of the Kimball's deck use as proposed, I fear it now opens the door for this owner in particular to apply for the same rights. How can you allow one and not the other? The answer is clear...you can't. It's no secret that this owner has attended the prior hearings and voiced his support for the approval. It's no secret that he has a vested interest in seeing this approval for the precedent it sets for him. And surely there are other business interests looking at this process with a keen eye toward the precedent it will set.

I believe there are now about 280 special event permits issued each year, with 80+% being for non-profits. Not only is the Kimball use a for-profit enterprise, it also is private. How can the City, which has acknowledged repeatedly that it is suffering from "Event Fatigue", approve a CUP that will effectively double the number of events in one stroke...without requiring any ongoing regulatory process? And with additional businesses seeking similar rights due to the precedent set, that number goes up exponentially years down the road.

I believe the City owes it to the people who own and live full-time in homes nearby, who contribute daily to the vitality of the district, and who will be permanently affected by any unmitigated approval of this event deck and facility, **to reject this use in the strongest terms allowed by law.** That includes a SERIOUS look at not only the event process, but also the traffic, parking, and noise issues that are inevitable, and that I believe are simply not mitigable to any significant degree. Make no mistake, the events planned for this facility are special

events as defined by the City, and allowing them 365 days/yr., carte blanche, without regulation is inviting event overlap on a constant basis, including during Sundance and the Kimball Arts Festival...and any other time. This is completely anathema to the city's stated objectives, and can be legally prevented by the Planning Commission if it sticks to the facts of the application and its adherence to the LMC.

Thank you for reading and hearing this objection. I look forward to you folks making the right decision for the locals who live, work, play and contribute in this town...and not a commercial entity whose sole motive is profit, whether at the expense of the local population or not. The proposal is simply a bad deal for the town and it's citizens. Any Approval of this application without strict mitigation and limits will set a permanent and devastating precedent that eventually will contribute to a dearth of citizens in Old Town, and will ultimately contribute to Old Town becoming a free-for-all "party zone". Is that what we want? Everything I hear from City officials says "no" to that question.

Thank you,
Ed Parigian
Old Town resident for 12 years

Comments for Planning Commission's consideration regarding the submittal from CPP Kimball LLC addressing City Council Remand to the Planning Commission on the Appeal of a CUP for Private Events Facility at 638 Park Avenue (Historic Kimball Garage)

Submitted by: Sanford Melville

The starting point for this CUP review must be the City Council's Remand letter itself, dated April 14, 2017. Council remanded the Private Event Facility CUP for failure to meet the requirements of LMC 15-1-10, both for the indoor and outdoor portions of the proposed event facility. Council's Remand provided specific directions which are stated in the numbered paragraphs of the Remand letter. On May 11, 2018 the applicant submitted a Response to the City Council remand on an item by item basis corresponding to the numbered paragraphs of the Remand letter. These are all summarized below under the six specific topics of unmitigated noise, traffic, parking, incompatibility, visibility, and required City monitoring.

It should be noted that this proposed CUP is for the operation of a permanent indoor/outdoor rooftop private event center at the site of the historic Kimball Garage adjacent to a residential neighborhood. The occupant capacity for this private event facility is up to 480 people. The event center has a large outdoor component – it includes as part of the event facility an outdoor rooftop terrace of 2,530 square feet over the historic Kimball garage, plus a 477 square foot outdoor balcony overlooking the Heber Avenue-Main Street corner – over 3,000 square feet of outdoor event space. Requested allowable operating hours for this nightly event center would be between 8am and midnight, with outdoor speakers and music allowed 11am to 10pm.

Unlike all others who must obtain administrative CUP's for outdoor events and who are subject to City review for continuing approval of events, this applicant seeks permanent CUP approval of their private event center before a single event has been held.

There are good reasons why the Code was expressly written not to allow such permanent pre-approval, as explained by Chair Strachan in the Work Session on September 17, 2017. See minutes of 9/17/17 Work Session.

1. Unmitigated Noise Impacts from Outdoor Rooftop Event Space

In Remand paragraphs 3 & 15, Council found that the impacts from noise from the proposed outdoor second level event space were not mitigated, and did not meet the CUP criteria of LMC 15-1-10(E)(12). This included noise from amplified outdoor music and human chatter, and Council found that "the glass railing and open space on the deck would amplify the noise and create noise impacts on the roof deck which cannot be mitigated." Remand para. 4 & 5.

Council remanded the CUP for further review by Planning Commission to mitigate the impacts of sound and noise created by the use of the outdoor space so that these sounds do not unduly impact neighbors and suggested a number of specific restrictions on use. Remand para. 20 & 21. Council asked Planning Commission to *closely* review impacts related to CUP

criteria 12 (i.e., noise). Remand para. 22 & 25. Council stated it “is unable to find a way to mitigation for noise”, and asked Planning Commission to find a better way to mitigate or to restrict the event usage to limit the noise. Remand para. 25 & 27.

In Response 3 applicant discusses a study applicant commissioned by a professional third-party expert in environmental noise to determine the noise impacts to be mitigated. The applicant refers to this as the “Henderson Study”. A review of the Henderson Study shows some significant deficiencies. The study measured ambient noise during a quiet period of the Park City season (March 28 and 29) and then made a theoretical prediction of what the noise would be from 150 people (75 talking), and 2 acoustic musicians on the outdoor deck. While interesting, this is an academic analysis at best. How would this compare to 150 or more people partying, accompanied by a band with amplified music?

In Response 3 applicant has provided a complex noise management plan coupling electronic technology with procedures for staff to prevent the noise from exceeding the City’s noise ordinance requirements. In my opinion this proposed complex plan will be unworkable and likely ineffective. It relies on neighbors to complain and will not prevent intrusive noise from events on the open rooftop deck.

In Response 3 the applicant references a sound trap designed into the soffit of the western façade which applicant states will “diffuse sound waves from the outdoor terrace.” Note that the Henderson Study does not make any reference to the sound trap or its effectiveness. One can only assume that this is because the expert was not comfortable commenting on the theoretical effectiveness of this minor architectural feature. In addition, since the entire western façade adjacent to the rooftop deck appears to be glass, it seems inevitable that this glass façade itself will be a “sound amplifier”.

In Response 3 the applicant cites the historic barrel roof that was retained on the western half of the historic structure as a line of sight sound barrier. The Henderson Study takes a sound reduction credit for this roof. However, line of sight only applies, at most, only to adjacent buildings. Even a casual observer knows that sound travels uphill in the bottom of a canyon and that the neighbors impacted by the noise on the deck are mostly physically located above the barrel roof of the historic building.

In Response 5 the applicant indicates that the glass railings will not amplify the noise impacts on the deck but would in fact diminish the impacts. Again, the Henderson Study is silent on this claim by the applicant, likely because this is simply speculation by the applicant’s lawyer.

2. Unmitigated Traffic Impacts and Lack of Loading Zone

In Remand para. 6 & 15, Council found that the traffic impacts of the proposed use had not been mitigated, and did not meet the CUP criteria of LMC 15-1-10(E)(2), (4), (6), and (13). Council found the “impacts included likely bottlenecking on the corners of Heber Avenue and Main Street as well as Heber Avenue and Park Avenue, particularly during peak load-in and load-out times.” Remand para. 6. Council also found that “unmitigated impacts included the lack of a load-in and load-out zone or a clear traffic mitigation plan for events.” Remand para. 8.

Council remanded for further review, including of the Indoor use of the private event facility, and required additional mitigation evaluation by the Planning Commission on loading

areas and traffic. Remand para. 16. Council also remanded the CUP for further review to mitigate the impacts due to traffic from deliveries loading and unloading for events and load in/load out areas, and due to patron use including loading and unloading and pick up. Remand para. 19. Council requested Planning Commission to “closely” review the impacts related to CUP criteria 2, 6, and 13 (i.e., traffic circulation, and load/unload zones), and Council stated that “More specific conditions are needed to mitigate current [loading traffic] impacts.” Remand para. 22 & 24.

In applicant’s Response 6, 7, 8 and 15 there is no new information provided to address Council’s concerns for mitigation. Further, it should be noted that the Kimball Art Center’s previous existing loading area in its parking lot was built over and eliminated by this project.

3. Unmitigated Increased Parking Demand

In Remand para. 7 & 15, Council found that the impact of the increased parking demand from the proposed Events Facility use was not mitigated, and did not meet the criteria of LMC 15-1-10(E)(5).

Council remanded the CUP for further review of the private event facility, including the indoor use, and required additional mitigation evaluation by Planning Commission on the parking issue. Remand para. 16. Council asked Planning Commission to *closely* review and address impacts related to CUP criteria 5 [parking], and stated that “more specific conditions are needed to mitigate current impacts.” Remand para. 22 & 24.

In applicant’s Response 7, 8 and 15 there is no new information provided to address Council’s concerns for mitigation. Further, it should be noted that the Kimball Art Center’s previously existing parking lot was built over and its parking spaces were eliminated by this project.

4. Incompatibility of Use of Roof Deck as Event Space

In Remand para. 9 & 10, the Council found that the proposed use of the second level roof deck as Private Event Space was not compatible with the surrounding residential uses, since it was very visible due to its geographic location at the bottom of the street and too public and impactful to the surrounding neighborhood. See LMC 15-1-10.

Council remanded the CUP for further review by the Planning Commission to mitigate the impacts of the Outdoor space on compatibility, suggesting a number of restrictions on use. Remand para. 21.

The applicant in Response 9 provides no new information to address Council’s concerns for mitigation. Further, applicant incorrectly states that on appeal to the Board of Adjustment (“BoA”) that the BoA approved the proposed “use” as a private outdoor event facility. The BoA had a narrow scope in which to work and could not in fact consider “use” in its review.

5. Visibility of Use of Roof Deck

Council found that the use of the proposed roof deck on the second level was very visible due to its geographic location at the bottom of the street, and that such use conflicted with the BoA's findings that activities on the deck should be visually minimized. Remand para. 10 & 11.

Council suggested that possible mitigation of impacts could include limitation on the number of days and times the roof deck would be in use, and on-going monitoring with the Planning Commission to ensure compliance with conditions of approval. Remand para. 12 & 13. Council also suggested mitigations including "reducing the visibility of the roof deck", and "at a minimum a strong re-evaluation of the design" to reflect the BoA's requirements in their decision. Remand para. 14, 17, 21, & 26.

The applicant's current proposal has withdrawn the request for a CUP for the tent. The applicant will go through an Administrative CUP process for tents. However, this does not address the rest of the visibility issues of the proposed use of the rooftop deck mentioned by Council, and which concern was an important part of the BoA's findings. Anyone standing just above the site on Main Street and on Park Avenue can see that the rooftop deck is very visible. The applicant in responses 10, 11, 12, 14, 15 and 26 provides no new information to address Council's concerns for mitigation.

6. Unrestricted Use of Roof Deck and Monitoring by City

Council found that the use of the proposed second level roof deck was too unrestricted. Remand para. 10. Council remanded the CUP for further review by Planning Commission to mitigate the impacts of the Outdoor space, such as further limits on its use and to focus on strong mitigation of impacts. Remand para. 21. Council also suggested on-going monitoring with the Planning Commission to ensure compliance with conditions of approval, and affirmative review by the City incrementally by the use, and more frequently than once per year. Remand para. 13 & 23. Council was concerned that it should not be up to the neighbors to file complaints to assure compliance with any conditions of approval.

The applicant in Response 10 and associated items provides no new information to address Council's concerns to mitigate impacts and ensure compliance.

Further, there is simply no good reason to grant this applicant's request to bypass the reasonable ongoing oversight that the City applies to all others who wish to stage outdoor events in Park City.

7. Conclusion

I urge the Planning Commission to carefully consider City Council's many concerns, as stated in Council's Remand letter about this CUP, and accordingly deny the requested CUP.

Respectfully submitted,

Sanford Melville

Public Comment for CPP Kimball LLC CUP Application 6/6/18

John Stafsholt

December 2016 the PC Planning Commission granted a CUP for a permanent private events center with a permanent outdoor deck. There were many potential limits that could have been placed on this CUP application. But, no restriction of note were requested by the planning commission and the CUP application was approved 6-0. The PC Planning Commission is very diligent, but they just plain missed this one.

Adam Strachan (the Chairman) did not get to vote, but he made a strong comment, *“Chair Strachan stated that he would not be voting in favor of the CUP because the impacts are unknown and, therefore, could not be mitigated. None of the Conditions are clean, which is a good indication that the mitigation will not be clean. Chair Strachan believed the public comments were right on point; and he was unsure how this was ever approved by the Board of Adjustment. Chair Strachan did not believe the associated impacts could be reasonably mitigated”*. PC planning staff report 12/14/18 pg. 69.

Chairman Strachan was correct in not understanding how the Board of Adjustment could approve this project. The Kimball Arts Center is a Landmark Building and the code is clear that historic structures (barrel-vaulted roof forms unique to the Kimball within the state of Utah) can not be removed, period. This first mistake has now created the second situation of the 2,533 square foot party deck. At this time, we are not appealing the structure, just the use. It is the Planning Commission’s responsibility to mitigate the use, to make it compatible for the existing historic neighborhood. The Planning Commission has not done this to date.

The Planning Commission’s 6-0 approval was overturned (remanded) by the PC City Council with a similar unanimous vote 5-0. Some short direct quotes from the PC City Council Remand document 4/14/18 are below. It should be noted that the remand was 14 months ago and the response from the developer has only come 13 months later. Nothing but delay tactics and continued building by the developer. This construction while under a remand was done at their own risk. Their action to develop while under a remand should not give them any leverage over the town of PC. The developers knew the entire time that their use at this site was at risk and they took that financial risk with eyes open.

Direct cut and paste from the City Council remand.

On March 30, 2017, the City Council held a public hearing and considered a Quasi-Judicial Appeal of Planning Commission’s approval of a Conditional Use Permit (CUP) for a Private Events Facility at 638 Park Avenue and hereby REMANDS the CUP and the use as proposed/configured back to the Planning Commission with specific direction as outlined below:

1. The Conditional Use Permit (CUP) for the Private Event Facility requires that the use is subject to the conditions and requirements of the conditional use review of LMC chapter 15-1-10.

15. The City Council found the proposed use and configuration failed to mitigate the impacts in reviewing the criteria listed in LMC § 15-1-10(E)(2), (4), (5), (6), (7), (10) (11), (12), (13) and (16) by failing to mitigate the traffic considerations including capacity of the existing streets in the Area; emergency vehicle Access; location and amount of off-street parking; internal vehicular circulation system; Fencing, Screening, and landscaping to separate the Use from adjoining Uses; signs and lighting; physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing, noise vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site; control of delivery and service vehicles, loading and unloading zones, and pickup areas and 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;.
16. Council remanded the appeal for further review of the Indoor use related to the private event facility and required additional mitigation evaluation by the Planning Commission on loading areas, traffic and parking
17. Council remanded the CUP for further review by the Planning Commission to mitigate the impacts of the Outdoor deck use. As proposed the impacts are not adequately mitigated. Review of the impacts and their mitigation should include at a minimum a strong re-evaluation of the design, and conditions of approval which reflect the requirements of the Board of Adjustment decision including minimum visual impacts on the roof.

PC City Council Remand item #15 highlights a failure to mitigate required CUP requirements 2,4,5,6,7,10,11,12,13, &16. Since requirements 3,9,14, & 15 are not applicable, that shows that the developer's project only meets CUP criteria, 1 & 8. All 16 criteria are required for a CUP approval and they are listed below as a direct cut & paste from the applicable LMC.

1. **REVIEW.** The Planning Department and/or Planning Commission must review each of the following items when considering whether or not the proposed Conditional Use mitigates impacts of and addresses the following items:
 1. size and location of the Site; **PASSED**
 2. **FAILED**: traffic considerations including capacity of the existing Streets in the Area;
 3. utility capacity, including Storm Water run-off; N/A
 4. **FAILED**: emergency vehicle Access;
 5. **FAILED**: location and amount of off-Street parking;
 6. **FAILED**: internal vehicular and pedestrian circulation system;

7. **FAILED**: Fencing, Screening, and landscaping to separate the Use from adjoining Uses;
8. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots; **PASSED**
9. usable Open Space; N/A
10. **FAILED**: signs and lighting;
11. **FAILED**: physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;
12. **FAILED**: noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site;
13. **FAILED**: control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas;
14. expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities; N/A
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; and N/A
16. **FAILED**: reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding.

Every one of the 16 items must be mitigated to grant a CUP. According to the highest elected body in this city, this project fails to mitigate 10 of these items. Failure to mitigate any one of these ten is a requirement to deny the CUP. **THIS CUP MUST BE DENIED!**

The 13 month late response from the developers is woefully inadequate on all 10 of these CUP points. My very short responses below.

2. **FAILED**: *traffic considerations including capacity of the existing Streets in the Area;*
Without exaggeration, this is the #1 most congested traffic area in the entire city. Buses come through here every 8-10 minutes and can not make the corner now. Additional parking and double parking, loading/ unloading/ catering/ up to 522 people arriving for an event is a completely unmitigated impact. Their response is to change parking for their benefit and detriment to the neighborhood.

The developers have extended the sidewalks to accommodate their patrons outside the building. They have the audacity to call making the streets narrower a mitigation. Narrower streets in the most congested corner in the city is actually a mitigation because it increases the turning radius for buses at Heber and Park Ave. Not Mitigated at all, extremely worsens a bad situation.

4. **FAILED:** *emergency vehicle Access*; There is no emergency vehicle access at all. Double park on Heber Ave and shut down the street for an emergency. Not Mitigated at all, unsafe.
5. **FAILED:** *location and amount of off-Street parking*;
There are literally zero parking spaces for a 522 person private event facility. Most events will have everyone show up at once with the capacity for 4 parking spots (only if the city takes those 4 spots away from the public). To make it worse, the Kimball had 12 spots for parking and the developers built on top of them taking the parking away from the building. No Mitigation at all.
6. **FAILED:** *internal vehicular and pedestrian circulation system*; There is one main entrance on Heber Ave. There should be a secondary entrance for pedestrian circulation on Main St. No Mitigation.
7. **FAILED:** *Fencing, Screening, and landscaping to separate the Use from adjoining Uses*; There is none. Residences on Woodside will look down onto the deck and into the interior of the private event facility. All tables, chairs, speakers, tent, etc... must be removed from the deck immediately after any event. This is not a condition from the planning commission, even though the BOA required a zero visibility deck. No Mitigation.
10. **FAILED:** *signs and lighting*; Residents will be looking down onto the outdoor facility's lighting and into the interior of the private event facility. No Mitigation.
11. **FAILED:** *physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing*; The design of the building kept much of the Kimball Garage façade. But, the entrance into town from Marsac is now dominated by the mass and orientation of the new, additional structure with a new balcony in the most prominent corner.

The City Council remand #17 requires “a strong re-evaluation of the design, and conditions of approval which reflect the BOA decision including minimum visual impacts on the roof. Not Done. Not Mitigated.

12. **FAILED:** *noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site*;
Probably the most audacious and onerous impact on the residents of a 130 year old residential community. There is no way to mitigate the impact of a 2500+ square foot party deck adjacent to a residential community. Council has not found a way to mitigate impacts related to noise on the deck. “Such mitigation may include denial of use of the deck beyond which is already permitted”... “mitigation use beyond permitted use on the deck and consider mitigation including design changes, limitation or or reduction of use by hours per days or number of days, direction of deck/ event space, remove speakers”...
Amazingly, the previous planning commission did not limit noise, which they must to meet city ordinances. Examples: no amplified music, no live music, no outdoor speakers, change hours of outdoor operations, etc...

The business plan of this *private* event facility allows all types of amplified music, all days and nights of the year. Every other similar outdoor use requires either a Special Event Permit or a Master Festival License. No one has the right to have these events on a 365 day per year basis without special permits. Special Event Permits must be required. The developers refer in their response to: a single *indoor* event that was held at the Kimball Art Center in a previous year. It was one event out of the whole year and it was indoors. No comparison whatsoever.

The developer's noise study took 13 months to get completed. That should show their intent. The study must be rejected, since it only measured ambient noise, then a projected value based on expected voices and 2 acoustic musicians. Amplified music is allowed in their CUP and omitted for obvious reasons. Live amplified music is allowed and also never mentioned. It is easy enough to get real numbers vs. their charts. Their charts have different units from one chart to the next. Surprisingly, their final numbers are 1 bd below the maximum allowed by Park City code.

I can tell you for sure, that when the Sky Lodge bar was open on the deck of the Sky Lodge (twice as far away) we could clearly hear conversations at our home and there was never amplified outdoor music allowed on that deck. We could converse with the patrons to ask them to quiet down.

I can also tell you for sure that the sound problems will be during the evening when the neighbors want to sleep. Most Old Town homes were built prior to air conditioning and most rely on open windows to cool their home in the summer. Any amplified music will make it impossible in some locations to sleep, in some locations unable to hear your TV with windows open. Similar issue with voices.

Park City Code Enforcement is only available 8-5PM Monday- Friday. These problems will be after hours and on weekends. There will not be any City officials to enforce the code. The PC Police to date have not enforced the code. They rely on complaints and then the complainant must go with the officers to the offending location. The officers did not know the code, do not have db meters, do not shut down the offending location.

By the way, what neighbor wants to show up at a wedding with hundreds of guests and shut them down. Avoiding this problem is what the LMC and code is for. Eliminate these issues through code before they start. We are potentially allowing a developer to have a business plan that is against code, unworkable, and unenforceable. It is the Planning Commission's responsibility to put mitigating requirements in place where possible. Where impossible, it is the Planning Commission's duty to deny the CUP outright. PCMC is not in the habit of revoking a CUP even though they can and should.
Not Mitigated.

13. **FAILED:** *control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas;*

Another situation where the developer has forsaken the neighborhood to build a maximum sized project. There was a 12 space parking/ loading/ unloading zone which was allowed to be built upon. There is literally no loading/ unloading area other than Heber Ave. Because of

the nature of the Private Event Facility and the fact that the developers wanted to maximize the occupancy, there is no cooking facilities on site. That means that the developers expect caterers, musicians, etc to show up with food/ instruments right before the event. That violates the delivery restrictions that are in place in their zone. Now the developers want the public to give them our public parking spaces since they know they will have to break the law and/or double park shutting down Heber Ave. No Mitigation at all.

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

Too many inconsistencies to list. Very short version. General plan goals: Small Town, Natural Setting, Sense of Community, Historic Character. This project adds to the traffic, congestion, noise, pollution, etc... This project does all this for the benefit of a “private” events facility which only detracts from our Sense of Community since it benefits only those who can pay to rent the facility for their events. Certainly, the vast majority of facility renters will not be from the historic neighborhood that bears their impacts.

Planning Commissioners: Thank you for what you are doing. You are the residents only real defense against profiteering at the expense of our quality of life. The Historic District and the residents are under constant attack from out of town developers who create impacts, sell, take their profits and move on. Sure, they will say they are here for the long haul, they care about the community etc, but we have seen this repeatedly, and the residents are left with the impacts. These developers are selling our quality of life. They profit from taking our quality of life.

This is a Conditional Use Permit because the impacts exceed what is allowed. Please help the residents by denying the CUP as it is.

Respectfully Submitted,
John, Deb, Steve, & Katerina Stafsholt

Anya Grah

From: kelleraf <kelleraf4106@gmail.com>
Sent: Wednesday, June 06, 2018 10:18 PM
To: Anya Grah
Subject: Kimball Arts Center Private Events Facility

Dear Ms. Grah,

We are writing to communicate our deep concerns regarding the Kimball Arts Private Events Facility. We fear that the amplified outdoor music from the second floor outdoor deck will interfere with the quiet enjoyment of our home.

We live on Norfolk Avenue close to 8th street and have been there for 15 years. When the Silly Market was first started several years ago, the amplified outdoor music was a big change from the usual quiet atmosphere in our neighborhood. And yet the Silly is held only in the summer months and only one day a week. Furthermore it is over at 5:00PM.

What is being proposed for this Kimball Arts Private Facility are potential daily and evening social events with amplified outdoor music. The music will be further amplified as it rises from this open space rooftop creating significant noise pollution potentially on a daily basis that will continue well into the evening to the detriment of Old Town residents.

We are requesting that the city planning commission disallow the second floor outdoor deck to be used for amplified musical or other noisy events.

Thank you for your consideration.

Sincerely,

Annette and Fred Keller

Anya Grah

From: Brian Van Hecke <bvhutah@gmail.com>
Sent: Wednesday, June 06, 2018 11:24 PM
To: Anya Grah
Subject: The Kimball Arts Center Private Events Facility

Hi Anya,

I have serious concerns about the proposed Kimball Arts Center Private Events Facility.

The previous planning commission voted to approve this CUP for an outdoor party deck without any real conditions. Without condition, this property can have private parties out on the deck every day of the year with live music, etc. Please make sure strict conditions (specific hours, # of people, frequency per month/year, max decibels, etc.) are applied to protect and preserve the integrity of Historic Old Town and respects the rights of local residents.

Thanks,

Brian Van Hecke
1101 Empire Avenue
435-901-1500

Anya Grahm

From: Rick Kuhle <rkuhle@vestar.com>
Sent: Tuesday, June 05, 2018 4:40 PM
To: Anya Grahm
Subject: Historic Kimball Garage

Anya, this will serve as our family's objection to any "Roof top bar" being allowed in any form on the old Kimball Garage. We as Old Town residents have enough issues with noise reverberating through our area and don't deed this. I will not be able to make the planning commission meeting but please put 713 Norfolk as totally against it.



Rick Kuhle
Chairman and CEO
2425 East Camelback Road | Suite 750
Phoenix, AZ 85016
Office: 602.866.0900
rkuhle@vestar.com

Anya Grahm

From: David Van Denburgh <David.Vandenburgh@AmericanFence.com>
Sent: Wednesday, May 30, 2018 3:40 PM
To: Anya Grahm
Subject: Fwd: PL-16-03412 638 Park Avenue - Remand to Planning Commission Scheduled for 6.13.18
Attachments: PL-16-03412 638 Park Ave- Remand Notice Letters 5.30.18.pdf; ATT00001.htm

Sent from my iPad

Dear Ms. Grahm:

In reply to your Planning Commission notice regarding subject property, I would like to express my concern and therefore objection to this use permit application. As a homeowner at 911 Lowell Avenue, I am concerned about the increased noise this use would generate for the neighborhood.

Unfortunately I will be unable to attend the meeting but would appreciate my concern being passed on to the City Council.

Sincerely,

David S. Van Denburgh, Chrm. & CEO
American Fence Co.
P. O. Box 18085
Phoenix, AZ 85005-8085
Ph: 602-352-7681
Fax: 602-734-0575
Email: david.vandenburgh@americanfence.com<<mailto:debbie.cadman@americanfence.com>>

Visit us at americanfence.com<<http://americanfence.com>>.

Begin forwarded message:

From: Anya Grahm <anya.grahn@parkcity.org<<mailto:anya.grahn@parkcity.org>>>
Date: May 30, 2018 at 8:41:54 PM GMT+1
Cc: Bruce Erickson <bruce.erickson@parkcity.org<<mailto:bruce.erickson@parkcity.org>>>
Subject: PL-16-03412 638 Park Avenue - Remand to Planning Commission Scheduled for 6.13.18 On April 14, 2017, the Park City Council remanded the proposed Conditional Use Permit (CUP) for a Private Events Facility at 638 Park Avenue (Historic Kimball Garage) back to Planning Commission. The Planning Commission will be reviewing this remand on Wednesday, June 13, 2018 at 5:30pm in City Council Chambers at the Marsac Building. Please find attached a copy of the mailing notice that will be sent out today.

Thanks so much,

Anya Grahm

Historic Preservation Planner
Park City Planning Department
435.615.5067

Anya Grah

From: Jonathan Preston <jpreston78@gmail.com>
Sent: Wednesday, May 30, 2018 2:45 PM
To: Anya Grah
Subject: Application # PL-16-03412

I am a resident at 730 Norfolk and would like to respectfully voice my opposition to the proposed permit for Historic Kimball Garage/ Private Event Facility. We believe it would not be appropriate due to the excessive noise it would generate.

Thank you

Jonathan Preston
512 428-5425 ofc

Sent from my iPhone

Planning Commission Staff Report



Application: PL-17-03664
Subject: Twisted Branch Subdivision
Author: Kirsten Whetstone, MS, AICP, Senior Planner
Date: June 13, 2018
Type of Item: Legislative – Subdivision Plat

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing, review the application and draft findings of fact and conditions of approval, and continue the public hearing to July 11, 2018. Staff requests discussion on specific items outlined below.

Description

Owners: REDUS Park City LLC and PCMC
Applicant: Alliance Engineering, Inc. (representing owners)
Location: Guardsman Pass and Twisted Branch Roads and property between them within the Flagstaff Annexation area
Zoning: Residential Development (RD-MPD) District and Recreation Open Space (ROS), subject to the Amended Flagstaff Development Agreement
Adjacent Land Uses: Deer Valley Resort, Guardsman Pass Road (aka Marsac Avenue), B2 East Subdivision (undeveloped multi-family residential), Red Cloud Subdivision, open space areas and trails.

Proposal

This is a request for a final subdivision plat (**Exhibit A**) to create four platted lots of record for the following uses as described in the applicant's letter (**Exhibit B**):

- Lot 1- warming shelter at Guardsman Pass as an accessory use specifically for the Talisker Club (aka Empire Club, a private club located in Pod A).
- Lot 2- on-mountain, "Beano Style" private restaurant as specifically described in Section 2.6 of the Amended Flagstaff Development Agreement ([Exhibit C- link](#))
- Lot 3- existing city water tank and additional land
- Lot 4- existing city water pump house and additional land

The plat also creates non-development open space parcels; records easements for ski runs, public trails and trailheads, bridges, snowmaking, access, utilities and open space; and plats one parcel inclusive of Twisted Branch Road, a private road.

No residential or commercial development density or Unit Equivalents (UE) are allocated or assigned to any of the proposed lots or parcels. See **Table 1** below for proposed lots, parcels, size, uses, zoning, access and current ownership.

An abbreviated version of this table will be recorded on the plat. All parcels are designated as open space parcels and all uses are intended to comply with the Amended Flagstaff Development Agreement (Amended Agreement) and the Land Management Code (LMC).

The intent of this proposed subdivision plat, as conditioned, is to comply with the LMC and the Amended Agreement, including Exhibits, Technical Reports, and associated recorded Agreements. This subdivision plat is also intended to maintain status quo in terms of use of both Twisted Branch Road, a private road maintained by the Master Association, and SR 224, a State Route maintained by UDOT, consistent with the Amended Agreement.

Staff requests discussion regarding the following items (as further described herein):

- **Waiver of the preliminary plat step to review as a final subdivision plat.**
- **FAQ and staff analysis including specifics of the plat, parcels, location, uses, easements, etc.**
- **Applicant's request to include a plat note allowing Building Height to be measured for Lot 2 from final grade after fill is deposited and graded to match contours of adjacent land.**
- **Applicant's request to amend the Construction Mitigation Plan, Exhibit 15 to the Development Agreement.**
- **Draft findings of fact and conditions of approval as outlined in the Draft Ordinance.**

Background

Flagstaff Development Agreement

On June 24, 1999, Council adopted [Ordinance 99-30](#) and [Resolution 20-99](#) approving the annexation and development agreement for the Flagstaff Mountain area. Resolution 20-99 granted the equivalent of a "large-scale" Master Planned Development (MPD) and set forth the types and locations of land use; maximum densities; timing of development; development approval process; as well as development conditions, restrictions, obligations, and amenities for each parcel. The Flagstaff Development Agreement was amended and recorded in March 2007 ([Exhibit C- link](#)) and is referred to as the Amended Agreement. No exhibits were amended except a new Schedule 3.1 regarding Richardson park and ride.

Fourteen (14) specific technical reports are included as part of the controlling documents for the entire Flagstaff Annexation and Development areas ([Exhibit D- link](#)). Chapter 7 of the Land Management Code describes standards under which subdivision plats are reviewed. The property is also subject to the March 12, 2004 Maintenance Agreement ([Exhibit L- link](#)). The Maintenance Agreement is intended to be a covenant running with the land and binding upon the successors of the Owners that memorializes the undertaking and agreement of the Master Association to cause to be maintained at all times the public infrastructure with the Flagstaff Development, with the costs and

expenses of such maintenance and repair to be paid for by the Master Association and the Sub-Associations formed within the Flagstaff Development as provided in this document.

Properties within the Twisted Branch Subdivision while part of the Large Scale Flagstaff Mountain MPD, are not located within previously approved “small scale” MPDs such as the Village at Empire Pass MPD (Pod A), Flagstaff Mountain Resort Phase II (Pod B-1) MPD, or the Village at Empire Pass Pod B-2 MPD and have no assigned residential or commercial density or unit equivalents (UE) from the Amended Agreement. Section 2.6 of the Amended Agreement describes the “Beano Style”, private on- mountain restaurant proposed on Lot 2.

No portion of this property has been previously platted as part of other approved subdivision plats. Property is described as follows: REDUS parcels are PCA-S-98-SD-1, PCA-S-98-SD-3, and PCA-S-98-SD-9. City parcels are PCA-S-98-II-X. Total property is approximately 54.6 acres.

Submittal

On September 17, 2017, the City received an application for the proposed Twisted Branch Subdivision. The application was complete on September 22, 2017, with submittal of revised title reports. City staff and the applicant have spent several months coordinating with utility providers and various city staff to ensure that the utility plans, platted lots and parcels, ownership and easements, and previous agreements are correctly identified and accounted for. Various revised plats have been submitted to address concerns raised by city staff and utility providers.

Previous Conditional Use Permits

A Conditional Use Permit (CUP) approved on February 13, 2008, for a private on-mountain restaurant, on proposed Lot 2, was granted a one (1) year extension in 2009 to allow the applicant time to apply for a subdivision plat and receive a building permit. Having a platted lot was a condition of approval of that CUP. The CUP has expired.

An Administrative CUP was issued on December 5, 2017, for installation of a 320 sf private warming yurt on a 520 sf concrete platform, on proposed Lot 1, for use by Talisker Club (aka Empire Club a private club located within Pod A). The yurt is located near the intersection of Twisted Branch Road and Red Cloud Trail and is allowed to be used for up to 180 days. Extensions of the Administrative CUP may be granted by the Planning and Building Departments. In the future, the applicant desires to construct a permanent private warming shelter on Lot 1 for Empire Club owner’s use, as a Resort Accessory Use, specifically as an accessory use for the private club.

Analysis

Proposed Subdivision

The applicant requests approval of a final subdivision plat to create four (4) lots and eight (8) parcels from metes and bounds described parcels consisting of approximately 54.6 acres (see **Exhibit K**) as described below.

Table 1

Proposed Lot or Parcel	Size (acres)	Existing and/or Proposed Uses	Zoning District	Access	Ownership
Lot 1	1.00	Warming yurt or other Resort Accessory Uses specific to the private Talisker Club (aka Empire Club) located within Pod A and consistent with the Amended Agreement and the LMC.	ROS	Twisted Branch Road	REDUS Park City LLC
Lot 2	2.51	On-mountain, Beano Style, private restaurant as specifically described in Section 2.6 of the Amended Development Agreement, subject to CUP. Also proposed location of clean fill and excavated soils deposit area (subject to amended CMP).	ROS	Twisted Branch Road	REDUS Park City LLC
Lot 3	3.62	City water tank and municipal uses.	RD	SR 224 (also easement to platted Marsac Avenue)	PCMC
Lot 4	0.24	City water pump station and municipal uses.	RD	SR 224 and Marsac Avenue	PCMC
Parcel A	7.36 (5.98 plus SR 224)	Open space land adjacent to SR 224, public trail head and access easement for PCMC.	ROS	Twisted Branch Road and SR 224	REDUS Park City LLC
Parcel B	11.84 (9.98 plus SR 224)	Open space land adjacent to SR 224.	RD and ROS	Marsac Avenue and SR 224	REDUS Park City LLC
Parcel C	4.90	Open Space and proposed clean	ROS	Twisted Branch Road	REDUS Park City LLC

		fill deposit area (subject to amended CMP) and future DV ski resort uses.			
Parcel D	4.89 (4.75 plus SR 224)	Open Space and winter snow mobile by-pass route.	ROS	Twisted Branch Road and SR 224	REDUS Park City LLC
Parcel E	4.25	Open Space and Bandana ski run above TBR.	ROS	Twisted Branch Road	REDUS Park City LLC
Parcel F	1.02 (0.90 plus SR 224)	Open Space, Bandana ski run below TBR, and panhandle of land west of TBR for extension of public sewer line to Lot 2.	ROS	Twisted Branch Road	REDUS Park City LLC
Parcel G	0.18	Open Space, proposed driveway access to adjacent B2 East Subdivision, and utility easements.	RD	Marsac Avenue and SR 224	REDUS Park City LLC
Parcel H (plat shows Lot 5 and will be changed to Parcel H)	0.30	Open Space and existing paved public trailhead parking area and adjacent sloped bank.	RD	SR 224	REDUS Park City LLC
Twisted Branch Road, a private, gated road	12.79 (12.74 plus SR 224)	Twisted Branch Road- 60' private road, existing pavement and additional land and public utility easements.	RD and ROS	Marsac Avenue/SR 224	REDUS Park City LLC.
SR 224	3.70	State Road- edge of asphalt to center line of ditch (on uphill side of the road).	RD and ROS	Marsac Avenue and Twisted Branch Road	Utah State Route 224 (UDOT) as to use, REDUS Park City as to land

Twisted Branch Subdivision Issues and Frequently Asked Questions (FAQ)

Where is the property located, and what is the zoning?

The lower portion of this proposed subdivision is adjacent to and southeast of the B2

East Subdivision (Pod B-2) approved by City Council in 2017 (**Exhibit F**) and south (uphill) of the Marsac Avenue round-about at the Montage Resort and Northside Village Subdivision (Pod B-1). A portion is adjacent to the western boundary of the amended Red Cloud Subdivision (Pod D). The southern boundary is adjacent to the Wasatch/Summit County line.

A majority of the land is located within the Recreation Open Space (ROS) District. The lower portions of Twisted Branch Road and SR 224, as well as the City water tank and water pump house parcels are located within the Residential Development (RD) District (**Exhibit J**). No changes are proposed to the existing zoning.

Is the property within any approved Master Planned Development (MPD)?

The property is within the Amended Flagstaff Mountain Resort Large Scale Master Planned Development, subject to the March 2007 Amended Flagstaff Annexation and Development Agreement ([Exhibit C- link](#)), associated Technical Reports ([Exhibit D-link](#)), and other recorded agreements.

No portion of the proposed subdivision is located within the small scale MPDs, such as the Mountain Village MPD, the Village at Empire Pass MPD, the Northside Village MPD, the Parcel B-2 Empire Pass MPD or the Red Cloud MPD. The land is part of the Flagstaff Annexation area and is subject to the Annexation Resolution as well as the Amended Agreement.

Are there existing Conservation Easements on this property?

The property is located between two identified conservation easements, namely Conservation Easement West Parcel and Conservation Easement East Parcel (see **Exhibit O**). These are conservation easements placed on much of the ROS zoned portions of the Flagstaff Mountain Annexation area managed by Summit Land Conservancy [link](#). This property is not subject to these recorded conservation easements. Parcel D is proposed as an open space parcel; however, because it is less than 5 acres in area, not contiguous to an existing conservation easement, and is located within a switchback of Twisted Branch Road it is not considered a good candidate for a conservation easement.

Does the plat make changes to existing SR 224 or Twisted Branch Road?

Twisted Branch Road remains a private, gated road. State Route 224 (SR 224) remains a seasonal public road. This plat does not create residential development lots or parcels, and no additional road construction is proposed.

Staff recommends a condition of approval (see Condition #8) that the owner's dedication includes an irrevocable offer to dedicate this road, known as Twisted Branch Road, for public use as a roadway, which shall remain a private roadway until the dedication thereof is accepted by the City.

This is the language on the recorded plat for relocated Marsac Avenue, and is consistent with Section 2.8 (including subsections) of the Amended Agreement ([Exhibit](#)

C). This Section describes the access and alignment of SR 224, requires a private road that the Developer maintains for all season access. The Agreement (Section 2.8.2) also states that “said private road, from the point of departure from SR 224 to the Summit/Wasatch line may be converted to a public road, in which event existing SR 224 from said point of departure to the county line shall no longer be used as a public road. Additionally, the Amended Agreement states in Section 2.8.3 that the Developer shall support and shall not undermine seasonal closure of realigned SR 224 and shall control motorized vehicular access from SR 224 to the private road system to prevent vehicular through traffic. Staff recommends adding these references to the plat as required plat notes.

What are the existing and proposed uses?

See **Table 1** above for existing and proposed uses, size, zoning, access and current ownership. All uses are subject to zoning district requirements, the Amended Agreement and associated Exhibits, technical reports and recorded agreements. No residential or commercial development density or Unit Equivalents (UE) are allocated or assigned to any of the lots or parcels within this subdivision.

Applicant requests that Lot 2 and Parcel C be designated to accept excavated soil and material from Flagstaff Development sites, to replace the Daly West site which is no longer available (**see Exhibit N- grading exhibit for Lot 2**), subject to approval of the amended CMP (described below). Fill would only be approved to the extent that the final slope and surface of the Lot matches contours of the adjacent property in a natural and unobtrusive manner.

The applicant requests a plat note that allows building height for the restaurant on Lot 2 to be measured from final grade following placement of excavated material, as described in Exhibit N. This would allow access from Lot 2 to the adjacent ski run, as Lot 2 is a hollow. Final location of building and building height will be reviewed and approved by the Planning Commission, at the time of CUP application for the private on- mountain restaurant. The property is within a Large Scale MPD and compliance with the review criteria for Height exceptions as stated in LMC Chapter 6 is required and noted as a condition of approval and plat note. **Staff requests discussion.**

Are there any historic structures on this property?

Historic structures identified in the Amended Agreement and Technical Reports are not located on this property.

Are there any existing or proposed public trails and trailheads and will they remain?

Public trails and trailheads, as required by the Amended Agreement, are complete (**see Exhibit M**). There are trails located on this property and they are identified on the proposed plat in specific trail easements. A plat note indicates that trails may be relocated with the City's permission (as is necessary for the on-mountain restaurant and soil deposit areas). New trails may be proposed over time. The Guardsman Pass public trailhead parking is located within an easement on Parcel A. A lower public trailhead parking area easement is identified on a separate Parcel H.

Why are the City's water tank and pump station parcels included in this plat?

Two city parcels are located within the boundary of the subdivision. In order to not leave remnant parcels, the applicant agreed to include these parcels. Proposed Lot 3 is developed with a City water tank and access road and proposed Lot 4 is developed with a city water pump station, both currently are described as metes and bounds parcels. The subdivision plat creates platted lots of record for the current uses. These lots will continue to be City owned lots. Additional adjacent REDUS land is incorporated into Lots 3 and 4 to prevent remnant parcels. There is no waste water service provided to Lots 3 or 4 and therefore these lots are designated as non-developable on the plat. These lots have access to platted Marsac and/or SR 224.

Are there any utility issues?

Existing recorded and proposed utility easements are provided based on utility coordination meetings held with service providers and city staff. An aerial photograph overlay of the plat is helpful in visualizing the proposed lots and parcels in relationship to the two roads, existing and proposed utilities and existing adjacent subdivisions (**Exhibit E- existing conditions and Exhibit F – aerial photo overview**). Additional submittal information is included in the following: **Exhibit G- photos, Exhibit H- SBWRD letter, Exhibit I- utility plans, and Exhibit J - zoning map.**

On July 2017, the applicant received approval for a Line Extension Agreement (LEA) by the Snyderville Basin Water Reclamation District (SBWRD) extending a sewer line to Lot 2 via a dedicated Sewer Easement recorded on July 21, 2017 and shown on the B2 East Subdivision plat. SBWRD recommends conditions and plat notes to address their concerns (**Exhibit H- SBWRD letter**). With a recent change in utility plans, a new LEA will be required for Lot 2. Final utility plans for Lot 2 are required to be submitted with the CUP application. Any additional required utility easements, based on final building design and approval, shall be recorded if necessary, prior to issuance of a building permit.

A LEA is required for extension of wastewater service to Lot 1. Such Agreement shall be provided prior to plat recordation or a note shall indicate that wastewater service is not available for this lot. The Owner is responsible for extending the public wastewater system to Lots 1 and 2 according to requirements of the LEAs. Wastewater service is not available for Lots 3 and 4, or Parcels A, B, C, D, E, F, G or H. These lots and parcels are considered undevelopable.

What roads does the existing property and proposed lots have frontage on?

The property has frontage on platted Marsac Avenue; Twisted Branch Road, and State Route 224 (SR 224). Twisted Branch Road is a private, gated road. Proposed lots and parcels have access to Marsac, Twisted Branch Road and/or SR 224.

Are there any proposed changes to existing roads, uses or access control gates?

The plat identifies Twisted Branch Road as a private road. Twisted Branch Road remains a private gated road maintained by the Empire Pass Master Owners

Association. No changes are proposed to the layout of existing roads. The existing roads provide access in compliance with the Amended Development Agreement (see above). March 12, 2004, Maintenance Agreement intended to be a covenant running with the land and binding upon the successors of the Owners that memorializes the undertaking and agreement of the Master Association to cause to be maintained at all times the public infrastructure with the Flagstaff Development, with the costs and expenses of such maintenance and repair to be paid for by the Master Association and the Sub-Associations formed within the Flagstaff Development as provided in the Master Declaration.

Is an access protection easement required to limit access to this property from adjacent property?

No additional access protection easements are required as the City owns the adjacent property in Wasatch County. There is already such an easement along the Red Cloud parcel adjacent to Wasatch County. Additional easements would be redundant. The subdivision abuts platted subdivisions and conservation easements on the east and west. An exception being a metes and bounds parcel adjacent to Lot 2 that was recently quit claimed to Deer Valley Resort by the applicant.

Does the subdivision plat comply with development regulations and density identified in the Amended Agreement? Is this property subject to any approved MPDs?

The plat complies with development regulations and density as identified in the Amended Agreement and the LMC (see below). The private road was constructed and gated per the Agreement, and the subdivision plat does not change how the roads are accessed or used. The proposed lots and parcels are assigned no residential or commercial development density.

None of the land subject to this proposed subdivision plat is located within the Village at Empire Pass MPD, the Northside Village MPD, Pod B-2 MPD or the Red Cloud MPD.

The private, Beano Style, on-mountain restaurant identified for Lot 2 is described in Section 2.6 of the Amended Agreement and may be between 7,000 and 10,000 sf in floor area for use by the HOA and members of the private Empire Club. Approval of a CUP by the Planning Commission is required prior to issuance of building permits. Resort Accessory Uses, as accessory to the Empire Club located within Pod A, are permitted on Lot 1 subject to ROS zoning regulations and the Amended Agreement. Lots 3 and 4 contain existing utility and municipal uses.

Land Management Code (LMC) Compliance

The subdivision plat has been reviewed for compliance with lot and site requirements of the RD and ROS Zoning Districts described in the table below:

	RD Zoning District/Amended Agreement Requirements	ROS Zoning District/Amended Agreement Requirements
Lot Size	No minimum lot size. See Table 1 above. Complies.	No minimum lot size. See Table 1 above. Complies.

Uses	See Table 1. Complies. No residential or commercial units or UE are proposed for any of the lots or parcels.	See Table 1. Complies. No residential units or UE are proposed for any of the lots or parcels. A 7,000 to 10,000 sf private on-mountain restaurant on Lot 2 is allowed by the Amended Agreement subject to CUP approval by the Planning Commission.
Perimeter setbacks	Amended Agreement requires perimeter setbacks of 25', unless exceptions are approved by the Planning Commission at the time of the plat approval. No setback exceptions requested.	Amended Agreement requires perimeter setbacks of 25', unless exceptions are approved by the Planning Commission at the time of the plat approval. Lot 1 is on the perimeter of the MPD. No setback exceptions requested.
Front yard setbacks	LMC requires a minimum of 25 feet to front facing garages, 20 feet to the building (LMC exceptions apply). Reviewed at time of CUP and building permits.	LMC requires a minimum of 25 feet from all property lines (LMC exceptions apply). Reviewed at time of CUP and building permits.
Rear yard setbacks	LMC requires a minimum of 15 feet (LMC exceptions apply). Reviewed at time of CUP and building permits.	LMC requires a minimum of 25 feet from all property lines (LMC exceptions for accessory uses, etc. apply). Reviewed at time of CUP and building permits.
Side yard setbacks	LMC requires a minimum of 12 feet (LMC exceptions apply). Reviewed at time of CUP and building permits.	LMC requires a minimum of 25 feet from all property lines (LMC exceptions for accessory uses, etc. apply). Reviewed at time of CUP and building permit.
Building Height and Volumetric	LMC allows 28' and an additional 5' for a pitched roof (minimum of 4:12 roof pitch required for the exception).	LMC allows 28' and an additional 5' for a pitched roof (minimum of 4:12 roof pitch required for the exception). Building height for Lot 2 is requested to be measured from the grade following placement of excavated material, with final location of building and height to be reviewed and approved by the Planning Commission, at the time of the CUP for the on- mountain restaurant for compliance with the height exception criteria of LMC Chapter 6, as the property is part of a large scale MPD. Height not to exceed the change. See condition of approval 9o.
Architectural Design	All construction is subject to Village at Empire Pass Design Review Board approval with review conducted prior to approval of CUPs and Building Permits.	All construction is subject to Village at Empire Pass Design Review Board approval with review conducted prior to approval of CUPs and Building Permits.

As conditioned, this application meets requirements of Section 15-7 of the Park City Land Management Code regarding subdivisions and the proposed plat complies with requirements for lot, parcel and street layout, lot and parcel descriptions, access and utility easements, roads, and road dedications. See conditions of approval 8 and 9u for additional language consistent with Section 2.8 of the Amended Agreement.

A utility plan (**Exhibit I**) was reviewed by the City Engineer, Department of Public Utilities, and SBWRD and found to be consistent with the proposed plat and utility requirements. Specific utility plans for Lots 1 and 2 will be submitted with any CUP applications for future uses.

Request to waive requirement of a Preliminary Plat (**Staff requests discussion**)

The proposed plat includes four (4) platted lots of record, two (2) of which result from City owned parcels located within the boundaries of this plat. The Applicant agreed to include the City property, after the initial submittal was reviewed. The initial submittal included two (2) lots of record. Additionally, there are eight (8) proposed platted undevelopable open space parcels. Subdivision plats with three (3) or fewer lots are considered Minor Subdivisions if no additional roads or extension of public utilities are proposed. Minor Subdivisions are typically reviewed as final subdivisions without initial review as a preliminary plat.

Per the LMC, the Planning Commission may waive one or more steps in the approval process by allowing the Applicant to combine requirements of the Preliminary Plat and Final Subdivision Plat into a single submittal. As this plat has no residential or commercial development parcels, no additional road construction is proposed, and the extension of sewer and water requested to Lots 1 and 2 has been coordinated by these service providers and the City, with easements identified on the plat, **Staff recommends the Commission consider waiving the Preliminary Plat step for this subdivision application.**

Construction Mitigation Plan (**Staff requests discussion**)

Site specific Construction Mitigation Plans are required by the Amended Agreement to be submitted with CUP applications and in advance of issuing Building Permits. These plans are required to be consistent with Exhibit 15 to the Development Agreement, namely the Construction Mitigation Plan (CMP) for Flagstaff Mountain Resort, originally approved in May 2001 with revisions adopted in April of 2005.

According to the CMP “the primary goal and objective of the CMP is to identify and mitigate the impacts of infrastructure construction associated with the Resort, adhering to the standard Park City required construction impact mitigation measures along with additional site-specific mitigation measures required by the Development Agreement”

The CMP includes sections on the scope of infrastructure construction, construction impacts and mitigation measures, construction phasing, and construction mitigation plan management.

The Applicant requests the Planning Commission consider and accept a proposed Addendum to the Construction Mitigation Plan technical report, also known as Exhibit 15 to the Development Agreement (see Exhibit P). The Applicant requests the addendum in order to better address three primary issues. The first is to identify additional “tipping sites” for depositing and/or storage of clean excavated soils from within the Annexation Area. The second is to allow the use of Marsac Avenue for

construction vehicle routing and the third is to address construction issues more specific to development sites than infrastructure.

Currently the CMP identifies Daly West as a primary site for depositing and storage of clean excavated soils from within the Annexation Area. This site has been developed with the Montage Resort, the Empire Day Lodge and is the location of a future second phase of condominium development, recently platted as the B2 East Subdivision. Additionally, the Ontario #3 Mine Building Complex (Mine Bench) is also identified for long-term storage of construction materials.

The proposed Addendum lists the following locations as tipping sites, specifically for clean, excavated soils, subject to grading permits and property owner approval:

- Proposed Twisted Branch Subdivision Lot 2 ("Hot Creek")
- Proposed Twisted Branch Subdivision Parcel C
- VEPN Lot 1 (Marsac Horseshoe)
- Period No. 1 Mining Claim – MS 6567
- Period No. 5 Mining Claim – MS 6567
- O.K. Mining Claim – MS 5929
- L.E. Mining Claim - MS 5930
- Deer Valley Ski Runs

Additionally the current CMP calls out the use of Royal Street for construction vehicle routing. With improvements made to Marsac Avenue, including lane additions and construction of the emergency truck ramp, the applicant is requesting an amendment to the CMP to allow construction traffic to use Marsac Avenue rather than Royal Street.

The third issue addressed by this proposed addendum includes more specific language regarding construction access, contractor parking, construction staging, handling of excavated materials, construction waste and trash management, and recycling of construction materials as these relate to the construction and development of the remaining residential sites, including condominiums, townhouses, PUD style units and remaining single family lots at Banner Wood and Red Cloud Subdivisions.

Amending the Construction Mitigation Plan requires a separate motion and vote by the Planning Commission. At the time of final action on the subdivision plat, staff will provide language for a separate motion on this item.

Good Cause

Staff finds good cause for this subdivision plat as it is consistent with the Land Management Code and as conditioned, complies with the Amended Agreement, Exhibits and associated technical reports. The proposed subdivision plat provides platted lots of record for existing uses and uses stipulated in the Amended Agreement; plats utility, snow storage, trails, trailheads and access easements; identifies non-development open space parcels; and addresses issues identified in the Amended Agreement regarding Twisted Branch Road, a private road, and SR 224.

Department Review

This application has gone through an interdepartmental review. Issues raised at the review have been addressed with revisions to the plat and conditions of approval.

Notice

On March 13, 2018, the property was posted and notices were mailed to property owners within 300 feet. On March 9th and May 7th, legal notice was published in the Park Record and the Utah Public Notice and City websites. On April 12th and May 25th the property was reposted.

Public Input

On March 28, 2018, the Planning Commission conducted a public hearing and continued this item to April 11th. On April 11th the Planning Commission conducted a public hearing and continued the hearing to May 9th. This item was subsequently continued to June 13th following a public hearing. No public input was received. Staff met with a Wasatch County property owner to go over the application and answer questions about the plat.

Alternatives

- The Planning Commission may forward a positive recommendation to City Council to approve the subdivision plat, as conditioned or amended, or
- The Planning Commission may forward a negative recommendation to deny the subdivision plat and direct staff to make Findings for this decision, or
- The Planning Commission may continue the discussion to a date certain and provide Staff and the applicant with direction regarding additional information needed in order to make a recommendation to City Council. **Staff recommends this option.**

Significant Impacts

There are no significant fiscal or environmental impacts from this application that have not been mitigated by conditions of approval.

Recommendation

Staff recommends the Planning Commission conduct a public hearing, review the application and draft findings of fact and conditions of approval, and continue the public hearing to July 11, 2018. Staff requests discussion on specific items outlined above.

Exhibits

Draft Ordinance

Exhibit A – Proposed subdivision plat

Exhibit B – Applicant letter

Exhibit C – Flagstaff Development Agreement (2007) sections [\(link\)](#)

Exhibit D – Technical Reports [\(link\)](#)

Exhibit E – Existing conditions and topographic survey

Exhibit F – Aerial photo overview

Exhibit G – Photos

Exhibit H– SBWRD letter

Exhibit I – Utility Plans signed

Exhibit J – Zoning map of area
Exhibit K – Metes and Bounds parcels- County Recorder plat
Exhibit L – March 12, 2004 [Maintenance Agreement \(link\)](#)
Exhibit M – Existing public trails in the Twisted Branch Road area
Exhibit N – Grading exhibit for Lot 2 and Parcel C for soil depository
Exhibit O – Surrounding property and Conservation Easements
Exhibit P – Proposed Addendum to Construction Mitigation Plan

DRAFT Ordinance 18-XX

AN ORDINANCE APPROVING THE TWISTED BRANCH SUBDIVISION, LOCATED WITHIN THE FLAGSTAFF ANNEXATION AND DEVELOPMENT AREA IN PARK CITY, UTAH.

WHEREAS, owners of the property known as Twisted Branch Subdivision, located in Park City, Utah, have petitioned the City Council for approval of a final subdivision plat; and

WHEREAS, legal notice of the public hearing was published in the Park Record and on the Utah Public Notice website on March 9, 2018, and the property was posted on March 13, 2018, according to the requirements of the Land Management Code. On April 12th and May 25th, 2018 the property was reposted due to continuations; and

WHEREAS, courtesy notice was sent to surrounding property owners on March 13, 2018, according to requirements of the Land Management Code; and

WHEREAS, the Planning Commission held public hearings on March 28th, April 11th, and May 9th and 23rd, 2018, to receive input on the proposed subdivision plat; and

WHEREAS, the Planning Commission, on June 13, 2018 conducted a public hearing and forwarded a recommendation to the City Council; and,

WHEREAS, on July __ 2018, City Council held a public hearing on the subdivision plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Twisted Branch Subdivision plat in that this subdivision plat is intended to comply with the Park City Land Management Code and the Amended Flagstaff Development Agreement, including all Exhibits, Technical Reports and other recorded agreements. This subdivision plat is also intended to maintain status quo in terms of the use of Twisted Branch Road, a private road, and SR 224, a State Route maintained by UDOT and to include conditions consistent with the Amended Agreement.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The subdivision plat as shown in Exhibit A is approved subject to the following findings of fact, conclusions of law, and conditions of approval:

DRAFT Findings of Fact

1. The property is located within the Flagstaff Annexation area south and east of the B2East Subdivision and north of the Summit/Wasatch County line. The property includes metes and bounds described parcels that contain Guardsman Pass Road

- and Twisted Branch Road and adjacent property (Parcel 1), and a city water tank (Parcel 2).
2. The following parcels are subject to this subdivision plat: REDUS parcels are PCA-S-98-SD-1, PCA-S-98-SD-3 and PCA-S-98-SD-9. City parcels are PCA-S-98-II-X. Total plat area is approximately 54.6 acres.
 3. Zoning of the property is Residential Development (RD) and Recreation Open Space (ROS).
 4. On June 24, 1999, Council adopted [Ordinance 99-30](#) and [Resolution 20-99](#) approving the annexation and development agreement for the Flagstaff Mountain area.
 5. Resolution 20-99 granted the equivalent of a “large-scale” Master Planned Development (MPD) and set forth the types and locations of land use, maximum densities, timing of development, development approval process, as well as development conditions and amenities for each parcel.
 6. The Flagstaff Development Agreement was subsequently amended and recorded in March of 2007 and is referred to as the Amended Agreement.
 7. The property is also subject to the March 12, 2004, Maintenance Agreement intended to be a covenant running with the land and binding upon the successors of the Owners that memorializes the undertaking and agreement of the Master Association to cause to be maintained at all times the public infrastructure with the Flagstaff Development, with the costs and expenses of such maintenance and repair to be paid for by the Master Association and the Sub-Associations formed within the Flagstaff Development as provided in the Master Declaration.
 8. The Amended Agreement specifies that a total of 87 acres, within three development Pods (A, B1 and B2), of the 1,750 acres of annexation property may be developed for the Mountain Village. Subsequent approvals occurred for sub area Master Plans, such as the Village at Empire Pass MPD, the POD B-2 Empire Pass MPD, and the Red Cloud MPD.
 9. The lands subject to the Twisted Branch Subdivision are not located within the Mountain Village, the Village at Empire Pass MPD, the Northside Village MPD, the POD B-2 Empire Pass MPD, or the Red Cloud MPD. The property has no assigned residential or commercial density in terms of units or unit equivalents (UE).
 10. The lands within the Twisted Branch Subdivision are adjacent to B2 East Subdivision, Northside Village Subdivision and Red Cloud Subdivision but are not part of these or any other approved or recorded subdivisions.
 11. This subdivision plat does not create remnant un-platted parcels of land under common ownership.
 12. Section 2.6 of the Amended Agreement allows for development of an on-mountain private restaurant, identified as a “Beano Style” restaurant ranging in size from 7,000 sf to 10,000 sf within this property, subject to approval of a CUP by the Planning Commission.
 13. The proposed Twisted Branch Subdivision plat creates four (4) lots of record (2 of which are City owned parcels the Applicant agreed to include in this subdivision rather than leave as exception parcels) and eight (8) open space parcels of record from several metes and bounds described parcels. At its discretion, the Planning Commission may waive one or more of the steps in the approval process by allowing

the Applicant to combine the requirements of the Preliminary Plat and final Subdivision Plat into a single submittal.

14. Lot 1 is proposed specifically for Resort Accessory Uses, such as a private warming yurt specifically as an accessory use for the Empire Club located within Pod A. Lot 1 includes an access easement for PCMC.
15. Lot 2 is proposed as the location of an on-mountain private restaurant described by Section 2.6 of the Amended Agreement and provides sewer service access for Lot 2 from the main.
16. Lot 3 contains a city water tank and access road.
17. Lot 4 contains a city water pump station.
18. A Conditional Use Permit (CUP) was approved on February 13, 2008, for the private, Beano's Style, on-mountain restaurant, as described in Section 2.6 of the Amended Agreement, in the location of Lot 2 with a condition that a platted lot was required prior to issuance of a building permit. In 2009, a one year extension of the CUP approval was granted to allow time for the applicant to apply for a subdivision plat and receive a building permit.
19. The CUP expired in 2010 and a new CUP application and Planning Commission approval is required prior to issuance of a building permit for the private restaurant.
20. Parcel A is proposed for open space land adjacent to SR 224, public trail head parking and access.
21. Parcel B is proposed for open space land adjacent to SR 224.
22. Parcel C is proposed for open space and as a tipping site for clean fill from the Annexation Area, subject to approval of the amended CMP, and future ski resort uses.
23. Parcel D is proposed as open space and contains the winter snowmobile by-pass route.
24. Parcel E is open space and the location of existing Bandana ski run above Twisted Branch Road.
25. Parcel F is open space and the location of existing Bandana ski run below Twisted Branch Road, and includes the panhandle of land west of Twisted Branch Road for extension of public sewer line to Lot 2.
26. Parcel G is open space and also proposed for secondary driveway access to adjacent B2 East Subdivision.
27. Parcel H is a separate parcel for the existing paved public trailhead parking adjacent to SR 224 and the City's water tank Lot 3.
28. Twisted Branch Road, including existing pavement, adjacent land, and retaining walls and bridges, is identified as a private, gated road.
29. State Route 224 (SR 224) is shown on the plat as the existing road from edge of asphalt to centerline of ditch (on the uphill side of the road). State Route 224 (SR 224) remains a seasonal public road.
30. Parcels A, B, C, D, E, F, G and H are non-developable open space parcels and have no allocated or assigned residential or commercial density from the Amended Agreement.
31. Lots 1 and 2 have frontage on Twisted Branch Road, an existing private road. Lots 3 and 4 have frontage on platted Marsac Avenue and/or SR 224. Lot 3 has an access easement to Marsac Avenue.

32. A Line Extension Agreement approval letter for Lot 2 was issued by SBWRD in July 2017 extending a sewer line to Lot 2 via a dedicated Sewer Easement recorded on July 21, 2017 and is shown on the B2 East Subdivision plat.
33. Final utility plans are required to be submitted with Conditional Use Permits based on the proposed configuration of buildings. Any additional required utility easements, based on final building design and approval, shall be recorded prior to issuance of a building permit.
34. A SBWRD Line Extension Agreement is required for extension of wastewater service to Lot 1 for a permanent warming yurt or other accessory resort uses.
35. All existing and required easements will be shown on the plat prior to recordation, including utilities, storm drainage, access, trails, snow storage, etc.
36. No changes are proposed to existing road alignment or uses with this plat. Twisted Branch Road will continue to be a private gated road, maintained by the Master Association, and is subject to Section 2.8 of the Amended Agreement.
37. The applicant requests that Parcel C and Lot 2 be allowed to accept excavated material (clean materials) from the Flagstaff Development lots within the Annexation Area, subject to approval of an amended Construction Mitigation Plan.
38. The applicant requests that building height for Lot 2 to be measured from existing grade, following placement of excavated material, in order to bring the grade up to meet the adjacent ski run. This will allow ski in and ski out access to the restaurant from the adjacent ski run.
39. The final plat is required to be approved and signed by the Snyderville Basin Water Reclamation District prior to recordation to ensure that requirements of the District are addressed.
40. Snow storage area is necessary along public and private streets and rights-of-way due to the possibility of large amounts of snowfall in this location.
41. Requirements of the Amended Agreement will be reviewed and verified for compliance during the Conditional Use Permit application review for development of the "Beano Style" private, on-mountain restaurant on Lot 2 and for administrative CUP applications for Lot 1.
42. The property subject to this subdivision plat is located between two identified conservation easements, namely Conservation Easement West Parcel and Conservation Easement East Parcel. These are conservation easements placed on much of the ROS zoned portions of the Flagstaff Mountain Annexation area. This property is not subject to an existing conservation easement.
43. Existing and proposed uses of the ROS zoned portions of this subdivision plat include ski trails, ski lifts and bridges, private on-mountain restaurant, roads, retaining walls, utility installations, drainage facilities, city water tank and pump station, parking areas, trail heads, trails, warming hut, etc.
44. Findings within the Analysis section are incorporated herein as findings of fact.

Conclusions of Law

1. The subdivision plat, as conditioned, complies with Land Management Code Chapter 7.
2. The subdivision plat, as conditioned, is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.

3. The subdivision plat, as conditioned, is consistent with the Flagstaff Development Agreement and associated documents and agreements.
4. Neither the public nor any person will be materially injured as a result of approval of the proposed subdivision plat as conditioned.
5. Approval of the subdivision plat, subject to the conditions stated herein, will not adversely affect the health, safety and welfare of the citizens of Park City.

DRAFT Conditions of Approval

1. The City Attorney and City Engineer will review and approve the final form and content of the subdivision plat for compliance with State law, the Land Management Code, the Amended Agreement and these conditions of approval, prior to recordation of the plat.
2. The applicant will record the 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 will be void unless a written request for an extension is submitted to the City prior to the expiration date and the City Council grants an extension.
3. Non-exclusive public utility easements shall be indicated on the plat prior to recordation as approved by the City Engineer and SBWRD and consistent with the utility plan, including drainage easements. All existing recorded easements and agreements shall be referenced on the plat, including entry number, book and page.
4. A financial guarantee, in a form and amount acceptable to the City and in conformance with these conditions of approvals, for the value of any required public improvements, such as water, sewer, landscaping, fire hydrants, etc. shall be provided to the City prior to building permit issuance for new construction. All public improvements shall be completed according to City standards prior to release of this guarantee. Ten percent of the bond shall be held by the City for the warranty period and until such improvements are accepted by the City.
5. A SBWRD Line Extension Agreement is required for extension of wastewater service to Lot 1 and 2. Such Agreement shall be provided prior to plat recordation.
6. The Owner shall be responsible for extending the public wastewater system to Lots 1 and 2 according to requirements of the Line Extension Agreements.
7. All approved public trails, consistent with the Amended Development Agreement and the Park City Master Trails Plan, shall be shown on the plat.
8. Prior to recordation of this plat, the owner's dedication language for Parcel 1 (REDUS, Park City) shall state that as Owner of the parcel identified on this plat as Parcel 1, hereby irrevocably offers to dedicate the road, known as Twisted Branch Road, for public use as a roadway, which shall remain a private roadway until the dedication thereof is accepted by the City.
9. The recorded plat shall include, but is not limited to, the following plat notes:
 - a. This plat is subject to the conditions of approval in Ordinance 2018-xx.
 - b. Conditional use permit approval is required prior to issuance of building permits for the on-mountain private restaurant on Lot 2. No building permits shall be issued until all necessary utility easements are recorded. A construction mitigation plan, landscape and irrigation plan, grading and

storm water plan, and a limit of disturbance plan shall be submitted with the conditional use permit application and in advance of issuing any building permits.

- c. All applicable conditions, regulations, requirements, and stipulations of the Amended and Restated Development Agreement for Flagstaff Mountain, Bonanza Flats, Richardson Flats, The 20-Acre Quinn's Junction Parcel, and Iron Mountain (recorded at Summit County on March 2, 2007, as Entry No. 0086100 in Book 1850, Page 1897 ("the Amended Development Agreement"), and associated technical reports, and including the March 12, 2004 Maintenance Agreement, continue to apply.
- d. All existing and required easements, based on review by the City Engineer, Department of Public Utilities and SBWRD will be shown and recorded on the plat, including utilities, storm drainage, access (public, utility and emergency), snow storage, trails and trailhead parking, etc. Utility structures such as ground sleeves and transformers and other dry utility boxes must be located on the lots and not within public right of way.
- e. A fire protection and emergency access plan shall be submitted and approved by the Park City Fire District prior to the issuance of any building permits for this phase. The fire protection and emergency access plan shall include any required fire sprinkler systems and landscaping restrictions within the Wild land interface zones as required by the Chief Building Official.
- f. Wastewater service to Lots 1 and 2 will be provided by the Snyderville Basin Water Reclamation District, according to approved Line Extension Agreements.
- g. Wastewater service is not available for Lots 3 and 4 or for Parcels A, B, C, D, E, F, G and H. Structures requiring wastewater service may not be constructed on lots and parcels without approved Line Extension Agreements.
- h. The property is located within a water source protection zone. All sewer construction must comply with State of Utah drinking water regulations.
- i. This development is part of a common plan development and a MS4 storm water permit is required for all land disturbance activities for each separate phase of construction, prior to building permit issuance.
- j. Public safety access and public utility easements are hereby dedicated for all public and private roadways and emergency access roads.
- k. Trees, structures and retaining walls shall not be located within SBWRD easements.
- l. Twisted Branch Road is a private road operated, maintained and repaired by the Master Owners Association for the use and benefit of the owners of property in Empire Pass at Deer Valley in accordance with the Master Declaration. All required access control gates shall remain in place as required by the Amended Agreement, unless such Agreement is amended by the City Council in the future.

- m. A ten foot (10') wide snow storage easement is hereby dedicated to the Empire Pass Master Owners Association along the frontage of all lots and parcels and shall be shown on the plat.
- n. No residential or commercial density (units or unit equivalents) are assigned or allocated to any of the Lots or Parcels of this plat. A private, Beano Style, on-mountain restaurant is allowed on Lot 2, as further described in the Amended Agreement (Section 2.6), subject to approval of a Conditional Use Permit.
- o. Planning Commission may allow building height for Lot 2 to be measured from final grade following placement of excavated material and re-grading of the site to tie into existing grade of the adjacent ski run. Fill will be approved only to the extent that final slope and surface of the Lot matches contours of the adjacent property in a natural and unobtrusive manner. Final building height shall be determined by the Planning Commission during review of the Conditional Use Permit and shall be based on height exception review criteria in LMC Chapter 6, site specific review, a visual analysis, and substantial compliance with the grading plan exhibit reviewed by the Planning Commission during review of this subdivision plat.
- p. A grading permit and grading plans, that are substantially consistent with the grading plan exhibit reviewed during the subdivision plat approval, are required prior to depositing clean excavated soil from the Annexation Area, on Lot 2 and Parcel C.
- q. Uses on Lot 1 are restricted to Resort Accessory Uses associated with the Empire Club, located within Pod A, as permitted by the Amended Agreement, and subject to an Administrative Conditional Use Permit.
- r. Existing public trails are agreed, by the recording of this plat, to be within ten (10') foot public trail easements and are subject to reasonable relocation by the Owner with approvals by the City.
- s. A public trailhead parking easement is hereby established on Parcels A and H, as shown on the plat.
- t. Prior to placement of clean fill on Lot 2 and/or Parcel C, the Owner shall relocate trails impacted by proposed grading and construction. Trail closures shall be avoided to the greatest extent possible during the peak season.
- u. Section 2.8 of the Amended Agreement shall apply unless further amended by the City Council. Amended Agreement (Section 2.8.2) states that "said private road, from the point of departure from SR 224 to the Summit/Wasatch line may be converted to a public road, in which event existing SR 224 from said point of departure to the county line shall no longer be used as a public road". Additionally, Amended Agreement states in Section 2.8.3 that "the Developer shall support and shall not undermine seasonal closure of realigned SR 224 and shall control motorized vehicular access from SR 224 to the private road system to prevent vehicular through traffic".

The exact language of the plat notes shall be finalized by the City's Legal Department prior to Mylar signature by the City Attorney. The City Engineer may add other typical plat notes.

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

PASSED AND ADOPTED this _____ day of July, 2018.

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, Mayor

ATTEST:

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Exhibits

Exhibit A – Proposed subdivision plat

BOUNDARY DESCRIPTION

PARCEL 1

A parcel of land located in the west half of Section 28, the southeast quarter of Section 29, the northeast quarter of Section 32 and the northwest quarter of Section 33, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point that is North 00°30'49" West 533.19 feet coincident with the section line and West 96.22' from a 3-1/4" aluminum cap and pipe at the southwest quarter of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also being on the boundary of the Conservation Easement West Parcel, recorded January 7, 2003, as Entry No. 643760; and running thence South 51°56'51" East 407.89 feet; thence North 40°22'26" East 209.96 feet to a point on a non tangent curve to the right having a radius of 4550.00 feet, of which the radius point bears South 81°20'20" East; thence northerly along the arc of said curve 583.85 feet through a central angle of 0°27'15"; thence North 02°06'34" West 580.60 feet to the easterly boundary of said Conservation Easement West Parcel; thence coincident with the Conservation Easement West Parcel North 02°06'34" West 136.35 feet to the southerly boundary of Tract D in that certain Sheriff's Deed, recorded December 30, 2015, as Entry No. 1035997; thence coincident with said Tract D the following line (10) courses: 1) South 47°17'14" East 218.22 feet; thence 2) North 36°44'43" East 144.31 feet to a point on a non tangent curve to the left having a radius of 550.00 feet, of which the radius point bears South 28°39'31" West; thence 3) northerly along the arc of said curve 4.79 feet through a central angle of 0°03'45" to a point on a non tangent curve to the left having a radius of 550.00 feet, of which the radius point bears South 88°03'42" West; thence 4) northerly along the arc of said curve 229.98 feet through a central angle of 22°00'32"; thence 5) North 24°02'49" West 418.18 feet to a point on a curve to the right having a radius of 85.00 feet, of which the radius point bears North 65°57'11" East; thence 6) along the arc of said curve 129.33 feet through a central angle of 0°54'58" to a point of reverse curve to the left having a radius of 30.00 feet, of which the radius point bears North 20°07'52" West; thence 7) northeasterly along the arc of said curve 35.43 feet through a central angle of 67°39'38"; thence 8) North 02°12'30" East 119.72 feet to a point on a curve to the right having a radius of 525.00 feet, of which the radius point bears South 87°47'30" East; thence 9) along the arc of said curve 44.31 feet through a central angle of 04°50'10"; thence 10) North 55°35'18" West 101.33 feet to a point on Marston Avenue Right Of Way, recorded June 28, 2002, as Entry No. 623451 in the Office of the Recorder, Summit County, Utah; thence coincident with said Marston Avenue Right Of Way the following eighteen (18) courses: 1) North 55°35'45" East 12.79 feet to a point on a curve to the left having a radius of 190.00 feet, of which the radius point bears North 34°26'15" West; thence 2) along the arc of said curve 124.38 feet through a central angle of 37°30'27"; thence 3) North 18°03'18" East 52.52 feet to a point on a curve to the right having a radius of 25.00 feet, of which the radius point bears South 71°56'42" East; thence 4) along the arc of said curve 81.86 feet through a central angle of 37°30'27"; thence 5) South 45°55'18" West 12.79 feet to a point on a curve to the left having a radius of 575.00 feet, of which the radius point bears North 64°06'13" West; thence 6) westerly along the arc of said curve 245.88 feet through a central angle of 187°50'29"; thence 7) South 10°03'18" West 52.52 feet to a point on a curve to the right having a radius of 140.00 feet, of which the radius point bears North 71°56'42" East; thence 8) along the arc of said curve 81.86 feet through a central angle of 37°30'27"; thence 9) South 45°55'18" West 12.79 feet to a point on a curve to the left having a radius of 575.00 feet, of which the radius point bears North 64°06'13" West; thence 10) along the arc of said curve 369.14 feet through a central angle of 38°40'34"; thence 11) South 16°47'11" East 58.03 feet to a point on a curve to the right having a radius of 50.00 feet, of which the radius point bears North 73°12'48" West; thence 12) along the arc of said curve 49.57 feet through a central angle of 56°48'04" to a point of compound curve to the right having a radius of 15.00 feet, of which the radius point bears North 10°24'45" West; thence 13) westerly along the arc of said curve 18.82 feet through a central angle of 75°41'47" to a point on a non tangent curve to the left having a radius of 80.00 feet, of which the radius point bears South 59°17'02" West; thence 14) northeasterly along the arc of said curve 8.38 feet through a central angle of 08°00'06" to a point of reverse curve to the right having a radius of 25.00 feet, of which the radius point bears North 52°18'56" East; thence 15) northerly along the arc of said curve 33.17 feet through a central angle of 76°01'13" to a point of reverse curve to the left having a radius of 225.00 feet, of which the radius point bears North 50°42'01" East; thence 16) northerly along the arc of said curve 92.57 feet through a central angle of 23°34'23"; thence 17) North 15°43'36" East 190.64 feet to a point on a curve to the right having a radius of 925.00 feet, of which the radius point bears South 74°26'24" East; thence 18) along the arc of said curve 42.80 feet through a central angle of 02°30'04" to the southermost corner at that certain Special Warranty Deed, recorded September 16, 2002, as Entry No. 643760; and running thence South 51°56'51" East 407.89 feet; thence North 40°22'26" East 209.96 feet to a point on a non tangent curve to the right having a radius of 500.00 feet, of which the radius point bears North 00°10'23" West; thence coincident with said Special Warranty Deed the following six (6) courses: 1) northeasterly along the arc of said curve 57.31 feet through a central angle of 59°42'06" to a point of reverse curve to the right having a radius of 500.00 feet, of which the radius point bears North 65°52'29" East; thence 2) northeasterly along the arc of said curve 181.05 feet through a central angle of 187°18'18"; thence 3) North 40°44'40" East 48.30 feet to a point on a curve to the left having a radius of 665.00 feet, of which the radius point bears North 47°25'11" West; thence 4) northeasterly along the arc of said curve 180.58 feet through a central angle of 153°30'31"; thence 5) North 27°01'18" East 140.90 feet to a point on a curve to the right having a radius of 485.00 feet, of which the radius point bears South 62°50'43" East; thence 6) northeasterly along the arc of said curve 184.98 feet through a central angle of 21°31'14"; thence 7) North 26°39'22" East 23.86 feet to the southeasterly boundary of the certain Quitclaim Deed, recorded August 16, 2001, as Entry No. 595879; thence coincident with said Quitclaim Deed the following four (4) courses: 1) South 63°20'06" East 40.00 feet; thence 2) North 26°39'22" East 60.00 feet; thence 3) North 63°20'06" West 40.00 feet; thence 4) South 26°39'22" West 23.95 feet to the northerly boundary of that certain Special Warranty Deed, recorded September 28, 2002, as Entry No. 633033; thence coincident with said northerly boundary North 43°20'14" West 11.81 feet to a point on the boundary of Northside Village Subdivision, recorded June 28, 2002, as Entry No. 623455; thence coincident with said Northside Village Subdivision the following two (2) courses: 1) North 45°26'40" East 63.69 feet; thence 2) North 31°55'31" East 22.67 feet to the westerly boundary of the Conservation Easement East Parcel recorded January 7, 2003, as Entry No. 643760; thence coincident with said Conservation Easement East Parcel the following twenty-one (21) courses: 1) South 02°31'06" West 408.27 feet; thence 2) South 18°18'11" East 386.11 feet; thence 3) South 08°13'38" East 474.12 feet; thence 4) South 13°15'16" West 306.66 feet; thence 5) South 10°37'50" West 290.14 feet to a point on a non tangent curve to the right having a radius of 375.00 feet, of which the radius point bears North 88°08'53" West; thence 6) southerly along the arc of said curve 49.51 feet through a central angle of 07°33'54"; thence 7) South 05°42'47" West 140.71 feet to a point on a curve to the right having a radius of 131.60 feet; thence 8) South 18°59'26" West 18.18 feet to a point on a curve to the left having a radius of 475.00 feet through a central angle of 13°16'39"; thence 9) South 18°59'26" West 18.18 feet to a point on a curve to the left having a radius of 475.00 feet; thence 10) along the arc of said curve 174.99 feet through a central angle of 21°06'28"; thence 11) South 02°07'02" East 37.85 feet to a point on a curve to the left having a radius of 975.00 feet, of which the radius point bears North 87°52'58" East; thence 12) along the arc of said curve 89.38 feet through a central angle of 05°04'35"; thence 13) South 07°11'37" East 305.69 feet to a point on a curve to the right having a radius of 585.00 feet, of which the radius point bears North 82°48'23" West; thence 14) along the arc of said curve 351.03 feet through a central angle of 34°22'51"; thence 15) South 27°11'13" East 61.73 feet to a point on a curve to the left having a radius of 425.00 feet, of which the radius point bears South 62°48'47" East; thence 16) along the arc of said curve 149.21 feet through a central angle of 20°08'54"; thence 17) South 07°04'18" West 47.66 feet to a point on a curve to the left having a radius of 1475.00 feet, of which the radius point bears North 82°55'41" East; thence 18) along the arc of said curve 35.65 feet through a central angle of 01°23'06"; thence 19) North 59°22'40" East 315.07 feet; thence 20) North 31°12'17" East 108.33 feet; thence 21) North 53°02'42" East 56.69 feet to the westerly boundary of Red Cloud Subdivision, recorded January 27, 2005, as Entry No. 724721; thence along said westerly boundary the following nine (9) courses: 1) South 10°49'09" East 211.51 feet to a point on a curve to the right having a radius of 75.00 feet, of which the radius point bears North 19°19'51" West; thence 2) along the arc of said curve 80.07 feet through a central angle of 81°10'18" to a point of reverse curve to the left having a radius of 215.00 feet, of which the radius point bears South 39°29'53" East; thence 3) along the arc of said curve 150.27 feet through a central angle of 40°02'47"; thence 4) South 10°27'20" West 165.38 feet to a point on a curve to the right having a radius of 625.00 feet, of which the radius point bears North 79°32'40" East; thence 5) along the arc of said curve 80.07 feet through a central angle of 12°14'50" to a point of reverse curve to the left having a radius of 25.00 feet, of which the radius point bears North 43°24'41" East; thence 6) along the arc of said curve 107.22 feet through a central angle of 12°23'58"; thence 8) South 13°43'21" West 50.00 feet to a point on a non tangent curve to the left having a radius of 1275.00 feet, of which the radius point bears North 13°43'21" East; thence 9) along the arc of said curve 108.40 feet through a central angle of 04°32'46" to a point on the Wasatch/Summit County Line; thence coincident with said county line the following two (2) courses: 1) North 82°52'30" West 864.72 feet; thence 2) North 59°43'30" West 110.58 feet to a point on the northerly sideline of Lot 121-Home Station Mining Claim of the Snake Creek Mining District; thence coincident with said Home Station Mining Claim North 58°37'27" East 299.10 feet to a point on the southerly sideline of Mineral Survey 540-Byrson Mining Claim of the Union Mining District; thence coincident with said Byrson Mining Claim the following two (2) courses: 1) South 42°30'00" East 44.50 feet to a point on a 525.00 foot radius curve to the left; thence southerly along the arc of said curve 58.04 feet (chord bears South 16°01'45" West 59.01 feet); thence North 55°36'17" East 64.83 feet to a point on the easterly line of the Marston Avenue Right of Way and on a 190.00 foot radius curve to the left; thence northeasterly along the easterly line of the Marston Avenue Right of Way and the arc of said curve 56.22 feet (chord bears North 35°45'50" East 56.02 feet) to the Point of Beginning.

AND

The description contained in that certain Special Warranty Deed recorded March 22, 2004, as Entry No. 692419 in Book 1806 at Page 820, said parcel being more particularly described as follows:

Beginning at a point that is South 00°30'49" East 2624.03 feet along section line and East 786.96 feet from the west quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, and running thence South 56°00'00" East 194.36 feet; thence South 00°56'05" East 212.31 feet; thence South 37°58'02" West 224.07 feet; thence North 21°18'48" West 36.81 feet to a point on a curve to the left having a radius of 425.00 feet; thence northeasterly along the arc of said curve 93.13 feet (chord bears North 27°35'26" West 92.94 feet); thence North 33°29'05" West 76.51 feet to a point on a curve to the right having a radius of 475.00 feet, of which the radius point bears North 56°07'55" East; thence northeasterly along the arc of said curve 87.59 feet through a central angle of 10°33'54"; thence North 23°18'11" West 58.02 feet; thence North 36°12'33" East 233.66 feet to the point of beginning.

AND

The description contained in that certain Special Warranty Deed recorded March 19, 2004, as Entry No. 692324 in Book 1606 at Page 195, said parcel being more particularly described as follows:

A parcel of land located in the west half of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian.

Beginning at a point that is North 00°30'49" West 97.51 feet along Section Line and East 568.20 feet from the west quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also being on the easterly line of the Marston Avenue Right of Way, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah, recorded June 28, 2002, #623451; and running thence South 55°36'17" East 44.50 feet to a point on a 525.00 foot radius curve to the left; thence southerly along the arc of said curve 58.04 feet (chord bears South 16°01'45" West 59.01 feet); thence North 55°36'17" East 64.83 feet to a point on the easterly line of the Marston Avenue Right of Way and on a 190.00 foot radius curve to the left; thence northeasterly along the easterly line of the Marston Avenue Right of Way and the arc of said curve 56.22 feet (chord bears North 35°45'50" East 56.02 feet) to the Point of Beginning.

The Basis of Bearing for the above description is North 00°30'49" West 2646.88 feet between the southwest corner and the west quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian.

BOUNDARY DESCRIPTION (CONTINUED)

Subject to a 50-foot wide private access and utility easement located in the west half of Section 28, the southeast quarter of Section 29, the northeast quarter of Section 32 and the northwest quarter of Section 33, Township 2 South, Range 4 East, Salt Lake Base and Meridian; said easement being more particularly described as follows:

Beginning at a point that is North 00°30'49" West 157.00 feet coincident with the section line and East 843.05 feet from the west quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian (a 3-1/4" aluminum cap and pipe was set on the section line South 00°30'49" West 12.00 feet from the quarter corner (cellular), said point being on the boundary of Marston Avenue Right of Way, recorded June 28, 2002, as Entry No. 623451 in the office of the recorder, Summit County, Utah; and running thence along Marston Avenue Right of Way South 51°56'51" East 50.00 feet; thence South 29°53'47" West 31.85 feet to a point on a curve to the left having a radius of 475.00 feet, of which the radius point bears South 64°06'13" East; thence along the arc of said curve 196.38 feet through a central angle of 2°34'17"; thence South 02°12'30" West 123.76 feet to a point on a curve to the left having a radius of 375.00 feet, of which the radius point bears South 87°47'30" East; thence along the arc of said curve 59.05 feet through a central angle of 09°01'18"; thence South 75°35'15" West 93.62 feet to a point on a curve to the left having a radius of 30.00 feet, of which the radius point bears South 14°24'45" East; thence along the arc of said curve 52.19 feet through a central angle of 89°30'04"; thence South 24°02'49" East 469.37 feet to a point on a curve to the right having a radius of 525.00 feet, of which the radius point bears South 65°57'11" West; thence along the arc of said curve 428.20 feet through a central angle of 48°43'53" East; thence along the arc of said curve 4.79 feet through a central angle of 0°03'45" to a point of reverse curve to the left having a radius of 550.00 feet, of which the radius point bears South 28°39'31" West; thence 3) northerly along the arc of said curve 229.98 feet through a central angle of 22°00'32"; thence 5) North 24°02'49" West 418.18 feet to a point on a curve to the right having a radius of 85.00 feet, of which the radius point bears North 65°57'11" East; thence 6) along the arc of said curve 129.33 feet through a central angle of 0°54'58" to a point of reverse curve to the left having a radius of 30.00 feet, of which the radius point bears North 20°07'52" West; thence 7) northeasterly along the arc of said curve 35.43 feet through a central angle of 67°39'38"; thence 8) North 02°12'30" East 119.72 feet to a point on a curve to the right having a radius of 525.00 feet, of which the radius point bears South 87°47'30" East; thence 9) along the arc of said curve 44.31 feet through a central angle of 04°50'10"; thence 10) North 55°35'18" West 101.33 feet to a point on Marston Avenue Right Of Way, recorded June 28, 2002, as Entry No. 623451 in the Office of the Recorder, Summit County, Utah; thence coincident with said Marston Avenue Right Of Way the following eighteen (18) courses: 1) North 55°35'45" East 12.79 feet to a point on a curve to the left having a radius of 190.00 feet, of which the radius point bears North 34°26'15" West; thence 2) along the arc of said curve 124.38 feet through a central angle of 37°30'27"; thence 3) North 18°03'18" East 52.52 feet to a point on a curve to the right having a radius of 25.00 feet, of which the radius point bears South 71°56'42" East; thence 4) along the arc of said curve 81.86 feet through a central angle of 37°30'27"; thence 5) South 45°55'18" West 12.79 feet to a point on a curve to the left having a radius of 575.00 feet, of which the radius point bears North 64°06'13" West; thence 6) westerly along the arc of said curve 245.88 feet through a central angle of 187°50'29"; thence 7) South 10°03'18" West 52.52 feet to a point on a curve to the right having a radius of 140.00 feet, of which the radius point bears North 71°56'42" East; thence 8) along the arc of said curve 81.86 feet through a central angle of 37°30'27"; thence 9) South 45°55'18" West 12.79 feet to a point on a curve to the left having a radius of 575.00 feet, of which the radius point bears North 64°06'13" West; thence 10) along the arc of said curve 369.14 feet through a central angle of 38°40'34"; thence 11) South 16°47'11" East 58.03 feet to a point on a curve to the right having a radius of 50.00 feet, of which the radius point bears North 73°12'48" West; thence 12) along the arc of said curve 49.57 feet through a central angle of 56°48'04" to a point of compound curve to the right having a radius of 15.00 feet, of which the radius point bears North 10°24'45" West; thence 13) westerly along the arc of said curve 18.82 feet through a central angle of 75°41'47" to a point on a non tangent curve to the left having a radius of 80.00 feet, of which the radius point bears South 59°17'02" West; thence 14) northeasterly along the arc of said curve 8.38 feet through a central angle of 08°00'06" to a point of reverse curve to the right having a radius of 25.00 feet, of which the radius point bears North 52°18'56" East; thence 15) northerly along the arc of said curve 33.17 feet through a central angle of 76°01'13" to a point of reverse curve to the left having a radius of 225.00 feet, of which the radius point bears North 50°42'01" East; thence 16) northerly along the arc of said curve 92.57 feet through a central angle of 23°34'23"; thence 17) North 15°43'36" East 190.64 feet to a point on a curve to the right having a radius of 925.00 feet, of which the radius point bears South 74°26'24" East; thence 18) along the arc of said curve 42.80 feet through a central angle of 02°30'04" to the southermost corner at that certain Special Warranty Deed, recorded September 16, 2002, as Entry No. 643760; and running thence South 51°56'51" East 407.89 feet; thence North 40°22'26" East 209.96 feet to a point on a non tangent curve to the right having a radius of 500.00 feet, of which the radius point bears North 00°10'23" West; thence coincident with said Special Warranty Deed the following six (6) courses: 1) northeasterly along the arc of said curve 57.31 feet through a central angle of 59°42'06" to a point of reverse curve to the right having a radius of 500.00 feet, of which the radius point bears North 65°52'29" East; thence 2) northeasterly along the arc of said curve 181.05 feet through a central angle of 187°18'18"; thence 3) North 40°44'40" East 48.30 feet to a point on a curve to the left having a radius of 665.00 feet, of which the radius point bears North 47°25'11" West; thence 4) northeasterly along the arc of said curve 180.58 feet through a central angle of 153°30'31"; thence 5) North 27°01'18" East 140.90 feet to a point on a curve to the right having a radius of 485.00 feet, of which the radius point bears South 62°50'43" East; thence 6) northeasterly along the arc of said curve 184.98 feet through a central angle of 21°31'14"; thence 7) North 26°39'22" East 23.86 feet to the southeasterly boundary of the certain Quitclaim Deed, recorded August 16, 2001, as Entry No. 595879; thence coincident with said Quitclaim Deed the following four (4) courses: 1) South 63°20'06" East 40.00 feet; thence 2) North 26°39'22" East 60.00 feet; thence 3) North 63°20'06" West 40.00 feet; thence 4) South 26°39'22" West 23.95 feet to the northerly boundary of that certain Special Warranty Deed, recorded September 28, 2002, as Entry No. 633033; thence coincident with said northerly boundary North 43°20'14" West 11.81 feet to a point on the boundary of Northside Village Subdivision, recorded June 28, 2002, as Entry No. 623455; thence coincident with said Northside Village Subdivision the following two (2) courses: 1) North 45°26'40" East 63.69 feet; thence 2) North 31°55'31" East 22.67 feet to the westerly boundary of the Conservation Easement East Parcel recorded January 7, 2003, as Entry No. 643760; thence coincident with said Conservation Easement East Parcel the following twenty-one (21) courses: 1) South 02°31'06" West 408.27 feet; thence 2) South 18°18'11" East 386.11 feet; thence 3) South 08°13'38" East 474.12 feet; thence 4) South 13°15'16" West 306.66 feet; thence 5) South 10°37'50" West 290.14 feet to a point on a non tangent curve to the right having a radius of 375.00 feet, of which the radius point bears North 88°08'53" West; thence 6) southerly along the arc of said curve 49.51 feet through a central angle of 07°33'54"; thence 7) South 05°42'47" West 140.71 feet to a point on a curve to the right having a radius of 131.60 feet; thence 8) South 18°59'26" West 18.18 feet to a point on a curve to the left having a radius of 475.00 feet through a central angle of 13°16'39"; thence 9) South 18°59'26" West 18.18 feet to a point on a curve to the left having a radius of 475.00 feet; thence 10) along the arc of said curve 174.99 feet through a central angle of 21°06'28"; thence 11) South 02°07'02" East 37.85 feet to a point on a curve to the left having a radius of 975.00 feet, of which the radius point bears North 87°52'58" East; thence 12) along the arc of said curve 89.38 feet through a central angle of 05°04'35"; thence 13) South 07°11'37" East 305.69 feet to a point on a curve to the right having a radius of 585.00 feet, of which the radius point bears North 82°48'23" West; thence 14) along the arc of said curve 351.03 feet through a central angle of 34°22'51"; thence 15) South 27°11'13" East 61.73 feet to a point on a curve to the left having a radius of 425.00 feet, of which the radius point bears South 62°48'47" East; thence 16) along the arc of said curve 149.21 feet through a central angle of 20°08'54"; thence 17) South 07°04'18" West 47.66 feet to a point on a curve to the left having a radius of 1475.00 feet, of which the radius point bears North 82°55'41" East; thence 18) along the arc of said curve 35.65 feet through a central angle of 01°23'06"; thence 19) North 59°22'40" East 315.07 feet; thence 20) North 31°12'17" East 108.33 feet; thence 21) North 53°02'42" East 56.69 feet to the westerly boundary of Red Cloud Subdivision, recorded January 27, 2005, as Entry No. 724721; thence along said westerly boundary the following nine (9) courses: 1) South 10°49'09" East 211.51 feet to a point on a curve to the right having a radius of 75.00 feet, of which the radius point bears North 19°19'51" West; thence 2) along the arc of said curve 80.07 feet through a central angle of 81°10'18" to a point of reverse curve to the left having a radius of 215.00 feet, of which the radius point bears South 39°29'53" East; thence 3) along the arc of said curve 150.27 feet through a central angle of 40°02'47"; thence 4) South 10°27'20" West 165.38 feet to a point on a curve to the right having a radius of 625.00 feet, of which the radius point bears North 79°32'40" East; thence 5) along the arc of said curve 80.07 feet through a central angle of 12°14'50" to a point of reverse curve to the left having a radius of 25.00 feet, of which the radius point bears North 43°24'41" East; thence 6) along the arc of said curve 107.22 feet through a central angle of 12°23'58"; thence 8) South 13°43'21" West 50.00 feet to a point on a non tangent curve to the left having a radius of 1275.00 feet, of which the radius point bears North 13°43'21" East; thence 9) along the arc of said curve 108.40 feet through a central angle of 04°32'46" to a point on the Wasatch/Summit County Line; thence coincident with said county line the following two (2) courses: 1) North 82°52'30" West 864.72 feet; thence 2) North 59°43'30" West 110.58 feet to a point on the northerly sideline of Lot 121-Home Station Mining Claim of the Snake Creek Mining District; thence coincident with said Home Station Mining Claim North 58°37'27" East 299.10 feet to a point on the southerly sideline of Mineral Survey 540-Byrson Mining Claim of the Union Mining District; thence coincident with said Byrson Mining Claim the following two (2) courses: 1) South 42°30'00" East 44.50 feet to a point on a 525.00 foot radius curve to the left; thence southerly along the arc of said curve 58.04 feet (chord bears South 16°01'45" West 59.01 feet); thence North 55°36'17" East 64.83 feet to a point on the easterly line of the Marston Avenue Right of Way and on a 190.00 foot radius curve to the left; thence northeasterly along the easterly line of the Marston Avenue Right of Way and the arc of said curve 56.22 feet (chord bears North 35°45'50" East 56.02 feet) to the Point of Beginning.

PARCEL 2

A parcel of land located in the southwest quarter of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian.

Beginning at a point that is South 00°30'49" East 181.08 feet along Section Line and East 786.96 feet from the west quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, and running thence South 56°00'00" East 194.36 feet; thence South 00°56'05" East 212.31 feet; thence South 37°58'02" West 224.07 feet; thence North 21°18'48" West 36.81 feet to a point on a curve to the left having a radius of 425.00 feet; thence northeasterly along the arc of said curve 93.13 feet (chord bears North 27°35'26" West 92.94 feet); thence North 33°29'05" West 76.51 feet to a point on a curve to the right having a radius of 475.00 feet, of which the radius point bears North 56°07'55" East; thence northeasterly along the arc of said curve 87.59 feet through a central angle of 10°33'54"; thence North 23°18'11" West 58.02 feet; thence North 36°12'33" East 233.66 feet to the point of beginning.

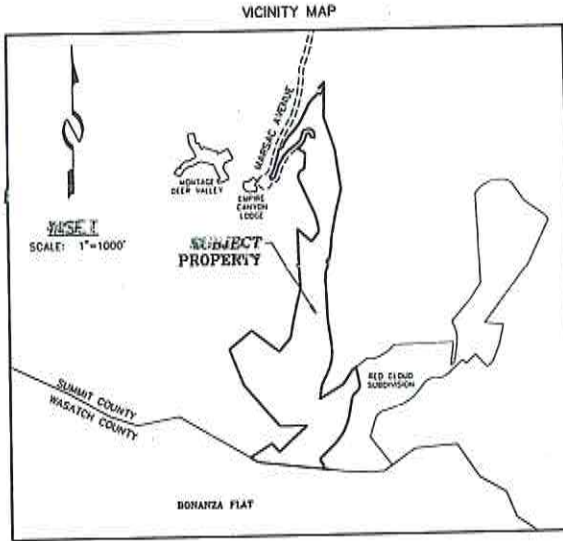
AND

Beginning at a point that is South 00°30'49" East 2624.03 feet along section line and East 786.96 feet from the west quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, and running thence South 56°00'00" East 194.36 feet; thence South 00°56'05" East 212.31 feet; thence South 37°58'02" West 224.07 feet; thence North 21°18'48" West 36.81 feet to a point on a curve to the left having a radius of 425.00 feet; thence northeasterly along the arc of said curve 93.13 feet (chord bears North 27°35'26" West 92.94 feet); thence North 33°29'05" West 76.51 feet to a point on a curve to the right having a radius of 475.00 feet, of which the radius point bears North 56°07'55" East; thence northeasterly along the arc of said curve 87.59 feet through a central angle of 10°33'54"; thence North 23°18'11" West 58.02 feet; thence North 36°12'33" East 233.66 feet to the point of beginning.

PARCEL 3

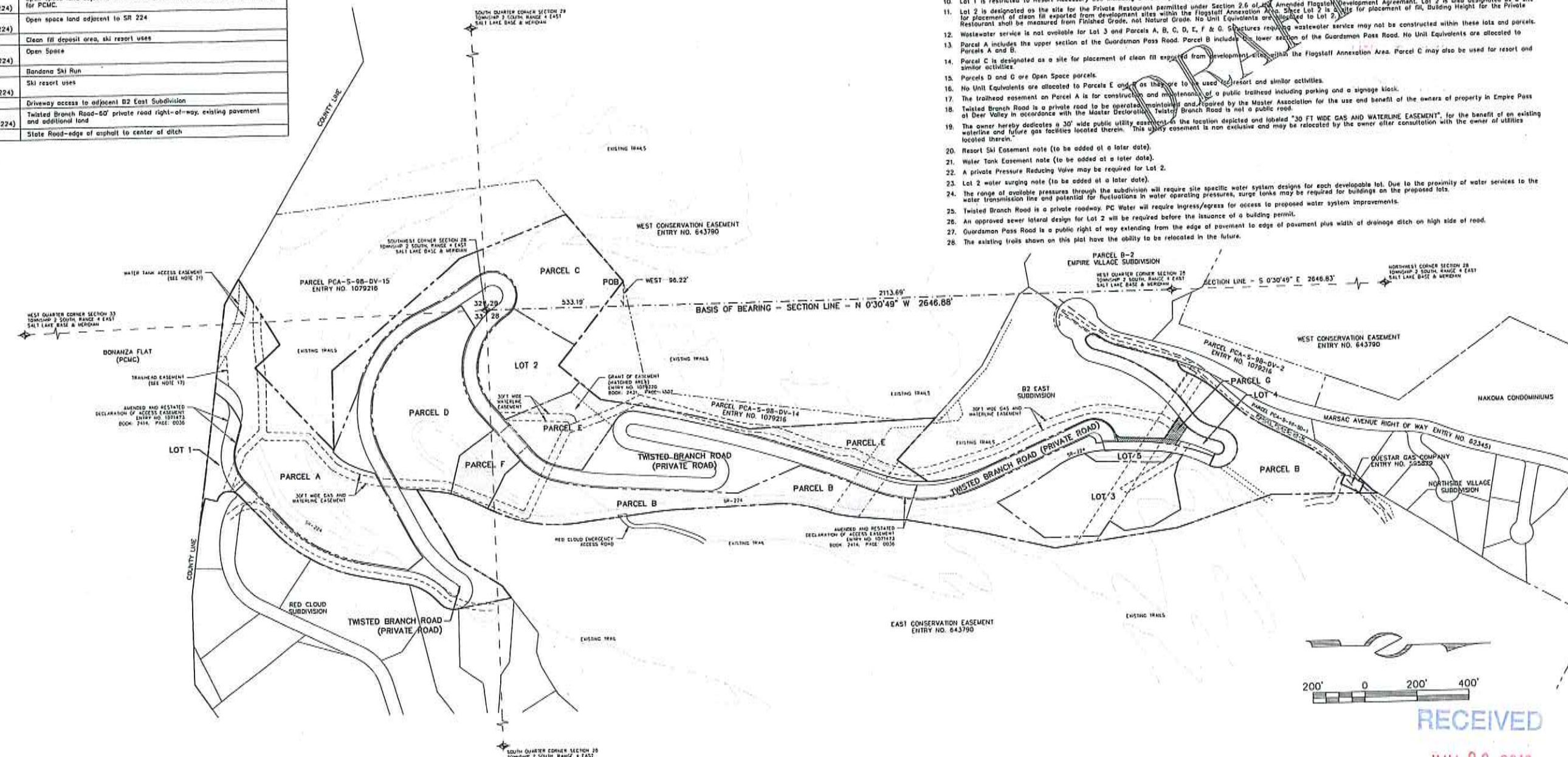
A parcel of land located in the west half of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian.

Beginning at a point that is North 00°30'49" West 97.51 feet along Section Line and East 568.20 feet from the west quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also being on the easterly line of the Marston Avenue Right of Way, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah, recorded June 28, 2002, #623451; and running thence South 55°36'17" East 44.50 feet to a point on a 525.00 foot radius curve to the left; thence southerly along the arc of said curve 58.04 feet (chord bears South 16°01'45" West 59.01 feet); thence North 55°36'17" East 64.83 feet to a point on the easterly line of the Marston Avenue Right of Way and on a 190.00 foot radius curve to the left; thence northeasterly along the easterly line of the Marston Avenue Right of Way and the arc of said curve 56.22 feet (chord bears North 35°45'50" East 56.02 feet) to the Point of Beginning.



LOT/PARCEL	AREA (ACRES)	PERMITTED USE
LOT 1	1.00	Resort Accessory Uses-warming yurt and parking
LOT 2	2.51	On-mountain private restaurant
LOT 3	3.62	City water tank, municipal uses
LOT 4	0.24	City water pump station
LOT 5	0.30	Parking lot
PARCEL A	7.36 (5.08 lvs SR224)	Open space land adjacent to SR 224, public trailhead parking and easement for PCMC.
PARCEL B	11.84 (9.98 lvs SR224)	Open space land adjacent to SR 224
PARCEL C	4.90	Clean fill deposit area, ski resort uses
PARCEL D	4.89	Open Space
PARCEL E	4.25	Bandana Ski Run
PARCEL F	1.02 (0.90 lvs SR224)	Ski resort uses
PARCEL G	0.18	Driveway access to adjacent B2 East Subdivision
TWISTED BRANCH ROAD-PRIVATE ROAD	12.79 (12.74 lvs SR224)	Twisted Branch Road-60' private road right-of-way, existing pavement and additional land
SR 224	3.70	State Road-edge of asphalt to center of ditch

- NOTES:
- This plot is subject to the Conditions of Approval in Ordinance 2018-...
 - The lots and parcels described on this plot are subject to the Amended and Restated Development Agreement for Flagstaff Mountain, Bonanza Flat, Richardson Flat. The 20-Acre Quinn's Junction Parcel and Iron Mountain dated March 2, 2007, and recorded on March 7, 2007, as Entry No. 00806100 in Book 1850, Page 1897 (the "Development Agreement").
 - Owners and potential buyers of any parcel, unit or land within the lots or parcels depicted on this plot are given notice that they own or are buying property in a resort area in which all-season resort activities are conducted and where certain risks are present, including, without limitation, damage to property and improvements and personal injury and death caused by erant shiers, snowboarders, mountain bikers and other resort patrons, equipment, machine-made snow, heavy equipment, construction or improvements of facilities, objects or equipment falling from lifts, water runoff, drainage, heavy snow falls, wind patterns, and other conditions that may affect the properties depicted hereon. The adjacent ski resort and its facilities are not amenities of any master association but are owned by a private resort and access to such lands and facilities is governed by such owner or agreements with such owner.
 - The Empire Pass Master Owners Association, Inc. (the "Master Association") together with the Master Declaration of Covenants, Conditions, and Restrictions of Empire Pass, as amended ("Master Declaration"), requires the membership of each lot or unit owner. Members are subject to the terms of its articles of incorporation, bylaws, rules and regulations and other governing documents that may be established from time to time by the Master Association, including assessments and reinvestment fees as provided therein.
 - Conditional use permit approval will be required prior to issuance of a building permit on Lots 1 and 2.
 - The property is located within a water source protection zone. All sewer construction must comply with the State of Utah drinking water regulations.
 - Wastewater service to Lot 2 shall be provided by a sewer lateral that connects to the main line, owned and operated by The Snyderville Basin Water Reclamation District ("District").
 - The sprinklers will be required within all buildings constructed on the two lots depicted herein.
 - Utility structures such as ground sleeves and transformers and other dry utility boxes must be located on the lots.
 - Lot 1 is restricted to Resort Accessory Use including a warming hut and limited private parking. No Unit Equivalents are allocated to Lot 1.
 - Lot 2 is designated as the site for the Private Restaurant permitted under Section 2.6 of the Amended Flagstaff Development Agreement. Lot 2 is also designated as a site for placement of clean fill exported from development sites within the Flagstaff Annexation Area. Since Lot 2 is a site for placement of fill, Building Height for the Private Restaurant shall be measured from Finished Grade, not Natural Grade. No Unit Equivalents are allocated to Lot 2.
 - Wastewater service is not available for Lot 3 and Parcels A, B, C, D, E, F & G. Structures requiring wastewater service may not be constructed within these lots and parcels.
 - Parcel A includes the upper section of the Guardsman Pass Road. Parcel B includes the lower section of the Guardsman Pass Road. No Unit Equivalents are allocated to Parcels A and B.
 - Parcel C is designated as a site for placement of clean fill exported from development sites within the Flagstaff Annexation Area. Parcel C may also be used for resort and similar activities.
 - Parcels D and G are Open Space parcels.
 - No Unit Equivalents are allocated to Parcels E and F as there are no uses for resort and similar activities.
 - The trailhead easement on Parcel A is for construction and maintenance of a public trailhead including parking and a signage kiosk.
 - Twisted Branch Road is a private road to be operated, maintained and repaired by the Master Association for the use and benefit of the owners of property in Empire Pass at Deer Valley in accordance with the Master Declaration. Twisted Branch Road is not a public road.
 - The owner hereby dedicates a 30' wide public utility easement at the location depicted and labeled "30 FT WIDE GAS AND WATERLINE EASEMENT" for the benefit of an existing waterline and future gas facilities located therein. This utility easement is non-exclusive and may be relocated by the owner after consultation with the owner of utilities located therein.
 - Resort Ski Easement note (to be added at a later date).
 - Water Tank Easement note (to be added at a later date).
 - A private Pressure Reducing Valve may be required for Lot 2.
 - Lot 2 water surging note (to be added at a later date).
 - The range of available pressures through the subdivision will require site specific water system designs for each developable lot. Due to the proximity of water services to the water transmission line and potential for fluctuations in water operating pressure, surge tanks may be required for buildings on the proposed lots.
 - Twisted Branch Road is a private roadway. PG Water will require ingress/egress for access to proposed water system improvements.
 - An approved sewer lateral design for Lot 2 will be required before the issuance of a building permit.
 - Guardsman Pass Road is a public right of way extending from the edge of pavement to edge of pavement plus width of drainage ditch on high side of road.
 - The existing trails shown on this plot have the ability to be relocated in the future.



TWISTED BRANCH ROAD SUBDIVISION

LOCATED IN THE WEST HALF OF SECTION 28, THE NORTHWEST QUARTER OF SECTION 33,
THE NORTHEAST QUARTER OF SECTION 32, AND THE SOUTHEAST QUARTER OF SECTION 29,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

(435) 648-9467

Alliance Engineering Inc.

CONSULTING ENGINEERS, LAND PLANNERS, SURVEYORS

377 Main Street P.O. Box 2884 Park City, Utah 84060-2884

SHEET 2 OF 4

JOB NO.: 3-7-17 FILE: X:\Empire\dwg\sr\plat2017\030717.dwg

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED

AT THE REQUEST OF _____

FEE _____ RECORDER _____

TIME _____ DATE _____ ENTRY NO. _____

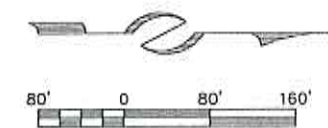
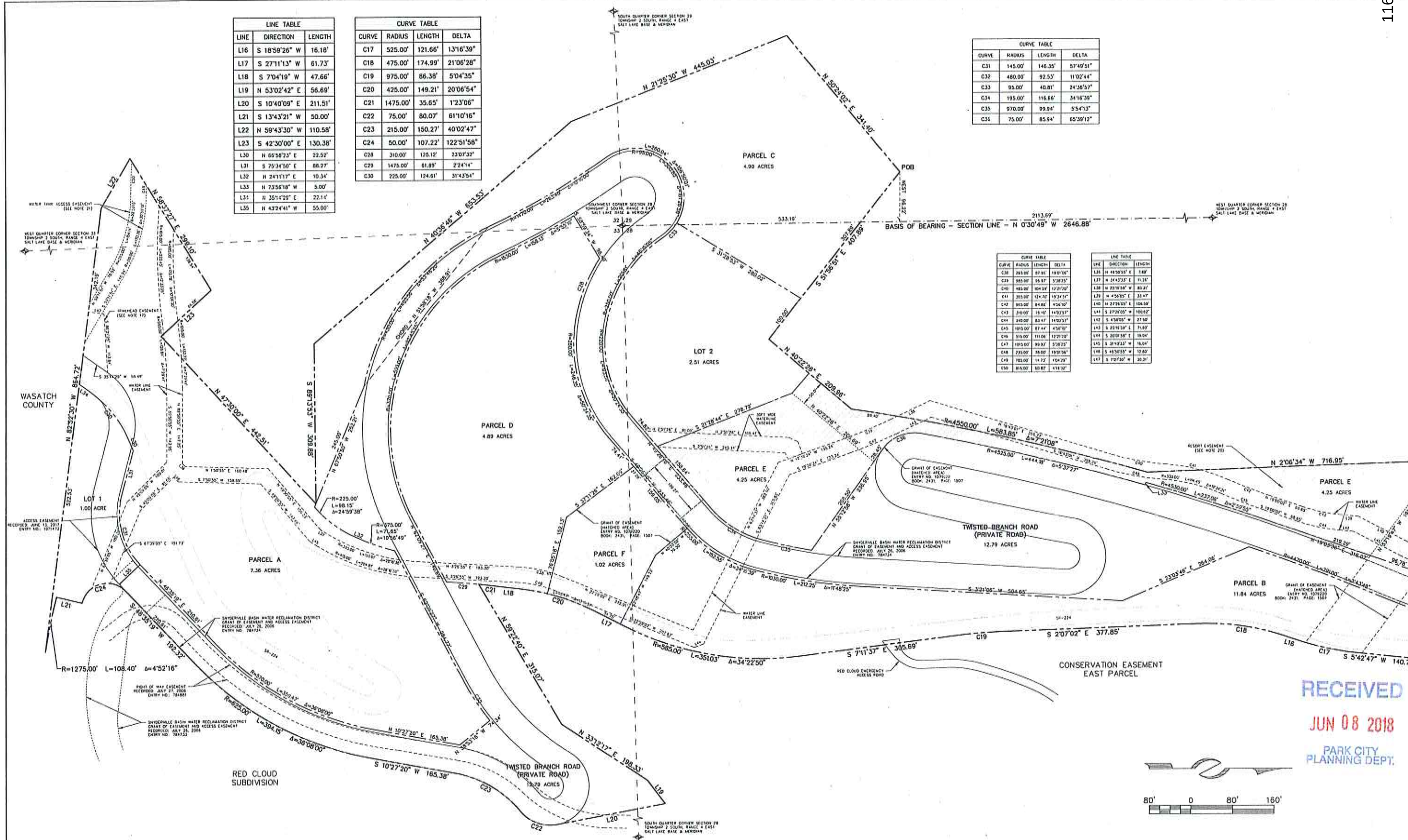
LINE TABLE		
LINE	DIRECTION	LENGTH
L16	S 18°58'26" W	16.18'
L17	S 27°11'13" W	61.73'
L18	S 7°04'19" W	47.66'
L19	N 53°02'42" E	56.69'
L20	S 10°40'09" E	211.51'
L21	S 13°43'21" W	50.00'
L22	N 59°43'30" W	110.58'
L23	S 42°30'00" E	130.38'
L30	N 66°58'23" E	22.52'
L31	S 75°34'50" E	88.27'
L32	N 24°11'17" E	10.34'
L33	N 73°56'18" W	5.00'
L34	N 35°14'29" E	22.14'
L35	N 43°24'41" W	55.00'

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C17	525.00'	121.66'	13°16'39"
C18	475.00'	174.99'	21°06'28"
C19	975.00'	86.38'	5°04'35"
C20	425.00'	149.21'	20°06'54"
C21	1475.00'	35.65'	1°23'06"
C22	75.00'	80.07'	61°10'16"
C23	215.00'	150.27'	40°02'47"
C24	50.00'	107.22'	122°51'58"
C28	310.00'	125.12'	23°07'32"
C29	1475.00'	61.89'	2°24'14"
C30	225.00'	124.61'	31°43'54"

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C31	145.00'	146.35'	57°49'51"
C32	480.00'	92.53'	11°02'44"
C33	95.00'	40.81'	24°36'59"
C34	195.00'	116.66'	34°16'39"
C35	970.00'	99.94'	5°54'13"
C36	75.00'	85.94'	65°39'12"

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C38	255.00'	87.91'	19°01'06"
C39	985.00'	96.87'	5°28'23"
C40	485.00'	104.39'	12°21'20"
C41	355.00'	124.70'	19°34'31"
C42	955.00'	84.88'	4°54'10"
C43	210.00'	76.10'	14°03'51"
C44	210.00'	83.17'	14°03'51"
C45	1015.00'	87.44'	4°56'10"
C46	515.00'	111.06'	12°21'20"
C47	1015.00'	99.97'	5°28'23"
C48	235.00'	78.00'	19°01'06"
C49	785.00'	14.72'	1°04'29"
C50	815.00'	80.87'	4°18'32"

LINE TABLE		
LINE	DIRECTION	LENGTH
L36	N 48°30'55" E	7.83'
L37	N 31°43'33" E	11.78'
L38	N 29°18'38" W	83.31'
L39	N 4°56'05" E	33.47'
L40	N 27°26'03" E	106.98'
L41	S 27°26'03" W	100.62'
L42	S 43°05'15" W	27.80'
L43	S 22°16'29" E	71.80'
L44	S 20°11'58" E	18.04'
L45	S 31°43'33" W	18.04'
L46	S 48°30'55" W	12.80'
L47	S 70°33'07" W	20.21'



TWISTED BRANCH ROAD SUBDIVISION

LOCATED IN THE WEST HALF OF SECTION 28, THE NORTHWEST QUARTER OF SECTION 33, THE NORTHEAST QUARTER OF SECTION 32, AND THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH

(435) 649-9407

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2684 Park City, Utah 84003-2684

SHEET 3 OF 4

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED

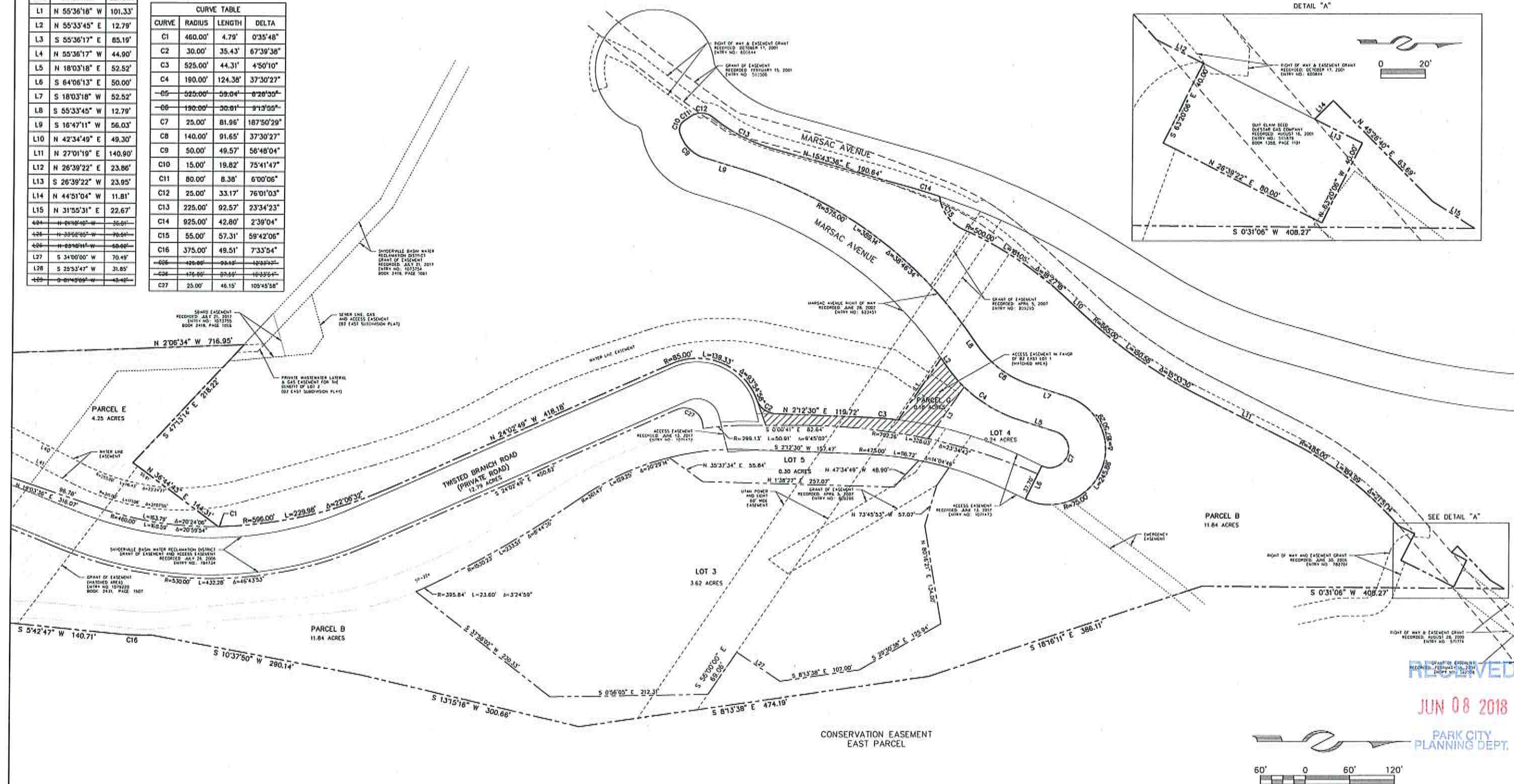
AT THE REQUEST OF _____

FEE _____ RECORDER _____

TIME _____ DATE _____ ENTRY NO. _____

LINE TABLE		
LINE	DIRECTION	LENGTH
L1	N 55°36'18" E	101.33'
L2	N 55°33'45" E	12.79'
L3	S 55°36'17" E	85.19'
L4	N 55°36'17" W	44.90'
L5	N 18°03'18" E	52.52'
L6	S 64°06'13" E	50.00'
L7	S 18°03'18" W	52.52'
L8	S 55°33'45" W	12.79'
L9	S 16°47'11" W	56.03'
L10	N 42°34'49" E	49.30'
L11	N 27°01'19" E	140.80'
L12	N 26°39'22" E	23.86'
L13	S 26°39'22" W	23.95'
L14	N 44°01'04" W	11.81'
L15	N 31°55'31" E	22.67'
L16	N 24°02'49" W	418.18'
L17	N 27°2'30" E	119.72'
L18	S 0°00'41" E	82.64'
L19	S 0°00'41" E	82.64'
L20	S 27°2'30" W	157.47'
L21	N 35°37'34" E	55.84'
L22	N 47°34'49" W	48.90'
L23	N 1°38'27" E	257.07'
L24	N 73°45'53" W	57.07'
L25	S 18°16'11" E	386.11'
L26	S 13°15'16" W	300.68'
L27	S 10°37'50" W	280.14'
L28	S 5°42'47" W	140.71'
L29	S 4°42'47" W	140.71'

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	460.00'	4.79'	0°35'48"
C2	30.00'	35.43'	67°39'38"
C3	525.00'	44.31'	4°50'10"
C4	190.00'	124.38'	37°30'27"
C5	525.00'	59.04'	8°28'35"
C6	190.00'	30.81'	9°13'55"
C7	25.00'	81.96'	187°50'29"
C8	140.00'	91.65'	37°30'27"
C9	50.00'	49.57'	58°48'04"
C10	15.00'	19.82'	75°41'47"
C11	80.00'	8.38'	6°00'06"
C12	25.00'	33.17'	76°01'03"
C13	225.00'	92.57'	23°34'23"
C14	925.00'	42.80'	2°39'04"
C15	55.00'	57.31'	58°42'06"
C16	375.00'	49.51'	7°33'54"
C17	420.00'	93.18'	10°33'12"
C18	475.00'	97.60'	10°33'54"
C19	25.00'	46.15'	105°45'56"



TWISTED BRANCH ROAD SUBDIVISION

LOCATED IN THE WEST HALF OF SECTION 28, THE NORTHWEST QUARTER OF SECTION 33,
THE NORTHEAST QUARTER OF SECTION 32, AND THE SOUTHEAST QUARTER OF SECTION 29,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

Twisted Branch Road Plat
Project Narrative
March 13th, 2018

Twisted Branch Road and adjacent lands are part of the Flagstaff Annexation Area with development governed by the Amended Flagstaff Development Agreement ("Flagstaff DA"). The property is bounded to the south by the Red Cloud Subdivision and properties owned by Deer Valley. To the north the plat is bounded by the B2East Plat and additional properties owned by Deer Valley. The properties included within the proposed plat are owned by REDUS Park City LLC, the current Declarant under the Flagstaff DA and Park City Municipal Corp. The proposed plat is intended to address various outstanding issues related to the Flagstaff DA

- The Twisted Branch Road ROW is established as a private road to be operated, maintained and repaired by the Empire Pass Master Association.
- UDOT's Guardsman Pass Road, a public right-of-way, is situated on proposed Parcels A and B
- The Bandana Ski Run is situated on Parcel E.
- A Lot 1 is created adjacent the entry to Red Cloud. Uses on this lot will be restricted to Resort Accessory Use including a warming hut and limited private parking. No Residential Unit Equivalents are allocated to Lot 1.
- A Lot 2 is created adjacent the Bandana ski trail and is designated as the site for the Private Restaurant permitted under Section 2.6 of the Amended Flagstaff Development Agreement.
- A Lot 3 is created combining the water tank parcel adjacent the start of Twisted Branch Road and the adjacent City owned parcel. This parcel also includes the trailhead parking alongside Guardsman Pass Road. No sewer service is available for this parcel at this time.
- Two sites (Lot 2 and Parcel C) are identified for placement of clean fill exported from development sites within the Flagstaff Annexation Area.
- Easements are established for the current PCMC water main serving the Red Cloud Subdivision.
- An easement is established for trailhead parking and kiosk at top of Guardsman Pass Road.
- An easement is established for access to upper portion of B2 East Lot 1.

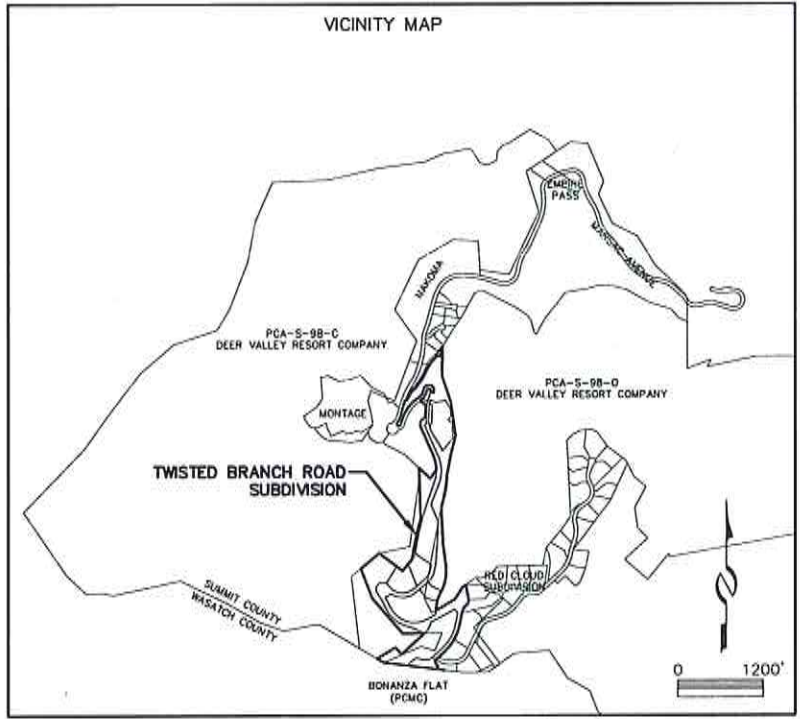
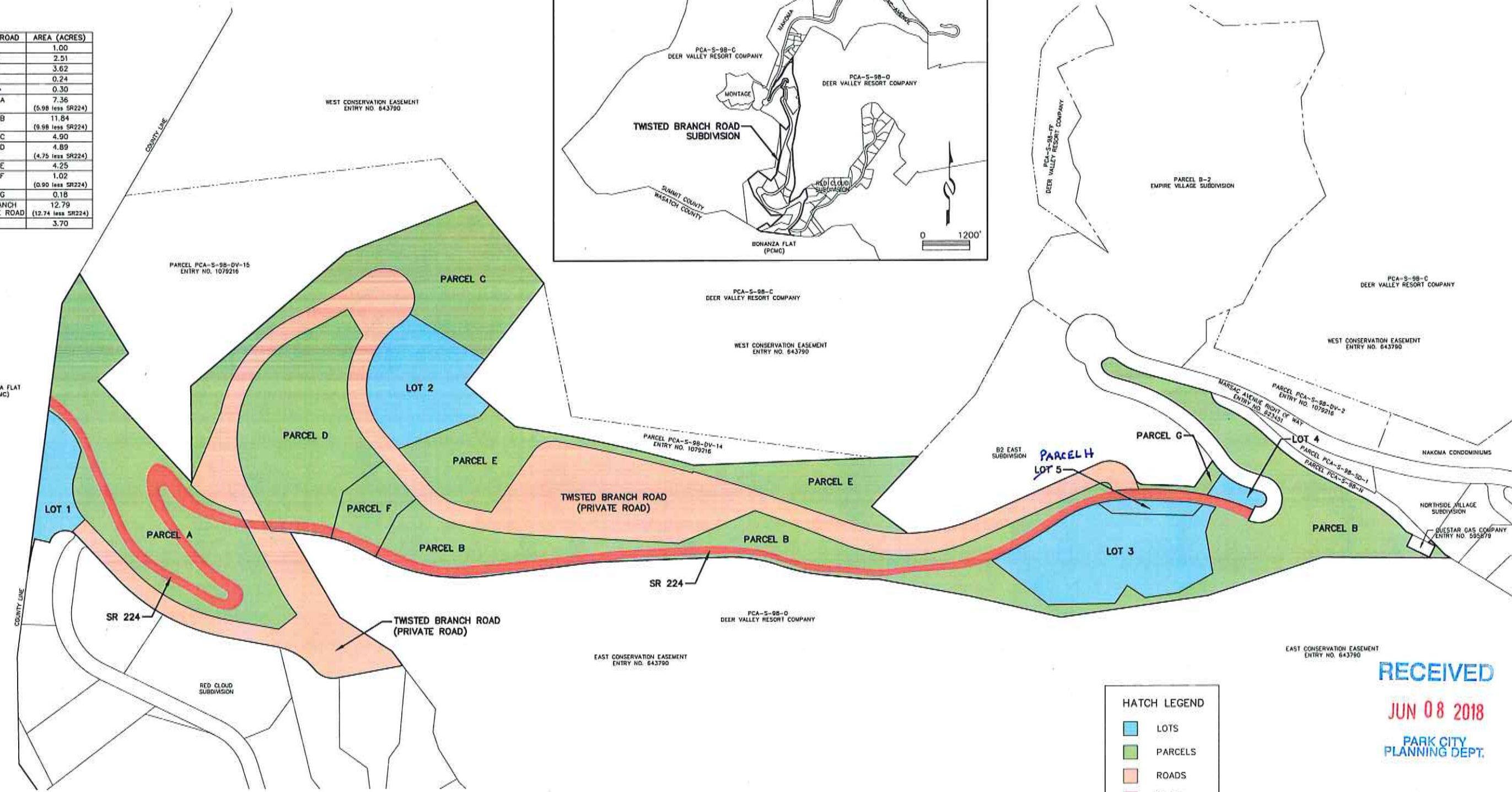
- Plat shows the existing easement on Twisted Branch Road in favor of PCMC Bonanza Flat property for maintenance and emergency access use.
- Plat shows existing easements in favor of Deer Valley for ski trails.

Lot 2 is immediately adjacent Bandana ski trail, but approximately 20' lower, so it is a very logical receptor site for excess material from Flagstaff development sites. It is also the designated site for the Private Restaurant permitted under the DA. In recognition of the need to accept fill on this site, the proposed plat clarifies that for purposes of measuring Building Height, Existing Grade shall be established after placement of fill.

Amended Construction Mitigation Plan

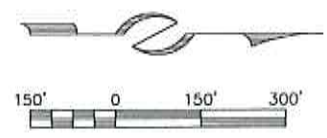
Concurrent with the TBR Plat approval, REDUS Park City is requesting an amendment to the Construction Mitigation Plan ("CMP") included in the Empire Pass MPD as a technical exhibit. The original CMP primarily addressed infrastructure construction. With infrastructure construction substantially complete, the CMP is amended to reflect the remaining residential and commercial construction, and to specifically address receiving sites for export material from the remaining development within Empire Pass.

LOT/PARCEL/ROAD	AREA (ACRES)
LOT 1	1.00
LOT 2	2.51
LOT 3	3.62
LOT 4	0.24
PARCEL H LOT 5	0.30
PARCEL A	7.36 (5.98 less SR224)
PARCEL B	11.84 (9.98 less SR224)
PARCEL C	4.90
PARCEL D	4.89 (4.75 less SR224)
PARCEL E	4.25
PARCEL F	1.02 (0.90 less SR224)
PARCEL G	0.18
TWISTED BRANCH ROAD-PRIVATE ROAD	12.79 (12.74 less SR224)
SR 224	3.70



HATCH LEGEND	
[Blue Box]	LOTS
[Green Box]	PARCELS
[Orange Box]	ROADS
[Red Box]	SR 224

RECEIVED
JUN 08 2018
PARK CITY
PLANNING DEPT.



TWISTED BRANCH ROAD SUBDIVISION

REFERENCE PLAN EXHIBIT

(435) 649-9487

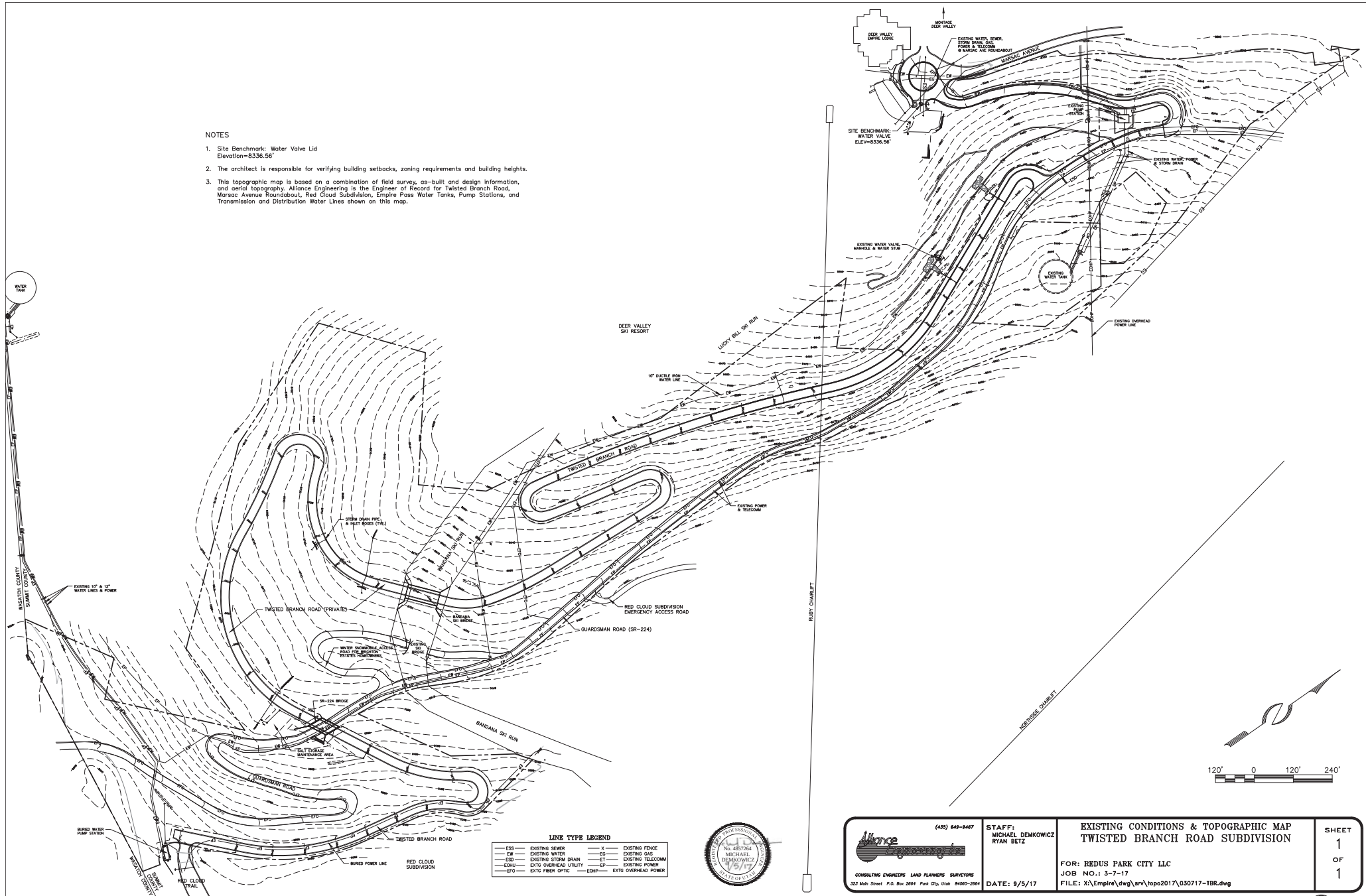
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS

333 Main Street P.O. Box 2054 Park City, Utah 84060-2054

EXHIBIT E

NOTES

1. Site Benchmark: Water Valve Lid
Elevation=8336.56'
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on a combination of field survey, as-built and design information, and aerial topography. Alliance Engineering is the Engineer of Record for Twisted Branch Road, Maraca Avenue Roundabout, Red Cloud Subdivision, Empire Pass Water Tanks, Pump Stations, and Transmission and Distribution Water Lines shown on this map.



(435) 648-9487

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2654 Park City, Utah 84060-2654

STAFF:
MICHAEL DEMKOWICZ
RYAN BETZ

DATE: 9/5/17

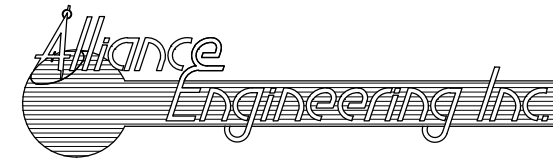
EXISTING CONDITIONS & TOPOGRAPHIC MAP TWISTED BRANCH ROAD SUBDIVISION

FOR: REDUS PARK CITY LLC
JOB NO.: 3-7-17

FILE: X:\Empire\dwg\topo2017\030717-TBR.dwg

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 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	(435) 649-9467 STAFF: MICHAEL DEMKOWICZ RYAN BETZ MARSHALL KING DATE: 5/24/18	AERIAL PHOTOGRAPH TWISTED BRANCH ROAD SUBDIVISION SECTIONS 28, 29, 32, 33, T2S, R4E, SLB&M FOR: REDUS PARK CITY LLC JOB NO.: 3-7-17 FILE: X:\Empire\dwg\Exhibits\Twisted Branch Road-aerial.dwg	SHEET 1
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			122



Looking south from Guardsman Pass

Twisted Branch Road Subdivision



Twisted Branch Road Subdivision

Looking south from TBR to Guardsman Pass
near top switch backs



Twisted Branch Road Subdivision

Looking south near TBR access gates
Guardsman Road on left



Twisted Branch Road Subdivision



Twisted Branch Road Subdivision



Twisted Branch Road Subdivision



Bandana Ski Run

Twisted Branch Road Subdivision



Twisted Branch Road Subdivision



Twisted Branch Road Subdivision



Twisted Branch Road Subdivision

Looking South on Marsac Ave
Public Trailhead and Lot 3 on left



Twisted Branch Road Subdivision

Kirsten Whetstone

From: Bryan Atwood <BATwood@sbwr.org>
Sent: Wednesday, December 13, 2017 10:09 AM
To: Fox, J. Tayler
Cc: Durham, Paul M.; Kevin Berkley; Kirsten Whetstone
Subject: RE: Empire Pass Development

Tayler,

Sewer service for Lot 2 of the yet to be approved and recorded Twisted Branch Road Subdivision, is proposed to be provided by way of a public sewer line extension through Lot 1 and Parcel A of the yet to be approved and recorded B2 East Subdivision. A Line Extension Agreement between the District and Redus Park City, LLC is in place for construction of the public line extension and the project has received Final Design Approval. Final Design Approval means that the design of the sewer line extension has been approved, fees associated with construction of the public line have been paid, required easements have been granted, an Improvement Completion Agreement supported by a Letter of Credit is in place, and the project can proceed to construction.

Construction of a private sewer lateral from the end of the proposed public sewer to the proposed building on Lot 2 will also be required. SBWRD approval of this lateral extension will be required and will include review and approval of construction plans and payment of SBWRD fees.

Please let me know if you need additional information.

Thanks



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: Fox, J. Tayler [mailto:TFox@djplaw.com]
Sent: Tuesday, December 12, 2017 4:43 PM
To: Bryan Atwood <BATwood@sbwr.org>
Cc: Durham, Paul M. <pdurham@djplaw.com>
Subject: Empire Pass Development

Bryan,

I just left you a voicemail message and this is to follow up.

We represent a potential purchaser of Empire Pass. As part of our client's due diligence, we need to figure out if the Empire Pass "Hot Creek" parcel (Lot 2 of Twisted Branch Road Subdivision) can tap into the sewer line at the adjoining B2 East subdivision? We asked this question to Kirsten Whetstone of the Park City planning department and she

referred us to you. Is this something you could help us with? Our client's due diligence deadline ends on Friday, so we're trying to obtain this information as soon as possible. Please give me a call tomorrow if you're available.

Thanks for your help.

Tayler

J. Tayler Fox | Attorney at Law

Durham Jones & Pinegar, P.C.

111 S. Main Street, Suite 2400 | Salt Lake City, UT 84111

Phone: 801.415.3000 | Fax: 801.415.3500

www.djplaw.com | TFox@djplaw.com



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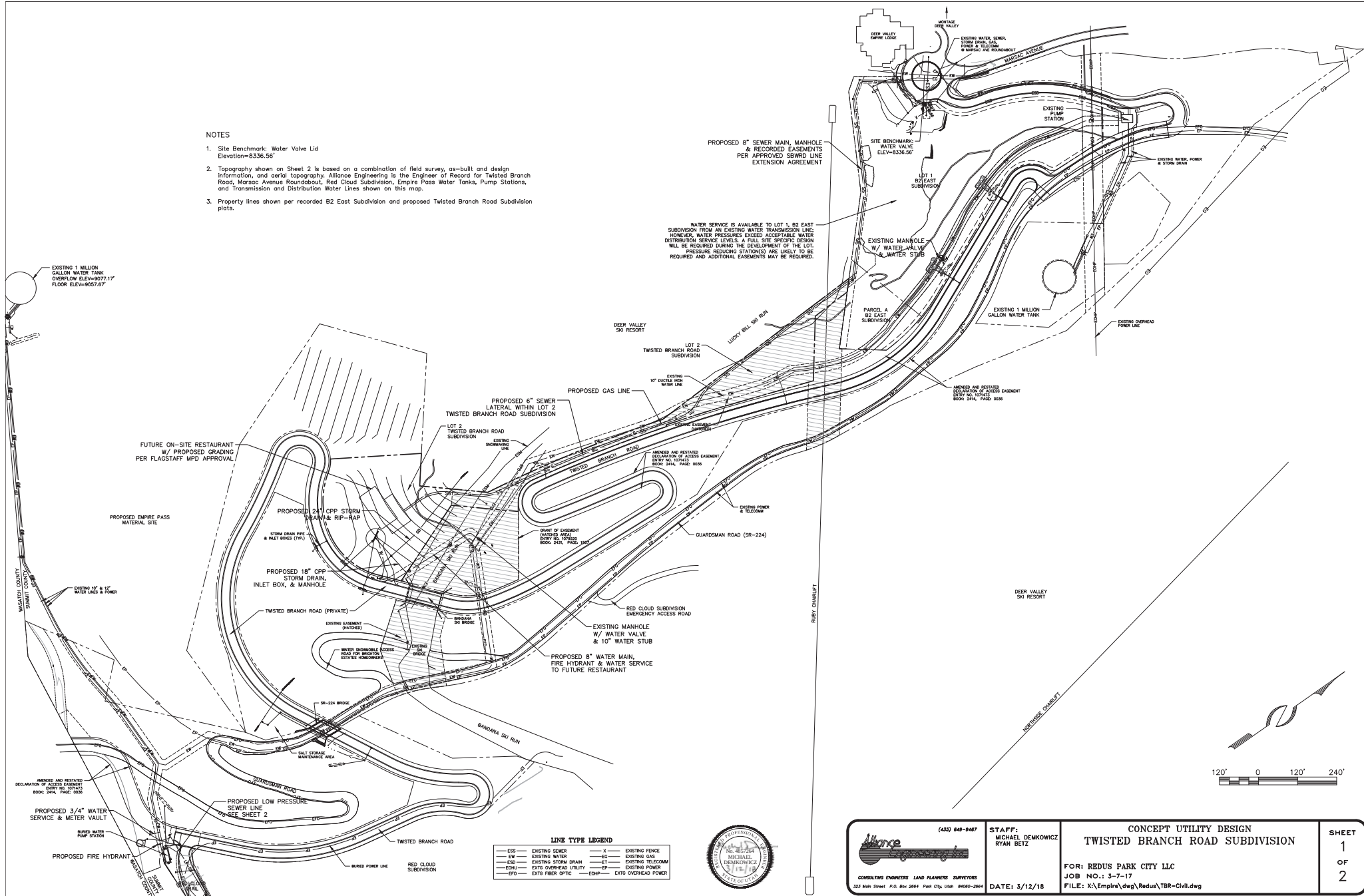
Notice from the [Snyderville Basin Water Reclamation District](#) (SBWRD).

The information contained in this email is not necessarily the official position of the SBWRD. This email, and any accompanying attachments, are confidential and are intended solely for the use of the individual(s) to who(m) it is addressed. If you are not an intended recipient, please notify us immediately by returning this message to the sender and deleting all copies. The SBWRD makes a reasonable effort to prevent the passage of viruses and malware through its email communications. The SBWRD cannot guarantee virus- and malware-free email and accepts no liability for damage sustained. For more information about SBWRD visit our web site at <http://www.sbwrld.org>.

EXHIBIT I

NOTES

1. Site Benchmark: Water Valve Lid
Elevation=8336.56'
2. Topography shown on Sheet 2 is based on a combination of field survey, as-built and design information, and aerial topography. Alliance Engineering is the Engineer of Record for Twisted Branch Road, Morroc Avenue Roundabout, Red Cloud Subdivision, Empire Pass Water Tanks, Pump Stations, and Transmission and Distribution Water Lines shown on this map.
3. Property lines shown per recorded B2 East Subdivision and proposed Twisted Branch Road Subdivision plats.



LINE TYPE LEGEND

ESS	EXISTING SEWER	X	EXISTING FENCE
EW	EXISTING WATER	CC	EXISTING GAS
ESD	EXISTING STORM DRAIN	ET	EXISTING TELECOM
EOU	EXISTING OVERHEAD UTILITY	EP	EXISTING POWER
EFU	EXISTING FIBER OPTIC	EMP	EXISTING OVERHEAD POWER



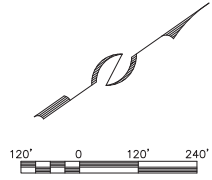
STAFF:
MICHAEL DEMKOWICZ
RYAN BETZ

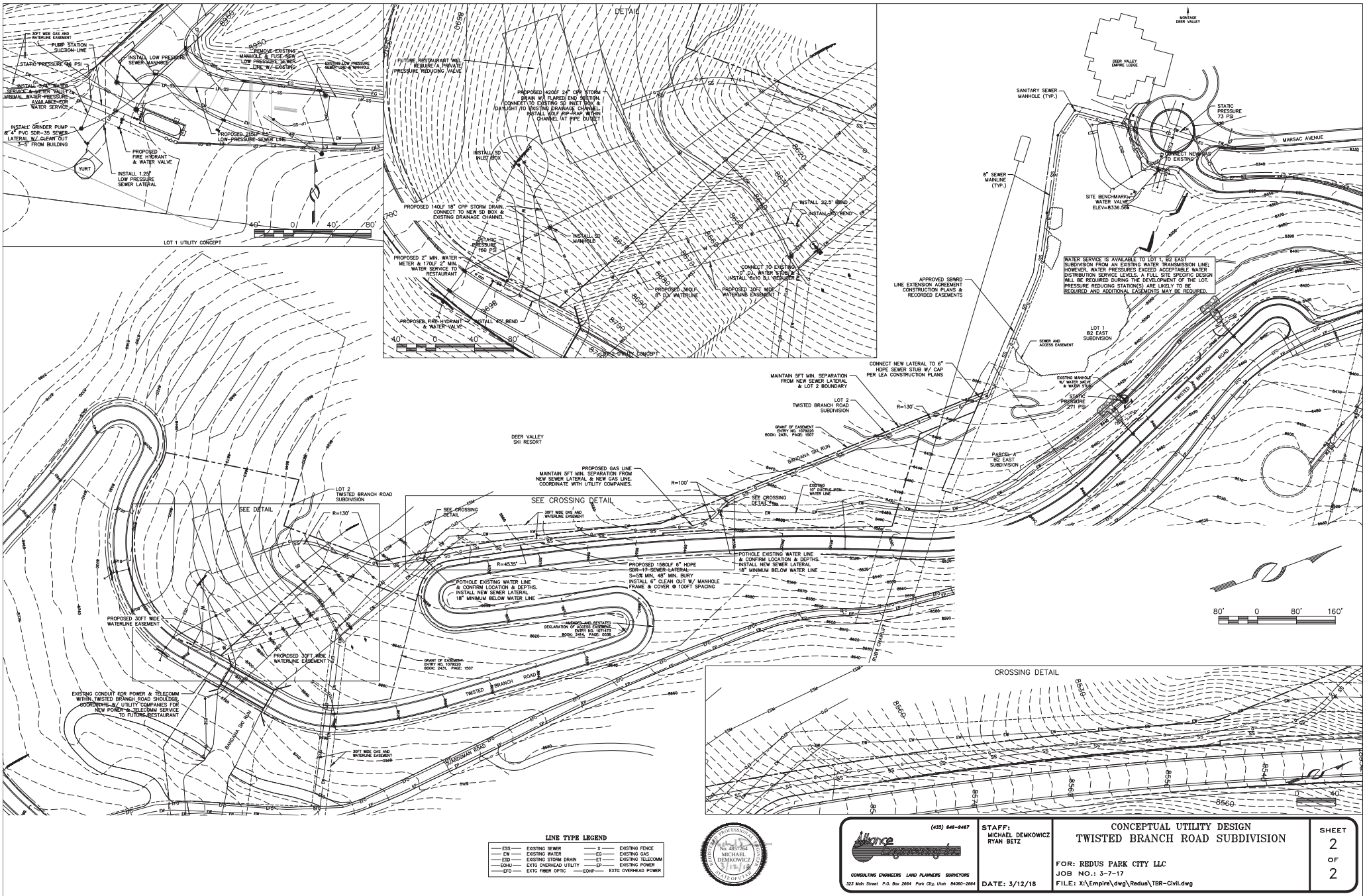
CONCEPT UTILITY DESIGN TWISTED BRANCH ROAD SUBDIVISION

FOR: REDUS PARK CITY LLC
JOB NO.: 3-7-17
FILE: X:\Empire\dwg\Redus\TBR-Civil.dwg

DATE: 3/12/18

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LINE TYPE LEGEND

ESS	EXISTING SEWER	X	EXISTING FENCE
EW	EXISTING WATER	CG	EXISTING GAS
ESD	EXISTING STORM DRAIN	ET	EXISTING TELECOM
EDW	EXISTING OVERHEAD UTILITY	EP	EXISTING POWER
EDS	EXISTING FIBER OPTIC	EMP	EXISTING OVERHEAD POWER



allonge CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
 322 Main Street P.O. Box 2654 Park City, Utah 84060-2654
 (435) 648-9487

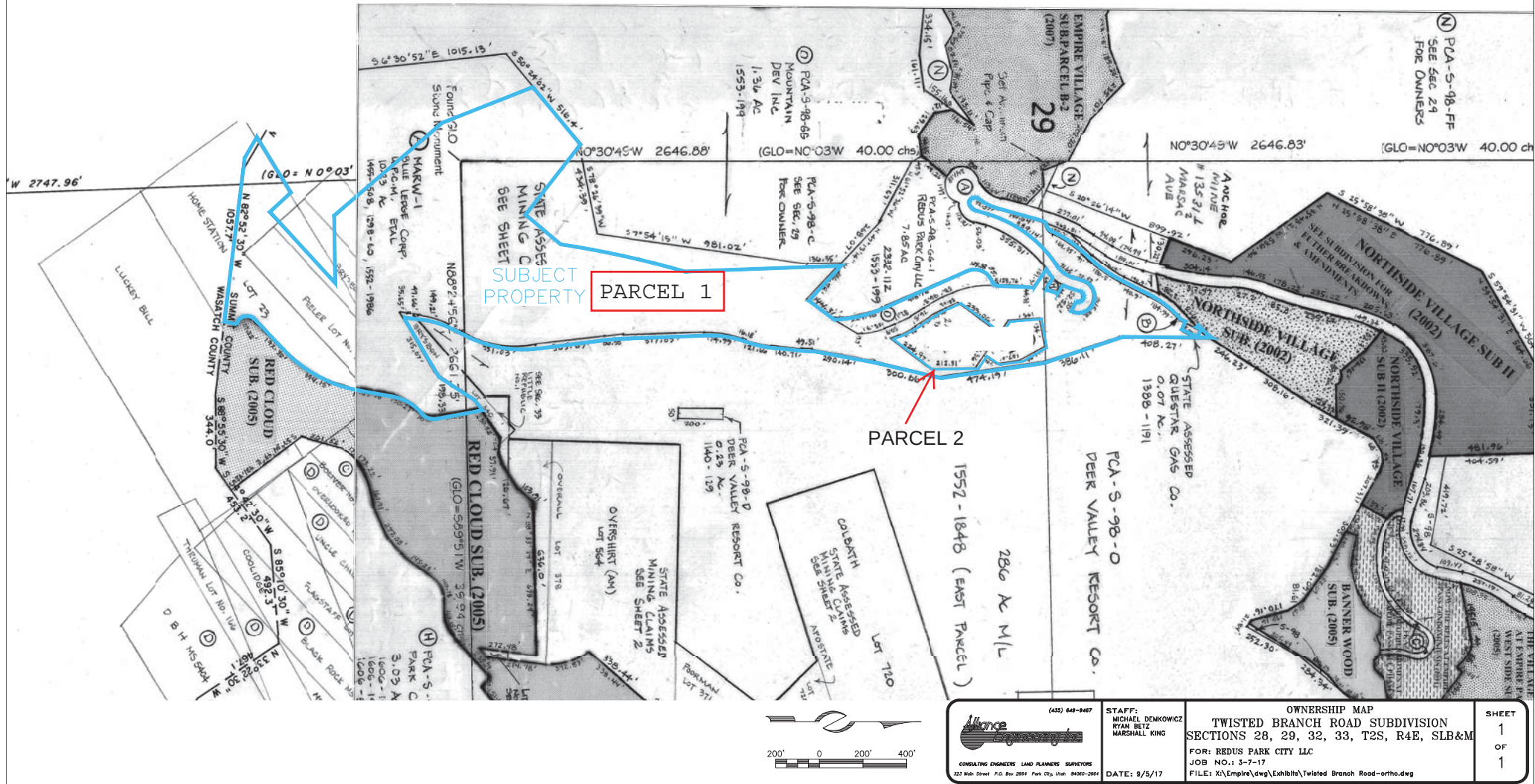
STAFF:
 MICHAEL DEMKOWICZ
 RYAN BETZ

CONCEPTUAL UTILITY DESIGN
TWISTED BRANCH ROAD SUBDIVISION
 FOR: REDUS PARK CITY LLC
 JOB NO.: 3-7-17
 DATE: 3/12/18
 FILE: X:\Empire\dwg\Redus\TBR-Civil.dwg

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EXHIBIT K



Twisted Branch - Existing Trails

EXHIBIT M

Legend

Existing Trails

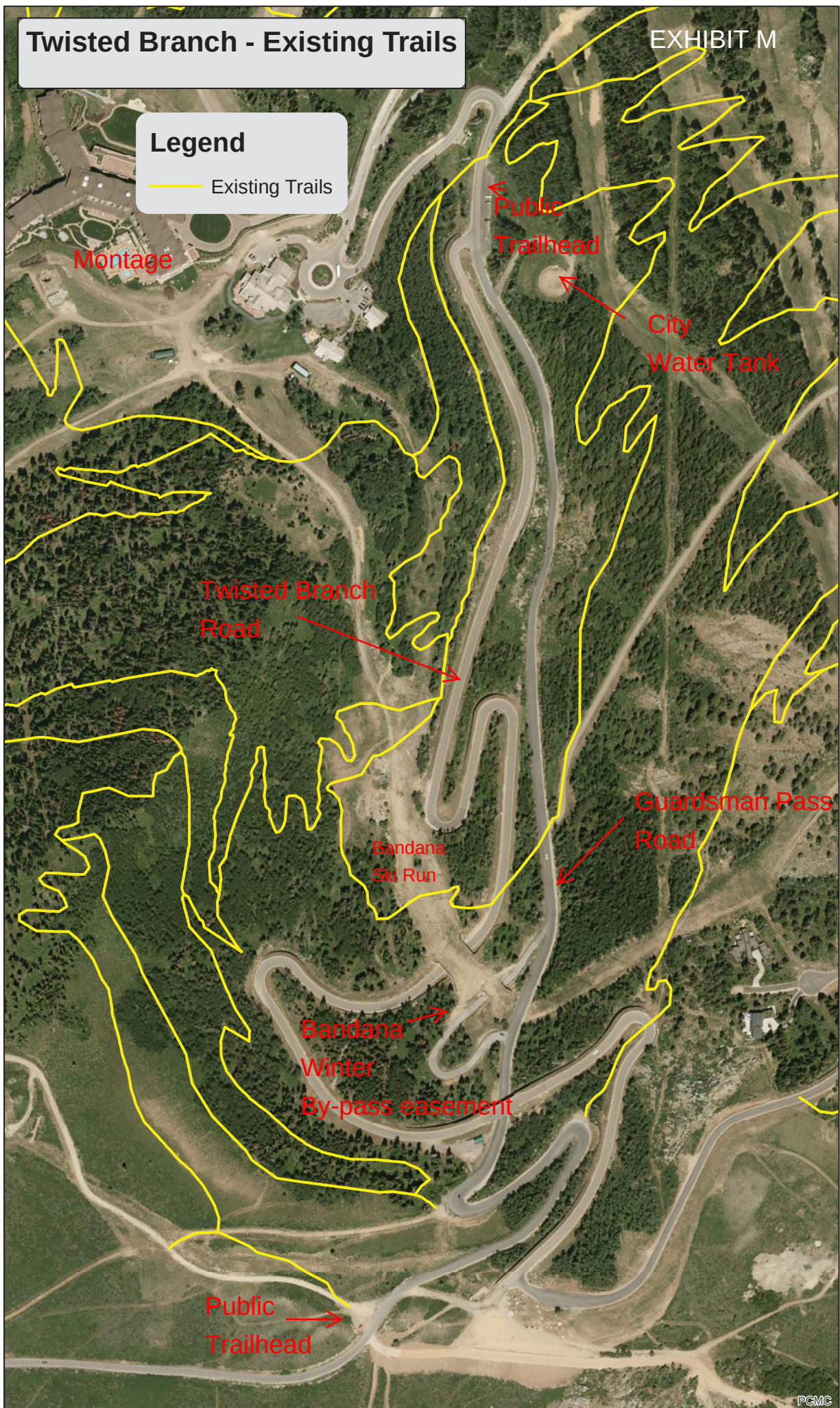
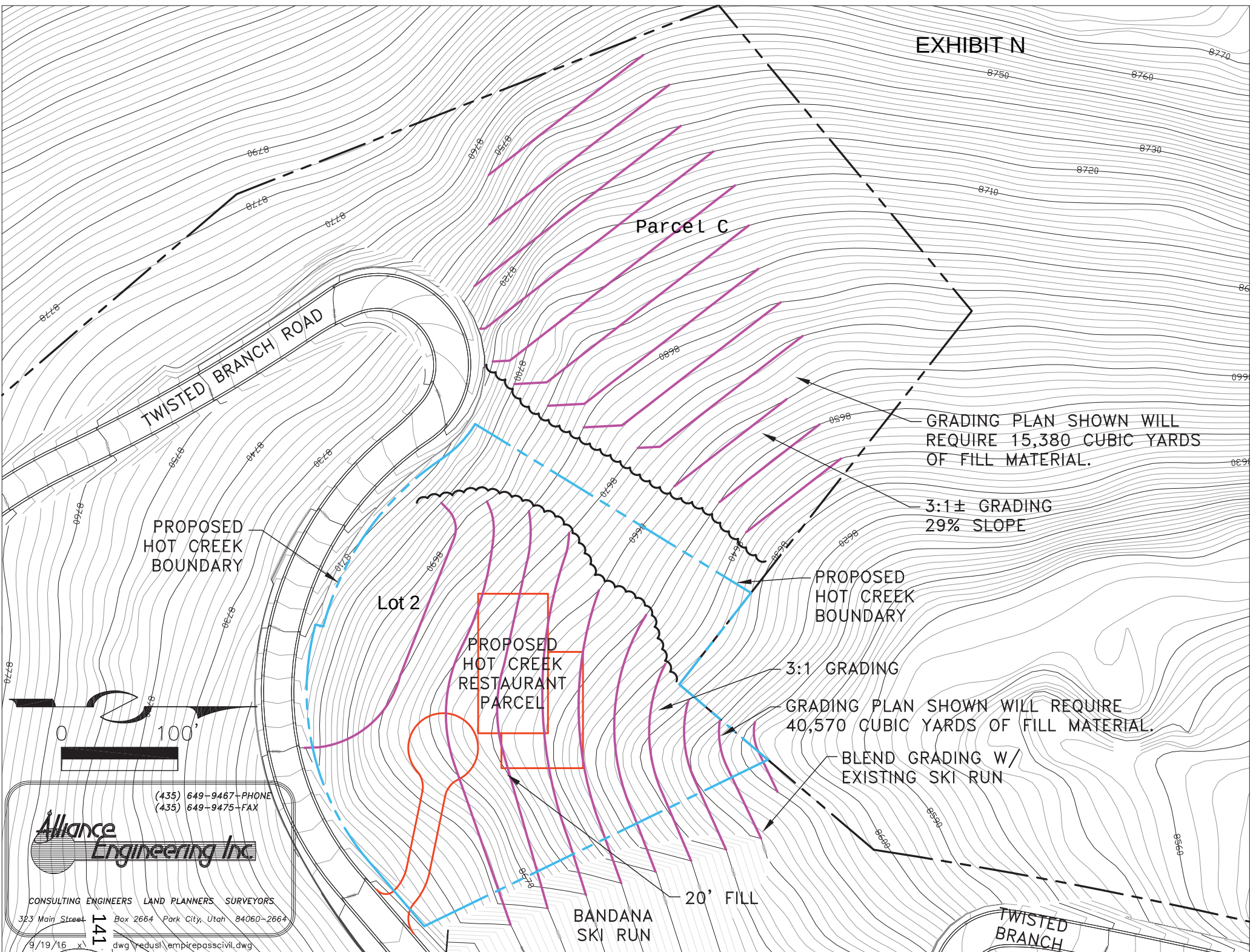


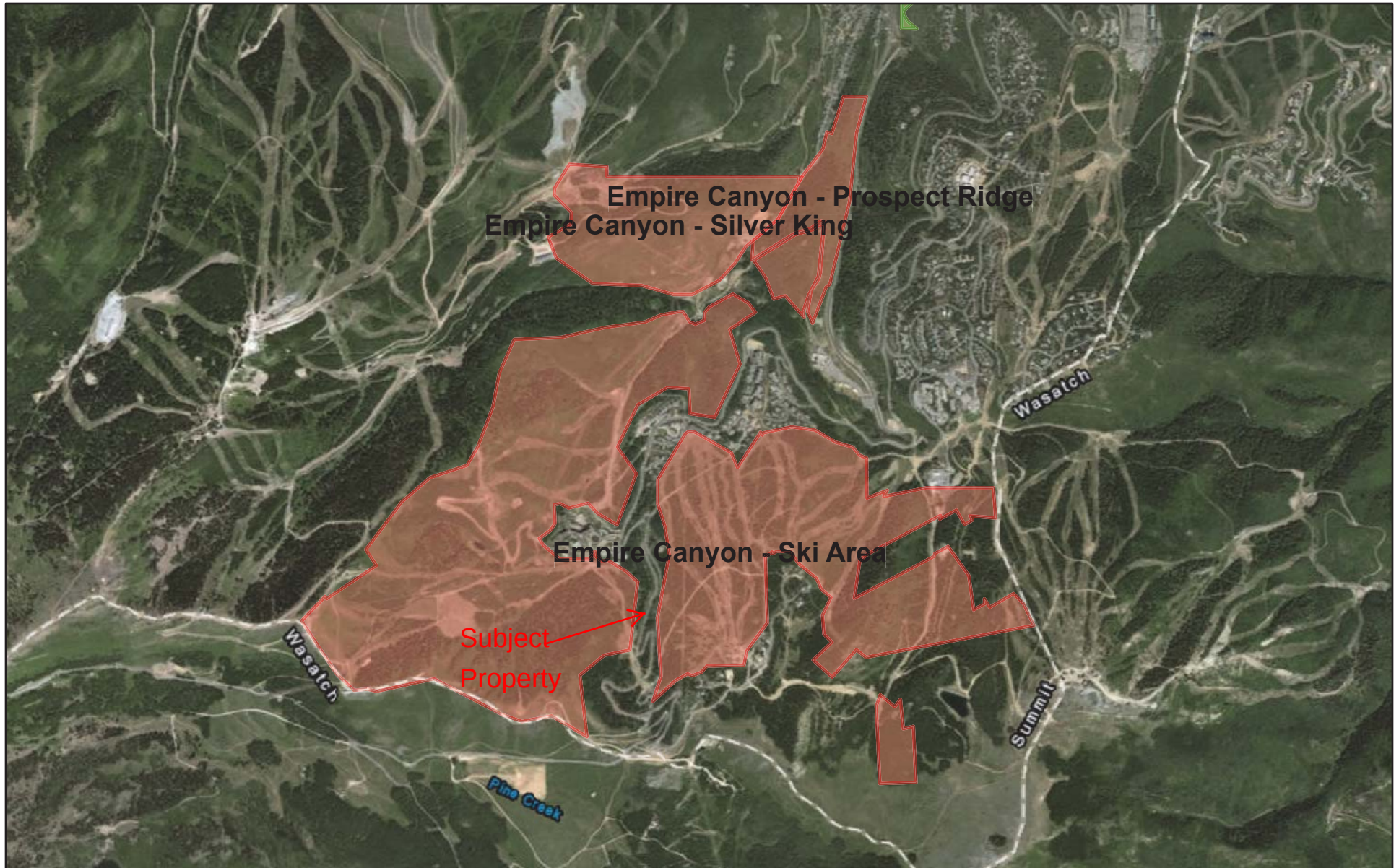
EXHIBIT N



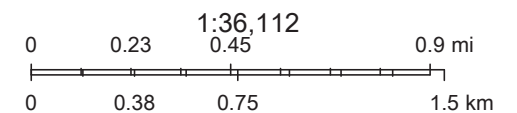


Existing Conservation Easements Empire Canyon

EXHIBIT O



May 4, 2018 From Summit Land Web Site



Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics,

**CONSTRUCTION MITIGATION PLAN
FOR
FLAGSTAFF MOUNTAIN RESORT
PARK CITY, SUMMIT. COUNTY, UTAH
also known as
EMPIRE PASS**

EXHIBIT 15

**Prepared by:
United Park City Mines Company**

**May 2001
(Revised and Approved December 2001)
Revised February 2004
Revised April 2018 - DRAFT**

TABLE OF CONTENTS

I.	Introduction, Goals & Objectives	1
II.	Existing Conditions	4
III.	Scope of Infrastructure Construction	5
IV.	Construction Impacts and Mitigation Measures	9
V.	Construction Phasing	22
VI.	Construction Mitigation Plan Management.....	23

Exhibits

Exhibit A — Off-site Road Improvement Plan
Exhibit B1-B2 — Emergency Access Plan (revised 1/2004)
Exhibit C — Road Cross Sections (revised 1/2004)
Exhibit D — Construction Entry/Exit Checkpoint
Exhibit E — Ontario #3 Mine Building Complex Staging Area
Exhibit F — Daly West Construction Staging Area (to be revised based on Mine
Soils mitigation plan)

I. INTRODUCTION, GOALS OBJECTIVES

This study is one of several reports that have been prepared to support the Flagstaff Mountain Resort's Large Scale Master Plan Development (LSMPD) application. As LSMPDs are programmatic in nature and subject to refinement at subsequent Master Planned Development (MPD) or Conditional Use Permit (CUP) stages, correspondingly, the contents of this report should be viewed as conceptual in nature and subject to change as specific plans are developed. Details developed at the MPD or CUP stage will not require a modification of this plan provided that they comply with the Goals and Objectives of this Plan.

General Description of the Property

Flagstaff Mountain Resort (the "Resort") is an assemblage of mining claims totaling approximately 1,655 acres of land (the "Annexation Area" located at the southwestern corner of Summit County, Utah. The Annexation Area is bordered by Deer Valley Resort to the east and State Highway 224 (Marsac Avenue) to the northeast. The southern boundary coincides with the Summit County/Wasatch County line. The Park City Mountain Resort borders the Annexation Area to the west and northwest. The Resort was annexed into the corporate limits of Park City, Utah on June 24, 1999 (refer to Exhibit "A" attached).

The proposed areas of development will be restricted to a) the "Mountain Village" consisting of three Development Pods ("A", "B-1" and "B-2") limited to: a) maximum of 84 acres and b) the "Northside Neighborhood" (Development Pod "D") limited to a maximum of 63 acres.

The maximum density allowed within the Mountain Village includes 705 Unit Equivalents configured in no more than 470 residential units. The residential units may be multi-family units, hotel room units or PUD units. In addition, the Mountain Village may also contain a maximum of: i) 16 single-family home sites; and, ii) 75,000 sf of resort support commercial uses.

The Northside Neighborhood (aka Red Cloud) may contain a maximum of 38 single-family home sites of which 30 are currently entitled and 8 are subject to further requirements under the Development Agreement.

In addition to the Deer Valley Resort "Empire" Day Lodge near the Daly West waste rock pile, uses for the Resort are intended to include hotel lodging facilities, resort support commercial, multi-family residential units, PUD-style residential units and single-family home sites. Recreational uses will remain similar to the

current uses described above, with the exception of commercial snowmobiling, which will be discontinued.

Construction and Potential Construction Impacts

Development of the Resort will include two (2) basic types of construction, infrastructure which includes roads, utilities, etc. and the actual residential and commercial buildings themselves. This Construction Mitigation Plan primarily addresses the infrastructure development of the Resort, although the guidelines set forth herein will be incorporated into the individual construction mitigation plans that will be required for each of the building development projects.

The proposed infrastructure development includes construction of: i) roadways, with the associated bridges and tunnels; ii) storm water drainage facilities; and, iii) utility systems including sanitary sewer, water storage & pumping, water distribution, natural gas, electric power transmission and telecommunication systems along with trail systems, ski lifts and other Resort improvements.

As stated above, each individual building project will be required to submit a site-specific construction mitigation plan prior to commencement of construction. These individual building construction mitigation plans will supplement and be consistent with this Plan. Section VI, "Construction Mitigation Plan Management" addresses this supplemental process to ensure compliance and implementation of these Plans.

Construction Mitigation Planning Goals and Objectives

The primary goal and objective of this Construction Mitigation Plan is to identify and mitigate the impacts of infrastructure construction associated with the Resort, adhering to the standard Park City Municipal Corporation ("Park City") required construction impact mitigation measures along with additional site-specific mitigation measures required by the Development Agreement.

In addition, a complete Storm Water Pollution Prevention Plan ("SWPPP") will be prepared and implemented separately for the Resort in strict accordance with local, State and Federal guidelines. The primary goals of the SWPPP will be: i) to limit the areas of disturbance of the existing vegetation to only those areas required to install the proposed improvements; ii) to retain sediment on site to the extent practicable through the selection, installation and maintenance of storm water control measures in accordance with good engineering practices; and, iii) to prevent construction litter, debris and chemicals from becoming a pollutant source of storm water discharges. The SWPPP will also be designed to protect Park City's water sources and their designated water source protection areas.

For purposes of this Construction Mitigation Plan, and inasmuch as most of the issues and concerns addressed are identical, portions of the SWPPP will be incorporated into the individual sections of the Plan as they apply.

II. EXISTING CONDITIONS

Existing Access

Access to the approximately 1,655-acre Annexation Area is via either Guardsman Pass Road or Daly Avenue. Guardsman Pass Road through the site is a narrow and steep minimally maintained road with a surface of either deteriorating asphalt or gravel. Guardsman Pass Road is not maintained or plowed in the winter and is closed to vehicles after the first significant snowfall of the season at a gate located approximately one-quarter mile south of the Guardsman Connection. Daly Avenue provides gated access to the mouth of Empire Canyon below Development Pod A.

Existing Uses

The Annexation Area has historically been a popular recreational site used by area residents and visitors alike. Winter uses include both lift-served resort skiing as well as backcountry skiing, snowshoeing and snowmobiling. Summer uses include mountain biking, hiking and equestrian uses.

Within the Annexation Area portion of Deer Valley Resort, there are six existing ski lifts and approximately 36 ski runs, many of which have been cut through forest stands, graded, and revegetated. Four additional lifts are currently planned for the Annexation Area. One of these will serve the ski in/ski out needs of Development Pod A, one will access existing terrain between the Red Cloud and Northside Lifts (Ski Pod D) and the other two will access new intermediate and advanced Ski terrain in Empire Canyon (future Ski Pods X and Z).

A snowmobile concession, located just east of the Guardsman Connection at the horse stable has been discontinued.

Numerous trails currently exist within the Annexation Area, which include improved roadways, jeep trails, single-track trails, and undeveloped game trails. Many of the undeveloped trails are used on a limited basis by local hikers and equestrians. Other trails receive more frequent use and are recognized as serving a broader spectrum of the public. The "Trails Master Plan for Flagstaff Mountain Resort" provides a detailed description of the existing trail system.

Mining Operations

Although active mining operations ceased in 1982, more than a century of intensive mining activities within the Annexation Area have left a number of mining-related features ranging from bits of debris and subtle landscape alterations to massive mine waste rock overburden sites and standing structures. As mentioned above, the Historic Preservation Plan provides specific information regarding the current status of mining related structures and features within the Annexation Area.

Existing Utilities

Utilities as outlined in the Utility Master Plan have been installed in Marsac Avenue. Water, Electrical and telephone are connected to the service providers. The second sewer outfall down Marsac Avenue is partially complete and will be finished in the summer of 2004.

Existing Emergency Services

Existing and proposed Emergency Services are detailed in the Emergency Response Plan for the project.

III. SCOPE OF INFRASTRUCTURE CONSTRUCTION WORK

Improvements to Marsac Avenue and Mine Road section of State Route 224

As required by the Development Agreement, the Resort will make certain improvements to Marsac Avenue beginning at the Deer Valley Drive "Roundabout," continuing south on Marsac Avenue and the Mine Road to the Guardsman Connection. Included as part of these improvements will be the construction of a runaway truck ramp which was completed in 2001. The balance of the improvements to this section of road include rebuilding the travel surface, adding curb and gutter, and the addition of a short uphill passing lane which is schedule to be completed by the end of 2004.

Realigned Guardsman Pass Road

Guardsman Pass Road from the Guardsman Connection through Development Pods A and B-1 to Development Pod B-2 has been realigned and accepted by the State.

Private Road

A private road, constructed to the same cross-section described above for the re-aligned portion of Guardsman Pass Road, will be built to serve Development Pod D and the proposed Bonanza Mountain Resort located in Wasatch County on a year-round basis (refer to Exhibit “G” attached). Access to this private road will be limited to the residents of Flagstaff Mountain Resort and Bonanza Mountain Resort along with their respective visitors, guests, employees and service personnel (refer to the Private Road Access Limitation Procedures for Flagstaff Mountain Resort). A private street may be dedicated to the City with City Council approval. An emergency secondary access road will be built from Pod D to Pod A.

Development Pod Infrastructure

Roads within the Development Pods will be constructed to cross-sections similar to those described for the re-aligned Guardsman Pass Road (refer to Exhibit “B” attached). These roads will include all of the required utilities, which, for the most part, will be installed within the road platform.. Parking will not be allowed on either side of these roads.

Bridges and tunnels will be constructed to provide grade separation of vehicles and recreational users (hikers, bikers & skiers). These structures will be designed to incorporate so-called “dry crossings” to provide access during construction as well as emergency vehicular access around these structures in the event of a structural failure.

Utilities

Water:

The Flagstaff Mountain Resort Conceptual Water Master Plan provides for the storage and distribution of water for both domestic and fire fighting uses. Water will be provided to the Resort by the Park City Municipal Corporation in accordance with i) an *AGREEMENT FOR A JOINT WELL DEVELOPMENT PROGRAM, dated January 14, 2000* and ii) a *MEMORANDUM OF UNDERSTANDING BETWEEN PARK CITY MUNICIPAL CORPORATION AND UNITED PARK CITY MINES COMPANY CLARIFYING AND IMPLEMENTING THE WATER SERVICE AND WATER SOURCE DEVELOPMENT PROVISIONS OF THE DEVELOPMENT AGREEMENT dated June 24, 1999*, dated January 14, 2000, and iii) numerous other water agreements-between the parties, and iv) any future agreements.

Water will be delivered to the 1,000,000 gallon storage tank (Water Tank #1) that UPK constructed on the east side of Guardsman Road, just above the Empire Day Lodge. The primary source of water for Tank #1 is planned to be the Spiro Water Treatment Plant via the 13th Street Pump Station and the Woodside Tank. After necessary upgrades to the existing system are completed, water will be pumped from the Woodside Tank up Empire Canyon to the Pod B-2 Tank via a 10” ductile iron water line.

The secondary source that presently supplies Tank #1 is the existing Bald Eagle Tank at the Deer Valley Resort. Water gravity flows to Tank #1 from the Bald Eagle Tank through the water line that feeds the Empire Day Lodge at Pod B-2 via a 10" ductile iron water line that runs along the Banner Ski Trail and across the Northside Ski Runs. Tank #1 is located at an operating elevation of approximately 8,450 feet above sea level and provides approximately 540,000 gallons of fire storage for Pods A, B-1 and B-2. This storage capacity has been calculated to provide the necessary 3,000 gallons per minute for the three-hour duration in accordance with the requirements of the Park City Building Department.

Tank #1 will provide water via a pump station and a 10" ductile iron water line to a second tank (Tank #2) of approximately 500,000 gallons to be located along the ridgeline in the area above red Cloud. Tank #2 will be located at an operating elevation of approximately 9,150 feet above sea level and will provide approximately 300,000 gallons of fire storage for red Cloud and for UPK's property in the Bonanza Flats area of Wasatch County. This storage capacity has been calculated to provide 2,500 gallons per minute for the two-hour duration. The fire flow assumptions for this tank have been reduced since the buildings served will be much smaller than those programmed for Pods A, B-1 and B-2. Water will be distributed from these tanks via a series of water mains, with fire hydrants installed along the roads and throughout the development Pods as required by Park City and the District. In addition to the required fire hydrants, fire department connections and standpipe systems, fire hose storage cabinets and their appurtenances will be provided in strategic locations throughout Empire Pass to ensure appropriate resources are available in the event of a fire.

Sewer:

Flagstaff Mountain Resort will enter into the necessary Line Extension Agreements with the Snyderville Basin Water Reclamation District in order to secure adequate sanitary sewer service for the Resort.

Flagstaff Mountain Resort will construct a wastewater collection system throughout the Resort area.

Beginning at Development Pod D at the top of Flagstaff Mountain, wastewater will be collected and transported downhill via two separate sewers. The first will follow the alignment of the proposed private road that connects Development Pods D and B-2 and will collect wastewater from those single-family lots located on the west side of Flagstaff Mountain. This sewer will then collect wastewater from Development Pods B-2 and B-1 and convey it to the sewer line constructed in Empire Canyon during 2001. This is the sewer line that extends from the Empire Day Lodge to upper Daly Avenue.

The second sewer will collect wastewater from the balance of the single-family lots within Development Pod D and convey it along the Northside ski runs to Development Pod A.

A system of sewers within Development Pod A will collect the wastewater conveyed from Development Pod D, along with the wastewater generated in Development Pod A and convey it to Prospect Ridge.

From Prospect Ridge, a sewer will convey the wastewater down to one of two connections to the existing sanitary sewer system.

One is the existing sewer that was extended up Marsac Avenue by the City to a point just above the new Deer Valley Drive “roundabout” in Ontario Canyon. This line has the capacity to accept all of the wastewater generated by the Resort and will be the primary receiver of the Resorts wastewater.

The other outfall is the connection that will be made to the existing sewer at the top of Daly Avenue in Empire Canyon. The capacity of this line is restricted due to existing conditions within Main Street, so this line can only accommodate a portion of the overall requirements of the Resort.

Electric Power:

The source of electric power for the Resort will be the existing Judge Tunnel switch and the recently realigned Olmsted line. Power will be distributed from this point throughout the Resort via an underground distribution system located within either the proposed street rights-of-way or utility easements.

Telecommunications:

Allwest Communications will provide fiber optic lines for Internet, cable and phone.

Natural Gas:

Questar Natural Gas Company has extended a transmission line to a regulator station in the pod B1 area. Distribution line have been installed in the realign Marsac Ave

For additional information relating to the proposed construction associated with the development of Flagstaff Mountain Resort, please refer to the following Resort master plan documents:

- The Construction and Development Phasing Plan
- The Utilities Master Plan
- The Drainage Master Plan
- The Private Road Access Limitation Procedures
- The Emergency Response Plan

IV. CONSTRUCTION IMPACTS AND MITIGATION MEASURES

Construction Phasing

Detailed anticipated timeline of construction activities are described in the “Construction and Development Phasing Plan for Flagstaff Mountain Resort”. A Construction Mitigation Plan is required at the time of Conditional Use Permit application.

Traffic Impacts

The primary impacts to traffic on the roadways adjacent to the Annexation Area relate to construction personnel commutes and deliveries of construction materials and supplies.

As stated above, the primary access to the Annexation Area will be via Marsac Avenue and the Mine Road. The vast majority of construction personnel and material handling traffic to and from the Annexation Area will travel along this route. To a much lesser extent, there will be some minimal construction related traffic along Main Street and Daly Avenue associated with the limited construction activity located in the lower portions of Empire Canyon.

Roadways potentially impacted by construction traffic will include the following:

- SR 224 from Kimball Junction to Deer Valley Drive
- SR 248 from Quinn’s Junction at Highway 40 to SR 224 (Park Avenue)
- Bonanza Drive
- Park Avenue to Deer Valley Drive
- Deer Valley Drive to Marsac Avenue
- Marsac Avenue from the roundabout to Hillside Avenue
- The Mine Road from Hillside Avenue to the Guardsman Connection
- Daly Avenue and Main Street

Potential construction traffic impacts include:

- Increased traffic associated with construction personnel arriving and leaving the Annexation Area
- Deliveries of construction materials, primarily loaded trucks moving slowly uphill
- Temporary traffic restrictions associated with the required improvement of Marsac Avenue and the Mine Road

A variety of traffic related mitigation methods will be implemented to minimize the above referenced traffic impacts.

Since the majority of the construction activities will take place during the late spring, summer and early fall construction season, and during long periods of daylight, the majority of the construction personnel will be arriving and departing the Annexation Area at traditionally non-peak time periods. This will help to mitigate traffic congestion during the normal morning and afternoon peak travel times. Although there is no formal system proposed, construction personnel will be strongly encouraged to car pool to and from the Annexation Area to reduce traffic impacts.

The Resort will develop and implement a detailed program to mitigate traffic impacts related to the delivery of materials and supplies to the Resort and the haul-off of excess and waste materials from the Annexation Area.

This program will include, but not be limited to, the following components:

Delivery Schedules

In general deliveries will be restricted to follow the schedule setout in this section which is designed to minimize conflicts with tourist and holiday traffic. Deliveries that cannot accommodate this schedule will be the subject of a specific delivery plan that will be submitted and approved by the Building Department.

Deliveries to the site are of varying types and uses. General construction material will originate from SLC and will be at predictable times and frequency. These deliveries will be scheduled to not coincide with peak winter tourist traffic patterns and will avoid holidays. In the winter peak ski season (Christmas through Presidents Day) these deliveries will be scheduled to arrive during week days after 9:30 AM and before 3:30 PM and will be direct to the construction site. Saturday deliveries are possible but will be the exception and will be further restricted to after 10:00 AM and before 3:00 PM. Sunday and holiday deliveries will be prohibited. In the balance of the year the delivery schedule will also avoid holidays and Sunday, but will generally be permitted over the normal construction hours. Summer traffic conflicts can occur on non holiday times when festivals are scheduled outside of weekends and holidays. The Master Owners Association will verify with the City the festival schedule to the project identifying areas of concern. The developer will coordinate with the City to minimize conflicts with these dates and times.

Just-in-time deliveries consist of materials fabricated off site such as structural steel, pre-cast concrete and trusses. These materials are shipped by common

carrier and are offloaded from the truck and placed directly on the building during normal working hours. While their arrival in town is random and not schedulable like routine deliveries from SLC, they are few in number and will have limited impact.

Concrete deliveries are the most demanding from a schedule point of view. Small pours can be scheduled to respect the off peak delivery schedule set out for routine deliveries. However large pours will occur year-around and may need to be scheduled for the full day. These deliveries schedules will be submitted to the Building Department for approval as previously noted.

Directions and Travel Routes

Compliance with the Traffic Mitigation Plan will require monitoring to insure that delivery trucks are routed down Royal Street. Consequently a Checkpoint station will be established that will monitor for compliance with this requirement. Deliveries and traffic routes will be monitored and recorded by the Master Homeowners Association (MHA) who has the ability to levy fines on contractors and owners who fail to comply with the approved project plans. See MHA mitigation plan for details of requirements and coordination of CMPs throughout the project.

A Delivery Route Map providing suppliers with directions to the Resort from 1-80 and US 40 including detailed information related to travel conditions and construction detours along the route(s) through Summit County and Park City. This map will be updated on a frequent basis to ensure deliveries do not get lost and cause undue impacts on other parts of Park City. The Maps will require that downhill truck traffic use Royal Street.

- Deliveries will be required to be scheduled in advance to ensure that: i) they arrive during non-peak Park City travel, periods; ii) equipment is available to quickly off-load the shipment; and, iii) a storage area is available. With the approval of Park City, deliveries may be scheduled outside of normal working hours to minimize traffic impacts.
- Deliveries will be timed to coincide with the installation of the materials to ensure that the Resort's storage areas do not become overcrowded.
- Deliveries will be prohibited during area special events including, but not limited to, the Fourth of July celebration, the Arts Festival and the Miner's Day celebration.
- Appropriate directional signal will be installed to clearly direct deliveries to their appropriate destination.

With regard to the improvements associated with the reconstruction of Marsac Avenue and the Mine Road, the Resort will work with Park City to develop an approved construction phasing and implementation plan. This plan will include various elements including, but not limited to, a phasing plan and schedule, a detour plan, a construction signage plan, and a public information program all similar to the one implemented on the construction of the sewer in lower Marsac Avenue.

Hours of Operation

Although for the most part construction associated with the Resort is isolated and a significant distance from existing neighboring residential areas, since the construction is taking place uphill from and in confined canyons adjacent to these residential areas that may transmit sound over a great distance, hours of construction is a concern.

In accordance with the Park City Construction Mitigation Guidelines, construction operations will be limited to the hours of 7:00 AM to 9:00 PM Monday through Saturday and 9:00 AM — 6:00 PM on Sunday. These restrictions will be strictly enforced whenever noise and disruption from construction operations may create a public concern. In more remote areas of the Annexation Area that will not affect neighboring residential areas, extended hours of operation may be requested, subject to the approval of the Park City Community Development Department.

Construction Personnel Vehicle Parking

Due to the considerable size of the Resort, the high number of anticipated construction personnel, the need to keep Marsac Ave open to the public, the restrictive nature of the terrain and the vegetation which must be protected, construction personnel vehicle parking is a concern.

The Resort will designate, construct, maintain and manage specific construction personnel vehicle-parking areas located throughout the Annexation Area. Parking is prohibited on Marsac Ave. The Ontario Mine site is the primary area for this work. Land uses for the Ontario Bench may be subject to a Conditional Use Permit. This site is of an appropriate size and is well situated to accommodate the large numbers of construction personnel that will be working in the lower portions of the Resort in and around Development Pod A. The site is already improved with storm drainage related facilities and asphalt paving. The removal of the mill buildings has increased the area available for staging at this location.

There will be a number of smaller “site specific” construction vehicle parking areas established throughout the Annexation Area. These sites will be located only in areas slated for future construction to ensure that no new vegetation is disturbed. These sites will again be graded and treated to control storm water runoff, mud and dust.

Construction. Staging and Material Storage Areas

Similar to the above referenced construction personnel vehicle parking, due to the size of the Resort, the need to keep Guardsman Pass Road open to the public, the potential for changing weather conditions, the restrictive nature of the terrain and the vegetation which must be protected, construction staging and material storage is a significant concern.

The Resort will again designate, construct, maintain and manage specific construction staging and storage areas located throughout the Annexation Area. The same two sites referenced above will play significant roles to mitigating these impacts.

The existing Ontario No. 3 Mine Building Complex will act as the primary staging and material storage site for the Resort. The existing buildings located on this site will provide opportunities to house construction field offices, The exterior portions of the site are of an appropriate size and are well situated to accommodate the long-term storage of large quantities of construction materials required by the Resort.

Excavated materials generated from the project will be processed and reused or disposed of within the annexation area. Materials will be processed by sorting the material into structural fill and top soil. The bulk of this processing will occur pursuant to a City approved Construction Mitigation Plan which reduces the overall number of haul trips necessary to transport the excavation waste material to its final approved location and minimizes impacts on existing neighborhoods and future residents within the project area. Final locations for waste material storage shall be designated in area which eliminate or substantially reduce haul trips down Marsac Ave below Pod A. Processed materials which are suitable for reuse as engineered fill, aggregate, or landscaping materials will be returned to the site as needed. This reuse will reduce offsite truck trips.

Structural fill and top soil that are surplus to the project will be subject to grading permit approval by the City. AU fill and fill sites will be subject to appropriate geotechnical engineering and testing and be the subject of a grading permit as

required by the IBC. Placement of this material will be covered under separate permit and is the responsibility of United Park City Mines Co (UPK).

The Daly West waste rock pile will act as the primary storage area of on-site generated materials such as trees and vegetation. This site will also be designated as a secondary construction staging area and material storage site since it is well situated to service the mid-portions of the Resort in and around Development Pods B-1 and B-2. However, all work in and around the Daly West must be coordinated with the Mine Soil and Physical Hazards Mitigation Plan. Until the mitigation of Mine Soils is complete on this site, the area available for construction staging will be limited.

In an effort to re-use all suitable materials generated during the construction of the Resort, it is anticipated that several recycling operations will take place at the Daly West staging area. The first will be a wood chipping operation to process organic materials such as trees, slash, ground vegetation and scrap lumber into mulch. This material will be available for use in a variety of ways including mud & dust control, ground stabilization and revegetation & landscaping ground cover.

There will be a number of smaller “site specific” construction storage areas established throughout the Annexation Area. These sites will be located in areas slated for future construction to ensure that no new vegetation is disturbed.

In addition to having appropriate areas to stage construction activities and store construction materials, it is very important to manage, these areas effectively. This management will begin at the entry to the Annexation Area.

As was stated earlier, a Resort entry “check-point” will be established in the area across from the existing stable facility at the Guardsman Connection. Resort personnel will monitor, direct and control all deliveries made to, and transported within, the Annexation Area. Materials requiring long-term storage will be directed to the Ontario #3 Mine Building Complex, while materials needed in the near-term will be directed to either the Daly West area or directly to the site of the construction.

Appropriate good housekeeping practices are also vitally important in the efficient and orderly storage of construction related materials. The Resort will exercise good housekeeping practices in compliance with all applicable Federal, State and local laws, regulations and ordinances to prevent exposure of stored materials to storm water.

The Resort will take special care in the handling and storage of potentially hazardous materials. Examples of hazardous materials include:

- Pesticides, insecticides and herbicides
- Petroleum products including oils, fuels, diesel oil, lubricating oils and grease
- Nutrients including soil additives and fertilizers
- Construction chemicals including paints, acids for cleaning masonry surfaces, cleaning solvents, asphalt products, concrete curing compounds

The storage and use of these materials will conform to the manufacturer's recommendations and good housekeeping practices including:

- Providing locked, weather resistant storage areas
- Lining storage areas with plastic sheeting to contain any leaks
- Storing containers in a cool, dry location
- Keeping container lids tightly closed
- Monitoring all containers and storage facilities on a regular basis
- Maintaining an inventory of all products stored on-site

Any excess materials will be disposed of in compliance with all Federal, State and local laws, regulations and ordinances.

The Resort will construct security fences with gates around its stockpile and staging areas as required and will employ security personnel and services as necessary to protect these areas during off-hours.

Temporary Utilities

The Resort has installed the basic utility infrastructure for sewer, power, natural gas, electricity and phone in Marsac Avenue. Construction utilities will extend from these services.

Health & Safety Plan

In accordance with Federal OSHA standards as well as requirements of State and City ordinances, the Resort will develop and implement an approved Health and Safety Plan that will govern all construction activities associated with the Resort.

Waste & Trash Management and Recycling of Materials

As is the case with all construction projects, large quantities of waste, trash and construction by-products will be generated by the Resort. These materials must be stored, handled and disposed of properly so as not to cause adverse impacts to the surrounding area and the environment.

The Resort will develop and implement a trash management and recycling program to maintain clean construction sites, maximize material recycling, minimize disposal truck traffic impacts and minimize impacts to the local landfills. This program will control the storage and disposal of waste & trash and re-utilize recyclable materials, both organic and manufactured.

Trash collection stations will be established at all primary and secondary staging areas. The Resort will provide a sufficient number of dumpsters, designed specifically for the purpose of the storage of solid waste, and schedule timely haulage services to legal landfill disposal areas to ensure that the dumpsters do not become overfull. Haulage of partial loads will be prohibited in order to minimize truck trips. As was stated in the traffic impacts section, specific haul routes will be coordinated to minimize traffic impacts.

Recycling containers will be located near the dumpsters to facilitate separation of reusable and recyclable materials from the trash. Non-organic recyclable materials will be re-utilized on site as much as possible. The Resort will arrange for the removal of all recyclable materials that cannot be reused on-site. As was stated earlier, organic materials, such as scrap lumber, trees, slash and ground vegetation, are planned to be chipped on-site into mulch for use on-site.

Sanitary Waste Disposal

As is the case with any construction project with large numbers of construction personnel, sanitary waste disposal facilities are critical.

The Resort will provide adequate portable toilets for use by the construction personnel. These temporary toilets will be provided and maintained by a licensed provider who will dispose, of all waste in compliance with all applicable State and local laws, regulations and ordinances.

Sanitary facilities will be located a sufficient distance from any storm drainage systems to prevent contamination in the event of a spill. Any spill will be cleaned up immediately.

Grading and Excavation Impacts

Impacts from grading and excavation generally fall into to three categories. The first is the generation of fugitive dust and/or mud. The second relates to traffic impacts of hauling excess materials off-site. Finally, the third relates to erosion of exposed surfaces and storm water management.

Fugitive Dust and/or Mud:

Disturbance of the natural vegetation layer and earthwork/excavation activities results in the exposure of the natural soil to the elements. During dry periods, wind, trucks and equipment traveling across these disturbed areas create fugitive dust. This fugitive dust has the potential to negatively affect air quality. During wet periods, the dust turns into mud and, if left unchecked, can impact existing watercourses and can be tracked off-site onto public roadways.

To the extent possible, disturbed areas will be kept to a minimum. Earthwork activities will be scheduled so that the area to be disturbed and left unprotected from erosion will be as small as possible and exposed for the shortest time feasible.

Areas targeted for grading and excavation operations will be delineated by the use of silt fencing on the downhill side of slopes and limits of disturbance fencing in other locations. This fencing will generally be located within five feet of the limits of cuts and fill operations. These delineated limits of disturbance will be strictly enforced to minimize the areas of disturbance.

Temporary stabilization procedures including the establishment of temporary and/or permanent vegetation, mulching, geotextile fabrics, etc. will take place as required to prevent soil erosion. These measures will be installed as soon as practical after construction activities have been temporarily or permanently ceased.

Cut and fill slopes, utility corridors and other areas of disturbance will be covered with topsoil and revegetated as soon as practical to prevent erosion. Mulch and gravel generated from the previously referenced on-site recycling program will be used to control dust and stabilized wet areas.

Fugitive dust will be controlled with appropriate application of water as a palliative. One or more water trucks will be employed throughout the workday to water down haul roads and disturbed areas.

Most of the work associated with the Resort will occur on-site and out of existing public rights-of-way. However truck traffic traveling to and from the Resort has the potential of tracking dust onto public roadways.

Each project will establish a truck wash program. For most sites vehicle wash down areas will be at the entrance to all job sites off of Marsac Avenue. Single family projects will establish portable wash facilities as part of their individual plans. This wash down area will consist of temporary asphalt paving or clean, well-graded gravel with a water hose station and a catch basin to receive the wash water. All construction vehicles leaving the job sites will be inspected by

Resort personnel, hosed down as required and have their loads covered or wetted if applicable.

Street Cleaning:

The truck wash at the entrance to the job site will eliminate most sediment transport from the job site to the City's storm water conveyance; however, the potential exists for incidental or accidental transport to Marsac Avenue. Consequently, the drop inlets downhill of the project will be equipped with silt traps of filter fabric or hay bales. These silt traps will be inspected on a weekly basis and prior to any forecast for precipitation and cleaned as needed. Streets will be swept as need depending on the effectiveness of the truck wash program. Streets will also be inspected and cleaned as needed prior to any forecasted precipitation.

Traffic Impacts:

The majority of all materials generated from on-site grading, excavation and other earthwork operations will be retained within the Annexation Area. This material will be used for such things as topsoil cover material, landscape berms and/or structural fills. This policy will reduce traffic impacts on City roads.

Storm Water Management:

The project construction is covered under a SWPPP issued by the State that is held in the name of the master developer, United Park City Mines Co. (UPK). This plan corresponds with the requirements of that permit. UPK will be responsible along with the MHA for enforcing that permit within the project.

The primary goals of the SWPPP are: i) to limit the areas of disturbance of existing vegetation to only those areas required to install the proposed improvements; ii) to retain sediment on site to the extent practical through the selection, installation and maintenance of control measures in accordance with good engineering practices; and iii) to prevent construction litter, debris and chemicals from becoming a pollutant source for storm water discharges.

In general, the Resort will institute the following good housekeeping practices:

- Protecting existing vegetation to remain from disturbance •
Minimizing slope lengths and steepness
- Preventing pollutant contact with precipitation and runoff
- Keeping pollutants off exposed surfaces
- Keeping materials out of storm drainage systems
- Reducing storm runoff velocities

- Minimizing generation of waste materials and dispose of all waste materials properly
- Storing all materials properly, including adequate covering
- Preventing leaks and spills, cleaning up any spills immediately
- Preventing concrete and cement mortars from entering storm drainages
- Applying fertilizers, pesticides and herbicides in accordance with the manufacturer's instructions
- Minimizing tracking of sediment off-site

All proposed staging and materials storage areas will incorporate storm run-off controls. Storm water collection, transmission and disposal facilities will be constructed to route storm water runoff around these areas. The storm water flows from these facilities will be discharged, where possible, through areas of natural vegetation so that filtering can occur. In areas where natural vegetation is not available, siltation basins will be constructed. Upon completion of the Resort, or when a staging area is no longer being used, these storm water run-off control facilities will be removed, re-graded and re-vegetated.

The Resort will install a variety of storm water run-off prevention measures whenever natural vegetation is disturbed including, but not limited to, straw bales, silt fences, silt basins, rock check dams, etc. to prevent silt and other construction related materials from entering the storm drain systems and/or water courses.

UPK and MHA personnel will routinely inspect the above-described erosion and sediment control facilities on a regular basis. These facilities will be maintained, repaired and supplemented as required to ensure effective Operating conditions. Sediment will be cleared from the control facilities when the depth of the accumulated sediment reaches a maximum of 1/3 of the height of the structure.

Upon completion of construction, all temporary facilities will be removed from the site and revegetated after the disturbed areas have stabilized.

Noise Prevention

As stated earlier, although, for the most part, construction associated with the Resort is isolated and a significant distance from existing neighboring residential areas, since the construction is taking place uphill from and in confined canyons adjacent to residential areas, noise impacts could be a concern. Obviously, work associated with the reconstruction of Marsac Avenue and the Mine Road could generate noise that may impact residential areas along this alignment.

All construction operations will be conducted in compliance with Park City's hours of operations and noise restriction guidelines and ordinances.'

In the event that any essential operation generates noise that consistently exceeds the 65-decibel limit set by Park City, Project representatives will meet with City Engineering Department and Building Department officials to determine the best method for mitigating the impact.

Engineering and Building Department officials will be notified of any proposed strong percussive noises, such as blasting activities, three days prior to the event taking place. Blasting contractors will be required to obtain necessary permits prior to blasting.

Temporary Lighting

Since for the most part, construction associated with the Resort is isolated and will take place a significant distance from existing neighboring residential areas, impacts from lights associated with after-dark construction related activities or staging and storage areas is not anticipated to be a significant concern.

It is not anticipated that normal construction activities will occur after dark. It is, however, possible that certain special operations, such as utility tie-ins that can only be performed during "off hours," may necessitate work being completed after dark. The Resort will take great care to provide adequate lighting for the safety of the construction personnel while attempting to 'ensure that said lighting does not impact neighboring residents. An approved temporary lighting plan will be developed and submitted to the City for their approval at the City's discretion prior to commencement of any construction operations requiring exterior, temporary lighting.

Resort Identification and Notification Information

In accordance with Park City Construction Mitigation guidelines, Resort identification signs will be constructed and posted at the entries to the Annexation Area. These signs will include, at a minimum, the following Resort information:

- Name, address and telephone number of the developer
- Name, address and telephone number of person responsible for the Resort
- Name and telephone number of the party or parties to contact in case of an emergency

In addition to the general Resort identification signs described above, and as stated previously, the Resort will develop construction signage plans as required to adequately inform the public of hazards related to construction activities, detours, etc. These signage plans will address construction activities associated with both roadways and trails.

Public Notification and Communication:

In light of the fact that the Annexation Area consists of approximately 1,650 acres used by a large segment of the population for recreational activities, keeping the public informed of the schedule and progress of the construction will be very important.

Meetings with neighboring property owners in particular and the public in general will be encouraged to keep everyone apprised of the current conditions.

The Resort will continually assess all operations that may adversely impact or inconvenience residents and/or businesses in the area of the Resort or motorists, hikers, bikers and/or equestrians traveling throughout the Annexation Area so that proper notification and communication of impacts can be made in advance. These impacts may include road closures and detours, trail closures and detours, and night operations, etc. This notification process will be maintained throughout the entire construction process. All said notifications will be coordinated with representatives of Park City and communicated to the public via the local newspaper, radio stations and mass mailings.

Although every effort will be made to minimize the disruption of the existing trail system, some trails will be temporarily closed or detoured, re-routed or permanently eliminated due to infrastructure construction. Detours and/or new permanent trails will be completed in a timely manner to minimize the impact of Resort construction activities on the trail users.

Other Issues

Since dogs on active construction sites can be both a distraction and a hazard to construction personnel as well as a threat to the well being of the animal itself, dogs will be forbidden on construction sites at anytime in accordance with Park City ordinances.

V. CONSTRUCTION PHASING

- Phasing of the Resort will consist of an orderly and systematic construction and development plan, as approved by the Planning Commission in December of 2001. This plan extends access and utility services to the Annexation Area in a timely fashion to facilitate the sale of a wide range of real estate product without undue impacts to Park City, its residents or the environment.

VI. CONSTRUCTION MITIGATION PLAN MANAGEMENT

FMP, the development entity overseeing the construction and development of the Resort, will have the overall responsibility for the implementation and enforcement of the requirements of this Construction Mitigation Plan.

Prior to commencement of any third party development project, and in accordance with the requirements of Park City's Master Planned Development approval process, the third party developer of said project will be required to submit a detailed, site-specific construction mitigation plan to Park City Planning and Building Departments for their review and approval. A copy of these plans will also be submitted to the Resort's Master Homeowners Association for their review and approval.

The Resort's Developer and/or Master Homeowners Association will have overall responsibility to Park City Municipal Corporation to ensure the implementation and enforcement of the requirements of these individual construction mitigation plans as part of the approved Resort Covenants, Conditions and Restrictions (CC&R's) and Design Guidelines.

VII. ADDENDUM – APRIL 2018

With development of the Mountain Village approximately 75% complete, this addendum addresses mitigation measures specific to the remaining, primarily residential, development.

Construction Access

With major road improvements complete, construction workers, trucks delivering construction materials and trucks removing construction waste shall use Marsac Avenue (the Mine Road), not Royal Street, consistent with current PCMC policy. The Empire Pass Master Owners Association (“EPMOA”) shall work directly with contractors to mitigate on site traffic impacts related to the delivery of materials and supplies to construction sites.

Contractor Parking

EPMOA tightly regulates parking of construction personnel vehicles within the Annexation Area. Parking is prohibited on Marsac Ave. Parking on construction sites within the Resort is limited and strictly monitored by the Empire Pass Master Owners Association (“EPMOA”). During non-winter months, EPMOA permits limited on street parking on private roads. During winter months, contractors are generally required to park within construction sites to keep roads clear for snow removal and emergency vehicle access. Contractors with insufficient parking on site are required to shuttle workers from remote parking sites such as Richardson Flats, Deer Valley’s Royal Street Connector lot, and the Mine Bench.

Construction Staging

Individual contractors coordinate with EPMOA regarding specific construction staging and storage areas. Contractors are generally required to stage materials on site. Based on land owner approval, off-site staging of materials on vacant development sites or at the Ontario Mine Bench or Royal Street Connector lot are acceptable alternatives.

Excavated Materials

Excavated materials generated from individual projects will be processed and reused or disposed of within the Annexation Area to the extent reasonably

feasible. Materials will be processed by sorting the material into structural fill and top soil. Final locations for placement of excavated material shall be designated in areas which eliminate or substantially reduce haul trips down Marsac Ave below Pod A.

Structural fill and top soil that are surplus to individual construction projects will hauled to approved tipping sites for placement subject to grading permit approval by the City. All fill and fill sites will be subject to appropriate geotechnical engineering and testing.

Construction waste and materials not suitable for placement at tipping sites may be hauled off site for disposal at local landfill.

Subject to grading permit approval, designated tipping sites include:

- Proposed Twisted Branch Road Lot 2 ("Hot Creek")
- Proposed Twisted Branch Road Parcel C
- VEPN Lot 1 (Marsac Horseshoe)
- Period No. 1 Mining Claim – MS 6567
- Period No. 5 Mining Claim – MS 6567
- O.K. Mining Claim – MS 5929
- L.E. Mining Claim - MS 5930
- Deer Valley Ski Runs

Additional tipping sites within the Annexation Area may be considered and approved by PCMC Planning Department.

Twisted Branch Road Parcel C may be used for seasonal storage of excavated material when weather conditions preclude placement at other tipping sites.

Waste & Trash Management and Recycling of Materials

As is the case with all construction projects, waste, trash and construction by-products will be generated by individual construction projects. These materials must be stored, handled and disposed of properly so as not to cause adverse impacts to the surrounding area and the environment. Construction Mitigation Plans for individual projects will address trash management. EPMOA will monitor contractor compliance with trash management on individual sites and surrounding properties

Planning Commission Staff Report



Subject: Park City Heights Phasing Plan
Project #: PL-17- 03552
Author: Kirsten Whetstone, MS, AICP
Date: June 13, 2018
Type of Item: Administrative

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing and consider approving an amended Subdivision Phasing Plan for the Park City Heights Subdivision.

Topic

Applicant: Ivory Development LLC
Applicant representative: Brad Mackay
Location: 3900 Calamity Lane (Located south of Richardson Flat Road and west of US Highway 40)
Zoning: Community Transition (CT), subject to the Park City Heights Master Planned Development
Adjacent Land Uses: Single family homes and lots of Park City Heights Phase 1, Open Space, and future Park City Heights phases.

Disclosure: The City retains a security interest as the holder of a Trust Deed in conjunction with a prior transaction regarding the property. However, the City is not an applicant and does not have any current ownership in the property.

Background

May 27, 2010 - The property was annexed into Park City with the Park City Heights Annexation and zoned CT-MPD (Community Transition- Park City Heights MPD).

May 11, 2011 - Park City Planning Commission approved the Park City Heights MPD for a mixed residential development consisting of 160 market rate units and 79 affordable units for a total of 239 units on 239 acres.

June 22, 2011 - Planning Commission approved a preliminary subdivision plat for the Park City Heights MPD.

November 6, 2013 - Planning Commission approved an amended MPD and an amended overall preliminary subdivision plat for the entire Park City Heights Development to address relocation of lots, streets, and parcels due to mine soils mitigation and a Voluntary Clean-up plan approved by the State.

February 26, 2014 - Amended Development Agreement for the Park City Heights MPD

was ratified by the Planning Commission to include terms, requirements, and restrictions of the development, per the November 6, 2013 amended MPD, and includes all conditions of approval of the amended MPD.

February 27, 2014 - City Council approved the amended Park City Heights Subdivision Phase 1 plat.

March 28, 2018 – Planning Commission conducted a public hearing and forwarded a positive recommendation on the Park City Heights Phase 2 subdivision plat. The Planning Commission reviewed the amended phasing plan but did not make a separate motion or vote to approve it.

April 30, 2018 – City Council conducted a public hearing and approved the Park City Heights Phase 2 subdivision plat with a condition of approval that prior to recordation of the plat, the Park City Housing Authority would review and amend the Housing Mitigation plan to reflect the amended subdivision phasing plan.

Analysis

Phasing plan

The applicant requests revisions to the overall phasing plan (Exhibit A). Phasing approved with the preliminary plat (Exhibit B) for Phase 2 included 46 lots south of Phase 1 consisting of a mix of Cottage Homes and Homestead Homes. The approved Phase 2 plat includes construction of the extension of Calamity Lane (off Existing Ledger Way) and two short cul-de-sacs and incorporates a portion of Phase 3 as well as Phases 5 and 6. The applicants intend to construct a water tank this summer as required by the Development Agreement ([Exhibit C- link](#)) with access from Calamity. Proposed Phase 2 is a logical extension of Phase 1.

Current and proposed phasing of Market Rate and Affordable/Attainable Units

Phase	Market rate lots (160)		Affordable deed restricted Townhouses (28)		Affordable detached (deed restricted) Park Homes (35)		Attainable (deed restricted) Cottages (16)		Total affordable current/ proposed	
	Current	Proposed	Current	Proposed	Current	Proposed	Current	Proposed	Current	Proposed
1	36	36 (platted)	28	28	35	35	5	5	68	68
2	43	39	0	0	0	0	3	0	3	0
3	32	2	0	0	0	0	2	0	2	0
4	23	44	0	0	0	0	6	3	6	3
5	15	39	0	0	0	0	0	8	0	8
6	11	n/a	0	n/a	0	n/a	0	n/a	0	n/a
Total	160	160	28	28	35	35	16	16	79	79

No changes are proposed to Phase 1 of the subdivision that includes 68 affordable/attainable units (28 townhouses, 35 park homes and 5 cottage homes) and 35 market rate units. These lots are already platted and building permits have been issued for approximately 54 units, 35 of which are deed restricted.

Proposed Phase 2 of the subdivision includes 39 market rate homestead units and no deed restricted units (current Phase 2 includes 43 market rate and 3 deed restricted). The reason there are no affordable/attainable units in proposed Phase 2 is because all of these lots are Homestead lots, which are all designated as market rate lots.

Proposed Phase 3 includes 2 market rate homestead units (current Phase 3 includes 32 market rate and 2 deed restricted.)

Proposed Phase 4 includes 44 market rate units and 3 deed restricted cottage homes (current Phase 4 includes 23 market rate units and 6 deed restricted cottage homes).

Proposed Phase 5 includes 39 market rate units and 8 deed restricted cottage homes (current Phase 5 includes 15 market rate and no deed restricted units).

No proposed Phase 6 (current Phase 6 includes 11 market rate units).

The overall numbers remain the same for both market rate (160 units) and deed restricted (79 units).

Affordable Housing

An affordable housing mitigation plan was approved by the Park City Housing Authority (Exhibit D) on July 17, 2014 and amended on December 15, 2017, to include a pricing per unit table. The housing mitigation plan requires Ivory Homes to return to the Housing Authority by December of each year with a status report to include: the number of units built, sales prices, projections for the following year, balance of obligation, and any requested adjustments to the plan.

The housing plan allows for adjustments to the phasing and sub-phasing as plats are filed, and the MPD includes a condition that prior to issuance of building permits for the last 10% of the market rate units (16 market rate units), 100% of the affordable/attainable units shall be complete and have certificates of occupancy issued. This MPD condition is the only one which addresses the timing of completion of the deed restricted units.

As a condition of the Park City Heights MPD a total of 79 deed restricted affordable/attainable units are required ([Exhibit C- Development Agreement link](#)). The Agreement states that all 28 Townhouse units and all 35 Park homes (all deed restricted affordable/attainable) are located in Phase 1, along with 5 Cottage homes (attainable) and “affordable units for subsequent phases will be identified with the final subdivision plats for those phases”.

With 68 affordable units in Phase 1 the applicant indicates that they have sufficient number of platted affordable lots to continue to deliver affordable units for several years.

The following table identifies the certificates of occupancy (CO) and permits issued for

the different types of houses by year:

Year of permit	Townhomes affordable	Park Homes affordable	Cottage-affordable	Cottage-market	Homestead-all market
2016	4 (COs)	6 (COs)	0	1 (CO in 2017)	0
2017	4 (COs)	6 (COs anticipated in 2018)	0	7 (COs in 2017/2018)	0
2018	8 permits issued in June- COs anticipated in December.	6 permits issued in June- COs anticipated 2018 or early 2019.	1 permit issued in June- CO anticipated 2018.	10 permits issued- COs anticipated 2018.	1 permit issued- CO anticipated 2018
2019	4 - planned	6 - planned	1- planned	Not known	Not known
Totals with CO to date	8	6	0	8	0

Department Review

The Park City Heights Phase 2 subdivision application and request to amend the overall phasing plan was taken to an interdepartmental review. No concerns were raised concerning the amended phasing plan.

Notice

On May 9th and June 7th, 2018, legal notice was published in the Park Record and on the Utah Public Notice website and posted according to requirements of LMC.

Alternatives

- The Planning Commission may approve the amended phasing plan as conditioned or amended.
- The Planning Commission may deny the amended phasing plan and direct staff to make Findings for this decision.
- The Planning Commission may continue this item to a date certain.

Significant Impacts

There are no significant negative fiscal or environmental impacts that result from approval of the amended phasing plan.

Recommendation

Staff recommends the Planning Commission conduct a public hearing and consider approving the Park City Heights Subdivision amended phasing plan.

Findings of Fact

1. The property is located south of Richardson Flat Road, south and east of SR 248 and west of US Highway 40.

2. The property was annexed into Park City with the Park City Heights Annexation on May 27, 2010, and was zoned CT-MPD (Community Transition subject to the Park City Heights MPD).
3. On May 11, 2011, the Park City Planning Commission approved the Park City Heights MPD for a mixed residential development consisting of 160 market rate units and 79 affordable units on 239 acres.
4. On June 22, 2011, the Planning Commission reviewed and approved a preliminary subdivision plat and overall phasing plan as being consistent with the Park City Heights MPD.
5. On November 17, 2011, the City Council approved the original Park City Heights Phase 1 final subdivision plat consisting of 68 total lots.
6. On November 6, 2013, the Planning Commission approved an amended Park City Heights MPD and preliminary plat to address relocation of lots and streets due to voluntary cleanup of mine soils.
7. On February 27, 2014, the City Council approved a revised Park City Heights Phase 1 final subdivision plat that was subsequently recorded at Summit County on November 4, 2014.
8. On May 2, 2017, the City Planning Department received an application for a final subdivision plat for 16 single family lots as Park City Heights Phase 2.
9. On January 19, 2018, the City Planning Department received a revised submittal requesting 39 single family lots and extending Calamity Lane to the end of the cul-de-sac in order to facilitate construction of a required water tank in 2018. The submittal also included a request to amend the overall phasing plan for the subdivision.
10. On February 2, 2018, the revised submittal for 39 lots was considered complete.
11. The property is restricted by the Land Management Code, the Park City Heights Annexation Agreement, the Amended Park City Heights Master Planned Development Agreement and the Amended Park City Heights Design Guidelines.
12. Phase 1 consists of 36 market rate lots and 68 affordable/attainable lots.
13. Phase 2 of the original phasing plan consists of 43 market rate and 3 affordable/attainable.
14. Proposed phase 2 consists of 39 Homestead lots which are all market rate. Phase 2 includes platting of the 105.91 acre open space parcel.
15. The MPD states that “affordable units for subsequent phases will be identified with the final subdivision plats for those phases”.
16. The affordable housing mitigation plan indicates that the subdivision may be platted in phases and that each primary phase may include sub-phases as market conditions dictate and the phases may be adjusted and requires that all affordable/attainable units be complete prior to issuance of building permits for the final 10% of market rate units (16 units). This MPD condition is the only one which addresses the timing of completion of deed restricted units.
17. The housing mitigation plan is reviewed by the Park City Housing Authority annually in December.
18. Certificates of occupancy have been issued for 14 of the 35 affordable units constructed or under construction to date and 8 of the 18 market rate units.

19. The amended phasing plan does not change requirements of the housing mitigation plan or the annual delivery of affordable units.
20. On March 28, 2018 the Planning Commission approved the Park City Heights Phase 2 subdivision plat in accordance with the proposed amended phasing plan; however a separate motion to approve the amended phasing plan was not made.

Conditions of Approval:

1. Ledger Way shall not be used for construction access to Phase 2 or any future phases.
2. A common construction recycling and excavation materials storage area within the development shall be identified for each phase as part of the streets and utilities plan approval.
3. The Park City Heights Housing Mitigation Plan shall be amended to reflect the amended phasing plan.
4. Prior to recordation of the Phase 2 subdivision plat, the revised Phasing Plan shall be recorded at Summit County as an addendum to the Amended Park City Heights Development Agreement.

Exhibits

- Exhibit A – Proposed revised overall phasing plan
Exhibit B – Approved amended Park City Heights Preliminary plat (and phasing)
Exhibit C – [Park City Heights MPD Amended Development Agreement- link](#)
Exhibit D – Housing Mitigation Plan



February 22, 2018

Park City Senior Planner
Kirsten Whetstone
Park City Planning Department
Park City, UT 84060

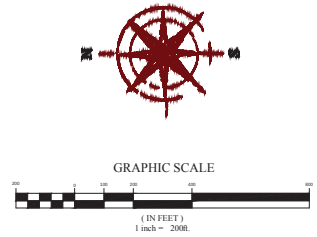
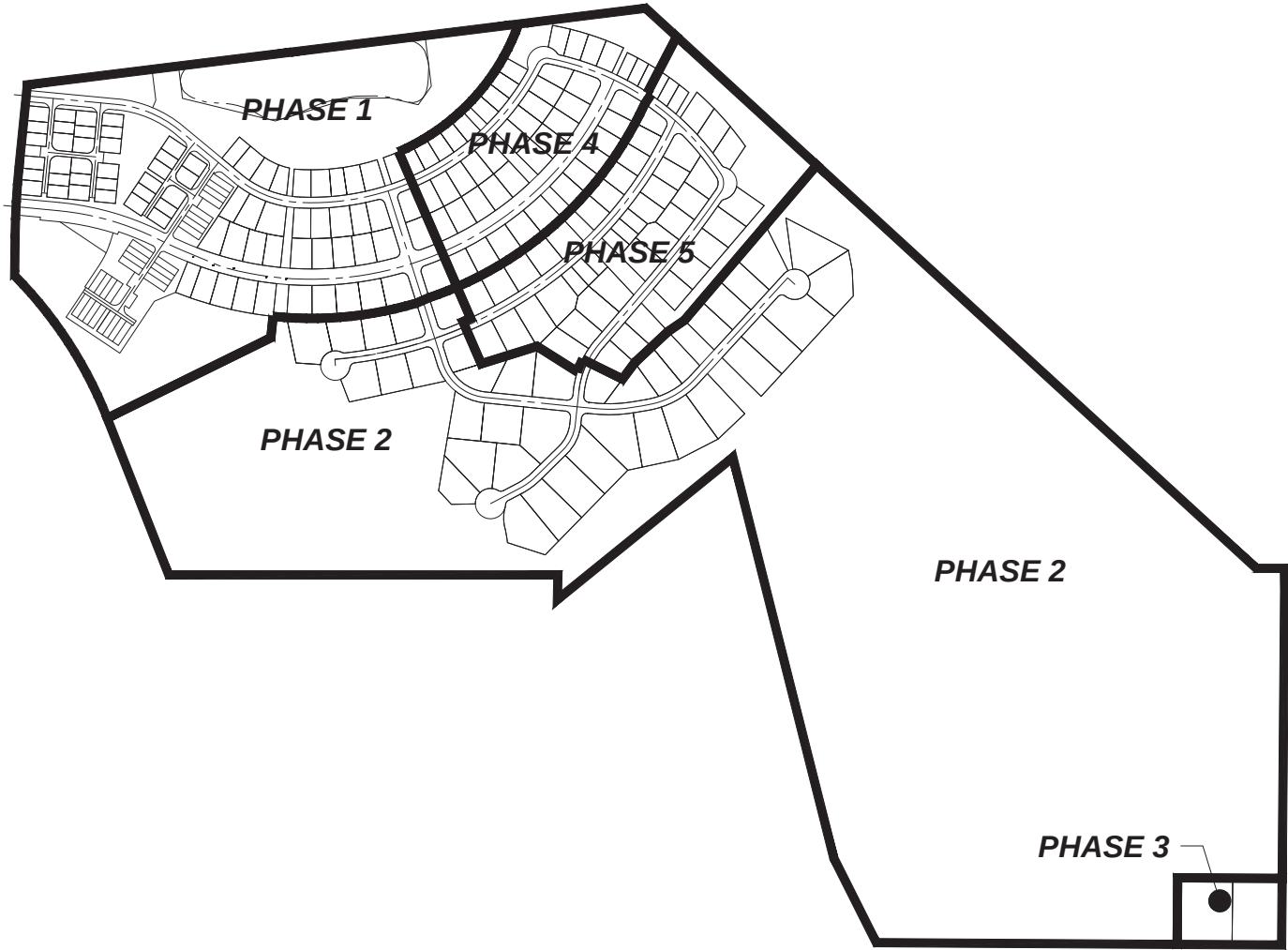
RE: Park City Heights Revised Phasing Plan

Dear Kirsten:

This letter is in response to your email requesting information regarding the proposed change to the approved phasing plan for Park City Heights Subdivision. At the time the current phasing plan was approved, the location of the final water tank was not finalized and as such the location of the water line that would be feeding the water tank was also not able to be determined. Over the past four years we have been working with Roger McClain from the water department to finalize the location of the tank along with the supply lines to the water tank. Per the amended water agreement with Park City dated October 31, 2014, the water tank will need to be constructed concurrent with the next phase of development. The need to amend the phasing plan stems from the need to build the infrastructure to the water tank. The water tank supply lines are planned to run in Calamity lane. The sanitary sewer, storm drain lines, culinary water, and power will also need to be run in the road at the same time as the supply line to the tank to avoid future utility conflicts. The road will need to be built to access the tank. Therefore with all the infrastructure in place needed to build the tank, it makes sense to build the proposed phase 2 as the next phase of development. Phase 3 is proposed to be the 2 lots that will access off Hidden Oaks subdivision. Originally these 2 lots were included in the phase 6 lots. However due to a property acquisition from Summit County in order to facilitate the platting of these lots it makes sense to keep the 2 lots as a separate plat. The timing of phase 3 may not come sequentially due to the acquisition of property from Summit County. Phase 4 is proposed to be more of the cottage lots adjacent to the detention area and is currently planned to be constructed in 2019-2020. Phase 5 will be the last phase and will have to be built following the construction of phase 4 to connect to sanitary sewer. The timing of phase 5 will depend on the market.

Sincerely,

Brad Mackay, PE
Ivory Development LLC



FOCUS
ENGINEERING AND SURVEYING, LLC
MIDVALE, UTAH 84047 PH (801) 352-0075
www.focusnh.com

Park City Heights
Park City
Phasing Exhibit

REVISION BLOCK	
#	DESCRIPTION
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	

Phasing Exhibit	
Scale: 1"=200'	Drawn: TM
Date: 02/23/18	Rev: 0 16-3-01
Sheet:	
1 OF 1	

T:_2018\18-0440-Park City Heights\Design\18-0440-Park City Heights\Exhibits\Central Phasing Exhibit.dwg



COMMUNITY DEVELOPMENT

January 31, 2017

Christopher P. Gamvroulas
Ivory Development
978 Woodoak Lane
Salt Lake City, UT 84117

NOTICE OF HOUSING AUTHORITY APPROVAL

<u>Description:</u>	Updated/Amended Affordable Housing Mitigation Plan
<u>Project Title:</u>	Park City Heights Master Planned Development
<u>Date of Action:</u>	December 15, 2016

Summary of Housing Authority Action

On December 15, 2016 Park City Housing Authority approved an amended Housing Mitigation Plan for the phased completion and sale of 79 deed restricted units in fulfillment of the affordable housing obligation at Park City Heights Master Planned Development. Completed units will include 28 Park Town Homes (7 four-plex buildings), 35 Park Homes and 16 larger Cottage Homes.

The First Amendment to the original Housing Mitigation Plan ("Plan") is attached as Exhibit B. The Plan was approved with the following conditions of approval:

Conditions of Approval:

1. Ivory Homes will return to the Housing Authority by December of each year with a status report that includes: number of units built, sale prices, balance remaining, projections for the next year including number of units in each type and pricing for the next year, and any requested adjustments to the Housing Mitigation Plan.
2. Any changes to the unit pricing, bedroom count or completion schedule included in the Amended Housing Mitigation Plan in Exhibit B will require approval by the Housing Authority.

Attached are Exhibits as follows:

Exhibit A = Original Housing Mitigation Plan approved on July 17, 2014

Exhibit B = Amended Housing Mitigation Plan approved on December 15, 2016.
Exhibit C = First Amendment to the Deed Restriction recorded on January 19,
2017 applicable to the sale of 14 houses.

If you have any questions about this Housing Mitigation Plan letter of approval, please
contact me. I can be reached at 435-615-5152 or via email at
rhoda.stauffer@parkcity.org.

Sincerely,



Rhoda J. Stauffer
Affordable Housing Program Manager

July 1, 2014

Park City Housing Authority
PO Box 1480
Park City, UT 84060

EXHIBIT A

Park City Heights - Housing Mitigation Plan

Project: Park City Heights Master Planned Development
Developer: Ivory Homes

General:

On May 11, 2011 the Master Planned Development (MPD) for Park City Heights was approved for a mixed residential development consisting of 160 market rate units and 79 affordable/attainable units on 239 acres. An amendment to the MPD was approved on November 6, 2013, this addressed relocation and configuration of lots and streets. As part of the approval the Developer is required to satisfy an affordable/attainable housing requirement with forty-four (44) units approved under the 17-99 Housing Resolution and thirty-five (35) units approved under the 20-07 Housing Resolution.

The units will be large enough to capture all of the square footage necessary under the AUE obligations. All affordable/attainable units are to be for sale units. None of the units are intended to be rented by the Developer or future owners. Restrictions and priorities may include qualification options, sales price limits/range, rental restrictions and affordability terms.

Phasing Schedule:

The Project may be platted and in phases in accordance with the approved phasing plan. The following schedule is provided to indicate the required AUE's to be built in each phase. However, each primary phase may include sub-phases as market conditions dictate and the phases may be adjusted.

Phase 1 – 103 Units

- 68 Affordable/Attainable
- 35 Market Rate Units

Phase 2 – 47 Units

- 5 Affordable/Attainable
- 42 Market Rate Units

Phase 3 – 34 Units

- 2 Affordable/Attainable
- 32 Market Rate Units

Phase 4 – 29 Units

- 4 Affordable/Attainable
- 25 Market Rate Units

Phase 5 – 15 Units

- 15 Market Rate Units

Phase 6 – 11 Units

- 11 Market Rate Units

All Phases 79 Affordable/Attainable Units (or equivalent AUE's)
 160 Market Rate Units

Total: 239 Units

Construction Timing:

The general layout and concept plan for Park City Heights dictates that the infrastructure is built from the lowest point of the slope (north) or entrance of the project to the highest point on the mountain (south). Because construction dictates this development pattern and the majority of affordable units are lower on the hill, the affordable units will be constructed at a different rate than market rate units. All of the affordable/attainable units will receive a certificate of occupancy prior to issuance of building permits for the last ten (10) percent of the market rate units. Project and housing requirements dictate that the affordable/attainable units are built in conjunction with the market rate units. The developer is front loading as many affordable/attainable units as possible to ensure that the requirements are satisfied. All of the affordable/attainable units are in the first 4 Phases.

Phase 1 construction will begin in early fall of 2014 for a total of sixty-eight (68) affordable/attainable units. The first Certificates of Occupancy are anticipated to be completed in late 2014/early 2015. The first affordable/attainable unit will be ready for occupancy prior to the first market rate unit. The majority of the affordable/attainable units are clustered at the entrance to the Subdivision and the Developer will ensure that the units are built with high quality building materials and well maintained. Projected absorption rate is 8-12 units per year as dictated by the market.

Phase 1 – Year 1 Projection = 10 Total Units

TYPE OF UNIT	NUMBER OF UNITS	NUMBER OF BEDROOMS	SQUARE FEET PER UNIT
Park Home – Single Family	6	3	1,600 – 2,100
Park Home – Townhome	4	2-3	1,000 – 1,400

Product Pricing:

The intent is to offer a wide range of both product type and product pricing. Pricing in the first building of the Attached Park Home Townhomes product in Phase 1 will begin in the \$240,000 range and go upwards of \$400,000 for the Single Family Detached Park Homes, depending on unit type, bedroom counts, square footage, and construction finishes. Developer will work with Park City Municipal Corp to determine final sales pricing as well as product type and size. It is anticipated that attached units will be priced lower and single family detached units will be closer to the maximum price range, thus having a greater range of diversity.

Marketing Plan:

Developer agrees to give priority to those full-time employees who work within the area of the Park City School District boundaries, particularly essential workers. This area includes but is not limited to Intermountain Healthcare Park City Medical Campus, USSA Headquarters and Training Annexation.

Developer will hold information seminars with these target groups to discuss the qualifications for purchasing deed restricted affordable/attainable housing units. Developer will also provide Credit Repair Services for all of those in need of such services.

Methodology of Affordability:

Affordability Defined

Affordability is defined such that the total amount of the mortgage, basic utilities, taxes, insurance and HOA payments may not account for more than 30% of household income. The median wage of the core Park City workforce is determined annually by the City Council.

Affordable Unit Equivalent

There are two resolutions that govern the affordable/attainable units in Park City Heights. Resolution 17-99 dictates that a two-bedroom unit with 800 square feet of Net Livable Space is considered one Affordable Unit Equivalent; and Resolution 20-07, dictates that a two-bedroom unit with 900 square feet of Net Livable Space is considered one Affordable Unit Equivalent.

Average of Affordability

The intent is to maintain an average rate of affordability. Flexibility must be given in the Housing Mitigation Plan in an attempt to maximize a level of affordability. There may be some single-family units that fall outside of the affordable range, alternatively, providing attached units could keep the average rate of affordability lower delivering a lower average price.

Compliance Standards

It is anticipated that there will be a mix of unit types and standards as outlined below:

- All affordable units will be built to a minimum LEED Certified OR NAHB Green level and appliances & light bulbs shall be Energy Star qualified products.
- Size differentials of the exterior appearance of the cottage home affordable units will be compatible with cottage home market rate units and will use similar exterior materials and guidelines.
- Standard construction practices will be the same for the affordable/attainable and market units and incorporate the same general construction materials in the following areas: insulation, windows, heating systems, and other components related to energy efficiency including landscaping.
- All affordable/attainable units will be constructed in accordance and consistent with the MPD approved Park City Heights Neighborhood Design Guide.
- All affordable/attainable units will be constructed on Park City Heights property (MPD site). This includes the transfer of the IHC units from the Park City Medical Center site to Park City Heights.

Product type/Unit descriptions

Product type in all phases will be determined based on market conditions, lot size, topography, number of stories, adjacent homes, and other factors. Flexibility will be required and a necessity in order to provide the right product at the right price to maintain affordability. Units will be configured in two, three and four bedroom layouts. A minimum of seven (7) – two bedroom units will be provided in the Attached Park Home Townhomes.

Average Median Income/Workforce Housing Wage (Guideline)

Housing Resolution 17-99 uses an Average Median Income (AMI) in Summit County and Housing Resolution 20-07 uses the Workforce Housing Wage (WHW) in Park City. The first ten (10) units will be split with four (4) of the units under HR 17-99 and six (6) under HR 20-07.

December 15, 2016

Park City Housing Authority
PO Box 1480
Park City, UT 84060

Park City Heights – Amended Housing Mitigation Plan

Project: Park City Heights Master Planned Development
Developer: Ivory Homes

General:

On May 11, 2011 the Master Planned Development (MPD) for Park City Heights was approved for a mixed residential development consisting of 160 market rate units and 79 affordable/attainable units on 239 acres. An amendment to the MPD was approved on November 6, 2013, this addressed relocation and configuration of lots and streets. As part of the approval the Developer is required to satisfy an affordable/attainable housing requirement with forty-four (44) units approved under the 17-99 Housing Resolution and thirty-five (35) units approved under the 20-07 Housing Resolution.

The units will be large enough to capture all of the square footage necessary under the AUE obligations. All affordable/attainable units are to be for sale units. None of the units are intended to be rented by the Developer or future owners. Restrictions and priorities may include qualification options, sales price limits/range, rental restrictions and affordability terms.

Phasing Schedule:

The Project may be platted in phases in accordance with the approved phasing plan. The following schedule is provided to indicate the required AUE's to be built in each phase. However, each primary phase may include sub-phases as market conditions dictate and the phases may be adjusted.

Phase 1 – 103 Units

- 68 Affordable/Attainable
- 35 Market Rate Units

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- 5 Affordable/Attainable
- 42 Market Rate Units

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All Phases 79 Affordable/Attainable Units (or equivalent AUE's)
 160 Market Rate Units

Total: 239 Units

Construction Timing:

The general layout and concept plan for Park City Heights dictates that the infrastructure is built from the lowest point of the slope (north) or entrance of the project to the highest point on the mountain (south). Because construction dictates this development pattern and the majority of affordable/attainable units are lower on the hill, the affordable/attainable units will be completed at a different rate than market rate units. All of the affordable/attainable units will receive a certificate of occupancy prior to issuance of building permits for the last ten (10) percent of the market rate units. Project and housing requirements dictate that the affordable/attainable units are built in conjunction with the market rate units. The developer is front loading as many affordable/attainable units as possible to ensure that the requirements are satisfied. All of the affordable/attainable units are in the first 4 Phases.

Phase 1 construction began in 2016 for a total of sixty-eight (68) affordable/attainable units. The first Certificates of Occupancy were issued completed in the fall of 2016. The first affordable/attainable unit will be ready for occupancy prior to the first market rate unit. The majority of the affordable/attainable units are clustered at the entrance to the Subdivision and the Developer will ensure that the units are built with high quality building materials and well maintained. Projected absorption rate is 8-12 units per year as dictated by the market.

Phase 1 – Year 1 Projection = 10 Total Units

TYPE OF UNIT	NUMBER OF UNITS	NUMBER OF BEDROOMS	SQUARE FEET PER UNIT
Park Home – Single Family	6	3	1,600 – 2,000
Park Home – Townhome	4	2-3	1,000-1,400

Product Pricing:

The intent is to offer a wide range of both product type and product pricing. Pricing in the first building of the Attached Park Home townhomes product in Phase 1 will begin in the \$240,000 range and go upwards of \$400,000 for the Single Family Detached Park Homes, depending on unit type, bedroom counts, square footage, and construction finishes. Developer will work with Park City Municipal Corporation to determine final sales pricing as well as product type and size. It is anticipated that attached units will be priced lower and single family detached units will be closer to the maximum price range, thus having a greater range of diversity. Pricing for the first ten (10) units is now set as shown in the attached spreadsheet (Exhibit B) for the Park Home Townhomes units T25, T26, T27, T28 and Park Homes Single Family Detached Units 1,2,3,10,11, and 12. Any changes to the unit pricing, bedroom county or completion schedule included in Exhibit B will require approval by the Housing Authority.

Marketing Plan:

Developer agrees to give priority to those full-time employees who work within the area of the Park City School District boundaries, particularly essential workers. This area includes but is not limited to Intermountain Healthcare Park City Medical Campus, USSA Headquarters and Training Annexation.

Developer will hold information seminars with these target groups to discuss the qualifications for purchasing deed restricted affordable/attainable housing units. Developer will also provide Credit Repair Services for all of those in need of such services.

Methodology of Affordability:

Affordability Defined

Affordability is defined such that the total amount of the mortgage, basic utilities, taxes, insurance and HOA payments may not account for more than 30% of household income. The median wage of the core Park City workforce is determined annually by the City Council.

Affordable Unit Equivalent

There are two resolutions that govern the affordable/attainable units in Park City Heights. Resolution 17-99 dictates that a two-bedroom unit with 800 square feet of Net Livable Space is considered one Affordable Unit Equivalent; and Resolution 20-07, dictates that a two-bedroom unit with 900 square feet of Net Livable Space is considered one Affordable Unit Equivalent.

Average of Affordability

The intent is to maintain an average rate of affordability. Flexibility must be given in the Housing Mitigation Plan in an attempt to maximize a level of affordability. There may be some single-family units that fall outside of the affordable range, alternatively, providing attached units could keep the average rate of affordability lower delivering a lower average price.

Compliance Standards

It is anticipated that there will be a mix of unit types and standards as outlined below:

- All affordable units will be built to a minimum LEED Certified OR NAHB Green level and appliances (Refrigerator and dishwasher) and light bulbs shall be Energy Star qualified products.
- Size differentials of the exterior appearance of the cottage home affordable units will be compatible with cottage home market rate units and will use similar exterior materials and guidelines.
- Standard construction practices will be the same for the affordable/attainable and market units and incorporate the same general construction materials in the following areas: insulation, windows, heating systems, and other components related to energy efficiency including landscaping.
- All affordable/attainable units will be constructed in accordance and consistent with the MPD approved Park City Heights Neighborhood Design Guide.
- All affordable/attainable units will be constructed on Park City Heights property (MPD site). This includes the transfer of the IHC units from the Park City Medical Center site to Park City Heights.

Product type/Unit descriptions

Product type in all phases will be determined based on market conditions, lot size, topography, number of stories, adjacent homes, and other factors. Flexibility will be required and a necessity in order to provide the right product at

the right price to maintain affordability. Units will be configured in two, three and four bedroom layouts. A minimum of seven (7) – two bedroom units will be provided in the Attached Park Home Townhomes.

Average Median Income/Workforce Housing Wage (Guideline)

Housing Resolution 17-99 uses an Average Median Income (AMI) in Summit County and Housing Resolution 20-07 uses the Workforce Housing Wage (WHW) in Park City.

Exhibit B
Park City Heights Proposed Pricing by Unit Type

Town Homes	October 24, 2016 Proposed Pricing from Ivory Homes	# of Bed- rooms	Housing Resolution Pricing Limit	Negotiated Pricing
T25	319,900	3	409,501	319,900
T26	249,900	2	365,759	249,900
T27	297,900	3	409,501	297,900
T28	329,900	3	409,501	329,900
T9	326,298	3	409,501	349,900
T10	254,898	2	365,759	299,900
T11	303,858	3	409,501	329,900
T12	336,498	3	409,501	359,900
T21	332,823	3	409,501	349,900
T22	259,995	2	365,759	299,900
T23	309,935	3	409,501	329,900
T24	343,227	3	409,501	359,900
T13	339,479	3	409,501	349,900
T14	265,194	2	365,759	299,900
T15	316,133	3	409,501	329,900
T16	350,091	3	409,501	359,900
T17	346,268	3	409,501	349,900
T18	270,497	2	365,759	299,900
T19	322,455	3	409,501	329,900
T20	357,092	3	409,501	359,900
T5	353,193	3	409,501	349,900
T6	275,906	2	365,759	299,900
T7	328,904	3	409,501	329,900
T8	364,233	3	409,501	359,900
T1	360,256	3	409,501	349,900
T2	281,424	2	365,759	299,900
T3	335,482	3	409,501	329,900
T4	371,517	3	409,501	359,900
sub-total	8,903,256		11,159,834	9,235,200

Bedroom Count Summary	
2 bedrooms	7
3 bedrooms	46
4 bedrooms	26

Numbers of Affordable Units Per Year	TH	PH	Cottages	total
2016	4	6	0	10
2017	4	6	0	10
2018	4	6	1	11
2019	4	6	3	13
2020	4	6	3	13
2021	4	5	3	12
2022	4	0	3	7
2023	0	0	3	3
total	28	35	16	79

(1,924,634) amount below max allowed pricing

Park Homes	October 24, 2016 Proposed Pricing from Ivory Homes	# of Bed- rooms	Limit	Proposed Scenario
1	\$408,900	3	\$375,179	\$375,179
2	\$374,900	3	\$375,179	\$375,179
3	\$408,900	3	\$375,179	\$375,179
10	\$408,900	3	\$375,179	\$375,179
11	\$374,900	3	\$375,179	\$375,179
12	\$408,900	3	\$375,179	\$375,179
4	\$477,900	4	\$445,463	\$465,900
5	\$384,272	3	\$375,179	\$438,500
6	\$419,272	3	\$375,179	\$438,500
7	\$477,900	4	\$445,463	\$465,900
8	\$384,272	3	\$375,179	\$438,500
9	\$419,122	3	\$375,179	\$438,500
13	\$489,878	4	\$445,463	\$465,900
14	\$393,878	3	\$375,179	\$438,500
15	\$429,600	3	\$375,179	\$438,500
22	\$489,878	4	\$445,463	\$465,900
23	\$393,878	3	\$375,179	\$438,500
24	\$429,600	3	\$375,179	\$438,500
16	\$502,095	4	\$445,463	\$465,900
17	\$403,772	3	\$375,179	\$438,500
18	\$440,340	3	\$375,179	\$438,500
19	\$502,095	4	\$445,463	\$465,900
20	\$440,300	3	\$375,179	\$438,500
21	\$440,300	3	\$375,179	\$438,500
28	\$514,648	4	\$445,463	\$465,900
29	\$451,348	3	\$375,179	\$438,500
30	\$451,348	3	\$375,179	\$438,500
31	\$514,648	4	\$445,463	\$465,900
32	\$451,348	3	\$375,179	\$438,500
33	\$451,348	3	\$375,179	\$438,500
25	\$527,515	4	\$445,463	\$465,900
26	\$462,631	3	\$375,179	\$438,500
27	\$462,631	3	\$375,179	\$438,500
34	\$527,515	4	\$445,463	\$465,900
35	\$462,631	3	\$375,179	\$438,500
	\$15,581,363		\$13,834,105	15,241,574

\$1,407,469 amount above max allowed pricing

Cottages	October 24, 2016 Proposed Pricing from Ivory Homes	# of Bed- rooms	Limit	Proposed Scenario
1	499,900	4	506,008	506,008
2	514,897	4	506,008	506,008
3	514,897	4	506,008	506,008
4	514,897	4	506,008	506,008
5	530,343	4	506,008	506,008
6	530,343	4	506,008	506,008
7	530,343	4	506,008	506,008
8	546,253	4	506,008	506,008
9	546,253	4	506,008	506,008
10	546,253	4	506,008	506,008
11	562,640	4	506,008	506,008
12	562,640	4	506,008	506,008
13	562,640	4	506,008	506,008
14	579,519	4	506,008	506,008
15	579,519	4	506,008	506,008
16	579,519	4	506,008	506,008
	8,700,856		8,096,128	8,096,128

Total Revenue Initial Ivory Pricing Revenue	\$ 33,185,475	
Total Revenue Resolution Limits		\$ 33,090,067
Total Negotiated Pricing Revenue		\$ 32,572,902

\$ (517,165) amount negotiated pricing is below max allowed pricing

WHEN RECORDED, RETURN TO:

Park City Municipal Corporation
Attention: City Recorder
P.O. Box 1480
Park City, UT 84060

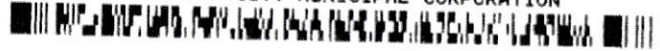
ENTRY NO. 01062065

01/19/2017 04:21:36 PM B: 2393 P: 1528

Amendment PAGE 1/5

MARY ANN TRUSSELL SUMMIT COUNTY RECORDER

FEE 0.00 BY PARK CITY MUNICIPAL CORPORATION



**AMENDMENT NO. 1 TO THE
DEED RESTRICTIONS PROTECTING THE
AFFORDABILITY AND SUSTAINABILITY OF
AFFORDABLE HOMES AT
PARK CITY HEIGHTS**

This Amendment No. 1 to Deed Restrictions Protecting the Affordability and Sustainability of Affordable Homes at Park City Heights (the "Amendment") is made and entered into as of the 19th day of January ____, 2017 (the "Effective Date"), by and between Ivory Homes, a Utah Corporation ("Owner"), and Park City Municipal Corporation, a municipal corporation of the State of Utah ("City").

RECITALS

A. Owner and the City are parties to that certain Deed Restrictions Protecting the Affordability and sustainability of Affordable Homes at Park City Heights (the "Agreement") dated as of January 29, 2015, which Agreement was recorded in the Office of the Recorder of Summit County, Utah on February 2, 2015 as Entry No. 01012050 in Book 2277, beginning at Page 1536. The Agreement pertains to seventy nine (79) affordable housing residential units located at Park City Heights, as more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference (the "Units").

B. Pursuant to Section 3 of the Agreement, the initial pricing is now established for fourteen (14) Units described as "Park Town Homes T25, T26, T27, T28, T9, T10, T11, and T12" which are governed by Housing Resolution 17-99 and "Park Homes (single family) 1, 2, 3, 10, 11 and 12" which are governed by Housing Resolution 20-07.

C. Owner, the City and the Park City Housing Authority determined after at a public hearing before the Park City Housing Authority on December 15, 2016 that effective as of December 16, 2016 the Housing Mitigation Plan approved by the Park City Housing Authority on July 17, 2014 should be amended ("Amended Plan") in order to establish initial pricing of the Unit. That Amended Plan established the initial sale prices for the above identified units. Consequently, Owner and the City desire to amend the Agreement as hereinafter set forth.

AMENDMENT TO THE AGREEMENT

NOW THEREFORE, in consideration of the foregoing Recitals and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Owner and the City hereby agree as follows:

1. INITIAL SALES PRICE. The initial sales price for each Owner Occupied Unit listed below shall be as follows:

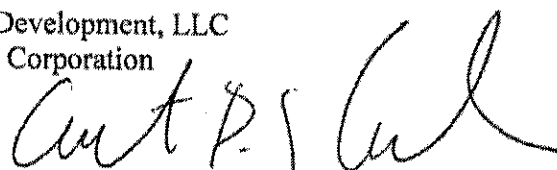
UNIT NUMBER	INITIAL SALES PRICE	UNIT NUMBER	INITIAL SALES PRICE
Park Town Homes		Park Homes – Single Family	
T25	\$319,900	1	\$375,179
T26	\$249,900	2	\$375,179
T27	\$297,900	3	\$375,179
T28	\$329,900	10	\$375,179
T9	\$329,900	11	\$375,179
T10	\$359,900	12	\$375,179
T11	\$349,900		
T12	\$299,900		

2. CAPITALIZED TERMS. Any capitalized terms not defined in this Amendment shall have the same meaning as set forth in the Agreement.
3. NO OTHER CHANGES. Except as specifically provided in this Amendment, all of the terms, conditions, agreements and provisions set forth in the Agreement remain unaffected, and they are hereby reaffirmed, ratified and approved in their entirety and shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the Effective Date.

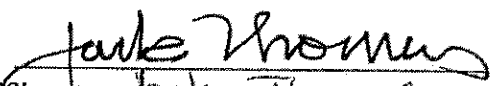
OWNER:

Ivory Development, LLC
a Utah Corporation

By: 
Christopher P. Gamvroulas
Title: President

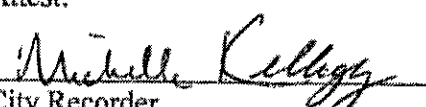
CITY:

PARK CITY MUNICIPAL CORPORATION,
a municipal corporation of the State of Utah

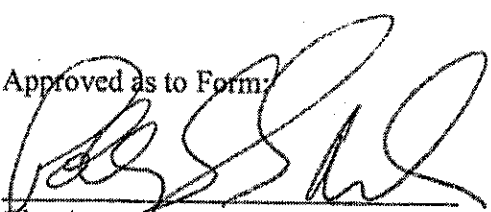
By: 
Name: Jack Thomas
Title: Mayor



Attest:

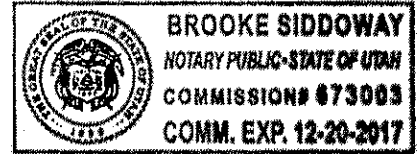

City Recorder

Approved as to Form:


City Attorney

ACKNOWLEDGMENTS

STATE OF UT)
COUNTY OF Salt Lake) : ss.



The foregoing instrument was acknowledged before me this 18th day of January, 20 17, by Christopher P. Gamvroulas, in his capacity as the President of Ivory Development, L.L.C., a Utah limited liability company.

Brooke Siddoway
NOTARY PUBLIC

My Commission Expires: 12-20-17

Residing at: S.L. County

STATE OF UTAH)
COUNTY OF SUMMIT) : ss.

The foregoing instrument was acknowledged before me this 19 day of January 2017 by Jack Thomas, in such person's capacity as the Mayor of Park City Municipal Corporation.

Michelle Kellogg
NOTARY PUBLIC

My Commission Expires:

Residing at:

5-19-2019

Park City Municipal



EXHIBIT A

Legal Description of the Units

The Park City Heights deed restricted units will total to 79 affordable units and will be built in four phases. This Amendment #1 to the DEED ESTRICCTIONS PROTECTING THE AFFORDABILITY AND SUSTAINABILITY OF AFFORDABLE HOMES AT PARK CITY HEIGHTS pertains to Park Town Homes T25, T26, T27, T28, T9, T10, T11, T12 and Park Homes (single family) 1, 2, 3, 10, 11 and 12

This Amendment pertains to Parcel Numbers PCH-1-T25, PCH-1-T26, PCH-1-T27, PCH-1-T28, PCH-1-T9, PCH-1-T10, PCH-1-T11, PCH-1-T12, PCH-1-1, PCH-1-2, PCH-1-3, PCH-1-10, PCH-1-11, PCH-1-12,

Planning Commission Staff Report

Subject: Daly Delight Plat Amendment
Author: Hannah M. Tyler, Planner
Project Number: PL-18-03838
Date: June 13, 2018
Type of Item: Legislative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the Daly Delight Plat Amendment located at 180 Daly Avenue and 182 Daly 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: 1055 Norfolk, LLC Series 180 Daly and 1055 Norfolk, LLC series 182 Daly – Represented by Marshall King, Alliance Engineering
Location: 180 and 182 Daly Avenue
Zoning: Historic Residential (HR-1) District
Adjacent Land Uses: Single-Family and Multi-Family
Reason for Review: Plat Amendments require Planning Commission review and City Council review and action

Proposal

The property consists of the southerly 48 feet of Lot 26 and Lot 27, Block 74, Park City Survey, and is currently taxed under two tax parcel numbers. Adjacent to and a part of the above mentioned property is one-half of vacated Anchor Avenue. Existing Ridge Avenue occupies a portion of the west side (rear) of the property. This application proposes to remove the existing lot line between Lots 26 and 27 and the block line on the easterly side of vacated Anchor Avenue. A new lot line will create two (2) lots. Lot A will consist of the “Significant” single-family dwelling and Lot B will be a vacant lot (the existing detached garage will be demolished – see Condition of Approval #6).

At the southernmost corner of the property, there is an eight square foot (8 SF) portion of the property that occupies the existing asphalt of Daly Avenue. This 8 SF portion of the property will be dedicated to Park City Municipal Corporation as Right-of-Way.

Existing Ridge Avenue occupies a portion of the west side of the property with a remnant of the property encompassing the steep grade west of Ridge Avenue. The total area of Ridge Avenue and the steep grade west of Ridge Avenue is 1,887 SF. Both Ridge Avenue and the steep grade to the west of it will be dedicated to Park City Municipal Corporation as Right-of-Way, as part of Ridge Avenue.

Background

The Plat Amendment application was deemed complete on April 16, 2018. The Single-Family Dwelling located at 180 Daly Avenue is listed as Significant on the Historic Sites Inventory (HSI). The garage located on 182 Daly Avenue is non-historic.

Staff has included a complete list of previous applications for both 180 and 182 Daly Avenue in Table 1 below.

Table 1: Past Applications and/or Permits for 180 and 182 Daly Avenue

180 Daly Avenue			
Year	Application/Permit Type	Description	Action Taken
1990	Building Permit	Re-Roof	Approved
1990	Building Permit	Replace siding, trim, and windows to match existing.	Approved
2017	Shared Parking Conditional Use Permit	Create a single-car garage attached to the Single-Family Dwelling and located on both 180 and 182 Daly Avenue.	Withdrawn
2017	Steep Slope Conditional Use Permit	Construction of an addition on a slope greater than 30%.	Under review.
2017	Historic District Design Review	Restore the “Significant” single-family dwelling and construct an addition.	Under review.
182 Daly Avenue			
Year	Application/Permit Type	Description	Action Taken
1992	Historic District Review	Construction of the non-historic garage.	Approved
1992	Building Permit	Construction of the non-historic garage.	Approved
2017	Historic District Design Review	Construct a new Duplex Dwelling on a vacant lot.	Under review.
2017	Conditional Use Permit	Duplex Dwelling	Under review.
2017	Steep Slope Conditional Use Permit	Construction of a new Duplex Dwelling on a slope greater than 30%.	Under review.

The applicant has stated the proposed intent for future uses/developments on each lot. The applicant has submitted Historic District Design Review Applications for each lot's proposal; however, staff has been informed that new plans for each proposal will be submitted. As a result, plans for the proposed uses/structures have not been reviewed by staff for complete compliance with the LMC or Design Guidelines for Historic Districts or Historic Sites.

Table 2: Applicant's proposed future development uses for each lot:

Lot A (180 Daly Avenue)	
Renovate the existing historic Single-Family Dwelling and construct an addition.	

Lot B (182 Daly Avenue)

Construct a Duplex Dwelling.

Purpose

The purpose of the Historic Residential-1 (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

The applicant intends to create a two (2) lot subdivision two platted lots and vacated Anchor Avenue. In addition, a portion of the property will be dedicated to Park City Municipal Corporation as Daly Avenue Right-of-Way. Another portion of the property will be dedicated to Park City Municipal Corporation as Ridge Avenue Right-of-Way.

The applicant has stated the proposed intent for future uses/developments on each lot. The applicant has submitted Historic District Design Review Applications for each lot's proposal (see Table 2); however, staff has been informed that new plans for each proposal will be submitted. As a result, plans for the proposed uses/structures have not been reviewed by staff for complete compliance with the LMC or Design Guidelines for Historic Districts or Historic Sites.

Table 3: applicable Land Management Code (LMC) development parameters and compliance in the HR-1 District:

Lot A (180 Daly Avenue)	
Standard:	Minimum Requirement:
Lot Size – square feet (SF)	1,750 SF minimum for a single-family dwelling; proposed lot size is 3,986 SF, complies .
Lot Width – feet (ft.)	25 ft. minimum; proposed lot width is 44.24 feet, complies
Front Yard Setbacks – feet (ft.)	12 ft. minimum and a total of 25 ft.
Rear Yard Setbacks – feet (ft.)	12 ft. minimum and a total of 25 ft.
Side Yard Setbacks – feet (ft.)	5 ft. minimum and a total of 10 ft. minimum
Building Height – feet (ft.)	Maximum Building Height is 27 ft.

Maximum Building Footprint – square feet (sq. ft.)	1,593 sq. ft.
Lot B (182 Daly Avenue)	
Standard:	Minimum Requirement:
Lot Size – square feet (SF)	3,750 SF minimum for duplex dwelling; proposed lot size is 5,329 SF, complies.
Lot Width – feet (ft.)	25 ft. minimum; proposed lot width is 58.78, complies
Front Yard Setbacks – feet (ft.)	12 ft. minimum and a total of 25 ft.
Rear Yard Setbacks – feet (ft.)	12 ft. minimum and a total of 25 ft.
Side Yard Setbacks – feet (ft.)	5 ft. minimum and a total of 14 ft. minimum
Building Height – feet (ft.)	Maximum Building Height is 27 ft.
Maximum Building Footprint – square feet (sq. ft.)	1,975 sq. ft.

The City Engineer will also require the applicant to grant ten foot (10') snow storage easements along Daly Avenue and Ridge Avenue as indicated by Condition of Approval #4.

Good Cause

Staff finds good cause for this Plat Amendment as interior lot lines and the block line on the easterly side of Anchor Avenue will be removed for both 180 and 182 Daly Avenue creating two (2) legal lots of record. In addition, ten foot (10') snow storage easements along Daly Avenue and Ridge Avenue will be granted to the City. Also, portions of the property will be dedicated to Park City Municipal Corporation for Daly Avenue and Ridge Avenue Right-of-Ways.

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 30th, 2018 the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published on the Utah Public Notice Website and Park Record on May 26th, 2018 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 a positive recommendation to the City Council for the Daly Delight Plat Amendment located at 180 Daly Avenue and 182 Daly Avenue as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the Daly Delight Plat Amendment located at 180 Daly Avenue and 182 Daly Avenue and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on Daly Delight Plat Amendment located at 180 Daly Avenue and 182 Daly Avenue to a future date.

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.

Summary Recommendation

Staff recommends the Planning Commission hold a public hearing for the Daly Delight Plat Amendment located at 180 Daly Avenue and 182 Daly 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(s)

Exhibit C – Aerial Photographs with 500' Radius

Exhibit D – Site Photographs

Ordinance No. 18-XX

AN ORDINANCE APPROVING THE DALY DELIGHT PLAT AMENDMENT LOCATED AT 180 DALY AVENUE AND 182 DALY AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the properties located at 180 Daly Avenue and 182 Daly Avenue have petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on May 30, 2018, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on May 26, 2018 proper legal notice was sent to all affected property owners and published in the Park Record and on the Utah Public Notice Website; and

WHEREAS, the Planning Commission held a public hearing on June 13, 2018, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on June 13, 2018, forwarded a _____ recommendation to the City Council; and,

WHEREAS, June 28, 2018, 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 the Daly Delight Plat Amendment located at 180 Daly Avenue and 182 Daly Avenue.

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

SECTION 1. APPROVAL. The Daly Delight Plat Amendment located at 180 Daly Avenue and 182 Daly Avenue, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The properties are located at 180 Daly Avenue and 182 Daly Avenue are in the Historic Residential-1 Density (HR-1) District.
2. The proposed site location consists of 180 Daly Avenue (“Significant” Single-Family Dwelling) and 182 Daly Avenue (Garage Structure). The Garage on 182 Daly Avenue will be demolished (See Condition of Approval #7).
3. The property currently consists of the southerly 48 feet of Lot 26 and Lot 27, Block 74, Park City Survey, and is currently taxed under two tax parcel numbers.
4. Adjacent to and a part of the property is one-half of vacated Anchor Avenue.
5. Existing Ridge Avenue occupies a portion of the west side (rear) of the property.

6. In 1990 two (2) Building Permits were issued for 180 Daly Avenue. One (1) Building Permit was for a re-roof and one (1) Building Permit was for new siding.
7. In 1992 a Historic District Review and Building Permit were issued for the construction of the existing garage structure at 182 Daly Avenue.
8. This applicant proposes to remove the existing lot line between Lots 26 and 27 and the block line on the easterly side of vacated Anchor Avenue. A new lot line will create two (2) lots.
9. Lot A will consist of the "Significant" single-family dwelling and Lot B will be a vacant lot (the existing detached garage will be demolished – see Condition of Approval #6).
10. At the southernmost corner of the property, there is an eight square foot (8 SF) portion of the property that occupies the existing asphalt of Daly Avenue. This 8 SF portion of the property will be dedicated to Park City Municipal Corporation as Right-of-Way.
11. Existing Ridge Avenue occupies as portion of the west side of the property with a remnant of the property encompassing the steep grade west of Ridge Avenue. The total area of Ridge Avenue and the steep grade west of Ridge Avenue is 1,887 SF. Both Ridge Avenue and the steep grade to the west of it will be dedicated to Park City Municipal Corporation as Right-of-Way.
12. The proposed Plat Amendment application was application was deemed complete on April 16, 2018.
13. The Single-Family Dwelling located at 180 Daly Avenue is listed as Significant on the Historic Sites Inventory (HSI). Renovate the existing historic Single-Family Dwelling and construct an addition.
14. A Single-Family Dwelling is an Allowed Use in the HR-1 Zoning District.
15. The garage located on 182 Daly Avenue is non-historic. The applicant is proposing to demolish the existing non-historic garage (see Condition of Approval #6) and construct a Duplex Dwelling on the vacant lot.
16. A Duplex Dwelling Use is a Conditional Use in the HR-1 Zoning District. A Conditional Use Permit for a Duplex Dwelling Use at 182 Daly Avenue was deemed complete on December 12, 2017. The application is for the construction of a new Duplex Dwelling on a vacant lot. The CUP is on hold, pending submittal of updated plans that comply with the LMC and Design Guidelines.
17. The minimum lot width in the HR-1 District is 25 feet; the lot width of Lot A is 44.24 feet and the lot width of Lot B will be 58.78 feet.
18. For lots over 100 feet in depth, the required Front and Rear Yard Setback is a minimum of 12 feet and a total of 25 feet. This applies to both Lot A and Lot B.
19. The required Side Yard Setback for Lot A is 5 feet for a total of 10 feet.
20. The required Side Yard Setback for Lot B is 5 feet for a total of 14 feet.
21. The maximum Building Footprint for Lot A is 1539 SF.
22. The maximum Building Footprint for Lot B is 1975 SF.
23. A Steep Slope Conditional Use Permit application for 182 Daly Avenue was deemed complete on December 11, 2017. The application is for the construction of a Duplex Dwelling on a slope greater than 30%.
24. A Historic District Design Review Application for 182 Daly Avenue was deemed complete on December 11, 2017. The application is for the construction of a

Duplex Dwelling on a vacant lot.

25. A Historic District Design Review Application for 180 Daly Avenue was deemed complete on December 12, 2017. The application is for the restoration of the "Significant" single-family dwelling and construct an addition. This application is on hold pending submittal of updated plans.
26. A Steep Slope Conditional Use Permit for 180 Daly Avenue was deemed complete on December 12, 2017. The application is for the construction of an addition on a slope greater than 30%.
27. A Shared Parking Structure Conditional Use Permit for 180 and 182 Daly Avenue was deemed complete on December 12, 2017. The application was a proposal to create a single-car garage attached to the Single-Family Dwelling and located on both 180 and 182 Daly Avenue. The application was withdrawn by the applicant on May 15, 2018.
28. Staff finds good cause for this Plat Amendment as interior lot lines and the block line on the easterly side of Anchor Avenue will be removed for both 108 and 182 Daly Avenue creating two (2) legal lots of record. In addition, ten foot (10') snow storage easements along Daly Avenue and Ridge Avenue will be granted to the City. Also, portions of the property will be dedicated to Park City Municipal Corporation for Daly Avenue and Ridge Avenue Right-of-Ways.
29. The site is not located within the Sensitive Lands Overlay District. There are no known physical mine hazards.
30. On May 30, 2018, the property was properly noticed and posted according to the requirements of the Land Management Code. On May 26, 2018 proper legal notice was sent to all affected property owners and published in the Park Record and on the Utah Public Notice Website.
31. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

1. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
2. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
3. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City 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. The applicant shall show and label all easements with Snyderville Basin Water Reclamation District (SBWRD) on the plat amendment.
4. A ten feet (10') wide public snow storage easement will be required along the Daly Avenue and Ridge Avenue frontage of the property.
5. All development will have to provide elevation certificates certifying compliance with the minimum FEMA Flood Zone requirements.
6. The detached garage located on Lot B shall be demolished prior to plat recordation.

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

PASSED AND ADOPTED this 28th day of June, 2018.

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, MAYOR

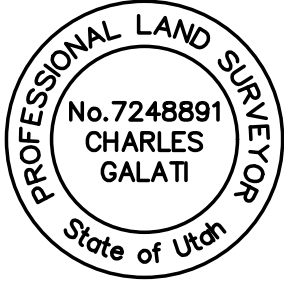
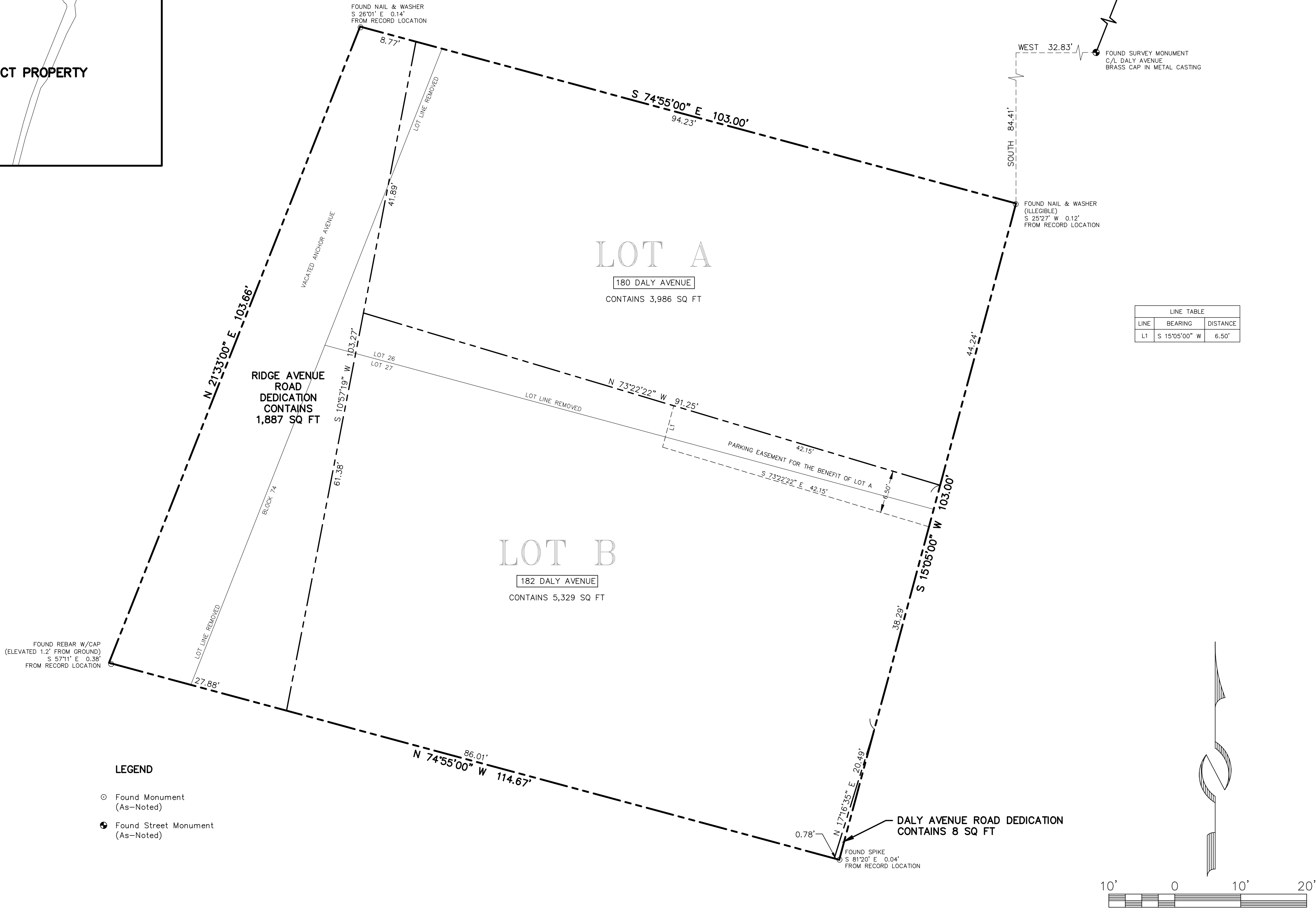
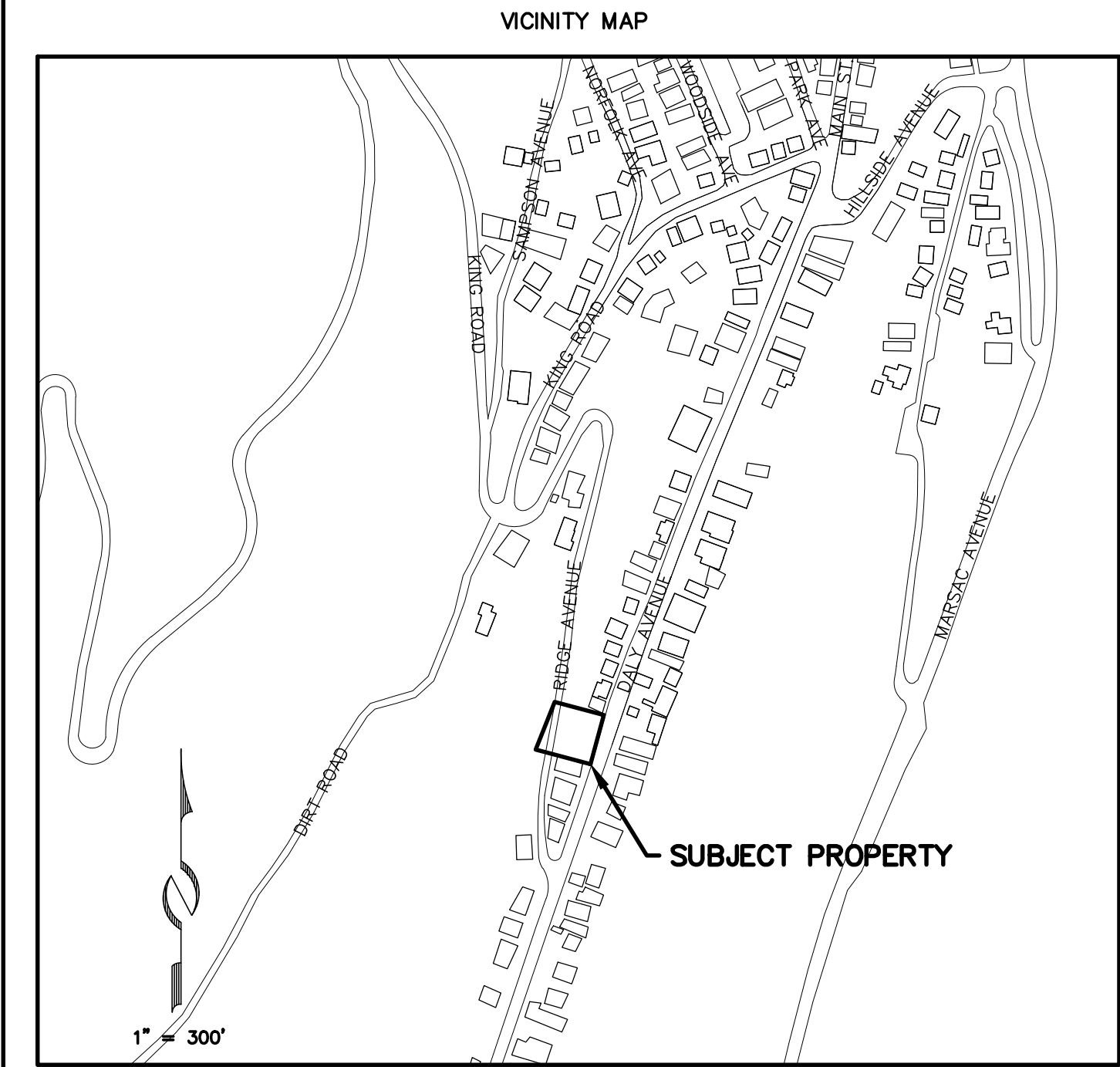
ATTEST:

City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Proposed Plat



SURVEYOR'S CERTIFICATE

I, Charles Galati, do hereby certify that I am a professional land surveyor and that I hold License No. 7248891 as prescribed by the laws of the State of Utah, I further certify that by authority of the owner, I have made a survey of the tract of land shown on this plat and described hereon, and have subdivided said tract of land into lots, together to be known as DALY DELIGHT PLAT AMENDMENT with easements, hereafter and that the same has been surveyed and monumented on the ground as shown on this plat.

LEGAL DESCRIPTION

PARCEL 1:

Being part of First Millsite Reservation and known as South 48 feet of Lot 26 and North 4 feet of Lot 27 of Block 74 of Park City Survey, according to the official plat thereof on file and of record in the Summit County Recorder's Office.

Also the Easterly half of vacated Anchor Avenue adjacent to said lot.

PARCEL 2:

All of Lot 27, except the Northerly 4 feet of Lot 27, Block 74, Millsite Reservation, Park City Survey, according to the official plat thereof on file and of record in the Summit County Recorder's Office.

Also the Easterly half of vacated Anchor Avenue adjacent to said lot

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that 1055 NORFOLK, LLC SERIES 180 DALY, a Utah limited liability company, as to Parcel 1, to be known hereafter as DALY DELIGHT PLAT AMENDMENT, does hereby certify that it has caused this Plat Amendment to be prepared, and does hereby consent to the recordation of this Plat Amendment.

In witness whereof, the undersigned set his hand this _____ day of _____, 2018.

1055 NORFOLK, LLC SERIES 180 DALY, a Utah limited liability company

By: Carabiner Capital, LLC
Its Manager

Van Greenfield, Manager

ACKNOWLEDGMENT

State of _____

County of _____

On this _____ day of _____, 2018, Van Greenfield personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that he is the Manager of Carabiner Capital, LLC, Manager of 1055 NORFOLK, LLC SERIES 180 DALY, a Utah limited liability company, and that said document was signed by him on behalf of said limited liability company by authority of its Operating Agreement or Resolution of its Members, and he acknowledged to me that he executed the DALY DELIGHT PLAT AMENDMENT.

Notary Public

Printed Name

Residing in: _____

My commission expires: _____

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that 1055 NORFOLK, LLC SERIES 182 DALY, a Utah limited liability company, the undersigned owner of Parcel 2 of the herein described tract of land, to be known hereafter as DALY DELIGHT PLAT AMENDMENT, does hereby certify that it has caused this Plat Amendment to be prepared, and does hereby consent to the recordation of this Plat Amendment.

In witness whereof, the undersigned set his hand this _____ day of _____, 2018.

1055 NORFOLK, LLC SERIES 182 DALY, a Utah limited liability company

By: Carabiner Capital, LLC
Its Manager

Van Greenfield, Manager

ACKNOWLEDGMENT

State of _____

County of _____

On this _____ day of _____, 2018, Van Greenfield personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that he is the Manager of Carabiner Capital, LLC, Manager of 1055 NORFOLK, LLC SERIES 182 DALY, a Utah limited liability company, and that said document was signed by him on behalf of said limited liability company by authority of its Operating Agreement or Resolution of its Members, and he acknowledged to me that he executed the DALY DELIGHT PLAT AMENDMENT.

Notary Public

Printed Name

Residing in: _____

My commission expires: _____

NOTES

1. This plat amendment is subject to the Conditions of Approval in Ordinance 2018-_____

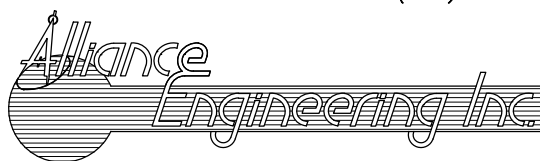
AMENDING LOT 27 & PART OF LOT 26 IN BLOCK 74, PARK CITY SURVEY

DALY DELIGHT PLAT AMENDMENT

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

SHEET 1 OF 1

5/16/18 JOB NO.: 11-11-15 FILE: X:\ParkCitySurvey\dwg\sr\plat2015\111115.dwg



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

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

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

DAY OF _____, 2018

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

PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____

DAY OF _____, 2018

BY _____
CHAIR

ENGINEER'S CERTIFICATE

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

DAY OF _____, 2018

BY _____
PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS _____

DAY OF _____, 2018

BY _____
PARK CITY ATTORNEY

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2018

BY _____

MAYOR

CERTIFICATE OF ATTEST

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

OF _____, 2018

BY _____
PARK CITY RECORDER

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____

_____ FEE _____ RECORDER

TIME _____ DATE _____ ENTRY NO. _____

Exhibit B: Survey

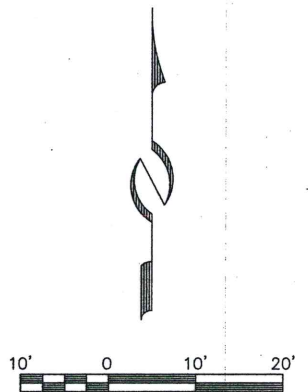
SURVEYOR'S CERTIFICATE



I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that I hold certification no. 4938739 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described hereon. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.

NOTES

1. Site Benchmark: Sanitary sewer manhole lid
Elevation=7229.18'
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on a field survey performed on December 1, 2015.
4. Property corners were found.
5. Snow coverage at the time of the survey was approximately 6". As a result, actual elevations may vary from elevations shown on this survey. In addition, monuments, improvements and/or conditions may exist which are not shown on this survey.



 (435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2864 Park City, Utah 84060-2864	STAFF: MARSHALL KING MARTY MORRISON STEVE CONANT JESSE MORENO	EXISTING CONDITIONS & TOPOGRAPHIC MAP 180 DALY AVENUE BLOCK 74, PARK CITY SURVEY FOR: WASATCH ENGINEERING CONTRACTORS JOB NO.: 11-11-15 DATE: 12/10/15 FILE: X:\ParkCitySurvey\dwg\src\topo2015\111115.dwg	SHEET 1 OF 1

Exhibit C: Aerial Photographs with 500' Radius



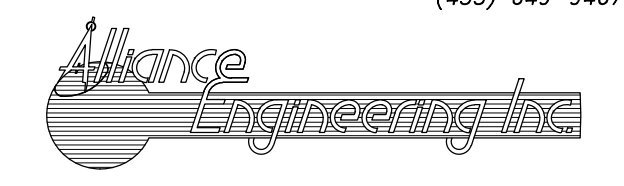
 (435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	STAFF: MARSHALL KING ALEC BONHAM DATE: 3/27/18	AERIAL PHOTOGRAPH 180 DALY AVENUE BLOCK 74, PARK CITY SURVEY FOR: WASATCH ENGINEERING CONTRACTORS JOB NO.: 11-11-15 FILE: X:\ParkCitySurvey\dwg\Exhibits\180 daly avenue-ortho.dwg	SHEET 1 OF 1
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Exhibit D: Site Photographs



180 Daly Avenue - looking southwesterly



180 Daly Avenue - looking northwesterly



180 Daly Avenue - looking northeasterly



180 Daly Avenue - looking easterly



180 Daly Avenue - looking southeasterly

Exhibit E: Applicant's Project Intent

PARK CITY SURVEY, BLOCK 74,
LOT 12 PLUS ADDITIONAL LAND
(180 Daly Avenue)
May 18, 2018

PROJECT INTENT

The property at 180 Daly Avenue is currently a single family residence with a detached garage to the south. The property consists of the southerly 48 feet of Lot 26 and Lot 27, Block 74, Park City Survey, and is currently taxed under two tax parcel numbers. Adjacent to and a part of the above mentioned property is one-half of vacated Anchor Avenue. Existing Ridge Avenue occupies a portion of the west side (rear) of the property. This application proposes to remove the existing lot line between Lots 26 and 27 and the block line on the easterly side of vacated Anchor Avenue. A new lot line is proposed to be placed on the property creating a lot for the historic house to the north, which is proposed to be renovated, including an addition. The southerly lot, currently consisting of a detached garage which is intended to be demolished, is proposed to have a duplex constructed.

At the southernmost corner of the property, there is a small 8 square foot portion of the property that occupies the existing asphalt. The owner proposes to dedicate this sliver to Park City Municipal Corporation.

As previously stated, existing Ridge Avenue occupies a portion of the west side of the property and west of Ridge Avenue is a steep hillside. The total area of this Ridge Avenue and steep hillside is 1,887 square feet. It is also proposed that existing Ridge Avenue and the steep hillside west of Ridge Avenue be dedicated to Park City as a part of this plat amendment.

Planning Commission Staff Report



Subject: 115 Sampson Avenue
Project #: PL-18-03794
Author: Anya Grahn, Historic Preservation Planner
Date: June 13, 2018
Type of Item: Administrative – Steep Slope Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit (CUP) at 115 Sampson Avenue, conduct a public hearing, and approve the Steep Slope CUP for 115 Sampson Avenue. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Staff also recommends that the Planning Commission approve a request for a height exception up to 32 feet above Existing Grade to accommodate a single car wide garage in a Tandem Parking configuration, pursuant to [LMC 15-2.2-5\(D\)\(4\)](#) and based on the Findings of Fact, Conclusions of Law, and Conditions of Approval provided herein for the Commission's consideration.

Description

Owner/ Applicant: Silver Potato LLC (Joseph Sponholz and Nancy Bronstein), Architect Jon Degray
Location: 115 Sampson Avenue
Zoning: Historic Residential-Low Density (HRL) District
Adjacent Land Uses: Residential
Reason for Review: Construction of an addition to an existing historic single-family home in excess of 200 square feet of Building Footprint that will be located upon an existing slope of 30% or greater. The Planning Commission is able to approve a height exception for a single car wide garage in a Tandem Parking configuration, per [LMC 15-2.2-5\(D\)\(4\)](#).

Proposal

This application is a request for a Steep Slope Conditional Use Permit (CUP) for construction of an addition to a historic single-family home, when the Building Footprint of the addition is in excess of 200 square feet if the Building Footprint of the addition is located upon an existing Slope of 30% or greater. The site has been designated as Significant on the Historic Sites Inventory (HSI) and currently has a historic house in the center of the lot. The applicant is proposing to build an addition on the west side of the historic house creating a total house size of 2,697 square feet. The existing footprint of the historic house and its non-historic additions is 772 square feet; the proposed footprint of the house following construction of the addition is 2,004 square feet. The construction is proposed on a slope greater than 30%, and in some areas, the slope is

approximately 60%. Further, the applicant has requested a height exception for a Garage on a Downhill Lot pursuant to [LMC 15-2.2-5\(D\)\(4\)](#).

Background

The current owners purchased this property in February 2010 and began exploring opportunities for redevelopment. They mothballed the existing structure to secure it from vandals, intruders, and the elements in 2011; however, the condition of the structure has continued to decline. In April 2013, the Building Department issued a Notice and Order to Repair the house.

On March 6, 2014, the Park City Council approved the 115 Sampson Avenue Subdivision through [Ordinance 14-07](#); it was recorded on February 26, 2015. At that time, a number of Conditions of Approval were introduced to require a portion of Lots 51 and 52 that include Sampson Avenue to be dedicated to the City, snow storage easements along Sampson Avenue, and an agreement with the City for the parking pad in the existing public right-of-way. The applicant has met this conditions, and, in particular, intends to remove the illegal parking pad as part of the redevelopment of this site.

The owners brought a Historic District Design Review (HDDR) Pre-Application (Pre-app) to the City on April 9, 2013 to discuss options to rehabilitate the historic house and construct a new addition. A full HDDR application was submitted on February 12, 2018; it was deemed complete on February 22, 2018.

On February 12, 2018, the City received an application for a Conditional Use Permit (CUP) for “Construction on a Steep Slope” at 115 Sampson Avenue; the application was deemed complete on February 22, 2018. The property is located in the Historic Residential-Low Density (HRL) District. The lot contains 7,692 square feet. It is a downhill lot.

This application is a request for a Conditional Use Permit (CUP) for construction of a new addition to an existing historic single-family house. Because the proposed footprint of this addition is in excess of 200 square feet and the proposed footprint is located upon an existing slope of greater than 30%, the applicant is required to file a Conditional Use Permit application for review by the Planning Commission, pursuant to Land Management Code (LMC) § 15-2.2-6.

The property is located at 115 Sampson Avenue on a developed lot. The site is designated as Significant on the City’s Historic Sites Inventory (HSI). The Historic Preservation Board (HPB) reviewed and granted the proposed material deconstruction on May 16, 2018 [[Report \(page 101\)](#)]. The Historic District Design Review (HDDR) application for the proposed renovation of the historic house and construction of the new addition is current under review as it depends on Planning Commission approval of the Steep Slope CUP prior to issuance of a building permit to construct the addition.

Purpose

The purpose of the Historic Residential-Low Density (HRL) District:

- A. reduce density that is accessible only by substandard Streets so these Streets are not impacted beyond their reasonable carrying capacity,
- B. provide an Area of lower density Residential Use within the old portion of Park City,
- C. preserve the character of Historic residential Development in Park City,
- D. encourage the preservation of Historic Structures,
- E. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District, and maintain existing residential neighborhoods.
- F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment, and
- G. define Development parameters that are consistent with the General Plan policies for the Historic core.

Analysis

Following renovation and construction of the addition, the house will contain a total of 2,697 gross square feet. The proposed footprint of the historic house and its new addition will be 2,004 square feet; the lot size currently allows a footprint of 2,496.28 square feet. The new development complies with all setbacks and building footprint, as outlined in the following table.

This is a downhill lot, and the average slope of the lot is about 52.5%. The slope drops drastically immediately east of Sampson Avenue, with portions of the grade having a slope of about 46.6%. The steepest portion of the lot is directly to the west of the historic house and buries a portion of the historic house that is no longer accessible; this area has a slope of about 60%. Directly east of the historic house and on a portion of the property not proposed to be developed, the slope is about 67% as it abuts two non-historic shed structures. (Please note that a 100% slope would be a 45 degree angle.)

The new construction meets the allowed building height. Staff reviewed the plans and made the following LMC related findings:

Requirement	LMC Requirement	Proposed
Lot Size	Minimum of 3,750 square feet	7,692 square feet, <u>complies.</u>
Building Footprint	2,496 square feet maximum based on existing lot area	2,004 square feet, <u>complies.</u>
Front Yard	15 feet minimum, total of 30 feet	15 feet, <u>complies</u>
Rear Yard	15 feet minimum, total of 30 feet	15 feet, <u>complies</u>
Side Yard	10 feet minimum, 20 feet total	10 feet, 20 feet total, <u>complies.</u>
Height	27 feet above existing grade, maximum.	25.4 feet, <u>complies.</u>

Height Exception for Garage on a Downhill Lot + Circulation	35 feet above existing grade, maximum.	32 feet, <u>complies.</u>
Interior Height	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.	34 feet, <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 on the east (rear) yard is 4 feet. New exterior stairs will be constructed within 30" of Final Grade, <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 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.	There is a 10 foot horizontal step in the downhill façade that is provided by the historic house before it extends into the addition, <u>complies.</u>
Roof Pitch	Between 7:12 and 12:12.	The main roof of the addition has a 12:12 and 7:12 pitch, <u>complies.</u>
Parking	Per LMC 15-2.2-4, Historic Structures that do not comply with Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards are valid Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height.	The applicant proposes to provide one off-street parking space outside, in tandem configuration to the one-car garage (off-street parking for 2 cars total provided)

**Per LMC 15-2.2-4 Historic Structures that do not comply with Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards are valid Complying Structures.*

Building Height Exception for Garage on a Downhill Lot

Pursuant to [LMC 15-2.1-5\(D\)\(4\)](#), the Planning Commission may allow additional Building Height (see entire Section 15-2.1-5) on a downhill Lot when certain criteria are met. Staff has provided these criteria in the following table and demonstrated how it is met:

LMC Requirement for Garage on a Downhill Lot	Proposed:
To accommodate a single car wide garage in a Tandem Parking configuration	The applicant has provided parking in a tandem configuration—1 uncovered 9 ft. by 18 ft. parking space on the exterior tandem to a 1-car garage measuring 12 ft. by 20.5 ft.; <i>complies</i>
To accommodate circulation, such as stairs and/or an ADA elevator; and to accommodate a reasonably sized front entry area and front porch that provide a Compatible streetscape design.	Applicant is proposing a 210 square foot circulation space containing stairs and an elevation. A front porch has been added to the façade; <i>complies</i> .
The depth of the garage may not exceed the minimum depth for internal Parking Space(s) as dimensioned within this Code, Section 15-3.	Minimum depth required is 11 ft. by 20 ft.; the applicant's garage measures 12 ft. by 20.5 ft; <i>complies</i> .
The additional Building Height may not exceed thirty-five feet (35') from Existing Grade.	Applicant is proposing 32 feet above Existing Grade; <i>complies</i> .

The applicant is requesting a 5 foot height exception for the garage on a downhill lot, for a height of 32 feet above Existing Grade. This height exception would apply to only the maximum building height as the applicant does not need a height exception for the interior height. The HRL zone allows a maximum building height of 27 feet from existing grade and a maximum interior height of 35 feet from the lowest finish floor plane to the point of the highest wall top plate. The exception would only increase the exterior height of the building to 32 feet above Existing Grade for the garage and circulation space.

The applicant is proposing a single-car garage with an uncovered, exterior parking space in a tandem configuration. The interior dimensions of the garage are 12 feet by 20.5 feet, which is consistent with the requirements of [LMC 15-3-4\(A\)\(1\)](#). A second uncovered exterior parking space measuring 9 feet by 18 feet has been provided in the driveway and within the property lines of this site. A new circulation space of approximately 210 square feet is attached to this space; this space contains a staircase that wraps around an elevator. A front door on the façade will emphasize the pedestrian entrance and create a street presence for this house. The garage and circulation space are the only areas that are included in the height exception. All other areas of the house shall meet the standard HRL height requirements.

Steep Slope Conditional Use Permit

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. Staff has included this as Condition of Approval #8.

LMC § 15-2.1-6(A)(2) requires a Steep Slope Conditional Use Permit (CUP) for construction of any new construction when the Building Footprint of the addition is in excess of 200 square feet, if the building of the footprint is located upon an existing slope of 30% or greater. As previously noted, the historic house and new addition will have a total footprint of 2,004 square feet and the construction is proposed on a slope that varies from 46 to 60%, east of Sampson Avenue.

Criteria 1: Location of Development.

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

The proposed single family dwelling is located on the lot in a manner that reduces the visual and environmental impacts. The historic house will remain in its existing location, which is most visible from Norfolk Avenue and almost hidden from view along Sampson Avenue due to the location of the historic house downhill from the right-of-way. The applicant is proposing to construct an addition to the west (rear) side of the house, which will appear as a small, one-story addition with a pedestrian entrance and single-car garage along Sampson Avenue. The addition will have a total of three stories. The hillside rises steeply at the back portion of the house, so that much of the proposed bulk and mass of the new addition will be buried in the hillside. A series of terraced, landscaped outdoor living spaces will further limit the view of the new addition.

Due to the placement of the historic house on the lot, the only logical location for the addition is behind the historic house. The location of the historic house prevents a side addition from being constructed as it could not comply with the required setbacks. Because the canyon wall rises steeply directly behind the historic house, the back half of the addition will be constructed on one of the steepest portions of the lot, and will be undisturbed to the east (and above) the new addition.

The proposed addition will comply with the Design Guidelines and add to the character of the street. Currently, there is an unsafe parking pad along Sampson Avenue that is supported by railroad ties. This dangerous parking pad will be removed and the hillside restored as part of the site's redevelopment.

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 project and identify potential for screening, slope stabilization, erosion mitigation, vegetation protection, and other items. **No unmitigated impacts.**

The applicant submitted a photographic visual analysis, including street views, to show the proposed streetscape and cross canyon views. As demonstrated by the visual

analysis, the proposed addition fits within the context of the slope, neighboring structures, and existing vegetation. The neighborhood consists of historic houses with one- to two-story additions, one- to two-story new houses, and a few three- to four-story new residential developments.

The historic house is not visible from Sampson Avenue as it sits approximately 30 feet below the street. Because the house was constructed to face west, towards town, the best view of the historic façade is from Norfolk Avenue. The applicant has designed the addition so that it steps up the hillside, providing pedestrian and vehicular access to Sampson Avenue. Not only will this alleviate some of the dangerous site conditions that exist with the railroad tie-supported parking pad, it will also create a presence along Sampson Avenue where it is currently difficult to determine which staircase accesses this property.

The visual analysis, streetscape, and cross canyon view demonstrate that the proposed design is visually compatible with the neighborhood, similar in scale and mass to surrounding structures, and visual impacts are mitigated. By stepping the structure up the hill, the mass and scale have been broken up and largely minimized. The side yard will be re-vegetated following construction. New stacked stone retaining walls will provide planting beds as they step down the hill from the new garage addition. Further, the terraces will create new outdoor living spaces. These terraces are not supposed to change grade by more than 4 feet. Additional vegetation called out in the applicant's landscape plan will further mitigate views of and separate the house from neighboring properties.

There is currently no Mature Vegetation identified on this property. The applicant is proposing a robust landscape plan that will visually buffer and screen the view of the house from neighboring properties as well as the street. The street view of the house is simple in design and creates vehicular and pedestrian access to the property from Sampson Avenue.

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 existing access to this property from Sampson Avenue is poor. There is an existing 1983 parking pad in the center of the site that is supported by a railroad tie wall. A series of wooden staircases installed between 1970 and 1995 have deteriorated into a rickety condition.

The applicant is proposing to remove the parking pad that encroaches into the City right-of-way. This parking pad was never intended to provide public parking, but was built by previous owners of 115 Sampson Avenue to provide parking for their site. Additionally, as part of the plat amendment that was recorded in 2015, an Encroachment Agreement between Park City Municipal Corporation and Silver Potato LLC (the current owners), requiring the owners to maintain the parking pad.

The applicant proposes to remove the parking pad in order to construct a new addition along the street. The addition will meet the required 15 foot front yard setback; the applicant is proposing a 15 foot setback. A new driveway will be constructed connecting the one-car garage and pedestrian entrance to the street. On-site parking will be provided within the driveway and one-car garage.

Criteria 4: Terracing.

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

The hillside will need to be re-graded following the demolition of the 1983 parking pad to restore original grade. Following construction of the addition, the applicant is proposing to terrace the hillside in order to create a series of outdoor patios and living spaces. There are seven proposed retaining walls; of these, three of the walls are no more than 4 feet in height and four of the walls are 2.5 feet. The terraces and setback areas will be landscaped to provide a visual separation and help mitigate the appearance of the new addition. These proposed terraces do not change the grade more than 4 feet around the perimeter of the structure.

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.**

The structure has been designed in order to be setback and visually separated from the historic house at the front of the lot. It will add to the character of the street by creating pedestrian and vehicular access to the site. The addition to the historic house has been designed to step up the hill. The location of this addition was largely driven by the need to access Sampson Avenue and the façade of the house facing east, opposite the road.

The applicant has sited the new addition in such a way that the original grade of the site can be largely restored following the deconstruction of the 1983 parking pad. Several terraces will extend from the front yard to the flatter portion of the lot where the historic house sits. The design has maximized opportunities for open space, and there is no Significant Vegetation to preserve as the site is overgrown. New landscaping will be incorporated to help maintain the hillside and provide visual separations from the neighboring properties. New trees and shrubs in the front yard setback will limit the appearance of the new addition from the Sampson Avenue right-of-way, while additional trees and lawn on the lower level near the house will shield the house from view from the neighbors.

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 Commission may require a garage separate from the main Structure or no garage. **No unmitigated impacts.**

Staff finds that the building mass of the new addition is consistent with the existing historic house. The new addition provides a visual transition between the historic house and the new addition. The mass of the addition steps up the hill, terminating at Sampson Avenue. This helps breakup the mass of the structure, and the tallest portions of the historic house are set back substantially from the historic house so as not to detract from it. The historic house, when viewed from the Norfolk Avenue right-of-way that it faces, will remain the focal point of the project.

Staff finds that the proposed design is consistent with the Design Guidelines for Historic Districts and Historic Sites. The new addition begins on the shallower sloped part of the lot, but then climbs the hillside towards the back (west) until it reaches Sampson Avenue. The structure reflects the historic character of Park City's Historic Sites such as simple building forms, unadorned materials, and restrained ornamentation. The style of architecture selected and all elevations of the building are designed in a manner consistent with a contemporary interpretation of the chosen style.

Exterior elements of the new development—roofs, entrances, eaves, porches, windows, doors, steps, retaining walls, garages, etc.—are of human scale and are compatible with the neighborhood and the style of architecture selected. The scale and height of the new structure follows the predominant pattern of the neighborhood which is comprised of one- and two-story buildings as well as historic houses with two-story additions in the back. Further, the style of this house is consistent with the Design Guidelines. This building is challenged by having two facades—the most publically visible one along Sampson Avenue and the historic façade of the house that faces east towards Norfolk Avenue. The design proposed has provided street presence along Sampson Avenue with a one-car garage and pedestrian entrance. From the street, the addition appears to be only one story in height.

Criteria 7: Setbacks.

The 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 new addition is largely tucked behind the historic house and only appears as one-story in height from the Sampson Avenue right-of-way. It does not create a wall effect along the Street front or appear to overwhelm the historic house. It is visually separated from the historic house by a transitional element, and the taller masses are pushed back toward Sampson Avenue so they do not overwhelm the historic house.

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 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.**

The proposed design is articulated and broken into compatible massing components. The design includes setback variations and lower building heights for portions of the structure. The proposed massing and architectural design components are compatible with both the volume and massing of single family dwellings in the area. The design minimizes the visual mass and mitigates the differences in scale between the proposed house and surrounding structures.

Criteria 9: Building Height (Steep Slope).

The maximum Building Height in the HR-1 District is twenty-seven feet (27'). The 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; however, the applicant has requested a building height exception for the garage and circulation space pursuant to [LMC 15-2.1-5\(D\)\(4\)](#). The height of the new addition is approximately 32 feet above existing grade, and the remainder of the addition becomes buried in the hillside as the grade steps uphill towards the rear of the lot to comply with the 27 foot height requirement. The roof has been designed to allow for a front and side-facing gables along the street front, consistent with adjacent structures. As designed the house is compatible in mass and scale with houses in the surrounding neighborhood. If anything, the size of this house will appear much smaller than its neighbors from the street because only a pedestrian entrance and garage will be visible from the street front.

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. The Historic District Design Review (HDDR) application for the proposed renovation of the historic house and construction of the new addition was approved on May 23, 2017, with Conditions of Approval that required the plat amendment to be recorded and Planning Commission approval of the Steep Slope CUP prior to issuance of a building permit to construct the addition

Department Review

This project has gone through an interdepartmental review. The Building Department informed staff that they will require a six foot chain-link fence around the property and parking will not be allowed on Sampson, King Road or Norfolk Ave. They will need to submit a detailed parking plan when and if the project advances. This has been reflected in Condition of Approval #9.

Notice

The property was posted and notice was mailed to property owners within 300 feet on May 30, 2018. Legal notice was also published in the Park Record in accordance with requirements of the LMC on May 26, 2018.

Public Input

No input has been received regarding the Steep Slope CUP. Public comment was taken as part of the HDDR public hearing, and the neighbors expressed concerns about the loss of the parking pad as well as construction mitigation and parking along Sampson Avenue.

Alternatives

- The Planning Commission may approve the Conditional Use Permit for 243 Daly Avenue as conditioned or amended, or
- The Planning Commission may deny the Conditional Use Permit and provide staff with Findings for this decision, or
- The Planning Commission may request specific additional information and may continue the discussion to a date uncertain.

Significant Impacts

As conditioned, there are no significant fiscal or environmental impacts from this application. The lot is an existing platted, developed residential lot that contains an existing historic house and landscaping consisting of native grasses and shrubs, as well as several large evergreen trees.

Consequences of not taking the Suggested Recommendation

The construction as proposed could not occur and the applicant would have to revise the plans.

Recommendation

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit at 243 Daly Avenue and conduct a public hearing. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Findings of Fact:

1. The property is located at 115 Sampson Avenue.
2. The site is located in the Historic Residential-Low Density (HRL) Zoning District.
3. The site is designated as "Significant" on the City's Historic Sites Inventory.
4. The lot contains 7,692 square feet. It is a downhill lot.
5. On March 6, 2014, the Park City Council approved the 115 Sampson Avenue Subdivision through Ordinance 14-07; it was recorded on February 26, 2015.
6. This application is a request for a Steep Slope Conditional Use Permit (CUP) for construction of an addition to a historic single-family home, when the Building Footprint of the addition is in excess of 200 square feet if the Building Footprint of the addition is located upon an existing Slope of 30% or greater.
7. The applicant is proposing to build an addition on the west side of the historic house creating a total house size of 2,697 square feet.

8. The existing footprint of the historic house and its non-historic additions is 772 square feet; the proposed footprint of the house following construction of the addition is 2,004 square feet. The lot size currently allows a footprint of 2,496.28 square feet.
9. On February 12, 2018, the City received an application for a Conditional Use Permit (CUP) for "Construction on a Steep Slope" at 115 Sampson Avenue; the application was deemed complete on February 22, 2018.
10. This is a downhill lot, and the average slope of the lot is about 52.5%. The slope drops drastically immediately east of Sampson Avenue, with portions of the grade having a slope as much as 67%.
11. Pursuant to LMC 15-2.4-5(D)(4), the Planning Commission may allow additional Building Height (see entire Section 15-2.1-5) on a downhill Lot to accommodate a single car wide garage in a Tandem Parking configuration; to accommodate circulation, such as stairs and/or an ADA elevator; and to accommodate a reasonably sized front entry area and front porch that provide a Compatible streetscape design. The applicant is proposing tandem parking consisting of a single-car garage (approximately 246 square feet) and uncovered parking space in the driveway as well as a circulation space containing a staircase and elevator (approximately 210 square feet). The depth of the garage will not exceed the minimum depth for internal Parking Spaces as required within LMC 15-3; the applicant has provided a garage 20 feet in depth. The additional Building Height is not permitted to exceed 35 feet Existing Grade; the proposed height is 32 feet above Existing Grade.
12. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine related impacts.
13. The development has been located and designed to reduce visual and environmental impacts of the Structure. The historic house will remain in its existing location, which is most visible from Norfolk Avenue and almost hidden from view along Sampson Avenue due to the location of the historic house downhill from the right-of-way. The applicant is proposing to construct an addition to the west (rear) side of the house, which will appear as a small, one-story addition with a pedestrian entrance and single-car garage along Sampson Avenue. The addition will have a total of three stories. Much of the proposed bulk and mass of the new addition will be buried in the hillside.
14. The proposal minimizes impacts of the project by incorporating screening, slope stabilization, erosion mitigation, vegetation protection, and other items. As demonstrated by the visual analysis, the proposed addition fits within the context of the slope, neighboring structures, and existing vegetation. The neighborhood consists of historic houses with one- to two-story additions, one- to two-story new houses, and a few three- to four-story new residential developments. The applicant has designed the addition so that it steps up the hillside, providing pedestrian and vehicular access to Sampson Avenue. Not only will this alleviate some of the dangerous site conditions that exist with the railroad tie-supported parking pad, it will also create a presence along Sampson Avenue where it is currently difficult to determine which staircase accesses this property.
15. Access points and driveways have been designed to minimize grading of the natural topography and reduce overall building scale. The applicant is proposing to remove the existing railroad-tie parking pad that encroaches into the City right-of-way and

replace it with a new driveway and single-car garage. This parking pad was never intended to provide public parking, but was built by previous owners of 115 Sampson Avenue to provide parking for their site. Additionally, as part of the plat amendment that was recorded in 2015, an Encroachment Agreement between Park City Municipal Corporation and Silver Potato LLC (the current owners), requiring the owners to maintain the parking pad.

16. The project includes retaining walls and terraces to retain Natural Grade. The hillside will need to be re-graded following the demolition of the 1983 parking pad to restore original grade. Following construction of the addition, the applicant is proposing to terrace the hillside in order to create a series of outdoor patios and living spaces. There are seven proposed retaining walls; of these, three of the walls are no more than 4 feet in height and four of the walls are 2.5 feet.
17. Buildings, access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The structure has been designed in order to be setback and visually separated from the historic house at the front of the lot. The applicant has sited the new addition in such a way that the original grade of the site can be largely restored following the deconstruction of the 1983 parking pad. Several terraces will extend from the front yard to the flatter portion of the lot where the historic house sits. The design has maximized opportunities for open space, and there is no Significant Vegetation to preserve as the site is overgrown. New landscaping will be incorporated to help maintain the hillside and provide visual separations from the neighboring properties.
18. Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. The new addition provides a visual transition between the historic house and the new addition. The mass of the addition steps up the hill, terminating at Sampson Avenue. This helps breakup the mass of the structure, and the tallest portions of the historic house are set back substantially from the historic house so as not to detract from it. The historic house, when viewed from the Norfolk Avenue right-of-way that it faces, will remain the focal point of the project.
19. The proposal minimizes the creation of a "wall effect" along the Street front. The new addition is largely tucked behind the historic house and only appears as one-story in height from the Sampson Avenue right-of-way. It does not create a wall effect along the Street front or appear to overwhelm the historic house. It is visually separated from the historic house by a transitional element, and the taller masses are pushed back toward Sampson Avenue so they do not overwhelm the historic house.
20. The volume of the structure has been restrained to minimize its visual mass and mitigate differences between the scale of the historic house and new addition. The proposed design is articulated and broken into compatible massing components. The design includes setback variations and lower building heights for portions of the structure. The proposed massing and architectural design components are compatible with both the volume and massing of single family dwellings in the area. The design minimizes the visual mass and mitigates the differences in scale between the proposed house and surrounding structures.
21. The proposed new construction meets the twenty-seven feet (27') maximum building height requirement measured from existing grade; however, the applicant has

requested a building height exception for the garage and circulation space pursuant to LMC 15-2.1-5(D)(4), The height of the new addition is approximately 32 feet above existing grade, and the remainder of the addition becomes buried in the hillside as the grade steps uphill towards the rear of the lot to comply with the 27 foot height requirement. The roof has been designed to allow for a front and side-facing gables along the street front, consistent with adjacent structures. As designed the house is compatible in mass and scale with houses in the surrounding neighborhood.

22. The property was posted and notice was mailed to property owners within 300 feet on May 30, 2018. Legal notice was also published in the Park Record in accordance with requirements of the LMC on May 26, 2018.
23. The findings in the Analysis section of this report are incorporated herein.

Conclusions of Law

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.1-6.
2. The Use is consistent with the Park City General Plan, as amended.
3. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The CMP shall include language regarding the method of protecting adjacent structures.
3. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. This approval will expire on June 13, 2019, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.
5. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission on June 13, 2018, and the Final HDDR Design.
6. Modified 13-D residential fire sprinklers are required for all new construction on this lot.
7. All excavation work to construct the foundation of the new addition shall start on or after April 15th and be completed on or prior to October 15th. The Planning Director may make a written determination to extend this period up to 30 additional days if, after consultation with the Historic Preservation Planner, Chief Building Official, and City Engineer, determines that it is necessary based upon the need to immediately stabilize an existing Historic property, or specific site conditions such as access, or lack thereof, exist, or in an effort to reduce impacts on adjacent properties.
8. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine related impacts. If the property owner does encounter mine waste or mine waste

impacted soils they must handle the material in accordance to State and Federal law.

9. During construction, a six foot chain-link fence around the property will be required. The Construction Mitigation Plan should note that parking will not be allowed on Sampson, King Road or Norfolk Ave. The applicant will need to submit a detailed parking plan when as part of their Construction Mitigation Plan.

Exhibits

Exhibit A- Existing Conditions Survey

Exhibit B- Plans (existing conditions, site plan, elevations, floor plans)

Exhibit C- Visual Analysis/Streetscape

SURVEYOR'S CERTIFICATE

I, John Demkowicz, do hereby certify that I am a registered land surveyor and that this certificate is a true and correct representation of the facts as presented under the laws of the State of New York. I further certify that this representation has been made under my direction of the lands shown and described herein, and that I am a duly qualified and licensed land surveyor, and that this representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.



NOTES

1. Site Benchmarks: Water meter in Sampson Avenue Elevation=7289.2'
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on a field survey performed on July 24, 1998 and updated on July 28, 2006 and November 16, 2007.
4. See recorded survey S-8748.

LINE	BEARING	DISTANCE
1-2	S 85°00'00" E	17.00'
2-3	N 12°32'00" E	17.00'



Exhibit A

STAFF:
 BASMAL KING
 BLAKE WITERS
 CRP TOWNSHIP

DATE: 1/17/08

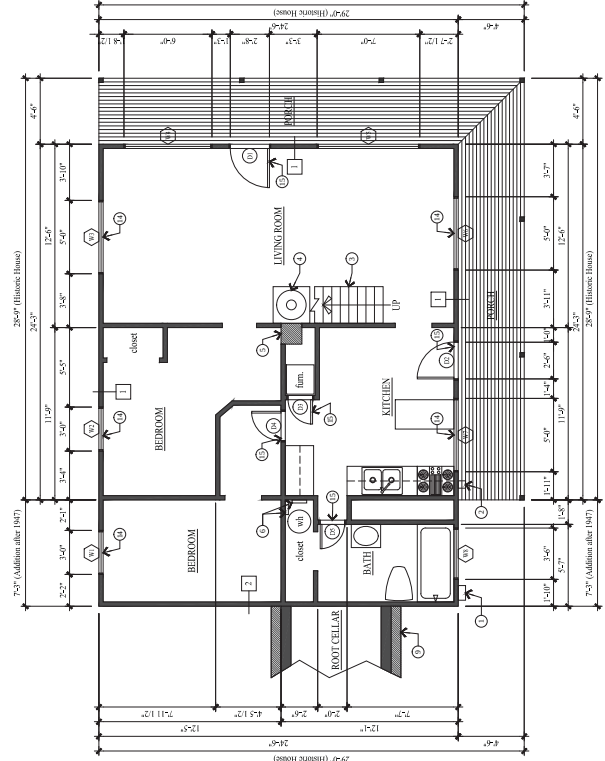
EXISTING CONDITIONS
 115 SAMPSON AVENUE
 BLOCK 78, PARK CITY SURVEY
 FOR: GERMAINE PARTNERS
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KEY NOTES

- 3 NORTH ELEVATION

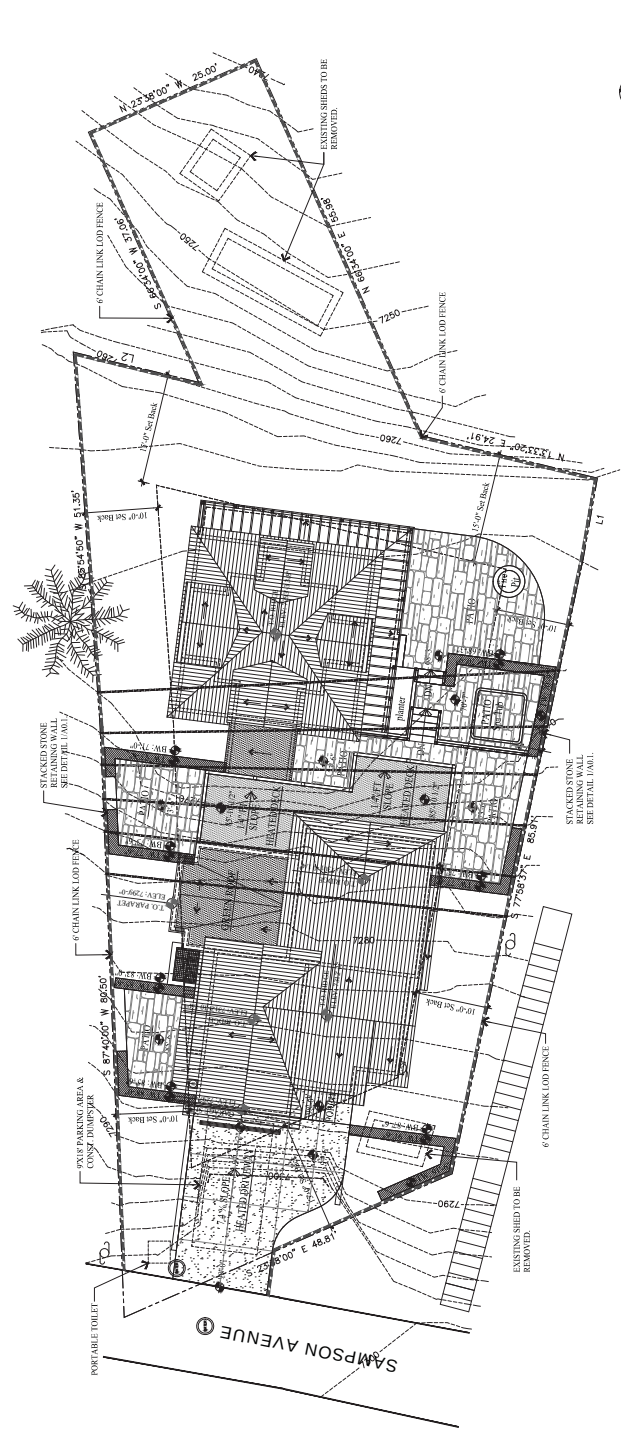
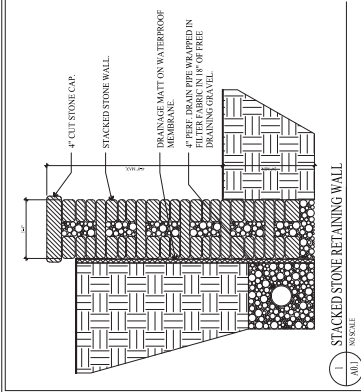
MAIN LEVEL PLAN



GENERAL NOTES

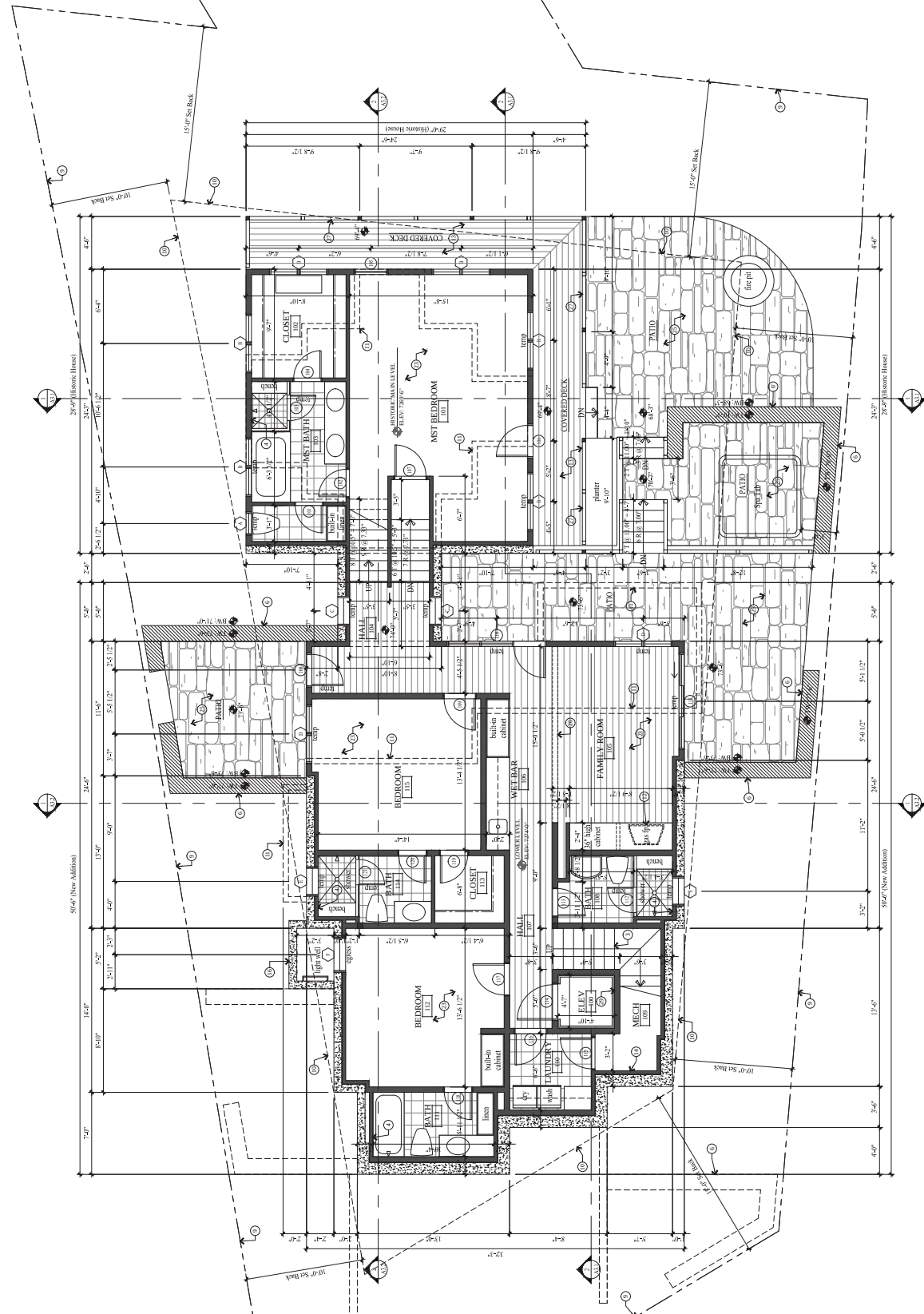
- GENERAL NOTES**
1. ALL SURFACE WATER SHALL DRAIN AWAY FROM THE BUILDING AND THE DRIVEWAY. APPROVED DRAINAGE COFFERS BUT NOT ONTO THE DRIVEWAY. DRAINAGE SHALL BE PLACED WITHIN THE FIRST 10 FEET - R.C. 8401.3
 2. STABILIZATION CONSTRUCTION SHALL BE FOR A MINIMUM OF 50' FROM ROADWAY. A FILTER FABRIC SHALL BE INSTALLED OVER A 4" PREF. DRAIN PIPE WRAPPED IN 18" OF FREE DRAINING GRAVEL.
 3. ATTACHMENT SHALL BE PLACED OVER THIS ATTACHMENT. DAILY INSPECTION FOR EROSION SHALL BE ENFORCED, AND REMEDIATED AT ONCE.
- GRADING NOTES**
1. DRAINAGE TO COMPLY WITH IRC CHAPTER 4
 2. MINIMUM ADJACENT SLOPES AT 2:1
 3. MINIMUM SLOPE FOR DRAINAGE = 2%
 4. DRAINAGE SHALL BE PLACED WITHIN THE FIRST 10 FEET - R.C. 8401.3
 5. CONTAIN DRAINAGE ON PROPERTY
 6. BOLLARD RETAINING WALLS NOT TO EXCEED 2:1 SLOPE
 7. EXCAVATION NOT TO EXCEED 2:1 SLOPE WITHOUT A SOILS REPORT.
- UTILITY NOTES**
1. ALL UTILITY LINES TO BE UNDERGROUND
 2. ABOVE GRADE UTILITY BOX TO BE IN RECESSED LOCATION
- SNOW REMOVAL**
- SNOW PLOWED FROM DRIVE SHALL NOT BE PUSHED ONTO THE STREET.

- LEGEND**
- WATER SERVICE LID
 - UTILITY POLE
 - SEWER MANHOLE
 - ELECTRIC METER BOX
 - GAS METER
 - STORM DRAIN MANHOLE
 - ROAD SIGNAGE
 - LOD FENCE
 - SUBFACE DRAINAGE FLOW
 - EXISTING CONTOUR LINE
 - NEW CONTOUR LINE
 - WATER LATERAL LINE
 - SEWER LATERAL LINE
 - GAS LINE
 - OVERHEAD UTILITY LINE
 - FOUNDATION DRAIN LINE
 - ORIGINAL CONTOUR LINE
 - PRIOR TO DISTURBED GRADE

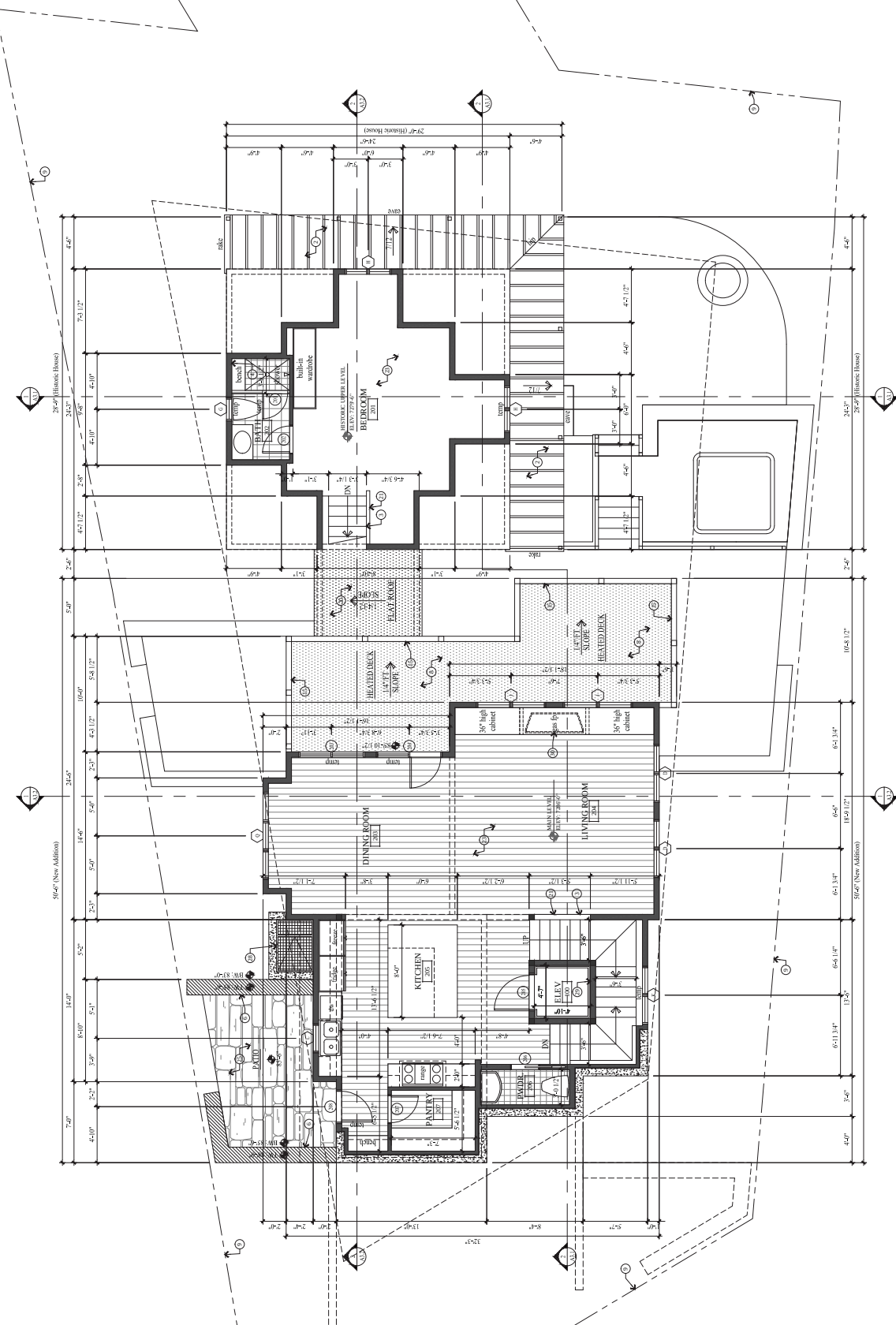


- [illegible]

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



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



WALL LEGEND

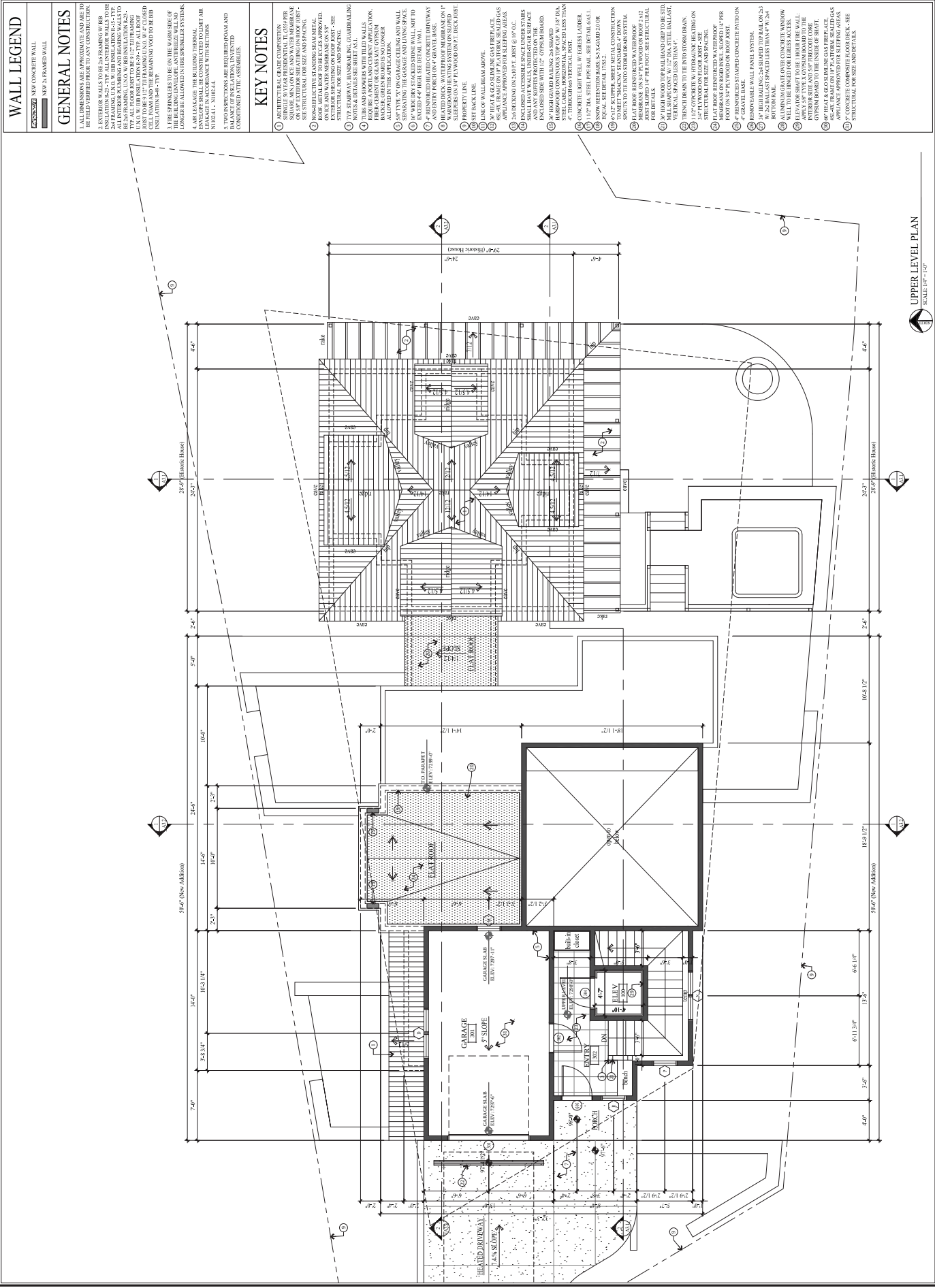
- NEW CONCRETE WALL
- NEW 2" FRAMED WALL

GENERAL NOTES

1. ALL DIMENSIONS ARE APPROXIMATE AND ARE TO BE FIELD VERIFIED PRIOR TO ANY CONSTRUCTION.
2. EXTERIOR WALLS TO BE 24" FRAMED W/ 100% 2x4 FRAMING, U.S.G. W. 100 INSULATION R-15, TYP.
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99. 2x4 FRAMING, U.S.G. W. 100 INSULATION R-15, TYP.
100. 2x4 FRAMING, U.S.G. W. 100 INSULATION R-15, TYP.

KEY NOTES

1. ARCHITECTURAL GRADE COMPOSITION SHALL BE 4" CONC. ON 4" GRAVEL. SEE DETAIL 1001.
2. 4" CONC. ON 4" GRAVEL. SEE DETAIL 1001.
3. 4" CONC. ON 4" GRAVEL. SEE DETAIL 1001.
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100. 4" CONC. ON 4" GRAVEL. SEE DETAIL 1001.



UPPER LEVEL PLAN

PROJECT INFORMATION

115 SAMPSON AVENUE RESIDENCE

HISTORIC DISTRICT DESIGN REVIEW SET

115 SAMPSON AVENUE, PARK CITY, UTAH 84060

DATE: MAY 22, 2018

PROJECT NUMBER: 1711-A2

SHEET NUMBER: A1.3

WALL LEGEND

CONCRETE NEW CONCRETE WALL

2-4\"/>

GENERAL NOTES

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

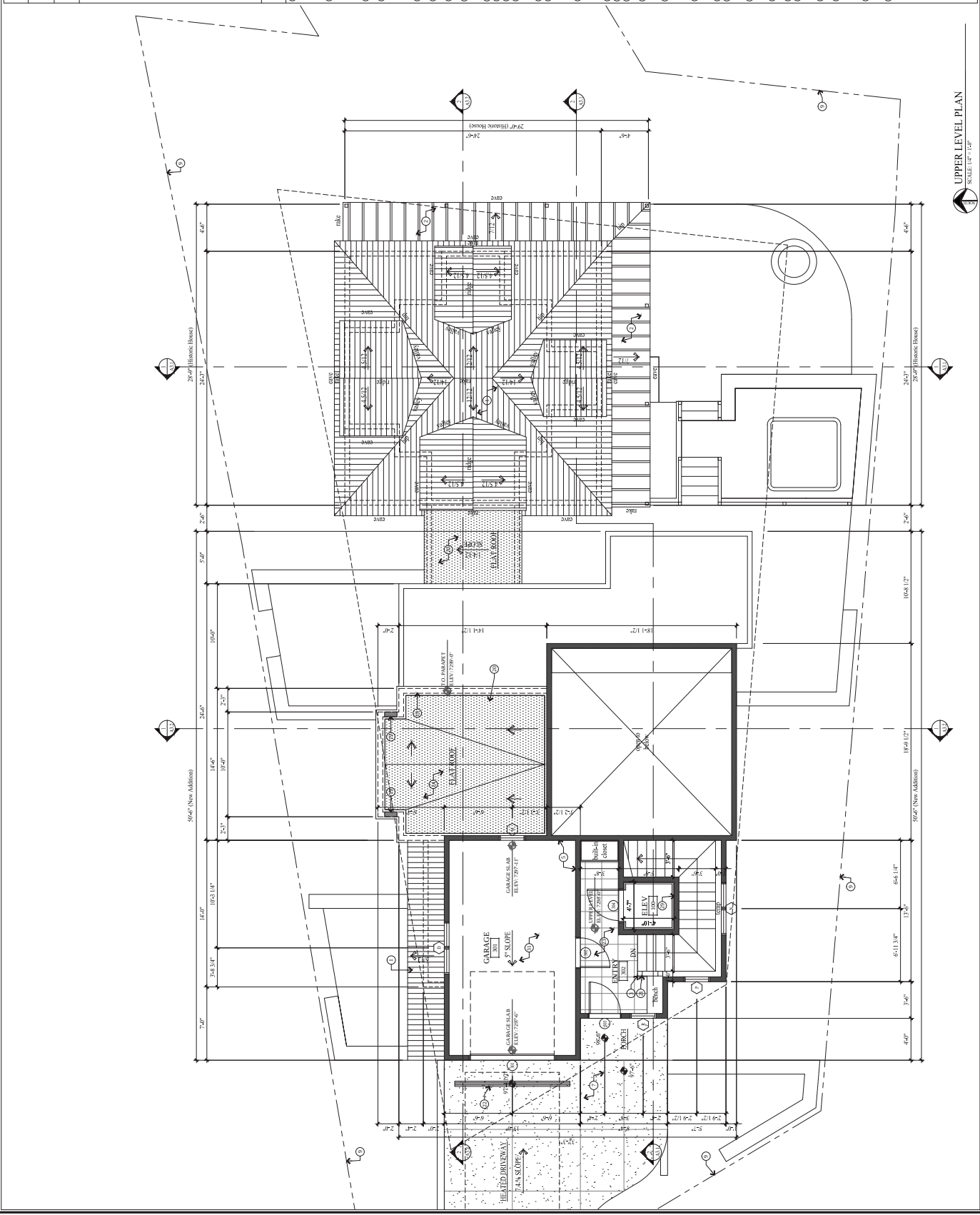
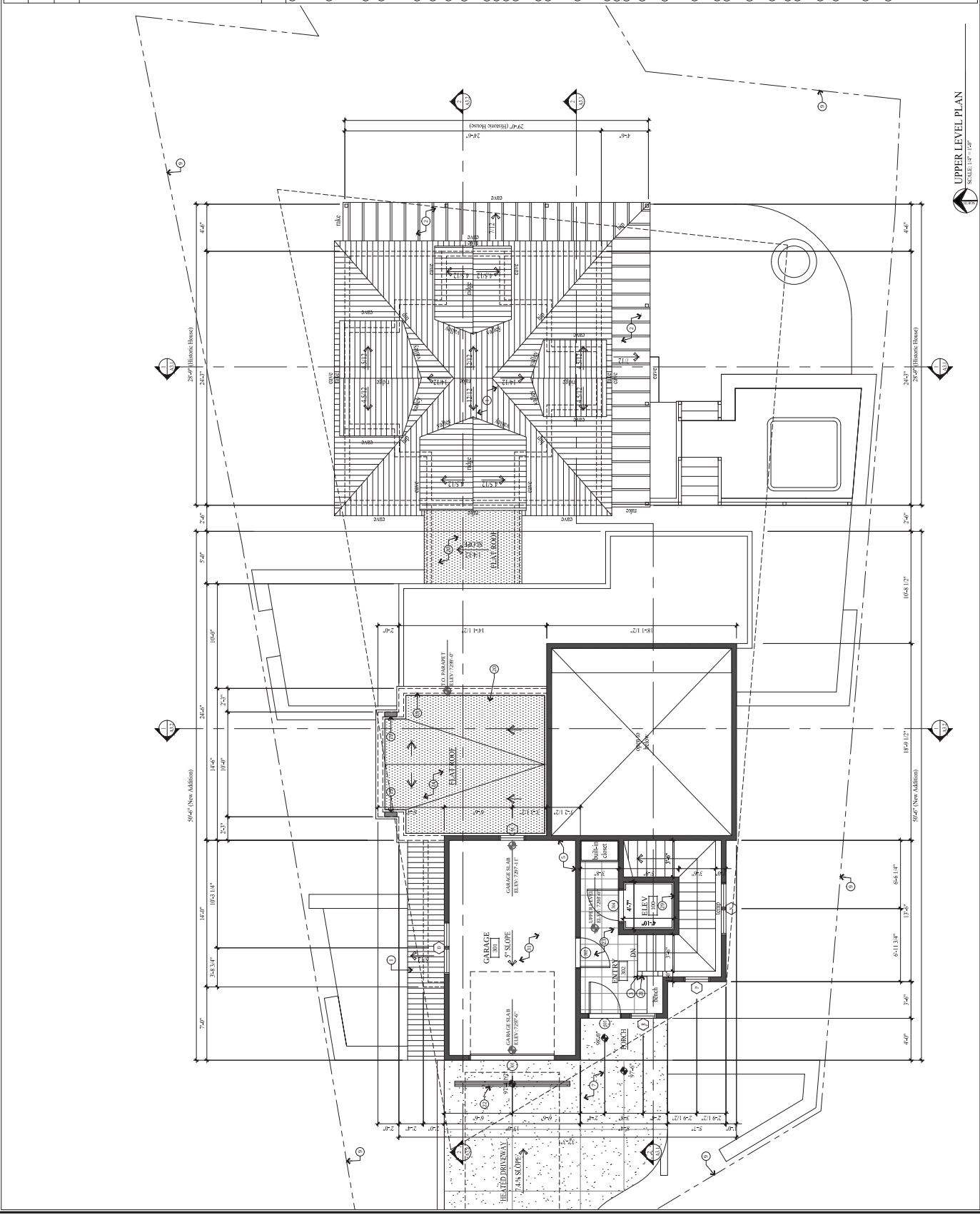
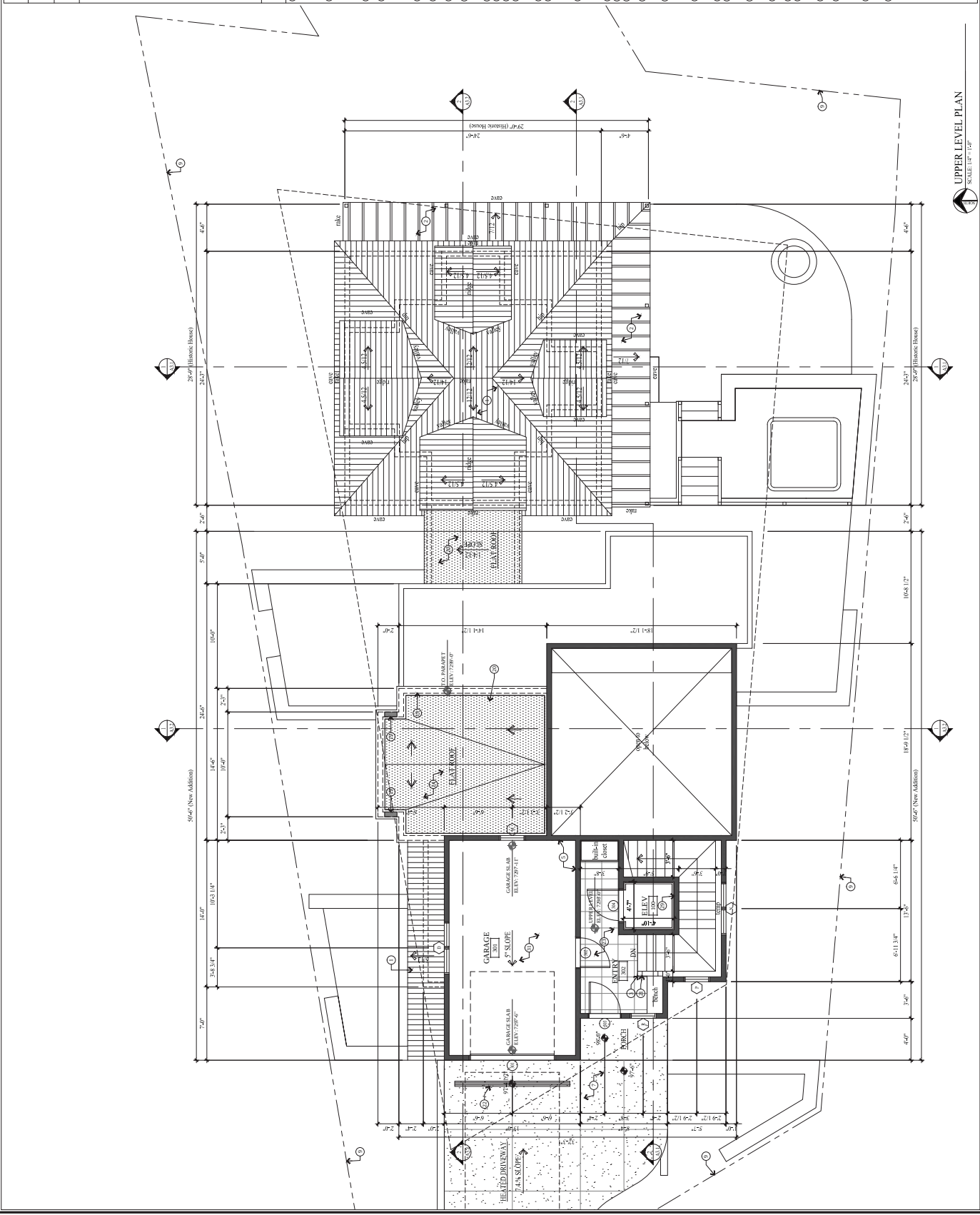
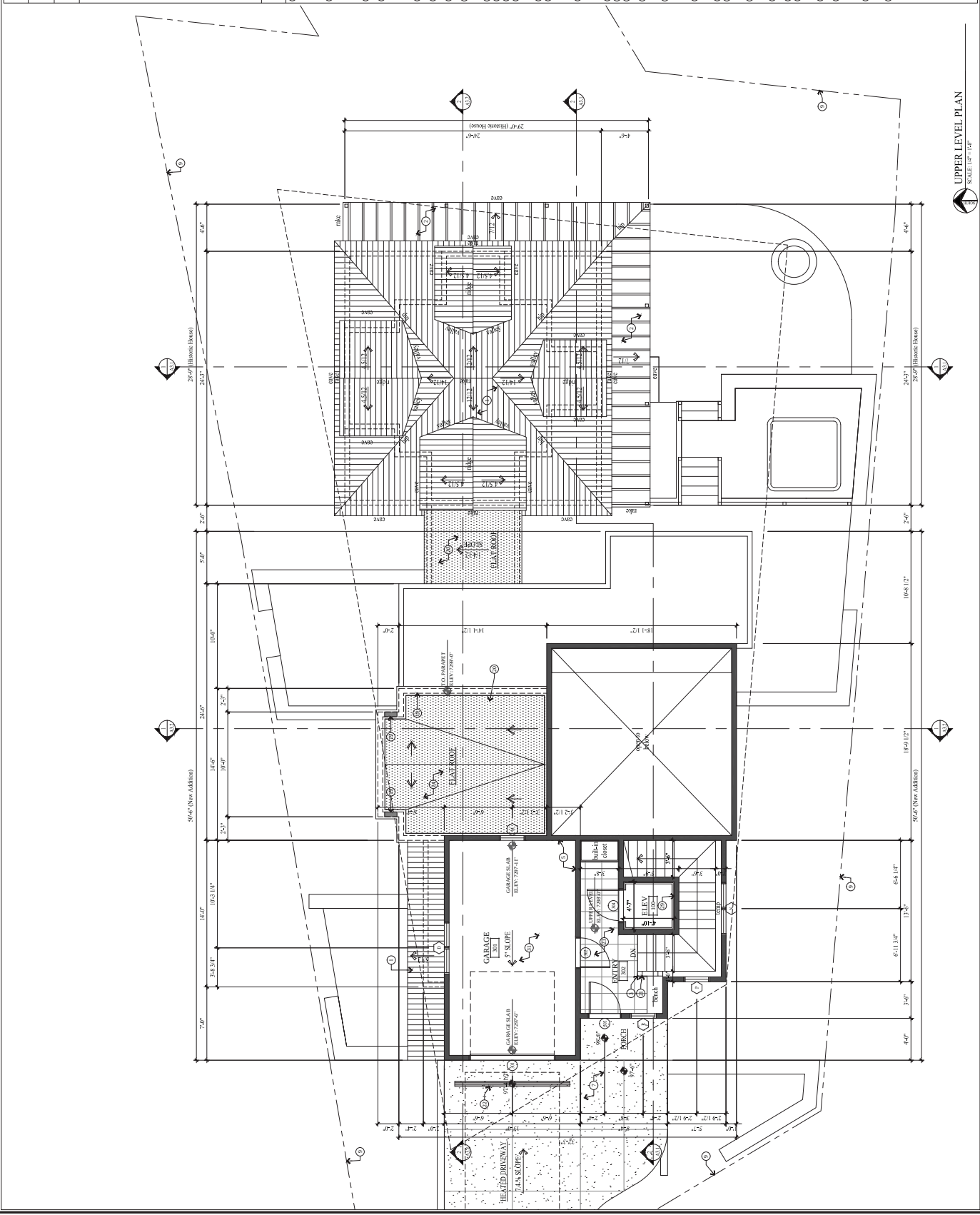
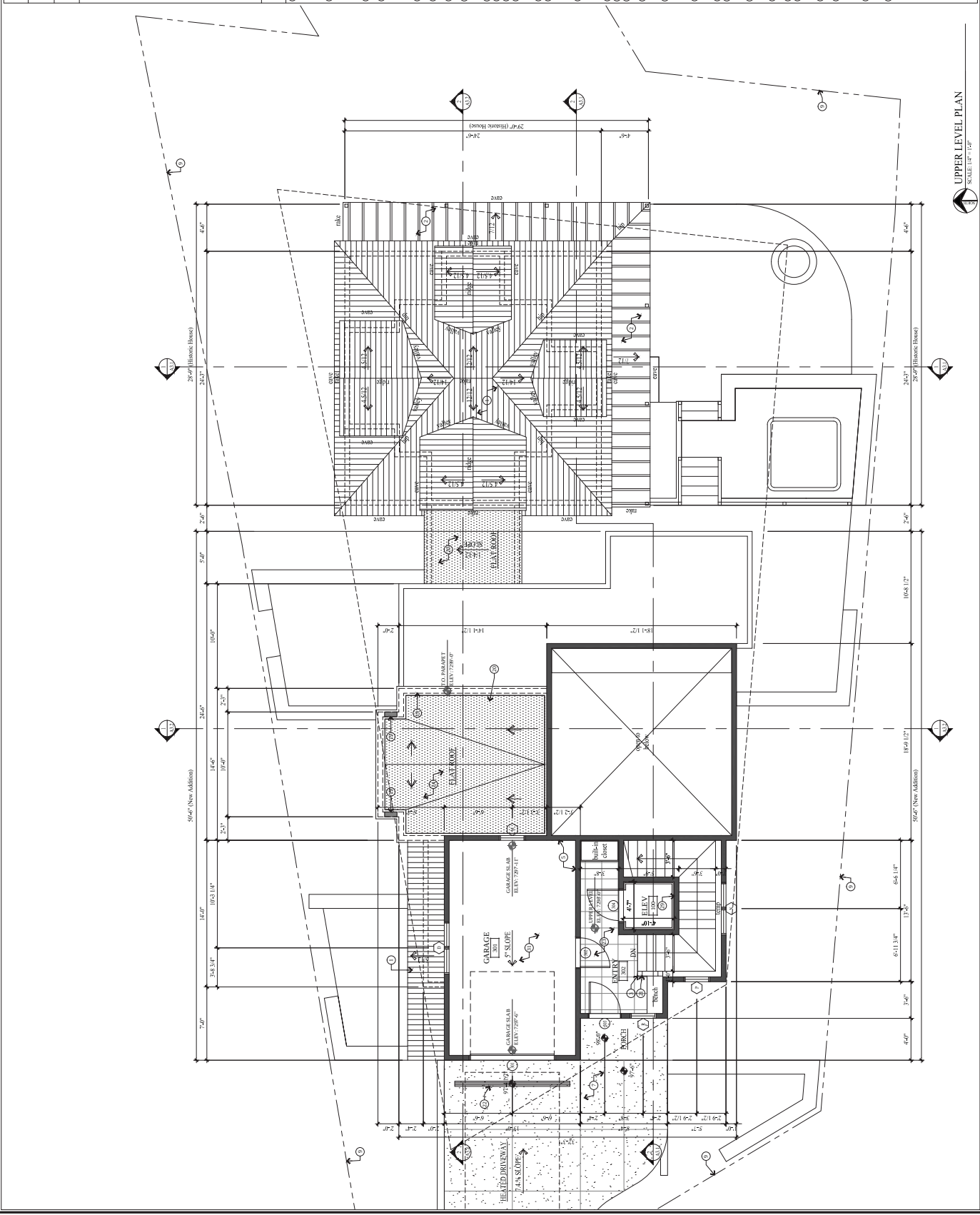
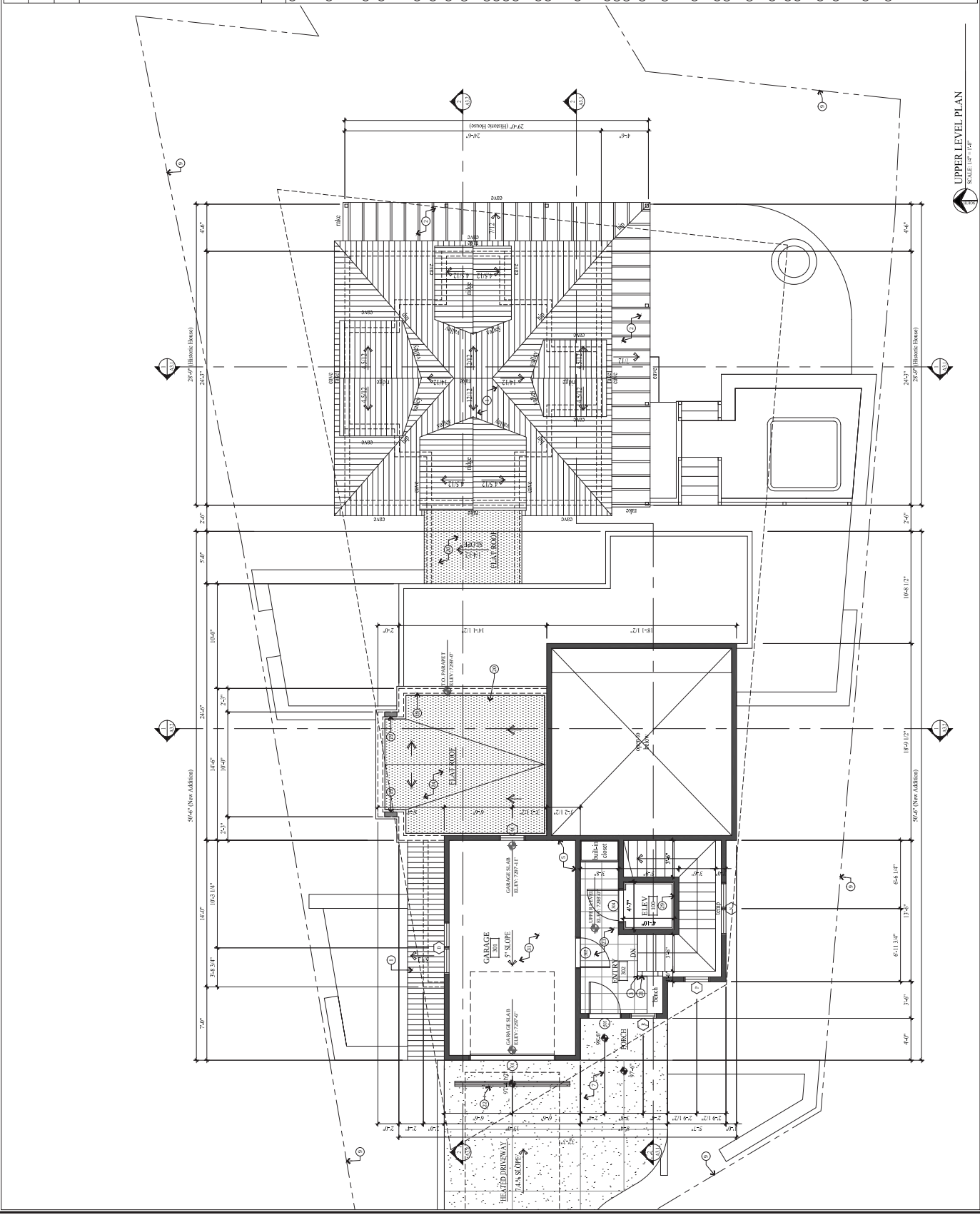
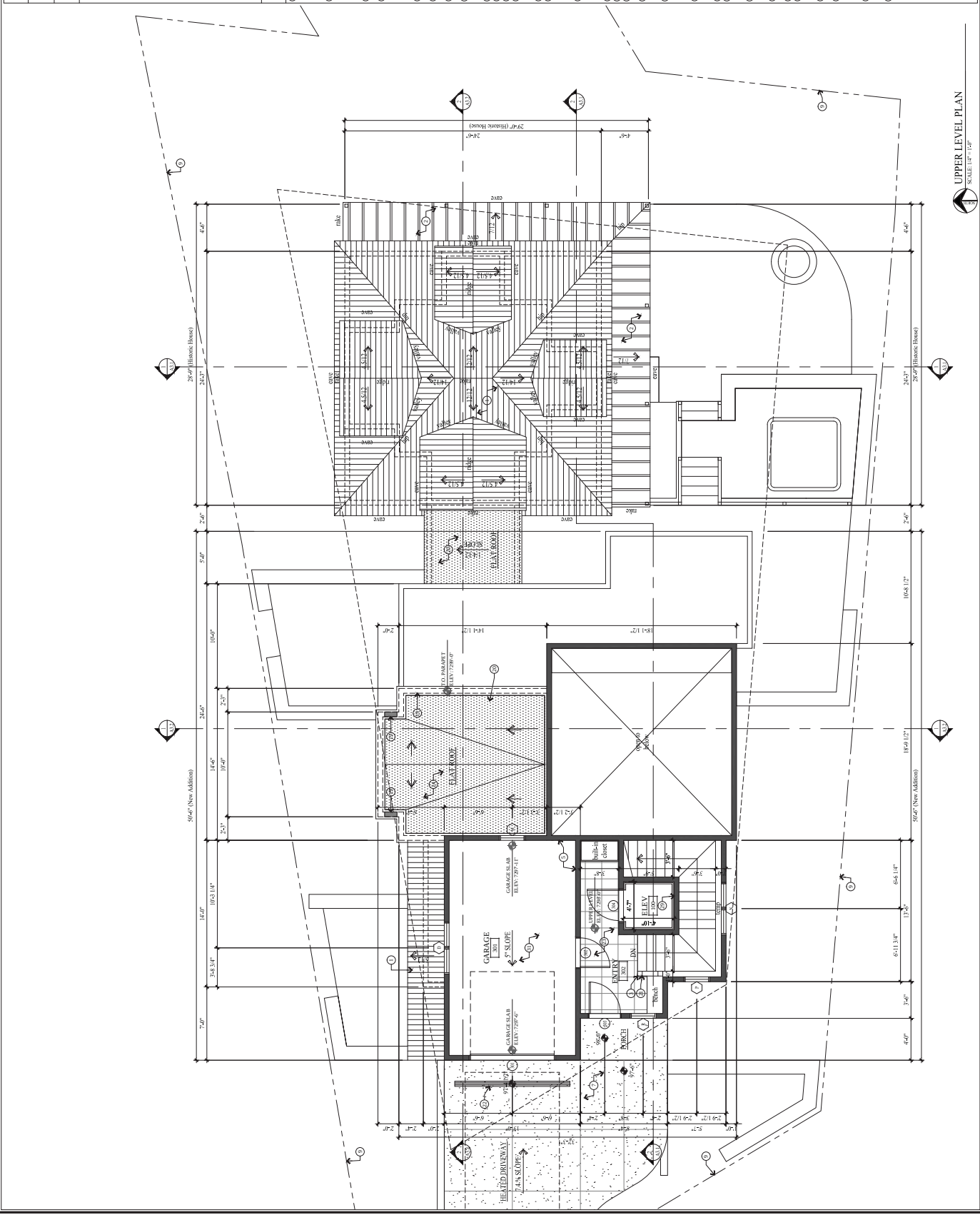
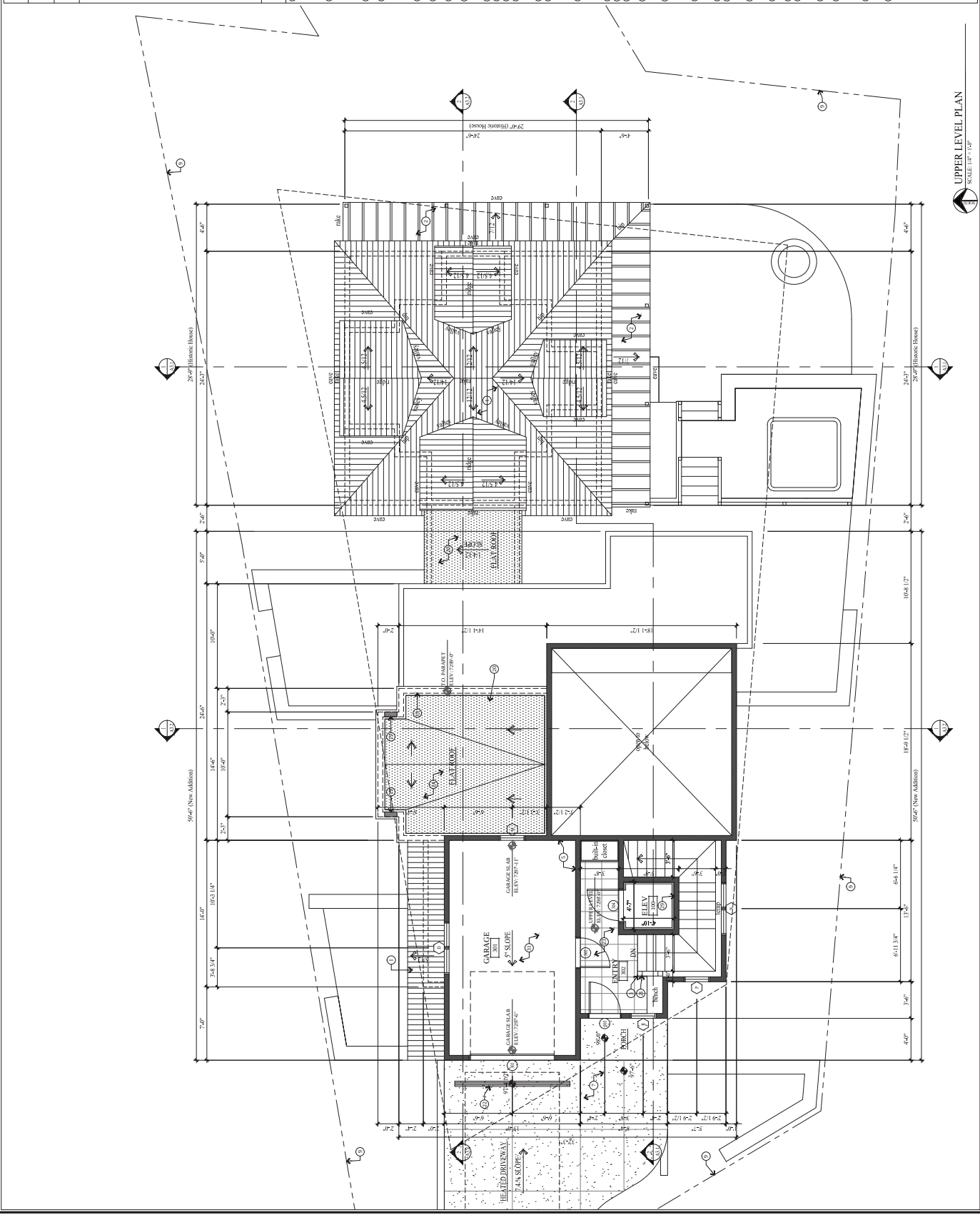
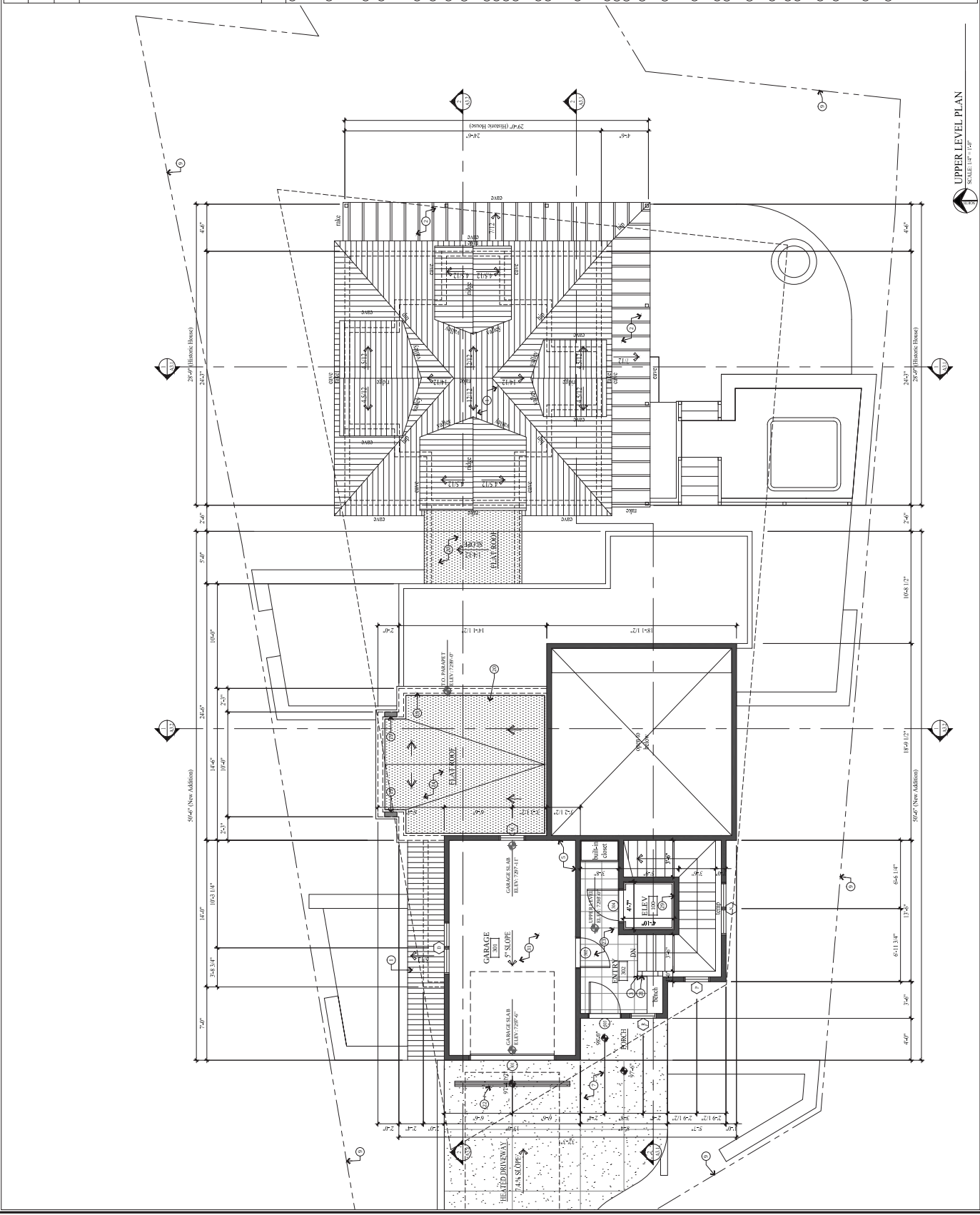
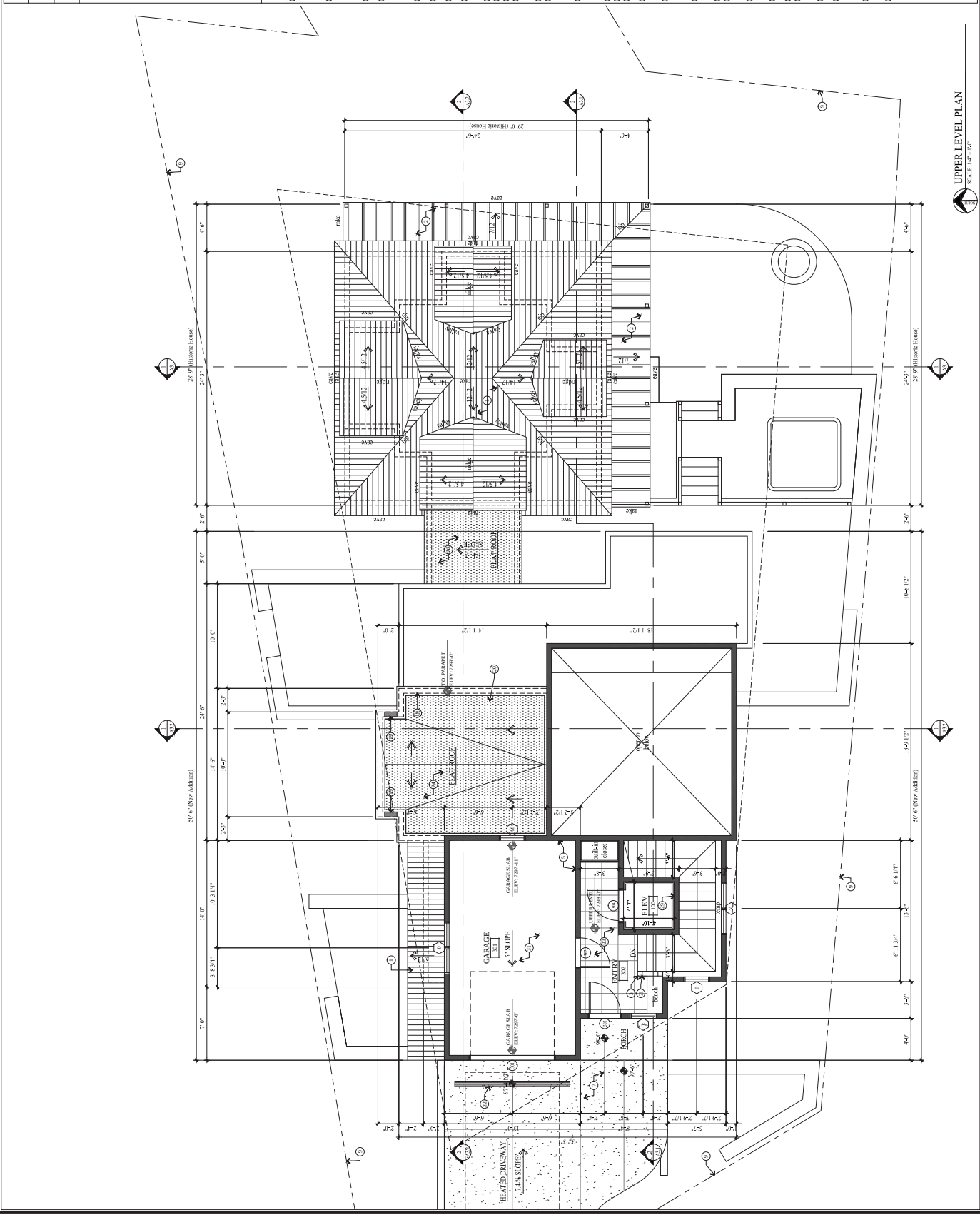
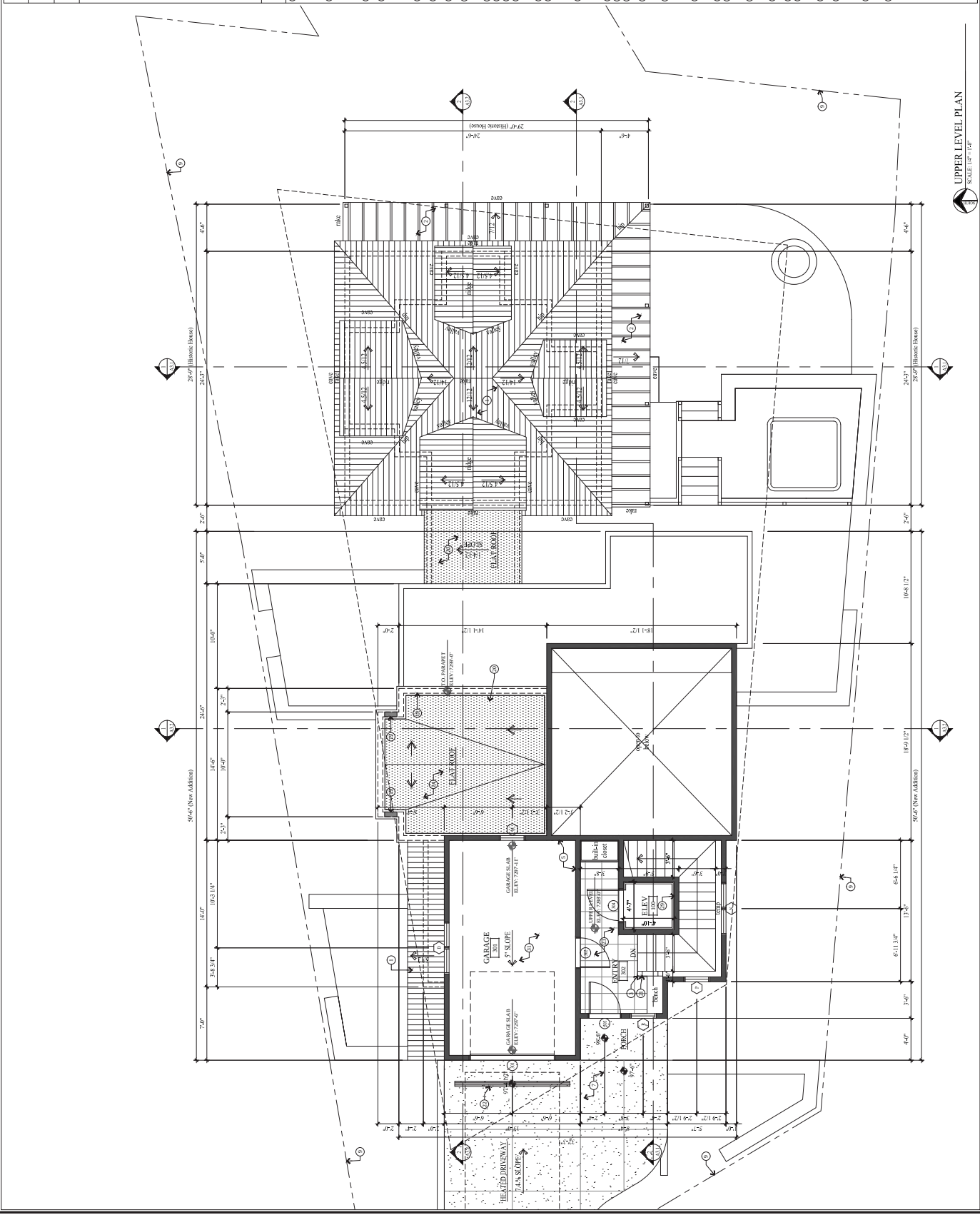
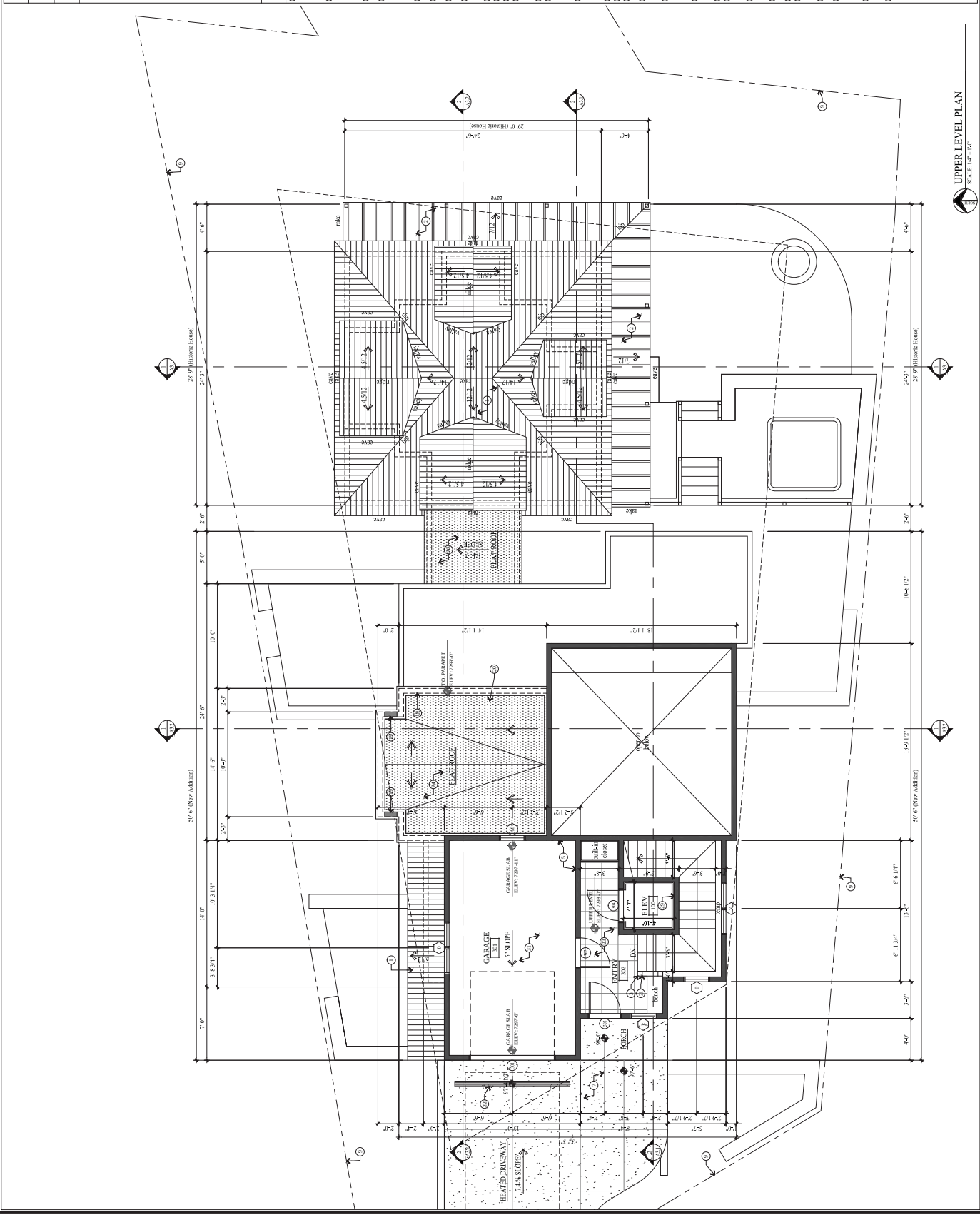
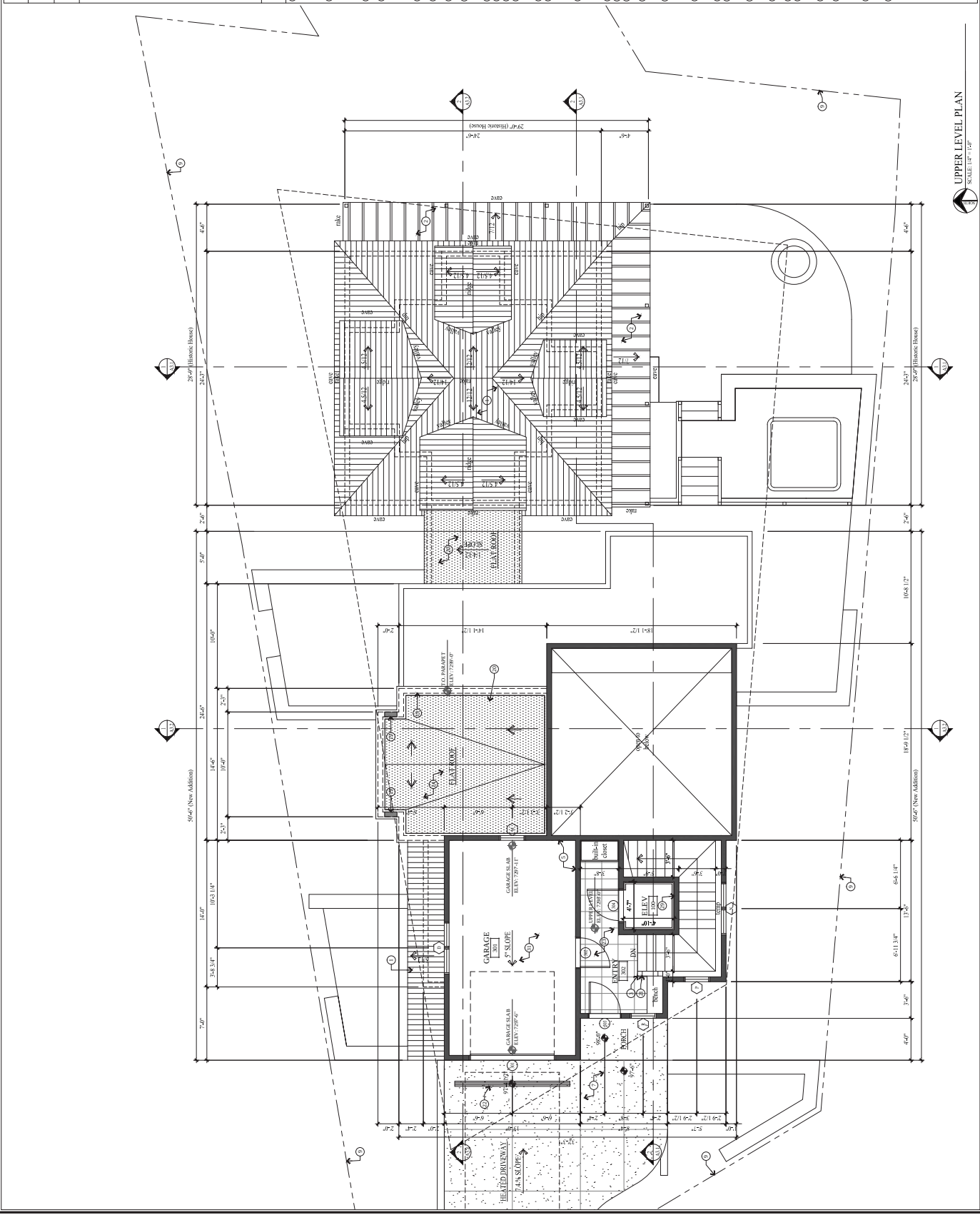
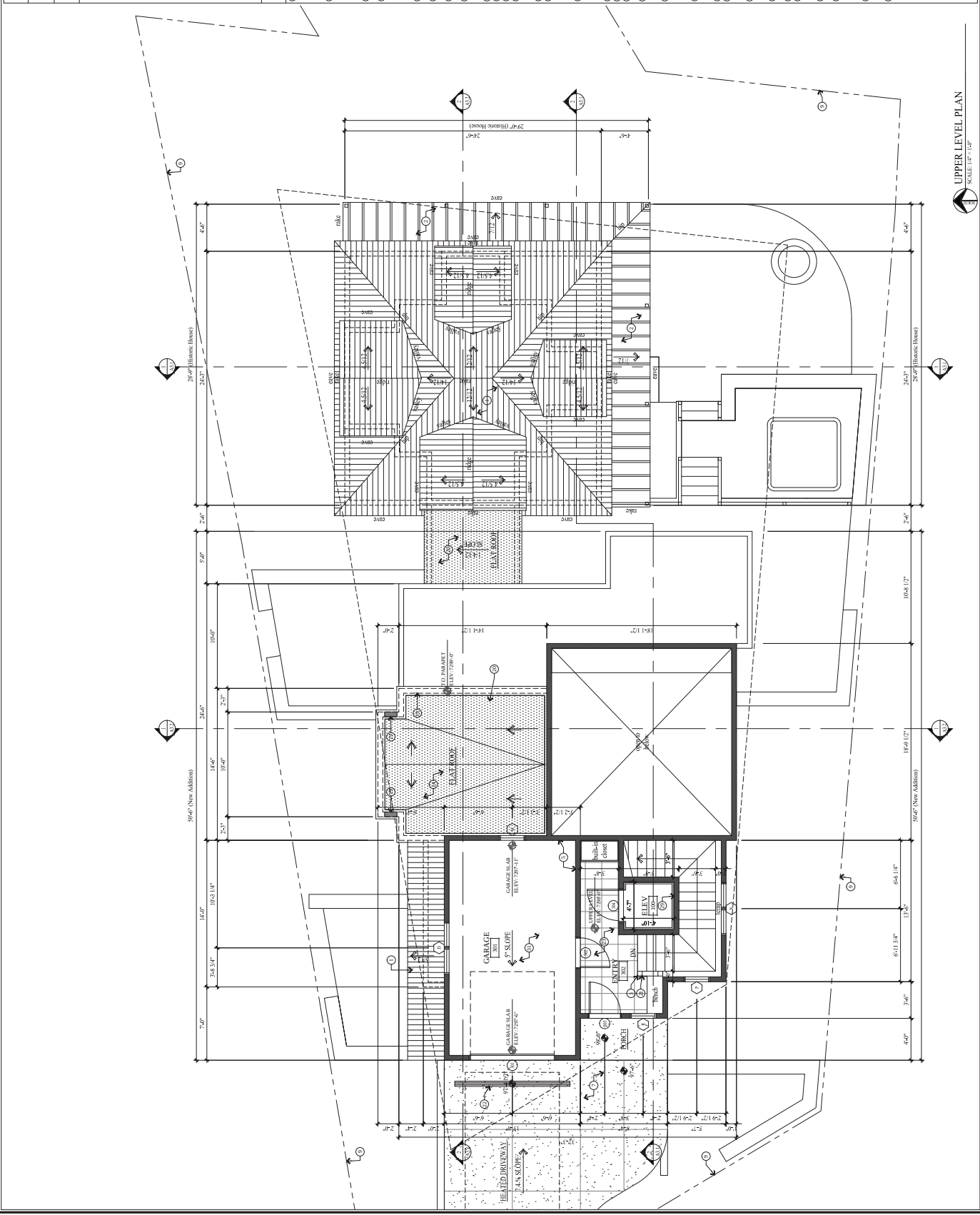
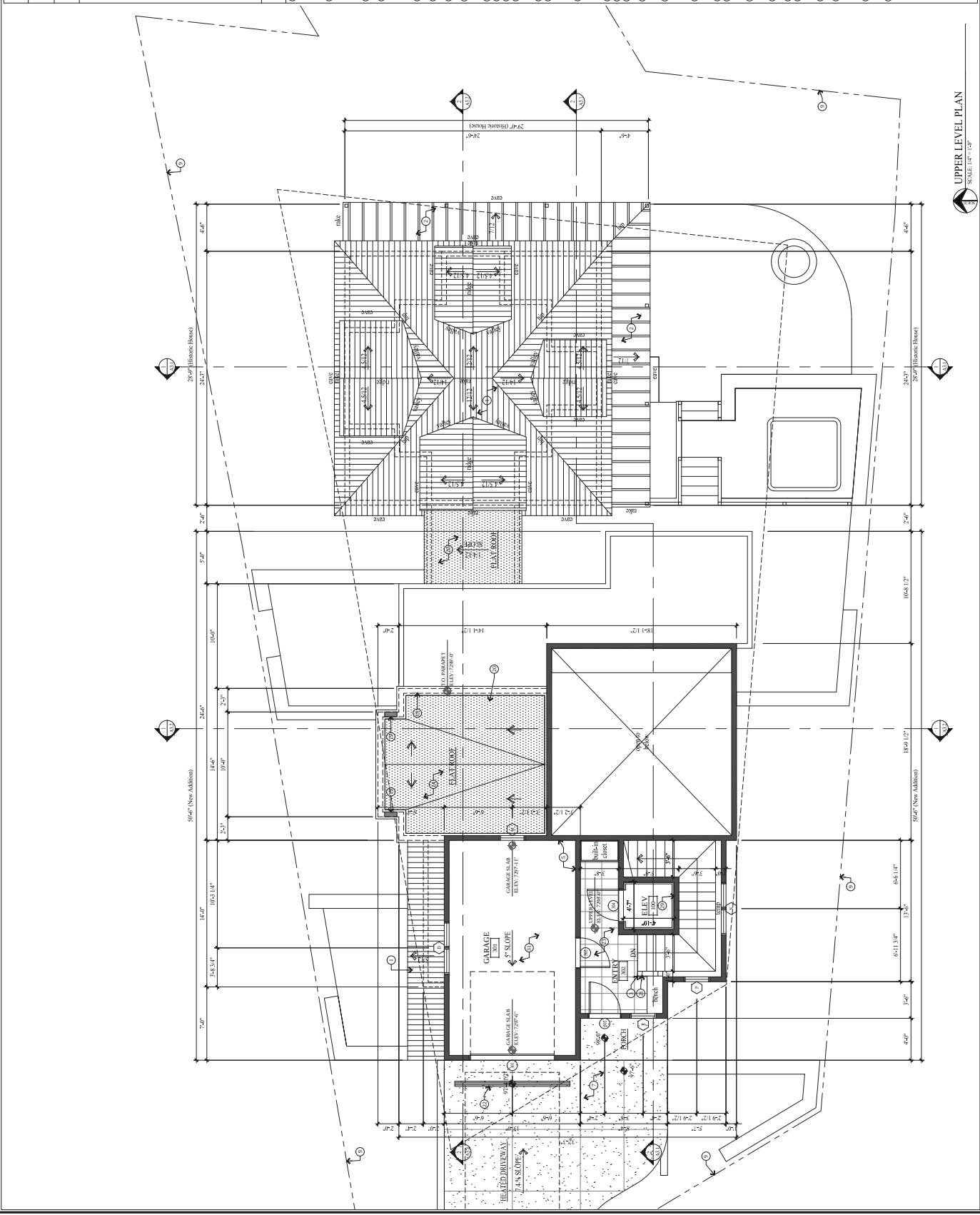
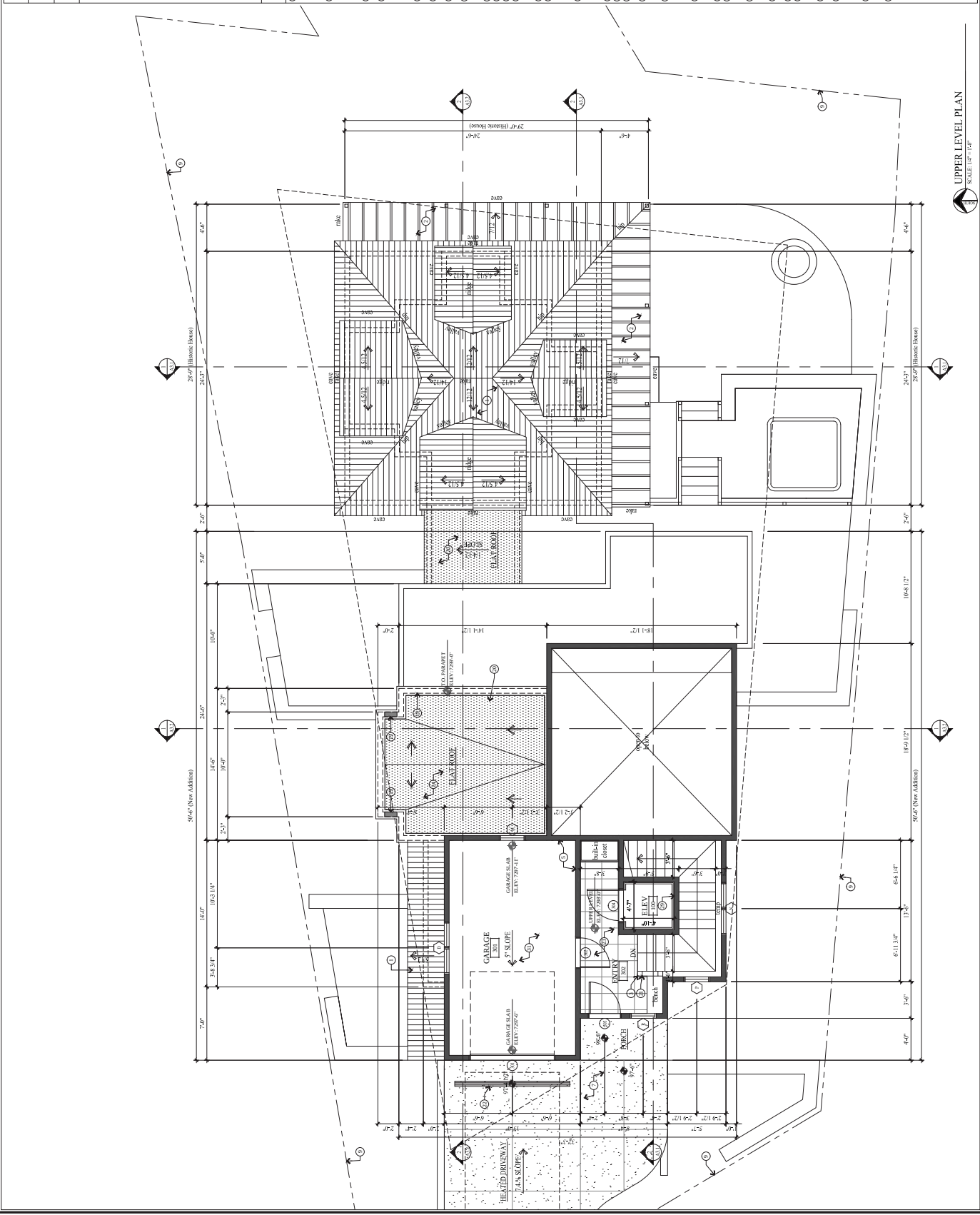
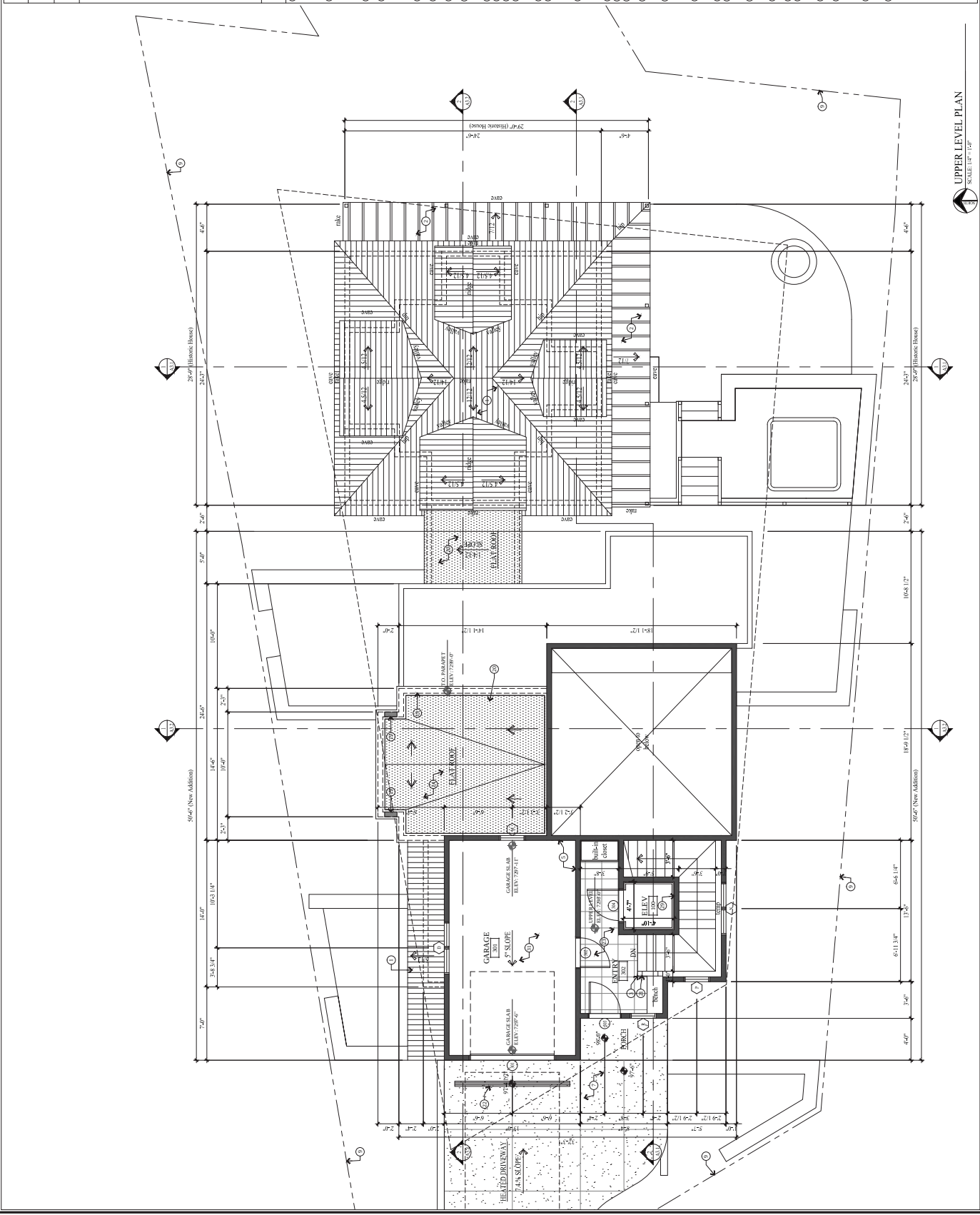
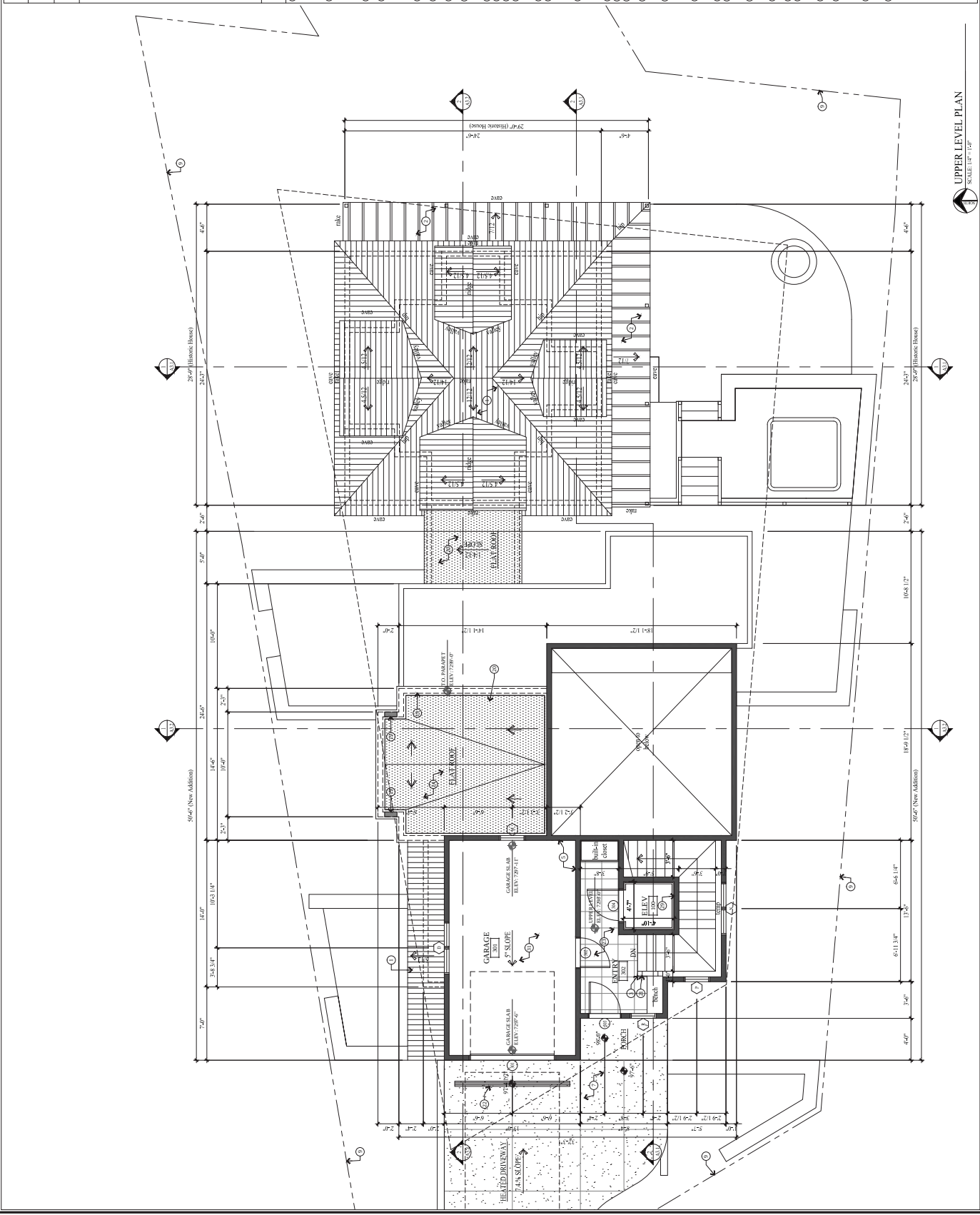
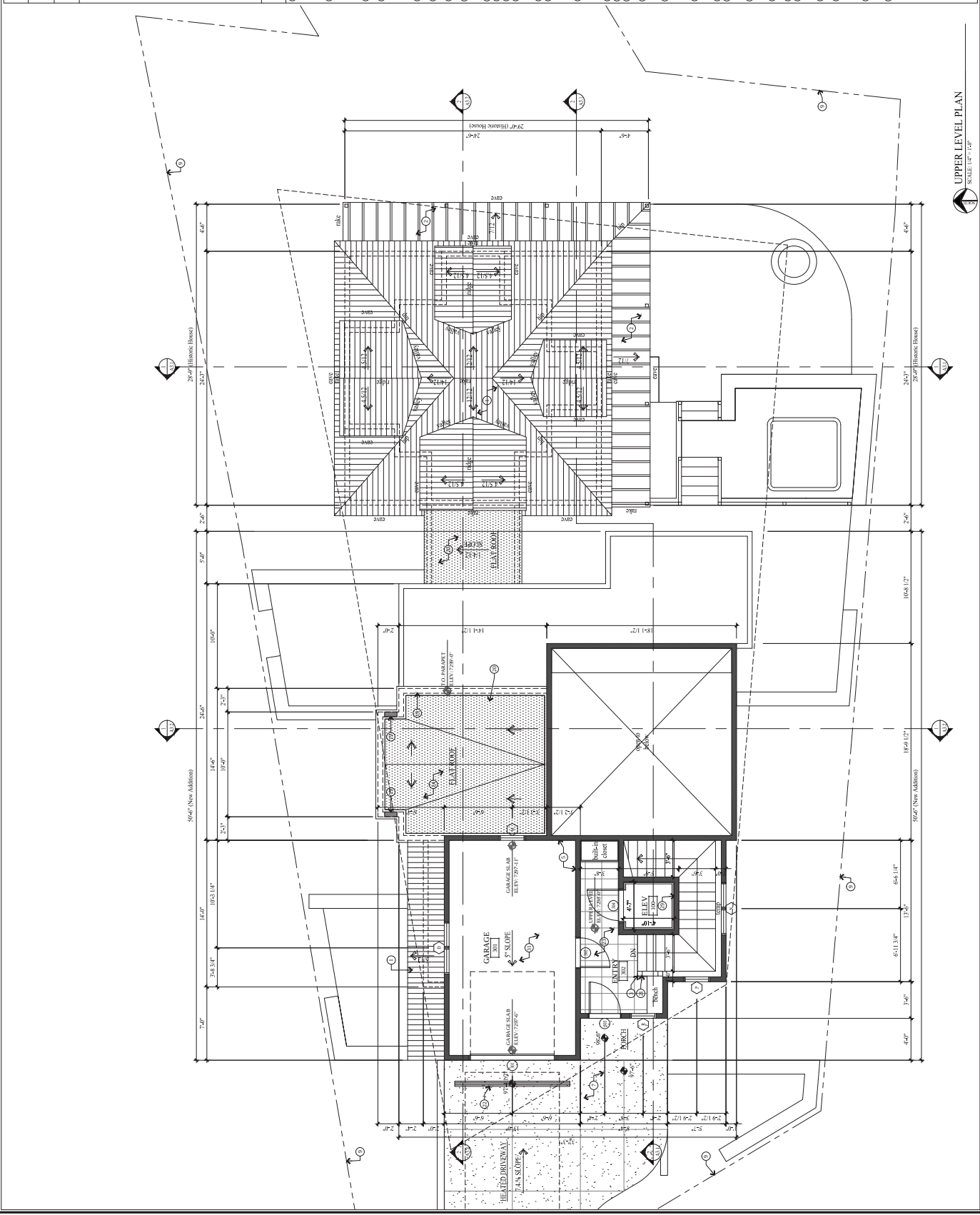
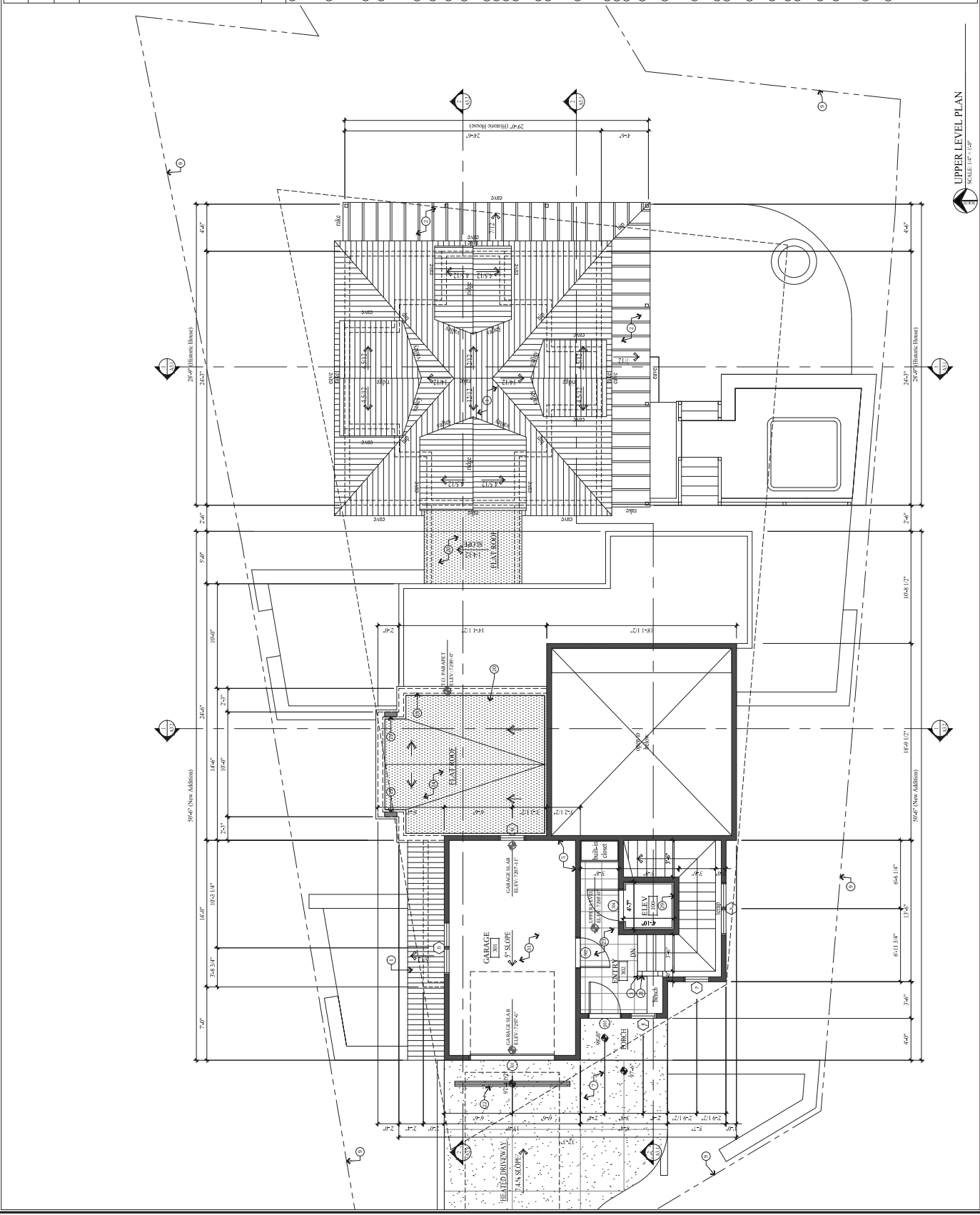
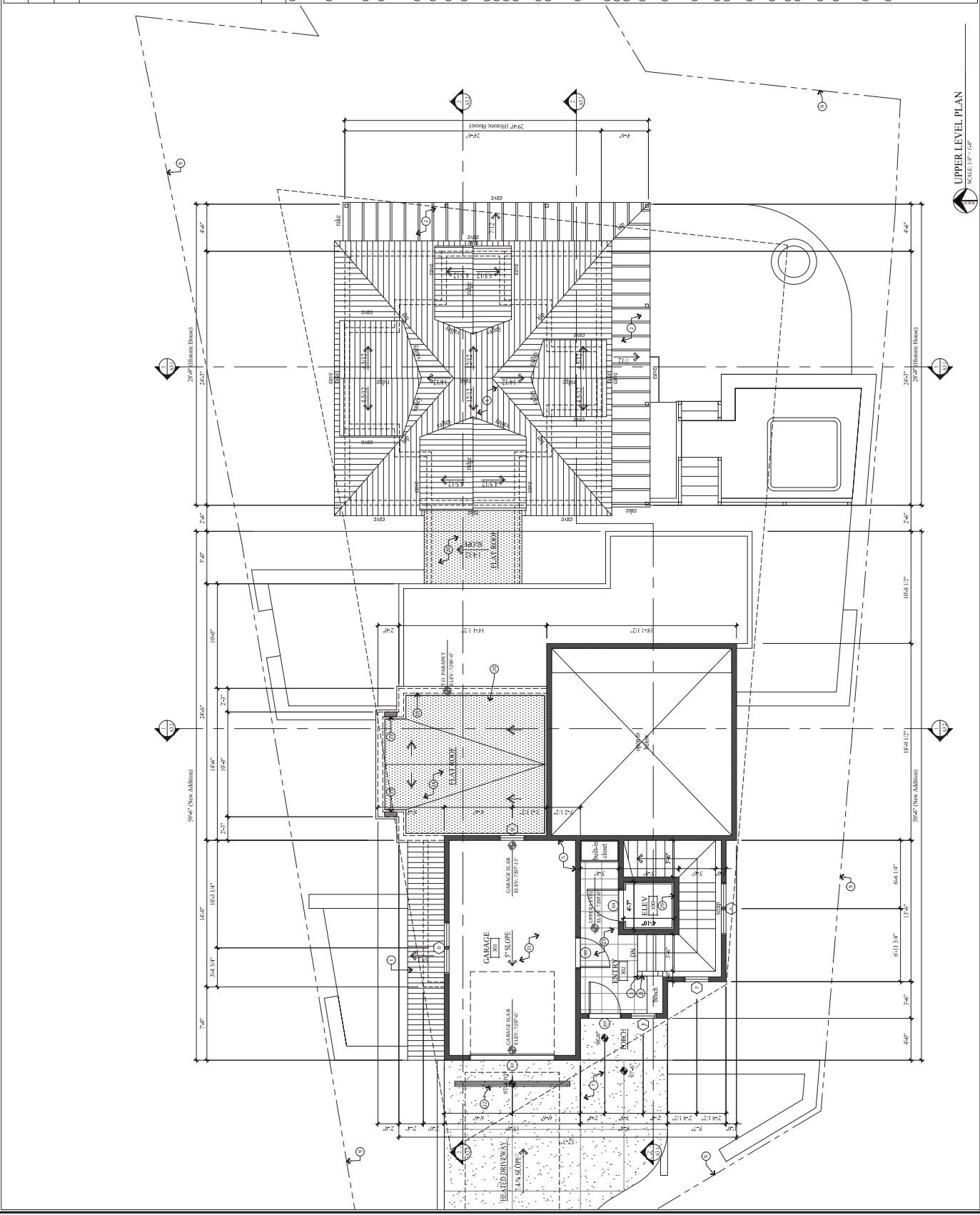
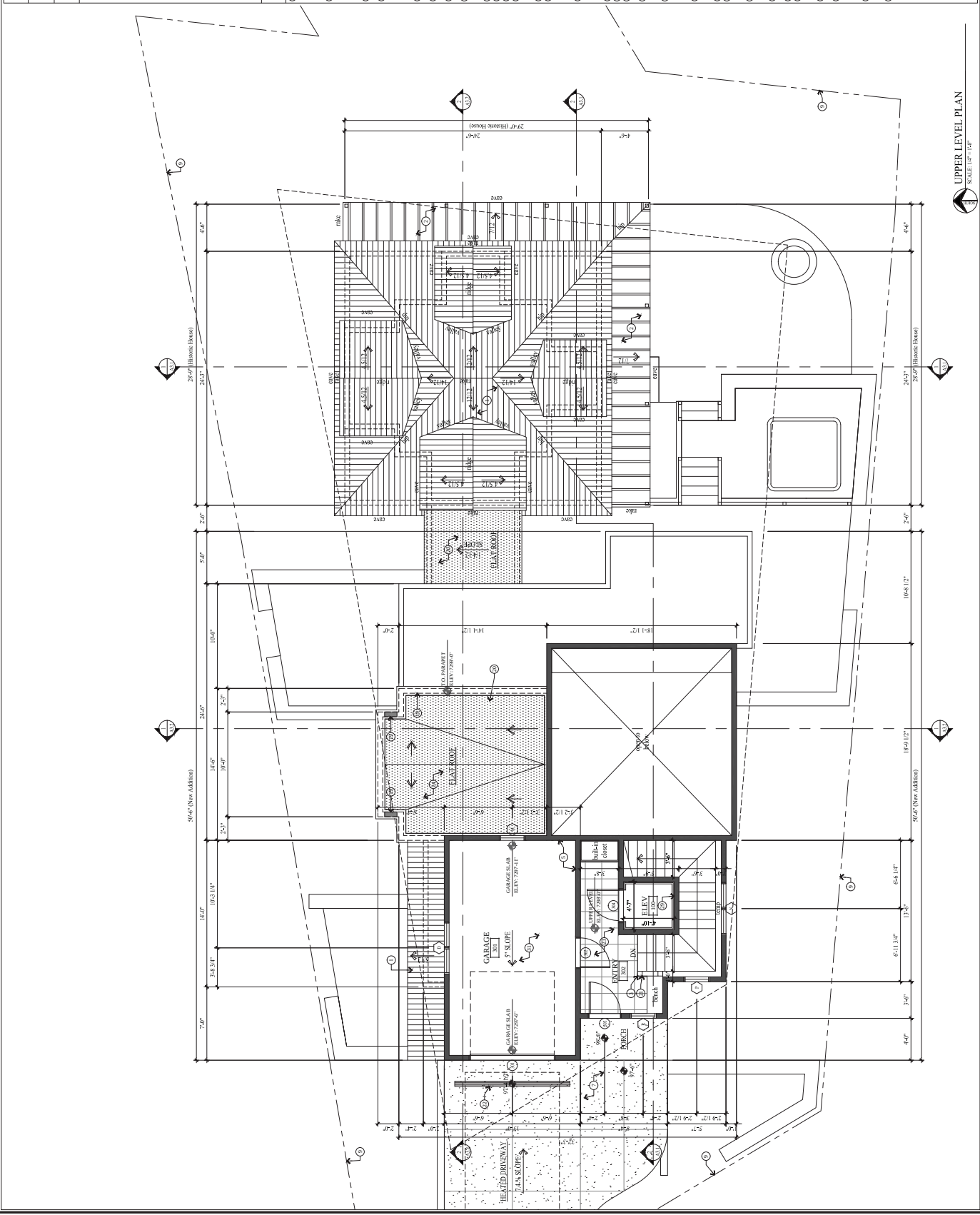
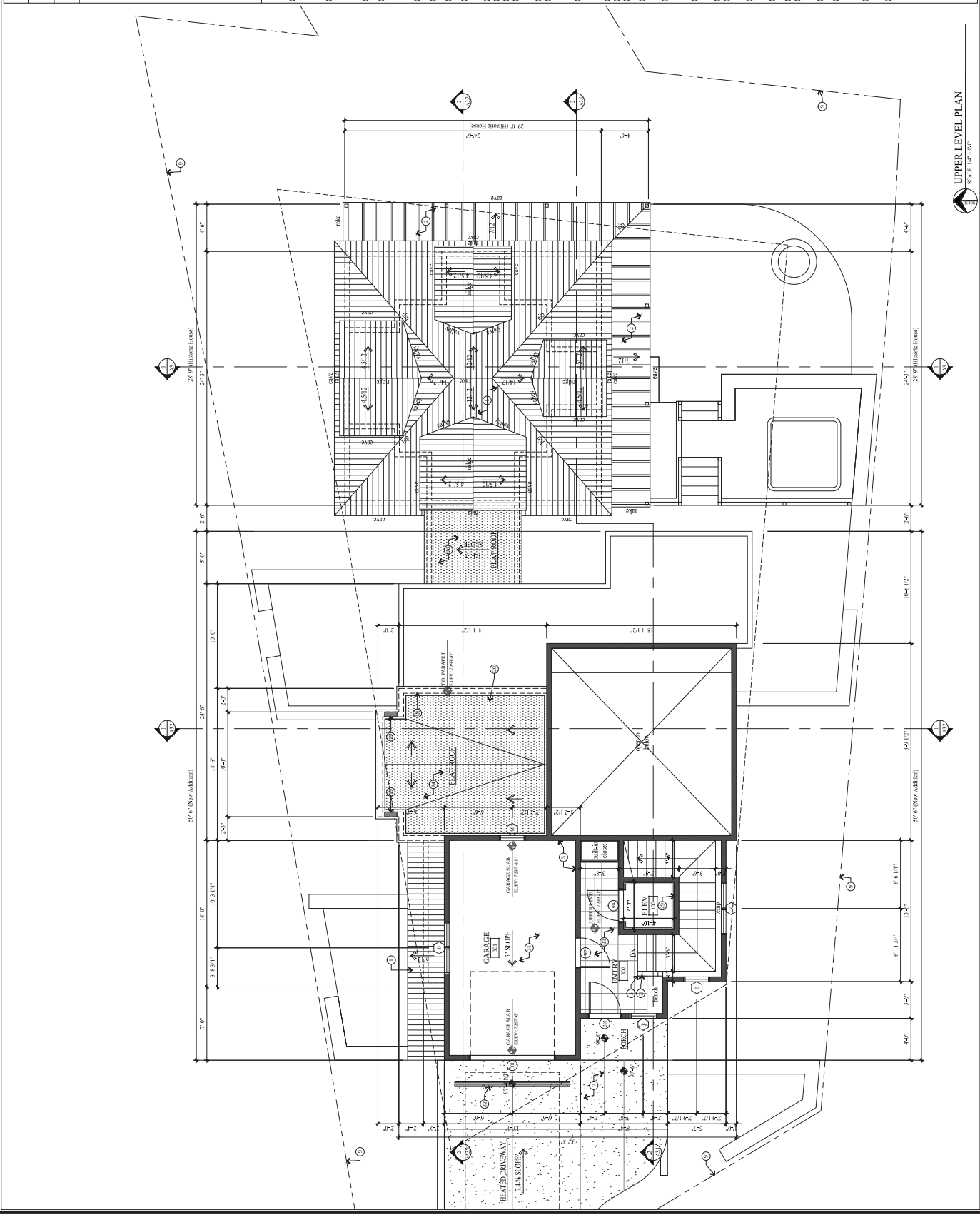
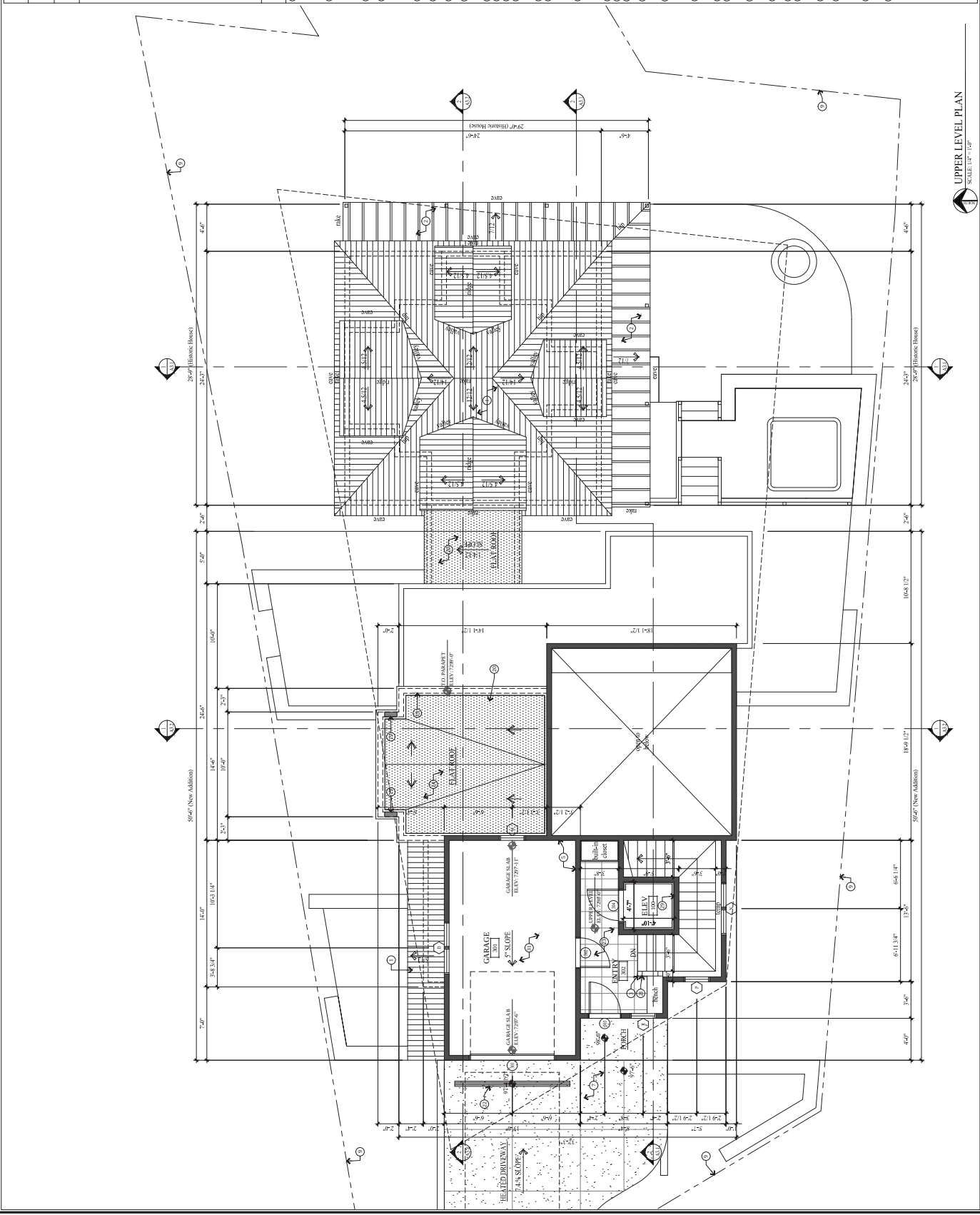
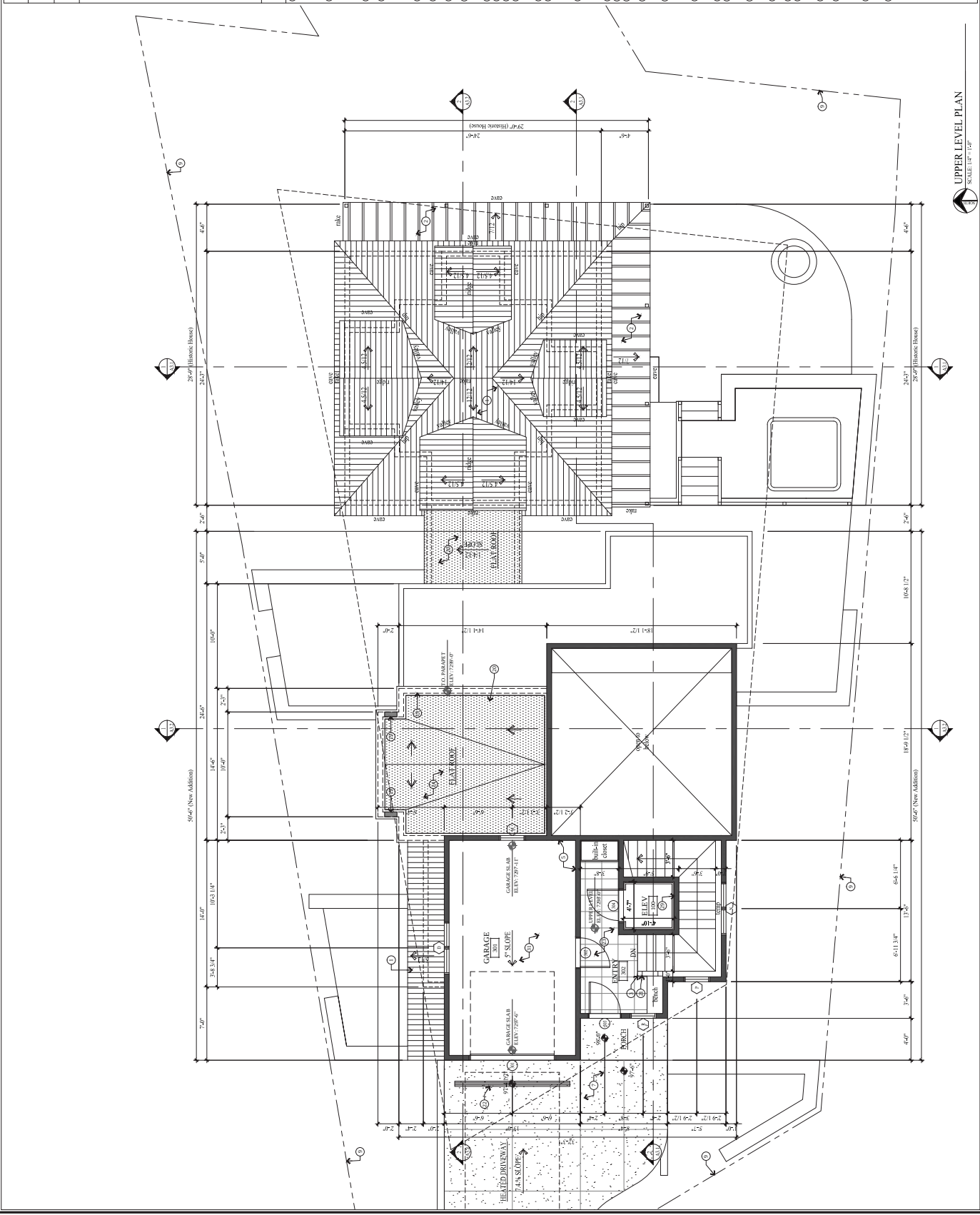
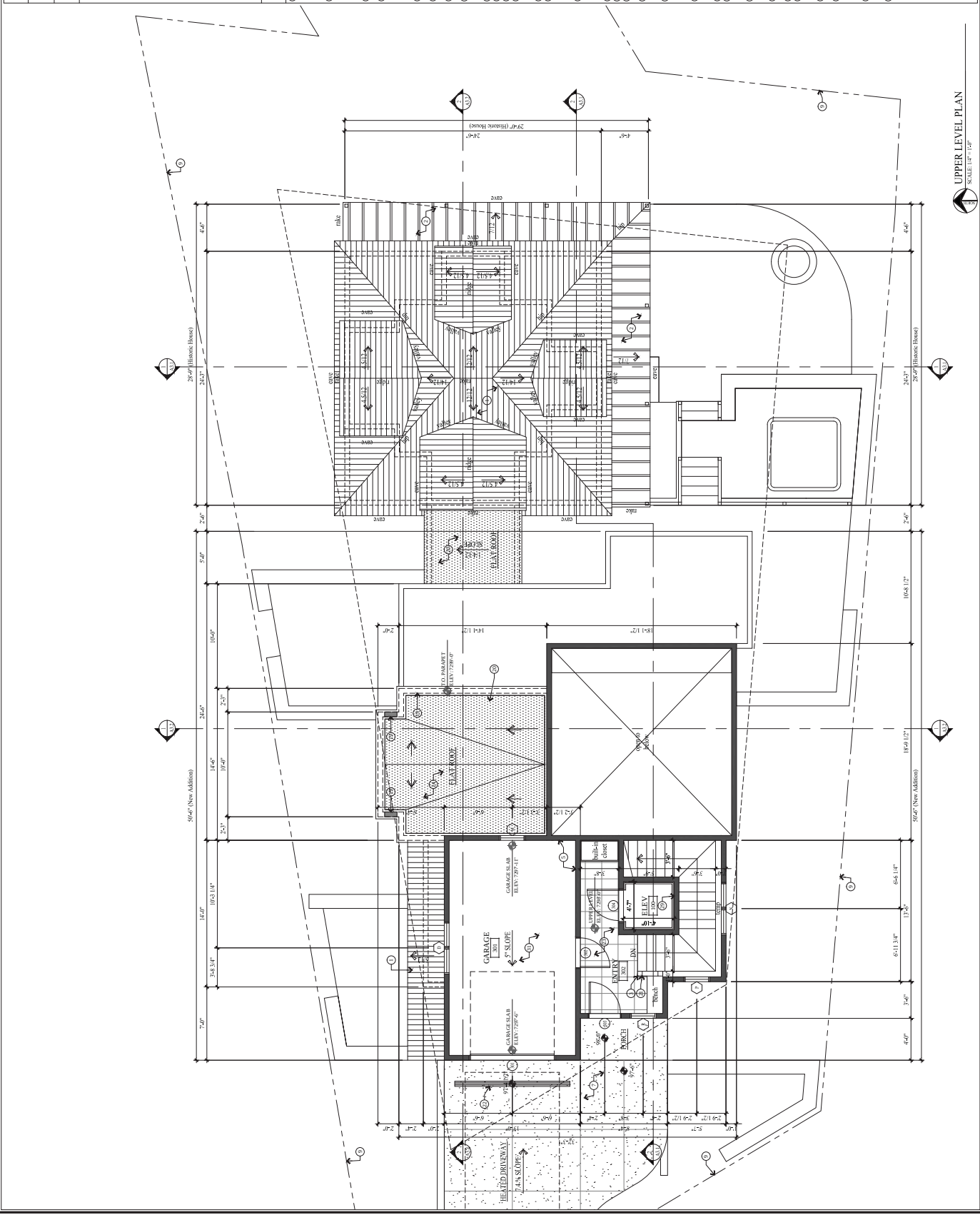
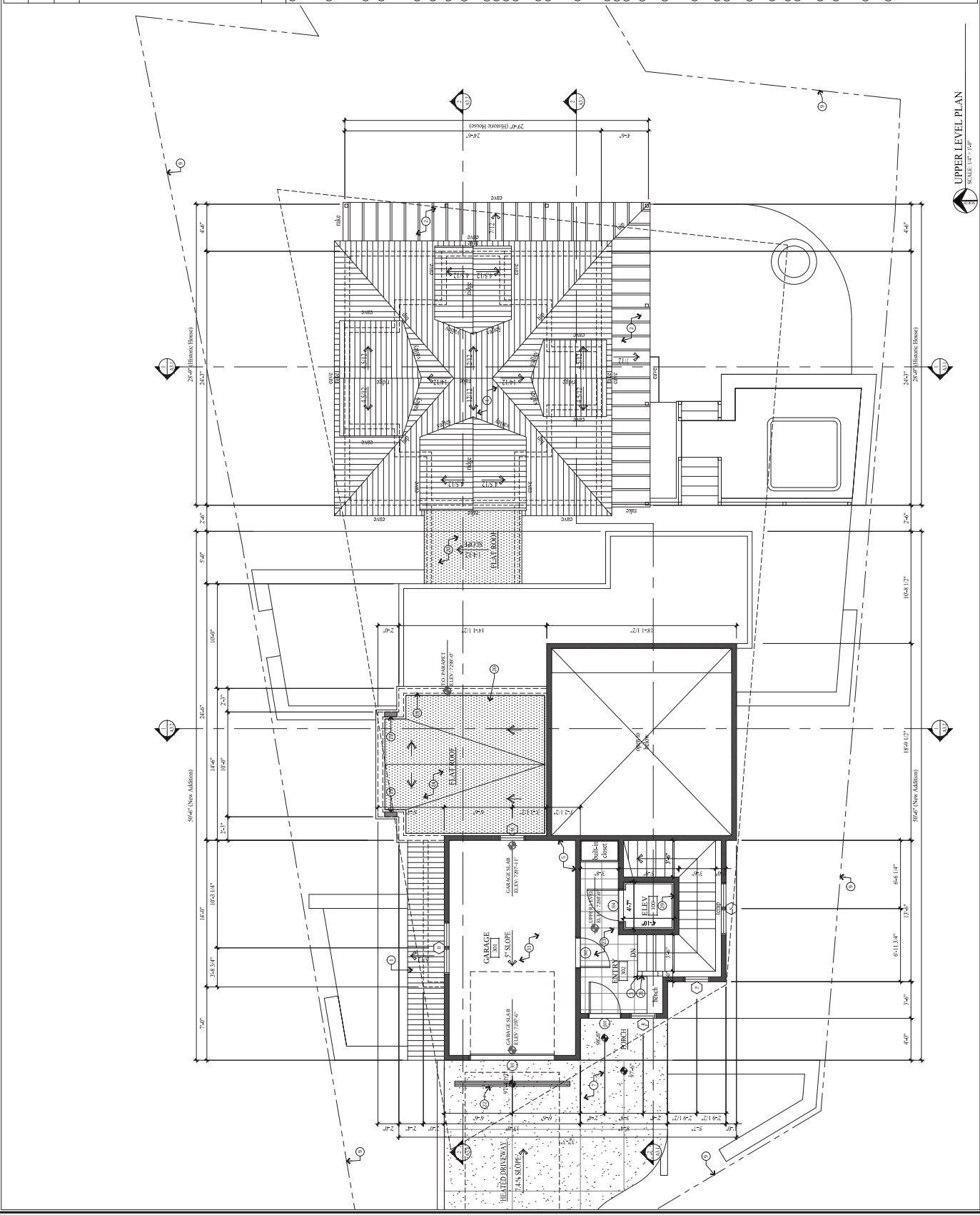
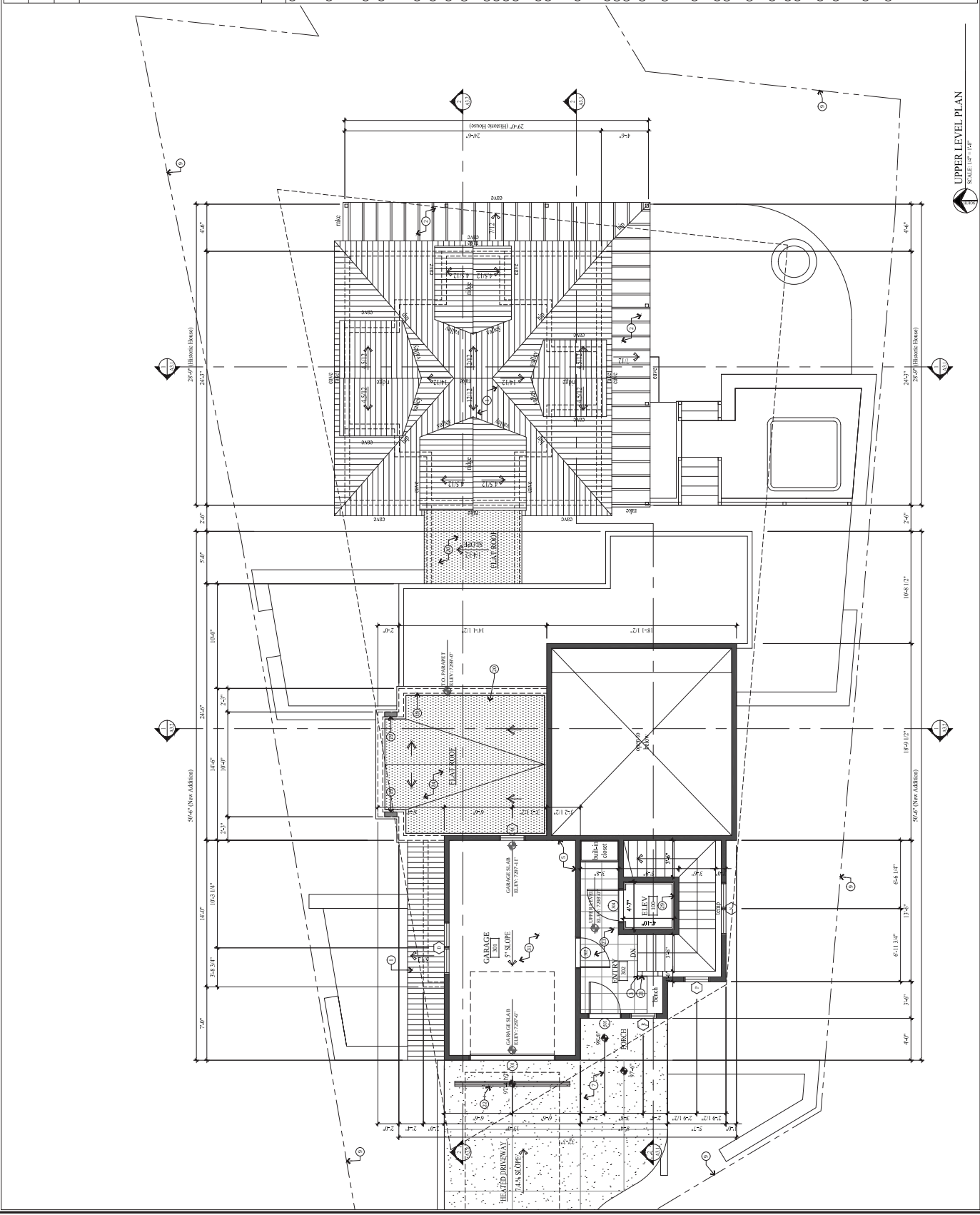
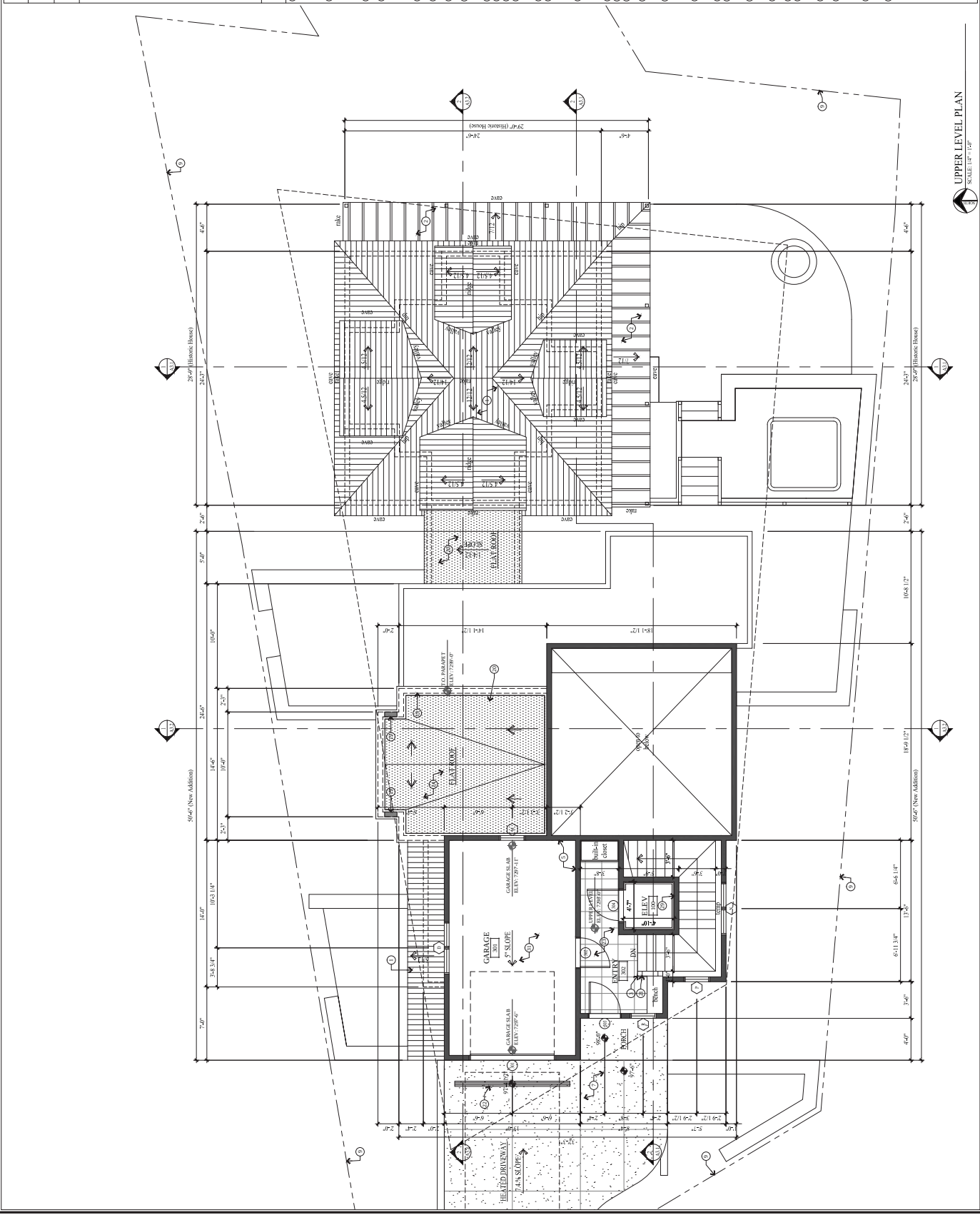
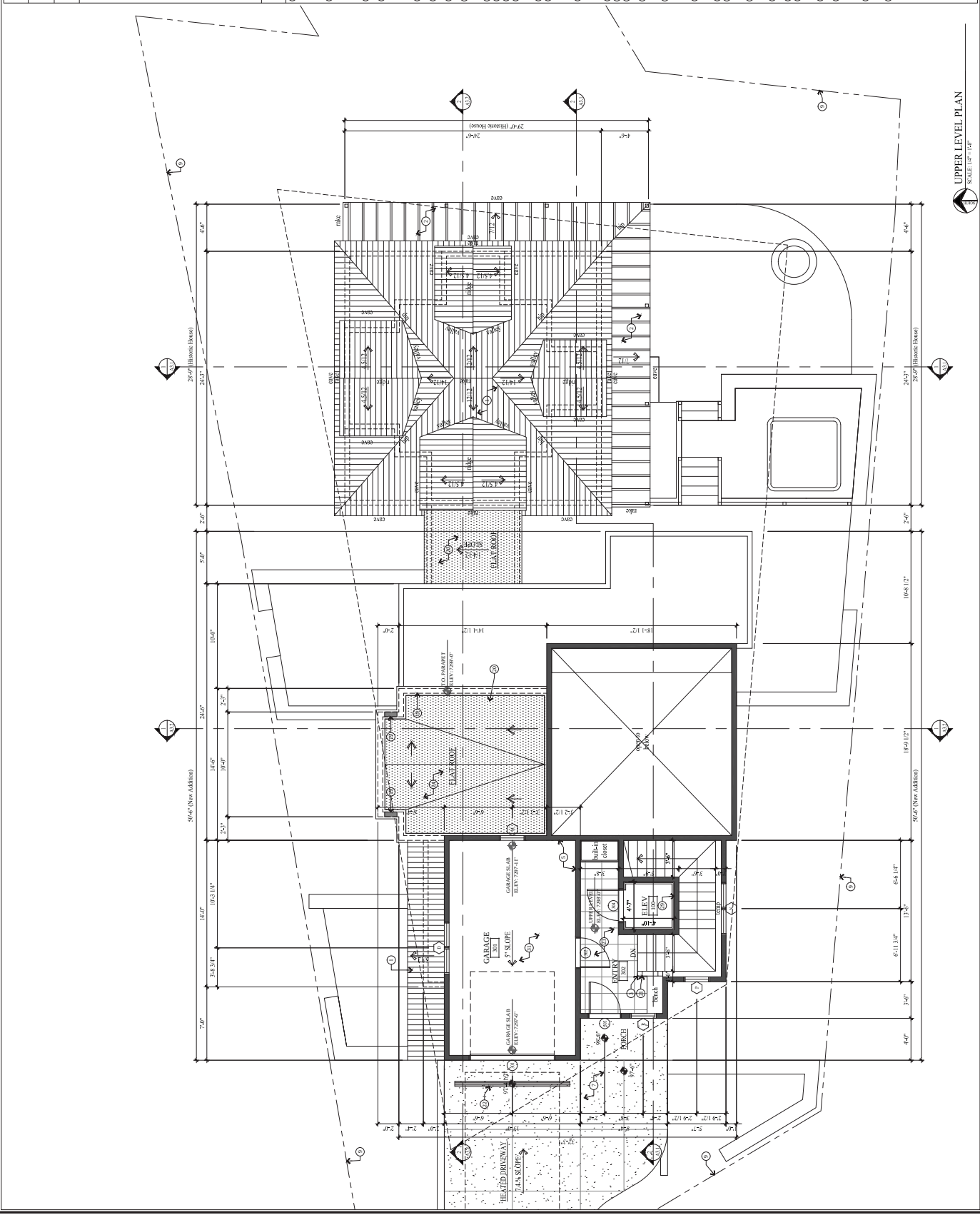
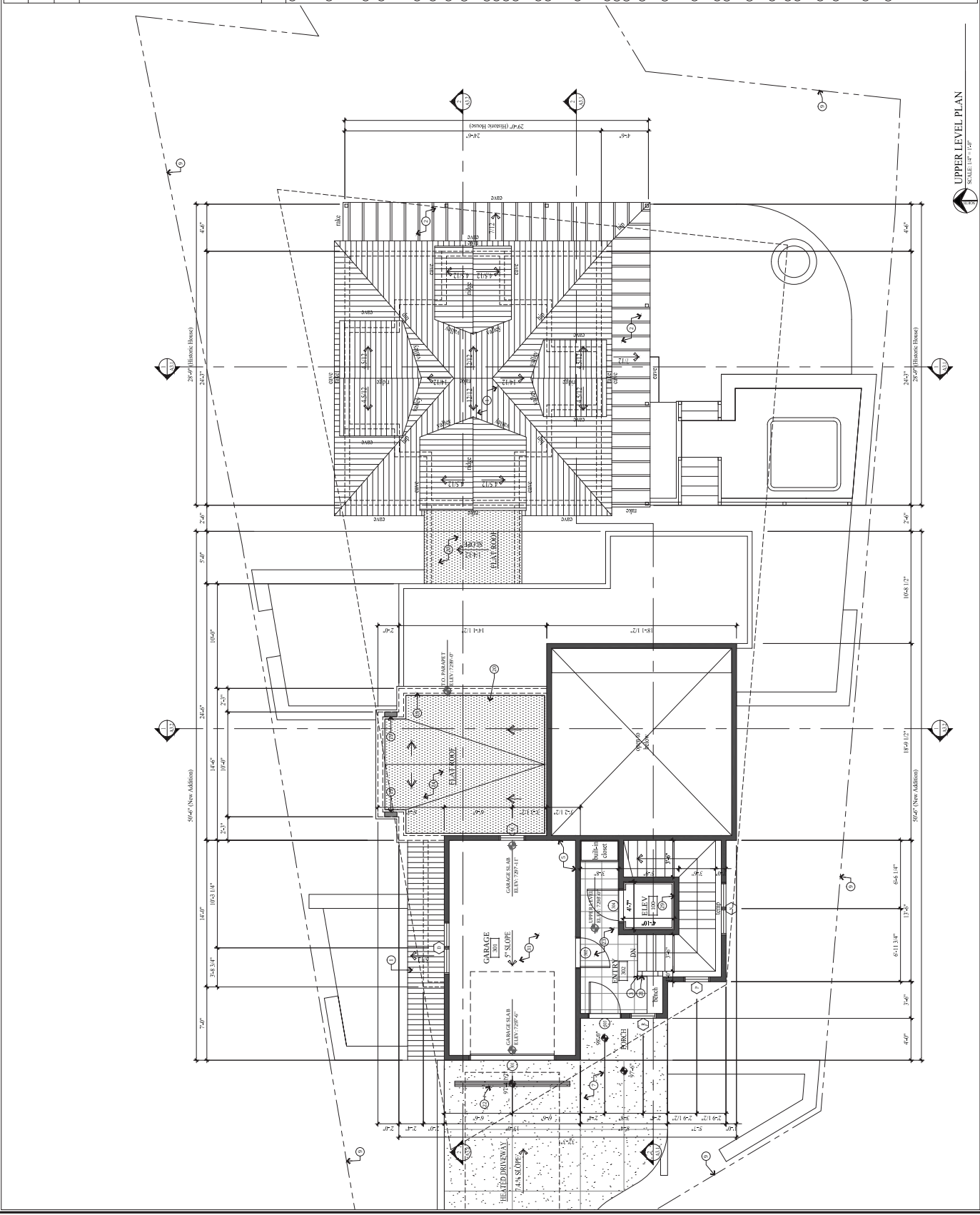
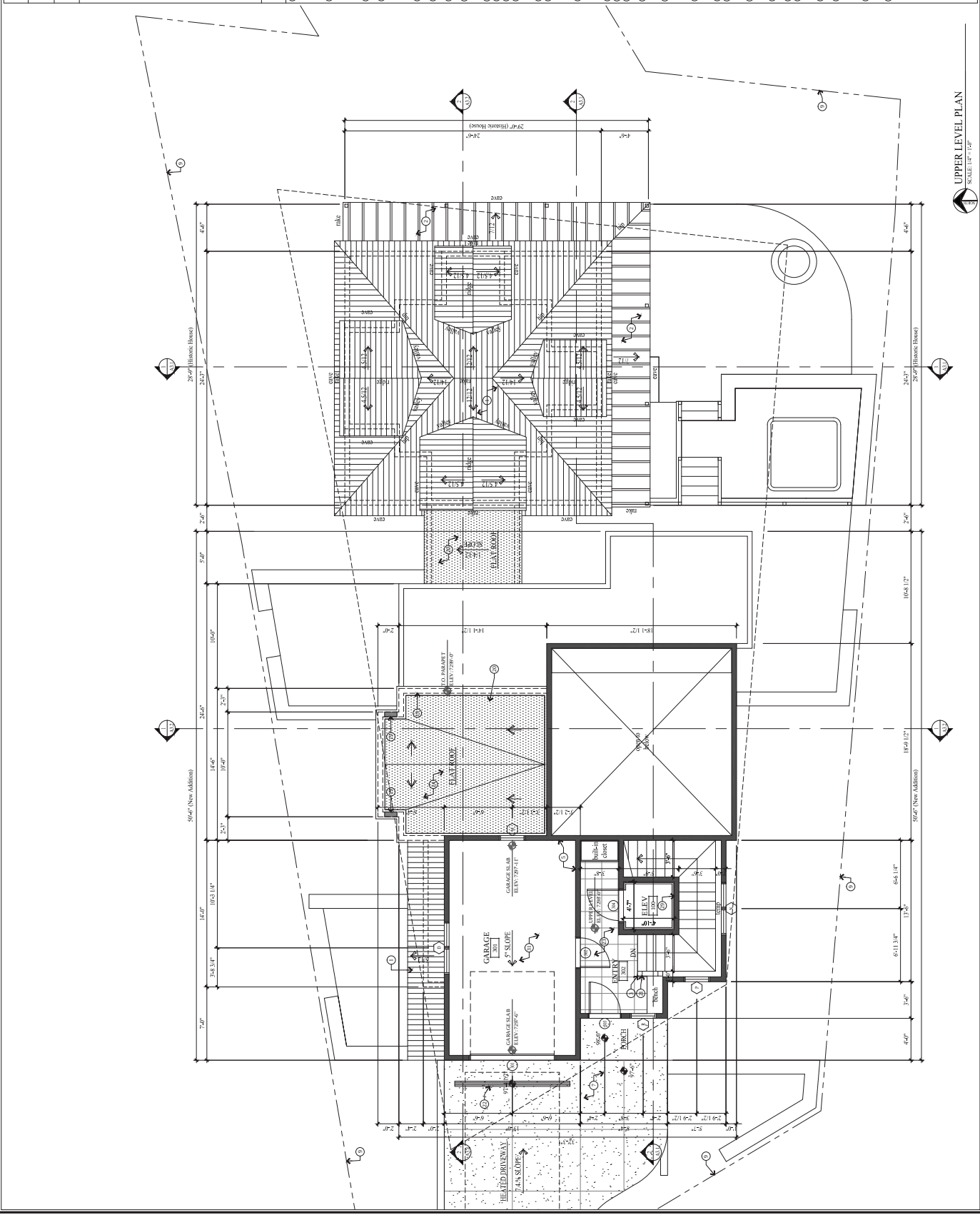
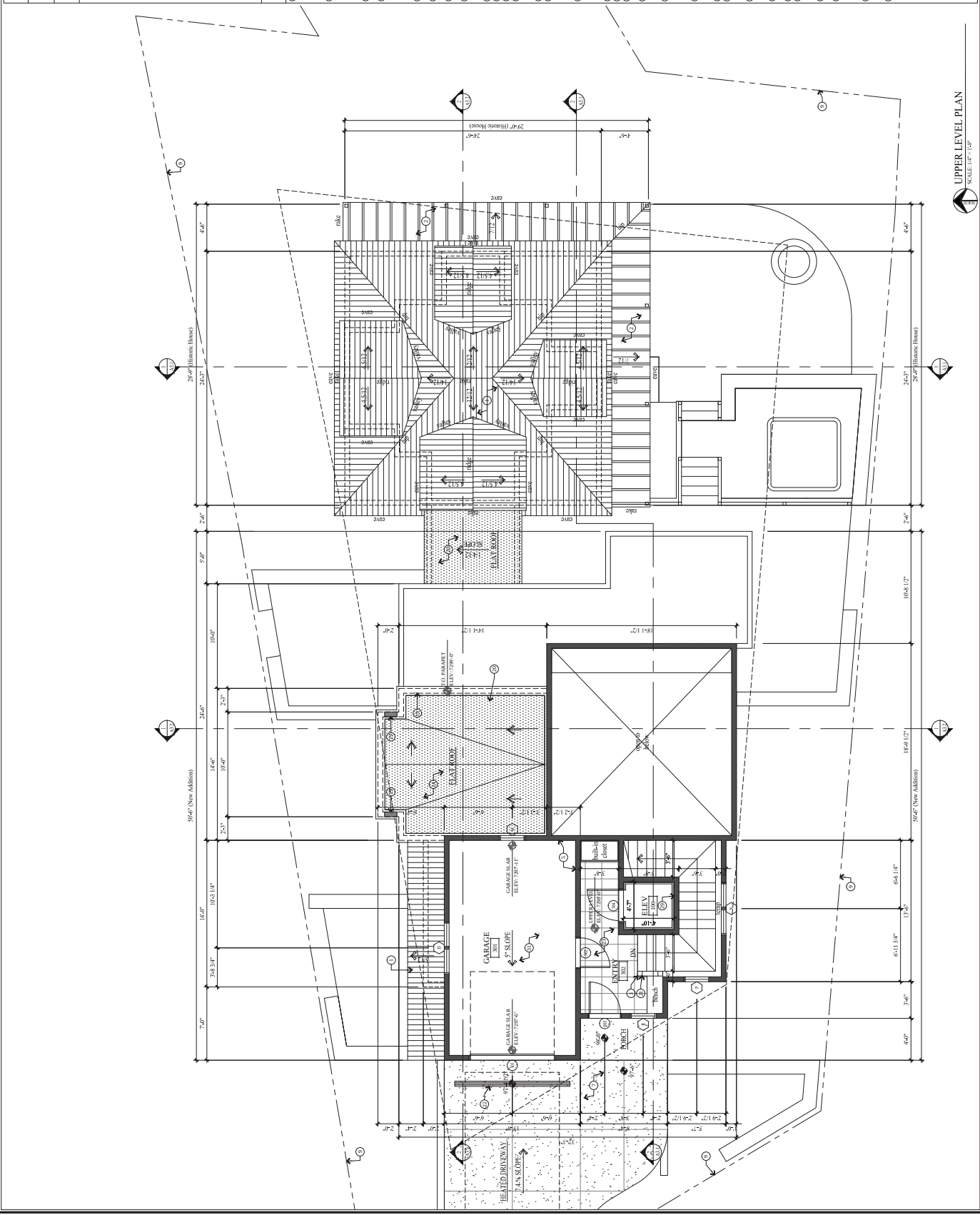
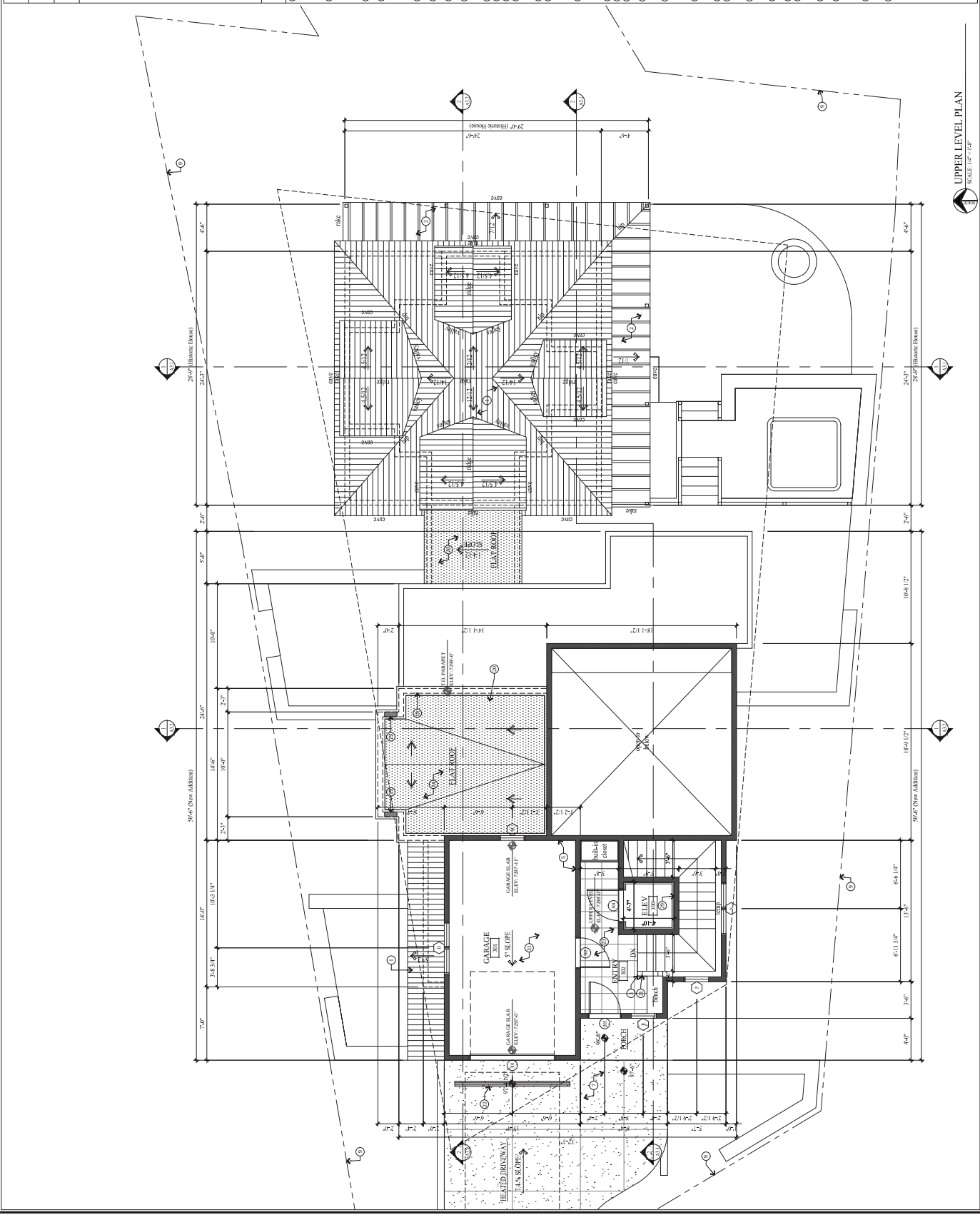
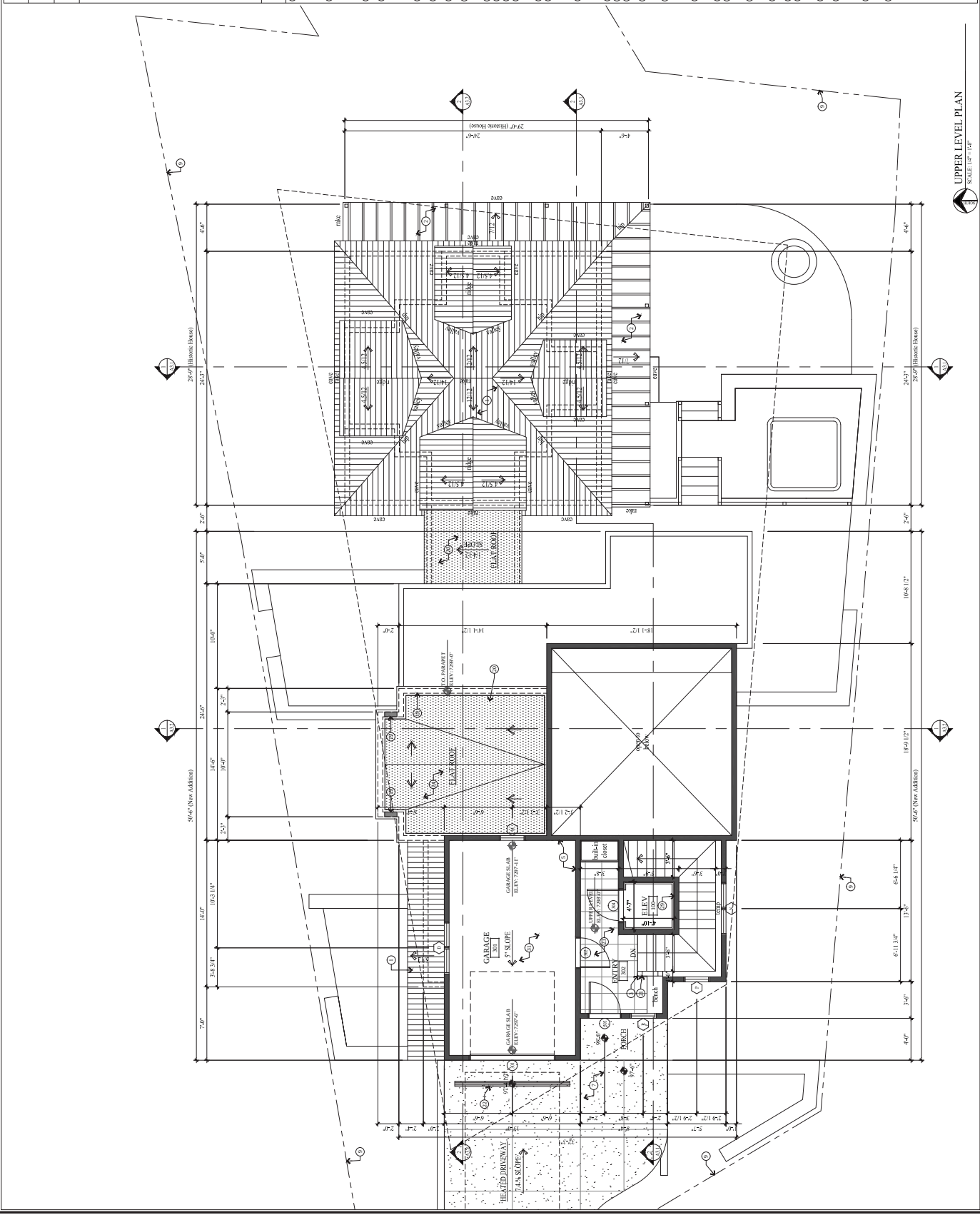
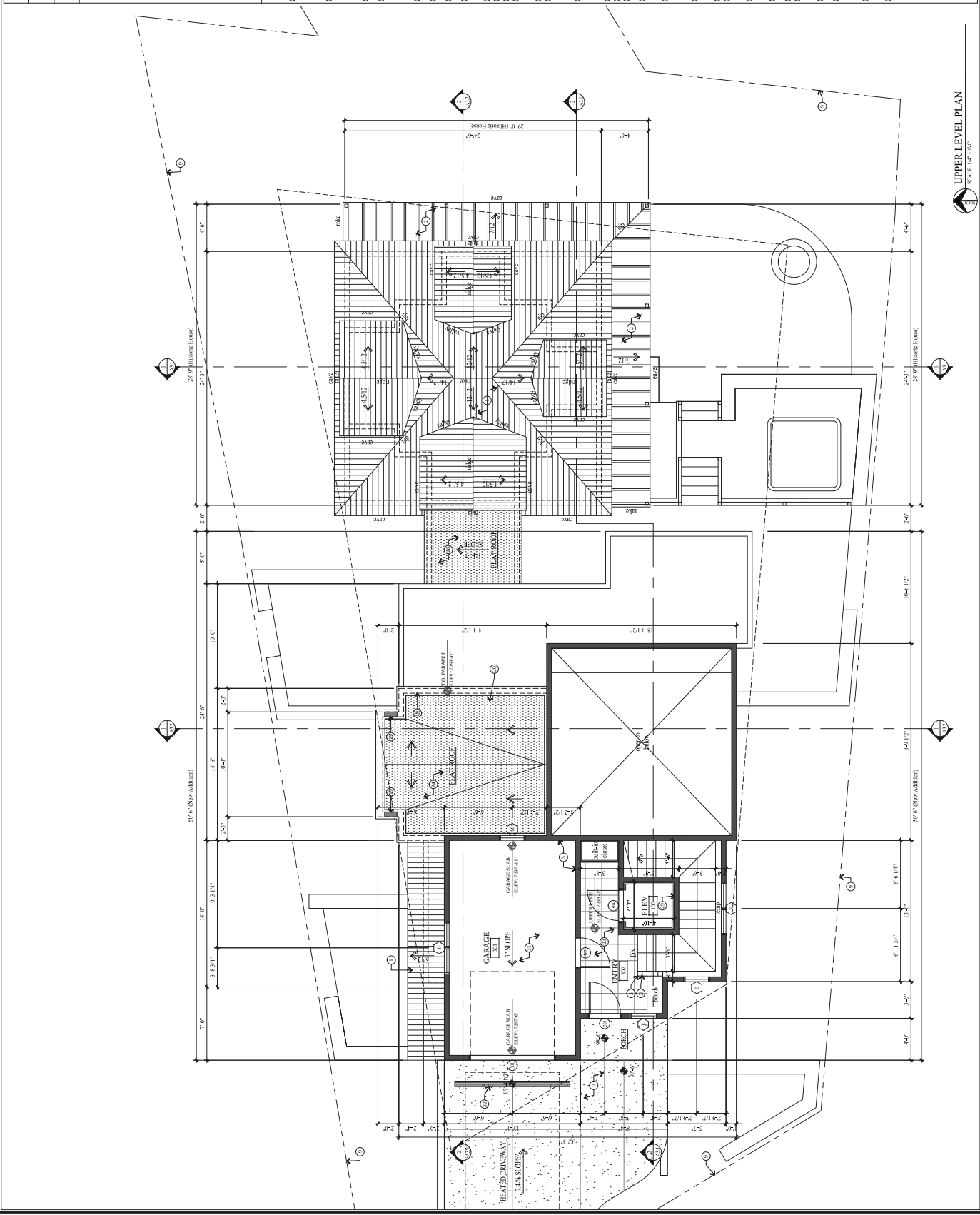
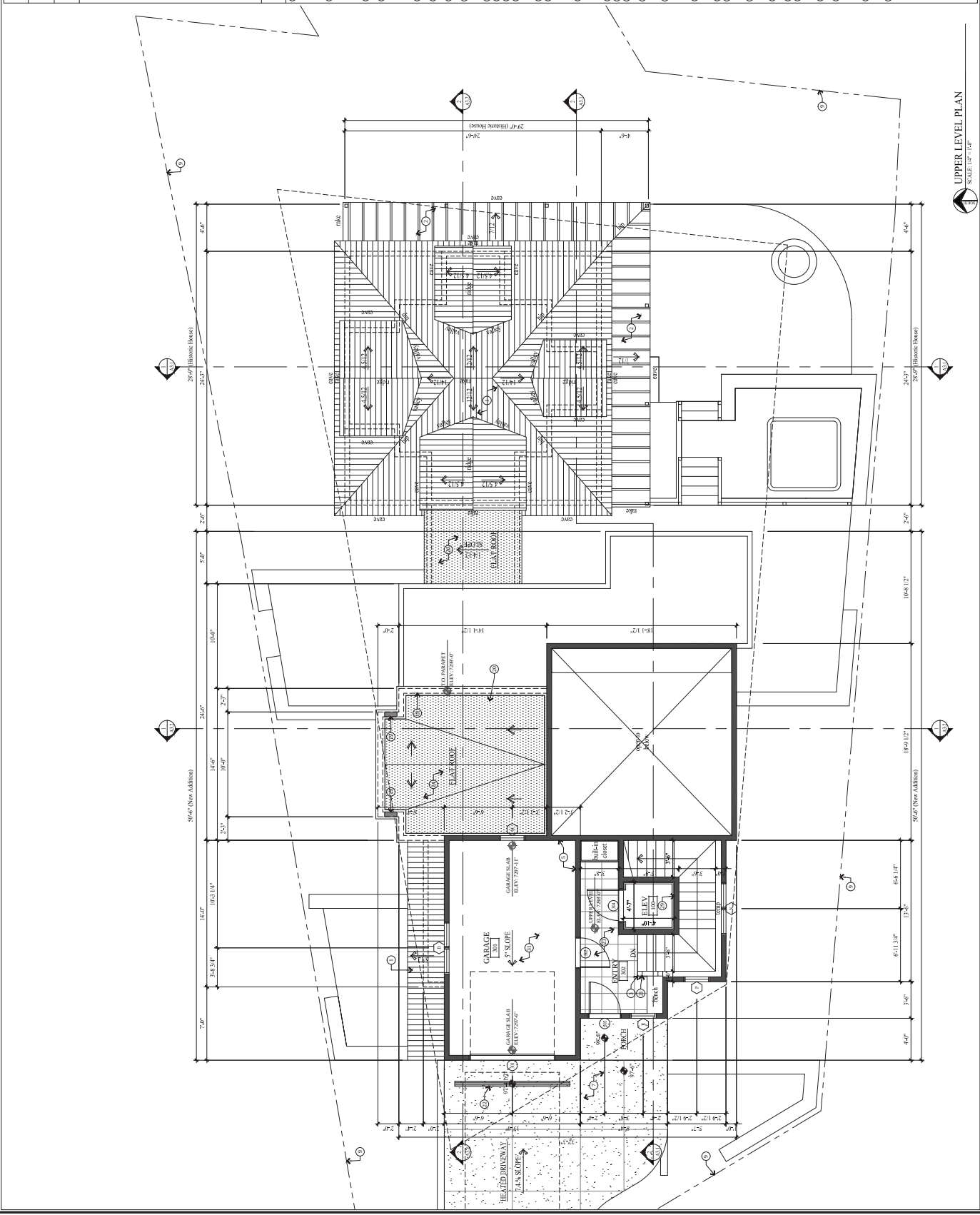
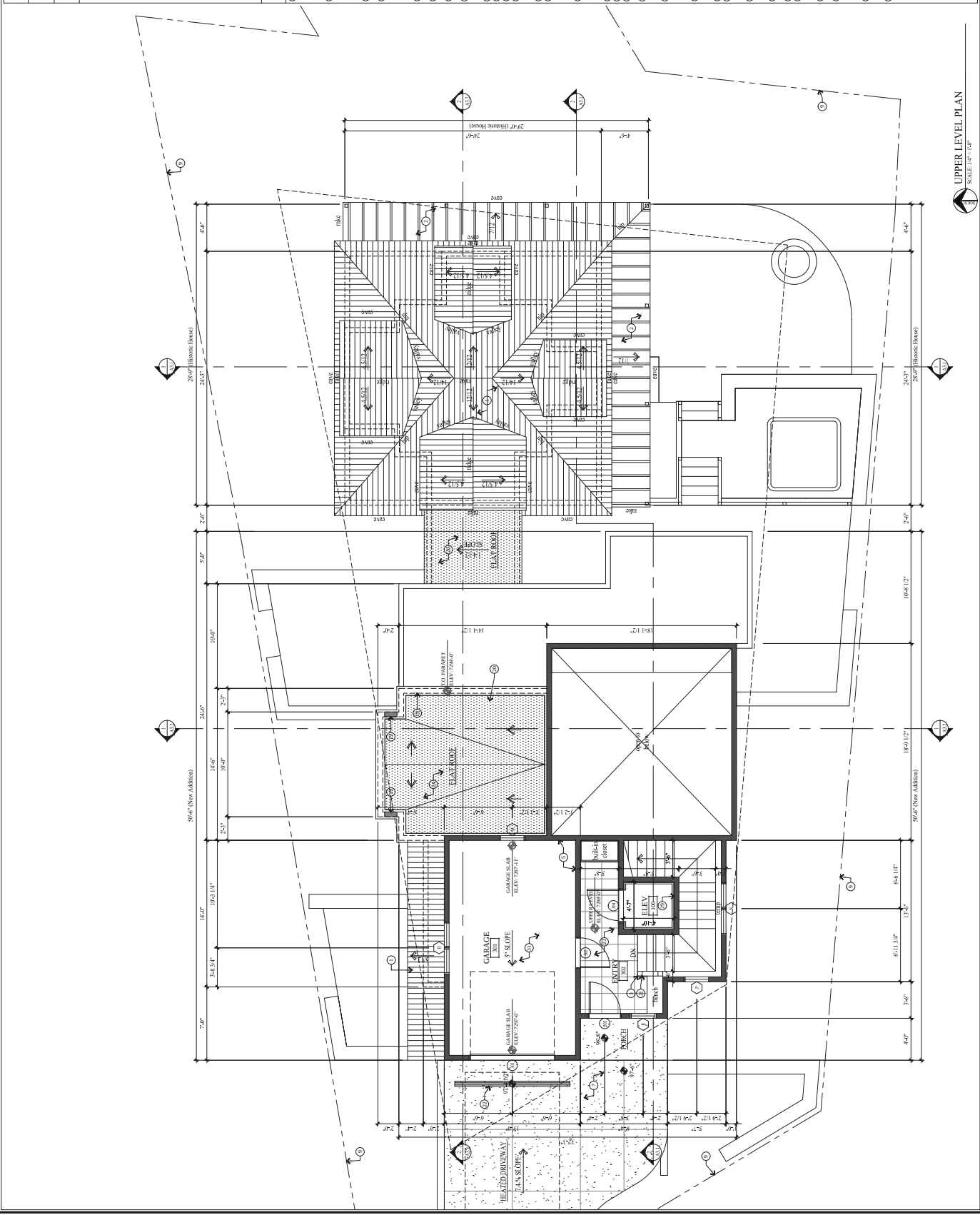
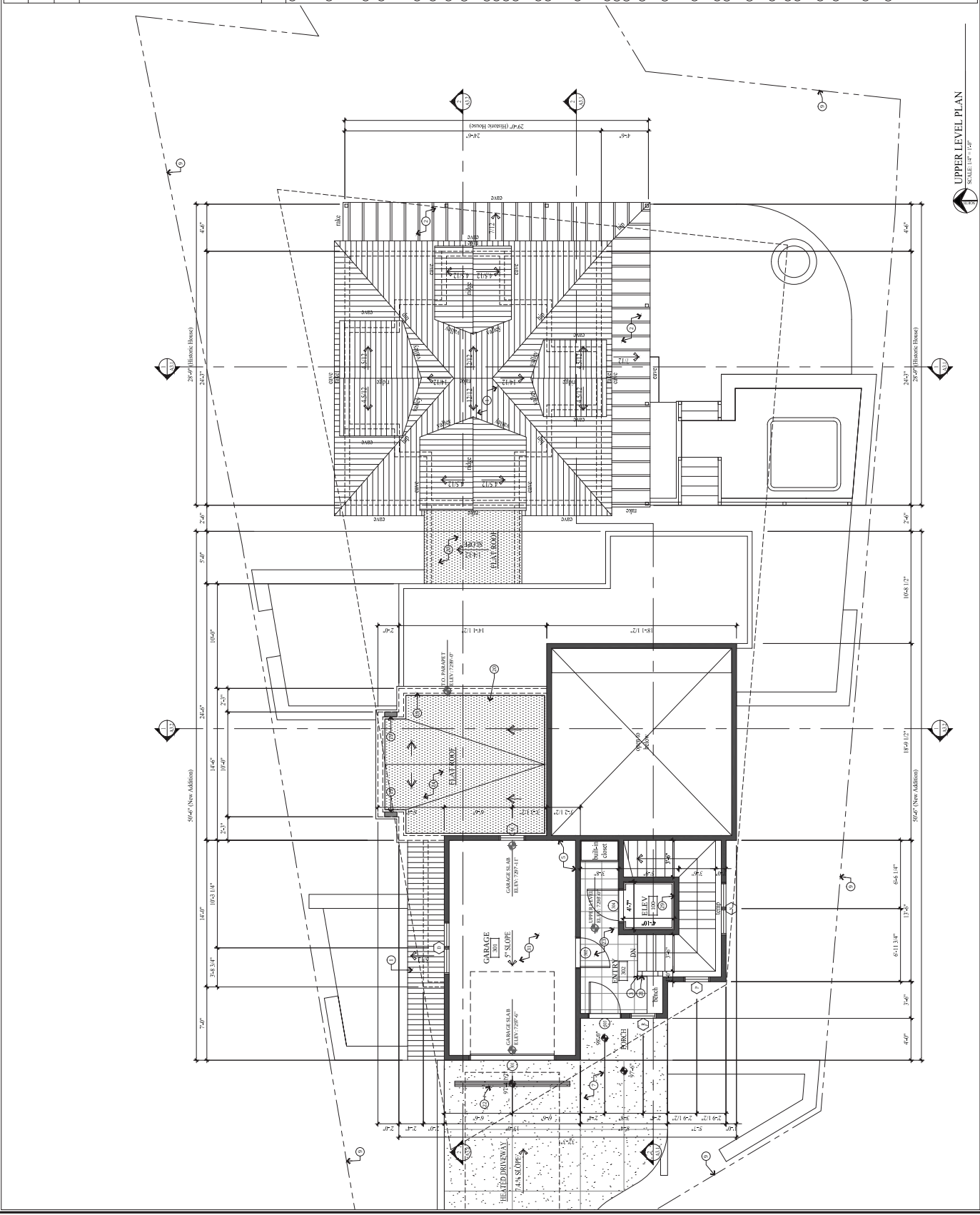
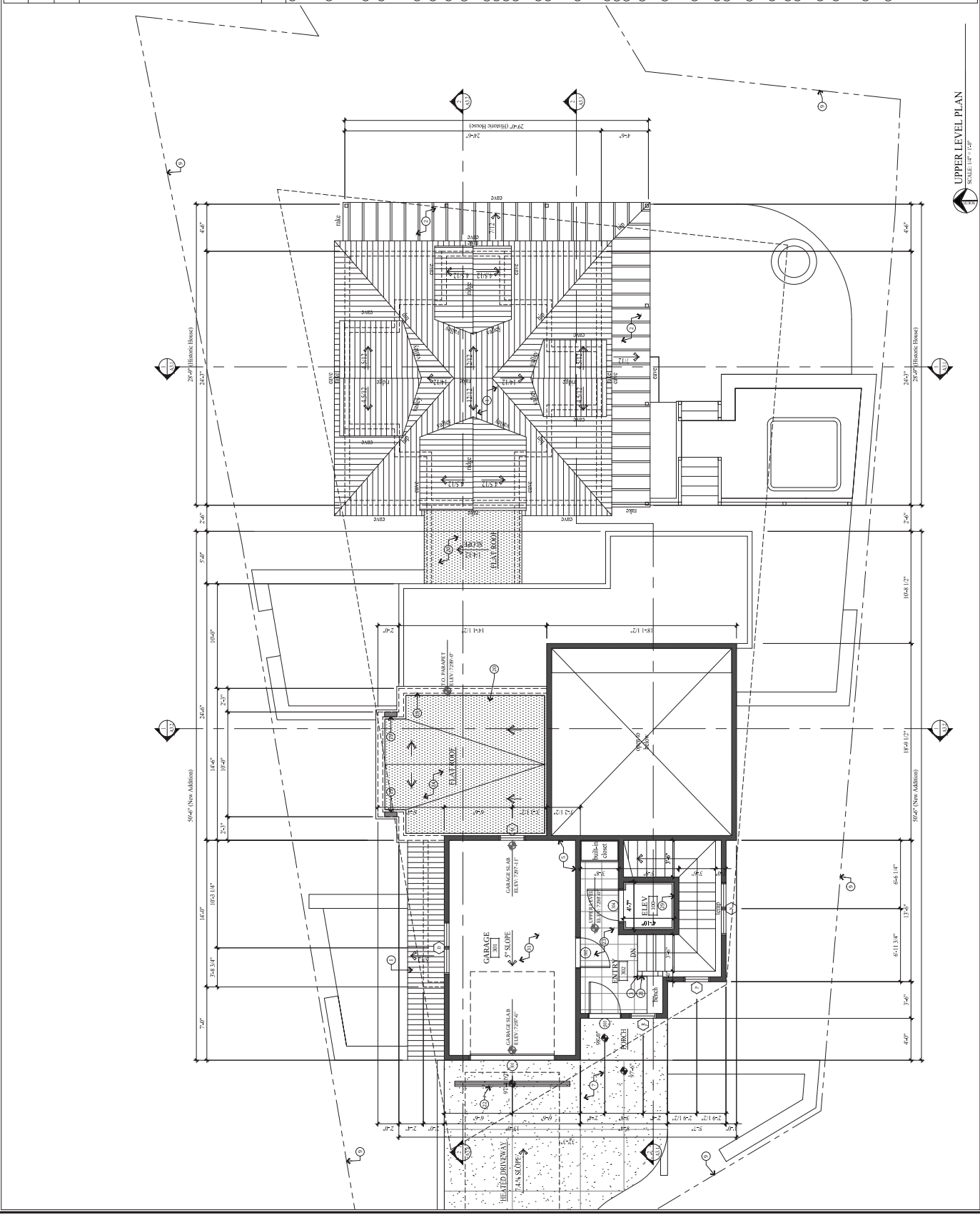
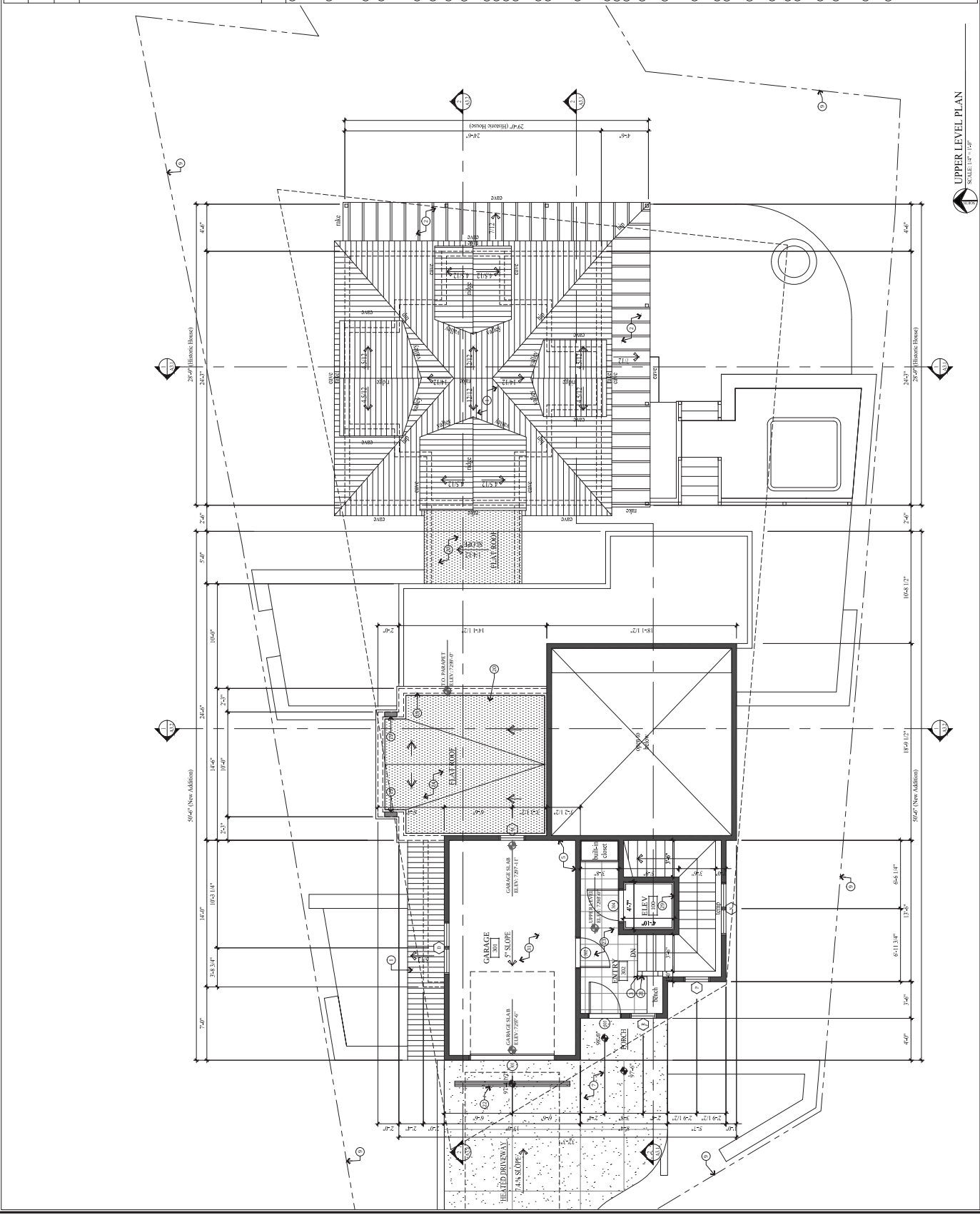
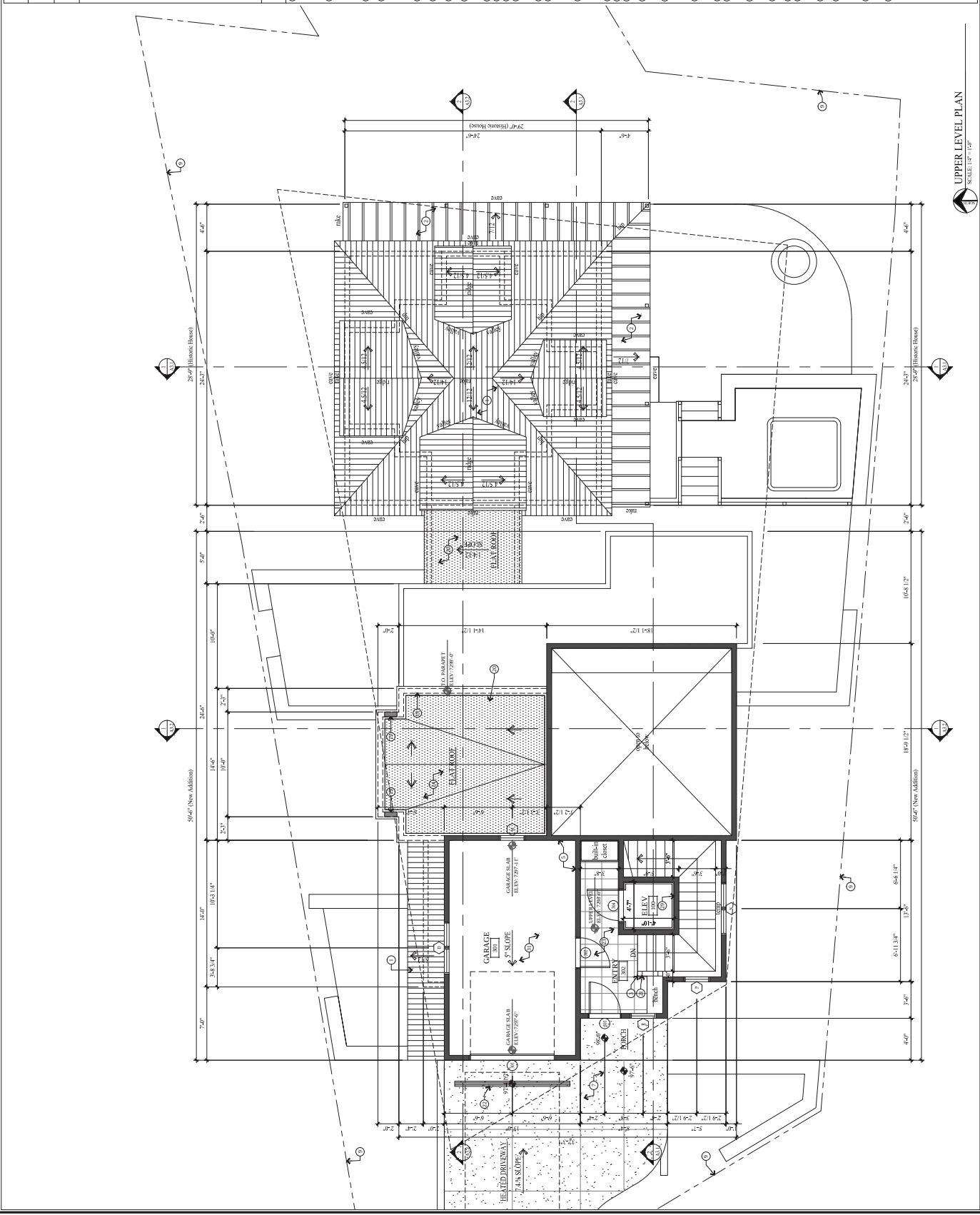
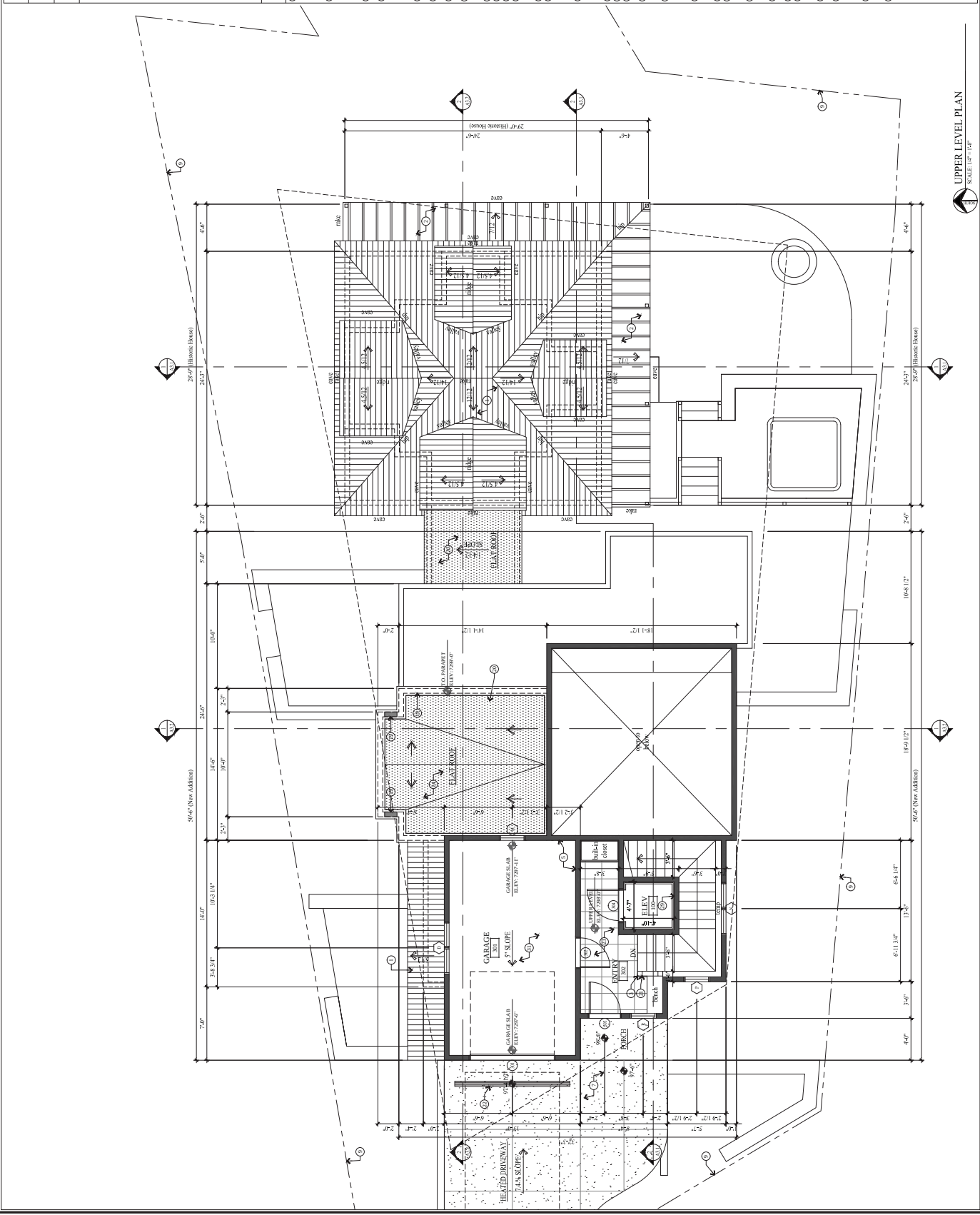
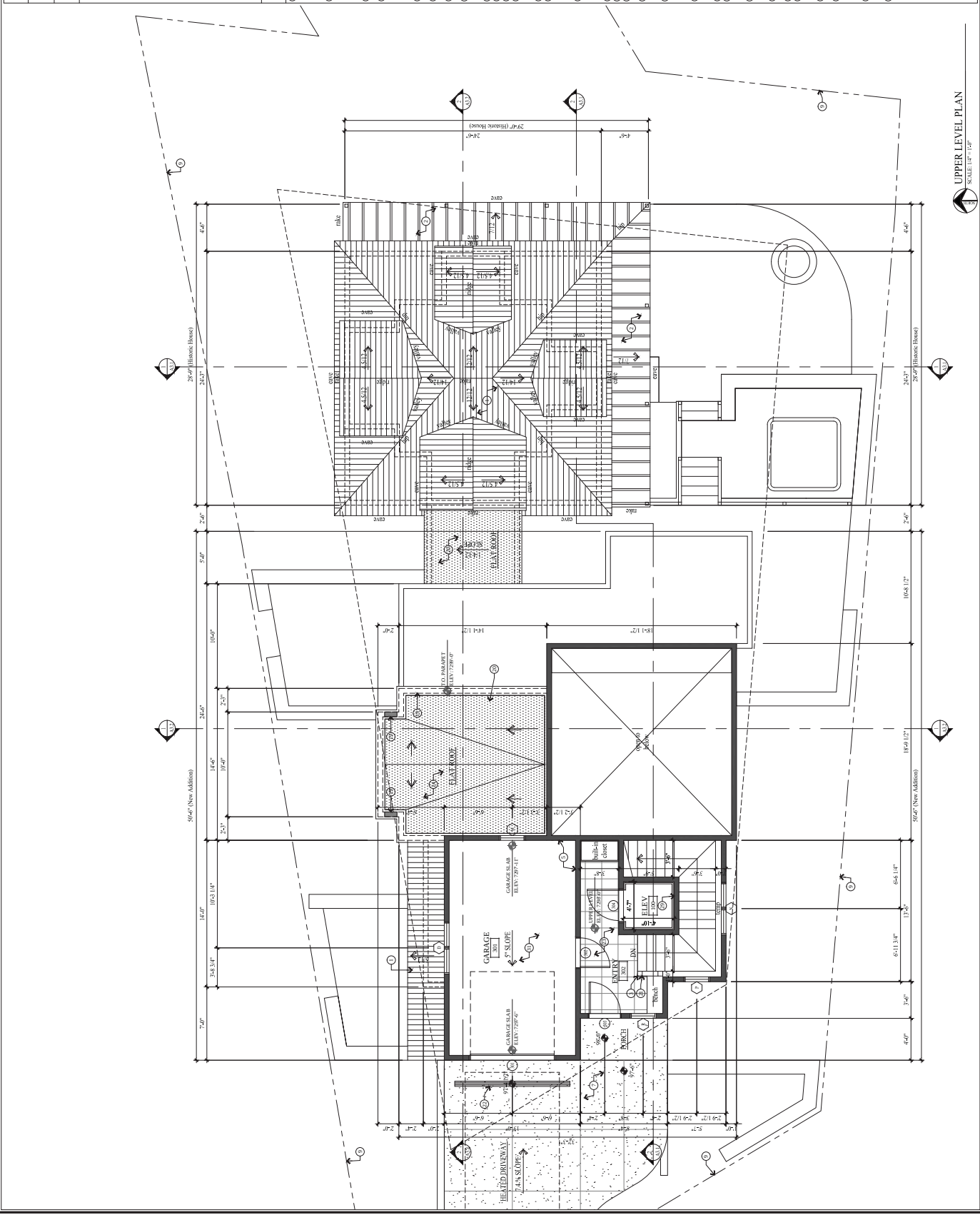
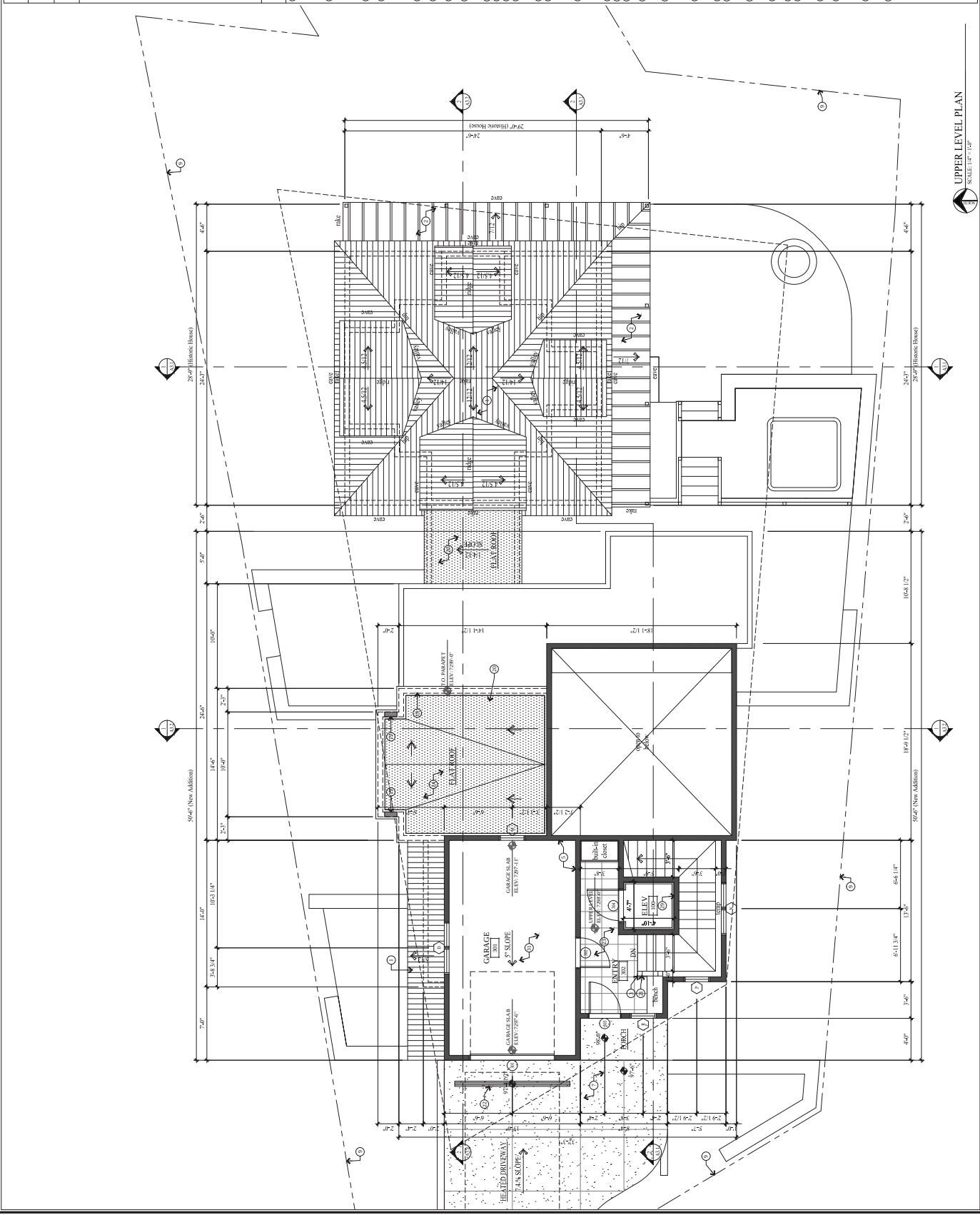
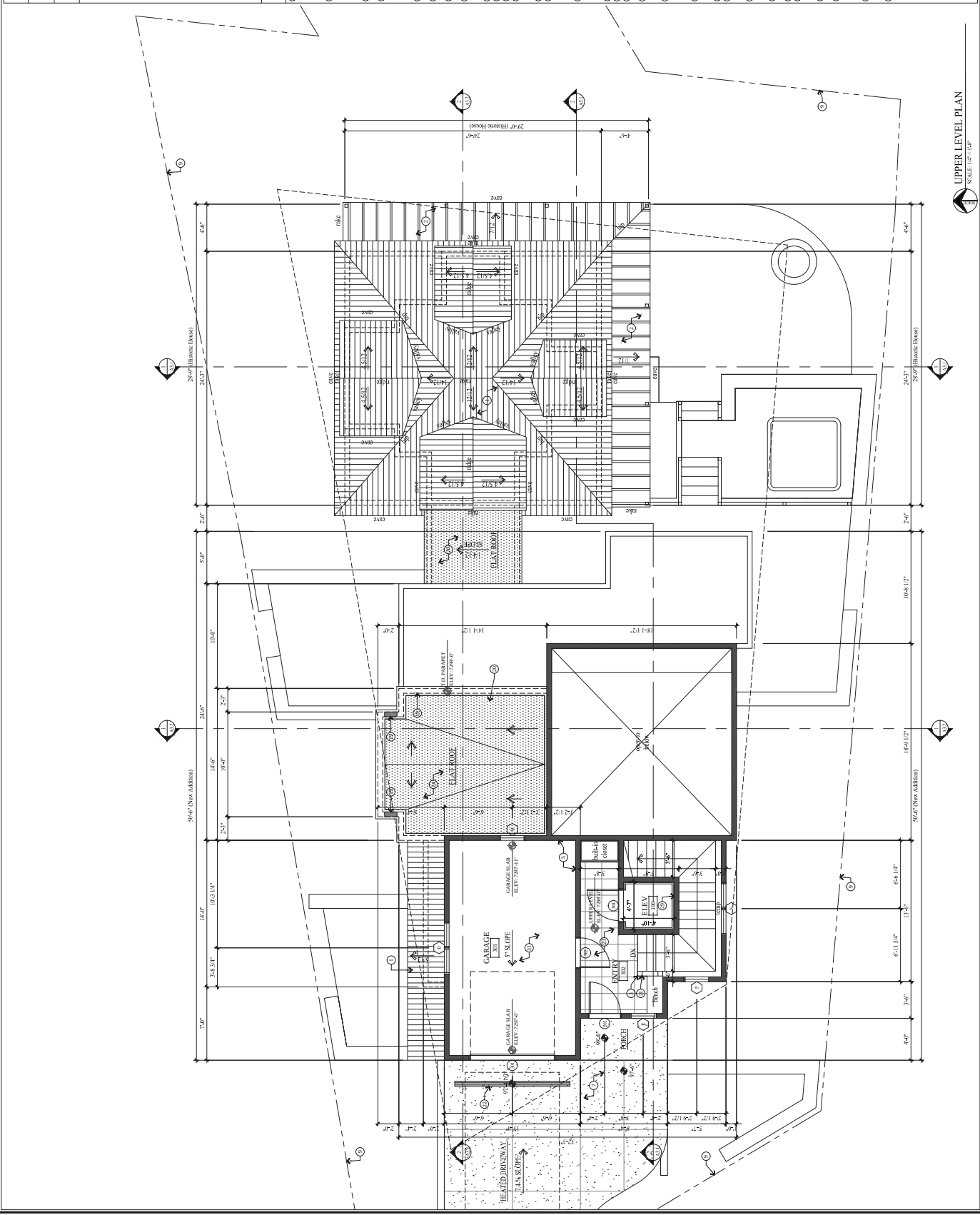
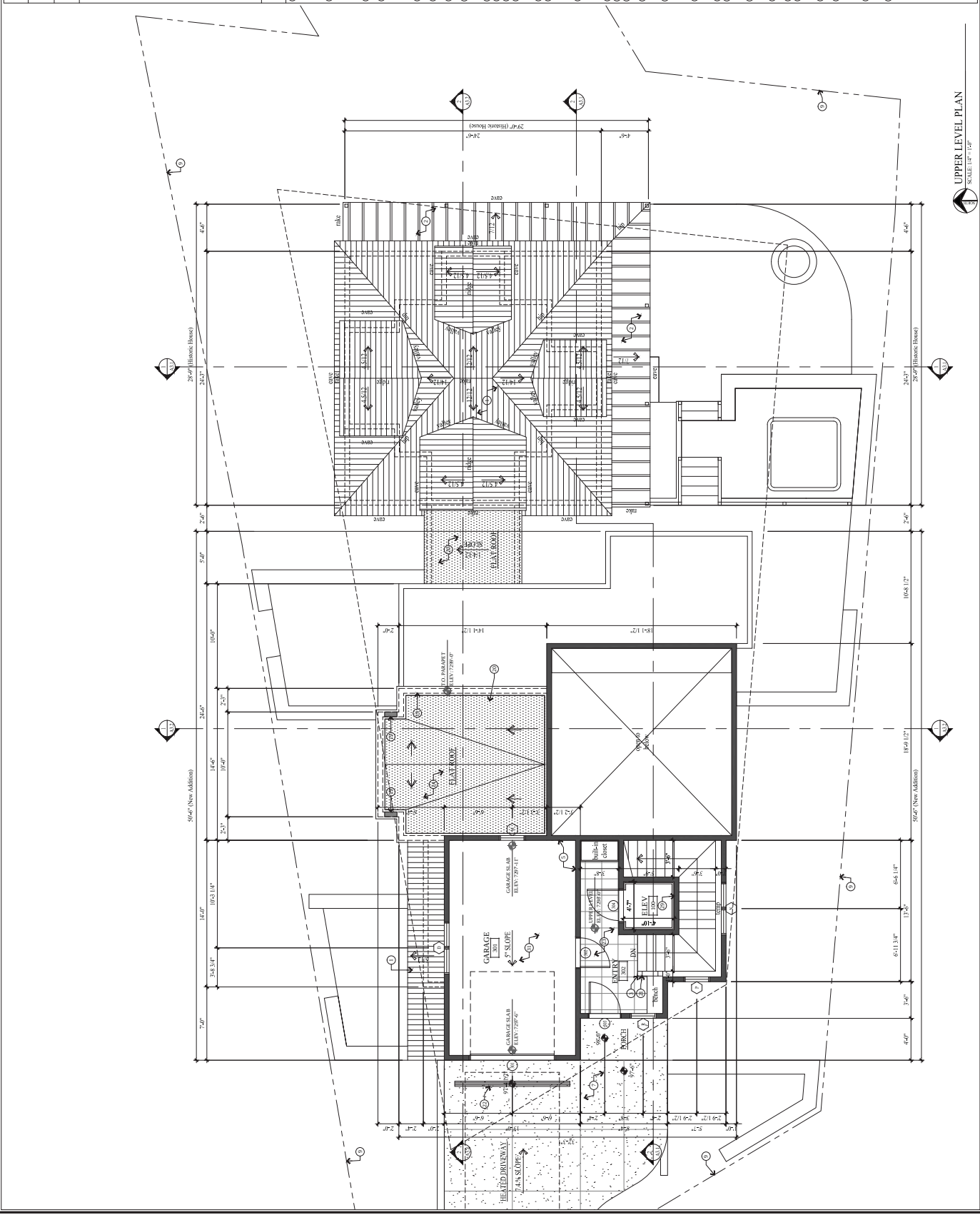
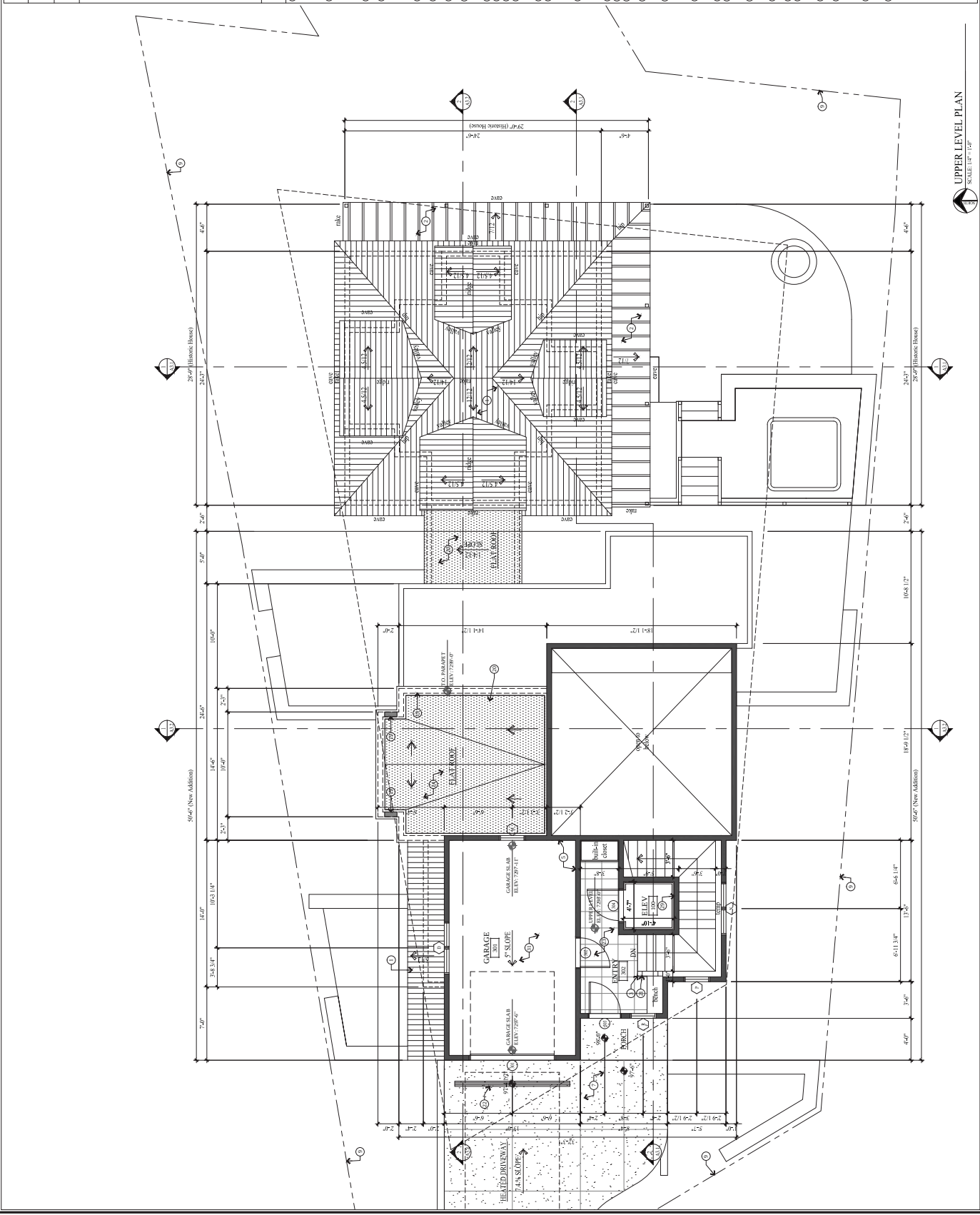
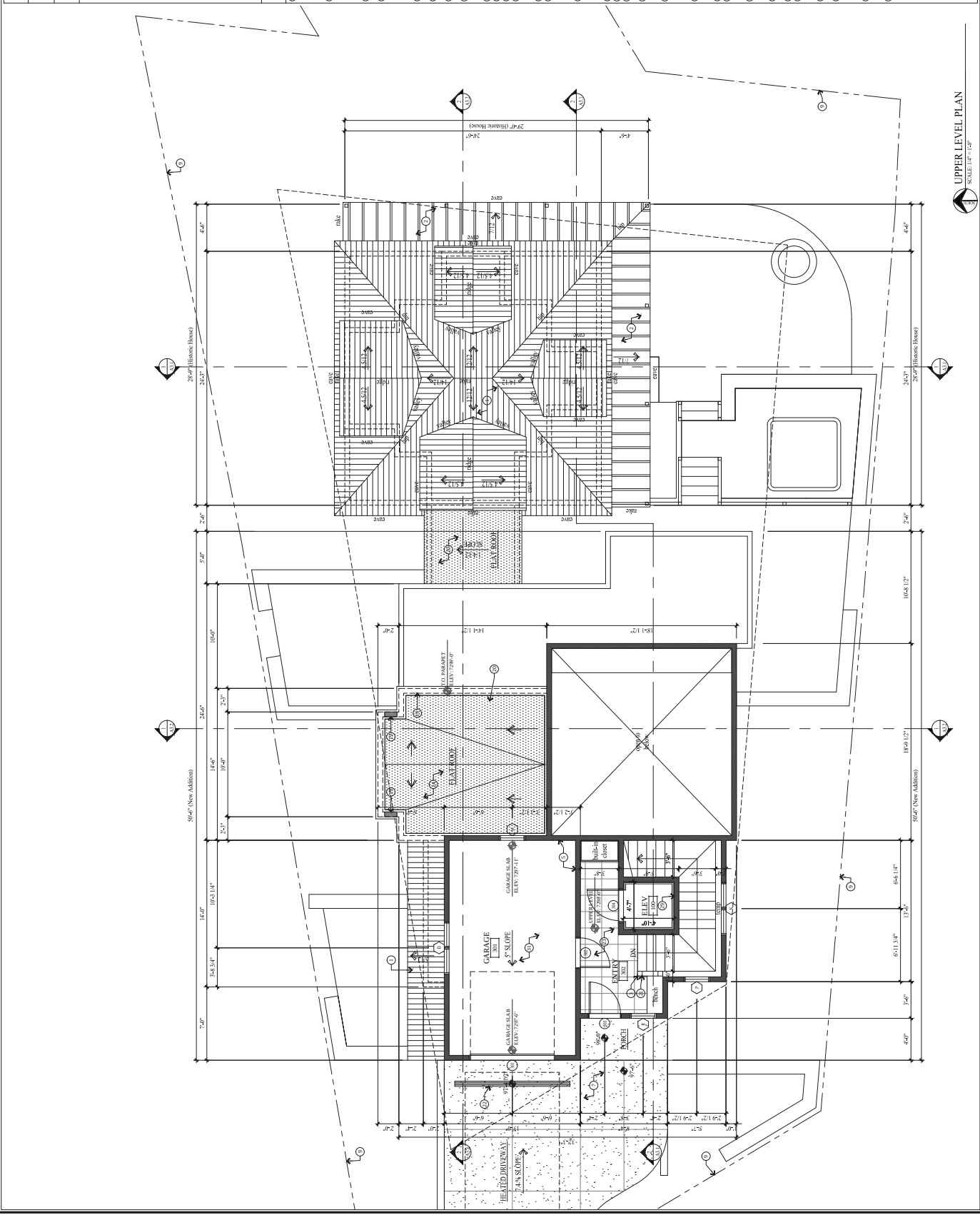
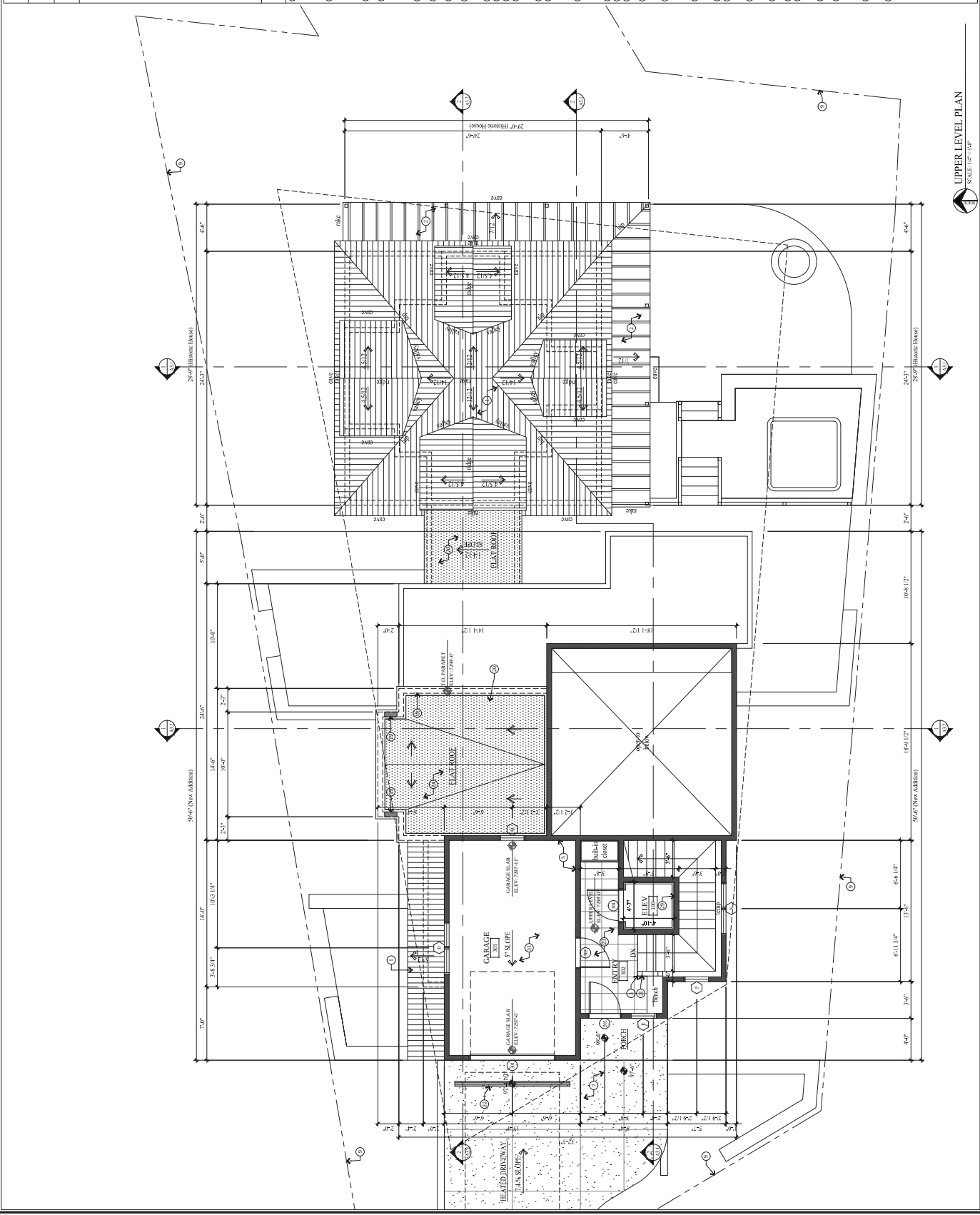
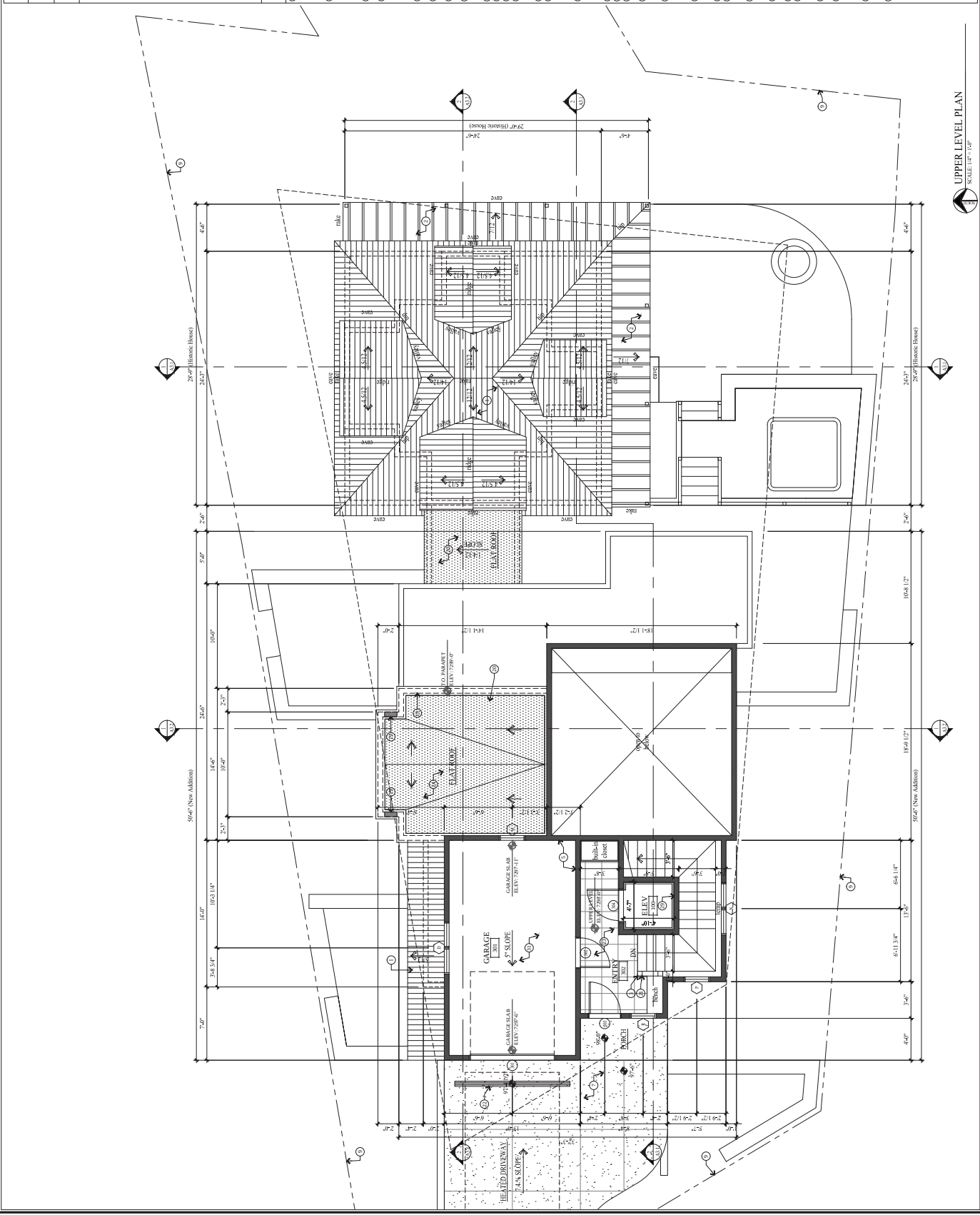
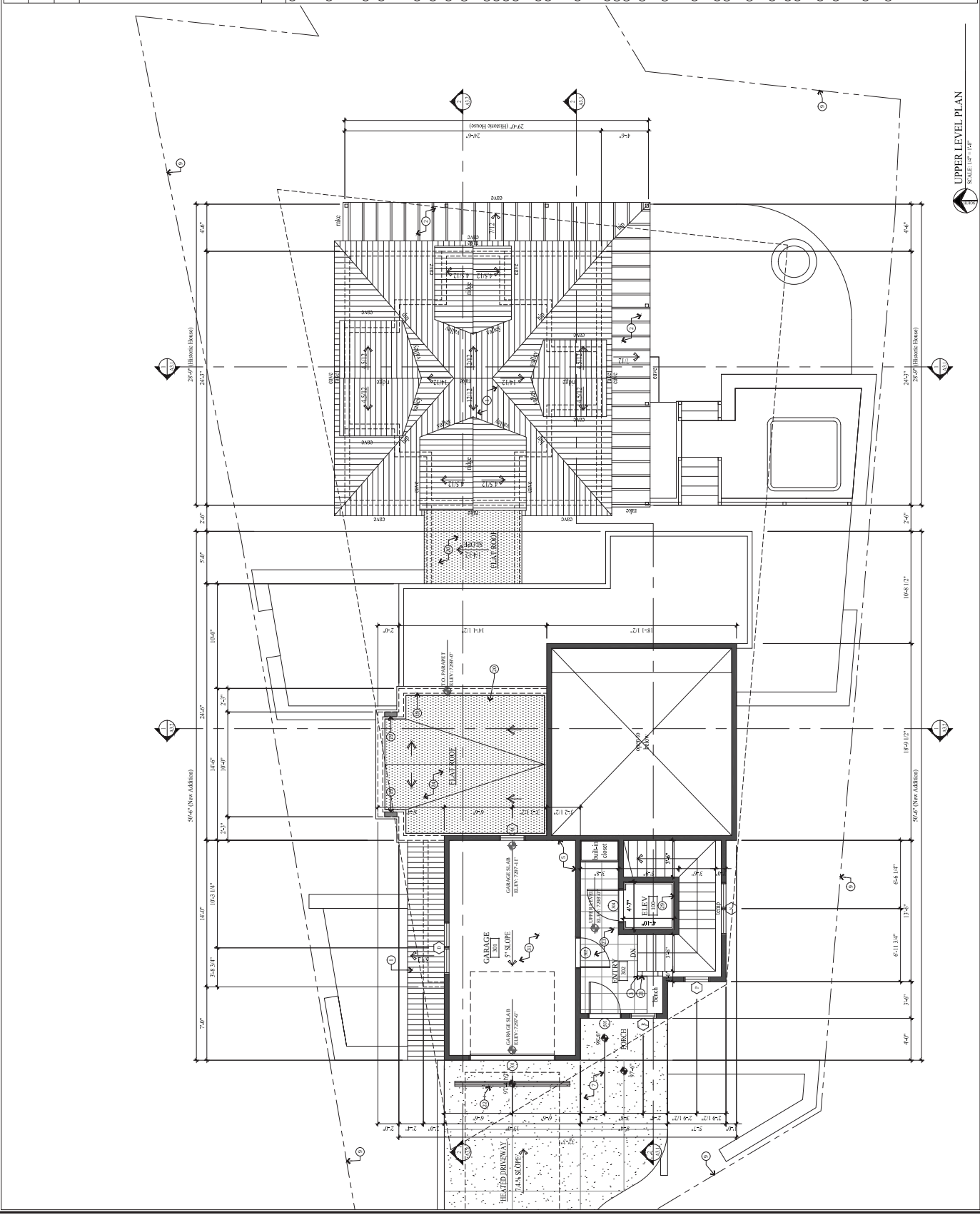
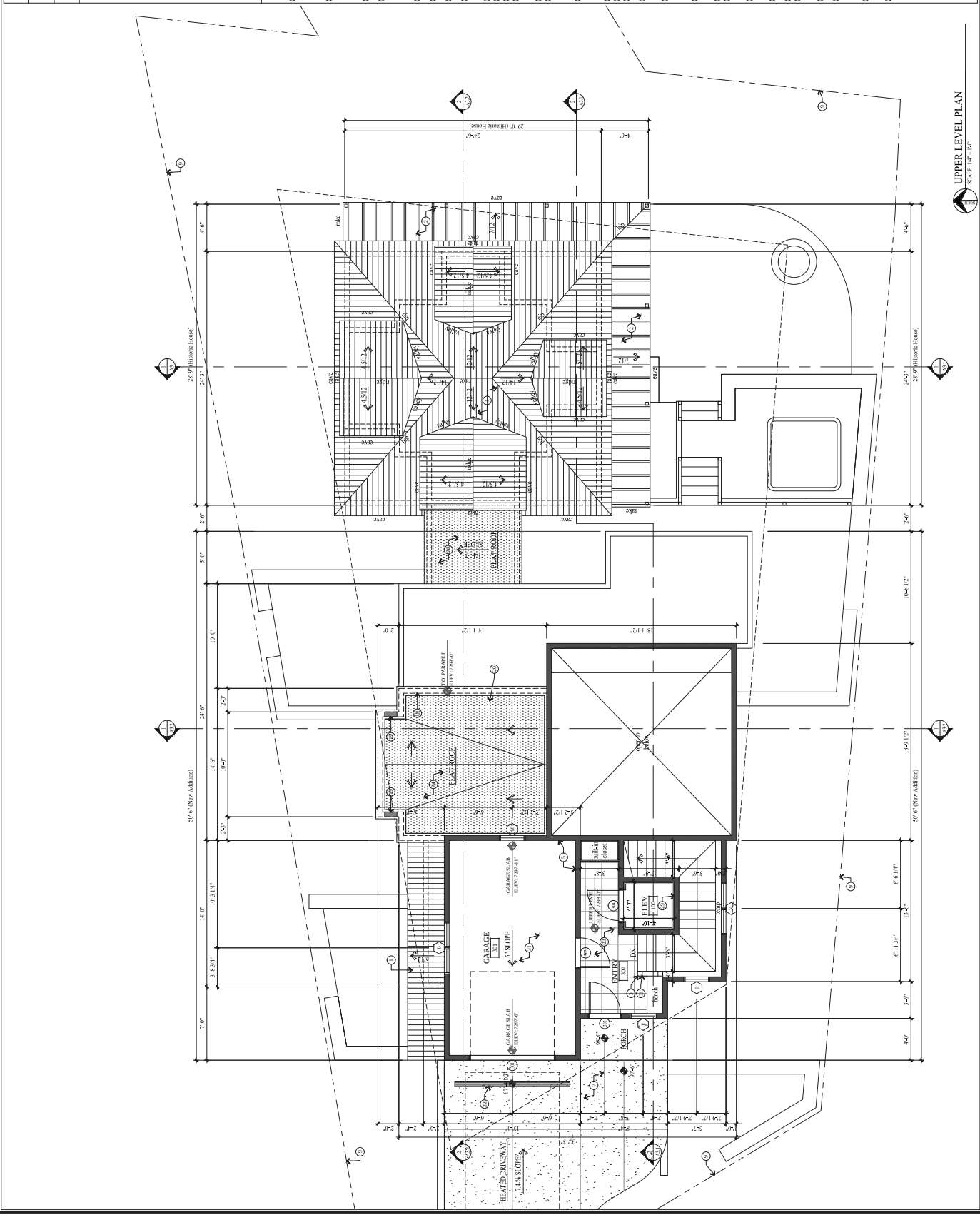
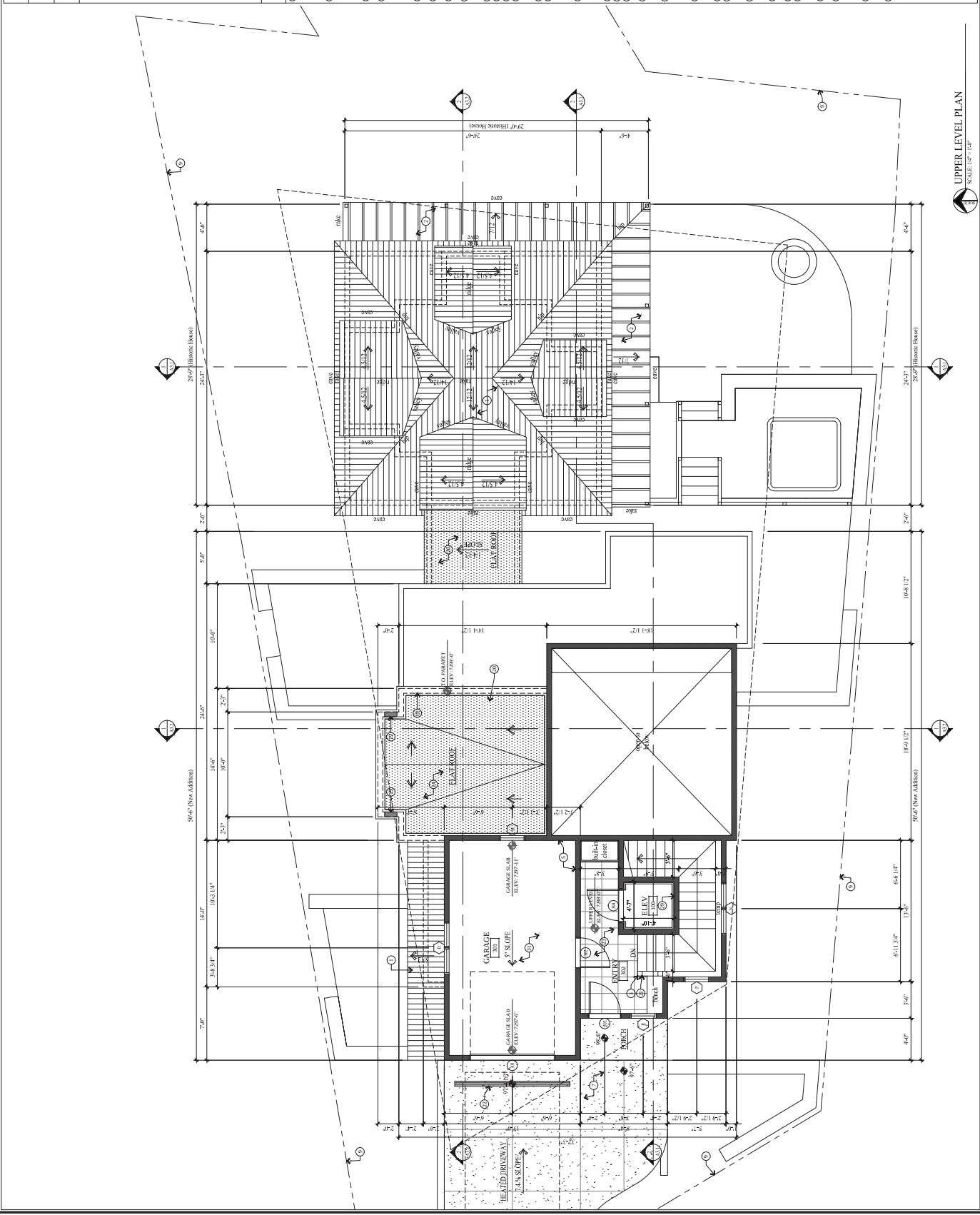
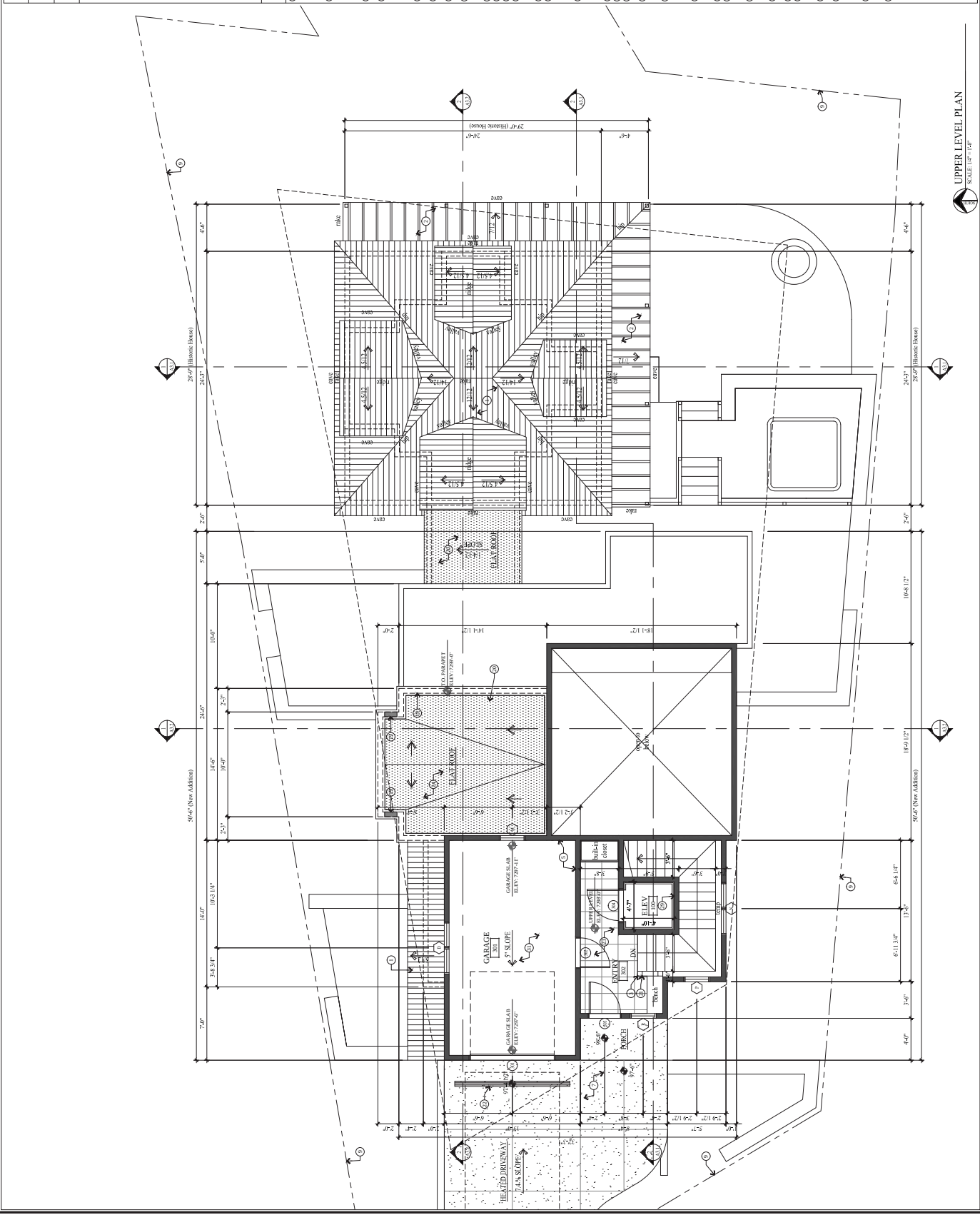
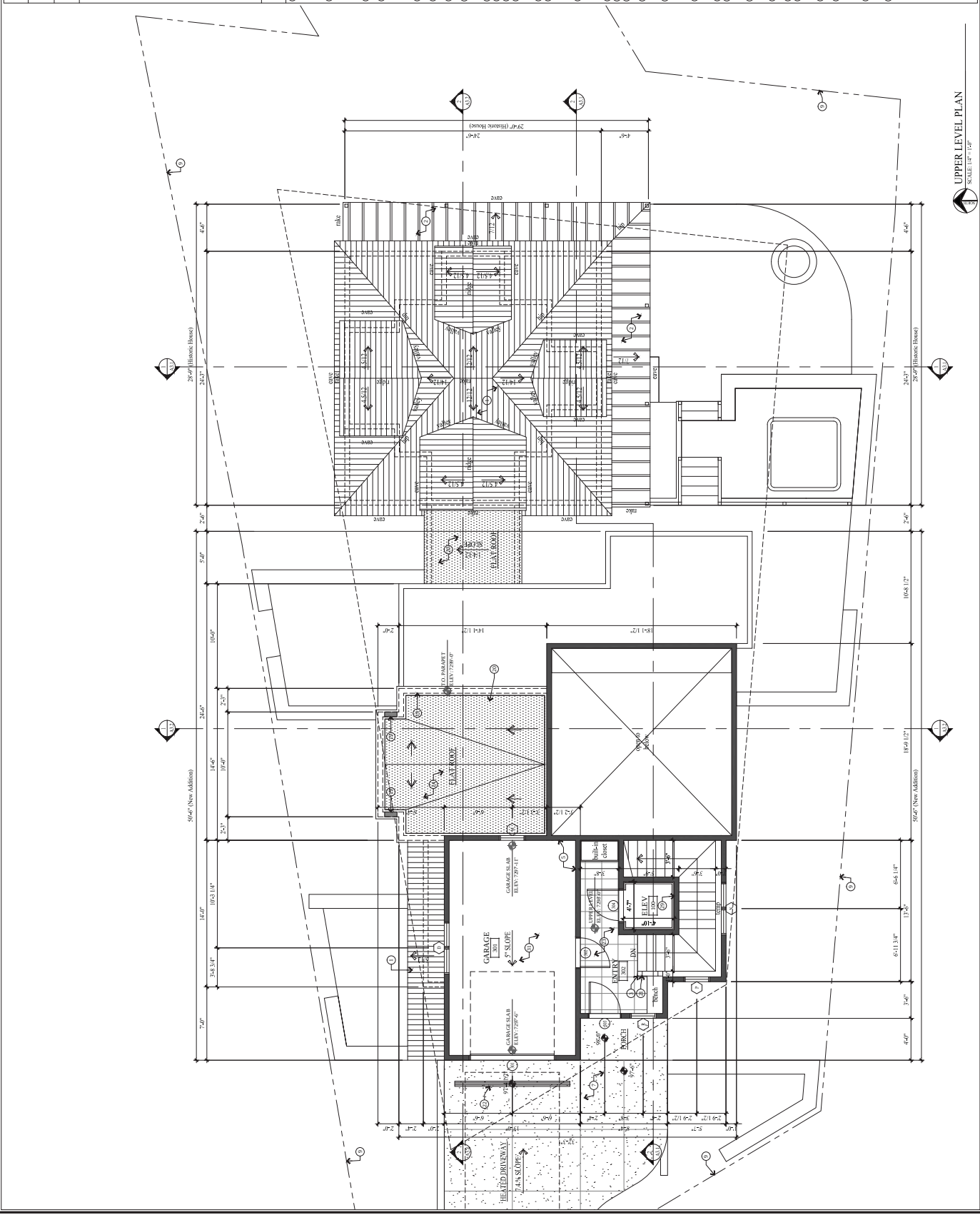
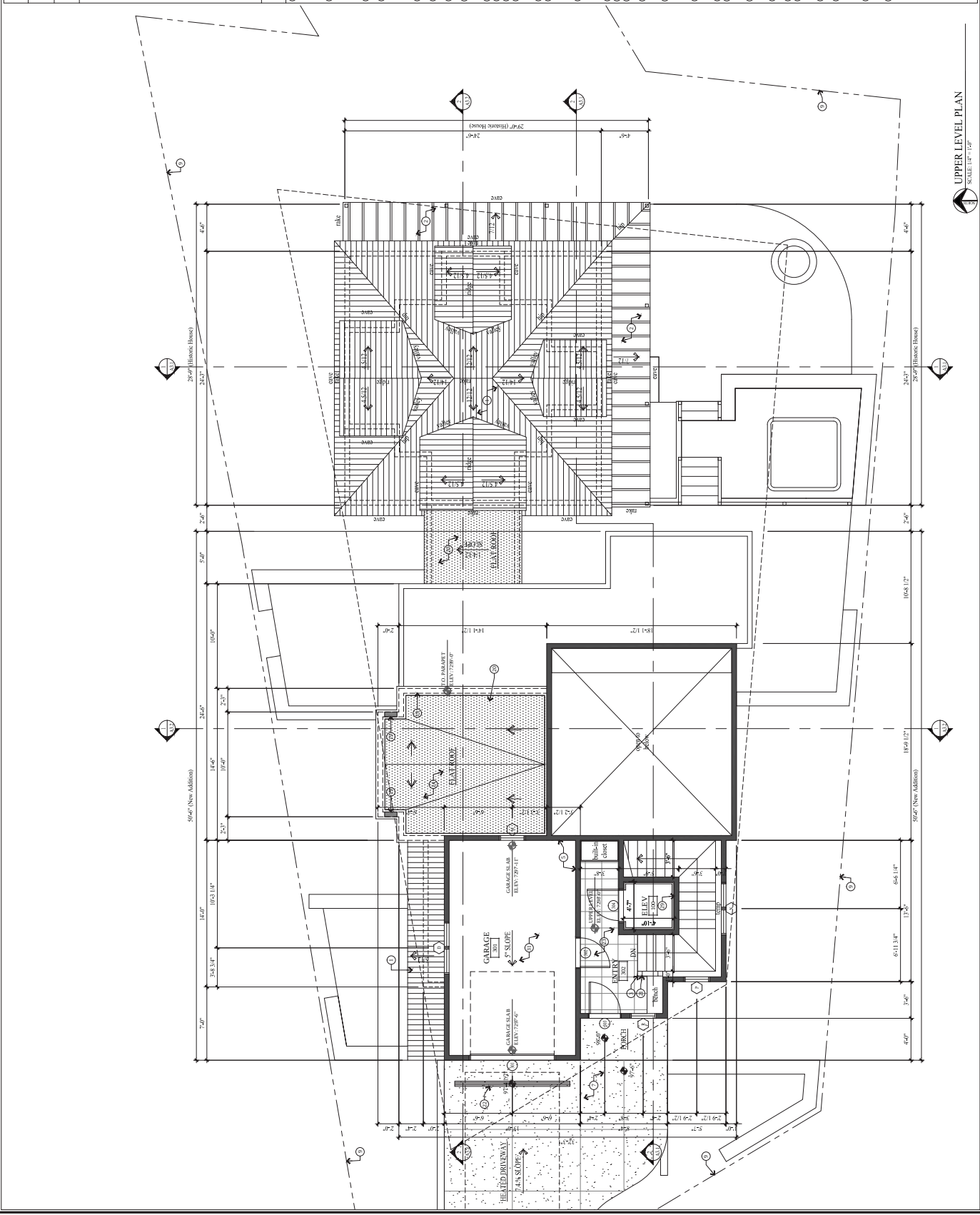
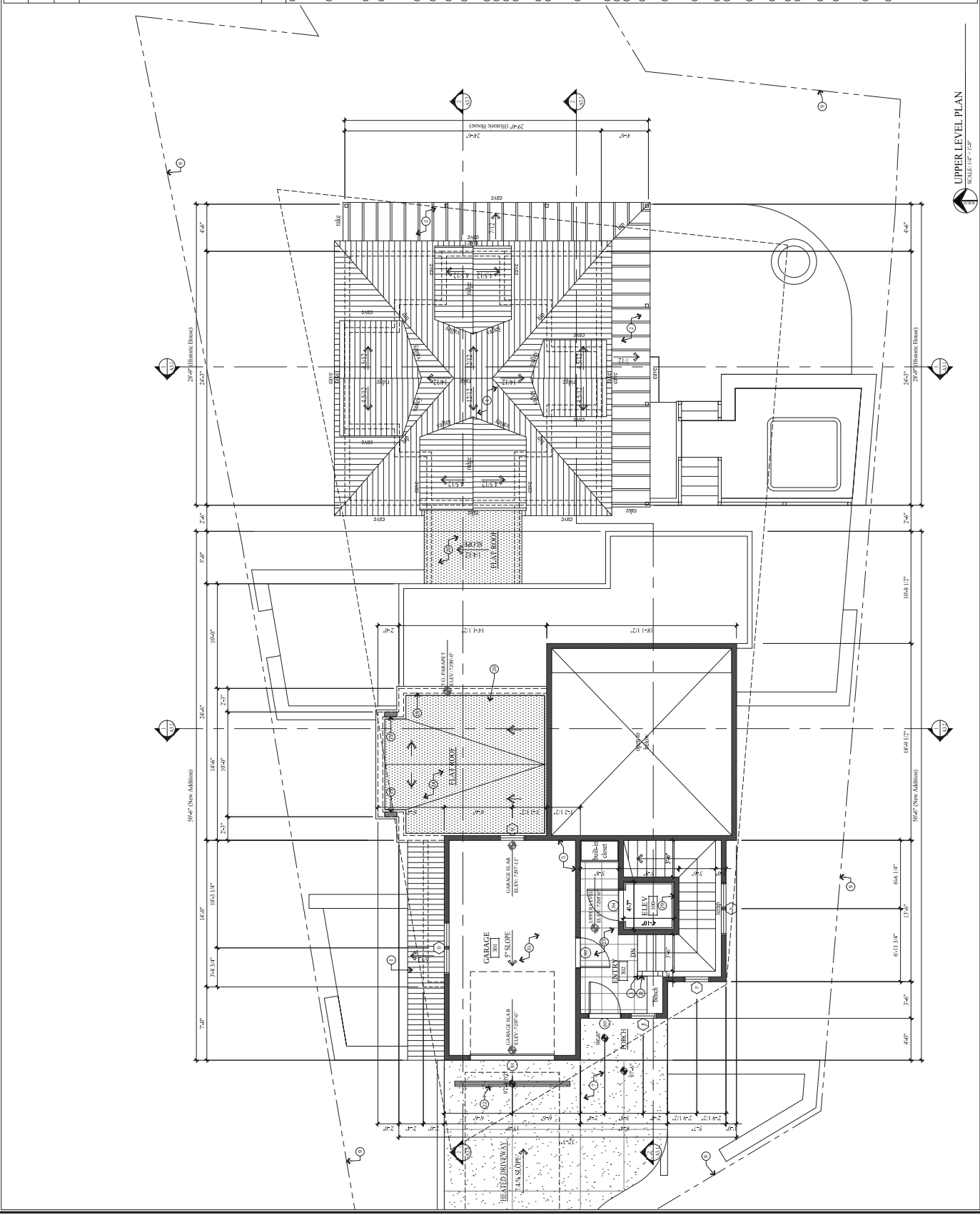
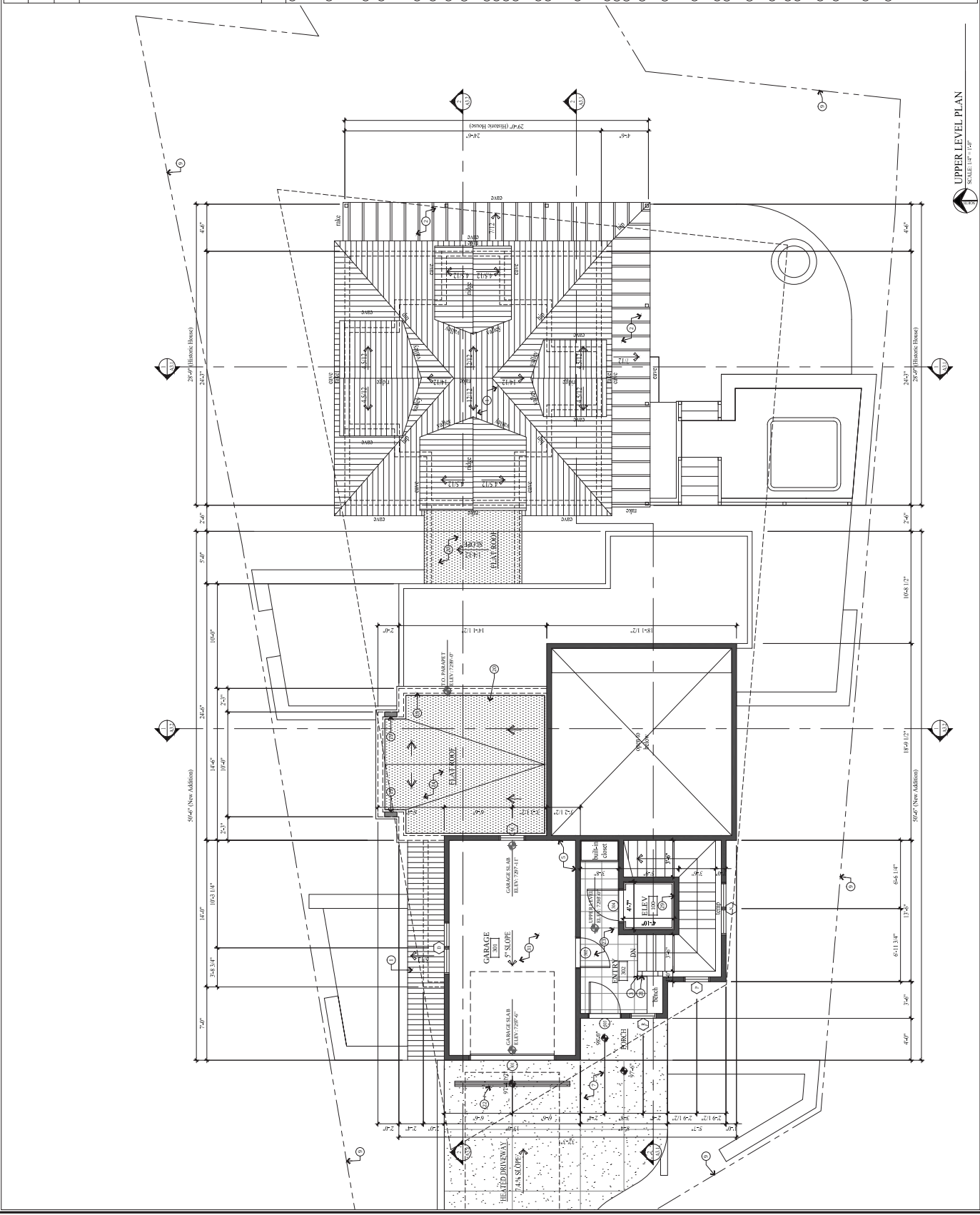
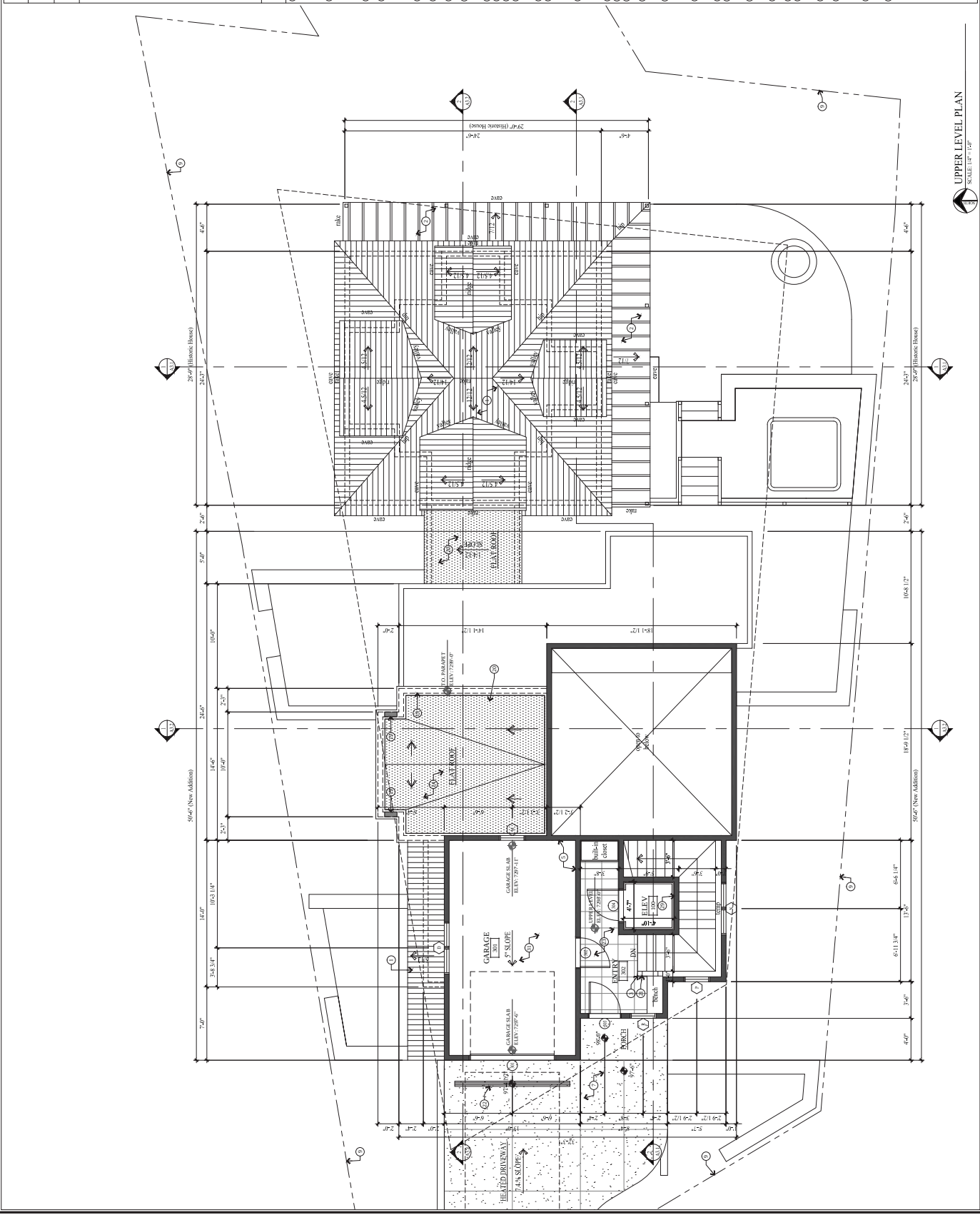
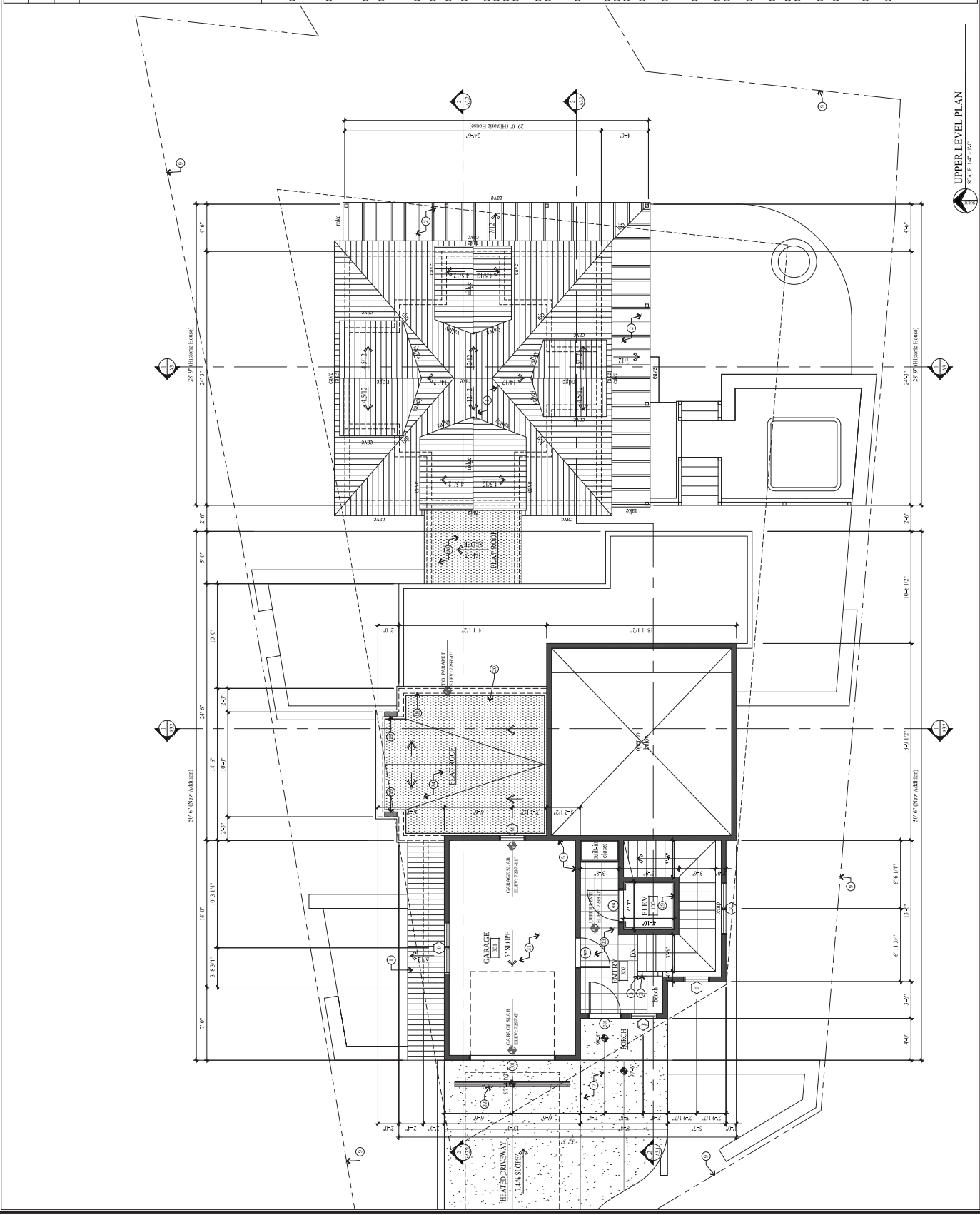
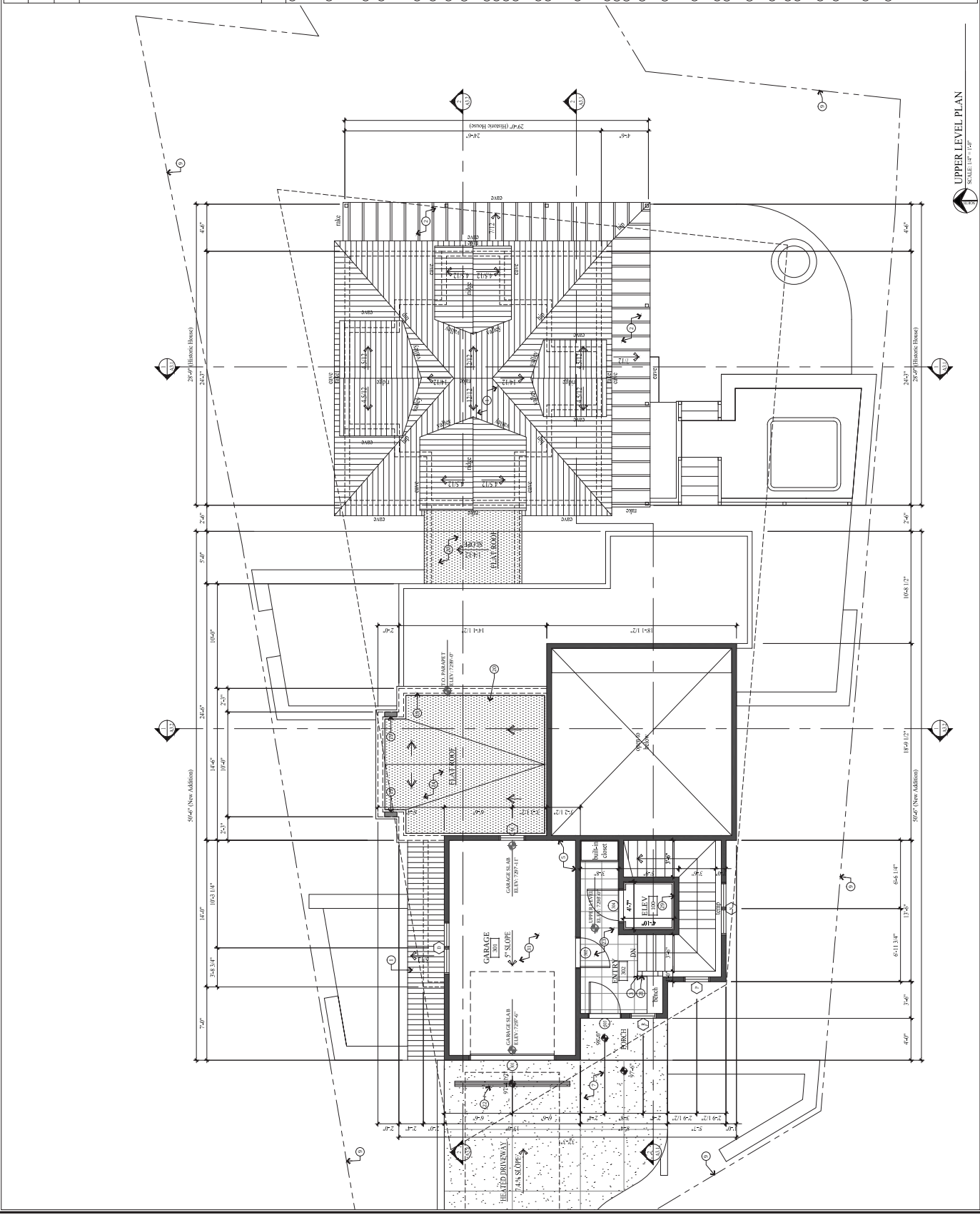
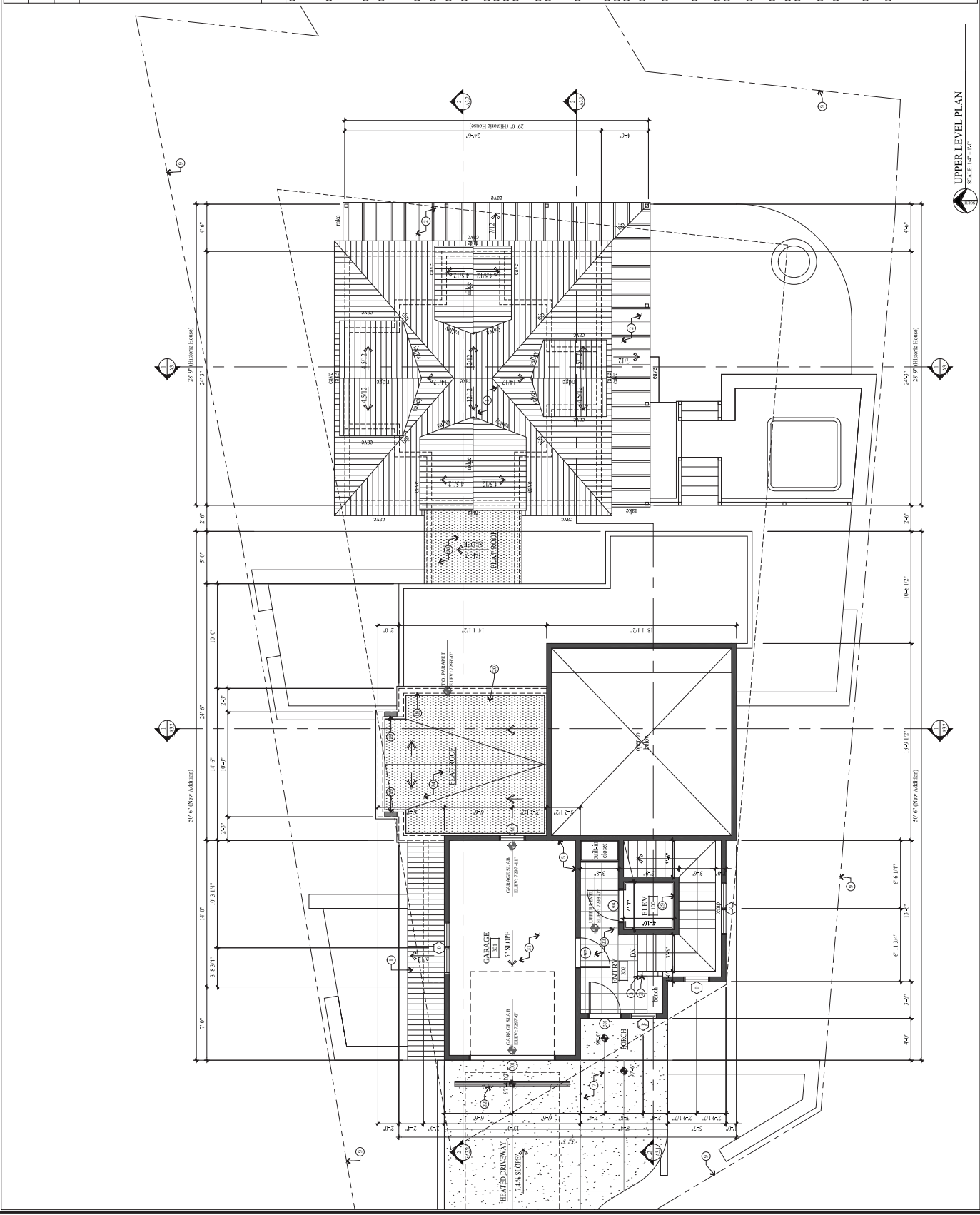
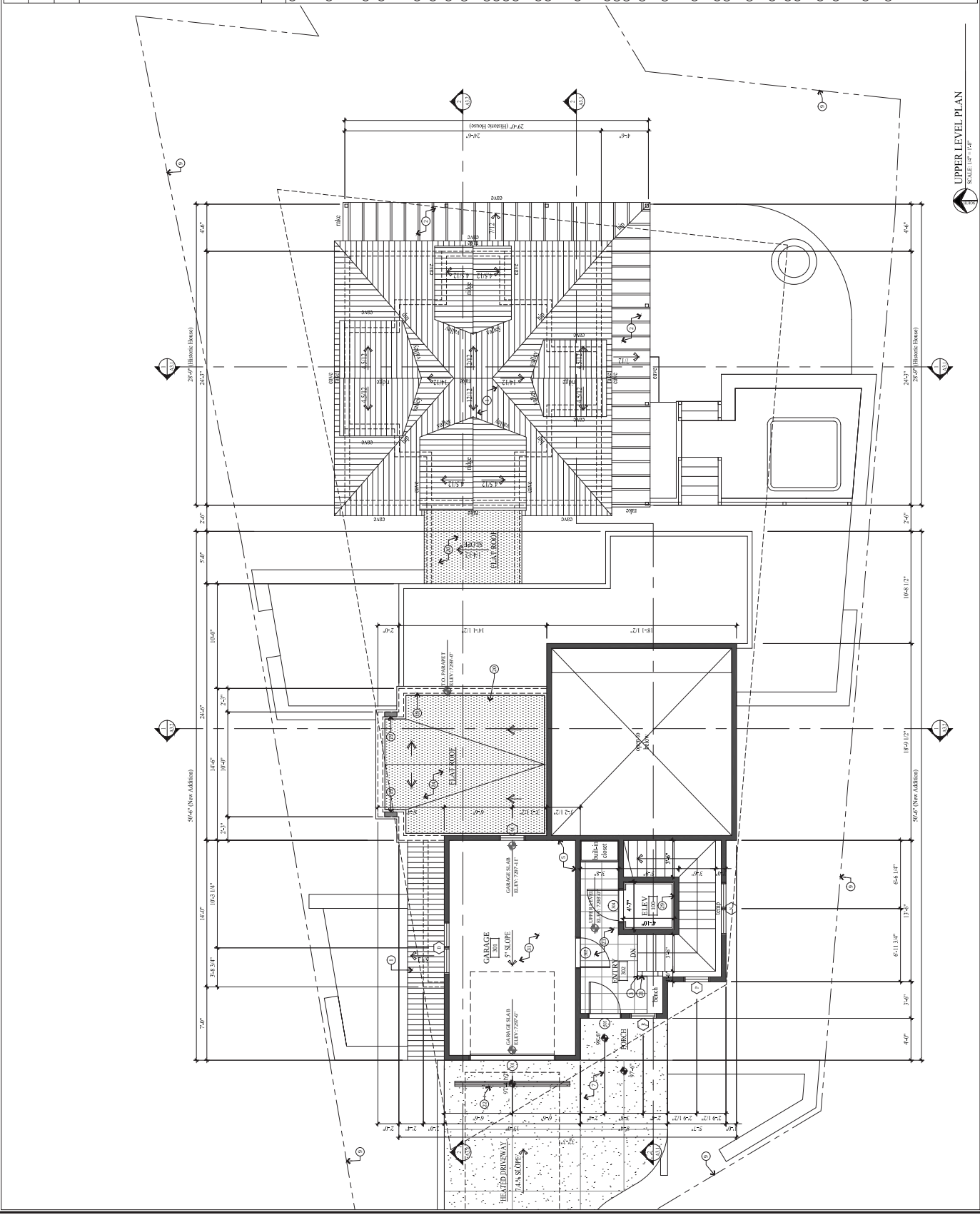
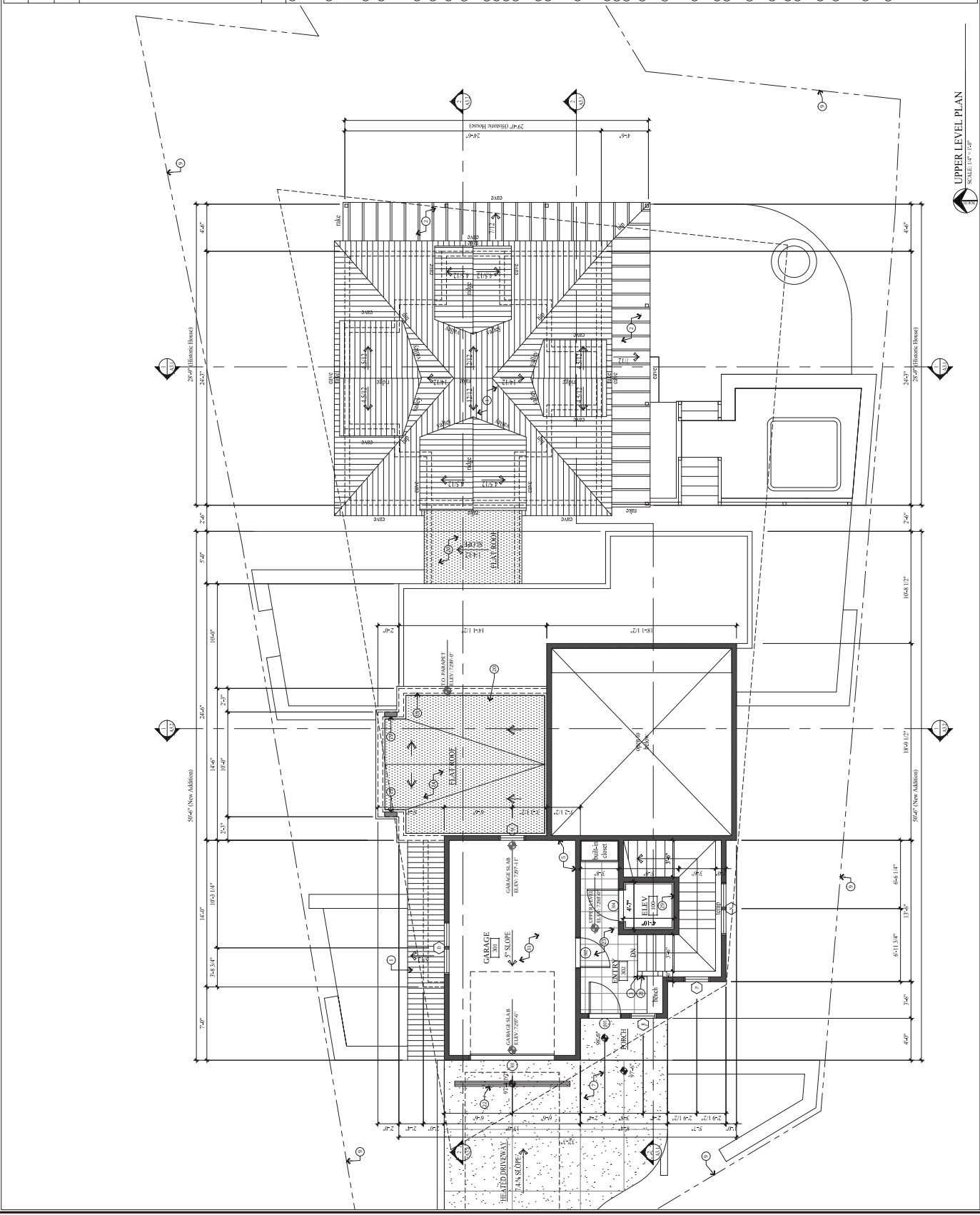
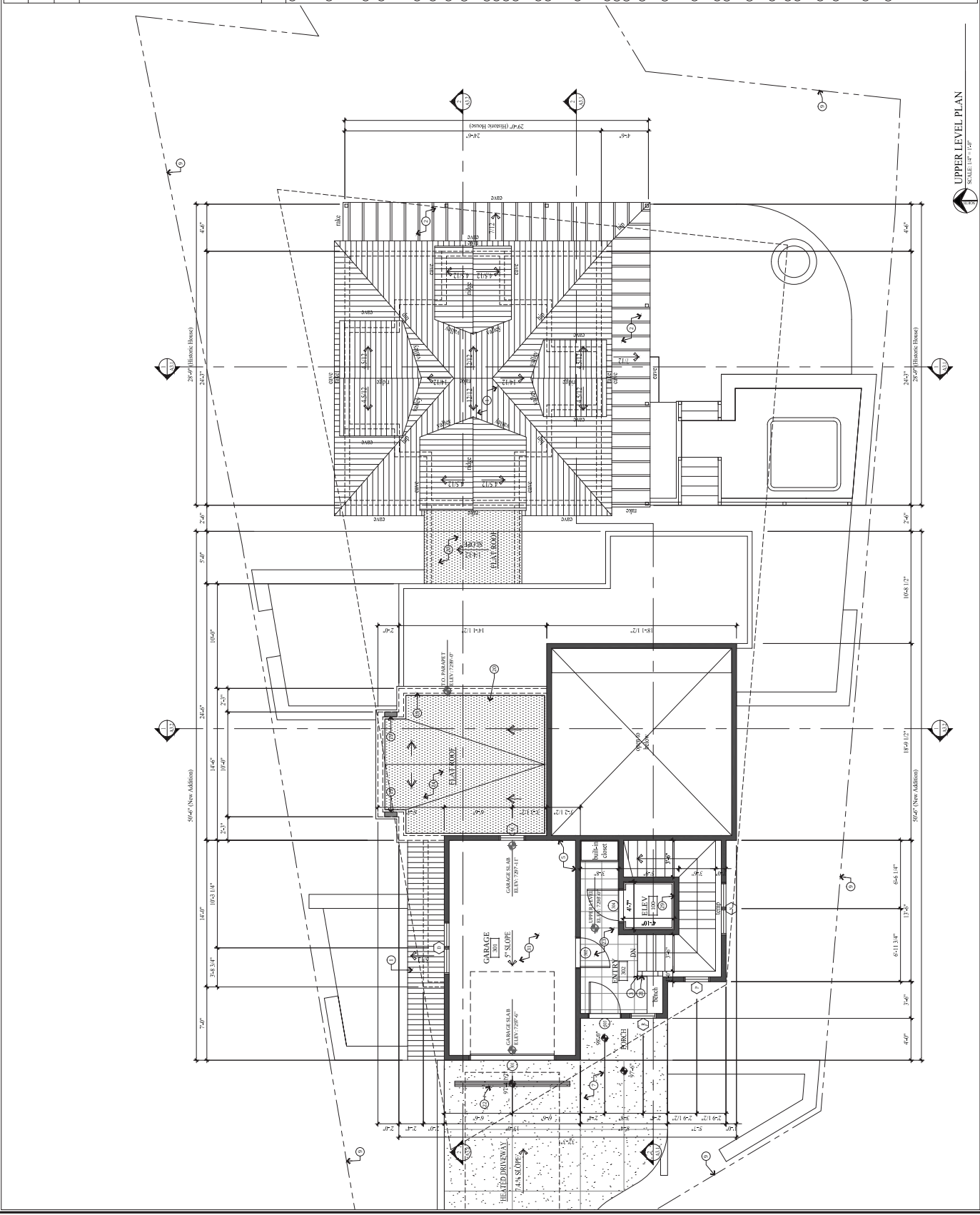
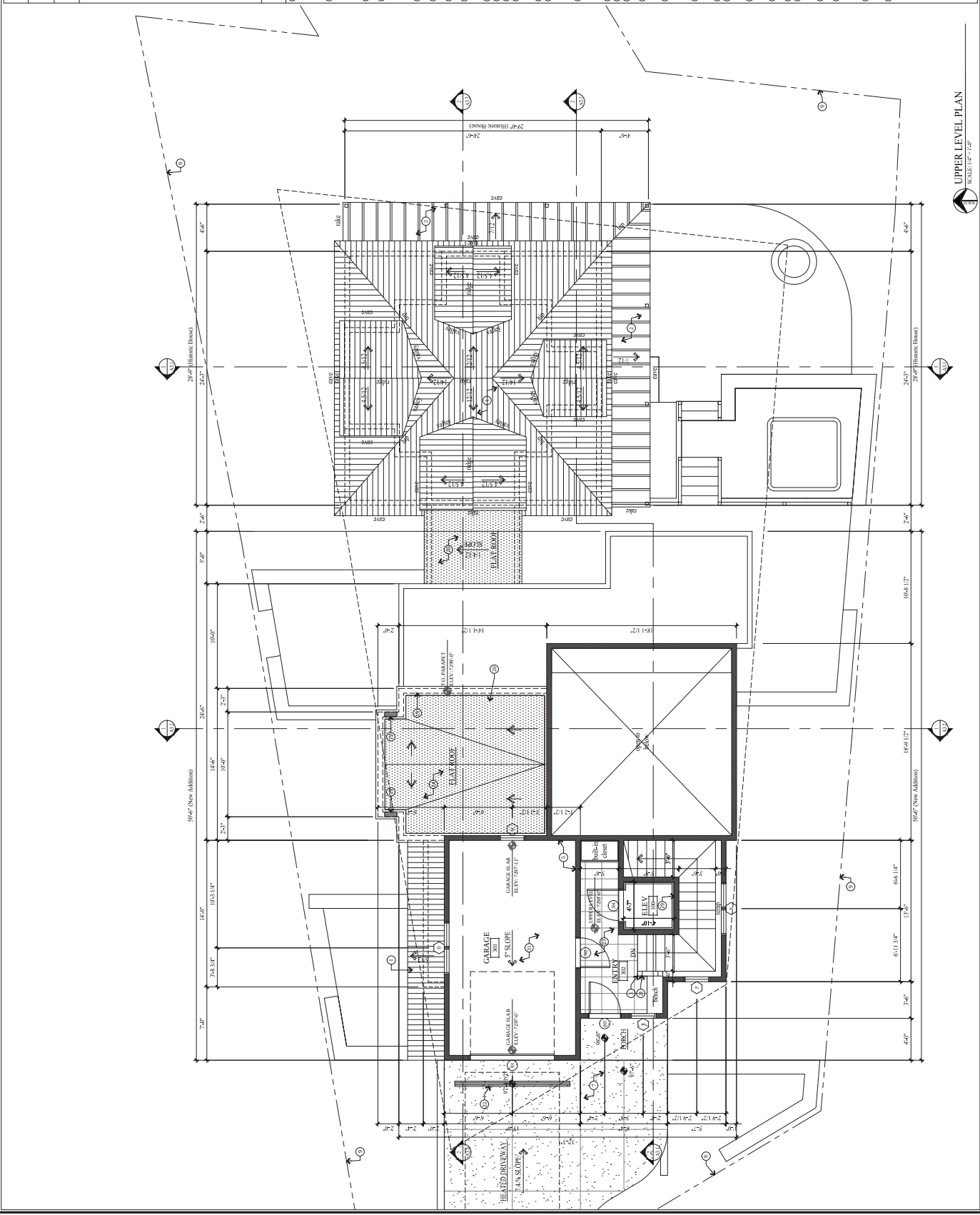
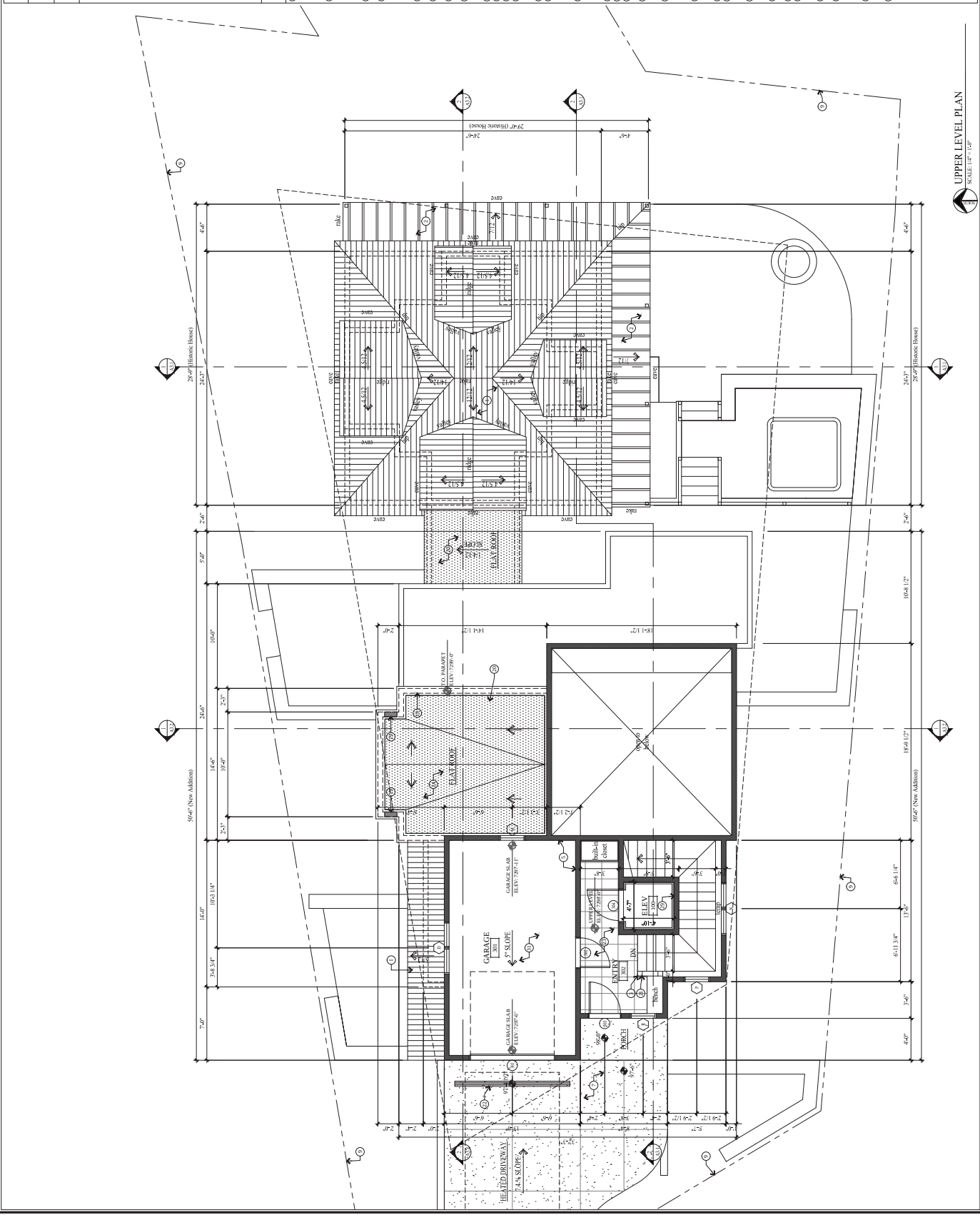
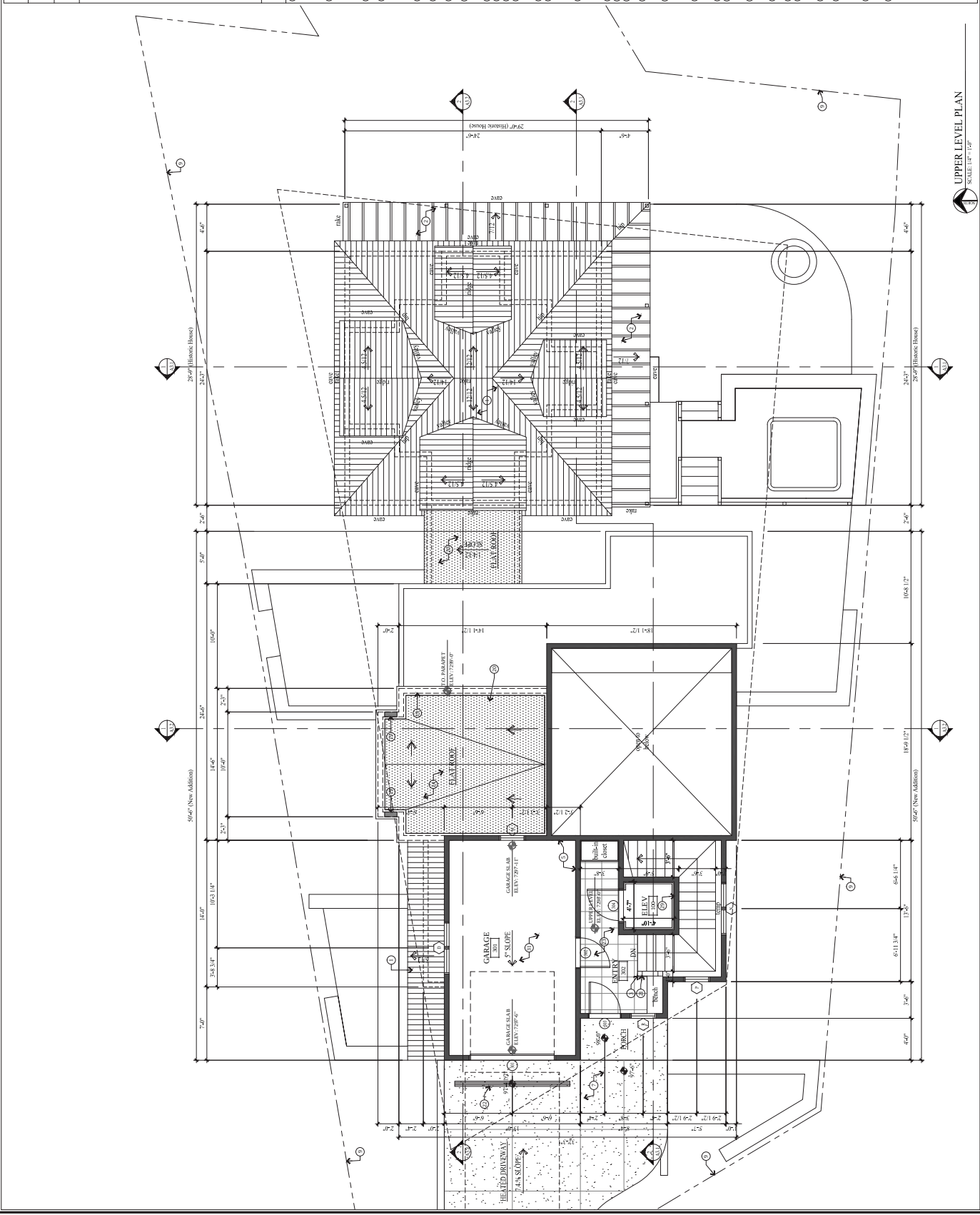
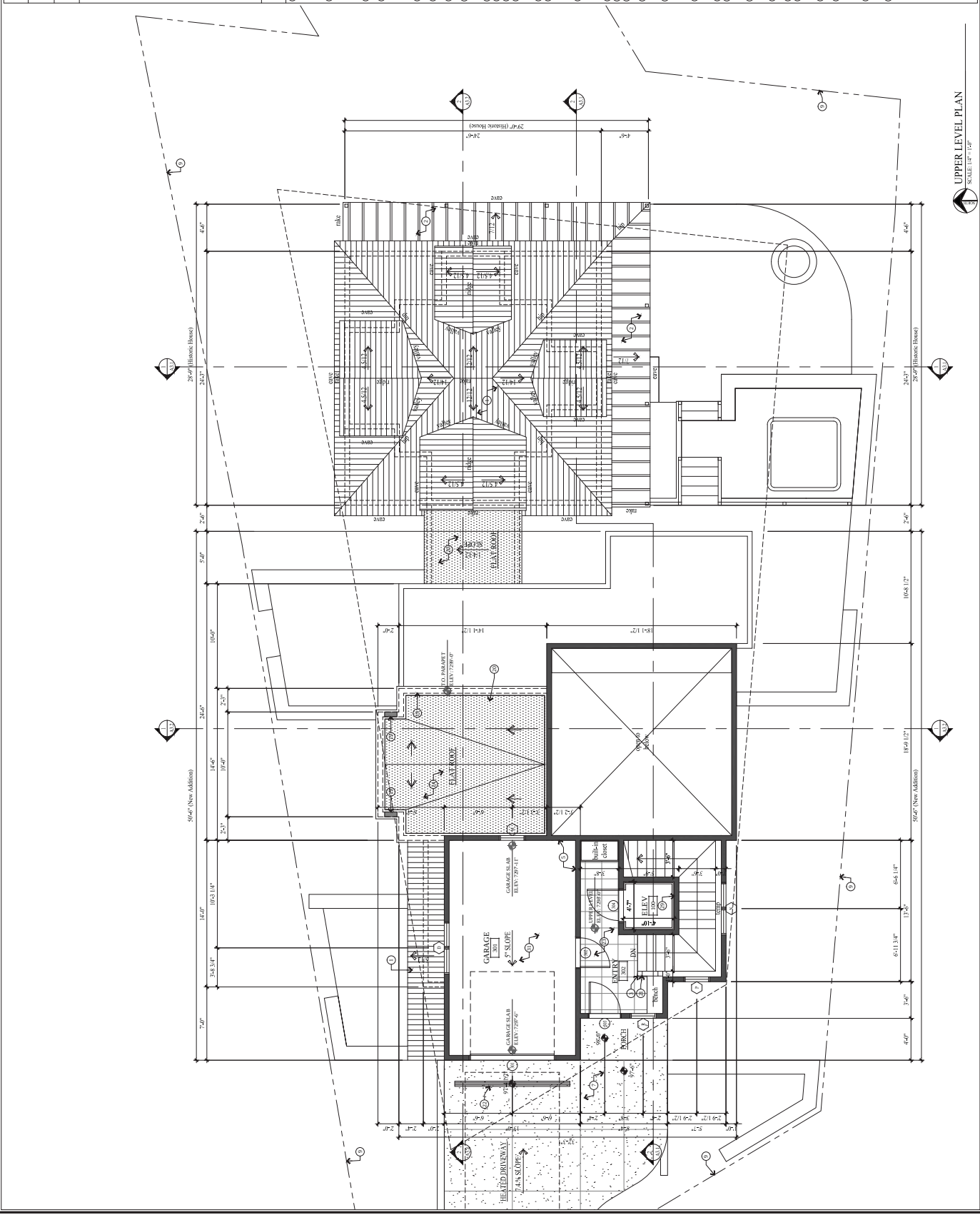
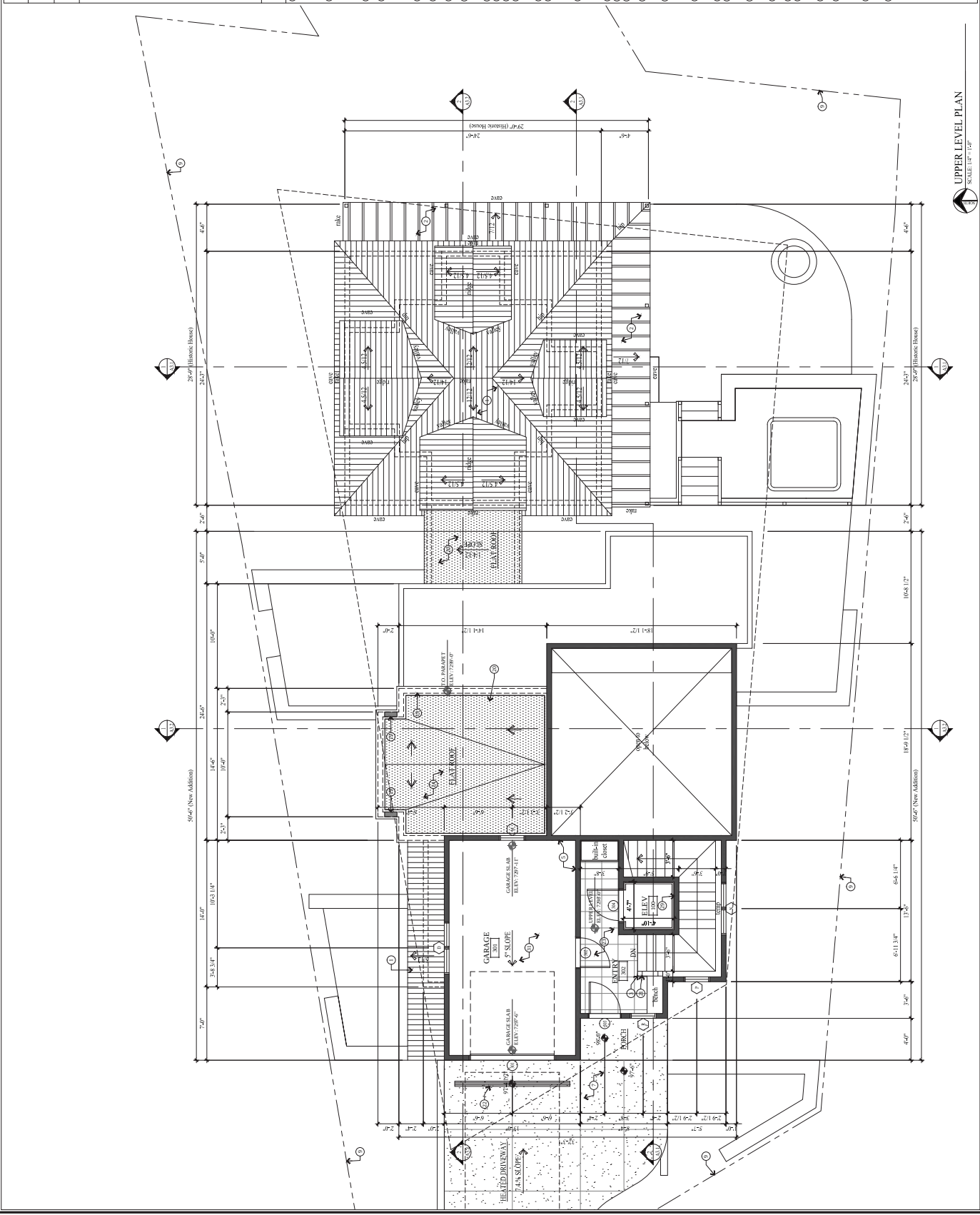
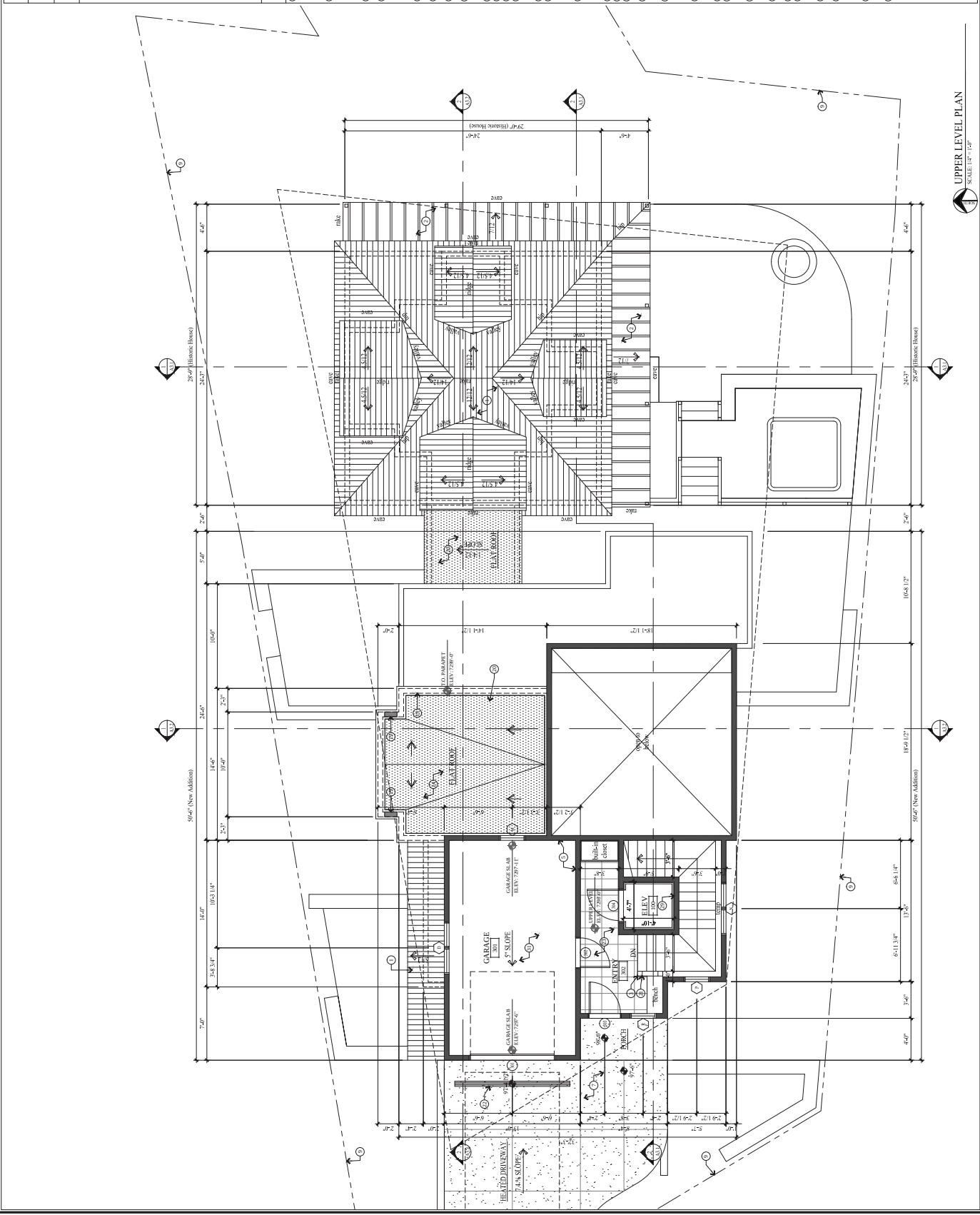
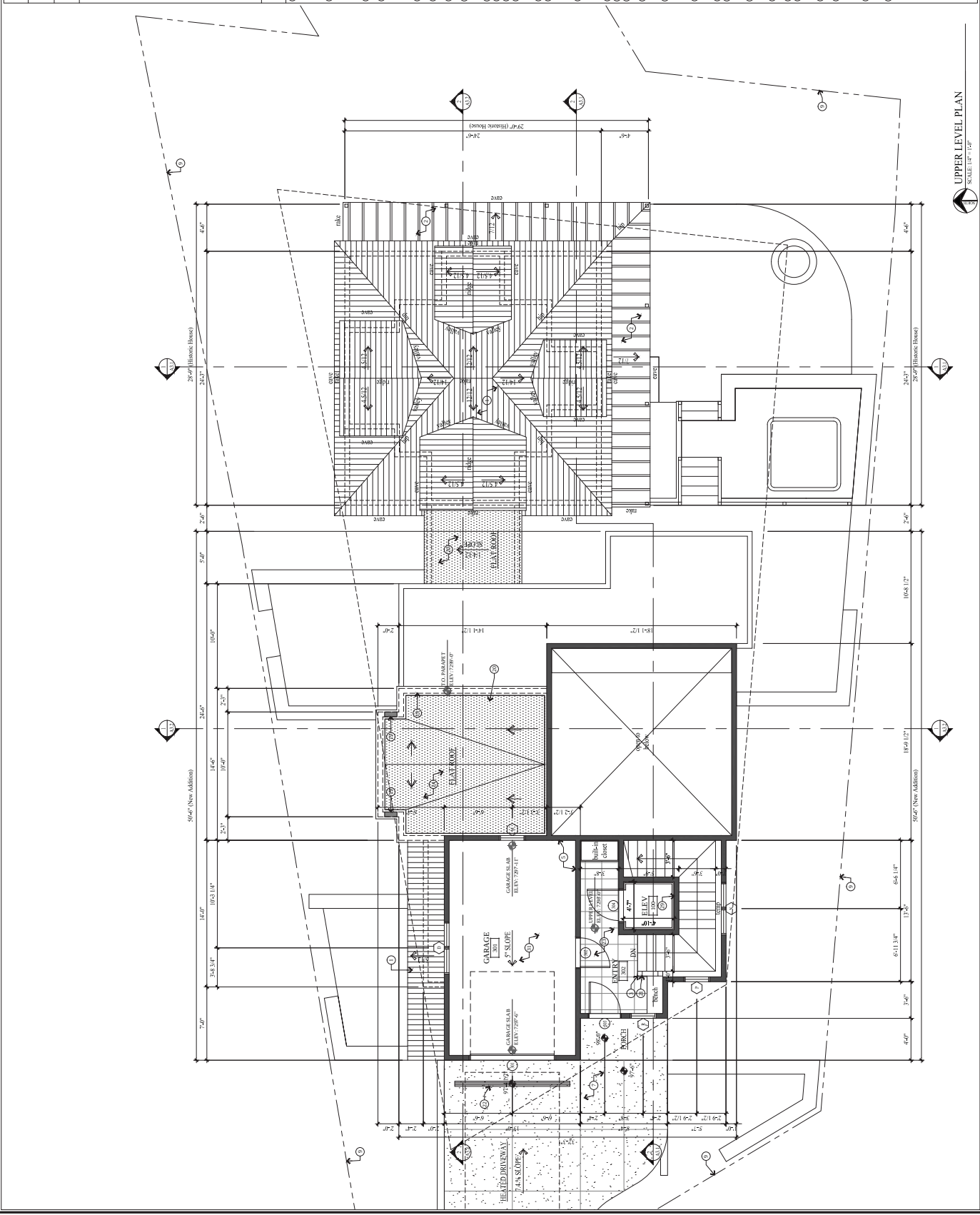
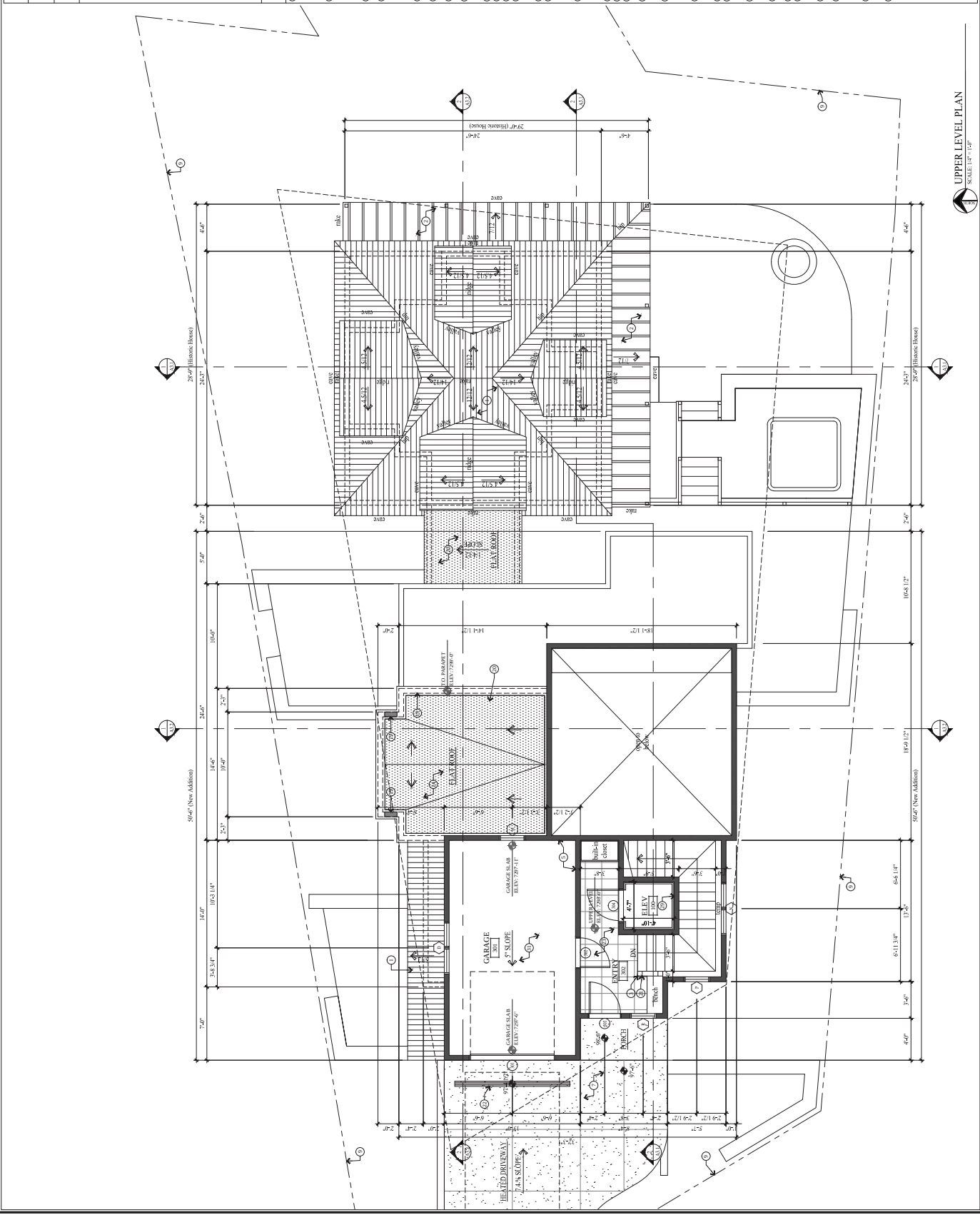
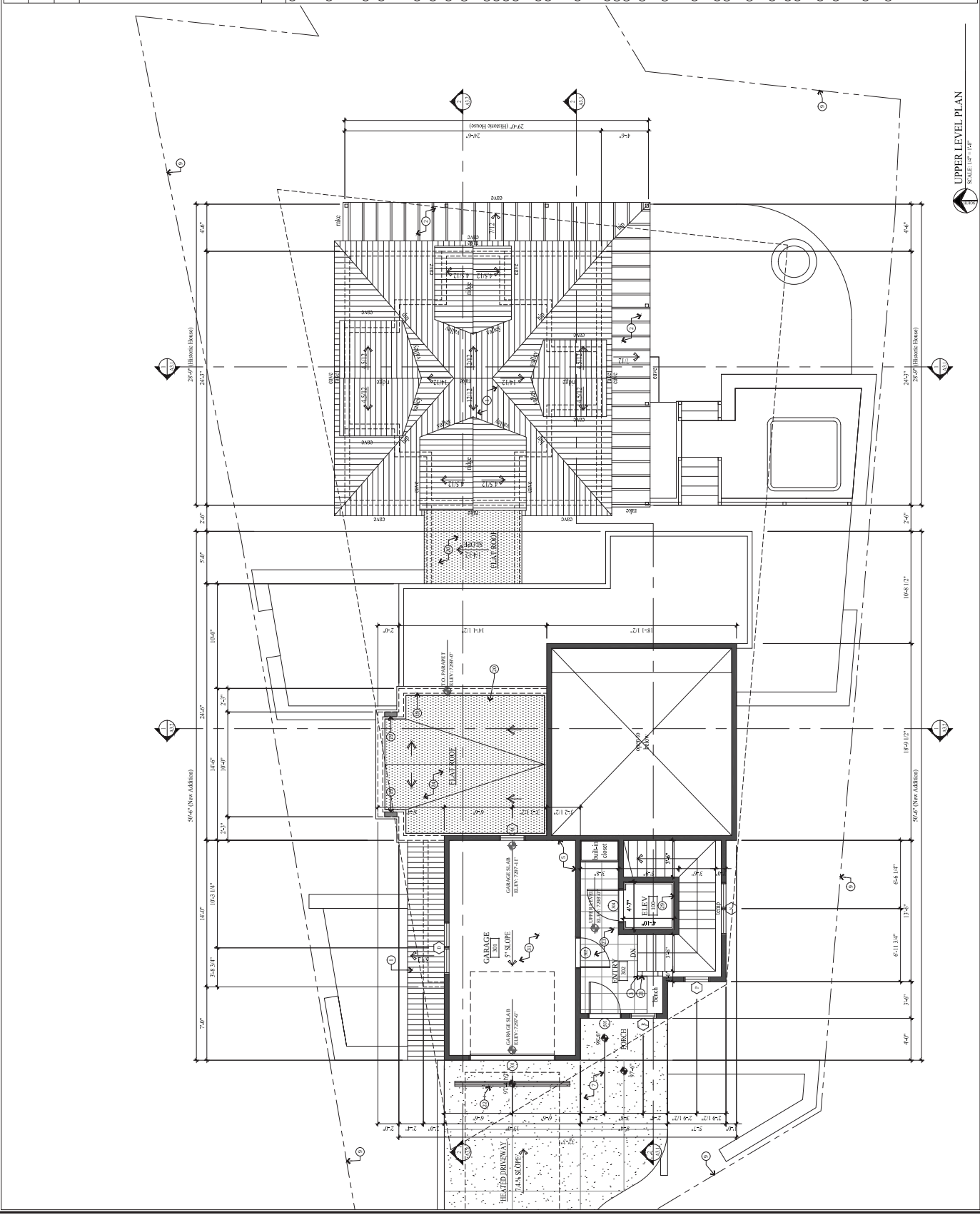
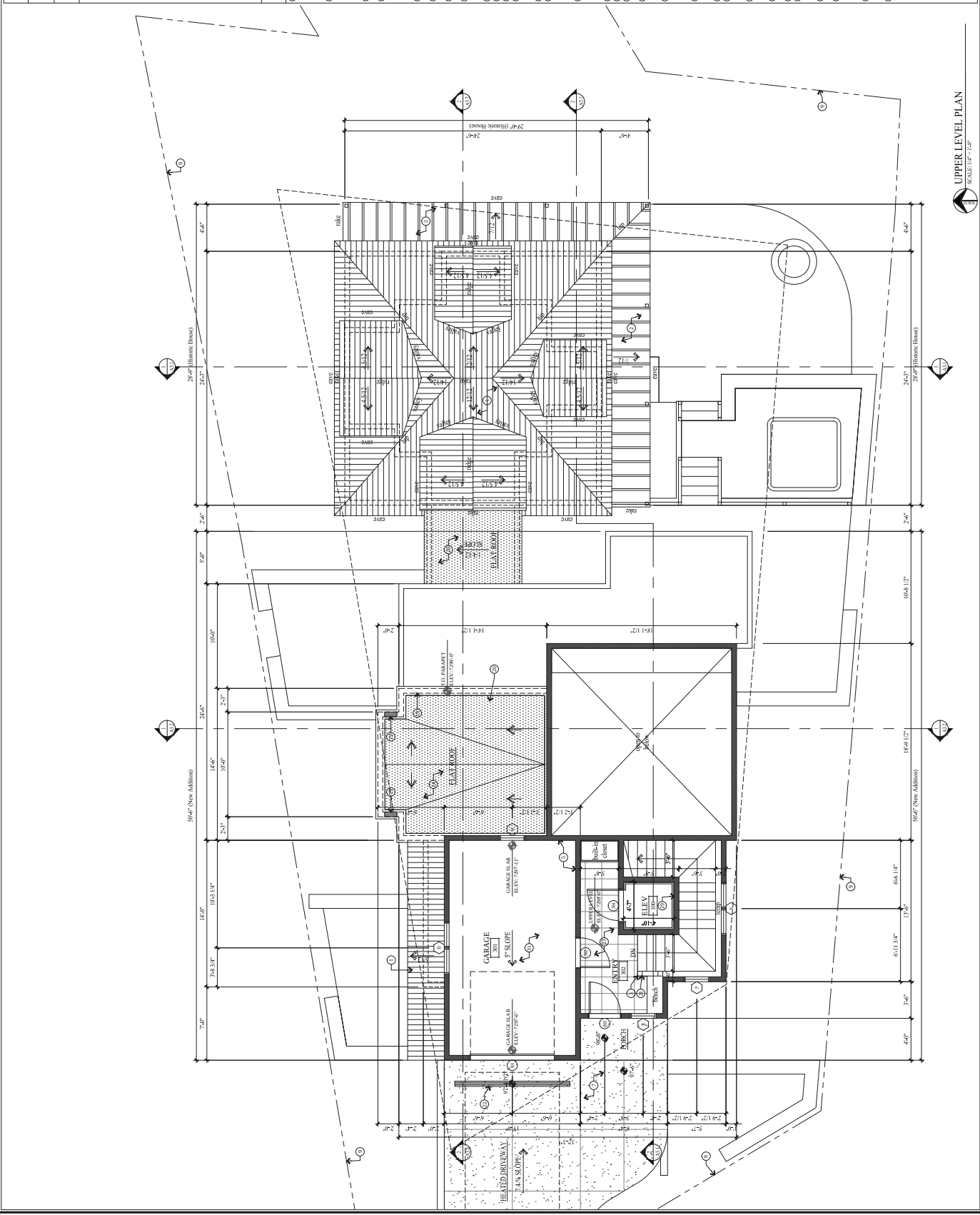
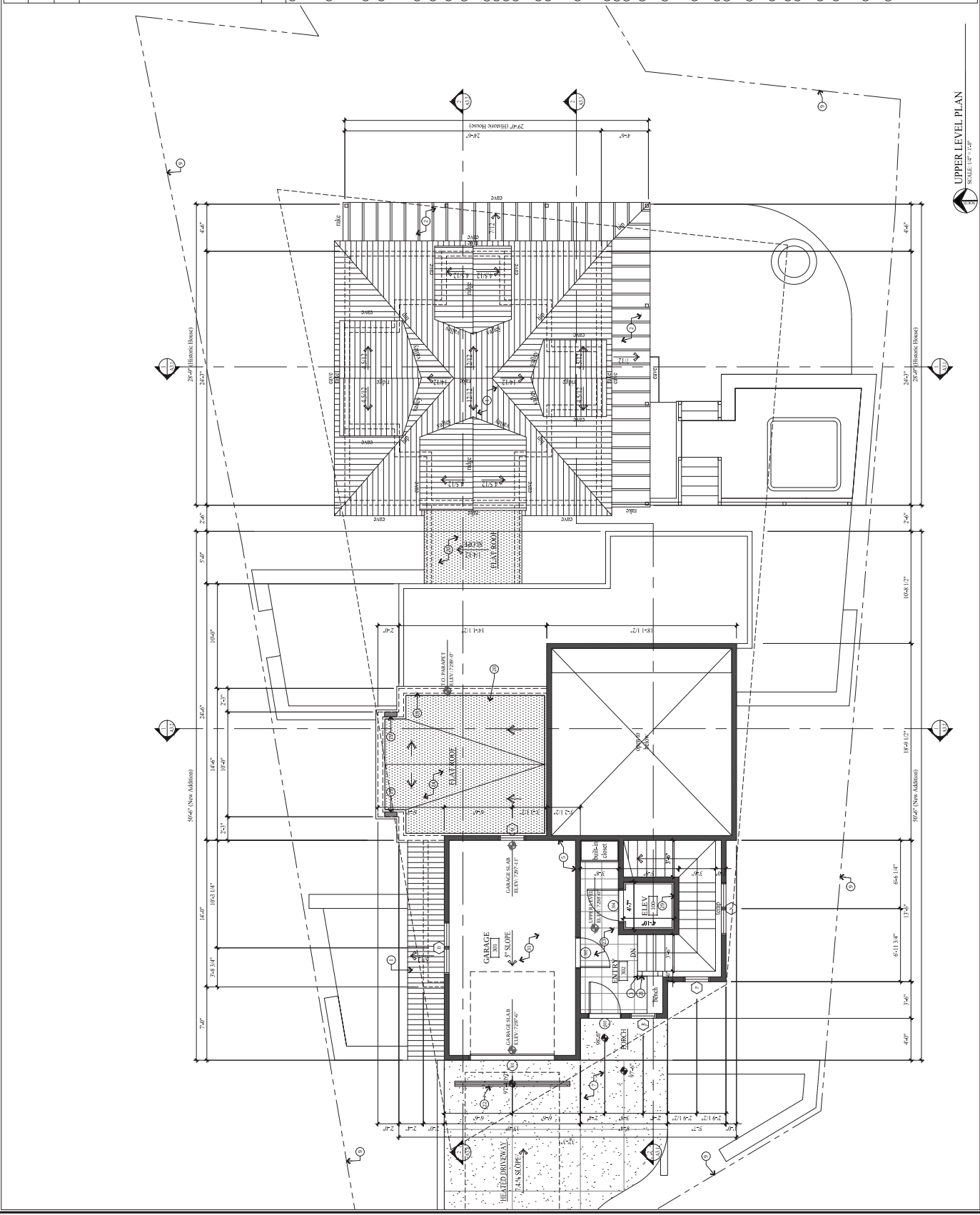
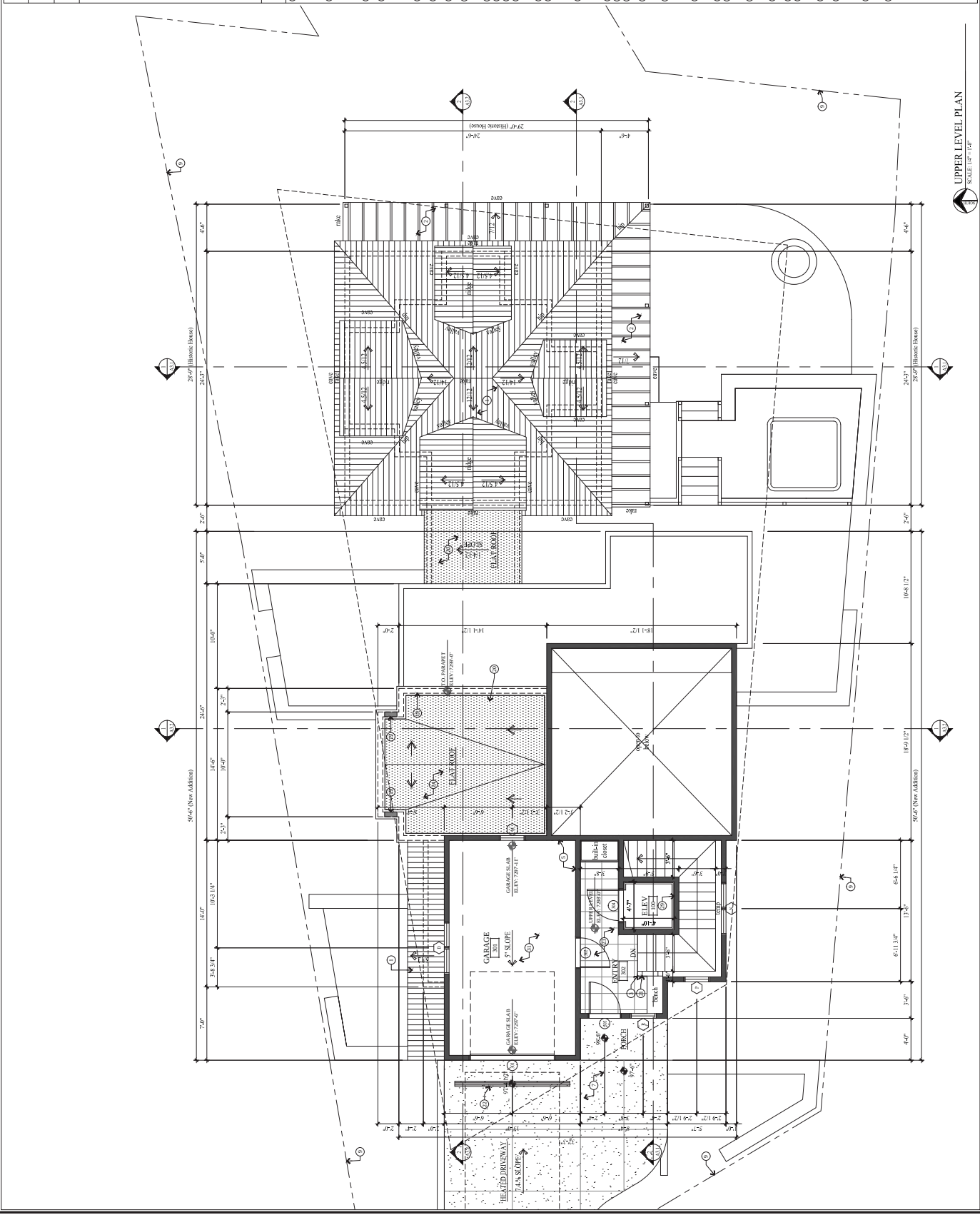
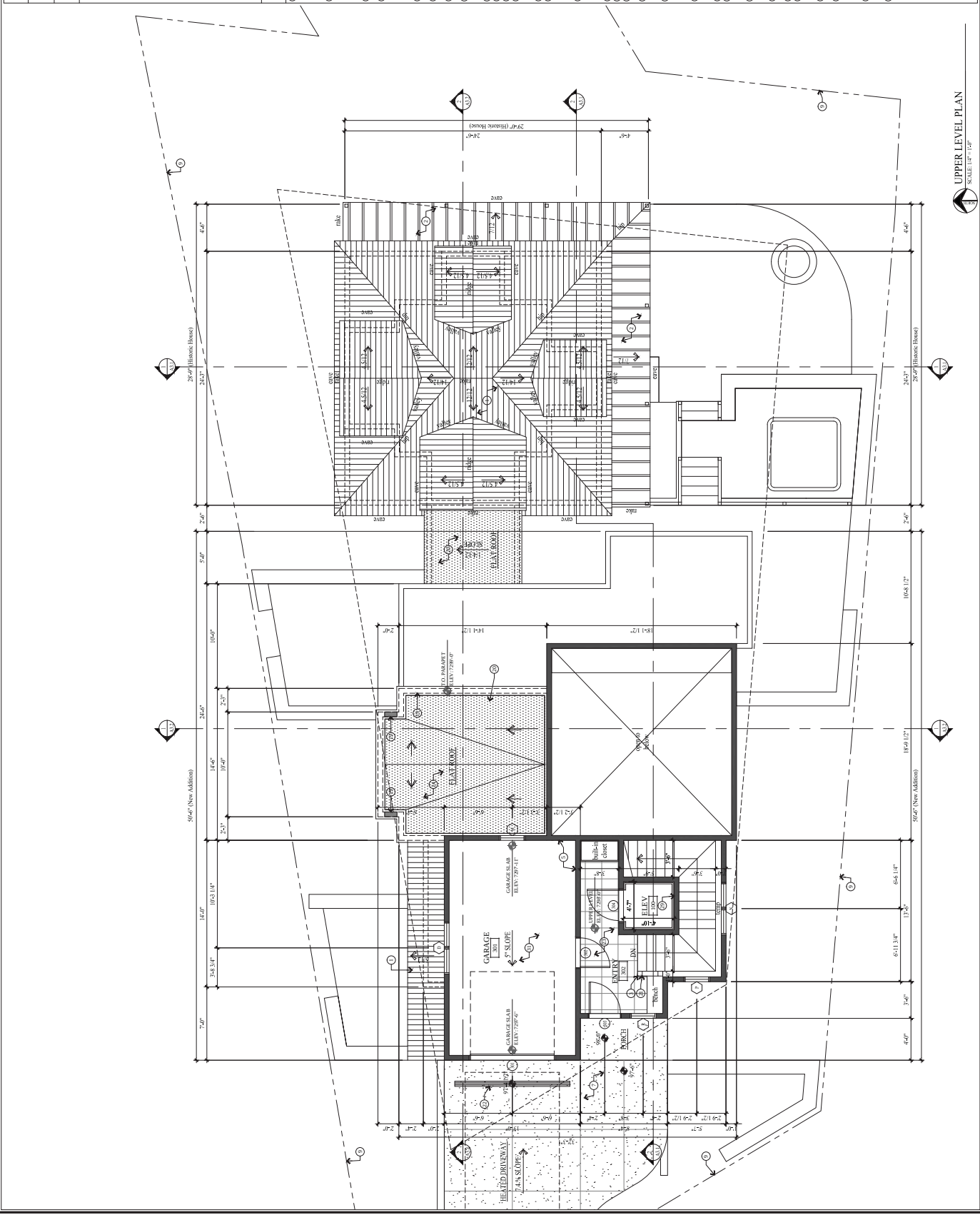
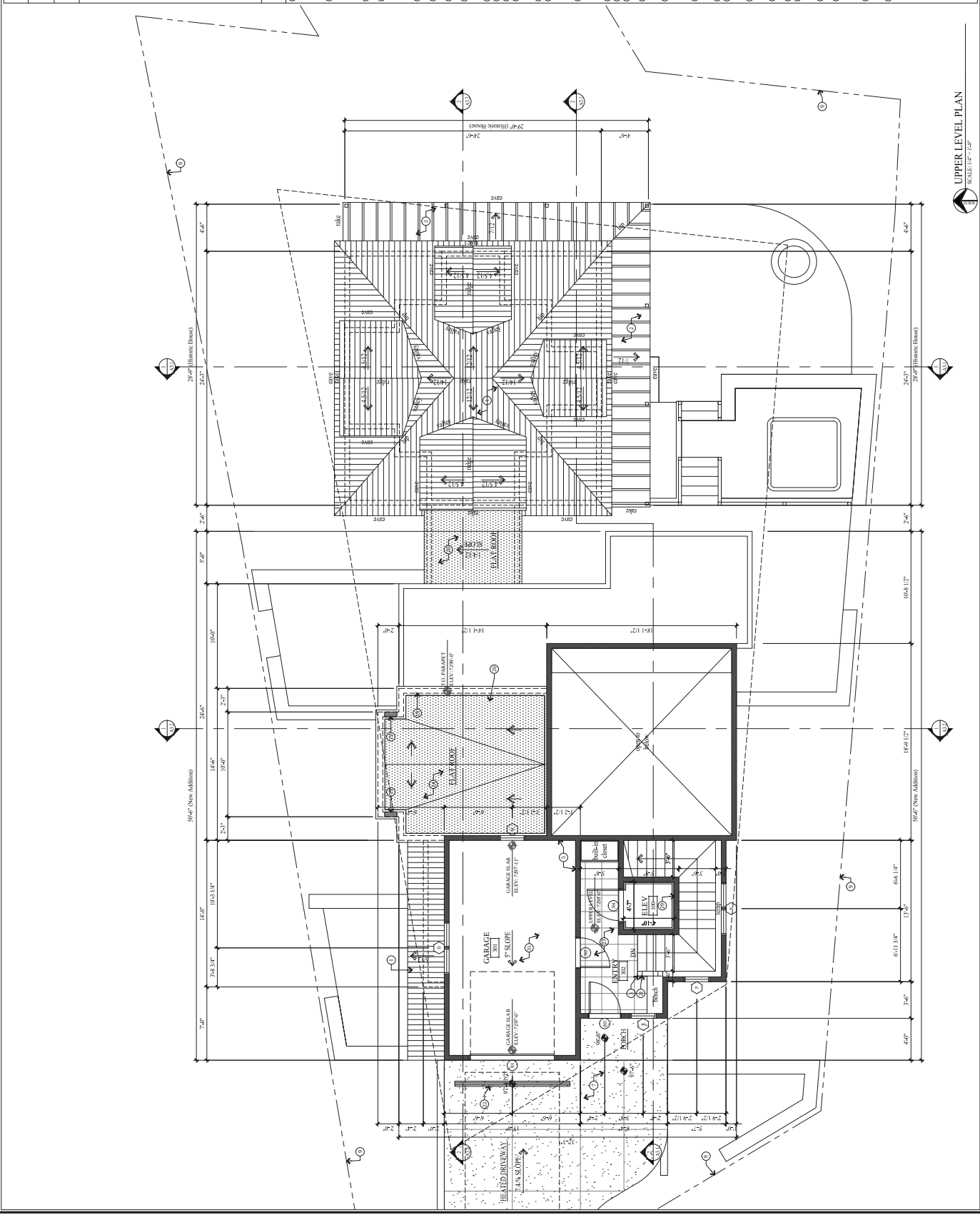
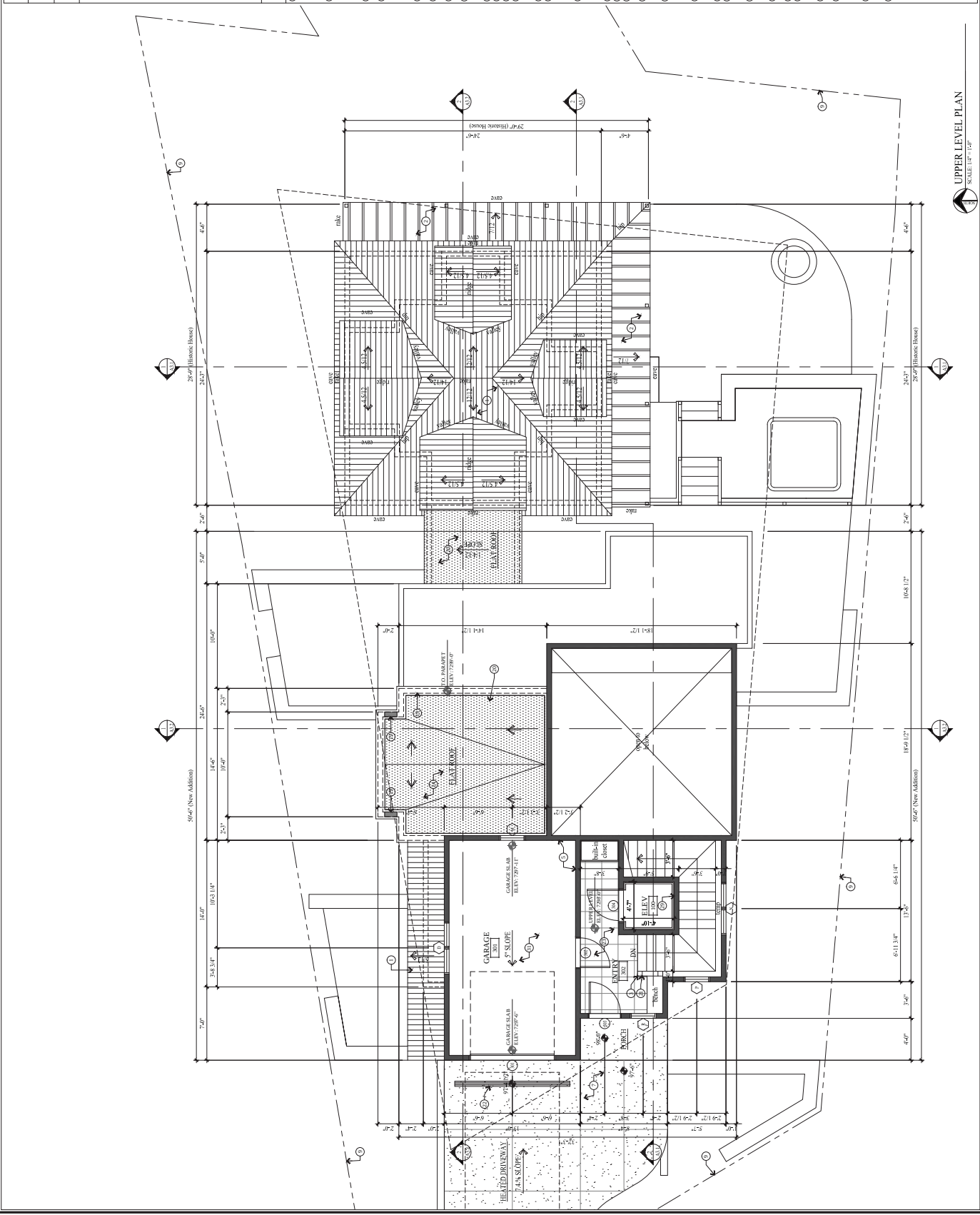
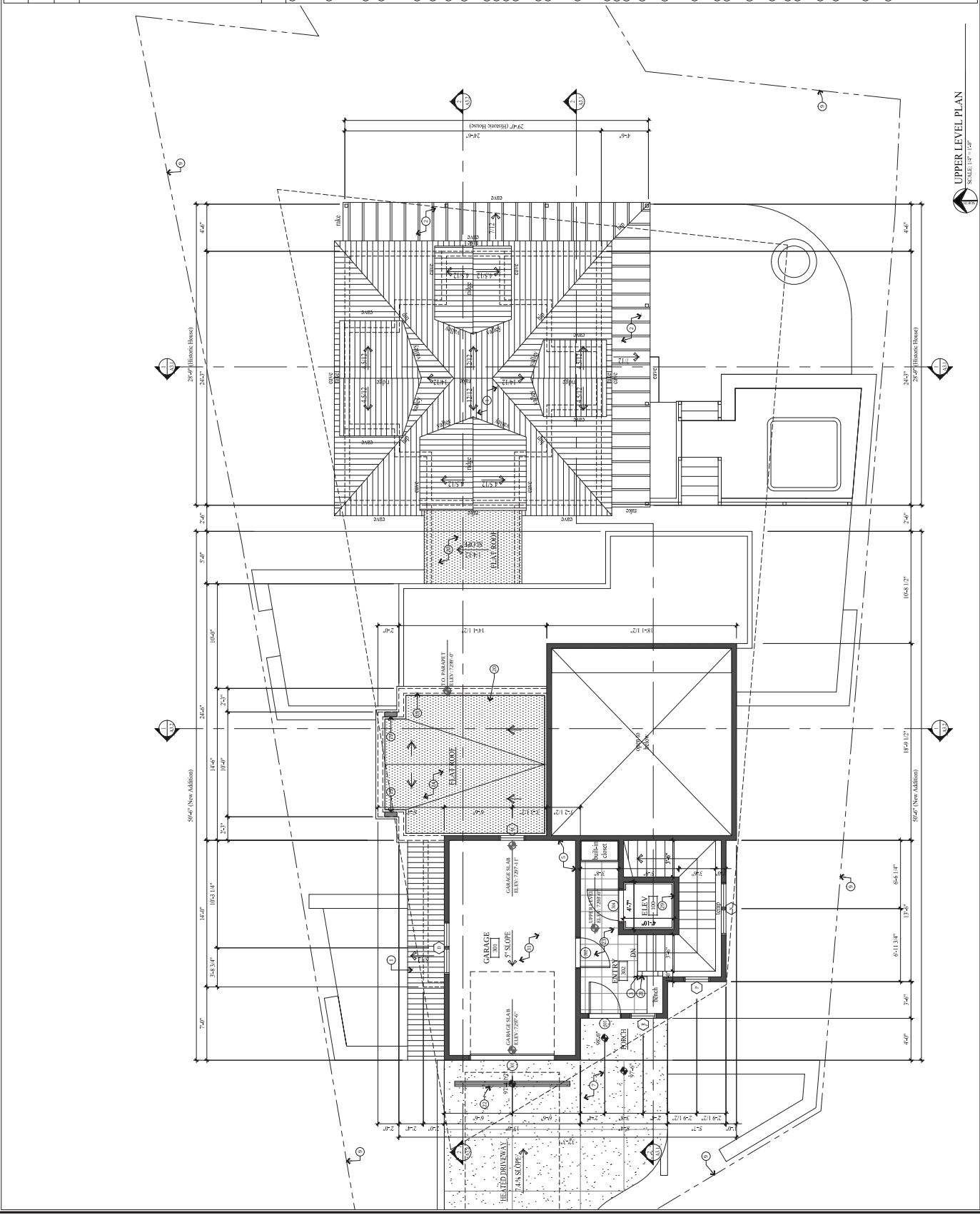
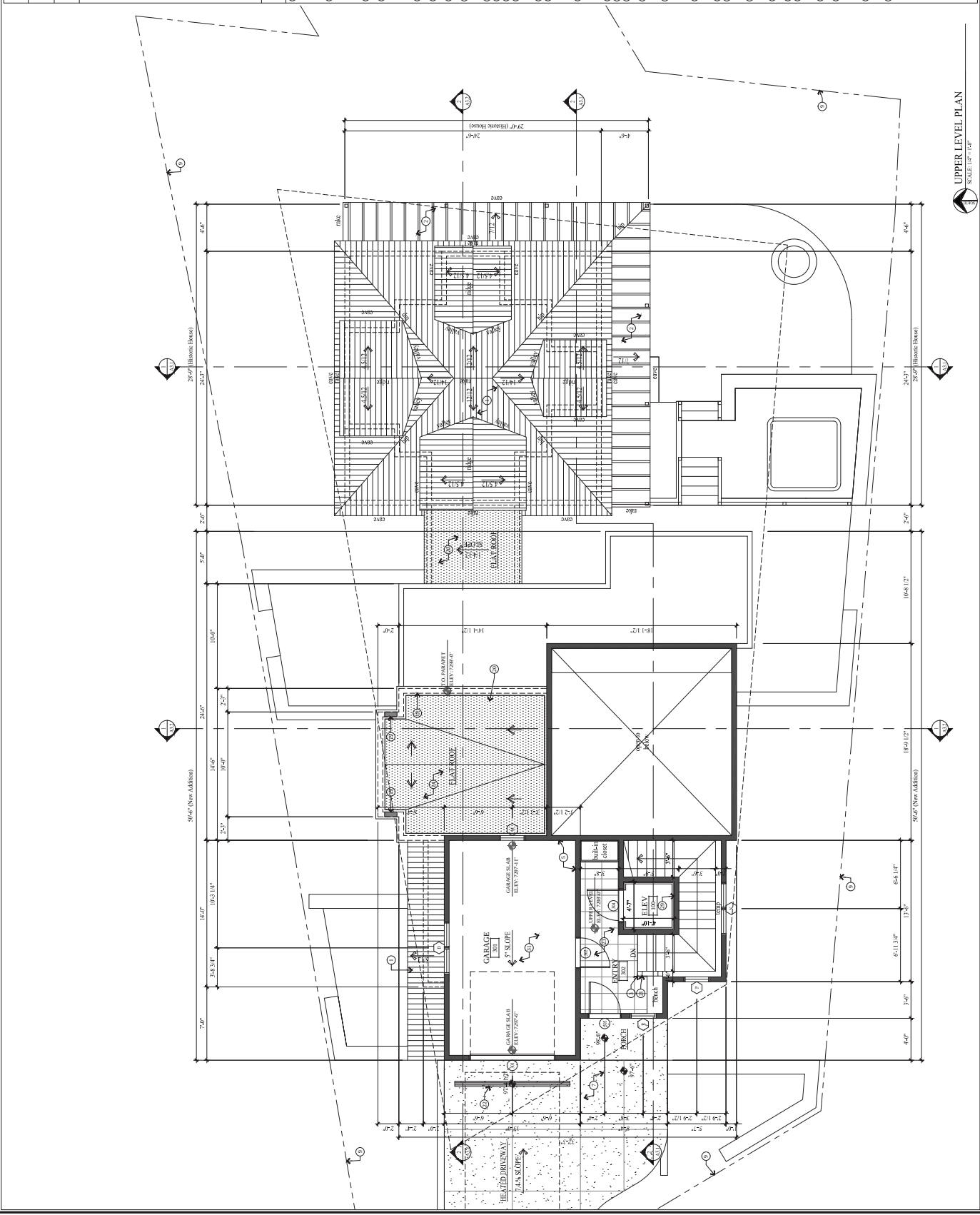
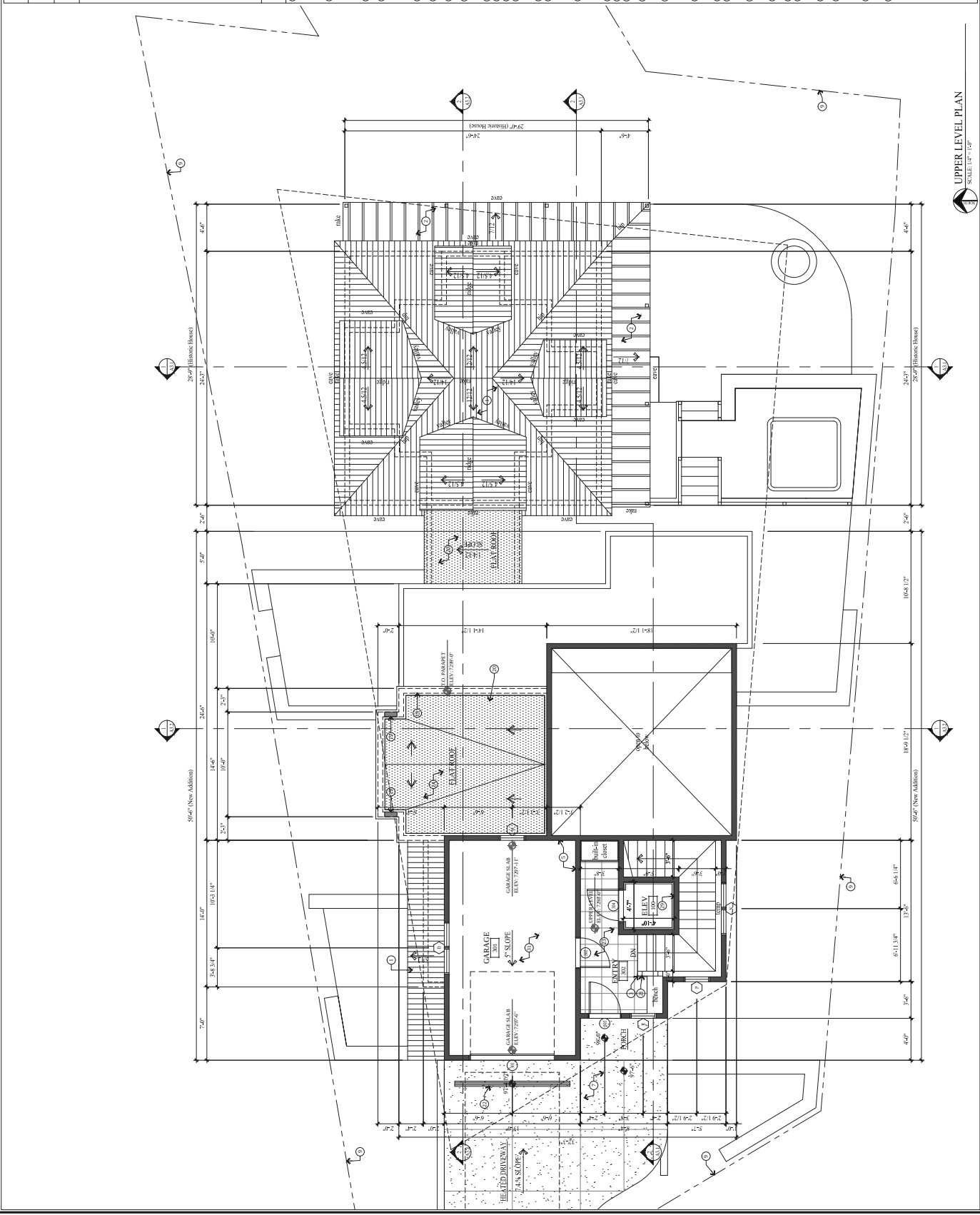
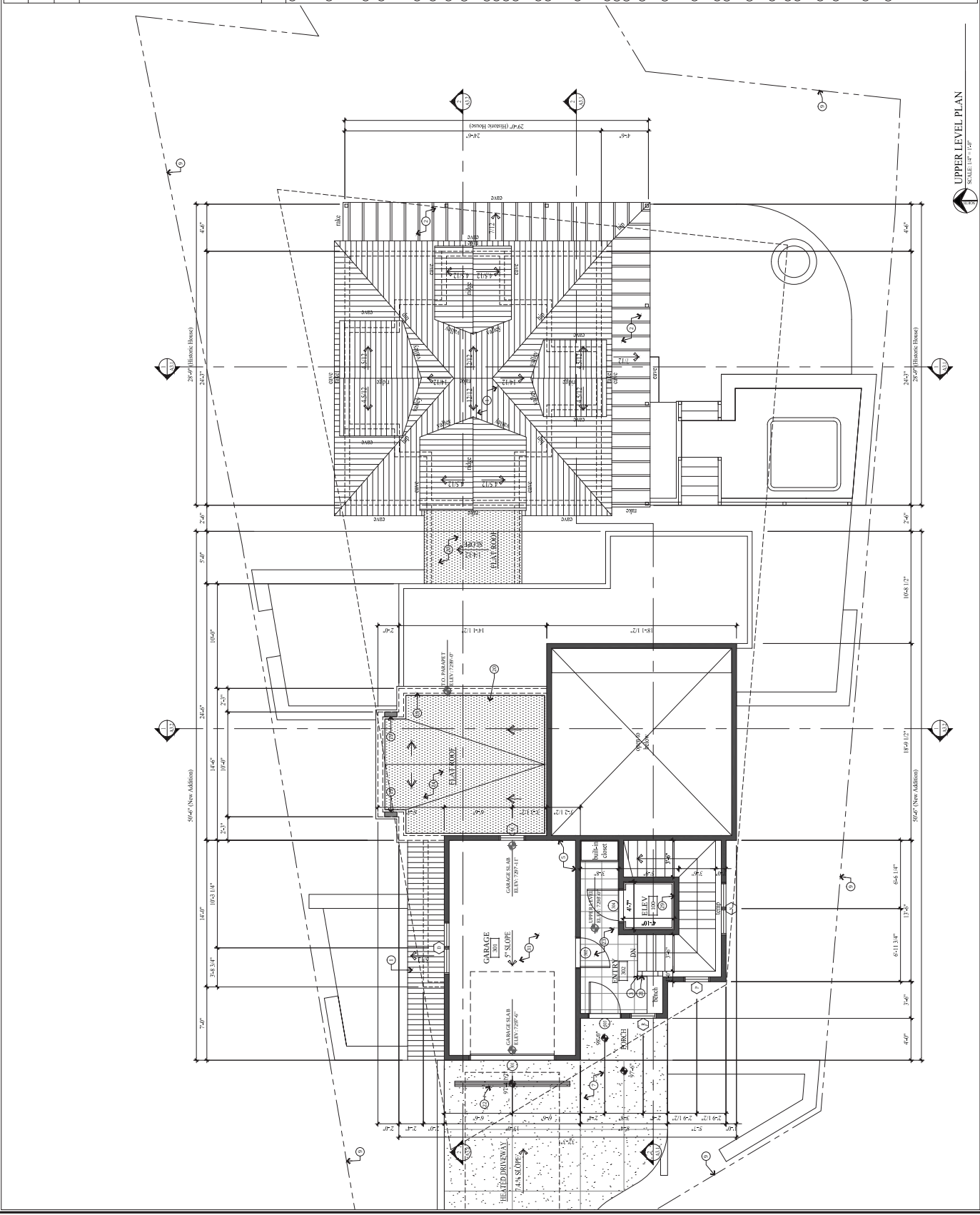
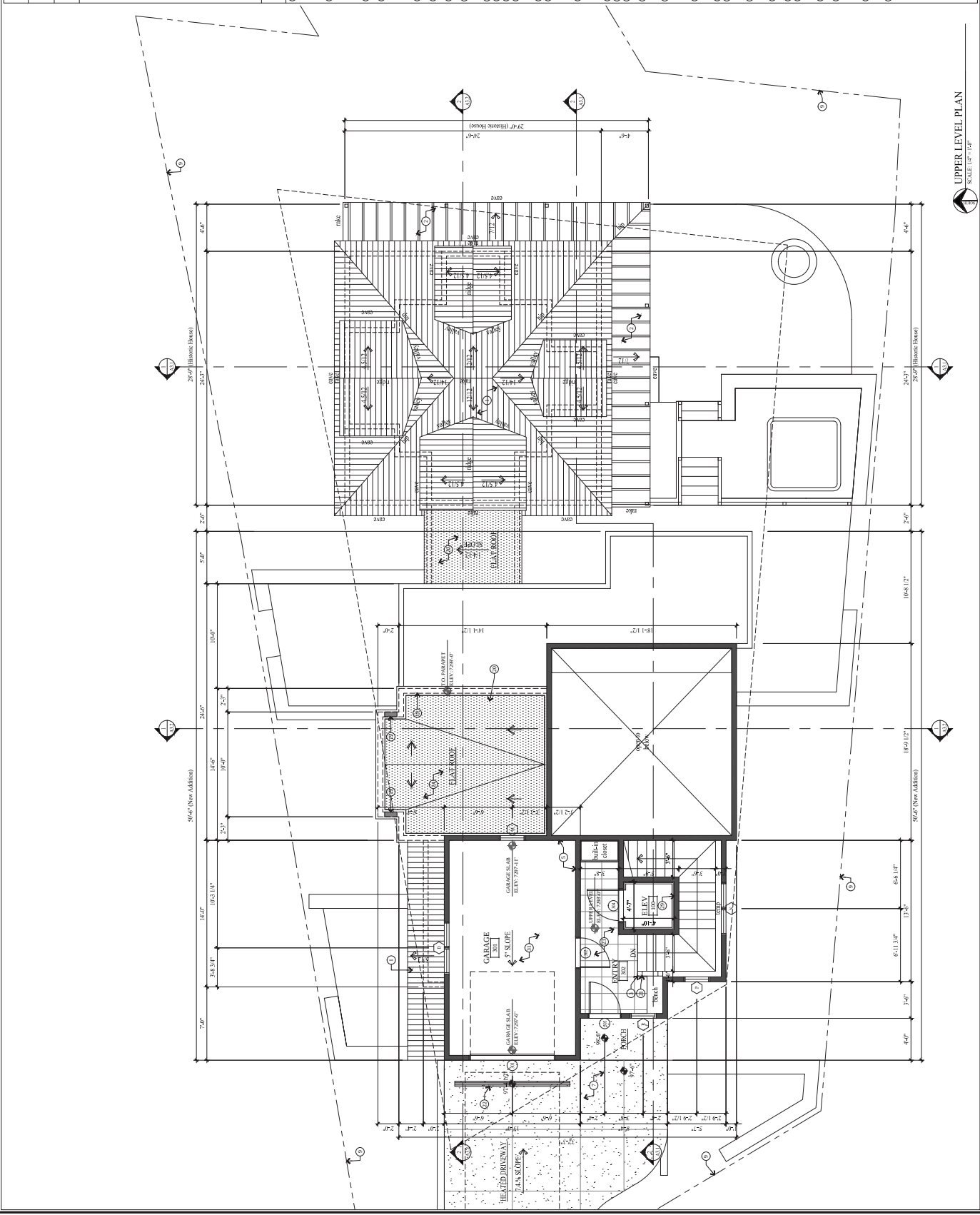
2. EXTERIOR WALLS TO BE 2-4\"/>

KEY NOTES

1. ARCHITECTURAL GRADE COMPOSITION SHALL BE MAINTAINED EXCEPT WHERE SHOWN OTHERWISE. EXISTING GRADE SHALL BE MAINTAINED EXCEPT WHERE SHOWN OTHERWISE.

2. NON-REFLECTIVE STANDING SEAM METAL ROOF METAL ROOF TO BE ICC-ES APPROVED. EXTERIOR SHEETING ON ROOF JOIST - SEE STRUCTURAL FOR SIZE AND SPACING.

3. TUBS AND SHOWERS WITH TILED WALLS FIBERCEMENT OR GLASS MAT OVER 1/4\"/>



[illegible]

A2.1

DATE: MAY 22, 2018
PROJECT NUMBER: 1711-A2
SHEET NUMBER:

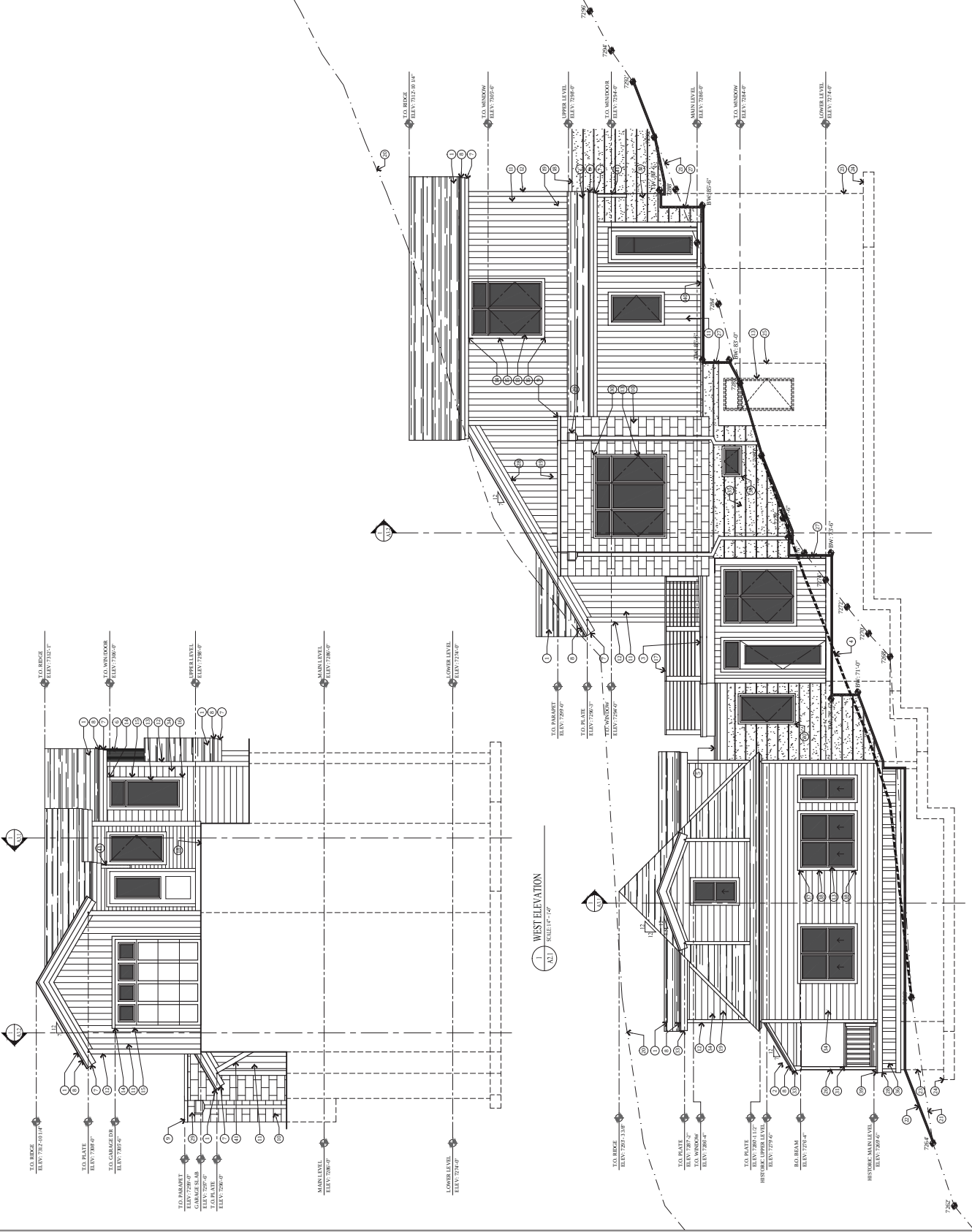
WEST AND NORTH ELEVATIONS

115 SAMPSON AVENUE RESIDENCE
HISTORIC DISTRICT DESIGN REVIEW SET

Jonathan DeGray
Architect
P.O. Box 1674, 614 Main Street, Suite 202, Park City, Utah 84060
Tel. 435-649-7263, E-mail: degrayarch@questcity.net

KEY NOTES

1. ANTI-ICE AND ICE MELT TOLERANT SINGLE 50 YEAR PRESIDENTIAL FLUSH PER SQUARE INCH ON ICE AND WATER MEMBRANE. SEE STRUCTURAL FOR SIZE AND SPACING.
2. NON-REFLECTIVE STANDING SEAM METAL ON ICE AND WATER MEMBRANE ON 5" PLYWOOD ON 1" DECK POST. SEE STRUCTURAL FOR SIZE AND SPACING.
3. HEATED DECK, WATERPROOF MEMBRANE ON 1" PLYWOOD ON 1" DECK POST. SEE STRUCTURAL FOR SIZE AND SPACING.
4. ORIGINAL CONTIGUOUS LINE PRIOR TO DISMANTLING. SEE STRUCTURAL FOR DETAILS.
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1 NORTH ELEVATION
SCALE 1/4" = 1'-0"

1 WEST ELEVATION
SCALE 1/4" = 1'-0"

1
A2.3 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



The architectural drawings are presented at a 100% scale. They include:

- Section 1:** A detailed cross-section of the building showing the roof structure, interior spaces, and foundation. Key features include:
 - TO BRIDGE:** ELEV. 7280-3.38'
 - TO PLATE:** ELEV. 7260-1.12'
 - HISTORIC MAIN LEVEL:** ELEV. 7260-0'
 - MAIN LEVEL:** ELEV. 7260-0'
 - UPPER LEVEL:** ELEV. 7260-0'
 - LOWER LEVEL:** ELEV. 7260-0'
- Section 2:** Another cross-section showing different internal divisions and structural details. Key features include:
 - TO BRIDGE:** ELEV. 7280-3.38'
 - TO PLATE:** ELEV. 7260-1.12'
 - HISTORIC MAIN LEVEL:** ELEV. 7260-0'
 - MAIN LEVEL:** ELEV. 7260-0'
 - UPPER LEVEL:** ELEV. 7260-0'
 - LOWER LEVEL:** ELEV. 7260-0'

The drawings also show various structural elements like beams, columns, and walls, along with annotations for materials and construction details.

© 2006 Blackwell Publishing Ltd, *Journal of Internal Medicine* 260: 459–466

MEMBRANE ON 3/4" PLYWOOD ON 2x12 ROOF JOIST TAPERED 1/4" PER FOOT. SEE STRUCTURAL FOR DETAILS.





AS SHOWN

STREET SCAPES - EXISTING

DATE: 10/16



AS SHOWN

STREET SCAPES - PROPOSED

DATE: 10/16



06/02/2018



06/02/2018



06/02/2018



07/02/2018



07/02/2018



06/02/2018

Planning Commission Agenda Item Report

Meeting Date: June 13, 2018

Submitted by: Anya Grahm

Submitting Department: Planning

Item Type: Staff Report

Agenda Section: REGULAR AGENDA

Subject:

Land Management Code (LMC) Amendment – Removing Garage at 1503 Park Avenue from the Park City Historic Sites Inventory (HSI) as codified by LMC Section 15-11-10(D)(2)(dt).

Suggested Action:

Attachments:

[PL-18-03830 1503 Park Avenue DOS - PC 06.13.2018.docx](#)

[PL-18-03830 1503 Park Avenue- PC Exhibits 6.13.18.pdf](#)

Planning Commission Staff Report

Subject: Updating codified Historic Sites Inventory to remove the garage at 1503 Park Avenue
Author: Anya Grahn, Historic Preservation Planner
Project Number: PL-18-03830
Date: June 13, 2018
Type of Item: Legislative – LMC Amendment

Summary Recommendations

Staff recommends the Planning Commission review the proposed Land Management Code Amendments (LMC), conduct a public hearing, and forward a recommendation to City Council to remove the garage at 1503 Park Avenue from the Park City Historic Sites Inventory (HSI), as codified in [LMC 15-11-10 \(D\)\(1\)](#) in accordance with the attached ordinance. No changes are proposed to the designation of the historic house and the site will remain designated as “Landmark” on the City’s Historic Sites Inventory.

Description

Project Name: 1503 Park Avenue/1501 Silver King Drive
Applicant: Dennis Hulbert (Architect Craig Elliot)
Owners: Dennis Hulbert
Proposal: Revisions to the Land Management Code to remove the garage at 1503 Park Avenue from the codified Historic Sites Inventory (HSI) as outlined in LMC 15-11-10(B)(124)

Reason for Review

On August 3, 2017, City Council approved LMC amendments that codified the Historic Sites Inventory [[Staff Report \(starting page 196\)](#) + [Minutes \(starting page 10\)](#)]. These changes required that the Historic Preservation Board (HPB) forward a recommendation to City Council for applications of Determination of Significance (DOS) that either designate or remove properties to the Historic Sites Inventory (HSI). Additionally, the changes included codifying the list of designated historic sites.

Amending the HSI to remove a site from this list requires an LMC amendment. Amendments to the Land Management Code (LMC) require Planning Commission recommendation and City Council adoption. City Council action may be appealed to a court of competent jurisdiction per Land Management Code (LMC) § 15-1-18.

Acronyms

DOS	Determination of Significance
HPB	Historic Preservation Board
HSI	Historic Sites Inventory
LMC	Land Management Code

Background

On February 4, 2009, the Historic Preservation Board (HPB) approved a resolution adopting the Historic Sites Inventory [[Staff Report](#) (starting page 21) and [Minutes](#) (starting page 3)]. The site at 1503 Park Avenue was one of over 400 buildings nominated to the HSI that day. It was designated as “Landmark” and found to contribute to the Mature Mining Era (1894-1930), as indicated in the [Historic Site Form](#). The HSI identified both the house and garage as historic on the site form.

On March 28, 2018, the owner, Dennis Hulbert, submitted an application for a Determination of Significance for this site; the application was deemed complete on April 5, 2018. Per [LMC 15-11-10\(B\)](#), 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 City Council shall make the final determination on all Determination of Significance applications considering the criteria outlined in LMC 15-11-10(A).

The Historic Preservation Board (HPB) reviewed the applicant’s request for a DOS application to remove the garage at 1503 Park Avenue site from the Historic Sites Inventory (HSI) on May 16, 2018 [[Staff Report \(starting page 57\)](#) and Draft Minutes (Exhibit B)]. The HPB found that the garage structure did not meet the criteria to be designated as Landmark on the HSI as it did not individually contribute to the historical significance of the site and its surroundings related to the Mature Mining Era (1894-1930) of which the site is designated as historic nor the Mining Decline and Emergence of Recreation Industry Era (1931-1962) in which the garage was built. The HPB voted 4 to 1 to remove the garage from the Historic Sites Inventory.

The site will remain designated as Landmark on the City’s Historic Sites Inventory and no changes are proposed to the house’s designation. Only the garage will be removed from the Historic Sites Inventory.

Analysis

The following redlines reflect the removal of the garage at 1503 Park Avenue from the City’s codified HSI in [LMC 15-11-10](#).

15-11-10 Park City Historic Sites Inventory

(D) Properties identified on the Historic Sites Inventory are hereby designated by Ordinance as Landmark or Significant. These properties include:

(1) Landmark

(. . .)

Et. 1503 Park Avenue (does not include garage)

(. . .)

(2) Significant

Process

Amendments to the Land Management Code require Planning Commission recommendation and City Council adoption. City Council action may be appealed to a court of competent jurisdiction per LMC § 15-1-18.

Department Review

This report has been reviewed by the City's Planning, Engineering, and Legal Departments.

Notice

Legal notice of a public hearing was posted in the required public spaces and public notice websites on May 2, 2018 and published in the Park Record on May 5 and May 26, 2018 per the requirements of the Land Management Code. Staff also posted a public notice on the property and sent a mailing notice to the property owner and property owners May 2, 2018.

Public Input

Public hearings are required to be conducted by the Planning Commission and City Council prior to adoption of Land Management Code amendments. Staff has noticed this item for public hearings on May 16, 2018 conducted by the Historic Preservation Board, and June 13, 2018, conducted by the Planning Commission and a public hearing on June 21, 2018 to be conducted by City Council. No public comment has been received at this time.

Summary Recommendations

Staff recommends the Planning Commission review the proposed Land Management Code Amendment (LMC), conduct a public hearing, and forward a recommendation to City Council to remove the garage at 1503 Park Avenue from the Park City Historic Sites Inventory (HSI), as codified in [LMC 15-11-10 \(D\)\(1\)](#) in accordance with the attached ordinance. No changes are proposed to the designation of the historic house and the site will remain designated as "Landmark" on the City's Historic Sites Inventory.

Exhibits

Exhibit A – Draft Ordinance

Exhibit B – Draft HPB Minutes, 5.16.18

Exhibit 1 – Draft Ordinance

Ordinance No. 2018-XX

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, AMENDING MASTER PLANNED DEVELOPMENTS, CHAPTER 15-11-10(D)(1).

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 Land Management Code seeks to preserve the City's unique Historic character and to encourage compatible design and construction through the creation of comprehensive list of historic resources known as the Historic Sites Inventory;

WHEREAS, the City reviews the Land Management Code on a regular basis and identifies necessary amendments to address planning and zoning issues that have come up; and

WHEREAS, Park City has an interest in the preservation of the integrity of the Historic Districts as it relates to the historic feel and character, traditional rhythm and scale, and National Register Historic District designations. The Historic District reflects the history of Park City.

WHEREAS, the Historic Preservation Board and City Council have found that garage at 1503 Park Avenue does not meet the criteria to be designated as Landmark on the City's Historic Sites Inventory in accordance with Land Management Code 15-11-10(D); and

WHEREAS, the Historic Preservation Board duly noticed and conducted public hearing at the regularly scheduled meeting on May 16, 2018, and forwarded a positive recommendation to City Council to remove the garage at 1503 Park Avenue from the Historic Sites Inventory; and

WHEREAS, the Planning Commission duly noticed and conducted public hearing at the regularly scheduled meeting on June 6, 2018, 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 June 21, 2018; 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 values and goals of the Park City General Plan and the Park City Council; to preserve and protect the vitality, attractiveness, activity and success of the Historic Districts; to ensure compatible

development; to preserve historic resources; 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. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15-11. Historic Preservation. The recitals above are incorporated herein as findings of fact. Chapter 15-11-10(D) of the Land Management Code of Park City is hereby amended as redlined in Exhibit A.

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

PASSED AND ADOPTED this ____ day of _____, 2018

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, Mayor

Attest:

City Recorder

Approved as to form:

Mark Harrington, City Attorney

Exhibits

Exhibit A – LMC § 15-11-10(D) Park City Historic Sites Inventory

Exhibit A – LMC § 15-11-10(D) Park City Historic Sites Inventory

15-11-10 Park City Historic Sites Inventory

The 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, 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, 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, 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:
 - (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

- 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 to be in compliance 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.

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. The City Council will consider and determine whether the proposal 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 removed from the Historic Sites Inventory.

D. Properties identified on the Historic Sites Inventory are hereby designated by Ordinance as Landmark or Significant. These properties include:

(1) Landmark

- | | |
|-----------------------|--------------------|
| a. 44 Chambers Street | e. 118 Daly Avenue |
| b. 64 Chambers Street | f. 131 Daly Avenue |
| c. 732 Crescent Tram | g. 142 Daly Avenue |
| d. 61 Daly Avenue | h. 145 Daly Avenue |

i. 162 Daly Avenue
 j. 166 Daly Avenue
 k. 243 Daly Avenue
 l. 279 Daly Avenue
 m. 314 Daly Avenue
 n. 830 Empire Avenue
 o. 835 Empire Avenue
 p. 911 Empire Avenue
 q. 939 Empire Avenue
 r. 270 Grant Avenue
 s. 27 Hillside Avenue
 t. 3000 Highway 224
 u. 2780 Kearns Boulevard
 v. 33 King Road
 w. 45 King Road
 x. 69 King Road
 y. 74 King Road
 z. 1400 Lucky John Drive
 aa. 125 Main Street
 ab. 140 Main Street
 ac. 150 Main Street
 ad. 151 Main Street
 ae. 170 Main Street
 af. 176 Main Street
 ag. 221 Main Street
 ah. 305 Main Street
 ai. 306 Main Street
 aj. 309 Main Street
 ak. 312 Main Street
 al. 322 Main Street
 am. 328 Main Street
 an. 350 Main Street
 ao. 361-363 Main Street
 ap. 368 Main Street
 aq. 402 Main Street
 ar. 405 Main Street
 as. 419 Main Street
 at. 427 Main Street
 au. 430 Main Street
 av. 434 Main Street
 aw. 436 Main Street
 ax. 438 Main Street
 ay. 440 Main Street
 az. 447 Main Street
 ba. 508 Main Street
 bb. 509 Main Street

bc. 511 Main Street
 bd. 523 Main Street
 be. 528 Main Street
 bf. 540 Main Street
 bg. 541 Main Street
 bh. 550 Main Street
 bi. 562 Main Street
 bj. 573 Main Street
 bk. 586 Main Street
 bl. 660 Main Street
 bm. 252 Marsac Avenue
 bn. 334 Marsac Avenue
 bo. 342 Marsac Avenue
 bp. 412 Marsac Avenue
 bq. 416 Marsac Avenue
 br. 445 Marsac Avenue
 bs. 243 McHenry Avenue
 bt. 2414 Monitor Drive
 bu. 143 Norfolk Avenue
 bv. 802 Norfolk Avenue
 bw. 811 Norfolk Avenue
 bx. 823 Norfolk Avenue
 by. 824 Norfolk Avenue
 bz. 843 Norfolk Avenue
 ca. 902 Norfolk Avenue
 cb. 933 Norfolk Avenue
 cc. 945 Norfolk Avenue
 cd. 946 Norfolk Avenue
 ce. 955 Norfolk Avenue
 cf. 962 Norfolk Avenue
 cg. 1002.5 Norfolk Avenue
 ch. 1003 Norfolk Avenue
 ci. 1101 Norfolk Avenue
 cj. 1102 Norfolk Avenue
 ck. 264 Ontario Avenue
 cl. 316 Ontario Avenue
 cm. 323 Ontario Avenue
 cn. 355 Ontario Avenue
 co. 413 Ontario Avenue
 cp. 417 Ontario Avenue
 cq. 44 Ontario Canyon Street
 cr. 121 Park Avenue
 cs. 139 Park Avenue
 ct. 157 Park Avenue
 cu. 161 Park Avenue
 cv. 259 Park Avenue

cw. 323 Park Avenue
cx. 325 Park Avenue
cy. 343 Park Avenue
cz. 351 Park Avenue
da. 363 Park Avenue
db. 401 Park Avenue
dc. 402 Park Avenue
dd. 416 Park Avenue
de. 421 Park Avenue
df. 424 Park Avenue
445 Park Avenue
dg. 455 Park Avenue
dh. 463 Park Avenue
di. 502 Park Avenue
dj. 517 Park Avenue
dl. 525 Park Avenue
dm. 527 Park Avenue
dn. 528 Park Avenue
do. 539 Park Avenue
dp. 543 Park Avenue
dq. 553 Park Avenue
dr. 606 Park Avenue
ds. 610 Park Avenue
dt. 614 Park Avenue
du. 638 Park Avenue
dv. 651 Park Avenue
dw. 690 Park Avenue
dx. 698 Park Avenue
dy. 703 Park Avenue
dz. 943 Park Avenue
ea. 959 Park Avenue
eb. 1021 Park Avenue
ec. 1049 Park Avenue
ed. 1062 Park Avenue
ee. 1063 Park Avenue
ef. 1119 Park Avenue
eg. 1124 Park Avenue
eh. 1125 Park Avenue
ei. 1128 Park Avenue
ej. 1141 Park Avenue
ek. 1150 Park Avenue
el. 1209 Park Avenue
em. 1215 Park Avenue
en. 1255 Park Avenue

eo. 1280 Park Avenue
ep. 1301 Park Avenue
eq. 1304 Park Avenue
er. 1328 Park Avenue
es. 1354 Park Avenue
et. 1503 Park Avenue (does not include garage)
eu. 14 Prospect Street
ev. 22 Prospect Street
ew. 36 Prospect Street
ex. 51 Prospect Street
ey. 57 Prospect Street
ez. 59 Prospect Street
fa. 68 Prospect Street
fb. 101 Prospect Street
fc. 622 Rossie Hill Drive
fd. 652 Rossie Hill Drive
fe. 660 Rossie Hill Drive
ff. 41 Sampson Avenue
fg. 222 Sandridge Road
fh. 39 Seventh Street
fi. 41 Seventh Street
fj. Glenwood Cemetery
fk. 147 Swede Alley
fl. 1895 Three Kings Drive
fm. 109 Woodside Avenue
fn. 232 Woodside Avenue
fo. 335 Woodside Avenue
fp. 564 Woodside Avenue
fq. 655 Woodside Avenue
fr. 817 Woodside Avenue
fs. 839 Woodside Avenue
ft. 901 Woodside Avenue
fu. 951 Woodside Avenue
fv. 1010 Woodside Avenue
fw. 1026 Woodside Avenue
fx. 1057 Woodside Avenue
fy. 1060 Woodside Avenue
fz. 1100 Woodside Avenue
ga. 1110 Woodside Avenue
gb. 1127 Woodside Avenue
gc. 1162 Woodside Avenue
gd. 1167 Woodside Avenue

(2) Significant

a. 5 Daly Avenue
b. 10 Daly Avenue
c. 24 Daly Avenue
d. 71 Daly Avenue
e. 81 Daly Avenue
f. 97 Daly Avenue
g. 124 Daly Avenue
h. 161 Daly Avenue
i. 167 Daly Avenue
j. 172 Daly Avenue
k. 173 Daly Avenue
l. 180 Daly Avenue
m. 187 Daly Avenue
n. 199 Daly Avenue
o. 239 Daly Avenue
p. 255 Daly Avenue
q. 257 Daly Avenue
r. 269 Daly Avenue
s. 291 Daly Avenue
t. 297 Daly Avenue
u. 309 Daly Avenue
v. 360 Daly Avenue
w. 555 Deer Valley Drive
x. 560 Deer Valley Drive
y. 577 Daly Avenue
z. 595 Deer Valley Loop Road
aa. 632 Deer Valley Loop Road
ab. 2465 Doc Holiday Drive
ac. 841 Empire Avenue
ad. 844 Empire Avenue
ae. 901 Empire Avenue
af. 920 Empire Avenue
ag. 923 Empire Avenue
ah. 963 Empire Avenue
ai. 964 Empire Avenue
aj. 1004 Empire Avenue
ak. 1011 Empire Avenue
al. 1013-1015 Empire Avenue
am. 250 Grant Avenue
an. 262 Grant Avenue
ao. 304 Grant Avenue
ap. 199 Heber Avenue
aq. 201 Heber Avenue
ar. 9 Hillside Avenue
as. 37 Hillside Avenue
at. 114 Hillside Avenue

au. 3000 HWY 224
av. 80 King Road
aw. 81 King Road
ax. 109 Main Street
ay. 115 Main Street
az. 122 Main Street
ba. 133 Main Street
bb. 148 Main Street
bc. 158 Main Street
bd. 186 Main Street
be. 227 Main Street
bf. 268 Main Street
bg. 347-357 Main Street
bh. 354 Main Street
bi. 355-357 Main Street
bj. 359 Main Street
bk. 361.5 Main Street
bl. 408 Main Street
bm. 412 Main Street
bn. 442-444 Main Street
bo. 449 Main Street
bp. 450 Main Street
bq. 461-463 Main Street
br. 510 Main Street
bs. 515 Main Street
bt. 556 Main Street
bu. 558 Main Street
bv. 591 Main Street
bw. 220 Marsac Avenue
bx. 338 Marsac Avenue
by. 402 Marsac Avenue
bz. 508 Marsac Avenue
ca. 257 McHenry Avenue
cb. 2245 Monitor Drive
cc. 164 Norfolk Avenue
cd. 668 Norfolk Avenue
ce. 713 Norfolk Avenue
cf. 803 Norfolk Avenue
cg. 827 Norfolk Avenue
ch. 835 Norfolk Avenue
ci. 901 Norfolk Avenue
cj. 915 Norfolk Avenue
ck. 1002 Norfolk Avenue
cl. 1009 Norfolk Avenue
cm. 1021 Norfolk Avenue
cn. 1055 Norfolk Avenue

co. 1063 Norfolk Avenue
cp. 1135 Norfolk Avenue
cq. 1259 Norfolk Avenue
cr. 1302 Norfolk Avenue*
cs. 308 Ontario Avenue
ct. 317 Ontario Avenue
cu. 341 Ontario Avenue
cv. 405 Ontario Avenue
cw. 422 Ontario Avenue
cx. 104 Park Avenue
cy. 145 Park Avenue
cz. 263 Park Avenue
da. 305 Park Avenue
db. 339 Park Avenue
dc. 364 Park Avenue
dd. 411 Park Avenue
de. 435 Park Avenue
df. 450 Park Avenue
dg. 526 Park Avenue
dh. 527 Park Avenue
di. 557 Park Avenue
dj. 561 Park Avenue
dk. 569 Park Avenue*
dl. 575 Park Avenue
dm. 581 Park Avenue
dn. 602 Park Avenue
do. 628 Park Avenue
dp. 657 Park Avenue
dq. 801 Park Avenue
dr. 811 Park Avenue
ds. 817 Park Avenue
dt. 820 Park Avenue
du. 909 Park Avenue
dv. 915 Park Avenue
dw. 923 Park Avenue
dx. 929 Park Avenue
dy. 937 Park Avenue
dz. 949 Park Avenue
ea. 1015 Park Avenue
eb. 1043 Park Avenue
ec. 1059 Park Avenue
ed. 1060 Park Avenue
ee. 1101 Park Avenue
ef. 1102 Park Avenue
eg. 1108 Park Avenue
eh. 1109 Park Avenue

ei. 1114 Park Avenue
ej. 1129 Park Avenue
ek. 1135 Park Avenue
el. 1149 Park Avenue
em. 1160 Park Avenue
en. 1266 Park Avenue
eo. 1274 Park Avenue
ep. 1323 Park Avenue
eq. 1326 Park Avenue
er. 1333 Park Avenue
es. 1359 Park Avenue
et. 1420 Park Avenue
eu. 1450 Park Avenue
ev. 1460 Park Avenue
ew. 1488 Park Avenue
ex. 9 Prospect Street
ey. 52 Prospect Street
ez. 60 Prospect Street
fa. 147 Ridge Avenue
fb. 16 Sampson Avenue
fc. 40 Sampson Avenue
fd. 60 Sampson Avenue
fe. 115 Sampson Avenue
ff. 135 Sampson Avenue
fg. 130 Sandridge Road
fh. 152 Sandridge Road
fi. 164 Sandridge Road
fj. 218 Sandridge Road
fk. 228 Sandridge Road
fl. 224 Sandridge Road
fm. 175 Snows Lane
fn. 205 Snows Lane
fo. 601 Sunnyside Avenue
fp. 115 Woodside Avenue
fq. 133 Woodside Avenue
fr. 139 Woodside Avenue
fs. 149 Woodside Avenue
ft. 311 Woodside Avenue
fu. 316 Woodside Avenue
fv. 332 Woodside Avenue
fw. 347 Woodside Avenue
fx. 359 Woodside Avenue
fy. 401 Woodside Avenue
fz. 405 Woodside Avenue
ga. 424 Woodside Avenue
gb. 429 Woodside Avenue

gc. 481 Woodside Avenue
gd. 501 Woodside Avenue
ge. 505 Woodside Avenue
gf. 543 Woodside Avenue
gg. 563 Woodside Avenue
gh. 605 Woodside Avenue
gi. 615 Woodside Avenue
gj. 627 Woodside Avenue
gk. 633 Woodside Avenue
gl. 664 Woodside Avenue
gm. 733 Woodside Avenue
gn. 805 Woodside Avenue
go. 823 Woodside Avenue
gp. 827 Woodside Avenue
gq. 835 Woodside Avenue
gr. 905 Woodside Avenue
gs. 909 Woodside Avenue
gt. 919 Woodside Avenue

gu. 1002 Woodside Avenue
gv. 1007 Woodside Avenue
gw. 1013 Woodside Avenue
gx. 1020 Woodside Avenue
gy. 1027 Woodside Avenue
gz. 1045 Woodside Avenue
ha. 1053 Woodside Avenue
hb. 1062 Woodside Avenue
hc. 1103 Woodside Avenue
hd. 1107 Woodside Avenue
he. 1120 Woodside Avenue
hf. 1147 Woodside Avenue
hg. 1158 Woodside Avenue
hh. 1323 Woodside Avenue
hi. 1439 Woodside Avenue
hj. 1445 Woodside Avenue
hk. 1455 Woodside Avenue

(3) 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

Exhibit B

Historic Preservation Board Meeting
May 16, 2018

5. Within five (5) days of installation of the cribbing and shoring, the structural engineer will inspect and approve the cribbing and shoring as constructed.
 6. Historic buildings which are lifted off the foundation must be returned to the completed foundation within 45 days of the date the building permit was issued.
 7. 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. This would be based upon the need to immediately stabilize an existing Historic property, or specific site conditions such as access, or lack thereof, exist, or in an effort to reduce impacts on adjacent properties.
 8. The applicant is responsible for notifying the Building Department if changes are made. If the cribbing and/or shoring plan(s) are to be altered at any time during the construction of the foundation by the contractor, the structural engineer shall submit a new cribbing and/or shoring plan for review. The structural engineer shall be required to re-inspect and approve the cribbing and/or shoring alterations within five (5) days of any relocation or alteration to the cribbing and/or shoring.
 9. The applicant shall also request an inspection through the Building Department following the modification to the cribbing and/or shoring. Failure to request the inspection will be a violation of the Preservation Plan and enforcement action through the financial guarantee for historic preservation or ACE could take place.
 10. Replacement doors shall exactly match the historic door in size, material, profile, and style.
 11. An independent window evaluation specialist will assess and report on the existing window conditions and outline options for rehabilitation or replacement in satisfaction of the Planning Director.
 12. Should the original wood windows not be able to be restored, the replacement windows shall exactly match the historic window in size, dimensions, glazing pattern, depth, profile, and material.
4. 1503 Park Avenue – Determination of Significance for the proposed removal of a garage listed as Landmark on Park City's Historic Sites Inventory, per Land Management Code (LMC) 15-11-10(C).
(Application PL-18-03830)

Planner Grahn reviewed the application for Determination of Significance for a garage structure. This site in Old Town has minimal documented history. Up until the 1930s the site was owned by the Mine Company; and because it was outside of the City limits there are no Sanborn Fire Insurance maps. In addition, it was difficult to trace the ownership because the site had always been owned by the Mine Company. The first actual owner shows up in the 1930 Federal Census. That was an indication that the house was built by 1930. Planner Grahn believed the house was built by 1952, based on an aerial photograph analysis that was done by the preservation consultant. It is a simple, two-car

garage typical to garages built in the 1950s. It has two wood panel garage doors and it sits on a concrete slab foundation. It has 2 x 4 exposed rafters.

Planner Grahm reported that a number of surveys have been completed on this property. When a Reconnaissance or Intensive Level survey is done, the main focus of the survey is the primary use of the site or the building. The house always trumps the accessory building. Planner Grahm noted that there is documented history from these surveys, such as when the house was built, the style, etc. However, for the most part these surveys have ignored the garage. Planner Grahm stated that in 2009, when the current historic site form was created, Dina Blaes, the preservation consultant for that project, just checked the box indicating an accessory building on the site.

Planner Grahm stated that the garage is mentioned in the 2015 CRSA Intensive Level survey, but it did not go into detail other than saying that the garage was at the rear of the house and had space for two cars. It also said that the overall form and material of the building remained intact and the building maintained retained its historic value. Planner Grahm remarked that a concern with these Surveys is the need to be careful about how the accessory buildings are analyzed.

Planner Grahm clarified that the applicant was not proposing to change the designation of the house. They were only looking at the 1952 garage. She reviewed the criteria for whether the garage meets for a Landmark or Significant designation. The first was for Landmark sites, which is the current designation of the site. The first criteria is whether the garage is at least 50 years old and has it achieved significance. Planner Grahm pointed out that the garage is approximately 66 years old. It is not Significant to the Mature Mining Era, which ended around 1930. It is the Era of significance of the historic house, but the garage came much later.

The second criteria is whether it retains its historic integrity. Planner Grahm remarked that the building has not changed much; however, she did not believe it has enough significance or integrity to stand on its own to be individually listed on the National Register of Historic Places. Planner Grahm pointed out that the garage does not contribute to the significance of this site, but it also does not detract.

The third criteria is whether it is significant to local, regional, or national history. Planner Grahm thought the garage was weak in this category and did not comply with the criteria. She stated that it is a double-car garage for a single family dwelling. It matches its intended use as a garage and the use has continued. However, she did not believe it contributes to the understanding of the site or the historical significance of the site. Garages that were built in the 1900s help in understanding the evolution of how cars came to be in Old Town. By the 1950s,

garages were common place in Old Town. It is a detached accessory building that is not indicative of what was occurring when the house was built in 1930.

The fourth criteria is whether the garage has significance based on the lives of the people associated with it. Planner Grahm reported that the garage was likely constructed by Victor Peterson, who was the first tenant of the house. The garage is linked to Mr. Peterson, but she thought the house was a better indication of his contribution to the community.

The fifth criteria is whether the structure is distinctive of a time or period. Planner Grahm noted that the garage was constructed with readily available construction materials and as a concrete slab. It does not contribute to the historical significance of the house that was constructed in 1930 and relates to the Mature Mining Era. If the garage is analyzed separately, there is nothing distinctive or special.

Planner Grahm reviewed the criteria for Significance. She noted that the garage is at least 50 years old and it has its essential historic form. The garage retains its scale and reflects the historic character, and it fits in nicely in Old Town, but that does not mean it is historically significant. Planner Grahm pointed out that the garage does not help talk about understanding the overall Park City history. By 1950 it was common to have cars in Old Town and people built two-car garages to house the two cars they had.

Planner Grahm requested that the HPB consider removing just the garage from the Historic Site Inventory.

The project architect, Craig Elliott, was present to answer questions.

Chair Stephens understood that the garage did not stand on its own historically; and, therefore, it was neither contributory or non-contributory to the house. In looking through all of the surveys, it was apparent that the garage was not researched as historic. Planner Grahm replied that he was correct.

Board Member Hodgkins noted that very few buildings were built in the 1950s time period. He asked what they called that era. Planner Grahm stated that 1932-1962 was the Decline of the Mining Era and the emergence of the Ski Era. They can point to buildings around town, particularly for the Ski Era, that helps understand linking buildings from the Mining Era to the Ski Era. Some buildings speak to the overall decline of the Mining Era, but in her opinion, a two-car garage does not contribute to understanding that Era. Board Member Hodgkins agreed; however, some buildings from that Era have been considered contributory. He understood that this garage was not part of the Mining Era, and even thought it was associated with the decline it is in between two eras.

Chair Stephens gave a scenario of a home similar to the home at 1503 Park Avenue, where the garage appeared to be more contributory and more significant. He asked if the HPB would be in a position to allow them to tear it down, even though it would be more contributory than the one being discussed this evening.

Director Erickson stated that there is a shortage in the criteria for the Mining Decline Rise to the Ski Resort Era. Garages have always been accessory units, but not necessarily contributory. In terms of storytelling the Mining Decline Era, just because a person built a garage does not necessarily make it significant to the Era. Planner Grahm provided an example of a 1960 Ranch house and garage. If someone had built that in Park City, there would be a discussion about how the house and the garage were designed together, how the house and garages relate and some of the design elements.

Chair Stephens asked if there was a 1930s home with a garage that was built in 1939 and architecturally contributory to the house, whether the Staff had the tools to significantly argue that the garage should remain. Planner Grahm thought they would if they could piece it together. Chair Stephens clarified that he did not want to set a precedent that would take away the opportunity to address an accessory building that may be historically significant. Planner Grahm replied that the Staff had the same concern. They did not want to open the door to demolishing or removing the historical significance of 1913 garages from 1895 houses because they do relate and explain how the sites have evolved. This garage was different because by 1950 garages had become commonplace and normal.

Board Member Hutchings wanted to know why being commonplace in the 1950s detracted from the historical significance of the house. Planner Grahm replied that visually it does not detract from the historic house. However, they have look at whether or not the garage itself is historically significant. For example, does it tell something about the history during that time period. She did not believe this garage tells a story. It was not the first of its kind, and the same garage could be built today. Mr. Hutchings noted that all the historic homes were built the same way, but they happen to be 100 years old. Planner Grahm replied that the fact that they are 100 years old makes them unique, and in some cases, they retain or restored their historic integrity. Regarding the question of whether this garage could stand alone and be National Register Eligible and listed as a Landmark site, Planner Grahm was unsure that it could. This garage was built to be a garage and to house cars. It was not contributing to a larger trend that was occurring in the community. Mr. Hutchings thought the trend was that people parked their car in garages. Planner Grahm stated that they could make the finding that the garage is historic because it is 50 years old and reflects the need to have two cars.

Board Member Hodgkins noted that the Mining period and the Ski Industry period were very different periods, but both contributed significantly to the history of the town. The in between period was a decline that led to the ability to redefine itself as a ski area, but by itself it was not necessarily historic in terms of the history of Park City. Mr. Hodgkins understood that the structures that were built during that time were commonplace and could be found anywhere. The post-World War II era and the building boom was not part of Park City's history. Planner Grahm agreed. She pointed out that there was a unique post-war style that evolved and a handful of houses in Park City that were built in that era have retained their integrity and help bridge that gap. The issue is that she did not believe the garage itself helps to bridge the gap. Mr. Hodgkins believed that if this garage was in a different area or neighborhood that was more architecturally historic, they would be having a different discussion. Planner Grahm agreed.

Chair Stephens clarified that 1503 Park Avenue was outside of the formal District. He asked if it was included because it was 50 years old, or because it goes to blocks past that district. Planner Grahm explained that the thematic National Register District extends beyond the historic H zoning districts. This is an example of a historic site that is outside of the H zoning districts. The site itself is historically significant because of the 1930 house on the site that was built during the Mining Era. Chair Stephens pointed out that because the garage is outside of the area, it is surrounded by resort commercial.

Planner Grahm reviewed the Historic Sites Form to determine whether this building was individually listed or if it was listed as part of the overall thematic district. She noted that Ms. Blaes had checked Building/Main. The site is eligible, but not listed on the National Register of Historic Places. The overall site is Landmark because it is eligible for the National Register. Ms. Blaes had checked Building Main, being the house. She then checked Building Accessory, which means the site form encompasses the garage. However, no analysis was done on the garage itself.

Mr. Hutchings understood that an ancillary building, such as a garage, in the Historic District that do not contribute to the Mining Era would not meet the criteria. However, if it was in a neighborhood that was built primarily in the 1950s, then a garage that was built in the 1950s era would likely meet the criteria.

Director Erickson stated that these buildings are considered on a case by case basis. If the same building could be built today and it does not tell a story, the Staff would suggest that it is not historic. On the other hand, if something in the building was unique to the Mining Decline Era, they would probably make sure it remained on the Site Inventory as Significant. If there is something unique in the architectural detailing, they would also recommend keeping it on the HSI. Director Erickson noted that the HPB will have a longer and more in-depth

discussion when they talk about the A-frames and the Pregnant A-frames moving forward in the Mining Decline Era. He reiterated all the reasons why the Staff believed that this garage was not Significant.

Board Member Hutchings asked if there was another 1950s garage that was built in the Historic District that they would recommend keeping on the Inventory. Planner Grahn thought that was a good question, but she had not analyzed the rest of the list to make that determination. The Staff would have to analyze each individual accessory building since they were not specifically called out on the HSI forms.

Chair Stephens was comfortable with the Staff recommendation. He only wanted to make sure that they could manage the expectation when the next applicant comes in with a request to tear down a garage or outbuilding. If the Planning Department had the tools to successfully make that argument when it is appropriate and can bring those discussions to the HPB, he had no issues with this request. Director Erickson stated that if it is on a designated site, the default condition is that it is Significant, unless evidence points to the contrary. In this case, they believed it points to the contrary. Planner Grahn remarked that she relied heavily on the historic preservation consultant and on Oliver who does the National Register Nominations on a daily basis because this was a unique site. The Staff wanted to make sure they were setting up a position to lose all the garages on Daly Avenue or something more drastic that would impact the District.

Board Member Beatlebrox was reminded of the house in the middle of Crescent Tram. It was a classic form from the Mining Era that had many additions that were added by Carl Winters, who was very important to the town. She recalled that the additions were so poorly constructed that the Board agreed that they did not add to the historic form and could be removed. Planner Grahn emphasized that the additions did not contribute to the historic form and the overall look and feel of the house, and actually detracted from it. Board Member Hodgkins added that part of their determination was that the historic nature of the house was evident even with the additions missing.

Board Member Beatlebrox was not opposed to removing the garage.

Chair Stephens opened the public hearing.

There were no comments.

Chair Stephens closed the public hearing.

MOTION: Board Member Holmgren moved to remove the designation of the garage at 1503 Park Avenue as a Landmark Structure from the Park City Historic

Sites Inventory, subject to the Findings of Fact, Conclusions of Law found in the Staff report. Board Member Beatlebrox seconded the motion.

VOTE: The motion passed 4-1. Board Member Hutchings voted against the motion.

Findings of Fact – 1503 Park Avenue

1. The property is located at 1503 Park Avenue, in the Recreation Commercial (RC) zoning district.
2. There is little evidence to trace the history and ownership of this property. Until 1935, the site was owned by the Ontario Mining Company and the location of the site was outside of the original Park City Survey. It was not documented by Sanborn Fire Insurance Maps. No historic photographs or tax assessments are available for this site.
3. The 1930 Federal Census shows that Victor and Jennie Peterson lived at this address and title research shows they purchased the site in 1935. Victor Peterson was a University of Utah graduate and teacher in the Park City School District for over 40 years. The Petersons sold the property and moved to Salt Lake City in 1973.
4. Based on the style and construction materials of the house, it is likely the house was built between 1920 and 1930. It is evident that the house was in existence by 1930 as the Federal Census shows the Petersons living at this address at that time.
5. The two-car garage to the west of the historic house was built in its present location by c.1952, based on analysis of historic aerial photographs, the building form and style, and construction materials.
6. The garage is a framed structure consisting of dimensional lumber, consistent with grade standards available after 1949. It was built on a concrete slab foundation. It has framed walls clad in contemporary drop siding that differs from the siding on the historic house. The roof has exposed 2x4 rafter tails beneath the eaves. The original roof decking has been covered with plywood and rolled asphalt siding.
7. In 1979, current owner Dennis Hulbert became part owner of the property, and he gained full ownership in 1991.
8. In 1994, the owner requested a Certificate of Appropriateness for Demolition (CAD) for the historic houses at 1503 Park Avenue and 1503-1/2 Park Avenue, as well as the garage at 1503 Park Avenue. In May 1995, the Historic District Commission (HDC) approved the demolition of the house at 1503-1/2 Park Avenue, but denied the demolition of the house at 1503 Park Avenue.
9. Per the May 15, 1994, HDC minutes, the commission discussed accessory buildings and found, "Because of their condition and their location outside the Historic District, they have little historical significance."

10. On January 14, 1999, the Park City Council approved the two-lot Hulbert-Holler Subdivision; however, the plat was never recorded.
11. In the early 2000s, Park City Municipal Corporation contracted Preservation Solutions, led by Dina Williams-Blaes, to refine and redefine Park City's preservation policy. She completed a reconnaissance level survey in 2007. Her Site Form for 1503 Park Avenue only analyzes the historical significance of the house, not the garage, and found that it contributed to the "Mature Mining Era."
12. On February 4, 2009, the Historic Preservation Board approved a resolution adopting the Historic Sites Inventory. The garage and house at 1503 Park Avenue were designated as "Landmark" and found to be eligible for the National Register of Historic Places (NRHP). She found that the house was constructed c. 1900 and contributed to the Mature Mining Era (1894-1930).
13. In 2015, CRSA completed an intensive level survey and found that the site was "eligible/contributing" to the NRHP. Once again the garage was not individually reviewed and analyzed for its historic integrity and significance.
14. Based on aerial photograph analysis, the garage was built by 1952 making it at least 66 years old. While the site is significant to the Mature Mining Era (1894-1930) because of the c.1930 historic house, the garage individually is not of exceptional importance to the community and was built after the site's era of significance.
15. The garage does not meet the criteria to be designated as Landmark and as outlined by Land Management Code (LMC) 15-11-10(A)(1).
16. While the garage retains its integrity in terms of its location, design, setting, materials, and workmanship, it does not have sufficient integrity to be individually listed on the NRHP or the Park City HSI. The c.1952 garage structure does not evoke the aesthetic or historic sense of the Mature Mining Era (1894-1930). The c.1930 historic house was constructed during this era and reflects architectural styles and detailing that contribute to the look and feel typical of buildings constructed during this era. In the 1950s and 1960s, it was more common for women to have driver's licenses and families could afford two vehicles. This garage responds to the affordability of automobiles and the mobility of families in the postwar era.
17. This garage does not contribute to the Mature Mining Era (1894-1930), nor does it individually contribute to our understanding of the Mining Decline and Emergence of Recreation Industry Era (1931-1962). Original and historic accessory structures can contribute to the historical significance of a site and its surroundings when they have achieved historical significance in their own right. By the 1950s, garages were common and the garage at this site does not contribute to the historical significance of its c.1930 house.
18. While the garage was likely constructed by Victor Peterson, University of Utah alumnus and Park City school teacher, the historic house is a better reflection of his importance in the community. Primary structures dictate the principal use of the property.
19. This garage was constructed of readily available construction materials. Analyzing the garage separate from the historic house, there is nothing

distinctive about its character in terms of the building's type, form, or method of construction that contributes to the Mining Decline and Emergence of Recreation Industry Era (1931-1962). The design is consistent with garage styles that emerged during the postwar period and have continued to be utilized today. The original builder was not a notable architect or master craftsman.

20. The garage does not meet the criteria to be designated as Significant and as outlined by LMC 15-11-10(A)(2).

21. The overall design of the garage has not changed since its construction in c.1952. It is a rectangular building with shallow-pitched front-gable roof. There are two individual wood paneled garage doors on the façade, facing 15th Street.

22. The garage has never received a historic district grant from the City.

23. The site was designated as "Landmark" when the HSI was adopted in 2009; however, the historical significance of the site is due to the c.1930 house. The historical significance is not derived from the c.1952 two-car garage.

24. The garage retains its historic scale, context, and materials. Since its construction in c.1952, minimal changes have occurred to garage apart from maintenance and the construction of a plywood addition on the rear (north) elevation. It is small in scale and mass; it was designed and built to be subordinate to the c.1930 historic house and it has remained so. It is an ordinary detached two-car garage building that neither contributes nor detracts from the architecture of the bungalow-inspired cottage-style house. It does not contribute to the historical significance of the house, which has been determined by the c.1930 house to be the Mature Mining Era (1894-1930).

In order for the garage to contribute to local or regional history, architecture, engineering, or cultural associations, it needs to reflect the period in which it gained this significance. The garage does not reflect the Mature Mining Era (1894-1930). Constructed in 1950, the garage also does not individually contribute to our understanding of the Mining Decline and Emergence of Recreation Industry Era (1931-1962).

25. The garage does not have enough significance in its own right to be listed on the NRHP or the Park City Historic Sites Inventory independently of the house.

26. On March 28, 2018, the owner submitted a Determination of Significance application to remove the historic designation from the garage. The application was deemed complete on April 5, 2018.

Conclusions of Law – 1503 Park Avenue

1. The existing house located at 1503 Park Avenue does not meet all of the criteria for designating sites to the Park City Historic Sites Inventory as a Landmark Site including:

a. It is at least fifty (50) years old or has achieved Significance or if the Site is of exceptional importance to the community; and Complies;

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 Does Not

Comply.

c. It is significant in local, regional or national history, architecture, engineering or culture associated with at least one (1) of the following:

- i. An era that has made a significant contribution to the broad patterns of our history;
- ii. The lives of Persons significant in the history of the community, state, region, or nation; or
- iii. The distinctive characteristics of type, period, or method of construction or the work of a notable architect or master craftsman. Does not comply.

2. The existing house at 819 Park Avenue does not meet all of the criteria for a Significant Site as set forth in LMC Section 15-11-10(A)(2) which includes:

(a) It is at least fifty (50) years old or the Site is of exceptional importance to the community; and Complies.

(b) It retains its Historical Form as may be demonstrated but not limited by any of the following:

- (i) It previously received a historic grant from the City; or
- (ii) It was previously listed on the Historic Sites Inventory; or
- (iii) It was listed as Significant or on any reconnaissance or intensive level survey of historic resources; and Complies.

(c) It has one (1) or more of the following:

- (i) It retains its historic scale, context, materials in a manner and degree which can be restored to Historical Form even if it has non-historic additions; or
- (ii) 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 Complies.

(d) It is important in local or regional history architecture, engineering, or culture associated with at least one (1) of the following:

- (i) An era of Historic Importance to the community, or
- (ii) Lives of Persons who were of Historic importance to the community, or
- (iii) Noteworthy methods of construction, materials, or craftsmanship used during the Historic period. Does not comply.

The Meeting adjourned at 6:12 p.m.

Planning Commission Staff Report

Subject: 813 Woodside Avenue Plat Amendment
Author: Liz Jackson, Planning Technician
Francisco Astorga, AICP, Senior Planner
Project Number: PL-18-03841
Date: 13 June 2018
Type of Item: Legislative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission review and hold a public hearing for the 813 Woodside Avenue Plat Amendment and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Description

Applicant: Ian R. and D. Lance Kincaid, represented by Marshall King, Alliance Engineering, Inc.
Location: 813 Woodside Avenue
Zoning: Historic Residential-1 District
Adjacent Land Uses: Residential
Reason for Review: Plat Amendments require Planning Commission review and City Council review and action

Proposal

Plat Amendment request to remove a lot line to combine one and half (1½) Old Town lots into one (1) lot of record. The entire area is already identified by Summit County as Parcel SA-122.

Background

On April 13, 2018 Kincaid applied for a Plat Amendment to combine their property into one (1) lot by removing an interior lot line. The application was deemed complete on May 5, 2018, as required submittals were received by the City on May 3, 2018. The applicant currently has a Historic District Design Review application under review. This Plat Amendment is the first step in moving forward with their future improvements to this non-historic site. The subject site consists of the northern half of Lot 2 and all of Lot 3, Block 11, within the Snyder's Addition to the Park City Survey.

Purpose

The purpose of the Historic Residential-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

The subject site is located at 813 Woodside Avenue. The site is within the Historic Residential-1 District. The proposed Plat Amendment creates one (1) lot from one and a half (1½) Old Town lots. The applicant requests to eliminate the lot line going through the non-historic structure. The minimum lot size within the Historic Residential-1 District is 1,875 square feet. The proposed lot size is 2,417 square feet. The minimum lot width within the Historic Residential-1 District is twenty five feet (25'). The proposed lot width is thirty-seven and half feet (37.5'). The proposed lot combination, Plat Amendment, meets lot and site requirements of the Historic Residential-1 District. The following table contains development parameters of the Historic Residential-1 District:

Parameter	Permitted
Maximum Building Height	27 feet
Minimum Front / Rear Yard Setbacks	10 feet
Minimum Side Yard Setbacks	3 feet
Maximum Building Footprint	1,055 square feet

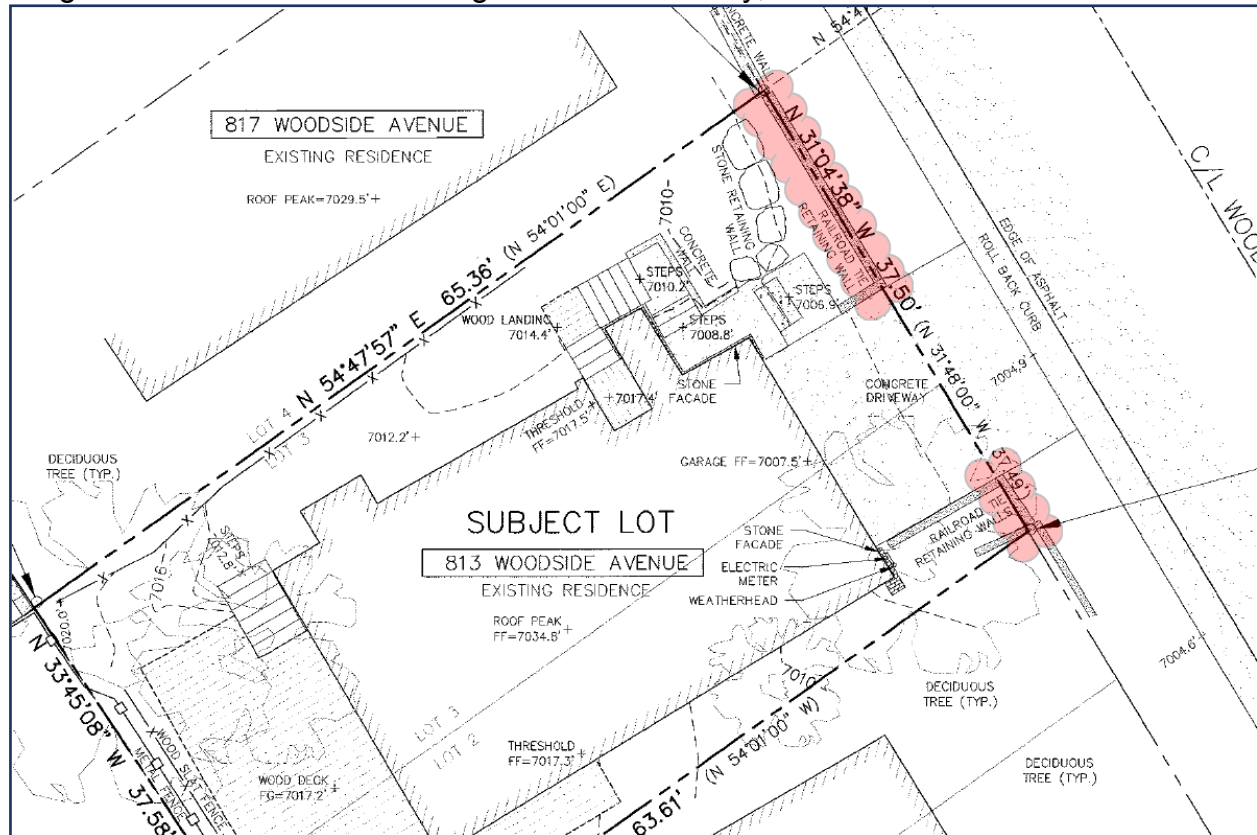
Encroachments

There is a railroad tie retaining wall on this site that encroaches onto the Woodside Avenue public Right-of-Way. See photograph below and illustration from Exhibit C – Existing Conditions Survey, zoomed in, next page:



813 Woodside Avenue - looking westerly

Diagram from Exhibit C – Existing Conditions Survey, zoomed in



This retaining wall is approximately sixteen inches (16") high and straddles the front property / Right-of-Way line, except the existing concrete driveway. Staff recommends that before the Plat is recorded, the applicant will need to remove the existing railroad tie retaining wall encroaching onto the Right-of-Way so that the retaining wall is completely within private property. This retaining wall is not historic and the applicant is able to apply for a Historic District Design Review application to resolve the Right-of-Way encroachment. See Condition of Approval no. 3.

Good Cause

Staff finds that there is good cause for this Plat Amendment as the interior lot line running through the existing structure will be removed, creating one (1) lot of record, instead of having one and half (1½) Old Town lots. As a common practice, a public snow storage easement will be provided on the site to be reflected on the proposed plat. This Plat Amendment does not create a remnant parcel as the other half of Lot 2 was already re-platted in 2002 as part of the 805 Woodside Avenue Plat Amendment. Existing encroachments will also be resolved prior to plat recordation.

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 30, 2018, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record and the Utah Public Notice Website on May 26, 2018, according to requirements of the LMC.

Public Input

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

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the 813 Woodside Avenue Plat Amendment, as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the 813 Woodside Avenue Plat Amendment, and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the 813 Woodside Avenue Plat Amendment, and request additional information or analysis in order to make a recommendation.

Significant Impacts

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

Consequences of not taking recommended action

Consequences of not taking the recommended action is that the site would continue to be one and a half (1½) lots containing a lot line going through the structure with various front property line unaddressed encroachments on the public Right-of-Way.

Summary Recommendation

Staff recommends the Planning Commission review and hold a public hearing for the 813 Woodside Avenue Plat Amendment and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat (Attachment 1)
Exhibit B – Applicant's Project Intent
Exhibit C – Existing Conditions Survey
Exhibit D – Aerial Photograph
Exhibit E – County Plat Map
Exhibit F – Site Photographs

Ordinance No. 18-XX

**AN ORDINANCE APPROVING THE 813 WOODSIDE AVENUE PLAT AMENDMENT
LOCATED AT 813 WOODSIDE AVENUE, PARK CITY, UTAH.**

WHEREAS, the property owners of the property located at 813 Woodside Avenue have petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on May 30, 2018, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on May 26, 2018, proper legal notice was published according to requirements of the Land Management Code and courtesy letters were sent to surrounding property owners; and

WHEREAS, the Planning Commission held a public hearing on June 13, 2018, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on June 13, 2018, forwarded a recommendation to the City Council; and,

WHEREAS, on July 12, 2018, 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 813 Woodside Avenue Plat Amendment, located at the same address.

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

SECTION 1. APPROVAL. The 813 Woodside Avenue Plat Amendment as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The site is located at 813 Woodside Avenue.
2. The site is within the Historic Residential-1 District.
3. The subject site consists of the northern half of Lot 2 and all of Lot 3, Block 11, within the Snyder's Addition to the Park City Survey.
4. The proposed Plat Amendment creates one (1) lot from one and a half (1½) Old Town lots.
5. The applicant requests to eliminate the lot line going through the non-historic structure.

6. The minimum lot size within the Historic Residential-1 District is 1,875 square feet.
7. The proposed lot size is 2,417 square feet.
8. The minimum lot width within the Historic Residential-1 District is twenty five feet (25').
9. The proposed lot width is thirty-seven and half feet (37.5').
10. The proposed lot combination, Plat Amendment, meets lot and site requirements of the Historic Residential-1 District.
11. There is a railroad tie retaining wall on this site that encroaches onto the Woodside Avenue public Right-of-Way.
12. The railroad tie retaining wall is not historic and the applicant is able to apply for a Historic District Design Review application to remove or move the retaining wall. See Condition of Approval no. 3.
13. 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 Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant shall record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Prior to plat recordation, the applicant shall remove the existing railroad tie retaining wall encroachment from the City Right-of-Way. The applicant is responsible of securing appropriate City approvals and permits before any work on the retaining wall can begin.
4. Residential fire sprinklers are required for all new construction per requirements of the Chief Building Official, and shall be noted on the plat.
5. Ten foot (10') public snow storage easement shall be granted along the Woodside Avenue Right-of-Way.

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

PASSED AND ADOPTED this 12th day of July, 2018.

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, MAYOR

ATTEST:

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

[illegible]

I, Charles Galati, do hereby certify that I am a Professional Land Surveyor and that I hold License No. 7248891, as prescribed by the laws of the State of Utah, and that by authority of the owner, 813 WOODSIDE AVENUE PLAT AMENDMENT has been reviewed under my direction, and that the same has been or will be monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

The North 1/2 of Lot 2 and All of Lot 3, Block 11, SNYDER'S ADDITION TO PARK CITY, according to the plat thereof as recorded in the office of the Summit County Recorder, records of Summit County, Utah.

KNOW ALL MEN BY THESE PRESENTS that Ian R. Kincaid and D. Lance Kincaid, Successor Co-Trustees of the KINCAID REVOCABLE TRUST dated May 2, 1977, as to an undivided 48% interest, hereby certify that they have caused this plat amendment to be made and hereby consent to the recordation of this Plat Amendment.

ALSO, the owner hereby irrevocably offers for dedication to the City of Park City all the easements shown on this plat in accordance with an irrevocable offer of dedication.

By: _____
Ian R. Kincaid, Successor Co-Trustee

State of _____)
County of _____) ss.

On this _____ day of _____, 2018, Ian R. Kincald personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that he is a Successor Co-Trustee of the Kincald Revocable Trust dated May 2, 1977, and that said document was signed by him on behalf of said Trust by authority of the Trust, and he acknowledged to me that he executed the 813 WOODSIDE AVENUE PLAT AMENDMENT.

A Notary Public commissioned in _____

Printed Name _____ Residing in: _____
My commission expires: _____ Commission No: _____

State of _____)

County of _____ ss.
On this _____ day of _____, 2018, D. Lance Kincold personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that he is a Successor Co-Trustee of the Kincold Revocable Trust dated May 2, 1977, and that said document was signed on behalf of said Trust by authority of the Trust, and he acknowledged to me that he executed the 813 WOODSIDE AVENUE PLAT AMENDMENT.

A Notary Public commissioned in _____

Printed Name _____ Residing In: _____

My commission expires: _____ Commission No: _____

KNOW ALL MEN BY THESE PRESENTS that Ian R. Kincoid, as to an undivided 38.5% interest, hereby certifies that he has caused this plat amendment to be made and hereby consents to the recording of this Plat Amendment.

In witness whereof, the undersigned set his hand this _____ day of _____, 2018.

By _____
Ian R. Kincaid

State of _____)
: ss.
County of _____)

On this _____ day of _____, 2018, Ian R. Kincaid personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by his duly sworn affidavit, set out below, is a Supervisor, Co. Sheriff of the Kincaid Township, Texas dated May 2, 2018.

sworn/affirmed, did say that he is a successor Co-Trustee of the Kincaid Revocable Trust dated May 2, 1977, and that said document was signed by him on behalf of said Trust by authority of the Trust, and he acknowledged to me that he executed the 813 WOODSIDE AVENUE PLAT AMENDMENT.

A Notary Public commissioned in _____
Residing in: _____

My commission expires: _____ Commission No: _____

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that D. Lance Kincaid, as to an undivided 13.5% interest, hereby certifies that he has caused this split amendment to be made and hereby consents to the re-execution of this

ALSO, the owner hereby irrevocably offers for dedication to the City of Park City all the easements shown on this plat in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set his hand this _____ day of _____, 2018.

By: _____

D. Lance Kincaid

State of _____)
 : ss.
County of _____)

On this _____ day of _____, 2018, D. Lance Kincaid personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me

duly sworn/affirmed, did say that he is a Successor Co-Trustee of the Kincaid Revocable Trust dated May 2, 1977, and that said document was signed by him on behalf of said Trust by authority of the Trust, and he acknowledged to me that he executed the 813 WOODSIDE AVENUE TRUST AMENDMENT.

A Notary Public commissioned in _____

Printed Name _____
My commission expires: _____ Commission No: _____

5/3/18 JOB NO.: 6-1-18 FILE: X:\SnydersAddition\dwg\src\plat2018\0601

CERTIFICATE OF ATTEST	RECORDED
I CERTIFY THIS PLAT MAP WAS APPROVED BY PARK CITY	STATE OF UTAH, COUNTY OF SUMMIT, AND AT THE REQUEST OF

COUNCIL THIS _____ DAY
OF _____, 2018

BY PARK CITY RECORDER TIME _____ DATE _____ ENTRY NO. _____

1. This plot amendment is subject to the Conditions of Approval in Ordinance 2018-_____.
2. Record bearings and distances, when different from measured, are shown in parenthesis ().
3. See Record of Survey S-9327.

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

	(435) 648-2467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 322 Main Street P.O. Box 2664 Park City, Utah 84060-2664	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2018 BY _____ S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2018 BY _____ CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2018 BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2018 BY _____ PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2018 BY _____ MAYOR	CERTIFICATE OF ATTEST I CERTIFY THIS PLAT MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2018 BY _____ PARK CITY RECORDER	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ _____ FEE RECORDER TIME _____ DATE _____ ENTRY NO. _____
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BLOCK 11,
SNYDER'S ADDITION TO PARK CITY SURVEY
Lot 3 and a portion of Lot 2

(813 Woodside Avenue)

PROJECT INTENT

Lot 3 and a portion of Lot 2, Snyder's Addition to Park City Survey, (also known as 813 Woodside Avenue) are owned by undivided interest between the Kincaid Revocable Trust, Ian R. Kincaid, and D. Lance Kincaid. The lot line within the boundary still exists from the original Snyder's Addition to Park City Survey plat. The owners desire to unify the property into one lot of record by removing the existing lot line, with the ultimate goal of renovating the existing single family residence. At this point in time plans have not been finalized, but it is anticipated that the existing two-car garage will be converted to a one-car garage and separate

Exhibit C – Existing Conditions Survey

813 WOODSIDE AVENUE

LOCATED IN THE NORTHEAST QUARTER OF SECTION 16,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
NORTH HALF OF LOT 2 AND LOT 3, BLOCK 11
SNYDER'S ADDITION TO PARK CITY
RECORD OF SURVEY-EXISTING CONDITIONS
SUMMIT COUNTY, UTAH



SURVEYOR'S CERTIFICATE

I, Charles Galati, certify that I am a Professional Land Surveyor and that I hold Certificate No. 7248891, as prescribed by the laws of the State of Utah. I further certify that under my direct supervision a survey has been performed on the herein described property and that to the best of my knowledge this plat is a correct representation of said survey.

LEGAL DESCRIPTION

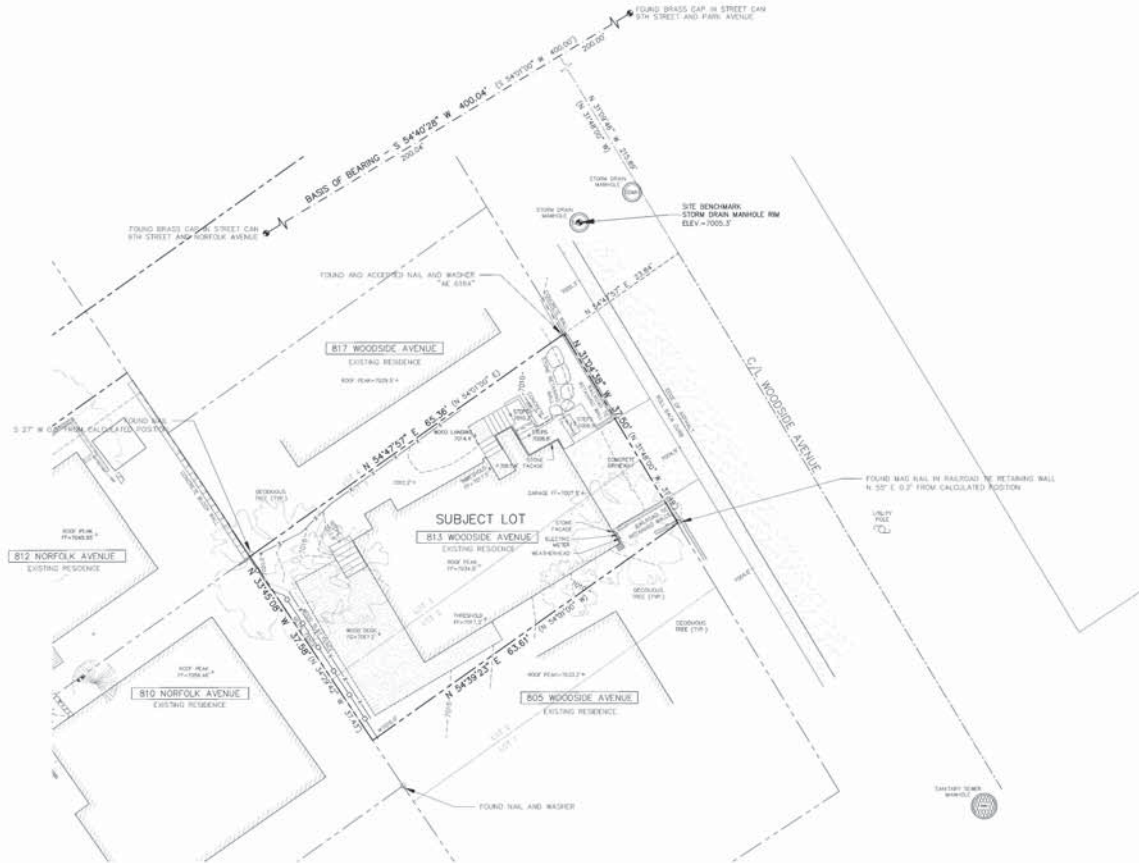
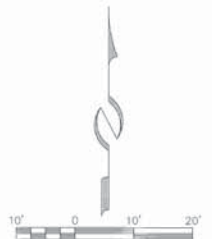
THE NORTH 1/2 OF LOT 2 AND ALL OF LOT 3, BLOCK 11, SNYDER'S ADDITION TO PARK CITY, ACCORDING TO THE OFFICIAL PLAT THEREOF AS RECORDED IN THE OFFICE OF SUMMIT COUNTY RECORDER.

NOTES

1. Basis of Bearing for this survey is between the found street monuments at the intersections of 9th/Park Ave. and 9th/Norfolk Ave. as shown on this plat.
2. Field work for this survey was performed January 24, 2018 and is in compliance with generally accepted industry standards for accuracy.
3. The purpose of this survey was to perform an Existing Conditions and Topography survey for the possibility of future improvements to the property.
4. A Title Report was not provided to the surveyor and no easements were located as part of this survey. The owner of the property should be aware of any items affecting the property that may appear in a title insurance report. The surveyor found no obvious evidence of easements, encroachments or encumbrances on the property surveyed except as shown herein.
5. Recorded deeds, 802 Norfolk Avenue Plat Amendment and Record of Survey, 805 Woodside Avenue Plat Amendment and Record of Survey, 812 Norfolk Avenue Plat Amendment, Records of Survey No. s-7495, s-1223, s-558, s-8521, s-8517, s-8585, s-4999, s-1027, s-1324 (all aforementioned documents on file and of record at the Summit County Recorder's Office) and physical evidence found in the field were used to determine the boundary as shown on this plat.
6. Site Benchmark: Storm Drain Manhole Elevation=7005.5' as shown.
7. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
8. Property corners were found as shown.
9. Record bearing and distances when different than measured are in parenthesis ().
10. Snow coverage at the time of the survey was approximately 6-12". As a result, monuments, improvements, and/or conditions may exist which are not shown on this survey.

LEGEND

- Found Monument
(As-noted)
- Found Street Monument
(As-noted)



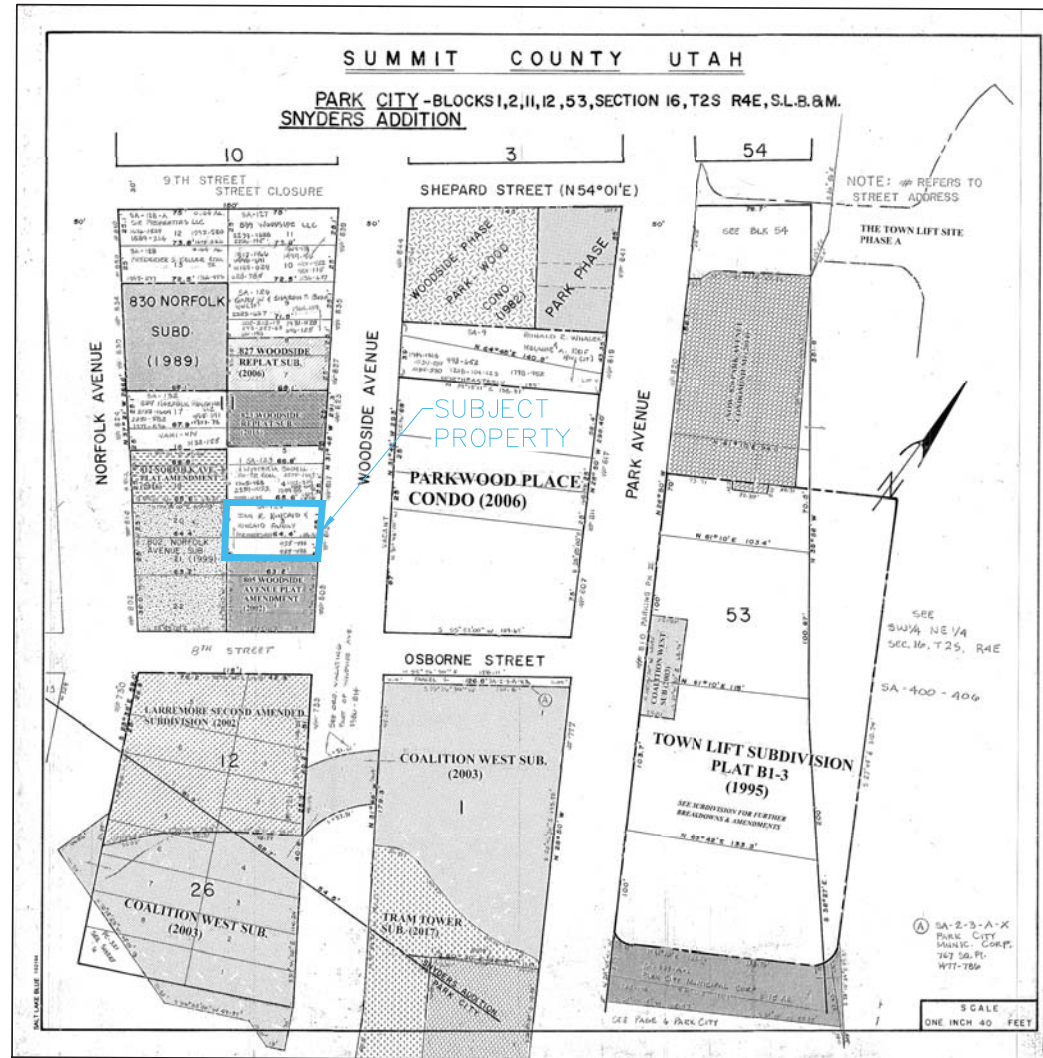
 (435) 949-9467 CONSULTING ENGINEERS - LAND PLANNERS - SURVEYORS 323 Main Street, P.O. Box 2894, Park City, Utah 84002-2894	STAFF: CHARLES GALATI JUAN CARRASCO CHIP TOMSUGUEN JASON WYNNE	EXISTING CONDITIONS & TOPOGRAPHIC MAP 813 WOODSIDE AVENUE FOR: LANCE KINCAID JOB NO.: 6-1-18 FILE: X:\SnydersAddition\dwg\snr\svy2018\010618\813_Woodside.dwg	SHEET 1 OF 1
DATE: 2/5/18			

Exhibit D – Aerial Photograph



 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 322 Main Street P.O. Box 2654 Park City, Utah 84060-2654	(435) 648-9467 STAFF: RYAN BETZ MARSHALL KING	AERIAL PHOTOGRAPH 813 WOODSIDE AVENUE BLOCK 11, SNYDER'S ADDITION FOR: LANCE KINCAID JOB NO.: 6-1-18 FILE: X:\SnydersAddition\dwg\Exhibits\813 Woodside-ortho.dwg	SHEET 1 OF 1
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Exhibit E – County Plat Map



 (435) 640-0467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 322 Main Street P.O. Box 2664 Park City, Utah 84060-2664	STAFF: RYAN BEITZ MARSHALL KING DATE: 3/27/18	OWNERSHIP MAP 813 WOODSIDE AVENUE BLOCK 11, SNYDER'S ADDITION FOR: LANCE KINCAID JOB NO.: 6-1-18 FILE: X:\SnydersAddition.dwg\Exhibits\813 Woodside-ownership.dwg	SHEET 1 OF 1
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813 Woodside Avenue - looking southerly



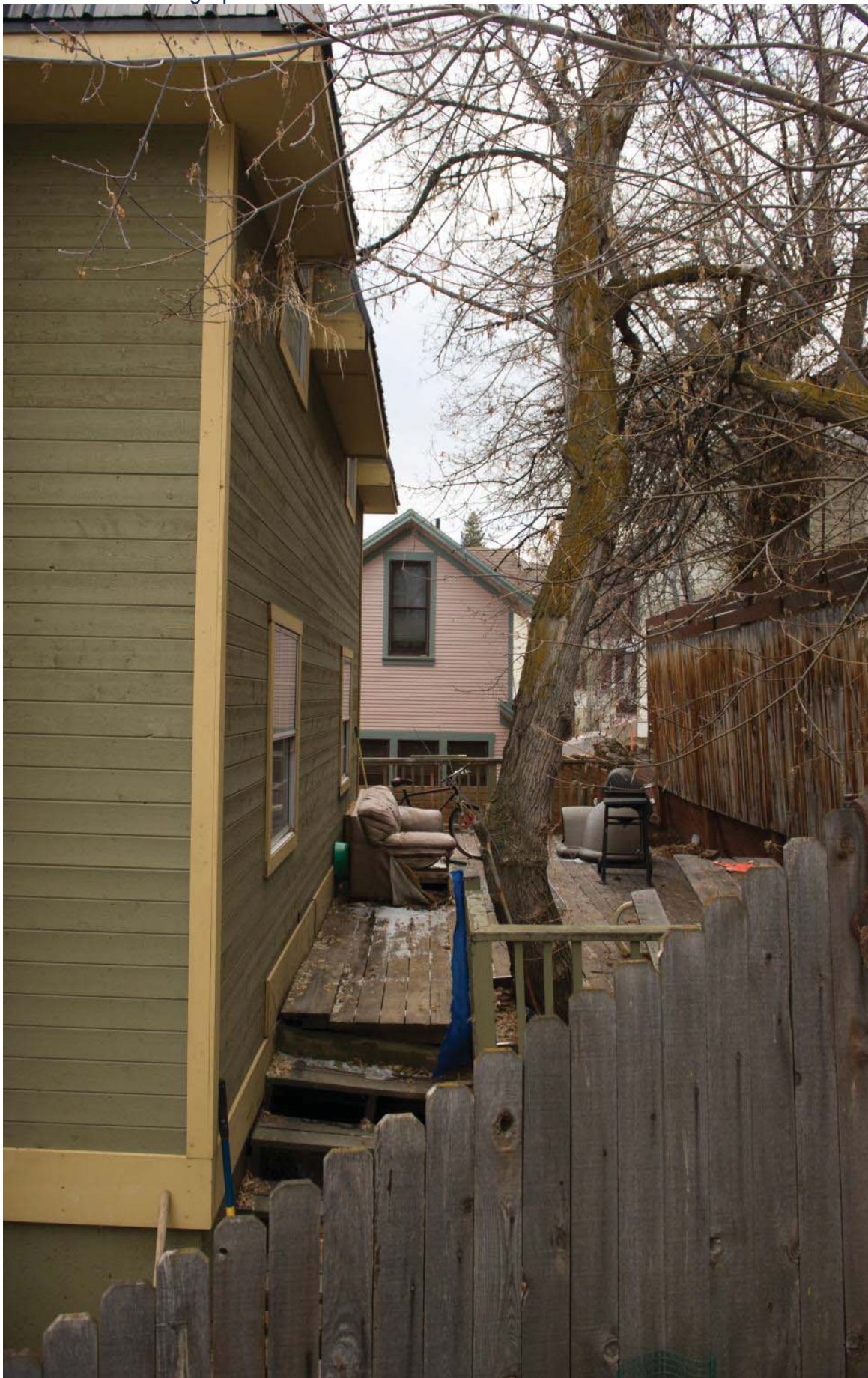
813 Woodside Avenue - looking westerly



813 Woodside Avenue - looking easterly



813 Woodside Avenue - looking to the north





PLANNING DEPARTMENT

Planning Commission Staff Report

Subject: Setback and Yard Definitions
Author: Tippe Morlan, AICP, Planner II
Liz Jackson, Planning Technician
Laura Newberry, Planning Technician
Date: June 13, 2018
Type of Item: Legislative – LMC Amendment

Project Number:	PL-18-03867
Applicant:	Park City Planning Department
Affected LMC Chapters:	15-2 Zoning Districts 15-3 Off-Street Parking 15-4 Supplemental Regulations 15-15 Defined Terms
Reason for Review:	LMC Amendments require Planning Commission review, and City Council review and action.

Proposal

The applicant is requesting an amendment to the existing Land Management Code (LMC) relating to Setbacks and Yards. The proposed amendment affects the following LMC Chapters 15-2 Zoning Districts, 15-3 Off-Street Parking, 15-4 Supplemental Regulations, and 15-5 Defined Terms as described in this report.

Recommendation

Staff recommends that the Planning Commission review and conduct a public hearing for the LMC amendments relating to Setbacks and Yards 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.

Background

The terms Setback and Yard (Front, Rear, and Side) are used inconsistently within the LMC. They have been used interchangeably in multiple sections, causing confusion among members of the public and difficulty interpreting the LMC by the Planning Department staff and applicants. Staff has reviewed the existing usage of these terms in the LMC and requests to amend the following:

1. Setback and Yard Definitions
2. Replacing the term Yard with Setback when it is used to reflect Setback requirements
3. Replacing unclear and unreadable Setback and Yard images

These amendments are proposed to provide clarity and consistency in the LMC.

Analysis 1 –Setback and Yard Definitions

Staff finds that the existing definitions for Setbacks and Yards found in LMC Section 15-15-1 can be clarified to provide greater direction and precision for all users of the LMC. The concept of a Setback versus a Yard can be difficult to differentiate since they are so similar. The proposed amendment clarifies the difference between Setback and Yard consistent with how the terms have been interpreted by the Planning Department. These definitions are a result of extensive research of development codes and zoning codes from comparable resort communities.

The main difference between a Setback and a Yard is that a Setback is defined by the parameters of a Lot specific to the Zone, and a Yard is defined by the location of the Main Structure on a Lot. There does not need to be any Structure on a Lot for it to have Setback standards, although Yards do not exist until a Structure is located on a Lot.

Where the terms may become confused is when a distance between the Property Line and a Structure on a Lot is also referred to as a Setback. This distance may be more than the required minimum Setback distance. When the LMC identifies Setbacks, it is to regulate the area within the *minimum* required Setback. The LMC does not define or regulate a full “Setback” distance between a Property Line and a Structure – just the minimum Setback distance necessary as determined based on the Zoning District.

Additionally, the term Yard often gets used in reference to Setbacks because Setbacks are located within the Yard area of any property. However, a Yard includes the Setback area in addition to all other property between a Property Line and a Structure. A Yard is simply the area between a Property Line and the Structure regardless of what that distance is.

The proposed definitions below aim to clarify these differences. A majority of the redlines in Exhibit A – Attachment 1 updates the term Yard to Setback in places where the code refers to the minimum Setback requirements for a Lot as opposed to a Yard defined by a Structure on a lot. The redlines also show the change in definitions in LMC Section 15-15-1.

Current Definition of Setback	Proposed Definition of Setback
The required minimum distance between a Building Pad and the closest of the following: Property Line; platted Street; or existing curb or edge of a Street.	The area of a Lot that must remain open and cannot be built over with a Structure. This is the minimum horizontal distance between a specified lot line (front, side, rear), measured along a straight line and at a right angle to such lot line, and the nearest point of an above grade or below grade building or structure.

Current Definition of Yard	Proposed Definition of Yard
1. Yard, Front. The Area between the front of the closest Building and the Front Lot Line or closer Right-of-Way, extending the full width of the Lot. The “depth” of the Front Yard is the minimum distance between the Front Lot Line and the front line of the closest Structure. 2. Yard, Rear. The Area between the rear line of the closest Building and the Rear Lot Line, or closer Right-of-Way, and extending the full width of the Lot. The “depth” of the Rear Yard is the minimum distance between the Rear Lot Line and the rear line of the closest Structure. 3. Yard, Side. The Area between the side line of the Building and the Side Lot Line and extending from the Front Yard to the Rear Yard. The “width” of the Side Yard shall be the minimum distance between the Side Lot Line and the side line of the closest Structure. See the following illustration:	YARD. The portion of a Lot between any Property Line and the nearest point of the Main Building. 1. Yard, Front. A yard extending across the full width of the Lot between the Front Lot Line and the nearest line or point of the Building. The Area between the front of the closest Building and the Front Lot Line or closer Right-of-Way, extending the full width of the Lot. The “depth” of the Front Yard is the minimum distance between the Front Lot Line and the front line of the closest Structure. 2. Yard, Rear. A yard extending across the full width of the Lot between the Rear Lot Line and the nearest line or point of the Building. The Area between the rear line of the closest Building and the Rear Lot Line, or closer Right-of-Way, and extending the full width of the Lot. The “depth” of the Rear Yard is the minimum distance between the Rear Lot Line and the rear line of the closest Structure. 3. Yard, Side. A yard extending from the Front Yard to the Rear Yard between the Side Lot Line and the nearest line or point of the Building. The Area between the side line of the Building and the Side Lot Line and extending from the Front Yard to the Rear Yard. The “width” of the Side Yard shall be the minimum distance between the Side Lot Line and the side line of the closest Structure.

Analysis 2 – Replacing the term Yard with Setback

In accordance with the conflation of the terms Setback and Yard as described above, Staff finds that the term “Yard” is used in reference to Setback regulations throughout the LMC. In order to provide clarity, the proposed amendment replaces the term “Yard” with the term “Setback” in all applicable instances. This occurs in twenty-three (23) separate Sections of the LMC and affects the following twenty (20) Zoning Districts:

- 15-2.1 Historic Residential-Low Density (HRL)
- 15-2.2 Historic Residential (HR-1)
- 15-2.3 Historic Residential (HR-2)
- 15-2.4 Historic Residential Medium District (HRM)
- 15-2.5 Historic Recreation Commercial (HRC)
- 15-2.6 Historic Commercial Business (HCB)

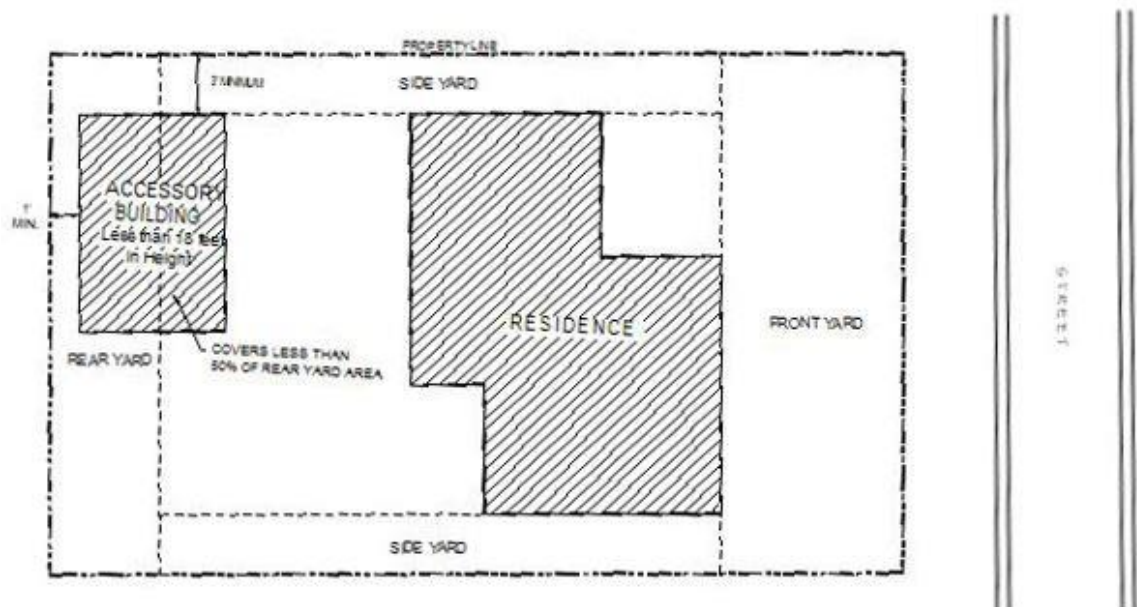
- 15-2.7 Recreation and Open Space (ROS)
- 15-2.8 Protected Open Space (POS)
- 15-2.9 Rural Estate (E-40)
- 15-2.10 Estate (E)
- 15-2.11 Single Family (SF)
- 15-2.12 Residential (R-1)
- 15-2.13 Residential Development (RD)
- 15-2.14 Residential Development-Medium Density (RDM)
- 15-2.15 Residential- Medium Density (RM)
- 15-2.16 Recreation Commercial (RC)
- 15-2.18 General Commercial (GC)
- 15-2.19 Light Industrial (LI)
- 15-2.22 Public Use Transition (PUT)
- 15-2.23 Community Transition (CT)
- 15-3 Off-Street Parking
- 15-4 Supplemental Regulations
- 15-15 Defined Terms

The proposed redlines for these Sections of the LMC replace the term “Yard” with the term “Setback” when it is used in reference to a Setback regulation (see the complete set of Redlines in the attached Exhibit A – Attachment 1).

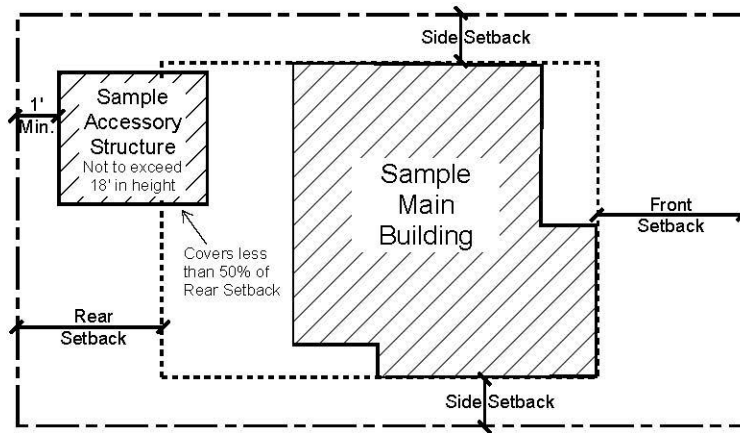
Analysis 3 – Replacing Setback and Yard Images

In the LMC, Staff has found several images which refer to Setbacks and Yards that contain the incorrect term and/or are difficult to read due to image quality. The proposed images below clarify these issues.

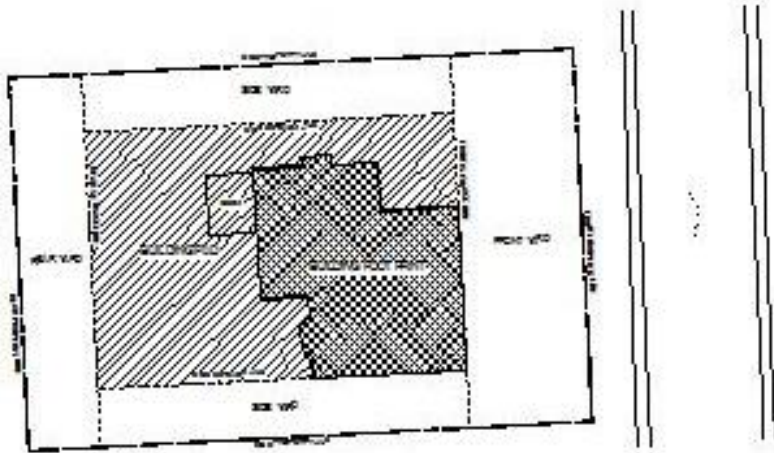
Existing Image 1 – This image appears in the Rear Setback Exceptions throughout Chapter 2 of the LMC. This is one example where the term Yard was used in place of Setback. Additionally, the image is blurry and difficult to read.



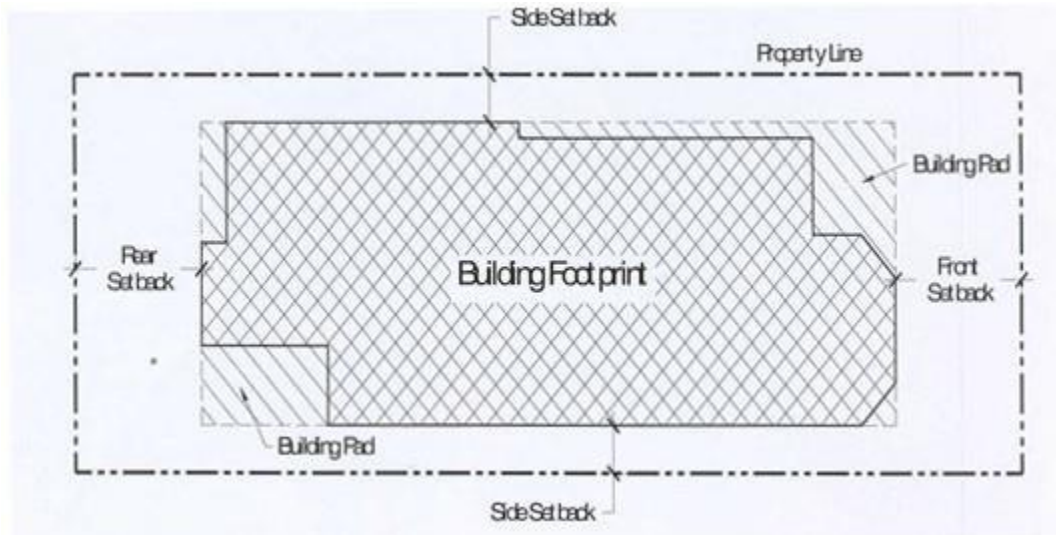
Proposed Image 1 – This image will be used to replace the above Existing Image 1 in all instances to provide a clearer, easier to read image. The main change in this image is to change the term Yard to Setback since Yards encompass the entire area from the Property Line to a Main Structure while Setbacks are the minimum regulated areas measured from the Property Line inward.



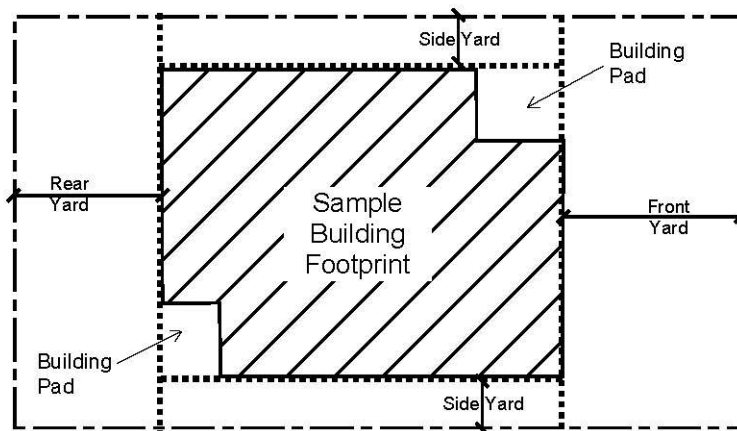
Existing Image 2 – This image appears in Chapter 15 of the LMC in both the definition of Building Pad and in the definition of Yard. It is extremely blurry and illegible.



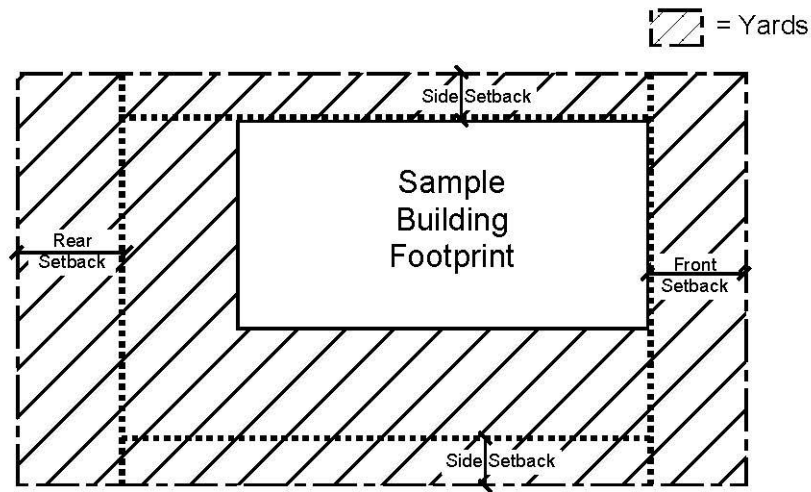
Proposed Image 2 – This image will only be used to replace the above Existing Image 2 in the Definition of Building Pad and comes from existing Building Footprint requirements in Chapter 2 of the LMC. It is much easier to read and shows the Building Pad in a clearer manner.



Proposed Image 3 – This image will only be used to replace the above Existing Image 2 in the Definition of Yard. This updates the image to reflect the proposed definitions of Yard above by showing the entire Yard area from the Property Line to the Main Structure as opposed to the area from the Property Line to the minimum regulated Setback area which was previously shown.



Proposed Image 4 – This image is proposed to be added to all applicable Side Setback Exceptions in Chapter 2 of the LMC to add clarity to Lot and Site Requirements. Additionally, this image is proposed to be added to the definition of Setback providing a clear visual increasing its readability and usability. This image shows that Setbacks do not encompass the entire area from a Property Line to a Structure.



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

Legal notice of a public hearing was posted in the required public spaces and public notice websites and published in the Park Record on May 24, 2018 and May 26, 2018, per requirements of the Land Management Code.

Public Input

The Planning and Community Engagement Departments have created an outreach strategy, incorporating email messaging and a workshop session to discuss these amendments and their effect on community members. Staff will be discussing several related LMC amendments in this workshop which will be held in conjunction with the Outreach for Parking and Gravel LMC Amendments. The goals of the Outreach efforts are:

- To inform impacted neighborhood residents about LMC Updates for Setbacks/Yards and Parking/Gravel
- To address questions and concerns in a proactive manner.
- To provide an avenue for impacted residents to learn more about the proposed LMC updates

- Keep the information simple and straight forward. Explain the “why” and benefit.

All Outreach will occur before the scheduled July 12, 2018 City Council review of this item. Any comments and feedback will be forwarded to both the Planning Commission and City Council.

Recommendation

The Planning Department requests the Planning Commission open a public hearing and Discuss the possible Land Management Code amendments to the LMC definitions of Setback and Yard, applicable sections where these terms are listed, and images, as described in this report.

Exhibits

Exhibit A – Proposed Draft Ordinance, including Attachment 1: Proposed Redlines

Exhibit A – Draft Ordinance

Ordinance No. 2018-XX

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, AMENDING 15-2.1 HISTORIC RESIDENTIAL-LOW DENSITY (HRL); 15-2.2 HISTORIC RESIDENTIAL (HR-1); 15-2.3 HISTORIC RESIDENTIAL (HR-2) DISTRICT; 15-2.4 HISTORIC RESIDENTIAL MEDIUM DISTRICT (HRM); 15-2.5 HISTORIC RECREATION COMMERCIAL (HRC) DISTRICT; 15-2.6 HISTORIC COMMERCIAL BUSINESS (HCB) DISTRICT; 15-2.7 RECREATION AND OPEN SPACE (ROS); 15-2.8 PROTECTED OPEN SPACE (POS); 15-2.9 RURAL ESTATE (E-40); 15-2.10 ESTATE (E); 15-2.11 SINGLE FAMILY (SF); 15-2.12 RESIDENTIAL (R-1); 15-2.13 RESIDENTIAL DEVELOPMENT (RD) DISTRICT; 15-2.14 RESIDENTIAL DEVELOPMENT-MEDIUM DENSITY (RDM) DISTRICT; 15-2.15 RESIDENTIAL-MEDIUM DENSITY (RM); 15-2.16 RECREATION COMMERCIAL (RC) DISTRICT; 15-2.18 GENERAL COMMERCIAL (GC) DISTRICT; 15-2.19 LIGHT INDUSTRIAL (LI) DISTRICT; 15-2.22 PUBLIC USE TRANSITION (PUT) DISTRICT; 15-2.23 COMMUNITY TRANSITION (CT) DISTRICT; 15-3 OFF-STREET PARKING; 15-4 SUPPLEMENTAL REGULATIONS; AND 15-15 DEFINED TERMS TO UPDATE REFERENCES TO SETBACKS AND YARDS.

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 Land Management Code implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors and to promote unique experiences for residents and visitors.

WHEREAS, the City reviews the Land Management Code on a regular basis and identifies necessary amendments to address planning and zoning issues that have come up; to address specific LMC issues raised by Staff, Planning Commission, and City Council; and to align the Code with the Council's goals; and

WHEREAS, these proposed Land Management Code (LMC) amendments were reviewed for consistency with the recently adopted Park City General Plan; and

WHEREAS, Section 15-2.1-3 provides land use regulations including Setbacks for the Historic-Residential-Low Density (HRL) District; and

WHEREAS, Section 15-2.2-3 provides land use regulations including Setbacks for the Historic-Residential (HR-1) District; and

WHEREAS, Section 15-2.3-4 provides land use regulations including Setbacks for the Historic-Residential (HR-2) District; and

WHEREAS, Section 15-2.3-8 provides land use regulations including Setbacks for the Historic-Residential (HR-2) District Sub-Zone A; and

WHEREAS, Section 15-2.3-10 provides land use regulations including Setbacks for parking in the Historic-Residential (HR-2) District; and

WHEREAS, Section 15-2.4-4 provides land use regulations including Setbacks for the Historic Residential-Medium Density (HRM) District; and

WHEREAS, Section 15-2.4-5 provides land use regulations including Setbacks for multi-unit dwellings in the Historic Residential-Medium Density (HRM) District; and

WHEREAS, Section 15-2.4-9 provides land use regulations including Setbacks for Sullivan Road Access in the Historic Residential-Medium Density (HRM) District; and

WHEREAS, Section 15-2.5-3 provides land use regulations including Setbacks for the Historic Recreation Commercial (HRC) District; and

WHEREAS, Section 15-2.5-11 provides land use regulations including Setbacks for parking in the Historic Recreation Commercial (HRC) District; and

WHEREAS, Section 15-2.6-3 provides land use regulations including Setbacks for the Historic Commercial Business (HCB) District; and

WHEREAS, Section 15-2.6-5 provides land use regulations including Setbacks for parking in the Historic Commercial Business (HCB) District; and

WHEREAS, Section 15-2.7-3 provides land use regulations including Setbacks for the Recreation And Open Space (ROS) District; and

WHEREAS, Section 15-2.8-3 provides land use regulations including Setbacks for the Protected Open Space (POS) District; and

WHEREAS, Section 15-2.9-3 provides land use regulations including Setbacks for the Rural Estate (E-40) District; and

WHEREAS, Section 15-2.10-3 provides land use regulations including Setbacks for the Estate (E) District; and

WHEREAS, Section 15-2.11-3 provides land use regulations including Setbacks for the Single Family (SF) District; and

WHEREAS, Section 15-2.12-3 provides land use regulations including Setbacks for the Residential (R-1) District; and

WHEREAS, Section 15-2.12-4 provides land use regulations including Setbacks for Conditional Uses in the Residential (R-1) District; and

WHEREAS, Section 15-2.13-3 provides land use regulations including Setbacks for the Residential Development (RD) District; and

WHEREAS, Section 15-2.13-4 provides land use regulations including Setbacks for Building Height in the Residential Development (RD) District; and

WHEREAS, Section 15-2.14-3 provides land use regulations including Setbacks for the Residential Development-Medium Density (RDM) District; and

WHEREAS, Section 15-2.15-3 provides land use regulations including Setbacks for the Residential-Medium Density (RM) District; and

WHEREAS, Section 15-2.15-4 provides land use regulations including Setbacks for multi-unit dwellings in the Residential-Medium Density (RM) District; and

WHEREAS, Section 15-2.16-3 provides land use regulations including Setbacks for the Recreation Commercial (RC) District; and

WHEREAS, Section 15-2.16-5 provides land use regulations including Setbacks for single-family and duplex dwellings the Recreation Commercial (RC) District; and

WHEREAS, Section 15-2.16-8 provides land use regulations including Setbacks for parking in the Recreation Commercial (RC) District; and

WHEREAS, Section 15-2.18-3 provides land use regulations including Setbacks for the General Commercial (GC) District; and

WHEREAS, Section 15-2.19-5 provides land use regulations including Setbacks for the Light Industrial (LI) District; and

WHEREAS, Section 15-2.22-3 provides land use regulations including Setbacks for the Public Use Transition (PUT) District; and

WHEREAS, Section 15-2.23-3 provides land use regulations including Setbacks for the Community Transition (CT) District; and

WHEREAS, Section 15-3-3 provides land use regulations including Setbacks for off-street parking; and

WHEREAS, Section 15-3-4 provides parking restrictions including parking in Setback areas and parking Recreational Vehicles; and

WHEREAS, Section 15-4-2 provides land use regulations including Setbacks for fences and retaining walls; and

WHEREAS, Section 15-4-9 provides land use regulations including Setbacks for child care facilities; and

WHEREAS, Section 15-15-1 provides definitions of terms, how words shall be used, interpreted, and defined as set forth in the Land Management Code; and

WHEREAS, on May 26, 2018, legal notice was published in the Park Record as required by the Land Management Code; and

WHEREAS, the Planning Commission duly noticed and conducted public hearings at the regularly scheduled meeting on June 13, 2018 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 July 12, 2018; and

WHEREAS, it is in the best interest of the residents and visitors of Park City, Utah to amend the Land Management Code to be consistent with the values and goals of the Park City General Plan and the Park City Council; to protect health and safety and maintain the quality of life for its residents and visitors.

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 15-2 Zoning Districts Section 15-2.1-3, 15-2.2-3, 15-2.3-4, 15-2.3-8, 15-2.3-10, 15-2.4-4, 15-2.4-5, 15-2.4-9, 15-2.5-3, 15-2.5-11, 15-2.6-3, 15-2.6-5, 15-2.7-3, 15-2.8-3, 15-2.9-3, 15-2.10-3, 15-2.11-3, 15-2.12-3, 15-2.12-4, 15-2.13-3, 15-2.13-4, 15-2.14-3, 15-2.15-3, 15-2.15-4, 15-2.16-3, 15-2.16-5, 15-2.16-8, 15-2.18-3, 15-2.19-5, 15-2.22-3, and 15-2.23-3, Chapter 15-3 Off-Street Survey Section 15-3-4 and 15-3-4, Chapter 15-4 Supplemental Regulations Section 15-4-2 and 15-4-9, and Chapter 15 Defined Terms Section 15-15-1. The recitals above are incorporated herein as findings of fact. The applicable Sections of the Land Management Code of Park City is hereby amended as redlined (see Attachment 1).

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

PASSED AND ADOPTED this 12th day of July, 2018

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, Mayor

Attest:

City Recorder

Approved as to form:

Mark Harrington, City Attorney

15-2.1 Historic Residential-Low Density (HRL) District

15-2.1-3 Lot And Site Requirements

- C. **BUILDING PAD (HRL DISTRICT)**. The Building Pad is the Lot Area minus required Front, Rear and Side ~~Yard~~ **Setback** Areas.

- D. **BUILDING FOOTPRINT (HRL DISTRICT)**.
TABLE 15-2.1.

Lot Depth </= ft. **	Lot Width, ft. up to:	Side Yards Setbacks Min. Total		Lot Area Sq. ft.	Bldg. Pad Sq. ft.	Max. Bldg. Footprint Sq. ft.
75 ft.	37.5*	3 ft.	6 ft.	2,813	1,733	1,201
75 ft.	50.0	5 ft.	10 ft.	3,750	2,200	1,519
75 ft.	62.5	5 ft.	14 ft.	4,688	2,668	1,801
75 ft.	75.0	5 ft.	18 ft.	5,625	3,135	2,050
75 ft.	87.5	10 ft.	24 ft.	6,563	3,493	2,269
75 ft.	100.0	10 ft.	24 ft.	7,500	4,180	2,460
75 ft.	Greater than 100.0	10 ft.	30 ft.	Greater than 7,500	Per Setbacks and Lot Area	Per Formula

* for existing 25' wide lots, Use HR-1 standards.

** for lots > 75' in depth use Footprint formula and Table 15-2.1a for Front and Rear Setbacks.

- E. **FRONT AND REAR ~~YARDS~~ **SETBACKS****. Front and Rear ~~Yards~~ **Setbacks** are as follows:

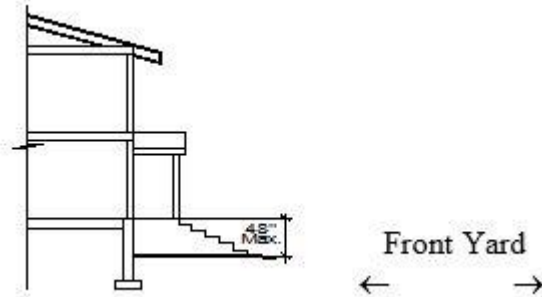
TABLE 15-2.1a

Lot Depth	Minimum Front/Rear Setback	Total of Setback
Up to 75 ft., inclusive	10 ft.	20 ft.
From 75 ft. to 100 ft.	12 ft.	25 ft.
Over 100 ft.	15 ft.	30 ft.

- F. **FRONT ~~YARD~~ **SETBACK EXCEPTIONS****. The Front ~~Yard~~ **Setback** must be open and free of any Structure except:
1. Fences and walls not more than four feet (4') in height, or as permitted in Section 15-4-2 Fences and Walls. On Corner Lots, Fences more than three feet (3') in

height are prohibited within twenty-five feet (25') of the intersection, at back of curb.

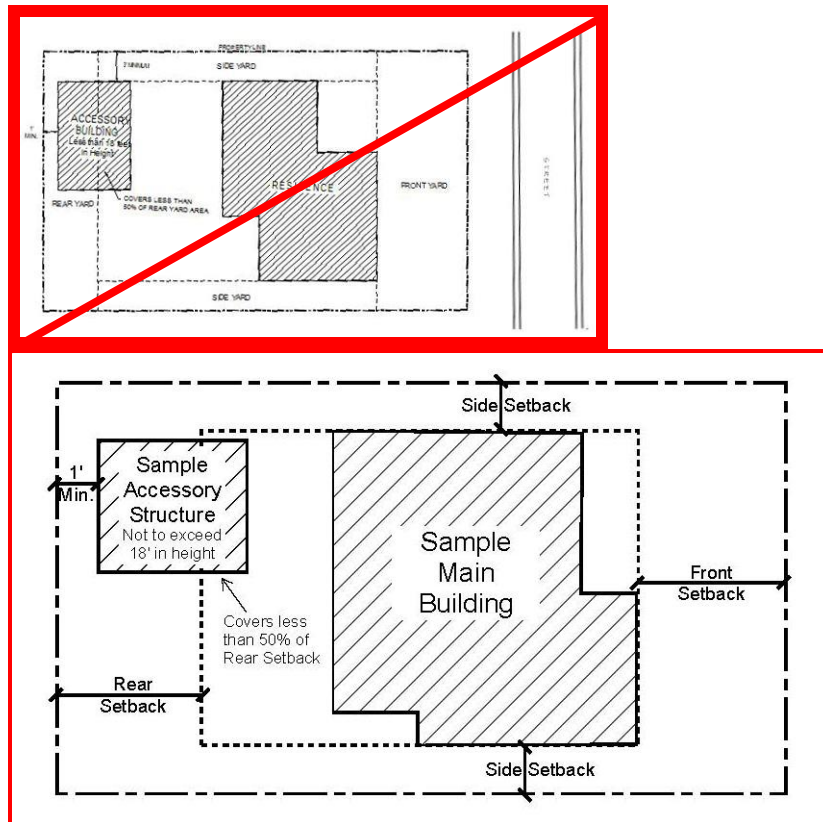
2. Uncovered steps leading to the Main Building, provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of the Street or intersection.



3. Decks, porches, or Bay Windows not more than ten feet (10') wide, projecting not more than three feet (3') into the Front ~~Yard-Setback~~.
4. Roof overhangs, eaves, or cornices projecting not more than three feet (3') into the Front ~~Yard-Setback~~.
5. Sidewalks and pathways.
6. Driveways leading to a garage or Parking Area. No portion of a Front Yard, except for patios, driveways, allowed Parking Areas and sidewalks, may be Hard-Surfaced or graveled.

G. REAR ~~YARD-SETBACK~~ EXCEPTIONS. The Rear ~~Yard-Setback~~ must be open and free of any Structure except:

1. Bay Windows not more than ten feet (10') wide, projecting not more than two feet (2') into the Rear ~~Yard-Setback~~.
2. Chimneys not more than five feet (5') wide, projecting not more than two feet (2') into the Rear ~~Yard-Setback~~.
3. Window wells or light wells extending not more than four feet (4') into the Rear ~~Yard-Setback~~.
4. Roof overhangs or eaves projecting not more than two feet (2') into the Rear ~~Yard-Setback~~.
5. Window sills, belt courses, cornices, trim, exterior siding, or other ornamental features projecting not more than six inches (6") into the Rear ~~Yard-Setback~~.
6. A detached Accessory Building not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building, and maintaining a minimum Rear ~~Yard~~ Setback of one foot (1'). Such Structure must not cover over fifty percent (50%) of the Rear Yard. See the following illustration:



7. Hard-Surfaced Parking Areas subject to the same location requirements as a Detached Accessory Building.
8. Mechanical equipment (which must be screened), hot tubs, or similar Structures located at least three feet (3') from the Rear Lot Line.
9. Fences or walls as permitted in Section 15-4-2 Fences and Walls.
10. Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") above Final Grade, located at least one foot (1') from the Rear Lot Line.
11. Pathways or Steps connecting to a City staircase or pathway.

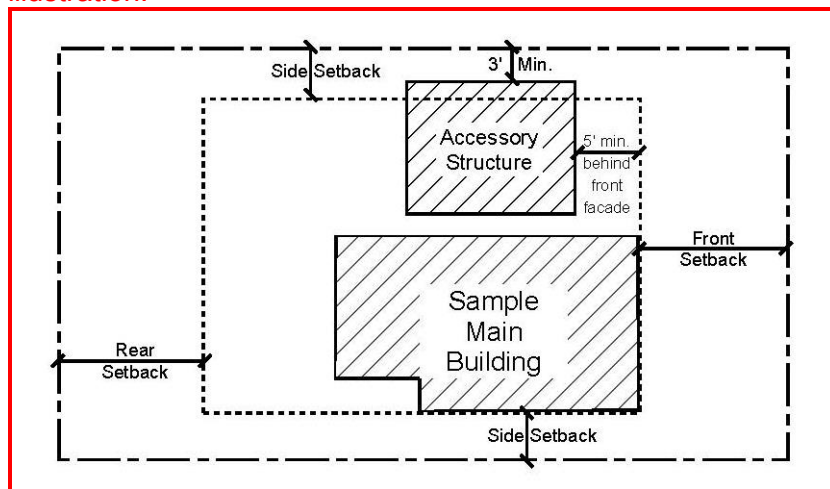
H. SIDE YARDS SETBACK.

1. The minimum Side ~~Yard-Setback~~ is three feet (3'), but increases for Lots greater than thirty seven and one-half feet (37.5') in Width, as per Table 15-2.1.above.
2. On Corner Lots, the ~~minimum~~ Side Yard that faces a ~~side Street~~ or platted Right-of-Way is ~~considered a Front Yard and the minimum Setback is~~ five feet (5').

I. SIDE YARD SETBACK EXCEPTIONS. The Side ~~Yard-Setback~~ must be open and free of any Structure except:

1. Bay Windows not more than ten feet (10') wide, projecting not more than two feet (2') into the Side ~~Yard-Setback~~.
2. Chimneys not more than five feet (5') wide, projecting not more than two feet (2') into the Side ~~Yard-Setback~~.
3. Window wells or light wells projecting not more than four feet (4') into the Side ~~Yard-Setback~~.¹

4. Roof overhangs or eaves projecting not more than two feet (2') into the Side ~~Yard~~ **Setback**. A one foot (1') eave overhang is permitted on Lots with a ~~side-Yard~~ **Side Setback** less than five feet (5').¹
5. Window sills, belt courses, trim, exterior siding, cornices, or other ornamental features projecting not more than six inches (6") into the Side ~~Yard~~ **Setback**.
6. Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") in height from Final Grade.
7. Fences or walls, as permitted in Section 15-4-2 Fences and Walls.
8. A driveway leading to a garage or Parking Area.
9. Pathways or steps connecting to a City staircase or pathway.
10. A detached Accessory Building, not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front Facade of the Main Building, maintaining a minimum Side ~~Yard~~ **Setback** of three feet (3'). See the following illustration:



11. Mechanical equipment (which must be screened), hot tubs, or similar Structures, located at least three feet (3') from the Side Lot Line.

¹Applies only to Lots with a Side ~~Yard~~ **Setback** of five feet (5') or greater.

15-2.2 Historic Residential (HR-1) District

15-2.2-3 Lot And Site Requirements

- C. **BUILDING PAD (HR-1 DISTRICT)**. The Building Pad is the Lot Area minus required Front, Rear, and Side ~~Yard~~ **Setback** Areas.

- D. **BUILDING FOOTPRINT (HR-1 DISTRICT)**.

TABLE 15-2.2.

Lot Depth <=/ft. *	Lot Width, ft. up to:	Side Yard Setback Min. Total	Lot Area Sq. ft.	Bldg. Pad Sq. ft.	Max. Bldg. Footprint Sq. ft.
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75 ft.	25.0	3 ft.	6 ft.	1,875	1,045	844
75 ft.	37.5	3 ft.	6 ft.	2,813	1,733	1,201
75 ft.	50.0	5 ft.	10 ft.	3,750	2,200	1,519
75 ft.	62.5	5 ft.	14 ft.	4,688	2,668	1,801
75 ft.	75.0	5 ft.	18 ft.	5,625	3,135	2,050
75 ft.	87.5	10 ft.	24 ft.	6,563	3,493	2,269
75 ft.	100.0	10 ft.	24 ft.	7,500	4,180	2,460
75 ft.	Greater than 100.0	10 ft.	30 ft.	Greater than 75 ft.	Per Setbacks and Lot Area	Per Formula

* ~~for~~ For Lots > 75' in depth use footprint formula and Table 15-2.2a for ~~front~~ Front and ~~rear~~ Rear Setbacks.

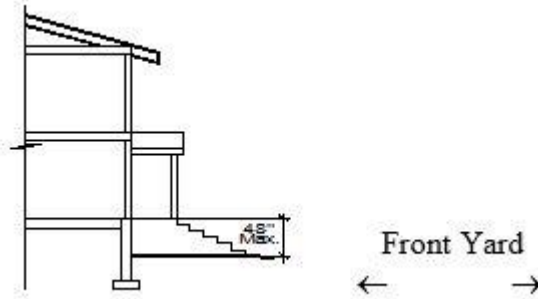
- E. **FRONT AND REAR ~~YARDS-SETBACKS~~**. Front and Rear ~~Yards-Setbacks~~ are as follows:

TABLE 15-2.2a

Lot Depth	Minimum Front/Rear Setback	Total of Setbacks
Up to 75 ft., inclusive	10 ft.	20 ft.
From 75 ft. to 100 ft.	12 ft.	25 ft.
Over 100 ft.	15 ft.	30 ft.

- F. **FRONT ~~YARD SETBACK~~ EXCEPTIONS**. The Front ~~Yard-Setback~~ must be open and free of any Structure except:
1. Fences or walls not more than four feet (4') in height, or as permitted in Section 15-4-2, Fences and Walls. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection, at back of curb.
 2. Uncovered steps leading to the Main Building; provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of the

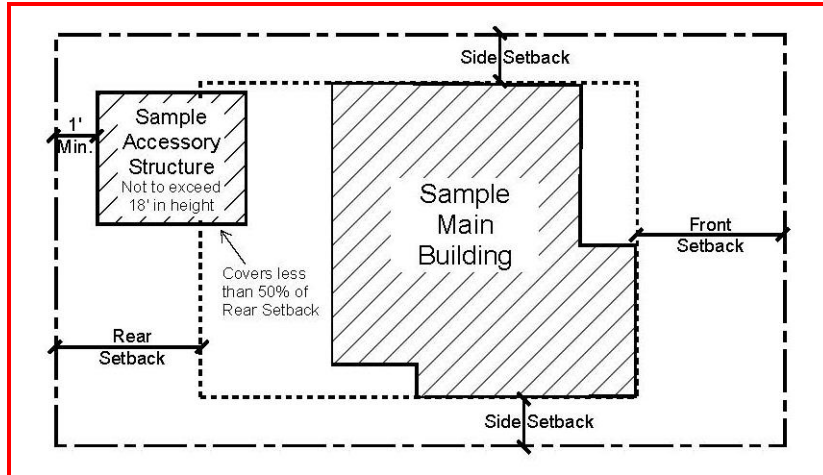
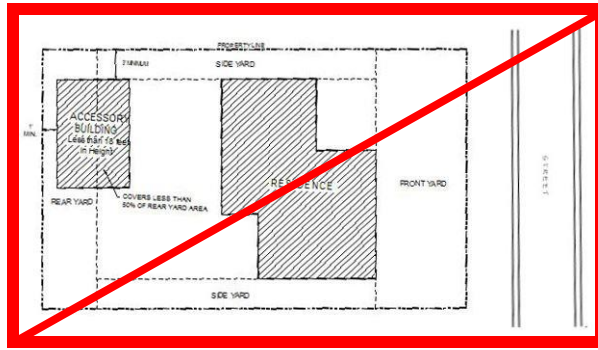
Street or intersection.



3. Decks, porches, or Bay Windows not more than ten feet (10') wide, projecting not more than three feet (3') into the Front ~~Yard~~ **Setback**.
4. Roof overhangs, eaves or cornices projecting not more than three feet (3') into the Front ~~Yard~~ **Setback**.
5. Sidewalks and pathways.
6. Driveways leading to a Garage or Parking Area. No portion of a Front Yard, except for patios, driveways, allowed Parking Areas and sidewalks, may be Hard-Surfaced or graveled.

G. **REAR ~~YARD~~ **SETBACK** EXCEPTIONS**. The Rear ~~Yard~~ **Setback** must be open and free of any Structure except:

1. Bay Windows not more than ten feet (10') wide, and projecting not more than two feet (2') into the Rear ~~Yard~~ **Setback**.
2. Chimneys not more than five feet (5') wide, projecting not more than two feet (2') into the Rear ~~Yard~~ **Setback**.
3. Window wells or light wells extending not more than four feet (4') into the Rear ~~Yard~~ **Setback**.
4. Roof overhangs or eaves projecting not more than two feet (2') into the Rear ~~Yard~~ **Setback**.
5. Window sills, belt courses, cornices, trim, exterior siding, or other ornamental features projecting not more than six inches (6") into the Rear ~~Yard~~ **Setback**.
6. A detached Accessory Building not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building, and maintaining a minimum Rear ~~Yard~~ **Setback** of one foot (1'). Such Structure must not cover over fifty percent (50%) of the Rear Yard. See the following illustration:



7. A Hard-Surfaced Parking Area subject to the same location requirements as a Detached Accessory Building.
8. Mechanical equipment (which must be screened), hot tubs, or similar Structures located at least three feet (3') from the Rear Lot Line.
9. Fences or walls as permitted in Section 15-4-2, Fences and Walls.
10. Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") above Final Grade.
11. Pathways or steps connecting to a City staircase or pathway.

H. **SIDE YARD-SETBACK.**

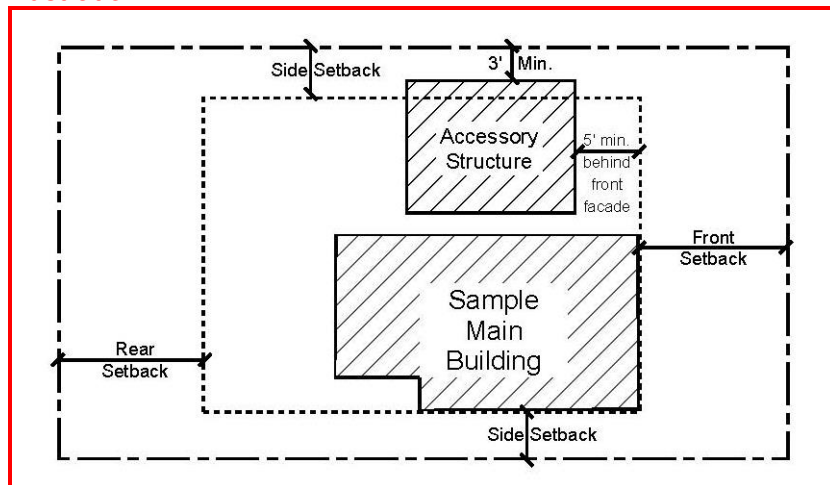
1. The minimum Side **Yard-Setback** is three feet (3'), but increases for Lots greater than thirty seven and one-half feet (37.5') in Width, as per Table 15-2.2.above.
2. On Corner Lots, the minimum Side **Yard-Setback** that faces a side Street or platted Right-of-Way is five feet (5').
3. A Side **Yard-Setback** between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District.
 - a. Exterior Side **Yards-Setbacks** shall be based on the required minimum Side **Yard-Setback** for each Lot; however the Planning Commission may consider increasing exterior Side **Yards-Setbacks** during Conditional Use

Permit review to mitigate potential impacts on adjacent Property. Side ~~Yard-Setback~~ exceptions continue to apply.

- b. Building Footprint shall be based on the total lot Area of the underlying Lots. The Planning Commission may consider decreasing Building Footprint during Conditional Use Permit review to mitigate potential impacts on adjacent Property.

I. **SIDE ~~YARD-SETBACK~~ EXCEPTIONS.** The Side ~~Yard-Setback~~ must be open and free of any Structure except:

1. Bay Windows not more than ten feet (10') wide, and projecting not more than two feet (2') into the Side ~~Yard-Setback~~.¹
2. Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side ~~Yard-Setback~~.¹
3. Window wells or light wells projecting not more than four feet (4') into the Side ~~Yard-Setback~~.¹
4. Roof overhangs or eaves projecting not more than two feet (2') into the Side ~~Yard-Setback~~. A one foot (1') roof or eave overhang is permitted on Lots with a Side ~~Yard-Setback~~ of less than five feet (5').¹
5. Window sills, belt courses, trim, cornices, exterior siding, or other ornamental features projecting not more than six inches (6") into the Side ~~Yard-Setback~~.
6. Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") in height above Final Grade.
7. Fences, walls, or retaining walls as permitted in Section 15-4-2, Fences and Walls.
8. Driveways leading to a garage or Parking Area.
9. Pathways or steps connecting to a City staircase or pathway.
10. Detached Accessory Buildings not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the Front facade of the Main Building, maintaining a minimum Side ~~Yard-Setback~~ of three feet (3'). See the following illustration:



11. Mechanical equipment (which must be screened), hot tubs, or similar Structures located at least three feet (3') from the Side Lot Line.

¹Applies only to Lots with a minimum Side ~~Yard-Setback~~ of five feet (5').

15-2.3 Historic Residential (HR-2) District**15-2.3-4 Lot And Site Requirements**

- C. **BUILDING PAD (HR-2 DISTRICT)**. The Building Pad is the Lot Area minus required Front, Rear, and Side ~~Yard-Setback~~ Areas.

- D. **BUILDING FOOTPRINT (HR-2 DISTRICT)**.

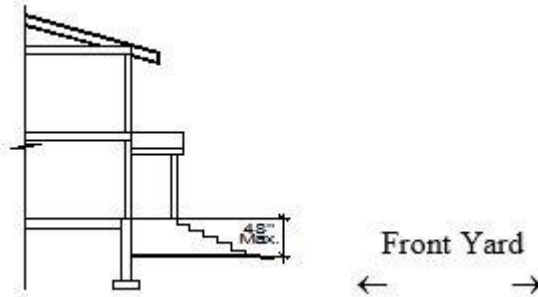
TABLE 15-2.3.

Lot Depth </= ft. *	Lot Width, ft. Up to:	Side Yards Setbacks Min. Total, ft.		Lot Area Sq. ft.	Bldg. Pad Sq. ft.	Max Bldg. Footprint
75 ft.	25.0	3 ft.	6 ft.	1,875	1,045	844
75 ft.	37.5	3 ft.	6 ft.	2,813	1,733	1,201
75 ft.	50.0	5 ft.	10 ft.	3,750	2,200	1,519
75 ft.	62.5	5 ft.	14 ft.	4,688	2,668	1,801
75 ft.	75.0	5 ft.	18 ft.	5,625	3,135	2,050
75 ft.	87.5	10 ft.	24 ft.	6,563	3,493	2,270
75 ft.	100.0	10 ft.	24 ft.	7,500	4,180	2,460
75 ft.	Greater than 100.0	10 ft.	30 ft.	Greater than 7,500 ft.	Per Setbacks and Lot Area	Per formula

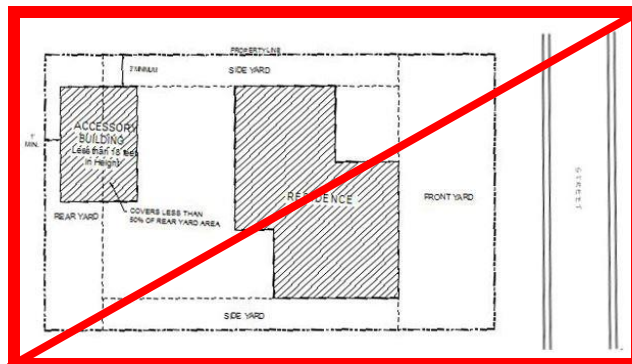
*for Lots > 75' in depth use footprint formula and Table 15-2.3a for Front and Rear Setbacks.

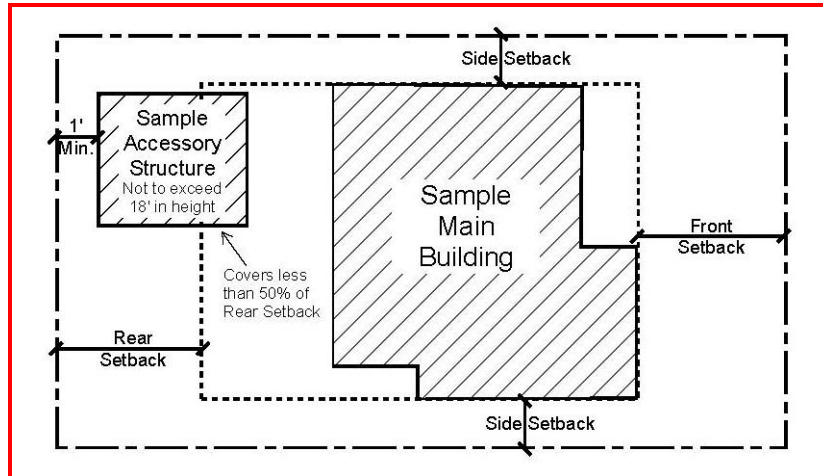
- E. **FRONT ~~YARD-SETBACK~~ EXCEPTIONS**. The Front ~~Yard-Setback~~ must be open and free of any Structure except:
1. Fences or walls not more than four feet (4') in height or as permitted in Section 15-4-2, Fences and Walls. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection, at the back of curb.
 2. Uncovered steps leading to the Main Building; provided, the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of the

Street or intersection.



3. Decks, porches, or Bay Windows not more than ten feet (10') wide, projecting not more than three feet (3') into the Front ~~Yard-Setback~~.
 4. Roof overhangs, eaves or cornices projecting not more than three feet (3') into the Front ~~Yard-Setback~~.
 5. Sidewalks and pathways.
 6. Driveways leading to a Garage or Parking Area. No portion of a Front Yard except for driveways, allowed Parking Areas and sidewalks, may be Hard-Surfaced or graveled.
 7. Single car detached Garages approved as part of a Master Planned Development in Subzone A.
- F. **REAR YARD SETBACK EXCEPTIONS.** The Rear ~~Yard-Setback~~ must be open and free of any Structure except:
1. Bay Windows not more than ten feet (10') wide, and projecting not more than two feet (2') into the Rear ~~Yard-Setback~~.
 2. Chimneys not more than five feet (5') wide, projecting not more than two feet (2') into the Rear ~~Yard-Setback~~.
 3. Window wells or light wells projecting not more than four feet (4') into the Rear ~~Yard-Setback~~.
 4. Roof overhangs or eaves projecting not more than two feet (2') into the Rear ~~Yard-Setback~~.
 5. Window sills, belt courses, cornices, trim, exterior siding, or other ornamental features projecting not more than six inches (6") into the Rear ~~Yard-Setback~~.
 6. Detached Accessory Buildings not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building, and maintaining a minimum Rear ~~Yard-Setback~~ of one foot (1'). Such Structure must not cover over fifty percent (50%) of the Rear Yard. See the following illustration:





7. Hard-Surfaced Parking Areas subject to the same location requirements as a detached Accessory Building.
8. Mechanical equipment (which must be screened), hot tubs, or similar Structures located at least three feet (3') from the Rear Lot Line.
9. Fences or walls not more than six feet (6') in height or as permitted in Section 15-4-2.
10. Patios, decks, steps, pathways, or similar Structures not more than thirty inches (30") above Final Grade.
11. Pathways or steps connecting to a City staircase or pathway.

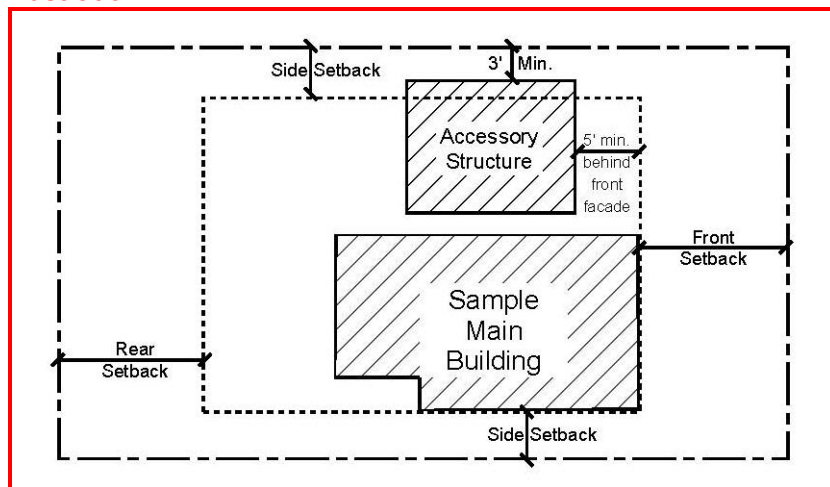
G. SIDE YARD-SETBACK.

1. The minimum Side ~~Yard-Setback~~ is three feet (3'), but increases for Lots greater than thirty-seven and one-half feet (37.5') in width, as per Table 15-2.3 above.
2. On Corner Lots, the ~~minimum~~ Side Yard that faces a ~~side~~ Street or platted Right-of-Way is ~~considered a Front Yard and the minimum Setback is~~ five feet (5').
3. A Side ~~Yard-Setback~~ between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District.
 - a. Exterior Side ~~Yards-Setbacks~~ shall be based on the required minimum Side ~~Yard-Setback~~ for each Lot; however the Planning Commission may consider increasing exterior Side ~~Yards-Setbacks~~ during Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side ~~Yard-Setback~~ exceptions continue to apply.
 - b. Building Footprint shall be based on the total lot Area of the underlying Lots. The Planning Commission may consider decreasing Building Footprint during Conditional Use Permit review to mitigate potential impacts on adjacent Property.

H. SIDE YARD-SETBACK EXCEPTIONS. The Side ~~Yard-Setback~~ must be open and free of any Structure except:

1. Bay Windows not more than ten feet (10') wide, and projecting not more than two feet (2') into the Side ~~Yard-Setback~~.¹
2. Chimneys not more than five feet (5') wide, projecting not more than two feet (2') into the Side ~~Yard-Setback~~.¹

3. Window wells or light wells projecting not more than four feet (4') into the Side ~~Yard~~ Setback.¹
4. Roof overhangs or eaves projecting not more than two feet (2') into the Side ~~Yard~~ Setback. A one foot (1') roof or eave overhang is permitted on Lots with a Side Yard of less than five feet (5').¹
5. Window sills, belt courses, trim, cornices, exterior siding, or other ornamental features projecting not more than six inches (6") into the Side ~~Yard~~ Setback.
6. Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") in height from Final Grade.
7. Fences or walls not more than six feet (6') in height or as permitted in Section 15-4-2.
8. Driveways leading to a garage or Parking Area.
9. Pathway or steps connecting to a City staircase or pathway.
10. Detached Accessory Buildings not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building, maintaining a minimum Side ~~Yard~~ Setback of three feet (3'). See the following illustration:



11. Mechanical equipment (which must be screened), hot tubs, or similar Structures located at least three feet (3') from the Side Lot Line.

¹Applies only to Lots with a minimum Side ~~Yard~~ Setback of five feet (5')

15-2.3-8 Special Requirements For Master Planned Developments And Conditional Use Permits In Sub-Zone A

A. SUB-ZONE A.

2. All Buildings within the HR-2 portion of the development must meet the minimum Side and Front ~~Yard~~ Setbacks of the HR-2 District as stated in Section 15-2.3-4, unless the Planning Commission grants an exception to this requirement during the MPD review and the development is consistent with the MPD Section 15-6-5(C). Below Grade Structures, such as parking structures and Commercial Floor Area extending from Main Street beneath a residential Structure or Structures on Park Avenue may occupy Side ~~Yard~~ Setbacks subject to Building and Fire Codes

and trespass agreements.

15-2.3-10 Parking Regulations

- D. A common Parking Structure may occupy below Grade Side ~~Yards~~ **Setbacks** between participating Developments if the Structure maintains all Setbacks above Grade. Common Parking Structures are subject to a Conditional Use review, Section 15-1-10.

15-2.4 Historic Residential-Medium Density (HRM) District

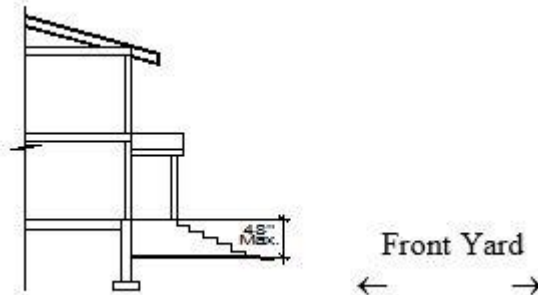
15-2.4-4 Lot And Site Requirements

C. **FRONT ~~YARD~~ SETBACK.**

1. The minimum Front ~~Yard-Setback~~ for Single-Family, Duplex Dwellings, and Accessory Buildings is fifteen feet (15'). If the Lot depth is seventy five feet (75') or less, then the minimum Front ~~Yard-Setback~~ is ten feet (10').
2. New Front Facing Garages for Single Family and Duplex Dwellings must be at least twenty feet (20') from the Front Lot Line.
3. See Section 15-2.4-5 for special requirements for Triplexes and Multi-Unit Dwellings.

D. **FRONT ~~YARD~~ SETBACK EXCEPTIONS.** The Front ~~Yard-Setback~~ must be open and free of any Structure except:

1. Fences, walls, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2. On Corner Lots, Fences more than three (3') in height are prohibited within twenty-five feet (25') of the intersection, at back of curb.
2. Uncovered steps leading to the Main Building; provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of a Street or intersection.



3. Decks, porches, and Bay Windows, not more than ten feet (10') wide, projecting not more than three feet (3') into the Front ~~Yard-Setback~~.
4. Roof overhangs, eaves, and cornices projecting not more than three feet (3') into the Front ~~Yard-Setback~~.
5. Sidewalks, patios, and pathways.

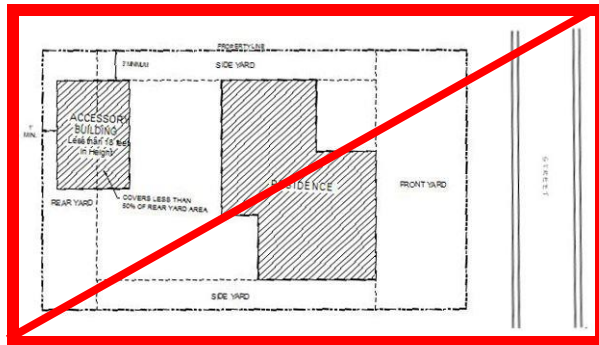
6. Driveways leading to a garage or Parking Area. No portion of a Front Yard except for approved driveways and patios, allowed Parking Areas, and sidewalks may be Hard-Surfaced or graveled.

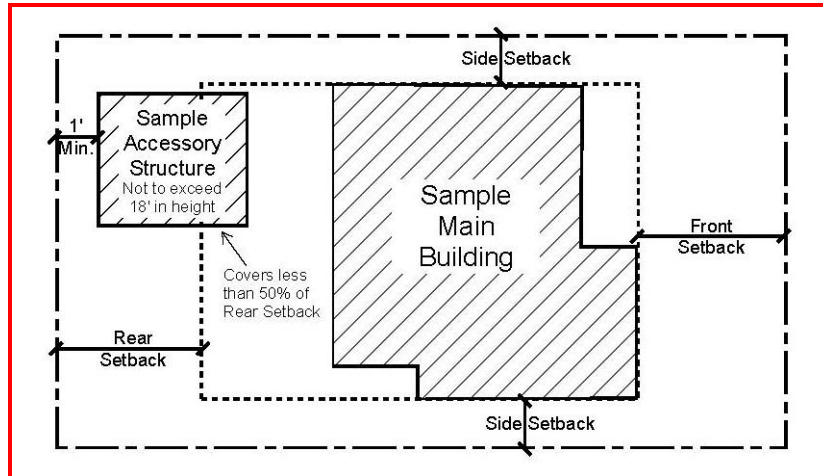
E. **REAR ~~YARD-SETBACK~~.**

1. The minimum Rear ~~Yard-Setback~~ is ten feet (10') for all Main Buildings, and one foot (1') for detached Accessory Buildings.
2. See Section 15-2.4-5, Special Requirements for Multi-Unit Dwellings.

F. **REAR ~~YARD-SETBACK~~ EXCEPTIONS.**

1. Bay Windows not more than ten feet (10') wide, projecting not more than two feet (2') into the Rear ~~Yard-Setback~~.
2. Chimneys not more than five feet (5') wide, projecting not more than two feet (2') into the Rear ~~Yard-Setback~~.
3. Window wells and light wells projecting not more than four feet (4') into the Rear ~~Yard-Setback~~.
4. Roof overhangs and eaves projecting not more than three feet (3') into the Rear ~~Yard-Setback~~.
5. Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which they are attached.
6. A detached Accessory Building not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front façade of the Main Building, and maintaining a minimum Rear ~~Yard-Setback~~ of one foot (1'). Such Structure must not cover over fifty percent (50%) of the Rear Yard. See the following illustration:



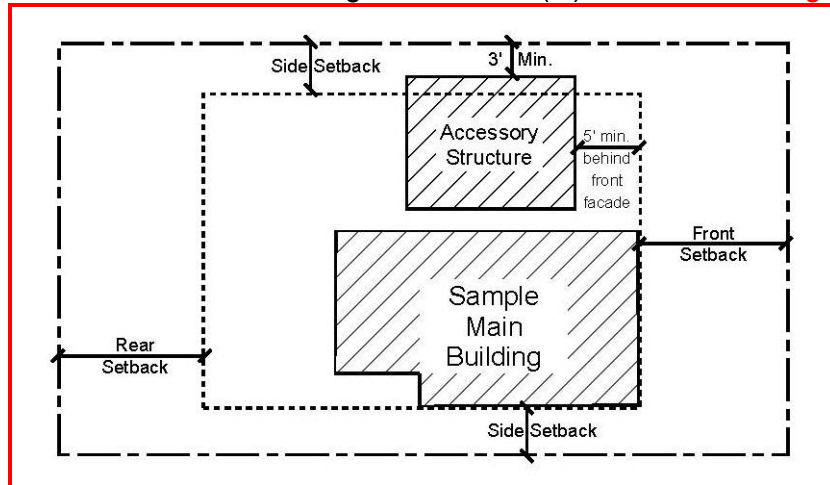


7. A Hard-Surfaced Parking Area subject to the same location requirements as a detached Accessory Building.
8. Mechanical equipment (which must be screened), hot tubs, or similar Structures located at least three feet (3') from the Rear Lot Line.
9. Fences, walls, and retaining walls not over six feet (6') in height, or as permitted in Section 15-4-2.
10. Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") above Final Grade.

G. SIDE YARD SETBACK.

1. The minimum Side ~~Yard-Setback~~ for any Single Family, Duplex Dwelling or Accessory Building is five feet (5').
2. The minimum Side ~~Yard-Setback~~ for Lots twenty-five feet (25') wide or less is three feet (3').
3. A Side ~~Yard-Setback~~ between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District.
 - a. Exterior Side ~~Yards-Setbacks~~ shall be based on the required minimum Side ~~Yard-Setback~~ for each Lot; however the Planning Commission may consider increasing exterior Side ~~Yards-Setbacks~~ during Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side ~~Yard-Setback~~ exceptions continue to apply.
 - b. The longest dimension of a Building joined at the Property Line may not exceed one hundred feet (100').
4. The minimum Side ~~Yard-Setback~~ for a detached Accessory Building, not greater than eighteen feet (18') in height, located at least five feet (5') behind the front

facade of the Main Building, is three feet (3'). See the following illustration:



5. On Corner Lots, the ~~minimum~~ Side Yard that faces a ~~side~~ Street or platted Right-of-Way is ~~considered a Front Yard~~, and the ~~minimum Setback~~ is ten feet (10') for both Main and Accessory Buildings.
6. See Section 15-2.4-5 special requirements for Multi-Unit Dwellings.

H. **SIDE YARD-SETBACK EXCEPTIONS.** The Side ~~Yard-Setback~~ must be open and free of any Structure except:

1. Bay Windows not more than ten feet (10') wide, projecting not more than two feet (2') into the Side ~~Yard-Setback~~.¹
2. Chimneys not more than five feet (5') wide, projecting not more than two feet (2') into the Side ~~Yard-Setback~~.¹
3. Window well and light wells projecting not more than four feet (4') into the Side ~~Yard-Setback~~.¹
4. Roof overhangs and eaves projecting not more than two feet (2') into the Side ~~Yard-Setback~~.¹
5. Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which they are attached.
6. Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") in height above Final Grade.
7. Fences, walls and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2.
8. Driveways leading to a garage or approved Parking Area.
9. Pathways and steps connecting to a City staircase or pathway.
10. Mechanical equipment (which must be screened), hot tubs, or similar Structures located at least three feet (3') from the Side Lot Line.

¹Applies only to Lots with a minimum Side ~~Yard-Setback~~ of five feet (5').

15-2.4-5 Special Requirements For Multi-Unit Dwellings

- A. **FRONT YARD-SETBACK.** The Front ~~Yard Setback~~ for any Triplex, or Multi-Unit Dwelling is twenty (20') feet. All new Front-Facing Garages shall be a minimum of twenty-five feet (25') from the Front Property Line. All Yards fronting ~~on~~ any Street are

considered Front Yards for the purposes of determining required Setbacks. See Section 15-2.4-4(D), Front Yard Exceptions.

- B. **REAR ~~YARD~~ SETBACK**. The Rear ~~yard~~ Setback for a Triplex or Multi-Unit Dwelling is ten feet (10'). See Section 15-2.4-4(F), Rear ~~Yard~~ Setback Exceptions.
- C. **SIDE ~~YARD~~ SETBACK**. The Side ~~Yard~~ Setback for any Triplex, or Multi-Unit Dwelling is ten feet (10'). See Section 15-2.4-4(H), Side ~~Yard~~ Setback Exceptions.

15-2.4-9 Sullivan Road Access

- B. **NEIGHBORHOOD MANDATORY ELEMENTS CRITERIA**. The Planning Commission shall review and evaluate the following criteria for all projects along Sullivan Road and Eastern Avenue:
 - 1. **UTILITY CONSIDERATIONS**. Utility extensions from Park Avenue are preferred, which provide the least disturbance to the City Park and the public as a whole.
 - 2. **ENHANCED SITE PLAN CONSIDERATIONS**. These review criteria apply to both Sullivan Road and Park Avenue Street fronts:
 - a. Variation in Front Yard and Building Setbacks to orient porches and windows onto Street fronts.
 - b. Increased Front ~~Yard~~ Setbacks.
 - c. Increased snow storage.
 - d. Increased Transferred Development Right (TDR) Open Space, and/or preservation of significant landscape elements.
 - e. Elimination of Multi-Unit or Triplex Dwellings.
 - f. Minimized Access to Sullivan Road.
 - g. Decreased Density.
 - 3. **INCORPORATION OF PEDESTRIAN AND LANDSCAPE IMPROVEMENTS ALONG PARK AVENUE, SULLIVAN ROAD, AND EASTERN AVENUE**. Plans must save, preserve, or enhance pedestrian connections and landscape elements along the Streetscape, within the Development Site, and between Park Avenue and Sullivan Road.
 - 4. **PARKING MITIGATION**. Plans that keep the Front ~~Yard~~ Setbacks clear of parking and minimize parking impacts near intensive Uses on Sullivan Road are positive elements of any Site plan.

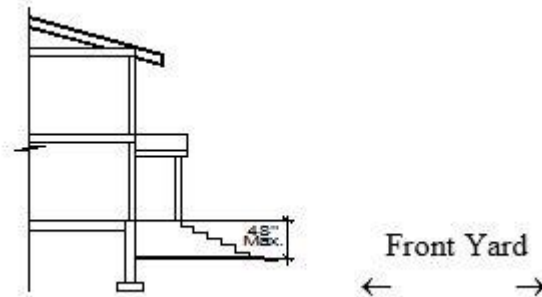
15-2.5 Historic Recreation Commercial (HRC) District

15-2.5-3 Lot And Site Requirements

- A. **FRONT ~~YARD~~ SETBACK**. The minimum Front ~~Yard~~ Setback is ten feet (10').
- B. **FRONT YARD EXCEPTIONS**. The Front ~~Yard~~ Setback must be open and free of any Structure except:
 - 1. Fences, walls, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2. On Corner Lots, Fences more than three feet (3') in

height are prohibited within twenty five feet (25') of the intersection at back of curb.

2. Uncovered steps leading to the Main Building; provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause danger or hazard to traffic by obstructing the view of the Street or intersection.



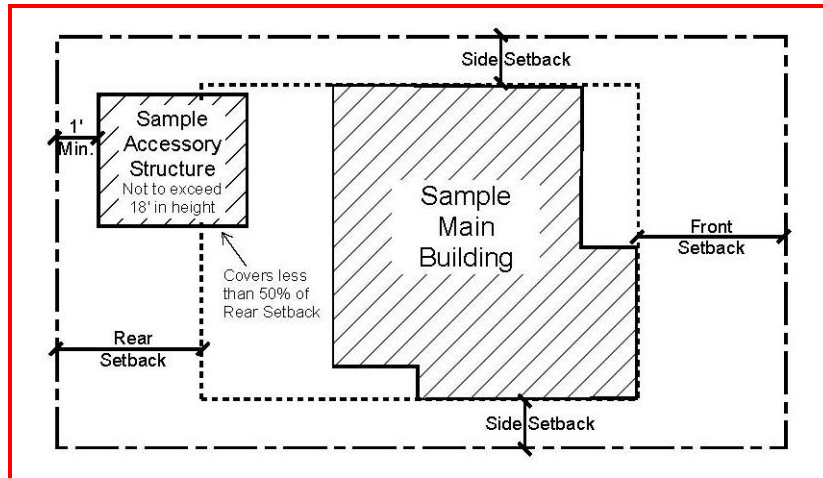
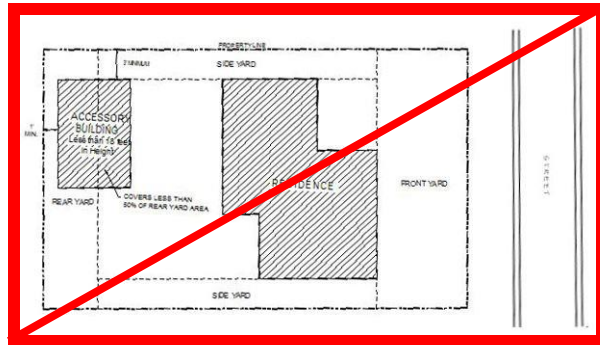
3. Decks, porches, and Bay Windows, not more than ten feet (10') wide, projecting not more than three feet (3') into the Front ~~Yard-Setback~~.
4. Roof overhangs, eaves, and cornices, projecting not more than three feet (3') into the Front ~~Yard-Setback~~.
5. Sidewalks, patios, and pathways.
6. Driveways leading to a garage or Parking Area. No portion of a Front Yard, except for approved driveways, allowed Parking Areas, patios, and sidewalks may be Hard-Surfaced or graveled.

C. **REAR ~~YARD-SETBACK~~**. The minimum Rear ~~Yard-Setback~~ is ten feet (10').

D. **REAR ~~YARD-SETBACK~~ EXCEPTIONS**. The Rear ~~Yard-Setback~~ must be open and free of any Structure except:

1. Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Rear ~~Yard-Setback~~.
2. Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Rear ~~Yard-Setback~~.
3. Window wells and light wells projecting not more than four feet (4') into the Rear ~~Yard-Setback~~.
4. Roof overhangs and eaves projecting not more than two feet (2') into the Rear ~~Yard-Setback~~.
5. Window sills, belt courses, cornices, trim, exterior siding, or other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which it is attached.
6. A detached Accessory Building not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building, and maintaining a minimum Rear ~~Yard-Setback~~ of one foot (1'). Such Structure must not cover over fifty percent (50%) of the Rear Yard. See the following

illustration:



7. Hard-Surfaced Parking Areas subject to the same location requirements as a detached Accessory Building.
8. Screened mechanical equipment, hot tubs, and similar Structures located at least five feet (5') from the Rear Lot Line.
9. Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2.
10. Patios, decks, steps, pathways, and similar Structures not more than thirty inches (30") above Final Grade, located at least five feet (5') from the Rear Lot Line.

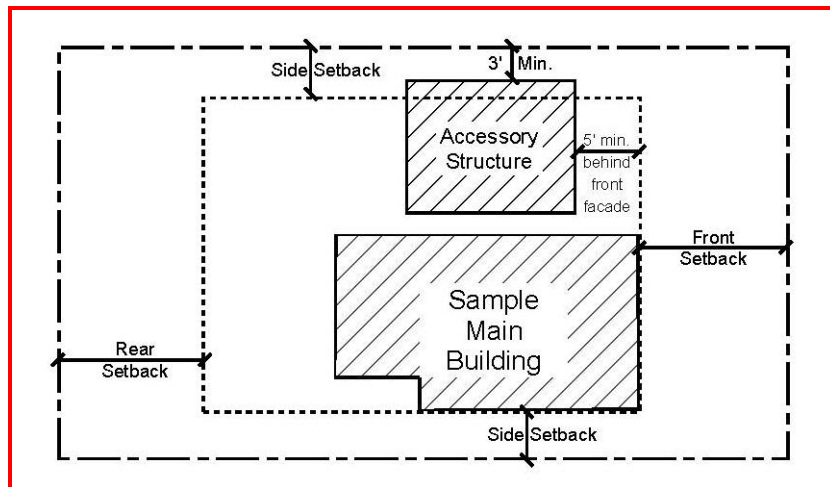
E. **SIDE YARD SETBACK.**

1. The minimum Side ~~Yard-Setback~~ is five feet (5').
2. On Corner Lots, the Side ~~Yard-Setback~~ that faces a Street is ten feet (10') for both main and accessory Structures.
3. A Side ~~Yard-Setback~~ between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District.
 - a. Exterior Side ~~Yards-Setbacks~~ shall be based on the minimum required Side ~~Yard-Setback~~ for each Lot; however the Planning Commission may consider increasing exterior Side ~~Yards-Setbacks~~ during Conditional Use

Permit review to mitigate potential impacts on adjacent Property. Side ~~Yard-Setback~~ exceptions continue to apply.

F. **SIDE ~~YARD-SETBACK~~ EXCEPTIONS.** The Side ~~Yard-Setback~~ must be open and free of any Structure except:

1. Bay Windows, not more than ten feet (10') wide, projecting not more than two feet (2') into the Side ~~Yard-Setback~~.
2. Chimneys not more than five feet (5') wide, projecting not more than two feet (2') into the Side ~~Yard-Setback~~.
3. Window wells and light wells projecting not more than four feet (4') into the Side ~~Yard-Setback~~.
4. Window sills, belt courses, cornices, trim, exterior siding, and other ornamental features, projecting not more than six inches (6") beyond the window or main Structure to which it is attached.
5. Roof overhangs and eaves projecting not more than two feet (2') into the Side ~~Yard-Setback~~.
6. Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") in height from Final Grade, provided there is at least a one foot (1') Setback to the Side Lot Line.
7. Fences, walls and retaining walls not more than six feet (6'), or as permitted in Section 15-4-2.
8. Driveways leading to a garage or approved Parking Area.
9. Pathways and steps connecting to a City stairway or pathway.
10. A detached Accessory Building not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building, maintaining a minimum Side ~~Yard-Setback~~ of three feet (3'). See the following illustration:



11. A covered arcade between projects provided that the highest point of the arcade is not more than fifteen feet (15') above the elevation of the walk.

15-2.5-11 Parking Regulations

- D. A common Parking Structure may occupy below Grade Side ~~Yards Setbacks~~ between participating Developments if the Structure maintains all Setbacks above Grade. Common Parking Structures are subject to a Conditional Use Review, Section 15-1-10.

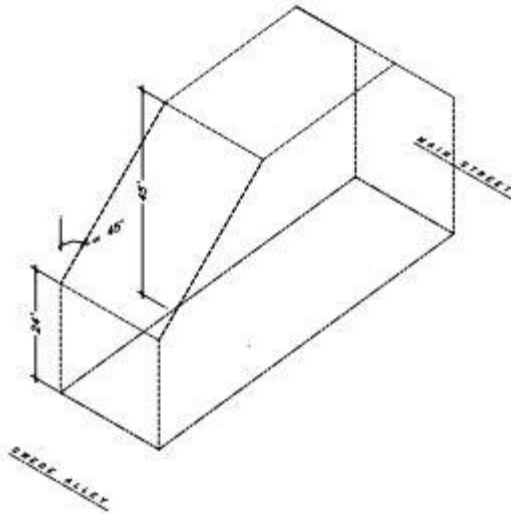
15-2.6 Historic Commercial Business (HCB) District

15-2.6-3 Lot And Site Requirements

- B. **FRONT, REAR AND SIDE ~~YARDS-SETBACKS~~**. There are no minimum required Front, Rear, or Side ~~Yard-Setback~~ dimensions in the HCB District.

15-2.6-5 Maximum Building Volume And Height

- B. The rear portion of the bulk plane for each Lot that does not abut Swede Alley is defined by the plane that rises vertically at the Rear ~~Yard~~ Property Line to a height of thirty feet (30') measured above the average Natural Grade and then proceeds at a forty-five degree (45°) angle toward the Front Lot Line until it intersects with a point forty-five feet (45') above the Natural Grade of the Building Site. No part of a Building shall be erected to a height greater than forty-five feet (45'), measured from Natural Grade at the Building Site. This provision must not be construed to encourage solid roofing to following the forty-five degree (45°) back plane.
- C. For Lots abutting Swede Alley, the rear portion of the bulk plane is defined by a plane that rises vertically at the Rear ~~Yard~~ Property Line to a height of twenty-four feet (24') measured above the average Natural Grade and then proceeds at a forty-five degree (45°) angle toward the Front Lot Line until it intersects with a point forty-five feet (45') above the Natural Grade. This provision must not be construed to encourage solid roofing to follow the forty-five degree (45°) back plane.



15-2.7 Recreation And Open Space (ROS) District

15-2.7-3 Lot And Site Requirements

- A. **FRONT, SIDE, AND REAR ~~YARD-SETBACK~~ EXCEPTIONS**. Fences, walls, stairs, paths, trails, sidewalks, patios, driveways, Ancillary Structures, approved Parking Areas, and Screened mechanical and utility equipment are allowed as exceptions in the Front, Side and Rear ~~Yards-Setbacks~~.

15-2.8 Protected Open Space (POS) District

15-2.8-3 Lot And Use Requirements

- A. **FRONT, SIDE, AND REAR ~~YARD~~ SETBACK EXCEPTIONS.** Fences, walls, stairs, paths, trails, sidewalks, at Grade patios, driveways, Ancillary Structures, approved Parking Areas and Screened mechanical and utility equipment are allowed in the Front, Side, and Rear ~~Yards~~ Setbacks.

15-2.9 Rural Estate (E-40) District

15-2.9-3 Lot And Site Requirements

- C. **SETBACKS.** The minimum Front, Side, and Rear ~~yards~~ Setbacks for all Structures are thirty feet (30').

15-2.10 Estate (E) District

15-2.10-3 Lot And Site Requirements

C. **REQUIRED SETBACKS.** The minimum Front, Side and Rear ~~Yard~~ Setback for all Structures is thirty feet (30'). The Planning Commission may vary required ~~yards~~ Setbacks in Subdivisions and Master Planned Developments. In no case shall the Planning Commission reduce Side ~~Yards~~ Setbacks to allow less than ten feet (10') between Structures.

D. **FRONT ~~YARD~~ SETBACK EXCEPTIONS.** The required Front ~~Yard~~ Setback must be open and free of any Structure except for the following:

3. Decks, porches, and Bay Windows, not more than ten feet (10') wide, projecting not more than five feet (5') into the Front ~~Yard~~ Setback.
4. Roof overhangs, eaves, and cornices projecting not more than three feet (3') into the Front ~~Yard~~ Setback.
6. Driveways leading to a garage or Parking Area. No portion of a Front Yard, except for patios, driveways, allowed Parking Areas, and sidewalks may be Hard-Surfaced or graveled.

E. **REAR ~~YARD~~ SETBACK EXCEPTIONS.** The required Rear ~~Yard~~ Setback must be open and free of any Structure except for the following:

1. Bay Windows not more than ten feet (10') ~~long wide~~, projecting not more than two feet (2') into the Rear ~~Yard~~ Setback.
2. Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Rear ~~Yard~~ Setback.
3. Window wells and light wells projecting not more than four feet (4') into the Rear ~~Yard~~ Setback.
4. Roof overhangs and eaves projecting not more than three feet (3') into the Rear ~~Yard~~ Setback.
6. Detached Accessory Buildings not more than eighteen (18') feet in height and maintaining a minimum Setback of five feet (5'). Such Structures must not cover over twenty-five percent (25%) of the Rear Yard.

F. SIDE ~~YARD~~ SETBACK EXCEPTIONS. The required Side ~~Yard~~ Setback must be open and free of any Structure except:

1. Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Side ~~Yard~~ Setback.
2. Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side ~~Yard~~ Setback.
3. Window wells and light wells projecting not more than four feet (4') into the Side ~~Yard~~ Setback.
4. Roof overhangs and eaves projecting not more than three feet (3') into the Side ~~Yard~~ Setback.
9. Detached Accessory Building not greater than eighteen feet (18') in height located a minimum of five feet (5') behind the front facade of the Main Building and maintaining a minimum Side ~~Yard~~ Setback of five feet (5').

15-2.11 Single Family (SF) District

15-2.11-3 Lot And Site Requirements

B. ~~FRONT, REAR, AND SIDE YARDS.~~ All Development activity must comply with the following minimum ~~Yard~~.

C. ~~FRONT YARD SETBACK.~~

1. In Thaynes Canyon Subdivision 1 and 2 and Prospector Village Subdivision, the minimum Front ~~Yard~~ Setback for Main Buildings is twenty feet (20') and minimum Front ~~Yard~~ Setback for Garages is ten feet (10').
2. In Prospector Park Subdivisions 1, 2, and 3, the minimum Front ~~Yard~~ Setback is 20 feet (20'), including Garages.
3. In all other subdivisions, the minimum Front ~~Yard~~ Setback is twenty feet (20'). New Front-Facing Garages for Single Family and Duplex Dwellings must maintain a minimum of twenty five feet (25') from Front Lot Line.

D. ~~FRONT YARD SETBACK EXCEPTIONS.~~

1. The Planning Commission may designate specific Single Family Lots on which the Front ~~Yard~~ Setback is ten feet (10') for the Main Building and fifteen feet (15') for a new Front Facing Garage or garage element, including any habitable **space** above the garage. This exception may be granted to:
 - a. solve Access problems with relatively steep Grades,
 - b. preserve Significant Vegetation,
 - c. eliminate or minimize cut and fill Areas,
 - d. promote Clustered Development, and
 - e. preserve Open **Space**.Lots to which this exception applies must be so designated on the Subdivision Plat at the time the plat is approved.
2. The Front ~~Yard~~ Setback must be open and free of any Structure except:
 - a. Fences, walls, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection at back of curb.

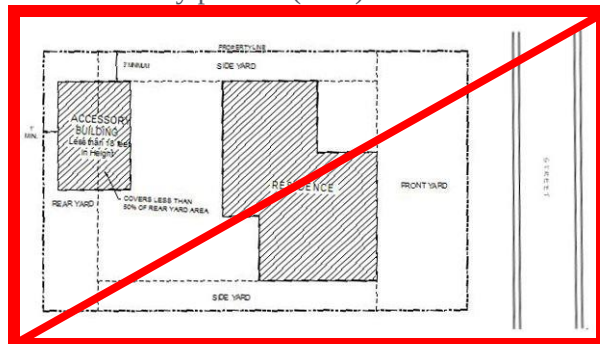
- b. Uncovered steps leading to the Main Building provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of a Street or intersection.
- c. Decks, porches, and Bay Windows, not more than ten feet (10') wide, projecting not more than five feet (5') into the Front ~~Yard~~ Setback.
- d. Roof overhangs, eaves, and cornices projecting not more than three feet (3') into the Front ~~Yard~~ Setback.
- e. Sidewalks, patios, and pathways.
- f. Driveways leading to a garage or Parking Area. No portion of a Front Yard, except for approved driveways and patios, allowed Parking Areas, and sidewalks may be Hard-Surfaced or graveled.
- g. Circular driveways meeting all requirements stated in Section 15-3-4.

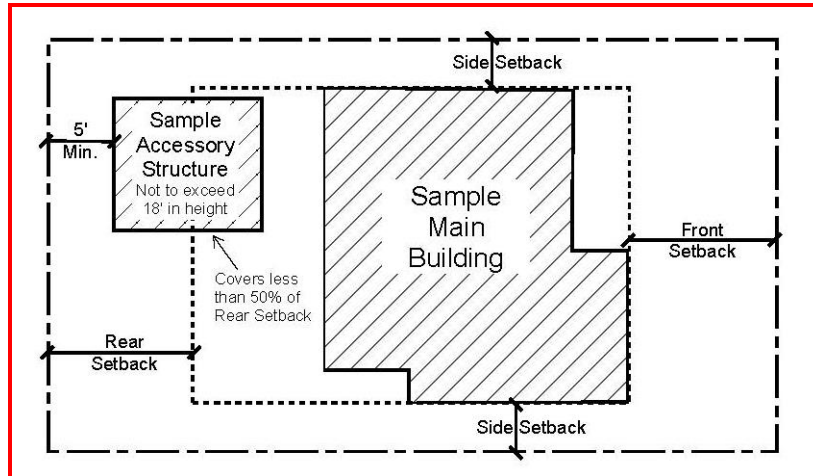
E. REAR ~~YARD~~ SETBACK.

1. In Thaynes Canyon Subdivision 1 and 2 and Prospector Village Subdivision, the minimum Rear ~~Yard~~ Setback is 10 feet (10').
2. In Prospector Park Subdivisions 1, 2, and 3 the minimum Rear ~~Yard~~ Setback is ten feet (10').
3. In all other subdivisions, the minimum Rear ~~Yard~~ Setback is fifteen feet (15').

F. REAR ~~YARD~~ SETBACK EXCEPTIONS. The Rear ~~Yard~~ Setback must be open and free of any Structure except:

1. Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Rear ~~Yard~~ Setback.
2. Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Rear ~~Yard~~ Setback.
3. Window wells and light wells projecting not more than four feet (4') into the Rear ~~Yard~~ Setback.
4. Roof overhangs and eaves projecting not more than three feet (3') into the Rear ~~Yard~~ Setback.
5. Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which it is attached.
6. Detached Accessory Buildings not more than eighteen feet (18') in height and maintaining a minimum Rear ~~Yard~~ Setback of five feet (5'). Such Structure must not cover over fifty percent (50%) of the Rear Yard. See the following illustration:





7. Hard-Surfaced Parking Areas subject to the same location requirements as detached Accessory Buildings.
8. Screened mechanical equipment, hot tubs, and similar Structures located at least five feet (5') from the Rear Lot Line.
9. Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. Retaining walls may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.¹
10. Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") above Final Grade, provided it is located at least five feet (5') from the Rear Lot Line.

G. SIDE YARD SETBACK.

1. In Thaynes Canyon Subdivision 1 and 2 and Prospector Village Subdivision, the minimum Side ~~Yard~~ Setback is five feet (5'). On Corner Lots the minimum Side ~~Yard~~ Setback abutting a Street is ten feet (10').
2. In Prospector Park Subdivisions 1, 2, and 3 the minimum Rear ~~Yard~~ Setback is ten feet (10').
3. In all other subdivisions, the minimum Side ~~Yard~~ Setback is twelve feet (12').
4. A Side ~~Yard~~ Setback between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District.
 - a. Exterior Side ~~Yard~~ Setbacks shall be based on the required minimum Side ~~Yard~~ Setback for each Lot; however the Planning Commission may consider increasing exterior Side ~~Yard~~ Setbacks during Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side ~~Yard~~ Setbacks exceptions continue to apply.

H. SIDE YARD SETBACK EXCEPTIONS. The Side ~~Yard~~ Setback must be open and free of any Structure except:

1. Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Side ~~Yard~~ Setback.
2. Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side ~~Yard~~ Setback.
3. Window wells and light wells projecting not more than four feet (4') into the Side ~~Yard~~ Setback.
4. Roof overhangs and eaves projecting not more than three feet (3') into the Side ~~Yard~~ Setback.
5. Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which it is attached.
6. Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") in height above Final Grade, provided there is at least one foot (1') Setback to the Side Lot Line.
7. Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Sections 15-4-2. Retaining walls may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.²
8. Driveways leading to an approved garage or Parking Area maintaining a three foot (3') landscaped Setback to the Side Lot Line. A paved turn out Area, to aid in backing a vehicle out of a garage or Parking Area, is allowed but may not be used for parking, and must maintain a one foot (1') landscaped Setback to the Side Lot Line.
9. Detached Accessory Buildings not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building, and maintaining a minimum Side ~~Yard~~ Setback of five feet (5').
10. Screened mechanical equipment, hot tubs, and similar Structures located a minimum of five feet (5') from the Side Lot Line.

15-2.12 Residential (R-1) District

15-2.12-3 Lot And Site Requirements

B. FRONT ~~YARD~~ SETBACK.

1. The minimum Front ~~Yard~~ Setback is fifteen feet (15').
2. New Front Facing Garages for Single Family and Duplex Dwellings must be at least ~~than~~ twenty feet (20') from the Front Property Line.
3. Parking Spaces are allowed within the required Front ~~Yard~~ Setback, but not within five feet (5') of Side Lot Lines.

C. FRONT ~~YARD~~ SETBACK EXCEPTIONS. The Front ~~Yard~~ Setback must be open and free of any Structure except:

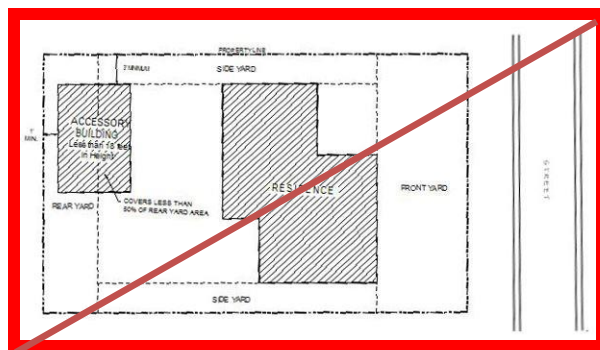
1. Fences, walls, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection at back of curb.

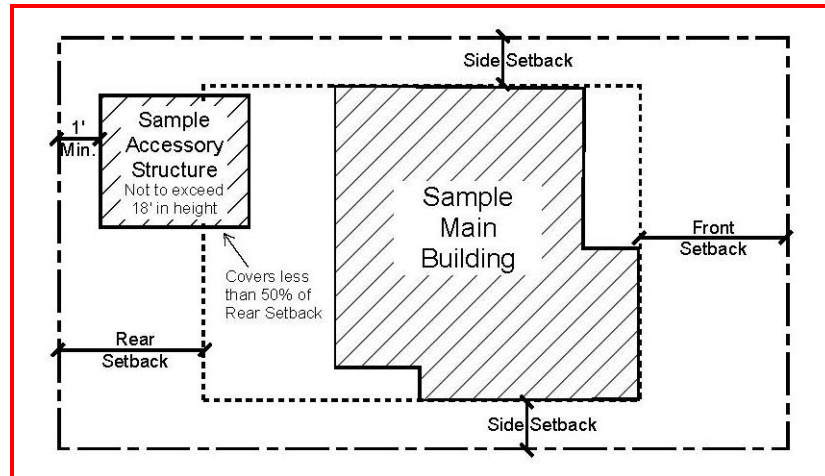
2. Uncovered steps leading to the Main Building provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrails, and do not cause any danger or hazard to traffic by obstructing the view of a Street or intersection.
3. Decks, porches, and Bay Windows not more than ten feet (10') wide, projecting not more than five feet (5') into the Front ~~Yard~~ Setback.
4. Roof overhangs, eaves, and cornices projecting not more than two feet (2') into the Front ~~Yard~~ Setback.
5. Sidewalks, patios, and pathways.
6. Driveways leading to a garage or Parking Area. No portion of a Front Yard, except for approved driveways, allowed Parking Areas, patios, and sidewalks may be Hard-Surfaced or graveled.
7. Circular driveways meeting all requirements stated in Section 15-3-4 herein.

D. **REAR ~~YARD~~ SETBACK.** The minimum Rear ~~Yard~~ Setback is ten feet (10').

E. **REAR ~~YARD~~ SETBACK EXCEPTIONS.** The Rear ~~Yard~~ Setback must be open and free of any Structure except:

1. Bay Windows not more than ten feet (10') wide, projecting not more than two feet (2') into the Rear ~~Yard~~ Setback.
2. Chimneys not more than five feet (5') wide, projecting not more than two feet (2') into the Rear ~~Yard~~ Setback.
3. Window wells and light wells, projecting not more than four feet (4') into the Rear ~~Yard~~ Setback.
4. Roof overhangs and eaves projecting not more than two feet (2') into the Rear ~~Yard~~ Setback.
5. Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or Structure to which it is attached.
6. Detached Accessory Buildings, not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front façade of the Main Building and maintaining a minimum Rear ~~Yard~~ Setback of five feet (5'). Such Structure must not cover over fifty percent (50%) of the Rear Yard. See the following illustration:





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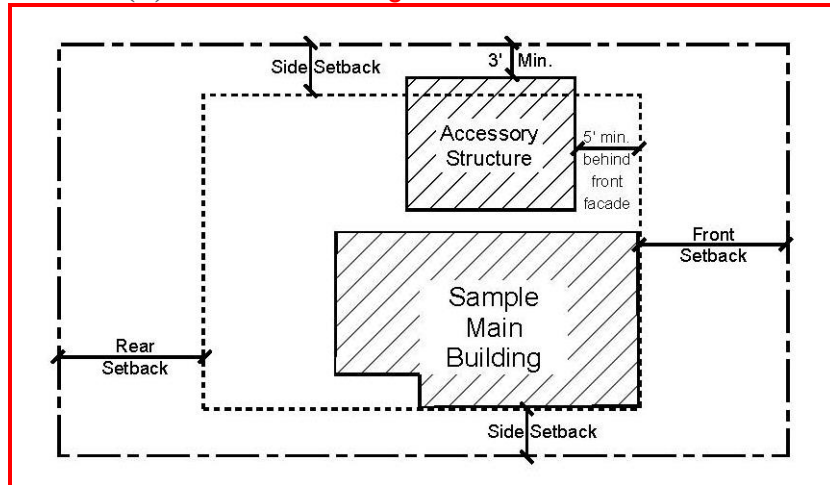
mechanical equipment, hot tubs, and similar Structures located at least five feet (5') from the Rear Lot Line.

7. Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. Retaining walls may have multiple steps; however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.¹
8. Patios, decks, pathways, steps and similar Structures not more than thirty inches (30") above Final Grade, located at least five feet (5') from the Rear Lot Line.

F. **SIDE ~~YARD~~ SETBACK.**

1. The minimum Side ~~Yard~~ Setback is five feet (5').
2. A Side ~~Yard~~ Setback between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District.
 - a. Exterior Side ~~Yard~~ Setbacks shall be based on the required minimum Side ~~Yard~~ Setback for each Lot; however the Planning Commission may consider increasing exterior Side ~~Yard~~ Setbacks during Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side ~~Yard~~ Setback exceptions continue to apply.
3. The minimum Side ~~Yard~~ Setback for a Detached Accessory Building not greater than eighteen feet (18') in height, located at least five feet (5') behind the front facade of the Main Building is one foot (1'), except when an opening is proposed on an exterior wall adjacent to the Property Line, at which time the minimum Side ~~Yard~~ Setback must be

three feet (3'). See the following illustration:



4. On a Corner Lot, the ~~minimum~~ Side Yard that faces a Street or platted Right-of-Way is considered a Front Yard, and a ten feet foot (10') Setback is required for both the Main and Accessory Buildings.

G. **SIDE ~~YARD~~ SETBACK EXCEPTIONS.** The Side ~~Yard~~ Setback must be open and free of any Structure except:

1. Bay Windows not more than ten feet (10') wide, projecting not more than two feet (2') into the Side ~~Yard~~ Setback.
2. Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side ~~Yard~~ Setback.
3. Window wells and light wells projecting not more than four feet (4') into the Side ~~Yard~~ Setback.
4. Roof overhangs and eaves projecting not more than two feet (2') into the Side ~~Yard~~ Setback.

15-2.12-4 Special Setback Requirements For Conditional Uses

Conditional Uses in the R-1 District must maintain the following Setbacks:

- A. **SIDE ~~YARD~~ SETBACK.** The minimum Side ~~Yard~~ Setback is ten feet (10').
- B. **FRONT ~~YARD~~ SETBACK.** The minimum Front ~~Yard~~ Setback is twenty feet (20'). All yards of Structures fronting on any Streets must be considered Front Yards for the purposes of determining required Setbacks. Garages must be a minimum of five feet (5') behind the front facade of the Main Building or underground.
- C. **REAR ~~YARD~~ SETBACK.** The minimum Rear ~~Yard~~ Setback is ten feet (10').
- D. Front, Rear, and Side ~~Yard~~ Setback Exceptions as stated in Section 15-2.12-3 apply.

15-2.13 Residential Development (RD) District

15-2.13-3 Lot And Site Requirements

- B. **FRONT ~~YARD~~ SETBACK.** The minimum Front ~~Yard~~ Setback is twenty feet (20'). New Front Facing Garages for Single-Family and Duplex Dwellings must be at least twenty-five feet (25')

from the Front Lot Line.

C. FRONT ~~YARD-SETBACK~~ EXCEPTIONS.

1. Within any subdivision, the Planning Commission may designate specific Single Family and Duplex Dwelling Lots on which the Front ~~Yard~~ Setback is ten feet (10') for the Main Building and fifteen feet (15') for the new Front Facing Garage or garage element, including any Habitable Space above the garage. This exception may be granted to:
 - a. solve Access problems to Lots with relatively steep Grades,
 - b. preserve Significant Vegetation,
 - c. eliminate or minimize cut and fill Areas,
 - d. promote Clustered Development, and
 - e. preserve Open Space.

Lots to which this exception applies must be so designated on the Subdivision Plat at the time the plat is approved.

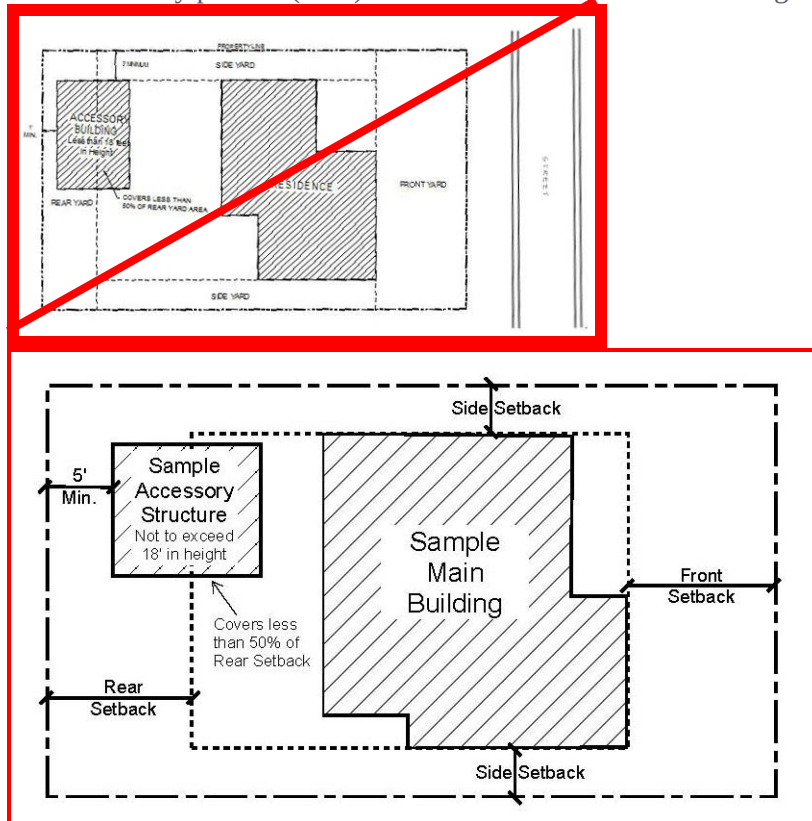
2. **EXCEPTIONS FOR STRUCTURES.** The Front ~~Yard~~ Setback must be open and free of any Structure except:
 - a. Fences, walls, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2. On Corner Lots Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection at back of curb.
 - b. Uncovered steps leading to the Main Building, provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of a Street or intersection.
 - c. Decks, porches, and Bay Windows, not more than ten feet (10') wide, projecting not more than five feet (5') into the Front ~~Yard~~ Setback.
 - d. Roof overhangs, eaves, and cornices projecting not more than three feet (3') into the Front ~~Yard~~ Setback.
 - e. Sidewalks, patios, and pathways.
 - f. Driveways leading to a garage or Parking Area. No portion of a Front Yard, except for approved driveways, patios, allowed Parking Areas, and sidewalks may be Hard-Surfaced or graveled.
 - g. Circular driveways, meeting all requirements stated in Section 15-3-4 herein.

- D. REAR ~~YARD-SETBACK~~.** The minimum Rear ~~Yard~~ Setback is fifteen feet (15') for Main Buildings and ten feet (10') for Accessory Buildings and detached garages.

- E. REAR ~~YARD-SETBACK~~ EXCEPTIONS.** The Rear ~~Yard~~ Setback must be open and free of any Structure except:

1. Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Rear ~~Yard~~ Setback.
2. Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Rear ~~Yard~~ Setback.
3. Window wells and light wells projecting not more than four feet (4') into the Rear ~~Yard~~ Setback.

4. Roof overhangs and eaves projecting not more than three feet (3') into the Rear ~~Yard~~ **Setback**.
5. Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which it is attached.
6. Detached Accessory Buildings not more than eighteen feet (18') in height and maintaining a minimum Rear ~~Yard~~ **Setback** of five feet (5'). Such Structures must not cover over fifty percent (50%) of the Rear Yard. See the following illustration:



7. Hard-Surfaced Parking Areas subject to the same location requirements as detached Accessory Buildings.
8. Screened mechanical equipment, hot tubs, and similar Structures located at least five feet (5') from the Rear Lot Line.
9. Fences, walls, and retaining walls not more than six feet (6') in height. A retaining wall may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.¹
10. Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") above Final Grade, provided it is located at least five feet (5') from the Rear Lot Line.

F. ~~SIDE YARD~~ **SETBACK**.

1. The minimum Side ~~Yard~~ **Setback** is twelve feet (12').
2. A Side ~~Yard~~ **Setback** between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by

the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District.

- a. Exterior Side ~~Yard~~ Setbacks shall be based on the required minimum Side ~~Yard~~ Setback for each Lot; however the Planning Commission may consider increasing exterior Side ~~Yard~~ Setbacks during Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side ~~Yard~~ Setback exceptions continue to apply.

G. **SIDE ~~YARD-SETBACK~~ EXCEPTIONS.** The Side ~~Yard~~ Setback must be open and free of any Structure except:

1. Bay Windows not more than ten feet (10') wide, projecting not more than two feet (2') into the Side ~~Yard~~ Setback.
2. Chimneys not more than five feet (5') wide, projecting not more than two feet (2') into the Side ~~Yard~~ Setback.
3. Window wells and light wells projecting not more than four feet (4') into the Side ~~Yard~~ Setback.
4. Roof overhangs and eaves projecting not more than three feet (3') into the Side ~~Yard~~ Setback.
5. Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which it is attached.
6. Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") in height above Final Grade, provided there is at least one foot (1') Setback to the Side Lot Line.
7. Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. Retaining walls may have multiple steps; however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.²
8. Driveways leading to an approved garage or Parking Area, maintaining a three foot (3') landscaped Setback to the Side Lot Line.
9. Detached Accessory Buildings not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building and maintaining a minimum Side ~~Yard~~ Setback of five feet (5').
10. Screened mechanical equipment, hot tubs, and similar Structures located a minimum of five feet (5') from the Side Lot Line.

H. **OTHER EXCEPTIONS.** The Planning Commission may vary Side ~~Yard~~ Setbacks in Subdivisions and Master Planned Developments. In no case shall the Planning Commission reduce Side ~~Yard~~ Setbacks to less than ten feet (10') between Structures, except as provided for in Section 15-2.13-3(F(2)).

15-2.13-4 Building Height

B. **OTHER HEIGHT EXCEPTIONS.** The Planning Commission may designate and condition a recorded Subdivision Plat to restrict Building Height to less than twelve feet (12') above Natural

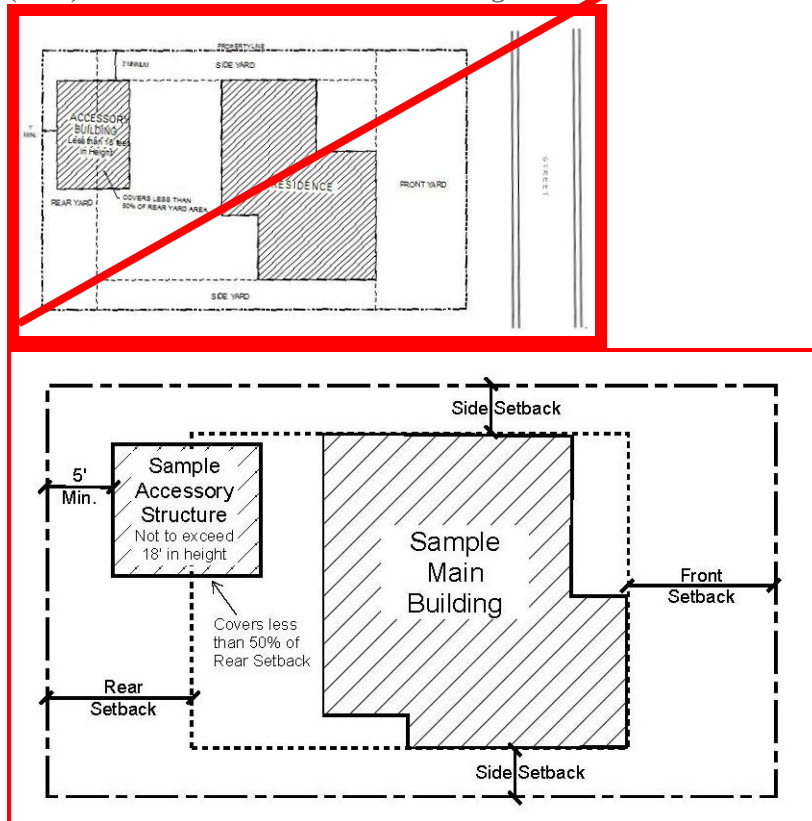
Grade for uphill Lots between the ten foot (10') Setback allowed for garages, Section 15-2.13-3(C) (1) Front ~~Yard~~ Setback Exceptions, and the normal twenty-five foot (25') Setback.

15-2.14 Residential Development-Medium Density (RDM) District

15-2.14-3 Lot And Site Requirements

- C. **FRONT ~~YARD-SETBACK~~**. The minimum Front ~~Yard~~ Setback is twenty feet (20'). New Front Facing Garages for Single Family and Duplex Dwellings must be at least twenty five feet (25') from the Front Lot Line. Open Parking Spaces may be allowed within the required Front ~~Yard~~ Setbacks, but not within five feet (5') of the Side Lot Lines.
- D. **FRONT ~~YARD-SETBACK~~ EXCEPTIONS**. The Front ~~Yard~~ Setback must be open and free of any Structure except:
1. Fences, walls, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty five feet (25') of the intersection at back of curb.
 2. Uncovered steps leading to the Main Building, provided the steps are not more than four feet (4') in height from Final Grade, not including any required hand rails, and do not cause any danger or hazard to traffic by obstructing the view of a Street or intersection.
 3. Decks, porches, and Bay Windows not more than ten feet (10') wide, projecting not more than five feet (5') into the Front ~~Yard~~ Setback.
 4. Roof overhangs, eaves, and cornices projecting not more than three feet (3') into the Front ~~Yard~~ Setback.
 5. Sidewalks, patios, and pathways.
 6. Driveways leading to a garage or Parking Area. No portion of a Front Yard, except for patios, approved driveways, allowed Parking Areas, and sidewalks may be Hard Surfaced or graveled.
 7. Circular driveways meeting all requirements stated in Section 15 3 4 herein.
- E. **REAR ~~YARD-SETBACK~~**. The minimum Rear ~~Yard~~ Setback is ten feet (10'). On Corner Lots that ~~back-up-on~~ the Side ~~Yard~~ Setback of another Lot, the minimum Rear ~~Yard~~ Setback is ten feet (10').
- F. **REAR ~~YARD-SETBACK~~ EXCEPTIONS**. The Rear ~~Yard~~ Setback must be open and free of any Structure except:
1. Bay Windows not more than ten feet (10') wide, projecting not more than two feet (2') into the Rear ~~Yard~~ Setback.
 2. Chimneys not more than five feet (5') wide, projecting not more than two feet (2') into the Rear ~~Yard~~ Setback.
 3. Window wells and light wells projecting not more than four feet (4') into the Rear ~~Yard~~ Setback.
 4. Roof overhangs and eaves projecting not more than three feet (3') into the Rear ~~Yard~~ Setback.
 5. Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") into the Rear ~~Yard~~ Setback.
 6. Detached Accessory Buildings not more than eighteen (18') feet in height, located a minimum of five feet (5') behind the front facade of the Main Building, and maintaining a

minimum Setback of five feet (5'). Such Structure must not cover more than fifty percent (50%) of the Rear Yard. See the following illustration:



7. Hard-Surfaced Parking Areas subject to the same location requirements as a detached Accessory Building.
8. Screened mechanical equipment, hot tubs, and similar Structures located at least five feet (5') from the Rear lot Line.
9. Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. Retaining walls may have multiple steps; however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Community Development Director may approve minor deviations to the height and stepping requirements based on Site specific review.¹
10. Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") above Final Grade, provided it is located at least five feet (5') from the Rear Lot Line.

G. SIDE YARD-SETBACK.

1. The minimum Side ~~Yard~~ Setback for any Structure is ten feet (10').
2. A Side ~~Yard~~ Setback between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District.

- a. Exterior Side ~~Yards~~ Setbacks shall be based on the required minimum Side ~~Yard~~ Setback for each Lot; however the Planning Commission may consider increasing exterior Side ~~Yards~~ Setbacks during Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side ~~Yard~~ Setback exceptions continue to apply.
 3. On Corner Lots, the Side Yard that faces a Street or platted Right-of-Way is considered a Front Yard ~~may not have a Side Yard that is less than~~ and the minimum Setback is fifteen feet (15').
- H. **SIDE YARD-SETBACK EXCEPTIONS.** The Side ~~Yard~~ Setback must be open and free of any Structure except:
1. Bay Windows not more than ten feet (10') wide, projecting not more than two feet (2') into the Side ~~Yard~~ Setback.
 2. Chimneys not more than five feet (5') wide, projecting not more than two feet (2') into the Side ~~Yard~~ Setback.
 3. Window wells and light wells projecting not more than four feet (4') into the Side ~~Yard~~ Setback.
 4. Roof overhangs and eaves projecting not more than three feet (3') into the Side ~~Yard~~ Setback.
 5. Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or Structure to which it is attached.
 6. Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") in height above Final Grade, located at least a minimum of one foot (1') from the Side Lot Line.
 7. Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. A retaining wall may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.¹
 8. Driveways leading to a garage or approved Parking Area, maintaining a three foot (3') landscaped Setback to the Side Lot Line.
 9. Detached Accessory Buildings not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front façade of the Main Building and maintaining a minimum Side ~~Yard~~ Setback of five feet (5').
 10. Screened mechanical equipment, hot tubs, and similar Structures located a minimum of five feet (5') from the Side Lot Line.
- I. **OTHER EXCEPTIONS.** The Planning Commission may vary Front, Rear and Side ~~Yards~~ Setbacks in Subdivisions and Master Planned Developments. In no case may the Planning Commission reduce Side ~~Yards~~ Setbacks to less than ten feet (10') between Structures, except as provided for in LMC Section 15-2.14-3(G) herein.

15-2.15 Residential- Medium Density (RM) District

15-2.15-3 Lot And Site Requirements

C. **FRONT ~~YARD~~ SETBACK.**

1. The minimum Front ~~Yard~~ Setback for all Single Family, Duplex Dwellings, and Accessory Buildings is fifteen feet (15'). See 15-2.13-3(C)(3) for exception for Lots with a depth of seventy-five feet (75') or less.
2. New Front Facing Garages for Single-Family and Duplex Dwellings must be at least twenty feet (20') from the Front Lot Line.
3. The minimum Front ~~Yard~~ Setback for Lots seventy-five feet (75') deep or less is ten feet (10').
4. See Section 15-2.15-4 for special requirements for Tri-Plex and Multi-Unit Dwellings.

D. **FRONT ~~YARD~~ SETBACK EXCEPTIONS.** The Front ~~Yard~~ Setback must be open and free of any Structure except:

1. Fences, walls, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection at back of curb.
2. Uncovered steps leading to the Main Building, provided, the steps are not more than four feet (4') in height from Final Grade, not including any required handrails, and do not cause any danger or hazard to traffic by obstructing the view of a Street or intersection.
3. Decks, porches, and Bay Windows not more than ten feet (10') wide, projecting not more than five feet (5') into the Front ~~Yard~~ Setback.
4. Roof overhangs, eaves, and cornices projecting not more than three feet (3') into the Front ~~Yard~~ Setback.
5. Sidewalks, patios, and pathways.
6. Driveways leading to a garage or approved Parking Area. No portion of a Front Yard, except for approved driveways, patios, allowed Parking Areas, and sidewalks, may be Hard-Surfaced or graveled.
7. Circular driveways meeting all requirements stated in Section 15-3-4 herein.

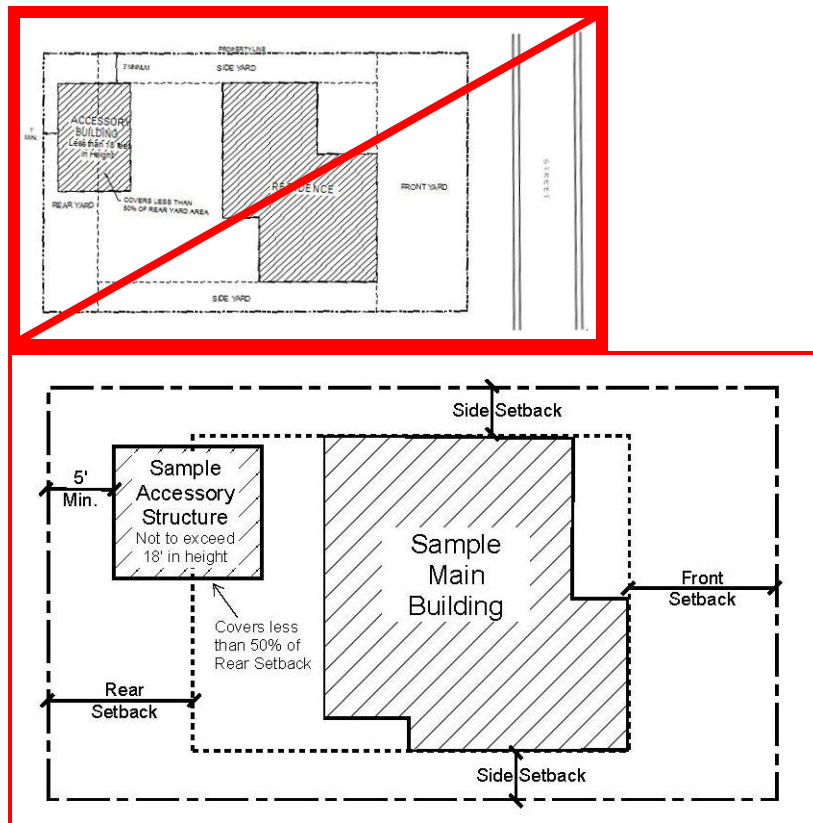
E. **REAR ~~YARD~~ SETBACK.**

1. The minimum Rear ~~Yard~~ Setback for Single Family and Duplex Dwellings is ten feet (10').
2. See Section 15-2.15-4 special requirements for Multi-Unit Dwellings.

F. **REAR ~~YARD~~ SETBACK EXCEPTIONS.** The Rear ~~Yard~~ Setback must be open and free of any Structure except:

1. Bay Windows not more than ten feet (10') wide, projecting not more than two feet (2') into the Rear ~~Yard~~ Setback.
2. Chimneys not more than five feet (5') wide, projecting not more than two feet (2') into the Rear ~~Yard~~ Setback.
3. Window wells and light wells projecting not more than four feet (4') into the Rear ~~Yard~~ Setback.
4. Roof overhangs and eaves projecting not more than three feet (3') into the Rear ~~Yard~~ Setback.
5. Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which it is attached.

6. Detached Accessory Buildings not more than eighteen feet (18') in height and maintaining a minimum Rear ~~Yard~~ Setback of five feet (5'). Such Structures must not cover over fifty percent (50%) of the Rear Yard. See the following illustration:



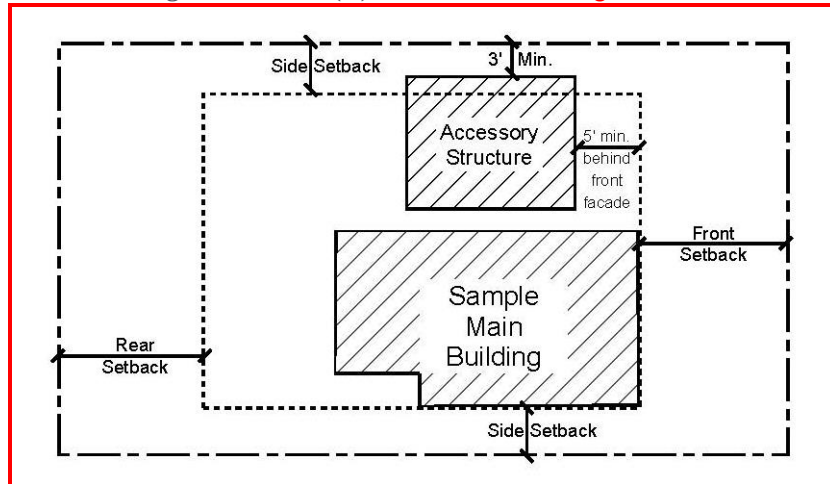
7. Hard-Surfaced Parking Areas subject to the same location requirements as a detached Accessory Building.
8. Screened mechanical equipment, hot tubs, and similar Structures located at least five feet (5') from the Rear Lot Line.
9. Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. Retaining walls may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.¹
10. Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") above Final Grade, located at least five feet (5') from the Rear Lot Line.

G. SIDE ~~YARD~~ SETBACK.

1. The minimum Side ~~Yard~~ Setback for any Single Family, Duplex Dwelling or Accessory Building is five feet (5').
2. A Side ~~Yard~~ Setback between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code

requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District.

- a. Exterior Side ~~Yard~~ Setback s shall be based on the required minimum Side ~~Yard~~ Setback for each Lot; however the Planning Commission may consider increasing exterior Side ~~Yard~~ Setback s during Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side ~~Yard~~ Setback exceptions continue to apply.
3. The minimum Side ~~Yard~~ Setback for a detached Accessory Building not greater than eighteen feet (18') in height, located at least five feet (5') behind the front facade of the Main Building is three feet (3'). See the following illustration:



4. On Corner Lots, the Side Yard that faces a Street or platted Right-of-Way is considered a Front Yard, and the minimum Setback is ten feet (10') for both Main and Accessory Buildings.
5. See Section 15-2.15-4 Special Requirements for Multi-Unit Dwellings.

H. **SIDE ~~YARD~~ SETBACK EXCEPTIONS.** The Side ~~Yard~~ Setback must be open and free of any Structure except:

1. Bay windows not more than ten feet (10') wide, projecting not more than two feet (2') into the Side ~~Yard~~ Setback.
2. Chimneys not more than five feet (5') wide, projecting not more than two feet (2') into the Side ~~Yard~~ Setback.
3. Window wells and light wells projecting not more than four feet (4') into the Side ~~Yard~~ Setback.
4. Roof overhangs and eaves projecting not more than three feet (3') into the Side ~~Yard~~ Setback.
5. Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which it is attached.
6. Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") in height above Final Grade, provided there is at least a one foot (1') Setback to the Side Lot Line.
7. Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. Retaining walls may have multiple steps, however each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation.

The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.¹

8. Driveways leading to an approved garage or Parking Area maintaining a three foot (3') landscaped Setback to the Side Lot Line.
9. Paths, patios, and steps connecting to a City stairway or path.
10. Screened mechanical equipment, hot tubs, and similar Structures located a minimum of five feet (5') from the Side Lot Line.

15-2.15-4 Special Requirements For Multi-Unit Dwellings

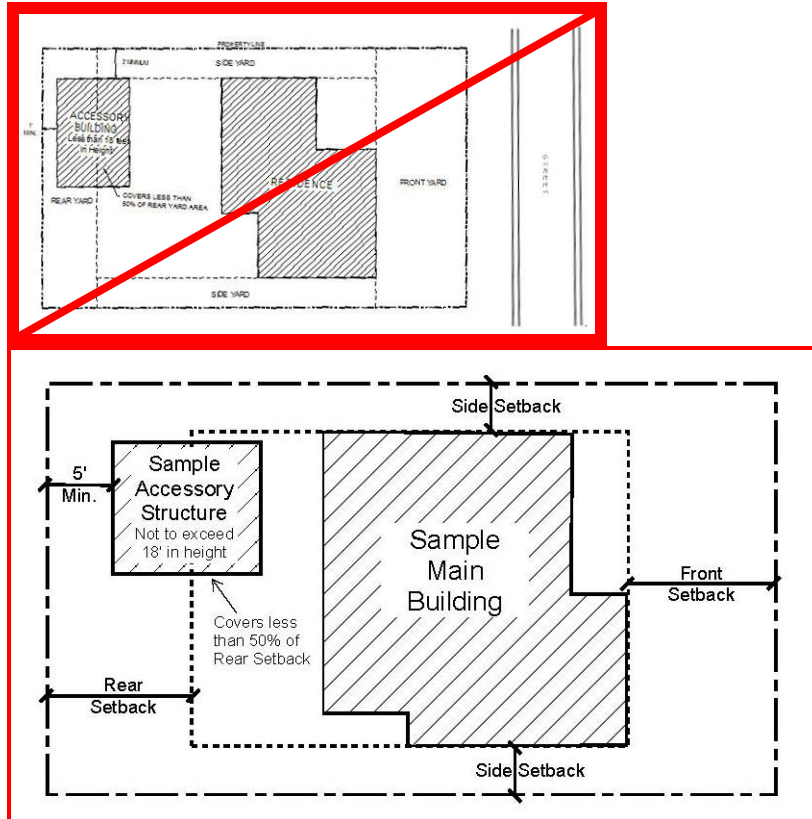
- A. **FRONT ~~YARD-SETBACK~~**. The Front ~~Yard Setback~~ for any Triplex, or Multi-Unit Dwelling is twenty feet (20'). All new Front Facing Garages shall be a minimum of twenty-five feet (25') from the Front Property Line. All Yards fronting ~~on~~ any Street are considered Front Yards for the purposes of determining Setbacks. See Front ~~Yard Setback~~ Exceptions, Section 15-2.15-3(D).
- B. **REAR ~~YARD-SETBACK~~**. The Rear ~~Yard Setback~~ for a Triplex, or Multi-Unit Dwelling is fifteen feet (15'). See Rear ~~Yard Setback~~ Exceptions, Section 15-2.15-3(F).
- C. **SIDE ~~YARD-SETBACK~~**. The minimum Side ~~Yard Setback~~ for any Triplex, or Multi-Unit Dwelling is ten feet (10'). See Side ~~Yard Setback~~ Exceptions, Section 15-2.15-3(H).

15-2.16 Recreation Commercial (RC) District

15-2.16-3 Lot And Site Requirements

- C. **FRONT ~~YARD-SETBACK~~**. The minimum Front ~~Yard Setback~~ is twenty feet (20'). See Section 15-2.16-5 for Front ~~Yard Setback~~ requirements for Single Family and Duplex Dwellings.
- D. **FRONT ~~YARD-SETBACK~~ EXCEPTIONS**. The Front ~~Yard Setback~~ must be open and free of any Structure except:
- E. **REAR ~~YARD-SETBACK~~**. The minimum Rear ~~Yard Setback~~ is ten feet (10'). See Section 15-2.16-5 for Rear ~~Yard Setback~~ requirements for Single Family and Duplex Dwellings.
- F. **REAR ~~YARD-SETBACK~~ EXCEPTIONS**. The Rear ~~Yard Setback~~ must be open and free of any Structure except:
 1. Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Rear ~~Yard Setback~~.
 2. Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Rear ~~Yard Setback~~.
 3. Window wells and light wells projecting not more than four feet (4') into the Rear ~~Yard Setback~~.
 4. Roof overhangs and eaves projecting not more than three feet (3') into the Rear ~~Yard Setback~~.

5. Window sills, belt courses, cornices, trim, exterior siding, and other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which it is attached.
6. Detached Accessory Buildings not more than eighteen feet (18') in height and maintaining a minimum Rear ~~Yard~~ Setback of five feet (5'). Such Structures must not cover more than fifty percent (50%) of the Rear Yard. See the following illustration:



7. Hard-Surfaced Parking Areas subject to the same location requirements as a detached Accessory Building.
8. Mechanical equipment (which must be screened), hot tubs, or similar Structures located at least three feet (3') from the Rear Lot Line.
9. Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. Retaining walls may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.
10. Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") above Final Grade.

G. ~~SIDE YARD SETBACK.~~

1. The minimum Side ~~Yard~~ Setback is ten feet (10'). See Section 15-2.16-5 for Side ~~Yard~~ Setback requirements for Single Family and Duplex Dwellings.

2. A Side ~~Yard~~ **Setback** between connected Structures is not required where Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official.

H. **SIDE ~~YARD-SETBACK~~ EXCEPTIONS.** The Side ~~Yard~~ **Setback** must be open and free of any Structure except:

1. Bay Windows not more than ten feet (10') wide, projecting not more than two feet (2') into the Side ~~Yard~~ **Setback**.
2. Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side ~~Yard~~ **Setback**.
3. Window wells and light wells projecting not more than four feet (4') into the Side ~~Yard~~ **Setback**.
4. Roof overhangs and eaves projecting not more than three feet (3') into the Side ~~Yard~~ **Setback**.
5. Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which it is attached.
6. Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") in height above Final Grade.
7. Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. Retaining walls may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.
8. Driveways leading to a garage or Parking Area maintaining a three foot (3') landscaped Setback to the Side Lot Line.
9. Detached Accessory Buildings not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building and maintaining a minimum Side ~~Yard~~ **Setback** of five feet (5').
10. Mechanical equipment (which must be screened), hot tubs, or similar Structures located at least three feet (3') from the Side Lot line.

15-2.16-5 Special Requirements For Single Family And Duplex Dwellings

C. **BUILDING PAD - RC DISTRICT.** The Building Pad is the Lot Area minus required Front, Rear and Side ~~Yard~~ **Setback** Areas.

D. **BUILDING FOOTPRINT – RC DISTRICT.**

TABLE 15-2.16

Lot Depth </=ft.*	Lot Width, ft. Up to:	Side Yards Setbacks Min. Total, ft.		Lot Area Sq. ft.	Bldg. Pad Sq. ft.	Max. Bldg. Footprint
75 ft.	25.0	3 ft.	6 ft.	1,875	1,045	844

75 ft.	37.5	3 ft.	6 ft.	2,813	1,733	1,201
75 ft.	50.0	5 ft.	10 ft.	3,750	2,200	1,519
75 ft.	62.5	5 ft.	14 ft.	4,688	2,668	1,801
75 ft.	75.0	5 ft.	18 ft.	5,625	3,135	2,050
75 ft.	87.5	10 ft.	24 ft.	6,563	3,493	2,270
75 ft.	100.0	10 ft.	24 ft.	7,500	4,180	2,460
75 ft.	Greater than 100.0	10 ft.	30 ft.	Greater than 75 ft.	Per Setbacks and Lot Area	Per formula

*For Lots > 75' in depth use Footprint formula and Table 15-2.16a for Front and Rear Setbacks.

E. **FRONT AND REAR YARDS SETBACK**. Front and Rear ~~Yard~~ Setbacks are as follows:

Table 15-2.16a

Lot Depth	Min. Front/Rear Setback
Up to 75 ft., inclusive	10 ft.
From 75 ft. to 100 ft.	12 ft.
Over 100 ft.	15 ft.

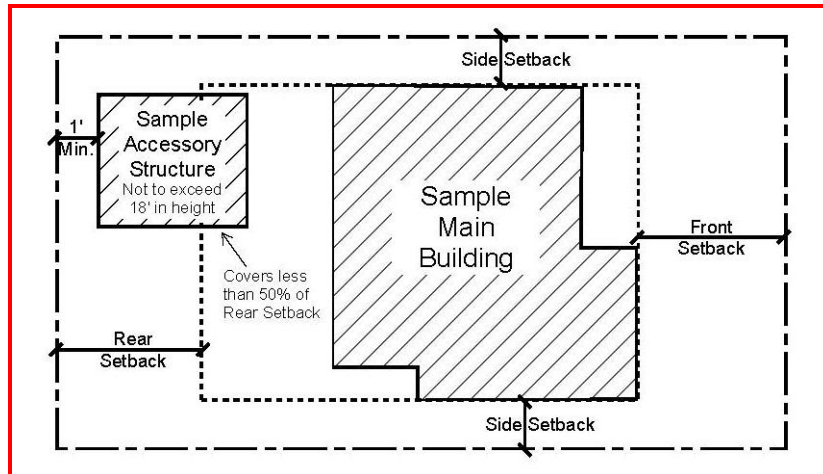
F. **FRONT YARDS SETBACK EXCEPTIONS**. The Front ~~Yard~~ Setback must be open and free of any Structure except:

1. Fences or walls not more than four feet (4') in height, or as permitted in Section 15-4-2. Fences and Walls. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection at back of curb.
2. Uncovered steps leading to the Main Building; provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of the Street or intersection.
3. Decks, porches, and Bay Windows not more than ten feet (10') wide, projecting not more than three feet (3') into the Front ~~Yard~~ Setback.
4. Roof overhangs, eaves, and cornices projecting not more than three feet (3') into the Front ~~Yard~~ Setback.
5. Sidewalks, patios, and pathways.

6. A driveway leading to a garage or Parking Area. No portion of a Front Yard, except for patios, driveways, allowed Parking Areas and sidewalks may be Hard-Surfaced or graveled.

G. **REAR YARDS SETBACK EXCEPTIONS.** The Rear ~~Yard~~ Setback must be open and free of any Structure except:

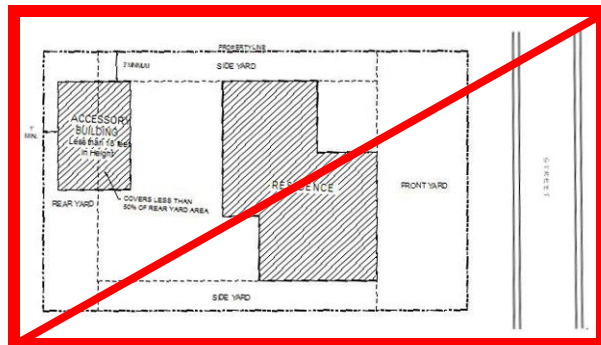
1. Bay Windows not more than ten feet (10') wide, projecting not more than two feet (2') into the Rear ~~Yard~~ Setback.
2. Chimneys not more than five feet (5') wide, projecting not more than two feet (2') into the Rear ~~Yard~~ Setback.
3. Window wells and light wells projecting not more than four feet (4') into the Rear ~~Yard~~ Setback.
4. Roof overhangs and eaves projecting not more than two feet (2') into the Rear ~~Yard~~ Setback.
5. Window sills, belt courses, cornices, trim, exterior siding, and other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which it is attached.
6. Detached Accessory Buildings not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front façade of the Main Building, and maintaining a minimum Rear ~~Yard~~ Setback of one foot (1'). Such Structures may not cover more than fifty percent (50%) of the Rear Yard. See the following illustration:



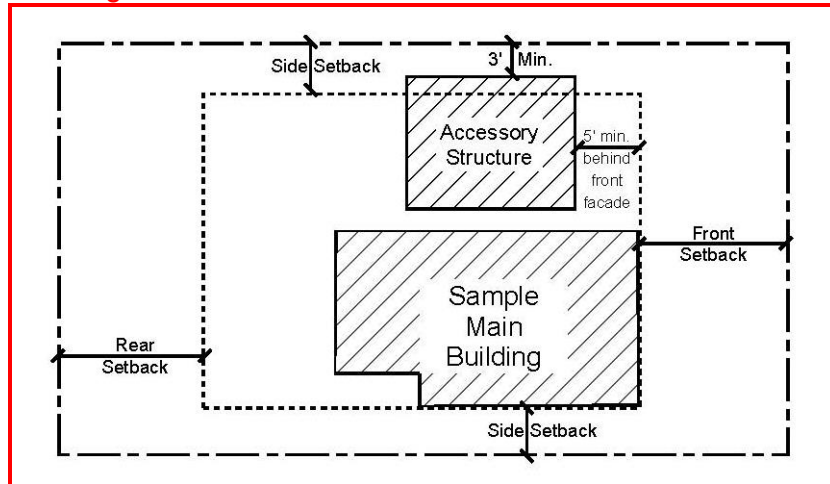
7. Hard-Surfaced Parking Areas subject to the same location requirements as a detached Accessory Building.
8. Mechanical equipment (which must be screened), hot tubs, or similar Structures located at least three feet (3') from the Rear Lot Line.
9. Fences and walls as permitted in Section 15-4-2, Fences and Walls.
10. Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") above Final Grade.
11. Pathways and steps connecting to a City staircase or pathway.

H. **SIDE YARDS SETBACKS.**

1. The minimum Side ~~Yard~~ **Setback** is three feet (3'), but increases for Lots greater than thirty-seven and one-half feet (37.5') in Width, as per Table 15-2.16 above.
 2. Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.
 3. On Corner Lots, the minimum Side ~~Yard~~ **Setback** that faces a side Street or platted Right-of-Way is five feet (5').
 4. A Side ~~Yard~~ **Setback** between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District.
 - a. Exterior Side ~~Yards~~ **Setbacks** shall be based on the required minimum Side ~~Yard~~ **Setback** for each Lot; however the Planning Commission may consider increasing exterior Side ~~Yards~~ **Setbacks** during Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side ~~Yard~~ **Setback** exceptions continue to apply.
 - b. Building Footprint shall be based on the total lot Area of the underlying Lots. The Planning Commission may consider decreasing Building Footprint during Conditional Use Permit review to mitigate potential impacts on adjacent Property.
- I. **SIDE ~~YARDS~~ SETBACK EXCEPTIONS.** The Side ~~Yard~~ **Setback** must be open and free of any Structure except:
1. Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Side ~~Yard~~ **Setback**.¹
 2. Chimneys not more than five Feet (5') wide projecting not more than two feet (2') into the Side ~~Yard~~ **Setback**.¹
 3. Window wells and light wells Projecting not more than four feet (4') into the Side ~~Yard~~ **Setback**.¹
 4. Roof overhangs and eaves projecting not more than two feet (2') into the Side ~~Yard~~ **Setback**. A one foot (1') roof or eave overhang is permitted on Lots with a Side ~~Yard~~ **Setback** of less than five feet (5').¹
 5. Window sills, belt courses, trim, cornices, exterior siding, and other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which it is attached.



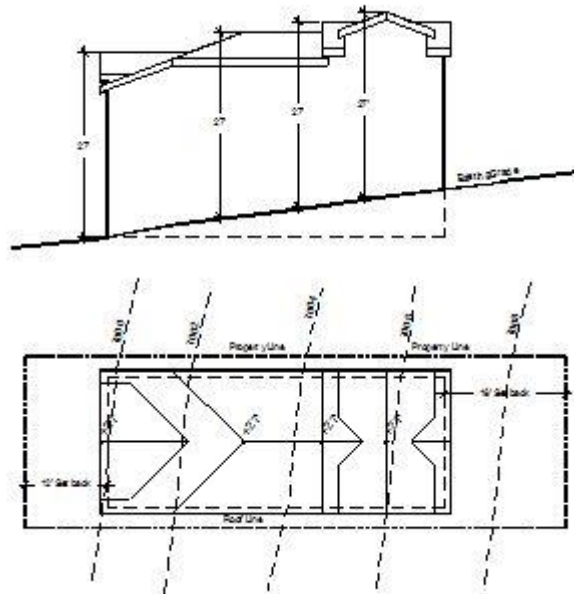
6. Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") in height from Final Grade.
7. Fences and walls as permitted in Section 15-4-2.
8. Driveways leading to a garage or approved Parking Area.
9. Pathways and steps connecting to a City staircase or pathway.
10. A detached Accessory Building, not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building, and maintaining a minimum Side ~~Yard~~ Setback of three feet (3'). See the following illustration:



11. Mechanical equipment (which must be screened), hot tubs, or similar Structures located a minimum of three feet (3') from the Side Lot Line.
- J. **SNOW RELEASE**. Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.
- K. **CLEAR VIEW OF INTERSECTION**. No visual obstruction in excess of two feet (2') in height above Road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.
- L. **BUILDING HEIGHT**. No Single Family or Duplex Dwelling Structure shall be erected to a height greater than twenty-seven feet (27'). This is the Zone Height for Single Family and Duplex Dwellings. Final Grade must be within four vertical feet (4') of Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. The following height requirements must be met:
1. A Structure shall have a maximum height of thirty five 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.
 2. A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finished 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 ~~s~~Setback, may encroach into the minimum ten foot (10') ~~s~~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 ~~s~~Setback, subject to compliance with the Design Guidelines for Historic Sites and Historic Districts.

3. Roof Pitch. The primary roof pitch must be between seven:twelve (7:12) and twelve:twelve (12:12). A Green Roof may be below the required 7:12 roof pitch as part of the primary roof design. In addition, a roof that is not part of the primary roof design may be below the required 7:12 roof pitch.
 - a. A structure containing a flat roof shall have a maximum height of thirty five feet (35') measured from the lowest floor plane to the highest wall top plate that supports the ceiling joists or roof rafters. The height of the Green Roof, including the parapets, railings, or similar features shall not exceed twenty four inches (24") above the highest top plate mentioned above.



M. BUILDING HEIGHT EXCEPTIONS. The following height exceptions apply:

1. Antennas, chimneys, flues, vents, and similar Structures, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.
2. Water towers, mechanical equipment, and associated Screening, when Screened or enclosed, may extend up to five feet (5') above the height of the Building.
3. Elevator access. The Planning Director may allow additional height to allow for an elevator compliant with the American Disability Acts standards. The Applicant must verify the following:

- a. The proposed height exception is only for the Area of the elevator. No increase in square footage is being achieved.
 - b. The proposed option is the only feasible option for the elevator on the site.
 - c. The proposed elevator and floor plans comply with the American Disability Act (ADA) standards.
4. Garage on Downhill Lot. The Planning Commission may allow additional Building Height (see entire Section 15-2.16-5 (L) on a downhill Lot to accommodate a single car wide garage in a Tandem Parking configuration; to accommodate circulation, such as stairs and/or an ADA elevator; and to accommodate a reasonably sized front entry area and front porch that provide a Compatible streetscape design. The depth of the garage may not exceed the minimum depth for internal Parking Space(s) as dimensioned within this Code, Section 15-3. The additional Building Height may not exceed thirty-five feet (35') from Existing Grade.

¹Applies only to Lots with a minimum Side ~~Yard~~ **Setback** of five feet (5') or greater.

15-2.16-8 Parking Regulations

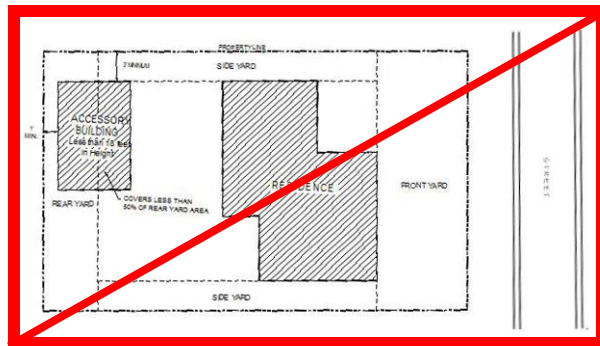
- D. A Parking Structure may occupy below Grade Side and Rear ~~Yards~~ **Setbacks** if the Structure maintains all Setbacks above Grade. Common Parking Structures requiring a Conditional Use permit are subject to a Conditional Use review, Chapter 15-1-10.

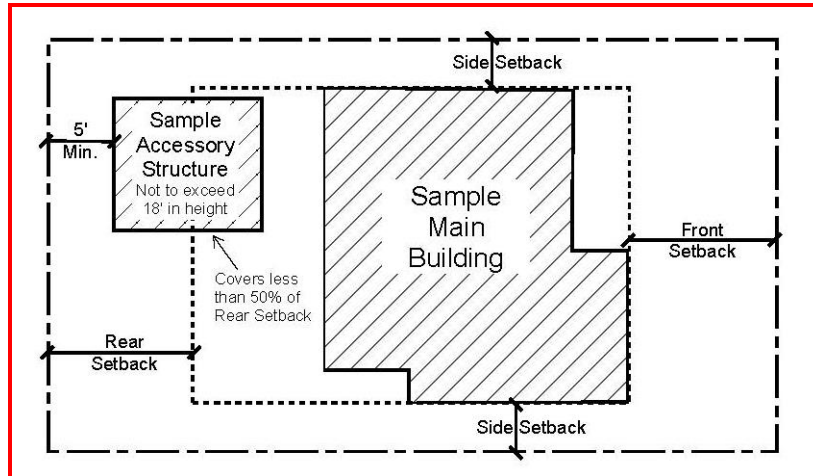
15-2.18 General Commercial (GC) District

15-2.18-3 Lot And Site Requirements

- A. **FRONT ~~YARDS~~ **SETBACK****. The minimum Front ~~Yard~~ **Setback** is twenty feet (20') for all Main and Accessory Buildings and Uses. The twenty foot (20') Front ~~Yard~~ **Setback** may be reduced to ten feet (10'), provided all on-Site parking is at the rear of the Property or underground. The Frontage Protection Overlay Zone (FPZ) requires a minimum landscaped buffer of thirty-feet (30') in width abutting the Street. See Section 15-2.20. The Prospector Overlay allows reduced site requirements for designated Affected Lots. See Section 15-2.18-3(l)
- B. **FRONT ~~YARD~~ **SETBACK EXCEPTIONS****. The Front ~~Yard~~ **Setback** must be open and free of any Structure except:
1. Fence, walls, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection at back of curb.
 2. Uncovered steps leading to the Main Building; provided, the steps are not more than four feet (4') in height from Final Grade, not including any required handrails, and do not cause any danger or hazard to traffic by obstructing the view of the Street or intersection.
 3. Roof overhangs, eaves, and cornices projecting not more than three feet (3') into the Front ~~Yard~~ **Setback**.

4. Sidewalks, patios, and pathways.
 5. Decks, porches, and Bay Windows not more than ten feet (10') wide, projecting not more than three feet (3') into the Front ~~Yard~~ **Setback**.
 6. Driveways leading to a garage or Parking Area. No portion of a Front Yard, except for driveways, allowed Parking Areas and sidewalks may be Hard-Surfaced or graveled. See Section 15-3-3 General Parking Area and Driveway Standards.
 7. Circular driveways meeting all requirements stated in Section 15-3-4.
- C. **REAR ~~YARD~~ **SETBACK****. The minimum Rear ~~Yard~~ **Setback** is ten feet (10'). The Prospector Overlay allows reduced site requirements for designated Affected Lots. See Section 15-1-2.18-3(l).
- D. **REAR ~~YARD~~ **SETBACK** EXCEPTIONS**. The Rear ~~Yard~~ **Setback** must be open and free of any Structure except:
1. Bay Window or chimneys not more than ten feet (10') wide, projecting not more than two feet (2') into the Rear ~~Yard~~ **Setback**.
 2. Window wells and light wells projecting not more than four feet (4') into the Rear ~~Yard~~ **Setback**.
 3. Roof overhangs and eaves projecting not more than three feet (3') into the Rear ~~Yard~~ **Setback**.
 4. Window sills, belt courses, cornices, trim and other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which it is attached.
 5. Detached Accessory Buildings not more than eighteen feet (18') in height and maintaining a minimum Rear ~~Yard~~ **Setback** of five feet (5'). Such Structures must not cover more than fifty percent (50%) of the Rear Yard. See the following illustration:





6. Hard-Surfaced Parking Areas subject to the same location requirements as a detached Accessory Buildings and meeting all landscaping requirements stated in Section 15-3-3.
7. Screened mechanical equipment, hot tubs, and similar Structures located at least five feet (5') from the Rear Lot Line.
8. Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. Retaining walls may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation.

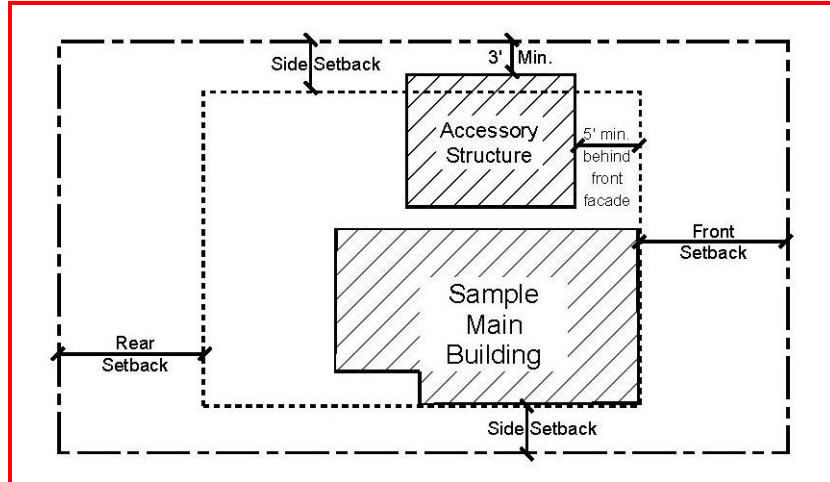
The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.

9. Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") above Final Grade, provided it is located at least five feet (5') from the Rear Lot Line.
10. Enclosed porches, including a roof and open on three (3) sides, and similar Structures not more than nine feet (9') into the Rear ~~Yard~~ **Setback** provided the adjoining Property is dedicated as Natural or Landscaped Open Space and meets minimum International Building Code (IBC) and Fire Code requirements.

E. **SIDE ~~YARD~~ **SETBACK.****

1. The minimum Side ~~Yard~~ **Setback** is ten feet (10').
2. A Side ~~Yard~~ **Setback** between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District.
 - a. Exterior Side ~~Yards~~ **Setbacks** shall be based on the required minimum Side ~~Yard~~ **Setback** for each Lot; however the Planning Commission may consider increasing exterior Side ~~Yards~~ **Setbacks** during Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side ~~Yard~~ **Setback** exceptions continue to apply.

3. The minimum Side ~~Yard~~ Setback for a Detached Accessory Building not greater than eighteen feet (18') in height, located at least five feet (5') behind the front facade of the Main Building must be one foot (1'), except when an opening is proposed on an exterior wall adjacent to the Property Line, at which time the minimum Side ~~Yard~~ Setback must be three feet (3'). See the following illustration:



4. On Corner Lots, the Side Yard that faces a Street is considered a Front Yard and the Setback must not be less than twenty feet (20').
5. The Prospector Overlay allows reduced site requirements for designated Affected Lots. See Section 15-2.18-3(l).

F. **SIDE ~~YARD~~ SETBACK EXCEPTIONS.** The Side ~~Yard~~ Setback must be open and free of any Structure except:

1. Bay Windows and chimneys not more than ten feet (10') wide projecting not more than two feet (2') into the Side ~~Yard~~ Setback.
2. Window wells and light wells projecting not more than four feet (4') into the Side ~~Yard~~ Setback.
3. Roof overhangs and eaves projecting not more than three feet (3') into the Side ~~Yard~~ Setback.
4. Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which it is attached.
5. Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") above Grade, provided there is at least one foot (1') Setback from the Side Lot Line.
6. Awnings over a doorway or window extending not more than three feet (3') into the Side ~~Yard~~ Setback.
7. Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. Retaining walls may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.
8. Driveways leading to a garage or Parking Area maintaining a three foot (3') landscaped Setback to the Side Lot Line.

9. Paths and steps connecting to a City stairway, trail, or path.
 10. Screened mechanical equipment, hot tubs, and similar Structures located a minimum of five feet (5') from the Side Lot Line.
 11. Unenclosed porches, including a roof and open on three (3) sides, and similar Structures not more than nine feet (9') into the Side ~~Yard~~ **Setback** provided the adjoining Property is dedicated as Natural or Landscaped Open Space and meets minimum International Building Code (IBC) and Fire Code requirements.
- G. **SNOW RELEASE**. Site plans and Building design must resolve snow release issues to the satisfaction of the Chief Building Official.
- H. **CLEAR VIEW OF INTERSECTION**. No visual obstruction in excess of two feet (2') in height above Road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.
- I. **PROSPECTOR OVERLAY ESTABLISHING A MAXIMUM FLOOR AREA FOR DEVELOPMENT**. The following requirements apply to specific Lots in the Prospector Square Subdivision:
1. **AFFECTED LOTS**. Lots 2A through Lot 49D, except Lots 40, 41, 42, 43, 44, 45, and 46, and parking Lots A through K as shown on the Amended Prospector Square Subdivision Plat.
 2. **MAXIMUM FLOOR AREA RATIO (FAR)**. The FAR must not exceed two (2.0) for all Affected Lots as specified above. All Uses within a Building, except enclosed Parking Areas, are subject to the Floor Area Ratio (FAR). Parking Lots A - K must have no Use other than parking and related Uses such as snow plowing, striping, repaving and landscaping.
 3. **REDUCED SITE REQUIREMENTS**. In the Prospector Square Subdivision, Front, Side and Rear ~~Yards~~ **Setbacks** may be reduced to zero feet (0') for all Affected Lots as specified above. Commercial Lots within the Frontage Protection Zone shall comply with FPZ ~~s~~**Setbacks** per LMC Section 15-2-20. This section is not intended to conflict with the exceptions listed above nor shall it be interpreted as taking precedence over the requirement of Section 15-2.18-3(H) Clear View of Intersection.

15-2.19 Light Industrial (LI) District

15-2.19-5 Lot And Site Requirements

- C. **FRONT ~~YARD~~ **SETBACK****. The minimum Front ~~Yard~~ **Setback** is thirty feet (30').
- D. **FRONT ~~YARD~~ **SETBACK** EXCEPTIONS**. The Front ~~Yard~~ **Setback** must be open and free of any Structure except:
1. Fences, walls, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2. On Corner Lots, Fences more than three feet (3') in

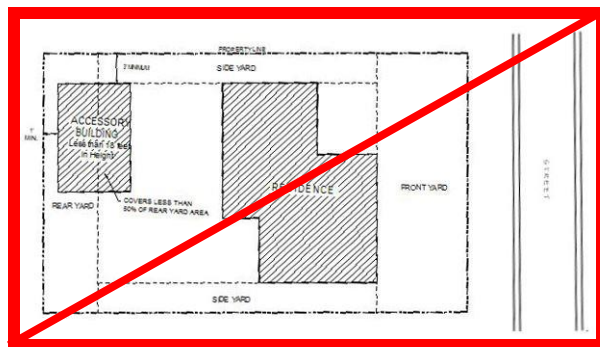
height are prohibited within twenty-five feet (25') of the intersection at back of curb.

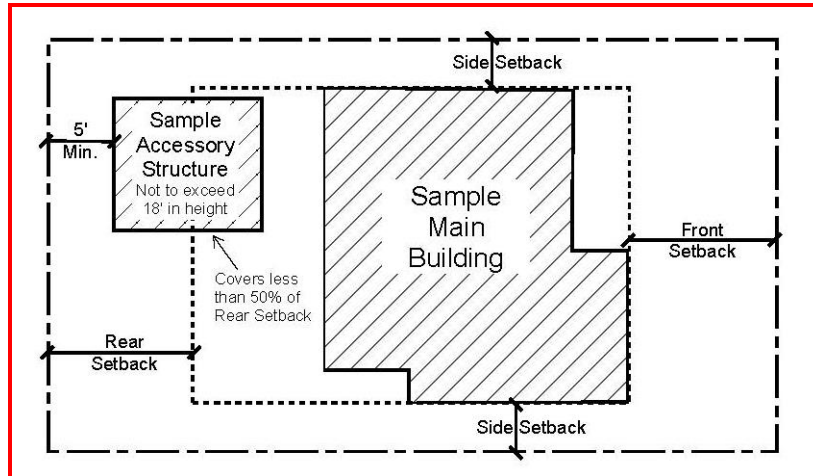
2. Uncovered steps leading to the Main Building; provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrails, and do not cause danger or hazard to traffic by obstructing the view of the Street or intersection.
3. Roof overhangs, eaves, and cornices projecting not more than three feet (3') into the Front ~~Yard~~ **Setback**.
4. Sidewalks, patios, and pathways.
5. Decks, porches, and Bay Windows not more than ten feet (10') wide, projecting not more than three feet (3') into the Front ~~Yard~~ **Setback**.
6. Driveway leading to a garage or Parking Area. No portion of a Front Yard except for driveways and/or allowed Parking Areas and sidewalks may be Hard-Surfaced or graveled. See Section 15-3.3 General Parking Area and Driveway Standards.
7. Circular driveways meeting all requirements stated in Section 15-3-4.

E. **REAR ~~YARD~~ **SETBACK****. The minimum Rear ~~Yard~~ **Setback** is ten feet (10').

F. **REAR ~~YARD~~ **SETBACK** EXCEPTIONS**. The Rear ~~Yard~~ **Setback** must be open and free of any Structure except:

1. Bay Windows and Chimneys not more than ten feet (10') wide projecting not more than two feet (2') into the Rear ~~Yard~~ **Setback**.
2. Light wells and window wells projecting not more than four feet (4') into the Rear ~~Yard~~ **Setback**.
3. Roof overhangs and eaves projecting not more than three feet (3') into the Rear ~~Yard~~ **Setback**.
4. Window sills, belt courses, cornices, trim, or other ornamental features projecting not more than six inches (6') beyond the window or Structure to which it is attached.
5. Detached Accessory Buildings not more than eighteen feet (18') in height and maintaining a minimum Rear ~~Yard~~ **Setback** of five feet (5'). Such Structures must not cover more than fifty percent (50%) of the Rear Yard. See the following illustration:





6. Hard-Surfaced Parking Areas subject to the same location requirements a detached Accessory Building meeting all landscaping requirements stated in LMC Chapter 15-3-3 and Title 14.
7. Screened mechanical equipment, hot tubs, and similar Structures located at least five feet (5') from the Rear Lot Line.
8. Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. Retaining walls may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.¹
9. Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") above Final Grade provided it is located at least five feet (5') from the Rear Lot Line.

G. SIDE YARD SETBACK.

1. The minimum Side ~~Yard~~ Setback is ten feet (10').
2. A Side ~~Yard~~ Setback between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District.
 - a. Exterior Side ~~Yard~~ Setback shall be based on the required minimum Side ~~Yard~~ Setback for each Lot; however the Planning Commission may consider increasing exterior Side ~~Yard~~ Setback during Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side ~~Yard~~ Setback exceptions continue to apply.
3. The minimum Side ~~Yard~~ Setback for a detached Accessory Buildings not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building, ~~and maintaining a minimum Side Yard~~ is five feet (5').

4. On Corner Lots, the Side Yard that faces a Street is considered a Front Yard and the Setback must not be less than twenty feet (20').
- H. **SIDE ~~YARD~~ SETBACK EXCEPTIONS.** The Side ~~Yard~~ Setback must be open and free of any Structure except:
1. Bay Windows and chimneys not more than ten feet (10') wide, projecting not more than two feet (2') into the Side ~~Yard~~ Setback.
 2. Window wells and light wells projecting not more than four feet (4') into the Side ~~Yard~~ Setback.
 3. Roof overhangs and eaves projecting not more than three feet (3') into the Side ~~Yard~~ Setback.
 4. Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which it is attached.
 5. Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") above Grade, provided there is at least one foot (1') Setback from the Side Lot Line.
 6. Awnings over doorways and windows projecting not more than three feet (3') into the Side ~~Yard~~ Setback.
 7. Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. Retaining walls may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.¹
 8. Driveways leading to a garage or Parking Area maintaining a three foot (3') landscaped Setback to the Side Lot Line.
 9. Paths and steps connecting to a City stairway, trail, or path.
 10. Screened mechanical equipment, hot tubs, and similar Structures located a minimum of five feet (5') from the Side Lot Line.

15-2.22 Public Use Transition (PUT) District

15-2.22-3 Lot And Size Requirements

- B. **FRONT, REAR AND SIDE ~~YARDS~~ SETBACKS.** There are no minimum required Front, Rear, or Side ~~Yard~~ Setback dimensions in the PUT District; however, where new construction abuts a residential zone, the new construction shall meet the required minimum Setback of the abutting zone.

15-2.23 Community Transition (CT) District

15-2.23-3 Lot And Size Requirements

- B. **FRONT, REAR AND SIDE ~~YARDS~~ SETBACKS.** The minimum Front, Side, and Rear ~~Yards~~ Setbacks for all Structures is twenty-five feet (25'). The Planning Commission may

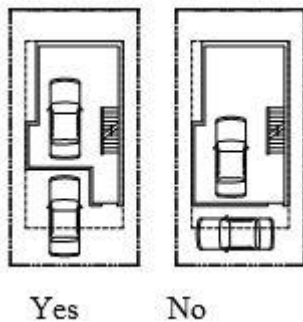
vary required ~~yards~~ **Setbacks** in Subdivisions and Master Planned Developments. In no case shall the Planning Commission reduce Side ~~Yards~~ **Setbacks** to allow less than ten feet (10') between Structures. Setbacks may be further restricted by Frontage Protection Overlay (FPZ) standards and/or Master Planned Development conditions of approval.

1. A Side ~~Yard~~ **Setback** between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District.
 2. Exterior Side ~~Yard~~ **Setback** shall be based on the required minimum Side ~~Yard~~ **Setback** for each Lot; however the Planning Commission may consider increasing exterior Side ~~Yards~~ **Setbacks** during Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side ~~Yard~~ **Setback** exceptions continue to apply.
- C. **FRONT, SIDE, AND REAR ~~YARDS~~ **SETBACK** EXCEPTIONS.** Fences, walls, stairs, paths, trails, sidewalks, patios, driveways, Ancillary Structures, and approved Parking Areas are allowed as exceptions in the Front, Side, and Rear ~~Yards~~ **Setbacks**. Screened mechanical and utility equipment, hot tubs, and decks are allowed as exceptions in the Side and Rear ~~Yards~~ **Setbacks** provided that a minimum five feet (5') Setback is maintained.

15-3-3 General Parking Area And Driveway Standards

Off-Street parking shall meet the following standards:

- B. **SURFACING.** Parking Areas and driveways must be Hard-Surfaced, maintained in good condition, and clear of obstructions at all times. See Required **Yard Setback** Exceptions in Chapter 2 for further drive and parking requirements in specific Zoning Districts.
- I. **TANDEM SPACES.** Parking designs, which necessitate parking one vehicle directly behind another, not perpendicular to each other, are permitted only for Single Family Dwellings, Accessory Apartments, and Duplex Dwellings in all zoning districts. In any Zoning District where the Front **Yard Setback** is twenty feet (20') or less, both Parking Spaces must be perpendicular to the Street, unless there is an adequate landscaped buffer between the Street and Parking pad, subject to review by the Planning Director.



15-3-4 Specific Parking Area And Driveway Standards For Single Family Residences And Duplexes, Parking Areas With 5 Or More Spaces, And Parking Structures

B. PARKING AREAS WITH FIVE (5) OR MORE SPACES.

- 1. All Parking Lots shall maintain the required Front and Side **Yard Setbacks** as would be required for any Structure.

15-4-2 Fences And Retaining Walls

- A. **LOCATION.** Fences and retaining walls may be erected or allowed within the buildable Area, and as allowed in the Setback exceptions in Chapter 2.

Fences and retaining walls shall not exceed six feet (6') in height measured from Final Grade within any required Rear **Yard Setback** or Side **Yard Setback**. Within any required Front **Yard Setback** or Street Side **Yard Setback**, Fences and retaining walls shall not exceed four feet (4') in height, measured from Final Grade.

Where a Fence or retaining wall occurs along a Property Line separating two (2) Lots and there is a difference in the Grade of the Properties, the Fence or retaining wall may be erected or allowed to the maximum height permitted on either side of the Property Line.

1. **EXCEPTION.** The height of retaining walls in the Front **Yard Setback** may exceed four feet (4'), measured from Final Grade, subject to approval by the Planning Director and City Engineer, and may exceed six feet (6') in height subject to approval of an Administrative Conditional Use permit or as approved as part of a Master Planned Development (MPD) or Conditional Use permit. Prior to issuance of an Administrative Conditional Use permit the Property shall be posted and affected adjacent Property Owners shall be noticed ten (10) days prior to Final Action.

The height of retaining walls in the Side or Rear **Yard Setback** may exceed six feet (6'), measured from Final Grade, subject to approval of an Administrative Conditional Use permit or as approved as part of a Master Planned Development or Conditional Use permit. Prior to issuance of an Administrative Conditional Use permit the Property shall be posted and affected adjacent Property Owners shall be noticed ten (10) days prior to Final Action.

- B. **RESTRICTIONS ON MATERIALS.** Chain link Fences are prohibited in all zones with the following exceptions, which must be approved by the Planning Director.

1. For recreational facilities such as tennis courts,
2. As temporary limits of disturbance, fencing during construction as approved by the Planning Department.
3. Chain link Fences within the required **Yard Setback** Areas may be permitted in other circumstances by the Planning Director when it is found that the Fence is necessary in the interest of security or public safety, and when the Fencing needs cannot be reasonably met with any other type of Fencing .

- C. **BERMS.** Berms within the required **Yard Setback** Area may be constructed subject to the following:

1. Landscaping shall be incorporated into the design of the berm and shall extend its entire length.

2. Berms shall be designed with sufficient undulation to provide visual relief and shall meander for the entire length.
 3. Within Front ~~Yard~~ **Setback** Areas berms may not be constructed to interfere with required sight distance and may not obstruct driver's line of sight from Streets and roads.
- D. **PERMIT.** A Building Permit is required for construction of any Fence or retaining wall greater than six feet (6') in height. Within any of the Historic zoning districts construction of any Fence or retaining wall greater than four feet (4') in height requires a Building Permit.

15-4-9 Child Care And Child Care Facilities

E. CHILD CARE CENTER.

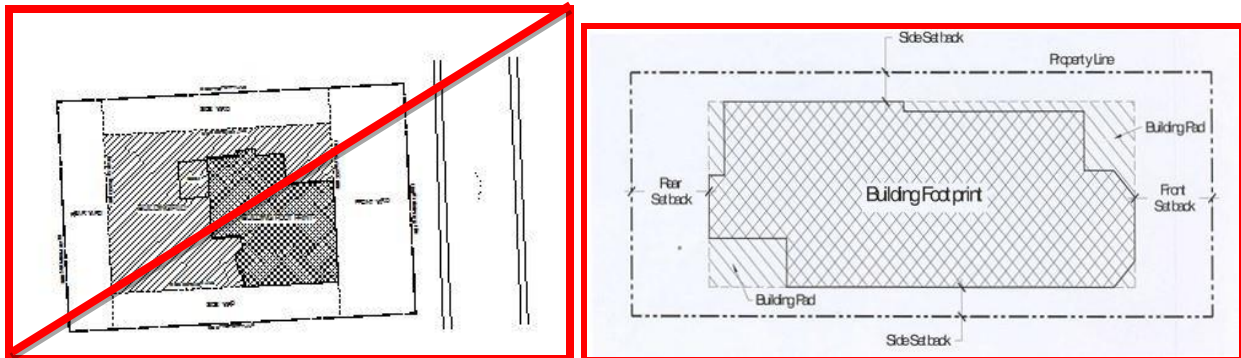
2. SITE REQUIREMENTS.

G. Setbacks. Standard Setbacks shall be observed except that Child Care Centers located in residential Districts shall provide at least eighteen foot (18') Side ~~Yard~~ **Setbacks** and twenty-five foot (25') ~~Rear~~ **yards** **Setbacks**.

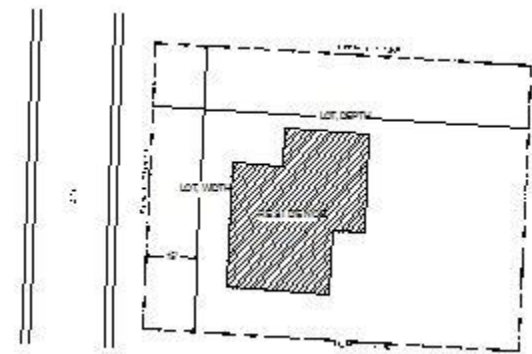
I. Signs. One (1) small sign, either free-standing or wall mounted, may be permitted for a Child Care Center. The sign must be no larger than six square feet (6 sq. ft.) ~~Setback set back~~ at least ten feet (10') from the Property Line and must conform to all other criteria of the Park City Sign Code.

15-15-1 Definitions

BUILDING PAD. The exclusive Area, as defined by the ~~Yard~~ **Setbacks**, in which the entire Building Footprint may be located. See the following example; also see Limits of Disturbance.

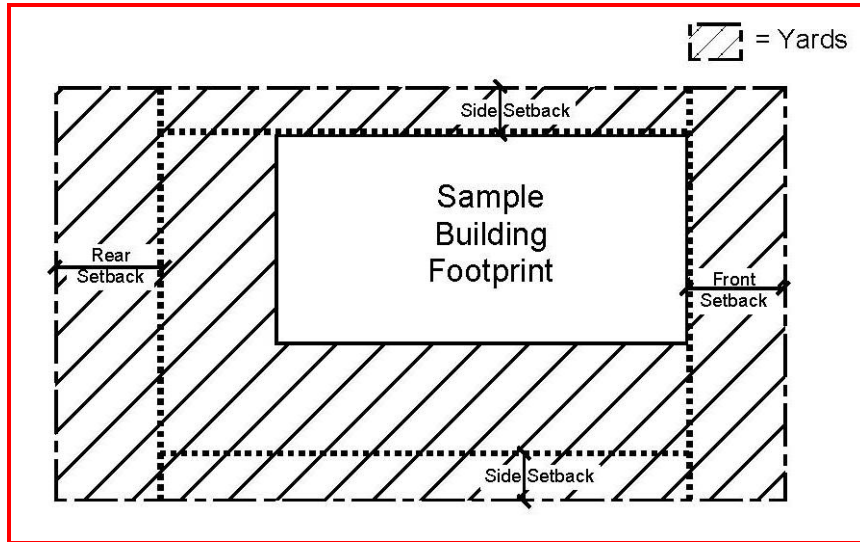


LOT WIDTH. The minimum distance between the Side Lot Lines at the Front ~~Yard~~ **Setback** or Front Building Façade. See the following illustration:



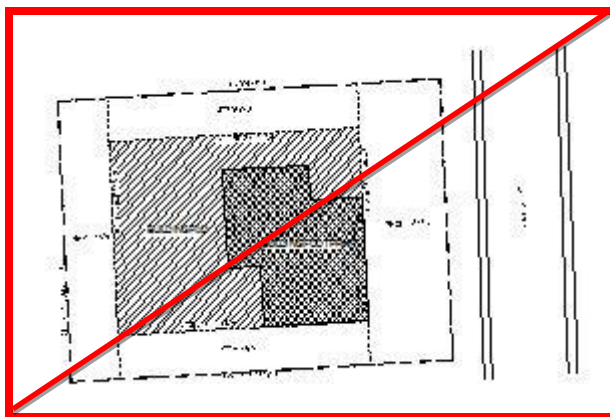
SETBACK. The area of a Lot that must remain open and cannot be built over with a Structure. This is the minimum horizontal distance between a specified lot line (front, side, rear), measured along a straight line and at a right angle to such lot line, and the nearest point of an above grade or below grade building or structure. The required minimum distance between a Building Pad and the closest of the following:

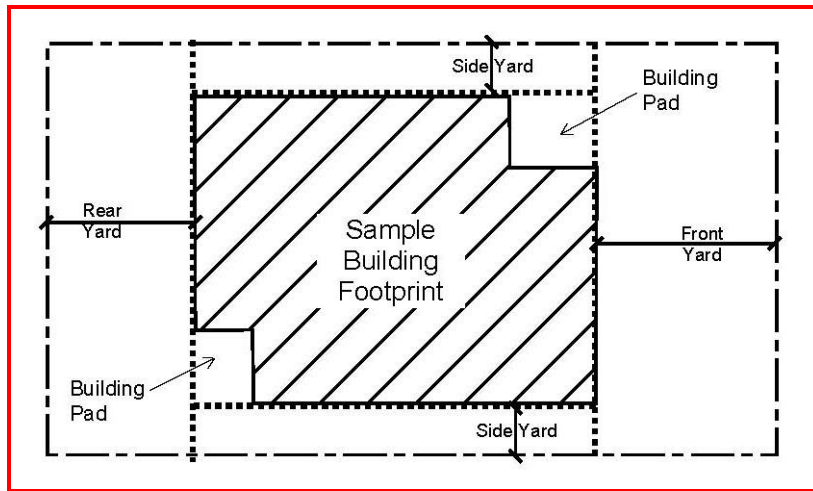
1. ~~Property Line;~~
2. ~~platted Street; or~~
3. ~~existing curb or edge of a Street.~~



YARD. The portion of a Lot between any Property Line and the nearest point of the Main Building.

1. **Yard, Front.** A yard extending across the full width of the Lot between the Front Lot Line and the nearest line or point of the Building. ~~The Area between the front of the closest Building and the Front Lot Line or closer Right of Way, extending the full width of the Lot. The “depth” of the Front Yard is the minimum distance between the Front Lot Line and the front line of the closest Structure.~~
2. **Yard, Rear.** A yard extending across the full width of the Lot between the Rear Lot Line and the nearest line or point of the Building. ~~The Area between the rear line of the closest Building and the Rear Lot Line, or closer Right of Way, and extending the full width of the Lot. The “depth” of the Rear Yard is the minimum distance between the Rear Lot Line and the rear line of the closest Structure.~~
3. **Yard, Side.** A yard extending from the Front Yard to the Rear Yard between the Side Lot Line and the nearest line or point of the Building. ~~The Area between the side line of the Building and the Side Lot Line and extending from the Front Yard to the Rear Yard. The “width” of the Side Yard shall be the minimum distance between the Side Lot Line and the side line of the closest Structure.~~ See the following illustration:





Planning Commission Staff Report



Subject: 1304 Park Avenue Plat Amendment **PLANNING DEPARTMENT**
Author: Liz Jackson, Planning Technician
Anya Grahn, Historic Preservation Planner
Project Number: PL-17-03539
Date: June 13, 2018
Type of Item: Legislative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the 1304 Park Avenue Plat Amendment located at the same address 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: Mary Grace LLC (Jeff Volmrich)
Location: 1304 Park Avenue
Zoning: Historic Residential - Medium Density (HRM)
Adjacent Land Uses: Single and multi-family residential development
Reason for Review: Plat Amendments require Planning Commission review and City Council review and action.

Proposal

The applicant is proposing to create a legal lot of record from a metes and bounds parcel. The southern half of the site contains a portion of the vacated Calhoun Street. The total square footage of the lot is 4,125 square feet. The house at 1304 Park Avenue is designated as designated as "Landmark" on the City's Historic Sites Inventory (HSI).

Background

In April 1998, Jeff Volmrich (Mary Grace LLC) purchased the property. In June 2000, the property owner was awarded a Historic District Grant from Park City Municipal Corporation for \$2,596. A façade easement was not required in return for the grant funds at the time of the award. In 2009, the site was designated as "Landmark" on the Historic Sites Inventory (see [Historic Site Form](#)).

In 2012, the Park City Redevelopment Agency (RDA) included this property as part of the Lower Park Avenue RDA.

This property has had limited land use applications in the past. On February 7, 2017, the applicant submitted a Historic District Design Review Pre-application (pre-app) to

discuss opportunities for renovating the historic house and development opportunities for the lot. Staff provided input regarding the pre-application and process for Historic District Design Review (HDDR) process. It was deemed that the applicant would need a plat amendment in order to develop the site any further.

On April 19, 2017 the applicant submitted a Plat Amendment application, which was deemed complete on April 28, 2017. Staff placed the application on hold while the applicant considered redevelopment options for the site. On April 25, 2018, the applicant returned to the City and asked that we move forward with processing the plat.

On April 16, 2018 the Planning Department received a second Historic District Design Review (HDDR) pre-application for the property at 1304 Park Avenue. As the applicant needed to complete the plat amendment process and the applicant is still considering options for the site, the Historic District Design Review (HDDR) pre-application has not yet moved into a full HDDR.

Purpose

The purpose of the 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 purpose of this application is to create one (1) legal lot of record from a metes and bounds parcel. The applicant proposes to maintain and renovate the historic house on the proposed lot.

The following are the lot and site requirements of LMC for the HRM.

	LMC Requirements for HRM District (Based on Existing Lot Size):	Existing Conditions:
Minimum Lot Size	1,875 sf.	4,125 sf., <i>complies.</i>
Minimum Lot Width	37.50 ft., minimum	55 ft., <i>complies.</i>
Allowed Footprint	844 sf.	1,636 sf., <i>complies.</i>
Setbacks		
Front/Rear Yard	10 ft.	0 ft. front, <i>complies</i> (encroaches approx. 1 ft.) ¹ .
Rear Yard	10 ft.	1 ft. rear yard ² , <i>complies.</i>
Side Yard	5 ft.	3 and 5 ft. side, <i>complies</i> ¹ .
Building Height above Existing Grade	27 feet	16.8 feet

^{1.} Per LMC 15-2.4-6, Existing Historic Structures that do not comply with Building Setbacks, Off-Street parking, Building Height, Building Footprint, and driveway location standards are Valid Non-complying Structures.

^{2.} Shed that is located on the southeast corner of the property in the rear yard. Per LMC (F)(6), detached Accessory Buildings not more than 18 feet in height located a minimum of 5 ft. behind the front façade of the Main Building may have a rear yard setback of 1 ft.

There are several existing encroachments on site. The existing historic house, constructed in 1885, encroaches between six inches (6") to 1 foot (1'), increasing from north to south, over the front property line and into the city right-of-way. The front porch encroaches less than 1 foot (1') over the front property line and into the City right-of-way. The house and front porch encroachments measure at thirty six linear feet (36'). There is an existing fence that runs along both sides and the rear property lines, which crosses over the property line into the Cottages on the Park property that wraps the north and east sides of this property. There is also a concrete retaining wall that encroaches into the City right-of-way in front of the 1304 Park Avenue property line (southwest corner) and onto the Coalition Lodge Condominium property at 1300 Park Avenue. Staff has added the following Conditions of Approvals to address these issues:

#4. The fence encroaches at multiple points over the property line into the neighboring Cottages on the Park Subdivision. The applicant shall either remove the existing fence or enter into an encroachment agreement with the neighbor if the fence is to remain in its existing location.

#5. The existing concrete retaining wall encroaches approximately seven feet (7') into the right-of-way. The applicant shall remove the existing retaining wall prior to recordation of this plat amendment.

#6. The existing main building and front porch encroach approximately 1 foot (1') into the right-of-way. The applicant will work with the City Engineer to enter into an encroachment agreement for this.

The City Engineer will also require the dedication of ten foot (10') snow storage easements along Park Avenue (see Condition of Approval #3).

Staff finds that the plat, as conditioned, to create one (1) legal lot of record from a metes and bounds parcel, by removing an interior block line, will not cause undo harm to adjacent property owners because the proposed plat meets the requirements of the Land Management Code for the HRM zoned portions and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements in effect at the time of application for building permits. The property is surrounded by single-family and multi-family dwellings that are located on one (1) to two (2) lot combinations. Directly to the north and east is the Cottages on the Park Subdivision, which includes four (4) units.

Good Cause

Staff finds good cause for this Plat Amendment as the City will receive a snow storage easement along Park Avenue. This plat will also resolve existing encroachments into the City's right-of-way, including the house, front porch, and concrete retaining wall.

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 30, 2018, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record and the Utah Public Notice Website on May 26, 2018, 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 1304 Park Avenue Plat Amendment, located at the same address, as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the 1304 Park Avenue Plat Amendment, located at the same address, and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the 1304 Park Avenue Plat Amendment for additional information to address comments raised at the meeting.

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 encroachments would not be resolved with the plat and the site would continue to be metes and bounds parcel. The historic house would straddle an interior block line and any additions to the house would be required to meet setbacks based on existing lot lines.

Summary Recommendation

Staff recommends the Planning Commission hold a public hearing for the 1304 Park Avenue Plat Amendment located at the same address 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 & Site Photographs

Exhibit A

Ordinance No. 18-XX

AN ORDINANCE APPROVING THE 1304 PARK AVENUE PLAT AMENDMENT LOCATED AT 1304 PARK AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 1304 Park Avenue has petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on May 30, 2018, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on May 26, 2018, proper legal notice was published according to requirements of the Land Management Code and courtesy letters were sent to surrounding property owners; and

WHEREAS, the Planning Commission held a public hearing on June 13, 2018, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on June 13, 2018, forwarded a _____ recommendation to the City Council; and,

WHEREAS, on July 12, 2018, 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 1304 Park Avenue Plat Amendment located at the same address.

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

SECTION 1. APPROVAL. The 1304 Park Avenue Plat Amendment, 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 1304 Park Avenue.
2. The property consists of a metes and bounds parcel of Snyder's Addition to Park City.
3. The property is in the Historic Residential – Medium Density (HRM) District.
4. This site is listed on Park City's Historic Sites Inventory (HSI) and is designated as Landmark.
5. The Plat Amendment removes one (1) interior lot line (block line) that runs through the existing house.

6. The proposed Plat Amendment combines the metes and bounds parcel into one (1) legal lot of record, which will include 4,125 square feet.
7. The minimum lot area for a single-family dwelling is 1,875 square feet in the HRM zone. The proposed lots meet the minimum lot area for single-family dwellings.
8. A single-family dwelling is an allowed use in the District.
9. The minimum width of a Lot is 37.50 feet measured 15 feet back from the Front Lot Line. The proposed lots meet the minimum lot width requirement with width at 55 feet.
10. LMC § 15-2.4-6 indicates that historic structures that do not comply with building setbacks are valid non-complying structures.
11. The applicant proposes to maintain and renovate the historic house at 1304 Park Avenue.
12. The minimum front/rear yard setbacks are 10 feet (10'); the minimum total front plus rear yard setbacks are twenty feet (20'). The historic house is encroaching over the front property line approximately 1 foot, and is valid non-complying. There is an existing non-historic shed which has 1 foot (1') rear setback.
13. The minimum side yard setbacks for the site are five feet (5'). The house is setback 14.5 feet (14.5') from the south side yard and 4 feet (4') from the north side yard, which is valid non-complying.
14. There are several existing encroachments on site. The existing historic home, constructed in 1885, encroaches approximately 1 foot (1') over the front property line. There is an existing fence that runs along both sides and the rear property lines, which crosses over the property line into the Cottages on the Park property. There is a concrete retaining wall that encroaches 7 feet (7') into the City right-of-way in front of the 1304 Park Avenue property line (southwest corner, adjacent to the gravel driveway) and onto the Coalition Lodge Condominium property at 1300 Park Avenue.
15. The Park City Planning Department received the plat amendment application on April 19, 2017; the application was deemed complete on April 28, 2017.
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 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. Ten foot (10') public snow storage easement shall be granted along the Woodside Avenue right-of-way.
4. The fence encroaches at multiple points over the property line into the neighboring Cottages on the Park Subdivision. The applicant shall either remove the existing fence or enter into an encroachment agreement with the neighbor if the fence is to remain in its existing location.
5. The existing concrete retaining wall encroaches approximately seven feet (7') into the right-of-way. The applicant shall remove the existing retaining wall prior to recordation of this plat amendment.
6. The existing main building and front porch encroach approximately 1 foot (1') into the right-of-way. The applicant will work with the City Engineer to enter into an encroachment agreement for this structure, given the historic designation.
7. Residential fire sprinklers will be required for all new construction per the requirements of the Chief Building Official.

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

PASSED AND ADOPTED this 12th day of July, 2018.

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, MAYOR

ATTEST:

City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

1304 PARK AVENUE PLAT AMENDMENT

AMENDMENT TO A PORTION OF BLOCK 24
SNYDER ADDITION TO PARK CITY
LOCATED IN THE SALT LAKE COUNTY
TOWNSHIP 2S RANGE 4E
SALT LAKE BASE AND MERIDIAN



VICINITY AND ZONING MAP
NOT TO SCALE

SURVEYOR'S STATEMENT

I, GREGORY J. FERRARI, OF PARK CITY, UTAH, CERTIFY THAT I AM A REGISTERED LAND SURVEYOR UNDER THE UTAH PROFESSIONAL LAND SURVEYING ACT, LICENSE NO. 1368, EXPIRING MARCH 31, 2019. I HAVE PERSONALLY CONDUCTED THE SURVEY AND THE PLAT ACCURATELY REPRESENTS THE SURVEYED PROPERTY. I FURTHER CERTIFY THAT THIS PLAT ACCURATELY REPRESENTS THE SURVEYED PROPERTY.

RECORDED
MARCH 31, 2019
BOOK 1368
PAGE 1368

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT WE, ALL OF THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED PROPERTY, HAVE VOLUNTARILY AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT, PREPARED TO BE HEREIN SET FORTH AS THE 1304 PARK AVENUE PLAT AMENDMENT. WE HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AMENDMENT. IN WITNESS WHEREOF, THE UNDERSIGNED SET HIS HAND THIS ____ DAY OF ____, 2017.

ACKNOWLEDGMENT

STATE OF UTAH, COUNTY OF SUMMIT, 136
PERSONALLY APPEARED BEFORE ME ON THIS ____ DAY OF ____, 2017, THE FOLLOWING:

WHO ACKNOWLEDGED TO ME THAT THEY EXECUTED THE ABOVE OWNERS DEDICATION AND CONSENT TO RECORD FREELY AND VOLUNTARILY.

MY COMMISSION EXPIRES _____ NOTARY PUBLIC REGION # _____

LEGAL DESCRIPTION:

LOT 1, BEGINNING AT A POINT WHICH IS 48.00 FEET NORTH 14°01' EAST AND 500 FEET SOUTH 38°59' EAST FROM THE NORTHWEST CORNER OF BLOCK 24, SNYDER ADDITION TO PARK CITY, UTAH, COUNTY OF SUMMIT, 136, THENCE SOUTH 38°59' EAST 500 FEET TO THE POINT OF BEGINNING, THENCE NORTH 14°01' EAST 75.00 FEET, THENCE NORTH 50°00' WEST 56.00 FEET TO THE POINT OF BEGINNING.

NOTES:

1. LOCATED TO THE SOUTHWEST CORNER OF THE 1304 PARK AVENUE PLAT AMENDMENT AS REQUIRED BY THE COMMISSIONING ACT, AT THE TIME OF RECORDING OF THE PLAT AMENDMENT.
2. THIS PLAT AMENDMENT IS SUBJECT TO THE CONDITIONS OF APPROVAL OF ORDINANCE XX-XX.

RECEIVED
APR 11 2017
PARK CITY, UT

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE ____ TIME ____ BOOK ____ PAGE ____

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL, THIS 11th DAY OF APRIL, 2017 A.D. BY _____ MAYOR _____

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF PLAT AMENDMENT WAS APPROVED BY PARK CITY COUNCIL THIS 11th DAY OF APRIL, 2017 A.D. BY _____ PARK CITY ATTORNEY _____

ENGINEER'S CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF ____, 2017 A.D. BY _____ PARK CITY ENGINEER _____

PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 25th DAY OF MARCH, 2017 BY _____ CHAIRMAN _____

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARD ON THIS ____ DAY OF ____, 2017 A.D. BY _____ S.W.R.C. _____

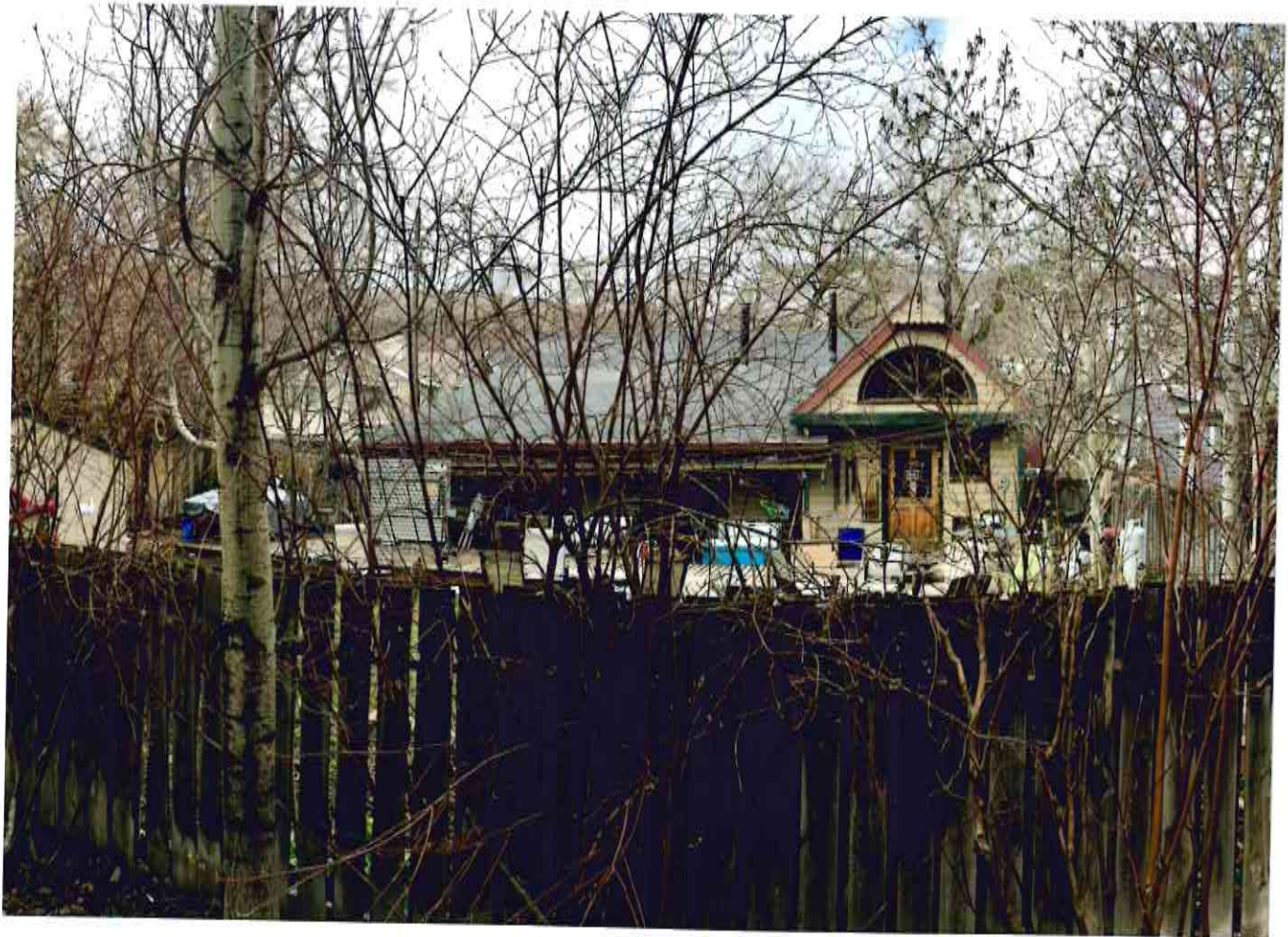
FERRARI SURVEYING, LLC

P.O. BOX 688009, PARK CITY, UT (435) 646-8416









Planning Commission Staff Report

Subject: King's Crown
Author: Francisco Astorga, AICP, Senior Planner
Project #: PL-17-03515
Date: 13 June 2018
Type of Item: Administrative – Ratification of Development Agreement

Summary Recommendations

Staff recommends that the Planning Commission review the King's Crown Master Planned Development (MPD) Development Agreement (DA) and consider ratifying the agreement to memorialize the MPD approval granted by the Planning Commission on January 10, 2018. A public hearing is not required for this action.

Description

Applicant: CRH Partners, LLC represented by Rory Murphy, Hans Fuegi, and Chuck Heath
Location: 1201-1299 Lowell Avenue, Park City, Utah 84060
Zoning: Recreation Commercial (RC) District, Recreation And Open Space (ROS) District, and Sensitive Land Overlay (SLO) Zone
Adjacent Land Uses: Trails, skiing, open space, and residential.
Reason for Review: MPDs require a Development Agreement with ratification by the Planning Commission.

Background - Development Agreement Ratification

Land Management Code (LMC) § 15-6-4 (G) states that once the Planning Commission has approved a MPD, the approval shall be put in the form of a Development Agreement (DA). The DA must be ratified by the Planning Commission and signed by the Mayor on behalf of the City Council, prior to recordation at the Summit County Recorder's office.

The LMC requires the DA to be submitted to the City within six (6) months of the approval of the MPD. The King's Crown MPD was approved by the Planning Commission on January 10, 2018. The proposed DA was submitted to the City on March 18, 2018, within the required six (6) month timeframe. The applicant has been working with staff as redlines (edits, comments, questions, etc.) have been provided by the City and the applicant has responded to such edits, comments, questions, etc. A final version was submitted by the City on May 30, 2018, also within the required six (6) month timeframe.

Background – Approved Master Plan Development

MPD application - Any residential project with ten (10) or more lots or ten or more residential unit equivalents (20,000 square feet) requires an MPD. The applicant

proposes the construction of thirty (30) units totaling 80,963 square feet within three (3) separate multi-unit dwellings, fifteen (15) deed-restricted affordable housing units totaling 16,520 square feet in a separate multi-unit dwelling, and twenty-seven (27) single-family dwelling lots equating to approximately 71,880 square feet. The applicant requests a total of 57 residential units (condos/townhouses/houses) totaling approximately 152,843 square feet. This MPD was approved by the Planning Commission on January 10, 2018.

CUP application - Multi-unit dwellings are listed as a conditional use in the RC District. The applicant proposes the construction of four (4) multi-unit dwelling buildings which includes one (1) building housing the affordable housing units that exceeds the required affordable housing requirements. MPDs are also listed as conditional uses within the RC District. This CUP was approved by the Planning Commission on January 10, 2018.

Re-Subdivision application - The reconfiguring of the proposed lots require final action of a Re-Subdivision by the City Council. The applicant proposes a total of 32 lots of record from the existing 247 lots platted Old Town lots, within Snyder's Addition to the Park City Survey. Applicant proposes the following:

- Three (3) lots to accommodate the four (4) Multi-Unit Dwelling buildings (to be later re-plated via Condominium Plat): proposed Lot 1, 2, and 30.
- Twenty-seven (27) single-family dwelling lots: proposed Lot 3 - 29.
- Two (2) open space lots: proposed Lot 31 - 32.

This Re-Subdivision was approved by the City Council on February 23, 2018.

The subject site is located at 1201 – 1299 Lowell Avenue. The subject site is within the RC, ROS, and SLO District. The proposed development takes place roughly over 30% of the property, all contained within the RC District located adjacent to Lowell Avenue towards the northeast of the subject site. No units are proposed within the ROS District or within the SLO.

The applicant proposes to build three (3) multi-unit buildings with access off Lowell Avenue, a private road/drive to be known as Rothwell Road, and a townhouse building with access off Rothwell Road. The proposed private road/drive begins at the 12th Street / Lowell Avenue intersection which then curbs up to a hammer-head turn around located near the northwest corner of the property. Rothwell Road climbs up approximately sixty feet (60') and is approximately 548 feet long.

The applicant also proposes to develop 27 single-family lots, 4 of which would be accessed off Lowell Avenue, and the remaining 24 would be accessed off Rothwell Road (15 on the west side of the private road and 8 on the east side of the private road). The applicant does not plan on building the 27 houses, but to develop the lots to be able to sell them individually.

The MPD includes the following:

- A total of 32 lots.

- Seven (7) deed restricted affordable housing condominium units (8.55 affordable unit equivalents).
- Eight (8) additional non-required deed restricted affordable housing condominium units (9.07 affordable unit equivalents).
- 11.2 acres of platted open space in the form of large tracts of contiguous natural open space that does not include open space area around the units, equating to 74.6%. The total open space percentage is 83.9.
- Market rate units
 - 23 condominiums
 - 7 townhomes
 - 27 single-family lots (detached houses)

Building A - Affordable Housing

- Multi-unit dwelling, conditional use
- 15 residential affordable housing units
- Square footage
 - Residential: 16,520
 - Mechanical: 256
 - Internal circulation (hallways and stairs): 1,833
 - Parking and vehicular circulation: 5,571
 - Overall: 24,180
- 18 parking spaces located in an enclosed underground parking garage
- Vehicular access off Lowell Avenue through one (1) driveway
- 5 stories above the parking garage
- Located on proposed Lot 1
- Affordable housing residential units do not count towards residential Unit Equivalents

Building B/C

- Multi-unit dwelling, conditional use
- 12 residential units
- Square footage
 - Residential: 28,253 (14.13 residential Unit Equivalents)
 - Mechanical: 375
 - Internal circulation (hallways, stairs, and elevator): 1,133
 - Parking and vehicular circulation: 9,305
 - Overall: 39,066
- 21 parking spaces located in enclosed underground parking garages
- Vehicular access off Lowell Avenue through two (2) separate driveways
- 4 stories above the parking garage
- Located on proposed Lot 2

Building D

- Multi-unit dwelling, conditional use
- 11 residential units

- Square footage
 - Residential: 24,590 (12.30 residential Unit Equivalents)
 - Mechanical: 166
 - Internal circulation (hallways, stairs, and elevator): 1,827
 - Parking and vehicular circulation: 8,313
 - Overall: 34,896
- 22 parking spaces located in an enclosed underground parking garage
- Vehicular access off Lowell Avenue through one (1) driveway
- 4 stories above the parking garage
- Located on proposed Lot 2

Townhomes Building

- Multi-unit dwelling, conditional use
- 7 residential units
- Residential square footage: 29,005 (14.50 residential Unit Equivalents)
- 14 parking spaces, 2 within each parking garage
- Vehicular access off proposed private drive through individual driveways
- 3 stories above the garage level
- Located on proposed Lot 30

Single-Family Residential Lots

- Single-family dwellings, allowed use
- 27 lots accommodate one (1) single-family dwelling on each lot
- Approximate buildable square footage: 71,880 (35.94 residential Unit Equivalents)
- 54 parking spaces, 2 within each lot as required
- Vehicular access off proposed private drive through individual driveways
- Located on proposed Lots 3-29

Open Space Lots

- 2 lots to be re-platted as open space
- Proposed open space lot 31:
 - Square footage: 2,106.4
 - Proposed retaining walls and stair access to adjacent property to the south
- Proposed open space Lot 32:
 - Square footage: 487,798.29 (11.2 acres)
 - No improvements on this lot
 - Proposed accessory building, 750 square feet, consisting of restroom and lockers for the exclusive use of property owners. Accessory buildings are an allowed use with the RC District. Restrooms/lockers are considered residential accessory space and do not count towards Unit Equivalents.
 - Contains an existing pedestrian access easement for Nastar, LLC.

Development Agreement Requirements

LMC § 15-6-4 (G) indicates the following:

DEVELOPMENT AGREEMENT. *Once the Planning Commission has approved the Master Planned Development, the approval shall be put in the form of a Development Agreement. The Development Agreement shall be in a form approved by the City Attorney, and shall contain, at a minimum, the following:*

- 1. A legal description of the land;*
- 2. All relevant zoning parameters including all findings, conclusions and conditions of approval;*
- 3. An express reservation of the future legislative power and zoning authority of the City;*
- 4. A copy of the approved Site plan, architectural plans, landscape plans, Grading plan, trails and open space plans, and other plans, which are a part of the Planning Commission approval;*
- 5. A description of all Developer exactions or agreed upon public dedications;*
- 6. The Developers agreement to pay all specified impact fees; and*
- 7. The form of ownership anticipated for the project and a specific project phasing plan.*
- 8. 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.*
- 9. A map and inventory of all Historic Structures on the Property and a Historic Structures Report prepared by a qualified Historic Preservation Professional.*

The Development Agreement shall be ratified by the Planning Commission, signed by the City Council and the Applicant, and recorded with the Summit County Recorder. The Development Agreement shall contain language, which allows for minor, administrative modifications to occur to the approval without revision of the agreement. The Development Agreement must be submitted to the City within six (6) months of the date the project was approved by the Planning Commission, or the Planning Commission approval shall expire.

Staff finds that the proposed DA, Attachment 1, includes all of the required items listed above and meets the required timeframes for submittal following the January 10, 2018 approval of the King's Crown MPD.

Department Review

The Legal and Planning Departments have reviewed the agreement for conformance with the July 10, 2018, King's Crown MPD approval.

Summary Recommendations

Staff recommends that the Planning Commission review the King's Crown Master Planned Development (MPD) Development Agreement (DA) and consider ratifying the agreement to memorialize the MPD approval granted by the Planning Commission on January 10, 2018. A public hearing is not required for this action.

Attachments

Attachment 1 – Proposed DA including Exhibit B MPD Approval Letter
Attachment 2 – Ordinance No. 2018-05 (approving the Re-Subdivision)
Attachment 3 – MPD General Construction Mitigation Plan Letter & Exhibits

Link - Applicant Narratives

[Exhibit A - Applicant's MPD Letter](#)
[Exhibit B - Applicant's General Plan Letter](#)
[Exhibit C - Prior Agreements](#)
[Exhibit D - Applicant's CUP Letter](#)
[Exhibit E - Applicant's Re-Subdivision Letter](#)
[Exhibit F - Construction Mitigation Plan](#)
[Exhibit G – Affordable Housing Letter](#)
[Exhibit H – 2017.08.03 Planning Commission and Staff Questions and Concerns Letter](#)
[Exhibit I – 2017.12.01 Planning Commission Response Letter \(submitted on 2017.12.06\)](#)

Link - Reports

[Exhibit J - Applicant's Traffic Studies and Transportation Master Plan](#)
[Exhibit K - Vegetation Study](#)
[Exhibit L - Geotechnical Investigation](#)
[Exhibit M - City Traffic Study](#)
[Exhibit N - King's Crown Traffic Study](#)
[Exhibit O - Cultural Survey](#)
[Exhibit P - Environmental Survey](#)
[Exhibit Q - Mine Site Studies](#)
[Exhibit R - Proposed Export Fill Placement Exhibit and Possible Fill Locations](#)
[Exhibit S - SFD Approximate Excavation Quantities](#)

Link - Plans

[Exhibit T - General Drawings:](#)
[Exhibit U1 – Civil Drawings \(ALTA & Slope\):](#)
[Exhibit U2 – Proposed Plat \(updated\)](#)
[Exhibit U3 – Survey](#)
[Exhibit U4 - Civil Drawings:](#)
[Exhibit V – Landscape Drawings:](#)
[Exhibit W - Architectural Site Drawings:](#)
[Exhibit X - Site Compliance Drawings:](#)
[Exhibit Y - Architectural Graphics Drawings:](#)
[Exhibit Z - Architectural Drawings:](#)
Exhibit AA – Materials
[Material Board](#)
[Townhome Rendering](#)

WHEN RECORDED, MAIL TO:
City Recorder
Park City Municipal Corporation
P. O. Box 1480
Park City, Utah 84060

**DEVELOPMENT AGREEMENT
FOR THE KING’S CROWN MASTER PLANNED DEVELOPMENT (MPD),
LOCATED AT 1201-1299 LOWELL AVENUE, PARK CITY,
SUMMIT COUNTY, UTAH**

This Development Agreement (this “Agreement”) is entered into as of this ____ day of May, 2018, by and between CRH Partners, LLC, a Utah limited liability company (“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 King’s Crown 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 a 15.01-acre parcel of real property located at 1201-1299 Lowell Avenue in Park City, Summit County, Utah, the legal description of which is attached hereto as **Exhibit A**, and incorporated herein by this reference (the “Property”), for which the Developer has obtained Master Planned Development approval, pursuant to Application Number PL-17-03515, and Conditional Use Permit approval pursuant to Application Number PL-17-03566 for the development known as King’s Crown Master Planned Development (the “Project”), as more fully described in and subject to the Findings of Fact, Conclusions of Law and Conditions of Approval adopted by the Planning Commission on January 10, 2018, and as set forth in the Approval Letter from Park City dated January 22, 2018, a copy of which is attached hereto as Exhibit B and incorporated herein by this reference (collectively referred to herein as the “MPD Approval Letter”).

B. Park City requires development agreements under the requirements of the Park City Land Management Code (“LMC”) for all Master Planned Developments.

C. 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 address other issues as more fully set forth below.

D. 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 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 King’s Crown Master Planned Development Property is a 15.01-acre parcel of real property located directly adjacent to the Park City Resort (the “Resort”), and the King’s Crown ski run cuts through the Property on its western boundary. The Property is zoned RC District (4.59 acres), RC District within the SLO Zone (1.81 acres), ROS District (1.93 acres) and ROS District within the SLO Zone (6.68 acres).

2. Project Conditions.

2.1. The MPD Approval Letter, as approved by the Planning Commission on January 10, 2018, is attached hereto as **Exhibit B** and is incorporated herein as the Project, subject to any changes detailed herein.

2.2. In connection with Developer’s application to Park City for Master Planned Development Approval and Conditional Use Permit approval for the Project, Developer submitted to the Planning Commission certain reports, plans and drawings. Attached to this Agreement and incorporated herein by this reference are copies of the following reports, plans and drawings that were submitted by Developer to Park City:

Exhibit A -	Exhibit A – Legal Description of the Property
Exhibit B -	Exhibit B – King’s Crown Master Planned Development and Conditional Use Permit Approval Letter approved by the Planning Commission on January 10, 2018
Exhibit C -	Cultural Survey
Exhibit D -	Mine Site Studies
Exhibit E -	Proposed Export Fill Placement Exhibit and Possible Fill Locations
Exhibit F -	SFD Approximate Excavation Quantities
Exhibit G -	General Drawings
Exhibit H -	Civil Drawings (ALTA & Slope)
Exhibit I -	Proposed Plat (updated)
Exhibit J -	Survey
Exhibit K -	Civil Drawings
Exhibit L -	Landscape Drawings
Exhibit M -	Architectural Site Drawings
Exhibit N -	Site Compliance Drawings
Exhibit O -	Architectural Graphics Drawings
Exhibit P -	Architectural Drawings
Exhibit Q -	Material Board
Exhibit R -	Townhome Rendering
Exhibit S -	Environmental Survey
Exhibit T -	Open Space Use Plan
Exhibit U -	Trails Master Plan
Exhibit V -	Construction Mitigation Plan

Attachment 1 – Proposed Development Agreement

2.3. As required by Conditions of Approval number 18 on page 11 of the MPD Approval Letter, an open space use plan (the “Open Space Use Plan”) that has been approved by Developer and the Park City Planning Department is attached hereto as **Exhibit T** and is incorporated herein by this reference.

2.4. As required by Conditions of Approval number 19 on page 11 of the MPD Approval Letter, a trails master plan (the “Trails Master Plan”) that has been approved by Developer and the Park City Planning Department is attached hereto as **Exhibit U** and is incorporated herein by this reference.

2.5. As required by Conditions of Approval number 2 on page 10 of the MPD Approval Letter, a construction mitigation plan (the “Construction Mitigation Plan”) that has been delivered by Developer to the Park City Planning Department is attached here to **Exhibit V** and is incorporated herein by this reference.

2.6. 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.

2.7. Developer and any successors agree that the following are required to be entered into and approved by Park City prior to the issuance of any building permits for the Project: (a) a construction mitigation plan, (b) utility plans, (c) a storm water run-off and drainage plan, (d) an affordable housing plan, and (e) a water efficient landscape and irrigation plan showing storm water facilities and snow storage areas.

2.8. Developer shall be responsible for compliance with all requirements and conditions of the Snyderville Basin Water Reclamation District prior to the issuance of any building permits for the Project.

2.9. Developer is responsible for compliance with all local, state, and federal regulations regarding contaminated soils as well as streams and wetlands. Developer is responsible for receiving any Army Corp of Engineer Permits required related to disturbance of streams and wetlands.

2.10. Developer caused to be prepared an environmental survey (the “Environmental Survey”), a copy of which is attached hereto as **Exhibit S**. The Environmental Survey revealed that there were no environmental contaminants on the Property.

2.11. Developer caused to be prepared certain mine site studies (the “Mine Site Studies”), copies of which are attached hereto as Exhibit D. The Mine Site Studies reveal that there were no mining related activities conducted in the past on the Property.

3. Developer Exactions/Public Dedications.

Along the portion of the Project that abuts and is contiguous to Lowell Avenue, Developer shall be obligated to construct and dedicate to Park City a public sidewalk that is constructed in compliance with the construction standards and specifications of Park City for a public sidewalk. In addition, Developer shall be obligated to grant a perpetual, nonexclusive easement for public

pedestrian and bicycle access through the private road identified on the Plat as Rothwell Road and through the open space trails within the Project as identified on the Plat.

4. Vested Rights and Reserved Legislative Powers.

4.1. 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.

4.2. Reserved Legislative Powers. Developer acknowledges that Park 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 Park City all of its police power that cannot be so limited. Notwithstanding the retained power of Park 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 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.

5. Successors and Assigns.

5.1. 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.

5.2. 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 Park City, which consent shall not be unreasonably withheld. Any such request for assignment may be made by letter addressed to Park City, and the prior written consent of Park City may also be evidenced by letter from Park 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.

6. Phasing and Form of Ownership.

6.1. Project Phasing. The Project shall be developed in three (3) phases. Following the recording in the Office of the Recorder of Summit County, Utah of the subdivision plat (“the Plat”) that has been approved by Park City for the Project, the first phase of the Project shall include the construction and completion by Developer of Rothwell Road, Building A, which is the affordable housing building, and the ski access and the associated ski facility and infrastructure, all as shown on the Plat. As a condition precedent to Park City issuing a certificate of occupancy for any market rate unit within the Project, Park City shall be provided with proof of the construction and

completion by Developer of Rothwell Road. The second phase of the Project shall be commenced and shall proceed: (a) based on the local real estate sales market acceptance for the market rate condominium units, and (b) based on the ability of Developer to obtain the requisite construction financing. Developer shall cause to be constructed during the second phase the 23 market rate condominium units in Building B, C, D within Lot 2 and the 7 market rate condominium units within Lot 30. The second phase of the Project may be commenced prior to the completion by Developer of the first phase of the Project, but as stated above Park City shall not issue a certificate of occupancy for any market rate unit within the Project in either the second phase or the third phase until Park City shall be provided with proof of the construction and completion by Developer of Rothwell Road and Building A, which is the affordable housing building. The third phase of the Project shall consist of the improvement and sale of the 27 market rate single-family lots, which Developer anticipates to be an on-going effort that may take several years to complete the sale of all such 27 single-family lots. The third phase of the Project may be commenced prior to the completion by Developer of the first phase and the second phase of the Project, but as stated above Park City shall not issue a certificate of occupancy for any market rate unit within the Project in either the second phase or the third phase until Park City shall be provided with proof of the construction and completion by Developer of Rothwell Road and Building A, which is the affordable housing building.

6.2. Form of Ownership Anticipated for the Project. The Project will consist of up to 27 market rate single-family lots, 30 market rate condominium units, 7 deed-restricted affordable housing condominium units and 8 additional non-required deed-restricted affordable housing condominium units, all of which shall be available for individual ownership.

7. Water.

Developer acknowledges that water development fees will be collected by Park City in the same manner and in the same comparative amounts 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.

8. Affordable Housing.

As required by the Conditions of Approval number 8 on page 10 of the MPD Approval Letter, an Affordable Housing Plan for the Project shall be approved by the Park City Housing Authority prior to the issuance of any building permits for units within the Project, and deed restrictions pertaining to the Affordable Housing Plan shall be recorded. As required by the Conditions of Approval number 9 on page 10 of the MPD Approval Letter, as a condition precedent to receiving a certificate of occupancy for any market rate unit within the Project, Park City shall be provided with proof of compliance with the approved Affordable Housing Plan.

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 Developer.

10. Historic Structures.

10.1. The Cultural Survey attached to this Agreement as **Exhibit C** reveals that located within the boundaries of the Project is a significant historical element referred to as the Crescent Tramway. The Crescent Tramway is an old dirt road that is currently used as a public trail for pedestrian use and for biking. The Crescent Tramway is not a structural object. The location of the Crescent Tramway is shown on the Trails Master Plan attached to this Agreement as Exhibit T. The Crescent Tramway will continue to be made available for use as a public trail for pedestrians and for biking. Developer also intends to use a portion of the Crescent Tramway as skiing access from the residential structures developed within the Project to the ski runs that are adjacent to the Project.

11. General Terms and Conditions.

11.1. Term of Agreement. Construction, as defined by the Uniform Building Code, is required to commence within two (2) years of the date of execution of this Agreement. After construction commences, the King's Crown Master Planned Development and this Agreement shall continue in force and effect until all obligations hereto have been satisfied. The MPD approval and CUP approval for the Project, as set forth in the MPD Approval Letter, shall remain valid so long as construction is proceeding in accordance with the approved phasing plan set forth herein.

11.2. Agreement to Run With the Land. This Agreement shall be recorded against the Property, as described in Exhibit A attached hereto, 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.

11.3. No Joint Venture, Partnership or Third Party Rights. This Agreement does not create any joint venture, partnership, undertaking, or business arrangement between the parties hereto, nor any rights or benefits to third parties.

11.4. Integration. This Agreement 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.

11.5. 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.

11.6. Attorneys' Fees. If this Agreement or any of the Exhibits hereto are breached, the party at fault agrees to pay the attorneys' fees and all costs of enforcement of the non-breaching party.

11.7. Minor Administrative Modification. Minor administrative modifications may occur to the MPD Approval Letter without revision of this Agreement.

12. 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:

CRH Partners, LLC
1887 Gold Dust Lane, Suite 301
Park City, UT 84060
Attn: Hans Fuegi

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.

The rest of this page is left intentionally blank.

13. List of Exhibits.

- Exhibit A – Legal Description of the Property
- Exhibit B – King’s Crown Master Planned Development and Conditional Use Permit Approval
Letter approved by the Planning Commission on January 10, 2018
- Exhibit C – Cultural Survey
- Exhibit D – Mine Site Studies
- Exhibit E – Proposed Export Fill
Placement Exhibit and Possible
Fill Locations
- Exhibit F – SFD Approximate Excavation Quantities
- Exhibit G – General Drawings
- Exhibit H – Civil Drawings (ALTA & Slope)
- Exhibit I – Proposed Plat (updated)
- Exhibit J – Survey
- Exhibit K – Civil Drawings
- Exhibit L – Landscape Drawings
- Exhibit M – Architectural Site Drawings
- Exhibit N – Site Compliance Drawings
- Exhibit O – Architectural Graphics Drawings
- Exhibit P – Architectural Drawings
- Exhibit Q – Material Board
- Exhibit R – Townhome Rendering
- Exhibit S – Environmental Study
- Exhibit T – Open Space Use Plan
- Exhibit U – Trails Master Plan
- Exhibit V – Construction Mitigation Plan

The rest of this page is left intentionally blank.

IN WITNESS WHEREOF, this 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 _____, 2018.

PARK CITY MUNICIPAL CORPORATION

By: _____
Mayor

ATTEST:

By: _____
City Recorder

APPROVED AS TO FORM:

DEVELOPER:

CRH PARTNERS, LLC,
a Utah limited liability company

By: _____
Name: _____
Title: _____

STATE OF UTAH)
 : ss.
COUNTY OF SUMMIT)

On this ____ day of _____, 2018, 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 member/manager of CRH Partners, LLC, a Utah limited liability company.

Notary Public
Residing at: _____

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF VACATED 13TH STREET (A.K.A. CALHOUN STREET), AND THE WESTERLY LINE OF SNYDER'S ADDITION TO PARK CITY. SAID WESTERLY LINE OF SNYDER'S ADDITION TO PARK CITY IS ALSO THE NORTH-SOUTH 1/16 SECTION LINE (WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER) OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN. SAID POINT ALSO LYING ON THE SOUTHERLY BOUNDARY LINE OF MOUNTAINSIDE CONDOMINIUMS PHASE 2, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER. SAID POINT OF BEGINNING IS LOCATED SOUTH 00° 31' 00" WEST, 1192.35 FEET ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 54°01'00" EAST ALONG SAID SOUTHERLY BOUNDARY LINE OF MOUNTAINSIDE CONDOMINIUMS PHASE 2, 236.70 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF LOWELL AVENUE; THENCE SOUTH 35°59'00" EAST ALONG SAID WESTERLY RIGHT OF LINE OF LOWELL AVENUE, 595.00 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF VACATED 12TH STREET (A.K.A. NELSON STREET); THENCE LEAVING SAID WESTERLY RIGHT OF WAY LINE OF LOWELL AVENUE, SOUTH 54°01'00" WEST, 140.00 FEET; THENCE SOUTH 35°59'00" EAST, 400.00 FEET TO THE SOUTHWEST CORNER OF BARBARA'S SUBDIVISION, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, SAID POINT ALSO BEING ON THE NORTHERLY BOUNDARY LINE OF NORTHSTAR SUBDIVISION, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER; THENCE SOUTH 54°01'00" WEST ALONG SAID NORTHERLY BOUNDARY LINE, 235.00 FEET TO THE NORTHWEST CORNER OF SAID NORTHSTAR SUBDIVISION; THENCE SOUTH 35°59'00" EAST ALONG THE WESTERLY BOUNDARY LINE OF SAID NORTHSTAR SUBDIVISION, 675.15 FEET TO THE SOUTHWEST CORNER OF SAID NORTHSTAR SUBDIVISION, SAID POINT ALSO BEING ON THE EAST-WEST CENTER SECTION LINE (SOUTH LINE OF THE NORTHWEST QUARTER) OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 89°53'05" WEST ALONG SAID EAST-WEST CENTER SECTION LINE, 493.60 FEET TO THE CENTERLINE OF VACATED SUMMIT AVENUE; THENCE NORTH 35°59'00" WEST ALONG SAID CENTERLINE OF SUMMIT AVENUE, 346.25 FEET, MORE OR LESS, TO THE EASTERLY EDGE OF THE EXISTING KING'S CROWN SKI RUN; THENCE NORTH 13°14'53" WEST ALONG SAID EASTERLY EDGE OF THE KING'S CROWN SKI RUN, 26.76 FEET TO THE CENTERLINE OF VACATED 11TH STREET (A.K.A. CRESCENT STREET); THENCE NORTH 54°01'00" EAST ALONG SAID CENTERLINE OF 11TH

STREET, 89.66 FEET; THENCE LEAVING SAID CENTERLINE NORTH 35°59'00" WEST ALONG THE SOUTHWESTLY BOUNDARY OF LOTS 1 THROUGH 4 OF BLOCK 47, SNYDER'S ADDITION TO PARK CITY, 115.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 4, BLOCK 47, SNYDER'S ADDITION TO PARK CITY; THENCE NORTH 54°01'00" EAST ALONG THE NORTHERLY LINE OF SAID LOT 4, 100.00 FEET TO THE CENTERLINE OF VACATED PINYON AVENUE; THENCE NORTH 35°59'00" WEST ALONG SAID CENTERLINE OF PINYON AVENUE, 159.88 FEET; THENCE LEAVING SAID CENTERLINE NORTH 25°52'01" WEST A DISTANCE OF 142.33 FEET TO THE NORTHWEST CORNER OF LOT 17, BLOCK 44, SNYDER'S ADDITION TO PARK CITY, SAID POINT ALSO BEING ON THE EASTERLY RIGHT OF WAY LINE OF SAID VACATED PINYON AVENUE; THENCE NORTH 35°59'00" WEST ALONG SAID EASTERLY RIGHT OF WAY LINE OF PINYON AVENUE, 171.59 FEET TO THE WEST LINE OF SAID SNYDER'S ADDITION TO PARK CITY, SAID WESTERLY LINE OF SNYDER'S ADDITION TO PARK CITY IS ALSO THE NORTH-SOUTH 1/16 SECTION LINE (WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER) OF SAID SECTION 16; THENCE NORTH 00°31'00" EAST ALONG SAID WESTERLY LINE OF SNYDER'S ADDITION TO PARK CITY, AND ALONG SAID NORTH-SOUTH 1/16 SECTION LINE, 526.72 FEET TO THE POINT OF BEGINNING.

CONTAINS: 653,761 SQUARE FEET (15.0083 ACRES) MORE OR LESS

TAX PARCEL NUMBER: SA-315-318-321

EXHIBIT B
MPD APPROVAL LETTER



22 January 2018

Rory Murphy
1887 Gold Dust Lane, Suite 301
Park City, Utah 84060

Re: King's Crown Master Planned Development and Conditional Use Permit

Rory:

On January 10, 2018, the Planning Commission of Park City approved your Master Planned Development (application no. PL-17-03515) and Conditional Use Permit (PL-17-03566), subject to the following findings of fact, conclusions of law, and conditions of approval:

Master Planned Development & Conditional Use Permit Findings of Fact:

1. The subject site is located at 1201 – 1299 Lowell Avenue.
2. The subject site is within the RC, ROS, and SLO District.
3. The proposed development takes place roughly over 30% of the property, all contained within the RC District located adjacent to Lowell Avenue towards the northeast of the subject site.
4. The applicant proposes to build three (3) multi-unit buildings with access off Lowell Avenue, a private road/drive to be known as Rothwell Road, and a townhouse building with access off Rothwell Road.
5. The proposed private road/drive begins at the 12th Street / Lowell Avenue intersection which then curves up to a hammer-head turn around.
6. Rothwell Road climbs up approximately sixty feet (60') and is approximately 548 feet long.
7. The applicant also proposes to develop 27 single-family lots, 4 of which would be accessed off Lowell Avenue, and the remaining 24 would be accessed off Rothwell Road (15 on the west side of the private road and 8 on the east side of the private road).
8. The applicant does not plan on building the 27 houses, but to develop the lots to be able to sell them individually.
9. The MPD includes a total of 32 lots.
10. The MPD includes seven (7) deed restricted affordable housing condominium

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- units (8.55 affordable unit equivalents).
11. The MPD includes eight (8) additional non-required deed restricted affordable housing condominium units (9.07 affordable unit equivalents).
 12. The MPD includes 11.2 acres of platted open space in the form of large tracts of contiguous natural open space that does not include open space area around the units, equating to 74.6%. The total open space percentage is 83.9.
 13. The MPD includes 23 market rate condominiums, 7 market rate townhomes, and 27 market rate single family detached houses.
 14. Building A is a multi-unit dwelling, listed as a conditional use.
 15. Building A has 15 residential affordable housing units.
 16. Building A has the following square footage:
 - a. Residential: 16,520
 - b. Mechanical: 256
 - c. Internal circulation (hallways and stairs): 1,833
 - d. Parking and vehicular circulation: 5,571
 - e. Overall: 24,180
 17. Building A has 18 parking spaces located in an enclosed underground parking garage.
 18. Building A has vehicular access off Lowell Avenue through one (1) driveway.
 19. Building A has 5 stories above the parking garage.
 20. Building A is on proposed lot 1.
 21. Affordable housing residential units do not count towards residential Unit Equivalents.
 22. Building B/C is a multi-unit dwelling, listed as a conditional use.
 23. Building B/C has 12 residential units.
 24. Building B/C has the following square footage:
 - a. Residential: 28,253 (14.13 residential Unit Equivalents)
 - b. Mechanical: 375
 - c. Internal circulation (hallways, stairs, and elevator): 1,133
 - d. Parking and vehicular circulation: 9,305
 - e. Overall: 39,066
 25. Building B/C has 21 parking spaces located in enclosed underground parking garages.
 26. Building B/C has vehicular access off Lowell Avenue through two (2) separate driveways.
 27. Building B/C has 4 stories above the parking garage
 28. Building B/C is on proposed lot 2
 29. Building D is a multi-unit dwelling, listed as a conditional use.
 30. Building D has 11 residential units
 31. Building D has the following square footage:
 - a. Residential: 24,590 (12.30 residential Unit Equivalents)
 - b. Mechanical: 166
 - c. Internal circulation (hallways, stairs, and elevator): 1,827
 - d. Parking and vehicular circulation: 8,313
 - e. Overall: 34,896
 32. Building D has 22 parking spaces located in an enclosed underground parking

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- garage.
33. Building D has vehicular access off Lowell Avenue through one (1) driveway.
 34. Building D has 4 stories above the parking garage.
 35. Building D is on proposed lot 2.
 36. Townhomes Building is a multi-unit dwelling, listed as a conditional use.
 37. Townhomes Building has 7 residential units
 38. Townhomes Building is 29,005 (14.50 residential Unit Equivalents).
 39. Townhomes Building has 14 parking spaces, 2 within each parking garage.
 40. Townhomes Building has vehicular access off proposed private drive through individual driveways.
 41. Townhomes Building has 3 stories above the garage level.
 42. Townhomes Building is on proposed lot 30
 43. Single-family dwellings are an allowed use within the District.
 44. The applicants request to plat 27 lots to accommodate one (1) single-family dwelling on each lot.
 45. The approximate buildable square footage of the single family dwellings is 71,880 (35.94 residential Unit Equivalents).
 46. The single-family dwellings require 54 parking spaces, 2 within each lot as required.
 47. The single-family dwellings have vehicular access off proposed private drive through individual driveways and four (4) off Lowell Avenue.
 48. The single family lots are on proposed lots 3-29.
 49. The applicant proposed two (2) lots to be re-platted as open space.
 50. Proposed open space Lot 31 is 2,106.4 square feet with retaining walls and stair access to adjacent property to the south.
 51. Proposed open space Lot 32 is 487,798.29 square feet (11.2 acres).
 52. Proposed open space Lot 32 is to house an accessory building, 750 square feet, consisting of restroom and lockers for the exclusive use of property owners.
 53. The proposed accessory building on Lot 32 is located on the RC District.
 54. Accessory buildings are an allowed use with the RC District.
 55. Restrooms/lockers are considered residential accessory space and does not count towards Unit Equivalents.
 56. The site contains a total of 653,860 sf. (15.01 acres) broken down in the following manner:
 - a. RC District: 199,867 sf. (4.59 acres)
 - b. RC District within the SLO Zone: 78,654 sf. (1.81 acres)
 - c. ROS District: 84,194 sf. (1.93 acres)
 - d. ROS District within the SLO Zone: 291,145 sf. (6.68 acres)
 57. The applicant proposes to build solely within the zoning boundaries of the RC District. The applicant does not request to build within the boundary of the RC District/SLO, or within the ROS District, and these areas would be dedicated as open space.
 58. Within the RC District, sites with multi-unit dwellings receive a maximum floor area ratio (FAR) of 1.0.
 59. The portion of the site in the RC District has a maximum floor area of 199,867 sf. for multi-unit dwellings.
 60. The RC District does not provide a FAR standard for single-family dwelling lots,

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- but rather, a minimum lot area requirement of 1,875 sf.
61. The proposal contains a total FAR of 0.41 ($80,963 \div 199,867$) for multi-unit dwellings.
 62. In applying the FAR at its maximum, the site would have a remaining 118,904 sf. in density ($199,867 - 80,963$).
 63. In applying the floor area not used for multi-unit dwelling for single-family dwellings, this would create approximately 63 residential lots (applying the minimum lot area of 1,875 square feet).
 64. The applicant requests to re-subdivide 27 single-family lots in conjunction with their 80,963 sf. of multi-unit dwellings.
 65. A residential Unit Equivalent is 2,000 square feet.
 66. The applicant proposes the construction of the following 30 residential units and the allotment of 27 lots:
 - a. 12 flats within multi-unit Building B/C totaling 27,683 square feet (13.84 residential Unit Equivalents).
 - b. 11 flats within multi-unit Building D totaling 24,255 square feet (12.13 residential Unit Equivalents).
 - c. 7 townhouses within the Townhome Building totaling 29,005 square feet (14.50 residential Unit Equivalents).
 - d. 27 lots to accommodate one (1) future single-family dwelling on each lot which would be approximately 71,880 square feet (35.94 residential Unit Equivalents).
 67. The applicant requests to maintain the MPD setback of 25 feet around the perimeter of the entire development, with the exception of seven (7) future single-family residential Lots 3-7 and 21-22.
 68. Applicant seeks the following setback reductions as allowed by the Code, if granted by the Planning Commission:
 - a. Proposed Lot 3-7 front setback reduction to ten feet (10').
 - b. Proposed Lot 21 side setback reduction to twenty feet (20').
 - c. Proposed Lot 22 side setback reduction to ten feet (10').
 69. The proposed setback reductions as described above matches the abutting zone setbacks and all aspect of the project will comply with applicable Building and Fire codes. The reductions do not increase project density, maintain the general character of the surrounding neighborhood in terms of mass, scale and spacing between houses, and they meet open space requirements of the MPD.
 70. The proposed setback reductions are in compliance with LMC MPD provisions.
 71. All Master Planned Developments shall contain a minimum of sixty percent (60%) open space as defined in LMC Chapter 15-15 [...].
 72. The site contains a total of 653,759 square feet. The site contains 17,012 square feet of hard-scaped plazas equating to 2.6% of the site and 531,519 square feet (12.20 acres) equating to 81.3% of natural open space.
 73. The applicant proposes to designate the use of the two (2) open space lots on the proposed Re-Subdivision (plat).
 74. The applicant does not request to decrease the required number of off-street parking spaces; therefore, no parking analysis has been submitted. See building by building requirement:

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- a. Affordable Housing Building A requires 18 parking spaces based on the size of the units. The proposed building contains 18 parking spaces.
 - b. Building B/C requires 21 parking spaces based on the size of the units. The proposed building contains 21 parking spaces.
 - c. Building D requires 21 parking spaces based on the size of the units. The proposed building contains 22 parking spaces.
 - d. Townhome building requires 14 parking spaces based on the size of the units, two (2) parking spaces per unit. Proposed building contains 14 parking spaces.
 - e. Single-family dwelling residential lots require 54 parking spaces, based on unit count. These 27 residential lots would require a minimum of 2 parking spaces per unit.
75. The proposal complies with the provisions of the building height parameters for multi-unit buildings listed under LMC § 15-2.16-4 Building Height and single-family dwellings listed under LMC § 15-2.16-5 Special Requirements For Single Family And Duplex Dwellings (subsection L-M), including all applicable height exceptions as allowed in the LMC.
 76. The applicant does not seek additional height under the MPD parameters listed under LMC § 15-6-5 MPD Requirements, Sub-section F.
 77. The project has been designed to maintain the existing neighborhood development pattern, with the larger scale buildings located alongside the existing multi-family.
 78. The proposed plan uses the massing of the buildings to mitigate the need for retaining walls by burying the buildings into the hillside. The balance of the required retaining walls has been stepped in shorter wall sections to reduce/eliminate tall retaining walls.
 79. Roads and utility lines are proposed to work with the existing grades to the greatest extent possible, as indicated on the civil site and grading plans. Areas of the deepest cuts are mitigated by using the townhome buildings to step up the hill.
 80. All trails proposed with the MPD are incorporated into open space elements and in some areas are maintained and improved in their existing locations. Trail easements will be platted on the final recorded subdivision plats. Staff recommends adding a public recreation easement on Rothwell Road (private road) connecting to trail network on the mountain.
 81. The City requests to secure a recreational public access easement from Lowell Avenue, up the roadway to the stairwell shown on the plans, to allow for public trail access.
 82. The City requests to prepare a public trail plan for the open space parcel, provide for trail 'corridors' subject to final alignment, which would be part of the recorded development agreement. The applicant stipulates to this condition of approval.
 83. There are sufficient areas adjacent to the streets, driveways, and parking areas to store snow.
 84. The MPD shall comply with the trash storage and collection and recycling regulations contained herein.
 85. There are no commercial or non-residential uses with this project, and all off-

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- street parking requirements are met within the project. The bus stop/ transportation area is located yards away from the project at the resort base. The applicant is considering placing an e-bike sharing station on site on Lowell Avenue for public use.
86. The submitted landscape plans specify the maximum area allowed for lawn or turf is limited to fifty percent (50%) of the total Area allowed to be disturbed and not covered by Buildings and other hard surfaces.
 87. Drought tolerant species and species native to the area are stipulated in the Guidelines. Native rock and boulders are stipulated as allowed within the LMC.
 88. Lighting is proposed to comply with requirements of LMC Chapter 15-5, Architectural Review and is further spelled out in the Guidelines.
 89. No development within the MPD is located within the SLO with the exception of trails, which are an allowed use in the SLO.
 90. The proposal includes 200% of the required Affordable Housing as required by the current housing resolution (03-2017).
 91. The current affordable housing proposal, which is developed through the Affordable Housing Staff and the Affordable Housing Authority (The City Council), is shown on a table within this staff report. The Staff and the Affordable Housing Authority retain the final say on these figures.
 92. The proposal does not create additional demands for child care.
 93. An environmental survey (Exhibit P - Environmental Survey) was prepared revealing no environmental contaminants on the property.
 94. A mine site study (Exhibit Q - Mine Site Studies) was conducted and determined that there were no mining related activities on the property.
 95. The proposal fulfills the following goals and objectives of the General Plan.
 96. A cultural survey (Exhibit O - Cultural Survey) was prepared revealing the only significant historical element on site was the Crescent Tramway, which will remain as the existing ski/ bike trail on the property. There are no historic structures on site.
 97. LMC § 15-6-4 (G) states that once the Planning Commission has approved an MPD, the approval shall be put in the form of a Development Agreement and shall be submitted to the Planning Department within six (6) months of MPD approval, for ratification by the Planning Commission..
 98. Multi-unit dwellings and Master Planned Developments are listed as a conditional uses in the RC District.
 99. The applicant proposes the construction of four (4) multi-unit dwelling buildings which includes one (1) building housing the affordable housing units that exceeds the required affordable housing requirements.
 100. There are certain uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.
 101. A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards.
 102. The project is located on Lowell Avenue, between 12th and 13th Street.

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103. The four (4) multi-unit dwellings are located at the lower portion of the subject site.
104. A traffic study (Triton Engineering, June, 2017) was provided by the applicant and reviewed by the City indicating that study intersections are anticipated to continue operating at acceptable levels of service.
105. Capacity of existing streets can handle anticipated normal traffic especially based on the fact that maximum density is not being pursued by the applicant.
106. Utilities necessary for these proposed uses are available at or near the site.
107. Final utility plans, including grading and storm water run-off plans will be required at time of building permit review.
108. The proposed plans have been reviewed by the City and the Park City Fire District for compliance and meet the requirements for emergency vehicle access based on the close proximity to Lowell Avenue and the direct connection of the private drive.
109. The proposed conditional use meets all LMC parking regulations.
110. The internal circulation plan incorporated on the site plan showing proposed access to existing trails as well community access point to the trails and ski runs.
111. Adjoining uses mirror the uses proposed in this project, and no separation is required. In fact, the project is providing community access through to adjacent open space.
112. The project has been designed to mirror the existing neighborhood development patterns.
113. The larger mass buildings are located adjacent to the larger buildings on Lowell, and the project homes mirror the East side of Lowell, with the townhomes continuing the townhome pattern as well.
114. As designed, approximately 82 percent of the project is contiguous open space, with access to skiing and bike trails.
115. All signs and lighting for the project will be approved through the Master Sign Plan application process and through building department review for compliance with the LMC.
116. The physical design of the proposed additions and new buildings, in terms of mass, scale, style, design and architectural detailing.
117. The proposed buildings complement the existing neighborhood in architectural character, materials, colors, mass and scale.
118. Proposed materials consist of metal and membrane roofing, wood and metal siding, natural stone and other elements consistent with the existing buildings.
119. This project will not create any of the conditions listed that are not normally associated in the residential nature of the proposed use.
120. There will be no commercial delivery or service vehicles to the project as the entire project is residential. Typical residential delivery service will utilize residential streets and driveways.
121. Trash and Recycling will mirror the existing Old Town pattern and usage with small residential trash bins, and shall comply with the required regulation listed under Master Planned Developments.
122. All condominiums will be sold as wholly owned condominiums and be required to follow local guidelines relative to other uses, the same applies to the single-family

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- lots.
123. The proposed development is not within any environmentally sensitive lands, physical mine hazards, historic mine waste, or Park City Soils Ordinance.
 124. The site is within steep slopes found throughout the site.
 125. The overall proposal, both Multi-Unit Dwellings (conditional use) and single-family detached houses (allowed use) takes place over approximately 30% of the entire site.
 126. The Applicant provided Exhibit R - Proposed Export Fill Placement Exhibit and Possible Fill Locations, with the placement, volume and height of on-mountain waste rock on a map showing the placement areas for waste rock
 127. Applicant indicates a verbal agreement with Park City Mountain representatives to place the material from the multi-unit buildings and road construction on Park City Mountain.
 128. Exhibit R - Proposed Export Fill Placement Exhibit and Possible Fill Locations also shows the proposed study of the corresponding volumes and depths of the waste material on adjacent property.
 129. Applicant indicates that all waste material must be certified as environmentally clean, compacted in no more than 2-foot lifts (to achieve a 90%+ compaction) covered with six inches (6") of topsoil, seeded with a native grass mix and sod placed over the grass seeds.
 130. Applicant demonstrates that the maximum depth would be 5 feet, tapering off to 0 feet.
 131. Applicant proposes to transport the excavated material to the neighboring property without the necessity of using City streets. It is the Applicant's responsibility to seek such permission with the neighboring site.
 132. Applicant explains that in the highly unlikely case that they are unable to secure a written agreement with the Park City Mountain, the excavation material would be disposed of by the traditional method used in the vast majority of construction projects to be approved by the City prior to issuance of building permits.
 133. The applicant estimates 14,400 cubic yards of material (includes swell) which would equate to 1,440 truckloads (at 10 yds. / truck).
 134. As a Condition of Approval, the applicant has indicated that they would not undergo excavation or footings and foundation work on the multi-family buildings or the access road during the winter season from Christmas through April 1st.
 135. Applicant has indicated that they will instruct construction staff to keep delivery trucks off the streets during the peak busy times of between 8:30 am and 10:00 am as well as the peak afternoon times of 3:30 pm through 4:30 pm.
 136. Applicant agrees to not deliver materials during the busiest tourist times of Christmas week, MLK weekend, Sundance week, MLK weekend, President's Day weekend, Arts Fest, July 4th weekend, Miner's Day weekend, and Tour de Utah.
 137. Applicant has provided the approximate excavation quantities of the 27 single-family dwellings which would be approximately 7500 cubic yards.
 138. The applicant does not plan on building the 27 single-family dwellings but plans to sell the lots to individuals and/or builders.
 139. The Chief Building official has studied the applicant's preliminary Construction

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Mitigation Plan and finds that the proposal is in compliance with current Building Department policies.

- 140. Construction Mitigation Plan will be finalized by the Building Dept. once building permits are submitted by the applicant.
- 141. The applicant stipulates to the conditions of approval.
- 142. The discussion in the Analysis section is incorporated herein.

Master Planned Development Conclusions of Law

- A. The MPD, as conditioned, complies with all the requirements of the Land Management Code;
- B. The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 herein;
- C. The MPD, as conditioned, provides the highest value of Open Space, as determined by the Planning Commission;
- D. The MPD, as conditioned, strengthens and enhances the resort character of Park City;
- E. The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;
- F. The MPD, as conditioned, is Compatible in Use, scale, and mass with adjacent Properties, and promotes neighborhood Compatibility, and Historic Compatibility, where appropriate, and protects residential neighborhoods and Uses;
- G. The MPD, as conditioned, provides amenities to the community so that there is no net loss of community amenities;
- H. The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
- I. The MPD, as conditioned, meets the Sensitive Lands requirements of the Land Management Code. The project has been designed to place Development on the most developable land and least visually obtrusive portions of the Site;
- J. The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections; and
- K. The MPD has been noticed and public hearing held in accordance with this Code.
- L. The MPD, as conditioned, incorporates best planning practices for sustainable development, including water conservation measures and energy efficient design and construction, per the Residential and Commercial Energy and Green Building program and codes adopted by the Park City Building Department in effect at the time of the Application.
- M. The MPD, as conditioned, addresses and mitigates Physical Mine Hazards according to accepted City regulations and policies.
- N. The MPD, as conditioned, addresses and mitigates Historic Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance.
- O. The MPD, as conditioned, addresses Historic Structures and Sites on the Property, according to accepted City regulations and policies, and any applicable Historic Preservation Plan.

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Conditional Use Permit Conclusions of Law:

1. The proposal satisfies the Conditional Use Permit review criteria as established by the LMC's Conditional Use Review process (§15-1-10(E), Criteria 1-16).
2. The proposal complies with all requirements of this LMC.
3. The Uses will be Compatible with surrounding Structures in Use, scale, mass
4. The effects of any differences in Use or scale have been mitigated through careful planning.

Master Planned Development & Conditional Use Permit Conditions of Approval:

1. All standard project conditions shall apply.
2. A Construction Mitigation Plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, as a condition precedent to issuance of any grading or building permits. The CMP shall be updated as necessary to identify impacts and propose reasonable mitigation of these impacts on the site, neighborhood, and community due to construction of this project. The CMP shall include information about specific construction phasing, traffic, parking, service and delivery, stock-piling of materials and staging of work, work hours, noise control, temporary lighting, trash management and recycling, mud and dust control, construction signs, temporary road and/or trail closures, limits of disturbance fencing, protection of existing vegetation, erosion control, Storm-water management, and other items as may be required by the Building Department. The immediate neighborhood and community at large shall be provided notice at least 24 hours in advance of construction work impacting private driveways, street closures, and interruption of utility service.
3. A storm water run-off and drainage plan shall be submitted with the building plans and approved prior to issuance of any building permits. The plan shall follow Park City's Storm Water Management Plan and the project shall implement storm water Best Management Practices. Post development drainage shall not exceed predevelopment drainage conditions and special consideration shall be made to protect any wetlands delineated on and adjacent to the site.
4. The project is over 1.0 acres and will be required to meet the requirements of Park City's municipal separate storm sewer system (MS4) storm-water program.
5. Final utility plans, consistent with preliminary utility plans reviewed by the Planning Commission during the MPD review, shall be submitted with the final subdivision plat.
6. Dry utility infrastructure must be located on the property and shown on the building plans prior to building permit issuance to ensure that utility companies verify that the area provided for their facilities are viable and that exposed meters and boxes can be screened with landscaping.
7. The Snyderville Basin Water Reclamation District's review and approval of the utility plans and final subdivision plat, for conformance with the District's standards for review, is a condition precedent to plat recordation and building permit issuance.
8. An Affordable Housing Plan shall be approved by the Park City Housing Authority prior to issuance of any building permits for units within the MPD and deed restrictions shall be recorded.

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Building (435) 615-5100 • Engineering (435) 615-5055 • Planning (435) 615-5060

Rory Murphy
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9. As a condition precedent to receiving a certificate of occupancy for any market rate unit the City shall be provided with proof of compliance with the approved Affordable Housing Plan.
10. A master sign plan for the project shall be submitted, reviewed for compliance with the Park City Sign Code, and approved by the City, as a condition precedent to issuance of any individual sign permits.
11. Approval of this Master Planned Development is subject to LMC Chapter 6- Master Planned Developments and shall expire two years from the date of execution of the Development Agreement unless Construction, as defined by the Uniform Building Code, has commenced on the project.
12. Once the Planning Commission has approved an MPD, the approval shall be put in the form of a Development Agreement. The Development Agreement must be submitted to the Planning Department for ratification by the Planning Commission within 6 months of this approval. The Development Agreement shall be signed by the Mayor on behalf of the City Council and recorded with the Summit County Recorder.
13. Timing of completion of all required items and public benefits shall be further described and stated in the Development Agreement.
14. Vegetation and landscaping will be planted in such a manner that screening of adjacent properties is to be consistent with approved landscape plans. The applicant recognizes that the City Engineer have final authority on landscape placement in required easement areas.
15. All interior roads shall be constructed to Park City Engineering standards. Final grades, storm drainage and width to be approved by the City Engineer.
16. Interior roads are proposed to be private and maintained by the HOA.
17. An HOA shall be in place to maintain and govern the property.
18. An open space use plan shall be approved by the Park City Planning Department and shall be included as part of the development agreement. Such uses shall be consistent with the LMC and shall include ski runs, hiking/biking trails and related ski improvements such as snow making and signage as needed and appropriate.
19. A trails master plan that is consistent with the city's needs and desires shall be forwarded by the City Trails personnel and approved by both the applicant and the Park City Planning Department, which would be part of the recorded development agreement.
20. The applicant shall allow a recreational public access easement from Lowell Avenue, up the roadway to the stairwell shown on the plans, to allow for public trail access, and shall be shown on the plat.
21. The proposal shall comply with all Architectural Design Guidelines outlined in LMC § 15-5-5 which includes prohibited architectural styles and motifs, prohibited siding materials, design ornamentation, number of exterior wall materials, roofing materials, roof shapes, solar panels and skylights, window treatments, Lighting, trash and recycling enclosures, mechanical equipment, patios and driveways, and landscaping. Materials color samples and final design details shall be approved by staff prior to building permit issuance and shall be in substantial compliance with the elevations reviewed by the Planning Commission on January 10, 2018.

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Attachment 1 – Proposed Development Agreement

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22. The proposal shall comply with the trash storage and collection parameters with the language outlined in LMC § 15-5-5(G).
23. The proposal shall not undergo excavation or footings and foundation work on the multi-family buildings or the access road (Rothwell Road) during the winter season from Christmas (December 25) through April 1st.
24. Materials shall not be delivered during the busiest tourist times of Christmas week, MLK weekend, Sundance week, MLK weekend, President's Day weekend, Arts Fest, July 4th weekend, Miner's Day weekend, and Tour de Utah.
25. The final building plans and construction details for the project shall substantially comply with the drawings reviewed by the Planning Commission on January 10, 2018.
26. The applicant shall record a plat prior to selling individual units.
27. A deed restriction all affordable housing units shall be recorded prior building permit issuance.
28. The CCRs shall be submitted with the plat for review and approval by the City prior to final plat recordation.
29. The CCRs submitted with condominium plats that include any deed restricted affordable housing units shall limit the HOA dues related to the deed restricted employee housing unit in order to ensure that the units remain affordable. The CCRs shall reflect a lower par-value to reflect the reduced cost of the units (or exempt the units from HOA fees) to ensure that the units don't lose their affordability due to HOA fees. The CCRs shall be submitted with the condominium plat for review and approval by the City prior to final condominium plat recordation.
30. The Conditional Use Permit shall expire on January 10, 2019, unless an extension is requested in writing prior to expiration date and the extension is granted by the Planning Director.
31. A final water efficient landscape and irrigation plan that indicates required storm water facilities and snow storage areas, and that meets the defensible space requirements and mitigates for removal of significant vegetation, shall be submitted with the building permit application for approval by the Planning, Building, and Engineering Department, and shall be in substantial conformance with the plans reviewed by the Planning Commission on January 10, 2018.
32. All requirements and conditions of the Snyderville Basin Water Reclamation District shall be met prior to building permit issuance.
33. This development is part of a common development that is greater than one (1) acre. This development shall meet the MS4 storm water requirements.

Please be aware that this approval in no way exempts the property from complying with other requirements that may be in effect on the property, and building permit regulations, as applicable. It is the responsibility of the property owner to ensure compliance with these regulations.

As the applicant, this letter is intended as a courtesy to document the status of your request. The official minutes from the Planning Commission meeting are available in the Planning Department office.

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Attachment 1 – Proposed Development Agreement

Rory Murphy
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If you have questions regarding your applications or the action taken please don't hesitate to contact me at 435-615-5064 or fastorga@parkcity.org.

Sincerely,

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

Francisco Astorga, AICP
Senior Planner

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EXHIBIT C
CULTURAL SURVEY

EXHIBIT D
MINE SITE STUDIES

EXHIBIT E

PROPOSED EXPORT FILL

**Placement Exhibit and Possible
Fill Locations**

EXHIBIT F

SFD APPROXIMATE EXCAVATION QUANTITIES

EXHIBIT G
GENERAL DRAWINGS

EXHIBIT H
CIVIL DRAWINGS (ALTA & SLOPE)

EXHIBIT I
PROPOSED PLAT (UPDATED)

EXHIBIT J
SURVEY

EXHIBIT K
CIVIL DRAWINGS

EXHIBIT L
LANDSCAPE DRAWINGS

EXHIBIT M
ARCHITECTURAL SITE DRAWINGS

EXHIBIT N
SITE COMPLIANCE DRAWINGS

EXHIBIT O
ARCHITECTURAL GRAPHICS DRAWINGS

EXHIBIT P
ARCHITECTURAL DRAWINGS

EXHIBIT Q
MATERIAL BOARD

EXHIBIT R
TOWNHOME RENDERING

EXHIBIT S
ENVIRONMENTAL SURVEY

EXHIBIT T
OPEN SPACE USE PLAN

March 5, 2018

Francisco Astorga, Senior Planner
Park City Planning Department
Park City Municipal Corporation
PO Box 1450
445 Marsac Avenue
Park City, UT 84060

RE: Open Space Plan

Dear Francisco,

This report contains the Open Space Plan proposal for the Kings Crown at Park City Project. An Open Space Plan is one of the requirements of the Development Agreement in the Land Management Code Section 15-6-4 (G). The Conditions of Approval of the MPD for Kings Crown, which was approved by the Park City Planning Commission on January 8th, 2018 and ratified by the Park City Council on February 1st, 2018 required that an Open Space Plan be presented to and approved by the Planning Staff. The following is the applicant's Open Space plan proposal which is submitted to fulfill that requirement.

The Kings Crown MPD proposal has a total open space percentage of 83.9% of the total property. The MPD submittal requirement is 60% or greater. The Kings Crown proposal is well in excess of the MPD requirement. The total open space acreage is 12.59 acres. About 11 acres, or 74.6% of the total acreage, is contiguous, unbroken open space. This is identified as Lot 32 of the Kings Crown Re-Subdivision Plat (shown on attached Exhibit A). The contiguous open space is in the most visually prominent portion of the Kings Crown property and protects a mature, second-generation maple forest that is of particular importance for trails, wildlife, watershed protection and visual aesthetics. The ownership of the protected open space will be held for the time being by the Kings Crown HOA. Of the remaining open space, 6.7% (about 1.0 acres) of the entire acreage is open space found within and around the built-up areas of the property and 2.6% (about 0.4 acres) of the total acreage is hardscape. Included in this calculation is Lot 31 of the Kings Crown Re-Subdivision (shown on attached Exhibit B).

The Kings Crown HOA will hold title to both the contiguous open space parcel as well as the open space found within and around the project. The open space found within and around the project consists of natural areas, hardscape and landscaped areas found around the built-up portions of the project. Maintenance of the open space found within and around the project will be the responsibility of the HOA. There is also open space associated with the single-family lots that are part of the Kings Crown project. The maintenance and ownership of the open space located around the lots will be the responsibility of the individual homeowner.

The large, contiguous open space area will be maintained by both PCMC and the Kings Crown HOA. The applicant is currently working on a trails plan with the Trails Staff at PCMC and agreement has been reached regarding the location and number of trails located on the property. One of the tenants of the Trails Plan is that PCMR will have the responsibility for maintaining and controlling the area associated with the trails and the Kings Crown HOA will have the responsibility for maintaining and controlling the remaining open space area. Maintenance of this area will focus on trash removal, erosion control and protection of the natural resources associated with the open space.

The following Table 1.0 outlines the Prohibited and Restricted Uses for the contiguous open space parcel.

Table 1.0 Prohibited and Restricted Uses for the contiguous open space parcel at Kings Crown.

- Any industrial, commercial or for-profit recreational activity (downhill skiing is expressly permitted).
- No construction of any structures or impervious paving. (except for a ski room Residential Accessory building of about 750 square feet within the RC District and stairs/retaining walls associated with the ski access).
- No recreational improvements, except hiking/biking trails and alpine ski trails and associated equipment are permitted.
- Subdivision.
- Mining.
- Alteration of topography.
- Dumping.
- Manipulation of water.
- Roads and impervious surfaces.
- Vehicles (expressly permitted are vehicles associated with ski maintenance on the ski runs only).
- Plant removal or introduction.
- Density (units).
- Hunting.
- Perimeter fencing.
- Haying and grazing.

The following Table 2.0 outlines the Allowed and Reserved Uses for the contiguous open space parcel at Kings Crown.

Table 2.0 Allowed and Reserved Uses for the contiguous open space parcel at Kings Crown.

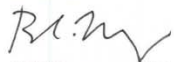
- Alpine and Nordic skiing.
- Ski-related equipment on the ski runs.
- Ski maintenance vehicles.
- Public safety vehicles.
- Conveyance of the property is allowed.
- Buried utilities associated with the ski runs.
- Signs as necessary.

- Public Access.
- Hiking/biking trails.
- Preservation, restoration or enhancement of conservation values.
- Native species may be restored.

The above conditions were agreed to be included by the applicant during the MPD approval process. They were presented both to the Planning Commission and the City Council and were approved accordingly.

Thank you for the opportunity to present this Open Space Plan to the Planning Department for review. We appreciate your consideration of this proposal and are open to any feedback or input you may have. Please do not hesitate to contact us with any questions or comments regarding this report.

Sincerely,



CRH Partners, LLC
Rory Murphy
Hans Fuegi
Chuck Heath



EXHIBIT B.

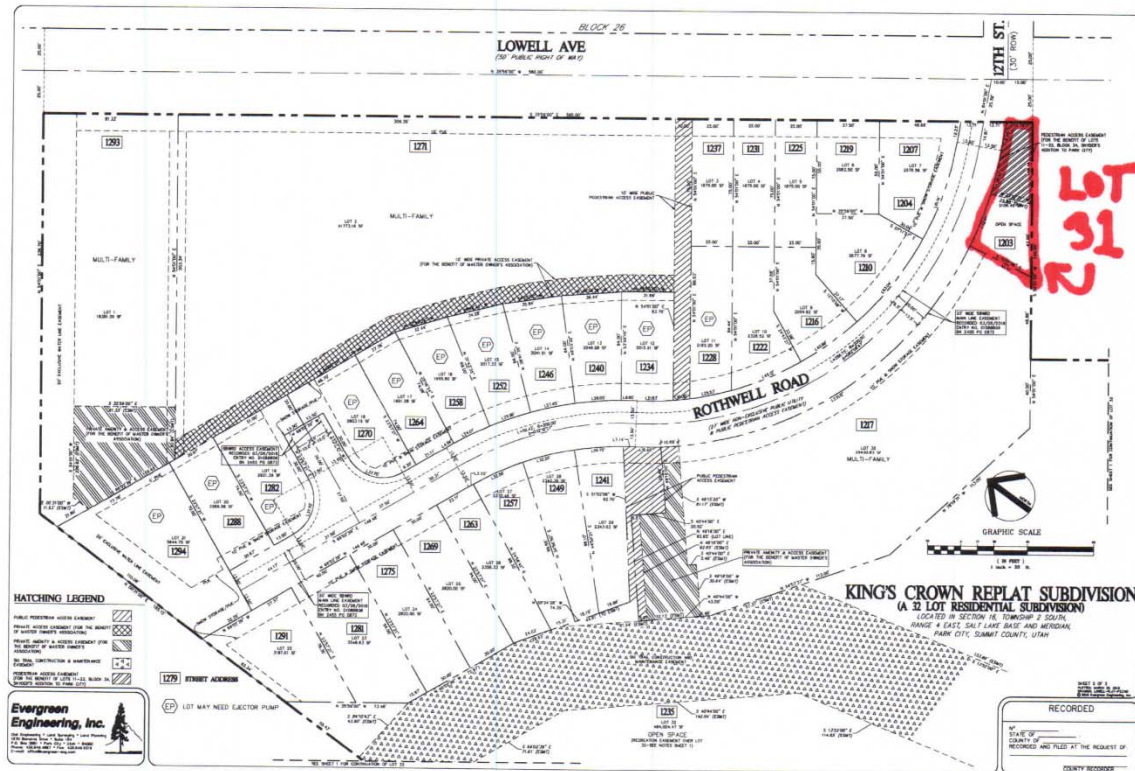


EXHIBIT U
TRAILS MASTER PLAN

March 7, 2018

Francisco Astorga, Senior Planner
Park City Planning Department
Park City Municipal Corporation
PO Box 1450
445 Marsac Avenue
Park City, UT 84060

RE: Trails Plan for Kings Crown

Dear Francisco,

Please find attached to this report a proposed Trails Master Plan for the Kings Crown project. This Trails Master Plan has been approved by both the applicant and the City Trails Staff. We have been working with Heinrich Deters and Logan Jones to finalize this report and the attached is the result of our efforts. The applicant agrees to comply with the final trails report and will assist Park City in any way towards accomplishing the trail development outlined in the map.

The applicant further agrees to memorialize the proposed trail alignment with easements once the trails are constructed and accepted by Park City into their trail network. We think it is prudent to memorialize the trails and provide easements once they are constructed in order to ground truth the trail itself in case there are significant deviations. In any event, the applicant agrees to support the proposed trail alignment as proposed by the City Trails Staff and will cooperate in any activity needed to bring these trails to compliance and operability.

The existing trails, other than the Crescent Tram trail, are planned to be abandoned in favor of the trails outlined in the attached plan. Again, the City Trails Staff will take responsibility for this and will work towards making the necessary adjustments on the ground and educating the public about the new trail alignment. It is expected that Park City will work closely with the Mountain Trails Foundation to accomplish this goal. The City and Mountain Trails will have the responsibility to maintain the trails relative to controlling access to motorized vehicles, trash removal and erosion control as well as any other pertinent activities that may be required to maintain the trails properly. The Kings Crown HOA will retain the ownership of the property for the time being and will be responsible for supporting Park City's and Mountain Trails efforts in this regard.

Thank you for the opportunity to present this Trails Plan to the Planning Staff. Please let us know if you require any additional documentation or supporting documents to fulfill this requirement. We appreciate your consideration of this proposal and are free to answer any questions or address any comments you may have.

Sincerely,
CRH Partners, LLC
Rory Murphy, Chuck Heath, Hans Fuegi

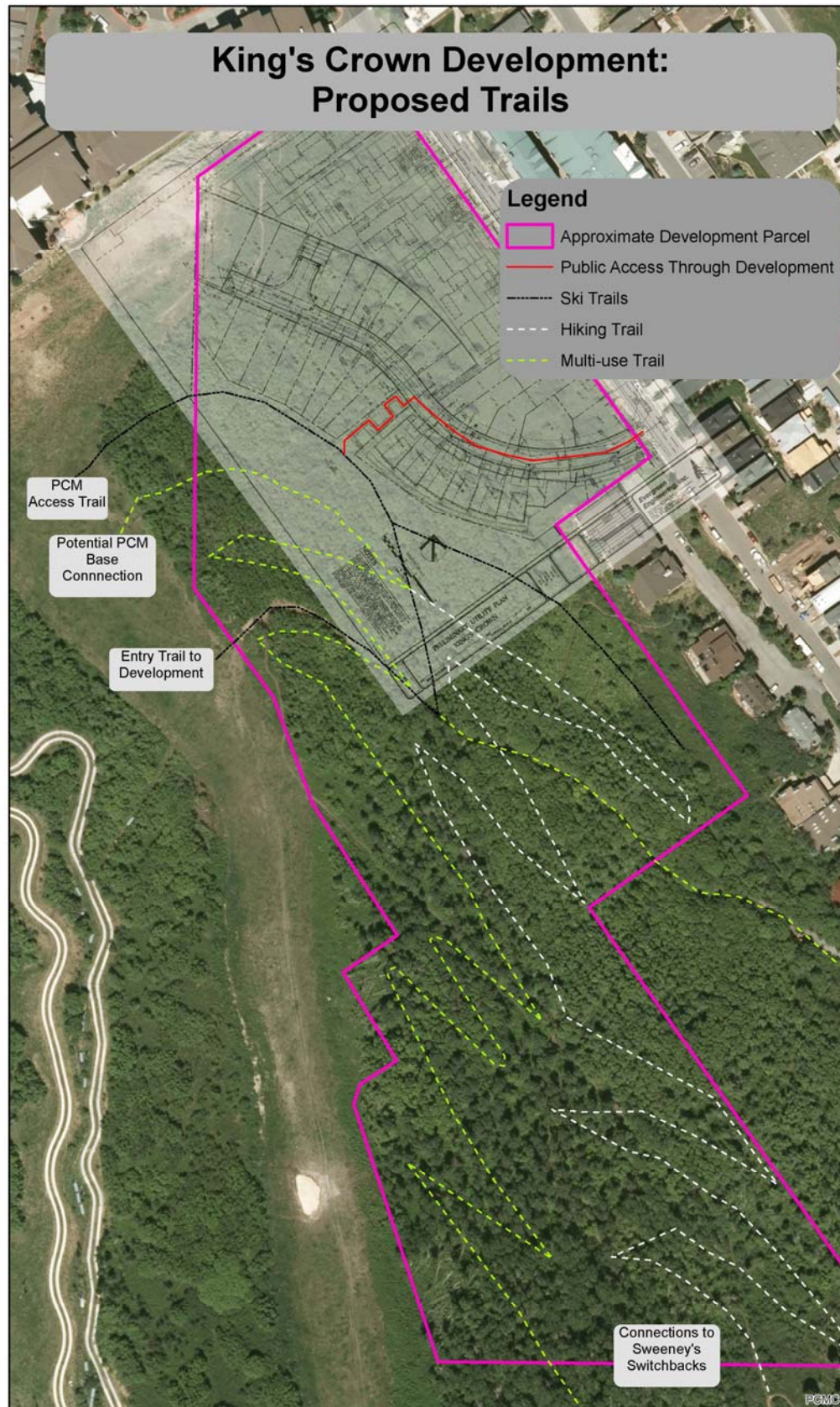


EXHIBIT V
CONSTRUCTION MITIGATION PLAN

Ordinance No. 2018-05

**AN ORDINANCE APPROVING THE KINGS CROWN RE-SUBDIVISION
LOCATED AT 1201-1299 LOWELL AVENUE, PARK CITY, UTAH.**

WHEREAS, the owners of the property located at 1201-1299 Lowell Avenue, have petitioned to the City Council for approval of the Kings Crown Re-Subdivision; and

WHEREAS, on December 23, 2017 the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was published in the Park Record on December 23, 2017, and notice letters were sent to all affected property owners on December 27, 2017, in accordance with the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on January 10, 2018, to receive input on the plat;

WHEREAS, the Planning Commission, on January 10, 2018, forwarded positive a recommendation to the City Council; and,

WHEREAS, on February 1, 2018, the City Council held a public hearing on the Subdivision Plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve King's Crown Re-Subdivision.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. King's Crown Re-Subdivision Final Plat, as shown in Attachment 1 (also Exhibit U2), is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The subject site is located at 1201 – 1299 Lowell Avenue.
2. The subject site is within the RC, ROS, and SLO District.
3. The site contains a total of 653,860 sf. (15.01 acres) broken down in the following manner:
 - a. RC District: 199,867 sf. (4.59 acres)
 - b. RC District within the SLO Zone: 78,654 sf. (1.81 acres)
 - c. ROS District: 84,194 sf. (1.93 acres)
 - d. ROS District within the SLO Zone: 291,145 sf. (6.68 acres)
4. The site is within the Snyder's Addition to the Park City Survey which requires the reconfiguring the entire site, 653,860 sf. (15.01 acres), into the proposed 32

- lots.
5. The applicant proposes the following lots:
 - a. Three (3) lots to accommodate the four (4) Multi-Unit Dwelling buildings: proposed lot 1, 2, and 30.
 - b. Twenty-seven (27) single-family dwelling lots: proposed lot 3 - 29.
 - c. Three (3) open space lots: proposed lot 31 - 32.
 6. The three (3) proposed multi-family lots would in the future re-platted via Condominium Plat re-subdivided into their individual units, allowing the property owner the ability to sell each unit individually.
 7. The development proposes the re-configuring of 27 single-family lots to house one single-family dwelling each.
 8. The development also proposes the re-configuring of two (2) open space lots that would be owned and maintained by the development homeowner's association.
 9. The City vacated internal Rights-of-Way (ROW) in 1966.
 10. This Re-Subdivision in conjunction with the concurrent MPD and CUP.
 11. The Re-Subdivision application request removes all platted lots within the development.
 12. Land Management Code Section 15-7.1-5 Preliminary Subdivision Plat, specifically indicates that the Planning Commission may, at its sole discretion, combine the required hearings for both preliminary and final Subdivision Plat approval.
 13. The minimum lot area for single-family dwellings in the RC District is 1,875 square feet.
 14. All of the SFD lots meet the minimum lot area requirements.
 15. The applicant has indicated that they will not seek to build (sell) duplex lots on applicable lots. A note shall be added to the plat indicating that.
 16. The applicant has filed a Line Extension Agreement with the Snyderville Basin Water Reclamation District. The City Engineer has reviewed preliminary utilities which comply as conditioned

Conclusions of Law:

1. There is Good Cause for this Final Plat as it consistent with the MPD and CUP.
2. The Final Plat is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.
3. Neither the public nor any person will be materially injured by the proposed Final Plat.
4. Approval of the Final Plat, subject to the conditions of approval stated below, will 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 of 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 present the final signed Mylar plat to the City, for City signatures and recordation at Summit County, within one year of the date of City Council approval, or this approval will be considered void; unless an extension

request is made in writing prior to the expiration date and an extension is granted by the City Council.

3. Approval of this Plat is subject to the Master Planned Development approval.
4. Final utility plans, consistent with preliminary utility plans reviewed by the Planning Commission during the MPD/CUP review, shall be submitted with the final subdivision plat for approval by the City Engineer.
5. Dry utility infrastructure must be located on the property and shown on the building plans prior to building permit issuance to ensure that utility companies verify that the area provided for their facilities are viable and that exposed meters and boxes can be screened with landscaping.
6. The Snyderville Basin Water Reclamation District's review and approval of the utility plans and final subdivision plat, for conformance with the District's standards for review, is a condition precedent to plat recordation and building permit issuance.
7. Utilities must be extended to the site to sustain the anticipated uses. Twenty (20') foot wide non-exclusive utility easements are generally necessary for long term maintenance and shall be dedicated on the final subdivision plats. Off-site improvements are necessary to serve the site with utilities.
8. Final road designs will be provided to the Park City Planning, Engineering and Building Departments for review and approval as part of the permit process.
9. The proposed final plat shall in compliance with criteria outlined under the LMC § 15-7.3 Requirements for Improvements, Reservations, and Design which includes the following, as applicable: general subdivision requirements, general lot design requirements, road requirements and design, drainage and storm sewers, water facilities, sewer facilities, sidewalks, hiking trails, bike paths, and horse trails, public uses, preservation of natural features and amenities. All plats are reviewed by the City Engineer for these and other applicable standards.
10. The project is over 1.0 acres and will be required to meet the requirements of Park City's municipal separate storm sewer system (MS4) storm-water program
11. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation
12. A note shall be added to the plat indicating that development on each SFD lot is limited to one (1) single-family dwelling.

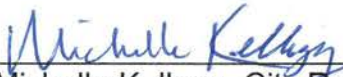
SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 1st day of February, 2018.

PARK CITY MUNICIPAL CORPORATION


Andy Beerman, MAYOR

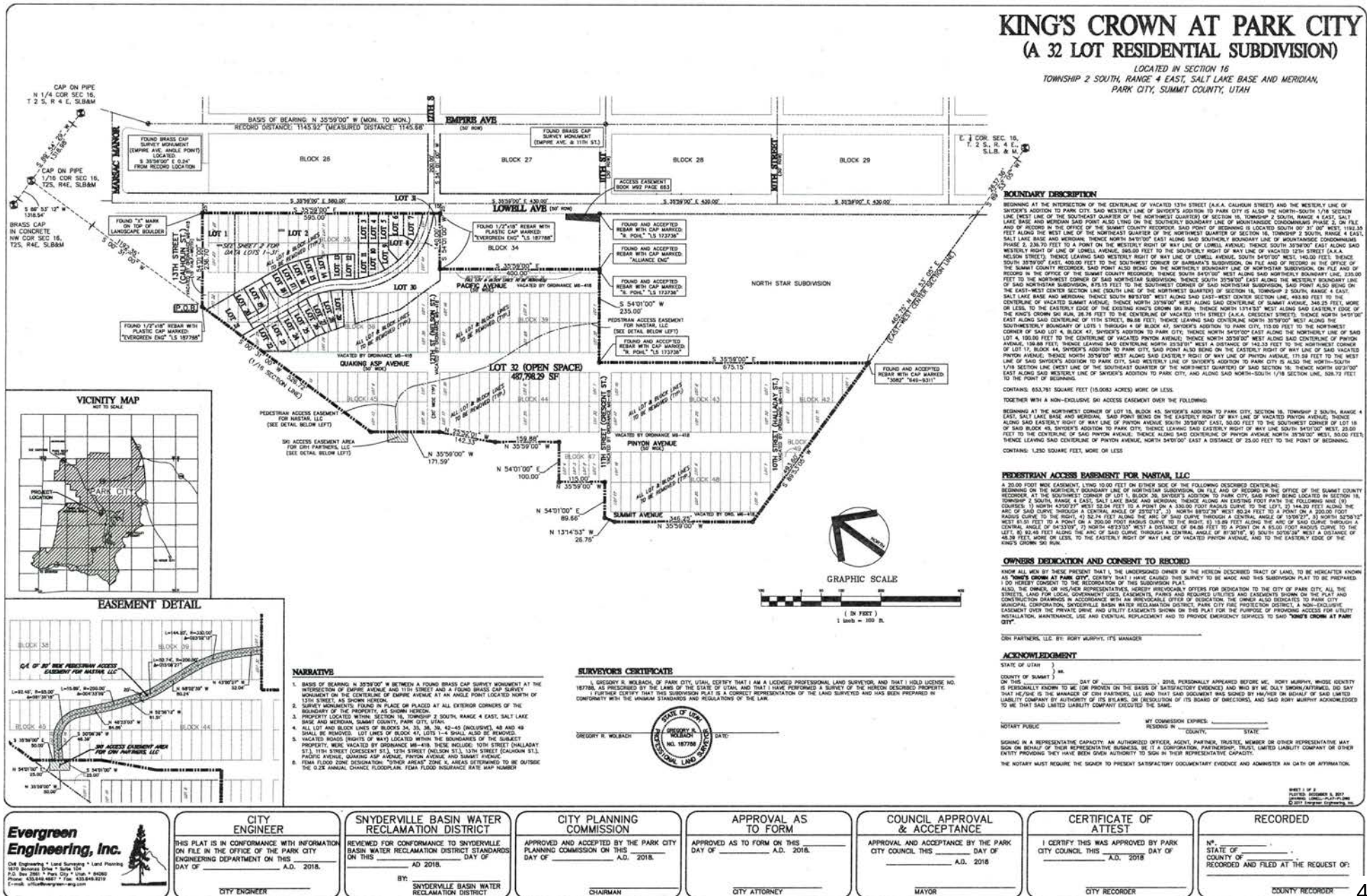
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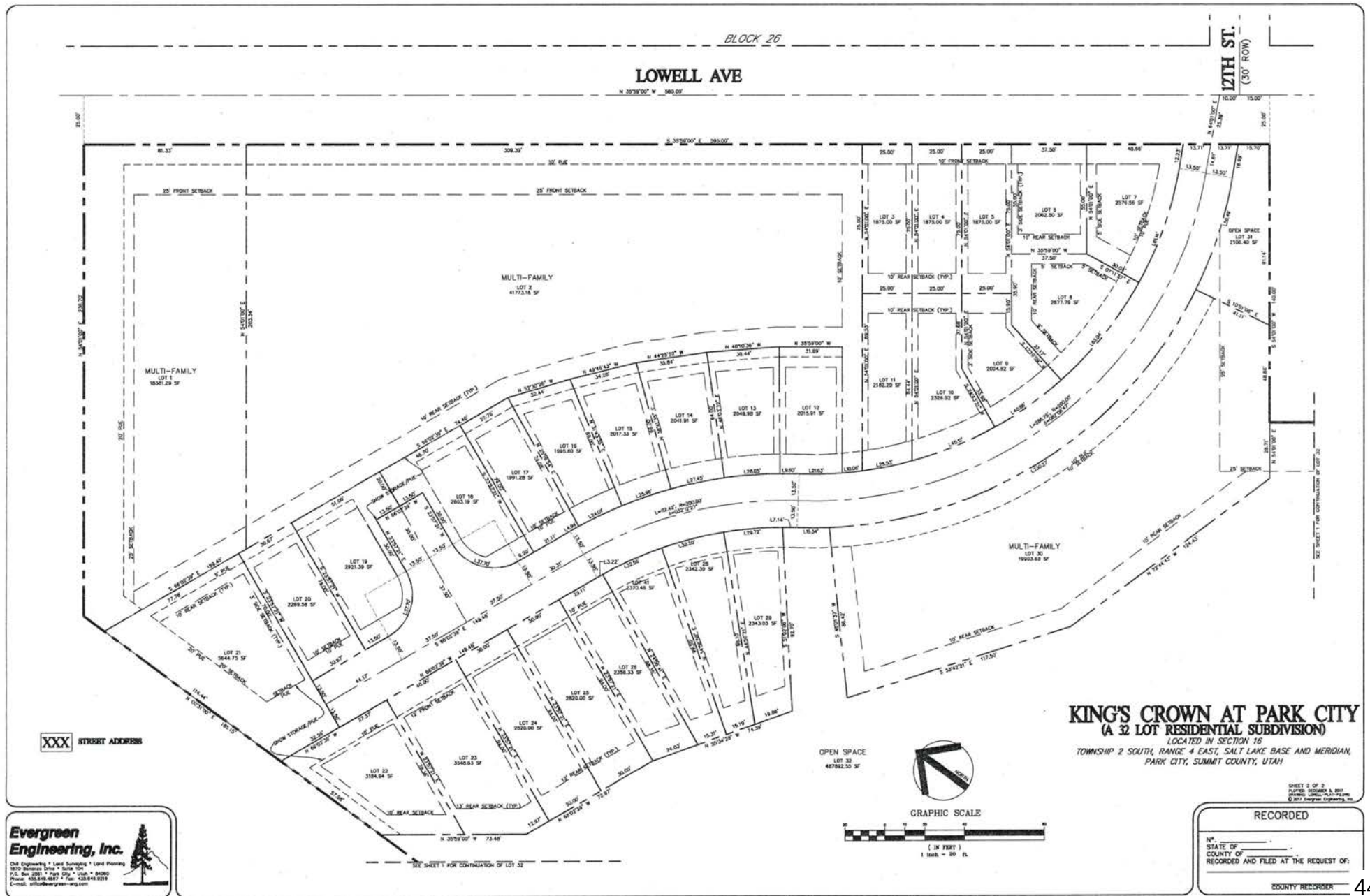

Michelle Kellogg, City Recorder



APPROVED AS TO FORM:


Mark Harrington, City Attorney





May 30, 2018

Mr. Francisco Astorga, Senior Planner
Park City Planning Office
Park City Municipal Corporation
PO Box 1480
Park City, Utah 84060

RE: Construction Mitigation Plan

Dear Francisco,

The following represents our proposed Construction Mitigation Plan (CMP) that is a requirement of the MPD submittal for the proposed King's Crown project per Master Planned Development/Conditional Use permit (MPD/CUP) Condition of Approval No. 2:

A Construction Mitigation Plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, as a condition precedent to issuance of any grading or building permits. The CMP shall be updated as necessary to identify impacts and propose reasonable mitigation of these impacts on the site, neighborhood, and community due to construction of this project. The CMP shall include information about specific construction phasing, traffic, parking, service and delivery, stock-piling of materials and staging of work, work hours, noise control, temporary lighting, trash management and recycling, mud and dust control, construction signs, temporary road and/or trail closures, limits of disturbance fencing, protection of existing vegetation, erosion control. Storm-water management, and other items as may be required by the Building Department. The immediate neighborhood and community at large shall be provided notice at least 24 hours in advance of construction work impacting private driveways, street closures, and interruption of utility service.

This plan can be modified easily to comply with the direction from Staff and Commission. This represents our understanding of the requirements of the MPD, CUP and Plat Approvals for the Kings Crown project, however, we are open to any suggestions and comments you may have. The CMP is designed to minimize the effects of the construction impacts on the surrounding neighborhoods.

1. **Hours of Operation.** The applicant does not propose any construction activity beyond the existing hours of operation set by City Code. Those are 7:00 am to 9:00 pm Monday through Saturday and 9:00 am through 6:00 pm on Sunday.

See MPD/CUP Finding of Fact No. 134: As a Condition of Approval, the applicant has indicated that they would not undergo excavation or footings and foundation work on the multi-family buildings or the access road during the winter season from Christmas through April 1st.

See MPD/CUP Condition of Approval no. 23: The proposal shall not undergo excavation or footings and foundation work on the multi-family buildings or the access road (Rothwell Road) during the winter season from Christmas (December 25) through April 1st.

2. **Parking.** All construction and related parking will be located on the property. There will be no street parking during the construction. The single-family homes will be required to submit a parking plan to the HOA prior to receiving permission from the HOA to proceed.
3. **Deliveries.** All deliveries will be during the hours of operation only. Please see **Special Delivery Hours** section #XX below for times of further restrictions.
4. **Stockpiling and Staging.** All stockpiling and staging will be located on-site, off the public road (Lowell Avenue) and within the approved limits of disturbance.
5. **Construction Phasing.** This item will be discussed with the Planning and Building Department Staff and an approved phasing plan will be implemented prior to building permit issuance.
6. **Trash Management and Recycling.** Adequate storage and enclosed trash management will be incorporated on site during the construction process. Recycling will be undertaken both by the contractor and the applicant to ensure that the maximum amount of construction recycling can take place.
7. **Control of Dust and Mud.** This ongoing concern will be handled daily with gravel exits as well as wash down measures that ensure there is NO tracking of mud onto the neighboring streets. Dust control should not be a significant consideration due to the limited area disturbed but will be controlled through watering trucks during the construction process.
8. **Noise.** Noise levels will not exceed 65 decibels as per the noise ordinance. Noise will not be made outside of the hours of operation.
9. **Grading and Excavation.** All grading and excavation will take place within the hours of operation. The proposed truck route is to access and exit via the north end of Lowell. A turnaround will be provided on-site to accommodate this. This will keep trucks off the majority of Lowell Avenue and off Empire Avenue completely.

See MPD/CUP Finding of Fact No. 131: Applicant proposes to transport the excavated material to the neighboring property without the necessity of using City streets. It is the Applicant's responsibility to seek such permission with the neighboring site.

10. **Temporary Lighting.** As may be needed and approved beforehand by the Building Department.
11. **Construction Signage.** The required construction sign will be erected on site and will follow the temporary sign code diligently. All required information will be posted on the sign.

Permit PL-18-03807 for a temporary construction marketing sign was approved by the Planning Dept. on March 22, 2018.

12. Dogs. Dogs will be prohibited from construction sites.

13. Neighborhood Notification. Neighbors will be informed of all activities and all efforts will be made to try to minimize the disruption to the neighborhood.

See MPD/CUP COA No. 2: A Construction Mitigation Plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, as a condition precedent to issuance of any grading or building permits. The CMP shall be updated as necessary to identify impacts and propose reasonable mitigation of these impacts on the site, neighborhood, and community due to construction of this project. The CMP shall include information about specific construction phasing, traffic, parking, service and delivery, stock-piling of materials and staging of work, work hours, noise control, temporary lighting, trash management and recycling, mud and dust control, construction signs, temporary road and/or trail closures, limits of disturbance fencing, protection of existing vegetation, erosion control. Storm-water management, and other items as may be required by the Building Department. **The immediate neighborhood and community at large shall be provided notice at least 24 hours in advance of construction work impacting private driveways, street closures, and interruption of utility service.**

14. Soils Ordinance. The property is located outside of the Park City Soils Ordinance.

15. Erosion Control. A Storm Water Pollution Protection Plan (SWPPP) will be filed with the Park City Building department as well as the Utah State Department of Environmental Quality prior to building permit issuance.

16. SWPPP. A SWPPP plan will be filed with the State of Utah and will be the general compliance document for the Kings Crown site relative to storm water retention and quality control. The SWPPP plan calls for frequent compliance inspections throughout the life of the project's construction. See item 15.

17. Toilet Facilities. All construction sites shall have permanent toilets with authorization, or temporary toilet facility. Toilets placed on the public right of way require a right of way permit from the City Engineer.

18. Partial Road Closures. Partial road closures are required if one lane of travel is partially blocked by construction traffic or deliveries. Partial Road Closures require 48 hours notice. Partial road closures may be obtained at the Building Department or online at www.parkcity.org.

19. Full Road Closures. Full road closures require approval from the City Engineer. Full Road Closures require 48 hours' notice. Full road closures applications must be filled out on line or at the Engineering Department.

20. **Right Of Way Permits.** Right of way permits are required from the City Engineers Office for any work, damage or reconstruction in the Public Right OF Way. See Municipal Code § 11-14-2 Fencing Of Public Right-Of-Way.

21. **Cranes.** All cranes must be preapproved by the Chief Building Official. Contractor will provide a site plan showing the radius of the boom over neighboring properties and streets. Airspace and trespass agreements are required to be in place in the file before the crane can be installed on the property. The crane is prohibited from swinging over neighboring properties and streets loaded or unloaded without prior approval. Flaggers are required when approval is granted if crane will affect Right of Way.

22. **Limits of Disturbance Fence.** Chain link fencing is required on sites in some areas with excavations deeper than 4 feet. Plastic construction fencing is acceptable on sites that are not being excavated. Comments: six foot chain link fence will be used on this site.

23. **Special Delivery Hours.** The applicant has agreed that it will not accept truck deliveries during the two peak times of 8:30 am to 10:00 am in the mornings and 3:30 to 4:30 pm in the afternoon hours. As a matter of the spirit of this particular restriction, it was meant for the busy ski season period times when skier traffic would be most impactful.

See MPD/CUP Finding of Fact No. 136: Applicant agrees to not deliver materials during the busiest tourist times of Christmas week, MLK weekend, Sundance week, MLK weekend, President's Day weekend, Arts Fest, July 4th weekend, Miner's Day weekend, and Tour de Utah.

See MPD/CUP Condition of Approval No. 24: Materials shall not be delivered during the busiest tourist times of Christmas week, MLK weekend, Sundance week, MLK weekend, President's Day weekend, Arts Fest, July 4th weekend, Miner's Day weekend, and Tour de Utah.

24. **Winter Restrictions.** The applicant has agreed that it will restrict mass excavation and footings and foundations for a) the road construction, b) the town homes, c) the affordable housing building and d) the condominium building during the very busy winter period of December 24th through April 1st of a particular calendar year in order not to have large fleets of trucks competing with skier traffic. This concession is specific to the excavation and F&F construction activities as it involves large fleets of heavy trucks and is not meant to include the delivery trucks that are a necessary part of a construction project.

See MPD/CUP Finding of Fact No. 135: Applicant has indicated that they will instruct construction staff to keep delivery trucks off the streets during the peak busy times of between 8:30 am and 10:00 am as well as the peak afternoon times of 3:30 pm through 4:30 pm.

25. **Special Restriction Periods.** The applicant has agreed to not perform outside work except as specially permitted by the Building Department on the following holidays and busy periods:

Christmas Week, Sundance Film Festival, Presidents Weekend, The Fourth of July Weekend and Arts Fest Weekend.

See Finding of Fact No. 134: As a Condition of Approval, the applicant has indicated that they would not undergo excavation or footings and foundation work on the multi-family buildings or the access road during the winter season from Christmas through April 1st.

26. **Special Material Placement.** The applicant has agreed to place all excess material that is not re-used as site fill to be placed on the adjacent Resort property. The applicant and the City recognize that the land is owned by a third party and have agreed that in the unlikely event that such excess fill may not be placed on the resort property, the applicant will present other plans for approval. Such plans to take place prior to soil removal and pending the evaluation of the CUP/MPD approved by the Planning Commission. Also truck routes require approval by the Park City Engineering Department.

See MPD/CUP Finding of Fact No. 126: The Applicant provided [Exhibit R - Proposed Export Fill Placement Exhibit and Possible Fill Locations, with the](#) placement, volume and height of on-mountain waste rock on a map showing the placement areas for waste rock. See Applicant indicates a verbal agreement with Park City Mountain representatives to place the material from the multi-unit buildings and road construction on Park City Mountain.

See MPD/CUP Finding of Fact No. 127: Applicant indicates a verbal agreement with Park City Mountain representatives to place the material from the multi-unit buildings and road construction on Park City Mountain.

See MPD/CUP Finding of Fact No. 128: [Exhibit R - Proposed Export Fill Placement Exhibit and Possible Fill Locations](#) also shows the proposed study of the corresponding volumes and depths of the waste material on adjacent property.

See MPD/CUP Finding of Fact No. 129: Applicant indicates that all waste material must be certified as environmentally clean, compacted in no more than 2-foot lifts (to achieve a 90%+ compaction) covered with six inches (6") of topsoil, seeded with a native grass mix and sod placed over the grass seeds.

See MPD/CUP Finding of Fact No. 130: Applicant demonstrates that the maximum depth would be 5 feet, tapering off to 0 feet.

See MPD/CUP Finding of Fact No. 131: Applicant proposes to transport the excavated material to the neighboring property without the necessity of using City streets. It is the Applicant's responsibility to seek such permission with the neighboring site.

See MPD/CUP Finding of Fact No. 132: Applicant explains that in the highly unlikely case that they are unable to secure a written agreement with the Park City Mountain, the excavation material would be disposed of by the traditional method used in the vast majority of construction projects to be approved by the City prior to issuance of building permits.

See MPD/CUP Finding of Fact No. 133: The applicant estimates 14,400 cubic yards of material

(includes swell) which would equate to 1,440 truckloads (at 10 yds. / truck).

27. **Verbal Agreement from Mountain Resort.** The applicant has communicated with the resort staff and has received verbal agreements to place the material on site. Commentary: Discussion with City Officials and applicant required at this time, written permission required, Park City Mountain Limit of Disturbance (LOD) plan required, at this time.
28. **Organic Material.** The organic material generated (The “Clear and Grub”) cannot be taken to the resort property as it will decompose and settle for many years and will create an unstable surface condition for decades. As a result, the resort has indicated that it will not accept organic material. The Findings of Fact (#132) specifically references excavated material.
29. **Large Rocky Excavated Material.** The applicant would like to reserve the option to request from the Planning Staff the ability to export in the traditional method material that is composed of large rocks (approximately 12”-18+” in diameter). The resort personnel have requested that such material NOT be placed on ski runs as it will create too uneven a surface to grade and compact in the future. The applicant is aware that this is a new request and one that bears further discussion with Staff. In order to accommodate the size of material the resort personnel insist upon, a rock-crushing operation would be required. The applicant feels that a rock-crushing operation would be more impactful by far than the truck trips required to remove the material. Commentary: Additional time required to review this item.

FY: Park City Municipal Corporation reserves the right to abate any inactive or abandoned construction site. PCMC gives no guarantee of partial CO's. PCMC may require the contractor to complete neighborhood noticing to their satisfaction as needed.

**** Special Instructions may be given at any time ****

Please let us know if you have questions or concerns with the above items. We can and will adjust any of our construction activities to accommodate the City's needs or wishes. We appreciate the opportunity to submit this report. Any questions can be directed to Rory Murphy at 435-640-5068.

Sincerely,

Rory Murphy
Hans Fuegi
Chuck Heath
CRH Partners, LLC

May 25, 2018

To Whom It May Concern:

Rory Murphy, representing CRH, may deliver and spread excess excavation material on Nastar, LLC property at the Park City Mountain Resort. The soil must be environmentally clean, compacted, covered with topsoil, and reseeded upon completion. This will serve to widen the ski run and fill in depressions.

Soil to be from Kings Crown Excavation only. -RMB


Sincerely,



David Bernolfo

(801) 230-4061

NEW SKI TRAIL AND SOIL DISPLACEMENT PLAN

MAY 2018

KING'S CROWN SUBDIVISION

A PRIVATE SKI-IN/SKI-OUT COMMUNITY PROJECT LOCATED IN PARK CITY, UTAH

PREPARED FOR:

CRH PARTNERS

1887 GOLD DUST LANE, SUITE 301
PARK CITY, UTAH 84060

PREPARED BY:

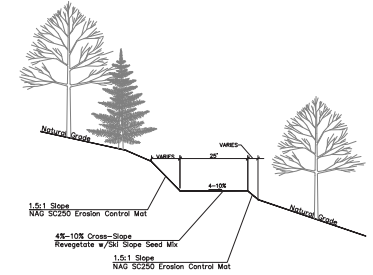
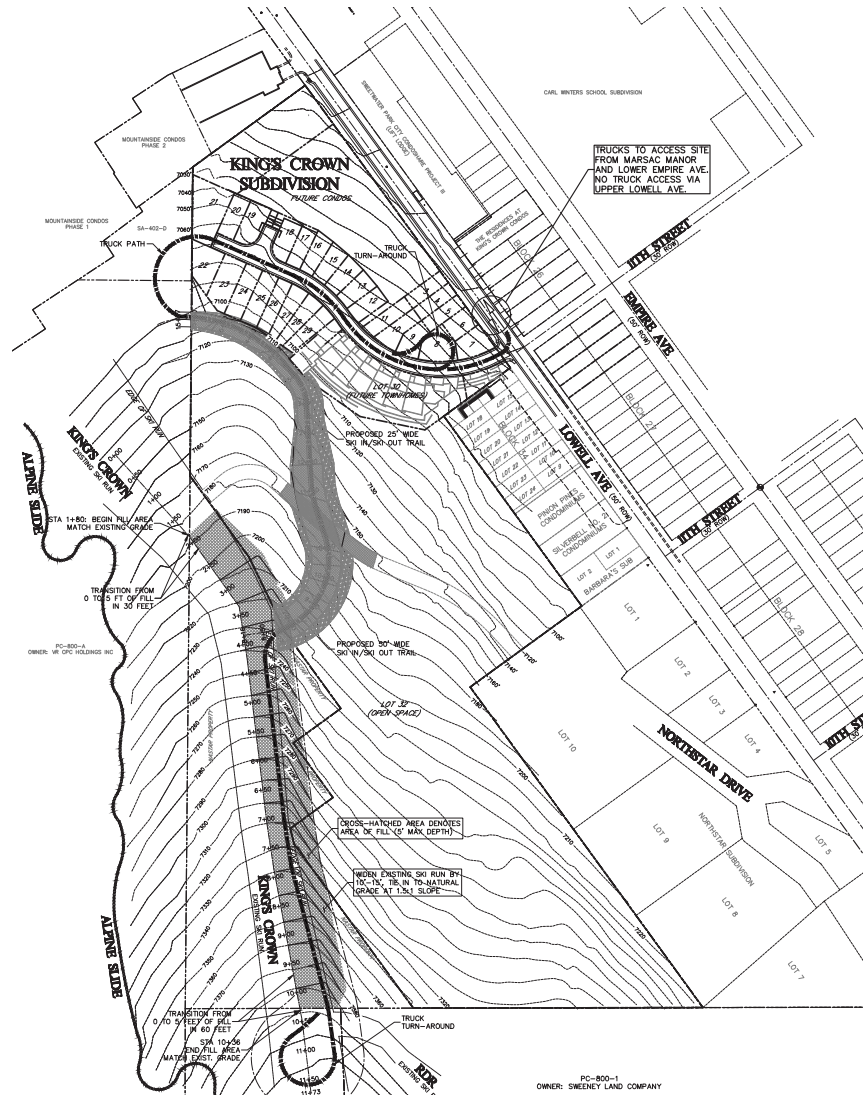
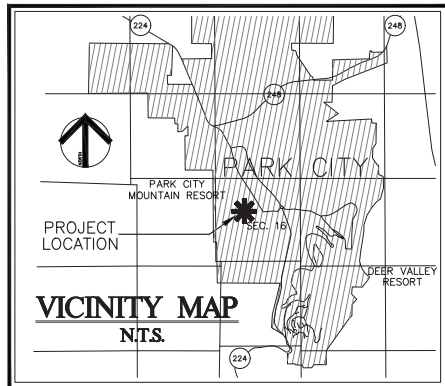
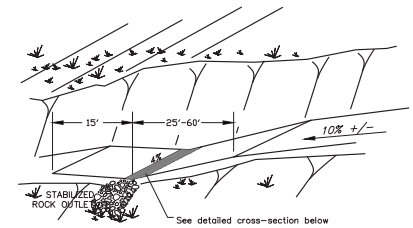
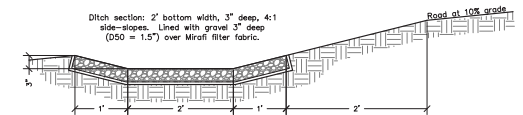
Evergreen
Engineering, Inc.Civil Engineering • Land Surveying • Land Planning
1875 Main Street • Suite 100 • Park City, UT 84060
Phone: (435) 848-8887 • Fax: (435) 848-9219
C-0001: 1/18/2018 evergreen-eng.com

NOTES

1. SITE ACCESS: TRUCKS SHALL ACCESS THE SITE FROM LOWELL AVE VIA MARSA MANOR. NO TRUCKS SHALL TRAVEL ALONG UPPER EMPIRE AND/OR UPPER LOWELL AVE.
2. SITE PREPARATION: IN THE PROPOSED AREA OF FILL, ON KING'S CROWN SKI RUN, TOPSOIL SHALL BE STRIPPED PRIOR TO FILL PLACEMENT. TOPSOIL TO BE STOCKPILED ON SITE AT A LOCATION DETERMINED BY VIAL PROPERTIES AND EARTHWORK CONTRACTOR. UPON COMPLETION OF FILL PLACEMENT, TOPSOIL SHALL BE SPREAD EVEN OVER THE DISTURBED AREA. AFTER TOPSOIL IS SPREAD, THE DISTURBED AREA SHALL BE REVEGETATED WITH APPROVED SKI SLOPE MIX (SHOWN HEREON).
3. DUST CONTROL: WATER TRUCKS SHALL BE USED AS NEEDED TO CONTROL DUST FROM SPREADING IN THE DISTURBED AREA.
4. PLACEMENT OF FILL: FILL SHALL BE SPREAD IN LIFTS NOT TO EXCEED 8" DEPTH. PROPER COMPACTION TECHNIQUES SHALL BE FOLLOWED BETWEEN EACH LIFT.
5. CONTRACTOR SHALL OBTAIN ALL PERMITS AND LICENSES FOR ANY PHASE OF CONSTRUCTION PRIOR TO COMMENCING THAT CONSTRUCTION.
6. ALL MATERIALS AND CONSTRUCTION SHALL CONFORM TO THE DESIGN STANDARDS, DOCUMENTS, CONSTRUCTION SPECIFICATIONS AND STANDARD DRAWINGS, AS REQUIRED BY PARK CITY MUNICIPAL CORPORATION.
7. CONTRACTOR SHALL CONFINED CONSTRUCTION ACTIVITY TO AREAS SHOWN ON THE PLANS AND TO DESIGNATED STORAGE, STAGING, ACCESS, CONSTRUCTION AND MATERIAL WASTE AREAS.
8. COOPERATION WITH UTILITY COMPANIES: THE CONTRACTOR WILL NOTIFY ALL OWNERS OF UTILITIES, INCLUDING, BUT NOT LIMITED TO, WATER, SANITARY SEWER, TELEPHONE, ELECTRICAL, NATURAL GAS AND CABLE T.V. OF THE PROPOSED CONSTRUCTION WITHIN HIS AREA OF OPERATIONS. THE CONTRACTOR IS ALSO RESPONSIBLE FOR MEETING WITH AND COORDINATING HIS CONSTRUCTION ACTIVITIES WITH THOSE UTILITY COMPANIES INVOLVED WITHIN HIS AREA OF OPERATIONS FOR THE FILL LOCATION AND IDENTIFICATION OF THEIR EXISTING UTILITIES.
9. EVERGREEN ENGINEERING, INC. ASSUMES NO RESPONSIBILITY FOR EXISTING UTILITY LOCATIONS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION OF ALL UTILITIES PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION.

SKI SLOPE MIX

Durac Hard Fescue	10%
Manchurian Brome Grass	30%
Orchard Grass	30%
Perennial Rye Grass	15%
Pubescent Wheat Grass	15%

NEW SKI TRAIL TYPICAL CROSS SECTION
NOT TO SCALEROLLING DIP
NOT TO SCALEROLLING DIP
NOT TO SCALE

SHEET INDEX

- C.501 COVER SHEET
- C.502 PROFILE OF EXISTING TRAIL
STA 5+00.00 THRU 8+16.48
- C.503 PROFILE OF NEW TRAIL
STA 8+16.48 THRU 13+00.00
- C.504 PROFILE OF KING'S CROWN
STA 1+85 THRU 10+36
- C.505 CROSS-SECTIONS

C.501

Plot date: May 29, 2018
Drawing file name: LOWELL-SKIRUN-RES-001.dwg
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