PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION
CITY COUNCIL CHAMBERS
June 10, 2015

AGENDA

MEETING CALLED TO ORDER AT 5:30PM
ROLL CALL
ADOPTION OF MINUTES OF May 13, 2015 and May 27, 2015
PUBLIC COMMUNICATIONS – ***Items not scheduled on the regular agenda***
STAFF/BOARD COMMUNICATIONS AND DISCLOSURES
CONTINUATIONS

259, 261, 263 Norfolk Avenue – Consideration of the First Amended Upper Norfolk Subdivision Plat – Amending Conditions of Approval on Ordinance No. 06-55. *Public hearing and continuation to June 24, 2015*	PL-15-02665 *Planner Astorga*	*73*
550 Park Avenue- Steep Slope Conditional Use Permit for Construction of a new single-family dwelling and a Conditional Use Permit for a parking area with five or more spaces. *Public hearing and continuation to uncertain date*	PL-14-02451 PL-15-02471 *Planner Astorga*	*74*

CONSENT AGENDA – *All items on the consent agenda shall be passed or denied by a single motion at the Commission meeting, unless a motion to remove a specific item is made. If a member of the public or a member of the Planning Commission requests a public hearing on a consent agenda item, then the item shall be removed from the consent agenda and acted on at the same meeting.*

936 Empire Avenue – Modification to the Steep Slope Conditional Use Permit for a new single-family home on a vacant lot. *Public hearing and possible action*	PL-15-02618 *Planner Alexander*	*75*

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

7101 Stein Circle – Stein Eriksen Residences Condominium Plat Amending the North Silver Lake Condominium Plat. *Public hearing and possible recommendation to City Council on June 25,2015*	PL-15-02680 *Planner Astorga*	*125*
875 Main Street – Conditional Use Permit for an Off-Site Private Residence Club in the Historic Recreation Commercial (HRC) Zoning District for Victory Ranch Member Center. *Public hearing and possible action*	PL-15-02732 *Planner Hawley*	*237*
Alice Claim south of intersection of King Road and Ridge Avenue – Alice Claim Subdivision and Plat Amendment *Public hearing and possible recommendation to City Council on July 9, 2015*	PL-08-00371 *Planner Alexander*	*301*

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.

Alice Claim south of intersection of King Road and Ridge Avenue – Conditional Use Permit for retaining walls up to 10' in height. *Public hearing and possible action*	PL-15-02669 *Planner Alexander*	*459*
Land Management Code Amendments regarding applicability of Master Planned Developments, Chapter 6. *Public hearing and possible recommendation to City Council on June 25,2015*	PL-15-02803 *Planner Whetstone*	*479*
Land Management Code Amendments regarding 1) Setbacks for patios and hot tubs in HRL, Chapter 2.1, HR-1 Chapter 2.2, HR-2 Chapter 2.3, RC Chapter 2.16; 2) Annexations procedure and review in Chapter 8; 3) Non-conforming uses and non-complying structures in Chapter 9; 4) Definitions of carports, essential municipal and public utilities, facilities, and uses and others in Chapter 15; 5) Applicability of Steep Slope Conditional Use Permits in HRL, HR-1, and HR-2; 6) Conditional Use Permit review and site requirements in HRM Section 15-2.; 7) Board of Adjustment standard of review and appeals in Chapter 1 and Chapter 10; and 8) Combination of condominium units procedure in Chapter 7. *Public hearing and possible recommendation to City Council on June 25,2015*	PL-14-02595 *Planner Whetstone*	*547*

ADJOURN

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

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PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
MAY 13, 2015

COMMISSIONERS IN ATTENDANCE:

Chair Adam Strachan, Preston Campbell, John Phillips, Nann Worel

EX OFFICIO:

Kirsten Whetstone, Planner; Christy Alexander; Planner; Francisco Astorga, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

ROLL CALL

Chair Strachan called the meeting to order at 5:45 p.m. and noted that all Commissioners were present except Commissioners Band, Joyce and Thimm who were excused.

ADOPTION OF MINUTES

April 8, 2015

Commissioner Worel referred to the bottom of page 19 of the Staff report, page 17 of the minutes, and removed the word **they** from the second sentence. The correct sentence should read, "Mr. Fiat stated that more engineering work was done on this project regarding those issues than has been done on any other project."

MOTION: Commissioner Phillips to APPROVE the minutes of April 8, 2015 as corrected. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT
There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Planner Astorga submitted copies of signage the Planning Department was considering for public noticing. The signs were more typical of the older signs. They are more expensive

but they do stay in place and last longer. The signs will also include a sentence warning people not to tamper with the noticing signs.

Commissioner Worel asked if a date had been set for the City Council/Planning Commission dinner. Planner Alexander believed it was Tuesday, June 16th.

Planner Alexander announced that an open house for the growth study with Envision Utah would be held on June 15th. It is an open house for the community and the Planning Department will send out invitations when the specifics have been finalized.

Commissioner Phillips asked if it was possible for the Planning Commission to have a session regarding historic building rehabilitation. His request was spurred by what had occurred at the Rio Grande. Commissioner Phillips thought the end result was unpredictable and not what he and others had expected to see. Regardless of whether it was right or wrong, he wanted the opportunity to see if the Staff and the Planning Commission could have done something different in the application process to at least have made it more predictable.

Planner Alexander stated that the preservation planners could put together a presentation for the Planning Commission. Commissioner Phillips asked if they could use the Rio Grande building as an example so they could follow the process and see how it ended up as it did. He thought it would be helpful for future applications to understand what they could do to make sure the end result is what they intended.

Planner Astorga reported that the Preservation Planner, Anya Grahn was looking into the Rio Grande building. He understood that Rory Murphy was scheduled to share his thoughts and comments about the Rio Grande building at a City Council meeting the following evening. Planner Astorga offered to pursue a work session when the full Planning Commission and Planning Manager Kayla Sintz could be present.

Planner Kirsten Whetstone understood that Commissioner Phillips was asking for a work session to discuss a general process for historic preservation, using the Rio Grande building as an example to begin the discussion.

Council Member Cindy Matsumoto reported that the City Council had asked the Staff to look into what happened with the Rio Grande Building. She understood that the legal department was also going to look into. Ms. Matsumoto stated that when the first plan did not go forward the applicant met with the Staff, and the question was whether or not that was the correct process. She also did not believe the Staff had a full understanding of what the applicant had proposed. Ms. Matsumoto thought it was a good idea for the Planning Commission to look at it as well.

WORK SESSION

Capital Improvement Projects

Planner Whetstone stated that Matt Cassel was unable to attend the meeting but he had submitted a list of items for the Planning Commission to review. Mr. Cassel had highlighted the items that pertained to the Planning Commission. Planner Whetstone stated that if the Commissioners had input or questions they could either provide that now or contact Matt Cassel.

Assistant City Attorney McLean stated that if the Commissioners had questions, she suggested that they invite Mr. Cassel to attend a meeting as opposed to contacting him individually.

Commissioner Worel asked if the list was prioritized. Planner Whetstone believed it was a general list and the projects were not prioritized. Commissioner Worel would like Mr. Cassel to address some of the priorities.

Commissioner Phillips pointed out a typo on 1450-1460 Park Avenue. On the third line on page 71 of the Staff report the number 2,61,750 was missing a digit. He was unsure where the missing digit belonged but it could potentially be a 540,000 difference.

355 Ontario Avenue – Steep Slope Conditional Use Permit for a new accessory building/garage (Application PL-15-02716)

Planner Alexander stated that this was a discussion item for the Planning Commission prior to the regular session for 355 Ontario Avenue. She noted that in November 2013 LMC amendments were brought before the Planning Commission and the City Council in regards to Building Heights in the historic districts. At that time the LMC was amended to require a 10' stepback of structures at the 23' height to decrease the visible massing at the street front or from cross canyon views.

Planner Alexander stated that something situations are overlooked when the Code is amended because it is impossible to know what might come forward in the future. Planner Alexander noted that Ontario is a unique neighborhood because it is a narrow street with extremely steep slope coming off of Ontario on the downhill side. This applicant was proposing to build a garage as an accessory building. An addition to the home was not being proposed. However, a stepback at 23 feet would cut into the garage and they would not be able to build a feasible garage large enough for a car. The entire purpose of building the accessory structure is to provide on-site parking since the historic home does not require parking and there is no on-street parking on Ontario. Planner Alexander stated

that this item was discussed at a Staff meeting and they determined that the historic home on the property steps back at the 22' height and more than 10 feet. The Staff believes the garage meets the intent of the Code. Looking from Marsac or from the public stairway easement and down from the cross canyon view, a full three story massing is not seen. Because the intent of the Code is to minimize the three-story massing directly from the street, the Staff believes the garage meets the intent of the Code. However, the Code itself for the HR-1 District, Section 15-2.2-5(b), the Building Height reads, "The ten foot minimum horizontal step on 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 23 feet from where the building footprint meets the lowest point of existing grade." Planner Alexander stated that the language specifies structure. It did not take into account an addition or accessory structure with an existing home on the lot.

Planner Alexander stated that the Staff was suggesting for this project that the Planning Commission find that it meets the intent of the Code. They also asked whether the Planning Commission would like the Staff to look at amending the Code to address instances in the future where additions or an accessory structure are proposed.

Commissioner Phillips felt the proposal met the intent of the Code as demonstrated in the cross canyon view. He noted that it was a small portion of the upper level and not the complete back of the building. If it went all the way across he might have issues with it, but as proposed he agreed with the Staff determination that it meets the intent of the Code. Commissioner Phillips identified several homes that did not meet the new Code, which was a good example of why the Code was put into place.

Commissioners Worel concurred with Commissioner Phillips. Commissioner Campbell thought it looked great.

Chair Strachan asked if they were talking about the garage and the house behind it. Planner Alexander replied that it was an accessory building, which allows them to only have the garage and storage. The applicants originally planned to build an accessory apartment but it did not meet the Code in terms of size for an accessory apartment. The kitchen and bathroom were removed from the plans and the applicant was aware that it could only be used as a garage and storage. She clarified that the structure would be an accessory building used as a garage and storage. It would not have livable space and it would not have plumbing.

David White, the project architect, explained that the top floor is a small single car garage with an open parking space beside it. The first and second floors were open space.

Planner Alexander remarked that the work session was primarily to discuss the stepback. The Planning Commission could go into more details of the project during the regular session.

Chair Strachan preferred to hold his comments until the regular session.

Continuations (public hearing and continue to date specified.)

1. 212 Main Street, Condominium Conversion – Staff recommends that the Planning Commission conduct a public hearing and continue the item to a date uncertain to allow the Staff to confirm new ownership. (Application PL-14-02491)

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

MOTION: Commissioner Phillips moved to CONTINUE 212 Main Street Condominium Conversion to a date uncertain. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

2. 327 Woodside Avenue – Plat Amendment combining two (2) lots into one (1). (Application PL-14-02663)

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

MOTION: Commissioner Worel moved to CONTINUE 327 Woodside Avenue Plat Amendment to May 27, 2015. Commissioner Phillips seconded the motion.

3. 7101 Stein Circle – Stein Eriksen Residences Condominium Plat Amending the North Silver Lake Condominium Plat. (Application PL-15-02680)

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

MOTION: Commissioner Worel moved to CONTINUE 7101 Stein Circle, Stein Eriksen Residence Condominium Plat Amending the North Silver Lake Condominium Plat to May 27, 2015. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

4. 259/261/263 Norfolk Avenue – Consideration of the First Amended Upper Norfolk Subdivision Plat – Amending Conditions of Approval on Ordinance N. 06-55. (Application PL-15-02665)

Planner Astorga stated that the developer requested a continuance to June 10, 2015 rather than May 27, 2015.

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

MOTION: Commissioner Phillips moved to CONTINUE 259/261/263 Norfolk Avenue – Consideration of the First Amended Upper Norfolk Subdivision Plat to June 10, 2015. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA – Discussion, public hearing, action.

1. 355 Ontario Avenue – Steep Slope CUP for a new accessory building/garage on a lot with an existing historic home. (Application PL-15-02716)

Planner Alexander reported that an existing historic home sits on the property. The owner, William McKenna, was requesting to build an accessory structure with a garage that is approximately 1,270 square feet total, including the garage. The footprint of the new accessory building combined with the footprint of the existing home meets the maximum footprint of 1,388.3 square feet. Due to the slope of the lot being an average of 40%, with 30% being within the first 50 feet from Ontario, a Steep Slope Conditional Use permit is required.

Planner Alexander stated that the setback standards have been met and the applicant was requesting a height exception. The maximum height within the district is 27'. The height of the garage goes up to 29'. Planner Alexander noted that the Code allows an exception if it is approved by the Planning Director. She stated that the applicant made that request and the Planning Director determined that because it was only a difference of 2 feet it falls within exceptions that have been granted in other areas within the neighborhood. Therefore, the Planning Director granted the height exception for the additional two feet. The action letter was included in the Staff report.

Planner Alexander remarked that as discussed during the work session the applicant was proposing to use the lower two floors as storage and work space. There will be no plumbing in the structure. The garage will be the upper level with stairs that exit out on to

an existing deck, which goes straight into the existing home. Planner Alexander stated that parking is not required parking for this historic house; however, because Ontario Avenue is very narrow and lacks on-street parking, and the steepness of the lot is very dangerous, they applicant was requesting to build a garage.

Since there are several other garages within the neighborhood the Staff finds this to be a good use of the property and finds no other issues or unmitigated impacts with the Steep Slope CUP. The Staff recommended that the Planning Commission conduct a public hearing and approve the Steep Slope CUP.

Chair Strachan opened the public hearing.

Planner Alexander had received two letters from neighboring properties who were in favor of this project. The letters would be added into the record.

Chair Strachan closed the public hearing.

Chair Strachan stated that having condition of approval #14, which states that no livable bedrooms, bathrooms or kitchen areas shall be created inside the accessory building, made him feel more comfortable. In looking at the cross canyon view, he thought the structure looked like a house waiting to happen; and had the potential for a future owner to violate the rules and add a bathroom and a bedroom to make it a home. He pointed out that 1200 square feet was a significant size for a garage.

Planner Whetstone noted that the Code allows accessory structures to have living space and bathrooms. The Code prohibits the structure from having a kitchen, without applying for a conditional use permit for an accessory apartment. She asked Planner Alexander to verify if the applicants were aware of Condition of Approval #14. Commissioner Strachan noted that one of the findings of facts indicates that the applicant has stipulated to Condition #14. Planner Alexander pointed out that the proposed structure could not become an accessory apartment because an accessory apartment has to be one-third the size of the existing home.

Assistant City Attorney McLean suggested that one of the Findings refer to the definition of an accessory building found in LMC 15-15-1.3, which restricts it to “building on the same lot as the principle building and that it is clearly incidental to and customarily found in connection with such principle building such as attached garages, barns and other similar structures that require a building permit, operated and maintained for the benefit of the principle use, not a dwelling unit. It also includes structures that do not require a building permit.”

Planner Alexander noted that the one-third size for an accessory apartment was addressed in LMC Section 15-4-7. She remarked that it has to be one-third of the principle dwelling size but no less than 400 square feet. Since the existing home is not 1200 square feet it would be impossible to make the proposed accessory structure an accessory dwelling unit.

Assistant City Attorney McLean stated that the restrictions in terms of the use are defined by the accessory building, which is defined in Section 15-15-1.3 and also in the definition of a dwelling unit, which is a "building or portion thereof designed for the use as the residence for a sleeping place for one or more persons or families." She pointed out that it does not meet the definition of a dwelling unit and it cannot have a kitchen.

Chair Strachan understood that Ms. McLean was suggested that the Planning Commission make a finding that says it is subject to 15-4-7 and 15-15-1.3.

Commissioner Worel wanted to know whether these conditions of approval would be followed if someone ten years from now applied for a building permit to make the structure into an apartment. Ms. McLean replied that if the process works as it should, they would see the prior approval for the Steep Slope CUP and the attached conditions. She thought it might be worth adding a condition of approval as well as the finding. Chair Strachan noted that Condition of Approval #14 already addresses that issue. He did not think they should add that it must comply at all times with Section 15-4-7 because the Code might be changed at some point.

Chair Strachan suggested that the Planning Commission approve the Steep Slop CUP with the amendment to add Finding of Fact #27 to read, "The project shall comply with Code Sections 15-4-7 and 15-15-1.3."

MOTION: Commissioner Worel moved to APPROVE the CUP for 355 Ontario Avenue according to the Findings of Fact, Conclusions of Law, and Conditions of Approval with the amendment to add Finding of Fact #27 as stated by Chair Strachan. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

<u>Findings of Fact - 355 Ontario Avenue</u>

1. The property is located at 355 Ontario Avenue.

2. The property is located within the Historic Residential (HR-1) District and meets the purpose of the zone.

3. The property is described as Lot A of the Ontario Three Subdivision. The lot area is 3,352 square feet.

4. A Historic District Design Review (HDDR) application is required and will be reviewed by staff for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009.

5. This lot is a combination of a portion of Lots 18 and 19 located in Block 54 of the Park City Survey, which was previously vacated. This is downhill lot with an existing historic home.

6. Access to the property is from Ontario Avenue, a public street.

7. Two parking spaces are proposed on site. One space is proposed within an attached garage and the second is on the driveway directly adjacent to the garage on the south, within the lot area.

8. The neighborhood is characterized by primarily non-historic and historic residential structures, single family homes and duplexes.

9. The proposal consists of a total of 1,270.5 total square feet, including the garage.

10.The proposed driveway was designed with a maximum width of twelve feet and is approximately 20 feet in length from the garage to the existing edge of street and located on the property. The garage door complies with the maximum height and width of nine feet by nine feet.

11.The proposed driveway has an overall slope of 0% as measured from the front of the garage to the edge of the paved street.

12. An overall combined building footprint with the existing Landmark historic house and accessory structure of 1,338.3 square feet is proposed. The maximum allowed footprint for this lot is 1,338.3 square feet. The accessory structure totals 596.3 square feet of footprint and the historic home totals 792 square feet of footprint.

13.The proposed structure complies with all setbacks of 5’ side yards and 10’ front and rear yards, with the proposed structure setback 5’ on both side yards, 10’ on the front and 44’ on the rear.

14.The proposed structure complies with the twenty-seven feet (27’) maximum building height requirement measured from existing grade except for portions of the garage.

The Planning Director has approved an exception to the height of 29’ for a garage on a downhill lot. Portions of the building are less than 27’ in height.

15.The proposed structure complies with the LMC required total building height of 35’ from the lowest floor plane to the highest wall plate and is in compliance with the LMC required step back of 10’ at the building height of 23’ at the rear façade of the existing historic home whereas it does not meet the step back on the accessory structure itself.

16.The applicant submitted a visual analysis, cross valley views and a streetscape showing a contextual analysis of visual impacts of this home on the cross canyon views and the Ontario Avenue streetscape.

17.Retaining is not necessary around the home on the upper, steeper portion of the lot. There will be no free-standing retaining walls. There are no window wells.

18.The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography.

19.The site design, stepping of the foundation and building mass, increased articulation, and decrease in the allowed difference between the existing and final grade mitigates impacts of construction on the 30% or greater slope areas on the first 50’ of the front of the lot, which requires the Steep Slope CUP.

20.The design includes setback variations in the front and back and lower building heights for portions of the structure in both the front and back where facades are less than twenty-seven feet in height.

21.The proposed massing and architectural design components are compatible with both the volume and massing of other buildings in the area. No wall effect is created with adjacent structures due to stepping, articulation, and placement of the house on the lot.

22.The proposed structure follows the predominant pattern of buildings along the street, maintaining traditional setbacks, orientation, and alignment. Lot coverage, site grading, and steep slope issues are also compatible with neighboring sites. The size and mass of the structure is compatible with surrounding sites, as are details such as foundation, roofing, materials, window and door openings, and single car garages.

23.No lighting has been proposed at this time. Lighting will be reviewed at the time of

Building Permit application for compliance with the LMC lighting code standards.

24.The applicant submitted a visual analysis, cross canyon view, and streetscape showing a contextual analysis of visual impacts of the proposed structure on the adjacent streetscape.

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

26.The applicant stipulates to the conditions of approval.

27. The project shall comply with Code Sections 15-4-7 and 15-15-1.3.

Conclusions of Law – 355 Ontario Avenue

1. The Steep Slope CUP application is consistent with the Park City General Plan.

2. The application is consistent with requirements of the Park City LMC, specifically Section 15-2.2-6 (B) (1-10) regarding development on Steep Slopes.

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

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

Conditions of Approval – 355 Ontario Avenue

1. All Standard Project Conditions shall apply.

2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.

3. A final utility plan, including a drainage plan, for utility installation, public improvements, and storm drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers, including Snyderville Basin Water Reclamation District, prior to issuance of a building permit.

4. 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.

5. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.

6. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit, the 2009 Design Guidelines for Historic Districts and Historic Sites (Historic District Design Review) and the Land Management Code.

7. No building permit shall be issued until the Ontario Three Subdivision is recorded.

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

9. This approval will expire on May 13, 2016, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and the request is granted by the Planning Director.

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

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

12.Construction waste should be diverted from the landfill and recycled when possible.

13.All electrical service equipment and sub-panels and all mechanical equipment, except those owned and maintained by public utility companies and solar panels, shall be painted to match the surroundings.

14.No livable bedrooms, bathrooms, or kitchen areas shall be created inside the accessory building as it is for a garage and storage only, due to the proposed building not meeting the size requirement of an accessory apartment in association with the size of the existing dwelling.

2. <u>1021 Park Avenue – Plat Amendment combining two lots in order to remove the lot line with an existing historic home</u> (Application PL-15-02703)

Planner Alexander reviewed the application for a plat amendment for the purpose of combining two existing lots that previously had a historic home located over the property lines. The applicant, Bill Hart, and his representative Marshall King, were present to answer questions.

Planner Alexander stated that the application first came to the Planning Department as a Historic District Design Review in order to deconstruct the existing historic home that was located on this property. It went through the HDDR process with Planner Anya Grahn and it was approved. Planner Alexander noted that the applicant would be required to apply for another HDDR for reconstruction of the home. A preservation plan is in place which requires the owner to reconstruct the historic single family home exactly as it was previous to deconstruction. The Staff report included a brief timeline summary of the historic home and the reasoning for the deconstruction.

Planner Alexander reported that in order to reconstruct the home the existing lot lines need to be removed to make the property one complete lot of record, which is why the applicant was requesting this plat amendment.

The Staff found no issues with this request because the applicant had met the HDDR requirements and the home was already deconstructed. The property is currently vacant. The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation on this plat amendment.

Chair Strachan opened the public hearing.

Planner Alexander had received a letter from Ross Wilson, a neighbor at 1025 Park Avenue, who supported the plat amendment and urged the Planning Commission to approve the application. The letter from Mr. Wilson was entered into the record.

Chair Strachan closed the public hearing.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation for the plat amendment at 1021 Park Avenue, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Worel seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1021Park Avenue

1. The plat is located at 1021 Park Avenue within the Historic Residential (HR-1) District.

2. The 1021 Park Avenue Subdivision consists of Lots 5 & 6 of Block 4 of the Snyder's Addition to the Park City Survey.

3. On February 25, 2015, the applicants submitted an application for a plat amendment to combine two (2) lots containing a total of 3,750 square feet into one (1) lot of record.

4. The application was deemed complete on March 11, 2015.

5. The site is a developed parcel which had a historic structure which has been deconstructed, identified on the City's Historic Sites Inventory (HSI) as a "Landmark" site.

6. The lots at 1021 Park Ave are currently vacant after the historic home was deconstructed in order to satisfy the Building Department's Notice and Order.

7. Approval of the HDDR for deconstruction was noticed on March 18, 2015.

8. The Encumbrance and Agreement for Historic Preservation for 1021 Park Avenue states that the historic home must be reconstructed as outlined in the Historic Preservation Plan by March 30, 2017.

9. The HR-1 zone requires a minimum lot area of 1,875 square feet for a single family dwelling.

10.The maximum footprint allowed in the HR-1 zone is 1,518.75 square feet for the proposed lot based on the lot area of the lot.

11.The plat amendment secures public snow storage easements of ten (10') feet across the frontage of the lot.

12.Lots 5 & 6 of Block 4 of the Snyder's Addition to the Park City Survey are located in a FEMA flood zone X, which is an area with an 0.2% annual chance of flooding or an areas with a 1% annual chance of flooding with average depths of less than one (1) foot.

13.The front yard setback is approximately 13 feet, the rear yard setback is approximately16 feet. The side yard setbacks are approximately 11 feet each. These setbacks meet the requirements of the Land Management Code.

Conclusions of Law – 1021 Park 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 subdivisions.

3. Neither the public nor any person will be materially injured by the proposed plat amendment.

4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 1021 Park Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.

2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. Recordation of this plat is required prior to building permit issuance for any construction on the proposed lot.

4. 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.

5. A ten foot (10') wide public snow storage easement is required along the frontage of the lots with Park Avenue and shall be shown on the plat.

6. All conditions of approval from the HDDR approval of March 18, 2015 continue to

apply.

3. <u>545 Main Street & 550/554/560 Park Avenue – Plat Amendment to create four (4) lots of record from five (5) lots</u> (Application PL-15-02466)

4. <u>550 Park Avenue – Steep Slope CUP for construction of a new single-family dwelling and a CUP for a parking area with five or more spaces.</u> (Application PL-14-02541 and PL-15-02471)

Planner Astorga requested that the Planning Commission discuss the two items together, conduct a public hearing and take two separate actions.

Planner Astorga noted that there were two different zone districts within the plat amendment that includes 545 Main Street, which is the April Inn, and four lots on Park Avenue. He presented a slide showing that Lots 2 and 3 would become larger. Lot 3 would be 32.5 feet in width and the standard 75' deep lot. Lot 2 as proposed would be 32.42 x 75'. Lots 2 and 3 are on Park Avenue and the zoning district on that side of the block is HR-2. Historically the HR-2 was known as the HTO zone, which was the historic transitional overlay from the Main Street uses that tended to spill into the residential HR-1 zone.

Planner Astorga noted that the applicant submitted the plat amendment application, as well as a conditional use permit. He explained that the purpose of combining 550 and 545 Main Street is to accommodate a use that is listed in the HR-2 zone. Planner Astorga stated that the plat amendment and the CUP are related because the special criteria for the HR-2(A) zone applied to both. He stated that the reason for the plat amendment is to accommodate a structure on 550 Park Avenue with a conditional use permit for the structure and residential a parking area with five or more parking spaces for the associated use on the same lot.

Planner Astorga reported that the original application that was submitted was not a plat amendment. It rearranged the lot on Park Avenue but it did not combine the two lots. The applicant had to request a plat amendment to remove the lot line because the use would not work as the April Inn recently received a Historic District Design Review approval to remodel 12 units into 3 units. Planner Astorga pointed out that the April Inn is not a historic building; however when it was approved there was no parking on site. The developer began working with the Staff and paid $14,000 per parking space in order to move forward with that specific remodel. Planner Astorga remarked that his unique concept was a conditional use permit based upon a building where the main floor and the upper floor would be the single family dwelling, and the lower level would be the parking structure for the uses associated in the HCB zoned lot. The Code allows for this type of request. The

Staff report contained the analysis regarding the special requirements for the HR-2(A). The Staff report for the conditional use permit application outlines the necessary criteria for the Steep Slope CUP, special conditional use requirements, as well as the HR-2(A) criteria.

Planner Astorga reported that a few months ago the City Engineer, Matt Cassel, went before the City Council on behalf of the applicant to see if the Council would grant an easement on the alley to use the property for the lowest level of the structure. He noted that people mistakenly think it is a right-of-way because of the layout, but it is actually City owned property. The easement would allow the structure to only be accessed through Main Street. The City Council indicated that the easement would be granted and they were in the process of drafting the final language.

Planner Astorga reported on a letter he received from John Plunkett that was included as public comment in the Staff report.

Chair Strachan understood that there would be six parking spaces in Lot 1; two would be uncovered and four would be covered. He asked if the uncovered spaces would be off of Park Avenue or toward Main Street.

Jonathan DeGray, representing the applicant, replied that they would be toward Main Street. Planner Astorga reviewed the proposed site plan showing where the parking spaces would be located.

Commissioner Phillips thought the two uncovered spaces already exist because people park cars there. Chair Strachan asked if Lots 2 and 3 would eventually be single family homes. Mr. DeGray answered yes. Commissioner Strachan asked if those homes would have garages. Mr. DeGray answered yes. There would be space for one car in the garage and another car in the driveway. Chair Strachan assumed there would be no access from the easement to those lots. Mr. DeGray replied that this was correct. They would be independent lots accessed off of Park Avenue. Planner Astorga clarified that the six parking spaces belong to the April Inn. The main floor of the structure has separate parking for the house.

Chair Strachan referred to the letter from Mr. Plunkett and he asked if the applicants would be willing to a condition stating that none of the parking that may be built on Lots 1, 2, or 3 for the residential uses could ever be used for the April Inn or any commercial use. He noted that Mr. Plunkett was concerned that if the April Inn parking overflows they could potentially tell people to park in the Park Avenue residence parking.

Paul Colton, representing the applicant, noted that the Code already has that requirement and they were not opposed to adding it as a condition. Planner Astorga noted that per

Code the parking must be below the Park Avenue level. The Staff was comfortable adding a condition of approval to reiterate the Code requirement.

Assistant City Attorney McLean suggested a condition to read, “Parking for the April Inn may only be accessed from Main Street”. Mr. Colton pointed out that the only physical access to the parking is off of Main Street.

Chair Strachan also favored some of the other conditions that were suggested by Mr. Plunkett. For example, a condition stating that the emergency exit door for the April Inn could not be used as an entrance. Planner Astorga clarified that he had not added language regarding the door because the building permit for the April Inn shows that the door would be eliminated. Chair Strachan asked if there was any access to the April Inn from the Park Avenue side. He was told there was not. Chair Strachan stated that the fine line between the HR1 and the HCB was difficult to work with and he felt this proposal actually works for the commercial side without impacting the residential on Park Avenue. Commissioner Worel thought it was a creative solution. Commissioner Phillips concurred. It also relieves some of the existing parking pressures.

Chair Strachan opened the public hearing for both the plat amendment and the CUP.

Sanford Melville, a resident at 527 Park Avenue, commented on the letter from John Plunkett and he stated for the record that he fully supported the comments and concerns that were raised in the letter. Mr. Melville was concerned about the four tandem parking spaces on the middle level of the Park Avenue home. A one-bedroom residence was being proposed and he thought it was unusual to have four-car parking for a one-bedroom house. He believed it called into question the ultimate use of the parking. If this is approved, Mr. Melville thought a condition of approval should include a statement that the four car parking could only be used for the Park Avenue residents. Mr. Melville was also concerned about the two garage doors facing Park Avenue for the tandem parking. He referred to the elevation on page 190 of the Staff report. He thought it presented a visual wall of garage doors on the street level which is something Park City has been trying to eliminate from recent projects. Mr. Melville found nothing in the proposal to protect the historic retaining wall at the top of the steps on Park Avenue on the City property. He suggested adding a provision to protect or damage or not undermine the historic wall. Mr. Melville was concerned about the re-routing of the steps leading from Park Avenue to the alley and the City property. He thought it appeared that the applicant was proposing to use almost all of the City property up to Park Avenue as entrances to the lower garage level. The exhibit on page 188 illustrates how they intend to re-route the steps. The existing steps go down into the alley. If the steps are re-routed he was concerned that they would become very steep. Mr. Melville was concerned that the public steps would be sacrificed for the project. He noted that the steps are heavily used by the residents of Park Avenue

and re-routing them would be unfortunate. Mr. Melville believed there were inconsistencies in the drawings as far as whether there would be doors on the six parking spaces or whether it would be an open space. It was unclear from the packet how that would look.

Mary Wintzer, a resident at 320 McHenry, stated that she had not studied this particular item; however, after listening to Mr. Melville she agreed that if this is a one bedroom structure it makes no sense to have the parking. She asked the Planning Commission to scrutinize the project and consider the comment about the stairs being used by the public. If all of this is being facilitated by using City property, that also makes no sense because of the Visioning of small town and historic character. If the applicant has to use City property to facilitate all of this development, she would ask the Planning Commission to look at it carefully because that was not what the citizens in Old Town intended in the Visioning.

Chair Strachan closed the public hearing.

Chair Strachan asked if the four spaces built for the single family homes would only be used by the single family residents, or whether they could be used by April Inn. Planner Astorga stated that per Code, the parking spaces that access off Park Avenue could only be used for the single family dwelling. The HCB uses can only spill over into the HR-2 if it is below the Park Avenue level. Therefore the spaces cannot be used as parking for any of the HCB.

Chair Strachan asked the reason for having four spaces for a one-bedroom dwelling. Mr. DeGray explained that the two tandem garages are locked out. Two spaces are required and dedicated for the residents. The other two are for the building owner. When he rents the building he wants to have a lockout to store his vehicles and other things.

Chair Strachan asked if Lots 2 and 3 would have tandem garages side by side. Mr. DeGray stated that Lots 2 and 3 are individual single family lots that have not been designed. Because of the loss of space on the lowest level to facilitate the parking for the residential units at the April Inn, it would be a very small house that would probably be used as a one-bedroom rental facility. Having extra storage for his uses made more sense than having a 1,000 square foot home.

Commissioner Phillips agreed that it was a lot of stalls for one unit, but he understood that the garage could be used for storage, table tennis, or other uses. However, the garage is supposed to be subordinate in design, but he sees a lot of garage doors facing the street with a subordinate entry. He personally did not believe the garages were subordinate.

Mr. DeGray stated that based on the Staff's input during the HDDR review they created stepping in the front elevations and recesses at the entry and at the garage door to create

movement along the front elevation. Mr. Phillips noted that those techniques are typically used. He was unsure how to define subordinate and asked Planner Astorga if he was correct in understanding that the Code requires garages to be subordinate.

Planner Astorga replied that the General Plan defines the word subordinate, but he was unsure whether there was a specific regulation or policy requiring it. Planner Whetstone noted that the Historic District Design Review Guidelines address garages being subordinate.

Commissioner Phillips understood that the second half of the garage was for the building owner. He asked if it was the same owner of the Main Street property, and if so, whether he could park there and walk down the stairs into the other building. Regardless of whether it is the owner or a tenant they were trying to discourage that type of access. Planner Astorga replied that it was actually prohibited. Mr. DeGray noted that during the plat discussion the Planning Commission had talked about adding a condition limiting the use of the parking garage to the residents at 550 Park Avenue.

Assistant City Attorney McLean noted that Criteria #6 for a Steep Slope CUP outlined on page 170 of the Staff report specifically states that the garage must be subordinate in design to the main Building. Criteria #6 also states that 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.

Mr. DeGray asked Planner Astorga to show the streetscape on page 191 of the Staff report because he thought the west elevation of the building was somewhat deceiving as what is seen from the street.

Commissioner Phillips noted that in the past the Planning Commission has requested that applicants step the garage. He referred to the three homes on page 191 and commented on the percentage of garage doors facing the street. He believed the intent of the word “subordinate” was to keep from having the whole face of the house be the garage. Commissioner Phillips pointed out that the existing house has a single car garage with a nice dominant entry. He was concerned that the entry door of the proposed house would not even be seen driving down Park Avenue because it is recessed, and only the garage doors would be visible. Commissioner Phillips felt strongly that the intent of the Code was to prevent that from occurring.

Assistant City Attorney McLean understood that Commissioner Phillips felt that the double garage door impacts the building form and scale. However, those impacts could be mitigated if, for example, there was one garage door. Commissioner Phillips understood the difficulty of having one garage door because there were two separate

garages. He thought adding windows to the side of the garage would help add some interest to the building driving down the street. Commissioner Phillips offered design suggestions for the applicant to consider. Planner Whetstone suggested the possibility of flipping the entrance and the garage so the entrance would be to the front and the garage would be recessed.

Commissioner Campbell thought that because it was already stepped the two garage doors would not present the unified façade that it appeared to be in the drawing. He believed the applicant had already complied with the intent of the Code by making that step and they were giving up garage space to do it. He suggested that they try to camouflage the garage doors in some way to make it look more like the siding of the house. Commissioner Campbell thought a 3-D model would help better visualize the true effect of the garage doors, because he believed the garages were stepped more than what was showing in the drawing.

Commissioner Worel agreed that the garage doors were not subordinate to the house. She also thought a 3-D model would help.

Chair Strachan read from the Code regarding special requirements for MPDs and Conditional Use Permits in Subzone A. "The commercial portions of a structure extending from the HCB to the HR-2 must be designed to minimize the commercial character of the building and use, and must mitigate all impacts on the adjacent residential uses." He pointed out that it was not the classic "reasonably mitigate" the impacts. In these situations all the impacts must be mitigated. Chair Strachan remarked that the owner was using this as a personal garage to forward a commercial use of renting the unit. He pointed out that under that scenario it was a commercial use and not a residential use. The impact to the adjacent residential uses would be the owner driving up and down Park Avenue to park in the garage when he does not live there. Chair Strachan did not believe the purpose and intent of the garage a residential use that complies with the Code.

Mr. DeGray thought Chair Strachan was misrepresenting the intent of the owner. The owner intended to use the garage purely for storage while he was renting the building whether nightly or monthly. The owner would not be using the garage daily. Chair Strachan remarked that the owner may not have that intent but he could use it on a daily basis. Mr. DeGray agreed, but the purpose is to use it as storage space, which is not prohibited by Code. He clarified that it was not for a commercial enterprise.

Chair Strachan clarified that if this was only for a residential unit, the person designing the residential unit would not opt for four parking spaces for a one-bedroom unit. He believed they would opt to have more bedrooms and two parking spaces. Chair

Strachan stated that the extra garage was obviously for the owner of the residential unit on Lot 1 so he could park there and use it for storage in conjunction with the commercial lot that he owns. He pointed out that in combining the lots Lot 1 becomes a commercial lot. It is residential on the top but the rest is commercial.

Assistant City Attorney McLean recommended that the Planning Commission look at Criteria. She understood that their concern was that the impacts of this design do not coordinate with adjacent properties in terms of preserving of natural vegetation, minimizing driveway and parking areas and provide variation of the front yard. Those concerns were addressed in Criteria #5. She also heard concerns related to Criteria #6 regarding the garage must be subordinate in design to the main building. Another issue was addressed in Criteria 8, the dwelling volume.

Commissioner Campbell stated that the perceived bulk of the garage and the house were intertwined. He believed the only issue was the two garage doors. If one of the garage doors looked like siding you would not be able to tell it was a garage door unless you were up close to it.

Mr. DeGray summarized the direction from the Planning Commission for either re-designing the front of the garage or better portraying what was actually designed. He was willing to prepare a 3-D model showing the shade and shadow and how the garages are stepped back. He would look at creating even further stepping between the garage doors and making the entry to the building proud of the garage doors. He asked if that would be acceptable to the Planning Commission if he came back with a proposal that accomplished those three items.

Chair Strachan suggested that the Planning Commission could forward a positive recommendation for the plat amendment this evening because the design for Lot 1 design works as a good way to access the HCB zone. They should continue the CUP for the single family dwelling and approve the CUP for a parking area with five or more spaces.

Assistant City Attorney McLean pointed out that the Findings for both CUPs were intertwined. She recommended that both CUPs be continued and that the Staff draft separate Findings for each CUP application. She noted that the CUP for parking could be a Consent Agenda item at the next meeting.

Commissioner Campbell clarified that he was personally not opposed to having four cars in the garage. However, he would like the applicant to hide the fact that two-thirds of the front of the house is a garage door. Commissioner Phillips concurred.

Mr. DeGray commented on the landscaping element and noted that the curb cut is limited to the front of the northerly garage door. He would also show that as a street view on a 3-D model.

Chair Strachan requested that the applicant also address the public comments regarding the stairs and how they would be re-routed. Assistant City Attorney McLean stated that she was not aware that the stairs were moving. The stairs are on City property and she asked if they had obtained permission from the City engineer to re-route the stairs. Planner Astorga stated that a condition of approval states that any type of work or remodeling of the City stairs would have to be approved by the City Engineer. Planner Astorga understood that the reason for changing the stairs was to allow for a car to pull in and out of the first driveway.

Mr. DeGray stated that the bottom third of the stairs would be remodeled and the number of rise and run would remain the same. The steepness of the stairs would be the same. Mr. DeGray remarked that historic wall that was mentioned would not be affected at all. Planner Astorga noted that the landscaping would also have to be approved by the City Engineer through the encroachment agreement process. Chair Strachan asked Mr. DeGray to address those issues at the next meeting to allay their concerns and the public concerns.

Commissioner Phillips noted that the stairs are heavily used. He asked about the width of the existing paved area of the alley and whether it would be wide enough to paint a line for pedestrians. Assistant City Attorney McLean stated that they were working on the easement to allow the applicant to use the alley. As part of that they could require designating a pedestrian area to make is safer for pedestrians since they were adding parking for six additional cars.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council for the Plat Amendment at Cardinal Park Subdivision based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Worel moved to CONTINUE the Steep Slope Conditional Use Permit for construction of a new single-family dwelling at 550 Park Avenue, as well as the Conditional Use Permit for a parking area of five or more spaces to June 10, 2015. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Cardinal Park Subdivision – Plat Amendment

1. The property is located at 545 Main Street and 550, 554, 560 Park Avenue.

2. The property is in the Historic Commercial Business (HCB) and Historic Residential-2 (HR-2) District, respectively.

3. The subject property consists of Lot 1 of the 545 Main Street Plat and Lot 32, 33, 34, and 35 of Block 9 of the Amended Plat of the Park City Survey.

4. The Main Street lot has a non-historic building known as the April Inn and is recognized by Summit County as Parcel 545-MAIN-1.

5. The four (4) Park Avenue lots are vacant and are recognized by Summit County as Parcels PC-137 (lot 32 & 33), PC-131 (lot 34), and PC-138 (lot 35).

6. The proposed Plat Amendment creates three (3) lots of record from the existing five (5) lots.

7. The four (4) existing Park Avenue lots are to be reconfigured into three (3) lots with a depth of seventy-five feet (75') and a width ranging from 32.42' to 35' and the April Inn lot would be combined with the newly reconfigured lot northwest of it.

8. Lot 1 would have two (2) addresses, one (1) for Main Street, the April Inn, 545 Main Street and one (1) for Park Avenue, 550 Park Avenue.

9. Lot 2 would be addressed 554 Park Avenue.

10.Lot 3 would be addressed 560 Park Avenue.

11.Lot 1 would retain the HR-2 District zoning on the Park Avenue side and the HCB District zoning on the Main Street side with all of their associated rights and restrictions.

12.There are no provisions in the Land Management Code (LMC) which prohibit the two (2) Districts within the same lot.

13.A single-family dwelling is an allowed use in the Historic Residential-2 District.

14.The minimum lot area for a single-family dwelling is 1,875 square feet.

15.The area of proposed Lot 1 is 8,425.5 square feet.

16.The minimum lot are in the HCB District is 1,250 square feet.

17.The proposed area of lot 1 within the HR-2 District is 2,625 square feet.

18.The area of proposed Lot 2 is 2,431.5 square feet.

19.The area of proposed Lot 3 is 2,437.5 square feet.

20.The areas of proposed lots meet the minimum lot area for single-family dwellings in the HR-2.

21.A duplex dwelling is a conditional use in the Historic Residential-2 District.

22.The minimum lot area for a duplex dwelling is 3,750 square feet.

23.The proposed lots, including the HR-2 portion of Lot 1, do not meet the minimum lot area for a duplex dwelling.

24.The minimum lot width allowed in the Historic Residential-2 District is twenty-five feet (25').

25.The proposed lot width of Lot 1 within the HR-2 District is 35 feet.

26.The proposed lot width of Lot 2 is 32.42 feet.

27.The proposed lot width of Lot 3 is 32.5 feet.

28.The proposed lots, including the HR-2 portion of Lot 1, meet the minimum lot width requirement.

29. Any provisions regarding lot size regarding Lot 1 shall be governed by the rights and restrictions of their corresponding zoning Districts.

30.The maximum building footprint of lot 1 shall be 1,132.5 square feet. (HR-2 District).

31.The maximum building footprint of Lot 2 shall be 1,060.5 square feet.

32.The maximum building footprint of Lot 3 shall be 1,062.7 square feet.

33.The rear yard setback for Lot 1 shall be measured from the zone line.

34.The current property owner would own everything within these two areas, proposed lot 1, until a Condominium Record of Survey is submitted by the applicant, reviewed and approved by the City and recorded at the County.

35.The Property Owner must protect Significant Vegetation during any Development activity.

36.Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4 ½ ') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

37.The Property Owner must demonstrate the health and viability of all large trees through a certified arborist.

38.The applicant must submit the required report by the certified arborist and that the loss of significant mitigation is replaced on a like per like basis.

39.LMC § 15-2.3-8 indicates special requirements for Master Planned Development and Conditional Use Permits in Sub-zone A, consisting of lots in the HR-2 District that are west of Main Street, excluding those Lots within Block 13.

40.Special requirements apply to Lots in Sub-Zone A that are part of a Plat Amendment that combines a Main Street, HCB zoned, Lot with an adjacent Park Avenue, HR-2 zoned, Lot for the purpose of constructing a residential dwelling or Garage on Park Avenue.

41.The applicant requests to build a residential parking area for the April Inn below grade of Park Avenue projected across the HR-2 and beneath the main floor of a single-family dwelling, a residential structure facing Park Avenue.

42.The proposed structure within the HR-2 portion of the lot meets the minimum side and front yard setbacks of the HR-2 District as stated.

43.The parking structure below the single-family dwelling does not occupy side yard setbacks other than the access leading to it.

44.The proposed structure within the HR-2 portion of the lot meets the building height

requirements of the HR-2 District as stated.

45.The new structure fronting on Park Avenue does not contain commercial uses.

46.Only the lot area within the HCB portion of the lot shall be used to calculate the commercial floor area.

47.The number of residential units allowed on the HR-2 portion of the Development is limited by the Lot and Site Requirements of the HR-2 District as stated in Section 15-2.3-4.

48.The access for the parking structure underneath the single-family dwelling is off Main Street, HCB District, through an easement. The applicant is not asking for a commercial structure. No emergency access onto the HR-2 portion of the property is proposed.

49.Next to the four (4) parking spaces are four (4) small storage areas and also a small mechanical room. The storage and mechanical areas cannot be seen from elevation except from the south side as they are indeed located on the lowest parking level and access from the interior part of this level.

50.The width of the proposed structure is twenty nine feet (29').

51.There are no historic sites or buildings within the proposed plat amendment.

52.The applicant controls the Claimjumper Building located at 573 Main Street, which already received a Plat Amendment approval by the City in 2012, and these same Special Requirements were analyzed, reviewed, and applied, as findings of fact, conclusions of law, and conditions of approval were met.

53.No density transfer is being proposed.

54.Maximum allowed Building Footprint for the HR-2 Lot is subject to Section 15-6-5(B).

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

<u>Conclusions of Law – Cardinal Park Subdivision – Plat Amendment</u>

1. There is Good Cause for this Plat Amendment.

2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding Subdivisions.

3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.

4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – Cardinal Park Subdivision – Plat Amendment

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 (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. A ten feet (10') wide public snow storage easement will be required along the front of the property along Park Avenue.

4. A note shall be added to the Plat Amendment to be approved in a form by the City Attorney which shall indicate that the any provisions regarding lot size regarding Lot 1 shall be governed by the rights and restrictions of their corresponding zoning Districts and for purposes of lot area shall not be added collectively.

5. Fire sprinklers shall be required for all new construction or substantial renovations, as determined by the Park City Building Department during building permit review.

6. The applicant shall submit the report by a certified arborist per LMC § 15-2.3-15 and that the loss of significant mitigation shall be replaced on a like per like basis.

5. 1893 Prospector Avenue – Master Planned Development for a new building containing 11 residential units on Lot 25b of the Giga plat Replat of Parking Lot F at Prospector Square (Application PL-15-02698)

Planner Whetstone stated that this project has two applications. One is a master planned development and the second is a conditional use permit. The property is located in

Prospector Square on one of the vacant lots at 1893 Prospector Avenue. There is currently development occurring at 1897 Prospector Avenue. Planner Whetstone stated that a plat amendment called the Giga plat amendment that was approved and recorded and that property is under construction for the Park City lodging on the bottom floor and four residential rental units for employees. Planner Whetstone stated that the lot subject to this application is along the Rail Trail.

Planner Whetstone stated that the MPD is a request to approve a Master Planned Development because there are ten or more units and because the applicants have requested a height exception, which is allowed through the MPD portion of the Land Management Code. She noted that the MPD is reviewed through the criteria in Section 15-6-5 as outlined in the Staff report.

Planner Whetstone stated that the conditional use permit was for residential uses in the GC zone. She explained that the GC zone does not allow single-family or duplexes, but it does allow multi-family that requires a conditional use permit. This particular project is a request for 11 residential units with 12 parking spaces on the lower level but not underneath the ground. The structure is proposed to be on stilts with parking underneath.

Ehlias Louis with Gigaplex Architecture introduced the project architect, Andrew Foster, and Brandon and Mike Schoefield with CDR Development.

Planner Whetstone stated that the Staff report identified some of the criteria for review of the Master Planned Development. She noted that one of the requirements of an MPD is for the Planning Commission to review a pre-MPD for compliance or consistency with the General Plan and the goals of the General Plan that would be applicable in this area, as well as the purposes of the GC zone. The Planning Commission reviewed the pre-MPD on March 25th and found that the concept plans were consistent with the General Commercial Zone and the General Plan concepts.

Planner Whetstone stated that the applicant submitted a full MPD application for 11 residential units. The Staff had reviewed the application against the criteria on pages 226-227. However, one item for discussion was the requested height exception. Page 228 of the Staff report outlined the five criteria for granting a height exception. Planner Whetstone stated that the applicant may request an exception and the Planning Commission may consider an increase in height based on the five criteria.

Planner Whetstone reported that the applicant was requesting a height increase of 6’6”. The zone height is 35 and allows an additional five feet for a pitched roof. She noted that the proposed design has a flat roof and the proposed building height is 41’6”.

Planner Whetstone reviewed the five criteria for a height exception. Criteria #1 is that the increase in height does not result in additional density or additional floor area. She stated that the lot is in the Prospector Square Overlay and has a density that is based on the floor area ratio or two times the lot area. Under that formula the applicant would be allowed 11,520 square feet. The design as proposed is 11,279 square feet. The floor area includes the required affordable housing. Planner Whetstone explained that the applicant originally proposed ten units; however, with an MPD they are required to meet a housing obligation which is why the MPD is for 11 units. She noted that the affordable housing plan was still being reviewed. The question was whether the affordable housing requirement would be satisfied with two units, which would make the project 9 market units and 2 affordable units; or if it would be satisfied with 1 affordable unit allowing for 10 market units. Planner Whetstone stated that the City Housing Authority was scheduled to hear this on May 28th.

Planner Whetstone reviewed the site plan. She noted that in Prospector Square it is zero lot line development due to the way the development area was platted.

Planner Whetstone noted that the applicant was only requesting the height exception for the eastern roof, which is 30% of the total roof area. The height exception allows for more articulation and open roof areas.

With the exception of the height and a resolution on the affordable housing, the Staff found that the project complies with the criteria for an MPD. The Staff requested that the Planning Commission discuss the height exception, conduct a public hearing and consider approving this application according to the Findings of Fact, Conclusions of Law and Conditions of Approval outlined in the Staff report.

Ehlias Louis, representing the applicant, provided a global overview statement on how the design concept came about. He stated that due to the replat they had a development agreement with the Prospector Square HOA, which allowed them to do the replat but to include the parking that existed. In order to do that they agreed to build their building on stilts to preserve the amount of parking required. Mr. Louis stated that with the FAR of two, the easiest solution was to build the building on stilts. The first floor would be the actual dimensions of the lot and with a FAR of 2 they could build two of those and have a perfect rectangle. However, from the standpoint of an architect, a rectangle did not add to the flavor of the target market they were looking with the feel they wanted to provide to the residents. Therefore, they looked at what would make sense. The target market is young professionals and even though the units are small they wanted to take advantage of corner views with natural light coming in. Mr. Ehlias pointed out that rather than a rectangle the building would be L-shaped. Again, to create a community feel because it was a zero lot line, they added as much deck space as possible for the residents. However, in order to

provide the amount of livable space that is allowed in the FAR, the most interesting rendition was a design with a third level residency on the eastern side, which pushes the height above the 35' foot height restriction.

The applicants had prepared a 3-D model to demonstrate their vision of an interesting building with a modern design that provides diversity on the Prospector Avenue corridor. It allows them to bring over the bridge to increase the alternate transportation uses of a resort lifestyle for young professionals. Mr. Louis stated that the design challenge was having 10 units coming to an MPD and using the LMC to request a height exception for the eastern side.

Mr. Louis stated that Gigaplex Architects and their partnership are big proponents of the affordable housing initiative in Park City. The requirement is to add 15% of the square footage into the building and they were happy to do so. He pointed out that there were options to delay the affordable housing to a future development or to pay an in-lieu fee. They also had the ability add the affordable housing on-site in the building, which was their preferred approach. Mr. Louis stated that in order to add 1350 square feet to this building, they changed the number of units from ten to eleven to include a studio and a small apartment. He believed they have designed a great solution to what they think is the spirit of the LMC and the MPD for a project like this. It is interesting, it invites questions, it is a modern design, it has open space, it is communal, and it abides by all of the development agreements to move the lot.

Mr. Louis remarked that the main goal was to provide both affordable units within the building rather than pay an in-lieu fee. That approach affords the ability to add more square footage and density to the complex itself. He noted that they were not going to ask for the extra 13,000 square feet on this building to accommodate the deed restricted units. Therefore, the envelope of the building that the Commissioners saw with the pre-MPD stays the same. The result is less market rate square footage, which they were willing to do to put the affordable units in the building.

Mr. Louis stated that they really like their proposed design and believe it is the best solution for the market they were targeting, as well as the greater community in general.

Commissioner Worel thought the 3-D model was helpful to see the difference in building heights. She asked if the other structures on the model were approved under a different LMC and why one structure had a 44.7 foot height. Mr. Louis stated that it was the Suncreek Apartments. He did not believe there has been new residential development in that area for ten or fifteen years. For that reason he was unable to speculate what the LMC allowed at that time. Mr. Louis remarked that they did their due diligence to compare

heights in the area to give the Commissioners an idea of how the requested height exception would fit with what already exists.

Commissioner Phillips pointed out that the applicant was asking for a height exception for one portion of the building; however, other portions of the roof were below the 35' allowed height. He thought it was safe to assume that the average roof height was at or below the maximum allowed.

Planner Whetstone noted that the height of the building under construction at 1897 Prospector as shown on the 3-D model was actually the height of the penthouse and did not need a height exception. The actual height of the main building is 35'. Mr. Louis agreed that the main building is 35'. He clarified that penthouse did not require a height exception because it is a pop-out for circulation and not habitable space.

Chair Strachan opened the public hearing.

Charlie Wintzer stated that he had not intended to speak on this application. However, as someone who typically speaks out against height exceptions this is the first time he has heard a great cause for it. It is in the right location, it is up against the hillside, the uses are right, and the building fits the neighborhood. Mr. Wintzer encouraged the Planning Commission to grant the height exception.

Lincoln Calder, a 30 year resident of Park City spoke in favor of the project. He is a local realtor and given his age and peer group he works with a lot of younger buys with moderate budgets. Mr. Calder stated that currently there is no product in Park City that appeals to young professional buyers at a moderate price. There is an affordable housing option, but young professionals are not interested in deed restricted housing with a price appreciation cap. They want their primary residence to be an investment for a better future. Currently, the young professionals only have the choice of buying at Kimball Junction or other areas within the County. Mr. Calder pointed out that if the City wants a diverse community in terms of income, age and occupation, this project appeals to that group. He thought the City would gain more by granting a small height exception.

Chair Strachan closed the public hearing.

Commissioner Campbell liked the proposed project. He was nervous about setting a precedent by granting the height exception. However, he concurred with Mr. Wintzer that this was the best case for granting height because it is low impact to the neighbors and adds a lot of positives. Commissioner Campbell referred to the comment about young professionals moving to Kimball Junction. He noted that those same people come to Park City on Friday night and they all drive. He could see the people living in this building

walking to restaurants and the grocery store. Commissioner Campbell thought this project was exactly what they need in Park City.

Commissioner Worel appreciated the models. She thought the project was creative and she liked how they included the heights of the surrounding projects to give them a better perspective. Commissioner Worel pointed out that if they had designed a pitched roof the allowed height would be 40'. Therefore, they were only talking about 1'6" more than what was allowed. Commissioner Worel liked the project and thought it was well-done.

Commissioner Phillips liked how the project engages the Rail Trail. In his opinion this project fits the definition of live/work/play. This proposal was one of the best he has seen in his time on the Planning Commission. He thought they should encourage this type of development as a model for other areas of town being redeveloped. Commissioner Phillips suggested the possibility of having a future discussion about allowing additional height in Bonanza Park for these same reasons.

Chair Strachan echoed the comments of his fellow Commissioners. He remarked that the Planning Commission needed to make findings as to why the height exception was appropriate. He thought the evidence was the 70/30 split and that overall the building height was below the 35' maximum.

Commissioner Campbell had concerns with specifying the 70/30 split. If they approve the height exception based on the average height being below the maximum, the next applicant could have a design with an average below the 35' maximum, but it may not meet the other criteria.

Chair Strachan clarified that the Planning Commission needed to have some evidence on the record as to why the height exception was appropriate for this project. The question is whether the additional height increases the volume. If 70% is lower and only 30% is higher, then the dwelling volume is not increased by the height exception.

Assistant City Attorney McLean commented on a potential problem she had just noticed as she was reading through the Code. Under the MPD Section, there are different ways that an MPD applies. She noted that prior to 2013 an MPD was required for any residential project with ten or more lots or ten or more units. However, in 2013 that was changed to ten or more residential unit equivalents. A residential unit equivalent is defined as 2,000 square feet, which is less than what was being proposed. Ms. McLean clarified that in this case the MPD did not appear to be required and there were no commercial uses proposed.

Assistant City Attorney McLean stated that another section talks about when an MPD is allowed but not required. She read from subsection 2, "The Master Planned Development

process is allowed but is not required when the property is not part of the original Park City Survey or Snyder's Addition to the Park City Survey…..and the proposed MPD is for an affordable MPD consistent with Section 15-6-7 herein." Ms. McLean was unsure whether that was the intent and she wanted the opportunity to look at the amended ordinance when this was suggested to see if there was a typo and that the "and" was supposed to be an "or" for affordable housing.

Assistant City Attorney McLean apologized for not catching this situation sooner, but when she first saw this project she thought the MPD was required because there were more than ten units. She found her mistake when she was reading the Code for another project. Ms. McLean stated that legally she was uncertain whether the City could permit this to be an MPD. She preferred to take the time to research it further to make sure that it was an allowable application.

Planner Whetstone suggested that Ms. McLean look at Section 1, Allowed but not Required, because that was where it fell under when it was discussed with the former Planning Director. Ms. McLean believed there was consensus that the MPD was not required under Item A. Subsection 1 that Planner Whetstone referenced states that, "The Master Planned Development process is allowed but is not required in the historic residential and historic residential HR1 and HR2 zones, only when the HR1 or HR2 zone properties and combined with adjacent HCB or HRC zoned properties. Height exceptions will not be granted for master planned development in those and other zones." Ms. McLean could not see what Planner Whetstone relied on when talking with the former Planning Director.

Chair Strachan clarified that the applicant may not need an MPD and the plat amendment was already approved. Ms. McLean explained that they might not need an MPD, and an MPD may not be allowed or available to them under the Code. She understood that part of the reason for seeking an MPD was the ability to request a height exception. She thought it looked like a great project and again apologized to the applicants and the Commissioners for raising the issue this late in the process. However, she was not comfortable having the Planning Commission vote on something that may not be allowed by Code.

Commissioner Campbell asked if there was another mechanism to allow for a height exception besides the MPD. Ms. McLean could not find another mechanism in the GC zone if the space is habitable.

Commissioner Worel wanted to know how much parking was required for the entire area. Mr. Louis stated that 103 spaces were required by the development agreement with the Prospector Square Property Owners Association. Without parking under the proposed building 12 spaces would be lost, reducing the parking to 91 spaces.

Planner Whetstone noted that there was also a flood plain issue. Mr. Louis stated that the flood plain issue was currently being studied by Gus Sherry. Mr. Louis has been working with Mr. Sherry and Matt Cassel. Mr. Sherry had not completed his study but he did not believe there would be an issue with the flood plain. Mr. Louis remarked that the flood plain was one reason for the stilts concept. They could not build habitable units below the base flood elevation.

Mr. Louis stated that the MPD process was started on December 15th and they were unaware that it would take this long. They understood the process, but they were now on a limited time-frame because of the Park City Lodging building that is under construction. Mr. Louis preferred to have a yes or no answer from the Planning Commission. If the answer is no, unfortunately they would lose the affordable units and possibly the bridge, and they would be forced to build a box with larger condos. Mr. Louis reiterated that they could not afford to wait much longer to start building.

Commissioner Worel asked if the Planning Commission could approve the MPD conditioned on legal findings. For example, if Ms. McLean found that the MPD could move forward the applicants could begin work without coming back to the Planning Commission. If the MPD is not legal then the applicant would know to pursue a different approach.

Assistant City Attorney McLean was hesitant to have the Planning Commission to take an action on something that did not appear to be permissible from the evidence she found this evening. She preferred to continue this item to the next meeting to allow time to see if there was something that could be done to help the applicant. Ms. McLean believed the Staff and other have the mindset that ten units or more requires an MPD; however, that requirement changed in 2013. She recognized that there were a number of benefits for this MPD and she was sorry that neither she nor the Staff had caught the mistake before this.

Assistant City Attorney McLean took a few minutes to pull up the ordinance from 2013 and found that the word “and” was not a typo. She was hoping that the ordinance language would say “or” but it did not. She reiterated her recommendation to continue this item to the next meeting to allow for more research. If it is allowable, the Staff had the findings ready to move forward with an approval.

Assistant City Attorney McLean suggested that the Planning Commission could take action on the CUP this evening because the outcome of the MPD would not affect the CUP. Mr. Louis stated that if they could get approval for the CUP they could at least begin designing the rectangular building, which is what they would most likely build if they could not get the height exception.

MOTION: Commissioner Worel moved to CONTINUE the Central Park City Condos – Master Planned Development for a new building containing 11 residential units on Lot 25B of the Giga Plat replat of Parking Lot F at Prospector Square to May 27, 2015. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

6. 1893 Prospector Avenue – Conditional Use Permit for residential uses in the General Commercial (GC) zone for a new building containing 11 residential units on Lot 25b of the Giga plat Replat of Parking Lot F at Prospector Square (Application PL-14-02584)

Chair Strachan opened the public hearing.

There were not comments.

Chair Strachan closed the public hearing.

Chair Strachan stated that based on the MPD discussion, he was comfortable approving a conditional use permit based on the findings of fact, conclusions of law and conditions of approval found in the Staff report. The Commissioners concurred.

MOTION: Commissioner Phillips moved to APPROVE the Conditional Use Permit for residential uses for Central Park City Condominiums based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the Staff report. Commissioner Worel seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1893 Prospector Avenue - CUP

1. The subject property is located at 1893 Prospector Avenue and consists of Lot 25b of the Gigaplat replat, a replat of Lots 25a, 25b, and Parking Lot F of the Prospector Square Supplemental Amended Plat.

2. The Gigaplat replat was approved by City Council on June 5, 2014. The final mylar was recorded on May 1, 2015.

3. Lot 25b is a vacant, undeveloped privately owned development lot.

4. The property is located in the General Commercial (GC) zone and within the Prospector Square Subdivision Overlay.

5. On December 15, 2014, Staff received an application for a pre-MPD for the Central Park City Condominiums project located in the General Commercial zoning district. The application was considered complete on February 24, 2015.

6. On February 24, 2015, the applicant submitted a complete application for the Conditional Use Permit for residential uses in the GC District. The CUP application was revised on April 13, 2015 to incorporate the required affordable unit, bringing the total number of residential units to eleven.

7. On March 25, 2015, the Planning Commission conducted a public meeting on the pre-MPD and Conditional Use Permit application. The Commission found that the pre-MPD preliminary concept plans were consistent with the General Plan and GC Zone. The Conditional Use Permit application was reviewed and continued to the May 13, 2015 meeting.

8. In the General Commercial (GC) zoning district, residential uses, including multi-dwelling units, are required to be reviewed per the Conditional Use Permit criteria in the Land Management Code (LMC) and require approval by the Planning Commission. Retail and offices uses are allowed uses in the GC zone.

9. An FAR of 2 is allowed for buildings within the Prospector Square Subdivision Overlay.

10. The building consists of approximately 11,279 sf of residential uses and circulation area. The proposed FAR is 1.96. There are seven units at approximately 810 sf, three units at 1,017 s, and one studio unit at 500 sf. The units are designed to be smaller, attainable market rate dwelling units for full time residents. At least one and potentially two units will be deed restricted affordable unit depending on the Housing Authority's approval.

11. Allowing smaller residential uses in an area of high employment opportunities and within walking distance of the bus lines, shops, restaurants, schools, and recreation amenities is one method of mitigating vehicular trips of residential uses.

12. The capacity of streets, intersections, and shared parking lots were designed with the Prospector Square planned area to accommodate build

out of all the development parcels. There are no significant traffic impacts associated with the proposed uses as build out of these platted lots is anticipated with the Prospector Square Subdivision approval. Office and retail uses are allowed to be constructed on this lot without approval of a Conditional Use Permit.

13. Utilities necessary for this use are available at or near the site. Prior to recordation of the plat amendment for this property a utility plan and utility easements will be approved by the City Engineer and utility providers.

14. Any additional utility capacity, in terms of fire flows and residential fire sprinklers will be reviewed by the Fire District, Water Department, and Building Department prior to issuance of a building permit and prior to recordation of the subdivision plat. Necessary utilities and upgrades shall be installed as required by the City Engineer.

15. The proposed development will not interfere with access routes for emergency vehicles.

16. The residential uses create a reduced parking impact from the allowed uses of retail and office. Parking demand (in terms of timing) for residential uses is generally opposite the demand for retail and office uses.

17. There are 91 existing parking spaces within Parking Lot F.
Parking within Prospector Square is shared and upon completion of the reconfigured Parking Lot F, there will be a total of 103 parking spaces, including the 12 spaces located under the building, as per the Owner's parking agreement with the Prospector Square Property Owner Association. All 103 parking spaces are intended to be shared parking per the parking agreement.

18. Internal vehicular and pedestrian circulation system includes existing sidewalks along Prospector Avenue, a Prospector Association walkway located to the west of the parking lot, and the Rail Trail bike path located to the south, with informal access that will not be altered. Circulation within the Parking Lot will be improved with the reconfigured parking lot.

19. A pedestrian bridge connection to the Rail Trail is proposed from the building. The Rail Trail is owned by State Parks and certain permits and/or encroachment agreements will be necessary in order to construct the bridge. The bridge will not be constructed if necessary agreements and easements are not secured.

20. No outdoor storage of goods or mechanical equipment is proposed.

21. No fencing is proposed.

22. The three and four story building is proposed to be located north of the Rail Trail fully within platted Lot 25b. The Prospector Overlay within the GC zone allows zero setbacks to property lines. The building is oriented towards the Rail Trail and is separated from the Rail Trail and adjacent buildings so as not to cause adverse shadowing on any existing units, or on the Rail Trail.

23. The building includes façade shifts on all elevations. Residential uses are located on the second, third, and fourth floors with common outdoor terraces and green roof elements oriented to the south.

24. Maximum building height in the GC zone is 35' and the applicant has requested through the MPD application, a building height exception of six feet six inches (6'6") for 30% of the roof for the eastern portion of the building to a height of 41'6". The remainder of the building roof (70%) is less than the allowed building height. The building would not exceed the allowable density or maximum floor area ratio (FAR of 2) as allowed by the GC zone.

25. No changes to the existing open space within the Prospector Square planned area are proposed with the residential uses. The new building is proposed to be constructed on an existing re-platted lot. Common decks and terraces are provided as open areas for the units to share.

26. The physical design of the building, in terms of mass, scale, style, design and architectural detailing complies with Title 15-5-5- Architectural Design Guidelines of the Land Management Code and is compatible with the surrounding buildings. The proposed building is contemporary and distinct in design and compliments the variety of building styles in the area. Materials consist of wood, metal, concrete and glass. Green planted roofs and roof terraces provide outdoor space for the residents.

27. No signs are proposed at this time. All signs are subject to the Park City Sign Code.

28. Exterior lighting will be reviewed at the time of the building permit review.

29. The residential uses will not create noise, vibration, odors, steam or other

mechanical factors that might affect people and property off-site.

30. The applicants propose to design and construct an enclosure for the existing trash dumpster located at the southwest corner of the parking lot. The service area within the enclosed parking area will include a recycling area.

31. There are no loading docks associated with this use.

32. If the owner desires to sell individual units in the future, a condominium record of survey plat will need to be applied for and recorded at Summit County.

33. The proposal exists within the Park City Soil Ordinance Boundary.

34. The development is located in a FEMA Flood Zone A.

35. The development is located adjacent to a stream with wetlands.

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

Conclusions of Law – 1893 Prospector Avenue – CUP

1. The application satisfies all Conditional Use Permit review criteria for residential uses as established by the LMC's Conditional Use Review process [Section 15-1-10(E) (1-15)] and all requirements of the LMC.

2. The use as conditioned will be compatible with surrounding structures in use, scale, mass, and circulation.

3. The use as conditioned is consistent with the Park City General Plan.

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

Conditions of Approval 1893 Prospector Avenue - CUP

1. All standard conditions of project approval shall apply to this project.

2. Any signs associated with the use of the property must comply with the City's Sign Code.

3. No outdoor storage of goods or mechanical equipment is allowed on-site.

4. Review and approval of a final drainage plan by the City Engineer is required prior to building permit issuance.

5. Review and approval of the final utility plans for 1893 Prospector are required prior to building permit issuance.

6. Prior to issuance of a certificate of occupancy for the building, the reconfigured Parking Lot F shall be completed, including paving, striping, and landscaping.

7. Building Height shall be verified for compliance with the approved MPD plans prior building permit issuance.

8. The Construction Mitigation Plan, submitted prior to building permit issuance, shall include detailed information regarding coordination of utility installation, reconstruction of Parking Lot F, and the provision of any required interim parking during construction.

9. Prior to issuance of a building permit for construction of the proposed pedestrian bridge connection to the Rail Trail all required permits and/or encroachment agreements shall be obtained from the State Parks property owner and the City.

10. A stream alteration permit and/or 404 permit will be required for any work in the stream area.

11. An elevation certificate will be required showing that the lowest occupied floor is at or above the base flood elevation.

12. A stream study will be required to determine the upstream and downstream flood plain impacts. Impacts will be required to be mitigated.

13. A wetland delineation study by a certified wetland delineator will be required prior to building permit issuance to verify if any wetlands will be disturbed with construction of the building.

14. As part of the final utility plan and prior to issuance of a building permit, the water system must be modeled to verify that adequate fire flows and pressures can be provided to this building and whether water line upgrades are required.

15. All exterior lighting on the terraces and porches shall be reviewed by the

Planning Department with the Building Permit application and shall be subdued, down directed, shielded, and with no exposed bare bulbs.

16. All conditions of approval of the Master Planned Development for 1893 Prospector Avenue apply to this Conditional Use Permit.

7. Land Management Code Amendment regarding Nightly Rentals use in the HR-L Chapter 2.1 and green roof definition and application in HR-L Chapter 2.1, HR-1 Chapter 2.2, HR-2 Chapter 2.3, RC Chapter 2.16, and Definitions Chapter 15

Nightly Rentals in the HR-L East District

Planner Astorga stated that the Planning Department initiated this request based on many discussions the Staff has had with residents in the HR-L East District. He explained that he was calling it HR-L East because there are two sections in town with HR-L zoning. One is known as the McHenry neighborhood and the other one is by King Road and Sampson Avenue. Because of the proximity to PCMR, the Staff decided not to include the HR-L West district in this discussion. Therefore, only the McHenry neighborhood was being addressed this evening.

Planner Astorga noted that the first page of the Staff report had the definition of a nightly rental. In addition, there were conclusions of law for each conditional use permit and the 15 mitigating review criteria for the CUP. Planner Astorga stated that another relevant point was the parking requirement for a nightly rental, which is triggered by the seventh and eighth bedroom. He explained that a house with six bedrooms has the same parking requirements as the dwelling, which are two spaces, and that has always been a major issue. Planner Astorga remarked that nightly rentals are allowed everywhere in Park City with the exception of the HR-L District, which requires a conditional use permit. They are also prohibited in the SF District where there are some exceptions throughout.

Planner Astorga stated that the Planning Department felt it was time to review nightly rentals to see where the Planning Commission stands on the issues. The Staff will come back on June 24th with a more appropriate analysis. As indicated in the Staff report, the intent is to survey all of the residents in the HR-L District regarding their thoughts on nightly rentals. Planner Astorga noted that if the City decided not to allow nightly rentals they would be creating a legal non-conforming use. The Staff would also come back with a thorough General Plan analysis. Planner Astorga asked the Planning Commission whether other studies or analyses should be conducted.

Planner Astorga stated that the Staff had drafted a pending ordinance for the nightly rental portion of the proposed LMC amendment. The pending ordinance allows the City to put a hold on any conditional use permits for a nightly rental in this District.

Chair Strachan asked what needed to be done to solidify the pending ordinance to avoid a rush of applications. Planner Astorga clarified that the pending ordinance was in effect and no action was required by the Planning Commission. He explained that it would eventually need to be acted on by the City Council, but the ordinance goes live as soon as it is noticed and published on the agenda. Planner Astorga remarked that the pending ordinance did not require a noticing letter, but because the District is small he planned to send a letter to the property owners.

Planner Astorga stated that this was a legislative item and the Planning Commission had the ability to make a recommendation to amend the Code. The original intent could be reconsidered from the standpoint of the current situation of the use, the neighborhood, and the impacts.

Green Roofs

Planner Astorga noted that there was not a pending ordinance for the green roof discussion. Green roofs were introduced in the City in 2009. However, in 2009 the City did not address active versus passive space, and accessible versus non-accessible, and that has presented a challenge for the Planning Department.

Commissioner Worel recalled that the Planning Commission has had issues regarding green roofs with past applications. Planner Astorga noted that the project discussed this evening for 550 Park Avenue had a green roof, but it was passive and non-accessible. He reiterated that the City decided to allow green roofs with the 2009 LMC amendments.

Commissioner Worel asked how many houses in the District have six bedrooms. Planner Astorga was unsure. He stated that the minimum lot size in the District was 3750 square feet, which is the equivalent of two old town lots. Therefore, the houses are larger than in other parts of town just because the minimum lot size is doubled. He offered to do the research on the number of bedrooms if the Commissioners thought it was necessary.

Chair Strachan opened the public hearing for nightly rentals.

Mary Wintzer explained that the HRL zone was created for McHenry Street, but not all of Rossi Hill. It is a dead-end street with extremely poor access. They are the last bastion of full-time residents. Because they were full-time residents, for their protection and the safety of their families, as well as trying to preserve the spirit of McHenry Street as a

neighborhood, the City created the HR-L zone sometime around 1979 or 1980 specifically for McHenry Street. Ms. Wintzer was not sure what happened but sometime between 1981 and 1984 it was taken away. There were 13 homes and no one received notice or they would have spoken to it. Ms. Wintzer believed it was a bureaucratic snafu that on the map they no longer had the designation of no nightly rentals. Ms. Wintzer stated that their property values are higher because they are a full-time neighborhood and do not have nightly rentals. They were also different from other Old Town neighborhood because they have more open space and smaller homes on larger lots. Ms. Wintzer stated that a few years ago when they created the Rossi Hill subdivision for some of the houses on the east side of the road, the Planning Director asked them to cap the size of homes that could be built on those lots. She owns two houses and they gladly did that because of the spirit and how they feel about Old Town and their neighborhood. Ms. Wintzer remarked that they did that with the promise that they would be helped to maintain this full-time neighborhood status with no nightly rentals. Currently, the homes that are second homeowners are owned by people who have a goal to live in Park City full time. Ms. Wintzer had contacted as many of those owners as possible and no one was opposed. They all have nice houses and have no interest in renting them nightly.

Ms. Wintzer just wanted the Planning Commission to understand the reason why nightly rentals were only prohibited on McHenry Street, and that it does not take away from Old Town or the nightly rentals. She asked the Planning Commission to consider giving it back so they can return to what they always wanted to be and what they were for several years.

Chair Strachan closed the public hearing.

Commissioner Worel asked for clarification if nightly rentals became a non-conforming use in the District. Planner Astorga explained that as long as the dwelling is actively being used for nightly rental the use can remain, even if the dwelling changes ownership. It is typically tracked through the business license. The business license has to lapse one year before the use loses its non-conforming status.

Commissioner Phillips stated that he lives in Old Town and he understands the situation. He believes they have lost their neighborhoods and it has completely changed in the short time he has lived there. He sees this as preserving a neighborhood the same as they would preserve a house. Commissioner Phillips understood why the HR-L West was excluded, but he would be interested in knowing whether that neighborhood has the same sentiment as those on McHenry Street.

Planner Astorga reiterated that they were only excluded from this discussion because of the proximity to PCMR. The Planning Commission could include that area in their discussion if they wanted, but the process is that the City Council would have the final say.

Planner Astorga thought some residents on that side of the HRL would like to remove the nightly rental conditional use. He suggested that they could schedule neighborhood meetings to get a better feel for the sentiment of the majority.

Planner Astorga summarized that the Staff would do a neighborhood survey of nightly rentals and they would do a thorough General Plan analysis. He asked if the Commissioners wanted to see any other studies or surveys.

Chair Strachan thought it was important to have the broader discussion regarding nightly rentals throughout Old Town. He did not want to hold up the pending ordinance because he thought it was the right thing to do for this zone. However, once that is done, there should be a broader legislative discussion on whether nightly rentals in Old Town should be frozen. The Commissioners concurred.

Commissioner Phillips agreed that the McHenry Avenue issue should be addressed first and separately. He thought it was clear-cut and prohibiting nightly rentals for that neighborhood was wise.

Planner Astorga requested discussion on green roofs. He stated that the definition of a green roof was included in the definition section of the LMC. The Staff report outlined the roof pitch that currently exists in the Code and that the primary roof must be between 7/12 and 12/12 pitch. A green roof may be below the required 7/12 as part of the primary roof design. He noted that the Planning Department was seeing more applications for green roofs. He believed the evolution of design was taking that direction with mountain architecture. Planner Astorga remarked that the Staff has had discussion with neighbors regarding the active space versus passive space. For example, the Code does not prohibit people from sunbathing on the roof. The Code is very unclear on uses. He asked the Planning Commission if the uses should be clarified or whether they even care.

Chair Strachan did not believe a green roof should be counted as open space. On the issue of active versus passive, he preferred active because it is better when people use them.

Planner Astorga assumed the Planning Commission could recommend adding a sentence to the definition of a green roof stating that, “Green roofs shall not count towards the open space calculation.” Assistant City Attorney McLean replied that they could recommend that additional language to the City Council.

Commissioner Campbell disclosed that he was currently building two projects with active green roofs; one of which might be the genesis of this discussion. He did not believe it

would affect his ability to speak to the technical aspects of green roofs. He had consulted Ms. McLean and she did not think he needed to recuse himself from the discussion.

Commissioner Phillips disclosed that he was designing his house with a flat roof, but he was unsure at this point whether it would be a green roof.

Planner Astorga stated that when the Code was clarified two years ago, item 1 was added regarding green roofs. "A structure containing a flat roof shall have a maximum height of 35' measured from the lowest floor plane to the highest wall top plate that supports a ceiling joist or roof rafters". He noted that it was the 35' rule. However, the language further states, "The height of the green roof including the parapets, railing or similar features shall not exceed 24 inches above the highest top plate mentioned above." Planner Astorga stated that this regulation only works if it is a passive roof. If it becomes an active roof by building an accessible staircase going up to it, the railing must be increased to 36 inches.

Commissioner Phillips did not believe they should allow a railing to go any higher than what was already stated. If the roof is going to be active and there is not enough room, then the roof needs to be lowered. Planner Astorga asked if they could do it under the 27' rule, which is the situation they recently encountered.

Planner Astorga clarified that he was not looking for answers this evening, but he did want the Commissioners to think about it for the discussion on June 24th. He hoped the full Planning Commission would be in attendance for that meeting to hear everyone's ideas and opinions. He reiterated that the Planning Department was getting more and more requests for green roofs. For that reason, Commissioner Worel thought they needed to figure it out and make decisions fairly soon. Commissioner Phillips commented on the number of green roofs already being built around town.

Planner Astorga stated that since the Code does not address passive or active, the Staff interprets that to mean that either one can be approved as long as it meets the current regulation for height. Assistant City Attorney McLean recalled that there was a slight exception for railing under the Code. Planner Astorga replied that it was 24'. That was done for the purpose of adding articulation on a possible parapet.

Commissioner Phillips asked if the Staff could do an analysis of some of the homes being built with green roofs to see if they could learn anything from what has already come to fruition. Assistant City Attorney stated that the Planning Commission should also provide input to help the Staff craft language. She believed it came down to the height issue and whether or not the roof can be an active area. She pointed out that these were policy issues that could be determined. Ms. McLean agreed that the Code needed clarification.

Chair Strachan thought the Planning Commission could provide firm direction on whether or not green roofs should be allowed and whether they could be active. He believed there was consensus that active green roofs should be allowed. The Staff would have the burden of determining what types of active uses would be allowed.

Commissioner Campbell pointed out that green roofs are expensive to put in and they need a lot of maintenance. He thought it would be irresponsible to make it unsafe for people to maintain the roof, and noted that it may not always be a trained worker with a harness. Homeowners will be on their flat roof putting in vegetable gardens or flower pots. He emphasized that safety is a factor.

Chair Strachan thought there should also be percentages of impermeable surfaces versus permeable surfaces. Commissioner Phillips suggested that screening may be another item for discussion.

Planner Astorga stated that there were three different scenarios in three different parts of town that he could come back with to show the massing, etc., that might help them tighten the regulations.

Chair Strachan felt strongly that an active green roof needed to be a conditional use in Old Town to mitigate the impacts to the neighbors.

Assistant City Attorney McLean recommended that the Commissioners provide input in terms of the height, and whether fencing or railing should be included in the overall height. She noted that it is included now, but there is a 2-foot height exception. Planner Astorga clarified that the 2-foot rule was above the 35' foot. They would still not be able to break the 27-foot height even with the railing. Commissioner Phillips remarked that the railing should not be allowed to break the 27' plane. He did not believe this should be an exception. Commission Campbell disagreed because he believed people would push the deck of the roof up higher and leave off the railing. It would push them into what he considers to be an unsafe condition. Ms. McLean understood that the Building Department would not allow access to a roof without railing.

Chair Strachan suggested that it would be worthwhile for the Staff to draft height exception language with conditions that have to be met. At that point the Planning Commission could decide whether they did not want to allow a height exception or whether the conditions could adequately mitigate the problems. He thought it should be clear for the next meeting that there was no consensus from the Commissioners this evening and that their comments were primarily brainstorming.

Chair Strachan opened the public hearing on green roofs.

Charlie Wintzer stated that the green roof came to the Planning Commission through the City Council. It was never brought to the Planning Commission, and they first found out about it when they received an application for a green roof. The Planning Commission wrote the definition of a green roof because they did not believe it was appropriate to have people on a deck five feet from their property line. It also made the houses bigger, so they were trying to deal with the mass and scale of the buildings and give some privacy on the side yards of houses. Mr. Wintzer remarked that if they allow green roofs to become habitable space it impacts their neighbors. He did not believe it was appropriate in Old Town to have habitable spaces on a roof. If someone wants a deck they can put it in their back yard, which is 15 or 20 feet away from the property line.

Chair Strachan stated that Mr. Wintzer had reminded him of some of the history. Currently there are no controls over someone building a large deck and partying on their deck. It is not a conditional use.

Mr. Wintzer replied that the control is that people will not give up the living space in the house to build a larger deck. If people want a deck they will make their house smaller. However, if they allow green roofs to be habitable space, people will build bigger houses. Mr. Wintzer was concerned that people who go to sleep at a reasonable hour are impacted by someone in a nightly rental partying on the roof. The noise would be heard all over town. He urged the Planning Commission to look at it closely because it would be a problem.

Chair Strachan closed the public hearing.

Commissioner Phillips stated that Mr. Wintzer's comment was his reason for suggesting that they keep everything as low as possible. If they do not have the room for it they will not lose living space.

Chair Strachan stated that the Planning Commission would discuss the issues at the June 24th meeting with the full Planning Commission and make some decisions.

Planner Astorga stated that he would come back with a pending ordinance language. Chair Strachan thought a pending ordinance may be going too far. Assistant City Attorney McLean suggested that if they have language it would be easier for the Planning Commission to revise and amend it, as opposed to waiting another month.

Chair Strachan preferred to wait for the full Planning Commission before directing the Staff to come forward with an ordinance. He thought it was premature to provide that direction.

MOTION: Commissioner Phillips moved to CONTINUE the LMC Amendments for Nightly Rental in the HRL East District and green roofs in the Historic Residential and the RC Districts to June 24, 2015. Commissioner Worel seconded the motion.

VOTE: The motion passed unanimously.

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

Approved by Planning Commission: _____

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
MAY 27, 2015

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

Kayla Sintz, Planning Manager; Francisco Astorga, Planner; Kirsten Whetstone, Planner; Polly Samuels McLean, Assistant City Attorney
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REGULAR MEETING

ROLL CALL

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

ADOPTION OF MINUTES

May 13, 2015

Vice-Chair Joyce referred to Page 32 of the Minutes, 5th paragraph, last line, and changed Commissioner Wintzer to correctly read **Mr. Wintzer**.

Commissioner Worel referred to Page 44 of the Minutes, 3rd Paragraph, first line, and changed Chair Worel to correctly read **Commissioner Worel**.

Since Commissioner Strachan was absent this evening and Commissioners Joyce, Thimm and Band had not attended the May 13th meeting, the Planning Commission lacked a quorum to approve the minutes. Approval of the Minutes of May 13, 2015 was tabled to the June 10th meeting.

PUBLIC INPUT

Jim Tedford stated that he recently heard discussion on the radio regarding the new building at 205 Main Street. It made him recall a letter that he wrote to the Planning Commission in January 2013 concerning that and other things. Mr. Tedford stated that he represents a group called Preserve Historic Main Street and they feel strongly about preserving historic Main Street.

Since most of the Commissioners were new to the Planning Commission, Mr. Tedford read into the record the letter he had submitted in 2013 because the comments were still pertinent today in terms of preserving the Historic District. His letter identified the importance of Park City to visitors and it provided a history of the transformation of Main Street beginning in 1950 after the mining decline. He pointed out that some of the transformations were good and others were mistakes. Mr. Tedford noted that in 2013 his letter indicated that a townhouse project on Main Street between the Imperial and Grappa that was approved by the Planning Commission would be too massive and moderate for Main Street, and there was no commercial space on the ground floor. Mr. Tedford pointed out that he had noted at that time that the 205 Main Street building was inappropriate.

Mr. Tedford continued reading his letter, which stated that it was too late to correct past mistakes but the City could make sure that future projects complement the existing historic qualities of their mountain community. He noted that the LMC and Historic District Design Guidelines determine what can and cannot be built, and it was time to strengthen those laws as opposed to weakening them by creating exceptions or including ambiguous language that would allow projects that do not belong on Main Street.

Mr. Tedford stated that when he found his letter on the computer, it reminded him that he had never received a response on a request he made of the Planning Commission in 2013. Mr. Tedford remarked that he has had an opportunity over the last couple of years to work with the Planning Department and to provide input on the General Plan; and he found them to be very receptive to his ideas. He appreciated the fact that the public is invited to participate in the process and to have their ideas incorporated. Mr. Tedford had written in his letter that according to the LMC Amendment Section of the Planning Application page, "Citizens can always request that the City, being the Planning Department, Planning Commission, City Council or the Historic Preservation Board, initiate proposed changes to the LMC." Mr. Tedford had requested that the Planning Commission initiate two proposed changes to the LMC that he had attached to his letter. He was mentioning it again this evening because he never received a reply. After waiting a year he was told that they first needed to deal with the General Plan, but he never heard from anyone whether or not they intended to consider his suggestions. Mr. Tedford clarified that he only wanted an answer one way or the other. He was submitting his same suggestions again in hopes of getting a response this time.

Mr. Tedford read the proposed changes to the LMC as stated in his letter. One concerned the pre-application conference. He read the current language and believed it provided a significant amount of gray area and left the door open to do something contrary to what was originally intended. The second suggested change concerned the HPB. When he arrived in Park City in 1963 the Historic Preservation Board had more power than it does currently. Mr. Tedford read the current language which states that the HPB may participate

in the design review of any City-owned project located within the designated Historic District. He recommended giving the HPB a larger role and they should participate in the review of any projects located within the zones. Mr. Tedford reiterated that if the City was not interested in considering his suggestions he would understand, but he would like someone to tell him.

On another issue, Mr. Tedford noted that when the plans were submitted for the addition to the Carl Winters Building for the Library, he had made comments that the proposal did not fit with meet the National Parks Service Guidelines or the Historic District Design Guidelines. His comments were based on the drawings and after seeing the actual building, he believed his comments were accurate. Mr. Tedford thought the addition is totally out of place and it could have been done much nicer. He used the Marsac Building as an example of great preservation.

Planning Manager Sintz responded to Mr. Tedford's comment regarding the pre-application conference. She stated that the Historic District Guidelines would be reviewed this summer and the Staff would welcome Mr. Tedford's input on how to revise the language. She explained that the review would begin with the HPB Board and she suggested that Mr. Tedford contact Planner Anya Grahn who would be scheduling the meetings.

Regarding the role of the HPB, Ms. Sintz recommended that Mr. Tedford attend a City Council meeting and make his request since the Council designates the role of the HPB.

Planning Manager Sintz informed Mr. Tedford that the building at 205 Main Street was scheduled for discussion at the City Council meeting the following evening. Planner Astorga stated that the discussion would pertain to the clarification of the use.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Planning Manager Kayla Sintz reported that the City Engineer, Matt Cassel, would be at the next meeting to answer questions from the Planning Commission regarding the CIP report that was included in the May 13th Staff report.

Vice-Chair Joyce commented on the work that Snyderville Basin has been doing towards banning wood burning fireplaces. He was disappointed with the lack of fight by the State and the action that was taken during the last legislative session. Vice-Chair Joyce was impressed with the efforts being made in Snyderville Basin and he asked if the Planning Commissioners would be interested in having a conversation on whether or not to pursue a potential ban in Park City. He understood that it was a sensitive issue and that there would be pushback from the community and the developers. Commissioner Worel thought they should at least look at it. Vice-Chair Joyce stated that the County Planners have spent

significant time and effort researching the matter and he suggested that Planning Manager Sintz contact the head planner at the County and try to piggyback on the information that has already been researched. It would also be helpful to schedule it as a work session and ask one of the Snyderville Basin Commissioners to speak with this Planning Commission regarding their concerns.

CONTINUATIONS (Public Hearing and Continue to date specified.)

Vice-Chair Joyce opened the public hearing on the following items. There were no comments. Vice Chair Joyce closed the public hearing.

1. 875 Main Street – Conditional Use Permit for an Off-site Private Residence Club in the Historic Recreation Commercial (HRC) Zoning District for Victory Ranch Member Center (Application PL-15-02732)

2. Alice Claim south of intersection of King Road and Ridge Avenue – Alice Claim Subdivision and Plat Amendment (Application PL-08-00371)

3. Alice Claim south of intersection of King Road and Ridge Avenue – Conditional Use Permit for Retaining walls up to 10' in height. (Application PL-1502669)

4. 7101 Stein Circle – Stein Eriksen Residences Condominium Plat Amending the North Silver Lake Condominium Plat (Application PL-15-02680)

5. Land Management Code Amendments regarding 1) Setbacks for patios and hot tubs in HRL, Chapter 2.1, HR-1 Chapter 2.2, Chapter 2.3, RC Chapter 2.16; 2) Annexations procedure and review in Chapter 8; 3) Non-conforming uses and non-complying structures in Chapter 9; 4) Definitions of carports, essential municipal and public utilities, facilities and uses and others in Chapter 15; 5) Applicability of Steep Slope Conditional Use Permits in HRL, HR-1, and HR-2; 6) Conditional Use Permits review and site requirements in HRM Section 15-2; 7) Board of Adjustment standard of review and appeals in Chapter 1 and Chapter 10; and 8) Combination of condominium units procedure in Chapter 7. (Application PL-14-02595)

6. 1893 Prospector Avenue – Master Planned Development of a new building containing 11 residential units on Lot 25b of the Giga plat replat of parking Lot F at Prospector Square. (Application PL-15-02698)

MOTION: Commissioner Phillips moved to CONTINUE the CUP for 875 Main Street; the Alice Claim Subdivision and Plat Amendment; the Alice Claim CUP for retaining walls up to 10' in height; the condominium plat for 1701 Stein Circle; and the LMC Code Amendments

to June 10, 2015; and to CONTINUE the MPD for 1893 Prospector Avenue to July 8, 2015. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

CONSENT AGENDA

Chair Worel requested that 317 Woodside Avenue be removed from the Consent Agenda for further discussion.

1. 119 Woodside Avenue Plat Amendment to combine two lots into a single lot of record. (Application PL-15-02709)

Vice-Chair Joyce opened the public hearing on the Consent Agenda
There were no comments.

Vice-Chair Joyce closed the public hearing.

Commissioner Phillips disclosed that at one point he was the general contractor on 119 Woodside Avenue; and after it was sold he was approached by the designers to do the additional work they planned to do. He was certain that his previous experience on this project did not present a conflict or affect his ability to be objective.

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

VOTE: The motion passed unanimously.

Findings of Fact – 119 Woodside Avenue

1. The property is located at 119 Woodside Avenue.

2. The property is in the Historic Residential (HR-1) District.

3. The subject property consists of Lot 6 and Lot 7, Block 32 of the Park City Survey.

4. Lot 6 contains a single-family dwelling, built in 2013. The building footprint of the single-family dwelling is approximately 841 square feet.

5. Lot 7 is currently vacant.

6. The proposed plat amendment creates one (1) lot of record from the existing area consisting of approximately 3,750 square feet.
7. A single-family dwelling is an allowed use in the Historic Residential (HR-1) District.

8. The minimum lot area for a single-family dwelling is 1,875 square feet; the lot at 119 Woodside Avenue will be 3,750 square feet. The proposed lot meets the minimum lot area for a single-family dwelling.

9. The maximum building footprint for a lot this size, 3,750 square feet, is 1,519 square feet.

10. The proposed lot meets the minimum lot area for a duplex dwelling. Conditional uses are reviewed and approved by the Planning Commission.

11. The minimum lot width allowed in the district is twenty-five feet (25'). The proposed lot is fifty feet (50') wide. The proposed lot meets the minimum lot width requirement.

12. The minimum side yard setbacks for a twenty-five foot (25') wide lot are three feet (3').

13. The minimum side yard setbacks for a fifty foot (50') wide lot are five feet (5').

14. When the single-family dwelling was built in 2013, it was built with the minimum side yard setbacks of three feet (3') as the lot width qualified as such.

15. Once the two (2) lots are combined, it would make the existing single-family dwelling legal non-complying as the structure would not meet the increased side yard setbacks from three feet (3') to five feet (5').

16. The combined side yards setbacks are to be ten feet (10') per Table 15-2.2 in the Land Management Code.

17. As currently built the house was designed three feet (3') from the south property line.

18. There is an existing historic rock wall associated with the historic structure located to the north at 133 Woodside Avenue. The historic rock wall extends along the east property line of Lot 7. The historic rock wall cannot be removed.

19. The proposed plat amendment will not cause undo harm to adjacent property owners.

20. The proposed lot area of 3,750 square feet is a compatible lot combination as the entire Historic Residential-1 District has abundant sites with the same dimensions.

21. The applicant applied for a Historic District Design Review (HDDR) application to construct an outdoor living space and storage shed on March 3, 2015. A Pre-Historic District Design Review

22. The applicant applied for a Plat Amendment application on March 3, 2015. The Plat Amendment application was deemed complete on March 26, 2015.

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

Conclusions of Law – 119 Woodside 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. 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 – 119 Woodside 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 (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. A ten feet (10') wide public snow storage easement will be required along the

Woodside Avenue frontage of the property and shall be shown on the plat prior to recordation.

4. The property owner must enter into an encroachment agreement with the owner(s) of 133 Woodside Avenue for the existing historic rock wall located on the east property line of Lot 7.

5. 13-D sprinklers are required for any new construction or significant renovation of existing.

6. A note shall be added on the Plat that recognizes the discrepancy from the minimum standard from three feet (3') to five feet (5') on the south side yard area. It shall also be noted on the plat that the combined side yard setbacks of ten feet (10') shall complied with as the setback on the north side can be increased to seven feet (7') minimum.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 327 Woodside Avenue – Plat Amendment to combine two lots into a single lot of record (Application PL-15-02714)

Commissioner Worel referred to the Conditions of Approval on page 62 of the Staff report. She read Conditions 5 "The minor railroad tie retaining walls built over the south property line shall be addressed prior plat to recordation; and Condition 6, "The encroachments into the Woodside Avenue must be addressed prior to plat recordation." She could not recall ever seeing that language in the past and thought it was vague.

Planner Astorga explained that when the plat amendment was reviewed the Staff found that the retaining walls were built over the property lines; however, it was not how they were approved. Therefore, this applicant would have the responsibility of either removing the minor railroad retaining walls to meet what was approved, or to work with the neighboring property owner to get the retaining walls properly approved. One of those solutions would have to occur before the plat is recorded.

Commissioner Worel stated that she would be more comfortable if the language was changed to simply spell out what Planner Astorga had explained.

Planning Manager Sintz drafted language to say that, "The encroachment would be removed or an easement obtained with the adjacent property owner property owner prior to plat recordation." Commissioner Worel requested the same for Condition #6.

Assistant City Attorney McLean recommended replacing the word “addressed” with “resolved” to indicate that the retaining walls must be resolved with either an easement or removal prior to recordation.

Commissioner Campbell had an issue with Condition 7 and requested that it be re-written for clarification. He noted that the reference of 3’ to 5’ did not call out what was being changed. It was also noted that the word “complied with” in the second sentence should be replaced with the word “comply”.

Commissioner Campbell asked if the first sentence of Condition 7 was implying that the front yard setback was being increased from 3’ to 5’. Planner Astorga replied that it was the side yard setback. Commissioner Campbell pointed out that the condition did not specify that it was a side yard setback. Planner Astorga noted that the last part of the sentence states that it is the north side yard area. Commissioner Campbell remarked that if the side yard setback was being changed then the condition should specifically say “the side yard setback”. He thought the condition as written was unclear. Commissioner Thimm agreed.

Assistant City Attorney McLean recommended revising Condition #7 to read, “A note shall be added on the plat that states the LMC requirement of a 5’ setback for this size lot on the north side yard area is not complied with, and it is currently 3 feet”. She explained that the intent is to put people on notice that the side yard setback is an existing non-complying situation. For example, if someone wants to put an addition behind the structure, they would have to abide by the 5’ setback requirement.

Vice-Chair Joyce thought the same language needed to be replicated for the second sentence of Condition #7 regarding the 10’ and 7’ setbacks.

Assistant City Attorney McLean clarified that the intent of the second sentence was to indicate that the overall setback needs to add up to 10’. Planner Astorga explained that the LMC is written such that there are two standards for setbacks; the minimum setback which is 5’; and then adding both sides for a total of 10’. If they leave the existing setbacks it would be 3’ on one side and 5’ on the other side for a total of 8’, which would not comply with the 10’ combined total setback.

Assistant City Attorney McLean drafted language for the second sentence to read, “The note shall state on the plat that the combined yard setbacks shall be 10’. The south side yard setback side shall be a minimum of 7 feet.”

Commissioner Thimm pointed out that Condition 7 as revised also applied to 119 Woodside Avenue; however, he recognized that it had already been approved and it was too late to make any changes. Ms. McLean remarked that 119 Woodside would be going to the City Council for final approval and the Staff could revise the language prior to the City Council meeting.

Planner Astorga stated that he had inadvertently mixed up the north and south. He changed the reference to the north side yard to correctly read the south side yard.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council for the 327 Woodside Avenue plat amendment based on the Findings of Fact, Conclusions of Law and Conditions of Approval as amended. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 327 Woodside Avenue

1. The property is located at 327 Woodside Avenue.

2. The property is in the Historic Residential-1 District.

3. The subject property consists of Lot 7 and Lot 8, Block 30, Park City Survey.

4. Lot 7 contains a single-family dwelling, built in 2001.

5. Lot 8 is currently vacant.

6. The proposed Plat Amendment creates one (1) lot of record from the existing two (2) lots consisting of a total of 3,750 square feet.

7. The maximum building footprint for a lot this size, 3,750 square feet, is 1,519 square feet.

8. A single-family dwelling is an allowed use in the Historic Residential-1 District.

9. The minimum lot area for a single-family dwelling is 1,875 square feet.

10. The proposed lot meets the minimum lot area for a single-family dwelling.

11. A duplex dwelling is a conditional use in the Historic Residential-1 District.

12. The minimum lot area for a duplex dwelling is 3,750 square feet.

13. The proposed lot meets the minimum lot area for a duplex dwelling. Conditional uses are reviewed and approved by the Planning Commission.

14. The minimum lot width allowed in the Historic Residential-1 District is twenty-five feet (25').

15.The proposed lot is fifty feet (50') wide.

16. The proposed lot meets the minimum lot width requirement.

17. The minimum side yard setbacks for a twenty-five foot (25') wide lot are three feet (3').

18.The minimum side yard setbacks for a fifty foot (50') wide lot are five feet (5').

19. When the single-family dwelling was built in 2001, it was built with the minimum side yard setbacks of three feet (3') as the lot width qualified as such.

20. Once the two (2) lots are combined, it would make the existing single-family dwelling legal non-complying as the structure would not meet the increased side yard setbacks from three feet (3') to five feet (5').

21. The combined side yards setbacks are to be ten feet (10') per Table 15-2.2 in the Land Management Code.

22.As currently built a small portion of the house was designed three feet (3') from the north property line and most of the house is approximately four-and-a-half feet (4.5') from the same property line.

23. The submitted certified as-built survey shows four (4) minor railroad tie retaining walls on the south property line.

24. Staff was not able to identify the retaining wall on the south property line on the original building permit in 2000.

25. The railroad tie retaining walls and any encroachments across property lines need to be resolved prior to plat recordation.

26. The applicant bears the burden of proper approvals for the retaining walls, which may include an encroachment agreement with the neighbor, or the railroad tie retaining walls may be relocated or removed.

27. The proposed plat amendment will not cause undo harm to adjacent property owners.

28. The proposed lot area of 3,750 square feet is a compatible lot combination as the entire Historic Residential-1 District has abundant sites with the same dimensions.

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

Conclusions of Law – 327 Woodside Avenue

1. There is Good Cause for this Plat Amendment.

2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding Subdivisions.

3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.

4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 327 Woodside 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 (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. A ten feet (10') wide public snow storage easement will be required along the front of the property.

4. Fire sprinklers shall be required for all new construction or substantial renovations, as determined by the Park City Building Department during building permit review.

5. The minor railroad tie retaining walls built over the south property line shall be resolved prior plat recordation. The encroachment would be removed or an easement obtained with the adjacent property owner property owner prior to plat recordation.

6. The encroachments into the Woodside Avenue must be resolved prior to plat recordation. The encroachment would be removed or an easement obtained with the City prior to plat recordation.

7. A note shall be added on the Plat that states the LMC requirement of a five foot (5') setback for this size lot on the north side yard area is not complied with and is currently three feet (3'). The note shall state on the plat that the combined side yard setbacks shall be ten feet (10'). The side yard setback of the north side yard setback shall be a minimum of seven feet (7').

2. <u>429 Woodside Avenue – Steep Slope Conditional Use Permit for a new accessory structure on a lot with an existing historic home</u>
(Application PL-15-02733)

Planner Kirsten Whetstone reviewed the application for construction on a steep slope for a detached accessory building behind the historic house on 429 Woodside. The home has a large addition that was previously approved and constructed.

Planner Whetstone noted that this item was not put on the Consent Agenda due to the amount of public input received during the plat amendment process, as well as conversations she had with the Quittin' Time Condominium project during the HDDR review. The Staff felt it was best to put this item on the regular agenda for a public hearing.

Planner Whetstone reported that in September of 2012 there was a plat amendment at 429 Woodside Avenue. The owner purchased a large parcel behind the lot and received an approval for a plat amendment to combine the lots. Several conditions of approval were attached to the plat amendment. Planner Whetstone noted that the property was landlocked and only this owner or the condominiums could purchase the land and actually use it. She stated that the parcel was purchased with the intention of using it for additional living area.

Planner Whetstone stated that a condition of approval states that if the accessory structure contained more than 660 square feet of floor area it would require a Steep Slope CUP. She pointed out that the requirement is normally a 1,000 square feet, but due to the steepness of this particular lot, the Planning Commission reduced the requirement to 660 square feet through a condition of approval.

Planner Whetstone stated that the proposal presented this evening was a two-story accessory structure, approximately 924 square feet of floor area plus 396 square feet of basement area. The back of the lower story is considered basement area.

Planner Whetstone reported that another condition that was put on the plat stated that this accessory building could not be separately leased, rented or sold. Therefore, it could not be an accessory apartment. It also cannot be a guest house because it is not allowed to be a dwelling unit with a kitchen. Planner Whetstone remarked that it does have a kitchenette, which is allowed. It also has bedrooms and bathrooms.

Planner Whetstone stated that on this conditional use permit the Staff was recommending a condition to deed-restrict this property prior to receiving a building permit, which states, "The detached accessory building may not be sold, leased or used as a separate dwelling unit or as an accessory apartment, and the detached accessory building may not be attached to the main house. Planner Whetstone reiterated that the structure cannot have a kitchen as defined by the LMC as a range having a 220 volt. The Staff also recommended a condition stating that there cannot be separate utilities and all of the utilities must come from the existing house. In addition, there must be substantial compliance with the plans before a building permit can be issued.

The Planning Staff reviewed the proposed building for compliance with the Steep Slope Criteria and found that it meets the footprint requirement, it is within the platted building pad, and the building height is lower than the maximum.

The Staff recommended that the Planning Commission conduct a public hearing and consider approving the Steep Slope Conditional Use Permit at 429 Woodside Avenue based on the findings of fact, conclusions of law and conditions of approval outlined in the Staff report.

Vice-Chair Joyce opened the public hearing.

There were no comments.

Vice-Chair Joyce closed the public hearing.

Vice-Chair Joyce asked if the deed restriction would be noted on the plat. Planner Whetstone replied that the plat was already recorded; however the restriction would be recorded against the deed. Commissioner Band noted that it would come up in a title search.

Vice-Chair Joyce explained that he asked the question because many times people pull the plat but they do not research the history of Planning Commission meetings to see whether there were specific restrictions. He wanted to make sure that the deed restrictions were clear and easy for a future owner to identify. Planner Whetstone stated that a note on the plat indicates that the dwelling cannot be separately leased or sold. Vice-Chair Joyce was comfortable with having that note on the plat.

MOTION: Commissioner Thimm moved to APPROVE the Steep Slope CUP for 429 Woodside Avenue based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the Staff report. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 429 Woodside Avenue

1. The property is Lot 1 of the 429 Woodside Avenue plat amendment. The plat amendment was approved by City Council on September 27, 2012, and recorded at Summit County on June 5, 2013.

2. Lot 1 contains 11,426 sf of lot area and is an uphill lot that slopes up and westward towards the adjacent Park City Mountain Resort ski trails.

3. The property is located within the Historic Residential (HR-1) zone. The Historic Residential zone is characterized by a mix of single family homes, multi-family homes, and smaller historic homes.

4. The existing house is listed as a “Significant” structure on the Park City Historic Sites Inventory.

5. On September 10, 2008, the Planning Commission approved a Steep Slope Conditional Use Permit for the reconstruction and addition at 429 Woodside Avenue. The reconstruction and addition to 429 Woodside is complete and a certificate of occupancy has been issued.

6. A Steep Slope Conditional Use Permit is a condition of approval of the 429 Woodside Avenue plat amendment for construction of an accessory building greater

than 660 sf within the platted building pad.

7. The LMC requires a Steep Slope Conditional Use Permit for construction of more than1,000 sf on a slope of 30% or greater. The proposed construction of 1,320 sf is located on an area with slopes ranging from 40% to 46%.

8. On April 1, 2015, the applicant submitted a Steep Slope CUP application for the accessory building to be located on the property behind the historic house. The application was considered complete on April 14, 2015.

9. This Steep Slope CUP application is for construction of an accessory building containing 924 sf of residential floor area (1320 sf of total living area with 396 sf of basement area below final grade) with a building footprint of 660 sf.

10.Access to the property is from Woodside Avenue. Access to the accessory building is from the patio area behind the main house. No changes are proposed to the existing driveway, access or garage.

11.The minimum lot size for a single family home in the HR-1 zone is 1,875 sf.

12.The maximum building footprint for the lot is 3,006 sf. The plat amendment limited the total building footprint to 2,698 sf. The proposed building footprint is 2,529.3 sf including the existing footprint of the historic house, completed additions, and the proposed accessory building. The allowed maximum building footprint for the accessory building is 660 sf to be located within the 804 sf platted building pad area. The proposed building footprint for the accessory building is 660 sf.

13.The maximum height limit in the HR-1 zone for a single family home is 27’ above existing grade. The Planning Commission approved a height exception of 33’1” on September 10, 2008 for the central dormer addition to the historic house. The proposed accessory building has a height of approximately 17’10” above existing grade. Accessory buildings located within the rear setback area have a maximum height of 18’. The proposed building is not located with the rear setback area.

14.Setbacks for the lot are 5’ minimum on the sides with a combined side yard minimum of 14’, and 15’ minimum for existing house in front and 15’ in rear for accessory building.

15.Existing historic house has a 13’ front setback and is a legal non-complying structure. The existing addition has a 20’ front setback.

16.Construction of the accessory building is limited to the platted building pad located behind the existing house. The accessory building has a 37’ rear setback, a 5’ south side setback, and 54’ north side setback.

17.A total of 2 parking spaces exist with one space in a garage and one space on the driveway. No additional parking is required.

18.One of the goals identified in the current General Plan is to ensure that the character of new construction is architecturally-compatible to the existing historic character of Park City. The design has been reviewed for compatibility with the adopted Historic District Design Guidelines.

19.The HDDR application was submitted on December 29, 2014, and deemed complete on February 14, 2015. Additional revisions were provided on March 2, 2015 and the HDDR was approved on April 10, 2015 with a condition that a Steep Slope CUP was a condition precedent to issuance of a building permit for the accessory building.

20.The plans indicate no change in final grade around the perimeter of the house exceeds four (4’) feet with the change in grade generally limited to two feet or less.

21.The proposed massing and architectural design components are compatible with both the volume and massing of the existing house and neighboring structures. The building volume is not maxed out in terms of overall footprint, setbacks, height, or potential floor area and much of the building volume of the lower floor is located below final grade.

22.The proposed structure will not be viewed from the key advantage points as indicated in the LMC Section 15-15-1.283, with the exception of the cross canyon view.

23.The applicant submitted a visual analysis/ perspective, cross canyon view and a streetscape. The design mitigates visual impacts of the cross canyon view in that the proposed structure is located to the rear of the four story house set back more than eighty (80) feet from the edge of Woodside Avenue. The height is minimized and the foundation steps with the topography. No changes are proposed to the front façade, garage, or access.

24.The accessory building is located and designed in such a manner as to minimize cut and fill that would alter the perceived natural topography as the

foundation is stepped and the final grade is within two feet of the existing grade.

25.The design includes a stepped foundation, minimal grading, increased setbacks, and approximately half of the lower floor is basement space below grade to maximize the opportunity for open area and natural vegetation to remain on the site.

26.Due to the height of the main house at thirty-one feet and the two story accessory building located 24' behind the main house, the structure will not be visible from the Woodside Avenue right-of-way and is subordinate to the main building.

27.No wall effect along Woodside Avenue is created by the accessory building due to the proposed location behind the main house. No changes to the front façade are proposed.

28.The accessory building is incidental to the main use, operated and maintained for the benefit of the primary use (the main house) and is not a dwelling unit. Accessory buildings are an allowed use in the HR-1 zone.

29.The 429 Woodside plat includes a note stating that "any detached, accessory structure constructed on the rear portion of the Lot must be used as a part of the existing house and may not be rented, sold, or leased separately from the main house".

30.The accessory building is not a Guest House as it is not a dwelling unit.

31.The accessory building is proposed to be used as additional living space for the main house and contains three bedrooms, three bathrooms, a living/dining room, a kitchenette, and ski prep/storage space.

32.The LMC defines a Kitchenette as, "An area used or designed for the preparation of food and containing a sink, refrigerator, and an electrical outlet which may be used for a microwave oven. No 220V outlet for a range or oven is provided. A Kitchenette is not intended to be used in such a manner as to result in the establishment of an additional Dwelling Unit".

33.All utility services for the accessory building will be extended from those that exist for the house.

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

35.The applicant stipulates to the conditions of approval.

Conclusions of Law – 429 Woodside Avenue

1. The Steep Slope CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.2-6(B), criteria for Steep Slope CUP.

2. The Steep Slope CUP, as conditioned, is consistent with the Park City General Plan.

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

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

Conditions of Approval – 429 Woodside Avenue

1. All Standard Project Conditions shall apply.

2. City approval of a construction mitigation plan (CMP) is a condition precedent to the issuance of any building permits. The CMP shall include language regarding the method of protecting the historic house on the property.

3. A final utility plan, including a drainage plan, for utility installation, public improvements, and storm drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers, including Snyderville Basin Water Reclamation District, prior to issuance of a building permit. Separate utility service/metering is not allowed for the accessory service

4. 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.

5. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.

6. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Steep Slope Conditional Use Permit and the Historic District Design Review.

7. All conditions of approval of the 429 Woodside Avenue plat amendment, as stated in Ordinance 12-28, shall continue to apply.

8. As part of the building permit review process, the applicant shall submit a copy of the certified topographical survey of the property with roof elevations over topographic and USGS elevation information relating to existing grade and proposed building height to confirm that the building complies with all height restrictions.

9. The applicant shall submit a detailed shoring plan prior to the issue of a building permit. The shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer. The shoring plan shall take into consideration protection of the historic structure on the lot.

10.This approval will expire on May 27, 2016, if a building permit application has not been received and a permit issued before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration and is granted by the Planning Director, upon required public notice.

11.Modified 13-D residential fire sprinklers are required for all new construction on this lot, unless otherwise stipulated by the Chief Building Official.

12.All exterior lighting shall be shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited.

13.Construction waste shall be diverted from the landfill and recycled when possible.

14.All electrical service equipment and sub-panels and all mechanical equipment, except those owned and maintained by public utility companies and solar panels, shall be painted to match the surrounding wall color or painted and screened to blend in with the surrounding natural terrain.

15.A deed restriction shall be recorded against the property prior to issuance of a building permit stating that the detached accessory building may not be sold, leased, or used as a separate dwelling unit or as an accessory apartment and the detached accessory building may not be attached to the main house.

16.The accessory building may not contain a kitchen as defined by the LMC and 220 V outlets are not permitted within the accessory building. This condition shall be reflected on the deed restriction.

17.All utility services, including water, sewer, power, etc., for the accessory building shall be extended from the existing utility services and shall not be installed as separate services that would allow the accessory building to become a separate unit. This condition shall be reflected on the deed restriction.

18.Plans submitted for a Building Permit must substantially comply with the plans reviewed by the Planning Commission on May 27, 2015.

Commissioner Thimm understood that the LMC defines a kitchen as a room with a 220 volt outlet. He asked if it would not be considered a kitchen if someone put in a gas range. Planner Whetstone believed the definition also specifies an oven or range. Commissioner Band recalled that the LMC prohibits a 220 volt outlet in the entire dwelling, which also prohibits a dryer.

Assistant City Attorney McLean read the definition of a kitchenette from the LMC. "A kitchenette is defined as an area used or designated for the preparation of food and containing a sink, refrigerator and electrical outlet which may be used for a microwave oven. No 220 volt outlet for a range or oven is provided. A kitchenette is not intended to be used in such as a manner as to result in the establishment of an additional dwelling unit."

Ms. McLean stated that a kitchen is defined as, "An enclosed area for the preparation of food and containing a sink, refrigerator and stove." She read the definition of a dwelling unit as defined by Code. "A dwelling unit is a building or a portion thereof that is designed for use as the residence or sleeping place of one or more persons or families, and includes a kitchen but does not include a hotel, motel, lodge, nursing home, or walk-out unit."

Vice-Chair Joyce thought the definition of a kitchenette aligns with the idea of not having a 220 volt outlet; however, it ignores the fact that it is not supposed to have an oven or stove. Specifying a 220 volt outlet would not prohibit a gas range in a kitchenette.

The Planning Commission and the Staff agreed that the definitions should be revised and clarified as an LMC Amendment.

The Park City Planning Commission Meeting adjourned at 6:20 p.m.

Approved by Planning Commission: _____

Planning Commission
Staff Report

Application No: **PL-15-02665**
Subject: **259, 261, 263 Norfolk Avenue**
Upper Norfolk Subdivision Plat
Author: **Francisco J. Astorga, City Planner**
Date: **June 10, 2015**
Type of Item: **Administrative – Amending Conditions of Approval on Ordinance No. 06-55**

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the Upper Norfolk Subdivision Plat Amendment, located at 259, 261, 263 Norfolk Avenue, to amend conditions of approval on Ordinance No. 06-55 adopted in 2006 continue the item to the June 27, 2015 Planning Commission meeting to allow the applicant additional time to work through their application.

Description

Applicants:	259 Upper Norfolk, LLC, Amos Fiat, member 261 Upper Norfolk, LLC, Amos Fiat, member 263 Upper Norfolk LLC, John Pelichioud, member Represented by Jerry Fiat
Location:	259/261/263 Norfolk Avenue
Zoning:	Historic Residential (HR-1) District
Adjacent Land Uses:	Residential
Reason for Review:	Plat amendments require Planning Commission review and City Council approval

Proposal

This is a request to remove two (2) conditions of approval on executed Ordinance No. 06-55 adopted in 2006 which approved the Upper Norfolk Subdivision Plat. One of the conditions of approval in the Ordinance called for construction access to take place from King Road rather than Upper Norfolk Avenue. Construction access was made possible through temporary access agreements with adjacent property owners with access from King Road. The agreement was executed and recorded in October 2006, with a stipulation that it would become void December 2009. The Upper Norfolk Subdivision received approval in July 2006 and the plat was recorded in June 2007.

Planning Commission
Staff Report

Application No: **PL-14-02451 + PL-15-02471**
Subject: **550 Park Avenue**
Author: **Francisco J. Astorga, Senior Planner**
Date: **June 10, 2015**
Type of Item: **Administrative – Conditional Use Permit, Use and Steep Slope**

Summary Recommendation

Staff recommends the Planning Commission conduct a public hearing and continue the 550 Park Avenue Conditional Use Permit, Steep Slope and Use, to a date uncertain to allow Staff and the applicant additional time to work through the applications.

Description

Applicant:	545 Main Street Holdings, LLC represented by Billy Reed and Jonathan DeGray
Location:	550 Park Avenue
Zoning:	Historic Residential-2
Adjacent Land Uses:	Residential + Commercial
Reason for Review:	Conditional Use Permits require Planning Commission review and approval.

Proposal

This application is a request for a Steep Slope Conditional Use Permit for a new single-family dwelling on a vacant lot of record and a Conditional use Permit for a *Residential Parking Area or Structure with five (5) or more spaces, associated with a residential Building on the same Lot.* Both uses would be accommodated on the same structure/lot.

Planning Commission
Staff Report

PARK CITY 1884
PLANNING DEPARTMENT

Subject: **936 Empire Avenue**
Project #: **PL-15-02618**
Author: **Christy J. Alexander, AICP, Planner II**
Date: **June 10, 2015**
Type of Item: **Administrative – Modification to a Steep Slope Conditional Use Permit**

Summary Recommendations

Staff recommends the Planning Commission review the application for a Modification to a Steep Slope Conditional Use Permit (CUP) at 936 Empire Avenue, conduct a public hearing, and consider approving the Modification to the Steep Slope CUP for 936 Empire Avenue. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

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

Description

Owner/ Applicant:	Steve Rosenberg
Architect:	Bill Van Sickle, designer/Larry Feldman, representative
Location:	936 Empire Avenue
Zoning:	Historic Residential (HR-1)
Adjacent Land Uses:	Residential single family homes, duplexes, and condos
Reason for Review:	Construction of structures with greater than 1,000 square feet of floor area and located on a steep slope (30% or greater) requires a Conditional Use Permit. The modification to the April 8, 2015 approval of the Steep Slope Conditional Use Permit is required due to minimal changes in the design of the proposed home.

Proposal

This application is a modification to the Steep Slope Conditional Use Permit which the Commission approved on April 8, 2015. The previous SSCUP was for a 3,815 square feet new single family home (including the full basement area and garage) on a 2,812.5 square foot lot located at 936 Empire Avenue. The new design is for the same square footage of 3,815 square feet and the same footprint of 1,201 square feet. The original SSCUP was based off assumptions and a pending application to the building department that the neighbor to the north would be demolishing their existing home and existing retaining walls in spring 2015. Due to the neighbor to the north at 940 Empire Avenue not demolishing their home this Spring, the existing home at 940 Empire Avenue and retaining walls encroach onto the subject property's lot by 0.3 feet and the design of the new single family home proposed for 936 Empire needed to be

redesigned to meet fire code setbacks of 5 feet from any existing structures. Condition of Approval #7 of the April 8, 2015 approval stated:

7. The existing home and retaining wall to the north that are encroaching on this property must be demolished prior to building permit approval. If the home and wall are not demolished the proposed home at 936 Empire Avenue will need to be redesigned to meet current LMC required setbacks and building code requirements from existing structures and this Steep Slope Approval shall be amended or voided.

The applicant redesigned the home and therefore needs to come before the Commission for a modification to the SSCUP approved on April 8, 2015. Please see the April 8, 2015 staff report enclosed as Exhibit C and what changed in Exhibit B.

Background

On April 15, 2015, the City received an application for a Modification to the existing Steep Slope Conditional Use Permit (CUP) for "Construction on a Steep Slope" at 936 Empire Avenue. The application was deemed complete on April 15, 2015.

A separate Amendment to the Historic District Design Review (HDDR) application for the proposed home was submitted on April 15, 2015. This application was approved on May 27, 2015 for compliance with the Design Guidelines for Historic Districts and Historic Sites that were adopted in 2009.

Please see Exhibit C for the more background info from the April 8, 2015 report and approval.

Analysis

Nothing has changed since the April 8, 2015 report in regards to square footage and footprint size. The applicant shaved 2.3 more feet off the north side of the home in order to meet fire code setback requirements of 5 feet from the nearest structures. The existing home to the north encroaches on the property by 0.3 feet so the new design is setback 5.3 feet off the north property line. The applicant then brought the garage 2 feet forward to the 10 foot front setback and slightly modified the home increasing it further into the rear yard 4 feet more without changing the total square footage or footprint square footage. See below for description and changes of each floor. Areas highlighted in yellow are the only changes found with the revised design:

Floor	April 8, 2015 - Proposed Sq. Ft. for Home	June 10, 2015 - Proposed Sq. Ft. for Home
Basement	1,198 square feet	1,198 square feet
Garage	357 square feet	373 square feet
Lower	801 square feet	801 square feet
Main	844 square feet	828 square feet
Upper	615 square feet	615 square feet
Overall area	3,815 square feet	3,815 square feet

Staff reviewed the plans and made the following LMC related findings:

Requirement	LMC Requirement	Proposed for New Home
Lot Size	Minimum of 1,875 square feet	2,812.5 square feet, complies.
Building Footprint	1,201 square feet (based on lot area) maximum	1,201 square feet, complies.
Front and Rear Yard	10 feet minimum (decks, porches and bay windows may extend up to 3' into the front setback for a max width of 10')	Front- 10 feet, complies. Rear- 14 feet, complies.
Side Yard	3 feet minimum for lot (6 feet total) There are existing encroachments to the north due to the existing home and retaining wall which require a 5.3 foot setback on the north side only.	3 feet on the south side; 5.3 feet on the north side, complies.
Height	27 feet above existing grade, maximum. 35 feet above existing grade is permitted for a single car garage on a downhill lot.	Various heights all at or less than 27 feet - complies. No height exception for garage is requested.
Total Building Height	35 feet from lowest floor plane to highest wall plate	35 feet- complies.
Final grade	Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.	(4 feet) or less- complies.
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.	Third story on rear façade is 10' back from lower levels at 23' height–complies.
Roof Pitch	Roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.	7:12 for all primary roofs - complies.
Parking	Two (2) off-street parking spaces required	Two (2) spaces within the proposed double car garage- complies.

The current design complies with the 35 foot total height requirement from the lowest floor plane to the point of the highest wall top plate. The current design was approved on May 27, 2015 for their Amendment to the Historic District Design Review application and remains consistent to that which was approved on April 8, 2015 (see Exhibit A and Exhibit B for elevations to compare the similarity of the two home designs).

Steep Slope Review Criteria
The change in the home design due to the increase in north setback is de minimus and does not increase any impact therefore staff has made no changes to the Steep Slope Review Criteria analysis since the April 8, 2015 meeting and requests the Planning Commission review that analysis for the modification.

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. Approval of the Historic District Design Review application is noticed separately and is a condition of building permit issuance. Recordation of the Plat within one year of City Council approval is also a condition of building permit issuance.

Department Review
This project has gone through an interdepartmental review. No further issues were brought up at that time other than standards items that have been addressed by revisions and/or conditions of approval.

Notice
On May 27, 2015, the property was posted and notice was mailed to property owners within 300 feet. On May 23, 2015, legal notice was published in the Park Record in accordance with requirements of the LMC.

Public Input
At the time of publishing this report, no public input was received on this Steep Slope CUP application.

Alternatives
- The Planning Commission may approve the Modification to the Steep Slope Conditional Use Permit for 936 Empire Avenue, or
- The Planning Commission may deny the Modification to the Steep Slope CUP Permit for 936 Empire Avenue and direct staff to make Findings for this decision, or
- The Planning Commission may request the applicant provide revisions or provide other specific items and continue the discussion to a date certain.

Significant Impacts
As conditioned, there are no significant fiscal or environmental impacts from this application. The lot is a combination of one and a half vacant lots.

Recommendation

Staff recommends the Planning Commission review the application for a Modification to the Steep Slope Conditional Use Permit at 936 Empire Avenue, conduct a public hearing, and consider approving the Modification to the Steep Slope CUP for 936 Empire Avenue as outlined in this report. 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 936 Empire Avenue.
2. The property is located within the Historic Residential (HR-1) District and meets the purpose of the zone.
3. The property is described as Lot 1 of the 936 Empire Avenue Subdivision. The lot area is 2,812.5 square feet.
4. A Steep Slope CUP for 936 Empire Avenue was approved on April 8, 2015. This application is a modification to that application.
5. A Historic District Design Review (HDDR) application was approved on April 31, 2015 for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009.
6. An Amendment to the Historic District Design Review (HDDR) application (in conjunction with this Steep Slope CUP) was approved on May 27, 2015 for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009.
7. This lot is a combination of one and a half "Old Town" lots, which was previously vacant. This is a downhill lot.
8. Access to the property is from Empire Avenue, a public street.
9. The lot has an average slope, across the entire depth, of twenty four percent (24%) but upwards of 35-38% slopes within the first 20 feet from the ROW.
10. There is an existing home and retaining wall to the north that encroaches onto the property by 0.3 feet. The fire code requires that any new structures on the property be setback at minimum five feet from existing structures with a one hour fire wall or a setback of six feet with no fire wall.
11. Two parking spaces are proposed on site. Two spaces are proposed within an attached garage within the lot area.
12. The neighborhood is characterized by primarily non-historic and historic residential structures, single family homes, duplexes and condos.
13. The proposal consists of a total of 3,815 square feet, including the basement area and a double car garage.
14. The proposed driveway was designed with a maximum width of 16 feet and is approximately 10 feet in length from the garage to the existing edge of street with a minimum of 10 feet of driveway located on the property. The garage doors comply with the maximum height and width of nine feet by nine feet.
15. The proposed driveway has an overall slope of 0.14% as measured from the front of the garage to the edge of the paved street.
16. An overall combined building footprint of 1,201 square feet is proposed. The maximum allowed footprint for this lot is 1,201 square feet.
17. The proposed structure complies with all setbacks with a 10' front yard, 14' rear yard, 3' south side yard and 5.3' north side yard setbacks.

18. The proposed structure complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less than 27' in height.
19. The proposed home complies with the LMC required total building height of 35' from the lowest floor plane to the highest wall plate and is in compliance with the LMC required step back of 10' at the building height of 23' at the rear façade.
20. Retaining is not necessary around the home on the upper, steeper portion of the lot. There will be no free-standing retaining walls. There are no window wells.
21. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography.
22. The site design, stepping of the foundation and building mass, increased articulation, and decrease in the allowed difference between the existing and final grade mitigates impacts of construction on the 30% or greater slope areas.
23. The design includes setback variations in the front and back and lower building heights for portions of the structure in both the front and back where facades are less than twenty-seven feet in height.
24. The proposed massing and architectural design components are compatible with both the volume and massing of other single family dwellings in the area. No wall effect is created with adjacent structures due to stepping, articulation, varied setbacks, and placement of the house on the lot.
25. The proposed structure follows the predominant pattern of buildings along the street, maintaining traditional setbacks, orientation, and alignment. Lot coverage, site grading, and steep slope issues are also compatible with neighboring sites. The size and mass of the structure is compatible with surrounding sites, as are details such as foundation, roofing, materials, window and door openings, and double car garages.
26. No lighting has been proposed at this time. Lighting will be reviewed at the time of Building Permit application for compliance with the LMC lighting code standards.
27. The applicant submitted a visual analysis, cross canyon view, and streetscape showing a contextual analysis of visual impacts of the proposed structure on the adjacent streetscape.
28. The findings in the Analysis section of this report are incorporated herein.
29. The applicant stipulates to the conditions of approval.

Conclusions of Law:

1. The Steep Slope CUP application is consistent with the Park City General Plan.
2. The application is consistent with requirements of the Park City LMC, specifically Section 15-2.2-6 (B) (1-10) regarding development on Steep Slopes.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval:

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.

3. A final utility plan, including a drainage plan, for utility installation, public improvements, and storm drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers, including Snyderville Basin Water Reclamation District, prior to issuance of a building permit.
4. 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.
5. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.
6. No building permits shall be issued for this project unless it meets the design approved by the Planning Department staff on May 27, 2015 for compliance with this Conditional Use Permit, the 2009 Design Guidelines for Historic Districts and Historic Sites (Historic District Design Review) and the Land Management Code.
7. The plat approved by City Council on February 12, 2015 shall be recorded prior to Building Permit issuance.
8. If required by the Chief Building Official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building official, the shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.
9. This approval will expire on June 10, 2016, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and the request is granted by the Planning Director.
10. Modified 13-D residential fire sprinklers are required for all new structures on the lot.
11. All exterior lighting, on porches, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way. Light trespass into the night sky is prohibited.
12. Construction waste should be diverted from the landfill and recycled when possible.
13. All electrical service equipment and sub-panels and all mechanical equipment, except those owned and maintained by public utility companies and solar panels, shall be painted to match the surrounding materials or screened from public view.

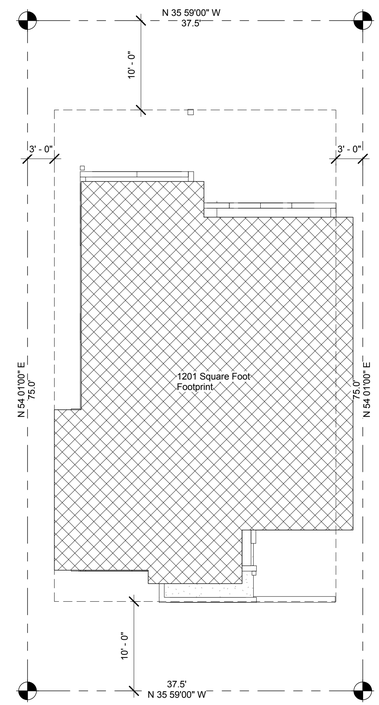
Exhibits

Exhibit A - Plans (existing conditions, site plan, landscape plan, elevations, floor plans (date stamped April 15, 2015)
Exhibit B – Visual of what changed to the plans
Exhibit C – April 8, 2015 Staff Report
Exhibit D – April 8, 2015 PC Meeting Minutes

EXHIBIT A

New Residence

936 Empire Avenue
Park City, Utah 84098



2 Footprint Plan
1/8" = 1'-0"

Sheet List	
Sheet Number	Sheet Name
A1.1	Cover Sheet
A1.2	General Notes
A1.3	Site Plan
A2.0	Basement Floor
A2.1	Lower Level Plan
A2.2	First Floor Plan
A2.3	Second Floor Plan
A3.0	Perspectives
A3.1	Elevations
A3.2	Elevations
A3.3	Roof Plan
A4.1	Building Sections
A4.2	Building Sections
A4.3	Wall Sections
A4.4	Interior Elevations
A5.1	Basement Relected Ceiling Plan
A5.2	Lower Floor Reflected Ceiling
A5.3	First Floor Reflected Ceiling Plan
A5.4	Second Floor Reflected Ceiling Plan
E1.1	Basement Electrical Plan
E1.2	Lower Electrical Plan
E1.3	First Floor Electrical
E1.4	Second Floor Electrical
S1.1	Foundation Plan
S2.1	Lower Floor Framing
S2.2	First Floor Framing
S2.3	Second Floor Framing
S2.4	Roof Framing

1. Radon Mitigation Plan AF103.6
Sub Slab Pressurization System (Passive) Radon piping in crawl space at bottom of footing level with washed gravel fill to top of footing covered with 6 mil plastic with 12" overlap on plastic joints.
Vertical termination of radon pipe thru the mechanical room thru the roof.
Sub Slab Pressurization System (Active) AF103.12
Electrical outlet for in-line powered vent in mechanical room.

NOTES:
1. CERTIFICATE OF SURVEY REQUIRED AFTER THE FOOTINGS AND PRIOR TO FOUNDATION WALLS AND PRIOR TO SHEARWALL/4-WAY INSPECTION
2. CERTIFICATE OF ELEVATION: THE ELEVATIONS AT THE TOP OF FOUNDATION AT 4 MAJOR CORNERS OR ROOF RIDGES IS REQUIRED AFTER THE FOUNDATION HAS BEEN POURED AND PRIOR TO SHEARWALL/4-WAY INSPECTION.
3. ALL 2/5 lb GAS PIPE SYSTEM METER SETS REQURIES PRIOR APPROVAL FROM QUESTAR GAS. PROVIDE A LETTER FROM QUESTAR APPROVING SYSTEM.
4. GAS LINE INTO HOUSE SHALL NOT BE LESS THAN 1"
5. (3) BACK FLOW PREVENTORS, HOUSE, LANDSCAPE AND STOP AND WASTE

Code Compliance
- 2012 IRC
- 2012 IBC
- 2012 IPC
- 2012 IMC
- 2012 NEC

Deferred Submittals:
1- Truss Specifications
2 - Fireplace Specifications
3 - Fire Sprinkler System (if required)
4 - Engineering on Rock Retaining Walls

Square Footage	
Name	Area
Main Living	828 SF
Garage	373 SF
Basement	1198 SF
Upper Level	615 SF
Lower Level	801 SF
Total Living	3,458 SF
Total Gross	3,815 SF

SPECIAL STRUCTURAL NOTES:
1. ANY FIELD WELDING OR TORCH WORK WILL REQUIRE A SEPERATE "HOT WORK" PERMIT PRIOR TO BEGINNING WORK IFC 105.6.11

ABBREVIATION LEGEND

#	NUMBER	E.S.	EACH SIDE	OF.	OUTSIDE FACE
@	AT	EW.	EACH WAY	O.H.	OVERHEAD
℄	CENTER LINE	EXIST.	EXISTING	OHD.	OVERHEAD DOOR
°	DEGREE	EXPAN.	EXPANSION	OPP.	OPPOSITE
∠	ANGLE	EXT.	EXTERIOR	PART.	PARTITION
AB.	ANCHOR BOLT	F.D.	FLOOR DRAIN	P.C.F.	POUNDS PER CUBIC FOOT
ADJ.	ADJUSTABLE	FND.	FOUNDATION	PERP.	PERPENDICULAR
ABV.	ABOVE	F.E.	FIRE EXTINGUISHER	PL.	PLATE
AFF.	ABOVE FINISH FLOOR	F.E.C.	FIRE EXTINGUISHER CABINET	P.L.F.	POUNDS PER LINEAR FOOT
A.I.A.	AMERICAN INSTITUTE OF ARCHITECTS	F.F.	FINISH FLOOR	PNTD.	PAINTED
ALUM.	ALUMINUM	FIN.	FINISH	PROT.	PROTECTION
APPROX.	APPROXIMATE	FLR.	FLOOR	P.S.F.	POUNDS PER SQUARE FOOT
ARCH.	ARCHITECT/ARCHITECTURAL	FTG.	FOOTING	P.S.I.	POUNDS PER SQUARE INCH
A.S.T.M	AMERICAN SOCIETY FOR TESTING MATERIALS	GA.	GAGE/GAUGE	QTY.	QUANITY
BD.	BOARD	GALV.	GALVANIZED	RAD.	RADIUS
BITUM.	BITUMOUS	GND.	GROUND	REINF.	REINFORCED
BLDG.	BUILDING	GYP. BD.	GYPSUM WALL BOARD	REQ'D	REQUIRED
BM.	BENCH MARK	HDW.	HARDWARE	RM.	ROOM
B.O.	BOTTOM OF	HORIZ.	HORIZONTAL	R.O.	ROUGH OPENING
BOT.	BOTTOM	HR.	HOUR	SCHED.	SCHEDULE
BRG.	BEARING	HT.	HEIGHT	S.D.I.	STEEL DECK INSTITUTE
BTWN.	BETWEEN	HVAC	HEATING/VENTILATION/ AIRCONDITIONING	SHTR.	SHUTTER
CER.	CERAMIC	HYD	HYDRANT	SIM.	SIMILAR
CLG.	CEILING	I.D.	INSIDE DIAMETER	SPEC.	SPECIFICATION
CLR.	CLEAR	IF.	INSIDE FACE	STD.	STANDARD
CMU.	CONCRETE MASONARY UNIT	IN.	INCH	STL.	STEEL
COL.	COLUMN	INFO.	INFORMATION	STR.	STRUCTURAL
CONC.	CONCRETE	INSUL.	INSULATION	SUPER.	SUPERVISOR
CONT.	CONTINUOUS	LAV.	LAVATORY	SUSP.	SUSPENDED
CONST.	CONSTRUCTION	MAINT.	MAINTENANCE	THRU.	THROUGH
COORD.	COORDINATE	MANUF.	MANUFACTURER	TOS.	TOP OF STEEL
C.J.J.	CONTRACTION JOINT	MAX.	MAXIMUM	T.O.A.	TOP OF ASPHALT
DBL.	DOUBLE	MAT.	MATERIAL	T.O.C.	TOP OF CURB
DEPT.	DEPARTMENT	MECH.	MECHANICAL	T.O.F.	TOP OF FOOTING
DET.	DETAIL	MFR.	MANUFACTURER	T.O.S.	TOP OF SLAB
DIA.	DIAMETER	MIN.	MINIMUM		DIMENSION
DTL.	DETAIL	MISC.	MISCELLANEOUS	T.O.W.	TOP OF WALL
DWGS.	DRAWINGS	M.O.	MASONRY OPENING	TYP.	TYPICAL
E.	EAST	MTL.	METAL	U.N.O.	UNLESS NOTED OTHERWISE
EA.	EACH FACE	N.T.S.	NOT TO SCALE		
E.J.	EXPANSION JOINT	N.C.	NOT IN CONTACT	VERT.	VERTICAL
ELEV.	ELEVATION	O.C.	ON CENTER	W/	WITH
EQ.	EQUAL	O.D.	OUTSIDE DIAMETER	WD.	WOOD
				WWF.	WELDED WIRE FABRIC

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Cover Sheet

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

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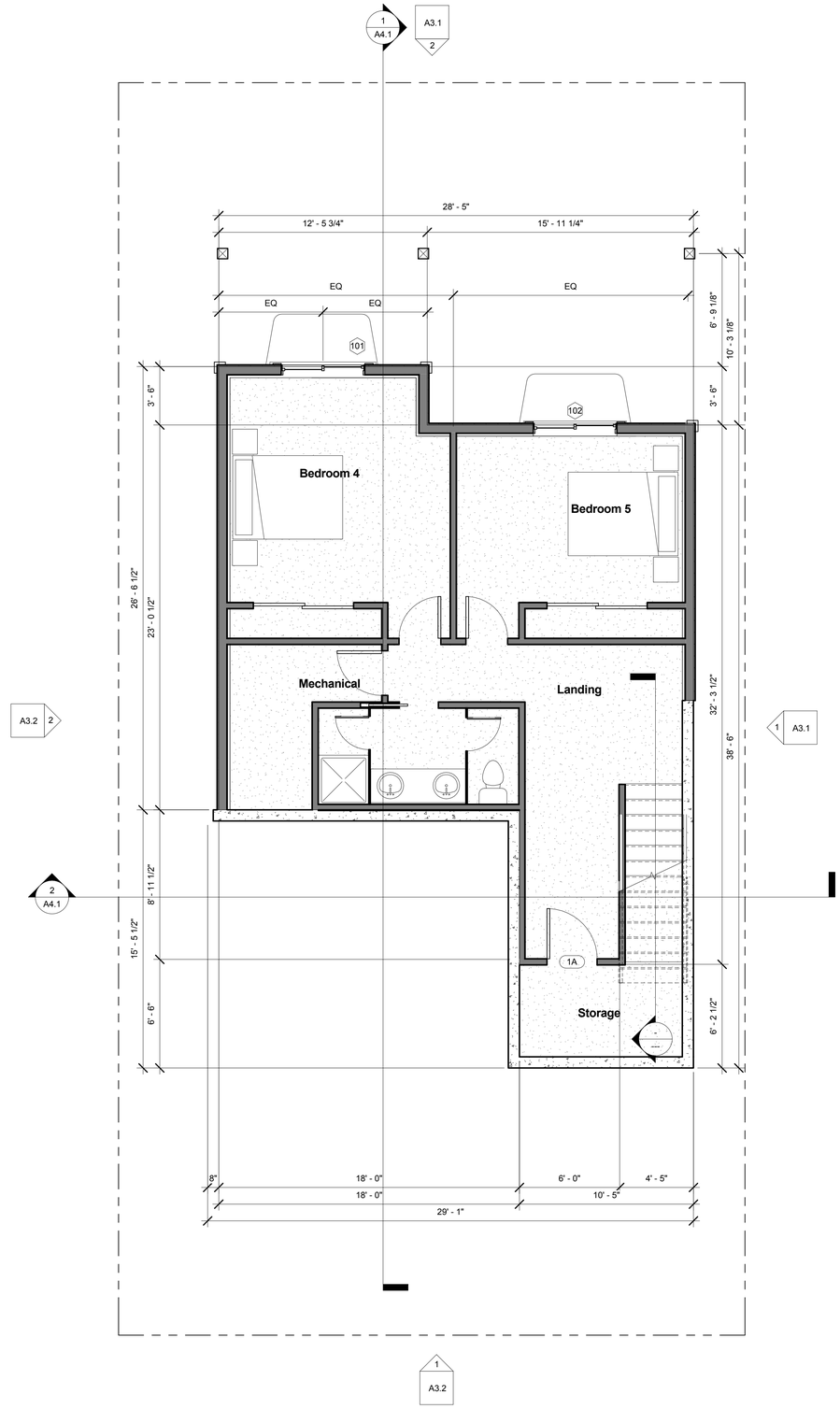

1 Basement
1/4" = 1'-0"

Window Schedule - Basement					
Rough Opening					
Mark	Width	Height	Type	Manufacturer	Comments
101	5' - 0"	4' - 0"	Slider		
102	5' - 0"	4' - 0"	Slider		

Door Schedule - Basement				
Door Number	Door Size	Manufacturer	Model	Finish / Comments
1A	36" x 80"			

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Basement Floor

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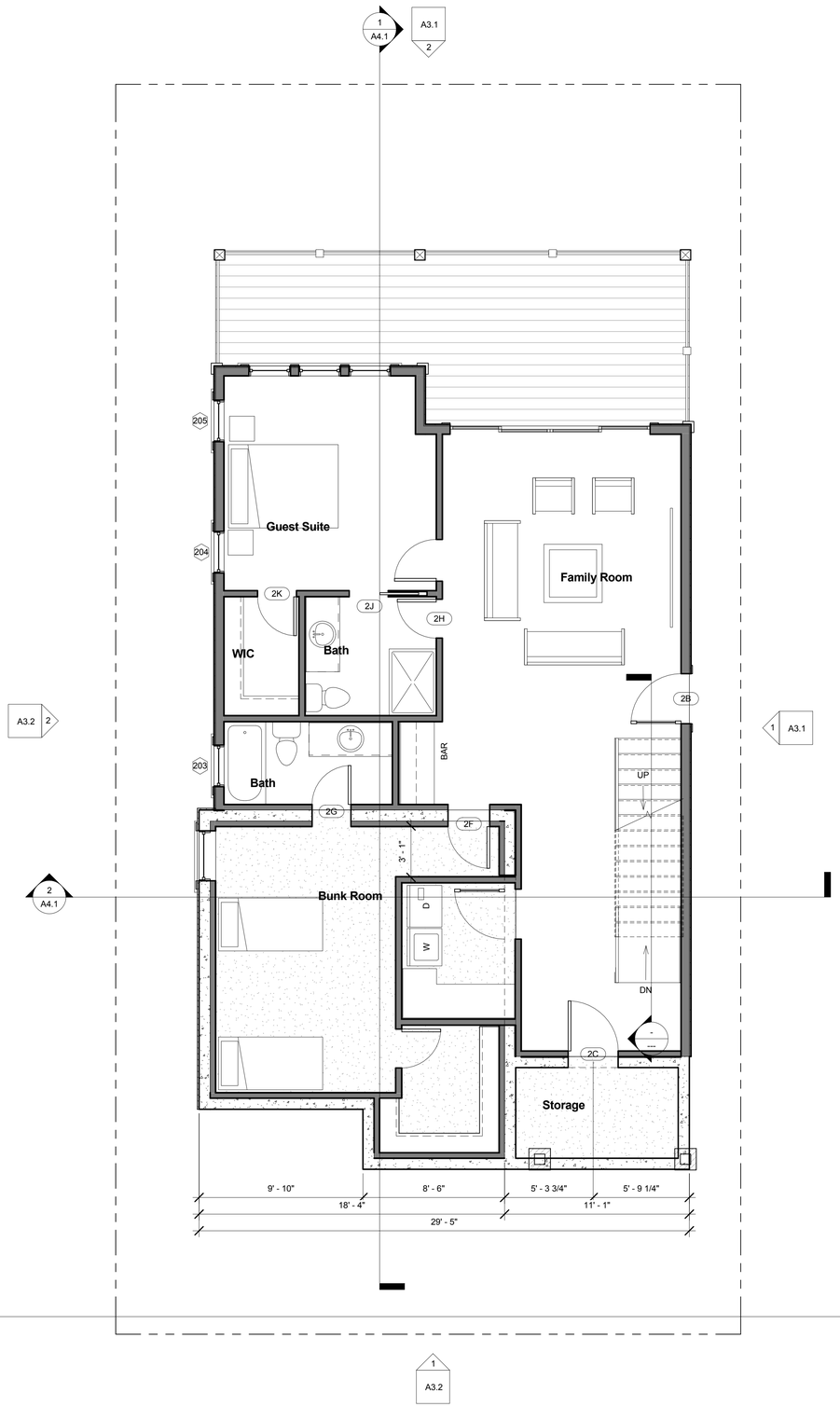

1 Lower Floor
1/4" = 1'-0"

Door Schedule - Lower				
Door Number	Door Size	Manufacturer	Model	Finish / Comments
2B	36" x 96"			
2C	36" x 80"			
2F	30" x 96"			
2G	28" x 80"			
2H	28" x 80"			
2J	28" x 80"			
2K	28" x 80"			

Window Schedule - Lower					
Rough Opening			Type	Manufacturer	Comments
Mark	Width	Height			
203	2' - 6"	4' - 0"	Double Hung		
204	2' - 6"	4' - 0"	Double Hung		
205	2' - 6"	4' - 0"	Double Hung		

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Lower Level Plan

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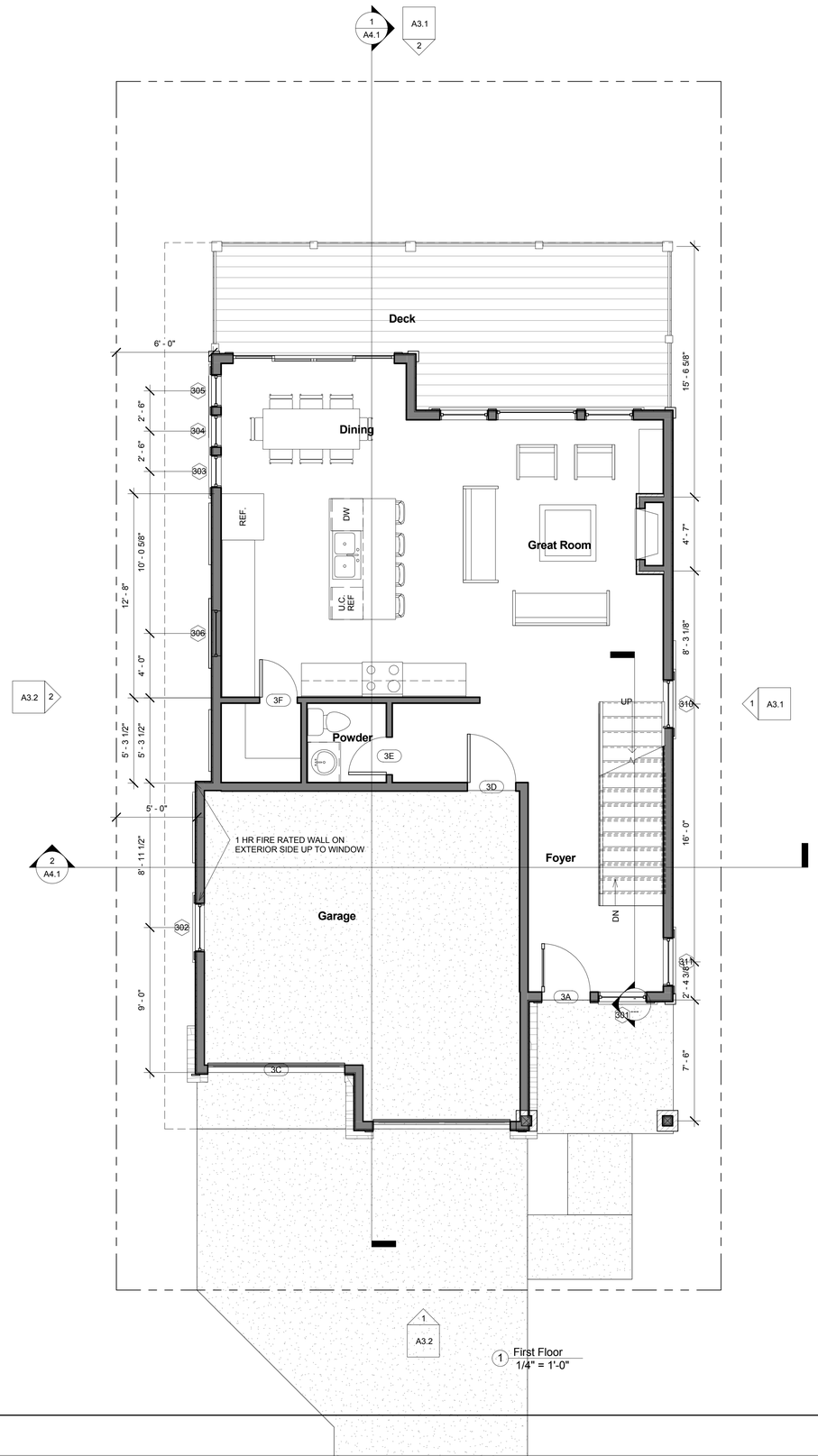

1 First Floor
1/4" = 1'-0"

Door Schedule - Main				
Door Number	Door Size	Manufacturer	Model	Finish Comments
3A	36" x 96"			
3C	8'-6" x 8'			
3D	36" x 96"			
3E	28" x 80"			
3F	28" x 80"			

Window Schedule - Main					
Rough Opening			Type	Manufacturer	Comments
Mark	Width	Height			
301	3' - 0"	5' - 0"	Double Hung		
302	3' - 0"	4' - 0"	Double Hung		
303	2' - 0"	6' - 0"	Double Hung		
304	2' - 0"	6' - 0"	Double Hung		
305	2' - 0"	6' - 0"	Double Hung		
306	3' - 0"	4' - 0"	Double Hung		
310	3' - 0"	4' - 0"	Double Hung		
311	3' - 0"	4' - 0"	Double Hung		

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First Floor Plan

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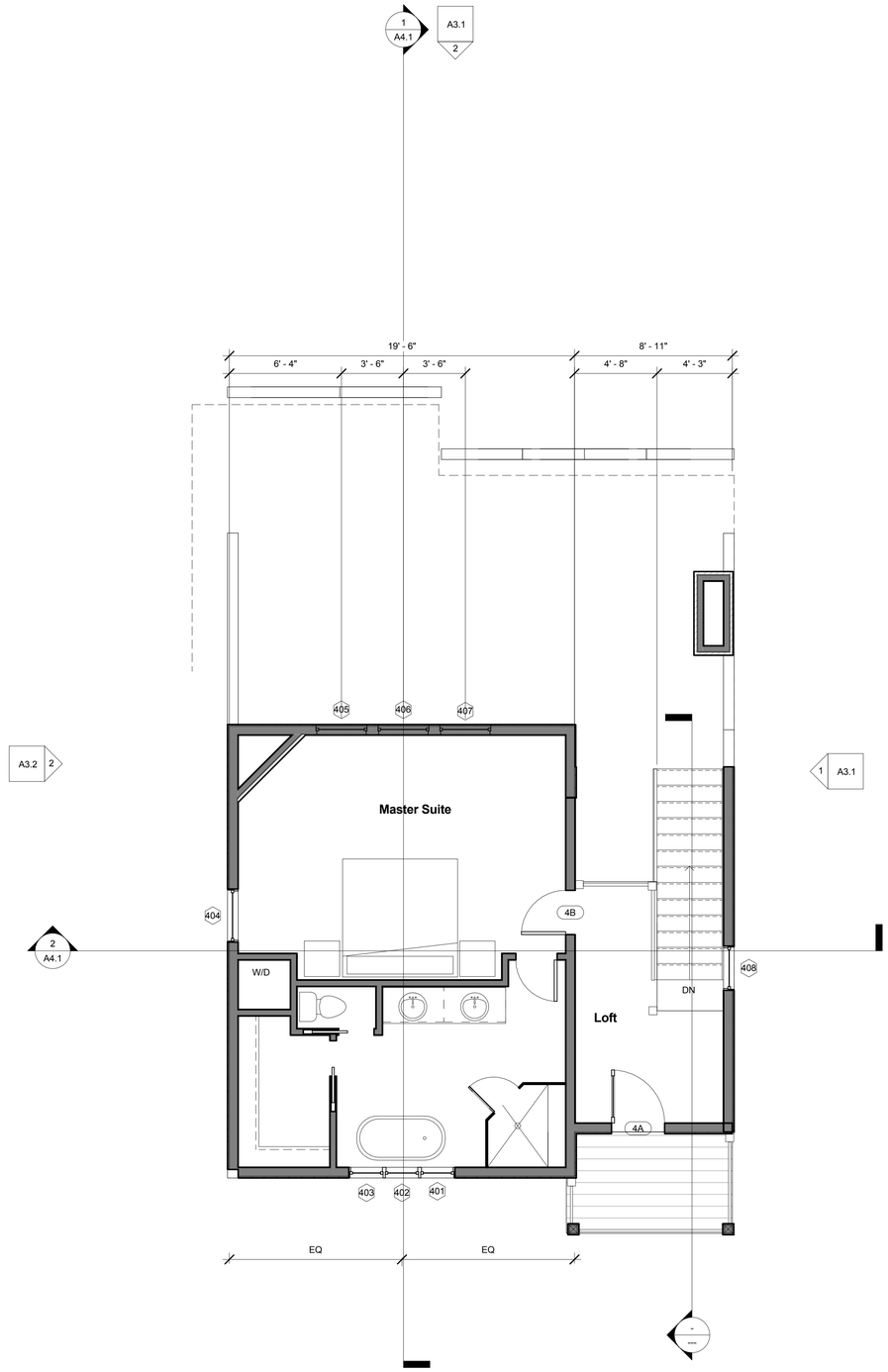

1 Second Floor
1/4" = 1'-0"

1
A3.2

Door Schedule - Upper				
Door Number	Door Size	Manufacturer	Model	Finish Comments
4A	36" x 80"			
4B	30" x 80"			
4BB	30" x 80"			
4CC	30" x 80"			
4H	8'-6" x 8'			
4HH	72" x 80"			
4II	72" x 80"			
4JJ	28" x 80"			
4K	32" x 80"			
4KK	24" x 80"			
4LL	24" x 80"			
4N	10'-0" x 8'-0"			
4PP	5' - 0" x 8'-0"			
4R	5' - 0"	36" x 80"		
4T	5' - 0"	28" x 80"		
4U	5' - 0"	24" x 80"		
4V	4' - 0"	24" x 80"		
4X	4' - 0"	24" x 80"		
4Y	4' - 0"	28" x 80"		
		30" x 80"		

Window Schedule - Upper						
Rough Opening						
Mark	Width	QO	Height	Type	Manufacturer	Comments
401	2' - 0"		5' - 0"	Double Hung		
402	2' - 0"		5' - 0"	Double Hung		
403	2' - 0"		5' - 0"	Double Hung		
404	3' - 0"		5' - 0"	Double Hung		
405	3' - 0"		4' - 0"	Double Hung		
406	3' - 0"		4' - 0"	Double Hung		
407	3' - 0"		4' - 0"	Double Hung		
408	2' - 6"		4' - 0"	Double Hung		
414	5' - 0"		6' - 0"	Fixed		
415	3' - 0"		6' - 0"	Double Hung		
416	3' - 0"		6' - 0"	Double Hung		
417	2' - 6"		2' - 0"	Fixed 2x2		
418	2' - 6"		2' - 0"	Fixed 2x2		
419	2' - 6"		5' - 0"	Double Hung		
420	2' - 6"		5' - 0"	Double Hung		
421	2' - 6"		5' - 0"	Double Hung		
422	3' - 0"		5' - 0"	Double Hung		

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LIMITATION OF LIABILITY

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Second Floor Plan

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

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1 Front Perspective

2 Rear Perspective

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Perspectives

SCALE:

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1 East Elevation
1/4" = 1'-0"

2 North Elevation
1/4" = 1'-0"

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801.694.9683
bill.draftmaster@gmail.com
www.vansicklearchitecture.com

New Residence
936 Empire Avenue
Park City, Utah 84098

Elevations

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

DATE
4/15/2015
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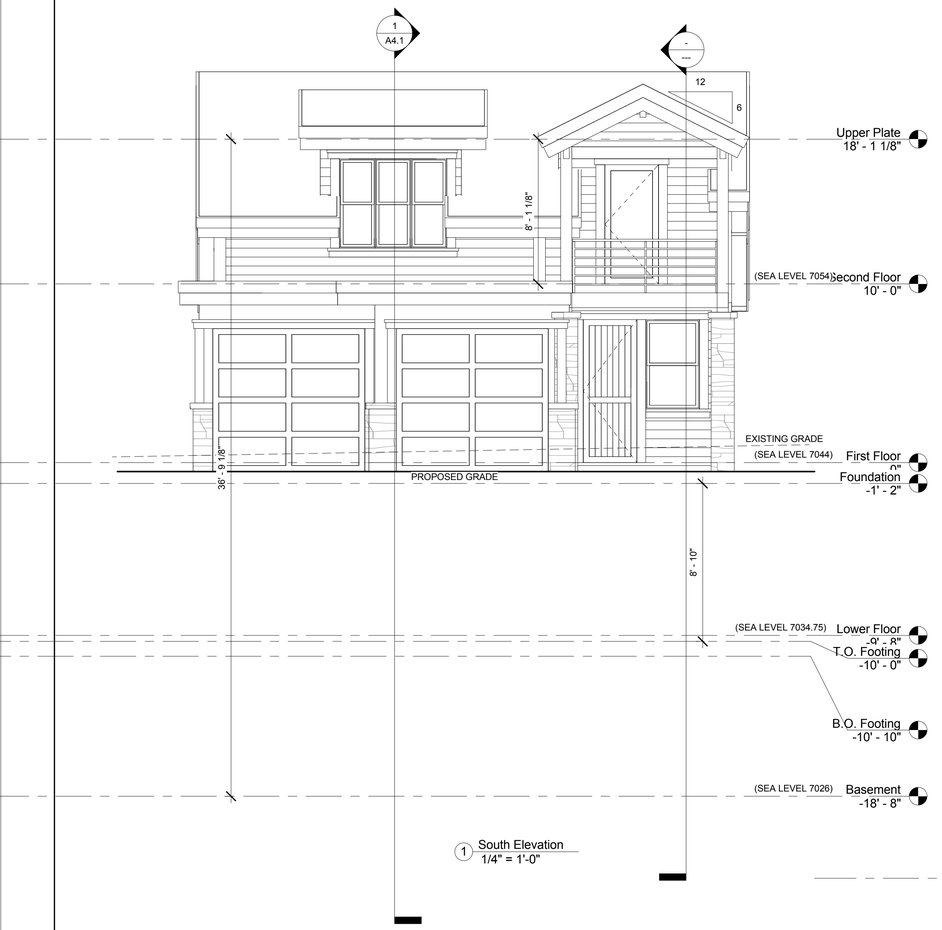
A3.1



1 South Elevation
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2 West Elevation
1/4" = 1'-0"

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SCALE:
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DATE
4/15/2015
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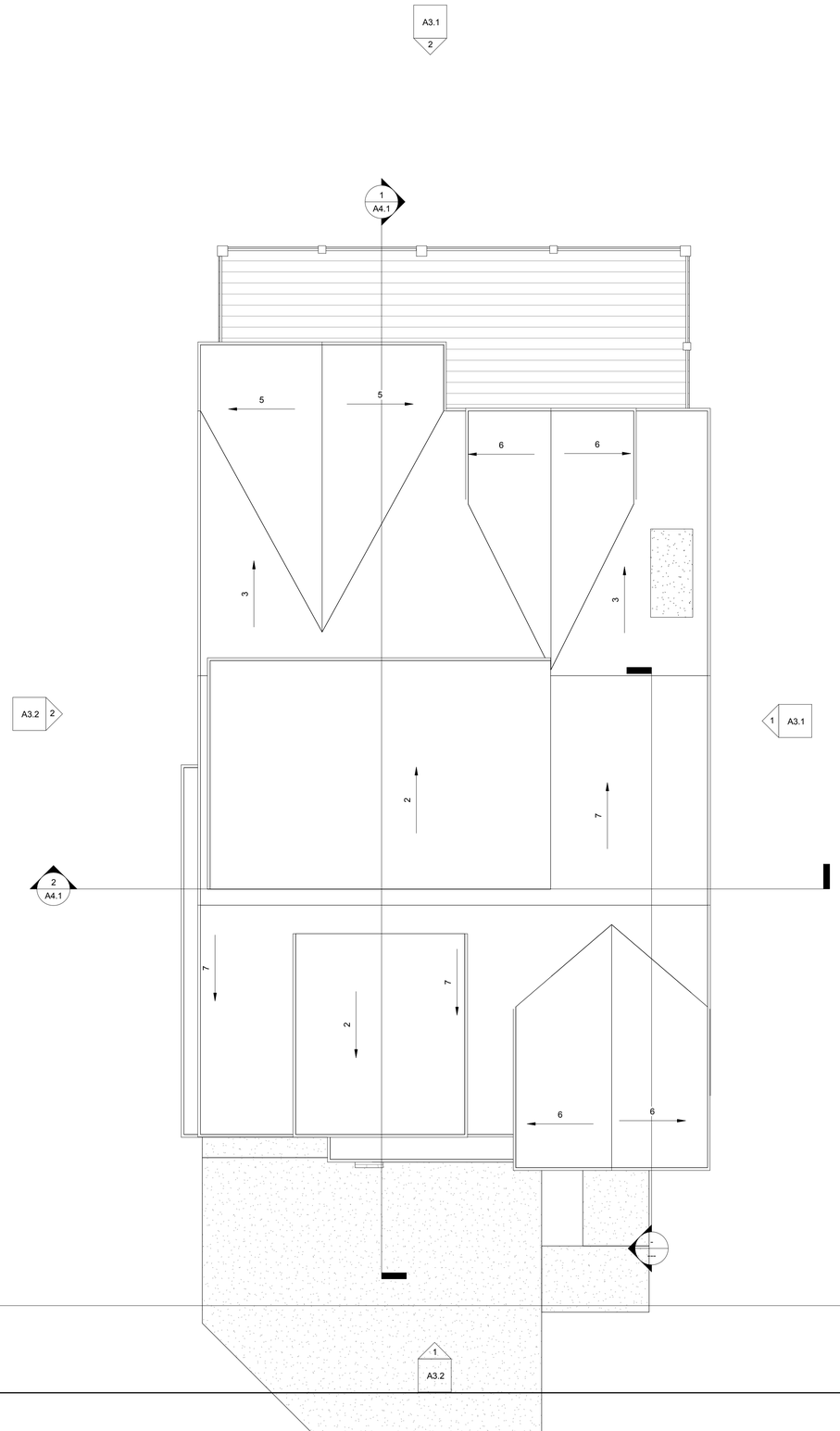

1 Roof Plan
1/4" = 1'-0"

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Roof Plan

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

DATE
4/15/2015
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A3.3

1 Depth Section A
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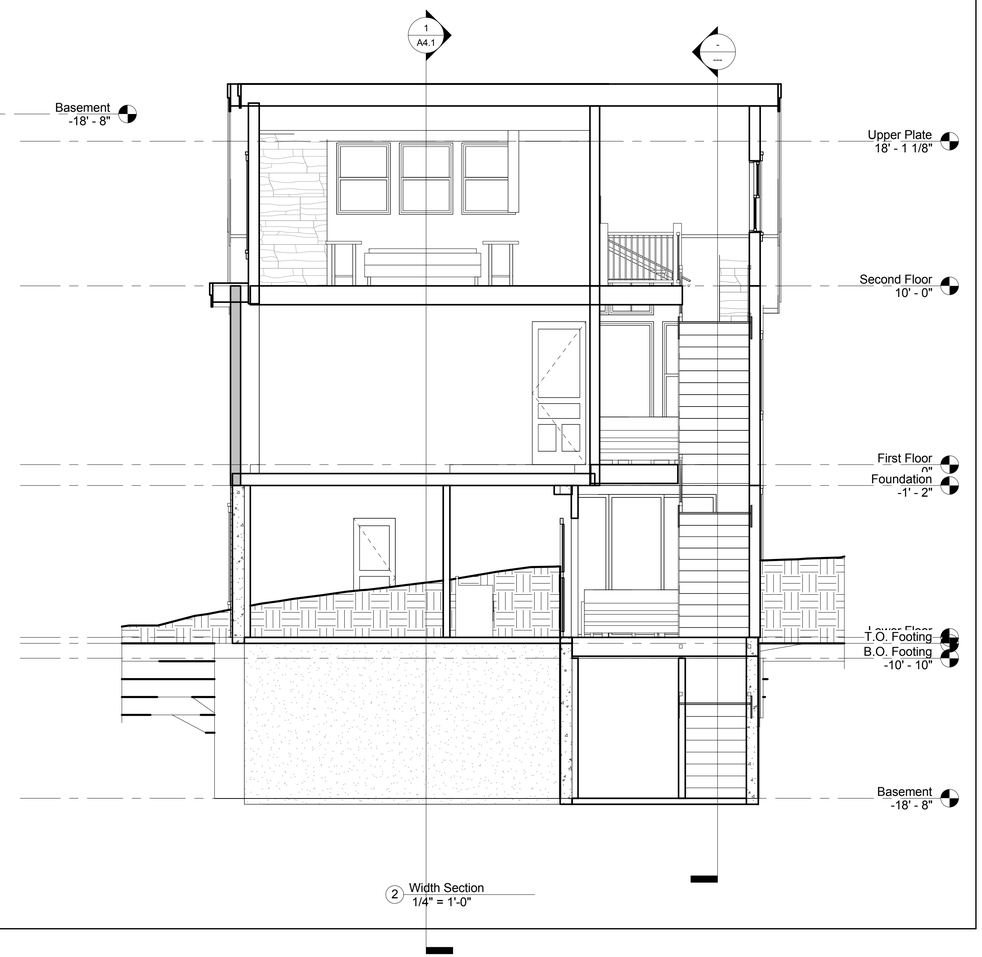

2 Width Section
1/4" = 1'-0"

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Building Sections

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

DATE
4/15/2015
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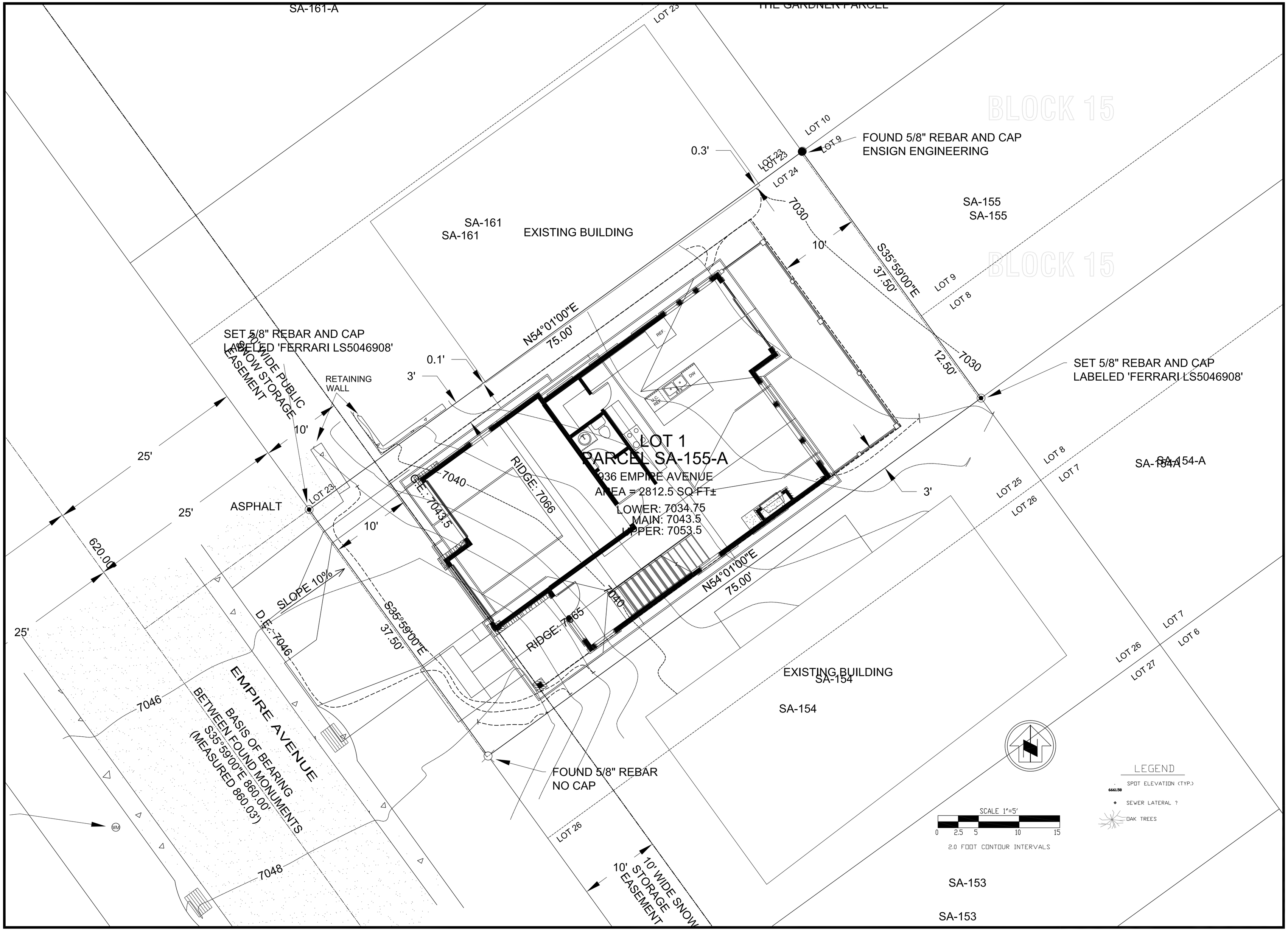

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SNYDERS
ADDITION
LOT 24
BLOCK 15

NEW RESIDENCE
936 EMPIRE AVENUE
PARK CITY, UTAH
84098

SITE &
GRADING
PLAN

SCALE:
1" = 5'

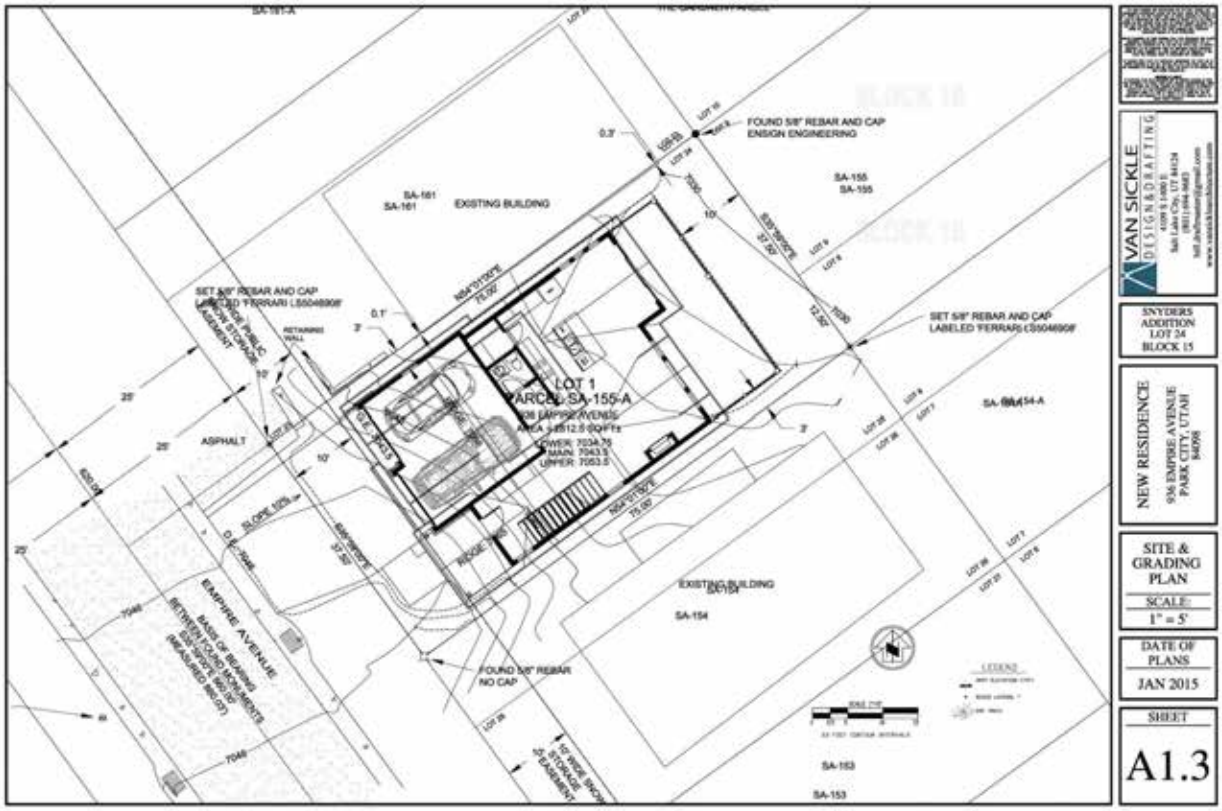
DATE OF
PLANS
JAN 2015

SHEET
A1.3

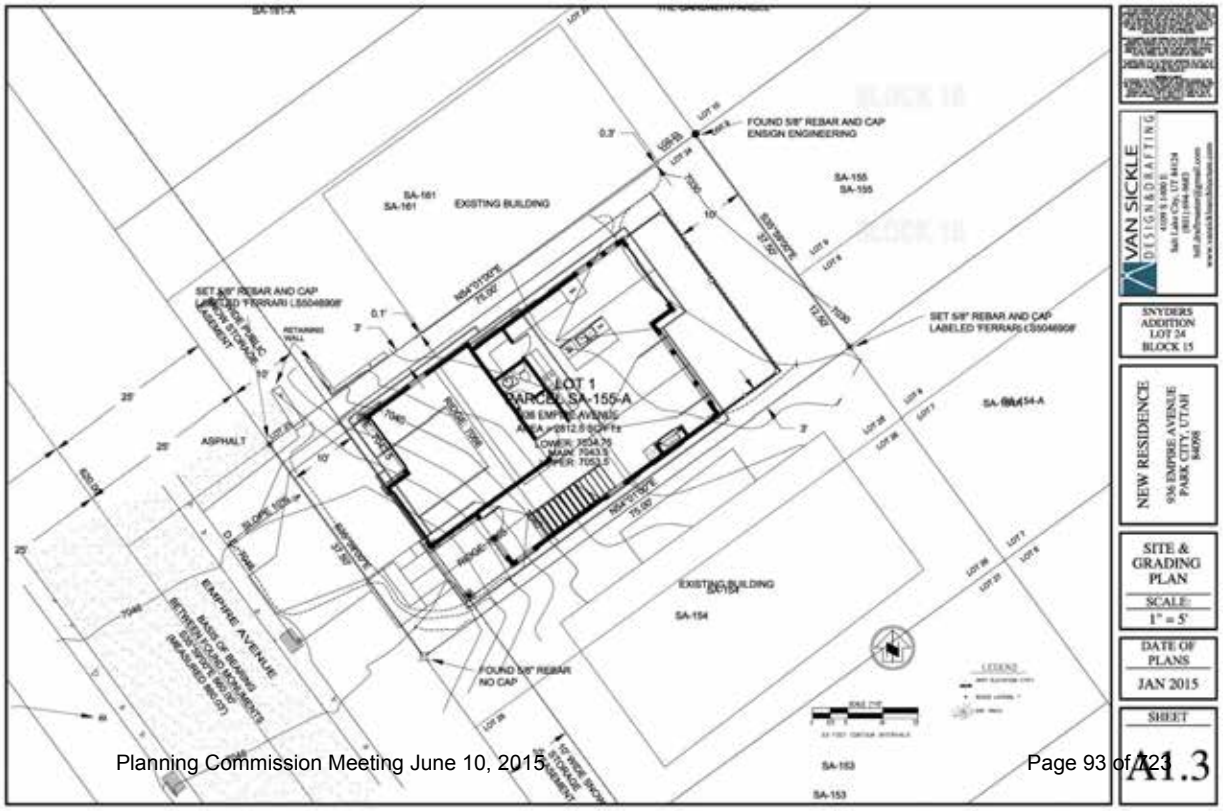
EXHIBIT B

What changed in site plan –setbacks and front and north side elevations

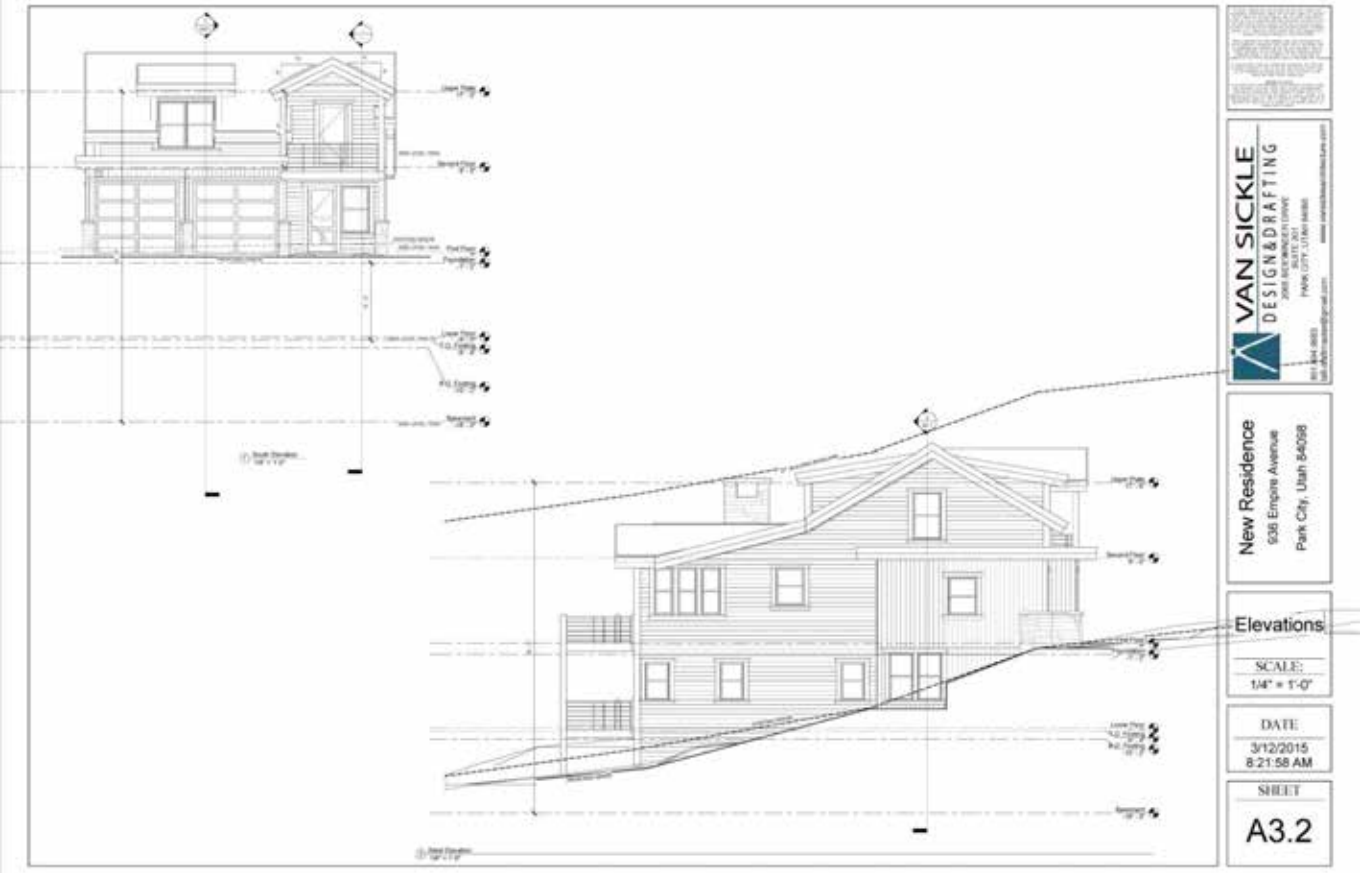
April 8, 2015 approved site plan



New site plan



April 8, 2015 approved elevations



New elevations

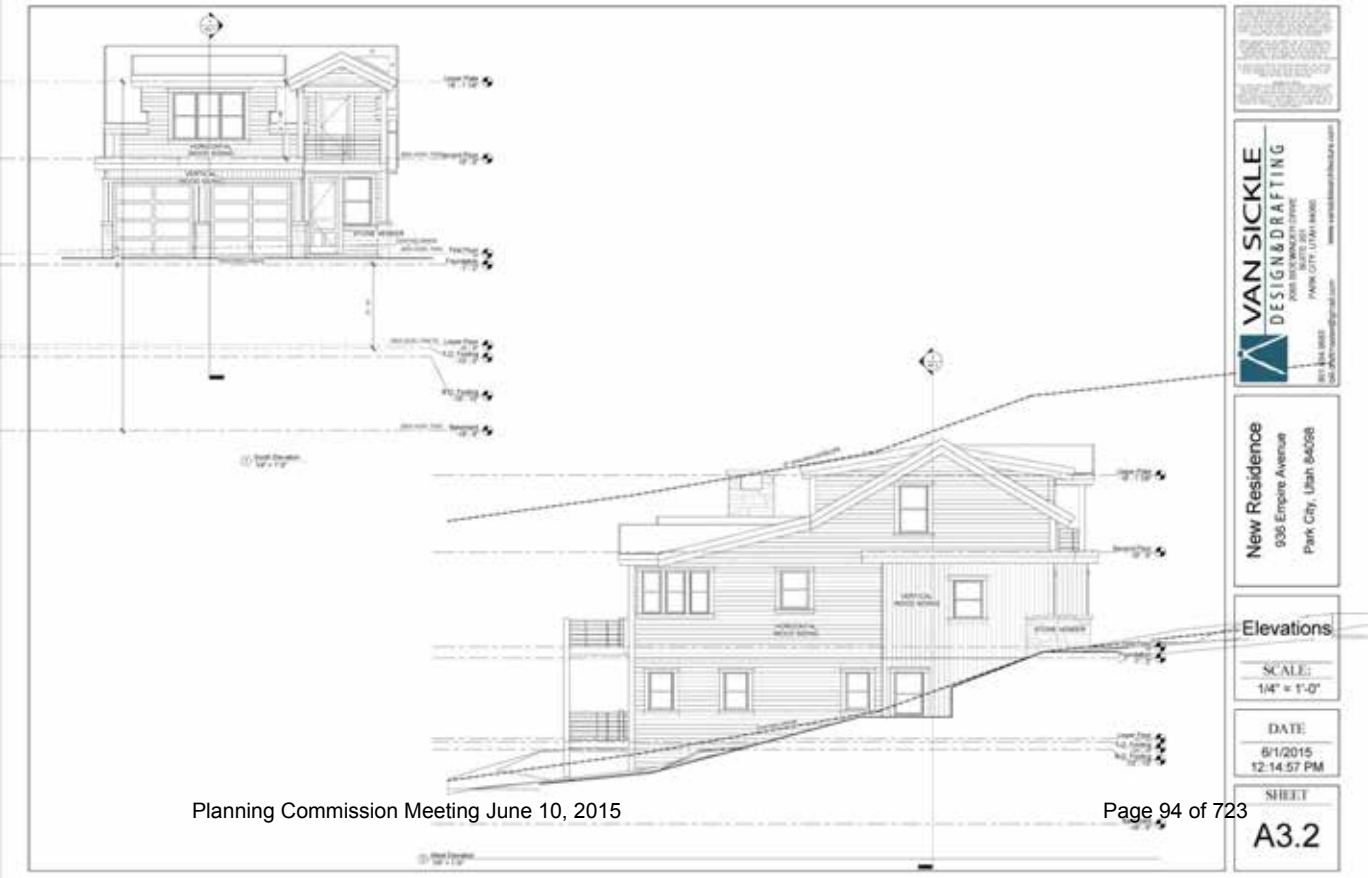


EXHIBIT C

Planning Commission Staff Report

PARK CITY 1884
PLANNING DEPARTMENT

Subject: **936 Empire Avenue**
Project #: **PL-15-02618**
Author: **Christy J. Alexander, AICP, Planner II**
Date: **April 8, 2015**
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 936 Empire Avenue, conduct a public hearing, and consider approving the Steep Slope CUP for 936 Empire Avenue. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

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

Description

Owner/ Applicant:	Steve Rosenberg
Architect:	Bill Van Sickle, designer/Larry Feldman, representative
Location:	936 Empire Avenue
Zoning:	Historic Residential (HR-1)
Adjacent Land Uses:	Residential single family homes, duplexes, and condos
Reason for Review:	Construction of structures with greater than 1,000 square feet of floor area and located on a steep slope (30% or greater) requires a Conditional Use Permit

Proposal

This application is a request for a Steep Slope Conditional Use Permit for a 3,815 square feet new single family home (including the full basement area and garage) on a 2,812.5 square foot lot located at 936 Empire Avenue. The total floor area exceeds 1,000 square feet and the construction is proposed on a slope of greater than 30%.

Purpose

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

A. preserve present land Uses and character of the Historic residential Areas of Park City,
B. encourage the preservation of Historic Structures,
C. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,

D. encourage single family Development on combinations of 25' x 75' Historic Lots,
E. define Development parameters that are consistent with the General Plan policies for the Historic core, and
F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

Background

On January 6, 2015, the City received an application for a Steep Slope Conditional Use Permit (CUP) for "Construction on a Steep Slope" at 936 Empire Avenue. The property is located in the Historic Residential (HR-1) District. The application was deemed complete on January 22, 2015. This application is a request for a Steep Slope Conditional Use Permit for construction of a new single family home which is proposed to be 3,815 square feet total (including the full basement and the double car garage) on an amended "Old Town" lot containing 2,812.5 square feet. The property is described as Lot 1 of the 936 Empire Avenue Subdivision, a combination of one and a half standard "Old Town" lots. Because the total proposed structure is greater than 1,000 square feet, and the slope within the first 30' of the lot is greater than thirty percent (30%), the applicant is required to file a Conditional Use Permit application for review by the Planning Commission, pursuant to LMC § 15-2.2-6 and prior to issuance of a building permit.

A separate Historic District Design Review (HDDR) application required for the proposed home was submitted on January 6, 2015. This application was approved on March 31, 2015 for compliance with the Design Guidelines for Historic Districts and Historic Sites that were adopted in 2009. Issuance of a building permit for the proposed home is dependent on approval of the Historic District Design Review.

On October 27, 2014, the applicant submitted an application for a plat amendment to combine the one and a half (1.5) lots containing a total of 2,812.5 square feet into one (1) lot of record in order to construct a new single family home. The City Council approved the 936 Empire Avenue Subdivision plat on February 12, 2015 and is pending recordation but will need to be recorded prior to February 12, 2016 and building permit approval. There is an existing home and retaining wall to the north that encroaches onto this property by 0.3 feet as addressed on the plat. There is also a current application submitted to the Planning Department by the owner of the lot to the north requesting to demolish that non-historic structure. The design of this proposed home is based on the existing home to the north and wall being demolished. Therefore there is a condition of approval that the existing structures which encroach on this property must be demolished prior to building permit being granted.

Analysis

The lot has an average slope, across the entire depth, of twenty four percent (24%) but upwards of 35-38% slopes within the first 20 feet from the ROW. The lot is a combination of one and a half standard "Old Town" lots, both previously being vacant. This property already has access to utility services for water, sewer, etc. off of Empire Avenue.

The proposed home contains a total of 3,815 square feet, including the basement and a double car garage. The proposed building footprint totals 1,201 square feet. The 2,812.5 square foot lot allows a building footprint of 1,201 square feet. The house complies with all setbacks, building footprint, and building height requirements of the HR-1 zone. The third story includes horizontal stepping of ten feet (10') which meets the required ten feet (10') of stepping. See below for description of each floor:

Floor	Proposed Sq. Ft. for Home
Basement	1,198 square feet
Garage	357 square feet
Lower	801 square feet
Main	844 square feet
Upper	615 square feet
Overall area	3,815 square feet

Staff reviewed the plans and made the following LMC related findings:

Requirement	LMC Requirement	Proposed for New Home
Lot Size	Minimum of 1,875 square feet	2,812.5 square feet, complies.
Building Footprint	1,201 square feet (based on lot area) maximum	1,201 square feet, complies.
Front and Rear Yard	10 feet minimum (decks, porches and bay windows may extend up to 3' into the front setback for a max width of 10')	Front- 12 feet, complies. Rear- 18 feet, complies.
Side Yard	3 feet minimum for lot (6 feet total) There are existing encroachments to the north due to the existing home and retaining wall which is proposed to be demolished but will affect setback requirements if not demolished.	3 feet on both sides; will comply if home and retaining wall to north are demolished and remove building code issues due to the lack of separation of the buildings, no window wells- complies.
Height	27 feet above existing grade, maximum. 35 feet above existing grade is permitted for a single car garage on a downhill lot.	Various heights all at or less than 27 feet - complies. No height exception for garage is requested.
Total Building Height	35 feet from lowest floor plane to highest wall plate	35 feet- complies.
Final grade	Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.	(4 feet) or less- complies.

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.	Third story on rear façade is 10' back from lower levels at 23' height–complies.
Roof Pitch	Roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.	7:12 for all primary roofs - complies.
Parking	Two (2) off-street parking spaces required	Two (2) spaces within the proposed double car garage-complies.

The current design complies with the 35 foot total height requirement from the lowest floor plane to the point of the highest wall top plate. The current design was approved on March 31, 2015 for their Historic District Design Review application.

Steep Slope Review Criteria
LMC § 15-2.2-6 provides for development on steep sloping lots (30% or greater) if the structure contains more than one thousand square feet (1,000 sq. ft.) of floor area, including the garage, within the HR-1 District, subject to the following criteria:

Criteria 1: Location of Development.
Development of the home is located and designed to reduce visual and environmental impacts of the Structure. **No unmitigated impacts.**

The proposed single family house is located on an approved platted lot, (which was approved on February 12, 2015 and is unrecorded but will need to be recorded before February 12, 2016 and building permit approval), in a manner that reduces the visual and environmental impacts of the Structure. The main level is set slightly below the grade of the street to minimize visual impacts on the Streetscape (Exhibit B). The foundation is stepped with the grade and the amount of excavation for the home is minimized due to the existing topography. There is no major vegetation present on the vacant lot. The proposed 1201 square feet footprint of the home complies with that allowed for the lot area. The front and rear setbacks are increased for portions of the structure.

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 visual analysis, cross canyon view, streetscape elevations and photographs showing a contextual analysis of the proposed home related to visual impacts (Exhibit B). The proposed structure cannot be seen from the key vantage points as indicated in the LMC Section 15-15-1.283, with the exception of a cross canyon view. The cross canyon view contains a back drop of two (2) and three (3) story single family and duplex homes and a large condominium building.

This site contains a combination of one and a half “old town” lots with many similar structures in the immediate neighborhood. The lot is currently vacant.

The visual analysis and streetscape demonstrate that the proposed design of the home is visually compatible with the neighborhood, compatible in scale and mass with surrounding structures, and visual impacts are mitigated. Potential impacts of the design are mitigated by architectural stepping and a stepped foundation, minimized excavation and greater horizontal step in the roofline. Additionally, the garage door is located approximately 12 feet back from the edge of Empire 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, where feasible. **No unmitigated impacts.**

The proposed design uses access off of Empire Avenue. Side access is not feasible due to the width of the lot. The proposed driveway has an overall slope of 0.14% as measured from the front of the garage to the edge of the paved street. The proposed driveway was designed to minimize Grading of the natural topography and to reduce overall Building scale.

Criteria 4: Terracing.
The project may include terraced retaining Structures if necessary to regain Natural Grade. **No unmitigated impacts.**

The lot has a gentle grade at the rear becoming relatively steeper at the front. Overall, the slope is 24%. There are no proposed retaining walls. The lots to the north of the subject lot has an existing single family home and the lot to the south had an existing single family home that has currently pulled a permit for demolition but is not yet demolished, retaining between them is not necessary.

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 new home's building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. The site design and building footprint provide a front setback area (12') in front of the garage and (18') to the entry. Side setbacks and building footprints are maintained consistent with the pattern of development and separation of structures in the neighborhood. The driveway width is 16 feet. The garage door is setback 12' from the edge of the street and the ROW line. The front yard area adjacent to the driveway is proposed to be landscaped with drought tolerant plants and trees.

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.**

The new home steps with the grade and is broken into a series of smaller components that are compatible with the District. The stepping of the home creates the interior story levels and allows the main level to meet existing grade. The garage however, is not subordinate in design in that it is not setback more from the street than the home and the width is not minimized. Staff has worked with the applicant to separate the garages and setback one 3 feet from the other so as to create a shadow and minimize the perceived bulk and "wall effect" and by implementing columns between the two garage doors.

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.**

Front setbacks are greater than is required by Code as the garage portion of the house is currently setback 12 feet from the property line and the edge of the street, to accommodate the code required parking spaces inside the garages and entirely on the lot. No wall effect is created with the proposed design of the home. Side setbacks are consistent with the pattern of development and separation in the neighborhood. The articulation in the front and rear facades reduce the overall mass of the structure and does not create a wall effect along the street front or rear lot line. Rear elevation is articulated with an increased horizontal step.

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 house is both 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 structure meets the twenty-seven feet (27') maximum building height requirement measured from existing grade at the highest point. Portions of the house are less than 27' in height. The tallest portion of the house (27') is midway back from the front and the roof height at this location is not visually apparent from the front, back, or sides of the house. The differences in scale between the proposed Structure and existing Structures are mitigated.

While a 35 foot height is allowed for the garage on a downhill lot, this design does not propose to utilize a height exception from existing grade. The design complies with the 27 foot height allowance measured from existing grade.

Staff finds that the design allows additional design aesthetics, provides compatibility of design at the street level, meets the overall building Height requirement with no exception needed for the garage, and reduces the mass at the rear of the structure.

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. Approval of the Historic District Design Review application is noticed separately and is a condition of building permit issuance. Recordation of the Plat within one year of City Council approval is also a condition of building permit issuance.

Department Review
This project has gone through an interdepartmental review. No further issues were brought up at that time other than standards items that have been addressed by revisions and/or conditions of approval.

Notice
On March 25, 2015, the property was posted and notice was mailed to property owners within 300 feet. On March 21, 2015, legal notice was published in the Park Record in accordance with requirements of the LMC.

Public Input
At the time of publishing this report, no public input was received on this Steep Slope CUP application.

Alternatives
- The Planning Commission may approve the Steep Slope Conditional Use Permit for 936 Empire Avenue, or
- The Planning Commission may deny the Steep Slope CUP Permit for 936 Empire Avenue and direct staff to make Findings for this decision, or
- The Planning Commission may request the applicant provide revisions or provide other specific items and continue the discussion to a date certain.

Significant Impacts
As conditioned, there are no significant fiscal or environmental impacts from this application. The lot is a combination of one and a half vacant lots.

Recommendation
Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit at 936 Empire Avenue, conduct a public hearing, and consider approving the Steep Slope CUP for 936 Empire Avenue 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 936 Empire Avenue.
2. The property is located within the Historic Residential (HR-1) District and meets the purpose of the zone.
3. The property is described as Lot 1 of the 936 Empire Avenue Subdivision. The lot area is 2,812.5 square feet.
4. A Historic District Design Review (HDDR) application was approved on March 31, 2015 for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009.
5. This is lot is a combination of one and a half "Old Town" lots, which was previously vacant. This is a downhill lot.
6. Access to the property is from Empire Avenue, a public street.
7. There is an existing home and retaining wall to the north that encroaches onto the property 0.3 feet. There is a current application that has been submitted to the Planning and Building Departments requesting to demolish these structures.
8. Two parking spaces are proposed on site. Two spaces are proposed within an attached garage within the lot area.
9. The neighborhood is characterized by primarily non-historic and historic residential structures, single family homes, duplexes and condos.
10. The proposal consists of a total of 3,815 square feet, including the basement area and a double car garage.
11. The proposed driveway was designed with a maximum width of 16 feet and is approximately 12 feet in length from the garage to the existing edge of street with a

minimum of 12 feet of driveway located on the property. The garage doors comply with the maximum height and width of nine feet by nine feet.

12. The proposed driveway has an overall slope is 0.14% as measured from the front of the garage to the edge of the paved street.
13. An overall combined building footprint of 1,201 square feet is proposed. The maximum allowed footprint for this lot is 1,201 square feet.
14. The proposed structure complies with all setbacks.
15. The proposed structure complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less than 27' in height.
16. The proposed home complies with the LMC required total building height of 35' from the lowest floor plane to the highest wall plate and is in compliance with the LMC required step back of 10' at the building height of 23' at the rear façade.
17. The applicant submitted a visual analysis, cross valley views and a streetscape showing a contextual analysis of visual impacts of this home on the cross canyon views and the Empire Avenue streetscape.
18. Retaining is not necessary around the home on the upper, steeper portion of the lot. There will be no free-standing retaining walls. There are no window wells.
19. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography.
20. The site design, stepping of the foundation and building mass, increased articulation, and decrease in the allowed difference between the existing and final grade mitigates impacts of construction on the 30% or greater slope areas.
21. The design includes setback variations in the front and back and lower building heights for portions of the structure in both the front and back where facades are less than twenty-seven feet in height.
22. The proposed massing and architectural design components are compatible with both the volume and massing of other single family dwellings in the area. No wall effect is created with adjacent structures due to stepping, articulation, and placement of the house on the lot.
23. The proposed structure follows the predominant pattern of buildings along the street, maintaining traditional setbacks, orientation, and alignment. Lot coverage, site grading, and steep slope issues are also compatible with neighboring sites. The size and mass of the structure is compatible with surrounding sites, as are details such as foundation, roofing, materials, window and door openings, and double car garages.
24. No lighting has been proposed at this time. Lighting will be reviewed at the time of Building Permit application for compliance with the LMC lighting code standards.
25. The applicant submitted a visual analysis, cross canyon view, and streetscape showing a contextual analysis of visual impacts of the proposed structure on the adjacent streetscape.
26. The findings in the Analysis section of this report are incorporated herein.
27. The applicant stipulates to the conditions of approval.

Conclusions of Law:

1. The Steep Slope CUP application is consistent with the Park City General Plan.
2. The application is consistent with requirements of the Park City LMC, specifically Section 15-2.2-6 (B) (1-10) regarding development on Steep Slopes.

3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval:

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. A final utility plan, including a drainage plan, for utility installation, public improvements, and storm drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers, including Snyderville Basin Water Reclamation District, prior to issuance of a building permit.
4. 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.
5. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.
6. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit, the 2009 Design Guidelines for Historic Districts and Historic Sites (Historic District Design Review) and the Land Management Code.
7. The existing home and retaining wall to the north that are encroaching on this property must be demolished prior to building permit approval. If the home and wall are not demolished the proposed home at 936 Empire Avenue will need to be redesigned to meet current LMC required setbacks and building code requirements from existing structures and this Steep Slope Approval shall be amended or voided.
8. The plat approved by City Council on February 12, 2015 shall be recorded at the County prior to February 12, 2016 and Building Permit approval.
9. If required by the Chief Building Official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building official, the shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.
10. This approval will expire on April 8, 2016, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and the request is granted by the Planning Director.
11. Modified 13-D residential fire sprinklers are required for all new structures on the lot.
12. All exterior lighting, on porches, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way. Light trespass into the night sky is prohibited.
13. Construction waste should be diverted from the landfill and recycled when possible.
14. All electrical service equipment and sub-panels and all mechanical equipment, except those owned and maintained by public utility companies and solar panels, shall be painted to match the surrounding

Exhibits

Exhibit A - Plans (existing conditions, site plan, landscape plan, elevations, floor plans (date stamped March 12, 2015)
Exhibit B - Visual Analysis and Streetscape
Exhibit C – Photographs and Vicinity Map
Exhibit D - Recorders plat (to be recorded at the County) and Aerial

GMC
546 ZQH

GMC

VAN SICKLE
DESIGN&DRAFTING

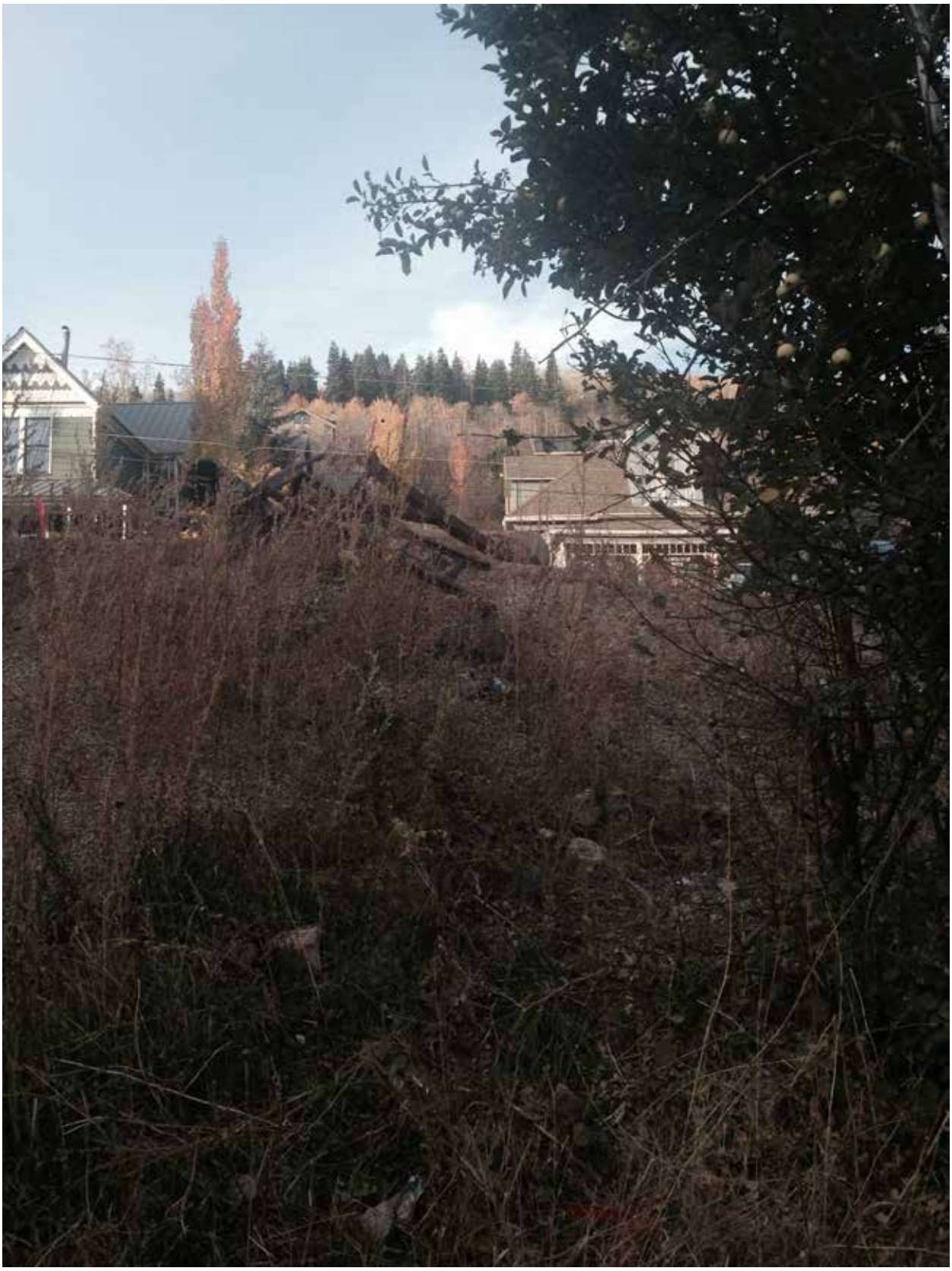
Park City Planning Department
454 Marsac Avenue
Park City, UT 84060

Re: 936 Empire Lot Photos for Plat Amendment / Lot Line Adjustment

The following attached photos are from the interior of the lot looking out for this lot.

Thanks,

Bill Van Sickle



RECEIVED
JAN 06 2015
SALT LAKE CITY
PLANNING DEPT.

936 EMPIRE AVENUE RE-PLAT

AMENDMENT TO LOT 1 1185 EMPIRE AVENUE PLAT AMENDMENT SUBDIVISION
BLOCK 27 SNYDERS ADDITION
LOCATED IN THE NORTHWEST QUARTER OF SECTION 16
TOWNSHIP 2S RANGE 4E
SALT LAKE BASE AND MERIDIAN

VICINITY AND ZONING MAP
NOT TO SCALE

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT STEVE L. ROSEMBERG ,THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, HAVE CAUSED SAME TO BE SUBDIVIDED INTO LOTS AND STREETS TO BE HEREAFTER KNOWN AS THE *936 EMPIRE AVENUE REPLAT* , DOES HEREBY CERTIFY THAT THEY HAVE CAUSED THIS PLAT AMENDMENT TO BE PREPARED. STEVE L. ROSEMBURG HEREBY CONSENTS TO THE RECORDATION OF THIS PLAT AMENDMENT.

ALSO, THE OWNERS, OR HIS REPRESENTATIVE, HEREBY IRREVOCABLY OFFERS FOR DEDICATION TO THE CITY OF PARK CITY ALL THE STREETS, LAND FOR LOCAL GOVERNMENT USES, EASEMENTS, PARKS AND REQUIRED UTILITIES AND EASEMENTS SHOWN ON THE PLAT AND CONSTRUCTION DRAWINGS IN ACCORDANCE WITH AN IRREVOCABLE OFFER OF DEDICATION.

IN WITNESS WHEREOF THE UNDERSIGNED SET HIS HAND THIS _____ DAY OF _____, 2014

_____
STEVE L. ROSEMBERG

ACKNOWLEDGMENT

STATE OF UTAH:)
COUNTY OF SUMMIT:)SS

ON THIS ____ DAY OF _____ 2014, _____

PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID STATE AND COUNTY, HAVING BEEN DULY SWORN, _____ ACKNOWLEDGED TO ME THAT HE IS THE OWNER OF THE HEREIN DESCRIBED TRACT OF LAND, AND THAT HE SIGNED THE ABOVE OWNER'S DEDICATION AND CONSENT TO RECORD FREELY AND VOLUNTARILY.

_____ _____

MY COMMISSION EXPIRES _____ NOTARY PUBLIC
_____ RESIDING IN _____

LEGEND:

- PROPERTY LINE
- CENTER LINE
- EASEMENT
- LOT LINE
- 5/8" REBAR AND CAP LS 5046908
- 5/8" REBAR AND CAP ENSIGN ENG.
- 5/8" REBAR NO CAP
- XXX STREET ADDRESS ON EMPIRE AVE.

SURVEYOR'S STATEMENT

I GREGORY J. FERRARI OF PARK CITY, UTAH, CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF UTAH, HOLDING LICENSE NO. 5046908. THIS PLAT AMENDMENT WAS PREPARED UNDER MY DIRECTION IN ACCORDANCE WITH THE REQUIREMENTS OF THE PARK CITY MUNICIPAL CORPORATION. I FURTHER CERTIFY THAT THIS PLAT ACCURATELY REPRESENTS THE SURVEYED PROPERTY.

_____
GREGORY J. FERRARI, P.L.S. 5046908 EXPIRES MARCH 31, 2015

NOTES:

1. MODIFIED 13-D SPRINKLERS WILL BE REQUIRED FOR NEW CONSTRUCTION AS REQUIRED BY THE CHIEF BUILDING OFFICIAL AT THE TIME OF REVIEW OF THE BUILDING PERMIT SUBMITTAL.
2. THIS PLAT IS SUBJECT TO THE CONDITIONS OF APPROVAL IN ORDINANCE OF 14-08

LEGAL DESCRIPTION:

FORMER PC-155-A: ALL OF LOT 24, AND THE NORTHERLY HALF OF LOT 25, BLOCK 15, SNYDER'S ADDITION TO PARK CITY, ACCORDING TO THE OFFICIAL PLAT THEROF ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDERS OFFICE.

LOT 1: ALL OF LOT 24, AND THE NORTHERLY HALF OF LOT 25, BLOCK 15, SNYDER'S ADDITION TO PARK CITY, ACCORDING TO THE OFFICIAL PLAT THEROF ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDERS OFFICE.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 24, BLOCK 15, SNYDER'S ADDITION TO PARK CITY, THENCE NORTH 54°01'00" EAST 75.00 FEET; THENCE SOUTH 35°59'00" EAST 37.50; THENCE SOUTH 51°01'00" WEST 75.00 FEET; THENCE NORTH 35°59'00" EAST 37.50 FEET TO THE POINT OF BEGINNING. CONTAINING 2813 SQ. FT.±

RECEIVED
OCT 27 2014
PARK CITY
PLANNING DEPT.

FERRARI SURVEYING, LLC
P.O.B. 680003 PARK CITY, UT
(435) 640-0482

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	PLANNING COMMISSION	ENGINEER'S CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	COUNCIL APPROVAL AND ACCEPTANCE	RECORDED
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2014 A.D. BY: _____ S.B.W.R.C.	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2014 BY: _____ CHAIRMAN	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF _____, 2014 A.D. BY _____ PARK CITY ENGINEER	APPROVED AS TO FORM THIS ____ DAY OF _____, 2014 A.D. BY _____ PARK CITY ATTORNEY	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF _____, 2014 A.D. BY _____ PARK CITY RECORDER	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2014 A.D. BY _____ MAYOR	STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE____ TIME____ BOOK____ PAGE____ _____ FEE

EXHIBIT D

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
APRIL 8, 2015

COMMISSIONERS IN ATTENDANCE:

Vice-Chair Steve Joyce, Preston Campbell, John Phillips, Doug Thimm, Nann Worel

EX OFFICIO:

Kayla Sintz, Planning Manager; Francisco Astorga, Planner; Christy Alexander, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

ROLL CALL

Vice-Chair Joyce called the meeting to order at 5:35 p.m. and noted that all Commissioners were present except Commissioners Band and Strachan.

ADOPTION OF MINUTES

March 25, 2015

Commissioner Worel stated that she had reached her term limits as Chair and that a new Chair and Vice-Chair were appointed at the last meeting. On page 13 of the minutes she was referred to as Chair Worel and that should be corrected to read **Commissioner Worel**. .

MOTION: Commissioner Phillips moved to APPROVE the minutes of March 25, 2015 as amended. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

Brooke Hontz stated that she is a former Commissioner who served on the Planning Commission for 4-1/2 years. She truly appreciated their service because she could speak from experience about the difficulty of the job and how much work it entails. Ms. Hontz was present this evening because of the recent Land Management Code discussions regarding TDRs. She had been unable to attend the previous meetings but to her knowledge and from reading the minutes she understood that a recommendation had not been finalized. Ms. Hontz stated that in her profession she represents development

clients and she has also worked as a consultant for other cities and counties. She writes Code and she has written some TDR ordinances.

Ms. Hontz stated that when she was a Commissioner the Planning Commission had the opportunity to put the Code together and the City Council made it an ordinance, and it was a major success. However, even at that time they were unsure whether they had the metrics right or whether the way they measured how TDRs would be calculated was good enough. The intent was to get something in an ordinance so it could be tested by time and people inquiring. She believed the test has shown that TDRs are not quite where they need to be.

Ms. Hontz remarked that the Planning Commission initially considered creating a TDR bank. At that time Planner Katie Cattan and some of the Commissioners were on board with moving forward with the bank. Ms. Hontz pointed out that through the process of creating the ordinance it was evident that a TDR bank was an extra step and it was complicated. All the moving parts needed to be more defined and it still needed more work, even though everyone had agreed that it was an important piece for moving forward.

Ms. Hontz believes the program can and will work, and it was more than just the measurement of value in terms of the number of TDRs that would be received. She thought they were relatively close, if not accurate. Ms. Hontz would like the Planning Commission to look into establishing the TDR bank, which is the fund that the City sets aside, and begin looking at TDRs to purchase. She explained her reasons for making that request and provided examples where a bank would be beneficial. Ms. Hontz stated that when Flagstaff was established a 1% real estate transfer tax clause was included in the Agreement. She ran the numbers from the previous 365 days on just the Montage and the 1% collected from that project, specifically for the City to fund open space and transit. She met with Nate in the Budget Department to see where the Empire Pass fund was, how much was in it, and whether it could be used for TDRs. She found that it could be used for TDRs. There is money in the fund and it has increased over the past 365 days. Knowing that there is money in the fund she would like the Planning Commission to ask the Staff to look into the possibility of bringing everything together. She recognized that it was more a matter for the City Council, but she felt the Planning Commission was only looking at part of TDRs and not the entire picture. She requested that they consider that as they move forward.

Neal Krasnick, stated that he has been a resident of Park City since 1988 and he owns a condominium on the North End of City Park. Mr. Krasnick stated that he has worked in different places and resources in Utah and California long enough to know that money and orders eventually come from the government in terms of what they want to support. Mr. Krasnick stated that when planners and developers come before the City Council, they

need to know that there needs to be very good hiking and biking trails. Park City's business is outdoor recreation and while it is primarily in the winter, there is no reason why they cannot expand that to outdoor recreation 12 months out of the year. He has built trails for the Forest Service in the Mirror Lake area and he knows that sustainable trails are possible and they do not have to be rebuilt continually. People can be attracted to Park City to hike and bike and recreate; and when they came they bring money into town. They can no longer rely on just ski vacations because the weather has changed.

On a separate issue, Mr. Krasnick stated that the City has been working on developing the Prospector Park subdivision. He lives in Snow Country and he received a letter in the mail saying that he now votes at the middle school rather than in the historic Old Town District. He looked to see what subdivision he was in and found that he is no longer in the Old Town District. Snow Country is now in the Prospect Subdivision in the General Commercial District. He understood that to mean that Snow Country Condominiums could potentially open a sexually oriented bar and restaurant because that use is allowed in the GC zone. He asked the Planning Commission to keep that in mind and to also consider his comments about hiking and biking trails to encourage tourism year-round.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Planning Manager Sintz noted that the Planning Department had sent an email asking which Commissioners would be available for a joint City Council/Planning Commission/Planning Department dinner at the Mayor's house on Tuesday, June 16th. Only two Commissioners had responded and she asked the others to let her know if they planned to attend.

Planning Manager Sintz reported that four Staff members would be attending the National American Planning Association Conference in Seattle the following week.

Vice-Chair Joyce clarified that there would not be a Planning Commission meeting on April 22nd. Ms. Sintz answered yes. The next meeting would be May 13th. Vice-Chair Joyce stated that he would be out of town for the May 13th meeting.

Commissioner Thimm disclosed that he worked collaboratively with Greg Brown several years ago on a project outside of Utah. Mr. Brown was a representative on the Alice Claim project and despite their past working relationship, Commissioner Thimm felt certain that he could be objective in the Alice Claim discussion this evening.

Commissioner Phillips disclosed that he would be recusing himself from the Alice Claim items on the agenda.

Commissioner Phillips commented on on-site noticing and mentioned a number of properties where the signs were falling over or lying on the ground. He pointed out that the small white signs on a stick are not adequate and most are not visible. Commissioner Phillips asked why they were not using the glass signs that stand out.

Planning Manager Sintz stated that wood stake signs were used prior to the double metal signs with plexiglass. She noted that a considerable amount of money was spent on those signs and unfortunately they kept disappearing. Ms. Sintz offered to look into signage and come back with alternative options. She noted that a sign notification has been modified as more of an FYI for reconstruction, which was requested by the HPB. She suggested that the Staff could solicit bids again on a new type of custom sign based on the double stick with plexiglass.

CONTINUATIONS (Public Hearing and Continue to date specified.)

Vice-Chair Joyce opened the public hearing for 900 Round Valley Drive Pre-MPD, 550 Park Avenue- Steep Slop CUP, and the 550-560 Park Avenue & 545 Main Street Plat Amendment.

There were no comments.

Vice-Chair Joyce closed the public hearing.

Planning Manager Sintz requested that the Planning Commission continue 900 Round Valley to a date uncertain rather than May 13th as indicated on the agenda.

MOTION: Commissioner Worel moved to CONTINUE 900 Round Valley – Pre-Master Planned Development public hearing and discussion to a date uncertain. Commissioner Preston seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Thimm moved to CONTINUE the 550 Park Avenue Steep Slope CUP and the 550-560 Park Avenue & Main Street Plat Amendment to May 13, 2015. Commission Campbell seconded the motion.

VOTE: The motion passed unanimously.

CONSENT AGENDA

Vice-Chair Joyce asked if the Planning Commission wanted any of the items removed from the Consent Agenda for discussion. There were none.

Vice-Chair Joyce opened the public hearing on the Consent Agenda: Fairway Village No. 1 PUD, 936 Empire Avenue-Steep Slope CUP, 823 Woodside Avenue – Plat Amendment, and 205 Main Street – Condominium Record of Survey.

There were no comments.

Vice-Chair Joyce closed the public hearing.

MOTION: Commissioner Phillips moved to APPROVE or forward a POSITIVE recommendation on all items on the Consent Agenda. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

1. Fairway Village No. 1 PUD – Fairway Village HOA Re-plat – Plat Amendment to memorialize existing building footprints. (Application PL-14-02569)

Findings of Fact – Fairway Village No. 1 PUD

1. The property is located at Fairway Village No. 1 PUD within the Residential Development (RD) Zoning District.
2. The Fairway Village No. 1 Planned Unit Development was originally approved by City Council on December 12, 1979 and recorded on December 17, 1979.
3. The total area of the Fairway Village No. 1 PUD is 3.19 acres.
4. There are twenty eight (28) units in the Fairway Village No. 1 PUD.
5. On December 8, 2014, the applicant submitted an application to amend the existing Fairway Village No. 1 subdivision plat.
6. The application was deemed complete on January 6, 2015.
7. The sixteen (16) units on the west side of Fairway Village Drive were built with hallways that connect the garage to the main unit.
8. The original Fairway Village No. 1 subdivision plat shows that the garages are detached from the main units.
9. The proposed plat amendment would memorialize the existing built environment of the Fairway Village No. 1 PUD.
10. As conditioned, the proposed plat amendment does not create any new noncomplying or non-conforming situations.
11. Fairway Village Drive is private and is not maintained by the City.

Conclusions of Law – Fairway Village No. 1 PUD

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – Fairway Village No. 1 PUD

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The requested utility easements from the City Engineer, City Water Department, and Snyderville Basin Sewer Improvement District must be placed on the amended plat prior to recordation.

2. 936 Empire Avenue – Steep Slope Conditional Use Permit for a new single-family home on a vacant lot (Application PL-15-02618)

Findings of Fact – 936 Empire Avenue

1. The property is located at 936 Empire Avenue.
2. The property is located within the Historic Residential (HR-1) District and meets the purpose of the zone.
3. The property is described as Lot 1 of the 936 Empire Avenue Subdivision. The lot area is 2,812.5 square feet.
4. A Historic District Design Review (HDDR) application was approved on March 31, 2015 for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009.
5. This is lot is a combination of one and a half "Old Town" lots, which was previously vacant. This is a downhill lot.
6. Access to the property is from Empire Avenue, a public street.
7. There is an existing home and retaining wall to the north that encroaches onto the

property 0.3 feet. There is a current application that has been submitted to the Planning and Building Departments requesting to demolish these structures.
8. Two parking spaces are proposed on site. Two spaces are proposed within an attached garage within the lot area.
9. The neighborhood is characterized by primarily non-historic and historic residential structures, single family homes, duplexes and condos.
10.The proposal consists of a total of 3,815 square feet, including the basement area and a double car garage.
11.The proposed driveway was designed with a maximum width of 16 feet and is approximately 12 feet in length from the garage to the existing edge of street with a minimum of 12 feet of driveway located on the property. The garage doors comply with the maximum height and width of nine feet by nine feet.
12.The proposed driveway has an overall slope is 0.14% as measured from the front of the garage to the edge of the paved street.
13. An overall combined building footprint of 1,201 square feet is proposed. The maximum allowed footprint for this lot is 1,201 square feet.
14.The proposed structure complies with all setbacks.
15.The proposed structure complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less than 27' in height.
16.The proposed home complies with the LMC required total building height of 35' from the lowest floor plane to the highest wall plate and is in compliance with the LMC required step back of 10' at the building height of 23' at the rear façade.
17.The applicant submitted a visual analysis, cross valley views and a streetscape showing a contextual analysis of visual impacts of this home on the cross canyon views and the Empire Avenue streetscape.
18.Retaining is not necessary around the home on the upper, steeper portion of the lot. There will be no free-standing retaining walls. There are no window wells.
19.The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography.
20.The site design, stepping of the foundation and building mass, increased articulation, and decrease in the allowed difference between the existing and final grade mitigates impacts of construction on the 30% or greater slope areas.
21.The design includes setback variations in the front and back and lower building heights for portions of the structure in both the front and back where facades are less than twenty-seven feet in height.
22.The proposed massing and architectural design components are compatible with both the volume and massing of other single family dwellings in the area. No wall effect is created with adjacent structures due to stepping, articulation, and placement of the house on the lot.
23.The proposed structure follows the predominant pattern of buildings along the street,

maintaining traditional setbacks, orientation, and alignment. Lot coverage, site grading, and steep slope issues are also compatible with neighboring sites. The size and mass of the structure is compatible with surrounding sites, as are details such as foundation, roofing, materials, window and door openings, and double car garages.
24.No lighting has been proposed at this time. Lighting will be reviewed at the time of Building Permit application for compliance with the LMC lighting code standards.
25.The applicant submitted a visual analysis, cross canyon view, and streetscape showing a contextual analysis of visual impacts of the proposed structure on the adjacent streetscape.
26.The findings in the Analysis section of this report are incorporated herein.
27.The applicant stipulates to the conditions of approval.

Conclusions of Law – 936 Empire Avenue

1. The Steep Slope CUP application is consistent with the Park City General Plan.
2. The application is consistent with requirements of the Park City LMC, specifically Section 15-2.2-6 (B) (1-10) regarding development on Steep Slopes.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval – 936 Empire Avenue

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. A final utility plan, including a drainage plan, for utility installation, public improvements, and storm drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers, including Snyderville Basin Water Reclamation District, prior to issuance of a building permit.
4. 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.
5. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.
6. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit, the 2009 Design Guidelines for Historic Districts and

Historic Sites (Historic District Design Review) and the Land Management Code.
7. The existing home and retaining wall to the north that are encroaching on this property must be demolished prior to building permit approval. If the home and wall are not demolished the proposed home at 936 Empire Avenue will need to be redesigned to meet current LMC required setbacks and building code requirements from existing structures and this Steep Slope Approval shall be amended or voided.
8. The plat approved by City Council on February 12, 2015 shall be recorded at the County prior to February 12, 2016 and Building Permit approval.
9. If required by the Chief Building Official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building official, the shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.
10.This approval will expire on April 8, 2016, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and the request is granted by the Planning Director.
11.Modified 13-D residential fire sprinklers are required for all new structures on the lot.
12.All exterior lighting, on porches, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way. Light trespass into the night sky is prohibited.
13.Construction waste should be diverted from the landfill and recycled when possible.
14.All electrical service equipment and sub-panels and all mechanical equipment, except those owned and maintained by public utility companies and solar panels, shall be painted to match the surrounding.

3. <u>823 Woodside Avenue – Plat Amendment to combine one and a half lots into a single lot of record</u>. (Application PL-15-02663)

<u>Findings of Fact – 823 Woodside Avenue</u>

1. The property is located at 823 Woodside Avenue.
2. The property is in the Historic Residential-1 District.
3. The subject property consists of the north one-half (½) of Lot 5 and all of lot 6, Block 11, Snyder's Addition to the Park City Survey.
4. The entire area is recognized by the County as Parcel SA-124.
5. The site is listed on Park City's Historic Site Inventory and is designated as a significant historic site.
6. The building footprint of the existing dwelling is approximately 1,000 square feet.
7. The proposed plat amendment creates one (1) lot of record from the existing area consisting of 2,558 square feet.

Planning Commission
Staff Report

PARK CITY 1884
PLANNING DEPARTMENT

Project Number: **PL-15-02680**
Subject: **Stein Eriksen Residences Condominium Plat**
Author: **Francisco J. Astorga, Senior Planner**
Date: **June 10, 2015**
Type of Item: **Administrative – Condominium Record of Survey**

Summary Recommendations

Staffs recommends the Planning Commission hold a public hearing for the Stein Eriksen Residences Condominium Plat amending North Silver Lake Condominium Plat 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.

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

Description

Applicant:	SR Silver Lake LLC represented by Marinel Robinson
Location:	7101 Stein Circle North Silver Lake Condominium Plat
Zoning:	Residential Development (RD) District
Adjacent Land Uses:	Ski resort and residential
Reason for Review:	Condominium Record of Survey Plats are required to be reviewed by the Planning Commission and reviewed and approved by the City Council

Acronyms

RD Residential Development
CUP Conditional Use Permit (CUP)
LMC Land Management Code (LMC)
MPD Master Plan Development (MPD)
ADA American with Disabilities Act (ADA)

Proposal

Due to market demand and buyer requests revisions, the applicant request to adjust building envelopes and condominium interiors from the existing plat. Under the Deer Valley Resort Master Plan, the North Silver Lake Subdivision Lot 2B is permitted a density of 54 residential units and 14,525 square feet of commercial/support space. In 2010 the Park City Planning Commission approved a Conditional Use Permit (CUP) for the development consisting of fifty four (54) private total units: sixteen (16) detached

single-family dwellings/duplexes and four (4) condominium buildings containing thirty eight (38) private dwelling units. In 2014, the applicant received Condominium Record of Survey plat which is consistent with the approved 2010 CUP.

Background

On March 16, 2015, a complete application was submitted to the Planning Department requesting approval of the Stein Eriksen Residences Condominium Plat amending the North Silver Lake Condominium Plat located at 7101 Stein Circle in Deer Valley. The site is located in the Residential Development (RD) District. The proposed Condominium Plat amends building envelopes and interiors from the existing plat approved by the City Council on May 08, 2014. The project already started construction and no units have been sold yet.

2009/2010 Conditional Use Permit

The original CUP application was before Planning Commission on five (5) different occasions: August 13, 2008, October 22, 2008, February 25, 2009, May 27, 2009, and July 8, 2009. During the July 8, 2009 review, the Planning Commission approved the application with a three to one vote. One Commissioner abstained.

On July 17, 2009, neighboring property owners submitted an appeal of the CUP approval for development of the North Silver Lake Subdivision Lot 2B. The City Council reviewed the appeal on October 15, 2009 and again on November 12, 2009. During the November 12, 2009 meeting, the City Council remanded the CUP application to the Planning Commission with specific items to be addressed.

The Planning Commission reviewed the remand during two (2) work sessions on November 11, 2009 and January 13, 2010 and two (2) Planning Commission regular agenda meetings on March 10, 2010 and April 28, 2010 to address specific findings of the City Council. The Planning Commission approved the revised CUP with a four to one vote on April 28, 2010. The applicant stipulated to additional condition of approval #19 that "Lockout units have not been included within the current CUP application. The addition of lockout units would be a substantial deviation from the current plan and must be approved by the Planning Commission."

The approval was appealed by two (2) separate parties. On May 7, 2010, Mr. Eric Lee submitted an appeal on behalf of property owners in the neighborhood and on May 10, 2010, the City received an appeal from Ms. Lisa Wilson. The City Council reviewed both appeals on June 24, 2010. The Council did not find merit in the notice issues, the compatibility of revised design or other issues raised in Ms. Wilson's appeal. The City Council added an additional requirement of an opportunity for neighborhood input prior to approval of the phasing plan(s), but found that the Planning Commission adequately addressed the issues of the remand. Accordingly, the City Council affirmed and denied in part the Planning Commission's decision to approve the North Silver Lake Lot 2B CUP. The City Council findings were ratified on July 1, 2010. The CUP approval included a condition that the approval would expire on July 1, 2011 if no building permits are issued within the development.

First CUP Extension

Land Management Code (LMC) § 15-1-10(G) allows for two (2) extensions of an approved CUP. On March 17, 2011, the Planning Department received a Request for Extension of the CUP approval. The Planning Director reviewed the extension request, Staff analyzed the application as provided within the administrative staff report, and public input was considered. On April 28, 2011, the Planning Director approved the Extension of the CUP for an additional year as conditioned.

The Planning Director's approval of the extension was appealed by Ms. Lisa Wilson and on June 8, 2011 the Planning Commission held a public hearing to consider the appeal. After hearing testimony from the appellant, the property owner, and Staff, the Planning Commission reviewed the matter de novo and rendered a decision to uphold the Planning Director's decision and grant the extension of the CUP to July 1, 2012.

On June 20, 2011, the City Council received a written appeal of the Planning Commission's final action of June 8, 2011, upholding the Planning Director's decision to approve an extension of the CUP for the North Silver Lake Lot 2B development. On July 21, 2011, the appeal was heard by the City Council, who held a quasi-judicial hearing before voting unanimously to uphold the Planning Commission's decision to uphold the Planning Director's issuance of an extension of time for the July 1, 2010 CUP. Because the appeal to uphold the Planning Director's decision was decided on July 21, 2011, the extension of the CUP was extended to July 21, 2012.

The Building Department had previously collected a bond to ensure that the existing impacts of the site will be repaired at the time of first CUP extension. The landscape plan includes re-vegetating the disturbed area including top soil and native grasses, planting eighteen (18') new trees that vary in height from ten to twelve feet (10' - 12'), and installing an irrigation system for the establishment of the grass and ongoing watering of the new trees. This work was completed by July 1, 2011 and complies with the July 1, 2010 City Council conditions of approval. The applicant has continued watering the trees and vegetation as required.

Second CUP Extension

On October 27, 2011, Staff received a complete application to extend the CUP for an additional year, and on January 11, 2012, the Planning Commission heard the applicants request for an additional and final one-year extension from July 21, 2012 to July 21, 2013. After a public hearing, the Planning Commission voted 4-0 to approve the request for the one-year and final extension to the original CUP for North Silver Lake, Lot 2B.

On February 9, 2012, the City Council received a written appeal of the Planning Commission's final action of January 11, 2012, approving the request for the one-year extension to July 21, 2013 of the CUP for the North Silver lake Lot 2B development.

The second appeal of the second extension was originally scheduled for the March 22,

2012 City Council meeting. The appellant was unable to make it to the meeting due to an accident. The City Council voted to continue the item to the April 5, 2012 City Council meeting and directed Staff not to accept any additional materials from the appellant or the applicant. On April 5, 2012 the City Council conducted a public hearing and voted unanimously to deny the appeal and approve the extension of the CUP and upheld with the following conditions of approval:

1. All conditions of approval of the City Council's July 21, 2011 order continue to apply.
2. This approval will expire July 21, 2013, 12 months from the first extension of the CUP.
3. Approval is based on plans reviewed by the City Council on June 24, 2010. Building Permit plans must substantially comply with the reviewed and approved plans. Any substantial deviation from this plan must be reviewed by the Planning Commission.

In March 2013, the applicant received a building permit for the first single-family dwelling. This structure will be used as their model home. Through 2014 and 2015 several other building permits have been issued as the site has been considered an active building site since.

Nightly Rental Lockout Units

On February 26, 2014, the Planning Commission approved the applicant's request of thirty eight (38) Nightly Rental Lockout Units modifying the CUP approved by the City in 2010.

Condominium Plat

On May 8, 2014, the City Council approved the North Silver Lake Condominium Plat. The approved Record of Survey identified private and common space and allowed the developer to sell the units. The approval consisted of twelve (12) stand-alone single-family dwelling units and (1) stand-alone duplex dwelling (containing 2 units) and forty (40) units within the main four (4) condominium buildings instead of the original ten (10) stand-alone single-family dwelling units and three (3) stand-alone duplex (containing 2 units each) dwellings equating to sixteen (16) units and thirty eight (38) units within the main four (4) condominium buildings.

A subdivision plat, known as the North Silver Lake Subdivision, was recorded in 1993. The subdivision created two (2) lots of record. According to this subdivision, Lot 2 was contemplated for further subdivision and future development. The Lot 2 North Silver Lake Subdivision was recorded in 1997. This subdivision further amended Lot 2 into four (4) separate Lots A - D. In 2005, the North Silver Lake Lodge Record of Survey Plat was recorded. That Plat subdivided Lot 2B into six (6) units and it identified convertible land for future development of the remaining land.

For additional history of the 2014 condominium plat see Exhibit C – 08 May 2014 City Council Staff Report, Exhibit D – 08 May 2014 City Council Meeting Minutes, and Exhibit E – 09 April 2014 Planning Commission Meeting Minutes.

District Purpose

The purpose of the RD District is to:

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

Analysis

The proposed Condominium Plat Amendment adjusts the platted condominium units, common area, and limited common area for the development. The proposed plat identifies the private, limited common, support limited common and facilities, and common areas.

The current Condominium Plat (2014) consists of twelve (12) single-family dwellings, one (1) duplex dwellings with two (2) units, forty (40) multi-unit dwellings, two (2) American with Disabilities Act (ADA) compliant units (platted as common areas), three (3) support commercial units, and corresponding common areas and facilities, limited common areas and facilities, support unit, and commercial units. The Condominium Plat approved in 2014 was consistent with the 2010 approved CUP containing 54 units.

The proposed Condominium Plat consists of eleven (11) single-family dwellings, two (2) duplex dwellings with two (2) units each, thirty-nine (39) multi-unit dwellings, two (2) ADA compliant units (platted as common areas), three (3) support commercial units, and corresponding common areas and facilities, limited common areas and facilities, support unit, and commercial units. The boundary lines of each adjusted areas are set forth on the proposed plat. The proposed Condominium Plat Amendment is consistent with the 2010 approved CUP containing 54 units. Even though the number of detached structures and multi-unit dwelling is changing from the Condo Plat, the density remains the same at 54 units as specified in the Deer Valley Master Plan. The massing also remains in substantial compliance due to the shift in size from the units that will be modified from a single-family dwelling into a duplex and the changes from the multi-unit dwelling being affected that does not increase additional building footprint but completely interior changes.

In essence the following exhibit below from the 2010 approved CUP will still be complied with as the footprint of the Multi-Unit Dwellings in the center will be in substantial compliance with the original approval, and so will the footprint of the single-family dwellings, and duplexes around the perimeter. See diagram showing the original approved footprint:

Staff does not find that the original CUP has to be re-reviewed as the proposal complies with the approved CUP. The density of 54 units still remains the same and the footprint as specified on this diagram above is complied with. The open space calculations were not associated with this.

The size of the private units within the single-family, duplex, and multi-unit dwellings range from 1,997 - 8,686 square feet. All of the unit sizes are listed in Exhibit F – Draft Condominium Declarations Second Amendment. The table below shows a size comparison from the current recorded declarations to the proposed:

Table 1: Schedule of Units & Square Footage

Unit Identifying Number	Recorded 2014 Approx. Sq. Footage of Unit[1]	Proposed 2015 Approx. Sq. Footage of Unit	Difference
131	4,101	4,137	+36

132	4,603	4,630	+27
231	4,155	4,149	-6
233	3,654	3,655	+1
311	2,544	2,544	0
312	2,174	2,181	+7
313	2,170	(unit eliminated)	-2,170
331	3,956	3,965	+9
332	3,493	3,503	+10
333	3,651	3,651	0
334	2,426	2,445	+19
341	2,009	1,997	-12
343	2,080	2,068	-12
411	2,544	2,541	-3
412	2,174	2,176	+2
413	2,171	4,333	+2,162
414	4,420	4,439	+19
421	4,589	4,579	-10
422	4,509	4,510	-1
431	4,759	4,761	-2
432	3,948	3,950	-2
433	3,002	2,993	-9
441	2,016	2,006	-10
442	2,016	2,008	-8
444	4,443	4,408	-35
511	2,707	2,702	-5
512	3,754	3,756	+2
521	4,713	4,704	-9
532	4,907	4,922	+15
541	2,009	1,999	-10
542	2,007	1,998	-9
543	4,086	4,064	-22
611	2,706	2,701	-5
612	3,745	3,733	-12
613	4,456	4,443	-13
621	4,708	4,704	-4
641	2,016	2,006	-10
642	2,009	2,000	-9
643	2,082	2,070	-12
644	4,450	4,417	-33
		(Multi-unit dwelling difference):	(-124)
C-1	817	817	0

C-2	723	909	+186
C-3	3,244	3,218	-26
SU-1	1,914	1,915	+1
		(Commercial unit difference):	(+161)
1	6,505	6,505	0
2	5,851	6,160	+309
3	5,824	6,148	+324
4	5,824	6,148	+324
5	6,559	6,688	+129
6	8,589	(see unit 6A & 6B)	-8,589
6A	(see unit 6)	6,106	6,106
6B	(see unit 6)	6,106	6,106
7	6,529	6,760	+231
8	8,591	8,686	+95
9	6,296	6,572	+276
10	6,180	6,261	+81
11	6,706	6,438	-268
12	6,431	6,851	+420
13	5,046	6,051	+1,005
14	6,646	6,413	-233
		(Single-family dwellings/duplexes difference):	+(6,313)
Totals:	**230,237**	**236,600**	**+6,363**

As shown on the table above one (1) multi-unit dwelling unit is eliminated as a duplex is accommodated as unit 6. This adjustment is consistent with the CUP plan and layout. The net increase in size, shown on Table 1 above, is 6,363 square feet. The table above was created by using the square footage on the recorded declarations and the drafted declarations submitted with this amendment. As indicated 2014 staff report, the Deer Valley MPD did not allocate a maximum house size or a UE allocation for each residential unit. The allocation was based on a density of fifty four (54) units. Staff does not find issues with the expansion of 6,363 square feet as the density remains the same. The requested Condominium Amendment does not change parking and/or lockout unit requirements.

During the original approved 2010 CUP and its Arbocare tree agreement, all significant vegetation was identified and there were specific conditions approved and agreed upon. These parameters included that if a trees of a specific category were to be removed from the site, a ratio of tree replacement depending on the category of the tree, would need to be re-plated. This parameter would continue to apply with this proposed Plat Amendment.

<u>Open Space issues addressed by 2010 Quasi-Judicial Appeal of CUP Application</u>

Under the Deer Valley Resort Master Plan Development (MPD) the North Silver Lake Subdivision Lot 2B is permitted a density of 54 residential units and 14,552 square feet of commercial and support space. The Deer Valley MPD requires that all developments are subject to the conditions and requirements of the Park City Design Guidelines, the Deer Valley Design Guidelines, and the conditional use review of LMC Section 15-1-10.

The original CUP application was before Planning Commission several times and approved in July 2009. That CUP was appealed. The City Council reviewed the appeal in October/November 2009 and remanded it to the Planning Commission with specific items included in the Order to be addressed**.** The Planning Commission reviewed the remand during several Planning Commission work sessions and meetings in 2009 and 2010 to address the Order and findings of the City Council. The Planning Commission approved the revised CUP on April 28, 2010.

That approval was appealed by two separate parties. The City Council reviewed the appeal June 24, 2010. At that hearing, the Council reviewed the open space issue and found that the sixty percent (60%) open space requirement for the project has been met. The open space of the current design is 70.6%. When the Open Space was calculated, the internal area, within the perimeter of the property was not utilized for the calculation as it was expected for some areas to change in the future. Staff does not find any discrepancies with the possible footprint amendment herein regarding open space calculations.

Condominium Plat

LMC § 15-4-12 indicates that existing structures shall not be converted to condominium ownership without first receiving the review and recommendation of the Planning, Engineering and Building Departments, City Attorney, and Record of Survey plat approval from the City. Furthermore, required public improvements and landscaping shall be completed at the time of conversion or security provided to ensure completion as provided by ordinance. The structure must be brought into substantial compliance with the Building code as a condition precedent to plat approval.

These structures are in the process of being built. Several building permits have been issued since the last Condominium Plat was approved and recorded in May 2014. The applicant is actively working on the project. The structures are to be built per current building codes. Staff finds good cause for this Condominium Plat Amendment as the development will be in compliance with the approved CUP for the development.

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 1-18.

Department Review

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

Notice
The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record.

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

Process
The approval of this condominium record of survey application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 15-1-18.

Alternatives
- The Planning Commission may forward positive recommendation to the City Council for the Stein Eriksen Residences Condominiums Plat amending the North Silver Lake Condominium Plat as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the Stein Eriksen Residences Condominiums Plat amending the North Silver Lake Condominium Plat and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on Stein Eriksen Residences Condominiums Plat amending the North Silver Lake Condominium Plat.

Significant Impacts
There are no significant impacts on the City from this application.

Consequences of not taking the Suggested Recommendation
The current Condominium Plat would govern what could be built. The property owner would not be able to accommodate market demand and buyer request revisions.

Recommendation
Staffs recommends the Planning Commission hold a public hearing for the Stein Eriksen Residences Condominium Plat amending North Silver Lake Condominium Plat 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 – Proposed Ordinance with Proposed Condominium Record of Survey
Exhibit B – Project Description
Exhibit C – 08 May 2014 City Council Staff Report
    Sub Exhibit A – Proposed Ordinance with Proposed Condominium ROS
    Sub Exhibit B – Project Description

Sub Exhibit C – North Silver Lake Subdivision (1993)
Sub Exhibit D – Lot 2 North Silver Lake Subdivision (1997)
Sub Exhibit E – North Silver Lake Record of Survey Plat (2005)
Sub Exhibit F – Planning Commission Action Letter dated March 4, 2014
Sub Exhibit G – Public Comments
Sub Exhibit H – Master Site Plan, Open Space
Sub Exhibit I – 2009 Fog Study

Exhibit D – 08 May 2014 City Council Meeting Minutes
Exhibit E – 09 April 2014 Planning Commission Meeting Minutes
Exhibit F – Draft Condominium Declarations Second Amendment

Exhibit A – Proposed Ordinance with Condominium Plat

Ordinance No. 15-XX

AN ORDINANCE APPROVING THE STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT AMENDING THE NORTH SILVER LAKE CONDOMINIUM PLAT LOCATED AT 7101 STEIN CIRCLE, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Stein Eriksen Residences Condominium Plat amending the North Silver Lake Condominium Plat, located at 7101 Stein Circle have petitioned the City Council for approval of an amended and restated condominium record of survey plat; and

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

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on May 13, 2015, May 27, 2015, and June 10, 2015 to receive input on the North Silver Lake Condominium Record of Survey Plat record of survey plat;

WHEREAS, the Planning Commission, on June 10, 2015, forwarded a recommendation to the City Council;

WHEREAS, the City Council on June 25, 2015 conducted a public hearing to receive input on the North Silver Lake Condominium Plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the North Silver Lake Condominium Plat.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. North Silver Lake Condominium Plat as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The site is located at 7101 Stein Circle in Deer Valley.
2. The site is located in the Residential Development (RD) District.
3. The proposed Condominium Plat amends building envelopes and interiors from the existing plat approved by the City Council on May 08, 2014.
4. The proposed Condominium Plat Amendment adjusts the platted condominium units, common area, and limited common area for the development.

5. The proposed plat identifies the private, limited common, support limited common and facilities, and common areas.
6. The current Condominium Plat consists of twelve (12) single-family dwellings, one (1) duplex dwellings with two (2) units, forty (40) multi-unit dwellings, two (2) American with Disabilities Act (ADA) compliant units (platted as common areas), three (3) support commercial units, and corresponding common areas and facilities, limited common areas and facilities, support unit, and commercial units.
7. The Condominium Plat approved in 2014 was consistent with the 2010 approved Conditional Use Permit containing 54 units.
8. The proposed Condominium Plat consists of eleven (11) single-family dwellings, two (2) duplex dwellings with two (2) units each, thirty-nine (39) multi-unit dwellings, two (2) American with Disabilities Act (ADA) compliant units (platted as common areas), three (3) support commercial units, and corresponding common areas and facilities, limited common areas and facilities, support unit, and commercial units.
9. The proposed Condominium Plat Amendment is consistent with the 2010 approved Conditional Use Permit containing 54 units.
10. Even though the number of detached structures and multi-unit dwelling is changing from the Condo Plat, the density remains the same at 54 units as specified in the Deer Valley Master Plan.
11. The massing remains in substantial compliance with the 2010 CUP approval due to the shift in size from the units that will be modified from a single-family dwelling into a duplex and the changes from the multi-unit dwelling being affected that does not increase additional building footprint but completely interior changes.
12. The original CUP does not have to be re-reviewed as the proposal complies with the approved CUP. The density of 54 units still remains the same.
13. The size of the private units within the single-family, duplex, and multi-unit dwelling ranges from 1,997 - 8,686 square feet.
14. One (1) multi-unit dwelling unit is eliminated as a duplex is accommodated as unit 6.
15. This adjustment is consistent with the 2010 CUP plan and layout.
16. The net increase in size is 6,363 square feet.
17. The Deer Valley MPD did not allocate a maximum house size or a UE allocation for each residential unit.
18. The Deer Valley MPD density allocation was based on a density of fifty four (54) units.
19. Several building permits have been issued since the last Condominium Plat was approved and recorded in May 2014.
20. The applicant is actively working on the project.
21. All findings in the analysis section of the staff report are incorporated herein.

<u>Conclusions of Law:</u>

1. There is good cause for this Condominium Plat amendment.
2. The Condominium Plat amendment is consistent with the Park City Land Management Code and applicable State law regarding condominium record of survey plats.

3. Neither the public nor any person will be materially injured by the proposed condominium record of survey plat.
4. Approval of the condominium plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.
5. The condominium plat amendment is consistent with the approved North Silver Lake Conditional Use Permit.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the condominium record of survey 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 condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A note shall be added to the plat referencing that the conditions of approval of the Deer Valley MPD and the 2010 North Silver Lake CUP apply to this plat amendment.
4. All conditions of approval of the City Council's July 1, 2011 order on the Conditional Use appeal shall continue to apply.
5. All conditions of approval of the Planning Commission's February 26, 2014 action modifying the CUP to allow Lockout Units shall continue to apply.
6. All conditions of approval of the City Council's May 08, 2014 approval of the North Silver Lake Condominium Plat shall continue to apply.

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

PASSED AND ADOPTED this ____ day of _____, 2015.

PARK CITY MUNICIPAL CORPORATION

_____
Jack Thomas, MAYOR

ATTEST:

_____
Marci Heil, City Recorder

APPROVED AS TO FORM:

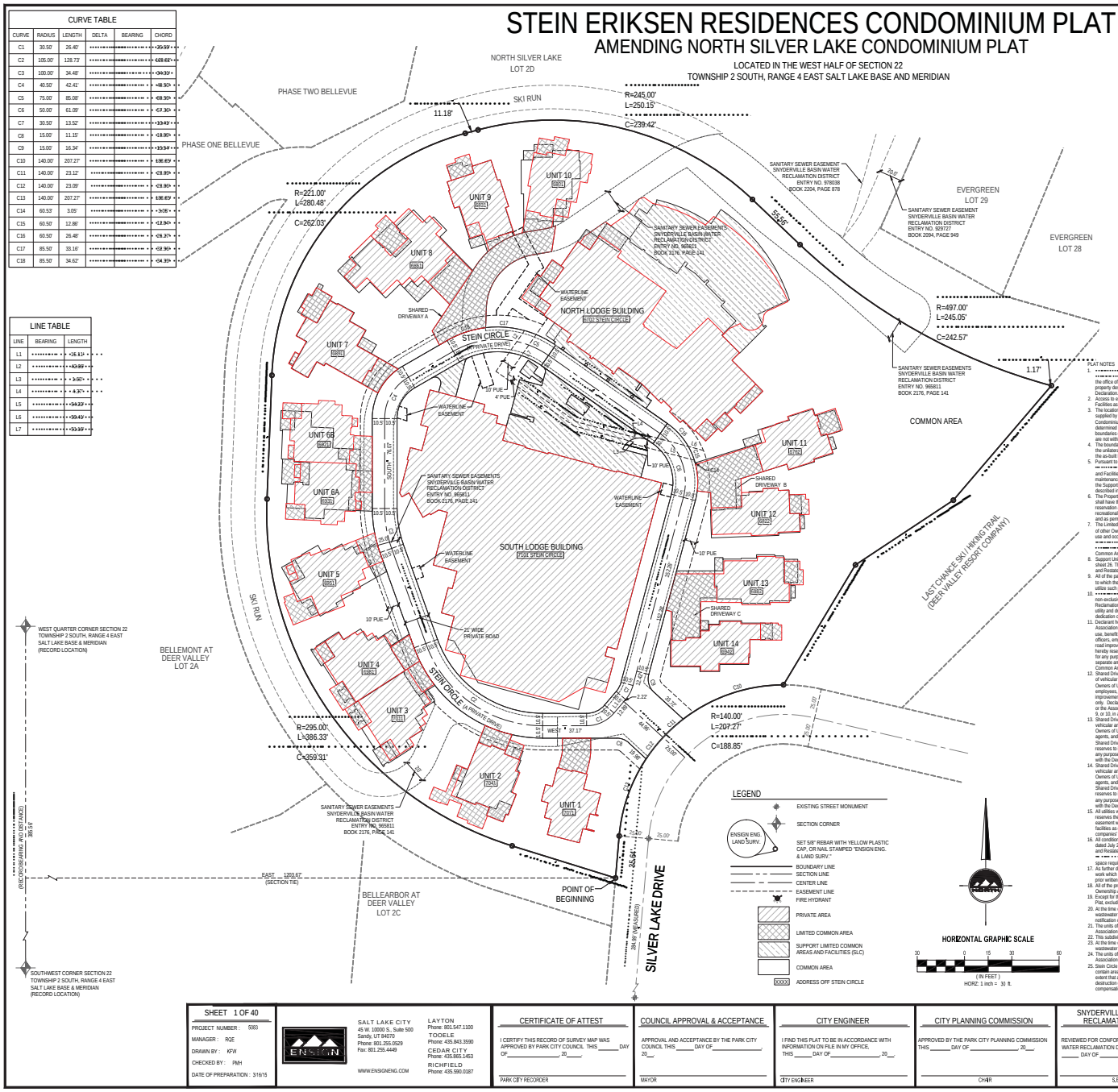
_____

Mark Harrington, City Attorney

STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT

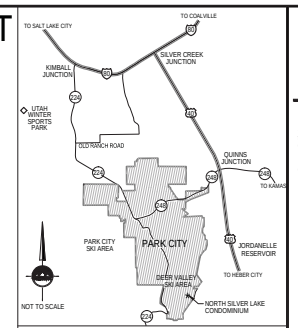
AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	30.50'	26.40'	[illegible]	[illegible]	25.59'
C2	105.00'	128.73'	[illegible]	[illegible]	120.62'
C3	100.00'	34.48'	[illegible]	[illegible]	34.33'
C4	40.50'	42.41'	[illegible]	[illegible]	40.50'
C5	75.00'	85.08'	[illegible]	[illegible]	80.50'
C6	50.00'	61.09'	[illegible]	[illegible]	57.36'
C7	30.50'	13.52'	[illegible]	[illegible]	13.41'
C8	15.00'	11.15'	[illegible]	[illegible]	10.90'
C9	15.00'	16.34'	[illegible]	[illegible]	15.54'
C10	140.00'	207.27'	[illegible]	[illegible]	188.85'
C11	140.00'	23.12'	[illegible]	[illegible]	23.09'
C12	140.00'	23.09'	[illegible]	[illegible]	23.06'
C13	140.00'	207.27'	[illegible]	[illegible]	188.85'
C14	60.53'	3.05'	[illegible]	[illegible]	3.05'
C15	60.50'	12.86'	[illegible]	[illegible]	12.84'
C16	60.50'	26.48'	[illegible]	[illegible]	26.27'
C17	85.50'	33.16'	[illegible]	[illegible]	32.96'
C18	85.50'	34.62'	[illegible]	[illegible]	34.39'

LINE TABLE		
LINE	BEARING	LENGTH
L1	[illegible]	16.13'
L2	[illegible]	10.89'
L3	[illegible]	3.60'
L4	[illegible]	4.37'
L5	[illegible]	34.22'
L6	[illegible]	39.47'
L7	[illegible]	53.39'



VICINITY MAP

NOTE
SEE SHEETS 2 THRU 7 FOR DIMENSIONS AND AREAS OF UNITS 1 THRU 14
SEE SHEETS 8 FOR DIMENSIONS AND AREAS OF NORTH BUILDING
SEE SHEETS 9 FOR DIMENSIONS AND AREAS OF SOUTH BUILDING
SEE SHEETS 10 THRU 22 FOR FLOOR PLAN AND ELEVATIONS OF UNITS 1 THRU 14
SEE SHEETS 23 THRU 29 FOR FLOOR PLAN OF NORTH BUILDING
SEE SHEETS 30 THRU 34 FOR FLOOR PLAN OF SOUTH BUILDING
SEE SHEETS 35 THRU 40 FOR ELEVATIONS OF NORTH AND SOUTH BUILDINGS

PLAT NOTES

1. [illegible] the office of the Summit County Recorder, and which shall set forth the restrictions and general plan of improvement for the property described in this Plat. Capitalized terms not otherwise defined in this Plat shall have the meanings set forth in the Declaration. The Declaration sets forth the easements, restrictions and general plan of improvement for the Project.
2. Access to each Unit is by an easement granted in the Declaration over the private road within the Common Areas and Facilities as noted hereon.
3. The locations, dimensions and boundaries of the Units and square footage calculations are based solely on drawings supplied by THINK Architecture, Inc. The square footages shown on this plat are calculated in accordance with the Utah Condominium Ownership Act and the Declaration. Such calculation typically differs somewhat from the square footage determined by the architect or others using different methods of determining unit size. It is intended that the size and boundaries of the Units shall be as constructed. All exterior finish materials are part of the Common Areas and Facilities and are not within the boundaries of the Units.
4. The boundary lines of each Unit are as initially set forth on this Plat. Except as provided in the Declaration, the Declarant has the unilateral right and obligation to amend this Plat within a reasonable time after construction of one or more Units to reflect the as-built boundaries of such Units.
5. Pursuant to the Declaration, the North Silver Lake Condominium Owners Association, Inc., a Utah nonprofit corporation [illegible] and Facilities, and the Association shall have a perpetual non-exclusive easement over the Property and Project for such maintenance purposes as further described in the Declaration. The Support Unit Owner has certain rights and control over the Support Limited Common Areas and Facilities and such areas are subject to certain maintenance covenants as further described in the Declaration.
6. The Property as depicted on this Plat is subject to the Developmental Rights as described in the Declaration, and Declarant shall have the right to exercise any Developmental Right provided for in the Declaration, including, without limitation, reservation and granting of certain easements, reducing or relocating improvements within the Project, adding additional recreational and service facilities and making such other development decisions and changes as Declarant shall determine and as permitted by the Declaration.
7. The Limited Common Areas and Facilities as depicted on this Plat are reserved for the use of certain Owners to the exclusion of other Owners. The Support Limited Common Areas and Facilities as depicted on the Plat are reserved for the exclusive use and occupancy of the Support Unit Owner, subject to certain maintenance standards, easements, rights and control as [illegible] Common Areas and Facilities are adjacent as shown hereon and are for the use and enjoyment of the Owners of such Unit.
8. Support Unit Limited Common Areas and Facilities (SLC), one appurtenant to the Support Unit (SU-L), which is shown on sheet 28. The Commercial Units (C-L, C-2, and C-3) are support commercial spaces as described in the Eleventh Amended and Restated Large Scale Master Planned Development Permit for Deer Valley.
9. All of the parking spaces in the parking garages, other than the parking garages for Units 1-14 which shall be part of the Units to which they are attached, shall be Support Limited Common Areas and Facilities. Unit Owners have the right to access and utilize such parking areas in accordance with the Declaration.
10. [illegible] non-exclusive easements are hereby dedicated and granted to Park City Municipal Corporation, Snyderville Basin Water Reclamation District (SBWRD), Park City Fire Protection District, and the Association for the purpose of providing access for utility and drainage installation, use, and maintenance and eventual replacement. Such easements shall not constitute a dedication of the Private Road for public use.
11. Declarant hereby grants a perpetual and non-exclusive access easement over the Private Road for the benefit of the Association and all Owners for the purpose of vehicular and pedestrian access on, over and across such Private Road for the use, benefit and enjoyment of all Owners, their family members, guests, and invitees and for use of the Association, its officers, employees, agents, and contractors. The Association shall permanently operate, maintain, repair, and replace all road improvements constructed within the Private Road, and the expense thereof shall be a Common Expense. Declarant hereby reserves to itself the unilateral right to amend the Private Road, without the consent of any Owner or the Association, for any purpose so long as such amendment does not materially adversely affect title to any of the Property, by recording a separate amendment to such easement.The storm water facilities within the boundaries of the project are part of the Common Areas and Facilities, and shall be owned and maintained by the Association.
12. Shared Driveway A is Limited Common Area appurtenant to Units 8, 9, and 10 for access to each such Unit for the purpose of vehicular and pedestrian access on, over and across such Limited Common Area for the use, benefit and enjoyment of the Owners of Units 8, 9, and 10, their family members, guests, and invitees and for use of the Association, its officers, employees, agents, and contractors. The Association shall permanently operate, maintain, repair, and replace all improvements within Shared Driveway A and the expense thereof shall be shared among the Owners of Units 8, 9, and 10 only. Declarant hereby reserves to itself the unilateral right to amend Shared Driveway A, without the consent of any Owner or the Association, for any purpose so long as such amendment does not materially adversely affect title or access to Units 8, 9, or 10, in accordance with the Declaration.
13. Shared Driveway B is Limited Common Area appurtenant to Units 11 and 12 for access to each such Unit for the purpose of vehicular and pedestrian access on, over and across such Limited Common Area for the use, benefit and enjoyment of the Owners of Units 11 and 12, their family members, guests, and invitees and for use of the Association, its officers, employees, agents, and contractors. The Association shall permanently operate, maintain, repair, and replace all improvements within Shared Driveway B and the expense thereof shall be shared among the Owners of Units 11 and 12 only. Declarant hereby reserves to itself the unilateral right to amend Shared Driveway B, without the consent of any Owner or the Association, for any purpose so long as such amendment does not materially adversely affect title or access to Units 11 or 12 in accordance with the Declaration.
14. Shared Driveway C is Limited Common Area appurtenant to Units 13 and 14 for access to each such Unit for the purpose of vehicular and pedestrian access on, over and across such Limited Common Area for the use, benefit and enjoyment of the Owners of Units 13 and 14, their family members, guests, and invitees and for use of the Association, its officers, employees, agents, and contractors. The Association shall permanently operate, maintain, repair, and replace all improvements within Shared Driveway C and the expense thereof shall be shared among the Owners of Units 13 and 14 only. Declarant hereby reserves to itself the unilateral right to amend Shared Driveway C, without the consent of any Owner or the Association, for any purpose so long as such amendment does not materially adversely affect title or access to Units 13 or 14, in accordance with the Declaration.
15. All utilities within the Project shall be underground. Notwithstanding Declarant's grant of blanket utility easements, Declarant reserves the right to record one or more instruments which narrow and limit such grant of utility easement to the normal easement width of the utility in those specific portions of the Common Areas and Facilities which actually contain the utility facilities as described in such instrument and for the purposes described therein. Such reserved right is subject to the utility companies' rights then located under the real property depicted on this Plat.
16. All conditions of approval of the North Silver Lake Conditional Use Permit dated July 1, 2010, as amended by the approval dated July 21, 2011 and February 26, 2014, shall continue to apply. The Project is further subject to the Eleventh Amended and Restated Large Scale Master Planned Development Permit dated March 23, 2011, as it may be amended from time to [illegible] space requirement for the Project.
17. As further described in the Declaration, all Units shall comply with the Design Guide. No construction, installation, or other work which in any way alters the appearance of any property or Unit within the Project shall be made or done without the prior written approval of the Project Design Review Committee.
18. All of the property within the boundary description is designated as Withdrawable Land pursuant to the Utah Condominium Ownership Act, as more fully set forth in the Declaration.
19. Except for those Structures shown herein, no Structures may be constructed on the Common Areas shown on sheet 1 of this Plat, excluding the private road, unless the addition and construction of such Structures has an Amendment Approval.
20. At the time of any resurfacing of the Private Road or Shared Driveway A, the Association shall be responsible to adjust wastewater manholes to grade according to Snyderville Basin Water Reclamation District (SBWRD) standards. Prior notification of the adjustments and inspection by SBWRD is required.
21. The units of the North Lodge and South Lodge Buildings are served by Common Private Lateral Wastewater Lines. The Association shall be responsible for ownership, operation and maintenance of all Common Private Lateral Wastewater Lines.
22. This subdivision is subject to the conditions of approval in Park City Ordinance.
23. At the time of any resurfacing of the Private Road or Shared Driveway A, the Association shall be responsible to adjust wastewater manholes to grade according to Snyderville Basin Water Reclamation District (SBWRD) standards.
24. The units of the North Lodge and South Lodge Buildings are served by Common Private Lateral Wastewater Lines. The Association shall be responsible for ownership, operation and maintenance of all Common Private Lateral Wastewater Lines.
25. Stein Circle (private drive), driveways to Lots 1 thru 7 (limited common area) and Common Drive A (limited common area) contain areas of heated pavement within the Snyderville Basin Water Reclamation District Sanitary Sewer Easement. To the extent that any wastewater system improvements in the easement require the removal, relocation, replacement, and/or destruction of the heated pavement and associated appurtenances, the Property Owners and Association waive any right to compensation for the loss of these improvements.

SURVEYOR'S CERTIFICATE

I, KAREN F. WHITE do hereby certify that I am a Licensed Land Surveyor, and that I hold Certificate No. 191326 as prescribed under laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land and the following description correctly describes the land surface upon which has been or will be constructed, hereafter to be known as STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT a Utah condominium project. In accordance with the Utah Condominium Ownership Act, I further certify that the condominium plat for said project is accurate and complies with the provision of Section 57-8-13 (3) of the Utah Condominium Ownership Act. Reference markers as shown on this plat are located as shown and are sufficient to readily retrace or re-establish this survey.

BOUNDARY DESCRIPTION

All of the North Silver Lake Condominium Plat, according to the official plat thereof, recorded June 17, 2014 as Entry No. 4997265 of the official records in the Office of the Summit County Recorder. Basis of Bearing is identical to that shown on said North Silver Lake Condominium Plat.

Contains 5.96 Acres

DATE

KAREN F. WHITE
P.L.S. 191326

LICENSED PROFESSIONAL LAND SURVEYOR No. 191326 KAREN F. WHITE STATE OF UTAH

Know all men by these presents that SR Silver Lake, LLC, a Utah limited liability company, the owner of the tract of land described herein as North Silver Lake Condominium, located on said tract of land, hereby certifies that it has caused this survey to be made of this Plat consisting of forty (40) sheet to be prepared, and does hereby consent to the recordation of this Plat.
In witness whereof, the undersigned has executed this Owner's Dedication and Consent to Record as of the ___ day of _____, 2014.

SR Silver Lake, LLC, formerly known as North Silver Lake Lodge, LLC, a Utah limited liability company

Jeff Dinkin
Authorized Signatory

ACKNOWLEDGMENT

On this ___ day of _____, 2014, Jeff Dinkin personally appeared before me, the undersigned notary public, in and for said state and county. Having been duly sworn, Jeff Dinkin acknowledged to me that SR Silver Lake, LLC is the owner of the herein tract of land and that he, as Authorized Signatory of SR Silver Lake, LLC, is authorized to sign the above Owner's Dedication and Consent to Record freely and voluntarily.

Authorized Signatory of SR Silver Lake, LLC, a Utah limited liability company

Notary Public

My Commission Expires
Residing in:

STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT

AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

SHEET 1 OF 40
PROJECT NUMBER : 5083
MANAGER : RQE
DRAWN BY : KFW
CHECKED BY : PMH
DATE OF PREPARATION : 3/16/15

ENSIGN

SALT LAKE CITY
45 W. 10000 S., Suite 500
Sandy, UT 84070
Phone: 801.255.0529
Fax: 801.255.4449

LAYTON
Phone: 801.547.1100
TOOELE
Phone: 435.843.3590
CEDAR CITY
Phone: 435.865.1453
RICHFIELD
Phone: 435.590.0187

WWW.ENSIGNENG.COM

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 20 _____
PARK CITY RECORDER

COUNCIL APPROVAL & ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 20 __
MAYOR

CITY ENGINEER
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE. THIS _____ DAY OF _____, 20 __
CITY ENGINEER

CITY PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 20 __
CHAIR

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 20 _____
S.B.W.R.D.

PARK CITY ATTORNEY APPROVAL AS TO FORM
APPROVED AS TO FORM THIS _____ DAY OF _____, 20 _____
CITY ATTORNEY

RECORDED #

STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE REQUEST OF : _____

DATE: _____ TIME: _____ BOOK: _____ PAGE: _____

FEE

SUMMIT COUNTY RECORDER

STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT

AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT

LOCATED IN THE WEST HALF OF SECTION 22
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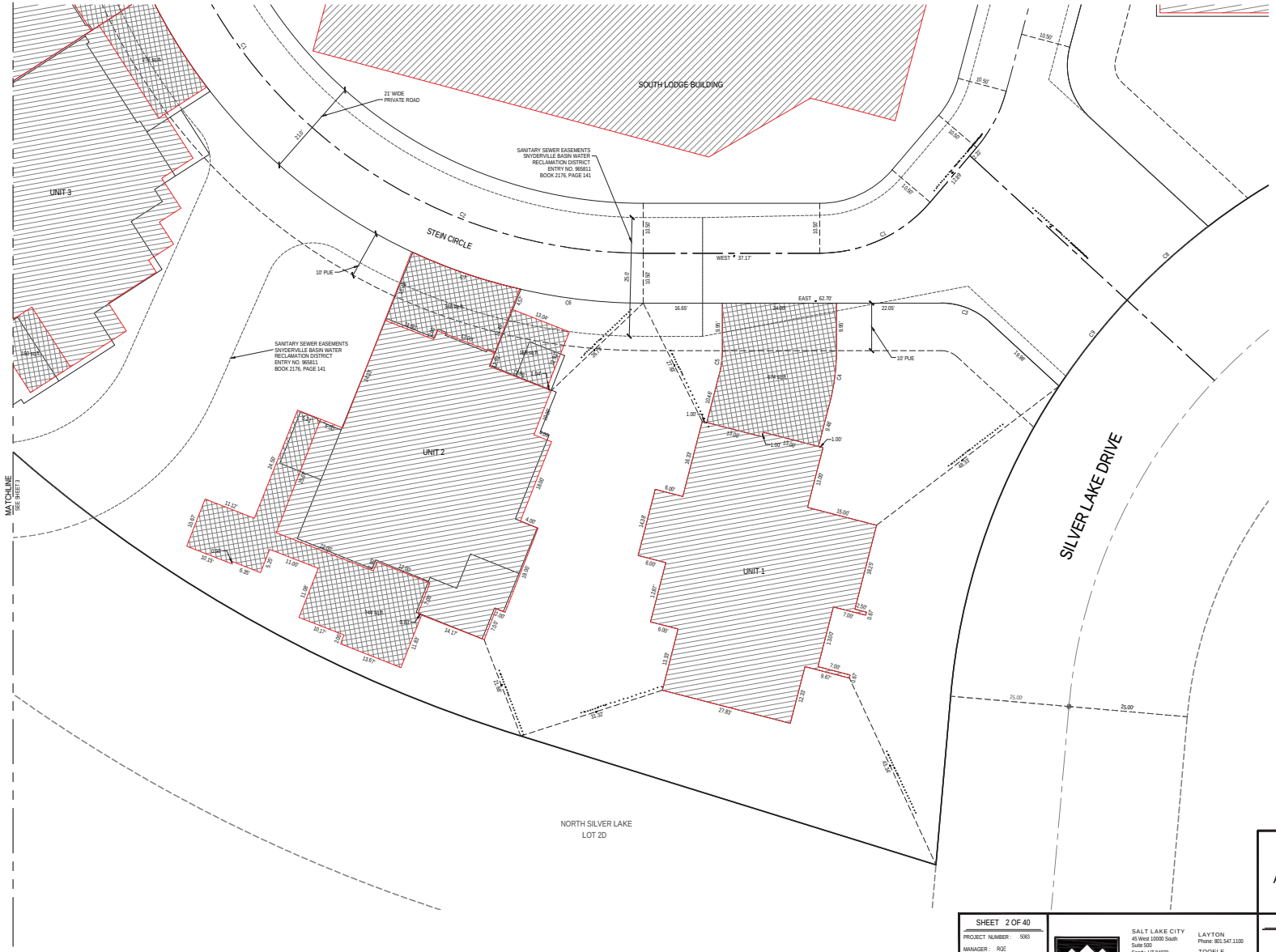

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
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C2	105.00'	128.73'	[illegible]	[illegible]	[illegible]
C3	15.00'	11.15'	[illegible]	[illegible]	[illegible]
C4	44.50'	11.20'	[illegible]	[illegible]	[illegible]
C5	20.33'	5.13'	[illegible]	[illegible]	[illegible]
C6	115.50'	26.24'	[illegible]	[illegible]	[illegible]
C7	115.50'	24.06'	[illegible]	[illegible]	[illegible]
C8	140.00'	23.12'	[illegible]	[illegible]	[illegible]
C9	140.00'	23.09'	[illegible]	[illegible]	[illegible]

LEGEND

- EXISTING STREET MONUMENT
- SECTION CORNER
- ENSIGN ENG. LAND SURV. — SET 5/8" REBAR WITH YELLOW PLASTIC CAP, OR NAIL STAMPED "ENSIGN ENG. & LAND SURV."
- BOUNDARY LINE
- SECTION LINE
- CENTER LINE
- EASEMENT LINE
- FIRE HYDRANT
- PRIVATE AREA
- LIMITED COMMON AREA
- COMMON AREA

HORIZONTAL GRAPHIC SCALE

10 0 5 10 20

(IN FEET)
HORZ: 1 inch = 10 ft.

STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT
AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

SHEET 2 OF 40

PROJECT NUMBER : 5083
MANAGER : RQE
DRAWN BY : KFW
CHECKED BY : PMH
DATE OF PREPARATION : 1/5/15

ENSIGN

SALT LAKE CITY
45 West 10000 South
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Sandy, UT 84070
Phone: 801.255.0529
Fax: 801.255.4449

LAYTON
Phone: 801.547.1100

TOOELE
Phone: 435.843.3590

CEDAR CITY
Phone: 435.865.1453

WWW.ENSIGNUTAH.COM

RECORDED #

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

STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT

AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT

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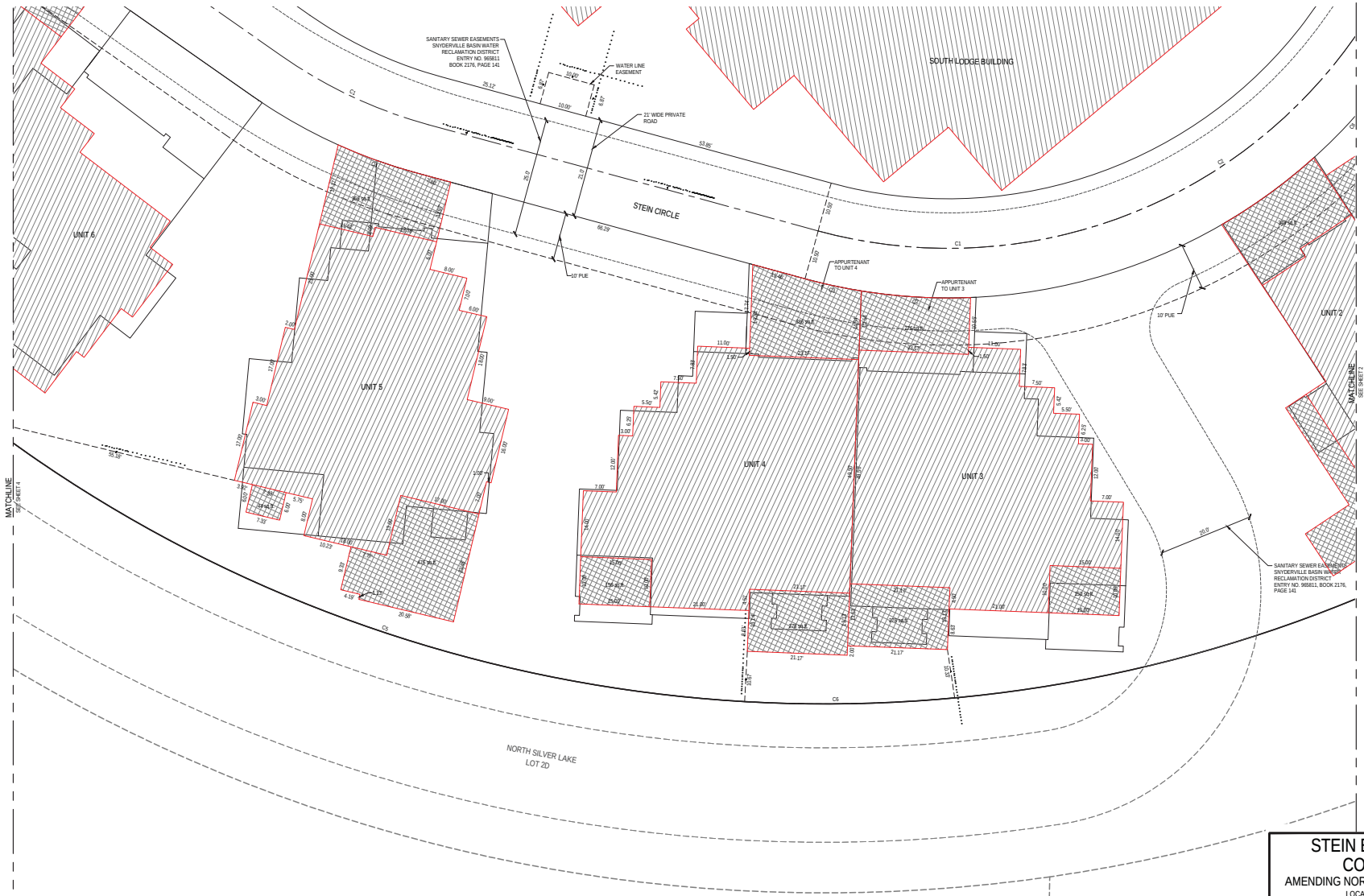

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C4	110.50'	17.33'	[illegible]	[illegible]	[illegible]
C5	295.00'	174.86'	[illegible]	[illegible]	[illegible]
C6	295.00'	44.52'	[illegible]	[illegible]	[illegible]

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SHEET 3 OF 40

PROJECT NUMBER : 5083
MANAGER : RQE
DRAWN BY : KFW
CHECKED BY : PMH
DATE OF PREPARATION : 1/5/15

ENSIGN

SALT LAKE CITY
45 West 10000 South
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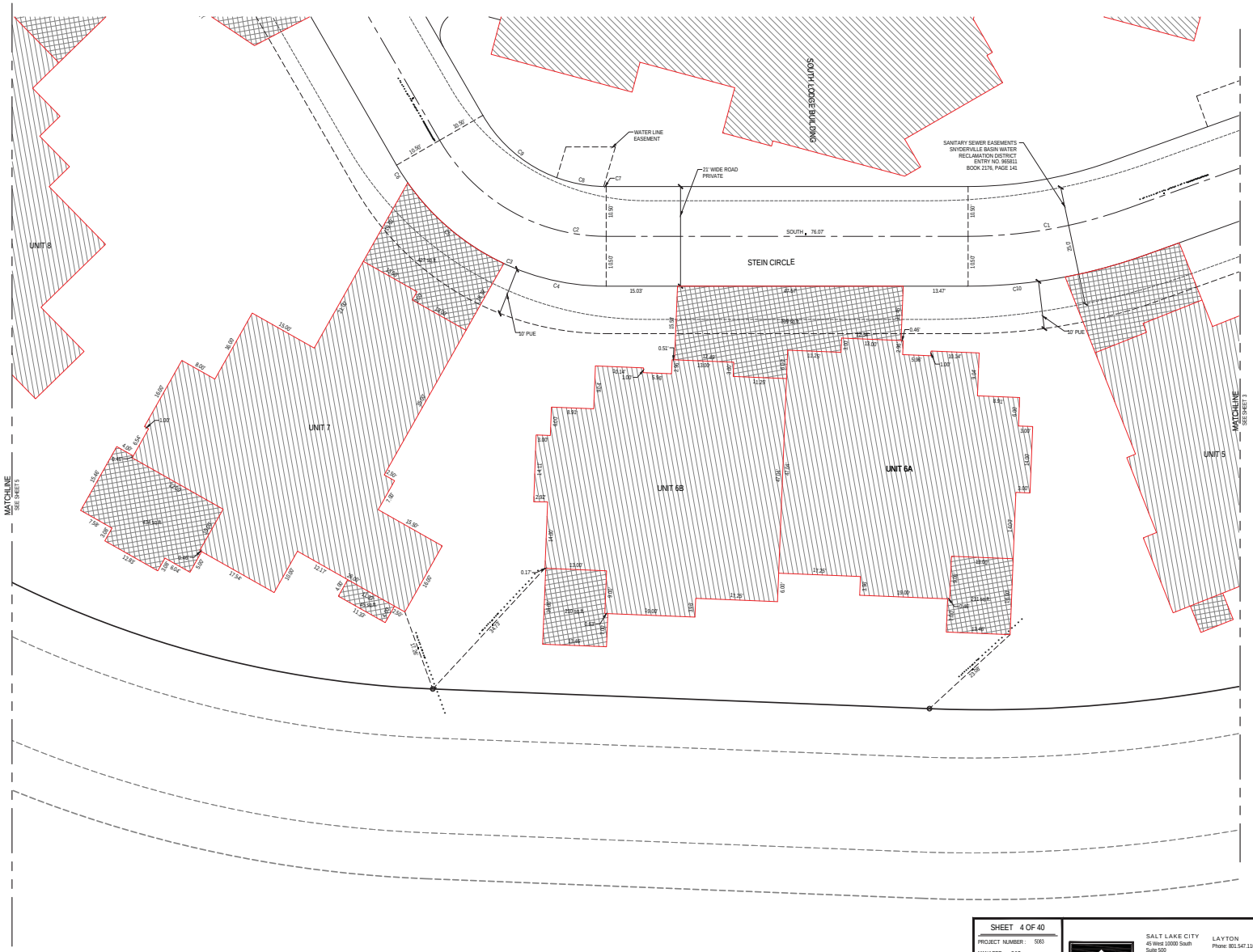

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C7	30.00'	0.53'	[illegible]	[illegible]	[illegible]
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C10	110.50'	20.76'	[illegible]	[illegible]	[illegible]

LEGEND

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- COMMON AREA

HORIZONTAL GRAPHIC SCALE

10 0 5 10 20

(IN FEET)
HORZ: 1 inch = 10 ft.

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AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

SHEET 4 OF 40

PROJECT NUMBER : 5063
MANAGER : RQE
DRAWN BY : KFW
CHECKED BY : PMH
DATE OF PREPARATION : 3/13/15

ENSIGN

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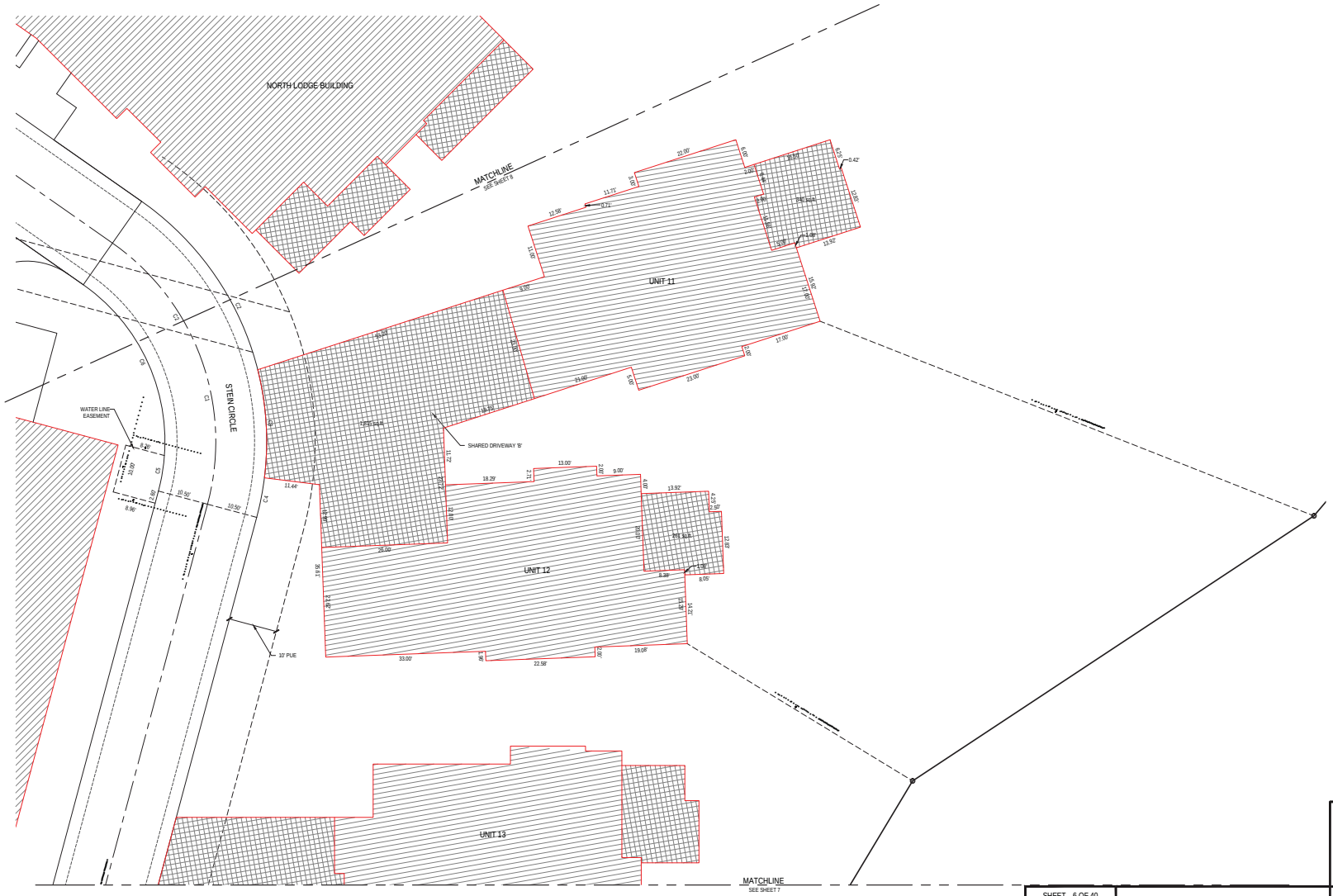

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C4	60.50'	8.33'	[illegible]	[illegible]	[illegible]
C5	39.50'	7.44'	[illegible]	[illegible]	[illegible]
C6	39.50'	40.81'	[illegible]	[illegible]	[illegible]

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- LIMITED COMMON AREA
- COMMON AREA

HORIZONTAL GRAPHIC SCALE

10 5 0 5 10 20

(IN FEET)
HORIZ: 1 inch = 10 ft.

STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT
AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

SHEET 6 OF 40

PROJECT NUMBER : 5063
MANAGER : RQE
DRAWN BY : KFW
CHECKED BY : PMH
DATE OF PREPARATION : 3/16/15

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Phone: 435.843.3590

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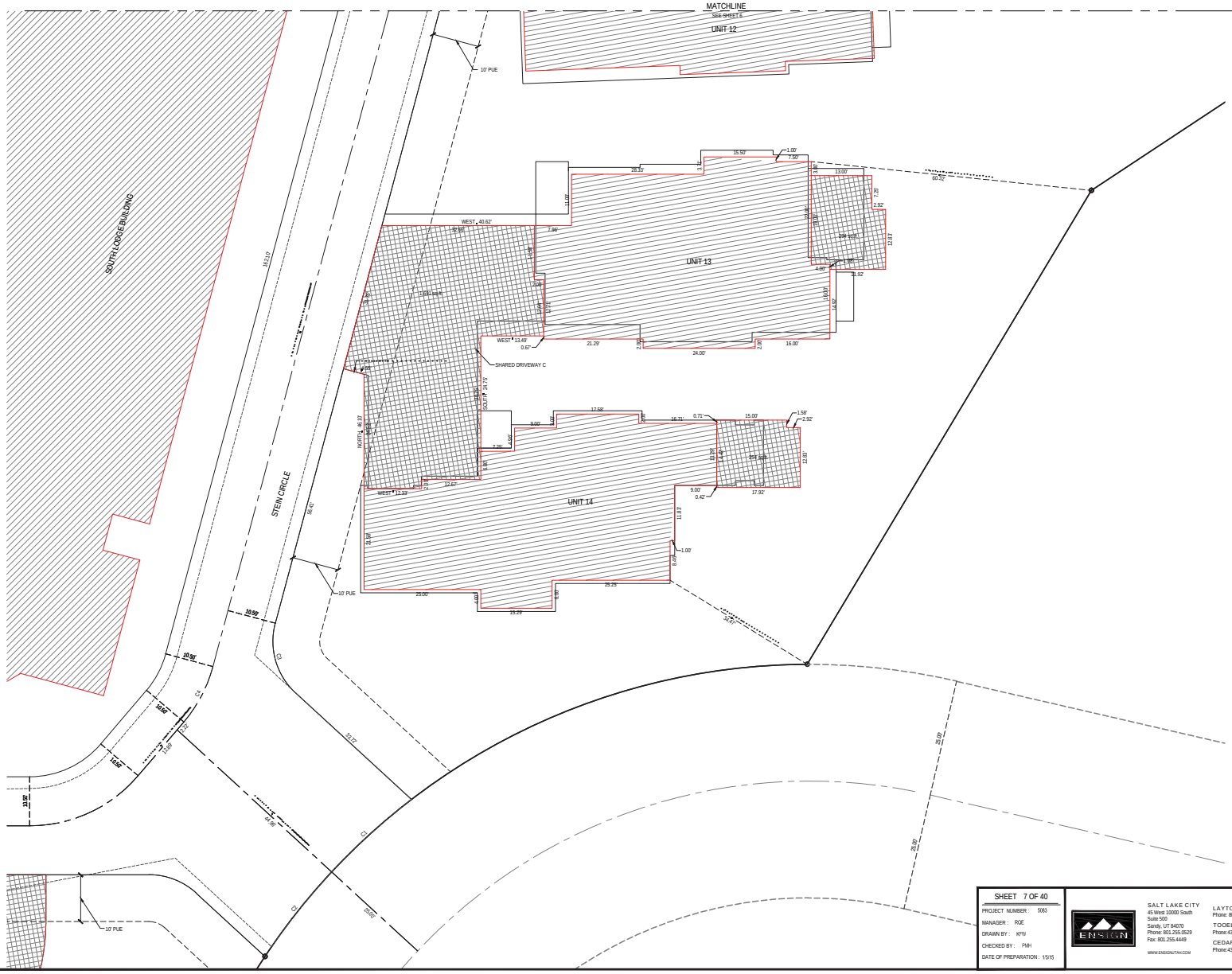
DATE: _____ TIME: _____ BOOK: _____ PAGE: _____
FEE
SUMMIT COUNTY RECORDER

STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT

AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	140.00'	23.12'	[illegible]	[illegible]	[illegible]
C2	140.00'	23.09'	[illegible]	[illegible]	[illegible]
C3	15.00'	16.34'	[illegible]	[illegible]	[illegible]
C4	30.50'	13.52'	[illegible]	[illegible]	[illegible]

LEGEND

- EXISTING STREET MONUMENT
- SECTION CORNER
- SET 5/8" REBAR WITH YELLOW PLASTIC CAP, OR NAIL STAMPED "ENSIGN ENG. & LAND SURV."
- BOUNDARY LINE
- SECTION LINE
- CENTER LINE
- EASEMENT LINE
- FIRE HYDRANT
- PRIVATE AREA
- LIMITED COMMON AREA
- COMMON AREA

HORIZONTAL GRAPHIC SCALE

10 0 5 10 20

(IN FEET)
HORIZ: 1 inch = 10 ft.

STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT
AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

SHEET 7 OF 40

PROJECT NUMBER : 5063
MANAGER : ROE
DRAWN BY : KFW
CHECKED BY : PMH
DATE OF PREPARATION : 1/5/15

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RECORDED #

STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE
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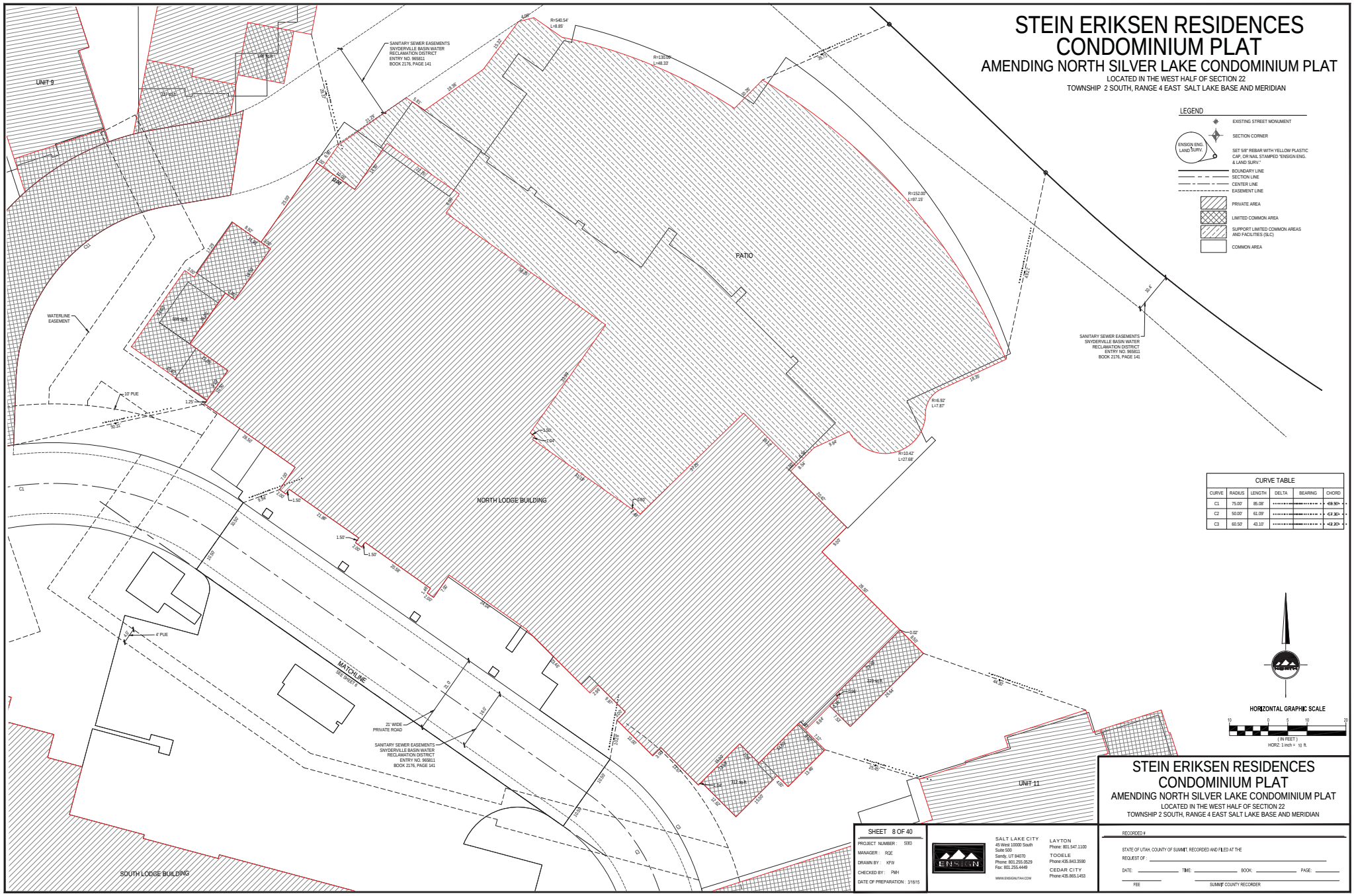
FEE _____ SUMMIT COUNTY RECORDER _____

STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT

AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



LEGEND

- EXISTING STREET MONUMENT
- SECTION CORNER
- SET 5/8" REBAR WITH YELLOW PLASTIC CAP, OR NAIL STAMPED "ENSIGN ENG. & LAND SURV."
- BOUNDARY LINE
- SECTION LINE
- CENTER LINE
- EASEMENT LINE
- PRIVATE AREA
- LIMITED COMMON AREA
- SUPPORT LIMITED COMMON AREAS AND FACILITIES (SLC)
- COMMON AREA

CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	75.00'	85.08'	[illegible]	[illegible]	[illegible]
C2	50.00'	61.09'	[illegible]	[illegible]	[illegible]
C3	60.50'	43.10'	[illegible]	[illegible]	[illegible]

HORIZONTAL GRAPHIC SCALE

10 0 5 10 20

(IN FEET)
HORZ: 1 inch = 10 ft.

STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT
AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

SHEET 8 OF 40

PROJECT NUMBER : 5063
MANAGER : RQE
DRAWN BY : KFW
CHECKED BY : PMH
DATE OF PREPARATION : 3/18/15

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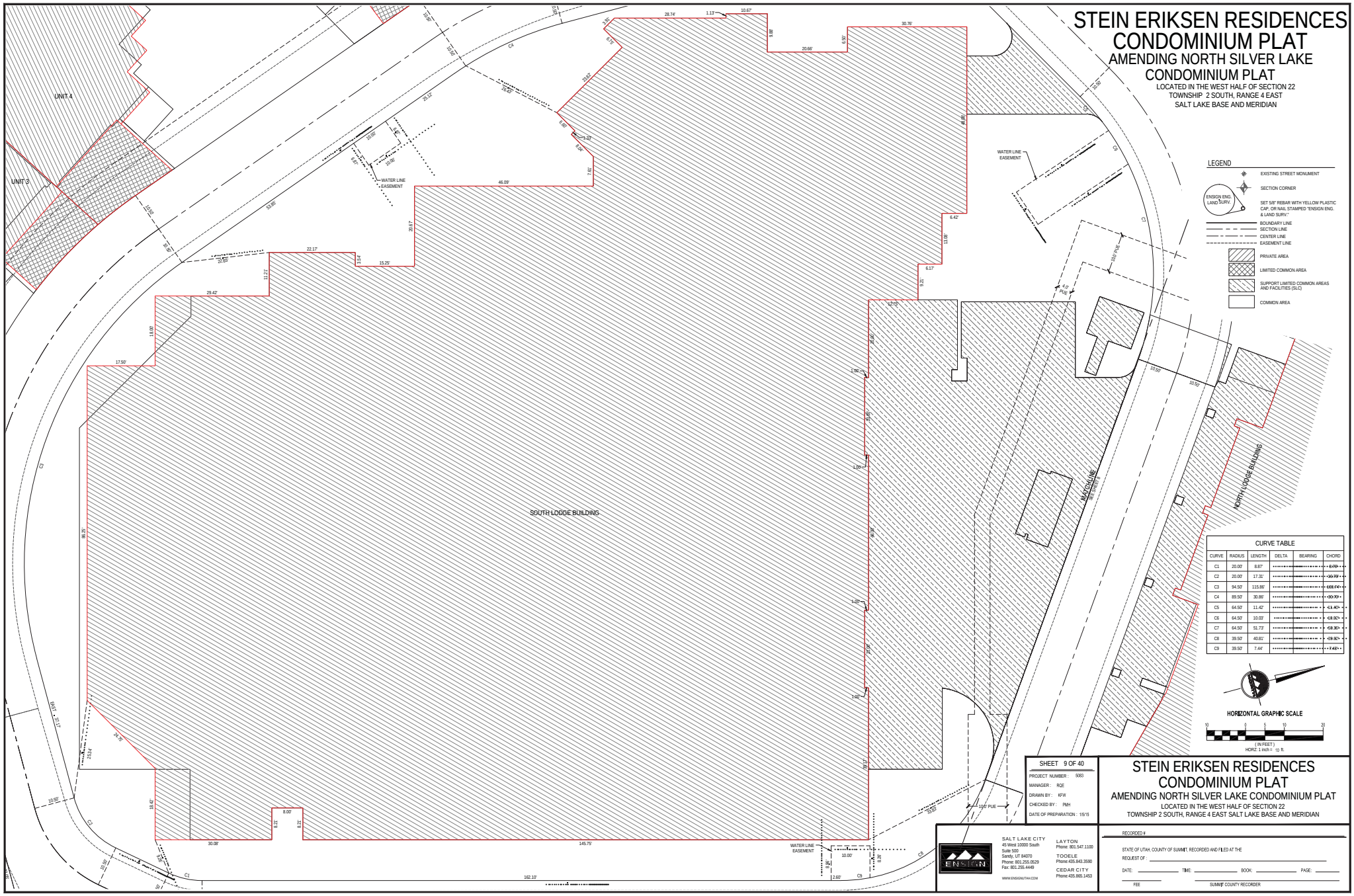
STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT

AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE AND MERIDIAN



CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	20.00'	8.87'	[illegible]	[illegible]	[illegible]
C2	20.00'	17.31'	[illegible]	[illegible]	[illegible]
C3	94.50'	115.86'	[illegible]	[illegible]	[illegible]
C4	89.50'	30.86'	[illegible]	[illegible]	[illegible]
C5	64.50'	11.42'	[illegible]	[illegible]	[illegible]
C6	64.50'	10.03'	[illegible]	[illegible]	[illegible]
C7	64.50'	51.73'	[illegible]	[illegible]	[illegible]
C8	39.50'	40.81'	[illegible]	[illegible]	[illegible]
C9	39.50'	7.44'	[illegible]	[illegible]	[illegible]

SHEET 9 OF 40

PROJECT NUMBER : 5083
MANAGER : RQE
DRAWN BY : KFW
CHECKED BY : PMH
DATE OF PREPARATION : 15/15

STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT
AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

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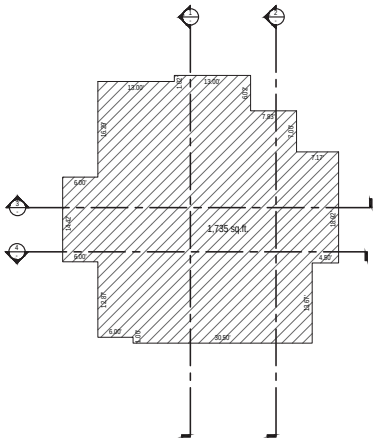
STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT

AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



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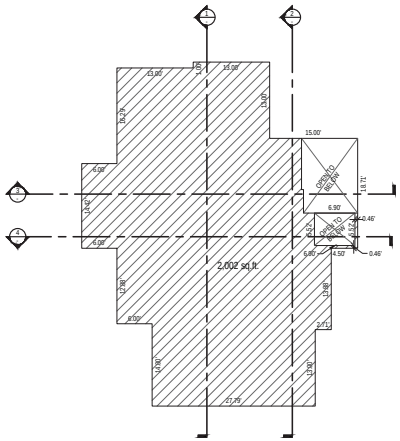

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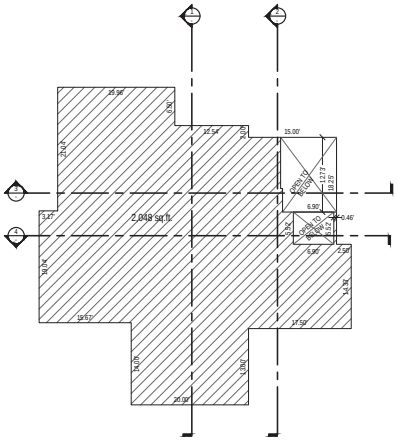

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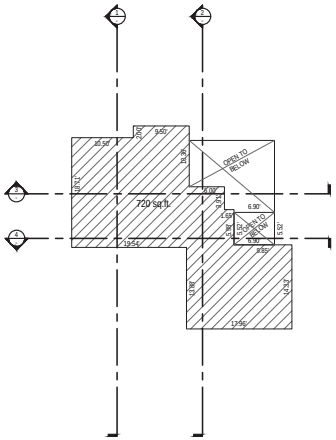
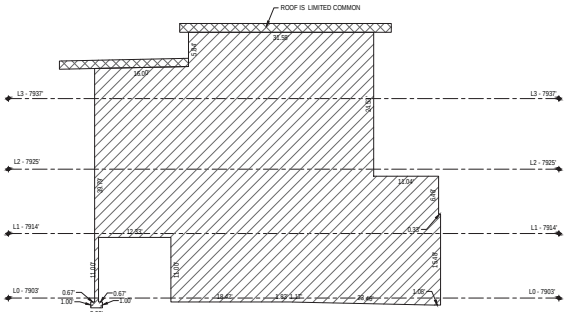


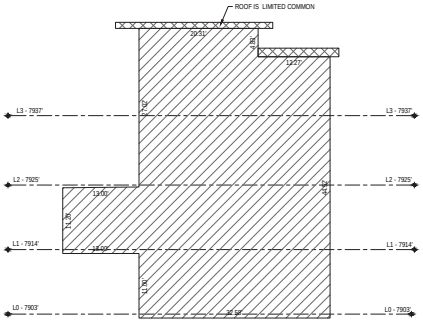
LEVEL 3

LEGEND

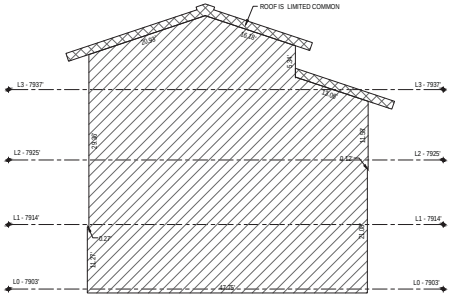
- HOME CONDOMINIUM UNIT
- LIMITED COMMON AREAS AND FACILITIES
- COMMON AREAS AND FACILITIES



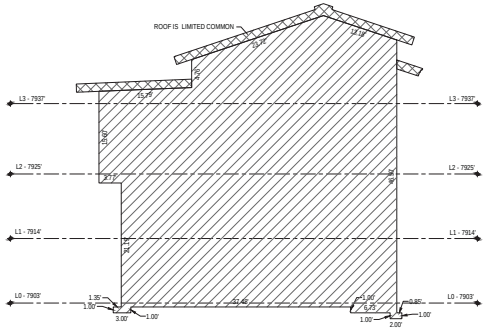
SECTION 1



SECTION 2



SECTION 3



SECTION 4

UNIT 1

HORIZONTAL GRAPHIC SCALE

10 0 5 10 20

(IN FEET)
HORZ: 1 inch = 10 ft.

SHEET 10 OF 40
PROJECT NUMBER : 5083
MANAGER : RQE
DRAWN BY : KFW
CHECKED BY : PMH
DATE OF PREPARATION : 2/5/15

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STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT
AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

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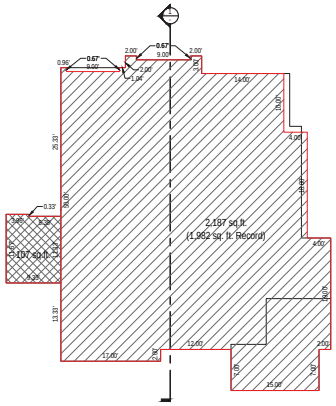
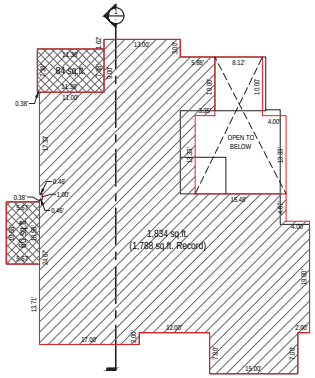
STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT

AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT

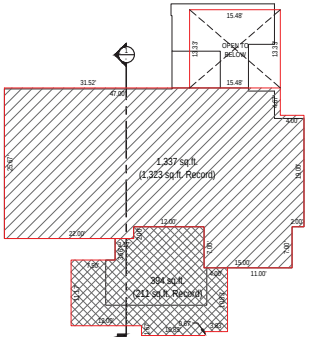
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



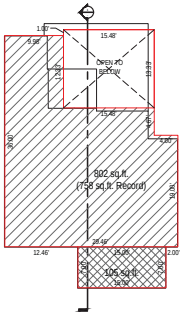
LEVEL 0



LEVEL 1



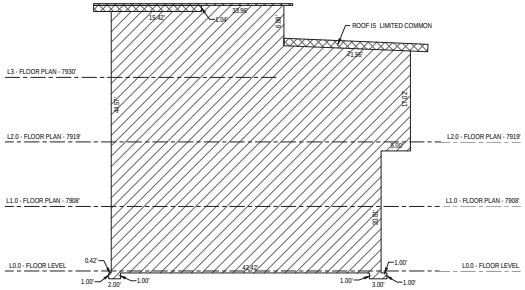
LEVEL 2



LEVEL 3

LEGEND

- HOME CONDOMINIUM UNIT
- LIMITED COMMON AREAS AND FACILITIES
- COMMON AREAS AND FACILITIES



SECTION 1

UNIT 2

HORIZONTAL GRAPHIC SCALE

10 0 5 10 20

(IN FEET)
HORZ. 1 inch = 10 ft.

STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT
AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

SHEET 11 OF 40

PROJECT NUMBER : 5083
MANAGER : RQE
DRAWN BY : KFW
CHECKED BY : PMH
DATE OF PREPARATION : 1/8/15

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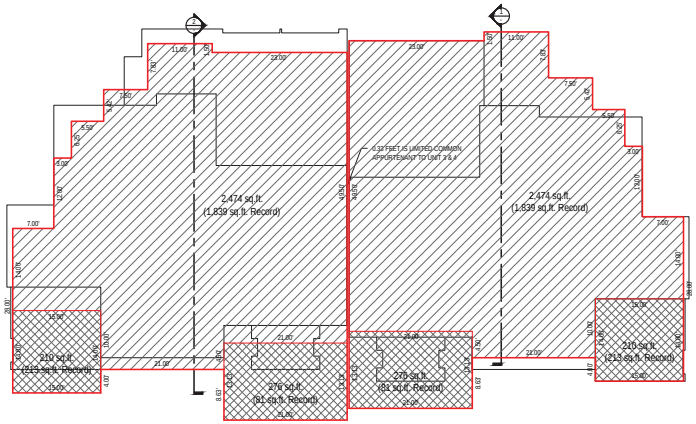
AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



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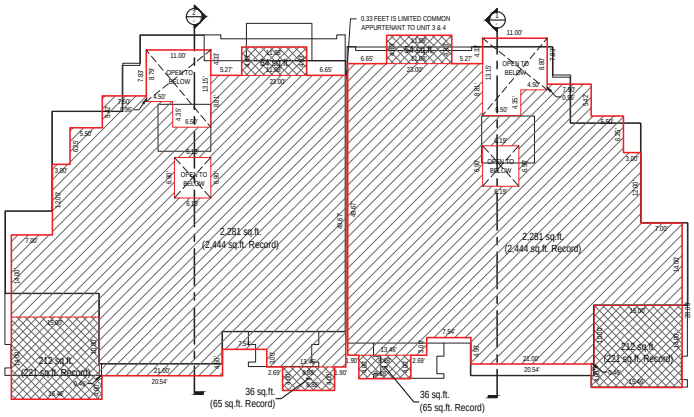
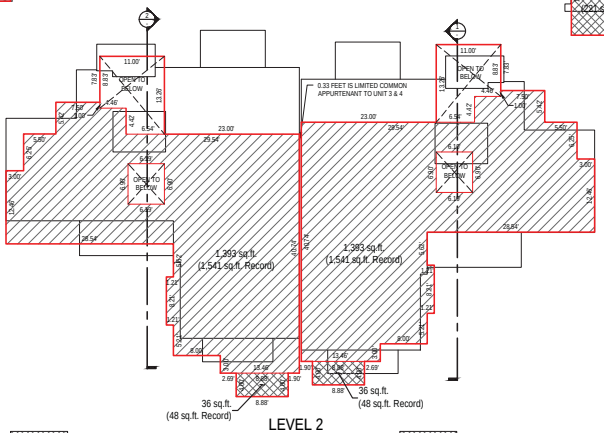
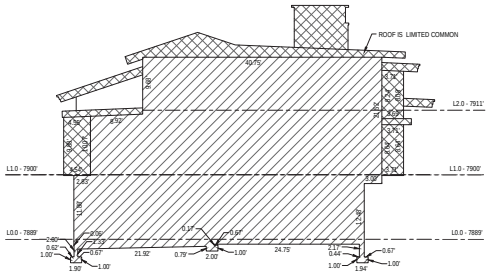


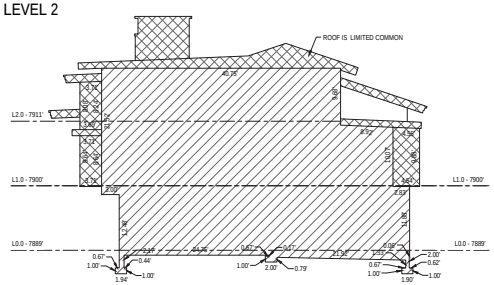
LEVEL 1



LEVEL 2



SECTION 1



SECTION 2

LEGEND

- HOME CONDOMINIUM UNIT
- LIMITED COMMON AREAS AND FACILITIES
- COMMON AREAS AND FACILITIES

UNITS 3 & 4

HORIZONTAL GRAPHIC SCALE

10 0 5 10 20

(IN FEET)
HORZ: 1 inch = 10 ft.

SHEET 12 OF 40

PROJECT NUMBER : 5063
MANAGER : RQE
DRAWN BY : KFW
CHECKED BY : PMH
DATE OF PREPARATION : 1/8/15

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STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT
AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

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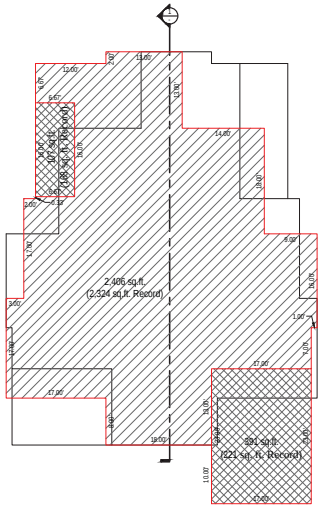
STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT

AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



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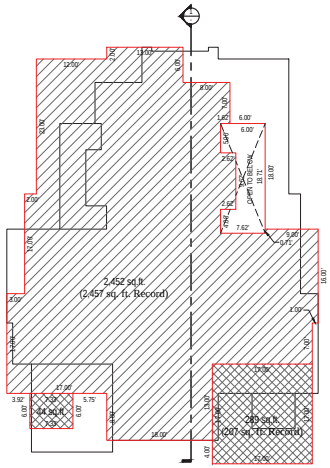
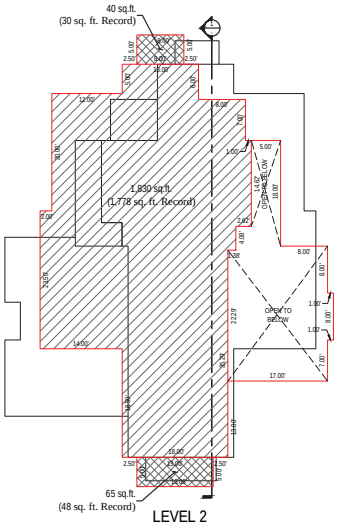


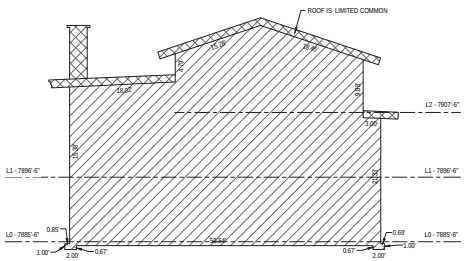
LEVEL 1



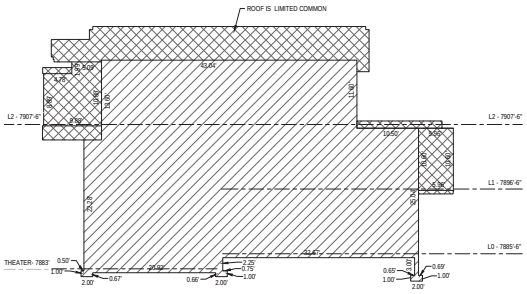
LEVEL 2

LEGEND

- HOME CONDOMINIUM UNIT
- LIMITED COMMON AREAS AND FACILITIES
- COMMON AREAS AND FACILITIES



SECTION 1



SECTION 2

UNIT 5

HORIZONTAL GRAPHIC SCALE

10 0 5 10 20

(IN FEET)
HORZ: 1 inch = 10 ft.

SHEET 13 OF 40

PROJECT NUMBER : 5083
MANAGER : RQE
DRAWN BY : KFW
CHECKED BY : PMH
DATE OF PREPARATION : 1/8/15

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STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT
AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

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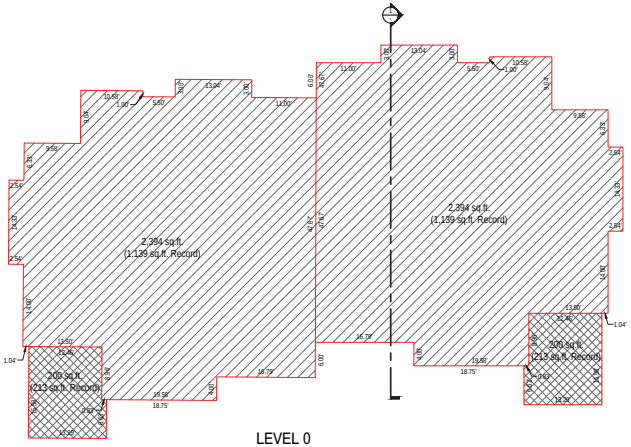
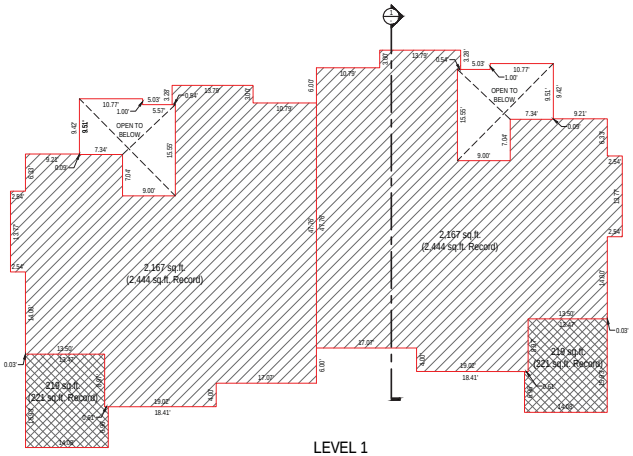
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



LEVEL 0



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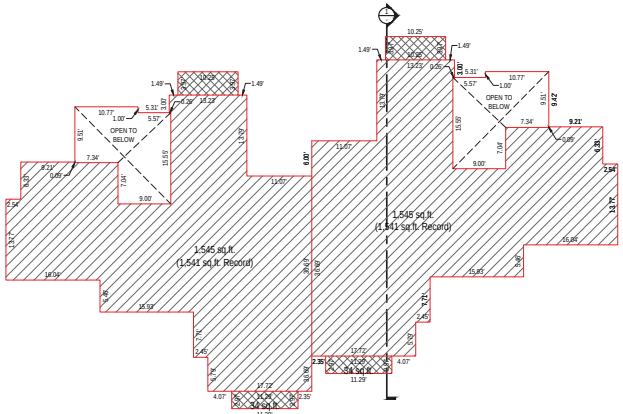

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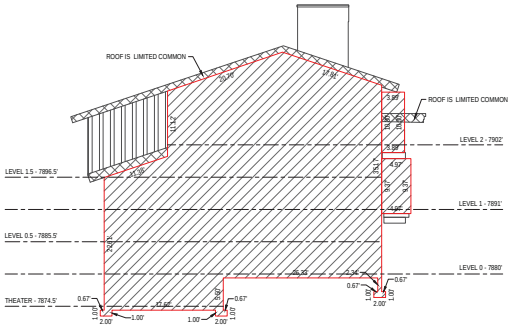

SECTION 1

LEGEND

- HOME CONDOMINIUM UNIT
- LIMITED COMMON AREAS AND FACILITIES
- COMMON AREAS AND FACILITIES

UNIT 6

HORIZONTAL GRAPHIC SCALE

10 0 5 10 20

(IN FEET)
HORZ: 1 inch = 10 ft.

SHEET 14 OF 40

PROJECT NUMBER : 5083
MANAGER : RQE
DRAWN BY : KFW
CHECKED BY : PMH
DATE OF PREPARATION : 3/16/15

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TOOELE
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CEDAR CITY
Phone: 435.865.1453

STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT
AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

RECORDED #

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REQUEST OF : _____

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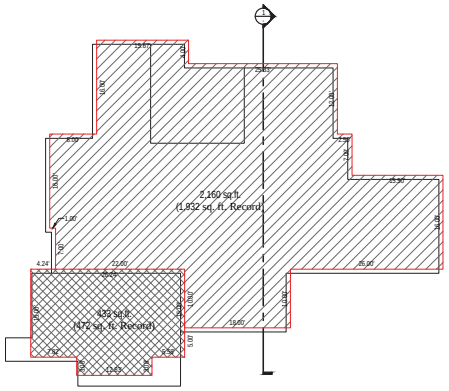
STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT

AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



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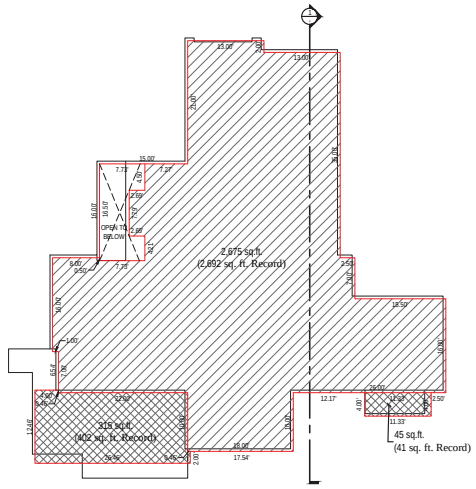

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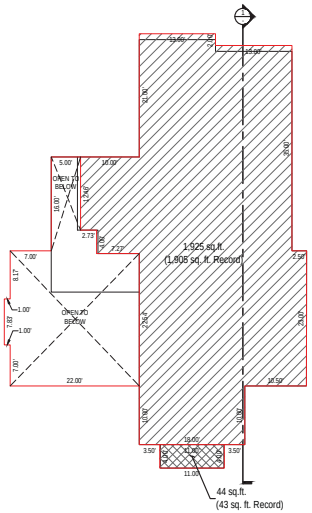
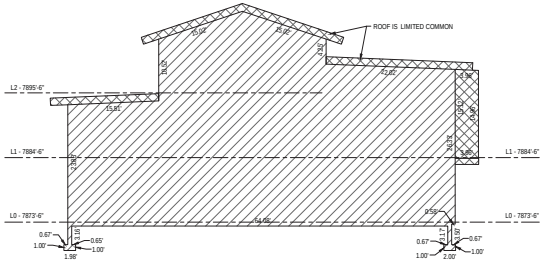


LEVEL 2

LEGEND

- HOME CONDOMINIUM UNIT
- LIMITED COMMON AREAS AND FACILITIES
- COMMON AREAS AND FACILITIES



SECTION 1

STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT
AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

UNIT 7

HORIZONTAL GRAPHIC SCALE
10 0 5 10 20
(IN FEET)
HORZ: 1 inch = 10 ft.

SHEET 15 OF 40
PROJECT NUMBER : 5083
MANAGER : RQE
DRAWN BY : KFW
CHECKED BY : PMH
DATE OF PREPARATION : 1/8/15

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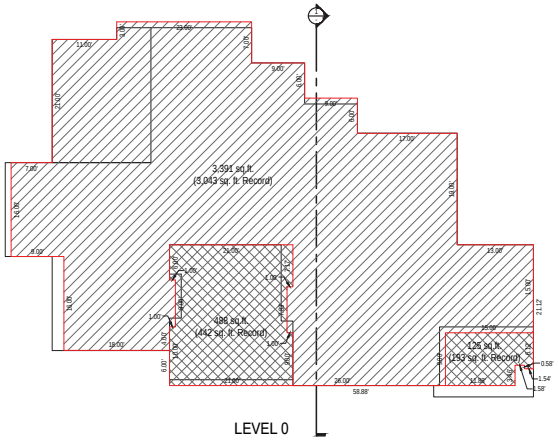
STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT

AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



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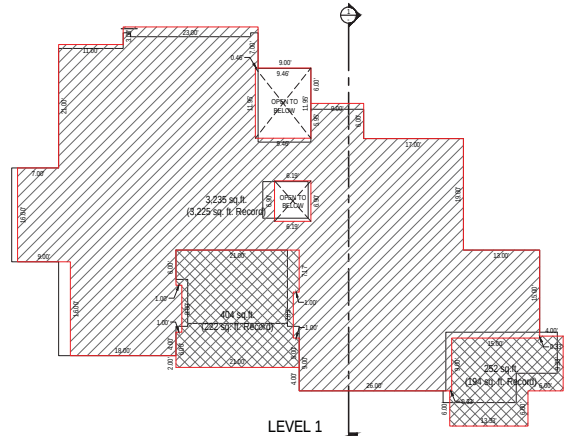

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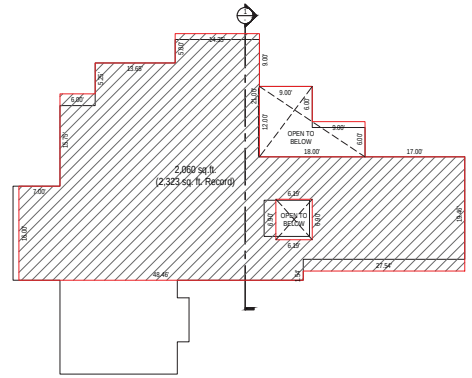
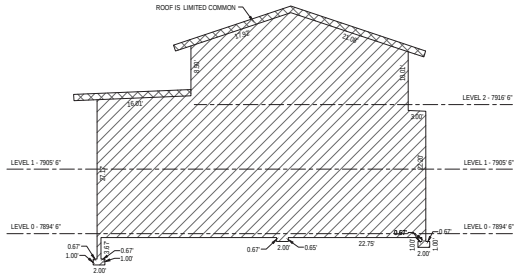


LEVEL 2

LEGEND

- HOME CONDOMINIUM UNIT
- LIMITED COMMON AREAS AND FACILITIES
- COMMON AREAS AND FACILITIES



SECTION 1

UNIT 8

HORIZONTAL GRAPHIC SCALE

10 0 5 10 20

(IN FEET)
HORZ: 1 inch = 10 ft.

SHEET 16 OF 40

PROJECT NUMBER : 5063
MANAGER : RQE
DRAWN BY : KFW
CHECKED BY : PMH
DATE OF PREPARATION : 1/8/15

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STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT
AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

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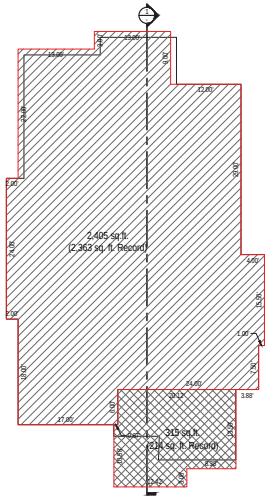
STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT

AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



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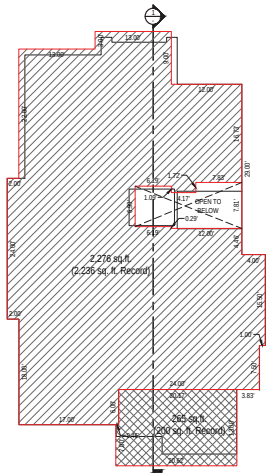

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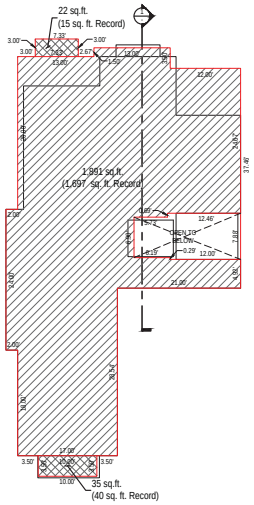
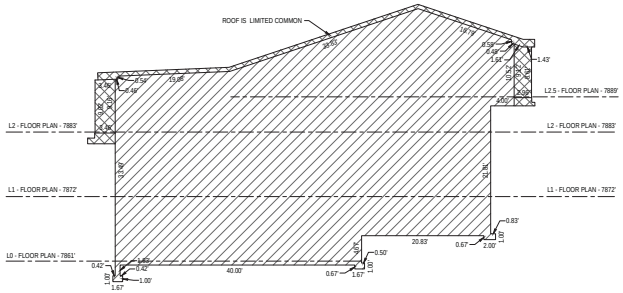


LEVEL 2

LEGEND

- HOME CONDOMINIUM UNIT
- LIMITED COMMON AREAS AND FACILITIES
- COMMON AREAS AND FACILITIES



SECTION 1

UNIT 9

HORIZONTAL GRAPHIC SCALE

10 0 5 10 20

(IN FEET)
HORZ: 1 inch = 10 ft.

SHEET 17 OF 40

PROJECT NUMBER : 5083
MANAGER : RQE
DRAWN BY : KFW
CHECKED BY : PMH
DATE OF PREPARATION : 1/8/15

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STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT
AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

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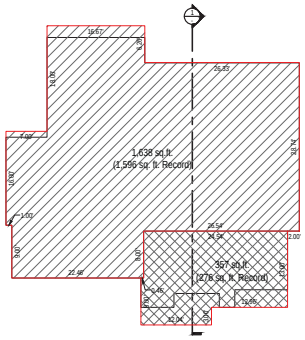
AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



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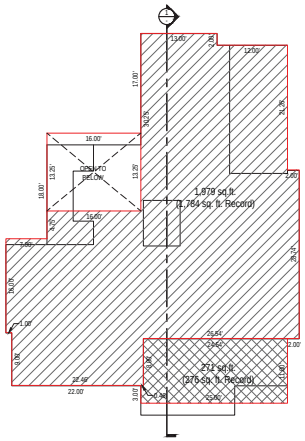

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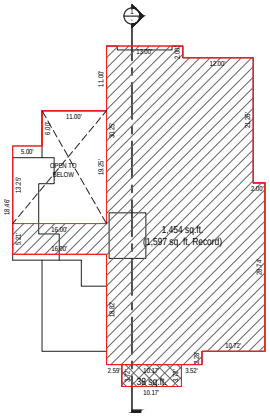

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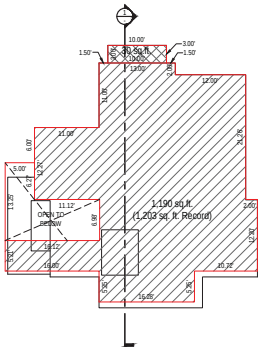
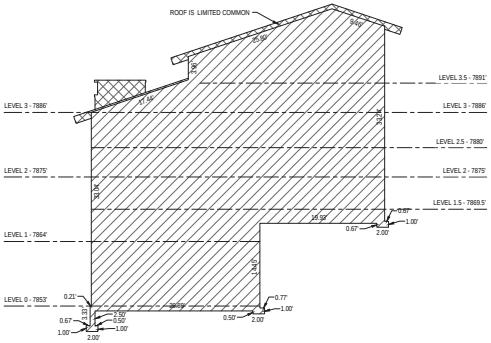


LEVEL 2

LEGEND

- HOME CONDOMINIUM UNIT
- LIMITED COMMON AREAS AND FACILITIES
- COMMON AREAS AND FACILITIES



SECTION 1

STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT
AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

UNIT 10

HORIZONTAL GRAPHIC SCALE
10 0 5 10 20
(IN FEET)
HORZ: 1 inch = 10 ft.

SHEET 18 OF 40
PROJECT NUMBER : 5063
MANAGER : RQE
DRAWN BY : KFW
CHECKED BY : PMH
DATE OF PREPARATION : 1/8/15

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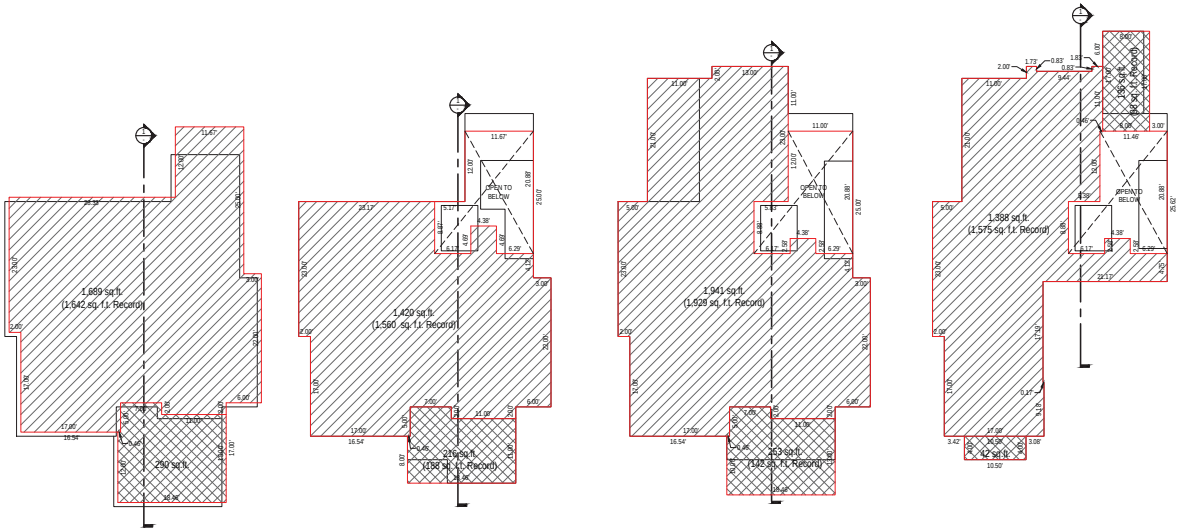
STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT

AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT

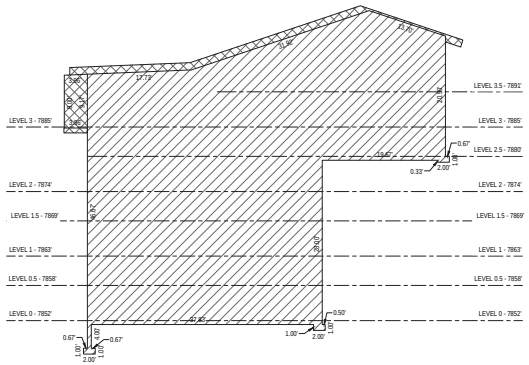
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



LEVEL 0 LEVEL 1 LEVEL 2 LEVEL 3

LEGEND

- HOME CONDOMINIUM UNIT
- LIMITED COMMON AREAS AND FACILITIES
- COMMON AREAS AND FACILITIES



SECTION 1

STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT
AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

UNIT 11

HORIZONTAL GRAPHIC SCALE
10 0 5 10 20
(IN FEET)
HORZ: 1 inch = 10 ft.

SHEET 19 OF 41
PROJECT NUMBER : 5063
MANAGER : RQE
DRAWN BY : KFW
CHECKED BY : PMH
DATE OF PREPARATION : 1/8/15

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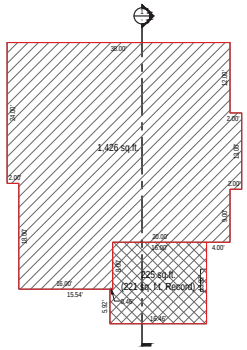
STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT

AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



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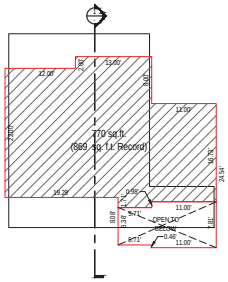

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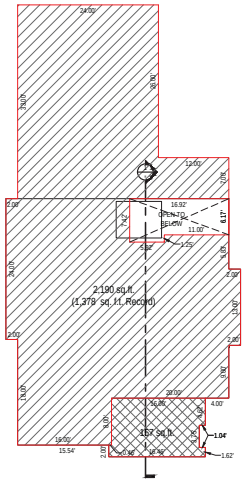

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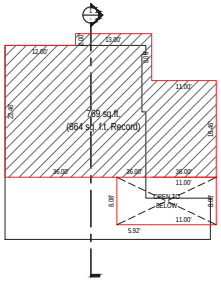

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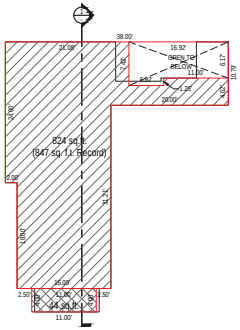

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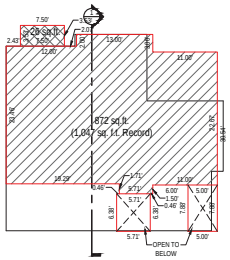
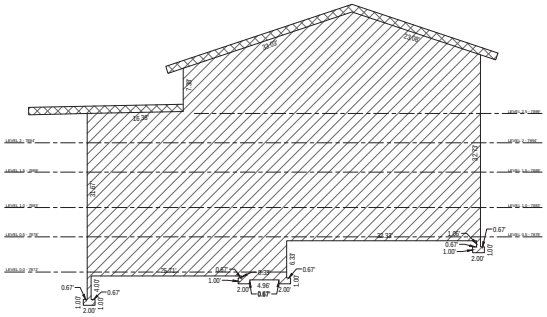


LEVEL 2.5

LEGEND

- HOME CONDOMINIUM UNIT
- LIMITED COMMON AREAS AND FACILITIES
- COMMON AREAS AND FACILITIES



SECTION 1

UNIT 12

HORIZONTAL GRAPHIC SCALE

10 0 5 10 20

(IN FEET)
HORIZ: 1 inch = 10 ft.

SHEET 20 OF 40
PROJECT NUMBER : 5083
MANAGER : RQE
DRAWN BY : KFW
CHECKED BY : PMH
DATE OF PREPARATION : 1/8/15

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STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT
AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

RECORDED #

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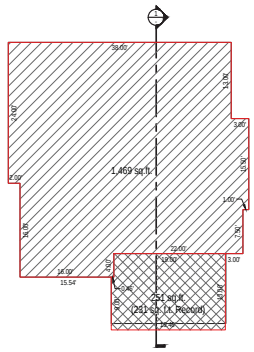
AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



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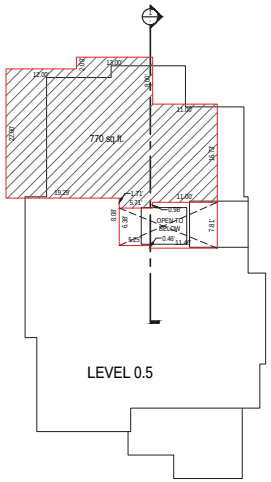

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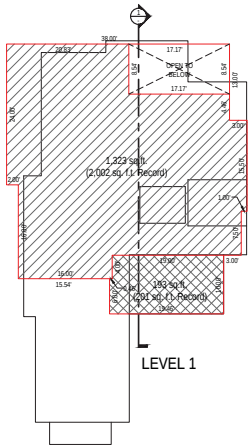
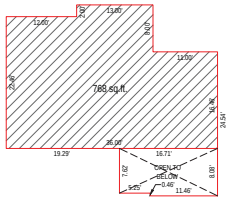


LEVEL 1



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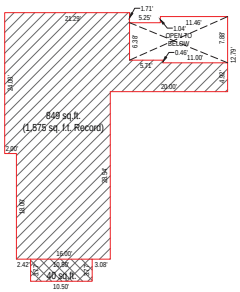
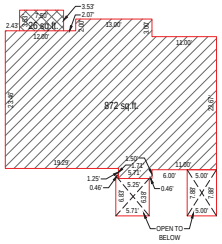


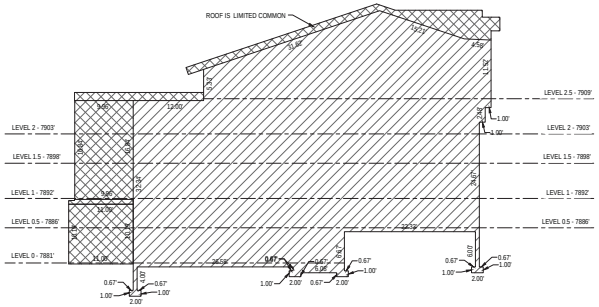
LEVEL 2



LEVEL 2.5

LEGEND

- HOME CONDOMINIUM UNIT
- LIMITED COMMON AREAS AND FACILITIES
- COMMON AREAS AND FACILITIES



SECTION 1

UNIT 13

HORIZONTAL GRAPHIC SCALE
10 0 5 10 20
(IN FEET)
HORZ: 1 inch = 10 ft.

SHEET 21 OF 40
PROJECT NUMBER : 5083
MANAGER : RQE
DRAWN BY : KFW
CHECKED BY : PMH
DATE OF PREPARATION : 3/16/15

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TOOELE
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CEDAR CITY
Phone: 435.865.1453

STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT
AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

RECORDED #

STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE
REQUEST OF : _____
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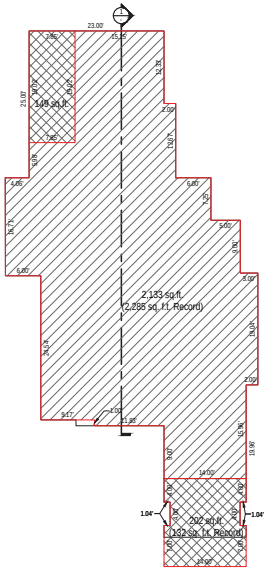
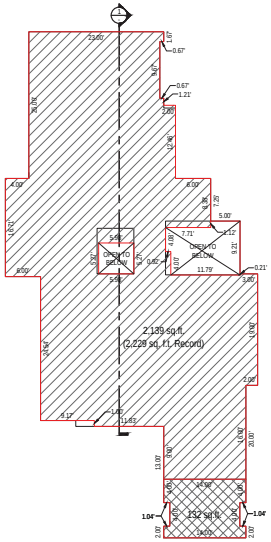
STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT

AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT

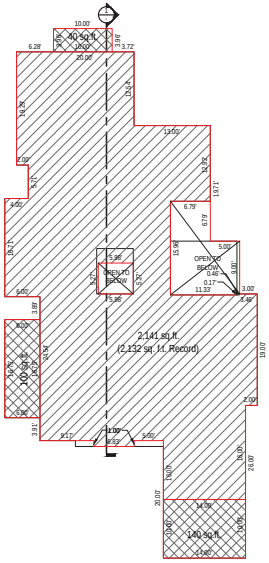
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



LEVEL 0



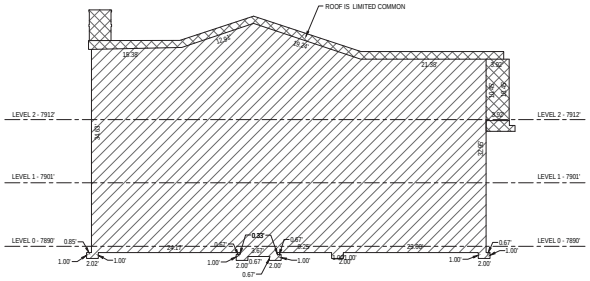
LEVEL 1



LEVEL 2

LEGEND

- HOME CONDOMINIUM UNIT
- LIMITED COMMON AREAS AND FACILITIES
- COMMON AREAS AND FACILITIES



SECTION 1

UNIT 14

HORIZONTAL GRAPHIC SCALE

10 0 5 10 20

(IN FEET)
HORZ: 1 inch = 10 ft.

SHEET 22 OF 40

PROJECT NUMBER : 5083
MANAGER : RQE
DRAWN BY : KFW
CHECKED BY : PMH
DATE OF PREPARATION : 1/8/15

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STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT
AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

RECORDED #

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REQUEST OF : _____

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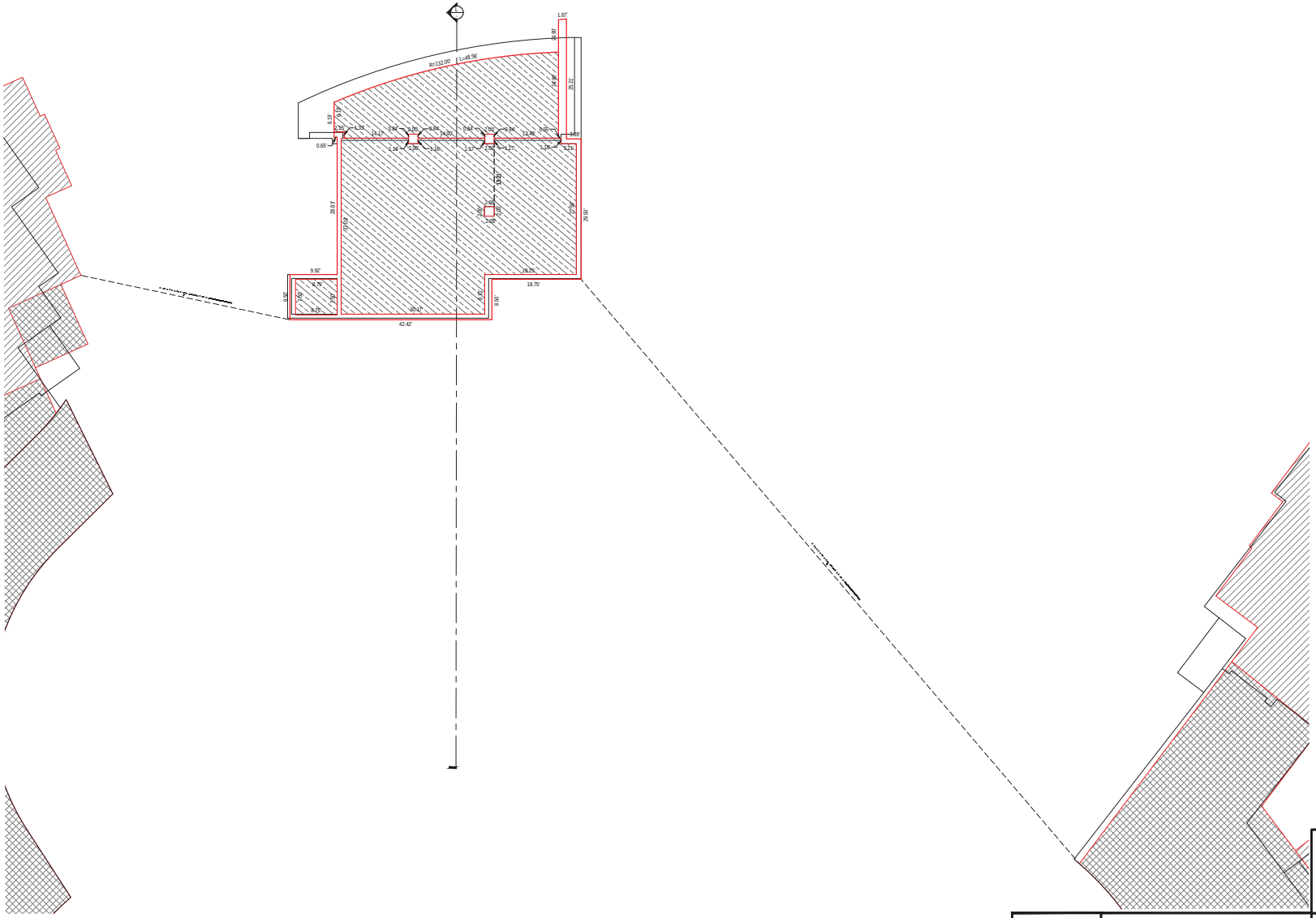
STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT

AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



LEGEND

- COMMERCIAL UNIT
- SUPPORT UNIT
- SUPPORT LIMITED COMMON AREAS AND FACILITIES (SLC)
- RESIDENTIAL UNIT
- LIMITED COMMON AREAS AND FACILITIES
- COMMON AREAS AND FACILITIES

HORIZONTAL GRAPHIC SCALE

10 0 5 10 20

(IN FEET)
HORZ: 1 inch = 10 ft.

NORTH BUILDING
LEVEL SUBLEVEL 1 FLOOR PLAN

STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT
AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

SHEET 23 OF 40

PROJECT NUMBER : 5063
MANAGER : RQE
DRAWN BY : KFW
CHECKED BY : PMH
DATE OF PREPARATION : 3/16/15

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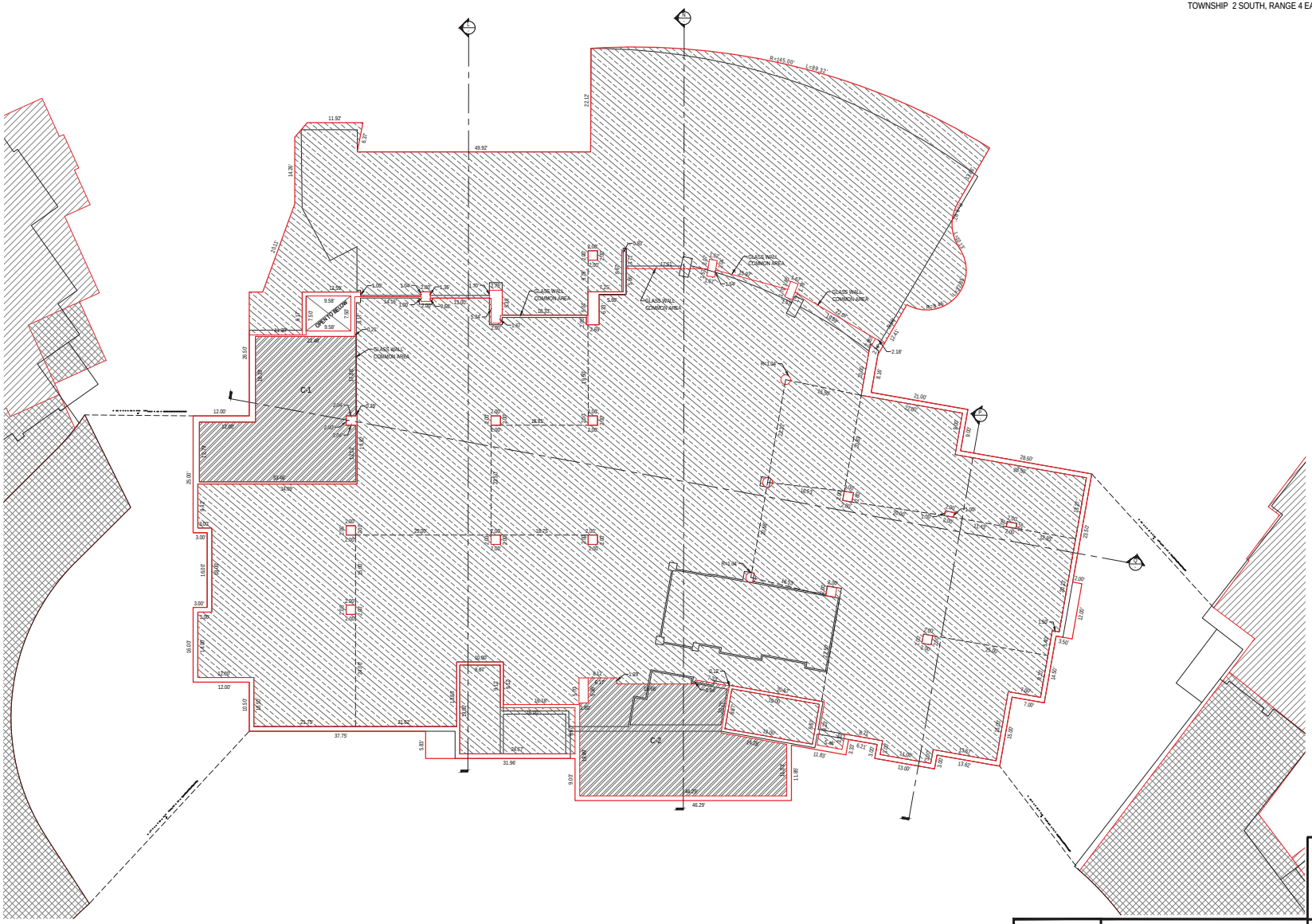
_____ FEE

_____ SUMMIT COUNTY RECORDER

STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT

AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



(RECORD)

UNIT TABLE		
	UNIT NAME	AREA (sq.ft.)
1	C-1	817
2	C-2	723

UNIT TABLE		
	UNIT NAME	AREA (sq.ft.)
1	C-1	817
2	C-2	909

LEGEND

- COMMERCIAL UNIT
- SUPPORT UNIT
- SUPPORT LIMITED COMMON AREAS AND FACILITIES (SLC)
- RESIDENTIAL UNIT
- LIMITED COMMON AREAS AND FACILITIES
- COMMON AREAS AND FACILITIES

HORIZONTAL GRAPHIC SCALE

10 0 5 10 20

(IN FEET)
HORZ: 1 inch = 10 ft.

NORTH BUILDING
LEVEL 0 FLOOR PLAN

SHEET 24 OF 40

PROJECT NUMBER : 5083
MANAGER : RQE
DRAWN BY : KFW
CHECKED BY : PMH
DATE OF PREPARATION : 3/16/15

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STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT
AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

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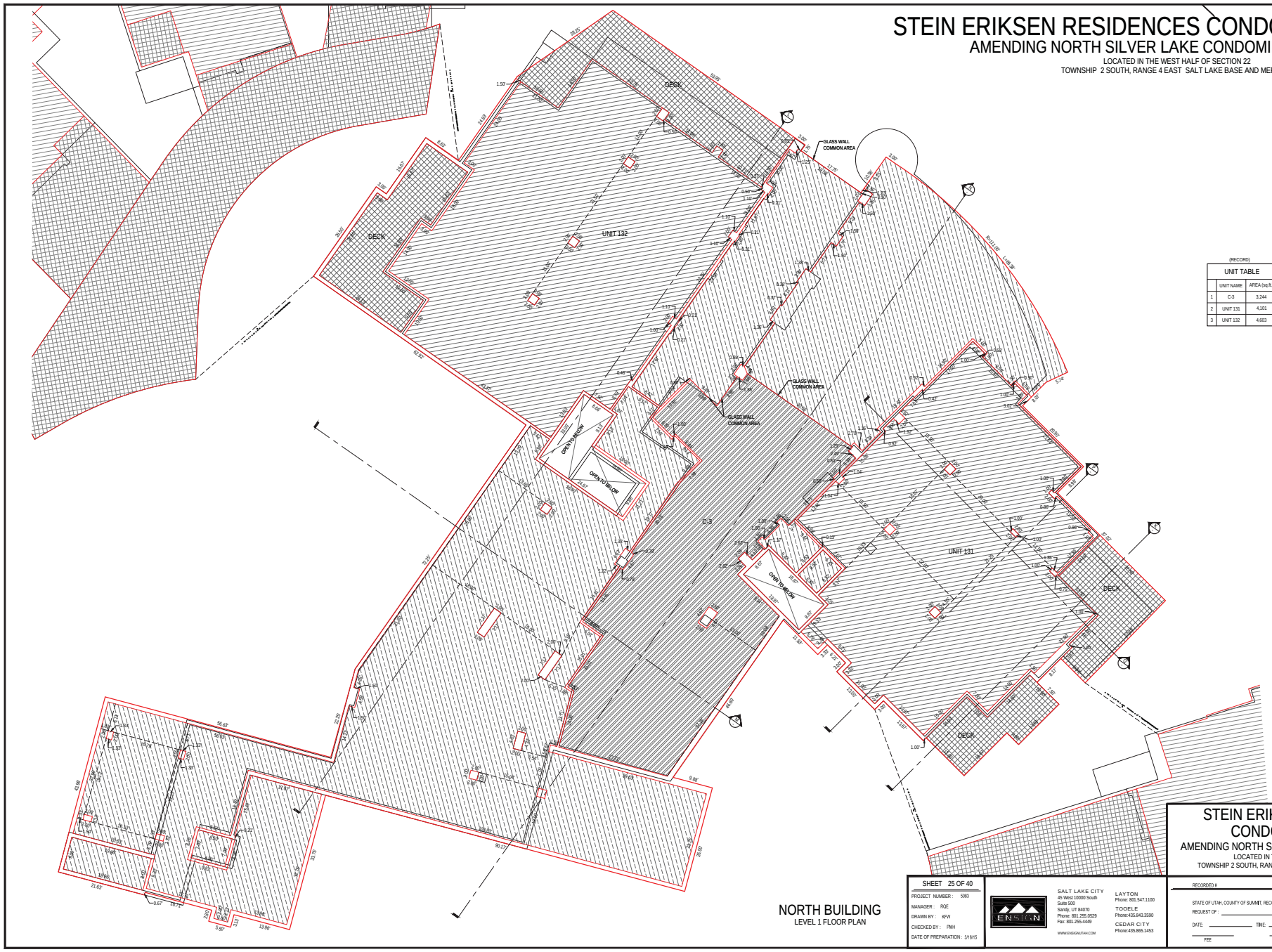
AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



(RECORD)

UNIT TABLE		
	UNIT NAME	AREA (sq.ft.)
1	C-3	3,244
2	UNIT 131	4,101
3	UNIT 132	4,603

UNIT TABLE		
	UNIT NAME	AREA (sq.ft.)
1	C-3	3,218
2	UNIT 131	4,137
3	UNIT 132	4,630

LEGEND

- COMMERCIAL UNIT
- SUPPORT UNIT
- SUPPORT LIMITED COMMON AREAS AND FACILITIES (SLC)
- RESIDENTIAL UNIT
- LIMITED COMMON AREAS AND FACILITIES
- COMMON AREAS AND FACILITIES

HORIZONTAL GRAPHIC SCALE

10 0 5 10 20

(IN FEET)
HORZ: 1 inch = 10 ft.

NORTH BUILDING
LEVEL 1 FLOOR PLAN

STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT
AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

SHEET 25 OF 40

PROJECT NUMBER : 5083
MANAGER : RQE
DRAWN BY : KFW
CHECKED BY : PMH
DATE OF PREPARATION : 3/16/15

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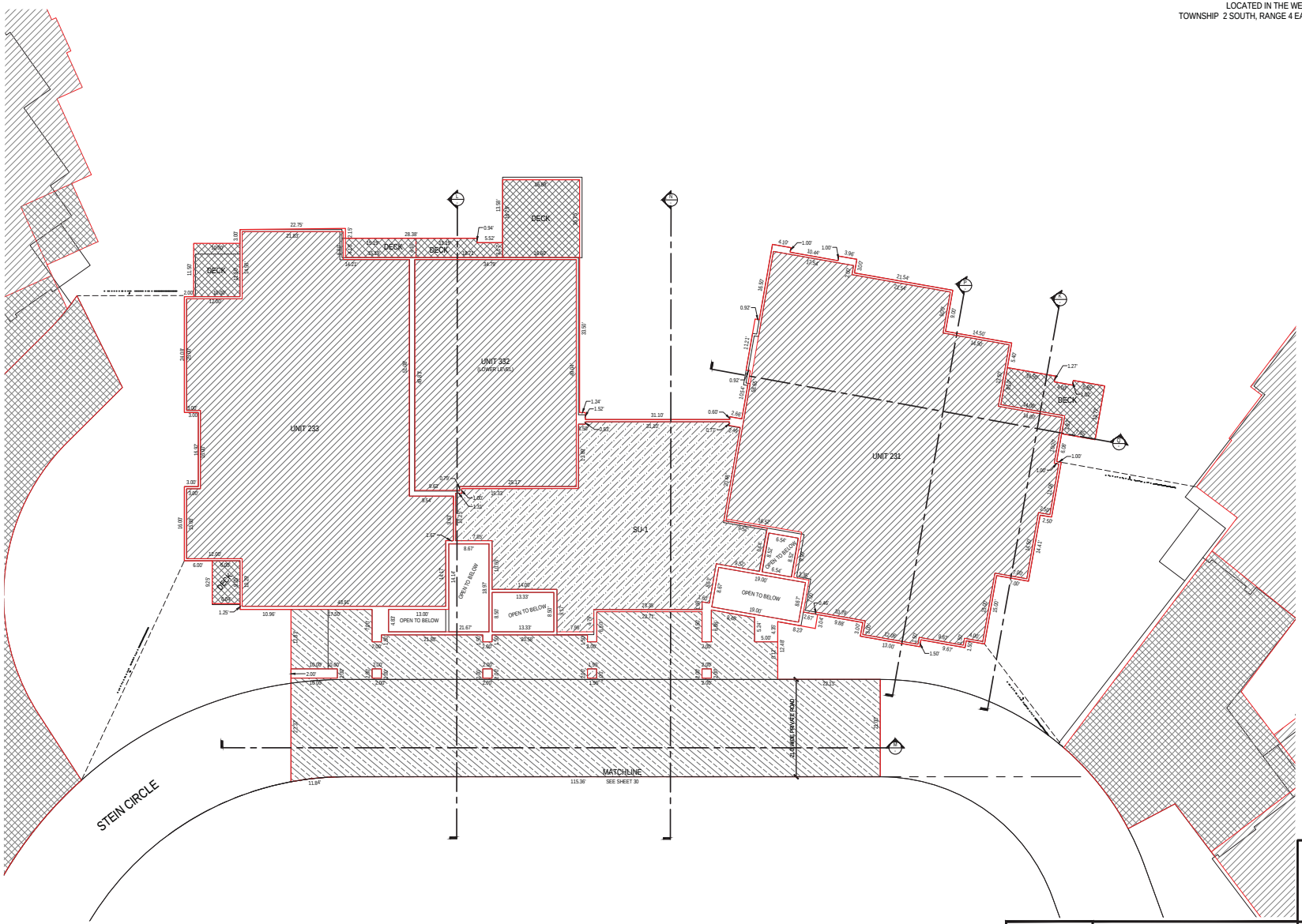
STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT

AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



(RECORD)

UNIT TABLE		
	UNIT NAME	AREA (sq.ft.)
1	SU-1	1,914
2	UNIT 231	4,155
3	UNIT 332	1,716
4	UNIT 233	3,654

UNIT TABLE		
	UNIT NAME	AREA (sq.ft.)
1	SU-1	1,915
2	UNIT 231	4,149
3	UNIT 332	1,714
4	UNIT 233	3,655

LEGEND

- COMMERCIAL UNIT
- SUPPORT UNIT
- SUPPORT LIMITED COMMON AREAS AND FACILITIES (SLC)
- RESIDENTIAL UNIT
- LIMITED COMMON AREAS AND FACILITIES
- COMMON AREAS AND FACILITIES

HORIZONTAL GRAPHIC SCALE

10 0 5 10 20

(IN FEET)
HORZ: 1 inch = 10 ft.

NORTH BUILDING
LEVEL 2 FLOOR PLAN

SHEET 26 OF 40

PROJECT NUMBER : 5083
MANAGER : RQE
DRAWN BY : KFW
CHECKED BY : PMH
DATE OF PREPARATION : 3/16/15

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STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT
AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

RECORDED #

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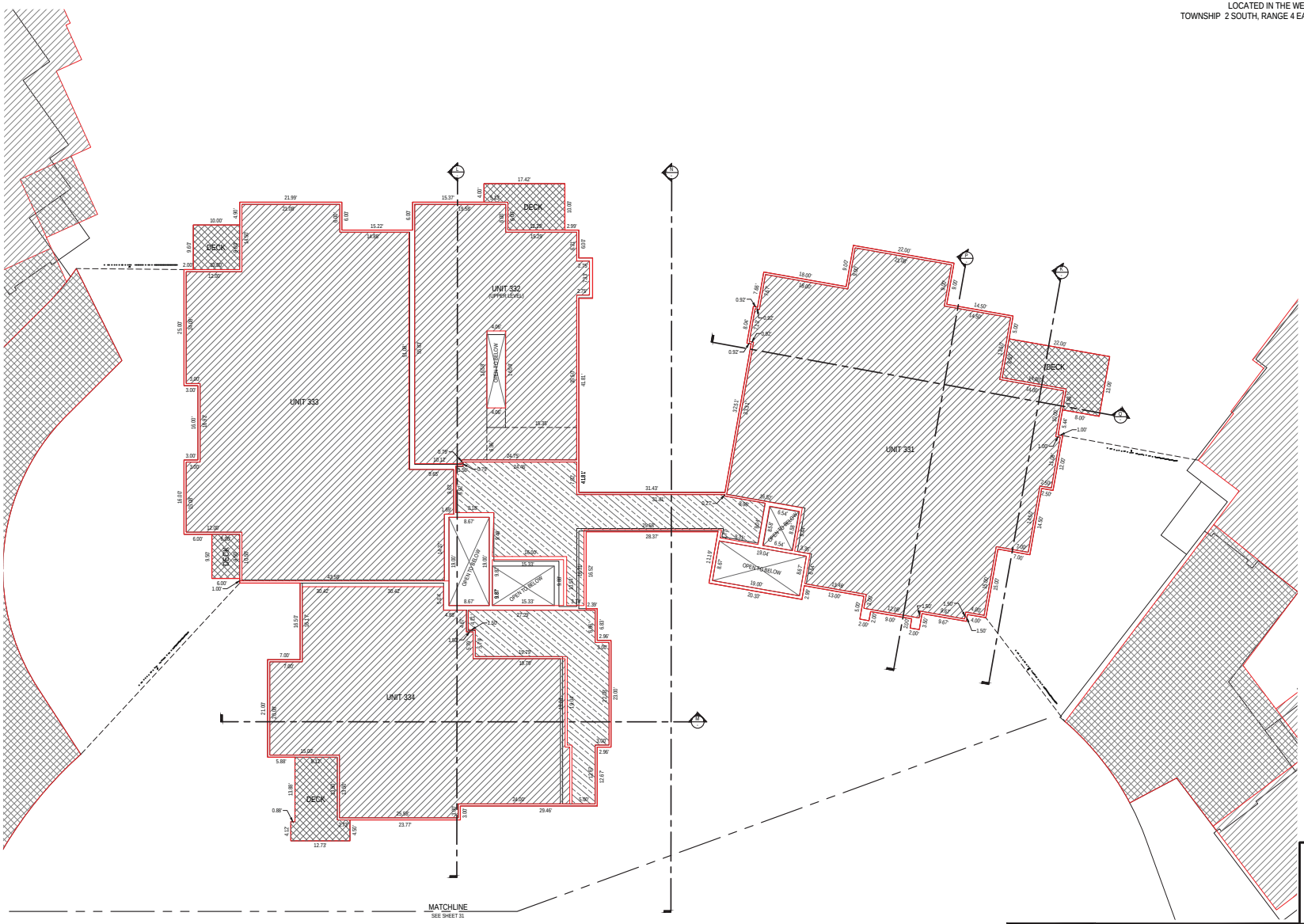
STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT

AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



(RECORD)

UNIT TABLE		
	UNIT NAME	AREA (sq.ft.)
1	UNIT 331	3,956
2	UNIT 332	1,777
3	UNIT 333	3,651
4	UNIT 334	2,426

UNIT TABLE		
	UNIT NAME	AREA (sq.ft.)
1	UNIT 331	3,965
2	UNIT 332	1,789
3	UNIT 333	3,651
4	UNIT 334	2,445

LEGEND

- COMMERCIAL UNIT
- SUPPORT UNIT
- SUPPORT LIMITED COMMON AREAS AND FACILITIES (SLC)
- RESIDENTIAL UNIT
- LIMITED COMMON AREAS AND FACILITIES
- COMMON AREAS AND FACILITIES

HORIZONTAL GRAPHIC SCALE

10 0 5 10 20

(IN FEET)
HORZ: 1 inch = 10 ft.

NORTH BUILDING
LEVEL 3 FLOOR PLAN

SHEET 27 OF 40

PROJECT NUMBER : 5063
MANAGER : RQE
DRAWN BY : KFW
CHECKED BY : PMH
DATE OF PREPARATION : 3/16/15

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STEIN ERIKSEN RESIDENCES
CONDOMINIUM PLAT
AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

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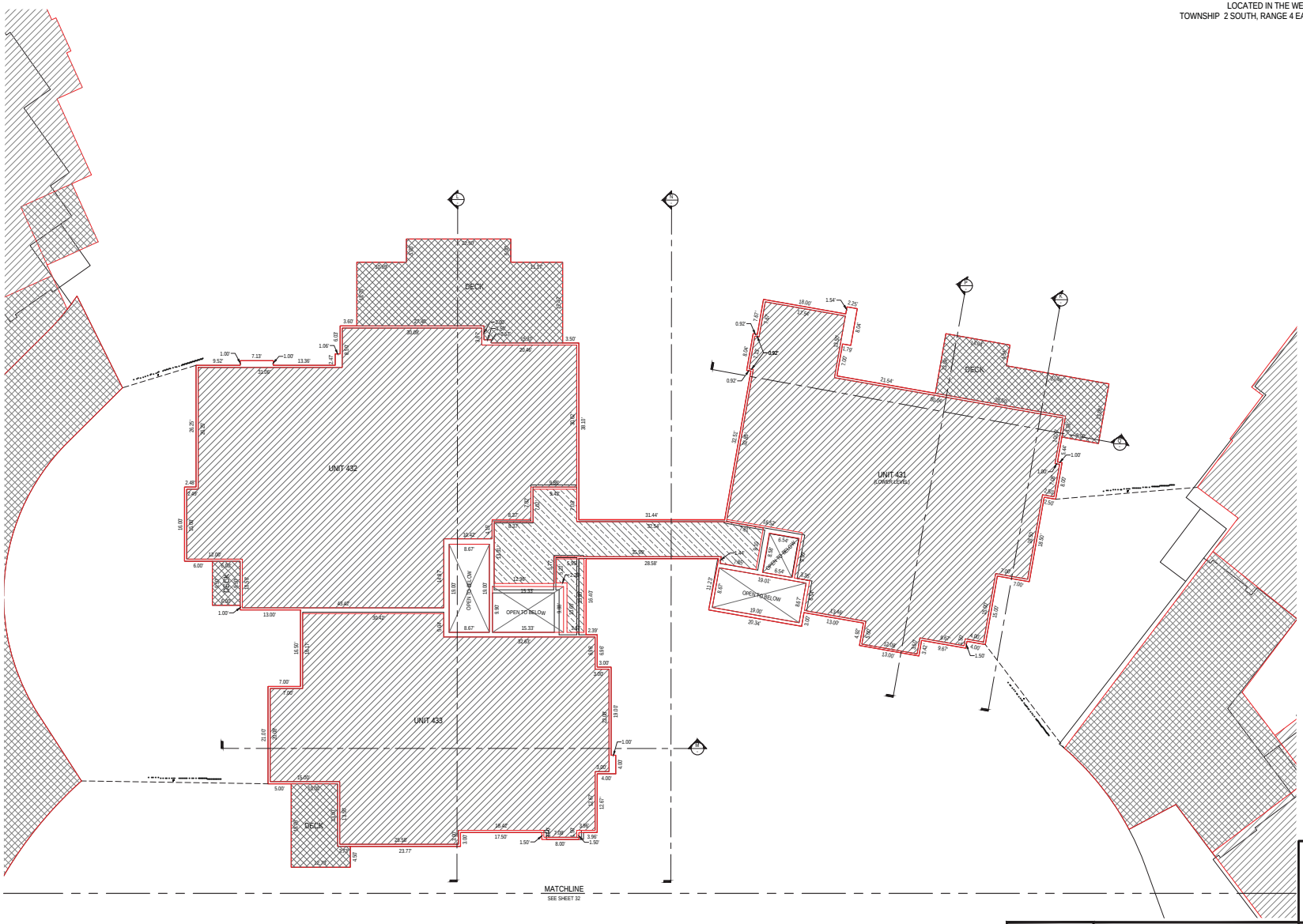
STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT

AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



(RECORD)

UNIT TABLE		
	UNIT NAME	AREA (sq.ft.)
1	UNIT 432	3,948
2	UNIT 433	3,002
3	UNIT 431	3,293

UNIT TABLE		
	UNIT NAME	AREA (sq.ft.)
1	UNIT 432	3,950
2	UNIT 433	2,993
3	UNIT 431	3,295

LEGEND

- COMMERCIAL UNIT
- SUPPORT UNIT
- SUPPORT LIMITED COMMON AREAS AND FACILITIES (SLC)
- RESIDENTIAL UNIT
- LIMITED COMMON AREAS AND FACILITIES
- COMMON AREAS AND FACILITIES

HORIZONTAL GRAPHIC SCALE

10 0 5 10 20

(IN FEET)
HORZ: 1 inch = 10 ft.

STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT
AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

NORTH BUILDING
LEVEL 4 FLOOR PLAN

SHEET 28 OF 40

PROJECT NUMBER : 5083
MANAGER : RQE
DRAWN BY : KFW
CHECKED BY : PMH
DATE OF PREPARATION : 3/16/15

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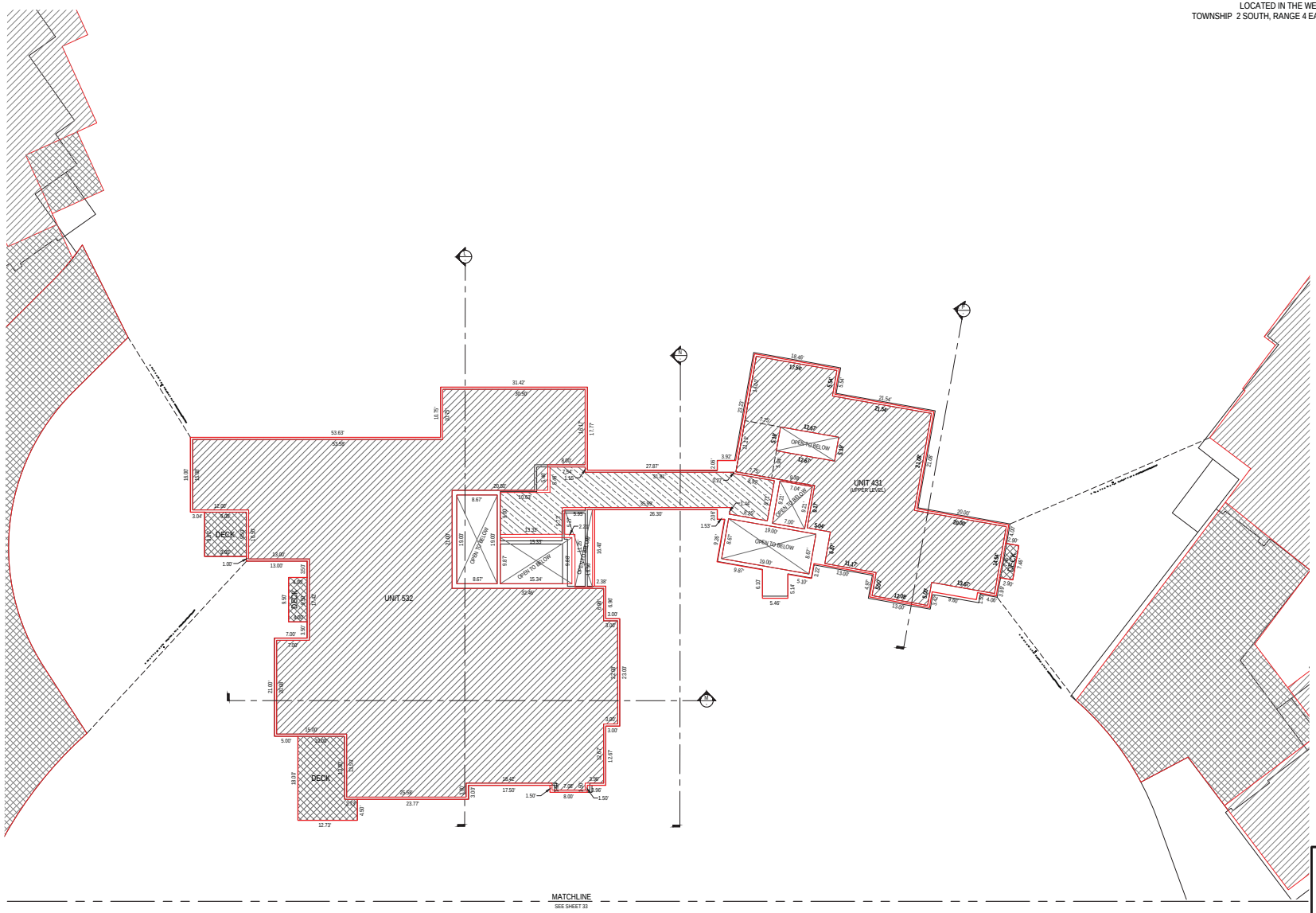
STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT

AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



(RECORD)

UNIT TABLE		
	UNIT NAME	AREA (sq.ft.)
1	UNIT 532	4,907
2	UNIT 431	1,466

UNIT TABLE		
	UNIT NAME	AREA (sq.ft.)
1	UNIT 532	4,922
2	UNIT 431	1,466

LEGEND

- COMMERCIAL UNIT
- SUPPORT UNIT
- SUPPORT LIMITED COMMON AREAS AND FACILITIES (SLC)
- RESIDENTIAL UNIT
- LIMITED COMMON AREAS AND FACILITIES
- COMMON AREAS AND FACILITIES

HORIZONTAL GRAPHIC SCALE

10 0 5 10 20

(IN FEET)
HORZ: 1 inch = 10 ft.

STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT
AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

NORTH BUILDING
LEVEL 5 FLOOR PLAN

SHEET 29 OF 40

PROJECT NUMBER : 5063
MANAGER : RQE
DRAWN BY : KFW
CHECKED BY : PMH
DATE OF PREPARATION : 3/16/15

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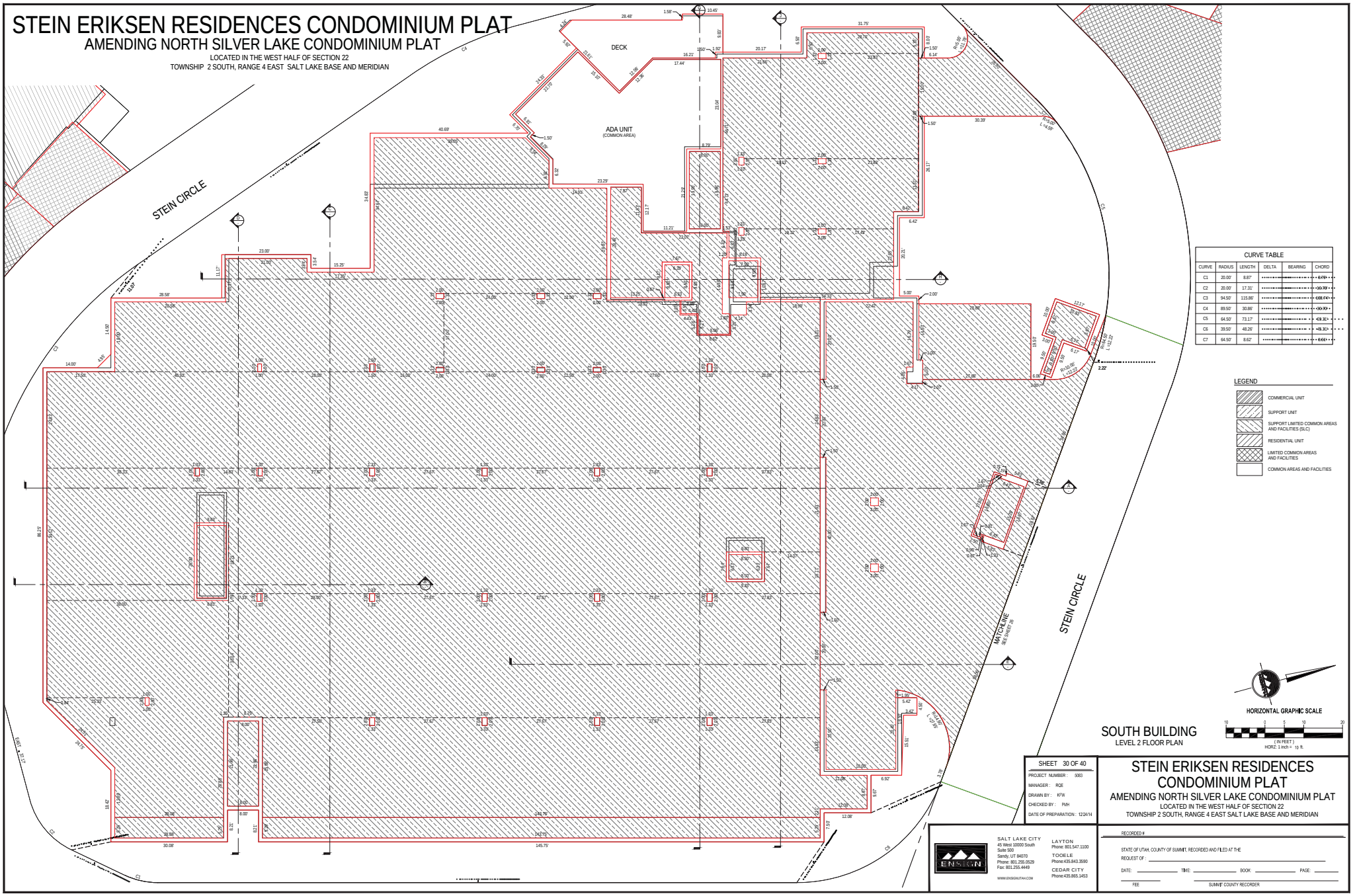
STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT

AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	20.00'	8.87'	[illegible]	[illegible]	[illegible]
C2	20.00'	17.31'	[illegible]	[illegible]	[illegible]
C3	94.50'	115.86'	[illegible]	[illegible]	[illegible]
C4	89.50'	30.86'	[illegible]	[illegible]	[illegible]
C5	64.50'	73.17'	[illegible]	[illegible]	[illegible]
C6	39.50'	48.26'	[illegible]	[illegible]	[illegible]
C7	64.50'	8.62'	[illegible]	[illegible]	[illegible]

SOUTH BUILDING
LEVEL 2 FLOOR PLAN

SHEET 30 OF 40

PROJECT NUMBER : 9383
MANAGER : RQE
DRAWN BY : KFW
CHECKED BY : PMH
DATE OF PREPARATION : 12/24/14

STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT
AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

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DATE: _____ TIME: _____ BOOK: _____ PAGE: _____
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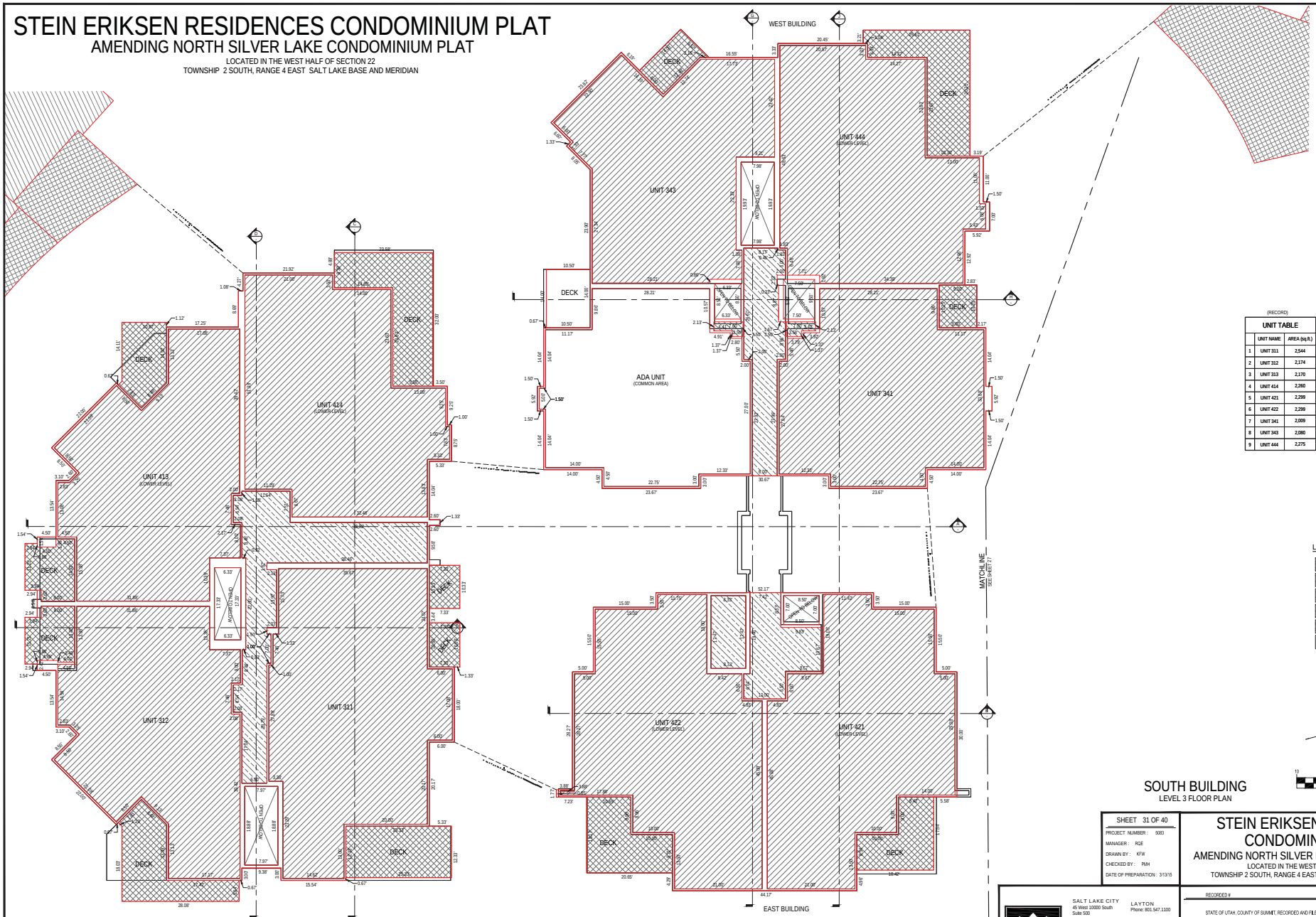
STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT

AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



(RECORD)

UNIT TABLE

	UNIT NAME	AREA (sq.ft.)
1	UNIT 311	2,544
2	UNIT 312	2,174
3	UNIT 313	2,170
4	UNIT 414	2,260
5	UNIT 421	2,299
6	UNIT 422	2,299
7	UNIT 341	2,009
8	UNIT 343	2,080
9	UNIT 444	2,275

UNIT TABLE

	UNIT NAME	AREA (sq.ft.)
1	UNIT 311	2,544
2	UNIT 312	2,181
3	UNIT 413	2,170
4	UNIT 414	2,260
5	UNIT 421	2,290
6	UNIT 422	2,299
7	UNIT 341	1,997
8	UNIT 343	2,068
9	UNIT 444	2,257

LEGEND

- COMMERCIAL UNIT
- SUPPORT UNIT
- SUPPORT LIMITED COMMON AREAS AND FACILITIES (SLC)
- RESIDENTIAL UNIT
- LIMITED COMMON AREAS AND FACILITIES
- COMMON AREAS AND FACILITIES

HORIZONTAL GRAPHIC SCALE

10 0 5 10 20

(IN FEET)
HORZ: 1 inch = 10 ft.

SOUTH BUILDING

LEVEL 3 FLOOR PLAN

SHEET 31 OF 40

PROJECT NUMBER : 9383
MANAGER : RQE
DRAWN BY : KFW
CHECKED BY : PMH
DATE OF PREPARATION : 3/13/15

STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT
AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

ENSIGN

SALT LAKE CITY
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Phone: 801.255.0529
Fax: 801.255.4449

LAYTON
Phone: 801.547.1100

TOOELE
Phone:435.843.3590

CEDAR CITY
Phone:435.865.1453

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STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE
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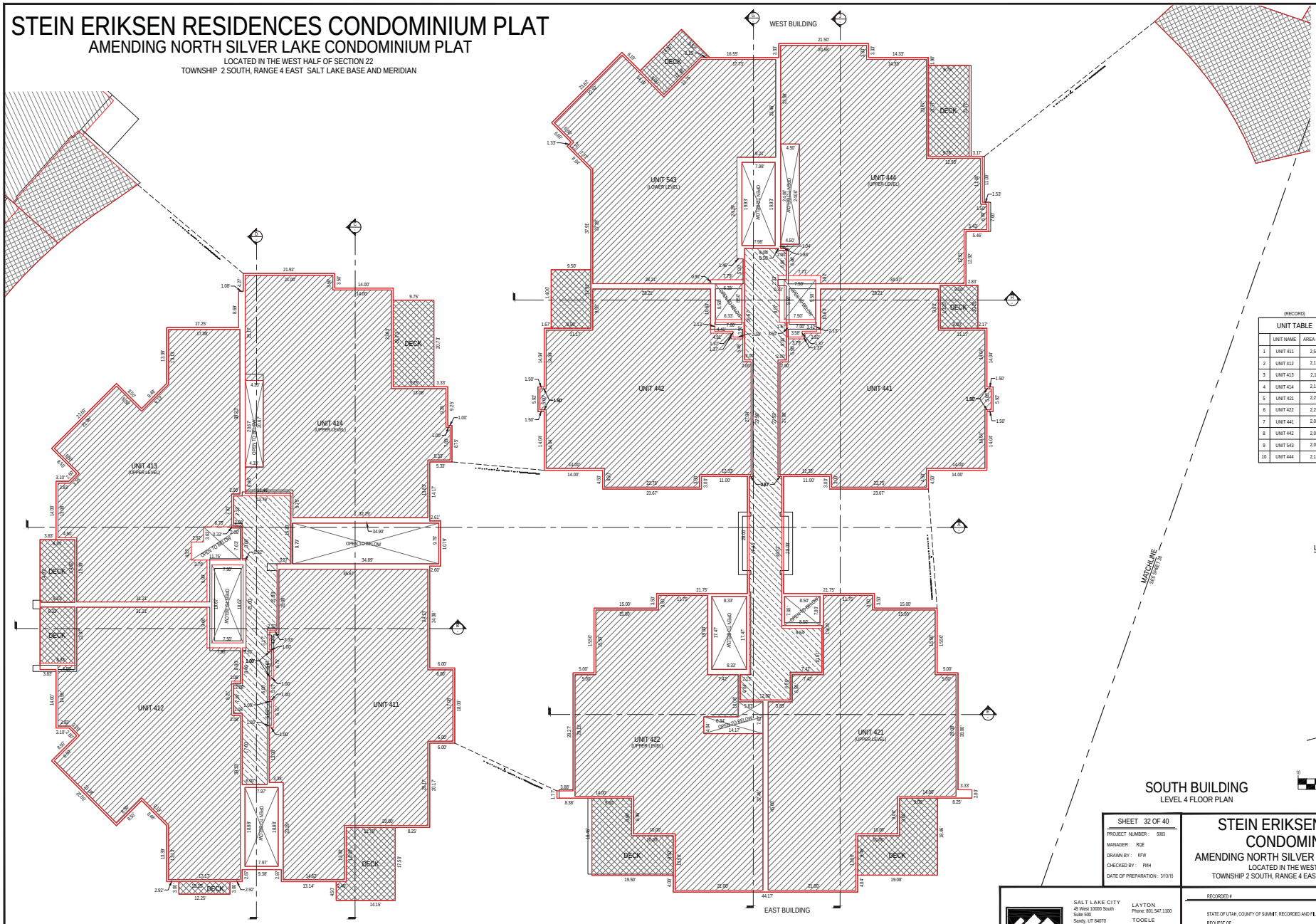
FEE _____ SUMMIT COUNTY RECORDER _____

STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT

AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



(RECORD)

UNIT TABLE		
	UNIT NAME	AREA (sq.ft.)
1	UNIT 411	2,544
2	UNIT 412	2,174
3	UNIT 413	2,171
4	UNIT 414	2,160
5	UNIT 421	2,290
6	UNIT 422	2,210
7	UNIT 441	2,016
8	UNIT 442	2,016
9	UNIT 543	2,079
10	UNIT 444	2,168

UNIT TABLE		
	UNIT NAME	AREA (sq.ft.)
1	UNIT 411	2,541
2	UNIT 412	2,176
3	UNIT 413	2,163
4	UNIT 414	2,179
5	UNIT 421	2,289
6	UNIT 422	2,211
7	UNIT 441	2,006
8	UNIT 442	2,008
9	UNIT 543	2,068
10	UNIT 444	2,151

LEGEND

- COMMERCIAL UNIT
- SUPPORT UNIT
- SUPPORT LIMITED COMMON AREAS AND FACILITIES (SLC)
- RESIDENTIAL UNIT
- LIMITED COMMON AREAS AND FACILITIES
- COMMON AREAS AND FACILITIES

HORIZONTAL GRAPHIC SCALE

10 0 5 10 20

(IN FEET)
HORZ: 1 inch = 10 ft.

SOUTH BUILDING
LEVEL 4 FLOOR PLAN

SHEET 32 OF 40

PROJECT NUMBER : 9383
MANAGER : RQE
DRAWN BY : KFW
CHECKED BY : PMH
DATE OF PREPARATION : 3/13/15

STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT
AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

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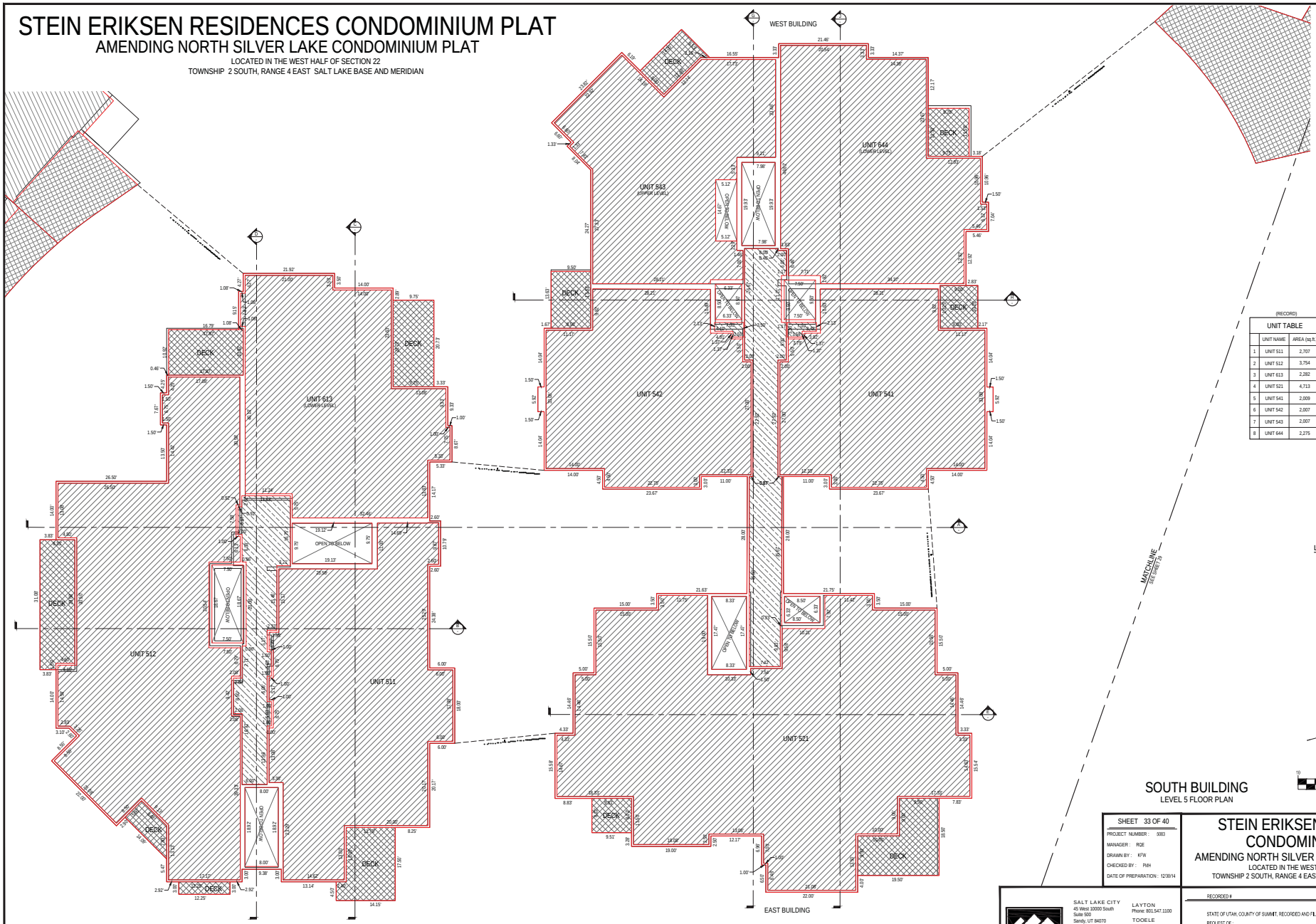
STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT

AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



(RECORD)

UNIT TABLE		
	UNIT NAME	AREA (sq.ft.)
1	UNIT 511	2,707
2	UNIT 512	3,754
3	UNIT 613	2,282
4	UNIT 521	4,713
5	UNIT 541	2,009
6	UNIT 542	2,007
7	UNIT 543	2,007
8	UNIT 644	2,275

UNIT TABLE		
	UNIT NAME	AREA (sq.ft.)
1	UNIT 511	2,702
2	UNIT 512	3,756
3	UNIT 613	2,277
4	UNIT 521	4,704
5	UNIT 541	1,999
6	UNIT 542	1,998
7	UNIT 543	1,996
8	UNIT 644	2,259

LEGEND

- COMMERCIAL UNIT
- SUPPORT UNIT
- SUPPORT LIMITED COMMON AREAS AND FACILITIES (SLC)
- RESIDENTIAL UNIT
- LIMITED COMMON AREAS AND FACILITIES
- COMMON AREAS AND FACILITIES

HORIZONTAL GRAPHIC SCALE

10 0 5 10 20

(IN FEET)
HORZ: 1 inch = 10 ft.

SOUTH BUILDING

LEVEL 5 FLOOR PLAN

SHEET 33 OF 40

PROJECT NUMBER : 9383
MANAGER : RQE
DRAWN BY : KFW
CHECKED BY : PMH
DATE OF PREPARATION : 12/30/14

STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT
AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

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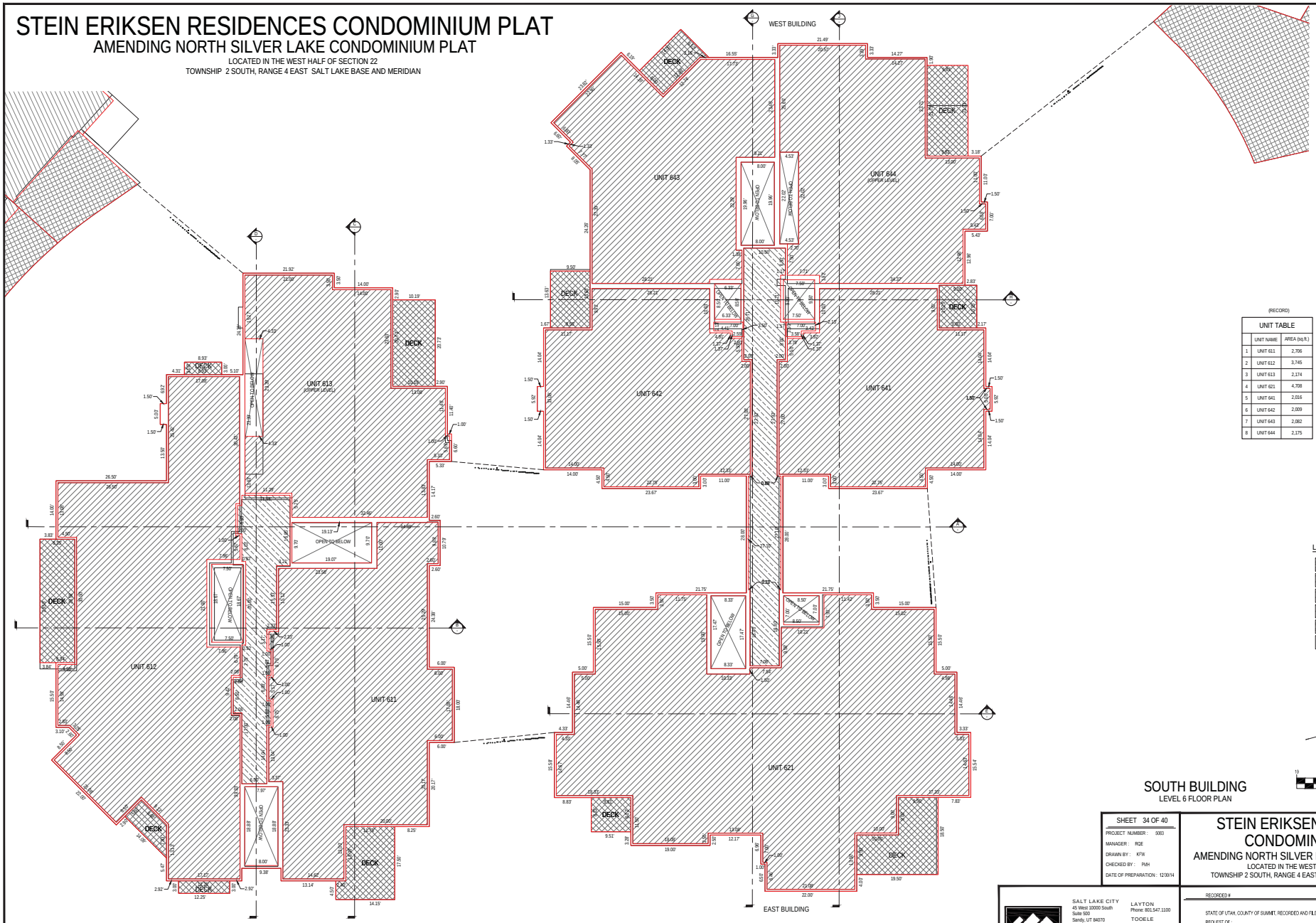
STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT

AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



(RECORD)

UNIT TABLE		
	UNIT NAME	AREA (sq.ft.)
1	UNIT 611	2,706
2	UNIT 612	3,745
3	UNIT 613	2,174
4	UNIT 621	4,708
5	UNIT 641	2,016
6	UNIT 642	2,009
7	UNIT 643	2,082
8	UNIT 644	2,175

UNIT TABLE		
	UNIT NAME	AREA (sq.ft.)
1	UNIT 611	2,701
2	UNIT 612	3,733
3	UNIT 613	2,166
4	UNIT 621	4,704
5	UNIT 641	2,006
6	UNIT 642	2,000
7	UNIT 643	2,070
8	UNIT 644	2,158

LEGEND

- COMMERCIAL UNIT
- SUPPORT UNIT
- SUPPORT LIMITED COMMON AREAS AND FACILITIES (SLC)
- RESIDENTIAL UNIT
- LIMITED COMMON AREAS AND FACILITIES
- COMMON AREAS AND FACILITIES

HORIZONTAL GRAPHIC SCALE

10 0 5 10 20

(IN FEET)
HORZ: 1 inch = 10 ft.

SOUTH BUILDING
LEVEL 6 FLOOR PLAN

SHEET 34 OF 40

PROJECT NUMBER : 9383
MANAGER : RQE
DRAWN BY : KFW
CHECKED BY : PMH
DATE OF PREPARATION : 12/30/14

STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT
AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

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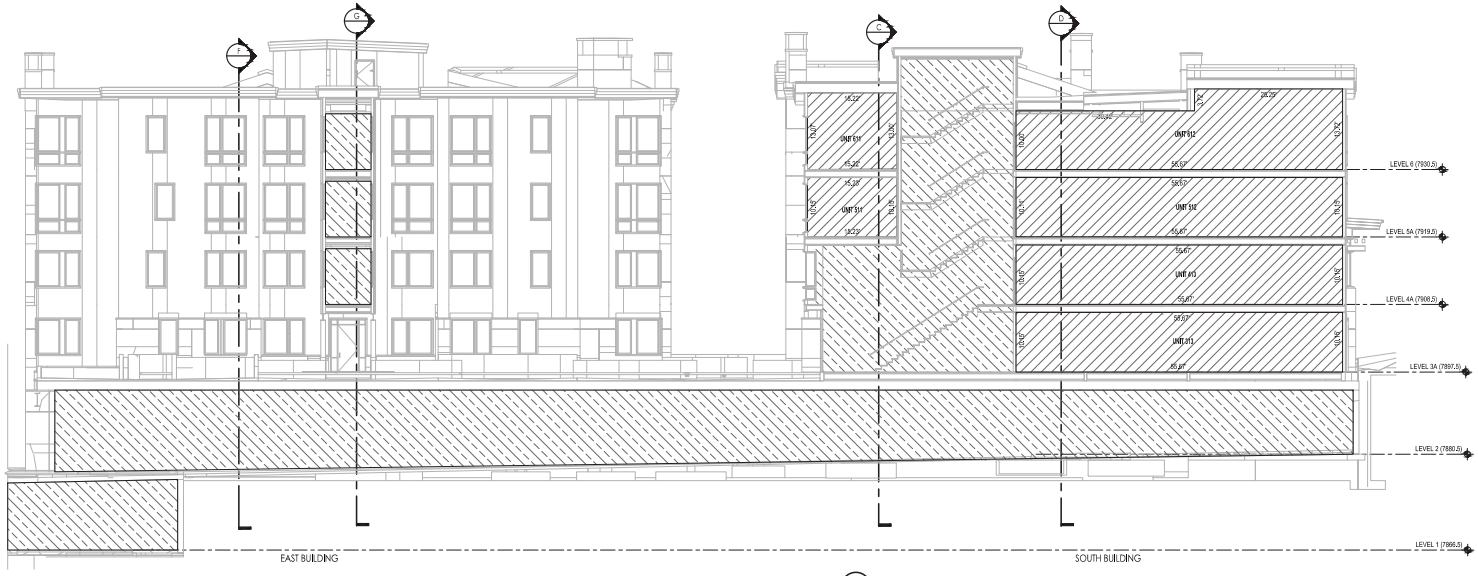
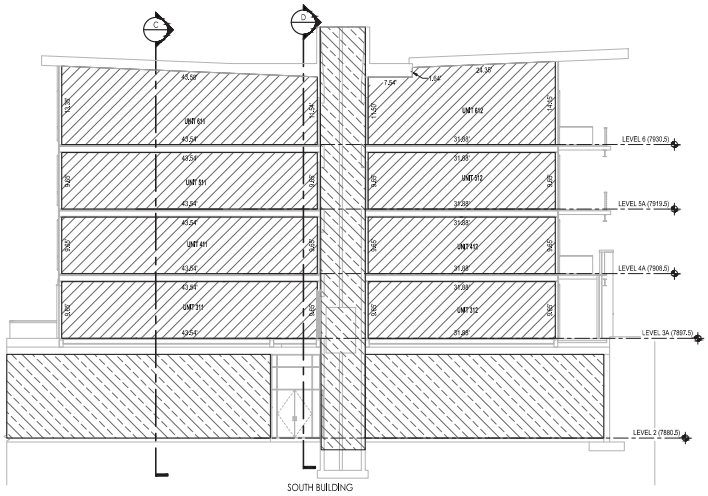
STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT

AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



BUILDING SECTION A



BUILDING SECTION B

LEGEND

- COMMERCIAL UNIT
- SUPPORT UNIT
- SUPPORT LIMITED COMMON AREAS AND FACILITIES (SLC)
- RESIDENTIAL UNIT
- LIMITED COMMON AREAS AND FACILITIES
- COMMON AREAS AND FACILITIES

HORIZONTAL GRAPHIC SCALE

10 0 5 10 20

(IN FEET)
HORZ: 1 inch = 10 ft.

SHEET 35 OF 40

PROJECT NUMBER : 5083
MANAGER : RQE
DRAWN BY : KFW
CHECKED BY : PMH
DATE OF PREPARATION : 1/7/15

STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT
AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

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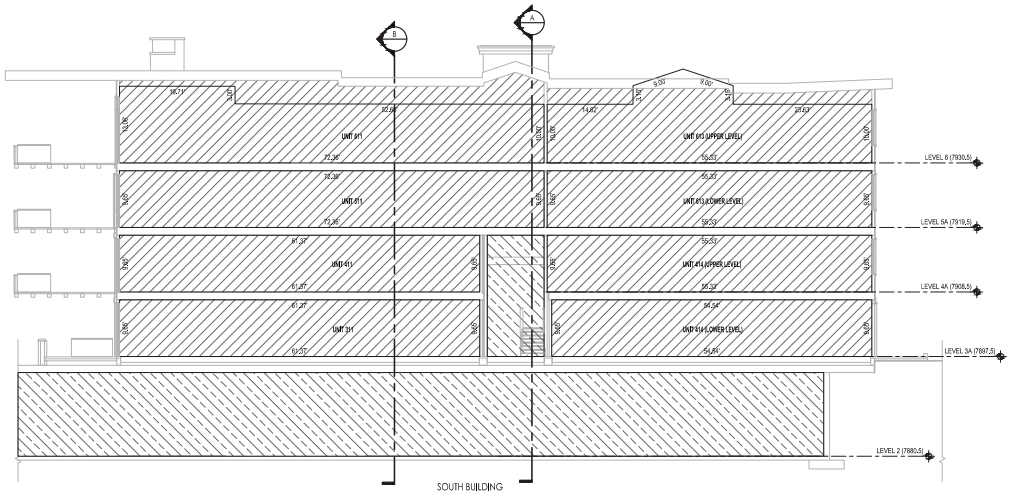
STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT

AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



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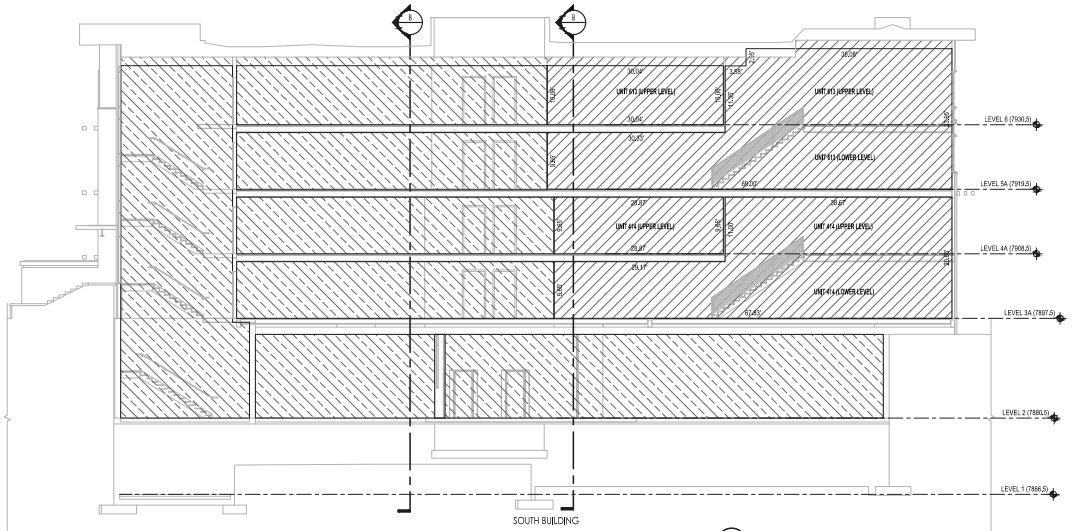

BUILDING SECTION D

LEGEND

- COMMERCIAL UNIT
- SUPPORT UNIT
- SUPPORT LIMITED COMMON AREAS AND FACILITIES (SLC)
- RESIDENTIAL UNIT
- LIMITED COMMON AREAS AND FACILITIES
- COMMON AREAS AND FACILITIES

HORIZONTAL GRAPHIC SCALE

10 0 5 10 20

(IN FEET)
HORZ: 1 inch = 10 ft.

STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT
AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

SHEET 36 OF 40

PROJECT NUMBER : 5063
MANAGER : ROE
DRAWN BY : KFW
CHECKED BY : PMH
DATE OF PREPARATION : 1/7/15

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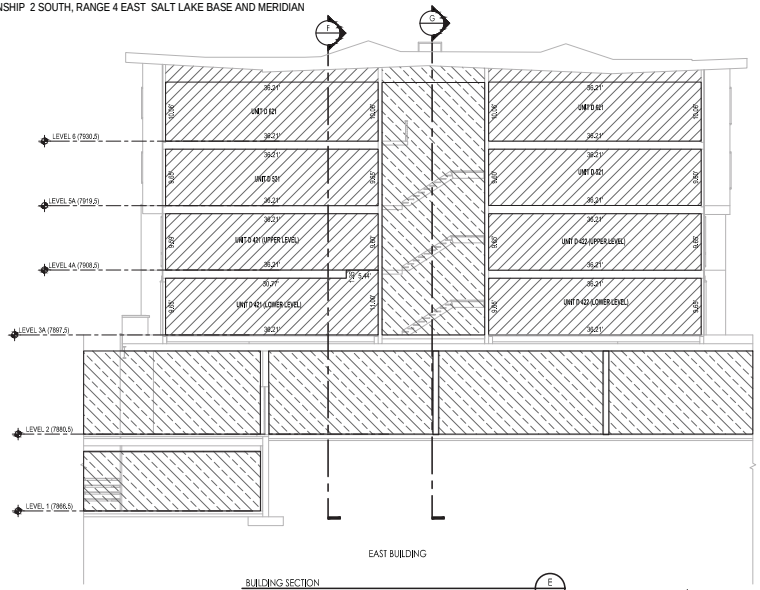
STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT

AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



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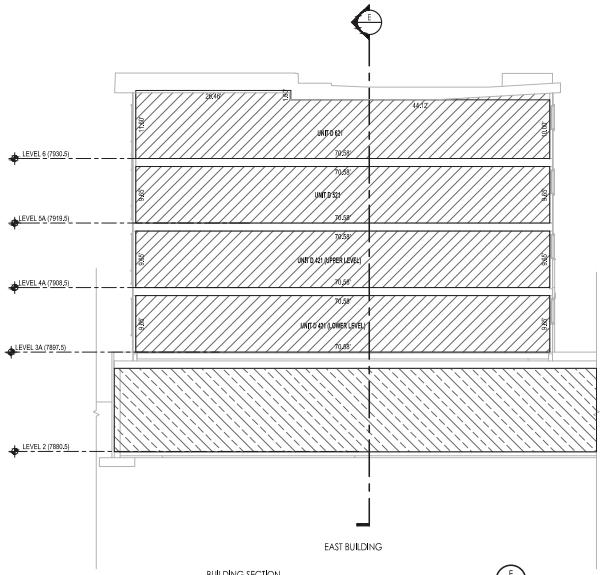
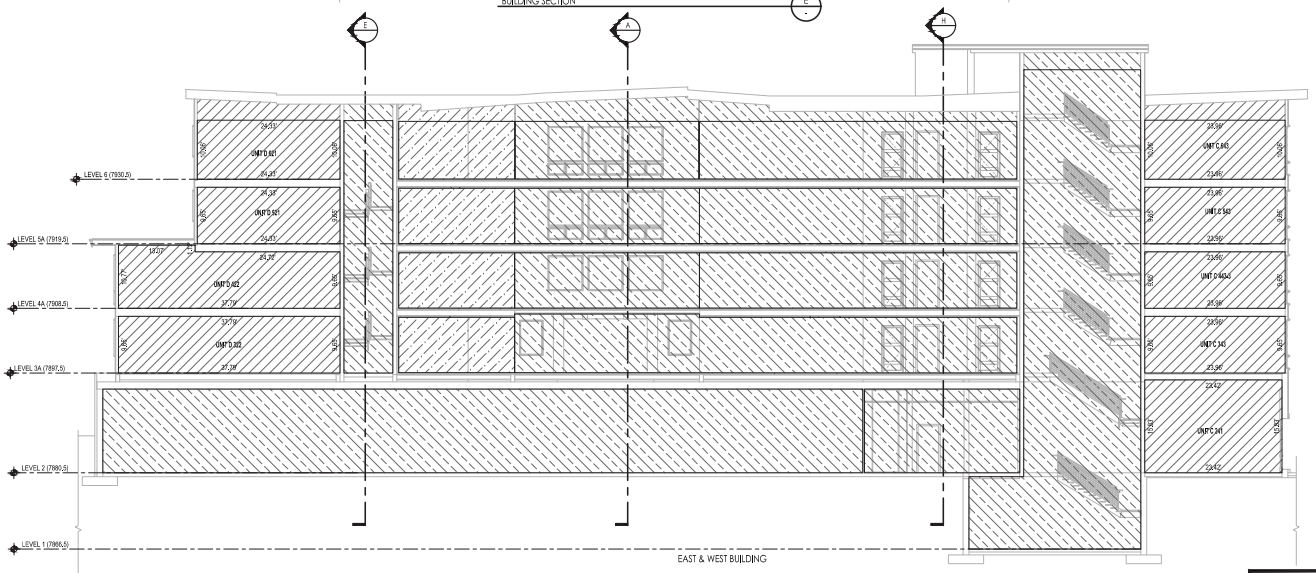


BUILDING SECTION F



BUILDING SECTION G

LEGEND

- COMMERCIAL UNIT
- SUPPORT UNIT
- SUPPORT LIMITED COMMON AREAS AND FACILITIES (SLC)
- RESIDENTIAL UNIT
- LIMITED COMMON AREAS AND FACILITIES
- COMMON AREAS AND FACILITIES

HORIZONTAL GRAPHIC SCALE

10 0 5 10 20

(IN FEET)
HORZ: 1 inch = 10 ft.

STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT
AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

SHEET 37 OF 40

PROJECT NUMBER : 5083
MANAGER : RQE
DRAWN BY : KFW
CHECKED BY : PMH
DATE OF PREPARATION : 1/7/15

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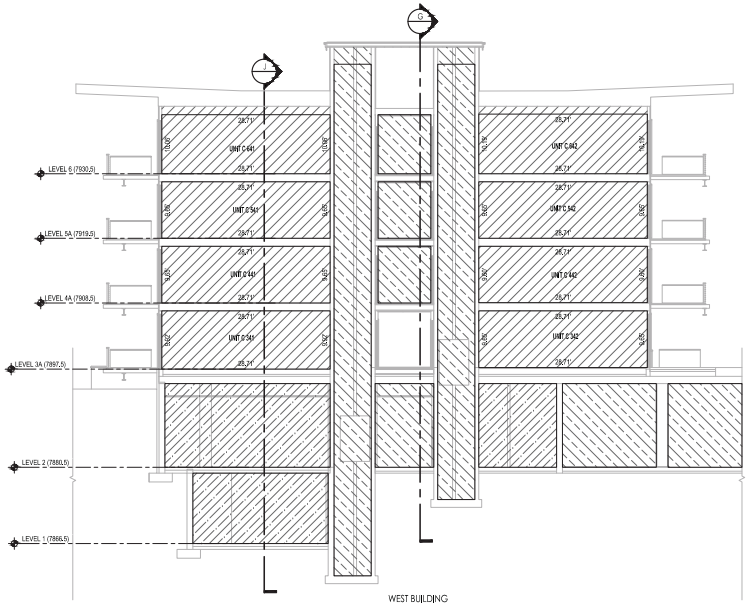
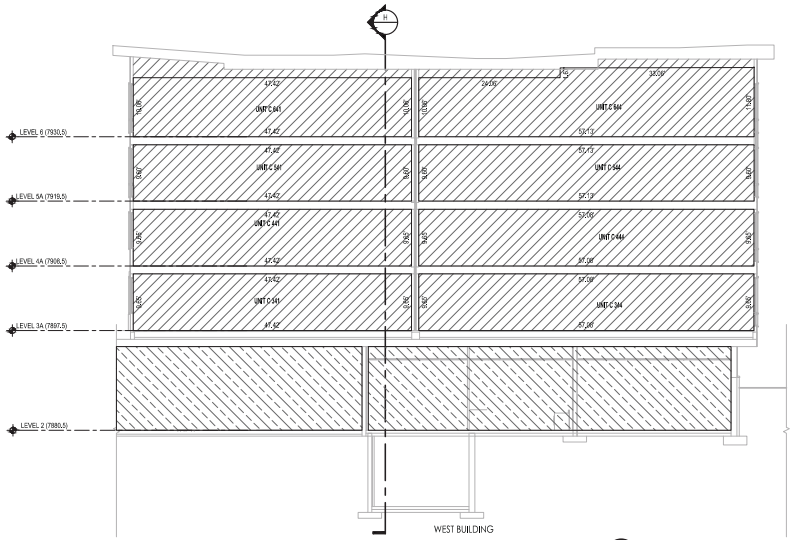
STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT

AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



BUILDING SECTION H



BUILDING SECTION J

LEGEND

- COMMERCIAL UNIT
- SUPPORT UNIT
- SUPPORT LIMITED COMMON AREAS AND FACILITIES (SLC)
- RESIDENTIAL UNIT
- LIMITED COMMON AREAS AND FACILITIES
- COMMON AREAS AND FACILITIES

HORIZONTAL GRAPHIC SCALE

10 0 5 10 20

(IN FEET)
HORZ: 1 inch = 10 ft.

SHEET 38 OF 40

PROJECT NUMBER : 5083
MANAGER : RQE
DRAWN BY : KFW
CHECKED BY : PMH
DATE OF PREPARATION : 1/7/15

STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT
AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

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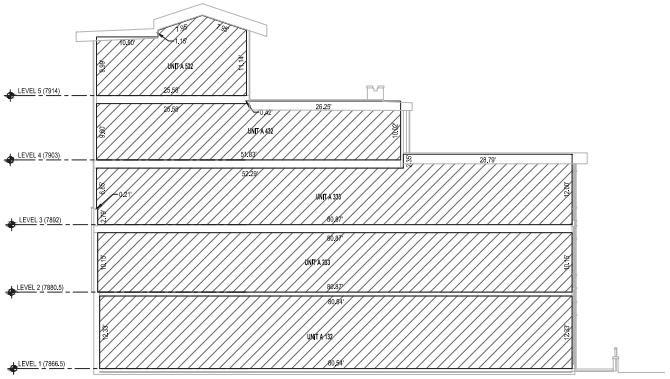
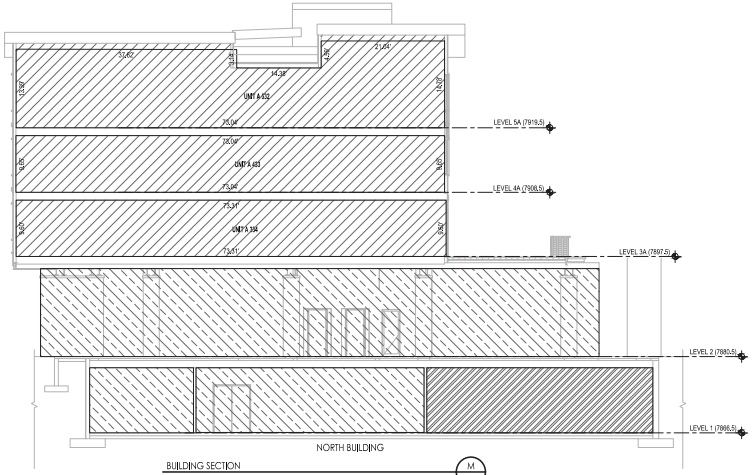
STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT

AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT

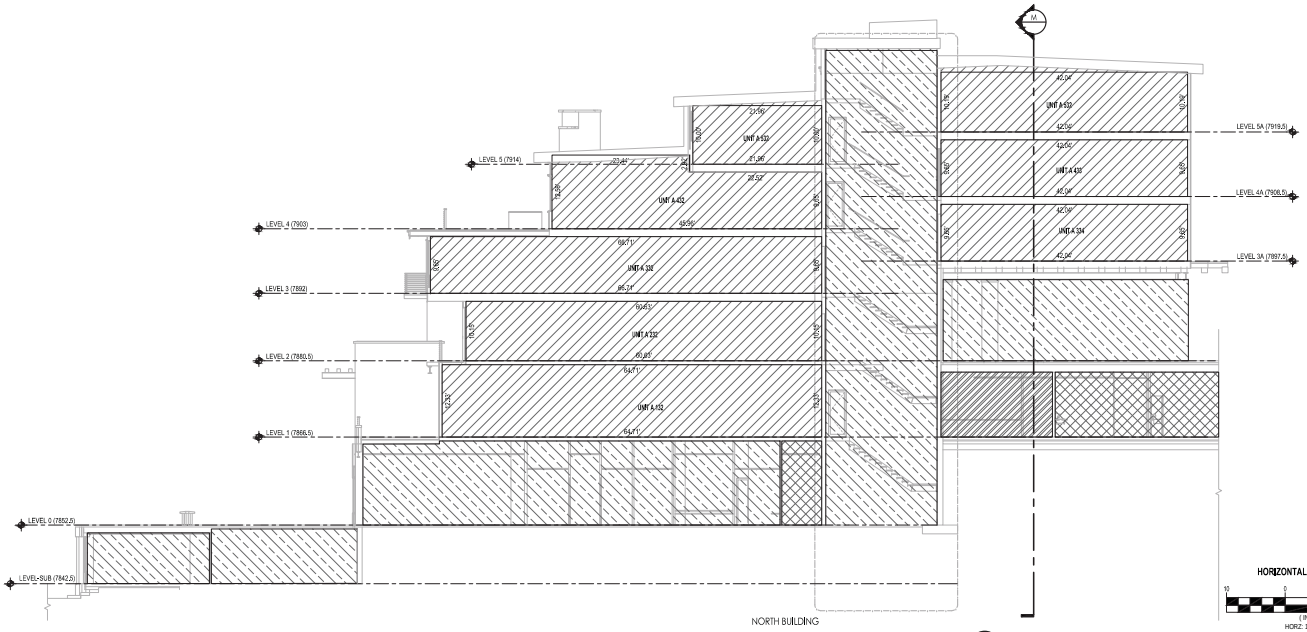
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



BUILDING SECTION K



BUILDING SECTION M



BUILDING SECTION L

LEGEND

- COMMERCIAL UNIT
- SUPPORT UNIT
- SUPPORT LIMITED COMMON AREAS AND FACILITIES (SLC)
- RESIDENTIAL UNIT
- LIMITED COMMON AREAS AND FACILITIES
- COMMON AREAS AND FACILITIES

HORIZONTAL GRAPHIC SCALE

10 0 5 10 20

(IN FEET)
HORZ: 1 inch = 10 ft.

STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT
AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

SHEET 39 OF 40

PROJECT NUMBER : 5083
MANAGER : RQE
DRAWN BY : KFW
CHECKED BY : PMH
DATE OF PREPARATION : 1/7/15

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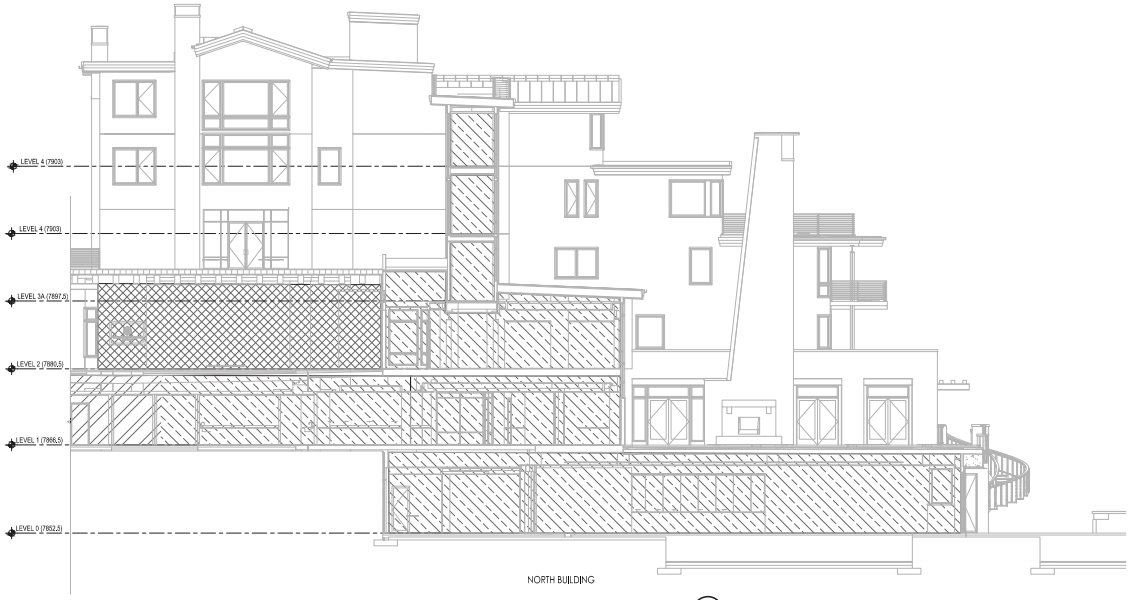
STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT

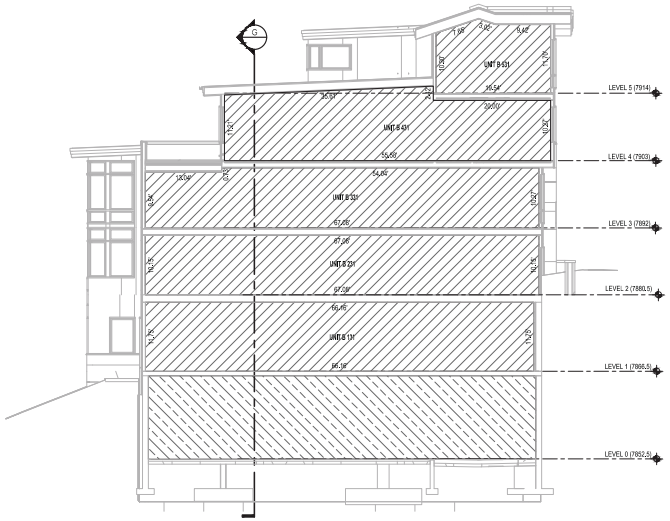
AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



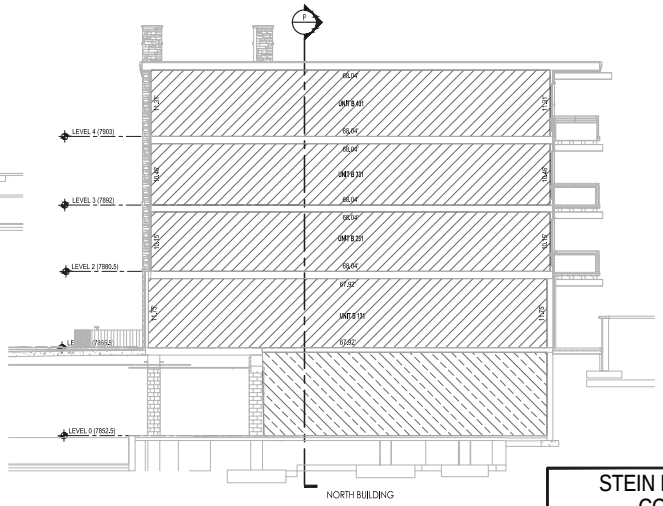
NORTH BUILDING

BUILDING SECTION Q



NORTH BUILDING

BUILDING SECTION P



NORTH BUILDING

BUILDING SECTION N

LEGEND

- COMMERCIAL UNIT
- SUPPORT UNIT
- SUPPORT LIMITED COMMON AREAS AND FACILITIES (SLC)
- RESIDENTIAL UNIT
- LIMITED COMMON AREAS AND FACILITIES
- COMMON AREAS AND FACILITIES

HORIZONTAL GRAPHIC SCALE

10 0 5 10 20

(IN FEET)
HORZ: 1 inch = 10 ft.

STEIN ERIKSEN RESIDENCES CONDOMINIUM PLAT
AMENDING NORTH SILVER LAKE CONDOMINIUM PLAT
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

SHEET 40 OF 40

PROJECT NUMBER : 5083
MANAGER : RQE
DRAWN BY : KFW
CHECKED BY : PMH
DATE OF PREPARATION : 1/7/15

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North Silverlake Plat Map Amendment
Description of Request/Change:

Due to market demand and buyer request revisions, building envelopes and condo interiors have been adjusted from the existing plat. The building areas are maintained within the CUP approved square footage and exterior envelope revisions are minor. Each floor plan and envelope area has been reviewed through the Park City Building Department and planning department to ensure revisions are within the 2010 approval and then granted permit to proceed with construction.

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City Council Staff Report

PARK CITY 1884
PLANNING DEPARTMENT

Project Number: **PL-14-02225**
Subject: **North Silver Lake Condominium Plat**
Author: **Francisco Astorga, Planner**
Date: **May 8, 2014**
Type of Item: **Administrative – Condominium Record of Survey**

Summary Recommendations

Staff recommends the City Council hold a public hearing and consider approving the a Condominium Record of Survey for the North Silver Lake Condominium Plat based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

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

Description

Applicant:	SR Silver Lake LLC represented by Rich Lichtenstein
Location:	7101 Silver Lake Drive Lot 2B Subdivision of Lot 2 North Silver Lake
Zoning:	Residential Development (RD) District
Adjacent Land Uses:	Ski resort and residential
Reason for Review:	Condominium Record of Survey Plats are required to be reviewed by the Planning Commission and reviewed and approved by the City Council

Proposal

Under the Deer Valley Resort Master Plan, the North Silver Lake Subdivision Lot 2B is permitted a density of 54 residential units and 14,525 square feet of commercial/support space. In 2010, the Park City Planning Commission approved a Conditional Use Permit (CUP) for the development consisting of fifty four (54) private total units: sixteen (16) detached single family dwellings/duplexes and four (4) condominium buildings containing thirty eight (38) private dwelling units. The applicant requests the approval of their proposed Condominium Record of Survey plat which is consistent with the approved CUP (2010).

Background

On January 10, 2014, a complete application was submitted to the Planning Department requesting approval of the North Silver Lake Condominium Plat located at 7101 Silver Lake Drive in Deer Valley. The site is located in the Residential Development (RD) District. The proposed Record of Survey identifies private and common space and

allows the applicant to sell the units. On March 14, 2014, the application was revised to include twelve (12) stand-alone single family dwelling units and (1) stand-alone duplex dwelling (containing 2 units) and forty (40) units within the main four (4) condominium buildings (the footprint of the main buildings will not change) instead of the original ten (10) stand-alone single family dwelling units and three (3) stand-alone duplex (containing 2 units each) dwellings equating to sixteen (16) units and thirty eight (38) units within the main four (4) condominium buildings.

A subdivision plat, known as the North Silver Lake Subdivision, was recorded in 1993. The subdivision created two (2) lots of record. According to this subdivision, Lot 2 was contemplated for further subdivision and future development. The Lot 2 North Silver Lake Subdivision was recorded in 1997. This subdivision further amended Lot 2 into four (4) separate Lots A - D. In 2005, the North Silver Lake Lodge Record of Survey Plat was recorded. That Plat subdivided Lot 2B into six (6) units and it identified convertible land for future development of the remaining land.

At this time, the applicant requests to replace the North Silver Lake Lodge Record of Survey Plat (2005) with the proposed North Silver Lake Condominium Plat. The proposed Condominium Record of Survey plat identifies private, limited common, common areas, etc., within the project. All buildings are fully depicted. The current recorded plat, North Silver Lake Lodge Record of Survey Plat (2005), will be retired when this one is recorded.

This Condominium Plat was originally noticed for the February 12, 2014, Planning Commission meeting. Due to a personal matter, which required the absence of the project planner, the applicant requested the Planning Commission continue the Condo Plat and a request for a Condition Use Permit modification for Lockout Units to the following Planning Commission meeting on February 26.

On February 26, 2014, the Planning Commission approved the applicant's request of thirty eight (38) Nightly Rental Lockout Units modifying the Conditional Use Permit (CUP) approved by the City in 2010. The modified CUP is subject to the findings of fact, conclusion of law, and conditions of approval of the Planning Commission action letter dated March 3, 2014. See Exhibit F.

During the February 26, 2014, meeting the applicant and a group of neighbors stipulated to specific conditions of approval that were approved by the Planning Commission and reflected on the March 3, 2014, Planning Commission action letter. Since then, the applicant and the same group of neighbors have also stipulated to certain conditions related to this Condo Plat application, which have been incorporated as specific provisions within the CC&Rs and updated by the applicant and would be recorded concurrently with the proposed Condo Plat. This item was continued to the April 9, 2014, Planning Commission meeting at the request of the applicant and neighbors.

During the April 9, 2014, Planning Commission meeting the Commission forwarded a positive recommendation to City Council. The recommendation consisted of a unanimous vote.

Open Space issues addressed by 2010 Quasi-Judicial Appeal of CUP Application
Under the Deer Valley Resort Master Plan Development (MPD), the North Silver Lake Subdivision Lot 2B is permitted a density of 54 residential units and 14,525 square feet of commercial and support space. The Deer Valley MPD requires that all developments are subject to the conditions and requirements of the Park City Design Guidelines, the Deer Valley Design Guidelines, and the conditional use review of LMC Section 15-1-10.

The original CUP application was before Planning Commission several times and approved in July 2009. That CUP was appealed. The City Council reviewed the appeal in October/November 2009 and remanded it to the Planning Commission with specific items included in the Order to be addressed**.**

The Planning Commission reviewed the remand during several Planning Commission work sessions and meetings in 2009 and 2010 to address the Order and findings of the City Council. The Planning Commission approved the revised CUP on April 28, 2010.

That approval was appealed by two separate parties, Eric Lee and Lisa Wilson. The City Council reviewed the appeal June 24, 2010. At that hearing, the Council reviewed the open space issue and found that the sixty percent open space requirement for the project has been met. The open space of the current design is 70.6%. Within the Deer Valley MPD, the applicant is allowed to utilize the open space of lot 2D toward the total open space calculation for the project. The specific findings regarding this issue found in the July 1, 2010, order state:

> 8. Within the Deer Valley MPD development parcels exhibit there is a note for the NSL Subdivision Lot 2D Open Space stating “This parcel has been platted as open space, with the open space applying to the open space requirement of Lot 2B.” Lot 2D is 4.03 acres in size.
>
> 9. Within the original North Silver Lake Subdivision, the Bellemont subdivision was allowed to also utilize Lot 2B towards the 60% open space requirement. The Bellemont Subdivision utilized ¼ acre of the Lot 2B parcel to comply with the open space requirement. [sic – this should have read Lot 2D]
>
> 10. The current application site plan contains 70.6% of open space on the site including the remainder 3.78 acres of open space on Lot 2D.

On July 1, 2010, the City Council ratified their decision on the appeal and modified the Planning Commission Findings of Fact, Conclusions of Law, Conditions of Approval and Order with minor corrections to the findings and conditions.

Under the current application, Staff received public comments regarding open space miscalculations which had already been addressed in the July 1, 2010, City Council order. All conditions of approval of the City Council's July 1, 2010, order shall continue to apply under this approval.

The applicant has submitted a master site plans showing the open space which calculated to the 70%. See Exhibit H.

District Purpose

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

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

Analysis

The proposed Condominium Record of Survey memorializes condominium units, common area, and limited common area for the development. The proposed plat identifies the private area, limited common area, support limited common area and facilities, and common area that allows the units to be sold individually.

The proposed Condominium Record of Survey consists of twelve (12) single-family dwellings; one (1) duplex dwellings with two (2) units, forty (40) multi-unit dwellings, two (2) American with Disabilities Act (ADA) compliant units (platted as common areas), three (3) support commercial units, and corresponding common areas and facilities, limited common areas and facilities, support unit, and commercial units. The boundary lines of each private unit are set forth on the proposed plat.

The size of the private units within the multi-unit dwelling ranges from 2,007 – 7,075 square feet. The size of the stand alone units as the single family dwellings and duplex range from 5,046 – 8,591 square feet. See table below showing the dwelling type, private square footage, and number of floors of units 1-14:

Unit #	Dwelling type	Private square footage	Number of floors
1	SFD	6,505	4
2	SFD	5,851	4
3	Duplex	5,824	3
4	Duplex	5,824	3

5	SFD	6,559	3
6	SFD	8,589	3
7	SFD	6,529	3
8	SFD	8,591	3
9	SFD	6,296	3
10	SFD	6,180	4
11	SFD	6,706	4
12	SFD	6,431	5
13	SFD	5,046	3
14	SFD	6,646	3

The Record of Survey includes: limited common areas consisting of decks, roofs, driveways, etc.; support limited common areas and facilities consisting of the private road, patio, exercise area, lockers, swimming pool, lobby, lounge, etc.; support unit consisting of the lobby; and the three (3) support commercial units identified as:

- Unit C-1: ski rentals, 817 square feet
- Unit C-2: spa, 852 square feet
- Unit C-3: dining area, 3,244 square feet

These support commercial areas mentioned above and all of the other amenities identified on the plat are for the exclusive use of the unit owners and their visitors, e.g. the only patrons allowed to use the spa, lockers, and the dining areas, are patrons staying at the development through the ownership or possible rental of the private units onsite. The Deer Valley Master Planned Development allocated 14,525 square feet of commercial/support commercial for the Silver Lake Community. Per the 2010 approved CUP, the applicant requested to accommodate 5,140 square feet of support commercial space. At this time the updated CUP plans and Record of Survey indicates a combined support commercial area of 4,913 square feet.

Staff finds good cause for this Condominium Record of Survey as it reflects the approved CUP for the development.

<u>Height of the single family dwellings and duplexes</u>
After reviewing the previous staff reports and minutes, staff identified that the single family and duplex dwellings along the periphery of the site are substantially beneath the allowed height of 45 feet. The applicant's representative indicated that their proposal was designed to put all the units on the perimeter of the project at 33 feet maximum height. The larger buildings in the center are designed at 50 feet. This is reflected on the August 13, 2008, Planning Commission staff report and meeting minutes.

During the October 22, 2008, Planning Commission meeting it was indicated that the homes on the perimeter were designed to be 33 feet above grade from natural grade; two units on steep grade. It was also noted that there are units where the buildings would be between 33 and 40 feet tall to create variation in the roof forms. These homes

create a scale more compatible to the surrounding single family homes than the four centralized condominiums.

During the February 25, 2009, Planning Commission the applicant's architect reviewed a fog study and talked about the massing of the project. It was stated that the applicants took it upon themselves to apply a 33 foot height limit. That same staff report indicated the following:

> *Height limitation: As previously mentioned, the applicant has self-imposed a 33 foot height limitation for the periphery detached homes in an effort to create compatibility with the adjacent projects. The larger stacked flat condominiums are 50 feet in height. They are located within the center of the project and to the north adjacent to open space. The new location of the larger buildings creates less impact on the adjacent neighbors and less impermeable surface area than the previous site plans.*

During the May 27, 2009, Planning Commission, Planner Cattan reported that part of the master plan is a 45 foot height limit with an additional five feet for pitched roofs. She presented a display showing a 33 foot cloud over existing grade and noted that the applicant has self-imposed a 33 foot height limitation around the periphery. The project is above 33 feet in the central four units and in small portions around the periphery. For the most part they stayed under the self-imposed 33 foot height limit. The allowed height is 45 feet maximum. The Planning Commission commended the applicant on the effort put forth to reduce heights along the periphery to match the adjacent zone height of 33 feet above existing grade. The same was discussed during the July 08, 2009, Planning Commission meeting and the November 12, 2012, City Council meeting. Exhibit G – 2009 Fog Study was presented to the Planning Commission during the May 27, 2009, Planning Commission meeting.

On March 14, 2014, the applicant submitted a schematic site, floor, and elevation plans to reflect the 33 foot limit for the purpose of comparing the various plans, fog studies, etc., similar to the one above to ensure that the height of all structures matched what the City approved. This includes the self-imposed height condition of the single family dwellings and duplexes as the CUP was approved with this understanding. The proposed Record of Survey shall indicate the appropriate heights per the previous minutes, staff reports, and submitted exhibits reflect such self-imposed regulation. On May 1, 2014, the applicant updated the schematic plans submitted on March 14. Staff has identified that the structures are in substantial compliance with the 2009 fog study. Staff recommends that the City Council add a condition of approval indicating that the proposed Record of Survey shall indicate the appropriate heights per the previous minutes, staff reports, and submitted exhibits reflect such self-imposed regulation.

<u>Density</u>
The 2010 approved CUP include the fifty-four (54) units in the form of sixteen (16) single family dwellings/duplex and thirty eight (38) units within the multi-unit dwellings. The applicant with the agreement from a group of neighbors is shifting that density

slightly and requesting to plat twelve (12) single family dwellings, one duplex with two (2) units, totaling fourteen (14) dwelling units and forty (40) units within the same multi-unit dwelling. The footprint and size of the multi-unit dwelling is not expanding. The applicant requests to add the two (2) units from the single family dwelling/duplex pool. Staff does not find any detrimental impacts with this modification as the plat will still be in substantial compliance with the 2010 CUP, the size of the multi-unit dwelling is not expanding, and the overall density will remain at fifty-four (54) units.

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

Notice
The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record.

Public Input
Lisa Wilson has submitted comments in opposition of the condominium plat. See Exhibit G – Public Comments.

Process
The approval of this condominium record of survey application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 15-1-18.

Alternatives
- The City Council may approve the North Silver Lake Condominium Plat as conditioned or amended; or
- The City Council may deny the North Silver Lake Condominium Plat and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on North Silver Lake Condominium Plat; or
- The City Council may remand the item back to the Planning Commission for specific discussion on topics and/or findings.

Significant Impacts
There are no significant impacts on the City from this application.

Consequences of not taking the Suggested Recommendation
The Condominium Record of Survey would not reflect the approved 2010 CUP development. The owner would not be able to sell private units.

Recommendation
Staff recommends the City Council hold a public hearing and consider approving the a Condominium Record of Survey for the North Silver Lake Condominium Plat based on

the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Exhibits

Exhibit A – Proposed Ordinance with Proposed Condominium Record of Survey
Exhibit B – Project Description
Exhibit C – North Silver Lake Subdivision (1993)
Exhibit D – Lot 2 North Silver Lake Subdivision (1997)
Exhibit E – North Silver Lake Record of Survey Plat (2005)
Exhibit F – Planning Commission Action Letter dated March 4, 2014
Exhibit G – Public Comments
Exhibit H – Master Site Plan, Open Space
Exhibit I – 2009 Fog Study

Ordinance No. 14-XX

AN ORDINANCE APPROVING THE NORTH SILVER LAKE CONDOMINIUM PLAT LOCATED AT 7101 SILVER LAKE DRIVE, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the North Silver Lake Condominium Record of Survey Plat, located at 7101 Silver Lake Drive have petitioned the City Council for approval of an amended and restated condominium record of survey plat; and

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

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on February 12, 2014, February 26, 2014, and April 9, 2014 to receive input on the North Silver Lake Condominium Record of Survey Plat record of survey plat;

WHEREAS, the Planning Commission, on April 9, 2014, forwarded a positive recommendation to the City Council;

WHEREAS, the City Council on May 8, 2014 conducted a public hearing to receive input on the North Silver Lake Condominium Plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the North Silver Lake Condominium Plat.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. North Silver Lake Condominium Plat as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The site is located at 7101 Silver Lake Drive.
2. The site is located in the Residential Development (RD) District.
3. A subdivision plat, known as the North Silver Lake Subdivision, was recorded in 1993. The subdivision created two (2) lots of record. According to this subdivision, Lot 2 was contemplated for further subdivision and future development.
4. Lot 2 North Silver Lake Subdivision was recorded in 1997. This subdivision

further amended Lot 2 into four (4) separate lots. This record of survey plat is development of Lot 2B of the Lot 2 North Silver Lake Subdivision plat.

5. In 2005 the North Silver Lake Lodge Record of Survey Plat was recorded. This Plat subdivided Lot 2B into six (6) condominium units and identified convertible land
6. At this time the applicant requests to replace the North Silver Lake Lodge Record of Survey Plat (2005) with the proposed Record of Survey. Upon recordation of this current condominium plat, the North Silver Lake Lodge Record of Survey plat (2005) shall be retired.
7. The proposed Condominium Record of Survey plat identifies private, limited common, common areas, etc., within the project.
8. Under the Deer Valley Resort Master Plan the North Silver Lake Subdivision Lot 2B is permitted a density of 54 residential units and 14,525 square feet of commercial and support space.
9. In 2010 the Park City Planning Commission approved a Conditional Use Permit (CUP) for the development consisting of fifty four (54) private total units.
10. The proposed Condominium Record of Survey Plat amends Lot 2B of North Silver Lake Subdivision.
11. The boundary lines of each private unit are set forth on the proposed plat. The proposed Condominium Record of Survey plat consists of twelve (12) single-family dwellings, one (1) duplex unit, forty (40) multi-unit dwellings, two (2) American with Disabilities Act (ADA) compliant units (platted as common areas), three (3) commercial units, and corresponding common areas and facilities, limited common areas and facilities, support unit, and commercial units.
12. The support commercial areas mentioned above and all of the other amenities identified on the plat are for the exclusive use of the unit owners and their visitors, e.g. the only patrons allowed to use the spa, lockers, and the dining areas, are patrons staying at the development through the ownership or possible rental of the private units.
13. The Deer Valley Master Planned Development allocated 14,525 square feet of commercial/support commercial for the Silver Lake Community.
14. The 2010 approved CUP accommodated 5,140 square feet of support commercial space.
15. At this time the updated CUP plans and this Record of Survey indicates a combined area of 4,913 square feet of support commercial.
16. All findings in the analysis section of the staff report are incorporated herein.
17. The 2010 approved CUP include the fifty-four (54) units in the form of sixteen (16) single family dwellings and 38 units within the multi-unit dwellings.
18. Currently the applicant is requesting to plat twelve (12) single family dwellings, one duplex with two (2) units, totaling fourteen (14) dwelling units and forty (40) units within the same multi-unit dwelling.
19. The size of the multi-unit dwelling footprint is not expanding. The overall density is not increasing as the applicant requests to add the two (2) units from the single family dwelling/duplex pool.
20. The condominium record of survey plat is in substantial compliance with the 2010 CUP. The size of the multi-unit dwelling is not expanding, and the overall density

will remain at fifty-four (54) units.

Conclusions of Law:

1. There is good cause for this Condominium Record of Survey.
2. The Condominium Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding condominium record of survey plats.
3. Neither the public nor any person will be materially injured by the proposed condominium record of survey plat.
4. Approval of the condominium record of survey plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.
5. The condominium record of survey plat is consistent with the approved North Silver Lake Conditional Use Permit.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the condominium record of survey 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 condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A note shall be added to the plat referencing that the conditions of approval of the Deer Valley MPD and the 2010 North Silver Lake CUP apply to this plat.
4. The applicant shall be responsible of filing the proper documentation with Summit County to retire the North Silver Lake Lodge Record of Survey Plat recorded in 2005 prior to recordation of this plat.
5. All conditions of approval of the City Council's July 1, 2011 order on the Conditional Use appeal shall continue to apply.
6. All conditions of approval of the Planning Commission's February 26, 2014 action modifying the CUP to allow Lockout Units shall continue to apply.
7. The proposed Record of Survey shall indicate the appropriate heights per the previous minutes, staff reports, and submitted exhibits reflect such self-imposed regulation.

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

PASSED AND ADOPTED this ____ day of _____, 2014.

PARK CITY MUNICIPAL CORPORATION

PROJECT AND PLAT DESCRIPTION

North Silver Lake Condominiums

This is an application for the approval of a condominium plat for North Silver Lake Condominiums.

Lot 2B of the North Silver Lake subdivision was originally created pursuant to the plat entitled "Subdivision of Lot 2 North Silver Lake Subdivision", which was recorded on September 18, 1997. The plat submitted with this application is a further subdivision of Lot 2B, in accordance with the terms and conditions of a Conditional Use Permit approved on July 1, 2010 ("CUP"). The CUP authorized the development on this property of 54 units, consisting of 16 single-family homes (in detached or duplex configurations) and four stacked condominium buildings containing 38 additional residential condominium units. The stacked condominium buildings also include 3 commercial condominium units and 1 support condominium unit.

This plat divides the property into 54 condominium units and common areas including: (i) 4 single family units, (ii) 3 duplex buildings each with 2 units, (iii) 6 units currently shown as 2-dimensional lots that will be amended later to depict the 3-dimensional unit locations, (iv) 38 stacked flats in 2 buildings (North Lodge Building and South Lodge Building), and (v) a private road that is part of the common area. The condominium buildings have been designed to be consistent with the project plans submitted with, and approved as part of, the 2010 CUP.

Lot 2B is currently encumbered by a Record of Survey Plat for North Silver Lake Lodge that was recorded on April 19, 2005. That plat will be terminated of record immediately prior to the recordation of the condominium plat submitted with this application.

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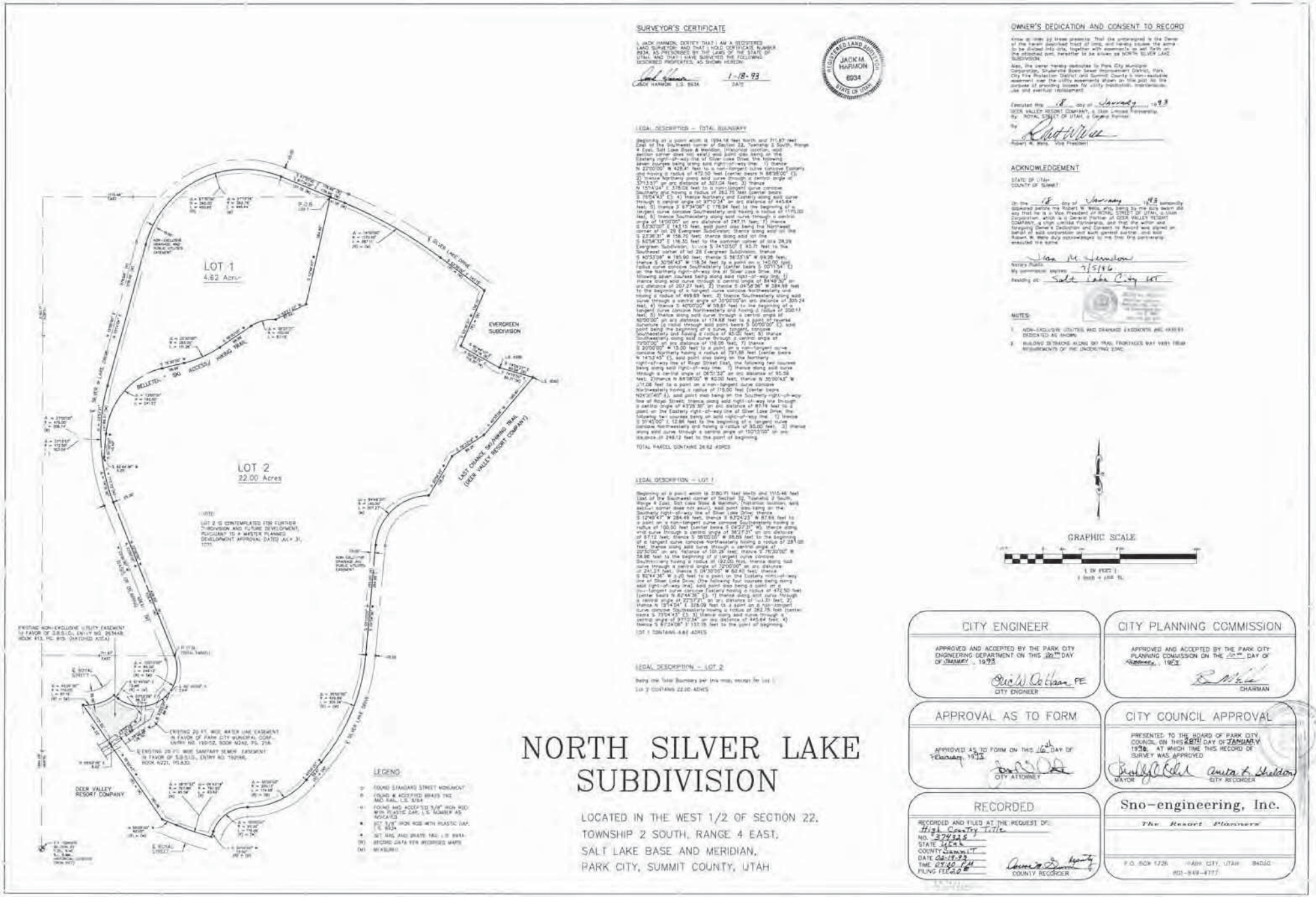
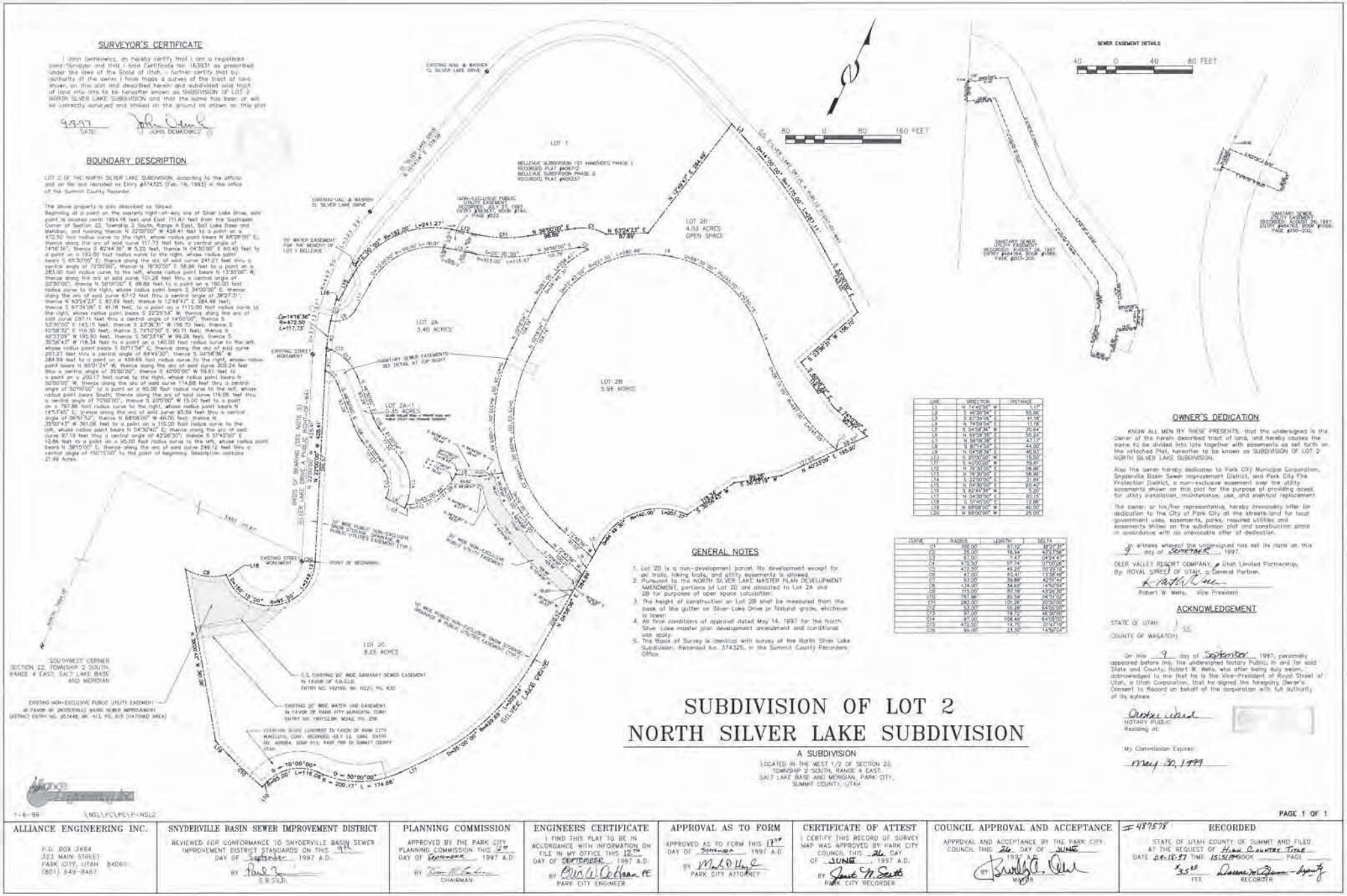
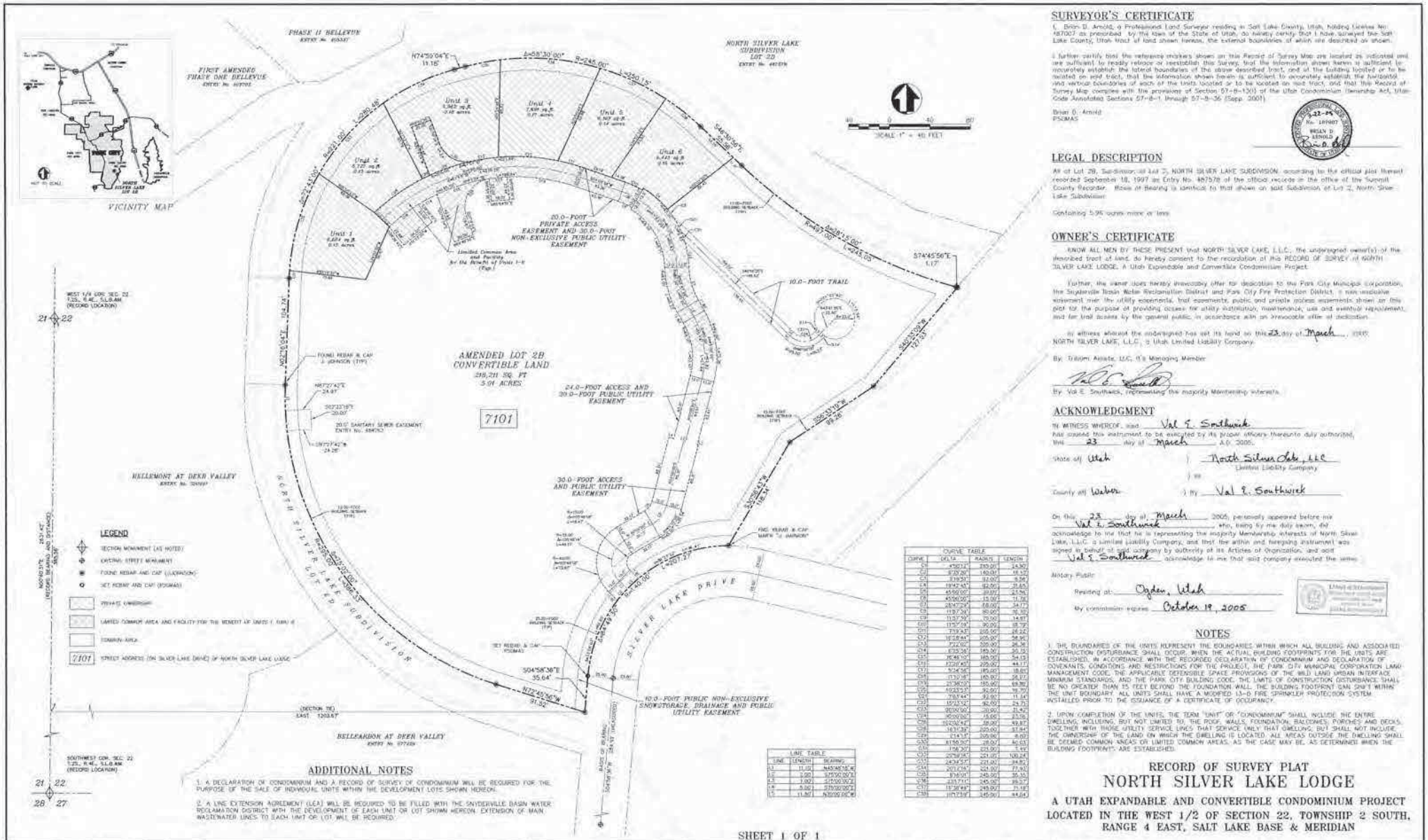

SURVEYOR'S CERTIFICATE
OWNER'S DEDICATION AND CONSENT TO RECORD
ACKNOWLEDGEMENT
LEGAL DESCRIPTION – TOTAL BOUNDARY
LEGAL DESCRIPTION – LOT 1
LEGAL DESCRIPTION – LOT 2
LOT 1
4.62 Acres
LOT 2
22.00 Acres
EVERGREEN SUBDIVISION
DEER VALLEY RESORT COMPANY
LEGEND
GRAPHIC SCALE
NORTH SILVER LAKE SUBDIVISION
LOCATED IN THE WEST 1/2 OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH
CITY ENGINEER
CITY PLANNING COMMISSION
APPROVAL AS TO FORM
CITY COUNCIL APPROVAL
RECORDED
Sno-engineering, Inc.
The Resort Planners


SURVEYOR'S CERTIFICATE
BOUNDARY DESCRIPTION
GENERAL NOTES
OWNER'S DEDICATION
ACKNOWLEDGEMENT
SEWER EASEMENT DETAILS
SUBDIVISION OF LOT 2
NORTH SILVER LAKE SUBDIVISION
A SUBDIVISION
LOCATED IN THE WEST 1/2 OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH
ALLIANCE ENGINEERING INC.
SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT
PLANNING COMMISSION
ENGINEERS CERTIFICATE
APPROVAL AS TO FORM
CERTIFICATE OF ATTEST
COUNCIL APPROVAL AND ACCEPTANCE
RECORDED
PAGE 1 OF 1



CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	4°58'12"	280.00'	24.30'
C2	8°20'26"	140.00'	18.12'
C3	3°18'51"	92.00'	5.36'
C4	19°42'45"	92.00'	31.65'
C5	45°00'00"	30.00'	23.56'
C6	45°00'00"	15.00'	11.78'
C7	28°47'24"	68.00'	34.17'
C8	119°17'24"	80.00'	92.70'
C9	11°57'39"	70.00'	14.61'
C10	11°57'18"	90.00'	18.78'
C11	73°14'57"	205.00'	26.22'
C12	16°28'44"	205.00'	58.96'
C13	7°12'02"	205.00'	25.76'
C14	67°53'38"	185.00'	365.75'
C15	16°46'10"	185.00'	54.13'
C16	132°16'45"	205.00'	44.17'
C17	5°14'56"	185.00'	18.01'
C18	11°31'18"	185.00'	38.07'
C19	20°38'00"	185.00'	69.80'
C20	10°23'57"	90.00'	16.70'
C21	7°07'44"	92.00'	11.34'
C22	15°21'12"	92.00'	24.71'
C23	20°00'00"	30.00'	21.42'
C24	40°00'00"	15.00'	10.76'
C25	102°26'42"	58.00'	103.67'
C26	16°31'28"	205.00'	57.94'
C27	2°41'57"	205.00'	9.69'
C32	81°56'00"	28.00'	40.03'
C33	1°56'20"	230.00'	7.79'
C34	25°34'18"	230.00'	102.64'
C35	24°34'57"	230.00'	98.82'
C36	20°17'16"	230.00'	77.93'
C37	8°46'06"	245.00'	37.50'
C38	23°17'11"	245.00'	99.57'
C39	18°38'49"	245.00'	71.18'
C40	10°17'59"	245.00'	44.04'

LINE TABLE		
LINE	LENGTH	BEARING
L1	11.02'	N45°46'06"E
L2	3.00'	S75°30'00"E
L3	1.00'	S75°30'00"E
L4	5.00'	S75°30'00"E
L5	11.50'	N30°00'00"W

ADDITIONAL NOTES

1. A DECLARATION OF CONDOMINIUM AND A RECORD OF SURVEY OF CONDOMINIUM WILL BE REQUIRED FOR THE PURPOSE OF THE SALE OF INDIVIDUAL UNITS WITHIN THE DEVELOPMENT LOTS SHOWN HEREON.

2. A LINE EXTENSION AGREEMENT (LEA) WILL BE REQUIRED TO BE FILLED WITH THE SNYDERVILLE BASIN WATER RECLAMATION DISTRICT WITH THE DEVELOPMENT OF EACH UNIT OR LOT SHOWN HEREON. EXTENSION OF MAIN WASTEWATER LINES TO EACH UNIT OR LOT WILL BE REQUIRED.

SURVEYOR'S CERTIFICATE

I, Brian D. Arnold, a Professional Land Surveyor residing in Salt Lake County, Utah, holding License No. 187007 as prescribed by the laws of the State of Utah, do hereby certify that I have surveyed the Salt Lake County, Utah tract of land shown hereon, the external boundaries of which are described as shown.

I further certify that the reference markers shown on this Record of Survey Map are located as indicated and are sufficient to readily relocate or reestablish this Survey, that the information shown herein is sufficient to accurately establish the lateral boundaries of the above described tract, and of the building located or to be located on said tract, that the information shown herein is sufficient to accurately establish the horizontal and vertical boundaries of each of the units located or to be located on said tract, and that this Record of Survey Map complies with the provisions of Section 57-8-13(3) of the Utah Condominium Ownership Act, Utah Code Annotated Sections 57-8-1 through 57-8-36 (Supp. 2001).

Brian D. Arnold
PSOMAS

3-22-05
No. 187007
BRIAN D. ARNOLD
STATE OF UTAH

LEGAL DESCRIPTION

All of Lot 2B, Subdivision of Lot 2, NORTH SILVER LAKE SUBDIVISION, according to the official plat thereof recorded September 18, 1997 as Entry No. 487578 of the official records in the office of the Summit County Recorder. Basis of Bearing is identical to that shown on said Subdivision of Lot 2, North Silver Lake Subdivision.

Containing 5.96 acres more or less.

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENT that NORTH SILVER LAKE, L.L.C., the undersigned owner(s) of the described tract of land, do hereby consent to the recordation of this RECORD OF SURVEY of NORTH SILVER LAKE LODGE, A Utah Expandable and Convertible Condominium Project.

Further, the owner does hereby irrevocably offer for dedication to the Park City Municipal Corporation, the Snyderville Basin Water Reclamation District and Park City Fire Protection District, a non-exclusive easement over the utility easements, trail easements, public and private access easements shown on this plat for the purpose of providing access for utility installation, maintenance, use and eventual replacement, and for trail access by the general public, in accordance with an irrevocable offer of dedication.

In witness whereof the undersigned has set its hand on this 23 day of March, 2005.
NORTH SILVER LAKE, L.L.C., a Utah Limited Liability Company.

By: Trillium Assets, LLC, it's Managing Member

By: Val E. Southwick, representing the majority Membership interests.

ACKNOWLEDGMENT

IN WITNESS WHEREOF, said Val E. Southwick has caused this instrument to be executed by its proper officers thereunto duly authorized, this 23 day of March A.D. 2005.

State of Utah) North Silver Lake, LLC
Limited Liability Company
) ss
County of Weber) By Val E. Southwick

On this 23 day of March 2005, personally appeared before me Val E. Southwick, who, being by me duly sworn, did acknowledge to me that he is representing the majority Membership interests of North Silver Lake, L.L.C. a limited Liability Company, and that the within and foregoing instrument was signed in behalf of said company by authority of its Articles of Organization, and said Val E. Southwick acknowledge to me that said company executed the same.

Notary Public
Residing at: Ogden, Utah
My commission expires: October 19, 2005

NOTES

1. THE BOUNDARIES OF THE UNITS REPRESENT THE BOUNDARIES WITHIN WHICH ALL BUILDING AND ASSOCIATED CONSTRUCTION DISTURBANCE SHALL OCCUR. WHEN THE ACTUAL BUILDING FOOTPRINTS FOR THE UNITS ARE ESTABLISHED, IN ACCORDANCE WITH THE RECORDED DECLARATION OF CONDOMINIUM AND DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE PROJECT, THE PARK CITY MUNICIPAL CORPORATION LAND MANAGEMENT CODE, THE APPLICABLE DEFENSIBLE SPACE PROVISIONS OF THE WILD LAND URBAN INTERFACE MINIMUM STANDARDS, AND THE PARK CITY BUILDING CODE, THE LIMITS OF CONSTRUCTION DISTURBANCE SHALL BE NO GREATER THAN 15 FEET BEYOND THE FOUNDATION WALL. THE BUILDING FOOTPRINT CAN ONLY WITHIN THE UNIT BOUNDARY. ALL UNITS SHALL HAVE A MODIFIED 13-D FIRE SPRINKLER PROTECTION SYSTEM INSTALLED PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.

2. UPON COMPLETION OF THE UNITS, THE TERM "UNIT" OR "CONDOMINIUM" SHALL INCLUDE THE ENTIRE DWELLING, INCLUDING, BUT NOT LIMITED TO, THE ROOF, WALLS, FOUNDATION, BALCONIES, PORCHES AND DECKS, TOGETHER WITH THOSE UTILITY SERVICE LINES THAT SERVICE ONLY THAT DWELLING, BUT SHALL NOT INCLUDE THE OWNERSHIP OF THE LAND ON WHICH THE DWELLING IS LOCATED. ALL AREAS OUTSIDE THE DWELLING SHALL BE DEEMED COMMON AREAS OR LIMITED COMMON AREAS, AS THE CASE MAY BE, AS DETERMINED WHEN THE BUILDING FOOTPRINTS ARE ESTABLISHED.

RECORD OF SURVEY PLAT
NORTH SILVER LAKE LODGE

A UTAH EXPANDABLE AND CONVERTIBLE CONDOMINIUM PROJECT LOCATED IN THE WEST 1/2 OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN

SHEET 1 OF 1

PSOMAS
3825 East Cottonwood Parkway, Suite 170
Salt Lake City, Utah 84121
(801) 270-5777 (801) 270-5782 (FAX)

CITY COUNCIL
PRESENTED TO THE PARK CITY COUNCIL THIS 3RD DAY OF MARCH, 2005, AT WHICH TIME THIS PLAT WAS APPROVED.
Diana Williams
Janet M. Scott
CITY RECORDER

CITY ENGINEER
APPROVED AND ACCEPTED BY THE PARK CITY ENGINEERING DEPARTMENT THIS 4TH DAY OF APRIL, 2005.
Eric W. Cockham PE
CITY ENGINEER

CITY PLANNING COMMISSION
APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION, THIS 13 DAY OF Apr.1, 2005.
(J. Barth)
CHAIRMAN

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS THIS 22ND DAY OF March, 2005.
S.B.W.R.D.

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS 4TH DAY OF APRIL, 2005.
CITY ATTORNEY

RECORDED
ENTRY NO. 733162 BOOK — PAGES —
STATE OF Utah
COUNTY OF Summit
RECORDED AND FILED AT THE REQUEST OF High Country Title
Time: 5:59 AM Fee $ 36.00
Kenneth D. Bonner, Deputy
COUNTY RECORDER

04 March 2014

SR Silver Lake LLC
Daniel Gryczman
11990 San Vicente Blvd. Suite 200
Los Angeles, CA 90049

NOTICE OF PLANNING COMMISSION ACTION

Application #:	PL-13-02034
Subject:	North Silver Lake
Address:	7101 Silver Lake Drive
Description:	Conditional Use Permit for Lockout Units (nightly rentals)
Action Taken:	Approved
Date of Action:	February 26, 2014

On February 26, 2014 the Planning Commission of Park City approved your request of 38 Lockout Units (nightly rentals) to be located within the Stein Eriksen Residences formerly known as the North Silver Lake Development, located at 7101 Silver Lake Drive. Your approval is subject to the following Findings of Fact, Conclusion of Law, and Conditions of Approval:

Findings of Fact

1. The subject property is at 7101 North Silver Lake Drive, Lot 2B of the North Silver Lake Subdivision.
2. The property is known as Stein Eriksen Residences, formerly known as North Silver Lake Lodge
3. The proposed development is located within the Deer Valley Master Plan Development.
4. Within the Deer Valley Master Plan, the North Silver Lake Subdivision Lot 2B is permitted a density of 54 residential units and 14,552 square feet of commercial and support space.
5. In 2010 the Planning Commission approved a Conditional Use Permit (CUP) consisting of fifty four (54) total units; sixteen (16) detached single family dwellings/duplexes and four (4) condominium buildings containing thirty eight (38) private units.

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6. The conditions of approval for the CUP reflect that lockout units were not requested at that time, and would require Planning Commission approval, if requested in the future.
7. At this time the applicant requests the use of thirty eight (38) Lockout Units to be located in the four (4) stacked flats, condominium buildings and that nightly rentals be permitted for the lockout units.
8. The original CUP application was before Planning Commission on five (5) different occasions: August 13, 2008, October 22, 2008, February 25, 2009, May 27, 2009, and July 8, 2009. The Planning Commission approved the CUP on July 8, 2009.
9. On July 17, 2009, the neighboring property owners submitted an appeal of the CUP approval. The City Council reviewed the appeal on October 15, 2009 and November 12, 2009. During the November 12, 2009 meeting, the City Council remanded the CUP application to the Planning Commission with specific items to be addressed.
10. The Planning Commission reviewed the remand during two (2) work sessions on November 11, 2009 and January 13, 2010 and two (2) Planning Commission regular agenda meetings on March 10, 2010 and April 28, 2010 to address specific findings of the City Council. The Planning Commission approved the revised CUP with a four to one (4 - 1) vote on April 28, 2010.
11. The April 28, 2010 CUP approval was appealed. The City Council reviewed the appeals on June 24, 2010. All parties stipulated to additional condition of approval #19 that “no lockouts are permitted within this approval”. The City Council affirmed and denied in part the Planning Commission’s decision to approve the North Silver Lake Lot 2B CUP. The City Council findings were ratified on July 1, 2010.
12. The Land Management Code § 15-1-10(G) allows for two (2) extensions of an approved CUP.
13. On March 17, 2011, the Planning Department received a Request for Extension of the Conditional Use Permit approval. On April 28, 2011, the Planning Director approved the Extension of the Conditional Use Permit for an additional year as conditioned.
14. The Planning Director’s approval of the extension was appealed on June 8, 2011. The Planning Commission reviewed the matter de novo and rendered a decision to uphold the Planning Director’s decision and grant the extension of the Conditional Use Permit to July 1, 2012.
15. On June 20, 2011, the City Council received a written appeal of the Planning Commission’s final action upholding the Planning Director’s decision to approve an extension of the development.
16. On July 21, 2011, the appeal was heard by the City Council, who held a quasi-judicial hearing before voting unanimously to uphold the Planning Commission’s decision to uphold the Planning Director’s issuance of an extension of time for the July 1, 2010 Conditional Use Permit. Because the appeal to uphold the Planning Director’s decision was decided on July 21, 2011, the extension of the Conditional Use Permit was extended to July 21, 2012.
17. On October 27, 2011, Staff received an application to extend the CUP for an

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additional year, and on January 11, 2012, the Planning Commission heard the applicants request for an additional and final one-year extension from July 21, 2012 to July 21, 2013.

18. On February 9, 2012, the City Council received a written appeal of the Planning Commission's final action of January 11, 2012, approving the request for the one-year extension to July 21, 2013.
19. The second appeal of the second extension was originally scheduled for the March 22, 2012 City Council meeting. The appellant was unable to make it to the meeting due to an accident. The City Council voted to continue the item to the April 5, 2012 City Council meeting and directed Staff not to accept any additional materials from the appellant or the applicant.
20. On April 5, 2012 the City Council conducted a public hearing and voted unanimously to deny the appeal and approve the extension of the CUP and upheld with the following conditions of approval:
    a. All conditions of approval of the City Council's July 21, 2011 order continue to apply.
    b. This approval will expire July 21, 2013, 12 months from the first extension of the CUP.
    c. Approval is based on plans reviewed by the City Council on June 24, 2010. Building Permit plans must substantially comply with the reviewed and approved plans. Any substantial deviation from this plan must be reviewed by the Planning Commission.
21. In March 2013, the applicant received a building permit for the first single family dwelling. This structure will be used as their model home.
22. The LMC defines a dwelling unit as a Building or portion thereof designed for Use as the residence or sleeping place of one (1) or more Persons or families and includes a Kitchen, but does not include a Hotel, Motel, Lodge, Nursing Home, or Lockout Unit.
23. The LMC defines a Lockout Unit as an Area of a dwelling with separate exterior Access and toilet facilities, but no Kitchen.
24. The requested use meets the LMC definition of a Lockout Unit, which is an area of a dwelling unit and not a separate dwelling unit.
25. Staff does not consider the proposed use to be a hotel due to the specific provision found in the Hotel definition which indicates that Lockout Units are not Hotels.
26. The site will have accessory facilities in the development: a spa, ski rentals, and a dining area that were shown on the approved 2010 CUP plans. The use of these areas further reiterates that the use is not consistent with one of a hotel. These areas are for the exclusive use of the unit owners and their visitors, e.g. the only patrons allowed to use the spa, ski rentals, and the dining areas, are patrons staying at the development through the ownership or possible rental of the private units.
27. The proposal is in substantial compliance with the reviewed and approved CUP plans as the Lockout Units are designed within the existing floor area of each unit formerly reviewed and approved, located in the stacked flats.
28. No Lockout Units are being requested within the sixteen (16) single family

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dwellings/duplexes.

29. The number of Lockout Units within each unit range from one to three (1 - 3).
30. The floor plans have had minor alterations. The number of units has not changed and the plans are in substantial compliance with the approved 2010 CUP plans.
31. The Planning Commission must review LMC § 15-1-10(E) when considering whether or not the proposed conditional use mitigates impacts.
32. The proposed modification, the requested Lockout Units, does not require additional mitigation related to size and location of the site which was not already addressed in the originally approved CUP (2010).
33. Regarding traffic considerations including capacity of the existing streets in the area, Staff received an updated Addendum to Traffic Impact Analysis prepared by Riley Traffic Consultants, LLC, dated November 2013.
34. The updated 2013 traffic analysis indicates that under the maximum trip scenario with all of the lockouts occupied, all traffic is still projected to function at LOS (level of service) A, which is acceptable for a roadway of this classification.
35. The Applicant needs to work with the City Engineer to ensure proper site distance per the 2009 Existing Traffic Counts and Traffic Projections which indicates the following under Sight Distance conclusion and Recommendations which indicates that special warning signage is recommended during the construction period. Also mitigation for the limited sight distance could include a warning sign, or clearing of the slope area across the street.
36. The proposed use modification, the requested Lockout Units, does not require additional mitigation related to utility capacity, including storm water run-off which has already been addressed in the originally approved CUP (2010).
37. The proposed use modification, the requested Lockout Units, does not require additional mitigation related to emergency vehicle access which has already been addressed in the originally approved CUP (2010).
38. Regarding location and amount of off-street parking, parking for all fifty four (54) units must be provided within the North Silver Lake development.
39. According to the Deer Valley MPD off-street parking requirements shall be determined in accordance with the LMC at the time of application for Conditional Use approval.
40. The North Silver Lake development has a mix of single family dwellings/duplexes and multi-unit dwellings. There is also support commercial space within the project. No parking is required for the support commercial area.
41. The current LMC requires 1 parking space per dwelling unit if the apartment or condominium is not greater than 1,000 sf floor area.
42. The current LMC requires 1.5 parking spaces per dwelling unit if the apartment or condominium is greater than 1,000 sf and less than 2,000 sf floor area.
43. The current LMC requires 2 parking spaces per dwelling unit if the apartment or condominium is 2,000 sf floor area of greater.
44. The required parking for the multi-unit dwellings is 76 parking spaces without any parking reduction.
45. The proposed use modification, the requested Lockout Units, does not require additional mitigation related to the internal vehicular and pedestrian circulation

system which has already been addressed in the originally approved CUP (2010).

46. The proposed use modification, the requested Lockout Units, does not require additional mitigation related to fencing, screening and landscaping to separate the use from adjoining uses which has already been addressed in the originally approved CUP (2010).
47. The proposed modification, the requested Lockout Units, does not require additional mitigation related to building mass, bulk, and orientation and the location of buildings on the site, including orientation to buildings on adjoining lots which has already been addressed in the originally approved CUP (2010).
48. The proposed use modification, the requested Lockout Units, does not require additional mitigation related to usable open space which has already been addressed in the originally approved CUP (2010) and condition of approval no. 8.
49. The proposed use modification, the requested Lockout Units, does not require additional mitigation related to signs and lighting which has already been addressed in the originally approved CUP (2010).
50. The proposed use modification, the requested Lockout Units, does not require additional mitigation related to physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing which has already been addressed in the originally approved CUP (2010).
51. The proposed use modification, the requested Lockout Units, does not require additional mitigation related to noise, vibration, odors, steam, or other mechanical factors that might affect people and property off-site which has already been addressed in the originally approved CUP (2010).
52. The proposed use modification, the requested Lockout Units, does not require additional mitigation related to control of delivery and service vehicles, loading and unloading zones, and screening of trash and recycling pickup areas which has already been addressed in the originally approved CUP (2010).
53. The proposed use modification, the requested Lockout Units, does not require additional mitigation related to 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 which has already been addressed in the originally approved CUP (2010).
54. The proposed use modification, the requested Lockout Units, does not require additional mitigation related to within and adjoining the site, environmental 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 which has already been addressed in the originally approved CUP (2010).

Conclusions of Law

1. The application is consistent with the Deer Valley Master Planned Development and the Park City Land Management Code, particularly section 15-1-10, Conditional Use Permits.
2. The Use is compatible with surrounding structures in use and circulation.
3. The Use is consistent with the Park City General Plan.

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4. The effects of any differences in Use or traffic have been mitigated through careful planning.

Conditions of Approval

1. All Standard Project Conditions shall apply.
2. All conditions of approval of the City Council's July 21, 2011 order shall continue to apply.
3. Approval is based on plans reviewed by the City Council on June 24, 2010 and the Planning Commission on December 11, 2013. Building Permit plans must substantially comply with the reviewed and approved plans. Any substantial deviation from this plan must be reviewed by the Planning Commission.
4. The applicant shall work with the City Engineer to ensure proper compliance with the recommendations outlined in this staff report regarding site distance and special warning signage during the construction period.
5. The maximum number of Lockout rooms permitted in the project is 38, all of which shall be located in the units in the stacked condominium buildings as determined by the Applicant. The condominium declaration for the project shall contain a use restriction with this limitation, which use restriction shall not be modified without the written consent of 67% of the owners of residences located in the following adjacent subdivisions: (i) Evergreen; (ii) Bellemont; (iii) Bellearbor; (iv) Bellevue; and (v) Belleterre.
6. The project is approved as a Multi-Family Dwelling project and not as a Hotel, and the inclusion of 38 Lockouts is deemed not to be a change in said Use. All commercial and support units with appurtenant limited common areas shall be restricted to the exclusive use of the owners of units and renters of units (or Lockouts) currently in residence at the time of use, and their guests. No advertising of the amenities to the public is permitted. The parking garage for the stacked condominium buildings shall contain 80 spaces, and all parking access for such buildings during the period in which Deer Valley Resort is open and operating for public skiing each year shall be limited to valet parking at the main porte cochere for the project. At all other times the parking garage may be accessed only by on-site owners of units or renters of a unit or Lockout, and their guests, as well as employees at the project, either by valet service or a mechanized entry system.
7. Group events hosted in the common areas at the Project shall only be permitted if all invited guests are staying at the Project or the host of the event owns a unit at the Project. Such restriction, together with other reasonable restrictions on event hours, use of amplified sound and other precautions typical of those found in CC&Rs for other condominium projects in Deer Valley shall be included in the condominium declaration.
8. The condominium declaration for the project shall prohibit construction of Structures in the outdoor open space shown on the submitted plat for the project.
9. Applicant shall install a dimmer in the project monument sign to allow the brightness to be reduced as appropriate for better compatibility with the neighborhood.
10. The condominium declaration for the project shall contain the use restrictions

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described in conditions of approval 5-9.

Please be aware that the approval of a Conditional Use Permit by Park City 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 are available in the Planning Department.

If you have questions regarding your application or the action taken please don't hesitate to contact me at 435-615-5064 or fastorga@parkcity.org.

Sincerely,

Francisco Astorga
City Planner

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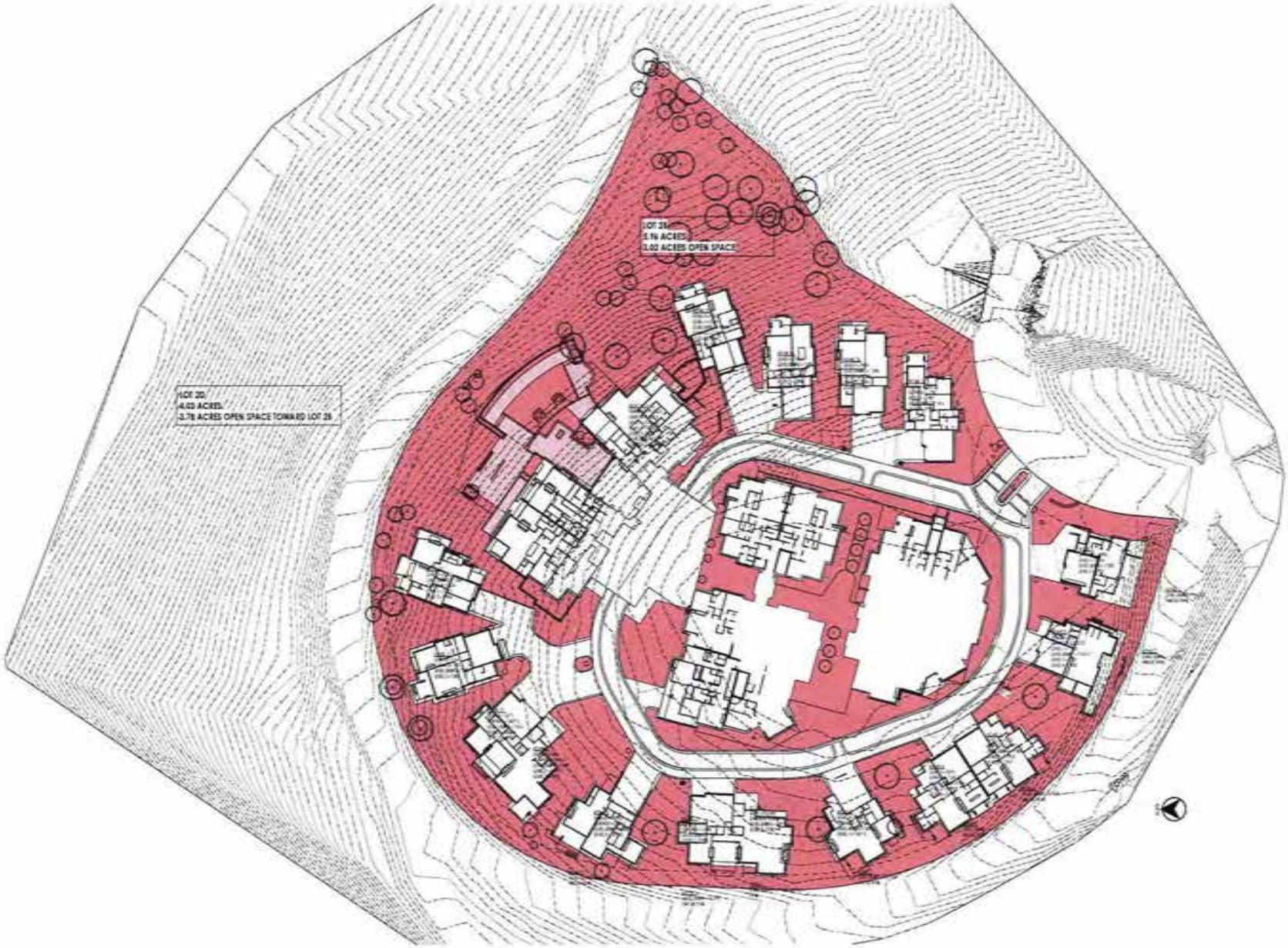
Sub
Exhibit G- PUBLIC COMMENTS

Due to the size allowable on our website you may view Exhibit G here.



Think
Architecture

STEIN ERIKESEN RESIDENCES

PROJECT NO. 00000
DATE: 00 MONTH, YEAR

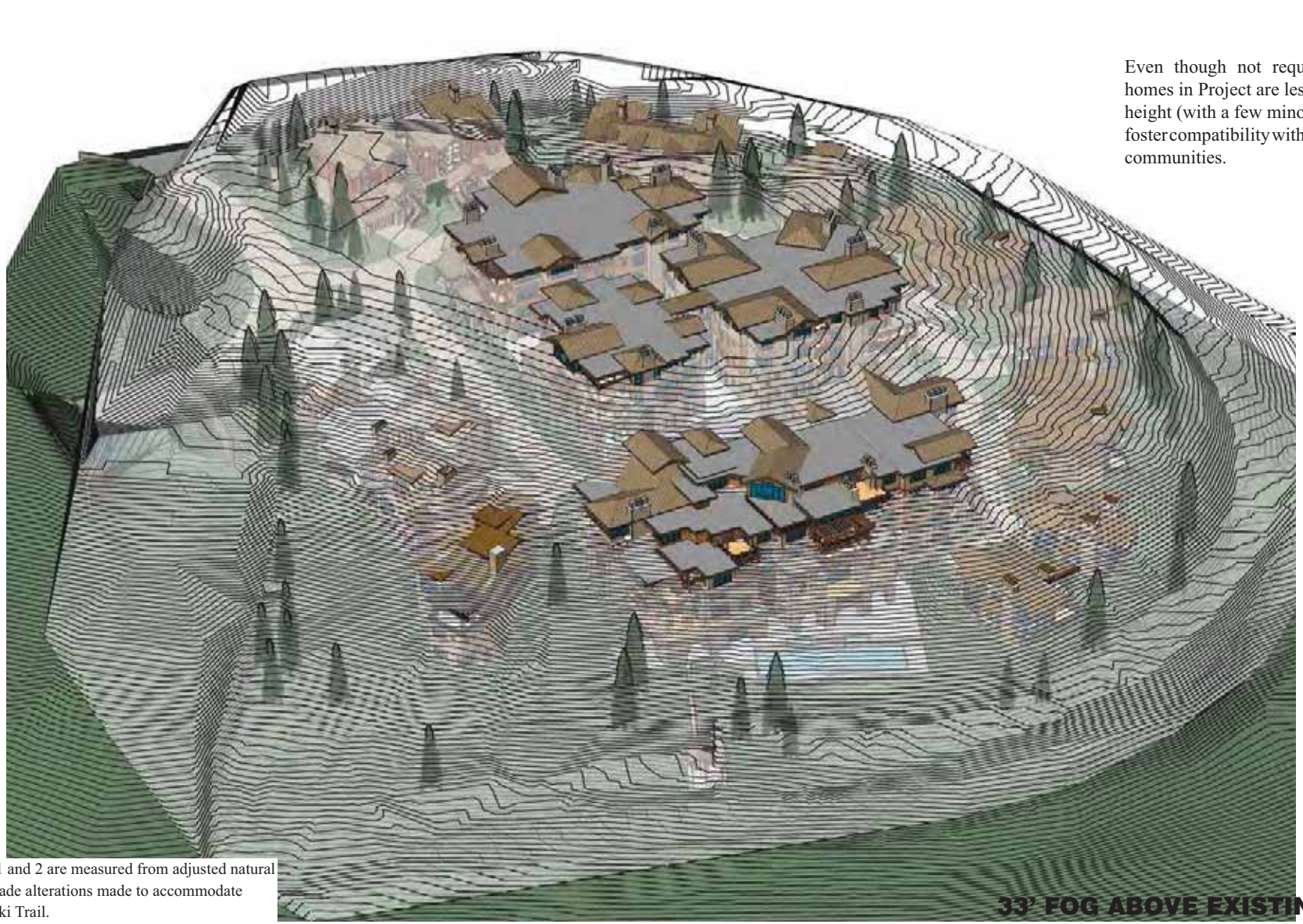
PART 10
OPEN SPACE
CALCULATION

PART NAME

DRAWING STATUS

SD101A

SEE PLAN - AREAS



Even though not required, perimeter homes in Project are less than 33'-0" in height (with a few minor exceptions) to foster compatibility with the surrounding communities.

Note: Homes 1 and 2 are measured from adjusted natural grade due to grade alterations made to accommodate Silver Dollar Ski Trail.

33' FOG ABOVE EXISTING GRADE

HEIGHT STUDY

jsa architects

NORTH SILVER LAKE LODGE
DEER VALLEY, UTAH

REGENT PROPERTIES
2009.05.13
17

1. Consideration of an Ordinance approving the re-establishment of Lots 30 and 31 of Holiday Ranchettes Subdivision, located at 2519 and 2545 Lucky John Drive, Park City, Utah City pursuant to the findings of fact, conclusions of law and conditions of approval stated in the attached ordinance in a form approved by the City Attorney continued from April 24, 2014.

Planner Alexander presented, with the applicant Steve Schuler, stating that the lots were original combined in 1999 and now the owner wishes to divide the lots into two one acre parcels.

Mayor Thomas opened the public hearing.

Steve Swanson, representing the Holiday Ranch HOA, stated that they have a working document with the owner and stated that the process has worked out ok. He stated that the Holiday Ranch HOA is strong and will be here to stay. They work hard to create harmony in their neighborhood.

Mayor Thomas closed the public hearing.

Council member Simpson moved to approve the re-establishment of Lots 30 and 31 of Holiday Ranchettes Subdivision, located at 2519 and 2545 Lucky John Drive, Park City, Utah City pursuant to the findings of fact, conclusions of law and conditions of approval stated in the attached ordinance in a form approved by the City Attorney
Council member Henney seconded
Approved unanimously

2. Consideration of the North Silver Lake Condominium Plat located at 7101 Silver Lake Drive, Record of Survey City pursuant to the findings of fact, conclusions of law and conditions of approval stated in the attached ordinance in a form approved by the City Attorney continued from March 6, 2014

Mayor Thomas left the Council chambers. Planner Astorga presented the condominium plat for the North Silver Lake Condominiums. Astorga informed the Council that condition of approval number 7 has been met. Council member Beerman inquired about the difference between a multi-family dwelling and hotel. Astorga stated that when the conditional use permit was approved in 2010 the applicant was not looking at a lock out unit. In 2013 they decided to modify the conditional use permit to allow lock outs. The intent is nightly rental but gives the owner the option of living in the unit full-time and does not have public facilities for restaurants.

Mayor Pro Tem Simpson opened the public hearing.

Bob Dillon, representing the neighbors, stated that when the owner came forth with the lock out the neighbors sat down with the developer and came to an agreement. He spoke to the details of the agreement between the developer and neighbors stating that they are ok with the plat.

Mayor Pro Tem Simpson closed the public hearing

Council member Peek moved to approve the North Silver Lake Condominium Plat located at 7101 Silver Lake Drive, Record of Survey City pursuant to the findings of fact,

conclusions of law and conditions of approval stated in the attached ordinance in a form approved by the City Attorney
Council member Beerman seconded
Approved unanimously

3. Consideration of the 901 Norfolk Avenue Subdivision Plat Amendment, 901 and 907 Norfolk Avenue, Park City pursuant to the findings of fact, conclusions of law and conditions of approval stated in the attached ordinance in a form approved by the City Attorney continued from April 17, 2014

Planner Alexander stated that the applicant is looking to reconfigure the lot lines from three lots into two lots of record. She stated the Planning Commission forwarded a positive recommendation.

Mayor Thomas opened the public hearing. There were no comments. Mayor Thomas closed the hearing. Council member Simpson thanked Alexander for an excellent staff report.

Council member Beerman moved to approve the 901 Norfolk Avenue Subdivision Plat Amendment, 901 and 907 Norfolk Avenue, Park City pursuant to the findings of fact, conclusions of law and conditions of approval stated in the attached ordinance in a form approved by the City Attorney
Council member Henney seconded
Approved unanimously

4. Consideration of approval of a subdivision plat for the Roundabout Subdivision Record of Survey for 300 Deer Valley Loop, Park City pursuant to the findings of fact, conclusions of law and conditions of approval stated in the attached ordinance in a form approved by the City Attorney continued from April 24, 2014.

Planner Alexander stated that this is an application to amend the current subdivision plat. The request is to remove the lot line in order to create one lot in to build an underground parking unit as well as creating 4 condominium unit. Blake Henderson, applicant, reiterated Planner Alexander's comments. Also speaking to the benefits of the underground parking and lot-line removal stating that they are committed to following the construction mitigation plan and will be mindful of the neighboring properties and the community.

Mayor Thomas opened the public hearing. None, closed the public hearing

Council member Simpson moved to approve a subdivision plat for the Roundabout Subdivision Record of Survey for 300 Deer Valley Loop, Park City pursuant to the findings of fact, conclusions of law and conditions of approval stated in the attached ordinance in a form approved by the City Attorney
Second Peek
Approved unanimously

IX. NEW BUSINESS

1. Consideration of an Ordinance vacating a portion of Deer Valley Drive adjacent to the proposed Roundabout Condominiums Plat located at 300 Deer Valley Loop Road pursuant to the findings of fact, conclusions of law and conditions of approval stated in the attached ordinance in a form approved by the City Attorney

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 – Echo Spur Subdivision

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.

2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. A ten foot (10') snow storage easement shall be dedicated to Park City across the lot's frontage.

4. Modified 13-d sprinklers will be required for all new construction.

Commissioner Campbell returned to the meeting.

6. 7101 Silver Lake Drive, North Silver Lake Condominium Plat – Condominium Record of Survey (Application PL-14-02225)

Planner Astorga reported that this application was originally scheduled for February 12. Due to various circumstances it was continued to February 26th and again to April 9th.

Planner Astorga reviewed the application for a condominium record of survey plat, which allows 54 units to be subdivided as they are owned. Currently, the plat that was filed in 2005 has six units and an area defined as convertible space. As conditioned in the ordinance, the applicant would retire that document if the Condominium Record of Survey is approved.

Planner Astorga noted that originally there were 16 units, of which 3 were duplexes and the remaining ten were single family dwellings. Currently, the applicant was requesting to plat 14 units around the periphery of the multi-unit dwellings in the form of one duplex and ten single family dwellings. They were also requesting to move the two remaining units inside the multi-unit dwelling. Planner Astorga had confirmed that adding the two units would not make the building larger in terms of height, footprint or square footage

because two of the other units they were planning to build would be smaller. The Staff analysis found that the project was still in compliance with the Deer Valley Master Plan and the number of units would remain at 54 units.

Planner Astorga stated that the conditions discussed during the February 26th meeting for lockout units have been incorporated into the CC&Rs.

Chair Worel referred to a letter from Lisa Wilson on page 227 of the Staff report, in which Ms. Wilson alleges that a courtesy notice was not sent to adjacent home owners and that the sign was not posted. Planner Astorga replied that Ms. Wilson was incorrect and did not understand the process. When the item was continued to February 26th and then to April 9th, it was always continued to a date certain. Another notice is not mailed unless the item is continued to a date uncertain. Planner Astorga stated that this application met the local and state requirements for noticing when the application was continued. He had personally posted the sign in January.

Rich Lichtenstein, representing the applicant, reported that they had 40 reservations and they were excited to be mobilizing and getting ready to excavate and build out the project this summer.

Chair Worel opened the public hearing.

Bob Dillon, legal counsel with Jones Waldo, stated that he was representing a number of the adjoining neighbors who submitted several letters objecting to both the lockout appeal and this plat approval. Mr. Dillon noted that during the lockout approval re-affirmed a public statement that was made at that time. The objection letters were combined for both hearings so he would not repeat what was said. Mr. Dillon had reviewed the declaration and the plats and the applicant had made the changes requested by the neighbors. They approve the reduction of two units on the perimeter which eliminates two duplex units. Two units were placed inside the stacked building without increasing the size by making two units out of what was formerly shown as one two-story unit. Mr. Dillon had no objection to those changes. He stated that a main objection was the six condo units that had no defined structure. However, the new plat gives the dimensions for every unit in the project and they were pleased to see that. The applicant had submitted detailed plans to the Planning Department showing elevations and how they were calculated against the existing grade. Mr. Dillon stated that the neighbors want out of that argument because they do not have any basis for determining whether or not it is accurate, and prefer to leave that determination to the Planning Staff, as well as whether or not they comply with the conditions of approval of the project.

Chair Worel closed the public hearing.

Commissioner Strachan asked if the percentage of open space would change. Planner Astorga answered no. As measured, the open space exceeds the minimum of 60%.

The Commissioners questioned why the open space did not increase by removing the units from the perimeter. Planner Astorga explained that the original calculation under estimated the open space and did a blanket of all the periphery. At the time they did not know where the driveway would be located. Therefore, the open space was calculated with a bubble in the middle and everything around it, as well as Lot 2D.

Commissioner Gross asked if Lot 2D was the down slope on the north side. Planning Manager Sintz asked for the size of Lot 2D. John Shirley, the project architect, replied that it was 4 acres.

Chair Worel asked for the height of the existing model home. Mr. Shirley stated that it was slightly under the 45' height limit. Chair Worel referred to page 146 of the Staff report which talks about a self-imposed 33' height limit for the individual units. She asked if they intended to build all the units to the 45'height, or whether they would honor their self-imposed restriction. Mr. Shirley stated that the intention was to honor the self-imposed limit. He explained that there was a natural dip in the grade where the ski run was built to come around the project. In order to work with the natural contour, two homes would be built to the 45' height limit. The remaining units would be 33'.

Tom Bennett, Legal Counsel to the developer, stated that from the very beginning, as reflected in the meeting minutes going back to 2008, it was always represented that for the periphery units the self-imposed limit was 33', but that a few units or portions of those units broke the 33' line. Mr. Bennett stated that the Staff report contained a picture of a fog study which showed that several of the peripheral homes are higher. The model unit and the one next to it have always been shown as breaking through the 33' limit because of the contours of the land.

Planner Astorga stated that all of the conditions of approval of the original 2010 conditional use permit shall continue to apply, as well as the conditions of approval for the lockout units.

Commissioner Phillips asked why the applicant chose to do a self-imposed 33' height limit. Mr. Lichtenstein stated that it was part of the ongoing discussions with the neighbors. When they began to design the homes the architects indicated homes that needed to exceed the 33' limit. Commissioner Phillips clarified that the primary reason

was to work with the surrounding homeowners. Mr. Lichtenstein answered yes.

Chair Worel asked if the Commissioners concurred with the Staff findings that there are no detrimental impacts with this modification as the plat will still be in substantial compliance with the 201 CUP. The Commissioners concurred.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council for a condominium record of survey on the North Silver Lake Condominium Plat, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact 7101 - North Silver Lake Drive

1. The site is located at 7101 Silver Lake Drive.

2. The site is located in the Residential Development (RD) District.

3. A subdivision plat, known as the North Silver Lake Subdivision, was recorded in 1993. The subdivision created two (2) lots of record. According to this subdivision, Lot 2 was contemplated for further subdivision and future development.

4. Lot 2 North Silver Lake Subdivision was recorded in 1997. This subdivision further amended Lot 2 into four (4) separate lots. This record of survey plat is development of Lot 2B of the Lot 2 North Silver Lake Subdivision plat.

5. In 2005 the North Silver Lake Lodge Record of Survey Plat was recorded. This Plat subdivided Lot 2B into six (6) condominium units and identified convertible Land.

6. At this time the applicant requests to replace the North Silver Lake Lodge Record of Survey Plat (2005) with the proposed Record of Survey. Upon recordation of this current condominium plat, the North Silver Lake Lodge Record of Survey plat (2005) shall be retired.

7. The proposed Condominium Record of Survey plat identifies private, limited common, common areas, etc., within the project.

8. Under the Deer Valley Resort Master Plan the North Silver Lake Subdivision Lot

2B is permitted a density of 54 residential units and 14,552 square feet of commercial and support space.

9. In 2010 the Park City Planning Commission approved a Conditional Use Permit (CUP) for the development consisting of fifty four (54) private total units.

10. The proposed Condominium Record of Survey Plat amends Lot 2B of North Silver Lake Subdivision.

11. The boundary lines of each private unit are set forth on the proposed plat. The proposed Condominium Record of Survey plat consists of twelve (12) single-family dwellings, one (1) duplex unit, forty (40) multi-unit dwellings, two (2) American with Disabilities Act (ADA) compliant units (platted as common areas), three (3) commercial units, and corresponding common areas and facilities, limited common areas and facilities, support unit, and commercial units.

12. The support commercial areas mentioned above and all of the other amenities identified on the plat are for the exclusive use of the unit owners and their visitors, e.g. the only patrons allowed to use the spa, lockers, and the dining areas, are patrons staying at the development through the ownership or possible rental of the private units.

13. The Deer Valley Master Planned Development allocated 14,525 square feet of commercial/support commercial for the Silver Lake Community.

14. The 2010 approved CUP accommodated 5,140 square feet of support commercial space.

15. At this time the updated CUP plans and this Record of Survey indicates a combined area of 4,913 square feet of support commercial.

16. All findings in the analysis section of the staff report are incorporated herein.

17. The 2010 approved CUP include the fifty-four (54) units in the form of sixteen (16) single family dwellings and 38 units within the multi-unit dwellings.

18. Currently the applicant is requesting to plat fourteen (14) single family dwellings and forty (40) units within the same multi-unit dwelling.

19. The size of the multi-unit dwelling footprint is not expanding. The overall density is not increasing as the applicant requests to add the two (2) units from the single

family dwelling/duplex pool.

20. The condominium record of survey plat is in substantial compliance with the 2010 CUP. The size of the multi-unit dwelling is not expanding, and the overall density will remain at fifty-four (54) units.

Conclusions of Law – 1701 North Silver Lake

1. There is good cause for this Condominium Record of Survey.

2. The Condominium Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding condominium record of survey plats.

3. Neither the public nor any person will be materially injured by the proposed condominium record of survey plat.

4. Approval of the condominium record of survey plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

5. The condominium record of survey plat is consistent with the approved North Silver Lake Conditional Use Permit.

Conditions of Approval – 1701 North Silver Lake

1. The City Attorney and City Engineer will review and approve the final form and content of the condominium record of survey 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 condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. A note shall be added to the plat referencing that the conditions of approval of the Deer Valley MPD and the 2010 North Silver Lake CUP apply to this plat.

4. The applicant shall be responsible of filing the proper documentation with Summit

County to retire the North Silver Lake Lodge Record of Survey Plat recorded in 2005.

5. All conditions of approval of the City Council's July 21, 2011 order shall continue to apply.

6. All conditions of approval of the Planning Commission's February 26, 2014 action modifying the CUP to allow Lockout Units shall continue to apply.

7. 469 Ontario Avenue – Steep Slope CUP

Planner Alexander reviewed the application for a Steep Slope CUP for a new single family home to be located at 469 Ontario Avenue. The home is proposed to be 3,000 square feet, including a single car garage, on a vacant 3,650 square foot lot. Because the total floor area exceeds 1,000 square feet and the slope is greater than 30%, a Steep Slope CUP is required.

The Staff had analyzed the site and found no issues with the steep slope criteria. All the criteria is consistent and there are no unmitigated impacted. Planner Alexander noted that the Staff report indicated that the house was currently under review for an HDDR. However, the applicant submitted new plans this week and she had approved the new window drawings.

The Staff recommended that the Planning Commission conduct a public hearing and consider approving the Steep Slope Conditional Use Permit.

Chair Worel opened the public hearing.

There were not comments.

Chair Worel closed the public hearing.

Commissioner Strachan thought this was a straightforward application. He liked the contrast of seeing a simple project versus some of the more difficult projects that come before them.

MOTION: Commissioner Strachan moved to APPROVE the Steep Slope conditional use permit for 469 Ontario Avenue, according to the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the Staff report. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 469 Ontario Avenue

1. The property is located at 469 Ontario Avenue.

2. The property is described as Lot 1 of the Ontario Pack Subdivision. The lot contains 3,650 sf of lot area. The allowable building footprint is 1,486.58 sf for a lot of this size.

3. The site is not listed as historically significant on the Park City Historic Sites Inventory and there are no structures on the lot.

4. The property is located in the HR-1 zoning district, and is subject to all requirements of the Park City Land Management Code (LMC) and the 2009 Design Guidelines for Historic Districts and Historic Sites.

5. Access to the property is from Ontario Avenue, a public street. The lot is a downhill lot.

6. Two parking spaces are proposed on site. One space is proposed within an attached garage and the second is on the driveway in a tandem configuration to the garage.

7. The neighborhood is characterized by primarily non-historic single family and duplex houses. There are historic structures on Marsac Avenue, the street to the west of Ontario Avenue.

8. A Historic District Design Review (HDDR) application is being reviewed by staff for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009. The design complies with the Guidelines except for the windows which are being revised.

9. The lot is an undeveloped lot containing primarily grasses, weeds, and shrubs that are not classified as significant vegetation.

10. There are no encroachments onto the Lot and there are no structures or wall on the Lot that encroach onto neighboring Lots.

11. The proposed design is for a single family dwelling consisting of 3,000 square feet (includes the single car garage) with a proposed building footprint of 1,435 sf.

12. The driveway is proposed to be a maximum of 12 feet in width and 18 feet in length from the edge of the street to the garage in order to place the entire length of the second parking space entirely within the lot. The garage door complies with the maximum width and height of nine feet (9').

13. The proposed structure complies with all setbacks.

14. The proposed structure complies with allowable height limits and height envelopes for the HR-1 zoning as the house measuring less than 27feet in height from existing grade and the design includes a 10 foot step back at 23 feet on the rear elevation.

15. The proposal, as conditioned, complies with the requirements of 15-5-5 of the LMC. It is currently under review for compliance with the Historic District Design Guidelines.

16. The proposed materials reflect the historic character of Park City's Historic Sites, incorporating simple forms, unadorned materials, and restrained ornamentation. Though modern, the architectural style is a contemporary interpretation and complements the scale of historic buildings in Park City. The exterior elements are of human scale and the scale and height follows the predominant pattern of the neighborhood, in particular the pattern of houses on the downhill side of Ontario Avenue.

17. The structure follows the predominant pattern of buildings along the street, maintaining traditional setbacks, orientation, and alignment. Lot coverage, site grading, and steep slope issues are also compatible with neighboring sites. The size and mass of the structure is compatible with surrounding sites, as are details such as the foundation, roofing, materials, as well as window and door openings. The single car attached garage and off-street parking area also complies with the Design Guidelines and is consistent with the pattern established on the downhill side of Ontario Avenue.

18. No lighting has been proposed at this time. Lighting will be reviewed at the time of the building permit for compliance with the Land Management Code lighting standards.

19. The applicant submitted a visual analysis/ perspective, cross canyon view from the east, and a streetscape showing a contextual analysis of visual impacts on adjacent streetscape.

20. There will be no free-standing retaining walls that exceed six feet in height with the

majority of retaining walls proposed at four feet (4') or less. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography.

21. The site design, stepping of the building mass, articulation, and decrease in the allowed difference between the existing and final grade for much of the structure mitigates impacts of construction on the 30% slope areas.

22. The plans include setback variations, increased setbacks, decreased building heights and an overall decrease in building volume and massing.

23. The proposed massing, articulation, and architectural design components are compatible with the massing of other single family dwellings in the area. No wall effect is created with adjacent structures due to the stepping, articulation, and placement of the house.

24. The proposed structure complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade and the highest portion is 27' from existing grade.

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

26. The applicant stipulates to the conditions of approval.

Conclusions of Law – 469 Ontario Avenue

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

2. The CUP, as conditioned, is consistent with the Park City General Plan.

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

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

Conditions of Approval – 469 Ontario Avenue

1. All Standard Project Conditions shall apply.

2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permit.

3. A final utility plan, including a drainage plan, for utility installation, public improvements, and storm drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers, including Snyderville Basin Water Reclamation District, prior to issuance of a building permit.

4. 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.

5. A final Landscape Plan shall be submitted to the City for review prior to building permit issuance. Such plan will include water efficient landscaping and drip irrigation. Lawn area shall be limited in area.

6. The plat must be recorded prior to building permit issuance.

7. An HDDR approval must be received prior to building permit issuance.

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

9. This approval will expire on April 9, 2015, 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.

10. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission and the Final HDDR Design.

11. All retaining walls within any of the setback areas shall not exceed more than six feet (6’) in height measured from final grade, except that retaining walls in the front yard shall not exceed four feet (4’) in height, unless an exception is granted by the City Engineer per the LMC, Chapter 4.

12. Modified 13-D residential fire sprinklers are required for all new construction on this

lot.

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

14. Construction waste should be diverted from the landfill and recycled when possible.

15. All electrical service equipment and sub-panels and all mechanical equipment, except those owned and maintained by public utility companies and solar panels, shall be painted to match the surrounding wall color or painted and screened to blend with the surrounding natural terrain.

8. <u>901 Norfolk Avenue Subdivision, 901 and 907 Norfolk Avenue - Plat</u> (Application PL-13-02180)

Planner Alexander reported that the applicant was requesting a plat amendment due to the fact that when the property was surveyed they found that the rebar was located one foot off the existing property line. The title reports have shown Lot 1 at 26' wide and Lot 2 as 24' wide for several years. The purpose of the plat amendment is to correct the error to make sure that the property line exists exactly where the markers are located.

Planner Alexander noted that Lot 2 would have been a substandard lot at 24' wide, but a home that was built in 1991 currently sits across Lot 2 and Lot 3. It is the same property owner and they are requesting to remove the lot line between Lots 2 and 3, creating two new lots of record. An existing historic home sits on Lot 1 and encroaches on the 9th Street right-of-way. The applicant is required to enter into an encroachment agreement with the City.

Planner Alexander understood that the applicant intends to come in with an HDDR for additions to both of the existing homes.

Commissioner Strachan asked if the one-foot error created a domino effect all the way down the street. Planner Alexander replied that the one-foot error ends with Lot 2 so it does not keep going.

Commissioner Campbell asked what would happen if the applicant is not able to get an encroachment agreement with the City. Assistant City Attorney McLean replied that the City Engineer, Matt Cassel, determines whether or not there is an encroachment into the right-of-way, and it is fact specific. Requiring an encroachment agreement with the

City is standard and it memorializes the fact that it is an encroachment.

MOTION: Commissioner Stuard moved to forward a POSITIVE recommendation to the City Council for 901 Norfolk Avenue Subdivision, located at 901 and 907 Norfolk Avenue, based upon 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 – 901 Norfolk Avenue Subdivision

1. The property is located at 901 and 907 Norfolk Avenue within the Historic Residential (HR-1) District.

2. On December 17, 2013, the applicant submitted an application for a plat amendment to amend three (3) lots containing a total of 5,625 square feet into two (2) lots of record in order to conform to the found rebar and cap and the existing ownership for 901 Norfolk Avenue and 907 Norfolk Avenue.

3. The proposed Lot 1 will contain 1,950 square feet and Lot 2 will contain 3,675 square feet.

4. The application was deemed complete on January 2, 2014.

5. The HR-1 zone requires a minimum lot area of 1,875 square feet for a single-family dwelling and 3,750 square feet for a duplex.

6. Based on the lot areas, the maximum footprint allowed for Lot 1 is 873.8 square feet and for Lot 2 is 1,494.7 square feet.

7. The properties have frontage on and access from Norfolk Avenue.

8. Lot 1 contains an existing historic single family dwelling and Lot 2 contains an existing non-historic single family dwelling.

9. As conditions, the proposed plat amendment does not create any new non-complying or non-conforming situations.

10. The historic home at 901 Norfolk encroaches into the 9th Street ROW by less than one foot (1') and must obtain an encroachment agreement with the City for that encroachment prior to plat recordation.

11. The plat amendment secures public snow storage easements across the frontage of the lots.

Conclusions of Law – 901 Norfolk Avenue Subdivision

1. There is good cause for this plat amendment.

2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.

3. Neither the public nor any person will be materially injured by the proposed plat amendment.

4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 901 Norfolk Avenue Subdivision

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.

2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. No building permit for any work shall be issued unless the applicant has first made application for a Historic District Design Review and a Steep Slope CUP application if applicable.

4. The applicant shall obtain an encroachment agreement from the City prior to recording the plat for the encroachments into the 9th Street ROW.

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

6. A 10 foot (10') wide public snow storage easement is required along the frontage of

the lots with Woodside Avenue and shall be shown on the plat.

The Planning Commission resumed their earlier discussion regarding 300 Deer Valley Loop Road.

9. <u>Continued Discussion on 300 Deer Valley Loop Road, Roundabout Condominiums – Plat Amendment</u> (Application PL-13092147)

Commissioner Campbell recused himself and left the room.

Chair Worel announced that the order of the agenda had changed and this item was presented and discussed earlier in the meeting. At that time, the public hearing was left open in the event that the public had judged the time of the public hearing based on the agenda.

Commissioner Strachan noted that the Commissioners would not repeat the comments they had already made during the discussion, and he suggested that the public read the minutes from this meeting when they become available.

Chair Worel called for public comment.

David Constable had concerns with how this project would be staged. It is a tight space and he wanted to know how construction would occur without blocking the sidewalk and the street. Pedestrians had a difficult time last summer during the Deer Valley Drive construction and it was a real problem. He believed that moving the bus stop closer to the Roundabout would exacerbate the problem in terms of traffic coming around the turn. He wanted to know if there were plans to stage the project without getting in the way of the public on a busy sidewalk.

Commissioner Strachan informed Mr. Constable that a condition of approval was added stating, “The construction mitigation plan required at building permit application shall stipulate that all staging of the project must be done entirely on the applicant’s property, and that the hours of hauling shall be between 8:00 a.m. and 6:00 p.m. Monday through Friday throughout the duration of the project.” Commissioner Strachan believed the 8:00 a.m. to 6:00 p.m. time frame mirrors the current LMC language for when construction activity begins and ends.

Planning Manager Sintz stated that the Planning Commission could consider adding a

condition of approval stating that a neighborhood meeting be held on building permit issuance to make the neighbors aware of the different conditions and how construction mitigation and other safety and welfare issues were addressed.

Patricia Constable noticed from the drawings that the steep slope appeared to be mitigated and there was more assurance that the hillside would not be sliding into the street. Chair Worel replied that she was correct. Commissioner Gross explained that permanent shoring was proposed as part of the excavation. Commissioner Strachan informed Ms. Constable that the Commissioners and the applicant had a lengthy discussion regarding the shoring process.

Assistant City Attorney McLean informed Ms. Constable that if she did not want to wait for the minutes, the recording of the meeting would be available within a day or two and she could contact the Planning Department for a copy. Blake Henderson, the applicant, offered to meet with Ms. Constable after the meeting to explain the shoring process.

Chair Worel closed the public hearing.

Commissioner Stuard noted that Finding of Fact #19 states that a geo-technical report has been reviewed and approved. He wanted to know who approved it since it is not the purview of the Planning Commission to review and approve geo-technical reports. Planning Manager Sintz revised the language to state, “A geo-technical report was provided to the Planning Commission for their review.” Commissioner Stuard did not believe the brief review by the Planning Commission constitutes a full and necessary review.

Commissioner Phillips suggested revising the language to say that the geo-technical report was presented to the Planning Commission, but it should not say it was approved. Commissioner Gross thought they could add a condition of approval stating that the geo-technical report needs to be approved.

Mr. Henderson pointed out that it was a stamped certified geo-technical report by a licensed engineer. Commissioner Strachan clarified that the report as submitted needs to be approved by the City.

Chair Worel clarified that the wording in Finding of Fact 19 should read, “A geo-technical report was presented.” Commissioner Stuard preferred to say it was submitted because the applicant was not able to read the report and walk them through it. The Commissioners concurred. The Finding was changed to read, “A geo-technical report was submitted.”

Commissioner Strachan noted that the sidewalk that runs in front of the project is a dual use path that is used for biking and walking. He hoped that the construction staging would not interfere because it is the only way to get up and down Deer Valley Drive.

Planner Alexander noted that Condition of Approval #12 requires that all construction of the project must be staged on the property. Commissioner Gross asked if they should add a separate condition to required screening and fencing on the south side of the sidewalk. Commissioner Strachan suggested adding separate condition of approval stating, "The sidewalk on Deer Valley Drive shall remain passable at all times." Assistant City Attorney McLean recommended that they add the language to Condition #12, as opposed to making it a separate condition.

Chair Worel asked if the Commissioners wanted to add a condition of approval regarding a neighborhood meeting with the applicant. Mr. Henderson was not opposed to meeting with the neighbors and working through the plans; however, he was unclear on whether the neighbors would have a say in the construction mitigation plan. He was concerned that different opinions from different neighbors would stall the progress.

Commissioner Gross remarked that meeting with the neighbors would be more informational so they would know what to expect. Commissioner Phillips assumed that Mr. Henderson would take into consideration any concerns voiced by the neighbors.

Condition of Approval 15 was added to say, "The applicant shall conduct a neighborhood meeting that shall be held within 30 days of building permit issuance." Commissioner Stuard preferred "…within one week prior to the start of construction", rather than 30 days after the building permit.

Planning Manager Sintz suggested, "…within one week prior to the commencement of construction".

Commissioner Strachan thought they should require the applicant to make reasonable efforts to inform the neighbors. He drafted language to state, "The applicant shall make a reasonable effort to contact all the neighbors within 300 feet."

Commissioner Stuard was interested in adding language stating that the Building Department would look carefully at methods necessary to restore this site in the event that there is a cessation of construction. Planning Manager Sintz offered to schedule a work session where a representative from the Building Department could explain the current process. It would help the Commissioners understand the process for future applications. Assistant City Attorney McLean stated that the Staff would relay Commissioner Stuard's comments to the Building Department. She thought having a

work session with a Building Department representative was a good idea.

Commissioner Strachan reviewed the Findings and Conditions that were revised or added during this discussion.

Finding of Fact #19 – The geo-technical report was submitted.

Condition of Approval #12 – Add a sentence at the end, "The sidewalk on Deer Valley Drive shall remain passable at all times.

Add Condition of Approval #15 – Applicant shall conduct a meeting with surrounding neighborhoods within one week prior to beginning of construction. Applicant shall make reasonable efforts to inform all neighbors within 300' of the meeting.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council for the Condominium Plat Amendment for 300 Deer Valley Loop Road, according to the Findings of Fact, Conclusions of Law and Conditions of Approval in the draft ordinance and as amended. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously. Commissioner Campbell was recused.

Findings of Fact – 300 Deer Valley Loop Road

1. The property is located at 300 Deer Valley Loop Road.

2. The property is located within the Residential (R-1) District.

3. The R-1 zone is a transitional zone in use and scale between the historic district and the Deer Valley Resort.

4. The condominium plat will create one (1) condominium lot of record containing a total of 27,779.15 square feet.

5. There are no existing structures on the property.

6. Access to the property will be from Deer Valley Drive in a single access point on a common driveway for all units to a shared underground parking structure.

7. The minimum lot size in the R-1 zone is 3,750 square feet for a duplex dwelling.

8. A duplex dwelling is an allowed use in the R-1 zone.

9. The total private area of the condominiums consists of 5,230.2 square feet; the Limited Common Area consists of 306 square feet.

10. Unit A consists of 3,769.6 square feet of private area and 2,852.3 square feet of limited common area. Unit B consists of 2,581.2 square feet of private area and 2,013 square feet of limited common area. Unit C consists of 2,581.2 square feet of private area and 2,013 square feet of limited common area. Unit D consists of 3,076.7 square feet of private area and 2,385.8 square feet of limited common area.

11. The entire project including the parking structure contains 9,446.1 square feet of common area, 12,008.7 square feet of private area, and 9,264.1 square feet of limited common area.

12. The footprints total 2,613 square feet for Units A&B combined and 2,286 square feet
for Units C&D combined; with a total footprint of the project being 4,899 square feet.

13. The height of the buildings will be 22 feet above existing grade

14. The front yard setback will be 20 feet, the rear yard setback will be 10 feet and the side yard setbacks will be 10 feet each.

15. The shared parking structure contains a total of 14 parking spaces, exceeding the eight (8) parking space requirement.

16. There are existing encroachments on the property from the owner of 510 Ontario Avenue.

17. The existing shared access easement will be removed with the approval of this plat.

18. Minimal construction staging area is available along Deer Valley Loop Road and Deer Valley Drive.

19. The Geo-technical report was submitted.

20. A Construction Mitigation Plan will be required upon submittal of a Building Permit application.

21. On June 14, 2007, the City Council approved the Roundabout Subdivision Plat.

This plat was recorded February 21, 2008.

22. On November 13, 2013, the Planning Department received a complete application for the Roundabout Condominiums plat.

23. Due to the bus pull-out modifications along Deer Valley Drive, the applicant will need
to deed a portion of property to the City for ROW improvements and receive another portion of existing ROW improvements back from the City. Exhibit C shows the 875 square feet that will be dedicated to the applicant and 164 square feet that will be dedicated to the City. The applicant previously dedicated 3,152.54 square feet to the City with the 2007 Subdivision for the bus pull-out and Deer Valley Drive and Deer Valley Loop ROW improvements (Exhibit E). In order for this to occur, the applicant will need to petition the City Council to vacate the 875 square feet of ROW.

24. As conditioned, this condominium plat is consistent with the conditions of approval of the Roundabout Subdivision plat as per the findings in the Analysis section.

Conclusions of Law – 300 Deer Valley Loop Road

1. There is good cause for this condominium plat.

2. The supplemental plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.

3. Neither the public nor any person will be materially injured by the proposed supplemental plat.

4. Approval of the condominium 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 – 300 Deer Valley Loop Road

1. The City Attorney and City Engineer will review and approve the final form of the condominium 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 Summit County within one (1) year from the date of City Council approval. If recordation has not occurred within the one year time frame, this approval will be void, unless a complete application requesting an

extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. The applicant stipulates restricting the development to two (2) condominium buildings with one (1) underground shared parking structure. This shall be noted on the plat.

4. The footprint of each condominium building will not exceed 3,200 square feet, to be noted on the plat.

5. Shared access for the four units will be a single access point for all units on a common driveway into a shared underground parking structure, accessed from Deer Valley Drive, to be noted on the plat.

6. All vehicles exiting the common driveway must pull out of the driveway onto Deer Valley Drive front-facing, to be noted on the plat.

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

8. A 10 foot (10') wide public snow storage easement is required along the frontage of the lot with Deer Valley Drive and Deer Valley Loop Road and shall be shown on the plat.

9. A five foot (5') wide public utility easement is required along the rear and side lot lines.

10. The applicant shall submit a financial guarantee, in an amount approved by the City Engineer and in a form approved by the City Attorney, for the public improvements including, but not limited to, the fire hydrant, storm drain box, bus pull-out, improvements to Deer Valley Drive, and lighting, prior to plat recordation.

11. An encroachment agreement between the applicant and the owner of 510 Ontario Avenue that addresses all current encroachments (asphalt driveway, rock retaining wall and hot tub) onto the applicant's property shall be remedied prior to plat recordation.

12. The Construction Mitigation Plan required at Building Permit application shall stipulate that all staging of the project must be done entirely on the applicant's property and that the hours of hauling shall be between 8 am and 6 pm Monday

through Friday throughout the duration of the project. The sidewalk on Deer Valley Drive shall remain passable at all times.

13. There shall be a tie breaker mechanism in the CCR's.

14. Due to the bus pull-out modifications along Deer Valley Drive, the applicant will need to deed a portion of property to the City for ROW improvements and receive another portion of existing ROW improvements back from the City. In order for this to occur, the applicant will need to petition the City Council to vacate the 875 square feet of ROW prior to plat recordation.

15. Applicant shall conduct a meeting with the surrounding neighborhoods within one week prior to beginning of construction. Applicant shall make reasonable efforts to inform all neighbors of the meeting within 300'.

The Park City Planning Commission meeting adjourned at 8:45 p.m.

Approved by Planning Commission: _____

WHEN RECORDED, MAIL TO:

Thomas G. Bennett
Ballard Spahr LLP
201 So. Main, Suite 800
Salt Lake City, UT 84111-2221

SECOND AMENDMENT TO
DECLARATION OF CONDOMINIUM
FOR
NORTH SILVER LAKE

THIS SECOND AMENDMENT TO DECLARATION OF CONDOMINIUM FOR NORTH SILVER LAKE ("**Amendment**"), is made as of this ___ day of _____, 2015, by SR SILVER LAKE, LLC, a Utah limited liability company ("**Declarant**").

RECITALS:

A. SR Silver Lake, LLC is the Declarant under that certain Declaration of Condominium for North Silver Lake recorded June 17, 2014 as Entry Number 997266 in Book 2244 at Page 934 of the Official Records of the Summit County Recorder, as amended by that certain First Amendment to Declaration of Condominium for North Silver lake recorded June 24, 2014 as Entry Number 997701 in Book 2245 at Page 1273 of the Official Records of the Summit County Recorder ("**Declaration**") that encumbers the real property situated in Summit County, Utah and more particularly described in Exhibit "A," which is attached hereto and incorporated herein by this reference.

B. Section 26.2 of the Declaration permits the Declarant to unilaterally amend Exhibit B to the Declaration to reflect the total square footages of each Unit after the Units have been constructed and permits Declarant to unilaterally amend the Declaration during the Declarant Control Period for any other purpose so long as such amendment does not materially adversely affect title to any property.

C. Declarant has completed construction of certain Units and has made small revisions to the construction plans for the remainder of the Project, resulting in changes to the Square Footage of the Units.

D. Declarant now desires to amend Exhibit B to the Declaration to reflect the as-built Square Footage of certain Units that have been constructed and to revise the projected Square Footage of other Units.

AGREEMENT:

NOW, THEREFORE, Declarant hereby declares as follows:

1. Incorporation of Recitals and Definitions. The foregoing Recitals are true and correct and are incorporated herein as fully set forth hereinafter. Capitalized terms in this Amendment, unless otherwise defined herein, shall have the meaning given to them in the Declaration.

2. Replacement of Exhibit B. Exhibit B to the Declaration is hereby amended and restated in its entirety and replaced with Exhibit B attached hereto, which exhibit is incorporated herein by reference.

3. Declaration Remains in Effect. This Amendment shall be considered supplemental to the Declaration. Except as expressly amended by the foregoing, the Declaration shall remain in full force and effect and shall not be cancelled, suspended or otherwise abrogated by the recording of this Amendment. In the event of a conflict or inconsistency between the terms of this Amendment and the provisions of the Declaration, the provisions of this Amendment shall control.

4. Declarant Rights. Declarant shall retain all rights of Declarant as set forth in the Declaration, and this Amendment shall neither amend nor abrogate such rights.

5. Authority. Declarant hereby certifies that Declarant may execute this Amendment without the signature of any other party pursuant to its rights under Section 26.2 of the Declaration.

[Signatures on Following Page]

IN WITNESS WHEREOF, the undersigned has executed this Second Amendment to Declaration of Condominium for North Silver Lake as of the date first set forth above.

SR SILVER LAKE, LLC, a Utah limited liability company

By: _____
Jeffrey Dinkin, Executive Director

STATE OF _____)
: ss.
COUNTY OF _____)

On this _____ day of _____, 2015, before me _____, a notary public, personally appeared Jeffrey Dinkin, the Executive Director of SR Silver Lake, LLC, a Utah limited liability company, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged he executed the same. Witness my hand and official seal.

_____
NOTARY PUBLIC

My Commission Expires: _____ Residing at: _____

EXHIBIT A

DESCRIPTION OF THE PROPERTY

All of the condominium units and other property included in the NORTH SILVER LAKE CONDOMINIUM PLAT, amending Lot 2B of North Silver Lake, as identified on the Condominium Plat recorded June 17, 2013, as Entry No. 997265, and in the Declaration of Condominium recorded June 17, 2014, as Entry No. 997266, in Book 2244 at Page 934, in the Summit County Recorder's Office.

EXHIBIT B

SCHEDULE OF UNITS, SQUARE FOOTAGE, VOTES AND UNDIVIDED INTERESTS

Unit Identifying Number	Approx. Sq. Footage of Unit[1]	No. of Votes Per Unit	Undivided Interest Per Unit[2]
131	4,137	17	1.75%
132	4,630	20	1.96%
231	4,149	18	1.75%
233	3,655	15	1.54%
311	2,544	11	1.08%
312	2,181	9	0.92%
331	3,965	17	1.68%
332	3,503	15	1.48%
333	3,651	15	1.54%
334	2,445	10	1.03%
341	1,997	8	0.84%
343	2,068	9	0.87%
411	2,541	11	1.07%
412	2,176	9	0.92%
413	4,333	18	1.83%
414	4,439	19	1.88%
421	4,579	19	1.94%
422	4,510	19	1.91%
431	4,761	20	2.01%
432	3,950	17	1.67%
433	2,993	13	1.27%
441	2,006	8	0.85%
442	2,008	8	0.85%
444	4,408	19	1.86%
511	2,702	11	1.14%
512	3,756	16	1.59%
521	4,704	20	1.99%
532	4,922	21	2.08%
541	1,999	8	0.84%
542	1,998	8	0.84%
543	4,064	17	1.72%
611	2,701	11	1.14%
612	3,733	16	1.58%

Unit Identifying Number	Approx. Sq. Footage of Unit[1]	No. of Votes Per Unit	Undivided Interest Per Unit[2]
613	4,443	19	1.88%
621	4,704	20	1.99%
641	2,006	8	0.85%
642	2,000	8	0.85%
643	2,070	9	0.87%
644	4,417	19	1.87%
C-1	817	3	0.35%
C-2	909	4	0.38%
C-3	3,218	14	1.36%
SU-1	1,915	8	0.81%
1	6,505	27	2.75%
2	6,160	26	2.60%
3	6,148	26	2.60%
4	6,148	26	2.60%
5	6,688	28	2.83%
6A	6,106	26	2.58%
6B	6,106	26	2.58%
7	6,760	29	2.86%
8	8,686	37	3.67%
9	6,572	28	2.78%
10	6,261	26	2.65%
11	6,438	27	2.72%
12	6,851	29	2.90%
13	6,051	26	2.56%
14	6,413	27	2.71%
Totals:	236,600	1,000	100.00%

[1] Once the Units are completed, the Declarant has the unilateral right, but not the obligation to amend this Exhibit B to reflect the actual Square Footage of the Units, as constructed.

[2] May total slightly more or less than 100% due to rounding.

Planning Commission
Staff Report

Subject: **875 Main Street, Unit A – Victory Ranch Member Center**
Author: **Makena Hawley**
Project Number: **PL-15-02732**
Date: **June 10, 2015**
Type of Item: **Conditional Use Permit (CUP)**

Summary Recommendations

Staff recommends that the Planning Commission review the proposed Conditional Use Permit for an Off-Premise Private Residence Club at 875 Main Street Unit A, conduct a public hearing, and consider approving the Conditional Use Permit based on the findings of fact, conclusion of law, and conditions of approval found in this staff report.

Description

Applicant:	Victory Ranch Acquisitions, LLC represented by Jeff Graham, Director of Development
Location:	875 Main Street Unit A
Zoning:	Historic Recreation Commercial (HRC) District
Adjacent Land Uses:	Residential Condominiums/Resort Commercial/Bar/Restaurant/General/Office
Reason for Review:	Conditional Use Permits require review and final action by the Planning Commission

Proposal

The applicant requests to use the existing commercial condominium unit, privately owned by the applicant, for an off-premise private residence club at 875 Main Street, Unit A. The proposed use requires a Conditional Use Permit in the Historic Recreation Commercial (HRC) District**.**

Background

On April 1, 2015, the City received a complete Conditional Use Permit (CUP) application requesting approval of a private residence club, off site, at 875 Main Street, Unit A. Since November 2014, Victory Ranch has occupied the space with a retail business license. It was determined that they weren't using the space as retail and therefore needed a business license specifically for a private residence club, off site, and a Conditional Use Permit would be required.

The entire Unit A is 1225 square feet, platted as Private Commercial Ownership. The space has been previously used as a Gallery, a financial office and a retail use, the unit was approved with the Lift Lodge at Town Lift condominium plat in 1999. The building was approved in June 11, 1997 with the McIntosh Mill CUP. It was constructed as an allowed us in the HRC zone following approval of the design by the Historic Design Review ask Force per the Historic District Guidelines. It is not included in any MPD. The Lift Lodge at Town Lift Condominiums was approved as a mixed use building consisting of 13 condominium units (12,381 net square feet), 842 square feet of support commercial uses, and 3,554 square feet of net leasable commercial space. In addition there are 8,654 square feet of parking and storage. The Lift Lodge at Town Lift has 12 shared spaces reserved for the 3 commercial spaces within the condominium project. Typically 2 cars per day from the member center use the parking garage spaces allotted.

The Lift Lodge at Town Lift Plat

Unit A is shown on the plat as part of the private commercial ownership area designation. The plat identifies four (4) categories: common areas and facilities, private residential ownership, limited common areas, and private commercial ownership. Commercial areas include retail, meeting rooms, and restaurants. The Condominium Plat for this project notes residential and commercial units. The proposed off site private residence club would be located within the proposed commercial space noted on the Plat.

Purpose of the Historic Recreation Commercial District

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

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

The footnote attached to the Conditional Use of a Private Residence Club, Off Site reads as: “Prohibited in storefronts adjacent to the Main Street, Swede Alley, Heber Avenue, or Park Avenue Rights-of-Way, excluding those HRC zoned Areas north of 8th Street; excluding without limitation, addresses contained within the following Buildings:

702 Main Street, 710 Main Street, 780 Main Street, 804 Main Street, 890 Main Street, and 900 Main Street ". 875 Main Street is located north of 8th Street, therefore is excluded.

*Please see vertical zoning exhibit "F".
*Please see Exhibit "G" for a table showing allowed uses and Conditional Uses

Analysis
An off-premise private residence club is defined as "Any Use organized for the exclusive benefit, support of, or linked to or associated with, or in any way offers exclusive hospitality services and/or concierge support to any defined Owner's association, timeshare membership, residential club, or real estate project. Hospitality includes, but is not limited to, any of the following services: real estate, restaurant, bar, gaming, locker rooms, storage, salon, personal improvement, Office". (LMC § 15-15-8.1.48 (D)).

The use of the member club will not be public and is for the exclusive benefit of the Victory Ranch Members. It will be a home base at the bottom of Park City Mountain Resort for members to utilize lockers, allow a space to change from/to ski gear, for families to re-group, and to serve as a gathering spot for après ski. There is no commercial kitchen, but light refreshments and snacks are available to members.

The maximum occupancy is 48 people based upon the Fire District approval. The member center is locked at all times and accessed with a card key, available for use from the hours of 8:00 AM – 12:00 AM.

Included for Victory Ranch members is a Sprinter Van and Suburban which are always on call for the members and guests. The vans are able to pick up members from various locations and bring them to and from 875 Main Street. On an average day, 8 members use the facility. On a great snow day, 12 people will normally utilize the center. Normally 4-6 people per van use the transportation service the member center provides. Parking has not been a problem for members or patrons using Main Street, even during Sundance. The Lift Lodge at Town Lift has 12 shared spaces reserved for the 3 commercial spaces within the condominium project. Typically 2 cars per day from the member center use the parking garage spaces allotted.

The 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 as outlined in LMC § 15-1-10(E):

1) Size and location of the site.

No unmitigated impacts. The entire unit is 1,225 square feet. The applicant is requesting to use of the entire unit for the requested use. The max occupancy is 48 people; however the on-site staff confirms there are rarely more than 12 people utilizing the location per day. The space is not used as a destination space rather as a transition space for members of Victory Ranch to utilize the club before and after skiing/riding at

the resorts and for the close proximity to shopping and dining on Main Street. Staff finds that any impacts of this use regarding the size and location have been mitigated.

2) Traffic considerations.

No unmitigated impacts. The requested use allows the Victory Ranch Members to shuttle in or park at the 875 Main Street parking garage. Although the member center can hold a maximum of 48 people, the space is more commonly utilized by 12 people per day. Staff finds the small number of people will not cause any unmitigated impacts to traffic.

3) Utility capacity.

No unmitigated impacts. No additional utility capacity is required for the requested use.

4) Emergency vehicle access.

No unmitigated impacts. Emergency vehicles can easily access the unit and no additional access is required.

5) Location and amount of off-street parking.

No unmitigated impacts. According to the Non-Residential Parking Ratio, the requested use fits best under the definition of a "Recreation Facility, Private or HOA" (LMC § 15-3-13 (B)). The proposed definition triggers a minimum parking requirement of 1 space per 4 persons maximum rated capacity. With the 1,225 square foot unit having a maximum capacity of 48 people based on Fire District Approval, 12 parking spaces would be required.

Recreation Facility, Private or HOA	Minimum of 1 space per 4 persons maximum rated capacity

The plat for the Lift Lodge Condos dedicates 12 spaces within the underground parking garage reserved for the 3 platted commercial spaces. No spaces are reserved between the commercial spaces; it is first come first serve.

The parking requirements for the building were determined using a shared parking scenario. In addition to the platted spaces, there is a parking management plan approved in 1998 that created shared parking between 875 Main Street and the Town Lift Plaza/Caledonian. 875 Main Street agreed to physically connect their parking structure with the existing 147 space parking structure for the Town Lift Plaza/Caledonian. (Exhibit I). Exhibits H – M show the parking agreement proposal and signed deeds and agreements that created the blended spaces in the shared garages.

The applicant, Victory Ranch LLC, provides a twelve (12) person sprinter van and a Suburban that shuttle members from their homes to the member center and Main Street. These vehicles are always on call. The Director of Development for Victory Ranch noted that typically 4-6 people, per van, utilize this service a day. Staff believes there are enough parking spaces provided for the maximum amount of people to attend

the club without causing negative parking impacts on or around Main Street. Staff also finds that this use is not as intensive as the code suggests for a destination recreation facility, however this was the closest use staff could determine in the parking requirement table. The on-site staff member for Victory Ranch has noted that only a quarter of the maximum 48 people will visit the club on a normal basis. Half of which utilize the shuttle service. Staff finds the requested use of the space is similar in nature to the support uses to the primary development/use in the area and no additional impacts need to be mitigated in terms of parking considerations.

6) Internal circulation system.

No unmitigated impacts. The parking area/driveway is directly accessed off 9th Street. Secondary access is provided from the adjacent parking structure which has access to Park Avenue. There is street parking and Main Street pedestrian access as well. Going along Main Street there is an ADA easement that accesses the first floor of the Lift Lodge at Town Lift Condominiums.

7) Fencing, screening and landscaping to separate uses.

No unmitigated impacts. Fencing, screening, and landscaping are not proposed at this time and are not needed to separate uses as the uses are fully enclosed within the existing building. Staff has surveyed the site and all landscaping around the Lift Lodge looks great!

8) Building mass, bulk, orientation and the location on site, including orientation to adjacent buildings or lots.

No unmitigated impacts. The requested use will not affect the existing building mass, bulk, orientation and the location on site, including orientation to adjacent building. Staff does not find there to be additional impacts as no exterior changes to the building are being proposed.

9) Usable open space.

No unmitigated impacts. No useable open space will be affected with the requested use from what is currently found on site.

10) Signs and lighting.

No unmitigated impacts. No additional signs or exterior lighting are associated with this proposal. Any new exterior lighting is subject to the LMC development standards related to lighting and will be reviewed for compliance with the LMC at the time of application. All signs are subject to the Park City Sign Code.

11) Physical design and compatibility with surrounding structures in mass, scale and style.

No unmitigated impacts. The requested use will not affect the existing physical design and compatibility with surrounding structures in mass, scale and style.

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

No unmitigated impacts. Noise, vibration, odors, steam or mechanical factors are anticipated that are normally associated with a commercial use. The hours of use for the member center are from 8:00 AM – 12:00 PM with a max occupancy of 48 people. The Development Director Mr. Jeff Graham has noted that the club will hold small wine and cheese gatherings for members once a month in the winter and roughly 15 people will attend. The impacts for the private resident club will be less than a bar or restaurant located in this area facing Main Street.

The applicants have heard from several neighbors within the Lift Lodge Condominiums and assured them there would be no problems but the neighbors are always welcome to point out matters of concern. The neighboring resident has not had any problems to date and the residence club has occupied the space since November of 2014. The HOA is responsible for enforcement of the CCRs.

13) Control of delivery and service vehicles, loading and unloading zones, and screening.

No unmitigated impacts. The proposal will require infrequent delivery trucks that are subject to Main Street delivery hours. Trash and recycling will not require screening as the bins are located within the garage below the location. The Association brings the bins to the street for pickup at required times.

14) Expected ownership and management of the property.

No unmitigated impacts. The expected ownership and management of the property is not projected to add impacts that would need additional mitigation. The entire unit is owned by Victory Ranch Acquisitions LLC for the use of their members.

15) Sensitive Lands Review.

No unmitigated impacts. The proposal is not located within the Sensitive Lands Overlay.

Process

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

Department Review

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

Notice

On May 13, 2015, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record on May 9, 2015. Notice for this Conditional Use Permit application was provided for the May 27, 2015, meeting. At the May 27, 2015 meeting the item was continued to June 10, 2015.

Public Input
Staff received a phone call from the owner of the adjacent residential unit with specific comments regarding the possibility of noise generated from the proposed use and requested general information on the project.

Recommendation
Staff recommends that the Planning Commission review the proposed Conditional Use Permit for an Off-Premise Private Residence Club at 875 Main Street Unit A, conduct a public hearing, and consider approving the conditional use based on the following findings of fact, conclusion of law, and conditions of approval:

Findings of Fact

1. Applicant requests the use of the commercial condominium unit as an off-premise private residence club at 875 Main Street Unit A.
2. The proposed use requires a Conditional Use Permit in the Historic Recreation Commercial (HRC) District.
3. This use will not affect any exterior areas and no exterior changes are proposed to the building.
4. The current space was previously used as a gallery, a development group office, and a retail use.
5. The entire unit, Unit A, is 1225 square feet.
6. The requested use will occupy the entire unit.
7. Based on Fire District Approval the 1225 square foot unit has a maximum capacity of 48 people.
8. The unit was platted as Private Commercial Ownership Unit A of the Lift Lodge at Town Lift plat recorded in 1999. It is not part of any Master Planned Development.
9. The structure was reviewed by the Design Review Task Force for compliance with design guidelines and approved as an allowed use.
10. Land Management Code (LMC) § 15-2.5-3(B)(31) indicates that a Private Residence Club, Off Site, is a Conditional Use in the HRC District.
11. The footnote attached to the Conditional Use of a Private Residence Club, Off Site reads as: “Prohibited in storefronts adjacent to the Main Street, Swede Alley, Heber Avenue, or Park Avenue Rights-of-Way, excluding those HRC zoned Areas north of 8th Street; excluding without limitation, addresses contained within the following Buildings: 702 Main Street, 710 Main Street, 780 Main Street, 804 Main Street, 890 Main Street, and 900 Main Street “. 875 Main Street is located north of 8th Street, therefore is excluded from the provisions of the vertical zoning regulations.
12. The Land Management Code defines the Club, Private Residence Off-Site as: Any Use organized for the exclusive benefit, support of, or linked to or associated with, or in any way offers exclusive hospitality services and/or concierge support to any defined Owner’s association, timeshare membership, residential club, or real estate project. Hospitality includes, but is not limited to, any of the following services: real estate, restaurant, bar,

gaming, locker rooms, storage, salon, personal improvement, Office. "(LMC § 15-15-81.49)(E).

13. The actual use of the member club will not be public and is for the exclusive benefit of the Victory Ranch Members. It will be a home base at the bottom of Park City Mountain Resort for members to utilize lockers, allow a space to change from/to ski gear, for families to re-group, and to serve as a gathering spot for après ski.
14. No additional utility capacity is required for the requested use.
15. Emergency vehicles can easily access the unit and no additional access is required.
16. According to the Non-Residential Parking Ratio, the requested use fits best under the definition of a "Recreation Facility, Private or HOA" (LMC § 15-3-13 (B)). This triggers a minimum parking requirement of 1 space per 4 persons maximum rated capacity. With the 1225 square foot unit having a maximum capacity of 48 people based on Fire District Approval, 12 parking spaces are required.
17. The parking in the Lift Lodge provides 12 spaces to share between the three (3) commercial uses in the building.
18. The unit was approved with the Lift Lodge at Town Lift condominium plat in 1999. The building was approved in June 11, 1997 with the McIntosh Mill CUP.
19. The Lift Lodge was involved in a shared Parking Plan with the Summit Watch and Town Lift Plaza/Caledonian parking structures allowing the parking needs for the adjacent developments to be shared.
20. The applicant, Victory Ranch LLC, provides a twelve (12) person sprinter van and a Suburban that shuttle members from their homes to the member center/Main Street. These vehicles are always on call. The General Director of Victory Ranch noted that typically 4-6 people, per van, utilize this service a day.
21. The parking area/driveway is directly accessed off 9th street and no changes to the access or parking area are proposed.
22. Fencing, screening, and landscaping are not proposed at this time and are not needed to separate uses as the uses are fully enclosed within the building.
23. The requested use will not affect the existing building mass, bulk, orientation and the location on site, including orientation to adjacent building.
24. No useable open space will be affected with the requested use from what is currently found on site.
25. All signs are subject to the Park City Sign Code. No additional signs and lighting are associated with this proposal.
26. Any new exterior lighting is subject to the LMC development standards related to lighting and will be reviewed for compliance with the LMC at the time of application. No additional lighting is proposed at this time.
27. The requested use will not affect the existing physical design and compatibility with surrounding structures in mass, scale and style.

28. Noise, vibration, odors, steam or mechanical factors normally associated with the purpose use will not require additional mitigation as the space was constructed as a commercial unit and no changes to the shared interior walls or to the exterior windows or doors are proposed.
29. The club will hold small wine and cheese gatherings for members once a month in the winter and roughly 15 people attend. The impacts for the private resident club are less than a bar or restaurant located in this area facing Main Street.
30. The proposal will not affect any control of delivery and service vehicles, loading/unloading, and screening.
31. The expected ownership and management of the property is not projected to add impacts that would need additional mitigation.
32. The entire unit is owned by Victory Ranch Acquisitions LLC with private use by members of the Victory Ranch Owner's Association and guests.
33. The proposal is not located within the Sensitive Lands Overlay.
34. Unit A is shown on the plat as part of the private commercial ownership designation. The plat identifies four (4) categories: Common areas and facilities, private residential ownership, limited common areas, and private commercial ownership. Commercial areas include retail, meeting rooms, and restaurants. The proposed private residence club space would be located within the commercial space noted on the Plat as Unit A.

Conclusion of Law:

1. The application complies with all requirements of the Land Management Code.
2. The use will be compatible with surrounding structures in use, scale, mass, and circulation.
3. The use is consistent with the Park City General Plan, as amended. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval

1. The requested use shall be conducted within the specified space at 875 Main Street, Unit A as approved by the Planning Commission, which is within a fully enclosed building per Park City Land Management.
2. The applicant is responsible for management of the club and enforcement of the Covenants, Conditions and Restrictions of the Lift Lodge Condominiums.
3. If the Off Premise Private Residence Club use is abandoned for a year or more, this Conditional Use Permit shall be void.
4. All conditions of approval of the McIntosh Mill CUP continue to apply.

Exhibits:

Exhibit A – Applicant's Project Intent
Exhibit B – Vicinity Map
Exhibit C – Floor Plan
Exhibit D – The Lift Lodge at Town Lift Plat Map (sheet 1&3)

Exhibit E – Site Photograph
Exhibit F – Map of unaffected vertical zoning areas along Main Street
Exhibit G – HRC Chapter Allowed and Conditional Uses table of the LMC
Exhibit H – 875 Main St. Conditional Use Permit action letter
Exhibit I – 875 Main St. Staff Report
Exhibit J – 875 Main St. Parking Management Plan Planning Commission Action Letter
Exhibit K – McIntosh Mill and Summit Watch Garages Proposed Parking Plan
Exhibit L – Original Easement Deed
Exhibit M – Amended Easement Deed

EXHIBIT A

VICTORY RANCH

Conditional Use Permit for 875 Main Street

The Victory Ranch Member Center at 875 Main is a gathering place for members of Victory Ranch. A home base from which Ranch members and their accompanied guests can access all that Park City has to offer. The approximately 1300 square foot space is filled with lockers, comfortable seating, service area and bathroom. Area neighbors include restaurants, galleries, theaters, hotels, shops, ski resorts and spas.

875 Main will be accessible to our members from 8 am - midnight, 7 days-a-week and will be staffed accordingly. During ski season and during Park City events or festivals, staff will host program events for members. All F&B is included in member dues, there will be no charge for anything.

Members will be able to travel to 875 from the Ranch via shuttle service or arrive on their own. When not staffed, members can access with the same access card used when entering or exiting Victory Ranch.

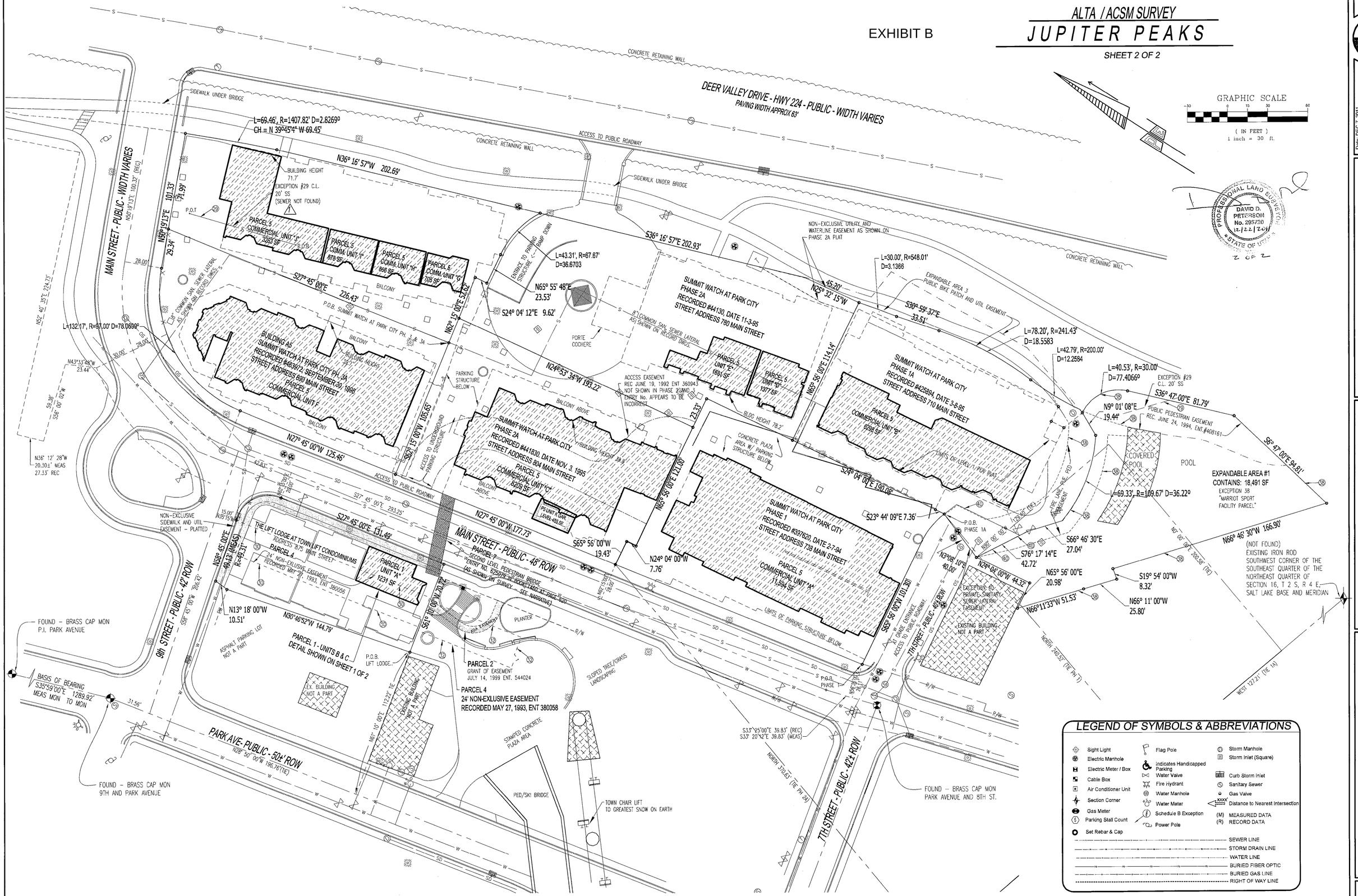
875 Main is located on a busy street in a mixed use zoned area. Two restaurants have outdoor seating areas located near the entrance and the town lift of PCMR is approximately 40 feet from the door. Victory Ranch members will come and go quietly and respect to their neighbors.

APR 01 2015
PARK CITY
PLANNING DEPT.

EXHIBIT B

ALTA / ACSM SURVEY
JUPITER PEAKS

SHEET 2 OF 2



Date: DEC 7, 2014
Job No.: A-11-076
Drawn: K. BAXTER
Checked: D. PETERSON

PETERSON ENGINEERING, P.C.
CONSULTING ENGINEERS & LAND SURVEYORS
7107 SOUTH 400 WEST #1 MIDVALE UTAH 84047 801-255-3503

JUPITER PEAKS PLAZA
700 MAIN STREET, PARK CITY UTAH

ALTA / ACSM LAND SURVEY

A 1.2

EXHIBIT C

*SEE I-10.XX FOR FURTHER INFORMATION

FURNITURE LEGEND	
TAG	DESCRIPTION
BN-01	BENCH
BN-02	BENCH UNDER TV
CAB-01	CABINET @ RECEPTION
CH-01	DINING CHAIR
CH-02	LOUNGE CHAIR
CH-03	ARMCHAIR
CH-04	DESK CHAIR
SF-01	SOFA @ LOUNGE
ST-01	STOOL @ ISLAND
ST-02	LOW STSOOL @ RECT. DINING TABLE
TA-01	DINING TABLE- RECTANGLE
TA-02	DINING TABLE- ROUND
TA-03	COFFEE TABLE
TA-04	NOT USED
TA-05	DESK
TA-06	SIDE TABLE
TA-07	RESTROOM TABLE
MI-01	RESTROOM MIRROR

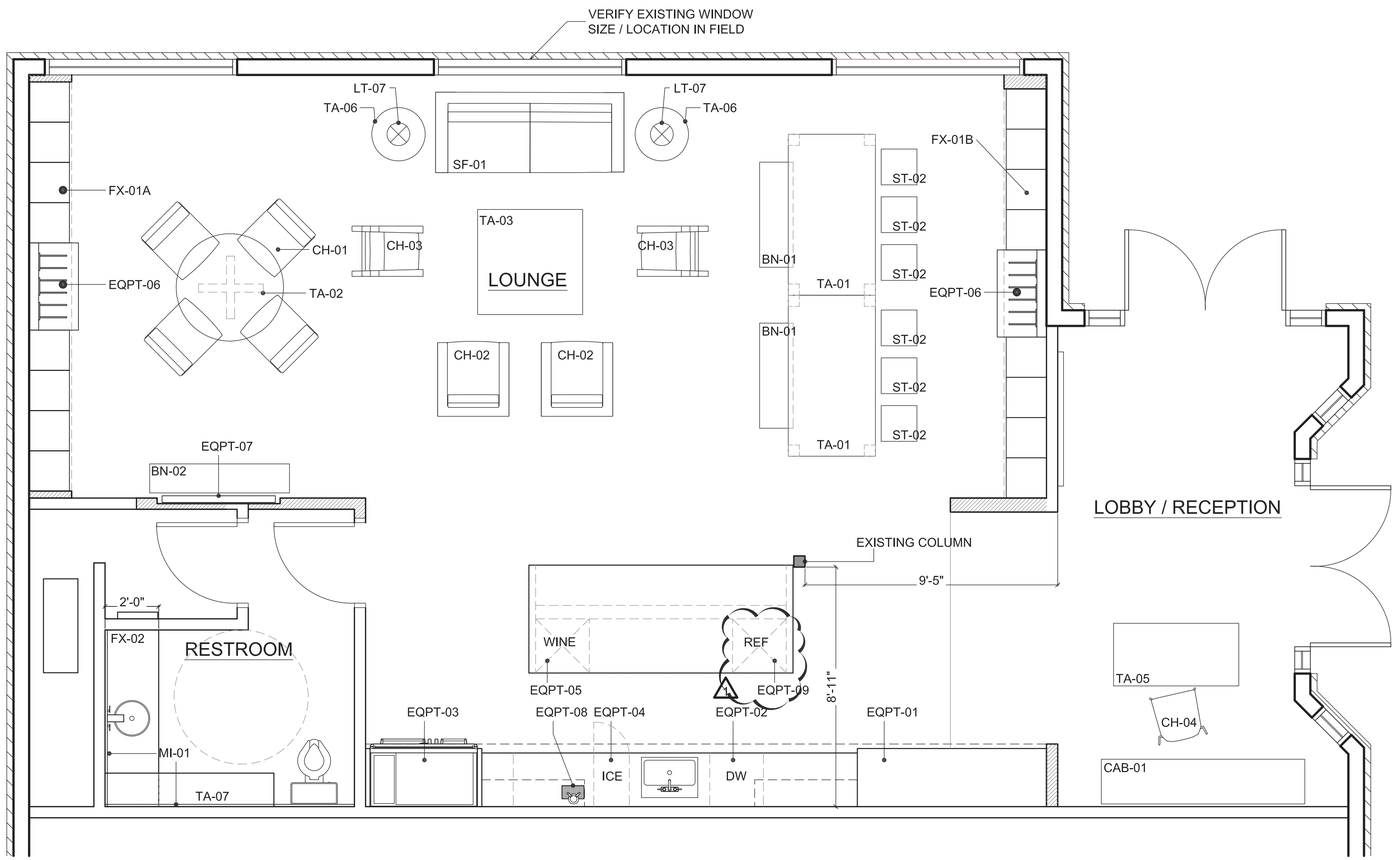
*SEE I-10.XX FOR FURTHER INFORMATION

FIXTURE LEGEND	
TAG	DESCRIPTION
FX-01A	BUILT-IN LOCKERS
FX-01B	BUILT-IN LOCKERS
FX-02	RESTROOM VANITY

EQUIPMENT LEGEND	
TAG	DESCRIPTION
EQPT-01	MICROWAVE
EQPT-02	DISHWASHER
EQPT-03	REFRIGERATOR
EQPT-04	ICE MACHINE
EQPT-05	WINE COOLER
EQPT-06	BOOT DRYER
EQPT-07	50" TV
EQPT-08	DRAFT TOWER
EQPT-09	UNDERCOUNTER REFRIGERATOR

1 NOTES:

1. PROVIDE POWER FOR ALL EQUIPTMENT AS REQ'D PER MANUFACTURERS SPECIFICATIONS



1 I-1.00 FURNITURE PLAN

SCALE: 3/8" = 1'-0"

STUDIO K

Project Name:

VICTORY RANCH (MEMBER CENTER)

Revisions

	04/17/2014	PROGRESS SET
1	04/24/2014	90% CD SET
2	05/05/2014	RESTROOM REVISIONS

Scale: AS NOTED

Date: -

Drawn By: KB

Approved By: -

Sheet Title: FURNITURE PLAN

Sheet Number: I-1.00

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that McINTOSH MILL, LTD., a Utah limited partnership, as the undersigned owner of the hereon described tract of land to be known hereafter as THE LIFT LODGE AT TOWN LIFT, a Utah condominium project, hereby certifies that it has caused this survey to be made and this Record of Survey map to be prepared. McINTOSH MILL, LTD. hereby consents to the recordation of this Record of Survey map. Also, the owner, or its representative, hereby irrevocably offers for dedication to the City of Park City all the streets, land for local government uses, easements, parks and required utilities and easements shown on the subdivision plat and construction plans in accordance with an irrevocable offer of dedication. The Owner herby certifies that all units shall be built as shown.

IN WITNESS WHEREOF, the undersigned set his hand this 15 day of July, 1999.

McINTOSH MILL, LTD., a Utah Limited Partnership

Harry F. Reed
General Partner

ACKNOWLEDGMENT

State of Utah

County of Summit

On the 15th day of July, 1999, personally appeared before me, the undersigned Notary Public in and for said state and county, Harry F. Reed, being duly sworn, acknowledged to me that he is the gereral partner of the above McINTOSH MILL, LTD. and that the said McINTOSH MILL, LTD. is the owner of the herein described tract of land and that Harry F. Reed signed the above Owner's Dedication and Consent to Record on behalf of, and at the authorization of McINTOSH MILL, LTD.

Mary L. Peacock
Notary Public

My Commission Expires: 8-28-2002

Residing in Summit County

SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 163931, as prescribed by the laws of the State of Utah, and that I have caused to be made under my direction and by the authority of the owner(s), this Record of Survey map of THE LIFT LODGE AT TOWN LIFT, a Utah Condominium Project in accordance with the provisions of Section 57-8-13(1) of the Utah Condominium Ownership Act. I further certify the information shown hereon is accurate.

John Demkowicz, LS #163931 — Date: 7-16-99

NOTES:

1. THE CONDOMINIUM PLAT WAS PREPARED FROM ARCHITECTURAL DRAWINGS PREPARED BY COOPER/ROBERTS ARCHITECT AND PROVIDED BY THE OWNER.

2. THE UNITS IN THE LIFT LODGE AT TOWN LIFT CONDOMINIUMS ARE SERVICED BY A COMMON PRIVATE SANITARY SEWER LATERAL. THE RESPONSIBILITY FOR MAINTENANCE, REPAIR, AND REPLACEMENT OF SAID LATERAL BELONGS TO THE LIFT LODGE AT TOWN LIFT CONDOMINIUMS HOMEOWNERS ASSOCIATION.

EXHIBIT D

BOUNDARY DESCRIPTION

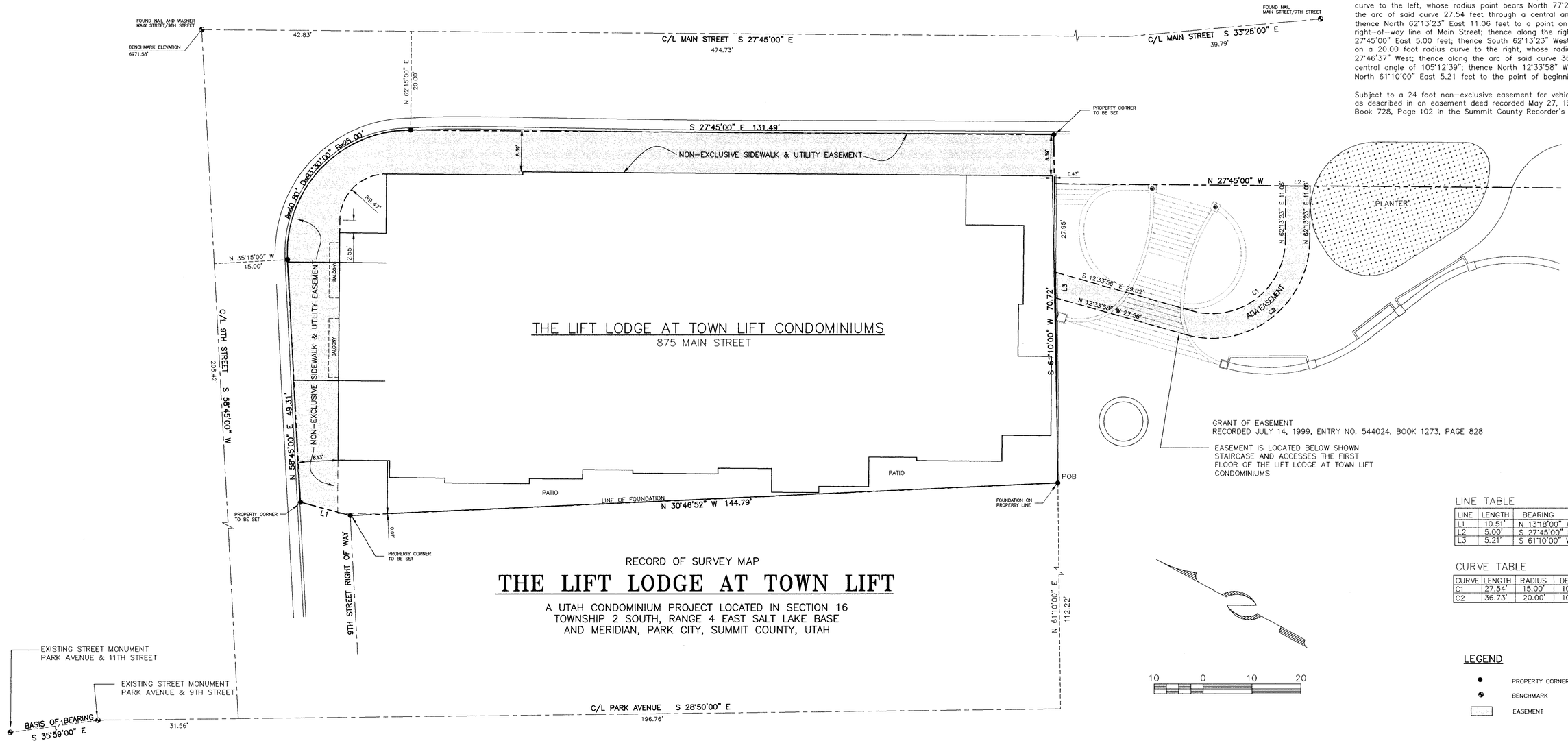
Beginning at a point North 28°50'00" West 593.95 feet along the west line of Block 7, Park City Townsite Plat and along the west line of Block 53, Synder's Addition and North 61°10'00" East 90.71 feet from the Southwest corner of Block 7, Park City Townsite Plat, said point is also located South 28°50'00" East 196.76 feet and North 61°10'00" East 112.22 feet from the monument located at Park Avenue and 9TH Street; and running thence North 30°46'52" West 144.79 feet; thence North 13°18'00" West 10.51 feet; thence North 58°45'00" East 49.31 feet to a point on a 25.00 foot radius curve to the right, whose radius point bears South 31°15'00" East; thence along the arc of said curve 40.80 feet through a central angle of 93°30'00"; thence South 27°45'00" East 131.49 feet; thence South 61°10'00" West 70.72 feet to the point of beginning.

Together with a 24 foot non-exclusive easement for vehicle secondary access as described in an easement deed recorded may 27, 1993, Entry No. 380058, Book 728, Page 127 in the Summit County Recorder's Office.

Also, together with an access easement to the first floor of THE LIFT LODGE AT TOWN LIFT CONDOMINIUMS described as follows:

Beginning at a point North 440.05 feet and West 461.41 feet from the Southwest corner of the Southeast Quarter of the Northeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian, said point also being South 27°45'00" East 173.94 feet along the center line of Main Street and South 61°10'00" West 47.95 feet from an existing survey monument at the intersection of Main Street and 9th Street; and running thence South 12°33'58" East 29.02 feet to a point on a 15.00 foot radius curve to the left, whose radius point bears North 77°26'02" East; thence along the arc of said curve 27.54 feet through a central angle of 105°12'39"; thence North 62°13'23" East 11.06 feet to a point on the westerly right-of-way line of Main Street; thence along the right-of-way line South 27°45'00" East 5.00 feet; thence South 62°13'23" West 11.06 feet to a point on a 20.00 foot radius curve to the right, whose radius point bears North 27°46'37" West; thence along the arc of said curve 36.73 feet through a central angle of 105°12'39"; thence North 12°33'58" West 27.56 feet; thence North 61°10'00" East 5.21 feet to the point of beginning.

Subject to a 24 foot non-exclusive easement for vehicle access and storm drain as described in an easement deed recorded May 27, 1993, Entry No. 380056, Book 728, Page 102 in the Summit County Recorder's Office.



RECORD OF SURVEY MAP

THE LIFT LODGE AT TOWN LIFT

A UTAH CONDOMINIUM PROJECT LOCATED IN SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE
AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

LINE TABLE

LINE	LENGTH	BEARING
L1	10.51'	N 13°18'00" W
L2	5.00'	S 27°45'00" E
L3	5.21'	S 61°10'00" W

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA
C1	27.54'	15.00'	105°12'39"
C2	36.73'	20.00'	105°12'39"

LEGEND

- PROPERTY CORNER TO BE SET
- BENCHMARK
- EASEMENT

PAGE 1 OF 4

JOB NO.: 1-6-98 FILE: Z:\TI\Reed\Condos\Plats\P1.dwg

(435) 649-9467
Alliance Engineering Inc.
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

Planning Commission Meeting June 10, 2015

SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS ON THIS 16th DAY OF JULY, 1999 A.D.
BY S.B.S.I.D.

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 28 DAY OF July, 1999 A.D.
BY CHAIRMAN

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 19TH DAY OF JULY, 1999 A.D.
BY PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS 29TH DAY OF JULY, 1999 A.D.
BY PARK CITY ATTORNEY

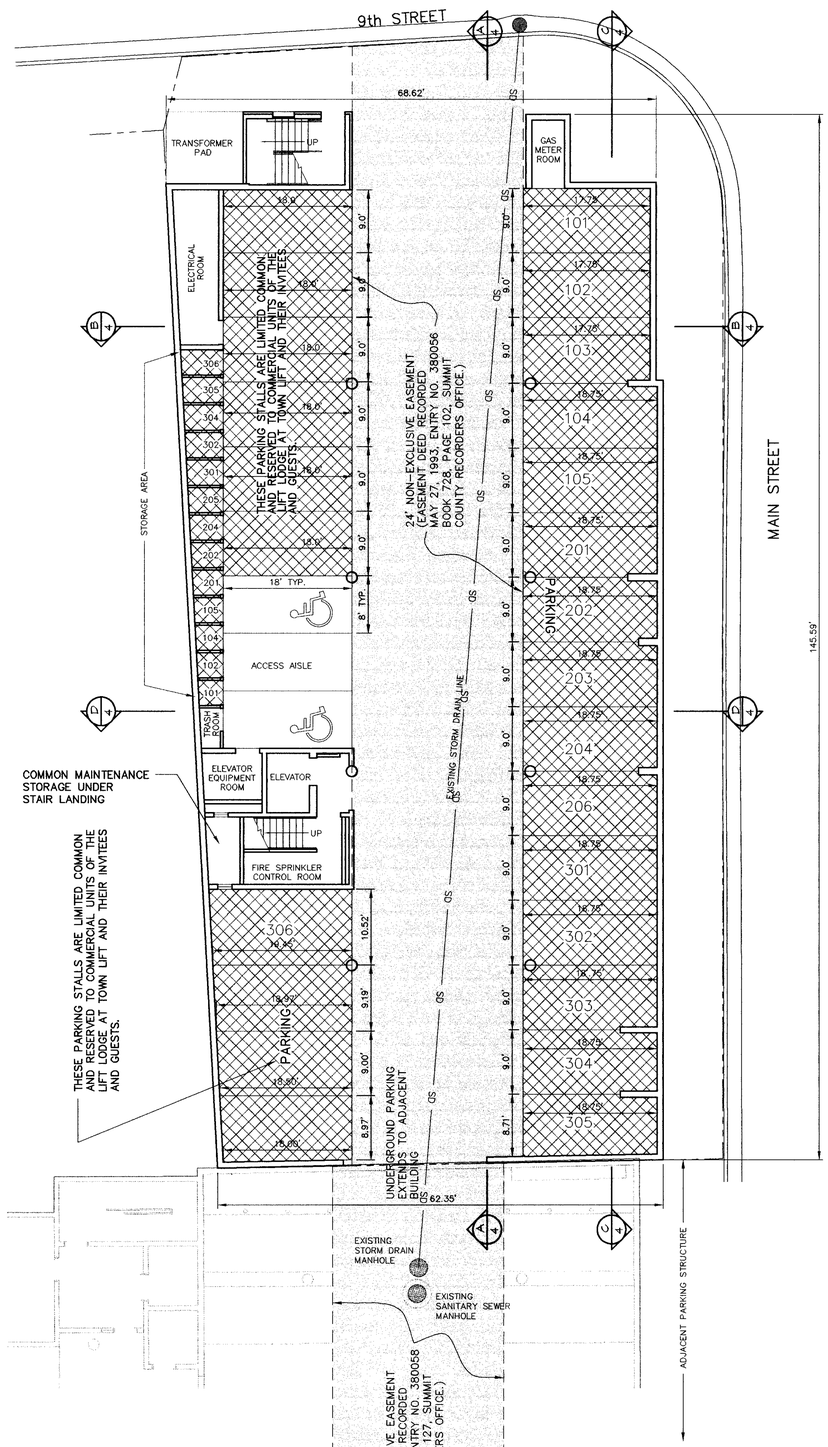
CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 4TH DAY OF MARCH, 1999 A.D.
BY PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 4TH DAY OF MARCH, 1999 A.D.
BY MAYOR

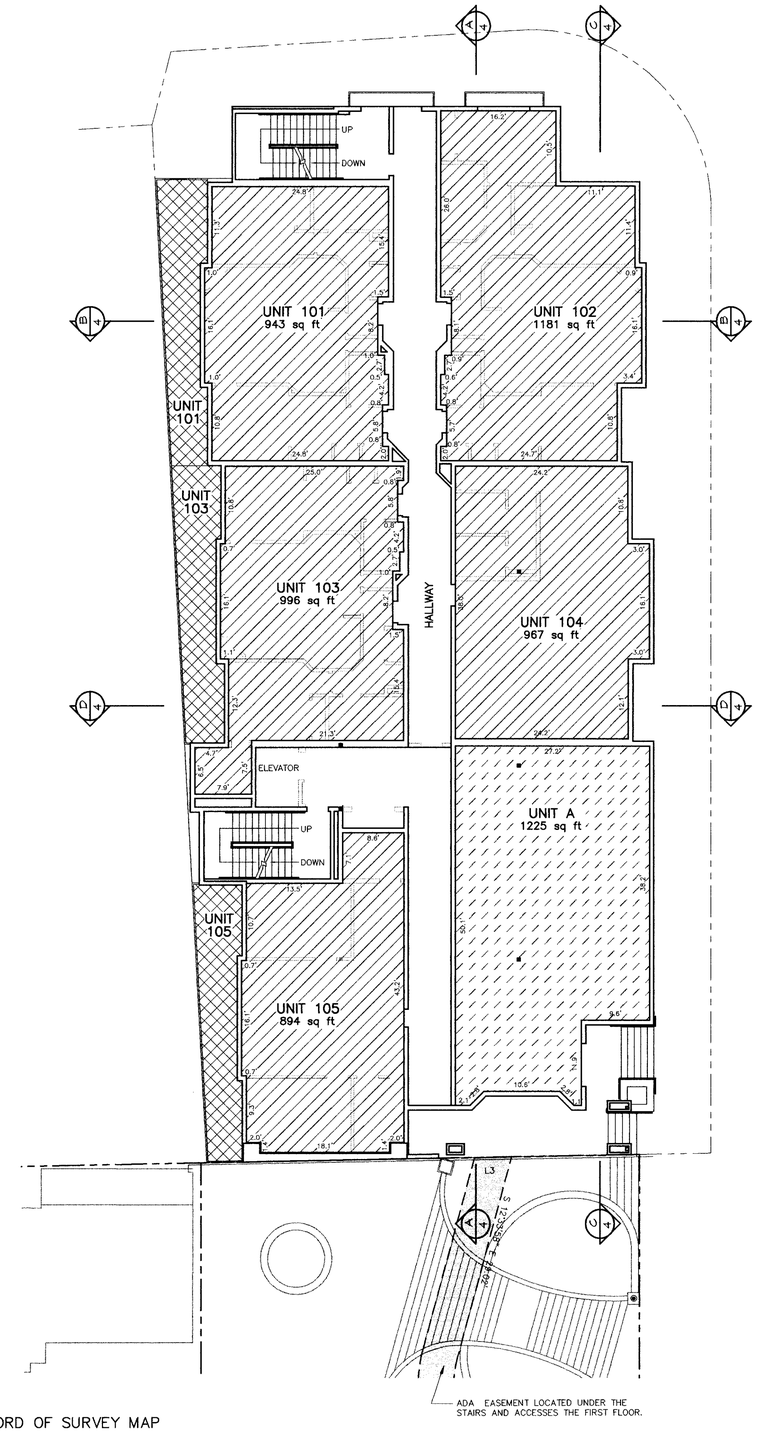
RECORDED
545622
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF Coalition Title
DATE 8-3-99 TIME 09:43 AM BOOK — PAGE —
$13.00 FEE — RECORDER — Deputy

Lift Lodge at Town Lift Sheet 1

PARKING LEVEL



FIRST FLOOR



NOTES:

1. THE HALLWAY BETWEEN UNITS 101 THRU 104 IS RESTRICTED TO THE USE BY RESIDENTIAL OWNERS AND THEIR INVITEES AND GUESTS.

10 0 10 20

LEGEND

- COMMON AREAS AND FACILITIES
- PRIVATE RESIDENTIAL OWNERSHIP
- LIMITED COMMON AREAS
- PRIVATE COMMERCIAL OWNERSHIP

RECORD OF SURVEY MAP

THE LIFT LODGE AT TOWN LIFT

A UTAH CONDOMINIUM PROJECT LOCATED IN SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE
AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

JOB NO. 1-6-98 Z:\TL\REED\CONDOS\PLATS\P2.DWG

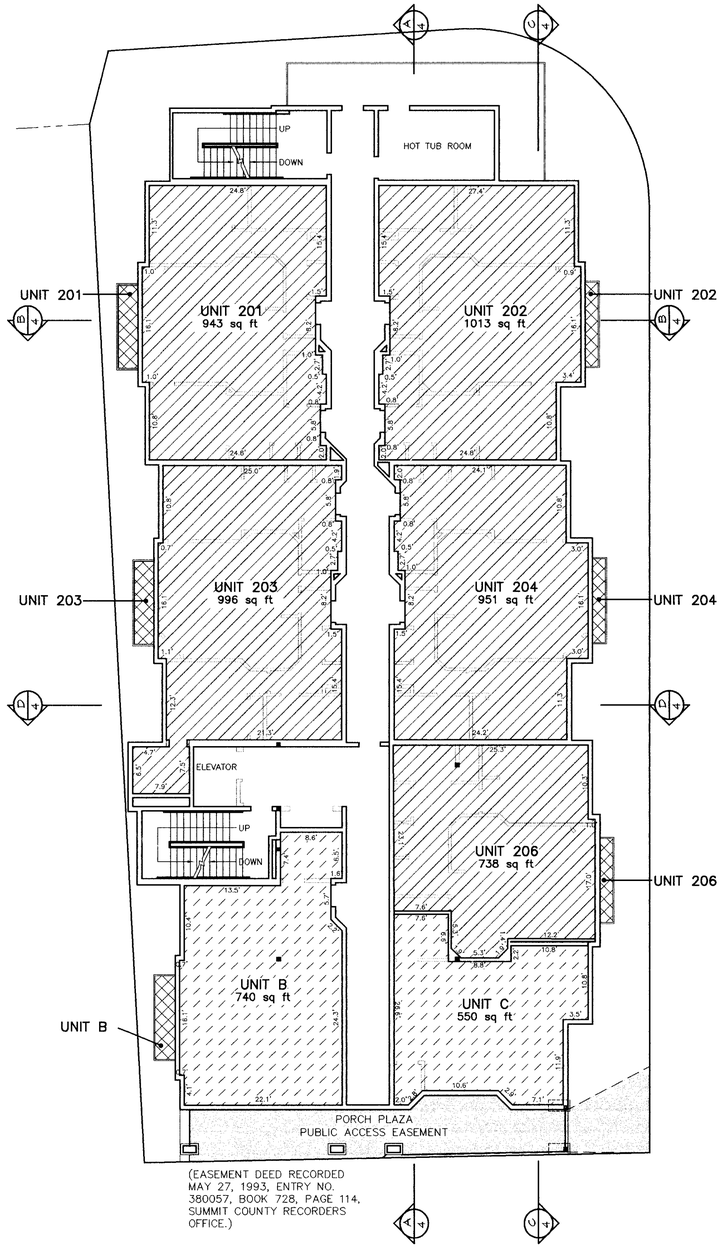
PAGE 2 OF 4

#545622 RECORDED

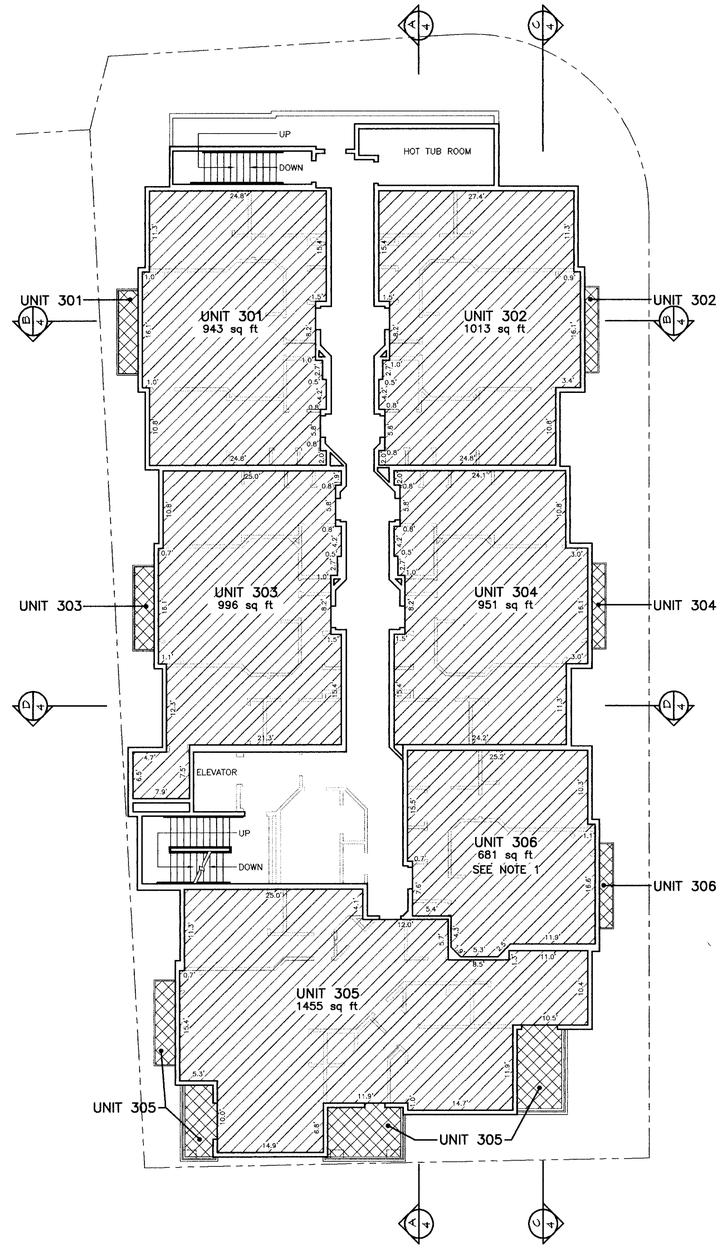
STATE OF UTAH COUNTY OF SUMMIT AND FILED
AT THE REQUEST OF Coalition Title
DATE 8-3-99 TIME 2:43 PM BOOK ____ PAGE ____
$138.00 FEE
Denise M. Dunn RECORDER
Deputy

Lift Lodge at Town Lift Sheet 2

SECOND FLOOR



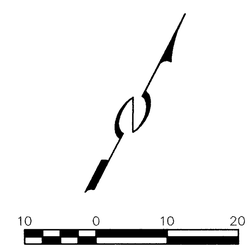
THIRD FLOOR



NOTES:

1. UNLESS AND UNTIL SUBSTITUTED BY ANOTHER UNIT IN THE LIFT LODGE AT TOWN LIFT PROJECT, UNIT 306 IS RESTRICTED IN PERPETUITY TO COMPLY WITH THE REQUIREMENTS OF THE FEDERAL AMERICANS WITH DISABILITIES ACT IN EFFECT ON THE DATE OF RECORDATION OF THIS RECORD OF SURVEY MAP.

2. ALL HALLWAYS AND HOT TUB ROOMS ON THE SECOND AND THIRD FLOORS ARE RESTRICTED TO USE BY RESIDENTIAL OWNERS AND INVITEES AND GUESTS.



LEGEND

- COMMON AREAS AND FACILITIES
- PRIVATE RESIDENTIAL OWNERSHIP
- LIMITED COMMON AREAS
- PRIVATE COMMERCIAL OWNERSHIP

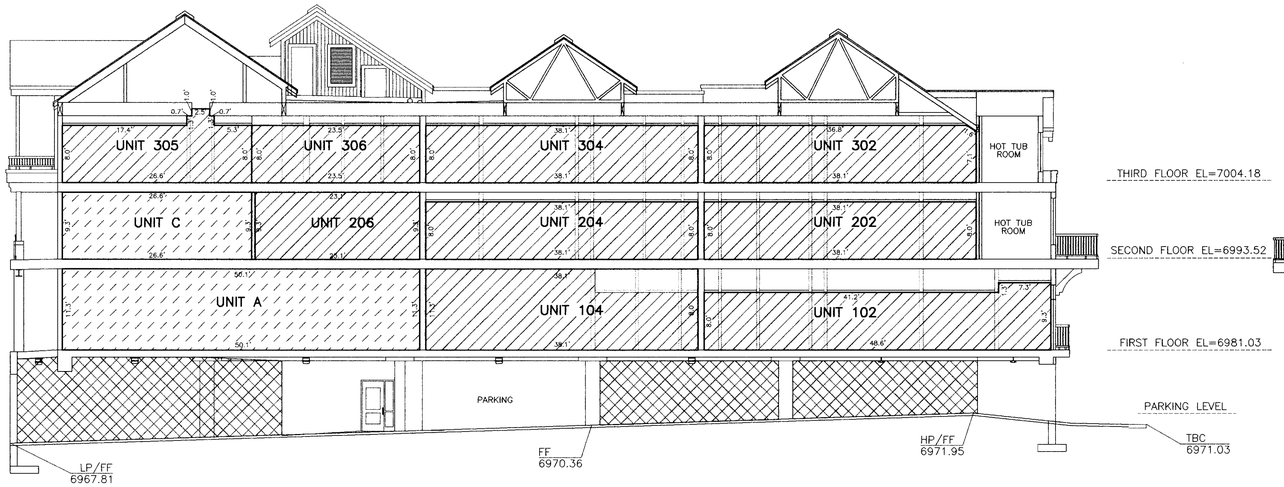
RECORD OF SURVEY MAP

THE LIFT LODGE AT TOWN LIFT

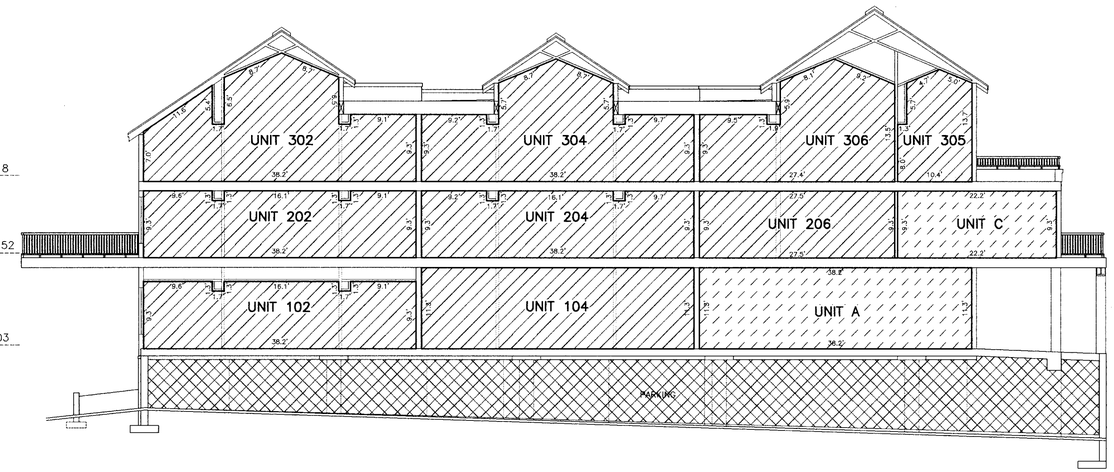
A UTAH CONDOMINIUM PROJECT LOCATED IN SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE
AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

#545622 RECORDED
STATE OF UTAH COUNTY OF SUMMIT AND FILED
AT THE REQUEST OF Coalition Title
DATE 8-3-99 TIME 9:43AM BOOK — PAGE —
$139.00 FEE Darlene M. Dunn Deputy RECORDER

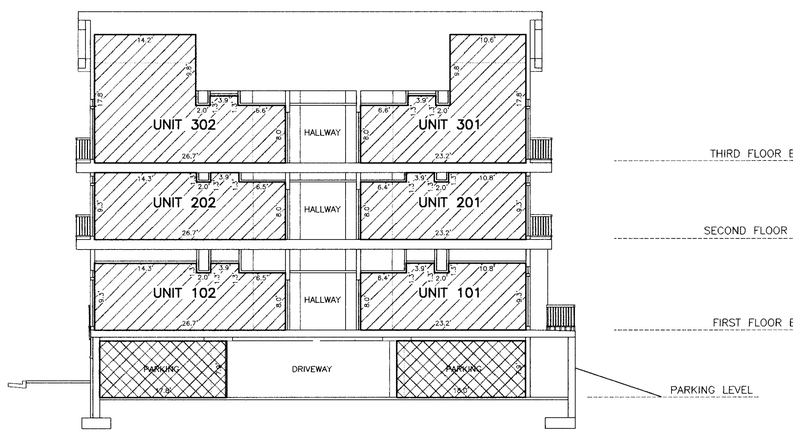
JOB NO. 1-6-98 Z:\TL\REED\CONDOS\PLATS\P3.DWG



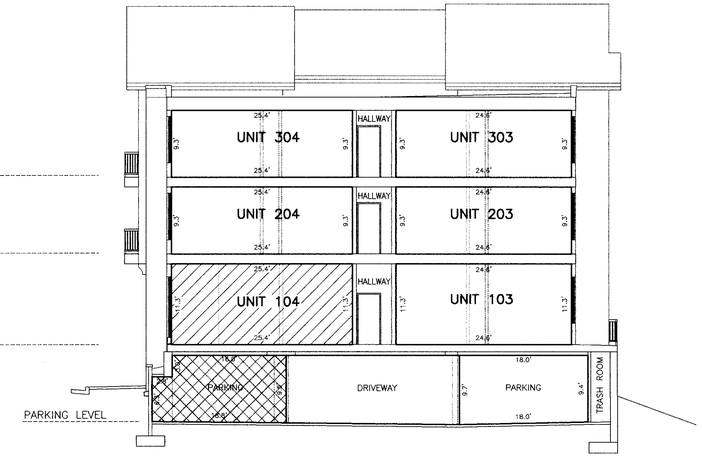
SECTION 'A'



SECTION 'C'



SECTION 'B'



SECTION 'D'

10 0 10 20

LEGEND

- COMMON AREAS AND FACILITIES
- PRIVATE RESIDENTIAL OWNERSHIP
- LIMITED COMMON AREAS
- PRIVATE COMMERCIAL OWNERSHIP

RECORD OF SURVEY MAP

THE LIFT LODGE AT TOWN LIFT

A UTAH CONDOMINIUM PROJECT LOCATED IN SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE
AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

PAGE 4 OF 4

545622 RECORDED

STATE OF UTAH COUNTY OF SUMMIT AND FILED
AT THE REQUEST OF Coalition Title
DATE 8-3-99 TIME 9:43 AM BOOK — PAGE —
$139.00 FEE
RECORDER

JOB NO. 1-6-98 Z:\TL\REED\CONDOS\PLATS\P4.DWG

Lift Lodge at Town Lift Sheet 4

EXHIBIT E

THE LIFT LODGE
CONDOMINIUMS
VR
PAY TO PARK

Ski & Board
Rental
THE
LIFT LODGE
CONDOMINIUMS
VR

875
VR
MEMBERS ONLY
VR

NO PARKING
2 AM - 6 AM
TOW AWAY
PAY
TO
PARK
VR
THE LIFT LODGE
CONDOMINIUMS

EXHIBIT F

TOWN LIFT/SUMMIT WATCH/VICINITY

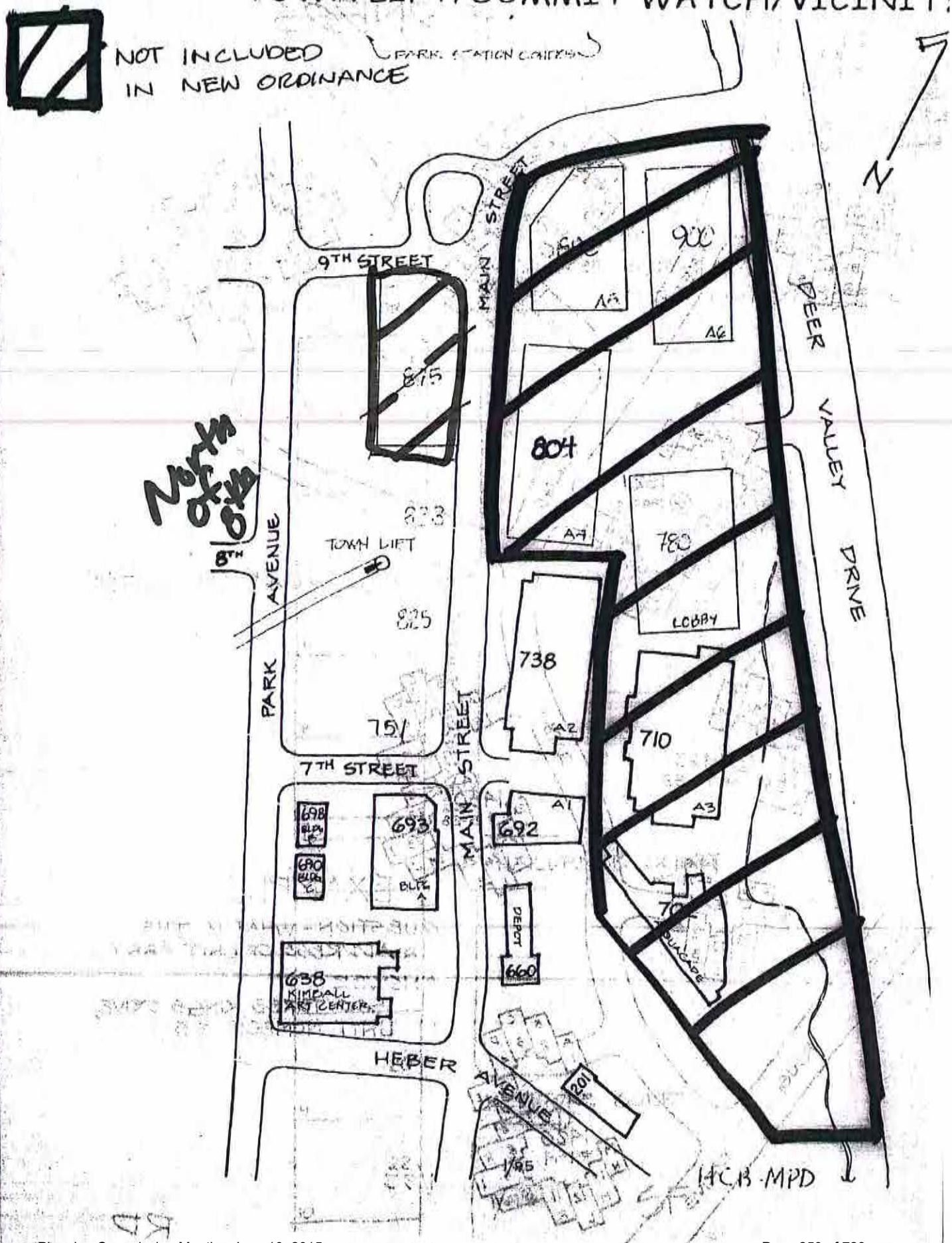


EXHIBIT G

The table below is shown to illustrate the allowed uses vs. conditional uses in the HRC District, specifically in terms of conditional uses that may be allowed as administrative review by Planning Staff, or support use to the primary development /use allowed as a Planning Commission review.

Allowed uses:	Conditional Uses:		
	Administrative review or Administrative CUP by Planning Staff	As support Use to the primary development or use, subject to MPD	Planning Commission review
• Single Family Dwelling • Duplex Dwelling • Secondary Living Quarters • Lockout Unit • Accessory Apartment • Nightly Rental • Home Occupation • Child Care, In-Home Babysitting •Child Care, Family • Child Care, Family Group • Child Care Center •Accessory Building and Use • Conservation Activity •Agriculture	• Bed and Breakfast Inn • Private Residence Club Project and Conversion • Restaurant and café, Outdoor Dining • Outdoor Events and Uses • Fences greater than six feet (6') in height from Final Grade • Special Events	• Office, General & Moderate • Office & Clinic, Medical • Financial Institution w/out drive-up window • Minor Retail & Service Commercial • Retail and Service Commercial, personal improvement • Transportation Service • Neighborhood Market without gasoline sales • Café or Deli • Restaurant, General & Outdoor Dining • Bar • Hospital, Limited Care Facility • Recreation Facility, Public and Private • Recreation Facility,	• Private Residence Club, Off-Site** • Triplex Dwelling Group Care Facility • Multi-Unit Dwelling • Guest House, on Lots one acre • Group Care Facility • Public and Quasi-Public Institution, Church, School • Essential Municipal Public Utility Use, Facility, Service and Structure • Telecommunication Antenna • Satellite Dish, greater than thirty-nine inches (39") in diameter • Plant and Nursery stock products and sales • Hotel, Major • Timeshare Projects and Conversions • Private Residence Club Project and Conversion • Office, Intensive • Office and Clinic, Medical

• Bed and Breakfast Inn • Boarding House, Hostel •Hotel, Minor, fewer than 16 rooms • Office, General5 • Parking Area or Structure, with four (4) or fewer spaces		Commercial • Entertainment Facility, Indoor • Commercial Stables, Riding Academy • Heliport	• Financial Institution, without drive-up window • Commercial Retail and Service, Minor • Commercial Retail and Service, personal improvement • Neighborhood Convenience Commercial, without gasoline sales • Café or Deli • Restaurant, General • Restaurant and café, Outdoor Dining • Outdoor Events and Uses • Bar • Parking Area or Structure, with five (5) or more spaces • Temporary Improvement • Passenger Tramway Station and Ski Base Facility • Ski Tow, Ski Lift, Ski Run, and Ski Bridge • Recreation Facility, Commercial, Public, and Private • Entertainment Facility, Indoor • Fences greater than six feet (6') in height from Final Grade • Special Events

**Requested use.

EXHIBIT H

CUP. Action Letter

Exhibit H

PARK CITY 1884

Department of Community Development
Engineering • Building Inspection • Planning

July 16, 1997

Harry Reed
McIntosh Mill
P O Box 1330
Park City, UT 84060

NOTICE OF PLANNING COMMISSION ACTION

Project Name: 875 Main Street, McIntosh Mill

Project Description: Request for a conditional use permit for a mixed use building (residential/retail)

Date of Meeting: June 11, 1997

Action Taken By Planning Commission: Approved in accordance with the findings of fact as amended at the meeting--(the omission of findings #15, 17, and 18); approved in accordance with the conclusions of law as written in the staff report and in accordance with the Findings of Fact, Conclusions of Law and amended Conditions of Approval as follows:

FINDINGS OF FACT

1. This proposal is for a mixed use building consisting of 13 condominium units averaging 950 sf in area (12,381 net square feet), 842 sf of support commercial uses, and 3,554 sf of net leasable commercial space (4,442 sf gross). In addition there are 8,654 sf of parking and storage and 7,128 sf of common area (hallways, stairs, elevators, etc). The total building floor area is 37,001 square feet.
2. The site, at 875 Main Street, is a 0.26 acre (11,535 sf) vacant lot previously used as a construction staging and parking area for the Summit Watch project.
3. The maximum floor area ratio permitted in the HCB district is 4.0, which results in a maximum building size of 46,148 sf in total floor area.
4. The site is located within the Park City Historic District and is therefore subject to the Historic District Design Guidelines, as well as Chapter 9 of the Land Management Code, regarding architectural review. The Historic District Commission has reviewed the architecture and design and forwards a positive recommendation. The HDC added conditions of approval related to compliance with the Historic District Design Guidelines and exterior materials, colors, and finishing details.

Park City Municipal Corporation • 445 Marsac Avenue • P.O. Box 1480 • Park City, UT 84060-1480
Community Development (801) 645-5020 • Engineering 645-5020 • Building 645-5040
Planning 645-5021 • FAX (801) 645-5078

5. The site is currently zoned HRC, Historic Resort Commercial. The site is subject to a "1982 Agreement" between the property owners of the original Town Lift Conceptual Plan and the City. This agreement was later amended in 1992. The amended "1992 Agreement" provides this property owner the option to utilize requirements of the HCB, Historic Commercial Business District, in designing this structure. These agreements are on file at the Planning Department.
6. An attachment to the "1982 Agreement" describes the artificial "natural" grade that is to be used to measure heights on this parcel. This artificial grade is generally described as the topography resulting from extending a straight line from the back of curb of Deer Valley Drive to the back of curb of Park Avenue.
7. The maximum height allowed in the HCB district is determined by Section 7.2.7 of the LMC, which describes the maximum building envelope as "defined by a plane that rises vertically at the front lot line to a height of 30' ... then proceeds at a 45 degree angle toward the rear of the property until it intersects with a point 45' above the natural grade." The rear portion of the bulk plane is similarly defined. No part of the building may be erected to a height greater than 45' from the established "natural grade".
8. Zoning on surrounding adjacent properties is either HCB-MPD, HRC-MPD, or HRC. Non-adjacent property approximately half a block away, to the north of 9th Street and on the west side of Park Avenue, is zoned HR-1, Historic Residential. Properties on Park Avenue to the south of 9th Street are zoned HRC and are primarily small historic homes.
9. This property is adjacent to the three and four story Town Lift and Caledonian Condominium projects currently under construction. Across Main Street is the three and four story Marriot Summit Watch project. Adjacent, to the west, is the site of a small scale two story historic structure currently housing the Zions Bank. Residential structures along Park Avenue are typically small scale one and two story historic miner houses.
10. Ninth Street and the Trolley turn around form the terminus of "lower" Main Street. This area is generally a transition area from the intensive commercial uses on "upper" Main Street and the residential uses of Park Avenue.
11. Commercial uses proposed for 875 Main Street are located on the first and second floors at the south end of the building. The first floor commercial space has direct access to Main Street. The second floor commercial spaces have direct access to the future skier plaza. Residential uses are proposed for the top floor, as well as the north end of the first and second floors with access from internal hallways and elevators. Residential uses at the north end are located about a story above Main Street, which is typical of historic design.
12. The north end of this proposed building is situated at the visual "gateway" to Main Street. Vehicular and pedestrian traffic from Park Avenue, Deer Valley Drive, and the

bike trail will see this building first as they enter Main Street. At the direction of staff and the Commission the applicant has provided a north facade that somewhat steps down the scale of the building and minimizes the parking structure and "service" entry appearance. Balconies, modified window and door treatment, gabled dormers, lowered roof eaves, detailing of the parking entrance, landscaping, and pedestrian scale rock walls were added from the initial design at the direction on the HDC and staff.

13. As part of the Town Lift Conceptual Master Plan development, this proposal requires a Conditional Use Permit approved by the Planning Commission. Any HDC approval is subject to all conditions of approval required by the Planning Commission.
14. There is a parking structure currently under construction on the lot immediately adjacent to the south. It is in the public's interest, for access and enhanced vehicular circulation in this area, for this development to tie its parking structure to the neighboring structure, provided all engineering and technical issues related to storm water, flood plains, and other utilities can be resolved.
15. Twenty-seven parking spaces (27) are shown on the plans (subject to final review by the Community Development Department for compliance with the LMC in terms of size, dimension, and usefulness). The LMC requires a total of 20 parking spaces for 13 hotel suites and the retail uses, provided that none of the retail space is utilized for restaurants or bars.
16. No formal MPD or CUP approval was granted for a bridge connecting the applicant's property to the Summit Watch development. The property is not a part of the approved and amended Town Lift Large Scale MPD (Summit Watch project) which also did not formally grant any form of CUP or MPD approval for a pedestrian bridge over Main Street. This pedestrian bridge is not mentioned in the City Council approved September 17, 1991 Findings of Fact, Conclusions of Law, or Conditions of Approval for the Town Lift MPD.
17. A financial guarantee for all public improvements is necessary to ensure completion of these improvements and to protect the public from liability and physical harm if these improvements are not completed by the developer or owner.
18. A construction mitigation and phasing plan is required to protect the adjacent properties and buildings from construction disturbance and to minimize the impact of construction activity in the surrounding area.
19. The plans submitted on April 22, 1997 are the plans that have been reviewed and approved in substantial form by the Historic District Commission. Plans submitted on June 9, 1997 are the plans that have been reviewed and approved in substantial form by the Planning Commission.
20. The applicant stipulates to all conditions of approval.
21. Planning review of a pedestrian bridge connecting 875 Main Street to the Summit Watch pedestrian plaza has not occurred, as no plans were submitted with this current

application. Staff has not reviewed the potential impacts due to construction staging of a bridge built over City ROW between two existing buildings, snow removal from a bridge suspended over ROW, or compatibility in terms of design with respect to the Historic District Design Guidelines. Visual and design impacts of such a bridge have not been discussed by the Historic District Commission.

CONCLUSIONS OF LAW

1. The plans as submitted on April 22, 1997 and reviewed and approved by the HDC on May 5, 1997, subject to the following conditions of approval, are in compliance with the Land Management Code and the Historic District Design Guidelines for new commercial construction in the Historic District.
2. The proposed project, through planning and architectural detailing, is compatible with structures in the vicinity in mass, use, scale, and circulation.
3. The proposed use is consistent with the Park City General Plan.
4. Any effects in difference in use or scale have been mitigated to the best extent possible through careful planning and conditions of approval.

CONDITIONS OF APPROVAL

1. All standard project conditions shall apply to this project.
2. The final building plans shall be in substantial compliance with the elevations and plans submitted and reviewed by the Historic District Commission on May 5, 1997. Exterior materials and colors shall be in substantial compliance with the descriptions submitted and reviewed by the Historic District Commission on May 5, 1997. At the Planning Department's discretion, modifications to the approved plans may be remanded to the HDC for further review and approval.
3. All roof materials shall be matte finish to minimize glare.
4. A master sign plan and lighting plan shall be submitted and approved by the Planning Department prior to building permit issuance.
5. The inside walls of the parking structure shall be finished in a siding material or painted as approved by the Planning Department. No standard florescent lighting is allowed in the parking structure or as exterior building lighting. High Pressure sodium bulbs of low wattage and low glare shall be used in cut-off, shielded, or refracted type fixtures.
6. A final landscape plan shall be submitted and approved by the Planning Department prior to building permit issuance.
7. All mechanical equipment, vents and exhaust fans shall be enclosed and screened from public view. If screening and enclosing is not possible, mechanical equipment, vents, and fans shall be painted to match the surrounding wall colors. Roof mounted equipment and vents, if visible to public, shall be painted to match the roof and/or the adjacent wall color and shall be screened or integrated into the design of the structure.

8. Community Development Department approval of the final building plans is required prior to building permit issuance.
9. Receipt and approval of a construction mitigation plan (CMP) by the Community Development Department is a condition precedent to the issuance of a building permit. The plan shall address construction staging, time lines, special signs, parking , fencing, and other construction related details as required by the Community Development Department.
10. This approval shall expire one year from the date of Planning Commission approval of the Conditional Use permit, unless a building permit is issued for this project prior to the expiration date. Approval was granted on June 11, 1997.
11. All corner trim shall be 8" in width.
12. A test color palette shall be painted on the building before painting the whole structure.
13. The final color palette shall be presented to the HDC as an information item at a future meeting.
14. The Planning Department shall approve all exterior materials, including windows, doors, store fronts, roofing, stone, siding, trim, and railings. If there is a disagreement with the applicant's choice, then these materials shall be reviewed and approved by the HDC.
15. Soffit overhangs (eaves) shall be a minimum of 24" deep.
16. A financial guarantee, for the value of all public improvements, landscaping, and trails to be completed, shall be provided to the City prior to building permit issuance or plat recordation whichever may come first.
17. An existing conditions survey that identifies and determines the artificial grade points shall be conducted by the applicant and submitted prior to issuance of a footing and foundation permit. This survey shall assist the Community Development Department in determining the grade for measurement of height of this project as defined in the Land Management Code.
18. Any and all damaged public improvements, such as roads, sidewalks, curbs, and gutters on or adjacent to this property shall be repaired to the City's standards prior to issuance of a certificate of occupancy.
19. The City Engineer review and approval of grading, utility, public improvements, and drainage plans for compliance with City standards, is a condition precedent to building permit issuance.
20. The Snyderville Basin Sewer Improvement District review and approval of the sewer plans for this project is a condition precedent to building permit issuance.
21. A parking management plan shall be approved by the Planning Commission which addresses the following:

    a. A blended parking rate of one parking space per thousand square feet for residential and three parking spaces per thousand square feet for all commercial and retail throughout the project.

a. A blended parking rate of one parking space per thousand for residential and three parking spaces per thousand for all commercial and retail throughout the project.
b. The parking plan will identify the perpetual and continued use of other parking in connection with the Marriot project to which this project is tied.
c. There needs to be a precise definition as to why the blending of the parking between this project and the remaining components of the Marriott project can be accommodated in the Land Management Code and any other project in any other location in town for RC zoning.

22. A pedestrian bridge over Main Street is not part of this application and is not part of this approval for a CUP for the 875 Main Street building.

Date of Expiration: June 11, 1998

Sincerely,

Kirsten A. Whetstone, AICP
City Planner

KAW/rr

Staff Report

EXHIBIT I

Exhibit I

PARK CITY

1884

PLANNING COMMISSION REPORT

DATE:	**June 30, 1998 (July 8, 1998 meeting)**
DEPARTMENT:	**Planning Department**
AUTHOR:	**Kirsten A. Whetstone**
TITLE:	**McIntosh Mill CUP - 875 Main Street**
TYPE OF ITEM:	**Parking Plan- final approval**

I. PROJECT STATISTICS

Project Name:	**875 Main Street- McIntosh Mill CUP**
Applicant:	**Harry Reed, c/o McIntosh Mill Ltd.**
Location:	**Southwest corner of Main and 9th Street**
Proposal:	**Mixed use building (residential/retail)**
Zoning:	**HRC (Contract HCB)**
Adjacent Land Uses:	**Town Lift Plaza, Marriot Mixed Use, Rio Grande building (Zion's bank)**
Date of Application:	**April 17, 1998**
Project Planner:	**Kirsten Whetstone**
Staff Recommendation:	**Approve with conditions**

II. BACKGROUND

On June 11, 1997 the Planning Commission approved a Conditional Use Permit (CUP) for a mixed use building located at 875 Main Street (Exhibit A). The proposal includes commercial and hotel/residential uses with a common underground parking structure accessing 9th Street. Planning Commission approval of the 875 Main Street CUP included a condition of approval related to parking. The general architectural design was reviewed and approved by the Historic District Commission on May 9, 1997.

On May 27, 1998 the Commission discussed the applicant's request for final approval of a parking management plan to allow a blended parking rate for this project (see Exhibit B for minutes of the May 27 discussion). The Commission discussed and was comfortable with the

blended parking rate of one parking space per thousand square feet of residential use and three parking spaces per thousand square feet of commercial/retail uses.

III. PROJECT DESCRIPTION

The applicant submitted a parking management plan (see Exhibit C) to complement the previously submitted parking agreement and request for a blended parking ratio. The plan outlines a flexible strategy to address seasonal differences in parking demand, provide adequate parking for the residential uses, and provide a control mechanism to keep parking for commercial uses turned over. Any proposed directional signs regarding parking will be reviewed by staff as part of the master sign plan for the building.

If the Summit Watch blended parking formula is applied to the project at 875 Main Street (12,380 sf of residential and 4,440 sf of commercial, including restaurants), the parking requirement is 26 spaces. A total of 27 spaces are proposed by the applicant (subject to final review by the Community Development Department). All code required parking for 875 Main Street will be met in the on-site parking structure, provided that the blended parking ratio is approved. Planning staff will verify that the parking structure meets the LMC requirements of Chapter 13 for parking space and drive aisle dimensions prior to issuance of a building permit for 875 Main Street. At this time, several parking spaces do not meet the minimum dimension requirements.

At the May 27 meeting, the Commission also discussed a parking agreement with Summit Watch to allow shared parking between 875 Main Street and Summit Watch. A parking agreement between these two projects is included as part of the Parking Plan. The applicant agrees to physically tie his parking structure into the Sweeney Town Lift/Caledonian parking structure, which will facilitate additional shared parking opportunities in the "lower Main Street area".

IV. ANALYSIS

Section 10.9 (d) of the LMC allows the Planning Commission to increase or decrease the required number of off-street parking spaces in consideration of a) the probable number of cars owned or required by occupants of dwellings in the MPD, b) parking needs of non-residential uses, c) varying time periods of use when shared parking arrangements are proposed, and d) the applicant provides assurance that the nature of the occupancy will not change.

With 1) the location and nightly rental/pedestrian nature of the use, 2) a parking agreement proposed between Summit Watch and 875 Main Street, 3) the overall number of spaces available for these two projects through this agreement and 4) a direct vehicular connection between the 875 Main Street parking structure and the Town Lift Plaza/Caledonian parking structure planning staff believes the factors for consideration of a variation, in the form of a blended parking ratio, in the parking requirement do exist.

V. RECOMMENDATION

Staff believes that the proposed plan adequately addresses conditions of approval regarding parking and therefore, recommend the Commissioners approve the applicant's proposed parking plan based on the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact

1. The property at 875 Main Street is zoned HRC, Historic Resort Commercial. The site is subject to the "1982 Agreement" between the property owners of the original Town Lift Conceptual Plan and the City. The agreement was amended in 1992. The amended "1992 Agreement" provides this property owner the option to utilize requirements of the HCB, Historic Commercial Business, district for development of this site. Copies of these agreements are on file at the Planning Department.

2. On June 11, 1997 the Planning Commission approved a Conditional Use Permit (CUP) for a mixed use building on the 0.26 acre site. One of the conditions required the applicant to submit a Parking Plan for review and approval by the Planning Commission. General architectural plans were approved by the Historic District Commission on May 9, 1997.

3. The mixed use building consists of 13 nightly rental condominiums (12, 380 sf), 842 sf of support commercial uses, and 4,442 gross sf of commercial space. A common underground parking structure with 27 spaces is shown on the site plan (subject to final review by the Community Development Department for compliance with the LMC in terms of size, dimension, and usefulness.)

4. This property was part of the Town Lift Conceptual Master Plan (1986), that also included the parcels that were combined to form the Summit Watch MPD. McIntosh Mill has ownership interests in both 875 Main Street and the Summit Watch project (commercial portion, including the parking structure). Parking for the Summit Watch MPD was calculated on a blended parking ratio of 1 space per 1,000 sf of residential uses and 3 spaces per 1,000 sf of leasable commercial space, including restaurants and bars. A total of 312 parking spaces were created with this formula.

5. If the "Summit Watch" parking formula is applied to the project at 875 Main Street, the parking requirement is 26 spaces.

6. The applicant agrees to physically connect the future parking structure for 875 Main Street with the existing 147 space parking structure for the Town Lift Plaza/Caledonian complex. Existing cross-access easements can be utilized.

7. Section 10.9 (d) of the LMC allows the Planning Commission to increase or decrease the required number of off-street parking spaces in consideration of a) the probable number of cars owned or required by occupants of dwellings in the MPD, b) parking needs of non-residential uses, c) varying time periods of use when shared parking arrangements are

proposed, and d) the applicant provides assurance that the nature of the occupancy will not change. Section 13.1 of the LMC states that "Required parking must be provided on the same lot as the main building."

8. The proposed building includes a mix of nightly rental units and pedestrian oriented commercial uses. The first floor commercial uses are located with access onto lower Main Street and the second floor commercial uses are located with direct access to the existing pedestrian oriented Town Lift Plaza. In close proximity, ie. directly across Main Street, is the mixed use Summit Watch project with over 52,000 square feet of pedestrian oriented shops and restaurants. The pedestrian friendly Main Street trolley's turn-around and terminus is located within close proximity of 875 Main, ie across 9th Street.

9. The applicant stipulates to the conditions of approval.

Conclusions of Law

1. The proposed parking plan complies with criteria as stated in Sections 10.9 (d) and Section 13.1 of the Land Management Code regarding off-street parking.

2. The proposed parking plan complies with conditions of the June 11, 1997 Planning Commission approval of 875 Main Street CUP.

Conditions of Approval

1. All standard project conditions shall apply to this project.

2. All conditions of the May 5, 1997 Historic District Commission approval shall continue to apply to this project.

3. All conditions of the June 11, 1997 Planning Commission approval shall continue to apply to this project.

4. Any change in the proposed Parking Management Plan and Parking Agreements between 875 Main Street and the Summit Watch-Marriot project and/or the Town Lift/Caledonian project shall be reviewed by the Community Development Department (CDD). Significant changes may require review and approval by the Planning Commission, as determined by the CDD Director.

5. The Parking Agreement between Marriott Ownership Resorts, Inc.; McIntosh Mill, LTD; and GKM, LTD, shall be signed and executed prior to issuance of a certificate of occupancy for the 875 Main Street building.

VI. EXHIBITS

EXHIBIT A- Location Map
EXHIBIT B- Minutes of the May 27, 1998 meeting
EXHIBIT C- Applicant's proposed parking plan and agreement

MAIN875.PKP

Action letter

EXHIBIT J

Exhibit J

PARK CITY 1884

Department of Community Development
Engineering • Building Inspection • Planning

October 27, 1998

Harry Reed
McIntosh Mill Ltd
P O Box 1330
Park City UT 84060

NOTICE OF PLANNING COMMISSION ACTION

Project Name 875 Main Street-McIntosh Mill CUP

Project Description Parking Management Plan

Date of Meeting July 8, 1998

Action Taken By Planning Commission Approved in accordance with the findings of fact, conclusions of law, and conditions of approval.

Conditions of Approval

1. All standard project conditions shall apply to this project.
2. All conditions of the May 5, 1997, Historic District Commission approval shall continue to apply to this project.
3. All conditions of the June 11, 1997, Planning Commission approval shall continue to apply to this project.
4. Any change in the proposed Parking Management Plan and Parking Agreements between 875 Main Street and the Summit Watch-Marriott project and/or the Town Lift/Caledonian project shall be reviewed by the Community Development Department (CDD). Significant changes may require review and approval by the Planning Commission as determined by the CDD Director.
5. The Parking Agreement between Marriott Ownership Resorts, Inc., McIntosh Mill, LTD; and
6. GKM, LTD, shall be signed and executed prior to issuance of a certificate of occupancy for the 875 Main Street building.

Park City Municipal Corporation • 445 Marsac Avenue • P.O. Box 1480 • Park City, UT 84060-1480
Community Development (435) 615-5055 • Engineering (435) 615-5055 • Building (435) 615-5100
Planning (435) 615-5060 • FAX (435) 615-4906

Date of Expiration July 8, 1999

Sincerely,

Kirsten A. Whetstone, AICP
City Planner

KAW/rr

EXHIBIT K

Parking Plan

Exhibit K

PARKING PLAN
MCINTOSH MILL AND SUMMIT WATCH GARAGES

The object of this plan is to have parking available to Lodging Guests and Commercial Customers. There will also be some parking allocated to employees. There must be different approaches for each season. This plan will have to be flexible.

What we have learned is that many of the Marriott guest do not bring cars. Therefore we have found even though the commercial space is over 80% leased and Marriott had consistently more than 90% of their rooms rented this winter the parking was seldom more than two- thirds full. This shows over a three year period that the mixed use parking works as it is intended.

PLAN A

No control, just let anyone park. Tow away cars that stay over one week.

PLAN B

Limit parking to two hours except those who are Marriott guests or limited number of employees hang tags.

PLAN C

Use parking control systems to implement validated parking. Merchants will receive free Validations for two hours. Marriott guests will receive a weekly validation and some employees will receive passes. Paid parking will be implemented on a space available bases.

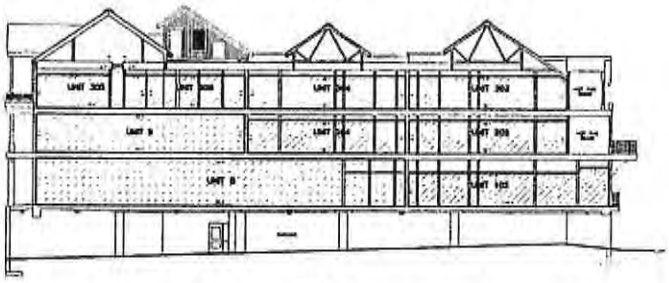
PLAN D:

Lodging guests who bring cars will receive a reserved sign for a week which will hold a parking place during their stay. Possibly charge lodge guests for parking to further discourage bringing cars.

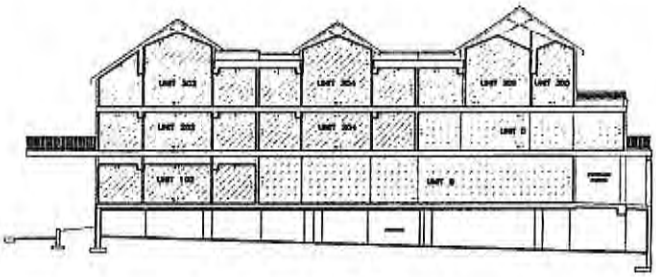
PLAN A, B , C or D- will be used according to season and amount of parking being used. Patrons will be encouraged to go to the other garage if there is an overflow.

IMPLEMENTATION OF CROSS OVER PARKING

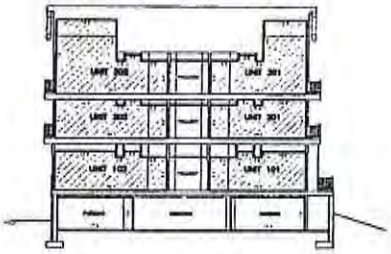
Each garage will have a sign advising patrons to go to the other Garage if the Garage they are in is full. During periods of high use, we will be using Plan"C" and the attendants will advise customers to use the other Garage.



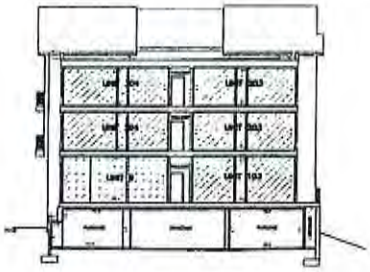
SECTION 'A'



SECTION 'C'



SECTION 'B'



SECTION 'D'

RECEIVED
DEC 14 1998
PARK CITY
PLANNING DEPT.

LEGEND

- COMMON AREAS AND FACILITIES
- PRIVATE RESIDENTIAL OWNERSHIP
- LIMITED COMMON AREAS
- PRIVATE COMMERCIAL OWNERSHIP

BASELODGE AT TOWN LIFT

A UTAH CONDOMINIUM PROJECT LOCATED LOCATED IN SECTION 18
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE
AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

RECORDED

McINTOSH MILL LIMITED PARTNERSHIP

PREAMBLE TO PARKING PLAN

We have operated the Marriott Summit Watch Garage, which includes Building A1-Marriott Sales Office for four years. We have applied (Code 13-4 in Parking Master Plan Development) in conjunction with our MPD approval. Each phase has met the 3 per 1000 on commercial and 1 per 1000 on residential concept, because most lodging guests don't bring cars in the winter. The mixed use concept has worked, even during film festival with 98% occupancy, there has not been a problem in our Project.

This property is the perfect example of how mixed uses consisting of nightly rental office and commercial works to compliment each others' parking needs.

P.O. BOX 1330 • PARK CITY, UTAH 84060
TELE. 801-649-9084 • FAX 801-649-8207

VINCENT J. CIECKA
MEMBER OF NEW JERSEY
AND TEXAS BARS
CERTIFIED CIVIL TRIAL ATTORNEY

MICHAEL SUSSEN**
JEFFREY GRUDKO**
JOSEPH E. KERRY**
**MEMBER OF NJ AND PA BARS

LAW OFFICES
VINCENT J. CIECKA
A PROFESSIONAL CORPORATION
PENN OAK BUILDING
5709 WESTFIELD AVENUE
PO BOX 560
PENNSAUKEN, NEW JERSEY 08110-0560
(609) 665-5709
PRE-LITIGATION FAX #: (609) 665-0095
LITIGATION FAX #: (609) 665-4107

PHILADELPHIA OFFICE
MELLON BANK BUILDING, SUITE 3901
1735 MARKET STREET
PHILADELPHIA, PA 19103
(215) 271-5709

February 15, 1999

Kirsten A Whetstone, AICP
Park City - City Planner
P.O. Box 1480
Park City, Utah 084060-1480

Re: 875 Main Street
Harry Reed, McIntosh Mill Application
2/24/99 Planning Commission Review
3/4/99 City Council Final Action

Dear Ms. Whetstone,

Kindly forward this letter to the appropriate person. I would like to obtain a copy of the plans for this proposed 17 unit development on what appears to be a very small .26 parcel of land. I am the owner of unit 120 of the Park Station Condominiums and am concerned about parking and congestion in this area. I will not be able to attend either of the meetings but would like to review the proposed plans so as I can register my concerns by mail if necessary. Please forward whatever information you can to my litigation fax at (609)-665-4107.

Sincerely,

Vincent J. Ciecka

faxed staff report 2.19.99 LE 2.15.99

RECEIVED
FEB 19 1999
PARK CITY
PLANNING DEPT

EXHIBIT L

original Easement Deed
Exhibit L

When Recorded, Return to:

Thomas E. Clyde, Esq.
5800 Bull Moose Road
Woodland, UT 84036

00380058 BK0728 PG012
-/3?

ALAN SPRIGGS, SUMMIT COUNTY RECORDER
1993 MAY 27 15:02 PM FEE $37.00 BY C
FOR: COALITION TITLE

EASEMENT DEED

QUITTING TIME, LTD., a limited partnership of the State of Utah, GRANTOR, in consideration of Ten Dollars and other sufficient consideration, including a reciprocal easement deed recorded concurrently herewith, hereby conveys and warrants to McINTOSH MILL LTD., a limited partnership of the State of Utah, its successors and assigns in interest in the Dominant Property as hereinafter defined, and their respective tenants and guests, collectively GRANTEE, a perpetual, non-exclusive easement 24 feet in width running from the northerly boundary to the westerly boundary of, and over and across the following described land located in Park City, Summit County, Utah:

> see attached Schedules "1," "2," "3," and "4" for description of Servient Property, which schedules are by this reference made a part hereof and which property is referred to below as the Servient Property.

This easement is granted solely for the following purposes, and upon the following terms, conditions, and covenants:

1. Dominant Property. This easement is granted for the use and benfit of, and shall be an appurtenance to, the following described property, which is referred to below as the Dominant Property:

> see attached Schedule "5" for description of Dominant Property, which schedule is by this reference made a part hereof.

2. Driveway Use. Grantee shall have the right to use the easement for a driveway for ingress and egress to the Dominant Property. The driveway use is for pedestrian and vehicular ingress and egress, service and delivery.

EXHIBIT "L"

3. Driveway Location. Within the Servient Property, the Grantor may locate the easement at any location it sees fit, and relocate the easement from time to time at the expense of the owner of the Servient Property. This right to re-locate the easement is subject to the following limitations:

a. The driveway will commence at the boundary line between on the one hand, the parcels identified in Schedule "2" (Parcel 2-A) and Schedule "4" (Parcel 6) and on the other, the Dominant Property beginning at a point that is 16.72 feet, more or less, east of the southwestern corner of the Dominant Property, will always have a width of 24 feet, and will ultimately end at the westerly boundary of the parcels identified in Schedule "1" (Parcel 1), Schedule "3" (Parcel 5) and Schedule "4" (Parcel 6), unless Grantor elects, in its sole and absolute discretion, to construct a driveway across the southerly border of the parcel identified in Schedule "1" (Parcel 1) which exits along the southerly boundary of said parcel, in which event the easement granted hereby in favor of Grantee shall automatically also apply to said driveway. No relocation of the easement will be of such a design that it unreasonably restricts vehicular access due to turns sharper than 90°. The easement shall not interfere with the Town Lift base facilities.

b. The finished floor elevation of any garage built over or around the easement will start at 6971.84 feet * above sea level at the point where it crosses the boundary line between the Servient and Dominant Properties, and provide either a level floor or ramps at a grade suitable for a parking garage until exiting the Servient Property either at 7th Street (i.e., the southerly boundary of the Servient Property) or Park Avenue (i.e., the westerly boundary of the Servient Property).

c. The overhead clearance over the easement will be at least 7 feet of unobstructed head room. No lights, pipes, ducts, beams, or other physical obstructions may reduce the overhead clearance over the driveway easement to less than 7 feet.

00380058 Bk0728 Pg012

4. Temporary Driveway. Until such time as Grantor or its successors or assigns builds on the Servient Property, Grantee shall have the right, but not the obligation, to use the easement and such other portions of the Servient Property as are reasonably necessary to construct and pave, at Grantee's sole expense, a temporary driveway along the easement and thereafter maintain the same at Grantee's sole expense. This temporary driveway will be located on the Servient Property at a location where it does not interfere with the use and operation of the ski lift now located on the Servient Property and related base facilities. Any landscape requirements imposed by the City of Park City as a condition of the construction of the temporary driveway are the sole expense of Grantee. Until such time as Grantor or its successors or

assigns builds on the Servient Property, Grantee shall have the right to use such portions of the Servient Property as are reasonably necessary to enable Grantee to construct a parking garage on the Dominant Property, so long as such use of the Servient Property does not interfere with the Town Lift base facilities.

5. Construction on Servient Property. Grantor hereby reserves all rights to the Servient Property other than those expressly granted in this easement, including the right to build a building on, over, and around the easement, provided that the minimum access will be maintained upon the completion of construction. When Grantor elects to build on the Servient Property, such construction will be subject to the following:

a. Grantor shall have the right to remove any improvements constructed by Grantee under the temporary easement, at the cost of the Grantor. Grantee will be given advance notice of the proposed construction and a reasonable opportunity to salvage any materials that might be salvageable for re-use.

b. During the actual period of construction, Grantor may block the easement to accommodate actual excavation for foundations, actual pouring of concrete and other construction activities that make it impossible or unsafe for the users of the easement to cross through the Servient Property, provided that Grantor will pursue such construction with reasonable diligence, and as soon as practicable, re-open the driveway for use.

c. Doorways and security will be of a design that meets the applicable codes for drainage, as provided below.

6. Use by Servient Property Owner. Grantor, for itself and each subsequent owner of the Servient Property, reserves the right at all times, and without restriction by Grantee, to use the easement for a driveway access to the Servient Property, to build over, under, or around the easement subject to the restrictions contained in this Easement Deed, to install underground utilities within the easement, and to grant to third parties additional easements or rights for utilities, access, or other purposes that are not inconsistent with Grantee's rights hereunder. Except as specifically granted in this Easement Deed, all other rights in conjunction with the Servient Property are reserved to the owner of that Property, and will not be unreasonably interfered with.

7. Insurance. From the time that Grantee begins using the easement, whether as a temporary surface easement, or

when there is a building built on the Servient Property, and as a condition precedent to any use of the Servient Property, the owner of the Dominant Property will provide the following insurance:

a. Insurance. The owner of the Dominant Property will provide public liability and property damage insurance covering the use and operation of the easement. The minimum policy amount will provide a minimum of $1 million in public liability coverage for each occurrence, and $500,000 in property damage for each occurrence. The owner of the Servient Property will be named as an additional insured. The insurance policies will have a ten day cancellation notification provision in favor of the additional insureds. The policies will be written by insurance companies reasonably acceptable to the additional insured parties, which consent will not be unreasonably withheld.

b. Indemnity. Notwithstanding the insurance required above, whether policies are in place or not, or sufficient to cover any claims, the owner of the Dominant Property agrees to indemnify and hold harmless the owner of the Servient Property from any claims of personal injury or property damage resulting from the construction, maintenance, or of this easement by the Grantee.

c. Construction Bonding. All construction work undertaken in conjunction with the initial construction, operation, maintenance, or use of the temporary surface easement will be bonded if the cost or nature of the work is such that it might reasonably exceed $5,000. Contractors will provide a 100% material and labor payment bond, and also a 100% completion bond guaranteeing the prompt completion of any work.

d. Mechanics Liens. The Servient Property shall never be subject to liens or claims for construction labor or materials resulting from the construction of the temporary driveway easement. Upon receipt of notice of any lien, the owner of the Servient Property will notify the owner of the Dominant Property, who will have 45 days to discharge the lien, or place funds in escrow sufficient to discharge the lien while diligently contesting it. If the owner of the Servient Property discharges the lien (which it may do in its sole and absolute discretion, but without obligation to do so), the owner of the Dominant Property agrees to reimburse the owner of the Servient Property. Any such payment to discharge a lien will bear interest at the rate of 3% over the prime lending rate announced by Bank of America, or 12% per annum, whichever is higher. If any action is brought to collect the amount of any lien, the owner of the Servient Property is

entitled to collect all costs of court and reasonable attorneys fees incurred in defending the title to the Servient Property against the lien, and recovering the amount of any payment to discharge the lien from the owner of the Dominant Property.

e. Construction insurance. All contractors performing work on the construction, maintenance, or repair of the driveway will be required to provide Builder's All Risk insurance with liability limits of at least $1 million. Contractors will also have to provide evidence of workman's compensation insurance coverage. The owner of the Servient Property will be named as an additional insured on these policies.

8. Management of Parking Garage. When both the Dominant and Servient Properties are developed, it is anticipated that the parties will operate the underground garage as a single garage, with common insurance, security, management and maintenance. This may be accomplished as the parties agree, whether in a condominium owners regime or by leases and cross easements.

9. Exceptions. This grant of easement is also subject to the exceptions listed on Schedule "6."

Executed this 10TH day of May, 1993.

GRANTOR:

QUITTING TIME, LTD., a Utah limited partnership

By Patrick Sweeney
Patrick Sweeney,
President of MPE, Inc.,
General Partner

STATE OF UTAH)
:ss
COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me this 10TH day of May, 1993 by Patrick Sweeney, the President of MPE, Inc., the general partner of Quitting Time, Ltd., a Utah limited partnership, who executed the foregoing on behalf of that partnership with proper authority.

Notary Public
Residing at: Summit Co. UT

Commission Expires
Nov. 27 1993

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When Recorded, Return to:

Geoffrey W Mangum, Esq.
PRINCE, YEATES & GELDZAHLER
175 East 400 South, Suite 900
Salt Lake City, UT 84111

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ALAN SPRIGGS, SUMMIT COUNTY RECORDER
1993 MAY 27 14:55 PM FEE $36.00 BY
FOR: COALITION TITLE

EASEMENT DEED

McINTOSH MILL, LTD., a limited partnership of the State of Utah, GRANTOR, in consideration of Ten Dollars and other sufficient consideration, including a reciprocal easement deed recorded concurrently herewith, hereby conveys and warrants to QUITTING TIME LTD., a limited partnership of the State of Utah, its successors and assigns in interest in the Dominant Property as hereinafter defined, and their respective tenants and guests, collectively GRANTEE, a perpetual, non-exclusive easement 24 feet in width running from the southerly boundary to the northerly boundary of, and in, under, over and across the following described land located in Park City, Summit County, Utah:

see attached Schedule "1" for description of Servient Property, which schedule is by this reference made a part hereof and which property is referred to below as the Servient Property.

This easement is granted solely for the following purposes, and upon the following terms, conditions, and covenants:

1. Dominant Property. This easement is granted for the use and benefit of, and shall be an appurtenance to, the following described property, which is referred to below as the Dominant Property:

see attached Schedules "2," "3," "4" and "5" for description of Dominant Property, which schedules are by this reference made a part hereof.

EXHIBIT "M"

2. Driveway Use. Grantee shall have the right to use the easement for a driveway for ingress and egress to the Dominant Property. The driveway use is for pedestrian and vehicular ingress and egress, service and delivery.

3. Driveway Location. Within the Servient Property, the Grantor may locate the easement at any location it sees fit, and relocate the easement from time to time at the expense of the owner of the Servient Property. This right to re-locate the easement is subject to the following limitations:

a. The driveway will commence at the boundary line between, on the one hand, the parcel identified in Schedule "1" (Parcel 7) and on the other, the parcels identified in Schedule "3" (Parcel 2A) and Schedule "5" (Parcel 6), beginning at a point that is 16.72 feet, more or less, east of the southwestern corner of the Servient Property, will always have a width of 24 feet, and will ultimately end at the northerly boundary of the Servient Property. No relocation of the easement will be of such a design that it unreasonably restricts vehicular access due to turns sharper than 90°.

b. The finished floor elevation of any garage built over or around the easement will start at 6971.84 feet above sea level at the southerly boundary of the Servient Property and then slope towards the northern boundary of the Servient Property in order to allow for flood water drainage from the Dominant Property over the easement as described below.

c. The overhead clearance over the easement will be at least 7 feet of unobstructed head room No lights, pipes, ducts, beams, or other physical obstructions may reduce the overhead clearance over the driveway easement to less than 7 feet.

4. Temporary Driveway. Until such time as Grantor or its successors or assigns builds on the Servient Property, Grantee shall have the right, but not the obligation, to use the easement and such other portions of the Servient Property as are reasonably necessary to excavate, construct and pave, at Grantee's sole expense, a temporary driveway along the easement and thereafter maintain the same at Grantee's sole expense. This temporary driveway will be located approximately at the center of the Servient Property to permit the Grantor to provide (where possible) temporary surface parking on either side of the driveway. Grantee shall have no obligation to build a retaining wall. Excavation shall only take place where necessary because of changes in grade. Any landscape requirements imposed by the City of Park City as a condition of the construction of the temporary driveway are the sole expense of Grantee. Until such time as Grantor or its successors or assigns builds on the Servient Property, Grantee shall have the

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right to use such portions of the Servient Property as are reasonably necessary to enable Grantee to construct a parking garage on the Dominent Property.

5. Construction on Servient Property. Grantor hereby reserves all rights to the Servient Property other than those expressly granted in this easement, including the right to build a building on, over, and around the easement, provided that the minimum access will be maintained upon the completion of construction. When Grantor elects to build on the Servient Property, such construction will be subject to the following:

a. Grantor shall have the right to remove any improvements constructed by Grantee under the temporary easement, at the cost of the Grantor. Grantee will be given advance notice of the proposed construction and a reasonable opportunity to salvage any materials that might be salvageable for re-use.

b. During the actual period of construction, Grantor may block the easement to accommodate actual excavation for foundations, actual pouring of concrete and other construction activities that make it impossible or unsafe for the users of the easement to cross through the Servient Property, provided that Grantor will pursue such construction with reasonable diligence, and as soon as practicable, re-open the driveway for use, and will at all times provide for flood water drainage as described below.

c. Doorways and security will be of a design that meets the applicable codes for drainage, as provided below.

d. In the event that the Dominant Property is still unimproved at the time the Servient Property is improved, the wall on the common boundary between the two will be finished with a knock-out panel so that when the Dominant Property is improved, the driveways can be linked with a minimum of expense or remodeling of the property.

6. Flood Drainage Use. Both the Dominant and Servient Properties have been identified as being within a 100 year flood plain, and are subject to special requirements for the drainage of flood waters from the properties. The Park City Land Management Code in effect at the time this easement is granted is fully satisfied by allowing flood drainage from the Dominant Property to flow along the easement hereby granted through to 9th Street. Accordingly, Grantee shall also have the right to use the easement granted hereby for flood drainage purposes. To accommodate this drainage function, the finished floor elevation of the garage will start at 6971.84 feet above *

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sea level at the southern boundary of the Servient Property, slope towards the northern boundary of the Servient Property, with no ramps, speed bumps, or other areas within the easement that raise that elevation or would otherwise divert the water or prevent it from draining.

7. Storm Drain Use. Grantee, at its sole cost and expense, shall also have the right, but not the obligation, to use the easement for the construction, installation, use, maintenance, repair and replacement, as required, of an underground storm drain servicing the Dominant Property. The Servient Property shall also be entitled to make use of the storm drain. During such construction, Grantee shall also have the right to use such other portions of the Servient Property as are reasonably necessary to construct said storm drain.

8. Use by Servient Property Owner. Grantor, for itself and each subsequent owner of the Servient Property, reserves the right at all times, and without restriction by Grantee, to use the easement for a driveway access to the Servient Property, to build over, under, or around the easement subject to the restrictions contained in this Easement Deed, to install underground utilities within the easement, and to grant to third parties additional easements or rights for utilities, access, or other purposes that are not inconsistent with Grantee's rights hereunder. Except as specifically granted in this Easement Deed, all other rights in conjunction with the Servient Property are reserved to the owner of that Property, and will not be unreasonably interfered with.

9. Insurance. From the time that Grantee begins using the easement, whether as a temporary surface easement, or when there is a building built on the Servient Property, and as a condition precedent to any use of the Servient Property, the owner of the Dominant Property will provide the following insurance:

a. Insurance. The owner of the Dominant Property will provide public liability and property damage insurance covering the use and operation of the interim drainage easement. The minimum policy amount will provide a minimum of $1 million in public liability coverage for each occurrence, and $500,000 in property damage for each occurrence. The owner of the Servient Property will be named as an additional insured. The insurance policies will have a ten day cancellation notification provision in favor of the additional insureds. The policies will be written by insurance companies reasonably acceptable to the additional insured parties, which consent will not be unreasonably withheld.

b. Indemnity. Notwithstanding the insurance required above, whether policies are in place or not, or sufficient to cover any claims, the owner of the Dominant Property agrees to indemnify and hold harmless the owner of the Servient Property from any claims of personal injury or property damage resulting from the construction, maintenance, or of this easement by the Grantee.

c. Construction Bonding. All construction work undertaken in conjunction with the initial construction, operation, maintenance, or use of the temporary surface easement will be bonded if the cost or nature of the work is such that it might reasonably exceed $5,000. Contractors will provide a 100% material and labor payment bond, and also a 100% completion bond guaranteeing the prompt completion of any work.

d. Mechanics Liens. The Servient Property shall never be subject to liens or claims for construction labor or materials resulting from the construction of the temporary driveway easement. Upon receipt of notice of any lien, the owner of the Servient Property will notify the owner of the Dominant Property, who will have 45 days to discharge the lien, or place funds in escrow sufficient to discharge the lien while diligently contesting it. If the owner of the Servient Property discharges the lien (which it may do in its sole and absolute discretion, but without obligation to do so), the owner of the Dominant Property agrees to reimburse the owner of the Servient Property. Any such payment to discharge a lien will bear interest at the rate of 3% over the prime lending rate announced by Bank of America, or 12% per annum, whichever is higher. If any action is brought to collect the amount of any lien, the owner of the Servient Property is entitled to collect all costs of court and reasonable attorneys fees incurred in defending the title to the Servient Property against the lien, and recovering the amount of any payment to discharge the lien from the owner of the Dominant Property.

e. Construction insurance. All contractors performing work on the construction, maintenance, or repair of the driveway and storm drain will be required to provide Builder's All Risk insurance with liability limits of at least $1 million. Contractors will also have to provide evidence of workman's compensation insurance coverage. The owner of the Servient Property will be named as an additional insured on these policies.

10. Management of Parking Garage. When both the Dominant and Servient Properties are developed, it is anticipated that the parties will operate the underground garage as a single garage, with common insurance, security,

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management and maintenance. This may be accomplished as the parties agree, whether in a condominium owners regime or by leases and cross easements.

11. Exceptions. This grant of easement is also subject to the exceptions listed on Schedule 6.

Executed this 18 day of May, 1993.

GRANTOR:

McINTOSH MILL, LTD., a Utah limited partnership

By Harry Reed
Harry Reed, General Partner

STATE OF UTAH)
:ss
COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me this 18 day of May, 1993 by Harry Reed, who is the general partner of McIntosh Mill, Ltd., a Utah limited partnership, who executed the foregoing on behalf of that partnership with proper authority.

Notary Public
Residing at: Summit Co Ut

Commission Expires:
Nov 27, 1995

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EXHIBIT M

Amended Easement Deed

Exhibit M

When Recorded, Mail to:
MPE, Inc.
P.O. Box 2429
Park City, Utah 84060

Space Above for Recorder's Use

Amended and Restated
CROSS EASEMENT AGREEMENT

THIS AGREEMENT made this 1st day of OCTOBER, 1996, by and between Quitting Time Limited Partnership, a Utah limited partnership ("Quitting Time"), SWEENEY LAND COMPANY, a Utah general partnership, MPE Inc. a Utah corporation (collectively "Sweeney") and THE CALEDONIAN COMPANY, L.L.C. a Utah limited liability company ("CALCO").

WHEREAS, Quitting Time, Sweeney and CALCO's predecessor in interest, Town Lift Hotel Partners, a Utah limited partnership, previously executed a Cross Easement Agreement dated November 10, 1994 and recorded January 13, 1995 as Entry No. 00422985 at Book 00862, Pages 00313-00422 of the Records of the Summit County Recorder, which agreement this Agreement amends and restates in its entirety; and

WHEREAS, under the terms of Quitting Time's Limited Partnership Agreement provision was made for the the distribution of its assets to its partners, which assets included the CALCO Site and the Sweeney Sites (as said terms are hereinafter defined); and

WHEREAS, the parties hereto now desire to develop and utilize a certain parcel of real estate owned by CALCO located in Summit County, Utah and described on Exhibit "A" hereto (the "CALCO Site") and two other certain parcels of real estate owned by Sweeney located in Summit County, Utah described on Exhibit "B" hereto (the "Sweeney Sites") (said sites are sometimes referred to singly as a "Site") and collectively referred to as the "Entire Parcel") as an integrated and unified hotel/residential and commercial shopping condominium, retail center and Town Lift Base; and

WHEREAS, the parties hereto desire to provide and maintain reciprocal easements for pedestrian and vehicular ingress, egress, parking, passage and traffic and for utilities in, over, upon, across and through the Common Areas (as defined Section 1.04 below) and such other areas as are hereinafter provided as though the Entire Parcel were developed and utilized as a single integrated and unified hotel/residential and commercial shopping condominium, retail center (including food sales) and Town Lift

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ALAN SPRIGGS, SUMMIT COUNTY RECORDER
1996 OCT 01 16:05 PM FEE $234.00 BY DMG
REQUEST: COALITION TITLE

234.00

Base (collectively "Project"); and

NOW, THEREFORE, in consideration of One Dollar ($1.00) the mutual covenants and agreements herein contained and other good and valuable consideration, the receipt, value and sufficiency of which is hereby acknowledged, the parties hereby covenant and agree as follows:

ARTICLE I
Definitions

1.01 Association. The term "Association" shall mean the association of condominium unit owners as described in Utah Code Annotated, Sections 57-8-15 through 57-8-16.5, which will regulate the rights and the responsibilities of owners of any condominium located upon the CALCO Site upon the approval, execution and recordation of the condominium declaration (the "Declaration") and record of survey map (the "Map"). The Association shall be subject to the terms and conditions of this Agreement. The Association when formed will regulate the rights and responsibilities contained herein of the Owners of the CALCO Site upon recordation of the Declaration and Map as further defined below.

1.02 Benefited Site. The term "Benefited Site" shall mean and refer to those portions of the Entire Parcel which are benefited by the easements and rights herein set forth and constitute the dominant estate.

1.03 Burdened Site. The term "Burdened Site" shall mean and refer to those portions of the Entire Parcel which are burdened by the easements and rights hereinafter set forth and constitute the servient estate.

1.04 Common Areas. The term "Common Areas" shall mean and include all parts of the Entire Parcel which are from time to time devoted primarily to stairways and elevators serving parking, approaches, exits, entrances, sidewalks, exterior landscaping, exterior and interior driveways, and other similar areas and the common lighting, drainage and utility facilities; excluding, however, any such areas which are exclusively dedicated to the use of the Owners of the residential condominium or hotel units under the Declaration and located on the CALCO Site and the Owners of the Sweeney Sites as set forth in Section 2.01.7(c)(vii) herein.

1.05 Declaration. The term "Declaration" shall mean the declaration of the mixed-used residential and commercial condominium project, including parking garage, currently being constructed by CALCO upon the CALCO Site in accordance with the Guidelines (hereinafter referred to as the "The Caledonian Condominiums") which Declaration is to be recorded upon

substantial completion of The Caledonian Condominiums.

1.06 Guidelines. The term "Guidelines" shall mean and refer to that certain document entitled "Guidelines and Volumetrics Town Lift Project - Phase B", revised March 17, 1994 including Sheets 1-3 prepared by Eldon Beck Associates (the "Eldon Beck Associates Drawings") and Sheets 1-16 prepared by Alliance Engineering (the "Alliance Engineering Drawings"), which are a part thereof, a copy of which is attached as Exhibit "C". Said Guidelines received small scale master plan and preliminary plat approval on December 30, 1992 by the Park City Council, subsequently were amended and ratified by Park City's Town Lift Design Review Task Force on June 7, 1993 and August 2, 1993 respectively, and received final plat approval by ordinance of the Park City Council on March 3, 1994.

1.07 Map. The term "Map" shall mean the Record Map of Survey of The Caledonian Condominiums which is to be recorded upon substantial completion of The Caledonian Condominiums.

1.08 Occupant. The term "Occupant" shall mean and include each of the parties hereto and each Owner, their respective heirs, successors and assigns (including mortgagees) and any person who shall be from time to time entitled to the use and occupancy of space located within the Entire Parcel under any lease, sublease, license or concession agreement, or other instrument or arrangement under which such rights are acquired.

1.09 Owner. The term "Owner" shall mean each of the parties hereto and each individual, partnership, joint venture, corporation, trust, unincorporated association, governmental agency or other business entity now or hereafter holding an Ownership interest in fee in any part of the Entire Parcel (which persons are herein sometimes singularly called an "Owner" and collectively called the "Owners"); provided, however, subsequent to the recording of the Declaration and Map (as defined above) all of the rights and obligations of the Owners of the CALCO Site shall be deemed to be vested in the Association and its Board of Trustees and governed by the Bylaws of such Association.

1.10 Permittees. The term "Permittees" shall mean and refer to all Occupants and all guests, customers, employees, licensees and other business invitees of Occupants.

1.11 Town Lift. The term "Town Lift" shall mean the ski lift commonly known as the "Town Lift" and being the same ski lift referred to in the Town Lift Agreement and Guidelines that terminates at the Town Lift Base.

1.12 Town Lift Base. The Town Lift Base ("Town Lift Base") is shown on the Eldon Beck Associates Drawings and the Alliance Engineering Drawings and is subject to the terms of the

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1981 Town Lift Agreement (the "Town Lift Agreement") a copy of which is attached as Exhibit "D". The parties acknowledge that part of the Entire Parcel continues to be subject to the Town Lift Agreement and that Owners shall jointly and severally enjoy whatever rights are granted to Quitting Time's predecessor in interest thereunder and shall be subject to the obligations imposed thereunder. In the event said Town Lift Agreement conflicts with any term hereof, the terms hereof shall govern unless third parties have the right to enforce said Town Lift Agreement against the Owners in a manner contrary to the terms hereof.

ARTICLE II
Easements

2.01 Grant of Easements. CALCO and Sweeney hereby grant to one another and to the Owners the following easements for use by CALCO, Sweeney and the Owners and their respective Permittees, without payment of any fee or charge, except as otherwise agreed in writing between the Owners:

2.01.1 Pedestrian Easements. Nonexclusive easements for the purpose of pedestrian traffic between each Site and (i) each other Site which is contiguous thereto; (ii) the public streets and alleys now or hereafter abutting or located on any portion of the Entire Parcel; (iii) the parking areas now and hereafter located on the Entire Parcel and stairways and elevators serving the same, excluding, however, stairways and elevators access exclusively designated under the Declaration for the use of the Owners of residential units on the residential floors of The Caledonian Condominiums constructed on the CALCO Site; and (iv) over, upon, across and through the Common Areas; limited, however, to those portions of each Site which are improved by the Owner thereof from time to time for pedestrian walkways and made available to Permittees by such Owner for general use as such portions may be reduced, increased or relocated from time to time by each such Owner in conformity with the Guidelines; and nonexclusive easements for the purpose of allowing the Permittees, as well as invitees of any operator of the Town Lift Base, access to the Town Lift Base and associated ticket office and restrooms in conformity with the Guidelines.

2.01.2 Vehicular Easements. Nonexclusive easements for the purpose of vehicular traffic over, upon, across and between each Site and the public streets now and hereafter abutting or located on any portion of the Entire Parcel; limited, however, to those portions of the Entire Parcel which are improved by the Owners thereof from time to time for vehicular accessways throughout the parking garages as such portions may be relocated from time to time by such Owners in conformity with the Guidelines; limited further by the parking rights and regulations

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of the Owners of each Site, provided such rights and regulations shall not materially interfere with the use of such vehicular traffic easement for the driveway from Park Avenue through the parking structure to 9th Street and further subject to the rights of the Owners to control access to the westerly portion of the parking garages on the lower level as set forth in Sections 2.01.7(c)(vii) and 2.02 herein.

2.01.3 Common Component Easements. Nonexclusive easements for the purpose of furnishing connection, support and attachment to walls, footings, foundations, slabs, roofs and other structural systems of any improvement now and hereafter constructed on each Site ("Common Components"), the encroachment of Common Components and the maintenance, repair and replacement of the same; limited, however, to those portions of each Site on which an improvement is directly adjacent to an improvement constructed on another Site ("Contiguous Sites"). Any Owner of a Benefited Site which desires to claim the benefit of the foregoing easement for Common Components and encroachments shall be entitled to exercise such right on the following conditions:

(a) The Owner of the Benefited Site shall submit plans and specifications showing the Common Components proposed to be constructed on the Contiguous Sites to the Owner of the Burdened Site which shall be burdened by the easements hereby created for approval of such plans and specifications by the Owner of the Burdened Site, including an estimate of costs and the ratio which the load contributed by the improvements of each Owner bears to the total load on the Common Components. Such plans and specifications shall be consistent with the Guidelines. Any approval requested shall not be unreasonably delayed, denied or withheld and approval or disapproval shall be given in writing within thirty (30) days of receipt of the request. The failure to disapprove in writing a request within that time period shall be deemed approval of the request.

(b) The construction of the improvements on the Contiguous Sites shall be diligently prosecuted by the Owner of the Benefited Site with due care and in accordance with sound design, engineering and construction practices in a manner which is customary for such improvements and which shall not unreasonably interfere with the use of the Burdened Site or the improvements thereon or impose an unreasonable load on such improvements.

(c) When the exercise of the rights hereby granted to the Owner of the Benefited Site requires entry upon the Burdened Site or the improvements thereon, the Owner of the Benefited Site shall give due regard to the use of the Burdened Site and the improvements thereon in the exercise of such rights and shall promptly repair, replace or restore any and all improvements on the Burdened Site which are damaged or destroyed

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in the exercise of such rights.

(d) Absent a definitive agreement to the contrary, subsequent to the completion of the improvements to the Contiguous Sites, the Owner of the Burdened Site and the Owner of the Benefited Site shall share proportionately the cost of construction of Common Components consistent with the Guidelines; the cost of maintenance, repair and replacement of any Common Components consistent with the Guidelines constructed by either of them which provides vertical or lateral support to contiguous improvements; and the cost of maintenance, insurance, property taxes, repair and replacement of any common wall, roof or structural joinder consistent with the Guidelines, in accordance with that ratio which the load contributed by the improvements of each Owner bears to the total load on such Common Components. Upon the completion of said Common Components, the Owner of the Burdened Site shall, within thirty (30) days of receipt from the Owner of the Benefited Site of an itemized invoice for the aforementioned proportionate costs of Common Components shall reimburse the Owner of the Benefited Site said proportionate costs.

(e) The Owner of the Burdened Site agrees upon the written request of the Owner of the Benefited Site, to execute and deliver an instrument in recordable form legally sufficient to evidence further the grant of the easements herein described, the location thereof and such other conditions affecting the grant of such easements, as might have been approved by such Owners.

2.01.4 Utility Easements. Nonexclusive easements for the installation, use, testing, connection to, operation, maintenance, repair, replacement and removal of: heating, air conditioning and ventilation systems, water lines and systems; telephone lines and systems; gas lines and systems; sanitary sewer lines and systems; electrical lines and systems; storm sewers, drainage lines and systems; cable television and systems; and other utility lines or systems hereafter developed to serve one or more of the Sites; provided, however, that unless otherwise agreed in a separate written agreement between the affected Owners, all pipes, wires, lines, conduits, mains, sewers, systems and related equipment (hereafter called "Utility Facilities") shall be installed underground or otherwise enclosed and shall be installed, operated and maintained in a manner which shall not unreasonably interfere with the use of the Entire Parcel or any Burdened Site or improvements on which such Utility Facilities are located. It is understood and agreed that items such as manhole covers, hydrants, standpipes, ventilation openings, meters, control valves, transformers and other similar items customarily required to be located above ground shall not be required to be installed underground. The Owner of any Burdened Site affected by any of such utility easements shall have the right, at any time, and from time to time, to relocate any Utility Facilities then

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located on the Burdened Site on the conditions that: (i) such right of relocation shall be exercisable only after thirty (30) days prior written notice of the intention to relocate has been given to Owners using the Utility Facilities to be relocated; (ii) such relocation shall not unreasonably interrupt any utility service to the improvements then located on the Benefited Site(s); (iii) such relocation shall not reduce or unreasonably impair the usefulness or function of the Utility Facilities to be relocated; and (iv) all costs of such relocation shall be borne by the Owner relocating the Utility Facilities.

2.01.5 Access Easements. Nonexclusive easements in accordance with the access points and driving lanes shown on the Guidelines between each Site and the public streets and ways abutting or crossing any portion of the Entire Parcel for the purpose of providing ingress, egress and access to the easements hereby created and to the Common Areas.

2.01.6 Construction Easements. Nonexclusive easements for the purpose of constructing the improvements on the Entire Parcel, including grading, balancing and compaction of soils and other sitework materials, reconstruction, storage of supplies and materials, installation, replacement, modification, care and maintenance, provided such use of a Burdened Site is reasonably necessary, shall be diligently prosecuted in accordance with sound construction practices and shall not unreasonably interfere with the use of the Burdened Site or the improvements thereon.

2.01.7 Parking Easements. Sheets 5 and 6 of the Alliance Engineering Drawings, included within the Guidelines, show the parking plans for Levels 1 and 2 which shall serve the CALCO Site and the Sweeney Sites. Said plans have also been interlineated, to show which portions of the parking shall be located on the CALCO Site and which portions of the parking shall be located on the Sweeney Sites. Each Owner shall be responsible for the construction of its own parking garage(s), which shall be designed to hook onto the contiguous parking garage(s) of the other Owner(s). In order to facilitate the efficient construction and operation of the parking garages, when built, the parties agree as follows:

(a) The parties hereby grant to each other reciprocal easements permitting the Owners and their Permittees vehicular access to enter and exit the Project and proposed garages, when built, from 9th Street on the North and Park Avenue on the West and to circulate on the driveways throughout the parking garages, subject to the rights of the Owners to control access to the westerly portion of the parking garages as set forth in Sections 2.01.7(c)(vii) and 2.02 herein.

(b) Sweeney and CALCO hereby grant to each other a

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right of first refusal on excess parking spaces in each other's respective parking garage areas as referenced hereinabove. The term "excess parking spaces" or "excess parking" shall mean parking spaces in excess of those required by Park City Municipal Corporation and otherwise as determined necessary by the Owner of said excess parking, at the sole discretion of said Owner. If and when either party determines that it has excess parking, it shall offer it to the other party for a price equal to the reasonable estimated construction costs of the parking, including design and financing, but not including land cost or the portion of the excavation, footing and foundation costs that is properly allocated to the plaza shown in the Guidelines or buildings above the parking. Said offer shall be made in writing, by postage prepaid, certified mail, return receipt requested. The party being offered parking shall then have ten (10) days from the date of mailing to either accept the offer in writing, or reject it, with silence deemed rejection. The terms shall be cash due upon the issuance of a certificate of occupancy by Park City Municipal Corporation. The purchase shall be effected through the granting of a perpetual, exclusive easement by the seller to the buyer, which shall be accomplished through an amendment to this Agreement, or if for any reason the same is not possible, then through any other reasonable means. The parties acknowledge that they have or their predecessors have previously executed, along with certain other parties, a Joint Planning Settlement Agreement (referred to herein as the "Settlement Agreement"), dated May 18, 1993. Under the terms of paragraph 9(e) of the Settlement Agreement, McIntosh Mill, Ltd. ("McIntosh") is granted certain rights to purchase certain parking rights in excess of the needs of Quitting Time Ltd., in which CALCO and Sweeney are partners. If excess parking is offered either CALCO or Sweeney by the other, and the offer is rejected, then said parking shall be offered to McIntosh in accordance with the Settlement Agreement. If McIntosh rejects the offered parking, the party with excess parking may sell it to a third party in the form of a perpetual easement granted by the seller to the buyer. Said easement shall in all events be subject to the terms of this Agreement. The terms of this clause 2.01.7(b) may be enforced by specific performance.

(c) It is the parties' intent that the parking garages, when built, together with any contiguous parking garage constructed by McIntosh and linked with the Owners' parking garages as provided in those certain Easement Deeds executed by Quitting time and McIntosh, and referenced in Section 2.01.7(d) below, shall function as a single parking garage for purposes of management, security, maintenance and charges. Each party shall be separately responsible for constructing its own garage(s). In connection with the foregoing, the parties further acknowledge and agree:

(i) At the time of recording of this Agreement, the current Owners of the CALCO Site and the current

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Owners of the Sweeney Sites have commenced construction of their respective parking garages pursuant to separate construction contracts (the "Construction Contracts") entered into or to be entered into by said Owners with New Star General Contractors ("New Star"), which garages are designed to have some shared systems, including without limitation, certain shared footings, structural walls, floor systems and mechanical systems. The costs of construction of each Owners's garage have been segregated under the Construction Contracts, and to that extent, such Construction Contracts constitute a "definitive agreement to the contrary" for the purpose of determining the sharing of initial construction costs of Common Components and Common Improvements pursuant to Sections 2.01.3 (d) and 6.05(c) hereof.

(ii) Each garage shall be of high quality construction, use high quality materials and compliment the architecture of the plaza area as referenced in Exhibit "C".

(iii) Once the garages are built, they shall be operated together for purposes of access, security, management, and maintenance and charges pursuant to a management contract or lease (the "Parking Agreement") executed by the Owners with a single manager or operator acceptable to the Owners. Unless the Owners of the garages so agree at the time they are built pursuant to the Construction Contracts, or building codes require otherwise, the mechanical systems and lighting shall remain independent for each garage.

(iv) Each garage shall provide handicap parking, building access, stairwells and elevators consistent with the Guidelines.

(v) Each garage shall have, in general, 9 1/2 foot vehicular clearance except where a lower clearance is reasonably required to make the overhead commercial space or plaza function as anticipated by the Guidelines. In no case shall such vehicular clearance be less than 7.5 feet. Notwithstanding the foregoing including any contrary indication in the Guidelines, 9 1/2 foot vehicular clearance shall in all events be required when necessary to meet all applicable handicap codes and to provide handicap van access and parking.

(vi) Each garage shall be open 24 hours a day and may be heated in selected areas at the sole discretion of each Owner.

(vii) Unless provided otherwise in the Parking Agreement, parking shall be reserved exclusively for the Owners of each Site, with each Owner being entitled under the Parking Agreement to charge for and regulate the use of all parking stalls which are located on such Owner's Site subject to Section 2.01.7(c)(ii) herein; and provided, however, no such use

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by any such Owner or its Permittees shall materially interfere with the use of the vehicular access easement which connects the parking garages as set forth in Section 2.01.7(a) herein. The parties acknowledge and agree that the Owner of the CALCO Site, including the Association under the Declaration, may at its sole discretion, reserve on the CALCO Site parking spaces which are either exclusively or on a priority basis reserved for the use of the Owners of the residential or commercial condominium units located on the CALCO Site, with a portion of such reserved parking spaces having a separate controlled access system so long as the use of such access system does not materially interfere, as set forth in Section 2.02 herein, with the use of the vehicular access easement which connects the parking garages as set forth in Section 2.01.7(a) herein. Under the current design of the parking garages being built on the CALCO Site and Lots B-2 and B-3 of the Sweeney Sites, the right of the Owner of the CALCO Site to have controlled access parking would be limited to a maximum of 25 parking spaces located nearest to the elevator on the southwest side of the lower level of the parking garage on the CALCO Site. The parties acknowledge and agree that the Owner of the Sweeney Sites may, at its sole discretion, reserve somewhere on the Sweeney Sites one parking space which is either exclusively or on priority basis reserved for the use to the Owner of the Sweeney Sites, with a separate controlled access system so long as the use of such access system does not materially interfere, as set forth in Section 2.02 hereto, with the use of the vehicular access easement which connects the parking garages as set forth in Section 2.01.7(a) hereof. In addition, the Owner of the Sweeney Sites shall be entitled to reserve on the Sweeney Sites two parking spaces for the use of the Park City Ski Area pursuant to the provisions of the Town Lift Agreement. Except as provided above, it is the intent of the Owners to make available the balance of the parking spaces in the parking garages under the Parking Agreement primarily for hourly public parking for customers of the commercial space in the Project, with limited monthly parking as reasonably necessary for commercial tenants and their employees of the commercial space in the Project. The Owners covenant and agree that they will not rent parking places in the parking garages for skier parking on a daily, weekly or monthly basis.

(d) The parties acknowledge that the CALCO Site and the Sweeney Sites continue to be subject to the easement deeds referenced in the Joint Planning Settlement Agreement, including but not necessarily limited to Exhibits "C," "L" and "M" thereto as recorded on pages 114, 127 and 102, respectively, in Book 0728, Summit County Recorder's Office, Summit County, Utah. Both CALCO and Sweeney shall enjoy whatever rights are granted to Quitting Time thereunder as well as remain subject to the obligations imposed thereunder. In the event said easement deeds conflict with any term hereof, the terms hereof shall govern unless third parties have the right to enforce said easement deeds against the

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Owners in a manner contrary to the terms hereof.

(e) The parties further agree, unless the Owners subsequently otherwise agree, that the parking spaces shall be marked as set forth in the Guidelines indicating that said parking spaces are for the use of the Owners of each respective Site and their Permittees. The parties further agree as follows:

(i) Nothing shall be done or kept in the garages which shall increase the rate of insurance on the garages or contents thereof beyond that which is customarily applicable for commercial use or shall result in the cancellation of insurance on either garage. Furthermore, no Owner shall permit anything to be done or kept in its respective garage or in the Common Areas which is in violation of any law or regulation or any governmental authority.

(ii) Nothing shall be done in any garage or on or to the Common Areas which shall impair the structural integrity of the garages once connected.

(f) Notwithstanding anything to the contrary set forth herein, in the event that Park City Municipal Corporation or any agency thereof restricts the right of the parties hereto to build the parking garages, including the parking garage to be built by McIntosh as referenced in Section 2.01.7 hereof, in such a manner as to preclude the use of the easements referred to in Section 2.01.7(d) hereof to exit the parking garages on 9th Street, then the Parties hereto agree that they shall utilize the northwesterly side of the lower level of the parking garages on the CALCO and Sweeney Sites, and its drive-throughs, in such a manner that traffic through the parking garages can return to the entrance and exit located on the Park Avenue side of such parking garages.

2.01.8 Lighting Facilities Easements. Nonexclusive easements for access to and use by the Owners and Occupants of either Site to the public light poles located adjacent to the perimeters of either Site for installation, repair, replacement, maintenance and removal of electrical wires, conduit, lighting fixtures and related apparatus to share the use of such poles for lighting the Common Areas on a Site.

2.01.9 Fire and Emergency Access Easements. Nonexclusive easements for fire protection and emergency access for pedestrian and vehicular access, ingress and egress over, across, on and through the Common Areas of the Entire Parcel.

2.01.10 Self-Help Easements. Nonexclusive rights of entry and easements over, across and under each Site for all purposes reasonably necessary to enable any other Owner of a Site to perform any of the provisions of this Agreement which a

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defaulting Owner has failed to perform.

2.01.11 Sign Easements. Nonexclusive easements under, through and across the Common Areas of each Site for the installation, operation, maintenance, repair and replacement of such sign(s) as may be erected by agreement of the Owners, including all appurtenant utility lines and facilities. Except where otherwise specifically stated herein to the contrary, the Owner of the Benefited Site shall bear all costs related to the installation, maintenance, repair and replacement of its sign and appurtenant facilities and shall repair to the original specifications any damage to the Common Areas resulting from such use.

2.01.12 Surface and Parking Water Drainage Easements. Nonexclusive easements for the flow of a reasonable volume of surface or parking water (water from melting ice and snow carried into parking garages by vehicles, also water used to wash such parking garages) to the nearest drainage catch basins or waterways; provided, however, that (a) the easement for surface or parking water drainage shall be consistent with the Guidelines; and (b) following the construction of Common Areas and buildings on a Benefited Site, no Owner of the Benefited Site shall alter the flow of surface or parking water onto a Burdened Site in a manner that would materially increase the volume, or materially decrease the purity or quality, of surface or parking water flowing onto the Burdened Site. The parties hereto agree not to use salts (Sodium Chloride or other salts) to melt or prevent ice on surfaces overlying Common Areas and buildings in the Project.

2.01.13 Flood Water Easements. Easements to accommodate flood waters necessary to satisfy the requirements of all applicable federal, state, and local flood plain ordinances. No Owner shall take any action or undertake any construction which shall violate or be inconsistent with the aforementioned flood water easements.

2.02 Unimpeded Access. The Owners agree that, except for any control gates or other equipment permitted (i) pursuant to the Parking Agreement for control of general ingress or egress of the public or (ii) pursuant to Section 2.01.7.(c)(vii) hereof relating to the segregated parking for the Owners of the CALCO and Sweeney Sites, no barricade or other divider shall be constructed between the Sites. The Owners further agree that, the Owners shall do nothing to prohibit or discourage the free and uninterrupted flow of vehicular or pedestrian traffic throughout the Site in the areas designated for such purpose by the Owner of each Site in accordance with the easements herein; provided that each Owner shall have the right to temporarily erect barriers to avoid the possibility of dedicating such areas for public use or creating prescriptive rights therein. The Owners agree that, unless specifically otherwise agreed in writing by such Owners, no access

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Planning Commission
Staff Report

Subject:	**Alice Claim aka Alice Lode Subdivision & Plat Amendment**
Project #:	**PL-08-00371**
Author:	**Christy Alexander, AICP, Planner II**
Date:	**June 10, 2015**
Type of Item:	**Legislative – Subdivision & Plat Amendment**

Summary Recommendations
Staff recommends that the Planning Commission hold a public hearing for the Alice Claim Subdivision and Plat Amendment located at approximately Alice Claim south of intersection of King Road, Ridge Avenue and Sampson 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.

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

Topic

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

Proposal
The Applicant is proposing that the Planning Commission consider the application of a nine (9) lot Preliminary and Final subdivision on 8.65 acres and a Plat Amendment on 0.38 acres, located at approximately the intersection King Road and Sampson Avenue within the City's Historic Residential (HR-1) and Estate (E) Districts with Sensitive Lands Overlay (SLO). One lot is within the Estate (E) District and is 3.01 acres in size. The other eight (8) lots are within the Historic Residential (HR-1) District and range in size from 7,714 square feet to 7,910 square feet. Because there are less than ten (10) lots being proposed, the Master Planned Development criteria don't apply.

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

Background

On May 23, 2005, the City received a completed Plat Amendment application for the Alice Claim Subdivision (also known as “Alice Lode”). The Alice Claim is located within the Historic Residential (HR-1) and Estate (E) Districts with Sensitive Lands Overlay (SLO) zoned property south of the King Road, Sampson Avenue, Woodside Gulch and Ridge Avenue intersection. The property is comprised of 8.65 acres and includes platted lots and a “metes and bounds" parcel.

Contiguous to this site are Historic Residential Low (HRL) zoned lots under the same ownership. The two contiguous lots which are owned by the same owner are Lots 1 and 2 of the Ridge Avenue Subdivision. Lot 1 is improved with a contemporary house, Lot 2 is vacant. The applicant is requesting that these two lots not be part of this subdivision.

The rest of the contiguous Lots are within the Park City Survey (Lots 1-7 and 36-40, Block 77) and are mostly encumbered by existing King Road and Sampson Avenue; thus rendering portions of them undevelopable. The Applicant is requesting the Planning Commission consider the proposed subdivision for the nine (9) proposed lots and a plat amendment for the existing encumbered Lots 1-7 and 36-40, Block 77.

This area, historically known as Woodside Gulch, has some mining history and served as an early access to the Silver King Mine further up the gulch. The City owns an adjacent and bisecting parcel of land where a City-owned potable water tank and water lines are located. The City-owned parcel includes a 30 foot wide strip of land extending from the water tank site to the existing Ridge Avenue Subdivision bisecting the Applicant’s proposed subdivision property. The City-owned strip of property contains a raw water pipeline and a potable water transmission line which extends from the water tank to the Ridge Avenue Subdivision. The raw water line and the potable water line continue through the Ridge Avenue Subdivision to King Road within an existing driveway and a public utility easement. A second existing potable water transmission line, which is scheduled to be abandoned upon completion of the new potable water line on City-owned property, extends through the subject property. Additionally, access to the existing water tank and pump station is via an existing unpaved access roadway across the subject property. The access is provided by a recorded grant of easement which will be slightly modified (see Subdivision Layout within Exhibit A).

Please reference the October 8, 2014 Staff Report for the brief subdivision timeline and brief timeline of events related to the Alice Claim property Voluntary Clean-Up Program (VCP).

The applicant has submitted a Draft Site Mitigation Plan to the Utah Department of Environmental Quality, but a Site Management Plan and Environmental Covenant have not been completed. The VCP is still active and the site has not been given a completion letter from the UDEQ. The Applicant will need to receive a final Certificate of Completion for remediated soils from the UDEQ prior to building permit approval. **This has been listed as a condition of approval.**

A summary of the Commissioner's concerns and items requested at the October 8, 2014 Work Session can be referenced in the April 8, 2015 Staff Report.

At the April 8, 2015 Planning Commission meeting, the Applicant presented and discussed the revised site plan dated March 15, 2015, as depicted in the copies attached as exhibits in that meeting's staff report. The minutes from the April 8, 2015 meeting are attached hereto as Exhibit M.

At the April 8, 2015 meeting the Commission focused on the following concerns:

- Need for more clustering/Change layout
- Site suitability with slopes/Possible geotechnical issues/Buildability
- Further terracing, mitigation and landscaping the retaining walls
- Reducing cut and fill and need for so many retaining walls.
- Reduce disturbance on each lot
- Compatibility with HR-1 zone
- Lot 7 concerns
- Request for staff to evaluate building on steep slopes
- Define Open Space conservation easement
- Access

On May 4, 2015 the applicant submitted updates and an amended site plan to their application in response to the April 8th hearing. They updated the site plan, plat, open space and trails, retaining walls and responded to some of the items the Commission requested. Additional Revisions and amendments were submitted on May 18, 2015 which amended the May 4, 2015 submittal in response to staff comments and questions. The attached exhibits show the most up to date submittals and are what the applicant wishes to be reviewed for their application. Staff did not have adequate time to review the May 18, 2015 submittal in time for the May 27, 2015 Planning Commission and therefore decided to continue the item to the June 10, 2015 meeting for proper review.

With the May 4, 2015 submittal, the applicant slightly changed the layout of the subdivision to bring Lot 7 off of the very steep slope and clustered closer to Lot 6 (Exhibits E & G). This change in layout eliminated the need for a drive and the bridge which crossed the City property. It also allowed the Drive B to Lots 2-7 to cross a smaller change in elevation, creating less of a need for high retaining walls. All retaining walls surrounding Lots 2-7 (Exhibit J) will now be 6' and under and allow for further terracing and landscaping to visually mitigate the impacts of the walls. The

applicant also further terraced the retaining walls at the entry to be 3 walls at 10' each (Exhibit I), and providing for further landscaping to mitigate the visual impacts of the walls. The applicant also submitted a Geotech report (Exhibit N) and a geotechnical consultants letter (Exhibit O) in regards to the existing mine shaft which the City Engineer reviewed and indicated that the report showed no issues with site suitability with slopes and buildability of the land for both the mine and the soils.

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

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

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

Analysis

Estate Lot

The zoning for Lot 1 is Estate and is subject to the following criteria:

Regulation	Permitted	Proposed
Height	No Structure may be	Maximum height is

	erected to a height greater than twenty-eight feet (28') from Existing Grade.	twenty seven eight (28') and no home can exceed this requirement; Applicant has not proposed the height for the estate lot home at the time of this report.
Lot size and density	Lot 1 (Estate): The minimum lot size is three (3) acres. The Planning Commission may reduce the minimum Lot size during review of a subdivision plat to encourage clustering of Density.	Lot 1: 3.01 acres Proposed maximum footprint area (square feet) by the Applicant: Lot 1 (Estate): 2500 sf
Lot width	The minimum Lot Width is one hundred feet (100')	Approximately 120 feet wide.
Front setback	30' for Estate Lot	Applicant is requesting a reduction of the setbacks for Lot 1 within the Estate zone to be 15' for front setback. **Planning Commission would need to grant that request based on discussion above.**
Rear setback	30' for Estate Lot	Applicant is requesting a reduction of the setbacks for Lot 1 within the Estate zone to be 10' for rear setback. **Planning Commission would need to grant that request based on discussion above.**
Side setbacks	30' for Estate Lot	Applicant is requesting a reduction of the setbacks for Lot 1 within the Estate zone to be 10' for both side setbacks. **Planning**

		Commission would need to grant that request based on discussion above.
Parking	Two (2) off-street spaces required for each dwelling	Two (2) spaces proposed.

The Estate District lot (Lot 1) is within the Sensitive Lands Overlay (SLO) and is thus subject to the regulations of LMC 15-2.21. The lot has Steep Slopes (15%-40%), Very Steep Slopes (greater than 40%) and a Stream Corridor. A Slope Analysis map was provided by the Applicant (See Exhibit P: Sensitive Lands Analysis) showing the various slope categories. The following steps need to and have been completed:

LMC 15-2.21-2(A) **SENSITIVE LANDS ANALYSIS**. Applicants for Development within the SLO must identify the Property's sensitive environmental and aesthetic Areas such as Steep Slopes, Ridge Line Areas, wetlands, Stream Corridors, wild land interface, and wildlife habitat Areas, and provide at time of Application a Sensitive Land Analysis. Every annexation must provide a Sensitive Land Analysis. *The Applicant has submitted this as Exhibit P and meets the LMC requirements.*

LMC 15-2.21-2(C) **SITE DEVELOPMENT SUITABILITY DETERMINATION**. Staff shall review the Sensitive Land Analysis, apply the applicable Sensitive Land Overlay (SLO) Regulations, Sections 15-2.21-4 through 15-2.1-9, and shall prepare a report to the Applicant and the Planning Commission identifying those Areas suitable for Development as Developable Land. Staff has determined that the Applicant meets all regulations based on the location of the buildable area being at the low point of the canyon where Lot 1 is proposed, the maximum footprint of 2,500 sf that will not be benched or terraced, retaining walls are addressed within the concurrent CUP and not located near or on Lot 1, the development will have no adverse impact on adjacent properties, the density is compatible with that of adjacent HR-1 properties within the proposed subdivision, Staff has placed a condition of approval that the Applicant **will be required at HDDR application review for the home on Lot 1 to adopt appropriate mitigation measures such as landscaping, screening, etc. to buffer the adjacent properties from the Developable Land.**

The previously proposed location of the house on Lot 1 was on Steep (15% - 40%) and Very Steep Slopes (greater than 40%). After the October 2014 Planning Commission meeting, the Applicant revised the site plan to bring the home on Lot 1 much further down the hillside, as the Commissioners suggested and to meet Code by being off the Very Steep Slopes, and closer to Lots 7 and 8. As proposed Lot 1 is now on a slope of 31% which is only considered Steep and not Very Steep and is the same slope on the May 18, 2015 plans as it was for the April 8, 2015 meeting. Within the SLO, 100% of the Very Steep Slopes shall remain as Open Space (LMC

15-2.21-4(I), no vegetation can be disturbed within fifty (50) vertical feet in elevation of Very Steep Slopes, and no Development can occur within fifty (50) feet, map distance, of Very Steep Slopes unless the Planning Commission makes findings as listed in LMC 15-2.21-4(A): All of the Very Steep Slopes found on Lot 1 now as proposed remain as open space, no vegetation is proposed to be disturbed within 50 vertical feet in elevation of Very Steep Slopes and no development is proposed within 50 feet distance. The home on Lot 1 is approximately 135 feet away from the Very Steep Slopes and the private drive running across Lot 1 is approximately 60 feet away from the Very Steep Slopes.

The Estate Lot in accordance with the May 18, 2015 submittal is lower on the hillside and the Applicant is requesting a reduction in the setback requirements for this lot, from the Planning Commission, to a 15' front, 10' both sides and 10' rear setback from the required 30' front, 30' side and 30' rear setbacks for this District. As per LMC 15-2.10-3 (C) The Planning Commission may vary required yards in Subdivisions. In no case shall the Planning Commission reduce Side Yards to allow less than ten feet (10') between Structures. The Applicant meets these requirements and proposes approximately 68' between structures. Staff recommends granting these reductions in setbacks so that the home on Lot 1 can be placed further down the hillside as shown on the current proposed site plan thus avoiding the Very Steep Slopes.

The applicant has proposed a no disturbance area of the Estate District lot of 2.62 acres, which is 87% of the total 3.01 acre Estate District lot. As per LMC 15-2.21-4 (H): the following Open Space and Density regulations apply:

(1) 75% of the steep slope area must remain as open space; the applicant proposes 87% and the building pad is illustrated on the site plan.

(2) 25% of the Steep Slope area may be developed in accordance with the underlying zoning subject to the following conditions:

a. The maximum density on developable land within a steep slope area is governed by the underlying zoning and proof that the proposed density will not have a significant adverse visual or environmental effect on the community. *The applicant proposes limiting the footprint to the same size of 2,500 sf to be consistent with the footprints of the other 8 HR-1 lots within the subdivision*.

b. The developable land in the steep slope area is that area with the least visual and environmental impacts, including the visual assessment, and considering the visual impact from key vantage points, potential for screening location of natural drainage channels, erosion potential, vegetation protection, Access, and similar site design criteria. *The applicant has proposed development on the lowest and least steep portion of the lot, and based on the building pad and allowed height the proposed location will have the least impacts.*

c. The applicant may transfer up to 25% of the densities from the open space portion of the site to the developable land. *The applicant does not propose this transfer.*

d. The applicant must prove that the development will have no adverse impact on adjacent properties

i. The density is compatible with that of adjacent properties. The density of the estate lot is proposed to be the same as adjacent HR-1 properties within the subdivision in regards to footprint size. The height, however, will not be limited as it will be in the HR-1 zone.

ii. The architectural detail, height, building materials, and other design features of the development are compatible with adjacent properties. *This will be mitigated during the HDDR process and will need to be part of the CC&Rs for the HOA.*

iii. The applicant has adopted appropriate mitigation measures such as landscaping, screening, illumination standards, and other design features to buffer the adjacent properties from the developable land. *This will be mitigated during the HDDR process and will need to be part of the CC&Rs for the HOA.*

The Applicant proposes to deed this open space to a third party. No dedication has occurred at the time of this report. This open space will still remain part of the lot if it is deeded to a third party land conservancy and therefore would have to be a conservation easement. While there is no requirement that the open space be deed in an easement to a third party, staff recommends placing a note on the plat which requires the area outside of the building pad area remain open space with no disturbance or structures.

The stream corridor is also protected within the Sensitive Lands Overlay as provided in the LMC:

LMC 15-2.21-6(C) “No person shall disturb, remove, fill, dredge, clear, destroy or alter any Area, including vegetation, surface disturbance within wetlands and Stream Corridors and their respective Setbacks, except as may be expressly allowed herein.”

The setbacks required per LMC 15-2.21-6(F) for stream corridors are a minimum of fifty feet (50') outward from the Ordinary High Water Mark. There is no exception to this 50’ setback in the LMC other than Hardship Relief under LMC 15-2.21-2(D) which states: If the Applicant demonstrates that the regulations would deny all reasonable Use of the Property, the Planning Commission may modify application of these (SLO) regulations to provide the Applicant reasonable Use of the Property.

The proposed subdivision creates a driveway for Lot 1 within the fifty foot (50’) setback area from the stream corridor within the Estate zone with Sensitive Lands Overlay. In the January 23, 2015 submittal, the Applicant proposed to culvert the stream underground so as to divert from the 50’ setback requirement. The culvert will address this problem as the stream will no longer be above ground within 50’ of the home on Lot 1 (see Exhibit A). This proposal, like any change to the stream, will

require a Stream Alteration Permit from the State of Utah and may require an amendment to the Voluntary Clean-up Program remediation with the Utah Department of Environmental Quality. The Stream Alteration Permit and the installation of the culvert pursuant to that permit will be required prior to plat recordation. If the Applicant does not obtain the Permit or install the culvert to thereby remove the stream setback violation the plat will not be able to be recorded and any approvals shall be null and void. The applicant would then need to submit a new application with a design that meets the 50' setback requirements. Any amendments to the Voluntary Clean-up Program remediation will be required prior to any Building Permit approvals. **These items have been listed as conditions of approval.**

Historic Residential Zone

The zoning for the Lots 2-9 is HR-1 and is subject to the following criteria:

Regulation	Permitted	Proposed
Height	27 feet above existing grade, maximum. 35 feet above existing grade is an exception permitted for a single car garage on a downhill lot upon Planning Director approval.	Maximum height is twenty seven feet (27') and no home can exceed this requirement; Applicant is proposing 2 stories max; Staff is proposing height limit of twenty five feet (25') max for a 2 story home which will be listed as a condition of approval.
Lot sizes:

Front setback	Depends on lot depth; ranging from a minimum 10’ to 15’;	
Rear setback	Depends on lot depth; ranging from a minimum 10’ to 15’;	
Side setbacks	Depends on lot width; ranging from a minimum 3’ to 10’ and 6’ to 30’ total;	
Parking	Two (2) off-street spaces required for each dwelling	Two (2) spaces proposed for each dwelling
Final Grade	Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.	
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.	
Roof Pitch	Between 7:12 and 12:12. A roof that is not part of the primary roof design may be below the required 7:12 roof pitch.	

Based on the analysis above, the average lot size (excluding the Estate Lot) is 0.18 acres (7,714 square feet); the average allowed maximum footprint is 2,500 square feet. Based on analysis for other nearby developments (Exhibit S in the April 8, 2015 staff report), the proposed lot size and footprints would far exceed the vast

majority of those within the nearby developed areas (King Road, Sampson Avenue and Ridge Avenue). For example the average lot size on nearby Sampson Avenue is 0.13 acres and the average footprint is 1,314 square feet. Due to the footprint of the homes proposed to be nearly twice the size of the average footprints in the nearby neighborhoods, staff's opinion is that the footprints as proposed do not comply with the HR-1 Purpose Statement, specifically the following:
(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,

In order for the homes to be more compatible with such large footprint, Staff concurs with the applicant's stipulation to placing conditions of approval on the plat that the homes shall be limited to 5,000 square feet maximum total floor area including basement and garages, two stories, and no more than 25 feet maximum building height from existing grade. Staff recommends if the homes are allowed the larger footprint than what is average in the surrounding neighborhoods, then the overall square footage, height and stories should be limited. All homes in the proposed subdivision will need to go through a full Historic District Design Review process and Steep Slope CUP applications if necessary. Applicant stipulates to these conditions.

Access

Currently, legal access to the property is proposed to be gained through the platted but un-built King Road right-of-way. This access point is approximately 50 feet west (off-set) of the King Road – Ridge Avenue intersection where King Road turns north. Ideally, the primary access would be through the existing Woodside Gulch right-of-way, thus avoiding the need to build a new road, however this access isn't possible because legal access has not been secured over the private property at 135 Ridge Avenue. The Applicant states that the King Road right-of-way access (north access) would create a driveway gradient of 14% versus 14.2% for the Woodside Gulch road. The proposed northern access would also require tiered retaining walls (upwards of 10 feet in height) on the western side as the road would cut into the toe of the slope would protect the existing mature trees. Without access over the private property at 135 Ridge Avenue, the Applicant's only proposed access is using the platted King Road right-of-way.

At the April 8, 2015 meeting, the adjacent neighbors stated that they would be interested in working towards an agreement to use the existing access. This has not been resolved at the time of this report and therefore the Applicant desires to move forward as proposed. The Code requires a Conditional Use Permit from the Planning Commission, which is being heard concurrently with this Subdivision application, for any retaining walls over 6 feet in height.

The proposed access to the Alice Claim Subdivision is at a point, although offset, where essentially four existing roadways meet, King Road, Sampson Avenue,

Woodside Gulch, and Ridge Avenue. The proposed Alice Court would be a fifth point of access in the existing intersection.

The Applicant does not propose to dedicate streets within the proposed development to the City but will complete the proposed Alice Court to meet City Standards for emergency access and parking. If the Applicant decides to offer the streets for dedication at a later date, all of the streets will need to meet all City Standards, including right-of-way widths, minimum street widths, cul-de-sac standards, stubbed street standards, grading requirements, etc. (Even if the streets are offered for dedication, the City is not required to accept the dedication) All of the roads within the proposed subdivision are proposed to be private drives at this time. Private drives shall not exceed 14% gradients and the Applicant has shown the drives meeting this requirement at 14%.

The existing City's easement for access has been revised on the plat to incorporate trails and the City's access easement changed by the Alice Court road. The Applicant will need to receive City Council's approval to give them an access over the City's property through Alice Court, which will have water lines, storm drainage, sewer, etc. as well as use of the City Property for the Alice Court road (See Exhibit F). This will need to occur prior to plat recordation and has **been listed as a condition of approval.**

With the May 4, 2015 revision to the site plan, Drive B up to Lots 2-7 is no longer as steep an access and associated retaining walls required to service a single home have become smaller in height and can be terraced at 6' heights. The drive and bridge up to the previous location of Lot 7 has been eliminated altogether.

Slope

According to the Slope Analysis provided by the Applicant (Exhibit P), 2.7% of the land located in the HR-1 zone is under 15% slope, 21.7% is 15-40% slope (defined as a Steep Slope), and 75.6% is over 40% slope (defined as a Very Steep Slope). Below is a table of the average slopes of each lot as revised by the May 4, 2015 submittals:

Lot 1	31%
Lot 2	48%
Lot 3	50%
Lot 4	44%
Lot 5	48%
Lot 6	50%
Lot 7	43%
Lot 8	47%
Lot 9	26%

The proposed building pad areas on proposed Lots 2, 3, 4, 5, 6, 7, and 8 are all on Very Steep Slopes (over 40%). The Applicant has shown on the plat the limits of disturbance as a diagonal line from the proposed footprints to the proposed lot lines which have not been limited since the last meeting and are not legible, Staff recommends a condition of approval that the Applicant clarify the LOD lines to be able to quantify the square footage. Only the proposed building pad area on Lot 9 (and the estate lot, lot 1) is on slopes less than 30%. All of the lots, except the Estate Lot are outside the SLO, however the following Subdivision regulations (LMC 15-7.3-1(D)) should be discussed by the Planning Commission:

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

The Applicant has provided information regarding the mitigation of potential hazards due to the Steep and Very Steep Slopes**.** Staff had previous concerns on developments over 40% slopes with the soils and massing of homes. The Geotech report reviewed by the City Engineer demonstrated that the soils are acceptable and staff believes the Steep Slope CUPs will mitigate the massing of homes on such a steep slope and the Planning Commission will have full review of those applications just as they have previously with other lots that steep within the HR-1 District. Staff had initial concerns for existing mine hazards that may be open as a historic mine shaft exists on this property to which the Applicant submitted Exhibit O demonstrating that the mine shaft is filled. Any structures near the mine shaft shall be setback 10' if the mine shaft is filled, which the current plans and engineer's letter show that it is filled. The mine shaft needs to be shown on the plat. The City Engineer has reviewed the Geotech report (which addressed the site holistically considering all steep slopes and not individual home locations) and mine shaft conditions report (which is just about the mine) and indicates that the report shows the ground is stable, with bedrock below. The City Engineer found that the report reflects that the ground conditions, existing mine shaft, and slopes are safe to build upon. He will be at the Planning Commission meeting to answer any questions from Commissioners in this regard. Prior to Building permit approval the applicant will be required to submit Geotech reports for individual home sites which meet the City Engineer's approval. After the City Engineer review of the Geotech report and sensitive lands analysis, and future review of each home by the Planning

Commission for Steep Slope CUPs, staff recommends allowing the applicant to develop on such steep slopes with the conditions of approval listed in the ordinance.

The Applicant took the Planning Commission's concerns at the April 8, 2015 meeting into consideration and moved Lot 7 off of the previously proposed Very Steep Slope to a less steep part of the subdivision and clustered it adjacent to Lot 6.

In regards to ridgelines, staff's determination is that the location of Lots 8 and 9 are not on a ridgeline. Primarily, the City Ridgeline Map does not define the locations of Lots 8 and 9 as a ridgeline. The attached City ridgeline map (Exhibit Q) shows a ridgeline (shown as a broad-brush orange line at a distant scale) that ends well before reaching these lot locations, to the best of our ability to interpret this scale map. We feel that a more reasonable site-specific interpretation of the ridgeline's extent is that it stops much farther to the South (and upslope) from Lot 8. On site, it is clear that lots 8 and 9 are situated down near the toe of this slope and could not be visually interpreted as a ridgeline – either on site or from cross-valley vantage points.
In the revised site plan and Plat, the applicant has lowered Lots 8 and 9 further, and removed Lot 7 from the higher slope altogether.

Beyond this City map, the LMC addresses ridgelines in several areas, although a Ridgeline is never specifically defined in the code. Section 15-7.3-1D of the LMC states that development of ridgelines may be potential safety concerns, but the applicant has demonstrated in their previous 'build-ability' submittal that no such safety concerns exist on this site. Section 15-7.3-2D states that ridges should be protected from development that would be visible on the skyline from the designated Vantage Points. The LMC definitions list 11 vantage points. The applicant had reviewed these vantage points with previous planning staff and had been asked to do photo simulations from those points that might have a view of the site. Those photo simulations have been included in previous submittals and as Exhibit R in this packet.

Clustering

The General Subdivision Requirements (LMC 15-7.3-2(E)) Open Space reads:

"Units should be clustered in the most developable and least visually sensitive portions of the Site with common open space corridors separating clusters. This applies to both multi-family and single family projects. The open space corridors should be designed to coincide with Significant Vegetation and in many cases, should be left in the natural state."

The Applicant has provided an existing vegetation plan with the larger conifers to remain as discussed in previous years (Exhibit L: Vegetation Cover from the April 8, 2015 staff report). Outside of the stream channel, the disturbance from previous mining activities and the recent remediation, most of the rest of the site has stands

of oak, maple and aspen in addition to areas of smaller shrubs and grasses. The Applicant has provided a Visual Analysis Study (Exhibit I from the April 8, 2015 staff report).

A change to the home location on the Estate lot was proposed in response to the Planning Commission's prior feedback that the most developable portion of the site is at the bottom of the canyon where utilities, emergency vehicle access, and the least amount of disturbance of the land is best achieved. A comparison of clustering of the surrounding neighborhoods had also been provided (Exhibit J from the April 8, 2015 staff report). This exhibit shows that the adjacent HR-L District and homes are clustered much more close together and the similar HR-1 District adjacent to that to have even smaller lot sizes, house sizes and are clustered even closer together than the adjacent HR-L District and the proposed plat which is also within the HR-1 District.

Instead of clustering the homes closer together, the Applicant proposes that the homes will be no more than two (2) stories with no limitation to the height other than the LMC limits and up to 5,000 sq. ft. (maximum total floor area) in size (including basement and garages) and up to 2,500 ft. in footprint; however very few homes within the Historic Districts compare to house size and lot size as is proposed by the Applicant. Staff's opinion is that the layout of the homes is not as compatible to the historic density and clustering of homes within the nearby HR-1 and HR-L districts as it could be. The Planning Commission also had similar concerns with the proposed lack of clustering homes closely together. For this reason, the applicant brought Lot 7 down and adjacent to Lot 6 to be more clustered. With the footprints as proposed, Staff recommends and has placed conditions of approval that the building height should be limited to 25 feet, homes limited to two stories and maximum total square footage be limited to 5,000 square feet, so as to lower the height of the homes as they are spread out wider than other homes within the nearby HR-1 and HR-L zones.

Water Delivery Issue

Staff was previously informed by the Park City Water Department, that all of the Alice Claim property proposed for development may not be serviceable by the current City water system due to low water pressure. The low water pressure is due to the small elevation difference between the proposed development's elevation and the Woodside Tank's elevation. The Applicant was informed about this issue and is responsible for modeling the water service to the development and if it is still insufficient they will need to provide a remedy. The Applicant has prepared a water model addressing the limitations of the current water system on the proposed development (including factors such as the ability to meet: acceptable water system pressures and fire flow requirements to each home site (indoor and outdoor pressures are not adequate), the Fire Marshal's site specific requirements, and Division of Drinking Water regulations). Proposed Lots 1-4 and 8 as shown on the proposed plat are likely the lots most affected. The Applicant was to confirm the

elevation of each of the proposed building sites to determine the affected sites and either redesign the project accordingly, or work with the Water Department to determine the best solution. At the time of this report, the Water Department, Fire, Building and Engineering have received a revised letter from the Applicant's engineer addressing the previously submitted Water Model that will meet the City's requirements. With the change of location of Lot 7, the Water Department believes this will make the situation better than before. Any revisions to the previously submitted model will need to meet acceptable water pressure flows in order for the subdivision to meet water requirements. **This is listed as a specific condition of approval.**

The Assistant Fire Chief also required that the Applicant provide water modeling to demonstrate the available pressure for the fire sprinkler system design for Lots #2 and 7 which the Applicant has demonstrated can be achieved.

Sewer Utility Issue

Staff was informed by the Snyderville Basin Water Reclamation District that the Applicant has only met with them briefly prior to the April 8, 2015 meeting besides almost 10 years ago when the application was first submitted to discuss utility location and placement within the proposed roadways. The Sewer District has concerns regarding the placement of the sewers in relation to the retaining walls and in relations to other utilities. **This will need to be remedied before the proposed plat can be signed by SBWRD prior to plat recordation and is listed as a specific condition of approval.** The Applicant is aware of the Sewer Districts concerns and will work to obtain a Line Extension Agreement upon approval of the plat. The sewer design could affect the entire layout of the subdivision and if any changes are made to the layout of the subdivision upon SBWRD's approval, this approval shall be null and void and an application to amend the Ordinance and plat shall need to be submitted and be reviewed and go through the entire process including internal review, planning commission and city council review. Nothing has changed in respect to the Sewer District since the last meeting on April 8, 2015.

Good Cause

Planning Staff finds there is good cause for this subdivision with the appropriate items described in the analysis being incorporated as conditions of approval. There may be future geographical visual impacts to the City as a result of this application with respect to additional site stabilization, proposed retaining walls, and other unforeseen issues related to development within steep slope areas that can be addressed at the time of Steep Slope CUP applications.

Department Review

Staff took the project back before the Development Review Committee on September 9, 2014, February 10, 2015, March 24, 2015, and May 12, 2015. Engineering continues to express concerns with the site access, SBWRD continues to express concern with lack of sewer lateral design but the applicant will need to

continue to work with them until all requirements are satisfied in order for SBWRD to sign the plat. Each of these concerns however have been incorporated into conditions of approval. Planning's concerns are appropriate clustering of homes within the HR-1 district and visual impacts of such tall retaining walls in a historic residential district which the applicant has taken an attempt to mitigate.

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

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

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

Alternatives

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

Significant Impacts
There are no immediate significant fiscal impacts to the City from this application. If construction on the site were permitted, it will require a detailed Construction

Mitigation Plan (CMP) to protect existing development located near the proposed subdivision. Site stabilization might also be an important consideration depending upon the amounts of vegetation proposed to be removed as a result of the proposed development. A geotechnical report has been previously submitted and reviewed. Previous mining activities, strong ground motion, slope stability, debris flow and avalanche, shallow bedrock and perched groundwater are the most significant engineering geology and geotechnical aspects which could affect design and construction at the site. Most, if not all of the lots in the HR-1 zone will require Steep Slope Conditional Use Permits. Each home, including the home within the "Estate" zoning designation, will require a Historic District Design Review prior to home design and construction.

Consequences of not taking the Suggested Recommendation
The parcels would remain as is and no construction could take place.

Recommendation
Staff recommends that the Planning Commission hold a public hearing for the Alice Claim Subdivision and Plat Amendment located at approximately Alice Claim south of intersection of King Road, Ridge Avenue and Sampson 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 – Proposed Plat
Exhibit B – Existing Conditions Survey
Exhibit C – Vicinity & Zoning
Exhibit D – Aerial
Exhibit E – Revised Site Plan
Exhibit F – Revised Utility & Grading Plan
Exhibit G – Comparison of Old and Revised Site Plans
Exhibit H – Revised Open Space & Trail
Exhibit I – Revised Retaining Wall Illustrations & Site Sections
Exhibit J – Sample of 6' and 4' Retaining Walls Illustration
Exhibit K – PC Concerns Response Letter
Exhibit L – Buildability Response Letter
Exhibit M – Minutes from April 8, 2015 Planning Commission Meeting
Exhibit N – Geotech Report
Exhibit O – Mine Claim Geotechnical Consultants Letter
Exhibit P – Sensitive Lands Analysis
Exhibit Q – City Ridgeline Map
Exhibit R – Photo Simulations
Exhibit S – April 8, 2015 PC Staff Report
Exhibit T – October 8, 2015 PC Staff Report

Exhibit A – Draft Ordinance with Proposed Plat

Ordinance 15-

AN ORDINANCE APPROVING THE ALICE CLAIM PLAT AMENDMENT AND SUBDIVISION PLAT, LOCATED AT THE INTERSECTION OF KING ROAD, RIDGE AVENUE, WOODSIDE GULCH AND SAMPSON AVENUE (APPROXIMATELY), PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Alice Claim Subdivision located at the intersection of King Road, Ridge Avenue, Woodside Gulch and Sampson Avenue (approximately), have petitioned the City Council for approval of the Alice Claim Subdivision plat; and

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

WHEREAS, proper legal notice was sent to all affected property owners according to the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on October 25, 2006, January 28, 2009, February 25, 2009, April 8, 2015, May 27, 2015, and June 10, 2015 to receive input on the proposed subdivision;

WHEREAS, on June 10, 2015 the Planning Commission forwarded a recommendation to the City Council; and,

WHEREAS, on July 9, 2015 the City Council held a public hearing on the proposed Alice Claim Subdivision; and

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

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

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

Findings of Fact:

1. The plat is located at the intersection of King Road, Ridge Avenue, Woodside Gulch and Sampson Avenue (approximately), within the Historic Residential (HR-1) and Estate (E) Districts and Sensitive Lands Overlay (SLO).
2. The proposal includes nine (9) lots on 8.65 acres which will not be allowed to be subdivided further.

3. The property is a “metes and bounds" parcel with contiguous platted lots.
4. A City water tank and land owned by the City is adjacent to the subject property on the south end, and a City-owned parcel bisects the subject property. The City water line does not run within the City owned property, but rather is located within a prescriptive easement on the subject property.
5. The applicant previously undertook a voluntary remediation of the regulated soils on the site, which included soil remediation both in the Alice Claim 8.49 acre portion and within a 1.7 acre portion of the adjoining City property.
6. The property can only be accessed through the platted King Avenue right-of-way as the owner cannot secure legal access through the Woodside Gulch water tank access easement used by the City. The new roadway would require excavation and retaining walls up to and possibly in excess of ten feet (10’) in height.
7. The Woodside Gulch stream runs through the property and any changes to the stream will require a Stream Alteration Permit. The Applicant previously applied for this permit and will need to amend their existing Stream Alteration Permit from the Army Corp of Engineers. Any changes to the stream may also require an amendment to the Voluntary Clean-up Program remediation with the Utah Department of Environmental Quality.
8. The property, which was once the site of the Alice Load Mine, was previously the site of mining activities, which have since undergone recent remediation.
9. A Voluntary Clean Up of the property was initiated by the Applicant.
10. Most of the remainder of the site has mature stands of oak, maple and aspen trees in addition to areas of smaller shrubs and grasses.
11. A culvert for the stream is proposed for Lot 1 primarily in order to meet the 50’ setback regulations from streams within the Estate and SLO lot, otherwise the culvert would not be necessary.
12. The applicant has proposed retaining walls in 3 locations up to 10’ in height that will be reviewed under a concurrent CUP.
13. This development is located upstream of the FEMA Flood Plain Studies. Lots 1, 5, 6, 7, 8, and 9 at a minimum appear to be in the streams flood plain.
14. The applicant requests a setback reduction from the Planning Commission for Lot 1 to a 15’ front, 10’ side and 10’ rear setback from the required 30’ front, 30’ side and 30’ rear setbacks for this Estate District lot in order to allow the buildable area to be lower on the hill side and off of the Very Steep Slopes.
15. Water Service is available and as proposed can meet required water pressure to all of the proposed development sites (proposed Lots) within the development. The applicant will be responsible to propose acceptable mitigation should the water model or utility plans be further revised.
16. The utility plan does not show how each of the wet and dry utilities will be able to be placed within the drives with required separations or with special conditions as approved by the proper regulatory agencies and approved by the City Engineer.
17. A Debris Flow Study has not been completed for the stream to determine if a debris basin is required.
18. Existing trails are shown on the plat and granted a public easement.
19. Proposed utilities have not been engineered to meet City Engineer’s approval but shall be prior to plat recordation.

20. All roads are proposed over 10% grades and will not be eligible to be converted to public ROWs in the future.
21. Because the Estate lot is directly adjacent to the HR-1 zone, the architectural detail, height, building materials and other design features of the development of the Estate Lot must show compatibility with adjacent properties when reviewed under the HDDR application process.
22. The homes within the HR-1 District in this subdivision are proposed to be a maximum of 5,000 square feet total including basement and garages, the footprints of all homes within the subdivision are proposed to be a maximum of 2,500 square feet as stipulated to by the Applicant in order to minimize the visual effects of the homes on the steep slopes.
23. Building pads are shown in Exhibit A. Limits of disturbance as shown on Exhibit A are not legible and need to be revised. All other property as open space should be protected by 3rd party conservation easement to maintain the land.
24. All homes within the HR-1 District in this subdivision are proposed be limited to a building height maximum of 25 feet from existing grade and all other building height exceptions found within the LMC continue to apply, as stipulated to by the Applicant in order to reduce the visual impacts of the homes on the steep slopes.
25. The footprints of the proposed homes are larger than those in nearby streets. The average footprints on Daly Avenue are 1,465.44 square feet, on King Road are 1,342.31 square feet, on Sampson Avenue are 1,619.58 square feet, and on Ridge Avenue are 2,076.72 square feet.
26. Applicant does not have an approved Sewer Service Plan. Sewer Service must be designed to service the proposed development sites in accordance with the Snyderville Basin Water Reclamation District's requirements. The applicant will be responsible to determine this with Snyderville Basin Water Reclamation District prior to plat recordation.
27. Proposed drives with utilities that are not private driveways are required to be 20' wide and are shown as such on the plat. The drive grades are proposed to be 14%. Drives must be 10% in order to be eligible to be converted to public ROWs.
28. Public trails are shown on Exhibit A with a 15' public recreational trail easement.
29. The proposed lots range in size from 3.01 acres within the Estate District and .18 acres (7,714-7,910 square feet) within the HR-1 District.
30. A geotechnical report has been reviewed by the City Engineer for the overall site but individual geotechnical reports have not been submitted for each lot.
31. The applicant owns other adjoining properties within the Historic Residential Low-Density (HRL) District. Two of these contiguous properties are lots 1 and 2 of the Ridge Avenue Subdivision.
32. The Estate District lot (Lot 1) is within the Sensitive Lands Overlay (SLO) and is subject to the regulations of LMC 15-2.21.
33. The proposed building pad areas on proposed Lots 2, 3, 4, 5, 6, 7, and 8 are all on Very Steep Slopes (over 40%). Only the proposed building pad area on Lot 9 (and the Estate lot, Lot 1) is on slopes less than 30%. Lot 1 is 31%, Lot 2 is 48%, Lot 3 is 50%, Lot 4 is 44%, Lot 5 is 48%, Lot 6 is 50%, Lot 7 is 43%, Lot 8 is 47%, and Lot 9 is 26%.

34. The existing encumbered Lots 1-7 and 36-40, Block 77 will be dedicated to the City as right-of-way upon plat recordation as they current have a road over them.
35. The proposed location of the house on proposed Lot 1 is on Steep Slopes (15% - 40%) and not on Very Slopes (greater than 40%), and also more than 50' away from Very Steep Slopes and is thus not subject to review under LMC 15-2.21-2(A) and (C).
36. The lots are positioned as proposed to avoid ridgelines and allow for drives that contour with the topography in order to meet the required grades.
37. Very few homes within the Historic Districts compare in size to the total square footage, footprint and lot size as is proposed by the Alice Claim Subdivision. The layout of the homes is not as compatible to the historic density and clustering of homes within the nearby HR-1 and HR-L districts as it could be designed to meet the smaller average footprint size of other nearby HR-1 districts.
38. The existing mine shaft on the property is currently filled as stated on the site plan dated May 18, 2018.
39. The Applicant has shown on the plat the limits of disturbance as a diagonal line from the proposed footprints to the proposed lot lines which have not been limited since the last meeting and are not legible. The applicant will be required to show this on the plat.
40. The application for the Alice Claim subdivision was deemed "complete" by the Planning Department on May 23, 2005.
41. Between 2006 and 2009, the Planning Commission conducted three work sessions to discuss the project and visited the property during two site visits.
42. On October 8, 2014 the Planning Commission conducted a site visit and work session to discuss the history and 2009 site plan proposed for this project.
43. The Applicant submitted a revised site plan, plat and all required submittals for the subdivision and plat amendment on January 23, 2015.
44. The Applicant submitted further revisions to the plat to address the City's concerns on March 16, 2015.
45. On April 8, 2015 the Planning Commission held a public hearing for this project and continued the item to May 27, 2015 to give the applicant sufficient time to submit revisions to the layout and clarify the concerns brought up by the Commissioners.
46. The Applicant submitted a revised site plan, plat and all required submittals for the subdivision and plat amendment on May 4, 2015.
47. The Applicant submitted further revisions to the plat to correct discrepancies in the May 4, 2015 submittal on May 18, 2015.
48. On May 27, 2015 the Planning Commission held a public hearing for this project and continued the item to June 10, 2015 in order to give staff sufficient time to review the changes submitted on May 18, 2015.
    It order to ensure all site improvements are made the applicant must either complete all Site Improvements prior to plat recordation, or if that is not possible, provide adequate financial Guarantees for completion, together with a right of entry to the Property to complete that work be granted to the City.

Conclusions of Law:

1. There is good cause for this subdivision and plat amendment.

2. The subdivision and plat amendment are consistent with the Park City Land Management Code and applicable State law regarding subdivisions and plat amendments.
3. Neither the public nor any person will be materially injured by the subdivision or plat amendment.
4. Approval of the subdivision plat and plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

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

8. The submitted water model will need to be revised with the submitted updates to the layout and receive written approval from the Water, Building, Engineering and Fire Departments in order for the subdivision to meet water requirements prior to plat recordation. If the water system requires a substantial change, as determined by the Planning Director, to the layout of this subdivision plat, this approval shall be null and void and an application to amend the Ordinance and plat shall need to be submitted and be reviewed and go through the entire process including internal review, planning commission and city council review.
9. There shall not be any further subdivision of any additional lots in this subdivision. A plat note shall reflect this condition.
10. All state requirements must be met, state permits must be obtained and the culvert must be fully installed prior to plat recordation and owned and maintained by the HOA.
11. This development is located upstream of the FEMA Flood Plain Studies. Lots 1, 5, 6, 8, and 9 at a minimum appear to be in the streams flood plain. A study shall be completed extending the FEMA Flood Plains through this development prior to plat recordation. Any lots located in a FEMA Zone A will require an Elevation Certificate showing the lowest occupied floor is at or above base flood elevation prior to building permit approval.
12. A Stream Alteration Permit from the State will be required for the culvert along with the Flood Plain Study to identify the culverts upstream and downstream impacts prior to plat recordation. The Stream Alteration Permit and Flood Plain Study must be completed and approved prior to Planning and Engineering approval.
13. The culvert inlet shall be at least 50' away from any structure on Lot 1 and the culvert shall be owned and maintained by the HOA.
14. A Debris Flow Study must be completed prior to plat recordation for the stream to determine if a debris basin is required.
15. All homes within this subdivision shall be limited to the LMC required footprint maximums or 2,500 sf, whichever is lower and building pads shall be as shown in Exhibit A.
16. Limits of disturbance as shown on Exhibit A shall be clarified on the plat prior to plat recordation to be able to quantify the square footage upon which shall remain in place and no changes shall be made. All other property shall be restricted as open space and/or protected by 3rd party conservation easement.
17. All homes within the HR-1 District in this subdivision shall be limited to a building height maximum of 25 feet from existing grade and all other building height exceptions found within the LMC continue to apply.
18. The maximum total floor area of all homes within the HR-1 District in this subdivision shall be limited to 5,000 sf including basement and garages.
19. The utility plan will need to be revised to show how each of the wet and dry utilities will be able to be placed within the drives with required separations or with special conditions as approved by the proper regulatory agencies and approved by the City Engineer prior to plat recordation.
20. Any roads over 10% grade will not be eligible to be converted to public ROWs in the future.

21. Drives must provide 20 feet wide of clear space to meet Fire Code. If parking impacts this 20 feet wide clear space, it will not be allowed and shall be signed No Parking.
22. Roads less than 26 feet wide shall be marked NO Parking on both sides of the road.
23. The Applicant will need to receive City Council's approval to give them an access over the City's property for Alice Court and where they may cross water lines, storm drainage, sewer, etc. This will need to occur prior to plat recordation.
24. Applicant must still provide recommendations to the City Engineer for which scenario most satisfies turning movements and minimizes conflicts and implement the recommendations prior to plat recordation.
25. The Applicant will need to receive, from the Utah Department of Environmental Quality ("UDEQ") under the UDEQ Voluntary Cleanup Program, a final Certificate of Completion for remediated soils within the Applicant's property prior to building permit approval.
26. If a Site Management Plan is required for the UDEQ Certificate of Completion for Alice Claim, the UDEQ approved Site Management Plan must be submitted to the Building Department prior to building permit approval.
27. The applicant will need to receive CUP approval for the proposed retaining walls over 6' prior to plat recordation.
28. The applicant shall obtain an easement for use of city property for Alice Court drive prior to plat recordation.
29. Public trails are shown on Exhibit A with a 15' public recreational trail easement.
30. Any structures built near the existing mine shaft shall be setback at least 10' if the shaft is filled up to the ground surface with soil and/or gravel and 40' setback if the shaft is not filled. The mine shaft shall be shown on the plat and the setback noted.
31. If the site plan is substantially altered, as determined by the Planning Director, due to any utility redesign or retaining wall redesign or other unforeseen issues, this approval shall be null and void and an application to amend the Ordinance and plat shall need to be submitted and be reviewed and go through the entire process including internal review, planning commission and city council review.
32. All Site and Public Improvements shall be completed prior to plat recordation or if the Applicant submits a finalized and engineered design the Applicant may petition the Planning Commission to allow the Applicant to submit an adequate financial Guarantee for all Site and Public Improvements prior to the expiration of the plat approval.
33. City utility maintenance access is required across the drives for Lots A & C.
34. Individual water booster or fire sprinkler system pumps to increase water pressure will not be allowed.
35. Individual geotechnical reports will be required for each lot prior to issuance of a building permit.
36. All mature trees that will be lost due to the subdivision, retaining walls, addition of drives and building pads, shall be approved by the Planning Department and be replaced in kind or with three smaller trees as close to the original location as possible within 1 year of tree removal.

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

PASSED AND ADOPTED this ___day of _____, 2015

PARK CITY MUNICIPAL CORPORATION

_____
Jack Thomas, MAYOR
ATTEST:

_____
Marci Heil, City Recorder

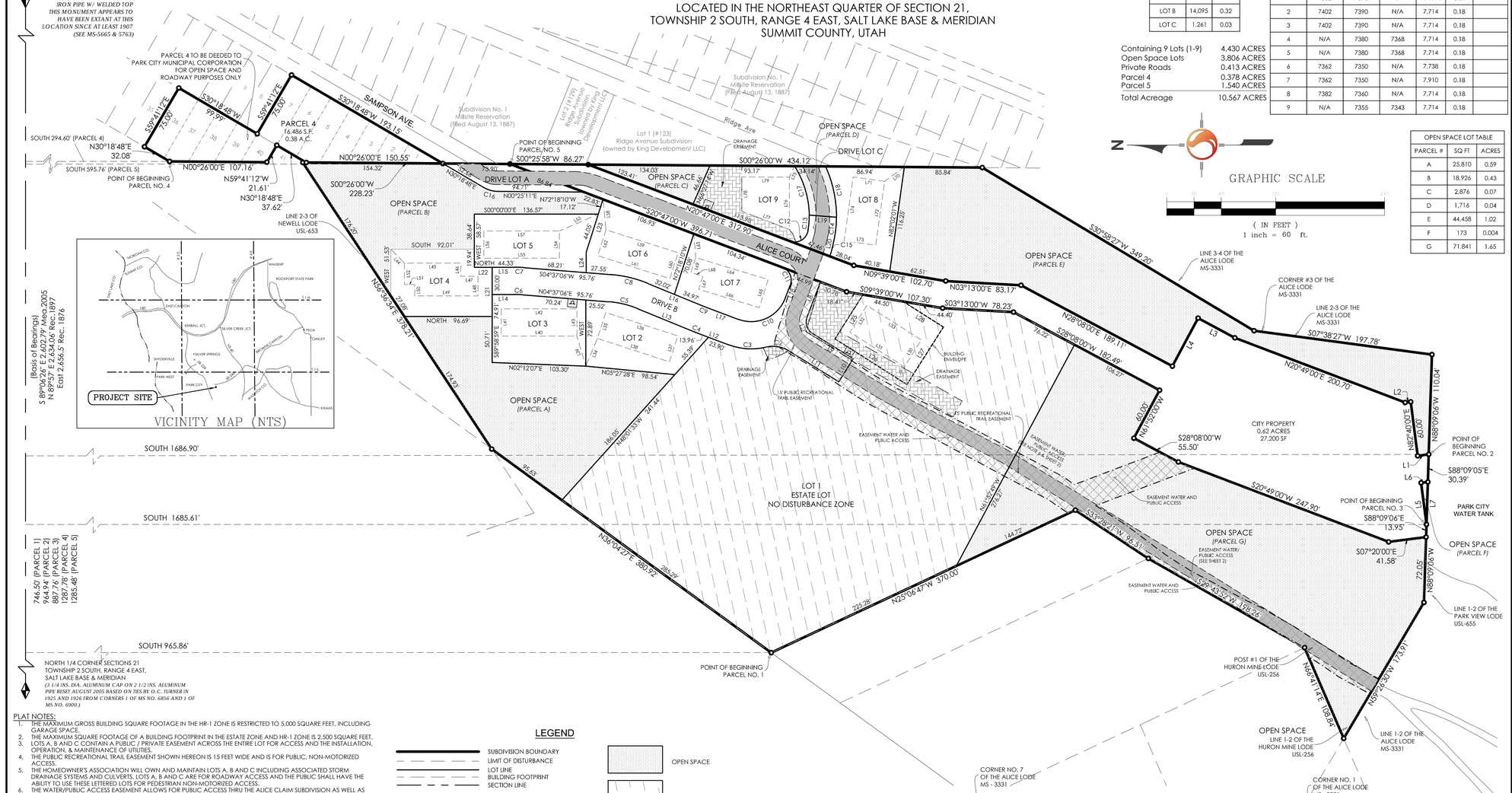
APPROVED AS TO FORM:

_____
Mark Harrington, City Attorney

EXHIBIT A

ALICE CLAIM

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



ROAD / LOT TABLE		
LOT #	SQ FT	ACRES
LOT A	2,663	0.06
LOT B	14,095	0.32
LOT C	1,261	0.03

Containing 9 Lots (1-9)	4.430 ACRES
Open Space Lots	3.806 ACRES
Private Roads	0.413 ACRES
Parcel 4	0.378 ACRES
Parcel 5	1.540 ACRES
Total Acreage	10.567 ACRES

LOT TABLE						
LOT #	TOP FLOOR ELEV	MAIN FLOOR ELEV	BOTTOM FLOOR ELEV	SQ FT	ACRES	ADDRESS
1	7382	7370	N/A	131,080	3.01	
2	7402	7390	N/A	7,714	0.18	
3	7402	7390	N/A	7,714	0.18	
4	N/A	7380	7368	7,714	0.18	
5	N/A	7380	7368	7,714	0.18	
6	7362	7350	N/A	7,738	0.18	
7	7362	7350	N/A	7,910	0.18	
8	7382	7360	N/A	7,714	0.18	
9	N/A	7355	7343	7,714	0.18	

OPEN SPACE LOT TABLE		
PARCEL #	SQ FT	ACRES
A	25,810	0.59
B	18,926	0.43
C	2,876	0.07
D	1,716	0.04
E	44,458	1.02
F	173	0.004
G	71,841	1.65

SURVEYOR'S CERTIFICATE

I, Gregory A. Cates, do hereby certify that I am a Professional Land Surveyor, and that I hold Certificate No. 161226 as prescribed under the laws of the State of Utah. I certify that the boundary and adjoining information of this survey is based on the Mineral Survey Replacement Plat Record of Survey for Alice Lode performed by Loyal D. Olson III. I further certify that by authority of the Owners, I have subdivided said tract of land into lots and streets, hereafter to be known as

ALICE CLAIM

and that same has been surveyed and staked on the ground as shown on this plat.

BOUNDARY DESCRIPTION

Parcel No.1

A parcel of land located in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point on Line 6-7 of the Alice Lode, Mineral Survey #3331, said point being also S89°06'26"E 746.50 feet, along the Section Line, and South 965.86 feet from the North Quarter Corner of said Section 21, and running thence, along said Line 6-7, N36°04'27"E 380.92 feet to a point on Line 2-3 of the Newell Lode USL-653; thence, along said Line 2-3, Newell Lode, N56°36'34"E 378.21 feet to a point on the Westerly Boundary Line of Subdivision No.1 of Millsite Reservation (Filed Aug. 13, 1887); thence, along said Westerly Boundary Line, S00°26'00"W 228.22 feet to a point on the Westerly Right-of-Way Line of the Park City Water Company Access Road; thence, along said Westerly Right-of-Way Line, the following four (4) courses: (1) S20°47'00"W 396.71 feet, (2) S09°39'00"W 107.30 feet, (3) S03°13'00"W 78.23 feet, (4) S28°08'00"W 182.49 feet to a point on the Park City Property; thence, along the Westerly Boundary Line of said Park City Property, the following four (4) courses: (1) N61°52'00"W 60.00 feet, (2) S28°08'00"W 55.50 feet, (3) S20°49'00"W 247.90 feet, (4) S07°20'00"E 41.58 feet to a point on Line 1-2 of the Park View Lode USL-655; thence, along said Line 1-2, Park View Lode, N88°09'06"W 72.05 feet to a point on Line 1-2 of said Alice Lode MS-3331; thence, along said Line 1-2, Alice Lode, N59°26'30"W 173.91 feet to a point on Line 1-2 of the Huron Mine Lode USL-256; thence, along said Line 1-2, Huron Mine Lode, N66°41'14"E 108.84 feet to Post #1 of said Huron Mine Lode; thence N29°43'52"E 198.26 feet; thence N33°28'21"E 96.51 feet; thence N25°06'47"W 370.00 feet to the Point of Beginning.

Containing 310,925 square feet or 7.138 acres.

Parcel No.2

A parcel of land located in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point on the Easterly Boundary Line of the Park City Property, said point being also on the Line 1-2 of the Park View Lode USL-655, said point being also S89°06'26"E 964.94 feet, along the Section Line, and South 1686.90 feet from the North Quarter Corner of said Section 21, and running thence, along said Easterly Boundary Line, the following six (6) courses: (1) N07°20'00"W 12.32 feet, (2) N82°40'00"E 60.00 feet, (3) N07°20'00"W 6.20 feet, (4) N20°49'00"E 200.70 feet, (5) N28°08'00"E 45.91 feet, (6) N61°52'00"W 60.00 feet to the Easterly Right-of-Way Line of the Park City Water Company Access Road; thence, along said Easterly Right-of-Way Line, the following four (4) courses: (1) N28°08'00"E 189.11 feet, (2) N03°13'00"E 83.17 feet, (3) N09°39'00"E 102.70 feet, (4) N20°47'00"E 312.90 feet to a point on the Westerly Boundary Line of the Subdivision No.1 of Millsite Reservation (Filed Aug. 13, 1887); thence, along said Westerly Boundary Line, S00°26'00"W 434.12 feet to a point on Line 3-4 of the Alice Lode Mineral Survey-3331; thence, along said Line 3-4, Alice Lode, S30°58'27"W 349.20 feet to Corner #3 of said Alice Lode MS-3331; thence, along Line 2-3, Alice Lode, S07°38'27"W 197.78 feet to a point on said Line 1-2 of the Park View Lode USL-655; thence, along said Line 1-2, Park View Lode, N88°09'06"W 110.04 feet to the Point of Beginning.

Containing 65,741 square feet or 1.509 acres.

Parcel No.3

A parcel of land located in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point on the Southerly Boundary Line of the Park City Property, said point being also on the Line 1-2 of the Park View Lode USL-655, said point being also S89°06'26"E 887.76 feet, along the Section Line, and South 1685.61 feet from the North Quarter Corner of said Section 21, and running thence, along said Southerly Boundary Line, the following two (2) courses: (1) N82°40'00"E 46.23 feet, (2) S07°20'00"E 7.47 feet to a point on said Line 1-2 of the Park View Lode; thence, along said Line 1-2, Park View Lode, N88°09'06"W 46.83 feet to the Point of Beginning.

Containing 173 square feet or 0.004 acres.

Parcel No.4

A parcel of land located in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Lots 1 through 7 inclusive and Lots 36 through 40 inclusive, block 77, Millsite Reservation to Park City, according to the official plat thereof filed in the office of the Summit County Recorder, being more particularly described as follows:

Beginning at a point on the Westerly Boundary Line of Subdivision No.1 of Millsite Reservation (dated 06/25/1887), said point being also on the Northwesterly Line of Lot 37 of said Millsite Reservation, said point being also S89°06'26"E 1287.78 feet, along the Section Line, and South 294.60 feet from the North Quarter Corner of said Section 21, and running thence, along said Northwesterly Line of Lot 37 and Lot 36, N30°18'48"E 32.08 feet to the Northerly Corner of said Lot 36, thence along the Northeasterly Line of Said Lot 36, S59°41'12"E 75.00 feet to the Easterly Corner of said Lot 36; thence, along the Southeasterly Line of Lots 36 through 39 inclusive of said Millsite Reservation, S30°18'48"W 99.99 feet to the Northerly Corner of Lot 7 of said Millsite Reservation; thence, along the Northeasterly Line of said Lot 7, S59°41'12"E 75.00 feet to the Easterly Corner of said Lot 7; thence, along the Southeasterly Line of Lots 7 through 1 inclusive of said Millsite Reservation, S30°18'48"W 193.15 feet to the Southerly Corner of Lot 1 and of said Westerly Boundary Line of Millsite Reservation; thence, along said Westerly Boundary Line, N00°26'00"E 150.55 feet to the Southerly Corner of Lot 41 of said Millsite Reservation; thence, along the Southeasterly and Northeasterly Lines of said Lot 41, the following two (2) courses: (1) N30°18'48"E 37.62 feet, (2) N59°41'12"W 21.61 feet to said Westerly Boundary Line of Millsite Reservation; thence, along said Westerly Boundary Line, N00°26'00"E 107.16 feet to the Point of Beginning.

Containing 16,486 square feet or 0.378 acres.

Parcel No.5

A parcel of land located in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point S89°06'26"E 1285.48 feet, along the Section Line, and South 595.76 feet from the North Quarter Corner of said Section 21, and running thence, S00°26'00"W 86.27 feet; thence S20°47'00"W 312.90 feet; thence S09°39'00"W 102.70 feet; thence S03°13'00"W 83.17 feet; thence S28°08'00"W 189.11 feet; thence S61°52'00"E 60.00 feet; thence S28°08'00"W 45.90 feet; thence S20°49'00"W 200.70 feet; thence S07°20'00"E 6.20 feet; thence S82°40'00"W 60.00 feet; thence S07°20'00"E 12.32 feet; thence N88°09'05"W 30.39 feet; thence N07°20'00"W 7.47 feet; thence S82°40'00"W 46.23 feet; thence N88°09'06"W 13.95 feet; thence N07°20'00"W 41.58 feet; thence N20°49'00"E 247.90 feet; thence N28°08'00"E 55.50 feet; thence S61°52'00"E 60.00 feet; thence N28°08'00"E 182.49 feet; thence N03°13'00"E 78.23 feet; thence N09°39'00"E 107.30 feet; thence N20°47'00"E 396.71 feet to the Point of Beginning.

Containing 67,071 square feet or 1.54 acres.

DATE

GREGORY A. CATES
P.L.S. 161226

LICENSED PROFESSIONAL LAND SURVEYOR No. 161226 GREGORY A. CATES STATE OF UTAH

PLAT NOTES:

1. THE MAXIMUM GROSS BUILDING SQUARE FOOTAGE IN THE HR-1 ZONE IS RESTRICTED TO 5,000 SQUARE FEET, INCLUDING GARAGE SPACE.
2. THE MAXIMUM SQUARE FOOTAGE OF A BUILDING FOOTPRINT IN THE ESTATE ZONE AND HR-1 ZONE IS 2,500 SQUARE FEET.
3. LOTS A, B AND C CONTAIN A PUBLIC / PRIVATE EASEMENT ACROSS THE ENTIRE LOT FOR ACCESS AND THE INSTALLATION, OPERATION, & MAINTENANCE OF UTILITIES.
4. THE PUBLIC RECREATIONAL TRAIL EASEMENT SHOWN HEREON IS 15 FEET WIDE AND IS FOR PUBLIC, NON-MOTORIZED ACCESS.
5. THE HOMEOWNER'S ASSOCIATION WILL OWN AND MAINTAIN LOTS A, B AND C INCLUDING ASSOCIATED STORM DRAINAGE SYSTEMS AND CULVERTS. LOTS A, B AND C ARE FOR ROADWAY ACCESS AND THE PUBLIC SHALL HAVE THE ABILITY TO USE THESE LETTERED LOTS FOR PEDESTRIAN NON-MOTORIZED ACCESS.
6. THE WATER/PUBLIC ACCESS EASEMENT ALLOWS FOR PUBLIC ACCESS THRU THE ALICE CLAIM SUBDIVISION AS WELL AS INSTALLATION, OPERATION, & MAINTENANCE OF THE PUBLIC WATER SYSTEM.
7. HOA WILL MAINTAIN ALL STORM WATER DETENTION FACILITIES.
8. COMPLIANCE WITH RESTRICTIONS OF THE STATE VOLUNTARY CLEANUP CERTIFICATE OF COMPLETION IS REQUIRED, AND NO DEVELOPMENT IS ALLOWED IN OPEN SPACE PARCELS OR NON-DISTURBANCE AREAS.

WATER SYSTEM NOTES:

1. A fire flow of 1,500 gpm has been approved for the project.
2. Water Service Laterals shall be 2"-diameter for all lots with 1.5" meters.
3. Lots 1, 2, 3, 4, & 7 require special fire sprinkler design to be approved by the City.
4. Dead end water lines serving fire hydrants shall be 10"-diameter.
5. Water system pressures within the development are at the lower limit of acceptability. Building plumbing and fire sprinkler systems shall be designed accordingly. Individual water booster or fire sprinkler system pumps to increase water pressure will not be allowed.
6. All landscaping shall be comprised of native plants, trees, and shrubs that do not require irrigation.
7. Relocation of existing City infrastructure, if required, is subject to review and approval of the City. No relocations that adversely affect City systems will be approved.

LEGEND

SUBDIVISION BOUNDARY
LIMIT OF DISTURBANCE
LOT LINE
BUILDING FOOTPRINT
SECTION LINE
FOUND SECTION CORNER
SUBDIVISION BOUNDARY CORNER
STREET MONUMENT
PROPOSED STREET LIGHT
PROPOSED FIRE HYDRANT
OPEN SPACE
NO DISTURBANCE AREA
EASEMENT WATER AND PUBLIC ACCESS
15' PUBLIC RECREATIONAL TRAIL EASEMENT
DRAINAGE EASEMENT

LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	12.32'	N07°20'00"W
L2	6.20'	N07°20'00"W
L3	45.90'	N28°08'00"E
L4	60.00'	N61°52'00"W
L5	46.23'	N82°40'00"E
L6	7.47'	S07°20'00"E
L7	46.83'	N88°09'06"W
L8	41.66'	N69°14'52"W
L9	52.42'	S31°38'26"W
L10	30.00'	N58°21'34"W
L11	64.93'	N31°38'26"E
L12	37.86'	N20°39'44"E
L13	66.99'	N22°12'31"E
L14	24.73'	N00°00'00"E
L15	24.73'	S00°00'00"E
L16	66.99'	S22°12'31"W
L17	37.86'	S20°39'44"W
L18	15.79'	S69°14'52"E
L19	30.11'	S04°36'31"W
L20	8.18'	N77°12'24"W

LINE TABLE		
LINE #	LENGTH	DIRECTION
L21	54.20'	S89°59'33"E
L22	19.60'	S00°00'00"E
L23	61.17'	N72°18'10"W
L24	22.53'	N90°00'00"W
L25	57.80'	N57°36'57"W
L26	93.87'	S32°23'03"W
L27	75.00'	S57°36'57"E
L28	52.83'	N32°23'03"E
L29	19.77'	S81°44'41"W
L30	35.00'	S57°36'57"E
L31	71.00'	S32°23'03"W
L32	35.00'	N57°36'57"W
L33	71.00'	N32°23'03"E
L34	33.18'	S67°19'08"E
L35	30.00'	N71°54'38"W
L36	83.33'	N18°05'22"E
L37	30.00'	S71°54'38"E
L38	83.33'	S18°05'22"W
L39	34.52'	S73°29'01"W
L40	83.33'	S00°00'54"W

LINE TABLE		
LINE #	LENGTH	DIRECTION
L41	30.00'	N89°59'06"W
L42	83.33'	N00°00'54"E
L43	30.00'	S89°59'06"E
L44	21.46'	S45°27'27"W
L45	61.96'	S00°00'00"E
L46	14.64'	N90°00'00"W
L47	19.08'	S00°00'00"E
L48	21.52'	N90°00'00"W
L49	69.73'	N00°00'00"E
L50	12.59'	N90°00'00"E
L51	11.31'	N00°00'00"E
L52	23.58'	N90°00'00"E
L53	46.65'	N23°27'38"W
L54	30.00'	N90°00'00"E
L55	83.33'	S00°00'00"E
L56	30.00'	N90°00'00"W
L57	83.33'	N00°00'00"E
L58	33.65'	N84°22'19"E
L59	83.33'	N17°41'50"E
L60	30.00'	S72°18'10"E

LINE TABLE		
LINE #	LENGTH	DIRECTION
L61	83.33'	S17°41'50"W
L62	30.00'	N72°18'10"W
L63	26.25'	N85°09'47"E
L64	83.33'	S16°56'00"E
L65	32.50'	N72°32'39"W
L66	69.72'	N16°56'00"E
L67	15.00'	S73°04'00"E
L68	13.63'	N17°58'48"E
L69	17.25'	S72°01'12"E
L70	26.89'	S35°56'06"E
L71	35.00'	N07°57'59"E
L72	71.00'	S82°02'01"E
L73	35.00'	S07°57'59"W
L74	71.00'	N82°02'01"W
L75	13.35'	S65°00'52"E
L76	57.62'	N90°00'00"W
L77	56.00'	N20°53'48"E
L78	37.99'	N90°00'00"E
L79	52.31'	S00°21'59"W

CURVE TABLE					
CURVE #	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD DISTANCE
C1	15.00'	20.71'	79°06'42"	S71°11'47"W	19.10'
C2	33.00'	26.00'	45°08'32"	N09°04'10"E	25.33'
C3	70.00'	41.74'	34°09'50"	N03°34'49"E	41.12'
C4	135.00'	3.64'	1°32'47"	N21°26'08"E	3.64'
C5	105.00'	32.24'	17°35'25"	N13°24'49"E	32.11'
C6	105.00'	8.46'	4°37'06"	N02°18'33"E	8.46'
C7	135.00'	10.88'	4°37'06"	S02°18'33"W	10.88'
C8	135.00'	41.45'	17°35'25"	S13°24'49"W	41.28'
C9	105.00'	2.83'	1°32'47"	S21°26'08"W	2.83'
C10	40.00'	62.77'	89°54'36"	S24°17'34"E	56.52'
C11	15.00'	23.55'	89°58'08"	N65°46'04"E	21.21'
C12	15.00'	26.26'	100°18'45"	S29°22'23"E	23.03'
C13	85.00'	17.49'	11°47'10"	S85°25'20"E	17.45'
C14	115.00'	26.32'	13°06'40"	N83°45'44"W	26.26'
C15	115.00'	9.37'	4°40'01"	N74°52'23"W	9.36'
C16	30.00'	15.65'	29°53'37"	S15°22'00"W	15.48'
C17	105.44'	56.90'	30°55'17"	N73°13'26"E	56.21'
C18	135.44'	57.72'	24°24'58"	N77°47'31"E	57.28'

CORPORATE ACKNOWLEDGMENT

STATE OF UTAH
COUNTY OF UTAH } S.S.

On the _____ day of _____, A.D., 20 _____ personally appeared before me, _____, who being duly sworn or affirmed, did say that he/she is the _____ of _____ and that the within owner's dedication was signed by him/her in behalf of the said corporation by authority of its bylaws, or Board of Directors, and that said corporation executed the same.

My commission number:

My commission expires: Name Notary Public commissioned in Utah

MUNICIPAL ACKNOWLEDGMENT

STATE OF UTAH
COUNTY OF UTAH } S.S.

On this _____ day of _____, A.D. 20 _____, personally appeared before me, the undersigned Notary Public, in and for said County of Salt Lake in said State of Utah, _____, who, being by me duly sworn or affirmed, did say that he/she is the _____ of _____, a municipal corporation of the State of Utah, and that he/she signed the Owner's Dedication freely and voluntarily for and in behalf of said municipal corporation, for the purposes therein mentioned, and he/she acknowledged to me that said municipal corporation executed the same.

My commission number:

My commission expires: Name Notary Public commissioned in Utah

OWNER'S DEDICATION

Know all men by these presents that _____, the _____ undersigned owner(s) of the above described tract of land having caused same to be subdivided into lots and streets to be hereafter known as

ALICE CLAIM

do hereby dedicate for perpetual use of the public all parcels of land, right-of-ways and easements as shown on this plat as intended for Public use.

In withness whereof _____ have hereunto set _____ this _____ day of _____, AD 20 _____.

KING DEVELOPMENT GROUP L.L.C

PARK CITY MUNICIPAL CORPORATION (PARCEL NO. 5 ONLY)

SHEET 1 OF 2

ALICE CLAIM

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

Stantec

Stantec Consulting Services Inc.
3995 S 700 E Ste. 300
Salt Lake City, UT
84107-2540
Tel. 801.261.0090
Fax. 801.266.1671
www.stantec.com

Planning Commission Meeting June 10, 2015

No.	Revisions	By	Date
1	Total plat revision	SV	5-06-15

Project Number 205303057	PM / PMD
Filename 03057v_fb.dwg	Plot Date 05/06/15
Designed By JRJ	Drawn By SRV
Checked By GAC	Date 05/07/15
Scale 1"= 60'	Date Issued / Date

OWNER/SUBDIVIDER:

KING DEVELOPMENT GROUP L.L.C

P.O. BOX 244
PARK CITY, UTAH
84060

SNYDERVILLE BASIN SEWER DISTRICT

REVIEW FOR CONFORMANCE ON THIS _____ DAY OF _____ A.D., 20 _____.

S.B.W.R.D.

MAYOR

APPROVED AND ACCEPTED BY THE SUMMIT COUNTY PLANNING COMMISSION THIS _____ DAY OF _____ A.D., 20_____.

MAYOR

PARK CITY ENGINEER

I, _____, PARK CITY ENGINEER HEREBY CERTIFY THAT THIS PLAT HAS BEEN EXAMINED BY THIS OFFICE AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE.

DATE PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS _____ DAY OF _____ A.D., 20 _____.

ATTORNEY

RECORDED #

STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE REQUEST OF :

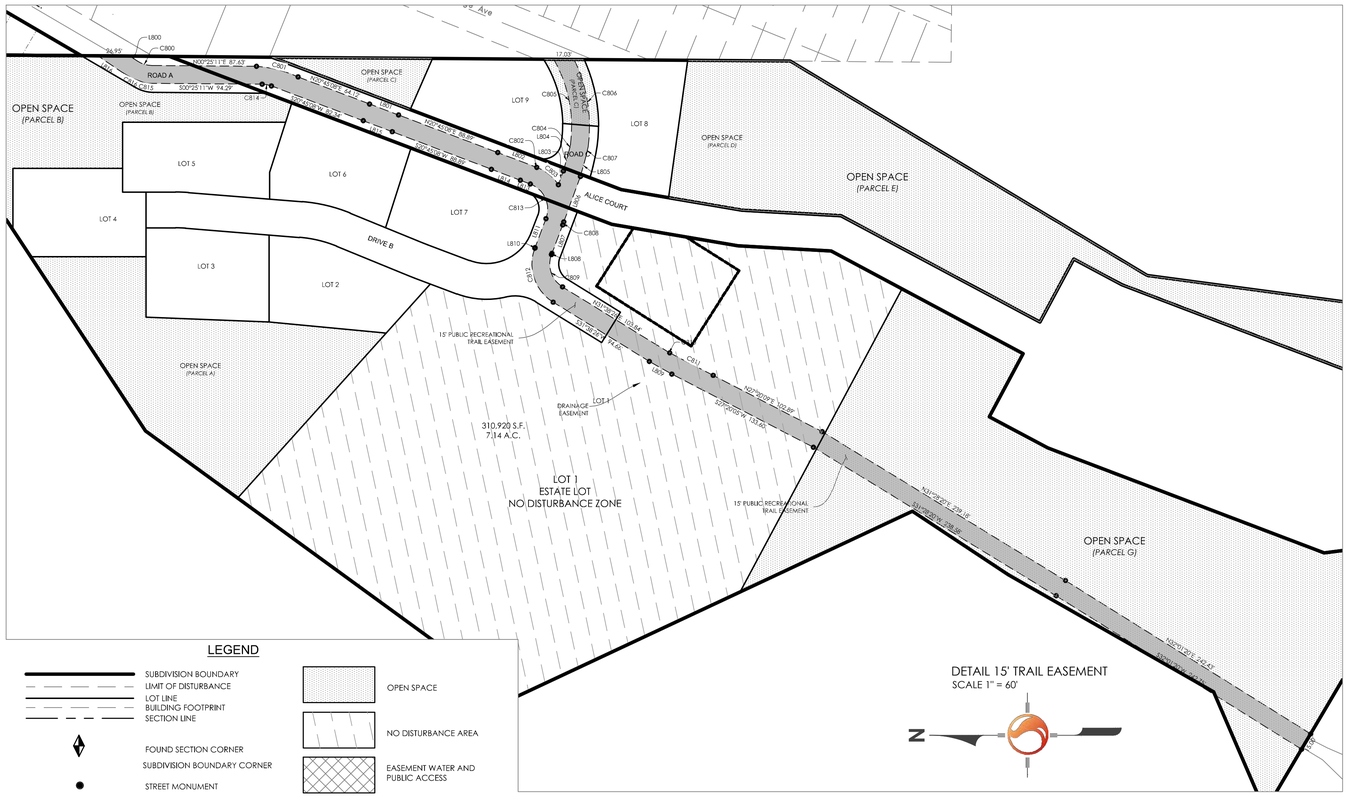
DATE: ____ TIME: ____ BOOK: ____ PAGE: ____

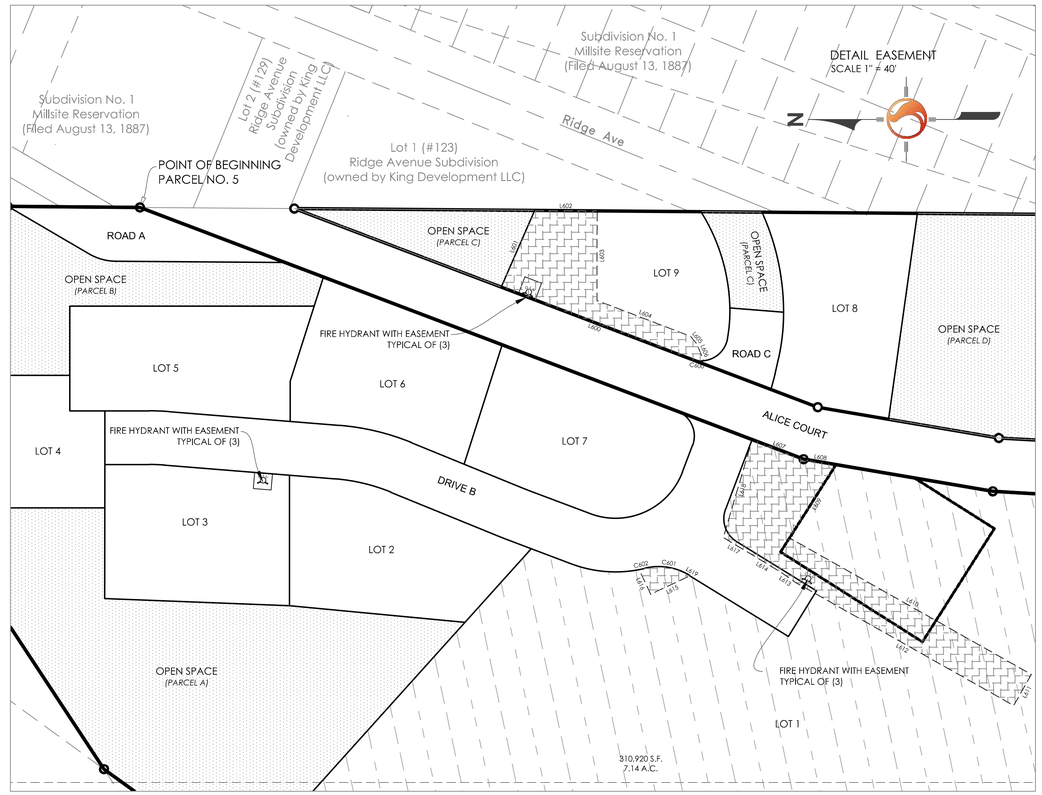
FEE$ COUNTY RECORDER

V:\205303057\Active\205303057\drawing\survey\3057v_fb.dwg 5/18/2015 3:13 Patterson, Shawn

ALICE CLAIM

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

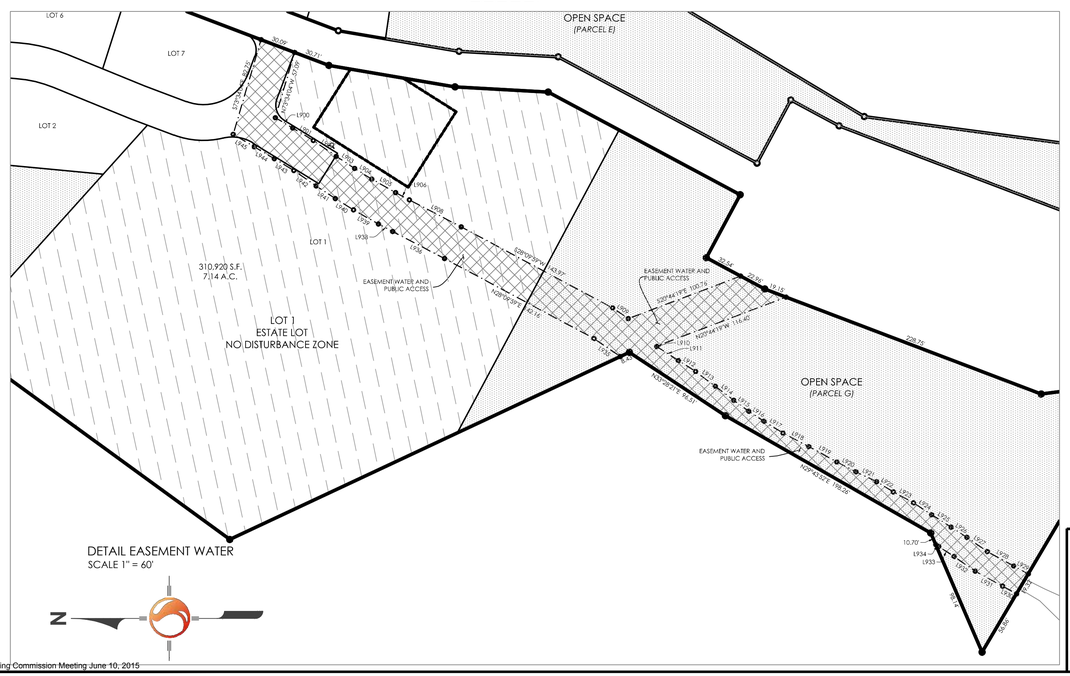




LEGEND

- SUBDIVISION BOUNDARY
- LIMIT OF DISTURBANCE
- LOT LINE
- BUILDING FOOTPRINT
- SECTION LINE
- FOUND SECTION CORNER
- SUBDIVISION BOUNDARY CORNER
- STREET MONUMENT
- PROPOSED STREET LIGHT
- PROPOSED FIRE HYDRANT
- OPEN SPACE
- NO DISTURBANCE AREA
- EASEMENT WATER AND PUBLIC ACCESS
- 15' PUBLIC RECREATIONAL TRAIL EASEMENT
- DRAINAGE EASEMENT

DETAIL 15' TRAIL EASEMENT
SCALE 1" = 60'



DETAIL EASEMENT WATER
SCALE 1" = 60'

TRAIL EASEMENT CURVE TABLE					
CURVE #	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD DISTANCE
C800	22.50'	13.29'	33°49'54"	N17°20'08"E	13.09'
C801	99.91'	36.18'	20°44'59"	N14°21'23"E	35.99'
C802	22.50'	0.19'	0°28'18"	N20°53'34"E	0.19'
C803	37.51'	23.65'	36°07'54"	N38°47'23"E	23.26'
C804	34.50'	4.81'	7°59'35"	N78°22'39"W	4.81'
C805	112.94'	73.83'	37°27'17"	S78°53'55"W	72.52'
C806	127.94'	75.04'	33°36'27"	N80°49'20"E	73.97'
C807	49.50'	6.91'	7°59'35"	S78°22'39"E	6.90'
C808	37.50'	2.72'	4°09'47"	S71°19'46"E	2.72'
C809	22.50'	31.07'	79°06'42"	N71°11'47"E	28.66'
C810	22.50'	1.69'	4°17'29"	N29°29'41"E	1.68'
C811	712811.01'	40.97'	0°01'59"	N27°19'57"E	40.97'
C812	37.50'	51.78'	79°06'42"	S71°11'47"W	47.76'
C813	22.50'	35.34'	90°00'00"	S65°45'08"W	31.82'
C814	22.50'	7.98'	20°19'57"	S10°35'09"W	7.94'
C815	17.50'	4.99'	16°20'50"	S08°35'36"W	4.98'
C816	68.50'	20.90'	17°29'04"	S25°30'33"W	20.82'

TRAIL EASEMENT LINE TABLE		
LINE #	DIRECTION	LENGTH
L800	N34°15'05"E	7.04'
L801	N20°45'08"E	26.00'
L802	N20°45'08"E	34.76'
L803	N69°52'36"W	12.22'
L804	N74°22'51"W	18.45'
L805	S74°22'51"E	19.04'
L806	S69°52'36"E	40.55'
L807	S69°14'52"E	25.52'
L808	S69°14'52"E	1.00'
L809	S29°28'05"W	21.69'
L810	N69°14'52"W	1.00'
L811	N69°14'52"W	26.52'
L813	S20°45'08"W	8.97'
L814	S20°45'08"W	26.00'
L815	S20°45'08"W	26.00'
L816	S34°15'05"W	23.70'

WATER / PUBLIC EASEMENT ACCESS LINE TABLE		
LINE #	DIRECTION	LENGTH
L900	S30°45'55"W	16.95'
L901	S31°08'34"W	20.18'
L902	S34°45'48"W	23.30'
L903	S33°18'11"W	18.52'
L904	S31°51'40"W	16.98'
L905	S29°32'43"W	22.92'
L906	S27°58'15"W	13.06'
L908	S27°29'25"W	49.01'
L909	S34°23'17"W	15.89'
L910	S35°10'15"W	0.42'
L911	S32°48'37"W	21.66'
L912	S32°33'40"W	17.04'
L913	S36°52'25"W	20.64'
L914	S37°13'23"W	19.50'
L915	S36°13'27"W	15.55'
L916	S33°16'29"W	15.23'
L917	S31°54'37"W	18.84'
L918	S27°34'03"W	24.46'
L919	S28°44'42"W	26.82'
L920	S27°24'41"W	17.87'
L921	S25°23'29"W	19.31'
L922	S31°29'39"W	16.45'

WATER / PUBLIC EASEMENT ACCESS LINE TABLE		
LINE #	DIRECTION	LENGTH
L923	S28°30'29"W	19.27'
L924	S33°14'48"W	18.16'
L925	S32°29'59"W	19.32'
L926	S32°54'57"W	15.83'
L927	S34°51'19"W	20.81'
L928	S28°33'46"W	25.17'
L929	S28°43'47"W	13.98'
L930	N28°43'47"E	13.33'
L931	N28°33'46"E	26.21'
L932	N34°51'18"E	21.55'
L933	N32°54'57"E	15.44'
L934	N32°29'59"E	2.84'
L935	N34°23'17"E	26.69'
L936	N27°29'25"E	48.95'
L938	N27°58'15"E	13.60'
L939	N29°32'43"E	23.94'
L940	N31°51'40"E	17.96'
L941	N33°18'11"E	19.28'
L942	N34°45'48"E	22.73'
L943	N31°08'34"E	19.13'
L944	N30°45'55"E	19.49'
L945	N30°31'57"E	20.63'

DRAINAGE EASEMENT LINE TABLE		
LINE #	DIRECTION	LENGTH
L600	N20°47'00"E	113.67'
L601	S66°27'14"E	46.78'
L602	S00°26'00"W	34.88'
L603	N89°56'42"W	50.18'
L604	S20°53'48"W	56.03'
L605	S51°44'23"W	5.88'
L606	S68°14'55"W	9.76'
L607	S20°47'00"W	30.78'
L608	S09°39'00"W	18.41'
L609	N57°36'57"W	48.51'
L610	S29°26'57"W	155.20'
L611	N60°53'03"W	20.00'
L612	N29°26'57"E	139.87'
L613	N34°45'48"E	10.62'
L614	N31°08'34"E	20.18'
L615	N25°11'59"W	24.17'
L616	N64°48'01"E	15.21'
L617	N30°45'55"E	16.95'
L618	S73°34'04"E	57.09'
L619	S31°58'26"W	0.28'

DRAINAGE EASEMENT CURVE TABLE					
CURVE #	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD DISTANCE
C600	15.00'	6.98'	26°40'12"	N07°26'54"E	6.92'
C601	33.00'	26.00'	45°08'32"	S09°04'10"W	25.33'
C602	70.00'	3.17'	2°35'35"	S12°12'19"E	3.17'

SHEET 2 OF 2

ALICE CLAIM

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

Stantec

Stantec Consulting Services Inc.
3995 S 700 E Ste. 300
Salt Lake City, UT
84107-2540
Tel. 801.261.0090
Fax. 801.266.1671
www.stantec.com

No.	Revisions	By	Date

Project Number 205303057	PM JRJ
Filename 03057v_fb.dwg	Plot Date 01/22/15
Designed By JRJ	Drawn By SRV
Checked By GAC	Date 01/22/15
Scale 1"= 60'	Date Issued Date

RECORDED #

STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE REQUEST OF :

DATE: ____ TIME: ____ BOOK: ____ PAGE: ____

FEE$ COUNTY RECORDER

V:\205303\Active\205303057\drawing\survey\03057v_fb_sh2.dwg
3/18/2015 3:17 Patterson, Shawn

EXHIBIT B

LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	60.00'	N82°40'00"E
L2	6.20'	N07°20'00"W
L3	12.32'	N07°20'00"W
L4	46.83'	S88°09'06"E
L5	7.47'	N07°20'00"W
L6	46.23'	S82°40'00"W

Parcel No.1

A parcel of land located in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point on Line 6-7 of the Alice Lode, Mineral Survey #3331, said point being also S89°06'26"E 746.50 feet, along the Section Line, and South 965.86 feet from the North Quarter Corner of said Section 21, and running thence, along said Line 6-7, N36°04'27"E 380.92 feet to a point on Line 2-3 of the Newell Lode USL-653; thence, along said Line 2-3, Newell Lode, N56°36'34"E 378.21 feet to a point on the Westerly Boundary Line of Subdivision No.1 of Millsite Reservation (Filed Aug. 13, 1887); thence, along said Westerly Boundary Line, S00°26'00"W 228.22 feet to a point on the Westerly Right-of-Way Line of the Park City Water Company Access Road; thence, along said Westerly Right-of-Way Line, the following four (4) courses: (1) S20°47'00"W 396.71 feet, (2) S09°39'00"W 107.30 feet, (3) S03°13'00"W 78.23 feet, (4) S28°08'00"W 182.49 feet to a point on the Park City Property; thence, along the Westerly Boundary Line of said Park City Property, the following four (4) courses: (1) N61°52'00"W 60.00 feet, (2) S28°08'00"W 55.50 feet, (3) S20°49'00"W 247.90 feet, (4) S07°20'00"E 41.58 feet to a point on Line 1-2 of the Park View Lode USL-655; thence, along said Line 1-2, Park View Lode, N88°09'06"W 72.05 feet to a point on Line 1-2 of said Alice Lode MS-3331; thence, along said Line 1-2, Alice Lode, N59°26'30"W 173.91 feet to a point on Line 1-2 of the Huron Mine Lode USL-256; thence, along said Line 1-2, Huron Mine Lode, N66°41'14"E 108.84 feet to Post #1 of said Huron Mine Lode; thence N29°43'52"E 198.26 feet; thence N33°28'21"E 96.51 feet; thence N25°06'47"W 370.00 feet to the Point of Beginning.

Containing 310,925 square feet or 7.138 acres.

Parcel No.2

A parcel of land located in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point on the Easterly Boundary Line of the Park City Property, said point being also on the Line 1-2 of the Park View Lode USL-655, said point being also S89°06'26"E 964.94 feet, along the Section Line, and South 1686.90 feet from the North Quarter Corner of said Section 21, and running thence, along said Easterly Boundary Line, the following six (6) courses: (1) N07°20'00"W 12.32 feet, (2) N82°40'00"E 60.00 feet, (3) N07°20'00"W 6.20 feet, (4) N20°49'00"E 200.70 feet, (5) N28°08'00"E 45.91 feet, (6) N61°52'00"W 60.00 feet to the Easterly Right-of-Way Line of the Park City Water Company Access Road; thence, along said Easterly Right-of-Way Line, the following four (4) courses: (1) N28°08'00"E 189.11 feet, (2) N03°13'00"E 83.17 feet, (3) N09°39'00"E 102.70 feet, (4) N20°47'00"E 312.90 feet to a point on the Westerly Boundary Line of the Subdivision No.1 of Millsite Reservation (dated 06/25/1887); thence, along said Westerly Boundary Line, S00°26'00"W 434.12 feet to a point on Line 3-4 of the Alice Lode Mineral Survey-3331; thence, along said Line 3-4, Alice Lode, S30°58'27"W 349.20 feet to Corner #3 of said Alice Lode MS-3331; thence, along Line 2-3, Alice Lode, S07°38'27"W 197.78 feet to a point on said Line 1-2 of the Park View Lode USL-655; thence, along said Line 1-2, Park View Lode, N88°09'06"W 110.04 feet to the Point of Beginning.

Containing 65,741 square feet or 1.509 acres.

Parcel No.3

A parcel of land located in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point on the Southerly Boundary Line of the Park City Property, said point being also on the Line 1-2 of the Park View Lode USL-655, said point being also S89°06'26"E 887.76 feet, along the Section Line, and South 1685.61 feet from the North Quarter Corner of said Section 21, and running thence, along said Southerly Boundary Line, the following two (2) courses: (1) N82°40'00"E 46.23 feet, (2) S7°20'00"E 7.47 feet to a point on said Line 1-2 of the Park View Lode; thence, along said Line 1-2, Park View Lode, N88°09'06"W 46.83 feet to the Point of Beginning.

Containing 173 square feet or 0.004 acres.

Parcel No.4

A parcel of land located in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Lots 1 through 7 inclusive and Lots 36 through 40 inclusive, block 77, Millsite Reservation to Park City, according to the official plat thereof filed in the office of the Summit County Recorder, being more particularly described as follows:

Beginning at a point on the Westerly Boundary Line of Subdivision No.1 of Millsite Reservation (dated 06/25/1887), said point being also on the Northwesterly Line of Lot 37 of said Millsite Reservation, said point being also S89°06'26"E 1287.78 feet, along the Section Line, and South 294.60 feet from the North Quarter Corner of said Section 21, and running thence, along said Northwesterly Line of Lot 37 and Lot 36, N30°18'48"E 32.08 feet to the Northerly Corner of said Lot 36, thence along the Northeasterly Line of Said Lot 36, S59°41'12"E 75.00 feet to the Easterly Corner of said Lot 36; thence, along the Southeasterly Line of Lots 36 through 39 inclusive of said Millsite Reservation, S30°18'48"W 99.99 feet to the Northerly Corner of Lot 7 of said Millsite Reservation; thence, along the Northeasterly Line of said Lot 7, S59°41'12"E 75.00 feet to the Easterly Corner of said Lot 7; thence, along the Southeasterly Line of Lots 7 through 1 inclusive of said Millsite Reservation, S30°18'48"W 193.15 feet to the Southerly Corner of Lot 1 and of said Westerly Boundary Line of Millsite Reservation; thence, along said Westerly Boundary Line, N00°26'00"E 150.55 feet to the Southerly Corner of Lot 41 of said Millsite Reservation; thence, along the Southeasterly and Northeasterly Lines of said Lot 41, the following two (2) courses: (1) N30°18'48"E 37.62 feet, (2) N59°41'12"W 21.61 feet to said Westerly Boundary Line of Millsite Reservation; thence, along said Westerly Boundary Line, N00°26'00"E 107.16 feet to the Point of Beginning.

Containing 16,486 square feet or 0.378 acres.

Stantec

3995 South 700 East, Suite 300
Salt Lake City, Utah 84107
www.stantec.com

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Owner/Project

KING DEVELOPMENT GROUP L.L.C
P.O. BOX 244
PARK CITY, UTAH 84060

Legend

CONTOUR MAJOR
CONTOUR MINOR
BOUNDARY LINE
SECTION LINE
BOUNDARY TIE LINE
ROAD DIRT
ROAD ASPHALT
(oh) EXISTING OVERHEAD POWER LINE
(w) EXISTING WATER LINE
EXISTING STORM DRAIN LINE
(ss) EXISTING SEWER LINE
(g) EXISTING GAS LINE
EXISTING FENCE LINE
EXISTING CURB
EXISTING POWER POLE
EXISTING WATER MANHOLE
EXISTING WATER VALVE
EXISTING SEWER MANHOLE
EXISTING FIRE HYD.
EXISTING VEGETATION
EXISTING TREE
SECTION CORNER

Notes

SURVEYOR'S CERTIFICATE

I, SHAWN R. VERNON, A PROFESSIONAL LAND SURVEYOR HOLDING LICENSE NUMBER 8744084 IN ACCORDANCE WITH THE LAWS OF THE STATE OF UTAH HEREBY CERTIFY THAT I MADE A TOPOGRAPHY SURVEY AREA SHOWN.

NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO MAP THE EXISTING TOPOGRAPHY OF THE BOUNDARY OF ALICE CLAIM. THIS SURVEY WAS PREPARED USING EXISTING TOPOGRAPHIC INFORMATION DATA FROM A 2005 SURVEY COMPLETED BY OLYMPUS AERIAL SURVEYS AND UPDATED IN OCTOBER 2014 BY STANTEC CONSULTING INC., THE ACCURACY OF THE 2-FOOT CONTOURS SHOWN IS EQUAL TO ONE-HALF (OR BETTER THAN) THE CONTOUR INTERVAL. THIS IS NOT A BOUNDARY SURVEY PLAT.

Revision	By	Appd.	YY.MM.DD
1 PARK CITY SUBMITTAL	SRV	SRV	15.01.22

Issued	By	Appd.	YY.MM.DD
File Name: 03057v_cert_topo.dwg	SDJ	JRJ	SDJ 15.01.19
	Dwn.	Chkd.	Dsgn. YY.MM.DD

Permit-Seal

LICENSED PROFESSIONAL LAND SURVEYOR No. 8744084 SHAWN R. VERNON 1-23-15 STATE OF UTAH

CALL BEFORE YOU DIG! BLUE STAKES 1 800 662 4111

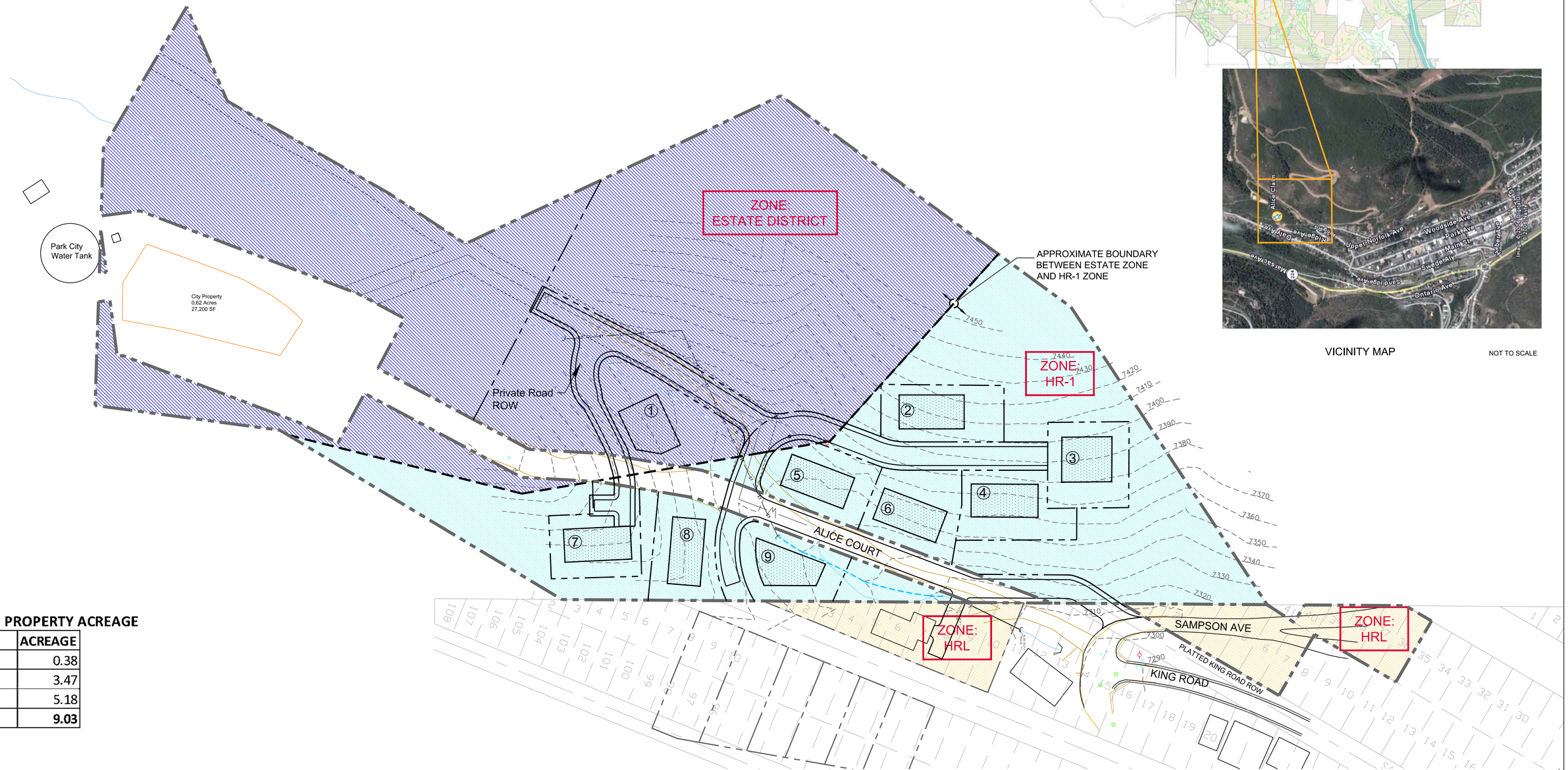
Client/Project

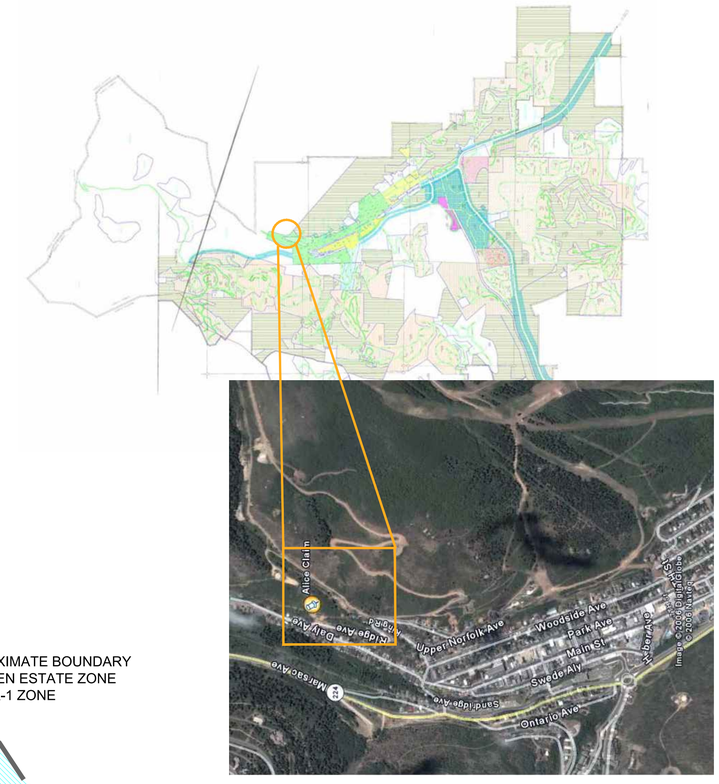
ALICE CLAIM
CERTIFIED TOPOGRAPHICAL BOUNDARY SURVEY
PARK CITY, UTAH

Title

Project No.	Scale	
205303057	1" = 60'	
Drawing No.	Sheet	Revision
1	1 of 1	0

EXHIBIT C





VICINITY MAP

NOT TO SCALE

TOTAL PROPERTY ACREAGE

ZONE	ACREAGE
HRL	0.38
HR1	3.47
ESTATE	5.18
TOTAL	**9.03**

ALICE CLAIM

VICINITY & ZONING MAP

KING DEVELOPMENT GROUP L.L.C.
P.O. BOX 244
PARK CITY, UTAH 84060

NORTH

0 10 50
5 30 100
SCALE: 1"=50'-0"
DATE: JAN 23 2014

DHM DESIGN

EXHIBIT D

ALICE CLAIM

AERIAL IMAGE WITH SITE PLAN OVERLAY

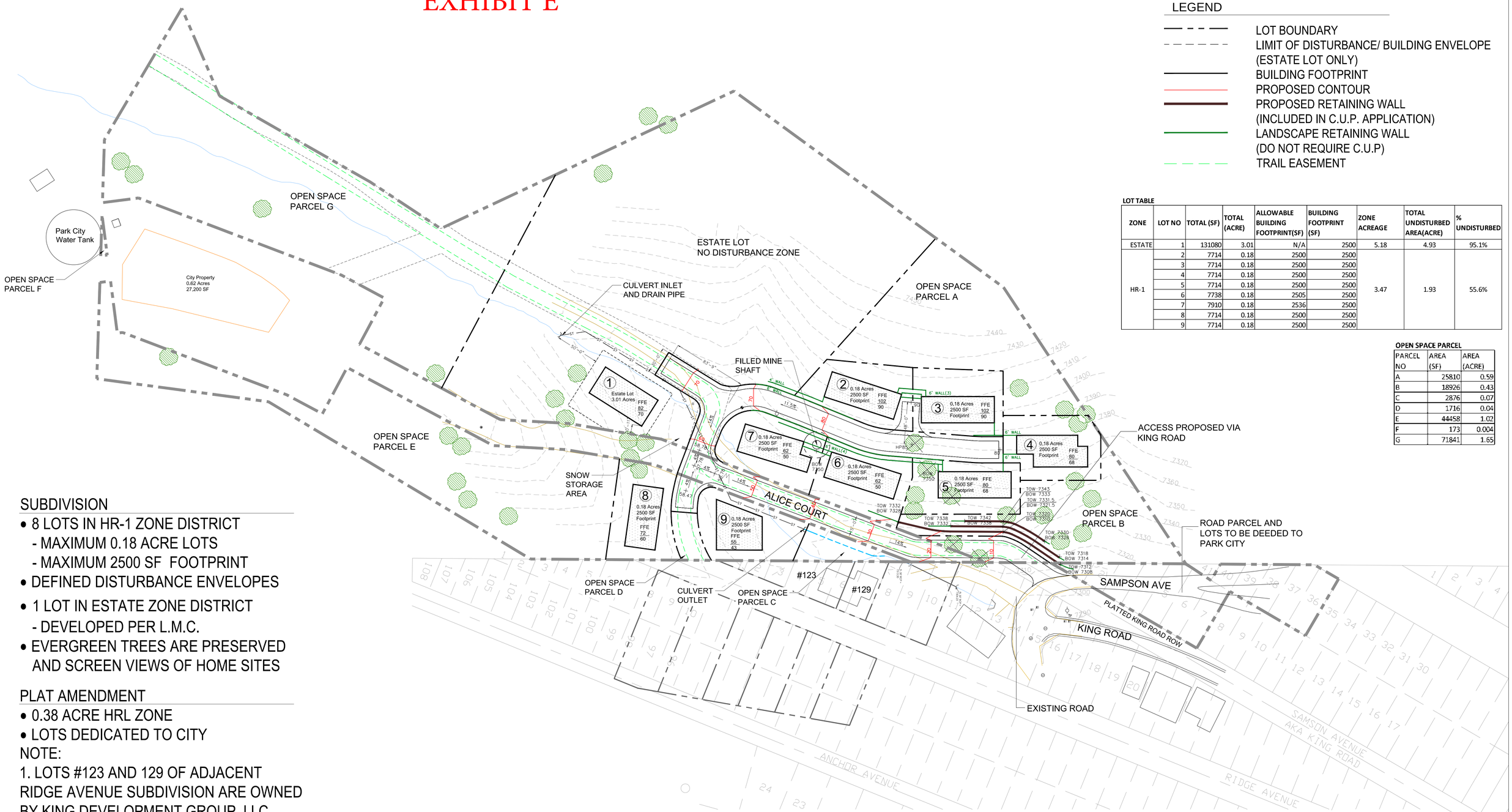
KING DEVELOPMENT GROUP L.L.C.
P.O. BOX 244
PARK CITY, UTAH 84060

NORTH

0 10 50
5 30 100
SCALE: 1"=50'-0"
DATE: JAN 23 2015

DHM DESIGN

EXHIBIT E



LEGEND

- LOT BOUNDARY
- LIMIT OF DISTURBANCE/ BUILDING ENVELOPE (ESTATE LOT ONLY)
- BUILDING FOOTPRINT
- PROPOSED CONTOUR
- PROPOSED RETAINING WALL (INCLUDED IN C.U.P. APPLICATION)
- LANDSCAPE RETAINING WALL (DO NOT REQUIRE C.U.P)
- TRAIL EASEMENT

LOT TABLE

ZONE	LOT NO	TOTAL (SF)	TOTAL (ACRE)	ALLOWABLE BUILDING FOOTPRINT(SF)	BUILDING FOOTPRINT (SF)	ZONE ACREAGE	TOTAL UNDISTURBED AREA(ACRE)	% UNDISTURBED
ESTATE	1	131080	3.01	N/A	2500	5.18	4.93	95.1%
HR-1	2	7714	0.18	2500	2500	3.47	1.93	55.6%
	3	7714	0.18	2500	2500			
	4	7714	0.18	2500	2500			
	5	7714	0.18	2500	2500			
	6	7738	0.18	2505	2500			
	7	7910	0.18	2536	2500			
	8	7714	0.18	2500	2500			
	9	7714	0.18	2500	2500			

OPEN SPACE PARCEL

PARCEL NO	AREA (SF)	AREA (ACRE)
A	25810	0.59
B	18926	0.43
C	2876	0.07
D	1716	0.04
E	44458	1.02
F	173	0.004
G	71841	1.65

SUBDIVISION

- 8 LOTS IN HR-1 ZONE DISTRICT
  - MAXIMUM 0.18 ACRE LOTS
  - MAXIMUM 2500 SF FOOTPRINT
- DEFINED DISTURBANCE ENVELOPES
- 1 LOT IN ESTATE ZONE DISTRICT
  - DEVELOPED PER L.M.C.
- EVERGREEN TREES ARE PRESERVED AND SCREEN VIEWS OF HOME SITES

PLAT AMENDMENT

- 0.38 ACRE HRL ZONE
- LOTS DEDICATED TO CITY

NOTE:

1. LOTS #123 AND 129 OF ADJACENT RIDGE AVENUE SUBDIVISION ARE OWNED BY KING DEVELOPMENT GROUP, LLC
2. ROADS LESS THAN 26' WIDE SHALL BE MARKED NO PARKING ON BOTH SIDES OF THE ROAD

ALICE CLAIM

SITE PLAN

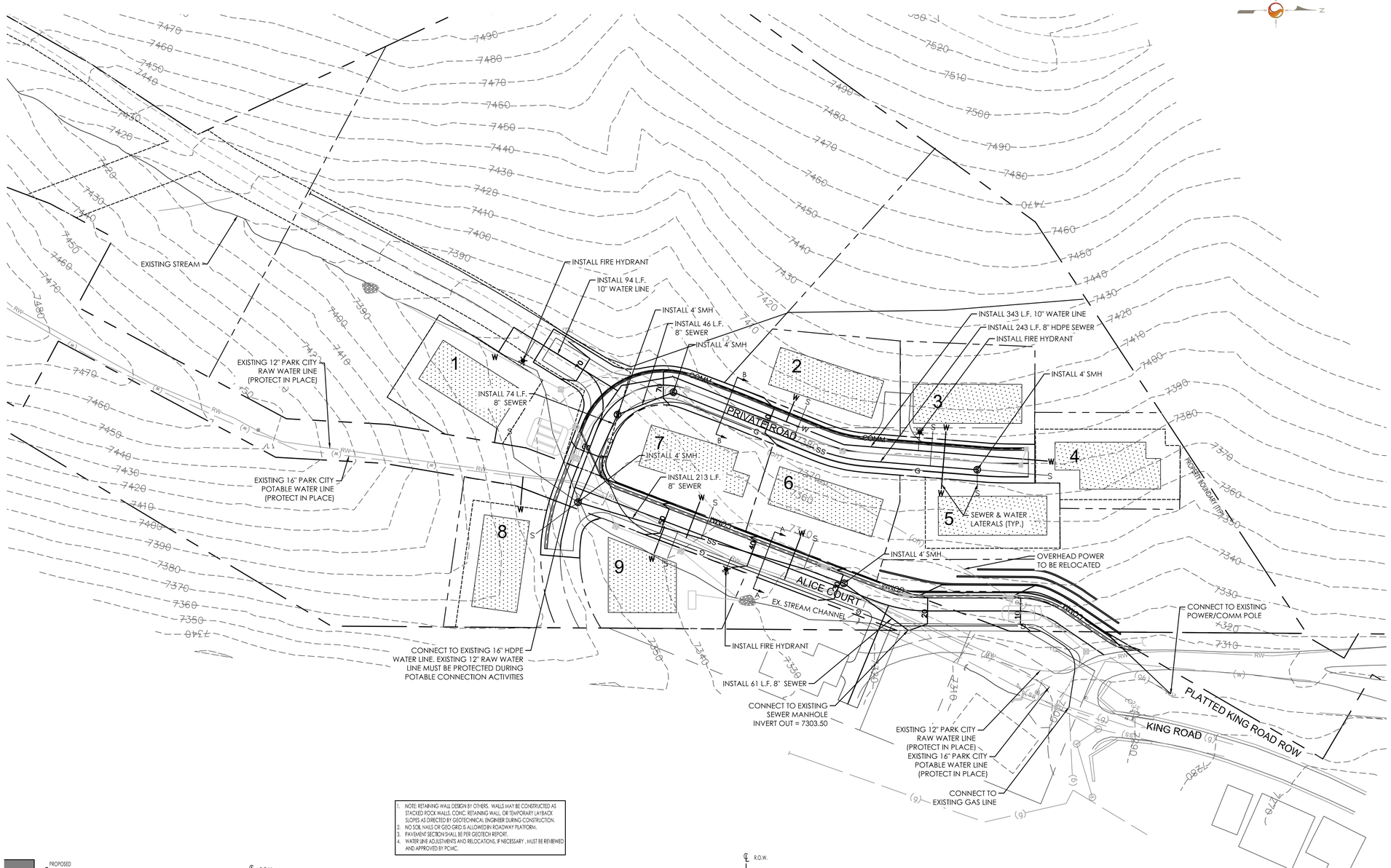
KING DEVELOPMENT GROUP, LLC
P.O. BOX 244
PARK CITY, UTAH 84060

NORTH

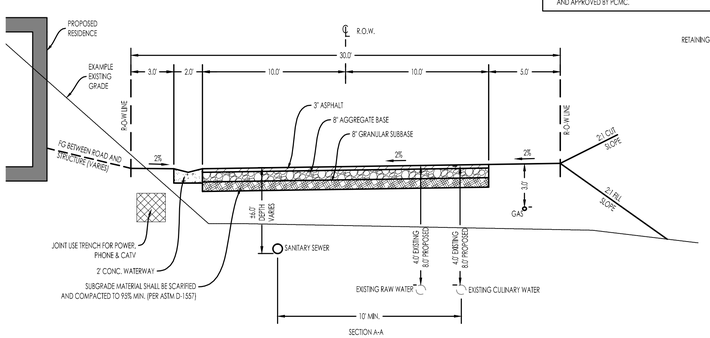
0 10 50
5 30 100
SCALE: 1"=50'-0"
DATE: MAY 18 2015

DHM DESIGN

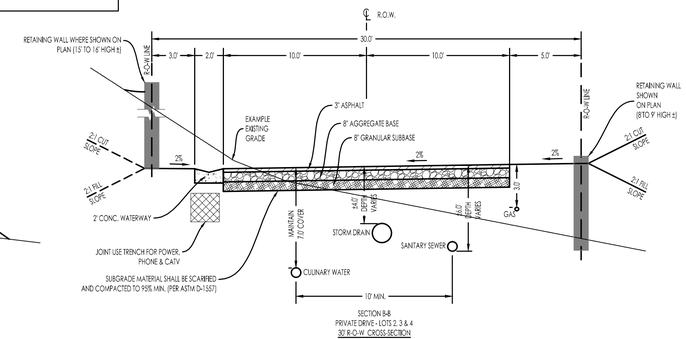
EXHIBIT F



1. NOTE: RETAINING WALL DESIGN BY OTHERS. WALLS MAY BE CONSTRUCTED AS STACKED ROCK WALLS, CONC. RETAINING WALL, OR TEMPORARY LAYBACK SLOPES AS DIRECTED BY GEOTECHNICAL ENGINEER DURING CONSTRUCTION.
2. NO SOIL NAILS OR GEO GRID IS ALLOWED IN ROADWAY PLATFORM.
3. PAVEMENT SECTION SHALL BE PER GEOTECH REPORT.
4. WATER LINE ADJUSTMENTS AND RELOCATIONS, IF NECESSARY , MUST BE REVIEWED AND APPROVED BY PCMC.



SECTION A-A
ALICE COURT
30' R-O-W CROSS-SECTION
PRIVATE ROAD



SECTION B-B
PRIVATE DRIVE - LOTS 2, 3 & 4
30' R-O-W CROSS-SECTION
PRIVATE ROAD

Stantec
3995 South 700 East, Suite 300
Salt Lake City, Utah 84107
www.stantec.com

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The Copyrights to all designs and drawings are the property of Stantec. Reproduction or use for any purpose other than that authorized by Stantec is forbidden.

Owner/Project

Legend

NOTES:
1. SANITARY SEWER SHALL BE BUTT FUSED HDPE WHERE SEPARATION FROM WATER IS LESS THAN 10'.

Revision	By	Appd.	YY.MM.DD
3 PARK CITY RE-SUBMITTAL	BD	PMD	15.03.27
2 PARK CITY RE-SUBMITTAL	CB	PMD	15.03.16
1 PARK CITY SUBMITTAL	CB	JRJ	15.01.23

Issued	By	Appd.	YY.MM.DD
File Name: 03057-200-ut.dwg	SDJ	JRJ	EKW	14.12.19
	Dwn.	Chkd.	Dsgn.	YY.MM.DD

Permit-Seal

LICENSED PROFESSIONAL ENGINEER No. 374998 PETER M. DUBEROW STATE OF UTAH

CALL BEFORE YOU DIG! BLUE STAKES 1 800 662 4111

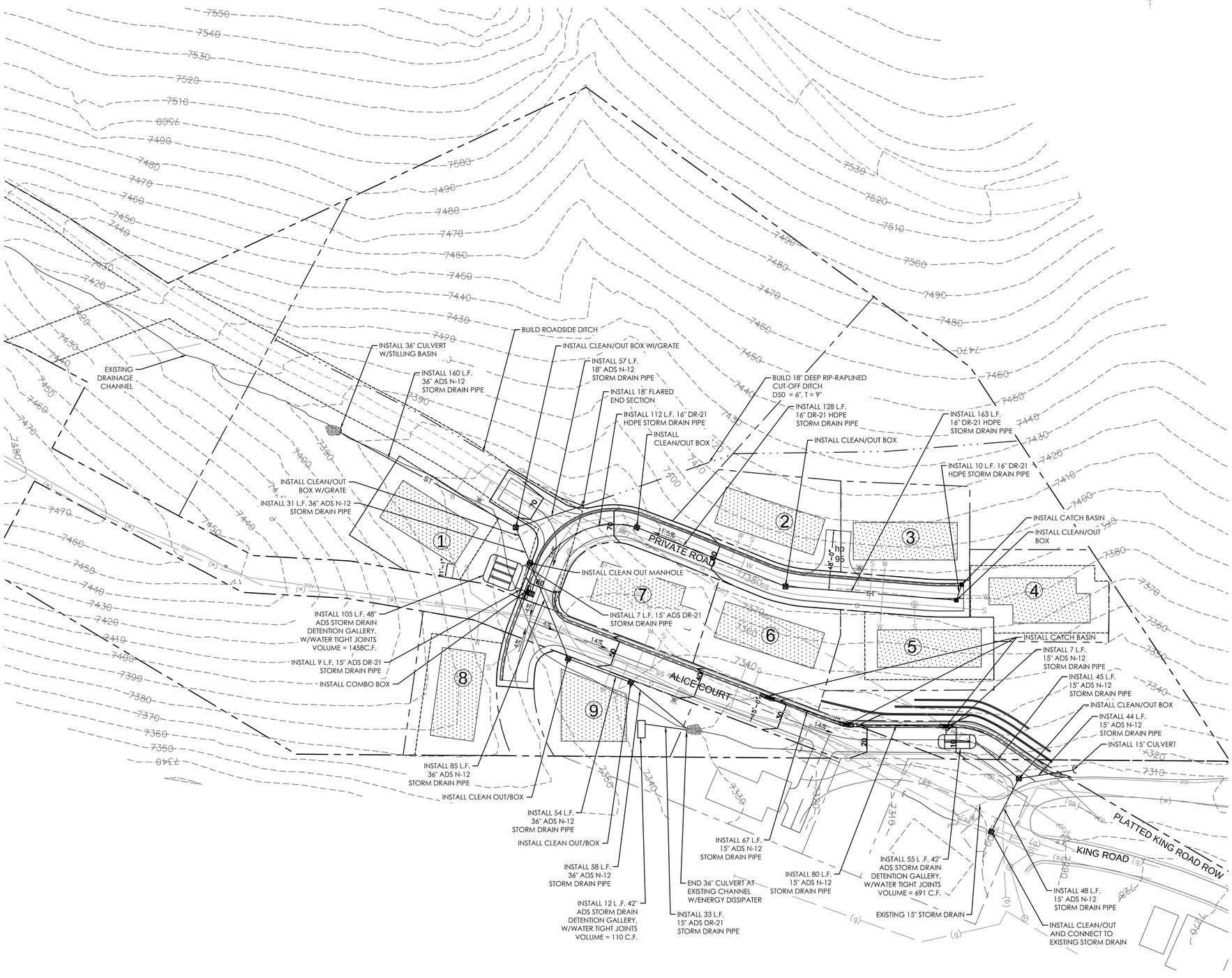
Client/Project
KING DEVELOPMENT L.L.C.
PO BOX 244
PARK CITY, UTAH 84060

ALICE CLAIM
Park City, Utah

Title
CONCEPTUAL UTILITY PLAN

Project No. 205303057
Scale 1"=40' (0, 40', 60', 80')
Drawing No. C-UTIL
Sheet of
Revision 0

V:\205\Active\205303057\Drawing\sheets\03057-200-ut.dwg
2015/05/15 2:09 PM By: DuBoss, Bradley
Planning Commission Meeting June 10, 2015
ORIGINAL SHEET - ARCH D



Stantec

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Salt Lake City, Utah 84107
www.stantec.com

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Owner/Project

Legend

NOTES:

1. MODIFICATIONS TO EXISTING DRAINING CHANNEL WILL REQUIRE STATE STREAM ALTERATION PERMIT.

Revision	By	Appd.	YY.MM.DD
3 PARK CITY RE-SUBMITTAL	BD	PMD	15.03.27
2 PARK CITY RE-SUBMITTAL	CB	PMD	15.03.16
1 PARK CITY SUBMITTAL	CB	JRJ	15.01.23

Issued	By	Appd.	YY.MM.DD
File Name: 03057-201-gp.dwg	SDJ	JRJ	EKW	14.12.19
	Dwn.	Chkd.	Dsgn.	YY.MM.DD

Permit-Seal

LICENSED PROFESSIONAL ENGINEER
No. 374998
PETER M. DUBEROW
STATE OF UTAH

CALL BEFORE YOU DIG!
BLUE STAKES 1 800 662 4111

Client/Project

KING DEVELOPMENT L.L.C.
PO BOX 244
PARK CITY, UTAH 84060

ALICE CLAIM
Park City, Utah

Title

CONCEPTUAL DRAINAGE PLAN

Project No. 205303057

Scale 1"=40' (0, 40', 60', 80')

Drawing No. C-DR

Sheet of

Revision 0

V:\2053\Active\205303057\drawing\sheets\03057-201-gp.dwg
2015/05/15 2:06 PM By: DeMass, Bradley

ORIGINAL SHEET - ARCH D

EXHIBIT G

LEGEND

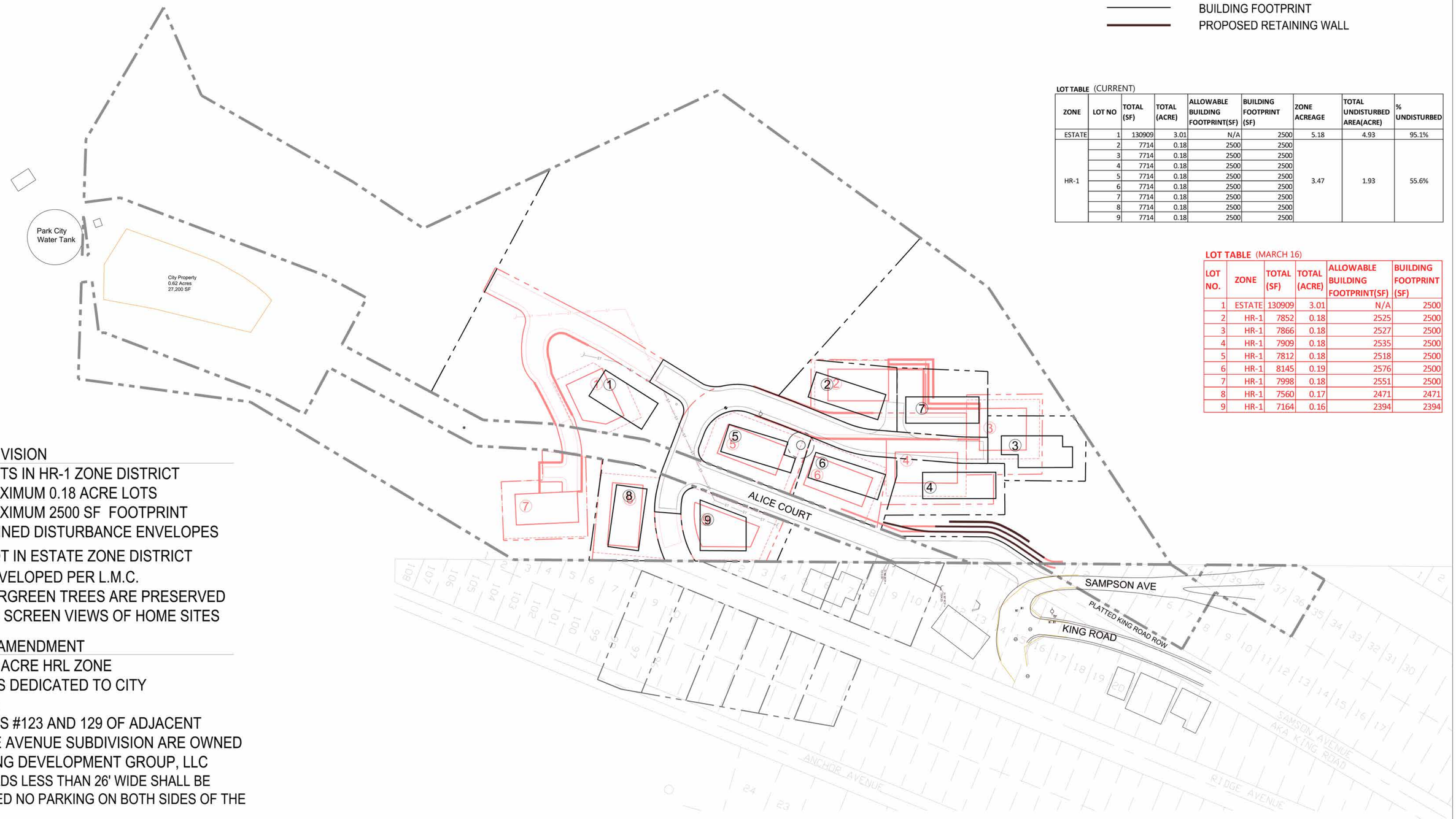
- LOT BOUNDARY
- LIMIT OF DISTURBANCE/ BUILDING ENVELOPE
- BUILDING FOOTPRINT
- PROPOSED RETAINING WALL

LOT TABLE (CURRENT)

ZONE	LOT NO	TOTAL (SF)	TOTAL (ACRE)	ALLOWABLE BUILDING FOOTPRINT(SF)	BUILDING FOOTPRINT (SF)	ZONE ACREAGE	TOTAL UNDISTURBED AREA(ACRE)	% UNDISTURBED
ESTATE	1	130909	3.01	N/A	2500	5.18	4.93	95.1%
HR-1	2	7714	0.18	2500	2500	3.47	1.93	55.6%
	3	7714	0.18	2500	2500			
	4	7714	0.18	2500	2500			
	5	7714	0.18	2500	2500			
	6	7714	0.18	2500	2500			
	7	7714	0.18	2500	2500			
	8	7714	0.18	2500	2500			
	9	7714	0.18	2500	2500			

LOT TABLE (MARCH 16)

LOT NO.	ZONE	TOTAL (SF)	TOTAL (ACRE)	ALLOWABLE BUILDING FOOTPRINT(SF)	BUILDING FOOTPRINT (SF)
1	ESTATE	130909	3.01	N/A	2500
2	HR-1	7852	0.18	2525	2500
3	HR-1	7866	0.18	2527	2500
4	HR-1	7909	0.18	2535	2500
5	HR-1	7812	0.18	2518	2500
6	HR-1	8145	0.19	2576	2500
7	HR-1	7998	0.18	2551	2500
8	HR-1	7560	0.17	2471	2471
9	HR-1	7164	0.16	2394	2394



SUBDIVISION

- 8 LOTS IN HR-1 ZONE DISTRICT
  - MAXIMUM 0.18 ACRE LOTS
  - MAXIMUM 2500 SF FOOTPRINT
- DEFINED DISTURBANCE ENVELOPES
- 1 LOT IN ESTATE ZONE DISTRICT
  - DEVELOPED PER L.M.C.
- EVERGREEN TREES ARE PRESERVED AND SCREEN VIEWS OF HOME SITES

PLAT AMENDMENT

- 0.38 ACRE HRL ZONE
- LOTS DEDICATED TO CITY

NOTE:

1. LOTS #123 AND 129 OF ADJACENT RIDGE AVENUE SUBDIVISION ARE OWNED BY KING DEVELOPMENT GROUP, LLC
2. ROADS LESS THAN 26' WIDE SHALL BE MARKED NO PARKING ON BOTH SIDES OF THE ROAD

ALICE CLAIM

SITE PLAN

KING DEVELOPMENT GROUP, LLC
P.O. BOX 244
PARK CITY, UTAH 84060

NORTH

0 10 50
5 30 100
SCALE: 1"=50'-0"
DATE: 22 APRIL 2015

DHM DESIGN

EXHIBIT H

LEGEND

- LOT BOUNDARY
- LIMIT OF DISTURBANCE/ BUILDING ENVELOPE (ESTATE LOT ONLY)
- BUILDING FOOTPRINT
- PROPOSED RETAINING WALL (INCLUDED IN C.U.P. APPLICATION)
- LANDSCAPE BOULDER WALL (DO NOT REQUIRE C.U.P.)
- PUBLIC TRAIL ACCESS
- TRAIL EASEMENT
- HR1: OPEN SPACE
- HRL:OPEN SPACE
- NO DISTURBANCE ZONE WITHIN ESTATE LOT BOUNDARIES
- CITY PROPERTY

	ACRES	OPEN SPACE(ACRES)	%OPEN SPACE
ENTIRE SITE	9.03	7.02	77.76%

ZONE	ACRES	OPEN SPACE(ACRES)	% OPEN SPACE
HR1	3.47	1.74	50.24%
ZONE	**ACRES**	**NO DISTURBANCE/ OPEN SPACE (ACRES)**	**% NO DISTURBANCE /OPEN SPACE**
ESTATE	5.18	4.90	94.59%

(ESTATE LOT= 3.01 ACRES)

ALICE CLAIM

OPEN SPACE AND TRAILS PLAN

KING DEVELOPMENT GROUP, LLC
P.O. BOX 244
PARK CITY, UTAH 84060

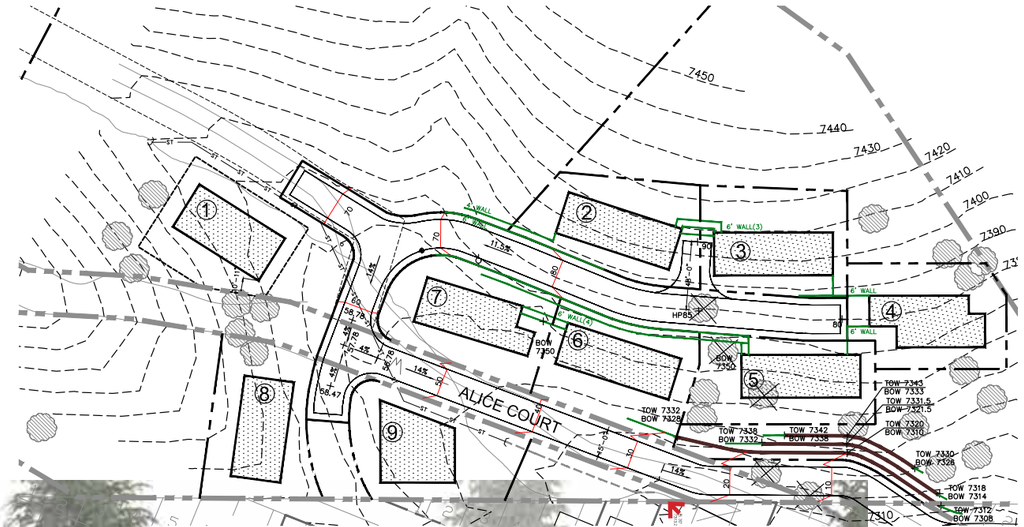
NORTH

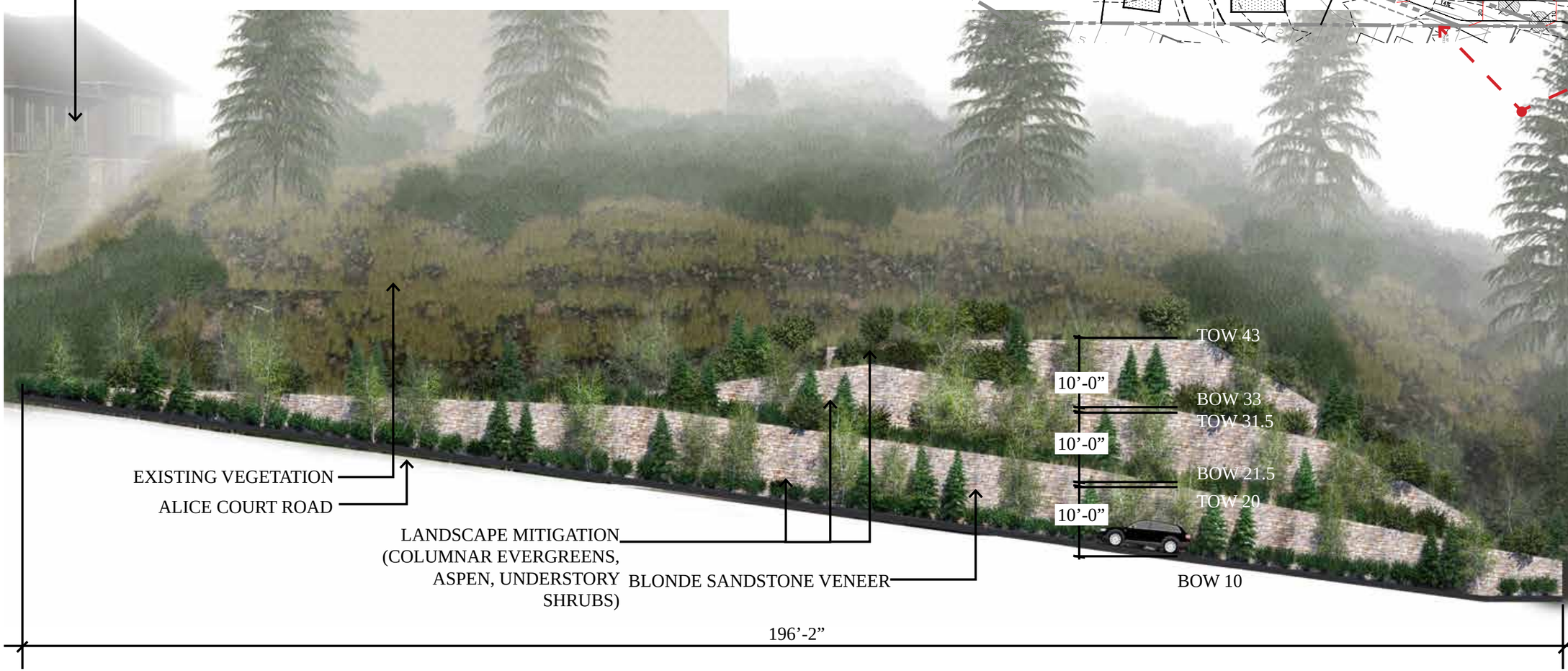
0 10 50
5 30 100
SCALE: 1"=50'-0"
DATE: MAY 4 2015

DHM DESIGN

EXHIBIT I

ENTRY WALL KEY MAP





ALICE CLAIM

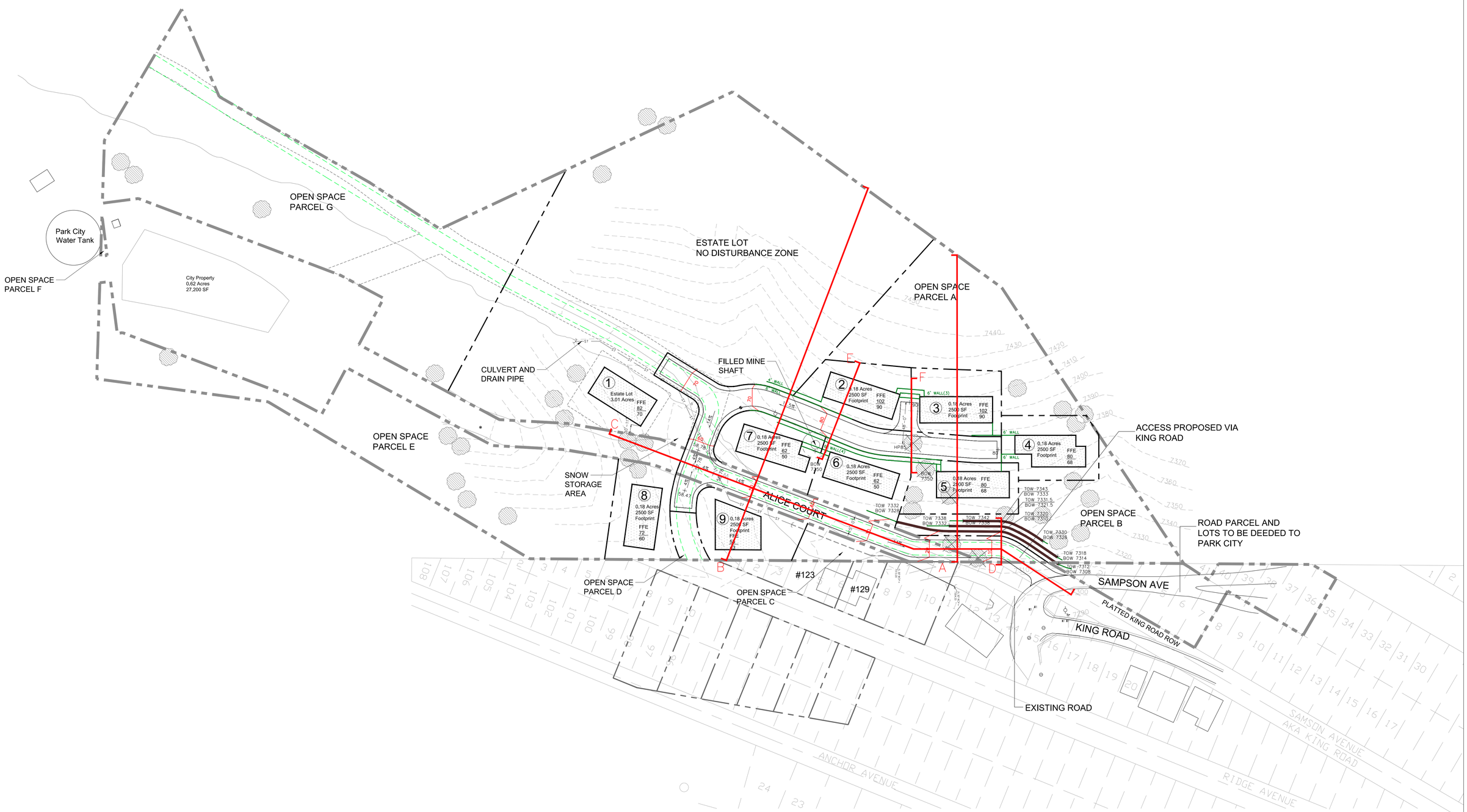
RETAINING WALL ILLUSTRATION

KING DEVELOPMENT GROUP, LLC
P.O. BOX 244
PARK CITY, UTAH 84060

NORTH

SCALE: N.T.S
DATE: MAY 6 2015

DHM DESIGN



ALICE CLAIM

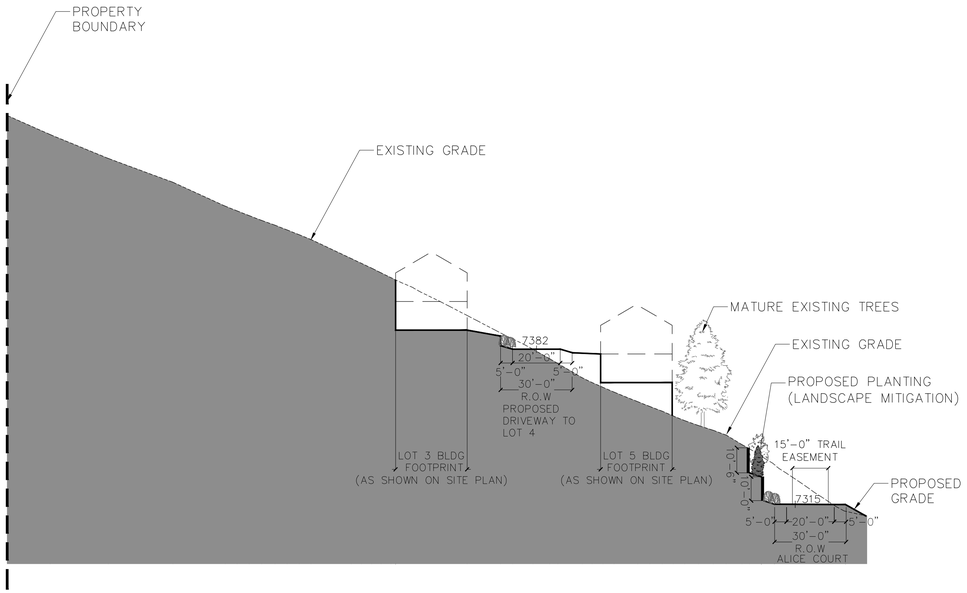
SITE SECTIONS KEY MAP

KING DEVELOPMENT GROUP, LLC
P.O. BOX 244
PARK CITY, UTAH 84060

NORTH

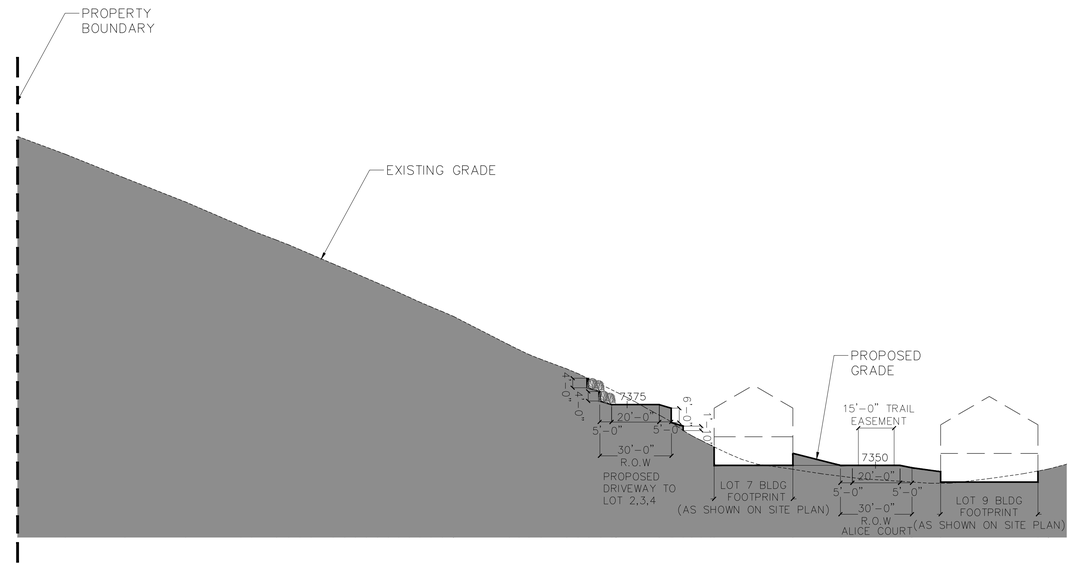
0 10 50
5 30 100
SCALE: 1"=50'-0"
DATE: MAY 4 2015

DHM DESIGN



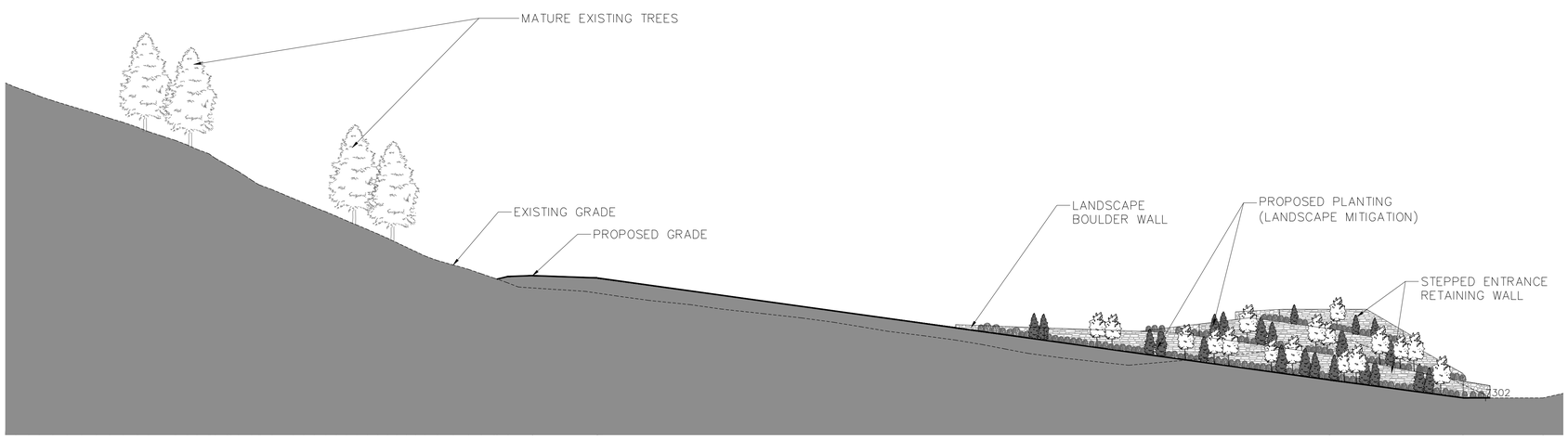
SECTION A

SCALE: 1"=30'



SECTION B

SCALE: 1"=30'



SECTION C

SCALE: 1"=30'

ALICE CLAIM

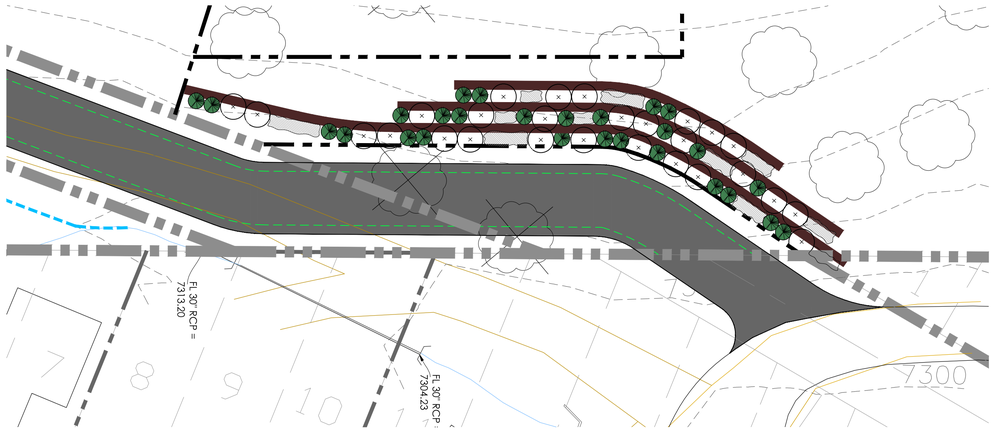
SITE SECTIONS

KING DEVELOPMENT GROUP, LLC
P.O. BOX 244
PARK CITY, UTAH 84060

NORTH

0 15 60
5 30
SCALE: 1"=30'-0"
DATE: MAY 4 2015

DHM DESIGN

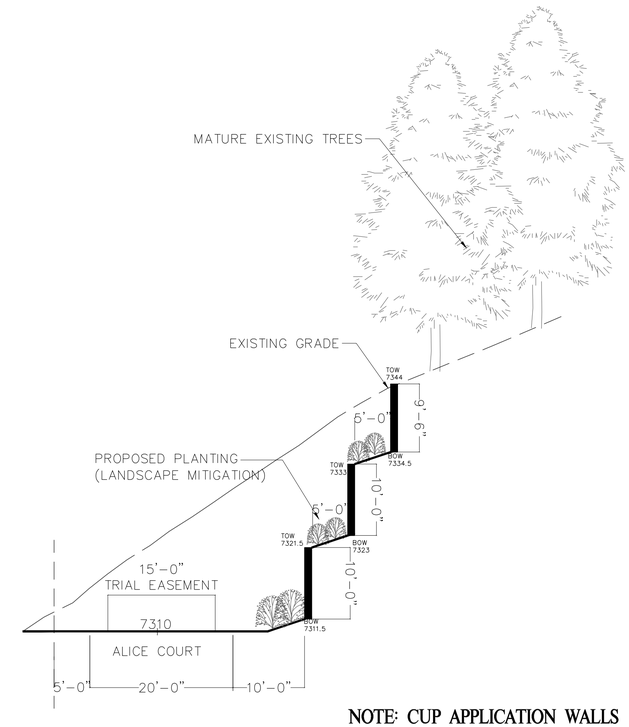


ENTRY WALL LANDSCAPE MITIGATION PLAN

SCALE: 1"=30'

LEGEND

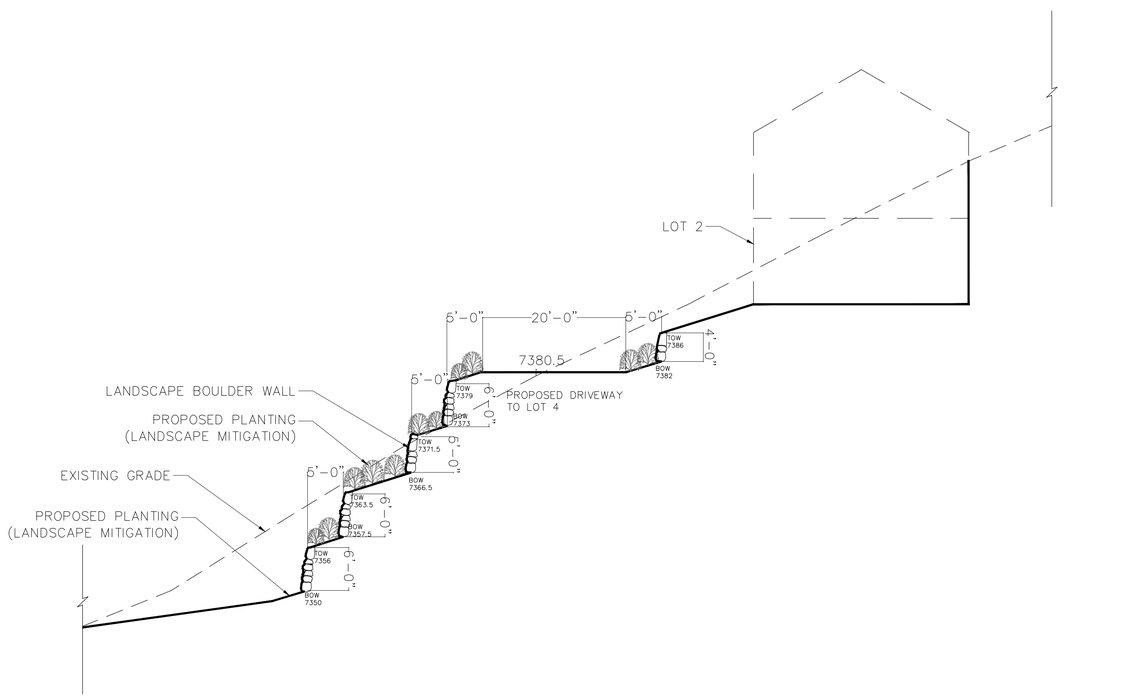
- EXISTING CONIFEROUS TREE TO BE REMOVED
- EXISTING CONIFEROUS TREE TO REMAIN
- PROPOSED DECIDUOUS TREE
- PROPOSED CONIFEROUS TREE
- PROPOSED SHRUB



NOTE: CUP APPLICATION WALLS

SECTION D (ENTRY WALL)

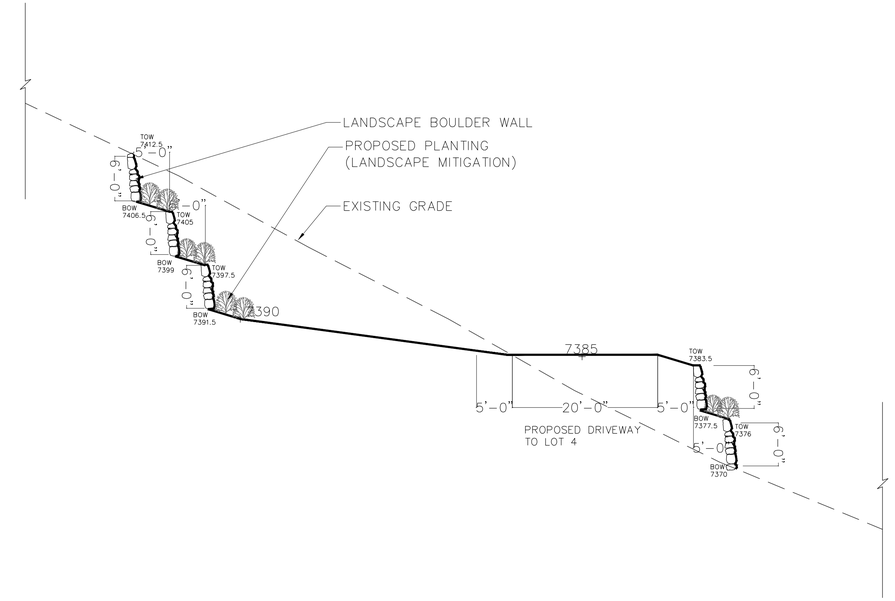
SCALE: 1"=10'



NOTE: LANDSCAPE BOULDER RETAINING WALLS NOT PART OF C.U.P APPLICATION

SECTION E

SCALE: 1"=10'



NOTE: LANDSCAPE BOULDER RETAINING WALLS NOT PART OF C.U.P APPLICATION

SECTION F

SCALE: 1"=10'

ALICE CLAIM

RETAINING WALL SECTIONS AND LANDSCAPE MITIGATION PLAN

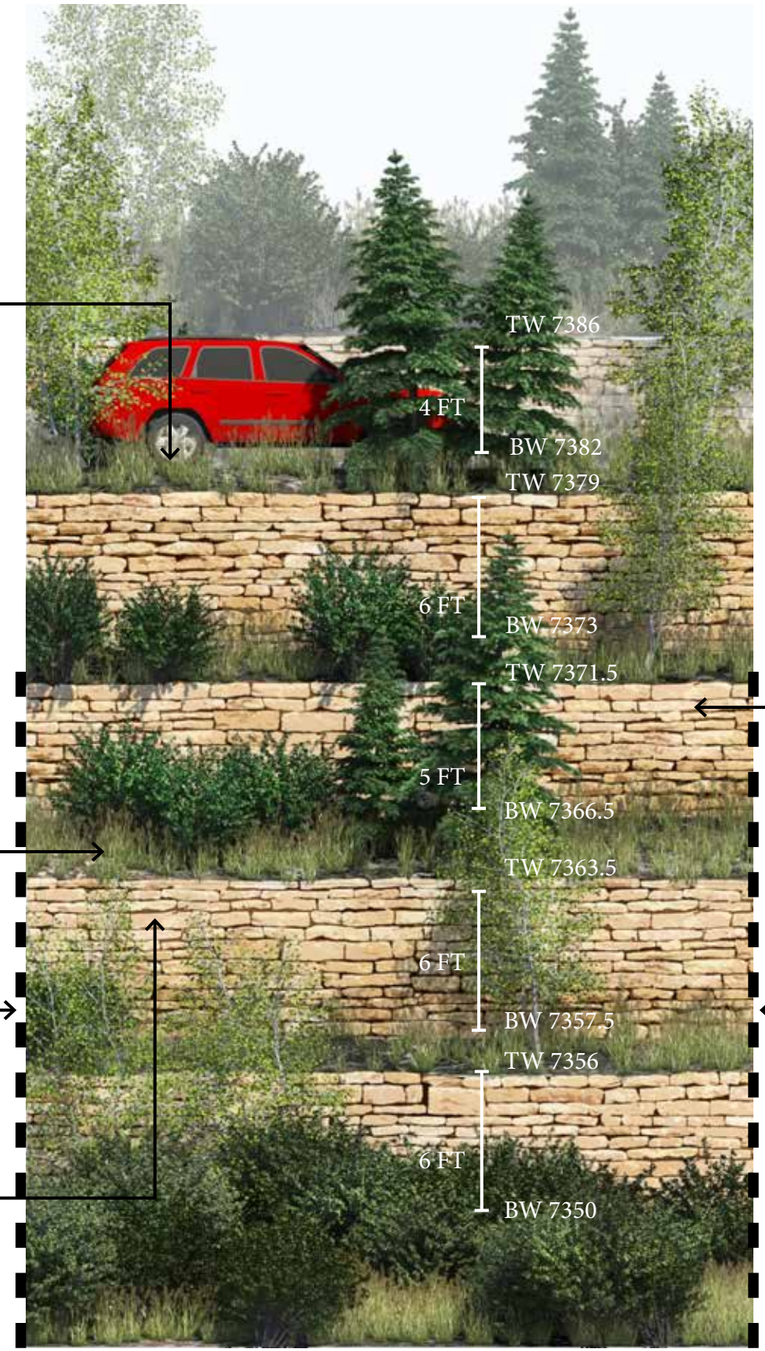
KING DEVELOPMENT GROUP, LLC
P.O. BOX 244
PARK CITY, UTAH 84060

NORTH

DHM DESIGN

DATE: MAY 4 2015

EXHIBIT J



DRY-STACKED
SANDSTONE WALLS

FACE OF BUILDING (LOT 6)

ALICE CLAIM

LANDSCAPE RETAINING WALL (SECTION E)

KING DEVELOPMENT GROUP, LLC
P.O. BOX 244
PARK CITY, UTAH 84060

SCALE: N.T.S
DATE: MAY 18 2015

DHM DESIGN

EXHIBIT K

DHM DESIGN

LANDSCAPE ARCHITECTURE | LAND PLANNING | ECOLOGICAL PLANNING | URBAN DESIGN

May 4, 2015

Via Christy.alexander@parkcity.org

Christy Alexander, AICP Planner II
Park City Planning Department
445 Marsac Ave
Park City, UT 84060

Re: Alice Claim Applications for Subdivision, Plat Amendment, and Conditional Use Permit

Dear Ms. Alexander,
In response to specific comments made by the Planning Commission during the April 8th public hearing and outlined by you in your email dated 10 April 2015, specifically as follows:

1. Site Suitability with Slopes/Possible Geotechnical Issues/Build-ability
2. Further Terracing and Landscaping of Walls
3. Lot 7 Concerns
4. Clustering and Layout
5. Compatibility
6. Reduce Cut and Fill
7. Reduce Disturbance on Each Lot
8. Define Open Space Conservation Easement
9. Conditions of Approval Need "Teeth"

In response to each of the above comments, we have provided a response below and made some revisions to the Proposed Subdivision Site Plan.

Site Suitability/Possible Geotechnical Issues/Build-ability: we believe all are addressed. Please see the attached letter of 04 May 2015 that we sent to you along with supporting documentation.

Lot 7 Concerns: We have re-located the Lot 7 home to a lower elevation.

1. eliminated the driveway, retaining wall, and bridge located on the estate zone that served lot 7
2. removed the home site from the higher elevation
3. lowered elevation of the home to improve water pressure
4. further clustered the project
5. reduced hard surface area
6. reduced disturbance
7. reduced visibility from cross valley
8. shortened the length of the driveway

Further Terracing and Landscaping of Walls: We have eliminated the old driveway to lot 7, lowered and aligned the old driveway serving lots 2, 3 and 4, reconfigured the building pads to reduce the number and height of the retaining walls and have made the homes on lots 5 and 6 to serve as the retaining wall for the driveway above. In addition, where possible lower retaining walls have been replaced with landscape walls under 6 feet. At this time the only walls in need of a CUP approval are at the entry.

Clustering and Layout: Lot 7 has been relocated to be clustered within the three lots on the upper private drive. This creates a much more efficient use of the infrastructure in this area and removes the disturbance associated with this home from the Estate Zone.

Compatibility: Alice Claim is a transitional area between Old Town and the open space. The experience of walking through Alice Claim should transition gradually from the denser (HR1) Old Town linear layout to a more relaxed home layout that follows the natural contours of the gulch. The adjoining zoning is HRL and Estate. The adjoining homes are more relaxed and follow the contours of the hillside as we propose.
As viewed from across the valley the list represents all the homes directly below the Alice Load and above Sampson and Ridge roads) are the following representative homes. The size of the homes listed below is the grossed up number which includes garage, mechanical rooms, staircases and basements. The source of this information varied from listing sheets, to the architect, to the owner, to best guess:

- 220 King, Estate Zone, about 40,000 sq. ft. lot 3500 sq. ft. allowable foot print. 8500 sq. ft. of house (split into two structures), source; owner
- 200 King, Estate Zone about 40,000 sq. ft. vacant lot, 3500 sq. ft. allowable foot print Same as 220 King), source; plat
- 205 Upper Norfolk, HRL Zone, about 20,000 sq. ft. lot, 7500 sq. ft. house, source; personal knowledge
- 201 Upper Norfolk, HRL Zone 3750 lot 4,000 sq. ft. house. Source; personal knowledge
- 16 Sampson, HRL Zone 5,000 sq. ft. lot, 4,000 sq. ft. house. Source; personal knowledge
- 30 Sampson, HRL Zone 7,000 sq. ft. lot, 5,013 sq. ft. house. Source; architect
- 40 Sampson, HRL Zone 7,000 sq. ft. lot 3,000 sq. ft. house, however can be expanded to the same size 30 Sampson 5,000 sq. ft. Source; guess
- 50 Sampson, HRL Zone 7000 sq. ft. lot 5000 sq. ft. house same as 30 Sampson. Source; owner
- 60 Sampson 4000 sq. ft. lot, 4243 sq. ft. house. Source; architect
- 99 Sampson, HRL Zone 4000 sq. ft. lot 3000 sq. ft. house. Source; owner
- 123 Ridge Ave, HRL Zone 4000 sq. ft. lot 3,500 sq. ft. house. Source; owner
- 135 Ridge Ave, HRL Zone 4000 sq. ft. lot, 3,500 sq. ft. house Source; guess
- 141 Ridge Ave, HRL Zone 4,000 sq. ft. lot 3500 sq. ft. house. Source; guess
- 147 Ridge Ave, HRL Zone 4,000 sq. ft. lot 4,382 sq. ft. house. Source; architect

The average square footages of the homes listed above is 4,438 SF, this list outlines all adjoining existing houses to Alice Claim property.

The existing HR1 zoning on Alice Claim is clearly an oversight. The overall layout and purpose of the HRL was to lower the density and create a transition zone, i.e., to go from the HR1 as the inside ring, to HRL as the intermediate ring, to Estate as the outer ring. To create a Subdivision that looks like HR1 above the existing HRL and Estate would be in conflict with the original intent and not good zoning practice.

Reduce Cut and Fill: The Applicant has proposed reshaping the footprint of the homes so they are less deep on the lots. In other words so they sit better along the contours. This will reduce the amount of cut and fill needed for home construction. It is still the Applicant's desire to build homes that are only two stories rather than multi-storied homes that are built "against" the contours and require many steps up the slope. Additionally, we propose to replace larger retaining walls shown on the previous CUP application with lower landscape walls stepped up the slopes which will also reduce cut and fill.

Reduce Disturbance Area: Most of the reduction in the area of disturbance has been accomplished by limiting the lot sizes to what code requires for the zone and/or footprint and to make the open space areas accessible to the public, subject to restrictions, if any, of the forthcoming Voluntary Cleanup Certificate of Completion. Open space now amounts to 77.63% of the total site or 7.01 acres.

In addition, the applicant has suggested and provided a limit of disturbance envelope for the Estate lot. This further restricts the area of disturbance by limiting all site improvements to within the disturbance envelope. Although the Estate Lot must be minimum of 3 acres by definition, the home and all site improvements will be limited to within the disturbance envelope, as shown, preserving the majority of the lot as open space.

Define Open Space Conservation Easement:
Subject to restrictions, if any, of the forthcoming Voluntary Cleanup Certificate of Completion, the applicant is proposing to create a conservation easement over the Open Space areas of Alice Claim with the right to deed the Open Space to a third-party conservation organization.

Conditions of Approval Need "Teeth": Please see the attached Conditions of Approval for the Subdivision and CUP that we propose. We believe these conditions as revised further clarify the intended requirements.

We would also like to discuss the deadlines defined in the Conditions of Approval. We have mapped out those required tasks and believe that the Conditions set this project up for failure; the proposed deadlines are nearly impossible to achieve. Specifically, the 12-month deadlines to complete and record the plat, on the one hand, and the first building permit from the date of Planning Commission approval of the CUP for walls, on the other hand, are unrealistic. This process requires final approval of water and sewer construction documents by the Districts and the City Engineer, Construction Mitigation Plan, Site Management Plan, Historic District Design Review, landscape plan approval and financial guarantee, and Certificate of Completion on the remediation. And those items may not proceed until we have final approval from City Council for this project. We request that Staff recommend and Planning Commission make the CUP effective upon recording of the Alice Claim Subdivision Plat. This will provide for the required submittal documents in a fully complete and more realistic time frame and would postpone site disturbance for the entry walls and homes until after the Plat is recorded and building permits are issued.

Thank you for your consideration on this item.

Respectfully,

DHM Design Corporation

Marc Diemer
Associate Principal

Att. Walls CUP Conditions of Approval requested edits.
Att. Alice Claim Subdivision Plat Conditions of Approval requested edits.

Walls CUP

Conditions of Approval

1. All Standard Project Conditions of the LMC shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The plan shall include a phasing, timing, staging, and coordination of construction with adjacent projects to address mitigation of neighborhood impacts due to the volume of construction in this neighborhood.
3. City Engineer review and approval of all construction, including grading, utility installation, public improvements and storm drainage plans, and all construction within the ROW, for compliance with City and Fire District standards, is a condition precedent to building permit issuance.
4. Planning Director and City Engineer will review the final design and materials for any necessary retaining walls and the proposed roads adjacent to the retaining walls. The maximum height of the retaining is not to exceed 20 feet above existing grade.
5. Snyderville Basin Water Reclamation District review and approval of the utility plans near the retaining walls for compliance with SBWRD standards and procedures, is a condition precedent to building permit issuance.
6. A final utility plan for roads near any retaining walls is required to be approved by the City Engineer prior to issuance of a building permit. The City Engineer will review the final construction documents and confirm that all existing utilities will not be impacted near the retaining walls and anticipated utilities will be located in accordance with the site plans as submitted.
7. A Historic District Design application shall be submitted prior to submittal of a building permit application for the retaining walls.
8. A building permit will be required to build any ~~roads~~ drives and retaining walls.
9. A final landscape plan and guarantee shall be submitted with the Historic District Design Review for approval by the Planning Department prior to issuance of a building permit for the retaining walls. The landscaping shall be complete prior to issuance of a final certificate of occupancy for the lots within the Alice Claim subdivision. The landscape plan shall provide mitigation of the visual impacts of the retaining walls and mitigation for removal of any existing Significant Vegetation. Prior to removal of any trees, an arborist report shall be provided to the Planning Department for review. The arborist report shall include a recommendation regarding any Significant Vegetation proposed to be removed and appropriate mitigation for replacement vegetation. The guarantee ~~shall~~ shall address site restoration in the event there is a work stoppage in excess of 180 days, including removing any partially constructed retaining wall(s), unless the Applicant requests an extension of time.
10. The Conditional Use Permit will become effective upon the recording of the Alice Claim Subdivision Plat with the Summit County Recorder and will expire on the second anniversary of the Plat recording date, if an extension has not been granted or a building permit has not been issued for the walls.
11. The Planning Department and City Engineer will review any proposed guardrail and lighting considerations at time of final design.
12. The City Engineer must approve any snow storage requirements near the retaining walls prior to building permit approval.
13. This CUP is conditioned upon the Alice Claim Subdivision receiving plat approval and plat recordation. All conditions of approval of the Alice Claim Subdivision Plat must be adhered to.
14. No building permits shall be issued until the Alice Claim Subdivision plat is recorded.

~~15.All proposed retaining walls shall be further terraced two tiers and additional landscaping shall be incorporated by 20% what is shown on the proposed illustrations.~~

15. ~~16.~~If any retaining walls disturb~~s~~ existing mature trees, the trees shall be replaced in kind as close to the original location as possible or with an equivalent number in caliper and size as determined by the City Arborist~~three smaller trees~~.
16. ~~17.~~The City Engineer and SBWRD must approve the engineered plans for the walls and utility plan prior to building permit approval.
17. ~~18.~~
18. ~~19.~~

;

19. ~~20. The Applicant must receive a Certificate of Completion for the VCP from UDEQ and Steep Slope CUPs for any adjacent homes prior to building permit approvals.~~
20. Any substantial changes not contemplated by the CUP as determined by the Planning Director to the proposed location of retaining walls will require the applicant to submit an application to the Planning Department requesting a modification to the CUP.
21. The Applicant will need to receive from the Utah Department of Environmental Quality ("UDEQ") under the UDEQ Voluntary Cleanup Program, a final Certificate of Completion for remediated soils within the Applicant's property prior to building permit approval.
22. If a Site Management Plan is required for the UDEQ Certificate of Completion for Alice Claim, the UDEQ approved Site Management Plan must be submitted to the Building Department prior to building permit approval.

Exhibits

Exhibit A – Site plan
Exhibit B – Perspective Rendering
Exhibit C – Site Sections
Exhibit D – Wall Illustrations
Exhibit E – Landscape Mitigation of Site Walls Plan
Exhibit F – Certified Topo
Exhibit G – Vicinity & Zoning Map Exhibit
H – Vegetative Cover Exhibit I – Slope
Analysis
Exhibit J – Visual Analysis

Alice Claim Subdivision Plat

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council. If the plat is not recorded within this time period, it shall be null and void and any resubmittal shall be a new application which is subject to all review requirements, zoning restrictions and subdivision regulations at the time of the submittal.
3. Recordation of this plat and completion and approval of final Historic District Design Review (HDDR) and Steep Slope CUP, if required, applications are required prior to building permit issuance for any construction of buildings or retaining walls over 6' within this subdivision.
4. 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.
5. Snow storage of roads and private drives must be addressed and approved by the City Engineer throughout the development prior to plat recordation. Snow storage sites cannot discharge immediately into the stream.
6. Sewer lateral design and service will need to meet Snyderville Basin's requirements and receive written approval by SBWRD before the proposed plat can be signed by SBWRD. If the sewer lateral design requires a substantial change, as determined by the Planning Director, to the layout of this subdivision plat, the Applicant will need to obtain approval of an application to modify the approved Plat before any work may be done on the modified sewer lateral.
7.

If the water system requires a substantial change, as determined by the Planning Director, to the layout of this subdivision plat, the Applicant will need to obtain approval of an application to modify the approved Plat before any work may be done on the modified water system.

8. There shall not be any further subdivision of any additional lots in this subdivision. A plat note shall reflect this condition.
9. ~~No building permits shall be issued until the culvert is fully installed.~~ All state requirements must be obtained for and the culvert must be fully installed or sufficient financial assurance posted in accordance with the LMC prior to plat recordation.
10. A study shall be completed extending the FEMA Flood Plains through this development prior to plat recordation. Any lots located in a FEMA Zone A will require an Elevation Certificate showing the lowest occupied floor is at or above base flood elevation prior to building permit approval.
11. A Stream Alteration Permit from the State will be required for the culvert along with the Flood Plain Study to identify the culverts upstream and downstream impacts prior to plat recordation. The Stream Alteration Permit and Flood Plain Study must be completed and approved prior to Planning and Engineering approval.
12. A Debris Flow Study must be completed for the stream to determine if a debris basin is required.
13. All homes within this subdivision shall be limited to the LMC required footprint maximums or 2,500 sf, whichever is lower. Lot 8 as proposed shall be limited to a footprint of 2,442.3 sf and Lot 9 as proposed shall be limited to a footprint of 2,355.5 sf. . Limits of disturbance for Lot 1 as shown on Exhibit A shall remain in place and no changes shall be made. Subject to retrictions, if any, of the Voluntary Cleanup Certificate of Completion, open space areas depicted on the Plat will be subject to a conservation easement, and Applicant will have right to transfer all or any portion of the open space areas to a third-party conservation organization.
14. All homes within the HR-1 District in this subdivision shall be limited to a building height maximum of 25 feet from existing grade and all other building height exceptions found within the LMC continue to apply.
15. The maximum total floor area of all homes within the HR-1 District in this subdivision shall be limited to 5,000 sf including basement and garages.
16. The utility plan will need to be revised to show how each of the ~~main~~ wet and dry utilities will be able to be placed within the drives with required separations or with special conditions as approved by the proper regulatory agencies and approved by the City Engineer prior to plat recordation.
17. Any roads over 10% grade will not be eligible to be converted to public ROWs in the future.
18. Drives must provide 20 feet wide of clear space to meet Fire Code. If parking impacts this 20 feet wide clear space, it will not be allowed and shall be signed No Parking.
19. Roads less than 26 feet wide shall be marked NO Parking on both sides of the road.
20. .~~Upon review of the Intersection Evaluation the City Engineer determined that the~~
21. The Applicant will need to receive, from the Utah Department of Environmental Quality ("UDEQ") under the UDEQ Voluntary Cleanup Program, a final Certificate of Completion for remediated soils within the Applicant's property ~~from the UDEQ~~ prior to building permit approval~~, which they do not have at the time of this report~~.
22. If a Site Management Plan is required for the UDEQ Certificate of Completion for Alice Claim, ~~T~~the UDEQ approved Site Management Plan must be submitted to the Building Department prior to building permit approval.
23. The applicant will need to receive CUP approval for the proposed retaining walls prior to plat recordation. The approval of the Alice Claim Plat includes the approval of the alternative historic access roadway into Alice Claim.
24. Public trails are shown on Exhibit A with a 15' public recreational trail easement.
25. If the site plan is substantially altered, as determined by the Planning Director, due to any utility redesign or retaining wall redesign or other unforeseen issues, Applicant may need to obtain approval of an application to modify the approved Plat.
26. All Site and Public Improvements shall be completed prior to plat recordation or if the Applicant

submits a finalized and engineered design, the Applicant may petition the Planning Commission to allow the Applicant to submit an adequate financial Guarantee for all Site and Public Improvements prior to the expiration of the plat approval.

27. Utility maintenance access is required across Lots A & C.
28. ~~27.~~Individual water booster or fire sprinkler system pumps to increase water pressure will not be allowed.

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

PASSED AND ADOPTED this _____day of _____, 2015

PARK CITY MUNICIPAL CORPORATION

_____
Jack Thomas, MAYOR

ATTEST:

_____

Marci Heil, City Recorder

APPROVED AS TO FORM:

_____

Mark Harrington, City Attorney

EXHIBIT L

DHM DESIGN
LANDSCAPE ARCHITECTURE | LAND PLANNING | ECOLOGICAL PLANNING | URBAN DESIGN

May 4, 2015

Via Christy.alexander@parkcity.org

Christy Alexander, AICP Planner II
Park City Planning Department
445 Marsac Ave
Park City, UT 84060

Re: Alice Claim Applications for Subdivision, Plat Amendment, and Conditional Use Permit

Dear Ms. Alexander:

In response to concerns raised by the Planning Commission during the April 8th public hearing questioning the 'build-ability' of the site for the development plan specific to the LMC. Title 15 of the LMC, Chapter 7.3 – "Requirements for Improvements, Reservations, and Design" specifies the potential site hazards that could not allow approval of a development plan. That section reads:

> (D) **RESTRICTIONS DUE TO CHARACTER OF THE LAND**. Land which the Planning Commission finds to be unsuitable for Subdivision or Development due to flooding, improper drainage, Steep Slopes, rock formations, Physical Mine Hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, geologic hazards, utility easements, or other features, including ridge lines, which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the Subdivision and/or its surrounding Areas, shall not be subdivided or developed unless adequate methods are formulated by the Developer and approved by the Planning Commission, upon recommendation of a qualified engineer, to solve the problems created by the unsuitable land conditions. The burden of the proof shall lie with the Developer. Such land shall be set aside or reserved for Uses as shall not involve such a danger.

Set forth below is King Development's response to each of the hazards listed above in the LMC. Some items have been previously noted by Staff as potential hazards and have already been addressed for future verification in the Conditions of Approval.

-Flooding: No Flooding
FEMA mapping does not show flood hazard on the site. The Applicant's Engineer does not believe there is a flood hazard on this site. No flooding has been reported or seen in this location.

The City has requested from the applicant as a Condition of Approval that a study be completed extending the FEMA Flood Plains through this development prior to plat recordation. Any lots located in a FEMA Zone A will require an Elevation Certificate showing the lowest occupied floor is at or above base flood elevation prior to building permit approval. The Applicant accepts and expects to satisfy this condition.

-Improper Drainage: Drainage is correct
See attached memo by Stantec titled Alice Claim Drainage Narrative. The site currently drains down into the reconstructed (as part of the remediation project) channel that runs south to north through the site. That channel carries small volumes of spring runoff and the drainage from the site and the small basin above the site. Minor drainage alterations are proposed to accommodate site development, but generally proposed site drainage remains consistent with existing conditions. A portion of the existing drainage channel will be carried in a culvert pipe as shown on the Engineering Plans prepared by Stantec Engineers.

The City as part of the Conditions of Approval requires a "Debris Flow Study" to be completed for the stream to determine if a debris basin is required. The Applicant accepts and expects to satisfy this condition.

An additional Condition states that the City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.

-Slopes: No Issues were identified that would prohibit development
This item is addressed in the Geotechnical report which states: Active landslides were not identified in the office studies or during the field reconnaissance completed for the project. While each specific site was not addressed, the site as a whole was inspected and soil borings and sampling were taken. It is more appropriate to address specific site issues unique to each lot and mitigation of those issues, which may vary depending on the house design, after plat approval.

The Applicant suggests that a Geotechnical Engineer review each home design and site prior to issuance of a building permit by the City to determine if any additional measures and/or mitigation are needed.

The Applicant is willing to accept a Condition of Approval requiring a geo-tech report for each specific home prior to issuance of a building permit

-Rock Formations: No Development is proposed below rock outcrops
This item is addressed in the Geotechnical report that cautions development below rock outcrops. A small rock outcrop is located on this site or immediately above the Estate Lot. We do not believe there is any instability and/or risk from this outcrop; however, there will be no development below this outcrop. A Geotechnical Engineer will review each home site development prior to and during construction to determine if there are any specific measures and/or mitigation needed.

-Mine Hazards: Have all been addressed
This item is addressed in the 2006 Geotechnical Report which recommends filling of the mine shaft as well as the follow up report from AGEC dated Dec 13, 2006, which outlines procedures for safely filling the mine shaft. The mine shaft was subsequently filled and compacted during the site remediation project in 2008 and is included in the mitigation report. As recommended by the AGEC report, home sites will be setback a

minimum 10' from the mine shaft. All other mine related hazards were remediated in 2008.

-Potentially Toxic Wastes: Have all been addressed
In 2008, the Applicant's property, and the City's property that bisects the project site, was remediated in the VCP to levels necessary for the proposed residential subdivision. Alice Claim investigation and cleanup activities are being completed under the Utah Division of Environmental Response and Remediation Voluntary Cleanup Program. Mitigation of mine impacted soil was completed from July 2008 through September 2008 primarily by removal and proper disposal.

-Adverse Earth Formations or Topography: We do not believe exists.
The Geotechnical Report identifies "Surface Fault Rupture" and "Liquefaction" as two additional hazards for some developments but concludes that the conditions do not exist for either of these hazards.
As part of each house geo-tech report (agreed to in the Conditions of Approval) will review these issues as well as evaluate avalanche potential and develop appropriate design impact pressures for structures.

-Wetlands There are none
In 2006, as part of the Stream Alteration Permit, the U.S. Army Corps of Engineers issued an email dated July 25, 2006 confirming that there are no wetlands onsite and that a wetland delineation is not required.

-Geologic Hazards; Have been identified and accounted for by planned subdivision
This item is addressed in the specific items above. The Engineering Geology and Geotechnical Engineering Report prepared by AMEC dated October 21, 2014 reviews many of the specific items listed above and provides guidance for construction specifications to address any potential concerns.

-Utility Easements: All Accounted for
All existing and proposed utility and access easements are included on the Plat that will be reviewed by the City Engineer in its final format prior to recordation. The City Engineer has not provided any negative reviews of the proposed easements.

-Ridgelines: No Development on Ridgelines
The City's Ridgeline Map indicates that there are no ridgelines within the property as defined by the Land Management Code. While lot 7 was not on a Ridgeline, we have moved Lot 7 to a new location lower and away from the visual ridge.

DHM DESIGN

Thank you for your consideration on this item.
Respectfully,
DHM Design Corporation

Marc Diemer
Associate Principal

EXHIBIT M

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
APRIL 8, 2015

COMMISSIONERS IN ATTENDANCE:

Vice-Chair Steve Joyce, Preston Campbell, John Phillips, Doug Thimm, Nann Worel

EX OFFICIO:

Kayla Sintz, Planning Manager; Francisco Astorga, Planner; Christy Alexander, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

ROLL CALL

Vice-Chair Joyce called the meeting to order at 5:35 p.m. and noted that all Commissioners were present except Commissioners Band and Strachan.

ADOPTION OF MINUTES

March 25, 2015

Commissioner Worel stated that she had reached her term limits as Chair and that a new Chair and Vice-Chair were appointed at the last meeting. On page 13 of the minutes she was referred to as Chair Worel and that should be corrected to read **Commissioner Worel**. .

MOTION: Commissioner Phillips moved to APPROVE the minutes of March 25, 2015 as amended. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

Brooke Hontz stated that she is a former Commissioner who served on the Planning Commission for 4-1/2 years. She truly appreciated their service because she could speak from experience about the difficulty of the job and how much work it entails. Ms. Hontz was present this evening because of the recent Land Management Code discussions regarding TDRs. She had been unable to attend the previous meetings but to her knowledge and from reading the minutes she understood that a recommendation had not been finalized. Ms. Hontz stated that in her profession she represents development

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. A tie breaker mechanism shall be included in the CC&Rs.
4. Required public improvements and landscaping, as applicable, shall be completed at the time of conversion or security provided to ensure completion as provided by ordinance.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. Alice Claim south of intersection of Kind Road and Ridge Avenue – Alice Claim Subdivision and Plat Amendment. (Application PL-08-00371)

2. Alice Claim south of intersection of King Road and Ridge Avenue – Conditional Use Permit for retaining walls up to 25' in height. (Application PL-15-02669)

Commissioner Phillips recused himself and left the room.

Planner Alexander requested that the Planning Commission combine the two applications for discussion and public hearing.

Planner Alexander stated that the applicant had reviewed the findings of fact and conditions of approval for both the subdivision and the CUP and requested some revisions. The Staff agreed to some of the revisions but not all, and a few additional conditions of approval were added.

Planner Alexander reported that the Alice claim property is at the top of King Road at the intersection where Ridge Avenue, Sampson Avenue and Gulch all come together. The subdivision is approximately 8.65 acres and a plat amendment on .38 acres. Eight of the homes are located within the HR-1 District. Lot 1 is located within the Estate Zone with a Sensitive Lands Overlay. Planner Alexander explained that because the proposal is less than 10 lots it is not a Master Planned Development.

Planner Alexander noted that the Planning Commission had visited the site and reviewed this application in October during work session. She noted that the applicants had been before the Planning Commission and City Council several times beginning in 2002 and the applicants were now looking at revising that plan.

Planner Alexander noted that at the last meeting the Planning Commission expressed comments and concerns and they requested additional information. They wanted to see what was above and around the site and how it was zoned and platted out. Some were concerned about development on the steep slopes, particularly in the Sensitive Lands Overlay and the Estate lot. The Commissioners had expressed concern regarding compatibility of the structures with surrounding HR-1 zones, as well as the adjacent HRL zone. Commissioner Thimm had requested to see cross sections of the homes. Planner Alexander had not been given cross sections and assumed they would be in the applicant's presentation this evening.

Planner Alexander reviewed the site plan from 2009 compared to the current site plan proposed. At the last meeting the Planning Commission requested that the applicants move the Estate lots down. Based on that recommendation the lots were moved further down closer to the City-owned property. Planner Alexander stated that the applicants were requesting additional items in the current site plan, which included a reduction in the setbacks for the Estate lot. Currently the Estate lot is required to have 30 feet on the front, side and rear of the homes. They were requesting a reduction down to 10 feet for the front, 10 feet for the side and 20 feet for the rear.

Planner Alexander referred to the table on page 188 of the Staff report which listed the individual lots and the percentage of slope across those lots. The Estate lot was moved off the very steep slope and the slope for the Estate lot was reduced to 31%. The rest of the open space would be left as is as a no disturb zone. She noted that the applicants would have to apply for a Steep Slope CUP for any lots over 30% slope in the HR-1 zone. Lot 7 was the steepest at 64%; Lot 6 was 55%; Lot 4 was 47%; Lot 2 was 45%; Lots 3 and 5 were 38%. Lot 1 was 31% and Lot 9 was 26%. Planner Alexander requested that the Planning Commission discuss the steep slopes and whether they were acceptable for development.

Planner Alexander reported that the Staff and the applicants had worked out solutions for the water pressure. The applicants have shown they can meet the minimum water pressure. She pointed out that it would be the minimum which may present an issue in the future. The applicants also met the requirements for access; however, the City Engineer has asked them to consider additional recommendations. Regarding sewer and utility issues, the Sewer Department has not received a finalized plan, but they were signers on the plat. Once the applicant receives approval from the City Council they must finalize everything with the Sewer Department. Planner Alexander noted that the Staff had drafted conditions of approval stating that if any redesign of the utilities pose issues or if the site plan is significantly altered as determined by the Planning Director, the applicant will be required to resubmit a new application and any approvals will be null and void.

Planner Alexander commented on clustering and asked the Planning Commission to provide input on whether or not it was compatible with the surrounding zone. She had included in the Staff report the footprint sizes of the homes along King Road, Sampson Avenue, Daly and Ridge Avenue to aid in their discussion this evening.

Planner Alexander noted that the applicants had stipulated to most of the conditions with the revisions submitted today, and she expected the applicant would discuss those revisions.

Greg Brown with DHM Design, introduced Jerry Fiat, representing King Development, Brad Cahoun, legal counsel, David Fagen from King Development, Joe Tesch, Tesch law, Mark Deemer with DHM Design Planning and Landscape Architecture, Seth Briggs from Stan-Tech Engineering, and Kathy Harris, Environmental Consultant. Mr. Brown thanked Planner Alexander and all of the City Staff for their efforts in this long process and for making sure the applicants had everything the Planning Commission needed to make what he hoped would be a positive decision.

Mr. Brown noted that DHM Design had prepared a site model. Vice-Chair Joyce stated that the Commissioners had the opportunity to look at the model prior to the meeting. Mr. Brown remarked that they would not be repeating the entire work session presentation they had given in October because Planner Alexander had assured him that it was already part of the record. The presentation this evening would primarily focus on the changes that were made to the site plan in response to the comments and concerns express by the Planning Commission in October.

Mr. Brown clarified that they were before the Planning Commission on four applications; the plat amendment, the subdivision, the side yard setback variance, and the conditional use permit retaining walls. They were four separate issues but they needed to be discussed together.

Mr. Brown outlined the five primary concerns they heard in October. One was a discussion about access for the open lands and having public access to the open space. There was a concern about the amount of site disturbance and trying to define how much site disturbance there would be. There was a need to further mitigate and study the entry retaining wall. The Staff had looked at compatibility with the surrounding neighborhoods and made recommendations regarding that issue. Mr. Brown believed the biggest discussion point was the location of the Estate lot.

Mr. Brown summarized their response to the issues. He noted that the HR-1 lots were significantly decreased in size, which created open space surrounding those lots. They were working with third parties, including the Summit Land Conservancy, to find someone

to deed that property to or who would hold the easement; or any other process that would hold the open space in perpetuity. Mr. Brown stated that they had shown disturbance envelopes and restrictions on the Estate lot and the eight lots on HR-1.

They did further terracing and landscaping to try to mitigate the retaining wall. In terms of building size and height, the Staff recommended further restrictions that they had agreed to. They also relocated the Estate lot to the bottom flatter portion of the gulch area on the site.

Mr. Brown presented the plan for the HR-1 lots that was shown in October, highlighting the lots that were proposed at that time. He presented the revised plan showing their current proposal for the eight lots and how they substantially decreased the size of the actual lots that would be sold. He reiterated that the surrounding space would be open space. Mr. Brown stated that a restriction would be placed on the Estate lot making the area outside of the building envelope and the road right-of-way a no disturb zone.

Mr. Brown noted that the entire site is a little over nine acres, and approximately 6.6 acres or 73% of the site is open space. The HR-1 zone is approximately 3.47 acres with 1.62 or 46% in open space. The Estate zone is 5.1 acres and 4.6 or 88% of that is open space for the Estate lot. Mr. Brown stated that the disturbance envelopes limit the amount of disturbance on all nine homes to 32,400 square feet, which is 8% of the site. He pointed out how they tried to limit the amount of disturbance to make sure people were comfortable with what they had planned for the site. Mr. Brown stated that most of the roadway or at least the disturbance zone parts already exist.

Mr. Brown remarked that the disturbance restriction on the nine lots is a platted requirement. He presented a slide showing the building envelope and the disturbance envelope around the building envelope. The limit of the disturbance envelope is 20 feet out from the building envelope.

Mr. Brown recalled significant discussion in October regarding the entry retaining wall, and noted that all the retaining walls were looked at as part of the CUP. One of the requests was to increase the landscaping. He presented the plan that was used to create the model. The landscaping shown assumed two-years of growth in an effort to be more realistic rather than exaggerated. Mr. Brown presented a drawing showing the entry wall as two-tiers. He noted that the Staff was recommending that it be broken up even further. Mr. Brown stated that one concern was the amount of landscaping that could fit and still accommodate snow storage, etc., and they tried to be practical in what was proposed. Mr. Brown presented a view of the site with the houses up above. He identified the existing evergreen trees. Another view was looking into the entry of the project with the houses behind the trees. Mr. Brown pointed out the entry wall, as well as the wall above, and

noted that houses would be built in front of that retaining wall. He and Mr. Fiat have discussed the possibility that the wall could become part of house. Mr. Brown identified the walls behind Lots 5 and 6. He presented a view looking up at the road coming up to Lot 7 and explained how they were bridging over the City property to access Lot 7. From the human scale view, the large evergreens trees would be saved to block the view of the retaining wall.

Mr. Brown commented on building size and height in the HR-1District and further restrictions that were done based on Staff recommendations. As mentioned at the last meeting, the buildings were restricted to a maximum of two stories. The Staff asked that they further restrict the height to a maximum height of 25 feet.

Mr. Brown stated that the Estate lot was a main topic during the work session in October and there was an issue with the location on the hillside. In relooking at the plan they realized that the Estate lot could be moved down to where it was currently shown on the plat. The new location is in the gulch and has a much lower visibility. Mr. Brown noted that the site is very tight and for that reason the applicants have asked for a reduction in the setback from 30 feet required for Estate lots to 10 feet on the side and front and 20 feet on the back. The reduction would allow them to better fit a home on the lot given the constraints of the roads and the City property. Mr. Brown believed that moving the house off of the hillside to a much flatter portion of the gulch area was a good compromise.

Mr. Brown commented on the modifications that were worked out with the help of the Staff and Engineering, including the water issue. Mr. Brown provided the Commissioners with a copy of the power point presentation.

Planner Alexander noted that representatives from the Sewer District, the Water Department and the City Engineer were present to answer questions.

Mr. Brown clarified that the footprints were too scale but they were still working on the design details and architecture of the houses.

Vice-Chair Joyce confirmed that the utilities, sewer, environmental cleanup and other issues that could affect the design of the project were outside of the Planning Commission purview. He understood that if the Planning Commission were to forward a positive recommendation and it was approved by the City Council; but the applicant later found that a reasonable change was required, they would have to reapply for the conditional use permit. Planner Alexander replied that this was correct.

Jerry Fiat recognized that they would have to reapply, although he was not pleased with that requirement. Mr. Fiat stated that more engineering work was done on this project

regarding those issues than has been done on any other project. He noted that it was difficult to finish this project without having the site selections completed. Mr. Fiat was comfortable moving forward at this point; however, if the Planning Commission thought this was a good site plan he would also be comfortable with a continuance to allow time to finalize the design and all of the conditions before bringing it back to the Planning Commission. He estimated that it would take two to three months to complete but it would eliminate the unknowns. Mr. Fiat was uncomfortable with the idea that the Planning Director would have the discretion to determine what constitutes a significant change. He thought that terminology was vague.

Commissioner Worel wanted to know how they would address the issue if there were differences between what the applicant proposed for the findings of fact and conclusions of law versus what was proposed by Staff.

Assistant Attorney McLean explained that the Staff had reviewed the applicant's proposed changes, made their own changes, and then provided the Planning Commission with the new changes. She pointed out that the Planning Commission had the purview to accept, change or amend any of the findings or conditions presented by either the applicant or the Staff.

Commissioner Thimm stated that because the Commissioners were handed the revised redlined findings and conditions at the beginning of the meeting, he requested that Planner Alexander review the differences.

Planner Alexander reviewed the changes to the Findings of Fact as follows:

A Finding was inadvertently labeled as #1 between Findings 19 and 20. The #1 was replaced with #20 and the rest of the Findings were renumbered.

The language stating that the proposed 5,000 square feet, as well as the 25 foot maximum, should only be for the HR-1lots. The applicants were still proposing a 2,500 square foot footprint for the Estate Lot.

Newly numbered Finding 25 – There were minor errors with the differences of the submittals and calculations of the grid of the lots.

Findings 34 and 35 were new findings that correlate with the Conditions of Approval that were added stating that the applicant shall complete all site and public improvement prior to plat recordation. Or if the applicant submits a finalized or engineered design, the applicant may petition the Planning Commission to allow the applicant to submit an adequate financial guarantee for all site and public improvements.

Planner Alexander reviewed the revised Conditions of Approval as follows:

The #1 was inadvertently left out and the first condition was numbered #2. The Conditions were renumbered.

Planner Alexander referred to Condition #7 in the applicant's submitted conditions, and noted that the applicant was asking to come back before the Planning Commission if there was a substantial change to the site plan. However, because a subdivision is approved by the City Council, the applicant would not be allowed to come back to the Planning Commission. The Staff stands firm on their condition that if there is a substantial change as determined by the Planning Director, the approval shall be null and void, and the applicant would have to submit a new application.

Planner Alexander noted that the same applied for the next condition regarding the Sewer.

Planner Alexander referred to the newly numbered Condition #10 and noted that the Staff had removed the language, "no building permits shall be issued until the culvert is fully installed" and replaced it with "All State requirements must be obtained and the culvert must be fully installed prior to plat recordation." Planner Alexander explained that if the culvert is not put in, they could not meet the 50-foot setback from the streams required for the lot, which would change the entire site plan.

Planner Alexander referred to newly numbered Condition #15, and pointed out that the 25 foot height maximum was only for the HR-1 district. The same changed applied to #16 regarding the 5,000 square foot maximum total floor area.

Newly numbered Condition 17, change "main" utilities to "wet" utilities. Planner Alexander noted that the applicant had requested "or with special conditions." The Staff added that language with additional language, "as approved by the proper and regulatory agencies." She noted that in addition to the City Engineer approval, the State would have to approve a stream alteration permit and other requirements.

Planner Alexander referred to newly numbered Condition #21 which states that The Applicant will need to receive City Council's approval to give them an access over the City's property. She noted that the Applicant wanted to execute an agreement, but it was something the City Council would have to decide at the time of subdivision approval because approval of the subdivision is contingent on approving the access. Approving the subdivision would automatically grant the access.

Planner Alexander noted that newly numbered Condition #22 was cleaned up to require the applicant to provide recommendations to the City Engineer. Condition #23 regarding the Utah Department of Environmental Quality, the first part was what the applicant had requested. The second part "if required by UDOT the City will cooperate in allowing for the Certificate of Completion to cover remediated soils inside the City property." In speaking with the City soils person they were told that the language was not necessary and it was removed. Condition #24 - the applicant request adding "If the site management plan is required", which the Staff agreed to add. Condition #27, "if the site plan is substantially altered as determined by the Planning Director", Planner Alexander reiterated that the applicant had requested that it come back to the Planning Commission, but the previous explanation implied that it would be a City Council approval and the approval should be null and void.

Planner Alexander noted that three Conditions of Approval were added. Condition #28, "Off-site and public improvements shall be completed prior to plat recordation." If not, they could come back to the Planning Commission to allow the applicant to submit an adequate financial guarantee to make sure the improvements are put in before the lots are sold off.

Condition #29, "Utility maintenance access is required across lots A & C." This condition was requested by the Water Department. They also requested Condition #30, "The individual water booster or fire sprinkler system pumps to increase water pressure will not be allowed."

Vice-Chair Joyce understood that Lots A and C were under the roadway. Planner Alexander replied that this was correct.

Planner Alexander reviewed the revised Findings and Condition of the CUP application. She noted that there was a slight discrepancy in showing the walls. She stated that some of the walls were not showing the correct heights. She presented a slide identifying the correct wall heights. She noted that the wall heights were changed in Finding #7 to reflect the correct wall heights.

The language was cleaned up in Finding of Fact #11 to make the sentence more easily readable. Planner Alexander referred to Finding #14 and noted that because they did not have the plat as an exhibit, they changed the language to "site plan". Findings 17 & 18 were added today. Finding 17, "Proposed tree heights will only screen approximately 50% of the walls vertically where located. Proposed trees will only screen approximately 25% of the walls horizontally, which creates a visual impact that can be mitigated by Condition of Approval #17". Finding 18, "The walls as proposed create an unbroken massing that will be visibly clear from vantage points and create a visual impact that can be mitigated by Condition of Approval #18."

Planner Alexander reviewed the Conditions of Approval. Condition of Approval #8, the word “roads” was replaced with “drives”.

Planner Alexander noted that the applicants were concerned with the stated expiration date in Condition #10 because if they did not get the plat recorded in time the CUP would expire. The applicant was requesting language stating that it would expire one year after the date of recording of the plat. The Code states that the CUP would expire after one year; however, the applicant can come back and request a year extension. Another option is that the Planning Commission may grant a two-year approval.

Planner Alexander noted that Condition #15 was removed because it was addressed in Conditions 17 and 18. The language in Condition #16 was clarified to say that if any of the existing mature trees are disturbed, they would have to be replaced in kind and with the equivalent number and caliper and size as determined by the City Arborist.

Regarding Condition 18, Planner Alexander stated that the applicant had requested that the Planning Director should have the discretion to determine terracing the walls between two and four tiers. The Staff recommended adding, “And they must show further terracing of the walls between two to six tiers at each location, with each wall to be limited to ten feet in height to be approved by the Planning Director.” The Staff believed that a ten foot height could be properly mitigated with trees to cover the walls and reduce the visual impacts of the high walls.

Condition 19 was removed because it was not needed. Condition #21 was revised to include the language requested by the applicant, “Any substantial changes not contemplated by Condition of Approval 19 above.” The condition also addresses the requirement for the applicant to submit a new application if the site plan is significantly altered.

Planner Alexander noted that Conditions were added to include the language suggested by the applicant, but without the language “the City will cooperate in allowing for the soils inside the City’s property.” Language requiring a site management plan was also added.

Planner Alexander stated that in January the applicant had submitted in each of their retaining wall locations one very large wall and different sizes at each location. She requested that they show alternatives with terracing. Planner Alexander clarified that the drawings shown included the terracing of the walls. She explained the terracing and noted that the Staff believed it was an improvement but thought that it could be mitigated further with more terracing and landscaping.

Mr. Fiat clarified that the applicants were comfortable with the Staff recommendations with the exception of minor housekeeping issues. Mr. Fiat requested that the Planning Commission grant the CUP approval for two years on the walls because logistically it was not possible to meet the one-year date.

Assistant City Attorney McLean explained that the Code states, "Unless otherwise indicated, Conditional Use Permits expire one year from the date of Planning Commission approval". A typical CUP is approved for one year and the Planning Commission can extend it for a second year. It would have to come back to the Planning Commission to be extended for the third year. However, the Planning Commission can indicate a special circumstance and initially approve the CUP for two years.

Vice-Chair Joyce opened the public hearing on both the plat amendment and the CUP for the retaining wall.

Planner Alexander had forwarded to the Planning Commission two public input emails she received that day from two neighbors, and she would submit those emails into the record.

Lee Gurstein addressed the access component of the proposal as discussed on page 184 of the Staff report. It talks about alternative access and alternative access problems and issues since the applicant does not have access to property at 135 Ridge Avenue. The problems include creating a five-way intersection, width of the roads, emergency access, creating a retaining wall, removing part of the mountain and protecting mature trees. Mr. Gurstein stated that he is one of the owners of 135 Ridge Avenue. Before he lived there he understood that there were some negotiations about sale or provision of access for this project. For some reason those negotiations were stopped. Prior to this meeting he had a brief conversation with legal representative Joe Tesch and Mr. Gurstein wanted it on the record that those negotiations will be resumed.

Carol Sletta a resident at 135 Sampson had concerns regarding the five-way intersection. She has traveled the road over 35 years and she was concerned about the public safety and functionality of the road. She encouraged them to make that part of the road safe for everyone and that it can be easily accessed by emergency vehicles and nightly renters.

Brooke Hontz requested that the Planning Commission asked that a letter she wrote earlier that day be submitted into the record in its entirety so she would not have to read it verbatim and could just highlight specific points. Mr. Hontz recalled that this project came before the Planning Commission when she was a Commissioner; however, a decision was never made and this Planning Commission was now faced with addressing the issues. Ms. Hontz stated that she reviewed the information that was submitted in October from the standpoint of a private citizen as well as a former Planning Commissioner. She asked

herself what she would be able to do on the site without the current applications. If no access is provided nothing could be done because some of the land is partial lots of record but another part is a metes and bounds parcel. She pointed out that where the development was occurring is really one big lot. Ms. Hontz thought it was imperative that the Planning Commission spend sufficient time on this subdivision application not only because of the mining history and steep slopes, but also to make sure that it fits within the LMC and the General Plan before moving forward. Ms. Hontz stated that in 2010 the Planning Commission saw a similar development nearby on Upper Ridge. Five comments at that time centered around whether they would be creating lots that are difficult to build or unbuildable based on current Codes; road widths and substandard roads; issues in terms of how this relates to the Streets Master Plan which is still in effect; geotechnical issues and sensitive lands. She noted that the Commissioners discussed these issues not only for the Alice Claim project but also for the surrounding areas. Ms. Hontz stated that access is a moving target and warrants looking at other solutions. She thought it was ridiculous to create an alternative access in that location and on a right-of-way that does not have to be approved by the City. Ms. Hontz noted that the definition of right-of-way in the LMC means it can actually be a ski lift, a stairway or a trail. So many things are related to access, including going against the purpose statements and the specifics of subdivision themselves that it should be looked at. Ms. Hontz was glad that people were concerned about reaching this project in the case of an emergency. She stated that what the Fire Department requires adds additional impacts of impervious surface, turnarounds and more vegetation removal. It is needed but it also speaks to the undevelopable nature of the site. Ms. Hontz stated that more concerning was the fact that it talks about secondary access and it references Ridge Avenue as a potential future secondary access. Ms. Hontz stated that her letter outlines ten points referencing the concerns related to even contemplating Ridge Avenue as a secondary access in the future.

Ms. Hontz agreed with the Staff analysis regarding clustering. She thought the lot configuration and density were in question. Regarding water delivery and sewer, Ms. Hontz thought things may have moved faster than what was identified in the packet. She recognized that there may be acceptable water solutions that make sense in some projects. It is logical to allow someone to sort out the water delivery details after the subdivision is approved. However, in this instance with all the other issues and the way the Conditions are written, she believed was setting up the City for failure. Too many pieces still need to be addressed and it is important to first understand whether the solution is feasible. Ms. Hontz remarked that another key are the restrictions due to the character of the land, which is LMC Section 15.7.3-1 Section D. It was also highlighted on page 188 of the Staff report. She encouraged the Commissioners to spend time on that section because she did not believe the information provided by the applicant addresses the concerns of the very steep slopes, which are significant issues. She commented on recent training the Commissioners had by Brent Bateman from Ombudsman's Office and the fact

that it is up to the Planning Commission and the City Council to make sure this subdivision meets all the standards and codes and that it is safe. She believed the Ombudsman's analysis throughout the State has brought problems to light in terms of dealing with steep slopes. Ms. Hontz stated that her conclusions of law differ from the Staff's, and she requested that the Planning Commission consider asking the Staff to prepare conditions for denial based on her information, as well as additional information that could be provided that proves there is no good cause for this plat amendment. It does not meet the Subdivision Code policy 15-7-3, Policy B, because the sewer and water service to be required as stated within that section are not clear enough. Additional proof is Policy C and the subdivision purpose statements.

Charlie Wintzer stated that the last time this project came before the public no public input was taken in the interest of time. He handed out copies of the statements he had prepared for that meeting. Mr. Wintzer stated that when he was on the Planning Commission and this project came before them, all the remediation work was done based on the hopes of getting the subdivision approved. He remarked that the project never reached the point of discussion where the Commissioners could ask questions about the details. Mr. Wintzer stated that whatever the Planning Commission does during this meeting would either strengthen or weaken the Code going forward. He stated that the comments he made in 2011 regarding the Ridge Subdivision hold true for this proposed subdivision. He stated that the City has spent time and energy protecting the open space around this area and around Old Town. They negotiated a deal with the Sweeney's to move Treasure off of the hill, density was moved off of the hill when they negotiated the Montage project, and the City purchased open space on the hill across the canyon. What they do here could jeopardize that work. This applicant wants to build on two hillsides and one ridgeline. Mr. Wintzer noted that this application falls under the old General Plan. He handed out pages from the old General Plan that talks about staying off of hillsides and ridgelines, which is reinforced by all the purpose statements. For this particular project the most important purpose statements are the ones for the SLO and the two purpose statements about subdivision, which talks about ridgelines and hillside. Mr. Wintzer stated that the LMC backs up the statements in the General Plan and in the purpose statements. He counted 30 different places that he did not believe the Staff had properly addressed. This project could be built on flat ground at the bottom of the hill, and both the General Plan and the LMC directs them to do that. The homes should be clustered together to keep them off the hillside, to reduce cuts and fills, and to create a sense of community. Mr. Wintzer also provided a handout with all the Code issues he had identified. He encouraged the Planning Commission to continue this project until Commissioner Strachan was present, since he was the only Commissioner on the Planning Commission who saw this project the last time. He thought it would be important for the new Commissioners to hear his perspective. Mr. Wintzer provided another handout that did not pertain to this project, but it was where he had gathered all the information on this project.

Peter Marth stated that he lives at 27 Hillside Avenue, which is a HR-1 street that is currently being overrun by commercial vehicles. He asked the applicants to think about how it was possible to mitigate construction traffic impacts for nine homes in a subdivision on a steep slope at the top of Old Town. Mr. Marth reminded the Planning Staff that you cannot mitigate impacts from construction traffic. What they do is mitigate the impacts for cars and trucks, but not for the people living in Old Town. He commented on a hole in the ground on the PCMR hillside that has been sitting there for two years and it is an eyesore. He wanted to know what guarantees that this would not happen again. Mr. Marth wanted to know what would guarantee that they could mitigate traffic impacts. These impacts affect the "quality of life" and those words are littered throughout the Building Code and the LMC. It is impossible to mitigate the impacts from a development of this size in Old Town. The streets are substandard and the slopes are steep. Mr. Marth requested significantly more discussion before any of this project could be considered. It was difficult enough contemplating this project living on Hillside Avenue, but he was very sensitive to the people in Upper Old Town who live on King Road and Sampson because they would be experiencing a decrease in quality of life which is a permanent loss that cannot be mitigated.

Vice-Chair Joyce closed the public hearing.

Commissioner Worel thanked the applicants for listening to their concerns and she appreciated having the model to see what they were proposing. She appreciated that they were willing to reduce the lot sizes to create more open space and that they moved the Estate lot down into the gulch. However, she had concerns about the retaining walls and the fact the City Engineer and the Sewer and Water Department had concerns about this project. Commissioner Worel asked the City Engineer to address questions regarding the traffic. She noted that the Staff report indicated that Mr. Cassel had expressed concerns about the proposed intersection and that his questions were not answered with the traffic study.

City Engineer Matt Cassel explained that the original traffic study looked at volumes, but he knows that the volumes up there would not exceed any limits they have. He stated that the issue was not about volume. It was about maneuverability of the intersection having five or six roads coming together, and whether there were ways to improve the intersection from the standpoint of health and safety. Mr. Cassel stated that the applicant had submitted a report and they have presented alternatives and recommendations. He was not completely comfortable with it yet, but he felt like they were making progress.

Commissioner Worel commented on the CUP application regarding the retaining walls. She understood from the Staff report that there were concerns that the retaining walls may

not work or might damage some of the infrastructure. City Engineer Cassel stated that at this point he did not know the exact design of the walls or whether there would be anything behind the retaining walls. He explained that the concern with utilities is having offsets. For example, water lines are supposed to be buried six feet in depth, but if they are placed two feet away from a retaining wall they are exposed the same as if they are not buried deep enough. He stated that the drives are narrow and the sewer and water need to be spaced at least 10 feet apart. Putting all the dry utilities together takes up a lot of space rather quickly. If retaining walls are placed next to the road it exposes the utilities to the environment. They were trying to make sure that all the utilities fit together and that the retaining walls do not cause impact to the utilities as they move forward.

Vice-Chair Joyce thought from earlier comments that they were close to resolving the safety piece of the traffic. However, he understood from. Mr. Cassel that there was uncertainty as to whether or not it might work. Mr. Cassel replied that they were close to a resolution. He reiterated that volume of traffic was less of an issue than maneuverability. The applicant has ideas on the table and Mr. Cassel did not think they were far from resolving the issues.

Commissioner Worel had questions for Kyle MacArthur with the Water Department. Mr. MacArthur stated that he was the distribution manager and he was not entirely familiar with this project. He has been communicating with the Water Engineer who does all the plan reviews, and he would try to answer their questions.

Commissioner Worel commented on concerns expressed in the Staff report about getting enough water pressure. Mr. MacArthur stated that they were right at the bottom of the pressured required by the Division of Drinking Water. This project will meet the minimum requirements given the modifications proposed for the design. He stated that as future operators of the system, he could almost guarantee that the first person moving in would complain about the minimal water pressure and the Water Company will not be able to do anything. The remaining concern with the low pressure is the ability to meet the fire flow requirement.

Commissioner Thimm asked Mr. MacArthur if he was comfortable with the fire flow for that area. Mr. MacArthur replied that it was up to the Fire Marshall and he believed the Fire Marshall had made the determination that it was sufficient.

Commissioner Worel asked Brian Atwood, the District Engineer for the Water Reclamation District, if he was comfortable with the site regarding sewage. Mr. Atwood stated that a specific process must be followed to get to final design approval and construction before they can provide waste water service. The final design must be approved before they can move on to platting. However, all they have seen so far is a preliminary utilities plan, which

does not show a lot of detail. Based on review of the preliminary utilities plan the Water Reclamation District raised questions with the developer and their engineer, who was confident that all their concerns could be addressed. Until they have that information they could not determine whether or not the proposal would work.

Commissioner Worel was concerned that they may be creating unbuildable lots. She asked if there was a precedent for building on a 64% slope. Planner Alexander stated that there are many areas with varying amount of steep slopes within the Old Town District. She identified specific properties that were developed on steep slopes. She pointed out that 30% slope stated in the Steep Slope CUP is an average. A property may be steeper at the front of the lot and gradually decrease, but if it is a 30% slope overall it requires a Steep Slope CUP. Planner Alexander commented on 429 Woodside and noted that the first 50% of the lot was 80% slope and they were approved to build. Planner Alexander clarified that not every site is suitable for development. For the Alice Claim project the Staff made sure that no building would occur on a ridgeline. She offered to do a more in-depth analysis if requested by the Planning Commission to determine how buildable the 64% lot would be and whether there were any old mine sites.

Commissioner Worel thought the in-depth analysis would be helpful. Planner Alexander noted that the homes would come back for a Steep Slope CUPs and additional mitigation could be done with that process as well. Commissioner Worel reiterated that her concern was whether they were creating something that would not be buildable. Commissioner Worel stated that excellent points were made during the public hearing and the Commissioners were given a significant amount of material this evening that they had not had the opportunity to review. She favored a continuance to give the Commissioners time to read through the material and consider the input.

Commissioner Thimm agreed with Commissioner Worel. Considering the amount of written information they received and the information provided by the City Engineer and representatives from the Water and Sewer Departments, he would support a continuance to be able to study all the information. Commissioner Thimm commented on the discussion in the Staff report regarding the stream diversion and dealing with the Army Corp of Engineers. He has worked with other wetlands situations and it has never been easy. It appears that a lot of this subdivision depends on that diversion and he asked if there has been any discussion with the Army Corp of Engineers.

Jerry Fiat stated that it was a dry stream bed. The only time water runs down it is when they clear the water tank. The old road used to run down the stream bed. Mr. Fiat stated that they rebuilt the stream bed as part of the cleanup. Part of the cleanup plan is to culvert part of the stream and they already have a permit in place to do so.

Commissioner Thimm referred to page 188 of the Staff report which states that the applicant had not provided information regarding mitigation of potential hazards. It was after a statement that was quoted by the LMC which says that until hazards have been adequately addressed in terms of mitigation the land cannot be subdivided. Commissioner Thimm asked where they were in terms of looking at these potential hazards and whether it was even proper to be discussing this plat amendment before that was addressed.

Planner Alexander stated that these were issues that could be mitigated during the Steep Slope CUP process, but they could require a mitigation plan from the applicant now if the Planning Commission preferred. Assistant City Attorney McLean clarified that this section of the Code was talking about the actual site itself. A Steep Slope CUP is a conditional use but it is allowed. Things such as reducing the building pad, relocating the building pad or expressing how it could be done are the types of mitigations addressed in the LMC. Relying on the Steep Slope CUP would not address those issues.

Commissioner Thimm thought there appeared to be a general list in the Staff report rather than specific by lot. As part of moving forward he thought those should be identified to make sure the lots are not unbuildable because the hazards cannot be mitigated.

A representative for the applicant noted that a geo-technical report was submitted and there were generally no issues on the site. A geo-technical report had not been done for each building site. The applicant assumed that would be done as part of the submittals for the individual houses.

Commissioner Thimm asked if the conditions of approval could be specific enough to talk about making provision for mitigation for any of the houses. Planner Alexander stated that the City Engineer reviewed the draft technical report and nothing was flagged from his reading of the report. Assistant City Attorney McLean stated that the Planning Commission could request that the applicant come back with geo-tech reports for the individual lots if they have concerns related to the provision of the Code. She pointed out that once the site is divided into lots they are sellable and people are entitled to develop them. Commissioner Thimm clarified that his concern was that these hazards would not be mitigated and someone has a legal lot to build on. He thought they should find a way to address those issues since the Staff felt that adequate information had not yet been provided.

Mr. Brown asked if that could be accomplished with a plat note so when someone buys a parcel they have the information that a geo-technical report must be done for each lot. Assistant City Attorney McLean explained that if the geo-technical report concludes that the site is not suitable to build, they would be in the situation of having created a lot that was sold but not buildable. Ms. McLean remarked that a subdivision creates a lot of record and

essentially says those lots can be developed. The purpose of the subdivision process is to make sure the infrastructure is in place and that it meets the subdivision requirements.

Mr. Brown stated that the challenge was doing a geo-technical report for each site in the subdivision because that is typically not part of the subdivision process. Commissioner Thimm acknowledged that he said for each lot, but he would be satisfied with a general report that would cover the points in the Land Management Code holistically for the site. Mr. Brown offered to review the geo-tech report to make sure it aligns with the LMC.

Commissioner Thimm commented on the house size. It was noted that the lot size was reduced but the square footage of the homes is more than what exists in the neighborhood. The statement in the Staff report was that it did not comply with the intent of the purpose statement and he agreed with that statement. Commissioner Thimm thought the amount of square footage proposed was not compatible with the adjacent areas. He asked how the Planning Staff arrived at the suggested modifications considering that they were still larger than the adjacent homes.

Planner Alexander recognized that the square footage of the proposed homes for the footprint was much larger than the surrounding neighborhoods. The Staff wanted more clustering but it was an effort to find compromises on limiting the height and for the 5,000 square feet to include the basement and any garages. She noted that the Estate lot was not reduced because it was taken off the hill located into the gully. If the Planning Commission preferred, the Staff could look at bringing the homes off the hillside and clustered to be more compatible with the surrounding neighborhoods.

Mr. Brown commented on the concern regarding compatibility. He noted that they were proposing a maximum of two stories with a larger footprint, keeping in mind that most of the surrounding structures were more than two stories. From a massing standpoint they tried to push the mass down and locate the house on the contour rather than against the contour. Mr. Fiat stated that most of the houses in Old Town are uphill/downhill lots that are dug deep into the hill with multiple stories. Many have one bedroom per level and it is not conducive for family living. The purpose of the larger footprint was to allow multiple bedrooms on one level and the kitchen and living space on another level. A larger footprint also allows more articulation in the architectural design. Mr. Fiat remarked that the 5,000 square foot gross limit was proposed to eliminate the games being played about excluding garages or basements. He did not believe the numbers in the Staff report truly represent the true size of the houses in the neighborhood. Many of the houses are significantly larger than what they were proposing as a gross square footage. Mr. Fiat pointed out that 5,000 square feet was a cap because on some lots they would not be able to build that amount of square footage.

In terms of the retaining walls and terracing, Commissioner Thimm understood the maximum height would be 10' with the potential for additional terracing. When they terrace and create planting areas between walls, he asked what Mr. Brown thought would be a good distance to create healthy vegetated planting zones wall to wall as they go up the hillside. Mr. Brown thought it was a trade-off because they were chasing the slope. Wider planting beds are better for plants but it will result in more walls. He understood the Code specifies a minimum of four feet and it is possible to grow plants in four feet. Commissioner Thimm stated that if this is approved, he suggested a more organic flow with terracing as opposed to the long straight lines. He suggested that applicants give more thought to the wall design.

Commissioner Campbell thought the applicant was in a situation where they did not know how much money to invest in plans without knowing whether it would be approved. Their application appears to be incomplete because they did not want to spend the money on a more complete application until they heard direction from the Planning Commission. Commissioner Campbell was comfortable with the fact that the applicant was willing to use the Staff's conditions of approval rather than their own. He was unsure why the Commissioners were given two different versions this evening rather than consolidating it beforehand.

Commissioner Campbell referred to Condition #22 for the subdivision and felt that the language was vague. He had the same complaint about the rest of the conditions. He would like the conditions of approval to be more clear and concise so the applicants understand what the Planning Commission was asking and the consequences if the conditions are not met. Commissioner Campbell thought 30 conditions were too many and he would like to see it reduced to a more manageable number.

Commissioner Joyce appreciated the revisions the applicants had made in response to their concerns at the work session. One of his biggest concerns was the Sensitive Lands Overlay. It is the most protected land in the LMC and anything they can do to avoid digging and dredging and putting things on steep hillside is appreciated. From his perspective giving the setback reduction to get the Estate lot off the hill was a good trade-off. Commissioner Joyce noticed that the changes talked about in the findings of fact in the CUP of the houses being 2,500 square feet, 5,000 square feet in total size, and 25' in height were only for the HR-1 lots and not the Estate lot. For the Estate lot the 2,500 square foot footprint was mentioned but square footage and height were not addressed. He assumed the applicant would build whatever was allowed for the Estate lot within the footprint. Mr. Fiat answered yes. He noted that 28' was the height limit for the Estate lot.

Vice-Chair Joyce was concerned about having 30 feet of retaining wall at the entrance where it is most visible. He encouraged the applicant to do whatever they could to

negotiate an easement to be able to use the existing right-of-way. Vice-Chair Joyce understood from public comments that the previous Planning Commission had discussed various ideas; however in his reading of the minutes from those meetings he did not believe the Commissioners had reached the level of detail they were discussing this evening. Vice-Chair Joyce recognized that the applicant took a financial risk when they decided to do the environmental cleanup. However, he did not believe the Planning Commission has not had the opportunity to evaluate whether or not this was a legitimate plat layout for the property. He sees a neighborhood that is extremely difficult to develop for many reasons, and they were basically building in a steep gulch. In his eight months as a Commissioner he has never seen a situation where almost every house in the neighborhood is on very steep lot and he personally has not seen a 64% slope developed.

Vice-Chair Joyce stated that he walked the neighborhood and all the streets and this project did not have the same feel. There were a number of issues to be considered such as the steep slope requirements, size, clustering and mass and scale compatibility. He thought this proposal was something he would see in a Park Meadows subdivision. Vice-Chair Joyce believed the map clearly showed how different this project was from the rest of the HR-1 District. He did not have actual numbers to compare the square footage, but in looking at the footprint even the reduction to 2,500 square feet was still 80% larger than most of the houses in the neighborhood. Vice-Chair Joyce stated that if size was the only issue he might be able to consider it, but he was bothered by the decision not to cluster the houses as recommended by Staff.

Vice-Chair Joyce also questioned the ability to mitigate a 30' wall. In his opinion planting bushes and shrubs was not sufficient mitigation. Vice-Chair Joyce stated that the applicants decided the plat layout and the Planning Commission was being asked to make it work with retaining walls. He pointed out that if they were building more compatible with the HR-1 District, the buildings would be smaller and tightly clustered and retaining would not be a problem.

Vice-Chair Joyce had the biggest issue with Lot 7 and the proposal to build a raised road with a bridge as a driveway with two-thirds of it in the Sensitive Lands Overlay, and then building Lot 7 on a ridge on a 60% slope. He personally did not believe Lot 7 should be considered a buildable lot. Vice-Chair Joyce commented on the non-disturbance areas as defined and he did not believe the proposed lot layout was compatible with the requirements of the HR-1 zone. As a result, they were left to deal with other issues that may or may not be mitigated.

Vice-Chair Joyce requested that the applicants work with the Planning Department to make the houses more compatible from the standpoint of size and clustering. In addition to his concerns regarding Lot 7, he also had problems with Lots 2 and 3 because building n those

lots require multiple tiers of retaining walls that would not otherwise be required. He could not support the driveway and bridge on the Sensitive Land Overlay to access one lot. Vice-Chair Joyce would like the limits of disturbance reduced to a more reasonable number and he suggested approximately 75% of the lot size.

Vice-Chair Joyce was also interested in hearing more about the Planning Director's discretion to determine whether or not a change is significant enough to require a re-application. Planning Manager Sintz wanted to come back and have that discussion with the Planning Commission. She believed the difference between minor and major alterations actually rests with the specifics of the application.

Assistant City Attorney McLean stated that if the changes to the site plan pertain to retaining wall size, etc., those start to become significant. She stated that if this item is continued, the applicant would have the opportunity to provide more detail in terms of what the final site plan will be based on utility plans, sewer plans, etc.

Vice-Chair Joyce wanted more detail but he did not want the applicants spending a lot of money before the Commissioners could concur on giving specific direction on certain items. Vice-Chair Joyce understood that the applicants have the right to develop their property, but he wanted to see a different layout that clusters the houses more tightly, reduces the house size to be more compatible with the HR-1 District, and minimizes the need for retaining walls.

Vice-Chair Joyce pointed to the comment that the applicant was discussing a conservation easement with the Summit Lands Conservancy. He disclosed that he sits on the Summit Lands Conservancy Board and he had spoken with the Director who told him that she had spoken with the applicant but had not yet received a proposal. Vice-Chair Joyce requested something clearer than the word "open space" because someone has to own the land. It was not clear whether the applicant was willing to obtain conservation easements and deed transfers as part of this plat.

Vice-Chair Joyce clarified that his relationship with Summit Land Conservancy would not affect his ability to be fair in reviewing this application.

Commissioner Worel requested a conversation with the other land owner regarding access to the property. Mr. Fiat stated that they spent two years and hundreds of thousands of dollars on negotiations, and the other landowner backed out at the last minute. They would like to do it because it is a better access and more economically feasible, but they were not successful then and he did not want high expectations that it would happen now. Mr. Fiat offered to pursue it with the landowner because it would be beneficial to the community and the applicants, but he was not hopeful.

Assistant City Attorney McLean suggested that the Commissioners give a head nod on whether or not they agreed with the direction Vice-Chair Joyce had recommended to the applicants because it would affect what comes back at the next meeting.

Commissioner Campbell asked if Vice-Chair Joyce was suggesting that they carve the site into 25' x 75' lots to look like the rest of Old Town. Vice-Chair Joyce answered no, because that is not what the rest of Old Town looks like. He pointed out that the Staff analysis was on King Road and Sampson, which are not the smaller lots in the oldest part of town. Vice-Chair Joyce clarified that he would like the houses clustered more tightly to minimize the retaining walls and the driveways. If the lots were flatter he would not be so concerned.

Commissioner Thimm stated that when he looked at the contours of the ground and thought about the HR zone and the typical lots, he tried to visualize how the clustering could work to feel more like Old Town. He determined that it might be possible, but it would require compromise in terms of number of buildable lots they would achieve because of the amount of ground that is the slope. Commissioner Thimm had concerns with the massing compared to the Old Town model as outlined by the LMC. He would like the applicants to make an attempt to show how it could work, or possibly an attempt to show that it would not work and why.

Commissioner Campbell believed that when a development is on the edge of any of these Districts the rules should be different. He pointed out that this development would back up to what will be open space. Commissioner Campbell disagreed that it should look the rest of Old Town. In his opinion, it was a gateway to the open space that they all hope remains open space and he preferred to see the houses spread out rather than clustered.

Vice-Chair Joyce asked if Commissioner Campbell had a problem with the size and number of retaining walls. Commissioner Campbell stated that he was not pleased with the retaining walls but sometimes there is no way to get around it.

Commissioner Worel reiterated that her main concern was whether they were creating something that was not buildable. She believed the concerns they expressed and what they would like to see in the future would give them the answers. She did not favor the retaining walls, particularly since the width of the walls will require irrigation for the trees and vegetation. Commissioner Worel noted that there were already water issues and she was concerned about adding more irrigation. Mr. Fiat stated that the irrigation would only be until the vegetation was established. He commented on other examples around town where that has occurred on retaining walls. Commissioner Worel did not want the

applicants to go through the expense of redesigning the layout. However, she would like to see the geo-tech report to know whether the steep slopes are buildable.

Planner Alexander summarized the major issues as compatibility, whether the slopes are buildable, access, and terracing and mitigating the retaining walls.

Mr. Fiat believed they had a clear idea of what the Commissioners wanted to see and they would try to address their concerns. He thought they could complete their study and be ready to come back to the Planning Commission in May. Planner Alexander requested the second meeting in May.

MOTION: Commissioner Worel moved to CONTINUE both the Alice Claim South of Intersection of King Road and Ridge Avenue - Alice Claim Subdivision and Plat Amendment; and the Alice Claim South of Intersection of King Road and Ridge Avenue Conditional Use Permit for retaining walls up to 25 feet in height, to May 27th, 2015. Commissioner Thimm seconded the motion. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

Commissioner Phillips returned to the meeting.

3. <u>74 Daly Avenue – Steep Slope Conditional Use Permit for a new single-family home on a vacant lot</u>. (Application PL-15-02684)

Planner Alexander noted that this item and the next item for 80 Daly Avenue have the same property owner and architect. The applicant previously came before the Planning Commission for a plat amendment for a subdivision into two lots. The Planning Commission had forwarded a positive recommendation and the request was approved by the City Council. Planner Alexander remarked that during the plat amendment process concerns were raised regarding neighborhood compatibility, size of the homes and the mass and scale. The Planning Commissioner requested that the applicant provide compatibility studies in relation to the streetscape, footprint and square footages in the area. The requested study was included in the Staff report.

Planner Alexander reviewed the proposal for a 2,304 square foot single family home on 74 Daly Avenue on a slope greater than 30%, which requires a Steep Slope CUP. Planner Alexander had not yet approved the HDDR pending concerns and possible revisions this evening. Planner Alexander stated that the applicant had revised the windows and some materials to address some of the concerns.

EXHIBIT N

ENGINEERING GEOLOGY AND GEOTECHNICAL ENGINEERING REPORT
PROPOSED ALICE CLAIM DEVELOPMENT
PARK CITY, UTAH

Submitted To:

DHM Design Corporation
1390 Lawrence Street, Suite 100
Denver, Colorado 80204

Submitted By:

AMEC Environment & Infrastructure, Inc.
9865 South 500 West
Sandy, Utah 84070
(801) 999-2002

October 21, 2014

Project No. 6-817-005165

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APPENDIX A FIELD EXPLORATION
APPENDIX B LABORATORY TESTING

October 21, 2014

DHM Design Corporation
1390 Lawrence Street, Suite 100
Denver, Colorado 80204

Attention: Mr. Gregg Brown

SUBJECT: Engineering Geology and Geotechnical Engineering Report
Alice Claim Development
Park City, Utah
AMEC Project No. 6-817-005165

1. INTRODUCTION

1.1 Objectives and Scope

This report presents the results of our geotechnical investigation for the proposed Alice Claim residential development to be located in Woodside Gulch south of the intersection of King Road and Ridge Avenue in Park City, Utah. The objective of our study was to evaluate engineering geology and geotechnical engineering characteristics of project area and develop recommendations for design and construction of the project. The studies were conducted in accordance with the scope of work outlined in AMEC proposal No. PL06-074 dated June 8, 2006 and authorized by King Development Group, LLC on June 16, 2006. The scope of work included a site reconnaissance, field explorations, laboratory testing, engineering analyses, and report preparation.

2. PROPOSED CONSTRUCTION

We understand the project will include development of private streets and utility access to nine proposed residential lots that range from about 0.22 acres to 3.0 acres in area. Proposed building and grading plans for the individual lots have not been finalized. The project also includes 3.05 acres of natural open space, 0.37 acres of landscaped open space, and 0.34 acres dedicated to Park City Municipal Corporation.

3. SITE DESCRIPTION

3.1 Site Conditions

The project site is located in an undeveloped area of Woodside Gulch at the south end of old-town Park City. Woodside Gulch is a north-trending drainage with east and west facing side slopes. An abandoned mine dump was located on the east side of the drainage bottom. An abandoned water storage reservoir is located on the southern portion of the property on the ridge top between Woodside Gulch and Daly Canyon. Ground surface vegetation consists primarily of oak brush and scattered deciduous and evergreen trees.

3.2 Topography

Slope angles range from about 10 degrees in the bottom of Woodside Gulch up to about 37 degrees on the side slopes of the drainages, and up to about 60 degrees at localized rock

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outcrops on the western slope of the drainage. Ground surface elevations range from about 7,490 feet on the western and eastern slopes of Woodside Gulch to about elevation 7,300 feet at King Road.

3.3 Geology

The project site is located in the Middle Rocky Mountain physiographic province. The Middle Rocky Mountain physiographic province is characterized by a complex system of mountain ranges with intermountain basins and plains formed during mountain building episodes, the latest of which, known as the Laramide Orogeny occurred about 70 to 40 million years ago (late Cretaceous and early Tertiary periods).

Seismically, the project site is located within the Intermountain Seismic Belt (ISB), a zone of earthquake activity that runs north-south through the Intermountain West from northwestern Montana in the North, through Wyoming, Idaho, and Utah, and southern Nevada/northern Arizona to the south. Most earthquakes in the ISB are shallow and occur at depths less than 12 miles (20 km). There have been approximately 50 moderate-to-large (magnitude 5.5 to 7.5) earthquakes in this zone since 1900.

The Wasatch fault is located within the ISB and delineates the boundary between the Basin and Range and Middle Rocky Mountain and Colorado Plateau physiographic provinces. The Wasatch fault is considered active and, although has not produced large earthquakes in historic time, is believed capable of producing earthquake magnitudes greater than 7.0 (Richter scale). According to McCalpin and Nishencko (1996), the combined average repeat time for large earthquakes (magnitude greater than 7) on any of the 5 central segments (Brigham City, Weber, Salt Lake City, Provo, and Nephi segments) of the Wasatch fault zone is 350 years. The average return time on any single segment ranges from about 1,200 to 2,600 years. The time since the last earthquakes on the 5 central segments ranges from 620 to 2,120 years.

Based on a review of a geologic map prepared by Bromfield and Crittenden, Jr., (1971) the project site is underlain by the Pennsylvanian-age Weber Quartzite Formation, consisting of pale-gray and tan-weathering quartzite and limy sandstone with some interbedded layers of gray to white limestone and dolomite.

4. FIELD EXPLORATION & LABORATORY TESTING

4.1 Field Exploration

4.1.1 Geologic Reconnaissance

A ground level reconnaissance of the project area was completed on July 12, 2006 by a licensed geologist and geotechnical engineer in the State of Utah. Outcrops of hard, fractured quartzite bedrock were observed in the road cut in the bottom of Woodside Gulch and on the adjacent drainage slopes. The bedding plane orientation of the rock dips steeply in varying directions. Field measurements of bedding plane orientations (strike and dip) ranged from N35E 64NW in the road cut in the bottom of Woodside Gulch to N30W 86NE on the ridge top north of the abandoned reservoir.

Evidence of previous mining activity was apparent in the form of a mine waste dump in the bottom of the drainage. A mine shaft and adit was discovered in one of the test pits made for the field exploration. Mine waste was also observed east of the project area on the west slope of Daly Canyon. No openings were observed, but it appears from aerial photographs (See Figure 2) that there may have been two mine prospects in that area at one time.

Evidence of deep-seated landsliding was not observed on the natural slopes within the project area. Some raveling and shallow sloughing was observed in unvegetated areas on the slope above the mine waste dump on the east slope of Woodside Gulch.

4.1.2 Test Pits

Subsurface materials and conditions at the project site were investigated on June 28, 2006 with 5 test pits designated TP-1 through TP-5. The approximate locations of the test pits are shown on Figure 2, Site Plan. All field operations were observed by a staff engineer provided by our firm, who maintained a detailed log of the materials and conditions encountered in each test pit and directed the sampling operation. A detailed description of the field exploration program is presented in Appendix A.

4.2 Laboratory Testing

Laboratory testing completed for the project included determinations of natural moisture content, grain size analysis, Atterberg limits, pH, resistivity, and soluble sulfate concentration. A description of the test procedures and results is presented in Appendix B, Laboratory Testing.

5. SUBSURFACE CONDITIONS

5.1 Soil and Rock

Logs of Test Pits TP-1 through TP-5 are presented on Figures 3A through 3E. The terms used to describe the soil and rock disclosed by the test pits are defined on Figures 4 and 5, respectively. For the purpose of discussion, the materials disclosed by the explorations have been grouped into 2 major units based on their physical characteristics and engineering properties. The units are:

1. **Clayey Sand and Gravel (Colluvium)**
2. **Quartzite (Weber Quartzite Formation)**

1. Clayey Sand and Gravel (Colluvium). Sand and gravel soils containing variable percentages of silt and clay and angular cobbles were encountered at the ground surface extending to depths ranging from about 1.5 to 3 feet below the ground surface. The sand and gravel soils are typically dark brown and contain roots and organic material. Gravel clasts are comprised of tan to yellowish-brown angular quartzite. The relative density is estimated at loose to medium dense based on excavation effort.

2. Quartzite. Beneath the colluvial soils, the test pits encountered hard quartzite of the Weber Quartzite Formation. The quartzite is tan to yellowish brown in color, hard (RH-4), moderately weathered and has close to very closely spaced joints. Practical excavation refusal was encountered in TP-3 and TP-4 on hard rock at depths of 5 and 12 feet, respectively.

5.2 Groundwater

Groundwater was not encountered in the test pit excavations at the time the field explorations were performed. Fluctuations in groundwater levels can occur due to variations in precipitation, runoff, water levels in nearby ditches, drainages and other factors. Longer-term groundwater fluctuations should be anticipated with the highest seasonal levels generally occurring during the late spring and early summer.

Perched groundwater conditions, seeps and springs should be anticipated on hillsides and near the bottoms of local drainages during and following periods of prolonged precipitation and snow melt. The potential for perched groundwater, seeps and springs is enhanced by the presence of shallow bedrock and topographic relief across the site.

6. CONCLUSIONS AND RECOMMENDATIONS

6.1 General

The project can be developed with careful planning and engineering. The most significant engineering geology and geotechnical aspects which could affect design and construction at the site are:

1. **Previous Mining Activities**
2. **Strong Ground Motion**
3. **Slope Stability**
4. **Debris Flow and Avalanche**
5. **Shallow Bedrock**
6. **Perched Groundwater (Seeps And Springs)**

More detailed discussions pertaining to the engineering geology and preliminary geotechnical engineering recommendations are presented in the following sections.

6.2 Engineering Geology

6.2.1 Hazards

The term geologic hazard refers to a geologic condition, either natural or man-made, that poses a potential danger to life and property. Common examples include earthquakes, landslides, flooding, volcanoes, and tsunamis. Specific geologic hazards vary with location. In Utah, potential geologic hazards include seismically-induced ground motion, surface fault rupture, liquefaction, landslides, debris flow, avalanche and rockfall. Another potential hazard related to geology is mining. The following sections briefly describe these potential hazards and present information pertinent to the project site.

6.2.1.1 Previous Mining Activities

A mine shaft and associated adit was encountered in test pit TP-1 located about 10 feet south of the center of Lot 4 (see Figure 2). Measurements indicate that the shaft has a diameter of 6 to 8 feet and a depth of over 230 feet. The adit (horizontal opening) is located just below the ground surface and extends from the shaft into the hillside for an unknown distance. An approximate bearing of N20W was estimated for the trend of the adit at the shaft opening.

The shaft and adit represent a public safety hazard and a potential for property damage resulting form ground subsidence. In our opinion, the openings should be closed to prevent accidental entry and potential subsidence. Typically mine openings are closed by backfilling and capping with concrete. Closure should be performed in accordance with Utah Division of Oil & Gas and Mining Abandoned Mine Reclamation Program Guidelines. Structures should not be located over the closed shaft and adit.

The existing mine dump materials are unsuitable for support of roadways, utilities, or other structures.

6.2.1.2 Seismic Ground Motion

The International Building Code (IBC) 2012 determines the seismic hazard for a site based upon regional acceleration mapping prepared by the United States Geologic Survey (USGS) and the soil site class. The structures should be designed in accordance with the procedures presented in Chapter 16 of the IBC 2012 edition.

Design spectral acceleration values are based on information obtained from the USGS 2008 Hazard Data for the maximum considered earthquake (MCE). For the Wasatch fault zone, the MCE ground acceleration is associated with approximately a 2 percent probability of being exceeded in 50 years or a 2,475-yr return period. Design spectral acceleration values are calculated as 2/3 of the maximum values.

The results of the investigation indicate that Site Class B (Rock) as described in Section 1613.3.2 of the 2012 edition of the International Building Code (IBC) best characterizes the site class definition for the project area. Using 40.6371 degrees north latitude and 111.4972 degrees west longitude as the project coordinates; seismic design criteria based on the maximum considered earthquake are summarized below.

TABLE 1. Seismic Design Criteria

Latitude/Longitude	40.6371° North, 111.4972° West		
Design Level	MCE (2,475-yr Return Period)		
Site Class	B		
Parameter	Period, T		
	T = 0 Sec	T = 0.2 Sec	T = 1.0 Sec
Spectral Acceleration for Site Class B (Rock)	PGA = 0.253 g	S_S = 0.641 g	S_1 = 0.214 g
Site Coefficient	F_{pga} = 1.0	F_a = 1.0	F_v = 1.0
Maximum Spectral Acceleration	PGA_M = 0.253 g	S_{MS} = 0.641 g	S_{M1} = 0.214 g
Design Spectral Acceleration	PGA_D = 0.253 g	S_{DS} = 0.427 g	S_{D1} = 0.143 g

6.2.1.3 Slope Stability

Active landslides were not identified in the office studies or during the field reconnaissance completed for the project. Although the steep site topography appears to be an expression of relatively strong rock materials and stable slopes, the risk of slope instability generally increases with increasing slope inclination. Site specific grading and development plans for individual lots should be reviewed by a geotechnical engineer.

6.2.1.4 Surface Fault Rupture

Large earthquakes can produce offset at the ground surface. Surface fault rupture represents a severe hazard to structures and the most common mitigation method is establishing a minimum setback distance to avoid the hazard. Active faults are not mapped in the project area; therefore, the risk of surface fault rupture affecting the project site is very low.

6.2.1.5 Liquefaction

Liquefaction is the condition where sandy soils that are submerged below groundwater loose shear strength because of increased pore water pressure induced by earthquake ground shaking. When soil liquefies, it loses strength and behaves as a viscous liquid. Structures supported on liquefiable soils can experience large settlements and buried tanks can rise to the ground surface. Loss of shear strength induced by liquefaction can also result in slope failures and lateral spreading and flow-related ground failures. In general, soils most susceptible to liquefaction are located along rivers, streams, and lake shorelines. The gravelly soils and quartzite bedrock underlying the project site are not susceptible to liquefaction.

6.2.1.6 Debris Flow, Avalanche and Rockfall

Civil design should consider hydrological aspects of the local drainages. Removal of surface vegetation resulting from grading will increase the potential for debris flows during peak storm events.

A review of the topography indicates that slopes in excess of 30 degrees are common in the project area on varying aspects, primarily east and west facing slopes. An avalanche expert should be consulted to evaluate avalanche potential and develop appropriate design impact pressures for structures.

Localized areas may be subject to rockfall hazard. Typically, these areas are associated with rock outcrops and steep terrain. Development in these areas should be evaluated by a qualified engineering geologist or geotechnical engineer.

6.3 Geotechnical Recommendations

6.3.1 Earthwork

Site civil design was in progress at the time this report was prepared and plans showing locations of roadways, proposed grading and specific structures was not available. We anticipate that some earthwork will be required to construct roadways to provide access to the lots. Because of shallow rock conditions, we recommend that civil design consider minimizing

cut and fill heights to reduce rock excavation costs. The following earthwork sections provide preliminary recommendations pertaining to earthwork.

6.3.1.1 Site Preparation

The ground surface should be stripped of all vegetation, organic material, unsuitable fill, or any other deleterious material within the building and pavement areas or areas to receive structural fill. The spoil materials should be removed from the site or stockpiled on-site for use as fill in landscaped areas. Upon completion of the site stripping, the exposed subgrade should be observed by a qualified soils engineer or engineering geologist. Proof rolling with rubber-tire construction equipment may be part of this evaluation. Any soft areas during the subgrade evaluation should be over-excavated to firm undisturbed soil and backfilled with structural fill.

6.3.1.2 Excavations

We anticipate that excavations up to about 10 to 12 feet in depth will be required for roadway, and utility construction. Excavation refusal was encountered at depth ranging from about 5 to 12 feet below the ground surface in the test pits excavated for this investigation. It should be anticipated that large hydraulic excavators equipped with rock teeth, rock splitting tools, and possibly drilling and blasting techniques will be required to excavate the rock.

Temporary construction excavations in soils/bedrock not exceeding 4 feet in depth may be constructed with near-vertical side slopes. Temporary excavations slopes up to 12 feet in height may be constructed no steeper than one-half horizontal to one vertical (½H:1V). Excavation slopes greater than 12 feet and up to 20 feet should be constructed no steeper than ¾H:1V. Excavations up to 12 feet in stable bedrock may be constructed no steeper than ¼H:1V. Loose rock on the sides of the excavation should be scaled or covered with a wire mesh or some other covering to prevent rock fall. The inclination of permanent cut slopes will depend on the type of material. For planning purposes, it should be anticipated that cut steeper than 2H:1V will require retaining walls.

The contractor is solely responsible for designing and constructing stable, temporary evaluations and should shore, slope, or bench the sides of the excavations as required to maintain stability of both the excavation sides and bottom. The contractor's responsible person, as defined in 29 CFR Part 1926, should evaluate the soil exposed in the excavations as part of the contractor's safety procedures. In no case should scope height, slope inclination, or excavation depth, including utility trench evacuation depth, exceed those specified in local, State, and Federal safety regulations.

6.3.1.3 Structural Fill

On-site or imported, organic-free, fine-grained soils approved by the geotechnical engineer may be used to construct structural fills. However, fine-grained soils are sensitive to moisture content and should be placed only during the dry summer months. During the wet winter and spring months, fills should be constructed using imported, relatively clean, granular materials. All structural fills should extend to a minimum horizontal distance of 10-feet beyond the limits of buildings.

Approved, organic-free, fine-grained soils used to construct structural fills should be placed in 9-inch-thick lifts (loose) and compacted using pneumatic or segmented pad rollers to a density not less than 95 percent of the maximum dry density as determined by ASTM D 1557. Fill placed in landscaped areas should be compacted to a minimum of 90 percent ASTM D 1557. In our opinion, the moisture content of fine-grained soils at the time of compaction should be controlled to within 3 percent of optimum. Some aeration and drying of the on-site fine-grained soils may be required to meet the above recommendations for compaction.

All backfill placed in utility trench excavations within the limits of the buildings and paved areas should consist of sand, sand and gravel, or crushed rock with a maximum size of up to 1½-inch, and with not more than 5 percent passing the No. 200 sieve (washed analysis). In our opinion, the granular backfill should be placed in 9-inch-thick lifts (loose) and compacted using vibratory plate compactors or tamping units to at least 95 percent of the maximum dry density as determined by ASTM D 1557. Flooding or jetting the backfilled trenches with water to achieve the recommended compaction should not be permitted.

Fill slopes should be constructed no steeper than 2H:1V. Fills constructed on natural slopes steeper than 5H:1V should be keyed in at the toe a minimum of 2-feet below the stripped ground surface and benched into the existing hillside as the fill is constructed. The benches should be at least 8-feet wide and should be cut into the slope every 4-feet of vertical rise. The naturally occurring existing soils should be prepared and fill placed in accordance with the previously described structural fill guidelines. A representative of the geotechnical engineer should monitor the benching and fill placement operations.

6.3.1.4 Subdrainage

It should be anticipated that subdrains will be required to control groundwater flow in certain areas of mass grading, such as at the base of fills in the natural drainages. The proposed grading plans should be reviewed by the geotechnical engineer to determine possible locations for subdrains. The actual locations of the subdrains should be determined by a representative of the geotechnical engineer during construction.

Structures with embedded walls and floors should be provided with adequate drainage to reduce the potential for buildup of hydrostatic pressures behind walls and reduce the potential for water entering the building space.

6.3.2 Foundations

We anticipate that most building structures can likely be supported on conventional spread footing foundations established on suitable on-site soils, on structural fill, or on bedrock. Allowable bearing pressures will depend on the specific structure and the soil and rock conditions at the specific locations. For residential foundations, a maximum allowable bearing pressure of 2,000 psf is recommended. This allowable bearing pressure may be increased by 50 percent for wind and seismic loads.

Foundations should be established to a minimum of 42-inches below the ground surface for frost protection. Continuous and isolated column footings should have minimum dimensions of

18-inches and 24-inches, respectively. A summary of foundation design recommendations are presented below.

TABLE 2. Spread Footing Design Parameters

Minimum Embedment Depth for Frost Protection	42 in.
Minimum Width for Continuous Wall Footings	18 in.
Minimum Width for Footings Isolated Column Footings	24 in.
Net Allowable Bearing Pressure for Real Load Conditions	2,000 psf
Bearing Pressure Increase for Seismic Loading	50 percent

It should be anticipated that some overexcavation and replacement will be required to remove unsuitable soils, such as hydro-collapsible or expansive soils beneath foundations during construction.

Footings for buildings should bear on similar materials. We recommend that footing excavations that encounter relatively hard rock are overexcavated and backfilled with granular material to a depth of approximately 2-feet. The footings will then bear on more similar materials to reduce the magnitude of the potential differential settlement.

6.3.2.1 Lateral Resistance

Horizontal shear forces can be resisted partially or completely by frictional forces developed between the base of spread footings and the underlying soil and by soil passive resistance. The total frictional resistance between the footing and soil is the normal force times the coefficient of friction between the soil and the base of the footing. The normal force is the sum of the vertical forces (dead load plus real live load). We recommend ultimate values of 0.30 and 0.40 for the coefficient of friction for footings established and clay and gravel, respectively. If additional lateral resistance is required, passive earth pressures against embedded footings can be computed on the basis of an equivalent fluid having a unit weight of 300 pcf. This design passive earth pressure would be applicable only if the footing is cast neat against undisturbed soil, or if backfill for the footings is placed as granular structural fill. A combination of passive earth resistance and friction may be utilized provided that the friction component of the total is divided by 1.5.

6.3.2.2 Lateral Earth Pressures

Design lateral earth pressures for embedded walls depend on the type of construction, i.e., the ability of the wall to yield. The two possible conditions regarding the ability of the wall to yield include the at-rest and the active earth pressure cases. The at-rest earth pressure case applies to walls that are relatively rigid and laterally supported at top and bottom and therefore unable to yield. The active earth pressure case applies to walls that are capable of yielding slightly away from the backfill by either sliding or rotating about the base. A conventional cantilevered retaining wall is an example of a wall that develops the active earth pressure case by yielding.

Yielding and non-yielding walls can be designed using a lateral earth pressure based on an equivalent fluid having a unit weight of 35 and 55 pcf, respectively. The recommended lateral earth pressures are for level backfill and free-draining backfill conditions. Lateral earth pressures from

seismic forces can be computed based on an equivalent fluid having a unit weight of 15 pcf and 45 pcf for the active and at-rest cases, respectively.

The total seismic lateral earth pressure is the sum of the static and seismic pressures. In contrast to the static pressure, which is represented by a triangular pressure distribution that increases in the downward direction and the resultant force is applied at 1/3H, where H is the embedded height of the wall, the seismic pressure is applied as an inverted triangular pressure distribution with the maximum at the top of the backfill and the resultant force is applied at a distance of 0.6H up from the base of the backfilled wall.

Surcharge-induced lateral loads such as wheel loads associated with traffic on the backfill behind the walls are not included. In this regard, heavy compactors and large pieces of construction equipment should not operate within a horizontal distance equal to the height of the embedded wall. Compaction close to the walls should be accomplished with hand-operated compactors.

The backfill behind embedded walls must be fully drained. The drainage system should consist of a minimum 2-foot-wide zone of free-draining granular fill adjacent to the embedded walls. The drainage layer should consist of ¾- to ¼-inch crushed rock, or similar gap graded drain rock, containing less than 2 percent passing the No. 200 sieve. A 4-inch-diameter, rigid, perforated drain pipe should be provided near the bottom of the embedded wall. A nonwoven geotextile filter fabric, such as AMOCO 4545, is recommended between the free-draining backfill and the general wall backfill to prevent contamination of the wall drain system.

6.3.3 Floor Support

To provide uniform support for the floor slab and a capillary break, we recommend the floor slab be underlain by a minimum 4-inch-thick layer of granular base course. The base course material should consist of crushed rock of up to 1-inch maximum size, with less than about 5 percent passing the No. 200 sieve (washed analysis). This material should be placed in a single lift and compacted until well keyed using a minimum of four passes with a medium- to heavy-weight vibratory roller.

Floor slab subgrade preparation should be conducted in accordance with recommendations in Section 6.3.1.1, Site Preparation prior to placement of the granular base course.

If moisture-sensitive flooring will be placed on the slab, it may be appropriate to install a suitable vapor-retarding membrane, such as MoistStop beneath slab-on-grade floors. Membranes should be installed in accordance with manufacturer's recommendations.

6.3.4 Pavement

The fine-grained soils that mantle the site will provide fair pavement support properties. For design purposes, we have assumed a CBR value of 5 for the subgrade soils. A suitable pavement section resulting in adequate pavement performance is highly dependent on actual traffic loading, typically expressed as 18-kip Equivalent Single Axle Loads ESALs. Typical Light Trucks impart 0.25 to 0.50 ESAL's per truck; medium sized trucks and school buses impart 1.0 to 1.5 ESAL's per truck; heavy trucks impart 2.0 to 2.5 ESAL's per truck. It takes approximately 1,200 passenger cars to impart 1 ESAL.

Design traffic information has been estimated based on the anticipated usage for similar projects. Based on our understanding of the proposed traffic and the anticipated subgrade soil types and conditions, the pavement sections presented on the following table are recommended. Pavement subgrade should be prepared and proof rolled prior placement of base course and pavement as described in Section 6.3.1.1 Site Preparation. The following parameters were used in the pavement design:

Pavement Design Parameters

Design Life	20 years
Initial Serviceability	4.5
Terminal Serviceability	2.5
Reliability	95%
Std Deviation - Flexible	0.4
Std Deviation - Rigid	0.35
AC Structural Coefficient	0.4
Untreated Road Base	0.10
Granular Subbase	0.08
Design CBR	5

Flexible Pavement

Pavement Use	Design 18-kip ESALs	Layer Thickness (inches)	
		AC	Base Course
Auto and Light Truck Traffic	30,000	3	8

If the design team considers that the assumptions presented above are not accurate, AMEC should be informed so that we can review the pavement designs as necessary. Similarly, AMEC should be contacted if alternate designs are needed. The pavement materials and placement should be in accordance with the Utah Department of Transportation (UDOT) or American Public Works Association (APWA) specifications.

6.3.5 Final Grading

Final grading should be constructed and maintained to convey water away from foundation walls and backfill. Down spouts should discharge outside of the foundation backfill at least 10 feet away from the building. Irrigation above or near wall backfill should be minimized. We recommend that landscaped surfaces adjacent to buildings be sloped down away from the buildings at a minimum slope of 5 percent. Concrete flatwork or pavement adjacent to buildings should slope down away from the buildings at a slope of 2 percent or more.

6.4 Soil Corrosivity

A soil sample collected from the site was tested to determine pH and resistivity values. The measured pH value was 6.2 and the measured resistivity was 18,607 ohm-cm. The results are included in Appendix B. These values are indicative of a mildly corrosive environment.

6.5 Cement Types

A soluble sulfate concentration of 175 parts per million (ppm) was measured from a representative sample of on-site soil collected from the site. This result indicates that the site soils contain negligible amounts of water soluble sulfates and standard Type I-II cement may be used for concrete in contact with the on-site soils.

7. DESIGN REVIEW AND CONSTRUCTION SERVICES

We welcome the opportunity to review and discuss construction plans and specifications for this project as they are being developed. In addition, AMEC should be retained to review all geotechnical-related portions of the plans and specifications to evaluate whether they are in conformance with the recommendations provided in our report. Additionally, to observe compliance with the intent of our recommendations, design concepts, and the plans and specifications, we are of the opinion that all construction operations dealing with earthwork and foundations should be observed by a representative of AMEC. Our construction-phase services will allow for timely design changes if site conditions are encountered that are different from those described in this report. If we do not have the opportunity to confirm our interpretations, assumptions, and analyses during construction, we cannot be responsible for the application of our recommendations to subsurface conditions that are different from those described in this report.

8. LIMITATIONS

This report has been prepared to aid the architect and engineer in the design of this project. The scope is limited to the specific project and location described herein, and our description of the project represents our understanding of the significant aspects of the project relevant to the design and construction of the earthwork, foundations, and floor slabs. In the event that any changes in the design and location of the building as outlined in this report are planned, we should be given the opportunity to review the changes and to modify or reaffirm the conclusions and recommendations of this report in writing.

The conclusions and recommendations submitted in this report are based on the data obtained from the test pits made at the locations indicated on the Site Plan, Figure 2 and from other sources of information discussed in this report. In the performance of subsurface investigations, specific information is obtained at specific locations at specific times. However, it is acknowledged that variations in soil conditions may exist between explorations. This report does not reflect any variations that may occur between these explorations. The nature and extent of variation may not become evident until construction. If, during construction, subsurface conditions are different from those encountered in the explorations, we should be advised at once so that we can observe and review these conditions and reconsider our recommendations where necessary.

Our professional services have been performed, our findings obtained, and our recommendations prepared in accordance with generally accepted engineering principles and practices at this time along the Wasatch Front.

9. CLOSURE

We appreciate the opportunity to provide this service for you. If you have any questions or require additional information, please do not hesitate to contact us.

Respectfully submitted,
AMEC Environment & Infrastructure, Inc.

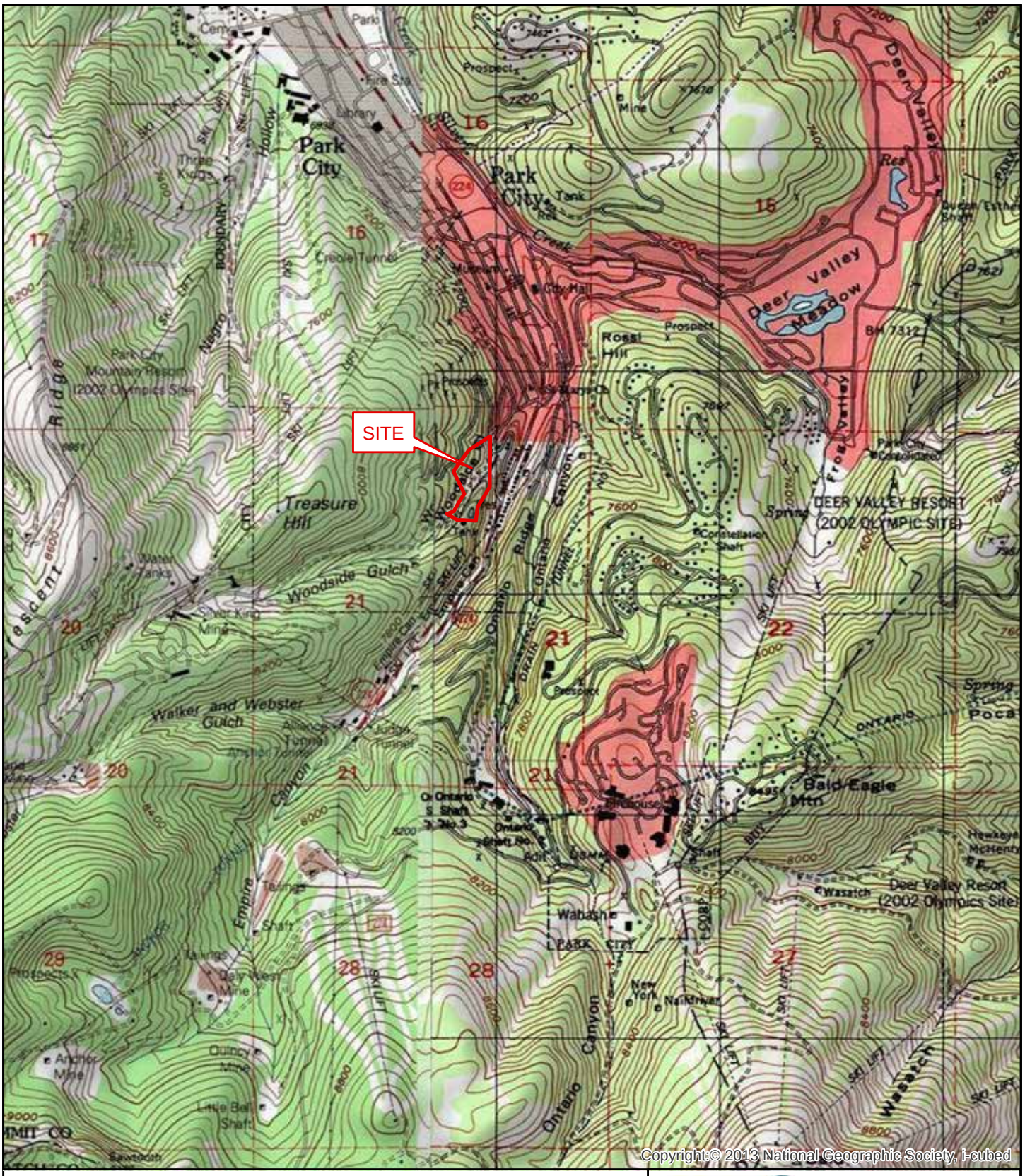
David K. Fadling, PE, PG
Senior Geotechnical Engineer/Geologist

P:\Geotechnical\2006\6-817-005165 ALICE CLAIM DEVELOPMENT\REPORT\Final 2014\67-5165 Alice Claim Development_FINAL dkf.doc

10. REFERENCES

Bromfield, C.S. and Crittenden, Jr., M.D., 1971, Geologic map of the Park City east quadrangle, Summit and Wasatch Counties, Utah, U.S. Geologic Survey Map GQ-852, scale 1:24,000.

McCalpin, J.P., and Nishenko, S.P., 1996, Holocene paleoseismicity, temporal clustering, and probabilities of future large (M>7) earthquakes on the Wasatch fault zone, Utah: Journal of Geophysical Research, February, 1996.



N

0 0.25 0.5 1 Miles

Heber City, Brighton, Park City West, and Park City East Quadrangles
USGS 7.5 Minute Series (Topographic)

amec
Environment & Infrastructure, Inc.

9865 South 500 West
Sandy, Utah 84070
Tel: (801) 999-2002
Fax: (801) 999-2102

Figure 1
Vicinity Map

Alice Lode Site
King Development Group, LLC
Park City, Utah

Alice Lode\Drawings\
Project\Figure1.mxd
Job No. 5-814-000223

Document Path: P:\Environmental\Projects\2005 Projects (0209-0248)\54-0223 Alice Lode\Drawings\GIS\2014_Oct\Figure2_site_map_10-2014.mxd

LOG OF TEST PIT NO. TP-1

Project Name: **Alice Claim Development**
Location: **Woodside Gulch**
Park City, Utah
Project No: **6-817-005165** Sheet 1 of 1

Date Excavated: **6/28/06**
Backhoe Type: **JCB 214S**
Excavated By: **Skyline**
Logged By: **R. Buxton**

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Elevation, feet	Depth, feet	Graphic Log	Surface El.: MATERIAL DESCRIPTION	Samples	Unit Dry Weight, pcf	Water Content, %	% Passing No. 200 Sieve	Liquid Limit	Plasticity Index	REMARKS
			Clayey SAND with some gravel (SC); dark brown; dry; loose to medium dense; major roots; (topsoil) to 2"							
			2.0							
			QUARTZITE; yellowish-brown; moderately weathered, hydrothermally altered; hard (RH-4); close to very close joint spacing (WEBER QUARTZITE)							
	5		Mine shaft and adit encountered							
			6.0							
			Bottom of Excavation @ 6.0' Groundwater Not Encountered							
	10									
	15									
	20									
	25									

Remarks:

Water Level Observations

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▼		

The discussion in the report is necessary for a proper understanding of the nature of subsurface materials.

Figure 3A

AMEC.TEST PIT LOG.SLC 5165 TESTPIT LOGS.GPJ AMEC.SLC.GENGEO.1.GDT 7/14/06

LOG OF TEST PIT NO. TP-2

Project Name: **Alice Claim Development**
Location: **Woodside Gulch**
Park City, Utah
Project No: **6-817-005165** Sheet 1 of 1

Date Excavated: **6/28/06**
Backhoe Type: **JCB 214S**
Excavated By: **Skyline**
Logged By: **R. Buxton**

amec

Surface El.:

Elevation, feet	Depth, feet	Graphic Log	MATERIAL DESCRIPTION	Samples	Unit Dry Weight, pcf	Water Content, %	% Passing No. 200 Sieve	Liquid Limit	Plasticity Index	REMARKS
			Clayey SAND with some gravel (SC); some roots; (topsoil)							
			1.5							
			QUARTZITE; brown; slightly to moderately weathered; hard (RH-4); close to very close joint spacing; some clay infilling (WEBER QUARTZITE)	SB-1		17				
	5									
				SB-2		12	6	NP	NP	
	10									
			12.0							
			Bottom of Excavation @ 12.0' Groundwater Not Encountered							
	15									
	20									
	25									

Remarks:

Water Level Observations

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▼		

The discussion in the report is necessary for a proper understanding of the nature of subsurface materials.

Figure 3B

AMEC.TEST PIT LOG.SLC 5165 TESTPIT LOGS.GPJ AMEC.SLC.GENGEO.1.GDT 7/14/06

LOG OF TEST PIT NO. TP-3

Project Name: **Alice Claim Development**
Location: **Woodside Gulch**
Park City, Utah
Project No: **6-817-005165** Sheet 1 of 1

Date Excavated: **6/28/06**
Backhoe Type: **JCB 214S**
Excavated By: **Skyline**
Logged By: **R. Buxton**

amec

Surface El.:

Elevation, feet	Depth, feet	Graphic Log	MATERIAL DESCRIPTION	Samples	Unit Dry Weight, pcf	Water Content, %	% Passing No. 200 Sieve	Liquid Limit	Plasticity Index	REMARKS
			Clayey SAND with some gravel (SC); brown; loose to medium dense; dry; major roots from topsoil to 1"							
			2.0							
			Clayey GRAVEL with sand and cobbles (GC); brown; dry; very dense; (colluvium)	SB-1		4				PH=6.2 RES=18,607 ohm-cm
			5.0							
	5		Backhoe Refusal on Hard (RH-4) Quartzite at 5' Groundwater Not Encountered							
	10									
	15									
	20									
	25									

Remarks:

Water Level Observations		
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▼		

The discussion in the report is necessary for a proper understanding of the nature of subsurface materials.

Figure 3C

AMEC.TEST PIT LOG.SLC 5165 TESTPIT LOGS.GPJ AMEC.SLC.GENGEO.1.GDT 7/14/06

LOG OF TEST PIT NO. TP-4

Project Name: **Alice Claim Development**
Location: **Woodside Gulch**
Park City, Utah
Project No: **6-817-005165** Sheet 1 of 1

Date Excavated: **6/28/06**
Backhoe Type: **JCB 214S**
Excavated By: **Skyline**
Logged By: **R. Buxton**

amec

Surface El.:

Elevation, feet	Depth, feet	Graphic Log	MATERIAL DESCRIPTION	Samples	Unit Dry Weight, pcf	Water Content, %	% Passing No. 200 Sieve	Liquid Limit	Plasticity Index	REMARKS
			Clayey SAND with some gravel (SC); dark brown; dry; medium dense; fine to coarse, subangular to subrounded gravel	SB-1		9				
			3.0							
	5		Sandy clayey GRAVEL (GC) with occassional cobbles; brown; angular to subangular, fine to coarse gravel; fine sand; damp; dense; (colluvium)	SB-2		8				
	10			SB-3		11				
			12.0							
			Backhoe Refusal on Hard (RH-4) Quartzite @ 12'							
			Groundwater Not Encountered							
	15									
	20									
	25									

Remarks:

Water Level Observations

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▼		

The discussion in the report is necessary for a proper understanding of the nature of subsurface materials.

Figure 3D

AMEC.TEST PIT LOG.SLC 5165 TESTPIT LOGS.GPJ AMEC.SLC.GENGEO.1.GDT 7/14/06

LOG OF TEST PIT NO. TP-5

Project Name: **Alice Claim Development**
Location: **Woodside Gulch**
Park City, Utah
Project No: **6-817-005165** Sheet 1 of 1

Date Excavated: **6/28/06**
Backhoe Type: **JCB 214S**
Excavated By: **Skyline**
Logged By: **R. Buxton**

amec

Surface El.:

Elevation, feet	Depth, feet	Graphic Log	MATERIAL DESCRIPTION	Samples	Unit Dry Weight, pcf	Water Content, %	% Passing No. 200 Sieve	Liquid Limit	Plasticity Index	REMARKS
			Clayey SAND with some gravel (SC); dark brown; fine to coarse, angular to subangular gravel; fine to coarse sand; major roots (topsoil) to 2"; dry; medium dense 2.0	SB-1		5	17			
	5		7.5	SB-2		3				
			Bottom of Excavation @ 7.5' Groundwater Not Encountered							
	10									
	15									
	20									
	25									

Remarks:

Water Level Observations

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The discussion in the report is necessary for a proper understanding of the nature of subsurface materials.

Figure 3E

AMEC.TEST PIT LOG.SLC 5165 TESTPIT LOGS.GPJ AMEC.SLC.GENGEO.1.GDT 7/14/06

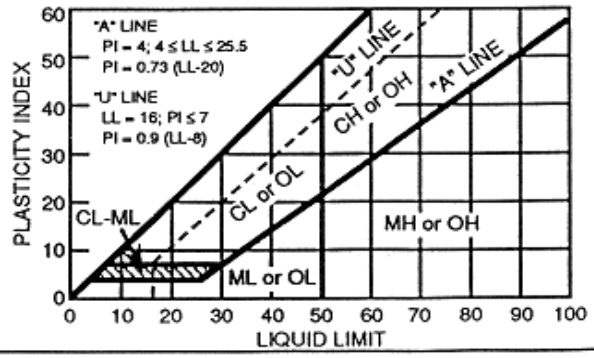
UNIFIED SOIL CLASSIFICATION SYSTEM

Soils are visually classified for engineering purposes by the Unified Soil Classification System. Grain-size analyses and Atterberg Limits tests often are performed on selected samples to aid in classification. The classification system is briefly outlined on this chart. Graphic symbols are used on boring logs presented in this report. For a more detailed description of the system, see "Standard Practice for Description and Identification of Soils (Visual-Manual Procedure)" ASTM Designation: 2488-84 and "Standard Test Method for Classification of Soils for Engineering Purposes" ASTM Designation: 2487-85.

MAJOR DIVISIONS				GRAPHIC SYMBOL	GROUP SYMBOL	TYPICAL NAMES
COARSE-GRAINED SOILS Less than 50% passes No. 200 sieve)	GRAVELS (50% or less of coarse fraction passes No. 4 sieve)	CLEAN GRAVELS (Less than 5% passes No. 200 sieve)			GW	Well graded gravels, gravel-sand mixtures, or sand-gravel-cobble mixtures
					GP	Poorly graded gravels, gravel-sand mixtures, or sand-gravel-cobble mixtures
		GRAVELS WITH FINES (More than 12% passes No. 200 sieve)	Limits plot below "A" line & hatched zone on plasticity chart		GM	Silty gravels, gravel-sand-silt mixtures
			Limits plot above "A" line & hatched zone on plasticity chart		GC	Clayey gravels, gravel-sand-clay mixtures
	SANDS (50% or more of coarse fraction passes No. 4 sieve)	CLEAN SANDS (Less than 5% passes No. 200 sieve)			SW	Well graded sands, gravelly sands
					SP	Poorly graded sands, gravelly sands
		SANDS WITH FINES (More than 12% passes No. 200 sieve)	Limits plot below "A" line & hatched zone on plasticity chart		SM	Silty sands, sand-silt mixtures
			Limits plot above "A" line & hatched zone on plasticity chart		SC	Clayey sands, sand-clay mixtures
FINE-GRAINED SOILS (50% or more passes No. 200 sieve)	SILTS Limits plot below "A" line & hatched zone on plasticity chart	SILTS OF LOW PLASTICITY (Liquid Limit less than 50)			ML	Inorganic silts, clayey silts of low to medium plasticity
		SILTS OF HIGH PLASTICITY (Liquid Limit 50 or more)			MH	Inorganic silts, micaceous or diatomaceous silty soils, elastic silts
	CLAYS Limits plot above "A" line & hatched zone on plasticity chart	CLAYS OF LOW PLASTICITY (Liquid Limit less than 50)			CL	Inorganic clays of low to medium plasticity, gravelly, sandy, and silty clays
		CLAYS OF HIGH PLASTICITY (Liquid Limit 50 or more)			CH	Inorganic clays of high plasticity, fat clays, sandy clays of high plasticity
	ORGANIC SILTS AND CLAYS	ORGANIC SILTS AND CLAYS OF LOW PLASTICITY (Liquid Limit less than 50)			OL	Organic silts and clays of low to medium plasticity, sandy organic silts and clays
		ORGANIC SILTS AND CLAYS OF HIGH PLASTICITY (Liquid Limit 50 or more)			OH	Organic silts and clays of high plasticity, sandy organic silts and clays
ORGANIC SOILS		PRIMARILY ORGANIC MATTER (dark in color and organic odor)			PT	Peat

NOTE: Coarse-grained soils with between 5% and 12% passing the No. 200 sieve and fine-grained soils with limits plotting in the hatched zone on the plasticity chart have dual classifications.

PLASTICITY CHART

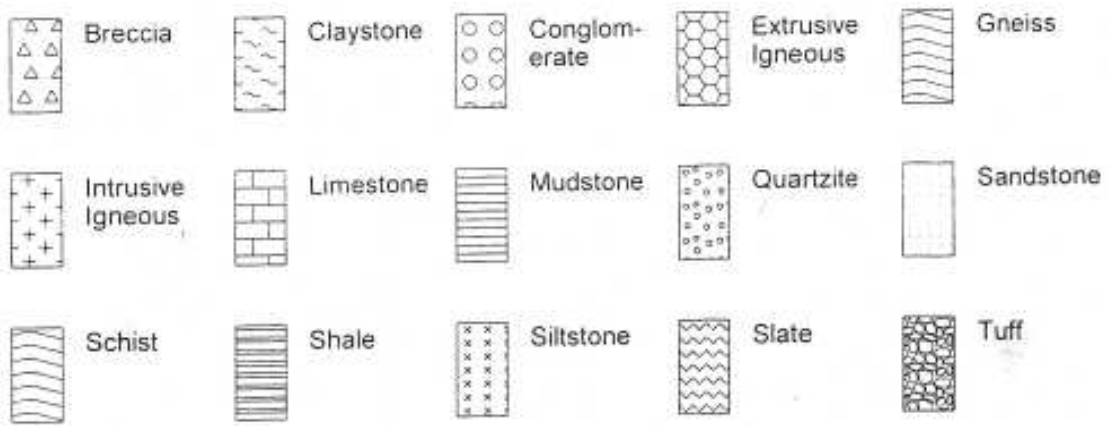


DEFINITION OF SOIL FRACTIONS

SOIL COMPONENT	PARTICLE SIZE RANGE
Boulders	Above 12 in.
Cobbles	12 in. to 3 in.
Gravel	3 in. to No. 4 sieve
Coarse gravel	3 in. to 3/4 in.
Fine gravel	3/4 in. to No. 4 sieve
Sand	No. 4 to No. 200 sieve
Coarse sand	No. 4 to No. 10 sieve
Medium sand	No. 10 to No. 40 sieve
Fine sand	No. 40 to No. 200 sieve
Fines (silt and clay)	Less than No. 200 sieve

Figure 4

ROCK TYPE AND DESCRIPTION KEY



RELATION OF RQD & ROCK QUALITY (DEERE 1968)		DESCRIPTIVE TERMINOLOGY FOR JOINT SPACING	
RQD, Rock Quality Designation %	Description of Rock Quality	Spacing of Joints	Descriptive Terms
0-25	Very Poor	< 2 in	Very Close
25-50	Poor	2 in – 1 ft	Close
50-75	Fair	1 ft – 3 ft	Moderately Close
75-90	Good	3 ft – 10 ft	Wide
90-100	Excellent	> 10 ft	Very Wide

Description of Relative Hardness / Strength

RH 0	Extremely Soft	Can be indented with difficulty by thumbnail. May be moldable or friable with finger pressure.
RH 1	Very Soft	Crumbles under firm blows with point of a geology pick. Can be peeled by a pocket knife. Scratched with finger nail.
RH 2	Soft	Can be peeled by a pocket knife with difficulty. Cannot be scratched with fingernail. Shallow indentation made by firm blow of geology pick.
RH 3	Medium Hard	Can be scratched by knife or pick. Specimen can be fractured with a single firm blow of hammer/geology pick.
RH 4	Hard	Can be scratched with knife or pick only with difficulty. Several hard hammer blows required to fracture specimen.
RH 5	Very Hard	Cannot be scratched by knife or sharp pick. Specimen requires many blows of hammer to fracture or chip. Hammer rebounds after impact.

Term Used to Describe the Degree of Weathering

Fresh	Crystals are bright. Discontinuities may show some minor surface staining. No discoloration in rock fabric.
Slightly	Rock mass is generally fresh. Discontinuities are stained and may contain clay. Some discoloration in rock fabric. Decomposition extends up to 1 inch into rock.
Moderately	Rock mass is decomposed 50% or less. Significant portions of rock show discoloration and weathering effects. Crystals are dull and show visible chemical alteration. Discontinuities are stained and may contain secondary mineral deposits.
Predominately	Rock mass is more than 50% decomposed. Rock can be excavated with geologists' pick. All discontinuities exhibit secondary mineralization. Complete discoloration of rock fabric. Surface of core is friable and usually pitted due to washing out of highly altered minerals by drilling water.
Decomposed	Rock mass is completely decomposed. Original rock "fabric" may be evident. May be reduced to soil with hand pressure.

Figure 5

APPENDIX A

FIELD EXPLORATIONS

APPENDIX A

FIELD EXPLORATION

FIELD EXPLORATION

General

Subsurface materials and conditions at the project site were investigated on June 28, 2006 with 5 test pits designated TP-1 through TP-5. The approximate locations of the test pits are shown on Figure 2, Site Plan. All field operations were observed by a staff engineer provided by our firm, who maintained a detailed log of the materials and conditions encountered in each boring and directed the sampling operations.

Test Pits

The test pits were excavated with a Volvo JCB 214S excavator provided and operated by Skyline of Salt Lake City, Utah. The test pits were excavated to depths of 5 to 12 feet below the ground surface. Disturbed samples were obtained from the test pits at appropriate intervals. The soil samples obtained were carefully examined in the field, and representative portions were saved in plastic bags and transported to our laboratory for further examination and physical testing.

The field program was supervised by a member of our geotechnical staff who maintained a continuous log of the subsurface conditions encountered. The soils were classified by visual and textural examination in the field. These classifications were later reviewed by subsequent re-examination of the soil samples in our laboratory. Graphical representations of the subsurface conditions encountered are presented on Figures 3A through 3E, Log of Test Pits. Terms used to describe the soil and rock are presented on Figure 4, Unified Soil Classification System and Figure 5, Rock Type and Description Key. The stratification boundaries indicated on the logs are approximate. Actual transitions between differing materials may be gradual.

APPENDIX B

LABORATORY TESTING

APPENDIX B

LABORATORY TESTING

LABORATORY TESTING

General

All samples obtained from the field were transported to our laboratory for examination and testing. The physical characteristics were noted, and the field classifications were modified where necessary. The laboratory testing program was conducted to provide data for our engineering analyses. The laboratory program included determinations of natural moisture content, grain size distribution, partial sieve analysis, Atterberg limits tests and corrosion tests. The following sections describe the testing program in more detail.

Natural Moisture Content

Natural moisture content determinations were made in conformance with ASTM D 2216. The results are presented on Figures 3A through 3E, Log of Test Pits.

Grain Size Distribution

A determination of grain size distribution was conducted on a selected sample of the on-site soil in general conformance with ASTM 422. The result of the test is summarized in the following table.

SUMMARY OF
GRAIN SIZE ANALYSIS DETERMINATIONS

		Percent Passing By Dry Weight													
Test Pit	Depth (feet)	3"	2"	1-1/2"	1"	3/4"	1/2"	3/8"	No. 4	No. 10	No. 20	No. 40	No. 100	No. 200	Unified Soil Classification
TP-2	6.0	73	67	58	47	41	35	32	22	17	11	9	7	6	GP-GM

Percent Passing the No. 200 Sieve (Washed Sieve Analysis)

The silt and clay content (percent passing the No. 200 sieve) was evaluated for selected soil samples in general conformance with ASTM D 1140. Oven-dried samples were weighed and placed on the No. 200 sieve. The silt and clay were washed through the sieve, and the sample remaining on the sieve was oven-dried and weighed. The change in sample weight is used to calculate the percent of material passing than the No. 200 sieve. The test results are summarized below.

SUMMARY OF
GRAIN SIZE ANALYSIS DETERMINATIONS

		Percent Passing	
TP	Depth, ft	No. 200 Sieve	Classification
TP-5	0.0	17	Clayey Sand (SC)

Atterberg Limits

Atterberg Limit tests were performed in accordance with ASTM D 4318 on a representative sample of the native soil encountered at the site to verify field classifications. The test results are tabulated below:

Test Pit No.	Sample Depth (ft)	Unifed Soil Classification System Group Symbol	Liquid Limit (%)	Plastic Limit (%)	Plasticity Index (%)
TP-2	6.0	GP-GM	NP	NP	NP

Analytical Tests

Analytical tests were conducted on a representative sample collected from the site. The pH test was conducted by AMEC in our laboratory. The water soluble sulfate test was performed by TEI Testing Services, Inc. of Salt Lake City, Utah. The results are summarized in the following table.

Test Pit No.	Sample Depth (ft)	Unifed Soil Classification System Group Symbol	pH	Resistivity (ohm-cm)	Water Soluble Sulfate Concentration (ppm)
TP-3	2.0-4.5	GC	6.2	18,607	175

EXHIBIT O

Applied Geotechnical Engineering Consultants, Inc.

December 13, 2006

Resource Management Consultants
8138 South State Street, Suite 2A
Midvale, UT 84047

Attention: Todd Leeds
FAX: 255-3266

Subject: Geotechnical Consultation
Alice Mine Claim
In Woodside Gulch
Near Intersection of King Road and Ridge Road
Park City, Utah
AGEC Project No. 1060955

Gentlemen:

Applied Geotechnical Engineering Consultants, Inc. (AGEC) was requested to provide geotechnical consultation with regards to the Alice Mine Claim located in Woodside Gulch near the intersection of King Road and Ridge Road in Park City, Utah. There is a mine shaft and mine adit which are located near the proposed development.

AMEC previously provided a draft of a preliminary geotechnical report for the Alice Mine Claim and presented their findings and recommendations in a report addressed to DHM Design Corporation dated July 13, 2006 under Project No. 6-817-005165.

BACKGROUND

Based on information provided in the above-referenced geotechnical report and conversation with the client, we understand that the mine shaft has a reported depth of approximately 500 feet. The open depth of the mine shaft was measured at approximately 230 feet. The mine shaft has a diameter of approximately 6 feet to 8 feet.

A horizontal adit is located at the ground surface near the mine shaft and extends into the hillside at an approximate bearing of north 20 degrees west. The length of the adit is unknown.

FIELD STUDY

A geologist from AGEC visited the site on November 22, 2006 to observe the mine shaft and adit. Three test pits were excavated near the mine shaft. The test pits were excavated using a trackhoe. The test pits were logged and samples of the subsurface material were obtained by a geologist from AGEC.

The material used to backfill the test pits was not compacted and should be removed and replaced with properly compacted fill if the test pits are in areas of proposed buildings, concrete flatwork and/or pavement.

SUBSURFACE CONDITIONS

The subsurface materials encountered in the test pits consist of approximately 9 to 14 inches of topsoil overlying bedrock. The maximum depth investigated was approximately 11½ feet.

The bedrock consists of quartzite which is highly weathered and fractured near the ground surface. Excavation in the bedrock became more difficult with depth. The bedrock is slightly moist and yellowish brown.

SUBSURFACE WATER

No subsurface water was encountered in the test pits at the time of excavating to the maximum depth investigated, approximately 11½ feet.

PROPOSED CONSTRUCTION

We understand that residential development is planned for the area around and including the mine shaft and adit. A conceptual site plan indicates that a residence is planned to be constructed above the mine shaft.

CONCLUSIONS AND RECOMMENDATIONS

Based on our observations at the site and information presented in the above-referenced geotechnical report, the following conclusions and recommendations are given:

1. Based on the subsurface conditions encountered in the test pits excavated near the mine shaft, we recommend a setback distance of at least 40 feet. The setback distance could be reduced to 10 feet if the mine shaft were filled up to the ground surface with soil and/or gravel.

2. If a building or other structure is planned to be constructed above the mine shaft, the following recommendations are given:

a. The upper approximately 10 feet of the mine shaft should be excavated to have a slope of approximately ½ horizontal to 1 vertical.

b. Concrete should be placed in the mine shaft from a depth of at least 110 feet up to within 5 feet of the footing bearing elevation for the proposed building. The concrete should have a slump less than 4 inches and a 28-day compressive strength of at least 3,000 psi. The concrete used should be a low shrinkage concrete mix.

c. Reinforcement should be placed in the upper portion of the concrete to connect the concrete in the wider portion of the mine shaft to the concrete below.

   The reinforcement should be designed by a structural engineer.

d. If the shaft is open below a depth of 110 feet, the portion of the shaft below this depth should be filled using soil, broken-up bedrock or other imported fill. The fill should have a maximum particle size of approximately 4 inches.

e. A representative of AGEC should observe remediation of the mine shaft.

3. Buildings should not be constructed above the mine adit unless the adit is remediated or the foundation support of buildings near the adit extends below the adit elevation.

4. The adit which extends into the hillside from near the mine shaft could be remediated by excavating down to the adit and filling the adit and the excavated area above with compacted structural fill. As an alternative, buildings which are located near the adit could be supported on a deep foundation extending down to or deeper than the adit elevation.

LIMITATIONS

This letter has been prepared in accordance with generally accepted soil and foundation engineering practices in the area for the use of the client. The conclusions and recommendations included in the letter are based on conditions observed at the time of our site visit. Variations in the subsurface conditions may not become evident until additional exploration or excavation is conducted. If the subsurface conditions or proposed construction is significantly different from what is described in this letter, we should be notified to reevaluate our recommendations.

If you have any questions or if we can be of further service, please call.

Sincerely,

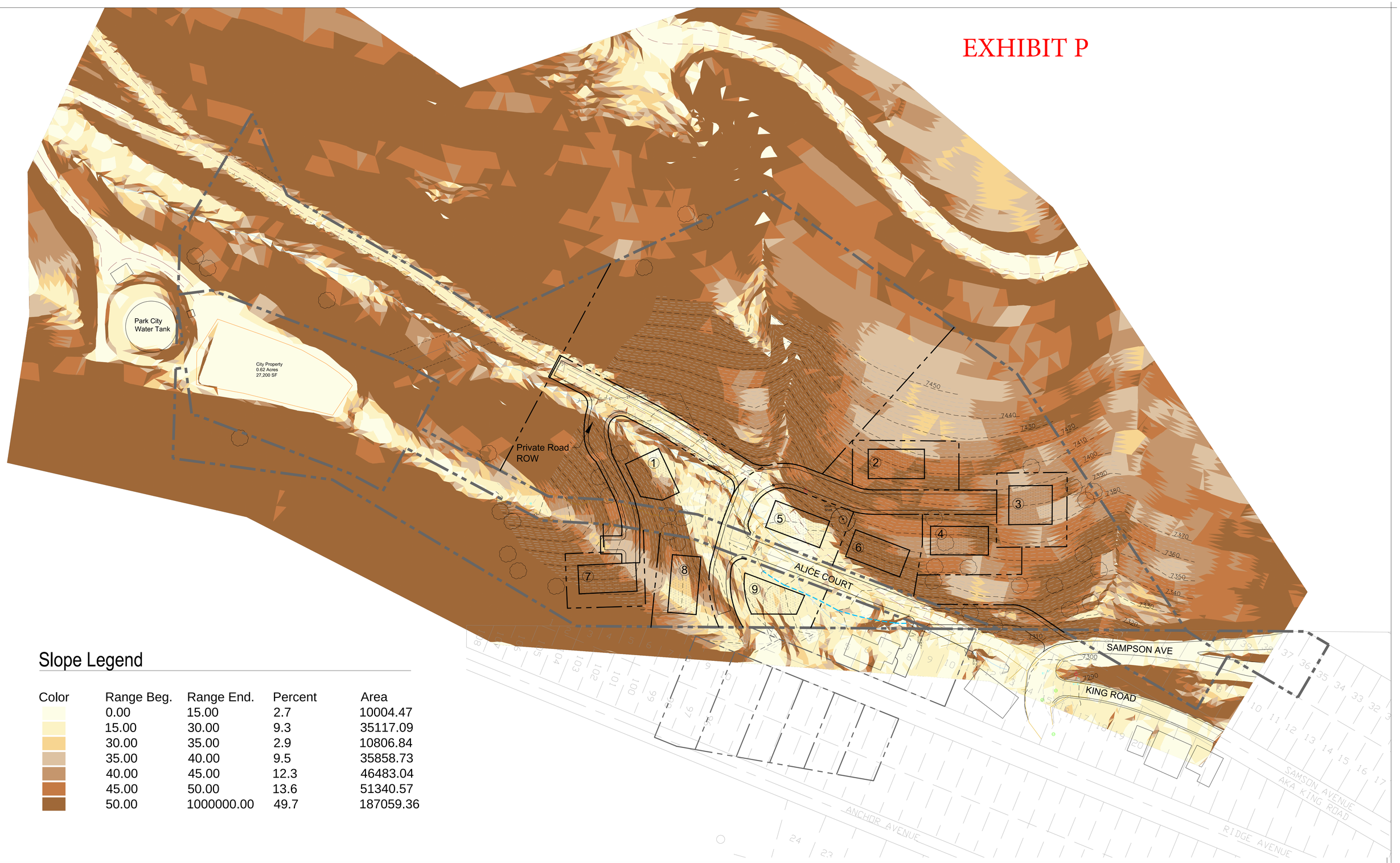
APPLIED GEOTECHNICAL ENGINEERING CONSULTANTS, INC.

LICENSED PROFESSIONAL ENGINEER
276089
Scott D.
Anderson
12/13/06
STATE OF UTAH

Scott D. Anderson, P.E.

Reviewed by DRH, P.E., P.G.
SDA/dc

EXHIBIT P



Slope Legend

Color	Range Beg.	Range End.	Percent	Area
	0.00	15.00	2.7	10004.47
	15.00	30.00	9.3	35117.09
	30.00	35.00	2.9	10806.84
	35.00	40.00	9.5	35858.73
	40.00	45.00	12.3	46483.04
	45.00	50.00	13.6	51340.57
	50.00	1000000.00	49.7	187059.36

ALICE CLAIM

SLOPE ANALYSIS

KING DEVELOPMENT GROUP L.L.C.
P.O. BOX 244
PARK CITY, UTAH 84060

NORTH

0 10 50
5 30 100
SCALE: 1"=50'-0"
DATE: JAN 23 2014

DHM DESIGN

EXHIBIT Q

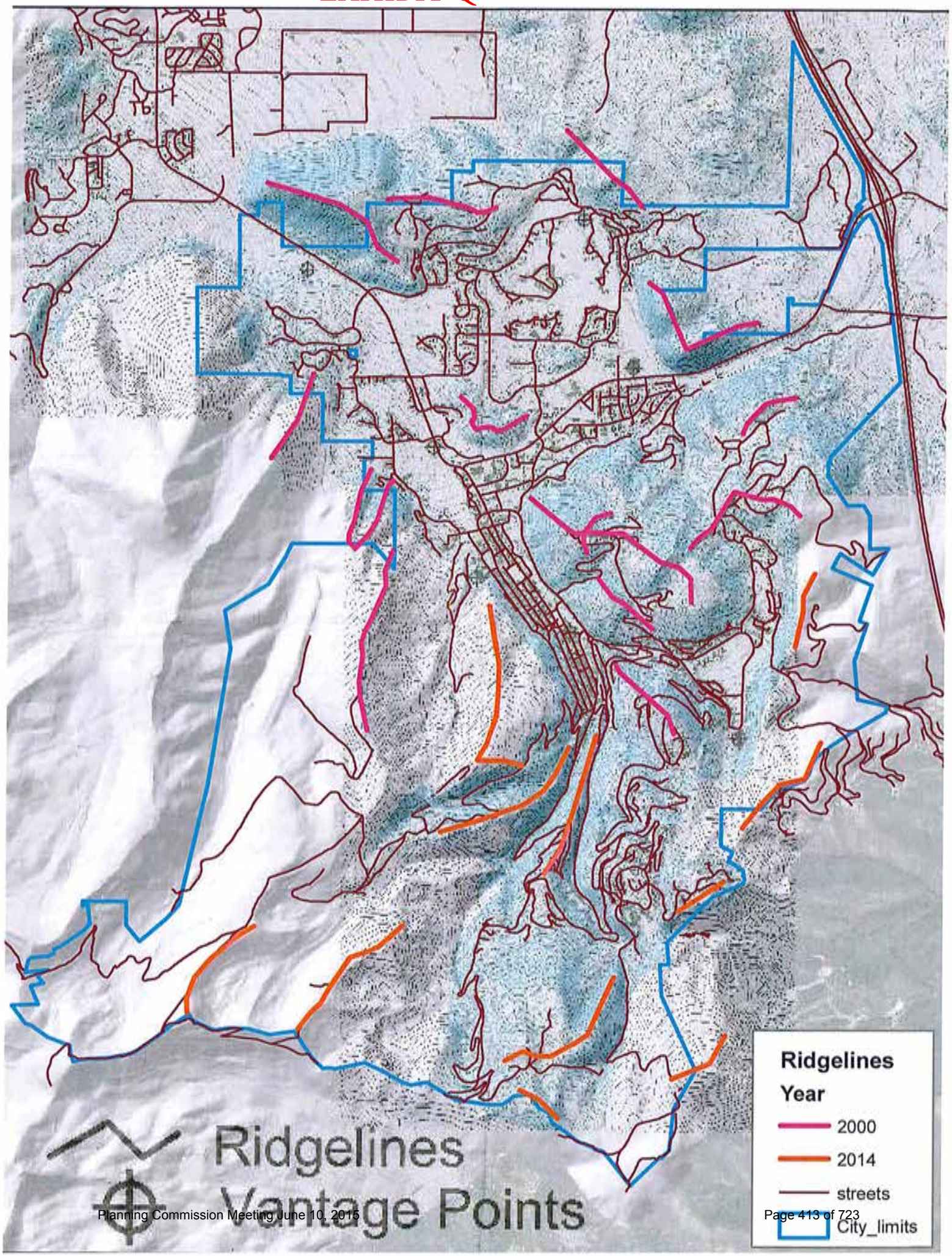
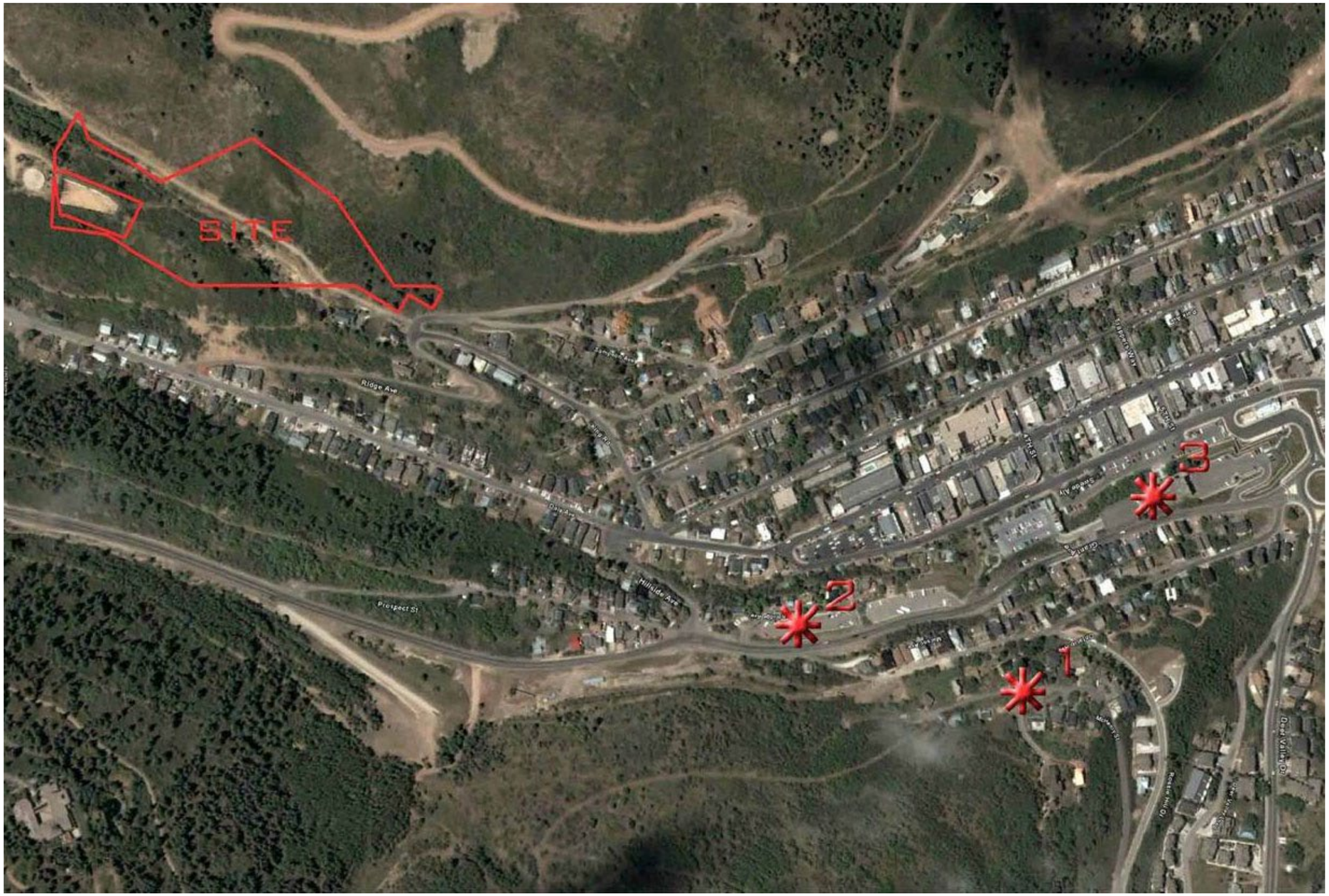

Ridgelines
Vantage Points
Ridgelines
Year
2000
2014
streets
City_limits

EXHIBIT R



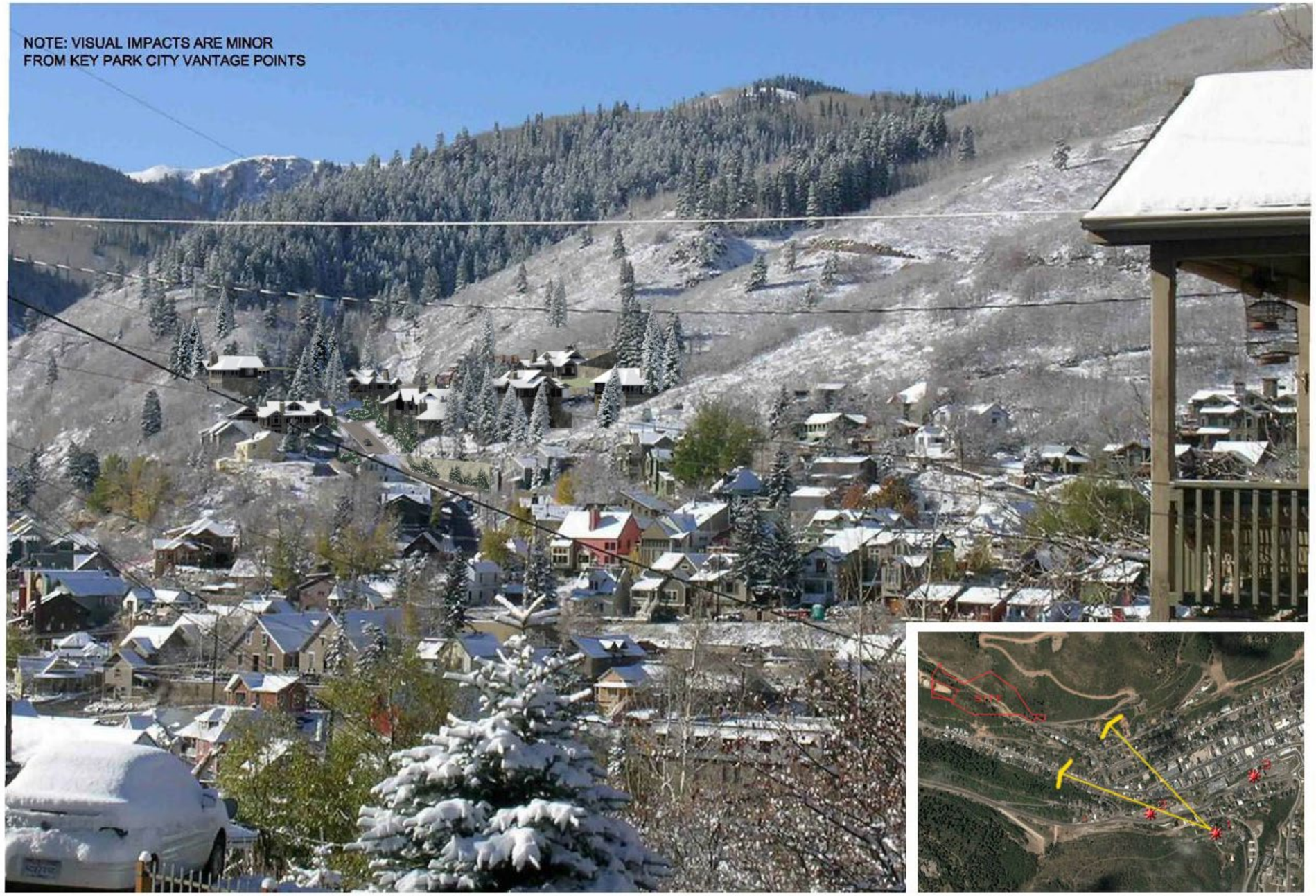
ALICE CLAIM

VISUAL ANALYSIS KEY MAP

KING DEVELOPMENT GROUP L.L.C.
P.O. BOX 244
PARK CITY, UTAH 84060

DATE: JAN 23 2015

DHM DESIGN



1. View from Cross Valley High Point

View Location Map

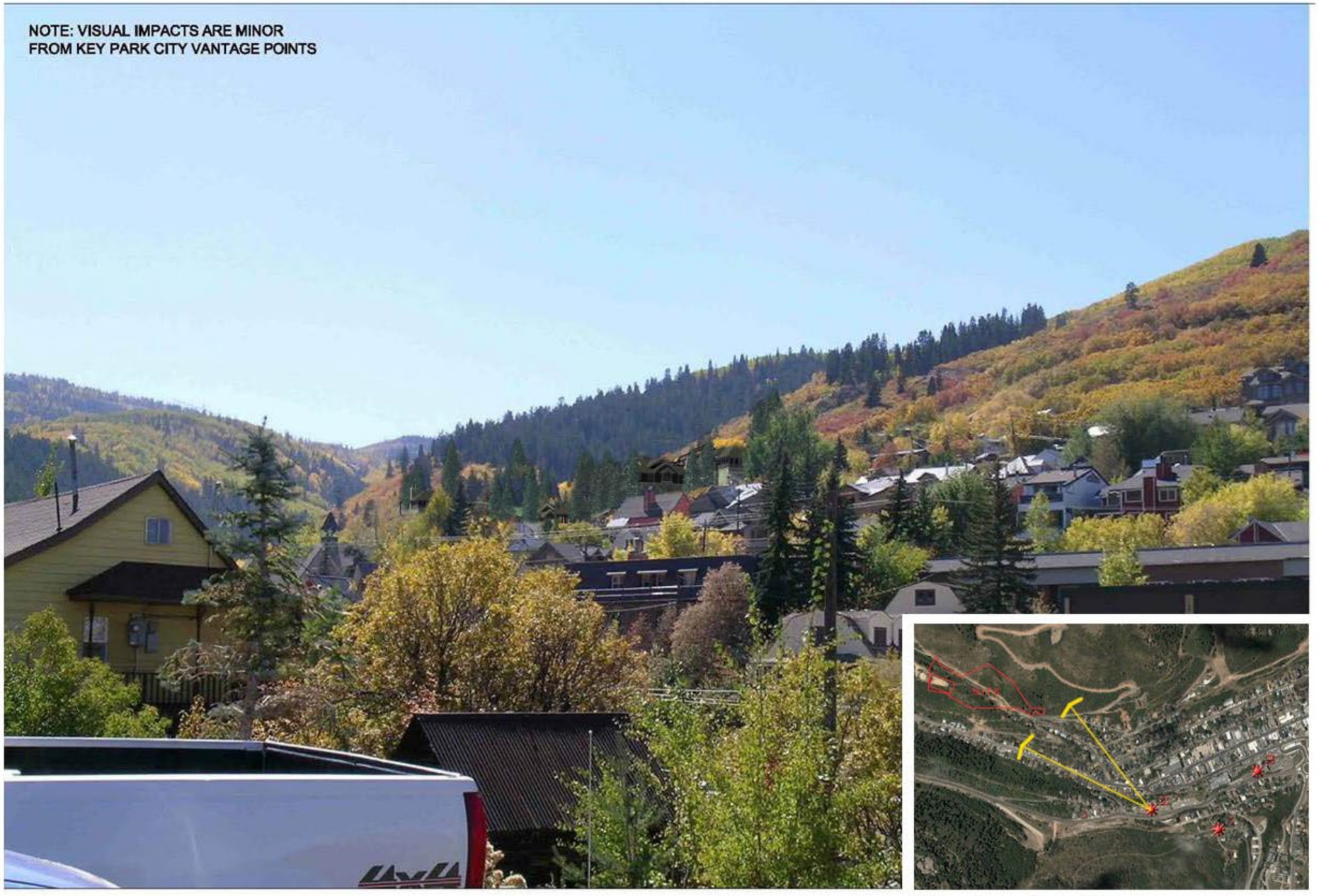
ALICE CLAIM

VISUAL ANALYSIS-LOCATION 1

KING DEVELOPMENT GROUP L.L.C.
P.O. BOX 244
PARK CITY, UTAH 84060

DATE: JAN 23 2015

DHM DESIGN



2. View From South End of McHenry Ave

View Location Map

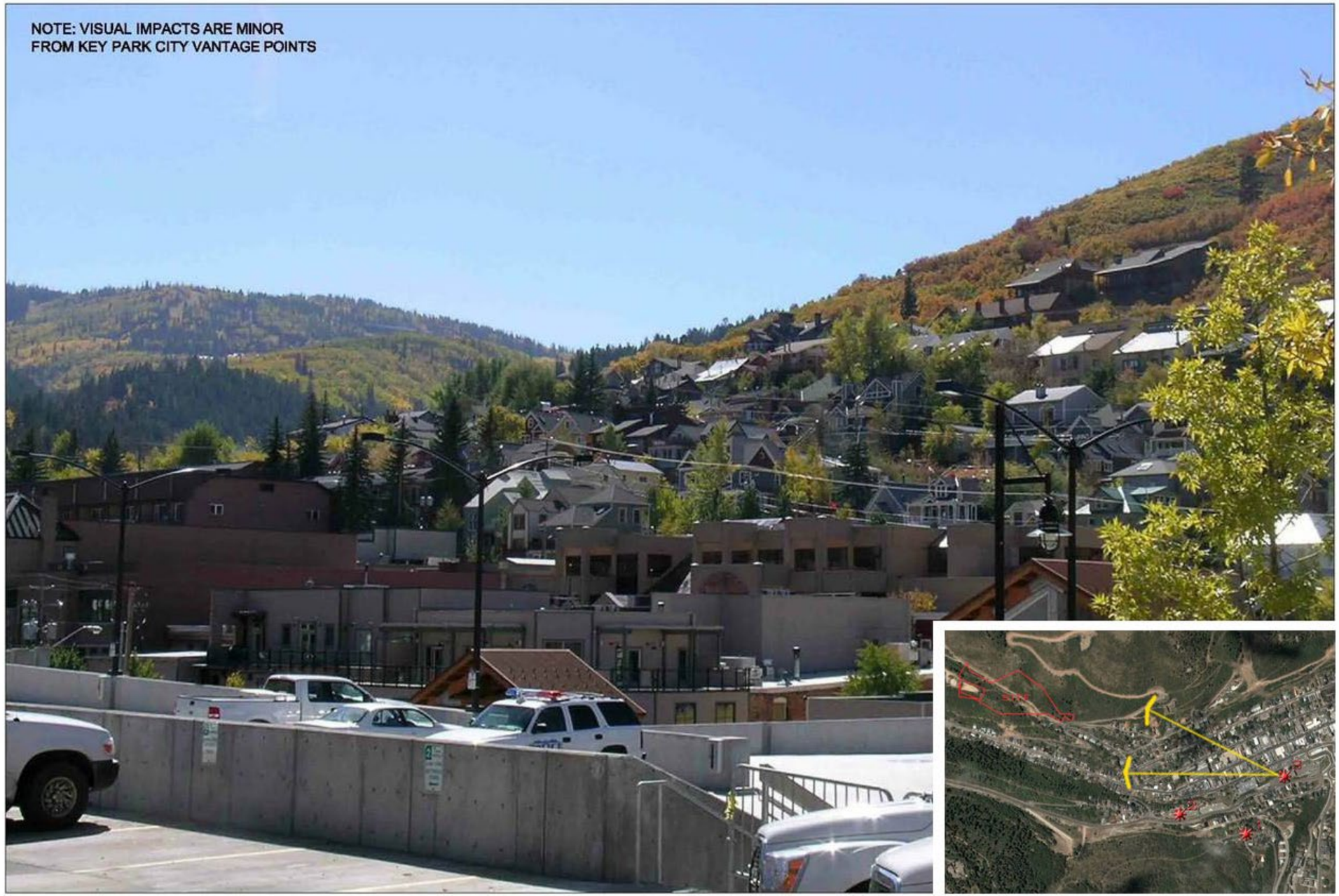
ALICE CLAIM

VISUAL ANALYSIS-LOCATION 2

KING DEVELOPMENT GROUP L.L.C.
P.O. BOX 244
PARK CITY, UTAH 84060

DATE: JAN 23 2015

DHM DESIGN



3. View From Marsac Building Upper Parking Lot

View Location Map

ALICE CLAIM

VISUAL ANALYSIS-LOCATION 3

KING DEVELOPMENT GROUP L.L.C.
P.O. BOX 244
PARK CITY, UTAH 84060

DATE: JAN 23 2015

DHM DESIGN

EXHIBIT S

Planning Commission
Staff Report

Subject:	**Alice Claim aka Alice Lode Subdivision & Plat Amendment**
Project #:	**PL-08-00371**
Author:	**Christy Alexander, AICP, Planner II**
Date:	**April 8, 2015**
Type of Item:	**Legislative – Subdivision & Plat Amendment**

Summary Recommendations
Staff recommends that the Planning Commission hold a public hearing for the Alice Claim Subdivision and Plat Amendment located at approximately Alice Claim south of intersection of King Road, Ridge Avenue and Sampson 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.

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

Topic

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

Proposal
The Applicant is proposing that the Planning Commission consider the application of a nine (9) lot Preliminary and Final subdivision and plat amendment on 8.65 acres and a Plat Amendment on 0.38 acres, located at approximately the intersection King Road and Sampson Avenue within the City's Historic Residential (HR-1) and Estate (E) Districts with Sensitive Lands Overlay (SLO). One lot is within the Estate (E) District and is 3.01 acres in size. The other eight (8) lots are within the Historic Residential (HR-1) District and range in size from 0.17 acres (7,405.2 square feet) to 0.19 acres (8,276.4 square feet). Because there are less than ten (10) lots being proposed, the Master Planned Development criteria don't apply.

The current plan will also include a plat amendment that will eliminate other contiguous platted lots encumbered by the existing King Road and Sampson

Avenue. If approved, the existing lot lines will be removed and the property will be dedicated to the City.

Background

On May 23, 2005, the City received a completed Plat Amendment application for the Alice Claim Subdivision (also known as “Alice Lode”). The Alice Claim is located within the Historic Residential (HR-1) and Estate (E) Districts with Sensitive Lands Overlay (SLO) zoned property south of the King Road, Sampson Avenue, Woodside Gulch and Ridge Avenue intersection. The property is comprised of 8.65 acres and includes platted lots and a “metes and bounds" parcel.

Contiguous to this site are Historic Residential Low (HRL) zoned lots under the same ownership. The two contiguous lots which are owned by the same owner are Lots 1 and 2 of the Ridge Avenue Subdivision. Lot 1 is improved with a contemporary house, Lot 2 is vacant. The applicant is requesting that these two lots not be part of this subdivision.

The rest of the contiguous Lots are within the Park City Survey (Lots 1-7 and 36-40, Block 77) and are mostly encumbered by existing King Road and Sampson Avenue; thus rendering portions of them undevelopable. The Applicant is requesting the Planning Commission consider the proposed subdivision for the nine (9) proposed lots and a plat amendment for the existing encumbered Lots 1-7 and 36-40, Block 77.

This area, historically known as Woodside Gulch, has some mining history and served as an early access to the Silver King Mine further up the gulch. The City owns an adjacent and bisecting parcel of land where a City-owned potable water tank and water lines are located. The City-owned parcel includes a 30 foot wide strip of land extending from the water tank site to the existing Ridge Avenue Subdivision bisecting the Applicant’s proposed subdivision property. The City-owned strip of property contains a raw water pipeline and a potable water transmission line which extends from the water tank to the Ridge Avenue Subdivision. The raw water line and the potable water line continue through the Ridge Avenue Subdivision to King Road within an existing driveway and a public utility easement. A second existing potable water transmission line, which is scheduled to be abandoned upon completion of the new potable water line on City-owned property, extends through the subject property. Additionally, access to the existing water tank and pump station is via an existing unpaved access roadway across the subject property. The access is provided by a recorded grant of easement which will be slightly modified (see Subdivision Layout within Exhibit A).

Please reference the October 8, 2014 Staff Report for the brief subdivision timeline and brief timeline of events related to the Alice Claim property Voluntary Clean-Up Program (VCP).

A Draft Site Mitigation Plan has been submitted to the Utah Department of Environmental Quality, but a Site Management Plan and Environmental Covenant have not been completed. The VCP is still active and the site has not been given a completion letter from the UDEQ. The Applicant will need to receive a final Certificate of Completion for remediated soils from the UDEQ prior to building permit approval. **This has been listed as a condition of approval.**

At the October 8, 2014 Planning Commission Work Session, the Applicant presented and discussed the plan dated January 28, 2009, as depicted in the copies attached hereto as Exhibit Q. The applicant has submitted updates and an amended site plan in the six months since the last meeting on January 23, 2015 and March 16, 2015. The Applicant provided Staff in 2010 with several binders of information dating from 2006-2010 as well as other documentation dating from 2003-2013. The binders are available at the Planning Department for the public to review. Staff has also provided minutes from the 2005, 2006, 2008, 2009, 2011 and 2014 Planning Commission meetings as exhibits to the October 8, 2014 staff report. The minutes from the October 8, 2014 work session are attached hereto as Exhibit R.

A summary of the Commissioner's concerns and items requested at the October 8, 2014 Work Session are described below:

Commissioner Joyce stated that in looking at compatibility, he has concerns with the HR-1 District and the surrounding houses. Commissioner Joyce stated that **those issues were important to him from the standpoint of HR -1 compatibility and compatibility with the surrounding neighborhoods.** Commissioner Joyce requested that the Staff provide **an analysis of what was around this site, above this site, and how it is all zoned and platted out as the plats exist today.**

Commissioner Strachan reiterated his comments from the 2010 meeting that the Estate lot was his biggest problem and the impacts created by a 20' retaining wall was his second biggest concern. He was unsure **how they could mitigate the impacts on a 50% slope, particularly when they have to dig a road and do retaining.** He suggested that the applicants come back with good ideas for how to mitigate the impacts on that steep of a slope, because that part of Sampson is over 42% based on the slope analysis. He remarked that **the purpose statement of the HR-1 zone is to minimize the cut and fill and to minimize the damage to the environment** as much as possible.

Commissioner Strachan was also **concerned about the term "private open space."** He asked how they would calculate the square footage and whether basements or other components would be excluded from the calculation. Mr. Fiat replied that the **5,000 square foot number was designed to include 100% of the structure including basement and garages.** Commissioner Strachan stated that **page 154 of the packet, which was the Google map showing where the lots are, should be included in every submission** because it is a good benchmark to show where the houses might be.

Commissioner Thimm shared the concerns with the slope in excess of 40% on some of the lots. He asked if it was possible to **generate some cross sections and understand how the building envelopes and the building footprints were coming to rest on the land.** He wanted to know if there **was a mechanism to make sure the trails remain accessible** to the public.

Commissioner Band wanted to know how much of the lot is cleared around the footprint site. Mr. Fiat thought they could **create an exhibit showing the limits of disturbance**. Commissioner Band stated that **a visual taken around the site would also be helpful.** She agreed with the request by other Commissioners for **a larger map to see how it relates to the rest of the HRL zone.**

On January 23, 2015 the applicant submitted the following Exhibits A-O updating the site plan and plat and incorporating the items the Commission requested. Additional Revisions were made on March 16, 2015 to the January 23, 2015 submittal and are included in Exhibits A-O.

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

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

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

(B) Incorporate pedestrian trail linkages between and through neighborhoods; and
(C) Encourage comprehensive, efficient, Compatible Development which results in distinct and cohesive neighborhoods through application of the Sensitive Lands Ordinance.

Analysis

Estate Lot

The Estate District lot (Lot 1) is within the Sensitive Lands Overlay (SLO) and is thus subject to the regulations of LMC 15-2.21. The lot has Steep Slopes (15%-40%), Very Steep Slopes (greater than 40%) and a Stream Corridor. A Slope Analysis map was provided by the Applicant (See Exhibit M: Sensitive Lands Analysis) showing the various slope categories. The following steps need to and have been completed:

LMC 15-2.21-2(A) **SENSITIVE LANDS ANALYSIS**. Applicants for Development within the SLO must identify the Property's sensitive environmental and aesthetic Areas such as Steep Slopes, Ridge Line Areas, wetlands, Stream Corridors, wild land interface, and wildlife habitat Areas, and provide at time of Application a Sensitive Land Analysis. Every annexation must provide a Sensitive Land Analysis. The Applicant has submitted this and meets the LMC requirements.

LMC 15-2.21-2(C) **SITE DEVELOPMENT SUITABILITY DETERMINATION**. Staff shall review the Sensitive Land Analysis, apply the applicable Sensitive Land Overlay (SLO) Regulations, Sections 15-2.21-4 through 15-2.1-9, and shall prepare a report to the Applicant and the Planning Commission identifying those Areas suitable for Development as Developable Land. Staff has determined that the Applicant meets all regulations based on the footprint of 2,500 sf that is not benched or terraced, retaining walls are addressed within the concurrent CUP, the development will have no adverse impact on adjacent properties, the density is compatible with that of adjacent properties within the subdivision, the **applicant will be required at Steep Slope CUP for the home on Lot 1 to adopt appropriate mitigation measures such as landscaping, screening, etc. to buffer the adjacent properties from the Developable Land.**

The previously proposed location of the house on Lot 1 was on Steep (15% - 40%) and Very Steep Slopes (greater than 40%). After the October 2014 Planning Commission meeting, the Applicant revised the site plan to bring the home on Lot 1 much further down the hillside, as the Commissioners suggested, and closer to Lots 7 and 8. As proposed Lot 1 is now on a slope of 31% which is only considered Steep and not Very Steep. Within the SLO, 100% of the Very Steep Slopes shall remain as Open Space (LMC 15-2.21-4(I), no vegetation can be disturbed within fifty (50) vertical feet in elevation of Very Steep Slopes, and no Development can occur within fifty (50) feet, map distance, of Very Steep Slopes unless the Planning Commission makes findings as listed in LMC 15-2.21-4(A): All of the Very Steep Slopes found on Lot 1 now as proposed remain as open space, no vegetation is proposed to be

disturbed within 50 vertical feet in elevation of Very Steep Slopes and no development is proposed within 50 feet distance. The home on Lot 1 is approximately 135 feet away from the Very Steep Slopes and the private drive running across Lot 1 is approximately 60 feet away from the Very Steep Slopes.

The Applicant took the Planning Commission's recommendation to move the Estate Lot home further down the hillside and has shown that on the proposed plat. With this revision of location **the Applicant is requesting a reduction in the setback requirements for this lot, from the Planning Commission, to a 10' front, 10' side and 20' rear setback from the required 30' front, 30' side and 30' rear setbacks for this District.** As per LMC 15-2.10-3 (C) The Planning Commission may vary required yards in Subdivisions. In no case shall the Planning Commission reduce Side Yards to allow less than ten feet (10') between Structures. The Applicant meets these requirements and proposes approximately 65' between structures. Staff recommends granting these reductions in setbacks so that the home on Lot 1 can be placed further down the hillside as shown on the current proposed site plan thus avoiding the Very Steep Slopes.

The applicant has proposed a no disturbance area of the Estate District lot of 2.62 acres, which is 87% of the total 3.01 acre Estate District lot. As per LMC 15-2.21-4 (H): the following Open Space and Density regulations apply:

(1) 75% of the steep slope area must remain as open space, *the applicant proposes 87%.*

(2) 25% of the Steep Slope area may be developed in accordance with the underlying zoning subject to the following conditions:

a. The maximum density on developable land within a steep slope area is governed by the underlying zoning and proof that the proposed density will not have a significant adverse visual or environmental effect on the community. *The applicant proposes limiting the footprint to the same size of 2,500 sf to be consistent with other lots within the subdivision*.

b. The developable land in the steep slope area is that area with the least visual and environmental impacts, including the visual assessment, and considering the visual impact from key vantage points, potential for screening location of natural drainage channels, erosion potential, vegetation protection, Access, and similar site design criteria. *The applicant has proposed development on the lowest and least steep portion of the lot and the other criteria may be addressed at Steep Slope CUP to mitigate any adverse impacts.*

c. The applicant may transfer up to 25% of the densities from the open space portion of the site to the developable land. *The applicant does not propose this transfer.*

d. The applicant must prove that the development will have no adverse impact on adjacent properties

i. The density is compatible with that of adjacent properties. *The density is proposed to be the same as adjacent properties.*

ii. The architectural detail, height, building materials, and other design features of the development are compatible with adjacent properties. *This will be mitigated at Steep Slope CUP and during the HDDR process.*

iii. The applicant has adopted appropriate mitigation measures such as landscaping, screening, illumination standards, and other design features to buffer the adjacent properties from the developable land. *This will be mitigated at Steep Slope CUP and during the HDDR process.*

The Applicant proposes to deed this open space to the Summit Land Conservancy. No documentation has been provided to the City to show that Summit Land Conservancy is in agreement with this dedication at the time of this report. This open space will still remain part of the lot if it is deeded to the Summit Land Conservancy.

The stream corridor is also protected within the Sensitive Lands Overlay as provided in the LMC:

LMC 15-2.21-6(C) “No person shall disturb, remove, fill, dredge, clear, destroy or alter any Area, including vegetation, surface disturbance within wetlands and Stream Corridors and their respective Setbacks, except as may be expressly allowed herein.”

The setbacks required per LMC 15-2.21-6(F) for stream corridors are a minimum of fifty feet (50') outward from the Ordinary High Water Mark. There is no exception to this 50’ setback in the LMC other than Hardship Relief under LMC 15-2.21-2(D) which states: If the Applicant demonstrates that the regulations would deny all reasonable Use of the Property , the Planning Commission may modify application of these r(SLO) regulations to provide the Applicant reasonable Use of the Property.

The proposed subdivision creates a driveway for lot 1 and lot 7 within the fifty foot (50’) setback area from the stream corridor within the Estate zone with Sensitive Lands Overlay. In the January 23, 2015 submittal, the Applicant proposes to culvert the stream underground so as to divert from the 50’ setback requirement (see Exhibit ??). The culvert will address this problem as the stream will no longer be above ground within 50’ of the home on Lot 1. Any change to the stream will require a Stream Alteration Permit from the State Army Corp of Engineers (regardless if it is navigable water) and may require an amendment to the Voluntary Clean-up Program remediation with the Utah Department of Environmental Quality. The Stream Alteration Permit will be will be required prior to plat recordation. If the Applicant does not obtain the Permit the plat will not be able to be recorded and any approvals shall be null and void. The applicant would then need to submit a new application with a design that meets the 50’ setback requirements. Any amendments to the Voluntary Clean-up Program remediation will be required prior to any Building Permit approvals. **These items have been listed as conditions of approval.**

Historic Residential Zone

The zoning for the subdivision is HR-1 subject to the following criteria:

Regulation	Permitted	Proposed
Height	27 feet above existing grade, maximum. 35 feet above existing grade is permitted for a single car garage on a downhill lot upon Planning Director approval. Plat: cannot exceed eighteen feet (18') in height above the garage floor with an appropriate pitched roof (8:12 or greater). Height exception for the garage may be granted if it meets the preceding criteria.	Maximum height is twenty seven feet (27') and no home can exceed this requirement; Applicant is proposing 2 stories max**; Staff is proposing height limit of twenty five feet (25') max for a 2 story home which will be listed as a condition of approval**.
Lot sizes: Lot 1: 3.01 acres Lot 2: 0.18 acres Lot 3: 0.18 acres Lot 4: 0.18 acres Lot 5: 0.18 acres Lot 6: 0.19 acres Lot 7: 0.18 acres Lot 8: 0.17 acres Lot 9: 0.16 acres	Footprint based on lot area based on LMC requirements at time of application. Lot 1 (Estate): No restriction except as applied during subdivision. Lot 2: 2523.4 sf Lot 3: 2523.4 sf Lot 4: 2523.4 sf Lot 5: 2523.4 sf Lot 6: 2599.2 sf Lot 7: 2523.4 sf Lot 8: 2442.3 sf Lot 9: 2355.5 sf	Proposed maximum total floor area of each home is 5,000 square feet (including basement and garages). Proposed maximum footprint area (square feet) by the Applicant: Lot 1 (Estate): 2500 sf Lot 2: 2500 sf Lot 3: 2500 sf Lot 4: 2500 sf Lot 5: 2500 sf Lot 6: 2500 sf Lot 7: 2500 sf **Lot 8: 2471 sf; does not comply but will be listed as condition of approval to comply**

		Lot 9: 2394 sf; does not comply but will be listed as condition of approval to comply
Front setback	Depends on lot depth; ranging from a minimum 10’ to 15’; 30’ for Estate Lot	
Rear setback	Depends on lot depth; ranging from a minimum 10’ to 15’; 30’ for Estate Lot	
Side setbacks	Depends on lot width; ranging from a minimum 3’ to 10’ and 6’ to 30’ total; 30’ for Estate Lot	Applicant is requesting a reduction of the setbacks for Lot 1 within the Estate zone to be 10’ for front and side setbacks and 20’ for rear setback. **Planning Commission would need to grant that request based on discussion above.**
Parking	Two (2) off-street spaces required for each dwelling	Two (2) spaces proposed for each dwelling
Final Grade	Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.	
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.	
Roof Pitch	Between 7:12 and 12:12. A roof that is not part of the primary roof design may be below the required 7:12 roof pitch.	

Based on the analysis above, the average lot size (excluding the Estate Lot) is 0.18 acres (7,840.8 square feet); the average proposed footprint is 2,500 square feet. Based on analysis for other nearby developments (Exhibit S), the proposed lot size and footprints would far exceed the vast majority of those within the nearby developed areas (King Road, Sampson Avenue and Ridge Avenue). For example the average lot size on nearby Sampson Avenue is 0.13 acres and the average footprint is 1,314 square feet. Due to the footprint of the homes proposed to be nearly twice the size of the average footprints in the nearby neighborhoods, staff's opinion is that the footprints as proposed do not comply with the HR-1 Purpose Statement, specifically the following:
(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,

In order for the homes to be more compatible with such large footprint, Staff recommends placing conditions of approval on the plat that the homes shall be limited to 5,000 square feet maximum total floor area including basement and garages, two stories, and no more than 25 feet maximum building height from existing grade. Staff recommends if the homes are allowed the wider footprint than what is average in the surrounding neighborhoods, then the square footage, height and stories should be limited. In addition, the proposed maximum footprints for Lots 8 & 9 exceed what is permitted by the Land Management Code. Staff has listed a condition of approval which would reduce the size of the footprints for Lots 8 & 9 to the LMC maximum as listed in the table above. All homes in the proposed subdivision will need to go through a full Historic District Design Review process and Steep Slope CUP applications if necessary.

<u>Access</u>
Currently, legal access to the property is proposed to be gained through the platted but un-built King Road right-of-way. This access point is approximately 50 feet west (off-set) of the King Road – Ridge Avenue intersection where King Road turns north. Ideally, the primary access would be through the existing Woodside Gulch right-of-way, thus avoiding the need to build a new road, however this access isn't possible because legal access has not been secured over the private property at 135 Ridge Avenue. The Applicant states that the King Road right-of-way access (north access) would create a driveway gradient of 14% versus 14.2% for the Woodside Gulch

road. The proposed northern access would also require retaining walls (upwards of 25 feet in height) on the western side as the road would cut into the toe of the slope would protect the existing mature trees. Without access over the private property at 135 Ridge Avenue, the Applicant's only proposed access is using the platted King Road right-of-way. The Code requires a Conditional Use Permit from the Planning Commission, which is being heard concurrently with this Subdivision application, for any retaining walls over 6 feet in height..

The proposed access to the Alice Claim Subdivision is at a point, although offset, where essentially four existing roadways meet, King Road, Sampson Avenue, Woodside Gulch, and Ridge Avenue. The proposed Alice Court would be a fifth point of access in the existing intersection.

> The Applicant is proposing to use "platted" King Road, which does not match where the road known as "Woodside Gulch driveway" is actually built. The proposed roadway is off-set from the King Road/Ridge Avenue/Woodside Gulch/Sampson Avenue intersection by about fifty (50) feet. Offset intersections are not ideal for traffic stacking and turning, and the City Engineer requested a traffic engineer analysis evaluating the intersection layout to determine critical failures. Such information is necessary for the City Engineer to determine if the proposed roadway would violate any City street standards. According to the City Engineer, the traffic report that was issued in 2006 for this area addresses volume only and does not address the uniqueness of the proposed intersection. The City Engineer requested information from the applicant for analysis to evaluate the proposed intersection, poor site triangle, and recommend adjustments/mitigations to King Road, Ridge Avenue, Woodside Gulch, Sampson Avenue, and/or the main proposed Alice Court entrance drive.
>
> The Applicant therefore submitted a Traffic Impact Study (TIS) on January 23, 2015 to the City. However, the TIS was not responsive to the City Engineer's request. The area does not have high traffic volumes. The City Engineer requested that the traffic engineer study the layout of the intersection with the hopes that there are improvements that can be incorporated to make it more maneuverable. This did not happen in the submitted TIS, instead Fehr and Peers evaluated using the existing Woodside Gulch entrance versus moving the entrance up the street a short distance to the proposed Alice Court. The recommendation of the study was that the existing entrance be used. However, the Woodside Gulch entrance isn't an option as it crosses private property.

The City Engineer's request was to look at moving the entrance west along King Avenue, square the entrance up to King Avenue and determine the best location for this intersection. The City Engineer requested they look at the intersection for King Road, Ridge Avenue, Sampson Avenue, Alice Claim drive, along with two existing drives and lots of slope, to determine if there is a better way to configure this intersection.

The requested evaluation was provided by the Applicant on March 16, 2015 for the City Engineer. The exact location of the access is important due to the associated location of the retaining walls related to the access. Fehr and Peers submitted an intersection evaluation that presented the sight distance for the King Road/Ridge Ave intersection, presented modifications for the existing King Road/Ridge Ave intersection, and details the proposed King Road/Ridge Ave intersection developed by Fehr and Peers (Exhibit T). Upon review of the March 16, 2015 King Road/RidgeAve. Intersection Evaluation by Fehr and Peers, the City Engineer determined that the applicant fulfilled his request for evaluation and given the 5 point intersection can make the difficult turning movements minimize conflicts but the Applicant must still 1) provide costs to implement and 2) provide recommendations to the City Engineer for which scenario most satisfies turning movements and minimizes conflicts and they must implement this scenario. **This has been listed as a condition of approval.** The results will not move the entrance to the subdivision nor change the plat.

The Applicant does not propose to dedicate streets within the proposed development to the City but will complete the proposed Alice Court to meet City Standards for emergency access and parking. If the Applicant decides to dedicate the streets at a later date, all of the streets will need to meet all City Standards, including right-of-way widths, minimum street widths, cul-de-sac standards, stubbed street standards, grading requirements, etc. All of the roads within the proposed subdivision are proposed to be private drives at this time. Private drives shall not exceed 14% gradients and the Applicant has shown the drives meeting this requirement.

The existing City's easement for access has been revised on the plat to incorporate trails and the City's access easement changed by the Alice Court road. The Applicant will need to receive City Council's approval to give them an access over the City's property as the Applicant's drive to Lot 7 will have a crossing bridge over the City's property, which will have water lines, storm drainage, sewer, etc. (See Exhibit O). This will need to occur prior to plat recordation and has **been listed as a condition of approval.**

Emergency access has been a continual concern with the Building and Fire Departments. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3 of the 2012 International Fire Code (IFC). The Fire Code Official is authorized to make exceptions to these codes as noted.

The recent review comments from the Assistant Fire Chief are that:

- The road/driveway from King Road to Alice Court to lots 2-3-4 will need to be a minimum of 20-feet clear width as required by the IFC, along with the turn-around / hammer head. The proposed roads meet the required 20 ft. width. **The utility plan will need to be revised to show how each of the main and dry utilities**

will be able to be placed within the roads with required separations prior to plat recordation.

- Access to Lots 1 and 7, which is not a Private Road ROW, is acceptable as a private driveway, however, if any additional lots are added or developed, then this driveway will then need to be upgraded to meet the requirements of 20-feet wide for the fire department access road, based on the road now not serving more than two structures. Staff has **listed a condition of approval to not allow for subdivision of any additional lots in this subdivision**.
- Also, even though it is not required, the Assistant Fire Chief strongly encourages the Applicant to provide turn-outs and turn-around for lots 1 and 7 where the length of the driveway is in excess of 200 feet. These have been identified on the plat.
- The Applicant has revised the utility plan to show cross sections of how they will grade the private drive to Lot 7. Retaining walls cannot be built over utility lines and as presented the site plan appears that the private drive will need retaining walls greater than 6'. The Applicant has thus proposed a bridge over the City's property to Lot 7. **The proposed drive and bridge shall be engineered to meet City Standards prior to plat recordation and has been listed as a condition of approval.** Any retaining wall over 6 feet in height along this private drive will need a Conditional Use Permit approved by the Planning Commission. The applicant has included the retaining walls along the private drive as part of their concurrent CUP.

The recent review comments from the Chief Building Official are that:

- The road to homes 1 and 7 shall be 20 ft. wide and there must be an area at the end of the road past the hammerhead that is a snow storage area so they do not fill the hammerhead with piles of snow. This shall be signed as a snow storage area with a 10 ft. sign at end of hammer head. **Snow storage must be revised and approved by the City Engineer throughout the development prior to plat recordation. The utility plan will need to be revised to show how each of the main and dry utilities will be able to be placed within the roads with required separations prior to plat recordation.**
- The drive to home 7 will be considered a private driveway to a single family residence.
- The roads shall be able to support an imposed load of a fire apparatus weighing 75,000 pounds.
- The grade of the roads and drives may exceed 10% and shall not go over 14% for only 100 ft. The International Fire Code states max grade is 10% per appendix D for access road per section 503.2.7 IFC. Any roads over 10% grade will never be eligible to be converted to public ROWs in the future. The proposed plan meets these requirements.
- **Roads less than 26 ft. wide shall be marked NO Parking on both sides of the road.** With Parking there shall be at least 20 ft. minimum of driveway width from the parked cars to the other side of the road.
- Secondary Emergency Access would be most appropriate in the future off the east side of the property through the Ridge Avenue ROW if that ROW is ever

developed. The proposed plans show a stubbed road at Lot 8 that could potentially be extended in the future.

- Fire Hydrants must be approved by the Fire Code Official. A map was provided to Applicant with suitable Hydrant locations which there shall be 3 hydrants so that no point shall the hydrant be farther than 600 ft. from the farthest home per section 507.5.1 of the 2012 IFC. The proposed plan shows these hydrants as required.

Slope

According to the Slope Analysis provided by the Applicant (Exhibit M: Sensitive Lands Analysis), 2.7% of the land located in the HR-1 zone is under 15% slope, 21.7% is 15-40% slope (defined as a Steep Slope), and 75.6% is over 40% slope (defined as a Very Steep Slope). Below is a table of the average slopes of each lot:

Lot 1	31%
Lot 2	45%
Lot 3	38%
Lot 4	47%
Lot 5	38%
Lot 6	55%
Lot 7	64%
Lot 8	47%
Lot 9	26%

The proposed building pad areas on proposed Lots 2, 4, 6, 7, and 8 are all on Very Steep Slopes (over 40%). The Applicant has shown on the plat the limits of disturbance around the proposed home sites. Only the proposed building pad area on Lot 9 is on slopes less than 30%. This lot is not located in the SLO, however the following Subdivision regulations (LMC 15-7.3-1(D)) should be discussed by the Planning Commission:

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

Currently the Applicant has not provided information regarding the mitigation of potential hazards due to the Steep and Very Steep Slopes**.** Staff has concerns on

developments over 40% slopes. Staff also has concerns for existing mine hazards that may be open as a historic mine shaft exists on this property but staff recommends these concerns are flagged and mitigated when they apply for Steep Slope CUPs for each home.

Clustering

The General Subdivision Requirements (LMC 15-7.3-2(E)) Open Space reads:

"Units should be clustered in the most developable and least visually sensitive portions of the Site with common open space corridors separating clusters. This applies to both multi-family and single family projects. The open space corridors should be designed to coincide with Significant Vegetation and in many cases, should be left in the natural state."

The Applicant has provided an existing vegetation plan with the larger conifers to remain as discussed in previous years (Exhibit L: Vegetation Cover). Outside of the stream channel, the disturbance from previous mining activities and the recent remediation, most of the rest of the site has stands of oak, maple and aspen in addition to areas of smaller shrubs and grasses. The Applicant has provided a Visual Analysis Study (Exhibit I).

A change to the home location on the Estate lot is proposed in response to the Planning Commission's prior feedback that the most developable portion of the site is at the bottom of the canyon where utilities, emergency vehicle access, and the least amount of disturbance of the land is best achieved. A comparison of clustering of the surrounding neighborhoods has also been provided (Exhibit J). This exhibit shows that the adjacent HR-L District and homes are clustered much more close together and the similar HR-1 District adjacent to that to have even smaller lot sizes, house sizes and are clustered even closer together than the adjacent HR-L District and the proposed plat which is also within the HR-1 District. Instead of clustering the homes closer together, the Applicant proposes that the homes will be no more than two (2) stories with no limitation to the height other than the LMC limits and up to 5,000 sq. ft. (maximum total floor area) in size (including basement and garages) and up to 2,500 ft. in footprint; however very few homes within the Historic Districts compare to house size and lot size as is proposed by the Applicant. Staff's opinion is that the layout of the homes is not as compatible to the historic density and clustering of homes within the nearby HR-1 and HR-L districts as it could be. The Planning Commission also had similar concerns with the proposed lack of clustering homes closely together. With the footprints as proposed, Staff recommends and has placed conditions of approval that the building height should be limited to 25 feet, homes limited to two stories and maximum total square footage be limited to 5,000 square feet, so as to lower the height of the homes as they are spread out wider.

Water Delivery Issue

Staff was previously informed by the Park City Water Department, that all of the Alice Claim property proposed for development may not be serviceable by the

current City water system due to low water pressure. The low water pressure is due to the small elevation difference between the proposed development's elevation and the Woodside Tank's elevation. The Applicant was informed about this issue and is responsible for modeling the water service to the development and if it is still insufficient they will need to provide a remedy. The Applicant has prepared a water model addressing the limitations of the current water system on the proposed development (including factors such as the ability to meet: acceptable water system pressures and fire flow requirements to each home site (indoor and outdoor pressures are not adequate), the Fire Marshal's site specific requirements, and Division of Drinking Water regulations). Proposed Lots 1-4 and 7-8 as shown on the proposed plat are likely the lots most affected. The Applicant was to confirm the elevation of each of the proposed building sites to determine the affected sites and either redesign the project accordingly, or work with the Water Department to determine the best solution. At the time of this report, the Water Department, Fire, Building and Engineering has received a revised Water Model from the Applicant that will meet the City's requirements. Any revisions to the submitted model will need to meet acceptable water pressure flows in order for the subdivision to meet water requirements. **This is listed as a specific condition of approval.**

The Assistant Fire Chief also required that the Applicant provide water modeling to demonstrate the available pressure for the fire sprinkler system design for Lots #2 and 7 which the Applicant has demonstrated can be achieved.

<u>Sewer Utility Issue</u>
Staff was informed by the Snyderville Basin Water Reclamation District that the Applicant has only met with them briefly besides almost 10 years ago when the application was first submitted to discuss utility location and placement within the proposed roadways. The Sewer District has concerns regarding the placement of the sewers in relation to the retaining walls and in relations to other utilities. **This will need to be remedied before the proposed plat can be signed by SBWRD prior to plat recordation and is listed as a specific condition of approval.** The Applicant is aware of the Sewer Districts concerns and will work to obtain a Line Extension Agreement upon approval of the plat. The sewer design could affect the entire layout of the subdivision and if any changes are made to the layout of the subdivision upon SBWRD's approval, this approval shall be null and void and a new application shall need to be submitted with any amendments.

Good Cause
Planning Staff finds there is good cause for this subdivision with the appropriate items described in the analysis being incorporated as conditions of approval. There may be future geographical visual impacts to the City as a result of this application with respect to additional site stabilization, proposed retaining walls, and other unforeseen issues related to development within steep slope areas that can be addressed at the time of Steep Slope CUP applications.

Department Review

Staff took the project back before the Development Review Committee on September 9, 2014, February 10, 2015 and March 24, 2015. Engineering continues to express concerns with the site access and height of retaining walls, Building expressed concern with the emergency access, and Water continues to express concern with ability to service due to lack of water pressure which the applicant is currently trying to work out with the review agencies. SBWRD continues to express concern with lack of sewer lateral design but the applicant will need to continue to work with them until all requirements are satisfied in order for SBWRD to sign the plat. Each of these concerns however have been incorporated into conditions of approval. Planning's concerns are appropriate clustering of homes within the HR-1 district and visual impacts of such tall retaining walls in a historic residential district.

Notice

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

Public Input

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

Process

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

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the Alice Claim Subdivision and Plat Amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the Alice Claim Subdivision and Plat Amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the subdivision and plat amendment to a date certain and provide specific direction to the applicant and/or

staff to provide additional information necessary to make a recommendation on this item.

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

Consequences of not taking the Suggested Recommendation
The parcels would remain as is and no construction could take place.

Recommendation
Staff recommends that the Planning Commission hold a public hearing for the Alice Claim Subdivision and Plat Amendment located at approximately Alice Claim south of intersection of King Road, Ridge Avenue and Sampson 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 – Proposed Plat
Exhibit B – Existing Conditions Survey
Exhibit C –Vicinity & Zoning
Exhibit D –Aerial
Exhibit E –Site Plan
Exhibit F –Utility Plan
Exhibit G–Photographs/Panoramic Images
Exhibit H–Perspective Rendering
Exhibit I –Visual Analysis
Exhibit J –Figure Ground Maps
Exhibit K –Open Space & Trail
Exhibit L –Vegetative Cover
Exhibit M –Slope Analysis
Exhibit N –Landscape Mitigation of Site Walls Plan
Exhibit O –Retaining Wall Illustrations & Site Sections
Exhibit P – Letter from SBWRD
Exhibit Q – January 28, 2009 Site Plan

Exhibit R – Minutes from October 8, 2014 Planning Commission Work Session
Exhibit S – Mean building footprint analysis for other nearby neighborhoods and zones
Exhibit T - Intersection Evaluation by Fehr and Peers

Exhibit A – Draft Ordinance with Proposed Plat

Ordinance 15-

AN ORDINANCE APPROVING THE ALICE CLAIM SUBDIVISION PLAT, LOCATED AT THE INTERSECTION OF KING ROAD, RIDGE AVENUE, WOODSIDE GULCH AND SAMPSON AVENUE (APPROXIMATELY), PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Alice Claim Subdivision located at the intersection of King Road, Ridge Avenue, Woodside Gulch and Sampson Avenue (approximately), have petitioned the City Council for approval of the Alice Claim Subdivision plat; and

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

WHEREAS, proper legal notice was sent to all affected property owners according to the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on October 25, 2006, January 28, 2009, February 25, 2009, and April 8, 2015 to receive input on the proposed subdivision;

WHEREAS, on April 8, 2015 the Planning Commission forwarded a recommendation to the City Council; and,

WHEREAS, on May 7, 2015 the City Council held a public hearing on the proposed Alice Claim Subdivision; and

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

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

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

Findings of Fact:

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

3. The property is a “metes and bounds" parcel with contiguous platted lots.
4. A City water tank and land owned by the City is adjacent to the subject property on the south end, and a City-owned parcel bisects the subject property. The City water line does not run within the City owned property, but rather is located within a prescriptive easement on the subject property.
5. The applicant previously undertook a voluntary remediation of the regulated soils on the site, which included soil remediation both in the Alice Claim 8.49 acre portion and within a 1.7 acre portion of the adjoining City property.
6. The property can only be accessed through the platted King Avenue right-of-way as the owner cannot secure legal access through the Woodside Gulch water tank access easement used by the City. The new roadway would require excavation and retaining walls up to and possibly in excess of twenty five feet (25’) in height.
7. The Woodside Gulch stream runs through the property and any changes to the stream will require a Stream Alteration Permit. The Applicant previously applied for this permit and will need to amend their existing Stream Alteration Permit from the Army Corp of Engineers. Any changes to the stream may also require an amendment to the Voluntary Clean-up Program remediation with the Utah Department of Environmental Quality.
8. The property, which was once the site of the Alice Load Mine, was previously the site of mining activities, which have since undergone recent remediation.
9. A Voluntary Clean Up of the property was initiated by the Applicant.
10. Most of the remainder of the site has stands of oak, maple and aspen trees in addition to areas of smaller shrubs and grasses.
11. A culvert for the stream is proposed for Lot 1 in order to meet the 50’ setback regulations from streams within the Estate and SLO lot.
12. The applicant has proposed a bridge over the City’s property to Lot 7.
13. The applicant has proposed retaining walls in 8 locations up to 20’ in height that will be reviewed under a concurrent CUP.
14. This development is located upstream of the FEMA Flood Plain Studies. Lots 1, 5, 6, 8, and 9 at a minimum appear to be in the streams flood plain.
15. The applicant requests a setback reduction from the Planning Commission for Lot 1 to a 10’ front, 10’ side and 20’ rear setback from the required 30’ front, 30’ side and 30’ rear setbacks for this Estate District lot.
16. Water Service is available to meet required water pressure to all of the proposed development sites (proposed Lots) within the development. The applicant will be responsible to propose acceptable mitigation should the water model be further revised.
17. Existing trails are shown on the plat and granted a public easement.
18. Proposed utilities have not been engineered to meet City Engineer’s approval but shall be prior to plat recordation.
19. All roads are proposed over 10% grades and will not be eligible to be converted to public ROWs in the future.
1. The homes are proposed to be 5,000 square feet total including basement and garages, the footprints are proposed to be 2,500 square feet or lower to meet LMC requirements. Building pads are shown in Exhibit A. Limits of disturbance as shown on Exhibit A shall remain in place and no changes shall be made. All other property

shall be restricted as open space and/or protected by 3rd party conservation easement.

20. The footprints of the proposed homes are larger than those in nearby streets. The average footprints on Daly Avenue are 1,465.44 square feet, on King Road are 1,342.31 square feet, on Sampson Avenue are 1,619.58 square feet, and on Ridge Avenue are 2,076.72 square feet.
21. Sewer Service must be designed to service the proposed development sites in accordance with the Snyderville Basin Water Reclamation District's requirements. The applicant will be responsible to determine this with Snyderville Basin Water Reclamation District prior to plat recordation.
22. Proposed roads with utilities that are not private driveways are required to be 20' wide and are shown as such on the plat.
23. Public trails are shown on Exhibit A with a 15' public recreational trail easement.
24. The proposed lots range in size from three (3) acres within the Estate District and from .17 acres (8,712 square feet) to 0.198 acres (20,909 square feet) within the HR-1 District.
25. The applicant owns several other adjoining properties within the Historic Residential Low-Density (HRL) District. Two of these contiguous properties are lots 1 and 2 of the Ridge Avenue Subdivision.
26. The Estate District lot (Lot 1) is within the Sensitive Lands Overlay (SLO) and is subject to the regulations of LMC 15-2.21.
27. The proposed location of the house on proposed Lot 1 is on Steep Slopes (15% - 40%) and not on Very Slopes (greater than 40%), and is thus not subject to review under LMC 15-2.21-2(A) and (C).
28. The application for the Alice Claim subdivision was deemed "complete" by the Planning Department on May 23, 2005.
29. Between 2006 and 2009, the Planning Commission conducted three work sessions to discuss the project and visited the property during two site visits.
30. On October 8, 2014 the Planning Commission conducted a site visit and work session to discuss the history and 2009 site plan proposed for this project.
31. The Applicant submitted revised site plan, plat and all required submittals for the subdivision and plat amendment on January 23, 2015.
32. The Applicant submitted further revisions to the plat to address the City's concerns on March 16, 2015.

<u>Conclusions of Law:</u>

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

<u>Conditions of Approval:</u>

2. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
3. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council. If the plat is not recorded within this time period, it shall be null and void and any resubmittal shall be a new application which is subject to all review requirements, zoning restrictions and subdivision regulations at the time of the submittal.
4. Recordation of this plat and completion and approval of final Historic District Design Review (HDDR) and Steep Slope CUP, if required, applications are required prior to building permit issuance for any construction of buildings or retaining walls within this subdivision.
5. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final mylar prior to recordation.
6. Snow storage of roads and private drives must be addressed and approved by the City Engineer throughout the development prior to plat recordation. Snow storage sites cannot discharge immediately into the stream.
7. Sewer lateral design and service will need to meet Snyderville Basin's requirements and receive written approval by SBWRD before the proposed plat can be signed by SBWRD. If the sewer lateral design requires a substantial change to the layout of this subdivision plat, this approval shall be null and void and a new application shall need to be submitted with any amendments.
8. The submitted water model will need to be redone to meet acceptable water pressure flows and receive written approval from the Water, Building, Engineering and Fire Departments in order for the subdivision to meet water requirements prior to plat recordation. If the water system requires a substantial change to the layout of this subdivision plat, this approval shall be null and void and a new application shall need to be submitted with any amendments.
9. The Applicant has proposed a bridge over the City's property to Lot 7. The proposed drive and bridge shall be engineered to meet City Drive Standards and UDOT Bridge Standards prior to plat recordation.
10. There shall not be any further subdivision of any additional lots in this subdivision. A plat note shall reflect this condition.
11. No building permits shall be issued until the culvert is fully installed.
12. This development is located upstream of the FEMA Flood Plain Studies. Lots 1, 5, 6, 8, and 9 at a minimum appear to be in the streams flood plain. A study shall be completed extending the FEMA Flood Plains through this development prior to plat recordation. Any lots located in a FEMA Zone A will require an Elevation Certificate showing the lowest occupied floor is at or above base flood elevation prior to building permit approval.
13. A Stream Alteration Permit from the State will be required for the culvert along with the Flood Plain Study to identify the culverts upstream and downstream impacts

prior to plat recordation. The Stream Alteration Permit and Flood Plain Study must be completed and approved prior to Planning and Engineering approval.

14. A Debris Flow Study must be completed for the stream to determine if a debris basin is required.
15. All homes within this subdivision shall be limited to the LMC required footprint maximums or 2,500 sf, whichever is lower. Lot 8 as proposed shall be limited to a footprint of 2,442.3 sf and Lot 9 as proposed shall be limited to a footprint of 2,355.5 sf. and building pads shall be as shown in Exhibit A. Limits of disturbance as shown on Exhibit A shall remain in place and no changes shall be made. All other property shall be restricted as open space and/or protected by 3rd party conservation easement.
16. All homes within this subdivision shall be limited to a building height maximum of 25 feet from existing grade and all other building height exceptions found within the LMC continue to apply.
17. The maximum total floor area of all homes within this subdivision shall be limited to 5,000 sf including basement and garages.
18. The utility plan will need to be revised to show how each of the main and dry utilities will be able to be placed within the drives with required separations and approved by the City Engineer prior to plat recordation.
19. Any roads over 10% grade will not be eligible to be converted to public ROWs in the future.
20. Drives must provide 20 feet wide of clear space to meet Fire Code. If parking impacts this 20 feet wide clear space, it will not be allowed and shall be signed No Parking.
21. Roads less than 26 feet wide shall be marked NO Parking on both sides of the road.
22. The Applicant will need to receive City Council's approval to give them an access over the City's property as the Applicant's drive to Lot 7 will have a crossing bridge which will contain water lines, storm drainage, sewer, etc. This will need to occur prior to plat recordation.
23. Upon review of the Intersection Evaluation the City Engineer determined that the applicant must still provide recommendations for which scenario most satisfies turning movements and minimizes conflicts and implement the recommendations prior to plat recordation.
24. The Applicant will need to receive a final Certificate of Completion for remediated soils from the UDEQ prior to building permit approval, which they do not have at the time of this report.
25. The UDEQ approved Site Management Plan must be submitted to the Building Department prior to building permit approval.
26. The applicant will need to receive CUP approval for the proposed retaining walls prior to plat recordation.
27. Public trails are shown on Exhibit A with a 15' public recreational trail easement.
28. If the site plan is altered due to any utility redesign or retaining wall redesign or other unforeseen issues, this approval shall be null and void and a new application shall need to be submitted with any amendments.

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

publication.

PASSED AND ADOPTED this ___day of _____, 2015

PARK CITY MUNICIPAL CORPORATION

_____
Jack Thomas, MAYOR

ATTEST:

_____
Marci Heil, City Recorder

APPROVED AS TO FORM:

_____
Mark Harrington, City Attorney

EXHIBIT T

Planning Commission Staff Report

Subject: **Alice Claim aka Alice Lode Subdivision & Plat Amendment**
Project #: **PL-08-00371**
Author: **Christy Alexander, AICP, Planner II**
Date: **October 8, 2014**
Type of Item: **Work Session (Administrative – Subdivision & Plat Amendment)**

Summary Recommendations
This is a Work Session item. Staff recommends that the Planning Commission review the project history and provide staff with input and direction regarding any additional information the Commission would like to see before it is placed on the Regular Agenda at a future date.

Topic

Applicant:	King Development Group, LLC ("Applicant" or "King Development")
Location:	Alice Claim south of intersection of King Road and Ridge Avenue
Zoning:	Historic Residential (HR-1) and Estate (E) Districts with Sensitive Lands Overlay (SLO)
Adjacent Land Uses:	Open Space and Residential (developed and undeveloped)

Proposal
The Applicant is proposing that the Planning Commission consider the approval of a nine (9) lot Preliminary and Final subdivision on 8.65 acres and a Plat Amendment on 0.38 acres, located at approximately the intersection King Road and Sampson Avenue within the City's Historic Residential (HR-1) and Estate (E) Districts with Sensitive Lands Overlay (SLO). This will be discussed as a Work Session item only at this time until brought forth on the Regular Agenda at a future date.

Background
On May 23, 2005, the City received a completed Plat Amendment application for the Alice Claim Subdivision (also known as "Alice Lode"). The Alice Claim is located within the Historic Residential (HR-1) and Estate (E) Districts with Sensitive Lands Overlay (SLO) zoned property south of the King Road and Ridge Avenue intersection. The property is comprised of 8.65 acres and includes platted lots and a "metes and bounds" parcel. Contiguous to this site are Historic Residential Low (HRL) zoned lots under the same ownership. Two (2) of these contiguous properties are Lots 1 and 2 of the Ridge Avenue Subdivision. Lot 1 is improved with a contemporary house, Lot 2 is vacant. The rest of the contiguous Lots are within the Park City Survey (Lots 1-7 and 36-40, Block 77) and are partially encumbered by existing King Road and Sampson Avenue;

thus rendering portions of them undevelopable as they exist currently. The Applicant is requesting the Planning Commission consider the proposed subdivision for the nine (9) proposed lots and a plat amendment for the existing encumbered Lots 1-7 and 36-40, Block 77 in order to provide an easement for King Road and Sampson Avenue.

This area, historically known as Woodside Gulch, has some mining history and served as an early access to the Silver King Mine further up the gulch. The City owns an adjacent parcel of land where a City-owned potable water tank and water lines are located. The City-owned parcel includes a 30 foot wide strip of land extending from the water tank site to the existing Ridge Avenue Subdivision bisecting the Applicant's proposed subdivision property. The City-owned strip of property contains a raw water pipeline and a potable water transmission line which extends from the water tank to the Ridge Avenue Subdivision. The raw water line and the potable water line continue through the Ridge Avenue Subdivision to King Road within an existing driveway and a public utility easement. A second existing potable water transmission line, which is scheduled to be abandoned upon completion of the new potable water line on City-owned property, extends through the subject property. Additionally, access to the existing water tank and pump station is via an existing unpaved access roadway across the subject property. The access is provided by a recorded grant of easement (see Subdivision Layout within Exhibit A).

Brief Subdivision Timeline:

- May 23, 2005 - Complete Application for the Plat Amendment received.
- July 27, 2005 - Planning Commission work session and introduction of project.
- January 11, 2006 - Planning Commission work session on revised site plan reflecting comments from July 2005 Planning Commission work session.
- October 25, 2006 - Planning Commission public hearing on further revised site plans. Applicant requested the hearing to be continued to a date uncertain.
- August 27, 2008 - Planning Commission site visit and work session on specific site issues and the voluntary remediation of the regulated soils on the site.
- October 22, 2008 - Binder of revised proposals received from Applicant. Access is proposed from platted Sampson Avenue to the property. Binders provided to each Planning Commission member.
- November 12, 2008 - Planning Commission work session discussion scheduled. Prior to the meeting Applicant requested the discussion be continued.
- January 28, 2009 - Planning Commission site visit, work session meeting and regular meeting with a public hearing with a revised site plan. It is this site plan that the Applicant would like the Commission to review (see Exhibit A). The item was continued to the February 25, 2009 meeting and asked to be scheduled for a full hour work session.
- February 25, 2009 – Planning Commission public hearing, no public comment was made and the item was continued to a date uncertain.
- March 11, 2009 – Planning Commission work session, Commissioners review Plan A, Plan B, and Plan C. They note a preference for Plan B – the plan illustrating clustering of housing low in the valley.

- December 17, 2010 – Applicant submitted a new binder containing Preliminary Plat documents to Planning Director Thomas Eddington with a similar design as the plan presented at the January 28, 2009 Planning Commission work session. Submittal includes the original Site Plan C, but not Site Plan B – the one presented at the March 11, 2010 Planning Commission work session meeting and generally favored by the Planning Commissioners. Follow up by Planning Director Eddington to determine when receipt of Site Plan B option will be received.
- February 9, 2011 – Planning Commission meeting to discuss whether to appoint a subcommittee regarding project at the request of Applicant. Planning Commission decides not to appoint a subcommittee.
- November 20, 2012 - Application is closed due to inactivity by the Applicant.
- November 30, 2012 - An appeal of the closing of the file for the Alice Claim Subdivision is filed by the Applicant's attorney.
- January 2, 2013 - Planning Director, Thomas Eddington rescinds the closing of the file with the provision that the Applicant specify which site plan they wanted to move forward with (the last submitted plan or a revised plan per discussions) and agree to proceed before the Planning Commission by March 13, 2013. The Applicant decided to proceed with the last submitted plan and both parties mutually agreed to proceed before the Planning Commission by March 13, 2013.
- February 14, 2013 – Planning Director Eddington, City Attorney Harrington, and Applicant, through its attorney Joe Tesch, mutually agree to continue the March 13, 2013 meeting with the Planning Commission and to meet on February 26, 2013.
- February 26, 2013 – Representatives of Applicant and City Planning and Legal Departments meet to resolve outstanding issues.
- June 23, 2014 – Representatives of Applicant and City Planning and Legal Departments meet. Applicant through one of the Applicant's attorneys (Brad Cahoon) emailed Thomas Eddington the same day with their desire to proceed with their January 2009 nine (9) home subdivision plan. After several emails, a Planning Commission Work Session date was agreed upon of October 8, 2014.

The Applicant has previously performed soil remediation under the Utah Voluntary Clean-Up Program (VCP) on mine-waste contaminated soils in both the Applicant's property and on the adjoining City property. No report on clean-up activities has been submitted to Park City Municipal. The VCP is still active and the site has not been given a completion letter from the UDEQ. A brief timeline of events related to the Alice Claim property VCP:

- April 1, 2003 – Owner submits field sampling plan for targeted "Brownfields" assessment.
- September 1, 2003 – Grant Submittal for Brownfields Clean-up Grant by Park City Municipal Corporation.
- September 23, 2003 – Memo from Environmental Coordinator Jeff Schoenbacher to Planning Director Patrick Putt, Planner Ray Millner, Chief

Building Official Ron Ivie, and City Engineer Eric Dehaan conveying the results of the Brownfields Assessment Phase II Report.

- February 10, 2004 – final Phase II Environmental Site Assessment (ESA) (by URS operating Services).
- July 7, 2005 – Original VCP Application (King Development Group)
- July 13, 2005 – Initial ESA by King Development (submitted with the VCP Application).
- July 14, 2005 – King Development request to be included in Soils Ordinance Boundary which was not accepted, property was entered into the VCP instead.
- September 9, 2005 – Sampling Analytical Plan and Quality Assurance Project Plan for Additional Site Characterization.
- March 31, 2006 – Sampling and Analysis Report.
- August 3, 2006 – Mitigation Work Plan Accepted by DEQ
- April 28, 2008 – Letter to DEQ from King Development authorizing PCMC to be included in VCP.
- July 18, 2008 – Acceptance of Park City as co-Applicant into VCP.
- October 16, 2013 – Park City provides UDEQ final legal description for the City owned property to be withdrawn from the VCP.

By the City signing on as a co-Applicant to the VCP, King Development remediated the soils of the City owned property, in exchange the City was able to assist in making disposal arrangements for the contaminated soil to be deposited in Richardson's Flats instead of to Tooele. Being able to take the contaminated soil to Richardson Flats instead of Clean Harbors Grassy Mountain Landfill (located in Tooele County) reduced the cost for each truck load of soil. Additionally, with the City as a co-applicant, the remediation work was able to use the City's access easement to the property. Chief Building Official Ron Ivie correctly estimated that Richardson Flats would soon be closed to third party access, and worked with the applicant to finalize the VCP with City property. CBO Ivie and Planning Director Pat Putt provided the applicant feedback regarding progress on the site planning, but at no time agreed to "approve" or otherwise support the draft site plan accompanying the City's application to join the VCP. CBO Ivie indicated the Building Department would support retaining the access in its current location as a private drive to minimize site disturbance that would accompany re-grading the site if a public right of way at City standards was required (14% v 10% grade). However, Ivie clarified that he did take any such position on the upper, west spur proposed off the main road and all grading and work permits under the VCP were issued by the state, not the City Building Department. The Planning Commission attempted to get the applicant to cease work in this area after the August 27, 2008 site visit but CBO Ivie clarified the Planning Commission had no such authority.

The Applicant confirmed that they wish to proceed with the plan dated January 28, 2009, as depicted in the copies attached hereto as Exhibit A. The Applicant has provided Staff with several binders of information dating from 2006-2010 as well as other documentation dating from 2003-2013. The binders are available at the Planning Department for the public to review. Staff has also provided minutes from the 2005

(Exhibit C), 2006 (Exhibits D & E) 2008 (Exhibits F & G), 2009 (Exhibits H, I, & J), and 2011 (Exhibit K) Planning Commission meetings.

Below is a summary of discussions by the Planning Commission regarding the Alice Claim Subdivision during the January 2009 site visit and work session which was the last discussion the Planning Commission had concerning the project itself. The plan that is currently being proposed is the same as was reviewed in January 2009. Staff recommends the Planning Commissioners read the actual minutes in full. Former Principal Planner, Brooks Robinson (now the Transportation Planner) and the Planning Commission made several comments and observations regarding the proposals which are listed below:

- The lot within the Estate District (Lot 1) is also within the Sensitive Lands Overlay and must meet criteria for steep slopes and wetlands. The Applicant would need to provide that analysis for Staff review and report back to the Planning Commission.
- The HR-1 is not within the Sensitive Lands Overlay district, but some of the criteria are applicable within the subdivision application, particularly the restrictions due to the character of the land. The Planning Commission may find some land unsuitable for a subdivision or development unless the impacts could be mitigated and the Applicant can demonstrate that the listed hazards would not carry forward into the future for residents or neighbors of this development.
- Within the general subdivision requirements of the LMC, there is an element on clustering and open space. The language states that units must be clustered within the most developable and least visually sensitive portions of the site. This applies to multi-family and single-family projects.
- The Applicant's representative (Jerry Fiat) commented that the new design moved the structures down the slope as much as possible and clustered them further south to preserve the evergreen trees, and that it would be necessary to remove only three (3) of the large evergreen trees.
- The Applicant's representative noted that 27% of the Estate Zone is designated as open space. The remaining land would be the three (3) acre Estate zoned lot. In the HR-1 zone, 22% of that site would be designated as open space.
- The design shows how it would allow the individual homes to step up the slope and still stay within/under the twenty-seven foot (27') height requirement. It was brought up that the stepping increases the building footprint but it would help to limit the apparent height and mass. The Applicant indicated that stepping the foundation will help minimize the amount of excavation, and that because the site is large, most of the excavated material can be left on site.
- It was indicated that the grading plan noted that the actual building footprint was 6% of the total site. The Applicant's representative indicated that approximately 3-5% of the site would be disturbed beyond what was disturbed during remediation. It was reiterated that a cut into the toe of the hill is required for the access into the project. A retaining wall would be required at a height over 20 feet tall, and the Applicant proposed "heavy landscaping" at the entrance to soften the look of the wall.

- The Applicant demonstrated how the Alice Claim project could merge with the Ridge Avenue project. The Alice Claim project has been designed to allow a possible loop between the two (2) projects if the City finds this desirable.
- A question was asked regarding the use prohibition of development on identified ridgelines. Since then the ridgelines have been re-assessed and this development will not occur on any identified ridgelines.
- It was noted that the previous General Plan, page 148, states: "encourage future hillside development that is clustered at the base of the hills and off of ridgelines, compatible with the Historic District."
- It was reiterated that the entrance road could not utilize the existing easement from the owner of 135 King Road and the entrance would come off the public right-of-way with a new access drive and retaining wall. That proposed access has not changed with the current submission package.
- It was mentioned that the Planning Commission had discussed location and reconfiguration of the proposed lots, but they had not talked about lot sizes and how they compare with the historic district. They have also not addressed the square footage that would be associated with the proposed lot sizes. It was mentioned that the Applicant should consider reducing the footprint to be more compatible with the historic district.
- The Planning Commission commented that, regardless of existing development in either zone, the purpose statement for both zones says to build to the toe of the hill and historically compatible structures, which are traditionally smaller tightly compact houses. The Planning Commission commented that they were disappointed with a development that was not consistent with "Old Town." It was noted that both the General Plan and the LMC give the direction to stay off the ridgelines and build at the bottom of the hill.
- All Commissioners commented that they were not supportive of having the homes further (Lots 1 through 4) up towards the ridge, and would like to see the homes clustered toward the middle of the canyon rather than "pushed to the sides."
- It was also noted that the during the Conditional Use Permit process, the Planning Commission would have the opportunity to restrict or reduce height.
- The Applicant noted that most of the homes in Old Town are very vertical with a lot of stairways and bedrooms are separated on different levels. The Applicant believes this site provides the opportunity to create more horizontal living and concurred with the idea of keeping the ridgelines low and he supported and agreed with a lower roof height. The Applicant asked the Planning Commission to consider the idea of more horizontal living as a way to create a more comfortable home.
- The Applicant pointed out that the Historic District Design Guidelines discourage garages off the front of houses and encourage side-entry garages. The Applicant noted that a side garage is not possible on a 25 foot lot and if the lots are narrowed, the only choice would be to put the garage in front.
- The Applicant stated that the placement of proposed Lots 6 and 7 as shown on the plan resulted from a conversation with former Planning Director, Patrick Putt, who indicated that it was not a significant ridge. The Applicant remarked that a

rendering showing a cross-canyon view of the homes on all the ridges could be provided (the cross section is provided within Exhibit B).

- The Planning Commission suggested that the Applicant provide an overlay of the old plan and a new plan showing revised Lots 6 and 7 and noted that a cross section through that area perpendicular to the ridgeline would be helpful. The Planning Commission commented that they appreciated the Applicant's desire to make the homes more horizontal, but that they did not believe it was consistent with the purpose statement of the zoning in that area.

Analysis

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

<u>The purpose of the Historic Residential HR-l District is to:</u>
(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.

<u>The purpose of the Estate (E) District is to:</u>
(A) Allow very low density, environmentally sensitive residential Development which:
(1) Preserves ridge tops, meadows, and visible hillsides,
(2) Preserves large, cohesive, unbroken Areas of Open Space and undeveloped land,
(3) Preserves and incorporates wetlands, drainage ways, and intermittent streams as amenities of Development,
(4) Mitigates geologic and flood hazards,
(5) Protects views along the City's entry corridors, and
(6) Decreases fire risk by keeping Development out of sensitive wild land interface Areas.
(B) Incorporate pedestrian trail linkages between and through neighborhoods; and
(C) Encourage comprehensive, efficient, Compatible Development which results in distinct and cohesive neighborhoods through application of the Sensitive Lands Ordinance.

The proposed subdivision creates a nine (9) lot subdivision on 8.65 acres. One lot is within the Estate (E) District and is three (3) acres in size. The other eight (8) lots are within the Historic Residential (HR-1) District and range in size from 0.20 acres (8,712

square feet) to 0.48 acres (20,909 square feet). Because there are less than ten (10) lots being proposed, the Master Planned Development criteria don't apply.

The current plan will also include a plat amendment that will eliminate other contiguous platted lots encumbered by the existing King Road and Sampson Avenue. If approved, the existing lot lines will be removed and the property will be included in the open space for the Alice Claim Subdivision and/or as an easement for those public streets.

Estate Lot

The Estate District lot (Lot 1) is within the Sensitive Lands Overlay (SLO) and is thus subject to the regulations of LMC 15-2.21. The lot has Steep Slopes (15%-40%), Very Steep Slopes (greater than 40%) and a Stream Corridor. A Slope Analysis map was provided by the Applicant (See Exhibit B: Sensitive Lands Analysis) showing the various slope categories. The following steps need to be completed:

LMC 15-2.21-2(A) **SENSITIVE LANDS ANALYSIS**. Applicants for Development within the SLO must identify the Property's sensitive environmental and aesthetic Areas such as Steep Slopes, Ridge Line Areas, wetlands, Stream Corridors, wildland interface, and wildlife habitat Areas, and provide at time of Application a Sensitive Land Analysis. Every annexation must provide a Sensitive Land Analysis.

LMC 15-2.21-2(C) **SITE DEVELOPMENT SUITABILITY DETERMINATION**. Staff shall review the Sensitive Land Analysis, apply the applicable Sensitive Land Overlay (SLO) Regulations, Sections 15-2.21-4 through 15-2.1-9, and shall prepare a report to the Applicant and the Planning Commission identifying those Areas suitable for Development as Developable Land.

The proposed location of the house on Lot 1 is on Steep (15% - 40%) and Very Slopes (greater than 40%). Within the SLO, 100% of the Very Steep Slopes shall remain as Open Space (LMC 15-2.21-4(I), no vegetation can be disturbed within fifty (50) vertical feet in elevation of Very Steep Slopes, and no Development can occur within fifty (50) feet, map distance, of Very Steep Slopes unless the Planning Commission makes findings as listed in LMC 15-2.21-4(A):

The Planning Commission may vary the Setback from Very Steep Slopes if the Planning Commission can make all of the following findings during the suitability review:

1. Varying the Setback does not create an intrusion of Buildings into the Ridge Line Area when viewed from Land Management Code designated Vantage Points (15-2-2.1(A)(4) or other Vantage Points designated by the Planning staff or Commission (15-2.21-3(B);
2. Building Areas in the Setback do not create excessive cut or fill Slopes; minimal retaining walls to limit disturbance and meet Grade may be required by the Planning Commission subject to sections 15-2.21-4(B), (C), and (E);

3. Limits of Disturbance around any Structure within the Setback shall be limited to the minimal Area necessary to excavate and backfill the foundation. Decks and patios in the Area of the Very Steep Slope Setback, may not extend more than fifteen feet (15') beyond the foundation walls or the minimal excavation or backfill Area, whichever is greater;
4. No additional erosion, land subsidence, or avalanche hazard is created;
5. The Site plan results in an improved organization of units through vegetation avoidance, minimization of changes to the viewshed from public Areas, and reduction of Site disturbance;
6. The reduction in Setback results in a reduction in overall project Density as established by the Planning Staff's Site suitability determination; and
7. In no case shall additional disturbance be allowed beyond the maximum Area determined in the Site Development suitability determination, see Section 15-2.21-2(C).

The stream corridor is also protected within the Sensitive Lands Overlay as provided in the LMC:

LMC 15-2.21-6(C) “No person shall disturb, remove, fill, dredge, clear, destroy or alter any Area, including vegetation, surface disturbance within wetlands and Stream Corridors and their respective Setbacks, except as may be expressly allowed herein.”

The setbacks required per LMC 15-2.21-6(F) for stream corridors are a minimum of fifty feet (50') outward from the Ordinary High Water Mark. There is no exception to this 50’ setback in the LMC other than Hardship Relief under LMC 15-2.21-2(D).

The proposed subdivision creates a driveway for lot 1 and lot 7 within the fifty foot (50’) setback area from the stream corridor within the Estate zone with Sensitive Lands Overlay. Any change to the stream will require a Stream Alteration Permit from the Army Corp of Engineers (regardless if it is navigable water) and may require an amendment to the Voluntary Clean-up Program remediation with the Utah Department of Environmental Quality.

Historic Residential Zone
The zoning for the subdivision is HR-1 subject to the following criteria:

Regulation	Permitted	Proposed
Height	27’	Maximum height is twenty seven feet (27’) and no home can exceed this requirement
	Footprint based on lot area based on LMC	Proposed maximum gross floor area of each home is 5,000 square feet. Proposed maximum footprint area (square feet)

Lot sizes: Lot 1: 3.0 acres Lot 2: 0.48 acres Lot 3: 0.44 acres Lot 4: 0.34 acres Lot 5: 0.20 acres Lot 6: 0.21 acres Lot 7: 0.31 acres Lot 8: 0.25 acres Lot 9: 0.26 acres	requirements at time of application. Lot 1 (Estate): No restriction except as applied during subdivision. Lot 2: 3228.8 Lot 3: 3264.2 Lot 4: 3221.8 Lot 5: 2669.8 Lot 6: 2735.5 Lot 7: 3161.4 Lot 8: 2952.8 Lot 9: 2996.7	by the Applicant: Lot 1 (Estate): 2540 Lot 2: 2760 Lot 3: 3000 Lot 4: 3000 Lot 5: 2270 Lot 6: 2740 Lot 7: 2400 Lot 8: 2270 Lot 9: 2060
Front setback	Depends on lot depth; ranging from a minimum 10' to 15'	
Rear setback	Depends on lot depth; ranging from a minimum 10' to 15'	
Side setbacks	Depends on lot width; ranging from a minimum 3' to 10' and 6' to 30' total	
Parking	Two (2) spaces required for each house	

Based on the analysis above, the average lot size (excluding the Estate Lot) is 0.31 acres (13,501 square feet); the average proposed footprint is 3,029 square feet. Based on previous analysis for other nearby developments, the proposed lot size and footprints would far exceed the vast majority of those within the nearby developed areas (King Road, Sampson Avenue and Ridge Avenue). For example the average lots size on nearby Sampson Avenue is 0.13 acres and the average footprint is 1,314 square feet. In addition, the proposed maximum footprint for Lot 6 exceeds what is permitted by the Land Management Code.

Access

Currently, legal access to the property is proposed to be gained through the platted but un-built King Road right-of-way. This access point is approximately 50 feet west (off-set) of the King Road – Ridge Avenue intersection where King Road turns north. Ideally, the primary access would be through the existing Woodside Gulch right-of-way, thus avoiding the need to build a new road, although legal access has not been secured over the private property at 135 Ridge Avenue. The Applicant estimates that the King Road right-of-way access (north access) would create a driveway gradient of 14% versus 14.2% for the Woodside Gulch road. The proposed northern access would also require

retaining walls (upwards of 20 feet in height) on the western side as the road would cut into the toe of the slope. Without access over the private property at 135 Ridge Avenue, the Applicant's only access is using the platted King Road right-of-way. Based on Staff's initial research, the Code in place at time of initial application, would require a Conditional Use Permit from the Planning Commission concurrently with Subdivision approval for any retaining walls over 6 feet in height. This is subject to further Staff research into the viable code requirements at time of application in 2005.

The proposed access to the Alice Claim Subdivision is at a point, although offset, where essentially three roadways meet, King Road, Sampson Avenue, and Ridge Avenue.

The Applicant is proposing to use "platted" King Road, which does not match where the road known as "Woodside Gulch driveway" is actually built. The proposed roadway is off-set from the King Road/Ridge Avenue intersection by about fifty (50) feet. Offset intersections are not ideal for traffic stacking and turning, and additional analysis by the City Engineer is necessary to determine if the proposed roadway would violate any City street standards. The City Engineer would require the developer, once a layout is developed, to have a traffic engineer evaluate the intersection layout to determine critical failures. Minor issues with the intersection will need to be mitigated by the developer. According to the City Engineer, the traffic report that was issued in 2006 for this area addresses volume only and does not address the uniqueness of the proposed intersection. There will need to be more analysis done to evaluate the proposed intersection, poor site triangle, and recommend adjustments/mitigations to King Road, Ridge Avenue, or the main Alice Court entrance drive.

The Applicant does not propose to dedicate streets within the proposed development to the City but will complete the proposed Alice Court to meet City Standards. If the Applicant decides to dedicate the streets at a later date, all of the streets will need to meet City Standards, including right-of-way widths, minimum street widths, cul-de-sac standards, stubbed street standards, etc. Again, additional analysis by the City Engineer will be necessary to determine if the streets, as proposed, will meet the adopted City Standards. The developer will need to submit a plan showing how they will meet City Standards, if intended to be. All of the roads within the proposed subdivision are proposed to be private drives at this time. Private drives shall not exceed 14% gradients and the Applicant will need to show the drives meeting this requirement. If 14% gradients are not met by the Applicant and they propose anything higher than 14%, they must first receive a variance to the gradient requirement from the Board of Adjustment before requesting subdivision approval from the Planning Commission.

Emergency access has been a continual concern with the Building and Fire Departments. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3 of the 2012 International Fire Code (IFC). The Fire Code Official is authorized to make exceptions to these codes as noted and will make a determination based on an updated preliminary plat submittal from the Applicant.

The recent review comments from the Assistant Fire Chief are that:

- The road/driveway from King Road to Alice Court to lots 2-3-4 will need to be a minimum of 20-feet clear width as required by the IFC, along with the turn-around / hammer head as shown on the marked up drawing.
- Lots 1 and 7, Private Road ROW, is acceptable as a driveway, however, if any additional lots are added or developed, then this driveways will then need to be upgraded to meet the requirements of 20-feet wide for the fire department access road, based on the road now serving more than two structures.
- Also, even though it is not required, the Assistant Fire Chief strongly encourages the Applicant to provide turn-outs and turn-around for lots 1 and 7 were the length of the driveway are in excess of 200 feet.

The recent review comments from the Chief Building Official are that:

- The road to homes 1 and 7 shall be 20 ft. wide and there must be an area at the end of the road past the hammerhead that is a snow storage area so they do not fill the hammerhead with piles of snow. This shall be signed as a snow storage area with a 10 ft. sign at end of hammer head.
- The drive to home 7 will be considered a private driveway to a single family residence.
- The roads shall be able to support an imposed load of a fire apparatus weighing 75,000 pounds.
- The grade of the roads and drives may exceed 10% and shall not go over 14% for only 100 ft. The International Fire Code states max grade is 10% per appendix D for access road per section 503.2.7 IFC.
- Roads less than 26 ft. wide shall be marked NO Parking on both sides of the road. With Parking there shall be at least 20 ft. minimum of driveway width from the parked cars to the other side of the road.
- The plan does not show any traffic calming devices or gates. These must be approved by the Fire Code Official and Fire Chief. Under Code traffic calming is prohibited.
- Cannot tell where Fire Hydrants are located, These Hydrants must be approved by the Fire Code Official. Map provided with Hydrant location which there shall be 5 hydrants so that no point shall the hydrant be farther than 600 ft. from the farthest home per section 507.5.1 of the 2012 IFC

Slope

According to the Slope Analysis provided by the Applicant (Exhibit B: Sensitive Lands Analysis), 2.7% of the land located in the HR-1 zone is under 15% slope, 21.7% is 15-40% slope (defined as a Steep Slope), and 75.6% is over 40% slope (defined as a Very Steep Slope). These lots are not located in the SLO, however the following Subdivision regulations (LMC 15-7.3-1(D)) should be discussed by the Planning Commission:

"Restrictions Due to Character of the Land: Land which the Planning Commission finds to be unsuitable for Subdivision or Development due to flooding, improper drainage, Steep Slopes, rock formations, mine hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, geologic hazards, utility easements,

or other features, including ridgelines, which will be reasonably harmful to the safety, health and general welfare of the present or future inhabitants of the Subdivision and/or its surrounding Areas, shall not be subdivided or developed unless adequate methods are formulated by the Developer and approved by the Planning Commission, upon recommendation of a qualified engineer, to solve the problems created by unsuitable land conditions. The burden of the proof shall lie with the Developer. Such land shall be set aside or reserved for Uses as shall not involve such a danger."

The proposed building pad areas on proposed Lots1-4 and 6-8 are all on Very Steep Slopes. Only the proposed building pad area on Lots 5 and 9 are on slopes less than 30%. Currently the Applicant has not provided information regarding the mitigation of potential hazards due to the Steep and Very Steep Slopes**.** Staff has concerns on developments over 40% slopes and will research further to find whether there is a provision allowing Planning Commission to review Steep Slope CUPs concurrent with subdivision review.

Clustering
The General Subdivision Requirements (LMC 15-7.3-2(E)) Open Space reads:

"Units should be clustered in the most developable and least visually sensitive portions of the Site with common open space corridors separating clusters. This applies to both multi-family and single family projects. The open space corridors should be designed to coincide with Significant Vegetation and in many cases, should be left in the natural state."

The Applicant has provided an existing vegetation plan with the larger conifers to remain or be removed (Exhibit B: Vegetation Cover). Outside of the stream channel and the disturbance from previous mining activities and the recent remediation, most of the rest of the site has stands of oak, maple and aspen in addition to areas of smaller shrubs and grasses. The Applicant has provided a Visual Analysis Study (Exhibit B). No changes have been proposed in response to the Planning Commission's prior feedback that the most developable portion of the site is at the bottom of the canyon where utilities, emergency vehicle access, and the least amount of disturbance of the land is best achieved. The Applicant proposes that the homes will be no more than two (2) stories and up to 5,000 sq. ft. (gross floor area) in size.

Water Delivery Issue
Staff was informed by the Park City Water Department, that much of the Alice Claim property proposed for development may not be serviceable by the current City water system. The low water pressure is due to the small elevation difference between the proposed development's elevation and the Woodside Tank's elevation. It is up to the Applicant to model the water service to the development and if it is insufficient in any way they will need to provide a remedy. The Applicant will need to prepare a water study addressing the limitations of the current water system on the proposed development (including factors such as the ability to meet: acceptable water system pressures and fire flow requirements to each home site (indoor and outdoor pressures

are not adequate), the Fire Marshal's site specific requirements, and Division of Drinking Water regulations). Proposed Lots 1-4 and 7-8 as shown on the 2009 Plan are likely the lots most affected. The Applicant should confirm the elevation of each of the proposed building sites to determine the affected sites and either redesign the project accordingly, or work with the Water Department to determine the best solution. At the time of this report, the Water Department has not received confirmation that the Applicant has demonstrated that these requirements can be met.

Good Cause
Planning Staff is still determining if there is good cause for this subdivision. There may be future fiscal and or geographical visual impacts to the City as a result of this application with respect to additional site stabilization, proposed retaining walls, and other unforeseen issues related to development within steep slope areas.

Department Review
Due to the length of time since the previous Development Review, Staff took the project back before the Development Review Committee on September 9, 2014. Engineering expressed concern with the above 14% private drive gradients, site access, and height of retaining walls, Building expressed concern with the emergency access and turn-arounds on steep slopes, and Water expressed concern with ability to service due to lack of water pressure.

Notice
The property was courtesy posted but no notice was mailed to property owners within 300 feet due to this item being a Work Session only. Legal notice will be published in the Park Record when it comes back before the Planning Commission on the Regular Agenda.

Process
This application is for a major subdivision as defined in 15-7.1-3(A) (2). A major subdivision requires a Preliminary Plat and a Final Plat although the Planning Commission may, at its sole discretion, combine the required hearings for both preliminary and final Subdivision Plat approval. The approval of this subdivision application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. The applicant may request this item be placed on the next appropriate regular Planning Commission agenda.

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

Significant Impacts
There are no immediate significant fiscal impacts to the City from this application. If construction on the site were permitted, it will require a detailed Construction Mitigation

Plan (CMP) to protect existing development located near the proposed subdivision. Site stabilization might also be an important consideration depending upon the amounts of vegetation proposed to be removed as a result of the proposed development. A draft geotechnical report has been previously submitted and reviewed. Six of the lots in the HR-1 zone will require a Steep Slope Conditional Use Permits. Each home, including the home within the "Estate" zoning designation, will require a Historic District Design Review prior to home design and construction.

Recommendation

This is a Work Session item. Staff recommends that the Planning Commission review the project history and provide staff with input and direction regarding any additional information the Commission would like to see before it is placed on the Regular Agenda at a future date.

Exhibits

Exhibit A – January 28, 2009 Site Plan
Exhibit B – January 2010 proposed plat and various attachments
Exhibit C – Minutes from July 27, 2005 Planning Commission Work Session
Exhibit D – Minutes from January 11, 2006 Planning Commission Work Session
Exhibit E – Minutes from October 25, 2006 Planning Commission Meeting
Exhibit F – Minutes from August 27, 2008 Planning Commission Work Session
Exhibit G – Minutes from November 12, 2008 Planning Commission Work Session
Exhibit H – Minutes from January 28, 2009 Planning Commission Work Session and Regular Meeting
Exhibit I – Minutes from January 28, 2009 Planning Commission Meeting
Exhibit J – Minutes from February 25, 2009 Planning Commission Meeting
Exhibit K – Minutes from March 11, 2009 Planning Commission Work Session
Exhibit L – Minutes from February 9, 2011 Planning Commission Meeting

Planning Commission
Staff Report

PARK CITY 1884
PLANNING DEPARTMENT

Subject: **Alice Claim - Conditional Use Permit for Retaining Walls up to 10' in Height**
Project Number: **PL-15-02669**
Author: **Christy Alexander, AICP, Planner II**
Date: **June 10, 2015**
Type of Item: **Administrative – Conditional Use Permit**

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing, review the proposed CUP for 3 retaining walls up to 10' in height associated with the proposed Alice Claim Subdivision and Plat Amendment, and consider approving the CUP according to the findings of fact, conclusions of law, and conditions of approval outlined in this report.

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

Description

Applicant:	King Development Group, LLC ("Applicant" or "King Development")
Location:	Alice Claim south of intersection of King Road, Ridge Avenue and Sampson Avenue
Zoning:	Historic Residential (HR-1) and Estate (E) Districts with Sensitive Lands Overlay (SLO)
Adjacent Land Uses:	Open Space and Residential (developed and undeveloped)
Reason for Review:	Conditional Use Permits require Planning Commission review and approval

Proposal

The Applicant is requesting approval of a Conditional Use Permit (CUP) for retaining walls up to 10' in height to stabilize cut and fill slopes for roadway and house construction. The walls are proposed to be real blonde sandstone veneer. The wall at the entry of the proposed Alice Claim Subdivision will be the most visible to surrounding neighborhoods but will be screened with landscaping that is proposed to soften the visual impacts of the stone walls.

Background

On May 23, 2005, the City received a completed Plat Amendment application for the Alice Claim Subdivision (also known as "Alice Lode"). The Alice Claim is located within the Historic Residential (HR-1) and Estate (E) Districts with Sensitive Lands Overlay (SLO) zoned property south of the King Road, Sampson Avenue, Woodside Gulch and

Ridge Avenue intersection. The property is comprised of 8.65 acres and includes platted lots and a metes and bounds parcel. Contiguous to this site are Historic Residential Low (HRL) zoned lots under the same ownership. The rest of the contiguous Lots are within the Park City Survey (Lots 1-7 and 36-40, Block 77) and are partially encumbered by existing King Road and Sampson Avenue; thus rendering portions of them undevelopable.

The subdivision and plat amendment application are being considered concurrently with this Conditional Use Permit application which was submitted on January 23, 2015 and deemed complete on January 23, 2015.

This area, historically known as Woodside Gulch, has some mining history and served as an early access to the Silver King Mine further up the gulch. Currently, access to the property and City owned water tank is through an existing unpaved access roadway across the subject property. The access for the water tank is provided by a recorded grant of easement (see Subdivision Layout within Exhibit A).

Currently, legal access to the property is proposed to be gained through the platted but un-built King Road right-of-way. This access point is approximately 50 feet west (off-set) of the King Road – Ridge Avenue intersection where King Road turns north. Ideally, the primary access would be through the existing Woodside Gulch right-of-way, thus avoiding the need to build a new road, however this access isn't possible because legal access has not been secured over the private property at 135 Ridge Avenue.

The Applicant states that the King Road right-of-way access (north access) would create a driveway gradient of 14% versus 14.2% for the Woodside Gulch road. The proposed northern access would also require retaining walls (upwards of 20 feet in combined height) on the western side as the road would cut into the toe of the slope would protect the existing mature trees as the Planning Commission in 2010 requested. Without access over the private property at 135 Ridge Avenue, the Applicant's only proposed access is using the platted King Road right-of-way.

At the April 8, 2015 Planning Commission meeting, the Planning Commissioners stated concerns with the long straight lines for the walls and not having an organic flow with proper terracing and landscaping of the walls. They were also concerned with the compatibility of height of the walls compared to the average four foot retaining walls found throughout the historic districts. The Commissioners were also very concerned with the retaining walls going to Lot 7 and creating a bridge over the City property. The applicant took that information into consideration and revised the site plan so as to move Lot 7 closer to the other homes in order to reduce the retaining walls and visual impacts to the community.

The Applicant revised their site plan May 4, 2015 and is now proposing only 3 blonde sandstone veneer retaining wall locations over 6' with walls up to 10' in height at the entrance to Alice Court. (see illustrations in Exhibit B) to stabilize cut and fill slopes for roadway and house construction. All other retaining necessary within the development

will be 6’ in height and under and does not require a CUP. An example of these 6’ terraced walls have been shown in Exhibit C. It is important to note that although the individual walls may only be 6’ each, the visual impact of 5 walls that terrace creates the visual image of a broken up 30’ wall.

Analysis

The Land Management Code (LMC) 15-4-2. Fences and Retaining Walls sets the following standards for process for the construction of retaining walls in excess of 6’ from Final Grade:

(A) Location. Retaining walls may be erected or allowed within the buildable Area, and as allowed in the Setback exceptions in Chapter 2. Retaining walls shall not exceed six feet (6’) in height measured from Final Grade within any require Rear Yard or Side Yard. Within any required Front Yard or Street Side Yard, retaining walls shall not exceed four feet (4’) in height, measure from Final Grade.

(1) Exception. The height of retaining walls in the Front Yard 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 a Conditional Use permit.
The height of retaining walls in the Side or Rear Yards may exceed six feet (6’), measured from Final Grade, as approved as part of a Conditional Use permit.

(D) Permit. A Building Permit is required for construction of any retaining wall greater than six feet (6’) in height. Within any of the Historic zoning districts construction of any retaining wall greater than four feet (4’) in height requires a Building Permit.

The Applicant revised their site plan May 4, 2015 and is now proposing only 3 blonde sandstone veneer retaining wall locations over 6’ with walls up to 10’ in height and terraced with 4’ horizontal distance between each wall at the entrance to Alice Court (see illustrations in Exhibit B) to stabilize cut and fill slopes for roadway construction. All of the proposed 10’ retaining walls will be constructed in the Open Space Parcel B. All other retaining necessary within the development will be 6’ in height and under and does not require a CUP. An example of these 6’ terraced walls have been shown in Exhibit C. It is important to note that although the individual walls may only be 6’ each, the visual impact of 5 walls that terrace creates the visual image of a broken up 30’ wall. The applicant is proposing 6’ walls in 4 different locations. Near Lots 7 and 6 there are four 6’ walls proposed, near Lot 2 there are two 6’ walls proposed, near Lot 3 there are three 6’ walls proposed, and near Lot 4 there are two 6’ walls proposed, all of blonde sandstone veneer. Each wall will be setback 4’ horizontally from each other to provide the proper planting strip and terracing requirements as found in LMC 15

The LMC 15-1-10. Conditional Use Review Process sets the following standards for review of Conditional Use Permits:

There are certain Uses that, because of the 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.

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. 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.

(D) Standards for Review. The City shall not issue a Conditional Use permit unless the Planning Commission concludes that:

(1) the Application complies with all requirements of this LMC;
(2) the Use will be Compatible with surrounding Structures in Use, scale, mass and circulations;
(3) the Use is consistent with the Park City General Plan, as amended; and
(4) the effects of any differences in Use or scale have been mitigated through careful planning.

Staff finds that the application **complies as conditioned** with the four standards above and has been mitigated as detailed below:

(1) the Application complies with all requirements of this LMC; **complies.**
The LMC 15-5-5. Architectural Design Guidelines sets the following standards for prohibited materials within the City:

(B) (6) Synthetic stone products such as simulated stone or brick, cultured stone or brick, pre-cast stone or concrete imbedded with stone fragments.

Complies. The applicant proposes to use a blonde sandstone veneer which is a real stone which is allowed within the City.

The 2009 Design Guidelines for Historic Districts and Historic Sites (which are incorporated into the LMC by reference in LMC 15-11-11) help define compatibility with surrounding structures, etc. This is a separate process and all retaining walls no matter their height will be required to go through the Historic District Design Review process. In order to comply with the HDDR criteria the Applicant will need to comply with the following section within the Historic District Design Guidelines but these criteria aren't tied to the CUP: Specific Guidelines for new construction in Park City's Historic Districts A.4. Site Grading and Steep Slope Issues sets the following guidelines:

A.4.1. Building and site design should respond to natural features. New building should step down/up to follow the existing contours of steep slopes.
A.4.2. The site's natural slope should be respected in a new building design in

order to minimize cuts into hillsides, fill and retaining walls; excavation should generally not exceed one-story in depth.
A.4.3. When retaining walls are necessary, the impact should be minimized by creating gradual steps or tiers, by using perennial plant materials to minimize visual impact, and by using forms and materials found on surrounding Historic Sites.
B.2.5. Materials should be compatible in scale, proportion, texture, finish and color to those used on Historic Sites in the neighborhood.
B.2.6. Materials, especially stone and masonry, should be used in the manner they were used historically.

The LMC 15-1-10. (E) Review. sets forth the review process as follows: 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**;
(2) Traffic considerations including capacity of the existing Streets in the Area; n/a
(3) Utility capacity, including Storm Water run-off;
(4) Emergency vehicle Access; n/a
(5) Location and amount of off-street parking; n/a
(6) Internal vehicular and pedestrian circulation system; n/a
(7) 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**;
(9) Usable open space; n/a
(10) Signs and lighting; n/a
(11) Physical design and compatibility with 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; n/a
(13) Control of delivery and service vehicles, loading and unloading zones, and screening of trash and recycling pickup Areas; n/a
(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.

Staff finds that the proposed application with the recommended conditions of approval mitigates the impacts of:

(1) Size and location of the Site; the applicant has determined the three 10’ walls

must be placed in this location due to the access they are providing. Should the applicant work through the access issues with the adjacent neighbor, less retaining would be needed and that could be a significant factor to mitigating the visual impact to the community. If the applicant were to shorten the height of the walls and further terrace the walls, the visual impact would be the same; however the visual image of the retaining would actually be higher. Staff finds that with 10' retaining walls, 10' trees and shrubs can be planted in the 4' terracing to visually mitigate the image of the walls.
(3) Utility capacity within the roads adjacent to the proposed walls as the Applicant has not properly engineered the roads or retaining walls. The impact of this is that the weight of the walls and/or placement of the utilities near the walls could significantly damage and negatively impact the public utilities and infrastructure. This could reasonably be mitigated with the following condition: City Engineer and SBWRD giving approval of the engineered plans of the walls and utility plan would show there will be no impacts to utilities and infrastructure. However, if any changes to the utilities or infrastructure change the location and heights of the walls, then the Applicant will need to amend this CUP application which will require going through the full process (staff review and Planning Commission Review);
(7) Screening and landscaping to separate the walls from adjoining uses. This creates a negative visual impact upon the historic district and surrounding neighborhoods. This could reasonably be mitigated with the following conditions: adding in 20% more trees than currently shown on Exhibit B and trees with a minimum height of 10 feet;
(8) Building mass, bulk and orientation as the walls are 10' in height which is considered massive, mass and orientation within the Historic District and approximately 2 times the height of the majority of retaining walls within the District which are typically 4' to 6' in height. This creates a negative visual impact upon the historic district and surrounding neighborhoods. This could be mitigated with the following condition: further landscaping the walls as discussed in (7) above and contouring the walls to the landscape;
(11) Physical design and compatibility with surrounding structures as the walls are not compatible in size. This creates a negative visual impact upon the historic district and surrounding neighborhoods. This could be mitigated with the following condition: incorporate additional landscaping with 20% more trees than currently shown and trees with a minimum height of 10 feet;
(15) Environmentally sensitive lands, physical mine hazards, historic mine waste and steep slopes have not been properly addressed in these locations with final engineered plans. This presents a negative health, safety and welfare impact if not addressed. This could reasonably be mitigated with the following condition: Receive a Certificate of Completion for the VCP from UDEQ and Steep Slope CUPs for the adjacent homes to ensure the walls are stepping to the contours of the land and will not negatively impact any future homes in that area.

Other large retaining walls within or nearby the historic districts can be found along Hillside Dr., around the north side of City Hall and near the Echo Spur subdivision but

do not compare in size to the proposed height of the Alice Claim retaining walls and none of these walls were for private development. They were completed for Public ROW improvements. Those walls were mitigated through multiple terracing, adequate landscaping or homes that completely hide the height of the walls. Staff finds that the walls as proposed at ten feet are twice in excess to those four to six feet heights typically found within the residential historic districts, there is some but not adequate mitigation to the adverse visual impacts upon the adjacent and neighboring community. The landscape screen of Aspen trees and columnar evergreens as proposed will not appropriately screen the heights of the walls as shown in Exhibit B. The Applicant did revise their plans Submitted in March 2015 to incorporate a further terracing of the entry wall to be 3 walls at 10' height each. Staff recommends requiring the applicant to replace any existing mature trees which are being removed due to the retaining walls in kind or with 3 smaller trees. From the Site Plan dated May 18, 2015 it does not appear that any existing mature trees will be lost due to the retaining walls but 5 trees will be lost due to the subdivision, addition of drives and building pads. Staff also recommends requiring that the walls be landscaped more with 20% more trees than is shown on the proposed plans submitted May 4, 2015.

Engineering, Building, Water and Sewer Departments had concerns the drive width available to install utilities might be too narrow to fit all the utilities in correctly (using the standard spacing requirements between utilities) or the weight of the retaining walls will impact the adjacent roads, thus impacting the utility lines and no engineering of the walls or final utility plans have been completed to date to mitigate these concerns.

Any approval or denial of the CUP should be concurrent with recommending approval or denial of the proposed subdivision and plat amendment, meaning one cannot be approved or denied without the Planning Commission finding the other acceptable for approval or denial. The reason being that if the CUP is not approved or needs modification then it may change the site plan of the subdivision layout regarding house or road placements. The subdivision will not be approved until City Council review. No building permit can be issued until the plat is recorded. The applicant is requesting an expiration date of one year from the date the plat is recorded. Staff however, recommends a two year expiration date of June 10, 2017 in order to complete all of the conditions of approval that are associated with the plat.

Department Review

This project has gone through an interdepartmental review. Issues were brought up at that time by Snyderville Basin Water Reclamation District, Water Department, City Engineer, Building Official, and the Planning Department. A final utility plan, including storm water plan, sewer, water, dry utilities will be required to be reviewed by each respective utility to mitigate their concerns with how the utilities within the roadways will be impacted with the location and weight of the retaining walls. Snow shedding and storage will need to be addressed as well as the width of the roads adjacent to the retaining walls.

A final Historic District Design Review (HDDR) is required for each wall in the historic district prior to issuance of a building permit. The landscape plan shall also be reviewed with the HDDR.

Notice

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

Public Input

Staff has received public inquiries from surrounding neighbors about the height and visual impacts of the proposed CUP but no written comments have been sent in at the time of this report. Any public comment received prior to the meeting will be forwarded to the Planning Commission.

Process

The Planning Commission takes final action on Conditional Use permit applications. Approval or denial of a conditional use permit may be appealed to the City Council according to LMC Section 1-18. Prior to building permit issuance, approval of a Historic District Design Review application is required and any conditions of approval of the CUP, if approval is granted, must be met.

Alternatives

- The Planning Commission may approve the Conditional Use Permit conditioned or amended, or
- The Planning Commission may deny the Conditional Use Permit and direct staff to make Findings for this decision, or
- The Planning Commission may continue the discussion on the Conditional Use Permit to a date certain and provide direction to the applicant and/or staff to provide additional information necessary to make a decision on this item.

Significant Impacts

There are no immediate significant fiscal impacts to the City from this application. If construction on the site were permitted, it will require a detailed Construction Mitigation Plan (CMP) to protect existing development located near the proposed subdivision. Site stabilization might also be an important consideration depending upon the amounts of vegetation proposed to be removed as a result of the proposed development. A draft geotechnical report has been previously submitted and reviewed. Previous mining activities, strong ground motion, slope stability, debris flow and avalanche, shallow bedrock and perched groundwater are the most significant engineering geology and geotechnical aspects which could affect design and construction at the site. Many of the retaining walls will be visible from Old Town and be 2 times as high as any other residential retaining walls within the Historic District as proposed. If the walls are further tiered, some of the mature trees will be impacted. Utility services have expressed detrimental impacts to the roads and underground utilities contained therein with the

weight that such high walls impact the roads if not tied back properly. The walls may not be on top of any utility lines so that the lines may be properly maintained. The walls may also raise issues with snow storage and were not incorporated into the cross-valley visual analysis that the Applicant provided for the subdivision.

Consequences of not taking the Suggested Recommendation

The adjacent roadways to the retaining walls and future utilities could not be built thus no homes could be built within the property.

Recommendation

Staff recommends the Planning Commission conduct a public hearing, review the proposed CUP for 3 retaining walls up to 10' in height associated with the proposed Alice Claim Subdivision and Plat Amendment, and consider approving the CUP according to the findings of fact, conclusions of law, and conditions of approval outlined in this report.

Findings of Fact

1. The property is located at the intersection of King Road, Ridge Avenue, Woodside Gulch and Sampson Avenue (approximately), within the Historic Residential (HR-1) and Estate (E) Districts and Sensitive Lands Overlay (SLO).
2. The proposal includes nine (9) lots on 8.65 acres.
3. The property is a "metes and bounds" parcel with contiguous platted lots.
4. A City water tank and land owned by the City is adjacent to the subject property on the south end, and a City-owned parcel bisects the subject property. The City water line does not run within the City owned property, but rather is located within a prescriptive easement on the subject property.
5. The applicant previously undertook a voluntary remediation of the regulated soils on the site, which included soil remediation both in the Alice Claim 8.49 acre portion and within a 1.7 acre portion of the adjoining City property.
6. The property can only be accessed through the platted King Avenue right-of-way as the owner cannot secure legal access through the Woodside Gulch easement.
7. The new roadway would require excavation and 3 blonde sandstone veneer retaining walls of ten feet (10') in height with four feet (4') of horizontal terracing in between each wall, placed at the entrance to Alice Court. The four feet of horizontal terracing will be landscaped with vegetation and various trees of ten feet in height to mitigate the visual and massing/scale impacts of the walls.
8. The retaining walls have not been engineered as of the date of this report and would require the City Engineer to approve the engineered plans.
9. Historic District Design Review applications are required for any construction of retaining walls within the historic districts or any lots adjacent to the historic district.
10. Snow storage, guardrails and lighting are elements of the retaining walls that require City Engineer and Planning Department approval.
11. There are impacts created by the proposed retaining walls which include:
    a) Size and location of the Site; the applicant has determined the three 10' walls must be placed in this location due to the access they are providing.

Should the applicant work through the access issues with the adjacent neighbor, less retaining would be needed and that could be a significant factor to mitigating the visual impact to the community.

b) Utility capacity within the roads adjacent to the proposed walls as the Applicant has not properly engineered the roads or retaining walls. The impact of this is that the weight of the walls and/or placement of the utilities near the walls could significantly damage and negatively impact the public utilities and infrastructure. This could reasonably be mitigated with the following condition: City Engineer and SBWRD giving approval of the engineered plans of the walls and utility plan would show there will be no impacts to utilities and infrastructure. However, if any changes to the utilities or infrastructure change the location and heights of the walls, then the Applicant will need to apply for a new CUP;

c) Screening and landscaping to separate the walls from adjoining uses. This creates a negative visual impact upon the historic district and surrounding neighborhoods. This could reasonably be mitigated with the following conditions: adding in 20% more trees than currently shown on Exhibit B at a minimum height of 10 feet;

d) Building mass, bulk and orientation as the walls are 10' in height which is considered massive, mass and orientation within the Historic District and approximately 2 times the height of the majority of retaining walls within the District which are typically 4' to 6' in height. This creates a negative visual impact upon the historic district and surrounding neighborhoods. This could be mitigated with the following condition: further landscaping the walls as discussed in (c) above and contouring the walls to the landscape;

e) Physical design and compatibility with surrounding structures as the walls are not compatible in size. This creates a negative visual impact upon the historic district and surrounding neighborhoods. This could be mitigated with the following condition: incorporate additional landscaping with 20% more trees than currently shown at a minimum height of 10 feet;

f) Environmentally sensitive lands, physical mine hazards, historic mine waste and steep slopes have not been properly addressed in these locations with final engineered plans. This presents a negative health, safety and welfare impact if not addressed. This could reasonably be mitigated with the following condition: Receive a Certificate of Completion for the VCP from UDEQ and Steep Slope CUPs for the adjacent homes to ensure the walls are stepping to the contours of the land and will not negatively impact any future homes in that area.

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

required to be 20' wide and are shown as such on the site plan.

13. The application for the Alice Claim CUP was deemed "complete" by the Planning Department on January 23, 2015.
14. Staff findings in the Analysis section are incorporated herein.
15. Proposed tree heights will only screen approximately 50% of the walls vertically where located and proposed spacing of trees will only screen approximately 25% of the walls horizontally which creates a visual impact that can be mitigated by Condition of Approval #17.

Conclusions of Law

1. The CUP, as conditioned, is consistent with all requirements of the Park City Land Management Code.
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed walls as conditioned will be compatible with the surrounding structures in use, material, scale, mass, circulation and mitigation with the slope of the landscape.
4. The effects of any differences in Use, material, scale, mass and landscaping of the proposed walls have been properly mitigated through careful planning and conditions of approval.

Conditions of Approval

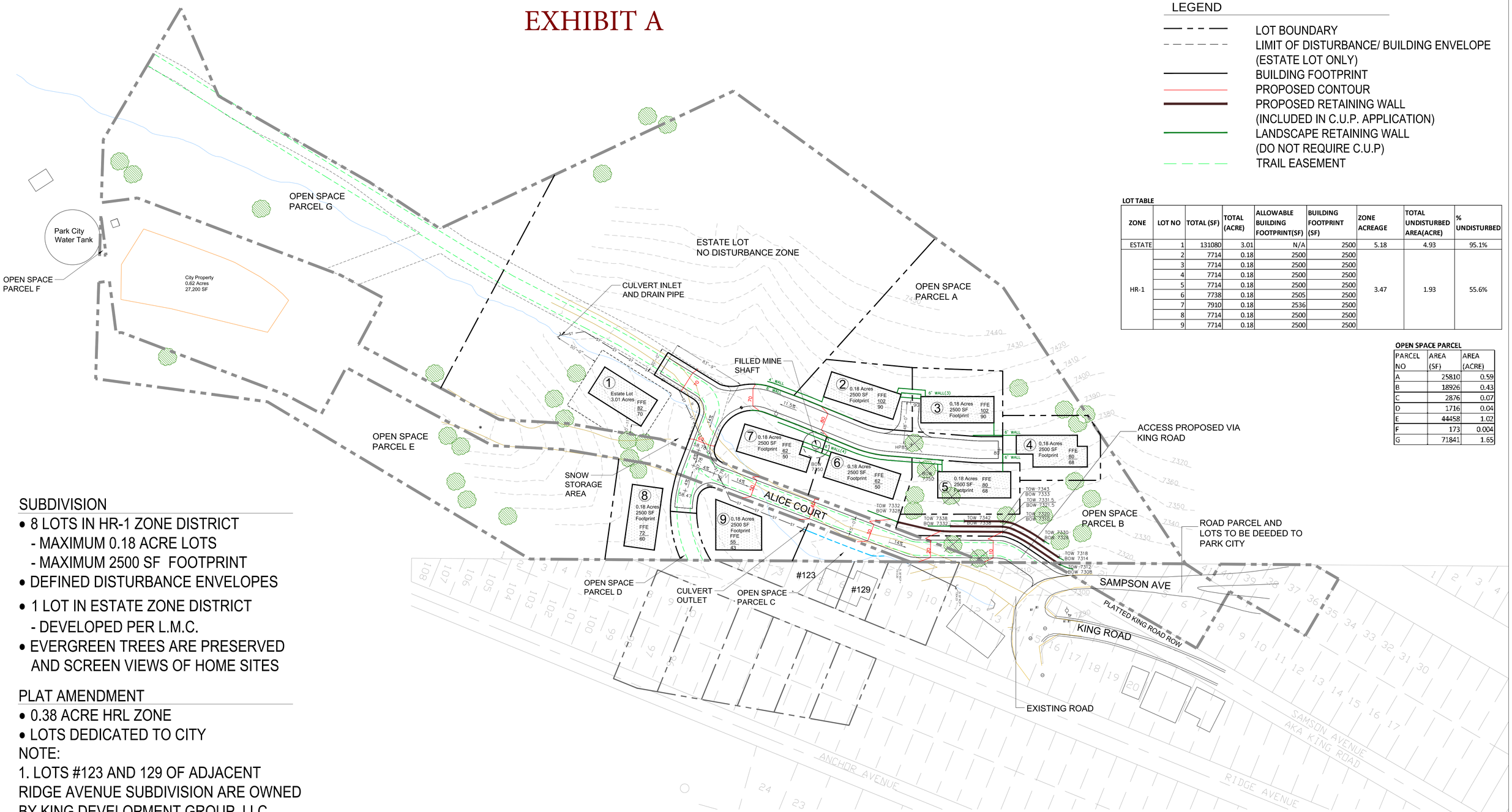
1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The plan shall include a phasing, timing, staging, and coordination of construction with adjacent projects to address mitigation of neighborhood impacts due to the volume of construction in this neighborhood.
3. City Engineer review and approval of all construction, including grading, utility installation, public improvements and storm drainage plans, and all construction within the ROW, for compliance with City and Fire District standards, is a condition precedent to building permit issuance.
4. Planning Department and City Engineer will review the final design and materials for any necessary retaining walls and the proposed roads adjacent to the retaining walls. The maximum height of the retaining is not to exceed 10 feet above existing grade.
5. Snyderville Basin Water Reclamation District review and approval of the utility plans near the retaining walls for compliance with SBWRD standards and procedures, is a condition precedent to building permit issuance.
6. A final utility plan for roads near any retaining walls is required to be approved by the City Engineer prior to issuance of a building permit. The City Engineer will review the final construction documents and confirm that all existing utilities will not be impacted near the retaining walls and anticipated utilities will be located in accordance with the site plans as submitted.
7. A Historic District Design Review application shall be submitted prior to submittal of a building permit application for the retaining walls and the Historic District Design Review must receive approval prior to receiving building permit approval.
8. A building permit will be required to build any drives and retaining walls.

9. A final landscape plan and guarantee shall be submitted with the Historic District Design Review for approval by the Planning Department prior to issuance of a building permit for the retaining walls. The landscaping shall be complete prior to issuance of a final certificate of occupancy for the lots within the Alice Claim subdivision. The landscape plan shall provide mitigation of the visual impacts of the retaining walls and mitigation for removal of any existing Significant Vegetation. Prior to removal of any trees, an arborist report shall be provided to the Planning Department for review. The arborist report shall include a recommendation regarding any Significant Vegetation proposed to be removed and appropriate mitigation for replacement vegetation. The guarantee shall address site restoration in the event there is a work stoppage in excess of 180 days, including removing any partially constructed retaining wall(s).
10. The Conditional Use Permit will expire on June 10, 2017, if an extension has not been granted prior to the expiration or a building permit has not been issued. Any extension must go to the Planning Commission to be reviewed in accordance with the conditions required by LMC 15-1-10(G).
11. The Planning Department and City Engineer will review any proposed guardrail and lighting considerations at time of final design.
12. The City Engineer must approve any snow storage requirements near the retaining walls prior to building permit approval.
13. This CUP is conditioned upon the Alice Claim Subdivision receiving plat approval and plat recordation. All conditions of approval of the Alice Claim Subdivision Plat must be adhered to.
14. No building permits shall be issued until the Alice Claim Subdivision plat is recorded.
15. If any retaining walls disturb existing mature trees, the trees shall be replaced in kind as close to the original location as possible or with an equivalent number in caliper and size as determined by the City Arborist.
16. The City Engineer must approve of the engineered plans for the walls and utility plan prior to building permit approval;
17. The Applicant must show an addition of 20% more trees than currently shown on the May 18, 2015 plans at a minimum height of 10 feet, to be approved by the Planning Department.
18. Any substantial changes as determined by the Planning Department to the proposed location or height of retaining walls or site plan (dated May 18, 2015) of the Alice Claim Subdivision will void this approval and the applicant must amend this CUP application which will require going through the full process (staff review and Planning Commission Review);.
19. The Applicant will need to receive from the Utah Department of Environmental Quality ("UDEQ") under the UDEQ Voluntary Cleanup Program, a final Certificate of Completion for remediated soils within the Applicant's property prior to building permit approval.
20. If a Site Management Plan is required for the UDEQ Certificate of Completion for Alice Claim, the UDEQ approved Site Management Plan must be submitted to the Building Department prior to building permit approval.

Exhibits

Exhibit A – Site plan
Exhibit B – Revised Retaining Wall Illustrations & Site Sections
Exhibit C – Sample of 6’ and 4’ Retaining Walls Illustration

EXHIBIT A



LEGEND

- LOT BOUNDARY
- LIMIT OF DISTURBANCE/ BUILDING ENVELOPE (ESTATE LOT ONLY)
- BUILDING FOOTPRINT
- PROPOSED CONTOUR
- PROPOSED RETAINING WALL (INCLUDED IN C.U.P. APPLICATION)
- LANDSCAPE RETAINING WALL (DO NOT REQUIRE C.U.P)
- TRAIL EASEMENT

LOT TABLE

ZONE	LOT NO	TOTAL (SF)	TOTAL (ACRE)	ALLOWABLE BUILDING FOOTPRINT(SF)	BUILDING FOOTPRINT (SF)	ZONE ACREAGE	TOTAL UNDISTURBED AREA(ACRE)	% UNDISTURBED
ESTATE	1	131080	3.01	N/A	2500	5.18	4.93	95.1%
HR-1	2	7714	0.18	2500	2500	3.47	1.93	55.6%
	3	7714	0.18	2500	2500			
	4	7714	0.18	2500	2500			
	5	7714	0.18	2500	2500			
	6	7738	0.18	2505	2500			
	7	7910	0.18	2536	2500			
	8	7714	0.18	2500	2500			
	9	7714	0.18	2500	2500			

OPEN SPACE PARCEL

PARCEL NO	AREA (SF)	AREA (ACRE)
A	25810	0.59
B	18926	0.43
C	2876	0.07
D	1716	0.04
E	44458	1.02
F	173	0.004
G	71841	1.65

SUBDIVISION

- 8 LOTS IN HR-1 ZONE DISTRICT
  - MAXIMUM 0.18 ACRE LOTS
  - MAXIMUM 2500 SF FOOTPRINT
- DEFINED DISTURBANCE ENVELOPES
- 1 LOT IN ESTATE ZONE DISTRICT
  - DEVELOPED PER L.M.C.
- EVERGREEN TREES ARE PRESERVED AND SCREEN VIEWS OF HOME SITES

PLAT AMENDMENT

- 0.38 ACRE HRL ZONE
- LOTS DEDICATED TO CITY

NOTE:

1. LOTS #123 AND 129 OF ADJACENT RIDGE AVENUE SUBDIVISION ARE OWNED BY KING DEVELOPMENT GROUP, LLC
2. ROADS LESS THAN 26' WIDE SHALL BE MARKED NO PARKING ON BOTH SIDES OF THE ROAD

ALICE CLAIM

SITE PLAN

KING DEVELOPMENT GROUP, LLC
P.O. BOX 244
PARK CITY, UTAH 84060

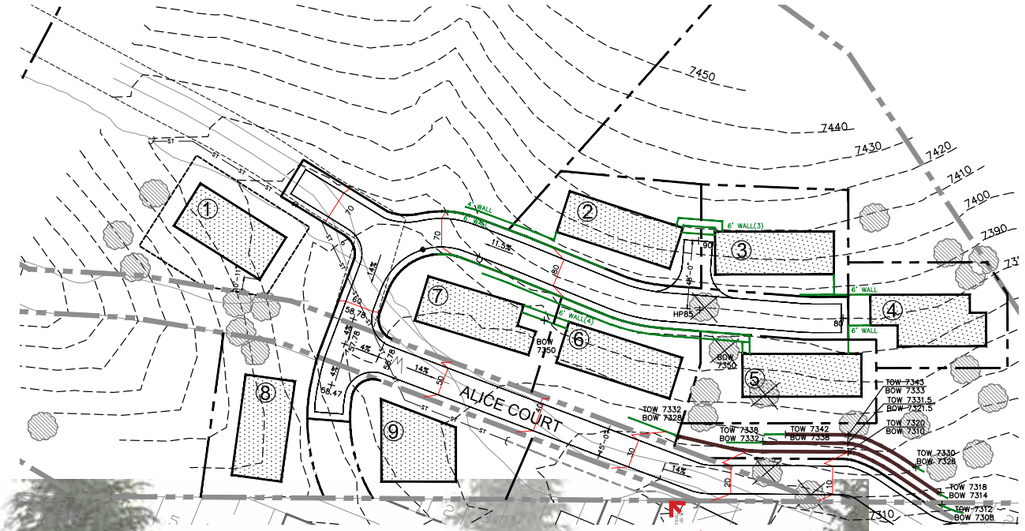
NORTH

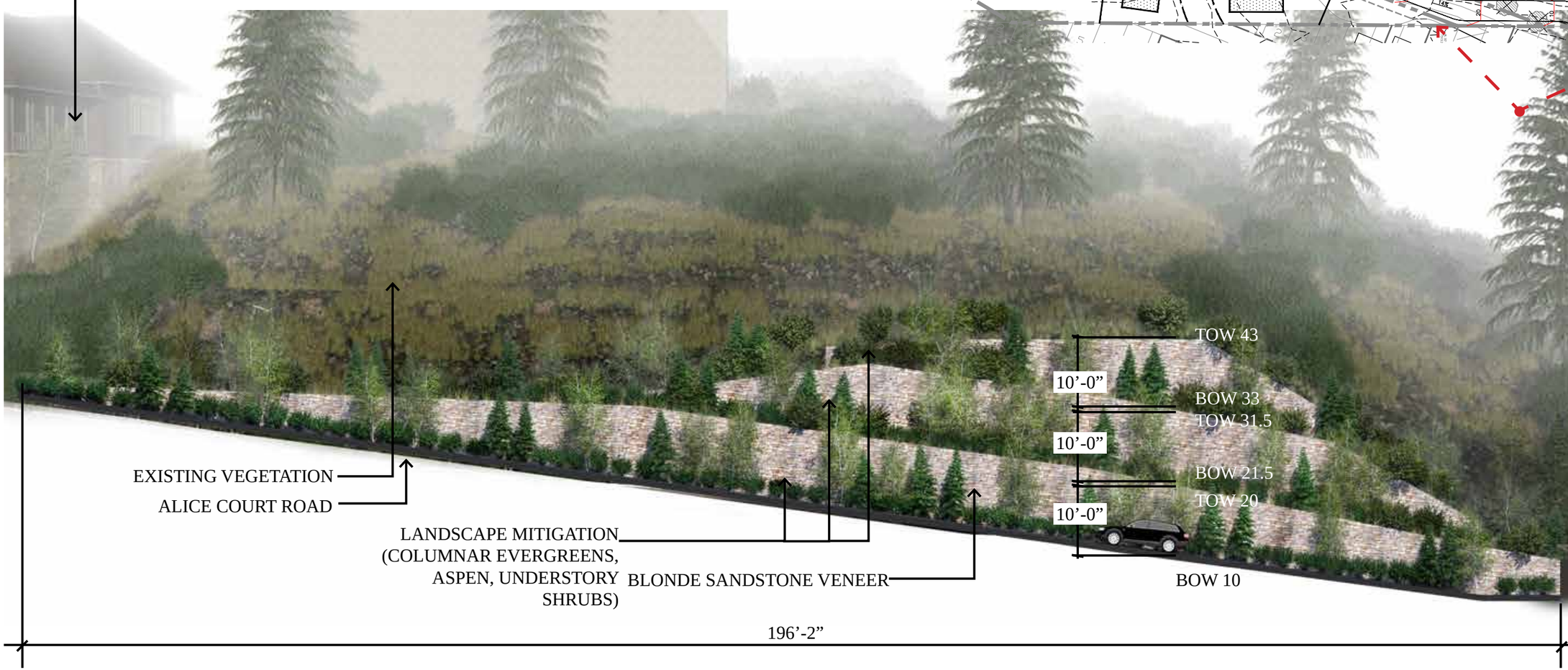
0 10 50
5 30 100
SCALE: 1"=50'-0"
DATE: MAY 18 2015

DHM DESIGN

EXHIBIT B

ENTRY WALL KEY MAP





ALICE CLAIM

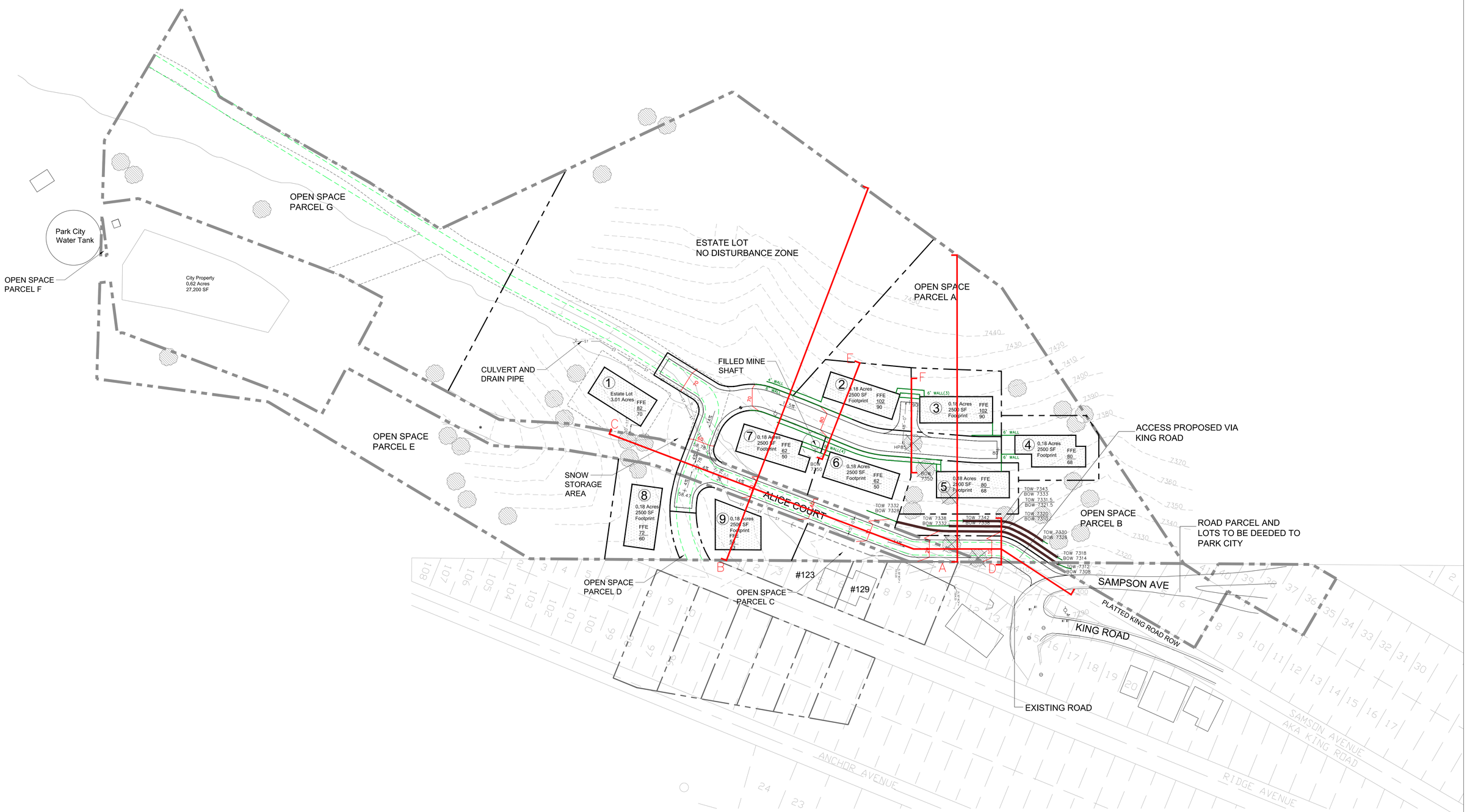
RETAINING WALL ILLUSTRATION

KING DEVELOPMENT GROUP, LLC
P.O. BOX 244
PARK CITY, UTAH 84060

NORTH

SCALE: N.T.S
DATE: MAY 6 2015

DHM DESIGN



ALICE CLAIM

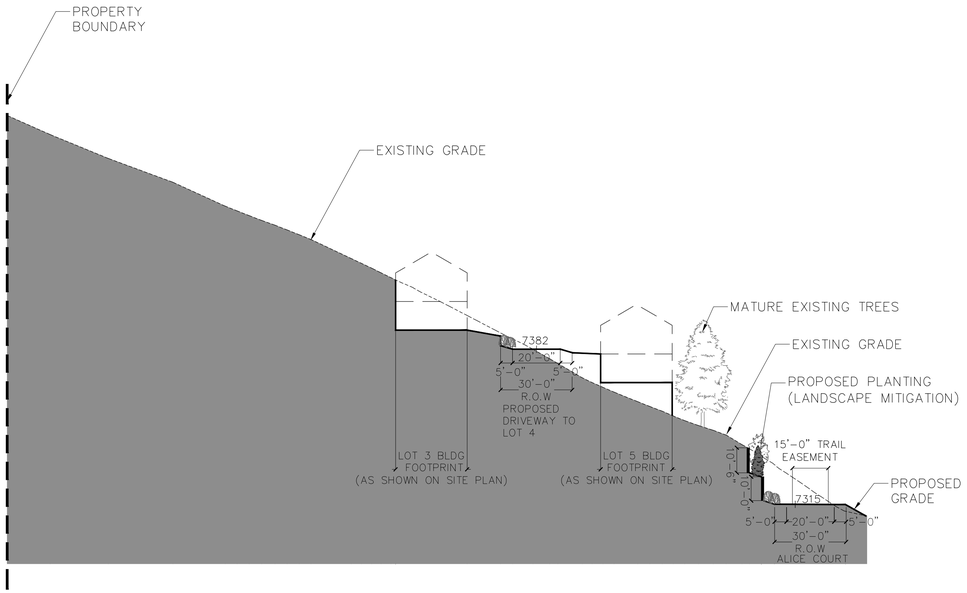
SITE SECTIONS KEY MAP

KING DEVELOPMENT GROUP, LLC
P.O. BOX 244
PARK CITY, UTAH 84060

NORTH

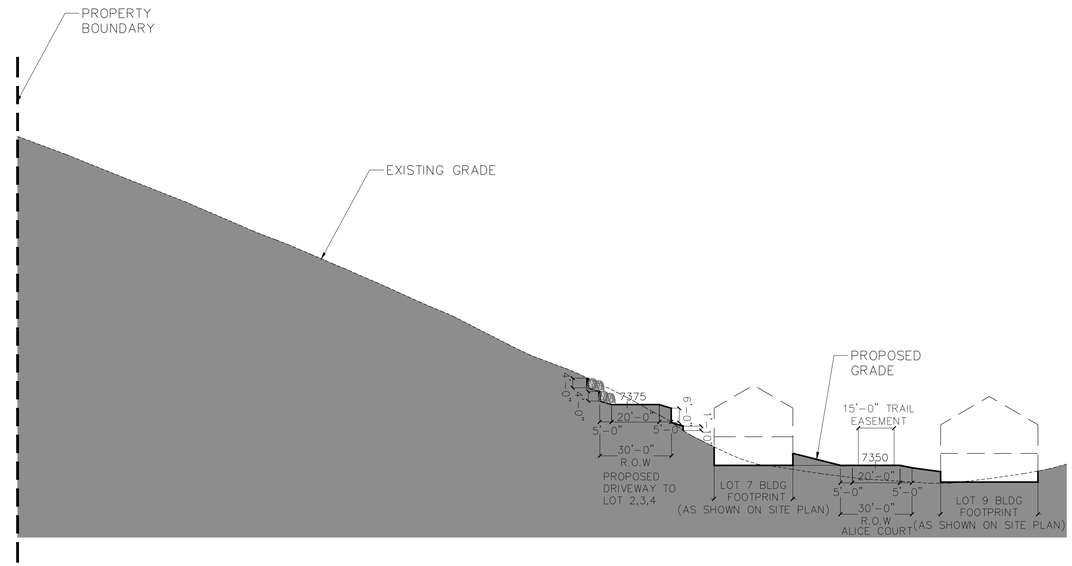
0 10 50
5 30 100
SCALE: 1"=50'-0"
DATE: MAY 4 2015

DHM DESIGN



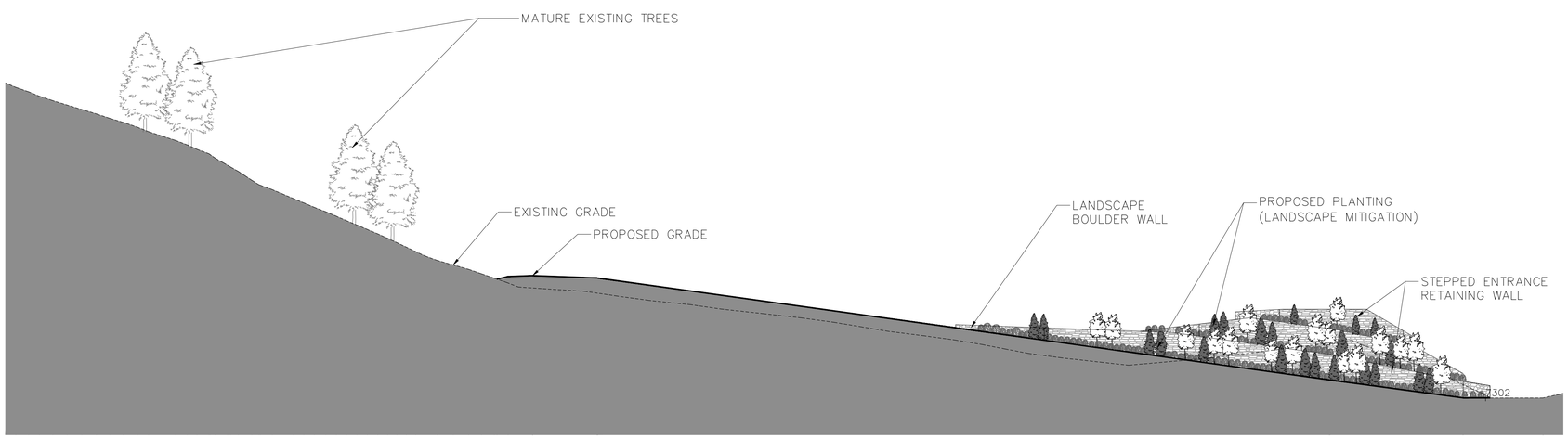
SECTION A

SCALE: 1"=30'



SECTION B

SCALE: 1"=30'



SECTION C

SCALE: 1"=30'

ALICE CLAIM

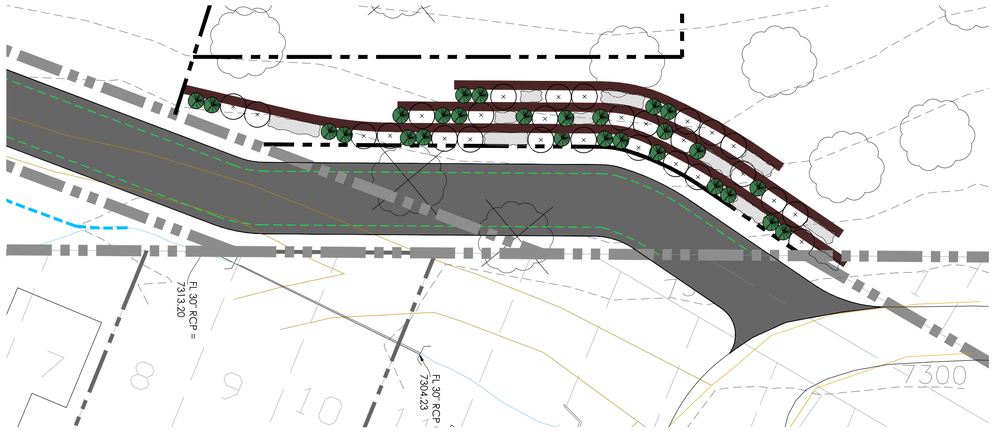
SITE SECTIONS

KING DEVELOPMENT GROUP, LLC
P.O. BOX 244
PARK CITY, UTAH 84060

NORTH

0 15 60
5 30
SCALE: 1"=30'-0"
DATE: MAY 4 2015

DHM DESIGN

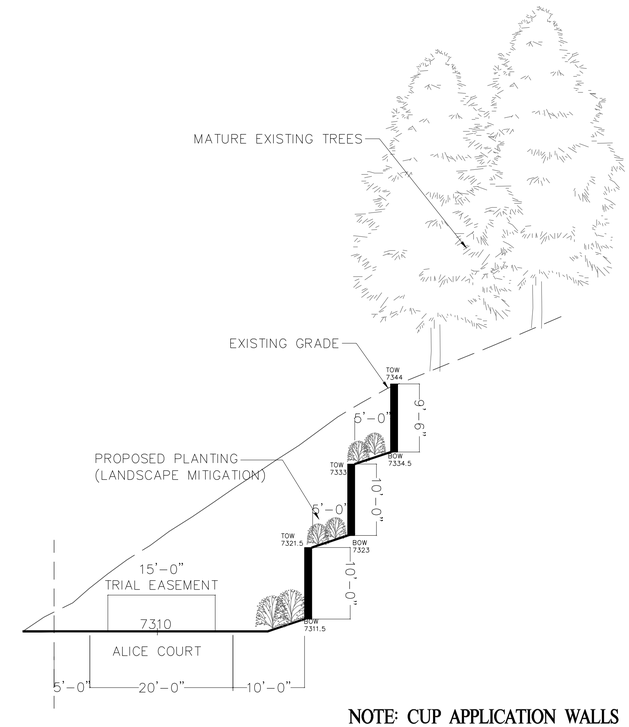


ENTRY WALL LANDSCAPE MITIGATION PLAN

SCALE: 1"=30'

LEGEND

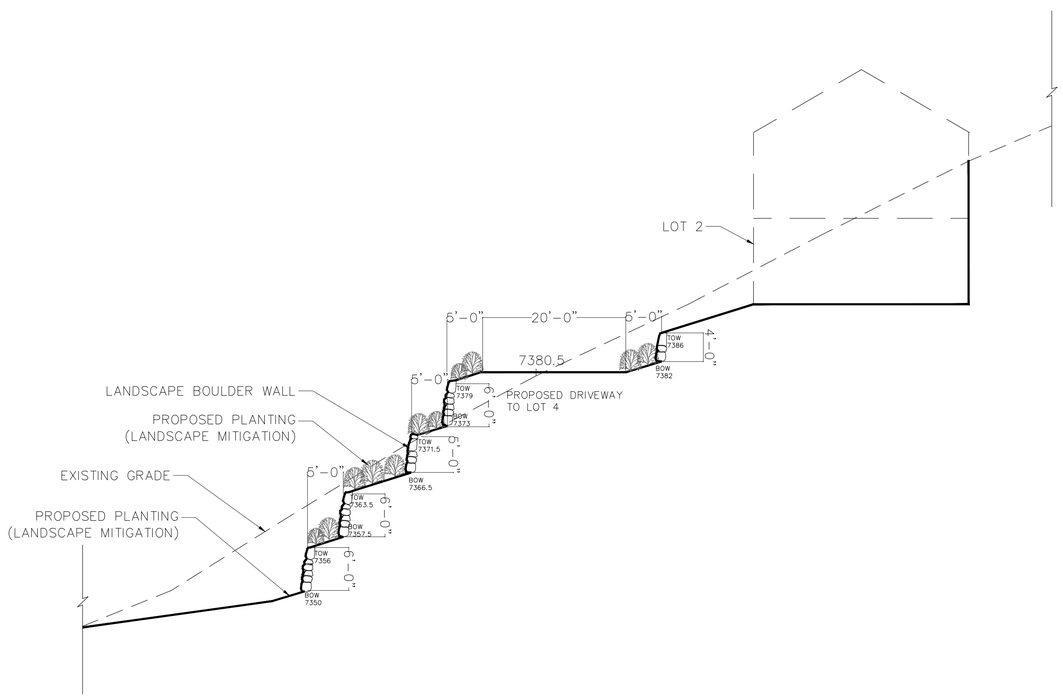
- EXISTING CONIFEROUS TREE TO BE REMOVED
- EXISTING CONIFEROUS TREE TO REMAIN
- PROPOSED DECIDUOUS TREE
- PROPOSED CONIFEROUS TREE
- PROPOSED SHRUB



NOTE: CUP APPLICATION WALLS

SECTION D (ENTRY WALL)

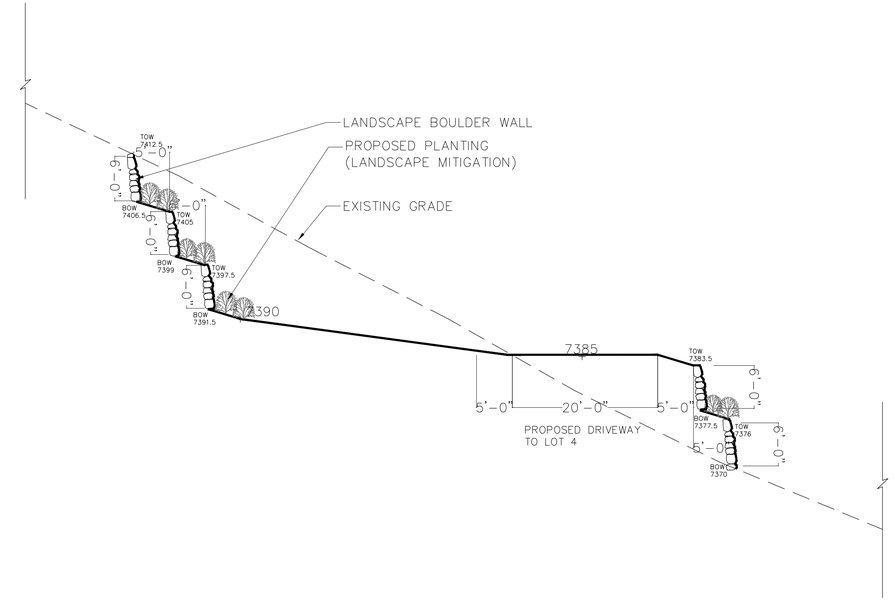
SCALE: 1"=10'



NOTE: LANDSCAPE BOULDER RETAINING WALLS NOT PART OF C.U.P APPLICATION

SECTION E

SCALE: 1"=10'



NOTE: LANDSCAPE BOULDER RETAINING WALLS NOT PART OF C.U.P APPLICATION

SECTION F

SCALE: 1"=10'

ALICE CLAIM

RETAINING WALL SECTIONS AND LANDSCAPE MITIGATION PLAN

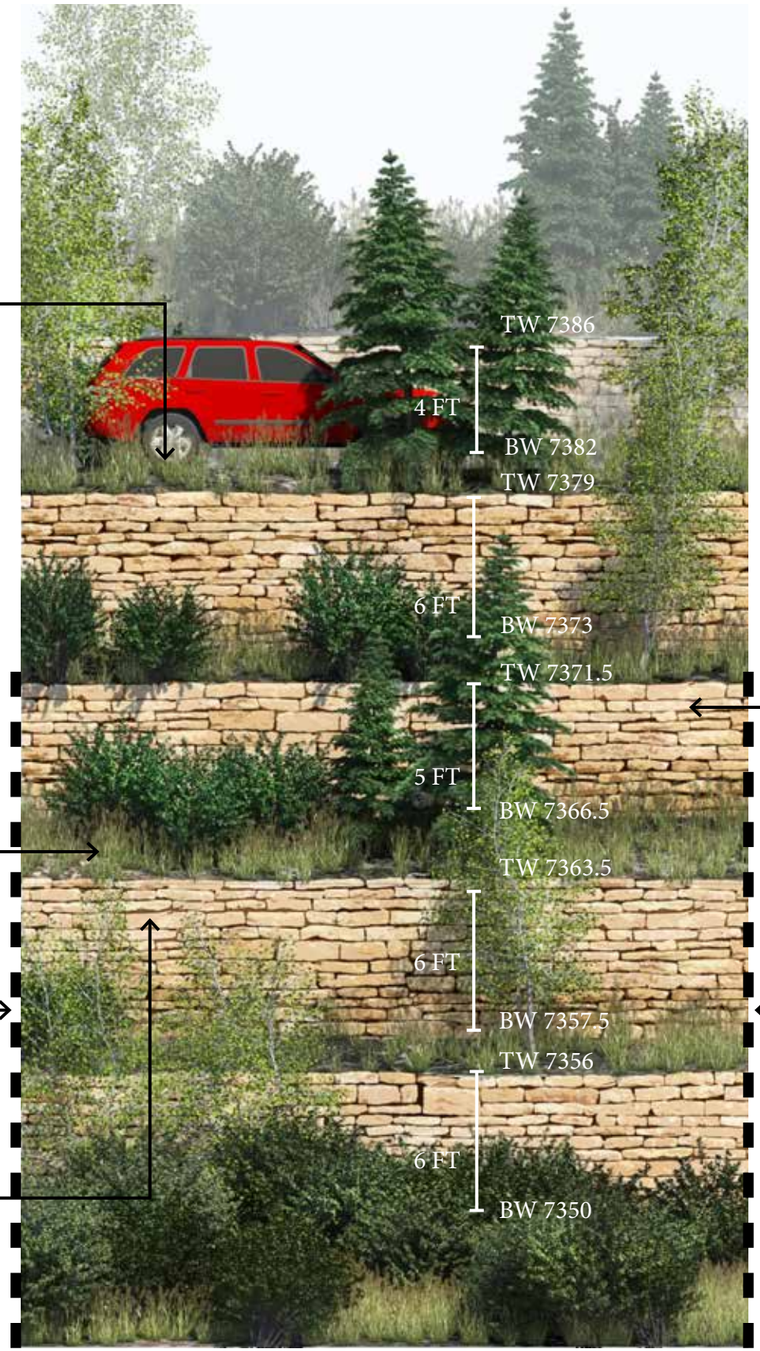
KING DEVELOPMENT GROUP, LLC
P.O. BOX 244
PARK CITY, UTAH 84060

NORTH

DHM DESIGN

DATE: MAY 4 2015

EXHIBIT C



DRY-STACKED
SANDSTONE WALLS

FACE OF BUILDING (LOT 6)

ALICE CLAIM

LANDSCAPE RETAINING WALL (SECTION E)

KING DEVELOPMENT GROUP, LLC
P.O. BOX 244
PARK CITY, UTAH 84060

SCALE: N.T.S
DATE: MAY 18 2015

DHM DESIGN

Planning Commission
Staff Report

Application: **PL-15-02803**
Subject: **LMC Amendments**
Author: **Kirsten Whetstone, MS, AICP**
Date: **June 10, 2015**
Type of Item: **Legislative – LMC Amendments MPDs**

Summary Recommendation
Staff recommends that the Planning Commission review and discuss the following proposed amendments to the Land Management Code (LMC):

- Amendments to Chapter 6 Master Planned Developments (MPD) related to the applicability of the Master Planned Development Chapter for proposed Development projects.

Staff recommends the Planning Commission conduct a public hearing, consider public input, and consider forwarding a positive recommendation to City Council according to the findings of fact and conclusions of law in the Draft Ordinance.

Executive Summary
Staff proposes amendments to Chapter 6 of the Land Management Code regarding applicability of the Master Planned Development process within the General Commercial (GC) and Light Industrial (LI) zones. The purpose of these amendments is to address an issue that came up during review of a recent project where the proposed project was smaller than the threshold requirements for a Master Planned Development and the applicant desired to utilize the MPD process.

Description

Project Name:	LMC Amendments related to Chapter 6 Master Planned Developments
Approximate Location:	General Commercial (GC) and Light Industrial (LI)
Proposal:	Amendments to the Land Management Code (LMC) require Planning Commission review and recommendation with final action by the City Council.

Background
On May 13, 2015, the Planning Commission reviewed a proposal for an eleven unit multi-family building to be located within the General Commercial (GC) zone. In closer review of the Land Management Code (LMC) it was discovered that the project was not allowed to use the MPD process or criteria outlined in Chapter 6 of the Land Management Code because it was smaller than the ten lots or ten unit equivalents threshold for when MPDs are required.

Staff reviewed past Ordinances (Ord. Nos. 04-08; 06-22; 10-14; 11-12; 13-23) that were adopted by the City Council amending this section of the LMC since 2004. Prior to 2013 (Ordinance 13-23) MPDs were required for projects "larger than ten (10) Lots or lots." Ordinance 13-23 changed the language from "units" to "Residential Unit Equivalents." Allowing MPDs for smaller projects had not been previously allowed however Staff believes that there are benefits to using MPDs as an effective planning tool for any size project in the General Commercial and Light Industrial Zoning Districts.

The MPD criteria provide for more in-depth review of best planning practices; green building materials and techniques; and better overall design in terms of building articulation, materials, and style, etc. while providing for affordable housing, consideration of the natural setting and open space, walkability, connectivity, and mixed use development.

General Plan

These proposed Land Management Code (LMC) amendments were reviewed for consistency with the recently adopted Park City General Plan. The LMC 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 preserve the community's unique character and values. The General Plan includes goals related to redevelopment and development of infill sites, best planning practices, green buildings, aesthetics of design, providing a range of housing options at varying price levels, and consideration of the natural setting. The General Plan provides guidance that the LMC shall be updated on a regular basis to stay current with State Law and best planning practices. The LMC implements the community goals and strategies as outlined in the General Plan.

Chapter 6 (Master Planned Development) of the Land Management Code, as a planning tool, is intended to further implement goals and objectives of the General Plan. The MPD criteria provide for 1) more in-depth review of best planning practices; green building materials and techniques; and 2) better overall design in terms of building articulation, materials, and style, etc. while providing for 3) affordable housing, consideration of the natural setting and open space, walkability, connectivity, and mixed use development. Currently the MPD process is the only planning tool, with the exception of annexation or other negotiated development agreements, available to provide limited flexibility in terms of height and setbacks, in exchange for provision of affordable housing, better architectural and site design, and other community amenities.

Proposed LMC Amendments

Applicability of Master Planned Developments in Chapter 6

Staff proposes amendments to Chapter 6 to allow the Master Planned Development process to be utilized for development proposals within the General Commercial (GC) and Light Industrial (GC) zoning districts, including when those proposals are smaller than the size thresholds for when MPDs are required, as stated in LMC Section 15-6-2 (Exhibit A). These amendments would allow applicants to apply for a Master Planned

Development for residential projects with fewer than ten lots or fewer than ten residential unit equivalents (20,000 square feet), as well as commercial, lodging, and hotel projects that don't meet the required development size thresholds. Staff is not proposing any changes to the historic Zoning District requirements related to MPDs.

Staff is also recommending that the threshold for requiring an MPD for Hotel and lodging Projects be reduced from "more than 15 residential unit equivalents" (30,000 sf) to "10 or more residential unit equivalents" (20,000 sf). The MPD process applies to all residential projects that create new lots or residential units, as well as MPDs that create new commercial/retail/office square footage, including redevelopment projects that create residential units or commercial/retail/office square footage.

Additional changes include moving the Affordable Housing MPDs from "allowed but not required" to "required" because as MPDs they are required to be reviewed per requirements in Chapter 6. Not all Affordable Housing projects are required to be an MPD, but if an applicant is utilizing the Affordable Housing MPD section of the code, then Chapter 6 applies and this change makes it clear which process is required.

The proposed amendments are redlined below:

15-6 -2. APPLICABILITY.

(A) Required. The Master Planned Development process shall be required in all ~~zones~~ Zoning Districts except in the Historic Residential-Low Density (HRL), Historic Residential (HR-1), Historic Residential 2 (HR-2), Historic Recreation Commercial (HRC), and Historic Commercial Business (HCB) for the following:

(1) Any Residential project with ten (10) or more Lots.

~~(1)~~(2) Any Residential project ~~or~~ with ten (10) or more Residential Unit Equivalents (20,000 square feet).

(3~~2~~) Any ~~ll~~ Hotel or ~~and~~ lodging project~~s~~ with ten (10) or more ~~than fifteen (15)~~ Residential Unit Equivalents (20,000 square feet).

(4~~3)~~ Any ~~ll~~ new Commercial, Retail, Office, Public, Quasi-public, Mixed Use, or Industrial project~~s~~ with ~~more than~~ 10,000 square feet or more of Gross Floor Area.

(5~~4~~) All projects utilizing Transfer of Development Rights Development Credits.

(6~~5~~) Affordable Housing MPDs consistent with Section 15-6-7 herein.

(B) Allowed but not required.

(1) The Master Planned Development process is allowed, but is not required, in the General Commercial (GC) and Light Industrial (LI) Zoning Districts, for
(a) Residential Development projects with fewer than ten (10) Lots, or fewer than ten (10) Residential Unit Equivalents; or
(b) Hotel or lodging projects with fewer than ten (10) Residential Unit Equivalents; or
(c) Commercial, Retail, Office, Public, Quasi-public, Mixed Use, or Industrial projects with less than 10,000 square feet of Gross Floor Area.

(~~1~~2) The Master Planned Development process is allowed, but is not required in the Historic Residential (HR-1) and Historic Residential 2 (HR-2) zones only when the HR-1 or HR-2 zoned Properties ~~and~~ are combined with adjacent HRC or HCB zoned Properties. Height exceptions will not be granted for Master Planned Developments within the HR-~~0~~1, HR-~~0~~2, HRC~~0~~ and HCB Zoning Districts. See Section 15-6-5 (F) Building Height.

(3) The Master Planned Development process is allowed, but is not required, when the Property is not a part of the original Park City Survey or Snyder's Addition to the Park City Survey and the proposed MPD is for an Affordable Housing MPD consistent with Section 15-6-7 herein.

(C) Not Allowed. The Master Planned Development process is not allowed or permitted, except as provided in Sections A and B above ~~and as described in LMC Section 15-6-7 Master Planned Affordable Housing Developments,~~ or as specifically required by the City Council as part of an Annexation or Development Agreement.

ANALYSIS

The purpose of the Master Planned Development (MPD) Chapter is stated in LMC Section 15-6-1 (copied below). This planning tool is an important element in the implementation of the goals of the General Plan in that it can provide "design flexibility" and allow for innovative approaches for properties with a variety of constraints and challenges. Those challenges can be related to infill development sites; properties with multiple zoning districts; environmental constraints such as slopes, existing vegetation, wetlands, entry corridors, floodplains, etc. and other types of difficult sites where the flexibility of moving the density around on the site according to a site suitability analysis will allow creative plans that will protect open space, view sheds, vegetation, historic resources, etc. The Master Planned Development is one of the rare tools in the Planning tool box that allows for a more comprehensive review of projects and has requirements for site suitability analysis in making planning decisions.

PURPOSE

The purpose of the MPD Chapter is described below from LMC Section 15-6-1:

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

(A) complement the natural features of the Site;

(B) ensure neighborhood Compatibility;

(C) strengthen the resort character of Park City;

(D) result in a net positive contribution of amenities to the community;

(E) provide a variety of housing types and configurations;

(F) provide the highest value of open space for any given Site;

(G) efficiently and cost effectively extend and provide infrastructure;

(H) provide opportunities for the appropriate redevelopment and reuse of existing structures/sites and maintain Compatibility with the surrounding neighborhood;

(I) protect residential uses and residential neighborhoods from the impacts of non-residential Uses using best practice methods and diligent code enforcement; and

(J) encourage mixed Use, walkable and sustainable development and redevelopment that provide innovative and energy efficient design, including innovative alternatives to reduce impacts of the automobile on the community.

(K) encourage opportunities for economic diversification and economic development within the community.

In order for projects to be approved as a Master Planned Development there are a number of specific criteria that have to be addressed with the site planning and building design. The criteria include requirements about density, maximum building footprint, setbacks to property lines, open space, off street parking, building height, site planning, landscape and streetscape, sensitive lands compliance, affordable housing (mitigation of housing is a requirement of all MPDs), child care, mine hazards, and historic mine waste mitigation. Site planning includes clustering development, minimizing grading, sensitive location of roads and utilities, providing trails and pedestrian connectivity, adequate snow storage, trash and recycling areas, transportation amenities, etc.

Staff also identified minor administrative amendments redlined in Exhibit A. These include revising language to be consistent throughout the Chapter.

Discussion
Staff requests discussion related to the proposed amendments and poses these questions for consideration:

1. Staff is recommending that applications for Master Planned Developments be allowed (and also required for projects of a certain size) in the General Commercial and Light Industrial Zoning Districts. **Are there other Zoning Districts the Commission believes should be considered with these current amendments or studied for consideration at a future date?**

2. Staff is recommending that MPDs be allowed (or required for projects of a certain size) for all project types listed in Section 15-6-2 Applicability, namely Residential, Hotel and lodging, Commercial, Retail, Office, Public, Quasi-public, Industrial, Mixed-Use (added to the existing list) as well as projects utilizing Transfer of Development rights credits. **Are there uses that the Commission would rather see left off of this list, or added?**

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.

Notice
Legal notice of a public hearing was posted in the required public spaces and public notice websites on May 21, 2015 and published in the Park Record on May 23, 2015 per requirements of the Land Management Code.

Public Input
Public hearings are required to be conducted by the Planning Commission and City Council prior to adoption of Land Management Code amendments. No public input has been received at the time of this report.

Alternatives

- The Planning Commission may forward a positive recommendation to City Council on the proposed Land Management Code as presented or as amended at the meeting; or
- The Planning Commission may forward a negative recommendation to City Council to deny the proposed amendments; or
- The Planning Commission may continue the discussion to a date certain and provide direction to Staff regarding additional information or analysis needed in order to take final action.

Significant Impacts
There are no significant financial or environmental impacts to the City that result from the proposed LMC amendments.

Summary Recommendation
Staff recommends the Planning Commission conduct a public hearing, consider public input, and consider forwarding a positive recommendation to City Council according to the findings of fact and conclusions of law in the Draft Ordinance.

Exhibits
Draft Ordinance
Exhibit A – Chapter 6- Master Planned Developments
Exhibit B – Historic Ordinances related to Chapter 6
Exhibit C – Zoning Map identifying the GC and LI Zoning Districts

Ordinance 15-

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, REVISING SECTION 15-6-2 REGARDING APPLICABILITY OF MASTER PLANNED DEVELOPMENTS

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 preserve the community's unique character and values; and

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, Chapter 6 provides a description the purpose, applicability, review criteria, and other provisions and procedures related to Master Planned Development s that the City desires to revise. These revisions concern the applicability of Master Planned Developments in the General Commercial (GC) and Light Industrial (LI) Zoning Districts; and

WHEREAS, the Planning Commission duly noticed and conducted public hearings at the regularly scheduled meeting on June 10, 2015, 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 25, 2015; 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 community and City Council to protect health and safety, maintain the quality of life for its residents, preserve and protect the residential neighborhoods, ensure compatible development, preserve historic resources, protect environmentally sensitive lands, and preserve the community's unique character.

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

<u>SECTION 1. AMENDMENTS TO TITLE 15 - Land Management Code Chapter Six (Master Planned Developments).</u> The recitals above are incorporated herein as

findings of fact. Chapter 6 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit A).

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

PASSED AND ADOPTED this ___ day of _____, 2015

PARK CITY MUNICIPAL CORPORATION

_____
Jack Thomas, Mayor

Attest:

_____
Marci Heil, City Recorder

Approved as to form:

_____
Mark Harrington, City Attorney

Exhibit
Exhibit A – LMC Chapter Six- Master Planned Developments

EXHIBIT A

TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 6 - MASTER PLANNED DEVELOPMENTS.....1
15-6-1. PURPOSE.....1
15-6-2. APPLICABILITY 2
15-6-3. USES. 2
15-6-4. PROCESS 3
15-6-5. MPD REQUIREMENTS 6
15-6-6. REQUIRED FINDINGS/CONCLUSIONS OF LAW.....14
15-6-7. MASTER PLANNED AFFORDABLE HOUSING DEVELOPMENT 15
15-6-8. UNIT EQUIVALENTS.....15

TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 6 - MASTER PLANNED DEVELOPMENTS

Chapter adopted by Ordinance No. 02-07

CHAPTER 6 - MASTER PLANNED DEVELOPMENTS (MPD)

15-6 -1. PURPOSE.

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

(A) complement the natural features of the Site;

(B) ensure neighborhood Compatibility;

(C) strengthen the resort character of Park City;

(D) result in a net positive contribution of amenities to the community;

(E) provide a variety of housing types and configurations;

(F) provide the highest value of open space for any given Site;

(G) efficiently and cost effectively extend and provide infrastructure;

(H) provide opportunities for the appropriate redevelopment and reuse of existing structures/sites and maintain Compatibility with the surrounding neighborhood;

(I) protect residential uses and residential neighborhoods from the impacts of non-residential Uses using best practice methods and diligent code enforcement; and

(J) encourage mixed Use, walkable and sustainable development and redevelopment that provide innovative and energy efficient

design, including innovative alternatives to reduce impacts of the automobile on the community.

(K) encourage opportunities for economic diversification and economic development within the community.

(Amended by Ord. Nos. 10-14; 13-23)

15-6 -2. APPLICABILITY.

(A) Required. The Master Planned Development process shall be required in all ~~zones~~ Zoning Districts except in the Historic Residential-Low Density (HRL), Historic Residential (HR-1), Historic Residential 2 (HR-2), Historic Recreation Commercial (HRC), and Historic Commercial Business (HCB) for the following:

(1) Any Residential project with ten (10) or more Lots.

(2) Any Residential project ~~or~~ with ten (10) or more Residential Unit Equivalents (20,000 square feet).

(3~~2~~) Any ~~ll~~ Hotel or ~~and~~ lodging project~~s~~ with ten (10) or more ~~than fifteen (15)~~ Residential Unit Equivalents (20,000 square feet).

(~~4~~3) Any ~~ll~~ new Commercial, Retail, Office, Public, Quasi-public, Mixed Use, or Industrial project~~s~~ with ~~more than~~ 10,000 square feet or more of Gross Floor Area.

(5) All projects utilizing Transfer of Development Rights Development Credits.

(6) All Affordable Housing MPDs consistent with Section 15-6-7 herein.

(B) Allowed but not required.

(1) The Master Planned Development process is allowed, but is not required, in the General Commercial (GC) and Light Industrial (LI) Zoning Districts for:

(a) Residential Development projects with fewer than ten (10) Lots, or fewer than ten (10) Residential Unit Equivalents; or

(b) Hotel or lodging projects with fewer than ten (10) Residential Unit Equivalents; or

(c) new Commercial, Retail, Office, Public, Quasi-public, Mixed Use, or Industrial projects with less than 10,000 square feet of Gross Floor Area.

(2) The Master Planned Development process is allowed, but is not required in the Historic Residential (HR-1) and Historic Residential 2 (HR-2) Zoning Districts ~~zones~~ only when the HR-1 or HR-2 zoned Properties ~~and~~ are combined with adjacent HRC or

HCB zoned Properties. Height exceptions will not be granted for Master Planned Developments within the HR-~~0~~1, HR-~~0~~2, HRC~~0~~ and HCB Zoning Districts. See Section 15-6-5(F) Building Height.

(3~~2~~) The Master Planned Development process is allowed, but is not required, when the Property is located in the HR-1 Zoning District ~~zone~~ and is not a part of the original Park City Survey or Snyder's Addition to the Park City Survey and the proposed MPD is for an Affordable Housing MPD consistent with Section 15-6-7 herein.

(C) Not Allowed. The Master Planned Development process is not allowed or permitted, except as provided in Sections A and B above ~~and as described in LMC Section 15-6-7 Master Planned Affordable Housing Developments,~~ or as specifically required by the City Council as part of an Annexation or Development Agreement.

(Amended by Ord. Nos. 04-08; 06-22; 10-14; 11-12; 13-23)

15-6 -3. USES.

A Master Planned Development (MPD) can only contain Uses, which are Permitted or Conditional in the zone(s) in which it is located. The maximum Density and type of Development permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety, including all adjacent property under the same ownership, and the Density located in the most appropriate locations. When Properties are in more than one (1) Zoning District, there may be a shift of Density between Zoning Districts if that Transfer results in a project which better meets the goals set forth in Section 15-6-1 herein. Density for MPDs will be based on the Unit Equivalent Formula, as defined in LMC Chapter 15-15, and as stated in Section 15-6-8 herein.

Exception. Residential Density Transfer between the HCB and HR-2 Zoning Districts are not permitted. A portion of the Gross Floor Area generated by the Floor Area Ratio of the HCB Zoning District and applied only to Lot Area in the HCB Zoning District~~e~~, may be located in the HR-2 Zoning District~~e~~ as allowed by Section 15-2.3-8.

(Amended by Ord. Nos. 06-22; 10-14)

15-6 -4. PROCESS.

(A) **PRE-APPLICATION CONFERENCE**. A pre-Application conference shall be held with the Planning Department staff in order for the Applicant to become acquainted with the Master Planned Development procedures and related City requirements and schedules. The Planning Department staff will give preliminary feedback to the potential Applicant based on information available at the pre-Application conference and will inform the Applicant of issues or special requirements which may result from the proposal.

(B) **PRE-APPLICATION PUBLIC MEETING AND DETERMINATION OF COMPLIANCE**. In order to provide an opportunity for the public and the Planning Commission to give preliminary input on a concept for a Master Planned Development, all MPDs will be required to go through a pre-Application public meeting before the Planning Commission except for MPDs subject to an Annexation Agreement. A pre-Application will be filed with the Park City Planning Department and shall include conceptual plans as stated on the Application form and the applicable fee. The public will be notified and invited to attend and comment in accordance with LMC Chapters 15-1-12 and 15-1-21, Notice Matrix, of this Code.

At the pre-Application public meeting, the Applicant will have an opportunity to present the preliminary concepts for the proposed Master Planned Development. This preliminary review will focus on identifying issues of compliance with the General Plan and zoning compliance for the proposed MPD. The public will be given an opportunity to comment on the preliminary concepts so that the Applicant can address neighborhood concerns in preparation of an Application for an MPD.

The Planning Commission shall review the preliminary information to identify issues on compliance with the General Plan and will make a finding that the project initially complies with the General Plan. Such finding is to be made prior to the Applicant filing a formal MPD Application. If no such finding can be made, the applicant must submit a modified Application or the General Plan would have to be modified prior to formal acceptance and processing of the Application. For larger MPDs, it is recommended that the Applicant host additional neighborhood meetings in preparation of filing of a formal Application for an MPD.

For MPDs that are vested as part of Large Scale MPDs the Planning Director may waive the requirement for a pre-Application meeting. Prior to final approval of an MPD that is subject to an Annexation Agreement or a Large Scale MPD, the Commission shall make findings that the project is consistent with the Annexation Agreement or Large Scale MPD and the General Plan.

(C) **APPLICATION**. The Master Planned Development Application must be submitted with a completed Application form supplied by the City. A list of minimum requirements will accompany the Application form. The Application must include written consent by all Owners of the Property to be included in the Master Planned Development. Once an Application is received, it shall be assigned to a staff Planner who will review the Application for completeness. The Applicant will be informed if additional information is necessary to constitute a Complete Application.

(D) **PLANNING COMMISSION REVIEW**. The Planning Commission is the primary review body for Master Planned Developments and is required to hold a public hearing and take action. All MPDs will have at least one (1) work session

before the Planning Commission prior to a public hearing.

(E) **PUBLIC HEARING**. In addition to the preliminary public input session, a formal public hearing on a Master Planned Development is required to be held by the Planning Commission. The Public Hearing will be noticed in accordance with LMC Chapters 15-1-12 and 15-1-21, Notice Matrix. Multiple Public Hearings, including additional notice, may be necessary for larger, or more complex, projects.

(F) **PLANNING COMMISSION ACTION**. The Planning Commission shall approve, approve with modifications, or deny a requested Master Planned Development. The Planning Commission action shall be in the form of written findings of fact, conclusions of law, and in the case of approval, conditions of approval. Action shall occur only after the required public hearing is held. To approve an MPD, the Planning Commission will be required to make the findings outlined in Section 15-6-6 herein.

Appeals of Planning Commission action shall be conducted in accordance with LMC Chapter 15-1-18.

(G) **DEVELOPMENT AGREEMENT**. Once the Planning Commission has approved 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.

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.

(H) **LENGTH OF APPROVAL**. Construction, as defined by the Uniform Building Code, will be required to commence within two (2) years of the date of the execution of the Development Agreement. After construction commences, the MPD shall remain valid as long as it is consistent with the approved specific project phasing plan as set forth in the Development Agreement. It is anticipated that the specific project phasing plan may require Planning Commission review and reevaluation of the project at specified points in the Development of the project.

The Planning Commission may grant an extension of a Master Planned Development for up to two (2) additional years, when the Applicant is able to demonstrate no change in circumstance that would result in unmitigated impacts or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code in effect at the time of the extension request. Change in circumstance includes physical changes to the Property or surroundings. Extension requests must be submitted prior to the expiration of the Master Planned Development and shall be noticed and processed with a public hearing according to Section 15-1-12.

(I) **MPD MODIFICATIONS**. Changes in a Master Planned Development, which constitute a change in concept, Density, unit type or configuration of any portion or phase of the MPD will justify review of the entire master plan and Development Agreement by the Planning Commission, unless otherwise specified in the Development Agreement. If the modifications are determined to be substantive, the project will be required to go through the pre-Application public hearing and determination of compliance as outlined in Section 15-6-4(B) herein.

(J) **SITE SPECIFIC APPROVALS**. Any portion of an approved Master Planned Development may require additional review by the Planning Department and/or Planning Commission as a Conditional Use permit, if so required by the Planning Commission at the time of the MPD approval.
The Planning Commission and/or Planning Department, specified at the time of MPD approval, will review Site specific plans including Site layout, architecture and landscaping, prior to issuance of a Building Permit.

The Application requirements and review criteria of the Conditional Use process must be followed. A pre-Application public meeting may be required by the Planning Director, at which time the Planning Commission will review the Application for compliance with the large scale MPD approval.

(Amended by Ord. Nos. 06-22; 09-10; 11-05)

15-6 -5. MPD REQUIREMENTS.

All Master Planned Developments shall contain the following minimum requirements. Many of the requirements and standards will have to be increased in order for the Planning Commission to make the necessary findings to approve the Master Planned Development.

(A) **DENSITY**. The type of Development, number of units and Density permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety and the Density located in the most appropriate locations.

Additional Density may be granted within a Transfer of Development Rights Receiving Overlay Zone (TDR-R) within an approved MPD.

When Properties are in more than one (1) Zoning District, there may be a shift of Density between Zoning Districts if that Transfer results in a project that better meets the goals set forth in Section 15-6-1.

Exception. Residential Density Transfers between the HCB and HR-2 Zoning Districts are not permitted. A portion of the gross Floor Area generated by the Floor Area Ratio of the HCB Zoning District and applied only to Lot Area in the HCB Zoning Districte, may be located in the HR-2 Zoning Districte as allowed by Section 15-2.3-8

Density for MPDs will be based on the Unit Equivalent Formula, as defined in Section 15-6-8 herein.

(1) **EXCEPTIONS**. The Planning Department may recommend that the Planning Commission grant up to a maximum of ten percent (10%) increase in total Density if the Applicant:

(a) Donates open space in excess of the sixty percent (60%) requirement, either in fee or a less-than-fee interest to either the City or another unit of government or nonprofit land conservation organization approved by the City. Such Density bonus shall only be granted upon a finding by the Planning Director that such donation will ensure the long-term protection of a significant environmentally or visually sensitive Area; or

(b) Proposes a Master Planned Development (MPD) in which more than thirty percent (30%) of the Unit Equivalents are employee/ Affordable Housing consistent with the City's adopted employee/ Affordable Housing

guidelines and requirements; or

(c) Proposes an MPD in which more than eighty percent (80%) of the project is open space as defined in this code and prioritized by the Planning Commission.

(B) **MAXIMUM ALLOWED BUILDING FOOTPRINT FOR MASTER PLANNED DEVELOPMENTS WITHIN THE HR-1 AND HR-2 DISTRICTS**.

(1) The HR-1 and HR-2 Districts sets forth a Maximum Building Footprint for all Structures based on Lot Area. For purposes of establishing the maximum Building Footprint for Master Planned Developments, which include Development in the HR-1 and HR-2 Districts, the maximum Building Footprint for the HR-1 and HR-2 portions shall be calculated based on the conditions of the Subdivision Plat or the Lots of record prior to a Plat Amendment combining the lots as stated in Section 15-2.3-4.

(a) The Area of below Grade parking in the HR-1 and HR-2 Zoning Districts ~~zones~~ shall not count against the maximum Building Footprint of the HR-1 or HR-2 Lots.

(b) The Area of below Grade Commercial Uses extending from a Main Street business into the HR-2 Subzone A shall not count against the maximum Building Footprint of the HR-2 Lots.

(c) The Floor Area Ratio (FAR) of the HCB Zoning District applies only to the HCB Lot Area and may be reduced as part of a Master Planned Development. The FAR may not be applied to the HR-1 or HR-2 Lot Area.

(d) The Floor Area for a detached, single car Garage, not to exceed two-hundred and twenty square feet (220 sf) of Floor Area, shall not count against the maximum Building Footprint of the HR-2 Lot.

(C) **SETBACKS**. The minimum Setback around the exterior boundary of an MPD shall be twenty five feet (25') for Parcels greater than one (1) acre in size. In some cases, that Setback may be increased to retain existing Significant Vegetation or natural features or to create an adequate buffer to adjacent Uses, or to meet historic Compatibility requirements. The Planning Commission may decrease the required perimeter Setback from twenty five feet (25') to the zone required Setback if it is necessary to provide desired architectural interest and variation. The Planning

Commission may reduce Setbacks within the project from those otherwise required in the zone to match an abutting zone Setback, provided the project meets minimum Uniform Building Code and Fire Code requirements, does not increase project Density, maintains the general character of the surrounding neighborhood in terms of mass, scale and spacing between houses, and meets open space criteria set forth in Section 15-6-5(D).

(D) **OPEN SPACE**.

(1) **MINIMUM REQUIRED**. All Master Planned Developments shall contain a minimum of sixty percent (60%) open space as defined in LMC Chapter 15-15 with the exception of the General Commercial (GC) District, Historic Residential Commercial (HRC), Historic Commercial Business (HCB), Historic Residential (HR-1 and HR-2) Zoning Districts~~zones~~, and wherein cases of redevelopment of existing Developments the minimum open space requirement shall be thirty percent (30%).

For Applications proposing the redevelopment of existing Developments, the Planning Commission may reduce the required open space to thirty percent (30%) in exchange for project enhancements in excess of those otherwise required by the Land Management Code that may directly advance policies reflected in the applicable General Plan sections or more specific Area plans. Such project enhancements may include, but are not limited to, Affordable Housing, greater landscaping buffers along public ways and public/private pedestrian Areas that provide a public benefit, increased landscape material sizes, public transit improvement, public pedestrian plazas, pedestrian way/trail linkages, Public Art, and rehabilitation of Historic Structures.

(2) **TYPE OF OPEN SPACE**. The Planning Commission shall designate the preferable type and mix of open space for each Master Planned Development. This determination will be based on the guidance given in the Park City General Plan. Landscaped open space may be utilized for project amenities such as gardens, greenways, pathways, plazas, and other similar Uses. Open space may not be utilized for Streets, roads, driveways, Parking Areas, commercial Uses, or Buildings requiring a Building Permit.

(E) **OFF-STREET PARKING**.

(1) The number of Off-Street Parking Spaces in each Master Planned Development shall not be less than the requirements of this code, except that the Planning Commission may increase or decrease the required number of Off-Street Parking Spaces based upon a parking analysis submitted by the Applicant at the time of MPD

submittal. The parking analysis shall contain, at a minimum, the following information:

(a) The proposed number of vehicles required by the occupants of the project based upon the proposed Use and occupancy.

(b) A parking comparison of projects of similar size with similar occupancy type to verify the demand for occupancy parking.

(c) Parking needs for non-dwelling Uses, including traffic attracted to Commercial Uses from Off-Site.

(d) An analysis of time periods of Use for each of the Uses in the project and opportunities for Shared Parking by different Uses. This shall be considered only when there is Guarantee by Use covenant and deed restriction.

(e) A plan to discourage the Use of motorized vehicles and encourage other forms of transportation.

(f) Provisions for overflow parking during peak periods.

The Planning Department shall review the parking analysis and provide a recommendation to the Commission. The Commission shall make a finding during review of the MPD as to whether or not the parking analysis supports a determination to increase or decrease the required number of Parking Spaces.

(2) The Planning Commission may permit an Applicant to pay an in-lieu parking fee in consideration for required on-site parking provided that the Planning Commission determines that:

(a) Payment in-lieu of the on-Site parking requirement will prevent a loss of significant open space, yard Area, and/or public amenities and gathering Areas;

(b) Payment in-lieu of the on-Site parking requirement will result in preservation and rehabilitation of significant Historic Structures or redevelopment of Structures and Sites;

(c) Payment in-lieu of the on-Site parking requirement will not result in an increase project Density or intensity of Use; and

(d) The project is located on a public transit route or is

within three (3) blocks of a municipal bus stop.

The payment in-lieu fee for the required parking shall be subject to the provisions in the Park City Municipal Code Section 11-12-16 and the fee set forth in the current Fee Resolution, as amended.

(F) **BUILDING HEIGHT**. The Building Height requirements of the Zoning Districts in which an MPD is located shall apply except that the Planning Commission may consider an increase in Building Height based upon a Site specific analysis and determination. Height exceptions will not be granted for Master Planned Developments within the HR-1, HR-2, HRC, and HCB Zoning Districts.

The Applicant will be required to request a Site specific determination and shall bear the burden of proof to the Planning Commission that the necessary findings can be made. In order to grant Building Height in addition to that which is allowed in the underlying zone, the Planning Commission is required to make the following findings:

(1) The increase in Building Height does not result in increased square footage or Building volume over what would be allowed under the zone required Building Height and Density, including requirements for facade variation and design, but rather provides desired architectural variation, unless the increased square footage or Building volume is from the Transfer of Development Credits;

(2) Buildings have been positioned to minimize visual impacts on adjacent Structures. Potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss or air circulation have been mitigated as determined by the Site Specific analysis and approved by the Planning Commission;

(3) There is adequate landscaping and buffering from adjacent Properties and Uses. Increased Setbacks and separations from adjacent projects are being proposed;

(4) The additional Building Height results in more than the minimum Open Space required and results in the Open Space being more usable and included Publicly Accessible Open Space;

(5) The additional Building Height shall be designed in a manner that provides a transition in roof elements in compliance with Chapter 5, Architectural Guidelines or the Design Guidelines for Park City's Historic Districts and Historic Sites if within the Historic District;

If and when the Planning Commission grants additional Building Height due to a Site Specific analysis and determination, that additional Building Height shall only apply to the specific plans being

reviewed and approved at the time. Additional Building Height for a specific project will not necessarily be considered for a different, or modified, project on the same Site.

(G) **SITE PLANNING**. An MPD shall be designed to take into consideration the characteristics of the Site upon which it is proposed to be placed. The project should be designed to fit the Site, not the Site modified to fit the project. The following shall be addressed in the Site planning for an MPD:

(1) Units should be clustered on the most developable and least visually sensitive portions of the Site with common open space separating the clusters. The open space corridors should be designed so that existing Significant Vegetation can be maintained on the Site.

(2) Projects shall be designed to minimize Grading and the need for large retaining Structures.

(3) Roads, utility lines, and Buildings should be designed to work with the Existing Grade. Cuts and fills should be minimized.

(4) Existing trails should be incorporated into the open space elements of the project and should be maintained in their existing location whenever possible. Trail easements for existing trails may be required. Construction of new trails will be required consistent with the Park City Trails Master Plan.

(5) Adequate internal vehicular and pedestrian/bicycle circulation should be provided. Pedestrian/ bicycle circulations shall be separated from vehicular circulation and may serve to provide residents the opportunity to travel safely from an individual unit to another unit and to the boundaries of the Property or public trail system. Private internal Streets may be considered for Condominium projects if they meet the minimum emergency and safety requirements.

(6) The Site plan shall include adequate Areas for snow removal and snow storage. The landscape plan shall allow for snow storage Areas. Structures shall be set back from any hard surfaces so as to provide adequate Areas to remove and store snow. The assumption is that snow should be able to be stored on Site and not removed to an Off-Site location.

(7) It is important to plan for trash storage and collection and recycling facilities. The Site plan shall include adequate Areas for trash dumpsters and recycling containers, including an adequate circulation area for pick-up vehicles. These facilities shall be enclosed and shall be included on the site and landscape plans for the Project. Pedestrian Access shall be provided

to the refuse/recycling facilities from within the MPD for the convenience of residents and guests.

No final site plan for a commercial development or multi-family residential development shall be approved unless there is a mandatory recycling program put into effect which may include Recycling Facilities for the project.

Single family residential development shall include a mandatory recycling program put into effect including curb side recycling but may also provide Recycling Facilities.

The recycling facilities shall be identified on the final site plan to accommodate for materials generated by the tenants, residents, users, operators, or owners of such project. Such recycling facilities shall include, but are not necessarily limited to glass, paper, plastic, cans, cardboard or other household or commercially generated recyclable and scrap materials.

Locations for proposed centralized trash and recycling collection facilities shall be shown on the site plan drawings. Written approval of the proposed locations shall be obtained by the City Building and Planning Department.

Centralized garbage and recycling collection containers shall be located in a completely enclosed structure, designed with materials that are compatible with the principal building(s) in the development, including a pedestrian door on the structure and a truck door/gate. The structure's design, construction, and materials shall be substantial e.g. of masonry, steel, or other materials approved by the Planning Department capable of sustaining active use by residents and trash/recycle haulers.
The structures shall be large enough to accommodate a garbage container and at least two recycling containers to provide for the option of dual-stream recycling. A conceptual design of the structure shall be submitted with the site plan drawings.

(8) The Site planning for an MPD should include transportation amenities including drop-off Areas for van and shuttle service, and a bus stop, if applicable.

(9) Service and delivery Access and loading/unloading Areas must be included in the Site plan. The service and delivery should be kept separate from pedestrian Areas.

(H) **LANDSCAPE AND STREET SCAPE**. A complete landscape plan must be submitted with the MPD application. The landscape plan shall comply with all criteria and requirements of LMC Section 15-5-5(M) LANDSCAPING.

All noxious weeds, as identified by Summit County, shall be removed from the Property in accordance with the Summit County Weed Ordinance prior to issuance of Certificates of Occupancy.

Lighting must meet the requirements of LMC Chapter 15-5, Architectural Review.

(I) **SENSITIVE LANDS COMPLIANCE**. All MPD Applications containing any Area within the Sensitive Areas Overlay Zone will be required to conduct a Sensitive Lands Analysis and conform to the Sensitive Lands Provisions, as described in LMC Section 15-2.21.

(J) **EMPLOYEE/AFFORDABLE HOUSING**. MPD Applications shall include a housing mitigation plan which must address employee Affordable Housing as required by the adopted housing resolution in effect at the time of Application.

(K) **CHILD CARE**. A Site designated and planned for a Child Care Center may be required for all new single and multi-family housing projects if the Planning Commission determines that the project will create additional demands for Child Care.

(L) **MINE HAZARDS**. All MPD applications shall include a map and list of all known Physical Mine Hazards on the property and a mine hazard mitigation plan.

(M) **HISTORIC MINE WASTE MITIGATION.** For known historic mine waste located on the property, a soil remediation mitigation plan must be prepared indicating areas of hazardous soils and proposed methods of remediation and/or removal subject to the Park City Soils Boundary Ordinance requirements and regulations. See Title Eleven Chapter Fifteen of the Park City Municipal Code for additional requirements.

(Amended by Ord. Nos. 04-08; 06-22; 09-10; 10-14; 11-05 11-12; 13-23)

15- 6- 6. REQUIRED FINDINGS AND CONCLUSIONS OF LAW.

The Planning Commission must make the following findings in order to approve a Master Planned Development. In some cases, conditions of approval will be attached to the approval to ensure compliance with these findings.

(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, is consistent with the Park City General Plan;

(D) The MPD, as conditioned, provides the highest value of Open Space, as determined by the Planning Commission;

(E) The MPD, as conditioned, strengthens and enhances the resort character of Park City;

(F) The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;
(G) 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;

(H) The MPD, as conditioned, provides amenities to the community so that there is no net loss of community amenities;

(I) 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.

(J) 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;
(K) The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections; and

(L) The MPD has been noticed and public hearing held in accordance with this Code.

(M) 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.

(N) The MPD, as conditioned, addresses and mitigates Physical Mine Hazards according to accepted City regulations and policies.

(O) The MPD, as conditioned, addresses and mitigates Historic Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance.

(Amended by Ord. Nos. 06-22; 10-14; 13-23)

15-6-7. MASTER PLANNED AFFORDABLE HOUSING DEVELOPMENT.

(A) **PURPOSE**. The purpose of the master planned Affordable Housing Development is to promote housing for a diversity of income groups by providing Dwelling Units for rent or for sale in a price range affordable by families in the low-to-moderate income range. This may be achieved by encouraging the private sector to develop Affordable Housing.
Master Planned Developments, which are one hundred percent (100%) Affordable Housing, as defined by the housing resolution in effect at the time of Application, would be considered for a Density incentive greater than that normally allowed under the applicable Zoning District and Master Planned Development regulations with the intent of encouraging quality Development of permanent rental

and permanent Owner-occupied housing stock for low and moderate income families within the Park City Area.

(B) **RENTAL OR SALES PROGRAM**. If a Developer seeks to exercise the increased Density allowance incentive by providing an Affordable Housing project, the Developer must agree to follow the guidelines and restrictions set forth by the Housing Authority in the adopted Affordable Housing resolution in effect at the time of Application.

(C) **MIXED RENTAL AND OWNER/ OCCUPANT PROJECTS**. When projects are approved that comprise both rental and Owner/occupant Dwelling Units, the combination and phasing of the Development shall be specifically approved by the reviewing agency and become a condition of project approval. A permanent rental housing unit is one which is subject to a binding agreement with the Park City Housing Authority.

(D) **MPD REQUIREMENTS.** All of the MPD requirements and findings of this section shall apply to Affordable Housing MPD projects.

(E) **DENSITY BONUS**. The reviewing agency may increase the allowable Density to a maximum of twenty (20) Unit Equivalents per acre. The Unit Equivalent formula applies.

(F) **PARKING**. Off-Street parking will be required at a rate of one (1) space per Bedroom.

(G) **OPEN SPACE**. A minimum of fifty percent (50%) of the Parcel shall be retained or developed as open space. A reduction in the percentage of open space, to not less than forty percent (40%), may be granted upon a finding by the Planning Commission that additional on or Off-Site amenities, such as playgrounds, trails, recreation facilities, bus shelters, significant landscaping, or other amenities will be provided above any that are required. Project open space may be utilized for project amenities, such as tennis courts, Buildings not requiring a Building Permit, pathways, plazas, and similar Uses. Open space may not be utilized for Streets, roads, or Parking Areas.

(H) **RENTAL RESTRICTIONS**. The provisions of the moderate income housing exception shall not prohibit the monthly rental of an individually owned unit. However, Nightly Rentals or timesharing shall not be permitted within Developments using this exception. Monthly rental of individually owned units shall comply with the guidelines and restrictions set forth by the Housing Authority as stated in the adopted Affordable Housing resolution in effect at the time of Application.

(Amended by Ord. Nos. 06-22; 09-10)

15-6-8. UNIT EQUIVALENTS.

Density of Development is a factor of both the Use and size of Structures built within a project. In order to allow for, and to encourage, a variety of unit configurations, Density shall be calculated on the basis of Unit Equivalents. Unless otherwise

stipulated, one (1) Unit Equivalent equates to one (1) single family Lot, 2,000 square feet of Multi-Family Dwelling floor area, or 1,000 square feet of commercial or office floor area. A duplex Lot equates to two (2) Unit Equivalents, unless otherwise stipulated by the Master Planned Development (MPD). The MPD may stipulate maximum Building Footprint and/or maximum floor area for single family and duplex Lots. Residential Unit Equivalents for Multi-Family Dwellings shall be calculated on the basis of one (1) Unit Equivalent per 2,000 square feet and portions of Unit Equivalents for additional square feet above or below 2,000. For example: 2,460 square feet of a multi-family unit shall count as 1.23 Unit Equivalents.

Affordable Housing units required as part of the MPD approval, and constructed on Site do not count towards the residential Unit Equivalents of the Master Plan. Required ADA units do not count towards the residential Unit Equivalents.

Support Uses and accessory meeting space use Unit Equivalents as outlined in Section 15-6-8(C) and (D) below.

(A) **CALCULATING RESIDENTIAL UNIT SQUARE FOOTAGE**. Unit square footage shall be measured from the interior of the exterior unit walls. All bathrooms, halls, closets, storage and utility rooms within a unit will be included in the calculation for square footage. Exterior hallways, common circulation and hotel use areas, such as lobbies, elevators, storage, and other similar Areas, will not be included. Common outdoor facilities, such as pools, spas, recreation facilities, ice-skating rinks, decks, porches, etc. do not require the Use of Unit Equivalents.

(B) **LOCKOUTS**. For purposes of calculating Unit Equivalents, Lockouts shall be included in the overall square footage of a unit.

(C) **SUPPORT COMMERCIAL WITHIN RESIDENTIAL MASTER PLANNED DEVELOPMENTS**. Within a Hotel or Nightly Rental condominium project, the Floor Area of Support Commercial uses may not exceed five percent (5%) of the total Floor Area of the approved residential Unit Equivalents. Any unused support commercial floor area may be utilized for meeting space Uses.

(D) **MEETING SPACE**. Within a Hotel or Condominium project, Floor Area of meeting space may not exceed five percent (5%) of the total Floor Area of the approved residential unit equivalents. Any unused meeting space floor area may be utilized for support commercial uses within a Hotel or Nightly Rental Condominium project.

(E) **COMMERCIAL UNIT EQUIVALENTS**. Commercial spaces, approved as a part of a Master Planned Development, shall be calculated on the basis of one (1) Unit Equivalent per 1000 square feet of Net Leasable Floor Area, exclusive of common corridors, for each part of a 1,000 square foot interval. For example: 2,460 square feet of commercial Area shall count as 2.46 Unit Equivalents.

(F) **RESIDENTIAL ACCESSORY USES**. Residential Accessory Uses include typical back of house uses and administration facilities that are for the benefit of the residents of a commercial Residential Use, such as a Hotel or Nightly Rental Condominium project and that are common to the residential project and are not located within any individual Residential unit. Residential Accessory Uses do not require the use of Unit Equivalents and include, but are not limited to, such Uses as:

Ski/Equipment lockers
Lobbies
Registration
Concierge
Bell stand/luggage storage
Maintenance Areas
Mechanical rooms and shafts
Laundry facilities and storage
Employee facilities
Common pools, saunas and hot tubs, and exercise areas not open to the public
Telephone Areas
Guest business centers
Public restrooms
Administrative offices
Hallways and circulation
Elevators and stairways

(G) **RESORT ACCESSORY USES**. The following Uses are considered accessory for the operation of a resort for winter and summer operations. These Uses are considered typical back of house uses and are incidental to and customarily found in connection with the principal Use or Building and are operated for the convenience of the Owners, occupants, employees, customers, or visitors to the principal resort Use. Accessory Uses associated with an approved summer or winter resort do not require the Use of a Unit Equivalent. These Uses include, but are not limited to, such Uses as:

Information
Lost and found
First Aid
Mountain patrol
Administration
Maintenance and storage facilities
Emergency medical facilities
Public lockers
Public restrooms
Employee restrooms, employee locker rooms, employee break rooms, and employee dining areas
Ski school/day care facilities
Instruction facilities
Ticket sales
Equipment/ski check
Circulation and hallways for these Resort Accessory Uses

(Amended by Ord. Nos. 06-22; 09-10; 10-14; 11-05)

EXHIBIT B

Ordinance No. 04-08

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE
Chapters 15-6, 15-4, 15-2.3-2(B), 15-2.7-6, 15.2.9-8, 15-2.10-8, 15-2.13-10

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 of Park City; and

WHEREAS, it is in the best interest of the community to periodically amend the Land Management Code to reflect the goals and objectives of the City Council and to align the Code with the Park City General Plan; and

WHEREAS, the City Council finds that the proposed changes to the Land Management Code are necessary to supplement existing zoning regulations to provide design flexibility for infill projects in the Historic District; to preserve the historic and resort nature of Park City; to facilitate economically viable developments that include common structured parking, mixed commercial and residential uses, rehabilitated historic structures and features; and to enable development of properties within multiple zoning districts;

WHEREAS, the City Council finds it is in the City's best interest to amend the Land Management Code to enhance the economic viability of Old Town and to facilitate expansion of businesses on Main Street into the HR-2 District, as necessary, to meet Fire and Building Codes and to provide adequate and safe emergency egress and ADA compliance;

WHEREAS, it is in the best interest of the City to maintain Park City as a world class resort, and;

WHEREAS, the City Council finds it is in the City's best interest to protect Park City's residential neighborhoods from resort related traffic and parking impacts by amending the Land Management Code to supplement existing zoning regulations with specific review criteria for Vehicular Control Gates on private roads.

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

SECTION 1. AMENDMENT TO TITLE 15- Land Management Code, Chapter 6- Master Planned Developments. The recitals above are incorporated herein as findings of fact. Chapter 6 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit A).

SECTION 2. AMENDMENT TO TITLE 15- Land Management Code, Chapter 4- Supplemental Regulations. The recitals above are incorporated herein as findings of fact. Chapter 4 of the Land Management Code of Park City is hereby amended as

redlined and Chapters 15-2.7-6, 15.2.9-8, 15-2.10-8, 15-2.13-10 are hereby amended pursuant to Exhibit B (see Exhibit B).

SECTION 3. AMENDMENT TO TITLE 15- Land Management Code, Chapter 2- Section 15-2.3-82. (B) Conditional Uses. The recitals above are incorporated herein as findings of fact. Chapter 2 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit C).

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 4th day of March 2004.

PARK CITY MUNICIPAL CORPORATION

Dana Williams

Mayor Dana Williams

Attest:

Janet M. Scott

Janet M. Scott, City Recorder

PARK CITY SUMMIT COUNTY UTAH CORPORATE Seal MARCH 1, 1884

Approved as to form:

Mark D. Harrington, City Attorney

TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 6 - MASTER PLANNED DEVELOPMENTS 1

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15-6-2. APPLICABILITY 1

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 6 - MASTER PLANNED DEVELOPMENTS

Chapter adopted by Ordinance No. 02-07

CHAPTER 6 - MASTER PLANNED DEVELOPMENTS (MPD)

15-6 -1. PURPOSE.

The purpose of this Chapter is to describe the process and set forth criteria for review of Master Planned Developments (MPDs) in Park City. The Master Planned Development provisions set forth Use, Density, height, design theme and general Site planning criteria for larger projects. The goal of this section is to result in projects which:

(A) compliment the natural features of the Site;

(B) ensure neighborhood Compatibility;

(C) strengthen the resort character of Park City;

(D) result in a net positive contribution of amenities to the community;

(E) provide a variety of housing types and configurations;

(F) provide the highest value of open space for any given Site; and

(G) efficiently and cost effectively extend and provide infrastructure.

15-6 -2. APPLICABILITY.

The Master Planned Development process shall be required in all zones except the Historic Residential (HR-1, HR-2), Historic Residential - Low Density (HRL) and ~~Historic Commercial Business (HCB),~~ Historic Residential - Medium Density (HRM) ~~and Historic Recreation Commercial (HRC)~~ for the following:

(A) Any residential project larger than ten (10) Lots or units.

(B) All Hotel and lodging project with more than fifteen (15) Residential Unit Equivalents.

(C) All new commercial or industrial projects greater than 10,000 square feet Gross Floor Area.

The Master Planned Development process is allowed but not required in the Historic Commercial Business (HCB) and Historic Recreation

Commercial (HRC) and Historic Residential (HR-1) zones, provided the subject property and proposed MPD meet the following criteria:

(A) The property is bisected by two or more zoning designations, and

(B) The property has significant historic structures that either have been restored or is proposed to be rehabilitated as part of the MPD; and

(C) The proposed Master Planned Development includes reduced surface parking via common underground parking.

MPDs are allowed in Historic Residential (HR-1) Zone only when:

(1) **HR-1 zoned parcels are combined with adjacent HRC or HCB zone properties as part of an allowed MPD (see criteria above); or**

(2) Property is not a part of the original Park City Survey or Snyder's Addition to the Park City Survey and which may be considered for Affordable Housing MPDs consistent with Section 15-6-7 herein.

15-6 -3. USES.

A Master Planned Development (MPD) can only contain Uses, which are Permitted or Conditional in the zone(s) in which it is located. The maximum Density and type of Development permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety and the Density located in the most appropriate locations. When Properties are in more than one (1) Zoning District, there may be a shift of Density between Zoning Districts if that transfer results in a project which better meets the goals set forth in Section 15-6-1 herein. Density for MPDs will be based on the Unit Equivalent Formula, as defined in LMC Chapter 15-15.

15-6 -4. PROCESS.

(A) **PRE-APPLICATION CONFERENCE**. A pre-Application conference shall be held with the Community Development Department staff in order for the Applicant to become acquainted with the Master Planned Development procedures and related City requirements and schedules. The Community Development Department staff will give preliminary feedback to the potential Applicant based on information available at the pre-Application conference and will inform the Applicant of issues or special requirements which may result from the proposal.

(B) **PRE-APPLICATION PUBLIC MEETING AND DETERMINATION OF COMPLIANCE**. In order to provide an opportunity for the public and the Planning Commission to give preliminary input on a concept for a Master Planned Development, all MPDs will be required to go through a pre-Application public meeting before the Planning Commission. A pre-

Application will be filed with the Park City Planning Department and shall include conceptual plans as stated on the Application form and the applicable fee. The public will be notified and invited to attend and comment in accordance with LMC Chapters 15-1-12 and 15-1-19, Notice Matrix, of this Code.

At the pre-Application public meeting, the Applicant will have an opportunity to present the preliminary concepts for the proposed Master Planned Development. This preliminary review will focus on General Plan and zoning compliance for the proposed MPD. The public will be given an opportunity to comment on the preliminary concepts so that the Applicant can address neighborhood concerns in preparing an Application for an MPD.

The Planning Commission shall review the preliminary information for compliance with the General Plan and will make a finding that the project complies with the General Plan. Such finding is to be made prior to the Applicant filing a formal MPD Application. If no such finding can be made, the applicant must submit a modified Application or the General Plan would have to be modified prior to formal acceptance and processing of the Application. For larger MPDs, it is recommended that the Applicant host additional neighborhood meetings in preparation of filing of a formal Application for an MPD.

For MPDs that are vested as part of Large Scale MPDs the Planning Commission may waive the requirement for a pre-Application meeting, but the Commission shall make a finding at the time of approval that the project is consistent with the Large Scale MPD.

(C) **APPLICATION**. The Master Planned Development Application must be submitted with a completed Application form supplied by the City. A list of minimum requirements will accompany the Application form. The Application must include written consent by all Owners of the Property to be included in the Master Planned Development. Once an Application is received, it shall be assigned to a staff Planner who will review the Application for completeness. The Applicant will be informed if additional information is necessary to constitute a Complete Application.

(D) **PLANNING COMMISSION REVIEW**. The Planning Commission is the primary review body for Master Planned Developments and is required to hold a public hearing and take action. All MPDs will have at least one (1) work session before the Planning Commission prior to a public hearing.

(E) **PUBLIC HEARING**. In addition to the preliminary public input session, a formal public hearing on a Master Planned Development is required to be held by the Planning Commission. The Public Hearing will be noticed in accordance with LMC Chapters 15-1-12 and 15-1-19, Notice Matrix. Multiple Public Hearings, including additional notice, may be necessary for larger, or more complex, projects.

(F) **PLANNING COMMISSION ACTION**. The Planning Commission shall approve, approve with modifications, or deny a requested Master Planned Development. The Planning Commission action shall be in the form of written findings of fact, conclusions of law, and in the case of approval, conditions of approval. Action shall occur only after the required public hearing is held. To approve an MPD, the Planning Commission will be required to make the findings outlined in Section 15-6-6 herein.

Any appeal of a Planning Commission action will be heard by the City Council in accordance with LMC Chapter 15-1-17.

(G) **DEVELOPMENT AGREEMENT**. Once the Planning Commission has approved 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 Developer=s agreement to pay all specified impact fees; and

(7) The form of ownership anticipated for the project and a specific project phasing plan.

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 recorded within six (6) months of the date the project was approved by the Planning Commission, or the Planning Commission approval shall expire.

(H) **LENGTH OF APPROVAL**. Construction, as defined by the Uniform Building Code, will be required to commence within two (2) years of the date of the execution of the Development Agreement. After construction commences, the MPD shall remain valid as long as it is consistent with the approved specific project phasing plan as set forth in the

Development Agreement. It is anticipated that the specific project phasing plan may require Planning Commission review and reevaluation of the project at specified points in the Development of the project.

(I) **MPD MODIFICATIONS**. Changes in a Master Planned Development, which constitute a change in concept, Density, unit type or configuration of any portion or phase of the MPD will justify review of the entire master plan and Development Agreement by the Planning Commission, unless otherwise specified in the Development Agreement. If the modifications are determined to be substantive, the project will be required to go through the pre-Application public hearing and determination of compliance as outlined in Section 15-6-4(B) herein.

(J) **SITE SPECIFIC APPROVALS.** Any portion of an approved Master Planned Development will be processed as a Conditional Use. At this time, the Planning Commission will review specific plans including architecture and landscaping. The Application requirements and review criteria of the Conditional Use process must be followed. A pre-Application public meeting will be required at which time the Planning Commission will review the Application for compliance with the large scale MPD approval.

15-6 -5. MPD REQUIREMENTS.

All Master Planned Developments shall contain the following minimum requirements. Many of the requirements and standards will have to be increased in order for the Planning Commission to make the necessary findings to approve the Master Planned Development.

(A) **DENSITY**. The type of Development, number of units and Density permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety and the Density located in the most appropriate locations. When Properties are in more than one (1) Zoning District, there may be a shift of Density between Zoning Districts if that transfer results in a project which better meets the goals set forth in Section 15-6-1. Density for MPDs will be based on the Unit Equivalent Formula, as defined in Section 15-6-8 herein.

(1) **EXCEPTIONS**. The Community Development Department may recommend that the Planning Commission grant up to a maximum of ten percent (10%) increase in total Density if the Applicant:

(a) Donates open space in excess of the sixty percent (60%) requirement, either in fee or a less-than-fee interest to either the City or another unit of government or nonprofit land conservation organization approved by the City. Such Density bonus shall only be

Ordinance No. 06-22

AN ORDINANCE APPROVING AMENDMENTS TO THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, TO REFLECT RE-ORGANIZATION OF THE COMMUNITY DEVELOPMENT DEPARTMENT, TO COMPORT WITH REVISIONS TO THE UTAH CODE, AND TO ADDRESS TECHNICAL CORRECTIONS AND SUSTANTIVE AMENDMENTS, FOR THE FOLLOWING CHAPTERS:
CHAPTER 1- GENERAL PROVISIONS AND PROCEDURES
CHAPTER 3- OFF-STREET PARKING,
CHAPTER 4- SUPPLEMENTAL REGULATIONS,
CHAPTER 6- MASTER PLANNED DEVELOPMENTS,
CHAPTER 7- SUBDIVISION GENERAL PROVISIONS AND
CHAPTER 8- ANNEXATION

WHEREAS, the Land Management Code is designed and enacted to implement the objectives of the Park City General Plan; to protect the general health, safety, and welfare of Park City's citizen's and property owners; to maintain the quality of life and experience for its residents and visitors; and to preserve the community's unique character and values;

WHEREAS, the City is in the process of preparing amendments to the entire Land Management Code to address reorganization of the Community Development Department and to ensure that the Park City Land Management Code comports with revisions to the Utah Code in 2005;

WHEREAS, approval of these amendments to the Land Management Code serve to implement amendments to the City's General Plan and to address substantive amendments to the Land Management Code related to Conditional Use Permits, noticing, appeals and appeal authority, parking on paved surfaces, parking below grade within setbacks, walls and fences, size limitations for Guest Houses, telecommunications and antenna locations, increase occupants allowed in elderly group homes from 4 to 8, options for unit equivalent calculations, changes to subdivision ordinance regarding review and approval authority, and requirement for a zone to be assigned to annexed territory when annexed.

WHEREAS, the Planning Commission duly noticed and conducted public hearings at its regularly scheduled meetings, on December 14, 2005 and March 1, 2006 and forwarded to City Council a positive recommendation on amendments to Chapters 1, 3, 4, 6, 7, and 8;

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on April 27, 2006; 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 Utah State Code and the Park City General Plan, and to be consistent with the values and identified goals of the Park City community to protect health and safety, maintain the quality of life for its residents, and to preserve the community's unique character.

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

SECTION 1. AMENDMENTS TO CHAPTER 1 OF THE LAND MANAGEMENT CODE. Chapter 1 is hereby amended as attached hereto as Exhibit A. Any conflicts or cross-

references from other provisions of the LMC to Chapter 1 shall be resolved by the Planning Director.

SECTION 2. AMENDMENTS TO CHAPTER 3 OF THE LAND MANAGEMENT CODE. Chapter 3 is hereby amended as attached hereto as Exhibit B. Any conflicts or cross-references from other provisions of the LMC to Chapter 3 shall be resolved by the Planning Director.

SECTION 3. AMENDMENTS TO CHAPTER 4 OF THE LAND MANAGEMENT CODE. Chapter 4 is hereby amended as attached hereto as Exhibit C. Any conflicts or cross-references from other provisions of the LMC to Chapter 4 shall be resolved by the Planning Director.

SECTION 4. AMENDMENTS TO CHAPTER 6 OF THE LAND MANAGEMENT CODE. Chapter 6 is hereby amended as attached hereto as Exhibit D. Any conflicts or cross references from other provisions in the LMC to Chapter 6 shall be resolved by the Planning Director.

SECTION 5. AMENDMENTS TO CHAPTER 7 OF THE LAND MANAGEMENT CODE. Chapter 7 is hereby amended as attached hereto as Exhibit E. Any conflicts or cross references from other provisions in the LMC to Chapter 7 shall be resolved by the Planning Director.

SECTION 6. AMENDMENT TO CHAPTER 8 OF THE LAND MANAGEMENT CODE. Chapter 8 is hereby amended as attached hereto as Exhibit F. Any conflicts or cross-references from other provisions of the LMC to Chapter 8 shall be resolved by the Planning Director.

SECTION 7. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PARK CITY MUNICIPAL CORPORATION

Dana Williams

Mayor Dana Williams

Attest:

Janet M. Scott

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 6 - MASTER PLANNED DEVELOPMENTS

Chapter adopted by Ordinance No. 02-07

CHAPTER 6 - MASTER PLANNED DEVELOPMENTS (MPD)

15-6 -1. PURPOSE.

The purpose of this Chapter is to describe the process and set forth criteria for review of Master Planned Developments (MPDs) in Park City. The Master Planned Development provisions set forth Use, Density, height, design theme and general Site planning criteria for larger projects. The goal of this section is to result in projects which:

(A) compliment the natural features of the Site;

(B) ensure neighborhood Compatibility;

(C) strengthen the resort character of Park City;

(D) result in a net positive contribution of amenities to the community;

(E) provide a variety of housing types and configurations;

(F) provide the highest value of open space for any given Site; and

(G) efficiently and cost effectively extend and provide infrastructure.

15-6 -2. APPLICABILITY.

(A) The Master Planned Development process shall be required in all zones except the Historic Residential (HR-1, HR-2), Historic Residential - Low Density (HRL), and Historic Residential - Medium Density (HRM) for the following:

(1) Any residential project larger than ten (10) Lots or units.

(2) All Hotel and lodging project with more than fifteen (15) Residential Unit Equivalents.

(3) All new commercial or industrial projects greater than 10,000 square feet Gross Floor Area.

(B) The Master Planned Development process is allowed but not required in the Historic Commercial Business (HCB), Historic Recreation Commercial (HRC) and

Historic Residential (HR-1) zones, provided the subject property and proposed MPD meet the following criteria:

(1) The Property is bisected by two (2) or more zoning designations, and

(2) The Property has significant Historic Structures that either have been restored or are proposed to be rehabilitated as part of the MPD; and

(3) The proposed Master Planned Development includes reduced surface parking via common underground parking.

(C) MPDs are allowed in Historic Residential (HR-1) zone only when:

(1) HR-1 zoned parcels are combined with adjacent HRC or HCB zone Properties as part of an allowed MPD, see criteria above; or

(2) Property is not a part of the original Park City Survey or Snyder's Addition to the Park City Survey and which may be considered for affordable housing MPDs consistent with Section 15-6-7 herein.

(Amended by Ord. No. 04-08)

15-6 -3. USES.

A Master Planned Development (MPD) can only contain Uses, which are Permitted or Conditional in the zone(s) in which it is located. The maximum Density and type of Development permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety and the Density located in the most appropriate locations. When Properties are in more than one (1) Zoning District, there may be a shift of Density between Zoning Districts if that transfer results in a project which better meets the goals set forth in Section 15-6-1 herein. Density for MPDs will be based on the Unit Equivalent Formula, as defined in LMC Chapter 15-15 and as stated in Section 15-6-8 herein.

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15-6 -4. PROCESS.

(A) **PRE-APPLICATION CONFERENCE**. A pre-Application conference shall be held with the Planning Department staff in order for the Applicant to become acquainted with the Master Planned Development procedures and related City requirements and schedules. The Planning Department staff will give preliminary feedback to the potential Applicant based on information available at the pre-Application conference and will inform the Applicant of issues or special requirements which may result from the proposal.

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(B) **PRE-APPLICATION PUBLIC MEETING AND DETERMINATION OF COMPLIANCE**. In order to provide an opportunity for the public and the Planning Commission to give preliminary input on a concept for a Master Planned Development,

all MPDs will be required to go through a pre-Application public meeting before the Planning Commission. A pre-Application will be filed with the Park City Planning Department and shall include conceptual plans as stated on the Application form and the applicable fee. The public will be notified and invited to attend and comment in accordance with LMC Chapters 15-1-12 and 15-1-20, Notice Matrix, of this Code.

At the pre-Application public meeting, the Applicant will have an opportunity to present the preliminary concepts for the proposed Master Planned Development. This preliminary review will focus on General Plan and zoning compliance for the proposed MPD. The public will be given an opportunity to comment on the preliminary concepts so that the Applicant can address neighborhood concerns in preparation of an Application for an MPD.

The Planning Commission shall review the preliminary information for compliance with the General Plan and will make a finding that the project complies with the General Plan. Such finding is to be made prior to the Applicant filing a formal MPD Application. If no such finding can be made, the applicant must submit a modified Application or the General Plan would have to be modified prior to formal acceptance and processing of the Application. For larger MPDs, it is recommended that the Applicant host additional neighborhood meetings in preparation of filing of a formal Application for an MPD.

For MPDs that are vested as part of Large Scale MPDs the Planning Commission may waive the requirement for a pre-Application meeting, but the Commission shall make a finding at the time of approval that the project is consistent with the Large Scale MPD.

(C) **APPLICATION**. The Master Planned Development Application must be submitted with a completed Application form supplied by the City. A list of minimum requirements will accompany the Application form. The Application must include written consent by all Owners of the Property to be included in the Master Planned Development. Once an Application is received, it shall be assigned to a staff Planner who will review the Application for completeness. The Applicant will be informed if additional information is necessary to constitute a Complete Application.

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(D) **PLANNING COMMISSION REVIEW**. The Planning Commission is the primary review body for Master Planned Developments and is required to hold a public hearing and take action. All MPDs will have at least one (1) work session before the Planning Commission prior to a public hearing.

(E) **PUBLIC HEARING**. In addition to the preliminary public input session, a formal public hearing on a Master Planned Development is required to be held by the Planning Commission. The Public Hearing will be noticed in accordance with LMC Chapters 15-1-12 and 15-1-19, Notice Matrix. Multiple Public Hearings, including additional notice, may be necessary for larger, or more complex, projects.

(F) **PLANNING COMMISSION ACTION**. The Planning Commission shall approve, approve with modifications, or deny a requested Master Planned Development. The Planning Commission action shall be in the form of written findings of fact, conclusions of law, and in the case of approval, conditions of approval. Action shall occur only after the required public hearing is held. To approve an MPD, the Planning Commission will be required to make the findings outlined in Section 15-6-6 herein.

Any appeal of a Planning Commission action will be heard by the City Council in accordance with LMC Chapter 15-1-18.

(G) **DEVELOPMENT AGREEMENT**. Once the Planning Commission has approved 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 Developer's agreement to pay all specified impact fees; and

(7) The form of ownership anticipated for the project and a specific project phasing plan.

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.

(H) **LENGTH OF APPROVAL**. Construction, as defined by the Uniform Building Code, will be required to commence within two (2) years of the date of the execution of the Development Agreement. After construction commences, the MPD shall remain valid as long as it is consistent with the approved specific project phasing plan as set forth in the Development Agreement. It is anticipated that the specific project phasing plan may require Planning

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MPD MODIFICATIONS.
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ed in Section 15-6-4(B) herein.

SITE SPECIFIC APPROVALS.
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approval.

15-6 -5. MPD REQUIREMENTS.

All Master Planned Developments shall contain the following minimum requirements. Many of the requirements and standards will have to be increased in order for the Planning Commission to make the necessary findings to approve the Master Planned Development.

(A) **DENSITY**. The type of Development, number of units and Density permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety and the Density located in the most appropriate locations. When Properties are in more than one (1) Zoning District, there may be a shift of Density between Zoning Districts, if that transfer results in a project that better meets the goals set forth in Section 15-6-1. Density for MPDs will be based on the Unit Equivalent Formula, as defined in Section 15-6-8 herein.

(1) **EXCEPTIONS**. The Planning Department may recommend that the Planning Commission grant up to a maximum of ten percent (10%) increase in total Density if the Applicant:

(a) Donates open space in excess of the sixty percent (60%) requirement, either in

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fee or a less-than-fee interest to either the City or another unit of government or nonprofit land conservation organization approved by the City. Such Density bonus shall only be granted upon a finding by the Planning Director that such donation will ensure the long-term protection of a significant environmentally or visually sensitive Area; or

(b) Proposes a Master Planned Development (MPD) in which more than thirty percent (30%) of the Unit Equivalents are employee/ Affordable Housing consistent with the City's adopted employee/ Affordable Housing guidelines and requirements; or

(c) Proposes an MPD in which more than eighty percent (80%) of the project is open space as defined in this code and prioritized by the Planning Commission.

(B) **MAXIMUM ALLOWED BUILDING FOOTPRINT FOR MASTER PLANNED DEVELOPMENTS WITHIN THE HR-1 DISTRICT**.

(1) The HR-1 District sets forth a Maximum Building Footprint for all Structures based on Lot Area. For purposes of establishing the maximum Building Footprint for Master Planned Developments, which include Development in the HR-1 District, the maximum Building Footprint shall be calculated based on the Subdivision Plan and Lots of record at the time of complete Master Planned Development Application submittal. The Area of a common underground Parking Structures shall not count against the maximum Building Footprint.

(2) The maximum Building Footprint calculation for Properties within the Historic District do not apply to common underground Parking Structures approved as part of a Master Planned Development.

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(C) **SETBACKS**. The minimum Setback around the exterior boundary of an MPD shall be twenty five feet (25') for Parcels greater than one (1) acre in size. In some cases, that Setback may be increased to retain existing Significant Vegetation or natural features or to create an adequate buffer to adjacent Uses. The Planning Commission may decrease the required perimeter Setback from twenty five feet (25') to the zone required Setback if it is necessary to provide desired architectural interest and variation. The Planning Commission may reduce Setbacks within the project from those otherwise required in the zone to match an abutting zone Setback, provided the project meets minimum Uniform Building Code and Fire Code requirements, does not increase project

Ordinance No. 10-14

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, REVISING SECTIONS 15-2.3, 15-6, REGARDING DEVELOPMENT REGULATIONS FOR MASTER PLANNED DEVELOPMENTS IN THE HR-2 DISTRICT AND CLARIFICATION OF SUPPORT COMMERCIAL AND MEETING SPACE WITHIN MASTER PLANNED DEVELOPMENTS

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 owner's of Park City;

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 preserve the community's unique character and values; and

WHEREAS, the City reviews the Land Management Code on an annual basis and identifies necessary amendments to address planning and zoning issues that have come up in the past year, and to address specific LMC issues raised by Staff and the Commission, to address applicable changes to the State Code, and to align the Code with the Council's goals;

WHEREAS, the City's goals include preservation of Park City's character regarding Old Town improvements, historic preservation, sustainability, affordable housing, and protecting Park City's residential neighborhoods;

WHEREAS, the City's goals include maintaining the resort community regarding economic development, and enhancing the economic viability of Park City's Main Street Business District; and

WHEREAS, Chapter 2.3, Historic Residential-2 Zoning District, provides a description of requirements, provisions and procedures specific to Subzone A of the HR-2 zoning district, specifically for Master Planned Developments on the east side of upper Park Avenue south of Heber Avenue and the City desires to clarify and revise these requirements, provisions and procedures as outlined in the staff report; and

WHEREAS, Chapter 6 - Master Planned Developments, provides regulations, requirements, and procedural requirements regarding Master Planned Developments, and the City desires to clarify and revise these regulations and procedures as they pertain to 1) development in the HR-2 and HCB Zoning Districts and 2) calculation of Support Commercial and Meeting Space within Master Planned Developments as outlined in the staff report; and

WHEREAS, these amendments are changes identified during the 2009 annual review of the Land Management Code that provide clarifications of processes and procedures, and interpretations of the Code for streamlined review and consistency of application between Sections.

WHEREAS, the Planning Department held a neighborhood information meeting on October 27, 2009 and the Planning Commission duly noticed and conducted public hearings at the regularly scheduled meetings on November 11 and December 16, 2009 and January 20th, February 24th, and March 24th, 2010 and forwarded a recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted public hearings at its regularly scheduled meetings on April 1 and April 15, 2010; 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 Park City General Plan and to be consistent with the values and identified goals of the Park City community and City Council to protect health and safety, maintain the quality of life for its residents, preserve and protect the Upper Park Avenue residential neighborhood, preserve historic sites and structures, preserve the historic character of neighborhoods in the Historic District, promote economic development within the Park City Historic Main Street business area, and preserve the community's unique character.

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

SECTION 1. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2- Section 15-2.3. The recitals above are incorporated herein as findings of fact. Chapter 15-2.3 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit A).

SECTION 2. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 6- Master Planned Development. The recitals above are incorporated herein as findings of fact. Chapter 6 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit B).

SECTION 3. SEVERABILITY OF ORDINANCE. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 15th day of April, 2010

PARK CITY MUNICIPAL CORPORATION

Dana Williams

Dana Williams, Mayor

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark Harrington, City Attorney

THOMAS A. DALEY, SR

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 6 - MASTER PLANNED DEVELOPMENTS

Chapter adopted by Ordinance No. 02-07

CHAPTER 6 - MASTER PLANNED DEVELOPMENTS (MPD)

15-6 -1. PURPOSE.

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

(A) complement the natural features of the Site;

(B) ensure neighborhood Compatibility;

(C) strengthen the resort character of Park City;

(D) result in a net positive contribution of amenities to the community;

(E) provide a variety of housing types and configurations;

(F) provide the highest value of open space for any given Site; Deleted: and

(G) efficiently and cost effectively extend and provide infrastructure; Deleted:

(H) provide opportunities for the appropriate redevelopment and reuse of existing structures/sites and maintain compatibility with the surrounding neighborhood;

(I) protect residential uses and residential neighborhoods from the impacts of non-residential uses using best practice methods and diligent code enforcement; and

(J) encourage mixed use, walkable and sustainable development and redevelopment that provide innovative and energy efficient design, including innovative alternatives to Deleted: i

reduce impacts of the automobile on the community.

15-6 -2. APPLICABILITY.

(A) The Master Planned Development process shall be required in all zones except the Historic Residential (HR-1, HR-2), Historic Residential - Low Density (HRL), and Historic Residential - Medium Density (HRM) for the following:

(1) Any residential project larger than ten (10) Lots or units.

(2) All Hotel and lodging projects with more than fifteen (15) Residential Unit Equivalents.

(3) All new Commercial or industrial projects greater than 10,000 square feet Gross Floor Area.

(B) The Master Planned Development process is allowed but is not required in the Historic Commercial Business (HCB), Historic Recreation Commercial (HRC), Historic Residential (HR-1), and Historic Residential (HR-2) zones, provided the subject property and proposed MPD include two (2) or more zoning designations. ~~meet the following criteria:~~

~~(1) The Property, two (2) or more zoning designations,~~

~~(2) The Property has significant Historic Structures that either have been restored or are proposed to be restored as part of the MPD; and~~

~~(3) The proposed Master Planned Development includes reduced surface parking.~~

(C) ~~MPDs are~~ The Master Planned Development process is allowed in Historic Residential (HR-1) and (HR-2) zones only when:

(1) HR-1 or HR-2 zoned parcels are combined with adjacent HRC or HCB zone Properties ~~as part of an allowed MPD, see criteria above~~; or

(2) The Property is not a part of the original Park City Survey or Snyder's Addition to the Park City Survey and which may be considered for affordable housing MPDs consistent with Section 15-6-7 herein.

(Amended by Ord. Nos. 04-08; 06-22)

15-6 -3. USES.

A Master Planned Development (MPD) can only contain Uses, which are Permitted or Conditional in the zone(s) in which it is located. The maximum Density and type of Development permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety, including all adjacent property under the same ownership, and the Density located in the most appropriate locations. When Properties are in more than one (1) Zoning District, there may be a shift of Density between Zoning Districts if that transfer results in a project

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which better meets the goals set forth in Section 15-6-1 herein. Density for MPDs will be based on the Unit Equivalent Formula, as defined in LMC Chapter 15-15, and as stated in Section 15-6-8 herein.

Exception. Residential Density transfers between the HCB and HR-2 Zoning Districts are not permitted. A portion of the Gross Floor Area generated by the Floor Area Ratio of the HCB Zoning District and applied only to Lot Area in the HCB Zone, may be located in the HR-2 Zone as allowed by Section 15-2.3-8.

(Amended by Ord. No. 06-22)

15-6 -4. PROCESS.

(A) **PRE-APPLICATION CONFERENCE**. A pre-Application conference shall be held with the Planning Department staff in order for the Applicant to become acquainted with the Master Planned Development procedures and related City requirements and schedules. The Planning Department staff will give preliminary feedback to the potential Applicant based on information available at the pre-Application conference and will inform the Applicant of issues or special requirements which may result from the proposal.

(B) **PRE-APPLICATION PUBLIC MEETING AND DETERMINATION OF COMPLIANCE**. In order to provide an opportunity for the public and the Planning Commission to give preliminary input on a concept for a Master Planned Development, all MPDs will be required to go through a pre-Application public meeting before the Planning Commission. A pre-Application will be filed with the Park City Planning Department and shall include conceptual plans as stated on the Application form and the applicable fee. The public will be notified and invited to attend and comment in accordance with LMC Chapters 15-1-12 and 15-1-21, Notice Matrix, of this Code.

At the pre-Application public meeting, the Applicant will have an opportunity to present the preliminary concepts for the proposed Master Planned Development. This preliminary review will focus on identifying issues of compliance with the General Plan and zoning compliance for the proposed MPD. The public will be given an opportunity to comment on the preliminary concepts so that the Applicant can address neighborhood concerns in preparation of an Application for an MPD.

The Planning Commission shall review the preliminary information to identify issues on compliance with the General Plan and will make a finding that the project initially complies with the General Plan. Such finding is to be made prior to the Applicant filing a formal MPD Application. If no such finding can be made, the applicant must submit a modified Application or the General Plan would have to be modified prior to formal acceptance and processing of the Application. For larger MPDs, it is recommended that the Applicant host additional neighborhood meetings in preparation of filing of a formal Application for an MPD.

For MPDs that are vested as part of Large Scale MPDs the Planning Commission may waive the requirement for a pre-Application

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Comment [kaw1]: No residential density transfer to HR-2 from HCB. Allows portion of commercial floor area to be transferred to subterranean space below residential structure in HR-2.

Ordinance 11-12

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, TO CREATE A PROCEDURE TO TRANSFER DEVELOPMENT RIGHTS (TDR) FROM AN AREA LOCATED WITHIN A DESIGNATED SENDING ZONE TO AN AREA WITHIN A DESIGNATED RECEIVING ZONE BY ADDING CHAPTER 15-2.24 AND TO ADD ADDITIONAL SPECIFICATIONS TO MASTER PLANNED DEVELOPMENTS WITHIN OVERLAY RECEIVING ZONES BY AMENDING CHAPTER 15-6 AND TO ADD DEFINITIONS REGARDING TRANSFER OF DEVELOPMENT RIGHTS BY AMENDING CHAPTER 15-15.

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah to promote and protect the health, safety and welfare of the present and future residents, businesses, visitors, and property owner's of Park City;

WHEREAS, the Land Management Code implements the goals, objectives and policies of the Park City General Plan and promote Council goals to protect and enhance the vitality of the City's resort-based economy, overall quality of life, historic character, and unique mountain town community; and

WHEREAS, the City reviews the Land Management Code and identifies amendments that address planning and zoning issues, and to align the Code with the Council's goals:

WHEREAS, Chapter 2.24 Transfer of Development Rights (DR) Overlay Zone Regulations, provides procedures, requirements, and specifications regarding the transfer of development rights from designated sending areas to designated receiving areas; and

WHEREAS, Chapter 6 Master Planned Developments, provides procedures, requirements and specifications regarding master planned developments and the City desires master planned development review for all projects utilizing development credits within receiving areas; and

WHEREAS, Chapter 15 - Definitions, provides definitions of terms used in the LMC and the City desires to add additional terms utilized in the process of transferring development rights; and

WHEREAS, the Planning Commission duly noticed and conducted a public hearing on December 15, 2010 and February 9, 2011 and forwarded a positive recommendation to City Council during the February 9, 2011 meeting; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on March 10, 2011 and March 31, 2011; 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 Park City General Plan and to be consistent with the values and identified goals of the Park City community and City Council to protect health, safety, and welfare; to maintain and enhance quality of life for its residents and visitors; preserve and protect the environment, ensure preservation of the community's unique character, and enhance the vitality of Park City's resort economy.

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 2.24- 1- Transfer of Development Rights Overlay Zone. The recitals above are incorporated herein as findings of fact. Chapter 2.24 of the Land Management Code of Park City is hereby adopted and TDR zoning districts are hereby established on the amended official zoning map (see Exhibit A). The Planning Director shall resolve conflicts or cross-references from other provisions of the LMC to Chapter 2.24 .

SECTION 2. AMENDMENTS TO TITLE 15 – Land Management Code Chapter 6 – Master Planned Developments. The recitals above are incorporated herein as findings of fact Chapter 6 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit B). The Planning Director shall resolve conflicts or cross-references from other provisions of the LMC to Chapter 15.

SECTION 3. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15- Definitions. The recitals above are incorporated herein as findings of fact. Chapter 15 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit C). The Planning Director shall resolve conflicts or cross-references from other provisions of the LMC to Chapter 15.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 31st day of March, 2011

PARK CITY MUNICIPAL CORPORATION

Dana Williams, Mayor

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark Harrington, City Attorney

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 6 - MASTER PLANNED DEVELOPMENTS

Chapter adopted by Ordinance No. 02-07

CHAPTER 6 - MASTER PLANNED DEVELOPMENTS (MPD)

15-6 -1. PURPOSE.

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

(A) complement the natural features of the Site;

(B) ensure neighborhood Compatibility;

(C) strengthen the resort character of Park City;

(D) result in a net positive contribution of amenities to the community;

(E) provide a variety of housing types and configurations;

(F) provide the highest value of open space for any given Site;

(G) efficiently and cost effectively extend and provide infrastructure;

(H) provide opportunities for the appropriate redevelopment and reuse of existing structures/sites and maintain Compatibility with the surrounding neighborhood;

(I) protect residential uses and residential neighborhoods from the impacts of non-residential Uses using best practice methods and diligent code enforcement; and

(J) encourage mixed Use, walkable and sustainable development and redevelopment that provide innovative and energy efficient design, including innovative alternatives to reduce impacts of the automobile on the

community.

(Amended by Ord. No. 10-14)

15-6 -2. APPLICABILITY.

(A) The Master Planned Development process shall be required in all zones except the Historic Residential (HR-1, HR-2), Historic Residential - Low Density (HRL), and Historic Residential - Medium Density (HRM) for the following:

(1) Any Residential project larger than ten (10) Lots or units.

(2) All Hotel and lodging projects with more than fifteen (15) Residential Unit Equivalents.

(3) All new Commercial or industrial projects greater than 10,000 square feet Gross Floor Area.

(4) All projects utilizing Transfer of Development Rights Development Credits.

(B) The Master Planned Development process is allowed but is not required in the Historic Commercial Business (HCB), Historic Recreation Commercial (HRC), Historic Residential (HR-1) and Historic Residential (HR-2) zones, provided the subject property and proposed MPD include two (2) or more zoning designations.

(C) The Master Planned Development process is allowed in Historic Residential (HR-1) and (HR-2) zones only when:

(1) HR-1 or HR-2 zoned parcels are combined with adjacent HRC or HCB zone Properties; or

(2) The Property is not a part of the original Park City Survey or Snyder's Addition to the Park City Survey and which may be considered for affordable housing MPDs consistent with Section 15-6-7 herein.

(Amended by Ord. Nos. 04-08; 06-22; 10-14)

15-6 -3. USES.

A Master Planned Development (MPD) can only contain Uses, which are Permitted or Conditional in the zone(s) in which it is located. The maximum Density and type of Development permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety, including all adjacent property under the same ownership, and the Density located in the most appropriate locations. When Properties are in more than one (1) Zoning District, there may be a shift of Density between Zoning Districts if that transfer results in a project which better meets the goals set forth in Section 15-6-1 herein. Density for MPDs will be based on the Unit Equivalent Formula, as defined in LMC Chapter 15-15, and as stated in Section 15-6-8 herein.

Exception. Residential Density transfer between the HCB and HR-2 Zoning Districts are not permitted. A portion of the

Gross Floor Area generated by the Floor Area Ratio of the HCB Zoning District and applied only to Lot Area in the HCB Zone, may be located in the HR-2 Zone as allowed by Section 15-2.3-8.

(Amended by Ord. Nos. 06-22; 10-14)

15-6 -4. PROCESS.

(A) **PRE-APPLICATION CONFERENCE**. A pre-Application conference shall be held with the Planning Department staff in order for the Applicant to become acquainted with the Master Planned Development procedures and related City requirements and schedules. The Planning Department staff will give preliminary feedback to the potential Applicant based on information available at the pre-Application conference and will inform the Applicant of issues or special requirements which may result from the proposal.

(B) **PRE-APPLICATION PUBLIC MEETING AND DETERMINATION OF COMPLIANCE**. In order to provide an opportunity for the public and the Planning Commission to give preliminary input on a concept for a Master Planned Development, all MPDs will be required to go through a pre-Application public meeting before the Planning Commission except for MPDs subject to an Annexation Agreement. A pre-Application will be filed with the Park City Planning Department and shall include conceptual plans as stated on the Application form and the applicable fee. The public will be notified and invited to attend and comment in accordance with LMC Chapters 15-1-12 and 15-1-21, Notice Matrix, of this Code.

At the pre-Application public meeting, the Applicant will have an opportunity to present the preliminary concepts for the proposed Master Planned Development. This preliminary review will focus on identifying issues of compliance with the General Plan and zoning compliance for the proposed MPD. The public will be given an opportunity to comment on the preliminary concepts so that the Applicant can address neighborhood concerns in preparation of an Application for an MPD.

The Planning Commission shall review the preliminary information to identify issues on compliance with the General Plan and will make a finding that the project initially complies with the General Plan. Such finding is to be made prior to the Applicant filing a formal MPD Application. If no such finding can be made, the applicant must submit a modified Application or the General Plan would have to be modified prior to formal acceptance and processing of the Application. For larger MPDs, it is recommended that the Applicant host additional neighborhood meetings in preparation of filing of a formal Application for an MPD.

For MPDs that are vested as part of Large Scale MPDs the Planning Director may waive the requirement for a pre-Application meeting. Prior to final approval of an MPD that is subject to an Annexation Agreement or a Large Scale MPD, the Commission shall make findings that the project is consistent with the Annexation Agreement or Large Scale MPD and the General Plan.

Ordinance 13- 23

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, REVISING SECTIONS 15-2.18 and 15-6 REGARDING REDUCED SITE REQUIREMENTS IN THE PROSPECTOR OVERLAY AREA, APPLICABILITY OF MASTER PLANNED DEVELOPMENTS IN VARIOUS ZONES, AND MASTER PLANNED DEVELOPMENT REQUIREMENTS FOR LANDSCAPING, BUILDING HEIGHT, MINE HAZARDS AND MINE WASTE, NOXIOUS WEEDS, AND BACK OF HOUSE USES.

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 preserve the community's unique character and values; and

WHEREAS, the City reviews the Land Management Code on an annual or bi-annual basis and identifies necessary amendments to address planning and zoning issues that have come up in the past year, and to address specific LMC issues raised by Staff and the Commission, to address applicable changes to the State Code, to correct any errors or inconsistencies, and to align the Code with the Council's goals; and

WHEREAS, the City's goals include preservation of Park City's character regarding Old Town improvements, historic preservation, sustainability, affordable housing, distinctive architecture, water conserving landscaping, compatible resort development, and protection of Park City's residential neighborhoods, commercial districts, and sensitive lands from incompatible development; and

WHEREAS, Chapter 2.18, the General Commercial zoning district (GC), provides a description of purposes, site requirements, provisions and procedures specific to this zoning district that the City desires to clarify and revise. These revisions clarify the affected lots within the Prospector Overlay area, as identified on the amended Prospector Square Subdivision plat, that are allowed reduced site requirements and that are required to meet a Maximum Floor Area Ratio of two (2); and

WHEREAS, Chapter 6 - Master Planned Developments, provides regulations, requirements, and procedural requirements regarding Master Planned Developments, including purpose statements, applicability, and enhanced review standards regarding Master Planned Developments, and the City desires to clarify, revise, and enhance these regulations and procedures; and

WHEREAS, these amendments are changes identified during the 2012 and 2013 review of the Land Management Code that provide clarification of processes, procedures, and interpretations of the Code for streamlined review, and consistency of application between Sections; and

WHEREAS, the Planning Commission held meetings on August 22nd, September 12th, September 26th, November 28th, and December 12, 2012, as well as on January 9th and May 8th , 2013, to discuss proposed LMC amendments.

WHEREAS, the Historic Preservation Board held a work session meeting on November 7th, 2012 to discuss the LMC amendments related to the Historic District; and

WHEREAS, the Planning Commission duly noticed and conducted public hearings at the regularly scheduled meeting on August 22nd, September 12th , September 26th, October 24th, November 28th and December 12th, 2012, and May 8th, 2013 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 11th, 2013; 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 Park City General Plan and to be consistent with the values and identified goals of the Park City community and City Council in order to protect health and safety, maintain the quality of life for its residents, preserve and protect the residential neighborhoods, preserve historic structures and historic character of Park City, promote economic development within the Park City Historic Main Street business area and the General Commercial zoning district, and preserve the community's unique character.

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

SECTION 1. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2- Section 15-2.18- General Commercial zoning district. The recitals above are incorporated herein as findings of fact. Chapter 2.18 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit A).

SECTION 2. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 6- Master Planned Development. The recitals above are incorporated herein as findings of fact. Chapter 6 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit B).

SECTION 3. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 11th day of July, 2013.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, Mayor

Attest:

City Recorder

Approved as to form:

Mark Harrington, City Attorney

EXHIBIT B

CHAPTER SIX- MASTER PLANNED DEVELOPMENTS

15-6 -1. PURPOSE.

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

(A) complement the natural features of the Site;

(B) ensure neighborhood Compatibility;

(C) strengthen the resort character of Park City;

(D) result in a net positive contribution of amenities to the community;

(E) provide a variety of housing types and configurations;

(F) provide the highest value of open space for any given Site;

(G) efficiently and cost effectively extend and provide infrastructure;

(H) provide opportunities for the appropriate redevelopment and reuse of existing structures/sites and maintain Compatibility with the surrounding neighborhood;

(I) protect residential uses and residential neighborhoods from the impacts of non-residential Uses using best practice methods and diligent code enforcement; and

(J) encourage mixed Use, walkable and sustainable development and redevelopment that provide innovative and energy efficient design, including innovative alternatives to reduce impacts of the automobile on the community.

K) encourage opportunities for economic diversification and economic development within the community.

15-6 -2. APPLICABILITY.

(A) **Required.** The Master Planned Development process shall be required in all zones **except** in the Historic Residential- Low Density (HRL), Historic Residential (HR-1), Historic

Residential 2 (HR-2), Historic Recreation Commercial (HRC), and Historic Commercial Business (HCB) ~~and Historic Residential – Medium Density (HRM)~~ for the following:

(1) Any Residential project with ~~larger than~~ ten (10) or more Lots or with ten (10) or more Residential Unit Equivalents. ~~units.~~

(2) All Hotel and lodging projects with more than fifteen (15) Residential Unit Equivalents.

(3) All new Commercial, Retail, Office, Public, Quasi-public, or I~~i~~ndustrial projects with more~~greater~~ than 10,000 square feet of Gross Floor Area.

(4) All projects utilizing Transfer of Development Rights Development Credits.

~~(B) The Master Planned Development process is allowed but is not required in the Historic Commercial Business (HCB), Historic Recreation Commercial (HRC), Historic Residential (HR-1) and Historic Residential (HR-2) zones, provided the subject property and proposed MPD include two (2) or more zoning designations.~~

(B) **Allowed but not required.**

(1) The Master Planned Development process is allowed, but is not required, in the Historic Residential (HR-1) and Historic Residential 2 (HR-2) zones only when the HR-1 or HR-2 zoned Properties ~~parcels~~ are combined with adjacent HRC or HCB zoned Properties. Height exceptions will not be granted for Master Planned Developments within the HR-1, HR-2, HRC, and HCB Zoning Districts. See Section 15-6-5 (F) Building Height.~~; or~~

(2) The Master Planned Development process is allowed, but is not required, when the ~~The~~ Property is not a part of the original Park City Survey or Snyder's Addition to the Park City Survey and ~~which may be considered for~~ the proposed MPD is for an A~~a~~ffordable H~~h~~ousing MPD~~s~~ consistent with Section 15-6-7 herein.

(C) **Not allowed.**

The Master Planned Development process is not allowed or permitted, except as provided in Sections A and B above and as described in LMC Section 15-6-7 Master Planned Affordable Housing Developments, or as specifically required by the City Council as part of an Annexation or Development Agreement.

15-6 -5. MPD REQUIREMENTS.

All Master Planned Developments shall contain the following minimum requirements. Many of the requirements and standards will have to be increased in order for the Planning Commission to make the necessary findings to approve the Master Planned Development.

...

15-6-5. (F) **BUILDING HEIGHT**.

The Building H~~h~~eight requirements of the Zoning Districts in which an MPD is located shall apply except that the Planning Commission may consider an increase in Building H~~h~~eight based upon a Site specific analysis and determination. Height exceptions will not be granted for Master Planned Developments within the HR-1, ~~and~~ HR-2, HRC, and HCB Zoning Districts.

The Applicant will be required to request a Site specific determination and shall bear the burden of proof to the Planning Commission that the necessary findings can be made. In order to grant Building H~~h~~eight in addition to that which is allowed in the underlying zone, the Planning Commission is required to make the following findings:

(1) The increase in Building Height does not result in increased square footage or Building volume over what would be allowed under the zone required Building Height and Density, including requirements for facade variation and design, but rather provides desired architectural variation, unless the increased square footage or Building volume is from the Transfer of Development Credits;

(2) Buildings have been positioned to minimize visual impacts on adjacent Structures. Potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss or air circulation have been mitigated ~~to the extent possible~~ as determined by the Site Specific analysis and approved by the Planning Commission;

(3) There is adequate landscaping and buffering from adjacent Properties and Uses. Increased Setbacks and separations from adjacent projects are being proposed;

(4) The additional Building Height ~~has~~ result~~s~~ed in more than the minimum O~~o~~pen S~~s~~pace required and ~~has~~ result~~s~~ed in the O~~o~~pen S~~s~~pace being more usable and includes Publicly Accessible Open Space;

(5) The additional Building H~~h~~eight shall be designed in a manner that ~~so as to~~ provide~~s~~ a transition in roof elements in compliance with Chapter 5, Architectural Guidelines or the Design Guidelines for Park City's Historic Districts and Historic Sites if within the Historic District;

If and when the Planning Commission grants additional Building H~~h~~eight due to a Site S~~s~~pecific analysis and determination, that additional Building H~~h~~eight shall only apply to the specific plans being reviewed and approved at the time. Additional Building Height for a specific project will not necessarily be considered for a different, or modified, project on the same Site.

...

15-6-5. (H) **LANDSCAPE AND STREET SCAPE.**

A complete landscape plan must be submitted with the MPD application. The landscape plan shall comply with all criteria and requirements of LMC Section 15-5-5 (M) LANDSCAPING.

~~To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. Where landscaping does occur, it should consist primarily of appropriate drought tolerant species. Lawn or turf will be limited to a maximum of fifty percent (50%) of the Area not covered by Buildings and other hard surfaces and no more than seventy-five percent (75%) of the above Area may be irrigated. Landscape and Streetscape will use native rock and boulders.~~

All noxious weeds, as identified by Summit County, shall be removed from the Property in accordance with the Summit County Weed Ordinance, ~~a manner acceptable to the City and Summit County,~~ prior to issuance of Certificates of Occupancy.

Lighting must meet the requirements of LMC Chapter 15-5, Architectural Review.

...

15-6-5. (M) **HISTORIC MINE WASTE MITIGATION.**

For known historic mine waste located on the property, a soil remediation mitigation plan must be prepared indicating areas of hazardous soils and proposed methods of remediation and/or removal subject to the Park City Soils Boundary Ordinance requirements and regulations. See Title Eleven Chapter Fifteen of the Park City Municipal Code for additional requirements.

15- 6- 6. REQUIRED FINDINGS AND CONCLUSIONS OF LAW.

The Planning Commission must make the following findings in order to approve a Master Planned Development. In some cases, conditions of approval will be attached to the approval to ensure compliance with these findings.

(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, is consistent with the Park City General Plan;

(D) The MPD, as conditioned, provides the highest value of Oopen Sspace, as determined by the Planning Commission;

(E) The MPD, as conditioned, strengthens and enhances the resort character of Park City;

(F) The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;

(G) 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;

(H) The MPD, as conditioned, provides amenities to the community so that there is no net loss of community amenities;

(I) 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.

(J) 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;

(K) The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections; and

(L) The MPD has been noticed and public hearing held in accordance with this Code.

(M) 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.

(N) The MPD, as conditioned, addresses and mitigates Physical Mine Hazards according to accepted City regulations and policies.

(O) The MPD, as conditioned addresses and mitigates Historic Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance.

15-6-8. (G) **RESORT ACCESSORY USES**. The following Uses are considered accessory for the operation of a resort for winter and summer operations. These Uses are considered typical back of house uses and are incidental to and customarily found in connection with the principal Use or Building and are operated for the convenience of the Owners, occupants,

employees, customers, or visitors to the principal resort Use. Accessory Uses associated with an approved summer or winter resort do not require the Use of a Unit Equivalent. These Uses include, but are not limited to, such Uses as:

Information
Lost and found
First Aid
Mountain patrol
Administration
Maintenance and storage facilities
Emergency medical facilities
Public lockers
Public restrooms
Employee restrooms, employee locker rooms, employee break rooms, and employee dining areas ~~and Areas~~
Ski school/day care facilities
Instruction facilities
Ticket sales
Equipment/ski check
Circulation and hallways for these Resort Accessory Uses

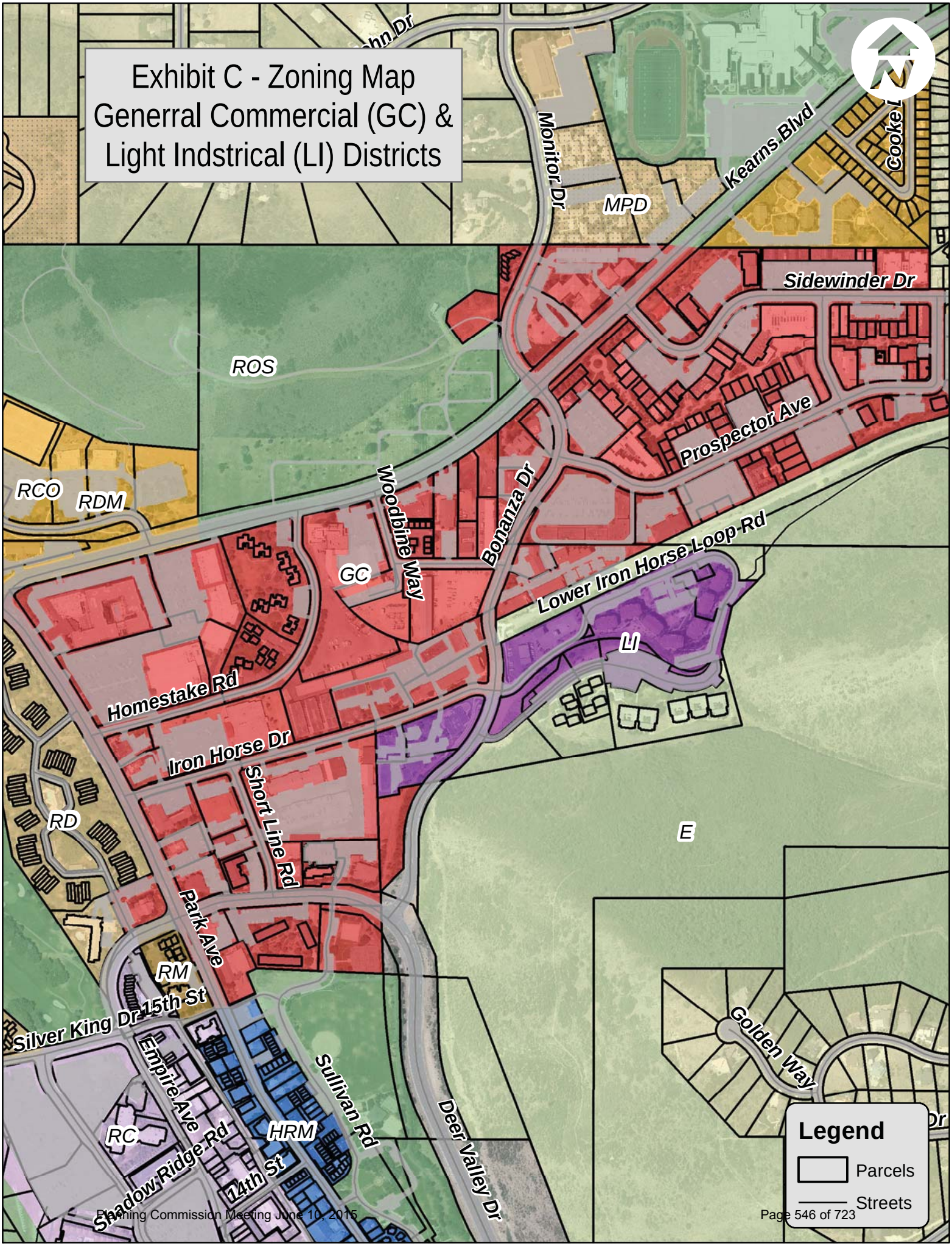
Exhibit C - Zoning Map
Generral Commercial (GC) &
Light Indstrical (LI) Districts
Monitor Dr
Kearns Blvd
MPD
Sidewinder Dr
ROS
Prospector Ave
RCO
RDM
Woodbine Way
Bonanza Dr
GC
Lower Iron Horse Loop Rd
LI
Homestake Rd
Iron Horse Dr
Short Line Rd
RD
E
Park Ave
RM
15th St
Silver King Dr
Empire Ave
Sullivan Rd
Golden Way
Deer Valley Dr
RC
HRM
Shadow Ridge Rd
14th St
Legend
Parcels
Streets

Planning Commission
Staff Report

Application: **PL-14-02595**
Subject: **LMC Amendments**
Author: **Kirsten Whetstone, MS, AICP**
Date: **June 10, 2015**
Type of Item: **Legislative – LMC Amendments**

Summary Recommendation

Staff recommends that the Planning Commission review and discuss the following proposed amendments to the Land Management Code (LMC) as part of the annual LMC review and update:

- Setbacks for patios and hot tubs in HRL, Chapter 2.1, HR-1 Chapter 2.2, HR-2 Chapter 2.3, and RC Chapter 2.16;
- Applicability of Steep Slope Conditional Use Permits in HRL, Chapter 2.1, HR-1 Chapter 2.2, and HR-2 Chapter 2.3;
- Combination of condominium units procedure in Chapters 7.1;
- Annexations procedure and review in Chapter 8;
- Non-conforming uses and non-complying structures in Chapter 9;
- Board of Adjustment standard of review and appeals in Chapters 1 and Chapter 10; and
- Definitions in Chapter 15 (carports, footprint, light industrial use, mixed use).

Staff recommends the Planning Commission conduct a public hearing, consider public input, and consider forwarding a positive recommendation to City Council according to the findings of fact and conclusions of law in the Draft Ordinance. Staff recommends continuation of LMC Amendments to Chapter 2.4 Historic Medium Density (HRM) to the June 24, 2015 meeting.

Executive Summary

The Planning Staff conducted an annual review of the Land Management Code (LMC) and proposes these amendments to the Code for consideration by the Planning Commission and City Council. This annual review includes various administrative and substantive items to align the LMC with the State Code, to address issues and inconsistencies that have come up over the past year, and to address specific goals of the newly adopted Park City General Plan.

Description

Project Name:	LMC Amendments 2015
Approximate Location:	Historic Districts and Citywide
Proposal:	Amendments to the Land Management Code (LMC) require Planning Commission review and recommendation with final action by the City Council.

Background

On February 25, 2015, the Planning Commission conducted a public hearing, discussed the proposed amendments to setbacks for hot tubs and patios (Exhibit H). After discussion the Commission requested staff return with further revisions.

General Plan

These proposed Land Management Code (LMC) amendments were reviewed for consistency with the recently adopted Park City General Plan. The LMC 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 preserve the community's unique character and values. The LMC is intended to be updated on a regular basis to stay current with State Law and the General Plan.

Proposed LMC Amendments

1. Setbacks for patios and hot tubs in HRL, Chapter 2.1, HR-1 Chapter 2.2, HR-2 Chapter 2.3, HRM Chapter 2.4, and RC Chapter 2.16

As discussed at the February 25, 2015 meeting, due to several factors there are numerous hot tubs in the HR-1, HRL, HR2, HRM and RC Zoning Districts that were installed prior to LMC changes requiring a five foot (5') rear and side setback or were installed more recently without proper permits. It is apparent that hot tubs are a typical element in a mountain town, both for permanent residents and visitors and the City desires to accommodate this element with reasonable constraints.

Staff has heard from many property owners that it can be very difficult to locate a hot tub in the rear yard of existing houses where the typical rear setback is ten feet (10'). A typical hot tub with the cabinet and cover will usually not fit within this area (e.g. a five (5') square hot tub would have to be located right up against the house wall and, once the trim/outer rim of the hot tub is taken into the calculation, it will slightly cross over into the five (5') rear yard setback exception leaving four feet (4'), or 3 feet (3') for the larger six (6') square hot tub. In the design phase for new houses this dimension is pointed out and the design can be changed to accommodate the five foot (5') setback.

Staff has met with individual property owners as well as contractors in an attempt to figure out a compromise. The LMC currently allows patios (and tables and chairs) to be located within one foot (1') of the rear lot line in "Old Town." Accessory structures, up to 18' in height are also allowed within one foot (1') with restrictions on lot coverage.

Staff is recommending and the direction from the Planning Commission at the February 25, 2015 meeting was that hot tubs be allowed within three feet (3') of the rear and side lot lines which will accommodate most typical sized hot tubs. Staff recommends that hot tubs be screened in the form of a fence, trellis, or substantial vegetation.

In order to address setback issues related to hot tubs and patios in the rear and side yards in the HRL, HR-1, HR-2, HRM, and RC Zoning Districts, and to ensure that the language is consistent in these zones. Staff recommends discussion regarding the following LMC Amendments:

- Amend the Side and Rear Yard Setback Exceptions to allow hot tubs to be located within three feet (3') of the rear yard (currently requires five feet (5')) and within three feet (3') of the side yard (currently requires five feet (5')) (see Exhibit B - Sections 15-2.1 (HRL), 15-2.2 (HR-1), 15-2.3 (HR2), 15-2.4 (HRM), and 15-2.16 (RC)) for proposed redlines to the LMC).

On February 25, 2015, the Planning Commission conducted a public hearing and discussed the proposed amendments to setback requirements for hot tubs (see Exhibit H). There was consensus among the Commission to amend the code allowing a three foot (3') setback on both the side and rear property lines for hot tubs and that additional screening was not necessary. Screening of mechanical equipment would continue to be required if the equipment is located within the setback area.

2. Applicability of Steep Slope Conditional Use Permits in HRL, Chapter 2.1, HR-1 Chapter 2.2, and HR-2 Chapter 2.3

   Steep Slope Conditional Use Permits are required in the HRL, HR-1, and HR-2 zoning districts for development on slopes that measure 30% or greater. In reviewing applications for compliance with the Steep Slope CUP requirements, Staff finds that the language related to the applicability of these requirements could be clarified and amended. The current language is not clear whether additions trigger a Steep Slope CUP or when a driveway triggers a Steep Slope CUP.

   Staff proposes these amendments to change the applicability of Steep Slope CUPs from the current requirement of when construction is greater than 1,000 square feet of building area to a requirement of when construction (new or an addition) is greater than 200 sf of building footprint. The amendments make it clear that a Steep Slope CUP is required when the driveway access or the building footprint is located on a slope of 30% or greater.

   The existing language regarding "Allowed Use" is not necessary and is confusing to some applicants. There are no changes to the review criteria or regulations with these amendments (see Exhibit B- Sections 15-2.1 (HRL), 15-2.2 (HR-1), and 15-2.3 (HR2). Staff proposing the following redlines (also to HRL and HR2 Zoning Districts):

15-2.1-6 DEVELOPMENT ON STEEP SLOPES.

Development on Steep Slopes must be environmentally sensitive to hillside Areas, carefully planned to mitigate adverse effects on neighboring land and Improvements, and consistent with the ~~Historic District~~ Design Guidelines for Park City's Historic Districts and Historic Sites and Chapter 5.

~~(A) **ALLOWED USE**. An allowed residential Structure and/or Access to said Structure located upon an existing Slope of thirty percent (30%) or greater must not exceed a total square footage of one thousand square feet (1,000 sq. ft.) including the garage.~~

(~~B~~A) **CONDITIONAL USE**. ~~A Conditional Use permit is required for any Structure in excess of one thousand square feet (1000 sq. ft.) if said Structure, and/or Access, is located upon any existing Slope of thirty percent (30%) or greater.~~

(1) A Steep Slope Conditional Use permit is required for construction of any Structure with a Building Footprint in excess of two hundred (200 sq. ft) if said Building Footprint is located upon an existing Slope of thirty percent (30%) or greater.

(2) A Steep Slope Conditional Use permit is required for construction of any addition to an existing Structure, when the addition has a new Building Footprint in excess of two hundred (200 sq. ft.), if the new Building Footprint is located upon an existing Slope of thirty (30%) or greater.

(3) A Steep Slope Conditional Use permit is required for any Access driveway located upon an existing Slope of thirty (30%) or greater.

For the purpose of measuring Slope, the measurement shall include a minimum horizontal distance of fifteen feet (15') measured perpendicular to the contour lines on the certified topographic survey. The measurement shall quantify the steepest Slope within the Building Footprint and any Access driveway.

The Planning Department shall review all Steep Slope Conditional Use permit Applications and forward a recommendation to the Planning Commission. The Planning Commission may review Steep Slope Conditional Use permit Applications as Consent Calendar items. Steep Slope Conditional Use permit Applications shall be subject to the following criteria: …

3. Combination of condominium units procedure in Chapter 7

State Code was amended in 2014 to explicitly allow (with certain exceptions) a condominium unit owner after acquiring an adjoining unit that shares a common wall with the unit owner's unit: to remove or alter a partition between the unit owner's unit and the acquired unit, even if the partition is entirely or partly common areas and facilities; or create an aperture to the adjoining unit or portion of a unit. In the past, State Code required an amendment to the Condominium Plat and consent of two-third of the unit owners.

In order to clarify the process required by our Code based on the changes, Staff recommends amending the plat amendment application and adding language to Chapter 7.1 of the LMC (See Exhibit C). The combination of adjacent units that share a common wall within a condominium plat will still require an amendment to the recorded condominium plat in order to reflect the joining of the two units, however based on State Code section 57-8-4.5 (Exhibit I), the requirement for proof consent by two-thirds of the units owners will not be required.

-Staff recommends adding the following language to LMC Chapter 7.1 Subdivision Procedures:

15-7.1-6. FINAL SUBDIVISION PLAT

...

(G) **COMBINATION OF ADJOINING CONDOMINIUM UNITS WITH A CONDOMINIUM RECORD OF SURVEY PLAT**

(1) Subject to the condominium declaration, a unit owner after acquiring an adjoining unit that shares a common wall with the unit owner's unit and after recording an amended condominium record of survey plat in accordance with this Title, a unit owner may:

(a) remove or alter a partition between the unit owner's unit and the acquired unit, even if the partition is entirely or partly common areas and facilities; or
(b) create an aperture to the adjoining unit or portion of a unit.

(2) A unit owner may not take this action if such action would:

(a) impair the structural integrity or mechanical systems of the building or either unit;
(b) reduce the support of any portion of the common areas and facilities or another unit;
(c) constitute a violation of Utah Code Section 10-9a-608-, as amended, or violate any section of this code or the IBC.

(3) Approval of a condominium plat amendment to combine units does not change an assessment or voting right attributable to the unit owner's unit or the acquired unit, unless the declaration provides otherwise.

4. Annexations procedure and review in Chapter 8

Staff recommends changes to Chapter 8 regarding the procedure for annexation petition and annexation plats to align the LMC with State Code. The itemized procedural changes are reflected in attached redlines of Chapter 8 (see Exhibit D).

5. Non-conforming uses and non-complying structures in Chapter 9

Staff recommends two primary changes to the non-conforming use and non-complying structure sections of Chapter 9. The first change is the addition of qualifying language pertaining to the enforcement of certain non-conforming use and non-complying structure regulations and that the language is not intended to cause the termination of legal Non-conforming rental housing use and outlines physical changes that can be required to a Structure containing a legal Non-conforming rental housing use.

The second change deletes the word "a majority" and replaces it with "more than 50% of the Gross Floor Area" when referring to the amount of the building that can be voluntarily demolished in order to be able to restore the building back to the previous non-conforming use or non-complying condition. Additionally Staff proposes amendments to Section 15-9-8 regarding appeals of a Board of Adjustment decision under this Chapter to be consistent with other Sections of the LMC (See Exhibit E).

15-9-5. MOVING, ENLARGING, OR ALTERING NON-CONFORMING USES. …

(G) LEGAL NON-CONFORMING RENTAL HOUSING USE. Enforcement of this Ordinance is not intended to terminate a legal Non-Conforming rental housing Use. No physical changes shall be required to a Structure containing a legal Non-Conforming rental housing Use unless the change is for the following:
(1) The reasonable installation of a smoke detector that is plugged in or battery operated.
(2) A ground fault circuit interrupter protected outlet on existing wiring;
(3) Street addressing;
(4) An egress bedroom window if the existing bedroom window is smaller than that required by current state building code; unless such change would compromise the structural integrity of the building or could not be completed in accordance with current building codes, including Setbacks and window well requirements.
(5) An electrical system or plumbing system, if the existing system is not functioning or is unsafe as determined by an independent, licensed electrical or plumbing professional.
(6) Hand or Guard rails.
(7) Occupancy separation doors as required by the IBC.
(8) The abatement of a Structure.

15-9-6. NON-COMPLYING STRUCTURES.

No Non-Complying Structure may be moved, enlarged, or altered, except in the manner provided in this Section or unless required by law.
…

(C) **DAMAGE OR DESTRUCTION OF NON-COMPLYING STRUCTURE**. If a Non-Complying Structure is allowed to deteriorate to a condition that the Structure is rendered uninhabitable and is not repaired or restored within six (6) months after written notice is provided to the Property Owner stating that the Structure is uninhabitable and that the Non-Complying Structure or the Building that houses a Non-Complying Structure shall not be restored unless it is restored to comply with the regulations of the Zoning District in which it is located.

If the Property Owner has voluntarily demolished, or is required by law to demolish, more than 50% of the Gross Floor Area of the Non-Complying Structure, ~~is voluntarily razed or is required by law to be razed~~, the Structure shall not be restored unless it is restored to comply with the regulations of the ~~zone~~ Zoning District in which it is located.

If a Non-Complying Structure is involuntarily destroyed in whole or in part due to fire or other calamity and the Structure or Use has not been abandoned, the Structure may be restored to its original condition, provided such work is started within six months of such calamity, completed within eighteen (18) months of work commencement, and the intensity of Use is not increased.

6. Board of Adjustment standard of review and appeals in Chapters 1 and Chapter 10

Amendments to Chapters 1 and 10 include clarifying the powers and duties of the Board of Adjustment related to 1) appeals of final action by the Planning Staff on Historic District Design Review applications when the Historic Preservation Board (HPB) takes part in the review and 2) appeals of Final Action by the HPB on Determination of Significance applications. Staff's proposed LMC Amendments are redlined in Exhibits A and F attached.

7. Defined Terms in Chapter 15

The following terms are not defined in the current LMC: carports, light industrial use, and mixed use. Staff finds that providing definitions in the code for these terms would be helpful in consistently applying the code. Staff recommends amending Chapter 15-Defined Terms to include the following terms and that the Chapter be appropriately re-numbered.

Carport. A carport is a covered parking space attached to the house, or free standing, which is not completely enclosed by walls and does not include garage doors.

Light Industrial. Uses engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales or distribution of such products. Further, Light Industrial shall mean uses such as

the manufacture of electronic instruments, preparation of food and beverage products, pharmaceutical manufacturing, research and scientific laboratories or the like. Light Industrial shall not include Uses such as mining and extracting industries, petrochemical industries, rubber refining, primary metal or related industries, or manufacturing related to the automobile industry.

Mixed Use Development. A development of one or more buildings that blends a combination of residential, commercial, cultural, institutional, or industrial uses, where those functions are physically and functionally integrated, and that provides pedestrian connections. A Mixed Use development may also include a building, complex of buildings, or district of a town or city that is developed for mixed-use by a private developer, (quasi-) governmental agency, or a combination thereof.

In reviewing the definition for Building Footprint, Staff recommends that the regulatory language that follows the definition should be deleted from the definition in LMC Chapter 15 and should be relocated to the applicable LMC Sections (HRL, HR-1, HR-2, HRM, HRC, and HCB). The Building Footprint of Accessory Buildings that are listed on the Park City Historic Structure Inventory and that are not expanded, enlarged, or incorporated into the Main Building, is not included or calculated in the overall Building Footprint for the lot.

Building Footprint. The total Area of the foundation of the Structure, or the furthest exterior walls of the Structure projected to Natural Grade, not including exterior stairs, patios, and decks ~~and Accessory Buildings listed on the Park City Historic Structures Inventory that are not expanded, enlarged or incorporated into the Main Building~~.

Staff recommends the following language be included in the HRL, HR-1, HR-2 and RC Zoning Districts, under the Building Footprint Sections (See Exhibit B):

Accessory Buildings listed on the Park City Historic Structures Inventory that are not expanded, enlarged or incorporated into the Main Building, shall not count in the total Building Footprint of the Lot.

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.

Notice

Legal notice of a public hearing was posted in the required public spaces and public notice websites on May 8, 2015 and published in the Park Record on May 9, 2015 per requirements of the Land Management Code.

Public Input
Public hearings are required to be conducted by the Planning Commission and City Council prior to adoption of Land Management Code amendments. Public input was provided at the February 25th Commission meeting (see Exhibit H).

Alternatives

- The Planning Commission may approve the proposed Land Management Code amendments in whole or in part as presented or amend them at the meeting; or
- The Planning Commission may deny the proposed amendments in whole or in part; or
- The Planning Commission may continue the discussion to a date certain and provide direction to Staff regarding additional information or analysis needed in order to take final action.

Significant Impacts
There are no significant financial or environmental impacts to the City that result from the proposed LMC amendments.

Summary Recommendation
Staff recommends the Planning Commission conduct a public hearing, consider public input, and consider forwarding a positive recommendation to City Council according to the findings of fact and conclusions of law in the Draft Ordinance. Staff recommends continuation of LMC Amendments to Chapter 2.4 Historic Medium Density (HRM) to the June 24, 2015 meeting.

Exhibits
Draft Ordinance
Exhibit A – Chapter 1- General Provisions and Procedures
Exhibit B – Chapter 2- 2.1 HRL, 2.2 HR-1, 2.3 HR-2, and 2.16 RC
Exhibit C – Chapter 7.1- Subdivision Procedures
Exhibit D – Chapter 8- Annexation
Exhibit E – Chapter 9- Non-conforming Uses and Non-complying Structures
Exhibit F – Chapter 10- Board of Adjustment
Exhibit G – Chapter 15- Defined Terms
Exhibit H– Minutes of February 25, 2015 Planning Commission meeting
Exhibit I – State Code Section 57-8-4.5

Ordinance 15-

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, REVISING CHAPTER 1 GENERAL PROVISIONS AND PROCEDURES; CHAPTERS 2.1 HRL, 2.2 HR-1, 2.3 HR-2, 2.16 RC; CHAPTER 7.1 SUBDIVISON PROCEDURES; CHAPTER 8 ANNEXATION; CHAPTER 9 NON-CONFORMING USES AND NON-COMPLYING STRUCTURES; CHAPTER 10 BOARD OF ADJUSTMENT; AND CHAPTER 15 DEFINED TERMS

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 preserve the community's unique character and values; and

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, Chapter 1 provides a description of general provisions and procedures of the Park City's land development and management code that the City desires to revise. These revisions are to the action and appeals table as well as the notice matrix; and

WHEREAS, Chapters 2.1 Historic Residential-Low Density District (HRL), 2.2 Historic Residential (HR-1), 2.3 Historic Residential 2 (HR2), and 2.16 Resort Commercial (RC) provide a description of requirements, provisions and procedures specific to these zoning district that the City desires to revise. These revisions concern setbacks for hot tubs and patios, applicability of the Steep Slope Conditional Use Permit process, and Conditional Use requirements and review in these Districts; and

WHEREAS, Chapter 7.1 provides a description of requirements, provisions and procedures specific to various subdivision procedures and classifications that the City desires to revise. These revisions concern the requirements, procedure, and notification related to the combination of existing platted condominium units in accordance with State statute; and

WHEREAS, Chapter 8 provides a description of requirements, provisions and procedures specific to annexation of property into the Park City Municipal Boundary that the City desires to revise in order to be consistent with State statute; and

WHEREAS, Chapter 9 provides a description of requirements, provisions and procedures specific to the regulation and status of existing Non-conforming Uses and Non-complying Structures that the City desires to revise. These revisions concern the ??; and

WHEREAS, Chapter 10 provides a description of the establishment of the Board of Adjustment, powers and duties, review authority, and other provisions and procedures relative to the Board of Adjustment that the City desires to revise to be consistent with State statute and other sections of the LMC. These revisions concern powers and duties related to appeals of Historic Preservation Board decisions, review of appeals, and judicial review of the BOA decision; and

WHEREAS, Chapter 15 provides a description of defined terms used in the Land Management Code that the City desires to revise. These revisions concern the definitions of agriculture, carports, footprint, light industrial use, outdoor use, and outdoor event; and

WHEREAS, the Planning Commission duly noticed and conducted public hearings at the regularly scheduled meetings on February 25th , May 27th, and June 10, 2015, 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 25, 2015; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the State of Utah Code, the Park City General Plan and to be consistent with the values and goals of the Park City community and City Council to protect health and safety, maintain the quality of life for its residents, preserve and protect the residential neighborhoods, ensure compatible development, preserve historic resources, protect environmentally sensitive lands, and preserve the community's unique character.

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

SECTION 1. AMENDMENTS TO TITLE 15 - Land Management Code Chapter One (General Provisions and Procedures). The recitals above are incorporated herein as findings of fact. Chapter 1 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit A).

SECTION 2. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2.1 (Historic Residential Low Density (HRL)). The recitals above are incorporated herein as findings of fact. Chapter 2.1 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit B-1).

SECTION 3. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2.2 (Historic Residential (HR-1)). The recitals above are incorporated herein as findings of fact. Chapter 2.2 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit B-2).

SECTION 4. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2.3 (Historic Residential 2 (HR-2)). The recitals above are incorporated herein as findings of fact. Chapter 2.3 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit B-3).

SECTION 5. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2.16 (Resort Commercial (RC)). The recitals above are incorporated herein as findings of fact. Chapter 2.24 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit B-4).

SECTION 6. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 7 (Subdivisions). The recitals above are incorporated herein as findings of fact. Chapter 7 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit C).

SECTION 7. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 8 (Annexations). The recitals above are incorporated herein as findings of fact. Chapter 8 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit D).

SECTION 8. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 9 (Non-conforming Uses and Non-complying Structure). The recitals above are incorporated herein as findings of fact. Chapter 9 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit E).

SECTION 9. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 10 (Board of Adjustment). The recitals above are incorporated herein as findings of fact. Chapter 9 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit F).

SECTION 10. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15 (Defined Terms). The recitals above are incorporated herein as findings of fact. Chapter 15 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit G).

SECTION 11. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this ___ day of _____, 2015

PARK CITY MUNICIPAL CORPORATION

_____

Jack Thomas, Mayor

Attest:

_____
Marci Heil, City Recorder

Approved as to form:

_____
Mark Harrington, City Attorney

Exhibits (Redlines of specific LMC Sections)
Exhibit A – LMC Chapter One- General Provisions and Procedures
Exhibit B – LMC Chapter Two Zoning Districts HRL, HR-1, HR2, RC
Exhibit C – LMC Chapter Seven- Subdivision Procedures
Exhibit D – LMC Chapter Eight- Annexation
Exhibit E – LMC Chapter Nine- Non-conforming Uses and Non-complying Structures
Exhibit F – LMC Chapter Ten- Board of Adjustment
Exhibit G – LMC Chapter Fifteen- Defined Terms

EXHIBIT A

TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 1 - GENERAL PROVISIONS AND PROCEDURES

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TITL E 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 1 - GENERAL PROVISIONS AND PROCEDURES

Chapter adopted by Ordinance No. 00-25

CHAPTER 1 - GENERAL PROVISIONS AND PROCEDURES.

15-1 -1. SHORT TITLE.

This Title shall be known as the Park City Land Management Code (LMC).

15-1 -2. STATEMENT OF PURPOSE.

The LMC is designed, enacted, restated and reorganized to implement the goals and policies of the Park City General Plan, and for the following purposes:

(A) To promote the general health, safety and welfare of the present and future inhabitants, Businesses, and visitors of the City,

(B) To protect and enhance the vitality of the City's resort-based economy, the overall quality of life, the Historic character, and unique mountain town community,

(C) To protect and preserve peace and good order, comfort, convenience, and aesthetics of the City,

(D) To protect the tax base and to secure economy in governmental expenditures,

(E) To allow Development in a manner that encourages the preservation of scenic vistas, environmentally sensitive lands, Historic Structures, the integrity of Historic Districts, and the unique urban scale of original Park City,

(F) To provide for well-planned commercial and residential centers, safe and efficient traffic and pedestrian circulation, preservation of night skies and efficient delivery of municipal services,

(G) To prevent Development that adds to existing Geologic Hazards, erosion, flooding, degradation of air quality, wildfire danger or other conditions that create potential dangers to life and safety in the community or that detracts from the quality of life in the community,

(H) To protect and ensure access to sunlight for solar energy devices, and

(I) To protect or promote moderate income housing.

It is the intention of the City in adopting this LMC to fully exercise all of the powers

granted to the City by the provisions of the Title 10, Chapter 9a of the Utah Municipal Land Use Development and Management Act. Utah Code Annotated, 1991, as amended, and all other powers granted by statute or by common law for the necessary regulation of the Use and Development of land within the City.

(Amended by Ord. No. 06-22)

15-1 -3. CONFLICT.

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

15-1 -4. DEFINITIONS.

All capitalized proper nouns in the text of the LMC are defined terms. Defined terms are located in LMC Chapter 15-15.

15-1 -5. ZONING MAP ADOPTED.

The zoning map for Park City as adopted by the City Council and executed by the Mayor is the Official Zoning Map for Park City. Upon amendment to the Official Zoning Map, the Mayor shall execute a new map, or re-execute the existing map with the amendments noted thereon.

15-1 -6. ZONE DISTRICTS AND ZONE MAP.

In order to carry out the purposes of the LMC, Zoning Districts have been established as set forth in LMC Chapters 15-2 and as identified on the Official Zoning Map. In interpreting the Official Zoning Map, the following standards shall apply:

(A) The zoning boundary lines are intended to conform to existing Property boundary lines when not in a public Right-of-Way, or to follow the center line of public Rights-of-Way, including prescriptive Rights-of-Way, unless the lines are located by specific dimensions, in which case the dimensions shall control.

(B) Where the Zoning District lines appear to have intentionally divided a Lot or Parcel between two (2) or more districts, the applicable zoning for each portion of the Lot or Parcel must be determined by using the scale shown on the map.

(C) There is no minimum Area or diversity of ownership requirement for a zone designation. Neither the size of a Zoning District nor the number of landowners within the district may be used as evidence of the illegality of a Zoning District or of the invalidity of a municipal decision.

(Amended by Ord. No. 06-22)

15-1 -7. AMENDMENTS TO THE LAND MANAGEMENT CODE AND ZONING MAP.

All amendments to the LMC must be made in the following manner:

(A) **APPLICATION**. An Application must be filed first with the Planning Department on a form prescribed for that purpose. The Planning Department, upon its own initiative or at the direction of the City Council, Planning Commission, or Historic Preservation Board may initiate an amendment as provided below.

(B) **HEARINGS BEFORE PLANNING COMMISSION**. The Planning Commission shall hold a public hearing on all amendments to the LMC. Notice of amendment hearings before the Planning Commission shall be given by posting notice in at least three (3) public places within the City and providing at least fourteen (14) days published notice in a newspaper of general circulation within the City. The notice must state generally the nature of the proposed amendment, land affected, and the time, place, and date of the hearing. Once opened, the hearing may be continued, if necessary, without republication of notice until the hearing is closed.

(C) **ACTION BY PLANNING COMMISSION**. Following the hearing, the Planning Commission must adopt formal recommendation(s) to the City Council regarding the matter before it, approving, disapproving, or modifying the proposal. If the Planning Commission fails to take action within thirty (30) days of the public hearing, the City Council may consider the matter forwarded from the Planning Commission with a negative recommendation and may hear the matter.

(D) **HEARING BEFORE CITY COUNCIL**. The City Council must hold a public hearing on all amendments to the LMC. Notice of the hearings shall be given by providing actual notice or posting notice in at least three (3) public places within the City and providing at least fourteen (14) days published notice in a newspaper of general circulation within the City. Once opened the hearing may be continued, if necessary, without republication of notice until the hearing is closed. Following the hearing, the Council must approve, disapprove, or modify and approve the proposal before it. Recommendations of the Planning Commission are advisory only.

(E) **JOINT HEARINGS**. At the option of the City Council, the hearings before the Planning Commission and the Council may be consolidated into a single hearing, provided however, that separate votes are taken by the Commission and the Council. The Commission vote shall be taken first. Notice for any joint hearing shall be given by posting notice in at least three (3) public places within the City and by providing at least fourteen (14) days published notice in a newspaper of general circulation within the City.

(F) **TEMPORARY OR EMERGENCY ZONING**. The City Council may, without prior consideration of or recommendation from the Planning Commission, enact an Ordinance establishing temporary zoning regulations for any part or all of the Area within the municipality if:

(1) The City Council makes a finding of compelling, countervailing public interest; or

(2) The area is unregulated.

Those temporary zoning regulations may prohibit or regulate the erection, construction, reconstruction, or alteration of any Building or Structure or Subdivision approval. The City Council shall establish a period of limited effect for the ordinance, not to exceed six (6) months.

(Amended by Ord. No. 06-22)

15-1 -8. REVIEW PROCEDURE UNDER THE CODE.

(A) No Building Permit shall be valid for any Building project unless the plans for the proposed Structure have been submitted to and have been approved by the Planning, Engineering and Building Departments.

(B) No new Use shall be valid on any Property within the City unless the Use is allowed.

(C) No Subdivision shall be valid without preliminary approval of the Planning Commission and final approval by the City Council with all conditions of approval completed.

(D) Proposals submitted to the Planning Department must be reviewed according to the type of Application filed. Unless otherwise provided for in this LMC, only one (1) Application per type, per Property, will be accepted and processed at a time.

(E) The Planning, Engineering and Building Departments review all Allowed Uses, Administrative Lot Line Adjustments, Administrative Permits, and Administrative Conditional Use permits.

(F) Projects in the Historic Districts and Historic Sites outside the Historic Districts are subject to design review under the Design Guidelines for Historic Districts and Historic Sites.

(G) Conditional Uses and Master Planned Developments are initially reviewed by staff and submitted to the Planning Commission for review, final permitting and approval.

(H) Subdivisions and Plat Amendments are initially reviewed by the Planning Commission and submitted to the City Council for final approval.

(I) Variances, Special Exceptions, Non-Conforming Uses and Non-Complying Structures are reviewed by the Board of Adjustment.

(J) No review may occur until all applicable fees have been paid. Final approval is not effective until all other fees including engineering fees have been paid, and following applicable staff review.

RECOMMENDATION (y) and FINAL ACTION (X) and APPEAL (z)					
	Planning Department	**HPB**	**Board of Adjustment**	**Planning Commission**	**City Council**
Allowed Use	X				
Allowed-Historic District Design Review (HDDR)	X	z	z (when HPB takes part in the HDDR review)		
Administrative Permits	X			z	
Conditional Use			z (at request of the City Council for City Development applications)	X	z
Conditional Use Admin.	X			z	
Determination of Significance		X	z		
MPD			z (at request of the City Council for City Development applications)	X	z
Determination of Non-Conforming Use and Non-Complying Structures	X		z		
Change of Non-Conforming Use			X		
Plat Amendment				y Recommendation to CC	X
Variance			X		
Subdivision and Condominium				y Recommendation	X

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plats				to CC	
Annexation and Zoning				y Recommendation to CC	X
Zoning Appeal			X		
LMC Amendments				y Recommendation to CC	X

*All Applications shall be filed with the Planning Department. Planning Department staff makes a recommendation to the appropriate decision making body (X).

(Amended by Ord. Nos. 06-22; 09-10; 09-23; 11-05; 12-37)

15-1 -9. ALLOWED USE REVIEW PROCESS.

(A) An Applicant must file a Complete Application, using the forms established by the Planning Department, and include payment of all fees. On any Application to construct a Building or other Improvement to Property which is defined by this Code as an Allowed Use in the Zone in which the Building is proposed, the Planning Department must review the Application to determine whether the proposal:

(1) is an Allowed Use within the zone for which it is proposed;

(2) complies with all applicable Development requirements of that zone, including Building Height, Setback, Front, Side, and Rear Yards, and Lot coverage;

(3) respects Lot Lines of a legally subdivided Lot;

(4) meets the applicable parking requirements;

(5) conforms to the Park City Architectural Design Guidelines and/or the Design Guidelines for Historic Districts and Historic Sites, and the architectural review process established for that zone;

(6) can be adequately serviced by roads, and existing or proposed utility systems or lines; and

(7) pertains to land in which all tax assessments have been paid.

(B) If approved by the Planning Department Planning Staff, the plans must be forwarded to the Engineering Department and Building Department. The plans shall be reviewed for Building Code compliance and permit issuance procedures. Approval of Allowed Uses must be noted by the issuance of a Building Permit in compliance with the provisions of the Uniform Building Code, as adopted by Park City.

(C) If the Application does not comply with the requirements of the zone, the Planning Department shall notify the Owner of the project or his Agent, if any, stating specifically what requirements of the zone have not been satisfied, and also stating whether the project could be reviewed as submitted as a Conditional Use for that zone.

(D) **DISCLAIMER**. No permit issued shall be valid if any of the criteria listed in this section have not been met.

(Amended by Ord. Nos. 06-22; 09-23; 11-05)

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 City must review all proposed Conditional Uses according to the following procedure, unless a subsequent provision of this LMC specifically sets forth an administrative approval process for a specific Conditional Use, in which case that section shall control:

(A) **PRE-APPLICATION CONFERENCE**. An Applicant may request a pre-Application conference with the Planning Department to discuss the proposed Conditional Use and the conditions that the staff would recommend to mitigate proposed adverse impacts.

(B) **THE APPLICATION**. An Applicant must file a Complete Application on forms provided by the Planning Department for Conditional Uses.

(C) **NOTICE/POSTING**. Upon receipt of a Complete Application, the Planning Department shall provide published notice and posting per Section 15-1 -12. NOTICE.

The Planning Commission shall conduct a public hearing on the proposed Conditional Use permit Application and shall either approve, deny, or modify and approve the permit.

(D) **STANDARDS FOR REVIEW**. The City shall not issue a Conditional Use permit unless the Planning Commission concludes that:

(1) the Application complies with all requirements of this LMC;

(2) the Use will be Compatible with surrounding Structures in Use, scale, mass and circulation;

(3) the Use is consistent with the Park City General Plan, as amended; and

(4) the effects of any differences in Use or scale have been mitigated through careful planning.

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

(1) size and location of the Site;

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

(3) utility capacity, including Storm Water run-off;

(4) emergency vehicle Access;

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

(6) internal vehicular and pedestrian circulation system;

(7) 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;

(9) usable Open Space;

(10) signs and lighting;

(11) physical design and Compatibility with 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;

(13) 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; and

(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.

(F) **TRANSFERABILITY**. A Conditional Use permit is transferable with the title to the underlying Property so that an Applicant may convey or assign an approved project without losing the approval. The Applicant may not Transfer the permit off the Site on which the approval was granted.

(G) **EXPIRATION**. Unless otherwise indicated, Conditional Use permits expire one (1) year from the date of Planning Commission approval, unless the Conditional Use has commenced on the project or a Building Permit for the Use has been issued.

The Planning Director may grant an extension of a Conditional Use permit for one (1) additional year when the Applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code in effect at the time of the extension request. Change of circumstance includes physical changes to the Property or surroundings. Notice shall be provided consistent with the original Conditional Use permit approval per Section 15-1-12. Extension requests must be submitted prior to the expiration of the Conditional Use permit.

The Planning Commission may grant an additional one (1) year extension when the Applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code in effect at the time of the extension request. Change of circumstance includes physical changes to the Property or surroundings. Notice shall be provided consistent with the original Conditional Use permit approval per Section 15-1.12. Extension requests must be submitted prior to the expiration of the Conditional Use permit.

(H) **APPEALS**. Appeals must be pursuant to Section 15-1 -18 herein.

(Amended by Ord. No. 06-22; 11-05; 12-37)

15-1 -11. SPECIAL APPLICATIONS.

(A) **MASTER PLANNED DEVELOPMENT (MPD) REVIEW PROCESS**. Applications for MPDs shall be reviewed according to LMC Chapter 15-6.

(B) **VARIANCES, EXCEPTIONS, AND NON-CONFORMING USES**. The Board of Adjustment must review Applications for Variances, Special Exceptions and Non-Conforming Uses and Non-Complying Structures in accordance with the regulations set forth in LMC Chapter 15-9. Such approval must be obtained from the Board of Adjustment prior to the issuance of any Conditional Use permit or Master Planned Development, or

other approval by the Planning Commission or Planning Department. All action on an Application shall be stayed upon the determination that a Board of Adjustment approval is required.

(C) **PLAT AMENDMENTS/ SUBDIVISION**. Plat Amendments and Subdivisions must be reviewed pursuant to LMC Chapter 15-7. No Building Permit may be issued prior to such an approval.

(D) **ADMINISTRATIVE CONDITIONAL USE PERMITS**. The Planning Director, or his or her designee, shall review and take Final Action on Administrative Conditional Use permits. Review process shall be consistent with Section 15-1-10(A-H), with the exception that no published notice, as described in 15-1-12(B), shall be required.

(E) **ADMINISTRATIVE PERMITS**. The Planning Department shall review and take Final Action on Administrative Permits. Review process shall be consistent with the requirements herein for those Uses requiring an Administrative Permit, such as temporary tents, Structures, and vendors; temporary Special Event and temporary change of occupancy permits; regulated Accessory Apartments; specified outdoor events and Uses; Family Child Care in specified Zoning Districts; and temporary telecommunication Antennas, where these Uses are designated as requiring Administrative Permits. These Uses may require Administrative Conditional Use permits or Conditional Use permits in some Zoning Districts pursuant to Section 15-2.

(Amended by Ord. Nos. 06-22; 09-10; 12-37)

15-1 -12. NOTICE.

Notice of a public hearing before the City Council, Planning Commission, Board of Adjustment, and Historic Preservation Board must be provided in accordance with this section. All notices, unless otherwise specified in this Code or State law, must describe the proposed action affecting the subject Property or the proposed modification to the Park City General Plan or to the Land Management Code and shall state the time, place and date set for public hearing on the matter. Notice shall be given according to Section 15-1-21 Notice Matrix and as follows:

(A) **POSTED NOTICES**. The Planning Department must post notice on the Property affected by the Application and on the City's official website or in at least three (3) public locations within the municipality.

(B) **PUBLISHED NOTICE**. Published notice shall be given by publication in a newspaper having general circulation in Park City.

(C) **COURTESY NOTICE**. As a courtesy to adjacent Property Owners, the Applicant must provide the Planning Department with stamped and pre-addressed envelopes for each Owner of record of each Parcel located entirely or partly within three hundred feet (300') from all Property Lines of the subject Property, together with a mailing list for those Owners. The addresses for adjacent Owners must be as shown on the most recently available

Summit County tax assessment rolls. If the subject Property is a Condominium, the Owners Association is sufficient in lieu of the address for each unit Owner. Courtesy notice is not a legal requirement, and any defect in courtesy notice shall not affect or invalidate any hearing or action by the City Council or any Board or Commission.

(D) **APPLICANT NOTICE**. For each land Use Application, the Planning Department must notify the Applicant of the date, time and place of each public hearing and public meeting to consider the Application and of any final action on the pending Application.

(E) **EFFECT OF NOTICE**. Proof that notice was given pursuant to subsections (A) and (B), above is prima facie evidence that notice was properly given. If notice given under authority of this section is not challenged as provided for under State law within thirty (30) days after the date of the hearing or action for which the challenged notice was given, the notice is considered adequate and proper. Notice pursuant to subsections (C) and (F) is courtesy only.

(F) **OWNERS ASSOCIATION REGISTRATION AND NOTIFICATION**.

(1) **REGISTRATION**. Owners associations desiring notice of requests for Building Permits within their boundaries must file written registration annually with the Park City Building Department and pay an annual fee of fifty dollars ($50.00). The registration must consist of a copy of the Owners association's Utah State Business or corporate registration and the name(s), addresses including post office box numbers, and telephone numbers of at least three (3) authorized representatives of the Owners association and a notarized statement certifying that these individuals are the authorized representatives of said association.

Associations not registered with the City will not be included in the published list of Owners associations and do not receive notice of Building Permit requests prior to their issuance.

Any change(s) in the above information must be forwarded in writing to the Building Department within ten (10) days of the change.

(2) **NOTICE**. Prior to, or at the time of Application for a permit for any Development, the Applicant must file with the City evidence of notification to the appropriate registered Owners association(s). Acceptable evidence of notification shall be the following:

(a) the properly executed notice form, as approved by the City; or

(b) a signed return receipt from a certified letter posted to the registered association representative, with a copy of the notice form approved by the City.

(3) **CITY NOT PARTY TO DISPUTES**. The City is not the arbiter of disputes between an Applicant and an Owners association. Nothing herein shall be interpreted to require Owners association consent prior to City Final Action.

(Amended by Ord. Nos. 02-57; 06-22; 09-10; 11-05; 12-37)

15-1-13. COMPLETION OF SITE IMPROVEMENT WORK PRIOR TO THE APPROVAL OF PLATS OR ISSUANCE OF CERTIFICATES OF OCCUPANCY.

(A) **POLICY**.

(1) **GUARANTEE REQUIRED**. In order to protect the City from the financial burdens resulting from damage to or increased maintenance costs for City facilities that may occur as a result of incomplete or inadequate Site or Public Improvements on construction projects, it is the policy of the City to require that Developers either complete all Site or Public Improvements prior to occupancy, or if that is not possible, that adequate financial Guarantees for completion, together with a right of entry to the Property to complete that work be granted to the City. No plat will be approved, where required, and no Certificate of Occupancy granted unless and until an adequate financial Guarantee is posted in accordance with this section. It is also the policy of the City to require Developers to post a financial Guarantee to ensure compliance with a Historic Preservation Plan whenever a Building project affects a Historic Building, Structure, Site or Object, as defined by this Title.

(2) **NO THIRD PARTY BENEFICIARIES INTENDED**. It is the intention of the City that this financial Guarantee given by the Developer is limited to a contract between the City and the Developer for the express purposes of providing for the protection of City facilities, eliminating conditions which could become public nuisances, and ensuring compliance with a Historic Preservation Plan. It is not intended that this security be available for payment of subcontractors or material suppliers in the nature of a surety bond, or that the security provided become available to the purchasers of Property to correct construction flaws or defects, which are the fault of the Developer.

(B) **CONSTRUCTION ACCORDING TO APPROVED PLANS**. All construction shall be completed according to the approved plans on which the Building permits were issued. The approved plans shall also include the Site and Public Improvements shown on the Site plan. Where applicable, the approved plans shall also include a Historic Preservation Plan. For purposes of this Code, the term "Site Improvement" shall include all roads, sidewalks, curbs, gutters, drains, drainage

works, Grades, walls, landscaping, planting, paving, paths and trails, and similar improvements as shown on the set of plans on which the final approval and Building permits are based. The term "Public Improvement" is defined in Chapter 15 of this Title. The term "Historic Preservation Plan" means a plan approved by the Planning Director and Chief Building Official, or their designees that specifies the Historic character of a Historic Building Structure, Site or Object, and the methods and means a Developer will use to preserve that Historic character during the Building project. Deviations from the approved plans must be approved in advance by the Chief Building Official.

(C) **GUARANTEE FOR COMPLETION**. No Certificate of Occupancy will be issued, nor any plat approved when plats are required by this Code, unless the Building and all required Site or Public Improvements are completed, or the Developer has provided adequate security to Guarantee completion of the Site or Public Improvements. When the Site or Public Improvements and the Building cannot be completed simultaneously due to weather conditions or other factors beyond the control of the Developer, excluding financial inability to complete the project, the City may grant plat approval for recording and/or issue Certificates of Occupancy for the project, provided the following conditions are met:

(1) The Building or Buildings, or portions thereof, on the Property to be platted or occupied have been constructed in accordance with the approved plans for those Buildings, and are in full compliance with applicable Building and fire codes, and are completed to the extent that only exterior Site or Public Improvement work remains unfinished; and

(2) The Building Official determines that occupancy of the Buildings, or portions thereof, prior to completion of required Site or Public Improvements is safe and that Access for emergency vehicles is adequate with the Site or Public Improvements unfinished; and

(3) The Developer posts an adequate Guarantee for the benefit of the City to insure completion of the Site or Public Improvements in full compliance with the approved plans within one (1) year from the date of plat approval, if required, or issuance of the Certificate of Occupancy, whichever occurs first.

(D) **AMOUNT OF GUARANTEE FOR SITE OR PUBLIC IMPROVEMENTS**. The amount of the Guarantee for Site or Public Improvements to be posted by the Developer, shall be equal to 125% of the amount reasonably estimated by the City Engineer, or his designee, as being necessary to complete remaining Site or Public Improvements as shown on the approved plans. In the event that the Developer disputes the City's cost estimate, the Developer may prove a lower construction cost by providing binding contracts between the Developer and contractor or subcontractor appropriate to perform the required work as a stated, fixed

price. These contracts must be supported by a 100% performance bond, insuring performance by the subcontractor or contractor. Bid proposals are not satisfactory for this purpose. If the contracts submitted are acceptable in form, the amount of security required shall be 125% of the total contract price of all such contracts submitted, plus the estimated reasonable cost of performing any work not covered by the contracts. Specifications in such contracts shall be sufficiently clear to identify the work called for under the contract.

(E) **TERMS OF GUARANTEE**. The terms of any Guarantee arrangement offered to the City shall state a date by which the Developer agrees to have Site or Public Improvement work completed in accordance with the plans, and shall further provide that in the event that the Developer has not completed the required Site or Public Improvements work by that date, the City may at its option and on its schedule, draw on the Guarantee by its own act, and shall not be required to obtain consent of Developer to withdraw funds for completion of the work shown on approved plans. The City's actual costs in administering the completion of work in the event of a default by the Developer shall be reimbursed from the Guarantee.

(F) **FORM OF GUARANTEE**. Guarantee arrangements offered in lieu of simultaneous completion of Buildings and Site or Public Improvements shall be in an amount fixed under the terms of Section 15-1-13(D), and shall be in one or more of the following forms:

(1) An irrevocable letter of credit issued by a bank authorized to do Business in the State of Utah or an out-of-state bank, provided that a bank authorized to do Business in Utah confirms in writing that it will honor the letter of credit, naming Park City Municipal Corporation as the payee of funds drawn against that letter of credit and Guaranteeing the availability of funds for one (1) year, or

(2) A deposit of cash with a third party Escrow, or

(3) A deposit of cash with the City, or

(4) Some combination of the above as approved by the City or an approved equal.

(G) **RETAINED AMOUNT**. The amount in excess of the actual construction costs, but in no event more than ten percent (10%) of the lesser of the engineer's original estimated cost of completion or the actual construction cost, shall be held for a period of one (1) year following final inspection and approval of the Site or Public Improvement work by the City. The retained amount may be provided in any of the ways described in Section 15-1-13(F). If the Developer fails to provide a new Guarantee sixty (60) days prior to the expiration of the Guarantee instruments provided for the initial construction under Section 15-1-13(F), the City shall make a demand or draw on that Guarantee to the extent of the required retained amount, and hold the proceeds in cash until and unless

other adequate Guarantee, as provided in this Code, is posted by the Developer. The retained amount will be used to replace or repair any Site or Public Improvements, which fail or appear to be defective during the one (1) year period. The corrective work may be done by the City or the Developer. At the completion of that work, the retained amount, or so much of it remains, shall be released. Retained amounts may be drawn and applied to any outstanding fees owed by the Developer to the City, provided that such fees are imposed by ordinance and the amount of the fees is not contested by the Developer.

(*Amended by Ord. No. 14-35*)

(H) **MODIFICATION OF PLANS**. A Developer may, at its option, request modifications to plans covering Site or Public Improvement work by submitting revised plans to the City for review and action. Until the revised plans have received approval by the City, the Developer shall be required to offer a Guarantee for the performance of the Site or Public Improvement work as shown on the last set of plans to have received City approval. Upon acceptance of revised plans by the Department, the City shall release any cash, credit or other Guarantee held, which is in excess of 125% of the completion cost, estimated, of work shown on the most recently revised plan. If the modification of the plans increases the cost of required Site or Public Improvements, additional Guarantee must be provided by the Developer to cover the increased costs.

(I) **PAYMENT OF INTEREST**. The City shall not be required to pay interest to the Developer on any funds in escrow or on cash held by the City as a Guarantee.

(J) **DETAILED SITE PLANS**. A detailed Site plan shall be presented, showing the location and nature of drainage works, Grade changes, retaining walls, and landscaping, together with any trails, paths, or walkways that may be included or required under other provisions of the Land Management Code.

(K) **SINGLE FAMILY HOMES**. This provision shall apply to all construction in Park City, including single family homes, provided, however, that the amount of Guarantee required for single family homes shall be the reasonably estimated cost to complete construction of any Site or Public Improvements on a labor and materials basis, and the estimated cost to complete landscaping, to the extent necessary to hold the soil in place, on the basis of materials only.

(L) **PHASED PROJECTS**. Site or Public Improvements applicable to each phase of a phased project or Development shall be completed or Guarantee for completion provided as each phase is constructed and either platted or occupied. Site or Public Improvements on other phases of the project shall be completed or Guarantee offered as those phases are completed.

(Amended by Ord. Nos. 02-07; 06-22; 09-09; 11-05)

15-1 -14. TERMINATION OF APPLICATIONS FOR INACTION.

Recognizing the length of the planning review process will vary with the size and complexity of each proposal, Applicants must move their Applications either to approval or to denial in a reasonably expeditious manner. The Planning Director may formally deny Applications, which remain inactive for a period of 180 days, or longer, due to acts or omissions of the Applicant.

(A) **TERMINATION OF APPLICATIONS**. When the Planning Director finds an Application to be inactive, the Planning Director may deny the Application and close the files with respect to that project. No Application shall be denied on the basis of Inaction without giving fourteen (14) days written notice to the Applicant. Such notice must state the intent of the Planning Director to have the Application denied because of Inaction and the right to contest said denial to the Planning Commission.

Delays occasioned by the City shall not constitute cause for terminating an Application.

(B) **REINSTATEMENT**. An Applicant may appeal the Planning Director's denial of an Application for Inaction to the Planning Commission in the same manner as any other appeal. The Planning Commission may reinstate said Application subject to payment of full or partial submission fees, reinstate subject to specific ordinance changes, or deny reinstatement. If reinstatement is denied, the Application is considered formally denied. If the Applicant desires to proceed with the project, the Applicant must submit a new Application and pay new submission fees, and the new Application shall be subject to all ordinances then in effect.

(Amended by Ord. No. 06-22; 11-05)

15-1 -15. PENALTIES.

Any Person, firm, partnership, or corporation, and the principals or Agents thereof violating or causing the violation of this LMC shall be guilty of a Class "C" misdemeanor and punished upon conviction by a fine and/or imprisonment described in the current Park City Criminal Code. In addition, the City shall be entitled to bring a civil action to enjoin and/or abate the continuation of the violation.

Private citizens of Park City or Property Owners have the right to file actions to enjoin the continuation of a violation affecting their interests, provided that the plaintiff in such action gives notice of the action to the City Recorder prior to filing the action.

15-1 -16. LICENSING.

Licenses or permits issued in violation of this LMC are null and void.

15-1 -17. VESTING.

(A) An Applicant is entitled to approval of a land Use Application if the Application conforms to the requirements of an applicable land Use ordinance in effect when a Complete Application is submitted and all fees have been paid, unless:

(1) the land Use authority, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the Application; or

(2) in the manner provided by local ordinance and before the Application is submitted, the municipality has formally initiated proceedings to amend its ordinances in a manner that would prohibit approval of the Application as submitted.

(B) The municipality shall process an Application without regard to proceedings initiated to amend the municipality's ordinances if:

(1) 180 days have passed since the proceedings were initiated; and

(2) the proceedings have not resulted in an enactment that prohibits approval of the Application as submitted.

(C) An Application for a land Use approval is considered submitted and complete when the Application is provided in a form that complies with the requirements of applicable ordinances and all applicable fees have been paid.

(D) The continuing validity of an approval of a land Use Application is conditioned upon the Applicant proceeding after approval to implement the approval with reasonable diligence.

(B) A municipality is bound by the terms and standards of applicable land Use ordinances and shall comply with mandatory provisions of those ordinances.

(Amended by Ord. No. 06-22)

15-1 -18. APPEALS AND RECONSIDERATION PROCESS.

(A) **STAFF**. Any decision by either the Planning Director or Planning Staff regarding Application of this LMC to a Property may be appealed to the Planning Commission. Appeals of decisions regarding the Design Guidelines for Historic Districts and Historic Sites shall be reviewed by the Historic Preservation Board as described in 15-11-12(E) unless the Historic Preservation Board participated in the Design Review of a City Development project, pursuant to 15-11-6, in which case any appeal of the decision shall be reviewed by the Board of Adjustment. The Board of Adjustment in such an appeal will have the same scope of authority and standard of review as the Historic Preservation Board would have in such an appeal.

(B) **HISTORIC PRESERVATION BOARD (HPB)**. The City or any Person with standing adversely affected by any decision of the Historic Preservation Board regarding the Design Guidelines for Historic Districts and Historic Sites may petition the District Court in Summit County for a review of the decision. Appeal of all other Final Action by the Historic Preservation Board may be appealed to the Board of Adjustment.

(C) **PLANNING COMMISSION**. The City or any Person with standing adversely affected by a Final Action by the Planning Commission on appeals of Staff action may petition the District Court in Summit County for a review of the decision. Final Action by the Planning Commission on Conditional Use permits and Master Planned Developments (MPDs) involving City Development may be appealed to the Board of Adjustment at the City Council's request. All other Final Action by the Planning Commission concerning Conditional Use permits (excluding those Conditional Use permits decided by Staff and appealed to the Planning Commission; final action on such an appeal shall be appealed to the District Court) and MPDs may be appealed to the City Council. When the City Council determines it necessary to ensure fair due process for all affected parties or to otherwise preserve the appearance of fairness in any appeal, the City Council may appoint an appeal panel as appeal authority to hear any appeal or call up that the Council would otherwise have jurisdiction to hear. The appeal panel will have the same scope of authority and standard of review as the City Council. Only those decisions in which the Planning Commission has applied a land Use ordinance to a particular Application, Person, or Parcel may be appealed to an appeal authority.

(1) **APPEAL PANEL MEMBERSHIP AND QUALIFICATIONS**. The appeal panel shall have three (3) members. The decision to appoint and the appointment of an appeal panel shall be made by the City Council at a duly noticed public meeting after publicly noticed request for qualifications. Qualifications shall include a weighted priority for the following: Park City or Area residency, five years or more of prior experience in an adjudicative position, and/or a legal or planning degree. Each member of the appeal panel shall have the ability to:

(a) Conduct quasi-judicial administrative hearings in an orderly, impartial and highly professional manner.

(b) Follow complex oral and written arguments and identify key issues of local concern.

(c) Master non-legal concepts required to analyze specific situations, render findings and determinations.

(d) Absent any conflict of interest, render findings and determinations on cases heard, based on neutral consideration of the issues, sound legal reasoning, and good judgment.

(2) **PROCESS.** Any hearing before an appeal panel shall be publicly noticed, include a public hearing, and meet all requirements of the Utah Open and Public Meetings Act. The appeal panel shall have the same authority and follow the same procedures as designated for the

"City Council" in this section 15-1-18 (G-I). The City Council may decide to appoint an appeal panel for a particular matter at any time an application is pending but the appointment of the individual members of the panel shall not occur until an actual appeal or call up is pending.

(Amended by Ord. No. 10-15; 12-37; 14-37)

(D) **STANDING TO APPEAL**. The following has standing to appeal a Final Action:

(1) Any Person who submitted written comment or testified on a proposal before the Planning Department, Historic Preservation Board or Planning Commission;

(2) The Owner of any Property within three hundred feet (300') of the boundary of the subject site;

(3) Any City official, Board or Commission having jurisdiction over the matter; and

(4) The Owner of the subject Property.

(E) **TIMING**. All appeals must be made within ten (10) calendar days of the Final Action. The reviewing body, with the consultation of the appellant, shall set a date for the appeal. All appeals shall be heard by the reviewing body within forty-five (45) days of the date that the appellant files an appeal unless all parties, including the City, stipulate otherwise.

(F) **FORM OF APPEALS**. Appeals to the Planning Commission, Board of Adjustment, or Historic Preservation Board must be filed with the Planning Department. Appeals to the City Council must be filed with the City Recorder. Appeals must be by letter or petition, and must contain the name, address, and telephone number of the petitioner; his or her relationship to the project or subject Property; and must have a comprehensive statement of all the reasons for the appeal, including specific provisions of the law, if known, that are alleged to be violated by the action taken. The Appellant shall pay the applicable fee established by resolution when filing the appeal. The Appellant shall present to the appeal authority every theory of relief that it can raise in district court. The Appellant shall provide required envelopes within fourteen (14) days of filing the appeal.

(G) **BURDEN OF PROOF AND STANDARD OF REVIEW**. The appeal authority shall act in a quasi-judicial manner. The appellant has the burden of proving that the land Use authority erred. The appeal authority shall review factual matters de novo and it shall determine the correctness of a decision of the land Use authority in its interpretation and application of the land Use ordinance.

Exception. For appeals to the Board of Adjustment, the Board shall review factual matters for correctness and determine the correctness of a decision of the land Use authority in its interpretation and application of the land Use ordinance. The scope of review of the Board of Adjustment is limited to issues brought to the land Use authority.

Exception. For appeals to the Board of Adjustment regarding Design Guidelines for Historic Districts and Historic Sites involving City Development projects, the Board shall review factual matters de novo and it shall determine the correctness of the Planning Director or Planning Staff decision in the interpretation and application of the Historic District Design Guidelines for Historic Districts and Historic Sites and LMC Title 15, Chapter 11.

(H) **WRITTEN FINDINGS REQUIRED**. The appeal authority shall direct staff to prepare detailed written Findings of Fact, Conclusions of Law and the Order.

(I) **CITY COUNCIL ACTION ON APPEALS**.

(1) The City Council, with the consultation of the appellant, shall set a date for the appeal.

(2) The City Recorder shall notify the Owner of the appeal date. The City Recorder shall obtain the findings, conclusions and all other pertinent information from the Planning Department and shall transmit them to the Council.

(3) The City Council may affirm, reverse, or affirm in part and reverse in part any properly appealed decision of the Planning Commission. The City Council may remand the matter to the appropriate body with directions for specific Areas of review or clarification. City Council review of petitions of appeal shall include a public hearing and be limited to consideration of only those matters raised by the petition(s), unless the Council by motion, enlarges the scope of the appeal to accept information on other matters.

(4) Staff must prepare written findings within fifteen (15) working days of the City Council vote on the matter.

(J) **CITY COUNCIL CALL-UP**. Within fifteen (15) calendar days of Final Action on any project, the City Council, on its own motion, may call up any Final Action taken by the Planning Commission or Planning Director for review by the Council. Call-ups involving City Development may be heard by the Board of Adjustment at the City Council's request. The call-up shall require the majority vote of the Council. Notice of the call-up shall be given to the Chairman of the Commission and/or Planning Director by the Recorder, together with the date set by the Council for consideration of the merits of the matter. The Recorder shall also provide notice as required by Section 15-1 -12 herein. In calling a matter up, the Council may limit the scope of the call-up hearing to certain issues. The City Council, with the consultation of the Applicant, shall set a date for the call-up. The City Recorder shall notify the Applicant of the call-up date. The City Recorder shall obtain the findings, and all other pertinent information and transmit them to the Council.

(K) **NOTICE**. There shall be no additional notice for appeals of Staff

determination other than listing the matter on the agenda, unless notice of the Staff review was provided, in which case the same notice must be given for the appeal.

Notice of appeals of Final Action by the Planning Commission and Historic Preservation Board and notice of all appeals to City Council or call-ups shall be given by:

(1) Publishing the matter once at least seven (7) days prior to the hearing in a newspaper having general circulation in Park City;

(2) By mailing courtesy notice at least seven (7) days prior to the hearing to all parties who received mailed courtesy notice for the original action. The City Recorder shall provide noticing for Council call-ups; and

(3) By posting the property at least seven (7) days prior to the hearing.

Notice of appeals to the Board of Adjustment, except for appeals of staff determination regarding Historic District Design Guidelines for City Development projects where the Historic Preservation Board participated in the design review, shall be given by:

(1) Publishing the matter once at least fourteen (14) days prior to the hearing in a newspaper having a general circulation in Park City;

(2) By mailing courtesy notice at least fourteen (14) days prior to the hearing to all parties who received mailed courtesy notice for the original action; and

(3) By posting the property at least fourteen (14) days prior to the hearing.

(L) **STAY OF APPROVAL PENDING REVIEW OF APPEAL**. Upon the filing of an appeal, any approval granted under this Chapter will be suspended until the appeal body, pursuant to this Section 15-1-18 has acted on the appeal.

(M) **APPEAL FROM THE CITY COUNCIL**. The Applicant or any Person aggrieved by City action on the project may appeal the Final Action by the City Council to a court of competent jurisdiction. The decision of the Council stands, and those affected by the decision may act in reliance on it unless and until the court enters an interlocutory or final order modifying the decision.

(N) **RECONSIDERATION**. The City Council, and any Board or Commission, may reconsider at any time any legislative decision upon an affirmative vote of a majority of that body. The City Council, and any Board or Commission, may reconsider any quasi-judicial decision upon an affirmative vote of a majority of that body at any time prior to Final Action. Any action taken by the deciding body shall not be reconsidered or rescinded at a special meeting unless the number of members of the deciding body present at the special meeting is equal to or greater than the number of members present at the meeting when the action was approved.

(O) No participating member of the appeal panel may entertain an appeal in which he or she acted as the land Use authority.

(Amended by Ord. Nos. 06-22; 09-10; 09-23; 10-15; 14-37)

15-1 -19. CONSTITUTIONAL TAKINGS REVIEW AND APPEAL.

In order to promote the protection of private Property rights and to prevent the physical taking or exaction of private Property without just compensation, the City Council and all Commissions and Boards shall adhere to the following before authorizing the seizure or exaction of Property:

(A) **TAKINGS REVIEW PROCEDURE**. Prior to any proposed action to exact or seize Property by the City, the City Attorney shall review the proposed action to determine if a constitutional taking requiring "just compensation" would occur. The City Attorney shall review all such matters pursuant to the guidelines established in subsection (B) below. Upon identifying a possible constitutional taking, the City Attorney shall, in a confidential, protected writing, inform the Council, commission or board of the possible consequences of its action. This opinion shall be advisory only. No liability shall be attributed to the City for failure to follow the recommendation of the City Attorney.

(B) **TAKINGS GUIDELINES**. The City Attorney shall review whether the action constitutes a constitutional taking under the Fifth or Fourteenth Amendments to the Constitution of the United States, or under Article I, Section 22 of the Utah Constitution. The City Attorney shall determine whether the proposed action bears an essential nexus to a legitimate governmental interest and whether the action is roughly proportionate and reasonably related to the legitimate governmental interest. The City Attorney shall also determine whether the action deprives the private Property Owner of all reasonable Use of the Property. These guidelines are advisory only and shall not expand nor limit the scope of the City's liability for a constitutional taking.

(C) **APPEAL**. Any Owner of private Property who believes that his/her Property is proposed to be "taken" by an otherwise Final Action of the City may appeal the City's decision to the Takings Appeal Board within thirty (30) days after the decision is made. The appeal must be filed in writing with the City Recorder. The Takings Appeal Board shall hear and approve and remand or reject the appeal within fourteen (14) calendar days after the appeal is filed. The Takings Appeal Board, with advice from the City Attorney, shall review the appeal pursuant to the guidelines in subsection (B) herein. The decision of the Takings Appeal Board shall be in writing and a copy given to the appellant and to the City Council, Commission or Board that took the initial action. The Takings Appeal Board's rejection of an Appeal constitutes exhaustion of administrative remedies rendering the matter suitable for appeal to a court of competent jurisdiction.

(D) **TAKINGS APPEAL BOARD**. There is hereby created a three (3) member

Takings Appeal Board. The City Manager shall appoint three (3) current members of the Board of Adjustment to serve on the Takings Appeal Board. If, at any time, three (3) members of the Board of Adjustment cannot meet to satisfy the time requirements stated in subsection (C), the City Manager shall appoint a member or sufficient members to fill the vacancies.

15-1 -20. EXACTIONS.

Exaction or exactions may be imposed on Development proposed in a land Use Application if:

(A) An essential link exists between a legitimate governmental interest and each exaction; and

(B) Each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed Development.

(Created by Ord. No. 06-22)

15-1 -21. NOTICE MATRIX.

(See following pages)

NOTICE MATRIX

ACTION:	POSTED:	COURTESY MAILING:	PUBLISHED:
Zoning and Rezoning	14 days prior to each hearing before the Planning Commission and City Council	14 days to each affected entity.	Once 14 days prior to each hearing before the Planning Commission and City Council.
LMC Amendments	14 days prior to each hearing before the Planning Commission and City Council.	14 days to each affected entity.	Once 14 days prior to each hearing before the Planning Commission and City Council.
General Plan Amendments	14 days prior to each hearing before the Planning Commission and City Council.	14 days to each affected entity.	Once 14 days prior to each hearing before the Planning Commission and City Council.
Master Planned Developments (MPD)	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft.	Once 14 days prior to the hearing before the Planning Commission.
Appeals of Planning Director, Historic Preservation Board, or Planning Commission decisions or City Council Call-Up	7 days prior to the date set for the appeal or call-up hearing.	To all parties who received mailed notice for the original Administrative or Planning Commission hearing 7 days prior to the hearing.	Once 7 days before the date set for the appeal or call-up hearing.

NOTICE MATRIX

ACTION:	POSTED:	COURTESY MAILING:	PUBLISHED:
Conditional Use Permit	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft.	Once 14 days prior to the hearing before the Planning Commission.
Administrative Conditional Use Permit	10 days prior to Final Action.	10 days prior to Final Action, to adjacent Property Owners.	No published notice required.
Administrative Permit	10 days prior to Final Action.	10 days prior to Final Action, to adjacent affected Property Owners.	No published notice required.
Variance Requests, Non-conforming Use Modifications and Appeals to Board of Adjustment	14 days prior to the hearing before the Board of Adjustment.	14 days prior to the hearing before the Board of Adjustment, to owners within 300 ft.	Once 14 days prior to hearing before the Board of Adjustment.
Certificate of Appropriateness for Demolition (**CAD**)	45 days on the Property upon refusal of the City to issue a **CAD**; 14 days prior to the hearing before the Historic Preservation Board.	14 days prior to the hearing before the Historic Preservation Board, to Owners within 300 ft.	Once 14 days prior to the hearing before the Historic Preservation Board.
Designation of Sites to the Historic Sites Inventory	7 days prior to hearing before the Historic Preservation Board.	- - - - - - - - - -	Once 7 days prior to hearing before the Historic Preservation Board.

NOTICE MATRIX

ACTION:	POSTED:	COURTESY MAILING:	PUBLISHED:
Historic District or Historic Site Design Review	First Posting: The Property shall be posted for a 14 day period once a Complete Application has been received. The date of the public hearing shall be indicated in the first posting. Other posted legal notice not required. Second Posting: For a 10 day period once the Planning Department has determined the proposed plans comply or does not comply with the Design Guidelines for Historic Districts and Historic Sites. Other posted legal notice not required.	First Mailing: To Owners within 100 feet once a Complete Application has been received, establishing a 14 day period in which written public comment on the Application may be taken. The date of the public hearing shall be indicated. Second Mailing: To Owners within 100 feet and individuals who provided written comment on the Application during the 14 day initial public comment period. The second mailing occurs once the Planning Department determines whether the proposed plans comply or do not comply with the Design Guidelines for Historic Districts and Historic Sites and no later than 45 days after the end of the initial public comment period. This establishes a 10 day period after which the Planning Department's decision may be appealed.	If appealed, then once 7 days before the date set for the appeal
Annexations	Varies, depending on number of Owners and current State law. Consult with the Legal Department.		
Termination of Project	- - - - - - - - - -	Mailed Notice: To Owner/Applicant and	- - - - - - - - - - - -

NOTICE MATRIX			
ACTION:	**POSTED:**	**COURTESY MAILING:**	**PUBLISHED:**
Applications		certified Agent by certified mail 14 days prior to the Planning Director's termination and closure of files.	
Lot Line Adjustments: Between 2 Lots without a plat amendment.	10 days prior to Final Action on the Property. Other posted legal notice not required.	To Owners within 300 ft. at time of initial Application for Lot line adjustment. Need consent letters, as described on the Planning Department Application form, from adjacent Owners.	- - - - - - - - - - - - -
Preliminary and Final Subdivision Plat Applications	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft.	Once 14 days prior to the hearing before the Planning Commission.
Condominium Applications; Record of Survey Plats	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft.	Once 14 days prior to the hearing before the Planning Commission.
Record of Survey Amendments	14 days prior to the hearing.	14 days prior to the hearing, to Owners within 300 ft.	Once 14 days prior to the hearing.
Subdivision Plat Amendments	14 days prior to the hearing.	14 days prior to the hearing, to Owners within 300 ft.	Once 14 days prior to the hearing.

NOTICE MATRIX			
ACTION:	**POSTED:**	**COURTESY MAILING:**	**PUBLISHED:**
Vacating or Changing a Street	- - - - - - - - - - -	14 days prior to the hearing before the City Council, to Owners within 300 ft. and to affected entities.	Once a week for 4 consecutive weeks prior to the hearing before the City Council.
Extension of approvals	Posted notice shall be the same as required for the original application.	Courtesy mailing shall be the same as required for the original application.	Published notice shall be the same as required for the original application.
Note: For all Applications, notice will be given to the Applicant of date, time, and place of the public hearing and public meeting to consider the Application and of any Final Action on a pending Application. Appendix A – Official Zoning Map (Refer to the Planning Department)			

(Amended by Ord. Nos. 06-22; 09-10; 09-23; 11-05; 12-37)

EXHIBIT B-1

TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 2.1 - HISTORIC RESIDENTIAL-LOW DENSITY (HRL) DISTRICT .1
15-2.1- 1. PURPOSE. 1
15-2.1- 2 USES. 1
15-2.1- 3. LOT AND SITE REQUIREMENTS. 2
15-2.1- 4. EXISTING HISTORIC STRUCTURES 8
15-2.1- 5. BUILDING HEIGHT. 9
15-2.1- 6. DEVELOPMENT ON STEEP SLOPES. 10
15-2.1- 7. PARKING REGULATIONS. 13
15-2.1- 8. ARCHITECTURAL REVIEW. 13
15-2.1- 9. VEGETATION PROTECTION 14
15-2.1-10 SIGNS. 14
15-2.1-11. RELATED PROVISIONS. 14

TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.1 - HISTORIC RESIDENTIAL-LOW DENSITY (HRL) DISTRICT

Chapter adopted by Ordinance No. 00-15

15-2.1-1. PURPOSE.

The purpose of the Historic Residential Low-Density (HRL) District is to:

(A) reduce density that is accessible only by substandard Streets so these Streets are not impacted beyond their reasonable carrying capacity,

(B) provide an Area of lower density Residential Use within the old portion of Park City,

(C) preserve the character of Historic residential Development in Park City,

(D) encourage the preservation of Historic Structures,

(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.

(Amended by Ord. No. 09-14)

15-2.1-2. USES.

(A) **ALLOWED USES**.

(1) Single Family Dwelling
(2) Home Occupation
(3) Child Care, In-Home Babysitting
(4) Child Care, Family[1]
(5) Child Care, Family Group[1]
(6) Accessory Building and Use
(7) Conservation Activity
(8) Agriculture
(9) Residential Parking Area or Structure with four (4) or fewer spaces

(B) **CONDITIONAL USES**.

(1) Nightly Rentals
(2) Lockout Unit
(3) Accessory Apartment[2]

[1]See LMC Chapter 15-4-9 for Child Care Regulations

[2]See LMC Chapter 15-4-7,

(4) Child Care Center[1]
(5) Essential Municipal and Public Utility Use, F~~f~~acility, S~~s~~ervice, and Structure~~Building~~
(6) Telecommunication Antenna[3]
(7) Satellite dish greater than thirty-nine inches (39") in diameter[4]
(8) Residential Parking Area or Structure five (5) or more spaces
(9) Temporary Improvement[5]
(10) Passenger Tramway Station and Ski Base Facility[6]
(11) Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge[6]
(12) Recreation Facility, Private
(13) Fences greater than six feet (6') in height from Final Grade[5,7]

(C) **PROHIBITED USES**. Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

Supplemental Regulations for Accessory Apartments

[3]See LMC Chapter 15-4-14, Telecommunications Facilities

[4]See LMC Chapter 15-4-13, Satellite Receiving Antennas

[5]Subject to Administrative or Administrative Conditional Use permit, see LMC Chapter 15-4.

[6] See LMC Chapter 15-4-18, Passenger Tramways and Ski-Base Facilities

[7] See LMC Chapter 15-4-2, Fences and Walls

(Amended by Ord. Nos. 06-56; 09-10)

15-2.1-3. LOT AND SITE REQUIREMENTS.

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a Street shown as a City Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan.

Minimum Lot and Site requirements are as follows:

(A) **LOT SIZE**. The minimum Lot Area is 3,750 square feet. The minimum width of a Lot is thirty-five feet (35'), measured fifteen feet (15') back from the Front Lot Line. In the case of unusual Lot configurations, Lot width measurements shall be determined by the Planning Director

(B) **BUILDING ENVELOPE (HRL DISTRICT)**. The Building Pad, Building Footprint, and height restrictions define the maximum Building Envelope in which all Development must occur, with exceptions as allowed by Section 15-2.1-3(C).

(C) **BUILDING PAD (HRL DISTRICT)**. The Building Pad is the Lot Area minus required Front, Rear and Side Yard Areas.

(1) The Building Footprint must be within the Building Pad. The remainder of the Building Pad must be open and free of any other Structure except:

(a) Porches or decks, with or without roofs;

(b) At Grade patios;

(c) Upper level decks, with or without roofs;

(d) Bay Windows;

(e) Chimneys;

(f) Sidewalks, pathways, and steps;

(g) Screened hot tubs; and

(h) Landscaping.

(2) Exceptions to the Building Pad Area, excluding Bay Windows, are not included in the Building Footprint calculations, and are subject to Planning Department approval based on a determination that the proposed exceptions result in a design that:

(a) provides increased architectural interest consistent with the Historic District Design Guidelines;

(b) maintains the intent of this section to provide horizontal and vertical Building articulation.

(D) **BUILDING FOOTPRINT (HRL DISTRICT).** The maximum Building Footprint of any Structure shall be located on a Lot, or combination of Lots, not exceeding 18,750 square feet in Lot Area, shall be calculated according to the following formula for Building Footprint, illustrated in Table 15-2.1. The maximum Building Footprint for any Structure located on a Lot or combination of Lots, exceeding 18,750 square feet in Lot Area, shall be 4,500 square feet; with an exemption allowance of 400 square feet per dwelling unit for garage floor area. A Conditional Use Permit is required for all Structures with a proposed footprint of greater than 3,500 square feet

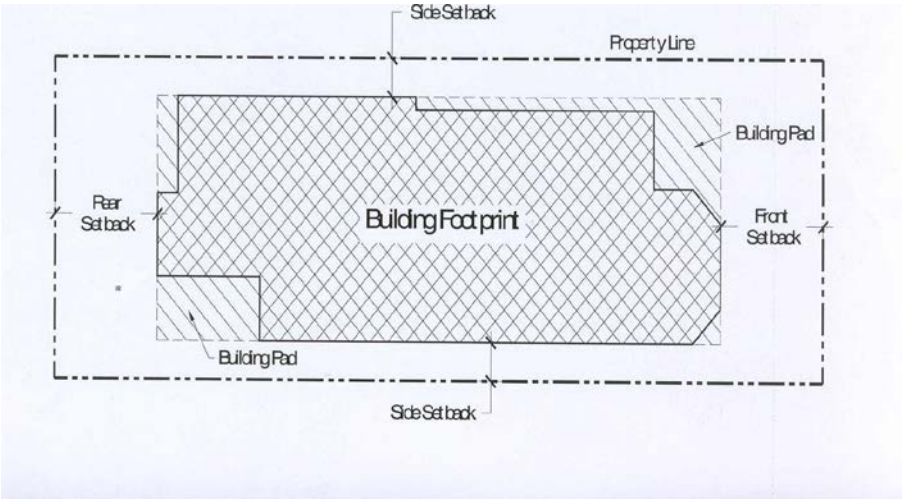
Accessory Buildings listed on the Park City Historic Structures Inventory that are not expanded, enlarged or incorporated into the Main Building, shall not count in the total Building Footprint of the Lot.

MAXIMUM FP = (A/2) x $0.9^{A/1875}$
Where FP= maximum Building Footprint and A= Lot Area.
Example: 3,750 sq. ft. Lot: (3,750/2) x $0.9^{(3750/1875)}$ = 1,875 x 0.81= 1,519 sq. ft.
See the following Table 15-2.1. for a schedule equivalent of this formula.

TABLE 15-2.1.

Lot Depth </= ft. **	Lot Width, ft. up to:	Side Yards 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**. Front and Rear Yards are as follows:

TABLE 15-2.1a

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 EXCEPTIONS**. The Front Yard 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.

← →
Front Yard

(3) Decks, porches, or Bay Windows not more than ten feet (10') wide, projecting not more than three feet (3') into the Front Yard.

(4) Roof overhangs, eaves, or

cornices projecting not more than three feet (3') into the Front Yard.

(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 EXCEPTIONS**. The Rear Yard 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.

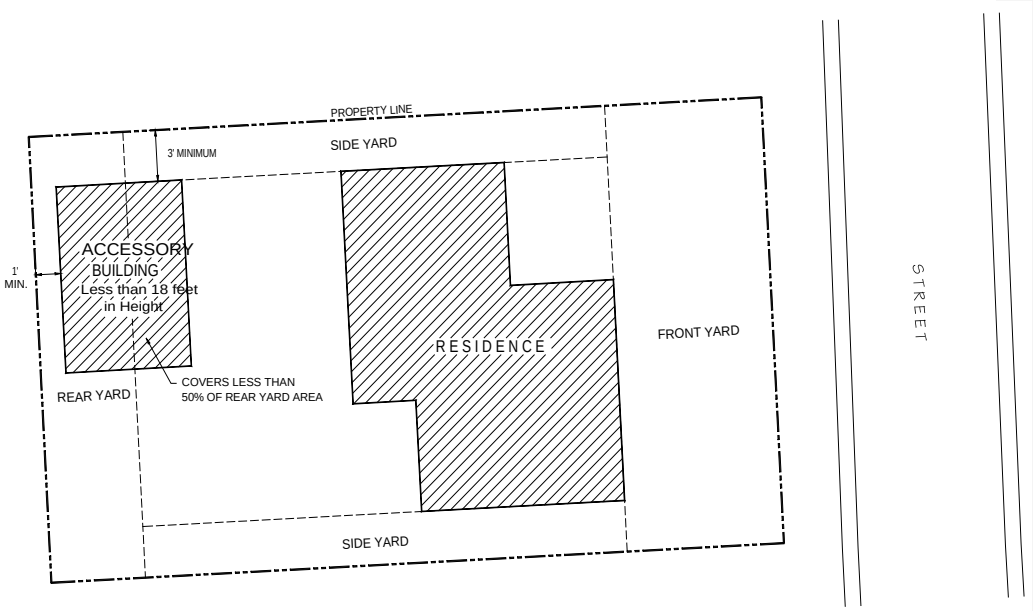
(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.

(3) Window wells or light wells extending not more than four feet (4') into the Rear Yard.

(4) Roof overhangs or eaves projecting not more than two feet (2') into the Rear Yard.

(5) Window sills, belt courses, cornices, trim, exterior siding, or other ornamental features projecting not more than six inches (6") into the Rear Yard.

(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, ~~or~~ and similar Structures located at least three feet (3') ~~five feet (5')~~ 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**.

(1) The minimum Side Yard 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 or platted Right-of-Way is five feet (5').

(I) **SIDE YARD EXCEPTIONS**. The Side Yard 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.[8]

(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.[8]

(3) Window wells or light wells projecting not more than four feet (4') into the Side Yard.[8]

(4) Roof overhangs or eaves projecting not more than two feet (2') into the Side Yard. A one foot (1') eave overhang is permitted on Lots with a side Yard less than five feet (5'). [8]

(5) Window sills, belt courses, trim, exterior siding, cornices, or other ornamental features projecting not more than six inches (6") into the Side Yard.

(6) Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") in height from Final Grade.

[8] Applies only to Lots with a Side Yard of five feet (5') or greater.

(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').

(11) Screened mechanical equipment, hot tubs, ~~or~~ and similar Structures, located at least ~~minimum of~~ three feet (3') ~~five feet (5')~~ from the Side Lot Line.

(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.

(Amended by Ord. Nos. 06-56; 09-10)

15-2.1-4. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with Building Setbacks, Off-Street parking, and

driveway location standards are valid Non-Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height.

(A) **EXCEPTION**. In order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings:

(1) Upon approval of a Conditional Use permit,

(2) When the scale of the addition or driveway is Compatible with the Historic Structure,

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

(4) When the addition complies with the Uniform Building and Fire Codes.

15-2.1-5. BUILDING HEIGHT.

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height. 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 requirement must be met:

(A) A Structure shall have a maximum height of thirty five feet (35') measured from the lowest floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.

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

(C) **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.

(1) A Structure containing a flat roof shall have a maximum height of thirty-five feet (35') measured from the lowest floor plan to the highest wall top plate that supports the ceiling joists or roof rafters. The

height of the green roof, including the parapets, railing, or similar features shall not exceed twenty four inches (24") above the highest top plate mentioned above.

(D) **BUILDING HEIGHT EXCEPTIONS**. The following height exceptions apply:

(1) Antennas, chimneys, flues, vents, or 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 American Disability Act (ADA) 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 of the Building 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 DOWNHHILL LOT**. The Planning Director may allow additional height on a downhill Lot to accommodate a single car garage in a tandem configuration. The depth of the garage may not exceed the minimum depth for an internal Parking Space as dimensioned within this Code, Section 15-3. Additional width may be utilized only to accommodate circulation and an ADA elevator. The additional height may not exceed thirty-five feet (35') from Existing Grade.

(Amended by Ord. Nos. 06-56; 09-10; 09-14; 09-40; 13-48)

15-2.1-6. DEVELOPMENT ON STEEP SLOPES.

Development on Steep Slopes must be environmentally sensitive to hillside Areas, carefully planned to mitigate adverse effects on neighboring land and Improvements, and consistent with the ~~Historic District~~ Design Guidelines for Park City's Historic Districts and Historic Sites and Chapter 5.

~~(A) **ALLOWED USE**. An allowed residential Structure and/or Access to said Structure located upon an existing Slope of thirty percent (30%) or greater must not exceed a total square footage of one thousand square feet (1,000 sq. ft.) including the garage.~~

(~~B~~A) **CONDITIONAL USE**. ~~A Conditional Use permit is required for any Structure in excess of one thousand square feet (1000 sq. ft.) if said Structure, and/or Access, is located upon any existing Slope of thirty percent (30%) or greater.~~

(1) A Steep Slope Conditional Use permit is required for construction of any Structure with a Building Footprint in excess of two hundred (200 sq. ft) if said Building Footprint is located upon an existing Slope of thirty percent (30%) or greater.

(2) A Steep Slope Conditional Use permit is required for construction of any addition to an existing Structure, when the addition has a new Building Footprint in excess of two hundred (200 sq. ft.), if the new Building Footprint is located upon an existing Slope of thirty (30%) or greater.

(3) A Steep Slope Conditional Use permit is required for any Access driveway located upon an existing Slope of thirty (30%) or greater.

For the purpose of measuring Slope, the measurement shall include a minimum horizontal distance of fifteen feet (15') measured perpendicular to the contour lines on the certified topographic survey. The measurement shall quantify the steepest Slope within the Building Footprint and any Access driveway.

The Planning Department shall review all Steep Slope Conditional Use permit Applications and forward a recommendation to the Planning Commission. The Planning Commission may review Steep Slope Conditional Use permit Applications as Consent Calendar items. Steep Slope Conditional Use permit Applications shall be subject to the following criteria:

(1) **LOCATION OF DEVELOPMENT**. Development is located and designed to reduce visual and environmental impacts of the Structure.

(2) **VISUAL ANALYSIS**. The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points:

(a) To determine potential impacts of the proposed Access, and Building mass and design;

and

(b) To identify the potential for Screening, Slope stabilization, erosion mitigation, vegetation protection, and other design opportunities.

(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, where feasible.

(4) **TERRACING**. The project may include terraced retaining Structures if necessary to regain Natural Grade.

(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 to provide variation of the Front Yard.

(6) **BUILDING FORM AND SCALE**. Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Director and/or Planning Commission may require a garage separate from the main Structure or no garage.

(7) **SETBACKS**. The Planning Director and/or Planning Commission may require an increase in one or more Setbacks to minimize the creation of a "wall effect" along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures.

(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 Director and/or Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures.

(9) **BUILDING HEIGHT (STEEP SLOPE)**. The Zone Height in the HRL District is twenty-seven feet (27') and is restricted as stated above in Section 15-2.1-5. The Planning Director and/or Planning

Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures.

~~(C) **EXCEPTION**. In conjunction with a Subdivision or Plat Amendment, several Property Owners have undergone a review process comparable to that listed in the Conditional Use Section B above and the City does not seek to subject those Owners to additional Planning Commission review. Therefore, at the request of the Owner, the Planning Director may exempt an allowed residential Structure in excess of one thousand square feet (1,000 sq. ft.) from the Conditional Use process upon finding the following:~~

~~(1) The Lot resulted from a Subdivision or Plat Amendment after January 1, 1995;~~

~~(2) The conditions of approval or required Plat notes reflect a maximum house size or Building Footprint; and~~

~~(3) The conditions of approval or required Plat notes include a requirement for Planning, Engineering, and Building Department review of Grading, excavation, erosion, or similar criteria as found in the foregoing Section B, prior to Building Permit issuance.~~

~~The findings shall be in writing, filed with the Owner and City Planning Department, and shall state that the maximum house size and all other applicable regulations continue to apply, and the Owner is not vested for the maximum.~~

(Amended by Ord. Nos. 06-56; 09-10; 09-14)

15-2.1-7. PARKING REGULATIONS.

(A) Tandem Parking is allowed in the Historic District.

(B) Common driveways are allowed along shared Side Lot Lines to provide Access to Parking in the rear of the Main Building or below Grade if both Properties are deed restricted to allow for the perpetual Use of the shared drive.

(C) Common Parking Structures are allowed as a Conditional Use where it facilitates:

(1) the Development of individual Buildings that more closely conform to the scale of Historic Structures in the District; and

(2) the reduction, mitigation or elimination of garage doors at the Street edge.

(D) A common Parking Structure may occupy below Grade Side Yards between participating Developments if the Structure maintains all Setbacks above Grade. Common Parking Structures are subject to a Conditional Use review, Chapter 15-1-10.

(E) Driveways between Structures are allowed in order to eliminate garage doors facing the Street, to remove cars from on-Street parking, and to reduce paved Areas, provided the driveway leads to an approved garage or Parking Area.

(F) Turning radii are subject to review by the City Engineer as to function and design.

(G) See Section 15-3 Off Street Parking for additional parking requirements.

(Amended by Ord. Nos. 06-56; 09-10)

15-2.1-8. ARCHITECTURAL REVIEW.

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Design Guidelines for Historic Districts and Historic Sites, Historic Preservation LMC Chapter 15-11, and Architectural Review LMC Chapter 15-5.

Appeals of departmental actions on compliance with the Design Guidelines for Historic Districts and Historic Sites, LMC Chapter 15-11, and LMC Chapter 15-5 are heard by the Historic Preservation Board as outlined in Section 15-1-18 of the Code.

(Amended by Ord. Nos. 06-56; 09-23)

15-2.1-9. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4 ½ ') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 15-3-3 and Title 14.

(Amended by Ord. No. 06-56)

15-2.1-10. SIGNS.

Signs are allowed in the HRL District as provided in the Park City Sign Code, Title 12.

15-2.1-11. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4-7.
- Satellite Receiving Antenna. LMC Chapter 15-4-13.
- Telecommunication Facility. LMC Chapter 15-4-14.
- Parking. LMC Chapter 15-3.
- Landscaping. Title 14; LMC Chapter 15-3-3(D).

- Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- Historic Preservation. LMC Chapter 15-11.
- Park City Sign Code. Title 12.
- Architectural Review. LMC Chapter 15-5.
- Snow Storage. LMC Chapter 15-3-3(E)
- Parking Ratio Requirements. LMC Chapter 15-3-6.

EXHIBIT B-2

TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 2.2 - HISTORIC RESIDENTIAL (HR-1) DISTRICT

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15-2.2-2. USES 1
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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.2 - HISTORIC RESIDENTIAL (HR-1) DISTRICT

Chapter adopted by Ordinance No. 00-15

15-2.2-1. PURPOSE.

The purpose of the Historic Residential HR-l 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.

(Amended by Ord. No. 09-14)

15-2.2-2. USES.

Uses in the HR-1 District are limited to the following:

(A) **ALLOWED USES**.

(1) Single Family Dwelling
(2) Lockout Unit[1]
(3) Nightly Rental[1]
(4) Home Occupation
(5) Child Care, In-Home Babysitting[2]
(6) Child Care, Family[2]
(7) Child Care, Family Group[2]
(8) Accessory Building and Use
(9) Conservation Activity
(10) Agriculture
(11) Residential Parking Area or Structure, with four (4) or fewer spaces

(B) **CONDITIONAL USES**.

(1) Duplex Dwelling

[1]Nightly Rental of a Lockout Unit requires a Conditional Use permit

[2]See LMC Chapter 15-4-9 for Child Care Regulations

(2) Guest House on Lots one (1) acre or greater
(3) Secondary Living Quarters
(4) Accessory Apartment[3]
(5) Group Care Facility
(6) Child Care Center
(7) Public and Quasi-Public Institution, church and school
(8) Essential Municipal and Public Utility Use, Facility, Service, and Structure
(9) Telecommunication Antenna[4]
(10) Satellite Dish, greater than thirty-nine inches (39") diameter[5]
(11) Bed and Breakfast Inn[6]
(12) Boarding House, hostel[6]
(13) Hotel, Minor, (fewer than sixteen (16) rooms)[6]
(14) Residential Parking Area or Structure with five (5) or more spaces.
(15) Temporary Improvement[7]
(16) Passenger Tramway Station and Ski Base Facility[8]
(17) Ski Tow, Ski Lift, Ski Run, and Ski Bridge[8]
(18) Recreation Facility, Private
(19) Fences greater than six feet (6') in height from Final Grade[7,9]

[3]See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments

[4]See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

[5]See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

[6]In Historic Structures only. Parking requirements of Chapter 15-3 shall apply.

[7]Subject to Administrative or Administrative Conditional Use permit

[8] See LMC Chapter 15-4-18, Passenger Tramways and Ski-Base Facilities

(C) **PROHIBITED USES**. Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. Nos. 06-56; 07-25; 09-10)

15-2.2-3 LOT AND SITE REQUIREMENTS.

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan.

Minimum Lot and Site requirements are as follows:

(A) **LOT SIZE**. The minimum Lot Area is 1,875 square feet for a Single Family Dwelling and 3,750 square feet for a Duplex. The minimum width of a Lot is twenty five feet (25'), measured fifteen feet (15') back from the Front Lot Line. In the case of unusual Lot configurations, Lot width measurements shall be determined by the Planning Director.

[9] See LMC Chapter 15-4-2, Fences and Walls

(B) **BUILDING ENVELOPE (HR-1 DISTRICT)**. The Building Pad, Building Footprint and height restrictions define the maximum Building envelope within which all Development must occur, with exceptions as allowed by Section 15-2.2-3(C).

(C) **BUILDING PAD (HR-1 DISTRICT)**. The Building Pad is the Lot Area minus required Front, Rear, and Side Yard Areas.

(1) The Building Footprint must be within the Building Pad. The Building Pad must be open and free of any other Structure except:

(a) Porches or decks with or without roofs;

(b) At Grade patios;

(c) Upper level decks, with or without roofs;

(d) Bay Windows;

(e) Chimneys;

(f) Sidewalks, pathways, and steps;

(g) Screened hot tubs; and

(h) Landscaping.

(2) Exceptions to the Building Pad Area, excluding Bay Windows, are not included in the Building Footprint calculations, and are subject to Planning Director approval based on a determination that the proposed exceptions result in a design that:

(a) provides increased architectural interest consistent with the Historic District Design Guidelines;

(b) maintains the intent of this section to provide horizontal and vertical Building articulation.

(D) **BUILDING FOOTPRINT (HR-1 DISTRICT)**. The maximum Building Footprint of any Structure located on a Lot or combination of Lots, not exceeding 18,750 square feet in Lot Area, shall be calculated according to the following formula for Building Footprint, illustrated in Table 15-2.2. The maximum Building Footprint for any Structure located on a Lot or combination of Lots, exceeding 18,750 square feet in Lot Area, shall be 4,500 square feet; with an exemption allowance of 400 square feet, per Dwelling Unit, for garage floor area. A Conditional Use permit is required for all Structures with a proposed footprint of greater than 3,500 square feet.

Accessory Buildings listed on the Park City Historic Structures Inventory that are not expanded, enlarged or incorporated into the Main Building, shall not count in the total Building Footprint of the Lot.

MAXIMUM FP = (A/2) x $0.9^{A/1875}$
Where FP= maximum Building Footprint and A= Lot Area.
Example: 3,750 sq. ft. lot: (3,750/2) x $0.9^{(3750/1875)}$ = 1,875 x 0.81= 1,519 sq. ft.
See the following Table 15-2.2.for a schedule equivalent of this formula.

TABLE 15-2.2.

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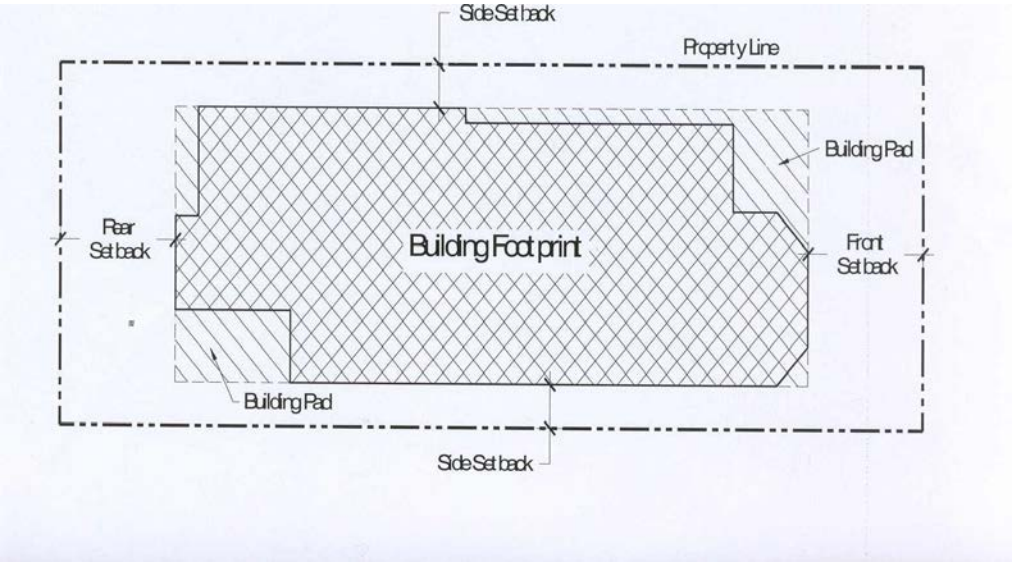
Lot Depth, </= ft. *	Lot Width, ft. Up to:	Side Yards Min. Total, ft.			Lot Area Sq. ft.	Bldg. Pad Sq. ft.	Max. Bldg. Footprint
75 ft.	25.0	3 ft.	6 ft.		1,875	1,045	844
75 ft.	37.5	3 ft.	6 ft.		2,813	1,733	1,201
75 ft.	50.0	5 ft.	10 ft.		3,750	2,200	1,519
75 ft.	62.5	5 ft.	14 ft.		4,688	2,668	1,801
75 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	2,269
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 Lots > 75' in depth use footprint formula and Table 15-2.2a for front and rear Setbacks.



(E) **FRONT AND REAR YARDS**. Front and Rear Yards are as follows:

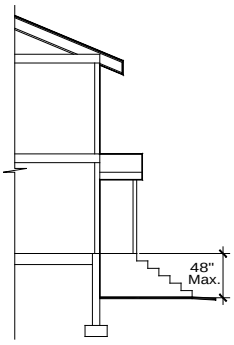
TABLE 15-2.2a

Lot Depth	Minimum Front/Rear Setback	Total of Setbacks
Up to 75 ft., inclusive	10 ft.	20 ft.
From 75 ft. to100 ft.	12 ft.	25 ft.
Over 100 ft.	15 ft.	30 ft.

(F) **FRONT YARD EXCEPTIONS**. The Front Yard 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.



Front Yard
← →

(3) Decks, porches, or Bay Windows not more than ten feet (10’) wide, projecting not more than three feet (3’) into the Front Yard.

(4) Roof overhangs, eaves or cornices projecting not more than three feet (3’) into the Front Yard.

(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 EXCEPTIONS**. The Rear Yard 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.

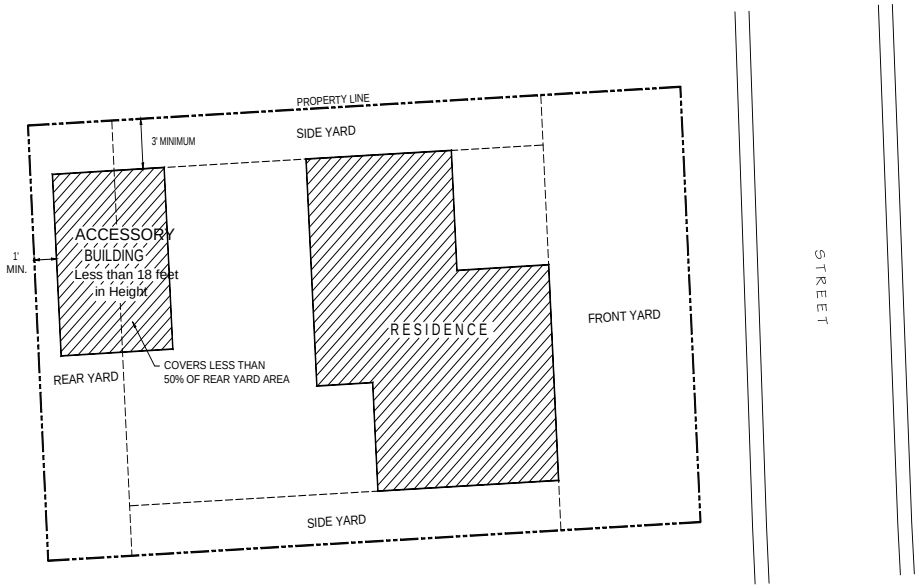
(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.

(3) Window wells or light wells extending not more than four feet (4') into the Rear Yard.

(4) Roof overhangs or eaves projecting not more than two feet (2') into the Rear Yard.

(5) Window sills, belt courses, cornices, trim, exterior siding, or other ornamental features projecting not more than six inches (6") into the Rear Yard.

(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) Screened mechanical equipment, hot tubs, ~~or~~ and similar Structures located at least three feet (3') ~~five feet (5')~~ 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 YARD**.

(1) The minimum Side Yard 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 that faces a side Street or platted Right-of-Way is five feet (5').

(I) **SIDE YARD EXCEPTIONS**. The Side Yard 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.[10]

(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.[10]

(3) Window wells or light wells projecting not more than four feet (4') into the Side Yard.[10]

(4) Roof overhangs or eaves projecting not more than two feet (2') into the Side Yard. A one foot (1') roof or eave overhang is permitted on Lots with a Side Yard of less than five feet (5').[10]

(5) Window sills, belt courses, trim, cornices, exterior siding, or other ornamental features projecting not more than six inches (6") into the Side Yard.

(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] Applies only to Lots with a minimum Side Yard of five feet (5').

(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').

(11) Screened mechanical equipment, hot tubs, or similar Structures located at least ~~minimum of~~ three feet (3') ~~five feet (5')~~ 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.

(Amended by Ord. Nos. 06-56; 09-10)

15-2.2-4. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with 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. All Conditional Uses shall comply with parking requirements of Chapter 15-3.

(A) **EXCEPTION**. In order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings:

(1) Upon approval of a Conditional Use permit,

(2) When the scale of the addition or driveway is Compatible with the Historic Structure,

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

(4) When the addition complies with the International Building and Fire Codes.

(Amended by Ord. Nos. 06-56; 07-25)

15-2.2-5. BUILDING HEIGHT.

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height. 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:

(A) 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.

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

(C) **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.

(1) 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 parapets, railing, or similar features shall not exceed twenty four inches (24") above the highest top plate mentioned above.

(D) **BUILDING HEIGHT EXCEPTIONS**. The following height exceptions apply:

(1) Antennas, chimneys, flues, vents, or 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 enclosed or Screened, 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 American Disability Act (ADA) 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 Director may allow additional height on a downhill Lot to accommodate a single car garage in a tandem configuration. The depth of the garage may not exceed the minimum depth for an internal Parking Space as dimensioned within this Code, Section 15-3. Additional width may be utilized only to accommodate circulation and an ADA elevator. The additional height may not exceed thirty-five feet (35') from Existing Grade.

(Amended by Ord. Nos. 06-56; 09-10; 09-14; 09-40; 13-48)

15-2.1-6. DEVELOPMENT ON STEEP SLOPES.

Development on Steep Slopes must be environmentally sensitive to hillside Areas, carefully planned to mitigate adverse effects on neighboring land and Improvements, and consistent with the ~~Historic District~~ Design Guidelines for Park City's Historic Districts and Historic Sites and Chapter 5.

~~(A) **ALLOWED USE**. An allowed residential Structure and/or Access to said Structure located upon an existing Slope of thirty percent (30%) or greater must not exceed a total square footage of one thousand square feet (1,000 sq. ft.) including the garage.~~

(~~B~~A) **CONDITIONAL USE**. ~~A Conditional Use permit is required for any Structure in excess of one thousand square feet (1000 sq. ft.) if said Structure, and/or Access, is located upon any existing Slope of thirty percent (30%) or greater.~~

(1) A Steep Slope Conditional Use permit is required for construction of any Structure with a Building Footprint in excess of two hundred (200 sq. ft) if said Building Footprint is located upon an existing Slope of thirty percent (30%) or greater.

(2) A Steep Slope Conditional Use permit is required for construction of any addition to an existing Structure, when the addition has a new Building Footprint in excess of two hundred (200 sq. ft.), if the new Building Footprint is located upon an

existing Slope of thirty (30%) or greater.

(3) A Steep Slope Conditional Use permit is required for any Access driveway located upon an existing Slope of thirty (30%) or greater.

For the purpose of measuring Slope, the measurement shall include a minimum horizontal distance of fifteen feet (15') measured perpendicular to the contour lines on the certified topographic survey. The measurement shall quantify the steepest Slope within the Building Footprint and any Access driveway.

The Planning Department shall review all Steep Slope Conditional Use permit Applications and forward a recommendation to the Planning Commission. The Planning Commission may review Steep Slope Conditional Use permit Applications as Consent Calendar items. Steep Slope Conditional Use permit Applications shall be subject to the following criteria:

(1) **LOCATION OF DEVELOPMENT**. Development is located and designed to reduce visual and environmental impacts of the Structure.

(2) **VISUAL ANALYSIS**. The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points:

(a) To determine potential impacts of the proposed Access, and Building mass and design; and

(b) To identify the potential for Screening, Slope stabilization, erosion mitigation, vegetation protection, and other design opportunities.

(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.

(4) **TERRACING**. The project may include terraced retaining Structures if necessary to regain Natural Grade.

(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 to provide variation of the Front Yard.

(6) **BUILDING FORM AND SCALE**. Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller

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

(7) **SETBACKS**. The Planning Department and/or Planning Commission may require an increase in one or more Setbacks to minimize the creation of a "wall effect" along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures.

(8) **DWELLING VOLUME**. The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Department and/or Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures.

(9) **BUILDING HEIGHT (STEEP SLOPE)**. The Zone Height in the HR-1 District is twenty-seven feet (27') and is restricted as stated above in Section 15-2.2-5. The Planning Department and/or Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures.

(C) **EXCEPTION**. In conjunction with a Subdivision or Plat Amendment, several Property Owners have undergone a review process comparable to that listed in the Conditional Use Section B above and the City does not seek to subject those Owners to additional Planning Commission review. Therefore, at the request of the Owner, the Planning Director may exempt an allowed residential Structure in excess of one thousand square feet (1,000 sq. ft.) from the Conditional Use process upon finding the following:

(1) The Lot resulted from a Subdivision or Plat Amendment after January 1, 1995;

(2) The conditions of approval or required Plat notes reflect a maximum house size or Building Footprint; and

(3) The conditions of approval or required Plat notes include a requirement for Planning, Engineering and Building Department review of Grading, excavation, erosion, or similar criteria as found in the foregoing Section B, prior to Building Permit issuance.

The findings shall be in writing, filed with the Owner and City Planning Department, and shall state that the maximum house size

and all other applicable regulations continue to apply, the Owner is not vested for the maximum.

(Amended by Ord. Nos. 06-56; 09-10; 09-14)

15-2.2-7. PARKING REGULATIONS.

(A) Tandem Parking is allowed in the Historic District.

(B) Common driveways are allowed along shared Side Yard Property Lines to provide Access to Parking in the rear of the Main Building or below Grade if both Properties are deed restricted to allow for the perpetual Use of the shared drive.

(C) Common Parking Structures are allowed as a Conditional Use permit where it facilities:

(1) the Development of individual Buildings that more closely conform to the scale of Historic Structures in the District; and

(2) the reduction, mitigation or elimination of garage doors at the Street edge.

(D) A Parking Structure may occupy below Grade Side Yards between participating Developments 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.

(E) Driveways between Structures are allowed in order to eliminate garage doors facing the Street, to remove cars from on-Street parking, and to reduce paved Areas, provided the driveway leads to an approved garage or Parking Area.

(F) Turning radii are subject to review by the City Engineer as to function and design.

(G) See Section 15-3 Off Street Parking for additional parking requirements.

(Amended by Ord. Nos. 06-56; 09-10)

15-2.2-8. ARCHITECTURAL REVIEW.

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Design Guidelines for Historic Districts and Historic Sites, Historic Preservation LMC Chapter 15-11, and Architectural Review LMC Chapter 15-5.

Appeals of departmental actions on compliance with the Design Guidelines for Historic Districts and Historic Sites, LMC Chapter 15-11, and LMC Chapter 15-5 are heard by the Historic Preservation Board as outlined in Section 15-1-18 of the Code.

(Amended by Ord. Nos. 06-56; 09-23)

15-2.2-9. CRITERIA FOR BED AND BREAKFAST INNS.

A Bed and Breakfast Inn is a Conditional Use. No Conditional Use permit may be

issued unless the following criteria are met:

(A) The Use is in a Historic Structure, or an addition thereto.

(B) The Applicant will make every attempt to rehabilitate the Historic portion of the Structure.

(C) The Structure has at least two (2) rentable rooms. The maximum number of rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.

(D) The size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.
(E) The rooms are available for Nightly Rental only.

(F) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.

(G) Food service is for the benefit of overnight guests only.

(H) No Kitchen is permitted within rental room(s).

(I) Parking on-Site is required at a rate of one (1) space per rentable room.

(J) The Use complies with Chapter 15-1 -10, Conditional Use review process.

(Amended by Ord. No. 07-25)

15-2.2-10. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 15-3-3 and Title 14.

(Amended by Ord. No. 06-56)

15-2.2-11. SIGNS.

Signs are allowed in the HR-1 District as provided in the Park City Sign Code (Title 12).

15-2.2-12. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4-7.
- Satellite Receiving Antenna. LMC Chapter 15-4-13.
- Telecommunication Facility. LMC Chapter 15-4-14.
- Parking. LMC Chapter 15-3.

- Landscaping. Title 14; LMC Chapter 15-3.3(D).
- Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- Historic Preservation. LMC Chapter 15-11.
- Park City Sign Code. Title 12.
- Architectural Review. LMC Chapter 15-5.
- Snow Storage. LMC Chapter 15-3-3(E).
- Parking Ratio Requirements. LMC Chapter 15-3-6.

(Amended by Ord. No. 06-56)

EXHIBIT B-3

TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 2.3 - HISTORIC RESIDENTIAL (HR-2) DISTRICT

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.3 - HISTORIC RESIDENTIAL (HR-2) DISTRICT

Chapter adopted by Ordinance 00-51

15-2.3-1. PURPOSE.

The purpose of the HR-2 District is to:

(A) allow for adaptive reuse of Historic Structures by allowing commercial and office Uses in Historic Structures in the following Areas:

(1) Upper Main Street;

(2) Upper Swede Alley; and

(3) Grant Avenue,

(B) encourage and provide incentives for the preservation and renovation of Historic Structures,

(C) establish a transition in Use and scale between the HCB, HR-1, and HR-2 Districts, by allowing Master Planned Developments in the HR-2, Subzone A,

(D) encourage the preservation of Historic Structures and construction of historically Compatible additions and new construction that contributes to the unique character of the Historic District,

(E) define Development parameters that are consistent with the General Plan policies for the Historic core that result in Development that is Compatible with Historic Structures and the Historic character of surrounding residential neighborhoods and consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites and the HR-1 regulations for Lot size, coverage, and Building Height, and

(F) provide opportunities for small scale, pedestrian oriented, incubator retail space in Historic Structures on Upper Main Street, Swede Alley, and Grant Avenue,

(G) ensure improved livability of residential areas around the historic commercial core,

(H) encourage and promote Development that supports and completes upper Park Avenue as a pedestrian friendly residential street in Use, scale, character and design that is Compatible with the historic character of the surrounding residential neighborhood,

(I) encourage residential development that provides a range of housing opportunities consistent with the

community's housing, transportation, and historic preservation objectives,

(J) minimize visual impacts of the automobile and parking by encouraging alternative parking solutions,

(K) minimize impacts of Commercial Uses on surrounding residential neighborhood.

15-2.3-2. USES.

Uses in the HR-2 District are limited to the following:

(A) **ALLOWED USES**.

(1) Single Family Dwelling
(2) Lockout Unit[1]
(3) Nightly Rental[2]
(4) Home Occupation
(5) Child Care, In-Home Babysitting[3]
(6) Child Care, Family[3]
(7) Child Care, Family Group[3]
(8) Accessory Building and Use
(9) Conservation Activity
(10) Agriculture
(11) Residential Parking Area or Structure with four (4) or fewer spaces
(12) Recreation Facility, Private

[1]Nightly Rental of Lockout Units requires a Conditional Use Permit

[2]Nightly Rental does not include the use of dwellings for Commercial Uses

[3]See LMC Chapter 15-4-9 for Child Care Regulations

(B) **CONDITIONAL USES**.

(1) Duplex Dwelling
(2) Secondary Living Quarters
(3) Accessory Apartment[4]
(4) Group Care Facility
(5) Child Care Center
(6) Public or Quasi-Public Institution, church or School
(7) Essential Municipal and Public Utility Use, Facility, Service, and Structure
(8) Telecommunication Antenna[5]
(9) Satellite Dish Antenna greater than thirty-nine inches (39") in diameter[6]
(10) Bed & Breakfast Inn[7]
(11) Boarding House, Hostel[7]
(12) Hotel, Minor, fewer than sixteen (16) rooms [7]
(13) Office, General[8]
(14) Office, Moderate Intensive[8]
(15) Office and Clinic, Medical[8]
(16) Retail and Service Commercial, Minor[8]

[4]See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments

[5]See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

[6]See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

[7]In Historic Structures only

[8]In Historic Structures and within Sub-Zones A and B subject to compliance with all criteria and requirements of Section 15-2.3-8 for Sub-Zone A and Section 15-2.3-9 for Sub-Zone B.

(17) Retail and Service Commercial, personal improvement[8]
(18) Cafe or Deli[8]
(19) Restaurant, General[8]
(20) Restaurant, Outdoor Dining[9]
(21) Outdoor Events
(22) Residential Parking Area or Structure with five (5) or more spaces, associated with a residential Building on the same Lot
(23) Temporary Improvement
(24) Passenger Tramway Station and Ski Base Facility[10]
(25) Ski tow rope, ski lift, ski run, and ski bridge[10]
(26) Recreation Facility, Private
(27) Fences greater than six feet (6') in height from Final Grade[11]
(28) Limited Commercial expansion necessary for compliance with Building/ Fire Code egress and Accessibility requirements and support Uses associated with HCB Commercial Use[12]
(29) Bar[8]
(30) Special Events[8]

[9]Subject to an Administrative Conditional Use Permit, and permitted in Sub-Zone B only, subject to requirements in Section 15-2.3-9.

[10] See LMC Chapter 15-4-18, Passenger Tramways and Ski-Base Facilities

[11] See LMC Chapter 15-4-2, Fences and Walls

[12] Subject to compliance with the criteria set forth in Section 15-2.3-8(B).

(Amended by Ord. Nos. 06-56; 09-10; 10-14; 12-37)

(C) **PROHIBITED USES**.

Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. No. 04-08; 12-37)

15-2.3-3. CONDITIONAL USE PERMIT REVIEW.

The Planning Commission shall review any Conditional Use permit (CUP) Application in the HR-2 District according to Conditional Use permit criteria set forth in Section 15-1-10 as well as the following:

(A) Consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites, Section 15-4.

(B) The Applicant may not alter an Historic Structure to minimize the residential character of the Building.

(C) Dedication of a Facade Preservation Easement for Historic Structures is required to assure preservation of Historic Structures and the Historic fabric of the surrounding neighborhood.

(D) New Buildings and additions must be in scale and Compatible with the mass, height, width, and historic character of the surrounding residential neighborhood and existing Historic Structures in the neighborhood. Larger Building masses should be located to rear of the Structure to minimize the perceived mass from the Street.

(E) Parking requirements of Section 15-3 shall be met. The Planning Commission may waive parking requirements for Historic Structures and may consider in-lieu fees for all or a portion of parking requirements for Master Planned Developments. Calculation of in-lieu fees shall be based on the Park City Municipal Code Section 11-12-16 and any adopted City Council fees in effect at the time a complete application is received. The Planning Commission may allow on-Street parallel parking adjacent to the Front Yard to count as parking for Historic Structures, if the Applicant can document that the on-Street Parking will not impact adjacent Uses or create traffic circulation hazards. A traffic study, prepared by a registered Engineer, may be required.

(F) All Yards must be designed and maintained in a residential manner. Existing mature landscaping shall be preserved wherever possible. The Use of native plants and trees is strongly encouraged.

(G) Fencing and Screening between residential and Commercial Uses may be required along common Property Lines.

(H) All utility equipment and service areas must be fully Screened to prevent visual and noise impacts on adjacent residential Properties and on pedestrians.

(Amended by Ord. No. 06-56; 10-14; 12-37)

15-2.3-4. LOT AND SITE REQUIREMENTS.

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has Area, width, and depth as required, and Frontage on a private or Public Street shown on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan.

All Development must comply with the following:

(A) **LOT SIZE**. The minimum Lot Area is 1,875 square feet for a Single Family Dwelling and 3,750 square feet for a Duplex Dwelling. The Minimum Lot Area for all other Uses shall be determined by the Planning Commission during the Conditional Use or Master Planned Development review process. The minimum width of a Lot is twenty five feet (25'), measured fifteen feet (15') back from the Front Lot Line. In the case of unusual Lot configurations, Lot width measurements shall be determined by the Planning Director.

(B) **BUILDING ENVELOPE (HR-2 DISTRICT)**. The Building Pad, Building Footprint and height restrictions define the maximum Building Envelope within which all Development must occur with exceptions as allowed in Section 15-2.3-4.

(C) **BUILDING PAD (HR-2 DISTRICT)**. The Building Pad is the Lot Area minus required Front, Rear, and Side Yard Areas.

(1) The Building Footprint must be within the Building Pad. The remainder of the Building Pad must be open and free of any Structure except:

(a) Porches or decks, with or without roofs;

(b) At Grade patios;

(c) Upper level decks, with or without roofs;

(d) Bay Windows;

(e) Chimneys;

(f) Sidewalks, pathways, and steps;

(g) Screened hot tubs; and

(h) Landscaping.

(2) Exceptions to the Building Pad Area, excluding Bay Windows, are not included in the Building Footprint calculations, and are subject to Planning Director approval based on a determination that the proposed exceptions result in a design that:

(a) provides increased architectural interest consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites; and

(b) maintains the intent of this section to provide horizontal and vertical Building articulation.

(D) **BUILDING FOOTPRINT (HR-2 DISTRICT)**.

(1) The maximum Building Footprint for any Structure located on a Lot, or combination of Lots, not exceeding 18,750 square feet in Lot Area, shall be calculated according to the following formula for Building Footprint, illustrated in Table 15-2.3. The maximum Building Footprint for any Structure located on a Lot or combination of Lots, exceeding 18,750 square feet in Lot Area, shall be 4,500 square feet; with an exemption allowance of 400 square feet per Dwelling Unit for garage floor area. A Conditional Use permit is required for all Structures with a proposed footprint greater than 3,500 square feet.

Accessory Buildings listed on the Park City Historic Structures Inventory that are not expanded, enlarged or incorporated into the Main Building, shall not count in the total Building Footprint of the Lot.

(2) See Section 15-6-5(B) for maximum allowed Building footprint for Master Planned Developments within the HR-2 District.

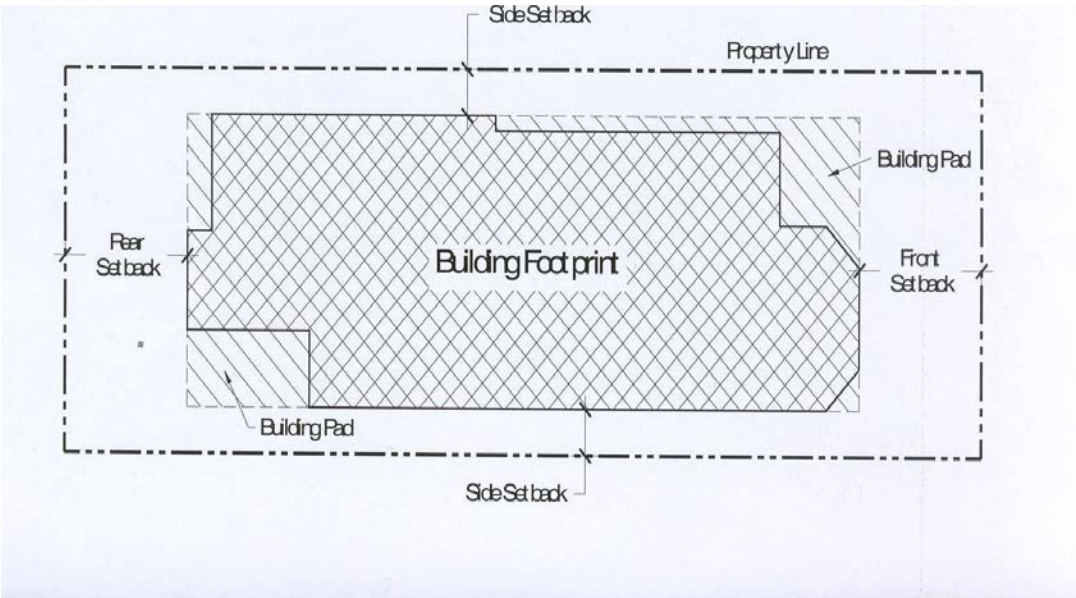
MAXIMUM FP = (A/2) x $0.9^{A/1875}$
Where FP= maximum Building Footprint and A= Lot Area.
Example: 3,750 sq. ft. lot: (3,750/2) x $0.9^{(3750/1875)}$ = 1,875 x 0.81= 1,519 sq. ft.
See the following Table 15-2.3. for a schedule equivalent of this formula.

TABLE 15-2.3.

Lot Depth, </= ft. *	Lot Width, ft. Up to:	Side Yards 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)

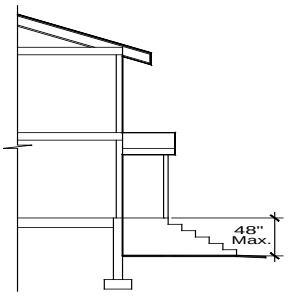


Lot Depth	Min. Front/Rear Setback	Total of Setbacks
Up to 75 ft., inclusive	10 ft.	20 ft.
From 75 ft. to100 ft.	12 ft.	25 ft.
Over 100 ft.	15 ft.	30 ft.

(F) **FRONT YARD EXCEPTIONS**. The Front Yard 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.



Front Yard
← →

(3) Decks, porches, or Bay Windows not more than ten feet (10') wide projecting not more than three feet (3') into the Front Yard.

(4) Roof overhangs, eaves or cornices projecting not more than three feet (3') into the Front Yard.

(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.

(G) **REAR YARD EXCEPTIONS**. The Rear Yard 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.

(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.

(3) Window wells or light wells projecting not more than four feet (4') into the Rear Yard.

(4) Roof overhangs or eaves projecting not more than two feet (2') into the Rear Yard.

(5) Window sills, belt courses, cornices, trim, exterior siding, or other ornamental features projecting not more than six inches (6") into the Rear Yard.

(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) Screened mechanical equipment, hot tubs, or similar Structures located at least three feet (3') ~~five feet (5')~~ 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, located at least one foot (1') from the Rear Lot Line.

(11) Pathways or steps connecting to a City staircase or pathway.

(H) **SIDE YARD**.

(1) The minimum Side Yard 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 five feet (5').

(I) **SIDE YARD EXCEPTIONS**. The Side Yard 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.[12]

(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.[12]

(3) Window wells or light wells projecting not more than four feet (4') into the Side Yard.[12]

(4) Roof overhangs or eaves projecting not more than two feet (2') into the Side Yard. A one foot (1') roof or eave overhang is permitted on Lots with a Side Yard of less than five feet (5').[12]

(5) Window sills, belt courses, trim, cornices, exterior siding, or other ornamental features projecting not more than six inches (6") into the Side Yard.

(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

[12] Applies only to Lots with a minimum Side Yard of five feet (5')

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').

(11) Screened mechanical equipment, hot tubs, or similar Structures located at least ~~minimum of~~ three feet (3') ~~five feet (5')~~ 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) **MASTER PLANNED DEVELOPMENTS.** The Planning Commission may increase or decrease Setbacks in Master Planned Developments in accordance with Section 15-6-5 (C); however the above Grade spacing between houses shall be consistent with the spacing that would result from required Setbacks of the Zone and shall be Compatible with the historic character of the surrounding residential neighborhood. The Planning Commission may increase or decrease Maximum Building Footprint in Master Planned Developments in accordance with Section 15-6-5 (B).

(Amended by Ord. Nos. 06-56; 09-10;10-14)

15-2.3-5. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height.

(A) **EXCEPTION**. In order to achieve new construction consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites, the Planning Commission may grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings, including detached single car Garages:

(1) Upon approval of a Conditional Use permit,

(2) When the scale of the addition, Garage, and/or driveway location is Compatible with the historic character of the surrounding residential neighborhood and the existing Historic Structure,

(3) When the new Construction

complies with all other provisions of this Chapter, and

(4) When the new Construction complies with the Uniform Building and Fire Codes and snow shedding and snow storage issues are mitigated.

15-2.3-6 BUILDING HEIGHT.

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height.

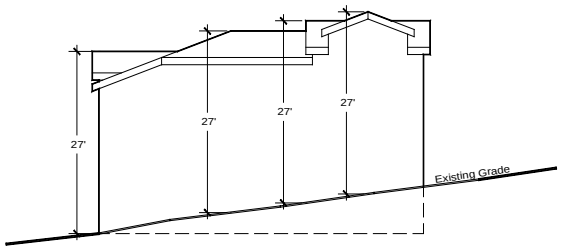
Final Grade must be within four vertical feet (4') from Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. The Planning Commission may grant an exception to the Final Grade requirement as part of a Master Planned Development within Subzone A where Final Grade must accommodate zero lot line Setbacks. The following height requirements must be met:

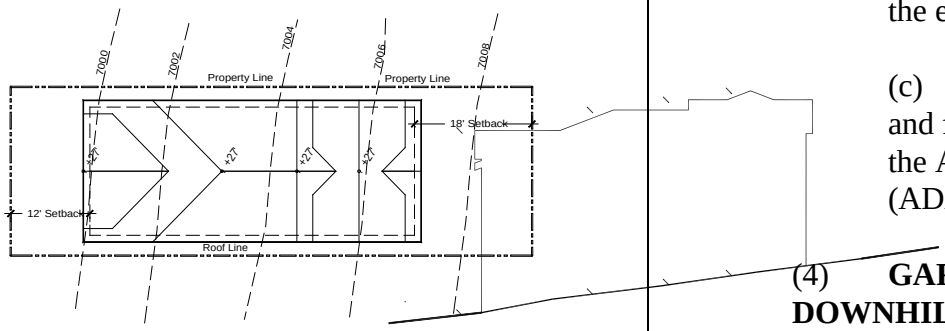
(A) A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters. The Planning Commission may grant an exception to this requirement as part of a Master Planned Development within Subzone A for the extension of below Grade subterranean HCB Commercial Uses.

(B) 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 Planning Commission may grant an exception to this requirement as part of a Master Planned Development within Subzone A consistent with MPD requirements of Section 15-6-5(F). 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 ten foot (10') setback but shall be limited to no more than twenty five percent (25%) of the width of the building encroaching no more than four feet (4') into the setback, subject to compliance with the Design Guidelines for Historic Sites and Historic Districts.

(C) **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.

(1) 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 (24") above the highest top plate mentioned above.





(D) **<u>BUILDING HEIGHT EXCEPTIONS</u>**. The following height exceptions apply:

(1) An antenna, chimney, flue, vent, or similar Structure, 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 enclosed or Screened, 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 American Disability Act (ADA) 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 of the Building 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 Director may allow additional height on a downhill Lot to accommodate a single car garage in a tandem configuration. The depth of the garage may not exceed the minimum depth for an internal Parking Space as dimensioned within this Code, Section 15-3. Additional width may be utilized only to accommodate circulation and an ADA elevator. The additional height may not exceed thirty-five feet (35') from existing Grade.

(Amended by Ord. Nos. 06-56; 09-10; 09-14; 09-40; 10-14; 13-48)

15-2.1-6. DEVELOPMENT ON STEEP SLOPES.

Development on Steep Slopes must be environmentally sensitive to hillside Areas, carefully planned to mitigate adverse effects on neighboring land and Improvements, and consistent with the ~~Historic District~~ Design Guidelines for Park City's Historic Districts

and Historic Sites and Chapter 5.

~~(A) **ALLOWED USE**. An allowed residential Structure and/or Access to said Structure located upon an existing Slope of thirty percent (30%) or greater must not exceed a total square footage of one thousand square feet (1,000 sq. ft.) including the garage.~~

(~~B~~A) **CONDITIONAL USE**. ~~A Conditional Use permit is required for any Structure in excess of one thousand square feet (1000 sq. ft.) if said Structure, and/or Access, is located upon any existing Slope of thirty percent (30%) or greater.~~

(1) A Steep Slope Conditional Use permit is required for construction of any Structure with a Building Footprint in excess of two hundred (200 sq. ft) if said Building Footprint is located upon an existing Slope of thirty percent (30%) or greater.

(2) A Steep Slope Conditional Use permit is required for construction of any addition to an existing Structure, when the addition has a new Building Footprint in excess of two hundred (200 sq. ft.), if the new Building Footprint is located upon an existing Slope of thirty (30%) or greater.

(3) A Steep Slope Conditional Use permit is required for any Access driveway located upon an existing Slope of thirty (30%) or greater.

For the purpose of measuring Slope, the measurement shall include a minimum horizontal distance of fifteen feet (15') measured perpendicular to the contour lines on the certified topographic survey. The measurement shall quantify the steepest Slope within the Building Footprint and any Access driveway.

The Planning Department shall review all Steep Slope Conditional Use permit Applications and forward a recommendation to the Planning Commission. The Planning Commission may review Steep Slope Conditional Use permit Applications as Consent Calendar items. Steep Slope Conditional Use permit Applications shall be subject to the following criteria:

(1) **LOCATION OF DEVELOPMENT**. Development is located and designed to reduce visual and environmental impacts of the Structure.

(2) **VISUAL ANALYSIS**. The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points:

(a) To determine potential impacts of the proposed Access, and Building mass and design; and

(b) To identify the potential for Screening, Slope stabilization, erosion mitigation, vegetation protection, and other design opportunities.

(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.

(4) **TERRACING**. The project may include terraced retaining Structures if necessary to regain Natural Grade.

(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 to provide variation of the Front Yard.

(6) **BUILDING FORM AND SCALE**. Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Director and/or Planning Commission may require a garage separate from the main Structure or no garage.

(7) **SETBACKS**. The Planning Department and/or Planning Commission may require an increase in one or more Setbacks to minimize the creation of a "wall effect" along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures.

(8) **DWELLING VOLUME**. The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Department and/or Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures.

(9) **BUILDING HEIGHT (STEEP SLOPE)**. The Zone Height in the HR-2 District is twenty-seven feet (27') and is restricted as stated above in Section 15-2.3-6. The Planning Department and/or Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between the proposed Structure and the historic character of the neighborhood's existing residential Structures.

(C) **EXCEPTION**. In conjunction with a Subdivision or Plat Amendment, several Property Owners have undergone a review process comparable to that listed in the Conditional Use Section B above and the City does not seek to subject those Owners to additional Planning Commission review. Therefore, at the request of the Owner, the Planning Director may exempt an allowed residential Structure in excess of one thousand square feet (1,000 sq. ft.) from the Conditional Use process upon finding the following:

(1) The Lot resulted from a Subdivision or Plat Amendment after January 1, 1995;

(2) The conditions of approval or required Plat notes reflect a maximum house size or Building Footprint; and

(3) The conditions of approval or required Plat notes include a requirement for Planning, Engineering and Building Department review of Grading, excavation, erosion, or similar criteria as found in the foregoing Section B, prior to Building Permit issuance.

The findings shall be in writing, filed with the Owner and City Planning Department, and shall state that the maximum house size and all other applicable regulations continue to apply. The Owner is not vested for the maximum.

(Amended by Ord. Nos. 06-56; 09-10;10-14)

15-2.3-8. SPECIAL REQUIREMENTS FOR MASTER PLANNED DEVELOPMENTS AND CONDITIONAL USE PERMITS IN SUB-ZONE A.

(A) **SUB-ZONE A**. Sub-Zone A consists of Lots in the HR-2 District that are west of Main Street, excluding those Lots within Block 13.

(B) The following special requirements apply only to Lots in Sub-Zone A that are part of a Master Planned Development, a Conditional Use Permit, or a Plat Amendment that combines a Main Street, HCB zoned, Lot with an adjacent Park Avenue, HR-2 zoned, Lot or portion of a Lot, for the purpose of restoring an Historic Structure, constructing an approved addition to an Historic Structure, constructing a residential dwelling or Garage on Park Avenue, or expanding a Main Street Business into the HR-2 zoned Lot:

(1) All Commercial Uses extending from Main Street into the HR-2 Zone are subject to the Conditional Use Permit review requirements of Section 15-1-10 and the Master Planned Development requirements of Section 15-6 if the development is part of a Master Planned Development. These Commercial Uses must be located below the Grade of Park Avenue projected across the HR-2 Lot and beneath the Main Floor of a residential Structure or Structures

facing Park Avenue. Occupancy of the below Grade Floor Area is conditioned upon completion of the residential structure on the HR-2 Lot.

(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.

(3) All Buildings within the HR-2 portion of the development must meet the Building Height requirements of the HR-2 District as stated in Section 15-2.3-6.

(4) Existing and new Structures fronting on Park Avenue may not contain Commercial Uses, except as permitted in Section 15-2.3-8 (B) (1).

(5) A Floor Area Ratio of 4.0 shall be used to calculate the total Commercial Floor Area. Only the Lot Area within the HCB Lot may be used to calculate the Commercial Floor Area.

(6) The number of residential units allowed on the HR-2 portion of the Development is limited by the Lot and Site Requirements of the HR-2 District as stated in Section 15-2.3-4.

(7) All entrances and Access, including service and delivery, for the Commercial Use must be off of a Street or easement within the HCB District. The Commercial Structure must be designed to preclude any traffic generation on residential Streets, such as Park Avenue. Any emergency Access, as required by the Uniform Building Code (UBC), onto the HR-2 portion of the Property must be designed in such a manner as to absolutely prohibit non-emergency Use. Alarms shall be installed on all emergency doors that provide access to Park Avenue.

(8) Commercial portions of a Structure extending from the HCB to the HR-2 District must be designed to minimize the Commercial character of the Building and Use and must mitigate all impacts on the adjacent Residential Uses. Impacts include such things as noise, odor and glare, intensity of activity, parking, signs, lighting, Access and aesthetics.

(9) No loading docks, service yards, exterior mechanical equipment, exterior trash compounds, outdoor storage, ADA Access, or other similar Uses associated with the HCB Uses are

allowed within the HR-2 portion of the Property, and all such Uses shall be screened for visual and noise impacts.

(10) The Property Owner must donate a Preservation Easement to the City for any Historic Structures included in the Development.

(11) Any Historic Structures included in the development shall be restored or rehabilitated according to the requirements of the LMC Chapter 11- Historic Preservation.

(12) Any adjoining Historic Structures under common ownership or control must be considered a part of the Property for review purposes of the Conditional Use permit and/or Master Planned Development.

(13) The allowed Building Width of any Structure above Final Grade is up to forty (40) feet. Building Widths shall reflect the typical variation, pattern and Historic character of the surrounding residential neighborhood.

(14) Residential Density Transfers between the HCB and HR-2 Zoning Districts are not permitted. A portion of the Gross Floor Area generated by the Floor Area Ratio of the HCB Zoning District and applied only to Lot Area in the HCB Zone, may be located in the HR-2 Zone as allowed by this Section.

(15) Maximum allowed Building Footprint for the HR-2 Lot is subject to Section 15-6-5(B).

(Amended by Ord. No. 10-14)

15-2.3-9. SPECIAL REQUIREMENTS FOR SUB-ZONE B

(A) Sub Zone B consists of Lots in the HR-2 District that are located in the following Areas:

(1) East of Main Street, including Properties fronting on Main Street, Swede Alley, and Grant Avenue; and

(2) West of Main Street within Block 13 and fronting on Main Street.

(B) The following special requirements apply only to those Commercial Uses as listed in Section 15-2.3-2 for Sub Zone B:

(1) These Commercial Uses are allowed as a Conditional Use permit review requirements in Section 15-1-10.

(2) New additions and alterations to Historic Structures must not destroy the Architectural Detail of the Structure. The new work must be Compatible with the massing, size, scale, and architectural features to protect the Historic integrity of the Property and its environment. New additions shall be subordinate to the existing Structure.

(3) Adaptive reuse of residential

Historic Structures for commercial Uses may impose only minimal changes to the defining Architectural Detail.

(4) New Construction must be residential in character and comply with the Design Guidelines for Park City's Historic Districts and Historic Sites for residential construction and all Lot and Site requirements of Section 15-2.3-4.

(5) Parking must be provided on-Site in accordance with this Code or Off-Site by paying the HCB "in lieu fee" multiplied by the parking obligation.

(6) The Historic Structure shall be restored or rehabilitated according to the requirements of LMC Chapter 4 as a condition precedent to approval of the Conditional Use permit.

(7) Any adjoining Historic Structures, under common ownership or control must be considered a part of the Property for review purposes of the Conditional Use permit.

(8) The Property Owner must donate a Preservation Easement to the City for the Historic Structure as a condition precedent to approval of the Conditional Use permit.

15-2.3-10. PARKING REGULATIONS.

(A) Tandem Parking is allowed in the Historic District.

(B) Common driveways are allowed along shared Side Lot Lines to provide Access to Parking in the rear of the Main Building or below Grade if both Properties are deed restricted to allow for the perpetual Use of the shared drive.

(C) Common Parking Structures are allowed as a Conditional Use where it facilitates:

(1) the Development of individual Buildings that more closely conform to the scale of Historic Structures in the District; and

(2) the reduction, mitigation or elimination of garage doors at the Street edge.

(D) A common Parking Structure may occupy below Grade Side Yards 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.

(E) Driveways between Structures are allowed in order to eliminate garage doors facing the Street, to remove cars from on-Street Parking, and to reduce paved Areas, provided the driveway leads to an approved Garage or Parking Area.

(F) Turning radii are subject to review by the City Engineer as to function and design.

(G) See Section 15-3 Off Street Parking

for additional parking requirements.

(H) Parking Areas with five (5) or more spaces within Subzone A shall be accessed from a Street other than Park Avenue if the Parking Area also serves HCB Uses, and such Parking Areas shall be below the Grade of Park Avenue and beneath residential structures facing and fronting on Park Avenue.

(Amended by Ord. Nos. 06-56; 09-10; 10-14)

15-2.3-11. ARCHITECTURAL REVIEW.
Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Design Guidelines for Historic Districts and Historic Sites, Historic Preservation LMC Chapter 15-11, and Architectural Review LMC Chapter 15-5.

Appeals of departmental actions on compliance with the Design Guidelines for Historic Districts and Historic Sites, LMC Chapter 15-11, and LMC Chapter 15-5 are heard by the Historic Preservation Board as outlined in 15-1-18 of the Code.

(Amended by Ord. Nos. 06-56; 09-10; 09-23; 10-14)

15-2.3-12. CRITERIA FOR BED AND BREAKFAST INNS.

A Bed and Breakfast Inn is a Conditional Use. No Conditional Use permit may be issued unless the following criteria are met:

(A) The Use is in a Historic Structure or addition thereto.

(B) The Applicant will make every attempt to rehabilitate the Historic portion of the Structure.

(C) The Structure has at least two (2) rentable rooms. The maximum number of rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.

(D) The size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.

(E) The rooms are available for Nightly Rental only.

(F) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.

(G) Food service is for the benefit of overnight guests only.

(H) No Kitchen is permitted within rental room(s).

(I) Parking on-Site is required at a rate of one (1) space per rentable room. If no on-Site parking is possible, the Applicant must provide parking in close proximity to the inn. The Planning Commission may waive the parking requirement for Historic Structures, if the Applicant proves that:

(1) no on-Site parking is possible without compromising the Historic Structures or Site, including removal of existing Significant Vegetation,

and all alternatives for proximate parking have been explored and exhausted; and

(2) the Structure is not economically feasible to restore or maintain without the adaptive Use.

(J) The Use complies with Section 15-1-10, Conditional Use review.

15-2.3-13. MECHANICAL SERVICE.
No free standing mechanical equipment is allowed in the HR-2 zone with the exception of individual residential mechanical units serving Single family and Duplex Dwelling units within the HR-2 District, subject to the Lot and Site Requirements of Section 15-2.3-4. The Planning Department will review all Development Applications to assure that all Mechanical equipment attached to or on the roofs of Buildings is Screened so that it is not open to view and does not exceed the allowable decibel levels of the City's Noise Ordinance from nearby residential Properties.

Mechanical equipment in the HR-2 zone must be Screened to minimize noise infiltration to adjoining Properties. Refuse collection and storage Areas must be fully enclosed and properly ventilated so that a nuisance is not created by odors or sanitation problems.

(Amended by Ord. Nos. 06-56; 10-14)

15-2.3-14. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

(A) **OUTDOOR DISPLAY OF GOODS PROHIBITED**. Unless expressly allowed as an Allowed or Conditional Use, all goods, including food, beverage and cigarette vending machines, must be within a completely enclosed Structure. New construction of enclosures for the storage of goods shall not have windows and/or other fenestration that exceeds a wall to window ratio of thirty percent (30%). This section does not preclude temporary sales in conjunction with a Master Festival License, sidewalk sale, or seasonal plant sale. See Section 15-2.3-14(B)(3) for outdoor display of bicycles, kayaks, and canoes.

(B) **OUTDOOR USES PROHIBITED/ EXCEPTIONS**. The following outdoor Uses may be allowed by the Planning Department upon the issuance of an Administrative Permit. The Applicant must submit the required application, pay all applicable fees, and provide all required materials and plans. Appeals of Departmental actions are heard by the Planning Commission. These Commercial outdoor Uses are not allowed within Subzone A

(1) **OUTDOOR DINING**. Outdoor Dining is subject to the following criteria:

(a) The proposed outdoor dining is located within Sub-Zone B only, and is associated with an approved Restaurant, Café, or Deli Use.

(b) The proposed seating Area is located on private Property or leased public Property and does not

diminish parking or landscaping.

(c) The proposed seating Area does not impede pedestrian circulation.

(d) The proposed seating Area does not impede emergency Access or circulation.

(e) The proposed furniture is Compatible with the Streetscape.

(f) No music or noise in excess of the City Noise Ordinance, Title 6.

(g) No Use after 10:00 p.m.

(h) No net increase in the Restaurant's seating capacity without adequate mitigation of the increased parking demand.

(2) **OUTDOOR GRILLS/ BEVERAGE SERVICE STATIONS**. Commercial Outdoor grills and/or beverage service stations are subject to the following criteria:

(a) The Use is located within Sub-Zone B only.

(b) The Use is on private Property or leased public Property and does not diminish parking or landscaping.

(c) The Use is only for the sale of food or beverages in a form suited for immediate consumption.

(d) The Use is Compatible with the neighborhood.

(e) The proposed service station does not impede pedestrian circulation.

(f) The proposed service station does not impede emergency Access or circulation.

(g) Design of the service station is Compatible with adjacent Buildings and Streetscape.

(h) No violation of the City Noise Ordinance, Title 6.

(i) Compliance with the City Sign Code, Title 12.

(3) **COMMERCIAL OUTDOOR STORAGE AND DISPLAY OF BICYCLES, KAYAKS, MOTORIZED SCOOTERS, AND CANOES**. Outdoor storage and display of bicycles, kayaks, motorized scooters, and canoes for Commercial purposes is subject to the following criteria:

(a) Located within the Sub-Zone B only.

(b) The Area of the proposed bicycle, kayak, motorized scooters, and canoe storage or display is on private Property and not in Areas of required parking or landscaped planting beds.

(c) Bicycles, kayaks, and canoes may be hung on Buildings if sufficient Site Area is not available, provided the display does not impact or alter the architectural integrity or character of the Structure.

(d) No more than a total of three (3) pieces of equipment may be displayed.

(e) Outdoor display is allowed only during Business hours.

(f) Additional outdoor storage Areas may be considered for rental bicycles or motorized scooters provided there are no or only minimal impacts on landscaped Areas, Parking Spaces, and pedestrian and emergency circulation.

(4) **OUTDOOR EVENTS AND MUSIC**. Located in Sub-Zone B only. Outdoor events and music require an Administrative Conditional Use permit. The Use must also comply with Section 15-1-10, Conditional Use review. The Applicant must submit a Site plan and written description of the event, addressing the following:

(a) Notification of adjacent Property Owners.

(b) No violation of the City Noise Ordinance, Title 6.

(c) Impacts on adjacent Residential Uses.

(d) Proposed plans for music, lighting, Structures, electrical, signs, etc needs.

(e) Parking demand and impacts on neighboring Properties.

(f) Duration and hours of operation.

(g) Impacts on emergency Access and circulation.

(5) **DISPLAY OF MERCHANDISE**. Display of outdoor merchandise is subject to the following criteria:

(a) The display is immediately available for purchase at the Business displaying the item.

(b) The merchandise is displayed on private Property directly in front of or appurtenant to the Business which displays it, so long as the private Area is in an alcove, recess, patio, or similar location that provides a physical separation from the public sidewalk. Allowed in Subzone B only. No item of merchandise may be displayed on publicly owned Property including any sidewalk or prescriptive Right-of-Way regardless if the Property Line extends into the public sidewalk. An item of merchandise may be displayed on commonly owned Property; however, written permission for the display of the merchandise must be obtained from the Owner's association.

(c) The display is prohibited from being permanently affixed to any Building. Temporary fixtures may not be affixed to any Historic Building in a manner that compromises the Historic integrity or Façade Easement of the Building as determined by the Planning Director.

(d) The display does not diminish parking or landscaping.

(e) The Use does not violate the Summit County Health Code, the Fire Code, or International Building Code. The display does not impede pedestrian circulation, sidewalks, emergency Access, or circulation. At minimum, forty-four inches (44") of clear and unobstructed Access to all fire hydrants, egress and Access points must be maintained. Merchandise may not be placed so as to block visibility of or Access to any adjacent Property.

(f) The merchandise must be removed if it becomes a hazard due to wind or weather conditions, or if it is in a state of disrepair, as determined by either the Planning Director or Building Official.

(g) The display shall not create a hazard to the public due to moving parts, sharp edges, or extension into public Rights-of-Way, including sidewalks, or pedestrian and vehicular Areas; nor shall the display restrict vision at intersections.

(h) No inflatable devises other than decorative balloons smaller than eighteen inches (18") in

diameter are permitted. Balloon height may not exceed the finished floor elevation of the second floor of the Building.

(i) No additional signs are allowed. A sales tag, four square inches (4 sq. in.) or smaller may appear on each display item, as well as an informational plaque or associated artwork not to exceed twelve square inches (12 sq. in.). The proposed display shall be in compliance with the City Sign Code, Municipal Code Title 12, the City's licensing Code, Municipal Code Title 4, and all other requisite City codes.

(Amended by Ord. Nos. 05-49; 06-56; 10-14)

15-2.3-15. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4 ½ ') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 5.

(Amended by Ord. Nos. 06-56;10-14)

15-2.3-16. SIGNS.

Signs are allowed in the HR-2 District as provided in the Park City Sign Code, Title 12.

15-2.3-17. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4-7.
- Satellite Receiving Antenna. LMC Chapter 15-4-13.
- Telecommunication Facility. LMC Chapter 15-4-14.
- Parking. LMC Chapter 15-3.
- Landscaping. Title 14; LMC Chapter 15-3-3(D) and 15-5.
- Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- Historic Preservation. LMC Chapter 15-11.
- Park City Sign Code. Title 12.
- Architectural Review. LMC Chapter 15-11.
- Snow Storage. LMC Chapter 15-3-3(E).
- Parking Ratio Requirements. Section 15-3-6.

(Amended by Ord. Nos. 06-56;10-14)

TITLE 15 - LAND MANAGEMENT CODE

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.16 - RECREATION COMMERCIAL (RC) DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.16-1. PURPOSE.

The purpose of the Recreation Commercial RC District is to:

(A) allow for the Development of hotel and convention accommodations in close proximity to major recreation facilities,

(B) allow for resort-related transient housing with appropriate supporting commercial and service activities,

(C) encourage the clustering of Development to preserve Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of construction and municipal services,

(D) limit new Development on visible hillsides and sensitive view Areas,

(E) provide opportunities for variation in architectural design and housing types,

(F) promote pedestrian connections within Developments and to adjacent Areas,

(G) minimize architectural impacts of the automobile,

(H) promote the Development of Buildings with designs that reflect traditional Park City architectural patterns, character, and Site designs,

(I) promote Park City's mountain and Historic character by designing projects that relate to the mining and Historic architectural heritage of the City, and

(J) promote the preservation and rehabilitation of Historic Buildings.

15-2.16-2. USES.

Uses in the RC District are limited to the following:

(A) **ALLOWED USES**.

(1) Single Family Dwelling
(2) Duplex Dwelling
(3) Triplex Dwelling
(4) Secondary Living Quarters
(5) Lockout Unit[1]

[1]Nightly Rental of Lockout Units requires a Conditional Use permit

(6) Accessory Apartment[2]
(7) Nightly Rental[3]
(8) Home Occupation
(9) Child Care, In-Home Babysitting[4]
(10) Child Care, Family[4]
(11) Child Care, Family Group[4]
(12) Child Care Center[4]
(13) Accessory Building and Use
(14) Conservation Activity
(15) Agriculture
(16) Bed & Breakfast Inn
(17) Boarding House, Hostel
(18) Hotel, Minor
(19) Parking Area or Structure with four (4) or fewer spaces
(20) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays[5]

(B) **CONDITIONAL USES**.

(1) Multi-Unit Dwelling
(2) Group Care Facility
(3) Public and Quasi-Public Institution, Church, and School
(4) Essential Municipal and Public Utility Use, Facility, Service, and Structure
(5) Telecommunications Antenna[6]
(6) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter[7]
(7) Raising, grazing of horses
(8) Cemetery
(9) Hotel, Major
(10) Timeshare Project and Conversion
(11) Timeshare Sales Office
(12) Private Residence Club Project and Conversion[9]
(13) Office, General[8]
(14) Office, Moderate[8]
(15) Office and Clinic, Medical[8]
(16) Financial Institution without drive-up window[8]
(17) Minor Retail and Service Commercial[8]
(18) Retail and Service Commercial, personal improvement[8]

[2]See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments

[3]Nightly Rentals do not include the Use of dwellings for Commercial Uses

[4]See LMC Chapter 15-4-9, Child Care Regulations

[5]Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services agreement and/or Master Festival License. Requires an Administrative Permit.

[6]See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

[7]See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

[8]As support Use to primary Development or Use, subject to provisions of LMC Chapter 15-6, Master Planned Development

(19) Transportation Service[8]
(20) Neighborhood Market, without gasoline sales[8]
(21) Café or Deli[8]
(22) Restaurant, General[8]
(23) Restaurant, Outdoor Dining[8],[9]
(24) Bar[8]
(25) Hospital, Limited Care Facility[8]
(26) Parking Area or Structure with five (5) or more spaces
(27) Temporary Improvement[9]
(28) Passenger Tramway Station and Ski Base Facility[10]
(29) Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge[10]
(30) Outdoor Events and Uses[9]
(31) Recreation Facility, Public and Private[8]
(32) Recreation Facility, Commercial[8]
(33) Entertainment Facility, Indoor[8]
(34) Commercial Stables, Riding Academy[8]
(35) Master Planned Developments
(36) Heliport[8]
(37) Special Events[9]
(38) Amenities Club

(C) **PROHIBITED USES**. Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

[9]Requires an Administrative or Administrative Conditional Use permit, see Section 15-4

[10] As part of an approved Ski Area Master Plan

(Amended by Ord. Nos. 02-38; 04-39; 06-76; 09-10;11-05)

15-2.16-3. LOT AND SITE REQUIREMENTS.

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan. All Development must comply with the following:

(A) **SINGLE FAMILY AND DUPLEX DWELLINGS**. For Single Family and Duplex Dwellings see Section15-2.16-5.

(B) **DEVELOPMENT FLOOR AREA RATIO**. For all Development, except Single Family and Duplex Dwellings, the maximum Floor Area Ratio is one (1.0), not including underground Parking Structures.

(C) **FRONT YARD**. The minimum Front Yard is twenty feet (20'). See Section 15-2.16-5 for Front Yard requirements for Single Family and Duplex Dwellings.

(D) **FRONT YARD EXCEPTIONS**. The Front Yard 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 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.

(4) Roof overhangs, eaves and cornices projecting not more than three feet (3') into the Front Yard.

(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, and sidewalks may be Hard-Surfaced or graveled.

(7) Circular driveways meeting all requirements stated in Section 15-3-4 herein.

(E) **REAR YARD**. The minimum Rear Yard is ten feet (10'). See Section 15-2.16-5 for Rear Yard requirements for Single Family and Duplex Dwellings.

(F) **REAR YARD EXCEPTIONS**. The Rear Yard 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.

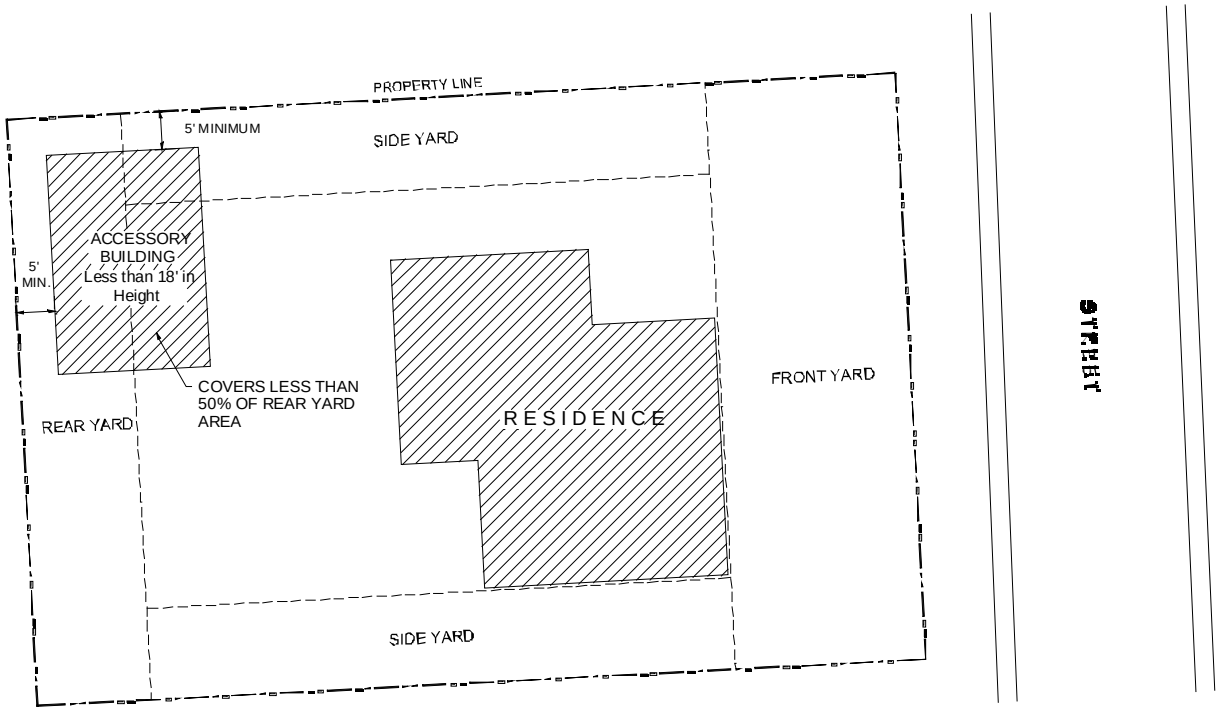
(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.

(3) Window wells and light wells projecting not more than four feet (4') into the Rear Yard.

(4) Roof overhangs and eaves projecting not more than three feet (3') into the Rear Yard.

(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) Screened mechanical equipment, hot tubs, and similar Structures located at least three feet (3') ~~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.

(10) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") above Final Grade, located at least one foot (1') ~~five feet (5')~~ from the Rear Lot Line.

(G) **SIDE YARD**.

(1) The minimum Side Yard is ten feet (10'). See Section 15-2.16-5 for Side Yard requirements for Single Family and Duplex Dwellings.

(2) A Side Yard 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 EXCEPTIONS**. The Side Yard 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.

(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Yard.

(3) Window wells and light wells projecting not more than four feet (4') into the Side Yard.

(4) Roof overhangs and eaves projecting not more than three feet (3') into the Side Yard.

(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.

(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) Screened mechanical equipment, hot tubs, and similar Structures ~~provided it is located~~ located at least ~~a minimum of~~ three feet (3') ~~five feet (5')~~ from the Side Lot Line.

(I) **SNOW RELEASE**. Site plans and Building design must resolve snow release

issues to the satisfaction of the Chief Building Official.

(J) **OPEN SPACE**. On any Lot greater than 25,000 sq. ft. in Area, at least sixty percent (60%) of the Lot must be devoted to Open Space if the Lot is not developed as Master Planned Development. If the Lot is developed as a Master Planned Development then the Open Space requirements of Section 15-6-5.(D) shall apply.

(Amended by Ord. Nos. 06-76; 09-10; 12-37)

15-2.16-4. BUILDING HEIGHT.

No Structure shall be erected to a height greater than thirty-five feet (35') from Existing Grade. This is the Zone Height. See Section 15-2.16-5 Building Height for Single Family Dwellings and Duplexes.

(A) **MAXIMUM BUILDING VOLUME AND BUILDING HEIGHT EXCEPTIONS**. The following height exceptions apply:

(1) Gable, hip, and similar pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.

(2) 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.

(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened may extend up to five feet (5') above the height of the Building.

(4) Church spires, bell towers, and like architectural features, subject to LMC Chapter 15-5 Architectural Guidelines, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Planning Director.

(5) Elevator Penthouses may extend up to eight feet (8') above the Zone Height.

(6) Ski Lifts and Tramway towers may extend above the Zone Height subject to a visual analysis and administrative approval by the Planning Commission.

(7) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays, including Olympic way-finding towers, are permitted to a height of sixty-five feet (65').

(Amended by Ord. Nos. 02-38; 06-76; 07-25)

15-2.16-5. SPECIAL REQUIREMENTS FOR SINGLE FAMILY AND DUPLEX DWELLINGS.

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has Area, width, and

depth as required, and Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan.

The following minimum Lot and Site requirements apply to Single Family and Duplex Dwellings in the RC District:

(A) **LOT SIZE**. The minimum Lot Area is 1,875 square feet for a Single Family Dwelling and 3,750 square feet for a Duplex. The minimum width of a Lot is twenty five feet (25'); measured fifteen feet (15') back from the Front Lot Line. In the case of unusual Lot configurations, Lot Width measurements shall be determined by the Planning Director.

(B) **BUILDING ENVELOPE - RC DISTRICT**. The Building Pad, Building Footprint and height restrictions define the maximum Building Envelope within which all Development must occur, with exceptions as allowed by Section 2-16-5(C).

(C) **BUILDING PAD - RC DISTRICT**. The Building Pad is the Lot Area minus required Front, Rear and Side Yard Areas.

(1) The Building Footprint must be within the Building Pad. The remainder of the Building Pad must be open and free of any other Structure except:

(a) Porches or decks, with or without roofs;

(b) At Grade patios;

(c) Upper level decks, with or without roofs;

(d) Bay Windows;

(e) Chimneys;

(f) Sidewalks, pathways, and steps;

(g) Screened hot tubs; and

(h) Landscaping.

(2) Exceptions to the Building Pad Area, excluding Bay Windows, are not included in the Building Footprint calculations, and are subject to Planning Director approval based on a determination that the proposed exceptions result in a design that:

(a) provides increased architectural interest consistent with the Design Guidelines for Historic Districts and Sites; and

(b) maintains the intent of this section to provide horizontal and vertical Building articulation.

(D) **BUILDING FOOTPRINT – RC DISTRICT**. The maximum Building Footprint of any Single Family or Duplex Structure located on a Lot, or

combination of Lots, not exceeding 18,750 square feet in Lot Area, shall be calculated according to the following formula for Building Footprint, illustrated in Table 15-2.16.

Accessory Buildings listed on the Park City Historic Structures Inventory that are not expanded, enlarged or incorporated into the Main Building, shall not count in the total Building Footprint of the Lot.

The maximum Building Footprint for any Structure located on a Lot or combination of Lots, exceeding 18,750 square feet in Lot Area, shall be 4,500 square feet; with an exemption allowance of 400 square feet, per Dwelling Unit, for garage floor area. A Conditional Use permit is required for all Structures with a proposed footprint of greater than 3,500 square feet.

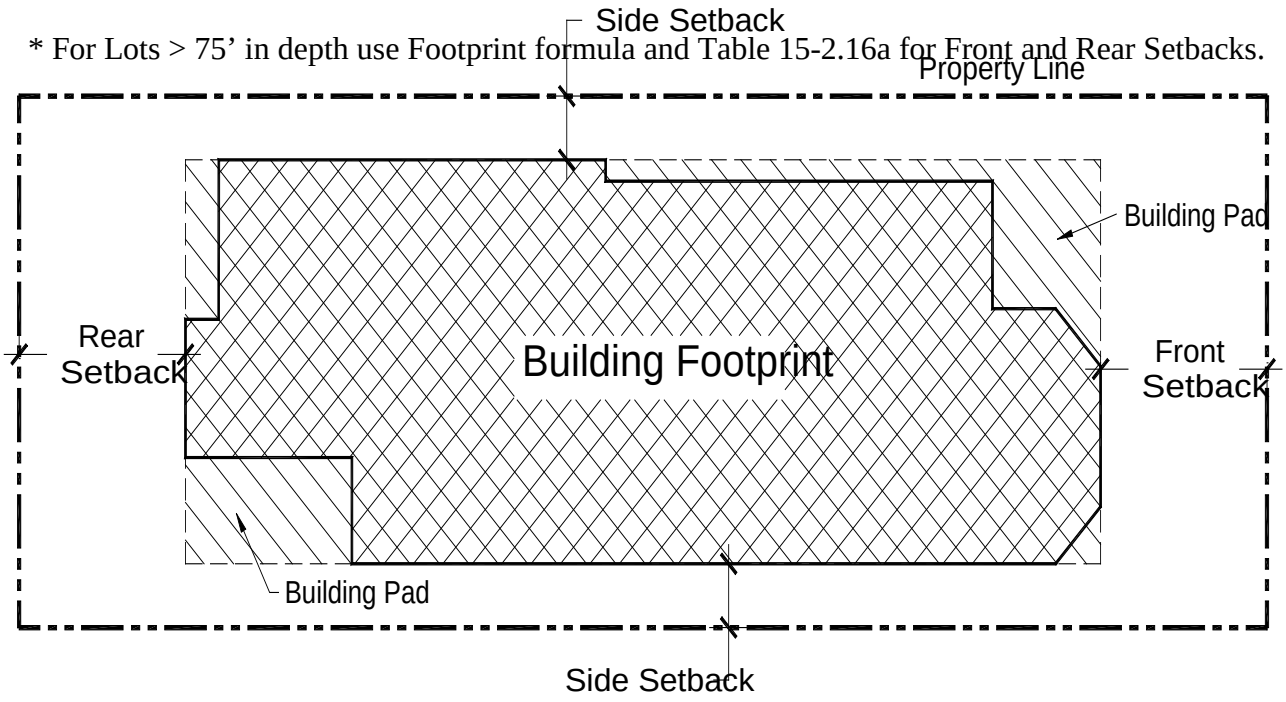
MAXIMUM FP = $(A/2) \times 0.9^{A/1875}$
Where FP= maximum Building Footprint and A= Lot Area.
Example: 3,750 sq. ft. lot: $(3,750/2) \times 0.9^{(3750/1875)}$ = 1,875 x 0.81= 1,519 sq. ft.

See the following Table 15-2.16- below for a schedule equivalent of this formula.

TABLE 15-2.16

Lot Depth, </= ft. *	Lot Width, ft. Up to:	Side Yards 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**. Front and Rear Yards are as follows:

Table 15-2.16a

Lot Depth	Min. 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 EXCEPTIONS**. The Front Yard 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.

(4) Roof overhangs, eaves, and cornices projecting not more than three feet (3') into the Front Yard.

(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 YARD EXCEPTIONS**. The Rear Yard 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.

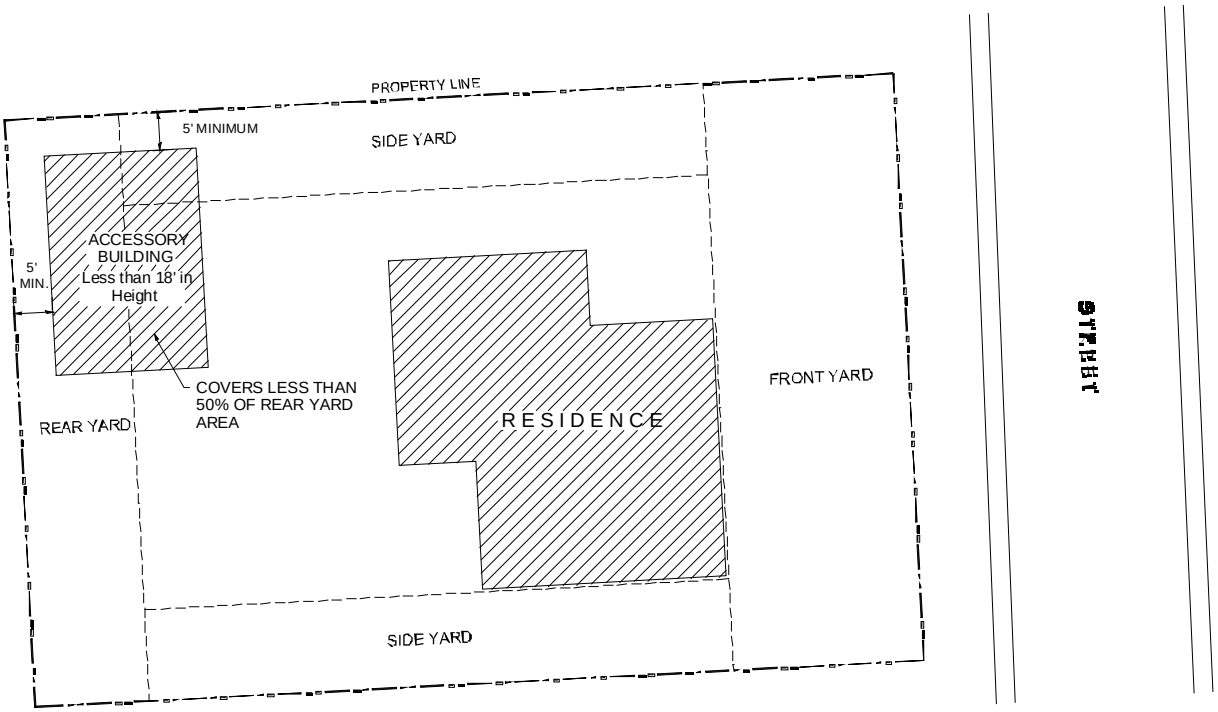
(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.

(3) Window wells and light wells projecting not more than four feet (4') into the Rear Yard.

(4) Roof overhangs and eaves projecting not more than two feet (2') into the Rear Yard.

(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) Screened mechanical equipment, hot tubs, and similar Structures located at least three feet (3') ~~five feet (5')~~ 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, located at least one foot (1') from the Rear Lot Line.

(11) Pathways and steps connecting to a City staircase or pathway.

(H) **SIDE YARD**.

(1) The minimum Side Yard 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 that faces a side Street or platted Right-of-Way is five feet (5').

(I) **SIDE YARD EXCEPTIONS**. The Side Yard 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.[11]

(2) Chimneys not more than five Feet (5') wide projecting not more than two feet (2') into the Side Yard.[11]

(3) Window wells and light wells Projecting not more than four feet (4') into the Side Yard.[11]

(4) Roof overhangs and eaves projecting not more than two feet (2') into the Side Yard. A one foot (1') roof or eave overhang is permitted on Lots with a Side Yard of less than five feet (5').[11]

(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.

[11] Applies only to Lots with a minimum Side Yard of five feet (5') or greater

(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').

(11) Screened mechanical equipment, hot tubs, or similar Structures located a minimum of three feet (3') ~~five feet (5')~~ 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 setback, may encroach into the minimum ten foot (10') setback but shall be limited to no more than twenty five percent (25%) of the width of the building encroaching no more than four feet (4') into the setback, subject to compliance with the Design Guidelines for Historic Sites and Historic Districts.

(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 Director may allow additional height on a downhill Lot to accommodate a single car garage in a tandem configuration. The depth of the garage may not exceed the minimum depth for an internal Parking Space as dimensioned within this Code, Section 15-3. Additional width may be utilized only to accommodate circulation and an ADA elevator. The additional height may not exceed thirty-five feet (35') from Existing Grade.

(Amended by Ord. Nos. 06-76; 09-10; 11-05; 13-48)

15-2.16-6. EXISTING HISTORIC STRUCTURES.
Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height. All Conditional Uses shall comply with parking requirements of Section 15-3 of this Code.

(A) **EXCEPTION**. In order to achieve new construction consistent with the Design Guidelines for Historic Districts and Sites, the Planning Commission may grant an exception to the Building Setback and driveway location standards for additions to

Historic Buildings upon:

(1) Upon approval of a Conditional Use Permit,

(2) When the scale of the addition or driveway is Compatible with the Historic Structure,

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

(4) When the addition complies with the International Building and Fire Codes.

(Amended by Ord. Nos. 06-76;11-05)

15-2.16-7. ARCHITECTURAL REVIEW.

(A) **ALL DEVELOPMENT**. Prior to the issuance of Building Permits for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Architectural Design Guidelines, LMC Chapter 15-5.

Appeals of departmental actions on architectural compliance are heard by the Planning Commission.

(B) **SINGLE FAMILY AND DUPLEX DWELLINGS NEAR SENSITIVE HISTORIC AREAS**.

(1) Prior to the issuance of Building Permits for any Single Family or Duplex Dwellings within the Area specified below:

(a) Any residential Development that is within a two (2) Block radius of the HR-1 District, and

(b) Any residential Development that is located along or Accessed off of Park Avenue.

The Planning Department shall review the proposed plans for compliance with the Design Guidelines for Historic Districts and Sites.

(2) Appeals of departmental determinations of compliance with the Design Guidelines for Historic Districts and Sites, LMC Section 15-11 and Section 15-5 are heard by the Historic Preservation Board as outlined in Section 15-1-18 of this Code.

(Amended by Ord. Nos. 06-76; 09-10;11-05)

15-2.16-8. PARKING REGULATIONS.

(A) Tandem Parking is allowed for Single Family and Duplex Dwellings in the RC District.

(B) Common driveways are allowed along shared Side Yard Property Lines to provide Access to parking in the rear of the Main Building or below Grade if both Properties are deed restricted to allow for the

perpetual Use of such a shared drive.

(C) Common Parking Structures are allowed as a Conditional Use where it facilitates:

(1) the Development of individual Buildings that more closely conform to the scale of Historic Structures in the district; and

(2) the reduction, mitigation or elimination of garage doors at the Street edge.

(D) A Parking Structure may occupy below Grade Side and Rear Yards 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.

(E) Driveways between Structures are allowed in order to eliminate garage doors facing the Street, to remove cars from on-Street parking, and to reduce paved Areas, provided the driveway leads to an approved garage or Parking Area. Driveway widths are regulated in Section 15-3.

(F) Turning radii are subject to review by the City Engineer as to function and design.

(G) See Section 15-3 Off Street Parking for additional parking requirements.

(Amended by Ord. Nos. 06-76; 09-1; 11-05)

15-2.16-9. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

(A) **OUTDOOR DISPLAY OF GOODS PROHIBITED**. Unless expressly allowed as an Allowed or Conditional Use, or allowed with an Administrative Permit, all goods including food, beverage and cigarette vending machines must be within a completely enclosed Structure. New construction of enclosures for the storage of goods shall not have windows and/or other fenestration that exceeds a wall-to-window ratio of thirty percent (30%). This section does not preclude temporary sales in conjunction with a Master Festival License, sidewalk sale, or seasonal plant sale. See Section 15-2.16-9(B)(3) for outdoor display of bicycles, kayaks, and canoes.

(B) **OUTDOOR USES PROHIBITED/EXCEPTIONS**. The following outdoor Uses may be allowed by the Planning Department upon the issuance of an Administrative Conditional Use permit or an Administrative Permit as described herein. The Applicant must submit the required Application, pay all applicable fees, and provide all required materials and plans. Appeals of Departmental actions are heard by the Planning Commission.

(1) **OUTDOOR DINING**. Outdoor dining requires an Administrative Conditional Use permit and is subject to the following criteria:

(a) The proposed seating Area is located on private Property or leased public

Property and does not diminish parking or landscaping.

(b) The proposed seating Area does not impede pedestrian circulation.

(c) The proposed seating Area does not impede emergency Access or circulation.

(d) The proposed furniture is Compatible with the Streetscape.

(e) No music or noise in excess of the City Noise Ordinance.

(f) No Use after 10:00 p.m.

(g) Review of the restaurant's seating capacity to determine appropriate mitigation measures in the event of increased parking demand.

(2) **OUTDOOR GRILLS/BEVERAGE SERVICE STATIONS**. Outdoor grills and/or beverage service stations require an Administrative Permit and are subject to the following criteria:

(a) The Use is on private Property or leased public Property, and does not diminish parking or landscaping.

(b) The Use is only for the sale of food or beverages in a form suited for immediate consumption.

(c) The Use is Compatible with the neighborhood.

(d) The proposed service station does not impede pedestrian circulation.

(e) The proposed service station does not impede emergency Access or circulation.

(f) Design of the service station is Compatible with the adjacent Buildings and Streetscape.

(g) No violation of the City Noise Ordinance.

(h) Compliance with the City Sign Code, Title 12.

(3) **OUTDOOR STORAGE AND DISPLAY OF BICYCLES, KAYAKS, MOTORIZED SCOOTERS, AND CANOES**. Outdoor storage and display of bicycles, kayaks, motorized scooters, and canoes requires an Administrative Permit and is subject to the following criteria:

(a) The Area of the proposed bicycle, kayak, motorized scooters, and canoe storage or display is on private Property and not in Areas of required parking or landscaped planting beds.

(b) Bicycles, kayaks, and canoes may be hung on Buildings if sufficient Site Area is not available, provided the display does not impact or alter the architectural integrity or character of the Structure.

(c) No more than a total of fifteen (15) pieces of equipment may be displayed.

(d) Outdoor display is only allowed during Business hours.

(e) Additional outdoor bicycle storage Areas may be considered for rental bicycles or motorized scooters, provided there are no or only minimal impacts on landscaped Areas, parking spaces, and pedestrian and emergency circulation.

(4) **OUTDOOR EVENTS AND MUSIC**. Outdoor events and music require an Administrative Conditional Use permit. The Use must also comply with Section 15-1-10, Conditional Use Review. An Applicant must submit a Site plan and written description of the event, addressing the following:

(a) Notification of adjacent Property Owners.

(b) No violation of the City's Noise Ordinance.

(c) Impacts on adjacent Residential Uses.

(d) Proposed plans for music, lighting, Structures, electrical signs, etc.

(e) Parking demand and impacts on neighboring Properties.

(f) Duration and hours of operation.

(g) Impacts on emergency Access and circulation.

(5) **DISPLAY OF MERCHANDISE**. Display of outdoor merchandise requires an Administrative Permit and is subject to the following criteria:

(a) The display is immediately available for purchase at the Business displaying the item.

(b) The merchandise is displayed on private Property directly in front of or

appurtenant to the Business which displays it, so long as the private Area is in an alcove, recess, patio, or similar location that provides a physical separation from the public sidewalk. No item of merchandise may be displayed on publicly owned Property including any sidewalk or prescriptive Right-of-Way regardless if the Property Line extends into the public sidewalk. An item of merchandise may be displayed on commonly owned Property; however, written permission for the display of the merchandise must be obtained from the Owner's association.

(c) The display is prohibited from being permanently affixed to any Building. Temporary fixtures may not be affixed to any Historic Building in a manner that compromises the Historic integrity or Façade Easement of the Building as determined by the Planning Director.

(d) The display does not diminish parking or landscaping.

(e) The Use does not violate the Summit County Health Code, the Fire Code, or International Building Code. The display does not impede pedestrian circulation, sidewalks, emergency Access, or circulation. At minimum, forty-four inches (44") of clear and unobstructed Access to all fire hydrants, egress and Access points must be maintained. Merchandise may not be placed so as to block visibility of or Access to any adjacent Property.

(f) The merchandise must be removed if it becomes a hazard due to wind or weather conditions, or if it is in a state of disrepair, as determined by either the Planning Director or Building Official.

(Amended by Ord. Nos. 05-49; 06-76; 09-10)

15-2.16-10. CRITERIA FOR BED AND BREAKFAST INNS.

A Bed and Breakfast Inn is an Allowed Use subject to an Administrative Conditional Use permit. No permit may be issued unless the following criteria are met:

(A) If the Use is in a Historic Structure, the Applicant will make every attempt to rehabilitate the Historic portion of the Structure to its original condition.

(B) The Structure has at least two (2) rentable rooms. The maximum number of rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.

(C) In Historic Structures, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.

(D) The rooms are available for Nightly Rental only.

(E) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.

(F) Food service is for the benefit of overnight guests only.

(G) No Kitchen is permitted within rental room(s).

(H) Parking on-Site is required at a rate of one (1) space per rentable room. The Planning Director may waive the parking requirement for Historic Structures if the Applicant proves that:

(1) no on-Site parking is possible without compromising the Historic Structure or Site, including removal of existing Significant Vegetation, and all alternatives for proximate parking have been explored and exhausted; and

(2) the Structure is not economically feasible to restore or maintain without the adaptive Use.

(I) The Use complies with Section 15-1-10, Conditional Use review.

(Amended by Ord. No. 06-76)

15-2.16-11. CRITERIA FOR RAISING AND GRAZING OF HORSES.

The raising and grazing of horses may be approved as a Conditional Use by the Planning Commission. In making a determination whether raising and grazing of horses is appropriate, the Planning Commission shall consider the following criteria:

(A) Any barn must be located a minimum of seventy-five feet (75') from the nearest neighboring Dwelling Unit.

(B) There shall be a maximum of two (2) horses per acre.

(C) Terrain and Slope of the Property must be suitable for horses.

(D) The Applicant must submit an Animal Management Plan outlining the following:

(1) waste removal/odors;

(2) drainage and runoff;

(3) bedding materials;

(4) flies; and

(5) feed/hay.

15-2.16-12. VEGETATION

PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with landscape criteria in LMC Chapter 15-3-3(D) and Title 14.

(Amended by Ord. No. 06-76)

15-2.16-13. SIGNS.

Signs are allowed in the RC District as provided in the Park City Sign Code, Title 12.

15-2.16-14. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4.
- Satellite Receiving Antenna. LMC
- Chapter 15-4-13.
- Telecommunication Facility. LMC Chapter 15-4-14.
- Parking. Section 15-3.
- Landscaping. Title 14; LMC Chapter 15-3-3(D)
- Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- Historic Preservation Board. LMC Chapter 15-11.
- Park City Sign Code. Title 12.
- Architectural Review. LMC Chapter 15-5.
- Snow Storage. Section 15-3-3.(E)
- Parking Ratio Requirements. Section 15-3-6.

EXHIBIT C

TITLE 15 - LAND MANAGEMENT CODE

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TITL E 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 7.1 - SUBDIVISION PROCEDURES

Chapter adopted by Ordinance No. 01-17

CHAPTER 7.1 - SUBDIVISION PROCEDURES.

15-7.1-1. JURISDICTION.

These Subdivision regulations shall apply to all Subdivisions or Re-subdivisions of land, and to Lot Line Adjustments, as defined herein, located within the corporate limits of Park City.

Whenever any Subdivision of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a Structure in such proposed Subdivision shall be granted, the subdividing Owner, or his authorized Agent, shall apply for and secure approval of such proposed Subdivision in accordance with the following procedure.

15-7.1-2. PROCEDURE.

No land shall be subdivided within the corporate limits of Park City until:

(A) The Owner, Applicant and/or Developer or his\her Agent submit an Application for Subdivision to the Planning Commission through the Park City Planning Department;

(B) The Planning Commission holds a public hearing and makes a final recommendation to the City Council; and

(C) Approval of the Subdivision is obtained by the Planning Commission and City Council, or approval by the Planning Director under proper authority; and

(D) The approved Subdivision Plat is filed with the County Recorder.

(Amended by Ord. No. 06-22)

15-7.1-3. CLASSIFICATION OF SUBDIVISIONS.

(A) **SUBDIVISION**. At its discretion, the Planning Commission may waive one or more of the steps in the approval process by allowing the Applicant and/or Developer to combine the requirements of the Preliminary Plat and final Subdivision Plat into a single submittal.

(1) **MINOR SUBDIVISION**. A Subdivision containing not more than three (3) Lots fronting on an existing Street, not involving any new Street or road, or the extension of municipal facilities, or the creation of public improvements.

(a) **Final Plat**. A Final Plat shall be approved in accordance with these regulations.

(2) **MAJOR SUBDIVISION**. A Subdivision of land into four (4) or more Lots, or any size Subdivision requiring any new Street.

(a) **Preliminary Plat**. A Preliminary Plat may be approved in accordance with these regulations.

(b) **Final Plat**. A Final Plat shall be approved in accordance with these regulations.

(B) **PLAT AMENDMENT**. The combining of existing subdivided Lots into one or more Lots or the amendment of plat notes or other platted elements including but not limited to easements, limits of disturbance boundaries or areas, building pads, and house size limitations. Plat Amendments shall be reviewed according to the requirements of Section 15-7.1-6 Final Subdivision Plat and approval shall require a finding of Good Cause.

(1) **FINAL PLAT**. A Final Plat shall be approved in accordance with these regulations.

(C) **RECORD OF SURVEY**.

(1) **FINAL PLAT**. A Final Plat shall be approved in accordance with these regulations.

(D) **LOT LINE ADJUSTMENT**. The relocation of the Property boundary line between two adjoining Lots.

(1) **FINAL PLAT**. A Final Plat shall be approved in accordance with these regulations.

15-7.1-4. GENERAL PROCEDURE.

(A) **OFFICIAL SUBMISSION DATES**. At its discretion, the Planning Commission may waive one or more of the steps in the approval process by allowing the Applicant and Developer to combine the requirements of both preliminary and final Subdivision Plats into a single submittal. For the purpose of these regulations, for both major and minor Subdivisions, the date of the regular meetings of the Planning Commission at which the public hearings on final approval of the Subdivision Plat, including any adjourned date thereof, is closed, shall constitute the official submittal date of the plat at which the statutory period required for formal approval or disapproval of the plat shall commence to run.

(B) **PHASING PLAN REQUIRED**. All residential Subdivisions with more than twenty (20) Lots or Condominiums shall

include a phasing plan, which specifies the timing of public improvements and residential construction.

(1) **PHASING PLAN REQUIREMENTS**. A phasing plan shall include:

(a) The number of units or Parcels to be developed in each phase and the timing of each phase.

(b) The timing of construction of public improvements and Subdivision amenities to serve each phase.

(c) The relationship between the public improvements in the current Subdivision and contiguous land previously subdivided and yet to be subdivided.

(2) **MASTER PLANNED DEVELOPMENT**. If the Subdivision is in an Area covered by an approved Master Planned Development, which has a phasing plan, the phasing plan for the Subdivision shall be consistent with the phasing plan for the Master Planned Development.

(3) **REVISIONS**. An Applicant may request a revision of the phasing plan, which may be necessary due to such conditions as changing market conditions, inclement weather or other factors.

(C) **COORDINATION OF MULTIPLE APPLICATIONS**. It is the intent of these regulations that Subdivision review be carried out simultaneously with the review of Master Planned Developments. Required Applications shall be submitted in a form to satisfy both the requirements of the Subdivision regulations and Master Planned Development provisions of the Land Management Code. Any project falling within the Sensitive Lands Area Overlay Zone may be subject to additional requirements and regulations as outlined in the Sensitive Area Overlay Zone Regulations.

15-7.1-5. PRELIMINARY SUBDIVISION PLAT.

(A) **PREAPPLICATION REQUIREMENTS**. Before preparing the Preliminary Plat for a Subdivision, the Applicant should arrange for a pre-Application conference with the Planning Department to discuss the procedure for approval of a Subdivision Plat and the requirements as to general layout of Streets and for reservations of land, Street improvements, drainage, sewerage, fire protection, mitigation of environmental impacts as determined, and similar matters, as well as the availability of existing services. The Planning Department shall also advise the Applicant, where appropriate, to discuss the proposed Subdivision with those agencies who must eventually approve those aspects of the Subdivision coming within their

jurisdiction; such as, the Snyderville Basin Sewer Improvement District, the Park City Fire Service District, the Park City School District, and the various utility service providers.

(B) **APPLICATION PROCEDURE AND REQUIREMENTS**. Prior to subdividing land in a manner, which requires a Preliminary Plat, an Owner of the land or his representative shall file an Application for approval of a Preliminary Plat. The Application shall:

(1) Be made on a form available at the office of the Planning Department and determined complete. A complete Application shall include all elements of the Subdivision and shall produce all information required by the Subdivision Application.

(2) Include all contiguous holdings of the Owner, unless specifically waived by the Planning Department and Planning Commission, including land in the "same ownership," as defined herein, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present Owner as recorded in the County Recorder's office. The affidavit shall advise as to the legal Owner of the Property, the contract Owner of the Property, the date a contract of sale was executed, and, if any corporations are involved, a copy of the resolution legally empowering the Applicant to make the Application.

(C) **REVIEW OF PRELIMINARY PLAT**. The Planning Department staff shall schedule the Preliminary Plat for review by the Development Review Committee, including officials or agencies of the local government, adjoining counties or municipalities, school and special districts, and other official bodies as it deems necessary or as mandated by law, including any review required by metropolitan, regional, or state bodies under applicable state or federal law.

The Planning Department shall request that all officials and agencies, to whom a request for review has been made, submit their report to the Staff. The Staff will consider all reports submitted by the officials and agencies concerning the Preliminary Plat and shall prepare a staff report for proposed action to the Planning Commission for the next available regular meetings.

Once an Application is received, the Staff will work diligently to review the Application as quickly as time and workload allows. The scale or complexity of a project or Staff workload may necessitate a longer processing period. In such cases, the Staff will notify the Applicant when an Application is filed as to the projected time frame.

(D) **PLANNING COMMISSION REVIEW OF PRELIMINARY PLAT**.

The Planning Commission shall study the Preliminary Plat and the report of the Staff, taking into consideration requirements of Land Management Code, any Master Plan, site plan, or Sensitive Land Analysis approved or pending approval on the subject Property. Particular attention will be given to the arrangement, location and width of Streets, their relation to sewerage disposal, drainage, erosion, topography and natural features of the Property, location of Physical Mine Hazards and geologic hazards, Lot sizes and arrangement, the further Development of adjoining lands as yet un-subdivided, and the requirements of the Official Zoning Map, General Plan, and Streets Master Plan, as adopted by the Planning Commission and City Council. The Planning Commission shall make a finding as to whether there is Good Cause in approving the preliminary plat.

(E) **PUBLIC HEARINGS**. The Planning Commission shall hold a public hearing on the Preliminary Plat Application. Such hearings shall be advertised in accordance with the requirements of Section 15-1-12 of the Land Management Code and in the same manner as the subsequent public hearings of the final Subdivision Plat; except, however, that the Planning Commission may, at its sole discretion, combine the required hearings for both preliminary and final Subdivision Plat approval.

(F) **PRELIMINARY APPROVAL**. After the Planning Commission has reviewed the Preliminary Plat and the report of the Staff including any municipal recommendations and testimony and exhibits submitted at the public hearing, the Applicant shall be advised of any required changes and/or additions. One copy of the proposed Preliminary Plat shall be returned to the Developer with the date of approval, conditional approval, or disapproval and the reasons therefore accompanying the plat. The other copy shall be maintained in the Planning files.

(G) **PUBLIC IMPROVEMENTS**. The Planning Commission may require that all public improvements be installed and dedicated prior to the signing of the final Subdivision Plat by the Chairman of the Planning Commission. If the Planning Commission elects not to require that all public improvements be installed and dedicated prior to signing of the final Subdivision Plat by the Chairman of the Planning Commission, the amount of the Guarantee, in compliance with the requirements of the Land Management Code, shall be established by the Planning Commission based upon the recommendation of the City Engineer, which shall be submitted by the Applicant at the time of Application for final Subdivision Plat approval. The Planning Commission shall require the Applicant to indicate on both the Preliminary and Final Plat all roads and public improvements to be dedicated, all special districts for water, fire, and utility improvements which shall be required to be established or extended, all City approved Street names and addresses, and any other special requirements deemed necessary by the Planning Commission in order to conform the Subdivision Plat to the Official Zoning Map and the Master Plans of Park City.

(H) **EFFECTIVE PERIOD OF PRELIMINARY APPROVAL**. The approval of a Preliminary Plat shall be effective for a period of one (1) year at the end of which time final approval on the Subdivision must have been obtained from the Planning Commission, and the Final plat shall be signed and filed with the County Recorder within one (1) year of approval. Any plat not recorded within the period of time set forth herein shall be null and void, and the Developer shall be required to resubmit a new Application and plat for preliminary approval subject to all new review requirements, zoning restrictions and Subdivision regulations.

Applicants may request time extensions of the approval of a Preliminary Plat by submitting a request in writing to the Planning Department prior to expiration of the approval. The Planning Director shall review all requests for time extensions of Preliminary Plat approvals and may consider the request when the Applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code in effect at the time of the extension request. Change in circumstance includes physical changes to the Property or surroundings. Notice shall be provided consistent with the requirements for Preliminary Plat in Section 15-1-12.

The Commission may hold a public hearing on the time extension for a Preliminary Plat approval. Such hearings shall be noticed in accordance with the requirements of Section 15-1-12 of the Land Management Code.

(I) **ZONING REGULATIONS**. Every plat shall conform to existing zoning regulations and Subdivision regulations applicable at the time of proposed final approval, except that any plat which has received preliminary approval shall be exempt from any subsequent amendments to the Land Management Code rendering the plat nonconforming as to bulk or Use, provided the final approval is obtained within the one (1) year period.

15-7.1-6. FINAL SUBDIVISION PLAT.

(A) **APPLICATION PROCEDURE AND REQUIREMENTS**. Following approval of the Preliminary Plat, if necessary, the Applicant, if he wishes to proceed with the Subdivision, shall file with the Planning Department an Application for approval of a final Subdivision Plat. The Application shall:

(1) Be made on forms available at the Planning Department and determined complete. A complete Application shall include all elements of the Subdivision and shall produce all information required by the Subdivision Application.

(2) Include all contiguous holdings of the Owner, unless specifically waived by the Planning Department and Planning Commission, including land in the "same ownership," as defined herein,

with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present Owner as recorded in the County Recorder's office. The affidavit shall advise as to the legal Owner of the Property, the contract Owner of the Property, the date a contract of sale was executed, and, if any corporations are involved, a copy of the resolution legally empowering the Applicant to make the Application.

(3) Include the entire Subdivision, or section thereof, which derives access from an existing state, county or local government highway.

(B) **REVIEW OF FINAL SUBDIVISION PLAT.**
The Planning Department staff schedule the Final Plat Application for review by the Development Review Committee, including officials or agencies of the local government, adjoining counties or municipalities, school and special districts, and other official bodies as it deems necessary or as mandated by law, including any review required by metropolitan, regional, or state bodies under applicable state or federal law.

The Planning Department shall request that all officials and agencies, to whom a request for review has been made, submit their report to the Staff. The Staff will consider all the reports submitted by the officials and agencies concerning the Final Subdivision Plat and shall submit a report for proposed action to the Planning Commission.

Once an Application is received, the Staff will work diligently to review the Application, as quickly as time and workload allows. The scale or complexity of a project or Staff workload may necessitate a longer processing period. In such cases the Staff will notify the Applicant when an Application is filed as to the projected time frame.

(C) **PLANNING COMMISSION AND CITY COUNCIL REVIEW OF FINAL SUBDIVISION PLAT**. The Planning Commission shall review the Final Subdivision Plat and the report of the Staff, taking into consideration requirements of the Land Management Code, the General Plan, and any Master Plan, site plan, or Sensitive Lands Analysis approved or pending on the Property. Particular attention will be given to the arrangement, location and width of Streets and their relation to sewerage disposal, drainage, erosion, topography and natural features of the Property, location of Physical Mine Hazards and Geologic Hazards, Lot sizes and arrangement, the further Development of adjoining lands as yet un-subdivided, requirements of the Preliminary Plat (if a Preliminary Plat was required), and requirements of the Official Zoning Map and Streets Master Plan, as adopted by the Planning Commission and City Council.

The Planning Commission shall make a finding as to Good Cause prior to making a positive recommendation to City Council.

(1) The Planning Commission shall give notice pursuant to Section 15-1-12 of this Code and hold a public hearing on the proposed final Subdivision Plat before making its final recommendation to the City Council.

(2) After considering the final Subdivision Plat and proposed ordinance, the Planning Commission shall recommend to the City Council approval or disapproval of the Subdivision Application and set forth in detail any conditions to which the approval is subject, or the reasons for disapproval.

(3) The City Council may adopt or reject the ordinance either as proposed by the Planning Commission or by making any revision it considers appropriate.

(4) In the final ordinance the City Council shall stipulate the period of time when the Final Plat shall be recorded and when the performance Guarantee shall be filed or the required improvements installed, whichever is applicable. Provided, however, that no plats will be approved or released for recording until necessary Guarantees have been established in accordance with the Land Management Code. In no event shall the period of time stipulated by the City Council for completion of required improvements exceed two (2) years from the date of the final ordinance.

(5) Extension of Approval. Applicants may request time extensions of the City Council approval by submitting a request in writing to the Planning Department prior to expiration of the approval. The City Council may grant an extension to the expiration date when the Applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code in effect at the time of the extension request. Change in circumstance includes physical changes to the Property or surroundings. Notice shall be provided consistent with the requirements for a Final Plat in Section 15-1-12.

(D) **SUBMISSION AND REVIEW**. Subsequent to the resolution of the Planning Commission, one (1) paper copy of the construction plans, and one copy of the original Subdivision Plat on paper shall be submitted to the Planning Department for final review. No final approval shall be endorsed on the plat until the staff's review has indicated that all requirements of the ordinance have been met.

(E) **VESTED RIGHTS**. Vesting for purposes of zoning occurs upon the filing of

a complete Application provided, however, that no vested rights shall accrue to any plat by reason of preliminary or final approval until the actual signing of the plat by the Chairman of the Planning Commission and the Mayor of Park City. All requirements, conditions, or regulations adopted by the Planning Commission and City Council applicable to the Subdivision or to all Subdivisions generally shall be deemed a condition for any Subdivision prior to the time of the signing of the Final Plat by the Chairman of the Planning Commission and Mayor. Where the Planning Commission or Council has required the installation of improvements prior to signing of the Final Plat, the Planning Commission or Council shall not unreasonably modify the conditions set forth in the final approval.

(F) **LOT LINE ADJUSTMENTS**. The Planning Director may approve a Lot Line Adjustment between two (2) Lots without a plat amendment, within the corporate limits of Park City, if:

(1) the Owners of both Lots demonstrate, to the satisfaction of the Planning Director that:

(a) no new developable Lot or unit results from the Lot Line Adjustment;

(b) all Owners of Property contiguous to the adjusted Lot(s) or to Lots owned by the Applicant(s) which are contiguous to the adjusted Lot(s), including those separated by a public Right-of-Way, consent to the Lot Line Adjustment;

(c) the Lot Line Adjustment does not result in remnant land;

(d) the Lot Line Adjustment, and resulting Lots comply with LMC Section 15-7.3 and are compatible with existing lot sizes in the immediate neighborhood;

(e) the Lot Line Adjustment does not result in violation of applicable zoning requirements;

(f) neither of the original Lots were previously adjusted under this section;

(g) written notice was mailed to all Owners of Property within three hundred feet (300') and neither any Person nor the public will be materially harmed by the adjustment; and

(h) the City Engineer and Planning Director authorizes the execution and recording of an appropriate deed and Plat, to reflect that the City has approved the Lot Line Adjustment.

(i) Extension of Approval. Applicants may request time extensions of the Lot Line Adjustment approval by submitting a request in writing to the Planning Department prior to expiration of the approval. The Planning Director shall review all requests for time extensions of Lot Line Adjustments and may grant a one year extension.

Extension requests may be granted when the Applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code in effect at the time of the extension request. Change in circumstance includes physical changes to the Property or surroundings. Notice shall be provided consistent with the requirements for Lot Line Adjustments in Section 15-1-12.

(2) If, based upon non-compliance with Subsection (1), the Planning Director denies the Lot Line Adjustment, the Director shall inform the Applicant(s) in writing of the reasons for denial, of the right to appeal the decision to the Planning Commission, and of the right to file a formal plat amendment Application

(G) COMBINATION OF ADJOINING CONDOMINIUM UNITS WITH A CONDOMINIUM RECORD OF SURVEY PLAT

(1) Subject to the condominium declaration, a unit owner after acquiring an adjoining unit that shares a common wall with the unit owner's unit and after recording an amended condominium record of survey plat in accordance with this Title, a unit owner may:

(a) remove or alter a partition between the unit owner's unit and the acquired unit, even if the partition is entirely or partly common areas and facilities; or
(b) create an aperture to the adjoining unit or portion of a unit.

(2) A unit owner may not take this action if such action would:

(a) impair the structural integrity or mechanical systems of the building or either unit;

(b) reduce the support of any portion of the common areas and facilities or another unit;

(c) constitute a violation of Utah Code Section 10-9a-608, as amended ~~or 17-27a-608, as applicable~~, or violate any section of this code or the IBC.

(3) Approval of a condominium plat amendment to combine units does not change an assessment or voting right attributable to the unit owner's unit or the acquired unit, unless the declaration provides otherwise.

(Amended by Ord. Nos. 06-22; 11-05)

15-7.1-7. SIGNATURES AND RECORDING OF THE PLAT.

(A) **SIGNING OF PLAT**.

(1) When a Guarantee is required, the Chairman of the Planning Commission and Mayor shall endorse approval on the plat after the Guarantee has been approved by the City Council, or its administrative designee and all the conditions of the ordinance pertaining to the plats have been satisfied.

(2) When installation of improvements prior to plat recordation is required, the Chairman of the Planning Commission and Mayor shall endorse approval on the plat after all conditions of the ordinance have been satisfied and all improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the City as shown by a certificate signed by the City Engineer and City Attorney that the necessary dedication of public lands and improvements has been accomplished.

(3) The plat shall be signed by the City Engineer, City Attorney and the City Recorder, if the plat meets the requirements herein.

(4) The plat shall conform to City ordinances and be approved by the culinary water authority and the sanitary sewer authority.

(5) The City may withhold an otherwise valid plat approval until the Owner of the land provides the City Council with a tax clearance indicating that all taxes, interest, and penalties owing on the land have been paid.

(6) a Subdivision Plat recorded without the required signatures is void.

(B) **RECORDING OF PLAT**. It shall be the responsibility of the Developer's licensed title company to file the original Mylar plat with the County Recorder within thirty (30) days of the date of signature. Simultaneously with the filing of the plat, the licensed title company shall record the agreement of dedication together with such legal documents as shall be required to be recorded by the City Attorney.

(C) **SECTIONALIZING MAJOR SUBDIVISION PLATS**. Prior to granting final approval of a Major Subdivision Plat, the Planning Commission and City Council

may permit the plat to be divided into two (2) or more sections and may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly Development of the plat. The Planning Commission and City Council may require that the performance Guarantee be in such amount as is commensurate with the section or sections of the plat to be filed and may defer the remaining required performance Guarantee principal amount until the remaining sections of the plat are presented for filing. The Developer may also file irrevocable offers to dedicate Streets and public improvements only in those sections submitted to be filed and defer filing offers of dedication for the remaining sections until such sections, subject to any additional conditions imposed by the Planning Commission, and offers shall be granted concurrently with final approval of the balance of the plat. The approval of all remaining sections not filed with the County Recorder shall automatically expire unless such sections have been approved for filing by the Planning Commission, all fees paid, all instruments and offers of dedication submitted and performance Guarantees approved and actually filed with the County Recorder within one (1) year of the date of final Subdivision approval of the Subdivision Plat. See Section 15-7.1-6 of these regulations.

(Amended by Ord. No. 06-22)

EXHIBIT D

TITLE 15 - LAND MANAGEMENT CODE

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 8 - ANNEXATION

Chapter adopted by Ordinance No. 03-01

CHAPTER 8 - ANNEXATION.

15-8-1. PURPOSE.

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

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

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

(A) Along the boundaries of existing special districts for sewer, water, fire, and other services, along the boundaries of school districts whose boundaries follow City boundaries or school districts adjacent to school districts whose boundaries follow City boundaries, and along the boundaries of other taxing entities;

(B) To eliminate islands and peninsulas of territory that are not receiving municipal type services;

(C) To facilitate the consolidation of overlapping functions of local government;

(D) To promote the efficient delivery of services; and

(E) To encourage the equitable distribution of community resources and obligations.

It is the intent of this Chapter to ensure that Property annexed to the City will contribute to the attractiveness of the community and will enhance the resort image which is critical for economic viability, and that the potential deficit of revenue against expense to the City is not unreasonable. This Chapter shall be considered Park City's annexation policy plan and declaration.

This Chapter hereby incorporates by reference all standards required and suggested by Sections 10-2-401 et. Seq. of the Utah Code, Annotated, 1953, as amended.

(Amended by Ord. No. 06-22)

15-8-2. GENERAL REQUIREMENTS.

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

(A) Property under consideration of annexation must be considered a logical extension of the City boundaries.

(B) Annexation of Property to the City must be consistent with the intent and purpose of this Chapter and the Park City General Plan.

(C) Every annexation shall include the greatest amount of Property possible that is a contiguous Area and that is contiguous to the City's municipal boundaries.

(D) Piecemeal annexation of individual small Properties shall be discouraged if larger contiguous Parcels are available for annexation within a reasonable time frame in order to avoid repetitious annexations.

(E) Islands of county jurisdiction shall not be left or created as a result of the annexation and peninsulas and irregular boundaries shall be avoided.

(F) In addition to services provided by existing districts, such as sewer, fire protection, and public schools, the following urban level services, consistent with those normally provided in the rest of the incorporated boundaries will be provided to annexed Areas:

(1) Police protection;

(2) Snow removal on Public Streets, subject to standard City snow removal policies;

(3) Street maintenance on existing Streets, provided that such

Streets have been constructed or reconstructed to City Street standards or are acceptable to the City Engineer and City Council;

(4) Planning, zoning, and Code enforcement;

(5) Availability of municipal sponsored parks and recreational activities and cultural events and facilities;

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

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

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

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

(J) The City shall consider annexation of unincorporated Areas of Summit County that are within the annexation expansion Area as defined by Exhibit A.

(K) In general, the City does not favor annexation of territory, which should be located within another municipality nor does it favor the annexation of unincorporated territory solely for the purpose of acquiring municipal revenues, or for retarding the capacity of another municipality to annex.

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

15-8-3. PROPERTY OWNER INITIATION OF ANNEXATION.

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

(A) The Property Owner or Owners shall submit to the City a petition for annexation. The petition shall meet the criteria and shall be in the form as established by the City and in compliance with State law as set forth in Sections 10-2-401, 402, and 403 of the Utah Code, Annotated, 1953, as amended.

(1) The petition shall contain signatures of Property Owners representing a majority of the private land Area and at least one third (1/3) of the value of all private real Property within the Area proposed for annexation.

(2) If the Area is within an Agriculture protection Area created under state law Title 17, Chapter 41, Agriculture Protection Area, then the petition must cover one hundred percent (100%) of the private land Area within the Area proposed for annexation.

(3) If the Property is owned by a public entity other than the federal government, the petition shall be signed by the Owner of all of the publicly owned Property within the Area proposed for annexation.

(4) Said petition shall designate up to five (5) of the petitioners as sponsors, one (1) who shall be designated as the contact sponsor. The mailing address of each sponsor shall be included in the petition.

(B) Attached to and as part of the petition shall be an accurate certified survey plat of the Property to be annexed, prepared by a surveyor licensed to practice in Utah, accurately describing the existing City boundaries and each individual ownership sought to be annexed, including an accurate legal description of the Property to be annexed.

(C) There shall also be attached to the annexation petition a statement as to the anticipated timetable for Development, if applicable, of the Property being annexed.

(D) If the proposed Property is intended for Development, the petition for annexation shall include Complete Applications for a Master Planned Development (MPD) and a preliminary Subdivision plat. The petition shall state the requested zoning designation(s), and shall show the proposed Zoning District lines on the plans. Impact mitigation considerations in the annexation agreement will be based on the Density permitted under the requested or applied zone requirements.

(E) Except in the case of POS or ROS zoning, zoning requests are subject to review

and consideration of the Planning Commission for a recommendation, with final approval by the City Council concurrent with public hearings on the proposed annexation.

(F) There shall also be attached to the annexation petition a full disclosure statement of any and all waters owned or historically utilized on the Property to be annexed, and a statement from the water Owner(s) as to the estimated value of the water or the price at which he or she is willing to sell the said water to the City.

(G) The annexation petition shall not propose annexation of any land Area proposed for annexation to a municipality in a previously filed petition that has not been granted, denied, or rejected.

(H) The annexation petition shall not propose annexation of any land Area being considered for incorporation under Utah State law.

(I) On the date of filing the annexation petition with the City Recorder, the petition sponsor(s) shall also deliver or mail a copy of the petition to the County Clerk of the county in which the Property is located and to the chair of the Planning Commission which has review authority or jurisdiction over the said Property.

(J) There shall be attached to the petition a comprehensive review and analysis of surrounding Property. See Section 15-8-5(E).

15-8-4. PROCEDURE FOR PETITION AND ANNEXATION PLATS.

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

(A) A petition and proper plat certified by a licensed surveyor shall be submitted to the City Recorder in accordance with Section 10-2-403(2)(C) of the Utah Code, Annotated, 1953, as amended, together with any other information required by the City staff to enable the staff to prepare an annexation impact report.

(B) Prior to City Council action on the petition, the petition and plat shall be reviewed by the Planning Director, who shall determine the feasibility of expanding the annexation boundaries and who shall prepare a written recommendation for consideration by the City Council.

(C) If the City Council accepts the annexation petition, the petition shall be delivered to the City Recorder for certification pursuant to Section 10-2-405 of the Utah Code, Annotated, 1953, as amended.

(D) If the annexation petition is certified by the City Recorder, the City Council shall provide for public notice ~~and shall set a hearing~~ as set forth in Section 10-2-406 of the Utah Code, Annotated, 1953, as amended.

(E) The Planning Commission, upon referral from the Planning Director, shall hold a public hearing and make a

recommendation on the annexation proposal, including the recommended zoning, to the City Council. After receipt of the Planning Commission's recommendation and after giving notice pursuant to Section 10-2-406 of the Utah Code, Annotated, 1953, as amended, the City Council shall hold a public hearing on all proposed annexations. After closure of the public hearing, the City Council may either grant or~~of~~ deny the annexation petition; provided, however, that protests to an annexation petition shall be dealt with as set forth in Section 10-2-407 of the Utah Code, annotated, 1953, as amended. Denial of or granting the petition under protest is subject to Section 10-2-408 of the Utah Code, Annotated, 1953, as amended. If City Council grants the annexation petition, it shall assign a zone to the annexed territory at the time the territory is annexed.

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

(H) Within thirty (30) days after enacting an ordinance annexing an unincorporated Area or adjusting a boundary, the City shall~~:~~

~~(1) Record with the County Recorder a certified copy of the ordinance approving the annexation or boundary adjustment, together with the annexation plat or map prepared by a licensed surveyor and approved by the City, showing the new boundaries of the affected Area.~~

~~(2) File~~file with the Lieutenant Governor of the State of Utah the ~~amended Articles of Incorporation reflecting the annexation or boundary adjustment, as provided in Section 10-1-117~~ notice of annexation, as required by Section 10-2-425 of the Utah Code, Annotated, 1953, as amended.

~~(3) Comply with the notice requirements of Section 10-1-116 of the Utah Code, Annotated, 1953, as amended.~~

(I) Upon receipt of the Certificate of Annexation from the Lieutenant Governor, the City shall record with the County Recorder:

(1) The original notice of annexation filed with the Lieutenant Governor;

(2) The Certificate of Annexation issued by the Lieutenant Governor;

(3) The original approved plat or map prepared by a licensed surveyor and approved by the City; and

(4) A certified copy of the ordinance approving the annexation.

(Amended by Ord. No. 06-22)

15-8-5. ANNEXATION PETITION REVIEW – AFTER CITY COUNCIL ACCEPTANCE OF PETITION.

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

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

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

(1) The ability to meet the general annexation requirements as stated in Section 15-8-2 herein.

(2) An accurate map of the proposed annexation Area showing the boundaries and Property ownership within the Area, the topography of the Area and major natural features, e.g., drainage, channels, Streams, wooded Areas, Areas of high water table, Very Steep Slopes, sensitive Ridge Line Areas, Wildfire/Wildland Interface Zones, and other environmentally Sensitive Lands.

(3) Current and potential population of the Area and the current residential Densities.

(4) Land Uses presently existing and those proposed.

(5) Character and Development of adjacent Properties and neighborhoods.

(6) Present zoning and proposed zoning.

(7) A statement as to how the proposed Area, and/or its potential land Use will contribute to the achievement of the goals and policies of the Park City General Plan.

(8) Assessed valuation of the current Properties.

(9) Potential demand for various municipal services and the need for land Use regulation in the Area, e.g. consideration of the distance from existing utility lines, special requirements for Sensitive Lands review and fire protection in Wildfire/Wildland Interface Zones, location within hazardous soils Areas, and feasibility of snow removal from Public Streets.

(10) The effect the annexation will have upon City boundaries and whether the annexation will ultimately create potential for future islands, undesirable boundaries, and difficult service Areas.

(11) A specific timetable for extending services to the Area and how these services will be financed.

(12) Potential revenue versus service costs.

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

(14) Recommendations or comments of other local government jurisdictions regarding the annexation proposal and potential impact of the annexation on general county economic needs, goals, or objectives.

(15) Location and description of any Historic or cultural resources.

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

The annexation agreement shall be reviewed by the Planning Commission and approved by City Council contemporaneously with the certified annexation petition. If approved the annexation agreement shall be signed by the petitioners and City Council and recorded with the Summit County Recorder.

The annexation agreement shall include, but is not limited to the following conditions:

(1) Transfer of usable water rights as established by City policy sufficient to serve the proposed Development.

(2) Additional improvements as necessary, which may be required in order to improve the water system.

(3) Dedication of necessary Streets, trails, utilities, and Rights-of-Way consistent with the Subdivision standards of this Code.

(4) Phasing of the project to insure adequacy of public facilities may be required.

(5) Payment of park land acquisition fees, dedication of open space or conservation Areas, and payment of Development impact fees.

(6) Provision of Affordable Housing in accordance with the Affordable Housing Resolution 17-99, as in effect at the time of petition.

(7) Submittal of Site plans and architectural plans for review.

(8) Flood plain management or preservation of environmentally Sensitive Lands including compliance with the Sensitive Lands Overlay section of the Code.

(9) Analysis and survey of any Historic and cultural resources located on the Property.

(10) Analysis of the fiscal impacts of the Development as determined necessary by the City. The fiscal Impact Analysis format, including the revenue and cost assumptions, shall be approved by the City. If necessary, the City shall hire qualified experts to perform the fiscal Impact Analysis.

(11) Fees paid in lieu of satisfying certain conditions, as approved by Council action.

(12) Comprehensive review of surrounding Property as described below in Section 15-8-5(E).

(13) Any other condition reasonably related to a health, safety, or welfare issue or negative impact of the project.

(14) Annexations located within the Quinn's Junction Area Study (QJAS) shall be found to be consistent with the findings and conclusions of the QJAS. Any annexation petition filed prior to the final approval of the QJAS by the City will be stayed pending Final Action on the study.

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

(E) **COMPREHENSIVE REVIEW AND ANALYSIS OF SURROUNDING PROPERTY**. A comprehensive land Use review and analysis of Property surrounding the proposed annexation must be completed and submitted with the annexation petition. This analysis of surrounding Property shall be in sufficient detail for the City to determine the long term community impacts of the proposed annexation on these Properties. This analysis must include, but is not limited to, all Property within one and one-half (12) miles of the boundaries of the proposed annexation. The Planning Director may modify the study Area up to one-half (2) mile more or less to achieve a suitable and logical study Area.

The review and analysis of surrounding Property shall be performed by a qualified land Use planner with assistance from other professionals, such as traffic engineers, civil

engineers, wildlife biologists, hydrologists, and soils scientists. The City reserves the option of selecting the qualified professionals to perform this analysis with the cost to be paid by the Applicant. The review and analysis shall include, but is not limited to a study of the following:

(1) Slope, wetlands, vegetation, wildlife habitat, view corridors, existing Historic and cultural resources, and significant geological features.

(2) Existing and proposed road systems.

(3) Existing and proposed utilities and major utility extension plans.

(4) Location of proposed open space, recreational Areas, and trail systems.

(5) Existing and proposed land Uses including type and Density of residential Areas.

(6) Existing and proposed locations of community facilities such as fire stations, schools, parks, recreation centers, etc.

(Amended by Ord. Nos. 06-22; 06-86)

15-8-6. MUNICIPAL INITIATION OF ANNEXATION.

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

(A) The annexation is an island within or a peninsula contiguous to the City;

(B) The majority of each island or peninsula consists of residential or commercial Development;

(C) The Area proposed for annexation requires the delivery of municipal-type services; and

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

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

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

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

15-8-7. EXPANSION AREA BOUNDARY MAP.

(A) The Expansion Area Boundary Map is included as Exhibit A below:

EXHIBIT E

TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 9 - NON-CONFORMING USES AND NON-~~CONFORMING~~ COMPLYING STRUCTURES

15-9- 1. PURPOSE. 1
15-9- 2 DETERMINATION OF NON-CONFORMING STATUS.....1
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15-9- 4. ABANDONMENT OR LOSS OF NON-CONFORMING USE.....2
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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 9 - NON-CONFORMING USES AND NON-COMPLYING STRUCTURES

Chapter adopted by Ordinance No. 00-25

CHAPTER 9 - NON-CONFORMING USES AND NON-COMPLYING STRUCTURES.

15-9-1. PURPOSE.

This Chapter regulates the continued existence of Non-Conforming Uses and Non-Complying Structures as defined in Chapter 15. While Non-Conforming Uses, Non-Complying Structures and improvements may continue, this Chapter is intended to limit enlargement, alteration, restoration, or replacement which would increase the discrepancy between existing conditions and the Development standards prescribed by this Code. In addition, Applications are reviewed to ensure that they are reducing the degree of non-conformity and improving the physical appearance of the Structure and site through such measures as landscaping, Building design, or the improved function of the Use in relation to other Uses.

15-9-2. DETERMINATION OF NON-CONFORMING OR NON-COMPLYING STATUS.

(A) **BURDEN ON OWNER TO ESTABLISH LEGALITY**. The Owner bears the burden of establishing that any Non-Conforming Use or Non-Complying Structure lawfully exists.

(B) **DETERMINATION OF STATUS**. The Planning Director shall determine the Non-Conforming or Non-Complying status of Properties. Any decision of the Planning Director may be appealed within ten (10) calendar days of the decision to the Board of Adjustment. Upon appeal, the Board of Adjustment shall conduct a hearing and shall review the matter under de novo standard of review.

(Amended by Ord. No. 06-35)

15-9-3. AUTHORITY TO CONTINUE.

(A) **CONTINUATION OF NON-CONFORMING USE**. A lawful Non-Conforming Use may continue subject to the standards and limitations of this Chapter.

(B) **CONTINUATION OF NON-COMPLYING STRUCTURE**. A Non-Complying Structure that was lawfully constructed with a permit prior to a contrary change in this Code~~, may~~, may be used and maintained, subject to the standards and limitations of this Chapter.

15-9-4. ABANDONMENT OR LOSS OF NON-CONFORMING USE.

(A) **ABANDONMENT OF NON-CONFORMING USE**. A Non-Conforming Use that is discontinued for a continuous period of one (1) year is presumed abandoned and shall not thereafter be reestablished or resumed. Abandonment may also be presumed to have occurred if a majority of the primary Structure associated with the Non-Conforming Use has been voluntarily demolished without prior written agreement with the municipality regarding an extension of the Non-Conforming Use; or the primary Structure associated with the Non-Conforming Use remains vacant for a period of one (1) year.

Any party claiming that a Non-Conforming Use has been abandoned shall have the burden of establishing the abandonment.

Any subsequent Use of the Building, Structure, or land must conform ~~with~~to the regulations for the Zoning District in which it is located.

(B) **REBUTTABLE PRESUMPTION OF ABANDONMENT**. The presumption of abandonment may be rebutted upon a showing that during such period:

(1) any period of discontinued Use caused by governmental actions or an Act of God without any contributing fault by the Owner and the Owner did not intend to discontinue the Use; or

(2) the Owner has been actively and continuously marketing the Building, Structure, or land for sale or lease with the Use and the Owner has been maintaining the Building, Structure, or land in accordance with the Uniform Building Code; or

(3) the Owner can demonstrate no abandonment of the Use.

The Property Owner shall have the burden of establishing that any claimed abandonment has not in fact occurred.

(Amended by Ord. No. 06-35)

15-9-5. MOVING, ENLARGING, OR ALTERING NON-CONFORMING USES.

No Non-Conforming Use may be moved, enlarged, altered, or occupy additional land, except as provided in this Section.

(A) **ENLARGEMENT**. A Non-Conforming Use may not be enlarged, expanded, or extended to occupy all or a part of another Structure or site that it did not occupy on the date on which the Use became non-conforming. A Non-Conforming Use may be extended through the same Building

or Structure provided no structural alteration of the Building or Structure is proposed or made for the purpose of the extension and the parking demand is not increased.

(B) **EXTERIOR OR INTERIOR REMODELING OR IMPROVEMENTS TO BUILDING OR STRUCTURE**. Exterior or interior remodeling or improvements to a Structure containing a Non-Conforming Use shall be allowed provided there is no expansion of the area of the Non-Conforming Use.

(C) **RELOCATION OF BUILDING OR STRUCTURE**. A Building or Structure containing a Non-Conforming Use may not be moved unless the Use shall thereafter conform to the regulations of the Zoning District into which the Building or Structure is moved.

(D) **CHANGE OF NON-CONFORMING USE TO ANOTHER NON-CONFORMING USE OR A CONFORMING USE**. Except as provided in Section 15-9-5(E) below, no Non-Conforming Use may be changed to another Non-Conforming Use. Whenever any Non-Conforming Use is changed to a conforming Use, such Use shall not later be changed to any Non-Conforming Use.

(E) **HISTORICALLY SIGNIFICANT BUILDINGS EXCEPTION: CHANGE OF NON-CONFORMING USE TO ANOTHER NON-CONFORMING USE OF SIMILAR OR LESS-INTENSIVE LAND USE TYPE**. Subject to the criteria below, a Non-Conforming Use located on a Lot or Parcel containing a Building or Structure included on the Park City Historic Sites Inventory, may be changed to another Non-Conforming Use of a similar or less intensive land Use type. A Non-Conforming Use, which satisfies the criteria provided in Section 15-9-5(E) (4) herein shall be considered a similar or less intensive land Use type.

(1) **APPLICATION**. Application for any Non-Conforming Use must be made upon forms provided by the Planning Department. Upon filing of a Complete Application, the City shall post the Property indicating that an Application for modification of a Non-Conforming Use has been filed and that more detailed information may be obtained from the City.

(2) **NOTIFICATION OF ABUTTING PROPERTY OWNERS**. Notice shall be provided pursuant to the Notice Matrix in Chapter 1. See Section 15-1-19.

(3) **BOARD OF ADJUSTMENT HEARING**. Within thirty (30) working days of the Planning Department's~~=s~~ receipt of a Complete Application, and after giving public notice, the Board of Adjustment shall hold a public hearing on the Non-Conforming Use Application. The Board of Adjustment shall either grant the Application in whole or in part, with or without modifications or conditions, or deny the Application. The Board of Adjustment's~~=s~~

decision shall be made pursuant to criteria provided in Section 15-9-5(E) (4) below.

(4) **CRITERIA**. The Board of Adjustment shall approve an Application to change a Non-Conforming Use to another Non-Conforming Use if the Application complies with the following criteria:

(a) All reasonable measures will be undertaken to alleviate or reduce the incompatibility or adverse effects of the Non-Conforming Use or Building upon abutting Properties or in the neighborhood;

(b) All changes, additions, or expansions comply with all current laws except as to Use;

(c) The new Use will provide for enclosed storage of necessary equipment, materials, and refuse, rather than create a need for additional outside storage; and

(d) The new Use does not increase the parking requirement; or if there is an increase, the site plan meets the parking requirement and the Board of Adjustment finds that adjoining Properties and the neighborhood will not be adversely impacted by the increased parking demand.

(F) **DAMAGE OR DESTRUCTION OF BUILDING OR STRUCTURE WITH NON-CONFORMING USE**. If a Building or Structure that contains a Non-Conforming Use is allowed to deteriorate to a condition that the Structure is rendered uninhabitable and is not repaired or restored within six (6) months after written notice to the Property Owner that the Structure is uninhabitable and that the Non-Conforming Use will be lost if the Structure is not repaired or restored within six (6) months; or the Property Owner has voluntarily demolished ~~a majority~~ more than 50% of the Gross Floor Area of the Structure~~of the Building~~ that houses the Non-Conforming Use; or if a Building or Structure that contains a Non-Conforming Use is voluntarily razed, or is required by law to be razed, the Non-Conforming Use shall not be resumed, and the Building or Structure shall not be restored unless it is restored to accommodate a conforming Use within a complying Structure.

If a Building or Structure that contains a Non-Conforming Use is involuntarily destroyed in whole or in part due to fire or other calamity and the Structure or Use has not been abandoned, the Non-Conforming Use may be resumed and the Building or Structure may be restored to the condition prior to the destruction, provided such work is started within six months of such calamity, is completed within eighteen (18) months of work commencement, and the

intensity of Use is neither increased nor changed.

(G) LEGAL NON-CONFORMING RENTAL HOUSING USE. Enforcement of this Ordinance is not intended to terminate a legal Non-Conforming rental housing Use. No physical changes shall be required to a Structure containing a legal Non-Conforming rental housing Use unless the change is for the following:

(1) The reasonable installation of a smoke detector that is plugged in or battery operated.

(2) A ground fault circuit interrupter protected outlet on existing wiring;

(3) Street addressing;

(4) An egress bedroom window if the existing bedroom window is smaller than that required by current state building code; unless such change would compromise the structural integrity of the building or could not be completed in accordance with current building codes, including Setbacks and window well requirements.

(5) An electrical system or plumbing system, if the existing system is not functioning or is unsafe as determined by an independent, licensed electrical or plumbing professional.

(6) Hand or Guard rails.

(7) Occupancy separation doors as required by the IBC.

(8) The abatement of a Structure.

(Amended by Ord. No. 06-35; 12-37)

15-9-6. NON-COMPLYING STRUCTURES.

No Non-Complying Structure may be moved, enlarged, or altered, except in the manner provided in this Section or unless required by law.

(A) **REPAIR, MAINTENANCE, ALTERATION, AND ENLARGEMENT**. Any Non-Complying Structure may be repaired, maintained, altered, or enlarged, provided that such repair, maintenance, alteration, or enlargement shall neither create any new non-compliance nor shall increase the degree of the existing non-compliance of all or any part of such Structure.

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(B) **MOVING**. A Non-Complying Structure shall not be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire Structure shall thereafter comply with ~~conform to~~ the regulations of the zone in which it will be located.

(C) **DAMAGE OR DESTRUCTION OF NON-COMPLYING STRUCTURE**. If a Non-Complying Structure is allowed to deteriorate to a condition that the Structure is rendered uninhabitable and is not repaired or restored within six (6) months after written notice is provided to the Property Owner stating that the Structure is uninhabitable and that the Non-Complying Structure or the Building that houses a Non-Complying Structure shall not be restored unless it is restored to comply with the

regulations of the Zoning District in which it is located.

If the Property Owner has voluntarily demolished, or is required by law to demolish, more than 50% of the Gross Floor Area of the Non-Complying Structure~~, is voluntarily razed or is required by law to be razed~~, the Structure shall not be restored unless it is restored to comply with the regulations of the Zoning District ~~zone~~ in which it is located.

If a Non-Complying Structure is involuntarily destroyed in whole or in part due to fire or other calamity and the Structure or Use has not been abandoned, the Structure may be restored to its original condition, provided such work is started within six months of such calamity, completed within eighteen (18) months of work commencement, and the intensity of Use is not increased.

(Amended by Ord. No. 06-35)

15-9-7. ORDINARY REPAIR AND MAINTENANCE AND STRUCTURAL SAFETY.

The Owner may complete normal maintenance and incidental repair on a complying Structure that contains a Non-Conforming Use or on a Non-Complying Structure. This Section shall not be construed to authorize any violations of law nor to prevent the strengthening or restoration to a safe condition of a Structure in accordance with an order of the Building Official who declares a Structure to be unsafe and orders its restoration to a safe condition.

15-9-8. APPEALS.

The City or any Person with standing adversely affected by a decision of the Board of Adjustment under this Chapter may petition the District Court in Summit County for a review of the decision, ~~Appeal from a Board of Adjustment decision made pursuant to this Chapter shall be made to the district court and not to City Council.~~ and shall be made according to the requirements of the Utah State Code. ~~Any Person applying to the district court for review of any decision made under the terms of this Chapter shall apply for review within thirty (30) days after the date the decision is filed with the City Recorder as prescribed by state statute.~~

EXHIBIT F

TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 10 - BOARD OF ADJUSTMENT

15-10-1. ESTABLISHMENT OF BOARD....1
15-10-2. TERM OF OFFICE....1
15-10-3. POWERS AND DUTIES....1
15-10-4. GROUNDS FOR REMOVAL....2
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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 10 - BOARD OF ADJUSTMENT

Chapter adopted by Ordinance No. 01-17

15-10-1. ESTABLISHMENT OF BOARD.

In order to avail the City of the powers provided in Chapter 9 of Title 10 of the Utah Code (1953, as amended), there is hereby created a Board of Adjustment, which shall consist of five (5) members. There shall also be one non-voting alternate to vote when a regular member is absent. Members shall be appointed by the Mayor with the advice and consent of the City Council. The Council may fix per diem compensation for the members of the Board of Adjustment by resolution, based on necessary and reasonable expenses for meetings actually attended. All members of the Board of Adjustment shall reside within the City limits, and are deemed to have resigned if they move their residence from the City limits.

15-10-2. TERM OF OFFICE.

Each member of the Board of Adjustment shall serve for a term of five (5) years or until his successor is appointed and qualified provided that the term of the members of the first Board so appointed shall be such that the term of one member shall expire each year on June 1. Vacancies shall be filled in the same manner as the original appointment for the balance of the unexpired term.

(Amended by Ord. No. 09-10)

15-10-3. POWERS AND DUTIES.

(A) The Board of Adjustment shall hear and decide:

(1) Appeals from zoning decisions applying Title 15, Land Management Code;

(2) Variances from the terms of the Land Management Code.

(3) Appeals and call-ups of Final Action by the Planning Commission at the request of the City Council for City Development applications.

(4) Appeals of Final Action by the Planning Staff on Historic District Design Review applications when the Historic Preservation Board takes part in the review and Final Action

(5) Appeals of Final Action by the Historic Preservation Board on Determination of Significance applications.

(B) The Board of Adjustment shall make determinations regarding the modification of Non-Conforming Uses and shall hear appeals on the determination of Non-Conforming or Non-Complying status by the Director of the Planning Department, as provided in Title 15, Chapter 9.

(Amended by Ord. Nos. 06-35, 10-11; 12-37)

15-10-4. GROUNDS FOR REMOVAL.

Any Board member who is absent for two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings per year may be called before the City Council and asked to resign or be removed for cause by the Mayor, with the advice and consent of City Council. Additionally, the Mayor, with the advice and consent of City Council, may remove any member of the Board of Adjustment for cause if written charges are filed with the Mayor, against the member. The Mayor shall provide the member with a public hearing if the member requests one.

(Amended by Ord. No. 06-35)

15-10-5. ORGANIZATION.

(A) **CHAIR**. The Board of Adjustment shall elect one of its members to serve as Chair for a term of two (2) years at its first meeting following the date of expiration of terms in June. The Chair may be elected to serve for one (1) consecutive additional term, but not for more than two (2) successive terms. If the Chair is absent from any meeting where a quorum would otherwise exist, the members may appoint a Chair Pro Tem to act as Chair solely at that meeting.

(B) **QUORUM**. No business shall be conducted unless at least three (3) members of the Board, not counting the alternate, are present.

(Amended by Ord. No. 09-10)

15-10-6. MEETINGS.

Meetings of the Board shall be held at the call of the Chair and at such other times as the Board may determine.

(A) **WITNESSES**. The Chair of the Board of Adjustment or in his absence, the Chair Pro Tem, may administer oaths and compel the attendance of witnesses at such meetings, and all meetings shall comply with Title 52, Chapter 4, Open and Public Meetings, of the Utah Code, as amended.

(B) **MINUTES**. Written minutes shall be kept of all Board meetings. Such minutes shall include:

(1) The date, time and place of the meeting.

(2) The names of members present and absent.

(3) The substance of all matters proposed, discussed, or decided, and a record, by individual member, of votes taken.

(4) The names of all citizens who appeared and the substance in brief of their testimony.

(5) Any other information that any member requests be entered in the minutes.

The minutes are public records and shall be available within a reasonable time after the meeting.

(Amended by Ord. No. 09-10)

15-10-7. APPEALS.

Also see Section 15-1-18. The Board shall hear and decide appeals from an Applicant or any other Person or entity, including any officer or board of the City, adversely affected by a final decision administering or interpreting the Land Management Code which alleges that there is an error in any order, requirement, decision or determination of the Land Management Code.

The appeal must be made in writing and submitted to the Planning Department within ten (10) days of the decision. The Board may, in conformity with the provisions of the Code, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the administrative official, board, or commission from whom the appeal is taken. The Person or entity making the appeal has the burden of proving that an error has been made.

A Person may not appeal, and the Board of Adjustment may not consider, any amendments to the Land Management Code, or appeals of Conditional Use permits or Master Planned Developments, which shall be appealed to the City Council, unless specifically requested by the City Council for City Development. Appeals may not be used to waive or modify the terms or requirements of the Land Management Code.

Appeals shall be considered by the Board of Adjustment on the record made before the Historic Preservation Board or Planning Commission. Appeals to the Board of Adjustment will review factual matters for correctness and determine the correctness of the decision of the land Use authority in its interpretation and application of the land Use ordinance. The scope of review of the Board of Adjustment is limited to issues brought to the land Use authority.

Exception. For appeals to the Board of Adjustment regarding Design Guidelines for Historic Districts and Historic Sites involving City Development projects, the Board of Adjustment shall review factual matters de novo and it shall determine the correctness of the Planning Director or Planning Staff decision in the interpretation and application of the Guidelines and LMC Title 15 Chapter 11.

Exception. For appeals to the Board of Adjustment regarding Determination of Significance (DOS) applications, the Board of Adjustment shall review factual matters de novo and it shall determine the correctness of the Historic Preservation Board decision in the interpretation and application of LMC Section 15-11-10.

Appeals shall be heard by the Board of Adjustment within forty-five (45) days of the date that the appellant files an appeal unless all parties, including the City, stipulate otherwise.

(Amended by Ord. Nos. 06-35; 09-10; 10-11)

15-10-8. VARIANCE.

(A) Any Person or entity desiring a waiver or modification of the requirements of the Land Management Code as applied to a Parcel or Property that he/she owns, leases, or in which he/she holds some other beneficial interest may apply to the Board of Adjustment for a variance from the terms of the Land Management Code.

(B) An Application for variance review must be filed with the Planning Department, and the required fee paid in advance. The Application shall state the nature of the hardship and the nature of the variance requested. If the request for a variance is a result of a denial of any Building Permit or Conditional Use approval, the Application shall so state, and all documents on file concerning the matter shall be forwarded to the Board for review as a part of the request. The Applicant or the City may present any information as might be reasonably required by the Board in evaluating the request.

(C) Variances shall be granted only if all of the following conditions are found to exist:

(1) Literal enforcement of the Land Management Code would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the Land Management Code;

(2) There are special circumstances attached to the Property that do not generally apply to other Properties in the same zone;

(3) Granting the variance is essential to the enjoyment of a substantial Property right possessed by other Property in the same zone;

(4) The variance will not substantially affect the General Plan and will not be contrary to the public interest; and

(5) The spirit of the Land Management Code is observed and substantial justice done.

(D) (1) In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under Subsection 15-10-9(C)(1), the Board of Adjustment may not find an unreasonable hardship unless the alleged hardship is located on or associated with the Property for which the variance is sought and comes from circumstances peculiar to the Property, not from conditions that are general to the neighborhood.

(2) In determining whether or not enforcement of the Land Management Code would cause unreasonable hardship under Subsection 15-10-9(C)(1), the Board of Adjustment may not find an unreasonable hardship if the hardship is self-imposed or economic.

(E) In determining whether or not there are special circumstances attached to the Property under Subsection 15-10-9(C)(2), the Board of Adjustment may find that special circumstances exist only if the special circumstances relate to the hardship complained of and deprive the Property of privileges granted other Properties in the same zone.

The Applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.

(F) Variances run with the land.

~~(G) The Board of Adjustment may condition a variance by requiring the Owner to obtain a Building or other necessary permit within one (1) year of issuance of the variance, or the variance shall be null and void.~~

(~~H~~G) The Board of Adjustment and any other body may not grant a Use variance.

(~~I~~H) In granting a variance, the Board of Adjustment may impose additional requirements on the Applicant that will:

(1) mitigate any harmful affects of the variance; or

(2) serve the purpose of the standard or requirement that is waived or modified.

(Amended by Ord. No. 06-35; 12-37)

15-10-9. PERSONS ENTITLED TO APPEAR.

At the hearing on any matter before the Board of Adjustment, any Person aggrieved or interested in the matter may appear in person or through his attorney to testify on the matter. The Applicant shall have the right to respond to testimony offered in opposition to the Application.

15-10-10. DECISION.

Decisions of the Board of Adjustment become effective at the meeting in which the Board adopts written findings of fact, conclusions of law and conditions of approval, unless a different time is specifically designated by the Board.

15-10-11. VOTE NECESSARY.

The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, or determination of any such administrative official, board, or commission, or to decide in favor of the Applicant.

15-10-12. JUDICIAL REVIEW OF BOARD DECISION.

The City or any Person adversely affected by any decision of the Board of Adjustment may petition the District Court in Summit County for a review of the decision. In the petition, the plaintiff may only allege that the Board of Adjustment decision was arbitrary, capricious, or illegal.

(Amended by Ord. No. 09-10)

EXHIBIT G

TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 15 - DEFINED TERMS

15-15-1. DEFINITIONS.....1
15-15-2 LIST OF DEFINED TERMS.....38

Building Footprint. The total Area of the foundation of the Structure, or the furthest exterior walls of the Structure projected to Natural Grade, not including exterior stairs, patios, and decks ~~and Accessory Buildings listed on the Park City Historic Structure Inventory that are not expanded, enlarged or incorporated into the Main Building.~~

Carport. A carport is a covered parking space attached to the house, or free standing, which is not completely enclosed by walls and does not include garage doors.

Light Industrial. Uses engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales or distribution of such products. Further, Light Industrial shall mean uses such as the manufacture of electronic instruments, preparation of food and beverage products, pharmaceutical manufacturing, research and scientific laboratories or the like. Light Industrial shall not include Uses such as mining and extracting industries, petrochemical industries, rubber refining, primary metal or related industries, or manufacturing related to the automobile industry.

Mixed Use Development. A development of one or more buildings that blends a combination of residential, commercial, cultural, institutional, or industrial uses, where those functions are physically and functionally integrated, and that provides pedestrian connections. A Mixed Use development may also include a building, complex of buildings, or district of a town or city that is developed for mixed-use by a private developer, (quasi-) governmental agency, or a combination thereof.

would be through a small neighborhood and he wanted to make sure they would be sensitive to the neighbors. Mr. Beck stated that they were working through construction impacts. He noted that in this case there are two canyons. Some work will occur on the County side and other work will occur on the City side. Mr. Beck remarked that there is a need for equipment and materials, as well a labor, and that generates construction traffic. There is also a need for a staging area. Some of the lift work will be done through helicopters and that creates the need for aerial. He identified areas they were looking at for staging areas in the lower parking lots. They have also looked at Swede Alley and King Road, and they were looking at labor pooling out of the existing parking lots. They have an agreement with Armstrong and Utah Open Space Lands regarding the use of the road. Mr. Beck agreed that the work need to be done quickly and they were working around trying to stage the project, recognizing that other construction would be occurring at the same time. There is a heightened concern by everyone related to construction and construction traffic. Mr. Beck stated that they were in the preliminary stages but they would provide a full construction mitigation plan to the Building Department. He could update the Commissioners on where they are in the process at the March 25th meeting.

Planner Astorga stated that the Planning Commission had provided sufficient direction to come back on March 25th. He noted that Tim Beck has been very responsive and easy to work with. Planner Astorga pointed out that the Staff had identified the four issues for discussion. As noted in the Staff report, they had no concerns with any other issues. He encouraged the Commissioners to contact him if they had other comments or concerns prior to the March 25th meeting.

Commissioner Strachan returned to the meeting.

3. <u>Land Management Code Amendments – Chapter 2.1 (HRL), Chapter 2.2 (HR-1) Chapter 2.3 (HR.2) Chapter 2.4 (HRM), and Chapter 2.16 (RC) – Regarding side and Rear Setbacks for patios and hot tubs</u> (Application PL-14-02595)

Planner Kirsten Whetstone stated that these items were the beginning of the 2015 updates to the LMC, starting with administrative items and issues that have been raised by citizens. The proposed amendments have been reviewed for consistency with the recently adopted General Plan.

Planner Whetstone stated that the last item on the agenda related to Chapter 9 of the LMC would be continued pending additional items that the State Legislature has changed regarding non-conforming uses and non-complying structures.

Planner Whetstone stated that the amendments regarding setbacks for hot tubs and patios in the HRL, HR1, HR2, HRM, also include the RC zone because that zone has the same

setbacks and setbacks exception for the Old Town lots. She clarified that it would not apply to multi-family or the resort part of the RC zone.

Planner Whetstone stated that currently patios are allowed to go to one foot in the rear and they are allowed in the side setback, which is normally a 3' setback for a standard 25' wide lot. If the lot is wider by more than a lot and a half, the side setbacks are increased to 5'. Patios, steps and other elements are allowed at grade. Planner Whetstone explained that currently hot tubs require a 5' setback in the rear. When the rear setback is 10' the hot tub is allowed an exception five feet into the setback with at least five feet to the property line, as well as five feet to the side. Planner Whetstone noted that the language as written was confusing and some of the changes were clean-up language for consistency.

Planner Whetstone pointed out that numerous older hot tubs that were installed are within the distance between the property line and five feet. As people are starting to replace their hot tubs with more energy efficient hot tubs, various property owners have tried to remedy these situations with either a variance request or an opinion on whether it is considered a legal non-complying structure. Planner Whetstone noted that an accessory structure as much as 18' tall is allowed within one foot of the rear property line as long as it does not cover more than 50% of the rear yard. A patio is also allowed within one foot of the property line.

Planner Whetstone reviewed the redlined LMC changes shown on Exhibit A in the Staff report. In the HRL zone the Staff proposes to changed the rear yard exception to "screened hot tubs or similar structures located at least 3' from the rear yard." The hot tub would have to be screened with a fence, wall or thick vegetation that would provide screening in the winter. For side yard exceptions, the screened hot tub would be located at least 3'.

Commissioner Campbell asked if currently the hot tub is allowed to go right to the property line on the side yard. Planner Whetstone replied that currently the setback is 5'. Commissioner Phillips stated that under the scenario of a one level with a deck, the hot tub could not sit on the edge of the deck. It would have to be two feet in. Under the current LMC the deck to go to 3' but the hot tub has to be at 5'. Commissioner Band pointed out that under the current Code the deck could go to 1'.

Chair Worel asked if hot tubs were different than pools, because pools are required to be fully enclosed with a fence. Assistant City Attorney McLean believed fencing for pools was a Building Department requirement. Director Eddington understood that the Building Department generally does not treat hot tubs as pools and hot tubs are not required to have a fence. He noted that the Staff was recommending screening for hot tubs if the Planning Commission finds that 3' is an appropriate setback. Director Eddington did not

believe there was much difference between 3' and 5' in terms of setback. The noise from the hot tub motor is not mitigated by the extra two feet. He was unsure why the setback was set at 5' initially, but it would be difficult to install a hot tub with a 10' rear setback. Director Eddington stated that if 5' was established by design, it has worked fairly well, but a lot of hot tubs were installed prior to the 5' setback Code requirement. The question is whether 3' with screening is a better mitigation procedure to allow for better movement and functionality in the back yard and provide screening between neighbors. He clarified that nothing would mitigate the sounds from equipment and people enjoying their hot tub.

Commissioner Band asked if the purpose of the screening was for noise or visual. Planner Whetstone replied that it was primarily for visual. She had researched hot tubs and found that the newer hot tubs come in cabinets and have covers.

Commissioner Joyce questioned why the Staff recommended 3' and not one-foot. Director Eddington stated that it was an issue of being able to walk around the hot tub and maintaining it. With a one-foot setback there was the potential of stepping over on the neighbor's property. Director Eddington remarked that 3' is also the minimum side yard setback for a structure and they kept the rear-yard consistent with that.

Commissioner Thimm asked if anyone had applied for variances. Planner Whetstone replied that one owner had applied for a variance, but their situation was a little different. She noted that the Staff had received another application, but when the owner was told about the proposed amendments they decided to wait.

Commissioner Campbell thought the definition of a screen was vague. Commissioner Phillips agreed. He asked if the screen needed to be higher than the hot tub. Director Eddington stated that if the Planning Commission agreed on the 3' setback the Staff could come back with a specific definition for the screening. Commissioner Campbell remarked that most people like to sit in their hot tub and enjoy the view. He was concerned that the screening requirement would force people to eliminate their view.

Commissioner Band asked if the intent was to visually screen the hot tub from the neighbors. Planner Whetstone answered yes. Director Eddington suggested that screening could be 4' to 6' so it would not affect the view. He pointed out that it would only be required along the property line where the hot tub sits so they would still have the views in the other directions.

Planner Whetstone stated that the Staff would be bringing back Chapter 15, the definitions chapter, for a number of revisions. They were also beginning the implementation of the General Plan, as well as other sections where they need to come back with additional

definitions. Planner Whetstone remarked that the amendments proposed this evening could be continued until they all come back sometime in March.

Chair Worel opened the public hearing.

Mary Wintzer, 320 McHenry Street stated that if the hot tub amendments are continued it would give the Planning Commission time to contemplate her comments. Ms. Wintzer stated that she has lived in Old Town for 43 years and she understood that several of the Commissioners have or had the Old Town living experience. Ms. Wintzer remarked that the Planning Commission and the City Council are the HOA for Old Town. Already in Old Town house are upon houses with the topography of Old Town. To move the hot tubs even closer to the property line would affect the quality of life for many people, not just the person who owns the hot tub. Ms. Wintzer did not believe it was a God given right that everyone should have a hot tub. Another issue is that the more dense and crowded Old Town becomes, the more it forces full-time residents in the neighborhoods to move out of Old Town. She suspected that the majority of people who want hot tubs are second homeowners. Ms. Wintzer asked the Commissioners to reflect on the fact that it is not as simple as moving the hot tub because it would create a ricochet of events and those without hot tubs could not enjoy their yard because someone is two-feet closer to their property. Ms. Wintzer pointed out that two feet is a significant distance when you have a small yard. She asked the Planning Commission to consider that the consequences are far greater than simply two feet.

Ruth Meintsma, 305 Woodside asked if they had considered hot tubs on a steep slope. With screening it could be quite an imposing structure on to a downhill house.

Planner Whetstone stated that the Staff had discussed it. Director Eddington noted that the issue is that most people have graded their rear yards to be either a patio or other space, so it would generally be on fairly flat land. However, he agreed with Ms. Meintsma that if the backyard of your property is on the downhill side, the house above could appear imposing. Director Eddington stated that the issue currently occurs with the 5' setback if someone chooses to put a fence along their back yard. He noted that most yards end up having a fence anyway for privacy.

In response to Ms. Wintzer, Director Eddington wanted it clear that the Staff was not necessarily proposing this amendment. They think it is a good idea in general given the space challenges, but if the 5' setback eliminates some hot tubs it may have been done by design. Director Eddington stated that the Staff is concerned about the fact that mostly secondary homes want hot tubs and whether that negatively affects the primary homes. That was the reason for recommending significant screening if the Planning Commission decided to reduce the rear setback from 5' to 3'.

Commissioner Joyce stated that his concern was consistency. There is magic about a hot tub. If from a visual standpoint if he could build a shed in his backyard three feet from the property line, it would block views. Considering the "people" aspect of the issue, he was unsure why hot tubs would be regulated but not patio furniture. People spending time on their patio can generate noise disturbance as much as anyone else. Commissioner Joyce found it odd to have a hot tub regulation given that there are already structural regulations. He understood why pools were treated differently because of the safety factor.

Commissioner Phillips stated that he lives on an uphill lot and he has a hot tub. His hot tub is on a second level and he looks into another neighbor's yard that has a hot tub. His neighbor behind him throws parties on their deck. He understood the issues Ms. Wintzer had addressed. Commissioner Phillips stated that if the setback is reduced to 3' the owner could have a 7' hot tub, which can fit a lot of people. He commented on the number of nights he hears people on vacation having a good time in the hot tub, but it is part of living in Old Town. However, if there are twice as many people in a larger hot tub, he might be bothered by the noise because he has children. Commissioner Phillips stated that hot tubs continually get bigger and that was something they needed to consider. He would be in favor of limiting the setback to 4'. He did not support screening. Commissioner Phillips agreed with the 3' setback on the side yard.

Commission Campbell agreed with no screening. He was opposed to requiring people to put up a screen.

The Staff and Commissioners discussed situations where a hot tub could be considered legal non-complying. Director Eddington stated that if a hot tub was installed prior to the Code being in effect, it would be legal non-complying.

Commissioner Phillips disclosed that he did not realize that the setback was five feet from the side yard; therefore, his hot tub is non-complying and does not meet the setbacks. Director Eddington stated that many existing hot tubs are non-complying.

Commissioner Joyce could not understand why this was an exception. If they talk about structures and setbacks being 3 feet from the back and three feet from the side, he could not understand why a hot tub could be four feet and a shed only three feet. He asked for an explanation of why those two things are different. Director Eddington was unsure why they were different. He suggested that some people might view hot tubs as an attractive since they are designed to create use and sound. Those impacts are harder to mitigate as opposed to a shed. Commissioner Joyce stated that if hot tubs are such a nuisance they should be outlawed. He would understand that argument even though he would disagree with it. However, he did not believe the problems would be mitigated by having a 4-foot

exception instead of the standard 3-feet. It would not be any quieter or noticeably different. Commissioner Joyce favored making life simpler for all the constituents. He thought they should eliminate the exception for hot tubs and treat it like a structure.

Commissioner Thimm stated that when he read it he thought it was intended to be different, otherwise it would be consistent. Commissioner Thimm commented on enforcements. He stated that reading the language without the change, it says screened mechanical equipment, hot tubs, and similar structures located at least five feet from the rear lot line. Commissioner Thimm stated that when they enforce the current Code, he asked if they were enforcing a screened hot tub. Planner Whetstone answered yes. Commissioner Thimm clarified that the issue regarding screening in the 3' versus 5' discussion was not really an issue as written. Planner Whetstone noted that the items listed were exceptions to the setback. She explained that putting the hot tub in the back more than ten feet and it is not in the ten foot setback, then it does not fall into the exception and it does not need to be screened. Director Eddington stated that very few houses have not built to the ten foot rear setback line. Planner Whetstone clarified that screening would only be required if someone took the exception of five feet from the property line. Commissioner Thimm thought the screening definition should be clear to avoid arguments at the Planning Department counter. Director Eddington concurred.

Chair Worel thought they could all agree there was lack of clarity and further discussion would not resolve the confusion. Director Eddington asked for direction from the Planning Commission so the Staff could draft appropriate language for the next meeting.

Commissioner Strachan stated that with all of the socially important issues they discussed in the General Plan he was surprised that this was the first LMC amendment to come before them. He did not have an opinion one way or the other on whether it should be 5 feet, 3 feet or 4 feet or screened.

Commissioner Band stated that she has lived in Old Town and she respects the comments made by Ms. Wintzer because it is small and neighbors can be loud. However, she agreed with Commissioner Joyce that all accessory structures on a lot should be treated the same. Commissioner Band was not in favor of screening because she did not think it would accomplish its purpose.

Commissioner Phillips favored the 3' and 3' setbacks. He could not see a need for screening.

Commissioner Campbell was comfortable with 3' and 3' setbacks. He thought they should keep it simple and not require screening.

Commissioner Joyce thought the setbacks should be 3' and 3', including for hot tubs, and no screening.

Commissioner Thimm was comfortable with 3' and 3' and no screen, but he did not want to lose the screened element for mechanical equipment. Commissioner Thimm noted that the discussion was about hot tubs, but in reading the language he asked if mechanical equipment could be brought closer to the property line. Planner Whetstone noted that mechanical equipment is typically an air conditioner and that is usually up against the house.

Commissioner Strachan believed these were issues that would be flushed out at the counter and they may see additional revisions because of it. He suggested that the Staff come back at the next meeting with new language without the screening, and the Commissioners could vote to approve specific language.

MOTION: Commissioner Strachan moved to CONTINUE the public hearing on the setback regulations for hot tubs in the HRL, HR1, HR2, HRM and RC Zoning Districts to March 25, 2015. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

4. <u>Chapters 2 (in all applicable zoning districts) and 15 (Definitions) to clarify Essential Municipal and Public Utility Uses</u>

Planner Whetstone requested that the Planning Commission continue Chapters 2 and 15 in an effort to keep all the amendments together for the March 25th meeting.

Planner Whetstone referred to page 189 of the Staff report. She noted that every zoning district had the same language as either an allowed use or a conditional use. She read, Essential Municipal Public Utility Use, Facility, Service and Structure." The request was to add the word "and" after "Municipal" to read as Essential Municipal and Public Utility Use. The intent was to make the distinction between municipal uses and other utilities such as power and non-municipal utilities.

MOTION: Commissioner Strachan moved to CONTINUE the public hearing on Essential Municipal and Public Use Facilities, Services and Structures in all Zoning Districts to March 25, 2015. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

5. <u>Chapter 2.24 – Regarding Transfer of Development Rights (TDR)</u>

Planner Whetstone handed out public input from Thomas Hurd. She also handed out a map that identifies the SOT1, SOT2 and SOT3, which are the sending zones that are different than the sending zones for all of the historic districts. She also provided copies of the redlines.

Planner Whetstone stated that the current language talks about all vacant lots within the Park City historic districts. It then says, "except those lots in the SOT1, SOT2, SOT3, which are the sending overlay, and Sending TH, which is sending Treasure Hill, and all sites listed on the Inventory shall be eligible as sending sites and shall be an overlay zoning district referred to as a TDR Sending Historic." Planner Whetstone noted that it never says that the vacant lots in the SOT1, SOT2, etc., are eligible, but it later talks about how to get the credits. She stated that the first blue line was her attempt to clarify and reiterate that all lots included in the SOT1, 2 and 3 and in the Sending Treasure Hill are eligible as sending sites as further specified in Section 15-2.24.

Commissioner Joyce thought the TDR looked like something that was invented to make the Treasure Hill deal work. If he was asked whether it made more sense to move density out of Old Town over to the base of Deer Valley, he would have to say no because Old Town is where people shop and eat and there are real transit solutions. Commissioner Joyce stated that if they were going to have a TDR discussion, it should be one that really makes sense.

Planner Whetstone stated that the primary reason for these sending zones, at least in the in SOT1, SOT2 and SOT3, is the fact that the lots are very steep, they have sensitive lands, narrow streets and they are not ideal for development. Commissioner Joyce understood that reasoning; however, if they discussion is about making sure they use those and eliminate the HR1, it would be an interesting planning discussion about where TDR sources should be coming from. Planner Whetstone explained that they also have property owners in one of those sending zones that have an interest in using the TDR. She noted that the TDR has only been used once. The General Plan identifies in some of the strategies that they relook at receiving and sending zones. There is an urgency to do some cleanup language, but the Staff intends to come back with the map that shows all of the existing sending and receiving zones, and to have that planning discussion.

Director Eddington stated that the idea of the SOT1, 2 and 3 was to denote areas that were challenged by the road infrastructure, steep slopes, etc., and to offer an opportunity to transfer those development rights. The Planning Commission at that time discussed that these areas could have negative impacts but they did not want to take away the individual property owner's right to develop their property or to make money on it via the sending zone. The HR1 Historic District was included because there was a discussion with regard

to compatibility and that people were building houses to the full footprint and to the full heights, which they are allowed to do pursuant to the LMC as long as they meet compatibility and the Historic District Designs Guidelines. At that time there were some historic houses that were recommended to stay as they were and/or add very small additions. In order to encourage that, the owner had the right to transfer the square footage that they did not build out to, which gave them an economic incentive for not building to the full height and footprint. That approach was desired by most everyone in Old Town. Director Eddington stated that they knew it would not be used extensively, but in the places where it was used it was deemed a good planning tactic.

Director Eddington stated that in regards to the issue this evening, they were clarifying language and discussing the issue of Old Town lots in the SOT zone. He noted that double Old Town lots only get one credit if they transfer. The question is whether they should give them two credits to be more equitable and fair. Director Eddington reiterated that the purpose of tonight's discussion was to clarify language and consider the equity issue.

Chair Worel opened the public hearing.

Bill Coleman referred to the map and SOT1 and noted that there were two or three lots that were not included. He thought it appeared arbitrary and odd not to include those lots in one of those zones. Mr. Coleman stated that he raised that question on behalf of Kathy Doobie and her family from Indiana. They are old miners and wanted to make sure they were in the deal. On a second issue, Mr. Coleman stated that he has been working with Harry and Sidney Reid on their property and he suggested some changes in their wordsmithing. He clarified that he is not a proponent of TDRs. He does not believe they work or that they City has proven that they work. Mr. Coleman read from the first page, item H, "Providing a mechanism whereby the development rights may be allowed to transfer." Although it may be a wonderful idea, he submitted five ways that it might work better. Mr. Coleman referred to Section 3B and read, "The determination letter is not a binding document and does not grant a vested right." He asked at what point is it vested. He did not believe the language was clear. He understood what they were trying to do but it does not tie together with Section 9 on the next page which says that no matter what happens, maintenance and all responsibility for the property after the TDR is erased from it is still the owners. Mr. Coleman pointed out that there was no mechanism to unload the full responsibility of the property and the liability. He read from Section 5, Transfer of development rights, "… by reissuing the development credits in the transferee's name and reporting the development credit certificate…." He thought there should be a way to sell the development rights with or without City approval. Once a deal is made, he questioned how the property could become vested to the new owner. The language says, "at the time of approval", but it does not stop someone from selling a TDR without City guidance. It is

the fundamental problem with TDRs because no one on the buying side of these TDRs wants to buy their land twice. This is why TDRs are not working. Mr. Coleman referred to Section 8 and stated that his biggest concern is that all the rights must be sold. It is not possible to only sell some rights. At some point the ownership has to be considered. He believed the presumption is one owner, but that is not true in all cases. Mr. Coleman appreciated the one lot/one density limit. However, he did not believe that solved all the questions. When they try to find a market for TDRs, he did not believe it exists and he challenged the City to show him how it would. He believed they were close by making it make more sense on the steeper lots, but his client, the Reid's had a plan attached to their property that they would not be able to do easily based on all the rules incorporated into the Code. Mr. Coleman thought they were getting closer, but there was no place where the City does anything to accelerate a sale to happen. Leaving it to the private section is a cop-out and does not make for a good banking possibility or a good currency exchange. Mr. Coleman recommended making other modifications at the same time they were wordsmithing.

Sydney Reid, stated that she was part owner with two other partners of the property Mr. Coleman was talking about. They would appreciate the change in the multiple because it gives more value to the property they have owned for a long time. Ms. Reid noted that the development they had planned was not going through, and the person who had the passion and ability to make a development work on the property is no longer here. Ms. Reid remarked that open space is a great option and would benefit bikers, hikers, and neighbors in the area. She struggles trying to understand how this would work because if they transfer the development rights on that property, they would still have the responsibility of maintenance and abatement of the property. Ms. Reid echoed all the comments made by Bill Coleman.

Chair Worel closed the public hearing.

Commissioners Campbell and Phillips had no further comments.

Commissioner Band liked the idea in theory; however she thought very good questions were raised with valid concerns. Director Eddington explained that when the City first looked at TDRs in 2011 there was a discussion regarding multipliers, bonuses, etc. The issue is that some land is more valuable than other land, which can make the transfer difficult. The Staff initially recommended density bonuses to help accommodate the difference. Director Eddington stated that at the time the City Council recommended removing the multipliers and simplifying the TDR process. He noted that it was a dull tool at this point. However, there was also a discussion about whether the City wanted a role in being a public bank with a website identifying those selling and those interested in buying. The City Council decided at that time not to be involved. Director Eddington stated that it is

a very difficult endeavor without some of those components. He believed that equaling the bonuses or making it more equitable lot for lot helps a little, but it does put the onus on the private property owner. Director Eddington stated that he has seen TDRs work effectively, not only in Washington but also in New York. He has also seen them work in rural districts and other areas. However, it is complex and it does require a bank or a central place where people can understand who is buying and selling. Director Eddington remarked that at the time both the City Council and the Planning Commission were concerned about facilitating development. If it is viewed as facilitating development they may not want to do it. If viewed as controlling, shaping and guiding it may have more appeal. Director Eddington clarified that what they have now is a very simplified version of TDRs.

Commissioner Band reiterated that she liked the idea of allowing someone who has a difficult lot to develop to be able to sell their development rights to someone else who could use it in a place where development is more appropriate. However, she questioned whether cleaning up the language was an effort to clean up something that would never be used anyway.

Based on public comment, Director Eddington believed that fixing the problems would be a step in the right direction. He asked if the Planning Commission wanted the Staff to come back with a more holistic approach to TDRs and address some of the bigger questions.

Commissioner Strachan thought the tool would only work if it is looked at holistically and if they can draft an ordinance that they believe can work. If they know the current one will not work and they tweak it and send it to City Council, it accomplishes nothing. Commissioner Strachan noted that he and Chair Worel were on the Planning Commission during the last TDR discussion. However, things have changed since then and he thought the discussion should be re-opened, and some of the things that were initially rejected should be put back on the table. He stated that a bank was one item that was rejected after a long debate. He thought the bank was important to make it work, but there were also good arguments as to why that was not true. Commissioner Strachan stated that if they intend to do TDRs it needs to be done right and they need to draft a good ordinance before they send it to the City Council.

Commissioner Thimm agreed completely with Commissioner Strachan. He thought the benefits were worth the effort to make it work. He was not interested in spending time on something that was not going to work.

Commissioner Joyce agreed, but with a different conclusion. He did not have an understanding of what would make the TDRs work effectively. Trying to create a market where they were none and where buyers and sellers do not match up well, it would still not be used. Commissioner Joyce stated that if they were really talking about building a

service and being the “bank”, it would involve money, time and a commitment from the City that to this point the City Council was not interested in pursuing. He did not want the Planning Commission to spend a significant amount of time creating something that goes against what the City Council has already said. Commissioner Joyce thought it was important to know whether the City Council would be willing to accept it if they drafted something good. Another question is whether they could be convinced that the market is there if the infrastructure was in place. Without being quite confident that it would work, he did not think they should spend much time on it.

Commissioner Strachan stated that the questions and issues raised by Commissioner Joyce were raised before and the Staff has documented those discussions. He thought the only question that should be decided at this point is whether or not the City Council would look at this. Whether or not the market is there has been analyzed by the Staff. He suggested that Commissioner Joyce look at that information and decide for himself whether or not he thinks it is feasible. Commissioner Strachan believed that whether the City Council looks at it is driven by whether or not the Planning Commission thinks they should look at it. If the Planning Commission determines that it is an important tool to give to a developer, the City Council would listen to what they say and not just reject it.

Commissioner Band agreed that things may have changed since the initial discussions. In deciding whether they should look at it again, they need to consider that something may not make sense now but it may be valuable in the future.

Chair Worel pointed out that TDRs are part of the General Plan which makes her think that the City Council is interested. Director Eddington stated that the perspective on development is different now than it was during the recession. A TDR ordinance offers opportunities to buyers and sellers. He believed they would need multipliers and bonuses, and that could be challenging for people to understand. They may have to give a little more to remove density from an area where they do not want density. There was no agreement on that at both the Planning Commission and the City Council level at that time and it was a difficult challenge. If it is presented more holistically and with more Planning Commissioners in agreement it might be the right thing to do.

Commissioner Strachan stated that in addition to a mandate of the General Plan, it also gets them away from the regulatory mire and puts them into more of a planning position. Commissioner Strachan thought the Planning Commission should relook at this starting from scratch. He pointed out that the discussions are complicated and take a lot of time and they should be prepared for long meetings.

Commissioner Joyce was concerned that the TDR matter is enormous and more prone to failure than other planning issues. He like the idea of having more of a planning role, but

he was not convinced that TDRs should be in the top three of their priorities. Commissioner Joyce suggested that the Commissioners review the General Plan and together compile a list of priority items. Planner Whetstone noted that the Planners have been compiling a list and have provided Director Eddington with information about certain strategies. Director Eddington offered to provide what the planners have listed as their highest and most important strategies to see if the Commissioners have anything to add. Commissioner Strachan thought it would be a valid exercise. The Commissioners agreed.

Commissioner Strachan recommended that the Planning Commission table the discussion and continue it to a date uncertain. Commissioner Joyce thought the Staff has brought forth two obvious items this evening. One was the SOT zones that were not explicitly mentioned. The second was the issue of getting double credit for a double lot. He was not opposed to agreeing with both of those concepts independent of the bigger picture of TDRs. The Commissioners concurred.

Commissioner Strachan commented on the language about the SOT lots being more specific. He suggested that they delete the parenthetical that says, “except for the lots included in SOT 1, SOT2, SOT3”, and keep the new version language. Commissioner Campbell asked if they could fix the three orphan lots in SOT1 this evening. Planner Whetstone preferred to first do some research to find out why those lots were left out. Director Eddington believed they were part of the Alice Claim parcel, which was holistically looked at as its own parcel to be transferred in total or not. He was unsure why the parcels were left out. Planner Whetstone suggested a recommendation to the City Council for those to be a separate SOT sending zone. Director Eddington agreed that they would have to be separate. Commissioner Strachan thought they should be included in the broader discussion of whether or not to tweak the TDR ordinance more than the two changes in front of them.

MOTION: Commissioner Joyce moved to CONTINUE the public hearing for Chapter 2.24 regarding Transfer of Density Rights to March 11, 2015. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

6. <u>Chapter 9 – Non-conforming Uses and Non-complying Structures Regulations</u>

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

MOTION: Commissioner Joyce moved to CONTINUE Chapter 9 – Non-conforming uses and non-complying structure regulations to a date uncertain. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

Commissioners Worel and Strachan stated that they would be out of town on March 11th.

Assistant City Attorney McLean noted that Chair Worel's term as chairperson expires in March. The Commissioners should be prepared to elect a new Planning Commission chair at the next meeting. Since Commissioner Worel has served two years as the Chair she could not be re-elected.

The Park City Planning Commission Meeting adjourned at 10:00 p.m.

Approved by Planning Commission: _____

Effective 7/1/2014

57-8-4.5. Removing or altering partition or creating aperture between adjoining units.

(1) Subject to the declaration, a unit owner may, after acquiring an adjoining unit that shares a common wall with the unit owner's unit:

(a) remove or alter a partition between the unit owner's unit and the acquired unit, even if the partition is entirely or partly common areas and facilities; or

(b) create an aperture to the adjoining unit or portion of a unit.

(2) A unit owner may not take an action under Subsection (1) if the action would:

(a) impair the structural integrity or mechanical systems of the building or either unit;

(b) reduce the support of any portion of the common areas and facilities or another unit; or

(c) constitute a violation of Section 10-9a-608 or 17-27a-608, as applicable, a local government land use ordinance, or a building code.

(3) The management committee may require a unit owner to submit, at the unit owner's expense, a registered professional engineer's or registered architect's opinion stating that a proposed change to the unit owner's unit will not:

(a) impair the structural integrity or mechanical systems of the building or either unit;

(b) reduce the support or integrity of common areas and facilities; or

(c) compromise structural components.

(4) The management committee may require a unit owner to pay all of the legal and other expenses of the association of unit owners related to a proposed alteration to the unit or building under this section.

(5) An action under Subsection (1) does not change an assessment or voting right attributable to the unit owner's unit or the acquired unit, unless the declaration provides otherwise.