

**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION
CITY COUNCIL CHAMBERS
April 25, 2018**



AGENDA

MEETING CALLED TO ORDER AT 5:30PM

ROLL CALL

ADOPTION OF MINUTES OF April 11, 2018

PUBLIC COMMUNICATIONS – Items not scheduled on the regular agenda

STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

CONTINUATIONS

The Anderson Plat Amendment located at 1203 Park Avenue – A plat amendment proposing to combine 1.5 existing lots of record addressed at 1203 Park Avenue into one lot of record. PL-17-03508 16
Planner
Grahn
Public hearing and possible recommendation for City Council on May 31, 2018

The Gardner Parcel- First Amended located at 943-945 Norfolk Avenue – A subdivision proposing to divide the existing Gardner Parcel plat into two (2) legal lots of record. PL-18-03810 17
Planner
Grahn
Public hearing and possible recommendation for City Council on May 31, 2018

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

Stag Lodge Phase II Unit 49, Fourth Amended Plat - A plat amendment proposing to convert 578 SF of unexcavated common area to private area belonging to Unit 49 of the Stag Lodge Condominiums. PL-18-03802 18
Planner
Morlan
Public hearing and possible recommendation for City Council on May 3, 2018

Land Management Code (LMC) Amendment – 1. Replacing the term Record of Survey with Condominium, 2. Updating the Board of Adjustment and Historic Preservation Board voting language, and 3. Amending the definition of Floor Area. PL-18-03828 43
Planner
Astorga
Public hearing and possible recommendation for City Council on May 17, 2018

Land Management Code (LMC) Amendment - Amendment regarding the Use of Club, Private Residence Off-Site in the Recreation Commercial (RC) and Residential Development (RD) zones. PL-18-03784 61
Planner
Newberry
Public hearing and possible recommendation for City Council on May 17, 2018

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.

Land Management Code (LMC) Amendment – Amending the LMC to address solar energy systems in the Historic Districts (H-zoning districts) by amending LMC 15-1-2 Statement of Purpose, LMC 15-5-5 Architectural Design Guidelines, and 15-15 Defined Terms and specifically the Lot and Site Requirements and Building Height sections for LMC 15-2.1-3, 15-2.1.5, 15-2.2-3, 15-2.2-5, 15-2.3-4, 15-2.3-6, 15-2.4-4, 15-2.4-7, 15-2.5-3, 15-2.5-5, and 15-2.6-5.

Public hearing and possible recommendation for City Council on May 31, 2018

PL-18-03828 85

Planner

Grahn

ADJOURN

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

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
APRIL 11, 2018

COMMISSIONERS IN ATTENDANCE:

Vice-Chair John Phillips, Sarah Hall, John Kenworthy, Mark Sletten, Laura Suesser, Doug Thimm

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

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REGULAR MEETING

ROLL CALL

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

ADOPTION OF MINUTES

March 28, 2018

Commissioner Sletten referred to page 23 of the Minutes and corrected night pollution to correctly read **light pollution**.

MOTION: Commissioner Suesser moved to APPROVE the Minutes of March 28, 2018 as corrected. Commissioner Sletten seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC COMMUNICATIONS

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Planning Director Erickson reported that the new iPads had been passed out.

Director Erickson stated that Graham, Liz, and Laura would check to make sure all the Commissioners had signed a new or updated disclosure form.

Commissioner Thimm disclosed that he would be out of town on April 25th and would not be able to attend the Planning Commission meeting that night. Commissioner

Suesser disclosed that she would also be out of town on April 25th and would not be able to attend the meeting. Assistant City Attorney McLean suggested that the remaining Commissioners check the agenda for the April 25th meeting ahead of time and let the Planning Department know if they need to recuse on a specific item to make sure there will be a quorum for that item.

CONTINUATIONS – Public hearing and continue to date specified.

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

Director Erickson noted that the applicant was out of town and requested that the item be continued this evening. The Staff recommended a continuance.

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

MOTION: Commissioner Kenworthy moved to CONTINUE the Twisted Branch Road subdivision plat to May 9, 2018. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

2. Stag Lodge Phase II Unit 49, Fourth Amended Plat – A plat amendment proposing to convert 578 SF of unexcavated common area to private area belonging to Unit 49 of the Stag Lodge Condominiums.
(Application PL-18-03802)

Director Erickson recommended that the Planning Commission continue this item to April 25, 2018 to give the Planning Department the opportunity to make sure the public notices are accurate.

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

MOTION: Commissioner Suesser moved to CONTINUE the Stag Lodge Phase II, Unit 49, Fourth Amended Plat to April 25, 2018. Commissioner Sletten seconded the motion.

VOTE: The motion passed unanimously.

The Planning Commission moved into Work Session for training with the State Ombudsman and Assistant City Attorney McLean.

WORK SESSION

Land Use Training by State of Utah Ombudsman and Assistant City Attorney McLean

Director Erickson stated that the Ombudsman has an important role at the State level to make sure Land Use Regulation is handled correctly. He reported that there have been incidences in Park City where cases have been reviewed by the Ombudsman and by Summit County. Director Erickson encouraged the Commissioners to take the opportunity to ask questions this evening regarding conditional use permits, review procedures and other land use issues. He noted that Commissioner Band keeps asking about Planned Unit Developments in the State, and they would address that question in her absence.

Assistant City Attorney McLean introduced the State Ombudsman, Brent Bateman, and noted that Mr. Bateman has been practicing Land Use Law for 20 years. He is a great asset to the State and to Park City. His office does advisory opinions, mediations, and they answer questions.

Mr. Bateman appreciated being invited to speak to the Planning Commission this evening. He noted that the decisions made by the Planning Commission affects the lives of all the citizens in town on a daily basis. Mr. Bateman put up a slide with general bullet points related to land use as a reminder for those who have heard his presentation in the past and as a guide for asking questions.

Mr. Bateman stated that it was important to understand what is the rule and what is exception about Land Use Law. He noted that most people reverse the rule and the exception in their thinking. He explained that the rule of Land Use Law, is that if he owns land he can do whatever he wants with his property. His neighbors and other people, including the government, have no power to control what happens on his land. That is the constitutional rule. For example, if he lives in the middle of a residential area and he wants to build a movie theater or a bar right next to an elementary school,

he can do it because it is his land. However, the exception to the rule are zoning laws. Zoning is fairly new in the Country and it came about around the turn of the Century. When zoning first came about people started filing lawsuits because they owned the land and could do whatever they wanted. He commented on one case in Euclid that went all the way to the Supreme Court. The Court agreed that it was the rule and the owner has rights; but the Court also allowed zoning as an exception to the rule so people can live in an ordered society. The Supreme Court allowed zoning, and zoning became a way for people to tell their neighbors what they could and could not do on their property. Mr. Bateman emphasized that zoning is only an exception and it is important to understand the difference. There is a process for telling people what they can or cannot do on their property, and that process applies to the neighbors and the government. The process must be followed before exceptions can be imposed on a property owner. Without the process, property owners can do whatever they want.

Mr. Bateman remarked that the process is adopting ordinances. The City of Park City has the power to make laws for what people can and cannot do; but the rules have to be spelled out in an ordinance and made into law. There are implications in the process, which is why it is important to understand the rule versus the exception. He noted that the Planning Commission has a significant role in writing the rules and a role in applying the rules when they review applications. If they follow the process correctly, there are no issues. If they do not follow the process, it creates problems that can lead to lawsuits.

Director Erickson noted that the Planning Commission deals with a lot of sophisticated real estate transactions. A lot of money is at stake and a lot of risk is at stake. Sometimes the City buys out rights and other times they try to buy out rights. The Code is always changing.

Director Erickson stated that the first question was an issue the Planning Commission faces of what rule applies. If an applicant was approved in a certain year and the rules were changed before the project was started, which rules apply. Mr. Bateman stated that Utah has the earliest vesting rule in the United States. Vesting means at what point is an applicant subject to the current rules. Mr. Bateman created a scenario where a person paid millions of dollars for a piece of land and did their due diligence to make sure their plans for the property were legal. Suddenly, the City changes all the rules and the land is not worth what the property owner paid or they cannot build what they planned to build. There is nothing to prevent that from happening because the City has the legislative power to make law and change law. Downzoning is also legal as long as it is done right and it does not go too far. Property can be upzoned, and road locations can be changed. All of these changes can affect what someone can do with their land. Mr. Bateman stated that the question is at what point the City no longer

has that ability if a property owner has done his due diligence. The answer is vesting. He noted that in the majority of states the vesting rule is that if an applicant is approved for a project, starts the work, and spends a significant amount of money, the City can no longer change the rules and stop his plans for the project. Mr. Bateman explained that Utah is different. Utah has the earliest vesting and it vests when the application is submitted. The property owner can proceed with their development until the project is completed with the rules that were in place when the full application was submitted. He pointed out that the City can change the rules after the property has been purchased but before the application because the property owner is not yet vested. If the rules are changed it applies to future applicants, but not the ones who were already vested.

Mr. Bateman stated that one exception is a compelling countervailing public interest exception. If an application comes in and there is a compelling countervailing public interest against allowing that person to vest, then the vesting can be prevented. However, the reason must be extremely compelling.

Commissioner Thimm wanted to know who would be the judge of a compelling countervailing public interest. Commissioner Suesser asked Mr. Bateman to provide an example. Mr. Bateman stated that one example would be if there are engineering drawings showing that the ground is in imminent danger of sliding. It has to be an issue that is injurious to health, safety and welfare. Commissioner Thimm reiterated his question about who makes that decision. Mr. Bateman replied that the City's Land Use Authority makes the finding, and it is always subject to challenge. If it ends up going to Court, the judge will make the final decision.

Commissioner Kenworthy asked if the City can put a time limit on the vesting of a piece of property. Mr. Bateman answered yes, as long as it is in the ordinance. He thought it was reasonable to give a time limit to reach a certain point in the building process. Director Erickson clarified that the time limits need to be a legislative act and not an administrative act. Mr. Bateman answered yes. He explained the difference between an administrative act and a legislative act in terms of placing a time limit. He thought a building permit was one example of placing a reasonable time limit. Assistant City Attorney McLean stated that Park City believes that Building permits are controlled by the IBC, which has the 180-day time limit. The City has been asked to shorten the time frame or find that 180-days is too lenient because it only requires an inspection every six months. She asked Mr. Bateman if they could tighten the time frame if they put it in the Code. Mr. Bateman was hesitant to change the IBC requirements. However, he would back up the IBC in the Code by saying what happens to the application if the deadline is not met.

Commissioner Suesser noted that when the Planning Commission approves MPDs, there is a time limit. Director Erickson pointed out that conditional use permits also have time limits. Assistant City Attorney McLean noted that an MPD is two years and a CUP is one year. It is a condition of approval on the actual application, and it is also codified in the LMC. Commissioner Suesser understood that because it is in the LMC, it is considered legislative rather than administrative. Mr. Bateman stated that it applies to administrative applications, but it is done legislatively. Commissioner Thimm asked, if it is not in an ordinance, whether a schedule could be tied to a condition of approval in a particular conditional use approval. He provided an example of a CUP to build 100 house, and 20 of those houses need to be affordable. Before the 51st permit, those 20 affordable houses must be available. Commissioner Thimm asked if that condition would be allowed. Mr. Bateman stated that it would depend because the conditions imposed on a CUP must relate to standards in the ordinance. If it is not in the Code, it cannot be a condition.

Vice-Chair Phillips asked if there was language in the Code to support affordable housing. Director Erickson stated that there is an affordable housing requirement. Most of the projects that have an affordable housing requirement are MPD approvals or annexations. Development agreements are primarily a legislative act and there can be time constraints. The difficulty is trying to regulate to make sure the time constraints are completed. Mr. Bateman suggested that if there are requirements in an ordinance for specific things that are constant, a condition is not necessary because it is already in the Code. An ordinance rather than conditions can avoid lawsuits.

Director Erickson noted that the Planning Commission is out in the public and they are approached wherever they go. On the issue of being vested at the time of application, Assistant City Attorney McLean is rigorous about the Commissioners not responding in detail unless an application has been submitted. Commissioner Thimm stated that typically in the Staff report there is a point in the report that says an application was made on a specific date and it was deemed complete on a specific date. He wanted to know which date is the vesting date. Mr. Bateman replied that vesting is the date when the application is made. Commissioner Thimm wanted to know what would happen if the applicant is deemed incomplete at a later date. Mr. Bateman stated that in that case it was never vested. The application must be complete and compliant to vest.

Assistant City Attorney McLean clarified that if someone applies on April 14th and the Staff finds that the applicant is complete upon their review on April 30th, they would revert back to the date the application was complete. However, what frequently happens is that an application is submitted but it is not complete. She suggested the possibility of removing the date that the application is first submitted and just use the date when the application is deemed complete and the Staff receives the site plan. Ms.

McLean noted that the Planning Department typically uses the “deemed complete” date as the vesting date. Mr. Bateman remarked that there is no case law on the matter, but he was comfortable saying that the application is vested on the date it is complete. Per the language in the State Statute, Mr. Bateman preferred to use “compliant” rather than “complete”. Assistant City Attorney McLean explained why they use the word “complete”. An application may be compliant but if it is missing information it is not complete until all the required documents are provided.

Commissioner Hall asked for the second exception. Mr. Bateman replied that the first exception was compelling countervailing public interest. The second exception was the pending ordinance doctrine. If someone makes an application that complies with Code but the City has already started the process of working on an ordinance that would make the application non-compliant, that would prevent vesting. Vice-Chair Phillips asked if work on a pending ordinance needed to be publicly announced. Mr. Bateman replied that there was no case law to support a decision, but in his opinion, if it appears on an agenda it is pending. Director Erickson understood that if the City has a pending ordinance, the Planning Department could not approve an application under the pending ordinance, but they also cannot deny an application. Mr. Bateman stated that they could approve under the pending ordinance, but if they are waiting for the ordinance to be adopted, the application is put on hold for vesting. Mr. Bateman noted that the pending ordinance doctrine prevents vesting, but it is only good for six months. If the ordinance is not adopted after six months, the applicant can be approved and vested.

Mr. Bateman commented on exactions related to affordable, employee, inclusionary housing in a development. He explained that any kind of exaction that requires someone to give something to the public in exchange for a development approval has to be proportionate to the impact. He emphasized that it is the impact not the cost. If someone is not creating an impact, the City cannot exact. If there is one house with an impact, they can impact one house worth of impact exaction. Mr. Bateman used roads as an example of the easiest way to look at exactions. The houses in the development will use the road, but so will other people. Therefore, the exaction should only be based on the number of houses in the development that impact the road. Mr. Bateman stated that affordable housing usually works as an exaction. However, one of the rules of exaction is that the exaction has to solve a problem that the development creates. If the City intends to exact affordable housing, they need to be prepared to show that the development is creating a problem and affordable housing is the solution. Mr. Bateman stated that some cities require a fee-in-lieu of affordable housing, but he was not in favor of fee-in-lieu. Assistant City Attorney noted that Park City allows fee-in-lieu but it is not automatic. At this point, affordable housing is only required in MPDs or through an annexation, but the City Council would consider looking more broadly at requiring

affordable housing where there are impacts. If the developer did not want to provide the affordable housing itself, a second option would be a fee-in-lieu. Mr. Bateman stated that a fee-in-lieu of affordable housing, particularly if it is not used for affordable housing, is still up in the air from an exaction standpoint and that causes him concern. However, it was appropriate as an option for affordable housing.

Commissioner Suesser understood that when a developer pays a fee-in-lieu instead of building the affordable housing, that the City dedicates that fee-in-lieu towards building affordable housing. Ms. McLean replied that it is earmarked for affordable housing. Mr. Bateman stated that he was more comfortable with the fee-in-lieu if it is earmarked and does not go into a general fund.

Planner Kirsten Whetstone stated that Park City has a housing resolution that is based on the housing element of the General Plan which calls for mitigation. Housing studies are done and there are formulas for based on commercial development and housing development. Planner Whetstone pointed out that it is a Resolution and not an Ordinance but it is referred to in the MPD section of the zoning ordinance. Planner Whetstone asked if the tiers of the General Plan, the studies, and the Housing Resolution that is referenced in the ordinance makes it stronger and more protective. Mr. Bateman stated that being in the ordinance with justification is the strongest factor. The fact of being in a Resolution depends on how the resolution is created and the effects of the resolution. Mr. Bateman stated that his opinion is that things can always be stronger. It is also his opinion that how to solve this problem has never been settled.

Planner Whetstone remarked on the question regarding the timing of needing so many units completed before moving forward and thought it could tie back to the Housing Resolution, which requires 15% to meet the standards of the Housing Resolution for a specific housing and population. Mr. Bateman could see the virtue of doing it in a resolution form because it is an unsettled area. However, the downside is that a resolution does not have the power of an ordinance.

Commissioner Kenworthy used the example of a mega hotel with 40 affordable units, and the units disappear five years later due to fire or some other reason. He wanted to know what would happen in that case. Mr. Bateman stated that if the ordinance has not changed in the interim, the affordable units are still permitted and the units can be re-established. If the units are not re-established and the ordinance does not change, the units are still permitted. Mr. Bateman commented on situations where affordable housing is established, but the first owner sells it at market rate and it is no longer affordable. Ms. McLean noted that Park City puts deed restrictions on affordable housing to keep that situation from occurring.

In the scenario Commissioner Kenworthy used, Planner Whetstone asked how they could get the hotel to rebuild the affordable units if it was a requirement of the hotel. She asked if the hotel could be closed down because it was no longer compliant with the conditions. Mr. Bateman did not have an answer because that situation has never happened. If he was faced with that question, he would look at the requirements of the ordinance and the permits that were issued. If they are no longer in compliance, the use could be revoked, but it would be a difficult because there is so much that still needs to be dealt with in terms of affordable housing.

Assistant City Attorney McLean asked Mr. Bateman to comment on Planned Unit Developments. Park City has an interesting situation where some PUDs are older, but it is not addressed in the LMC and they are not explicitly required to occur in the State Code. Currently, Park City does not allow PUDs and that form of ownership has to be a condominium. However, they get pushback because condos are harder to finance and people want PUDs. Mr. Bateman stated that he gets the most questions about PUDs, and when that happens it is usually a problem. He explained that the point of a PUD is to allow mixed uses and provides flexibility in development. Mr. Bateman remarked that people have different interpretations of flexibility and that is the primary cause of the questions he gets regarding PUDs. He used a question regarding density that he was asked earlier that day as an example. He had not yet researched the information to answer the question, but the problem is that the PUD itself does not address density and provide guidance. Mr. Bateman stated that in his mind, PUDs require tremendous planning to do them in a way that works. He noted that people and developers love PUDs, but they should expect to have problems. Mr. Bateman noted that the planning responsibility ultimately falls on the Planning Commission because it is their job to plan. If the Planning Commission decides that PUDs are best for Park City, they should put together a PUD ordinance and propose it to the City Council. If they do that, he advised them to plan it carefully to head off controversies about flexibility.

Mr. Bateman stated that the Planning Commission has two roles; the legislative role and the administrative role. City Council are the only legislators that can make law; but the Planning Commission has the important legislative role to plan and create ordinances, to propose changes to ordinances and zoning, and to recommend them to the City Council. Their administrative role is applying applications. Mr. Bateman mentioned an earlier comment about the Commissioners being approached by people in public. If they are talking about a legislative decision, they can talk to the public without issue to hear their opinions and what they want or think about a legislative decision. If it is an administrative decision, they should never discuss it with the public because they do not have all the information or know the answers. Mr. Bateman emphasized that in an administrative decision, the Planning Commission only decides whether or not the application complies with the ordinance.

Mr. Bateman stated that in his experience, the cities that are the best run spend at least half their time on the legislative aspect of their Planning Commission.

Vice-Chair Phillips recalled from the last training that Mr. Bateman had talked about the weight of the General Plan as they apply applications. Mr. Bateman stated that the General Plan is advisory. It has no legal weight. It is important, but the Planning Commission needs flexibility to plan the City without having to change the General Plan every time they make a decision. Mr. Bateman remarked that the Planning Commission should consider the General Plan but they do not have an obligation to follow it. However, they do have an obligation to follow the Ordinances. Ms. McLean clarified that when ordinances are adopted they should refer to the General Plan because the ordinances should reflect the values that were adopted in the General Plan. Mr. Bateman concurred. He recommended that they amend the General Plan when something different is accomplished in an ordinance, because the two documents should match as closely as possible.

Mr. Bateman concluded his training and offered to come back any time.

The Planning Commission adjourned the work session and returned to the Regular Agenda.

DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. Land Management Code (LMC) Amendment – Removing 819 Park Avenue the Park City Historic Sites Inventory (HSI) as codified by LMC Section 15-11-10(D)(2)(dt). (Application PL-18-03777)

Planner Anya Grahm stated that last May changes were made to the LMC to codify the Historic Sites Inventory list, which is a list of all the properties designated as historic in the City. The change to the LMC was that the Historic Preservation Board would review the requests for determinations of significance on whether or not to designate or keep a building designated on the Historic Sites Inventory, and forward their recommendation to the City Council. However, because the HSI has been codified, the Planning Commission also forwards a recommendation to the City Council when the LMC is redlined. Planner Grahm stated that it was primarily a technical review.

Planner Grahm pointed out that this procedure avoids having a repetitive process. The HPB makes their recommendation, the Planning Commission makes their

recommendation, and both recommendations are forwarded to the City Council together. Director Erickson clarified that the Planning Commission was only being asked to change the list to remove 819 Park Avenue. The HPB has the authority to determine whether or not the building is historic and the City Council considers the recommendations.

Vice-Chair Phillips opened the public hearing.

Melissa Barbanell, an attorney representing Ron Whaley, offered one suggestion if the Planning Commission decided to move forward. She was comfortable with the language in the ordinance; but there was language in the HPB Staff report that Mr. Whaley thought would be beneficial and supportive of the conclusion. She thought it might be added as another Whereas in the ordinance. Ms. Barbanell suggested that the language from the original Staff report stating, "The Historic Sites Inventory is weakened by maintaining buildings that no longer meet the criteria for Significant as outlined in LMC 15-11-10(A)(2). She thought it would fit under the third Whereas clause that talks about the City reviews the Land Management Code on a regular basis. Ms. Barbanell believed that the added language would support the decision to remove the site if the Planning Commission chooses that direction.

Planner Grahn was not opposed to adding the Whereas as suggested by Ms. Barbanell. Assistant City Attorney McLean thought it was a fair statement.

Vice-Chair Phillips closed the public hearing.

MOTION: Commissioner Sletten moved to forward a POSITIVE recommendation to the City Council to remove 819 Park Avenue as a Significant Structure from the Park City Historic Sites Inventory as codified in LMC 15-11-10(B)(124) in accordance with the Findings of Fact and Conclusions of Law contained in the draft ordinance and as amended by including the language from the HPB Staff report as read by the applicant's representative. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission Meeting adjourned at 6:50 p.m.

Approved by Planning Commission: _____

PENDING APPROVAL

Planning Commission Staff Report

Subject: 1203 Park Avenue
Author: Anya Grahn, Historic Preservation Planner
Project Number: PL-17-03508
Date: April 25, 2018
Type of Item: Legislative – Plat Amendment

Description

Applicant: Reed and Amy Anderson (represented by Architect Michael Stoker)
Location: 1203 Park Avenue
Zoning: Historic Residential-Medium (HRM)
Adjacent Land Uses: Residential—single and multi-family development, Park City Library
Reason for Review: Plat Amendments require Planning Commission review and City Council review and action.

Proposal

The site known as 1203 Park Avenue consists of all of Lot 1 and the south ½ of Lot 2, Block 6, Snyder's Addition to Park City, according to the Summit County Recorder's Office. The property owner requests to combine his property into one (1) legal lot of record that will also remove an interior lot line. The existing structure, constructed in 1938 and not eligible for the City's Historic Sites Inventory (HSI), consumes much of the lot and extends over the interior lot line. The applicant wishes to construct an addition to the existing house and the plat amendment is needed to create a legal lot of record.

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the Anderson Plat Amendment located at 1203 Park Avenue and continue the item to the May 9, 2018 Planning Commission meeting as noticing requirements were not met for this item.



PLANNING DEPARTMENT

Planning Commission Staff Report

Subject: The Gardner Parcel-First Amended
Author: Anya Grahn, Historic Preservation Planner
Project Number: PL-18-03810
Date: April 25, 2018
Type of Item: Legislative – Plat Amendment

Description

Applicant: Sunshine Rose, Inc.
Location: 943-945 Norfolk Avenue
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Single family, condominium, and duplex structures
Reason for Review: Plat Amendments require Planning Commission review and City Council review and action.

Proposal

The Gardener Parcel Subdivision was recorded in 1996 to combine three (3) Old Town Lots of Record into one lot totaling 5,625 square feet. The property has since sold to the current owner, Sunshine Rose, Inc., in 2017, and the current owner wishes to subdivide the lot into two parcels. The house at 945 Norfolk Avenue is designated as Landmark on the Park City Historic Sites Inventory (HSI).

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the Gardner Parcel-First Amended located at 943-945 Norfolk Avenue and continue the item to the May 9, 2018 Planning Commission meeting as noticing requirements were not met for this item.

Planning Commission Staff Report

Subject: Stag Lodge Phase II Unit 49, Fourth Amended Plat
Author: Tippe Morlan, Planner II
Date: April 25, 2018
Type of Item: Legislative – Plat Amendment

Project Number:	PL-18-03802
Applicant:	James Craig Weakley and Maria Theresa Poli and Stag Lodge Owners Association
Location:	8200 Royal Street #49
Zoning:	Residential Development (RD)
Adjacent Land Uses:	Condominiums
Reason for Review:	Plat Amendments require Planning Commission review and City Council approval.

Proposal

The applicant is requesting an amendment to the existing Stag Lodge Phase II condominium plat to convert 578 square feet of unexcavated Common Ownership area to Private Ownership Area B belonging to Unit 49. The proposed amendment would allow the applicant to expand the lower level to the footprint of the unit.

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the Stag Lodge Phase II Unit 49 Fourth Amended Plat located at 8200 Royal Street #49 and consider forwarding a **positive** recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Background

January 17, 1989 – The original Stag Lodge Phase II condominium plat was recorded as a 12-unit condominium project in the Silver Lake area of Deer Valley after City Council approval on January 11, 1989. The overall Stag Lodge Condominium project consists of a total of 52 units ranging in size from 2,213 square feet to 6,806.8 square feet.

1989 – The existing structure was constructed on this site according to Summit County records.

January 17, 2003 – The Stag Lodge Phase II, First Amended plat was recorded after receiving City Council approval on June 6, 2002. This amendment created two types of ownership for the Units. Private Ownership Area A is identified as all previously existing privately owned property, and Private Ownership Area B is

identified as property which has changed from Common Area or Limited Common Area to private ownership with any plat amendments.

May 25, 2005 – The Stag Lodge Phase II, Second Amended plat was recorded after receiving City Council approval on July 1, 2004. This amendment created additional private area for the Units.

January 12, 2015 – The Stag Lodge Phase II, Third Amended plat was recorded. This amendment converted unexcavated common area to private ownership for Unit 35 expanding the garage level to encompass the entire building footprint.

February 20, 2018 – The City received a Plat Amendment application for the Stag Lodge Phase II, Third Amended plat. The application was deemed complete on February 26, 2018.

Purpose

The purpose of the Residential Development RD District ([LMC Section 15-2.13-1](#)) 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 purpose of the proposed plat amendment is to convert 578 square feet of unexcavated Common Ownership area to Private Ownership Area B belonging to Unit 49. The proposed amendment would allow the applicant to expand the lower level to the footprint of the unit. No other units will be affected by this proposal.

All changes proposed are internal and will not alter the exterior appearance of Unit 49. Sheet 1 of 5 of Stag Lodge Phase II, recorded January 17, 1989 as Entry No. 303348 will not be affected as it is not being proposed to alter the footprint of the building in any way and does not change the number of units. The proposed amendment increases the size of Unit 49 from 3,934.89 square feet to 4,513 square feet. With the addition, the Unit will be compatible in size to surrounding units at Stag Lodge that range from 2,213 square feet to 6,806.8 square feet. The parking requirement for this unit is 2 spaces and is based on Residential Parking Ratio Requirements in LMC Section 15-3-6 requiring 2 spaces per Dwelling Unit for Apartments and Condominiums with an Area of 2,000 or more square feet. The unit has an attached two car garage. No additional parking is required.

12th Amended Deer Valley MPD Requirements

The subject property is subject to the 12th Amended Deer Valley Master Plan Development as a part of the Stag Lodge Condominium development. Stag Lodge was a part of the original Deer Valley MPD, and Phase II was zoned RD-MPD at the time of the MPD approval. This development is limited to a maximum of 52 units with no Unit Equivalent or unit size restrictions, but must continue to meet a minimum open space requirement of 60%. There are currently 52 Stag Lodge units, and the proposed amendment does not change the number of units or the footprint of the building.

The existing condominium unit was constructed in 1989 and is accessed via private road. The development sits within the Sensitive Lands Overlay and is required to have 60 percent open space. There is no change to the open space because the footprint of the affected unit will not be changing. The property is subject to the following criteria:

	Required 12th Amended Deer Valley MPD	Proposed
Height	28-35 feet	No changes
Setbacks	Per the record of survey plat	No changes
Units/UEs	52 Units	No changes
Size		
Parking	2 spaces	2 spaces (No changes)

Good Cause

Planning Staff finds that there is good cause for this plat amendment as it will allow the owner to utilize basement area as private living area without increasing the building footprint or parking requirements, consistent with provisions of the Deer Valley MPD. Staff finds that the plat will not cause undue harm to adjacent property owners and all requirements of the Land Management Code for any future development can be met.

Process

The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC §15-1-18.

Department Review

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

Notice

On March 28, 2018, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record and the Utah Public Notice Website on March 26, 2018, according to requirements of the Land Management Code.

Public Input

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

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the Stag Lodge Phase II Unit 49 Fourth Amended Plat as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the Stag Lodge Phase II Unit 49 Fourth Amended Plat and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on Stag Lodge Phase II Unit 49 Fourth Amended Plat.

Significant Impacts

There are no significant fiscal or environmental impacts from this application.

Consequences of not taking recommended action

The subject property would remain as is and the existing unit would stay at 3,934.89 square feet in size.

Summary Recommendation

Staff recommends the Planning Commission hold a public hearing for the Stag Lodge Phase II Unit 49 Fourth Amended 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 – Draft Ordinance with Proposed Plat (Attachment 1)
Exhibit B – Project Intent
Exhibit C – HOA Vote Letter
Exhibit D – Stag Lodge Phase II Original Plat
Exhibit E – Stag Lodge Phase II, First Amended
Exhibit F – Aerial Photograph
Exhibit G – Site Photographs

Exhibit A – Draft Ordinance

Ordinance No. 2018-XX

AN ORDINANCE APPROVING THE STAG LODGE PHASE II UNIT 49 FOURTH AMENDED PLAT LOCATED AT 8200 ROYAL STREET #49, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 8200 Royal Street #49 has petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on March 28, 2018, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on March 26, 2018, proper legal notice was published according to requirements of the Land Management Code and courtesy letters were sent to surrounding property owners; and

WHEREAS, the Planning Commission held a public hearing on April 25, 2018, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on April 25, 2018, forwarded a _____ recommendation to the City Council; and,

WHEREAS, on May 3, 2018, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Stag Lodge Phase II Unit 49 Fourth Amended Plat located at 8200 Royal Street #49.

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

SECTION 1. APPROVAL. The Stag Lodge Phase II Unit 49 Fourth Amended Plat, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 8200 Royal Street #49.
2. The site consists of Unit 49 of the Stag Lodge Phase II Condominium development.
3. The property is in the Residential Development (RD) District.
4. The property is within the 12th Amended Deer Valley Master Planned Development.
5. On March 28, 2018, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record and the Utah Public Notice Website on March 26, 2018, according to requirements of the Land Management Code.

6. The City received a Plat Amendment application for the Stag Lodge Phase II, Third Amended plat on February 20, 2018. The application was deemed complete on February 26, 2018.
7. The proposal is to convert 578 square feet of unexcavated Common Ownership area to Private Ownership Area B belonging to Unit 49. The proposed amendment increases the size of Unit 49 from 3,934.89 square feet to 4,513 square feet. With the addition, the Unit will be compatible in size to surrounding units at Stag Lodge that range in area from 2,213 square feet to 6,806.8 square feet.
8. No other units will be affected by this proposal.
9. The original Stag Lodge Phase II condominium plat was recorded as a 12-unit condominium project in the Silver Lake area of Deer Valley on January 17, 1989 after City Council approval on January 11, 1989.
10. The existing structure was constructed on this site in 1989 according to Summit County records.
11. The Stag Lodge Phase II, First Amended plat was recorded on January 17, 2003 after receiving City Council approval on June 6, 2002 and created two types of ownership for the Units.
12. The Stag Lodge Phase II, Second Amended plat was recorded on May 25, 2005 after receiving City Council approval on July 1, 2004 and created additional private area for the Units.
13. The Stag Lodge Phase II, Third Amended plat was recorded on January 12, 2015 and converted unexcavated common area to private ownership for Unit 35 expanding the garage level to encompass the entire building footprint.
14. All changes proposed are internal and will not alter the exterior appearance of Unit 49.
15. The footprint of the building will not change.
16. The parking requirement for this unit is 2 spaces. Unit 49 has an existing attached two car garage. No additional parking is required.
17. Stag Lodge is limited to a maximum of 52 units with no Unit Equivalent or unit size restrictions.
18. There are currently 52 Stag Lodge units, and the proposed amendment does not change the number of units.
19. The subject property is within the Sensitive Lands Overlay.
20. There is no change to the open space because the footprint of the affected unit will not be changing.
21. The height and setbacks of the existing structure will not change.

Conclusions of Law:

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

Conditions of Approval:

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration and an extension is granted by the City Council.
3. Residential fire sprinklers will be required for all new construction per requirements of the Chief Building Official.
4. All other conditions of approval of the Stag Lodge Condominium plats as amended and the Deer Valley MPD shall continue to apply.

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

PASSED AND ADOPTED this 3rd day of May, 2018.

PARK CITY MUNICIPAL CORPORATION

MAYOR

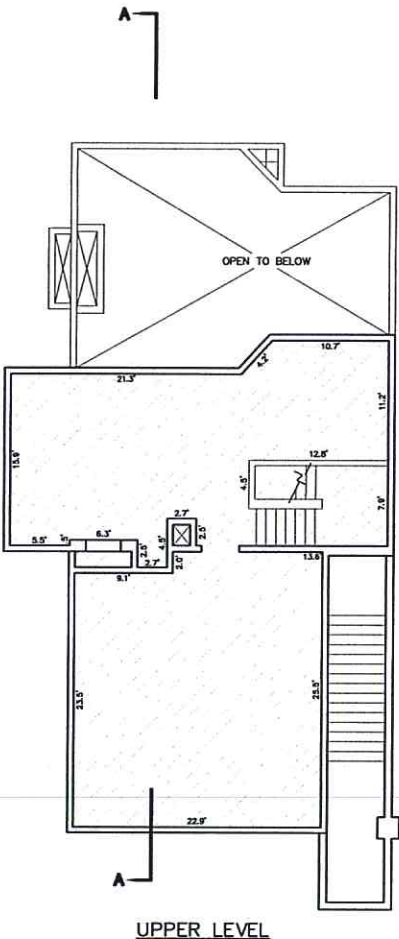
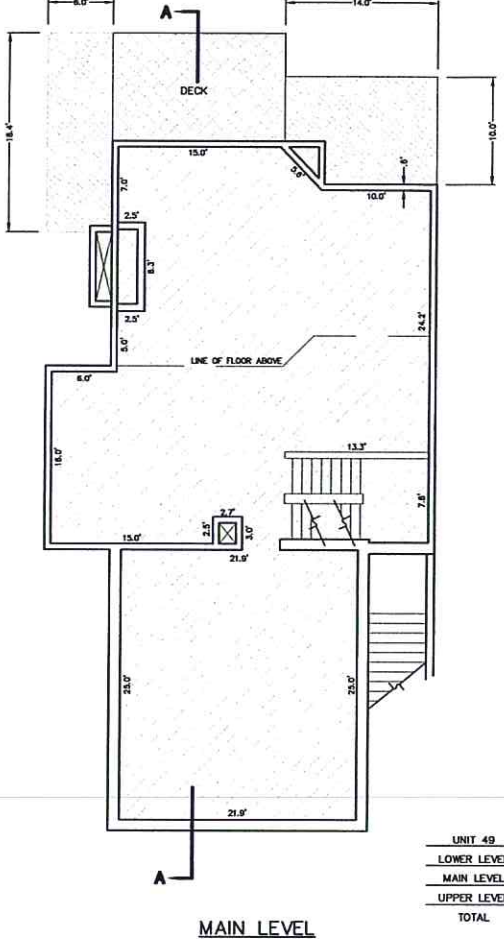
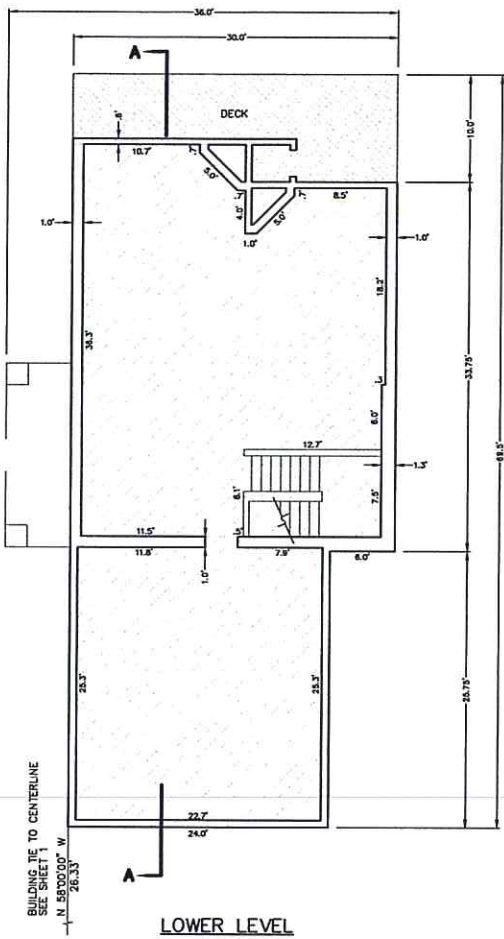
ATTEST:

City Recorder

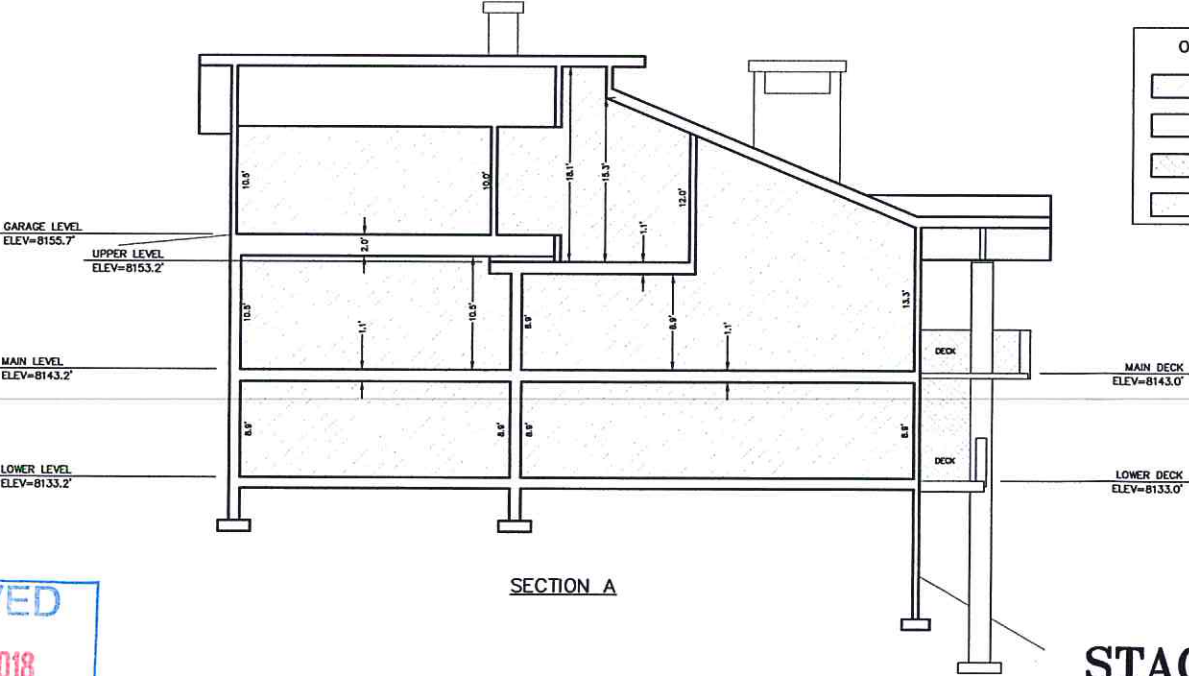
APPROVED AS TO FORM:

City Attorney

Attachment 1 – Proposed Plat



UNIT 49	SQUARE FOOTAGE
LOWER LEVEL	1,542
MAIN LEVEL	1,776
UPPER LEVEL	1,195
TOTAL	4,513



OWNERSHIP DESIGNATIONS	
	"PRIVATE OWNERSHIP AREA A"
	COMMON OWNERSHIP
	LIMITED COMMON OWNERSHIP
	"PRIVATE OWNERSHIP AREA B"



RECEIVED
FEB 20 2018
PARK CITY
PLANNING DEPT.



SURVEYOR'S CERTIFICATE
I, Charles Galati, do hereby certify that I am a Professional Land Surveyor and that I hold License No. 7248891 as prescribed by the laws of the State of Utah, and that I have caused to be made under my direction and by the authority of the owners, this FOURTH AMENDED STAG LODGE PHASE II, UNIT 49, in accordance with the provisions of the Utah Condominium Ownership Act. I further certify that the information shown hereon is correct.

LEGAL DESCRIPTION
(Parcel 1)
Unit 49, Stag Lodge Condominiums, a Utah expandable condominium project, together with an undivided apurtenant ownership interest in and to the common areas and facilities of the project as the same are identified and established in the Record of Survey Map recorded March 4, 1985, as Entry No. 231328 and the Declaration of Condominium for Stag Lodge recorded March 4, 1985, as Entry No. 231329 in Book 333 at Page 435, the Amendment to Declaration of Condominium for Stag Lodge recorded June 1, 1988, as Entry No. 290987 in Book 479 at Page 216, the Record of Survey Map for Stag Lodge Phase I recorded January 17, 1989, as Entry No. 303348 and the Second Amendment to Declaration of Condominium for Stag Lodge recorded January 17, 1989, as Entry No. 303349 in Book 508 at Page 636 of the official records, and the Record of Survey Map of Stag Lodge Phase II, recorded March 1, 1990, as Entry No. 321286 and the Third Amendment to Declaration of Condominium for Stag Lodge recorded March 1, 1990, as Entry No. 321287 in Book 556 at Page 536 and the Amended Record of Survey Map Stag Lodge Phase II, recorded December 3, 1990, as Entry No. 333684 and the Fourth Amendment to Declaration of Condominium for Stag Lodge recorded December 3, 1990, as Entry No. 333685 in Book 589 at Page 188 and the Second Amendment Sheet 2 of 4 Record of Survey Map recorded January 6, 1992, as Entry No. 352470 and the Fifth Amendment to Declaration of Condominium for Stag Lodge recorded January 6, 1992, as Entry No. 352471 in Book 640 at Page 765 and the Record of Survey Map for Stag Lodge Phase IV recorded July 30, 1992, as Entry No. 363084 and the Sixth Amendment and Supplemental Declaration of Condominium for Stag Lodge recorded July 30, 1992, as Entry No. 363086 in Book 675 at Page 214 and the First Amended Sheet 2 of 6 Record of Survey Map recorded January 17, 2003, as Entry No. 645059 and the Amendment to Declaration of Condominium for Stag Lodge recorded January 17, 2003, as Entry No. 737278, in Book 1504 at Page 1845, and the Second Amended Pages 2, 4, and 5 Record of Survey Map recorded May 25, 2005, as Entry No. 840403, of the official records in the Office of the Summit County Recorder.

(Parcel 2)
Together with a 25 foot wide private roadway and non-exclusive public utility easement as set forth on said Record of Survey Map for Stag Lodge Phase II recorded January 17, 1989, as Entry No. 303348 and the Record of Survey Map for Stag Lodge Phase II recorded March 1, 1990, as Entry No. 321286.

OWNER'S CONSENT TO RECORD
Know all men by these presents that the owners of Unit 49, of this FOURTH AMENDED STAG LODGE PHASE II, UNIT 49, hereby certify that they have caused this Condominium Plat Amendment to be prepared, and we, MARIA THERESA POLI and JAMES CRAIG WEAKLEY, wife and husband as joint tenants, do hereby consent to the recordation of this Condominium Plat Amendment.
In witness whereof the undersigned has executed this certificate and declaration
this ____ day of _____, 2018.
Maria Theresa Poli
James Craig Weakley

ACKNOWLEDGMENT
State of _____
County of _____
On this ____ day of _____, 2018, Maria Theresa Poli personally appeared before me, the undersigned Notary Public in and for said state and county, who after being duly sworn, acknowledged to me that she has signed the above and foregoing Owner's Consent to Record freely and voluntarily.
Signature _____ Residing in: _____
A Notary Public Commissioned in _____ My Commission Expires: _____
Printed Name _____

ACKNOWLEDGMENT
State of _____
County of _____
On this ____ day of _____, 2018, James Craig Weakley personally appeared before me, the undersigned Notary Public in and for said state and county, who after being duly sworn, acknowledged to me that he has signed the above and foregoing Owner's Consent to Record freely and voluntarily.
Signature _____ Residing in: _____
A Notary Public Commissioned in _____ My Commission Expires: _____
Printed Name _____

ASSOCIATION CONSENT TO RECORD
KNOW ALL MEN BY THESE PRESENTS, that the undersigned, on behalf of Stag Lodge Homeowners Association, Inc., having complied with the requirements of both Statutes and the Recorded Declaration hereby consents to the recording of this amended record of survey map.
Marti Cole, President
Stag Lodge Homeowners Association, Inc.

ACKNOWLEDGMENT
State of _____
County of _____
On this ____ day of _____, 2018, Marti Cole, personally appeared before me, the undersigned Notary Public, in and for said County and State, Marti Cole, being duly sworn, acknowledged to me that she is the president of the Stag Lodge Homeowners Association, Inc., and that she signed the above Owner's Declaration and Consent to Record for, on, and in behalf of all of the unit owners at the Stag Lodge Condominium Project acting as a group (under the name of the Stag Lodge Homeowners Association, Inc.) in accordance with the Utah Condominium Ownership Act, U.C.A., Sections 57-1-1 et seq. (1963) as amended and supplemented, and the Declarations of Covenants, Conditions, and Restrictions for Stag Lodge Condominium.
Signature _____ Residing in: _____
A Notary Public Commissioned in _____ My Commission Expires: _____
Printed Name _____

- NOTES:**
1. This plat is subject to the Conditions of Approval in Ordinance 2018-_____.
 2. Interior dimensions shown are to finish surfaces.
 3. All structural elements are designated as common areas.
 4. All physical features and improvements not shown are designated as common areas.
 5. Refer to Declaration of Condominium for complete description of ownership.
 6. Benchmark: See Sheet 1 of the Stag Lodge Phase II Condominium, recorded January 17, 1989, as Entry No. 303348 in the Summit County Recorder's Office for location and elevation.
 7. All conditions of approval of Stag Lodge Phase II, recorded January 17, 1989, as Entry No. 303348 and Stag Lodge Phase II, First Amended, recorded January 17, 2003, as Entry No. 645060 shall continue to apply and remain in full force and effect.
 8. The purpose of this plat is to convert the unexcavated portion of Unit 49 as shown on the Lower Level of Unit 49, Stag Lodge Phase II First Amended, recorded January 17, 2003, as Entry No. 645060 from Common Ownership to Private Ownership Area "A".

FOURTH AMENDED
RECORD OF SURVEY MAP
STAG LODGE PHASE II, UNIT 49

A UTAH CONDOMINIUM PROJECT
LOCATED IN SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664 (435) 649-9457	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2018 BY _____ S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2018 BY _____ CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2018 BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2018 BY _____ PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2018 BY _____ MAYOR	CERTIFICATE OF ATTEST I CERTIFY THIS PLAT MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2018 BY _____ PARK CITY RECORDER	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ FEE _____ RECORDER _____ TIME _____ DATE _____ ENTRY NO. _____
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FOURTH AMENDED STAG LODGE PHASE II, UNIT 49

February 15, 2018

PROJECT INTENT

Stag Lodge Phase II, originally recorded January 17, 1989, as Entry No. 303348, is a 12-unit condominium project located in the Silver Lake area of Deer Valley.

The purpose of this application is to amend Unit 49. The proposal is to enlarge Unit 49 by expanding the Lower Level as shown on Page 5 of 5, First Amended Stag Lodge Phase II, recorded January 17, 2003, as Entry No. 645060 to encompass the entire existing building footprint. The area on the Lower Level is currently designated as Common Area and is indicated as "Unexcavated". It is proposed that this new area be designated as "Private Ownership Area A".

All of the changes taking place on this proposed plat are internal and will not alter the exterior appearance of Unit 49.

Sheet 1 of 5 of Stag Lodge Phase II, recorded January 17, 1989, as Entry No. 303348 will not be affected, as it is not being proposed to alter the footprint of the building in any way.



Plat Name	Units Affected	Recording Date	Entry No.
Stag Lodge Phase II	25-35, 49	January 17, 1989	303348
Stag Lodge Phase II, First Amended	25-35, 49	January 17, 2003	645060
Stag Lodge Phase II, Second Amended	25-35	May 25, 2005	737280
Stag Lodge Phase II, Third Amended	35	January 12, 2015	1010601





2040 E. Murray-Holladay Road
Suite 106
Salt Lake City, UT 84117

Tel 801.274.6800
Fax 801.274.6805
Email john@richardshoalaw.com
Web www.richardshoalaw.com

December 11, 2017

Alliance Engineering
c/o Marshall King
marshall@alliance-engr.cm

Re: Unit 49 of Stag Lodge Owners Association Alteration Vote

Dear Marshall and any other interested parties,

This firm has conducted and tallied the vote with respect to proposed alterations regarding the build-out to expand the bottom level of Unit 49 into the hillside. We confirm that more than sixty-seven (67) percent total of allocated voting interest at Stag Lodge Owners Association was received in compliance with the Declaration of Condominium for Stag Lodge and Utah Law. Please let me know if you have any questions.

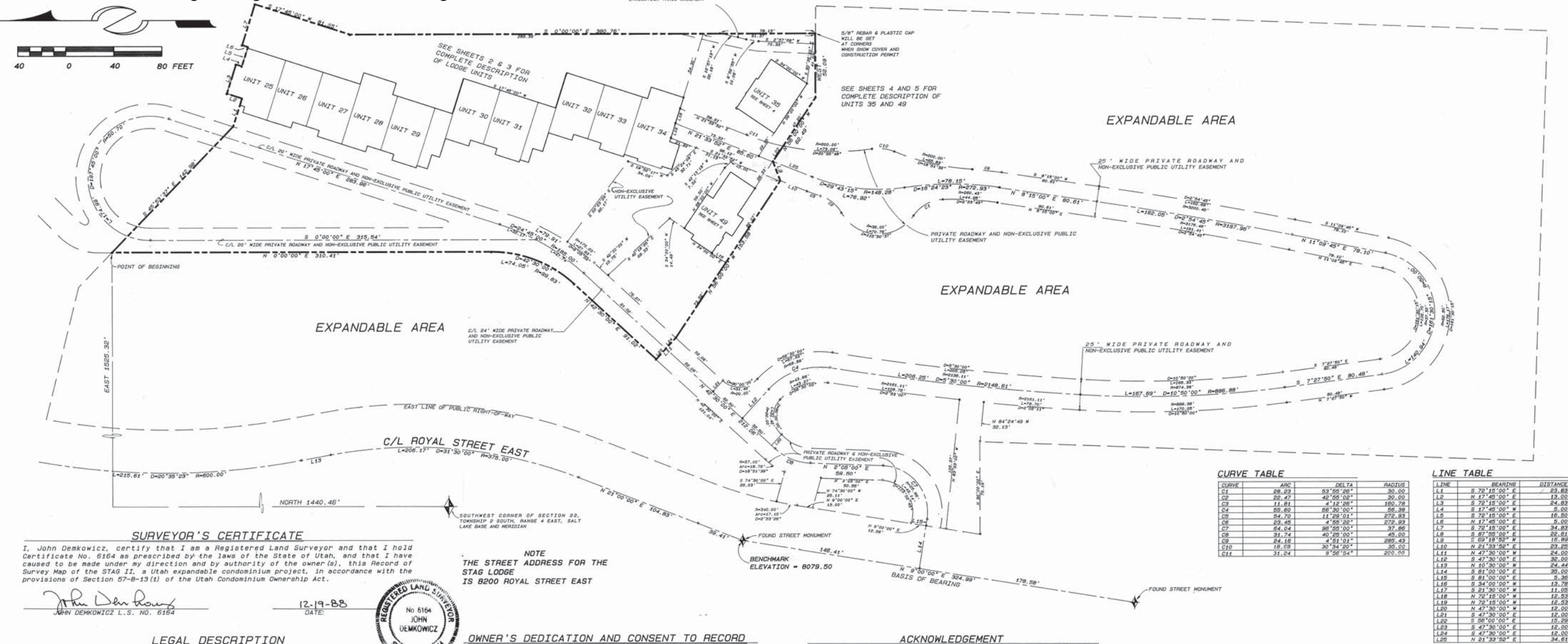
Sincerely,
RICHARDS LAW, PC

A handwritten signature in dark ink, appearing to read 'John D. Richards III', written over a horizontal line.

John D. Richards III



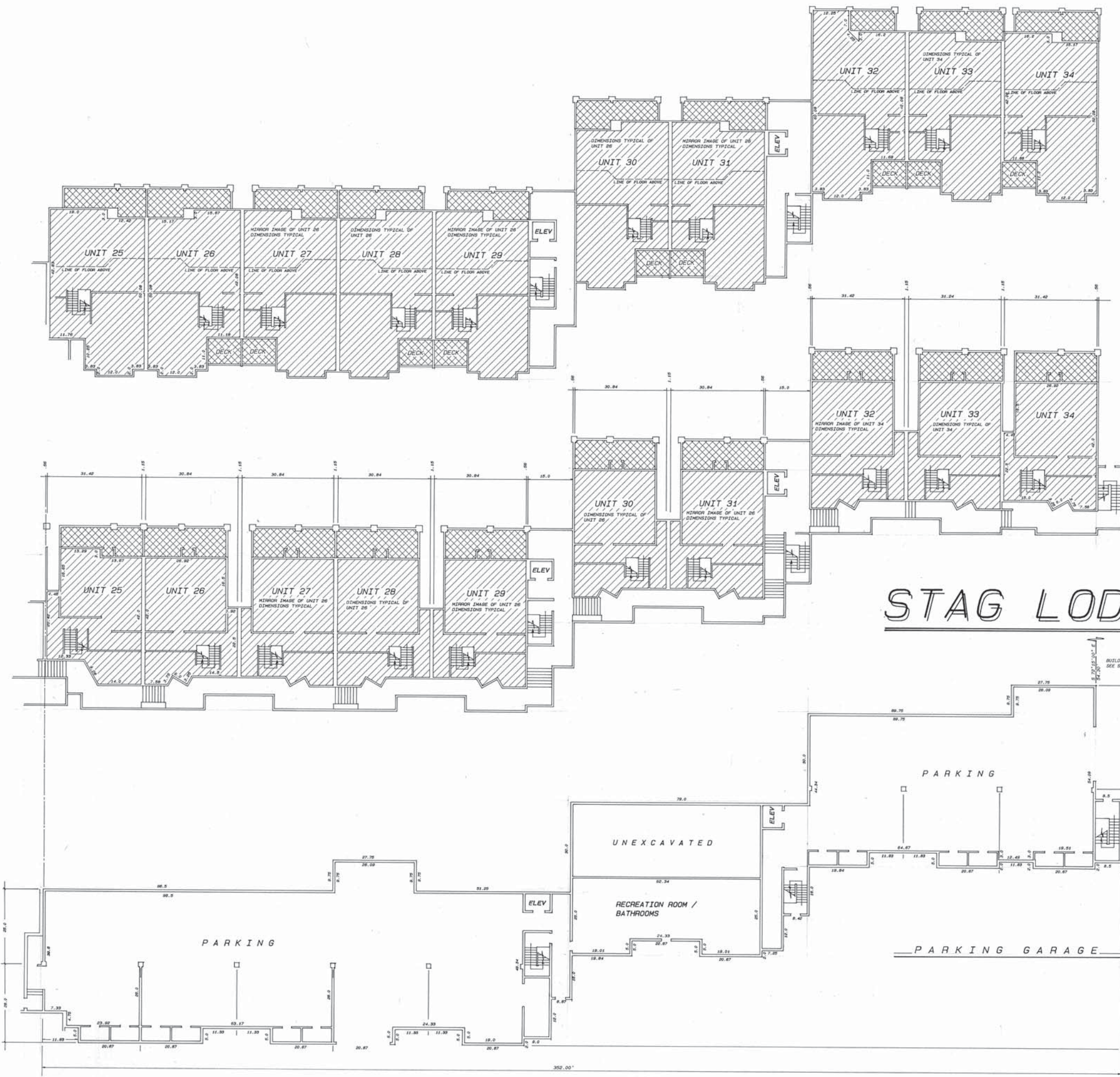
Exhibit D - Stag Lodge Phase II Original Plat



CURVE TABLE				LINE TABLE		
CURVE	ARC	DELTA	RADIUS	LINE	BEARING	DISTANCE
C1	28.29	83°58'19"	30.00	L1	S 72°15'00" E	23.83
C2	22.47	40°58'02"	30.00	L2	N 17°45'00" E	19.00
C3	11.81	4°12'26"	160.78	L3	S 72°15'00" E	24.83
C4	55.60	86°50'00"	65.38	L4	S 17°45'00" W	5.00
C5	54.70	11°22'01"	272.93	L5	S 72°15'00" E	16.50
C6	23.48	4°58'22"	272.93	L6	N 17°45'00" E	5.00
C7	64.04	86°59'00"	37.86	L7	S 72°15'00" E	34.83
C8	31.74	40°29'00"	45.00	L8	S 87°55'00" E	22.61
C9	24.18	4°51'01"	289.43	L9	S 69°18'52" W	16.89
C10	18.09	30°54'29"	35.00	L10	N 21°39'56" E	23.05
C11	31.24	9°56'54"	200.00	L11	N 47°30'00" W	24.00
				L12	S 47°30'00" E	24.00
				L13	N 10°30'00" W	24.44
				L14	S 81°00'00" E	35.00
				L15	S 81°00'00" E	5.36
				L16	S 34°00'00" W	13.78
				L17	S 21°30'00" W	11.05
				L18	N 72°15'00" W	16.53
				L19	N 72°15'00" W	16.53
				L20	N 47°30'00" W	12.00
				L21	S 47°30'00" E	12.00
				L22	S 26°00'00" E	15.59
				L23	S 47°30'00" E	12.00
				L24	S 47°30'00" E	12.00
				L25	N 21°39'56" E	24.01

RECORD OF SURVEY MAP OF:
STAG LODGE PHASE II
A UTAH EXPANDABLE CONDOMINIUM PROJECT LOCATED IN SECTION 22, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, UTAH

ALLIANCE ENGINEERING INC. P.O. BOX 2664 323 MAIN STREET PARK CITY, UTAH 84060 (801) 649-9467	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 4 th DAY OF January 9 th 1989 A.D. BY <i>Dale D. Lyall</i> CHAIRMAN	ENGINEERS CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 12 th DAY OF JANUARY 1989 A.D. BY <i>Eric W. Nelson, P.E.</i> PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS 11 th DAY OF January 1989 A.D. BY <i>David A. Carter</i> PARK CITY ATTORNEY	CERTIFICATE OF ATTEST APPROVED AS TO FORM THIS 11 th DAY OF January 1989 A.D. BY <i>Unita S. Sholder</i> PARK CITY RECORDER	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 11 th DAY OF JANUARY 1989 A.D. BY <i>Alvin Taylor</i> MAYOR	# 303348 RECORDED STATE OF UTAH COUNTY OF SUMMIT RECORDED AND FILED AT THE REQUEST OF <i>High Country Title</i> DATE 1-17-89 TIME 1:22 BOOK PAGE FEE <i>106.00</i> RECORDER <i>Alvin Taylor</i>
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MAIN LEVEL / MASTER BEDROOM LEVEL

NOTES:

1. Plans and dimensions shown on this plat were compiled from Architectural Drawings prepared by Richard Otto and field measurements made on site.
2. Interior dimensions shown are to finished surfaces.
3. All structural elements are designated as common areas.
4. All physical features and improvements not shown are designated as common areas.
5. Refer to Declaration of Condominium for complete description of ownership.
6. BENCHMARK: See Sheet 1 of 5 for location and elevation.

LOWER LEVEL / ENTRY LEVEL

STAG LODGE PHASE II

OWNERSHIP LEGEND

- COMMON OWNERSHIP
- PRIVATE OWNERSHIP
- LIMITED COMMON OWNERSHIP

* OWNERSHIP LEGEND TYPICAL ALL SHEETS



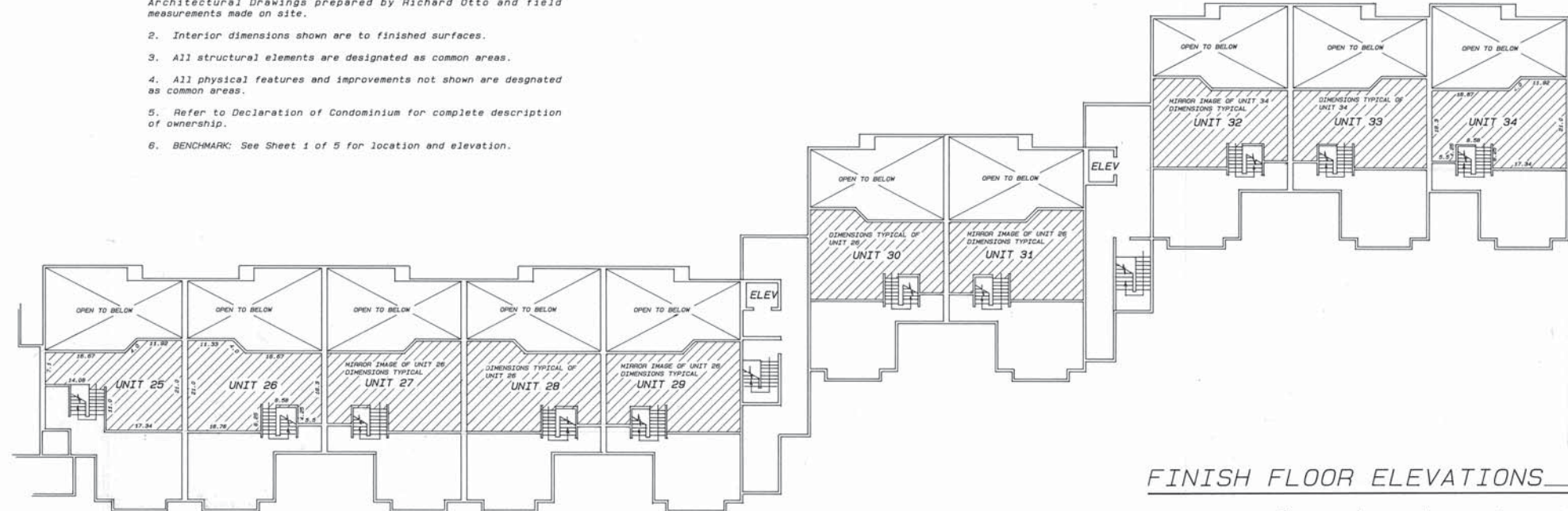
STAG LODGE PHASE II

A UTAH EXPANDABLE CONDOMINIUM PROJECT LOCATED IN SECTION 22, T2S, R4E, S18M, SUMMIT COUNTY, UTAH

SHEET 2 OF 5
 RECORDED
 STATE OF UTAH COUNTY OF SUMMIT RECORDED AND FILED AT THE
 REQUEST OF *High Country Title*
 DATE *11/22/99* TIME *11:22* BOOK *106* PAGE *205*
 FEE *106* RECORDER *Alvin Sprague*

NOTES:

- 1. Plans and dimensions shown on this plat were compiled from Architectural Drawings prepared by Richard Otto and field measurements made on site.
- 2. Interior dimensions shown are to finished surfaces.
- 3. All structural elements are designated as common areas.
- 4. All physical features and improvements not shown are designated as common areas.
- 5. Refer to Declaration of Condominium for complete description of ownership.
- 6. BENCHMARK: See Sheet 1 of 5 for location and elevation.



UPPER LEVEL / LOFT



FINISH FLOOR ELEVATIONS

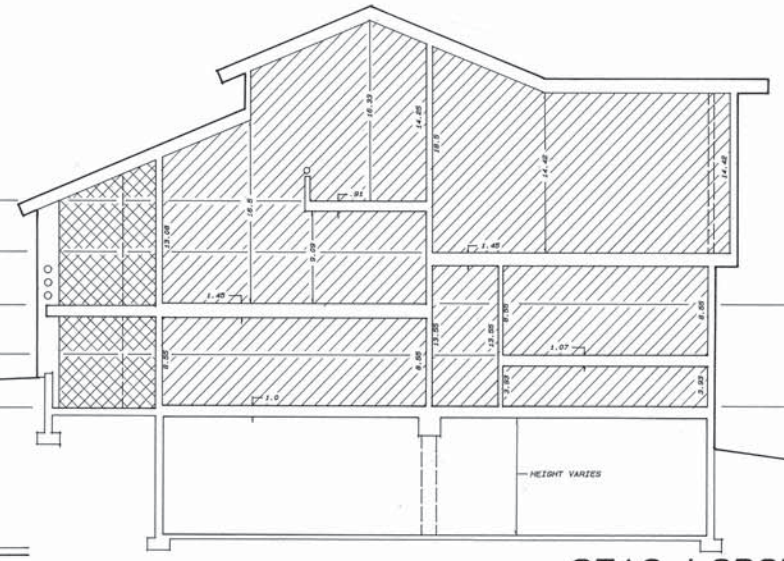
	UNIT 25	UNIT 26	UNIT 27	UNIT 28	UNIT 29	UNIT 30	UNIT 31	UNIT 32	UNIT 33	UNIT 34
LOFT LEVEL	8144.4	8149.0	8149.0	8153.6	8153.6	8164.4	8164.4	8178.0	8179.7	8181.5
MASTER BEDROOM	8139.4	8144.0	8144.0	8148.6	8148.6	8159.4	8159.4	8173.3	8175.0	8176.8
MAIN LEVEL	8134.4	8139.0	8139.0	8143.6	8143.6	8154.4	8154.4	8168.6	8170.3	8172.1
ENTRY LEVEL	8129.4	8134.0	8134.0	8138.6	8138.6	8149.4	8149.4	8163.9	8165.6	8167.4
LOWER LEVEL	8124.4	8129.0	8129.0	8133.6	8133.6	8145.4	8145.4	8159.2	8160.9	8162.7

UNIT SQUARE FOOTAGE

	UNIT 25	UNIT 26	UNIT 27	UNIT 28	UNIT 29	UNIT 30	UNIT 31	UNIT 32	UNIT 33	UNIT 34
LOFT LEVEL	508.5	541.1	541.1	541.1	541.1	541.1	541.1	553.1	553.1	553.1
MASTER BEDROOM	707.2	623.7	623.7	623.7	623.7	623.7	623.7	631.0	631.0	631.0
MAIN LEVEL	826.8	868.8	868.8	868.8	868.8	868.8	868.8	1009.6	882.6	882.6
ENTRY LEVEL	210.5	236.6	236.6	236.6	236.6	236.6	236.6	236.6	236.6	236.6
LOWER LEVEL	971.3	938.7	938.7	938.7	938.7	938.7	938.7	950.0	950.0	950.0
TOTAL	3224.3	3208.9	3208.9	3208.9	3208.9	3208.9	3208.9	3380.3	3253.3	3253.3

STAG LODGE PHASE II

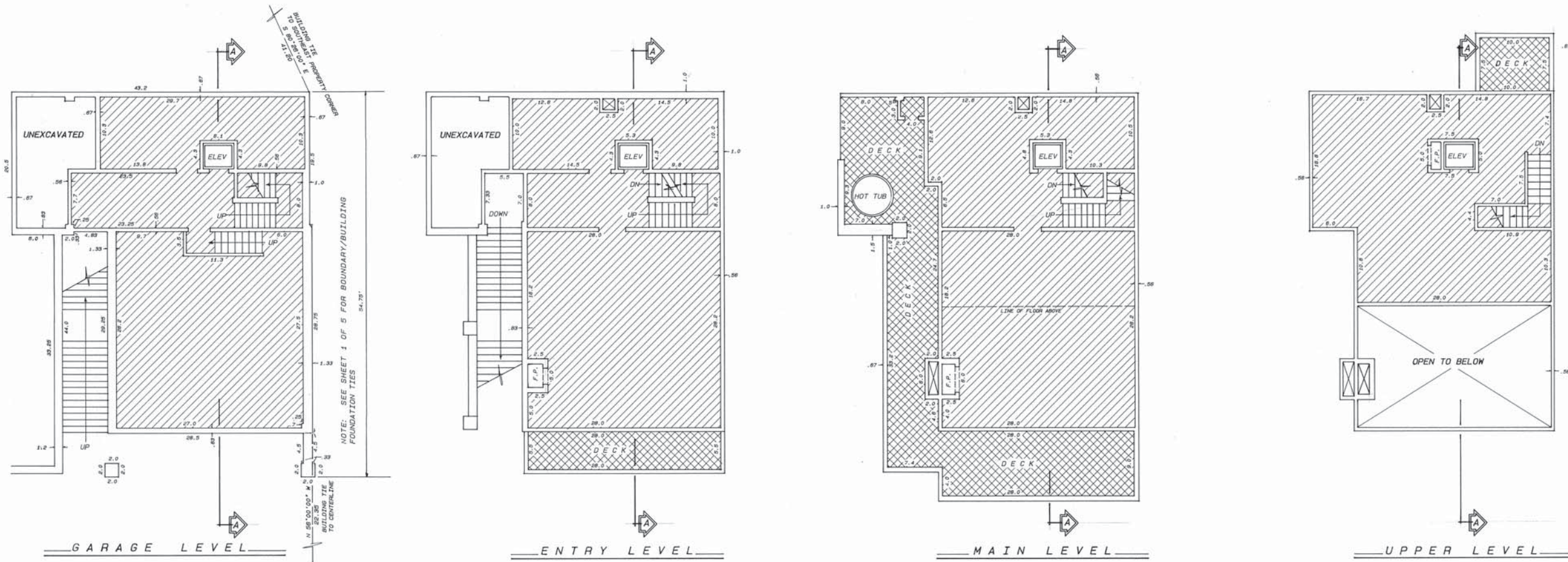
LOFT LEVEL
MASTER BEDROOM LEVEL
MAIN DECK
ENTRY LEVEL
LOWER DECK



SECTION A

STAG LODGE PHASE II

A UTAH EXPANDABLE CONDOMINIUM PROJECT LOCATED IN SECTION 22, T2S, R4E, S15W, SUMMIT COUNTY, UTAH
303348
RECORDED
STATE OF UTAH COUNTY OF SUMMIT RECORDED AND FILED AT THE
REQUEST OF *High Country Title*
DATE *1-17-89* TIME *11:22* BOOK *106* PAGE *305*
FEE *106.00* RECORDER *Alan Spriggs*

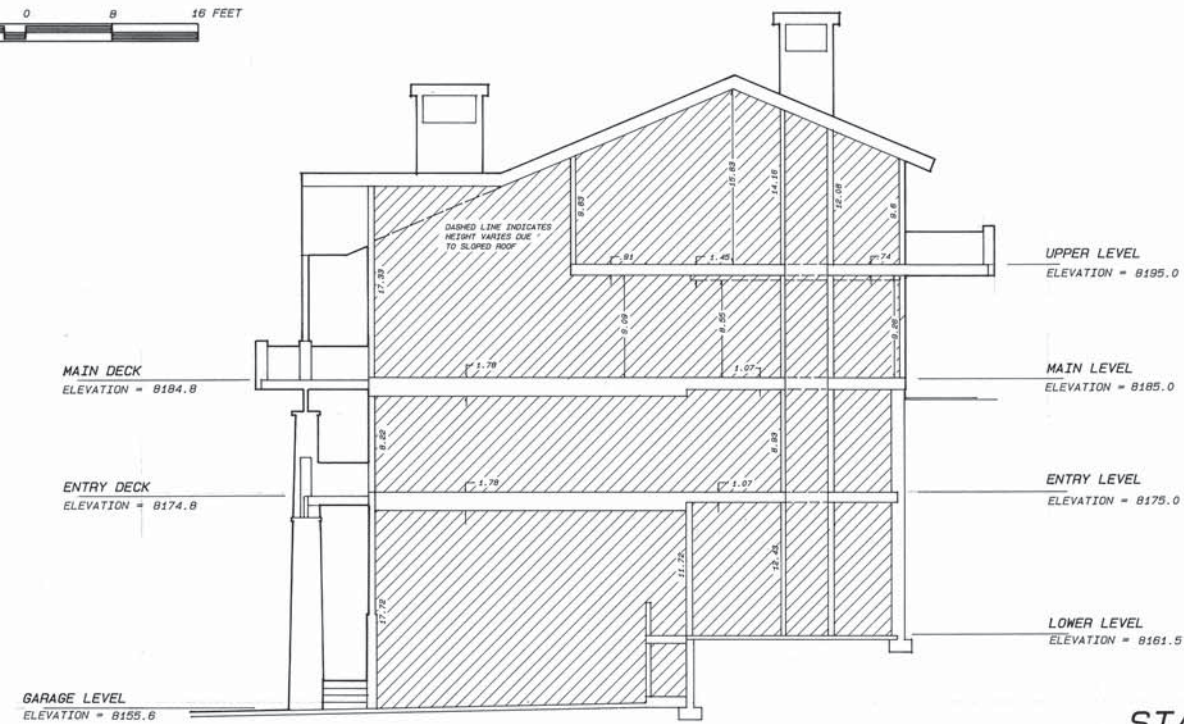


UNIT 35	SQUARE FOOTAGE
GARAGE LEVEL	1369.30
ENTRY LEVEL	1341.00
MAIN LEVEL	1365.10
UPPER LEVEL	941.60
TOTAL	5017.00

NOTES:

1. Plans and dimensions shown on this plat were compiled from Architectural Drawings prepared by Richard Otto and field measurements made on site.
2. Interior dimensions shown are to finished surfaces.
3. All structural elements are designated as common areas.
4. All physical features and improvements not shown are designated as common areas.
5. Refer to Declaration of Condominium for complete description of ownership.
6. BENCHMARK: See Sheet 1 of 5 for location and elevation.

UNIT 35



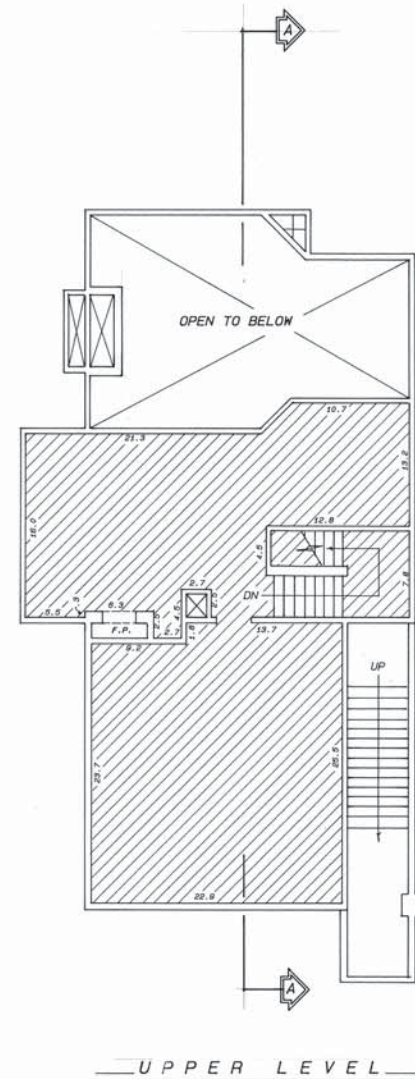
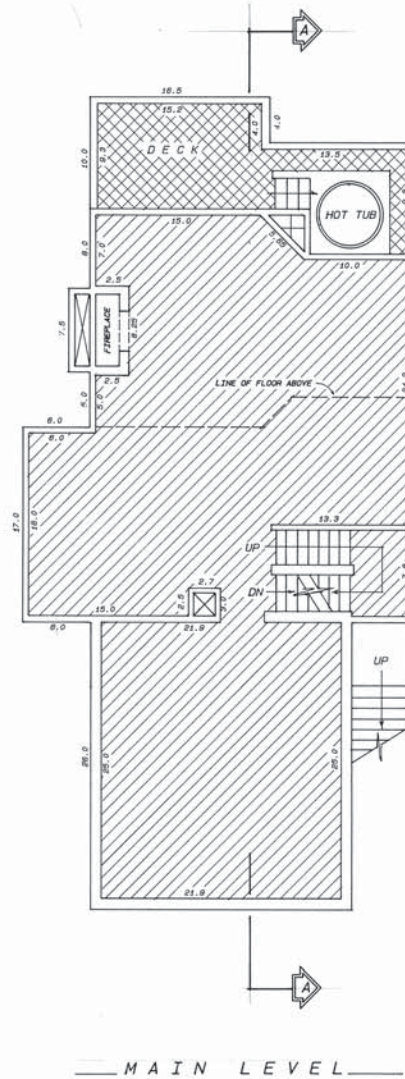
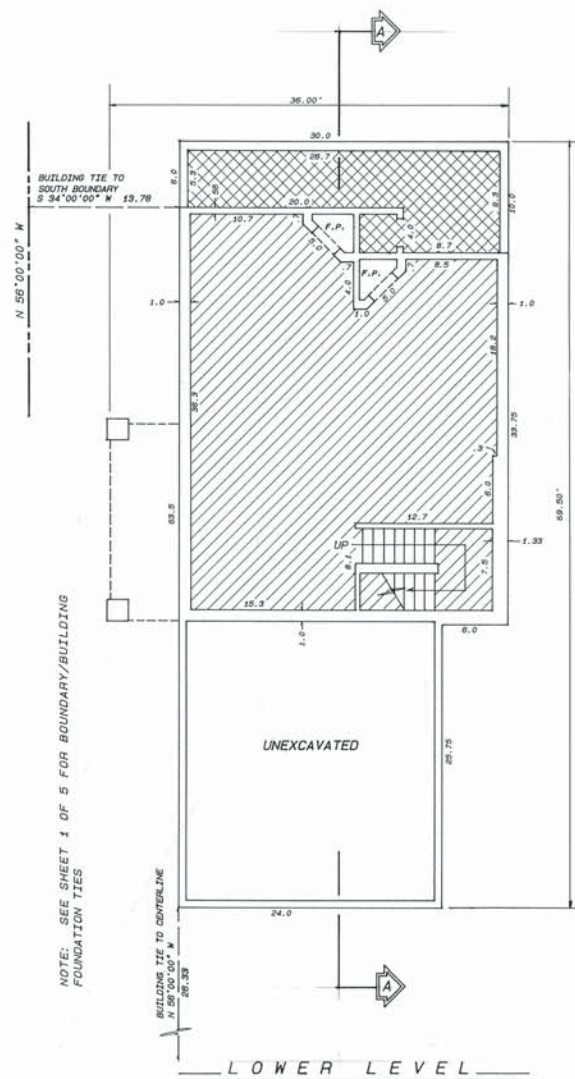
SECTION A

STAG LODGE PHASE II

UTAH EXPANDABLE CONDOMINIUM PROJECT LOCATED IN SECTION 22, T25, R4E, S168M, SUMMIT CO., UTAH

SHEET 4 OF 5

#303349 RECORDED
STATE OF UTAH COUNTY OF SUMMIT RECORDED AT THE
REQUEST OF High Country Title
DATE 1-17-99 TIME 11:22 BOOK _____ PAGE _____
FEE 106.00 RECORDER Alana Spizzo



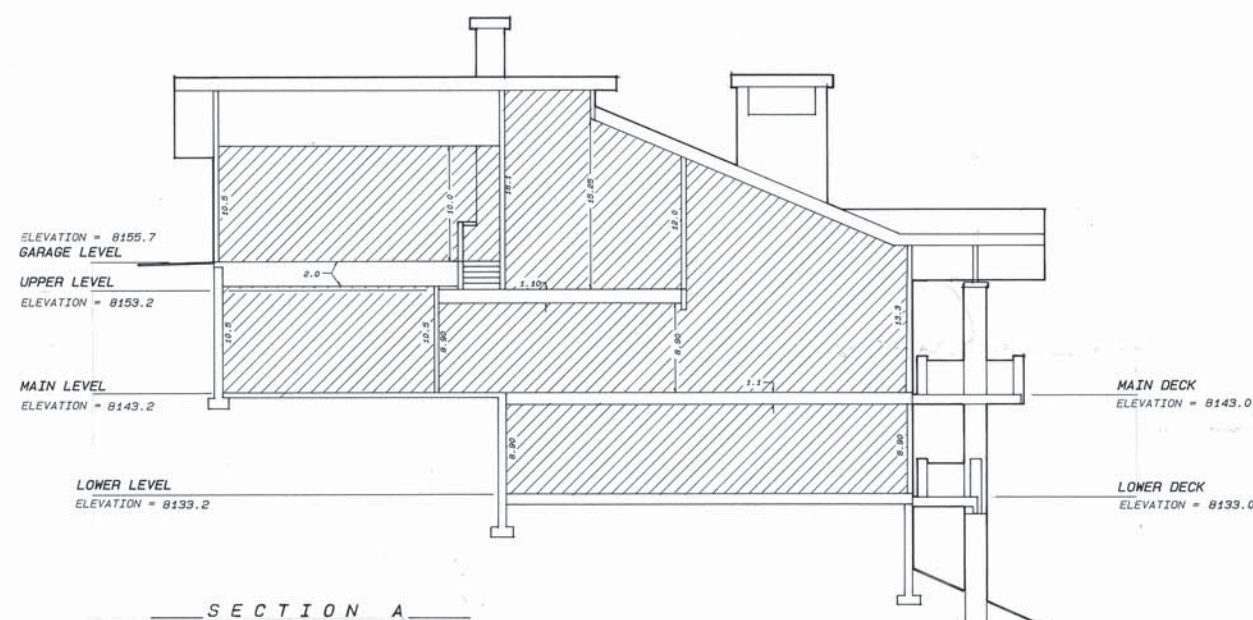
NOTES:

1. Plans and dimensions shown on this plat were compiled from Architectural Drawings prepared by Richard Otto and field measurements made on site.
2. Interior dimensions shown are to finished surfaces.
3. All structural elements are designated as common areas.
4. All physical features and improvements not shown are designated as common areas.
5. Refer to Declaration of Condominium for complete description of ownership.
6. BENCHMARK: See Sheet 1 of 5 for location and elevation.

UNIT 49	SQUARE FOOTAGE
LOWER LEVEL	964.40
MAIN LEVEL	1775.89
UPPER LEVEL	1194.60
TOTAL	3934.89



UNIT 49



STAG LODGE PHASE II

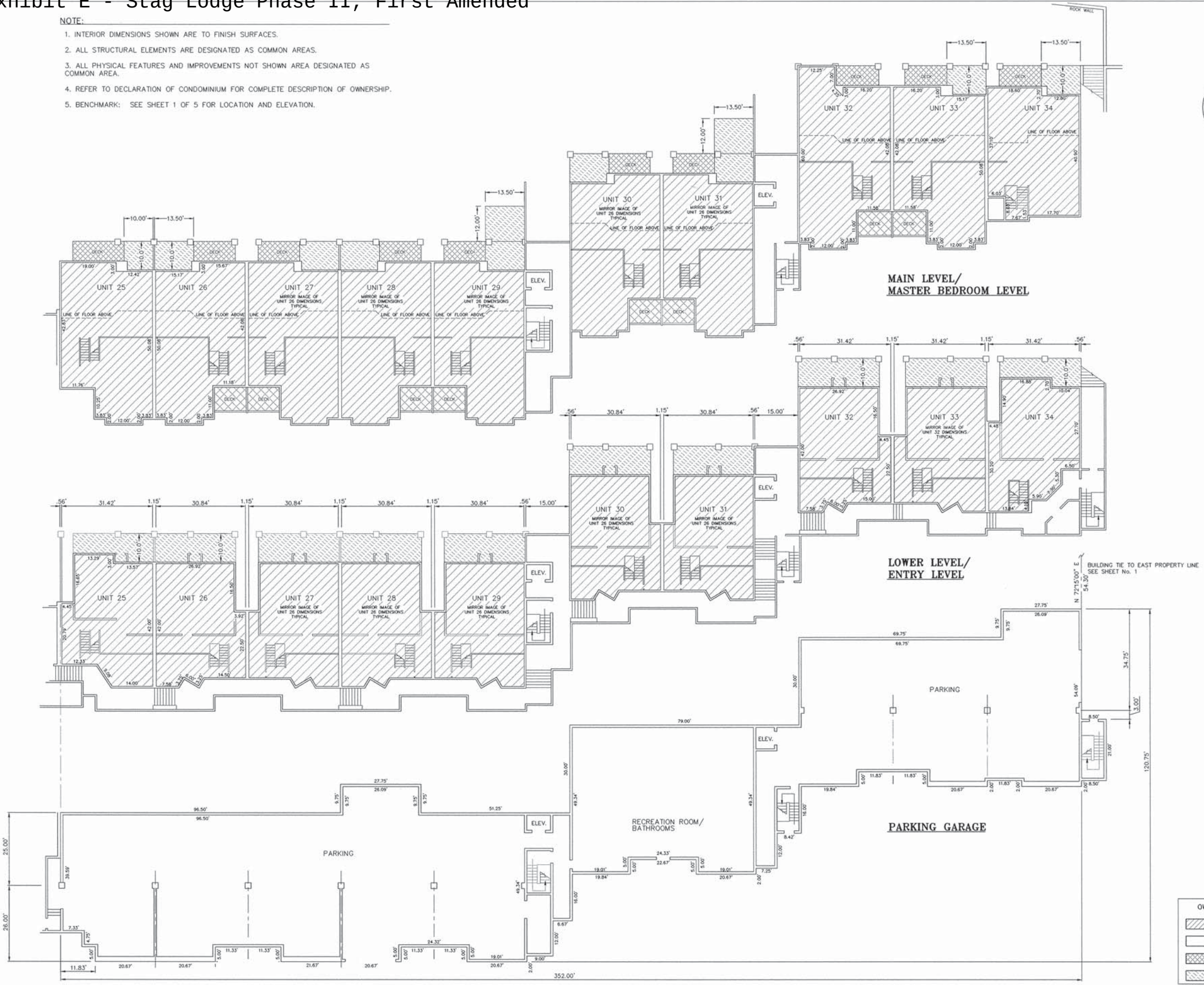
A UTAH EXPANDABLE CONDOMINIUM PROJECT LOCATED IN SECTION 20, T2S, R4E, S18M, SUMMIT COUNTY, UTAH.

SHEET 5 OF 5

303548 RECORDED
STATE OF UTAH COUNTY OF SUMMIT RECORDED AND FILED AT THE
REQUEST OF High Country Title
DATE 11-29-99 TIME 11:22 BOOK PAGE
FEE RECORDER

Exhibit E - Stag Lodge Phase II, First Amended

- NOTE:
1. INTERIOR DIMENSIONS SHOWN ARE TO FINISH SURFACES.
 2. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
 3. ALL PHYSICAL FEATURES AND IMPROVEMENTS NOT SHOWN AREA DESIGNATED AS COMMON AREA.
 4. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.
 5. BENCHMARK: SEE SHEET 1 OF 5 FOR LOCATION AND ELEVATION.



SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, as prescribed by the laws of the State of Utah, and that I have caused to be made under my direction and by the authority of the unit owners at the STAG LODGE PHASE II CONDOMINIUM PROJECT acting as a group in accordance with the Declaration of Covenants, Conditions, and Restrictions for STAG LODGE PHASE II, a Utah Condominium project, this Amended Record of Survey Map of STAG LODGE PHASE II, which consists of sheets 2, 3, 4, and 5 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 #154491
Date: 11/15/02

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, the undersigned owner(s) of the herein described tract of land, hereby certify that they have caused this survey to be made and this Amended Record of Survey Map to be prepared and hereby consent to the recordation of this Amended Record of Survey Map.

Brad Scott, President
Stag Lodge Condominium Homeowners Association, Inc.
Date: 12-10-02

ACKNOWLEDGMENT

State of Utah, ss:
County of Summit:
On this 10th day of Dec, 2002, personally appeared before me, the undersigned Notary Public, in and for said County and State, Brad Scott, being duly sworn, acknowledged to me that he is the president of the Stag Lodge Homeowners Association, Inc., and that he signed the above Owner's Dedication and Consent to Record for, on, and in behalf of all of the unit owners at the Stag Lodge Phase II Condominium Project acting as a group (under the name of the Stag Lodge Homeowners Association, Inc.) in accordance with the Utah Condominium Ownership Act, U.C.A., Sections 57-1-1 et seq. (1963) as amended and supplemented, and the Declarations of Covenants, Conditions, and Restrictions for Stag Lodge Phase II Condominium.

Mary J. Carney
Notary Public
Residing in: Park City
My commission expires: 10-1-2004



- NOTES:
1. This Amended Record of Survey Map is an Amendment of sheets 2, 3, 4, and 5 of the Stag Lodge Phase II Condominium, recorded January 17, 1989, as Entry #303348 in the Summit County Recorders Office. Sheet 1 of the Stag Lodge Phase II Condominium as recorded January 17, 1989, shall remain intact.
 2. All other conditions of approval of the Stag Lodge Condominium project continue to apply.
 3. Recorded concurrently herewith an Amendment to the Condominium Declaration for Stag Lodge. This Amended Record of Survey Map has been prepared in connection with said Amended Declaration which provides for, but not limited to, the following:
"Private Ownership Area A" means and refers to all of the previously existing privately owned property as shown on the original Map or Maps, property privately owned prior to the Private Ownership Area B Effective Date.
"Private Ownership Area B" means and refers to the property changed from Common Area or Limited Common Area to private ownership which, hereafter, shall for all purposes be considered part of each Unit, as shown on this Amended Map, including by way of illustration but not limitation private ownership, taxes, assessments, insurance, liability, maintenance, repair and replacement. Private Ownership Area B cannot be used to create a lockout unit or additional bedrooms.
 4. The dimensions of the private spaces and square footage calculations are based on the Record of Survey Map of Stag Lodge Condominium (see Note 1), and on measurements in the field. Minor variations may occur. It is the intent that the private ownership area of the units will be as constructed.

FIRST AMENDED
RECORD OF SURVEY MAP

STAG LODGE PHASE II

A UTAH CONDOMINIUM PROJECT
LOCATED IN SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST
S.L.B. & M.
PARK CITY, SUMMIT COUNTY, UTAH

OWNERSHIP DESIGNATIONS

	"PRIVATE OWNERSHIP AREA A"
	COMMON OWNERSHIP
	LIMITED COMMON OWNERSHIP
	"PRIVATE OWNERSHIP AREA B"

16 0 16 32

PAGE 2 OF 5



SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 3rd DAY OF January, 2003 A.D.
BY Barbara A. C.S.B.W.R.D.

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 6th DAY OF January, 2002 A.D.
BY John A. Hume CHAIRMAN

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 6th DAY OF JANUARY, 2003 A.D.
BY Quinn A. Hume PE PARK CITY ENGINEER

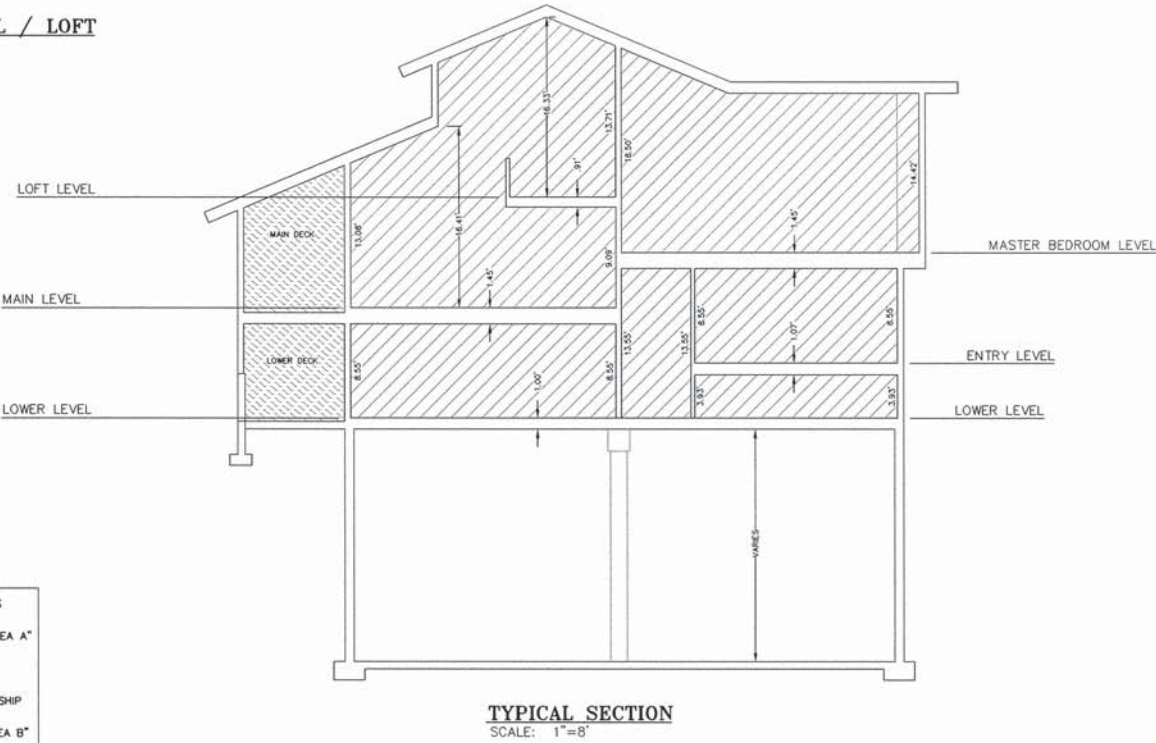
APPROVAL AS TO FORM
APPROVED AS TO FORM THIS 9th DAY OF JANUARY, 2003 A.D.
BY Timothy C. Tamm PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 6th DAY OF JUNE, 2002 A.D.
BY Janet M. Scott PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 6th DAY OF JUNE, 2002 A.D.
BY Dorothy Williams MAYOR

JOB NO.: 5-7-01 FILE: Z:\s\dwg\Phase2-Am\ph2-shf2
#645060
RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF Stag Lodge Phase II DATE 12-10-02 TIME 9:03 AM BOOK 6 PAGE 2
FEE \$132.00 RECORDER Alan J. Hume

- NOTES:
1. INTERIOR DIMENSIONS SHOWN ARE TO FINISH SURFACES.
 2. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
 3. ALL PHYSICAL FEATURES AND IMPROVEMENTS NOT SHOWN AREA DESIGNATED AS COMMON AREA.
 4. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.
 5. BENCHMARK: SEE SHEET 1 OF 5 FOR LOCATION AND ELEVATION.



OWNERSHIP DESIGNATIONS

- "PRIVATE OWNERSHIP AREA A"
- COMMON OWNERSHIP
- LIMITED COMMON OWNERSHIP
- "PRIVATE OWNERSHIP AREA B"

UNIT SQUARE FOOTAGE

	UNIT 25	UNIT 26	UNIT 27	UNIT 28	UNIT 29	UNIT 30	UNIT 31	UNIT 32	UNIT 33	UNIT 34
LOFT LEVEL	508.5	541.1	541.1	541.1	541.1	541.1	541.1	553.1	553.1	553.1
MASTER BEDROOM	707.2	623.7	623.7	623.7	623.7	623.7	623.7	631.0	631.0	631.0
MAIN LEVEL	826.8	868.8	868.8	868.8	868.8	868.8	868.8	1009.6	882.6	882.6
ENTRY LEVEL	210.5	236.6	236.6	236.6	236.6	236.6	236.6	236.6	236.6	236.6
LOWER LEVEL	971.3	938.7	938.7	938.7	938.7	938.7	938.7	950.0	950.0	950.0
TOTAL	3224.3	3208.9	3208.9	3208.9	3208.9	3208.9	3208.9	3380.3	3253.3	3253.3

FINISH FLOOR ELEVATIONS

	UNIT 25	UNIT 26	UNIT 27	UNIT 28	UNIT 29	UNIT 30	UNIT 31	UNIT 32	UNIT 33	UNIT 34
LOFT LEVEL	8144.4	8149.0	8149.0	8153.6	8153.6	8164.4	8164.4	8178.0	8179.7	8181.5
MASTER BEDROOM	8139.4	8144.0	8144.0	8148.6	8148.6	8159.4	8159.4	8173.3	8175.0	8176.8
MAIN LEVEL	8134.4	8139.0	8139.0	8143.6	8143.6	8154.4	8154.4	8168.6	8170.3	8172.1
ENTRY LEVEL	8129.4	8134.0	8134.0	8138.6	8138.6	8149.4	8149.4	8163.9	8165.6	8167.4
LOWER LEVEL	8124.4	8129.0	8129.0	8133.6	8133.6	8145.4	8145.4	8159.2	8160.9	8162.7

- NOTES:
1. This Amended Record of Survey Map is an Amendment of sheets 2, 3, 4, and 5 of the Stag Lodge Phase II Condominium, recorded January 17, 1989, as Entry #303348 in the Summit County Records Office. Sheet 1 of the Stag Lodge Phase II Condominium as recorded January 17, 1989, shall remain intact.
 2. All other conditions of approval of the Stag Lodge Condominium project continue to apply.
 3. Recorded concurrently herewith an Amendment to the Condominium Declaration for Stag Lodge. This Amended Record of Survey Map has been prepared in connection with said Amended Declaration which provides for, but not limited to, the following:

"Private Ownership Area A" means and refers to all of the previously existing privately owned property as shown on the original Map or Maps, property privately owned prior to the Private Ownership Area B Effective Date.

"Private Ownership Area B" means and refers to the property changed from Common Area or Limited Common Area to private ownership which, hereafter, shall for all purposes be considered part of each Unit, as shown on this Amended Map, including by way of illustration but not limitation private ownership, taxes, assessments, insurance, liability, maintenance, repair and replacement. Private Ownership Area B cannot be used to create a lockout unit or additional bedrooms.
 4. The dimensions of the private spaces and square footage calculations are based on the Record of Survey Map of Stag Lodge Condominium (see Note 1), and on measurements in the field. Minor variations may occur. It is the intent that the private ownership area of the units will be as constructed.

FIRST AMENDED
RECORD OF SURVEY MAP

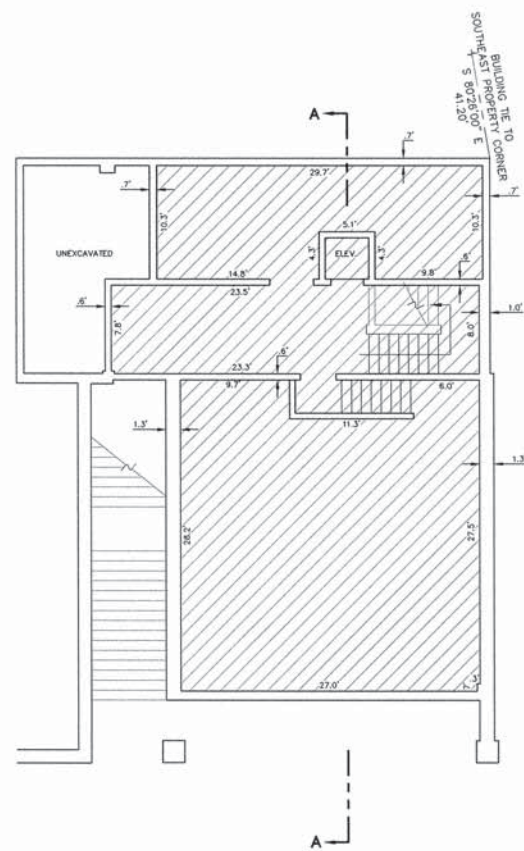
STAG LODGE PHASE II

A UTAH CONDOMINIUM PROJECT
LOCATED IN SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST
S.L.B. & M.
PARK CITY, SUMMIT COUNTY, UTAH

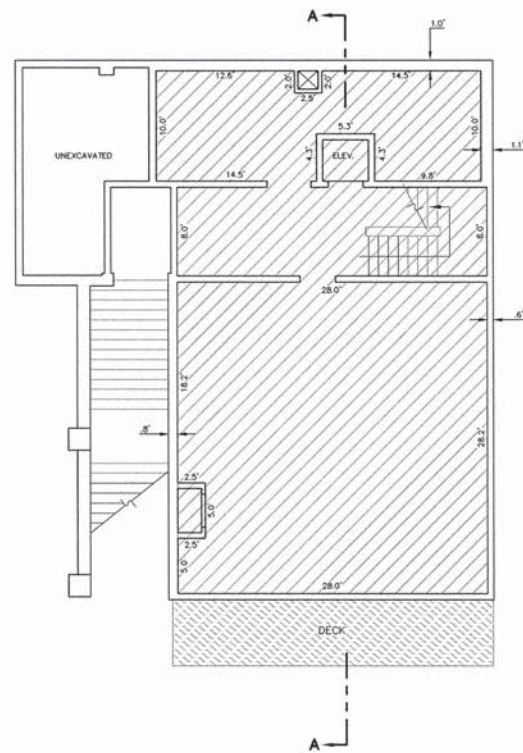


PAGE 3 of 5

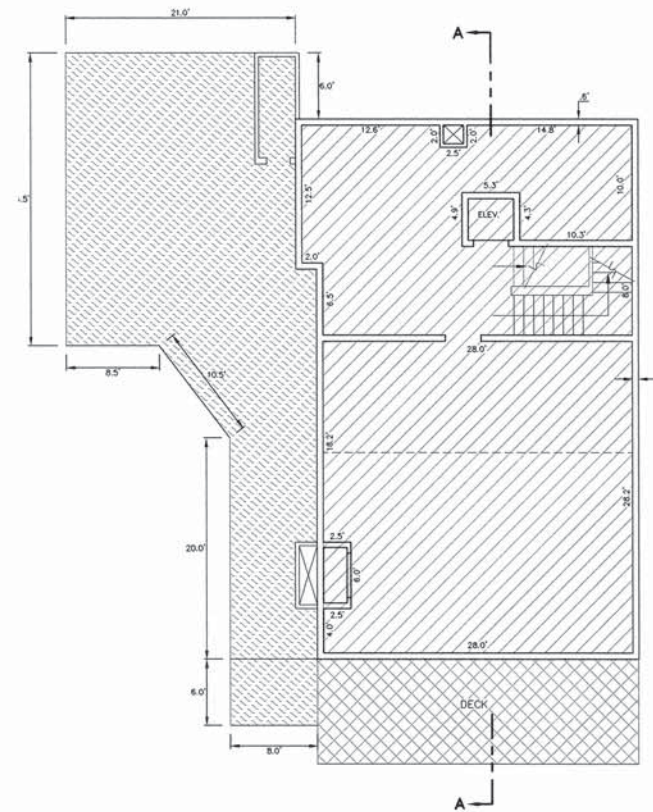
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RECORDED
STATE OF UTAH COUNTY OF SUMMIT AND FILED
AT THE REQUEST OF High Country Title
DATE 1-12-2023 TIME 9:32 AM BOOK 132 FEE 132.00
RECORDED



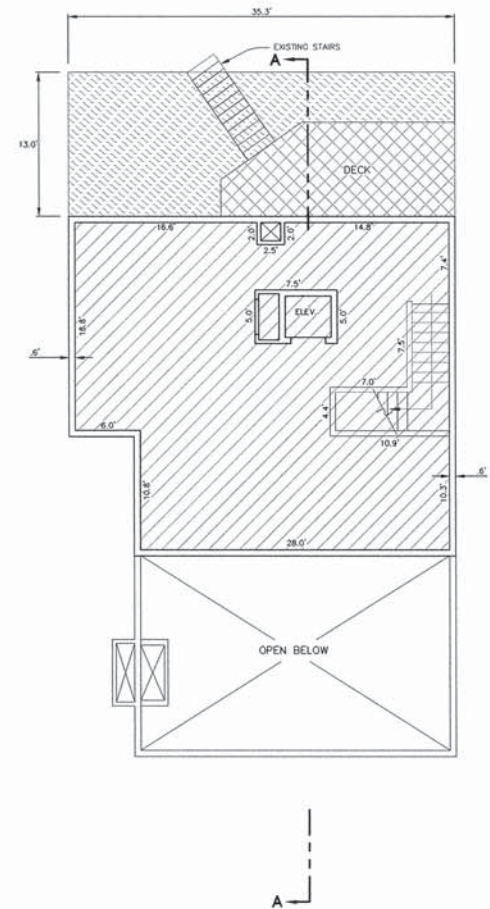
GARAGE LEVEL



ENTRY LEVEL



MAIN LEVEL



UPPER LEVEL

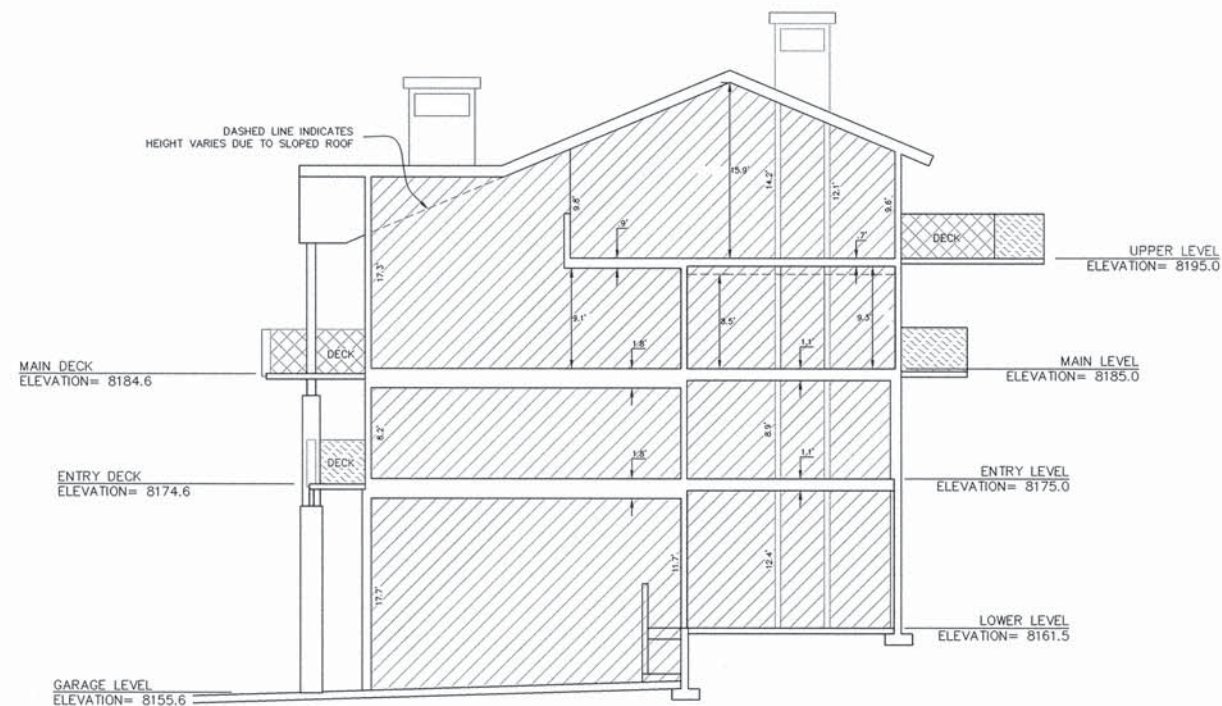
UNIT 35

UNIT 35	SQUARE FOOTAGE
GARAGE LEVEL	1369.30
ENTRY LEVEL	1341.00
MAIN LEVEL	1365.10
UPPER LEVEL	941.60
TOTAL	5017.00

NOTES:

1. INTERIOR DIMENSIONS SHOWN ARE TO FINISH SURFACES.
2. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
3. ALL PHYSICAL FEATURES AND IMPROVEMENTS NOT SHOWN ARE DESIGNATED AS COMMON AREA.
4. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.
5. BENCHMARK: SEE SHEET 1 OF 5 FOR LOCATION AND ELEVATION.

OWNERSHIP DESIGNATIONS	
	"PRIVATE OWNERSHIP AREA A"
	COMMON OWNERSHIP
	LIMITED COMMON OWNERSHIP
	"PRIVATE OWNERSHIP AREA B"



SECTION A

NOTES:

1. This Amended Record of Survey Map is an Amendment of sheets 2, 3, 4, and 5 of the Stag Lodge Phase II Condominium, recorded January 17, 1989, as Entry #303348 in the Summit County Recorders Office. Sheet 1 of the Stag Lodge Phase II Condominium as recorded January 17, 1989, shall remain intact.
2. All other conditions of approval of the Stag Lodge Condominium project continue to apply.
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"Private Ownership Area A" means and refers to all of the previously existing privately owned property as shown on the original Map or Maps, property privately owned prior to the Private Ownership Area B Effective Date.

"Private Ownership Area B" means and refers to the property changed from Common Area or Limited Common Area to private ownership which, hereafter, shall for all purposes be considered part of each Unit, as shown on this Amended Map, including by way of illustration but not limitation private ownership, taxes, assessments, insurance, liability, maintenance, repair and replacement. Private Ownership Area B cannot be used to create a lockout unit or additional bedrooms.
4. The dimensions of the private spaces and square footage calculations are based on the Record of Survey Map of Stag Lodge Condominium (see Note 1), and on measurements in the field. Minor variations may occur. It is the intent that the private ownership area of the units will be as constructed.

FIRST AMENDED RECORD OF SURVEY MAP STAG LODGE PHASE II

A UTAH CONDOMINIUM PROJECT
LOCATED IN SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST
S.L.B. & M.
PARK CITY, SUMMIT COUNTY, UTAH

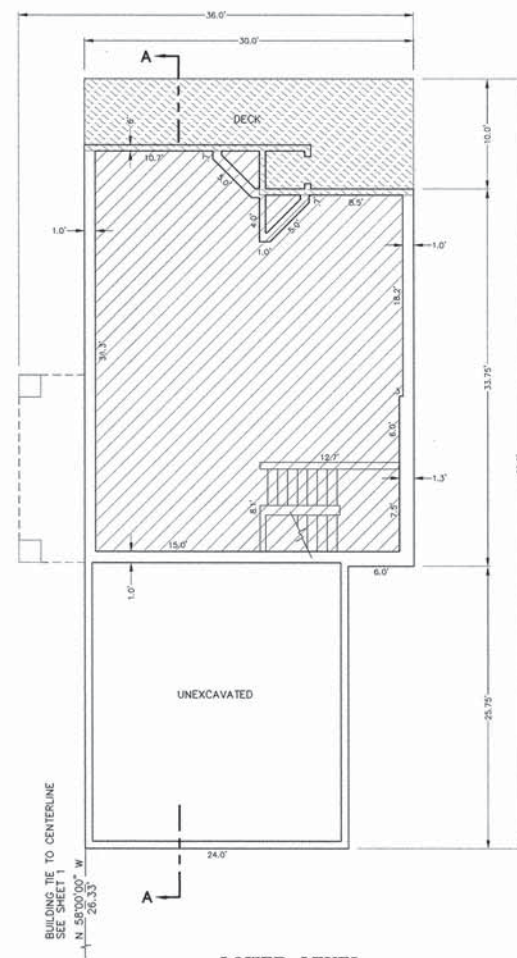


PAGE 4 of 5

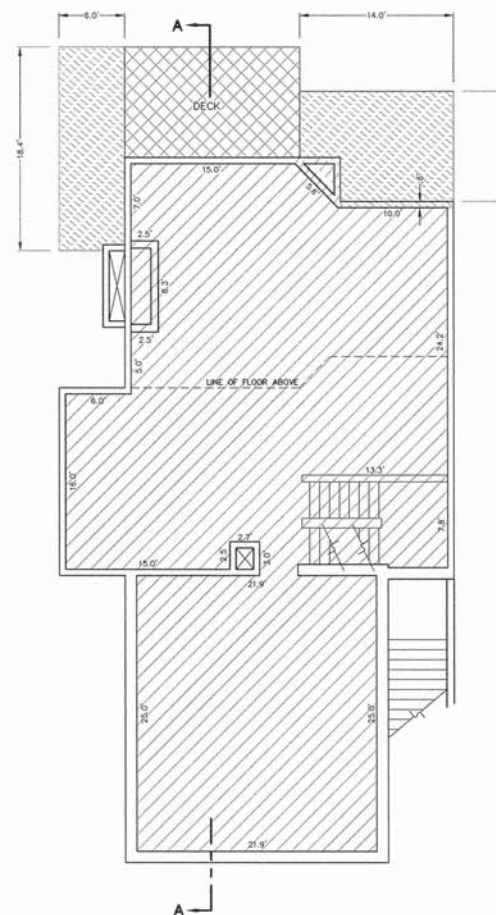
645060 RECORDED

STATE OF UTAH COUNTY OF SUMMIT AND FILED
AT THE REQUEST OF *High Country Title*
DATE *1-17-2013* TIME *2:03 PM* BOOK *20344* PAGE *4*

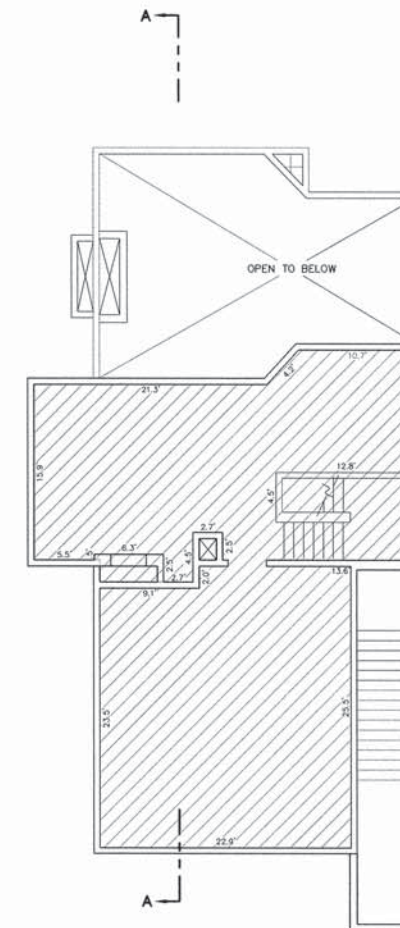
FEE *\$132.00* RECORDER *Alan S. Sanger*



LOWER LEVEL



MAIN LEVEL



UPPER LEVEL

OWNERSHIP DESIGNATIONS	
	"PRIVATE OWNERSHIP AREA A"
	COMMON OWNERSHIP
	LIMITED COMMON OWNERSHIP
	"PRIVATE OWNERSHIP AREA B"

UNIT 49

UNIT 49	SQUARE FOOTAGE
LOWER LEVEL	964.40
MAIN LEVEL	1775.89
UPPER LEVEL	1194.60
TOTAL	3934.89

NOTES:

- INTERIOR DIMENSIONS SHOWN ARE TO FINISH SURFACES.
- ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
- ALL PHYSICAL FEATURES AND IMPROVEMENTS NOT SHOWN ARE DESIGNATED AS COMMON AREA.
- REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.
- BENCHMARK: SEE SHEET 1 OF 5 FOR LOCATION AND ELEVATION.

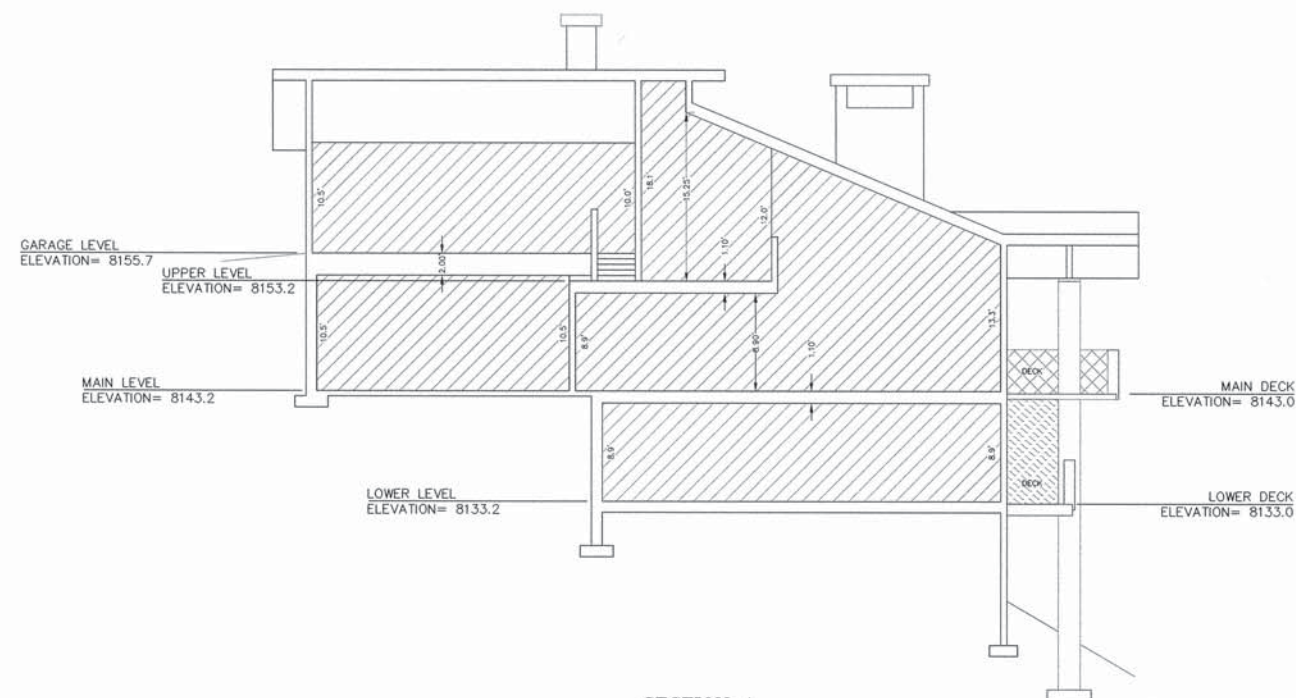
NOTES:

- This Amended Record of Survey Map is an Amendment of sheets 2, 3, 4, and 5 of the Stag Lodge Phase II Condominium, recorded January 17, 1989, as Entry #303348 in the Summit County Recorders Office. Sheet 1 of the Stag Lodge Phase II Condominium as recorded January 17, 1989, shall remain intact.
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- Recorded concurrently herewith an Amendment to the Condominium Declaration for Stag Lodge. This Amended Record of Survey Map has been prepared in connection with said Amended Declaration which provides for, but not limited to, the following:

"Private Ownership Area A" means and refers to all of the previously existing privately owned property as shown on the original Map or Maps, property privately owned prior to the Private Ownership Area B Effective Date.

"Private Ownership Area B" means and refers to the property changed from Common Area or Limited Common Area to private ownership which, hereafter, shall for all purposes be considered part of each Unit, as shown on this Amended Map, including by way of illustration but not limitation private ownership, taxes, assessments, insurance, liability, maintenance, repair and replacement. Private Ownership Area B cannot be used to create a lockout unit or additional bedrooms.

- The dimensions of the private spaces and square footage calculations are based on the Record of Survey Map of Stag Lodge Condominium (see Note 1), and on measurements in the field. Minor variations may occur. It is the intent that the private ownership area of the units will be as constructed.



SECTION A

FIRST AMENDED
RECORD OF SURVEY MAP

STAG LODGE PHASE II

A UTAH CONDOMINIUM PROJECT
LOCATED IN SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST
S.L.B. & M.
PARK CITY, SUMMIT COUNTY, UTAH



PAGE 5 of 5

II 645060 RECORDED

STATE OF UTAH COUNTY OF SUMMIT AND FILED
AT THE REQUEST OF *High Country Title*
DATE *1-17-2023* TIME *2:03 PM* BOOK *---* PAGE *---*

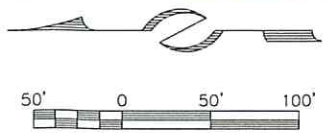
FEE *\$132.00* RECORDER *Alan J. Jorgensen*



38

UNIT 49

RECEIVED
FEB 20 2018
PARK CITY
PLANNING DEPT.



Alliance Engineering Inc.
(435) 649-9467
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

STAFF:
RYAN BETZ
MARSHALL KING
DATE: 1/18/18

AERIAL PHOTOGRAPH
STAG LODGE PHASE II
UNIT 49
FOR: CRAIG WEAKLEY
JOB NO.: 12-11-17
FILE: X:\SilverLakeVillage\dwg\Exhibits\Stag 49-ortho.dwg

SHEET
1
OF
1

68



Stag Lodge Phase II Unit 49 - looking northerly





Stag Lodge Phase II Unit 49 - looking southeasterly





Stag Lodge Phase II Unit 49 - looking easterly





Stag Lodge Phase II Unit 49 - looking southerly





Planning Commission Staff Report

Subject: Land Management Code Amendments
Author: Francisco Astorga, AICP, Senior Planner
Application No. PL-18-03837
Date: 25 April 2018
Type of Item: Legislative – Land Management Code Amendments:
1. Replacing the term Record of Survey with Condominium
2. Updating the Board of Adjustment and Historic Preservation Board Voting Language
3. Amending the Definition of Floor Area

Summary Recommendations

Staff recommends that the Planning Commission review the proposed Land Management Code (LMC) Amendments replacing the term “Record of Survey” with “Condominium”; updating the Board of Adjustment (BOA) and Historic Preservation Board (HPB) voting language; and amending the definition of Floor Area, as described in this staff report and reflected on the Draft Ordinance. Staff recommends that the Planning Commission open a public hearing and consider forwarding a positive recommendation to the City Council.

Description

Proposal: Various LMC Amendments
Applicant: Planning Department initiated
Reason for Review: LMC Amendments require Planning Commission review, public hearing, and recommendation plus City Council review, public hearing, and final action

Acronyms within this Report

LMC Land Management Code
BOA Board of Adjustment
HPB Historic Preservation Board

Background

The term Record of Survey is used inaccurately within the LMC in lieu of the term Condominium. Staff has reviewed the BOA and HPB voting language and suggests amending applicable LMC sections. Staff requests to amend the definition of Gross Floor Area to clarify its original intent regarding basement areas below final grade. All of these changes require amending the LMC. These amendments are initiated by the Planning Department.

Analysis - 1. Replacing the term Record of Survey with Condominium

The LMC does not define a “Record of Survey”. The LMC defines a Condominium as “Any Structure or Parcel that has been submitted to fractionalized Ownership under the provisions of the Utah Condominium Ownership Act.”

The Utah Condominium Owner Act was enacted in 1963 and its current version is found online [here](#). The Condominium Owner Act has the following definitions:

(8) "Condominium" means the ownership of a single unit in a multiunit project together with an undivided interest in common in the common areas and facilities of the property.

(9) "Condominium plat" means a plat or plats of survey of land and units prepared in accordance with Section 57-8-13.

(10) "Condominium project" means a real estate condominium project; a plan or project whereby two or more units, whether contained in existing or proposed apartments, commercial or industrial buildings or structures, or otherwise, are separately offered or proposed to be offered for sale. Condominium project also means the property when the context so requires.

(11) "Condominium unit" means a unit together with the undivided interest in the common areas and facilities appertaining to that unit. Any reference in this chapter to a condominium unit includes both a physical unit together with its appurtenant undivided interest in the common areas and facilities and a time period unit together with its appurtenant undivided interest, unless the reference is specifically limited to a time period unit.

The term "Record of Survey" appears in the LMC in five (5) separate sections:

1. [15-4-12 Condominium Conversion](#)
2. [15-7.1-3\(C\) Classification Of Subdivision](#)
3. [15-7.1-6\(G\) Final Subdivision Plat](#)
4. [15-12-15\(A\)\(9\) Review By Planning Commission](#)
5. [15-15-1 Definitions](#): Application

The term "Record of Survey" is not found in other Titles of the Park City Municipal Code, other than the LMC.

The term "Condominium" appears in the Park City Municipal Code, including the LMC (Title 15) in twenty-five (25) separate sections:

1. [4-1-1 Definitions](#): Bedroom, Nightly Lodging Facility, and Unit
2. [11-3-2 Automatic Fire Extinguishing Systems](#)
3. [11-12-5 Condominium Conversion, Timeshare](#)
4. [11-12-14 Approvals Withheld](#)
5. [14-4-2 Private Streets; Duty To Remove Snow](#)
6. [14-4-7 Private Snow Removal On Public Streets](#)
7. [15-1-8 Review Procedure Under The Code](#)
8. [15-1-10 Conditional Use Review Process](#)
9. [15-1-12 Notice](#)
10. [15-1-21 Notice Matrix](#)
11. [15-2.6-9 Parking Regulations](#)
12. [15-2.12-7 Parking Requirements For Triplexes](#)
13. [15-3-6 Parking Ratio Requirements For Specific Land Use Categories](#)

14. [15-4-9 Child Care And Child Care Facilities](#)
15. [15-4-10 Timeshare Projects](#)
16. [15-4-11 Timeshare Conversion](#)
17. [15-4-12 Condominium Conversion](#)
18. [15-4-13 Placement Of Satellite Receiving Antennas](#)
19. [15-4-14 Telecommunication Facilities](#)
20. [15-6-5 MPD Requirements](#)
21. [15-6-8 Unit Equivalents](#)
22. [15-7.1-4 General Procedure](#)
23. [15-7.1-6 Final Subdivision Plat](#)
24. [15-15-1 Definitions](#): Club, Condominium, Final Plat, Hotel/Motel, Open Space, and Recreation Facilities
25. [15-15-2 List Of Defined Terms](#)

The term "Record of Survey" is no longer used in the industry to depict what is currently a Condominium or Condominium Plat. Staff recommends that the Planning Commission replace the current references of Record of Survey found in the LMC with the term Condominium. Staff will also be working with the City Council to replace the term on the City's adopted fee schedule to reflect consistency.

Analysis - 2. Updating the BOA and HPB voting language

Staff finds that the BOA voting language needs to be clarified as the current language does not expressly indicate that all present members in attendance vote. Staff recommends amending the following marked in red:

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.

[...]

15-10-11 Vote Necessary

All actions of the BOA shall be represented by a vote of the membership. 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.

Staff finds that the HPB language regarding when the Chair votes needs to be clarified as the current language simply says that the Chair *may* vote. Staff recommends the following amendments marked in red:

15-11-3 Organization

- A. **CHAIR**. The HPB shall elect one of its members to serve as Chair for a term of one (1) year at its first meeting following the expiration of terms and appointment of new members. 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 for that meeting.
- B. **QUORUM**. No Business shall be conducted without a quorum at the meeting. A quorum shall exist when the meeting is attended by four (4) of the appointed members, including the Chair or Chair Pro Tem.
- C. **VOTING**. All actions of the HPB shall be represented by a vote of the membership. A simple majority of the members present at the meeting in which action is taken shall approve any action taken. The Chair ~~may~~**shall** vote at the meetings **to break any ties**.

Analysis - 3. Amending the definition of Floor Area

Currently the LMC provides the following definition of floor area:

1. **Floor Area, Gross Residential**. The Area of a Building, including all enclosed Areas. Unenclosed porches, Balconies, patios and decks, vent shafts and courts are not calculated in Gross Residential Floor Area. Garages, up to a maximum Area of 600 square feet¹, are not considered Floor Area. Basement and Crawl Space Areas below Final Grade are not considered Floor Area. Floor Area is measured from the finished surface of the interior of the exterior boundary walls.
2. **Floor Area, Gross Commercial**. The Area of a Building including all enclosed Areas excluding parking areas. Unenclosed porches, Balconies, patios and decks, vent shafts and courts are not calculated in Gross Commercial Floor Area. Areas below Final Grade used for commercial purposes including, but not limited to, storage, bathrooms, and meeting space, are considered Floor Area.
3. **Floor Area, Net Leasable**. Gross Floor Area excluding common hallways, mechanical and storage Areas, parking, and restrooms.

¹400 sq. ft. in Historic Districts

Staff requests to focus on Gross Residential Floor Area, specifically when analyzing basement spaces below final grade. Due to healthy real estate values that the City has experienced for some time now, property owners, developers, architects, etc., often contest how basement spaces below final grade is calculated by Staff, as per the defined term, it does not count towards floor area.

Staff finds that the original intent to not count areas below final grade meant that if the ceiling of the basement space was found below final grade, then that area does not count. In other words, if the basement area is **completely** buried (below final grade), that area does not count. Challengers of the current definition interpret the intent to mean that if the floor of the basement space is below final grade, then that area does

not count. In order to clarify its intent of not counting spaces below final grade, buried basement spaces, staff proposes the following LMC amendments:

Floor Area, Gross Residential.

The Area of a Building, including all enclosed Areas, **consisting of the Area of all floors located under a ceiling that is above Final Grade, measured in square feet.** Unenclosed porches, Balconies, patios and decks, vent shafts and courts are not calculated in Gross Residential Floor Area. Garages, up to a maximum Area of 600 square feet¹, are not considered Floor Area. Basement and Crawl Space Areas below Final Grade are not considered Floor Area. Floor Area is measured from the finished surface of the interior of the exterior boundary walls.

¹400 sq. ft. in Historic Districts

Staff also requests to add the following definition to solidify the intent of the code:

Basement Area Below Final Grade.

The Area located under a ceiling that is below Final Grade.

Process

Amendments to the LMC 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

On April 7, 2018, legal notice of a public hearing was posted in the required public spaces and published in the Park Record.

Public Input

Public hearings are required to be conducted by the Planning Commission and City Council prior to adoption of LMC amendments. The public hearing for these amendments was properly and legally noticed as required by the LMC. No public input has been received as of the date of this report.

Recommendation

Staff recommends that the Planning Commission review the proposed LMC Amendments replacing the term “Record of Survey” with “Condominium”; updating the BOA and HPB voting language; and amending the definition of Floor Area, as described in this staff report and reflected on the Draft Ordinance. Staff recommends that the Planning Commission open a public hearing and consider forwarding a positive recommendation to the City Council.

Exhibits

Exhibit A – Proposed Ordinance

Exhibit A – Proposed Ordinance

Draft Ordinance 2018-XX

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, CHAPTER 15-4-12, 15-7.1-3, 15-7.1-6, 15-12-15, 15-15-1 TO REPLACE THE TERM RECORD OF SUVEY WITH CONDOMINIUM; CHAPTER 15-10-5 AND 15-11-3 TO UPDATE THE BOARD OF ADJUSTMENT AND HISTORIC PRESERVATION BOARD VOTING LANGUAGE; AND CHAPTER 15-15-1 TO UPDATE THE DEFINITION OF FLOOR AREA.

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 and identifies necessary amendments to address planning and zoning issues that have come up in the past, and to address specific Land Management Code issues raised by the public, Staff, and the Commission, and to align the Code with the Council's goals and implementation of the General Plan; and

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 and commercial districts; and

WHEREAS, Chapter 15-4-12 provides an overview of the condominium conversion process; and

WHEREAS, Chapter 15-7.1-3 provides a classification of subdivisions; and

WHEREAS, Chapter 15-7.1-6 provides the application procedure and requirements, Planning Commission and City Council review of final subdivision plats; and

WHEREAS, Chapter 15-12-15 provides a description of the review of the Planning Commission; and

WHEREAS, Chapter 15-15-1 provides definitions of terms, how words shall be used, interpreted, and defined as set forth in the Land Management Code

WHEREAS, Chapter 15-10-5 provides a description of the organization of the Park City Board of Adjustment; and

WHEREAS, Chapter 15-11-3 provides a description of the organization of the Park City Historic Preservation Board; and

WHEREAS, on April 7, 2018, legal notice was published in the Park Record as required by the Land Management Code; and

WHEREAS, the Planning Commission conducted a public hearing at the regularly scheduled meeting on April 25, 2018, and a recommendation to the City Council; and

WHEREAS, the City Council conducted a public hearing at its regularly scheduled meeting on May 17, 2018; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the 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 residential neighborhoods, 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 15-4-12 Condominium Conversion, 15-7.1-3 Classification Of Subdivision, 15-7.1-6 Final Subdivision Plat, 15-12-15 Review By Planning Commission, and 15-15-1 Definitions for the Condominium Update; 15-10-5 Organization and 15-11-3 Organization for the BOA and HPB Chair Vote Amendment; and 15-15-1 Definitions for the Floor Area Definition Update. The recitals above are incorporated herein as findings of fact. The applicable Sections of the Land Management Code of Park City are hereby amended as redlined (see Attachment 1, 2, and 3).

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

PASSED AND ADOPTED this 17th day of May, 2018

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, Mayor

Attest:

Michelle Kellogg, City Recorder

Approved as to form:

Mark Harrington, City Attorney

Attachment 1 – Condominium Amendments

Condo Amendment #1:

15-4-12 Condominium Conversion

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 ~~Condominium-record-of-survey~~ plat approval from the City. 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.

Condo Amendment #2:

15-7.1-3 Classification Of Subdivision

- 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 and a finding that no Public Street, Right-of-Way, or easement has been vacated or amended.
 - 1. **FINAL PLAT**. A Final Plat shall be approved in accordance with these regulations.
- C. ~~**CONDOMINIUM PLAT**~~~~**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.

Condo Amendment #3:

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 shall 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 violate any section of this code of 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.

Condo Amendment #4:

15-12-15 Review By Planning Commission

- A. General planning and review of specific Development projects by the Planning Commission shall be divided into the following functions:

1. City General Plan and General Plan amendments review and recommendation to City Council;
 2. Annexation and zoning review with recommendation to City Council;
 3. Land Management Code and re-zoning review with recommendation to City Council;
 4. Subdivision approval with recommendation to City Council;
 5. Large scale Master Planned Development approval;
 6. Conditional Use permit ratification of findings of fact, conclusions of law and conditions of approval, if applicable;
 7. Consent agenda items;
 8. Review of appeals of Planning Directors interpretation of the Land Management Code and decisions;
 9. Subdivision and ~~Condominium-record-of-survey~~ plat and plat amendment review with recommendation to City Council;
 10. Sensitive Lands review; and
 11. Extension of Conditional Use permit and Master Planned Development approvals.
- B. The scope of review for each of these functions is as follows:
1. **CITY GENERAL PLAN REVIEW.** The Planning Commission shall have the primary responsibility to initiate and update the City General Plan, including planning for adequate Streets and utilities, parks, trails, recreation facilities, housing, and open space. The Commission shall consider long-range zoning and land use objectives, protection of Sensitive Lands, and shall conduct periodic review of existing plans to keep them current.
 2. **ANNEXATION REVIEW.** The Commission shall review all annexation requests according to the Utah State Code regarding annexations, including Section 10-2-401.5, regarding adoption of an annexation policy plan, and shall make a recommendation to City Council for action. The Commission shall recommend zoning on land to be annexed.
 3. **LAND MANAGEMENT CODE AND REZONING REVIEW.** The Commission shall initiate or recommend zone changes and review the Land Management Code Development standards within zones. The Commission shall hear all requests for zone changes and forward a recommendation to City Council for action. The Commission shall have the primary responsibility to review amendments to the Land Management Code and shall forward a recommendation to the City Council.
 4. **SUBDIVISION APPROVAL.** The Planning Commission shall review all applications for Subdivisions under the provisions of the Park City Subdivision Control Ordinance in Section 15, Chapter 7.
 5. **LARGE SCALE MASTER PLANNED DEVELOPMENT APPROVAL.** All proposals for large scale Master Planned Development approval shall be reviewed by the Planning Commission. In reviewing requests for large scale Master Planned Development approval, the Commission shall consider the purpose statements and MPD requirements as stated in Section 15-6-1 and Section 15-6-5. All Master Planned Developments

shall be processed by the Planning Department and the Planning Commission as outlined in Section 15-6-4.

6. **RATIFICATION OF CONDITIONAL USE PERMITS.** The Planning Commission has the authority to review and ratify or overturn all actions of the Planning Department regarding Conditional Use permits. In reviewing requests for Conditional Use permits, the Commission shall consider the Conditional Use process and review criteria as stated in Section 15-1-10. In approving or denying a Conditional Use permit the Commission shall ratify and include in the minutes of record the findings of fact, conclusions of law, and conditions of approval, if applicable, upon which the decision to approve or deny was based.
7. **CONSENT AGENDA ITEMS.** The following items may be placed on the consent agenda, if the Application is uncontested, or if a public hearing has already been conducted and has been closed by formal action of the Planning Commission:
 - a. Conditional Use permits, including Steep Slope Conditional Use permits;
 - b. Plat and plat amendment approvals;
 - c. Requests for time extensions of Conditional Use permit, Master Planned Development, and plat approvals.
 - d. Other items of a perfunctory nature, which the Chair directs the Department to place on the consent agenda for action.

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. When an item is removed from the consent agenda, it shall be acted on at the same meeting at which the removal occurs, unless the Applicant requests the item be continued in order to prepare additional information to respond to the Commissions concerns.

8. **REVIEW OF APPEALS OF THE PLANNING STAFF'S INTERPRETATION OF THE LAND MANAGEMENT CODE.** The Owner, Applicant, or any non-Owner with standing as defined in Section 15-1-18(D) of this Code may request that Planning Staff Final Action on a project be reviewed by the Planning Commission. The standard of review by the Planning Commission shall be the same as the scope of review at the Staff level. Appeal process shall be in accordance with Section 15-1-18. Appeals shall be heard by the Planning Commission within forty-five (45) days of the date that the appellant files an appeal unless all parties, including the City, stipulate otherwise.

9. **SUBDIVISION AND ~~CONDOMINIUM RECORD-OF-SURVEY~~ PLAT AND PLAT AMENDMENT REVIEW.** The Commission shall review all plats affecting land within the City limits or annexations to the City, according to Section 15-7. The scope of review on plat approval is limited to finding substantial compliance with the provisions of the state statute on recording of plats, and that all previously imposed conditions of approval, whether imposed by the Staff or the Commission have been

satisfied.

Upon finding that the plat is in compliance with the state statute, and that conditions of approval have been satisfied, the plat must be approved. The City Engineer, City Attorney, City Recorder, City Council, and Mayor shall all review the plat as required by statute before recording. Plats may be approved on the consent agenda.

10. **SENSITIVE LANDS REVIEW.** Any project falling within the Sensitive Lands Area Overlay Zone is subject to additional requirements and regulations as outlined in the Sensitive Area Overlay Zone Regulations, Section 15-2.21.
11. **EXTENSION OF CUP AND MPD APPROVAL.** See extension of Conditional Use Permit, Section 15-1-10(G) and MPD Section 15-6-4(H), Length of Approval.

Condo Amendment #5:

15-15-1 Definitions

[...]

APPLICATION. A written request, completed in a manner prescribed in this Code, for review, approval, or issuance of a Development permit, including but not limited to Conditional Use permits, Building Permits, variances, annexation and re-zoning requests, Subdivision and ~~Condominium record-of-survey~~ plats, plat amendments, Code amendments, design review, and Administrative Permits.

1. **Application, Complete.** A submission that includes all information requested on the appropriate form, and payment of all applicable fees.

[...]

Attachment 2 – BOA and HPB Chair Vote Amendment

BOA Amendment:

15-10-11 Vote Necessary

All actions of the BOA shall be represented by a vote of the membership. 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.

HPB Amendment:

15-11-3 Organization

- A. **CHAIR**. The HPB shall elect one of its members to serve as Chair for a term of one (1) year at its first meeting following the expiration of terms and appointment of new members. 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 for that meeting.
- B. **QUORUM**. No Business shall be conducted without a quorum at the meeting. A quorum shall exist when the meeting is attended by four (4) of the appointed members, including the Chair or Chair Pro Tem.
- D. **VOTING**. All actions of the HPB shall be represented by a vote of the membership. A simple majority of the members present at the meeting in which action is taken shall approve any action taken. The Chair ~~may~~**shall** vote at the meetings **to break any ties**.

Attachment 3 – Floor Area Amendment

15-15-1 Definitions

For the purpose of the LMC, certain numbers, abbreviations, terms, and words shall be used, interpreted, and defined as set forth herein. Defined terms will appear as proper nouns throughout this Title. Words not defined herein shall have a meaning consistent with Webster's New Collegiate Dictionary, latest edition.

Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations"; the word "regulations" means "these regulations"; "used" or "occupied" as applied to any land or Building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

[...]

BASEMENT AREA BELOW FINAL GRADE.

The Area located under a ceiling that is below Final Grade.

[...]

FLOOR AREA.

1. **Floor Area, Gross Residential.** The Area of a Building, including all enclosed Areas, consisting of the Area of all floors located under a ceiling that is above Final Grade, measured in square feet. Unenclosed porches, Balconies, patios and decks, vent shafts and courts are not calculated in Gross Residential Floor Area. Garages, up to a maximum Area of 600 square feet¹, are not considered Floor Area. Basement and Crawl Space Areas below Final Grade are not considered Floor Area. Floor Area is measured from the finished surface of the interior of the exterior boundary walls.
2. **Floor Area, Gross Commercial.** The Area of a Building including all enclosed Areas excluding parking areas. Unenclosed porches, Balconies, patios and decks, vent shafts and courts are not calculated in Gross Commercial Floor Area. Areas below Final Grade used for commercial purposes including, but not limited to, storage, bathrooms, and meeting space, are considered Floor Area.
3. **Floor Area, Net Leasable.** Gross Floor Area excluding common hallways, mechanical and storage Areas, parking, and restrooms.

¹400 sq. ft. in Historic Districts

[...]

Planning Commission Staff Report



Subject: PL-18-03784 – Land Management Code
Amendment- RC & RD Zones Conditional Uses
Author: Laura Newberry – Planning Technician
Date: April 25, 2018
Type of Item: Legislative

PLANNING DEPARTMENT

Summary Recommendation

Staff recommends the Planning Commission review the application, conduct a public hearing, and consider forwarding a positive recommendation to City Council on Land Management Code Amendment (LMC) to Zoning Chapter 2.16 Recreation Commercial (RC) and Chapter 2.13 Residential Development (RD), according to the findings of fact and conclusions of law outlined in the draft Ordinance.

Description

Applicant: Promontory Investment, LLC dba The Promontory Club –
Shawn Potter and Planning Department
Project Name: LMC Amendment related to Conditional Uses for Chapter
2.16 Recreation Commercial (RC)
2.13 Residential Development (RD)
Approximate Location: Recreation Commercial (RC) and Residential Development
(RD) Zoning Districts
Reason for Review: Amendments to the Land Management Code (LMC) require
Planning Commission review and recommendation with final
action by the City Council.

Background

On January 19, 2018, the Planning Staff received a request to modify the LMC specifically to add Club, Private Residence Off-Site to the Conditional Uses in the Recreation Commercial (RC) Zone. On February 21, 2018, the application was deemed complete.

This proposed amendment would affect the entire Recreation Commercial (RC) Zone. See Exhibit 2 - Map of the Recreation Commercial (RC) Zoning District.

In order to remain consistent with other resort-oriented Zoning Districts, Staff recommends the Residential Development (RD) zone should also be amended to include this zone within Master Planned Developments (i.e. the Deer Valley base).

[Club, Private Residence Off-Site](#) is defined in LMC 15-15 Defined Terms 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. ”

See Table 1 and Table 2 for examples of previous LMC Amendments and CUP Applications related to Private Residence Club.

District Purposes

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.

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 of Proposed LMC Amendments

The applicant is proposing to amend the Chapter 2.16 Recreation Commercial (RC) Conditional Uses to allow Club, Private Residence Off-Site (See Exhibit 2 for a map of the RC Zoning District). Staff is recommending that the Conditional Uses in the Residential Development (RD) zone also be amended to include this Use only within a

Master Planned Development. Staff is also proposing a footnote be added to both zones that would specify that this Use shall be reviewed under an Administrative Conditional Use Permit if the project is within an existing commercial building or if it is within a development with ten or more units.

[Club, Private Residence Off-Site](#) is currently defined in LMC 15-15 Defined Terms 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. ”

The intent of this LMC Amendment is to remain consistent with other resort-oriented Zoning Districts (Historic Recreation Commercial and Residential Development Zoning Districts) and to allow for a diversified mix of uses at resort bases.

The LMC implements goals, objectives and policies of the General Plan to maintain the quality of life and experiences for residents and visitors and to preserve the community’s unique character and values. These proposed LMC amendments were reviewed for consistency with the General Plan. The General Plan outlines Park City’s community goals and values as it pertains to the Recreation Commercial Zone:

- Core Value: Sense of Community
 - It is essential that Park City does not lose its adaptability in order to remain competitive in the tourism industry.
- General Plan Sense of Community Goals
 - 11A: The vibrancy of Park City’s resorts is essential to the success of resort support businesses. The City must provide flexibility to allow the primary resorts to evolve with the tourism industry, increase occupancy rates year round, and create more demand for the resort support industries throughout the City.
 - 11.13: Encourage more frequent visitation by second homeowners.

As resort destinations continue to evolve, Off-Site Private Residence Clubs are becoming more and more prevalent. In order for Park City to remain competitive in the resort industry and consistent in the City’s zoning regulations, staff is proposing to allow this Use in the Recreation Commercial (RC) and Residential Development (RD) zone, which includes the Park City Mountain Resort and the Deer Valley base. Additionally, the long-term economic sustainability of Park City depends upon the continued economic success of the Ski Base Areas, including Park City Mountain Resort and Deer Valley.

These proposed LMC Amendments proactively direct a Use that has a positive impact upon the economic and social vitality and activity level of the Recreation Commercial and the Residential Development zones.

There have been previous LMC Amendments to include “Clubs” in the Conditional Uses in other resort-oriented Zones. Table 1 identifies the previous LMC Amendments related to “Clubs” and pertinent information to the review process for each LMC Amendment.

Table 1: Previous LMC Amendments related to “Clubs”.

Year	Zone	LMC Amendment	Pertinent Information
2004	Residential Development (RD), Residential Development Medium (RDM), Resort Commercial (RC), General Commercial (GC), Limited Industrial (LI), Resort Commercial Overlay (RCO), Historic Commercial Business (HCB), Historic Recreation Commercial (HRC)	LMC Definitions and Zones as listed	Staff prepared amendments to the LMC to add and revise definitions of fractional ownership units (i.e. Timeshare Units and Private Residence Club Units) and to allow these types of Uses as a Conditional Use in the specified zones. Unanimously approved by Planning Commission (Staff Report, pg. 6-9) (Minutes, pg. 18-21) and City Council (Staff Report, pg. 10-11) (Minutes, pg. 5-6) (Ordinance 04-39, pg. 117-146).
2007	Historic Commercial Business (HCB), Historic Recreation Commercial (HRC)	LMC Definitions and Zones as listed	Staff prepared amendments to definitions to include Club, Private Residence Off-site and amended HRC and HCB to allow this Use as a Conditional Use in these zones. Approved by Planning Commission, 3-1 vote (Minutes, pg. 18-23) and City Council (Staff Report, pg. 162-186) (Minutes, pg.11-13) (Ordinance 07-55, pg. 66-75). <i>For CUP Applications that have been approved since LMC Amendment, see table 2.</i>

The Historic Recreation Commercial (HRC) and Historic Commercial Business (HCB) are the only zones that allow for Club, Private Residence Off-Site uses. In the HRC and HCB, Club, Private Residence Off-site is a Conditional Use. Below is a table of previously approved Conditional Use Permits for Club, Private Residence Off-site.

Table 2: Previous Conditional Use Permit for Clubs.

<u>Date</u>	<u>Zoning District</u>	<u>Entity</u>	<u>Pertinent Information</u>
2007	HRC	Promontory	Promontory applied for an Administrative CUP for a Club, Private Residence Off-Site. Staff approved the CUP with the only Condition of Approval being that they would not violate any International Fire Code, IBC, Municipal Code or Noise Ordinance. Approved by Planning Staff in September 2007 through an Administrative Conditional Use Permit (PL-07-0164).
2015	HRC	Victory Ranch	Victory Ranch applied for a Conditional Use Permit for a Club, Private Residence Off-Site. The Commissioners were concerned about the Use being on the storefront level on Main Street, but they were not concerned if the Use remained above or below this level. The Commissioners also wanted to add a Condition of Approval to limit the occupancy to the Fire District approved capacity. Additionally, parking impact mitigation was discussed in detail and a Condition of Approval was added to require a review (by Planning Staff only) after three years. This review would be brought to Planning Commission as a Staff Communication. Approved by Planning Commission, 4-1 vote (Staff Report, pg 237-300) (Minutes, pg 8-14)

Based on the previous approval of Club, Private Residence Off-Site projects in other resort-oriented zones, staff recommends adding this Use to the Recreation Commercial (RC) and Residential Development (RD) Conditional Uses with conditions (see redlines).

The applicant requested to allow this as a Conditional Use in the RC zone. Staff recommends that Club, Private Residence Off-Site be included in the RC Zone Conditional Uses. Staff has included the following proposed redline changes to the LMC §15-2.16-2 Uses:

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 Unit¹
6. Accessory Apartment²
7. Nightly Rental³
8. Home Occupation
9. Child Care, In-Home Babysitting⁴
10. Child Care, Family⁴
11. Child Care, Family Group⁴
12. Child Care Center⁴
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 Displays⁵

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 Antenna⁶
6. Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁷

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 Conversion⁹
13. Office, General⁸
14. Office, Moderate⁸
15. Office and Clinic, Medical⁸
16. Financial Institution without drive-up window⁸
17. Minor Retail and Service Commercial⁸
18. Retail and Service Commercial, personal improvement⁸
19. Transportation Service⁸
20. Neighborhood Market, without gasoline sales⁸
21. Café or Deli⁸
22. Restaurant, General⁸
23. Restaurant, Outdoor Dining^{8,9}
24. Bar⁸
25. Hospital, Limited Care Facility⁸
26. Parking Area or Structure with five (5) or more spaces
27. Temporary Improvement⁹
28. Passenger Tramway Station and Ski Base Facility¹⁰
29. Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge¹⁰
30. Outdoor Events and Uses⁹
31. Recreation Facility, Public and Private⁸
32. Recreation Facility, Commercial⁸
33. Entertainment Facility, Indoor⁸
34. Commercial Stables, Riding Academy⁸
35. Master Planned Developments
36. Heliport⁸
37. Special Events⁹
38. Amenities Club
39. Club, Private Residence Off-site¹¹

C. **PROHIBITED USES**. Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

¹Nightly Rental of Lockout Units requires a Conditional Use permit

²See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments

³Nightly Rentals do not include the Use of dwellings for Commercial Uses

⁴See LMC Chapter 15-4-9, Child Care Regulations

⁵Olympic 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.

⁶See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

⁷See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

⁸As support Use to primary Development or Use, subject to provisions of LMC Chapter 15-6,

Master Planned Development

⁹Requires an Administrative or Administrative Conditional Use permit, see Section 15-4

¹⁰As part of an approved Ski Area Master Plan

¹¹Requires an Administrative Conditional Use permit. Is permitted only in approved existing Commercial spaces or developments that have ten (10) or more units with approved Support Commercial space. A Parking Plan shall be submitted to determine site specific parking requirements.

To maintain consistency with other resort-oriented zones discussed previously, staff also recommends that Club, Private Residence Off-Site be included in the RD Zone Conditional Uses with a footnote to limit this Use to Commercial spaces or larger developments within Master Planned Developments. Staff has included the following proposed redline changes to the LMC §15-2.13-2 Uses:

15-2.13-2 Uses

Uses in the RD District are limited to the following:

A. ALLOWED USES.

1. Single-Family Dwelling
2. Duplex Dwelling
3. Secondary Living Quarters
4. Lockout Unit¹
5. Accessory Apartment²
6. Nightly Rental³
7. Home Occupation
8. Child Care, In-Home Babysitting⁴
9. Child Care, Family⁴
10. Child Care, Family Group⁴
11. Accessory Building and Use
12. Conservation Activity Agriculture
13. Parking Area or Structure with four (4) or fewer spaces
14. Recreation Facility, Private
15. Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays⁵

B. CONDITIONAL USES.

1. Triplex Dwelling⁶
2. Multi-Unit Dwelling⁶
3. Guest House
4. Group Care Facility
5. Child Care Center⁴
6. Public and Quasi-Public Institution, Church, and School
7. Essential Municipal Public Utility Use, Facility, Service, and Structure
8. Telecommunication Antenna⁷
9. Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁸
10. Raising, grazing of horses

11. Cemetery
12. Bed and Breakfast Inn
13. Hotel, Minor⁶
14. Hotel, Major⁶
15. Private Residence Club Project and Conversion¹⁰
16. Office, General^{6,9}
17. Office, Moderate Intensive^{6,9}
18. Office, Medical^{6,9}
19. Financial Institution without drive-up window^{6,9}
20. Commercial Retail and Service, Minor^{6,9}
21. Commercial Retail and Service, personal improvement^{6,9}
22. Commercial, Resort Support^{6,9}
23. Café or Deli^{6,9}
24. Restaurant, Standard^{6,9}
25. Restaurant, Outdoor Dining¹⁰
26. Outdoor Event¹⁰
27. Bar^{6,9}
28. Hospital, Limited Care Facility^{6,9}
29. Parking Area or Structure with five (5) or more spaces
30. Temporary Improvement¹⁰
31. Passenger Tramway Station and Ski Base Facility¹¹
32. Ski Tow, Ski Lift, Ski Run, and Ski Bridge¹¹
33. Recreation Facility, Public
34. Recreation Facility, Commercial⁶
35. Entertainment Facility, Indoor^{6,9}
36. Commercial Stables, Riding Academy¹²
37. Master Planned Development with moderate income housing density bonus¹²
38. Master Planned Development with residential and transient lodging Uses only¹²
39. Master Planned Development with Support Retail and Minor Service Commercial Uses¹²
40. Heliport¹²
41. Vehicle Control Gate¹³
42. Fences and walls greater than six feet (6') in height from Final Grade¹⁰
43. Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays¹⁴
44. Amenities Club
45. Club, Private Residence Off-Site¹⁵

C. **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

¹Nightly rental of Lockout Units requires a Conditional Use permit

²See LMC Chapter 15-4-7, Supplemental Regulations for Accessory Apartments

³Nightly Rentals do not include the Use of dwellings for Commercial Uses and Nightly Rentals are not permitted in the April Mountain and Mellow Mountain Estates Subdivisions

⁴See LMC Chapter 15-4-9 for Child Care Regulations

⁵Olympic 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

⁶Subject to provisions of LMC Chapter 15-6, Master Planned Development

⁷See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunications Facilities

⁸See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

⁹Allowed only as a secondary or support Use to the primary Development or Use and intended as a convenience for residents or occupants of adjacent or adjoining residential Developments.

¹⁰Requires an administrative Conditional Use permit.

¹¹As part of an approved Ski Area Master Plan. See LMC Chapter 15-4-18.

¹²Subject to provisions of LMC Chapter 15-6, Master Planned Development

¹³See Section 15-4-19 for specific review criteria for gates

¹⁴Olympic 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 in an Area other than the original location set forth in the services agreement and/or Master Festival License.

¹⁵ Only allowed within a Master Planned Development Requires an Administrative Conditional Use permit. Is permitted only in approved existing Commercial spaces or developments that have ten (10) or more units with approved Support Commercial space. A Parking Plan shall be submitted to determine site specific parking requirements.

Process

Amendments to the LMC 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 this public hearing was posted in the required public spaces and public notice websites on April 5, 2018 and published in the Park Record on April 7, 2018 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.

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, revisions, or analysis needed in order to take final action.

Summary Recommendation

Staff recommends the Planning Commission conduct a public hearing, consider public input, and consider forwarding a positive recommendation to City Council on Land

Management Code Amendments to Zoning Chapter 2.16 (RC) and Chapter 2.13 (RD), based on the findings of fact that the proposed amendments 1) are consistent with the Park City General Plan, 2) reflect the goals and objectives of the current City Council, 3) are consistent with quality world class development, 4) are not harmful to the health, safety, and welfare of the residents of Park City, and 5) are consistent with the purpose statements of the RC and RD Zones and overall purpose of the Land Management Code.

Exhibits

Exhibit 1 – Draft Ordinance

Exhibit A – LMC § 15-2.16-3 Lot and Site Requirements in Recreation Commercial (RC)

Exhibit B – LMC § 15-2.13-3 Lot and Site Requirements in Residential Development (RD)

Exhibit 2 – Map of the Recreation Commercial (RC) Zoning District Areas

Exhibit 3 – Map of the Residential Development (RD) Zoning District Areas

Exhibit 4 – Applicant's Position Statement

Exhibit 5 – Applicant's Proposed LMC Amendment to Chapter 2.16 - Recreation Commercial (RC)

Exhibit 1 – Draft Ordinance

Ordinance 18-

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, AMENDING CHAPTER 15-2.16 RECREATION COMMERCIAL (RC) AND CHAPTER 15-2.13 RESIDENTIAL DEVELOPMENT (RD) ZONING DISTRICTS, RELATING TO CONDITIONAL USES WITHIN THOSE ZONES

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 Council finds that the proposed changes to the Land Management Code are necessary to supplement existing zoning regulations and to enhance the resort nature of Park City; to facilitate economically viable developments; and to enable development of Off-site Private Residence Club properties in the Recreation Commercial and the Residential Development zones; and

WHEREAS, it is in the best interest of the City to maintain Park City as a world class resort and amend the Land Management Code to encourage a variety of Uses, including Off-site Private Residence Clubs, in appropriate zoning districts; and

WHEREAS, these proposed Land Management Code (LMC) amendments were reviewed for consistency with the recently adopted Park City General Plan.

WHEREAS, it is essential that Park City does not lose its adaptability in order to remain competitive in the tourism industry.

WHEREAS, the vibrancy of Park City's resorts is essential to the success of resort support businesses. The City must provide flexibility to allow the primary resorts to evolve with the tourism industry, increase occupancy rates year round, and create more demand for the resort support industries throughout the City.

WHEREAS, the long-term economic sustainability of Park City depends upon the continued economic success and aesthetic attractiveness of the ski resort base area; and

WHEREAS, the Planning Commission duly noticed and conducted public hearings at the regularly scheduled meetings on April 25th, 2018 and forwarded a recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on May 17, 2018; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the values and goals of the Park City General Plan and the Park City Council; to protect health and safety and maintain the quality of life for its residents and visitors; to preserve and protect the vitality, activity and success of the ski resort base area; to ensure compatible development; and to preserve the community's unique character.

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

SECTION 1. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15-2.16 Recreation Commercial (RC) and Chapter 15-2.13 Residential Development (RD) Zoning Districts. The recitals above are incorporated herein as findings of fact. Chapters 15-2.16 and 15-2.13 of the Land Management Code of Park City are hereby amended as redlined in Exhibits A and B.

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

PASSED AND ADOPTED this ____ day of _____, 2018

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, Mayor

Attest:

City Recorder

Approved as to form:

Mark Harrington, City Attorney

Exhibits

Exhibit A – LMC § 15-2.16-2 Uses in RECREATION COMMERCIAL (RC)

Exhibit B – LMC § 15-2.13-2 Uses in RESIDENTIAL DEVELOPMENT (RD)

Exhibit A – LMC § 15-2.16-2 Uses in RECREATION COMMERCIAL (RC)

15-2.16-2 Uses

Uses in the RC District are limited to the following:

1. **ALLOWED USES.**

1. Single Family Dwelling
2. Duplex Dwelling
3. Triplex Dwelling
4. Secondary Living Quarters
5. Lockout Unit¹
6. Accessory Apartment²
7. Nightly Rental³
8. Home Occupation
9. Child Care, In-Home Babysitting⁴
10. Child Care, Family⁴
11. Child Care, Family Group⁴
12. Child Care Center⁴
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 Displays⁵

2. **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 Antenna⁶
6. Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁷
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 Conversion⁹
13. Office, General⁸
14. Office, Moderate⁸
15. Office and Clinic, Medical⁸

16. Financial Institution without drive-up window⁸
17. Minor Retail and Service Commercial⁸
18. Retail and Service Commercial, personal improvement⁸
19. Transportation Service⁸
20. Neighborhood Market, without gasoline sales⁸
21. Café or Deli⁸
22. Restaurant, General⁸
23. Restaurant, Outdoor Dining^{8,9}
24. Bar⁸
25. Hospital, Limited Care Facility⁸
26. Parking Area or Structure with five (5) or more spaces
27. Temporary Improvement⁹
28. Passenger Tramway Station and Ski Base Facility¹⁰
29. Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge¹⁰
30. Outdoor Events and Uses⁹
31. Recreation Facility, Public and Private⁸
32. Recreation Facility, Commercial⁸
33. Entertainment Facility, Indoor⁸
34. Commercial Stables, Riding Academy⁸
35. Master Planned Developments
36. Heliport⁸
37. Special Events⁹
38. Amenities Club
39. Club, Private Residence Off-site¹¹

3. **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

¹Nightly Rental of Lockout Units requires a Conditional Use permit

²See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments

³Nightly Rentals do not include the Use of dwellings for Commercial Uses

⁴See LMC Chapter 15-4-9, Child Care Regulations

⁵Olympic 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.

⁶See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

⁷See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

⁸As support Use to primary Development or Use, subject to provisions of LMC Chapter 15-6, Master Planned Development

⁹Requires an Administrative or Administrative Conditional Use permit, see Section 15-4

¹⁰As part of an approved Ski Area Master Plan

¹¹Requires an Administrative Conditional Use permit. Is permitted only in approved existing Commercial spaces or developments that have ten (10) or more units with approved Support Commercial space. A Parking Plan shall be submitted to determine site specific parking requirements.

Exhibit B – LMC § 15-2.13-2 Uses in RESIDENTIAL DEVELOPMENT (RD)

15-2.13-2 Uses

Uses in the RD District are limited to the following:

A. ALLOWED USES.

1. Single-Family Dwelling
2. Duplex Dwelling
3. Secondary Living Quarters
4. Lockout Unit¹
5. Accessory Apartment²
6. Nightly Rental³
7. Home Occupation
8. Child Care, In-Home Babysitting⁴
9. Child Care, Family⁴
10. Child Care, Family Group⁴
11. Accessory Building and Use
12. Conservation Activity Agriculture
13. Parking Area or Structure with four (4) or fewer spaces
14. Recreation Facility, Private
15. Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays⁵

B. CONDITIONAL USES.

1. Triplex Dwelling⁶
2. Multi-Unit Dwelling⁶
3. Guest House
4. Group Care Facility
5. Child Care Center⁴
6. Public and Quasi-Public Institution, Church, and School
7. Essential Municipal Public Utility Use, Facility, Service, and Structure
8. Telecommunication Antenna⁷
9. Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁸
10. Raising, grazing of horses
11. Cemetery
12. Bed and Breakfast Inn
13. Hotel, Minor⁶
14. Hotel, Major⁶
15. Private Residence Club Project and Conversion¹⁰
16. Office, General^{6,9}
17. Office, Moderate Intensive^{6,9}
18. Office, Medical^{6,9}
19. Financial Institution without drive-up window^{6,9}
20. Commercial Retail and Service, Minor^{6,9}

21. Commercial Retail and Service, personal improvement^{6,9}
22. Commercial, Resort Support^{6,9}
23. Café or Deli^{6,9}
24. Restaurant, Standard^{6,9}
25. Restaurant, Outdoor Dining¹⁰
26. Outdoor Event¹⁰
27. Bar^{6,9}
28. Hospital, Limited Care Facility^{6,9}
29. Parking Area or Structure with five (5) or more spaces
30. Temporary Improvement¹⁰
31. Passenger Tramway Station and Ski Base Facility¹¹
32. Ski Tow, Ski Lift, Ski Run, and Ski Bridge¹¹
33. Recreation Facility, Public
34. Recreation Facility, Commercial⁶
35. Entertainment Facility, Indoor^{6,9}
36. Commercial Stables, Riding Academy¹²
37. Master Planned Development with moderate income housing density bonus¹²
38. Master Planned Development with residential and transient lodging Uses only¹²
39. Master Planned Development with Support Retail and Minor Service Commercial Uses¹²
40. Heliport¹²
41. Vehicle Control Gate¹³
42. Fences and walls greater than six feet (6') in height from Final Grade¹⁰
43. Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays¹⁴
44. Amenities Club
45. Club, Private Residence Off-Site¹⁵

C. **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

¹Nightly rental of Lockout Units requires a Conditional Use permit

²See LMC Chapter 15-4-7, Supplemental Regulations for Accessory Apartments

³Nightly Rentals do not include the Use of dwellings for Commercial Uses and Nightly Rentals are not permitted in the April Mountain and Mellow Mountain Estates Subdivisions

⁴See LMC Chapter 15-4-9 for Child Care Regulations

⁵Olympic 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

⁶Subject to provisions of LMC Chapter 15-6, Master Planned Development

⁷See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunications Facilities

⁸See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

⁹Allowed only as a secondary or support Use to the primary Development or Use and intended as a convenience for residents or occupants of adjacent or adjoining residential Developments.

¹⁰Requires an administrative Conditional Use permit.

¹¹As part of an approved Ski Area Master Plan. See LMC Chapter 15-4-18.

¹²Subject to provisions of LMC Chapter 15-6, Master Planned Development

¹³See Section 15-4-19 for specific review criteria for gates

¹⁴Olympic 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 in an Area other than the original location set forth in the services agreement and/or Master Festival License.

¹⁵Only allowed within a Master Planned Development. Requires an Administrative Conditional Use permit. Is permitted only in approved existing Commercial spaces or developments that have ten (10) or more units with approved Support Commercial space. A Parking Plan shall be submitted to determine site specific parking requirements.

Exhibit 2 – Map of the Recreation Commercial (RC) Zoning District Areas

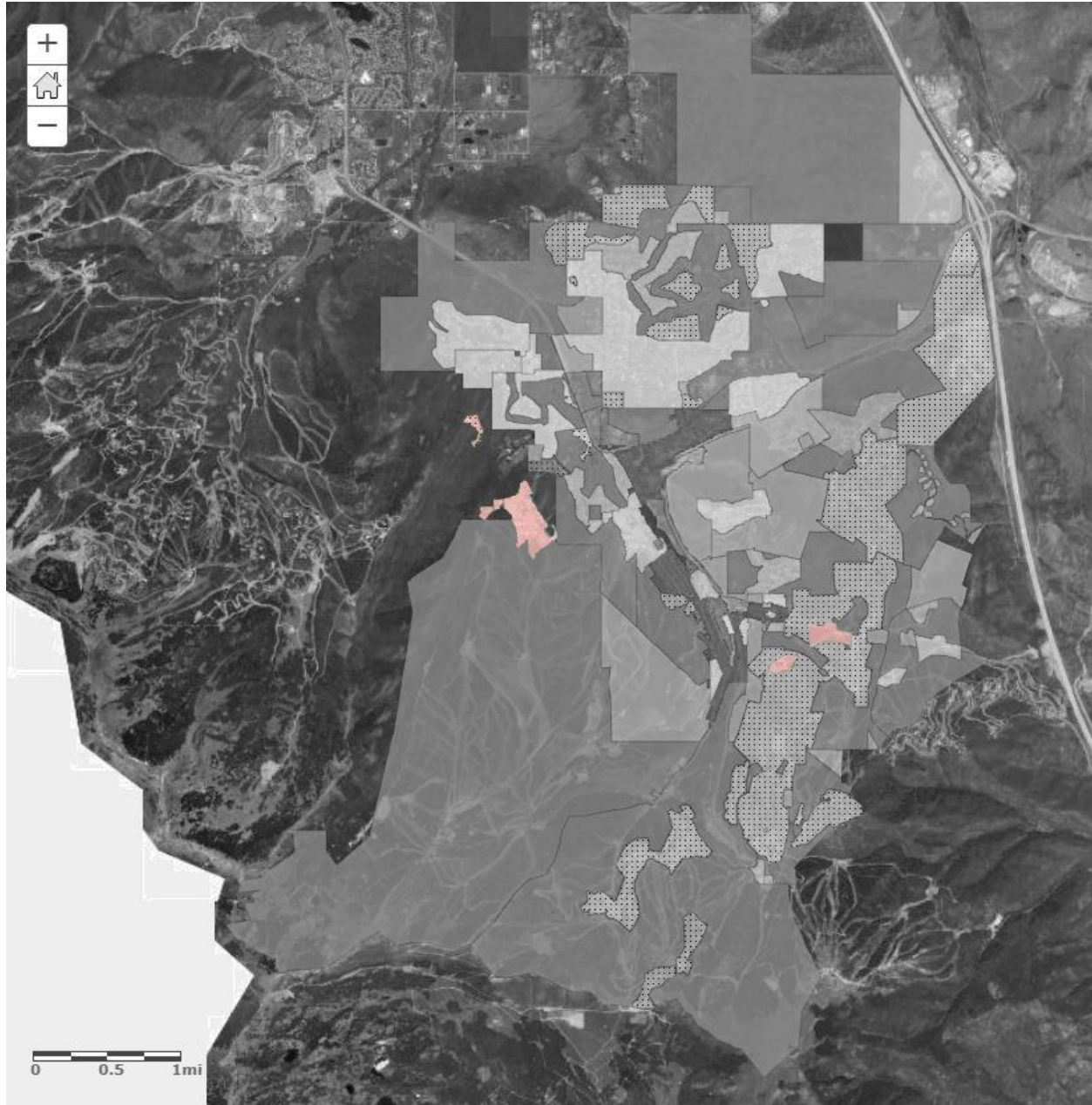


Exhibit 3 – Map of the Residential Development (RD) Zoning District Areas

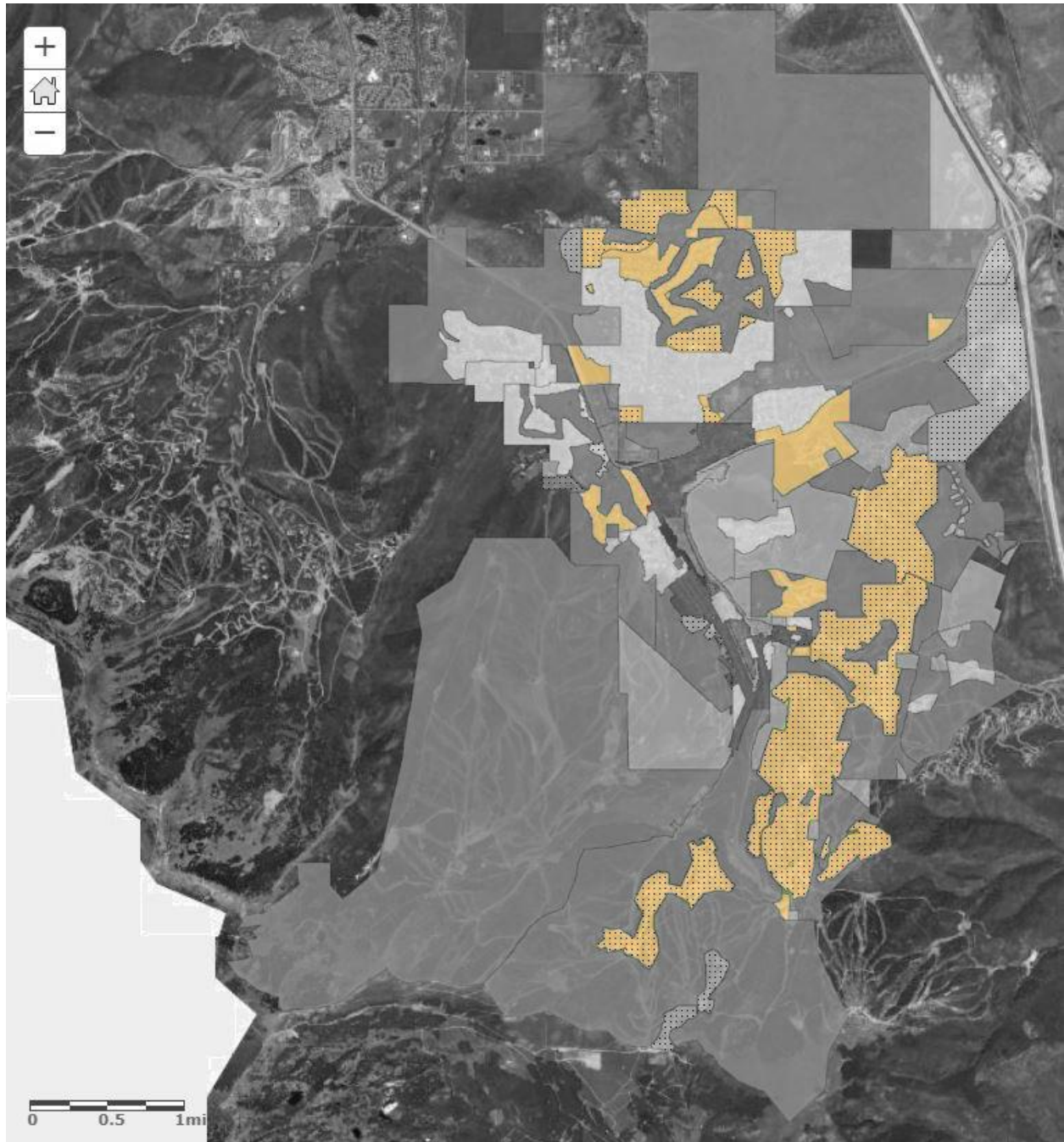


Exhibit 4 – Applicant’s Position Statement

The Promontory Club wishes to establish a mountain lodge facility for its members and guests in the lower level of 1415 Lowell Avenue immediately adjacent to the Park City Base Ski Area. Promontory members will have access to the mountain lodge facility by way of their membership in the Promontory Club. A shuttle between the Lowell Avenue location and the Promontory community is available by way of Promontory’s shuttle service thereby reducing the amount of traffic and parking in the area. Promontory’s shuttle already stops at the Park City resort and has done so over the last several years. The mountain lodge will include boot and ski lockers, a lounge area, quiet call/tech/phone charging area, snack kitchen, restrooms, and space for catered member events. The proposed mountain lodge will be basically the same as its current mountain lodge adjacent to the Deer Valley ski area at 7580 Royal Street E. These are similar to a private community association’s clubhouse but more specifically attuned to the recreational possibilities available at or near the adjacent ski resorts.

While the Promontory Members’ primary purpose is to use and enjoy the physical amenities provided by the ski resort, they will have access to the on-site equipment storage, a place to grab a snack, rest or play in the lounge areas, and utilize concierge services for the many adjacent restaurants and clubs, ski and bike shops and related outdoor events and equipment providers. At the mountain lodge members of Promontory will enjoy the benefits of a world-class multi-generational family friendly ski lounge location in the Park City Base Area providing a central location for Promontory members to disseminate out among the Base Area and Historic Main Street commercial areas.

The Promontory Club previously had a ski lodge for its members at 900 Main Street which was a short walk from the Town Lift (in the Historic Recreation Commercial Zone). To be able to use the 1415 Lowell Avenue location for the above stated purposes, the Promontory Club, on advice of city staff, wants to add the Private Club Off-Site as a Conditional Use for the Lowell Avenue location (in the Recreation Commercial Zone). This requires a technical amendment to Section 15-2.16-2 (A) of the Land Management Code to add “Private Residence Club, Off-Site” to the list of conditional uses.

Promontory’s proposed use is appropriate for the Recreation Commercial Zone. Promontory will not construct any new building but will utilize and improve existing space within the building at 1415 Lowell Ave. It will further the purpose of the RC Zone by promoting pedestrian connections to adjacent areas and minimizing automobile impacts because Promontory’s members will utilize its free shuttle system. Promontory’s proposed use could also potentially fit within existing conditional uses in the RC zone such as Amenities Club and Private Recreation Facility. The LMC definitions for these three use terms are as follows:

Amenities Club: Any organization formed and operated for the primary purpose of providing its members with social and recreational opportunities involving the access,

use and enjoyment of physical amenities and services provided at or through an existing approved Hotel, including restaurants, bars, spas, spa services, pools, lounges, exercise facilities, lockers, ski facilities and services, pools, and other facilities and services.

Private Recreation Facilities: Recreation facilities operated on private Property and not open to the general public. Including Recreation Facilities typically associated with a homeowner or Condominium association, such as pools, tennis courts, playgrounds, spas, picnic Areas, similar facilities for the Use by Owners and guests.

Private Residence Club Off-Site: 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.

I believe our Deer Valley Lodge (located at 7580 Royal St. E) is within the RD Zone. The RD Zone has Amenities Club as a conditionally allowed use and has Private Recreation Facility as an allowed use. Because of this, it would seem that the same type of facility could be classified as the same type of use in the RC Zone. Both the RD Zone (where Promontory's Deer Valley Lodge is located) and the RC Zone (where Promontory's proposed new lodge will be located) currently allow Amenities Clubs as a conditional use.

Thank you for your attention to this matter. I would like to follow up with you about the process and next steps at your earliest convenience. We are anxious to move forward and would like to have the Lowell Avenue location available for our members at the beginning of the next ski season.

Shawn Potter

Exhibit 5 – Applicant’s Proposed LMC Amendment to Chapter 2.16 - Recreation Commercial (RC)

15-2.16-2 Uses

Uses in the RC District are limited to the following:

1. **ALLOWED USES.**

1. Single Family Dwelling
2. Duplex Dwelling
3. Triplex Dwelling
4. Secondary Living Quarters
5. Lockout Unit¹
6. Accessory Apartment²
7. Nightly Rental³
8. Home Occupation
9. Child Care, In-Home Babysitting⁴
10. Child Care, Family⁴
11. Child Care, Family Group⁴
12. Child Care Center⁴
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 Displays⁵

2. **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 Antenna⁶
6. Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁷
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 Conversion⁹
13. Office, General⁸
14. Office, Moderate⁸

15. Office and Clinic, Medical⁸
16. Financial Institution without drive-up window⁸
17. Minor Retail and Service Commercial⁸
18. Retail and Service Commercial, personal improvement⁸
19. Transportation Service⁸
20. Neighborhood Market, without gasoline sales⁸
21. Café or Deli⁸
22. Restaurant, General⁸
23. Restaurant, Outdoor Dining^{8,9}
24. Bar⁸
25. Hospital, Limited Care Facility⁸
26. Parking Area or Structure with five (5) or more spaces
27. Temporary Improvement⁹
28. Passenger Tramway Station and Ski Base Facility¹⁰
29. Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge¹⁰
30. Outdoor Events and Uses⁹
31. Recreation Facility, Public and Private⁸
32. Recreation Facility, Commercial⁸
33. Entertainment Facility, Indoor⁸
34. Commercial Stables, Riding Academy⁸
35. Master Planned Developments
36. Heliport⁸
37. Special Events⁹
38. Amenities Club
39. Club, Private Residence Off-site¹¹

3. **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

¹Nightly Rental of Lockout Units requires a Conditional Use permit

²See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments

³Nightly Rentals do not include the Use of dwellings for Commercial Uses

⁴See LMC Chapter 15-4-9, Child Care Regulations

⁵Olympic 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.

⁶See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

⁷See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

⁸As support Use to primary Development or Use, subject to provisions of LMC Chapter 15-6, Master Planned Development

⁹Requires an Administrative or Administrative Conditional Use permit, see Section 15-4

¹⁰As part of an approved Ski Area Master Plan

Planning Commission Staff Report



Subject: Land Management Code Amendments
Author: Anya Grahn, Historic Preservation Planner
Application No. PL-18-03828
Date: April 25, 2018
Type of Item: Legislative – Land Management Code Amendments for Solar Energy Systems

Summary Recommendations

Staff recommends that the Planning Commission review the proposed Land Management Code (LMC) Amendments to address Solar Energy Systems in the Historic Districts (H-Zoning Districts) by amending LMC 15-1-2 Statement of Purpose, LMC 15-5-5 Architectural Design Guidelines, and 15-15 Defined Terms. Specifically, staff proposes to also amend the Lot and Site Requirements and Building Height sections for the following LMC Chapters: LMC 15-2.1-3, 15-2.1.5, 15-2.2-3, 15-2.2-5, 15-2.3-4, 15-2.3-6, 15-2.4-4, 15-2.4-7, 15-2.5-3, 15-2.5-5, and 15-2.6-5. Staff recommends that the Planning Commission open a public hearing and consider forwarding a positive recommendation to the City Council.

Description

Proposal: LMC amendments to better address Solar Energy Systems in the Historic Districts
Applicant: Planning Department, directed by City Council
Location: Historic Zoning Districts [Historic Residential Low-Density (HRL); Historic Residential (HR-1); Historic Residential (HR-2); Historic Residential-Medium Density (HRM); Historic Recreation Commercial (HRC); Historic Commercial Business (HCB)]
Reason for Review: LMC Amendments require Planning Commission review, public hearing, and recommendation plus City Council review, public hearing, and final action

Acronyms within this Report

American Planning Association	APA
Historic Preservation Board	HPB
Historic Residential Low-Density	HRL
Historic Residential-1	HR-1
Historic Residential -2	HR-2
Historic Residential-Medium Density	HRM
Historic Recreation Commercial	HRC
Historic Commercial Business	HCB
Land Management Code	LMC

Background

Since 2015, staff has been reviewing amendments to the 2009 Design Guidelines with the Historic Preservation Board (HPB). Based on the increase in requests for installation of Solar Energy Systems in the H-Zoning Districts reviewed by staff and feedback from the HPB, staff has incorporated additional guidelines in our amendments to address sustainability efforts, particularly on historic buildings. Through these reviews, staff found that additional regulations were necessary to control Solar Energy Systems in order to protect the historic character of the Historic Districts while allowing greater flexibility to install renewable energy systems so that citizens may do more individually to meet Park City's energy goals. Staff finds that the historic character is a priority, but that there is a way to balance both demands without compromising the integrity of the Historic Districts.

Staff also researched similar requirements for Solar Energy Systems in Portland, Oregon, and Denver, Colorado; publications by the National Trust for Historic Preservation, Secretary of Interior's Standards, National Renewable Energy Laboratory, as well as the Washington State Department of Archeology and Historic Preservation. Staff has had in-depth discussions with the City's historic preservation consultant, staff at Restore Oregon (Oregon's statewide historic preservation nonprofit organization) and Community Development staff from the City of Portland, Oregon.

The American Planning Association (APA), which provides tools and support necessary to meet the challenges of growth and change, has also published a [Policy Guide](#) on Energy that also addresses solar. Specifically, the Policy Guide recommends:

"Decisions with respect to siting, aesthetics, environmental concerns, and facilities management are most appropriately made closest to the communities and individuals most directly affected by the decision. For example, communities with historic districts may wish to regulate solar collection panels and wind turbines in a different manner than those communities without designated historic districts. Communities with exceptional scenic vistas may choose differing approaches to siting energy-related facilities. These are inherently local choices that should remain local."

In addition, the City's Sustainability Department has been working to earn SolSmart Gold designation for our community. SolSmart is a recognition program that helps local governments streamline the process for consumers to install rooftop solar. Park City Municipal Corporation has already achieved SolSmart Bronze, and with a few Land Management Code amendments and some training that has been completed by our Building Department permitting staff, Park City is set to achieve Gold status.

Planning staff has been collaborating with Sustainability staff in order to create LMC revisions that balance both our goals—allow for greater use of solar systems to help the City meet our goal of net zero while at the same time preserving the integrity of the Historic Districts. These changes are based on part of the SolSmart program requirements.

Analysis

Based on staff's research and the requirements of the SolSmart program, staff is proposing the following revisions. In reviewing these, it's important to note the following:

- Differentiation between Solar Energy Systems installed on rooftops and free-standing Solar Energy Systems.
- Separating regulations for Solar Energy Systems and skylights in LMC 15-5-5.
- Better defining and identifying solar panels and photovoltaic energy systems as Solar Energy Systems.

LMC 15-1-2 Statement of Purpose

In this section, staff found that Purpose Statement E encouraged the preservation or scenic vistas, which the Planning Department cannot legally preserve under state law. We have removed this section as well as replaced "solar energy devices" with "Solar Energy Systems." The following redlines are proposed:

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:

- To promote the general health, safety and welfare of the present and future inhabitants, Businesses, and visitors of the City,*
- 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,*
- To protect and preserve peace and good order, comfort, convenience, and aesthetics of the City,*
- To protect the tax base and to secure economy in governmental expenditures,*
- 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,*
- 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,*
- 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,*
- To protect and ensure access to sunlight for ~~Solar Energy devices systems~~, and*
- 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.

In the H-Zoning Districts, staff has amended the Lot and Site Requirement as well as Building Height Sections to better regulate the placement of Solar Energy Systems. The

changes are identical in the HRL, HR-1, HR-2, HRM, and HRC zoning districts. In the HCB zoning district, the changes fall under (F) Maximum Building Volume and Building Height Exceptions only because there is a 0 foot setback in this zoning district. Staff has provided the redlines for the HRL District as an example below. A full set of redlined sections is available in the proposed ordinance attached as Exhibit A.

15-2.1-3 Lot and Site Requirements

(G) REAR YARD EXCEPTIONS. *The Rear Yard must be open and free of any Structure except:*

6. *A Detached Accessory Building~~s~~, not more than eighteen feet (18') in height, and including any free-standing Solar Energy Systems, 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:*

(I) SIDE YARD EXCEPTIONS. *The side yard must be open and free of any Structure except:*

10. *A Detached Accessory Building~~s~~, not more than eighteen feet (18') in height, and including any free-standing Solar Energy Systems, located a minimum of five feet (5') behind the front Façade of the Main Building, maintaining a minimum Side Yard Setback of three feet (3').*

15-2.1-5 Building Height

2. *Water towers, mechanical equipment, and Solar Energy Systems, and associated Screening, when Screened or enclosed, may extend up to five feet (5') above the height of the Building. See LMC 15-5-5(G)(7)(a).*

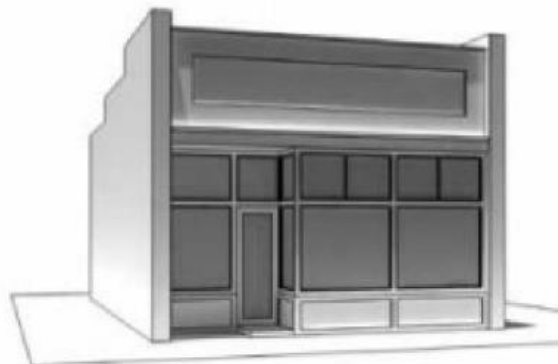
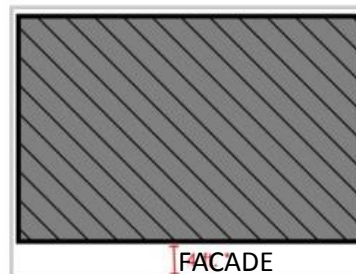
15-5-5 Architectural Design Guidelines

In this section, the LMC currently provides provisions for both solar panels and skylights; however, staff finds that these are two very different features. We have separated them into two standalone categories—(G) and (H)—to reduce confusion.

Additionally, staff has provided direction to ensure the placement of Solar Energy Systems are not visible from the primary right-of-way. On flat roofs, the systems should be flush-mounted to the roof or be located behind a parapet in order to minimize their appearance. On pitched roofs, the system should be installed on a roof that does not face a right-of-way. Further, the system should be setback at least one foot (1') from the edge of the roof to further minimize its appearance from the street. Staff has also found that solar shingles or standing seam products may be appropriate on some houses within the Historic District as these mimic the appearance of asphalt shingle and standing seam metal roofs. Finally, additional provisions have been added for Freestanding Solar Energy Systems.

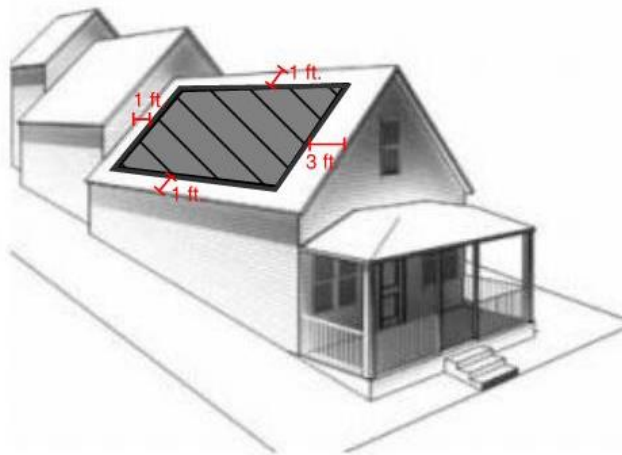
(G) SOLAR PANELS ENERGY SYSTEMS AND SKYLIGHTS. *Any Solar panel Energy System or skylight, or other translucent roof material which allows the transmission of light from the interior of the Building to the exterior, shall be designed as follows:*

- ~~1. Skylights shall be limited to no more than twenty-five percent (25%) of the total roof Area;~~
- ~~2. The skylight design shall facilitate the Use of natural light in to the Building and any light emitted or reflected from the skylight shall be shielded from adjacent Properties;~~
- ~~3. The skylight feature shall not be the highest point of the Structure; and~~
- ~~4. The skylight feature shall be designed to fit as flush as possible with the roof. Skylights shall generally extend no more than two feet (2') above the roof plane.~~
5. Solar panels energy systems shall be designed so as to be incorporated in the roof plan or architectural features of the structure to the best extent possible. Solar panels energy systems shall generally be mounted flush to the roof plane. In instances where due to the existing roof angle the panel needs to be angled from the roof plane for optimum solar gain, alternative designs may be considered upon review of a visual analysis and mitigation of visual impacts from surrounding properties.
6. Solar panels, solar devices, and Solar Energy Systems and mounting equipment shall use non-reflective finishes such as an anodized finish.
7. Skylights and Solar panels energy systems in the Historic Districts are subject to the Design Guidelines for Historic Districts and Historic Sites and shall also meet the following:
 - a. On a Flat Roof, the Solar Energy System shall be mounted flush to the roof or on racks. When this is not possible, the Solar Energy System shall extend no more than five feet (5') above the highest point of the roof. Solar Energy Systems shall be screened from view of the primary right-of-way by:
 - i. An existing parapet along the street-facing façade that is as tall as the tallest part of the Solar Energy System; or
 - ii. Setting the Solar Energy System back from the edge of the roof facing the primary right-of-way at least four feet (4') for each one foot (1') of Solar Energy System height (including any necessary racks).



*4 ft. of setback required for every 1 ft. of height for the solar energy system.

- b. Solar Energy System are permitted on pitched roofs facing a rear or side lot line so long as the Solar Energy System is not visible from the primary public right-of-way. The Solar Energy System shall be mounted flush on the pitched roof, with the system no more than one foot (1') from the surface of the roof at any point. Solar Energy Systems shall be screened from view of the primary right-of-way in the following ways:
- The Solar Energy System shall be located at least one foot (1') from the ridgeline of the pitched roof.
 - The Solar Energy System shall be located at least three feet (3') from the edge of the roof facing a right-of-way and one foot (1') from the edge of the roof facing the rear property line.
 - The Solar Energy System shall be located at least one foot (1') from the eave of the roof.
 - The Solar Energy System shall not alter the slope of the roof.



-
- c. Solar shingles and propanel/standing seam integrated products may be appropriate on roof surfaces visible from the primary public right-of-way in the Historic Districts when it can be shown that they are sized similar to conventional asphalt shingles or metal siding. They shall be similar in color to roofing materials in the Historic Districts and shall possess an anti-reflective top coating, such as Tempered Glass Tefzel Glazing or titanium dioxide. All metal surfaces shall have a matte finish.
- d. Freestanding Solar Energy Systems shall meet all the setback requirements of an Accessory Building as outlined in the Historic Zoning Districts. They shall be installed in locations that minimize visibility from the primary public right-of-way. These systems shall be screened from the primary public right-of-way with materials such as fencing or vegetation of suitable scale for the Historic District.
- e. Exceptions to the location and height of the Solar Energy System above the roof are subject to Planning Director approval based on a determination that:
- A professional experienced in energy-efficient construction has conducted an energy audit and the building has optimized its energy efficiency through other means; and

- ii. The location of the Solar Energy System does not detract from the historic character of the site and/or the Historic District (by making the Solar Energy System a character-defining element of the building); and
- iii. The application has demonstrated that the proposed plan will result in a net positive generation of 105% or greater.

(H) SKYLIGHTS. Any skylight, or other translucent roof material which allows the transmission of light from the interior of the Building to the exterior, shall be designed as follows:

1. Skylights shall be limited to no more than twenty-five percent (25%) of the total roof Area;
2. The skylight design shall facilitate the Use of natural light in to the Building and any light emitted or reflected from the skylight shall be shielded from adjacent Properties;
3. The skylight feature shall not be the highest point of the Structure; and
4. The skylight feature shall be designed to fit as flush as possible with the roof. Skylights shall generally extend no more than two feet (2') above the roof plane.
- ~~5. Solar panels shall be designed so as to be incorporated in the roof plan or architectural features of the structure to the best extent possible. Solar panels shall generally be mounted flush to the roof plane. In instances where due to the existing roof angle the panel needs to be angled from the roof plane for optimum solar gain, alternative designs may be considered upon review of a visual analysis and mitigation of visual impacts from surrounding properties.~~
6. Skylights ~~and solar panels~~ in the Historic Districts are subject to the Design Guidelines for Historic Districts and Historic Sites.

15-5-5 Defined Terms

Finally, staff has updated the definitions to reflect the changes above.

ACCESSORY BUILDING. A Building on the same Lot as the principal Building and that is:

- A. clearly incidental to, and customarily found in connection with such principal Building, such as detached garages, barns, free-standing Solar Energy Systems, and other similar Structures that require a Building Permit;
- B. operated and maintained for the benefit of the principal Use;
- C. not a Dwelling Unit; and
- D. also includes Structures that do not require a Building Permit, such as sheds, outbuildings, or similar Ancillary Structures. See Ancillary Structure.

SOLAR ENERGY SYSTEM. An energy system which converts solar energy to usable thermal, mechanical, chemical, or electrical energy to meet a structure's energy requirement.

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

On April 7, 2018, legal notice of a public hearing was posted in the required public spaces and published in the Park Record.

Public Input

Public hearings are required to be conducted by the Planning Commission and City Council prior to adoption of LMC amendments. The public hearing for these amendments was properly and legally noticed as required by the LMC. No public input has been received as of the date of this report.

Significant Impacts

The proposed LMC amendments remove the ability to transfer any density from the Treasure Hill site to other sites, subject to City acquisition of the site.

Recommendation

Staff recommends that the Planning Commission review the proposed Land Management Code (LMC) Amendments to address Solar Energy Systems in the Historic Districts (H-Zoning Districts) by amending LMC 15-1-2 Statement of Purpose, LMC 15-5-5 Architectural Design Guidelines, and 15-15 Defined Terms. Specifically, staff proposes to also amend the Lot and Site Requirements and Building Height sections for the following LMC Chapters: LMC 15-2.1-3, 15-2.1.5, 15-2.2-3, 15-2.2-5, 15-2.3-4, 15-2.3-6, 15-2.4-4, 15-2.4-7, 15-2.5-3, 15-2.5-5, and 15-2.6-5. Staff recommends that the Planning Commission open a public hearing and consider forwarding a positive recommendation to the City Council.

Exhibits

Exhibit A – Proposed Ordinance

Exhibit A – Proposed Ordinance

Draft Ordinance 2018-XX

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, CHAPTER 15-1-2 STATEMENT OF PURPOSE, 15-2.1 HISTORIC RESIDENTIAL-LOW DENSITY (HRL) DISTRICT, 15-2.2 HISTORIC RESIDENTIAL (HR-1) DISTRICT, 15-2.3 HISTORIC RESIDENTIAL (HR-2) DISTRICT, 15-2.4 HISTORIC RESIDENTIAL-MEDIUM DENSITY (HRM) DISTRICT, 15-2.5 HISTORIC RECREATION COMMERCIAL (HRC) DISTRICT, 15-2.6 HISTORIC COMMERCIAL BUSINESS (HCB) DISTRICT, AND 15-15 DEFINED TERMS RELATED TO THE PURPOSES, LOT AND SITE REQUIREMENTS, BUILDING HEIGHT FOR SOLAR ENERGY, AND DEFINITIONS FOR SOLAR ENERGY SYSTEMS

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 and identifies necessary amendments to address planning and zoning issues that have come up in the past, and to address specific Land Management Code issues raised by the public, Staff, and the Commission, and to align the Code with the Council's goals and implementation of the General Plan; and

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 and commercial districts; and

WHEREAS, Park City was originally developed as a mining community and much of the City's unique cultural identity is based on the historic character of its mining era buildings; and

WHEREAS, these buildings are among the City's most important cultural, educational, and economic assets;

WHEREAS, April 7, 2018, legal notice was published in the Park Record as required by the Land Management Code; and

WHEREAS, the Planning Commission conducted a public hearing at the regularly scheduled meeting on April 25, 2018, and forwarded a recommendation to the City Council; and

WHEREAS, the City Council conducted a public hearing at its regularly scheduled meeting on May 31, 2018; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the 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 residential neighborhoods, 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 1 (General Provision and Procedures), Section 15-1-2. The recitals above are incorporated herein as findings of fact. Section 15-2-1 of the Land Management Code of Park City is hereby amended as redlined (see Attachment A).

SECTION 2. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2.1 (Historic Residential-Low Density), Sections 15-2.1-3(G), 15-2.1-3(I), and 15-2.1-5(D). The recitals above are incorporated herein as findings of fact. Sections 15-2.1-3(G), 15-2.1-3(I), and 15-2.1-5(D) of the Land Management Code of Park City are hereby amended as redlined (see Attachment B).

SECTION 3. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2.2 (Historic Residential-1), Sections 15-2.2-3(G), 15-2.2-3(I), and 15-2.2-5(D). The recitals above are incorporated herein as findings of fact. Sections 15-2.2-3(G), 15-2.2-3(I), and 15-2.2-5(D) of the Land Management Code of Park City are hereby amended as redlined (see Attachment C).

SECTION 4. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2.3 (Historic Residential-2), Sections 15-2.3-4(F), 15-2.3-4(H), and 15-2.3-6(D). The recitals above are incorporated herein as findings of fact. Sections 15-2.3-4(F), 15-2.3-4(H), and 15-2.3-6(D) of the Land Management Code of Park City are hereby amended as redlined (see Attachment D).

SECTION 5. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2.4 (Historic Residential Medium), Sections 15-2.4-4(F) and 15-2.4-7(A). The recitals above are incorporated herein as findings of fact. Sections 15-2.4-4(F) and 15-2.4-7(A) of the Land Management Code of Park City are hereby amended as redlined (see Attachment D).

SECTION 6. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2.5 (Historic Recreation Commercial), Sections 15-2.5-3(D), 15-2.5-3(F), and 15-2.5-5(A). The recitals above are incorporated herein as findings of fact. Sections 15-2.5-

3(D), 15-2.5-3(F), and 15-2.5-5(A) of the Land Management Code of Park City are hereby amended as redlined (see Attachment F).

SECTION 7. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2.6 (Historic Commercial Business), Section 15-2.6-5(F). The recitals above are incorporated herein as findings of fact. Section 15-2.6-5(F) of the Land Management Code of Park City is hereby amended as redlined (see Attachment G).

SECTION 8. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 5 (Architectural Review), Section 15-5-5. The recitals above are incorporated herein as findings of fact. Section 15-5-5 of the Land Management Code of Park City is hereby amended as redlined (see Attachment H).

SECTION 9. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15 (Definitions), Section 15-5-5. The recitals above are incorporated herein as findings of fact. Section 15-5-5 of the Land Management Code of Park City is hereby amended as redlined (see Attachment I).

SECTION 8. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 31st day of May, 2018

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, Mayor

Attest:

Michelle Kellogg, City Recorder

Approved as to form:

Mark Harrington, City Attorney

Attachment A

15-1 GENERAL PROVISION AND PROCEDURES

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 Systems~~, 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.

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

Amended by Ord. 06-22 on 4/27/2006

Attachment B

15-2.1 HISTORIC RESIDENTIAL-LOW DENSITY (HRL) DISTRICT

15-2.1-3 LOT AND SITE REQUIREMENTS

(G) REAR YARD EXCEPTIONS. The Rear Yard must be open and free of any Structure except:

6. A Detached Accessory Buildings, not more than eighteen feet (18') in height, and including any free-standing Solar Energy Systems, 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:

(I) SIDE YARD EXCEPTIONS. The side yard must be open and free of any Structure except:

10. A Detached Accessory Buildings, not more than eighteen feet (18') in height, and including any free-standing Solar Energy Systems, located a minimum of five feet (5') behind the front Façade of the Main Building, maintaining a minimum Side Yard Setback of three feet (3').

15-2.1-5 BUILDING HEIGHT

(D) BUILDING HEIGHT EXCEPTIONS. The following height exceptions apply:

2. Water towers, mechanical equipment, and Solar Energy Systems, ~~and associated Screening~~, when Screened or enclosed, may extend up to five feet (5') above the height of the Building. See LMC 15-5-5(G)(7)(a).

Attachment C

15-2.2 HISTORIC RESIDENTIAL (HR-1) DISTRICT

15-2.2-3 LOT AND SITE REQUIREMENTS

(G) REAR YARD EXCEPTIONS. The Rear Yard must be open and free of any Structure except:

6. ~~A~~ Detached Accessory Buildings, not more than eighteen feet (18') in height, and including any free-standing Solar Energy Systems, 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:

(I) SIDE YARD EXCEPTIONS. The Side Yard must be open and free of any Structure except:

10. Detached Accessory Buildings, not more than eighteen feet (18') in height, and including any free-standing Solar Energy Systems, 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').

15-2.2-5 BUILDING HEIGHT

(D) BUILDING HEIGHT EXCEPTIONS. The following height exceptions apply:

2. Water towers, mechanical equipment, and Solar Energy Systems, ~~and associated Screening,~~ when Screened or enclosed, may extend up to five feet (5') above the height of the Building. See LMC 15-5-5(G)(7)(a).

Attachment D

15-2.3 HISTORIC RESIDENTIAL (HR-2) DISTRICT

15-2.3-4 LOT AND SITE REQUIREMENTS

(F) REAR YARD EXCEPTIONS. The Rear Yard must be open and free of any Structure except:

6. Detached Accessory Buildings, not more than eighteen feet (18') in height, and including any free-standing Solar Energy Systems, 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:

(H) SIDE YARD EXCEPTIONS. The Side Yard must be open and free of any Structure except:

10. Detached Accessory Buildings, not more than eighteen feet (18') in height, including any free-standing Solar Energy Systems, 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').

15-2.3-6 BUILDING HEIGHT

(D) BUILDING HEIGHT EXCEPTIONS. The following height exceptions apply:

2. Water towers, mechanical equipment, and Solar Energy Systems, and associated Screening, when Screened or enclosed, may extend up to five feet (5') above the height of the Building. See LMC 15-5-5(G)(7)(a).

Attachment E

15-2.4 HISTORIC RESIDENTIAL-MEDIUM DENSITY (HRM) DISTRICT

15-2.4-4 LOT AND SITE REQUIREMENTS

(F) REAR YARD EXCEPTIONS. The Rear Yard must be open and free of any Structure except:

6. A Detached Accessory Buildings, not more than eighteen feet (18') in height, and including any free-standing Solar Energy Systems, located a minimum of five feet (5') behind the front façade of the Main Building, and maintaining a minimum Rear Yard Setback of one foot (1'). Such Structure must not cover over fifty percent (50%) of the Rear Yard. See the following illustration:

15-2.4-7 BUILDING HEIGHT

(A) BUILDING HEIGHT EXCEPTIONS. The following height exceptions apply:

2. Water towers, mechanical equipment, and Solar Energy Systems, ~~and associated Screening,~~ when Screened or enclosed, may extend up to five feet (5') above the height of the Building. See LMC 15-5-5(G)(7)(a).

Attachment F

15-2.5 HISTORIC RECREATION COMMERCIAL (HRC) DISTRICT

15-2.5-3 Lot and Site Requirements

(D) REAR YARD EXCEPTIONS. The Rear Yard must be open and free of any Structure except:

6. **A Detached Accessory Buildings,** not more than eighteen feet (18') in height, **and including any free-standing Solar Energy Systems,** 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:

(F) SIDE YARD EXCEPTIONS. The Side Yard must be open and free of any Structure except:

10. **A Detached Accessory Buildings,** not more than eighteen feet (18') in height, **and including any free-standing Solar Energy Systems,** 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').

15-2.5-5 BUILDING HEIGHT

(A) BUILDING HEIGHT EXCEPTIONS. The following height exceptions apply:

3. Water towers, mechanical equipment, **and Solar Energy Systems, and associated Screening,** when Screened or enclosed, may extend up to five feet (5') above the height of the Building. **See LMC 15-5-5(G)(7)(a).**

Attachment G

15-2.6 HISTORIC COMMERCIAL BUSINESS (HCB) DISTRICT

15-2.6-5 MAXIMUM BUILDING VOLUME AND HEIGHT

(F) MAXIMUM BUILDING VOLUME AND BUILDING HEIGHT EXCEPTIONS.

The following exceptions apply:

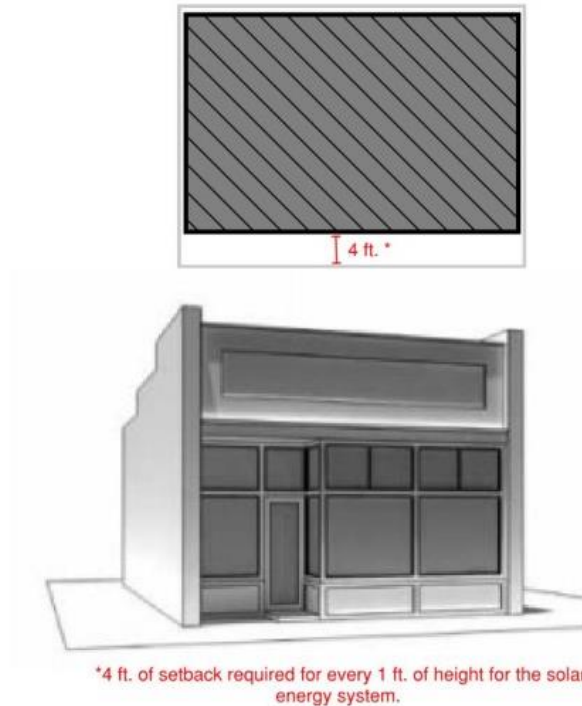
3. 2. Water towers, mechanical equipment, and Solar Energy Systems, ~~and associated Screening,~~ when Screened or enclosed, may extend up to five feet (5') above the height of the Building. See LMC 15-5-5(G)(7)(a).

Attachment H

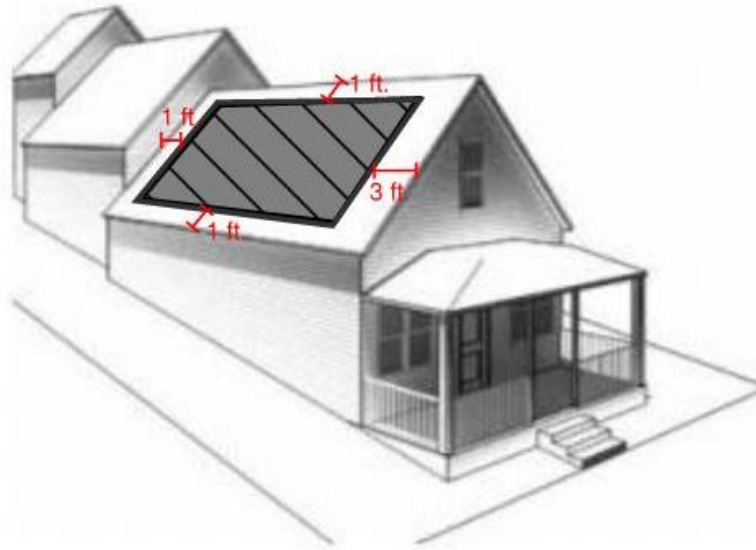
15-5-5 ARCHITECTURAL REVIEW

(G) ~~SOLAR PANELS ENERGY SYSTEMS AND SKYLIGHTS~~. Any solar ~~panel energy system~~ or skylight, or other translucent roof material which allows the transmission of light from the interior of the Building to the exterior, shall be designed as follows:

- ~~1. Skylights shall be limited to no more than twenty-five percent (25%) of the total roof Area;~~
- ~~2. The skylight design shall facilitate the Use of natural light in to the Building and any light emitted or reflected from the skylight shall be shielded from adjacent Properties;~~
- ~~3. The skylight feature shall not be the highest point of the Structure; and~~
- ~~4. The skylight feature shall be designed to fit as flush as possible with the roof. Skylights shall generally extend no more than two feet (2') above the roof plane.~~
5. Solar ~~panels~~ energy systems shall be designed so as to be incorporated in the roof plan or architectural features of the structure to the best extent possible. Solar ~~panels~~ energy systems shall generally be mounted flush to the roof plane. In instances where due to the existing roof angle the panel needs to be angled from the roof plane for optimum solar gain, alternative designs may be considered upon review of a visual analysis and mitigation of visual impacts from surrounding properties.
6. Solar panels, solar devices, and Solar Energy Systems and mounting equipment shall use non-reflective finishes such as an anodized finish.
7. ~~Skylights and~~ Solar panels energy systems in the Historic Districts are subject to the Design Guidelines for Historic Districts and Historic Sites and shall also meet the following:
 - a. On a Flat Roof, the Solar Energy System shall be mounted flush to the roof or on racks. When this is not possible, the Solar Energy System shall extend no more than five feet (5') above the highest point of the roof. Solar Energy Systems shall be screened from view of the primary right-of-way by:
 - i. An existing parapet along the street-facing façade that is as tall as the tallest part of the Solar Energy System; or
 - ii. Setting the Solar Energy System back from the edge of the roof facing the primary right-of-way at least four feet (4') for each one foot (1') of Solar Energy System height (including any necessary racks).



- b. Solar Energy System are permitted on pitched roofs facing a rear or side lot line that is not visible from the right-of-way. The Solar Energy System shall be mounted flush on the pitched roof, with the system no more than one foot (1') from the surface of the roof at any point. Solar Energy Systems shall be screened from view of the primary right-of-way in the following ways:
- i. The Solar Energy System shall be located at least one foot (1') from the ridgeline of the pitched roof.
 - ii. The Solar Energy System shall be located at least three feet (3') from the edge of the roof facing a right-of-way and one foot (1') from the edge of the roof facing the rear property line.
 - iii. The Solar Energy System shall be located at least one foot (1') from the eave of the roof.
 - iv. The Solar Energy System shall not alter the slope of the roof.



- c. Solar shingles and Propanel-type/standing seam integrated products may be appropriate on roof surfaces visible from the primary right-of-way in the Historic Districts when it can be shown that they are sized similar to conventional asphalt shingles or metal roofing. They shall be similar in color to roofing materials in the Historic Districts and shall possess an anti-reflective top coating, such as Tempered Glass Tefzel Glazing or titanium dioxide. All metal surfaces shall have a matte finish.
- d. Freestanding Solar Energy Systems shall meet all the setback requirements of an Accessory Building as outlined in the Historic zoning districts. They shall be installed in locations that minimize visibility from the public right-of-way. These systems shall be screened from the public right-of-way with materials such as fencing or vegetation of suitable scale for the Historic District.
- e. Exceptions to the location and height of the Solar Energy System above the roof are subject to Planning Director approval based on a determination that:
 - i. A professional experienced in energy-efficient construction has conducted an energy audit and the building has optimized its energy efficiency through other means; and
 - ii. The location of the Solar Energy System does not detract from the historic character of the site and/or the Historic District (by making the Solar Energy System a character-defining element of the building); and
 - iii. The application has demonstrated that the proposed plan will result in a net positive generation of 105% or greater.

(H) SKYLIGHTS. Any skylight, or other translucent roof material which allows the transmission of light from the interior of the Building to the exterior, shall be designed as follows:

1. Skylights shall be limited to no more than twenty-five percent (25%) of the total roof Area;
2. The skylight design shall facilitate the Use of natural light in to the Building and any light emitted or reflected from the skylight shall be shielded from adjacent Properties;
3. The skylight feature shall not be the highest point of the Structure; and
4. The skylight feature shall be designed to fit as flush as possible with the roof. Skylights shall generally extend no more than two feet (2') above the roof plane.
- ~~5. Solar panels shall be designed so as to be incorporated in the roof plan or architectural features of the structure to the best extent possible. Solar panels shall generally be mounted flush to the roof plane. In instances where due to the existing roof angle the panel needs to be angled from the roof plane for optimum solar gain, alternative designs may be considered upon review of a visual analysis and mitigation of visual impacts from surrounding properties.~~
6. Skylights ~~and solar panels~~ in the Historic Districts are subject to the Design Guidelines for Historic Districts and Historic Sites.

Attachment I

15-15 DEFINED TERMS

ACCESSORY BUILDING. A Building on the same Lot as the principal Building and that is:

- A. clearly incidental to, and customarily found in connection with such principal Building, such as detached garages, barns, free-standing Solar Energy Systems, and other similar Structures that require a Building Permit;
- B. operated and maintained for the benefit of the principal Use;
- C. not a Dwelling Unit; and
- D. also includes Structures that do not require a Building Permit, such as sheds, outbuildings, or similar Ancillary Structures. See Ancillary Structure.

SOLAR ENERGY SYSTEM. An energy system which converts solar energy to usable thermal, mechanical, chemical, or electrical energy to meet a structure's energy requirement.