

**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION
CITY COUNCIL CHAMBERS
March 23, 2016**



AGENDA

MEETING CALLED TO ORDER AT 5:30PM

ROLL CALL

ADOPTION OF MINUTES OF February 24, 2016

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

STAFF BOARD COMMUNICATIONS AND DISCLOSURES

WORK SESSION – *Discussion items only, no action taken*

Discussion of potential Annual Work Plan, Commission roles and responsibilities and priorities (Outline will be provided at the meeting)	<i>Planning Director Erickson</i>	
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Park City Mountain Resort Development Agreement Mountain Upgrade Plan and MPD Amendment	<i>Senior Planner Astorga & Historic Preservation Planner Grahm</i>	<i>17</i>
<i>Annual Check-in Historic Preservation and discussion on Condition of Approval amendment</i>		

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

803 Norfolk Avenue, Plat Amendment – Combining Lot 1 and the south half of Lot 2, Block 14 of Snyder's Addition to the Park City Survey	PL-15-03049	<i>33</i>
<i>Public hearing and possible recommendation to City Council on April 14, 2016</i>	<i>Historic Preservation Planner Grahm</i>	
844 Empire Avenue – Plat Amendment creating one (1) lot of record from the lot and portions of lots at 844 Empire Avenue.	PL-15-03034	<i>51</i>
<i>Public hearing and possible recommendation to City Council on April 14, 2016</i>	<i>Senior Planner Astorga</i>	
921 Norfolk Avenue – Plat Amendment combining two lots in order to remove the lot line that runs through an existing home.	PL-16-03091	<i>71</i>
<i>Public hearing and possible recommendation to City Council on April 14, 2016</i>	<i>Planner Hawley</i>	
2392 Holiday Ranch Loop Road – Conditional Use Permit for a new well filtration building	PL-15-03079	<i>91</i>
<i>Public hearing and possible action</i>	<i>Planner Hawley</i>	

ADJOURN

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
FEBRUARY 24, 2016

COMMISSIONERS IN ATTENDANCE:

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

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

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REGULAR MEETING

ROLL CALL

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

ADOPTION OF MINUTES

February 10, 2016

MOTION: Commissioner Joyce moved to APPROVE the minutes of February 10, 2016 as written. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Planning Director Bruce Erickson reported that the new Planning Commissioner, Laura Suesser, would be sworn in the following evening at the City Council meeting. Ms. Suesser would take her seat on the Planning Commission at the next meeting on March 9th.

Director Erickson reported some of the legacy projects were lying dormant due to other matters. The Staff was moving forward with Land Management Code changes. The intent is to make the LMC more technically precise and easier to identify what the City is looking for; and to do a better job of protecting neighborhood characteristics. Some of the changes address height issues in the historic districts, steep slopes, master sign plans, real estate offices and other items. The issues are fairly complicated and require additional time and discussion. Director Erickson noted that the Historic District Planners were

working on revising the Historic District Guidelines and they would be holding two public input sessions in April. The Planning Commission was welcome to attend those sessions. Director Erickson stated that changes after April would address traffic and transportation, as well as other issues related to master planned developments.

Director Erickson would provide an update at a later meeting on projects coming forward for summer planning. The Planning Commission could expect to hear the annual update on PCMR the first week in April, which was part of the approval on the gondola and two chair lifts.

CONTINUATIONS (Public Hearing and Continue to date specified.)

1. 2392 Holiday Ranch Loop Road- Conditional Use Permit for construction of a new well house that will support both the Divide and Park Meadows Well on the same property that the current well houses exist. (Application PL-16-03079)

Director Erickson reported that this item was a municipal project for a well filtration plan of approximately 2200 square feet next to the existing fire station on Holiday Ranch Loop Road. The approximate location is where the existing well buildings currently sit. It is a one-story building with a clerestory to provide light. The Staff had requested additional information from Public Utilities, and that information will be provided prior to the Planning Commission meeting on March 23rd.

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

MOTION: Commissioner Joyce moved to CONTINUE the 2392 Holiday Ranch Loop Road Conditional Use Permit to March 23, 2016. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 545 Main Street/550 Park Avenue, April Inn Condominiums – Condominium Record of Survey that creates a total of seven (7) units. (Application PL-16-03089)

Planner Francisco Astorga reviewed the application for a condominium record of survey for the April Inn condos. It is a total of seven units consisting of three commercial units on the

Main Street side, three residential units above the commercial, and one single family dwelling/parking structure on 550 Park Avenue, which was approved on October 28th, 2015.

Planner Astorga noted that the Historic District Design Review was updated to reflect the conditions of approval from October 28th, 2015. A public hearing was held the previous day. The Design Review Team found that the HDDR application meets all of the conditions of approval from October 28th and it was close to being approved.

Planner Astorga states that April Inn was located in the HCB and the HR-2 District. The requested condominium record of survey simply allows the property owner to sell each of the seven units individually. The Staff found that it meets the LMC for condominium records of survey.

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

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Chair Strachan understood that the CC&Rs require approval of this condominium conversion before the units could be individually sold. He asked why that requirement was put in place.

Planner Astorga replied that a conditional of approval united the April Inn on the Main Street side with 550 Park Avenue so they could accommodate that specific use. That same plat amendment, called the Cardinal Park Plat Amendment, also shifted the lot lines of two other adjacent Park Avenue lots. That application was approved by the City Council in November 2015. Lot 1 of that plat is this specific site of the April Inn condominiums and that plat needs to be recorded before they can move and record the condominium plat.

Commissioner Campbell asked how the applicant had solved the problem regarding the garage doors. Planner Astorga stated that the applicant originally proposed six parking spaces; four covered and two uncovered. The number of parking spaces was reduced to five; four being covered and the fifth one off to the side in the rear area of 550 Park Avenue. Eliminating one parking spot allowed them to build Building Code required walls and accommodate each garage door.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council for the condominium record of survey for 545 Main Streets/550 Park Avenue, April Inn Condominiums, based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 545 Main Street/550 Park Avenue

1. The property is located at 545 Main Street in the HCB District and at 550 Park Avenue in the HR-2 District.
2. The subject property consists of Lot 1 of the Cardinal Park Plat Amendment approved by the City Council in November 2015, and not yet recorded at Summit County.
3. The Cardinal Park Plat Amendment shall be recorded prior to the recordation of this Condominium Record of Survey.
4. In October 2015, the Park City Planning Commission approved a request for a Steep Slope Conditional Use Permit (CUP) for a new single-family dwelling over a parking structure on a vacant site and a CUP for a Residential Parking Structure with five (5) or more spaces, associated with a residential Building on the same Lot,
5. The property owner proposes to record a Condominium Record of Survey that creates a total of seven (7) units.
6. A condominium is not a type of use but a form of ownership.
7. A Multi-Unit Dwelling is an allowed use in the HCB District.
8. The proposal complies with the allowed uses in the HCB District.
9. Lot 1 of the Cardinal Park Plat Amendment is 8,425.5 square feet in total with 5,800.5 square feet of it within the HCB District and the remainder is located in the HR-2 District.
10. The minimum lot area within the HCB District is 1,250 square feet.

11. The HCB zoned portion of Lot 1 is 5,800.5 square feet and complies with the required minimum lot area.
12. The minimum lot width within the HCB District is twenty five feet (25').
13. The lot width of the HCB zoned portion of Lot 1 is 77.34 feet and complies with the minimum lot width.
14. There are no minimum front, rear, and side yard setback dimensions in the HCB District.
15. The maximum Floor Area Ratio (FAR) within the HCB District is 4.0 or 23,202 square feet (5,800.5 square feet x 4.0).
16. The existing gross area of the HCB zoned portion of Lot 1 is 15,539 square feet.
17. The existing FAR is 2.68 ($15,539 \div 5,800.5$) and meets the maximum FAR.
18. The maximum Building volume for the HCB Zoned lot is defined by a plane that rises vertically at the Front Lot Line to a height of thirty feet (30') measured above the average Natural Grade and then proceeds at a forty-five degree (45°) angle toward the rear of the Property until it intersects with a point forty-five feet (45') above the Natural Grade and connects with the rear portion of the bulk plane.
19. The maximum Building volume is met.
20. A single-family dwelling is an allowed use in the HR-2 District.
21. The minimum lot area for a single-family dwelling is 1,875 square feet.
22. The area of Lot 1 is 8,425.5 square feet in total with 2,625 square feet of it within the HR-2 District and the remainder is located in the HCB District.
23. The HR-2 zoned portion of Lot 1 is 2,625 square feet and complies with the required minimum lot area.
24. The minimum lot width allowed in the HR-2 District is twenty-five feet (25').
25. The lot width of the HR-2 zoned portion of Lot 1 is thirty five feet (35') and complies with the minimum lot width.

26.The proposed single-family dwelling / parking garage structure shall be subject to the parameters outlined in the HR-2 District.

27.The proposed Condominium Record of Survey Plat as the requested form of ownership is not detrimental to the overall character of the neighborhood.

28.This application allows the following units to be platted as private ownership:

- a. Commercial Unit A – 1,392 square feet.
- b. Commercial Unit B – 1,541 square feet. c. Commercial Unit C – 1,556 square feet.
- d. Residential Unit D – 2,994 square feet, plus a 213 square foot garage, totaling 3,207 square feet.
- e. Residential Unit E – 2,855 square feet, plus 220 square foot garage, totaling 3,075 square feet.
- f. Residential Unit F – 2,808 square feet, plus a 220 square foot garage, totaling 3,028 square feet.
- g. Residential Unit G – 1,826 square feet, plus a 232 square foot garage, totaling 2,058 square feet.

29.The total private ownership of this project is 15,857 square feet.

30.Units A, B, and C are found on the street level directly off to the Main Street sidewalk and are of a commercial designation.

31.Units D, E, and F are found above commercial units on the second and third level of the existing building.

32.Units A – F are addressed as 545 Main Street.

33.Residential unit G is a single-family dwelling and parking garage structure to be building and will have the 550 Park Avenue address.

34.The proposed Record of Survey consists of common area, private residential, limited common residential, and private commercial.

35. The exterior and boundary walls, floor joists, foundations, roofs, mechanical areas, utility chase, etc. are to be platted as common space.

36.The four (4) residential units, D, E, F, & G, are to be platted as private residential including the four (4) garages to be access off the alley via Main Street.

37.The three (3) commercial units, A, B, & C, are to be platted as private commercial.

38.The storage areas accessed through the three (3) garages, external parking space adjacent to Unit G, exterior decks, internal circulation, etc., are platted limited common residential.

39.The property is located within the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) boundary. Prior to building permit issuance, a soils management plan must be submitted and final construction must comply with the Soils Ordinance.

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

Conclusions of Law – 545 Main Street/550 Park Avenue

1. The Condominium Plat is consistent with the Park City Land Management Code and applicable State law regarding condominium record of survey plats.

2. Neither the public nor any person will be materially injured by the proposed Condominium Plat.

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

Conditions of Approval – 545 Main Street/550 Park Avenue

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

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

3. The Cardinal Park Plat Amendment shall be recorded prior to the recordation of this Condominium Record of Survey.

4. Required public improvements and landscaping, as applicable, shall be completed at the time of conversion or security provided to ensure completion as provided by ordinance.

5. The property is located within the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) boundary. Prior to building permit issuance, a soils management plan must be submitted and final construction must comply with the Soils Ordinance.

2. Land Management Code Amendments regarding noticing in Chapter 15-1-18, Historic Preservation in Chapter 15-11, and associated definitions in Chapter 15-15, Defined Terms. (Application PL-15-03024)

Planner Anya Grahn stated that last December the City Council passed an ordinance to amend the Land Management Code to address a number of issues regarding the Historic Preservation Chapter. The Staff was cleaning up a few errors that were found. She explained that when they were making changes under the pending ordinance they heard a lot of complaints, particularly from second homeowners, about coming back to Park City to find that the house next door had been demolished and they were not noticed. Planner Grahn noted that a noticing matrix was included that requires the Planning Department to post a sign and provide mailing notice for property owners within 100 feet whenever a demolition permit is issued for 75% or more of the building.

Planner Grahn noted that the noticing requirement was the primary change. Most everything else were grammatical changes. Another change was that the HPB purposes statement was amended to exclude the HPB as an appeal body. Since the HPB does materials deconstruction they can no longer be the appeal body. Appeals will now go to the Board of Adjustment. Planner Grahn stated that they referenced the HPB's review of material deconstruction as part of 15-11-12(A)(3). The entire appeal body section was removed because it was outlined in other sections of the LMC and the language was repetitive. Planner Grahn pointed out that amendments were added to the definition of demolition.

The Staff requested that the Planning Commission conduct a public hearing, review the proposed Land Management Code Amendments, and forward a positive recommendation to the City Council.

Chair Strachan asked why the noticing boundary was not 300 feet. Director Erickson replied that 300 feet would be repetitive. A hundred feet encompasses all of the neighbors. Because the Old Town lots are smaller, 300 feet could notice as many as 100 people.

The 100 feet requirement was just for the action itself. Planner explained that 100 feet is consistent with the current noticing for an HDDR application.

Commissioner Phillips asked about the 75% demolition requirement. Planner Grahm stated that the Staff believed 75% was a fair number because 50% could be too small, depending on what was being proposed. She noted that 75% was almost a total scrape. Commissioner Phillips thought 50% would also be significant. Planner Grahm offered to amend it to 50% if there was consensus among the Commissioners.

Chair Strachan asked if the Rio Grande Building would have been considered material deconstruction or a demolition. Planner Grahm replied that the Rio Grande Buildings was approved and the work was done prior to the pending ordinance. Under the new ordinance it would have been classified as material deconstruction because the corrugated metal siding was removed, as well as other structural elements to rebuild the roof. Chair Strachan asked if more or less than 75% had been removed. Planner Grahm believed it was 25-50%.

Chair Strachan agreed with Commissioner Phillips that the percentage should be lowered. He recommended 25% based on the Rio Grande Building because people would want to know if a change of that magnitude was proposed.

Planner Grahm clarified that currently a material deconstruction project in Old Town is noticed for the HPB review as well. The 75% demolition noticing would only apply to something such as an A-frame where the applicant would propose to scrape the lot or remove a significant portion of that building.

Assistant City Attorney McLean stated that the reason for using the term “material deconstruction” as opposed to “demolition” is because under the Code a historic building can only be demolished through the CAD process. Any time material is removed from any historic building the term will be material deconstruction. Ms. McLean understood how there could be confusion in the future in terms of how to access the correct percentage. She asked Planner Grahm to clarify how the percentage is measured and what it means when doing a panelization.

Planner Grahm stated that a panelization project would fall under material deconstruction because even though it is demolition work, the building is actually reconstructed so it is not entirely lost. The percentage is aimed more at buildings that are not on the HSI and are being scraped. Planner Grahm was concerned that every time someone comes in to replace their siding it could be considered 25%. When the Staff suggested 75% they were looking at floor plan or materials. If 75% of the building is being removed it would take it down to maybe just the stud walls or even less.

Chair Strachan asked how Planner Grahm knew the answer when he asked for the percentage on the Rio Grande building. Planner Grahm stated that she estimated 25-50% percentage based on the work that was done. Chair Strachan asked if the Staff could do that with an application rather than seeing it in retrospect. Planner Grahm believed the Staff would have to draft their own guidelines to make sure they were being consistent in how they apply it. Chair Strachan thought that was even more reason for lowering the percentage. He preferred to set the percentage low and amend it later if necessary.

Chair Strachan asked if this also applied to buildings that were not on the HSI. Planner Grahm stated that the only way it would apply to a building on the HSI would be if the applicant went through the CAD process. Going through the CAD process means the building will be demolished and completely lost. She explained that a material deconstruction and a panelization or reconstruction project means the structure is coming back. It may be come back with new materials, but the HPB would review that under the material deconstruction review. The proposed LMC change was primarily for when there is a total loss and the building next door is completely demolished.

Chair Strachan asked if a building on the HSI would have to go through the CAD process. Planner Grahm stated that it would go through the materials deconstruction process as part of the Historic District Design Review. The CAD process is only for demolishing and scraping the site with no intention of bringing back the building.

Assistant City Attorney McLean thought she had added to the confusion. She explained that the term used is "demolition", which means it would only be non-historic buildings or buildings that are not on the HSI. Material deconstruction requires 14 days noticing before it goes to the Historic Preservation Board. The only ones exempt from that process are ones that are waived by the Planning Director because they are deemed minor.

Chair Strachan wanted to know the process for an HSI home if an owner wanted to re-panelize a large portion of the house. Planner Grahm stated that it would be material deconstruction, and as part of the panelization the HPB would have to review and approve the panelization. It would have to follow all the noticing requirements.

Chair Strachan asked for the process on a non-HSI home. Planner Grahm used the example of a 1970's house that the owner wanted to demolish. The owner would come in for an over-the-counter demolition permit and the Planning Department would sign off. The only difference now is that a mailing and a posting would be done to make the neighbors aware that the Planning Department had signed off on the demolition permit. Planner Grahm clarified that this was for buildings that are in the historic districts but not deemed historic.

Commissioner Joyce asked where the new category of "Contributory" fit into this process. Planner Grahm stated that they would fall under demolition because contributory structures are not protected from demolition. Contributory is more of an honorary term.

Commissioner Phillips asked if this change would have affected the Rio Grande. Planner Grahm answered no. In terms of the 25% for re-siding, Board Member Band questioned whether someone should have to go through the process to put new siding on a 1970s house in Old Town. She thought that seemed excessive.

Commissioner Campbell stated that it was important to know how the percentage is measured because re-siding is more like 5% of a house. He thought they needed to create a formula to calculate the percentage.

Assistant City Attorney McLean asked the Staff to give an example of a renovation project in town on a newer house. Planner Grahm could not think of any project where any part of the existing house was saved. Planner Astorga stated that the only example he had was the duplex at 1103/1105 Lowell Avenue. The owner wanted nothing saved and the entire structure was demolished. In that scenario the owners came in months before the pending ordinance for a demolition permit and he issued it on the spot. With the new proposed procedure the demolition would have to be noticed. Planner Astorga could not think of any project that saved a portion of the structure.

Commissioner Band commented on a structure at 531 Woodside that was so large it looked out of place. She was told that the owner remodeled the house and it towers over everything in the neighborhood. Planner Grahm stated that under the current Code that structure would have to go through a Historic District Design Review and it would not be a total scrape. Instead of a demolition permit the owners would come in for a building permit to do the addition and remodel. The neighbors would be noticed under the HDDR application.

Planner Grahm explained that the goal of the proposed change is to capture the ones not on the HSI that are more of a total scrape and there is no plan to rebuild immediately after. Commissioner Campbell clarified that the intent was not to keep someone from doing it. The purpose was to notify the neighbors. Planner Grahm replied that he was correct.

Commissioner Campbell suggested 50% since it was less than the 75% proposed by Staff but more than 25%. Chair Strachan thought the Planning Commission should see the guidelines the Staff would apply because it may affect what percentage they ultimately choose. Ms. McLean pointed out that because these are non-HSI buildings there is no

prohibition against demolition. It only puts people on notice that the demolition will occur. The only guidelines that would apply would be guidelines for new construction.

Chair Strachan clarified that he was asking to see the guidelines that the Staff would use to determine what percentage of material is being deconstructed as opposed to demolished. Director Erickson stated that there is no material deconstruction on a non-historic house. The notification is for non-historic sites only. He remarked that every material deconstruction is noticed on a historic project. If the structure is not historic the neighbors would be notified if 75% or more of the structure will be demolished. Director Erickson pointed out that it was nothing more than a courtesy notice.

Commissioner Phillips asked if 531 Woodside would have been captured by the 75% threshold. Planner Grahn believed it would have fallen under the Historic District Design Review because the changes to the project were approved and applied for under the HDDR for new construction. It was part of an addition and remodel permit. Director Erickson did not think 531 Woodside was a good example in this case because there were too many other components. He preferred to use one of the replica houses that caused a lot of controversy and started the ordinance revision. They are not historic but contribute to keeping the character of the neighborhoods. This would allow the neighbors to know that something was going to happen to that home.

Commissioner Joyce was concerned that if a demolition permit is issued over-the-counter the demolition could occur before the neighbors receive their notices. Planner Grahn stated that this was an opportunity to inform the neighbors because many live out of town and are concerned when they come back to town and find the neighboring house is gone. Ms. McLean asked for the typical lag time between the Planning Department signing off and the demolition permit being issued. Planner Grahn replied that it was approximately one week. Planner Astorga understood that the applicant needed to go to the Utah Department of Air Quality on a demolition to make sure it is mitigated properly. He believed the lag time was a week to ten days from the time the application is submitted before the permit is issued. Planner Astorga reiterated that the intent is a courtesy mailing as information only, and not for public input. Ms. McLean stated that if a neighbor objected to the demolition they would have to go to District Court and get an injunction.

Commissioner Band wanted to know what problem was being solved with the proposed change, other than trying to keep people from getting upset when a house is demolished. She questioned whether it would create additional problems because people could do nothing about it unless they get an injunction. Commissioner Joyce thought the time frame would not allow most people to get an injunction before the demolition occurred. He agreed that the courtesy notice was meaningless. Chair Strachan agreed that unless the

neighbors are given advance notice it would not be worth it. People need to be noticed before the backhoes arrive so they have time to get an injunction.

Commissioner Phillips stated that they would not want to delay everyone, and for that reason he thought 75% or more was probably the better percentage. Commissioner Joyce thought it would be meaningless to send a notification if a person has no influence over his neighbor's ability to demolish the building because it is allowed and the Planning Department will sign it off. The only difference is that the person out-of-town will hear about the demolition by mail instead of when they come back to town. It would still be too late to get an injunction because the house would already be torn down.

Director Erickson stated that the Planning Commission could make a motion to approve the changes to the LMC and strike the language with respect to noticing for demolitions over 75%.

Chair Strachan asked if they needed to change the definition of demolition under 15-1.75. Ms. McLean answered yes. She stated that whatever the Planning Commission would want to recommend to the City Council regarding the noticing was independent of the definitions. However, from a legal standpoint the definition needs to be changed because currently it is inconsistent with the material deconstruction language that was adopted in December.

Commissioner Joyce referred to page 73, the definition of Demolition. He asked for an explanation of the language regarding the exclusions. Director Erickson stated that the exclusions are if they have approved the act. If they approve a material deconstruction it is no longer a demolition. He explained that by definition they were trying to prohibit demolition in this section. If for some reason it was approved, it needed to be excluded from this definition because it is no longer a prohibited act.

Assistant City Attorney McLean stated that the Staff would wordsmith the language so the import is the same but the exclusions are listed so it is clear that all of those items are excluded.

Chair Strachan believed there was consensus to eliminate the language in red on page 78 of the Staff report that requires noticing of demolition of non-historic structures. The Board concurred.

Chair Strachan asked if there were any historic determinations that are not appealed to the Board of Adjustment under the newly revised Code. Assistant City Attorney recalled that the only exception was a provision that exempts City Council. Chair Strachan clarified that any appeals on either a Staff determination or an HPB determination would go to the Board

of Adjustment. He wanted to know what standard of review the BOA applies. Ms. McLean stated that it was changed to de Novo to match the other reviews. Chair Strachan read the language from the Code and pointed out areas where he thought the language was unclear. If they were giving the Board of Adjustment more appeals their standard of review should be clear. Ms. McLean explained that the same standards were applied across the Board for all appeals. The language in (G) was not just for HPB appeals. It was the burden of proof and standards of review for all appeal authorities within the City.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council for the LMC amendments for the Park City Historic Sites Inventory criteria and demolition permits in the draft ordinance, and as amended by removing the noticing requirements in red on page 78 of the Staff report. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Commissioner Phillips stated that 531 Woodside comes up frequently and he never has an answer for people. He asked if that type of situation could occur again and whether it has been addressed. Director Erickson offered to bring it back on the next agenda with a Staff update.

The Park City Planning Commission Meeting adjourned at 6:30 p.m.

Approved by Planning Commission: _____



PLANNING DEPARTMENT

Planning Commission Staff Report

Subject: Park City Mountain Resort MPD Development Agreement
Mountain Upgrade Plan

Author: Anya Grahn, Historic Preservation Planner
Francisco Astorga, AICP, Senior Planner

Project Number: PL-14-02600

Date: 23 March 2016

Type of Item: Work Session Annual Check-in
MPD Amendments Conditions of Approval

Summary Recommendations

Staff requests that the Planning Commission review the PCMR Master Planned Development (MPD), Development Agreement Mountain Upgrade Plan amendments as an annual update and discuss whether Planning Commission would like Staff to come back for action to amend Condition of Approval no. 4 Historic Preservation to extend the deadline 120 days to September 21, 2016.

Description

Applicant: VR CPC Holdings, Inc. d/b/a Park City Mountain
Property Owner: TCFC LEASECO LLC and TCFC PROPCO LLC
Location: 1345 Lowell Avenue
Zoning: Recreation and Open Space (ROS) District
Adjacent Land Uses: Recreation open space
Reason for Review: MPD Amendments are reviewed and approved by the Planning Commission

Background

On December 23, 2014 the applicant submitted a request to amend the existing Master Planned Development & Development Agreement. The current application was for the following items:

- a. Amendment to the Mountain Upgrade Plan for the Interconnect Gondola and expansion of the Snow Hut on-mountain restaurant.
- b. Amendment to the Park City Mountain Resort Master Plan Development (MPD) to satisfy requirements of the 2007 annexation which requires the addition of the upper mountain ski terrain to PCMR's original MPD.

On March 25, 2015, the Park City Planning Commission approved the requested amendment to the Mountain Upgrade Plan for the Interconnect Gondola and expansion of the Snow Hut on-mountain restaurant; Amendment to the Park City Mountain Resort Master Plan Development (MPD) to satisfy requirements of the 2007 annexation which required the addition of the upper mountain ski terrain to PCMR's original MPD; and Conditional Use Permit (CUP) for a ski lift (interconnect). Click on this [link](#) to view the

published staff report, page 85.

In addition, there was a City Council work session discussion in July 2015. Pursuant to direction given at that work session, Planning Department Staff, Historic Preservation Planner Anya Grahn and Planning Director Bruce Erickson, met with the Park City Historical Society and Museum to develop a prioritized list of mine structures that needed immediate stabilization.

Analysis

The approved application is subject to specific Findings of Fact, Conclusions of Law, and Conditions of Approval found by clicking on this [link](#), page 29 (Adopted Planning Commission minutes). MPD Amendment condition of approval no. 4 requires a number of items relating to historic preservation be completed prior to March 25, 2016. See the exact language below:

Historic Preservation

In furtherance of assisting the developers in meeting their obligations under Section 2.9.3 of the Amended and Restated Development Agreement for Flagstaff Mountain dated March 2, 2007, the Developer under the PCMR Development Agreement shall, (a) identify historically significant structures within the PCMR Development Agreement Property by October 1, 2015, (b) complete the inventory of historically significant structures and the preservation and restoration plan for such structures, as located within the PCMR Development Agreement Property (provided such sites are confirmed to be located within the property either owned by VR CPC Holdings, Inc. or held by VR CPC Holdings, Inc. pursuant to its ground lease from TCFC LeaseCo LLC) by March 25, 2016; (upon completion of the staff approval of the preservation and restoration plan, the applicant shall come back to the Planning Commission to report on the prioritization, annual check-in schedule and progress report on work complete to date) and (c) no later than March 25, 2016, dedicate and/or secure preservation easements for the historically significant structures (or reasonably equivalent long-term rights satisfactory to the City if easements are unavailable) for the City with respect to the identified sites within the PCMR Development Agreement Property. In addition, by October 1, 2015, the Developer under the PCMR Development Agreement shall contribute a total of \$50,000 towards the preservation of the prioritized historically significant structures on the PCMR Development Agreement Property as approved by the Planning Department/Preservation Planner, and propose a five (5) year capital fundraising plan dedicated towards restoration/stabilization of the historically significant structures. Nothing herein shall release the original Flagstaff Mountain Developer (e.g., United Park City Mines) or current property owner from any existing obligation under the Ordinance 07-10, and all related agreements including the Amended and Restated Development Agreement for Flagstaff Mountain dated March 2, 2007.

The 2015 amended MPD Development Agreement requires the resort to identify and

stabilize extant mining structures within its leasable area. The applicant contracted SWCA Environmental Consultants (SWCA) to conduct a reconnaissance level survey of their property, which was completed in September 2015. Following the survey, the applicant, SWCA, and the Planning Department met to create a prioritized list of endangered buildings. Prioritized list of structures has been agreed to by the Park City Historical Society and Museum, the applicant, and Park City Municipal. The prioritization was based on the physical condition of the structure, its historical integrity, and its historical significance in telling the Park City story. See Exhibit A - Draft Prioritized list and Draft Fundraising Priority, also Exhibit B- Draft Mining Structure Easement.

Staff finds that the submittal of the reconnaissance level survey in September 2015 meets section (a) of this condition of approval. Staff is currently working on a Memorandum of Understanding (MOU) between the applicant, the Park City Historical Society and Museum, underlying land owners, and Park City Municipal to coordinate fund raising and preservation efforts required by Condition of Approval no. 4. The applicant continues to work on an ALTA/ACSM Survey to determine their exact property.

The applicant has committed \$50,000 prior to October 1, 2015, to stabilizing the initial list of structures in accordance with the MPD Amendment condition of approval. Park City Municipal is responsible for the disbursement of the funds and approval of the work. The first project with the initial stabilization of the California Comstock started in November 2015.

The MPD required a five (5) year fund-raising by the applicant to further support stabilization of the historic structures. The plan was submitted according to the terms of the approval. The City, working with a draft from the Park City Historical Society and Museum, has crafted a Memorandum of Understanding (MOU) between the City, the Park City Historical Society and Museum, and the applicant for a working group to direct the distribution of funds both from the initial \$50,000 contribution and for the funds raised during the remaining portion of the five (5) year plan. It also incorporated the SWCA historic sites survey and prioritized list of mine structures. Drafts of the MOU have been reviewed by the City and the Park City Historic Society and Museum. The MOU is currently being reviewed by applicant representatives.

The applicant continues to work on an ALTA/ACSM Survey to determine their exact property boundaries. Staff is preparing separate Geographic Information System (GIS) mapping to assist in determining if boundaries of the Annexation Agreement and Development Agreement(s) are consistent and there are no remnant parcels.

Staff will continue to monitor the applicant's progress to ensure they meet the conditions of approval specified in their MPD and Conditional Use Permit approvals.

Staff requests direction from the Planning Commission on whether to come back with an amendment to the MPD to extend the deadline specified in the Historic Preservation condition of approval above of March 25, 2016, to July 23, 2016, (120 days), to allow Staff to work with the applicant as the Planning Department is reviewing the submitted

document and specifically waiting for the ALTA/ACSM Survey of the PCMR Development Agreement property as specified in section (b) to be completed. Section (c) of the condition can only be met after the inventory of historically significant structures and preservation/restoration for such structure is finalized to be able to dedicate preservation easements, contribute the specified monetary amount, etc.

Exhibit A - Draft Prioritized list

1. Thaynes Mine Hoist Hs.
2. Silver King Hoist Hs.
3. Thaynes- West Conveyor Gallery
4. Silver King Con- Ore Bin
5. Silver King Con- Tramway Counterweight
6. Silver King Coalition- Stores Department bldg.
7. Silver King- Change House
8. Silver King Boarding House
9. Thaynes- North Conveyor Gallery
10. Silver King – Water Tanks A & B
11. Thaynes- West Accessory Building
12. Jupiter Mine- Ore Bin
13. Silver King – Boarding House vault
14. Thaynes- Northwest bldg.

Draft Fundraising Priority under the MOU:

- Silver King Consolidated Mine – Counter Weight
- Thaynes Mine – Conveyor Gallery
- Jupiter Mine- Ore Bin
- Thaynes Mine – Hoist House
- Silver King – Head Frame Building and water tanks
- Claimjumper (King Con) –Ore Bin
- California/Comstock Mill

Exhibit B- Draft Mining Structure Easement

When recorded return to:
Park City Recorder
P.O. Box 1480
Park City, UT 84060

HISTORIC PRESERVATION EASEMENT

 [address]

THIS PRESERVATION EASEMENT, is made this [day] day of [month] ,
 [year] , by and between [property owner]
("Grantor") and Park City Municipal Corporation ("Grantee"), a municipal corporation of
Utah.

RECITALS

WHEREAS, Grantee is organized as a governmental unit under the laws of the State of
Utah and is a qualifying recipient of qualified conservation contributions under Section
170(h) of the Internal Revenue Code of 1986 as amended (hereinafter "IRC");
WHEREAS, Grantee is authorized to accept historic preservation easements to protect
property that is significant in Utah history and culture under the provisions the Utah
Historical Preservation Act (hereinafter "the Act"), in Part 5 of Chapter 8 of Title 9 of
Utah Code Annotated;
WHEREAS, Grantor is owner in fee simple of certain real property in Summit County,
Utah, more particularly described as:

 [legal description]
and commonly known as [address] (hereinafter "the Premises"), said
Premises including a historic mining structure (hereinafter "the Structure");

WHEREAS, the Structure is a historic structure as defined in section 15-11 of the Park
City Land Management Code;

WHEREAS, Grantor and Grantee recognize the historical, cultural, and aesthetic value
and significance of the Structure, and have the common purpose of conserving and
preserving the aforesaid value and significance of the Structure;

WHEREAS, the Structure, more particularly described below, contributes to the
historical and architectural value of the Premises;

WHEREAS, the grant of a historic preservation easement on the Structure, more
particularly described below, will assist in preserving and maintaining the Structure and
its architectural, historical, and cultural features; and

WHEREAS, to that end, Grantor desires to grant to Grantee, and Grantee desires to
accept, an historic preservation easement in gross and in perpetuity on the Structure
pursuant to the Utah Historical Preservation Act.

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00), the mutual promises
contained herein, and other good and valuable consideration, the receipt and sufficiency

of which is hereby acknowledged, Grantor does hereby grant and convey unto Grantee a limited preservation easement in perpetuity, which easement is more particularly described below (hereinafter “the Easement”), in and to the Structure, more particularly described as:

[INSERT PRECISE DESCRIPTION OF THE STRUCTURE BEING PRESERVED]

The Easement, to be of the nature and character further expressed in the Easement Agreement below, shall constitute a binding servitude upon said Premises of Grantor, and to that end Grantor covenants on behalf of itself and its successors and assigns, with Grantee and its successors and assigns, such covenants being deemed to run as a binding servitude with the land, to do upon the Premises each of the following covenants and stipulations, which contribute to the public purpose in that they aid significantly in the preservation of the Structure and surrounding land area, and which help maintain and assure the present and future historic integrity of the Structure.

EASEMENT AGREEMENT

1. Description of Structure. In order to make more certain the full extent of Grantor’s obligations and the restrictions on the Structure, and in order to document the nature of the Structure as of the date hereof, attached hereto as Exhibit A and incorporated herein by this reference is a set of photographs depicting the Structure. Also attached hereto as Exhibit B is an affidavit specifying certain technical and location information relative to said photographs satisfactory to Grantee. It is stipulated by and between Grantor and Grantee that the nature of the Structure as shown in Exhibit A is deemed to be the nature of the Structure as of the date hereof and as of the date this instrument is first recorded in the land records of Summit County, Utah.

2. Grantor’s Covenants. In furtherance of the Easement herein granted, Grantor undertakes of itself to do (and to refrain from doing, as the case may be) upon the Premises each of the following covenants, which contribute to the public purpose of significantly protecting and preserving the Structure:

- a) Grantor shall not demolish, remove, or raze the Structure without the prior express written permission of Grantee, and except as provided in Paragraphs 6 and 7.
- b) Grantor shall not undertake any of the following actions without the prior express written permission of Grantee, signed by a duly authorized representative thereof:
 - i) Increase or decrease the height of the Structure.
 - ii) Adversely affect the structural soundness of the Structure.
 - iii) Make any changes in the Structure including alteration, partial removal, construction, remodeling, or other physical or structural change, including any change in surfacing, with respect to the appearance or construction of the Structure, with the exception of the ordinary maintenance pursuant to Paragraph 2(c) below.

- iv) Permit any significant reconstruction, repair, or refinishing of the Structure that alters its state from the existing condition. This subsection (v) shall not include ordinary maintenance pursuant to Paragraph 2(c) below.
 - v) Erect, construct, or move anything on the Premises that would interfere with a view of the Structure or be incompatible with the historic or architectural character of the Structure.
- c) Grantor shall at all times maintain the Structure in a good and sound state of repair and maintain the structural soundness and safety of the Structure. Except as provided in the casualty provisions of Paragraphs 5 and 7, this obligation to maintain shall require replacement, rebuilding, repair, and reconstruction whenever necessary to have the Structure at all times appear to be and actually be the same as described under Paragraph 1 above.
 - d) Grantor shall not make on the Premises any topographical changes, including but not limited to excavation, which may affect the structural soundness or historical nature of the Structure. Notwithstanding the foregoing, Grantor may, with the prior written approval from and in the sole discretion of Grantee, make such additional topographical changes as are consistent with and reasonably necessary to promote the historic preservation purposes of this Easement or the reasonable use and enjoyment of the Premises.
 - e) Grantor shall not allow or cause on the Premises within 200 feet of the Structure any dumping of ashes, trash, rubbish, or any other unsightly or offensive materials.
 - f) Grantor shall not obstruct the substantial and regular opportunity of the public to view the Structure, to the extent that it is currently viewable from adjacent, publicly accessible areas such as public streets or walkways.
 - g) Grantor shall permit Grantee's representatives to inspect at all reasonable times the Structure, provided that reasonable advance notice is given to Grantor. Grantor agrees that representatives of Grantee shall be permitted to enter and inspect the Structure to ensure maintenance of structural soundness and safety; inspection of the Structure will not, in the absence of evidence of deterioration, take place more often than annually, and may involve reasonable testing of structural condition. Inspection of the Structure will be made at a time mutually agreed upon by Grantor and Grantee.
 - h) Grantor shall deliver to Grantee copies of any notice, demand, or letter of violation received by Grantor from any government authority within five (5) days of receipt by Grantor. Upon Grantee's request, Grantor shall promptly furnish Grantee with evidence of Grantor's compliance with such notice, demand, or letter, if compliance is required by law.
 - i) Except for the lien(s) or encumbrance(s) of a mortgage or deed of trust, Grantor shall cause to be satisfied or release any other lien or claim of lien

that may hereafter come to exist against the Premises which would have priority over any of the rights, title, or interest hereunder of Grantee.

4. Standards of Review. In exercising any authority created by the Easement to inspect the Structure; to review any construction, alteration, repair, or maintenance; or to review casualty damage or to reconstruct or approve reconstruction of the Structure following casualty damage, Grantee shall apply the Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings issued and as may be amended from time to time by the Secretary of the United States Department of the Interior (hereinafter “the Standards”), as well as the Park City Design Guidelines for Historic Districts and Historic Sites (hereinafter “the Guidelines”) and any state guidelines considered appropriate by Grantee for review of work affecting historically or architecturally significant structures or for construction of new structures within historically or architecturally significant structures or for construction of new structures within historically, architecturally, or culturally significant sites or areas. In the event the Standards or Guidelines are abandoned or materially altered or otherwise become, in the reasonable judgment of Grantee, inappropriate for the purposes set forth above, Grantee may apply reasonable alternative standards and notify Grantor of the substituted standards.

5. Casualty Damage or Destruction. In the event that the Structure or any part thereof shall be damaged or destroyed by casualty, Grantor shall notify Grantee in writing within five (5) days of the damage or destruction, such notification including what, if any, emergency work has already been completed. For purposes of this instrument, the term “casualty” is defined as such sudden damage or loss as would qualify for a loss deduction pursuant to Section 165(c)(3) of the IRC (construed without regard to the legal status, trade, or business of Grantor or any applicable dollar limitation). No repairs or reconstruction of any type, other than temporary emergency work to prevent further damage to the Structure and protect public safety, shall be undertaken by Grantor without Grantee’s prior written approval of the work. Within twenty-eight (28) days of the date of damage or destruction, Grantor shall submit to Grantee a written report prepared by a qualified restoration architect and an engineer, if required, acceptable to Grantor and Grantee, which shall include:

- a) an assessment of the nature and extent of the damage; and
- b) a report of such restoration and/or reconstruction work necessary to return the Structure to the condition existing at the date immediately prior to the damage or destruction.

If, in the reasonable opinion of Grantor and Grantee after reviewing such report, the purpose and intent of the Easement will be served by such restoration and/or reconstruction, Grantor shall within eighteen (18) months after the date of such change or destruction complete the restoration and/or reconstruction of the Structure in accordance with plans and specifications consented to by Grantee up to the total of the casualty insurance proceeds. Grantor shall not be obligated to expend any funds in excess of insurance proceeds it actually receives. Grantee has the right to raise funds toward the costs of restoration and/or reconstruction above and beyond the total of the casualty insurance proceeds as may be necessary to restore the appearance of the

Structure, and such additional costs shall constitute a lien on the Premises until repaid by Grantor.

6. Grantee's Covenants. Grantee hereby warrants and covenants that:

- a) Grantee is and will remain a Qualified Organization for the purposes of Section 170(h) of the IRC. In the event that Grantee's status as a Qualified Organization is successfully challenged by the Internal Revenue Service, then Grantee shall promptly select another Qualified Organization and transfer all of its rights and obligations under the Easement to said organization.
- b) In the event that Grantee shall at any time in the future become the fee simple owner of the Premises, Grantee, for itself and its successors and assigns, covenants and agrees, in the event of a subsequent conveyance of the Premises to another, to create a new preservation easement containing the same restrictions and provisions as are contained herein, and either to retain such easement in itself or to convey such easement to a similar unit of federal, state, or local government or local, state, or national organization whose purposes, inter alia, are to promote preservation or conservation of historical, cultural, or architectural resources, and which is a qualified organization under Section 170(h)(3) of the IRC.
- c) Grantee shall exercise reasonable judgment and care in performing its obligations and exercising its rights under the terms of the Easement, and shall not unreasonably withhold its consent when called for under the terms of the Easement.

7. Grantee's Right to Transfer. Grantee may, at its discretion and without prior notice to Grantor, convey, assign, or transfer this Easement to a unit of federal, state, or local government or to a similar local, state, or national organization whose purposes, inter alia, are to promote preservation or conservation of historical, cultural, or architectural resources, and which at the time of the conveyance, assignment, or transfer is a qualified organization under Section 170(h)(3) of the IRC, provided that any such conveyance, assignment, or transfer requires that the preservation purposes for which the Easement was granted will continue to be carried out.

8. Grantee's Remedies. Grantee may employ the following remedies to correct any violation of any covenant, stipulation, or restriction herein, in addition to any remedies now or hereafter provided by law:

- a) Grantee may, following reasonable written notice to Grantor, bring suit(s) to enjoin any such violation by ex parte, temporary, preliminary, and/or permanent injunction, including prohibitory and/or mandatory injunctive relief, and to require the restoration of the Structure to the condition and appearance required by this instrument. Notwithstanding the foregoing, Grantee shall first provide Grantor with written notice and a reasonable time period (at least 15 days) to cure any violations prior to initiating any action, unless the violation is of such a nature and/or extent that any delay would cause further damage to the area of the Easement.
- b) Grantee's representatives may, following reasonable notice to Grantor, enter upon the Premises, correct any violation, and hold Grantor and its successors

and assigns responsible for the cost thereof. Such cost until repaid shall constitute a lien on the Premises. Grantor shall exercise reasonable care in selecting independent contractors if it chooses to retain such contractors to correct any violations under this paragraph, including making reasonable inquiry as to whether any such contractor is properly licensed and has adequate liability insurance and workers' compensation coverage.

- c) Grantee shall have available all other legal and equitable remedies to enforce Grantor's obligations under this Agreement.
- d) In the event Grantor is found to have violated any of its obligations, Grantor shall reimburse Grantee for its reasonable costs or expenses incurred in connection therewith, including all reasonable court costs and attorney, architectural, engineering, and expert witness fees.
- e) Exercise by Grantee of one remedy hereunder shall not have the effect of waiving or limiting any other remedy, and the failure to exercise any remedy shall not have the effect of waiving or limiting the use of any other remedy or the use of such remedy at any other time.

9. Evidence of Compliance. Upon request by Grantee, based on a reasonable need by Grantee for such information, Grantor shall promptly furnish Grantee with evidence of Grantor's material compliance with any obligation of Grantor contained herein.

10. Runs with the Land. Grantor and Grantee intend that this grant constitute a common-law easement and a restrictive covenant. The obligations imposed by this Easement shall be effective in perpetuity and shall be deemed to run as a binding servitude with the Premises. This Easement shall extend to and be binding upon Grantor and Grantee, their respective successors in interest, and all persons hereafter claiming under or through Grantor and Grantee; the words "Grantor" and "Grantee" when used herein shall include all such persons. Anything contained herein to the contrary notwithstanding, a person shall have no obligation pursuant to this instrument where such person shall cease to have any interest in the Premises by reason of a bona fide transfer. This instrument shall be expressly referenced in any subsequent deed or other legal instrument by which Grantor divests itself of either the fee simple title or any lesser estate in the Premises or any part thereof on which the Structure is located, including, by way of example and not limitation, a recreational lease.

11. Recording. This Easement shall be recorded in the land records of Summit County, Utah. Grantee shall do and perform at its own cost all acts necessary to the prompt recording of this instrument. This instrument is effective only upon recording in the land records of Summit County, Utah.

12. Mortgages. Until a mortgagee or a purchaser at a foreclosure or trustee's sale obtains ownership of the Premises following foreclosure of a mortgage or deed in lieu of foreclosure, the mortgagee or purchaser shall have no obligation, debt, or liability under the Easement. Before exercising any right or remedy due to breach of the Easement except the right to enjoin violation, Grantee shall give all mortgagees of record written notice describing the default, and the mortgagees shall have sixty (60) days thereafter to cure or cause a cure of the default. Nothing contained in the above paragraphs or in the Easement shall be construed to give any mortgagee the right to extinguish this

Easement by taking title to the Premises by foreclosure or otherwise.

13. Plaques. Notwithstanding the restrictions of Paragraph 2(e) above, with Grantor's prior approval regarding appearance, size and location, Grantee may provide and maintain a plaque on the Structure, which plaque shall not exceed 12 inches by 12 inches in size, informing the public of the significance of the Structure and the existence of this perpetual preservation Easement.

14. Indemnification. Grantor hereby agrees to pay, protect, indemnify, hold harmless, and defend at its own cost and expense, Grantee (including Grantee's agents, directors, employees, or independent contractors) from and against any and all claims, liabilities, expenses, costs, damages, losses, and expenditures (including reasonable attorney fees and disbursements hereafter incurred) arising out of or in any way relating to the administration (as performed in good faith and without negligence) of this preservation Easement, including, but not limited to, the granting or denial of consents hereunder and the reporting on or advising as to any condition on the Premises. In the event that Grantor is required to indemnify Grantee pursuant to the terms of this Easement, the amount of such indemnity, until discharged, shall constitute a lien on the Premises.

15. Taxes. Grantor shall pay prior to the delinquency date all general taxes, special taxes, special assessments, water charges, sewer service charges, and other charges which may become a lien on the Premises. Grantee is hereby authorized, but in no event required or expected, to make or advance in the place of Grantor, upon ten (10) days' prior written notice to Grantor, any payment relating to past-due taxes, assessments, water rates, sewer fees, and other governmental or municipality charges, fines, impositions, or liens asserted against the Premises and may do so according to any bill, statement, or estimate procured from the appropriate public office without inquiry into the accuracy of such bill, statement, or assessment or into the validity of such tax, assessment, sale, or forfeiture; provided, however, that if within such ten (10)-day notice period Grantor provides a written reply to Grantee indicating that Grantor has or will within thirty (30) days contest any such past-due tax, special tax, special assessment, water charge, sewer service charge, or other charge which has or may become a lien on the Premises, then Grantee shall not make any such payment on behalf of Grantor until Grantor's contest of any such payment is definitively resolved. In the event that Grantee makes a payment on behalf of Grantor in accordance with this paragraph, the amount of such payment shall become a lien on the Premises and shall bear interest until paid by Grantor at two (2) percentage points above the prime rate of interest from time to time charged by Zions First National Bank.

16. Insurance. Grantor shall keep the Structure insured by an insurance company rated "A+" or better by the A.M. Best Company for the full replacement value against loss from the perils commonly insured under standard fire and extended coverage policies and comprehensive general liability insurance against claims for personal injury, death, and property damage of a type and in such amounts as would, in the reasonable opinion of Grantee, normally be carried on a property such as this. Such insurance shall name Grantee as an additional insured and provide for at least thirty (30) days' notice to Grantee before cancellation. Furthermore, Grantor shall deliver to Grantee fully executed copies of each insurance policy evidencing the aforesaid insurance coverage at the commencement of this grant and copies of new or renewed policies at least ten (10) days prior the expiration of such policy. Grantee shall have the right, after providing

Grantor written notice and a cure period of five (5) days, to provide insurance at Grantor's reasonable cost and expense, should Grantor fail to obtain the same. In the event that Grantee obtains such insurance, the reasonable cost of such insurance shall be a lien on the Premises until repaid by Grantor.

17. Liens. Any lien on the Premises created pursuant to any paragraph of the Easement may be enforced by Grantee in the same manner as a mechanic's lien.

18. Written Notice. Any notice which either Grantor or Grantee may desire or be required to give to the other party shall be in writing and shall be mailed, with postage prepaid, by registered or certified mail with return receipt requested, or delivered by hand; if to Grantor then at _____ **[address]** _____, with a copy to _____ **[attorney name and address]** _____ and if to Grantee, then at *Attn.: City Attorney, P.O. Box 1480, Park City, Utah, 84060*. Each party may change its address set forth herein by providing notice to such effect to the other party. Any notice, consent, approval, agreement, or amendment permitted or required of Grantee under the Easement may be given by the Park City Council or by any duly authorized representative of Grantee.

19. Stipulated Value of Grantee's Interest. Grantor acknowledges that upon execution and recording of the Easement, Grantee shall be immediately vested with a real property interest in the Premises and that such interest of Grantee shall have a stipulated fair market value, for purposes of allocating net proceeds in an extinguishment under Paragraph 23, equal to the ratio between the fair market value of the Easement and the fair market value of the Premises prior to considering the impact of the Easement (hereinafter the "Easement Percentage") as determined in the Qualified Appraisal provided to Grantee pursuant to Paragraph 22. Upon submission of the Qualified Appraisal, Grantor and Grantee shall sign an affidavit verifying the Easement Percentage and record it as an amendment to the easement. In the event Grantor does not claim a charitable gift deduction for purposes of calculating federal income taxes and submit a Qualified Appraisal, the value of the Easement shall be \$10.00.

20. Qualified Appraisal. In the event that Grantor claims a federal income tax deduction for donation of a "qualified real property interest" as that term is defined in Section 170(h) of the IRC, Grantor shall provide Grantee with a copy of an appraisal (hereinafter the "Qualified Appraisal" as that term is defined in Section 170(f)(11)(E) of the IRC) of the fair market value of the Easement. Upon receipt of the Qualified Appraisal, Grantee shall sign any appraisal summary prepared by the Internal Revenue Service and submitted to Grantee by Grantor.

21. Extinguishment. Grantor and Grantee hereby recognize that an unexpected change in the conditions surrounding the Premises may make impossible the continued ownership or use of the Premises for preservation purposes and necessitate extinguishment of the Easement. Such a change in conditions includes, but is not limited to, partial or total destruction of the Structure resulting from a casualty of such magnitude that Grantee approves demolition as explained in Paragraph 5 or condemnation or loss of title of all or a portion of the Premises or Structure. Such an extinguishment must comply with the following requirements:

- a) The extinguishment must be the result of a final judicial proceeding.

- b) Grantee shall be entitled to share in the net proceeds resulting from the extinguishment in a proportion equal to the Easement Percentage determined pursuant to Paragraph 21.
- c) Grantee agrees to apply all of the net proceeds it receives to the preservation of other buildings, structures, or sites having historical, architectural, cultural, or aesthetic value and significance to the people of the State of Utah.
- d) Net proceeds shall include, without limitation, insurance proceeds or awards, proceeds from sale in lieu of condemnation, and proceeds from the sale or exchange by Grantor of any portion of the Premises after the extinguishment, but shall specifically exclude any preferential claim of a mortgagee under Paragraph 14.

22. Interpretation and Enforcement. The following provisions shall govern the effectiveness, interpretation, and duration of the Easement:

- a) Any rule of strict construction designed to limit the breadth of restrictions on alienation or use of property shall not apply in the construction or interpretation of this instrument, and this instrument shall be interpreted broadly to effect its preservation and conservation purposes and the transfer of rights and the restrictions on use herein contained as provided in the Act.
- b) This instrument shall extend to and be binding upon Grantor and all persons hereafter claiming under or through Grantor, and the word "Grantor" when used herein shall include all such persons, whether or not such persons have signed this instrument or then have an interest in the Premises. Anything contained herein to the contrary notwithstanding, a person shall have no obligation pursuant to this instrument where such person shall cease to have any interest (present, partial, contingent, collateral, or future) in the Premises by a bona fide transfer for full value. Right, title, or interest herein granted to Grantee also shall be deemed granted to each successor and assign of Grantee and each such following successor and assign thereof, and the word "Grantee" shall include all such successors and assigns.
- c) Except as expressly provided herein, nothing contained in this instrument grants, nor shall it be interpreted to grant, to the public any right to enter on the Premises or into the Structure.
- d) To the extent that Grantor owns or is entitled to development rights which may exist now or at some time hereafter by reason of the fact that under any applicable zoning or similar ordinance the Premises may be developed to more intensive use (in terms of height, bulk, or other objective criteria regulated by such ordinances) than the Premises are devoted to as of the date hereof, such development rights shall be exercisable on, above, or below the Premises during the term of the Easement in a manner that would not negatively impact the Structure or the specific preservation purposes of the Easement.

- e) For the purposes of furthering the preservation of the Structure and the other purposes of this instrument, and to meet changing conditions, Grantor and Grantee are free to amend jointly the terms of this instrument in writing – provided, however, that no such amendment shall limit the perpetual duration of the Easement or interfere with the preservation purposes of the donation. Such amendment shall become effective upon recording in the land records of Summit County, Utah.
- f) This instrument is made pursuant to the Act (Section 9-8-5 of the Utah Code), but the invalidity, modification, or repeal of such statute or any part thereof shall not affect the validity and enforceability of this instrument according to its terms, it being the intent of the parties to agree and to bind themselves, their successors, and their assigns in perpetuity to each term of this instrument, whether or not this instrument be enforceable by reason of any statute, common law, or private agreement either in existence now or at any time subsequent hereto. This instrument may be re-recorded at any time by any person if the effect of such re-recording is to make more certain the enforcement of this instrument or any part thereof. The invalidity or unenforceability of any provision of this instrument shall not affect the validity or enforceability of any other provision of this instrument or any ancillary or supplementary agreement relating to the subject matter hereof.
- g) Nothing contained herein shall be interpreted to authorize or permit Grantor to violate any ordinance or regulation relating to building materials, construction methods, or use. In the event of any conflict between any such ordinance or regulation and the terms hereof, Grantor promptly shall notify Grantee of such conflict and shall cooperate with Grantee and the applicable governmental entity to accommodate the purposes of both this instrument and such ordinance or regulation.
- h) This instrument, together with its exhibits, reflects the entire agreement of Grantor and Grantee. Any prior or simultaneous correspondence, understanding, agreements, and representations are null and void upon execution hereof, unless set out in this instrument.

IN WITNESS WHEREOF, on the date first shown above, Grantor has caused this Easement to be executed, sealed, and delivered, and Grantee has caused this instrument to be accepted, sealed, and executed in its corporate name by its Mayor.

GRANTEE:

By:

Mayor

Attest:

City Recorder

Approved as to Form:

City Attorney's Office

GRANTOR:

By: _____
Its: _____

ACKNOWLEDGEMENT

STATE OF _____)
) §
COUNTY OF _____)

On this ____ day of _____, 2015, personally appeared before me
_____, personally known to me or proved to me on
the basis of satisfactory evidence to be the person whose name is signed on the
preceding instrument as the _____ of
_____, and acknowledged to me that he/she signed
it voluntarily for its stated purpose.

NOTARY PUBLIC

EXHIBIT A

Photographs Depicting the Structure

EXHIBIT B

Easement Monitoring Inspection Form/Affidavit



PLANNING DEPARTMENT

Planning Commission Staff Report

Subject: 803 Norfolk Avenue Plat Amendment
Author: Anya Grahn, Historic Preservation Planner
Project Number: PL-15-03049
Date: March 23, 2016
Type of Item: Legislative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the 803 Norfolk Plat Amendment located at the same address and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Description

Applicant: Jim Hewitson, represented by Gary Bush
Location: 803 Norfolk Avenue
Zoning: Historic Residential-1 (HR-1)
Adjacent Land Uses: Residential
Reason for Review: Plat Amendments require Planning Commission review and City Council review and action.

Proposal

The site known as 803 Norfolk Avenue consists of all of Lot 1 and the south half of Lot 2, Block 14 of Snyders Addition to Park City. The property owner requests to combine his property into one (1) lot of record. A portion of the historic structure sits over Lots 1 and 2. The entire site contains a total area of 3,745.0 square feet.

Background

On December 29, 2015, the City received a Plat Amendment application for the 803 Norfolk Plat Amendment; the application was deemed complete on February 4, 2016. The property is located at the same address. The property is in the Historic Residential (HR-1) District. The subject property consists of all of Lot 1 and the south half of Lot 2 of Block 14, Snyder's Addition to Park City.

This site is listed on Park City's Historic Sites Inventory (HSI) and is designated as a Significant Site. The property was built circa 1916 during the Mature Mining Historic Era (1894-1930). The historic structure was built over the internal property line between Lots 1 and 2.

The current owners submitted a Historic District Design Review (HDDR) Pre-Application in September 2015 to discuss renovation options for this historic property. The applicant has not yet submitted a HDDR application for the improvements, but has

chosen to move forward with the plat amendment in order to make future site improvements.

Purpose

The purpose of the HR-1 District is to:

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

Analysis

The proposed Plat Amendment creates one (1) lot of record from the existing one and one-half (1.5) lots. The Plat Amendment removes one (1) interior lot line going through the historic structure. The proposed Plat Amendment combines the property into one (1) lot measuring 3,745 square feet. The site contains one (1) whole Old Town lot, identified as Lot 1, and one (1) remnant parcel, Lot 2, of Block 14, Snyder's Addition to Park City.

The property currently contains 3,745 square feet. A portion of Crescent Tram/8th Street cuts across the west side and southwest corner of the property, consuming a total of 431 square feet. The portion that includes the street will be dedicated to the City during this plat amendment, and the street dedication shall be noted on the recorded plat, as reflected in Condition of Approval #6. The portion of the street dedication will reduce the overall lot size to 3,314 square feet and is included on the calculations for footprint below.

A single-family dwelling is an allowed use in the HR-1 District. The minimum lot area for a single-family dwelling is 1,875 square feet. The proposed lot meets the minimum lot area for single-family dwellings. The proposed lot width is 47.46 feet. The minimum lot width required in the HR-1 District is twenty-five feet (25'); the proposed lot meets the minimum lot width requirement. The following table shows applicable Land Management Code (LMC) development parameters in the HR-1 District:

Required	Existing	Permitted
Lot size	3,314 SF ¹	1,875 square feet minimum Complies
Allowed Footprint	711 square feet (Includes house, but not 350 SF historic garage) ²	1,375.5 square feet, maximum. Complies
Front/rear yard setbacks	13 feet front yard (Norfolk), 7.5 feet rear yard (Garage)	12 feet, for total of 25 feet Complies ³
Side yard setbacks	0 feet (north), 11.5 feet (south)	5 feet, minimum for total of 10 feet. Complies ³

¹ This represents the size of the lot after the street dedication.

² LMC § 15-2.2-3(D) states that Accessory Buildings listed on the HSI that are not expanded, enlarged, or incorporated into the Main Building shall not count in the total Building Footprint of the Lot.

³ LMC § 15-2.2-4 indicates that historic structures that do not comply with building setbacks are valid complying structures.

The maximum building footprint of structures located on a lot is regulated by the footprint formula found in the LMC. The formula is determined by the size of the lot. The current building footprint is approximately 711 square feet. The proposed lot area (3,314.0 square feet) yields a maximum footprint of 1,375.5 square feet. The existing historic house is less than the maximum footprint. Any new construction will be required to comply with setbacks, height, building footprint, and the Design Guidelines for Historic Sites.

The submitted survey reveals that the c.1938 garage along Crescent Tram encroaches over the north property line and into the neighboring property at 811 Norfolk Avenue. Staff recommends that the property owner enter into an encroachment agreement with the City for this encroachment, per Condition of Approval #4. Staff has made the applicant aware of this encroachment and aware of applicable applications that would have to be resolved prior to any physical work involving the historic garage and house, i.e., a Historic District Design Review (HDDR) application. The property backs up to Crescent Tram, a substandard street. Site lines are impeded along Crescent Tram/8th Street on the west and south sides of the property and the City Engineer will not permit drive access to 803 Norfolk via Crescent Tram/8th Street, per Condition of Approval #8.

In addition to the historic garage, other encroachments also exist on the site. There is a stone retaining wall along the north and east property lines that encroaches into the neighboring property at 811 Norfolk and the City right-of-way; staff does not believe this wall is historic. Further, the area between the east property line and the edge of Norfolk Avenue within the City right-of-way has been improved with a stone retaining wall; the applicant will need to remove these improvements or enter into an encroachment agreement with the City Engineer's office for these improvements as well. Finally, there are stone steps leading from 811 Norfolk across 803 Norfolk and on to Crescent Tram

in the northwest corner of the site. Conditions of Approval #4 and #5 have been added to require that encroachments across property lines must be addressed prior to plat recordation and shall either be removed or encroachment agreements shall be provided.

The City Engineer will also require the applicant to grant two (2) – ten foot (10') snow storage easements along the front (Norfolk Avenue) as well as rear and side (Crescent Tram/8th Street) property lines to address street frontages, per Condition of Approval #7.

Good Cause

Staff finds good cause for this Plat Amendment as the interior lot lines running through the historic structure will be removed, existing encroachments will be resolved, and a portion of the Crescent Tram/8th Street right-of-way will be dedicated to the City. Public snow storage and utility easements are provided on the lots.

Process

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

Department Review

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

Notice

On March 9, 2016, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record on March 5, 2016, according to requirements of the Land Management Code.

Public Input

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

Alternatives

- The Planning Commission may forward positive recommendation to the City Council for the 803 Norfolk Plat Amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the 803 Norfolk Plat Amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the 803 Norfolk Plat Amendment.

Significant Impacts

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

Consequences of not taking recommended action

Consequences of not taking the Planning Department's recommendation are that the

Site would remain as is and the historic structure would sit over the interior lot line. The site would continue to maintain two lots and a partial lot.

Summary Recommendation

Staff recommends the Planning Commission hold a public hearing for the 803 Norfolk Plat Amendment located at the same address and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat (Attachment 1)

Exhibit B – Survey

Exhibit C – County Tax Map

Exhibit D – Aerial Photographs with 500' Radius

Exhibit E– Site Photographs

Ordinance No. 16-XX

AN ORDINANCE APPROVING THE 803 NORFOLK AVENUE PLAT AMENDMENT LOCATED AT 803 NORFOLK AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 803 Norfolk Avenue have petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on March 9, 2016, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on March 5, 2016, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on March 23, 2016, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on March 23, 2016, forwarded a _____ recommendation to the City Council; and,

WHEREAS, on April 14, 2016, 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 803 Norfolk Avenue Plat Amendment.

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

SECTION 1. APPROVAL. The 803 Norfolk Avenue Plat Amendment, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 803 Norfolk Avenue.
2. The property is in the Historic Residential (HR-1) District.
3. The subject property consists of all of Lot 1 and the south half of Lot 2, Block 14 of Snyders Addition to Park City. The proposed plat amendment creates one (1) lot of record.
4. This site is listed on Park City's Historic Sites Inventory (HSI) and is designated as Significant.
5. The Plat Amendment removes one (1) lot line going through the historic structure.

6. The proposed Plat Amendment combines the property into one (1) lot measuring 3,314.0 square feet.
7. A single-family dwelling is an allowed use in the District.
8. The minimum lot area for a single-family dwelling is 1,875 square feet. The proposed lots meet the minimum lot area for single-family dwellings.
9. The proposed lot width is 47.46 feet along Norfolk Avenue. Crescent Tram borders the west (rear) and Crescent Tram/8th Street borders the south (side) edges of the property; this property has three (3) frontages.
10. The minimum lot width required is twenty-five feet (25'). The proposed lot meets the minimum lot width requirement.
11. The maximum building footprint allowed based on proposed lot size of 3,314 square feet is 1,375.5 square feet. The historic house equates to a footprint of approximately 711 square feet.
12. LMC § 15-2.2-4 indicates that historic structures that do not comply with building setbacks are valid complying structures.
13. The existing historic garage has a footprint of 350 square feet. LMC 15-2.2-3(D) states that Accessory Buildings listed on the HSI that are not expanded, enlarged, or incorporated into the Main Building shall not count in the total Building Footprint of the Lot.
14. The minimum front/rear yard setbacks are twelve feet (12'); the minimum total front/rear yard setbacks are twenty-five feet (25'). The historic house has a front yard setback of 13 feet; the garage in the rear yard has a 7.5 foot rear yard setback.
15. The minimum side yard setbacks are five feet (5'); the minimum total front/rear yard setbacks are 10 feet. The historic garage has a 0 foot setback on the north side yard, and the historic house has an 11.5 foot setback on the south side yard. The existing historic garage has a 0 foot side yard setback on the north and a rear yard setback of 6.5 feet. The existing historic garage structure does not meet the north side yard setback or the west rear yard setback along Crescent Tram.
16. Crescent Tram/8th Street consumes 431 square feet of the lot along the west and south sides of the property.
17. The historic garage encroaches into the neighboring property at 811 Norfolk by approximately 6 inches.
18. There is a non-historic stone retaining wall along the north and east property lines that encroaches into the neighboring property at 811 Norfolk and the City right-of-way. There are also stone steps leading from 811 Norfolk across 803 Norfolk and on to Crescent Tram in the northwest corner of the site.
19. The area between the east property line and the edge of Norfolk Avenue within the City right-of-way has been improved with a non-historic stone retaining wall, as well.
20. Sites lines are impeded along Crescent Tram/8th Street on the west and south sides of the property.
21. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

1. There is good cause for this Plat Amendment.

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

Conditions of Approval:

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A ten feet (10') wide public snow storage easement will be required along the Norfolk Avenue and Crescent Tram/8th Street frontages of the property.
4. The property owner shall resolve the encroachment of the stone retaining walls over the front (east) property line into the City Right-of-Way (ROW) by either removing the retaining walls or entering into an encroachment agreement with the City Engineer.
5. An encroachment agreement for the historic garage is recommended. The non-historic remaining stone retaining walls and stone steps encroaching over the north property line into the neighboring property at 811 Norfolk shall be removed or the applicant shall enter into an encroachment agreement with their neighbor for these improvements.
6. The applicant shall dedicate a portion of Lots 1 and 2 that include Crescent Tram/8th Street to the City.
7. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.
8. Ten foot (10') public snow storage easements shall be granted along the front, rear, and side property lines on Norfolk Avenue and Crescent Tram/8th Street.
9. No vehicular driveway access is permitted off of Crescent Tram/8th Street.
10. New construction shall comply with Land Management Code Section 15-2.2-3 regarding setbacks, building height, building envelope, building footprint, etc.

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

PASSED AND ADOPTED this 31st day of March, 2016.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Proposed Plat

KNOW ALL MEN BY THESE PRESENTS that the undersigned owners of the herein described tract of land, to be known hereafter as 803 NORFOLK AVENUE PLAT AMENDMENT, do hereby certify that we have caused this Plat Amendment to be prepared, and we hereby consent U/A/D April 18, 2003, as to an undivided 1/8 interest, to the family trust of Dorothy A. Foster, Trustees of the Foster family Trust U/A/D April 18, 2003, as to an undivided 1/8 interest, to the herein described tract of land, to be known hereafter as 803 NORFOLK AVENUE PLAT AMENDMENT.

In witness whereof, the undersigned
day of _____ 2016.

By: Dorothy L. Foster
Trustee of the Foster Family Trust U/A/D April 18, 2003

By: Elizabeth A. Foster
Trustee of the Foster Family Trust U/A/D April 18, 2003

ACKNOWLEDGMENT

State of _____
County of _____

On this _____ day of _____, 2016, Dorothy _____ Foster personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by my duly sworn/affirmed, did say that she is a Trustee of the Foster Family Trust U/A/D April 18, 2003, and that said document was signed freely and voluntarily by her on behalf of said trust.

Notary Public
Printed Name _____
Residing in: _____
My commission expires: _____
Commission No. _____

ACKNOWLEDGMENT

State of _____
County of _____

On this _____ day of _____, 2016, Elizabeth Foster personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that she is a Trustee of the Foster Family Trust U/A/D April 18, 2003, and that said document was signed freely and voluntarily by her on behalf of said trust.

Notary Public _____
 Printed Name _____
 Residing in: _____
 My commission expires: _____
 Commission No. _____

NOTE

This subdivision is subject to the Conditions of Approval in Ordinance 16-

SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that hold Certificate No. 49387-39, as prescribed by the State of North Carolina, and that I am the owner, as shown on this Record of Plat, of the above described 803 NORFOLK AVENUE PLAT. I further certify that the information on this plat is accurate.

[illegible]

all of Lot 1, and the South half of Lot 2, Block 14, Snyder's Addition to Park City, according to the official plat thereof recorded in the office of the Summit County Recorder.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned owner of the herein described tract of land, to be known hereafter as 803 NORFOLK AVENUE PLAT AMENDMENT, does hereby certify that he caused this Plat Amendment to be prepared, and he, James L. Hewitson, as Trustee of the James L. Hewitson Trust dated February 19, 2015, as to an undivided 5/6 interest, does hereby consent to the recordation of this Plat.

In witness whereof, the undersigned set his hand this _____ day of _____, 2016.

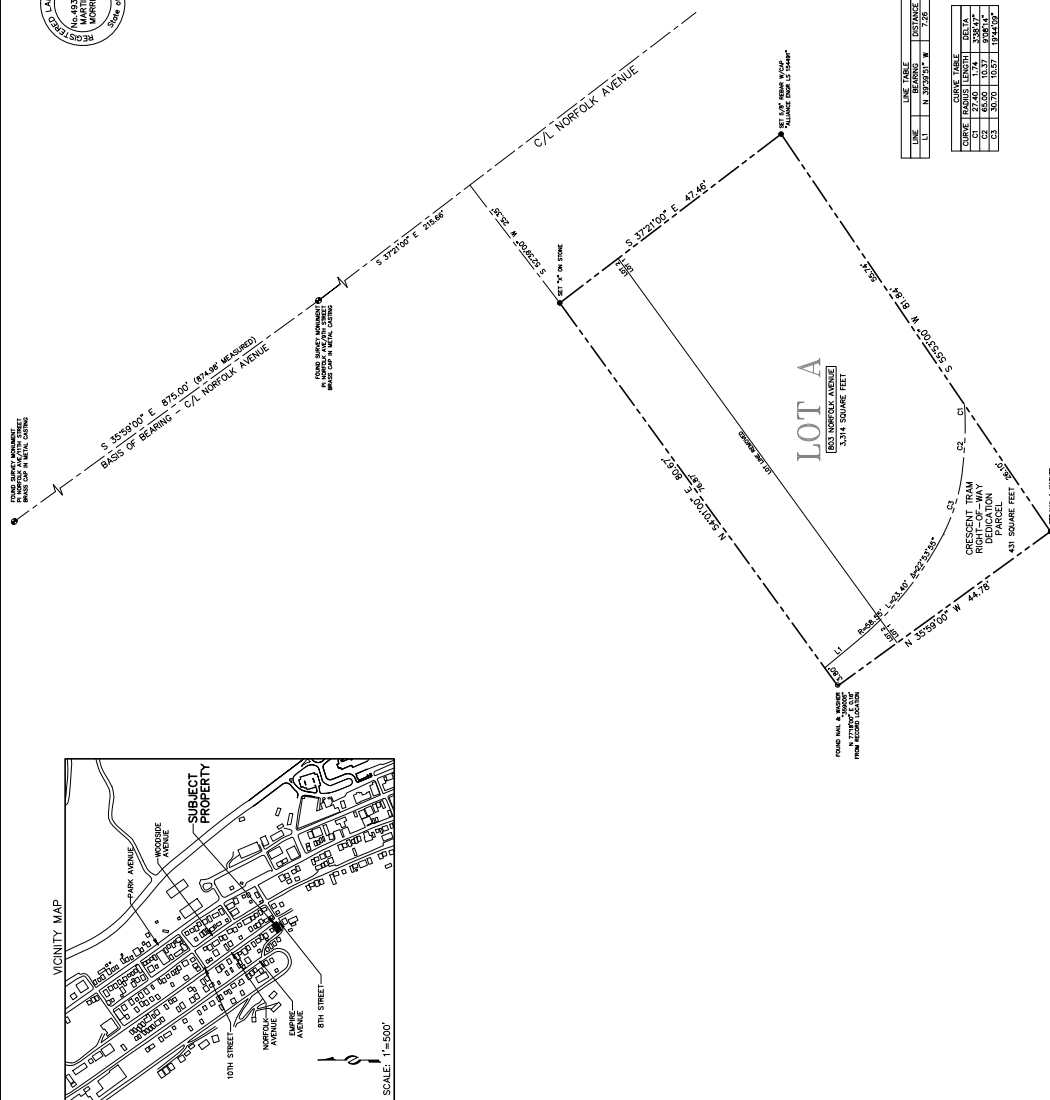
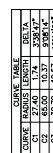
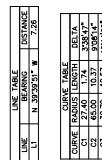
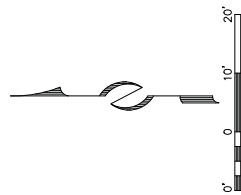
By: _____
James L. Hewitson
Trustee of the James L. Hewitson Trust dated February 19, 2015

ACKNOWLEDGMENT

State of _____
County of _____

On this _____ day of _____, 2016, James L. Hewitson personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that he is the Trustee of the James L. Hewitson Trust dated February 19, 2015, and that said document was signed freely and voluntarily by him, on behalf of said trust.

Notary Public _____
 Printed Name _____
 Residing in: _____
 My commission expires: _____
 Commission No.: _____



A COMBINATION OF LOT 1 & THE SOUTH HALF OF LOT 2 IN
BLOCK 14, SNYDER'S ADDITION TO PARK CITY SURVEY

803 NORFOLK AVENUE PLAT AMENDMENT
BLOCK 14, SINDER'S ADDITION TO PARK CITY SURVEY

LOCATED IN SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

(435) 648-4467



COUNCILMAN ROBERTS LEO RAINES SANCHEZ

Mr. Mayor, I do hereby declare my office as:

_____ MAYOR _____ CLERK _____ ALTERNATE

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER
RECLAMATION DISTRICT STANDARDS ON THIS _____
DAY OF _____, 2016

BY _____

PLANNING COMMISSION

APPROVED BY THE PARK CITY
PLANNING COMMISSION THIS _____
DAY OF _____, 2016

BY _____

ENGINEER'S CERTIFICATE

I FIND THIS PLAT TO BE IN
ACCORDANCE WITH INFORMATION ON
FILE IN MY OFFICE THIS _____
DAY OF _____, 2016

BY _____

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS _____
DAY OF _____, 2016

BY _____

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY
COUNCIL THIS _____ DAY OF _____, 2016

BY _____

CERTIFICATE OF TEST

I CERTIFY THIS PLAT MAP
WAS APPROVED BY PARK CITY
COUNCIL THIS _____ DAY
OF _____, 2016

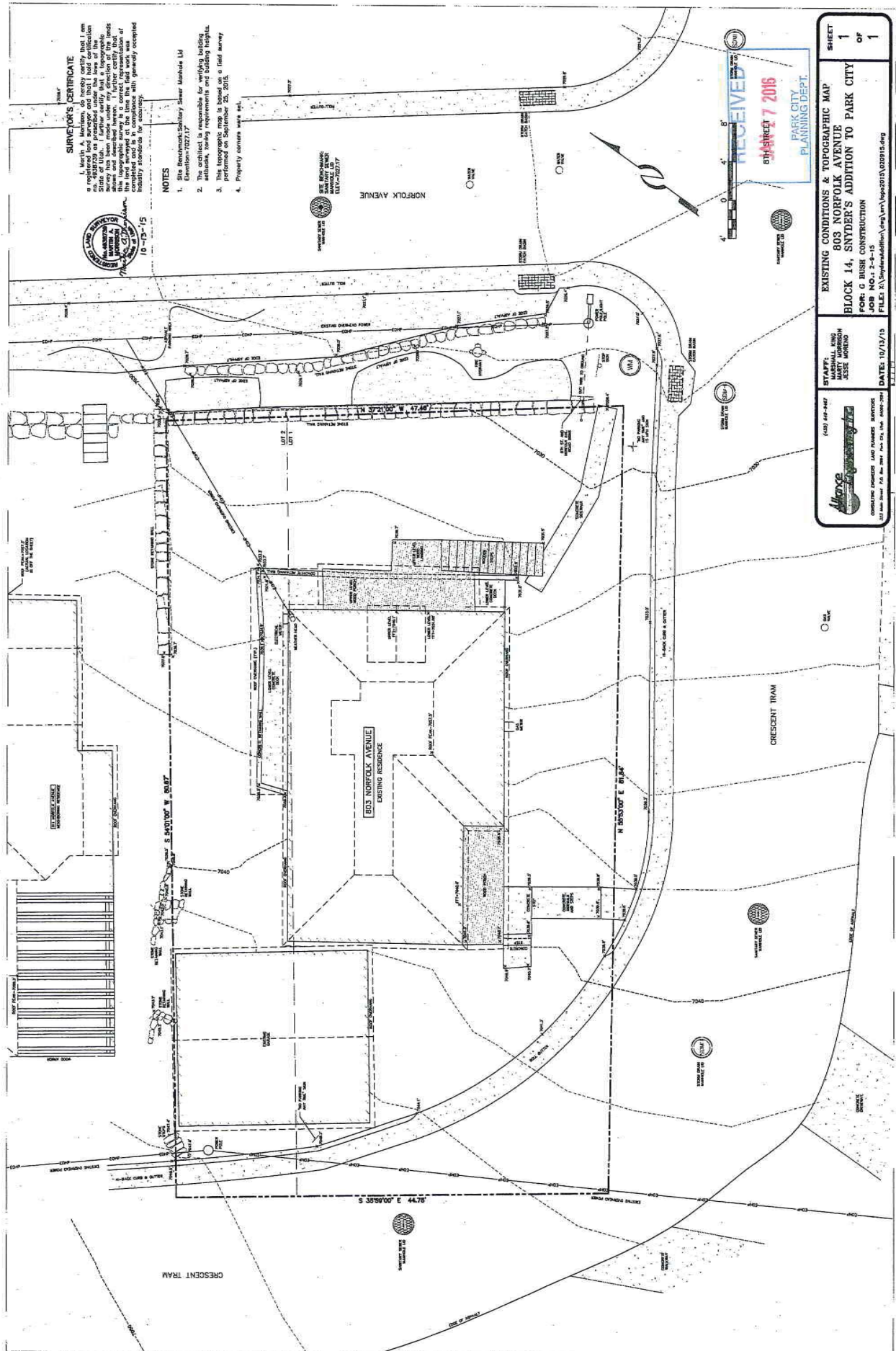
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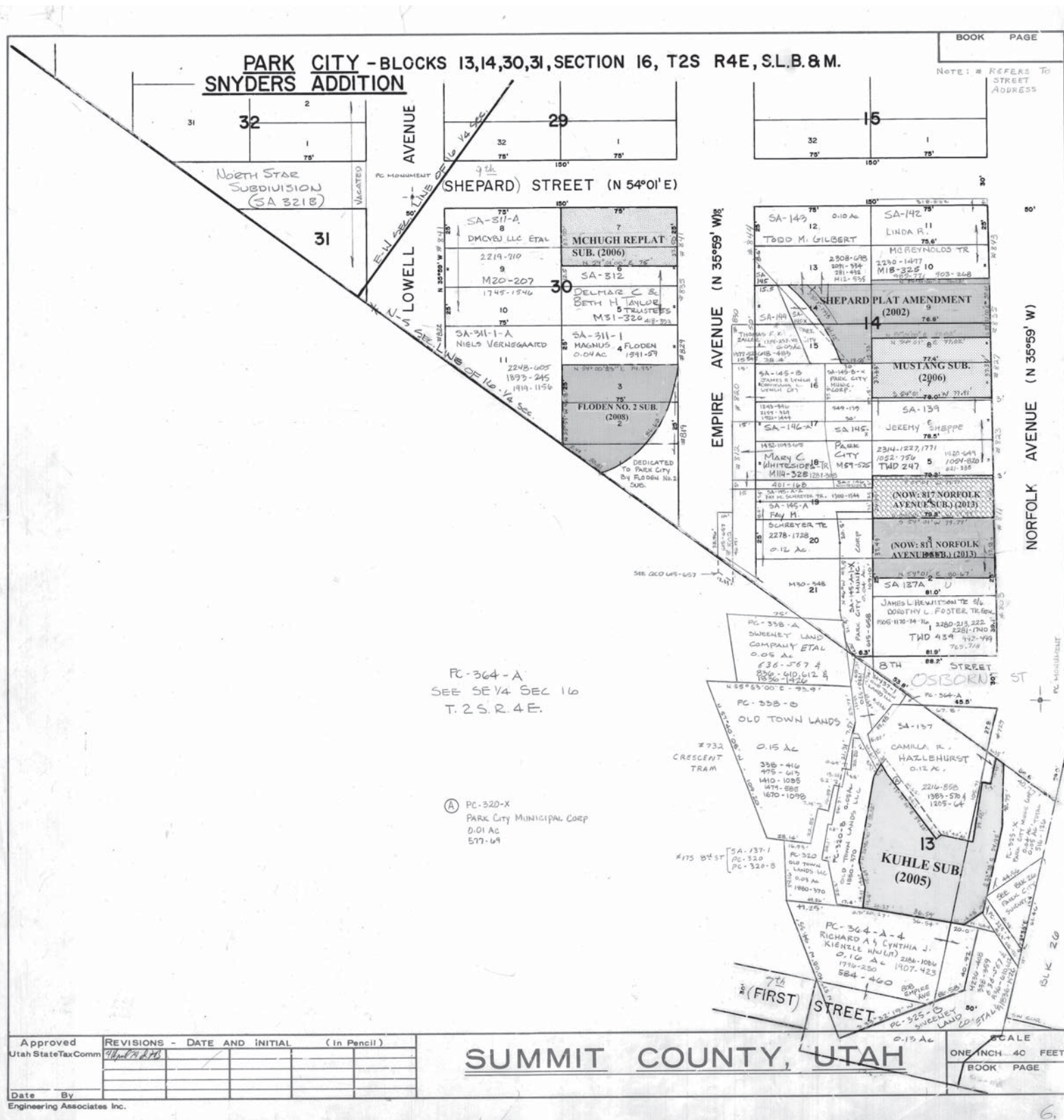
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AT THE REQUEST OF _____**

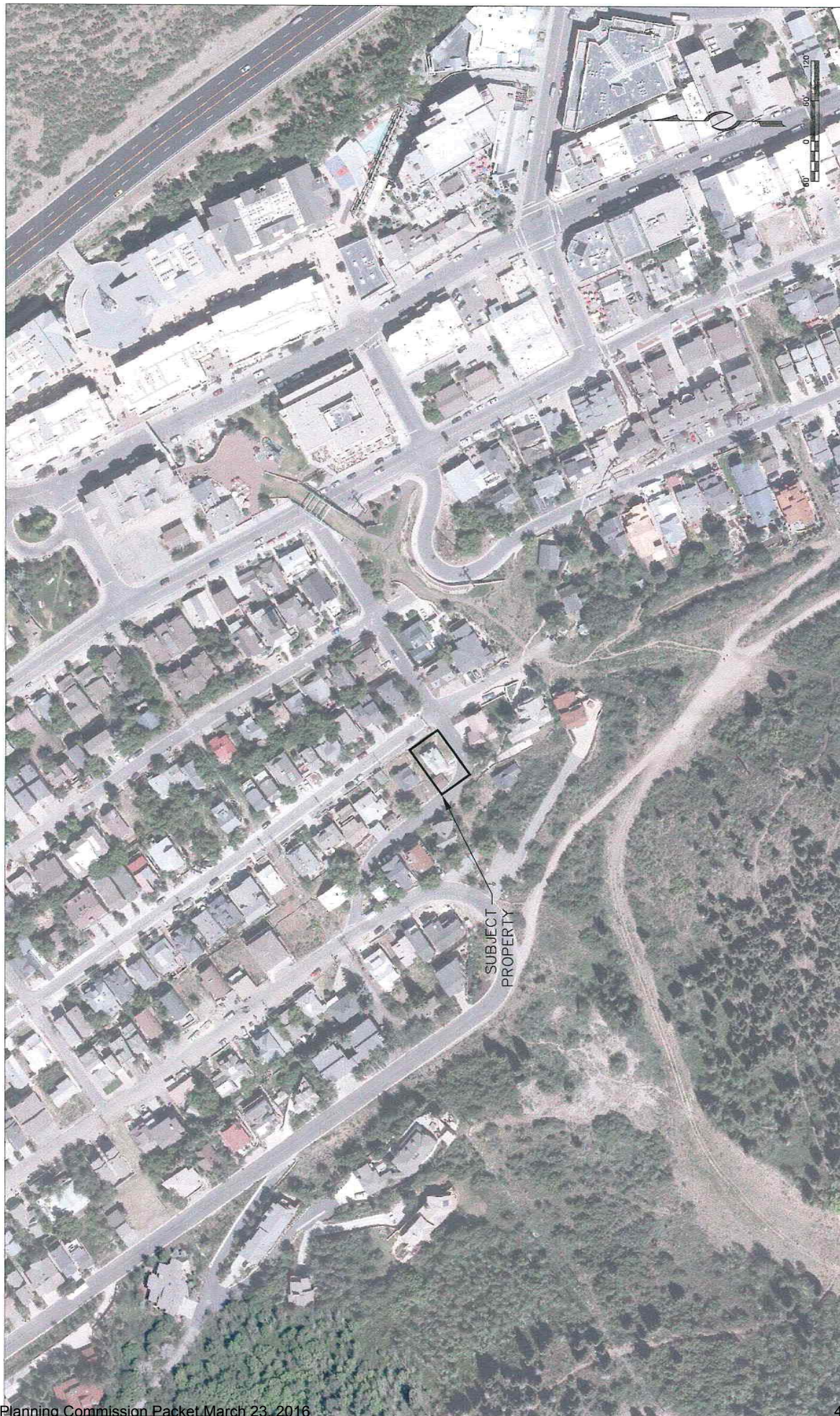
DATE _____ TIME _____ ENTRY NO. _____

RECORDED

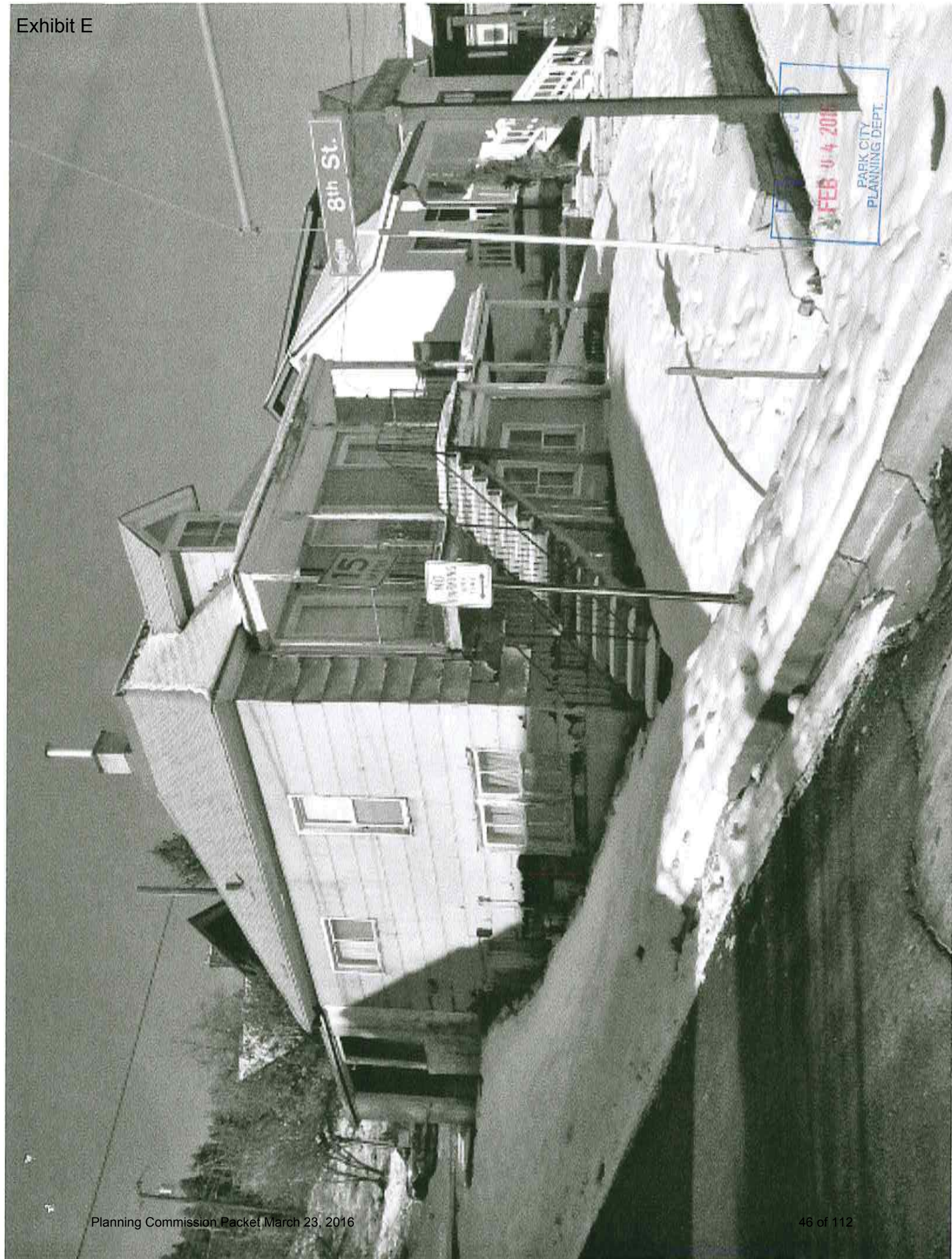
FILE: K:\UnderAddition\dep\env\pdr015\020815.dwg 3/27/16 JOB NO: 2-19-15







STAFF: MASSALL, INC. JASON BROWN		DATE: 1/11/16	
(603) 885-3467		CONCRETE SERVICES LAND MARKS SURVEYS	
320 Main Street, P.O. Box 2014, Rock Hill, SC 29730		FILE: X:\SnyderAddition\dwg\Gmbh\03_norfolk_arena-wrth.dwg	
803 NORFOLK AVENUE BLOCK 14, SNYDER'S ADDITION FOR: G BUSH CONSTRUCTION JOB NO.: 2-9-15		AERIAL PHOTOGRAPH	
SHEET 1 OF 1		1 1	





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PLANNING DEPT.





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FEB 04 2016

Planning Commission Staff Report

Subject: 844 Empire Avenue Plat Amendment
Author: Francisco Astorga, AICP, Senior Planner
Project Number: PL-15-03034
Date: 23 March 2016
Type of Item: Legislative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the 844 Empire Avenue Plat Amendment located at 844 Empire Avenue and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Description

Applicant: Todd Gilbert
represented by Marshall King, Alliance Engineering, Inc.
Location: 844 Empire Avenue
Zoning: Historic Residential-1
Adjacent Land Uses: Residential
Reason for Review: Plat Amendments require Planning Commission review and City Council review and action

Proposal

The property owner requests to unite three (3) parcels consisting of one (1) full lot (all of Lot 12) and two (2) partial lots (most of Lot 13, and a portion of Lot 14), into one (1) lot of record by removing the internal lot lines which separates the lots. The proposed plat amendment also includes the dedication of Crescent Tram roadway to the City. The subject lots are located in Block 14 of the Snyder's Addition to the Park City Survey.

Background

On December 30, 2015, the City received a completed Plat Amendment application for the 844 Empire Avenue Plat Amendment. The property is located at 844 Empire Avenue. The property is in the Historic Residential-1 District. The subject property consists of all of Lot 12, most of Lot 13, and a portion of Lot 14, Block 14, Snyder's Addition to the Park City Survey. The entire subject area is recognized by Summit County as Parcel no. SA-143 (Tax ID).

Currently, the site contains a single-family dwelling. The single-family dwelling was built circa 1904. The site is listed on Park City's Historic Building Inventory as a significant site. The site is ineligible to be listed on the National Register of Historic Places

because of significant modifications. The historic front of the house was located towards the north along platted un-built 9th Street Right-of-Way (ROW). The front of the structure has been changed to the porch opposite of 9th Street along the Crescent Tram prescriptive easement. According to Summit County records the structure contains a total living area of 1,010 square feet, with a basement area of 972 square feet. The site is unique in terms that Crescent Tram, prescriptive easement, goes through private property along the southwest part of the site.

Purpose

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

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

Analysis

The proposed Plat Amendment creates one (1) lot of record from the existing three (3) parcels, one (1) full lot and two (2) partial lots consisting of a total of 4,174 square feet. The City requests that the property owner dedicate Crescent Tram area as part of their Plat Amendment. The portion of Crescent Tram over their property is 932 square feet. The proposed lot would be 3,242 square feet.

A single-family dwelling is an allowed use in the Historic Residential-1 (HR-1) District. The minimum lot area for a single-family dwelling is 1,875 square feet. The proposed lot meets the minimum lot area for a single-family dwelling. A duplex dwelling is a conditional use in the Historic Residential-1 District. The minimum lot area for a duplex dwelling is 3,750 square feet. The proposed lot does not meet the minimum lot area for a duplex dwelling. The minimum lot width allowed in the Historic Residential-1 District is twenty-five feet (25'). The proposed lot is approximately thirty one feet (31') wide. The proposed lot meets the minimum lot width requirement. Table 1 shows applicable development parameters in the Historic Residential-1 District:

Table 1:

LMC Regulation	Requirements
Building Footprint	1,351.0 square feet, maximum based on lot size
Front/Rear Yard Setbacks	10 feet minimum, 20 feet total.
Side Yard Setbacks	5 feet minimum, 10 feet total.

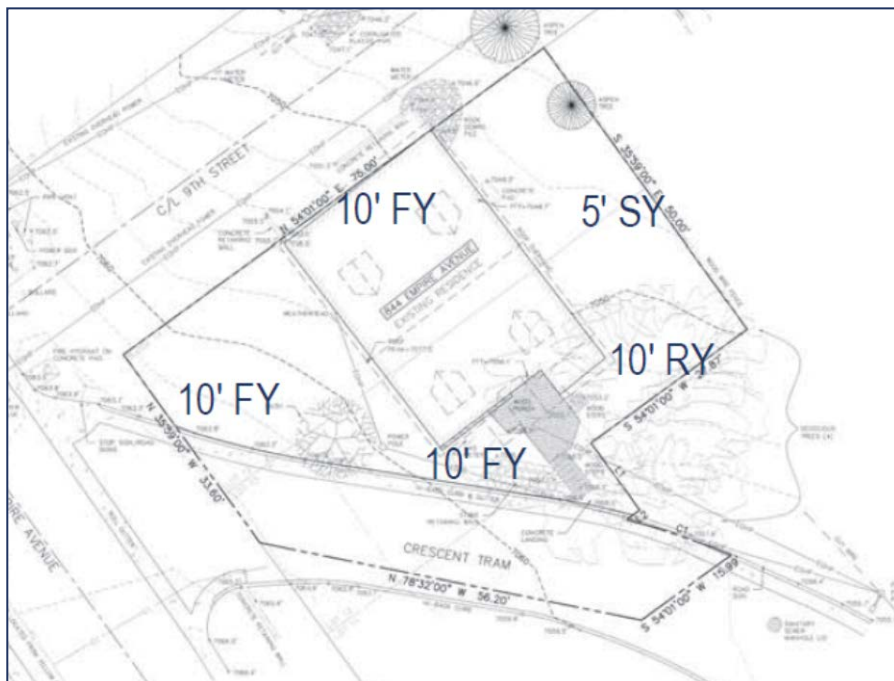
Building (Zone) Height	No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade.
Final Grade	Final Grade must be within four vertical feet (4') of Existing Grade around the periphery [...].
Lowest Finish Floor Plane to Highest Wall Top Plate	A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate [...].
Vertical Articulation	A ten foot (10') minimum horizontal step in the downhill façade is required [...].
Roof Pitch	Roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.

Setbacks

LMC § 15-4-17 *Setback Requirements for Unusual Lot Configurations* lists different scenarios and their corresponding setback determinations for lots that don't follow the standard of a front, two sides, and a rear yard areas, traditionally known as a block lot. Furthermore, it indicates that any lots, which are not specified in this section, shall have setbacks determined by the Planning Director. The Planning Director has determined the following setbacks:

- From 9th Street, platted un-built ROW, front yard, ten feet (10') minimum. This is the historic front of the structure.
- From Empire Avenue, front yard, ten feet (10') minimum.
- From Crescent Tram, front yard, ten feet (10') minimum.
- From the south neighbor, rear yard, ten feet (10') minimum. This side is opposite of the historic front of the house.
- From the east neighboring property, side yard, five feet (5') minimum.

The diagram below graphically shows the Planning Director's setback determination:



The existing historic structure does not meet the minimum setbacks along the north side, platted un-built 9th Street ROW. The existing structure was built along this property line and the roof overhang is over the property line encroaching approximately eighteen inches (18"). Also, along this same property line, there is a concrete retaining wall built on the ROW. The existing historic structure also does not meet minimum setbacks along the Crescent Tram ROW dedication as it is approximately five feet (5') from the new property line after the dedication. The existing historic structure also does not meet minimum setbacks from the shared property line with the neighboring site on the south as it is approximately eight and a half feet (8.5').

LMC § 15-2.2-4 indicates that historic structures that do not comply with building setbacks are valid complying structures; however, additions must comply with building setbacks.

Staff recommends adding a condition of approval that indicates that the concrete retaining wall encroachments across the north property line over the 9th Street ROW shall be resolved prior to plat recordation. The applicant bears the burden of proper approvals for the retaining wall, which may include an encroachment agreement with the City through the City Engineer's office, or relocation/removal of the retaining wall, subject to compliance with applicable Design Guidelines for Historic Sites through a Historic District Design Review application.

Good Cause

Planning Staff finds that there is good cause for this Plat Amendment as the lot line going through a historic structure will be removed, 932 square feet will be dedicated to the City for the Crescent Tram road for public use, the requested Plat Amendment will not cause undo harm to adjacent property owners, and all requirements of the Land Management Code can be met. The proposed lot area of 3,242 square feet is a compatible lot combination as the entire Historic Residential-1 District has abundant sites with approximate dimensions in this neighborhood.

Process

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

Department Review

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

Notice

The property was posted and notice was mailed to property owners within 300 feet on March 9, 2016. Legal notice was published in the Park Record on March 9, 2016 according to requirements of the Land Management Code.

Public Input

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

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the 844 Empire Avenue Plat Amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the 844 Empire Avenue Plat Amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on 844 Empire Avenue Plat Amendment.

Significant Impacts

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

Consequences of not taking the Planning Department's Recommendation

The site would remain as is. The site would consist of one (1) Old Town lot and two (2) partial lots. The historic structure would contain a lot line going through it. Additions to the historic structure would have to respects all setbacks of all internal lot lines. The Crescent Tram ROW dedication would not take place. The existing single-family dwelling would remain as is. The portion of Crescent Tram would remain in the form of a prescriptive easement instead of City ROW.

Summary Recommendation

Staff recommends the Planning Commission hold a public hearing for the 844 Empire Avenue Plat Amendment located at 844 Empire Avenue and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat Amendment
Exhibit B – Applicant's Project Description
Exhibit C – Original Submittal
Exhibit D – Existing Conditions & Topographic Map (Survey)
Exhibit E – Aerial Photograph
Exhibit F – Vicinity Map
Exhibit G – County Tax Map
Exhibit H – Site Photographs

Exhibit A: Draft Ordinance

Ordinance No. 15-XX

AN ORDINANCE APPROVING THE 844 EMPIRE AVENUE PLAT AMENDMENT LOCATED AT 844 EMPIRE AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 844 Empire Avenue has petitioned the City Council for approval of the Plat Amendment to combine Lot 12, most of Lot 13, and a portion of Lot 14, Block 14, of the Snyder's Addition to the Park City Survey ; and

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

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on March 23, 2016, to receive input on Plat Amendment; and

WHEREAS, the Planning Commission, on March 23, 2016, forwarded a recommendation to the City Council; and,

WHEREAS, on April 14, 2016, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, there is good cause and it is in the best interest of Park City, Utah to approve the 844 Empire Avenue Plat Amendment.

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

SECTION 1. APPROVAL. 844 Empire Avenue Plat Amendment as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 844 Empire Avenue.
2. The property is in the Historic Residential-1 (HR-1) District.
3. The subject property consists of all of Lot 12, most of Lot 13, and a portion of Lot 14, Block 14, Snyder's Addition to the Park City Survey.
4. The site is listed on Park City's Historic Building Inventory as a significant site.
5. The proposed Plat Amendment creates one (1) lot of record from the existing three (3) parcels, one (1) full lot and two (2) partial lots consisting of a total of 4,174 square feet.

6. The City requests that the property owner dedicate Crescent Tram area consisting of 932 square feet as part of their Plat Amendment.
7. The proposed lot would be 3,242 square feet.
8. A single-family dwelling is an allowed use in the District.
9. The minimum lot area for a single-family dwelling is 1,875 square feet.
10. The proposed lot meets the minimum lot area for a single-family dwelling.
11. The minimum lot width allowed in the District is twenty-five feet (25').
12. The proposed lot is approximately thirty one feet (31') wide.
13. The proposed lot meets the minimum lot width requirement.
14. Per LMC § 15-4-17 the Planning Director has determined the following setbacks:
 - a. From 9th Street, platted un-built ROW, front yard, ten feet (10') minimum. This is the historic front of the structure.
 - b. From Empire Avenue, front yard, ten feet (10') minimum.
 - c. From Crescent Tram, front yard, ten feet (10') minimum.
 - d. From the south neighbor, rear yard, ten feet (10') minimum. This side is opposite of the historic front of the house.
 - e. From the east neighboring property, side yard, five feet (5') minimum.
15. The existing historic structure does not meet the minimum setbacks along the north side, platted un-built 9th Street ROW, as the structure was built on the property line.
16. The existing historic structure does not meet the minimum setbacks along the shared property line with the neighboring site on the south as it is approximately eight and a half feet (8.5').
17. The existing historic structure does not meet minimum setbacks along the Crescent Tram ROW dedication as it is approximately five feet (5') from the new property line after the dedication.
18. LMC § 15-2.2-4 indicates that historic structures that do not comply with building setbacks are valid complying structures; however, additions must comply with building setbacks.
19. The concrete retaining wall encroaches across the north property line over the 9th Street ROW.
20. The proposed lot area consisting of 3,242 square feet yields a maximum Building Footprint of 3151.0 square feet.
21. There is good cause for this Plat Amendment as the lot line going through a historic structure will be removed, 932 square feet will be dedicated to the City for the Crescent Tram road for public use, the requested Plat Amendment will not cause undo harm to adjacent property owners, and all requirements of the Land Management Code can be met.
22. The proposed lot area of 3,242 square feet is a compatible lot combination as the entire Historic Residential-1 District has abundant sites with approximate dimensions in this neighborhood.
23. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

1. There is Good Cause for this Plat Amendment.

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A ten foot (10') wide public snow storage easement will be required along the Empire Avenue front of the property.
4. Fire sprinklers shall be required for all new construction or substantial renovations, as determined by the Park City Building Department during building permit review.
5. Drive access to the site shall be from Empire Avenue in a location approved by the City Engineer.
6. The concrete retaining wall built over the north property line shall be resolved prior plat recordation. The applicant bears the burden of proper approvals for the retaining wall, which may include an encroachment agreement with the City through the City Engineer's office, or relocation/removal of the retaining wall, subject to compliance with applicable Design Guidelines for Historic Sites through a Historic District Design Review application.

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

PASSED AND ADOPTED this 14th day of April, 2016.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

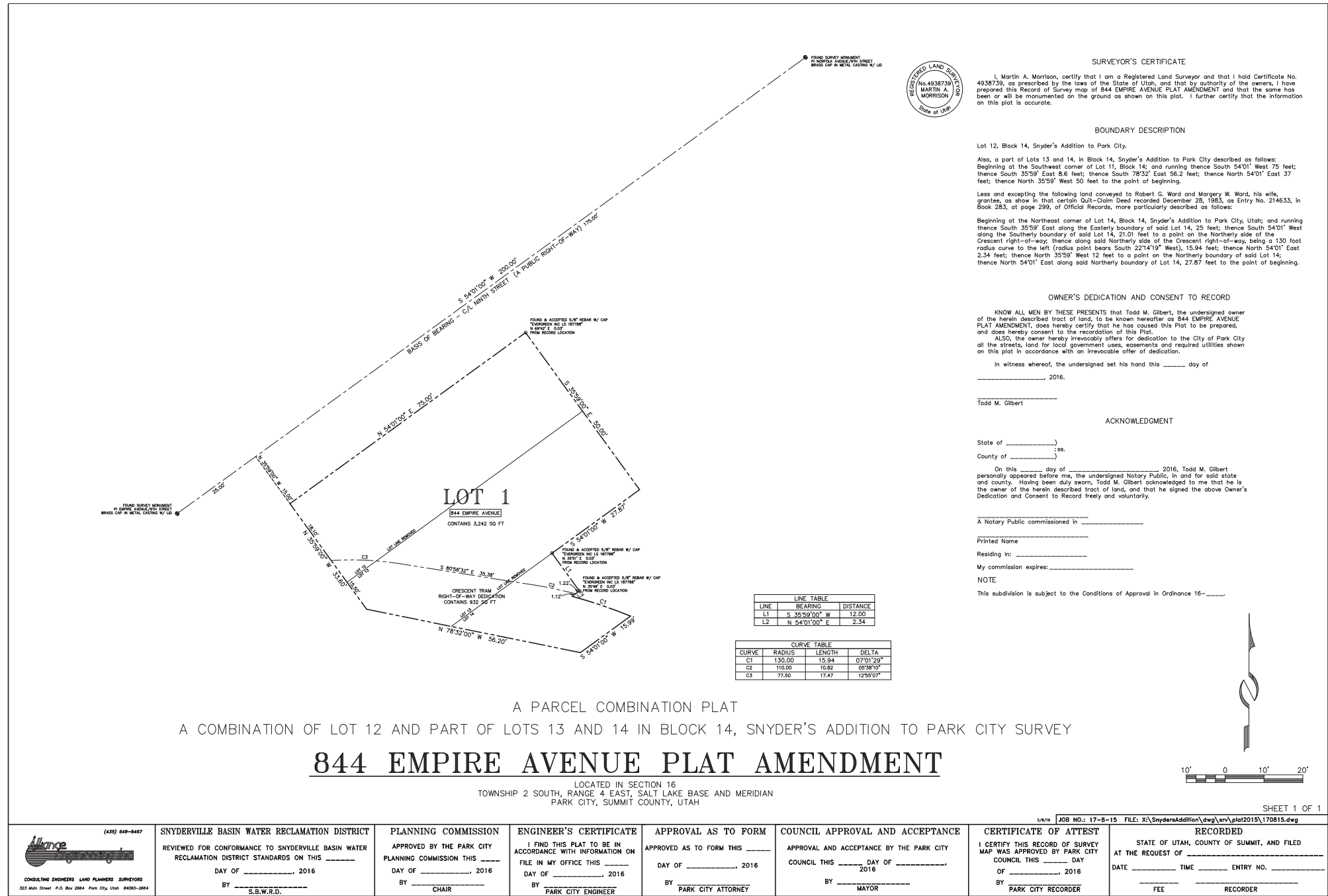
ATTEST:

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Proposed Plat Amendment



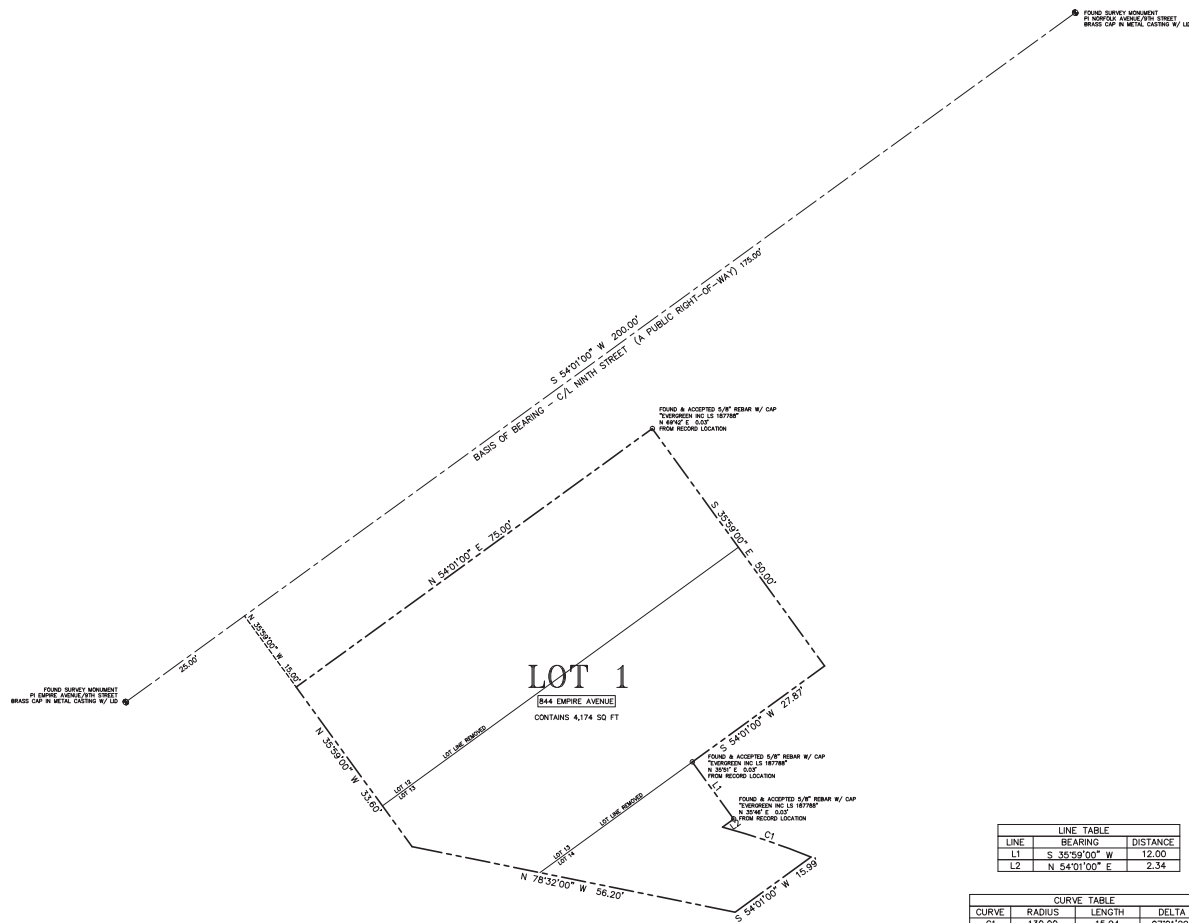
SNYDER'S ADDITION TO PARK CITY SURVEY, BLOCK 14,
LOT 12 AND PORTIONS OF LOTS 13 & 14,

(844 EMPIRE AVENUE)

PROJECT INTENT

Lot 12 and portions of Lots 13 & 14, Block 14, Snyder's Addition to Park City Survey, (also known as 844 Empire Avenue) are owned by the same entity. The original lot lines from Snyder's Addition to Park City Survey still exist between Lots 12 & 13 and between Lots 13 & 14. The owner desires to unify the property into one lot of record by extinguishing the existing lot line, with the ultimate goal of renovating the existing residence.





SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938739, as prescribed by the laws of the State of Utah, and that by authority of the owners, I have prepared this Record of Survey map of 844 EMPIRE AVENUE PLAT AMENDMENT and that the same has been or will be monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

BOUNDARY DESCRIPTION

Lot 12, Block 14, Snyder's Addition to Park City.

Also, a part of Lots 13 and 14, in Block 14, Snyder's Addition to Park City described as follows: Beginning at the Southwest corner of Lot 11, Block 14; and running thence South 54°01' West 75 feet; thence South 35°59' East 8.6 feet; thence South 78°32' East 56.2 feet; thence North 54°01' East 37 feet; thence North 35°59' West 50 feet to the point of beginning.

Less and excepting the following land conveyed to Robert G. Ward and Margery W. Ward, his wife, grantees, as show in that certain Quit-Claim Deed recorded December 28, 1983, as Entry No. 214633, in Book 283, at page 299, of Official Records, more particularly described as follows:

Beginning at the Northeast corner of Lot 14, Block 14, Snyder's Addition to Park City, Utah; and running thence South 35°59' East along the Easterly boundary of said Lot 14, 23 feet; thence South 54°01' West along the Southerly boundary of said Lot 14, 21.01 feet to a point on the Northerly side of the Crescent right-of-way; thence along said Northerly side of the Crescent right-of-way, being a 130 foot radius curve to the left (radius point bears South 22°14'19" West), 15.94 feet; thence North 54°01' East 2.34 feet; thence North 35°59' West 12 feet to a point on the Northerly boundary of said Lot 14; thence North 54°01' East along said Northerly boundary of Lot 14, 27.87 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Todd M. Gilbert, the undersigned owner of the herein described tract of land, to be known hereafter as 844 EMPIRE AVENUE PLAT AMENDMENT, does hereby certify that he has caused this Plat to be prepared, and does hereby consent to the recordation of this Plat.

In witness whereof, the undersigned set his hand this ____ day of _____, 2016.

Todd M. Gilbert

ACKNOWLEDGMENT

State of _____)
County of _____) ss.

On this ____ day of _____, 2016, Todd M. Gilbert personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Todd M. Gilbert acknowledged to me that he is the owner of the herein described tract of land, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in _____

Printed Name _____

Residing in: _____

My commission expires: _____

NOTE

This subdivision is subject to the Conditions of Approval in Ordinance 16-____.



SHEET 1 OF 1

 (435) 649-0457 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street, P.O. Box 2664 Park City, Utah 84060-2664	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2016 BY _____ S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2016 BY _____ CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2016 BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2016 BY _____ PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2016 BY _____ MAYOR	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2016 BY _____ PARK CITY RECORDER	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ ENTRY NO. _____ FEE _____ RECORDER _____
	12/11/15 JOB NO.: 17-B-15 FILE: X:\SnyderAddition\dwg\wp\plat2015\170815.dwg						

Exhibit D – Existing Conditions & Topographic Map (Survey)

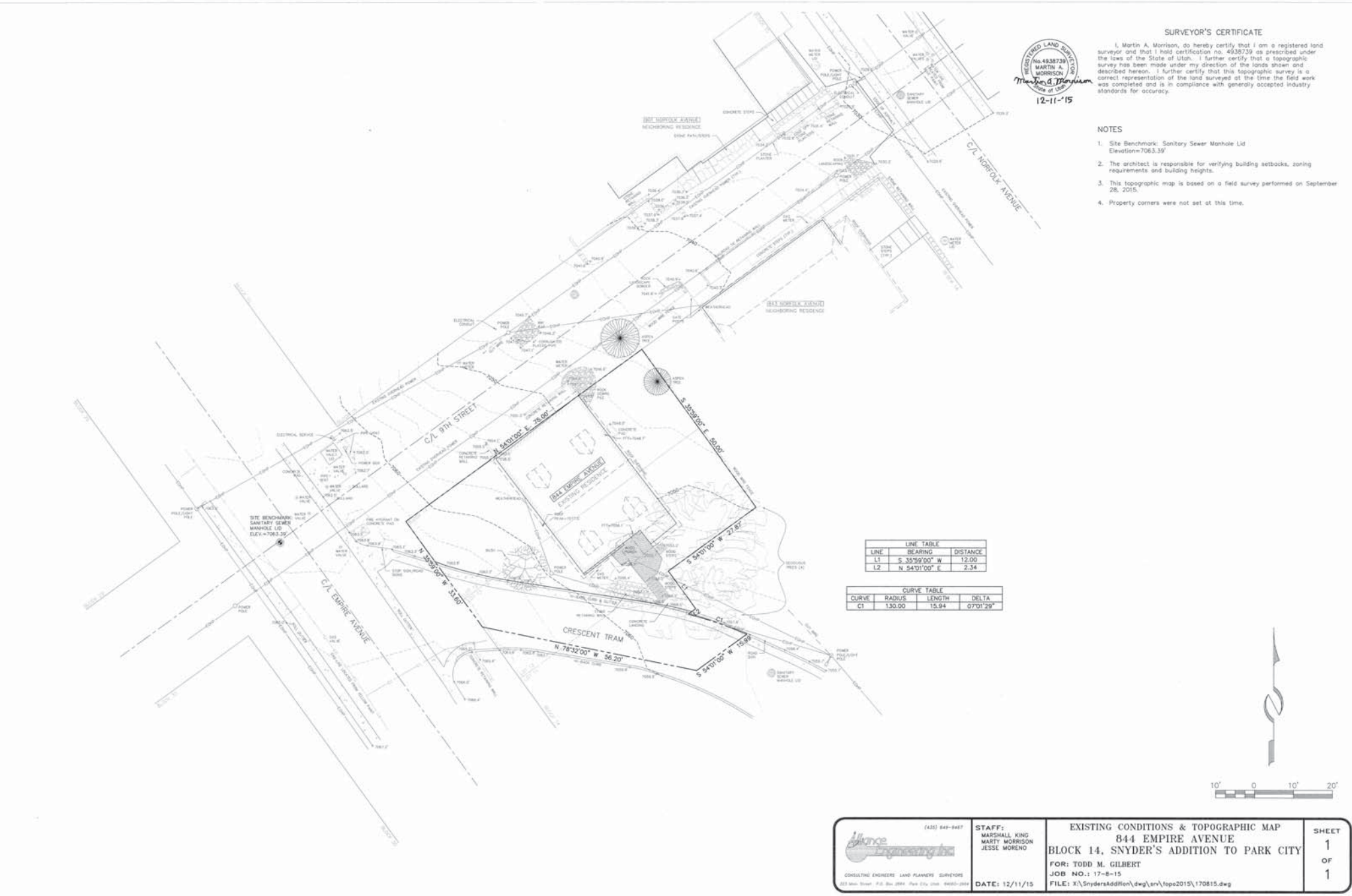


Exhibit E – Aerial Photograph



Legend

- Address
- Parcels
- Streets
- HSI Significant Site
- HSI Landmark Site

Exhibit F - Vicinity Map 844 Empire Avenue







844 Empire Avenue looking northerly

Exhibit H – Site Photographs



844 Empire Avenue looking southeasterly



844 Empire Avenue looking northwesterly



844 Empire Avenue looking southerly

Planning Commission Staff Report

Subject: 921 Norfolk Avenue Plat Amendment
Author: Makena Hawley, Planner I
Project Number: PL-16-03091
Date: March 23, 2016
Type of Item: Legislative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the 921 Norfolk Avenue Plat Amendment located at 921 Norfolk Avenue and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Description

Applicant: Abigail McNulty and George Goodman
Location: 921 Norfolk Avenue
Zoning: Historic Residential-1 (HR-1)
Adjacent Land Uses: Residential
Reason for Review: Plat Amendments require Planning Commission review and City Council review and action

Proposal

921 Norfolk Avenue consists of all of Lot 6 and the north half of Lot 5, Block 15 of Snyders Addition to Park City Survey. The property owners are requesting to combine their property into one (1) lot of record. A portion of the non-historic structure sits over Lots 5 and 6. The entire site contains a total area of 2,812.5 square feet.

Background

On January 20, 2016, the City received a Plat Amendment application for the 921 Norfolk Avenue Plat Amendment. The application was deemed complete on January 28, 2016. The property is located at the same address. The property is in the Historic Residential (HR-1) District. The subject property consists of all of Lot 6 and the north half of Lot 5 of Block 15, Snyder's Addition to Park City Survey.

This structure is not listed on the Park City Historic Sites Inventory (HSI).

Per City records, the last building permit for this site was issued in 2007 for an interior demo and interior remodel.

The current owners submitted a Historic District Design Review (HDDR) Pre-Application in January 2016 to discuss a second story addition at the rear of the structure. The applicant has not yet submitted a HDDR application for the improvements, but has chosen to move forward with the plat amendment in order to make future site improvements.

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

- ## Analysis

EMPIRE AVENUE (N 35°59' W)	2287-1832 1346-754-74 583-152 733-778, 1222-744 780 1282-149-152 SA-161 22	THE GARDNER II PARCEL (1996) 10 N 15° 59'00" W 15' 00"	940
	940 EMPIRE AVE LLC 791-471 2286-1789 814-73 23 2282-1378 669-333 2293-1546		943
400	24 936 EMPIRE AVENUE SUB. (2015)	5 JOHN LYLE HELTON, 9 III 503-538 855-16 348-85	400
930	930 EMPIRE AVENUE SUB. (2015) 26 N 54°01' E 75'	8 SA 154A NORFOLK HIGH LLC 1822-70 1068-1210-1233 1787-1437 1655-827 970-295 7 374-343 1744-1525 IPC 59 798-392	927
930	SA-153 920 EMPIRE PINSHIP 1469-130 116 2146-85-27 1738-1855 1739-354 1913-533 2105-97 2081-1492	6 SA-152 6 ABIGAIL MCNULTY ETAL TR'S 1949-793 2032-423-1682 958-656 1626-1529-1556 N 54°01' 00" E 75'	921
930	SA-152A JEFFREY RANDALL STAAT TR. 2146-894 1738-1855 28 2081-1492 1739-354 MIO-477 1415-511-533 2279-1424 2105-97 2281-5	915 NORFOLK AVE SUB. (2000)	915
930	SA-151A-1		915

A single-family dwelling is an allowed use in the HR-1 District. The minimum lot area for a single-family dwelling is 1,875 square feet. The proposed lot meets the minimum lot area for a single-family dwelling. The proposed lot width is 37.5 feet. The minimum lot width required in the HR-1 District is twenty-five feet (25'). The proposed lot meets the minimum lot width requirement. The following table shows applicable Land Management Code (LMC) development parameters in the HR-1 District:

Required	Existing	Permitted
Lot size	2,812.5 SF. Complies.	1,875 square feet minimum.
Allowed Footprint	1,200 square feet. Complies.	1,200.49 square feet, maximum.
Front/Rear yard setbacks	0 feet front yard (Norfolk), 16 feet rear yard. Existing non-complying condition.	10 feet minimum. 20 feet total for setbacks.
Side yard setbacks	9 feet (north) with porch encroaching onto neighbor's yard, 1 foot or less (south). Existing non-complying condition.	3 feet minimum. 6 feet total for setbacks.
Parking	1 garage space. Existing non-complying condition.	2 spaces are required per the LMC.

The maximum building footprint of structures located on a lot is regulated by the footprint formula found in the LMC. The formula is determined by the size of the lot. The current building footprint is approximately 1,200 square feet. The proposed lot area of 2,812.5 square feet yields a maximum footprint of 1,200.49 square feet. The existing structure meets the maximum building footprint allowed. Staff has identified that the existing structure does not meet the south side yard and east front yard setbacks. The structure is less than one foot (1') from the south side yard property line. The structure is just over one foot (1') from the east front yard property line.

Encroachments

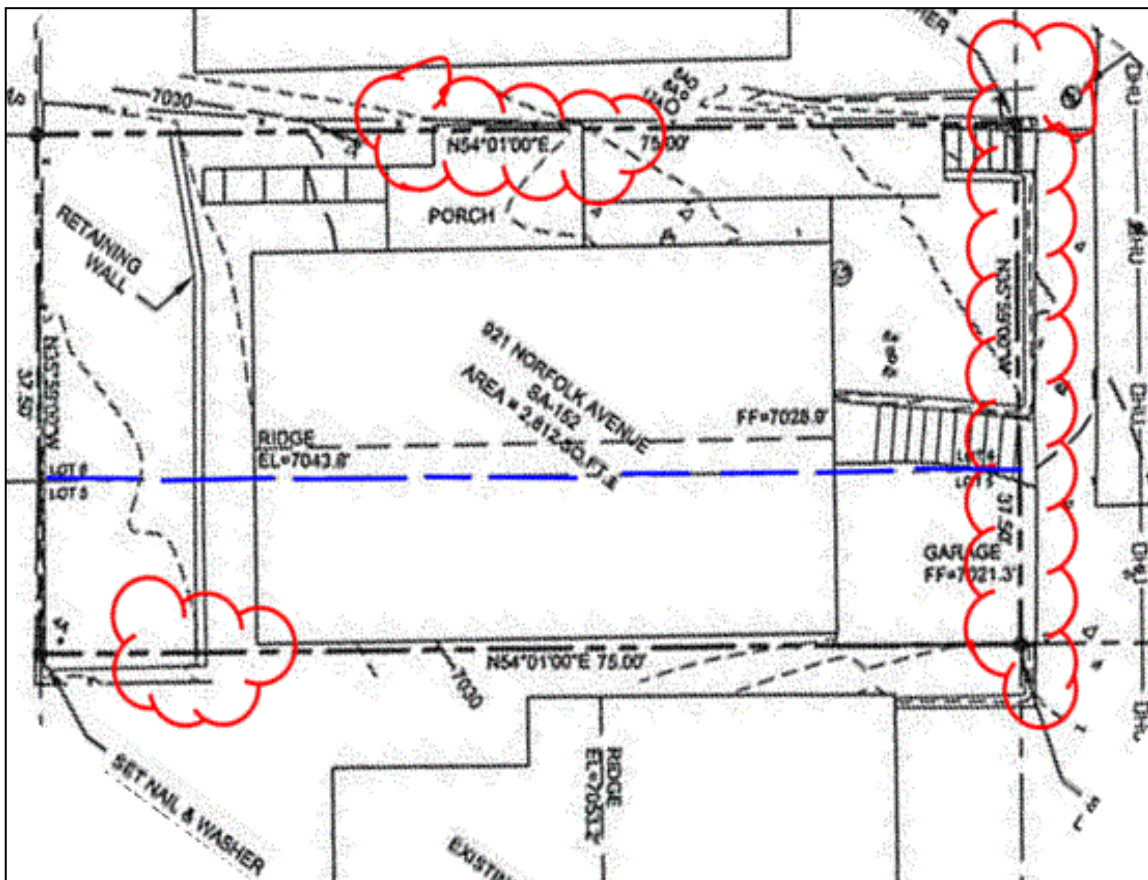
The submitted survey reveals that the garage, two (2) sets of front concrete staircases, and a concrete retaining wall along Norfolk Avenue encroach over the east front property line onto the Right-of-Way (ROW). Staff recommends that the property owner resolve the encroachment by either removing them or entering into an encroachment agreement with the City see Condition of Approval #3. Staff has made the applicant aware of this encroachment and aware of applicable applications that would have to be resolved prior to any physical work involving the existing structure, i.e., a Historic District Design Review (HDDR) application.

The survey also shows that the existing structure encroaches into the south facing side yard by two feet (2') or more instead of meeting the minimum side yard setback of three feet (3'). Staff considers this a non-complying structure that was lawfully constructed

prior to a contrary change in this code. The non-compliance may be maintained; however, it may not be enlarged or altered (LMC 15-9-5). Further, a railroad tie retaining wall in the rear yard encroaches over the south property line and into the neighboring property at 915 Norfolk Avenue. Staff recommends that the property owner either removes the encroachment or enters into an encroachment agreement with the neighboring property at 915 Norfolk Avenue for this encroachment, per Condition of Approval #5.

Finally, the existing at-grade stone paver patio on the north side of the property encroaches, less than one foot (1'), into the neighboring property of 927 Norfolk Avenue. Again staff recommends that the property owner either removes the encroachment or enter into an encroachment agreement with the neighboring property at 927 Norfolk Avenue, per Condition of Approval #4.

Conditions of Approval #3, #4 and #5 have been added to require that encroachments across property lines must be resolved prior to plat recordation and shall either be removed or encroachment agreements shall be provided. See Exhibit C – Existing Survey, the magnified survey on the next page is shown with encroachments outlined in red and lot line to be removed in blue.



Good Cause

Staff finds good cause for this Plat Amendment as the interior lot lines running through the structure will be removed. Public snow storage and utility easements are provided on the lots. The plat amendment will not cause undo harm to adjacent property owners and all requirements of the Land Management Code for any future development can be met. Combining the Lots will allow the property owner to move forward with an addition of the current structure. Furthermore, the plat amendment will record the existing building encroachments over lot lines.

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. Issues raised were limited to the encroachments for the extensions over property lines on neighboring properties and the City ROW. These issues have been addressed with conditions of approval.

Notice

On March 1, 2016 the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record on March 5, 2016 according to requirements of the Land Management Code.

Public Input

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

Alternatives

- The Planning Commission may forward positive recommendation to the City Council for the 921 Norfolk Avenue Plat Amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the 921 Norfolk Avenue Plat Amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the 921 Norfolk Avenue Plat Amendment.

Consequences of not taking the Planning Department's Recommendation

Consequences of not taking the Planning Department's recommendation are that the site would remain as is and the existing structure would sit over the interior lot line. The site would continue to maintain one full lot and a partial lot.

Summary Recommendation

Staff recommends the Planning Commission hold a public hearing for the 921 Norfolk Avenue Plat Amendment located at 921 Norfolk Avenue and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions

of Law, and Conditions of Approval as found in the draft ordinance.

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Exhibits

Exhibit A – Draft Ordinance

Exhibit B – Proposed Plat

Exhibit C – Record of Survey & As-Built Map

Exhibit D – Aerial Photograph

Exhibit E – County Tax Map

Exhibit F – Photos

Ordinance No. 16-XX

AN ORDINANCE APPROVING THE 921 NORFOLK AVENUE PLAT SUBDIVISION AMENDMENT LOCATED AT 921 NORFOLK AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 921 Norfolk Avenue have petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on March 1, 2016, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on March 5, 2016, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on March 23, 2016, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on March 23, 2016, forwarded a _____ recommendation to the City Council; and,

WHEREAS, on April 14, 2016, 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 921 Norfolk Avenue Plat Amendment.

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

SECTION 1. APPROVAL. The 921 Norfolk Avenue Subdivision Plat Amendment, as shown in Exhibit B, 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 921 Norfolk Avenue.
2. The property is in the Historic Residential (HR-1) District.
3. The subject property consists of all of Lot 6 and the north half of Lot 5, Block 15 of Snyders Addition to Park City Survey. The proposed plat amendment creates one (1) lot of record.
4. This site was previously listed on Park City's Historic Sites Inventory (HSI) and was designated as Significant until 2009 when it was removed from the Historic Sites Inventory.
5. The Plat Amendment removes one (1) lot line going through the existing structure.

6. The proposed Plat Amendment combines the property into one (1) lot measuring 2,812.5 square feet.
7. A single-family dwelling is an allowed use in the District.
8. The minimum lot area for a single-family dwelling is 1,875 square feet. The proposed lots meet the minimum lot area for single-family dwellings.
9. The minimum lot width required is twenty-five feet (25'). The proposed lot meets the minimum lot width requirement at 37.5 feet along Norfolk Avenue.
10. The maximum building footprint allowed based on proposed lot size is 1,200.49 square feet. The existing Building Footprint equates to approximately 1,200 square feet.
11. The existing house is valid non-complying structure.
12. LMC § 15-9-3 (B) indicates that non-complying structures that were lawfully constructed with a permit prior to a contrary change in this Code, may be used and maintained, subject to the standards and limitations of LMC 15-9.
13. The front/rear yard setbacks are ten feet (10') minimum. The combined front/rear yard setbacks are twenty feet (20') minimum.
14. The side yard setbacks are three feet (3') minimum. The total side yard setbacks are six feet (6') minimum.
15. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

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

Conditions of Approval:

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The property owner shall address/remove the encroachment of the concrete retaining walls, concrete steps and garage, over the front (east) property line into the City Right-of-Way (ROW).
4. The existing stone pavers and concrete steps encroaching over the north property line into the neighboring property at 927 Norfolk shall either be removed or the applicant shall enter into an encroachment agreement with their neighbor for these improvements.
5. The existing railroad tie retaining wall encroaching over the south side property line into the neighboring property at 915 Norfolk shall either be removed or the applicant

shall enter into an encroachment agreement with their neighbor for these improvements.

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

PASSED AND ADOPTED this 14th day of April, 2016.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

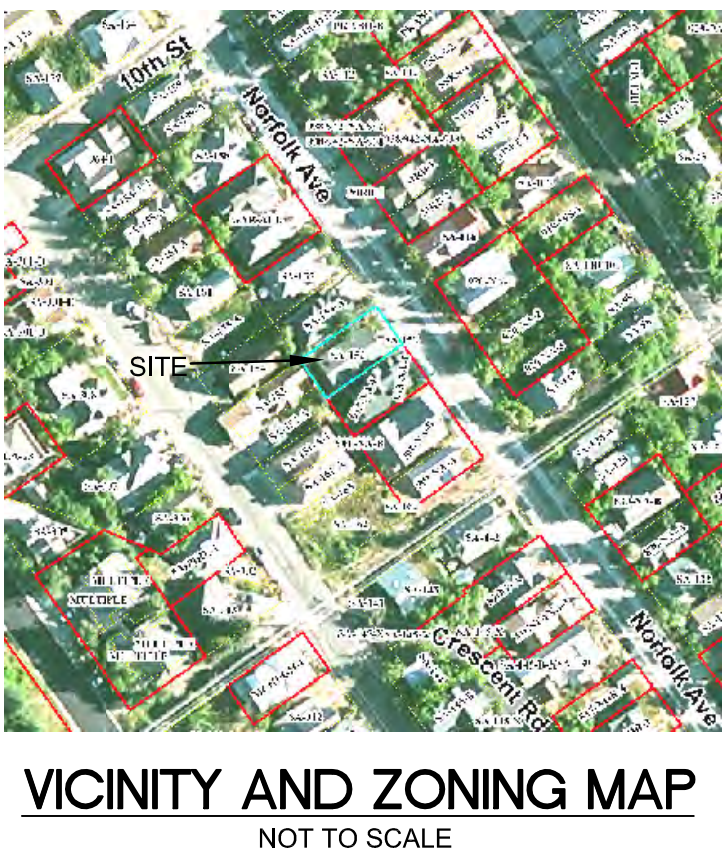
ATTEST:

City Recorder

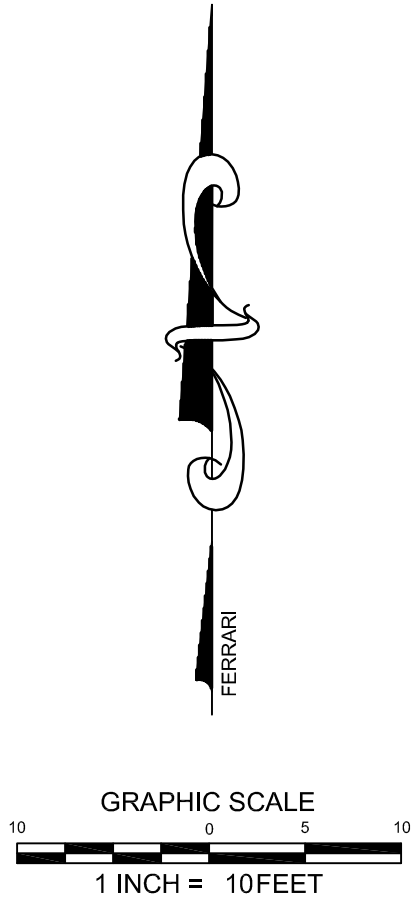
APPROVED AS TO FORM:

Mark Harrington, City Attorney

Exhibit B



921 NORFOLK AVENUE SUBDIVISION
AMENDMENT TO ALL OF LOT 6 AND THE NORTH HALF OF LOT 5
BLOCK 15 SNYDERS ADDITION TO PARK CITY
LOCATED IN THE NORTHWEST QUARTER OF SECTION 16
TOWNSHIP 2S RANGE 4E
SALT LAKE BASE AND MERIDIAN



OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT **ABIGAIL MCNULTY AND GEORGE GOODMAN, AS TENANTS IN COMMON**, THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, HAVE CAUSED SAME TO BE SUBDIVIDED INTO LOTS AND STREETS TO BE HEREFTER KNOWN AS THE **921 NORFOLK AVENUE SUBDIVISION**. DOES HEREBY CERTIFY THAT THEY HAVE CAUSED THIS PLAT AMENDMENT TO BE PREPARED. **ABIGAIL MCNULTY AND GEORGE GOODMAN, AS TENANTS IN COMMON** HEREBY CONSENTS TO THE RECORDATION OF THIS PLAT AMENDMENT.

IN WITNESS WHEREOF THE UNDERSIGNED SET HIS HAND THIS ____ DAY OF ____, 2015

ABIGAIL MCNULTY AND

GEORGE GOODMAN AS TENANTS IN COMMON

ACKNOWLEDGMENT

STATE OF :)
COUNTY OF :) SS

ON THIS ____ DAY OF ____, 2015, _____

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

MY COMMISSION EXPIRES _____
NOTARY PUBLIC
RESIDING IN _____

LEGAL DESCRIPTION:

FORMER SA-152: THE NORTH 1/2 OF LOT 5 AND ALL OF LOT 6, BLOCK 15, SNYDERS ADDITION TO PARK CITY, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDERS OFFICE.

LESS AND EXCEPTING ANY AND ALL OUTSTANDING OIL AND GAS, MINING AND MINERAL RIGHTS, ETC., TOGETHER WITH THE RIGHT OF THE PROPRIETOR OF A VEIN OR LODE TO EXTRACT HIS ORE THEREFROM SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES, AND RIGHT OF INGRESS AND EGRESS FOR THE USE OF SAID RIGHTS.

LOT 1: ALL OF LOT 1 921 NORFOLK AVENUE PLAT AMENDMENT, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDERS OFFICE, STATE OF UTAH.

LESS AND EXCEPTING ANY AND ALL OUTSTANDING OIL AND GAS, MINING AND MINERAL RIGHTS, ETC., TOGETHER WITH THE RIGHT OF THE PROPRIETOR OF A VEIN OR LODE TO EXTRACT HIS ORE THEREFROM SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES, AND RIGHT OF INGRESS AND EGRESS FOR THE USE OF SAID RIGHTS.

LEGEND:

- PROPERTY LINE
- CENTER LINE
- EASEMENT
- LOT LINE TO BE REMOVED
- NAIL & WASHER LS5046908
- 5/8" REBAR & CAP LS5046908
- FOUND NAIL AND WASHER
- STREET MONUMENT

XXX STREET ADDRESS ON NORFOLK AVE.

SURVEYOR'S STATEMENT

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

GREGORY J. FERRARI, P.L.S. 5046908 EXPIRES
MARCH 31, 2017

NOTES:

1. MODIFIED 13-D SPRINKLERS WILL BE REQUIRED FOR NEW CONSTRUCTION AS REQUIRED BY THE CHIEF BUILDING OFFICIAL AT THE TIME OF REVIEW OF THE BUILDING PERMIT SUBMITTAL.



SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ____ DAY OF ____, 2015 A.D.

BY: _____
S.B.W.R.C.

PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF ____, 2015

BY: _____
CHAIRMAN

ENGINEER'S CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF ____, 2015 A.D.

BY: _____
PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS ____ DAY OF ____, 2015 A.D.

BY: _____
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF ____, 2015 A.D.

BY: _____
PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF ____, 2015 A.D.

BY: _____
MAYOR

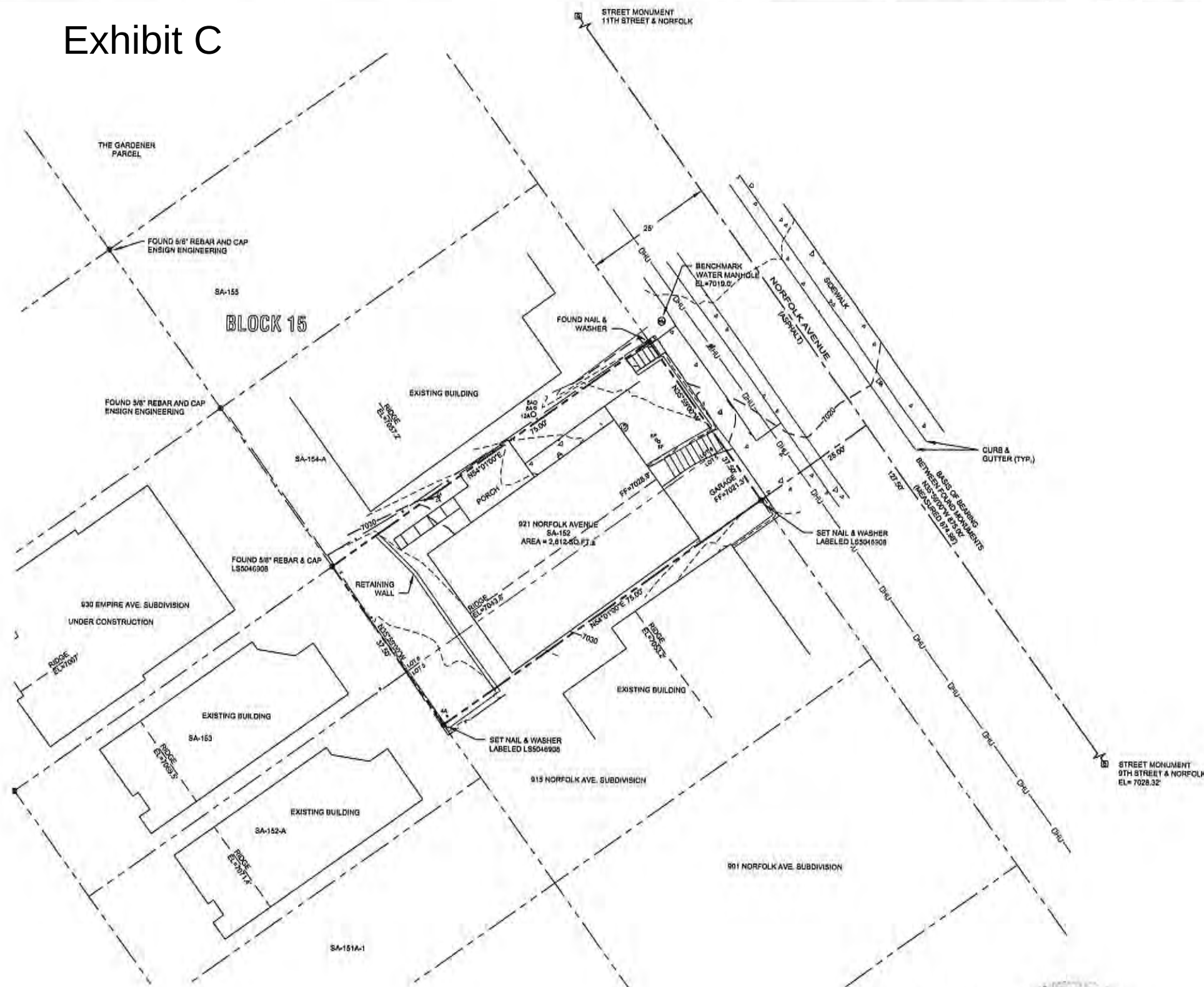
RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____

DATE ____ TIME ____ BOOK ____ PAGE ____

FEE RECORDER

Exhibit C



RECORD OF SURVEY & TOPOGRAPHICAL MAP
921 NORFOLK AVENUE
BLOCK 15 SNYDERS ADDITION TO PARK CITY
LOCATED IN SECTION 16, TOWNSHIP 4S RANGE 5E
SALT LAKE BASE AND MERIDIAN



LEGAL DESCRIPTION:

THE NORTH 1/2 OF LOT 5 AND ALL OF LOT 6, BLOCK 15, SNYDERS ADDITION TO PARK CITY,
ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SUMMIT COUNTY
RECORDERS OFFICE.

LESS AND EXCEPTING ANY AND ALL OUTSTANDING OIL AND GAS, MINING AND MINERAL RIGHTS, ETC., TOGETHER WITH THE RIGHT OF THE PROPRIETOR OF A VEIN OR LODE TO EXTRACT HIS ORE THEREFROM SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES, AND RIGHT OF INGRESS AND EGRESS FOR THE USE OF SAID RIGHTS.

LEGEND:

	PROPERTY LINE		PROPERTY CORNER (AS NOTED)
	ADJOINING PROPERTY LINE		STREET MONUMENT
	MAJOR CONTOUR		GAS METER
	MINOR CONTOUR		ELECTRIC METER
	FENCE		WATER MANHOLE
	PUBLIC UTILITY EASEMENT		POWER POLE
	OVER HEAD UTILITY		
	○ #F		TREE TRUNK DIAM., FIN
	○ #A		TREE TRUNK DIAM., ASPEN

PROJECT INFORMATION:

CUSTOMER:	GEORGE GOODMAN 821 NORFOLK AVENUE PARK CITY, UT 84060
PROJECT ADDRESS:	821 NORFOLK AVENUE PARK CITY, UT 84060
SERIAL NO:	SA-152
RECORD INFORMATION:	LOT 6 & THE NORTH 1/2 OF LOT 5, BLOCK 15, SNYDERS ADDITION

NOTES:

1. THE PURPOSE OF THIS SURVEY IS LOCATE THE BOUNDARIES OF THIS PROPERTY ON THE GROUND AND CREATE A TOPOGRAPHICAL MAP FOR A PLAT AMENDMENT AT THE REQUEST OF GEORGE GOODMAN.
2. THE EVIDENCE OF BOUNDARY SHOWN HEREON IS TAKEN FROM RECORD INFORMATION COMPILED FROM SNYDERS ADDITION TO PARK CITY SUBDIVISION.
3. NO INVESTIGATION CONCERNING ENVIRONMENTAL & SUBSURFACE CONDITIONS, OR THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES WHICH MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY WAS MADE AS A PART OF THIS SURVEY.
4. NO INVESTIGATION CONCERNING THE LOCATION OF OR EXISTENCE OF UTILITY SERVICE LINES TO THIS PROPERTY WAS MADE AS A PART OF THIS SURVEY.
5. ALL UTILITY LOCATIONS SHOULD BE FIELD VERIFIED PRIOR TO ANY DESIGN OR CONSTRUCTION.
6. DATE OF FIELD WORK DECEMBER 8, 2015.
7. VERTICAL DATUM IS ASSUMED.
8. BUILDING SETBACKS MUST BE CONFIRMED WITH THE COUNTY, HOMEOWNERS ASSOCIATION, ARCHITECTURAL COMMITTEE, OR SIMILAR ADVISORY GROUP, IF ANY.
9. THE OWNER OF THE PROPERTY SHOULD BE AWARE OF ANY ITEMS AFFECTING THE PROPERTY THAT MAY APPEAR IN A TITLE INSURANCE REPORT.
10. BASIS OF BEARING SHOWN HEREON.

SURVEYOR'S STATEMENT

I, GREGORY J. FERRARI OF PARK CITY, UTAH, CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH, HOLDING LICENSE NO. 5046908, THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME, OR UNDER MY DIRECTION, OF THE HEREON DESCRIBED PROPERTY AND THAT TO THE BEST OF MY KNOWLEDGE IT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED.

12-15-15

GREGORY J. MARUCCI, P.L.S. 30-8905 ENDRICES
MARCH 31, 2017



P.O.BOX 683001
PARK CITY, UT 84068

REUSE OF DOCUMENTS
THIS DOCUMENT & THE IDEAS & DESIGNS
INCORPORATED HEREIN, AS AN INSTRUMENT
OF PROFESSIONAL SERVICE, IS THE
PROPERTY OF FERRARI SURVEYING & IS NOT
TO BE USED, IN WHOLE OR IN PART, FOR ANY

RECORD OF SURVEY AND TOPOGRAPHICAL MAP
921 NORFOLK AVENUE

SA-152
GEORGE GOODMAN

PARK CITY	SUMMIT COUNTY	UTAH
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Exhibit D

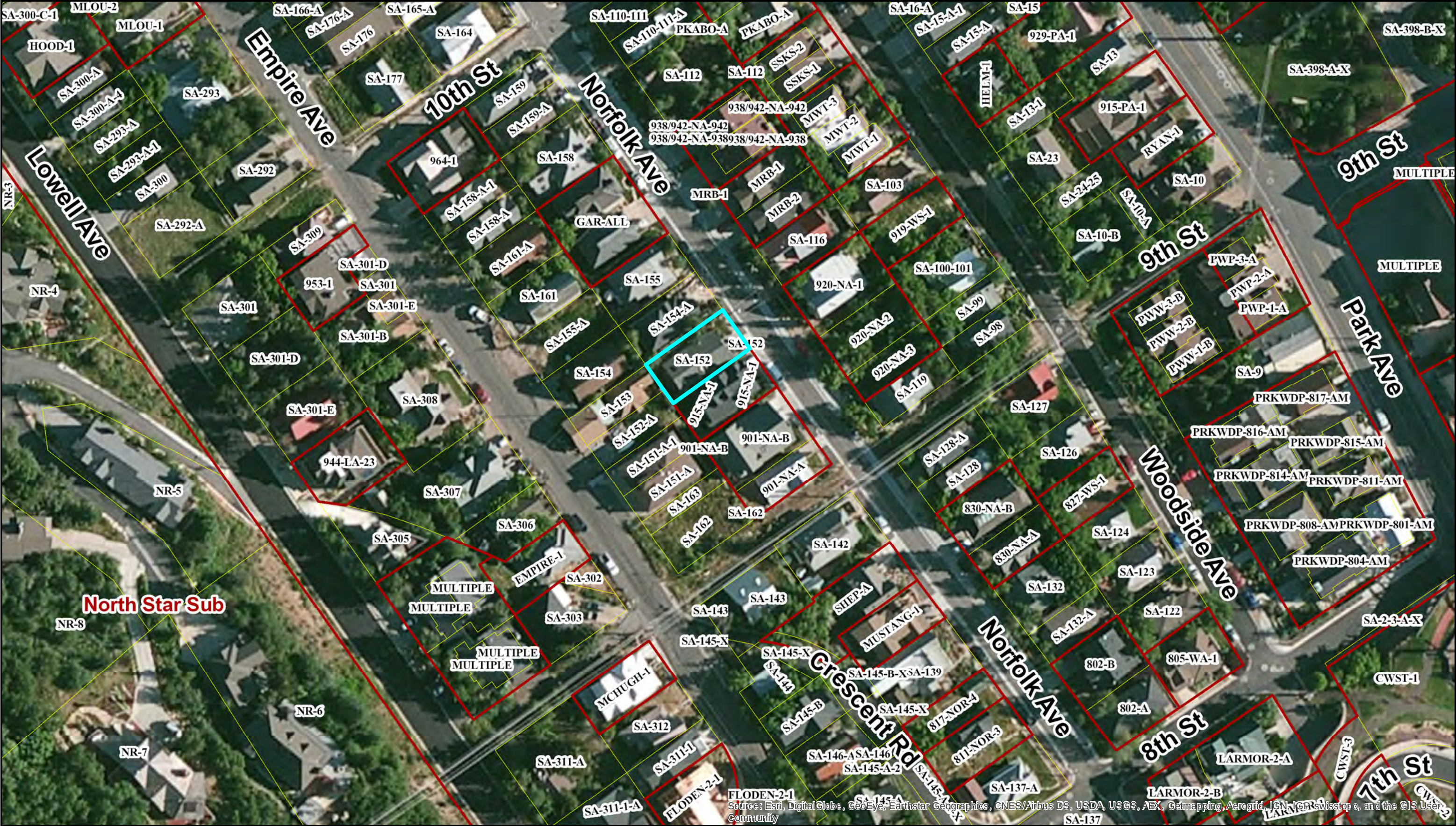


Exhibit E

PARK CITY - BLOCKS 15, 29, 32, SECTION 16, T2S R4E, S.L.B. & M.
SNYDERS ADDITION

BOOK PAGE

NOTE: * REFERS TO STREET ADDRESS

40

33

28

16

HALLADAY STREET (N 54°01' E)

10TH. STREET

VACATED BY ORDINANCE M6-418
PACIFIC AVENUE (N 35°59' W)

NORTH STAR SUBDIVISION
(SA 321-B)

LOWELL AVENUE (N 35°59' W)

EMPIRE AVENUE (N 35°59' W)

NORFOLK AVENUE (N 35°59' W)

SHEPARD STREET (N 54°01' E)

9TH. STREET

Approved	REVISIONS - DATE AND INITIAL	(In Pencil)
Utah State Tax Comm	4/4/16 J48	

SUMMIT COUNTY, UTAH

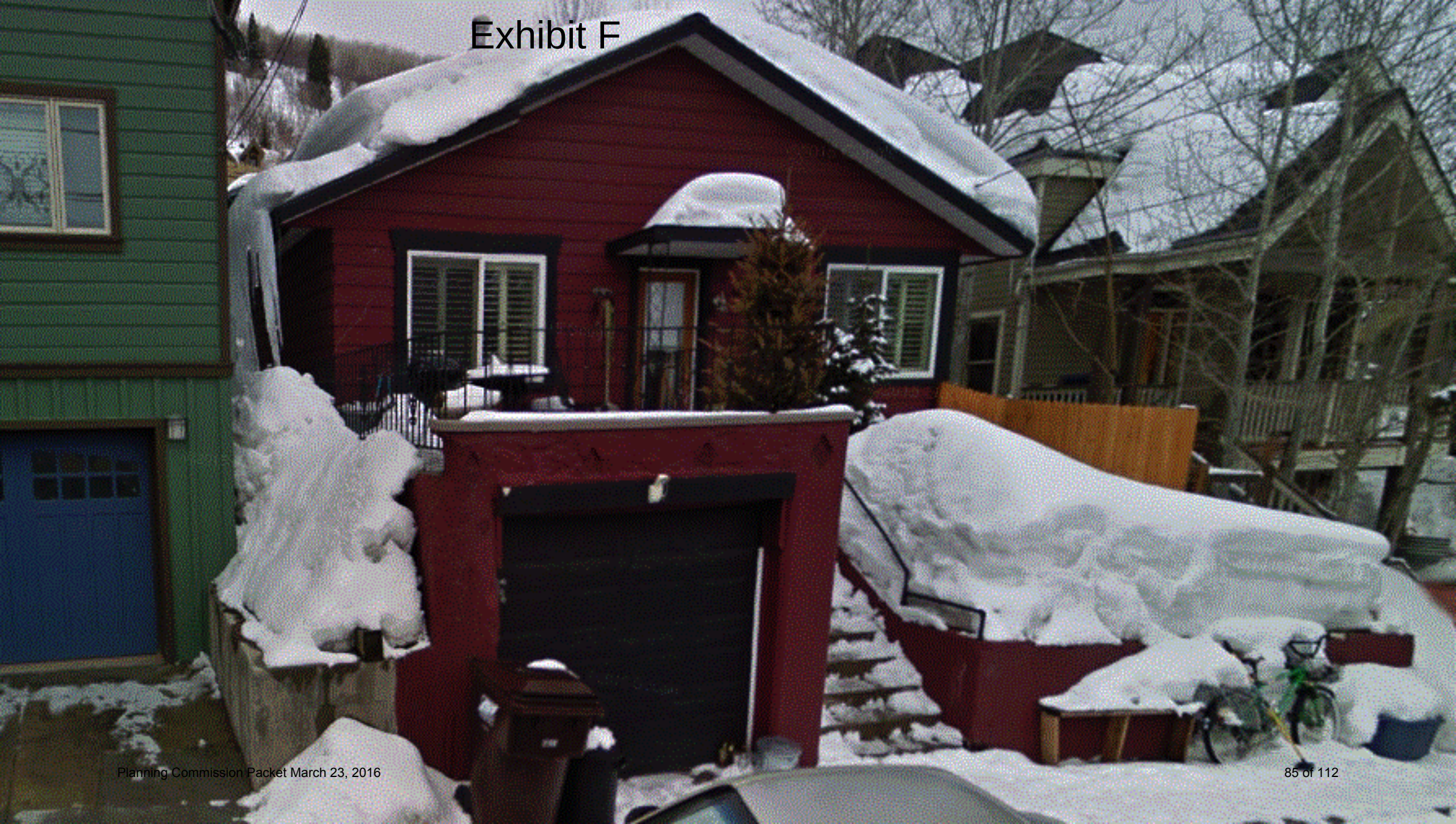
SCALE
ONE INCH 40 FEET
BOOK PAGE



Fishkill Preservation Board March 17, 2016

Page 126 of 126

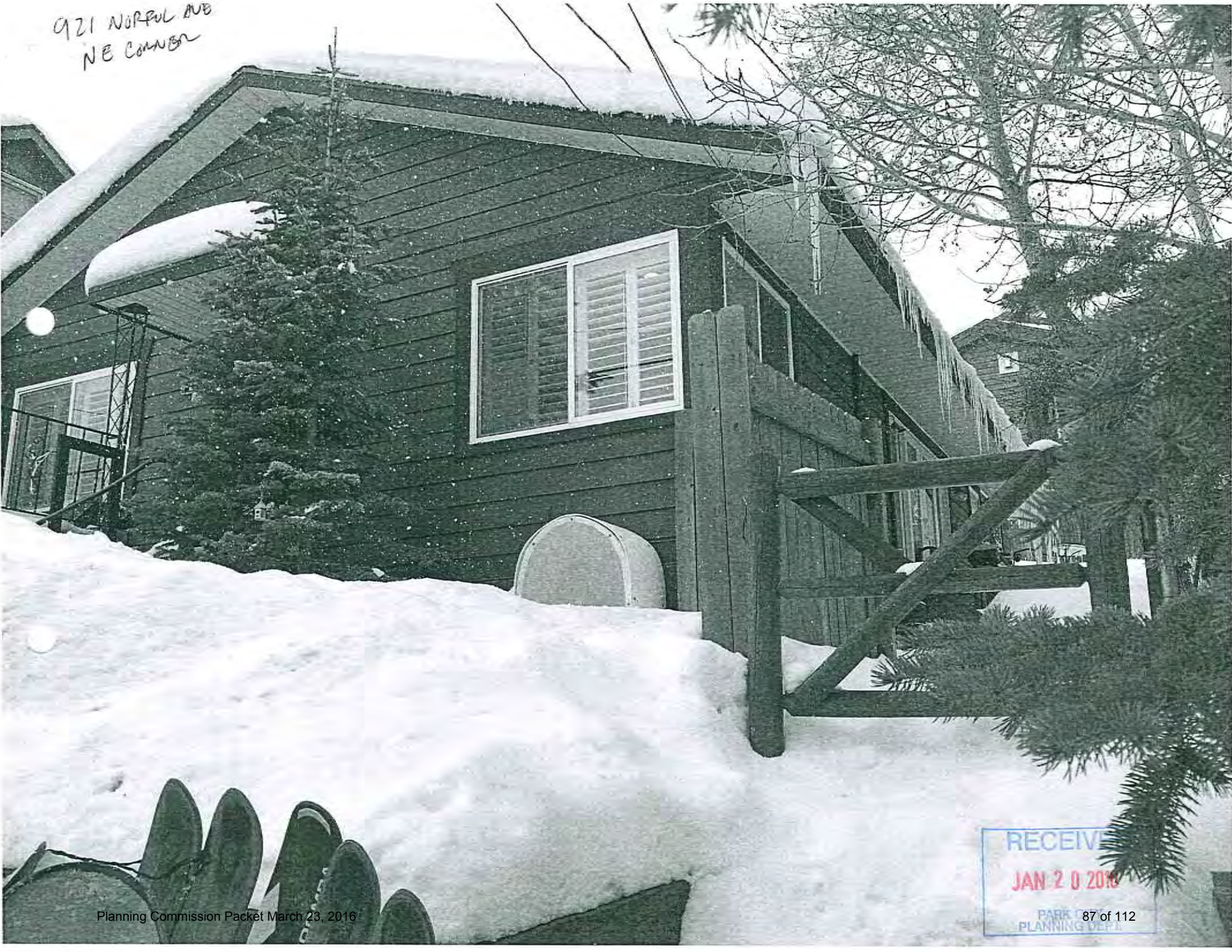
Exhibit F



921 NORFOLK
SE CORNER



921 NORFOLK AVE
NE CORNER



RECEIVED
JAN 20 2016
PARK CITY
PLANNING DEPT.

921 NORFOLK
NW CORNER

921 NORFOLK
NE SW CORNER



Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: Creekside Well Filtration Building
Author: Makena Hawley, City Planner
Project #: PL-16-03079
Date: 23 March 2016
Type of Item: Administrative - Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission review the submitted Conditional Use Permit (CUP) application at 2392 Holiday Ranch Loop Road, conduct a public hearing, and approve the CUP for an Essential Municipal Public Utility Use, Facility, Service, and Structure greater than 600 square feet. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Description

Applicant: Park City Municipal Corporation (PCMC), represented by Alison Kuhlowl-Butz
Location: 2392 Holiday Ranch Loop Road, aka "Creekside Park"
Zoning: Recreation Open Space (ROS) District
Adjacent Land Uses: Public parks, fire station and single-family dwellings.
Reason for Review: Conditional Use Permits (CUP) require Planning Commission review and final action.

Background

On January 12, 2016, the Planning Department received a CUP Application for the proposal of a new Creekside Well Filtration building at 2392 Creek Drive. The Park Meadows well was declared by the Division of Drinking Water to be groundwater under the influence of surface water. On September 29, 2014, a Compliance Agreement/Enforcement Order was executed by DDW requiring filtration to be added to the existing well treatment process or removal of the well from the potable water system. In order to update the filtration treatment and meet the safe drinking water act treatment rule, the Park City Water Department proposes to construct a new well house to hold both wells and disassemble the current well houses.

The current well houses that sit at 2392 Holiday Ranch Loop Road were constructed in 1980 and 2006. It has been assessed that for additional space for the filtration equipment, neither of the existing well houses or a combination of the two (2) would provide the necessary amount of space. The current well houses are 340 square feet (The Divide well) and 233 square feet (Park Meadows well). The additional filtration equipment needed to meet the Agreement/Enforcement order will require a minimum additional 1,000 square feet. The well houses are considered an Essential Municipal Public Utility Use greater than 600 square feet, listed as a Conditional Use in the ROS District.

The existing well buildings and proposed well building sit on Lot 2 of the Creekside Subdivision, which is owned by PCMC. The parcel of 6.71 acres currently holds the Park Meadows and Divide well houses within a 100-foot radius well protection zone that is called out on the subdivision plat. Along with the well houses, there are two (2) parks and the site is located next to the Park City Fire Department.

If this full CUP is approved the new well house building would be constructed in phases beginning in the fall of 2016 and continue into the spring of 2017 with a suspension of work during the winter. The new construction would allow the current well houses to be operational with minor disruptions. Once the new structure is completed the current well houses would be demolished and landscaping improvements would be installed.

Purpose

The purpose of the Recreation and Open Space (ROS) District is to:

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

Analysis

The PCMC Water Department is proposing to construct a new building in order to house pumps for both wells and have the additional space for upgrades to the filtration system as required by the DDW standards. With the new site proposal, adequate space would be provided to meet the standards required by the DDW. The new site still sits within the Wellhead Protection Zone and meets all easements and setbacks. The new well house will be further removed from the street, which will alleviate the current non-conforming Park Meadows well house and the Divide well house that sits inside ROS setbacks and provide more of a buffer for the neighborhood from well activities. The new site proposes an access point off the private road, Creek Drive, which will minimize neighborhood impacts as the current access to the wells are from Holiday Ranch Loop Road and crosses a pedestrian trail along the road.

The two (2) wells must stay operational during the construction process therefore constructing a new building will allow for minor disturbances to the water filtration processes while the upgrades are being prepared for the new wells. Once the new well house is complete the two (2) existing structures will be demolished. The upgrades proposed for the new well house includes improvements such as:

- Emergency power generator fueled by natural gas (eliminating fuel storage and contaminant concerns).

- On-site chlorine generation (which affords more consistent chlorine concentration and requires fewer material deliveries reducing trips to once every 3 to 6 months).
- Provide on-site renewable energy (30kW Solar PV System which will offset approximately 5%-8% of the present baseline).
- Operational upgrades to reduce operational costs mitigate, environmental impacts and increase building resiliency.

Finally, a portion of the proposed site for the new well house is inside designated wetlands. It will affect approximately 0.1 acres of wetlands. The site area is less than the threshold limit requiring extensive mitigation efforts.

Prior to building permit issuance, wetland delineation is required by a certified delineator and approved by the Army Corps of Engineers. If approval determines the wetlands to be non-jurisdictional, the building permit can be issued. If approval determines the wetlands to be jurisdictional, setbacks protection and remediation of impacts, as approved by the Corps shall be required.

The structure is 50'-8" wide by 80' in length (not adjusting for jogs in the façade) totaling an area of approximately 2,700 square feet with the height standing at 19.42 feet above existing grade. The current structures stand lower than 15 feet in height and 233 square feet (Park Meadows Well) and 340 square feet (Divide Well).

The Planning Commission must review each of the following items when considering whether or not the proposed conditional use mitigates impacts of and addresses the following items as outlined in LMC § 15-1-10(E):

	Review Criteria -	Project Proposal -
1	Size and Location of the Site LMC requires a minimum of 25 foot setbacks and a maximum height of 28 feet from existing grade.	Building Size: 2,700 sq. ft. The closest property line from the Well house is 25 feet and the height stands at 19.42 feet above existing grade. Location: Please see Exhibit A. - <u>No unmitigated Impacts.</u>
2	Traffic considerations including capacity of the existing streets in the Area -	The requested use of the space is similar in nature to the existing use. The new building will allow for less vehicle trips to the area with fewer disturbances to Holiday Ranch Loop Road as well as the pedestrian path due to the improvements and upgrades which require less maintenance and fewer material deliveries. - <u>No unmitigated Impacts.</u>
3	Utility capacity -	The site will require minimal electricity, minimal amount of needed visits, and motion sensor exterior lighting.
4	Emergency vehicle access -	Emergency vehicles can easily access the unit and no additional access is required. - <u>No unmitigated Impacts.</u>

5	Location and amount of off-street parking -	The new well house will provide parking for the transitory vehicles providing service and will not require additional parking spaces past what exists. - <u>No unmitigated Impacts.</u>
6	Internal vehicular and pedestrian circulation system -	The well house would be directly accessed off the private driveway which is connected to Holiday Ranch Loop Road. The new circulation for service vehicles would no longer have the need to back out onto Holiday Ranch Loop Road or over the pedestrian walkway. - <u>No unmitigated Impacts.</u>
7	Fencing, screening, and landscaping to separate the Use from adjoining uses -	Fencing, screening, and landscaping are proposed. Please See Exhibit B - <u>No unmitigated Impacts.</u>
8	Building mass, bulk, and orientation, and the location of Buildings on the site; including orientation to buildings on adjoining lots -	The new well house will use the same materials as the surrounding structures and is generally the same size as the adjacent buildings (the fire station and single family homes). Since the new well house will be brought into compliance with the zone setbacks it will be more appropriately oriented to the property lines and adjoining lots. Although the well house holds a different use than nearby lots, the physical design and compatibility are similar. - <u>No unmitigated Impacts.</u>
9	Usable Open Space -	The area of the building is approximately 2,700 square feet. There is no open space requirement for the parcel and the wetlands being affected will require a letter from the Army Corp of Engineers as conditioned in this report. - <u>No unmitigated impacts.</u>
10	Signs and lighting -	Only motion sensor exterior lights have been proposed. The lighting shall remain down directed and shielded. - <u>No unmitigated Impacts.</u>
11	Physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing	The well house will use the same materials as the surrounding structures and is generally smaller than most of the adjacent buildings (the fire station and single family homes). - <u>No unmitigated Impacts.</u>
12	Noise, vibration, odors, steam, or other mechanical factors that might affect people and property off site -	The alternative site for the well house will be further removed from adjacent residences and the pedestrian trail than the current well house which will provide more buffers from well O&M activities. Additionally The generator is indoors with a residential muffler. - <u>No unmitigated Impacts.</u>
13	Control of delivery and service vehicles, loading and unloading zones, and screening of trash and recycling pickup areas -	There are no negative impacts expected with delivery and use of the well house as the structure is located off of a private drive and will not require many visits, usually only one visit per day. - <u>No unmitigated Impacts.</u>

14	Expected ownership and management of the project as primary residences, condominiums, time interval ownership, nightly rental, or commercial tenancies, how the form of ownership affects taxing entities	The building shall not be used for occupancy. – <u>Not Applicable.</u>
15	Within and adjoining the site. Environmentally sensitive lands, physical mine hazards, historic mine waste, and Park City soils ordinance, steep slopes, and appropriateness of the proposed structure to the existing topography of the site -	The property is within the Sensitive Lands Overlay (see additional analysis below). The existing landscape is comprised of low shrub vegetation growth and a flat topography. The building site will impact less than 0.1 acres of wetlands. This will require permitting through the Army Corps of Engineers however the site area is less than the threshold limit requiring extensive mitigation efforts. Prior to disturbance the applicant will be required to submit a letter from the Army Corp approving the structure with building plans. - <u>No unmitigated Impacts.</u>

Sensitive Lands Overlay

The proposed well house (Essential Municipal Public Utility Use, Facility, Service and Structure) lies within the Sensitive Lands Overlay (SLO). Any development within the SLO requires the applicant to minimize the disturbance of the natural features on the site. The applicant must meet the requirements outlined by the SLO Zone found in the Land Management Code (Section 15-2.21-4) and summarized below:

- No development is allowed on or within fifty vertical feet (50') of very steep slopes, areas subject to land sliding, and other hazard geological areas.
- No structure or other appurtenant device, including mechanical equipment may visually intrude on the ridge line area from any designated vantage points as depicted herein.
- No person shall disturb, remove, fill, dredge, clear, destroy or alter any area, including vegetation within significant wetlands and significant stream corridors and their respective setbacks.
- No development is to take place within 50 feet of identified wetlands.

Land Management Code Section 15-2.21-6. Indicates the following below regarding wetland and stream protection:

- (A) **INTENT.** *The following requirements and standards have been developed to promote, preserve, and enhance wetlands and Stream Corridors and to protect them from adverse effects and potentially irreversible impacts.*
- (B) **JURISDICTION.** *All Significant Wetlands and Stream Corridors are regulated as provided below.*
- (C) **PROHIBITED ACTIVITIES.** *No person shall disturb, remove, fill, dredge, clear, destroy or alter any Area, including vegetation, surface disturbance within*

wetlands and Stream Corridors and their respective Setbacks, except as may be expressly allowed herein.

(D) **BOUNDARY DELINEATIONS.** The Applicant must provide a wetlands delineation by a qualified professional utilizing the methods of the 1987 Army Corp of Engineers Manual for Identifying and Delineating Jurisdictional Wetlands, as amended. The boundary of Stream Corridors and wetlands shall be delineated at the Ordinary High Water Mark, as defined in LMC Chapter 15-15.

(E) **DETERMINATION OF WETLANDS, STREAMS, AND IRRIGATION DITCHES.**

(1) **WETLAND CRITERIA.** A wetland that meets the criteria of the 1987 Army Corp of Engineers Manual for Identifying and Delineating Jurisdictional Wetlands is a wetland.

(2) **STREAM CORRIDOR.** All Stream Corridors which exist within the Property. Irrigation ditches are not Stream Corridors.

(3) **IRRIGATION DITCHES.** An irrigation ditch that meets the Army Corps of Engineers definition for waters of the United States must comply with the regulations of Stream Corridors within this section.

(F) **SETBACKS.** The following Setbacks are required:

(1) Setbacks from wetlands shall extend a minimum of fifty feet (50') outward from the delineated wetland Ordinary High Water Mark.

(2) Setbacks from Stream Corridors shall extend a minimum of fifty feet (50') outward from the Ordinary High Water Mark.

(3) Setbacks from irrigation ditches that meet the Army Corps of Engineers definition for waters of the United States shall extend a minimum of twenty feet (20') from the Ordinary High Water Mark.

There is one designated wetland present in the area of the proposed well house. While the jurisdictional section above states that “All Significant Wetlands and Stream Corridors are regulated provided below.” Adopted Land Management Code definition of a Wetland, Significant (Section 15-15-37 1.288) indicates the following “All wetlands that occupy a surface Area greater than one-tenth (1/10) acre or are associated with permanent surface water or that are adjacent to, or contiguous with, a Stream Corridor.”

The entire wetland being affected in the area is not associated with a stream corridor in any way. Additionally the wetland is approximately 4000 square feet (.09 acres) which is less than the amount specified in the definition of Significant Wetland. Due to the size of the wetland, it is not considered to be Significant; therefore, the regulations under the 15-2.21-6 portion of the LMC do not apply.

The applicant will be required to submit a *Permit Application and Mitigation Plan for Wetland Impacts* prior to a building permit issuance, to comply with US Army Corps of Engineers Nationwide Permit requirements. The applicant has proposed a new area for preserved and enhanced wetland that will cover 2,866 square feet (please see Exhibit G) to be reviewed by the Corps.

Process

Approval of this application constitutes Final Action that may be appealed to the City Council following appeal procedures found in LMC § 15-1-18.

Department Review

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

Public Input

No input has been received regarding the Conditional Use Permit.

Consequences of not taking the Suggested Recommendation

The applicant and planner will work together to revise the plans in order to accommodate the suggestions provided by the board.

Summary Recommendations

Staff recommends the Planning Commission review the submitted Conditional Use Permit (CUP) application at 2392 Holiday Ranch Loop Road, conduct a public hearing, and approve the CUP for an Essential Municipal Public Utility Use, Facility, Service, and Structure greater than 600 square feet. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Findings of Fact:

1. Applicant requests the use of an Essential Municipal Public Utility Use greater than 600 square feet to be used for the operations and storage of the Park Meadows and the Divide wells.
2. The property is located at 2392 Holiday Ranch Loop Drive but relocated would become 2392 Creek Drive.
3. The property is located within the Recreation and Open Space (ROS) District and the proposed use requires a Conditional Use Permit.
4. The lot is described as Parcel #CRKSD-2-X, of the Creekside Subdivision approved in March 2007 in the Park Meadows neighborhood.
5. The 6.71 acre parcel holds the Park Meadows well and the Divide well, along with recreational areas and is across the private street from the Park City Fire Department.
6. The size of the proposed structure is 2,700 square feet.
7. The existing landscape is comprised of low shrub vegetation growth and a flat topography. The building site will impact 0.1 acres of wetlands. This will require permitting through the Army Corps of Engineers; however, the site area is less than the threshold limit requiring extensive mitigation efforts.
8. Access to the new well house will be from the private drive, Creek Drive accessed off Holiday Ranch Loop Road, which is the current access road for the well houses.
9. The neighborhood is characterized by a mix of public parks, the Park City Fire Department, and single-family dwellings.
10. The project will be reviewed by the Park City Fire District and require approval during the building permit process.
11. The proposed structure complies with all setbacks. The minimum setbacks from all boundary lines of the lot are twenty five feet (25'). The proposed well house is 25

feet away from the closest lot line. According to the Building Department there are no requirements for setbacks between structures.

12. The proposed structure complies with the twenty-eight feet (28') maximum building height requirement measured from existing grade. The proposed structure will be a maximum of nineteen point five feet (19.5') in height.
13. Staff finds that the proposed well filtration building is compatible with the surrounding structures. The well house uses the same materials as the surrounding structures and is generally similar in size to most of the adjacent buildings.
14. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. There is no existing significant vegetation on the lot.
15. Lighting is proposed in one exterior area. The lighting on the entry door with a motion sensor which will be down lit and shielded.
16. The findings in the Analysis section of this report are incorporated herein.
17. The entire wetland being affected in the area is not associated with a steam corridor in any way. Additionally the wetland is approximately 4000 square feet (.09 acres) which is less than the amount specified in the definition of Significant Wetland. Due to the size of the wetland, it is not considered to be Significant; therefore, the regulations under the 15-2.21-6 portion of the LMC do not apply.
18. The applicant will be required to submit a *Permit Application and Mitigation Plan for Wetland Impacts* prior to a building permit issuance, to comply with US Army Corps of Engineers Nationwide Permit requirements. The applicant has proposed a new area for preserved and enhanced wetland that will cover 2,866 square feet (please see Exhibit G) to be reviewed by the Corps.
19. The applicant stipulates to the conditions of approval.

Conclusions of Law

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.7-2(C)(14).
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass, and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approvals

1. All Standard Project Conditions shall apply.
2. Construction waste should be diverted from the landfill and recycled when possible.
3. Prior to building permit issuance, wetland delineation is required by a certified delineator and approved by the Army Corps of Engineers. If approval determines the wetlands to be non-jurisdictional, the building permit can be issued. If approval determines the wetlands to be jurisdictional, setbacks protection and remediation of impacts, as approved by the Corps shall be required.
4. Less than a tenth of an acre of wetlands may be impacted with this Conditional Use Permit. The wetland area to be impacted shall be identified on the building plans and verified by the Planning and Engineering Departments prior to issuance of a building permit.

Exhibits

Exhibit A – Creekside Subdivision Plat

Exhibit B – Overhead view of Creekside Area

Exhibit C – Creekside Well Filtration Layout plan

Exhibit D – Existing Conditions

Exhibit E – Image Proposals

Exhibit F – Well Filtration Floor Plans

Exhibit G – Proposed Landscape Plan

Exhibit H – City Council Page 3 Minutes from December 3, 2015 – Park Meadows Well
Filtration Site Planning Discussion

EXHIBIT A - Creekside Subdivision Plat

CREEKSIDE SUBDIVISION

- A 2 LOT SUBDIVISION -

A PARCEL OF LAND LOCATED WITHIN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

LEGAL DESCRIPTION

BEGINNING AT A POINT 49.50 FEET SOUTH 00°16'20" WEST ALONG THE EAST SECTION LINE OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; THENCE CONTINUING ALONG SAID SECTION LINE SOUTH 00°16'20" WEST A DISTANCE OF 800.00 FEET; THENCE LEAVING SAID SECTION LINE, NORTH 90°00'00" WEST A DISTANCE OF 355.98 FEET; THENCE NORTH 14°12'40" WEST A DISTANCE OF 651.56 FEET TO THE POINT OF A 1407.50 FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE 176.97 FEET THROUGH A CENTRAL ANGLE OF 07°12'14" TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF EXISTING HOLIDAY RANCH LOOP ROAD; THENCE NORTH 90°00'00" EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 573.84 FEET TO THE POINT OF BEGINNING.

CONTAINS: 367,974.77 SQUARE FEET OR 8.45 ACRES.

EXISTING EASEMENTS

1. POLE LINE EASEMENT GRANTED TO UTAH POWER & LIGHT COMPANY, A CORPORATION, FOR THE ERECTION AND CONTINUED MAINTENANCE OF THE ELECTRIC TRANSMISSION AND TELEPHONE CIRCUITS OF THE GRANTEE ALONG A LINE AS FOLLOWS: BEGINNING AT THE SOUTH BOUNDARY LINE OF GRANTOR'S LAND AT A POINT 850 FEET SOUTH, MORE OR LESS, FROM THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN THENCE NORTH 0°16' EAST 685 FEET, MORE OR LESS, THENCE NORTH 60°51' WEST 283 FEET, MORE OR LESS, TO THE NORTH BOUNDARY FENCE 1/4 OF SAID SECTION 8, AND THE SOUTHERLY RIGHT OF WAY LINE OF HOLIDAY RANCH LOOP ROAD (66 FEET WIDE), AND RUNNING THENCE SOUTH 00°16'20" WEST, ALONG SAID SECTION LINE 191.00 FEET; THENCE WEST 10.00 FEET; THENCE NORTH 00°16'20" EAST 191.00 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF SAID HOLIDAY RANCH LOOP ROAD (66 FEET WIDE); THENCE EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE 10.00 FEET TO THE POINT OF BEGINNING.

2. EASEMENT GRANTED TO UTAH POWER & LIGHT COMPANY, A CORPORATION, FOR THE ERECTION AND CONTINUED MAINTENANCE OF THE ELECTRIC TRANSMISSION AND DISTRIBUTION CIRCUITS OF THE GRANTEE ALONG THE FOLLOWING DESCRIBED CENTERLINE: BEGINNING AT THE SOUTH BOUNDARY LINE OF THE GRANTOR'S LAND AT A POINT 850 FEET SOUTH, MORE OR LESS, FROM THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 0°16' EAST 440 FEET, MORE OR LESS, THENCE NORTH 0°57' WEST 242 FEET, MORE OR LESS, THENCE NORTH 60°03' WEST, 283 FEET, MORE OR LESS, TO THE NORTH BOUNDARY FENCE OF SAID LAND AND BEING IN THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 8, SAID EASEMENT DATED DECEMBER 3, 1965, AND RECORDED NOVEMBER 21, 1966 AS ENTRY NO. 104304 IN BOOK M-8 AT PAGE 558, RECORDS OF SUMMIT COUNTY, UTAH.

3. EASEMENT AND RIGHT OF WAY GRANTED TO COMMUNITY TV OF UTAH, INC., FOR THE PURPOSE OF PERMITTING GRANTEE TO INSTALL AND MAINTAIN A COAXIAL CABLE ON, ABOVE AND OVER THE FOLLOWING DESCRIBED PROPERTY: BEGINNING AT A POINT WHICH BEARS SOUTH 0°16'20" WEST 49.5 FEET FROM THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN SAID POINT OF BEGINNING BEING AN INTERSECTION OF SAID SECTION 8, & THE SOUTHERLY RIGHT OF WAY LINE OF HOLIDAY RANCH LOOP ROAD (66 FEET WIDE), AND RUNNING THENCE SOUTH 00°16'20" WEST, ALONG SAID SECTION LINE 191.00 FEET; THENCE WEST 10.00 FEET; THENCE NORTH 00°16'20" EAST 191.00 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF SAID HOLIDAY RANCH LOOP ROAD (66 FEET WIDE); THENCE EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE 10.00 FEET TO THE POINT OF BEGINNING.

OWNERS DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT: PARK CITY MUNICIPAL CORPORATION, THE OWNER OF THE HEREON DESCRIBED TRACT OF LAND, HEREBY CAUSES THE SAME TO BE SUBDIVIDED INTO LOTS AND PUBLIC STREETS, AS SET FORTH ON THE PLAT HEREON, HEREAFTER TO BE KNOWN AS "CREEKSIDE SUBDIVISION", DO HEREBY DEDICATE FOR THE PERPETUAL USE OF THE PUBLIC ALL CITY STREETS AND TRAIL EASEMENTS. THE OWNER HEREBY DEDICATES TO PARK CITY MUNICIPAL CORPORATION, SNYDERVILLE BASIN WATER RECLAMATION DISTRICT, PARK CITY FIRE SERVICE DISTRICT, AND SUMMIT COUNTY, A NON-EXCLUSIVE EASEMENT OVER THE ROAD RIGHT OF WAY, PARKING LOTS, DRIVEWAYS AND UTILITY EASEMENTS SHOWN ON THIS PLAT FOR THE PURPOSE OF PROVIDING ACCESS FOR UTILITY INSTALLATION, MAINTENANCE, INGRESS, EGRESS, USE AND EVENTUAL REPLACEMENT AND TO PROVIDE EMERGENCY SERVICES TO SAID SUBDIVISION AND ADJOINING PROPERTIES. WE DO HEREBY CERTIFY THAT WE HAVE CAUSED THIS SURVEY TO BE MADE AND THIS RECORD OF SURVEY PLAT TO BE PREPARED. WE DO HEREBY CONSENT TO THE RECORDED OF THIS SURVEY PLAT.

Dana Williams
PARK CITY CORPORATION. BY: DANA WILLIAMS, MAYOR

ACKNOWLEDGMENT

STATE OF UTAH) ss.
COUNTY OF SUMMIT)
ON THIS 14 DAY OF March, 2007, BEFORE ME, THE UNDERSIGNED NOTARY, PERSONALLY APPEARED DANA WILLIAMS, PERSONALLY KNOWN TO ME THROUGH IDENTIFICATION DOCUMENT(S) ALLOWED BY LAW, WHOSE NAME(S) IS SIGNED ON THE PRECEDING OR ATTACHED DOCUMENT, AND ACKNOWLEDGED THAT HE/SHE SIGNED IT VOLUNTARILY FOR ITS STATED PURPOSE AS MAYOR FOR PARK CITY MUNICIPAL CORPORATION, A UTAH MUNICIPAL CORPORATION AND POLITICAL SUBDIVISION OF THE STATE OF UTAH.

Sharon C. Bauman
NOTARY PUBLIC

20' WIDE SEWER EASEMENT 1 (SBWRD)

BEGINNING AT A POINT 49.50 FEET SOUTH 00°16'20" WEST ALONG THE EAST SECTION LINE OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN AND 171.09 FEET NORTH 90°00'00" WEST FROM THE NORTHEAST CORNER OF SAID SECTION 8, SAID POINT BEING ON THE SOUTHERLY RIGHT OF WAY LINE OF HOLIDAY RANCH LOOP ROAD; THENCE SOUTH 10°42'05" WEST 58.04 FEET; THENCE SOUTH 22°30'00" WEST 99.54 FEET; THENCE SOUTH 00°00'00" EAST 202.09 FEET; THENCE SOUTH 33°45'03" WEST 124.26 FEET TO A POINT ON A 20.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, THE CENTER OF WHICH BEARS SOUTH 63°45'03" WEST, THENCE 104.72 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 30°00'00"; THENCE NORTH 33°45'03" EAST 118.19 FEET; THENCE NORTH 00°00'00" EAST 200.00 FEET; THENCE NORTH 22°30'00" EAST 101.45 FEET; THENCE NORTH 10°42'05" EAST 52.19 FEET TO SAID SOUTHERLY RIGHT OF WAY LINE OF HOLIDAY RANCH LOOP ROAD; THENCE ALONG SAID RIGHT OF WAY LINE SOUTH 90°00'00" EAST 20.35 FEET TO THE POINT OF BEGINNING.

CONTAINS: 10,778.05 SQUARE FEET OR 0.25 ACRES.

10' WIDE SEWER EASEMENT 2 (SBWRD)

BEGINNING AT A POINT 49.50 FEET SOUTH 00°16'20" WEST ALONG THE EAST SECTION LINE OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN AND 573.84 FEET NORTH 90°00'00" WEST FROM THE NORTHEAST CORNER OF SAID SECTION 8, SAID POINT BEING ON THE SOUTHERLY RIGHT OF WAY LINE OF HOLIDAY RANCH LOOP ROAD; THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE NORTH 90°00'00" EAST 10.74 FEET TO A POINT ON A 1,417.50 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, THE CENTER OF WHICH BEARS SOUTH 68°44'37" WEST; THENCE 174.30 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 07°02'43"; THENCE SOUTH 14°12'40" EAST 654.09 FEET; THENCE NORTH 90°00'00" WEST 10.32 FEET; THENCE NORTH 14°12'40" WEST 651.58 FEET TO A POINT ON A 1407.50 FOOT RADIUS CURVE TO THE LEFT; THENCE 176.97 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 07°12'14" TO THE POINT OF BEGINNING.

CONTAINS: 8,284.59 SQUARE FEET OR 0.19 ACRES.

SURVEYORS CERTIFICATE

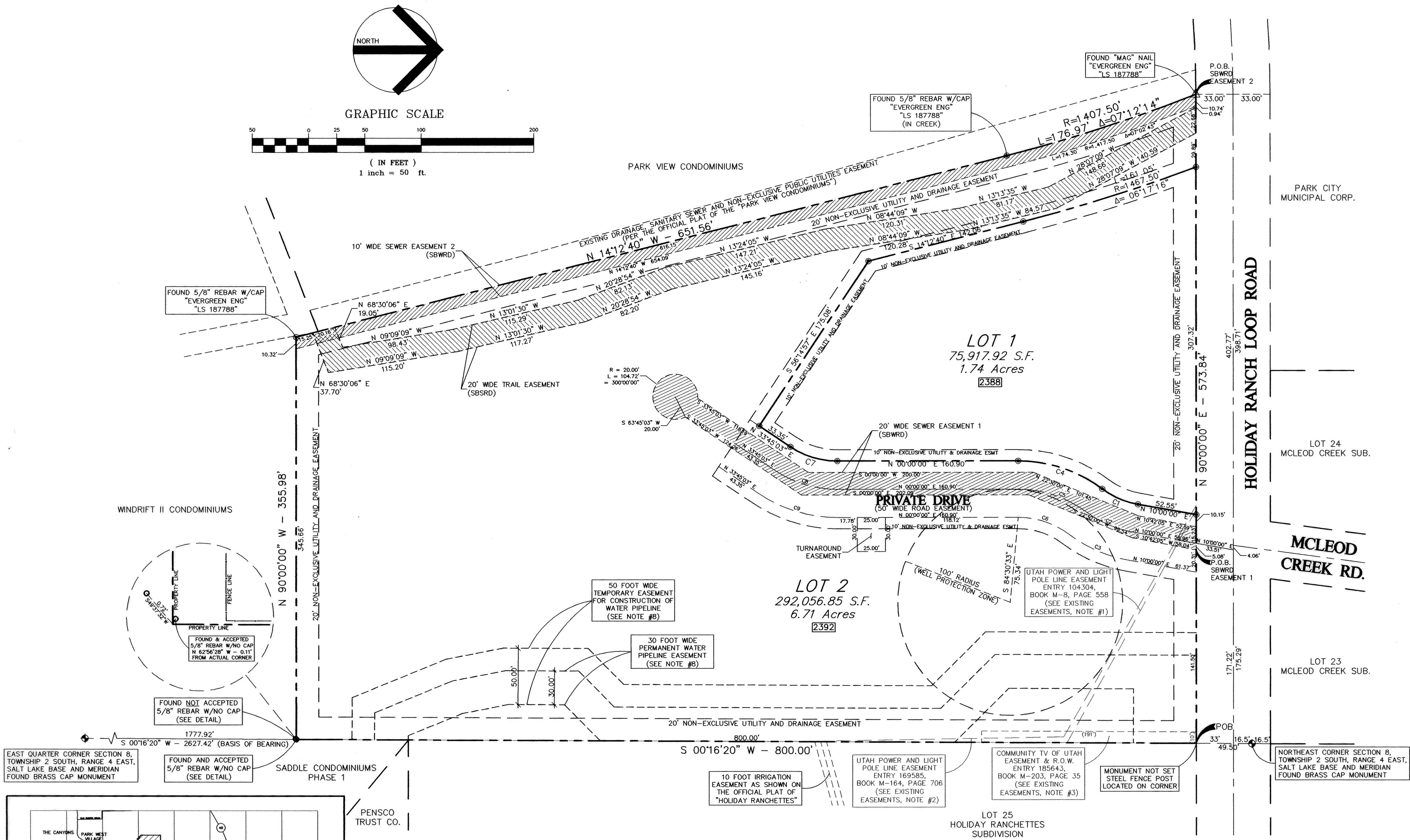
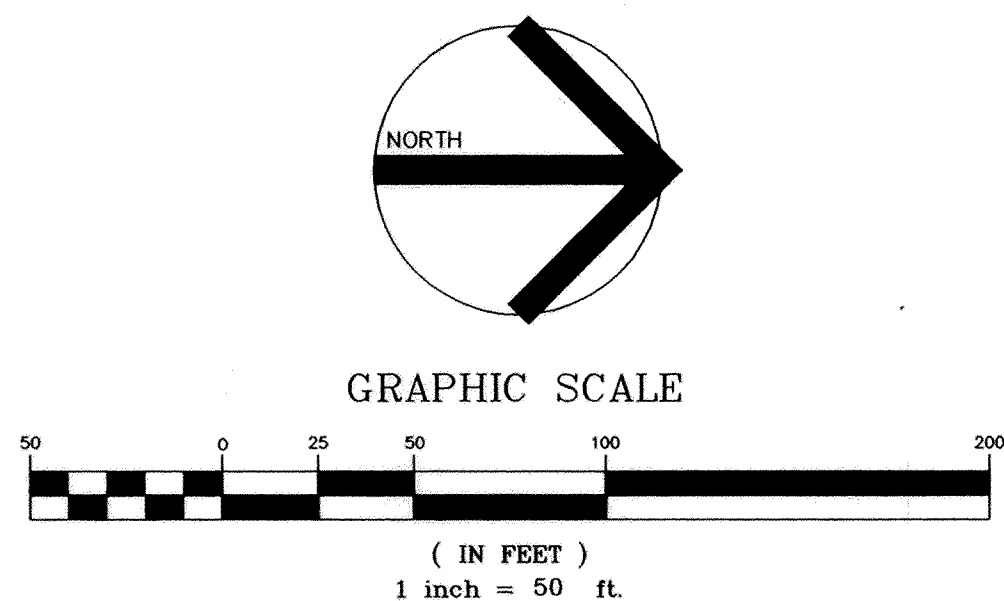
I, GREGORY R. WOLBACH, OF PARK CITY, UTAH, CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 187788, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND THAT I HAVE PERFORMED A SURVEY OF THE LAND SHOWN ON THIS PLAT AND DESCRIBED HEREON.

I FURTHER CERTIFY THAT THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REGULATIONS OF THE LAW.

GREGORY R. WOLBACH
STATE OF UTAH
PROFESSIONAL LAND SURVEYOR
NO. 187788
EXPIRATION DATE 6/30/14

FEB. 26, 2007
DATE

SHEET C.102
PLOT DATE: FEBRUARY 26, 2007
DRAWING: H20-PLAT-FINAL.DWG

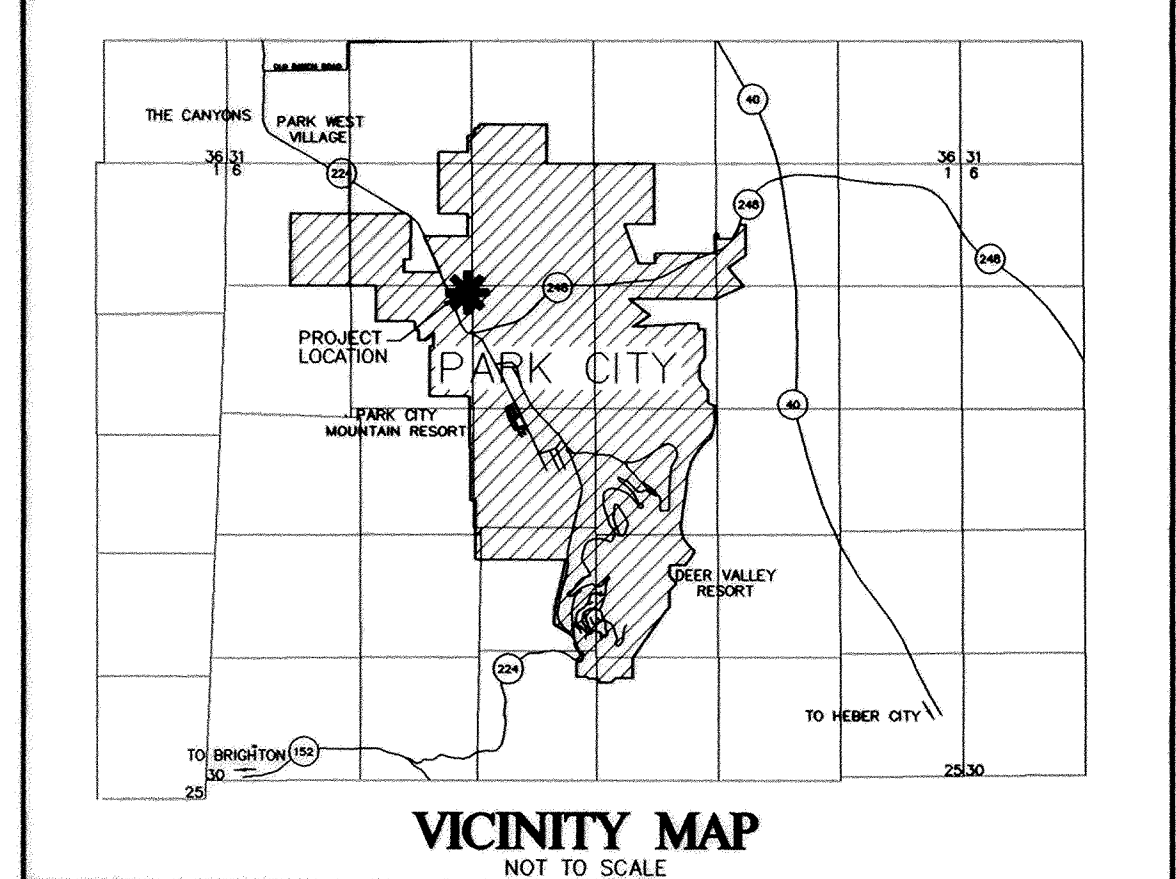


EAST QUARTER CORNER SECTION 8, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN FOUND BRASS CAP MONUMENT

FOUND AND ACCEPTED 5/8" REBAR W/NO CAP (SEE DETAIL)

SADDLE CONDOMINIUMS PHASE 1

PENSICO TRUST CO.



NOTES

1. BASIS OF BEARING: S 00°16'20" W 2,627.42' BETWEEN A FOUND BRASS CAP MONUMENT AT THE NORTHEAST CORNER AND A FOUND BRASS CAP MONUMENT AT THE EAST QUARTER CORNER OF SECTION 8, T. 2 S., R. 4 E., S.L.B. & M.
2. PROPERTY CORNERS: FOUND OR SET AS SHOWN HEREON.
3. LOCATED WITHIN: THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH.
4. A 20 FOOT WIDE NON-EXCLUSIVE UTILITY AND DRAINAGE EASEMENT IS HEREBY DEDICATED WITHIN THIS SUBDIVISION ALONG THE EXTERIOR BOUNDARY.
5. A 10 FOOT WIDE NON-EXCLUSIVE UTILITY AND DRAINAGE EASEMENT IS HEREBY DEDICATED WITHIN THIS SUBDIVISION ALONG ALL LOT LINES.
6. EXISTING PUBLIC UTILITY AND DRAINAGE EASEMENTS ARE SHOWN HEREON.
7. TITLE REPORT PREPARED BY PARK CITY TITLE COMPANY ON NOVEMBER 9, 2006, FILE NUMBER 16696 REFERENCES A POLE LINE EASEMENT GRANTED TO UTAH POWER AND LIGHT COMPANY, DATED SEPTEMBER 4, 1947 AS RECORDED IN THE OFFICE OF THE SUMMIT COUNTY RECORDER ON JANUARY 15, 1948 AS ENTRY NUMBER 77038 IN BOOK 2 AT PAGE 96. THIS EASEMENT IS NOT RELATED TO THE PROPERTY DESCRIBED HEREON.
8. A 30 FOOT WIDE PERMANENT WATER PIPELINE EASEMENT AND A 50 FOOT WIDE TEMPORARY EASEMENT FOR CONSTRUCTION OF WATER PIPELINES WAS NOT REFERRED TO IN THE SUPPLIED TITLE REPORT AS DESCRIBED HEREON. THESE EASEMENTS WERE SCALED FROM DRAWINGS TITLED "CONTRACT DOCUMENTS-VOLUME II, CONSTRUCTION DRAWINGS FOR BOOT HILL VALVE VAULT AND PIPELINES, PARK CITY, UT," "CONSTRUCTION ISSUE, SEPTEMBER 2004, PROJECT NUMBER 186200494" PREPARED BY STANTEC AND SUPPLIED TO THIS OFFICE BY PARK CITY MUNICIPAL CORPORATION, PUBLIC WORKS DEPARTMENT.
9. AT THE TIME OF ANY RESURFACING OF THE PRIVATE DRIVE, THE PROPERTY OWNER(S) SHALL BE RESPONSIBLE TO ADJUST WASTEWATER MANHOLES TO GRADE ACCORDING TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT (SBWRD) STANDARDS. PRIOR NOTIFICATION OF THE ADJUSTMENTS AND INSPECTION BY THE SBWRD IS REQUIRED.
10. ANY DEVELOPMENT ON EITHER LOT SHALL RECOGNIZE THE WETLANDS AND SENSITIVE LANDS OVERLAY REGULATIONS.

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	34.99'	75.00'	26°43'37"
C2	46.65'	100.00'	26°43'37"
C3	58.31'	125.00'	26°43'37"
C4	80.13'	125.00'	36°43'37"
C5	64.10'	100.00'	36°43'37"
C6	48.08'	75.00'	36°43'37"
C7	44.18'	75.00'	33°45'03"
C8	58.91'	100.00'	33°45'03"
C9	73.63'	125.00'	33°45'03"

LEGEND

- SET/TO BE SET 5/8" REBAR & PLASTIC CAP MARKED "EVERGREEN ENG" "LS 187788"
- FOUND 5/8" REBAR ONLY, NO CAP
- 0000 STREET ADDRESS HOLIDAY RANCH LOOP ROAD

Evergreen Engineering, Inc.

Civil Engineering * Land Surveying * Land Planning
50 Shadow Ridge Drive * Level B1 * Suite 200
P.O. Box 2861 * Park City * Utah * 84060
Phone: 435-649-4667 * Fax: 435-649-9219
Email: office@evergreen-eng.com

CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS 28 DAY OF March A.D. 2007.

Michael J. ...
CHAIRMAN

CITY ENGINEER

THIS PLAT IS IN CONFORMANCE WITH INFORMATION ON FILE IN THE OFFICE OF THE PARK CITY ENGINEERING DEPARTMENT ON THIS 26TH DAY OF March A.D. 2007.

Chris W. DeHaan
CITY ENGINEER

CITY COUNCIL APPROVAL

PRESENTED TO THE BOARD OF PARK CITY CITY COUNCIL THIS 18 DAY OF March A.D. 2007. AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED.

Dana Williams
CITY RECORDER

APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS 29th DAY OF March A.D. 2007.

Ben S. ...
CITY ATTORNEY

SNYDERVILLE BASIN W.R.D.

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 12th DAY OF March AD 2007.

BY: Ben S. ...
SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

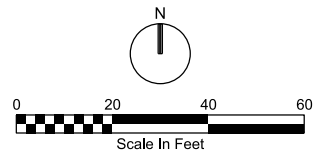
809048 RECORDED

No. 809048
STATE OF Utah
COUNTY OF Summit
RECORDED AND FILED AT THE REQUEST OF:
Park City Municipal Corporation
Date: 4-3-07
Time: 4:38 P.M.
Fee: 0
Sharon C. Bauman
COUNTY RECORDER

EXHIBIT B - Overhead view of Creekside Area



EXHIBIT C - Creekside Well Filtration Layout plan



LEGEND:

CO	CLEANOUT
FTW	FILTER TO WASTE
FW	FINISHED WATER
PIV	POST INDICATOR VALVE
PTW	PUMP TO WASTE
SBO	SURGE BLOW-OFF

HOLIDAY RANCH LOOP ROAD

BUILDING TO BE
CONVERTED TO
CISTERN, SEE
DWG D-2

PAVEMENT TO
BE REMOVED

EXST WELL BUILDING.
REMOVE ROOF, MECH
EQUIPMENT AND WALLS.
COLUMNS TO REMAIN
IN PLACE

— EXST TRANSFORMER

— EXST RIGHT-OF-WAY

Planning Commission Packet March 23, 2016

ch2m.^{usa}

CIVIL
LAYOUT PLAN

VERIFY SCALE

1" = 1" ON ORIGINAL DRAWING.

ATE

ROJ

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2 of 112

30% DESIGN

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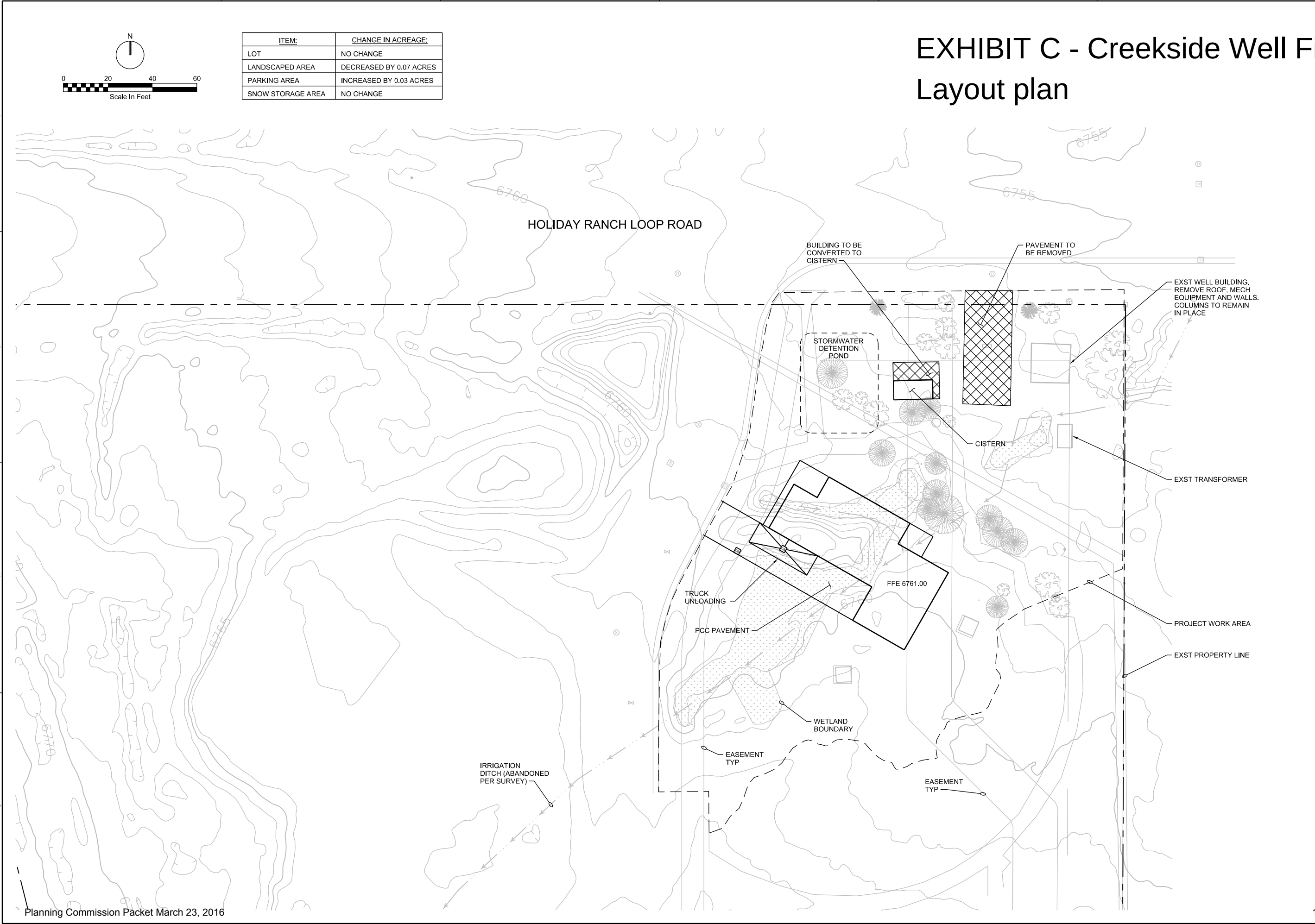


EXHIBIT C - Creekside Well Filtration Layout plan

ITEM:	CHANGE IN ACREAGE:
LOT	NO CHANGE
LANDSCAPED AREA	DECREASED BY 0.07 ACRES
PARKING AREA	INCREASED BY 0.03 ACRES
SNOW STORAGE AREA	NO CHANGE

ch2m

CIVIL

LAYOUT PLAN

Creekside Treatment Facility

Park Meadows

Park City Municipal Corporation

Park City, Utah

VERIFY SCALE

BAR IS ONE INCH ON ORIGINAL DRAWING.

DATE

PROJ

DWG 112

SHEET 1 of 1

NO. DATE DSGN

WB WAGNER

DR

PA LONG

CHK

REVISION

BY

APVD

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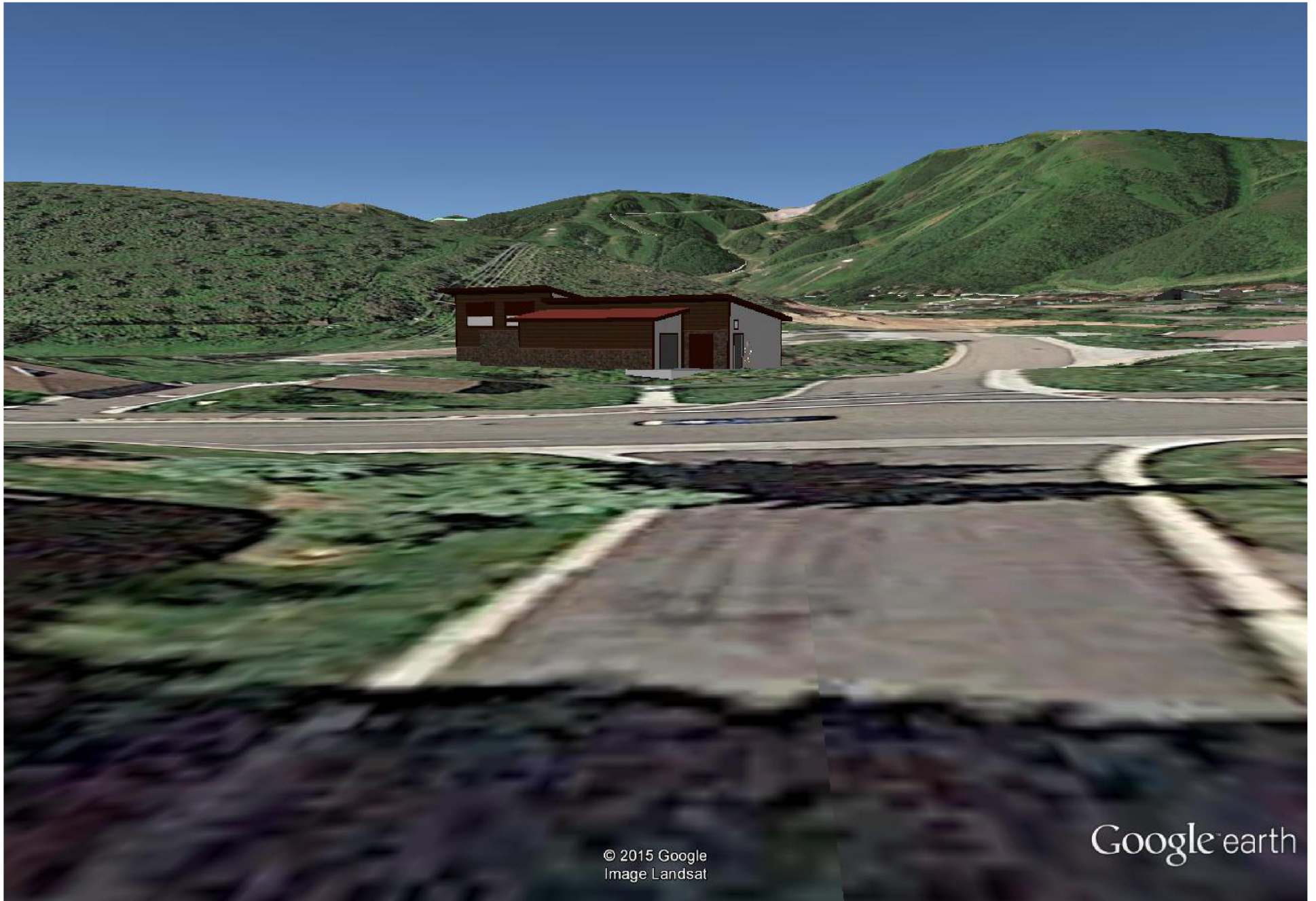
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EXHIBIT E - Image Proposals





© 2015 Google
Image Landsat

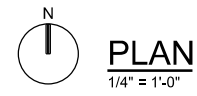
Google earth

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PLOT TIME: 10:53:29 AM

PROCESS MECHANICAL

SODIUM HYDROXIDE GENERATION BUILDING PLAN

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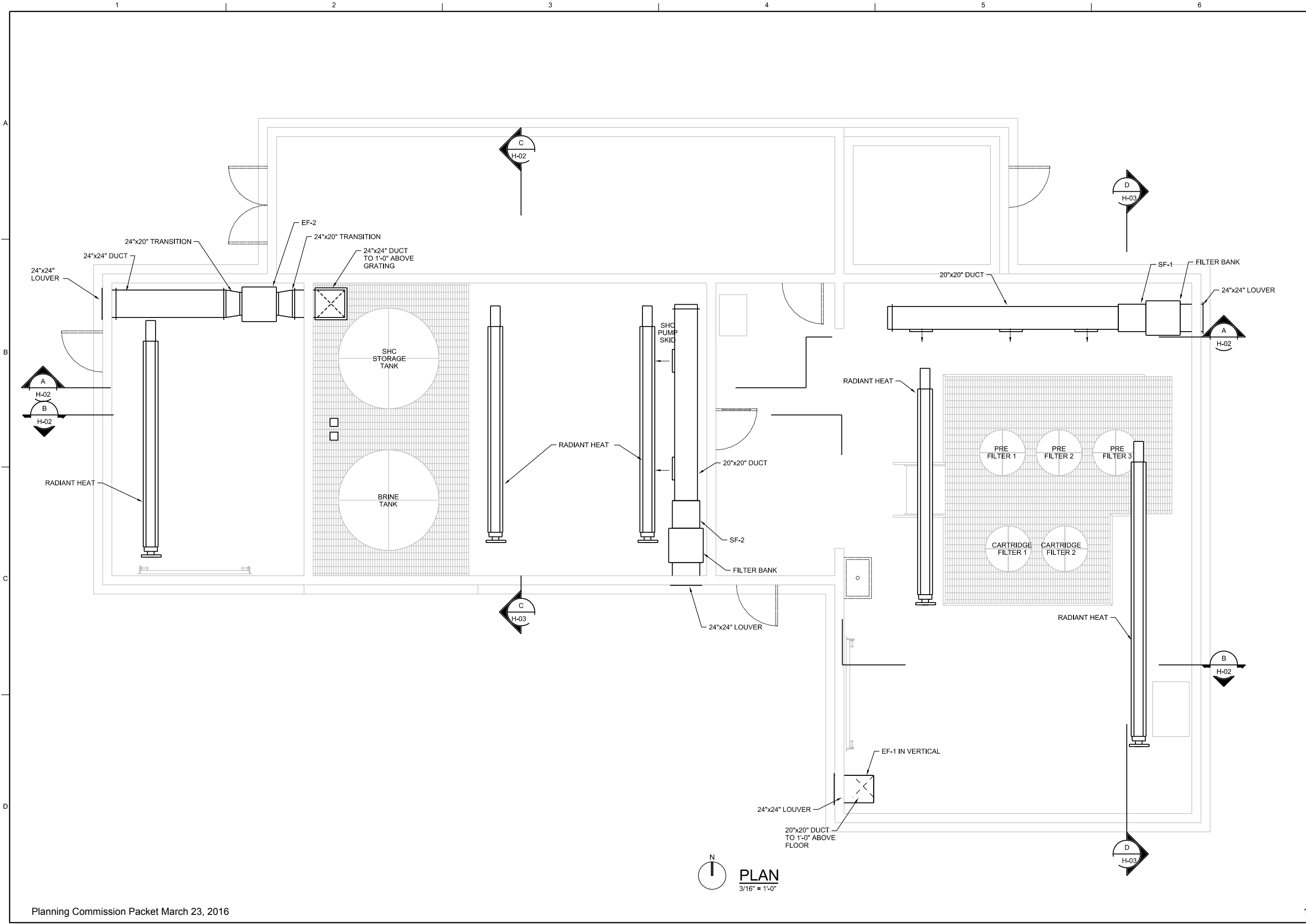
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Planning Commission Packet March 23, 2016

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PLOT DATE: 2015/12/11

PLOT TIME: 2:17:14 PM

ch2m

HVAC
**SODIUM HYDROXIDE
GENERATION BUILDING
PLAN**

Creekside Treatment Facility
Park Meadows
Park City Municipal Corporation
Park City, Utah

NO. DATE
DSGN J. MC MURREN
DR J. PIGMAN
CHK

REVISION

BY APVD

VERIFY SCALE

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PROJ 491910

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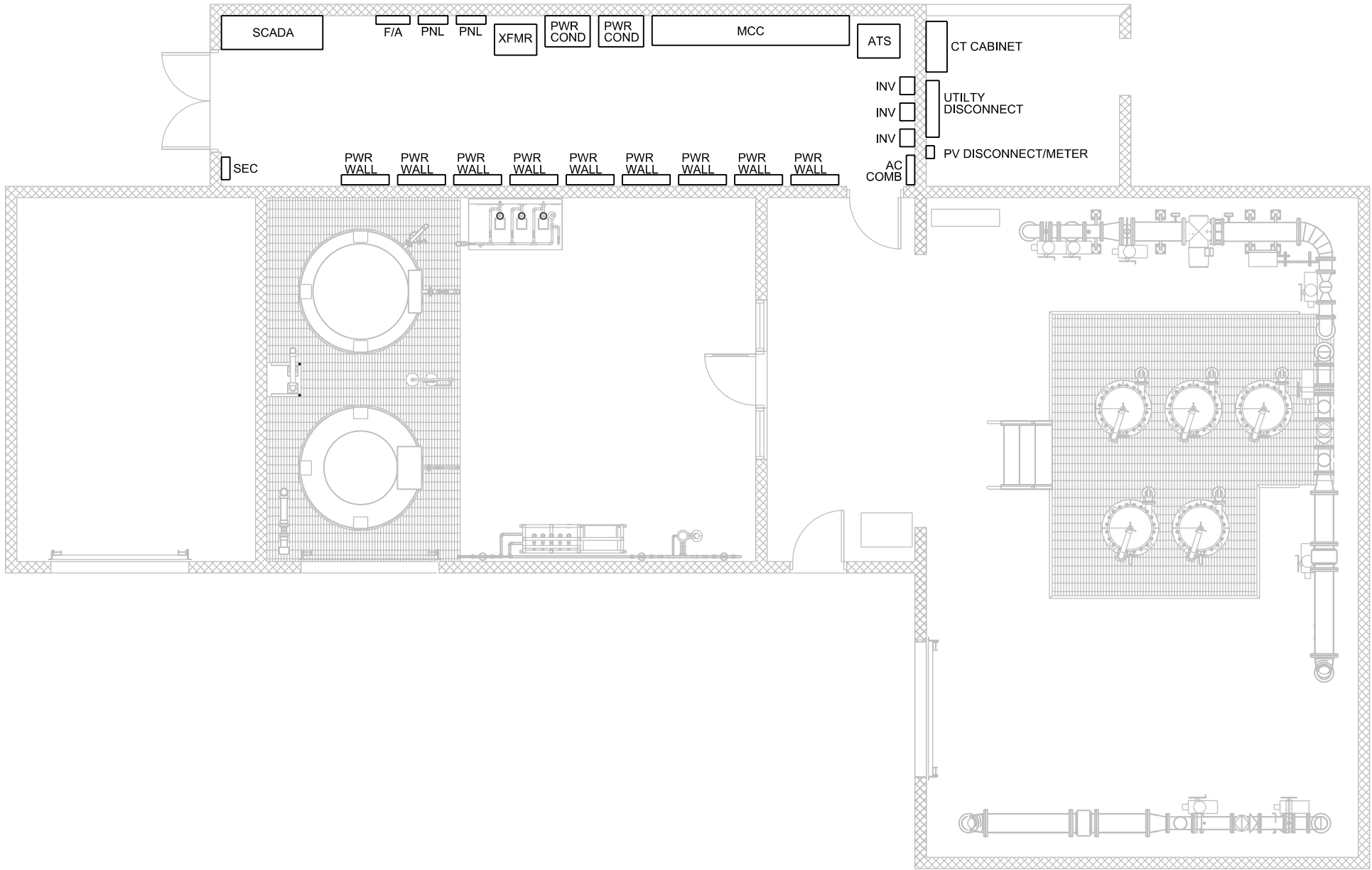
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FACILITY PLAN
1/4"=1'-0"

ch2m

ELECTRICAL
FACILITY PLAN

Creekside Treatment Facility
Park Meadows
Park City Municipal Corporation
Park City, Utah

VERIFY SCALE
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C WILLIAMS
COURTIS
K BARTLETT
DR

B EMERSON

BY APVD

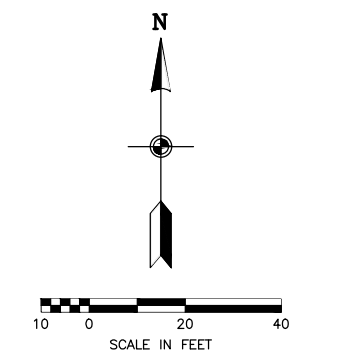


EXHIBIT G- Proposed Landscape

PLANT SCHEDULE

TREES		BOTANICAL NAME / COMMON NAME	CONT	QTY	
		ABIES LASIOCARPA / ALPINE FIR	7'	9	
		ACER GLABRUM / ROCKY MOUNTAIN MAPLE	2" CAL	12	
GROUND COVERS		BOTANICAL NAME / COMMON NAME	CONT	SPACING	QTY
		DETENTION / BASIN	NONE		610 SF
		KIOSK / SIGNAGE/BENCH	NONE		144 SF
		NATIVE AREAS / NATIVE GRASSES AND SHRUBS	SEED		12,211 SF
		NATIVE AREAS / MANICURED NATIVE	SEED		5,409 SF
		SIDEWALK / NEW SIDEWALK	NONE		1,366 SF
		WETLAND / PRESERVED AND ENHANCED	SOD		2,866 SF

Bowen Collins
& Associates, Inc.
CONSULTING ENGINEERS

PRELIMINARY

REVISIONS			
NO.	DATE	REV. BY	DESCRIPTION

PARK CITY MUNICIPAL		CREEKSIDE LANDSCAPE	
PARK CITY, UTAH		PARK CITY, UTAH	
DESIGN		REVIEW	
DESIGN J.T.SANDES		CHECKED J.T.SANDES	
DRAWN J.T.SANDES		APPROVED J.T.SANDES	

LANDSCAPE		LANDSCAPE CONCEPT PLAN	
DATE: MARCH 2016		PROJECT NUMBER 155-16-02	

DRAWING NO.	
L-1	

EXHIBIT H - City Council minutes - Well Discussion

Mayor Thomas stated he attended the Electric Parade. The Best in Show was a car decorated as a gingerbread house. Ramp Skiis won the Entrepreneur Award, and the Mayors Award was a 1960s Dodge with a tree coming out of the back. He indicated that he also attended the school board meeting, Park City Historical Society meeting and the University of Utah vs. Brigham Young University basketball game, of which Utah won.

Park Meadows Well Filtration Site Planning Discussion:

Roger McClain, Public Utilities, introduced Nick Graue, Alison Butz and Michelle DeHaan. Graue stated the issue concerned two wells. Because of new federal regulations, new filtration equipment needed to be added. Since there was not enough space in the well house, and addition was needed. It was noted the empty space in the drawing shown to the Council was for vehicle entry. Butz stated the current buildings were non-conforming, and that would be an issue for building expansion. Because of these issues, new structures would need to be constructed. She indicated the buildings would have solar panels in an effort to support the City's critical energy priority. She asked if the Council supported construction on the proposed site, and if an interpreted trail would be supported by the Council as well.

Council Member Peek asked if the vehicle space was necessary. McClain stated having the vehicle backing into the building would facilitate the work of changing filters. There was also piping in the building that would need to be accessed. Other items not shown in the drawing were other work spaces. Council Member Peek wanted the new building to be built to its essential functional size.

Council Member Matsumoto was in favor with the location and building. Council Member Beerman was in favor as well, and thanked the group for supporting the City's sustainability goal. Council Member Simpson thanked McClain for his report on the wetland area. She felt screening from the road would be a priority. Mayor Thomas supported the site as well. He asked what materials would be used in construction. McClain stated he had looked at a couple different scenarios with different window sizes. Mayor Thomas suggested a flatter roof might make a lower profile building.

Council Member Matsumoto indicated she was not in favor the interpretive trail. Council Member Peek was in favor of screening the building from the public, and suggested a children's park in that area might be helpful. Council Member Henney stated he was in favor of the trail if it was cost effective. Council Members Beerman and Simpson were in favor and pushed for water conservation.

Graue asked if they could proceed to the planning phase. The Council members indicated they were in favor of proceeding with this project. Graue outlined the next steps for this project and indicated staff would reach out to the community for input.

Utility Mitigation Surcharge: Funding Discussion:

Matt Abbott, Sustainability, and Jason Christensen, Public Utilities, gave a presentation on their analysis of utility rates. Abbott indicated they had three options for the Council's consideration: Option One called for a rate increase across the board. Option Two would modify the existing elevation-based surcharge. Option Three would modify the water user rate structure, which was a combination of Options One and Two. They recommended Option Three for further analysis, and noted they needed to evaluate what would happen to