



**PARK CITY PLANNING COMMISSION MEETING
SUMMIT COUNTY, UTAH
February 12, 2020**

PUBLIC NOTICE IS HEREBY GIVEN that the PLANNING COMMISSION of Park City, Utah will hold its Regular Planning Commission Meeting at the City Council Chambers, 445 Marsac Avenue, Park City, Utah 84060 for the purposes and at the times as described below on Wednesday, February 12, 2020.

MEETING CALLED TO ORDER AT 5:30 PM.

1.ROLL CALL

2.MINUTES APPROVAL

- 2.A. Consideration to Approve the Planning Commission Meeting Minutes from January 22, 2020.
[PC Minutes 01.22.2020 - Pending Approval](#)

3.PUBLIC COMMUNICATIONS

4.STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

5.WORK SESSION

- 5.A. 5000 Royal Street - Work Session - Work Session Discussion of a 15-Lot Subdivision Located in the Deer Valley Master Planned Development. PL-19-04374.
[5000 Royal Street Staff Report](#)
[Exhibit A: Deer Valley Resort Twelfth Amended and Restated MPD](#)
[Exhibit B: Notice of Planning Commission Action December 17, 1987](#)
[Exhibit C: Approved 34 Unit Subdivision 1982](#)
[Exhibit D: Planning Department Staff Report December 11, 1987](#)
[Exhibit E: Neighborhood Lot Size Analysis](#)
[Exhibit F: Applicant's Project Intent](#)
[Exhibit G: Huntsman Estates Proposed Subdivision Plat](#)
[Exhibit H: Record of Survey and Existing Conditions](#)
[Exhibit I: Ownership Map](#)
[Exhibit J: Aerial Photograph](#)
[Exhibit K: Additional Site Photographs](#)

6.REGULAR AGENDA

- 6.A. Land Management Code Amendment -- Amend Land Management Code § 15-7.1-7, Signatures And Recording Of The Plat.
(A) Public Hearing (B) Possible recommendation for City Council's consideration on March 5, 2020
[Land Management Code 15-7.1-7 Amendment Staff Report](#)
[Exhibit A: 15-7.1-7 Signatures And Recording Of The Plat Redlines](#)
[Exhibit B: Summit County Letter](#)
- 6.B. Land Management Code (LMC) Amendments - Regarding Historic Preservation in LMC 15-11-12.5 Historic Preservation Board Review for Material Deconstruction. PL-20-04447
(A) Public Hearing (B) Possible Recommendation to City Council on February 27, 2020
[Staff Report](#)
[Exhibit A: Draft Ordinance](#)
[Exhibit B: Current Material Deconstruction Review Checklist](#)
- 6.C. 445 King Road –Conditional Use Permit – The Applicant is Requesting a Conditional Use Permit For The Construction of a Single Family Dwelling, Consistent With the Plat and Master Development Plan.
(A) Public Hearing (B) Possible Action
[445 King Road Conditional Use Permit Staff Report](#)
[EXHIBIT A: Applicant's Statement and Project Description](#)
[EXHIBIT B: Plans](#)
[EXHIBIT C: Treasure Hill Subdivision Phase 3 First Amended Plat](#)
[EXHIBIT D: Memorandum from Park City Public Utilities, dated December 20, 2019](#)
[EXHIBIT E : Ordinance 03-36](#)
[EXHIBIT F: Ordinance 03-37](#)
- 6.D. 802 Empire Ave –Conditional Use Permit – The Applicant is Requesting to Construct a Shared Driveway Over the Platted Unbuilt City Right-of-Way. PL-19-04113.
(A) Public Hearing (B) Possible Action
[802 Empire CUP Staff Report](#)
[Exhibit A: Park City Surveying](#)
[Exhibit B: Proposed Driveway Exhibit](#)
[Exhibit C: Public Comment](#)
- 6.E. 802 Empire Ave – Subdivision– The Applicant is Requesting to Combine Multiple Parcels into a New Two (2) Lot Subdivision. PL-18-03949.
(A) Public Hearing (B) Possible Recommendation to the City Council on March 19, 2020.
[802 Empire Subdivision Staff Report](#)
[Exhibit A: Park City Surveying History](#)
[Exhibit B: Planning Director Determination Letter](#)
[Exhibit C: Record of Survey and Topographic Map](#)
[Exhibit D: Driveway Exhibit](#)
[Exhibit E: Neighborhood Lot Size Analysis](#)
[Exhibit F: Public Comment](#)

7.ADJOURN

A majority of PLANNING COMMISSION members may meet socially after the meeting. If so, the location will be announced by the PLANNING COMMISSION Chair Person. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Planning Department at 435-615-5060 or planning@parkcity.org at least 24 hours prior to the meeting. Wireless internet service is available in the Marsac Building on Wednesdays and Thursdays from 4:00 p.m. to 9:00 p.m. Posted: See: www.parkcity.org

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

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JANUARY 22, 2020

COMMISSIONERS IN ATTENDANCE:

Chair John Phillips, Sarah Hall, John Kenworthy, Mark Sletten, Laura Suesser, Doug Thimm, Christin Van Dine

EX OFFICIO: Planning Director Bruce Erickson; Hannah Tyler, Planner; Caitlyn Barhorst, Planner; Rebecca Ward, Planner; Mark Harrington, City Attorney

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ROLL CALL

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

APPROVAL OF MINUTES

January 8, 2020

Commissioner Sletten referred to page 5, first sentence, and changed the word removing to correctly read **removed**.

Commissioner Thimm referred to the motion he made for the LMC Amendments to MPDs. The third line of the motion states, "to consider 20% open space with 10% of that amount as defined usable open space". His intent was either for 20% open space, 10% of which is usable; or 20% open space with 50% of that amount as usable.

Director Erickson thought it was more accurate to say 50% of the total space is usable open space, since that is how the Staff presented it to the City Council. He explained that the Planning Staff recommendation that was accepted by the City Council was to remove the definition of usable open space from the Code because it was unenforceable. There was no way to define issues such as roof decks as open space.

Commissioner Thimm stated that if it had already gone to the City Council the matter was moot.

Director Erickson remarked that the Staff had presented their position as best they could, but the City Council determined that it was too difficult to define usable open space and it should be removed from the Code.

City Attorney Harrington clarified that it was the City Council's direction, but it had not yet been adopted. The Council was scheduled to adopt it at their next meeting. The Planning Commission still had the opportunity to provide additional input to the City Council before next Thursday.

MOTION: Commissioner Suesser moved to APPROVE the Minutes of January 8, 2020 as amended. Commissioner Hall seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC COMMUNICATIONS

There were no comments

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Erickson reported that the special meeting to discuss the LMC changes will be scheduled in March instead of February. The special meeting would also be the time to address affordable housing and accessory dwelling units. The Commissioners would be notified when a meeting date is determined.

Commissioner Suesser asked if the Staff would provide the Planning Commission with the proposed amendments prior to the special meeting. Director Erickson believed the Commissioners would only see the list of amendments the Staff was currently working on. He was unsure whether additional amendments would be ready for the special meeting.

Chair Phillips clarified that the special meeting will be a third meeting in March and separate from their two regular Planning Commission meetings. Director Erickson answered yes.

Commissioner Kenworthy asked for an update on the BOA meeting the previous evening. Director Erickson stated that the Board of Adjustment reviewed the appeal of the setbacks on the Woodside Park Phase II, and reversed the decision of the Planning Commission on the setbacks. He explained that the owner and the Appellant have the right to appeal that decision, or they can withdraw the project, but it would not come back to the Planning Commission in its current form.

City Attorney Harrington pointed out currently the decision could be appealed; however, any changes the City Council makes to the Code could impact the decision of whether to appeal or reapply. He clarified that the BOA had not finalized the Findings and the

Order. The Board voted on the item and directed the Staff to return with Findings to Deny. Once that occurs, the Staff will evaluate the next steps.

Commissioner Suesser asked how changes to the Code might impact the Woodside project. City Attorney Harrington remarked that setbacks are one of the changes being considered.

Chair Phillips disclosed that he typically recuses himself from any items related to Alice Claim; however, since the action this evening was only to Continue the Alice Claim item on the agenda, he would not be recusing himself.

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

- 5.A. Alice Claim, located at the intersection of Kind Road, Ridge Avenue, and Sampson Avenue, Park City, Utah – CUP – King Development Group, LLC is requesting a CUP for a wall greater than six (6) feet in height along City Right of Way/King Road. (Application PL-19-04401)

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

MOTION: Commissioner Thimm moved to CONTINUE the proposed Conditional Use Permit for a retaining wall greater than six feet in height associated with the Alice Claim Subdivision to February 12, 2020. Commissioner Hall seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

- 6.A. 182 & 184 Daly Avenue Plat Amendment - The Applicant is Requesting to Further Subdivide the Daly Delight Plat Amendment into Three (3) Lots from the Existing Two (2) Lots. Lot B is Proposed to be Subdivided into Two (2) Lots to Construct a Duplex Dwelling Consistent with the Approved Conditional Use Permit. Proposed Lot B1 Contains 2,871 sq. ft and Lot B2 Contains 2,458 sq. ft. (Application PL-19-04383)

Planner Caitlyn Barhorst reviewed the application to further subdivide the existing Lot B of the Daly Delight Plat Amendment to construct a duplex dwelling with a shared party wall. The duplex dwelling and the Steep Slope CUP had already approved. This plat amendment was the last step in the process.

Chair Phillips thought this application was different from other plat amendments. Planner Barhorst replied that there are several properties on Daly with a shared party wall. Instead of having a two-unit condo, each side of the duplex can be sold separately without having ownership issues.

Commissioner Suesser stated that he had looked at the plat amendment from 2018 to create the two lots. In that approval, she noticed findings of facts and conditions of approval that were not reiterated in this current plat amendment. Commissioner Suesser did not believe the prior plat amendment was actually platted because the applicant intended to modify it.

Planner Hannah Tyler stated that she was the planner on the 2018 application and the plat was recorded. This current request is an amendment to the lot. The 2018 plat amendment created a lot for the historic house up Daly. The current application is the property to the left.

Chair Phillips understood that without the plat amendment the duplex could still occur. Planner Barhorst answered yes. She explained that the applicant was considering a two-unit condo, but that was not favorable because of a 50/50 vote. Their attorney advised them to pursue the duplex with a shared party wall because it is allowed in the zone. Planner Barhorst recalled previous conversations with the Planning Commission about the benefits of the duplex situation versus a two-unit condominium. She noted that there are trade-offs between the two, but lenders typically prefer the duplex option.

After hearing the explanation, Chair Phillips recalled that the Planning Commission has approved this type of plat amendment in the past.

Chair Phillips opened the public hearing.

There were no comments.

Chair Phillips closed the public hearing.

Commissioner Hall asked if Commissioner Suesser was concerned that Conditions of Approval 5, 6 and 7 reference the previous conditions of approval, and whether she was suggesting incorporating the conditions from 2018 plat amendment so people do not need to go back and reference each of the conditions. Planner Barhorst suggested adding a simple plat note stating that the Conditions of Approval from the Daly Delight plat amendment continue to apply as well. She pulled up the conditions of approval from the previous plat amendment for the Commissioners to review.

Commissioner Thimm referred to the site plan on page 71 of the Staff report with a roof plan. He noted that on other applications and different types of structures, the Planning Commission has been concerned about overhangs at setback lines and overhangs at property lines. He assumed the property line was at the center line that runs between the two 7:12 roof pitch notes. Commissioner Thimm followed the line back and noted that the roof from the southerly unit extends past an extension of that line. He thought it appeared that the roof extends beyond the property line. Commissioner Thimm recognized that his observation was not pertinent to the plat amendment before them, but he thought the Staff should look into it to make sure it did not extend beyond the property line.

Planner Barhorst stated that not every house where this was done in the past has a perfect cut-down the middle property line. Commissioner Thimm thought the support for the roof on the southerly piece would be from the building to the south and he found that to be odd.

City Attorney Harrington stated that the Planning Commission could add a condition of approval requiring final review by the Building Department for the common wall in the proposed plat amendment prior to recordation.

Commissioner Thimm stated that he would also like the Building Department to review the composition of the common wall because it looks like a single partition rather than a double partition. City Attorney Harrington stated that it could be done with the understanding that if jogging the line was not a material change, that the City has the authority to make that change.

Commissioner Suesser read from #22 in the plat amendment that was approved on July 12, 2018. "The maximum building footprint for Lot B is 1,975 square feet". Planner Tyler explained that it was a typographical error that was corrected administratively after the approval. She could not recall the exact number. Commissioner Suesser noted that the proposed footprint was correct, however, the maximum allowed was incorrect in the current Staff report. Planner Tyler offered to follow up to make sure it is correct before going to the City Council. City Attorney Harrington noted that the signed ordinance would have the correction and recommended that the Staff include that as an Exhibit rather than the link to the proposed ordinance.

Commissioner Suesser thought Finding #11 in the current proposal needed to be corrected. Planner Barhorst believed that in the Daly Delight plat amendment, the total lot square footage for Lot B was encompassing as a single lot. However, because two lots are proposed in the current plat amendment, it was separated to 1,014 square feet. She thought there might be some overlap and would double-check all the numbers to

make sure they were correct. Commissioner Suesser pointed out that in the prior plat amendment it was split into two lots and there was a maximum building footprint for Lot B. She asked if the maximum building footprint was being increased for this plat amendment or if they were keeping the maximum building footprint that was designated in the prior plat. Planner Tyler replied that as proposed, the maximum building footprint would be increased to adjust to the two lots, which allowed within the density of the zone.

Chair Phillips understood that this plat amendment would create a larger total overall building footprint and more density. Planner Tyler answered yes. She noted that the proposed duplex building is not larger than what was presented through the Conditional Use Permit process.

Commissioner Suesser clarified that the increase in density was due to the fact that it would now be two lots. Planner Tyler replied that the LMC has the lot and site requirements for the HR-1 zone, and they are all based on lot size. As the lot gets bigger the footprint gets smaller comparative to the size of the lot. In this case, with two smaller lots, the footprint gets larger. The intent of the algorithm is to avoid huge lot combinations with giant houses. The City typically recommends smaller lots rather than larger lots.

Commissioner Suesser asked Planner Tyler to explain the error she had mentioned. Planner Tyler stated that there was an error in the maximum building footprint. It was a simple typo and it was only one number. She was not able to recall if it was for Lot B or Lot A. Planner Tyler explained that the typo was changed to the correct number through an administrative process and a memo was added to the file to reflect that the change was made. She did not believe it would have impacted a lot split of one of the lots, based on the way the algorithm is written for footprint in the HR-1.

Chair Phillips disclosed that he has worked with Horn Partners and Dave Backley in the past, but that association would have no bearing on his decision.

Chair Phillips asked for the lot size of the two proposed lots. Director Erickson stated that the size of Lot B1 is 2871 square feet and Lot B2 is 2458 square feet. The chart on page 54 of the Staff report showed the building footprint proposed compared to the maximum allowable on lot size. Chair Phillips clarified that the applicant was not maxing out the footprint per lot as is. Director Erickson replied that he was correct.

Commissioner Suesser remarked that this was the issue she raised because in the prior plat, when the parcels were combined and split into two, it was designated that Lot A would be a maximum building footprint of 1,539 square feet; and Lot B would be

1,975 square feet. In looking at the chart on page 54, she questioned why the maximum building footprint was not 1975 square feet. Chair Phillips believed that with the proposed square footage, the maximum building footprint would be less than the total that was allowed. He understood that the Staff report referenced a standard lot, not taking into account that a special condition was placed on the approval. Planner Tyler replied that it was a condition consistent with the lot that was being created under that zone. Chair Phillips stated that if the original intent was to limit the size, the Planning Commission should make sure they were still capturing those square footages with this new plat to keep someone in the future from putting on an addition and increase the size.

Commissioner Suesser suggested adding a Finding of Fact that the maximum building footprint for Lot B will be 1,975 square feet. Planner Tyler pointed out that Lot B would be split and the Planning Commission would need to determine the square footage for Lot B1 and Lot B2. Chair Phillips thought B1 should be 1,014 square feet and 950 square feet on Lot B2 as reflected in the chart on page 54. The square footage would not negatively impact the applicant but it would prevent future additions to either side of the duplex.

Commissioner Suesser commented on Findings of Fact in general. She noted that they were seeing more proposed statements in the Findings of Fact rather than specifics in terms of "shall be" versus "proposed". In her opinion, when something says "proposed" that means there is still wiggle room. She is not comfortable with a Finding of Fact that has a proposed number. She prefers Findings that make a clear statement of what is required. Chair Phillips agreed.

Commissioner Hall stated that her only concern would be that the applicant would need to come back through the process again for a minor change to what was required in the Finding of Fact. In this case, she thought the square footage was close enough to what the neighbors would be allowed and she was comfortable with it. However, she agreed with Commissioner Suesser that in general they should be more specific.

Commissioner Thimm could see no reason to even have a proposed number. He thought they should simply allow "a maximum of..." period. The wiggle room would be to go lower.

City Attorney Harrington pointed out that the Findings of Fact are only findings of fact; they are not conditions. If the Commissioners wanted to condition the approval to the prior proposed maximum, it should be moved to a Condition of Approval that the combined maximum cannot exceed a specific amount, or that the proposed square footages are the new maximums for each sub lot.

Planner Tyler noted that the applicant was not present; however, if they were, she believed they would remind the Planning Commission that they had dedicated a significant portion of their block that was underneath Ridge Avenue during this plat process. She wanted to make sure the Commissioners were aware of that before the applicant makes that argument before the City Council.

Planner Tyler emphasized that the Planning Commission has the authority to designate the footprint for this property.

Commissioner Suesser noted that the dedication was also in the prior plat. She wanted to know if it was formalized and if it should be repeated in this plat amendment. Planner Tyler did not believe it needed to be included in this plat amendment because it was already dedicated.

Chair Phillips favored keeping the square footage at a maximum of 1975 square feet rather than what was currently proposed. If the applicant needs a few extra feet, they would have it within that number. Planner Tyler clarified that the applicant had not calculated the proposed square footage. It came from the Code, based on what is allowed in the HR-1 for the lot size.

Commissioner Thimm pointed out that with 1975 square feet the applicant would have 11 additional square feet. He suggested putting a maximum of 1,020 square feet on the larger lot giving 6 additional feet and a maximum of 955 square feet on the smaller lot giving 5 additional feet. The two lots together would equal 1975 square feet as the maximum square footage. Planner Tyler stated that it would be added as a condition of approval and the finding of fact would be changed to reflect the condition of approval.

City Attorney Harrington recommended that the Finding of Fact reflect the actual number as Commissioner Suesser originally suggested, and that the Condition of Approval reflect the maximums as suggested by Commissioner Thimm.

MOTION: Commissioner Hall moved to forward a POSITIVE recommendation to the City Council for 182 and 184 Daly Avenue Plat Amendment based on the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the draft ordinance and as amended per the discussion this evening. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 182 and 184 Daly Avenue

1. The property is located at 182 Daly Avenue.
2. The property consists of Lot B, Daly Delight Plat Amendment, according to the official plat thereof on file and of record in the office of the Summit County Recorder.
3. The Historic District Design Review (HDDR) application was approved on October 25, 2018 (PL-15-02961) with an extension granted on October 22, 2019.
4. The Steep Slope Conditional Use Permit was approved October 24, 2018 (PL-16-03084).
5. The Duplex Dwelling Conditional Use Permit was approved October 24, 2018 (PL17-03708)
6. The property is located within the Historic Residential (HR-1) District and meets the purpose of the zone.
7. This is an uphill lot with an average slope of approximately 44%.
8. Access to the property is from Daly Avenue, a public street.
9. Two (2) parking spaces are provided for each unit. The southerly unit provides one (1) parking space in the garage and one (1) parking space in the driveway. The northerly unit provides two (2) parking spaced in a tandem configuration in the garage. The entire site provides a total of four (4) parking spaces.
10. Minimum footprint is 1875 sq. ft, both Lots comply. Lot B1 contains 2,871 sq ft and Lot B2 contains 2,458 sq. ft.
11. Per Condition of Approval #9 the Maximum Building Footprint for Lot B1 is 1,020 square feet and the Maximum Building Footprint for Lot B2 is 955 square feet.
12. The proposed Structure complies with both Front and Rear Setbacks. The minimum front and rear yard setbacks are 12 feet, for a total of 25 feet; the applicant is proposing a 12-foot front yard and 19-foot rear yard setback, for a total of 31 feet.
13. Proposed Exterior Side Setbacks minimum of 3 feet, complies as they are proposed between 6 feet and 11 feet.
14. LMC 15-2.2-3(I) Lot and Site Requirements: A Side Setback between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District.
 - a. Exterior Side Setbacks shall be based on the required minimum Side Setback for each Lot; however, the Planning Commission may consider increasing exterior Side Setbacks during Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side Setback exceptions continue to apply.
 - b. Building Footprint shall be based on the total lot Area of the underlying Lots. The Planning Commission may consider decreasing Building Footprint during

Conditional Use Permit review to mitigate potential impacts on adjacent Property.

- The Conditional Use Permit for the Duplex Dwelling was reviewed by the Planning Commission on October 24, 2018 and no additional setbacks or Building Footprint decreases were imposed.

15. The property was posted and notice was mailed to property owners within 300 feet on January 8, 2020. Legal notice was also published in the Park Record in accordance with requirements of the Land Management Code on January 4, 2020.

16. The Findings in the Analysis section of this report are incorporated herein.

Conclusions of Law – 182 and 184 Daly Avenue

1. There is good cause for this Subdivision Plat.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding Subdivision Plats.
3. Neither the public nor any person will be materially injured by the proposed Subdivision Plat.
4. Approval of the Subdivision 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 – 182 and 184 Daly Avenue

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the Plat for compliance with State law, and the Land Management Code, and the conditions of approval, prior to recordation of the Plat.
2. The applicant will record the Subdivision 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. Modified 13-D fire sprinkler system is required.
4. A party wall agreement in a form approved by the City Attorney and Chief Building Official is required.
5. All Conditions of Approval from the October 24, 2018 Steep Slope Conditional Use Permit continue to apply.
6. All Conditions of Approval from the October 24, 2018 Duplex Dwelling Conditional Use Permit continue to apply.
7. All Conditions of Approval from the October 25, 2018 HDDR Action Letter continue to apply.
8. This property shall not be further subdivided.

9. The maximum building footprint for lot B1 is 1,020 square feet and the maximum building footprint for lot B2 is 955 square feet.

6.B. Land Management Code Amendment – Proposal to Repeal Land Management Code §15-3-5, Driveway Standards for Private Driveways Within Platted, Unbuilt City Streets.

Planner Rebecca Ward stated that this item was a proposal to repeal LMC Section 15-3-5, which allows the Planning Commission to grant a conditional use permit for a private driveway in a platted unbuilt City street. The proposed amendment was a result of applications that came before the Planning Commission in 2019 for a private driveway under the LMC as written. When the Planning Commission cast a split vote on an application, the City Council called up the Conditional Use Permit and denied the CUP.

Planner Ward stated that in October the Planning Commission considered a plat approval that involved encroachments in the right-of-way. They also recommended that the City Council hold a work session to discuss the broader policy of encroachments onto City property and City rights-of-way.

Planner Ward reported that the Engineering Department had put together a spread sheet of 598 encroachment agreements and the Staff was working to compile all of that information. In the meantime, what the Staff was proposing this evening was narrow in scope. They were only proposing a repeal of the conditional use permit to construct a private driveway.

Planner Ward stated that the State Code definition of right-of-way is very broad and includes any road, street, alley, or anything that is dedicated for public use. The Engineering Department has been working to create maps that show all of the existing unbuilt public right-of-way. She noted that the majority were in the Old Town area. The maps were included as exhibits in the Staff report.

Planner Ward remarked that the Staff has been looking through the Code to see how these encroachments were handled in the past. In 1992 the City Council adopted an ordinance that allowed the City Engineer to approve a portion of the length of a parking stall within the right-of-way in the Historic Residential and Historic Residential Development Low-Density Zoning Districts. In 2000, the City Council adopted an ordinance that repealed those sections of the Code and they were replaced with the current Code language. Planner Ward stated that the section that granted the City

Engineer this authority did not follow through with the Code, and the Staff was still trying to determine why it was removed.

Planner Ward reported on a 1998 memo that she found today from former City Engineer, Eric DeHaan, to the Planning Staff regarding which criteria to look through to consider a conditional use permit for private driveways. She believed this criteria could be the reason why the City Council approved an ordinance codifying some of the criteria in the LMC and gave the Planning Commission the authority to grant CUPs for these driveways.

Planner Ward stated that in their research, the Staff was only able to locate two conditional use permits that were granted since 2000. There may be more, but up to this point they found a conditional use permit that was issued in 2011 for a historic residence and a private driveway that accesses a garage underneath the Significant structure. Planner Ward reported that in 2014 a conditional use permit was granted for the construction of three homes along Ridge Avenue.

City Attorney Harrington clarified that two CUPs were approved since the ordinance was enacted. Whether any CUPS were previously approved under prior authority prior to this ordinance would be a separate matter.

Planner Ward stated that both properties mentioned have an encroachment agreement with the City; however, the City can relocate or revoke the encroachment agreement at any time. She explained that if CUP is also issued, State Code requires that the Planning Commission shall approve if the Code criteria is met or the detrimental effects can be mitigated. Planner Ward remarked that the conditional use permits that have been granted result in significant property owner investment and reliance on the CUP. If the City were to revoke the conditional use permit, it could lead to impractical results. For example, the three homes that are accessed solely over a private driveway that was built along the Ridge Avenue platted right-of-way. She stated that vacation of some of the rights-of-way might help with clarification in the future.

Planner Ward reported that in 1998 the City Council passed a resolution on the City's policy for vacating rights-of-way. This policy includes compensation to the City for the loss of the right-of-way, dedication of open space, trails, public access beyond what is required in the Code, and the dedication of any other public amenity to compensate the public for the loss of the use in that right-of-way.

Planner Ward stated that the Planning Department was proposing to repeal the conditional use permit avenue to construct a private driveway in the right-of-way. However, the City Council would still retain the authority to grant encroachments on a

case by case basis through a public process; or a property owner could petition to vacate a portion of the right-of-way for private use.

Commissioner Kenworthy asked if the City has ever revoked a CUP over these rights-of-way. Planner Ward had not found any revocations in her research.

Commissioner Sletten understood that the City Council could still approve an application to build in the right-of-way; however, if they rescind Section 15-3-2, he wanted to know how the applicant would go to the City Council without going through the Planning Commission. Planner Ward replied that it would be through the City Engineer. She noted that the Staff was preparing to have that discussion at the special work session in March.

Commissioner Sletten asked about prescriptive easements. Most were approved prior to 2002 and he assumed the owner has some type of legal right. City Attorney Harrington replied that there are no prescriptive rights against public property. He pointed out that private property can vest private easements prior to the dedication of that public right. Even if it is vacated, if someone had that underlying private easement previously, they would still retain it. Mr. Harrington explained that a vacation does not always work because the dedication fee is by the adjacent property owners. When the right-of-way is vacated it is split 50/50 down the middle to the adjoining properties. Therefore, consent of the neighbor is required in that situation.

Commissioner Sletten stated that with respect to the Old Town rights-of-way, he assumed that none of those had the condition with respect to a prior existing easement. City Attorney Harrington replied that they often get those dedications after roads are built in their currently alignment as opposed to where they were originally dedicated. Someone could have an existing private easement through an existing driveway or road that does not align with the dedicated public roadway. However, there have been very few of those.

Commissioner Hall appreciated the mapping and found it was very helpful. She was confused on how they could take away the option of the CUP, and then from a function standpoint, how the City Council would grant an encroachment agreement on a case by case basis. She thought they were abdicating the formalities and that it was counterintuitive. City Attorney Harrington replied that the problem is that the Conditional Use Permit Law in Utah evolved and has become more administrative. He noted that the Commissioners were trained on the fact that CUPs are not discretionary; they are permitted uses subject to mitigation. Because it is a dual application, the City Council currently needs to approve the encroachment agreement in addition to the CUP process. It is a hybrid application process, but it creates a due process expectation.

Mr. Harrington thought they would need to wait and see whether the proposed change would limit the City Council's authority to grant the encroachment program. If their decision is appealed, it would be an interesting argument. He would argue that if an applicant is granted a CUP, they would still need a completely discretionary encroachment agreement from the City Council.

Mr. Harrington clarified that the Staff would continue to evaluate and propose appropriate standards of process. He noted that the City Engineer's original recommendation was motivated towards additional public process and notification without binding the hands of the City Council. Mr. Harrington noted that the majority of the City Council and some of the Planning Commissioners did not want to give that expectation moving forward. At a minimum it would need to start with the City Council and go through the public process. Mr. Harrington believed the Staff would quickly propose some version of an alternative process, but not under the conditional use permit definition.

Commissioner Hall asked if State law requires the City to provide private property owners with an avenue to attain an encroachment agreement. Mr. Harrington answered no, but they cannot limit the City Council's authority to grant it. The City Council has that authority over the City rights-of-way.

Commissioner Sletten asked if would be effective to place a moratorium on these particular CUP applications while the process is being refined and defined.

Director Erickson stated that this proposed amendment was clean and well-defined as written by Planner Ward. He pointed out some flaws in the current Code language. Director Erickson noted that the recommendation to the City Council would be for the amendment as proposed; and that the Staff was still working on how to notify the neighbors beyond just a public hearing. Director Erickson remarked that there may be a notification requirement in the grant of easement application to make sure the neighbors are notified.

Director Erickson noted that John Robertson, the City Engineer, was present this evening to support this amendment and to answer questions.

Commissioner Hall understood that the proposed amendment was only for platted, unbuilt City rights-of-ways, which would give the City the ability to negotiate with a private owner in terms of selling the land or pursuing a different path. City Attorney Harrington answered yes; and explained that the process is governed by State Code currently. Anyone has a State Statutory ability to petition to vacate.

Commissioner Thimm stated that having a split vote did not mean that there was a desire to abdicate from the ability to be a part of a land use decision. It only means that the Planning Commission worked hard to reach a conclusion. He did not think they should read anything into a split vote other than the fact that it was a split vote.

City Attorney Harrington clarified that the Staff did not take that direction from the Planning Commission vote. The direction came from the City Council. Commissioner Thimm pointed out that the Staff report stated that because there was a split vote the Staff was proposing a process to take it out of the purview of the Planning Commission. Commissioner Thimm believed the Planning Commission has demonstrated the ability to come to a conclusion. He did not agree with removing it from the Planning Commission process. It is an important land use decision and the Planning Commission has value to the City in helping make the right determination. Commissioner Thimm noted that the Planning Commission reviews a CUP on a case by case basis when it comes before them.

Chair Phillips could understand what the Staff was proposing, but he also agreed with Commissioner Thimm that the Planning Commission is better equipped to address the issues. However, being a CUP, it is harder for the Planning Commission to deny it if it meets the criteria or mitigate the impacts. City Attorney Harrington was not comfortable commenting further on that issue because they were still in the appeal period for the prior applicant. If the Commissioners have that concern, they could make their opinions known on the record; or include in their recommendation to the City Council that the Planning Commission should still have some role in the process either through the CUP process or in some other way. Mr. Harrington clarified that he did not intend to suggest that the Planning Commission was being cut out of the process because of their split vote, and he apologized if the Commissioners took it that way. Commissioner Thimm recognized that he may have misunderstood, but in the conversation, he heard that the split vote was part of the reason behind the suggestion to remove Section 15-3-5.

Chair Phillips clarified that he had not taken it that way. He thought Mr. Harrington had said that half of the Planning Commission and all of the City Council shared the same opinion. Mr. Harrington stated that the City Council members were more forceful in their comments and he may have over-simplified the outcome.

Commissioner Thimm pointed out that this was one situation where the Planning Commission considered the merits. Revoking this part of the ordinance would affect every situation.

Commissioner Kenworthy stated that he did not find a good cause for leaving Section 15-3-5 in the Code. He was leaning towards the Staff recommendation to remove the

section. However, he was sensitive to Commissioner Thimm's comments and asked for an explanation on what occurred when the CUP was called up by the City Council. City Attorney Harrington recalled that due to a conflict, the Planning Commission had six members to discuss the application. The Planning Commission had considered a continuance for further discussion, but the applicant requested a vote to deny so he could appeal it to the City Council.

Mr. Harrington noted that aside from that application, the the City Council was very concerned with the progression of multiple applications. The safest step is to eliminate further applications while the City reassesses how these applications should be processed by both the Planning Commission and the City Council. Mr. Harrington stated that the Planning Commission could forward this recommendation with the suggestion that prior to hearing any such requests, they should be submitted to the Planning Commission for their recommendation. It would be an interim step to keep the Planning Commission involved, similar to the plat process. The Commissioners favored that approach. It would not be reviewed as a CUP application but the Planning Commission would have the ability to provide input. Commissioner Kenworthy pointed out that it would also save the applicants time and money. Chair Phillips liked the approach of removing it from the CUP process, but they need to make sure that the Planning Commission can still be involved through a recommendation to the City Council or in some other way.

Chair Phillips commented on the importance of documenting in writing whatever is decided for future Planning Commissions and Planning Staff so the intent is never misunderstood.

Commissioner Sletten thought it was important to clearly define the application process if the CUP is eliminated. He wanted to know how someone would get a cursory review by the Planning Commission prior to submitting the application to the City Council. Director Erickson replied that the Staff was currently working on determining an appropriate process.

Commissioner Thimm stated that he was not opposed to an advisory position and, to the best of their ability, providing the City Council with a recommendation for approval or denial. Commissioner Thimm could see no reason to recommend repealing Section 15-3-5 this evening. He thought a better process would be to adopt the new language after it is written. Commissioner Hall understood from City Attorney Harrington that if the Section is not repealed, the City could receive a number of CUP applications that would be grandfathered under the current Code while they are figuring out the process. Repealing the section puts a temporary stop on those types of applications until there is a new process that complies with what the City Council has directed.

Commissioner Suesser noted that the City Council has given direction to change the policy and it was important to remove that Section from the Code to avoid having to contend with the issue.

Commissioner Thimm believed the City Council directed the Planning Commission to give their opinion. He did not think their direction was to vote a specific way. Chair Phillips concurred. His personal opinion, he was in favor of the Staff recommendation. Commissioners Hall and Suesser concurred.

Commissioner Hall agreed with Commissioner Thimm that the Commissioners should vote on their own opinion and not how they think the City Council wants them to vote. She was in favor of repealing Section 15-3-5 now while they figure out the best solution for the community.

Chair Phillips opened the public hearing.

There were no comments.

Chair Phillips closed the public hearing.

Commissioner Suesser recalled a provision regarding the City Engineer's involvement in granting these encroachment agreements. She asked if that provision would also be removed. Planner Ward replied that there was a provision that was enacted in 1992; however, the Code was amended in 2000 and currently there is no Code language that outlines City Engineer criteria or approval for encroachment agreements. The only criteria mentioned is the Conditional Use Permit for a private driveway. Planner Ward stated that the broader issue of encroachments and how those are approved will be discussed during the work session.

Planner Ward understood from the comments this evening that the Planning Commission wants to be involved in the review process of the encroachments, specifically the driveways in the right-of-way; and that whatever is decided that it be documented in writing so the process is very clear for future Commissioners, Staff, applicants, and the public.

Commissioner Suesser understood that all this work was done with regard to platted unbuilt public rights-of way in city street. However, there are platted public rights-of-way that are not City streets and she asked if they were looking at those as well. Director Erickson answered no. He clarified that they were only addressing platted unbuilt rights-of-way of city streets. Director Erickson stated that he was unaware that the

State law was so broad in how to define a right-of-way. He always assumed that walkway systems and trails were trail easements on a plat.

Commissioner Suesser asked Planner Ward to pull up the slide of Old Town. She explained that she lives on Lowell Avenue and the 12th Street right-of-way connects Empire and Norfolk. A house was built on Empire in the middle of the 12th Street right-of-way. She believes there is still a partial right-of-way on the Lowell Avenue side of 12th Street that is owned by the City. Commissioner Suesser pointed to the house in the middle of the 12th Street right-of-way and noted that the King's Crown project empties out right in front of that 12th Street right-of-way. Without the house it would have been perfect pedestrian access to town and the bus stop. Instead, people coming out of the King's Crown development will have to walk down to the Resort Center, which is already congested at Manor. Commissioner Suesser felt this was an example of poor planning decisions to have allowed the house to be built in the middle of 12th Street on Empire Avenue because it eliminates a perfect pedestrian access way. She emphasized that these are vital corridors in Old Town that deserve protecting.

Director Erickson offered to look at 12th Street based on Commissioner Suesser's comments.

MOTION: Commissioner Hall moved to forward a POSITIVE recommendation to the City Council to Repeal LMC Codes Section 15-3-5, Driveway Standards for Private Driveways Within Platted, Unbuilt City Street; with an additional recommendation for a mechanism that allows the Planning Commission the opportunity to review encroachment agreements; and a recommendation to carefully consider the public notice process. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed 5-1. Commissioner Thimm voted against the motion.

Commissioner Thimm clarified that his nay vote should not be construed as being opposed to the Planning Commission being an advisory to the City Council. He did agree that they should have an advisory role in reviewing future encroachments.

The Planning Commission Meeting adjourned at 6:45 p.m.

Approved by Planning Commission: _____

Planning Commission Staff Report



Subject: 5000 Royal Street
Author: Alexandra Ananth, Senior Planner
Project Number: PL-19-04374
Date: February 12, 2020
Type of Item: Work Session – Proposed 15-Lot Subdivision

Summary Recommendations

Staff recommends the Planning Commission hold a Work Session discussion for the proposed Major Subdivision located at 5000 Royal Street, and provide input to Staff and the applicant on the various issues raised in this Staff Report. The application would replace the existing Westview/Huntsman MPD within the Deer Valley MPD and approve a new 15-lot Subdivision under the Deer Valley MPD.

Description

Applicant: DV Lodge, LLC, represented by Rory Murphy
Location: 5000 Royal Street
Zoning: Residential Development (RD), Deer Valley MPD
Adjacent Land Uses: Residential- Single Family Dwellings, Open Space
Reason for Review: Subdivision Plats require Planning Commission Review and City Council Action. This is a request for a Work Session discussion prior to Review and Action.

Executive Summary/Proposal

The applicant is proposing to create a fifteen lot (15-lot) Subdivision to be known as Huntsman Estates, from a 40.69 acre site. The site is located in the Residential Development District (RD) and is also within the Deer Valley Master Planned Development (DV MPD) where it is assigned 15 Units of permitted density. The site lies between Marsac Avenue and Royal Street southeast of the runaway truck ramp off of Marsac Avenue. Adjacent Subdivisions include American Flag to the north and Belleterre to the east. The property is heavily wooded and has a pre-existing Single Family Dwelling that will remain and occupy one of the proposed parcels, utilizing one (1) of the 15 Units of density.



Figure 1: Subject Property located between Royal Street and Marsac Avenue

Background

The proposed Subdivision is located in the RD Zoning District which allows for a maximum Density of three (3) units per acre. However, the site is also located within the Deer Valley Large Scale Master Planned Development Permit (DV MPD) which overlays additional development requirements and restrictions on the property.

The DV MPD was originally approved in September 1977, and has been amended and restated twelve (12) times. The most recent Twelfth Amendment was approved on November 30, 2016 (Exhibit A). Among other things, the DV MPD authorizes Density within the Deer Valley area. Except for Units where the owner elects to, or is required to utilize the Unit Equivalent formula, there is no size limitation for Units provided that following construction, the parcel contains a minimum of 60% Open Space and otherwise complies with the Deer Valley MPD and all applicable zoning regulations. Employee and/or Affordable Housing obligations for this parcel were satisfied within the Deer Valley MPD. All buildings are required to be fire sprinkled.

The parcel has a long history and appears to be incorporated into the Deer Valley Second Amended and Restated Special Exception Permit dated January 27, 1982. In this Second Amendment the property is referred to at the Bench Single Family Parcel and has a Density Range of 35-36 Units in Exhibit 2 of the MPD. On May 12, 1982, the property was approved by the Planning Commission for a 34-lot Subdivision (Exhibit B) known as the Westview Subdivision which was approved and platted. A road was

subsequently graded in, but no further improvements were installed. The Planning Department has not been able to find any more information on this approval. However, by the time of the Third Amendment to the Deer Valley MPD (April 10, 1984) the Parcel is referred to as the Westview Parcel and has an approved Density of 34 Units in Exhibit 2.

This does not change in the Fourth Amendment (February 19, 1985) or the Fifth Amendment (December 23, 1986).

The property was purchased by Jon Huntsman, Sr. and his wife in 1987, and the Planning Commission approved the vacation of the 1982 Westview Subdivision Plat and a 15 Unit Conceptual MPD (which continues to be known as the Westview MPD) for a family compound of up to 15 Units. The Staff Report (Exhibit C – Planning Department Staff Report dated December 11, 1987) notes that the applicant did not intend to subdivide the parcel but that one (1) Unit would be built immediately and the remaining 14 Units were to be built over a long period of time and that the dwellings would all be family owned. This 1987 approval resulted in an overall decrease in density of 19 Units but not necessarily in buildable square footage as no maximum house size was set (Exhibit D – Notice of Planning Commission Action dated December 17, 1987. This approval was conditioned on the re-alignment of a trail easement that crossed the Huntsman property. This trail re-alignment was approved and completed in 1988. The approval also notes that it is not a Subdivision but an MPD. The Huntsman Family subsequently built a family estate on the property utilizing one (1) Unit, however, the 15 Unit entitlement remains intact with 14 development Unit entitlements remaining.

The Westview/Huntsman MPD and Parcel continues to be known as the Westview Parcel in the subsequent Amendments to the Deer Valley MPD. It is located in the North Silver Lake Community of Deer Valley and is identified in Exhibit 1 of the Twelfth Amendment. This Exhibit sets the Permitted Density (Units) at 15 with one (1) Unit already developed (the existing Huntsman Family house). It also limits building height to 28 feet which is the underlying zone Maximum Building Height. The Planning Department notes that the 1987 Conceptual MPD approval for the construction of the Huntsman Family Compound allows for exceptions to the building height for this house (Exhibit B Condition of Approval #8).

The current use of the site includes a large existing residence (approximately 22,000 square feet) and accessory buildings including a 1,000 square foot carriage house and a 6,000 square foot underground parking garage.

Adjacent to the property to the west is a 19.51 acre parcel also owned by the Huntsman Family that is located outside of the Deer Valley MPD. This parcel is zoned Estate (E) which requires a minimum of three (3) acres per Unit. The applicant has stated that they would be interested in transferring the density located on this adjacent parcel into the proposed Huntsman Estates and as such have designated an area in the Subdivision to accommodate this should this effort be pursued in the future.

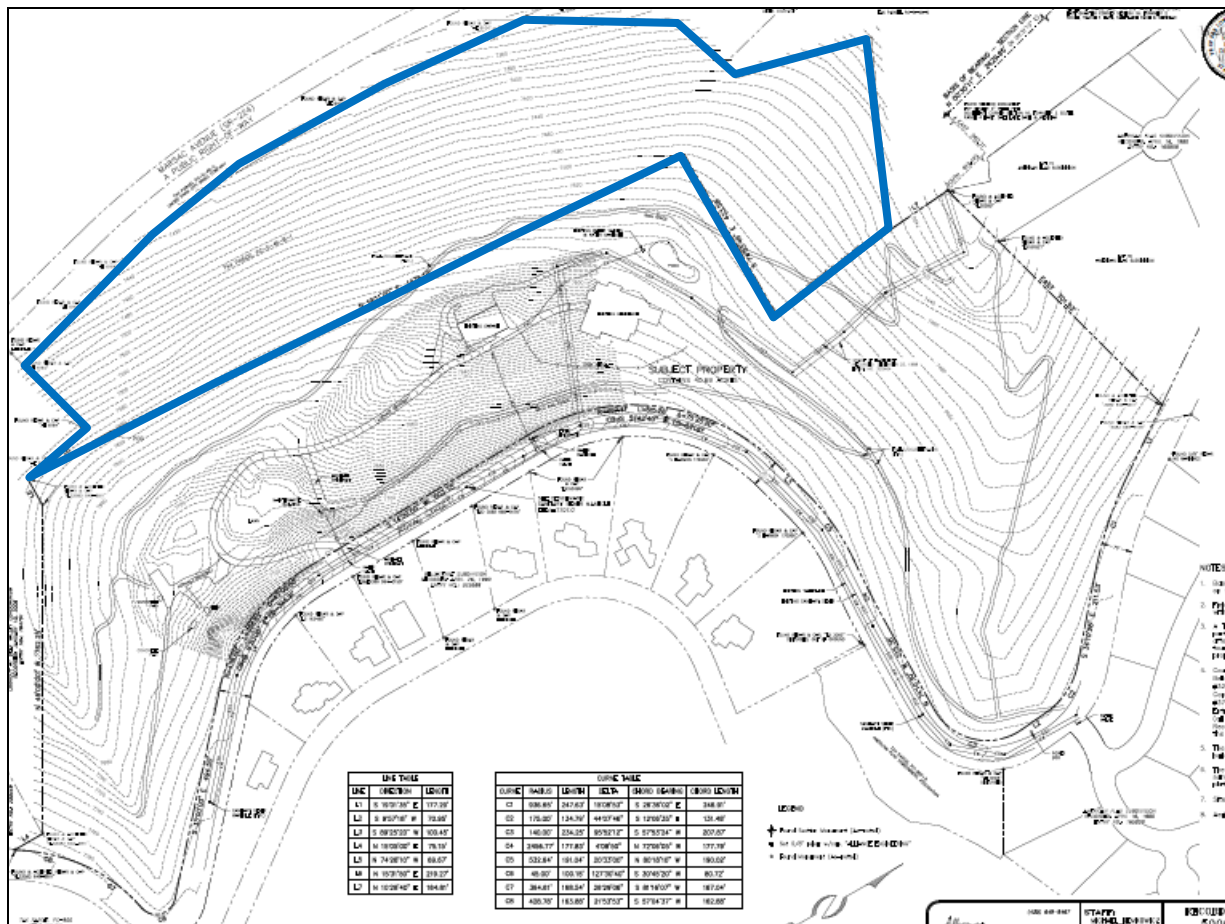


Figure 2: Adjacent 19.51 acre parcel also owned by the applicant

Adding land and/or Density to the Deer Valley MPD requires the support of Deer Valley and an Amendment to the Deer Valley MPD. The Planning Department believes this may be worth pursuing in exchange for a Conservation Easement or ownership of this parcel so that this heavily wooded and very visible site adjacent to Marsac Avenue remains undeveloped in perpetuity. This parcel is located within the [Sensitive Lands Overlay Zone](#) (SLO Zone), and contains trails used by the public and wildlife habitat. Due to its location in the SLO Zone, the Planning Commission may consider a transfer of up to 25% of the Densities of this site to Developable Land subject to a Sensitive Lands Analysis and a Site Suitability Determination. Although the applicant has expressed interest in pursuing this further they have not submitted a Sensitive Lands Analysis to the Planning Department yet. ***This is explained further in the Analysis Section of this Staff Report and Staff is requesting input from the Planning Commission on whether or not the Planning Commission would be receptive to this idea.***

District Purpose

The purpose of the Residential Development District is to:

- A. allow a variety of Residential Uses that are Compatible with the City's Development objectives, design standards, and growth capabilities,

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

Analysis

The proposed Major Subdivision has been reviewed for compliance with the following Land Management Code Sections: [15-2.13](#) Residential Development (RD) District; [15-7](#) Subdivision General Provisions; [15-7.1](#) Subdivision Procedures; [15-7.3](#) Requirements For Improvements, Reservations and Design; [15-12-15\(B\)\(4\)](#) Subdivision Approval; and [15-12-15\(B\)\(9\)](#) Subdivision and Condominium Plat and Plat Amendment Review as well as the Deer Valley MPD.

Single Family Dwellings are an Allowed Use within the RD District, as are Duplex Dwellings. Lockout Units require a CUP. Nightly Rentals are allowed in the area. Lot and Site Requirements are as follows:

Zone Allowance:	Residential Development	Deer Valley MPD Overlay
<i>Lot Size</i>	<i>No Minimum</i>	<i>Same</i>
<i>Density</i>	<i>3 units per acre, (or up to 5 units per acre with a MPD)</i>	<i>15 Units</i>
<i>Setbacks</i>		
<i>Front Setback</i>	<i>20 feet</i>	<i>Same</i>
<i>Front Setback – New front facing garages</i>	<i>25 feet</i>	
<i>Rear Setback – Main Buildings</i>	<i>15 feet</i>	
<i>Rear Setback – Accessory Buildings and detached garages</i>	<i>10 feet</i>	
<i>Side Setback</i>	<i>12 feet</i>	
<i>Building Height</i>	<i>28 feet from existing grade</i>	<i>Same</i>

The proposed Huntsman Estates Subdivision Plat creates fifteen (15) Lots of record from the existing 40.69 acre site. The proposal is as follows:

Lot	Size
Lot 1	.76 acres
Lot 2	3.02 acres
Lot 3	2.76 acres
Lot 4	1.02 acres
Lot 5	1.20 acres
Lot 6	.85 acres
Lot 7	.37 acres
Lot 8	.65 acres
Lot 9	.64 acres
Lot 10	.60 acres
Lot 11	.57 acres
Lot 12	23.67 acres 21.82 acres*
Lot 13	.76 acres
Lot 14	.71 acres
Lot 15	.70 acres
Common Area Parcel	.75 acres
Additional Land A*	1.12 acres
Additional Land B*	.73 acres

**Lot 12 contains the existing Huntsman Family House. As mentioned earlier in this Staff Report the applicant has reserved two lots within the Subdivision should they be approved to transfer Density from the adjacent Estate zoned parcel into this Subdivision in the future. For the purposes of this application the square footage from these lots is part of Lot 12, the lot that includes the Huntsman House. If in the future the applicant is approved to transfer the Density, Additional Land A and Additional Land B Lots would be created and the size of Lot 12 would decrease from 23.67 acres to 21.82 acres to accommodate these lots.*

All of the proposed lots meet the requirements of the RD District and the Deer Valley MPD. Prior to the issuance of Building Permits for individual lots the Planning Department must review proposed plans for compliance with the Architectural Design Guidelines. This is in addition to the Deer Valley Design Guidelines. Although there is no Maximum House Size Limitations within the Deer Valley MPD for this parcel, the

Planning Commission and/or Director of Planning may designate maximum house sizes to ensure Compatibility with the surrounding neighborhood. Not including the existing Huntsman house (approximately 22,000 SF), the average size of the homes in the adjacent Belleterre and Flagstaff neighborhoods is approximately 7,000 square feet (Exhibit E). If we were to assume development of the remaining 14 Huntsman Units at 7,000 square feet this would equate to 98,000 square feet of development on the 40 acre parcel. ***Staff requests discussion of whether or not there should be Maximum House Size Limitations on this Subdivision at the Work Session.***

Common Area Parcel

The applicant is proposing one .75 acre parcel as Common Area that will likely contain amenities exclusive to the property. These may include an outfitters cabin with outdoor equipment and a stocked fishing pond. Tennis and pickleball courts are also being considered.

Visibility of the Site

The Planning Department notes that there should be minimal impacts on surrounding properties including shadows, loss of solar access, air circulation, views or ridgeline intrusion due to required setbacks and because the building height limitation of 28 feet is less than the height of surrounding trees. Nevertheless, the Planning Department has requested that the applicant submit a Visual Assessment of what the development will look like at build out from the Historic District so that the Planning Commission may fully evaluate the impacts of the proposed Subdivision and necessary tree removal. The Planning Department notes that the Sensitive Land Overlay Zone Regulations [Section 15-2.21-3\(A\)\(4\)](#) requires a Visual Assessment of the Property from nine (9) Typical Vantage Points including:

- a) Osguthorpe/McPolin Barn
- b) Treasure Mountain Middle School
- c) Intersection of Main Street and Heber Avenue
- d) Park City Ski Area
- e) Snow Park Lodge
- f) Park City Gold Course Clubhouse
- g) Utah Highway 248 at the turn-out one quarter mile west from U.S. Highway 40
- h) Highway 248, 2 miles south of the intersection with Kilby Road.

However, the proposed subdivision is not located in the Sensitive Land Overlay Zone and the Planning Department expects this project to be minimally visible from any of the above Vantage Points and suggests the Commission consider substituting the top of Main Street, Prospect Avenue or Daly Avenue instead. ***Staff requests discussion of appropriate Vantage Points in order to get an effective Visual Assessment of the project at the Work Session.***

Vegetation Protection and Soils

Section [15-2.13-10](#) of the LMC requires that Property Owners protect Significant Vegetation during Development activity including large trees six inches (6") in diameter or greater measured four and one-half feet (4½') above the ground, groves of smaller

trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with landscape criteria in LMC Chapter 15-3-3 and Title 14. This is typically done at the time of individual building permits.

The Planning Department suggests the applicant work with a certified arborist to evaluate the health and viability of Significant Vegetation on the site overall and consider thinning and removing dead standing trees for overall forest health and wildfire prevention.

In addition, it will be important to balance the need for tree removal on individual lots for both construction and wildfire prevention with the visibility of the site from the Main Street core/Historic District. The Planning Department notes that care should be taken when siting houses and driveways on the lots in order to minimize disturbance of Significant Vegetation. We have also asked the applicant to work with a certified arborist to propose Limits of Disturbance for individual lots on the Plat for evaluation by the Planning Director and to be cognizant of best practices for forest fire prevention.

The property is located outside of the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore is not regulated by the City for mine related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance with State and Federal law.

Open Space

The applicant has stated that Open Space will be greater than 90% for the development. Planning Department Staff has requested an Open Space Plan showing proposed building envelopes to verify this calculation.

Trails and Sidewalks

No sidewalks are proposed within the Subdivision. Although walkability is important to the Planning Department, given that the road will be private and maintained by the Homeowners Association, the Planning Department has no objection to this at the current time.

There are existing hiking trails, recognized on public trails maps, that run through the subject property linking Deer Valley and the Historic District. There are also single and double-track bike trails on the adjacent 19.51 acre parcel. The City doesn't currently have easements for these trails but would like to either acquire a blanket easement to maintain and improve these trails as necessary or to own the adjacent parcel outright as Open Space. The Planning Department recommends a Condition of Approval that these trails be deeded to the City via a blanket easement so that they can be properly maintained as necessary. Alternatively, in exchange for the ability to transfer some

density into the Deer Valley MPD the applicant may wish to consider donating this land to the City as Open Space for trails and wildlife habitat.

Traffic

The traffic impacts for this 15-lot Subdivision are expected to be relatively insignificant and well within the capacity of Royal Street. Additionally, in order to reduce traffic from the Subdivision, the applicant is proposing an on-call van that will transport owners and guests to the Silver Lake area as well as the Main Street core and the surrounding resorts utilizing Royal Street. The on-call van service will reduce parking needs and provide an easy ride to the slopes and town, particularly during peak periods. The Planning Department would make this a Condition of Approval and does not believe a traffic study is warranted for this project given that the proposed 15 Units of Density are contemplated in the Deer Valley MPD.

Sensitive Land Overlay (SLO) Zone Regulations

Adjacent to the subject property to the west is a 19.51 acre parcel also owned by the Huntsman Family that is located outside of the Deer Valley MPD. This parcel is zoned Estate (E) which requires a minimum of three (3) acres per Unit. The applicant has stated that they would be interested in bringing this parcel into the Deer Valley MPD so that they may transfer the Density from this parcel into the proposed Huntsman Estates. As such, they have designated an area in the Subdivision to accommodate this should this effort be pursued. ***Adding land and/or Density to the Deer Valley MPD requires the support of Deer Valley and an Amendment to the Deer Valley MPD.*** The Planning Department believes this may be worth pursuing in exchange for a Conservation Easement or ownership of this parcel so that this heavily wooded and very visible site adjacent to Marsac Avenue is not developed in the future.

This parcel is located within the [Sensitive Lands Overlay Zone](#) (SLO Zone), and contains trails used by the public and wildlife habitat. This parcel is also steeply sloped. Due to its location in the SLO Zone, the Planning Commission may consider a transfer of up to 25% of the Densities of this site to Developable Land subject to a Sensitive Lands Analysis and a Site Suitability Determination.

The purpose of the SLO is to:

1. require dedicated Open Space in aesthetically and environmentally sensitive Areas;
2. encourage preservation of large expanses of Open Space and wildlife habitat;
3. cluster Development while allowing a reasonable use of Property;
4. prohibit Development on Ridge Line Areas, Steep Slopes, and wetlands; and
5. protect and preserve environmentally sensitive land.

The overlay review process has four primary steps:

- A. The Applicant must identify the Property's sensitive environmental and aesthetic Areas such as Steep Slopes, Ridge Line Areas, Wetlands, Stream Corridors, wildland interface, and wildlife habitat Areas and provide at time of Application a Sensitive Land Analysis. The Planning Department may require the Applicant to submit the following as applicable: Visual Assessment, Soil Investigation Report,

Geotechnical Report, Additional Slope Information, Fire Protection Report, Hydrological Report.

- B. Regulatory standards apply to the type of Sensitive Land delineated.
- C. Staff shall prepare a Sensitive Land Determination report to the Applicant and the Planning Commission identifying those Areas suitable for Development as Developable Land.
- D. Hardship Relief. If the Applicant demonstrates that the regulations would deny all reasonable Use of the Property, the Planning Commission may modify application of these regulations to provide the Applicant reasonable Use of the Property.

The Applicant has not submitted a Sensitive Land Analysis identifying the Property's sensitive environmental and aesthetic Areas such as Steep Slopes, Ridge Line Areas, Wetlands, Stream Corridors, wildland interface, and wildlife habitat Areas and therefore the Planning Department has not been able to confirm the amount of Density that may be transferred into the Huntsman Estates Subdivision. However it is anticipated that this parcel may qualify as a Steep Slope greater than 15% but less than or equal to 40% therefore Section [15-2.21-4\(H\)\(2\)\(c\)](#) Density Transfer may apply. This Section states that "Upon proof of a sensitive Site plan, the Applicant may transfer up to 25% of the Densities from the Open Space portion of the Site to the Developable Land. The applicant believes that if allowed, they may be able to transfer up to two (2) Units of Density to the adjacent Huntsman Estates. In exchange for this additional Density the applicant has stated that they would be willing to donate a Conservation Easement to the City on the 19.51 acre parcel so that this site remains undeveloped in perpetuity. ***Staff requests discussion of this issue at the Work Session.***

Development Review Committee

The Development Review Committee reviewed this project on December 17, 2019. The applicant is proposing a 40-foot right of way for the private road that would serve this Subdivision from Royal Street. The private road will be maintained by the Homeowner's Association and will have no more than a 10% grade. Sewer and water mains will be placed under the road and the road will be built to Park City road construction standards. Underground power and gas will be trenched along the outside of the road. A Plat Note shall indicate that no private driveways will be permitted from Royal Street. The Fire Department asked that the width of the cul-de-sac be increased from 75 feet to 96 feet in order to accommodate their trucks. A Construction Management Plan that explicitly prohibits parking on Royal Street during construction will be required.

The Snyderville Basin Sewer Improvement District (SBSID) has an easement for a sewer line through this property. The applicant has agreed to work closely with the SBSID as plans for development progress. Storm water plans must be reviewed and approved prior to the issuance of building permits.

Consistency with the Park City General Plan

The Upper Deer Valley Neighborhood was platted within the Deer Valley Master Plan to create a limited number of single family homes as well as clustered multifamily and

hotel development in this resort oriented neighborhood. Housing in this neighborhood is primarily used as second homes as well as nightly rentals supporting this resort neighborhood. Development clusters exist within pods and each pod is surrounded by recreation open space. An extensive single track trail system provides for hiking and biking in the summer and connects Deer Valley to the Main Street Area.

Access from Marsac Avenue and Royal Street provides connections to the Main Street Area. This project will create an on call van service program that will support carpooling to the ski slopes and the Main Street area, particularly during peak periods.

It has been well documented (including in the City's General Plan) that empty second homes consume a significant amount of energy even while empty. Part of this is due to their size, number of appliances, hot tubs, snowmelt systems, lighting, etc. The Planning Department encourages the applicant to consider ways in which this subdivision's HOA can regulate energy consumption. Some examples of strategies to consider include limits on house size, limits on allowed areas of disturbance, consideration for small accessory units, taking into account the contours of the land and minimizing excavation, minimizing driveways and impervious surfaces, encouraging the inclusion of solar panels and geothermal systems, water conservation strategies, super insulated homes, consideration of house orientation, etc. ***Staff requests discussion whether or not this is something the Planning Commission would like the applicant to consider or if there are other measures the applicant should take.***

Process

The approval of this Subdivision application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC § [15-1-18](#).

Significant Impacts

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

Recommendation

Staff recommends the Planning Commission hold a work session discussion for the Huntsman Estates Subdivision Plat located at 5000 Royal Street, and provide input to Staff and the applicant on the proposed Subdivision.

Exhibits

Exhibit A: Deer Valley Resort Twelfth Amended and Restated Large Scale MPD
Exhibit B: Notice of Planning Commission Action, December 17, 1987
Exhibit C: Approved 34 Lot Subdivision, 1982
Exhibit D: Planning Department Staff Report December 11, 1987
Exhibit E: Neighborhood House Size Analysis American Flag and Belleterre
Exhibit F: Applicant's Letter of Intent/Description of the Project
Exhibit G: Huntsman Estates Proposed Subdivision Plat
Exhibit H: Record of Survey and Existing Conditions
Exhibit I: Ownership Exhibit
Exhibit J: Aerial Photograph
Exhibit K: Additional Site Photographs

When recorded, Mail to:
 Park City Recorder
 PO Box 1480
 Park City, UT 84060

**DEER VALLEY RESORT TWELFTH AMENDED AND RESTATED
 LARGE SCALE MASTER PLANNED DEVELOPMENT PERMIT
November 30, 2016**

WHEREAS, Royal Street Land Company, a Utah corporation ("Royal Street") heretofore submitted to the Planning Commission of Park City ("Commission") certain items with relation to a residential, commercial, and recreational development project known as Deer Valley / Lake Flat Area Development ("Project") which items were listed in the original Permit granted for the Project by Commission and are incorporated herein by reference; and

WHEREAS, Commission found that such items submitted by Royal Street complied with and satisfied all applicable requirements of the Park City Land Management Code as then in force, to permit the construction of the Project as a planned unit development pursuant to the planned unit development exception then contained in the Park City Land Management Code; and

WHEREAS, Commission heretofore issued to Royal Street a Special Exception Permit dated September 27, 1977, with relation to the Project, which Special Exception Permit was amended by an Amended Special Exception Permit dated June 27, 1979 issued to Royal Street and by a Second Amended and Restated Special Exception Permit dated January 27, 1982, a Third Amendment to Special Exception Permit dated May 17, 1984, a Fourth Amendment to Special Exception Permit dated February 21, 1985, a Fifth Amended and Restated Special Exception Permit dated December 23, 1986, a First Amendment to Fifth Amended and Restated Special Exception Permit dated November 29, 1989, a Second Amendment to Fifth Amended and Restated Special Exception Permit dated April 11, 1990, a Sixth Amended and Restated Special Exception Permit dated October 10, 1990, a Seventh Amended and Restated Large Scale Master Planned Development Permit dated April 14, 1993, an Eighth Amended and Restated Large Scale Master Planned Development Permit dated April 25, 2001, a Ninth Amended and Restated Large Scale Master Planned Development Permit dated June 28, 2006, a Tenth Amended and Restated Large Scale Master Planned Development Permit dated August 12, 2009, and an Eleventh Amended and Restated Large Scale Master Planned Development Permit dated March 23, 2011, which were issued to Deer Valley Resort Company ("Permittee"), as assignee and successor to the rights of Royal Street under the Special Exception Permit; and

WHEREAS, Permittee and Commission desire to further amend and restate the Large Scale Master Planned Development Permit to reflect actions approved by the Commission with respect to the combination of vacant Deer Valley MPD Silver Lake Village Lots F, G, and H into one Lot I and to transfer 843 square feet of existing residential density (0.4215 unit equivalents (UE)) from Deer Valley MPD Silver Lake Village Lot D (existing Goldener Hirsh Inn) to the new Deer Valley MPD Silver Lake Village Lot I, to accommodate connection, access and circulation between the Goldener Hirsch Inn on Parcel D and the future Goldener Hirsch Residences proposed on Parcel I.

WHEREAS, Permittee has requested modification to the Large Scale Master Planned Development Permit and Commission is willing to grant said modifications as herein set forth; and

WHEREAS, Commission finds that it is in the best interest of Park City and its citizens that Permittee be granted the right to construct and develop the Project as a Master Planned Development in accordance with the Park City Land Management Code passed and adopted December 22, 1983, effective January 1, 1984 as the same has been amended by Ordinance to the date hereof (herein designated the "Code") and in accordance with the Large Scale Master Planned Development Permit as amended and restated hereby.

NOW THEREFORE, the Large Scale Master Planned Development Permit is hereby amended and restated to authorize and grant the right, and Permittee is hereby authorized and granted the right, to develop and construct the Project, subject to Planning Commission approval of any required Conditional Use Permits for site specific development and City Council approval and recordation of any required subdivision plats, as outlined and detailed in this: (A) Twelfth Amended and Restated Large Scale Master Planned Development Permit ("Permit") including the Exhibits hereto and those documents and items submitted by Permittee as aforesaid, as a Master Planned Development pursuant to the Master Planned Development provisions contained in the Code; and, (B) the Agreement dated July 12, 1978, between Park City, as "City", and Royal Street, as "Royal Street", as amended by an Amendment to Agreement dated May 29, 1978, a Second Amendment to Agreement dated April 3, 1980, a Third Amendment to Agreement dated August 21, 1980, as amended and restated in its entirety by a Fourth Amendment and Restatement of Agreement, a Fifth Amendment to Agreement dated May 17, 1984, and a Sixth Amendment to Agreement dated February 21, 1985, and all subsequent amendments, which are all incorporated herein by reference and which Agreement as so amended is herein referred to as the "Agreement", and as such Agreement may hereafter be further amended from time to time. Park City is hereinafter referred to in this Permit as "City".

A. **Densities.** For purposes of determining densities in the Project:

(1) Insofar as the following portions of the Project are concerned, the authorized densities shall be as follows:

<u>Parcel Designation</u>	<u>Authorized Dwelling Units</u>
Northwest Multi-Family (Fawn grove)	80
North Entrance Multi-Family (Pinnacle)	40
North Hillside Multi-Family (Pinnacle)	46
Southwest Multi-Family (Aspenwood)	30
Southwest Multi-Family (Courchevel)	13.5
Northwest Hillside Multi-Family (Daystar)	24
South Entrance Multi-Family (Stonebridge)	50
South Multi-Family (Lakeside)	60
West Multi-Family (Pine Inn and Trails End)	40
Total	383.5

For purposes of determining densities on the parcels designated in this Subparagraph (1), a single family home or an apartment containing two bedrooms or more constituted a dwelling

Unit, a one-bedroom apartment constituted one-half of a dwelling Unit, and a hotel room or lodge room constituted one-half of a dwelling Unit. The parcels in this subparagraph have all been developed as of the date hereof.

(2) Insofar as all portions of the Project other than the nine parcels containing 383.5 dwelling Units identified in Subparagraph A. (1) above are concerned, an apartment Unit containing one bedroom or more shall constitute a dwelling Unit and a hotel room or lodge room shall constitute one-half of a dwelling Unit.

(3) If approved in advance by Commission and Permittee, the owner of any development parcel in the Project shall have the right to have the densities permitted on said development parcel calculated in accordance with Subparagraph A. (1) or Subparagraph A. (2) above and/or with Exhibit 1 attached hereto (whichever is applicable) or in accordance with the Unit Equivalent formula contained in Section 10.12 of the Code, as said Unit Equivalent formula may from time to time be amended or modified. In the event of election of an owner to utilize said Unit Equivalent formula and approval thereof by Commission and Permittee, the maximum number of Unit Equivalents which may be contained in the structures built upon said development parcel shall not exceed the permitted number of dwelling Units to be constructed thereon determined in accordance with Subparagraph A. (1) or Subparagraph A. (2) above and/or with Exhibit 1 attached hereto (whichever is applicable) and the number of Unit Equivalents as constructed on said development parcel shall for all purposes hereof be deemed the number of units constructed thereon. Approval of use of the Unit Equivalent formula by Commission and Permittee shall not, and cannot, alter or release any private land use covenants between the owner and Deer Valley, or others, concerning development of the property or the density permitted thereon.

(4) Insofar as the following portions of the Project are concerned, the authorized densities, permitted on the development parcels are required to be calculated in accordance with the Unit Equivalent Formula contained in Section 10.12 of the Code as said Unit Equivalent formula may from time to time be amended or modified:

<u>Parcel Designation</u>	<u>Authorized Unit Equivalents</u>
Snow Park Village	209.75
Total	209.75

B. Unit Size. Except for units with relation to which the owner elected or elects to or is required to utilize the Unit Equivalent formula, there shall be no size limitation for Units constructed on any parcel provided that following construction the parcel proposed to be developed contains a minimum of 60% open space and otherwise complies with MPD and all applicable zoning regulations.

C. Development Parcel Designations. Development parcel designations, prescribed densities, parcel sizes, building height limitations (the height limitation for each parcel will be determined by reference to the Code in effect at time of application for approval of the development of the parcel) and the status of development of the parcels as of the date hereof are reflected on Exhibit 1. Permittee shall have the right to develop a total of 2,110 residential Units (exclusive of employee housing Units) within the Project. Permittee shall have the right to develop 209.75 Unit Equivalents within the Snow Park Village, subject to the conditions and

requirements of the Park City Design Guidelines, the Deer Valley Design Guidelines, and the following:

(1) **Conditional Use Review.** Prior to the sale by Permittee of the Snow Park Village, Permittee shall submit a site-specific plan with relation to such parcel to the Commission requesting approval for construction on the parcel. In addition, the Permittee shall request the establishment of building site conditions with relation to the parcel. Accordingly, Permittee or persons acting on its behalf shall file with the Community Development Department of City a completed application form supported by the information set forth in Section 15-6 of the Code, as the same may be amended from time to time. The procedure for the approval or disapproval of any site-specific plan shall be based upon the provisions of this Permit and the conditional use criteria of the Code in effect on the date of application. Components of the Project, other than land development parcels, are listed on Exhibits 2 and 3.

D. Subdivision of Development Parcels. Prior to the sale of any individual lots on any parcel listed on Exhibit 1 developed for residential use as a "subdivision" as defined by the City subdivision ordinance and state statute, the party electing to establish a subdivision on said parcel shall comply with all applicable provisions of the City subdivision ordinance in effect at the time of application. The procedure for the approval or disapproval of any subdivision application shall be based upon the procedure provided in the City subdivision ordinance in effect at the time of application.

Prior to the filing of a record of survey map and declaration of condominium to establish a condominium on any parcel listed on Exhibit 1, the party electing to establish a condominium shall comply with all applicable provisions of any City condominium ordinance in effect at the time of application. The procedure for the approval or disapproval of any condominium shall be based upon the Utah Code and any City condominium ordinance in effect at the time of application.

E. Applicability of Sensitive Area Overlay Zone. For projects within the Deer Valley Large Scale Master Planned Development, the density limitations of the Sensitive Area Overlay Zone do not apply because Master Planned Developments approved prior to the adoption of the Sensitive Area Overlay Zone are vested in terms of density. Site planning standards can be applied only to the extent that they do not unequivocally reduce vested density. Limits of disturbance, vegetation protection, and building design standards do apply.

F. Relationship to National Standards. The provisions of the Code and any other applicable zoning and development ordinances including national standards with respect to engineering or building requirements as adopted by City, in effect in City on the date hereof, shall govern the development within the Project, except as otherwise provided herein.

G. Off-Street Parking. Parking required with relation to each portion of the Project shall be based upon Code as in effect at the time application for a building permit for such portion of the Project as is filed with City. For purposes of calculating required parking, the Project shall be deemed to be zoned Residential Development District (RD) Master Planned Developments (MPD). Parking for each separate development parcel in the Project shall be determined in accordance with the Code at the time of application for Conditional Use approval. Any additional parking shall not encroach into zoned open space.

If the capacity of the surface parking lots in the Snow Park Community is exceeded on 10% or more of the days during any single ski season the need for constructing additional parking in said area shall be reviewed by the Commission.

H. Commercial Space, Support Commercial, and Meeting Space. Exhibit 2 hereto lists commercial and support space allotted to the Project. The General Snow Park Commercial category is restricted in utilization within the Project to the following parcels in the Snow Park area:

Pine Inn Multi-Family Parcel
 Snow Park Lodge Multi-Family Parcel (Black Diamond Lodge)
 Snow Park Village (Combination of Snow Park Hotel Parcel and
 Snow Park Parking Area Parcel)
 Snow Park Day Center Parcel

Utilization of portions of the General Snow Park Commercial category within any of the above listed parcels is subject to the specific approval of both Permittee and Commission.

In addition to the Exhibit 2 Commercial Space permitted in the Project, Support Commercial shall be permitted and used as defined in the Code, as amended, at the time of application.

I. Employee Housing. Permittee has been required to cause the development of 112 employee (affordable) housing units pursuant to prior editions of this Permit. Prior to the date of this Permit, Permittee has developed or caused to be developed units qualifying under the low and moderate income housing exception of the Code as follows:

<u>Project Location</u>	<u>Number of Qualifying Units</u>
A. Units in Deer Valley:	
Little Belle Manager Unit	1
Stag Lodge Manager Unit	1
Sterlingwood Manager Unit	1
Bald Eagle Caretaker Units	2
Mt. Cervin Manager Unit	1
Deer Valley Club Manager Unit	1
B. Units Other Than in Deer Valley:	
Parkside Apartments	42
Fireside Apartments / Condos	42
Washington Mill Apts.	8
Peace House	3
Aspen Villas / Silver Meadows (Participation)	9
Fawn grove Employee Unit	1
Total	112

Deer Valley shall be obligated to comply with all applicable ordinances of City relating to the creation and construction of employee housing, including ordinances that are adopted after the date of this Permit. Deer Valley will be given credit for the previously developed units

identified above when computing the employee housing obligation under applicable ordinances. The City acknowledges full satisfaction of Deer Valley's current obligation in the Employee Housing Agreement dated October 6, 1995 executed in conjunction with Deer Valley's contribution to the Silver Meadows project. If, at the time a new employee / affordable housing ordinance is adopted, the number of existing employee / affordable housing units built by Deer Valley or persons acting on its behalf exceeds the number of units required by the new ordinance, credit shall be given against the ordinance imposed obligation, but in no event shall City be obligated to reimburse Deer Valley for any excess, or to permit the assignment of the excess to other parties with a similar employee housing requirement. If, at the time a new employee / affordable housing ordinance is adopted, the number of existing units built by Deer Valley or those acting on its behalf falls short of the newly imposed ratio of employee units to conventional units, Deer Valley agrees to be bound by the provisions of the newly adopted ordinance; provided, however, that the new ordinance shall apply only to those Units on which site specific approval is granted after the adoption of the employee / affordable housing ordinance.

J. Technical Reports. Permittee shall submit updated technical reports with regard to traffic monitoring, water systems, and sewer systems for review by Commission as significant changes occur in those systems and as needed for specific project review as required by the Community Development Director and Public Works Director prior to density approval.

K. Public Use of Ski Facilities. Use of all ski facilities shall be open to the general public and shall not be restricted to owners of property located in Deer Valley or to members of any private club. Furthermore, all charges, fees and costs paid by the general public for the use of such facilities shall not exceed the charges, fees and costs paid by owners of property located in Deer Valley.

L. Trails .There are 4 types of trails in Deer Valley:

- (1) Bicycle paths located within street rights-of-way;
- (2) Pedestrian paths connecting parcels together within a community;
- (3) Connecting paths connecting communities together; and
- (4) Hiking trails to provide access to the mountain.

Bicycle paths shall be located within street rights-of-way dedicated to City and shall be operated and maintained by City as shown on the Deer Valley Trails Master Plan and the City Trails Master Plan.

Pedestrian paths shall be hard surfaced, a minimum of five feet wide, a maximum of six feet wide and built to public sidewalk specifications. These paths shall connect development parcels together and connect development parcels to commercial nodes. At the time of conditional use approval of a particular development parcel, the developer of said parcel shall provide a pedestrian path across said parcel connecting to the paths on the adjoining parcels. The location of these paths shall be determined by the parcel developer and by City staff with the Deer Valley Trails Master Plan used as a guide. The locations shall be modified as necessary to take into consideration topography and existing trails, and shall tie into the bus system which serves Deer Valley. These paths shall form a year-round system. Maintenance shall be the responsibility of the parcel owner. A 10 to 15 foot wide easement (easement size

shall be determined at the time of site specific conditional use approval) for each pedestrian path shall be dedicated to City and is required to be shown on the recorded plat for the applicable development parcel.

It is recognized by the parties that the property within the Deer Valley Resort is private property. Public access to ski runs is at the discretion of Permittee. Summer public access and non-destructive summer use which includes casual hiking on ski runs shall be allowed by Permittee subject to reasonable rules and regulations.

In the event that City in its sole discretion determines that City should hold any easements for hiking, City shall make a request that an easement be granted for any or all of the hiking trails that City desires to hold within or adjacent to ski runs shown on the Trails Master Plan. In the event that City obtains a formal agreement, City agrees to maintain such hiking trails, and Permittee will provide legal descriptions, signage and grant to City an easement (minimum of 10 feet to maximum of 15 feet wide) to maintain such hiking trails without hard surface and without winter maintenance. If City desires to upgrade the hiking trails beyond that which currently exists, City agrees to bear the cost of those improvements. The Trails Master Plan shall serve as a general guide in determining the final location of said hiking trails. In the event City obtains and holds formal easements for hiking trails, City shall indemnify and hold Permittee and its successors and assigns harmless from and against any loss, damage, injury or responsibility with relation to any such trail and any claims, demands or causes of action from any person resulting from injuries sustained while utilizing any hiking trails for which City has obtained and holds easements. Said public easement shall also be subject to such additional reasonable rules and regulations as Permittee deems appropriate to eliminate possible interference with the operation and maintenance of the ski resort, or in the interest of safety or security.

M. Open Space. With the exception of those parcels identified on Exhibit 1 and those areas and items listed on Exhibit 2 as "commercial and support space", all remaining property in the Project is hereby designated "landscaped open space" as that term is defined in the Code as presently in effect and shall remain substantially free from structures, roads and parking lots except as otherwise approved by City or permitted by the Code as presently in effect. The "landscaped open space" shall be maintained and operated by Permittee at Permittee's sole cost and expense.

N. Fire Considerations. All buildings or structures located within the Bald Eagle, Silver Lake, and North Silver Lake Communities shall be fire sprinkled in accordance with UBC 38-1-82.

O. Water Improvements .Permittee agrees that, as a condition of and concurrently with issuance to Permittee of a building permit for the construction of any buildings or structures comprising a portion of the Project, Permittee shall be obligated to agree in writing to construct and convey to City storage facilities, pumping facilities, and transmission lines, as agreed upon and approved by the Public Works Director and City Engineer at the time of issuance of said building permit, to the extent necessary to store and transmit culinary water, irrigation water, and water for fire flows to the buildings and structures covered by the building permit and to connect the same to the water system of City, and shall evidence to the satisfaction of City the ability of Permittee to comply with such agreements.

Permittee agrees that completion of the action required by this Section O with relation to any building or structure included in the Project shall be deemed a condition precedent to the

right to occupy and utilize the building or structure. Commission and Permittee agree that the general level of water facilities construction for the Project required by this Section O has been heretofore accomplished by Permittee.

The existing agreement relating to water rights and water facilities for Deer Valley development entered into November 17, 1988 between Permittee as "DVRC", Royal Street as "Royal Street", and City as "Park City" and the Deer Valley Water Facilities Improvement Agreement dated March 31, 1994 between City, Royal Street and Permittee (as "DVRC") and the Amendment to the 1994 Deer Valley Water Facilities Improvement Agreement dated May 12, 2006 between City as "Park City", Royal Street and Permittee (as "DVRC") are made a part of this Permit by reference.

P. Sewer Considerations .Although City has no responsibility for sewer approvals; the Snyderville Basin Sewer Improvement District has indicated the following with respect to sewerage in Deer Valley: Projected flow calculations are based on average wastewater flow from residential units and make no distinction regarding size. In other words, the Sewer District does not follow the "unit equivalent" concept as does City.

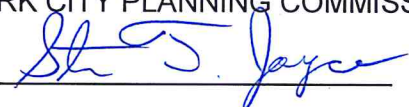
The Sewer District has previously reviewed both the Upper and Lower Deer Valley sewer systems and made the following comments: Upper System (American Flag / Silver Lake Community) - There are two sections of sewer within the American Flag Subdivision that limit upstream, new growth to approximately 325 additional residential units. There are several sections with only slightly greater capacity. This concern or limitation was eliminated by construction of a new sewer trunk line from Royal Street through the Westview Parcel in 1988. Lower System (Solamere, Queen Esther, Fawn grove) - A portion of the trunk sewer serving this area was replaced in 1985 to provide greater capacity for Hanover and Park Con projects as well as Deer Valley's. These three developers executed an agreement with the District which identified their anticipated development and the percentage of the cost they would fund to "reserve" capacity in the sewer system. Of the present sewer capacity of approximately 1385 units, Deer Valley has approximately 200 units available for future development. However, there are downstream sections of sewer that have less capacity than the new Deer Valley North Road sewer. This problem will be pursued with the developers as necessary.

Q. Separability. If any provision or provisions of this Permit shall be held or deemed to be, or shall, in fact, be illegal, inoperative, or unenforceable, the same shall not affect any other provision or provisions herein contained or render the same invalid, inoperative or unenforceable to any extent, whatsoever.

R. Term of Permit. The term of this Permit is governed by the Twenty-Ninth Edition of the Land Management Code of Park City as revised as of April 1, 1993.

Approved this 30th day of November, 2016.

PARK CITY PLANNING COMMISSION

By 

Planning Commission Chair

DEER VALLEY RESORT
TWELFTH AMENDED AND RESTATED
LARGE SCALE MASTER PLANNED DEVELOPMENT PERMIT
EXHIBIT 1
DEVELOPMENT PARCELS

PARCEL NAME	PERMITTED DENSITY (UNITS)	DEVELOPED DENSITY (UNITS)	NOTES	HEIGHT (FEET)	PARCEL SIZE (ACRES)
DEER VALLEY COMMUNITY					
Stonebridge & Boulder Creek Multi-Family	50	54	1	28	10.23
Aspenwood Multi-Family	30	30		28	9.21
Pine Inn & Trails End Multi-Family	40	45	1	35	8.52
In The Trees (South Multi-Family) Multi-Family	14	14		28-45	2.87
Black Diamond Lodge (Snow Park Lodge Multi-Family)	29	27		28-75	5.70
Courcheval Multi-Family	13.5	27	1	35	1.82
Daystar Multi-Family	24	24		28	9.84
Fawngrove Multi-Family	50	50		28	12.05
Chateaux Fawngrove Multi-Family	10.5	11	2	28	Incl
Bristlecone Multi-Family	20	20		28	Incl
Lakeside Multi-Family	60	60		28	6.49
Solamere Single Family (includes Oaks, Royal Oaks & Hidden Oaks)	274	274		28	237.81
Pinnacle Multi-Family	86	86		28	36.80
Comstock Lodge (East Bench Multi-Family)	10.5	21	1	35	3.50
Red Stag Lodge	8.5	11	1	35	Incl
Powder Run Multi-Family	25	33	1	35	3.20
Wildflower (Deer Valley North Lot 1 Multi-Family)	11	14	1	28	1.04
Glenfiddich (Deer Valley North Lot 2 Multi-Family)	12	12		28	1.45
Chapparal (Deer Valley North Lot 3 Multi-Family)	15	20	1	28	1.44
Northeast Multi-Family:					12.65
Lodges @ Deer Valley	73.25	85	3	28-35	
Silver Baron Lodge	42.75	50	12	28-35	
Snow Park Village (Snow Park Hotel & Parking Sites)	209.75	0	4	28-45	14.93
Total Deer Valley Community	1108.75				
AMERICAN FLAG COMMUNITY					
American Flag Single Family	93	93		28	83.04
LaMaconnerie Multi-Family	15	15		28	6.19
Total American Flag Community	108				
NORTH SILVER LAKE COMMUNITY					
Westview Single Family	15	1		28	40.69
Evergreen Single Family	36	36		28	27.60
NSL Homesite Parcel #1	1	1		35	1.90
Belleterre Single Family	10	10		28	11.42
Bellevue Townhomes (NSL Subdivision Lot 1)	24	14	10	28	4.62
Bellemont Townhomes (NSL Subdivision Lots 2A and 2A-1)	18	12	10	28	3.75
NSL Subdivision Lot 2B	54	0		45	5.96
BelleArbor Townhomes (NSL Subdivision Lot 2C)	43	21	10	28-35	8.25
NSL Subdivision Lot 2D Open Space Lot	0	0	5	0	4.03
Total North Silver Lake Community	201				
SILVER LAKE COMMUNITY					
Stag Lodge Multi-Family	50	52	6	28-35	7.34
Cache Multi-Family	12	12		28	1.77
Sterlingwood Multi-Family	18	18		28-35	2.48
Deer Valley Club	20	30	1	28-45	1.53
Double Eagle (SL East Parcel 2 Multi-Family)	18	18		28-35	2.26
Stein Eriksen Lodge Multi-Family	66.75	65	11	28-35	10.86
Little Belle Multi-Family	20	20		28	3.66
Chateaux At Silver Lake Lot 23 Deer Valley Club Estates Subdivision)	65	78	1	28-45	3.24
Sterling Lodge (Lot 2 Silver Lake East Subdivision)	14	14		28-45	0.61
Royal Plaza Multi-Family (Silver Lake Village Lot A)	7.6215	13	1	59 (A)	0.48
Mt. Cervin Plaza Multi-Family (Silver Lake Village Lot B)	7.5	7		59 (A)	0.54
Inn at Silver Lake (Silver Lake Village Lot C)	10	8		59 (A)	0.50
Goldener Hirsch Inn (Silver Lake Village Lot D)	5.5785	18	1	59 (A)	0.35
Mt Cervin Multi-Family (Silver Lake Village Lot E)	16	15		59 (A)	0.53
Silver Lake Village Lot F	0	0		59 (A)	0.35
Silver Lake Village Lot G	0	0		59 (A)	0.38
Silver Lake Village Lot H	0	0		59 (A)	0.44
Silver Lake Village Lot I (combination of Silver Lake Village lots F, G, H)	34.4215	38	13,14,15	59 (A)	1.17
SL Knoll Condominiums	4	4		35	0.76
Knoll Estates Single Family	21	21		35	9.90
Black Bear Lodge (Lot 22 Deer Valley Club Estates Subdivision)	51	51		35	1.39
Knollheim Single Family	20	5	7	35	1.84
Alpen Rose Single Family	2	2		35	0.66
Silverbird Multi-Family	6	6		35	0.80
Ridge Multi-Family	24	24		35	2.34

**DEER VALLEY RESORT
TWELFTH AMENDED AND RESTATED
LARGE SCALE MASTER PLANNED DEVELOPMENT PERMIT
EXHIBIT 1
DEVELOPMENT PARCELS**

PARCEL NAME	PERMITTED DENSITY (UNITS)	DEVELOPED DENSITY (UNITS)	NOTES	HEIGHT (FEET)	PARCEL SIZE (ACRES)
Enclave Multi-Family	17	17		28-35	1.79
Twin Pines Multi-Family	8	8		28-35	1.33
Cottages Single Family	11	11		28	7.06
Alta Vista Subdivision	7	7		35	6.02
Woods Multi-Family	16	7	8	28-35	2.41
Trailside Multi-Family	9	9		28-35	1.46
Aspen Hollow Multi-Family	16	16		28-35	3.18
Ridgepoint Multi-Family	38	38		28-35	5.60
Total Silver Lake Community	614.8715				
BALD EAGLE COMMUNITY					
Bald Eagle Single Family	78	58	9	28	35.65
Total Bald Eagle Community	78				
TOTAL CONVENTIONAL UNITS	2110.6215				
EMPLOYEE HOUSING UNITS					
Little Belle	1				
Stag Lodge	1				
Sterlingwood	1				
Bald Eagle	2				
Mt. Cervin	1				
Deer Valley Club	1				
TOTAL EMPLOYEE HOUSING UNITS	7				

NOTES:

- These projects have been approved under the Unit Equivalent Formula contained in Section 10.12 of the Code, resulting in a different developed density than base permitted density.
- One small unit was separately permitted in this project using .5 unit of density.
- This project has been approved under the Unit Equivalent Formula contained in Section 10.12 of the Code, resulting in a different developed density (85) than base permitted density (73.25).
- This parcel is required to use the Unit Equivalent Formula contained in Section 10.12 of the Code.
- This parcel has been platted as open space, with the open space applying to the open space requirement of Lot 2B.
- Two additional units were permitted in this project on land that was not a part of the Deer Valley MPD.
- This parcel was originally permitted as 20 MF units but subsequently developed as 5 single family homesites.
- This parcel was permitted as 16 units. Subsequently 9 of the unit development rights were acquired by the homeowners and dedicated as open space.
- This parcel was originally permitted as a combination of single family and multi-family. The multi-family uses were converted to single family with a density reduction from 78 to 58 units.
- The development density on these parcels is less than the original permitted density at the election of the developer.
- The transfer of 1.75 Unit Equivalents to this parcel from the Snow Park Village parcel was authorized by the Planning Commission on June 28, 2006.
- This project has been approved under the Unit Equivalent Formula contained in Section 10.12 of the Code, resulting in a different developed density (50) than base permitted density (42.75). The transfer of 1 Unit Equivalent to this parcel from the Snow Park Village parcel was authorized by the Planning Commission on March 23, 2011.
- Prior to issuance of a building permit on Lot I, the Property owner shall submit an Historic Mine Waste report.
If Historic Mine Waste is located on the site, a mitigation plan shall also be submitted compliant with the Park City Soils Boundary Ordinance.
- Building on Lot I shall be designed to be broken into more than one volumetric mass above final grade, exhibiting both horizontal and vertical articulation. Common underground parking is permitted.
- The transfer of 0.4215 UE from Lot D to Lot I was approved by Planning Commission on November 30, 2016.

A. Lots in the Silver Lake Village Subdivision have a development height limitation tied to a base elevation of 8122' with peak of roof not to exceed elevation 8186'.

DEER VALLEY RESORT
TWELFTH AMENDED AND RESTATED
LARGE SCALE MASTER PLANNED DEVELOPMENT PERMIT
EXHIBIT 2
COMMERCIAL AND SUPPORT SPACE

LOCATION	RETAIL	RESTAURANT (3)	COMM'L OFFICES	ADMIN., SUPPORT & OTHER	TOTAL	TRANSFER TO RESIDENTIAL	DEVELOPED	REMAINING
SNOW PARK LODGE	13807	26958		85578	126343		126343	0
SNOW PARK TICKET SALES BUILDING				5112	5112		5112	0
SNOW PARK PLAZA BUILDING	3100		16000	4180	23280		23280	0
GENERAL SNOW PARK COMMERCIAL (1)	21890				21890		0	21890
SILVER LAKE LODGE	1200	29160		15790	46150		46150	0
EMPIRE LODGE (4)		22456		12544	35000		30453	4547
SILVER LAKE COMMUNITY (2)	27962		4265	12938	45165	1243	31954	11968
NORTH SILVER LAKE COMMUNITY	8000			6525	14525		0	14525
MAINTENANCE, WHSE, & SHOPS				31724	31724		31724	0
TOTAL	75959	78574	20265	174391	349189		295016	52930

NOTES:

(1) General Snow Park Commercial may only be utilized on certain parcels with approval of Commission and Permittee.
18110 square feet of General Snow Park Commercial has previously been allocated to and is included in totals for Snow Park Lodge.

(2) 10125 square feet of Silver Lake Community commercial has previously been allocated to and is included in totals for Silver Lake Lodge (1994 Silver Lake Lodge expansion 6990 sf and 1998 Silver Lake Lodge expansion 3135 sf).
Remainder of Silver Lake Community commercial consists of:

Developed Space:

Royal Plaza	14312
Mt. Cervin Plaza	8080
Goldener Hirsch Inn	2062 (see note #5)
Chateaux at Silver Lake	7500
Total	31954

Transferred to Royal Plaza Residential

1243

Allocated but Undeveloped Space:

Silver Lake Village Lot C	7000
Remainder Unallocated	4968
Total	45165

(3) Includes kitchen, receiving and storage.

(4) Maximum size of Empire Lodge is 35000 sf of which 30453 sf has been developed.

(5) Commercial uses on Silver Lake Village Lot D includes 2,062 sf as allocated from this Amended and Restated Large Scale MPD, plus support commercial uses.

DEER VALLEY RESORT
TWELFTH AMENDED AND RESTATED
LARGE SCALE MASTER PLANNED DEVELOPMENT PERMIT
EXHIBIT 3
OTHER PROJECT COMPONENTS

ITEM	WITHIN PARK CITY	OUTSIDE PARK CITY
SKI AREA (1)		
CHAIRLIFTS	15	5
GONDOLA		1
SKI TRAILS AND BOWLS	63	34
SNOWMAKING	X	X
SKI PATROL / UTILITY STATIONS:		
BALD EAGLE MTN.	X	
BALD MTN.	X	
FLAGSTAFF MTN.	X	
LITTLE BALDY		X
JORDANELLE BASE		X
EMPIRE CANYON	X	
AMENITIES		
SNOW PARK LAKES & MEADOWS	X	
SNOW PARK PARKING LOTS	X	
PEDESTRIAN TRAIL SYSTEM	X	X
MOUNTAIN BIKING TRAILS SYSTEM	X	X
SOLAMERE SWIM & TENNIS FACILITY	X	
SNOWSHOE TOMMYS CABIN	X	
CUSHINGS CABIN	X	
BIRDSEYE CABIN	X	
JORDANELLE BASE		X
SNOW PARK CONCERT AMPHITHEATRE	X	

(1) ADDITIONAL SKI AREA FACILITIES AS DEMAND DICTATES, SUBJECT TO PROVISIONS OF PARK CITY LAND MANAGEMENT CODE AND OTHER APPLICABLE JURISDICTIONS.

PARK CITY

Community Development/Engineering
Building and Planning Departments

December 17, 1987

Karen Huntsman
c/o Pat Price
2000 Eagle Gate Tower
Salt Lake City, UT 84111

NOTICE OF PLANNING COMMISSION ACTION

Project Name: Conceptual MPD Approval for Westview MPD

Project Description: To vacate the Westview Subdivision plat and to gain MPD approval for a family compound of up to 15 units

Date of Meeting: December 16, 1987

Action Taken By Planning Commission: APPROVED with conditions

Conditions of Approval:

1. Prior to issuance of building permits, Deer Valley and the applicant shall propose an alternative trail location and shall dedicate such easement as a public trail, subject to approval by staff.
2. Prior to building permit issuance of the first dwelling, the Westview Subdivision Plat shall be vacated.
3. Prior to any construction commencing on the site, the City Engineer shall review and approve the road and utility design.
4. Prior to construction of the third dwelling, the road and utilities must be brought up to minimum fire standards.
5. This MPD is not a subdivision. If the applicant ever desires to subdivide, all road and utility improvements will have to be brought up to City Standards consistent with the Park City Standard Design and Construction Specifications.

6. The buildings in the Westview MPD will have to be fire sprinkled and may require exterior flame spread protection.
7. The Snyderville Basin Sewer Improvement District must be contacted and approvals given for sewerage.
8. No more than 10 percent of the buildings roofline shall extend beyond the 33 foot height limit up to a 40 foot maximum.

Date of Expiration: December 16, 1988

Nora L. Seltnerich
Nora L. Seltnerich
Principal Planner

12/17/87
Date

ACKNOWLEDGEMENT

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

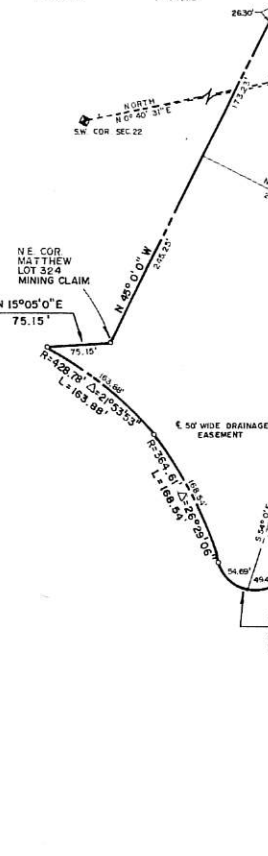
Karen H. Hartman

1/22/88
Date

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

ROAD CURVE DATA

A: R=40.18' L=58.79' A=83°50'0" T=36.07'	F: R=240.00' L=117.25' A=289°30'0" T=59.84'	K: R=35.27' L=54.01' A=71°30'0" T=25.39'
B: R=88.00' L=162.04' A=108°30'0" T=115.73'	G: R=400.00' L=76.79' A=110°0'0" T=38.52'	
C: R=158.66' L=238.76' A=86°35'0" T=149.47'	H: R=505.00' L=57°40'0" A=289°02' T=289.02'	
D: R=450.00' L=134.17' A=179°05'0" T=67.59'	I: R=150.00' L=72.87' A=12°50'0" T=37.17'	
E: R=250.00' L=226.92' A=44°50'0" T=119.63'	J: R=75.00' L=117.55' A=89°50'0" T=74.78'	



BOUNDARY DESCRIPTION

BEGINNING AT A POINT WHICH IS NORTH 266.15 FT. AND WEST 350.68 FT. FROM THE S.W. CORNER OF SEC. 22, T.2 S., R.4 E., S.1 B. & M., SAID POINT ALSO BEING THE S.E. CORNER OF THE PORT ARTHUR MINING CLAIM NO. 5762; THENCE N 19°11'0" E ALONG THE EAST LINE OF SAID MINING CLAIM 476.10 FT. TO THE N.E. CORNER THEREOF; SAID POINT ALSO BEING ON THE SOUTHERLY LINE OF SINGER MINING CLAIM NO. 5763; THENCE S 79°53'46" E ALONG THE SOUTHERLY LINE OF SAID CLAIM 433.58 FT. TO A POINT OF INTERSECTION WITH A LINE EXTENDED FROM NORTHEASTLY CORNER OF TRUMP MINING CLAIM NO. 265 AND S.W. CORNER OF FRACTION MINING CLAIM NO. 5763; THENCE N 10°28'40" E ALONG WESTERLY LINE OF FRACTION MINING CLAIM NO. 5763; THENCE N 10°28'40" E ALONG MINING CLAIM LOT NO. 52, SAID POINT ALSO BEING THE MOST S.W. CORNER OF LOT NO. 15 OF RECORDED AMERICAN FLAG SUBDIVISION; THENCE EAST ALONG THE SOUTHERLY LINE OF RECORDED LAKE FLAT C ROAD, AND FOLLOWING SAID ROW, NEXT FIVE COURSES: 1) S 19°01'35" E 177.29 FT. TO A POINT ON A 936.65 FT. RADIUS CURVE TO THE LEFT (CENT. BEARS N 70°58'25" E 536.65 FT. OF WHICH CENTRAL ANGLE IS 15°08'53"); 2) THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE 247.64 FT. TO A POINT OF TANGENCY; 3) THENCE S 34°10'28" E 211.53 FT. TO A POINT ON A 175.60 FT. RADIUS CURVE TO THE RIGHT (CENT. BEARS S 58°40'30" W 175.60 FT. OF WHICH CENTRAL ANGLE IS 49°07'46"); 4) THENCE SOUTHEASTERLY ALONG ARC OF SAID CURVE 134.79 FT. TO A POINT OF TANGENCY; 5) THENCE S 08°17'18" W 10.35 FT. TO A POINT ON THE WESTERLY R.O.W. OF RECORDED LAKE FLAT D ROAD, SAID POINT ALSO ON A 140.00 FT. RADIUS CURVE TO THE RIGHT (CENT. BEARS N 80°02'42" W 140.00 FT. OF WHICH CENTRAL ANGLE IS 95°52'12"); 6) THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE 234.25 FT. TO A POINT OF TANGENCY; 7) THENCE N 74°10'30" W 215.36 FT. TO A POINT ON A 2456.77 FT. RADIUS CURVE TO THE RIGHT (CENT. BEARS N 6°49'30" E 2456.77 FT. OF WHICH CENTRAL ANGLE IS 04°48'50"); 8) THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE 177.83 FT. TO A POINT ON A 532.64 FT. RADIUS REVERSE CURVE TO THE LEFT (CENT. BEARS S 19°58'20" W 532.64 FT. OF WHICH CENTRAL ANGLE IS 20°33'0"); 9) THENCE WESTERLY ALONG THE ARC OF SAID CURVE 191.04 FT. TO A POINT OF TANGENCY; 10) THENCE S 89°25'20" W 100.45 FT. TO A POINT ON A 467.41 FT. RADIUS CURVE TO THE LEFT (CENT. BEARS S 0°34'40" E 467.41 FT. OF WHICH CENTRAL ANGLE IS 79°25'20"); 11) THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE 66.28 FT. TO A POINT OF TANGENCY; 12) THENCE S 19°05'0" E 69.67 FT. TO A POINT ON A 435.00 FT. RADIUS CURVE TO THE LEFT (CENT. BEARS S 76°0'0" E 435.00 FT. OF WHICH CENTRAL ANGLE IS 07°0'0"); 13) THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE 356.83 FT. TO A POINT OF TANGENCY; 14) THENCE S 33°0'0" E 494.50 FT. TO A POINT ON A 450.00 FT. RADIUS REVERSE CURVE TO THE RIGHT (CENT. BEARS S 57°0'0" W 450.00 FT. OF WHICH CENTRAL ANGLE IS 17°30'40"); 15) THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE 100.15 FT. TO A POINT ON A 364.61 FT. RADIUS REVERSE CURVE TO THE LEFT (CENT. BEARS S 0°30'40" W 364.61 FT. OF WHICH CENTRAL ANGLE IS 26°29'06"); 16) THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE 162.54 FT. TO A POINT ON A 428.78 FT. RADIUS COMPOUND CURVE TO THE LEFT (CENT. BEARS S 21°58'26" E 428.78 FT. OF WHICH CENTRAL ANGLE IS 21°58'26"); 17) THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE 163.88 FT. TO A POINT OF INTERSECTION WITH THE EASTERLY LINE OF MATTHEW MINING CLAIM; THENCE N 19°05'0" E ALONG THE EASTERLY LINE OF MATTHEW MINING CLAIM 75.15 FT. TO N.E. CORNER THEREOF; THENCE N 49°00'0" W 762.25 FT. TO A POINT ON THE EASTERLY LINE OF YALUP LOT 264 MINING CLAIM; THENCE N 79°28'10" W 69.67 FT.; THENCE N 15°31'50" E 219.26 FT. TO THE POINT OF BEGINNING. CONTAINS 40.6921 AC.

SURVEYOR'S CERTIFICATE

I JAMES G. WEST DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 3082 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED HEREWITH, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND PRIVATE STREETS TO BE HEREINAFTER KNOWN AS WESTVIEW, AND THAT THE SAME HAS BEEN SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT.

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

James G. West
JAMES G. WEST, R.L.S. NO. 3082
DATE: May 6, 1982

ACKNOWLEDGEMENT

STATE OF UTAH
COUNTY OF SUMMIT

ON THE 14th DAY OF May, 1982, PERSONALLY APPEARED BEFORE ME *John E. Miller*, WHO, BEING BY ME DULY SWORN, DID SAY THAT HE IS THE VICE PRESIDENT OF ROYAL STREET OF UTAH, A UTAH CORPORATION, WHICH IS THE GENERAL PARTNER OF DEER VALLEY RESORT COMPANY, A UTAH LIMITED PARTNERSHIP, AND THAT THE WITHIN AND FOREGOING OWNERS CONSENT TO RECORD WAS SIGNED ON BEHALF OF SAID CORPORATION AS SUCH GENERAL PARTNER, AND SAID *John E. Miller* DULY ACKNOWLEDGED TO ME THAT SAID PARTNERSHIP EXECUTED THE SAME.

Laurie M. Pergande
NOTARY PUBLIC
3-16-83
COMMISSION EXPIRES
Park City, Utah
RESIDING AT



OWNERS CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS: THAT DEER VALLEY RESORT COMPANY, A UTAH LIMITED PARTNERSHIP, THE OWNER OF THE HEREIN DESCRIBED TRACT OF LAND, HEREBY CAUSES THE SAME TO BE DIVIDED INTO PRIVATE STREETS, COMMON AREAS, AND PARCELS AS SET FORTH IN THE ABOVE PLAT. HEREAFTER TO BE KNOWN AS WESTVIEW SUBDIVISION, A PLANNED UNIT DEVELOPMENT. SAID PRIVATE STREETS AND COMMON AREAS ARE NOT DEDICATED TO THE PUBLIC, BUT SHALL BE FOR THE USE OF THE PARCEL OWNERS, THEIR INVITEES AND GUESTS, SUBJECT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND RESERVATION OF EASEMENTS FOR WESTVIEW SUBDIVISION, A PLANNED UNIT DEVELOPMENT, WHICH WILL BE RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SUMMIT COUNTY, UTAH, CONCURRENTLY WITH THE RECORDING OF THIS PLAT.

ALSO THE OWNER HEREBY DEDICATES TO PARK CITY MUNICIPAL CORPORATION, SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT, PARK CITY FIRE PROTECTION DISTRICT, AND SUMMIT COUNTY A NON-EXCLUSIVE EASEMENT OVER THE STREETS, DRIVEWAYS AND UTILITY EASEMENTS SHOWN ON THIS PLAT FOR THE PURPOSE OF PROVIDING ACCESS FOR UTILITY MAINTENANCE AND TO PROVIDE EMERGENCY SERVICES TO THE WESTVIEW SUBDIVISION.

EXECUTED THIS 7th DAY OF MAY, 1982
DEER VALLEY RESORT COMPANY
BY ROYAL STREET OF UTAH
ITS GENERAL PARTNER
BY *John E. Miller*
JOHN E. MILLER, VICE PRESIDENT

CITY COUNCIL APPROVAL

PRESENTED TO THE BOARD OF PARK CITY COUNCIL THIS 17th DAY OF June, A.D. 1982, AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED

John C. Buehler
CITY CLERK
MAYOR

CITY ENGINEER

APPROVED AND ACCEPTED BY THE PARK CITY ENGINEERING DEPARTMENT ON THIS 1st DAY OF JUNE, A.D. 1982.

Eric W. DeGroot, P.E.
CITY ENGINEER

CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS 9th DAY OF June, A.D. 1982.

H. Gregory Lamm
CHAIRMAN

APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS 16 DAY OF June, A.D. 1982.

Thomas E. Clark
CITY ATTORNEY

RECORDED

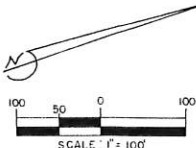
NO. 192634
STATE OF UTAH
COUNTY OF SUMMIT
RECORDED AND FILED AT THE REQUEST OF:
Associated Title Co.
DATE: 6-21-82 AT: 3:15
\$29.50
FEES
COUNTY RECORDER

J.J. Johnson & Associates

Park Meadows Plaza,
Highway 248
Park City, Utah 84060
(801) 649-9811



DEDICATION PLAT OF
WESTVIEW
A PLANNED UNIT DEVELOPMENT - 34 LOTS
LOCATED IN THE EAST HALF OF SEC. 21, AND
WEST HALF OF SEC. 22, T.2 S., R.4 E.,
SALT LAKE BASE & MERIDIAN



LEGEND

- △ BUILDING POINT
- ① LOT NUMBER
- BUILDING PAD
- MONUMENT

SQ. FOOTAGE OF LOTS & ADDRESS

LOT	#1 - 20539	SF	5850	WESTVIEW COURT
	#2 - 23793	SF	5600	WESTVIEW COURT
	#3 - 13156	SF	5650	WESTVIEW COURT
	#4 - 70284	SF	5575	WESTVIEW COURT
	#5 - 63623	SF	5536	WESTVIEW COURT
	#6 - 39373	SF	5485	WESTVIEW COURT
	#7 - 26366	SF	5445	WESTVIEW DRIVE
	#8 - 20210	SE	5425	WESTVIEW DRIVE
	#9 - 22966	SF	5405	WESTVIEW DRIVE
	#10 - 19462	SF	5375	WESTVIEW DRIVE
	#11 - 20642	SF	5355	WESTVIEW DRIVE
	#12 - 20756	SF	5295	WESTVIEW DRIVE
	#13 - 20726	SF	5255	WESTVIEW DRIVE
	#14 - 21452	SF	5215	WESTVIEW DRIVE
	#15 - 20172	SF	5175	WESTVIEW DRIVE
	#16 - 23503	SF	5135	WESTVIEW DRIVE
	#17 - 27304	SF	5085	WESTVIEW DRIVE
	#18 - 48772	SF	5065	WESTVIEW DRIVE
	#19 - 34979	SF	5015	WESTVIEW DRIVE
	#20 - 126680	SF	4915	WESTVIEW DRIVE
	#21 - 102301	SF	4855	WESTVIEW DRIVE
	#22 - 115694	SF	4805	WESTVIEW DRIVE
	#23 - 136492	SF	4735	WESTVIEW DRIVE
	#24 - 71908	SF	4665	WESTVIEW DRIVE
	#25 - 114592	SF	5070	WESTVIEW DRIVE
	#26 - 23275	SF	5130	WESTVIEW DRIVE
	#27 - 19838	SE	5170	WESTVIEW DRIVE
	#28 - 20260	SF	5200	WESTVIEW DRIVE
	#29 - 23856	SF	5250	WESTVIEW DRIVE
	#30 - 20625	SF	5290	WESTVIEW DRIVE
	#31 - 20873	SF	5330	WESTVIEW DRIVE
	#32 - 17052	SF	5360	WESTVIEW DRIVE
	#33 - 17755	SF	5410	WESTVIEW DRIVE
	#34 - 21039	SF	5500	WESTVIEW COURT
	#22A - 19240	SE		
	#23A - 17680	SF		
	#24A - 8867	SF		

PARK CITY PLANNING DEPARTMENT
Staff Report

TO: Planning Commission
FROM: Planning Staff
DATE: December 11, 1987
RE: Conceptual MPD Approval for Westview MPD

I. PROJECT STATISTICS:

Applicant: The Huntsman Family represented by
Pat Price, and Fred Babcock,
Architect
Proposal: To vacate the Westview Subdivision
plat and to gain MPD approval for a
family compound of up to 15 units
Location: Westview Subdivision, Royal Street,
Deer Valley. To the North of the
proposed North Silver Lake
Community.
Existing Zoning: Residential Development - Master
Planned Development
Surrounding Uses: Open space, single family, planned
multi-family development

II. BACKGROUND INFORMATION:

In 1982, the Westview Subdivision was approved and platted. This subdivision contained 34 parcels. A road was subsequently graded in, but no further improvements were installed.

III. PROJECT DESCRIPTION:

The Huntsman family wishes to acquire the Westview Subdivision, vacate the plat, and develop the area as a family compound. The Huntsman's would like to build one house at this time. They are requesting an MPD approval for 15 total units. Those homes would most likely be built over a long period of time. The applicant does not propose to subdivide the parcel. The dwellings will all be family owned.

Because only one dwelling is proposed at this time, the road and utility improvements being proposed now are minimal. The applicant understands that as soon as 3 dwellings are built, Fire Code will require upgrading of the roadway and water system. If there is ever an application for a subdivision, the road and utilities would have to be brought up to minimum City Standards. Until that time, the roadway is proposed to be private.

- V. STAFF RECOMMENDATION:
- Staff recommends Approval of the Huntsman Westview MPD, based upon the following findings:
1. The MPD results in an overall decrease in density of 19 units.

Trail Easement - The Westview Subdivision plat currently shows a 10 ft. trail easement running down the canyon on the property. This trail is shown on the Park City Trails Master Plan as well as on the Deer Valley Trails Plan. The Huntsman Family feels very strongly that they do not want a public trail crossing their property, even though the trail would be separated from the developed area. The applicant and Deer Valley are working on a realignment of the trail, so that it connects with Royal Street between American Flag and the subject property. This realignment will be a condition of approval.

Height Exception - This site is very visually prominent from the Historic District. The decrease in total potential units from 34 to 15 will result in a significant improvement in the visual impact which could result on this parcel. The proposed dwelling will be visible from the Historic District if built at the currently required height limit, but will be more visible if a height exception is granted. The architect has represented that his design parameters include keeping the house lower than the trees in the area.

The applicant will have conceptual plans of the dwelling available at the meeting and will provide a visual analysis to assist in your decision making process. The section of the Land Management Code dealing with height exceptions is attached for your use.

IV. ISSUES FOR DISCUSSION:

The MPD shows approximate dwelling locations. The location of the first dwelling is more definite. Because this MPD results in a significant decrease in density and increase in open space, the applicant is requesting a height exception for the first dwelling. Preliminary concept plans will be presented to the Planning Commission. The general philosophy is that the house be lower than the trees surrounding it. Vegetation removal will be limited.

Staff recommends the following conditions be placed on this approval:

1. Prior to vacation of the Westview plat, Deer Valley and the applicant shall propose an alternative trail location and shall dedicate such easement as a public trail.
2. Prior to building permit issuance of the first dwelling, the Westview Subdivision Plat shall be vacated.
3. Prior to any construction commencing on the site, the City Engineer shall review and approve the road and utility design.
4. Prior to construction of the third dwelling, the road and utilities must be brought up to minimum fire standards.
5. This MPD is not a subdivision. If the applicant ever desires to subdivide, all road and utility improvements will have to be brought up to City Standards consistent with the Park City Standard Design and Construction Specifications.
6. The buildings in the Westview MPD will have to be fire sprinkled and may require exterior flame spread protection.
7. The Snyderville Basin Sewer Improvement District must be contacted and approvals given for sewerage.

No staff recommendation is being made on the height exception request at this time due to a lack of adequate information.

Surrounding Neighborhood House Sizes

<u>Address</u>	<u>Lot Size</u>	<u>House Size*</u>		
9 Eagle Court	35,547	3,332		
5780 Silver Lake Dr.	53,495	4,157		
6 Royal Ct.	28,233	4,288		
418 Centennial Cir.	23,926	5,083		
4 Royal Ct.	26,781	5,086		
4 Eagle Ct.	14,268	5,160		
406 Centennial Cir.	32,718	5,586		
402 Centennial Cir.	35,084	5,684		
242 Golden Eagle Dr.	27,959	5,842		
12 Eagle Court	73,876	5,979		
6080 Silver Lake Dr.	54,377	6,143		
5890 Silver Lake Dr.	33,113	6,358		
430 Centennial Cir.	20,901	6,550		
238 Golden Eagle Dr.	16,328	6,688		
6 Eagle Court	16,722	6,779		
6050 Silver Lake Dr.	51,545	6,997		
6010 Silver Lake Dr.	34,569	7,033		
7 Eagle Court	30,158	7,282		
426 Centennial Cir.	23,649	7,284		
394 Centennial Cir.	44,418	7,445		
234 Golden Eagle Dr.	150,045	7,570		
6160 Silver Lake Dr.	85,940	7,815		
10 Eagle Court	18,926	7,890		
2 Royal Ct.	25,680	7,929		
5920 Silver Lake Dr.	31,284	8,137		
5850 Silver Lake Dr.	37,804	8,150		
422 Centennial Cir.	21,397	8,166		
6120 Silver Lake Dr.	69,544	8,356		
8 Eagle Court	16,914	8,473		
398 Centennial Cir.	41,626	8,876		
414 Centennial Cir.	24,120	9,623		
10 Royal Ct.	83,679	9,752		
226 Golden Eagle Dr.	35,884	9,934		
Average	40,015	6,952	Median	6,633

* Info taking from Summit County Website. Includes Living Area, Basement Area and Attached Garage Area

November 14, 2019

Mr. Bruce Erickson
Planning Director
Park City Planning Department
PO Box 1450
445 Marsac Avenue
Park City, UT 84060

RE: (Huntsman Family) Subdivision

Dear Bruce,

The applicant, DV Lodge, LLC, is pleased to submit this subdivision proposal to the Park City Planning Office. The parcel is 40.69 acres in size and consists of 15 lots. The lots will range in size from just over a half an acre to over an acre in size. The parcel is located in the RD (Residential Development) Zone within the Deer Valley Master Plan and is assigned 15 units of density. The property is located entirely within the borders of the Park City Municipal Corporation and is also within the boundaries of the Park City Fire Service District, the Weber Basin Water Conservancy District and the Snyderville Basin Water and Sewer District.

The undisturbed area of the proposed subdivision is 36.88 acres with approximately 9.4% hardscape, including proposed building envelopes. This equates to 90.6% open space for the proposal.

The property is densely wooded and has a pre-existing home that will occupy one of the parcels. The topography of the property has a large flat area in its center and it slopes sharply up in elevation to the east and sharply down in elevation to the west. The property is bordered by the American Flag Subdivision and the Belle Terre Subdivision to the east, Marsac Avenue and open space to the west, The Lookout Subdivision to the south and the American Flag Subdivision to the north. The property has several trails that traverse the property and the project is about 10 minutes walking distance to the Main St. core area.

The current use of the site is the existing residence and appurtenant buildings, including a 5,000-square foot underground parking garage that until recently housed Mr. Huntsman's automobile collection as well as outbuildings and a carriage house. The property has an existing pond which is a significant feature for local wildlife habitat. There are several trails that are located on the property and the applicant is open to discussing the highest and best use for the dedication of these trails.

In 1982, the property was apparently subdivided into 34 lots on 40.72 acres. The property was purchased by Jon Huntsman, Sr. in 1987 and the property was assigned 15 ERU's per the Deer Valley Master Plan to arrive at the current allocation of 15 units. The Huntsman Family submitted a 15-unit

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PLANNING DEPT.

subdivision application with Park City Municipal Corporation and this was approved and recorded in 1987. Mr. Huntsman subsequently built his Family's estate on the property and the Huntsman Family spent decades enjoying the beautiful property. The 15-unit entitlement remains intact. The Family estate has been deliberately carved into a large lot that occupies the entire north end of the property and consists of approximately 25 acres. This effort was made to preserve the estate in its current form and acknowledge the significant piece of history that it is.

The property is stunningly beautiful and located a short distance from the Silver Lake Village area of Deer Valley Resort. The property is thickly wooded and the trees are large second-generation conifers and aspens that give the property a private and remote feeling from the rest of the Deer Valley Resort. The woods are truly spectacular and the off-site views of the upper mountainous areas of Park City are stunningly beautiful.

Although the project is relatively small in size, any traffic/parking impacts need to be understood and mitigated to the fullest possible extent by the applicant. The project is proposing an on-call van that will transport owners and guests to the Silver Lake area as well as the Main Street core and the surrounding resorts. The on-call van service will reduce parking needs and provide an easy, direct and quick ride to the slopes.

Adjacent to the property to the west is a 19.51-acre parcel that is currently located outside of the Deer Valley Master Plan. This property is also owned by the applicant, but is not part of this Subdivision Application. The property is located within the Sensitive Lands Overlay Zone. The option to add this acreage in the future to the Deer Valley Master Plan is something the applicant would like to consider having the option to propose to the City in the future. For that reason, the applicant has designated an area that is located to the west and south of the existing residence as future additional land should that effort be pursued in the future. Adding land to the Deer Valley Master Plan would require the active participation and support of Deer Valley and an amendment to the Deer Valley Master Plan. The City retains the discretionary authority to determine whether to allow the density located on the adjacent parcel to be transferred to the Huntsman parcel. This concept has benefits for all of the parties concerned and is something to be considered at a future date. Designating a small portion of the property as future additional land allows that possibility to be maintained.

A soils report by Patrick Emory of Gordon Geotechnical Engineering, Inc., dated March, 2017, showed no significant geotechnical or soil concerns associated with the soils on the property. There was no perched groundwater encountered in any of the seven test pits dug and the soil can support conventional footings and foundations. No special geotechnical conditions exist and no extraordinary mitigation efforts were identified or required.

The infrastructure for the project consists of a road with an approximately 1,200-foot cul-de-sac that ends at the existing estate house. The improvements will include a 21-foot wide road with 2.5-foot roll-top gutters with an additional 5-foot shoulders on each side. The road will be no more than 10% grade that is centered in a proposed 36' ROW. Sewer and water mains will be placed under the road and the road will be built to Park City road construction standards. Underground power and gas will be trenched along the outside of the road.

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The project area will need to be mindful of urban/wildland interface at it relates to fire. As mentioned previously, the property is 100% wooded and there is little in the way of fire breaks and other natural barriers for the spread of wildland fire. Although this is true of most of upper Deer Valley, it should be noted that this project will incorporate enhanced wildland fire prevention measures, such as vegetation clearance around structures as well as exterior sprinklers to minimize the threat of wildland fire.

The project will have a host of amenities that will be exclusive to the property. There is planned an outfitters cabin that will have a variety of outdoor entertainment equipment. The applicant is planning to stock ice skates, fishing poles, sleds, snowshoes, cross-country skis as well as food, drinks and other provisions for the benefit of the owners and guests. The outfitters cabin will be located centrally in the project and will provide amenities that are unlike any other property in the Deer Valley area. The cabin and appurtenant infrastructure will be modeled after the old Adirondack mountain vacation areas that were once very popular and remain so to this day. The idea is to unplug the phone and spend some real time with the family. Additionally, as part of the amenities, the applicant intends to construct a fishing pond that will allow for owners and guests, particularly children, to enjoy the recreational pursuit of fishing. The pond will be stocked and maintained by the HOA along with all of the other associated amenities mentioned above. The project is also proposing to incorporate a tennis and four pickleball courts for the enjoyment of the owners and guests.

The applicant truly appreciates the consideration of this proposal by the Park City Planning Staff and the Planning Commission. We are open to any suggestions and ideas that would make this a better, more comprehensive project. The proposal is within all Land Management Code guidelines and does not seek exceptions to the LMC in any fashion. Please do not hesitate to contact us with any questions or comments whatsoever concerning this proposal.

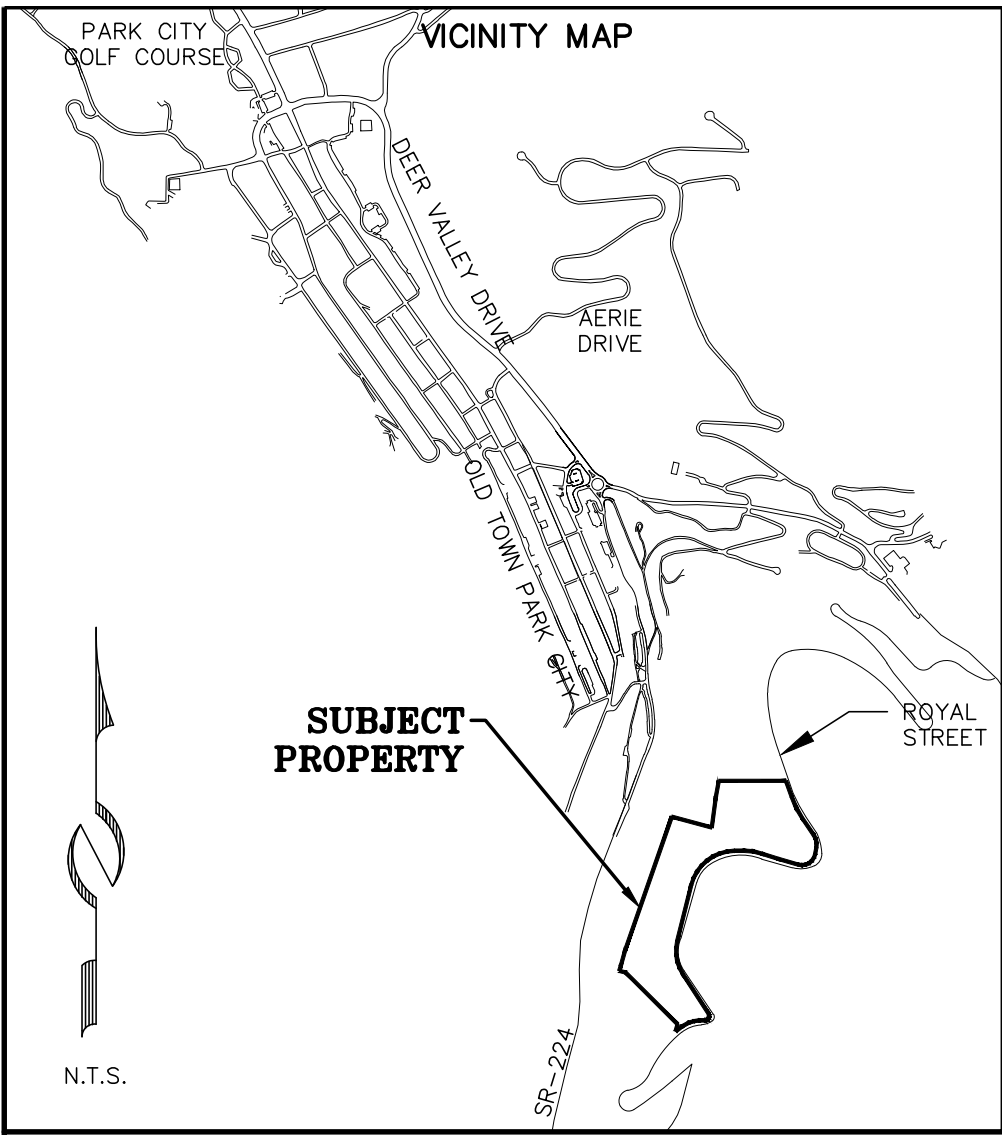
Sincerely,

Rory Murphy
Representative, DV Lodge, LLC
paladinparkcity@aol.com
435-640-5068

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PLANNING DEPT.



SURVEYOR'S CERTIFICATE

I, Michael Demkowicz, do hereby certify that I am a Professional Land Surveyor, and that I hold License No. 4857264, as prescribed under the laws of the State of Utah. I further certify that by authority of the owner, I have made a survey of the tract of land shown on this plat and described hereon, and have combined said tract of land into lots, together with streets, hereafter to be known as HUNTSMAN ESTATES and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

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 HUNTSMAN ESTATES, does hereby certify that it has caused this plat to be prepared, and does hereby consent to the recordation of HUNTSMAN ESTATES.

In witness whereof, the undersigned set his/her hand this _____ day of _____, 2020.

_____, Manager

ACKNOWLEDGMENT

State Of _____, ss: _____
County of _____, ss: _____

On this _____ day of _____, 2020, _____ 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/she is the manager of _____, and that said document was signed by him/her on behalf of said limited liability company by authority of its operating agreement and he/she acknowledged to me that he/she executed HUNTSMAN ESTATES.

By: _____
Notary Public

Printed Name _____

Residing in: _____

My commission expires: _____

Commission No. _____

BASIS OF BEARING - SECTION LINE
N 00°30'11" E 2629.85' (N 00°31'13" E)
FOUND SECTION MONUMENT
CENTER OF BRASS CAP
1/4 A 516 1-2016 THIS UPCOMING
EAST QUARTER CORNER SECTION 16,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE & MERIDIAN

FOUND SECTION MONUMENT
TOP CENTER 2" STEEL PIPE
SOUTHEAST CORNER SECTION 16, TOWNSHIP 2 SOUTH,
RANGE 4 EAST, SALT LAKE BASE & MERIDIAN

GRANT OF EASEMENT
RECORDED: DECEMBER 23, 1988
ENTRY NO. 302464

CURVE TABLE				
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING
C1	936.65'	247.63'	15°08'53"	S 26°36'02" E
C2	175.00'	134.79'	44°07'46"	S 12°06'35" E
C3	140.00'	234.25'	95°52'12"	S 57°53'24" W
C4	2456.77'	177.83'	4°08'50"	N 72°06'05" W
C5	532.64'	191.04'	20°33'00"	N 80°18'10" W
C6	45.00'	100.15'	127°30'40"	S 30°45'20" W
C7	364.61'	168.54'	26°29'06"	S 81°16'07" W
C8	428.78'	163.88'	21°53'53"	S 57°04'37" W

LINE TABLE		
LINE	DIRECTION	LENGTH
L1	S 19°01'35" E	177.29'
L2	S 9°57'18" W	70.95'
L3	S 89°25'20" W	100.45'
L4	N 15°05'00" E	75.15'
L5	N 74°28'10" W	69.67'
L6	N 15°31'50" E	219.27'
L7	N 10°28'40" E	164.81'

LINE TABLE		
LINE	DIRECTION	LENGTH
L8	N 2°48'35" E	10.46'
L9	S 2°48'35" W	10.46'
L10	S 15°25'18" W	94.73'
L11	N 74°34'42" W	40.00'
L12	N 15°25'18" E	94.73'

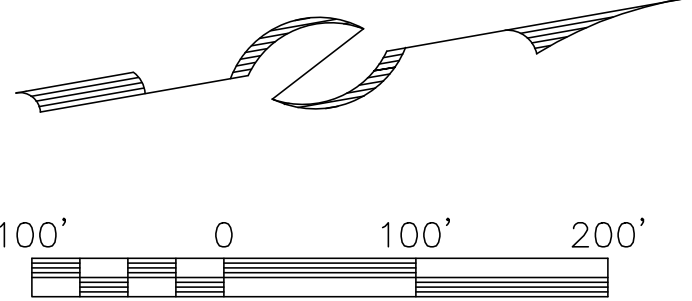
NOTES

- This plat is subject to the Conditions of Approval in Ordinance 2019-____.
- The property contains 40.69 acres and is zoned as Residential Development (RD) with an MPD overlay.
- Lots 13, 14 and 15 will require a Driveway Easement.
- Public safety access and public utility easements are hereby dedicated for the private road right-of-way. The private road will be maintained by the Homeowner's Association. Fire sprinklers will be required for new construction on the lots per the Chief Building Official at the time of review of a building permit. 30 foot vegetation protection areas will be required around dwellings with limited existing or new tree landscaping within 30ft area as approved by Park City Municipal Corporation and Park City Fire District.
- Private wastewater ejector pumps will be required for Lots 3-11.
- No driveway access from Royal Street is permitted on any lot.
- Additional Land A area = 48,797 sq ft / 1.12 acres
Additional Land B area = 31,590 sq ft / 0.73 acres
Lot 12 area (less Additional Land A & B) = 950,739 sq ft / 21.82 acres
- Refer to Record of Survey S-_____ for boundary information.
- All property corners to be set with with 5/8" rebar and cap, "ALLIANCE ENGINEERING".

HUNTSMAN ESTATES

A SUBDIVISION LOCATED IN THE EAST HALF OF SECTION 21
AND THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

LEGAL DESCRIPTION
BEGINNING AT A POINT WHICH IS NORTH 2664.15 FEET AND WEST 350.68 FEET FROM THE SOUTHWEST CORNER OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, AND NORTH 85°04'14" WEST 383.10 FEET FROM THE EAST QUARTER CORNER OF SECTION 21, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF THE PORT ARTHUR MINING CLAIM NO. 5762, AND RUNNING THENCE NORTH 19°11'00" EAST ALONG THE EAST LINE OF SAID MINING CLAIM 1476.10 FEET TO THE NORTHEAST CORNER THEREOF, SAID POINT ALSO BEING ON THE SOUTHERLY LINE OF THE SINKISER MINING CLAIM NO. 5763, THENCE SOUTH 74°53'46" EAST ALONG THE SOUTHERLY LINE OF SAID CLAIM 433.58 FEET TO A POINT OF INTERSECTION WITH A LINE EXTENDED FROM THE NORTHEAST CORNER OF THE TRUMP MINING CLAIM NO. 265 AND THE SOUTHWEST CORNER OF THE FRACTION MINING CLAIM NO. 5763, THENCE NORTH 7°22'00" EAST 326.22 FEET TO THE SAID SOUTHWEST CORNER OF THE FRACTION MINING CLAIM NO. 265 AND THE SOUTHWEST CORNER OF THE SWITZERLAND MINING CLAIM LOT NO. 52, SAID POINT ALSO BEING THE MOST SOUTHWEST CORNER OF LOT NO. 15 OF THE RECORDED AMERICAN FLAG SUBDIVISION; THENCE EAST ALONG THE SOUTHERLY LINE OF THE AMERICAN FLAG SUBDIVISION 701.53 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF THE RECORDED LAKE FLAT C ROAD, AND FOLLOWING SAID RIGHT-OF-WAY LINE THE NEXT FIVE COURSES:
1) SOUTH 19°01'35" EAST 177.29 FEET TO A POINT ON A 936.65 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS NORTH 70°58'25" EAST 936.65 FEET OF WHICH THE CENTRAL ANGLE IS 15°08'53") THENCE 2) SOUTHEASTERLY ALONG THE ARC OF SAID CURVE 247.64 FEET TO A POINT OF TANGENCY; THENCE 3) SOUTH 34°10'28" EAST 211.53 FEET TO A POINT ON A 175.00 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS SOUTH 45°49'52" WEST 175.00 FEET OF WHICH THE CENTRAL ANGLE IS 44°07'46"); THENCE 4) SOUTHEASTERLY ALONG THE ARC OF SAID CURVE 134.79 FEET TO A POINT OF TANGENCY; THENCE 5) SOUTH 9°57'18" WEST 70.95 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE RECORDED LAKE FLAT D ROAD, SAID POINT ALSO BEING ON A 140.00 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS NORTH 87°02'42" WEST 140.00 FEET OF WHICH THE CENTRAL ANGLE IS 95°52'12"); AND FOLLOWING THE SAID LAKE FLAT D ROAD THE NEXT 12 COURSES: 1) SOUTHERLY ALONG THE ARC OF SAID CURVE 234.25 FEET TO A POINT OF TANGENCY; THENCE 2) NORTH 74°10'30" WEST 215.36 FEET TO A POINT ON A 2456.77 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS NORTH 15°49'50" EAST 2456.77 FEET OF WHICH THE CENTRAL ANGLE IS 4°08'50") ; THENCE 3) NORTHWESTERLY ALONG THE ARC OF SAID CURVE 177.83 FEET TO A POINT ON A 532.64 FOOT RADIUS REVERSE CURVE TO THE LEFT (CENTER BEARS SOUTH 19°58'20" WEST 532.64 FEET OF WHICH THE CENTRAL ANGLE IS 20°33'00"); THENCE 4) WESTERLY ALONG THE ARC OF SAID CURVE 191.04 FEET TO A POINT OF TANGENCY; THENCE 5) SOUTH 89°25'20" WEST 100.45 FEET TO A POINT ON A 467.41 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS SOUTH 0°34'40" EAST 467.41 FEET OF WHICH THE CENTRAL ANGLE IS 75°25'20"); THENCE 6) SOUTHWESTERLY ALONG THE ARC OF SAID CURVE 615.28 FEET TO A POINT OF TANGENCY; THENCE 7) SOUTH 14°00'00" WEST 603.75 FEET TO A POINT ON A 455.00 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS SOUTH 76°00'00" EAST 455.00 FEET OF WHICH THE CENTRAL ANGLE IS 47°00'00"); THENCE 8) SOUTHERLY ALONG THE ARC OF SAID CURVE 356.83 FEET TO A POINT OF TANGENCY; THENCE 9) SOUTH 3°00'00" EAST 449.50 FEET TO A POINT ON A 45.00 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS SOUTH 57°00'00" WEST 45.00 FEET OF WHICH THE CENTRAL ANGLE IS 127°30'40"); THENCE 10) SOUTHWESTERLY ALONG THE ARC OF SAID CURVE 168.54 FEET TO A POINT ON A 364.61 FOOT RADIUS REVERSE CURVE TO THE LEFT (CENTER BEARS SOUTH 4°30'40" WEST 364.61 FEET OF WHICH THE CENTRAL ANGLE IS 26°29'06"); THENCE 11) SOUTHWESTERLY ALONG THE ARC OF SAID CURVE 163.88 FEET TO A POINT ON A 428.78 FOOT RADIUS COMPOUND CURVE TO THE LEFT (CENTER BEARS SOUTH 21°53'53") THENCE 12) SOUTHWESTERLY ALONG THE ARC OF SAID CURVE 163.88 FEET TO A POINT OF INTERSECTION WITH THE EASTERLY LINE OF THE MATTHEW LOT 364 MINING CLAIM; THENCE NORTH 15°05'00" EAST ALONG THE EASTERLY LINE OF SAID MATTHEW MINING CLAIM 75.15 FEET TO THE NORTHEAST CORNER THEREOF; THENCE NORTH 45°00'00" WEST 762.25 FEET TO A POINT ON THE EASTERLY LINE OF THE YAUP LOT 264 MINING CLAIM; THENCE NORTH 74°28'10" WEST 69.67 FEET, THENCE NORTH 15°31'50" EAST 219.26 FEET TO THE POINT OF BEGINNING.

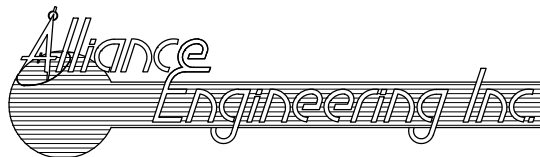


LEGEND

- Found Section Monument (As-noted)
- Set 5/8" rebar w/cap, "ALLIANCE ENGINEERING"
- XXXX Address on Huntsman Road
- EP Private Ejector Pump

SHEET 1 OF 1

11/14/19 JOB NO.: 3-10-19 FILE: X:\Deer Valley\dwg\sr\plat2019\031019.dwg



CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

(435) 649-9467

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER
RECLAMATION DISTRICT STANDARDS ON THIS _____
DAY OF _____, 2020

BY _____
S.B.W.R.D.

PLANNING COMMISSION

APPROVED BY THE PARK CITY
PLANNING COMMISSION THIS _____
DAY OF _____, 2020

BY _____
CHAIR

ENGINEER'S CERTIFICATE

I FIND THIS PLAT TO BE IN
ACCORDANCE WITH INFORMATION ON
FILE IN MY OFFICE THIS _____
DAY OF _____, 2020

BY _____
PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS _____
DAY OF _____, 2020

BY _____
PARK CITY ATTORNEY

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY
COUNCIL THIS _____ DAY OF _____,
2020

BY _____
MAYOR

CERTIFICATE OF ATTEST

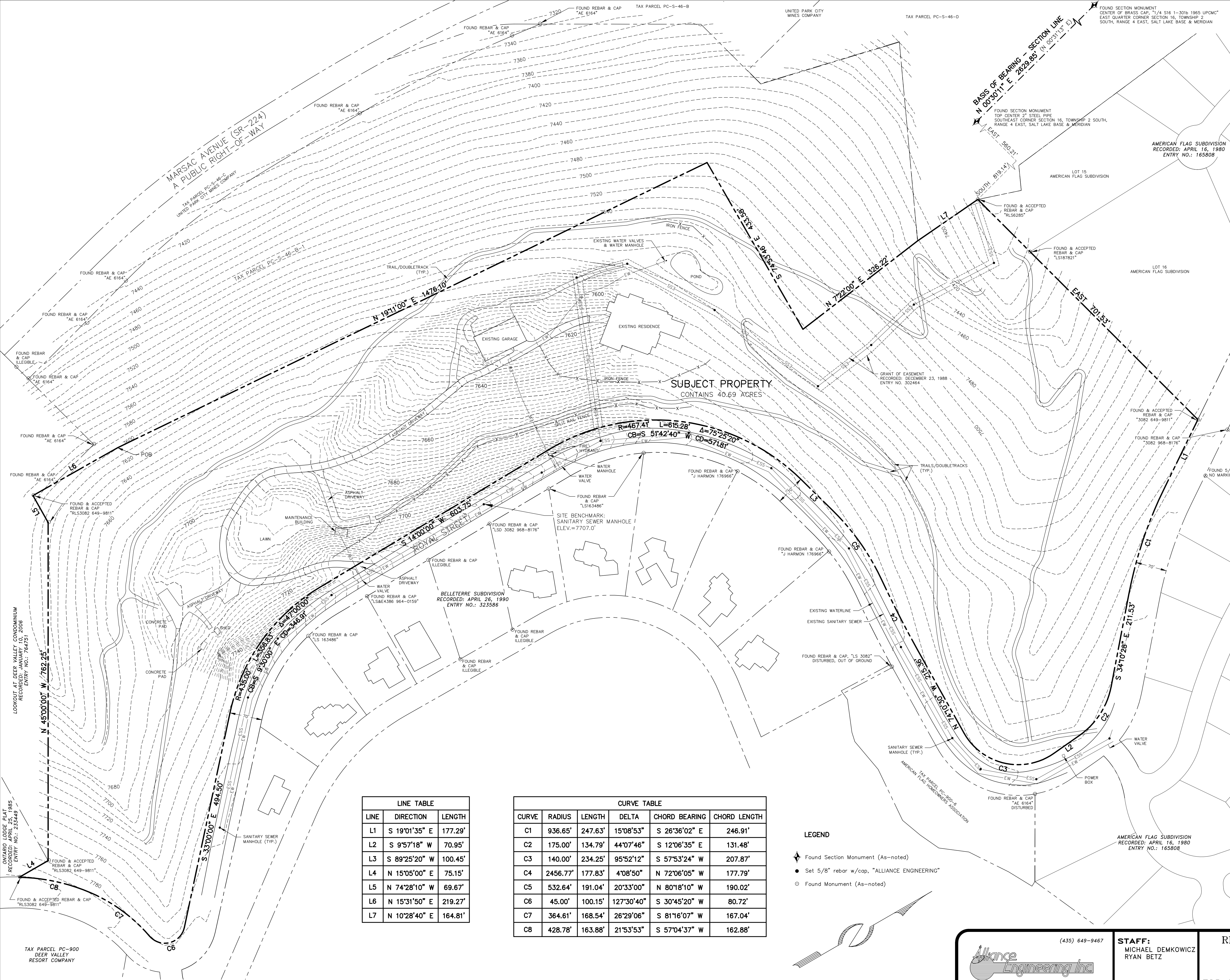
I CERTIFY THIS RECORD OF SURVEY
MAP WAS APPROVED BY PARK CITY
COUNCIL THIS _____ DAY

OF _____, 2020
BY _____
PARK CITY RECORDER

RECORDED

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

_____ FEE _____ RECORDER
TIME _____ DATE _____ ENTRY NO. _____



SURVEYOR'S CERTIFICATE

I, Michael Demkowicz, certify that I am a Professional Land Surveyor and that I hold License No. 4857264, as prescribed by the laws of the State of Utah. I further certify that under my direct supervision a survey has been performed on the hereon described property and that to the best of my knowledge this plot is a correct representation of said survey.

LEGAL DESCRIPTION

BEGINNING AT A POINT WHICH IS NORTH 2664.15 FEET AND WEST 350.68 FEET FROM THE SOUTHWEST CORNER OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, AND NORTH 8°04'14" WEST 383.10 FEET FROM THE EAST QUARTER CORNER OF SECTION 21, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF THE PORT ARTHUR MINING CLAIM NO. 5762; AND RUNNING THENCE NORTH 19°11'00" EAST ALONG THE EAST LINE OF SAID MINING CLAIM 1476.10 FEET TO THE NORTHEAST CORNER THEREOF, SAID POINT ALSO BEING ON THE SOUTHERLY LINE OF THE SINGER MINING CLAIM NO. 5763; THENCE SOUTH 74°33'46" EAST ALONG THE SOUTHERLY LINE OF SAID CLAIM 433.58 FEET TO A POINT OF INTERSECTION WITH A LINE EXTENDED FROM THE NORTHEASTERLY CORNER OF THE TRUMP MINING CLAIM NO. 265 AND THE SOUTHWEST CORNER OF THE FRACTION MINING CLAIM NO. 5763; THENCE NORTH 7°22'00" EAST 326.22 FEET TO THE SAID SOUTHWEST CORNER OF THE FRACTION MINING CLAIM NO. 5763; THENCE NORTH 10°28'40" EAST ALONG THE WESTERLY LINE OF SAID FRACTION MINING CLAIM 164.81 FEET TO THE SOUTHEASTERLY CORNER OF THE SWITZERLAND MINING CLAIM LOT NO. 52; SAID POINT ALSO BEING THE MOST SOUTHWESTERLY CORNER OF LOT NO. 15 OF THE RECORDED AMERICAN FLAG SUBDIVISION; THENCE EAST ALONG THE SOUTHERLY LINE OF THE AMERICAN FLAG SUBDIVISION 701.53 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF THE RECORDED LAKE FLAT C ROAD, AND FOLLOWING SAID RIGHT-OF-WAY LINE THE NEXT FIVE COURSES:

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- ### NOTES
- Basis of Bearing for this survey is between the found section monuments as shown on this plot.
 - Field work for this survey was completed November 28, 2018, and is in compliance with generally accepted industry standards for accuracy.
 - A Title Report was not provided to the surveyor and no easements were located as part of this survey. This owner of the property should be aware of any items affecting the property that may appear in a title insurance report. The surveyor found no obvious evidence of easements, encroachments or encumbrances on the property surveyed except as shown hereon.
 - County tax maps, recorded deeds, American Flag Subdivision Plot (Entry #165808), Belle Harbor At Deer Valley Plot (Entry #577229), Belleterre Subdivision Plot (Entry #323586), Evergreen Subdivision Plot (Entry #290308), Lookout At Deer Valley Condominium Plot (Entry #764751), North Silver Lake Subdivision Plot (Entry #374325), Ontario Lodge Plot (Entry #233449), Dedication Plat of Westview (Retired, Entry #192634), Records of Survey S-0428, S-1098, S-1244, S-1735 and S-2472 (all aforementioned documents on file and of record in the Summit County Recorder's Office), and physical evidence found in the field were used to determine the boundary as shown on this plot.
 - The architect is responsible for verifying building setbacks, zoning requirements and building heights.
 - The purpose of this survey was to perform an Existing Conditions and Topography survey for the possibility of future improvements to the property, and subdivision platting.
 - Site Benchmark: Sanitary Sewer Manhole, Elevation=7707.0' as shown.
 - Aerial imagery was utilized in mapping some of the trails/doubletracks shown hereon.

LINE TABLE		
LINE	DIRECTION	LENGTH
L1	S 19°01'35" E	177.29'
L2	S 9°57'18" W	70.95'
L3	S 89°25'20" W	100.45'
L4	N 15°05'00" E	75.15'
L5	N 74°28'10" W	69.67'
L6	N 15°31'50" E	219.27'
L7	N 10°28'40" E	164.81'

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C1	936.65'	247.63'	15°08'53"	S 26°36'02" E	246.91'
C2	175.00'	134.79'	44°07'46"	S 12°06'35" E	131.48'
C3	140.00'	234.25'	95°52'12"	S 57°53'24" W	207.87'
C4	2456.77'	177.83'	4°08'50"	N 72°06'05" W	177.79'
C5	532.64'	191.04'	20°33'00"	N 80°18'10" W	190.02'
C6	45.00'	100.15'	127°30'40"	S 30°45'20" W	80.72'
C7	364.61'	168.54'	26°29'06"	S 81°16'07" W	167.04'
C8	428.78'	163.88'	21°53'53"	S 57°04'37" W	162.88'

LEGEND

- Found Section Monument (As-noted)
- Set 5/8" rebar w/cap, "ALLIANCE ENGINEERING"
- Found Monument (As-noted)

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

STAFF:
MICHAEL DEMKOWICZ
RYAN BETZ

DATE: 11/14/19

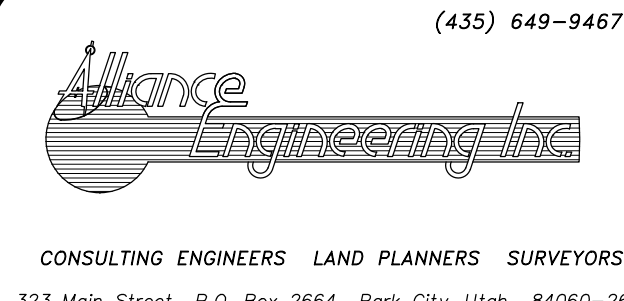
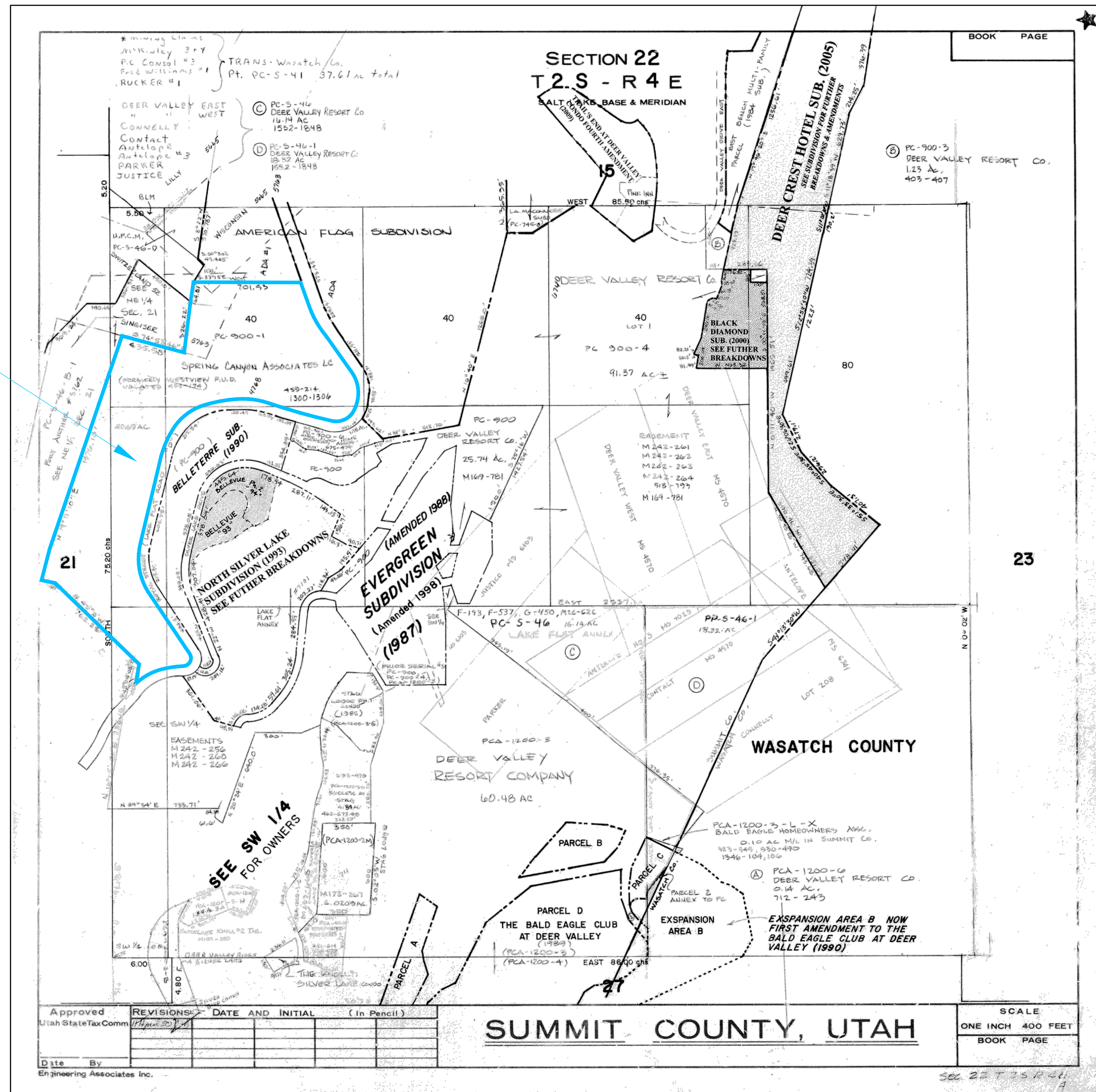
RECORD OF SURVEY & EXISTING CONDITIONS

5000 ROYAL STREET, PARK CITY
TAX PARCEL PC-900-1

FOR: DV LODGE LLC
JOB NO.: 3-10-19
FILE: X:\Deer Valley\dwg\sr\svry2019\031019-5000 Royal\031019.dwg

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SUBJECT
PROPERTY



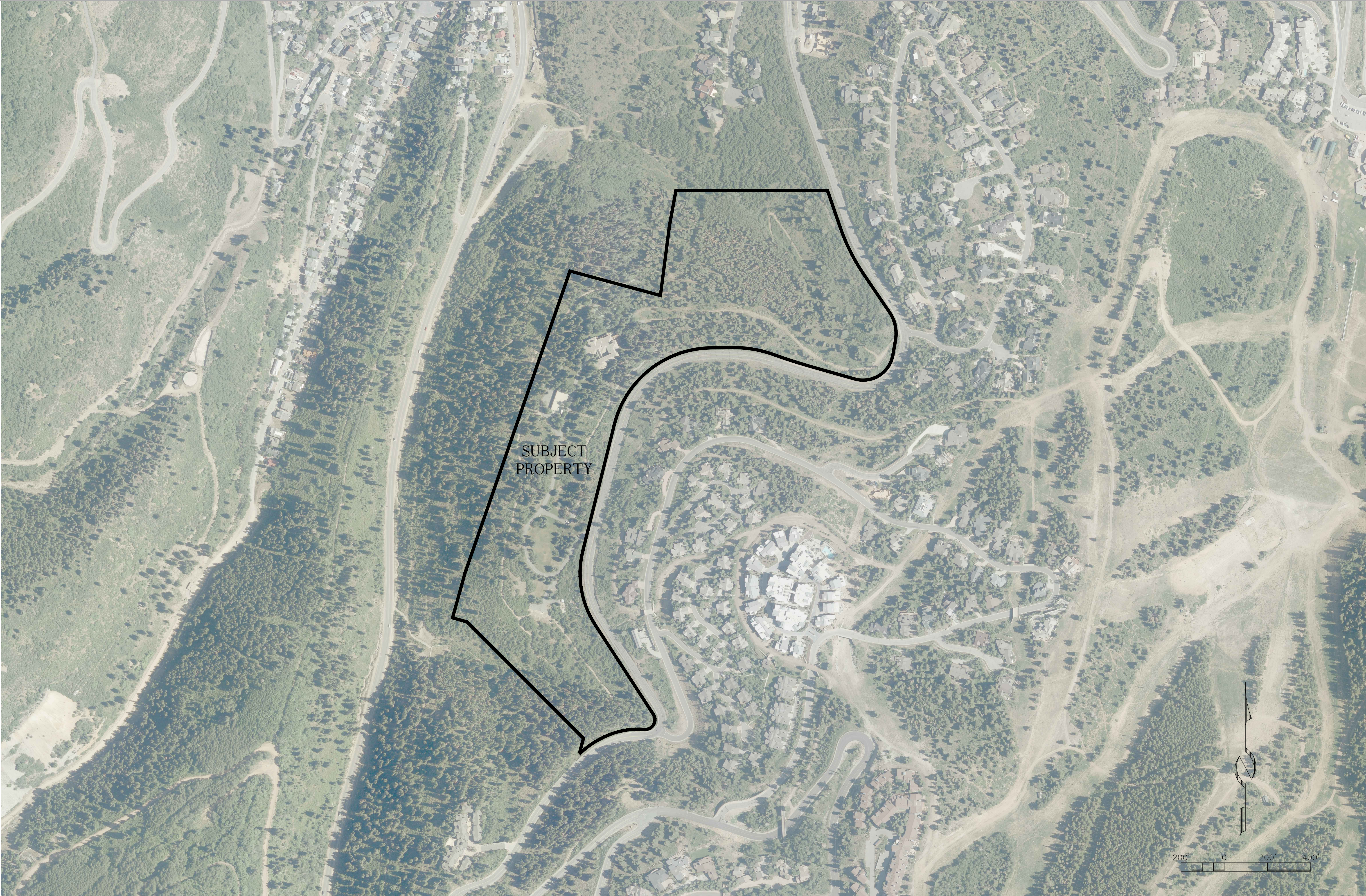
STAFF:
MICHAEL DEMKOWICZ
RYAN BETZ

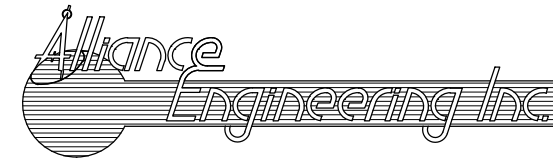
DATE: 11/14/19

OWNERSHIP EXHIBIT
PROPOSED HUNTSMAN ESTATES
5000 ROYAL STREET

FOR: DV LODGE LLC
JOB NO.: 3-10-19
FILE: X:\Deer Valley\dwg\PlatExhibits\5000 Royal Street-ownership map.dwg

SHEET
1
OF
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 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	(435) 649-9467	STAFF: MICHAEL DEMKOWICZ RYAN BETZ	AERIAL PHOTOGRAPH PROPOSED HUNTSMAN ESTATES 5000 ROYAL STREET	SHEET 1 OF 1
	DATE: 11/14/19	FOR: DV LODGE LLC JOB NO.: 3-10-19 FILE: X:\Deer Valley\dwg\PlatExhibits\5000 Royal Street-ortho.dwg		









Planning Commission Staff Report

Subject: Amendment to Land Management Code § 15-7.1-7,
Signatures And Recording Of The Plat
Author: Rebecca Ward, Land Use Policy Planner
Date: February 12, 2020
Type of Item: Legislative – Land Management Code Amendment

Summary Recommendation

The Planning Department requests that the Planning Commission review the proposed amendment to Land Management Code § 15-7.1-7, *Signatures And Recording Of The Plat*, open a public hearing, and consider forwarding a positive recommendation for City Council's consideration on March 5, 2020.

Description

Applicant: Planning Department
Application: PL-20-04458
Proposal: Amend Land Management Code § 15-7.1-7, *Signatures And Recording Of The Plat*, (I) to require that staff submit approved plats to the Utah Geographic Reference Center within 30 days of Council approval to provide data for the unified statewide 911 emergency database; and (II) to require the Summit County GIS Coordinator/Addressing Authority to sign the plat
Reason for Review: Land Management Code amendments require Planning Commission review and recommendation, and City Council review and action

Background

The Automated Geographic Reference Center ([AGRC](#)) is the State's mapping technology coordination office. AGRC converts road and address data from plats into Geographic Information System (GIS) data for the unified statewide 911 emergency database. Up until 2019, counties provided plats to AGRC for new road and address data at the time of recordation.

However, there is a lag between the time a plat is approved and the time the plat is recorded. After plat approval, construction on a project may begin on a site while the plat for the site goes through a final redline process before it is recorded with the county. The redline process can take up to a year. Due to the lag in approval and recordation, AGRC did not always have the most up-to-date road and address data for the unified statewide 911 emergency database. This lag could be especially problematic for first responders to locate a construction site where the plat may have been approved but was not yet recorded.

Analysis

To address the potential gap between an approved plat, a recorded plat, and AGRC road and address data entry for the unified statewide 911 emergency database, the Legislature enacted [House Bill 61](#) (2019). Utah Code [§ 10-9a-603\(4\)](#) now requires that cities submit an electronic copy of an approved plat to AGRC within 30 days of approval so that AGRC may input up-to-date road and address data in the unified statewide 911 emergency database.

Additionally, House Bill 61 amended Utah Code [§ 10-9a-603\(2\)\(b\)](#) to encourage cities to coordinate plat review with the local Public Safety Answering Point (PSAP)—the call center responsible for answering local 911 calls—to ensure that road names and addresses are not duplicated in the region. The Summit County Sheriff's Office Dispatch is the PSAP for the Park City area.

On October 17, 2019, the Summit County GIS Coordinator/Addressing Authority (Addressing Authority) requested that the City include the Addressing Authority in the initial plat review process so that they could ensure that road names and addresses are not duplicated countywide (Exhibit B). In November of 2019, the Planning Department started including the Addressing Authority in City Development Review Committee meetings to provide the Addressing Authority an opportunity to approve proposed plat road names and addresses during the initial review stage.

Summit County also informed the Planning Department that they will no longer record plats unless plats are reviewed, approved, and signed by the Addressing Authority (Exhibit B). Staff now requires that plats include a signature box for Addressing Authority signature.

As a result of House Bill 61 (2019) and the requirements of the Summit County Recorder's Office, staff recommends amending Land Management Code § 15-7.1-7, *Signatures And Recording Of The Plat*, (I) to require that staff submit approved plats to the Utah Geographic Reference Center within 30 days of Council approval to provide data for the unified statewide 911 emergency database, and (II) to require the Addressing Authority to sign the plat:

15-7.1-7 Signatures And Recording Of The Plat

A. SIGNING OF PLAT.

1. When a Guarantee is required, the Chairman of the Planning Commission and Mayor shall endorse approval on the plat after the Guarantee has been approved by the City Council, or its administrative designee and all the conditions of the ordinance pertaining to the plats have been satisfied.
2. When installation of improvements prior to plat recordation is required, the Chairman of the Planning Commission and Mayor shall endorse approval on the plat after all conditions of the ordinance have been satisfied and all

improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the City as shown by a certificate signed by the City Engineer and City Attorney that the necessary dedication of public lands and improvements has been accomplished.

3. The plat shall be signed by the City Engineer, City Attorney and the City Recorder, if the plat meets the requirements herein.
4. The plat shall conform to City ordinances and be approved by the culinary water authority, the sanitary sewer authority, the County GIS Coordinator/Addressing Authority, and the local health department, if the local health department and the City consider the local health department's approval necessary.
5. The City may withhold an otherwise valid plat approval until the Owner of the land provides the City Council with a tax clearance indicating that all taxes, interest, and penalties owing on the land have been paid.
6. A[a] Subdivision Plat recorded without the required signatures is void.

B. SUBMISSION OF PLAT TO THE UTAH AUTOMATED GEOGRAPHIC REFERENCE CENTER. Staff shall submit an approved plat to the Utah Automated Geographic Reference Center within thirty (30) days of the date of City Council approval to provide data for the unified statewide 911 emergency database.

C. [B-] RECORDING OF PLAT. It shall be the responsibility of the Developer's licensed title company to file the original Mylar plat with the County Recorder within thirty (30) days of the date of signature. Simultaneously with the filing of the plat, the licensed title company shall record the agreement of dedication together with such legal documents as shall be required to be recorded by the City Attorney.

D. [C-] SECTIONALIZING MAJOR SUBDIVISION PLATS. Prior to granting final approval of a Major Subdivision Plat, the Planning Commission and City Council may permit the plat to be divided into two (2) or more sections and may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly Development of the plat. The Planning Commission and City Council may require that the performance Guarantee be in such amount as is commensurate with the section or sections of the plat to be filed and may defer the remaining required performance Guarantee principal amount until the remaining sections of the plat are presented for filing. The Developer may also file irrevocable offers to dedicate Streets and public improvements only in those sections submitted to be filed and defer filing offers of dedication for the remaining sections until such sections, subject to any additional conditions imposed by the Planning Commission, and offers shall be granted concurrently with final approval of the balance of the plat. The approval of all remaining sections not filed with the County Recorder shall automatically expire unless such sections have been approved for filing by the Planning Commission, all fees paid, all instruments and offers of dedication submitted and performance Guarantees approved and actually filed with the County Recorder within one (1) year of the date of final Subdivision approval of the Subdivision Plat. See Section 15-7.1-6 of these regulations.

Process

Land Management Code amendments require Planning Commission recommendation and City Council adoption. City Council action may be appealed to a court of competent jurisdiction.¹

Department Review

The Legal, Engineering, and Planning Departments reviewed this report.

Notice

Staff posted notice on January 27, 2020. The *Park Record* published notice on January 29, 2020.

Public Input

No public input was received when this report was published.

Recommendation

The Planning Department requests that the Planning Commission review the proposed amendment to Land Management Code § 15-7.1-7, *Signatures And Recording Of The Plat*, open a public hearing, and consider forwarding a positive recommendation for City Council's consideration on March 5, 2020.

Exhibits

Attached – Draft Ordinance 2020-XX

Exhibit A: Land Management Code § 15-7.1-7 Redlines

Exhibit B: Summit County Letter

Ordinance No. 2020-XX

AN ORDINANCE AMENDING LAND MANAGEMENT CODE § 15-7.1-7, SIGNATURES AND RECORDING OF THE PLAT, TO REQUIRE THAT STAFF SUBMIT APPROVED PLATS TO THE UTAH GEOGRAPHIC REFERENCE CENTER WITHIN 30 DAYS OF COUNCIL APPROVAL TO PROVIDE DATA FOR THE UNIFIED STATEWIDE 911 EMERGENCY DATABASE; AND TO REQUIRE THE SUMMIT COUNTY GIS COORDINATOR/ADDRESSING AUTHORITY TO SIGN THE PLAT

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah, to promote the health, safety, and welfare of the residents, visitors, and property owners of Park City;

WHEREAS, the Land Management Code implements the goals, objectives, and policies of the Park City General Plan to maintain the quality of life and experiences for City residents and visitors;

WHEREAS, in 2019, the Utah Legislature enacted House Bill 61 and now requires that cities submit an electronic copy of an approved plat to AGRC within 30

¹ Land Management Code [§ 15-1-18](#).

days of approval so that AGRC may input up-to-date road and address data in the unified statewide 911 emergency database;

WHEREAS, on October 17, 2019, Summit County informed the City that the County Recorder's Office now requires that the GIS Coordinator/Addressing Authority review, approve, and sign all plats to ensure that roads and addresses are not duplicated countywide for the benefit of 911 dispatch, first responders, and public safety;

WHEREAS, the Planning Commission duly noticed and conducted a public hearing on February 12, 2020, and forwarded a _____ recommendation to City Council;

WHEREAS, the City Council duly noticed and conducted a public hearing on March 5, 2020; and

WHEREAS, it is in the best interest of the residents and visitors of Park City, Utah, to amend Land Management Code § 15-7.1-7 to require that staff submit approved plats to the Utah Geographic Reference Center within 30 days of Council approval to provide data for the unified statewide 911 emergency database, and to require the Summit County GIS Coordinator/Addressing Authority to sign the plat in order to protect public health and safety and to maintain the quality of life for the City's residents and visitors.

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

SECTION 1. LAND MANAGEMENT CODE § 15-7.1-7, SIGNATURES AND RECORDING OF THE PLAT. The recitals above are incorporated herein as findings of fact. Section 15-7.1-7 of the Land Management Code of Park City is hereby amended as outlined in Exhibit A.

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

PASSED AND ADOPTED this 5th day of March, 2020

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, Mayor

Attest:

City Recorder

Approved as to form:

Mark Harrington, City Attorney

SIGNATURES AND RECORDING OF THE PLAT LAND MANAGEMENT CODE AMENDMENT

Section 1. Section 15-7.1-7 is amended to read:

15-7.1-7 Signatures And Recording Of The Plat

A. SIGNING OF PLAT.

1. When a Guarantee is required, the Chairman of the Planning Commission and Mayor shall endorse approval on the plat after the Guarantee has been approved by the City Council, or its administrative designee and all the conditions of the ordinance pertaining to the plats have been satisfied.
2. When installation of improvements prior to plat recordation is required, the Chairman of the Planning Commission and Mayor shall endorse approval on the plat after all conditions of the ordinance have been satisfied and all improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the City as shown by a certificate signed by the City Engineer and City Attorney that the necessary dedication of public lands and improvements has been accomplished.
3. The plat shall be signed by the City Engineer, City Attorney and the City Recorder, if the plat meets the requirements herein.
4. The plat shall conform to City ordinances and be approved by the culinary water authority, the sanitary sewer authority, the County GIS Coordinator/Addressing Authority, and the local health department, if the local health department and the City consider the local health department's approval necessary.
5. The City may withhold an otherwise valid plat approval until the Owner of the land provides the City Council with a tax clearance indicating that all taxes, interest, and penalties owing on the land have been paid.
6. ~~A(a)~~ Subdivision Plat recorded without the required signatures is void.

EXHIBIT A

B. SUBMISSION OF PLAT TO THE UTAH AUTOMATED GEOGRAPHIC REFERENCE

CENTER. Staff shall submit an approved plat to the Utah Automated Geographic Reference Center within thirty (30) days of the date of City Council approval to provide data for the unified statewide 911 emergency database.

C. [B.] RECORDING OF PLAT. It shall be the responsibility of the Developer's licensed title company to file the original Mylar plat with the County Recorder within thirty (30) days of the date of signature. Simultaneously with the filing of the plat, the licensed title company shall record the agreement of dedication together with such legal documents as shall be required to be recorded by the City Attorney.

D. [C.] SECTIONALIZING MAJOR SUBDIVISION PLATS. Prior to granting final approval of a Major Subdivision Plat, the Planning Commission and City Council may permit the plat to be divided into two (2) or more sections and may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly Development of the plat. The Planning Commission and City Council may require that the performance Guarantee be in such amount as is commensurate with the section or sections of the plat to be filed and may defer the remaining required performance Guarantee principal amount until the remaining sections of the plat are presented for filing. The Developer may also file irrevocable offers to dedicate Streets and public improvements only in those sections submitted to be filed and defer filing offers of dedication for the remaining sections until such sections, subject to any additional conditions imposed by the Planning Commission, and offers shall be granted concurrently with final approval of the balance of the plat. The approval of all remaining sections not filed with the County Recorder shall automatically expire unless such sections have been approved for filing by the Planning Commission, all fees paid, all instruments and offers of dedication submitted and performance Guarantees approved and actually filed with the County Recorder within one (1) year of the date of final Subdivision approval of the Subdivision Plat. See Section 15-7.1-6 of these regulations.



Public Safety Answering Point Plat Approval

H.B. 61 of the 2019 General Session of the Utah Legislature amended Title 10 Chapter 9a Section 603 Subsection 2b (10-9a-603-2b) to read:

Municipalities are encouraged to receive a recommendation from the fire authority and the public safety answering point before approving a plat.

A Public Safety Answering Point or PSAP is a call center responsible for answering calls to 911 for a geographic area. The PSAP for Summit County is the communications or dispatch center in the Summit County Sheriff's Office. It has been determined the best way to handle this approval/recommendation would be to include me, Jeff Ward the Summit County Addressing Authority (jward@summitcounty.org) in the plat approval process.

It would be best to include me in the early stages of the process. Summit County Planning does this by adding me to their email soliciting comments from service providers for the property. At that point, I assign the addresses for each lot and verify that road names do not duplicate existing road names in the county. I am not expecting to take over assigning addresses for each municipality but would like to see the plats before they are printed to make sure they work with surrounding addresses and check for errors.

The county recorder is requiring a signature from the PSAP on each plat before recording it. Signing can take place the day of recording the plat as long as I have had a chance to review it beforehand. If I have not been included in the review process recordation will be delayed until I have had time to verify the addresses on the plat. If signature is required before the day of recording, I would be willing to travel to the municipality's office to sign the plat.

The signature box could look like this:

Public Safety Answering Point Approval Approved this ____ day, of _____, 20____ _____ Jeff Ward GIS Coordinator/Addressing Authority

Verifying addresses in this manner will help improve the addresses in the county and thereby improving emergency response for residents.

H.B. 61 also included a subsection requiring submission of plats and addresses to the Automated Geographic Reference Center (AGRC). Title 10 Chapter 9a Section 603 Subsection 4 (10-9a-603-4) reads:

- (4) (a) Within 30 days after approving a final plat under this section, a municipality shall submit to the Automated Geographic Reference Center, created in Section [63F-1-506](#), for inclusion in the unified statewide 911 emergency service database described in Subsection [63H-7a-304\(4\)\(b\)](#):
 - (i) an electronic copy of the approved final plat; or
 - (ii) preliminary geospatial data that depict any new streets and situs addresses proposed for construction within the bounds of the approved plat.
- (b) If requested by the Automated Geographic Reference Center, a municipality that approves a final plat under this section shall:
 - (i) coordinate with the Automated Geographic Reference Center to validate the information described in Subsection [\(4\)\(a\)](#); and
 - (ii) assist the Automated Geographic Reference Center in creating electronic files that contain the information described in Subsection [\(4\)\(a\)](#) for inclusion in the unified statewide 911 emergency service database.

I am planning to do this monthly for all recorded plats in the county (including municipalities). If city staff would like to be CC'd on these communications to the state, please let me know.



PLANNING DEPARTMENT

Planning Commission Staff Report

Subject: Land Management Code
Amendments to 15-11 Historic Preservation
Author: Caitlyn Barhorst, Historic Preservation Planner
Date: February 12, 2020
Type of Item: Legislative – LMC Amendment

Summary Recommendation

Staff recommends the Planning Commission review the proposed LMC amendments, open a public hearing and consider forwarding a positive recommendation City Council on February 27, 2020 on the Land Management Code (LMC) 15-11-12.5 Historic Preservation Board Review for Material Deconstruction as outlined in the Draft Ordinance.

Description

Project Name: Land Management Code (LMC) Amendments in Chapter 15-11-2(C) Terms and Qualifications of Members; 15-11-8(A) Staff Assistance; and 15-11-12.5 Historic Preservation Board Review for Material Deconstruction
Applicant: Planning Department
Proposal: Revisions to the Land Management Code
Affected Land Management Code Chapters: 15-11 Historic Preservation
Reason for Review: LMC Amendments related to Historic Preservation require Historic Preservation Board review, Planning Commission review and City Council review and action.

Reason for the Review

Amendments to the Land Management Code (LMC) require Planning Commission recommendation and City Council adoption. The purposes of the Historic Preservation Board (HPB) include providing input to staff, the Planning Commission, and City Council towards safeguarding the heritage of the City in protecting Historic Sites, Buildings, and/or Structures; as well as making recommendations to the Planning Commission and City Council ordinances that may encourage Historic Preservation.

Background/Analysis

The Historic Preservation Board reviewed the proposed amendments and made additional recommendations. The HPB forwarded a positive recommendation to Planning Commission and City Council on February 5, 2020 as amended. The additional recommendations by the HPB added clarity to the administrative review by incorporating terms, defined in LMC 15-15. [February 5, 2020 Staff Report.](#)

Staff is proposing to amend the LMC 15-11-12.5 Historic Preservation Board Review for Material Deconstruction which was created in 2015 as a part of a larger Land Management Code amendment affecting the entirety of LMC 15-11 Historic Preservation. Ordinance 15-53 established the review of all Material Deconstruction involving Buildings(s) (main, attached, detached, or public), Accessory Buildings and/or Structures designated to the Historic Sites Inventory (HSI) as Landmark or Significant. No Building Permit can be issued for any Material Deconstruction work on a Historic Site if the Historic Preservation Board has not reviewed and approved the plans.

Prior to 2015, the Historic Preservation Board Review for Material Deconstruction section did not exist because the removal of all Materials on a Historic Site was an Administrative Review (staff level). After working with the Historic Preservation Board and City Council over the last few years since this section's creation, staff has had multiple discussions about the scope of this review and the possibility of returning some of this review to the Administrative (staff) level. Particularly, during the Historic District Taskforce meetings with the City and community stakeholders (architects, residents, real estate agents, contractors, etc.), staff was directed to re-review the scope of Historic Preservation Board's Material Deconstruction Review to find ways to make the process more efficient for the applicant.

The purpose of this LMC Amendment affecting Material Deconstruction is to revisit the discussion regarding Historic Preservation Board review for all Material Deconstruction items and what can possibly be returned to an Administrative Review by the Planning Director or his/her designee.

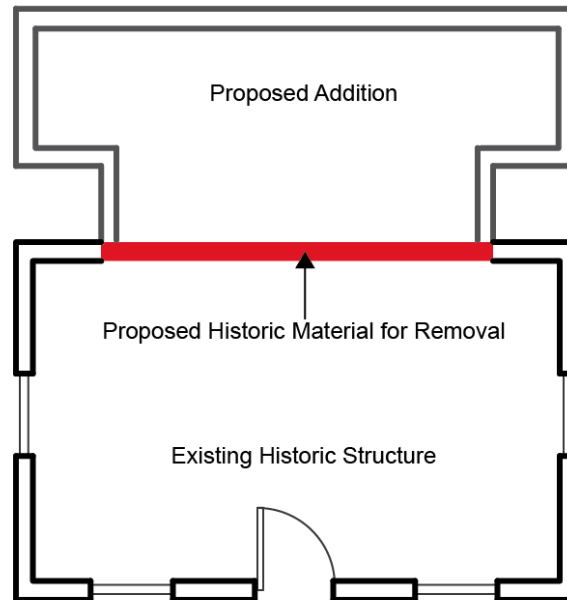
Presently, the removal of all Material on a Historic Site requires the review and approval of the Historic Preservation Board. Staff has found that this process is at times over-burdensome on simple HDDR projects that could be retained at staff-level, Administrative approval.

Staff has indicated two (2) possible categories for review of Materials on Historic Sites. The goal of these two (2) categories is to create greater predictability and efficient project review while still ensuring that the Historic Preservation Board retains their review of more complex and sensitive projects for Historic Sites. Staff has identified the following two (2) categories, examples of materials within each category, and identified the potential Review Authority in **bold**:

1. **Administrative Review**
 - a. Ordinary Repairs and Maintenance
 - b. Repair or Replacement of Historic Architectural Details
 - c. Removal or Replacement of Non-Historic Architectural Details
2. **Historic Preservation Board Review - Removal of Historic Material to Accommodate New Additions, New Construction, or Structural Upgrades –**

- This would also include material removal triggered by the following: Disassembly and Reassembly (Panelization), lifting a Structure (change to existing floor (USGS) elevation), Reconstruction, etc.

Figure 1- Example of Historic Material to be Removed and reviewed by the Historic Preservation Board.



Staff intends to have the replacement or repair of Historic and Non-Historic Materials be reviewed Administratively while the Historic Preservation Board would review the **permanent removal** of such materials – meaning these items would not be replaced (see Figure 1 above for an example).

Currently, Material Deconstruction is reviewed using the Historic Preservation Board Review Material Deconstruction Checklist (Exhibit 2) – staff finds that the current checklist is not thorough enough. Because of the recent rewrite of the Design Guidelines for Historic Districts and Historic Sites, staff finds that each Material Deconstruction review should be reviewed using the applicable Design Guidelines as the criteria for compliance rather than the existing Historic Preservation Board Review Material Deconstruction Checklist. The Design Guidelines provide enough specificity to review each type of Material Deconstruction category precisely. For example, if an applicant was proposing to replace Historic Windows that were deemed beyond repair after sufficient documentation of the existing condition was submitted, staff would reference the following Design Guidelines for the review of this specific “Material Deconstruction” and the proposed replacement window:

- *LMC 15-13-2(A)(5) Deteriorated or damaged historic features and elements should be repaired rather than replaced. Where the severity of deterioration or existence of structural or material defects requires replacement, the feature or element should match the original in design, dimension, texture, material, and finish. The applicant must demonstrate the severity of deterioration or existence*

of defects by showing that the historic materials are no longer safe and/or serviceable and cannot be repaired to a safe and/or serviceable condition. If deteriorated or damaged beyond repair and significant operational energy savings can be demonstrated through a professionally calculated energy model, historic features may be replaced with energy efficient features that are similar in design, dimension, texture, material and finish.

- *LMC 15-13-2(B)(1)(d)(2) Restore historic window openings that have been altered or lost over time. On primary facades, in particular, consider reconstructing, based on physical or documentary evidence, historic window openings that no longer exist.*
- *LMC 15-13-2(B)(1)(d)(5) When historic windows are present, replacement windows shall be allowed only when it can be shown that the historic windows are no longer safe, energy efficient and serviceable and the historic windows cannot be made safe, energy efficient and serviceable through repair. Replacement windows shall exactly-match the historic window in size, dimensions, glazing pattern, depth, profile, and material.*
- *LMC 15-13-2(B)(1)(d)(6) Maintain the original number of glass panes in a historic window. Replacing multiple panes with a single pane is not appropriate. Snap-in muntins or muntins between two sheets of glass are inappropriate as these simulated dividers lack depth and fail to show the effect of true divided glass panes.*
- *LMC 15-13-2(B)(1)(d)(9) When no physical or documentary evidence of original windows exists, replacement windows typically shall be of wood and shall complement the style of the historic structure. When replacing non-historic windows, use designs similar to those that were found historically in Park City. Aluminum-clad wood windows are appropriate on non-historic additions or foundation level windows. Vinyl and aluminum windows are inappropriate.*
- *LMC 15-13-2(B)(1)(d)(10) New glazing shall match the visual appearance of historic glazing and/or be clear. Metallic, frosted, tinted, stained, textured and reflective finishes are generally inappropriate for glazing on the primary façade of the historic structure.*
- *LMC 15-13-2(B)(1)(d)(11) It is generally inappropriate to modify windows on the primary façade to accommodate interior changes. When a window opening is no longer functional on a primary or secondary façade visible from the right-of-way, the glazing shall be retained and the window opening shall be screened or shuttered on the interior side. The window shall appear to be functional from the exterior.*

Staff included the proposed redlines below reflecting the proposed categorization of materials to be reviewed on Historic Sites and reference to the Design Guidelines for Historic Districts and Historic Sites to establish the review criteria.

15-11-12.5 Historic Preservation Board Review For Material Deconstruction

A. ~~[The Historic Preservation Board shall review and approve, approve with conditions, or deny.]~~ All Applications for Material Deconstruction involving any Building(s) (main, attached, detached, or public, Accessory Buildings and/or

Structures designated to the Historic Sites Inventory as Landmark or Significant shall be subject to review and approval, approval with conditions, or denied by the following Review Authorities:

1. The Planning Director or his/her designee shall review the following:
 - a. Ordinary Repairs and Maintenance
 - b. Repair or Replacement of Historic Architectural Details
 - c. Removal or Replacement of Non-Historic Architectural Details
2. The Historic Preservation Board shall review the following:
 - a. Removal of Historic Material to Accommodate New additions, New Construction, or Structural Upgrades.

Prior to issuance of a Building Permit for any Material Deconstruction work, the Review Authority ~~[Historic Preservation Board]~~ shall review the proposed plans for compliance with the Land Management Code 15-13 Design Guidelines For Historic Districts And Historic Sites.

~~[Planning staff shall review Material Deconstruction applications of interior elements that (1) have no impact on the exterior of the structure; or (2) are not structural in nature; or (3) the scope of work is limited to exploratory demolition.]~~

B. Material Deconstruction Reviews are subject to the following review process:

1. **COMPLETE APPLICATION.** The Owner and/or Applicant for any Property shall be required to submit a Historic Preservation Board Review For Material Deconstruction for proposed work requiring a Building Permit in order to complete the work.
2. **NOTICE.** Upon receipt of a Complete Application, but prior to taking action on any Historic Preservation Board Review for Material Deconstruction application, the Planning staff shall provide notice pursuant to Section 15-1-12 and 15-1-21 of this Code.
3. **PUBLIC HEARING AND DECISION.** Following the fourteen (14) day public notice period noted in Section 15-1-21 of this Code, the Historic Preservation Board and/or the Planning Director or his/her designee shall hold a public hearing and make written findings, conclusions of law, and conditions of approval or reasons for denial, supporting the decision and shall provide the Owner and/or Applicant with a copy.

Process

LMC amendments are processed according to LMC § 15-1-7. Amendments to the LMC require Planning Commission review and recommendation and City Council review and adoption. City Council final action may be appealed to a court of competent jurisdiction per LMC § 15-1-18. A public hearing is required by both the Planning Commission and City Council, with proper notice.

Notice

Legal notice of a public hearing was posted in the required public spaces and public notice websites and published in the Park Record on January 29, 2020, per requirements of the Land Management Code.

Public Input

Public hearings are required to be conducted by the Planning Commission and City Council prior to adoption of Land Management Code amendments. No public input has been received as of the date of publishing.

Alternatives

- The Planning Commission may forward a positive recommendation to City Council for the proposed Land Management Code as presented or as amended at the meeting; or
- The Planning Commission may forward a negative recommendation to City Council to deny the proposed amendments; or
- The Planning Commission may continue the discussion to a date certain and provide direction to Staff regarding additional information, revisions, or analysis needed in order to take final action.

Recommendation

Staff recommends the Planning Commission review the proposed LMC amendments, open a public hearing and consider forwarding a positive recommendation to Planning Commission and City Council on the Land Management Code (LMC) amendments to 15-11-12.5 Historic Preservation Board Review for Material Deconstruction as outlined in the Draft Ordinance.

Exhibits

Exhibit A – Draft Ordinance

Exhibit 1 – LMC § 15-11 Historic Preservation

Exhibit B – *Current* Historic Preservation Board Review Material Deconstruction Checklist

Exhibit A—Draft Ordinance

Ordinance 2020-XX

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, AMENDING CHAPTER 15-11 HISTORIC PRESERVATION.

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents, visitors, and property owners of Park City; and

WHEREAS, the Land Management Code implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors and to preserve the community's unique character and values; and

WHEREAS, the proposed Land Management Code (LMC) amendments enhance the design standards to maintain aesthetic experience of Park City; and

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

WHEREAS, the City Council finds that the proposed changes to the Land Management Code are necessary to supplement existing zoning regulations to protect Historic structures and the economic investment by owners of similarly situated property (currently Historic);

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

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

WHEREAS, the demolition and significant alteration of Historic buildings would permanently alter the character of a neighborhood, community and City;

WHEREAS, the Historic Preservation Board duly noticed and conducted public hearings at the regularly scheduled meetings on February 5, 2020 and forwarded a recommendation to Planning Commission and City Council; and

WHEREAS, the Planning Commission duly noticed and conducted public hearings at the regularly scheduled meetings on February 12, 2020 and forwarded a recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on February 27, 2020; and

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

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

SECTION 1. APPROVAL OF AMENDMENTS TO TITLE 15 - LAND MANAGEMENT CODE CHAPTER 15-11 HISTORIC PRESERVATION. The recitals above are incorporated herein as findings of fact. Chapters 15-11 of the Land Management Code of Park City are hereby amended as redlined in Exhibit A.

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

PASSED AND ADOPTED this ____ day of _____, 2020

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, Mayor

Attest:

City Recorder

Approved as to form:

Mark Harrington, City Attorney

Exhibits

Exhibit A – LMC §15-11-12.5 Historic Preservation Board Review for Material
Deconstruction

1 Exhibit 1 – LMC §15-11-12.5 Historic Preservation Board Review for Material
2 Deconstruction
3

4 15-11-12.5 Historic Preservation Board Review For Material Deconstruction

5 ~~A. [The Historic Preservation Board shall review and approve, approve with conditions,~~
6 ~~or deny,]~~ All Applications for Material Deconstruction involving any Building(s) (main,
7 attached, detached, or public, Accessory Buildings and/or Structures designated to
8 the Historic Sites Inventory as Landmark or Significant shall be subject to review and
9 approval, approval with conditions, or denied by the following Review Authorities:

10 1. The Planning Director or his/her designee shall review the following:

- 11 a. Ordinary Repairs and Maintenance
12 b. Repair or Replacement of Historic Architectural Details
13 c. Removal or Replacement of Non-Historic Architectural Details
14

15 2. The Historic Preservation Board shall review the following:

- 16 a. Removal of Historic Material to Accommodate New additions, New
17 Construction, or Structural Upgrades.
18

19 Prior to issuance of a Building Permit for any Material Deconstruction work, the Review
20 Authority [Historic Preservation Board] shall review the proposed plans for compliance
21 with the Land Management Code 15-13 Design Guidelines For Historic Districts And
22 Historic Sites.
23

24 ~~[Planning staff shall review Material Deconstruction applications of interior elements that~~
25 ~~(1) have no impact on the exterior of the structure; or (2) are not structural in nature; or~~
26 ~~(3) the scope of work is limited to exploratory demolition.]~~
27

28 B. Material Deconstruction Reviews are subject to the following review process:

- 29 1. **COMPLETE APPLICATION.** The Owner and/or Applicant for any Property shall
30 be required to submit a Historic Preservation Board Review For Material
31 Deconstruction for proposed work requiring a Building Permit in order to
32 complete the work.
33 2. **NOTICE.** Upon receipt of a Complete Application, but prior to taking action on
34 any Historic Preservation Board Review for Material Deconstruction application,
35 the Planning staff shall provide notice pursuant to Section 15-1-12 and 15-1-21 of
36 this Code.
37 3. **PUBLIC HEARING AND DECISION.** Following the fourteen (14) day public
38 notice period noted in Section 15-1-21 of this Code, the Historic Preservation
39 Board and/or the Planning Director or his/her designee shall hold a public
40 hearing and make written findings, conclusions of law, and conditions of approval
41 or reasons for denial, supporting the decision and shall provide the Owner
42 and/or Applicant with a copy.
43

44 HISTORY

45 Adopted by Ord. 02-07 on 5/23/2002

46 Amended by Ord. 03-34 on 7/10/2003

- 47 Amended by Ord. [15-53](#) on 12/17/2015
48 Amended by Ord. [16-15](#) on 3/24/2016

Exhibit B:

Historic Preservation Board Material Deconstruction Review Checklist:

1. Routine Maintenance (including repair or replacement where there is no change in the design, materials, or general appearance of the elements of the structure or grounds) does not require Historic Preservation Board Review (HPBR).
2. The material deconstruction is required for the renovation, restoration, or rehabilitation of the building, structure, or object.
3. Proposed exterior changes shall not damage or destroy the exterior architectural features of the subject property which are compatible with the character of the historic site and are not included in the proposed scope of work.
4. The proposed scope of work mitigates any impacts that will occur to the visual character of the neighborhood where material deconstruction is proposed to occur; any impacts that will occur to the historical significance of the buildings, structures, or objects located on the property; any impact that will occur to the architectural integrity of the buildings, structures, or objects located on the property; and any impact that will compromise the structural stability of the historic building.
5. The proposed scope of work mitigates to the greatest extent practical any impact to the historical importance of other structures located on the property and on adjacent parcels.
6. Any addition to a Historic Building, Site, or Structure has been found to be non-contributory to the historic integrity or historical significance of the structure or site

Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: 445 King Road
Project: PL-19-04373
Author: Liz Jackson, Planner
Date: February 12, 2020
Type of Item: Administrative – Conditional Use Permit (CUP)

Summary Recommendation

Staff recommends that the Planning Commission review the proposed Conditional Use Permit for 445 King Road in the Estate (E) Zoning District, conduct a Public Hearing, and consider approving the Conditional Use Permit for 445 King Road according to the Findings of Facts, Conclusions of Law, and Conditions of Approval as outlined in this report.

Description

Applicant: Patrick J. Sweeney
Location: 445 King Road
Zoning District: Estate (E)
Adjacent Land Uses: Residential and Recreation Open Space
Reason for Review: The Planning Commission reviews and approves Conditional Use Permit Applications

Proposal

The Applicant is requesting that the Planning Commission review their proposal for a new Single Family Dwelling at 445 King Road. The new Single Family Dwelling site is labelled as the “Main House” according to the Treasure Hill Subdivision Phase 3 First Amended Plat and will be referenced as such herein. Per the Plat for this Site (Note 12), final house design shall be reviewed under the Conditional Use Permit (CUP) process. The proposal is in accordance with the Plat and Sweeney Properties Master Planned Development (Sweeney Properties Master Plan – SPMP). This Site is located in the Estate (E) Zoning District.

Zoning District

445 King Road is located in the Estate (E) Zoning District. The purpose of the E District is to:

- A. allow very low density, environmentally sensitive residential Development which:
 - 1. preserves ridge tops, meadows, and visible hillsides,
 - 2. preserves large, cohesive, unbroken Areas of Open Space and undeveloped land,
 - 3. preserves and incorporates wetlands, drainage ways, and intermittent streams as amenities of Development,
 - 4. mitigates geologic and flood hazards,
 - 5. protects views along the City’s entry corridors, and
 - 6. decreases fire risk by keeping Development out of sensitive wild land

interface Areas.

- B. incorporate pedestrian trail linkages between and through neighborhoods; and
- C. encourage comprehensive, efficient, Compatible Development which results in distinct and cohesive neighborhoods through Application of the Sensitive Lands Ordinance.

Background

The CUP Application was deemed complete on December 11, 2019. Per Summit County's records, this Site is Lot 8 of the Treasure Hill Subdivision Phase 3 First Amended Plat. Currently, the Site has an existing 1,500 square foot (Footprint) Structure being utilized as the "Main House" on the property. This was built with the intention that it would become a Guest House at a later date and a larger "Main House" would be built, in accordance with the Plat. A timeline of past Land Use and Development Activity is below.

Site Timeline

October 16, 1986 – Sweeney Master Planned Development (also known as Sweeney Properties Master Plan) was approved by the City.

July 31, 2003 – City Council approved a Zone Change for this Site from Recreational Open Space (ROS) to Estate (E). This was per Ordinance 03-36 (see Exhibit E).

July 31, 2003 – City Council approved a Subdivision Plat to create one Lot of record for this 11.9 acre Site. A six month Extension for this Application was approved by City Council on August 12, 2004. The Plat was subsequently recorded. This was per Ordinance 03-37 (see Exhibit F).

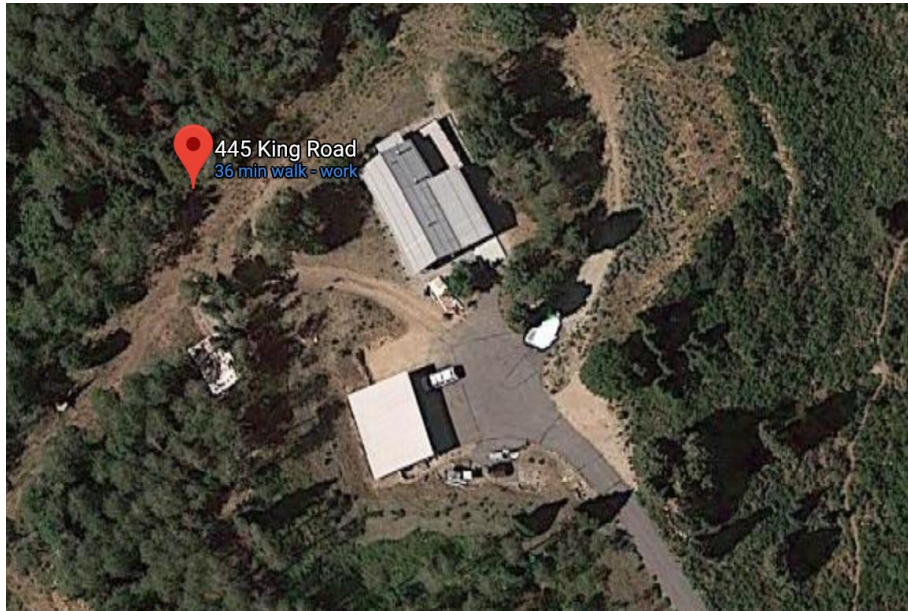
June 22, 2005 – A Conditional Use Permit was approved by the Planning Commission for construction of a Single Family Dwelling on this Site in accordance with the Sweeney Properties Master Plan. This approval had an expiration date of one year and has expired. No Building Permit was ever issued.

May 13, 2009 – Planning Commission approved a Conditional Use Permit for construction of a small Single Family Dwelling and detached garage with a carport. Condition of Approval 9 states that any future Dwelling on the Lot requires a separate Conditional Use Permit. The small Single Family Dwelling has a Footprint of 1,500 square feet and was considered to be the "Main House" at the time, but the intention – as stated by the Applicant – was to construct a larger "Main House" at a later date. The existing "Main House" will now be considered the Guest House, per the Plat and the Guest House definition in [LMC 15-15-1](#), and the Applicant is now applying to construct a larger "Main House."

May 28, 2009 – A Subdivision Plat Amendment for this Site was approved by City Council. The Plat was recorded as Entry Number 00883780 with Summit County (Exhibit B).

December 17, 2009 – A Building Permit is issued for a 1,500 square foot Single Family Dwelling at this Site (at the time was considered a “Main House”, with the intention that it would become a Guest House at a later date), and was subsequently built.

To date, the existing Structure on the Site has been utilized by the Applicant as the “Main House”. The current Application now seeks approval for a larger “Main House” with the existing Structure to be used as a Guest House. Reference to this Structure is noted in Plat Note 1(f). See images below titled Existing Structures and Existing Site for reference to the current built Structure(s) configuration and how the proposed Development location relates to the overall Site conditions.



Existing Structures – Google Maps



Existing Site – Park City ArcGIS Map

Analysis

A Conditional Use is defined in Land Management Code (LMC) [15-15-1](#) as a land Use that, because of its unique characteristics or potential impact, is allowed only if certain measures are taken to mitigate or eliminate the potential impacts. The Land Management Code requires the Planning Commission to review certain criteria when considering whether or not a proposed Conditional Use mitigates impacts. [LMC 15-1-10\(E\)](#). The criteria are outlined below, which include staff's analysis.

1. Size and location of the Site.

No unmitigated impacts

The proposed Structure will be a Single-Family Dwelling for the “Main House” on an 11.9 acre parcel. This Site is of a substantial size, especially compared to the nearby Historic Districts’ Lots to the east that allow Lots as small as 1,875 square feet (.04 acre). The size of the Lot and its location on the hillside allows for the proposed Structure to be physically and visually buffered from the adjacent Historic District neighborhoods. See image below titled Cross-canyon View of Site. The adjacent Lots to the south and west are within the Estate Zone, which requires a minimum Lot size of 3 acres per Dwelling Unit, and the adjacent 555 King Road Site is 55.9 acres (within the Estate Zone – see Exhibit B Sheet C1.0). 445 King Road’s size is not only compatible with the adjacent Estate parcel’s size, but the Site’s size limits the impact that a large Structure would have on the Historic District’s smaller Structures and Lots through natural vegetation, a visual buffer of the hillside, and distance. The nearest adjacent residence is 853 feet away, as measured.

2. Traffic considerations including capacity of the existing Streets in the Area.

No unmitigated impacts

The Site is accessed off of King Road. In the fall of 2019, the Applicant upgraded a portion of King Road to be 16' wide paved asphalt, with 2' on either side of compacted gravel. This was done to improve Fire Department and emergency vehicle access, as prior to this it was a substandard road. This was approved through Building Permit BD-19-27208. This portion of the road is shown in the image below between the two red lines (indicated by arrows marked "Pave King Road").



The Applicant has an Access Easement Agreement (recorded with Summit County as document number 00658445) that lays out the parties responsible for the use and maintenance of the public and private portions of King Road. Any traffic increase to this Site will be minor, as the proposed development is a Single Family Dwelling (i.e. "Main House") and the existing Structure may only be used as a caretaker or Guest House. The Lot may not be further subdivided per Plat Note 12.

3. Utility capacity, including Storm Water run-off.

Potential impact mitigated through Conditional Use Permit Conditions of Approval

All utilities to the Site were installed during construction of the existing 1,500 square foot house. The Site has a booster pump installed for the drinking water, which was approved and previously regulated by the Division of Drinking Water. Any update to the system and/or increase in demand would need their review and approval, and Park City Public Utilities requests they be included in the review and approval process with the Division of Drinking Water. See Exhibit D for Memorandum regarding the Site's utilities.

Maintenance and replacement of this system is the responsibility of the current or future Property owner. This is addressed in Condition of Approval 7. The Park City Fire District will need to review and approve the new development demands on the current system, at the Building Permit phase, to determine if the new development demands on the current system will be sufficient for fire flow and that the current backup systems are adequate.

4. Emergency vehicle Access.

No unmitigated impacts

See item 2 above, as that addresses the upgrades to King Road for emergency vehicle access.

5. Location and amount of off-Street parking.

No unmitigated impacts

Two (2) parking spaces are required for the proposed “Main House” (i.e. Single Family Dwelling - up to the first six [6] bedrooms) and one (1) space is required for the existing Guest House Structure, per [LMC 15-3-6\(A\)](#). The Application is in compliance with these parking requirements. See Exhibit B Sheet CU-103. This project proposes more than ample parking, as there are at least four (4) covered Parking Spaces (two [2] side-by-side and two [2] tandem) within the existing and proposed Garage, one (1) carport, and a paved, uncovered parking area between the existing Structure and the proposed Structure. The proposed Structure has two (2) bedrooms proposed, so no extra parking spaces are required other than what has been proposed.

6. Internal vehicular and pedestrian circulation system.

Condition of Approval Recommended

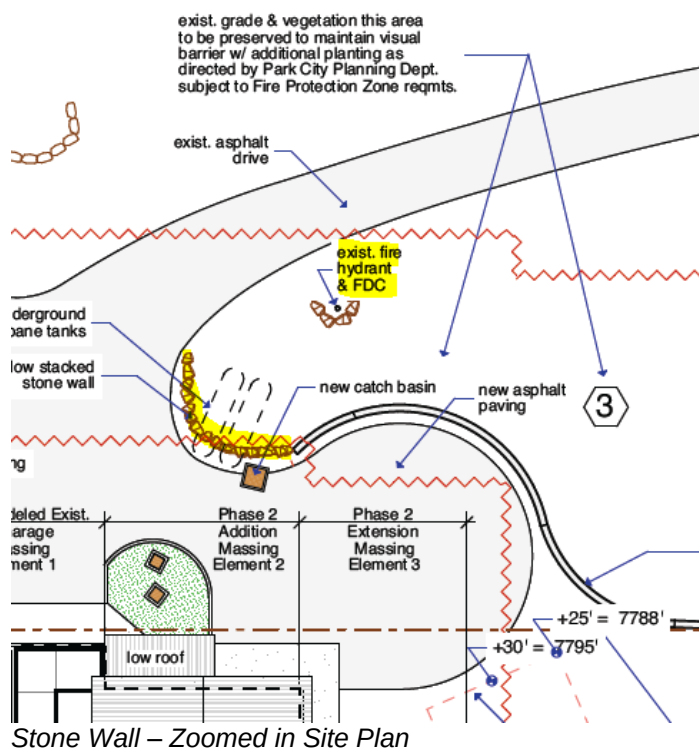
Vehicle Circulation: King Road is predominantly a steep and narrow street, and likely the simplest form of access to the Site would be by vehicle. The Site circulation is vast, as there is private driveway leading from King Road to a circular driveway adjacent to the “Building Zone”, ideal for turning vehicles. The “Building Zone” and Building Area Zone terms are noted in Plat Note 3, and are similar to Building Envelope, per the definition in [LMC 15-15-1](#). Plat Note 3 states this area includes “Improvements, including fences and formal landscaping (unless otherwise permitted under easements or agreements of record or as shown on this Plat or as consistent with construction drawings approved by the Park City Municipal Corporation (“City”) for the driveway and utilities (“Drawings”) shall be limited to the “Building Zone” noted on this Plat.” Vehicle circulation to the Site is via King Road which has sufficient capacity for the proposed “Main House”. The Applicant is requesting that the driveway be restricted to what is proposed in the plans (i.e. not allowed to change locations and further disrupt the Site, adjacent to the existing fire hydrant). See Condition of Approval 10.

Pedestrian Circulation: Although a portion of the road has been widened by the Applicant, it is likely not an ideal road for pedestrians as it is steep and does not have sidewalks. Once on the Site there are multiple ski runs and recreation trails within walking distance. Ski and pedestrian easements exist on this Property, per the Sweeney Properties Master Plan. See Plat Note 10. No changes to trails or easements

are proposed with this Application.

7. Fencing, Screening, and landscaping to separate the Use from adjoining Uses.
Condition of Approval Recommended

No Fencing is proposed at this time. Landscaping is proposed to be native grasses to blend in with existing vegetation. See Exhibit B Sheet CU-101. The Applicant is requesting that the driveway be restricted to what is proposed in the plans (i.e. not allowed to change locations and further disrupt the Site, adjacent to the existing fire hydrant) and a low demarcation wall be required on the Site to not allow for further landscaping disturbance from development, expansion of driveway, and similar activities in the future. See fire hydrant and wall highlighted below in image from Exhibit B Sheet CU-101, titled Stone Wall – Zoomed in Site Plan. See Condition of Approval 10. The landscaping that exists is meant to maintain a visual barrier of this Site's "Main House" and assist in mitigating its visual impact. Per Plat Note 2 Park City Municipal Corporation can determine if more vegetation is necessary.



The Applicant also currently practices landscaping techniques that are recognized industry-wide to have a "firewise" property, and is proposing to continue that practice, per Exhibit A. Staff finds that as this Site is on a highly vegetated hillside, allowing "firewise" landscaping, as shown on the plans, outside of the "Building Zone" is permissible to protect the Structures ("Main House" and Guest House) should a wildfire occur Per Plat Note 2, the Structures must be shielded from the view of the Historic District, through the maintenance of existing vegetation. A Water-wise and "firewise"

landscape plan will be required at the time of the Building Permit submittal, and shall only disturb within the area shown on the plans reviewed by the Planning Commission on February 12, 2020. See Exhibit B Sheet CU-101 Site Plan for this area shown with red outline. Plat Note 4 restricts temporary Construction disturbance, that must be revegetated with native vegetation, to 20' outside of the Building Zone. This will need to occur at the Building Permit phase. This is not to be confused with the "firewise" landscaping area that staff has found to be appropriate (noted above) per the vegetation conditions and potential wildfire risk for this Site, but to put parameters around the allowable disturbance that may occur during Construction.

Additional landscaping may be required post-construction after review by the City Forestry Manager. A landscape plan will need to be reviewed prior to the issuance of a Building Permit. See Condition of Approval 4.

8. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots.

Potential impact mitigated through Conditional Use Permit Conditions of Approval and Existing Plat Requirements

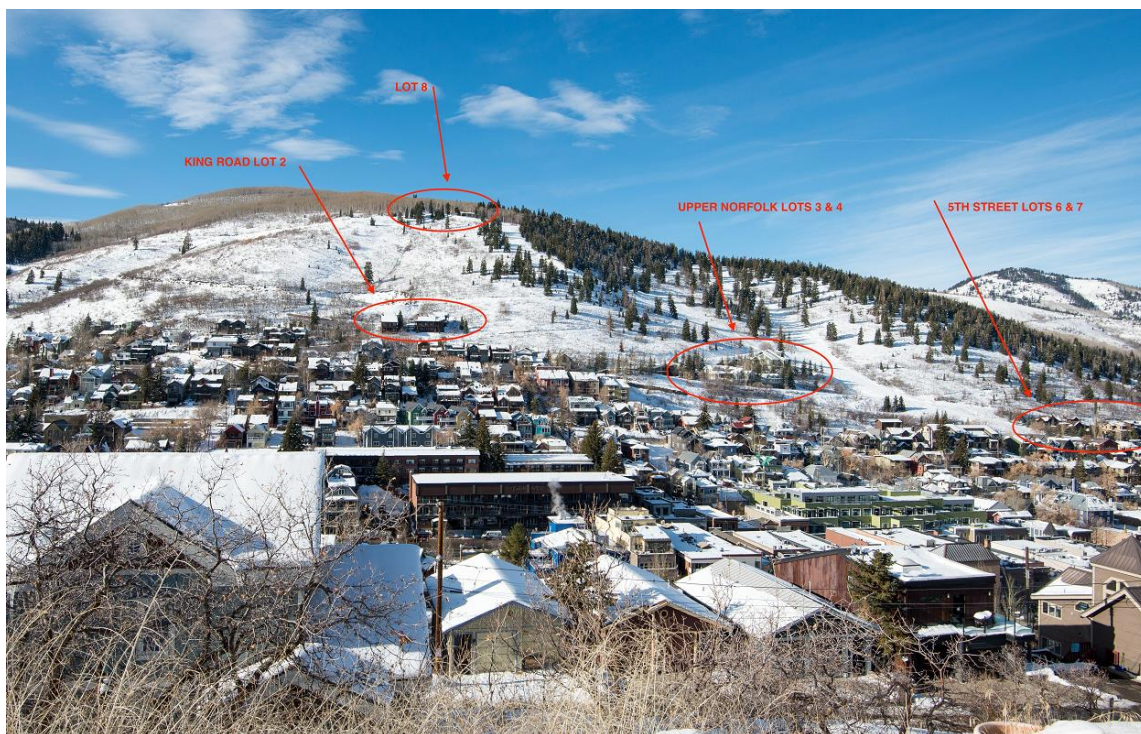
The proposal is for a "Main House" Structure, with a large portion of the first floor below Existing Grade. As proposed, per the architect on the project, the total square footage for the "Main House" is 7,584. This is including the interior square footage of all three levels of the "Main House". This calculation is just informational as, per the Plat, the restriction on the "Main House's" size is measured by the Building Footprint. Per Plat Note 1, the "Main House" will have a maximum Footprint of 3,500 square feet. It states "The following shall not count toward the Footprint calculations:

- 1) Deck which is open on at least two sides, but which may have railings as required, covered or uncovered, and that does not have above-existing-natural-grade or living space located below or above it;
- 2) Exterior walkways;
- 3) Exterior stairs;
- 4) Driveway; and
- 5) That portion of any Garage, carport, mechanical space, or living space that is located below existing Natural Grade and which has landscaping or deck (as provided in 1(a)) located above it.
- 6) The Footprint for up to fifteen hundred (1,500) square feet for an additional attached or detached residence, further provided such residential space is used for only a caretaker's house or guest house..."

The applicable Building Footprint for the "Main House" is 2,518 square feet, as measured, which is allowed per Plat Note 1. See Exhibit B Sheet CU-102 for Footprint Area Analysis. The applicable Footprint areas are marked with green dashed lines. This includes the proposed Phase 2 Addition (1,778 square feet), Phase 2 Extension (542 square feet), and Garage (198 square feet, non-exempt portion per Plat Note 1). Staff proposes that the possible "Future Phase 3 Addition" as shown on Exhibit B Sheet CU-101 Site Plan be reviewed and approved via an Administrative Conditional Use Permit, per Condition of Approval 3. At this time, the Applicant is requesting only the "Main

House” (2,518 square feet of Footprint proposed), with a possible “Future Phase 3 Addition” that may utilize the remaining Footprint square footage (maximum of 982 square feet, per Plat Note 1 and the proposed plans in Exhibit B). As this is a small portion of the allowed “Main House” Footprint and at this time considered a *possible* addition, staff finds this can be done administratively at a future date. See Condition of Approval 3 regarding materials review for the “Main House”.

This “Main House” will be located behind a cluster of aspen trees. Per Plat Note 2, the Planning Department may require additional vegetation screening for the Structure(s). See image below from McHenry Street, titled Cross-canyon View of Site, showing the Site (labelled in red as “Lot 8”). This image shows the existing Structure (to be the Guest House) and the shielding that its location on the hillside and existing vegetation provide.



Cross-canyon View of Site

The image below titled Proposed Structure and Potential Vegetation Locations shows the proposed “Main House”, Guest House, and possible new vegetation (green triangles) that can be added to minimize the visual impact of the “Main House”.



Proposed Structure and Potential Vegetation Location

Per Plat Note 5, the maximum height of the “Main House” may be twenty-five feet (25’) from existing grade for roof ridges/roof elements that are parallel from Existing Grade and thirty feet (30’) for roof ridges/roof elements that are perpendicular from Existing Grade. Any roof ridges above twenty five feet (25’) in height that are oriented perpendicular to Existing Grade may make up to twenty percent (20%) of the roof plan. See Exhibit B Sheet CU-102 for height analysis showing that twelve percent (12%) of the perpendicular roof heights exceed twenty five feet (25’) in height (marked as red dashed areas on Sheet CU-102 - Building Height Analysis). Per Plat Note 6, the design of the “Main House” is broken up into multiple masses, which allows for variation in roof heights and wall faces, with the largest massing element (Phase 2 Addition) having a footprint of 1,778 square feet. The maximum footprint a massing element – disconnected or connected – may have, per Plat Note 6, is 2,000. The entire “Main House” Building Footprint shall not exceed 3,500 square feet, per the Plat.

9. Usable Open Space.

Condition of Approval Recommended

The proposed Use does not significantly change the Site’s Open Space. The “Building Zone” for the Lot is 29,084 square feet on an 11.9 acre (518,364 square feet) Lot, per the Plat. The proposed Building Footprint, not including the exclusions of Plat Note 1, is 2,518 square feet. No disturbances are permitted outside of the “Building Zone” shown on the Plat, unless it is a driveway improvement or an approved utility. The proposed driveway expansion allows for access to the proposed Structure and vehicle circulation, and the adjacent walls prevent further expansion of said driveway area, per Condition of Approval 10.

10. Signs and lighting.

No unmitigated impacts

No signs are proposed. The lighting must conform to Building and Land Management Code standards at the time of Application(s). The Plat for this Site also requires that lighting on the Lot including the interior and exterior of all Structures be shielded from

direct view from all viewpoints within the City Limits with the exception of Seasonal Lighting, per Plat Note 11. This will be reviewed at the time of Building Permit.

11. Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing.

Condition of Approval Recommended

The physical design and materials of the “Main House” are intended to emulate Historic mining Structure elements, per the Applicant’s description in Exhibit A. Although this Site is adjacent to the Historic District, it isn’t required to abide by the Historic District Design Guidelines of [LMC 15-13](#) Design Guidelines For Historic Districts and Historic Sites. See Condition of Approval 3 regarding materials review for the “Main House”, as this will allow staff to determine if proposed materials are compatible with surrounding Structures. The Site is shielded by vegetation and distance from other Sites, so the Structure’s design will have minimal impact on surrounding Sites.

12. Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site.

No unmitigated impacts

No noise, vibration, odors, steam, or mechanical factors that might affect people and Property are anticipated. The vegetation and distance from other properties should shield these potential effects from other Sites.

13. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas.

No unmitigated impacts

Residential trash pickup is contracted by the Applicant with a private company and this is noted in Condition of Approval 8. Currently, the Applicant uses a dumpster on the Site, which is swapped out every eight (8) weeks. It is likely the new Dwelling will increase the frequency at which the dumpster is replaced, but staff finds that it likely won’t have a significant impact on surrounding Sites. The dumpster is located within the “Building Zone” and is not visible from neighboring Sites. The loading and unloading of said dumpster occurs within the “Building Zone”.

14. Expected ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities.

No unmitigated impacts

At this time, the Single-Family Dwelling will be the primary residence of the Applicant. Per the project description in Exhibit A, the Applicant has proposed a restriction be recorded against the Property which will limit driveway access to one point and restrict further expansion and relocation. See Condition of Approval 10. The Lot cannot be further subdivided, per Plat Note 12. Nightly Rentals are an allowed Use in the Estate Zoning District, should the current or future owner decide to utilize the Property in this way.

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.

No unmitigated impacts

Grading and slope retention must be approved prior to issuance of a Building Permit. This Site and the adjoining Sites are not within the Soil Ordinance boundary, but are within the Sensitive Lands Overlay (SLO). Staff finds that this proposal is in substantial compliance with [LMC 15-2.21](#), as the size of the “Building Zone” is six percent (6%) of the overall Property Area, with the rest remaining as Open Space. The location of the “Building Zone” was approved in the 2004 Plat Amendment and is in a location with minimal impact on the Slope and Ridge Line of the Site, overall hillside, and adjacent properties and neighborhoods. The height limitations on the Plat (Plat Note 5) were put into place, along with massing limitations (Plat Note 6) and vegetation screening (Plat Note 2), in order to preserve the view of the Ridge Line from surrounding Sites. There are no wetlands or streams on the Site.

As there is virtually no development allowed outside of the “Building Zone” (see item 9 regarding driveway and utilities), disturbance to wildlife habitat areas would be minimal. This Site includes – and/or is surrounded by – trails and ski runs that allow for human activity all year long, and can be used heavily depending on the season, so impact on wildlife would not be greatly varied by the addition of a main Dwelling. The Site is already utilized by the Property owner and accessible by members of the public. The “Building Zone” does not have environmentally sensitive lands.

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

Condition of Approval Recommended

Goal 6 of the General Plan, Natural Setting, is to implement climate adaptation strategies to enhance the City’s resilience to the future impact of Climate Change. Wildfire probability is increased with a lack of moisture, and as Climate Change has affected the snow fall and amount of moisture in Park City, preparing for a possible fire is a key measure community members can take to limit Structure and properties from burning. The Applicant has incorporated “firewise” techniques on the Property to minimize the impact of a potential wildfire to the Structure and Site. Condition of Approval 4 will help to mitigate impacts of future landscaping.

Goal 9 of the General Plan, Parks & Recreation, is to continue to provide unparalleled parks and recreation opportunities for residents and visitors. Objective 9A includes maintaining local recreation opportunities. This Site’s development allows for continued public use of trails on the Property, with minimal impact from the built Structures and Use.

Review of Potential “Future Phase 3 Addition”

Although the current proposed design complies with the height, massing, and visibility requirements, the Building Permit for this Structure must also comply with the Land Management Code in effect at the time of Application. Pertaining to item 11 above regarding a proposed Administrative Conditional Use review, and regarding Plat Note

12 that states that final house design will be reviewed under the Conditional Use process in accordance with the SPMP, staff finds that the proposal has a significant portion of the “Main House” shown, with a possible addition in the future (see Exhibit B Sheet CU-101 Site Plan showing red dashed “Future Phase 3 Addition”). The Applicant has proposed the “Main House”, as shown in Exhibit B, as being a total of 2,518 square feet (per Plat Note 1’s exemptions) with 982 square feet of Footprint remaining. As that addition is a fraction of the house size and the proposal outlines the greater design of the Structure, staff finds that possible “Future Phase 3 Addition” can be reviewed administratively. See Condition of Approval 3. This addition’s (to the “Main House”) Footprint may be up to 982 square feet, per Plat Note 1, as the plans are proposed. Staff has determined that the plans meet the requirements of the Plat, specifically Plat Note 12 that states the Final House Design shall be reviewed under the Conditional Use process.

CUP Expiration Date

Per [LMC 15-1-10\(G\)](#), Conditional Use Permits expire one (1) year from the date of Planning Commission approval, unless otherwise indicated. The Applicant is requesting that the CUP have an expiration date of five (5) years from approval, as it is possible the proposed “Main House” will not be built within the next few years or that the Applicant will sell the property. The Applicant is also proposing additional ways to restrict the property from further development. These restrictions are shown in Condition of Approval 10 (i.e. no changes to the driveway be permitted, and maintenance of a visual buffer between the “Main House” and adjacent properties). Staff finds that these restrictions are beneficial for minimizing the impacts of the proposed “Main House” on the natural environment of the Site and on adjacent properties and neighborhoods. Due to the nature and location of the Site being shielded from the Historic District and a large distance from adjacent properties – and that the “Main House” will need to abide by the SPMP and Plat, and the Land Management Code in effect at the time of Building Permit Application – staff recommends allowance of a five (5) year expiration of this Conditional Use Permit. This will vest development on the Site and limit further Development of built Structures. As this timeframe is already extending the typical one (1) year expiration period, per LMC 15-1-10(G), staff recommends a Conditions of Approval stating that extensions not be granted for this Permit. See Condition of Approval 2.

Department Review

The Applicant’s proposal has gone through an interdepartmental review. Comments received have been added into this report.

Notice

Notice was posted, and a courtesy notice was mailed to Property owners within 300’ of the Property, on January 29, 2020. Notice was published in the *Park Record*, City website, and the Utah Public Notice website on January 29, 2020.

Public Input

No public input was received prior to the issuance of this Staff Report.

Alternatives

1. The Planning Commission may approve the Conditional Use Permit for the 445 King Road Conditional Use Permit, as conditioned; or
2. The Planning Commission may continue the discussion on the Conditional Use Permit for the 445 King Road and direct staff to conduct further research and analysis; or
3. The Planning Commission may deny the Conditional Use Permit for the 445 King Road and direct staff to make findings for this decision.

Recommendation

Staff recommends that the Planning Commission review the proposed Conditional Use Permit for 445 King Road in the Estate District, conduct a public hearing, and consider approving the Conditional Use Permit for 445 King Road according to the Findings of Facts, Conclusions of Law, and Conditions of Approval as outlined below:

Findings of Fact

1. The Property is located at 445 King Road, Summit County Parcel Number THILL-3-8-1AM, and is within the Estate (E) Zoning District.
2. The Property is located on Lot 8 of the Treasure Hill Subdivision, Phase 3.
3. Per Plat Note 12, final house design shall be reviewed under the Conditional Use Permit process. Plat Note 1 lists this as the “Main House.” This “Main House” is considered a Single Family Dwelling per the definition in [LMC 15-15-1](#). The new Single Family Dwelling site is labelled as the “Main House” according to the Treasure Hill Subdivision Phase 3 First Amended Plat and will be referenced as such herein.
4. The proposed “Main House”, a 7,584 square foot residence, is located on a 11.9 acre parcel.
5. The City approved the Sweeney Master Planned Development on October 16, 1986. The Sweeney Master Plan Approval identifies miscellaneous Properties including, “...a third lot to be situated up on top of Treasure Mountain (possible future access predicated on United Park City Mines Company’s plans for development off of King Road). Development would be restricted to single-family homes with no greater than 3,500 square foot Footprints and maximum Building heights of 25 feet.” Final house designs are required to be reviewed as Conditional Use Permits in accordance with the Sweeney Properties Master Plan.
6. On July 31, 2013, the City Council approved a Subdivision Plat to create one (1) Lot of record for this 11.9 acre Site. On this same date, Council approved a Zone Change for this Site to be changed from Recreation Open Space (ROS) to the Estate (E) Zoning District.
7. The CUP Application was deemed complete on December 11, 2019.
8. The Application meets the requirements of [LMC 15-1-10\(E\)](#), regarding the Conditional Use Review Process.
9. Per LMC 15-1-10(E)(1), there are no unmitigated impacts of the Site size and location as the Site’s size and location are not changing.
10. Per LMC 15-1-10(E)(2), there are no unmitigated impacts regarding the traffic

considerations including capacity of the existing Streets in the Area. In the fall of 2019, the Applicant upgraded a portion of King Road to 16' wide asphalt paving, with 2' on either side of compacted gravel to allow for Fire Department Access. This allows for sufficient emergency vehicle access on King Road. This Conditional Use Permit will not alter the required emergency vehicle access.

11. Per LMC 15-1-10(E)(3), there are potential impacts to the utility capacity, including storm water run-off. 445 King Road is currently used as a private residence and the addition of the "Main House" will not significantly change overall utility capacity and storm water run-off. See Condition of Approval 7 for drinking water booster pump requirements if updates to this system are proposed.
12. Per LMC 15-1-10(E)(4), there are no unmitigated impacts to emergency vehicle Access.
13. Per LMC 15-1-10(E)(5), there are no unmitigated impacts to the location and amount of Off-Street parking. Pursuant to [LMC 15-3-6\(A\)](#), three (3) parking spaces are required for this Site – two (2) for the Single-Family Dwelling and one (1) for the Guest House. This proposal meets these requirements. There is an enclosed Garage with two (2) side-by-side parking spaces and at least two (2) tandem parking spaces; and a carport with one (1) parking space.
14. Per LMC 15-1-10(E)(6), there are impacts to the internal vehicular and pedestrian circulation system. There is ample vehicular circulation on the Site, with a private driveway that leads from King Road to the "Building Zone". There is also a circular parking area that can be used as a turning point for vehicles. As this area is expanding, but staff finds it acceptable per the proposed "Main House" location, Condition of Approval 10 will mitigate further expansion of driveway area. The Property includes trail easements for public access, per the Plat.
15. Per LMC 15-1-10(E)(7), there are no unmitigated impacts to the Fencing, but Screening and Landscaping to separate the Use from the adjoining Uses are proposed to be affected. No Fencing is proposed at this time. Landscaping is proposed to be native grasses to blend in with existing vegetation. The Applicant is requesting that the driveway be restricted to what is proposed in the plans (i.e. not allowed to change locations and further disrupt the Site, adjacent to the existing fire hydrant) and a low demarcation wall be required on the Site to not allow for further landscaping disturbance from development, expansion of driveway, and similar activities in the future. See Conditions of Approval 4 and 10.
16. Per LMC 15-1-10(E)(8), Conditions of Approval are proposed regarding impacts of the Building mass, bulk, and orientation, and the location of Buildings of the Site. The Building mass, bulk, orientation, and location are in accordance with the requirements of the Plat. The Plat (Notes 1, 2, 3, 5, and 6) already has restrictions regarding Footprint, visibility, Building Area (Zone), height, and massing to mitigate impacts the Building's design would have on the Site and adjacent Structures. As conditioned, the proposal is in alignment with restrictions on the Plat. See Condition of Approval 3 for review of the future design of the "Main House".
17. The Building Footprint for the "Main House" can be up to 3,500 square feet with a Guest House of an additional 1,500 square feet, per Plat Note 1. The Building Footprint included in this calculation is 2,518 square feet, as measured. This includes the proposed Phase 2 Addition (1,778 square feet), Phase 2 Extension

(542 square feet), and Garage (198 square feet, non-exempt portion per Plat Note 1). A future extension of this Building's Footprint may be up to 982 square feet, per Plat Notes 1.

18. The Plat states in Note 5 that "The 'Main House' height...shall be twenty-five (25') feet for roofs and roof elements that generally are parallel to existing Natural Grade and thirty (30') feet for roof ridges that are generally oriented (in the horizontal plane) perpendicular to existing contour lines... Such perpendicularly oriented roof portions located above twenty five (25) feet shall comprise less than 20 percent of the roof plan." The Applicant has shown this requirement being met in Exhibit B Sheet CU-102, including an analysis of the percentage of perpendicularly oriented roof portions that are above 25 feet in height. It is noted as 12% of the roof plan on that sheet. The Structure's physical design is compatible with surrounding Structures.
19. Per LMC 15-1-10(E)(9), there are no unmitigated impacts to the usable Open Space. The Application is for a private Parcel, although there are easements on the Site for public access, per Plat Note 10. Approximately 74% of the 0.11-acre parcel is landscape. The development of the "Main House" will not significantly impact the Open Space or easements on the Site.
20. Per LMC 15-1-10(E)(10), there are no unmitigated impacts regarding Signs and lighting. No signs or additional lighting are proposed to be installed.
21. Per LMC 15-1-10(E)(11), staff has proposed Conditions regarding the physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing. See Condition of Approval 3 regarding the materials and final detail design of the Structure.
22. Per LMC 15-1-10(E)(12), there are no unmitigated impacts regarding noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site. No noise, vibration, odors, steam, or mechanical factors that might affect people and Property are anticipated.
23. Per LMC 15-1-10(E)(13), there are no unmitigated impacts regarding control of deliver and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup areas. No deliveries are anticipated. Residential trash pickup for the Property will be similar to the frequency it is currently at, which is about every 8 weeks. Frequency of pick-up may increase slightly with the new Structure, but staff anticipates not greatly.
24. Per LMC 15-1-10(E)(14), there are no unmitigated impact regarding the ownership and management of the Property. At this time, the Single-Family Dwelling will be the primary residence of the Applicant. The Property cannot be further subdivided per Plat Note 12.
25. Per LMC 15-1-10(E)(15), there are no unmitigated impacts regarding 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. 445 King Road is located outside of the Park City Soils Ordinance Zone, but is within the Sensitive Land Overlay Zone.
26. Per LMC 15-1-10(E)(16), staff recommends that Condition of Approval 3 be added that allows for staff to review the "Future Phase 3 Addition" (as shown in Exhibit B Sheet CU-101 Site plan that depicts a red dashed Footprint of this addition) as an Administrative Conditional Use Permit. Per the Plat for this Site – Plat Note 12 – the

final house design shall be reviewed under the Conditional Use process. Staff has determined that the plans submitted on January 21, 2020 are in compliance with this requirement and the future final details (phase 3 addition, window and door placement, proposed materials, and similar details) shall be reviewed through an Administrative Conditional Use Permit prior to Building Permit approval.

27. Due to the nature and location of the Site being shielded from the Historic District and a large distance from adjacent properties, staff recommends an allowance of five (5) years for expiration of this Conditional Use Permit. This will vest restrictions on the Site to limit further Development than what is allowed per the Plat and this CUP, as shown in this report. Staff recommends this be the maximum timeframe for this Permit and no further Extensions be granted. See Condition of Approval 2.

Conditions of Law

1. The proposed Application as conditioned complies with the requirements of the Land Management Code.
2. The proposed Structure is compatible with surrounding Structures in Use, scale, mass, and circulation.
3. The proposed Conditional Use Permit is consistent with the Park City General Plan.
4. The Conditional Use Permit is consistent with the Sweeney Master Planned Development.
5. The effects in difference in use or scale of the Conditional Use Permit have been mitigated through careful planning and Conditions of Approval.

Conditions of Approval

1. All standard project conditions shall apply.
2. This Conditional Use Permit shall expire on February 12, 2025, if the Applicant or any future Site owner has not been issued a Building Permit by that date. As this timeframe is already extending the typical one (1) year expiration period, per LMC 15-1-10(G), further extensions may not be granted for this Permit.
3. Prior to applying for a Building Permit:
 - a. Regarding the “Main House” as it is shown in Exhibit B, material samples and final design details must be approved by staff prior to issuance of any Building Permits. Construction shall be in substantial compliance with plans reviewed by the Planning Commission on February 12, 2020.
 - b. Regarding the “Future Phase 3 Addition” that is shown in Exhibit B, the Applicant shall apply for and receive approval from the Planning Department of an Administrative Conditional Use Permit for final design of the “Main House”. Material samples and final design details must be approved by staff prior to any Building Permit issuance. Construction shall be in substantial compliance with plans reviewed by the Planning Commission on February 12, 2020, regarding Footprint and location. Height shall be in compliance with Plat Note 5.
4. A water efficient (Water-wise) landscape and irrigation plan shall be submitted at the Building Permit phase for staff’s review. This shall include information regarding defensible space on the Site. This plan shall abide by the Land Management Code at the time of submittal and will be reviewed by the Fire Marshal and Forestry

Manager.

5. Exterior lights shall conform to the Land Management Code at the time of Building Permit submittal.
6. All Conditions of the First Amended Treasure Hill Subdivision Plat Phase 3 continue to apply.
7. Any update to the drinking water booster pump system and/or increase in demand will require Park City Public Utilities to be included in the review and approval process with the Utah Division of Drinking Water. Proof of this approval will need to be submitted at the Building Permit phase.
8. Grading and slope retention must be approved by the City prior to issuance of a Building Permit.
9. Trash pick-up will be by private contractor.
10. The proposed driveway Footprint shall not be expanded or changed. The stone-clad demarcation wall to the east of the new Structure ("Main House") will remain onsite to limit Site disturbance and any further driveway expansion into the naturally vegetated areas.
11. Final design of the "Main House" shall abide by the Plat, the Sweeney Property Master Plan, and the Land Management Code at the time of submittal.

Exhibits

Exhibit A – Applicant's Statement and Project Description

Exhibit B – Plans

Exhibit C – Treasure Hill Subdivision Phase 3 First Amended Plat

Exhibit D – Memorandum from Park City Public Utilities, dated December 20, 2019

Exhibit E – Ordinance 03-36

Exhibit F – Ordinance 03-37

November 7, 2019

Bruce Erickson
Planning Director
Park City Municipal Corporation
PO Box 1480
Park City, UT 84060

Dear Bruce,

Phase 2 of the residence construction on Treasure Hill Subdivision, Phase 3, Amended Plat (Plat) consists of 1976 SF of footprint as calculated according to Plat notes. The structure is three stories with an entrance and garage on the first level, bedrooms and a sitting area on the second level, and a bedroom, kitchen, dining/living area on the third level. It is compliant with all the Plat parameters. The design is meant to reflect historic mine architecture with dull grey corrugated metal siding and seamed roof. The siding and roof is tin clad stainless steel commonly referred to in Europe as terne. The trim of the windows is dark brown with a green tint. All lighting, exterior and interior, will be shielded from view from offsite.

We propose that a restriction be recorded against the property, with the Park City Municipal Corporation named as the beneficiary, which limits driveway access to one point, north of the existing fire hydrant, employs a 10' demarcation stone clad wall (as viewed from the interior of the site and much shorter as viewed from the Old Town side), provides for preservation (after disturbance necessary for construction of the wall) of the peninsula of vegetation between Phase 2 (and the future Phase 3) and the City—augmented with plantings as directed by the Park City Planning Department subject to the Fire Protection Zone Requirements.

The intent is to decrease the visibility of Phase 2 (and future Phase 3) as seen from the Historic District and elsewhere and to specifically prevent an intermediate driveway access to Phase 2 or Phase 3 with the result of exposing multiple levels of structure to view from offsite.

Regards,


Pat Sweeney

RECEIVED

NOV 15 2019

PARK CITY
PLANNING DEPT.

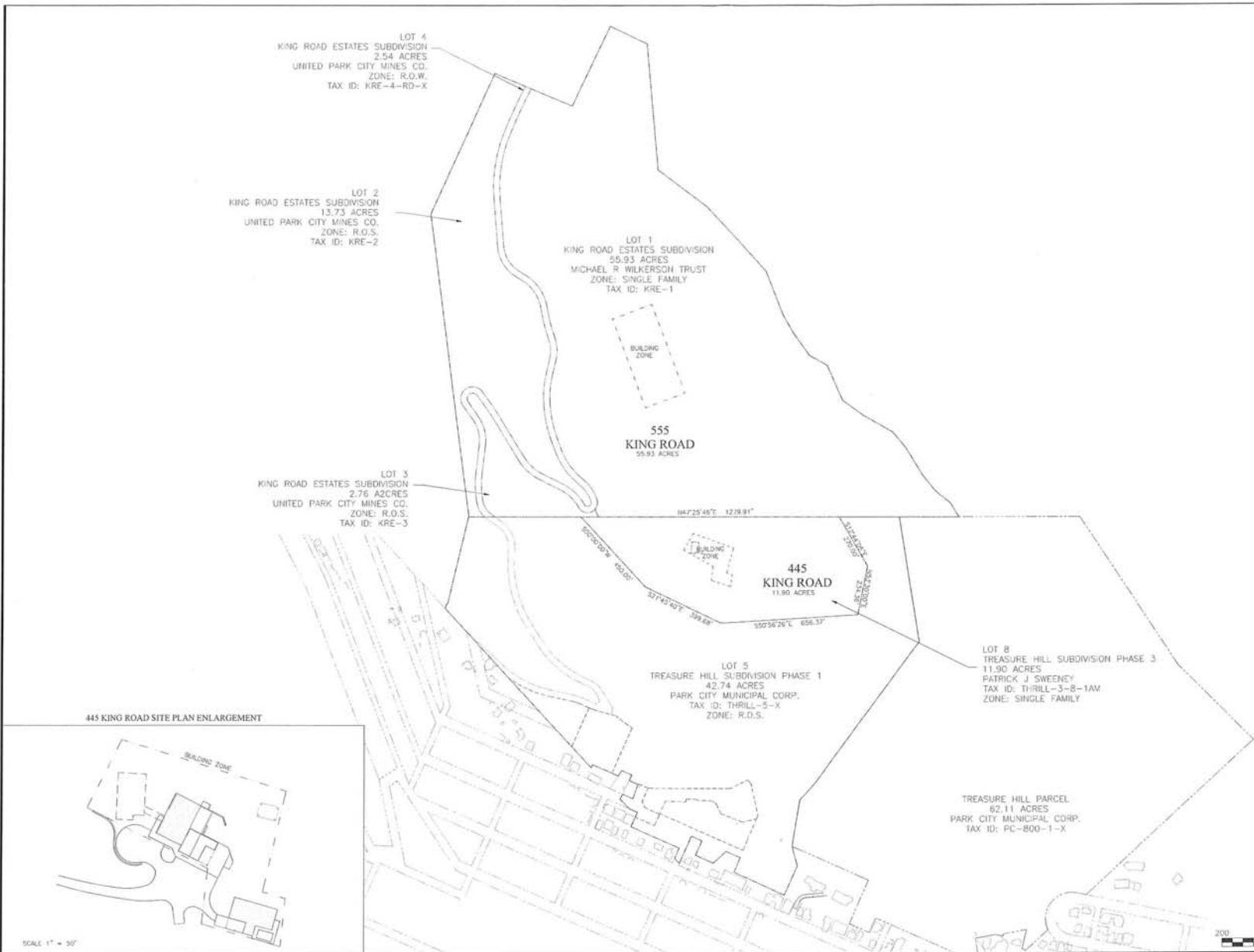
Project Description

- How will the proposed use “fit-in” with surrounding uses? Proposed improvements have been designed to minimize the impact on the landscape of Treasure Hill as intended by the approved Sweeney Properties Master Plan (“SPMP”), Ordinance No. 09-18 and May 28, 2009 CUP (“CUP”). See below SPMP History. Also below is the Treasure Hill Subdivision, Phase 3 First Amended Plat (“Plat”) showing, Lot 8 (“Property”).
- What type of service will it provide to Park City? Open space: 11.2 acres of 11.9 acres – 94%, public trails, low visibility of buildings and improvements, ski easements in favor of the Park City Mountain.
- Is the proposed use consistent with the current zoning district and with the General Plan? Yes – consistent with the approved Plat.
- Is the proposed use similar or compatible with other uses in the same area? Yes – there is one other single family residence in the general vicinity.
- Will the proposed use emit noise, glare dust, pollutants, or odor? No, other than that of a typical single family residence occupation and maintenance.
- What will be the hour of operation and how many people will be employed? Not Applicable – single family residence.
- Are other special issues that need to be mitigated? Visibility from Old Town will be mitigated by a recorded one point driveway access restriction, wall feature, dedicated open space, and plantings. Of note, there is a sophisticated fire protection system with overhead grounds sprinklers that help protect the buildings and nearby vegetation. All lights (interior/exterior) will be shielded to prevent light pollution offsite. Building materials have been chosen to minimize glare, especially from exterior walls, windows, and roof.

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FOR: PAT SWEENEY

445 KING ROAD
ADJACENT PROPERTIES EXHIBIT

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PLANNING DEPT.

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SHEET INDEX

CONDITIONAL USE

CU-101 SITE PLAN; PARKING & SNOW STORAGE PLAN
CU-102 HEIGHT & FOOTPRINT ANALYSIS
CU-103 FLOOR PLANS
CU-104 EXTERIOR ELEVATIONS
CU-105 EXTERIOR 3D VIEWS

PROJECT: 19-05
DATE: 11.7.19
REVISIONS:
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DAVE RICHARDS ARCHITECTS INC.

D A V E R I C H A R D S
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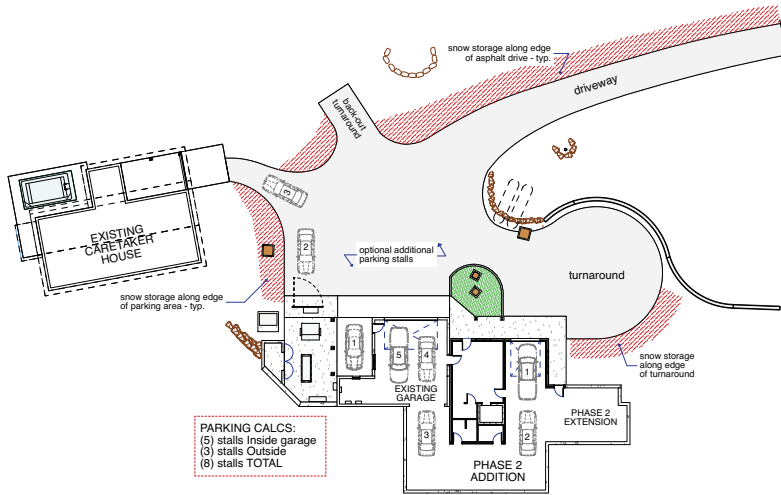
1399 south 700 east, suite 17-d p.o. box 526064
v: 801.466.1396 salt lake city, utah 84152-6064
email: dave@daverichards-architects.com

SWEENEY RESIDENCE - PHASE 2

445 KING ROAD, PARK CITY, UTAH

CONDITIONAL USE REVIEW SET - 11-7-19, REV 1-9-20

CU-101



B1 SITE PARKING & SNOW STORAGE PLAN

PLAT NOTE NARRATIVE - COMPLIANCE WITH PLAT NOTES RELEVANT TO THE ARCHITECTURAL DESIGN

Plat Note #1 Footprint:
Allows for maximum 3,500 SF total footprint. Actual proposed area is 2,518 SF for Phase 2 - *complies*.

3,500 SF total allowable footprint per Plat note #1, thus 982 SF remaining allowable footprint for future Phase 3 Addition.

Plat Note #2 Visibility:

Requires that Main House & Caretaker/Guest House shall be located and screened so that the structures are substantially out of sight from the Historic District. Due to the following existing conditions and proposed improvements and measures, Phase 2 complies and further mitigates visibility:

- Considerable distance to the building site.
- The steep topography combined with placement of the improvements into the hillside away from the Historic District.
- Intervening existing and (to be) transplanted evergreen trees.
- Intervening existing (previously constructed) berms.
- Preservation of the finger of land between Phase 2/Phase 3 and the Historic District with a proposed wall to permanently set off this area and further decrease visibility.
- Limit driveway access to one point.

Plat Note #3 Building Area Zone:

All applicable construction and improvements shall be limited to the Building Zone indicated on the Plat and the attached Site Plan - *complies*

Plat Note #6 Massing:

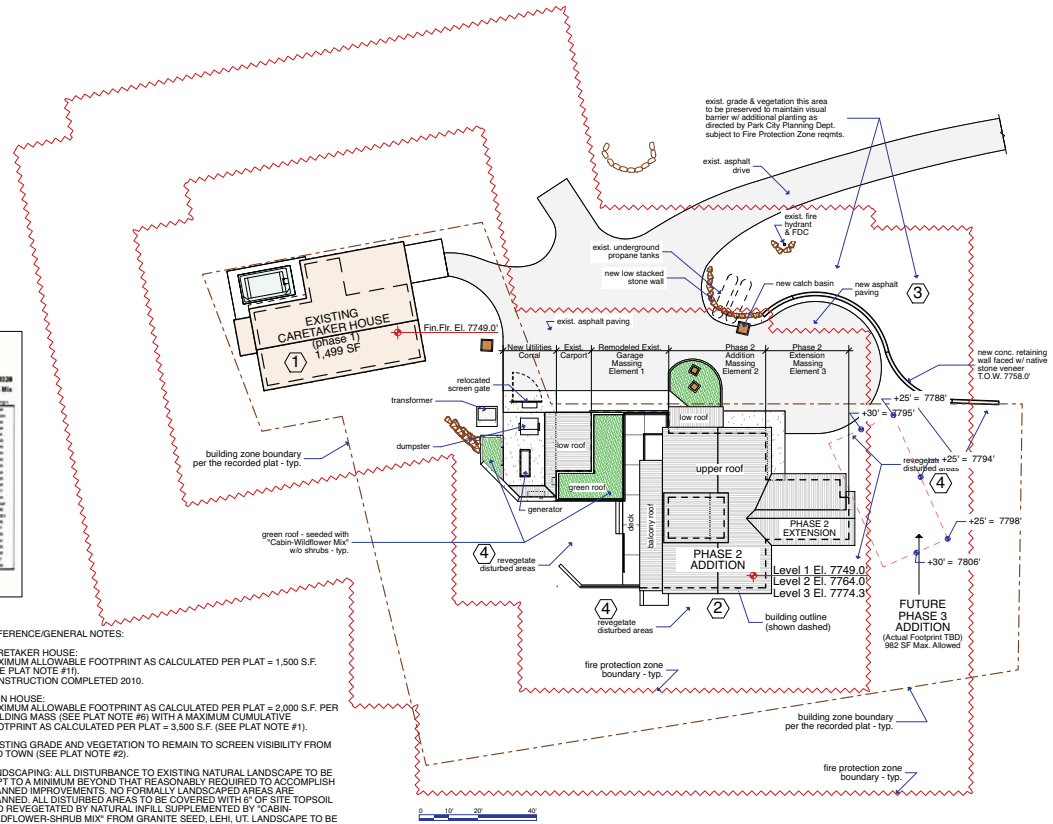
Requires that no one massing element (within 3,500 SF total footprint) shall exceed 2,000 SF. Largest actual massing element proposed is 1,778 SF - *complies*.

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REFERENCE/GENERAL NOTES

- ① **CARETAKER HOUSE:** MAXIMUM ALLOWABLE FOOTPRINT AS CALCULATED PER PLAT = 1,500 S.F. SEE PLAT NOTE #1. CONSTRUCTION COMPLETED 2010.
 - ② **MAIN HOUSE:** MAXIMUM ALLOWABLE FOOTPRINT AS CALCULATED PER PLAT = 2,000 S.F. PER BUILDING MASS (SEE PLAT NOTE #6) WITH A MAXIMUM CUMULATIVE FOOTPRINT AS CALCULATED PER PLAT = 3,500 S.F. (SEE PLAT NOTE #1).
 - ③ **EXISTING BARRIAGE WALL:** REQUIREMENT TO REMAIN TO SCREEN VISIBILITY FROM OLD TOWN (SEE PLAT NOTE #2).
- LANDSCAPING:** ALL DISTURBANCE TO EXISTING NATURAL LANDSCAPE TO BE KEPT TO A MINIMUM BEYOND THAT REASONABLY REQUIRED TO ACCOMPLISH THE ABOVE APPROVED DEVELOPMENT. ALL LANDSCAPED AREAS ARE PLANNED. ALL DISTURBED AREAS TO BE COVERED WITH 6" OF TOP SOIL. PLANT SPECIES TO BE USED SHALL BE: *WILDFLOWER-SHRUB MIX* FROM GRANITE SEED, *LEHI*, *LANDSCAPE TO BE DETERMINED BY A LICENSED LANDSCAPE ARCHITECT* TO MAINTAIN AS REQUIRED BY THE FIRE PROTECTION ZONE.
- ④ **EXTERIOR LIGHTING:** ALL EXTERIOR LIGHTING VISIBILITY FROM ANY OFFSITE VANTAGE POINT SHALL INCLUDE SHIELDING IN COMPLIANCE WITH PARK CITY ZONING CODE. ALL LIGHT LAMPING SHALL BE PLATE OR CUP STYLE.

D2 SITE PLAN
SCALE: 1" = 20'



DRAFT

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PROJECT: 19-05
DATE: 11/7/19
REVISIONS:
1-9-20



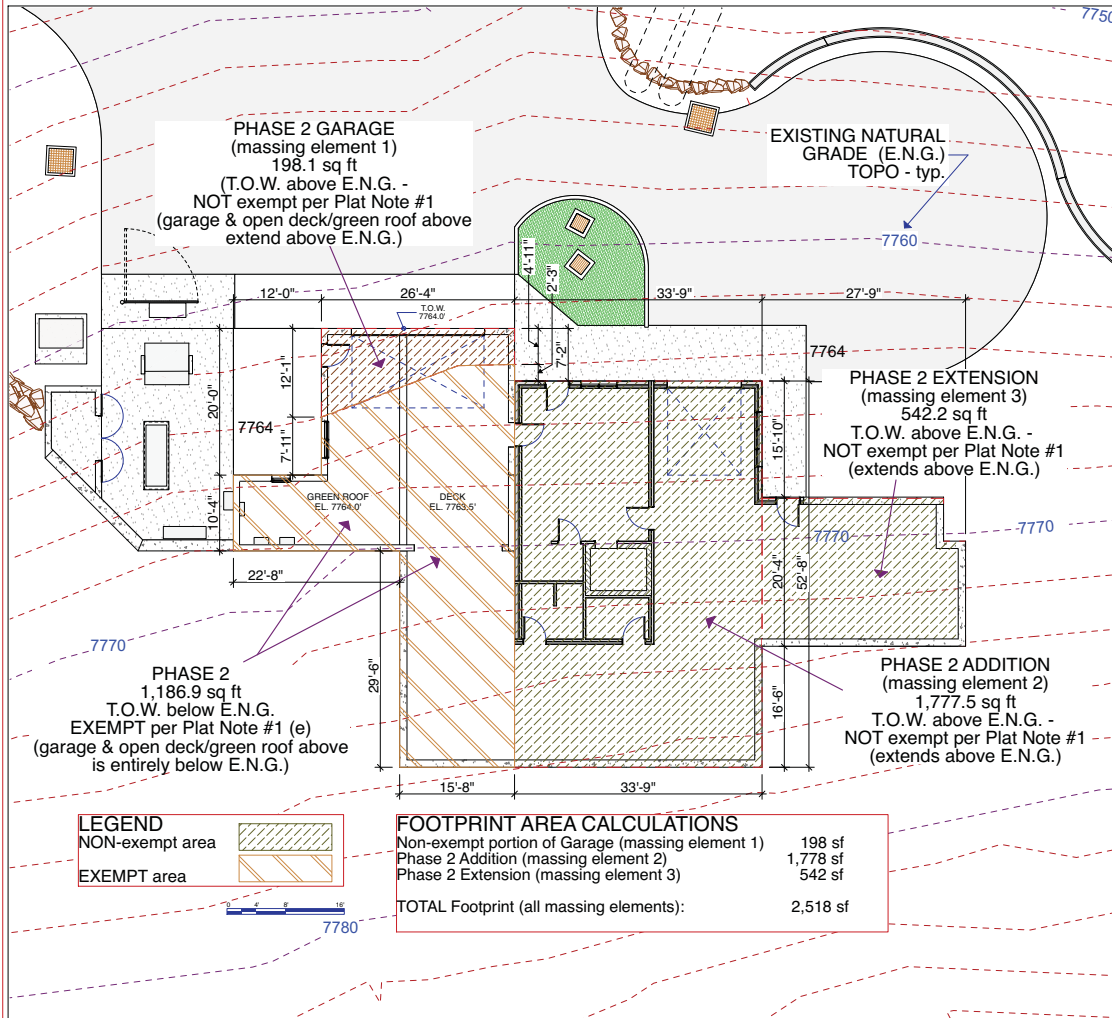
DAVE RICHARDS ARCHITECTS INC.
1399 South 700 East, Suite 17-D, Provo, UT 84604
V: 801.486.1386
F: 801.486.1386
dave@dave-richards.com

DAVE RICHARDS
ARCHITECTS
P.C.

SWEENEY RESIDENCE - PHASE 2
445 KING ROAD, PARK CITY, UTAH

CONDITIONAL USE REVIEW SET - 11-7-19, REV 1-9-20

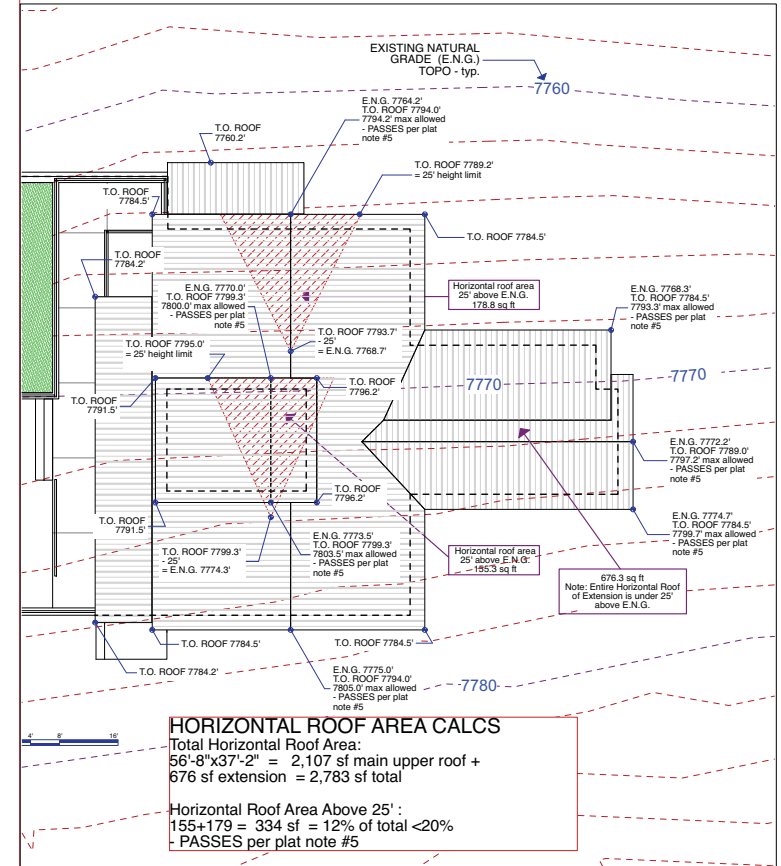
CU-102



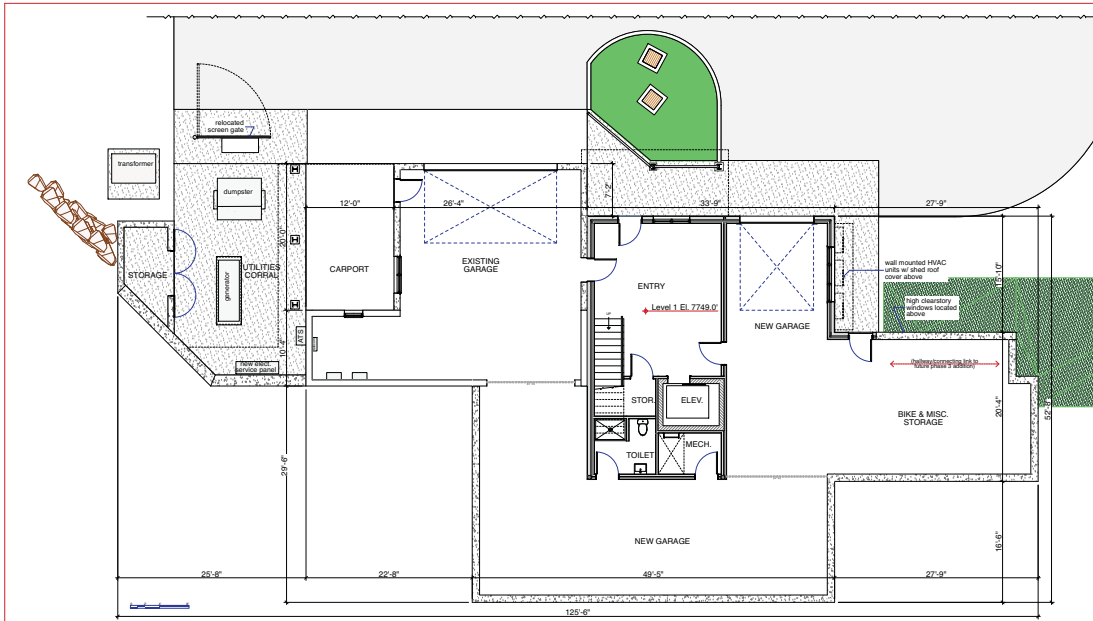
TOPOGRAPHIC NOTES:

- 1) E.N.G. = Existing Natural Grade, i.e. original grade.
- 2) Topographic contour info shown here taken from survey by Alta Engineering.

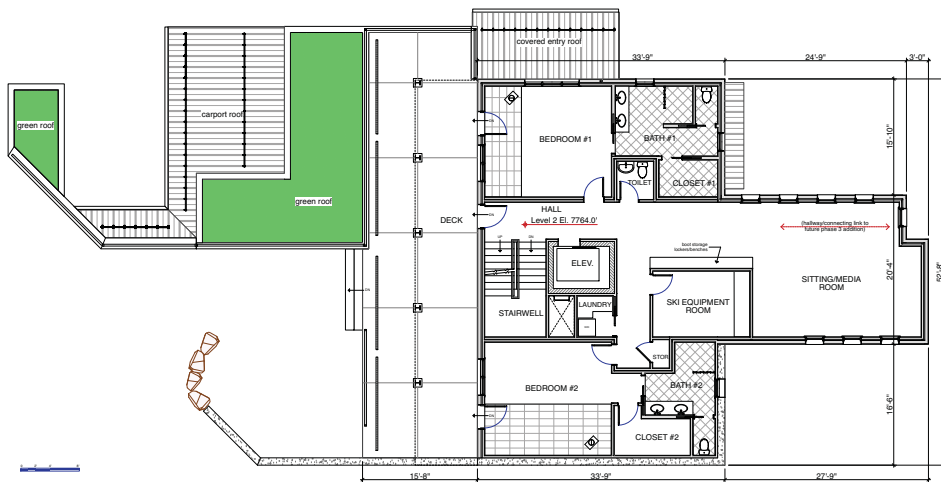
D1 FOOTPRINT AREA ANALYSIS.
SCALE: 1/8" = 1'-0"



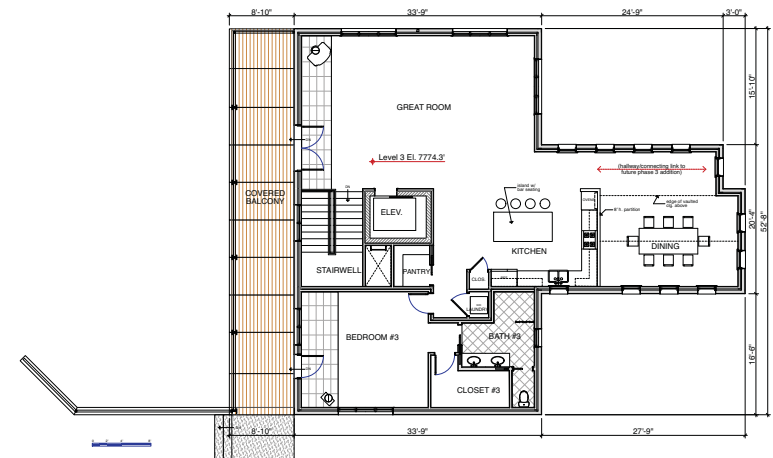
D4 BUILDING HEIGHT ANALYSIS
SCALE: 1/8" = 1'-0"



B1 LEVEL ONE PLAN
SCALE: 1/8" = 1'-0"



D1 LEVEL TWO PLAN
SCALE: 1/8" = 1'-0"



D3 LEVEL THREE PLAN
SCALE: 1/8" = 1'-0"

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PROJECT: 19-05
DATE: 11-7-19
REVISIONS:
1-9-20



DAVE RICHARDS ARCHITECTS INC.

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DAVE RICHARDS
ARCHITECTS

CONDITIONAL USE REVIEW SET - 11-7-19, REV 1-9-20

SWEENEY RESIDENCE - PHASE 2

445 KING ROAD, PARK CITY, UTAH

CU-103

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PROJECT: 19-05
DATE: 11.7.19
REVISIONS:
1-9-20



DAVE RICHARDS ARCHITECTS, INC.
1399 south 700 east, suite 17-d p.o. box 529064 salt lake city, utah 84152-0604
v: 801-486-1396 email: dave@daverichards-architects.com

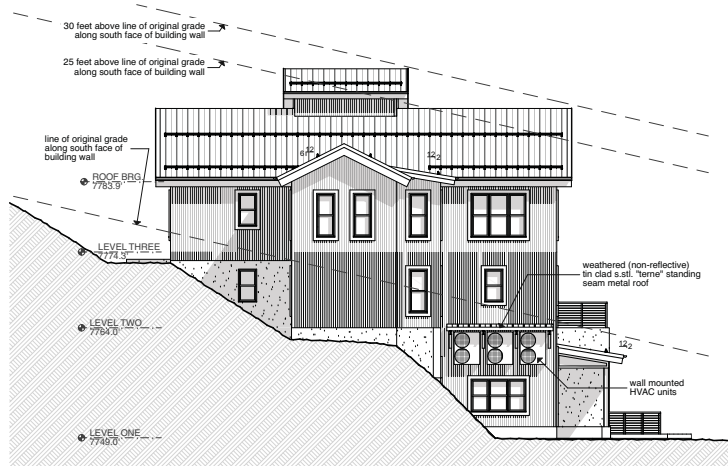
DAVE RICHARDS
ARCHITECTS, INC.

SWEENEY RESIDENCE - PHASE 2

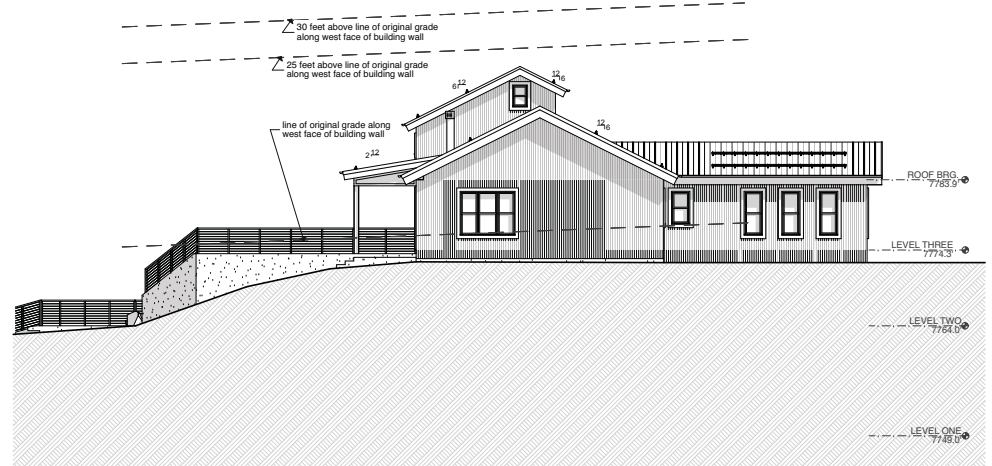
445 KING ROAD, PARK CITY, UTAH

CONDITIONAL USE REVIEW SET - 11-7-19, REV 1-9-20

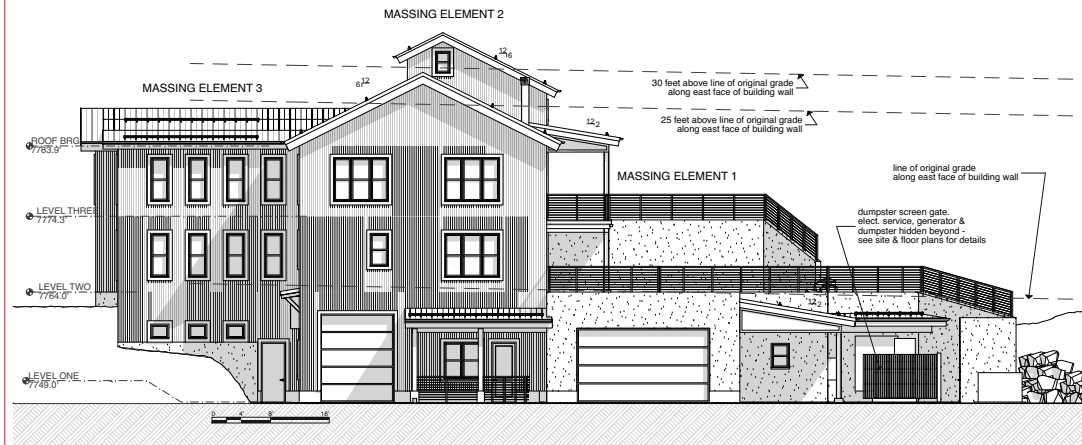
CU-104



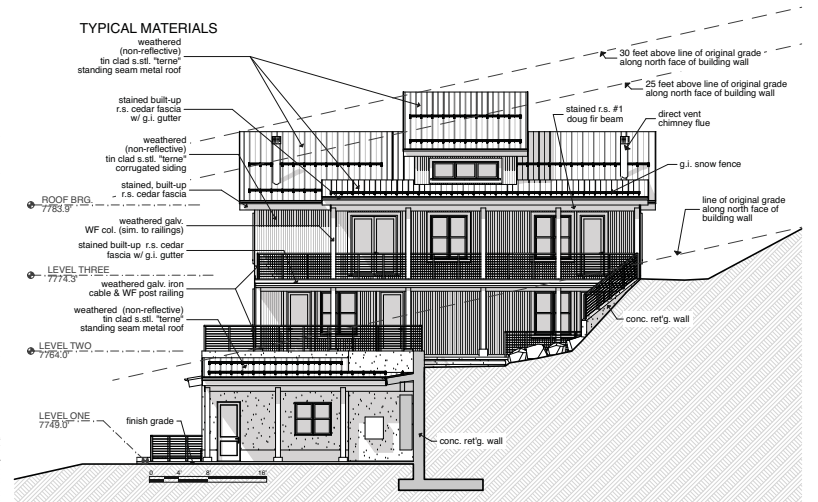
B1 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



B3 WEST ELEVATION
SCALE: 1/8" = 1'-0"



D1 EAST ELEVATION
SCALE: 1/8" = 1'-0"



D3 NORTH ELEVATION
SCALE: 1/8" = 1'-0"

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B1 AERIAL VIEW FROM SOUTHEAST (MASSING)
NOT TO SCALE

EXTERIOR MASSING STUDIES

APPROXIMATE BUILDABLE ENVELOPE FOR FUTURE PHASE 3 ADDITION. DEVELOPMENT SUBJECT TO THE RESTRICTIONS ON THE PLAT



D1 AERIAL VIEW FROM EAST (W/ PHASE 3 ADDITION)
NOT TO SCALE

PROJECT: 19-05
DATE: 11-7-19
REVISIONS:
1-9-20



DAVE RICHARDS ARCHITECTS INC.
1399 south 700 east, suite 17-d p.o. box 526064 salt lake city, utah 84152-0604
v: 801-486.1396 email: dave@daverichards-architects.com

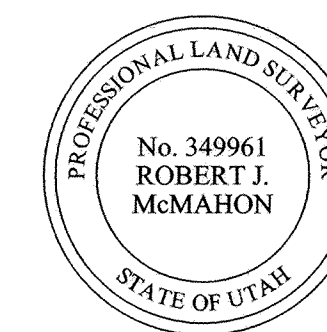
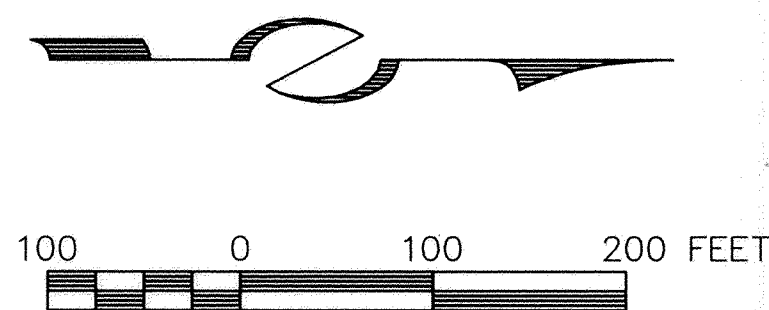


CONDITIONAL USE REVIEW SET - 11-7-19, REV 1-9-20

SWEENEY RESIDENCE - PHASE 2

445 KING ROAD, PARK CITY, UTAH

CU-105



SURVEYOR'S CERTIFICATE
I, Robert J. McMahon, certify that I am a Registered Land Surveyor and that I hold Certificate No. 349961 as prescribed under the laws of the State of Utah. I further certify that by the authority of the owner I have made a survey of the tract of land shown on this Plat and described herein and subdivided said tract of land into Lot 8, "PLATEAU PARCEL", and easements to be hereinafter known as "TREASURE HILL SUBDIVISION PHASE 3 FIRST AMENDED", and that the same has been correctly surveyed on the ground as shown on this plat.

6/30/09
Date

Robert J. McMahon
Robert J. McMahon

BOUNDARY DESCRIPTION

Beginning at a point that is North 23°38'00" West 311.02 feet and South 66°40'00" West 1654.11 feet from a Park City Monument located at the intersection of 4th Street and Park Avenue; thence South 50°56'26" East 656.36 feet; thence South 21°45'40" East 399.68 feet; thence South 450.00 feet; thence North 47°25'45" West 1229.90 feet; thence North 12°44'05" East 270.00 feet; thence North 53°30'00" East 234.36 feet to the point of beginning.

Containing 11.90 Acres, more or less.

Basis of bearing for the above description is South 23°38' East between the found Street Monument at the Intersections of Park Avenue and 6th Street and a found nail at the intersection of Park Avenue and 4th Street.

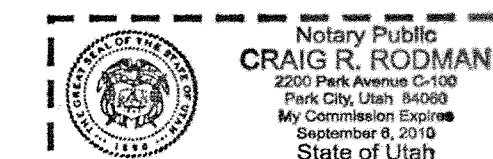
OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS; that Patrick J. Sweeney the undersigned owner of the herein described tract of land to be known hereafter as the TREASURE HILL SUBDIVISION PHASE 3 FIRST AMENDED, does hereby certify that he has caused this plat to be prepared and that he does consent to the recordation of this Plat.
ALSO, the owner or his representative hereby irrevocably offers for dedication to the City of Park City all the streets, easements, and land for public use shown on this Plat as intended for public use in accordance with an irrevocable offer of dedication. IN WITNESS WHEREOF, the undersigned set his hand this 30 day of June, 2009.

Patrick J. Sweeney
Patrick J. Sweeney, Owner

ACKNOWLEDGMENT

STATE OF Utah
COUNTY OF Summit



On this 30 day of June, 2009, Patrick J. Sweeney personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Patrick J. Sweeney 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.

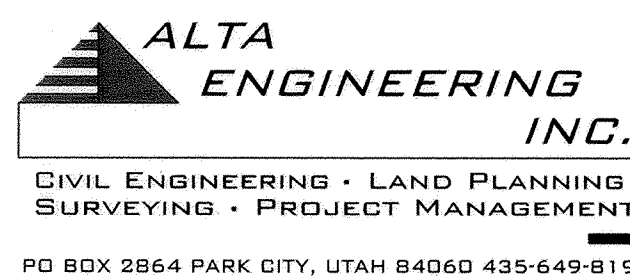
Craig R. Rodman
A Notary Public Commissioned in the State of Utah

Residing at: Park City, UT

My commission expires: 9/8/2010

TREASURE HILL SUBDIVISION PHASE 3 FIRST AMENDED

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



SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 20th DAY OF July, 2009 A.D.
BY *[Signature]*
S.B.W.R.D.

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 15th DAY OF May, 2009 A.D.
BY *[Signature]*
CHAIRMAN

ENGINEERS CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 15th DAY OF September, 2009 A.D.
BY *[Signature]*
PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS 23rd DAY OF September, 2009 A.D.
BY *[Signature]*
PARK CITY ATTORNEY

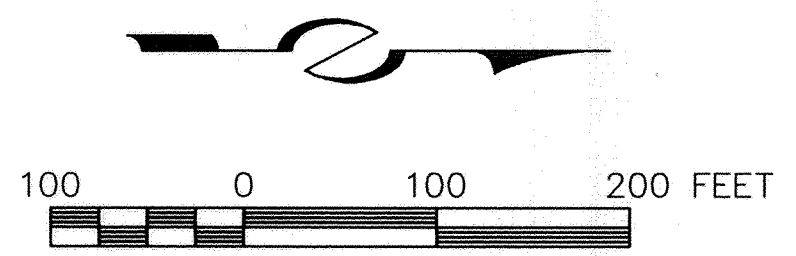
CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 28th DAY OF May, 2009 A.D.
BY *[Signature]*
PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 28th DAY OF May, 2009 A.D.
BY *[Signature]*
MAYOR

883780 RECORDED
STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF Coalition Title
DATE 10-5-2009 TIME 3:20 PM BOOK 111 PAGE 113
FEE \$ 61.00
BY *[Signature]*
RECORDER

TREASURE HILL
SUBDIVISION PHASE 3
FIRST AMENDED

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



KING ROAD ESTATE
SUBDIVISION

SKI EASEMENT FOR THE
BENEFIT OF THE SWEENEY
LAND COMPANY
RECORDED JANUARY 27, 2005
ENTRY NO. 724717 BK. 1675
PAGES 1009-1015

TREASURE HILL SUBDIVISION
PHASE 3
LOT 8
11.90 ACRES
(PLATEAU PARCEL)

LOT 5
(Open Space Parcel)

UTILITY EASEMENT OVER
LOT 5 FOR THE BENEFIT
OF THE "PLATEAU
PARCEL"
RECORDED APRIL 15, 1996
ENTRY NO. 452292 BK. 958
PAGES 192-222

QUITTING TIME TRAIL AND
LIFT EASEMENT
RECORDED FEBRUARY 9, 1999
ENTRY NO. 529817, BK. 1228
PAGES 213-236

TREASURE HILL SUBDIVISION
PHASE 1

RECORDED APRIL 15, 1996
ENTRY NO. 452295

LOT 3
(Upper Norfolk North Lot)

LOT 4
(Upper Norfolk South Lot)

LOT 7
(Treasure Hill
Phase 2)

LOT 6
(Treasure Hill
Phase 2)

LOT 2
(King Road North Lot)

LOT 1
(King Road South Lot)

PARK CITY SURVEY

EXISTING C/L 10' PUBLIC
NON-MOTORIZED BIKE AND
PEDESTRIAN TRAIL

C/L 10' PUBLIC NON-MOTORIZED
BIKE AND PUBLIC PEDESTRIAN
TRAILS EASEMENT

C/L 10' PUBLIC NON-MOTORIZED
BIKE AND PUBLIC PEDESTRIAN
TRAILS EASEMENT

RELOCATED C/L 10' PUBLIC
NON-MOTORIZED BIKE AND
PEDESTRIAN TRAIL

UTILITY EASEMENT FOR
THE BENEFIT OF THE
"PLATEAU PARCEL"
RECORDED AUGUST 20, 2003
ENTRY NO. 669920 BK. 1563
PAGES 79-88

SWEENEY LAND CO.

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	38.81	33.61	87°32'00"
C2	15.08	11.56	74°44'44"
C3	12.40	25.00	28°25'38"

LINE TABLE		
LINE	LENGTH	BEARING
L1	59.34	N24°01'47"E
L2	24.40	N05°20'01"W
L3	18.88	N14°23'12"E
L4	31.71	N08°43'12"W
L5	21.98	N10°10'00"E
L6	40.92	N14°45'43"W
L7	35.34	N08°39'00"W
L8	30.37	N05°35'00"W
L9	33.15	N05°17'13"W
L10	28.53	N40°10'40"W
L11	29.98	N02°35'35"W
L12	22.03	N28°37'01"W
L13	30.52	N15°30'30"W
L14	57.99	N34°36'33"W
L15	85.84	N05°35'03"W
L16	15.95	N13°02'42"W
L17	18.52	N15°15'53"E
L18	19.83	S73°12'46"E
L19	21.28	N68°11'11"E
L20	38.38	S69°01'12"E
L21	18.88	S39°53'47"E
L22	19.75	S87°02'52"E
L23	12.09	S17°07'24"E
L24	12.84	S33°23'48"E
L25	16.50	S86°42'20"W
L26	35.66	S67°48'49"W
L27	22.40	S23°32'31"W
L28	17.78	N65°55'12"W
L29	20.67	S64°18'13"W
L30	13.07	S07°18'17"E
L31	58.38	S68°21'12"E
L32	69.44	S59°33'07"E
L33	59.84	S55°04'30"E
L34	42.72	S84°08'07"E
L35	27.54	N73°33'30"E
L36	16.76	N65°33'13"E
L37	19.42	S88°12'20"E
L38	64.11	S76°40'30"E
L39	18.74	S89°02'14"E
L40	24.22	S69°12'20"E
L41	43.82	S09°33'33"E
L42	7.98	S17°28'34"W
L43	30.88	S82°24'59"W
L44	14.48	S69°32'55"W
L45	43.43	S89°26'48"W
L46	9.35	S84°02'50"W
L47	30.29	N02°02'54"E
L48	27.57	S80°07'28"W
L49	20.56	S31°50'39"E
L50	19.21	S72°41'11"E
L51	17.96	S32°02'25"E
L52	36.34	S37°45'03"E
L53	19.82	S52°02'57"E
L54	21.88	S83°14'42"W
L55	30.36	N83°03'08"W
L56	50.49	N77°09'06"W
L57	16.23	N59°15'10"W
L58	27.80	S84°27'26"W
L59	14.83	N68°42'06"W
L60	31.82	N89°32'28"W
L61	48.49	S78°10'04"W
L62	28.06	N73°05'11"W
L63	55.06	N79°52'46"W
L64	15.89	S87°10'03"W
L65	11.63	S06°45'08"W
L66	47.57	N63°12'19"W
L67	63.99	S82°38'34"W
L68	36.44	S77°43'35"W
L69	71.77	N65°30'06"W
L70	58.57	N62°17'35"W
L71	21.76	N61°58'14"W
L72	25.61	N40°04'55"W
L73	38.02	N63°12'55"W
L74	47.34	N56°22'22"W
L75	30.21	N74°42'13"W
L76	33.56	S21°45'40"E

PLAT NOTES

- FOOTPRINT.** The residential footprint of the dwelling ("Main House"), to be located on Lot 8, Phase IV, Treasure Hill Subdivision (the "Lot"), shall be calculated from the outside face of walls, subject to the massing requirements of Note 6, and a maximum of three thousand five hundred (3,500) square feet footprint including garages. The following shall not count toward the foot print calculations:
 - Deck which is open on at least two sides, but which may have railings as required, covered or uncovered, and that does not have above-existing-natural-grade garage or living space located below or above it;
 - Exterior walkways;
 - Exterior stairs;
 - Driveway; and
 - That Portion of any garage, carport, mechanical space, or living space that is located below existing natural grade and which has landscaping or deck (as provided in 1(a)) located above it.
 - VISIBILITY.** The Main House and Caretaker/ Guest House shall be located and screened by existing vegetation. If necessary, they shall be screened by new vegetation so as to be substantially out of sight from the Historic District as determined solely by the Park City Planning Department.
 - BUILDING AREA Zone.** Improvements, including fences and formal landscaping (unless otherwise permitted under easements or agreements of record or as shown on this Plat or as consistent with construction drawings approved by the Park City Municipal Corporation ("City") for the driveway and utilities ("Drawings")) shall be limited to the Building Zone noted on this Plat.
 - BUILDING AREA CONSTRUCTION DISTURBANCE.** Temporary construction disturbance associated with construction of the residence, excluding the driveway and utilities, as shown on construction drawings and the deposit on the Lot of excess excavated material placed in accordance with an approved construction mitigation plan, shall be limited to twenty (20) feet outside the Building Area Zone shown herein subject to Note 2 above. Such disturbed area shall be revegetated with native landscaping, and a guarantee for the cost of revegetation shall be posted with the City at the time of building permit issuance. The adjacent ski trails may be used for construction staging subject to the Town Lift Easements referenced in Note 10 below.
 - HEIGHT.** The Main House height shall be measured from existing natural grade. The maximum height shall be twenty-five (25) feet for roofs and roof elements that generally are parallel to existing natural grade and thirty (30) feet for roof ridges that are generally oriented (in the horizontal plane) perpendicular to existing contour lines, for example, dormers. Such perpendicularly oriented roof portions located above twenty five (25) feet in height shall comprise less than 20 percent of the roof plan. Planning Commission may, during the Conditional Use approval process, grant height exceptions up to a maximum height of thirty-three (33) feet for pitched roofs for the expressed purpose of accommodating access, i.e. stairwells and/or elevators between floor levels.
 - MASSING.** Designs may be comprised of one or more connected or unconnected building masses. No one building mass within the 3,500 square foot footprint (referred to in Note 1 above) shall have a footprint that exceeds 2,000 square feet. Massing elements shall be separated by horizontal and/or vertical facade breaks. This requirement shall be interpreted to mean that there will be significant variation of roof heights and wall faces for the different building elements.
 - ACCESS.** The Lot shall be accessed by a minimum of a twelve foot (12) wide driveway as shown on the Drawings. The maximum width shall be 20 feet except for turn around areas approved by the Park City Planning Department.
 - UTILITIES.** Utilities (water, phone, cable, and power) shall be extended from Woodside Avenue with the exception that power may come from the North. The water supply lift station and other utilities will be initially installed and perpetually maintained at the owner's expense.
- At the request of the owner, Park City allowed emplacement of an individual disposal system (septic tank) on this property. The owner did not request that this property be connected to a Snyderville Basin Water Reclamation District (SBWRD) waste water line. Septic systems can fail. All costs associated with the correction of a failed septic system, including sewer connection from the property to an existing SBWRD waste water line shall be at the sole expense of the property owner. SBWRD shall be in no way responsible for these or any related costs associated with septic system failure.
- There is an existing waste water lateral stub for the Plateau Parcel which has been provided on Lot 7 of the Treasure Hill Phase 2 Plat (within the Utility Easement for the benefit of the Plateau Parcel). The lateral passes under a reinforced concrete tunnel. Maintenance and replacement of the waste water lateral shall be the responsibility of the owner of the Plateau Parcel and not that of SBWRD.
- FIRE PROTECTION PLAN.** Residential fire sprinkling and other safety features shall comply with the Fire Protection Plan on file with the Chief Building Official at the time of plat recordation. Wood roofing materials shall be prohibited.
 - EASEMENTS AND AGREEMENTS.** This Lot is subject to the following easements and agreements:

Special Warranty Deed with Possibility of Reverter with certain rights as recorded April 15, 1996, Entry No. 452292, Book 958, Pages 192-222, in the office of the Summit County Recorder, Summit County, Utah.

The Plateau Agreement with covenants and understandings between the Greater Park City Company and Patrick J. Sweeney executed February 1, 1999.

Ski and Pedestrian Easements as described in Section 4.4 of the Sweeney Properties Master Plan ("SPMP") summary and as shown on sheets 1, 2, and 4 through 9 of the SPMP.

Combined Amended Grant of Easements to the Greater Park City Company as recorded February 9, 1999, Entry No. 529817, Book 1228, Pages 213-236, in the office of the Summit County Recorder, Summit County, Utah.

Access Easement Agreement as recorded May 14, 2003, Entry No. 658445, Book 1534, Pages 1407-1420, in the office of the Summit County Recorder, Summit County, Utah.

Utility and Construction Access Easement Agreement as recorded August 20, 2003, Entry No. 669920, Book 1563, Pages 79-88, in the office of the Summit County Recorder, Summit County, Utah.
 - Lighting on the lot including the interior and exterior of all structures shall be shielded from direct view from all viewpoints within the City Limits with the exception of "seasonal lighting" allowed December 1 through January 15.
 - PRECEDENCE.** The above special restrictions are covenants of and consistent with the SPMP approved by the Park City Council on October 16, 1986, and as subsequently amended on October 14, 1987; December 30, 1992; and November 7, 1996. Final house design shall be reviewed under the Conditional Use process in accordance with the SPMP. This property shall not be further subdivided.
 - All previous Conditions of Approval of the Sweeney Properties Master Plan (Treasure Hill) continue to apply.



Park City Public Utilities
1053 Iron Horse Drive PO Box 1480 | Park City, UT 84060-1480
p (435)-615-5323 | f (435) 615-4912
griffin.lloyd@parkcity.org

Memorandum

To: Elizabeth Jackson, Planner
cc: Roger McClain, Public Utilities Engineering Manager
Clint McAfee, Public Utilities Director
From: Griffin Lloyd, Public Utilities Engineer
Subject: Water service review of 445 King Road
Date: December 20, 2019

Upon review of the 445 King Road, Conditional Use Permit reviewed in the Development Review Committee on December 17, 2019, Public Utilities have the following items to be addressed and/or listed as condition of approval.

1. Park City Public Utilities does not allow booster pump connections from their system. This connection has been previously approved by and regulated by the Division of Drinking Water. Any update to the system and increase in demand would need their review, approval and/or exception. Park City Public Utilities requests they be included on any such approvals with Division of Drinking Water.
2. Park City Fire Department would need to review and approve new development demands on current system to see if fire flow conditions are met for new and existing structures, and that current backup power systems are adequate.
3. Because current booster system is serving both old and new structures; ownership, operation, and maintenance/replacement of the booster station and piping needs to be addressed. Due to the possible change in ownership, this information would need to be on a plat or recorded document, not just CCRs (which are changeable by the owners) to insure any future owner continues responsibility of system.
4. If booster pumps are to be upsized, Park City Public Utilities requests engineered drawings and calculations of the new pumps design to insure pump sizing does not negatively affect or damage existing water infrastructure.

If Division of Drinking Water should deny the booster connection, the property owner can explorer a service connection to a different water main in the vicinity, with Public Utilities.

Ordinance No. 03-36

AN ORDINANCE APPROVING A ZONE CHANGE FROM RECREATIONAL OPEN SPACE (ROS) TO ESTATE (E) AT 445 KING ROAD, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 445 King Road have petitioned the City Council for approval of the zone change; 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 July 23, 2003, to receive input on the zone change;

WHEREAS, the Planning Commission, on July 23, 2003, forwarded a positive recommendation to the City Council; and,

WHEREAS, on July 31, 2003, the City Council held a public hearing and approved the zone change; and

WHEREAS, it is in the best interest of Park City, Utah to approve the zone change.

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

SECTION 1. APPROVAL. The zone change on the lot as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 445 King Road and is known as lot 12 of the Treasure Hill Subdivision Phase 4, part of the Sweeney Properties Master Plan.
2. The property is currently zoned Recreation Open Space - ROS-MPD. The 11.9 acre property is unimproved.
3. The Sweeney Properties Master Plan (SPMP) was approved by the City Council on October 16, 1986 and amended on October 14, 1987, December 30, 1992, and November 7, 1996.
4. The underlying zoning of the Hillside Parcels, including this one, at the time of MPD approval was Estate.
5. The SPMP approval designated this development parcel as being subject to Estate-MPD approval.
6. The purpose of the Estate zone is to allow very low density, environmentally sensitive residential development which preserves ridge tops, meadows, and visible hillsides, preserves large, cohesive, unbroken Areas of Open Space and undeveloped land, preserves and incorporates wetlands, drainage ways, and intermittent streams as amenities of Development, mitigates geologic and flood

hazards, protects views along the City's entry corridors, and decreases fire risk by keeping Development out of sensitive wild land interface Areas, incorporates pedestrian trail linkages between and through neighborhoods; and encourages comprehensive, efficient, Compatible Development which results in distinct and cohesive neighborhoods through application of the Sensitive Lands Ordinance.

7. The entire lot will be zoned Estate. The area outside of the Building Pad will be subject to a Conservation or Open Space Easement.
8. The Planning Commission held a public hearing on July 23, 2003 and forwarded a positive recommendation to the City Council.

Conclusions of Law:

1. The development of this lot is consistent with the E District purpose statements.
2. The change from ROS to E-MPD Zoning is consistent with the Park City General Plan and the Sweeney Properties Master Plan.
3. The rezone from ROS to E is in the best interest of the community.

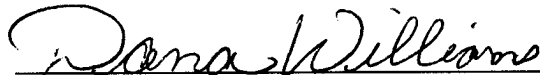
Conditions of Approval:

1. This zone change is contingent upon the recordation of the plat approved concurrently herein.

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

PASSED AND ADOPTED this 31st day of July, 2003.

PARK CITY MUNICIPAL CORPORATION



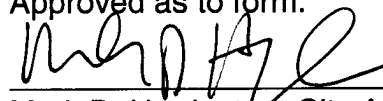
Mayor Dana Williams

Attest:

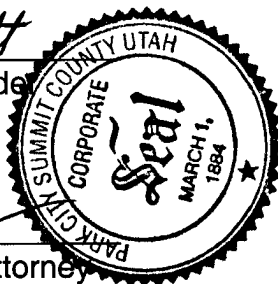


Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



Ordinance No. 03-37

**AN ORDINANCE APPROVING A SINGLE LOT SUBDIVISION AT 445 KING ROAD,
PARK CITY, UTAH.**

WHEREAS, the owners of the property located at 445 King Road have petitioned the City Council for approval of the Subdivision plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on July 23, 2003, to receive input on the subdivision;

WHEREAS, the Planning Commission, on July 23, 2003, forwarded a positive recommendation to the City Council; and,

WHEREAS, on July 31, 2003, the City Council held a public hearing and approved the subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the subdivision.

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

SECTION 1. APPROVAL. The subdivision as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 445 King Road and is known as lot 12 of the Treasure Hill Subdivision Phase 4, part of the Sweeney Properties Master Plan. The property is currently zoned Recreation Open Space - RD-MPD with a request for zone change pending. The property is vacant.
2. The Sweeney Properties Master Plan (SPMP) was approved by the City Council on October 16, 1986 and amended on October 14, 1987, December 30, 1992, and November 7, 1996.
3. One lot of record will be created with the subdivision.
4. The Treasure Hill Subdivision Phase 4 plat includes plat notes regarding building footprint, heights, setbacks, massing, building pad footprints, limits of disturbance, access, re-vegetation, utilities, and fire protection.
5. Utilities are available to sustain the anticipated property uses. Utilities will generally tie into Woodside Avenue, follow the Quittin' Time ski run in its lower extent and connect to the Building Pad along a future ski run to the Payday area.
6. The Chief Fire Marshall has reviewed the Fire Protection Plan and has conceptually approved it.

7. A financial guarantee for all public improvements is necessary to ensure completion of these improvements and to protect the public from liability and physical harm if these improvements are not completed by the developer or owner.
8. The Planning Commission held a public hearing on July 23, 2003 and forwarded a positive recommendation to the City Council.

Conclusions of Law:

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

Conditions of Approval:

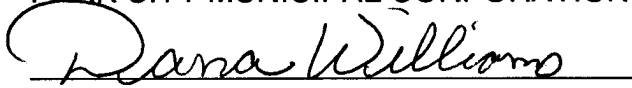
1. The Conditions of Approval for the Sweeney Properties Master Planned Development remain in full force and effect.
2. The design of the Main House and any Guest House will follow the Conditional Use Permit process in accordance with the Sweeney Properties Master Plan (SPMP).
3. All standard project conditions shall apply.
4. The Building Pad is 29,084 square feet in which all construction activity must take place, excepting the driveway and utility construction.
5. The Main House footprint is limited to 3500 square feet. A single caretaker's or guest house may have a footprint up to 1500 square feet.
6. The Height of the Main House is 25 feet measured from natural grade for ridges that run parallel to the natural contours and 30 feet from natural grade for ridges perpendicular to the existing contours. Such perpendicular ridges may not comprise more than 20 percent of the roof plan. The Guest House may not exceed 20 feet from natural grade in height.
7. All trails, as indicated on the Treasure Hill subdivision plat, which have not yet been constructed and approved, shall be completed prior to issuance of a certificate of occupancy for the residences. Relocation of said trails shall be reviewed and approved by City Staff.
8. The applicant must record an Open Space Easement, or other instrument of record, for that area outside of the Building Pad to forever preserve the natural state. Ski runs and those public trails dedicated on this plat may be allowed in this open space.
9. The City Engineer shall review and approve appropriate grading, utility, public improvements and drainage plans for compliance with City standards as a condition precedent to permit issuance.
10. Final details of the Fire Protection plan are required to be approved prior to plat recordation.
11. The Snyderville Basin Water Reclamation District shall review and approve the sewer plans.
12. A financial guarantee, for the value of all public improvements, landscaping, re-

- vegetation, and trails to be completed, shall be provided to the City prior to building permit issuance. All public improvements shall be completed according to City standards and accepted by the City Engineer prior to release of this guarantee.
13. Re-vegetation of the disturbed areas, including utility installation areas, shall be done with native species acceptable to the Planning Department Landscape Architect.
 14. 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 and the plat will be void.

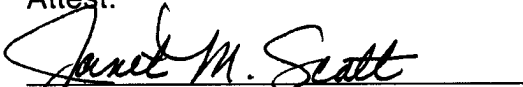
SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 31st day of July, 2003.

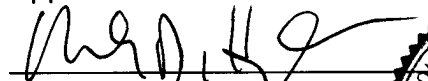
PARK CITY MUNICIPAL CORPORATION

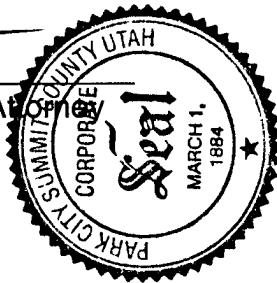

Mayor Dana Williams

Attest:


Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney



SECONDARY DEFINITION

INDEX OF REFRACTION AND CONSTANT TO RECORD

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Produced in Great Britain by the Associated Press

— *Journal of Management Education* 20(1) 1996
 DILLON, J. Sweeney, *Marketing Theory: Rhetoric, Texts and Contexts*
 ACKNOWLEDGMENT

SAFE CO.

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NOTES TO PURCHASER

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7. ACCESS The lot shall be accessed by a minimum of a 12' wide driveway as shown on the site plan.

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11. ACCESS AND UTILITIES.

RECORD OF SURVEY MAP

17

PHASE 4

PROVISIONI LOCALI

COUNCIL APPROVAL AND ACCEPTANCE	RECORDED	PAGE
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APPENDIX ONE

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Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: 802 Empire Avenue – Construction of a Shared Private Driveway over a Platted, Unbuilt City Street
Project #: PL-19-04113
Author: Alexandra Ananth, Senior Planner
Date: February 12, 2020
Type of Item: Administrative – Conditional Use Permit

Summary Recommendations

Staff recommends that the Planning Commission review the Conditional Use Permit (CUP) for the Construction of a Shared Private Driveway over a Platted, Unbuilt City Street, hold a Public Hearing, and consider approving the request based on the following Findings of Fact, Conclusions of Law, and Conditions of Approval. This hearing is a continuation of the Public Hearing opened on January 8, 2020 and continued to the February 12, 2020 Meeting.

Description

Applicant: Tom Peek for Old Town Lands LLC, represented by Jonathan DeGray, Architect
Location: 802 Empire Avenue
Zoning District: Historic Residential District (HR-1)
Adjacent Land Uses: Residential
Reason for Review: Conditional Use Permit applications are reviewed and approved by the Planning Commission

Proposal

The applicant is proposing the construction of a Private Shared Driveway over a Platted, Unbuilt City Street. The proposed driveway would access Lots 1 and 2 of the proposed 802 Empire Avenue Subdivision, which was submitted under separate application to the Planning Commission simultaneously with this application. Due to existing grades, sight lines, road geometrics and existing curb cuts on Crescent Tram the City has encouraged the applicant to seek vehicular access to both of these lots from Empire Avenue rather than Crescent Tram, and is thus supportive of this application. In addition to the Subdivision Plat and the CUP for the driveway it is expected that the applicant will need to seek a Steep Slope Administrative CUP and submit Historic District Design Review (HDDR) applications as development on these lots moves forward.

The Planning Commission opened a Public Hearing on this item on January 8, 2020, and continued the item to the February 12, 2020 Planning Commission Meeting.

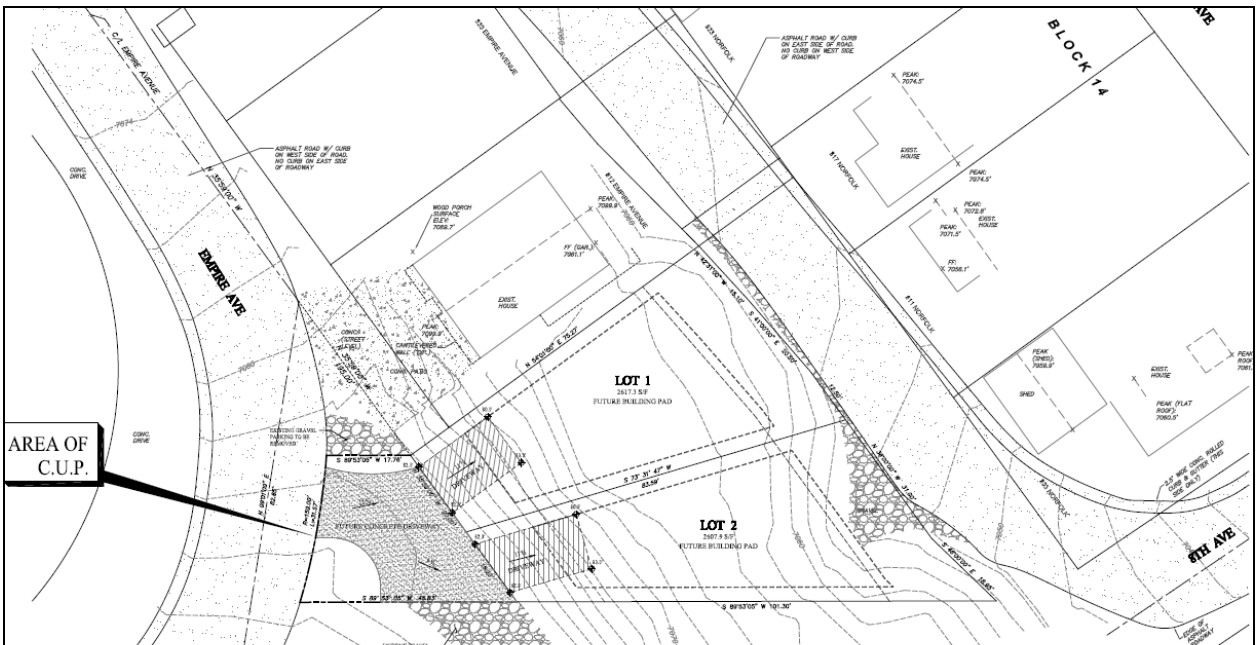


Figure 1: Proposed Driveway from Empire Avenue over Platted-Unbuilt Empire Avenue to Lot 1 and Lot 2



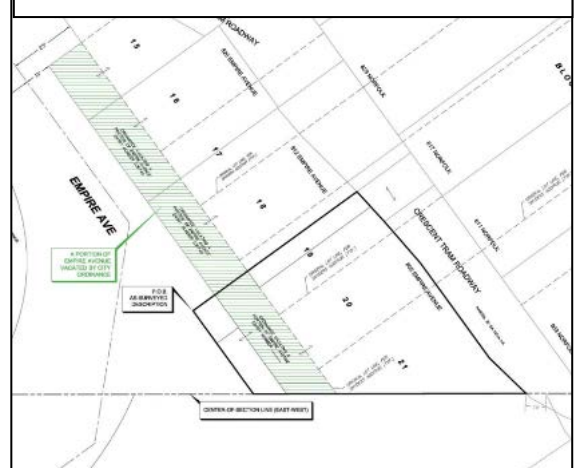
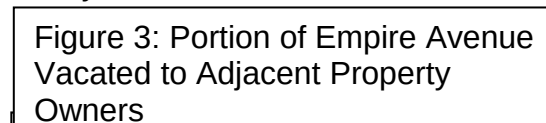
Figure 2: Aerial View of Proposed CUP Area

The proposed 802 Empire Avenue Subdivision consists of two (2) Lots consisting of three (3) parcels. A portion of Lot 19, all of Lot 20, and all of Lot 21 make up the proposed subdivision which the applicant is proposing to divide into two developable lots simultaneously with this CUP application. The lots are currently vacant of any structures.

Tom Peek bought the parcels in 2016 and hired Park City Surveying to provide quit claim deed solutions to resolve these issues. Park City Surveying worked with the City's Planning Department and City Attorney's Office on these corrective quit claim deeds which were approved by the City and recorded with the County to document this process. This included A) the applicant quit claiming land to the City that is in the Crescent Tram right-of-way, B) the City quit claiming land to the applicant which was intended to be owned by the applicant, and C) the applicant quit claiming land to the City that was not intended to be owned by him. These title issues were all a result of old surveying errors including scrivener's errors in the legal descriptions. A PowerPoint presentation from Park City Surveying further describes these issues (Exhibit A). In addition to these errors the City vacated a portion of Empire Avenue to the adjacent property owners in 1968. This is the green area shown in Figure 3.

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

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



- F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

The proposal complies with the above goals as the applicant is proposing to create and access developable infill lots in keeping with the surrounding neighborhood in terms of lot size, and the City is encouraging access to these lots from Empire Avenue rather than Crescent Tram. Current conditions of the Platted Unbuilt Right-of-Way are that the site is not actively maintained by the City and is therefore overgrown and access over the Right-of-Way would result in a visual improvement of the site for the neighborhood. The applicant will need to sign an encroachment agreement provided by the Engineering Department and should the City choose to redevelop the road on the un-built Right-of-Way in the future, the driveway would be removed and access to the lots would be changed to accommodate the Street.

No parking will be allowed along the driveway. It will solely be used for shared access to the two proposed lots.

The Conditional Use Permit is subject to the following review criteria in the LMC:

- Per [LMC 15-3-5](#), the proposal is subject to the standards for private driveways within platted, unbuilt city streets.
- Per [LMC 15-1-10\(E\)](#), the proposal is subject to review according to the Conditional Use Permit Criteria.

Staff has included the following sections for Analysis:

- I. [LMC 15-3-5 Driveway Standards for Private Driveways Within Platted, Unbuilt City Streets](#)
- II. [LMC 15-1-10\(E\) Conditional Use Permit Review Criteria](#)

Section I. [LMC 15-3-5 Driveway Standards for Private Driveways Within Platted, Unbuilt City Streets](#)

- A. The driveway shall not exceed ten percent (10%) Slope.

Complies

The proposed driveway would have a maximum slope of ten percent (10%). See Exhibit B for Proposed Plans including Driveway Exhibit.

- B. Adequate snow storage Area along the downhill side and/or end of the driveway shall be provided.

Complies

The proposal allows for adequate snow storage at both the downhill (southwest) and uphill (northwest), end of the driveway.

- C. The driveway must be paved with asphalt or concrete.

Complies

The applicant is proposing to construct the driveway out of concrete.

- D. The driveway must not pre-empt any existing physical parking, which may occur in the platted Street. If the platted Street has been improved to provide Public Parking,

then any driveway proposal must replace such parking with new Public Parking of equal or better convenience and construction.

Complies

The driveway does not pre-empt any existing physical parking and the platted Street has not been improved to provide Public parking. Parking for the proposed new lots will be on each respective Lot.

- E. The driveway and related improvements such as retaining walls shall be designed and built to minimize present and future conflicts with public utilities and stairs.

Complies

The applicant designed the driveway proposal after discussion with the City Engineer. No retaining walls or improvements other than the concrete driveway are proposed at this time.

- F. The driveway construction requires a Conditional Use permit, Section 15-1-10.

In Process

See Section II. below for CUP review and analysis.

- G. An encroachment permit for the driveway is required.

Complies as conditioned

The applicant shall record an encroachment agreement for the driveway prior to issuance of any Building Permits for either the proposed driveway or proposed Lots 1 or 2. See Condition of Approval #2.

- H. Private utilities, including snow melt devices, within the platted City Street require approval by the City Engineer.

Complies

The Building Permit will be reviewed by the City Engineer prior to issuance.

Staff finds the proposal **complies** with [LMC 15-3-5 Driveway Standards for Private Driveways Within Platted, Unbuilt City Streets](#).

Section II. [LMC 15-1-10\(E\) Review](#)

The Planning Department and/or Planning Commission must review each of the following items when considering whether or not the proposed Conditional Use mitigates impacts of and addresses the following items:

1. Size and location of the site

No Unmitigated Impacts

Proposed Lots 1 and 2 meet the required lot size for the HR-1 District. The Minimum Lot Size for a Single Family Dwelling is 1,875 square feet (0.04 acres). Lot 1 is 2,617 square feet and Lot 2 is 2,608 square feet. Although the Lots are considered "thru-lots" with frontage on both Crescent Tram and Empire Avenue the City has encouraged the applicant to seek vehicular access over Empire Avenue only.

2. Traffic considerations including capacity of the existing Streets in the Area

No Unmitigated Impacts

Although the Lots are considered thru-lots with frontage on both Crescent Tram and Empire Avenue the City has encouraged the applicant to seek access over Empire

Avenue due to existing grades, sight-lines and road geometrics. Empire Avenue appears to have sufficient capacity to accommodate two additional Lots.

3. Utility capacity

No Unmitigated Impacts

The addition of two new lots on Empire Avenue will have no impacts on utility capacity.

4. Emergency vehicle access

No Unmitigated Impacts

Empire Avenue offers sufficient access for emergency vehicles.

5. Location and amount of off street parking

No Unmitigated Impacts

Parking for the two lots will be contained on site. No parking will be allowed in the Platted Unbuilt City Right-of-Way.

6. Internal vehicular and pedestrian circulation system

No Unmitigated Impacts

Both Empire Avenue and Crescent Tram have a public sidewalk on one side of the street. The applicant has been encouraged by the City to access the proposed lots from Empire Avenue.

7. Fencing, Screening and landscaping to separate the Use from adjoining Uses

No Unmitigated Impacts

Site Plans including fencing, screening and landscaping will be required at the time of building permit for the proposed two (2) Lots. No fencing, screening or landscaping is proposed for the Platted Unbuilt City Right-of-Way.

8. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots

No Unmitigated Impacts

The applicant has not submitted building plans to the City for review yet. However, should the CUP and Subdivision Plat be approved, any proposed development will be subject to the City's Historic District Design Guidelines and Review Process (HDDR) as well as the Steep Slopes CUP process.

9. Usable Open Space

No Unmitigated Impacts

Any development on the proposed Lots will be subject to the City's Land Management Code. The proposed shared driveway to be located over the Platted Unbuilt City Right-of-Way will not take away Usable Open Space from the neighborhood.

10. Signs and lighting

No Unmitigated Impacts

Any development on the proposed Lots will be subject to the City's Land Management Code including signs and lighting.

11. Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing

No Unmitigated Impacts

The proposed lot sizes are compatible with the surrounding neighborhood and a HDDR Application will be required to ensure that the physical design and architectural detailing are compatible with the surrounding neighborhood and HR-1 District.

12. Noise, vibration, odors, steam, or other mechanical factors that might affect people and property Off-site

No Unmitigated Impacts

No noise or odors are expected beyond what is typical and expected for two Single Family Dwellings.

13. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup Areas

Not applicable

No delivery or service vehicles are expected beyond what is typical and expected for two Single Family Dwellings.

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

Not applicable

It is expected that the proposed lots will be developed with Single Family Dwellings.

15. Within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site

No Unmitigated Impacts

The proposed improvements will be appropriately graded and reviewed thoroughly through the HDDR and Building Permit Review Process.

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

No Unmitigated Impacts

This proposal has been reviewed for consistency with the Goals and Objectives of the Park City General Plan. The General Plan establishes several goals and objectives including, but not limited to:

- Goal 15: Preserve the integrity, mass, scale, compatibility and historic fabric of the nationally and locally designated historic resources and districts for future generations.
 - o Any proposed development on the Lots will be compatible with the Historic District Design Guidelines and surrounding neighborhood context. These Guidelines guide infill to ensure that infill is compatible in the neighborhood context.
- Objective 15B: Maintain character, context and scale of local historic districts with compatible infill development and additions.
 - o Any proposed development on the Lots will be compatible with the Historic District Design Guidelines and surrounding neighborhood context.

Staff finds the proposal has no unmitigated impacts concerning [LMC 15-1-10\(E\) Conditional Use Permit Review Criteria](#).

Department Review

This project has gone through an interdepartmental review and was encouraged to seek vehicular access through Empire Avenue rather than Crescent Tram due to the existing grade, roadway geometrics, sight lines and existing curb cuts on Crescent Tram.

Notice

On December 18, 2019 the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published on the Utah Public Notice Website and Park Record on December 21, 2019 according to requirements of the Land Management Code. The project was re-noticed on January 29, 2020 as well.

Public Input

Public comment received via email is attached to this Staff Report (Exhibit C). In addition, the [Minutes](#) from the January 8, 2020 Public Hearing contain additional public comment related to the Subdivision (starting on page 34). There was no public input specific to the CUP application at the January 8, 2020 Planning Commission Meeting.

Alternatives

- The Planning Commission may approve the Conditional Use Permit for the Construction of a shared Private Driveway within a Platted, Unbuilt City Street at 802 Empire Avenue, as conditioned or amended; or
- The Planning Commission may deny the Conditional Use Permit for the Construction of a shared Private Driveway within a Platted, Unbuilt City Street at 802 Empire Avenue and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the Conditional Use Permit for the Construction of a shared Private Driveway within a Platted, Unbuilt City Street at 802 Empire Avenue and request additional information or analysis in order to take action.

Significant Impacts

There are no significant impacts from this application that have not been addressed.

Consequences of not taking action on the Suggested Recommendation

The applicant would have to seek vehicular access from Crescent Tram which offers less than ideal access and would be more impactful to the neighborhood.

Recommendation

Staff recommends that the Planning Commission review the Conditional Use Permit for the Construction of a Private Driveway within a Platted, Unbuilt City Street, hold a Public Hearing to consider public input, and consider approving the requested CUP based on the Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact

1. The subject property is located at 802 Empire Avenue in the Historic Residential (HR-1) Zoning District.
2. The site is currently vacant of structures and the applicant has submitted a simultaneous Subdivision Plat to create two developable lots.
3. The applicant is requesting to construct a shared private driveway within the Platted Unbuilt City Right of Way of Empire Avenue.
4. Although these lots are considered “thru-lots” the applicant has been encouraged by the City to limit vehicular access to Empire Avenue only due to the road geometrics, sight lines and grade of Crescent Tram.
5. A Historic District Design Review (HDDR) application is required for any development on the proposed Lots.
6. A Steep Slopes Administrative CUP will also be required prior to development.
7. Per LMC 15-3-5, the proposal is subject to the standards for private driveways within platted, unbuilt city streets.
8. Per LMC 15-1-10(E), the proposal is subject to review according to the Conditional Use Permit Criteria.
9. The proposal complies with LMC 15-3-5(A) as the proposed driveway will not exceed ten percent (10%) Slope.
10. The proposal complies with LMC 15-3-5(B) as the proposal allows for adequate snow storage on both sides of the driveway.
11. The proposal complies with LMC 15-3-5(C) as the applicant is proposing to construct the driveway out of concrete.
12. The proposal complies with LMC 15-3-5(D) as the driveway does not pre-empt any existing physical parking and the platted Street has not been improved to provide Public parking. The parking for the proposed two lots will be on site and no parking will be allowed in the proposed shared driveway.
13. The proposal complies with LMC 15-3-5(E) as the applicant designed the driveway proposal after discussion with the City Engineer. No retaining walls are proposed.
14. The proposal complies with LMC 15-3-5(F) as the applicant has been approved for a Conditional Use Permit.
15. The proposal complies with LMC 15-3-5(G) as the applicant will record an encroachment agreement for the driveway prior to issuance of a Building Permit for the proposed driveway.
16. The proposal complies with LMC 15-3-5(H) as plans will be reviewed by the City Engineer prior to issuance of a building permit.
17. There are no unmitigated impacts to LMC 15-1-10(E)(1) size and location of the site,
18. There are no unmitigated impacts to LMC 15-1-10(E)(2) as Empire Avenue has sufficient capacity to accommodate two additional Single Family Dwellings.
19. There are no unmitigated impacts to 15-1-10(E)(3) as all utilities can be available to the site.
20. There are no unmitigated impacts to LMC 15-1-10(E)(4) as Empire Avenue offers sufficient access for emergency vehicles.
21. There are no unmitigated impacts to LMC 15-1-10(E)(5) as per LMC 15-2.2-4, as parking for each lot will be on site and no parking will be allowed in the City’s Right-of-Way.

22. There are no unmitigated impacts to MC 15-1-10(E)(6) internal vehicular and pedestrian circulation system. Vehicular access will be from Empire Avenue and the lots are of sufficient size to allow for sufficient pedestrian circulation.
23. There are no unmitigated impacts to LMC 15-1-10(E)(7) as no fencing screening or landscaping is proposed for the City's Right-of-Way.
24. There are no unmitigated impacts to LMC 15-1-10(E)(8) as any proposed development will be subject to the City's Historic District Design Guidelines and Review Process.
25. There are no unmitigated impacts to LMC 15-1-10(E)(9) usable Open Space as there are no proposed Buildings within the unbuilt Right of Way. And any development on the proposed lots will be subject to the City's Land Management Code and HRRD process.
26. There are no unmitigated impacts to LMC 15-1-10(E)(10) signs and lighting as any development on the proposed lots will be subject to the City's Land Management Code including signs and lighting.
27. There are no unmitigated impacts to LMC 15-1-10(E)(11) as the proposed lot sizes are compatible with the surrounding neighborhood and an HDDR Application will be required to ensure that the physical design and architectural detailing are compatible with the surrounding neighborhood and HR-1 District.
28. There are no unmitigated impacts to LMC 15-1-10(E)(12) as no noise or odors are expected beyond what is typical and expected for two Single Family Dwellings
29. There are no unmitigated impacts to LMC 15-1-10(E)(13) as no delivery or service vehicles are expected beyond what is typical and expected for two Single Family Dwellings.
30. There are no unmitigated impacts to LMC 15-1-10(E)(14) as it is expected that the proposed lots will be developed with Single Family Dwellings.
31. There are no unmitigated impacts to LMC 15-1-10(E)(15) as the proposed improvements will be appropriately graded and reviewed thoroughly through the HDDR and Building Permit Review Process.
32. This proposal has been reviewed for consistency with the Goals and Objectives of the Park City General Plan including Objective 15B: Maintain the character, context and scale of local historic districts with compatible infill development. Any proposed development on the Lots will be compatible with the Historic District Design Guidelines and surrounding neighborhood context. These guidelines guide infill development to ensure that development is compatible in the neighborhood context.
33. The Findings in the Analysis section of this report are incorporated herein.

Conclusions of Law

1. The Conditional Use Permit application complies with all requirements of the LMC and satisfies all Conditional Use Permit review criteria as established by the [LMC 15-1-10](#) and [LMC 15-3-5](#).
2. The Conditional Use Permit, as conditioned, will allow for development that is compatible with surrounding structures in use, scale, mass and circulation; and
3. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval

1. All Standard Project Conditions shall apply.
2. No building permit may be issued until City Council approval of an Encroachment Agreement for the driveway located within the Public Right-of-Way.
3. If at some point in the future Empire Avenue is re-aligned, the applicant will be responsible for the removal of all portions of the driveway within the ROW at their sole expense and in an expeditious manner (within 90 days of written notice).
4. A Construction Mitigation Plan that includes consideration of how construction related parking will be managed shall be submitted to the Building, Engineering and Planning Departments for review and approval prior to the issuance of any building permits.
5. The City Engineer shall review and approve all grading, utility installation, public improvements, drainage and paving of the shared driveway over the City's platted unbuilt right-of-way for compliance with City standards prior to issuance of a building permit.
6. No parking shall be allowed within the City's Right-of-Way.

Exhibits

- Exhibit A: Park City Surveying PowerPoint
Exhibit B: Proposed Driveway Exhibit
Exhibit C: Public Input Received

802 Empire Avenue

A Brief History

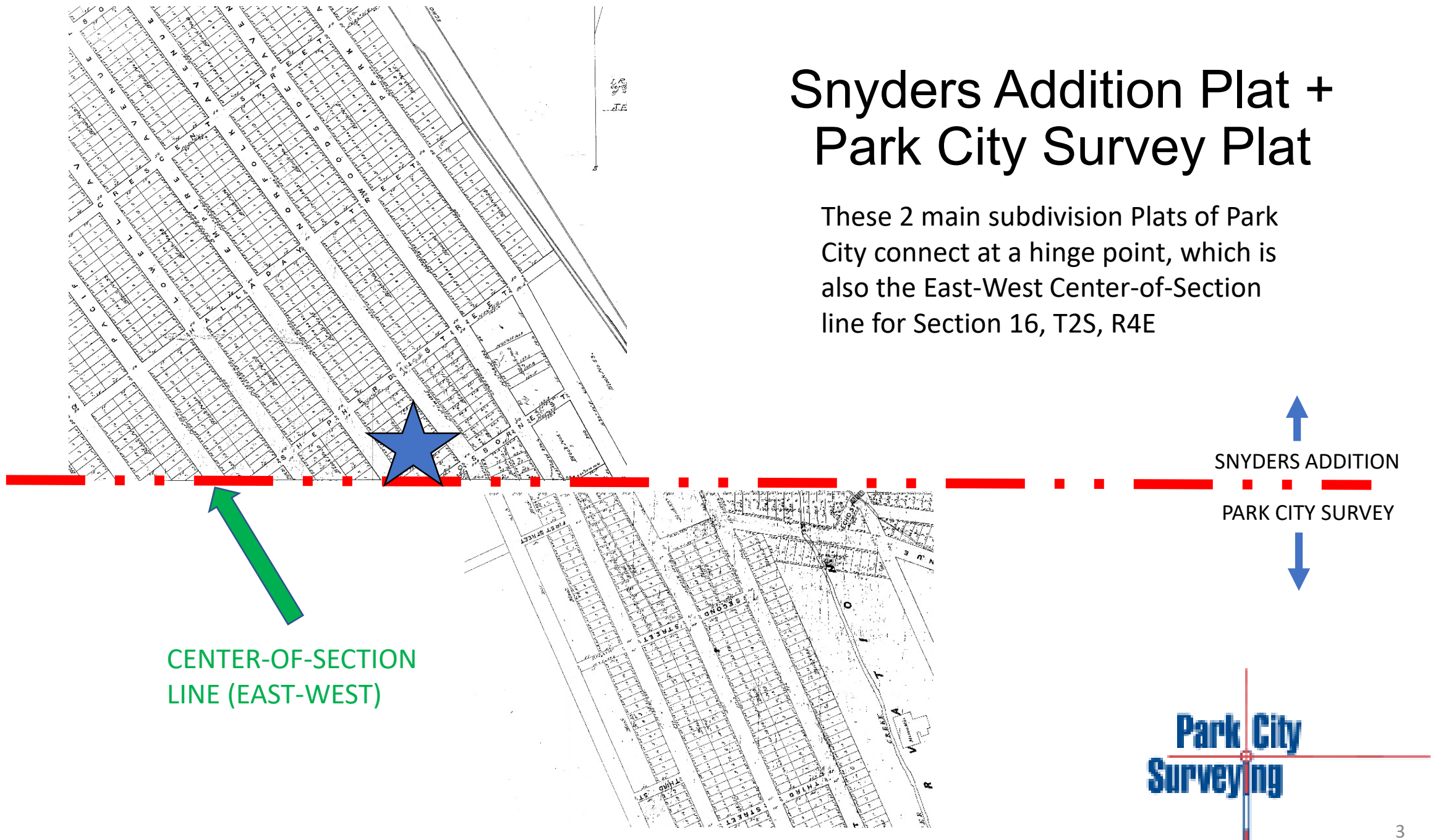


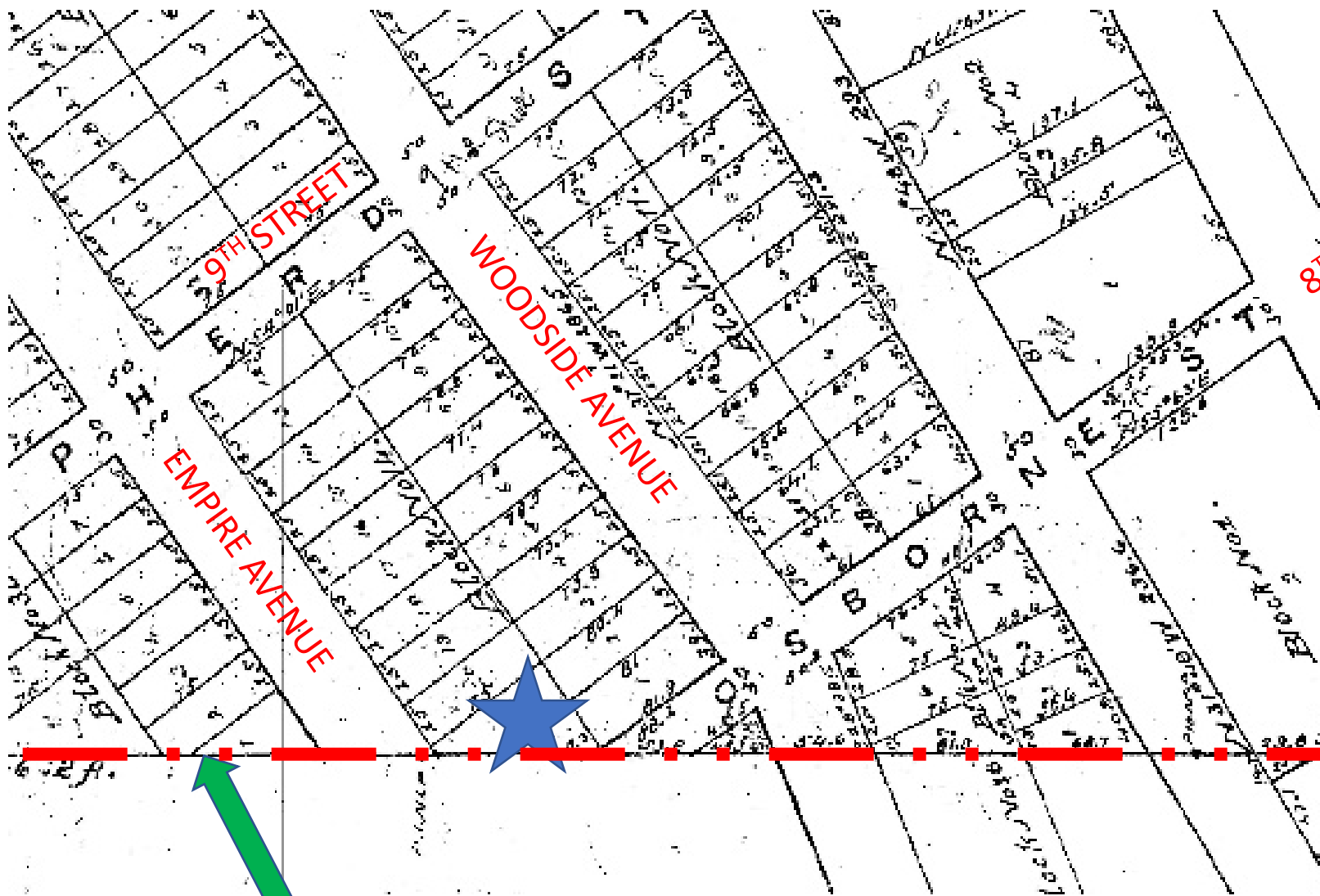
BOUNDARY EXHIBIT MAP
802 EMPIRE AVENUE



Snyders Addition Plat + Park City Survey Plat

These 2 main subdivision Plats of Park City connect at a hinge point, which is also the East-West Center-of-Section line for Section 16, T2S, R4E





Snyders Addition Plat

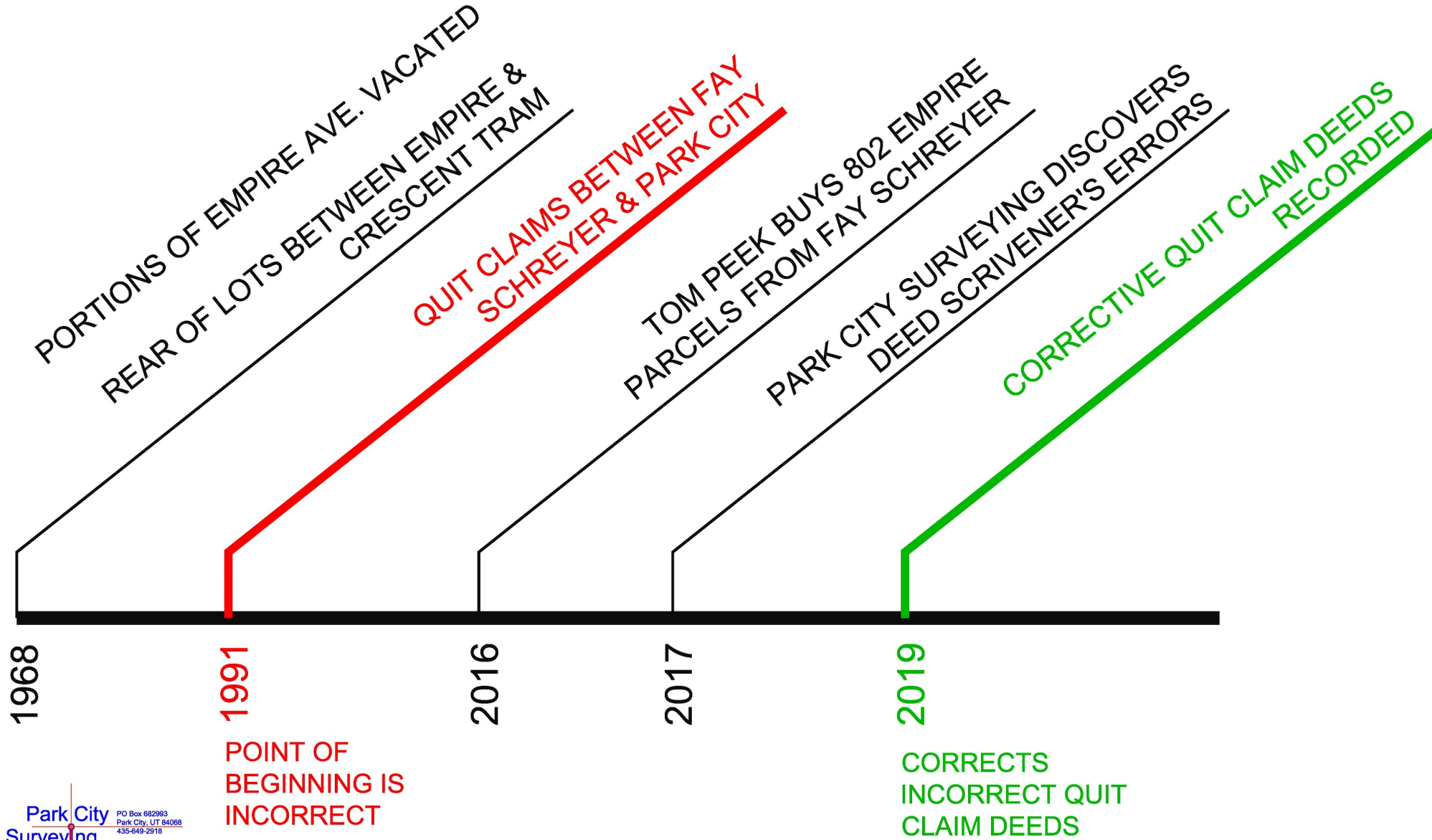
Area of 802
Empire Avenue

SNYDERS ADDITION

PARK CITY SURVEY PLAT

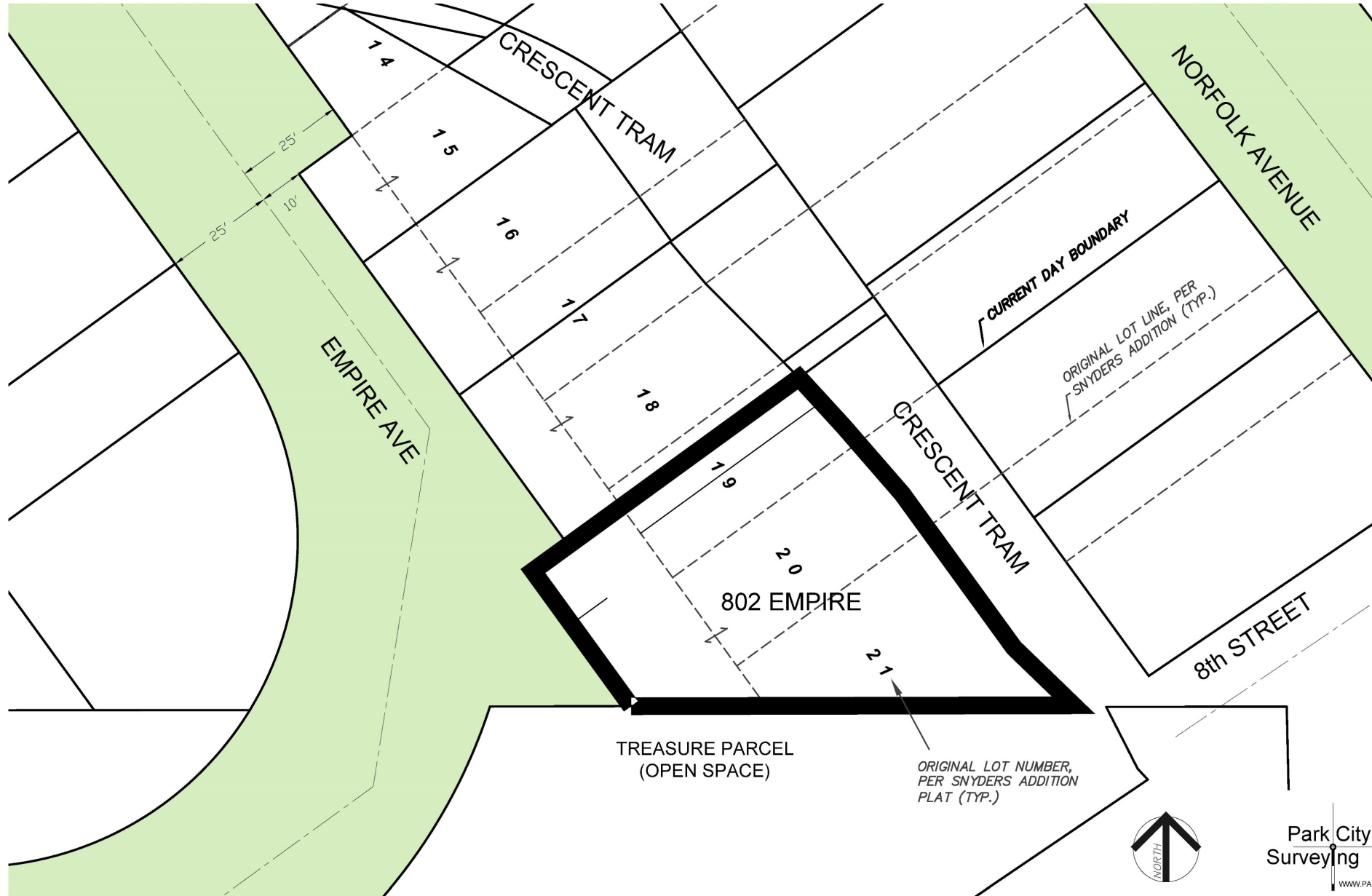
Park City
Surveying

802 EMPIRE AVENUE - A TIMELINE



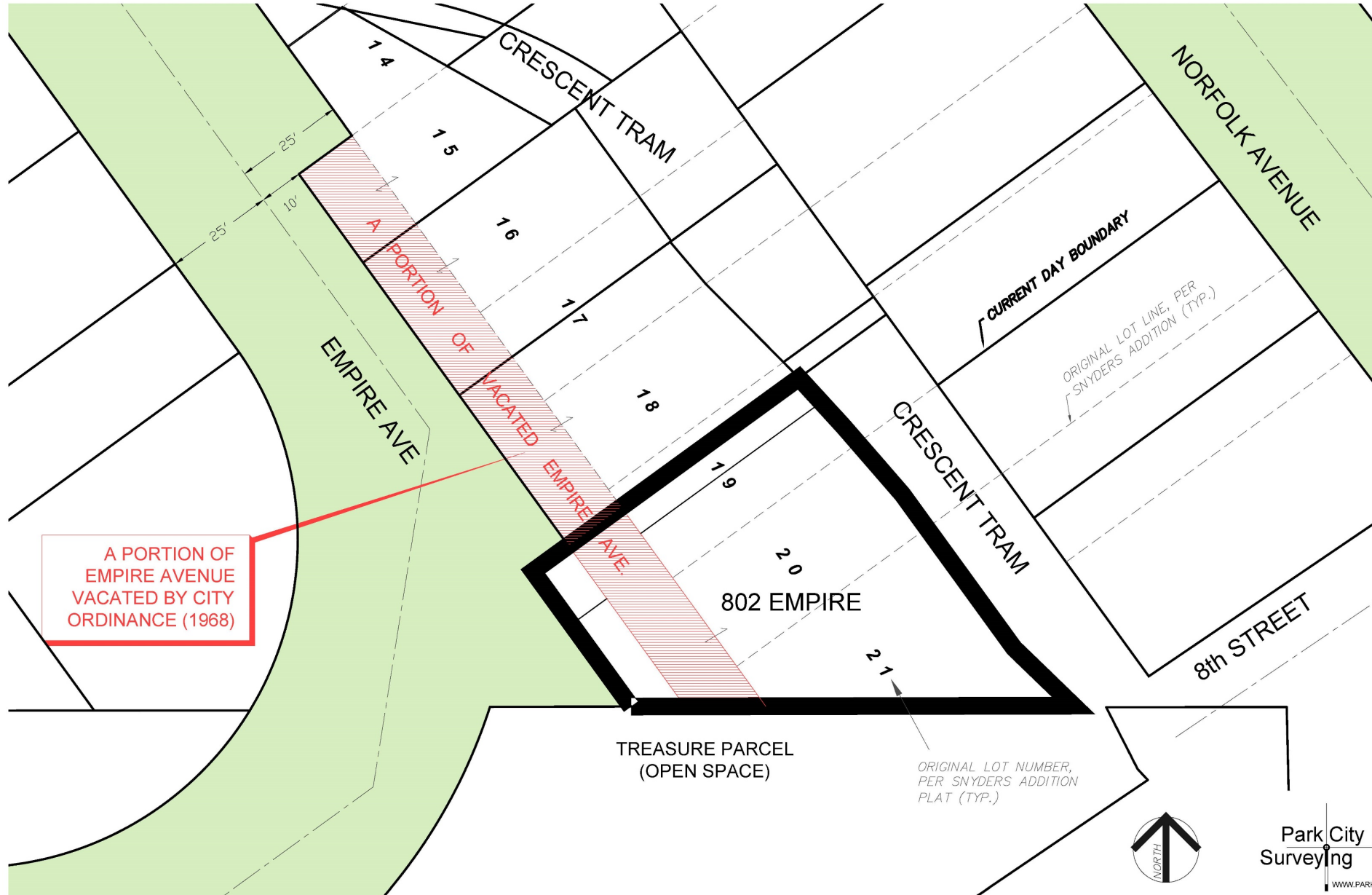
BOUNDARY EXHIBIT MAP

CURRENT BOUNDARY LINES WITH ORIGINAL SNYDERS ADDITION LOT LINES & LOT NUMBERS



BOUNDARY EXHIBIT MAP

CURRENT BOUNDARY LINES WITH ORIGINAL SNYDERS ADDITION LOT LINES & LOT NUMBERS
A STRIP OF EMPIRE VACATED & GRANTED TO ADJACENT LANDOWNERS (RED HATCH)



EMPIRE AVENUE - A HISTORY

EMPIRE RIGHT-OF-WAY (ORIGINAL)



Empire
Avenue Right-
of-Way
Historical
(green
shading)

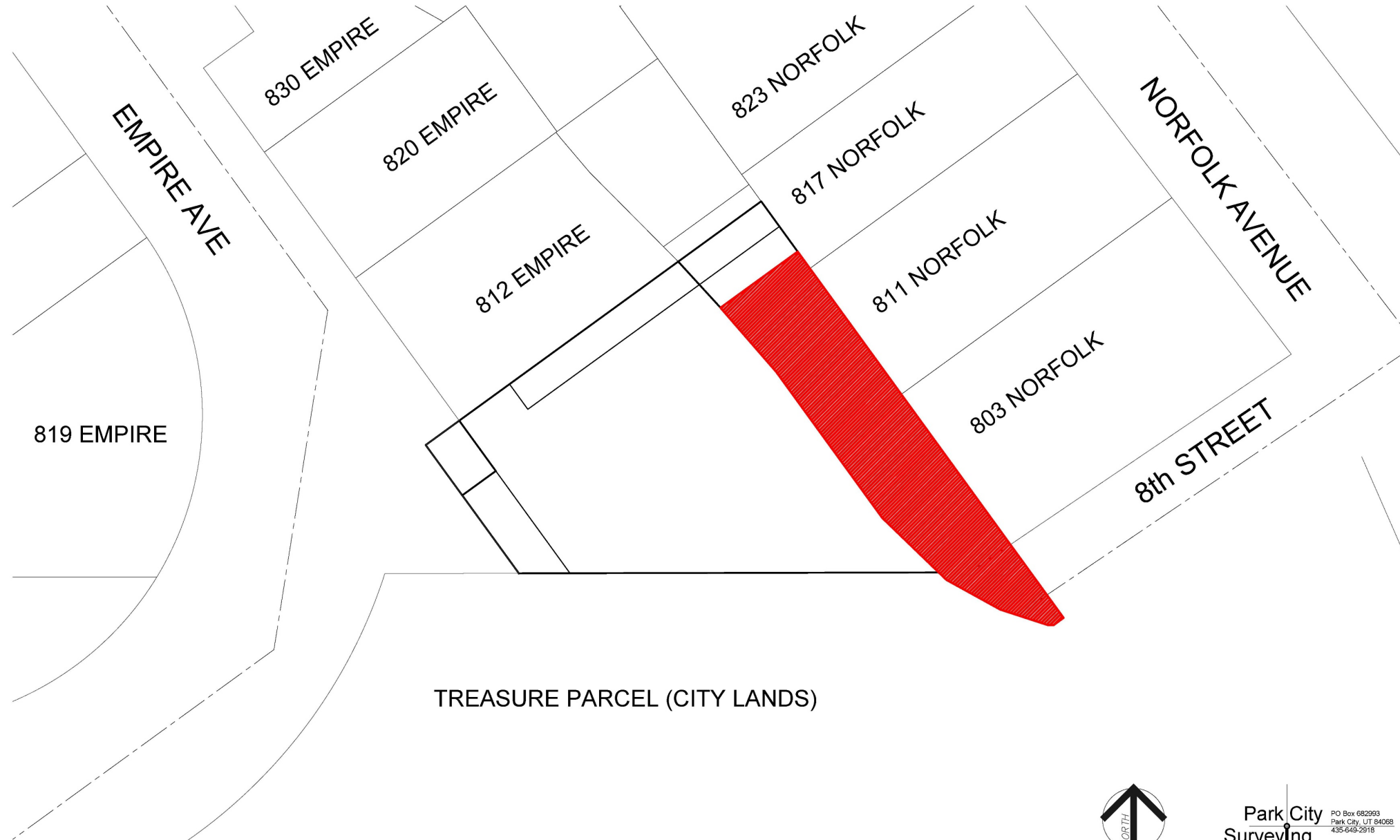
EMPIRE AVENUE - A HISTORY
EMPIRE RIGHT-OF-WAY (CURRENT DAY)



Empire
Avenue Right-
of-Way
Current Day
(green
shading)

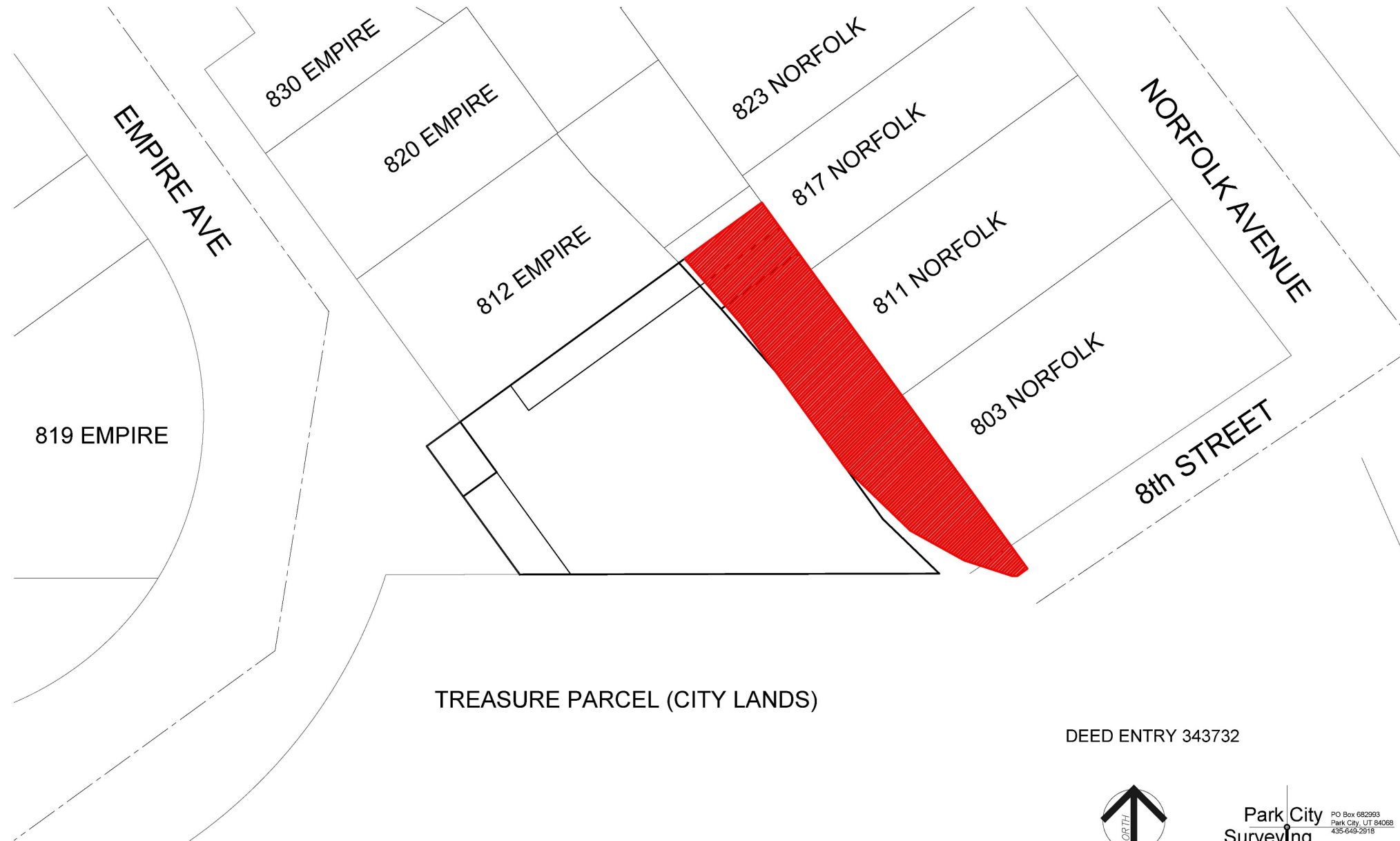
802 EMPIRE AVENUE - A HISTORY

PARCEL A: AS RECORDED IN 1991
DEED ENTRY 343732



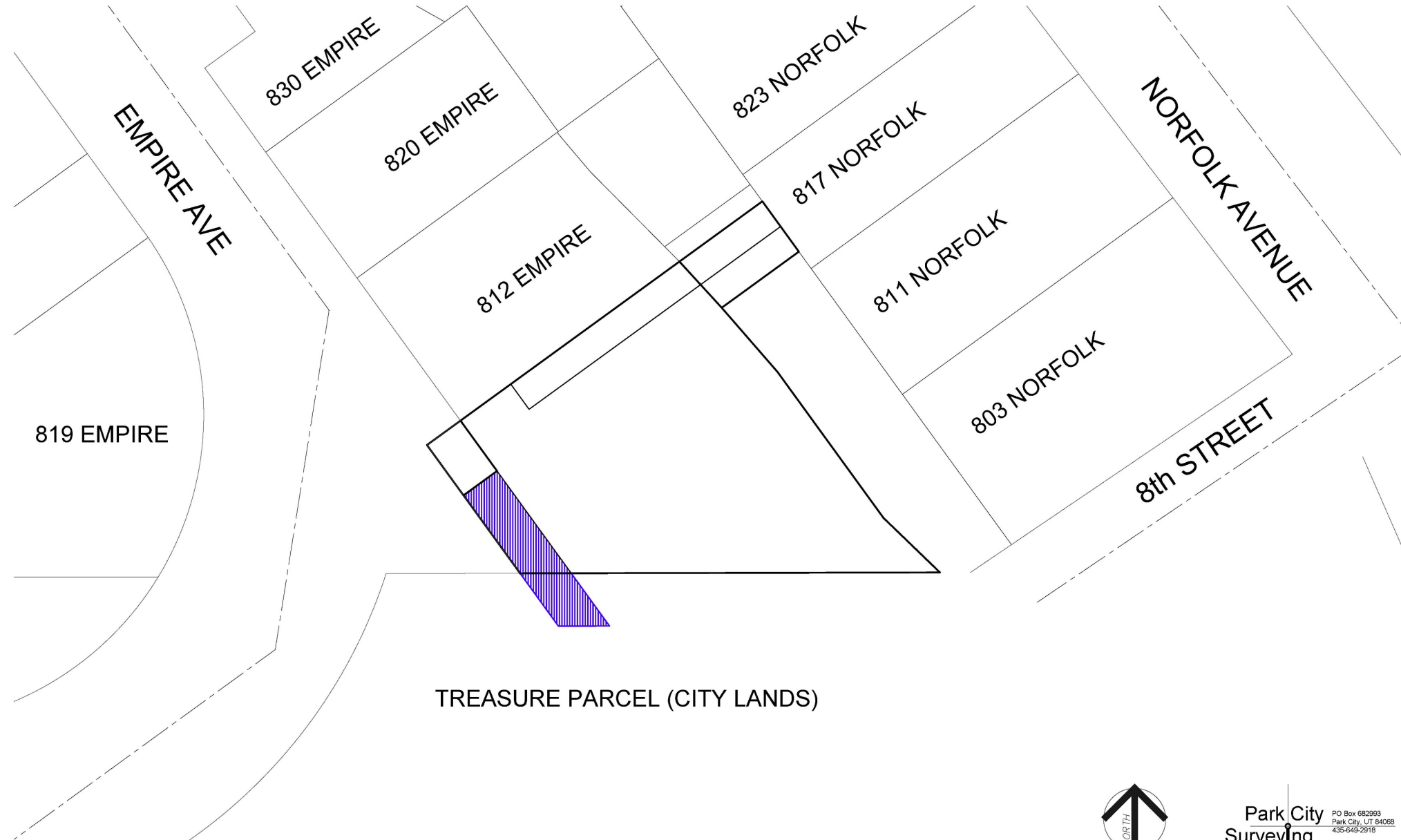
802 EMPIRE AVENUE - A HISTORY

PARCEL A: LIKELY INTENT



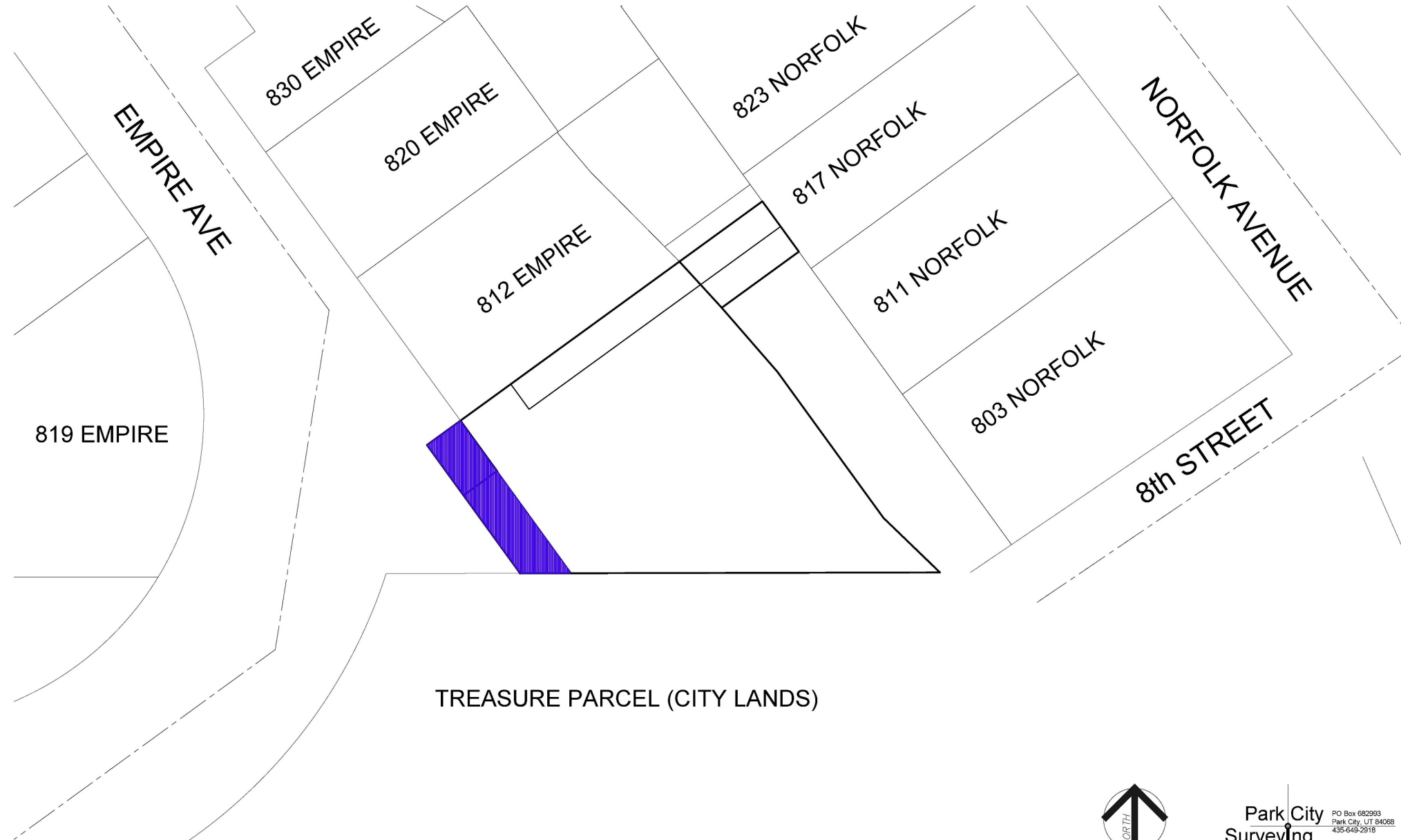
802 EMPIRE AVENUE - A HISTORY

PARCEL B: AS RECORDED IN 1991
DEED ENTRY 343731



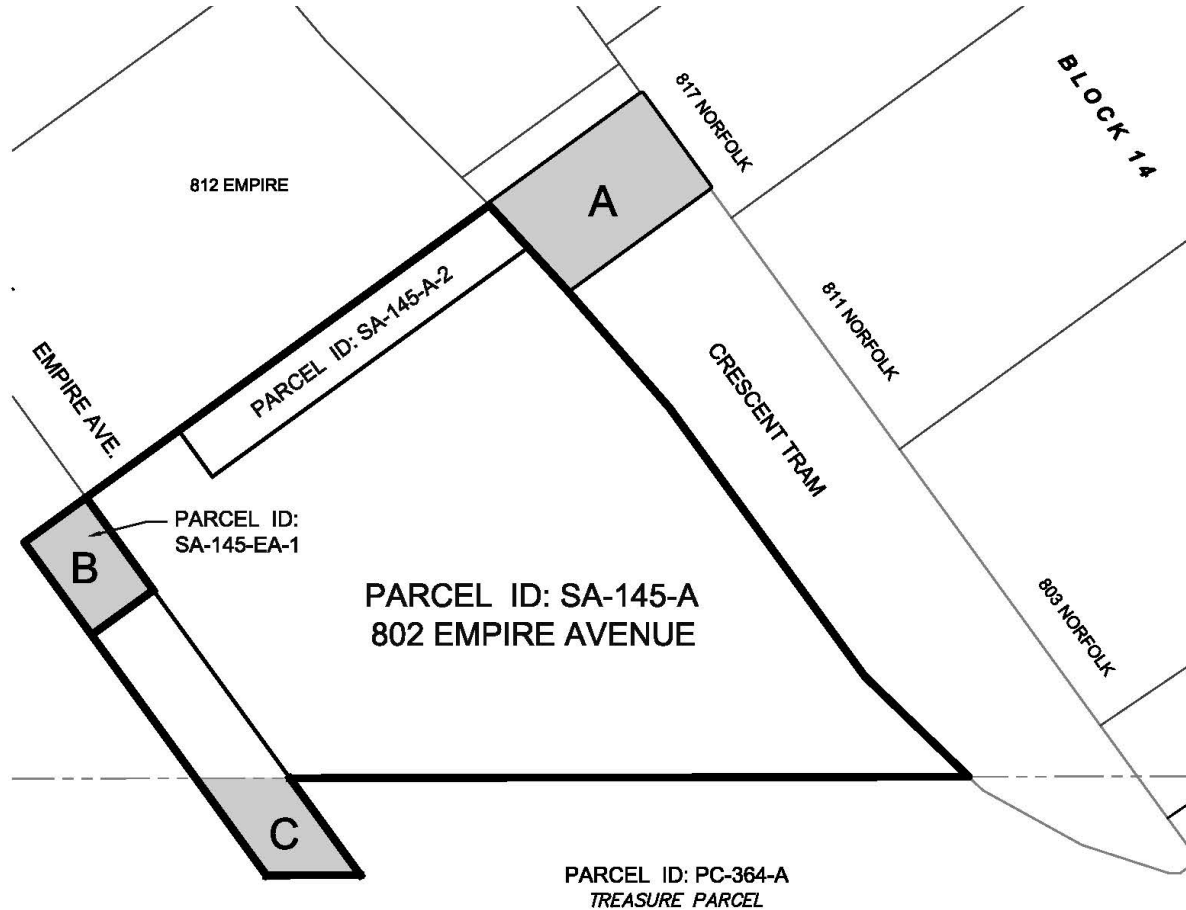
802 EMPIRE AVENUE - A HISTORY

PARCEL B: LIKELY INTENT



Areas of Deed Conflict:

Resolved via quit claim deeds



A: PEEK TO CITY

B: CITY TO PEEK

C: PEEK TO CITY



BOUNDARY EXHIBIT MAP
802 EMPIRE AVENUE: PLAT BOUNDARY



BOUNDARY EXHIBIT MAP

DRIVEWAY CONDITIONAL USE PERMIT APPLICATION



BOUNDARY EXHIBIT MAP
802 EMPIRE AVENUE: PLAT BOUNDARY



802 Empire Avenue

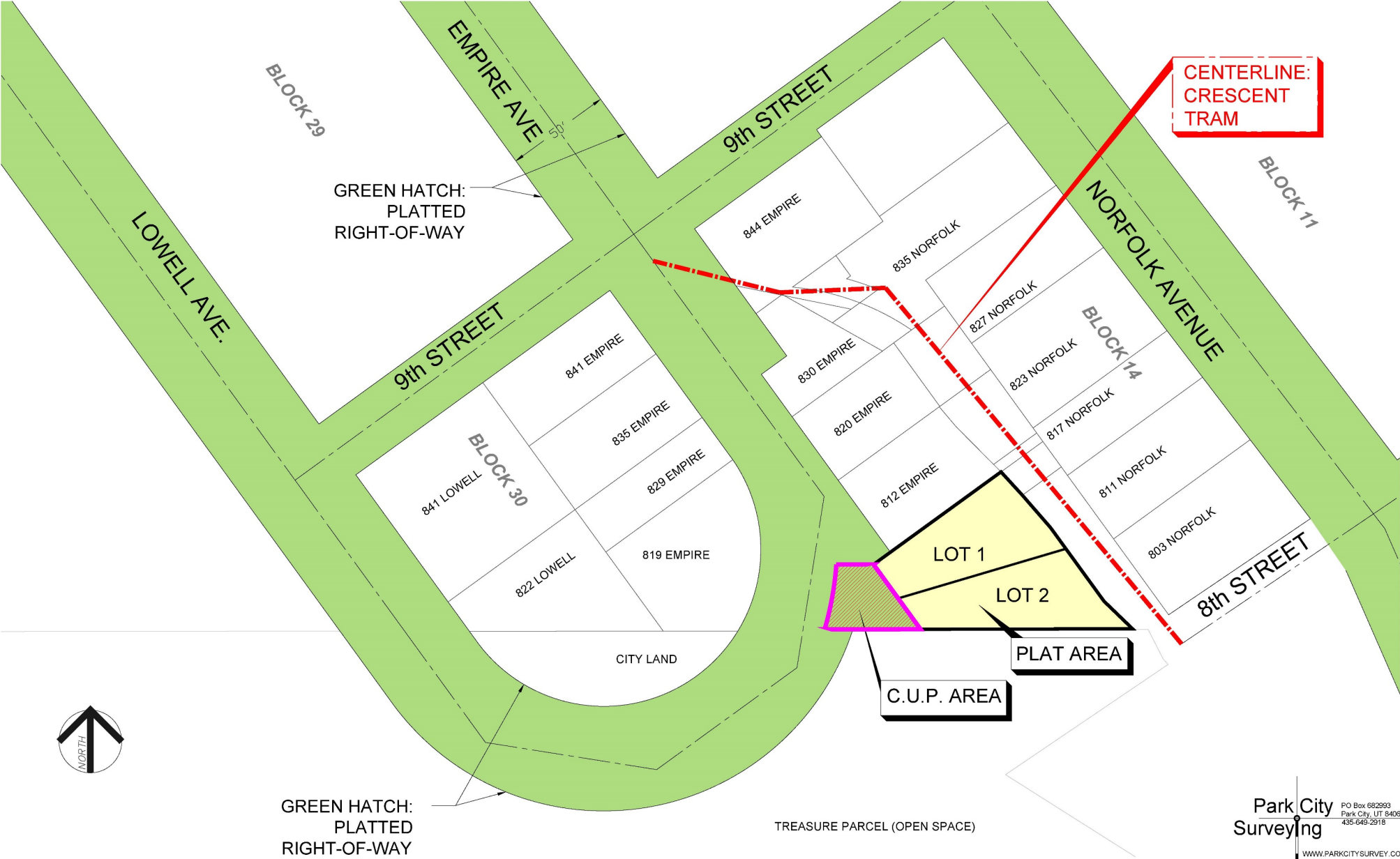
Driveway Conditional Use Permit



BOUNDARY EXHIBIT MAP
802 EMPIRE AVENUE



802 EMPIRE AVENUE CONDITIONAL USE PERMIT FOR DRIVEWAY
EXHIBIT MAP



BOUNDARY EXHIBIT MAP
802 EMPIRE AVENUE: PLAT BOUNDARY



EDGE OF PAVED ROAD

EMPIRE RIGHT-OF-WAY (GREEN SHADING)

DRIVEWAY

DRIVEWAY

FUTURE CONCRETE DRIVEWAY

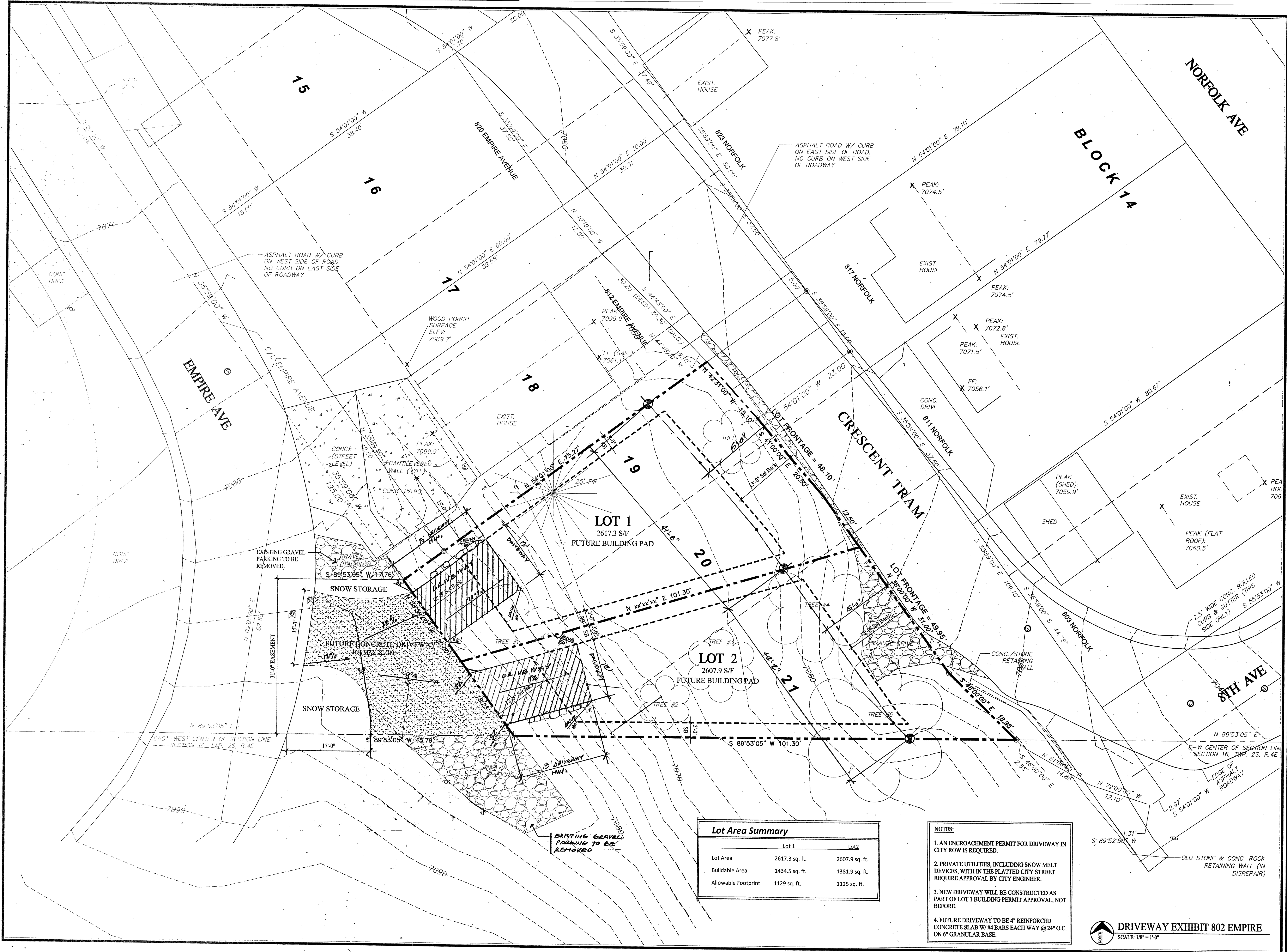
NORTH

Park City Surveying

PO Box 662993
Park City, UT 84068
435-649-2916

WWW.PARKCITYSURVEY.COM

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STATE OF UTAH
JONATHAN DEGRAY
16428
LICENSED ARCHITECT
02/27/2019

Jonathan DeGray
Architect

P.O. Box 1874, 614 Main Street, Suite 302, Park City, Utah 84060
Tel. 435-848-1263, E-mail: degrayarch@westoffice.net

DRIVEWAY EXHIBIT 802 EMPIRE
DRIVEWAY CONDITIONAL USE PERMIT

802 EMPIRE AVENUE, PARK CITY, UTAH 84060

DRIVEWAY EXHIBIT 802 EMPIRE

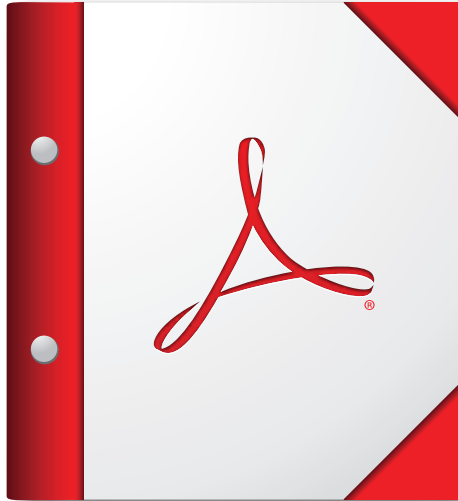
REVISIONS:

DATE: 12.18.19

PROJECT NUMBER: 1902-02

SHEET NUMBER: 157

EX-A



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Acrobat X or Adobe Reader X, or later.**

Get Adobe Reader Now!

Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: 802 Empire Avenue Subdivision
Author: Alexandra Ananth, Senior Planner
Application: PL-18-03949
Date: February 12, 2020
Type of Item: Administrative – Subdivision

Summary Recommendations

Staff recommends that the Planning Commission hold a Public Hearing for the applicant's request to create a two-lot (2) Subdivision from three (3) Parcels, and consider forwarding a positive recommendation to City Council on March 12, 2020, based on the draft Ordinance, Findings of Fact, Conclusions of Law, and Conditions of Approval. This hearing is a continuation of the Public Hearing opened on January 8, 2020 and continued to the February 12, 2020 Meeting.

Description

Applicant: Tom Peek
Location: 802 Empire Avenue
Existing Zoning: Historic Residential District
Adjacent Land Uses: Residential
Reason for Review: Subdivisions require Planning Commission Review and City Council action

Proposal

This application proposes to combine multiple vacant parcels into a new two-lot (2) Subdivision in order to create two (2) developable lots. The applicant simultaneously submitted an application for a Conditional Use Permit (CUP) to locate a shared driveway over the City's Platted Unbuilt Right-of-Way in order to provide access to the two proposed Lots. Due to existing steep grades, sight lines, proximity of existing curb cuts on Crescent Tram and the narrow street width the City has encouraged the applicant to seek vehicular access from Empire Avenue (rather than Crescent Tram) and is supportive of the CUP application. If the Subdivision and CUP for access are approved it is expected that the applicant will need to seek a Steep Slope Administrative CUP and submit Historic District Design Review (HDDR) applications as development progresses on these lots.

Background

802 Empire Avenue consists of three steeply sloped lots which slope down from Empire Avenue to Crescent Tram. A portion of Lot 19, all of Lot 20 and all of Lot 21 make up the site which the applicant is proposing to subdivide into two developable lots. The lots are currently vacant of any structures.

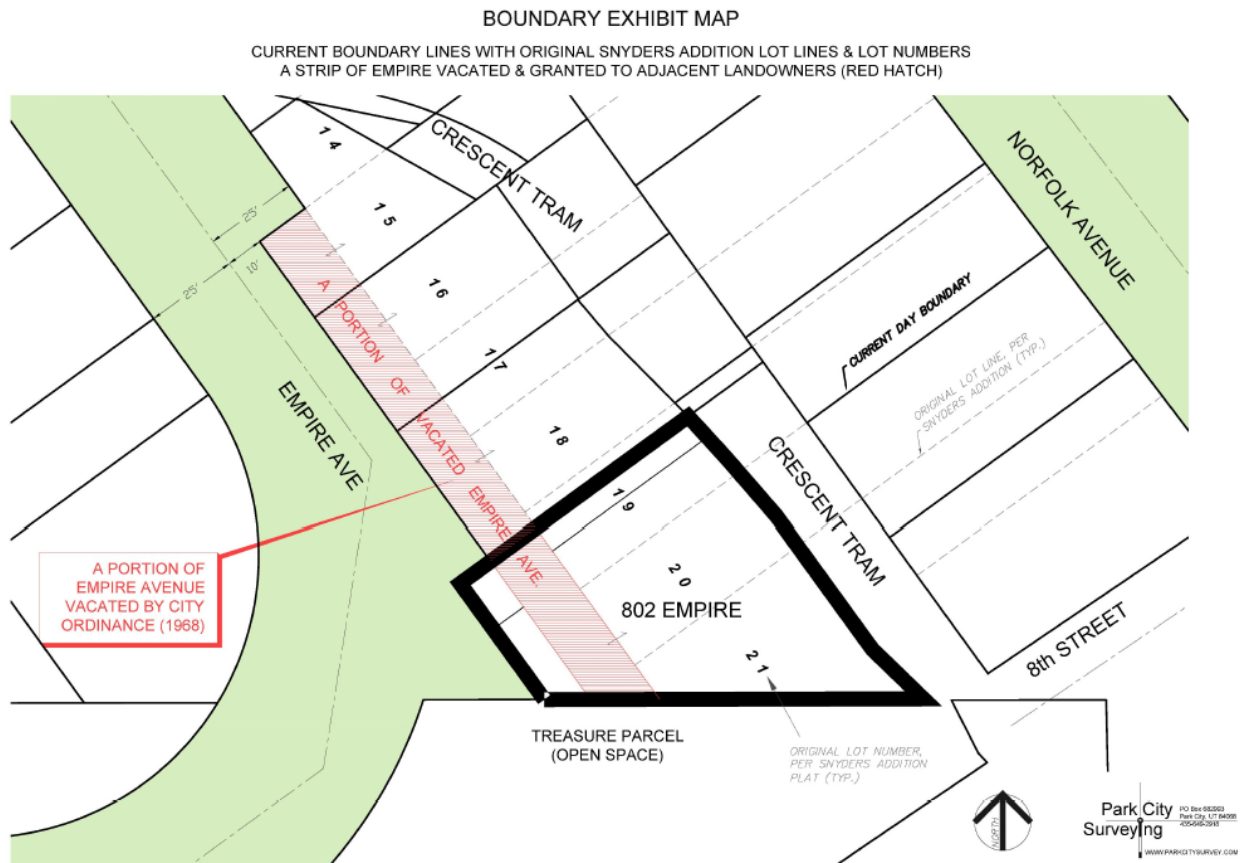


Figure 1: Existing Conditions

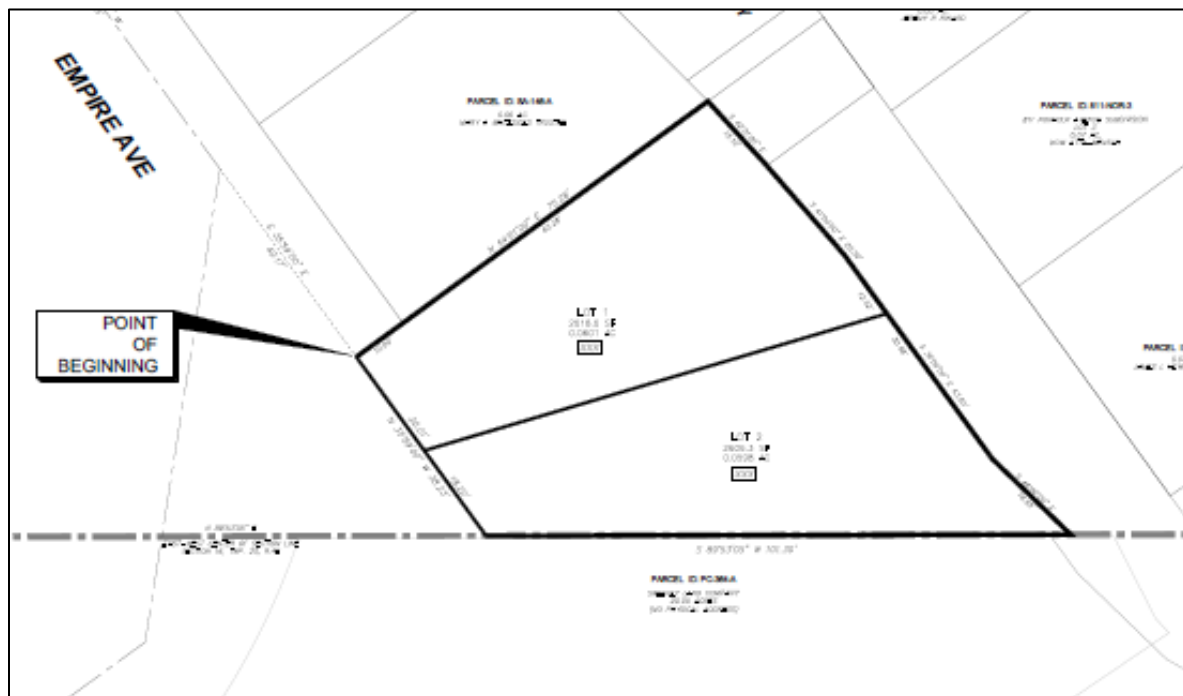


Figure 2: Proposed 2-Lot Subdivision

Over the years there were a number of conveyances in the immediate area affecting these lots. The City vacated a portion of Empire Avenue to the adjacent property owners in 1968. This is the green area shown in Figure 3.

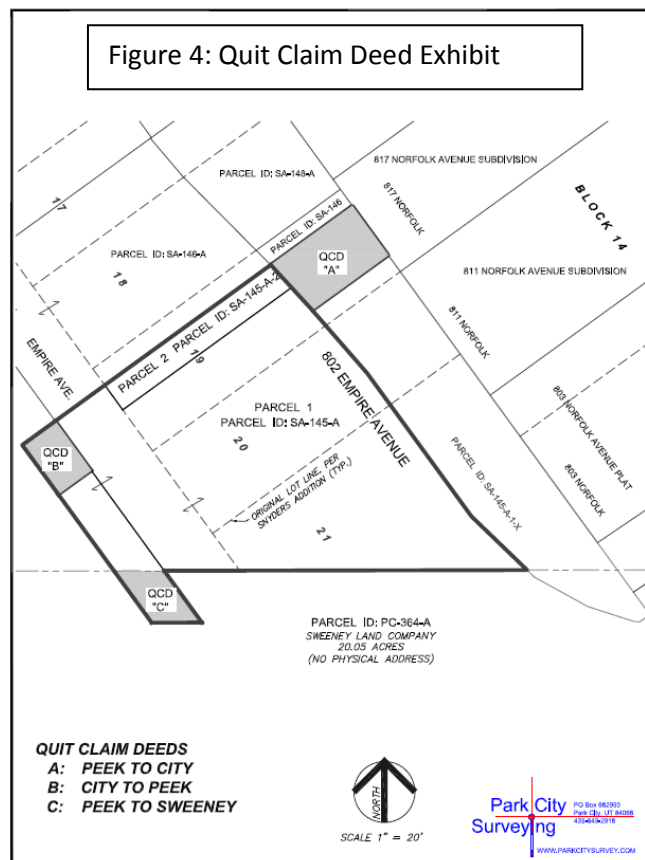
Figure3: Portion of Empire Avenue Vacated to Adjacent Property Owners



A problem originated in 1991 when a number of surveys used an incorrect Point of Beginnings which shifted some deeds 15 feet to the south *in error*.

Tom Peek bought the parcels in 2016 and hired Park City Surveying to provide quit claim deed solutions to resolve these issues. Park City Surveying worked with the City's Planning Department and City Attorney's Office on these corrective quite claim deeds which were approved by the City and recorded with the County to document this process. This included A) the applicant quit claiming land to the City that is in the Crescent Tram right-of-way, B) the City quit claiming land to the applicant which was intended to be owned by the applicant, and C) the applicant quit claiming land to the City that was not intended to be owned by him. These title issues were all a result of old surveying errors including scrivener's errors in the legal descriptions. A PowerPoint presentation from Park City Surveying further describes these issues (Exhibit A).

Figure 4: Quit Claim Deed Exhibit



Purpose

The proposed Subdivision contains lots that are located in the Historic Residential District (HR-1). 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 applicant is proposing to create a two-lot (2) subdivision from two existing lots and one partial lot. The proposed lots are considered “thru-lots” with frontage on both Crescent Tram and Empire Avenue. Due to the Unusual Lot Configuration the Planning Director determined that both lots have two Front Setbacks, one on Crescent Tram and one on Empire Avenue, and that Frontage can be measured on Crescent Tram in order to meet the Minimum Lot Width (Exhibit B).

The table below lists the Lot and Site Requirements for the HR-1 Zone:

Zone Allowance:	HR-1	Proposed	
		Lot 1	Lot 2
<i>Minimum Lot Size</i>	<i>1,875 SF</i>	<i>2,617 SF</i>	<i>2,607 SF</i>
<i>Lot Width</i>	<i>25 Feet</i>	<i>48.1 Feet</i>	<i>49.9 Feet</i>
<i>Setbacks</i>			
<i>Min. Front /Rear Setback Crescent Tram</i>	<i>Min. 12 ft./Total 25 ft.</i>	<i>Must Comply</i>	<i>Must Comply</i>
<i>Min. Front Setback Empire Avenue</i>	<i>Min. 12 ft./Total 25 ft.</i>		
<i>Min. Side Setback</i>	<i>3 ft./Total 6 ft.</i>		
<i>Building Height</i>	<i>27 ft. from existing grade</i>	<i>Must Comply</i>	<i>Must comply</i>
<i>Allowable Footprint</i>		<i>1,129 SF</i>	<i>1,125 SF</i>

Both lots meet the minimum Lot and Site Requirements for a Single Family Dwelling but do not have sufficient land for a Duplex. As stated earlier due to existing grades, sight lines and street width the City has encouraged the applicant to seek vehicular access from Empire Avenue (not Crescent Tram) which will require a CUP to locate a shared driveway over the City's Platted Unbuilt Right-of-Way. It is expected that the applicant will also need to seek a Steep Slope Administrative CUP as development of these lots moves forward. Finally, the applicant will also need to submit Historic District Design Review (HDDR) applications for the proposed houses to the Planning Department for

review for compliance with the Design Guidelines for Historic Districts and Historic Sites.



Figure 5 above shows the trapezoid area the applicant is seeking a CUP for in order to access proposed Lots 1 and 2. This area is platted unbuilt City right-of way (Empire Avenue) and currently serves as informal parking. Built Empire Avenue is just west of this area.

Neighborhood Lot Size

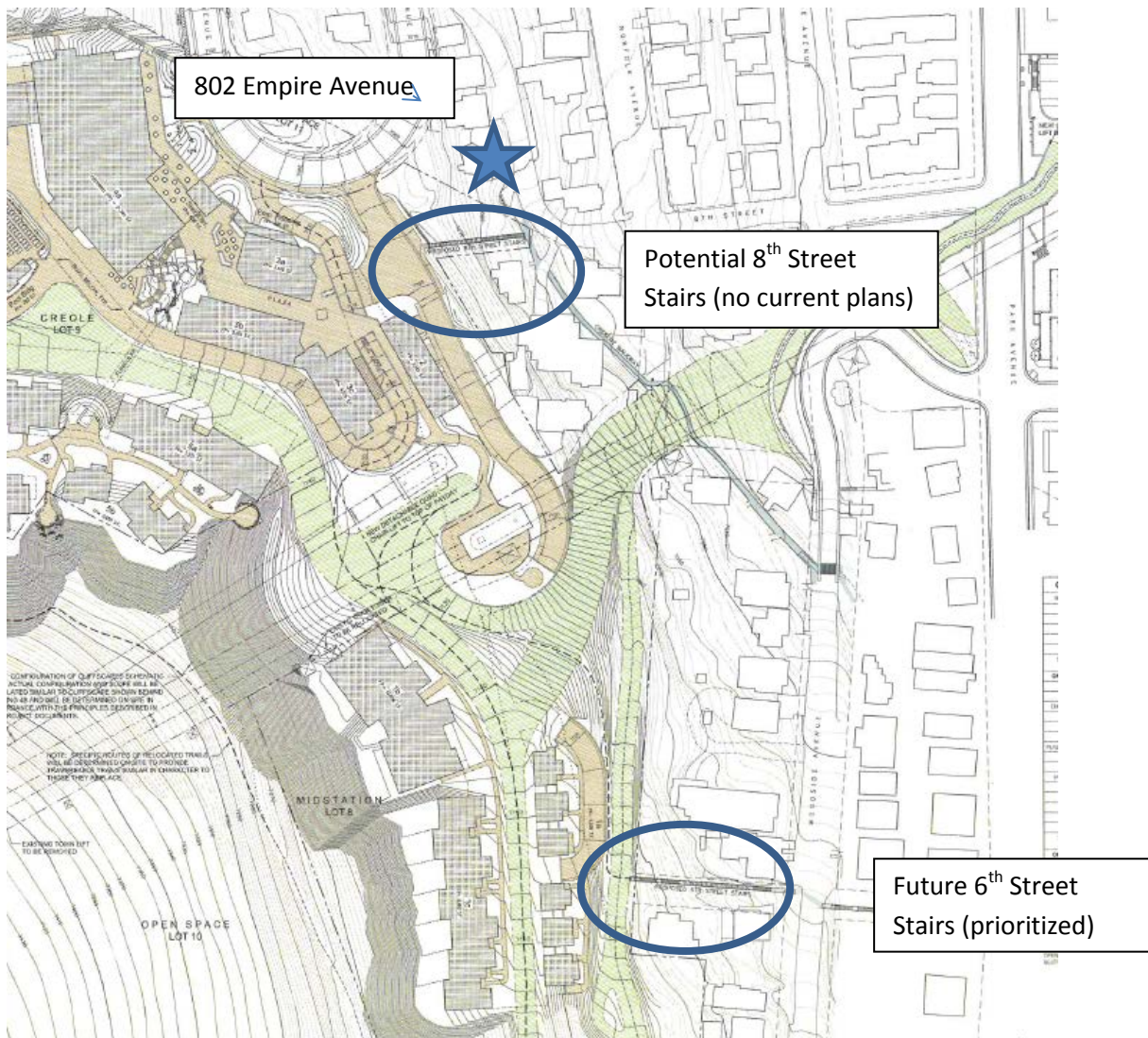
As stated above, both proposed lots meet the minimum Lot and Site Requirements for a Single Family Dwelling. Surrounding Lot Sizes range from 1,307 square feet to 6,970 square feet with the Average Lot Size being 3,790 square feet, and a Median of 2,831 square feet. Lot 1 is proposed as 2,617 square feet and Lot 2 is proposed as 2,607 square feet. While the proposed Lot Sizes are less than the surrounding average lot size, they are well within the range of surrounding lot sizes in the neighborhood and meet the minimum lot size of 1,875 square feet for the Historic Residential District (Exhibit E – Neighborhood Lot Sizes).

Potential Staircases

At the January 8, 2020 Public Hearing the question of how this proposed subdivision might impact the development of future pedestrian access stairs from Crescent Tram to Empire Avenue was raised. Since the City finalized the purchase of the Treasure Hill Open Space property in April 2019, the Sixth Street Stairs were identified as an east/west pedestrian facility and remain a recommended improvement by the Trails and Open Space Department. Funding for this improvement is included in the upcoming Budget process. This is the prioritized old town stair alignment for the open space.

The proposed subdivision does not preclude a future alignment or improvement in some form on the City's land from Crescent Tram to Empire Avenue, however no plans for this are currently in the works.

A sketch of what could be known as the Eighth Street Stairs is included below. This was taken from the Treasure Hill Development Application Submittal.



An aerial version is approximated below.



Good Cause

Planning Staff finds that there is Good Cause to grant the requested two-lot (2) Subdivision to create two legal lots of record. The proposed Lots meet the Lot and Site Requirements of the Historic Residential District and development patterns of the surrounding neighborhood. Both Lots will have Frontage on Crescent Tram continuing the rhythm of the existing streetscape but will have vehicular access from Empire Avenue as requested by the Engineering Division. This will in turn encourage construction of contextually compatible structures that contribute to the character and scale of the Historic District and maintain the existing residential neighborhood.

Process

The Planning Commission may recommend approving, denying, or modifying the two-lot (2) Subdivision with a final determination by City Council. The City Council determination constitutes Final Action that may be appealed following the procedures in LMC § 15-1-18.

Department Review

This project has gone through interdepartmental review and the applicant has been encouraged to access the lots from Empire Avenue, for which they will need a CUP.

Notice

On December 18, 2019, the property was posted and courtesy notice was mailed. Legal notice was also published in the Park Record on December 21, 2019 according to

requirements of the Land Management Code. The project was re-noticed on January 29, 2020 and notice was re-published in the Park Record on January 29, 2020.

Public Input

Public Comment received via email is attached to this Staff Report (Exhibit F). In addition, the [Minutes](#) from the January 8, 2020 Public Hearing contain additional public comment (starting on page 34).

Alternatives

- The Planning Commission may forward a positive recommendation to City Council to approve the 802 Empire Avenue Subdivision; or
- The Planning Commission may forward a negative recommendation to City Council for the 802 Empire Avenue Subdivision and direct staff to make findings for this decision; or
- The Planning Commission may continue the discussion on the 802 Empire Avenue Subdivision to a date certain and provide input to staff and the Applicant on any additional information they require in order to make a recommendation.

Significant Impacts

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

Consequences of not taking the Planning Department's Recommendation

The site will remain three lots.

Summary Recommendations

Staff recommends that the Planning Commission hold a Public Hearing on the 802 Empire Avenue Subdivision, consider public input, and forward a positive recommendation to City Council based on the draft Ordinance, Findings of Fact, Conclusions of Law, and Conditions of Approval.

Exhibits

Draft Ordinance and Proposed Subdivision

- Exhibit A: PowerPoint from Park City Surveying
- Exhibit B: Planning Director Determination on Frontage
- Exhibit C: Record of Survey and Topographic Map
- Exhibit D: Driveway Exhibit
- Exhibit E: Neighborhood Lot Sizes
- Exhibit F: Public Comments Received

**AN ORDINANCE APPROVING THE 802 EMPIRE AVENUE SUBDIVISION,
PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 802 Empire Avenue petitioned the City Council for approval of the two-lot 802 Empire Avenue Subdivision; and

WHEREAS, on December 18, 2019, the property was posted and notice was mailed according to the requirements of the Land Management Code; and

WHEREAS, legal notice was published in the Park Record on December 21, 2019, according to requirements of the Land Management Code; and

WHEREAS, on January 29, 2020, the property was re-posted, notice was mailed and legal notice was re-published in the Park Record, according to requirements of the Land Management Code; and

WHEREAS, the Planning Commission opened a Public Hearing on January 8, 2020, to receive input on the 802 Empire Avenue Subdivision and continued the Public Hearing on February 12, 2020; and

WHEREAS, the Planning Commission forwarded a _____ recommendation to City Council; and

WHEREAS, on March X, 2020, City Council held a Public Hearing to receive input on the Subdivision Plat; and

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

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

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

Findings of Fact:

1. The subject property is located at 802 Empire Avenue.
2. The subject property is located within the Historic Residential (HR-1) Zoning District.
3. On December 17, 2019, the Subdivision Plat application was deemed complete.

4. The two-lot (2) Subdivision is made up of three (3) lots including portions of Lot 19, all of Lot 20, and all of Lot 21.
5. All three lots are vacant of structures.
6. The applicant has worked with the City to complete and record Quit Claim Deeds and resolve a number of surveying errors.
7. The lots are considered “thru-lots” with Frontage on both Crescent Tram and Empire Avenue.
8. Due to the Unusual Lot Configuration the Planning Director determined that both lots have two front setbacks, one on Crescent Tram and one on Empire Avenue, and that Frontage can be measured on Crescent Tram in order to meet the Minimum Lot Width.
9. Both lots meet the minimum Lot and Site Requirements for Single Family Dwellings.
10. Due to existing grades, sight lines and road geometrics the applicant has been encouraged by the City to access the lots from Empire Avenue and has submitted a simultaneous request for a Conditional Use Permit (CUP) to locate a shared driveway over the City’s Platted Unbuilt Right-of-Way in order to provide vehicular access to the two lots from Empire Avenue and not Crescent Tram.
11. It is expected that the applicant will also need to seek a Steep Slope Administrative CUP and submit Historic District Design Review applications for the proposed houses as development progresses.

Conclusions of Law:

1. There is Good Cause for the Subdivision which created two developable lots in keeping with development patterns in the surrounding neighborhood.
2. The Subdivision is consistent with the 2014 Park City General Plan and the Park City Land Management Code including Sections 15-7.1-3(C) and 15-12-15(B)(4) and (9) and applicable State Law regarding Subdivision Plats.
3. Neither the public nor any person will be materially injured by the proposed Subdivision.
4. Approval of the Subdivision 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 Subdivision 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 Plat Note shall indicate that both lots shall have vehicular access from Empire Avenue only.
4. No building permit may be issued until City Council approval of an Encroachment Agreement for the driveway located within the Public Right-of-Way.

5. If at some point in the future Empire Avenue is re-aligned, the applicant will be responsible for the removal of all portions of the driveway within the ROW at their sole expense and in an expeditious manner (within 90 days of written notice).
6. The City Engineer shall review and approve all grading, utility installation and public improvements prior to building permit issuance.
7. Prior to the issuance of a building permit, a Construction Mitigation Plan that includes careful consideration of how construction related parking will be managed shall be submitted to the Building, Engineering and Planning Departments for review and approval.

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

PASSED AND ADOPTED this _____, 2020.

PARK CITY MUNICIPAL CORPORATION

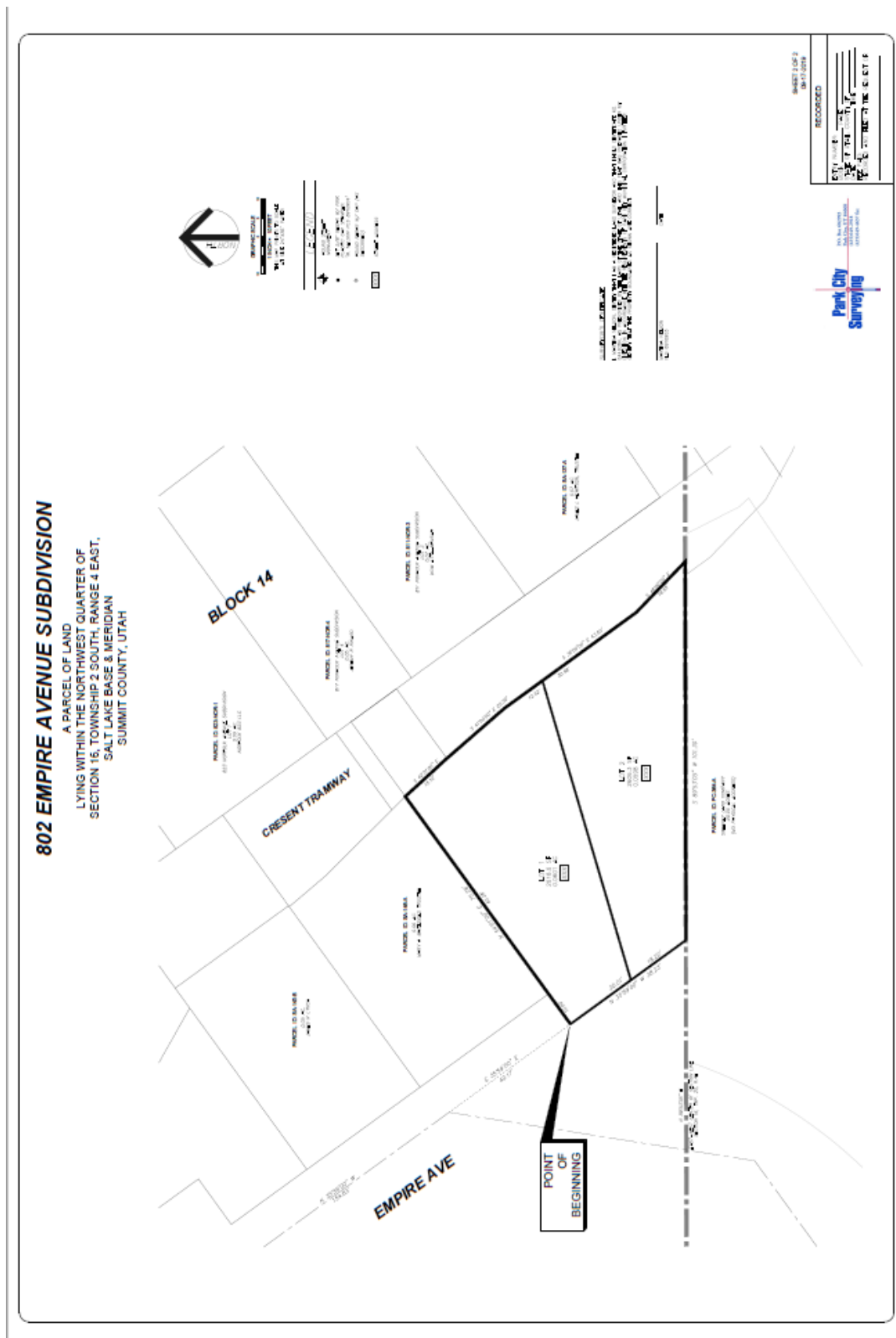
Andy Beerman, MAYOR

ATTEST:

City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney



802 Empire Avenue

A Brief History



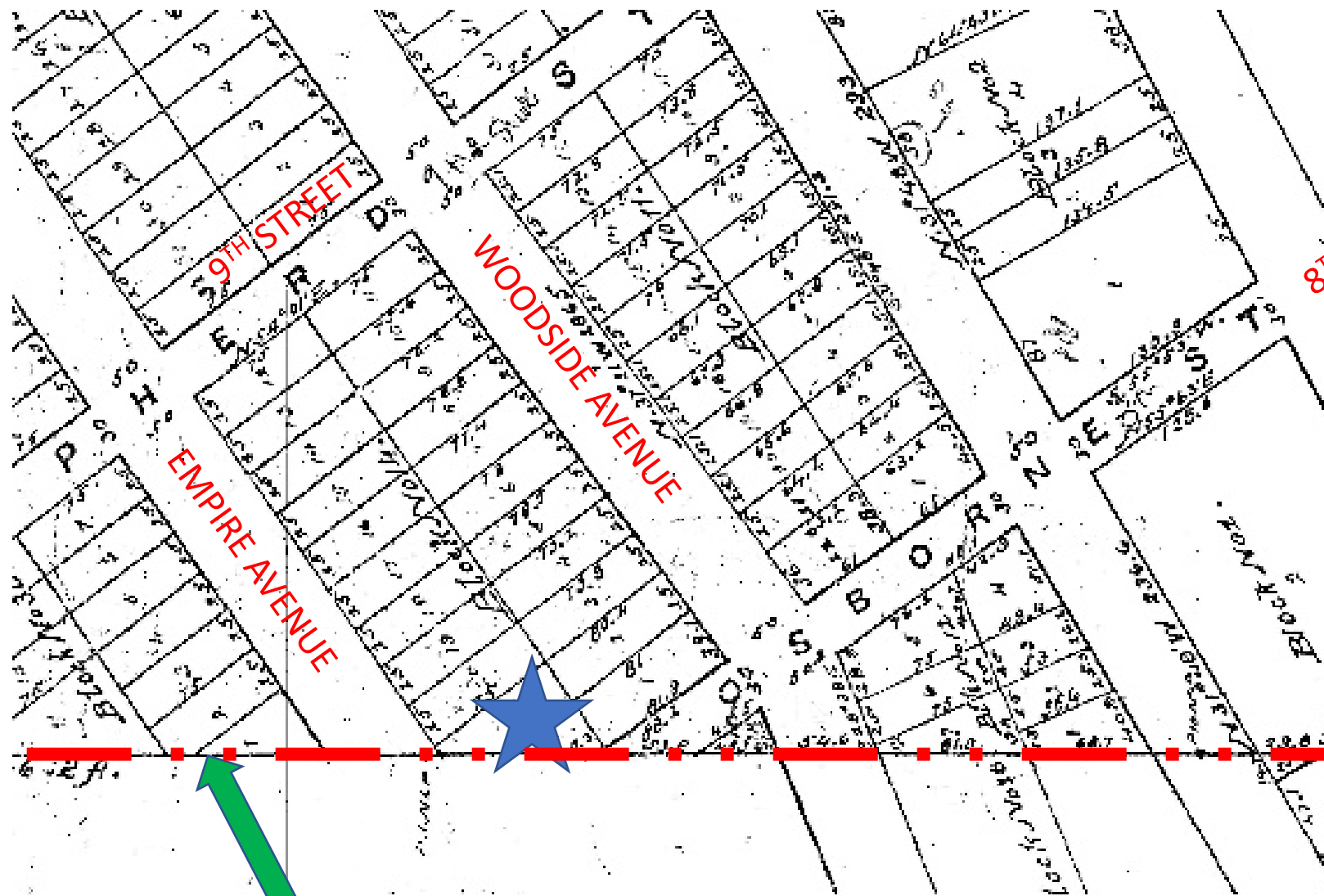
BOUNDARY EXHIBIT MAP
802 EMPIRE AVENUE



This is a black and white street map of a section of Los Angeles, California. The map shows a grid of streets oriented diagonally from top-left to bottom-right. Key streets labeled include PICO BOULEVARD, NORMANDIE AVENUE, HOLLYWOOD BOULEVARD, and GLENDALE AVENUE. A large blue five-pointed star is placed at the intersection of Normandie Avenue and Hollywood Boulevard. To the right of the main street grid, there are several rectangular areas representing parks or undeveloped land, some labeled "PARK". In the upper right corner, there is a small box containing the text "L.A. City of L.A.". At the very bottom of the page, there is a red decorative border consisting of a series of small squares.



3



Snyders Addition Plat

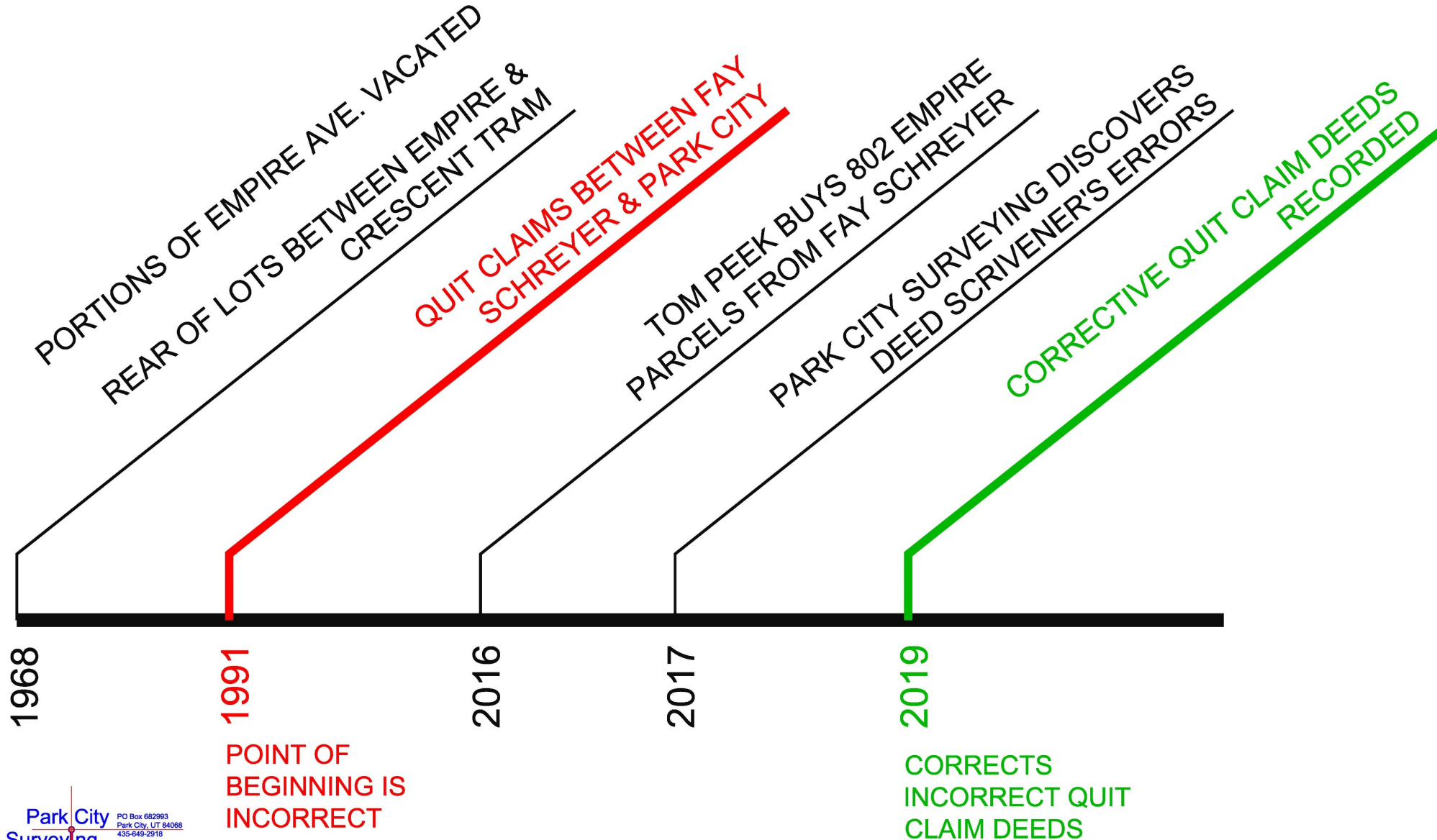
Area of 802
Empire Avenue

↑
SNYDERS ADDITION

PARK CITY SURVEY PLAT

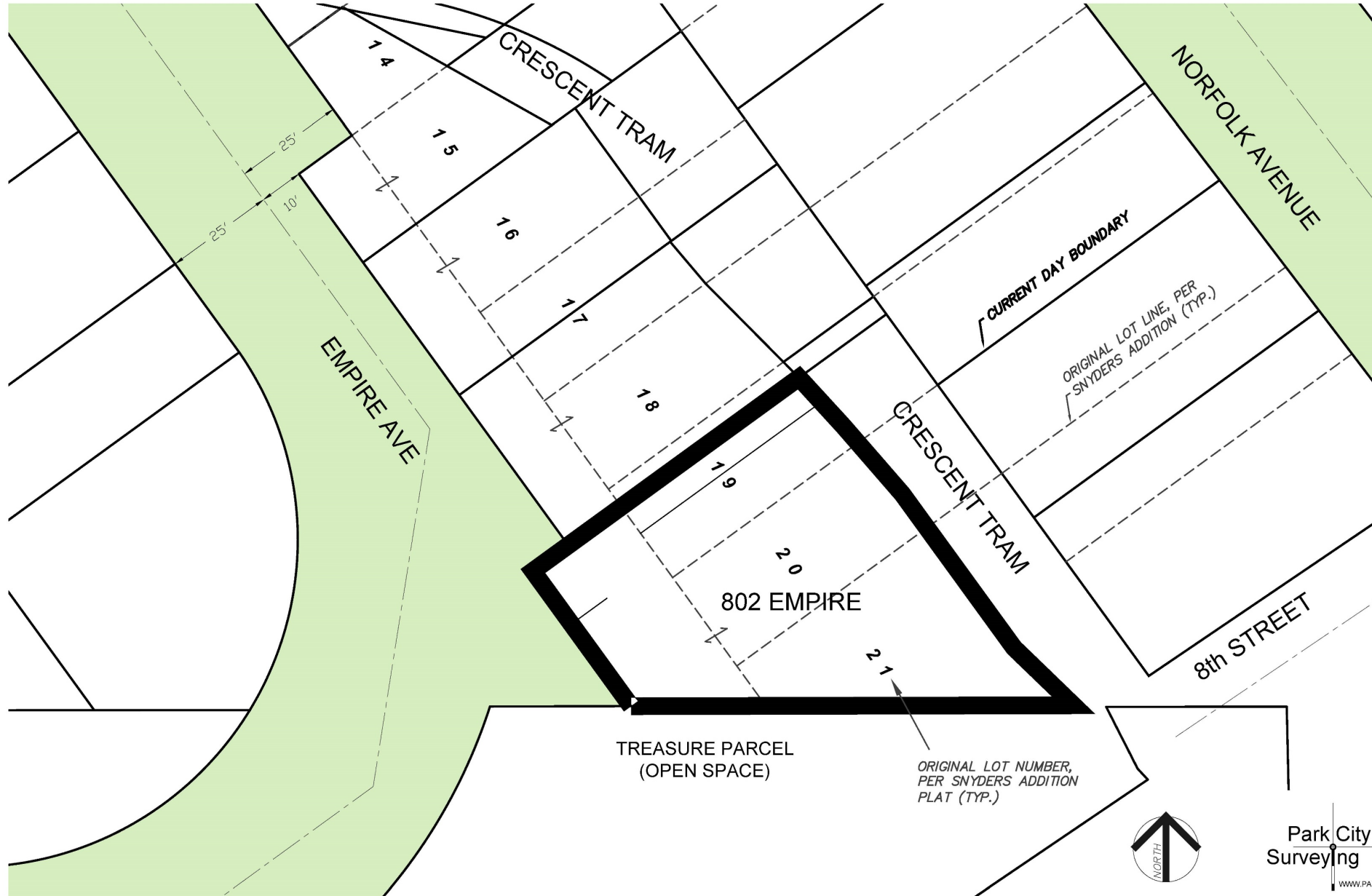
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**Park City
Surveying**

802 EMPIRE AVENUE - A TIMELINE



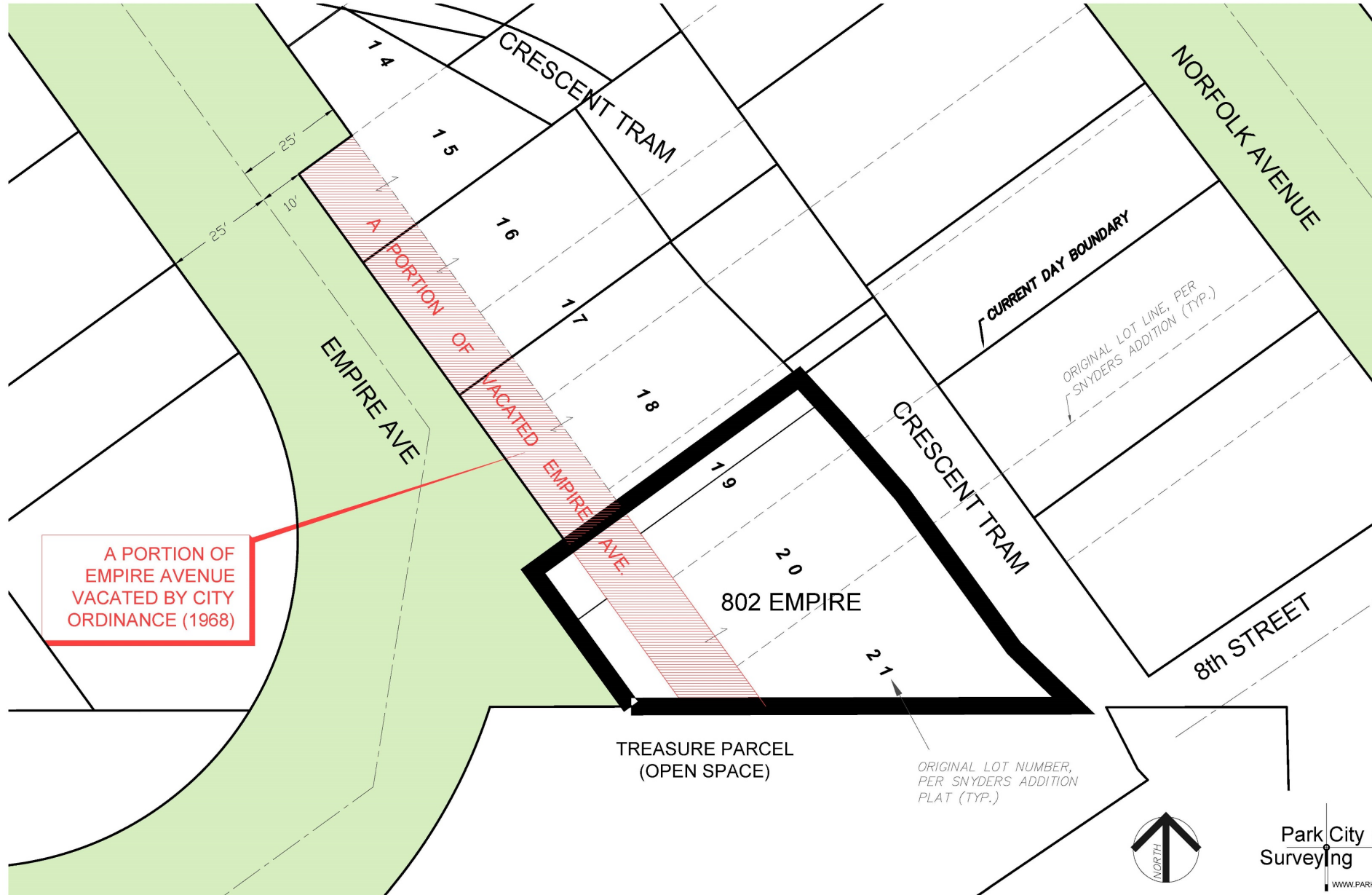
BOUNDARY EXHIBIT MAP

CURRENT BOUNDARY LINES WITH ORIGINAL SNYDERS ADDITION LOT LINES & LOT NUMBERS



BOUNDARY EXHIBIT MAP

CURRENT BOUNDARY LINES WITH ORIGINAL SNYDERS ADDITION LOT LINES & LOT NUMBERS
A STRIP OF EMPIRE VACATED & GRANTED TO ADJACENT LANDOWNERS (RED HATCH)



EMPIRE AVENUE - A HISTORY

EMPIRE RIGHT-OF-WAY (ORIGINAL)



Empire
Avenue Right-
of-Way
Historical
(green
shading)

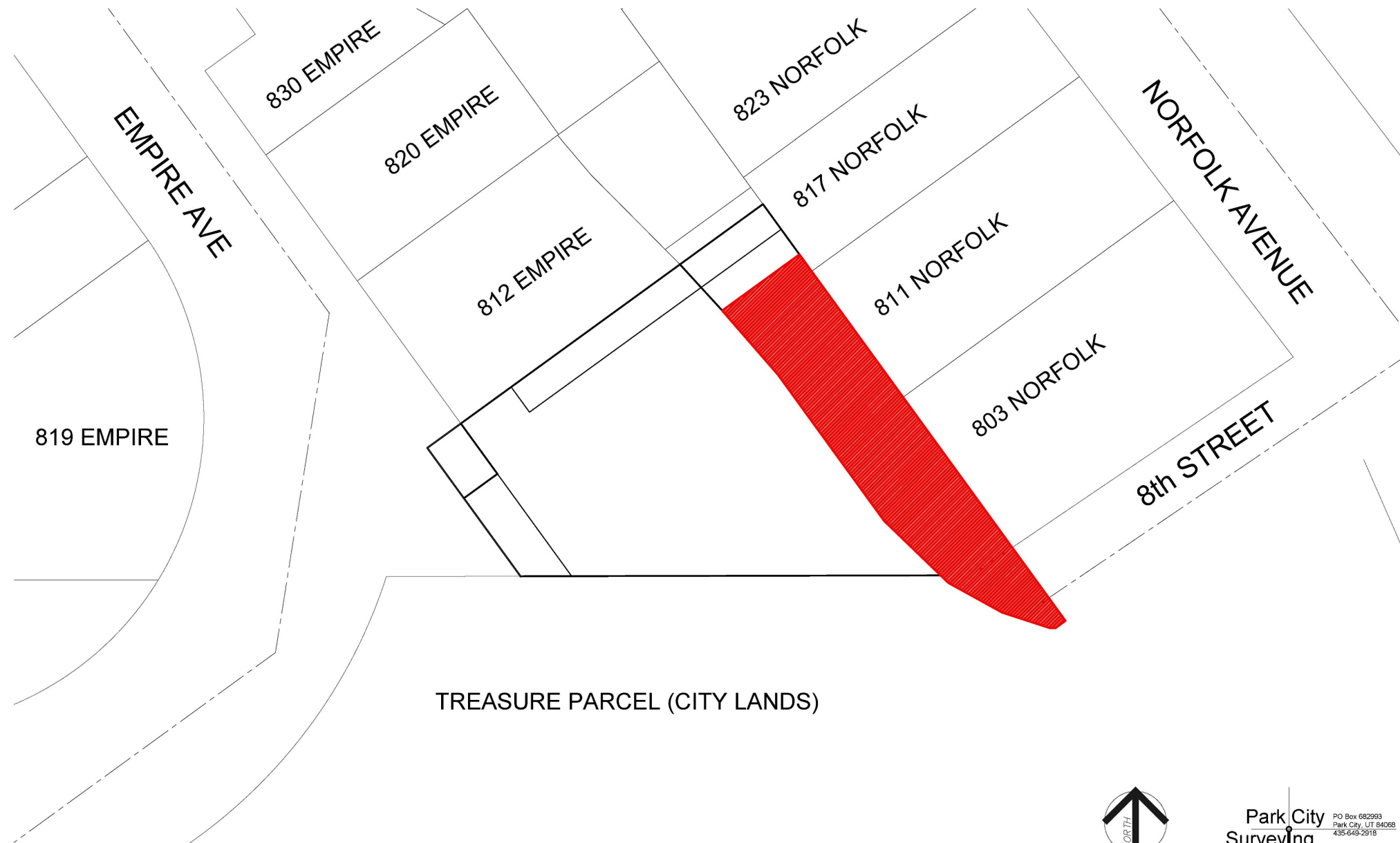
EMPIRE AVENUE - A HISTORY
EMPIRE RIGHT-OF-WAY (CURRENT DAY)



Empire
Avenue Right-
of-Way
Current Day
(green
shading)

802 EMPIRE AVENUE - A HISTORY

PARCEL A: AS RECORDED IN 1991
DEED ENTRY 343732



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802 EMPIRE AVENUE - A HISTORY

PARCEL A: LIKELY INTENT



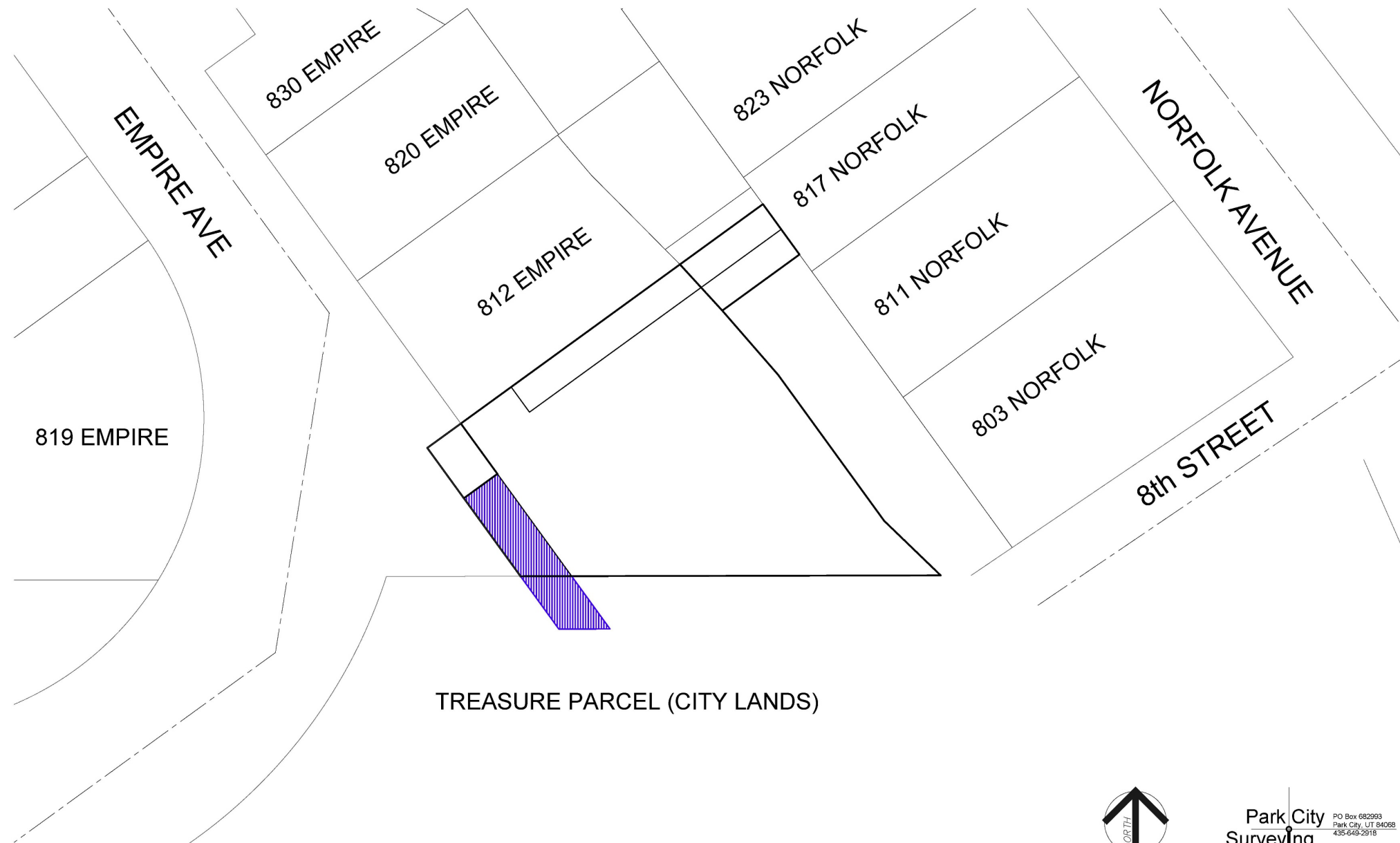
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PO Box 692993
Park City, UT 84068
435-643-2918
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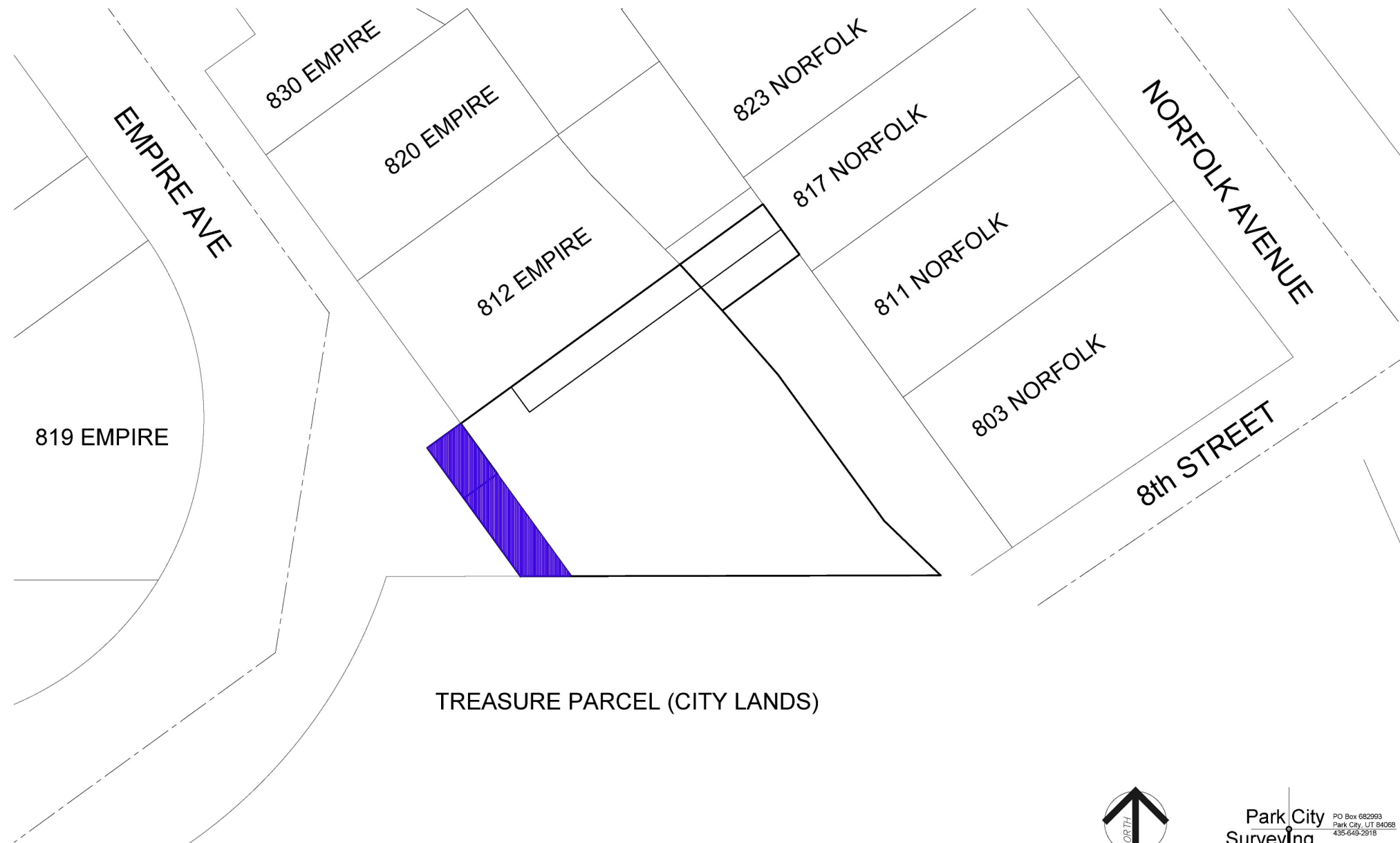
802 EMPIRE AVENUE - A HISTORY

PARCEL B: AS RECORDED IN 1991
DEED ENTRY 343731



802 EMPIRE AVENUE - A HISTORY

PARCEL B: LIKELY INTENT



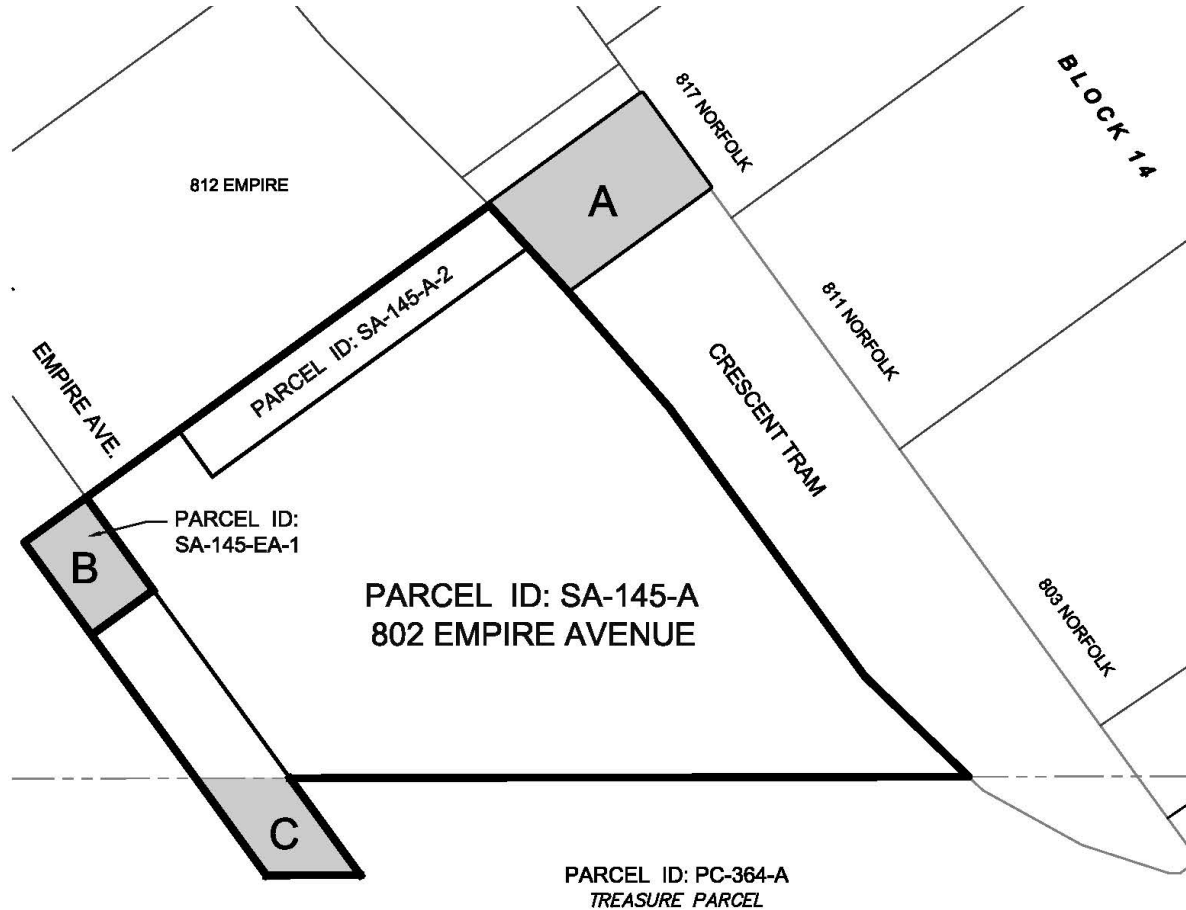
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Areas of Deed Conflict:

Resolved via quit claim deeds



A: PEEK TO CITY

B: CITY TO PEEK

C: PEEK TO CITY

BOUNDARY EXHIBIT MAP

CURRENT DAY BOUNDARY CONFIGURATION



BOUNDARY EXHIBIT MAP
802 EMPIRE AVENUE: PLAT BOUNDARY



BOUNDARY EXHIBIT MAP

DRIVEWAY CONDITIONAL USE PERMIT APPLICATION



An aerial photograph of a residential neighborhood. A white outline highlights a specific property, which is labeled '802 EMPIRE'. A dashed white line indicates the 'C.U.P. AREA'. The property is situated on a street that curves to the left. The surrounding area includes other houses, trees, and a road.



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December 10, 2019

Tom Peak
Old Town Lands, LLC
PO Box 4167
Park City, UT 84060

NOTICE OF PLANNING DIRECTOR DETERMINATION:

Project Address:	802 Empire Avenue
Project Description:	Planning Director Determination for Unusual Lot Configuration
Project Number(s):	PL-18-03949 – 802 Empire Avenue Subdivision
Date of Action:	December 10, 2019

ACTION TAKEN BY PLANNING DIRECTOR:

In accordance with the Land Management Code Section 15-4-17, Setback Requirements for Unusual Lot Configurations, the Planning Director has made a determination for the two proposed thru-lots located at 802 Empire Avenue that both lots have two Front Setbacks, one on Crescent Tram and one on Empire Avenue, and that Lot Frontage can be measured along Crescent Tram in order to achieve the 25 ft. minimum Lot Width requirement.

If you have any questions regarding this determination, please don't hesitate to contact the Planning Department at 435-615-5060.

Sincerely,

Bruce Erickson, AICP
Planning Director

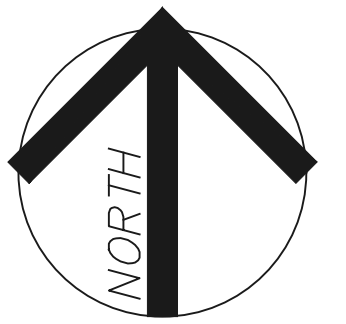
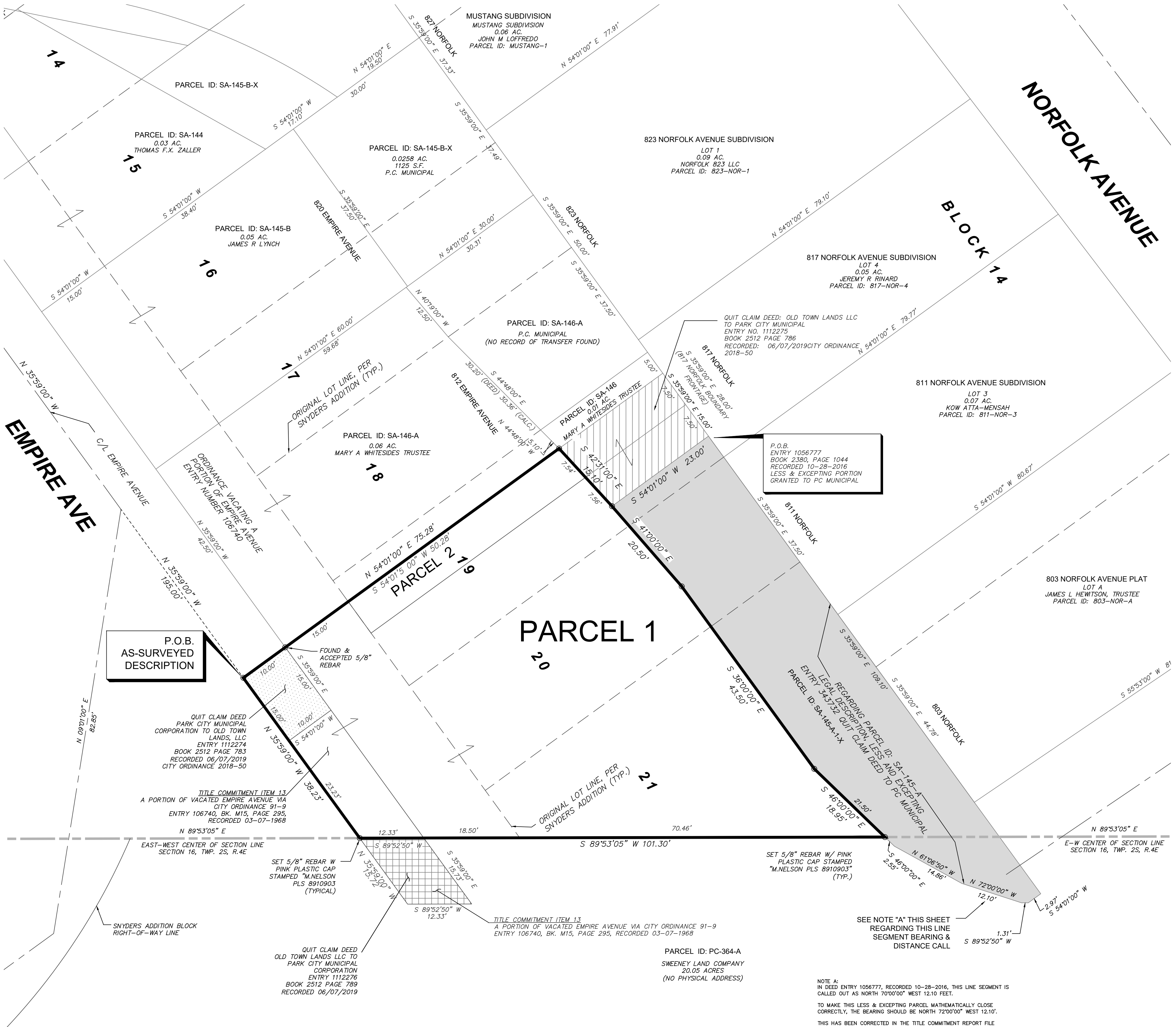
CC: Alexandra Ananth, Senior Planner

A PARCEL OF LAND LYING WITHIN
SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH

SHEET 1 OF 3

RECORD OF SURVEY & TOPOGRAPHIC MAP

A PARCEL OF LAND LYING WITHIN
SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH



GRAPHIC SCALE
1 INCH = 10 FEET
THIS MAP PRINTS TO SCALE
AT SIZE 24"X36" PAPER

LEGEND

- SET 5/8" REBAR W/ PINK PLASTIC CAP STAMPED: "M.NELSON PLS 8910903"
- ⊙ FOUND REBAR (AS DESCRIBED)

LAND OWNERSHIP

- QUIT-CLAIMED TO PC MUNICIPAL - USING THE "LESS AND EXCEPTING" DEED METHOD. CURRENT DEED ENTRY 1056777. BOOK 2380 PAGE 1044. RECORDED 12-28-2016.
- QUIT-CLAIM DEED OLD TOWN LANDS LLC TO TO PC MUNICIPAL
- QUIT-CLAIM DEED PC MUNICIPAL OLD TOWN LANDS LLC
- QUIT CLAIM DEED OLD TOWN LANDS LLC TO PC MUNICIPAL

NOTE 'A'

NOTES REGARDING TITLE COMMITMENT ITEM 10 AND THE "LESS AND EXCEPTING..." PORTION OF THE PARCEL 1 LEGAL DESCRIPTION:

THE DEED CONFLICT AREA PERTAINING TO TITLE COMMITMENT ITEM 10 AND THE PORTION OF THE "LESS AND EXCEPTING..." PARCEL QUIT CLAIMED TO PC MUNICIPAL THAT EXTENDS SOUTH OF THE CENTER QUARTER SECTION LINE AS SHOWN ON THIS SURVEY BOTH APPEAR TO BE THE RESULT OF ERRORS IN THE DISTANCE CALLS FROM THE CORNERS OF LOT 19 TO THE POINTS OF BEGINNING OF THE TWO PARCELS. IN OTHER WORDS, EITHER THE POINT OF COMMENCEMENT IS INCORRECT, OR THE DISTANCE CALLS FROM THE POINT OF COMMENCEMENT ARE INCORRECT.)

ENTRY 1012496, A QUIT CLAIM DEED, RECORDED FEBRUARY 10, 2015, DESCRIBES THE POINT OF BEGINNING AS BEING:

"SOUTH 35°59'00" EAST 20.00 FEET" AND "SOUTH 54°01'00" WEST 15.00 FEET" FROM THE NORTHWEST CORNER OF LOT 19..."

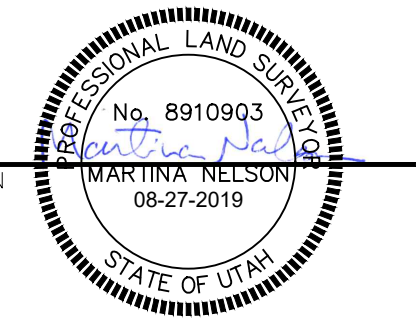
THE DISTANCE OF 20.00 FEET APPEARS TO BE IN ERROR. USING A DISTANCE OF 5.00 FEET POSITIONS THE 10 FOOT WIDE PARCEL AT A LOCATION THAT FITS TO THE CENTER QUARTER SECTION LINE AND NEIGHBORING SWEENEY PARCEL. THIS APPEARS TO BE THE INTENT OF THE QUIT CLAIM DEED.

SIMILARLY, THE QUIT CLAIM DEED TO PC MUNICIPAL, RECORDED JULY 8, 1991, ENTRY NO. 343732, DESCRIBING THE "LESS AND EXCEPTING..." PARCEL, DESCRIBES THE POINT OF BEGINNING AS BEING:

"SOUTH 35° 59'00" 20.00 FEET FROM THE NORTHEAST CORNER OF LOT 19..."

THE DISTANCE OF 20.00 FEET IN THIS DESCRIPTION ALSO SEEMS TO BE IN ERROR.

USING A DISTANCE OF 5.00 FEET POSITIONS THIS PARCEL AT A LOCATION THAT FITS TO THE CENTER QUARTER SECTION LINE AT THE SOUTHERLY END AND ELIMINATES THE 15 FEET IN THE CRESCENT TRAM ROADWAY SHOWN ON THIS SURVEY AS BEING PORTIONS OF PARCELS 1 AND 2 OF 802 EMPIRE AT THE NORTHERLY END. THIS ALSO APPEARS TO BE THE INTENT OF THE QUIT CLAIM DEED.



NOTE A:
IN DEED ENTRY 1056777, RECORDED 10-28-2016, THIS LINE SEGMENT IS CALLED OUT AS NORTH 72°00'00" WEST 12.10 FEET.

TO MAKE THIS LESS & EXCEPTING PARCEL MATHEMATICALLY CLOSE CORRECTLY, THE BEARING SHOULD BE NORTH 72°00'00" WEST 12.10'.

THIS HAS BEEN CORRECTED IN THE TITLE COMMITMENT REPORT FILE NUMBER 26721, EFFECTIVE DATE APRIL 16, 2018 AT 8:00 A.M.

RECORD OF SURVEY & TOPOGRAPHIC MAP
802 EMPIRE AVENUE
PARK CITY, UTAH

DWG: 802 EMPIRE ROS-TOPO.dwg

FOR: TOM PEEK

Park City Surveying

PO Box 682983
Park City, UT 84088
435-649-2818
WWW.PARKCITYSURVEY.COM

REVISIONS		DATE	BY	COMMENTS
		xx/xx/xxxx		

SURVEYED BY:
MM/KR/SC

DRAWN BY:
MN

DATE:
AUGUST 27, 2019

TOPOGRAPHIC NOTES:

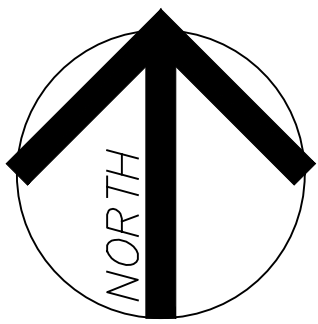
THE PURPOSE OF THIS SURVEY IS TO LOCATE THE BOUNDARY LINES OF THE SUBJECT PROPERTY & TO OBTAIN GROUND ELEVATIONS FOR A CONTOUR MAP PRIOR TO DEVELOPMENT BY THE OWNER.

SURVEY FIELD WORK COMPLETED: 07-07-2017 & 01-15-2018

ELEVATION DATUM USED: ELEVATIONS ARE BASED ON AN N.G.S VERTICAL MONUMENT "CHISELED SQUARE" ALSO KNOWN AS PID L00236, WITH AN NAVD 88 ELEVATION OF 6563.44'

UTILITIES NOTE:

ANY VISIBLE UTILITIES OR IMPROVEMENTS ARE SHOWN HEREON, HOWEVER IT IS POSSIBLE THAT SOME NATURAL FEATURES, UTILITIES AND IMPROVEMENTS MAY HAVE BEEN OBTAINED.



GRAPHIC SCALE
1 INCH = 10 FEET
THIS MAP PRINTS TO SCALE
AT SIZE 24"x36" PAPER

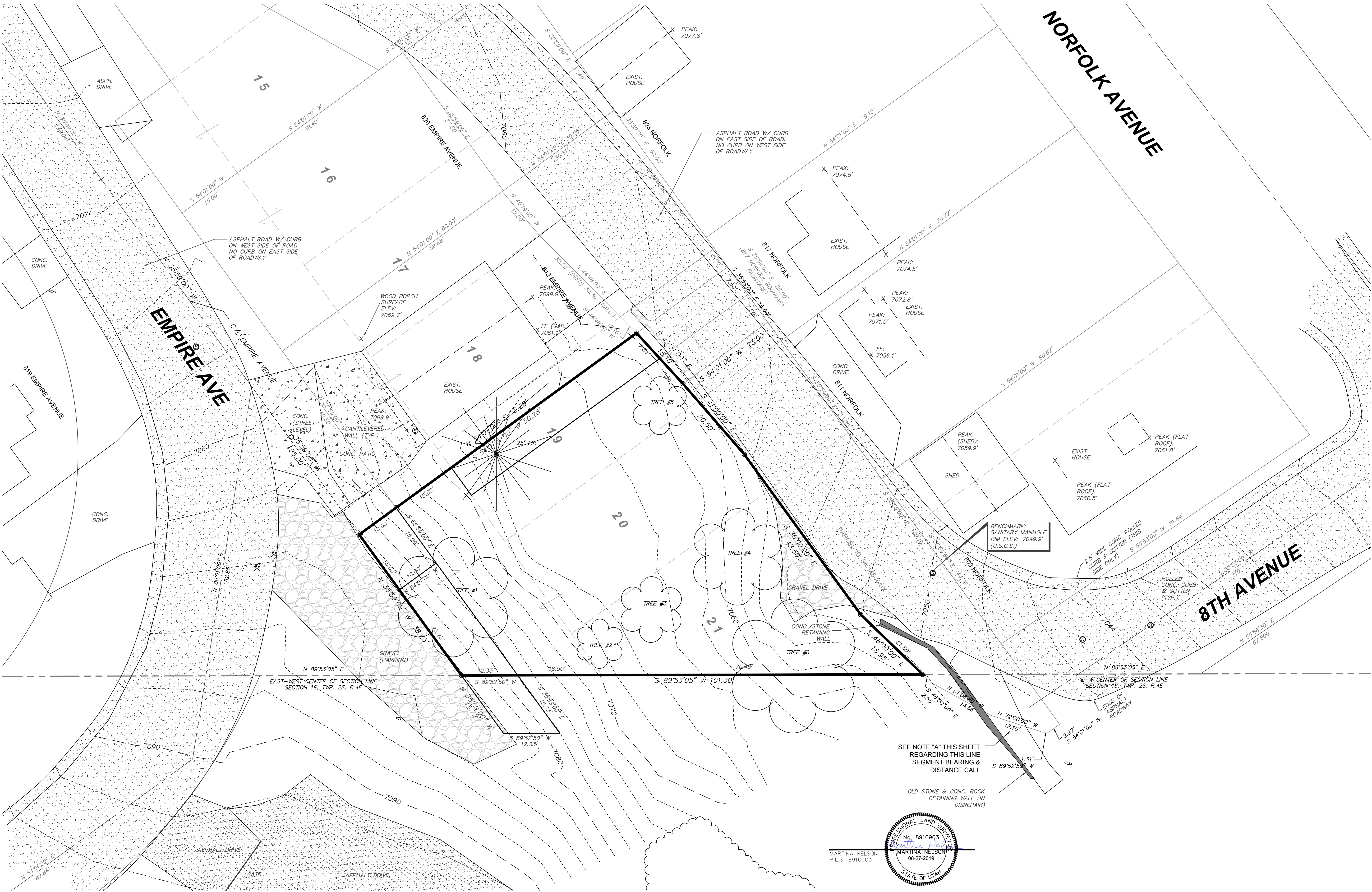
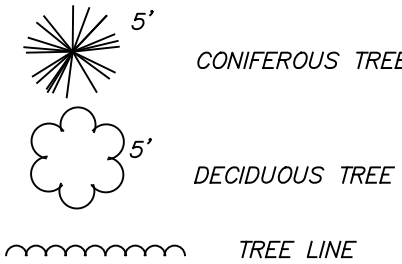
RECORD OF SURVEY & TOPOGRAPHIC MAP

A PARCEL OF LAND LYING WITHIN
SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH

LEGEND

- FOUND STREET MONUMENT
- SET 5/8" REBAR W/ PINK PLASTIC CAP STAMPED: "M.NELSON PLS 8910903"
- FOUND REBAR W/ CAP (AS DESCRIBED)
- WATER VALVE
- SANITARY SEWER MANHOLE
- STORM DRAIN MANHOLE
- ELECTRIC METER

TREE DIAMETER ANNOTATED TO EDGE OF DRIPLINE



RECORD OF SURVEY & TOPOGRAPHIC MAP
802 EMPIRE AVENUE
PARK CITY, UTAH

FOR: TOM PEEK

DWG: 802 EMPIRE ROS-TOPO.dwg

SURVEYED BY:
MM/KR/SC
DRAWN BY:
MN

DATE:
AUGUST 27, 2019

REVISIONS

DATE

BY

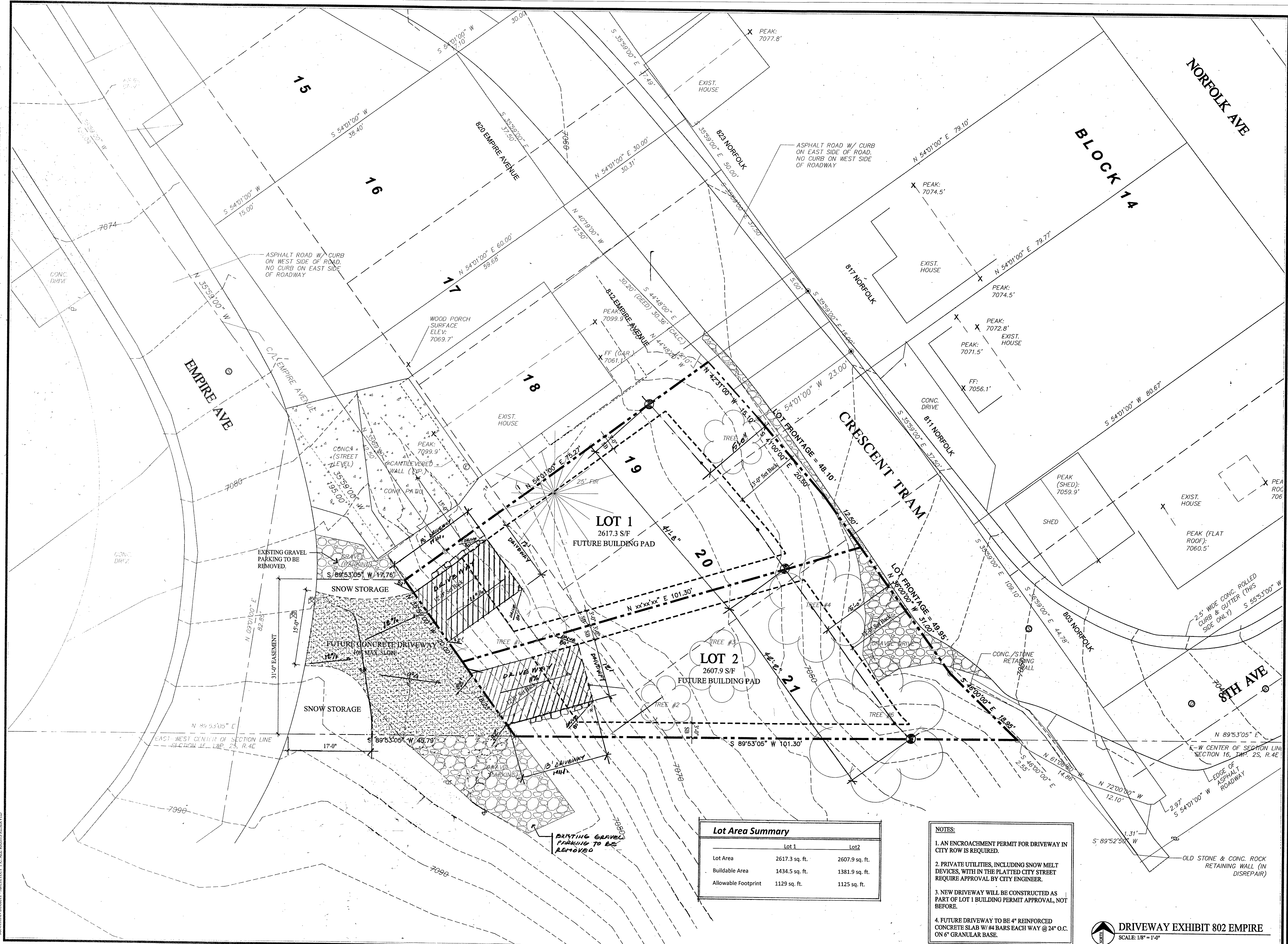
COMMENTS

DATE	BY	COMMENTS
xx/xx/xxxx		

Park City
Surveying

PO Box 682993
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Neighborhood Lot Size Analysis

<u>Address</u>	<u>Lot Size</u>			
830 Empire	0.03	1,307		
829 Empire	0.04	1,742		
820 Empire	0.05	2,178		
817 Norfolk	0.05	2,178		
812 Empire	0.06	2,614		
827 Norfolk	0.06	2,614		
841 Empire	0.06	2,614		
835 Empire	0.06	2,614		
844 Norfolk	0.07	3,049		
803 Norfolk	0.08	3,485		
822 Lowell	0.08	3,485		
823 Norfolk	0.09	3,920		
819 Empire	0.09	3,920		
835 Norfolk	0.1	4,356		
811 Norfolk	0.11	4,792		
729 Norfolk	0.12	5,227		
841 Lowell	0.13	5,663		
713 Norfolk	0.15	6,534		
732 Crescent Tram	0.15	6,534		
808 Empire	0.16	6,970		
Average Lot Size	0.087	3,790	Median	2,831
802 Empire Existing	0.12	5,227		
		<u>Lot 1</u>	<u>Lot 2</u>	
802 Empire Proposed	0.06	2,617	2607	

From: Regis W. McHugh, MD <regiswmchugh@gmail.com>
Sent: Friday, January 03, 2020 7:12 PM
To: Alexandra Ananth
Subject: Dicey entrance/terminus to Crescent Tram path / 802 Empire Avenue application

Dear Alexandra (Ms. Ananth),

We have been fortunate enough to have been at 841 Empire Ave. since 2005. We love using the Crescent Tram path as our primary walkway to Main Street and to the slopes at Town Lift. Even when the surface is dry, the descending portion of Eighth Street approaching Crescent Tram begins to require notice, but add ski boots, skis on your shoulder, snow, ice, and the occasional car — it becomes downright treacherous!

Recently, as a neighbor, we received a notice as to a planned subdivision at 802 Empire Ave. along with a conditional use permit for access over the City's platted unbuilt right of way.

Is it possible for the city to make any approval of the subdivision requests contingent upon obtaining an easement or right of way that allows for a safer travel onto Crescent Tram?

One possibility would be a designated combination walkway/stairway along the downward sloping eastern edge of the 802 property as it approaches Crescent Tram.

Another possibility would be a vertical stairway beginning somewhere near Crescent Tram that headed straight up to Empire Ave (this would be along the southern end of the 802 property). Maybe both would be feasible.

On a slightly separate note, we have been wondering why there has been no stairway built on Ninth Street (the whole way from Park Ave. to Lowell). With the Treasure Hill Preservation this would greatly improve pedestrian access to the trails!

Thanks for your consideration,

We love Park City,

Regis (McHugh)

Sent from my iPhone