PARK CITY APPEAL PANEL MEETING
SUMMIT COUNTY, UTAH
May 6, 2024

The Appeal Panel of Park City, Utah, will hold its regular meeting in person at the Marsac Municipal Building, City Council Chambers, at 445 Marsac Avenue, Park City, Utah 84060. Meetings will also be available online and may have options to listen, watch, or participate virtually.

1. MEETING CALLED TO ORDER AT 5:00PM

2. ROLL CALL

3. PUBLIC COMMUNICATIONS

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

5. REGULAR AGENDA

5.A. **Appeal of 2685 Meadow Creek Drive Final Action –** The Appeal Panel Will Review an Appeal of the Final Action Taken by the Planning Commission on March 13, 2024, Approving the Smith Subdivision Parcel B Amended Plat (PL-24-06003) Amending the Smith Subdivision to Shift the Existing Building Pads Out of the Wetlands to Maintain the Sensitive Land Overlay and Amend the Driveway Easement to be Entirely on Parcel B Within the Estate Zoning District and Sensitive Land Overlay. PL-24-06078
(A) Public Hearing; (B) Action

6. ADJOURNMENT

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.

***Parking is available at no charge for meeting attendees who park in the China Bridge parking structure.**

Appeal Panel
Staff Report

Subject:	**2647 Meadow Creek Drive** **2685 Meadow Creek Drive**
Applications:	**PL-24-06078 – Appeal** **PL-24-06033 – Plat Amendment**
Authors:	**Jaron Ehlers, Planning Technician** **Spencer Cawley, Planner II**
Date:	**May 6, 2024**
Type of Item:	**Appeal of the Planning Commission's Approval of the Smith Subdivision First Amended Plat**

Recommendation

(I) Review the Appeal of the Planning Commission's approval of the Smith Subdivision First Amended Plat, (II) conduct a public hearing, and (III) consider denying the appeal and affirming the Planning Commission's decision based on the Findings of Fact and Conclusions of Law in the Draft Final Action Letter (Exhibit A).

Description

Appellant:	Bob Theobold
Location:	2647 Meadow Creek Drive (Parcel A) 2685 Meadow Creek Drive (Parcel B)
Zoning District:	Parcel A – Single Family, and partially in the Sensitive Land Overlay and Estate Parcel B – Estate and Sensitive Land Overlay
Adjacent Land Uses:	Single Family Residential and Open Space
Reason for Review:	The Appeal Panel hears appeals of Planning Commission Final Action of Plat Amendments[1]

BOA	Board of Adjustment
CC&Rs	Covenants, Conditions, and Restrictions
DRC	Development Review Committee
LMC	Land Management Code
MPD	Master Planned Development
SLO	Sensitive Land Overlay
SF	Single Family
ROS	Recreation and Open Space

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § 15-15-1.

[1] LMC § 15-1-8

Summary

On March 13, 2024, the Planning Commission held a public hearing and unanimously approved the Smith Subdivision First Amended Plat to:

- Shift the house and barn Building Pads on 2685 Meadow Creek Drive (Parcel B), a vacant lot, to reflect an updated wetland determination, and
- To relocate a driveway easement that crossed 2647 Meadow Creek Drive to access 2685 Meadow Creek Drive entirely to 2685 Meadow Creek Drive (Exhibit H, Final Action Letter) (Staff Report | Minutes).

On March 25, 2024, the Appellant appealed the Planning Commission's approval (Exhibit I, Appellant Submittal).

On April 25, 2024, the Appellant submitted an amended appeal (Exhibit AA, Updated Appellant Submittal).

The Smith Subdivision First Amended Plat includes one Lot from the Willow Ranch Subdivision (2685 Meadow Creek Drive (Parcel B)) and one Lot from the McLeod Creek Subdivision (2647 Meadow Creek Drive (Parcel A)). As a result, the background for both Subdivisions is provided at the end of this report.

Smith Subdivision Plat Amendment

2685 and 2647 Meadow Creek Drive are part of the Smith Subdivision (Exhibit W, Smith Subdivision Plat), a two-lot Subdivision that includes one lot from the Willow Ranch Subdivision (2685 Meadow Creek Drive (Parcel B)) and another lot from the McLeod Creek Subdivision (2647 Meadow Creek Drive (Parcel A)). A platted driveway easement crosses both lots for access to 2685 Meadow Creek Drive, which is a vacant lot with potential for a Single-Family Dwelling no larger than 8,000 square feet and a Barn no larger than 1,800 square feet within platted Building Pads. Due to shifting wetlands since initially platted in 1996—28 years ago—the Building Pads for the future Single-Family Dwelling and Barn at 2685 Meadow Creek Drive now encroach into a 50-foot Setback from wetlands required in Land Management Code (LMC) § 15-2.21-6(F), the Sensitive Land Overlay (SLO) regulations. To comply with the required Setbacks from the updated wetlands determination, the Applicant applied to shift the platted Building Pads. The Applicant also applied to replat the driveway easement so that it no longer crosses 2647 Meadow Creek Drive and is entirely located on 2685 Meadow Creek Drive.



Figure A: The image above is from the City's Zoning Map. 2685 Meadow Creek is highlighted in yellow, 2647 Meadow Creek is highlighted in orange.

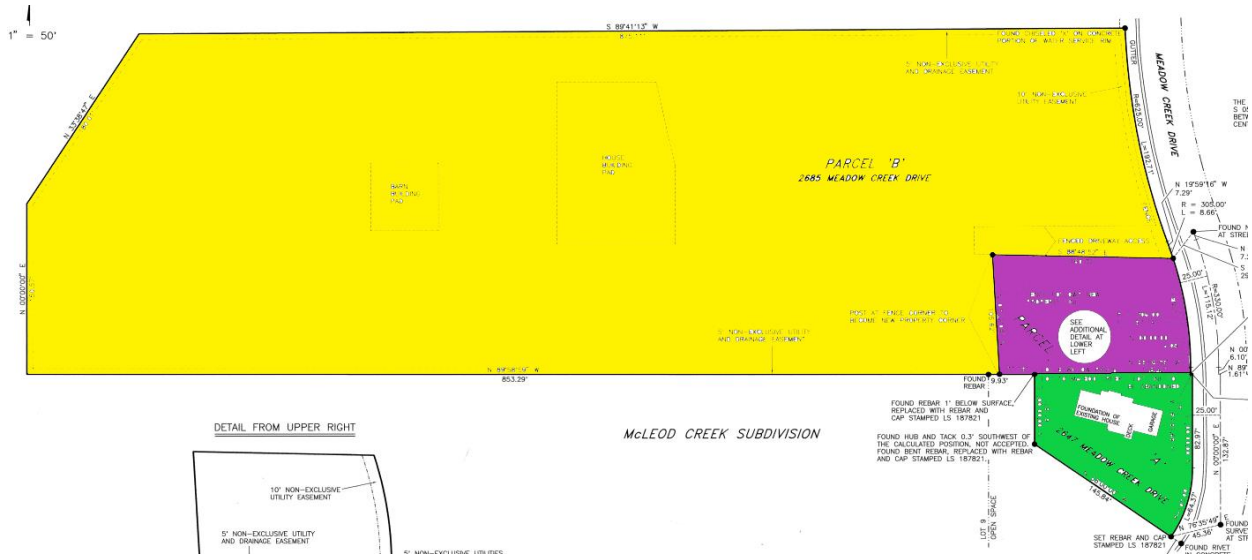


Figure B: The Existing Smith Subdivision. Parcel B is in Yellow, Parcel A is in Purple and Green, with the portion that was transferred to Parcel A by the creation of the Smith Subdivision in Purple.

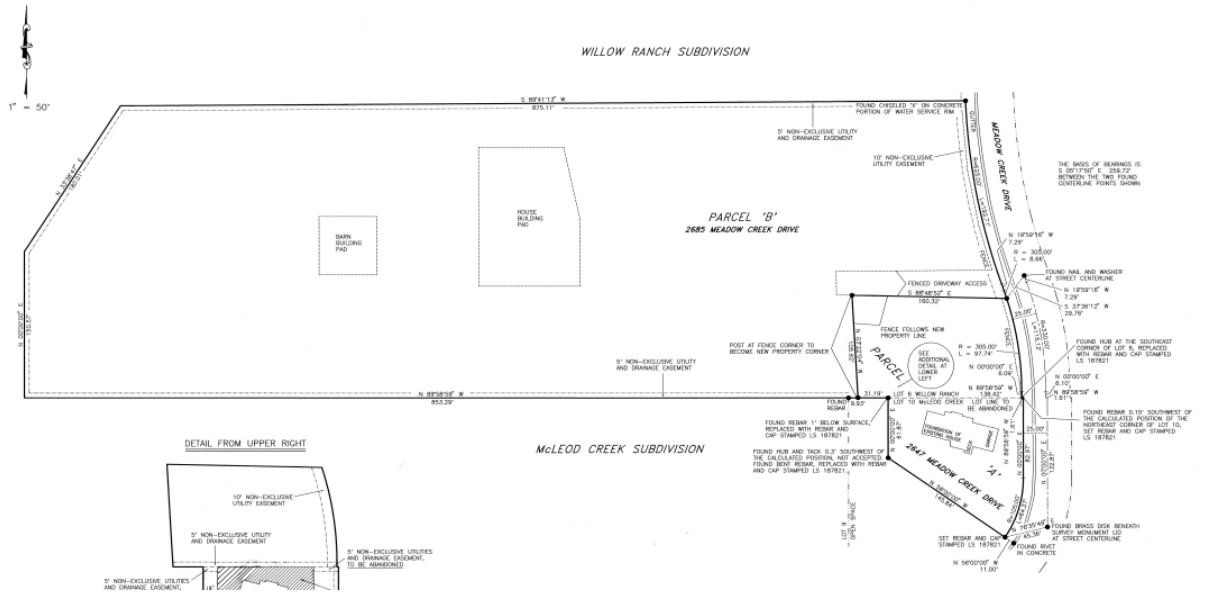


Figure C: Current Smith Subdivision Plat (Exhibit W)

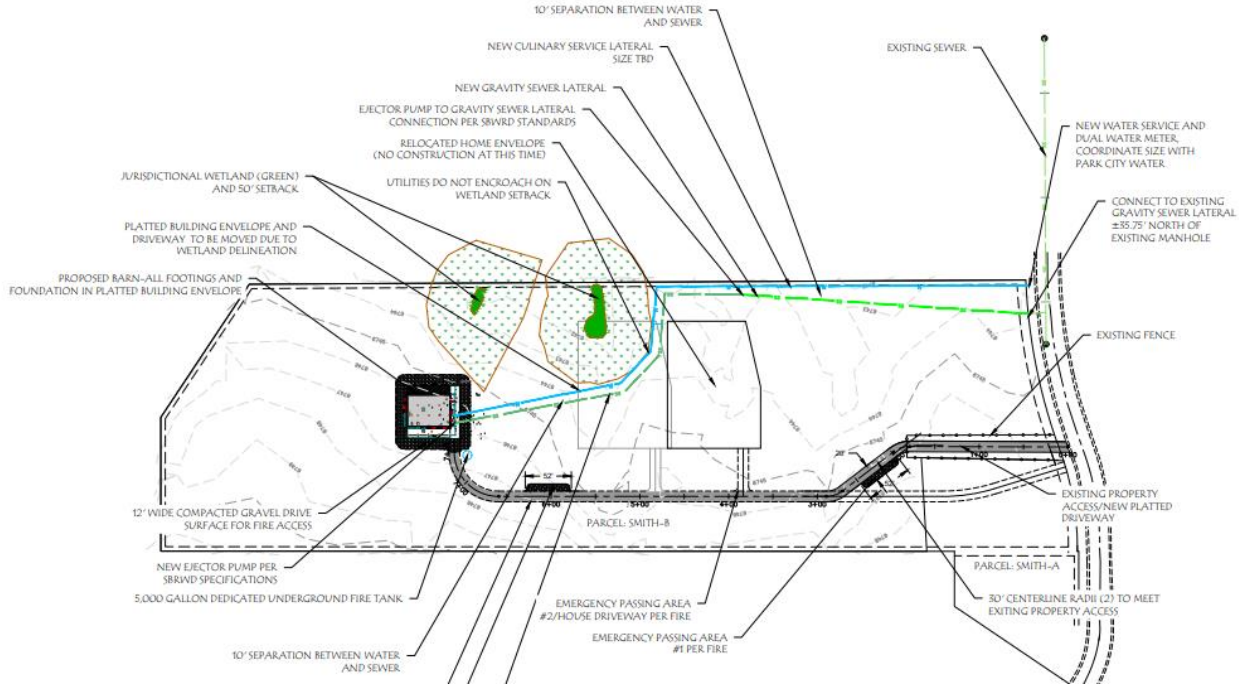


Figure D: Site Plan showing the Wetlands, Wetland Setbacks, and changes to Driveway Easement.

Standard of Review

Pursuant to Land Management Code (LMC) § 15-1-8, Final Action by the Planning Commission concerning Plat Amendments may be appealed to the Appeal Panel. The

Appeal Panel shall act in a quasi-judicial manner and review factual matters de novo, without deference to the Planning Commission and staff determination of factual matters. The Appeal Panel shall determine the correctness of the Planning Commission's interpretation and application of the plain meaning of the land use regulations and interpret and apply a land use regulation to favor a land use application unless the land use regulation plainly restricts the land use application.[2]

Burden of Proof

The Appellant has the burden of proof to demonstrate the Planning Commission erred in approving the Smith Subdivision First Amended Plat (LMC § 15-1-18(G)).

When reviewing a Plat Amendment, the Planning Commission reviews the application for compliance with the Zoning District, underlying approvals such as a Master Planned Development (MPD), and Subdivision Procedures in LMC Chapter 15-7.1, including LMC § 15-7.1-6 *Final Subdivision Plat*.

LMC § 15-7.1-3(B) states that approval of a Plat Amendment requires:

(a) a finding of Good Cause, and
(b) a finding that no Public Street, Right-of-Way, or easement has been vacated or amended.

LMC § 15-15-1 defines Good Cause as:

> *Providing positive benefits and mitigating negative impacts, determined on a case-by-case basis to include such things as providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.*

The question for the Appeal Panel is:

Did the Planning Commission incorrectly apply these standards to this application for a Plat Amendment?

Analysis

(I) The Willow Ranch Subdivision contains four Equestrian Lots (1, 2, 6, and 7), three Single-Family Lots (3, 4, and 5), and Lot A – 10.29 acres of open space subject to a conservation easement and owned by Park City Municipal Corporation – a total of eight Lots.

The Appellant claims the Planning Commission erred in their approval of the Smith

[2] LMC § 15-1-18(G)

Subdivision First Amended Plat because “Willow Ranch is a 7-lot – not a 6-lot Subdivision as quoted by Staff.” The Final Action Letter Finding of Fact 4 contains a typo: *On January 28, 1993, the City Council approved the final Plat for the Willow Ranch Subdivision, which consisted of six lots.* However, the Appellant is also incorrect—the Willow Ranch Subdivision is not a 7-Lot Subdivision. It is an 8-Lot Subdivision with Equestrian Lots (1, 2, 6, and 7), and Single-Family Lots (3, 4, and 5), as well as Lot A, 10.29 acres of open space subject to a conservation easement and owned by Park City Municipal.

However, this Finding of Fact is immaterial to whether the Planning Commission erred in approving the Smith Subdivision First Amended Plat, which shifted Building Pads to conform with an updated wetlands determination. This issue does not implicate the standard of review for appeal as it relates to the Good Cause standard correctly followed.

(II) The Planning Commission correctly applied the Sensitive Land Overlay requirements regarding wetlands, requiring an updated wetlands determination to evaluate the proposed changes to platted elements. Amending Building Pads for the Single-Family Dwelling and Barn and evaluating the relocated driveway relocation based on a 1993 Army Corps wetland determination as the Appellant argues would be contrary to the Land Management Code.

The Appellant states “[t]he ‘Limits of Disturbance/Building Pads’ is based on avoidance of wetlands delineation by the developer and accepted by the Army Corps of Engineers (Corps). The existence of Exhibit H to the CC&Rs – Corps Permit #199225027 must be recognized in the Findings. The City adopted the Corps LODA boundaries which have been continued on all subsequent Plats. (The 2022 CC&Rs deleted Exhibit H in its entirety.)”

The Appellant fails to allege an incorrect application of the LMC.

The property is within the Sensitive Land Overlay (SLO) and changes to platted elements require a Sensitive Land Analysis pursuant to LMC Section 15-2.21-3(A)(7) including an updated map delineating all wetlands. The Planning Commission followed this process. The Army Corps of Engineers has three types of wetland determinations: Preliminary Jurisdiction Determination, Aquatic Resources Determination, and Approved Jurisdiction Determination.

The Preliminary Jurisdiction Determinations and Aquatic Resources Determinations determine if there are wetlands on a subject property. They do not determine whether any specific governmental body has authority over those wetlands. The Approved Jurisdiction Determination takes longer and makes a formal determination whether the Army Corps has jurisdiction over the wetlands. The Approved Jurisdiction Determination is good for only five years, after which a new one is required. The Preliminary Jurisdiction and Aquatic Resources Determinations do not have a defined lifespan of usefulness, but the Army Corps still recommends about five years, with no more than 10

years, before another one is needed.

The Appellant claims the City must be bound by the Army Corps Permit included in the 1993 CC&Rs regarding the wetlands. This is an error. Wetlands shift, as indicated in the most updated determination, which is why the Army Corps places a lifespan on its determination. Using a determination that is over 30 years old is no longer valid. The Applicant conducted a new Preliminary Jurisdiction Determination, and the best protection for the wetlands in compliance with the SLO is through the up-to-date determination.

The Planning Commission did not err in approving a Plat Amendment to shift the Single-Family Building Pad and Barn Building Pad to comply with updated wetland information, as required by the current LMC.

(III) The Planning Commission correctly established the regulations for the Smith Subdivision First Amended Plat.

The Appellant claims "[a]ll lots in Willow Ranch are subject to a LODA designation either by specific setbacks from property boundary for Lots 3, 4, 5, or by survey for Lots 1, 2, 6, and 7. The LOD chart for Lots 1, 2, 6, and 7 are shown on the lower-left part of the original 1993 Plat. The 2022 CC&Rs altered or deleted all definitions and references to LODA. Staff's misinterpretation of the areas proposed to be relocated only as "Building Pads" in the standard Estate District implies that additional Accessory Buildings may be constructed outside the LODA if the structure complies with standard Estate District setbacks. **This notion is incorrect.**"

The Appellant fails to allege an incorrect application of the LMC. He appears concerned with future, possible permit applications. The Planning Commission approved location amendments to existing restrictions on the existing plat—no more, no less.

The Applicant applied to amend the Smith Subdivision, approved by the City Council in 1995 establishing two Building Pads for two structures: one Single-Family Dwelling and one Barn.

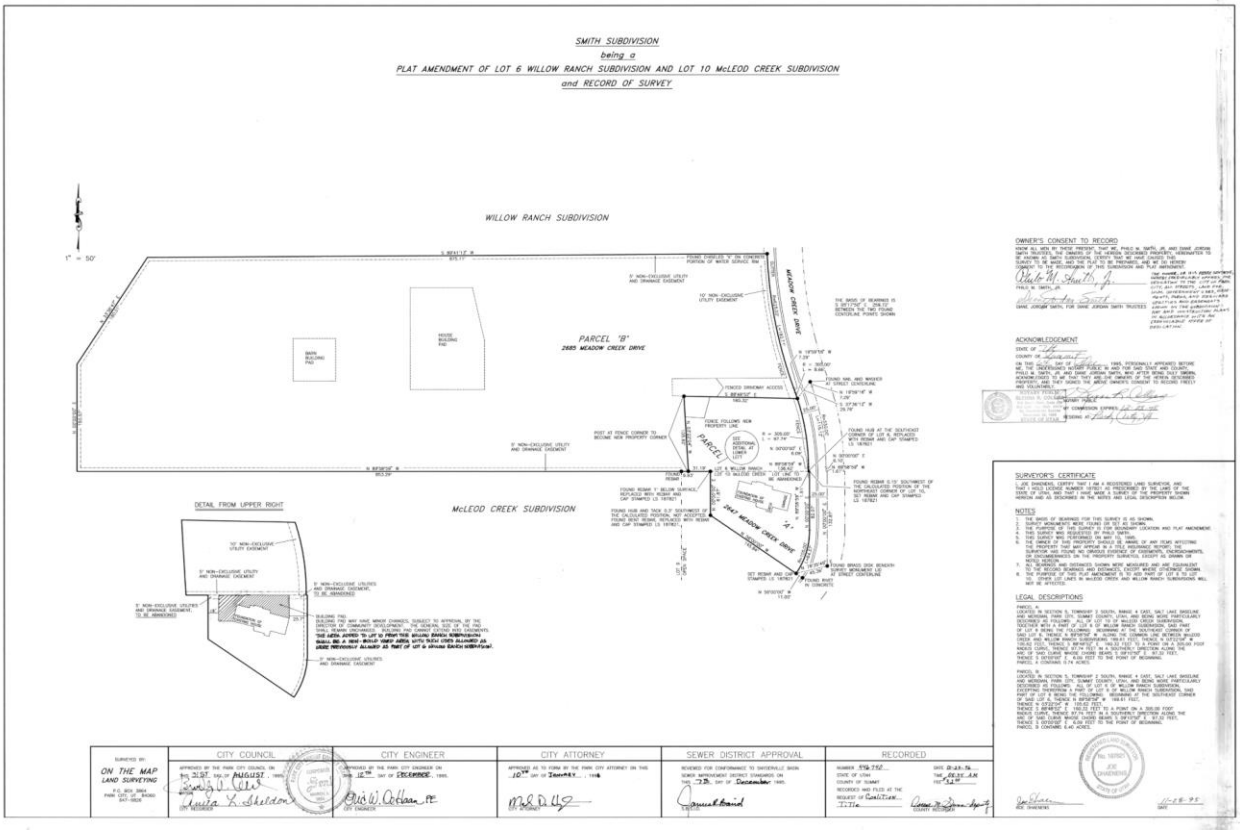


Figure G: Recorded Smith Subdivision Plat

The Planning Commission approved an amendment that carries forward the Single-Family Dwelling and Barn Building Pads, as well as Condition of Approval 8, which requires relevant Willow Ranch Subdivision plat notes to be added to the final Smith Subdivision First Amended Plat (which were excluded from the 1995 Smith Subdivision amendment):

- A maximum of three horses will be allowed and grazing of horses in the wildlife corridor is prohibited for Parcel B.
- Home square footage is limited to a maximum of 8,000 square feet for Parcel B. Barn square footage is limited to a maximum of 1,800 square feet for Parcel B. Residential use and human occupancy of the barn is prohibited.
- Building height of the home and barn on Parcel B is limited to 23 feet to midpoint of roof and 28 feet to peak of roof.
- Parcel B is subject to an Animal Management Plan and Equestrian Lot Open Space Covenant Executed with Park City Municipal Corporation.
- Basements are prohibited for Parcel B.

Additionally, Condition of Approval 9 states a plat note shall indicate that the area added to Lot 10 [Lot A] of the McLeod Creek Subdivision, which is zoned Estate Zoning District, from the Willow Ranch Subdivision, shall be a non-build area with such uses as were previously allowed as part of Lot 6 of the Willow Ranch Subdivision.

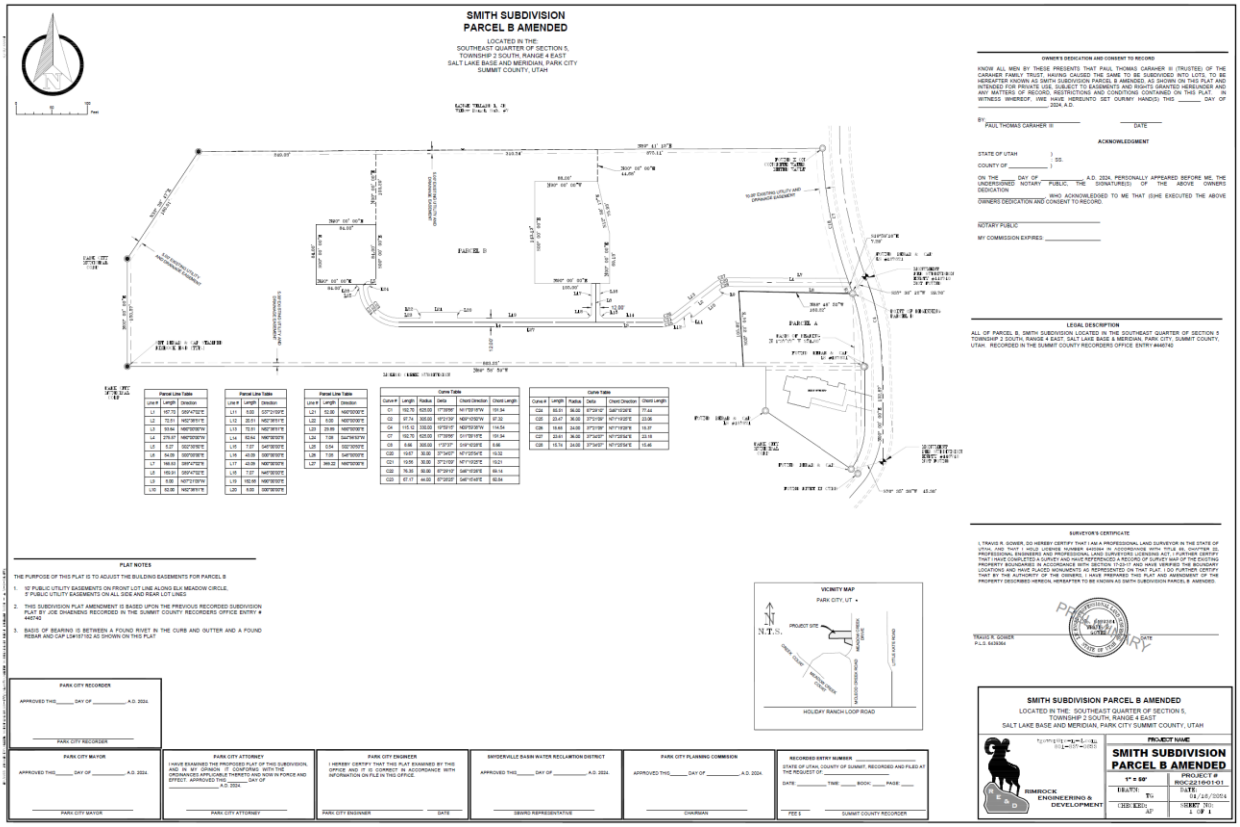


Figure H: Approved Smith Subdivision First Amended Plat (Exhibit X).

The Appellant argues there is a distinction between the Building Pad and Limit of Disturbance that was overlooked. This is not the case. The Appellant conflates the Willow Ranch Subdivision Equestrian Lots with the Single-Family Lots (Lots 3, 4, and 5). The Willow Ranch Subdivision Equestrian Lots, including Lot 6, have a Building Pad for the Single-Family Dwelling and a Building Pad for a Barn. The number of structures for the future site are limited: a Single-Family Dwelling and a Barn. The size of the structures allowed for the future site remain unchanged from the initial Willow Ranch Subdivision approval: 8,000 square feet for the Single-Family Dwelling, 1,800 square feet for the Barn.

Furthermore, the Planning Commission found the Plat Amendment was consistent with the original Willow Ranch Subdivision Plat. In 1992 LMC, the Master Planned Development section contained the following language regarding Building Pads and Limits of Disturbance:

(k) Limits of Disturbance or Building Pad Lines. Limits of disturbance or building pad lines must be designated for all new Master Planned Developments if the staff determines that there is significant vegetation on the site or if it is important to clearly designate future building locations. "Significant vegetation" includes large trees of 6" caliper or greater, groves of 5 or more smaller trees, or clumps of oak or maple covering an area of 50 square feet to the drip lines. Locations of utilities and connections must also be indicated on the plat.

1. All construction activity must be contained within the limits of disturbance line, with the balance of the parcel remaining undisturbed. Access to the limits of disturbance area should be along the planned driveway.

2. Building pad lines may be specified on some MPDs instead of limits of disturbance. If building pad lines are designated, no part of the new construction may lie outside of the building pad line; however, construction disturbance may extend as far as ten (10) feet beyond the

building pad line. Access to the building pad should be along the planned driveway.

3. The Community Development Director has the authority to vary the limits of disturbance or building pad line if such a variation results in less visual impact or more effective preservation of mature trees. In no case, however, should a variation in the limits of disturbance boundary result in an increase in the amount of buildable area. Applications for a variation in the limits of disturbance or building pad line are available in the Planning Office.

4. Limits of disturbance or building pad lines with definitions as approved by the staff must be reflected on the final MPD plan.

5. Limits of disturbance must be designated in the field prior to commencement of excavation with snow fencing or other methods approved by the Community Development Department.

6. A security must be posted to ensure compliance with the limits of disturbance plan.

The definitions of Limits of Disturbance and Building Pads in the 1992 LMC are separate regulations with notable differences. Limits of Disturbance require “All construction activity must be contained within the limits of disturbance line.” Building

Pads, by contrast, require “no part of the new construction may lie outside the building pad line; however, construction disturbances may extend as far as 10 feet beyond the building pad line.” It also allows the Community Development Director to move the limits of disturbance and building pads “if such a variation results in less visual impact or more effective preservation of the mature trees.” The Willow Ranch Subdivision clearly denotes Building Pads on the Equestrian Lots, while the table provides “Limits of Disturbance” that are not platted or attached to any specific area.

This means when approving the Willow Ranch Subdivision, the City imposed two distinct restrictions, one being the Building Pad, tied to a physical location, and then a floating Limits of Disturbance that prevented an expansion of the Building Pads if they are moved, which can be done through a Plat Amendment, the Planning Commission’s action in this case.

The Appellant claims the Board of Adjustment determination on March 1, 2022, conflicts with the Planning Commission’s approval. However, the Appellant does not acknowledge the distinction between the Board of Adjustment’s 2022 determination, and the Smith Subdivision First Amended Plat.

The Board of Adjustment determination was regarding a Single-Family Lot, Lot 5, of the Willow Ranch Subdivision. The Willow Ranch Subdivision contains two types of platted lots: Equestrian Lots, with clearly platted Building Pads for the Single-Family Dwelling and Barn, as well as platted driveways, and the Single-Family Lots, Lots 3, 4, and 5 (Exhibit K, Willow Ranch Subdivision). The Board of Adjustment determination is regarding Lot 5, a Single-Family Lot, which has platted elements distinct from Lot 6 of the Willow Ranch Subdivision, an Equestrian Lot. Applying the Board of Adjustment’s 2022 determination regarding Lot 5, a Single-Family Lot, to Lot 6, an Equestrian Lot, is in error. The Board of Adjustment does not have authority to review Plat Amendments. The Board of Adjustment only reviews Final Action to determine whether the land use authority erred. As a result, the Board of Adjustment determination is not relevant to the Planning Commission’s review, nor the Appeal Panel’s review.

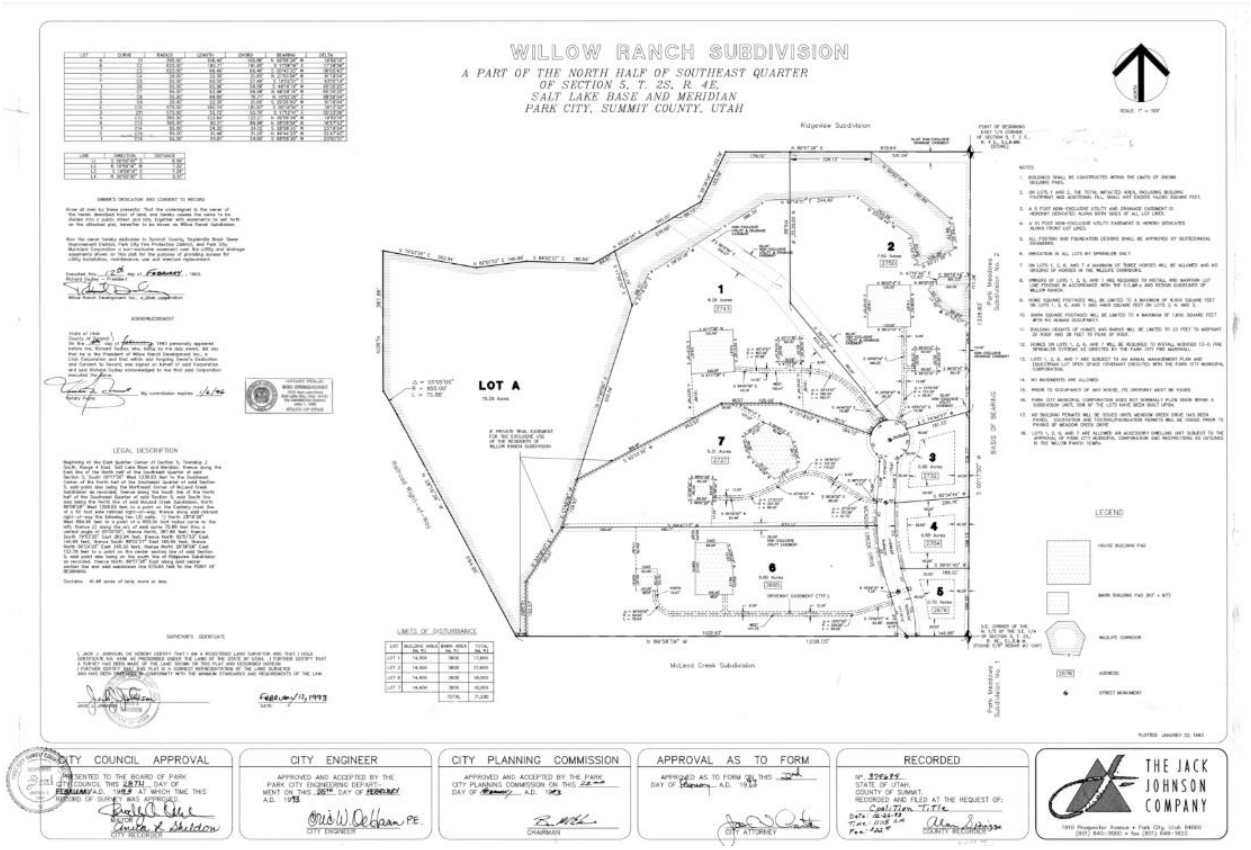


Figure I: Willow Ranch Subdivision Plat (Exhibit K)

(IV) The Planning Commission is not tasked with reviewing CC&Rs.

The Appellant argues the Notice of Final Action Conditions of Approval, January 19, 1993, requires the Planning Commission to review the Willow Ranch CC&Rs prior to taking action on the Smith Subdivision First Amended Plat.

The Appellant fails to allege an incorrect application of the LMC.

The Planning Commission reviewed the Smith Subdivision First Amended Plat pursuant to LMC Chapter 15-2.21 *Sensitive Land Overlay*. This required the Applicant to submit updated information, especially as it pertains to wetlands.

LMC Section 15-1-3 states the City does not enforce private restrictive covenants, nor shall any such covenant have the effect of modifying the regulations herein. The Appellant argues modifications to the CC&Rs are the business of the City because the 1993 Final Action Letter included the following:

- Prior to plat recordation the Community Development Department and City Attorney shall have reviewed and approved the CC&Rs, which shall include restrictions on architecture and use.
- The staff shall revise the language in the CC&Rs regarding accessory

apartments to limit the unit square footage so as to preclude the construction of duplexes, ensure adequate parking, restrict nightly rentals, and require entrance from the main structure.

Firstly, these conditions required City review of the CC&Rs prior to the original plat recordation. There is no condition of approval that requires the City to re-review the CC&Rs at any future date, nor is there a condition of approval that prohibits the homeowner association from amending the CC&Rs. Homeowner associations may amend their CC&Rs pursuant to the processes established in Utah Code. Any more restrictive City regulations or conditions of approval in conflict with such CC&R amendments done after plat recordation continue to apply.

Additionally, the Appellant fails to argue the CC&Rs have any relevance to the Planning Commission's review of the shifting of the Single-Family Dwelling Building Pad, the Barn Building Pad, or the platted driveway – the limited scope of review and approval of the Planning Commission. Again, there is no allegation that the actual relocation of the Building Pad or driveway violates some provision of the LMC as applicable to the Good Cause standard and the Planning Commission's approval. The Appellant appears concerned with unrelated, unintended consequences which have no direct bearing upon the standards followed and decision by the Planning Commission.

The Planning Commission approved the Smith Subdivision First Amended Plat finding conformance with the relevant previous approvals, including the Willow Ranch Subdivision, McLeod Creek Subdivision, and Smith Subdivision regulations.

(V) The Planning Commission found the Plat Amendment Complied with the Land Management Code, and there was Good Cause for the Plat Amendment.

The Planning Commission, on finding compliance with the Zoning Ordinance, the existing Subdivision Plats, and Good Cause, approves a Plat Amendment. When reviewing the Smith Plat Amendment, the Planning Commission found that the proposed Plat Amendment complied with the requirements of LMC Chapter 15-2.10 *Estate District,* Chapter 15-2.21 *Sensitive Land Overlay Zone Regulations,* and Chapter 15-7.1 *Subdivision Procedures.* The Commission also found that no Public Street, Right-of-Way, or easement was vacated or amended.

The Planning Commission found Good Cause because the Plat Amendment "resolves existing issues and non-conformities, specifically by moving the Building Pads outside of the wetlands setbacks and by moving the Parcel B Driveway Easement exclusively onto Parcel B as well as bringing a potential driveway into compliance with [Park City Fire District] requirements." The Planning Commission placed nine Conditions of Approval on the Plat Amendment, including restating relevant Willow Ranch Subdivision Plat Notes on the new Plat Amendment. Please see the Final Action Letter, attached as Exhibit A.

Consistent on all points, the Appellant fails to allege an incorrect application of the LMC.

(VI) The Appellant conflates a Variance described in the CC&Rs with a Variance outlined in the Land Management Code. The 1993 CC&Rs do not require the Applicant to get a Variance from the Board of Adjustment for a Plat Amendment.

In the Updated Appellant Statement (Exhibit AA), the Appellant argues that Article 3.3 of the 1993 CC&Rs requires the Applicant to receive a Variance from the Board of Adjustment.

Once again, the Appellant fails to allege an incorrect application of the LMC. This new claim is also a substantively new argument beyond the scope of the Appellant's original appeal and should not be considered by the Appeal Panel.

Additionally, the Appeals Panel does not have jurisdiction over enforcement of private CC&Rs even if they contractually require a separate "city approval." The Appeal Panel's jurisdiction is limited to the LMC (LMC § 15-1-18(G); Utah Code § 10-9a-103(34) defining "land use regulation" as (a) a legislative decision enacted by ordinance, law, code, map, resolution, specification, fee, or rule that governs the use or development of land; (b) includes the adoption or amendment of a zoning map or the text of the zoning code; and (c) does not include: (i) a land use decision of the legislative body acting as the land use authority, even if the decision is expressed in a resolution or ordinance; or (ii) a temporary revision to an engineering specification that does not materially: (A) increase a land use applicant's cost of development compared to the existing specification; or (B) impact a land use applicant's use of land.")

Regardless, the claim is without merit.

The Appellant cites the 1993 CC&Rs:

Article III – Architectural Committee –

> *"3.3 Variance – Variance to the Architectural Design Standards contained in this Declaration, or modifications to the size or shape or location of the Limits of Disturbance Area on any Lot may be granted when strict application would create an unforeseen or unreasonable hardship to the Owner of the Lot. No such variance may be granted without the unanimous consent of the Committee and City approval".*

The Appellant misinterprets this to refer to a Variance issued by the Board of Adjustment. A Variance from the Board of Adjustment is not appropriate. LMC § 15-10-3 outlines the powers and duties of the Board of Adjustment. LMC § 15-10-3(A)(2) states the type of Variances the Board of Adjustment has authority to review: "Variances from the terms of the Land Management Code." The Applicant requested City approval to amend their plat changing platted elements as expressly allowed and consistent with the LMC and state code, not a Variance from the requirements of the LMC.

The CC&Rs rather outline a Variance process distinct from the City process that is reviewed and issued by the homeowner association's Architectural Committee.

Regarding the changes proposed in this Application:

Under LMC Chapter 15-7.1 *Subdivision Procedures,* the duty to review Plat Amendments is vested in the Planning Commission. Review for compliance with existing MPDs is also required by the Planning Commission both by the fact they are the body that reviews MPDs and Major Modifications to MPDs pursuant to LMC Chapter 15-6 *Master Planned Developments*, but also LMC § 15-12-15(B)(9), which requires a finding of compliance with "all previously imposed conditions of approval," prior to approving a Plat Amendment. The Planning Commission correctly applied previous approvals and the LMC in their approval to shift a Barn Building Pad and a Single-Family Dwelling Building Pad out of wetlands setbacks, as well as relocating a driveway easement.

Department Review

The Planning Department, Executive Department, and City Attorney's Office reviewed this report.

Notice

Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on April 22, 2024. Staff mailed courtesy notice to property owners within 300 feet on April 22, 2024. The *Park Record* published courtesy notice on April 20, 2024.[3]

Public Input

No public input was submitted prior to publication of the Appeal Panel packet.

Alternatives

- The Appeal Panel may deny the Appeal and affirm the Planning Commission's approval of the Smith Subdivision First Amended as outlined in the draft Final Action Letter (Exhibit A).
- The Appeal Panel may grant the Appeal and reverse the Planning Commission's approval of the Smith Subdivision First Amended and direct staff to draft a Final Action Letter.
- The Appeal Panel may grant the Appeal in part, deny in part, affirm in part, and reverse in part the Planning Commission's approval of the Smith Subdivision First Amended and direct staff to draft a Final Action Letter.
- The Appeal Panel may grant the Appeal in part, deny in part, affirm in part, and reverse in part the Planning Commission's approval of the Smith Subdivision First Amended, direct staff to draft a Final Action Letter, and remand to the Planning Commission for further consideration on specific criteria.

[3] LMC § 15-1-21

- The Appeal Panel may continue the appeal to a date certain and request additional information.

McCleod Creek and Willow Ranch Subdivision Background

McLeod Creek Subdivision – In 1980, the City approved the McLeod Creek Subdivision (Exhibit J), a 47-lot Subdivision zoned Recreation Development (RD). On January 22, 1985, the City Council passed Ordinance No. 87-5, rezoning the McLeod Creek Subdivision to Single Family (SF) (Exhibit B, Ordinance No. 87-5). Lot 10, 2647 Meadow Creek Drive, would become Parcel A of the Smith Subdivision.

Willow Ranch Annexation, Master Planned Development, and Subdivision – 2685 Meadow Creek Drive was Lot 6 of the Willow Ranch Subdivision (Exhibit K). The Willow Ranch Subdivision establishes two types of lots: Equestrian Lots 1, 2, 6, and 7, with platted Building Pads for a Single-Family Dwelling and Barn and platted driveways, and Lots 3, 4, and 5, Single-Family Dwelling Lots.

In 1992, three applications—an annexation petition, Master Planned Development (MPD), and Subdivision—were submitted regarding the area that would become in part dedicated open space, Recreation Open Space, and the Willow Ranch Subdivision.

On September 24, 1992, the City Council enacted the Sensitive Land Overlay after the Willow Ranch Annexation, MPD, and Subdivision applications were submitted to the City (Exhibit C, Ordinance No. 92-17).

On October 28, 1992, the Planning Commission held a work session to consider the concept of the Willow Ranch Annexation along with the MPD and Subdivision applications. At this early stage, it was established that there would be two types of lots within the proposed Subdivision: six large equestrian Lots, proposed to be 10,000 square feet each, and three smaller non-equestrian Lots (Exhibit D, Planning Commission Minutes).

On November 18, 1992, the Planning Commission held a subsequent work session on the Annexation Petition (Exhibit E, Planning Commission Minutes).

On December 2, 1992, the Planning Commission held a work session and then a regular session to consider the three applications (Exhibit F, Planning Commission Minutes). During the regular meeting, the Planning Commission held public hearings for the Annexation, MPD, and Sketch Plat. During the Annexation public hearing, Staff made clear that the four Equestrian Lots would have separate “building pads” for the main house and the stable facility. The maximum building height was reduced from 33 feet to 28 feet.

During the discussion of the affordable housing obligation, the Commission agreed to a compromise proposed by the Planning Director that a fee would be required along with allowing for the possibility of auxiliary apartments at the discretion of the developer. The

Planning Commission unanimously forwarded a positive recommendation to the City Council, amended to reflect that the SLO apply and that the City Council apply an employee housing fee requirement based on the amount of lots developed in the approved MPD. The Planning Commission then voted to approve the Willow Ranch MPD[4] and Sketch Plat with the following Conditions of Approval (Exhibit G):

Conditions of Approval:

1) Prior to preliminary plat approval the applicants shall have resolved all outstanding issues, including but not limited to the following:
   - architectural standards, house sizes including height limitations, and design elements including type and amount of fencing and outbuilding standards.
   - a sewer plan and utilities LOD plan
   - fire safety issues including sprinklers and hydrants
   - a trails plan
   - an animal management plan, and a meadow maintenance agreement which includes designation of pastures

2. Prior to preliminary plat approval, a wetlands mitigation plan shall have been approved by the City staff which satisfies all concerns that the development impacts are being mitigated by the developers.

3. Prior to preliminary plat approval, the Planning Commission will make a decision with regard to allowing accessory apartments in the homes on the four larger lots.

On December 10, 1992, the City Council held the first of two public hearings on the Peterson Annexation (Exhibit G, City Council Minutes).

On December 17, 1992, the City Council held the second public hearing and passed Resolution 45-92, annexing the estate of Jennie C. Peterson, and Ordinance 92-22, zoning the property Estate and Recreation and Open Space (Exhibit L, City Council Minutes).

On January 13, 1993, the Planning Department sent a memorandum to the Planning Commission regarding the status of the Preliminary Plat for Willow Ranch. There were still unresolved issues on “utilities, trails, areas of disturbance, accessory units, building standards, and the animal management plan.” Considering the delay in action on the Preliminary Plat, the Applicant asked that the Preliminary and Final Plat receive approval at the next meeting.

Staff recommended that if “employee units” were allowed, language be drafted requiring “year-long leases, with stipulations that the employee be employed within the City limits, and not earning a wage over ‘X’ among, or something along those lines.” Building standards that were to be included in the CC&Rs were attached. Staff also discussed the proposed Animal Management Plan, which was needed to “provide the City with

[4] The Annexation was consistently known as the Peterson Annexation, while the Subdivision and MPD applications were known as Willow Ranch by this point.

direct enforcement should the (Homeowners) Association fail to adequately enforce its covenants." Finally, the Willow Ranch Preliminary Plat was included, showing the Single-Family Dwelling and Barn Building Pads for the Equestrian Lots 1, 2, 6, and 7, and the three Single-Family Lots 3, 4, and 5 (Exhibit M):

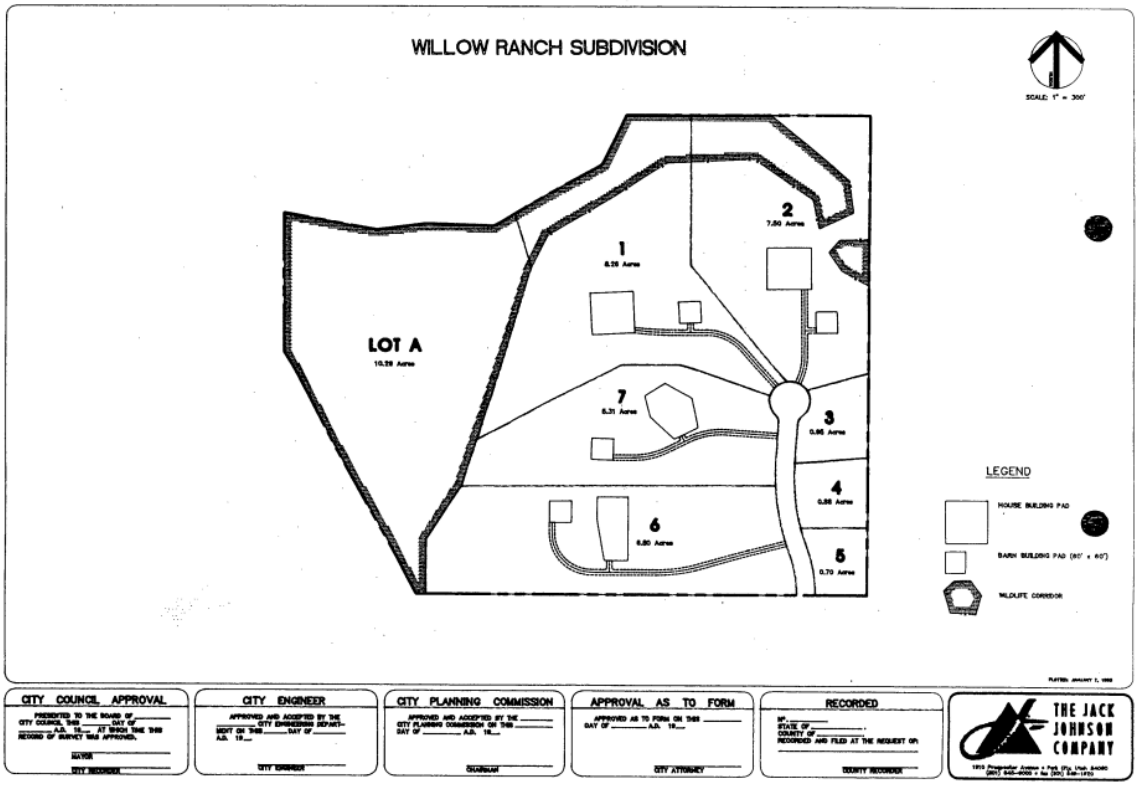


Figure F: Willow Ranch Subdivision Preliminary Plat

On the same date, the Planning Commission held a work session on the Preliminary Plat. The Commission agreed to consider approval for the Preliminary and Final Plats at the same meeting (Exhibit N).

For the January 27, 1993, Planning Commission meeting, regarding Accessory Apartments, Staff noted that the CC&Rs were being revised to allow Accessory Apartments on Equestrian Lots if they are incorporated into the main building envelope and are not rented as nightly rentals. Other restrictions are to be left to the individual property owner, but it was the intent of the City and the developer that they were established as affordable employee housing for caretakers or other employees. Staff recommended Condition of Approval (COA) 1 which included in part that restrictions be put on the plat regarding "house and barn building pads, sizes and heights." They also recommended COA 3, which required that the Community Development Department and City Attorney review and approve the CC&Rs, "which shall include restrictions on architecture and use" (Exhibit O).

On January 27, 1993, the Planning Commission held a public hearing on the Willow

Ranch Preliminary and Final Plat and the Willow Ranch Subdivision was on the Consent Agenda. Staff recommended that COA 7 be added to require the CC&Rs to be amended to “include additional language on the intent and purpose of the accessory apartments and shall include a maximum square footage so as to preclude the development of the Duplexes.” The Commission approved the Preliminary and Final Plat with the proposed COA 7 allowing Accessory Apartments on all Lots. These are several of the COAs that the Commission recommended to the City Council (Exhibit P, Planning Commission Minutes):

1. Information shall be included on the plat regarding the following:
   - house and barn building pads, sizes and heights
   - wildlife corridors
   - fire sprinkling

2. Prior to plat recordation, the City Council, City Attorney and City Engineer shall have reviewed and approved the plat and accompanying Animal Management Plan. The Animal Management Plan shall include restrictions on the number of horses, grazing, fencing, and use within the wildlife corridor.

3. Prior to plat recordation, the Community Development Department and City Attorney shall have reviewed and approved the CC&Rs which shall include restrictions on architecture and use.

7. **The CC&R's shall be revised to include additional language which reflects that all seven lots may include accessory apartments, the intent and purpose of the accessory apartments, a maximum square footage so as to preclude the development of duplexes, and standards to deal with parking.**

On January 28, 1993, the City Council unanimously approved the Final Plat for the Willow Ranch Subdivision and amended the proposed COAs to limit Accessory Apartments “to the dwelling units on Lots No. 1, 2, 6 and 7” (Exhibit Q, City Council Minutes).

On January 29, 1993, a Notice of Final Action was sent to the Applicant detailing the final COAs for the Willow Ranch Subdivision (Exhibit R, 1993 Notice of Final Action):

1. Information shall be included on the plat regarding the following:
   - house and barn building pads, sizes and heights
   - wildlife corridors
   - fire sprinkling

2. Prior to plat recordation the City Council, City Attorney and City Engineer shall have reviewed and approved the plat and accompanying Animal Management Plan. The Animal Management Plan shall include restrictions on the number of horses, grazing, fencing, and uses within the wildlife corridor.

3. Prior to plat recordation the Community Development Department and City Attorney shall have reviewed and approved the CC&Rs which shall include restrictions on architecture and use.

4. Prior to plat recordation the City Engineer shall have received approval from all utility companies serving the property. The plat shall have been deemed to be denied in the event utility easements not currently shown on the plat are in fact required by any franchised utility provider and a new plat shall be required to be approved by the City. This condition does not apply to various drainage easements for existing storm drain channels and culverts, which shall be shown on the plat.

5. The security guaranteeing the installation of public improvements shall include stream channel mitigation according to a plan approved by the Community Development Director. It is anticipated that the mitigation will take two or more years to accomplish and it is the intent of the Planning Commission that no public improvements shall be accepted by the City until the Community Development Director has determined that successful mitigation has been accomplished. A separate guarantee will be required to ensure adequate mitigation of disturbance to the stream channel in accordance with the approved plan.

6. A note shall be added to the plat that the driveway must be paved prior to occupancy of each house.

7. A sidewalk shall be included along the cul de sac.

8. The staff shall revise the language in the CC&Rs regarding accessory apartments to limit the unit square footage so as to preclude construction of duplexes, ensure adequate parking, restrict nightly rentals, and require entrance from the main structure.

The recorded Willow Ranch Subdivision Plat (Exhibit K) has 18 Plat Notes. For Lot 6, one of the Equestrian Lots, there is a designated driveway easement as well as a Building Pad for the Single-Family Dwelling and a Building Pad for a Barn. There are utility easements on the boundaries of the Lots. There is also the following table labeled

“Limits of Disturbance” which reflects overall site disturbance and is not platted on the Lots 1, 2, 6, and 7, the Equestrian Lots:

LIMITS OF DISTURBANCE

LOT	BUILDING AREA (sq. ft.)	BARN AREA (sq. ft.)	TOTAL (sq. ft.)
LOT 1	14,000	3600	17,600
LOT 2	14,000	3600	17,600
LOT 6	14,400	3600	18,000
LOT 7	14,400	3600	18,000
		TOTAL	71,200

Smith Subdivision – In 1995, the then-owner of the McLeod Creek Subdivision Lot 10 wished to add to the existing Single-Family Dwelling, but the proposed addition encroached into the Setbacks. The owner also owned adjacent Lot 6 of the Willow Ranch Subdivision, which was vacant. The owner applied to create the two-lot Smith Subdivision with Lot 10 from McLeod Creek Subdivision and Lot 6 of Willow Ranch Subdivision. To accommodate the addition, the Lot line for McLeod Creek Lot 10 was shifted North to incorporate part of Willow Ranch Lot 6. This new Lot was named Parcel A and the remainder of Lot 6 became Parcel B of the Smith Subdivision. Staff recommended a COA to restrict the proposed addition to Lot 10 so Lot 6 would not be disturbed because the “Willow Ranch Subdivision allows the construction of houses and barns to occur only in designated building envelopes” (Exhibit S, City Council Staff Report).

On August 31, 1995, the City Council approved the Smith Subdivision (Exhibit T, City Council Minutes). The Lot 6 Building Pads for the Single-Family Dwelling and Barn remained on the Smith Subdivision Plat but did not include the Driveway Easement. Ordinance 95-44 (Exhibit U), approving the Smith Subdivision, included COA 3, which states, “All previous conditions of the Willow Ranch and McLeod Creek Subdivisions shall remain in full force and effect.” The addition to the existing Single-Family Dwelling located on former Lot 10 of the McLeod Creek Subdivision was never constructed.

Smith Subdivision First Amended Plat – In preparation for submitting a Plat Amendment application to shift the Building and Barn Building Pads on 2685 Meadow Creek Drive and relocate the driveway easement to be exclusively on 2685 Meadow Creek Drive, the Applicant reached out to Staff to determine what would be required under the SLO. On June 28, 2023, the Applicant submitted a preliminary Wetland Delineation to the Army Corps (Exhibit V). Staff took the proposal to the Development Review Committee (DRC) on August 15, 2023. Following the meeting, the Applicant worked with the Planning Department, City Engineer, Park City Fire District (PCFD), and the public utilities to amend their proposal. On January 4, 2024, the applicant

submitted the formal application for a Plat Amendment, incorporating the DRC input.

Exhibits

Exhibit A: Draft Final Action Letter
Exhibit B: Ordinance No. 87-5
Exhibit C: Ordinance No. 92-17
Exhibit D: October 28, 1992 Planning Commission Work Session Minutes
Exhibit E: November 18, 1992 Planning Commission Work Session Minutes
Exhibit F: December 2, 1992 Planning Commission Work Session Minutes
Exhibit G: December 10, 1992 City Council Minutes
Exhibit H: March 13, 2024, Final Action Letter
Exhibit I: Appellant Submittal
Exhibit J: McLeod Subdivision Plat
Exhibit K: Willow Ranch Subdivision Plat
Exhibit L: December 17, 1992, City Council Minutes
Exhibit M: January 13, 1993 Planning Department Memorandum
Exhibit N: January 13, 1993 Planning Commission Minutes
Exhibit O: January 27, 1993 Planning Commission Staff Report
Exhibit P: January 27, 1993 Planning Commission Minutes
Exhibit Q: January 28, 1993 City Council Minutes
Exhibit R: January 29, 1993 Notice of Final Action
Exhibit S: August 31, 1995 City Council Staff Report
Exhibit T: August 31, 1995 City Council Minutes
Exhibit U: Ordinance No. 95-44
Exhibit V: Preliminary Wetlands Delineation
Exhibit W: Smith Subdivision Plat
Exhibit X: Approved Smith Subdivision First Amended Plat
Exhibit Y: Lot 2 Willow Ranch Replat
Exhibit Z: Ordinance No. 92-22
Exhibit AA: Updated Appellant Submittal

Planning Department

May 6, 2024

Bob Theobold
Appellant

NOTICE OF APPEAL PANEL ACTION

Description

Address:	2647 and 2685 Meadow Creek Drive
Zoning District:	Parcel A – Single-Family, partially in the Sensitive Land Overlay and Estate Parcel B – Estate and Sensitive Land Overlay
Application:	Appeal of Plat Amendment Approval
Project Number:	PL-24-06033 – Plat Amendment PL-24-06078 – Appeal
Action:	DENIED
Date of Final Action:	May 6, 2024
Project Summary:	The Applicant appealed the Planning Commission's approval of a Plat Amendment.

Action Taken

On May 6, 2024, the Appeal Panel conducted a public hearing, denied the appeal, and affirmed the Planning Commission's approval of a Plat Amendment based on the following Findings of Fact and Conclusions of Law:

Findings of Fact

1. The properties are located at 2647 and 2685 Meadow Creek Drive and are part of the Smith Subdivision.
2. The Smith Subdivision contains two lots, one from the Willow Ranch Subdivision and the other from the McLeod Creek Subdivision.
3. A platted driveway easement crosses both lots for access to 2685 Meadow Creek Drive.
4. The platted house and barn Building Pads for 2685 Meadow Creek Drive encroach into a 50-foot Setback from wetlands required by the Sensitive Land Overlay.

5. The Applicant applied to relocate the platted Building Pads to meet the required Setbacks and to replat the driveway easement so it is entirely located on 2685 Meadow Creek Drive.
6. The project and plat history in Exhibit A of the May 1, 2024 Staff Report is incorporated herein.
7. On June 28, 2023, the Applicant submitted a preliminary wetland delineation to the Army Corps of Engineers in preparation for submitting a Plat Amendment application to shift the Single-Family and Barn building pad and relocate the driveway easement.
8. On August 15, 2023, the Development Review Committee reviewed the proposal and worked with the Applicant to amend their proposal to comply with the preliminary wetland delineation.
9. On January 4, 2024, the Applicant submitted a Plat Amendment Application to the Planning Department.
10. On March 13, 2024, the Planning Commission held a public hearing on the proposed Smith Subdivision First Amended Plat and unanimously approved the Plat Amendment.
11. On March 25, 2024, the Appellant appealed the Planning Commission's approval.
12. The Appeal Panel hereby finds:
    a. The Appellant did not meet his burden of proving the Planning Commission incorrectly interpreted or misapplied the LMC in any of his claims.
    b. The typographical error to Finding of Fact 4 is harmless error and had no bearing upon the application of the LMC to this application or the Good Cause determination by the Planning Commission.
    c. The property is within the Sensitive Land Overlay, and the Planning Commission correctly determined changes to platted elements require a Sensitive Land Analysis pursuant to LMC § 15-2.21-3(A)(7), including an updated map delineating all wetlands.
    d. The Planning Commission correctly amended the regulations for the Smith Subdivision First Amended Plat. The amendment carries forward the house and barn Building Pad, as well as Condition of Approval 8, which requires relevant Willow Ranch plat notes to be added to the final Smith Subdivision First Amended Plat, including:
        i. A maximum of three horses will be allowed and grazing of horses in the wildlife corridor is prohibited for Parcel B.
        ii. Home square footage is limited to a maximum of 8,000 square feet for Parcel B. Barn square footage is limited to a maximum of 1,800

square feet for Parcel B. Residential use and human occupancy of the barn is prohibited.

iii. Building height of the home and barn on Parcel B is limited to 23 feet to the midpoint of the roof and 28 feet to the peak of the roof.

iv. Parcel B is subject to an Animal Management Plan and Equestiran Lot Open Space Covenant Executed with Park City Municipal Corporation.

v. Basements are prohibited for Parcel B.

vi. The area added to Lot 10 [Lot A] of the McLeod Creek Subdivision, which is zoned Estate Zoning District from the Willow Ranch Subdivision, shall be a non-build area with such uses as were previously allowed as part of Lot 6 of the Willow Ranch Subdivision.

e. The size and regulation of the structures allowed for the future site remains unchanged from the initial Willow Ranch Subdivision.

f. The Planning Commission correctly determined Good Cause, and found the Plat Amendment was consistent with the original Willow Ranch Subdivision Plat. The 1992 Land Management Code, which was in effect at the time of the approval of the Willow Ranch Subdivision, clearly establishes Building Pad Lines and Limits of Disturbances as separate regulations. The Planning Commission simply approved the amended location of the restriction and did not otherwise alter the meaning or material terms of the restrictions other than as to location compared to the prior plat.

g. The supplemental allegation regarding the CC&R variance was not within the scope of the original appeal and CC&R enforcement is not within the jurisdiction of the Appeal Panel. Additionally, the Planning Commission is not tasked with enforcing the CC&Rs, and there is no condition of approval from the original plat recordation that requires the City to re-review the CC&Rs at any future date, nor is there a condition of approval that prohibits the homeowner association from amending the CC&Rs.

13. Staff published notice on the City's and Utah Public Notice websites and posted notice to the property on April 22, 2024. Staff mailed courtesy notice to the property owners within 300 feet on April 22, 2024. The *Park Record* published courtesy notice on April 20, 2024.

Conclusions of Law

1. The Planning Commission did not err in amending the location of building pad and driveway regulations for the Smith Subdivison First Amended Plat.
2. The Planning Commission correctly found the Plat Amendment complied with the Land Management Code, and there was Good Cause for the Plat Amendment.

Order: The Appeal Panel hereby denies the appeal and affirms the Planning Commission's decision to approve the Smith Subdivision First Amended Plat in accordance with the applicable standards, Utah Code, and Land Management Code Chapter 15-7.1, and § 15-7.1-3(B). The original action letter stands. However, Finding of Fact #4 may by corrected to reflect 8 lots.

If you have questions or concerns regarding this Final Action Letter, please call 435-615-5060 or email planning@parkcity.org.

Sincerely,

Adam Strachan
Appeal Panel Chair

Ordinance No. 87-5

ORDINANCE

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF PARK CITY, UTAH TO INCLUDE THE MC LEOD CREEK SUBDIVISION SINGLE FAMILY (SF) ZONE

WHEREAS, the City Council created the Single Family Zone to be designated to areas which are primarily permanent single family residential in character; and

WHEREAS, the McLeod Creek Subdivision is similar in nature to the other subdivisions designated as single family;

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

SECTION 1. ZONING MAP AMENDED. The zoning map of Park City is hereby officially amended to designate the McLeod Creek Subdivision as Single Family (SF) from its former designation as Residential Development (RD).

SECTION 2. EFFECTIVE DATE. This Ordinance shall become effective immediately upon publication.

PASSED AND ADOPTED this 22nd day of January, 1987.

PARK CITY MUNICIPAL CORPORATION

Mayor Hal W. Taylor

Attest:

City Recorder

Ordinance No. 92-17

AN ORDINANCE ADOPTING THE SENSITIVE AREA OVERLAY ZONE REGULATIONS AND AMENDING THE OFFICIAL ZONING MAP OF PARK CITY, UTAH TO INCLUDE THE SENSITIVE AREA OVERLAY ZONE AND AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH TO BETTER REGULATE DEVELOPMENT ON SENSITIVE LANDS

WHEREAS the Park City Comprehensive Plan states as a goal: "Preserve and enhance the natural features such as: ridge lines, meadows, streams, flood plains and significant vegetation, which form the sensitive, alpine environment that makes Park City so appealing"; and

WHEREAS, the City Council stated its commitment by adopting Resolution No. 30-91, adopted October 10, 1991, identifying principles for protecting sensitive lands; and

WHEREAS, the City has conducted an extensive public process which included many interest groups and held numerous public hearings and meetings to discuss the protection of sensitive lands; and

WHEREAS, amendments to the Comprehensive Plan have been adopted which support amendments to the Park City Land Management Code and the amendments to the Code are consistent with the Comprehensive Plan for Park City;

NOW, THEREFORE BE IT ORDAINED that the Land Management Code of Park City is amended as follows:

SECTION 1. SENSITIVE AREA OVERLAY ZONE REGULATIONS AND MAP ADOPTED. The Sensitive Area Overlay Zone Regulations are hereby adopted and the Official Zoning Map of Park City, Utah is hereby amended to reflect the boundaries of the Sensitive Area Overlay Zone. A copy of the Regulations and Map are attached hereto and made a part of this Ordinance.

SECTION 2. AMENDMENTS TO THE LAND MANAGEMENT CODE:

The following revisions are hereby added as subsections in Chapter 1, General Provisions/Procedures, of the Land Management Code:

1.13(l) Sensitive Lands Review. If a conditional use approval is located within the Sensitive Area Overlay Zone, additional requirements and regulations may apply. See the Sensitive Lands Provisions.

1.14(c) Sensitive Lands Review. If a master planned development is located within the Sensitive Area Overlay Zone,

additional requirements and regulations may apply. See the Sensitive Lands Provisions.

The following additions and deletions are hereby made to the following subsections in Chapter 3, Planning Commission, of the Land Management Code:

3.14((d)(1) conditional user permits;

3.14(1) Sensitive Lands Review. Any project falling within the Sensitive Lands Area Overlay Zone may be subject to additional requirements and regulations as outlined in the Sensitive Area Overlay Zone Regulations.

The following is hereby added as a subsection in Chapter 8, Supplementary Regulations, of the Land Management Code:

8.26. SENSITIVE LANDS REVIEW. Any project falling within the Sensitive Lands Area Overlay Zone may be subject to additional requirements and regulations as outlined in the Sensitive Area Overlay Zone Regulations.

The following is hereby added as a subsection in Chapter 9, Architectural Review, of the Land Management Code:

9.9. SENSITIVE LANDS REVIEW. Any project falling within the Sensitive Lands Area Overlay Zone may be subject to additional requirements and regulations as outlined in the Sensitive Area Overlay Zone Regulations.

The following revisions are hereby made to the following subsections in Chapter 10, Master Planned Developments, of the Land Management Code:

10.3. LAND USE INTENSITY ALLOWANCE. The density and type of development permitted on a given site will be finally determined as a result of impact and site plan analysis, the following table for absolute maximum densities in Master Planned Developments is provided:

GROSS DENSITY ALLOWED
(Total Site)

Zone	Maximum Allowable Density
Residential Development (RD)	Density up to 5 unit equivalents per acre
Residential Development, Medium Density (RDM)	Density up to 8 unit equivalents per acre

Sensitive Area Overlay Zone	Density established by Sensitive Area Overlay Zone regulations
All other zones	Density established by Chapter 7

10.6. THE APPLICATION. The Master Planned Development application must be submitted with a completed application form on a form supplied by the City. Additional application requirements may apply for projects within the Sensitive Area Overlay Zone. The application shall be supported by the following (seven sets required).

10.9. GENERAL CRITERIA FOR REVIEW. A Master Planned Development shall implement the purposes of this ordinance and of this section ~~and~~. Any project falling within the Sensitive Lands Area Overlay Zone may be subject to additional requirements and regulations as outlined in The Sensitive Area Overlay Zone Regulations. ~~i~~In addition, Master Planned Developments shall meet the following standards and requirements.

10.17 SENSITIVE LANDS REVIEW. Any project falling within the Sensitive Lands Area Overlay Zone may be subject to additional requirements and regulations as outlined in the Sensitive Area Overlay Zone Regulations.

The following revisions are hereby made to the following subsections in Chapter 15, Subdivision Regulations, of the Land Management Code:

15.2.1.

(c)1. It is the intent of these regulations that subdivision review be carried out simultaneously with the review of Master Planned Developments. Required applications shall be submitted in a form to satisfy both the requirements of the subdivision regulations and master planned development provisions of the Land Management Code. Any project falling within the Sensitive Lands Area Overlay Zone may be subject to additional requirements and regulation as outlined in the Sensitive Area Overlay Zone Regulations.

3.(ii) Referral Back for Zoning Approval. The Planning Department and city staff shall thereupon refer the sketch plat and preliminary plat with its recommendation of approval, conditional approval, or disapproval, together with such recommendations and reviews of use, density and bulk standards as it was required to make under the master planned development and Sensitive Area Overlay Zone regulations of the Land Management Code, to the Planning Commission as authorized under the Land Management Code to approve the application. Application

shall then be made to the Planning Commission and City Council for final plat approval. No building permits or certificates of occupancy shall be issued for the project until the zoning application for the MPD has been finally approved and final subdivision plat approval has been given and the subdivision plat is recorded with the County Recorder.

15.4.1.
(a)2. The Land Management Code, Sensitive Area Overlay Zone, Uniform Building and related Codes, and all other applicable laws of the appropriate jurisdictions.

15.4.10 Preservation of Natural Features and Amenities.

(a) General. Existing features which add value to the community shall be retained. Buildings shall be sited in a manner that preserves significant views. Ridges should be protected from development which would be visible on the sky line from prominent areas in Park City. Existing vegetation should also be retained as much as possible. Vegetation protection shall be required during construction so that disturbance is limited. Existing features such as water courses, wetlands, historic sites, critical meadowlands, important vistas, and other irreplaceable assets shall be preserved in the design of the subdivision. All trees on the plat required to be retained shall be preserved, and all trees where required shall be welled and protected against change of grade. The sketch plat shall show the number, size, and location of existing trees as required by these regulations and shall further indicate all those marked for retention, and the location of all proposed trees along the street side of each lot. Any project falling within the Sensitive Lands Area Overlay Zone may be subject to additional requirements and regulations as outlined in The Sensitive Area Overlay Zone Regulations.

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect immediately.

PASSED AND ADOPTED this 24th day of September, 1992.

PARK CITY MUNICIPAL CORPORATION

Bradley A. Olch

Attest:

Anita L. Sheldon, City Recorder

PARK CITY SUMMIT COUNTY UTAH
CORPORATE
Seal
MARCH 1, 1884

Sweeney Subdivisions/Upper Norfolk and King Road

Senior Planner Suzanne McIntyre presented the Staff Report. As part of the Sweeney MPD, seven single-family homes have been approved. Each individual lot, to be sold separately, would require a subdivision. The applicant has requested that four of these properties be looked at for subdivision. In the future, as lots are developed, they would come before the Commission for CUP review as part of the Sweeney MPD. Planner McIntyre reviewed the design parameters set forth on the individual parcels in the MPD, the history of the application, and the access roads.

COMMISSIONER QUESTIONS AND COMMENTS:
Commissioner Joe Tesch asked if this would be impacted by the Sensitive Lands Ordinance. Director Seltenrich explained that, as part of the existing Sweeney MPD, the City would not have the authority to take density away. They would have the option to look at where the houses would sit on the lots.

Commissioner Chuck Klingenstein asked about height and size requirements. Planner McIntyre explained that the maximum height would be 25 feet, and even based upon the current FAR's, the homes would fall within the requirements.

Commissioner Alison Child felt the original master plan was not a good one and she wanted to see it more in keeping with the current direction the City was taking. The proposed houses are too large for the historic district.

Commissioner Joe Tesch asked for legal direction, expressing concern that the Commission was mixing equities and legalities. He wanted to know if the Sensitive Lands Ordinance would apply and what would be "vested" on these properties ("vested" meaning there would be a legal right to it). The Commission needs to know what parameters they are dealing with.

Commissioner Chris Erickson stated that this was new territory effectively being annexed into the historic district, but the proposed standards did not match the standards of the historic district. If that area were annexed into the historic district, it could be divided into 25 by 75-foot lots.

Peterson Annexation/Willow Ranch

Senior Planner Suzanne McIntyre explained that the Staff would need direction in two areas--the concept of the annexation, and the actual MPD and subdivision. The Staff proposed two zones, SF and ROS, to be consistent with other subdivisions in that area, with no nightly rentals. The proposal is unique because it combines a

number of different elements--the entry corridor, aesthetics of the area, and sensitive aspects of the wetlands on the site. It combines two different concepts for types of lots being proposed with three small, non-equestrian single-family lots, and six equestrian lots with maximum house sizes of 10,000 square feet with associated additional uses. The Staff questioned whether this was an appropriate use in a suburban setting and would like input from the Commission regarding the concept and what conditions might be imposed to mitigate impacts. The Staff was concerned about the appropriateness of 10,000-square-foot houses and their impact on the entry corridor, and the wetlands (especially around Lot 2).

Richard Dudley, representing the applicant, recommended that the Commission look at the Holiday Ranch subdivision to see how the residential/horse interface works. As this has historically been agricultural property, he felt it would be appropriate to do an equestrian, low-density subdivision. It must be spread out because that was what made it marketable.

COMMISSIONER QUESTIONS AND COMMENTS:
Commissioner Alison Child asked how this related to the Sensitive Lands Ordinance. Planner McIntyre responded that they wanted to keep with the intent of the Sensitive Lands, but Sensitive Lands did not apply specifically to the parcel because the application was received before the Sensitive Lands Ordinance was enacted.

Commissioner Joe Tesch asked about the equestrian center and how it would sit height-wise on the land. The applicant responded that it was on a high spot on the property which dropped off from Meadows Drive. The land sits slightly below highway level. Planner McIntyre discussed some of the architectural trade-offs which might be utilized and asked the Commission for input regarding whether they should be explored.

Commissioner Chris Erickson asked how this would comply with the Trails Master Plan. Planner McIntyre explained that two parcels would be left completely as open space, and there would be a connection to the bike path on the west side of Highway 224, and the old railroad right-of-way on the east side of Highway 224 will be upgraded as a trail. The applicant commented that one reason it worked so well was the trail system.

Commissioner Alison Child stated that she had a problem with adjacent land uses, the number of animals allowed, how the wetlands would be fenced and if the fencing would be consistent, and the amount of area for the animals so the land would not have a grazed-out appearance. Mr. Dudley stated that this was dealt with in CC&R's for Ranch Creek, a development located in the County, and it had worked quite well. Commissioner Child was concerned with the

large house size and wanted to know if these would be one-story homes. Mr. Dudley responded that they had recommended a maximum height of 28 feet. Commissioner Child said that she would also like information regarding the types of landscaping and limits placed on it, irrigation, and the type of transition that would occur between the houses and the open space. Planner McIntyre suggested that the applicant provide written answers to the questions which had been raised.

Commissioner Chuck Klingenstein stated that he did not have a problem with the equestrian concept, because he felt it was an appropriate use of the land. He expressed concern about visual impact and house sizes and would like to see a visual analysis prepared.

Commissioner Fred Jones commented that the massing was more important than the square footage. He would like to know how the arena would be used and if horse trailers would be parked there. He felt some screening might be appropriate to break up the visual impact of the arena area.

Commissioner Dean Berrett concurred with the concerns expressed by Commissioner Alison Child. He felt it could look very nice. The CC&R's and the initial improvements made by the development group would be very important. The general concept provided a good transition. The open space and the cooperation of the City was good--areas were being used which had been used before, and wetlands and vegetation were being preserved.

Commissioner Joe Tesch asked the developer if he had tried placing the arena in another location. If it could be shifted further back in, it would not be quite as visible from the highway. The applicant responded that he had, but that raised concerns about the impact on the neighbors. This location hid it better than any other alternative, and it was more accessible to the trail system.

Peterson Annexation/ Willow Ranch MPD

Update - Annexation Policy Review/Interlocal Agreements
Director of Community Development Rick Lewis yielded his time in consideration of the other items on the agenda.

Peterson Annexation/Willow Ranch MPD and Sketch Plat
Chairman Bruce Erickson pointed out that the December 17 annexation component needed to be considered. The Commission needed to forward a recommendation for annexation and the zoning which would be placed on the parcel. City Attorney Jim Carter stated that the City had agreed to process the application within 100 days of application.

Commissioner Chuck Klingenstein excused himself from this discussion because of a potential conflict of interest. Commissioner Fred Jones stated that he was a member of Land Trust Board but had no dealings with this property and did not feel there was a conflict. The opinion of the Chair was that Commissioners Fred Jones and Ron Whaley did not have a conflict in relation to the work session.

Commissioner Joe Tesch stated that he did not understand sensitive lands in this annexation. He read from Sensitive Lands provisions, "Sensitive lands analysis shall be the minimum criteria for any annexation." He asked whether this applied and whether a sensitive lands analysis had taken place.

City Attorney Jim Carter stated that those were the rules and the City has no zoning authority outside the City Limits. His recommendation was that the City not automatically, and across the board, apply the Sensitive Lands Ordinance retroactively but work with the applicant to see if the substantial intent of the Ordinance could be achieved. If this land had been in the City when the Sensitive Lands was passed, it could have applied, but he recommended working with the applicant to meet the criteria. The City can determine what zoning to apply and whether to apply an overlay zone; i.e., sensitive lands, or not. Mr. Tesch's commented that it appeared to be up to the Planning Commission to determine their policy on annexation and compliance. Chairman Bruce Erickson summarized that the Commission could recommend to the City Council that the Sensitive Lands Ordinance applies to this annexation, and no matter what the Commission recommends, the City Council will do whatever they are going to do with this annexation.

Senior Planner Suzanne McIntyre designated on a map the areas the City was purchasing, the significant wetland corridors, the area the City would continue to farm, and areas to be enhanced. She provided a sensitive lands overlay showing areas suitable for development. Lots 5, 6, and 7 are approximately twice the size of

the Park Meadows lots behind them. Theoretically, they could get three large lots or twice that amount if the lots were small.

Chairman Bruce Erickson asked if uplands had been considered, and Planner McIntyre responded that they had not.

Richard Dudley, representing the applicant, stated that the Sensitive Lands Ordinance did not differentiate between low, moderate and high value wetlands. Chairman Bruce Erickson reminded the applicant that the issue of sensitive lands did not make a distinction as to value and that was irrelevant to this discussion. He asked how many units could be achieved outside sensitive lands. Suzanne responded there would be three larger lots or twice as many smaller lots. However, there could be six large lots whose boundaries extended into the wetlands but were not to be disturbed, but the value of the property would be based only on the area outside the wetlands.

Chairman Bruce Erickson stated that the basic question was how many units could be allowed if the Sensitive Lands Ordinance were applied. It could be between six and some unknown number because the Commission did not know where the uplands were on the land to potentially be purchased by the City. Assuming the land was zoned either Estate or RD, if the upland areas were 9 acres and the zoning were RD, there could be 27 units. The next issue to be addressed would be where the units could be physically placed on the site. The developer responded there could be seven including the uplands which was approximately what the developer had applied for. The Sensitive Lands Ordinance at this point would say that there would be location within the property designated as sensitive lands which may or may not be appropriate for development. By placing the property in the low-value wetlands areas, the developer was attempting to conform with the Sensitive Lands Ordinance.

Commissioner Alison Child stated that now that she understood how they got the numbers, she did not agree with how they got there. She did not feel that the way it was being applied was fair because: 1) the ground was not owned by the developer; the taxpayer was paying to get this property, and 2) because the City was purchasing it, the developer should not get a gratis deal to automatically get more density. She felt the parcel stood on its own and should comply with the Sensitive Lands Ordinance.

Mr. Dudley stated that his understanding of the Sensitive Lands Ordinance was that they were to remain a certain distance from significant wetlands, and he took that to mean high value wetlands. He asked for clarification.

Chairman Bruce Erickson explained that there were no qualifiers on wetlands. He stated that Planner McIntyre had explained where the sensitive lands would be if they were in the City and what the effects of those would be. Chairman Erickson explained that the applicant had asked for a trade-off to make better wildlife habitat corridors and provide mitigation to the stream for the right to use some of the lesser value wetlands on the site, and there was some merit in those arguments.

Planner McIntyre pointed out the changes from the previous plan, including the deletion of the arena leaving the entry corridor open, reduction of house sizes from 10,000 to 8,000 square feet, except lots 5, 6, and 7 which would be 4,000 square feet. A letter from Toby Ross had been include in the packet indicating that a portion of the wetlands on the City property may be used to mitigate the effects of the development. The Staff met with the developers to discuss animal management. Lots 1 and 2 would have a maximum of two horses each. Lots 3, 4, 8, and 9 would have three horses each. All fences would be at least 50 feet from the creek. Pastures would be dragged twice a year and have mandatory manure removal. The mitigation plans met the concerns of the State Division of Wildlife Resources. The Army Corp has indicated they will accept the rechanneling of the stream, putting water to the irrigation areas and the fencing of the wetlands areas. In terms of construction of the houses, the developer still proposed 28 feet to the top of the ridge with a limitation on second floors, restricting them to 60 percent of the building footprint area. Barns would be 20 feet high and having matching roofs, size, and color. Perimeter fencing would post and rail ranch fencing which would match throughout with interior pasture fencing separated by electric lines. The horses would be rotated between the pastures on each property.

Commissioner Questions and Comments:
Commissioner Joe Tesch complimented the applicant on the proposal and apologized for his being the first "sensitive lands" applicant. The Commission worked hard to put the Sensitive Lands Ordinance together and did not want to see it ignored. The people of the City wanted to see the corridor preserved. It was difficult to deal with the annexations because they had set up a tough law and it was hard to get around. Broad discretion was not the goal. The Ordinance was set up for a reason, and it is a tough issue.

Commissioner Dean Berrett stated that the Commission had been advised that they were not applying the Sensitive Lands Ordinance strictly in this case and should use their discretion in applying the spirit and intent of the Ordinance. He believed the developer had accomplished the spirit and intent, and to change the rules now would be wrong.

Commissioner Chris Erickson felt it was appropriate to annex this land, but was interested in strict compliance of the Sensitive Lands Ordinance, and wanted to hear the Staff's recommendations on where development should go and a way to make it work.

Commissioner Fred Jones agreed that it was appropriate to annex but was confused about sensitive lands, because he thought the purpose of the Sensitive Lands Ordinance was to have it in place so it could be applied to land which the City wanted to annex.

Commissioner Ron Whaley stated that the Planning Commission had all the tools to deal with this issue; even without the Sensitive Lands Ordinance. Their job was to clear up the confusion.

Chairman Bruce Erickson summarized the discussion by stating that the Staff planned additional conversations with the City Attorney in future Work Sessions. The Staff has agreed to modify the Staff Report format to consider the Sensitive Lands Ordinance. His discussion of this matter with the Planning Commission was an attempt to show how the applicant had attempted to comply with the Sensitive Lands Ordinance without modifiers or variations that do not occur in the Ordinance. He stated he believed the Ordinance was correctly applied.

PARK CITY PLANNING COMMISSION
WORK SESSION NOTES
DECEMBER 2, 1992

Present: Bruce Erickson, Dean Berrett, Alison Child, Chris Erickson, Fred Jones, Chuck Klingenstein, Joe Tesch, Ron Whaley, Rick Lewis, Nora Seltenrich, Suzanne McIntyre, Janice Lew, and Shauna Kerr

WORK SESSION - OVERVIEW OF REGULAR MEETING

Coldwell Banker CUP

Planner Janice Lew explained the revised design for the vestibule reducing the size from 17 x 17 to 14 x 14. The staff was comfortable with the changes and recommended approval. The vestibule would be used as an entrance and the only furnishing would be two planters.

Commissioner questions and comments:
Commissioner Dean Berrett asked if it would be appropriate to add as a condition of approval that the addition be used only as a vestibule. The Commissioners concurred.

The architect, David White, presented a drawing showing the proposed decrease in the size of the vestibule and the increased setback.

Commissioner Chris Erickson expressed his concern about the way this vestibule would look. Mr. White responded that this would be a more attractive entrance and would provide a wheelchair entry. Commissioner Ron Whaley explained that this would be an improvement to the building.

Peterson Annexation

Planning Director Nora Seltenrich pointed out that the request was filed before the Sensitive Lands Ordinance was adopted, and this was an Annexation request which gave the City a lot of flexibility. The application was evaluated by the Staff in terms of the Sensitive Lands Ordinance which resulted in the Staff recommendation which would allow seven residences and an upgrade of the existing wetlands. The Staff felt that public policy and public interest was best served by the manner in which Sensitive Lands had been applied to this site.

Senior Planner Suzanne McIntyre explained that the Planning Commission would make a recommendation to the City Council as to whether the annexation of the 70 acres would be appropriate, and if a positive recommendation was forwarded, the Staff recommended Recreation Open Space (ROS) and Estate (E) zoning as designated on the map provided by the applicant and in the packet.

Commissioner questions and comments:
Commissioner Joe Tesch asked whether this created what might be considered spot zones--zones surrounded by other zones which were inconsistent with these zones. Planner McIntyre responded that it did not. Commissioner Tesch then asked whether the annexation agreement had been executed. Planner McIntyre responded that the agreement would be approved by the City Council as part of their action on the annexation after their public hearing.

Commissioner Joe Tesch asked how the Sensitive Lands Ordinance would apply to the proposed zoning. Director Seltenrich responded that, if an area to be annexed were in a Sensitive Lands Overlay Zone, an analysis would be done, as was done with this application, to determine the most appropriate location for development, and it would then be zoned appropriately to reflect the density that was appropriate.

Commissioner Fred Jones asked when the determination is made that the Sensitive Lands Ordinance applies. Director Seltenrich responded that there were two options. In this proposal, it was recommended that the master plan development and sketch plat be approved which sets forth the intent of the Sensitive Lands Ordinance. The other option would be to recommend an approval of the annexation but indicate that the Sensitive Lands Ordinance should apply when the MPD is considered. Community Development Director Rick Lewis clarified that the only thing which would change would be the City boundary; the sensitive lands would still be there.

Commissioner Chris Erickson asked about employee housing. Planner McIntyre explained that this was consistent with the Morningstar Estates annexation. If there were 10 single-family lots, either one employee housing unit would be required or the payment of $49,000. If this is master-planned at 7 lots, they would pay 70 percent of $49,000. Deputy City Attorney Shauna Kerr recommended that the language be refined a little bit. Commissioner Chris Erickson asked if they could also spell out sensitive lands in the paragraph on zoning.

Commissioner Dean Berrett asked if the 50 percent rule applied to City services worked out in terms of cost analysis. Deputy City Attorney Shauna Kerr responded that this was policy that the City Council had adopted.

Commissioner Joe Tesch wanted it made clear that, although the MPD met the intent of Sensitive Lands, it did not meet the strict requirements of the Sensitive Lands Ordinance. Director Seltenrich responded that was correct if the parcel was already within the City limits. Commissioner Tesch asked if the Planning Commission

had the option of recommending to the City Council annexation ROS/Estate with Sensitive Lands without approving any MPD. That was confirmed. Commissioner Tesch asked if the applicant for annexation was going to forward his application for annexation without an MPD. Director Lewis explained that the developer was not the applicant for annexation. The developer explained that he would like to see the MPD approved. Director Seltenrich clarified that the request was for both the MPD and the annexation.

Chairman Bruce Erickson explained that Commissioner Chuck Klingenstein had an interest in this matter and would refrain from this discussion and the discussion in the Regular Meeting.

Senior Planner Suzanne McIntyre summarized the MPD portion of the Staff Report. The applicant has revised the plan, which now consists of seven lots, four of which are equestrian lots and three of which are smaller lots averaging about .8 acre. Maximum house sizes are 8,000 square feet on the large lots and 4,000 square feet on the smaller lots. Some issues have not been resolved which should be resolved at the time of preliminary plat approval as outlined in Section III D. of the Staff Report.

Jeff Graham, representing the applicant, presented a delineation map showing values of wetlands.

Commissioner Ron Whaley asked what was meant by mitigation as it related to this particular site. Mr. Graham distributed a mitigation proposal. Commissioner Whaley asked what mitigation meant as related to eliminating grazing, increasing water flow, rechannel, etc. Mr. Graham explained that total mitigation area was 24.4 acres reduced by 3.6 acres to be used by the City for agricultural purposes. They would construct a permanent weir to divert 6 acre feet of water, rechannel McLeod Creek, fence the perimeter to keep grazing and human intrusion from the mitigation area, and eliminate grazing and agricultural uses to allow vegetation to grow back to its natural state. The CC&R's would require owners to clean up manure in the spring and fall from the equestrian lots, limit the number of horses to three per lot, and allow division of internal fencing so that horses would be moved to revitalize and revegetate pasture areas.

Commissioner Joe Tesch asked about item 3.1.1.2. of the Purchase Agreement and asked if the phrases included in that section included the Sensitive Lands Ordinance. Richard Dudley, representing the applicant, responded that he read that as being in compliance with the Army Corps of Engineers standards for mitigation and that the contract was entered into before Sensitive Lands. He understood that if this annexation was turned in prior to the Sensitive Lands Ordinance, this paragraph applied strictly to the

City's cooperation and the applicant's efforts to mitigate the property.

Commissioner Chris Erickson asked why wetlands were being mitigated instead of being left as they were. Mr. Dudley explained that there would be impact on the wetlands. Mr. Graham explained that the low-value wetlands would be allowed to come back to their natural state and become higher-value wetlands. Commissioner Chris Erickson asked if there was any way to take drought conditions into consideration. Mr. Graham responded that there were three criteria--soils, vegetation, and hydrology, and that the majority of the site was not currently "wet," but had hydric soils or vegetation which classified them technically as wetlands.

Commissioner Alison Child asked for clarification that, if Sensitive Lands were strictly applied, there would only be five units. Director Seltenrich responded that it would depend on how large the lots were. Commissioner Child asked, if it were zoned Estate, what the number would be. Commissioner Ron Whaley explained that this was contextual and that the Commission was in a position of judgment and had applied the tools of Sensitive Lands. Director Seltenrich responded that it would have to be zoned before a density formula could be applied. Chairman Bruce Erickson explained that the Staff had made the determination, after looking at a number of iterations, as to what density best met the Sensitive Lands Ordinance and made their recommendation based upon where the sensitive lands were and where the development could go. Chairman Bruce Erickson explained that when another application was made for annexation, the first thing to be done would be to see if sensitive lands are included, second would be to determine which lands are sensitive, next would be to establish density, the same process that was applied to this application.

Commissioner Joe Tesch referred to comments made that in an annexation basically anything goes. He felt the Sensitive Lands Ordinance should be amended, because he never expected that they would negotiate down rather than negotiate up. If this land were already in Park City, they would apply Sensitive Lands. But because the applicant is not a citizen of Park City, he is getting a better deal than a Park City citizen would get. Commissioner Fred Jones disagreed and explained that the City was at an advantage because the Commission had come up with a plan and then applied the zoning which would protect it from more dense development.

Commissioner Alison Child felt the house size on the estate lots was too large and would like to see something done to keep the height down, and she was not comfortable with the number of horses on the horse property.

Commissioner Ron Whaley stated that, on the employee housing issue, he would acquiesce the dollar amount requested in exchange for Lots 6, 7, 1, and 2 being allowed to have an accessory residence at the option of the owner. Commissioner Alison Child expressed her opinion that this would not accomplish the goal of providing employee housing but would be for a nanny or mother-in-law.

Commissioner Ron Whaley asked about pedestrian access to high-quality wetlands. Jeff Graham responded that, if trails were to be placed on wetlands, it would require mitigation.

Bellevue MPD and North Silver Lake Subdivision

Senior Planner Suzanne McIntyre explained that the applicant had been asked to give specific information on the architectural and design guidelines, limits of disturbance, and revegetation plan. The Staff will meet with the applicant on December 3, and this item will be on the next agenda. This item was continued to the December 16 meeting.

Sweeney Town Lift Properties MPD & Sketch & Preliminary Plat

Planning Director Nora Seltenrich explained that the applicant had come into the office on November 25 and explained how they were prepared to respond to the Commission's previous comments. The Staff distributed a packet on December 1 responding to the applicant. The Staff felt that bringing the height down to 45 feet was a good effort and the flat roof was not a problem. The Main Street facade was interesting, but the Staff was concerned about the Park Avenue facade because of the entrance to the parking garage which would prohibit other types of commercial uses. The Staff recommended a setback of 20 feet from the curb or relocation of the parking entrance. Director Seltenrich and the applicant reviewed the elevations for the Commissioners. Director Seltenrich referred to the extensive conditions in the Staff Report in the supplemental packet. The Staff has recommended that the Park Avenue elevation be two levels instead of three, which means that square footage would be lost. The Staff had also recommended a master owners' association, an open space enhancement plan as in the Town Lift concept plan approval, streetscape and landscape plan, security for public improvements, and other conditions as contained in the Staff Report.

Chairman Bruce Erickson asked the applicant if the plan had been architected. The applicant explained that nothing could be done with an architect until he was past this stage and knew what shape the building would be. Chairman Erickson explained that, on a pervious application, everything looked good until the architects came in and had to change things and wanted to know how that could

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
DECEMBER 2, 1992

COMMISSIONERS IN ATTENDANCE:

Chairman Bruce Erickson, Dean Berrett, Alison Child, Chris Erickson, Fred Jones, Chuck Klingenstein, Joe Tesch and Ron Whaley

EX OFFICIO:

Rick Lewis, Community Development Director; Nora Seltenrich, Planning Director; Suzanne McIntyre, Senior Planner; Janice Lew, Planner I; Jim Carter, City Attorney; Shauna Kerr, Deputy City Attorney; Bob Richer, City Council Liaison

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The Commissioners and the Staff met in work session from 6:00 to 8:15 p.m. to review items on the regular agenda.

REGULAR MEETING - 8:00 P.M.

I. ROLL CALL

Chairman Bruce Erickson called the meeting to order at 8:20 p.m. and noted that all Commissioners were present.

II. PUBLIC INPUT

There was no public input on any items not on the Regular Agenda.

III. COMMUNICATIONS FROM STAFF

Planning Director Nora Seltenrich stated that she had distributed a memo in the Commissioners packets concerning the Town Lift Design Review Task Force. The memo explained what the task force is, who is on it, and what it's authority is. The Task Force started looking at different plans in November 1991, and there have been a lot of plans reviewed. During MPD approval for Phase I, the Planning Commission looked at one version of the plan, and the Town Lift Design Review Task Force approved a preliminary plan for buildings A1, A2 & A3. Final approval by the Task Force was granted for buildings A1 & A2. They granted a revised final approval for A1, revised preliminary approval for A2, and on December 7th they will meet to take action on the final design review of the revised plans for A2. Building A3 will be handled at a later date. The Task Force gave direction to the applicant to make some revisions in the plans, and the Task Force will review how the applicant has achieved that. Planning Director Seltenrich also offered to meet with the Commissioners on an individual basis.

Senior Planner Suzanne McIntyre stated that the staff had held a meeting earlier in the day with the architectural community to get their feedback on the proposed changes to the FAR's. The meeting was very constructive. They will meet again in two weeks and the architectural community will bring their suggestions for making the Historic District design more compatible with the character of the district. The HDC was scheduled to meet on December 7 and a public hearing was set for December 16 with the Planning Commission on those revisions. If it appears that it will take a long time for the architects to come up with their ideas, the Staff will recommend that the Commission adopt the revised floor area ratios. If it can be done in a month or so, the Staff will ask the Planning Commission to hold off on taking that action.

Commissioner Joe Tesch asked if the HDC was looking at the FAR's again and what would be done with applications for building permits in the interim. Senior Planner McIntyre replied that building permits are processed under current regulations and Floor Area Ratios. The Planning Commission sent direction to the HDC after the public hearing asking them to look at the FAR's to see if what they proposed was heading in the right direction. The HDC felt the architectural community should comment before they passed their recommendation to the Planning Commission.

IV. REPORTS FROM COMMISSIONERS

Commissioner Chris Erickson reported that the employee housing subcommittee would probably not meet again until January.

Commissioner Chuck Klingenstein reminded the Commissioners that they were residents of the County and should be interested in the resolution of the land use issue. The County Commission would hold a public hearing on December 14 at 6:00 p.m. at the Landmark. He urged residents of Park City to attend and give input at that meeting because the County Commissioners needed their support. Planning Director Nora Seltenrich added that the City Council was formulating input for that hearing.

Chairman Bruce Erickson asked that the consent agenda be considered prior to the public hearings. There were no objections.

V. PUBLIC HEARING

1. <u>Peterson Annexation - Recommendation to City Council on Annexation and Zoning</u>

Senior Planner Suzanne McIntyre reported that the City had received a request for annexation of 70 acres and referred to the area on a map. The Staff recommended that the Planning Commission forward a

recommendation to the City Council in support of the annexation with zoning of Recreation Open Space and Estate. This recommendation was consistent with a proposed Master Plan the Planning Commission was also being asked to review. The proposal was for a seven-lot subdivision with three smaller lots and four equestrian lots. Proposed maximum house sizes would be 4,000 square feet on the small lots and 8,000 square feet on the equestrian lots. All lots would have access off of Meadow Creek Drive cul de sac in the McLeod Creek subdivision. The four equestrian lots would have separate building pads for the main house and the stable facility. Specific pastures will be fenced on each of the equestrian lots and the horses would be rotated between them.

Ms. McIntyre explained the three steps in the master plan process and that this was the first step. In the second stage, the staff was asking the developer to specifically address architectural restrictions, animal management, wetlands mitigation, installation of utilities, etc. The applicant would also need to address fire hydrant locations and fire sprinkling requirements and a trails plan. The applicant has proposed that the building height be limited to 28 feet at the top of the ridge, a reduction of 5 feet from the 33 feet allowed.

Ms. McIntyre reviewed the public input received after the packets were published. Brian Walker on Oak Rim Lane was in favor of the proposed master plan and subdivision, Bill and Barbara Hughes on Creek Drive were in favor of the seven-lot subdivision. Bob Stothart had originally written a letter in support of the seven-lot subdivision, but has since rescinded his support of the project. Mr. and Mrs. R. L. Croissant on Red Pine Court were concerned about Lots 5, 6, and 7 which are the smaller lots. Suzanne and David Moore on Meadow Creek Court indicated their support of the development, and Bob Powers on Hackney was also in support of the development. Richard Kennedy on Crestline Drive opposed the development because he felt the Sensitive Lands Ordinance was adopted for parcels like this, and he requested limitation on fences on Lots 1 and 2 and special consideration to the sewer line crossing the north of the parcel. Tom and Marty Cullen on Meadowcreek Drive felt the property should remain as open space and felt the Planning Commission should pay special attention to house sizes, fencing, sidewalks, etc.

Jeffrey Kuhn asked what would happen to the land along the highway if the development did not go through. Senior Planner McIntyre replied that the City was purchasing a portion of the 70 acres along both sides of the highway and along the north side of Meadows Drive which was intended to be open space. Planning Director Nora Seltenrich explained that the City must take action on an

annexation petition, whether approval or denial, within 100 days. The Planning Commission will act on the annexation and the MPD separately.

There was no public input on this item.

2. Willow Ranch MPD and Sketch Plat - Jack Johnson Co.

Chairman Bruce Erickson opened the public hearing.

Bill Garson, President of the Homeowners Association and resident of the McLeod Creek Subdivision, voiced concern regarding the size of the homes, especially the estate homes. He stated that most homes in the McLeod Creek Subdivision were 3,000-3,500 square feet, and he felt 8,000 square-foot homes would look out of proportion and detract from the value of their homes. He was also concerned about the pastures only being graded twice a year because there would be flies and odors. The Association was also concerned about the construction traffic.

Mike Watts, Ridgeview resident, voiced concern about Lot 1 and the building of a bridge across wetlands to include additional pasture in the lot. He felt the lot was large enough without that land. He was concerned with the amount of fencing that would be visible from Ridgeview and Park Meadows. He was concerned with the handling of the drainage and ditches coming from the surrounding areas and felt the horses would pollute the water supply for the wetlands. He was also concerned with the number of horses allowed.

Steve Haugen, resident of McLeod Creek, stated that 10 property owners had sent a petition to the Army Corps of Engineers, and he did not see it reflected in the public input. Chairman Bruce Erickson explained that the Commission would not have a copy unless it was copied to the Planning Commission. Mr. Haugen then stated that their concerns were the road to be built on lot 6 running from east to west acting as a dam and flooding his property. He stated that the water level was 2 to 3 feet below ground. He was also concerned about the size of the homes and that wildlife would no longer visit the wildlife corridor.

Rob Slettom, from Park Meadows Phase I, was concerned with the size of the homes on Lots 5 and 4 which most impacted his home and suggested that the homes be built in the 6,000 and 3,500 square-foot range (rather than 8,000 and 4,000 square feet). He was concerned with the enforcement of the CC&R's and the suggestion of smaller housing units on the properties and the impact that would have on the traffic volume.

Tom Kullen stated that he would be strongly impacted because all traffic to the new subdivision would pass directly in front of his house. He was glad to see the smaller homes on the smaller lots but would like to see the larger estate homes reduced to 6,000 square feet. He felt the heights should be lower. He felt testing should be done to be sure herbicides and pesticides did not pool into the wetlands and kill the wildlife. He felt that scraping the pastures twice a year was not sufficient and wanted to know whether the manure would be put into compost piles attracting flies. He opposed a dead end sidewalk into the new development and felt fencing should have joint approval with McLeod Creek Homeowners Association. His last two concerns were that CC&R's were ineffective and should be enforced by the City and that refuse not pile up and accumulate on the estate lots.

Merry Haugen, living on Creek Drive, voiced her love of the open space with the convenience of city life and that she moved to the McLeod Creek area because of the open space, and she was led to believe that it would always be open space. She was concerned that the wildlife would not continue to come there, and that was valuable to her. Once the wildlife was gone, it would be gone forever.

Frank Furr, Meadow Creek Drive, inquired about the 120 x 120 building pads the houses would be built on and was concerned that the houses would be big boxes. Planning Director Nora Seltenrich explained that the 120 x 120 building pads indicated the area on the lot within which the house may be built. Different house plans would use a different amount and area of that pad. She referred to other homes in the area that were approximately 8,000 square-foot homes to give him a frame of reference.

Paul Willis, living below Lot 6, was concerned about the fencing and things that may accumulate on the lots. He was concerned that the horses would chew up his wood fence.

Richard Kennedy, Ridgeview Subdivision, voiced concerns about the fencing. He would like to see provisions so that future homeowners could not come in and fence their property line.

Chairman Bruce Erickson closed the public hearing.

2. Sweeney Town Lift Properties MPD & Sketch & Preliminary Plat - Quitting Time Ltd.

Planning Director Nora Seltenrich explained that this was part of a large-scale master plan approved in 1985-1986 called the Sweeney Properties Master Plan. There was a requirement that, before any piece of it was developed, they would return to the Planning

Commission for CUP or Small Scale Master Plan approval. At that time, it was acknowledged by the existing Planning Commission and City Council that this would be a commercial area, the Town Lift Project had been approved, and there was some extra building height and density granted. The applicant's request for development is consistent with the 1985-1986 approval and actually has lower height, more open space, and the same density with less square footage. It is also consistent with the City Council's Town Lift conceptual approval a year ago. The proposal includes three structures. B1 is the main building containing 32.5 unit equivalents, 18,000 square feet of commercial space and 14.5 residential unit equivalents (2,000 square foot units); B2 is the maze building; and B3 is the ticket building with about 4,000 square feet of commercial space. The heights approved in the Sweeney Properties Master Plan were 55 feet to the top of a flat roof or 60 feet to the top of a pitched roof. The Staff and Planning Commission felt that was too tall, and the applicant has revised the plans to lower the height to a 45-foot tall, flat-roofed building. The Staff supports the application with some changes to the Park Avenue facade and setbacks.

Commissioner Ron Whaley asked about pedestrian access to building B2. Planner Seltenrich responded that pedestrian access was available from Main Street through a corridor.

Chairman Bruce Erickson opened the public hearing.

Burnis Watts, who lives adjacent to the proposed project, would be vitally impacted by this project and asked the Planning Commission to keep in mind that this was still partially a residential area and to look at compatibility. He was concerned that Seventh Street might be a one-way street, and he was assured that it would be a two-way street. He was also concerned about the loading and unloading of freight for the proposed buildings, and the response was that it would be done on Seventh Street and Main Street and farther north on Park Avenue. He felt that was a large impact. He also asked about further development south of Seventh Street and expressed his concern about the impact. He was in favor of maintaining the stepping back and setback and preserving more openness for his view. The garage entrance needs to be reviewed carefully. He asked about parking on Park Avenue and Seventh Street, and Director Seltenrich stated that they had not reviewed that detail yet, but the underground parking met the Land Management Code requirements, so they were not counting on street parking to meet the parking requirements. He was concerned particularly about delivery access with cars parked on the street.

David Belz, an adjacent property owner, addressed the Staff's concerns about "pedestrian friendliness" and stated that the height of the building was not related to making it pedestrian friendly.

Chairman Bruce Erickson closed the public hearing.

3. **North Silver Lake MPD Subdivision Final Plat and MPD of Parcel B - Perkins Timberlake Co./Deer Valley**

Chairman Bruce Erickson announced that the Staff had recommended that this item be continued, and there were no members of the public present to address this item.

MOTION: Commissioner Ron Whaley moved to CONTINUE the public hearing on the North Silver Lake MPD Subdivision Final Plat and MPD of Parcel B. Commissioner Fred Jones seconded the motion.

VOTE: The motion passed unanimously.

VI. MINUTES OF NOVEMBER 18, 1992 -- (not complete)

VII. CONSENT AGENDA

1. **Coldwell Banker Building - Conditional Use Request for Construction Within the Frontage Protection Zone.**

Planner Janice Lew stated that the Planning Staff recommended approval of the CUP subject to the conditions stated in the Staff Report, with a second condition added stating, "The addition shall only be used as an entrance to the building."

MOTION: Commissioner Ron Whaley moved to APPROVE the Consent Agenda item as modified by the Staff. Commissioner Dean Berrett seconded the motion.

VOTE: The motion passed unanimously.

Conditions of Approval:

1. Prior to building permit issuance, a final landscape plan which includes the location of the sidewalk, shall be reviewed and approved by the City. A security will be required to be posted to ensure installation of the landscaping and trail improvements. The developer shall install the sidewalk along Homestake Road to match the width of the existing sidewalk along Park Avenue.

2. The addition shall only be used as an entrance to the building.

VIII. OLD BUSINESS

IX. NEW BUSINESS

1. Peterson Annexation, Recommendation to City Council

Senior Planner Suzanne McIntyre stated that the Staff recommended that the Planning Commission forward a positive recommendation to the City Council on the annexation with the zoning of Recreation Open Space (ROS) and Estate (E) based upon the findings in the packet and to include direction to the Staff to revise the language in the Annexation Agreement dealing with employee housing and to include a reference to the Sensitive Lands Ordinance under the designation of zoning as discussed during the Work Session.

Commissioner Chuck Klingenstein stated that a few weeks ago he declared a potential for conflict of interest and excused himself from all discussions of this project because he is an active member of the Summit Land Trust Board which has conducted discussions with the owners of this property.

Commissioner Fred Jones stated that he is a resident of Ridgeview. A letter had been received from the Ridgeview Homeowners claiming unanimity supporting the position of the letter; however, he was not polled by the Association and was not aware of the letter, and he felt there was no conflict of interest in that regard.

Commissioner Chris Erickson clarified that he wanted to have the language regarding the Sensitive Lands Overlay Zone added along with Estate and Recreation Open Space. He supported the Staff recommendation regarding the fee for employee housing. Commissioner Ron Whaley asked if Commissioner Chris Erickson would feel comfortable letting the developer decide whether he wanted to pay the fee or provide accessory apartments, and Commissioner Chris Erickson responded that he would not. Director Seltenrich explained that the Commission could require the fee and also allow for auxiliary apartments in the MPD. Commissioner Ron Whaley reiterated his support of the Housing Task Force and encouraged them to address the cost of putting a housing unit in place instead of how many, where, and what type of controls to put on it. He felt the auxiliary apartment sounded like a very favorable answer.

Commissioner Dean Berrett addressed the fact that, although it was in the Commission's purview to just make a recommendation regarding an annexation, the Annexation Agreement makes specific references to the project. He felt it was not appropriate to make a positive recommendation on an annexation agreement that referenced specific details of the project if there were concerns about the project. Perhaps they needed a blanket Annexation Agreement that did not

specify anything relating to lot numbers, horses, etc. Director Seltenrich stated that, if he were uncomfortable with those references, there were two sentences which could be removed to alleviate that problem.

Commissioner Joe Tesch stated that he felt that the two should be entirely separate. He felt a motion should be made to annex with the zoning as indicated in the packet and that the Sensitive Lands Ordinance would also apply.

MOTION: Commissioner Joe Tesch moved to RECOMMEND to the City Council that they annex the property as set forth on page 29 of the planning packet for December 2, 1992, (not the supplemental packet) and that the zoning be the zoning set forth on that plat with a further proviso that the Sensitive Lands Overlay Ordinance will also apply. The motion was seconded by Commissioner Chris Erickson. Commissioner Chris Erickson amended the motion to recommend that the City Council apply an employee housing fee requirement equal to the appropriate percentage of the amount of the number of lots developed in an approved MPD. The amendment was accepted by Commissioner Joe Tesch and by Commissioner Chris Erickson.

VOTE: The motion passed unanimously.

2. **Willow Ranch MPD and Sketch Plat - Jack Johnson Co.**

Senior Planner Suzanne McIntyre stated that the Staff recommended approval of the Willow Ranch MPD and Sketch Plat with the conditions as outlined in the Staff Report.

Commissioner Chuck Klingenstein again excused himself from the discussion.

Commissioner Joe Tesch disagreed with the recommendation. He felt the Commission should wait until the City Council acted on the annexation before proceeding with MPD approval. He felt the Sensitive Lands Ordinance should apply as if the property were already annexed and should be applied strictly. Commissioner Ron Whaley explained that the Planning Commission was applying what they saw fit in a contextual application. Commissioner Tesch responded that he did not want to recommend to the City Council anything other than that they treat this as an annexation, then complete it, and then apply the full force of the Sensitive Lands Ordinance to that annexation with the zoning which has been applied to it. Director Seltenrich stated that another option would be that the Commission could deny the MPD request.

Commissioner Alison Child stated that this was a fairness issue and that the developer could have come in with a very different zoning request. Instead, they explained what they wanted to do, it matched up with estate zoning, and they operated in good faith. The plan appeared to be reasonable for the property with regard to sensitive lands and adjacent property. Commissioner Tesch responded that the process had not worked well, because the applicant was dealing on assumptions and promises of the City Manager that the Planning Commission had not accepted. He saw a problem with that process because of parallel negotiations going on with the passage of the Sensitive Lands Ordinance and the applicant negotiating with Mr. Dudley. He felt it was shortsighted of the Commission to waive the Sensitive Lands Ordinance the first time they applied it. The City legal counsel had stated that, since this application was received during the pendency of the Ordinance, by all legal rights it applied to this application.

Commissioner Fred Jones stated that he too had debated with himself to assure himself that he was properly understanding and applying Sensitive Lands. However, he had come to a different conclusion. He understood that if Estate zoning was applied and then Sensitive Lands was applied, it would come up with a different result. However, he did not think that was the process the Commission had been through, but rather the Commission had been through sort of a reverse process to come to a better end by determining what density was appropriate on the land, then recommending the application of zoning that would protect that in the future if this plan was not followed through.

Commissioner Joe Tesch stated that there was another component to his concern, and that was the law. The law should apply evenly to everyone, both the people coming in and the people already there. The community should have confidence that the law is applied evenly.

Chairman Bruce Erickson reminded the Commission that they had gone to great lengths to ask that Sensitive Lands be designated before any planning was done. When the Ordinance was put in place, there was language which indicated that the Staff would make these delineations without the Planning Commission. If the fault is found with the Ordinance, in fairness to the applicant, the Ordinance should be applied the way it is now written which states that Sensitive Lands is a component of negotiation of annexation. The Staff has done that. That is how they will probably see the next annexation as well unless the Ordinance is rewritten.

Community Development Director Rick Lewis clarified that, throughout the process, Sensitive Lands was foremost in the minds of the Staff and the developer as they tried to develop the best

possible project for the community. He did not know, if this application were denied and another applicant came in, that they could come up with anything better.

Commissioner Alison Child referred to the public comment regarding house size and fencing and stated that they were covered in the conditions of approval and would be issues to be considered in the next step of the approval process.

MOTION: Commissioner Alison Child moved to APPROVE the Willow Ranch MPD and Sketch Plat for a seven-lot subdivision with the following change to the conditions of approval:

1) Prior to preliminary plat approval the applicants shall have resolved all outstanding issues, including but not limited to the following:
   - architectural standards, house sizes including height limitations, and design elements including type and amount of fencing and outbuilding standards.

with the balance of the conditions as written in the Staff Report. Commissioner Fred Jones seconded the motion.

Commissioner Chris Erickson asked to amend the motion to provide the option for accessory units without making them mandatory. Commissioner Child responded that she would not consider adding that to the motion because she felt that the neighborhood had not received adequate notice that it might be a possibility. She then agreed to add Condition 3 to say, "Prior to preliminary plat approval, the Planning Commission will make a decision with regard to the opportunity for accessory apartments on this parcel." Commissioner Jones accepted the amendment.

Commissioner Fred Jones expressed his concern about enforcement of the CC&R's, particularly with regard to maintenance of the horse facilities. He questioned whether some of those concerns could be incorporated in the master plan approval to give the City authority to enforce the important elements. Director Seltenrich stated that this was the reason they were recommending a meadow maintenance agreement similar to that entered into with Aspen Springs Ranch. That was required to be done before the plat was recorded.

Commissioner Joe Tesch stated that he intended to vote against the motion for the reasons previously stated, but he felt that the Staff and Mr. Dudley had worked well together and the purchase of the view corridor was a very good idea.

Commissioner Dean Berrett addressed the sidewalk issue which was referenced in the public comment and asked Commissioner Child if she would be amenable to include pedestrian circulation in discussion of the trails plan. Chairman Bruce Erickson asked that

the Staff take care of that matter. With regard to annexation and open space, Commissioner Berrett stated that there were always adjacent property owner expectations, and he was pleased to see that the public had come to make comment and addressed legitimate concerns and that it was just a minority who said, "Don't put it in my back yard." A great deal of work was done to make this a much better project for the adjacent property owners.

VOTE: The motion passed 5 to 1, with Commissioners Dean Berrett, Alison Child, Chris Erickson, Fred Jones and Ron Whaley voting in favor of the motion and Commissioner Joe Tesch voting against the motion. Commissioner Chuck Klingenstein abstained from the vote.

Conditions of Approval:

1) Prior to preliminary plat approval the applicants shall have resolved all outstanding issues, including but not limited to the following:
   - architectural standards, house sizes including height limitations, and design elements including type and amount of fencing and outbuilding standards.
   - a sewer plan and utilities LOD plan
   - fire safety issues including sprinklers and hydrants
   - a trails plan
   - an animal management plan, and a meadow maintenance agreement which includes designation of pastures

2. Prior to preliminary plat approval, a wetlands mitigation plan shall have been approved by the City staff which satisfies all concerns that the development impacts are being mitigated by the developers.

3. Prior to preliminary plat approval, the Planning Commission will make a decision with regard to allowing accessory apartments in the homes on the four larger lots.

3. Sweeney Town Lift Properties MPD and Sketch Plan - Quitting Time Ltd.

Planner Suzanne McIntyre asked the developer whether the plaza space with outdoor dining on the north side might possibly be shifted to the west side to create a more pedestrian friendly environment and because decks on north sides of buildings tend to be cold and not used as much. Pat Sweeney responded that it had been designed that way because of the ski activity being in that direction. He stated he thought it would get good afternoon sun.

Commissioner Alison Child asked how many stalls were being provided. Mr. Sweeney stated that there were about three spaces more than the Code required. Commissioner Child asked about

reducing the number of spaces to resolve the parking problem, and Director Seltenrich explained that it would have to be significantly fewer spaces resulting in much less density.

Pat Sweeney responded to the concerns of the public, reviewing the history of the approval process over the last nine years. The access and loading dock issues would create no greater impact than any other HRC-zoned properties in the area. He did not accept the notion that they could step back 20 feet from Park Avenue and have two stories on Park Avenue instead of the three stories which were planned. The agreements which would allow the developer to obtain the needed land and easements will expire January 1, and if they did not obtain approval, they will be severely damaged.

Chairman Bruce Erickson asked for clarification on zoning and heights. Director Seltenrich clarified that the previous MPD approval was under HCB zoning which reduced the height, but the current zoning is HRC. Commissioner Ron Whaley clarified that the HCB zoning below Heber Avenue was not the same as HCB zoning above Heber Avenue. There was a difference in the parking requirement, reducing the mass by about 60 percent. The zoning above Heber Avenue allows for the property to be built on from lot line to lot line. Commissioner Fred Jones asked for clarification of what was approved under the HCB for the Sweeney project. Chairman Erickson clarified that it was approved under HCB below Heber Avenue under the Large Scale Master Plan. Once that was done, it set a height limit of 45 feet, which was increased to 55 by the Planning Commission and City Council, then the zone changed and lowered the height everywhere else in the zone to 35, but the Sweeney Property maintained its height of 55 feet to the top of a flat roof or 60 feet to the top of a peaked roof because of the pre-existing MPD. That height was approved because the height behind it would be 70 feet.

Commissioner Chris Erickson expressed his opinion that the height was probably granted to give additional density to the developer in the original MPD process, that the height was inappropriate, and that the density could be accommodated differently. Commissioner Fred Jones stated that he shared those concerns regarding height and scale, especially regarding the size of building B1.

Commissioner Alison Child stated that there was a great deal of frustration regarding what the Commission would like to see developed on this location, and she did not feel that they would get to what the Commission would really like to see. She recommended that the Commission accept the Staff Report as written and add a fourteenth condition to send a message to the City Council that everyone was spinning their wheels and they should fix it. She did not feel that the Planning Commission could be

effective in dealing with this plan. She felt they had a problem with both height and mass.

Chairman Bruce Erickson explained that, if the Commission could not make a finding, they must make a denial. Then conditions could be established under which the Planning Commission could reconsider the plan.

Commissioner Joe Tesch stated that he would vote to approve with the Staff's recommendations. He felt there had been a deal made and it should stand. He felt it was about as good as could be done.

Commissioner Chris Erickson stated that there was 67 percent open space in this plan, but maybe this would not be the place for open space if they had to have 45 or 55 feet of height. There is room to move on this property.

Commissioner Chuck Klingenstein reaffirmed that a deal had been made and the applicant had made a significant effort to develop a plan that could work. He supported the Staff recommendations.

Pat Sweeney responded that he did not agree with the Staff that he should "give 100 percent and get 85 percent back." If he adhered to the existing HRC zone on Park Avenue, the Commission could not ask for more than that. Others on Park Avenue could do the same. He agreed that deals had been made in the past where the developer gave up certain things and received others in return. He compared the proposed building with the Marsac School/City Hall building and the Carl Winters building in terms of height.

Commissioner Fred Jones stated that he was not so concerned about maximum height of a part of the building, but he was concerned that there was some variation. He felt the building could work with some variation to it. The current plan was for a big block because the developer had tried to push it into a 45-foot height.

Commissioner Chuck Klingenstein asked if there were a possibility of putting part of the square footage of building B1 onto B3. Mr. Sweeney responded that there was a series of agreements involving other partners in the project, and that it would fall apart with those changes.

Jeffrey Kuhn, representing the developer, addressed the height issue. He felt that taking off the top floor would not work, and he was pleased with the quality of the result after it had been redesigned. He felt the design with the original height was better and more compatible with the height across the street.

MOTION: Commissioner Joe Tesch moved to APPROVE the Conditional Use for Small Scale MPD as set forth the packet with all of the conditions set forth in the supplemental information packet, page 7, 8, and 9, numbers 1 through 13. Commissioner Chuck Klingenstein seconded the motion.

VOTE: The motion failed 3 to 4, with Commissioners Dean Berrett, Chuck Klingenstein and Joe Tesch voting in favor of the motion, and Commissioners Alison Child, Chris Erickson, Fred Jones, and Ron Whaley voting against the motion.

MOTION: Commissioner Alison Child moved to CONTINUE discussion on the Sweeney Town Lift Properties MPD and Sketch Plat. Commissioner Ron Whaley seconded the motion.

VOTE: The motion passed unanimously.

4. North Silver Lake MPD - Subdivision Final Plat and MPD of Parcel B - Perkins Timberlake Co./Deer Valley

MOTION: Commissioner Alison Child moved to CONTINUE the North Silver Lake MPD. Commissioner Chuck Klingenstein seconded the motion.

VOTE: The motion passed unanimously

X. BACKGROUND INFORMATION

1. Sheen Parcel CUP, 707 Norfolk Avenue - Fred Moore

Planner Janice Lew presented the Staff Report, stating that this was part of the Sweeney Master Plan, zoned HR1 MPD requiring review by the Planning Commission for Small-Scale MPD as well as the Historic District Commission. The applicant has proposed a single-family residence on the parcel. The lot is 6,800 square feet, and the proposed structure would be 3,300 square feet, meeting the current FAR's. Access would be from the north through an easement from the Lowell-Empire switchback. The Hurley property (Rush Bed and Breakfast) is adjacent, and compatibility with that property should be considered.

The Commissioners discussed the project briefly, and the Park City Planning Commission Meeting adjourned at 11:10 p.m.

Approved by Planning Commission: _____

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
DECEMBER 10, 1992

I ROLL CALL

Mayor Brad Olch called the regular meeting of the City Council to order at approximately 6:05 p.m. at the Marsac Municipal Building on Thursday, December 10, 1992. Members in attendance were Sally Elliott, Ruth Gezelius, Roger Harlan, Leslie Miller, Bob Richer, and Brad Olch. Staff present were Toby Ross, City Manager; Suzanne McIntyre, Senior Planner; and Jim Carter, City Attorney.

II PUBLIC INPUT

Replacement of 4th Street Stairs - For the benefit of Leslie Thatcher, the City Manager explained that there will be a stipulated agreement with the contractor to encourage that a schedule is met. There has been difficulty with subcontractors in this instance; the stairs were totally removed because of a sewer and water line replacement.

III MINUTES OF MEETING OF NOVEMBER 12, 1992

Ruth Gezelius, "I move approval as presented". Sally Elliott seconded. Motion unanimously carried.

IV REPORTS FROM COMMISSIONS AND BOARDS

V COMMUNICATIONS FROM COUNCIL AND STAFF

School District business - Ruth Gezelius reported that the Board has approved a $1.5 million bus barn to be located in the Jeremy Ranch area. She continued that enrollment outside the School District boundaries will be seriously considered.

VI CONSENT AGENDA

Ruth Gezelius, "I move approval of Consent Agenda Items 1 through 5". Bob Richer seconded. Motion unanimously carried.

1. Acceptance of audit report for 1991-92 - The City's general fund ended the fiscal year with $972,265 more in ending fund balance than projected during the budget process. This resulted from receiving $147,838 more in property and sales tax and $119,396 more in licenses and permits, coupled with actual expenditures being less than anticipated. Based on the current budget policy with regard to use of additional ending balance, the reserve is funded to the legal maximum and the city has $705,096 available for future CIP projects, which my state law, will need to be allocated during the upcoming budget process.

The golf course and recreation funds experienced increases in their working capital of $67,330 and $64,488,

respectively. The golf course continues to require no direct general fund subsidy and has been able to meet its debt service contributions to the MBA. The recreation fund required a $315,400 subsidy from the general fund. Since both of these funds are operating with such a narrow margin between resources and requirements, their activity needs to be monitored closely so that any adjustments can be made in a timely manor to insure that these funds do not experience deficits.

The transportation fund experienced a $363,963 increase in working capital. As a result, the total working capital available for future acquisitions of buses at June 30, 1992 is $1,685,018. The City has committed to purchase seven buses at a cost to the City of $184,200 under the 20% matching program, thus leaving a balance of $1,400,818 for future acquisitions.

The comments, expressed by the auditors in their letter to management, reflect no areas involving material weakness in internal accounting control, but rather identify areas where some improvements an be made.

2. A resolution of the City Council of Park City authorizing and approving the execution of an annually renewable lease agreement, dated as of December 1, 1992 by and between the City and the Municipal Building Authority of Park City, Utah; authorizing and approving the execution of a base lease agreement, dated December 1, 1992, by and between the City and the Authority; authorizing the issuance and sale by the authority of its lease revenue refunding bonds, Series 1992B, in the aggregate principal amount of $1,680,000 for the purpose of refunding certain outstanding bonds of the Authority originally issued to finance the construction, reconstruction, remodeling, furnishing, and equipping of a portion of the existing Carl Winters School for use as a City Library, and related improvements; authorizing the execution and delivery by the Authority of an indenture of trust and pledge dated as of December 1, 1992, by and between the Authority and Valley National Bank of Arizona, the lease agreement, security documents, and other documents required in connection therewith; authorizing the taking of all other actions necessary to the consummation of the transaction contemplated by this resolution; and related matters - and

3. A Resolution of the City Council of Park City authorizing and approving the execution a second amendment to lease agreement, dated as of December 1, 1992, by and between the City and the Municipal Building Authority of Park City, Utah; authorizing the Authority to execute and deliver a second supplemental indenture of trust dated as of December 1, 1992 by and between the Authority and Valley Bank & Trust Company, and other documents required in connection therewith; authorizing the taking of all other actions

necessary to the consummation of the transaction contemplated by this resolution; and related matters - and

4. Authorization of the Mayor to execute an agreement to adjust bond yield and a letter specifying order of redemption for callable subordinated water revenue bonds Series 1992A - The Council recently authorized refinancing some of the City's existing debt because of the attractive interest rates offered by the low bidder, Valley Bank and Trust (Valley). The water bonds, the first part of the refinancing, already have been reissued and the final authorization for the MBA refunding is before Council and the Authority. The MBA bonds will require four actions as listed on the agendas. Essentially, the Council should authorize an annually renewable lease agreement similar to the lease the Council approved when the original bonds were issued and authorize the MBA to issue the bonds. Then, the MBA should authorize the lease and the bonds for $1.68 million.

Two follow-up items are requested for the water bonds:

1. The Council should authorize the Mayor to send a letter to Valley Bank agreeing to call the bonds in inverse order (those that mature last would be called first). This is a common feature of call provisions and something Valley would like. It makes very little difference to the City since we wouldn't likely exercise a partial call.

2. After the initial bid, Park City requested that some of the bonds be made subordinate to avoid the delay of securing approval from the State. Valley agreed without clearly indicating the need for a change in the rate. Consequently, the bonds were inadvertently priced at 5.25% instead of 5.45%. When they discovered this, it was too late to change the bonds without significant costs to the City and delays. They agreed to leave the bond rates at 5.25% if the City would give them a one-time payment of about $6,100. This results in a net-effective rate of 5.35%. In effect, the City and Valley are splitting the difference between the 5.25% of the bonds and the 5.45% they intended to charge. This is particularly important to Valley because pricing a subordinate debt is the same as senior debt could raise questions with regulators.

5. A Resolution amending the 1992 fee resolution to provide for a "fleet" option for business license fees for vending machines - and

VII ORDINANCE

An Ordinance amending Title 4, Chapter 2, Section 18(a), Vending Machines/Mechanical Devices, of the Municipal Code to

provide for fleet licensing - Ruth Gezelius, "I move approval of the ordinance". Bob Richer seconded. Motion unanimously carried.

For the record, the staff has received complaints from a local vending company regarding the amount of fees assessed pursuant to the business license ordinance for vending machines and video and entertainment games and similar operations. The Code requires that each machine be licensed at the fee of $15.00/machine for food and beverage vending machines and $50.00/machine for electronic video games, pinball, billiards or other entertainment device. These numbers do not seem high to a licensee with a few machines, but for example the fees for an operation like Z-Place and Park City Video and Vending run between $1,500 and $3,000 per year for the machines.

The licensee has asked the City to address a cap on the number and a procedure similar to our "fleet" provisions for vehicles under the ordinance. Currently a fleet or vehicles can be licensed at the rate of $1,000 per year. The staff feels that there may be a basis to recommend changing the food and beverage vending machines to a "fleet" approach, however, the staff feels that there should not be a cap or "fleet" license for video games etc.

The staff has looked at the distinctions between food and beverage vending machines which have a relatively low profit margin and are located around town for the ease and convenience of employees and tourists and the entertainment, video games, billiards, pinball machines which are strictly "entertainment" and have a much higher profit margin than the food and beverage machines. Further, previous Councils felt that the video games, entertainment machines etc. were a concern and needed the further regulation occasioned by individual licensing.

The resolution and ordinance amends the fees to allow a "fleet" license for food and beverage machines, but retains all other fees as previously adopted.

VIII PUBLIC HEARING

Willow Ranch (Peterson) annexation petition and annexation policy declaration - Suzanne McIntyre explained that this is the first of two public hearings for this annexation. The hearing will be continued to December 17. The Planning Commission held a public hearing on December 2 and have forwarded a positive recommendation on the annexation and the zoning for Estate and Recreation Open Space based on the findings included below. Ms. McIntyre added that some aspects of the MPD need to be worked out and that will occur prior to approval of the preliminary plat.

With no comment or questions from the Council or public, the public hearing was closed and will continue next week.

For the record, the staff report is as follows:

ISSUES FOR DISCUSSION: SENSITIVE LANDS AND ZONING

There were two issues which caused some confusion at the Planning Commission level and those were whether the Sensitive Lands Ordinance had been applied and how the zoning designations of Recreation - Open Space (ROS) and Estate (E) had been determined. Briefly stated, the wetlands criteria and standards of the Sensitive Lands Ordinance were applied and the proposed Willow Ranch MPD complies with them. The site plan and the density are within the parameters of the ordinance. The ordinance allows the City the flexibility to determine the location of density in the context of the annexation.

In this case, the City is receiving significant benefits from the upgrading of substandard wetlands; i.e., the McLeod Creek stream channel will be reconfigured to be more consistent with natural patterns, areas which have been used for grazing will be irrigated and revegetated to be more natural, stream channels will be fenced and protected from disturbance, and a large area of open space will be protected as wildlife habitat. These measures have been reviewed by the Army Corps and State Division of Wildlife and are acceptable as mitigation for the disturbance of the upland areas where the houses will be built.

If the Sensitive Lands had been strictly applied, the number of units would vary depending on what zoning was applied. This analysis is relevant as a basis for comparison, but as mentioned above, the ordinance allows flexibility when dealing with annexations. The density breakdown has been calculated by Planner Susan Lykes for 8 acres of uplands as follows:

ESTATE ZONING (1 unit per 3 acres):

Strict application - no wetlands encroachment: 1.8 units
(approx. 5.4 acres/3 acres per unit)

Some wetlands encroachment as may be allowed in hardship proceedings (allows access to uplands): 2.6 units
(7.9 acres/3 acres per unit)

RD ZONING (3 units per acre):

Strict application - no encroachment: 16.2 units
(5.4 acres x 3 units per acre)

Some wetlands encroachment as may be allowed in hardship proceedings (allows access to uplands): 23.7 units
(7.9 acres x 3 units per acre)

In this case, the Estate zoning was applied in order to restrict potential density in the event that the developer of the Willow Ranch MPD is unable to proceed. If a zone allowing more dense development was applied (RD or SF), it could result in more paper density than could be accommodated on this sensitive site. Therefore, the more restrictive Estate zoning has been applied. It is the City's responsibility to determine which zone should apply based upon the analysis of the site and within the context of the neighborhood.

OTHER ASPECTS OF THE ANNEXATION:

There are other aspects of the annexation which can be addressed by the City Manager or City Attorney regarding the City's acquisition of water or open space.

IX ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned and a Municipal Building Authority convened.

* * * * * *

The meeting for which these minutes were prepared was noticed by posting 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott

Janet M. Scott
Deputy City Recorder

PARK CITY SUMMIT COUNTY UTAH
CORPORATE
Seal
MARCH 1, 1884

PARK CITY
1884

Planning Department

March 13, 2024

Josh Call
Rimrock Engineering and Development

CC: Paul and Alaine Caraher

NOTICE OF PLANNING COMMMISSION ACTION

Description

Address:	2685 and 2647 Meadow Creek Drive
Zoning District:	Parcel A – Single Family, partially in the Sensitive Land Overlay Parcel B – Estate and Sensitive Land Overlay
Application:	Plat Amendment
Project Number:	PL-24-06033
Action:	APPROVED WITH CONDITIONS (See Below)
Date of Final Action:	March 23, 2024
Project Summary:	The Applicant Proposes Amending the Smith Subdivision Parcel to Shift the Existing Building Pads Out of the Wetlands to Maintain the Sensitive Land Overlay and Amend the Driveway Easement to be Entirely on Parcel B

Action Taken

On March 13, 2024, the Planning Commission conducted a public hearing and approved the Smith Subdivision First Amended Plat Amendment [Attachment 1] according to the following findings of fact, conclusions of law, and conditions of approval.

Findings of Fact

1. In 1980, the Park City Municipal Corporation (the City) approved the McLeod Creek Subdivision.
2. On January 22, 1985, the City Council passed Ordinance 86-5, rezoning Mcleod Creek Subdivision to being Single Family (SF) Zoning District.

3. On December 17, 1992, the City Council formally annexed what would become the Willow Ranch Subdivision, zoning it Estate and Recreation Open Space.
4. On January 28, 1993, the City Council approved the final Plat for the Willow Ranch Subdivision, which consisted of six lots.
5. The City was creating the SLO at the same time as the Willow Ranch annexation, and so the SLO didn't initially apply as the Annexation was vested.
6. To provide protection in the absence of the SLO, specific building pads for a Single-Family Dwelling and Barn, driveway easements, and square footage were placed as restrictions on the Plat.
7. Lot 6, which is now Parcel B, was one such Lot.
8. In 1995, the then owner wished to add an addition to the existing Single-Family Dwelling located on Lot 10 of the McLeod Creek Subdivision, but this proposed addition encroached into setbacks. The owner also owned Lot 6 of Willow Ranch, which was vacant. The property owner applied to create the two-Lot Smith Subdivision. To accommodate the addition, the Lot line for Lot 10 would be shifted North to incorporate part of Lot 6. This new Lot was named Parcel A. The remainder of Lot 6 became Parcel B.
9. On August 31, 1995, the City Council approved the Smith Subdivision. The Lot 6 Building Pads for the potential Single-Family Dwelling and Barn remained on the Smith Subdivision Plat, but neither the Square Footages nor the Driveway Easement are shown. Ordinance 95-44, which approved the Smith Subdivision, included Condition of Approval (COA) 3 which states, "All previous conditions of the Willow Ranch and McLeod Creek Subdivisions shall remain in full force and effect."
10. The addition was not constructed.
11. On September 8, 2022, the Planning Department received a Plat Amendment from the current applicant seeking to adjust the lot line for Parcels A and B to restore it to the original boundary between the McLeod and Willow Ranch Subdivisions. That application was under the address 2647 Meadow Creek Drive (Parcel A) and assigned the number PL-22-05374. As part of Staff's analysis of the application, it was determined that the Applicant would need to complete a Wetlands Delineation as required by LMC § 15-2.21-6.
12. A COA was recommended where the final location of the Building Pads would be determined by the Planning Director and City Engineer following that Delineation. Staff also recommended that the restrictions and Plat Notes that had been included on the Willow Ranch Plat, but weren't included on the Smith Subdivision

Plat, would be placed on the amended Smith Subdivision Plat, as they remained in effect due to COA 3 of Ordinance 95-44. The Plat Amendment was scheduled for a public hearing before the Planning Commission on December 14, 2022, but the applicant withdrew the application before the hearing.

13. In preparation for submitting a new Plat Amendment application, the applicant reached out to Staff to determine what would be required under the SLO and expressed their interest in building the Barn first.
14. Staff took the proposal to the Development Review Committee (DRC) on August 15, 2023. Following the meeting, the applicant worked with the Planning Department, City Engineer, Park City Fire District (PCFD), and the public utilities to amend their proposal.
15. On January 4, 2024, the applicant submitted the formal application for a Plat Amendment.
16. Staff published notice on the City's website and the Utah Public Notice website, and posted notice to the property on February 28, 2024. Staff mailed courtesy notice to property owners within 300 feet on February 28, 2024. The Park Record published notice on February 28, 2024.
17. Parcel B is located within the Estate Zoning District.
18. Land Management Code (LMC) § 15-2.10-2 establishes that both Single Family Dwellings and Agriculture are Allowed Uses within the Estate Zone.
19. Per LMC Chapter 15-2.10, all structures within the Estate Zone are subject to the following criteria:

Estate Zone Requirements	**Analysis of Proposal**
Lot Size	*LMC § 15-2.10-3(A) requires that all uses (except Duplexes) have a minimum Lot Size of 3 Acres.* **Complies:** Parcel B has a Lot Size of 6.4 Acres
Lot Width	*LMC § 15-2.10-3(B) requires a minimum Lot Width of 100 feet.* **Complies:** Parcel B has a Lot Width of 304 feet.
Setbacks	*LMC § 15-2.10-3(C) establishes that Setbacks for Front, Rear, and Sides to be 30 feet.* **Complies:**

	The Building Pad for the Single Family Dwelling is located 44.68 feet from the Northern Lot Line. The Barn Building Pad is located 103.29 feet from the Northern Lot Line.
Building Height	*LMC § 15-2.10-4 sets a Building Height of 28 feet from Existing Grade.* **Complies:** The Building Height for the Barn will be 27.125 feet.

20. Parcel B is located within the SLO, specifically in relation to Wetlands located on the Lot. LMC § 15-2.21-6(D) requires that the Applicant provide a wetlands delineation. The Applicant has completed a provisional delineation (Exhibit L) which identified two Wetlands on Parcel B, shown on the Site Plan Concept. LMC § 15-2.21-6(F) requires a 50 foot Setback from all Wetlands. As the Site Plan Concept shows, the existing Building Pads for both the Barn and Single Family Dwelling encroach on the Wetlands Setback.
21. The Applicant has contacted the Army Corps of Engineers for a formal delineation by them, and the field work will occur in the Spring.
22. The current Smith Subdivision Plat also established that the area added to Lot 10, forming Parcel A, was to be a non-build Yard Area.
23. Plat Amendments shall be reviewed according to LMC § 15-7.1-6 Final Subdivision Plat and approval requires (a) a finding of Good Cause, and (b) a finding that no Public Street, Right-of-Way, or easement has been vacated or amended.
24. Good Cause exists for the Plat Amendment as it resolves existing issues and non-conformities, specifically by moving the Building Pads outside of the Wetlands Setbacks and by moving the Parcel B Driveway Easement exclusively onto Parcel B as well as bringing a potential driveway into compliance with PCFD requirements.
25. No changes to the public street or Right-of-Way are proposed. The utility easements running around the property will not be amended. The Driveway Easement will be amended, but it is not a public easement.

Conclusions of Law

1. The proposed Plat Amendment complies with the LMC Requirements pursuant to Chapter 15-2.10 for the Estate Zoning District.

2. The proposed Plat Amendment complies with the LMC Requirements pursuant to Chapter 15-2.21 for the SLO.
3. The proposed Plat Amendment complies with the LMC Requirements pursuant to LMC Chapter 15-7.1 for Subdivision Procedures as there is Good Cause and no Public Street, Right-of-Way, or easement is vacated or amended.

Conditions of Approval

1. The City Attorney and City Engineer will review and approve the final form and content of the amended 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 Planning Commission approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the Planning Director.
3. No building permit application may be submitted until after this plat amendment has been recorded with the County.
4. Development on Parcel A must conform with the land use regulations of the Single-Family Zoning District.
5. Development on Parcel B must conform with the land use regulations of the Estate Zoning District and the Sensitive Land Overlay.
6. Easements established as part of the 1995 Smith Subdivision are required to be retained or relocated pursuant to documented easement holder permission, including a 10-foot existing utility and drainage easement common to both Lots.
7. Prior to the recordation of the amended plat, the applicant shall submit an updated wetland delineation approved by the Army Corps of Engineers to confirm the designated building pads and proposed driveway comply with required wetland regulations. If modifications to the designated building pads and proposed driveway location are required, the Applicant shall return to the Planning Commission for additional review and approval based upon the updated wetland delineation to ensure compliance with the Sensitive Land Overlay and to mitigate site disturbance. Such modifications shall not result in any net expansion of a building pad.
8. Plat notes shall require the following:
    a. A maximum of three horses will be allowed and grazing of horses in the wildlife corridor is prohibited for Parcel B.
    b. Home square footage is limited to a maximum of 8,000 square feet for Parcel B.

c. Barn square footage is limited to a maximum of 1,800 square feet for Parcel B. Residential use and human occupancy of the barn is prohibited.
d. Building height of the home and barn on Parcel B is limited to 23 feet to midpoint of roof and 28 feet to peak of roof.
e. Parcel B is subject to an Animal Management Plan and Equestrian Lot Open Space Covenant Executed with Park City Municipal Corporation.
f. Basements are prohibited for Parcel B.

9. A Plat Note shall indicate that the area added to Lot 10 [Lot A] of the McLeod Creek Subdivision, which is zoned Estate Zoning District, from the Willow Ranch Subdivision shall be a non-build area with such uses allowed as were previously allowed as part of Lot 6 of the Willow Ranch Subdivision.

If you have questions or concerns regarding this Final Action Letter, please call 435-615-5058 or email jaron.ehlers@parkcity.org.

Sincerely,

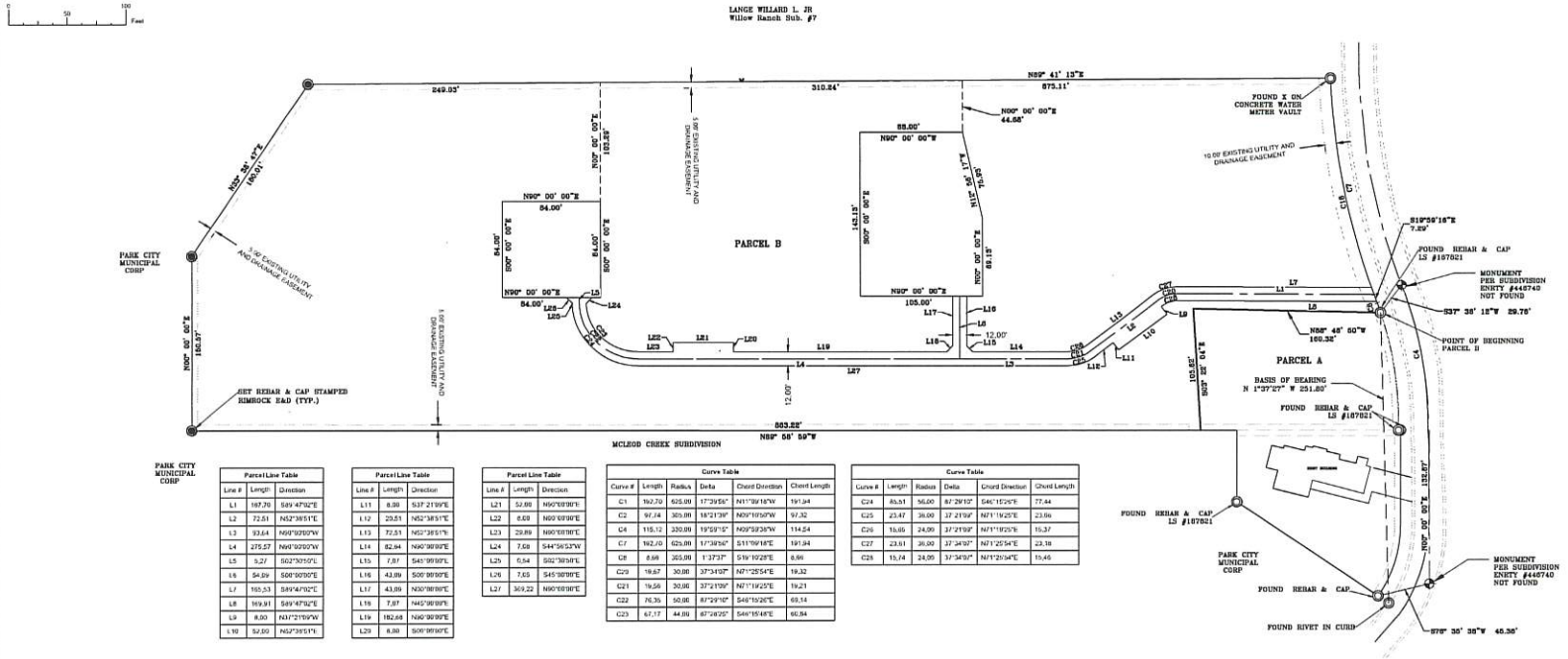
Christin Van Dine
Planning Commission Chair Pro Tem

CC: Jaron Ehlers, Planning Technician

Attachment 1: Proposed Plat

SMITH SUBDIVISION
PARCEL B AMENDED

LOCATED IN THE:
SOUTHEAST QUARTER OF SECTION 5,
TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE AND MERIDIAN, PARK CITY
SUMMIT COUNTY, UTAH



Parcel Line Table		
Line #	Length	Direction
L1	167.76	S89°47'02"E
L2	72.51	N52°38'51"E
L3	93.64	N68°30'00"W
L4	275.57	N90°00'00"W
L5	9.27	S02°30'10"E
L6	84.09	S00°00'00"E
L7	165.53	S89°47'02"E
L8	169.91	S89°47'02"E
L9	8.00	N37°21'09"W
L10	52.00	N52°38'51"E

Parcel Line Table		
Line #	Length	Direction
L11	8.00	S37°21'09"E
L12	29.51	N52°38'51"E
L13	72.51	N52°38'51"E
L14	82.94	N90°00'00"E
L15	7.87	S45°00'00"E
L16	43.09	S00°00'00"E
L17	43.09	N00°00'00"E
L18	7.87	N45°00'00"E
L19	182.68	N90°00'00"E
L20	8.00	S00°00'00"E

Parcel Line Table		
Line #	Length	Direction
L21	52.00	N52°38'51"E
L22	8.00	N00°00'00"E
L23	29.89	N90°00'00"E
L24	7.09	S44°56'53"W
L25	6.54	S02°38'58"E
L26	7.65	S45°38'08"E
L27	369.22	N90°00'00"E

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	192.70	625.00	17°39'56"	N11°09'18"W	191.94
C2	97.74	305.00	18°21'39"	N09°10'50"W	97.32
C4	115.12	330.00	19°59'15"	N09°58'38"W	114.54
C7	192.70	625.00	17°39'56"	S11°09'18"E	191.94
C8	8.66	265.00	1°52'23"	S19°10'28"E	8.66
C20	16.67	30.00	37°31'07"	N71°25'54"E	16.32
C21	19.56	30.00	37°21'09"	N71°11'25"E	19.21
C22	76.36	50.00	87°29'16"	S46°15'26"E	69.14
C23	67.17	44.00	87°28'25"	S46°15'48"E	60.84

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C24	85.51	56.00	87°29'02"	S46°15'26"E	77.44
C25	23.47	36.00	37°21'09"	N71°11'25"E	23.06
C26	15.05	24.00	37°21'09"	N71°11'25"E	15.37
C27	23.61	36.00	37°34'30"	N71°25'54"E	23.18
C28	15.74	24.00	37°34'30"	N71°25'54"E	15.46

PLAT NOTES

THE PURPOSE OF THIS PLAT IS TO ADJUST THE BUILDING EASEMENTS FOR PARCEL B

1. 10' PUBLIC UTILITY EASEMENTS ON FRONT LOT LINE ALONG ELK MEADOW CIRCLE, 5' PUBLIC UTILITY EASEMENTS ON ALL SIDE AND REAR LOT LINES
2. THIS SUBDIVISION PLAT AMENDMENT IS BASED UPON THE PREVIOUS RECORDED SUBDIVISION PLAT BY JOE DHAENENS RECORDED IN THE SUMMIT COUNTY RECORDERS OFFICE ENTRY # 446740
3. BASIS OF BEARING IS BETWEEN A FOUND RIVET IN THE CURB AND GUTTER AND A FOUND REBAR AND CAP LS#187162 AS SHOWN ON THIS PLAT

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT PAUL THOMAS CARAHER III (TRUSTEE) OF THE CARAHER FAMILY TRUST, HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, TO BE HEREAFTER KNOWN AS SMITH SUBDIVISION PARCEL B AMENDED, AS SHOWN ON THIS PLAT AND INTENDED FOR PRIVATE USE, SUBJECT TO EASEMENTS AND RIGHTS GRANTED HEREUNDER AND ANY MATTERS OF RECORD, RESTRICTIONS AND CONDITIONS CONTAINED ON THIS PLAT. IN WITNESS WHEREOF, I/WE HAVE HEREUNTO SET OUR/MY HAND(S) THIS _____ DAY OF _____, 2024, A.D.

BY _____ _____
PAUL THOMAS CARAHER III — DATE

ACKNOWLEDGMENT

STATE OF UTAH)
: SS.
COUNTY OF _____)

ON THE ____ DAY OF _____, A.D. 2024, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, THE SIGNATURE(S) OF THE ABOVE OWNERS DEDICATION _____, WHO ACKNOWLEDGED TO ME THAT (S)HE EXECUTED THE ABOVE OWNERS DEDICATION AND CONSENT TO RECORD.

_____
NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

LEGAL DESCRIPTION

ALL OF PARCEL B, SMITH SUBDIVISION LOCATED IN THE SOUTHEAST QUARTER OF SECTION 5 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH. RECORDED IN THE SUMMIT COUNTY RECORDERS OFFICE ENTRY #446740

SURVEYOR'S CERTIFICATE

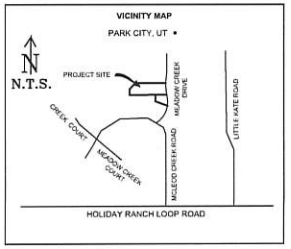
I, TRAVIS R. GOWER, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH, AND THAT I HOLD LICENSE NUMBER 6439364 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT, I FURTHER CERTIFY THAT I HAVE COMPLETED A SURVEY AND HAVE REFERENCED A RECORD OF SURVEY MAP OF THE EXISTING PROPERTY BOUNDARIES IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED THE BOUNDARY LOCATIONS AND HAVE PLACED MONUMENTS AS REPRESENTED ON THAT PLAT. I DO FURTHER CERTIFY THAT BY THE AUTHORITY OF THE OWNERS, I HAVE PREPARED THIS PLAT AND AMENDMENT OF THE PROPERTY DESCRIBED HEREON, HEREAFTER TO BE KNOWN AS SMITH SUBDIVISION PARCEL B AMENDED.

PRELIMINARY

LICENSED PROFESSIONAL LAND SURVEYOR — No. 6439364 — TRAVIS R. GOWER — STATE OF UTAH

_____
TRAVIS R. GOWER
P.L.S. 6439364 — DATE

VICINITY MAP



PARK CITY RECORDER
APPROVED THIS_____ DAY OF _____, A.D. 2024.
_____
PARK CITY RECORDER

PARK CITY MAYOR
APPROVED THIS_____ DAY OF _____, A.D. 2024.
_____
PARK CITY MAYOR

PARK CITY ATTORNEY
I HAVE EXAMINED THE PROPOSED PLAT OF THIS SUBDIVISION, AND IN MY OPINION IT CONFORMS WITH THE ORDINANCES APPLICABLE THERETO AND NOW IN FORCE AND EFFECT, APPROVED THIS _____ DAY OF _____, A.D. 2024.
_____
PARK CITY ATTORNEY

PARK CITY ENGINEER
I HEREBY CERTIFY THAT THIS PLAT EXAMINED BY THIS OFFICE AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE.
_____ _____
PARK CITY ENGINEER — DATE

SNYDERVILLE BASIN WATER RECLAMTION DISTRICT
APPROVED THIS_____ DAY OF _____, A.D. 2024.
_____
SBWRD REPRESENTATIVE

PARK CITY PLANNING COMMISION
APPROVED THIS_____ DAY OF _____, A.D. 2024.
_____
CHAIRMAN

RECORDED ENTRY NUMBER _____
STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE REQUEST OF: _____
DATE: _____ TIME: _____ BOOK: _____ PAGE: _____
_____ _____
FEE $ — SUMMIT COUNTY RECORDER

SMITH SUBDIVISION PARCEL B AMENDED
LOCATED IN THE: SOUTHEAST QUARTER OF SECTION 5,
TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE AND MERIDIAN, PARK CITY SUMMIT COUNTY, UTAH

tgower@re-n-d.com
801-837-0633
RIMROCK ENGINEERING & DEVELOPMENT

PROJECT NAME	
SMITH SUBDIVISION PARCEL B AMENDED	
1" = 50'	PROJECT # RGC2216-01-01
DRAWN: TG	DATE: 01/16/2024
CHECKED: AP	SHEET NO: 1 OF 1

PARK CITY MUNICIPAL CORPORATION
PLANNING DEPARTMENT
445 MARSAC AVE ° PO BOX 1480
PARK CITY, UT 84060
(435) 615-5060

APPEAL OF A LAND USE DETERMINATION

For Office Use Only

BOARD REVIEW
APPROVED _____
DENIED _____
PROJECT PLANNER _____

APPLICATION # _____
DATE RECEIVED _____
EXPIRATION _____

PROJECT BEING APPEALED

PROJECT NAME: 2685 MEADOW CREEK DP PL 24-06033
ADDRESS: _____
LAND USE AUTHORITY BEING APPEALED: PLANNING COMMISSION
DATE OF FORMAL ACTION: MARCH 13, 2024

APPELLANT INFORMATION

NAME: BOB THEOBALD
MAILING ADDRESS: [redacted]
PHONE #: [redacted]
EMAIL: [redacted]

APPELLANT REPRESENTATIVE

NAME: _____
MAILING ADDRESS: _____
PHONE #: ( ) -
EMAIL: _____

RESERVE RIGHT TO MODIFY/SUPPLEMENT APPEAL NARR

If you have questions regarding the requirements on this application or process please contact a member of the Park City Planning Staff at (435) 615-5060 or visit us online at www.parkcity.org.

SUBMITTAL REQUIREMENTS – All of the following items must be included in order for the Planning Department to take the application.

1. Completed and signed application form.
2. Application Fee: $500
3. Appeals must (a) be by letter or petition, and contain the name, address, and telephone number of the petitioner, their relationship to the project or subject Property, and (b) must contain a comprehensive statement of all the reasons for the appeal, including specific provisions of the law, if known, that are alleged to be violated by the action taken
4. Any additional information that will assist in clearly understanding the nature of the appeal.
5. An electronic Excel spreadsheet with property owner, Summit County Assessor Parcel Number, and mailing address for all parties who received mailed notice for the action being appealed. Template is available through https://www.parkcity.org/departments/planning.
6. One (1) electronic copy of the required materials in PDF format.

PLEASE NOTE:

STANDING TO APPEAL: The following has standing to appeal a Final Action:

1. Any Person who submitted written comment or testified on a proposal before the Planning Department, Historic Preservation Board, or Planning Commission
2. The Owner of any Property within three hundred feet (300') of the boundary of the subject site;
3. Any City official, Board, or Commission having jurisdiction over the matter; and
4. The Owner of the subject Property

TIMING: All appeals must be made within ten (10) calendar days of the Final Action except for an appeal from a decision by the historic preservation authority which is Staff regarding the Design Guidelines for Historic Districts and Historic Sites or a decision by the Historic Preservation Board regarding a land use application, the applicant may appeal the decision within thirty (30) days after the day on which the historic preservation authority issues a written decision. The reviewing body, with the consultation of the appellant, shall set a date for the appeal. All appeals shall be heard by the reviewing body within forty-five (45) days of the date that the appellant files an appeal unless all parties, including the City, stipulate otherwise.

FORM OF APPEALS: Appeals to the Planning Commission, Board of Adjustment, or Historic Preservation Board must be filed with the Planning Department. Appeals to the City Council must be filed with the City Recorder. Appeals must be by letter or petition, and must contain the name, address, and telephone number of the petitioner; his or her relationship to the project or subject Property; and must have a comprehensive statement of all the reasons for the appeal, including specific provisions of the law, if known, that are alleged to be violated by the action taken. The Appellant shall pay the applicable fee established by resolution when filing the appeal. The Appellant shall present to the appeal authority every theory of relief that it can raise in district court. The Appellant shall provide required envelopes within fourteen (14) days of filing the appeal.

If you have questions regarding the requirements on this application or process please contact a member of the Park City Planning Staff at (435) 615-5060 or visit us online at www.parkcity.org.

ACKNOWLEDGEMENT OF RESPONSIBILITY

This is to certify that I am making an application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application should be processed in my name and I am a party whom the City should contact regarding any matter pertaining to this application.

I have read and understood the instructions supplied by Park City for processing this application. The documents and/or information I have submitted are true and correct to the best of my knowledge. I understand that my application is not deemed complete until a Project Planner has reviewed the application and has notified me that it has been deemed complete.

I will keep myself informed of the deadlines for submission of material and the progress of this application. I understand that a staff report will be made available for my review three days prior to any public hearings or public meetings. This report will be on file and available at the Planning Department in the Marsac Building.

I further understand that additional fees may be charged for the City's review of the proposal. Any additional analysis required would be processed through the City's consultants with an estimate of time/expense provided prior to an authorization with the study.

Signature of Applicant: [redacted]

Name of Applicant: BOB THEOBALD

Mailing Address: [redacted]

Phone: [redacted] Fax:

Email:

Type of Application: APPEAL TO APPEAL PANEL.

Reserve right to supplement all material in application.

If you have questions regarding the requirements on this application or process please contact a member of the Park City Planning Staff at (435) 615-5060 or visit us online at www.parkcity.org.

DATE March 23, 2024
TO: Park City Appeal Panel
Mayor and City Council
Michelle Kellogg, City Recorder
FROM: Bob Theobald
RE: Petition to Appeal the Approval of Plat Amendment PL 24-06033

On March 13, 2024, the Planning Commission approved Application PL 24-06033, a Plat Amendment for 2685 Meadow Creek Drive - Lot 6 Willow Ranch Subdivision. The property is owned by Paul and Alaine Caraher.

The undersigned has standing because the Petitioner provided written comments to the Planning Commission on March 13, 2024. The undersigned supports the intent of the proposed Plat Amendment, but files this petition to appeal the Commission's and Staff's assumptions, misinterpretations, Findings of Fact, and conclusions supporting and resulting in the approval. The Appellant requests a reversal or stay of the final action until such time as the following elements and modifications are fully considered, investigated and all issues resolved.

"Smith Subdivision" - Willow Ranch Lot 6 and McCleod Creek Lot 10

On December 14, 2022, the Owners of Willow Ranch Lot 6 were scheduled for a public hearing possibly to receive a positive recommendation from the Planning Commission for a plat amendment to modify the "Limits of Disturbance Areas " and realign driveways in closer proximity to the original platted location. Staff Report to PC 12-14-22 . The Owner's application cited the January 28 1993 Council Minutes which required City approval of 1993 CC&Rs as a MPD Condition of Approval dated January 29, 1993. *See Exhibit 7- 1993 CC&Rs*

However, the Owner, as the HOA Vice President only one week prior on December 7, recorded the Amended 2022 CC&Rs deleting all articles, exhibits and restrictions as mandated by the Council Minutes and the 1993 Conditions of Approval. *See Exhibit 8 - 2022 CC&Rs*

In meetings on July 9 and 10, 2023, the Owner failed to disclose to Petitioner the existence of the 2022 CC&Rs although they were recorded 7 months prior. It is unknown why the 12-14-2022 Application was withdrawn.

Planning technician Jaron Ehlers and Planning Director Ward appear to be unfamiliar with or have ignored critical elements of the 1993 Willow Ranch Subdivision Master Plan Development (MPD) approval process. Absent in the 2024 Staff Report is the Notice of Final Action agreement executed by both the City and the Developer dated January 29, 1993 where the City provided the Conditions of Approval including applicable definitions, permitted provisions, and prohibitive restrictions on the Plat which were specifically referenced in the 1993 CC&Rs.

Peterson Estate Annexation and Willow Ranch Master Plan Development

In 1992 the property was part of the Peterson Estate comprised of approximately seventy acres which was wholly undeveloped and situated outside the northern city limits of Park City. A significant portion was characterized as “swampy” on an early Utah Division of Water Rights map. The property with no less than 7 spring-fed and surface waterways was designated by the developer as 81% wetlands subject to Army Corps of Engineers (Corps) jurisdiction. The property straddled the SR 224 entry corridor, encompassed a historic railroad grade, and was surrounded by three adjacent subdivisions – **Ridgeview, McLeod Creek, and Park Meadows**. It was clear (then and now) that any development would have adverse impacts on each of these neighborhoods. At the time, there was a fair amount of opposition to any kind of traditional single family residential development whatsoever on the site.

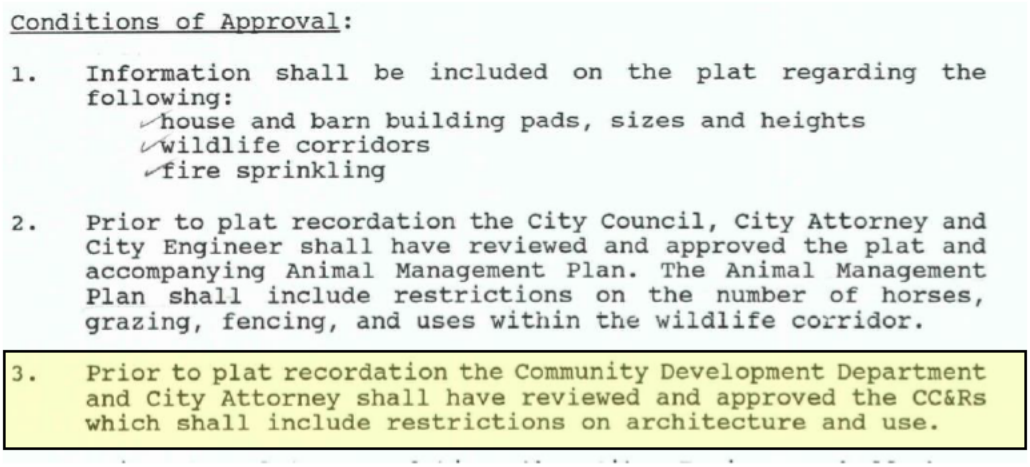
Peterson Estate/Willow Ranch MPD was the first subdivision in Park City to impose/accept a conservation easement. As a result, the City took over stewardship of approximately 30-acres of the property. The developers voluntarily complied with the newly adopted Sensitive Lands Overlay Ordinance.(SLO). All of the property is within the designated SLO boundaries and subject to all restrictions and review requirements.

The MPD was approved as Willow Ranch Subdivision configured as 7 lots on 40 acres +/- with unique Conditions of Approval and restrictions many of which were expressly defined and explained in the 1993 CC&Rs as required by the Community Development Department, City Attorney, Planning Commission, and City Council.

Corps Permit #199250275 - Exhibit H to the 1993 CC&Rs - provided specific development restrictions on Lots #1 and #2 including Nationwide 404 Permit #26 labeled: “IMPACTED: HOUSE BUILDING/LANDSCAPE LIMITS AREA”. The permitted “Limits of Disturbance Areas” including driveways on Lots 1, 2, 6, and 7 were surveyed to ensure avoidance of wetlands, wildlife corridors, drainages, and other sensitive areas. The Plat illustrations and Notes carry-over the Corps’ intent to limit development areas and protect wetlands throughout property.

The 2024 Staff Report PL 24-06033 indicates that staff misinterpreted the surveyed “Limits of Disturbance” boundaries shown on the Plat as only “Building Pads” with standard “setbacks” in an Estate Zone subdivision. This designation would allow additional Accessory Buildings and Improvements outside the Building Pads on any of the 7 lots under an Allowed Use permit with limited scrutiny and no public hearings.

The Staff Report is incomplete and improper without Findings recognizing and requiring compliance with the Master Plan Development - Notice of Final Action - Conditions of Approval.



Conditions of Approval:

1. Information shall be included on the plat regarding the following:
   - house and barn building pads, sizes and heights
   - wildlife corridors
   - fire sprinkling

2. Prior to plat recordation the City Council, City Attorney and City Engineer shall have reviewed and approved the plat and accompanying Animal Management Plan. The Animal Management Plan shall include restrictions on the number of horses, grazing, fencing, and uses within the wildlife corridor.

3. Prior to plat recordation the Community Development Department and City Attorney shall have reviewed and approved the CC&Rs which shall include restrictions on architecture and use.

In 1993, in accordance with the MPD Conditions of Approval, the City reviewed the 1993 CC&Rs and set forth the critical provisions and specific restrictions under: *See Exhibit 7- 1993 CC&Rs*

Article I – Definitions

Article III – Architectural Committee –

> *"3.3 Variance – Variance to the Architectural Design Standards contained in this Declaration, or modifications to the size or shape or location of the Limits of Disturbance Area on any Lot may be granted when strict application would create an unforeseen or unreasonable hardship to the Owner of the Lot. No such variance may be granted without the unanimous consent of the Committee and City approval".*

Article V – Permitted Uses and Improvements

Article VI – Architectural Design Standards and Conditions

The Staff Report fails to recognize several consequential elements and nuances relative to the original 1993 MPD approval that must be addressed in a revised Findings of Fact and Conditions of Approval granting the proposed plat amendment. The Appeal Panel should reverse or stay the approval of the Planning Commission.

1. Willow Ranch is a 7-lot subdivision – not a 6-lot subdivision as quoted by Staff.

2. The "Limits of Disturbance Area/Building Pads" is based on avoidance of wetlands delineation by the developer and accepted by the Army Corps of Engineers (Corps). The existence of Exhibit H to the CC&Rs – Corps Permit #199250275 must be recognized in the Findings. The City adopted the Corps LODA boundaries which have been continued on all subsequent Plats. (The 2022 CC&Rs deleted Exhibit H in its entirety.)

3. All Lots in Willow Ranch are subject to a LODA designation either by specific setbacks from property boundary for Lots 3, 4, 5, or by survey for Lots 1, 2, 6, and 7. The LOD chart for Lots 1, 2, 6, and 7 are shown on the lower-left part of the original 1993 Plat. The 2022 CC&Rs altered or deleted all definitions and references to LODA.

   Staff's misinterpretation of the areas proposed to be relocated only as "Building Pads" in the standard Estate District implies that additional Accessory Buildings may be constructed outside the LODA if the structure complies with standard Estate District setbacks. This notion is incorrect.

   This same issue was adjudicated by the Board of Adjustment in 2022 where it found that former Director Milliken misinterpreted the lines as standard Estate District "setbacks" resulting in illegally granting the sauna building permit on August 9, 2021 on Willow Ranch Lot 4. The lines were adjudged "Limits of Disturbance" where no buildings or Improvements are permitted outside of the LODA.

   Furthermore, in correspondence on December 5, 2021, the City planning department **incorrectly** suggested that only a CUP process was necessary (without a variance or plat amendment) for the unpermitted 90% complete pickleball court on Lot 3 which also violated the platted Limits of Disturbance Area.

   Planning Director Ward participated in the BOA hearing but apparently does not recall the ruling and Order. Obviously, Planner Erlers has not been informed of this matter. *See Exhibit 4 – BOA 3-1-2022 Final Action Letter - Signed*

   - BOA 3-1-2022 Final-Action-Letter
   - BOA 3-1-2022 See video at 05:56 Minutes

   The proper designation for the areas to be relocated is "Limits of Disturbance Area/Building Pad" which prohibits all buildings and Improvements outside the designated LODA boundary. *See Exhibit 6 - Selected Definitions Illustrations*

4. 1993 Notice of Final Action Conditions of Approval, January 19, 1993 (COA #2 and #3)

   The 2024 Staff Reports states:

   > *"When the Willow Ranch Subdivision was created, many restrictions were placed onto the Plat. Those restrictions were not incorporated into the Smith Subdivision Plat, but Ordinance No. 95-44 included COA 3 which stated, "All previous conditions of the Willow Ranch and McLeod Creek Subdivision shall remain in full force and effect" (Exhibit J). Staff recommends these be added as plat notes to the Amended Smith Subdivision Plat (Conditions of Approval 8)"*

It is appropriate to also reference and add as a Plat Note the original MPD Conditions of Approval dated January 29, 1993. *See Exhibit 1*

The 1993 MPD Conditions of Approval is an enforceable "writing". Ordinance 2021-20 and related Plat is an enforceable recorded "writing". Both "writings" are consequentially dependent on the recorded "writings" of the 1993 CC&Rs which are expressly connected to and relied upon by both enforceable "writings". Certain mandatory definitions, methodology and notification of Army Corps of Engineers restrictions are expressed in the 1993 CC&Rs. Otherwise, without the 1993 CC&Rs, several elements of the enforceable "writing(s)" become "moot" or seriously altered. *(See Discussion in Exhibit 5 B "Analysis of Amendments to 2022 CC&Rs…" and Exhibit 2 "Staff Report Ordinance 2021-20 Cross-Ref"*

Staff's failure to recognize these critical provisions may be attributable to an apparent aversion to exercise diligence and locate and review the 1993 CC&Rs as referenced by the 1993 MPD Conditions of Approval (and Council Minutes).

Or this might be a case study of an unsuspecting planner (or City official) without institutional memory of the existence of 1993 CC&Rs may have referred to and relied on only the most recently recorded 2022 CC&Rs and the provisions (or absence thereof) which struck all applicable articles and exhibits of the City-imposed restrictions as defined in the 1993 CC&Rs.

The Accessory Building/Use provisions under the Estate zone in the LMC are not applicable to any property in Willow Ranch. This provision is specifically prohibited according to the definitions of Limits of Disturbance in the LMC, the 1993 CC&Rs and adjudicated by the Board of Adjustment in 2022.

In preparation for the BOA hearing on February 8, 2022, the Developer/Declarant, Richard Dudley, responded to questions from the Appellant with the following: *See Exhibit 1A.*

> *Theo*
>
> *I'll send you a short statement letter.*
>
> *In all my years of development and ownership of properties with Plats and CC & R's none of the property owners ever went to the recorded plat…they always relied on the directive of the CC & R's. All of the subdivision rules could not be prescribed on the plat.*
>
> *Richard*

The follow up "statement" letter from the Developer/Declarant dated January 25, 2022 included the following language: *See Exhibit 1B*

> *"We did however fully intend and thus designed each lot to have prescribed Limits of Disturbance (LOD's) and for 3, 4, & 5 the easier description of a setback was all that was needed*
>
> *Please note that we as developers didn't invent LOD's… the City did, and we were comfortable with the Plat and the CC&Rs and every reference to Limits of Disturbance as to the residence sizes we had agree on and the barns."*

The 2022 CC&Rs violate elements of the 1993 MPD Conditions of Approval, Ordinance 2021-20, the Sensitive Lands Overlay (SLO), and Army Corps of Engineer's (Corps) where Exhibit H sets forth wetland delineations, fill permits and restrictions – also deleted.

Park City officials including all members of the Planning Commission were notified of the recently discovered conflicting 2022 CC&Rs by email on December 19, 2023 and February 7, 2024. There has been no response or attempt to clarify or repudiate the 2022 CC&Rs.

The Owner/Applicant has failed to properly disclose the 2022 Amendments to the CC&Rs, and the deletion of 1993 CC&Rs which are expressly relied upon by the 1993 MPD Conditions of Approval and Ordinance 2021-20.

Planning Commission Chair Sarah Hall is a beneficial owner of Lots #1 and #2 (subject to Ordinance 2021-20) in Willow Ranch and participated in drafting the 2022 CC&Rs in an apparent attempt to affect compliance with several violations related to Lot #2. *See Exhibit 5 B "Analysis of Amendments to 2022 CC&Rs…"*

The 2022 CC&Rs were discovered by the Petitioner in December of 2023. When did City officials know of the improper CC&Rs?

In order to make considered supportable decisions, it is imperative for the Planning Commission, the Appeal Panel and, importantly, the public including contractors, lenders, title companies, real estate agents, buyers, and adjacent homeowners to understand all applicable rules and restrictions related to Willow Ranch.

These issue must be addressed and resolved prior to proceeding with approval of PL 24-06033 Plat Amendment, or approval of any kind on any properties located in Willow Ranch Subdivision.

Respectfully,

Bob Theobald
Petitioner/Appellant
[redacted]

PARK CITY
1884

RECEIVED
FEB 3 1993

January 29, 1993

Jeff Graham
Jack Johnson Company
1910 Prospect Avenue, Suite 200
Park City, UT 84060

NOTICE OF FINAL ACTION

Project Name: Willow Ranch Subdivision

Project Description: Preliminary and Final Plat of a 7-Lot Single Family Subdivision

Action Taken By Planning Commission: APPROVED - January 27, 1993

Action Taken By City Council: APPROVED - January 28, 1993

Conditions of Approval:

1. Information shall be included on the plat regarding the following:
   - house and barn building pads, sizes and heights
   - wildlife corridors
   - fire sprinkling

2. Prior to plat recordation the City Council, City Attorney and City Engineer shall have reviewed and approved the plat and accompanying Animal Management Plan. The Animal Management Plan shall include restrictions on the number of horses, grazing, fencing, and uses within the wildlife corridor.

3. Prior to plat recordation the Community Development Department and City Attorney shall have reviewed and approved the CC&Rs which shall include restrictions on architecture and use.

4. Prior to plat recordation the City Engineer shall have received approval from all utility companies serving the property. The plat shall have been deemed to be denied in the event utility easements not currently shown on the plat are in fact required by any franchised utility provider and a new plat shall be required to be approved by the City. This condition does not apply to various drainage easements for existing storm drain channels and culverts, which shall be shown on the plat.

Park City Municipal Corporation • 445 Marsac Avenue • P.O. Box 1480 • Park City, UT 84060-1480
Community Development (801) 645-5020 • Engineering 645-5020 • Building 645-5040
Planning 645-5021 • FAX (801) 645-5078

5. The security guaranteeing the installation of public improvements shall include stream channel mitigation according to a plan approved by the Community Development Director. It is anticipated that the mitigation will take two or more years to accomplish and it is the intent of the Planning Commission that no public improvements shall be accepted by the City until the Community Development Director has determined that successful mitigation has been accomplished. A separate guarantee will be required to ensure adequate mitigation of disturbance to the stream channel in accordance with the approved plan.

6. A note shall be added to the plat that the driveway must be paved prior to occupancy of each house.

7. A sidewalk shall be included along the cul de sac.

8. The staff shall revise the language in the CC&Rs regarding accessory apartments to limit the unit square footage so as to preclude construction of duplexes, ensure adequate parking, restrict nightly rentals, and require entrance from the main structure.

Date of Expiration: January 28, 1994

Suzanne McIntyre, AICP
Senior Planner

2/2/93
Date

ACKNOWLEDGEMENT

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

Pres. Willow Ranch Development Inc.

Date 2/4/93

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.

To Bob Theobald and City Officials,

Willow Ranch subdivision was a finely tuned real estate development whose PLAT AND CC&R's where **both** presented to the Park City staff and approval bodies at the time.

The "Ranch" lots 1, 2, 6 & 7 were considered more sensitive because they had some wetlands within the boundaries of the lots as they were being created AND they also were going to be allowed Barns (they were horse properties). Due to the lot sensitivities the Residence and Barn building pads were to be **SURVEYED** and placed according to the shaded areas prescribed on the plat. They were also very difficult to describe just using a given distance of setback from property lines. Lots 3, 4 and 5 were not equestrian, not wetlands sensitive and they were not suited to equestrian use.

As to why all the dots, dashes and shades and lines I can only assume they were used due to the call out of requiring survey for placement. Even driveways were specifically called out on the plat for each of the more sensitive equestrian or Ranch lots but for 3, 4 & 5 none was dictated.

We did however fully intend and thus designed each lot to have prescribed Limits Of Disturbance (LOD's) and for 3, 4 & 5 the easier description of a setback was all that was needed.

Please note that we as developers didn't invent LOD's… the City did, and we were comfortable with the Plat and the CC&R's and every reference to Limits of Disturbance as to the residence sizes we had agreed on and the barns.

Today, almost thirty years later, I'm proud of what was accomplished with the give and take negotiations with Park City and the permanent protection of Open Space we provided.

Richard Dudley
President
Willow Ranch Development

Ex 1 A

Memorandum

March 22, 2024

In preparation for the BOA hearing on February 8, 2022, the Developer/Declarant, Richard Dudley, responded to questions from the Appellant with the following:

> **F*rom:*** *Richard Dudley* [redacted]
> ***Sent:*** *Monday, January 24, 2022 6:35 PM*
> ***To:*** *Bob Theobald* [redacted]
> ***Cc:*** *jeffgrahampc@*[redacted]*; Jack Johnson* [redacted]
> ***Subject:*** *Re: Willow Ranch -nut cutting*
>
> *Theo*
>
> *I'll send you a short statement letter.*
>
> *In all my years of development and ownership of properties with Plats and CC & R's none of the property owners ever went to the recorded plat…they always relied on the directive of the CC & R's. All of the subdivision rules could not be prescribed on the plat.*
>
> *Richard*

The follow up letter from the Declarant/Developer dated January 25, 2022 included the following language:

> *"We did however fully intend and thus designed each lot to have prescribed Limits of Disturbance (LOD's) and for 3, 4, & 5 the easier description of a setback was all that was needed*
>
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EXHIBIT "E1"

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Today, almost thirty years later, I'm proud of what was accomplished with the give and take negotiations with Park City and the permanent protection of Open Space we provided.

Richard Dudley
President
Willow Ranch Development

WILLOW RANCH SUBDIVISION

A PART OF THE NORTH HALF OF SOUTHEAST QUARTER OF SECTION 5, T. 2S, R. 4E, SALT LAKE BASE AND MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH

Exhibit 1 B

SCALE: 1" = 100'

LOT	CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
6	C1	305.00'	106.40'	105.86'	N 09°59'38" W	19°59'16"
6	C2	625.00'	192.71'	191.95'	S 11°09'16" E	17°39'59"
7	C3	625.00'	66.49'	66.46'	S 00°43'35" W	06°05'43"
7	C4	25.00'	22.39'	21.65'	N 21°53'06" W	51°19'04"
7	C5	55.00'	60.50'	57.49'	S 16°02'01" E	63°01'14"
1	C6	55.00'	62.96'	59.58'	S 48°16'19" W	65°35'25"
2	C7	55.00'	62.96'	59.58'	N 66°08'16" W	65°35'25"
3	C8	55.00'	84.89'	76.71'	N 10°52'29" E	88°26'04"
3	C9	25.00'	22.39'	21.65'	S 29°25'59" W	51°19'04"
4	C10	575.00'	182.74'	181.97'	S 05°19'50" E	18°12'33"
3	C11	575.00'	55.72'	55.70'	S 17°12'41" E	05°33'09"
5	C12	355.00'	123.84'	123.21'	N 09°59'38" W	19°59'16"
6	C13	305.00'	90.31'	89.98'	N 08°28'56" W	16°57'53"
1	C14	55.00'	24.32'	24.12'	S 28°08'33" W	25°19'54"
2	C15	55.00'	31.48'	31.05'	N 49°44'25" W	32°47'43"
1	C16	55.00'	24.81'	24.60'	S 68°08'36" W	25°50'51"

LINE	DIRECTION	DISTANCE
L1	S 00°00'00" E	6.09'
L2	N 19°59'16" W	7.29'
L3	S 19°59'16" E	7.29'
L4	N 00°00'00" E	6.10'

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents: That the undersigned is the owner of the herein described tract of land, and hereby causes the same to be divided into a public street and lots, together with easements as set forth on the attached plat, hereafter to be known as Willow Ranch Subdivision.

Also the owner hereby dedicates to Summit County, Snyderville Basin Sewer Improvement District, Park City Fire Protection District, and Park City Municipal Corporation a non-exclusive easement over the utility and drainage easements shown on this plat for the purpose of providing access for utility installation, maintenance, use and eventual replacement.

Executed this 12th day of FEBRUARY, 1993.

Richard Dudley — President

Willow Ranch Development Inc., a Utah corporation

ACKNOWLEDGEMENT

State of Utah)
County of Summit)

On the 12th day of February, 1993 personally appeared before me, Richard Dudley, who, being by me duly sworn, did say that he is the President of Willow Ranch Development Inc., a Utah Corporation and that within and forgoing Owner's Dedication and Consent to Record, was signed on behalf of said Corporation and said Richard Dudley acknowledged to me that said Corporation executed the same.

My commission expires: 1/6/96

Notary Public

NOTARY PUBLIC
MIKI BRINGHURST
7672 Avon-dale Drive
Salt Lake City, Utah 84121
My Commission Expires
June 1, 1996
STATE OF UTAH

LEGAL DESCRIPTION

Beginning at the East Quarter Corner of Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence along the East line of the North half of the Southeast Quarter of said Section 5, South 00°17'50" West 1338.83 feet to the Southeast Corner of the North half of the Southeast Quarter of said Section 5, said point also being the Northeast Corner of McLeod Creek Subdivision as recorded; thence along the South line of the North half of the Southeast Quarter of said Section 5, said South line also being the North line of said McLeod Creek Subdivision, North 89°58'59" West 1258.05 feet to a point on the Easterly most line of a 50 foot wide railroad right-of-way; thence along said railroad right-of-way the following two (2) calls: 1) North 28°16'38" West 694.96 feet to a point of a 855.00 foot radius curve to the left; thence 2) along the arc of said curve 75.88 feet thru a central angle of 05°05'05"; thence North, 387.86 feet; thence South 79°53'25" East 262.94 feet; thence North 82°51'53" East 140.99 feet; thence South 88°02'27" East 185.69 feet; thence North 60°24'25" East 345.20 feet; thence North 26°38'08" East 153.78 feet to a point on the center section line of said Section 5, said point also being on the south line of Ridgeview Subdivision as recorded; thence North 89°57'38" East along said center section line and said subdivision line 679.64 feet to the POINT OF BEGINNING.

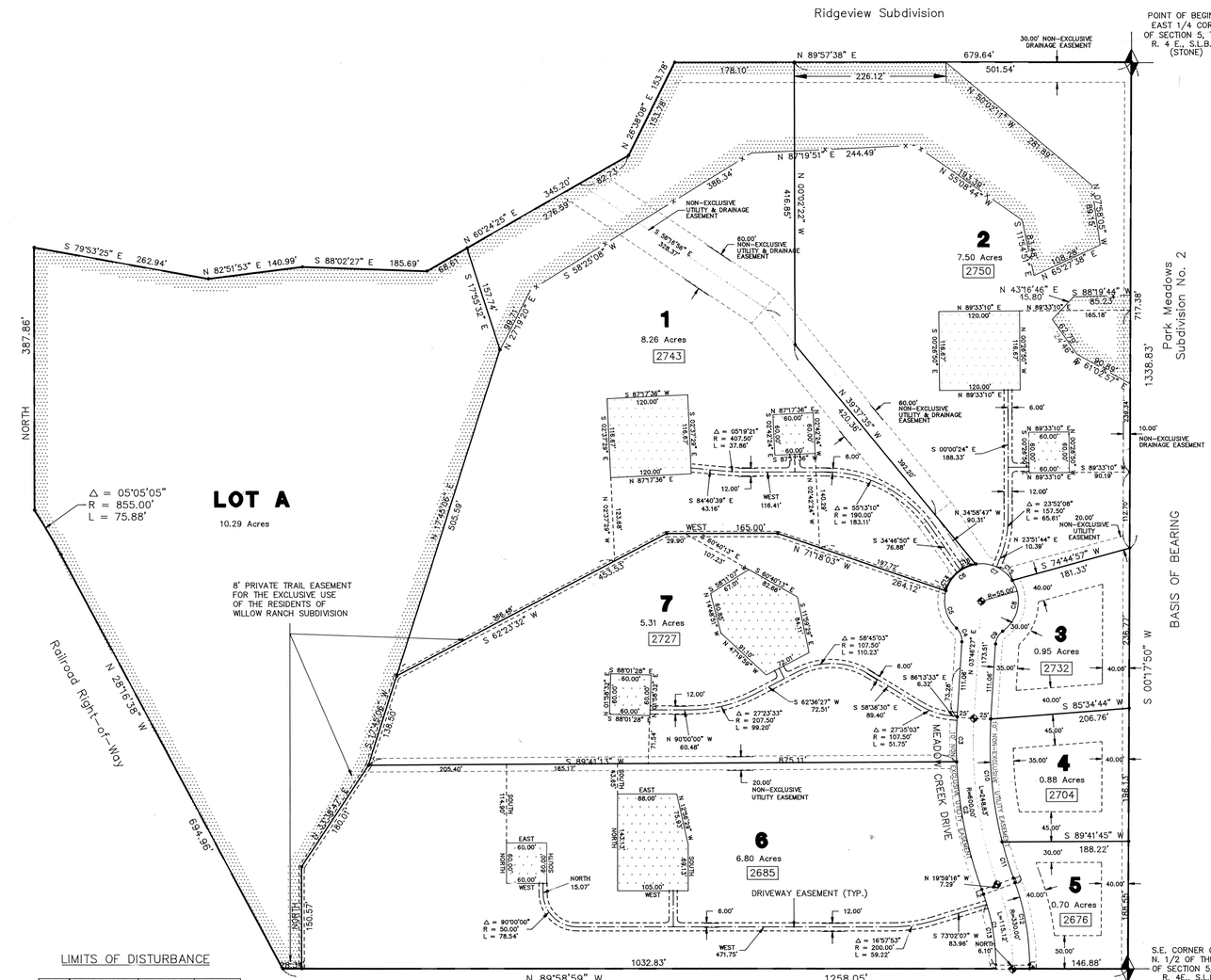
Contains: 41.48 acres of land, more or less.

SURVEYOR'S CERTIFICATE

I, JACK J. JOHNSON, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 4496 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT A SURVEY HAS BEEN MADE OF THE LAND SHOWN ON THIS PLAT AND DESCRIBED HEREON. I FURTHER CERTIFY THAT THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW.

JACK J. JOHNSON

February 12, 1993
DATE:



NOTES:

1. BUILDINGS SHALL BE CONSTRUCTED WITHIN THE LIMITS OF SHOWN BUILDING PADS.
2. ON LOTS 1 AND 2, THE TOTAL IMPACTED AREA, INCLUDING BUILDING FOOTPRINT AND ADDITIONAL FILL, SHALL NOT EXCEED 14,000 SQUARE FEET.
3. A 5 FOOT NON-EXCLUSIVE UTILITY AND DRAINAGE EASEMENT IS HEREBY DEDICATED ALONG BOTH SIDES OF ALL LOT LINES.
4. A 10 FOOT NON-EXCLUSIVE UTILITY EASEMENT IS HEREBY DEDICATED ALONG FRONT LOT LINES.
5. ALL FOOTING AND FOUNDATION DESIGNS SHALL BE APPROVED BY GEOTECHNICAL ENGINEERS.
6. IRRIGATION IN ALL LOTS BY SPRINKLER ONLY.
7. ON LOTS 1, 2, 6, AND 7 A MAXIMUM OF THREE HORSES WILL BE ALLOWED AND NO GRAZING OF HORSES IN THE WILDLIFE CORRIDORS.
8. OWNERS OF LOTS 1, 2, 6, AND 7 ARE REQUIRED TO INSTALL AND MAINTAIN LOT LINE FENCING IN ACCORDANCE WITH THE C.C.&R.s AND DESIGN GUIDELINES OF WILLOW RANCH.
9. HOME SQUARE FOOTAGES WILL BE LIMITED TO A MAXIMUM OF 8,000 SQUARE FEET ON LOTS 1, 2, 6, AND 7 AND 4400 SQUARE FEET ON LOTS 3, 4, AND 5.
10. BARN SQUARE FOOTAGES WILL BE LIMITED TO A MAXIMUM OF 1,800 SQUARE FEET WITH NO HUMAN OCCUPANCY.
11. BUILDING HEIGHTS OF HOMES AND BARNS WILL BE LIMITED TO 23 FEET TO MIDPOINT OF ROOF AND 28 FEET TO PEAK OF ROOF.
12. HOMES ON LOTS 1, 2, 6, AND 7 WILL BE REQUIRED TO INSTALL MODIFIED 13-D FIRE SPRINKLER SYSTEMS AS DIRECTED BY THE PARK CITY FIRE MARSHALL.
13. LOTS 1, 2, 6, AND 7 ARE SUBJECT TO AN ANIMAL MANAGEMENT PLAN AND EQUESTRIAN LOT OPEN SPACE COVENANT EXECUTED WITH THE PARK CITY MUNICIPAL CORPORATION.
14. NO BASEMENTS ARE ALLOWED.
15. PRIOR TO OCCUPANCY OF ANY HOUSE, ITS DRIVEWAY MUST BE PAVED.
16. PARK CITY MUNICIPAL CORPORATION DOES NOT NORMALLY PLOW SNOW WITHIN A SUBDIVISION UNTIL 50% OF THE LOTS HAVE BEEN BUILT UPON.
17. NO BUILDING PERMITS WILL BE ISSUED UNITL MEADOW CREEK DRIVE HAS BEEN PAVED. EXCAVATION AND FOOTING/FOUNDATION PERMITS WILL BE ISSUED PRIOR TO PAVING OF MEADOW CREEK DRIVE
18. LOTS 1, 2, 6, AND 7 ARE ALLOWED AN ACCESSORY DWELLING UNIT SUBJECT TO THE APPROVAL OF PARK CITY MUNICIPAL CORPORATION AND RESTRICTIONS AS OUTLINED IN THE WILLOW RANCH CC&Rs.

LEGEND

- HOUSE BUILDING PAD
- BARN BUILDING PAD (60' x 60')
- WILDLIFE CORRIDOR
- 2676 ADDRESS
- STREET MONUMENT

LIMITS OF DISTURBANCE

LOT	BUILDING AREA (sq. ft.)	BARN AREA (sq. ft.)	TOTAL (sq. ft.)
LOT 1	14,000	3600	17,600
LOT 2	14,000	3600	17,600
LOT 6	14,400	3600	18,000
LOT 7	14,400	3600	18,000
		TOTAL	71,200

PLOTTED: JANUARY 22, 1993

CITY COUNCIL APPROVAL

PRESENTED TO THE BOARD OF PARK CITY COUNCIL THIS 28TH DAY OF FEBRUARY A.D. 1993 AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED.

MAYOR Anita L. Sheldon

CITY RECORDER

CITY ENGINEER

APPROVED AND ACCEPTED BY THE PARK CITY ENGINEERING DEPARTMENT ON THIS 25TH DAY OF FEBRUARY A.D. 1993.

Eric W. DeHaan P.E.

CITY ENGINEER

CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS 22nd DAY OF February A.D. 1993.

CHAIRMAN

APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS 22nd DAY OF February A.D. 1993

CITY ATTORNEY

RECORDED

Nº. 324694.
STATE OF UTAH.
COUNTY OF SUMMIT.
RECORDED AND FILED AT THE REQUEST OF:
Coalition Title
DATE: 02-26-93
TIME: 11:15 AM
FEE: $22.00

COUNTY RECORDER

THE JACK JOHNSON COMPANY
1910 Prospector Avenue * Park City, Utah 84060
(801) 645-9000 * fax (801) 649-1620

3/16/93 GD
SEC 5, T2S R4E
WILLOW RANCH

22-00

EXHIBIT "H"

PARK CITY

PLANNING DEPARTMENT

City Council Staff Report

Subject: Willow Ranch Lot 2 Plat Amendment
Project #: PL-21-04770
Author: Alexandra Ananth, Sr. Planner
Date: April 29, 2021
Type of Item: Administrative – Plat Amendment

Summary Recommendation

Staff recommends the City Council 1) review the requested Plat Amendment, 2) conduct a public hearing, and 3) consider approving the proposed Ordinance.

Description

Applicant:	Crescent Vertical, LLC[1]
Location:	2750 Meadow Creek Drive
Zoning:	Estate (E)
Adjacent Land Uses:	Residential
Reasons for Review:	Plat Amendments require Planning Commission review and recommendation and City Council review and action

Executive Summary

2750 Meadow Creek Drive is also known as Lot 2 of the Willow Ranch Subdivision in the Park Meadows neighborhood and is located in the Estate (E) District. The lot is just over 7-acres and is improved with a single-family residence. The lot has a maximum house and barn size as noted in the CC&R's and Plat Notes #3 and #4 of the current recorded Plat (Exhibit C), and a maximum barn height of 18 feet as noted in Plat Note #5.

The applicant is proposing to change the current Plat Note restrictions to allow for a total maximum of 9,800 square feet which may be used between the house and barn combined but will stay within the original maximum allowed 1,800 square foot limit on the barn and the 9,300 square foot maximum allowed for the house. The applicant is also proposing that the Height of the barn revert back to the Zone Height of 28 feet to the peak of the roof, which is consistent with the original 1993 Subdivision Plat and the Willow Ranch CC&Rs.

The proposed change allows the applicant to build a larger barn if the full 9,300 square feet is not used for the house. No changes are proposed to the original building envelopes for the barn or house. The first 600 square feet of garage space is not included in the combined total square footage, which is consistent with the City's Land Management Code and the Willow Ranch Subdivision CC&Rs.

On April 14, 2021, the Planning Commission unanimously voted to recommend this item

[1] Planning Commissioner Sarah Hall is a member/owner of Crescent Vertical LLC.

to the Council for consideration.

Background

The Willow Ranch Subdivision was recorded in 1993 (Exhibit B). Plat Notes indicate that Home square footage is limited to 8,000 square feet and Barns are limited to a maximum of 1,800 square feet with no human occupancy. Building envelopes and maximum square footage are noted on the Plat. Both structures were allowed maximum Building Heights of 28 feet, which is the Zone Height.

In 1999, the then owners of Lot 2 were approved for a Plat Amendment (Exhibit C) to reallocate 1,300 square feet of barn area to the home, and the Height of the barn was restricted to a maximum of 18 feet. Plat Note #3 limits the home square footage to a maximum of 9,300 square feet, Plat Note #4 limits the barn to 500 square feet. Plat Note #5 reduced the Height of the barn to 18 feet, presumably to be consistent with a maximum barn size of 500 square feet.

Analysis

The applicant submitted a recent survey (Exhibit D) indicating that the existing house has been constructed within the allowed building envelope. The Letter of Intent (Exhibit E) states that the current application is to remove some portion of the house so that they may shift some square footage from the house back to the barn, as allowed under the original 1993 Subdivision Plat. They further state that because they are still determining which portions of the house they will remove to allow for a larger barn, they would like to amend the 1999 Replat footnotes #3, #4 and #5 and replace them with a Plat Note that allows for the combined total square footage of the house and barn to remain the same (9,800 square feet) but not be fixed between the house and the barn, and to revert back to the originally allowed Zone Height for the barn.

The applicant has stated that they are willing to agree to Conditions of Approval that floor plans for both the house and barn be submitted at the time of building permit for the any modification to the house and any new construction for the barn, showing that the combined maximum square footage will not exceed 9,800 square feet. Plans must be stamped and signed by a registered architect to ensure the maximum total square footage is not exceeded. No certificate of occupancy will be issued for the barn until all construction on the house has been completed. The barn shall not exceed 1,800 square feet as originally allowed in the Willow Ranch Subdivision Plat and CC&R's. Due to the number of Plats and Plat Notes the Planning Department is recommending that should this Amendment be approved, all relevant Plat Notes be carried forward to the new Plat.

Staff notes that the applicant submitted a Letter of Intent as well as a Letter from the Willow Ranch HOA stating that the HOA voted to approve the applicant's application (Exhibit E).

Department Review

The Development Review Committee reviewed this application on March 30, 2021. No issues were raised.

Notice

On March 31, 2021, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was published in the Park Record and on the Utah Public Notice website on March 31, 2021.

Public Input

The Planning Department did not receive any written public input prior to the publication of this Staff Report. Minutes of the Planning Commission hearing are not yet available but the audio is. Two neighbors provided public input at the hearing requesting that the Height of the barn be limited to the 1999 Replat Height of 18 feet, versus the applicant's request to revert to the original Subdivision Plat Notes which allowed for a barn height of 28 feet.

The Planning Commission discussed that in general the size and height of the barn should be proportional, and that for a smaller structure of 500 feet 18 feet in height is appropriate, but that for a larger barn structure it may be more appropriate to match the pitch of the home's roof, which is desired and stated in the CC&Rs, is in keeping with the LMC and is consistent with other barns in the Subdivision.

The applicant agreed to a new Condition of Approval (COA #18) that a Plat Note indicate that the pitch of the barn roof shall be substantially similar to the predominant pitch of the home's roof, and that under no circumstances shall the peak height of the barn exceed the Zone Height of 28 feet.

Alternatives

- The City Council may approve the Plat Amendment, as conditioned or amended.
- The Council may deny the Plat Amendment, and direct staff to make Findings for this decision.
- The Council may continue the item to a date certain.

Exhibits

Exhibit A - Ordinance
Exhibit B – Willow Ranch Subdivision Plat, 1993
Exhibit C – Lot 2 Willow Ranch Replat, 1999
Exhibit D – Lot 2 Willow Ranch Survey
Exhibit E – Applicant's Letter of Intent and HOA Approval

DocuSign Envelope ID: 40903300-7E1A-4BEA-8588-15880FEB3083

Ordinance No. 2021-20

AN ORDINANCE APPROVING THE LOT 2 WILLOW RANCH REPLAT, FIRST AMENDED, LOCATED AT 2750 MEADOW CREEK DRIVE, PARK CITY, UTAH.

WHEREAS, the owners of the property known as Lot 2 Willow Ranch, located at 2750 Meadow Creek Drive, petitioned the City Council for approval of the Lot 2 Willow Ranch Replat, First Amended; and

WHEREAS, on March 31, 2021, the property was properly posted and legal notice was sent to all affected property owners; and

WHEREAS, on March 31, 2021, proper legal notice was published in the Park Record and on the Utah Public Notice website according to requirements of the Land Management Code; and

WHEREAS, the Planning Commission, on April 14, 2021, held a public hearing and forwarded a positive recommendation to the City Council; and,

WHEREAS, the City Council on April 29, 2021, held a public hearing and took final action on the Condominium Plat; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Lot 2 Willow Ranch Replat, First Amended Plat.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Lot 2 Willow Ranch Replat, First Amended, 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 part of the Willow Ranch Subdivision.
2. The lot is just over 7-acres and is improved with a single-family residence.
3. The lot is considered an equestrian lot and has a maximum house and barn size as noted in the CC&R's and 1999 Plat Notes.
4. The applicant is proposing to move square footage from the house to the barn, but stay within the total square feet allocated to the lot (9,800 square feet), as well as within the building envelopes for the barn and the house.
5. The applicant is also proposing that the barn height revert back to the allowed Zone Height of 28 feet, which is consistent with the original 1993 Subdivision Plat and CC&Rs.
6. The Willow Ranch Subdivision was originally recorded in 1993.
7. 1993 Plat Notes indicate that Home square footage is limited to 8,000 square feet and Barns are limited to a maximum of 1,800 square feet with no human occupancy. Building envelope areas and maximum square footage are noted on the Plat.

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8. In 1999, the prior owners of Lot 2 were approved for a Plat Amendment to reallocate 1,300 square feet of barn area to the home. Plat Note #3 limits the home square footage to a maximum of 9,300 square feet, Plat Note #4 limits the barn to 500 square feet. Plat Note #5 limits the barn height to 18 feet.
9. The applicant proposes to amend Plat Notes #3 and #4 and replace them with a footnote that allows for the combined total square footage to remain the same (9,800 square feet) but not be fixed between the house and the barn.
10. The applicant also proposes to delete Plat Note #5 and revert back to the originally allowed maximum Building Height of 28 feet for the barn.
11. The applicant submitted a letter from the Willow Ranch HOA stating that the HOA voted to approve the applicant's application.

Conclusions of Law:

1. There is good cause for this Plat Amendment as it is consistent with the total square footage allowed on the lot between the home and barn and the Zone Height.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding Subdivisions.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the amended 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 Amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is submitted in writing and approved by the City Council.
3. A Plat Note shall indicate the Street address of Lot 2 is 2750 Meadow Creek Drive.
4. A Plat Note shall indicate the home and barn shall be constructed within the designated building envelopes.
5. A Plat Note shall indicate the total impacted area, including building footprint and additional fill, shall not exceed 17,000 square feet.
6. A Plat Note shall indicate a minimum 5-foot non-exclusive utility and drainage easement is hereby dedicated along both sides of all lot lines.
7. A Plat Note shall indicate a 10-foot non-exclusive utility easement is hereby dedicated along front lot lines.
8. A Plat Note shall indicate all footing and foundation designs shall be approved by Geotechnical engineers.
9. A Plat Note shall indicate irrigation is by sprinkler only.
10. A Plat Note shall indicate a maximum of three horses will be allowed and no grazing of horses in the wildlife corridors.
11. A Plat Note shall indicate lot line fencing is required and must be maintained in accordance with the CC&Rs and design guidelines of Willow Ranch.
12. A Plat Note shall indicate a modified 13-D fire sprinkler system is required for the home as directed by the Park City Fire Marshal.

13. A Plat Note shall indicate this lot is subject to an animal management plan and equestrian lot open space covenant executed with the Park City Municipal Corporation.
14. A Plat Note shall indicate no basements are allowed.
15. A Plat Note shall indicate the Lot is allowed an accessory dwelling unit subject to the approval of Park City Municipal Corporation and restrictions as outlined in the Willow Ranch CC&Rs.
16. A Plat Note shall indicate the home square footage is limited to a maximum of 9,300 square feet, excluding the first 600 square feet of home attached garage space per CC&Rs and the City's Land Management Code.
17. A Plat Note shall indicate the Building Height of the home is limited to 23 feet to the midpoint of the roof and 28 feet to the peak of the roof.
18. A Plat Note shall indicate the pitch of the barn roof shall be substantially similar to the predominant pitch of the home's roof, and under no circumstances shall the peak Height of the barn exceed the Zone Height of 28 feet.
19. A Plat Note shall indicate none of the Exception Parcels are rendered separately buildable by virtue of this amendment
20. A Plat Note shall indicate the combined total square footage of the home and the barn shall not exceed 9,800 square feet, excluding the first 600 square feet of home attached garage space per CC&Rs and the City's Land Management Code.
21. A Plat Note shall indicate the barn square footage will be limited to a maximum of 1,800 square feet as originally allowed in the Willow Ranch Subdivision Plat and CC&R's, with no human occupancy.
22. A Plat Note shall indicate floor plans for both the house and barn shall be submitted at the time of building permit for any modification to the house and any new construction for the barn, showing that the combined maximum square footage will not exceed 9,800 square feet. Plans must be stamped and signed by a registered architect to ensure the maximum total square footage is not exceeded.
23. A Plat Note shall indicate no certificate of occupancy will be issued for the barn until all construction on the house has been completed.
24. A Plat Note shall indicate the Lot 2 Willow Ranch Replat exceeds one (1) acre and shall meet the requirements of the municipal separate storm sewer system (MS4) storm water program. A plat note shall indicate that development shall be required to obtain a MS4 storm water permit prior to any construction activity.

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

PASSED AND ADOPTED this 29th day of April, 2021.

PARK CITY MUNICIPAL CORPORATION

DocuSigned by:
Andy B
0340104CDC42481...

Andy Beerman, MAYOR

ATTEST:

DS

DocuSigned by:
Michelle Kellogg
E5F905BB533F431...

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

DocuSigned by:
Margaret Plane
11B5B6F4ACF34C7...

City Attorney's Office

Exhibits

Attachment A – Lot 2 Willow Ranch Replat, First Amended

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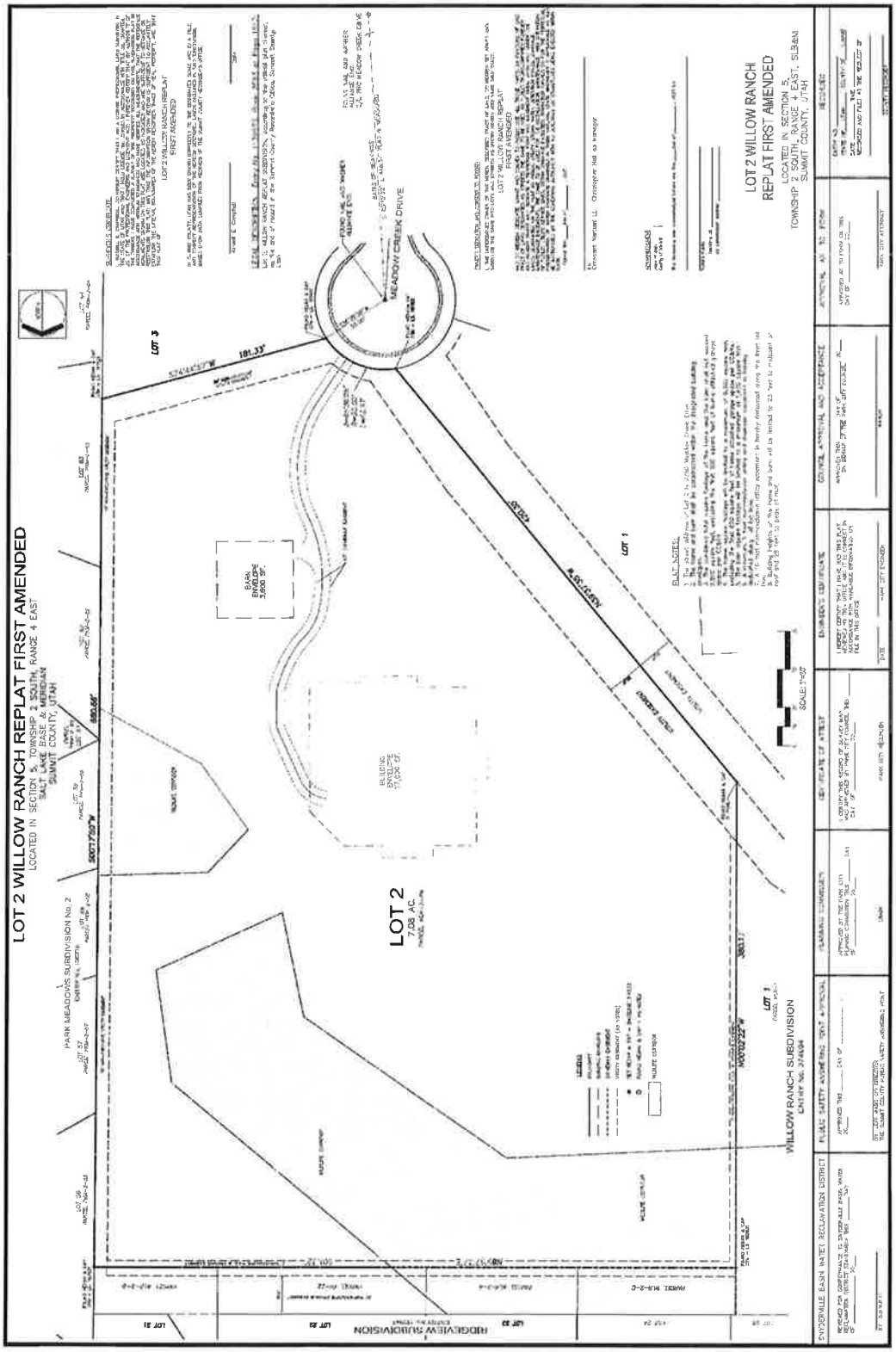


EXHIBIT "3"

1992 LMC – CHAPTER 10 - MASTER PLAN DEVELOPMENT Section 10.9 k, (and Chapter 15.4)

(k) Limits of Disturbance or Building Pad Lines. Limits of disturbance or building pad lines must be designated for all new Master Planned Developments if the staff determines that there is significant vegetation on the site or if it is important to clearly designate future building locations. "Significant vegetation" includes large trees of 6" caliper or greater, groves of 5 or more smaller trees, or clumps of oak or maple covering an area of 50 square feet to the drip lines. Locations of utilities and connections must also be indicated on the plat.

1. All construction activity must be contained within the limits of disturbance line, with the balance of the parcel remaining undisturbed. Access to the limits of disturbance area should be along the planned driveway.

2. Building pad lines may be specified on some MPDs instead of limits of disturbance. If building pad lines are designated, no part of the new construction may lie outside of the building pad line; however, construction disturbance may extend as far as ten (10) feet beyond the

building pad line. Access to the building pad should be along the planned driveway.

3. The Community Development Director has the authority to vary the limits of disturbance or building pad line if such a variation results in less visual impact or more effective preservation of mature trees. In no case, however, should a variation in the limits of disturbance boundary result in an increase in the amount of buildable area. Applications for a variation in the limits of disturbance or building pad line are available in the Planning Office.

4. Limits of disturbance or building pad lines with definitions as approved by the staff must be reflected on the final MPD plan.

5. Limits of disturbance must be designated in the field prior to commencement of excavation with snow fencing or other methods approved by the Community Development Department.

6. A security must be posted to ensure compliance with the limits of disturbance plan.

Exhibit 4

March 1, 2022

Bob Theobald
[redacted]

CC: David Green
[redacted]

NOTICE OF BOARD OF ADJUSTMENT ACTION

Application #	PL-22-05126
Subject	Appeal of Enforcement Determination
Address	2704 Meadow Creek Drive, Park City
Description	Appeal Filed by Third Party Neighbor regarding an Enforcement Complaint – Complaint Alleges Previously Issued Building Permit Violated Limit of Disturbance Restrictions in the Willow Ranch Subdivision Plat and City Ordinance enacting the same
Action Taken	Order Denying City Request to Dismiss for Lack of Jurisdiction and Granting the Appeal
Date of Action	March 1, 2022

On February 8, 2022, the Board of Adjustment ("BOA") called a public meeting to order, a quorum was established with Chair Pro Tem Mary Wintzer, and members Jennifer Franklin and Stefanie Wilson present, and the Board of Adjustment conducted a hearing on the Appeal. City Attorney Margaret Plane advised the Board of Adjustment.

The Building Department was represented by Chief Building Official David Thacker. The Planning Department was represented by Planner Browne Sebright, Assistant Planning Director Rebecca Ward, Planning Director Gretchen Milliken, and Senior City Attorney Mark Harrington.

Appellant Bob Theobald was present and represented by Steven Bergman, Esq.

The property owner of 2704 Meadow Creek Drive did not participate in the hearing.

In addition to the final meeting minutes and recordings, the record includes: 1) Mr.

Theobald's Appeal dated December 30, 2021; 2) the Staff Report dated February 8, 2021 and all links, code references and attachments; and 3) Supplemental filings by Mr. Theobald on February 2, 2022 and February 8, 2022 (Appellant's Rebuttal to Staff Report and Theobald Response to Jurisdiction Arguments).

WRITTEN DECISION GRANTING APPEAL AND REMANDING THE COMPLAINT TO THE BUILDING OFFICIAL FOR ACTION CONSISTENT WITH THIS ORDER FINDING THE BUILDING PERMIT VIOLATES THE WILLOW RANCH SUBDIVISION PLAT

Summary Issue 1: Jurisdiction

The City argued the BOA should dismiss this appeal because 1) pursuant to ***Fox v. Park City*** (Exhibit G to Staff Report), no appeal of the building permit was filed within 10 days of the building permit approved August 9, 2021; and 2) the Building Department's discretionary enforcement determination pursuant to LMC § 15-14-5, *Penalties/Enforcement*, regarding the November 10, 2021 Complaint ("Complaint") was not a Final Action (defined in LMC § 15-15-1 as *the later of the final vote or written decision on a matter*), a Final Decision nor a new decision by the Planning Department regarding the approval of the original permit.

Mr. Theobald argued the BOA has jurisdiction over the appeal pursuant to LMC § 15-10-7, *Appeals*, and that the Building Department's determination to not take action to enforce a complaint required "administering and interpreting the LMC," and constituted a final decision thereby meeting the requirements of LMC § 15-10-7.

In its rebuttal, the City argued LMC § 15-1-18(A) provided appeals of final decisions by the Planning Department regarding the LMC and such appeals are the sole jurisdiction of the Planning Commission, while LMC § 15-10-3, *Powers and Duties*, limited BOA review matters as specified, including zoning decisions, variances from the LMC, appeals and call-ups of final action by the Planning Commission at the request of City Council for City development, appeal of final action by Planning staff for Historic District Design Review applications, and appeals of final action by the Historic Preservation Board. The City argued that LMC § 15-10-7, *Appeals*, which incorporates LMC § 15-1-18, *Appeals and Reconsideration Process*, does not expand the jurisdiction of the BOA as limited by LMC § 15-10-3, *Powers and Duties*.

Mr. Theobald countered that the plain language of LMC § 15-10-7, *Appeals*, controls and the City's intent behind the various LMC sections cannot overcome the plain language which says "any" decision may be appealed to the BOA, including responses to complaints.

Summary Issue 2: Limits of Disturbance

The substantive issues raised in the Appeal are whether the Willow Ranch Subdivision Plat identified Limits of Disturbance for Lot 4, the property in question, and if so, whether the construction of a sauna outside the Limits of Disturbance Area shown on

the Willow Ranch Subdivision Plat violated the Plat and ordinance enacting the same, and therefore required the City to enforce the Plat. In August 2021, the City approved a building permit for a 361-square-foot Accessory Building which is an Allowed Use in the Estate zoning district and a permitted exception to the side yard setbacks in the LMC, but is not a permitted use under the Plat if Appellant is correct regarding the Limits of Disturbance designation on the Plat. The issue is whether the Willow Ranch Subdivision Plat is more restrictive than and supersedes the Estate zone provisions of the LMC.

The City summarized the 1992 LMC definition and regulations for Limits of Disturbance Area on plats and summarized the findings of the meeting minutes and staff reports for the original Willow Ranch Subdivision approval, which, it argued, distinguished regulations for the four larger equestrian lots and three smaller lots, including Lot 4, the lot in question.

The City argued that it reviewed the notes and technical legends of the Willow Ranch Subdivision Plat and concluded that neither the "House Building Pad" legend nor the "Limits of Disturbance" table applied to 2704 Meadow Creek Drive, Lot 4 of the Willow Ranch Subdivision, the lot in question. Therefore, the City argued that it believed the sauna is an Allowed Use and complied with the zone setback regulations and the original permit was properly issued and did not violate the Plat.

The City also asserted the City does not enforce CC&Rs in accordance with LMC § 15-1-3, *Conflict*, which states "[t]he City does not enforce private restrictive covenants, nor shall any such covenant have the effect of modifying the regulations [of the LMC]." The City asserted the CC&Rs are not a "land use regulation" upon which the City may base an approval or denial. The City also stated that even if they were required to apply the CC&Rs in the City's regulatory review, the CC&Rs distinguish "Residence Limits of Disturbance Area" as defined "per setbacks," as well as other references that allow for certain accessory buildings. As a result, even with the CC&Rs, the City contends that the LMC setback regulations that allow the accessory structure in the setback should be followed.

The City also argued that the scope of Building Enforcement determination did not include a new written land use decision by the Planning Department, but rather a courtesy staff response to the November Complaint. The land use decision was part of the internal review and approval of the August building permit. Therefore, there was no basis for the BOA to find error since no new written land use decision was made by a land use authority by virtue of the November Complaint response.

Mr. Theobald presented his research and interpretation of the history of the subdivision approvals, including details from the annexation and master plan approvals in 1992. Mr. Theobald argued the intent of the City was to limit all structures to the boxes defined by the increased setback dimensions on all the lots regardless of the lack of a "limits of

disturbance" label for Lots 3, 4 and 5 on the plat. Mr. Theobald provided five sources of evidence indicating the intent of the dashed-line boxes on Lots 3, 4, and 5 shown on the Plat. He argued that the references to the CC&R provisions on the Plat demonstrate that the limits of disturbance were designated on all lots, not just the larger four equestrian lots as indicated on the Willow Ranch Subdivision Plat.

Mr. Theobald provided a letter from the original developer/declarant supporting his position. Mr. Theobald also argued that the meaning of the Plat can be explained by City approvals incorporating certain provisions of the CC&Rs by reference, provisions the City in fact wrote as a prerequisite to adopting the final Plat as recorded on February 26th ,1993. Mr. Theobald reviewed the original staff reports for the project to demonstrate that the development was limited to the areas consistent with the master plan.

- "C – Zoning" and Sketch Plat Exhibit "A", Planning Commission Recommendation, December 2, 1992 and approved by City Council - December17, 1992

  "The entire development parcel (Parcel D) will be zoned Estate with the understanding that development will be limited to those areas shown on the master plan

- Richard Dudley, developer/declarant - Letter expressly affirming that setbacks are the Limits of Disturbance, January 25, 2022

  "We did however fully intend and thus designed each lot to have prescribed Limits Of Disturbance (LOD's) and for 3, 4 & 5 the easier description of a setback was all that was needed."

- CC&Rs Exhibit "F" – This Exhibit serves "NOTICE" to HOA/Lot owners (and all others) that the "Limits of Disturbance Area" for Lots 3, 4 and 5 is "per set backs" as illustrated on the Plat.

- 1992 LMC Chapter 10.9(k), MASTER PLAN DEVELOPMENTS - "Limits of disturbance or building pad lines **must be designated** for all new Master Plan Developments…" Logic suggests the setback lines on the Plat are in compliance with this mandate.

- Planning staff's email to builder/contractor on 8/17/2020 recognizing the "Limits of Disturbance Area" on the Plat.

  "As per our conversation I hit my first hurdle please see the attached plat and read through the details on it. There are restrictions on Limits of Disturbance and home square footages."

After consideration of the arguments at the hearing, the BOA deliberated and directed staff by a unanimous motion to prepare written findings consistent with their comments GRANTING the appeal.

On March 1, 2022, the Board of Adjustment called a public meeting to order, a quorum was established, and the Board of Adjustment approved Findings and an Order granting the Appeal as follows:

Findings:

1. On November 10, 2021, the Appellant filed a Complaint against the Applicant with the Building Department regarding construction of a sauna, an accessory structure allowed by the LMC in the Estate Zone.
2. On December 21, 2021, the Chief Building Official responded to the Appellant's Complaint declining to take enforcement action against the Applicant after review with the City Prosecutor of the previously issued building permit and application process.
3. In addition to an appeal of the original Complaint against the Applicant, the Appellant alleged the City failed to enforce the Limits of Disturbance restrictions illustrated on the Plat.
4. This appeal was properly submitted by an individual with standing within 10 days of the Building Official response on December 30, 2021.
5. The Building Official response was a final decision, and the BOA has jurisdiction pursuant to LMC § 15-10-7.
6. The Willow Ranch Subdivision Plat conclusively designated "limits of disturbance" for Lot 4, shown by the setback arrows and dotted lines on each lot.
7. Accessory Buildings are not allowed outside the limits of disturbance..
8. The Chief Building Official erred in his enforcement determination in that the BOA finds the building permit should not have been permitted outside the limits of disturbance for Lot 4.

Order

1. The City's request to dismiss for lack of jurisdiction is denied.
2. The appeal is granted, and the Chief Building Official is ordered to respond to the Complaint consistent with the Board's determination that the Subdivision Plat prohibits an Accessory Building in the location on Lot 4 where the building permit was issued and the sauna has been constructed.

This decision is Final and may be appealed to District Court within 30 days.

So Ordered By The Park City Board of Adjustment:

Mary Wintzer, Board of Adjustment Chair Pro Tem

From: Bob Theobald
Sent: Wednesday, February 7, 2024 11:55 AM
To: Nann Worel <nann.worel@parkcity.org>; tana.toly@parkcity.org; jeremy.rubell@parkcity.org; ryan.dickey@parkcity.org; Christin VanDine <christin.VanDine@parkcity.org>; John Frontero <john.frontero@parkcity.org>; sarah.hall@parkcity.org; Henry Sigg <henry.sigg@parkcity.org>; matt.dias@parkcity.org; Jennifer McGrath <jennifer.mcgrath@parkcity.org>; sarah.pearce@parkcity.org; Mark Harrington <mark@parkcity.org>; David Thacker <dave.thacker@parkcity.org>; Rick Shand External <rick[redacted]; Ed.parigian@parkcity.org; Margaret Plane <margaret.plane@parkcity.org>; laura.suesser@parkcity.org; bill.ciraco@[redacted]; Michelle Kellogg <michelle.kellogg@parkcity.org>
Cc: Renai Bodley Miller <renai@kpcw.org>; Michelle Deininger <mmdeininger@[redacted]; angela@[redacted]; The Local from KPCW <news@kpcw.org>; Leslie Thatcher <lthatcher@kpcw.org>; Parker Malatesta <parker@kpcw.org>; John Travis <jtravis@bhhsutah.com>; Dell Fuller <dellfuller@[redacted]>; Frode Jensen <skipjen@[redacted]>; Stacey Sayers <staceysayers3080@[redacted]>; Michael Watts <michaelwatts7755@[redacted]>; Pamela Manson <reporterpamelamanson@[redacted]>; PTC3 <paul@spectraassetmgmt.com>; Jay Hamburger <citynews@parkrecord.com>
Subject: Analysis of 2022 Willow Ranch CCRs

Dear Mayor and City officials.

Since I first introduced to the City my discovery of the 2022 Amendment to Willow Ranch CCRs on 12/19/23, I have heard nothing from anyone at the City nor seen a repudiation of the CC&Rs or its sponsors. At this time, the topic is not part of the ongoing lawsuit. The CC&Rs issue stands alone and deserves a response to me as well as to the public. Not just the city manager saying… "We do nothing wrong here at the City!" (paraphrased from a KPCW interview).

In the meantime, I have had the time to compare the 1993 and 2022 CC&Rs and analyze the factual and potential impacts to the City's (perhaps unwittingly) interpretation, administration, and enforcement of Ordinance 2021-20, the Land Management Code, Sensitive Lands Overlay, and the Army Corps of Engineers wetlands restrictions (to which the City claims to subscribe in the SLO provisions). In my opinion, Amending the CC&Rs with the obvious intent is far more egregious and consequential to the public than any other violation alleged to date. It was done during a very critical time frame: November 2022-March 2023 and has lingered since. Who in the City knew about this issue if anyone? This is the smoking gun.

The attached Executive Summary provides basic information regarding ramifications of the new Willow Ranch 2022 CC&Rs to the Ordinance and Plat. The other attached document "Analysis" should provide readers with a healthy (25-page) understanding of the impacts of the 2022 CC&Rs. The intent of the HOA (Commissioner Hall) in these amendments corroborates and verifies the basis of my claims and accusations in the lawsuit. The attached Summary also has links to all supporting documents such as CCRs, Plats etc. For convenience, a link to all CC&Rs documents is provided here: https://www.dropbox.com/scl/fo/5wcxza06nqlzdd6804kmj/h?rlkey=v26a2wwhef8kh71odje0hr8pn&dl=0.. I would be happy to explain complexities and nuances of the 2022 CC&Rs.

The City Council and other City officials would be well served if the City's legal department provided each counselor and commissioner with a link to a copy of all of the court filings. Counselors, you are the people responsible for pursuing the lawsuit, not the legal staff. Counselors, they are your (or your

predecessors) laws and you must have an understanding and direct say in interpreting, administering, and enforcing them, not just a brief from the legal department. If not available through the City without a GRAMA request, I can provide a link to the court documents upon request.

For a limited time, I am representing the lawsuit pro se. I have been willing to settle from day one - all it takes is compliance and enforcement. I would hope the City is prepared to seriously discuss settlement and end the litigation process. I am.

Otherwise…

Respectfully and hopeful,

Bob Theobald



Date: February 5, 2024
To: Mayor Worel, City Council, Planning Commission and Staff
From: Bob Theobald
Re: Updated Analysis of Willow Ranch Amended 2022 CC&Rs

The First Amendment to the Declaration of Covenants, Conditions, and Restrictions (CC&Rs) of Willow Ranch Subdivision was recorded on December 7, 2022 and was recently discovered in December of **2023**.

The 2022 CC&Rs raise several serious fundamental legal questions:

1. Are there certain provisions of the original 1993 CC&Rs that cannot be modified without consent of Army Corps of Engineers (Corps) and/or City?
2. Are amendments to CC&Rs misguided or illegal attempts to change Ordinance 2021-20 and the Plat/Notes? Has this been achieved… condoned?
3. Does deleting Exhibit "H" - Corps Permit #199250275 – constitute intentional concealment of Corps wetland regulations or City SLO criteria?
4. Were amendments premeditated to conceal previous or future violations of constructing Improvements such as well drilling, irrigation lines, and planting trees (fill) outside the LODA in Corps delineated and "previously verified wetlands"?
5. Did a planning commissioner orchestrate the 2022 CC&Rs and subsequently fail to disclose a conflict-of-interest related to LMC amendments in March 2023? (See Comments to Pending Amendments Final 2-27-23 Final)
6. Do City officials know about the 2022 CC&Rs Amendment… when and by whom was it known… former Director Milliken or legal staff?
7. If known, is it Coincidental Incompetence or Complicit Deceit?
8. Is it not incumbent on City Council, state, and federal authorities to investigate potential violations of Park City Municipal Code, Utah Code, and perhaps the Clean Water Act - Corps Nationwide 404 regulations?

1993 Willow Ranch Plat and CC&Rs

There is a common notion that CC&Rs are strictly a private agreement that **exclusively** applies to issues amongst the member landowners. And, as such, CC&Rs can be amended at will and only be enforced by the HOA members. This notion requires further analysis and clarification.

In 1992/3, City officials and jurisdictional entities required that the Willow Ranch developer draft CC&Rs that ensures future compliance with the Plat and all laws.

Mandatory provisions of the CC&Rs were derived from negotiations leading to Master Plan Development (MPD) approval. CC&Rs are the customary method to provide written notice jointly and unequivocally of the **specific definitions and restrictions** (laws) placed on the subdivision and illustrated on the Plat. The City has extensively employed cross-referencing between an Ordinance/Plat and CC&Rs.

A case on point is Crescent Vertical's (Commissioner Sarah Hall's) Plat Amendment, Ordinance 2021-20, on April 29, 2021, where senior planner Ananth (and Attorney Harrington) authored the Staff Report and Ordinance 2021-20 Lot 2 Replat with the Findings of Fact, Conclusions of Law, Conditions of Approval, and Plat Notes which on no less than 12 occasions the City referenced the CC&Rs for compliance and explanation of the Plat/Notes. Examples are provided below.

3. *The lot is considered an equestrian lot and has a maximum house and barn size as noted in the CC&R's and 1999 Plat Notes. (*This reference is to EXHIBIT "F" – MAXIMUM LIMITS OF DISTURBANCE AREAS AND MAXIMUM FLOOR AREA

11. *A Plat Note shall indicate lot line fencing is required and must be maintained in accordance with the CC&Rs and design guidelines of Willow Ranch. (*This reference is to EXHIBIT "C" – Permitted Fencing)

Cross-referencing is not a radical legal concept. If a document (Plat-Ordinance) incorporates another document by reference (CC&Rs), explicitly or **implicitly**, reference is made to the portions of the second document (the CC&Rs - Exhibit "F") when interpreting the main document - the enforceable Plat/Ordinance.

In 1993, City officials including the Community Development Director, City Engineer and City Attorney scrutinized and dictated the provisions of original 1993 Plat **and** the associated 1993 CC&Rs. The Utah Division of Wildlife Resources and the Army Corps of Engineers (Corps) also provided terms, restrictions and conditions either shown on the Plat and/or referenced in the CC&Rs by definition or specific Exhibit. The Developer -Declarant acknowledged and accepted all provisions illustrated on the Plat/Notes and/or defined in the CC&Rs as Conditions of Approval for the MPD and Subdivision. Subsequent Lot buyers were required to acknowledge the existence and intent of the CC&Rs and Plat, including the Corps permit and restrictions. (See signature page of Permit #199250275)

The nexus between Ordinance/Plat/Notes and CC&Rs is inseparable and reliant on each other.

PARK CITY
1884

RECEIVED
FEB 3 1993

January 29, 1993

Jeff Graham
Jack Johnson Company
1910 Prospect Avenue, Suite 200
Park City, UT 84060

NOTICE OF FINAL ACTION

Project Name: Willow Ranch Subdivision

Project Description: Preliminary and Final Plat of a 7-Lot Single Family Subdivision

Action Taken By Planning Commission: APPROVED - January 27, 1993

Action Taken By City Council: APPROVED - January 28, 1993

Conditions of Approval:

1. Information shall be included on the plat regarding the following:
   - ✓house and barn building pads, sizes and heights
   - ✓wildlife corridors
   - ✓fire sprinkling

2. Prior to plat recordation the City Council, City Attorney and City Engineer shall have reviewed and approved the plat and accompanying Animal Management Plan. The Animal Management Plan shall include restrictions on the number of horses, grazing, fencing, and uses within the wildlife corridor.

3. Prior to plat recordation the Community Development Department and City Attorney shall have reviewed and approved the CC&Rs which shall include restrictions on architecture and use.

4. Prior to plat recordation the City Engineer shall have received approval from all utility companies serving the property. The plat shall have been deemed to be denied in the event utility easements not currently shown on the plat are in fact required by any franchised utility provider and a new plat shall be required to be approved by the City. This condition does not apply to various drainage easements for existing storm drain channels and culverts, which shall be shown on the plat.

Park City Municipal Corporation • 445 Marsac Avenue • P.O. Box 1480 • Park City, UT 84060-1480
Community Development (801) 645-5020 • Engineering 645-5020 • Building 645-5040
Planning 645-5021 • FAX (801) 645-5078

5. The security guaranteeing the installation of public improvements shall include stream channel mitigation according to a plan approved by the Community Development Director. It is anticipated that the mitigation will take two or more years to accomplish and it is the intent of the Planning Commission that no public improvements shall be accepted by the City until the Community Development Director has determined that successful mitigation has been accomplished. A separate guarantee will be required to ensure adequate mitigation of disturbance to the stream channel in accordance with the approved plan.

6. A note shall be added to the plat that the driveway must be paved prior to occupancy of each house.

7. A sidewalk shall be included along the cul de sac.

8. The staff shall revise the language in the CC&Rs regarding accessory apartments to limit the unit square footage so as to preclude construction of duplexes, ensure adequate parking, restrict nightly rentals, and require entrance from the main structure.

Date of Expiration: January 28, 1994

Suzanne McIntyre, AICP
Senior Planner

2/2/93
Date

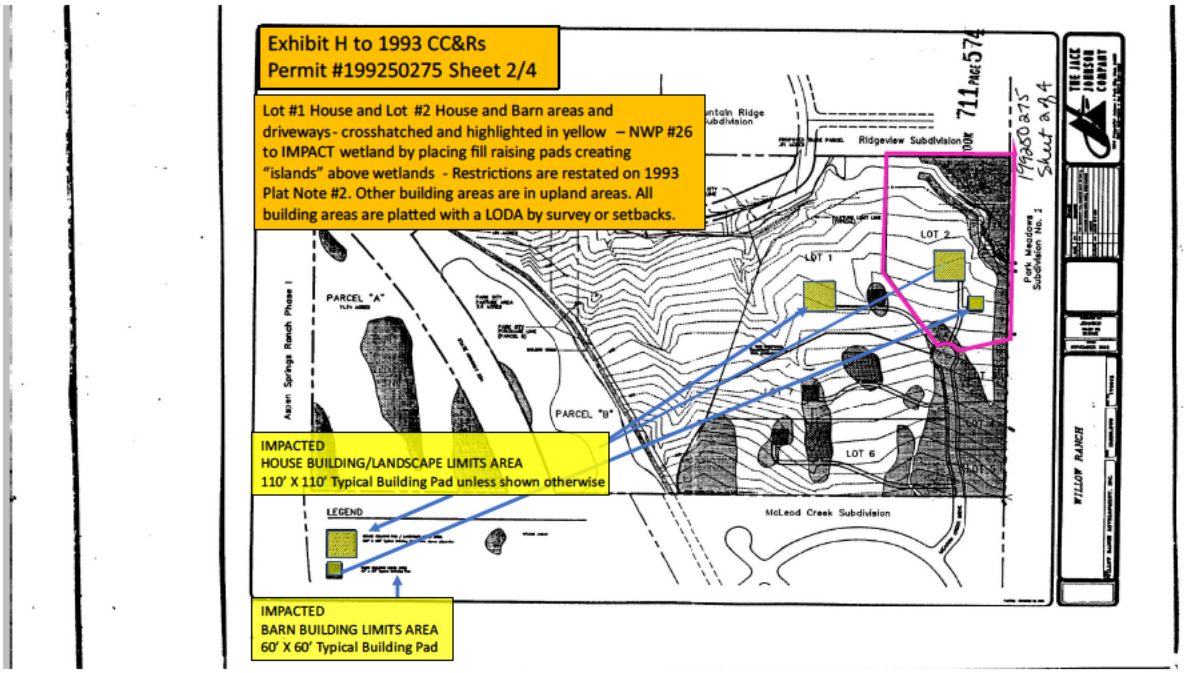
ACKNOWLEDGEMENT

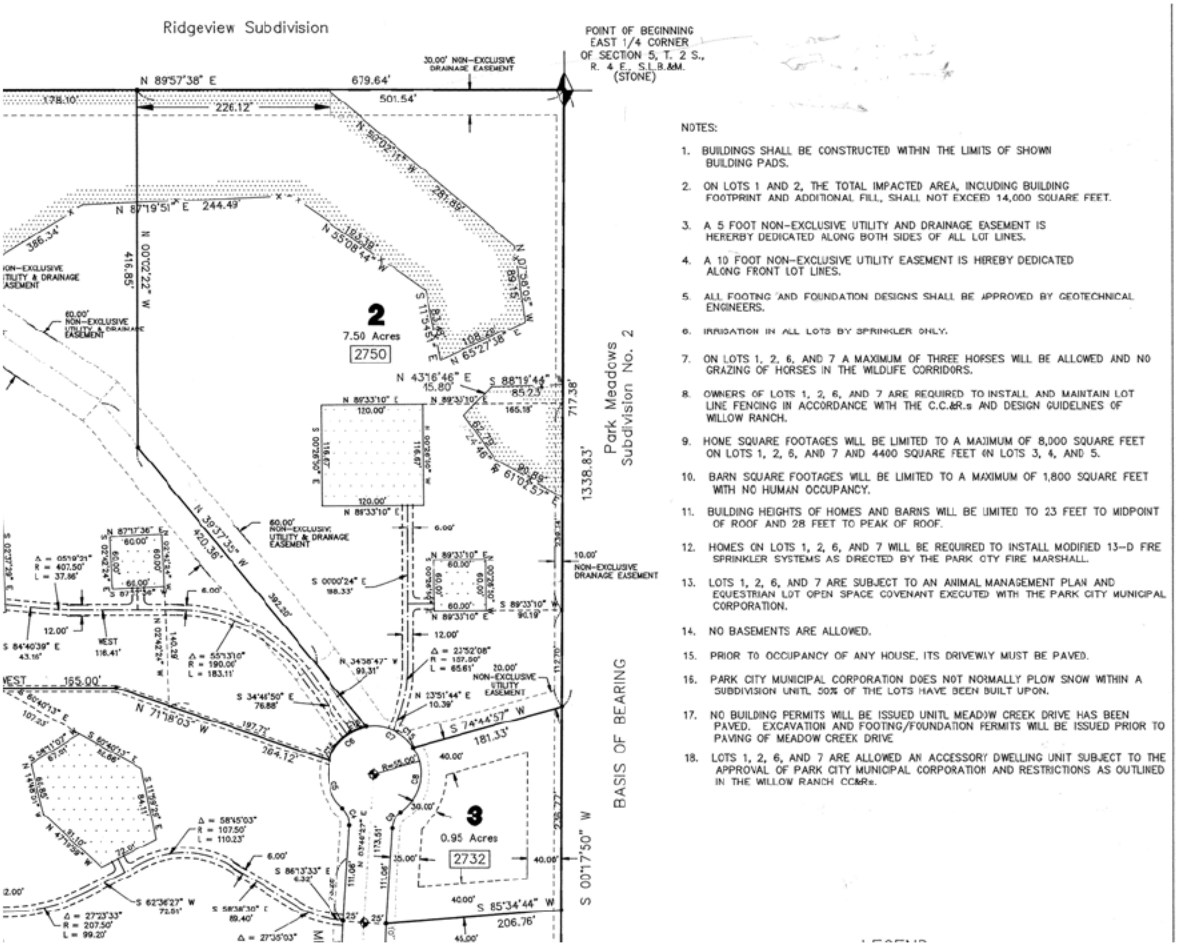
I, the undersigned, hereby acknowledge the conditions by which the project referred to above was approved.

Pres. Willow Ranch Development Inc.

Date 2/4/93

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.


Exhibit H to 1993 CC&Rs
Permit #199250275 Sheet 2/4
Lot #1 House and Lot #2 House and Barn areas and driveways - crosshatched and highlighted in yellow – NWP #26 to IMPACT wetland by placing fill raising pads creating "islands" above wetlands - Restrictions are restated on 1993 Plat Note #2. Other building areas are in upland areas. All building areas are platted with a LODA by survey or setbacks.
IMPACTED
HOUSE BUILDING/LANDSCAPE LIMITS AREA
110' X 110' Typical Building Pad unless shown otherwise
IMPACTED
BARN BUILDING LIMITS AREA
60' X 60' Typical Building Pad
Ridgeview Subdivision
PARCEL "A"
PARCEL "B"
LOT 1
LOT 2
LOT 6
Park Meadows Subdivision No. 2
McLeod Creek Subdivision
LEGEND
WILLOW RANCH
THE JACK JOHNSON COMPANY


Ridgeview Subdivision
POINT OF BEGINNING EAST 1/4 CORNER OF SECTION 5, T. 2 S., R. 4 E., S.L.B.&M. (STONE)
N 89°57'38" E
679.64'
501.54'
226.12'
178.10'
N 87°19'51" E 244.49'
2
7.50 Acres
2750
3
0.95 Acres
2732
Park Meadows Subdivision No. 2
1338.83'
BASIS OF BEARING
S 0°01'50" W
206.76'
NOTES:
1. BUILDINGS SHALL BE CONSTRUCTED WITHIN THE LIMITS OF SHOWN BUILDING PADS.
2. ON LOTS 1 AND 2, THE TOTAL IMPACTED AREA, INCLUDING BUILDING FOOTPRINT AND ADDITIONAL FILL, SHALL NOT EXCEED 14,000 SQUARE FEET.
3. A 5 FOOT NON-EXCLUSIVE UTILITY AND DRAINAGE EASEMENT IS HEREBY DEDICATED ALONG BOTH SIDES OF ALL LOT LINES.
4. A 10 FOOT NON-EXCLUSIVE UTILITY EASEMENT IS HEREBY DEDICATED ALONG FRONT LOT LINES.
5. ALL FOOTING AND FOUNDATION DESIGNS SHALL BE APPROVED BY GEOTECHNICAL ENGINEERS.
6. IRRIGATION IN ALL LOTS BY SPRINKLER ONLY.
7. ON LOTS 1, 2, 6, AND 7 A MAXIMUM OF THREE HORSES WILL BE ALLOWED AND NO GRAZING OF HORSES IN THE WILDLIFE CORRIDORS.
8. OWNERS OF LOTS 1, 2, 6, AND 7 ARE REQUIRED TO INSTALL AND MAINTAIN LOT LINE FENCING IN ACCORDANCE WITH THE C.C.&R.s AND DESIGN GUIDELINES OF WILLOW RANCH.
9. HOME SQUARE FOOTAGES WILL BE LIMITED TO A MAXIMUM OF 8,000 SQUARE FEET ON LOTS 1, 2, 6, AND 7 AND 4400 SQUARE FEET ON LOTS 3, 4, AND 5.
10. BARN SQUARE FOOTAGES WILL BE LIMITED TO A MAXIMUM OF 1,800 SQUARE FEET WITH NO HUMAN OCCUPANCY.
11. BUILDING HEIGHTS OF HOMES AND BARNS WILL BE LIMITED TO 23 FEET TO MIDPOINT OF ROOF AND 28 FEET TO PEAK OF ROOF.
12. HOMES ON LOTS 1, 2, 6, AND 7 WILL BE REQUIRED TO INSTALL MODIFIED 13-D FIRE SPRINKLER SYSTEMS AS DIRECTED BY THE PARK CITY FIRE MARSHALL.
13. LOTS 1, 2, 6, AND 7 ARE SUBJECT TO AN ANIMAL MANAGEMENT PLAN AND EQUESTRIAN LOT OPEN SPACE COVENANT EXECUTED WITH THE PARK CITY MUNICIPAL CORPORATION.
14. NO BASEMENTS ARE ALLOWED.
15. PRIOR TO OCCUPANCY OF ANY HOUSE, ITS DRIVEWAY MUST BE PAVED.
16. PARK CITY MUNICIPAL CORPORATION DOES NOT NORMALLY PLOW SNOW WITHIN A SUBDIVISION UNITL 50% OF THE LOTS HAVE BEEN BUILT UPON.
17. NO BUILDING PERMITS WILL BE ISSUED UNITL MEADOW CREEK DRIVE HAS BEEN PAVED. EXCAVATION AND FOOTING/FOUNDATION PERMITS WILL BE ISSUED PRIOR TO PAVING OF MEADOW CREEK DRIVE
18. LOTS 1, 2, 6, AND 7 ARE ALLOWED AN ACCESSORY DWELLING UNIT SUBJECT TO THE APPROVAL OF PARK CITY MUNICIPAL CORPORATION AND RESTRICTIONS AS OUTLINED IN THE WILLOW RANCH CC&Rs.

1993 Plat Notes

NOTES:

1. BUILDINGS SHALL BE CONSTRUCTED WITHIN THE LIMITS OF SHOWN BUILDING PADS.
2. ON LOTS 1 AND 2, THE TOTAL IMPACTED AREA, INCLUDING BUILDING FOOTPRINT AND ADDITIONAL FILL, SHALL NOT EXCEED 14,000 SQUARE FEET.
3. A 5 FOOT NON-EXCLUSIVE UTILITY AND DRAINAGE EASEMENT IS HERERBY DEDICATED ALONG BOTH SIDES OF ALL LOT LINES.
4. A 10 FOOT NON-EXCLUSIVE UTILITY EASEMENT IS HEREBY DEDICATED ALONG FRONT LOT LINES.
5. ALL FOOTING AND FOUNDATION DESIGNS SHALL BE APPROVED BY GEOTECHNICAL ENGINEERS.
6. IRRIGATION IN ALL LOTS BY SPRINKLER ONLY.
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16. PARK CITY MUNICIPAL CORPORATION DOES NOT NORMALLY PLOW SNOW WITHIN A SUBDIVISION UNITL 50% OF THE LOTS HAVE BEEN BUILT UPON.
17. NO BUILDING PERMITS WILL BE ISSUED UNITL MEADOW CREEK DRIVE HAS BEEN PAVED. EXCAVATION AND FOOTING/FOUNDATION PERMITS WILL BE ISSUED PRIOR TO PAVING OF MEADOW CREEK DRIVE
18. LOTS 1, 2, 6, AND 7 ARE ALLOWED AN ACCESSORY DWELLING UNIT SUBJECT TO THE APPROVAL OF PARK CITY MUNICIPAL CORPORATION AND RESTRICTIONS AS OUTLINED IN THE WILLOW RANCH CC&Rs.

The Corps permit and the Plat Notes are precisely why Article 3.3 of the 1993 CC&Rs requires that any modification to the "Limits of Disturbance Area" as designated by survey or setbacks on the Plat, requires determination of a "hardship" by the HOA **and** requires City approval.

> 3.3. Variances. Variances to the Architectural Design Standards contained in this Declaration, or modifications to the size or shape or location of the Limits of Disturbance Area on any Lot, may be granted when strict application would create an unforeseen or unreasonable hardship to the Owner of any Lot. No such variance may be granted without the unanimous consent of the Committee and City approval.

Article 3.3 of the CC&Rs cannot unilaterally be waived or amended by the HOA or the City Planning Department.

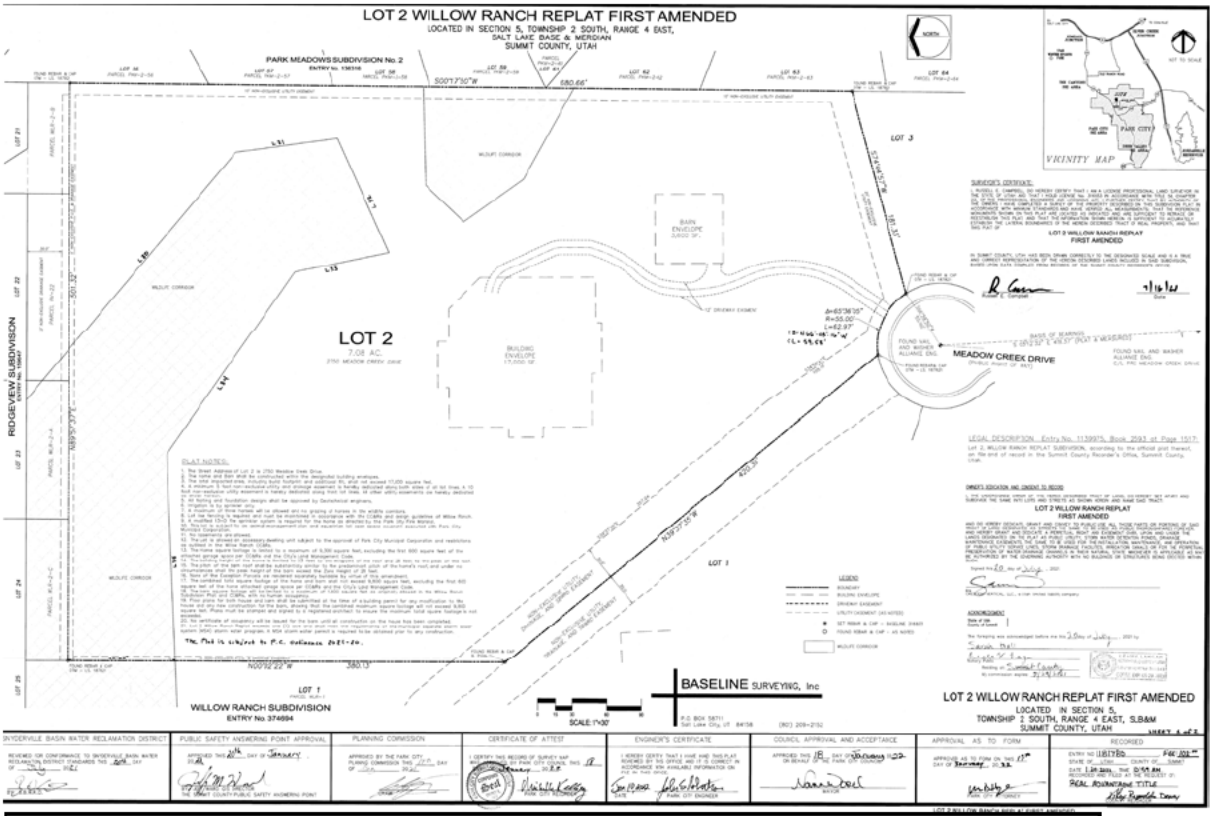
The Limits of Disturbance Area for Lots 1, 2, 6, and 7 are specifically surveyed (as opposed to setbacks) and listed on the Plat because they are subject to Army Corps of Engineers (Corps) permits and wetland restrictions.

It must be recognized that the Corps dictated the original LODA as "HOUSE BUILDING/LANDSCAPE LIMITS AREA." The City adopted the same boundary and has carried the LODA forward on all subsequent plats. In the 1999 Lot 2 Plat Amendment the City required and the applicant sought and obtained consent from the Corps for expansion of the LODA from 14,000 to 17,000 square feet.

The definition of "Limits of Disturbance Area" in the 1993 CC&Rs refers to Exhibit "F" which states: Lot 3, 4, and 5 is "per setbacks" shown on the Plat. Since specific setback distances of each Lot are different and not detailed on the Exhibit "F" table, one must look to the illustrations on the Plat.

Neither Exhibit "F" nor the Plat is meant to stand alone. There is an inseparable nexus between the CC&Rs and the Plat as demonstrated by cross-referencing. A change in the provision of one document may change the meaning and intent of the other.

Crescent Vertical's (Sarah Hall's) 2021 Plat Amendments (Ordinance) are illustrated and described on the amended Plat and in the restated Plat Notes with many being dependent on the provisions and definitions in the 1993 CC&Rs.

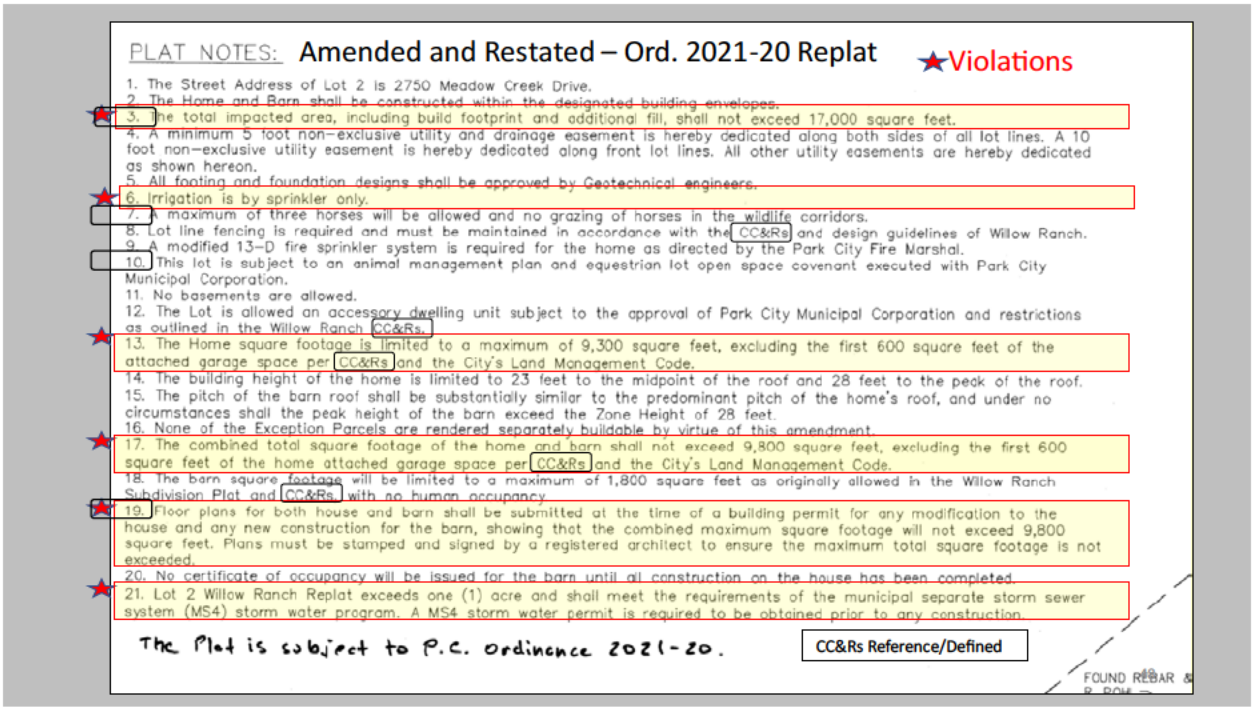


PLAT NOTES:

1. The Street Address of Lot 2 is 2750 Meadow Creek Drive.
2. The Home and Barn shall be constructed within the designated building envelopes.
3. The total impacted area, including build footprint and additional fill, shall not exceed 17,000 square feet.
4. A minimum 5 foot non-exclusive utility and drainage easement is hereby dedicated along both sides of all lot lines. A 10 foot non-exclusive utility easement is hereby dedicated along front lot lines. All other utility easements are hereby dedicated as shown hereon.
5. All footing and foundation designs shall be approved by Geotechnical engineers.
6. Irrigation is by sprinkler only.
7. A maximum of three horses will be allowed and no grazing of horses in the wildlife corridors.
8. Lot line fencing is required and must be maintained in accordance with the CC&Rs and design guidelines of Willow Ranch.
9. A modified 13-D fire sprinkler system is required for the home as directed by the Park City Fire Marshal.
10. This lot is subject to an animal management plan and equestrian lot open space covenant executed with Park City Municipal Corporation.
11. No basements are allowed.
12. The Lot is allowed an accessory dwelling unit subject to the approval of Park City Municipal Corporation and restrictions as outlined in the Willow Ranch CC&Rs.
13. The Home square footage is limited to a maximum of 9,300 square feet, excluding the first 600 square feet of the attached garage space per CC&Rs and the City's Land Management Code.
14. The building height of the home is limited to 23 feet to the midpoint of the roof and 28 feet to the peak of the roof.
15. The pitch of the barn roof shall be substantially similar to the predominant pitch of the home's roof, and under no circumstances shall the peak height of the barn exceed the Zone Height of 28 feet.
16. None of the Exception Parcels are rendered separately buildable by virtue of this amendment.
17. The combined total square footage of the home and barn shall not exceed 9,800 square feet, excluding the first 600 square feet of the home attached garage space per CC&Rs and the City's Land Management Code.
18. The barn square footage will be limited to a maximum of 1,800 square feet as originally allowed in the Willow Ranch Subdivision Plat and CC&Rs, with no human occupancy.
19. Floor plans for both house and barn shall be submitted at the time of a building permit for any modification to the house and any new construction for the barn, showing that the combined maximum square footage will not exceed 9,800 square feet. Plans must be stamped and signed by a registered architect to ensure the maximum total square footage is not exceeded.
20. No certificate of occupancy will be issued for the barn until all construction on the house has been completed.
21. Lot 2 Willow Ranch Replat exceeds one (1) acre and shall meet the requirements of the municipal separate storm sewer system (MS4) storm water program. A MS4 storm water permit is required to be obtained prior to any construction.

The Plat is subject to P.C. Ordinance 2021-20.

FOUND REBAR &



Willow Ranch Subdivision CC&Rs - Plat - LMC - SLO

As evidenced by the 2021 Lot 2 Plat Amendment, planning officials are not only permitted to reference the CC&Rs, but also they are obligated to understand the intentions of the Ordinance/Plat. If there are uncertainties, all available documents should be reviewed for clarity. **Diligence** must prevail over **Expedience.**

In a consequential Appeal to the Board of Adjustment (BOA) in February 2022, regarding a misinterpretation of a platted Limits of Disturbance Area (LODA), Planning Director Milliken, planning staff, and a sitting City Counselor subscribed to the (false) notion that City planners are not required to and should never reference the CC&Rs to confirm compliance and check for violations in other documents.

The BOA reviewed the 1993 MPD permitting process and CC&Rs and found that Director Milliken misinterpreted the LODA lines as only standard Estate District "setbacks" resulting in illegally granting the building permit on August 9, 2021, for the sauna building on Willow Ranch Lot 4. Furthermore, in correspondence on December 5, 2021, the City **incorrectly** suggested only a CUP process was necessary (without a plat amendment) for the 90% complete and unpermitted pickleball court on Lot 3 which also violated the platted Limits of Disturbance Area. BoA Ruling 3-1-22

2022 First Amended Willow Ranch CC&Rs

Notwithstanding Article 4.1 and Article 11.6 and Corps Exhibit "H" under the 1993 CC&Rs stated below, and the 2022 CC&Rs Recitals E, F, and G, the Willow Ranch HOA (Sarah Hall) improperly amended its CC&Rs by striking/deleting, adding, modifying, or fabricating certain provisions that are consequential to the Corps, LMC, Ordinances, and Plat.

Excerpts from the 1993 CC&Rs:

4.1. Governing Regulations. The lawfully enacted zoning regulations of Park City, and any building, fire, and health codes are in full force and effect in the Subdivision, and no Lot may be occupied in a manner that is in violation of any such statute, law, or ordinance. If the Covenants, Conditions and Restrictions in this Declaration are more stringent than applicable zoning, it is the intent that the provisions of this Declaration control. This Declaration shall not authorize any uses, improvements, or activities that are prohibited by any local, state or federal law or regulation.

11.6. Amendment, Mortgagee Not Bound. At any time while this Declaration is in effect, the Owners of 70% of the Lots subject to this Declaration may amend the provisions of this Declaration, provided that if the Declarant owns or controls an interest in all or a portion of the Additional Land at the time of the proposed Amendment, the consent of the Declarant will be required. Any such consent shall be in the exclusive judgment of the Declarant. Any Amendment must be in writing and be properly recorded in the office of the Summit County recorder. No Amendment will be binding upon the holder of any mortgage or trust deed on any Lot unless the mortgage or trust deed holder joins in the Amendment. This Declaration may not be repealed by amendment. No Amendment shall have the effect of eliminating the Limits of Disturbance Area and limitations on site disturbance, increasing the number of Lots or Dwellings within the Subdivision beyond that approved by the City and this Declaration, or making less restrictive those provisions regulating the uses of the Open space within the Subdivision.

Excerpts from the Amended 2022 CC&Rs

E. Pursuant to Section 11.6 of the Original Declaration, this Declaration is not intended to supersede or replace all of terms and conditions of the Original Declaration, but rather reinforce the protective covenants, conditions, and restrictions for the Property therein and incorporate those changes made through this First Amendment in a convenient document. The Original Declaration and this First Amendment may be collectively referred to as the "Declaration."

F. The Amended and Restated Articles of Incorporation of the Willow Ranch Homeowners Association, Inc. ("Articles") (attached Exhibit B) and the Amended and Restated Bylaws of the Willow Ranch Homeowners Association ("Bylaws") (attached Exhibit C) are incorporated by reference.

G. Imposing these covenants, conditions, and restrictions intends to create a generally uniform pattern of development, to protect and enhance the property values and aesthetic values by eliminating inconsistent uses or improvements, all for the mutual protection and benefit of the Owners of the Lots. The covenants, conditions, and restrictions are intended to, and shall in all cases run with the

title of the land, and be binding upon the Owners, their successors, assigns, heirs, lien holders, and any other person holding any interest in the Property and shall inure to the benefit of all other Property.

NOW, THEREFORE, after incorporating the above Recitals, the Association strikes Articles 1-11 of the Original Declaration, including all its exhibits, and replaces those provisions as follows:

These covenants, conditions, and restrictions shall be binding upon the Association as well as its successors in interest and may be enforced only by the Association or by any Owner; and, no other persons or entities, including but not limited to the City and adjacent neighbors, have the ability to enforce the Declaration, Articles, Plat, or Bylaws ("Governing Documents"). Only Owners have standing to enforce the Governing Documents upon another Owner or the Association.

Notwithstanding the provisions described above, the "THEREFORE" of the 2022 CC&Rs **strikes (deletes) Articles 1-11 and all Exhibits of the original 1993 CC&Rs including**:

1. Exhibit "H" - Corps Permits 199250275 (wetlands restrictions).
2. Limits of Disturbance definition – Changed to allow Improvements outside the original LOD without consent of the Corps nor the City.
3. The definition and application of Floor Area has been changed to a new term and definition - "living area" - which is proposed to determine compliance with maximum home square footage specifically affecting Lot #2 Plat Notes #13, #17 and #19. This methodology of calculating Floor Area is in violation of the LMC, Plat Notes and original CC&Rs.
4. Exhibit F - Max Floor Area has been replaced with Exhibit "D"

The CC&Rs now state the Plat is subject to the new definitions in the 2022 CC&Rs. This analysis may not be all inclusive of the consequential violations.

1993 - Article III - Architectural Committee Article 3.3 Variance has been deleted as well as the definition of "Limits of Disturbance Area"

3.3. Variances. Variances to the Architectural Design Standards contained in this Declaration, or modifications to the size or shape or location of the Limits of Disturbance Area on any Lot, may be granted when strict application would create an unforeseen or unreasonable hardship to the Owner of any Lot. No such variance may be granted without the unanimous consent of the Committee and City approval.

"Limits of Disturbance Area" shall mean the area within each Lot which is the outer limit of the area which may be disturbed by construction activity. The maximum size of the Limits of Disturbance Area for each Lot is shown on Exhibit "F" to this Declaration. For an Equestrian Lot, the lawful creation and maintenance of ponds, diversions, canals and other irrigation structures and their appurtenances shall not be subjected to the Limits of Disturbance

BOOK 711 PAGE 513

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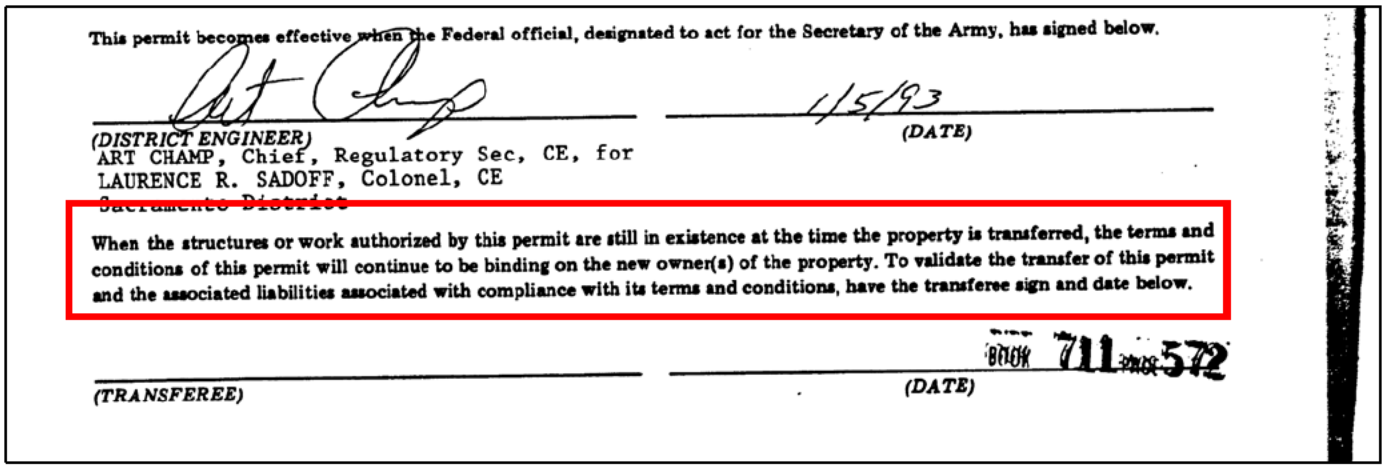
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Area calculations. For a Lot, the Barn Limits of Disturbance Area shall mean the area designated as such on the Plat, and as shown on Exhibit F hereof. Each Lot owner will be required to comply with the terms and conditions of the permit issued by the Army Corps of Engineers relating to Wetlands mitigation and restoration. A copy of the Permit is attached as Exhibit "H" to this Declaration.

The Limits of Disturbance Area for Lots 1, 2, 6, and 7 are specifically surveyed and listed on the Plat because they are subject to Army Corps of Engineers (Corps) permits and wetland restrictions. Below is a description of the intent of Exhibit H that was struck/deleted by the HOA (Sarah Hall) in the amended CC&Rs.

The Lot #1 House and Lot #2 House and Barn areas and driveways are crosshatched (and highlighted in yellow) because they received a Nationwide Permit (NWP) #26 to **IMPACT wetland by placing fill raising pads creating "islands" above wetlands**.

It must be recognized that the Corps dictated the original LODA as "HOUSE BUILDING/LANDSCAPE LIMITS AREA." The City adopted the same Corps boundary as restated on 1993 Plat Note #2 and further noticed and defined as Exhibit "H" in the CC&RS. The intent of the LODA provision has never been intentionally amended and has been carried forward with same restrictions on all subsequent plats and ordinances.



This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

(DISTRICT ENGINEER)
ART CHAMP, Chief, Regulatory Sec, CE, for
LAURENCE R. SADOFF, Colonel, CE
~~Sacramento District~~

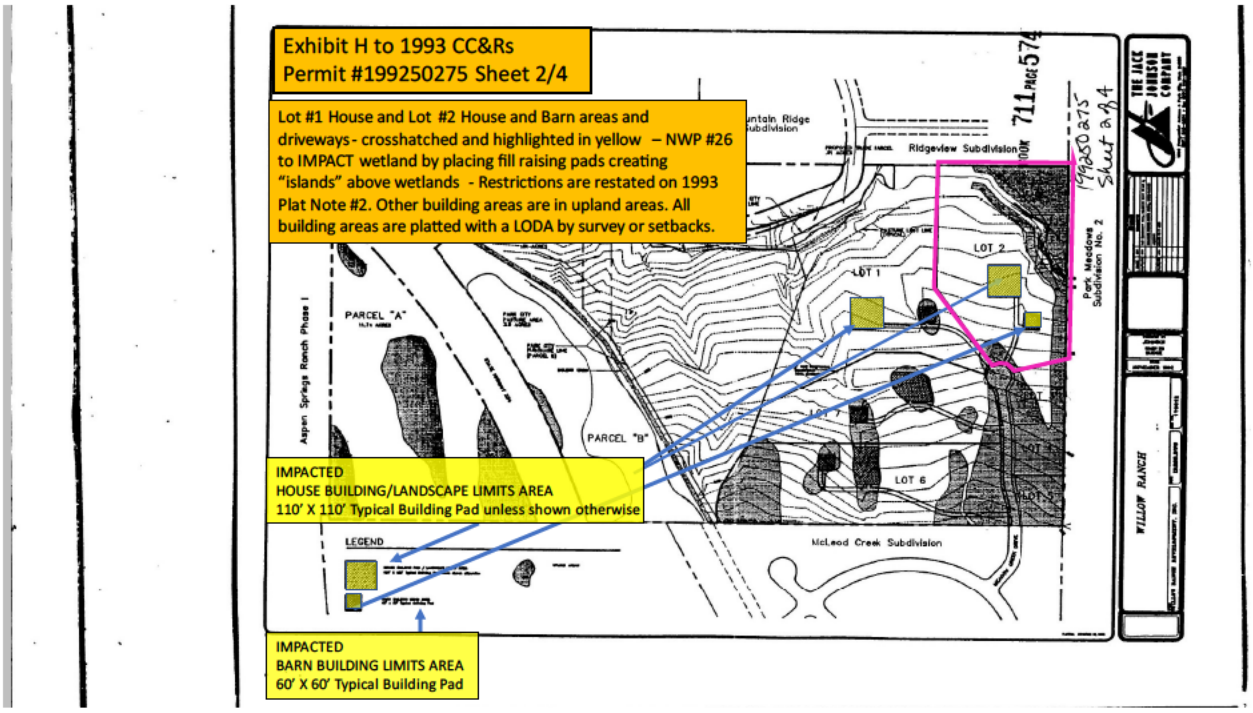
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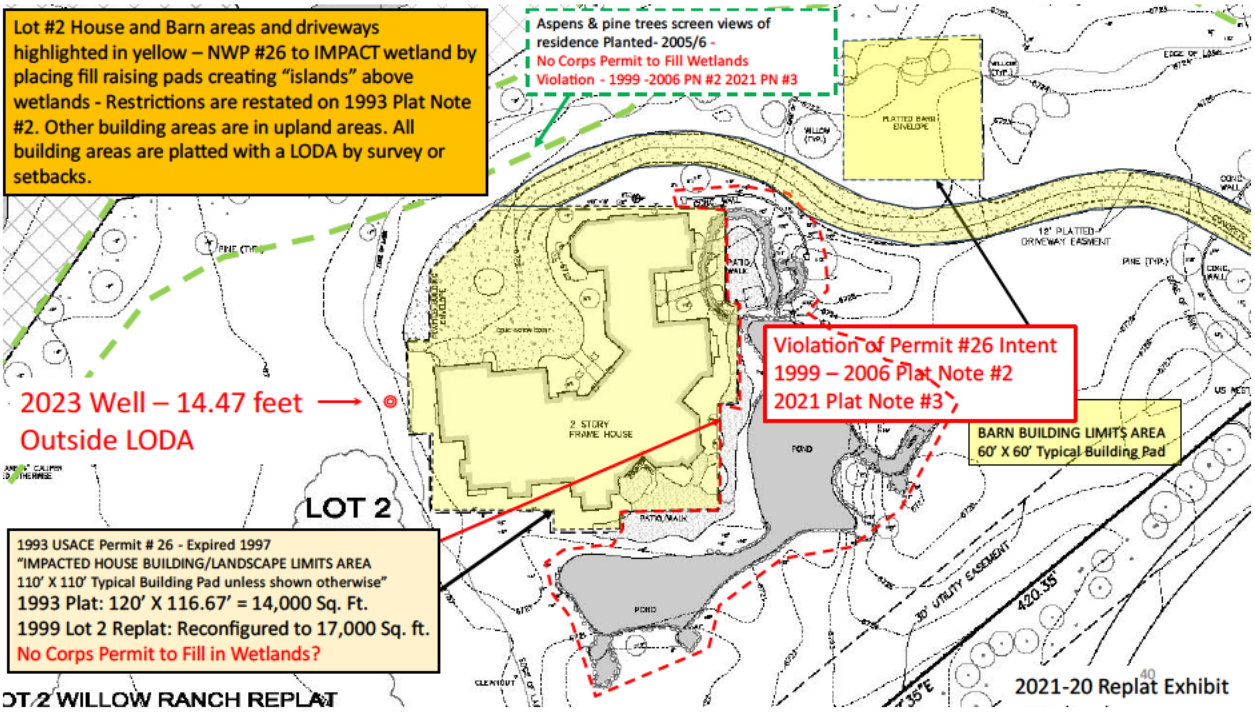
When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE)

(DATE)

BOOK 711 PAGE 572


Exhibit H to 1993 CC&Rs
Permit #199250275 Sheet 2/4
Lot #1 House and Lot #2 House and Barn areas and driveways - crosshatched and highlighted in yellow – NWP #26 to IMPACT wetland by placing fill raising pads creating "islands" above wetlands - Restrictions are restated on 1993 Plat Note #2. Other building areas are in upland areas. All building areas are platted with a LODA by survey or setbacks.
IMPACTED
HOUSE BUILDING/LANDSCAPE LIMITS AREA
110' X 110' Typical Building Pad unless shown otherwise
IMPACTED
BARN BUILDING LIMITS AREA
60' X 60' Typical Building Pad
LEGEND
PARCEL "A"
PARCEL "B"
LOT 1
LOT 2
LOT 6
Ridgeview Subdivision
McLeod Creek Subdivision
Park Meadows Subdivision No. 2
Aspen Springs Ranch Phase I
WILLOW RANCH
THE JACK JOHNSON COMPANY


Lot #2 House and Barn areas and driveways highlighted in yellow – NWP #26 to IMPACT wetland by placing fill raising pads creating "islands" above wetlands - Restrictions are restated on 1993 Plat Note #2. Other building areas are in upland areas. All building areas are platted with a LODA by survey or setbacks.
Aspens & pine trees screen views of residence Planted- 2005/6 -
No Corps Permit to Fill Wetlands
Violation - 1999 -2006 PN #2 2021 PN #3
2023 Well – 14.47 feet
Outside LODA
Violation of Permit #26 Intent
1999 – 2006 Plat Note #2
2021 Plat Note #3
BARN BUILDING LIMITS AREA
60' X 60' Typical Building Pad
LOT 2
2 STORY FRAME HOUSE
POND
12' PLATTED DRIVEWAY EASEMENT
30' UTILITY EASEMENT
420.35
1993 USACE Permit # 26 - Expired 1997
"IMPACTED HOUSE BUILDING/LANDSCAPE LIMITS AREA
110' X 110' Typical Building Pad unless shown otherwise"
1993 Plat: 120' X 116.67' = 14,000 Sq. Ft.
1999 Lot 2 Replat: Reconfigured to 17,000 Sq. ft.
No Corps Permit to Fill in Wetlands?
OT 2 WILLOW RANCH REPLAT
2021-20 Replat Exhibit

1993 CC&Rs Excerpts

ARTICLE I - DEFINITIONS of the 1993 CC&Rs was deleted including inter alia the definition of "Limits of Disturbance Area" (LODA.) The LODA was improperly replaced with the 2022 Article III provision below. The requirement and criteria for SLO view corridors analysis has also been deleted.

ARTICLE V AND ARTICLE VI of the 1993 CC&Rs were also deleted and replaced by the 2022 Article III Conditions for Improvements or undisclosed.

ARTICLE V

PERMITTED USES AND IMPROVEMENTS

5. Introduction. The following uses and Improvements are permitted within the Subdivision in the areas of the Property designated. Uses not specifically permitted are prohibited, unless, in the sole judgment of the Architectural Committee, the proposed use is a reasonable and logical extension or appurtenance of a use that is expressly permitted. The Property is divided into the following classifications of Property, with specific uses permitted or prohibited within each classification:

a. Limits of Disturbance Area of a Lot
b. Barn Limits of Disturbance Area
c. Equestrian Lot Open Space
d. Wildlife Corridor

ARTICLE VI

ARCHITECTURAL DESIGN STANDARDS AND CONDITIONS ON IMPROVEMENTS

6.1. Site Evaluation. It is expected that each Dwelling and its accompanying Improvements will be designed to suit each individual Lot, and to preserve, and benefit from the site's natural and unique character. The Owner is encouraged to use the services of experienced design professionals to evaluate the site and determine the best building approach for that site. The Limits of Disturbance Area is intended to begin this process, but should not be construed as the complete site evaluation. Limits of Disturbance Areas have been located to protect wetlands and natural drainage features, and protect view corridors. Improvements shall be sited and designed to minimize cuts and fills and other site disturbance.

6.5. Dwelling Setback and Placement. All portions of the Dwelling and any other Improvements are to be within the Limits of Disturbance Area or set backs designated (or revised by variance granted as per 3.3 hereof) for each Lot, and must also comply with the City's minimum front, rear and side yard setbacks.

2022 Article III Conditions for Improvements

3.3. Dwelling Setback and Placement. All portions of the Dwelling are to be within the Building Pad marked on the Plat for Equestrian Lots or within the set-backs hatch marks on all other Lots on the Plat. Each Lot shall comply with the City's minimum front, rear, and side yard setbacks as well as any applicable exceptions. These Setbacks and Placement for the Dwelling shall not limit any Owner from constructing other improvements outside of the Setbacks, including but not limited to those listed under Sections 5.1.2, 5.2.2, 5.3.2, and 5.6 with Association Approval.

3.4. View Corridors. Building Pads were carefully platted to solely protect view corridors of Owners. Improvements, including all significant vegetation such as any tree planting, require Association Approval so that view corridors from Lots are reasonably preserved for other Owners.

1993 Original Definitions - Applicable Methodology for Determining Maximum Home Floor Area

The following definitions and Exhibit "F" describe the applicable methodology for maximum home size.

LMC-November 5, 1992 Chapter 2 Definitions 2-7 Floor Area. The Floor area is the area of a building that is enclosed by surrounding exterior walls, excluding a 600 square foot allowance for garages. It is the intent of this definition to include lower levels into the floor area calculation which are not true basements. A true basement has all four walls underground. Therefore, a lower level will be counted into the floor area of a building if it is less than 80% underground or has an outside door (including garage door) visible from public right-of-way. If an entire lower level does not meet the criteria for exclusion from the floor area calculations, no part of the lower level may be excluded. Unenclosed porches, balconies, patios and decks will not be considered floor area. This definition is for planning purposes only and may conflict with other methods of calculating square footage such as the Uniform Building Code

1993 Willow Ranch Subdivision CC&Rs - Article I Definitions "Floor Area" shall mean the total of all floor surfaces surrounded by the exterior wall of any dwelling or habitable structure (or in the case of Equestrian Lots, also of any Barn), on all levels. Porches, patios, balconies and decks are not counted as Floor Area unless under roof and enclosed on three sides by walls of the Dwelling. The first 600 square feet of attached garage space is not counted as Floor Area. The maximum Floor Area for each Lot is shown on Exhibits "F" to this Declaration.

The 1993 MPD Plat and Ordinance 2021-20 referenced Exhibit “F’

EXHIBIT "F'

MAXIMUM LIMITS OF DISTURBANCE AREAS AND MAXIMUM FLOOR A REAS

LOT NUMBER	LOT SIZE	RESIDENCE LIMITS OF DISTURBANCE AREA	MAXIMUM FLOOR AREA	MAXIMUM BARN FLOOR AREA
1	8.26ACRFS	14,000 SQ.Ff.	8000	1500
2	7.50ACRES	14,000 SQ.Ff.	8000	1500
3	.95ACRES	per set backs	4400	*NIA*
4	.88ACRFS	per set backs	4400	*NIA*
5	.70ACRES	per set backs	4400	*NIA*
6	6.SOACRES	14,400 SQ.Ff.	8000	1500
7	5.31 ACRES	14,400 SQ.Ff.	8000	1500

2022 Amended Definition – New Methodology “LODA” and “Floor Area”

The 2022 CC&Rs deleted Exhibit “F” above and now state the Plat including Notes are now subject to the (new) CC&Rs. The new definitions and terms in Exhibit “D” improperly replaced those dictated by the Corps and the City in the 1993 Exhibit “F”.

1) **“Maximum Dwelling Limits of Disturbance/Building Pad”** - The Corps expressed and City adopted “HOUSE BUILDING/**LANDSCAPE LIMITS AREA”** for Lots 1 and 2**;**

2) **“Dwelling Maximum Living Square Footage”** The new term/definition of **“living area”** replaces **“Floor Area”** as defined in the 1993 LMC and 1993 CC&Rs and is now proposed as the City’s methodology to determine the maximum square footage.

2022 Amendment - New Definition

"**Living Square Footage**", "**Living Area**", "**Dwelling Square Footage**", or "**Barn Square Footage**" or when referring to the Dwelling or Barn in the Plat simply "**square footage"** or **"square feet**" shall mean the total of the livable and finished area of any Dwelling (and Barn, if applicable) that is surrounded by four exterior walls, is under a roof, has a finished floor which is fully above grade, and is finished in a quality similar to the rest of the Building. Non-livable or non-finished areas are excluded from square footage. Examples include, but are not limited to, areas with a ceiling of less than 7' in height, areas without access via a Normal Doorway, area unsuitable for year round living (requiring insulation and

01198508 Page 4 of 29 Summit County

permanently installed power and heating sources), and areas that are not continuous (I.e.. accessed from the outside and not the balance of the Building livable area). Additional non-livable areas include, but are not limited to, finished basements, crawl space, any area with a floor under grade, partially enclosed (less than four walls) covered porches, balconies, terraces, patios, decks, covered hot tubs, attics, storage areas, laundry rooms, chimneys, fireplace boxes, hot tubs, saunas, sunrooms, water features, pools, stairways, under stairway closets, elevator shafts, vent shafts, bay windows, finished areas accessible by a ladder, lofts, plant shelves, entry alcoves, equipment and utility areas and closets, storage rooms or areas, mechanical equipment and areas, furnace rooms, vent shafts, recreational areas, any outdoor areas, any unfinished areas, and other improvements on the Lots not attached to the Dwelling (or Barn) are not counted as Square Footage for the Dwelling (or Barn, if applicable). The first 600 square feet of attached conditioned garage space for the Dwelling or Barn are not counted as Square Footage. Square Footage is measured from the finished surface of interior walls and excludes dead space between interior walls. The maximum Square Footage for each Dwelling and Barn is attached in Exhibit D.

The new 2022 terms for designating the Limits of Disturbance Area and calculating the maximum home square footage are described in the column headings in Exhibit "D" below.

Exhibit D

Dwelling Limits of Disturbance/Building Pad and
Dwelling/Residence Maximum Living Square Footage
Barn Limits of Disturbance/Building Pad and
Barn Maximum Living Square Footage

- These restrictions on the Dwelling and Barn Building Pad and Square Footage do not restrict other allowed Improvements or uses on the Lots and those other Improvements do not count towards the Living Square Footage calculations or Residence/Barn Limits of Disturbance

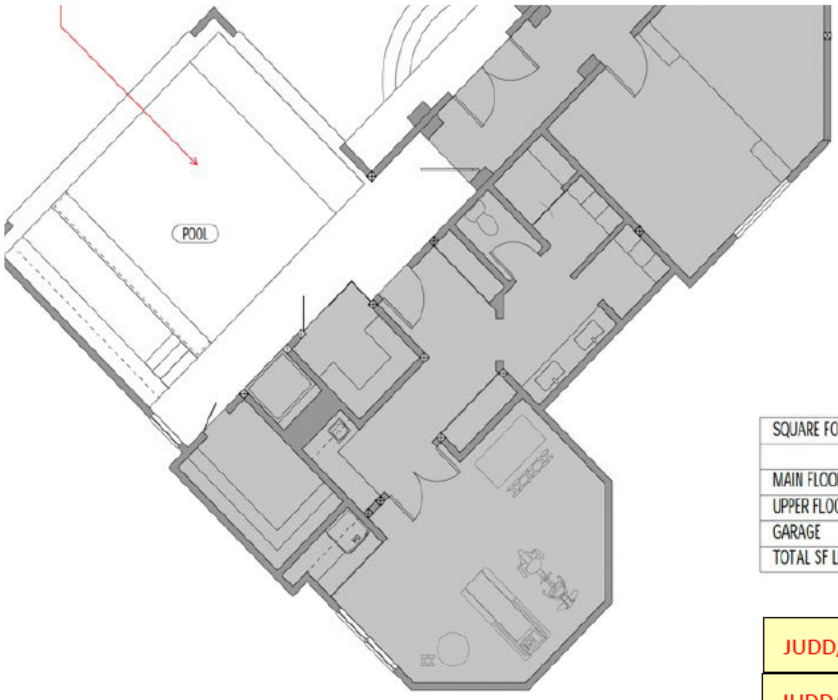
- Amendments to this Exhibit may be made in a Plat amendment and shall automatically apply to the Governing Documents including this Exhibit D. All terms and definitions in affect in the current Declaration and the City Land Management Code in affect upon the initial 1993 Willow Ranch Declaration shall apply to all Lots. The Square Footage definition in the current Willow Ranch Declaration shall apply.

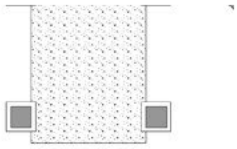
Lot Number	Lot Size	Maximum Dwelling Limits of Disturbance/Building Pad	Maximum Barn Limits of Disturbance/Building Pad	Dwelling Maximum Living Square Footage*	Barn Maximum Living Square Footage
1	8.26 acres	14,000 sq.ft.	3,600 sq.ft.	8,000	1800
2	7.50 acres	17,000 sq.ft.	3,600 sq.ft.	9,300	1,800
3	.95 acres	set-back hatch marks on Plat	None	4,400	None
4	.88 acres	set-back hatch marks on Plat	None	4,400	None
5	.70 acres	set-back hatch marks on Plat	None	4,400	None
6	6.80 acres	14,400 sq.ft.	3,600 sq.ft.	8,000	1800
7	5.31 acres	14,400 sq.ft.	3,600 sq.ft.	8,000	1800

*First 600 sq.ft. of attached garage does not count toward Maximum Square Footage

Improper Maximum Square Footage Methodology

Below is a section of the original 2021 "pool" plan permit application without the required registered architect stamp. The "SQUARE FOOTAGE" chart improperly calculated the dwelling size as the "LIVING" area. The plan was improperly approved by the planning department on 10/13/21.





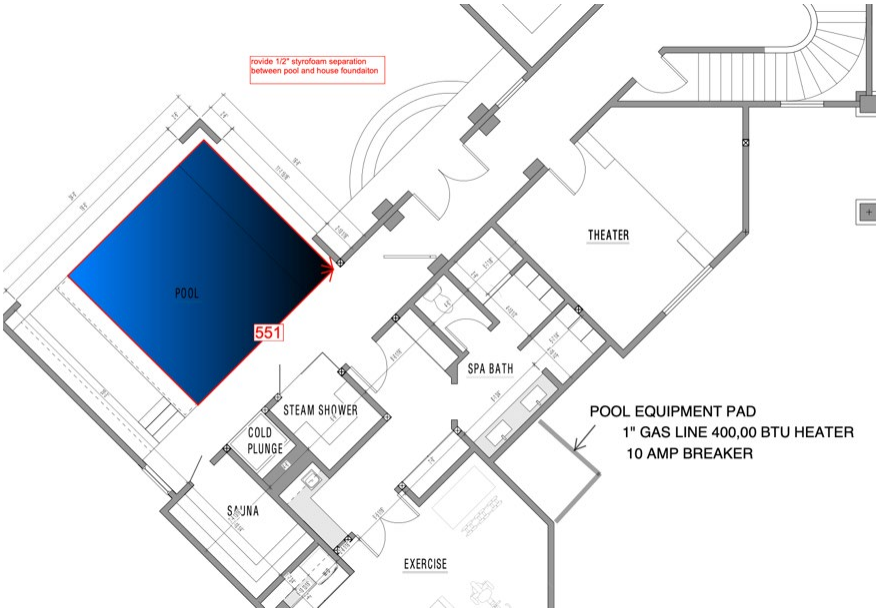
SQUARE FOOTAGE		
	ORIGINAL LIVING	REMODEL
MAIN FLOOR	5121 SF	(-492 SF) 4629 SF
UPPER FLOOR	3336 SF	(-835 SF) 2501 SF
GARAGE	840 SF (1440-600)	840 SF (1440-600)
TOTAL SF LIVABLE	9297 SF	8057 SF

JUDD/Living	9,297 SF	8,557 SF
JUDD/LMC	10,261 SF	10,106 SF

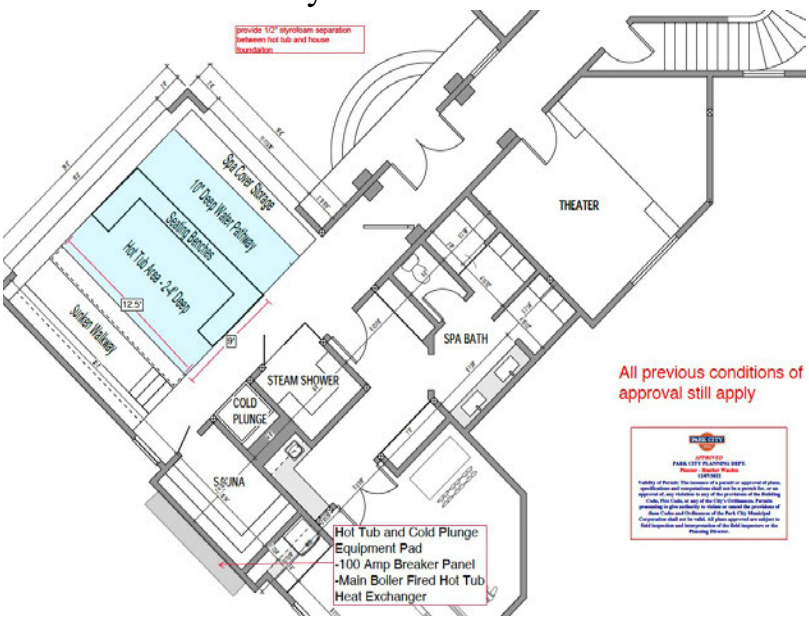
After the 11/11/2022 request from the Chief Building Official (CBO) Thacker, the Halls engaged Terry Judd, a registered architect, to place his stamp on an amended application with a new chart without declaration of methodology. The JUDD/LIVING calculation implies 9,292 original square feet and 8,557 square feet after remodel as the applicable home size.

However, on April 13, 2023, CBO Thacker revealed the "Judd chart" to Complainants and declared that contrary to "LIVING" area, the applicable measurement methodology is "Floor Area" as defined in the 1992 or 2023 LMC or the 1993 CC&Rs. The result is 10,261 square feet before remodel and 10,106 square feet after remodel. The Home is in violation of Plat Notes #13, #17 and #19 where the total combined maximum home **and** barn size is 9,800 square feet. Thacker: this has been known for… "quite some time".

Below is the original “pool” plan improperly approved on October 13, 2021 without the required CUP process.



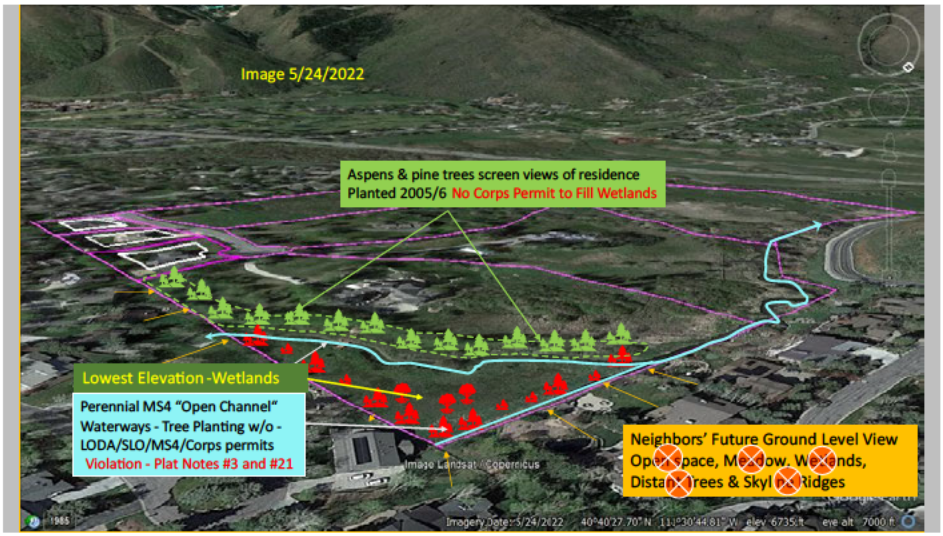
Below is the new amended plan submitted by the Halls **fourteen months later,** and only after 11/11/2022 when the CBO required submission of a new amended plan of the Recreation Facility. The **label** of the water facility was changed from “pool” to “hot tub/spa cover” which was approved by planning department on 12/07/22. Photographs have been prohibited and copies have been withheld from Complainants until November 16, 2023. The Halls do not permit public inspection of the as-built facility.



Improvements and Landscaping Outside LODA (wetlands and view corridors)

The Halls own Willow Ranch Lot 2 and have drilled an irrigation well, planted trees and placed fill material in "previously verified wetlands" outside the Corp and City designated LODA. The Halls performed all activities without appropriate City approval and have not conducted a Sensitive Land Overlay analysis as required by the LMC. The Halls failed to obtain a permit from the Corps.

Did the City overlook or ignore these violations because the HOA deleted the 1993 CC&Rs provisions prohibiting such activities? The 2022 CC&Rs no longer identify the Corps wetlands regulations (Exhibit H) and appear to permit any and all improvements outside the LODA subject only to Estate Zone setbacks.



Since 12/7/22, if a City planner were diligently evaluating a development proposal in Willow Ranch, a review of the most recent Plat Notes - Ordinance 2021-20, would obligate the planner to reference and rely on the most recently recorded CC&Rs for definitions and further explanation of regulations.

During 2023, did planning staff or senior officials unknowingly (or otherwise) refer to, consider and/or employ the illegal 2022 CC&Rs in evaluating any activities, complaints, planning recommendations, and/or disclosures to the executive, legislative, or legal departments?

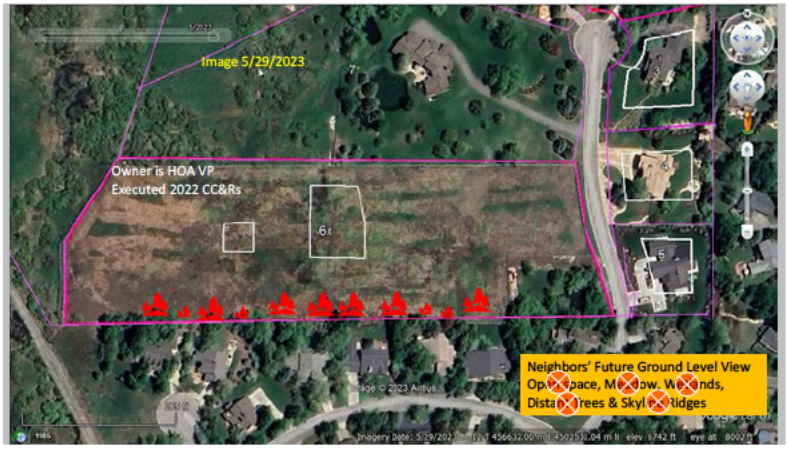
Did Mayor Worel and Attorney Plane rely on the CC&Rs for any decisions?

"Smith Subdivision" Willow Ranch Lot 6 and McCleod Creek Lot 10

On December 14, 2022, the Owners of Willow Ranch Lot 6 received a positive recommendation from the Planning Commission for a plat amendment to rejoin the subdivision and realign driveways to the original platted location. Staff Report to PC 12-14-22 . (Cannot locate date of consideration and approval by City Council.) Notwithstanding citing the January 28 1993 Council Minutes, the Owner executed the 2022 CC&Rs as the HOA Vice President. Is there a quid pro quo for executing the amended CC&Rs as the new HOA vice-chair?

The Owner of Lot 6 has not built a home or a barn. In meetings on July 9 and 10, 2023, the Owner stated he intends to plant a wall of trees along his property boundaries to block neighbor's view corridors to his home. This is an identical action which the Halls have employed on Lot 2 affecting the protected view corridors of the Hall's neighbors to the north and east. Although the 2022 CC&Rs were recorded 7 months prior, the Lot 6 Owner failed to disclose their existence.





Context, Motivations and Conclusions

It is clear that the HOA, with assistance of Sarah Hall, a sitting Planning Commissioner, and a licensed attorney, apparently has illegally altered the CC&Rs by striking/deleting, modifying, adding, and fabricating certain provisions. These actions result in the circumvention and violations of Ordinance 2021-20 - Willow Ranch Replat - laws and regulations consequential to the Corps and LMC. One or more City staff and senior officials may have been complicit.

Evidence shows that the Halls (and the City) knew, or should have known, since the Lot 2 plat amendment (Ordinance 2021-20) on April 29, 2021, that the size of the dwelling on Lot 2 far exceeded the limitation in the Plat Notes, 1993 CC&Rs and all related documents.

Also, the Halls (and City) must have known that if the violations were discovered it would preclude obtaining a permit to remodel the home in October 2021 or building a barn.

In violation of Plat Notes and the building permit application in 2021, the actual 1993 LMC Floor Area square footage **was never disclosed by the Halls nor demanded by the City planners.** The Halls and City officials certainly knew they had a maximum square footage compliance problem by September of 2022 when some of the Petitioners first complained to the City. Relying on a complicit HOA, the amended 2022 CC&Rs changed the original applicable definition of Floor Area to "Living" area which excludes non-living space square footage.

The 2022 CC&Rs were executed on November 28, 2022, recorded on exactly the same day (12/7/22) as planning approval of the amended permit application where the label was changed from a "pool" to a "hot tub". On December 23, 2022, Chief Building Official Thacker responded to City Manager Matt Dias (Mayor) indicating that Gerry Hall had provided plans and solutions that if "worked through appropriately" would resolve issues.

> *"**On Dec 23, 2022, at 1:27 PM,** David Thacker <dave.thacker@parkcity.org> wrote: (*to Matt Dias, City Manager, at the request of Mayor Worel*)*
> Please the email response in italics below. **(12/22/22 4:20 PM ADDED)** This was sent to Bob, Frode, Nann and Jen yesterday afternoon (after the email you just forwarded). I had indicated in a previous email we would update them mid to end of the week this week.
>
> To date, we are still working through the specifics of the concerns with the owners. Both concerns about the pool and square footage allowances. We have indicated to the complainants we are still working with the owners which is our update at this time. Additionally, the concerns if worked through appropriately may not require a stop work order.

Emails between CBO Thacker and Hall indicate that City Attorney Mark Harrington participated in these discussions.

> **On Thu, Nov 17, 2022 at 6:01 PM** David Thacker <dave.thacker@parkcity.org> wrote:
> Gerry,
>
> Thanks for the follow up. I have been able to touch base with Mark and agree it would be good to meet to keep this moving forward toward resolution. Do you have time on Monday or Tuesday of next week? I am available after 1:00 pm on Monday, and after 12:00 pm on Tuesday. Please let me know if a window within those timeframes fit your schedule. If not, could you please propose a time that is best for you?
> Thanks,
> Dave

Did the Halls propose implementing the provisions of the 12/7/2022 CC&Rs to City staffers, senior officials, and legal department **as the solution and potential response** to the Complaint? Former Director Milliken, until her resignation in late spring of 2023, was deeply involved in all matters relating to the Willow Ranch beginning with the Hall's plat amendment in April 2021 and building permit in October 2021, which the Chief Building Official ultimately required an **amended** building application and permit in December 2022. Former Director Milliken was also the subject staffer for the City's unsuccessful "sauna" BOA adjudication and unpermitted "pickleball" court issues.

In February 2023, shortly after recording the 2022 Amended CC&Rs, Commissioner Hall participated in discussions and voted on recommendations to amend LMC Landscaping and SLO provisions benefitting her without disclosure (by Hall or Milliken) of ongoing landscaping activities (DWR well permit) in a SLO zone. Comments-to-Pending-Amendments-Final-2-27-2023

The 2022 CC&Rs improperly allow for Improvements outside the LODA and subject only to the LMC Estate District standard setback regulations. Commissioner Hall supported this same notion by HOA vote and testimony

aligned with the former Director's misinterpretation of the LODA in the "Sauna" case heard by the Board of Adjustments in February 2022.

The recorded 2022 CC&Rs now state the Plat is subject to the new definitions and provisions. Ostensibly, the home now complies with the new CC&Rs. The Halls are attempting to sell (may have sold) the "compliance concept" to the City and others that unknowingly may be relying on the improper/illegal 2022 CC&Rs.

It appears that when the Halls apply to build a barn, the plan is to attempt to use 2022 CC&Rs' revised methodology on the **new** Exhibit D to reduce the applicable square footage of the Dwelling sufficiently to allow construction of a barn.

The problem with this grand "scheme" is that the 2022 CC&Rs are in violation of LMC, Plat and original 1993 CC&Rs definitions and Corps regulations. An HOA cannot legally amend the meaning and intent of Plat Notes (City ordinance, i.e., a **law**) by simply amending its CC&Rs that define the Notes. If the HOA or property owner desires to amend the Plat and related definitions referenced in the CC&Rs, a formal plat amendment is necessary with Commission recommendation and City Council approval.

Does the City Council know of the improper CC&Rs? If so, should the City not have demanded a recission by the HOA or issued/recorded a public repudiation of all provisions that violate or materially affect regulations established in 1993 by regulatory authorities?

Should there not be a comprehensive independent investigation on all matters including the City's complicity, if any?

Available for Questions.

Regretfully,
Bob Theobald
[redacted]

Access to Supporting Documents - Willow Ranch Plats and CC&Rs

Click Summit County Document Search (Recorder Documents) then follow directions below.

Plat Search - Drop down and fields:

- Search Type = Recorder Plats - Subdivision Condominium
- Plat Name = Willow Ranch* (must use * asterisk)
- Search Results = All Willow Ranch Subdivision plats

CC&Rs Search - Drop down and fields:

- Search Type = Recorder Documents
- Entry # = 374695
- Search = "CC&Rs Original 2-26-1993" recorded 2/26/1993
-
- Search Type = Recorder Documents
- Entry # = 1198508
- Search = First Amended CC&Rs recorded on 12/7/22

Download and save document(s) to computer

Exhibit 6

Memorandum
March 22, 2024

Selected Definitions and Illustrations
Land Management Code
1993 and 2022 CC&Rs

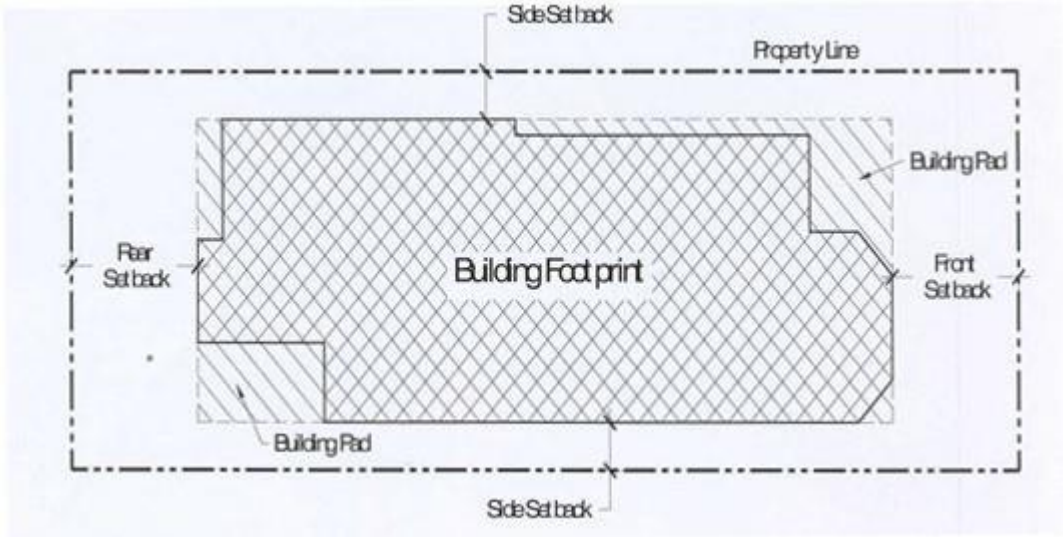
LMC Definitions

ALLOWED USE. A Use that is permitted in a Zoning District without a Conditional Use permit, not including Non-Conforming Use.

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

ATTIC. The space between the ceiling joists and roof rafters.

BUILDING PAD. The exclusive Area, as defined by the Setbacks, in which the entire Building Footprint may be located. See the following example; also see Limits of Disturbance.



CONDITIONAL USE. 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.

CONSTRUCTION ACTIVITY. All Grading, excavation, construction, Grubbing, mining, or other Development Activity which disturbs or changes the natural vegetation, Grade, or

any existing Structure, or the act of adding an addition to an existing Structure, or the erection of a new principal or Accessory Structure on a Lot or Property.

DEVELOPMENT. The act, process, or result of erecting, placing, constructing, remodeling, converting, altering, relocating, or Demolishing any Structure or improvement to Property including Grading, clearing, Grubbing, mining, excavating, or filling of such Property. Includes Construction Activity.

FINAL ACTION. The later of the final vote or written decision on a matter.

Floor Area, Gross Residential. The Area of a Building, including all enclosed Areas, consisting of the Area of all floors located under a ceiling that is above Final Grade, measured in square feet. Unenclosed porches, Balconies, patios and decks, vent shafts and courts are not calculated in Gross Residential Floor Area. Garages, up to a maximum Area of 600 square feet[1], are not considered Floor Area. Basement and Crawl Space Areas below Final Grade are not considered Floor Area. Floor Area is measured from the finished surface of the interior of the exterior boundary walls.

GRADING. Any earthwork or activity that alters the Natural or Existing Grade, including but not limited to excavating, filling, or embanking.

GRUBBING. The removal or destruction of vegetation, including disturbance to the root system or soil surface by mechanical, chemical or other means.

LIMITS OF DISTURBANCE. The designated Area in which all Construction Activity must be contained.

MAXIMUM HOUSE SIZE. A measurement of Gross Floor Area.

Recreation Facilities, Private. Recreation facilities operated on private Property and not open to the general public, including Recreation Facilities such as swimming pools, tennis courts, outdoor Pickleball Courts, and similar facilities for the Use by Owners and guests.

RESUBDIVISION. A change in a map of an approved or recorded Subdivision Plat if such change affects any Right-of-Way, or Lot Line; or any change in a map or plan legally recorded prior to the adoption of regulations controlling Subdivisions.

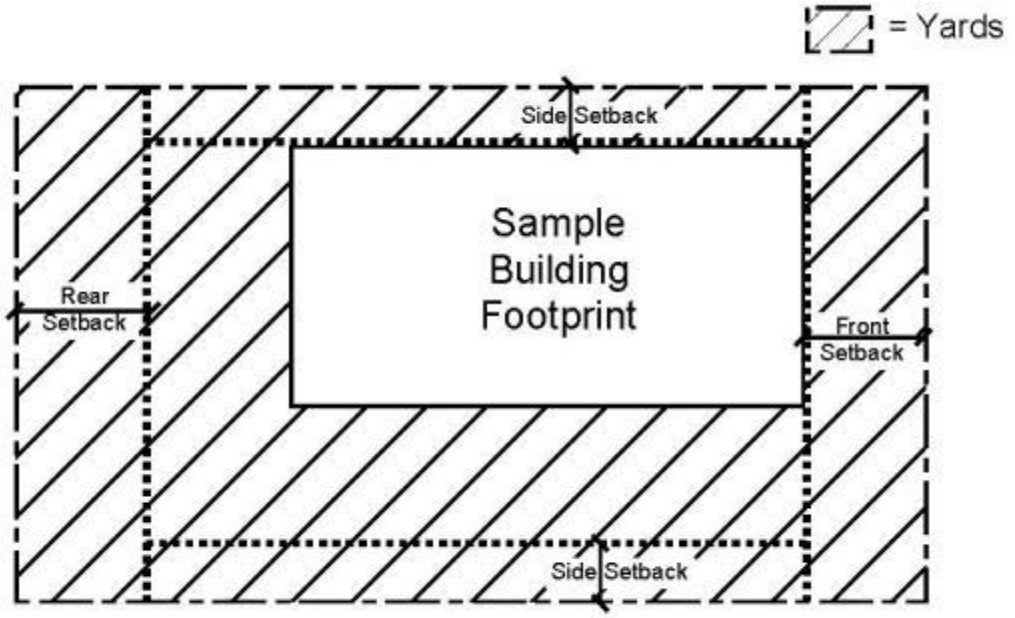
SCREEN OR SCREENED. The act, process, or result of visually and/or audibly shielding or obscuring a Structure or Use from adjacent Property by Fencing, walls, berms, densely planted vegetation or other landscaping features.

SENSITIVE LAND. Land designated as such by a Sensitive Lands Analysis and as reflected on the Official Zoning Map.

SENSITIVE LANDS ANALYSIS. A comprehensive analysis performed by a qualified

professional(s) that examines, identifies, and delineates on a map and in a written report all Areas of a Property deemed to be environmentally and aesthetically important to the community as expressed in the Park City General Plan, including, but not limited to, Steep Slopes, Very Steep Slopes, Significant Ridge Line Areas, wetlands, streams and lakes, wildlife habitat Areas, entry corridors, Vantage Points, Significant Vegetation, and Wildfire

SETBACK. A line parallel to a Property Line (or a Right-of-Way, platted Street, existing curb or edge of a Street, whichever line may extend furthest into the lot) at a distance established by the Zoning District. Between this line and the corresponding Property Line, no Structure or portion thereof shall be permitted, erected, constructed, or placed unless specifically allowed by the Zoning District.



SIGNIFICANT VEGETATION. Includes all large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, all groves of small trees, and all clumps of oak or maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

SITE DEVELOPMENT STANDARDS. Regulations unique to each zone concerning standards for Development including, but not limited to Lot Areas, Setbacks, Building Height, Lot coverage, open space.

VEGETATIVE COVER. Ground level surface area covered by the exposed leaf area of a plant or group of plants at full maturity, excluding trees./ Wildland Interface Zones.

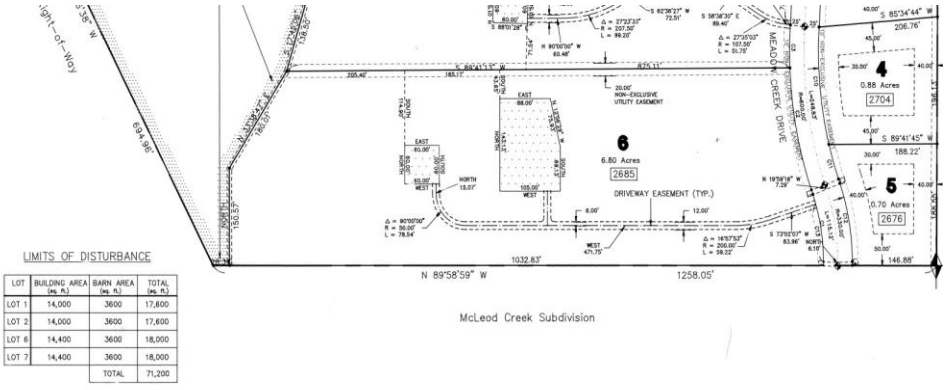
WETLAND, SIGNIFICANT. All wetlands that occupy a surface Area greater than one-tenth (1/10) acre or are associated with permanent surface water or that are adjacent to, or contiguous with, a Stream Corridor.

WILDFIRE/WILDLAND INTERFACE ZONE. All Areas within the Sensitive Areas Overlay Zone are within the Wildfire/Wildlife Interface Zone unless the City Fire Marshal determines otherwise based upon the amount of vegetative cover, including coniferous or deciduous trees, gamble oak or high shrub, and mixed forest, and steepness.

WILDLAND URBAN INTERFACE IMMEDIATE IGNITION ZONE. The area extending from zero (0) to five (5) feet from any Structure, any overhang, or deck attached to a Structure.

WILDLAND URBAN INTERFACE INTERMEDIATE IGNITION ZONE. The area extending from the edge of the Immediate Ignition Zone to a distance not to exceed 30 feet.

Enlargement of 1993 Original Plat with Limits of Disturbance Chart



LIMITS OF DISTURBANCE

LOT	BUILDING AREA (sq. ft.)	BARN AREA (sq. ft.)	TOTAL (sq. ft.)
LOT 1	14,000	3600	17,600
LOT 2	14,000	3600	17,600
LOT 6	14,400	3600	18,000
LOT 7	14,400	3600	18,000
		TOTAL	71,200

1993 CC&Rs Definition – "Limits of Disturbance Area" - Deleted

"Limits of Disturbance Area" shall mean the area within each Lot which is the outer limit of the area which may be disturbed by construction activity. The maximum size of the Limits of Disturbance Area for each Lot is shown on Exhibit "F" to this Declaration. For an Equestrian Lot, the lawful creation and maintenance of ponds, diversions, canals and other irrigation structures and their appurtenances shall not be subjected to the Limits of Disturbance

BOOK 711 PAGE 513

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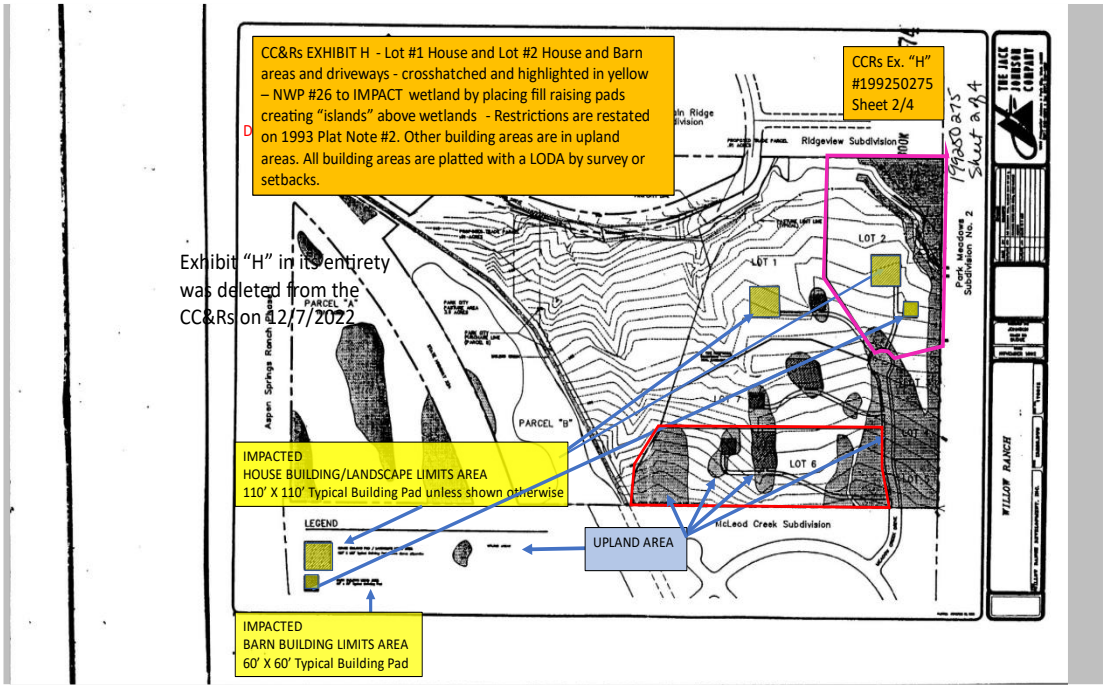
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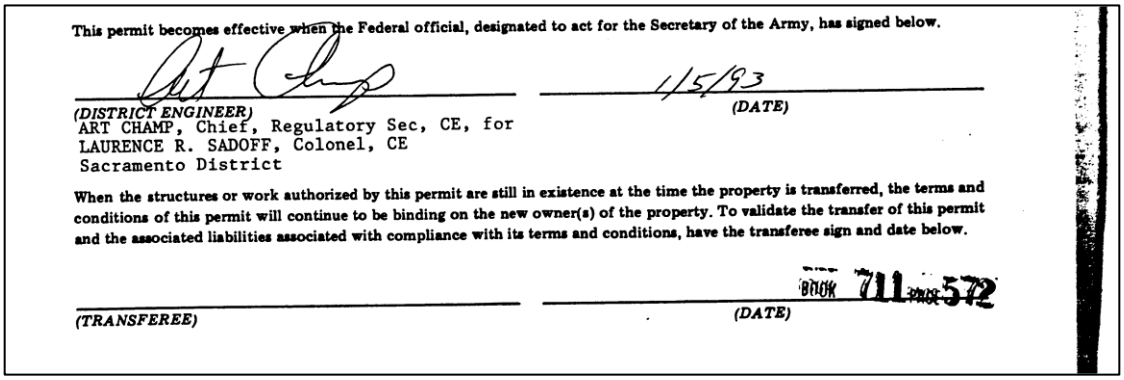
Area calculations. For a Lot, the Barn Limits of Disturbance Area shall mean the area designated as such on the Plat, and as shown on Exhibit F hereof. Each Lot owner will be required to comply with the terms and conditions of the permit issued by the Army Corps of Engineers relating to Wetlands mitigation and restoration. A copy of the Permit is attached as Exhibit "H" to this Declaration.

2022 CC&Rs Definition "Limits of Disturbance" - Replacement

"**Limits of Disturbance**", "**Building Area/Residence/Dwelling Limits of Disturbance**" or "**Barn Area Limits of Disturbance**" shall mean the designated outer limit of the area in which all Construction Activity for the Dwelling (or Barn, as applicable) must be contained with a 10-foot-wide additional added area per the applicable LMC. The Limits of Disturbance only applies to Dwellings and Barn, and specifically excludes other uses and all other improvements. *See* Building Pad or Building Envelope.

Exhibit H- Corps Permit #1992250275 1993 CC&Rs – Deleted Note: There is no mention of the existence of the Army Corps of Engineers jurisdictional wetlands delineations, fill permitting or continuing restrictions in the 2022 CC&Rs.





This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

1/5/93

(DISTRICT ENGINEER)
ART CHAMP, Chief, Regulatory Sec, CE, for
LAURENCE R. SADOFF, Colonel, CE
Sacramento District

(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE)

(DATE)

BOOK 711 PAGE 572

2

When Recorded Mail to:

THOMAS T. BILLINGS, ESQ.
Van Cott, Bagley, Cornwall & McCarthy
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DECLARATION OF COVENANTS, CONDITIONS

AND RESTRICTIONS FOR

WILLOW RANCH SUBDIVISION

PARK CITY, UTAH

THIS DECLARATION is made this 25th day of February, 1993, by Willow Ranch Development Company, a Utah corporation, referred to below as "Declarant":

RECITALS:

A. Declarant is the owner of the following described real property (the "Property") located in Park City, Summit County, Utah:

See the attached Exhibit A

B. Declarant intends to develop a residential subdivision on the Property. Declarant will develop and convey all of the Property within the Subdivision subject to a general plan of development, and subject to certain protective covenants, conditions and restrictions all as set forth in this Declaration, and which are deemed to be covenants running with the land, mutually burdening and benefiting all of the Property and each of the Lots.

C. Declarant hereby declares that all of the Property shall be held, sold, conveyed, encumbered, leased, used, occupied and improved subject to these protective covenants, conditions, restrictions and equitable servitudes, all of which are created for the mutual benefit of the Owners of the Property and the Lots. It is the intention of the Declarant in imposing these covenants, conditions and restrictions to create a generally uniform pattern of development, to protect and enhance the property values and aesthetic values of the Property by eliminating inconsistent uses or improvements, all for the mutual protection and benefit of the Owners of the Lots. The covenants, conditions and restrictions are intended to, and shall in all cases run with the title of the land, and be binding upon the Owners, their successors, assigns, heirs, lien holders, and any other person holding any interest in the Property, and shall inure to the benefit of all other Property in the Subdivision. The covenants, conditions and restrictions shall be binding upon the Declarant as well as its successors in interest, and may be enforced by the Declarant, by the Association, or by any Owner.

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Notwithstanding the foregoing, no provisions of this Declaration shall prevent the Declarant from the completion of the Subdivision Improvements, or from using any Lot owned by the Declarant as a model home, temporary construction or sales office, nor limit Declarant's right to post signs or engage in other reasonable activities on the Property incidental to sales or construction which are otherwise in compliance with applicable City ordinances.

ARTICLE I

DEFINITIONS

1. Unless the context clearly requires the application of a more general meaning, the following terms, when used in this Declaration, (including that portion hereof headed "Recitals") shall have the following meanings:

The term "Accessory Dwelling Unit" shall mean a part of the dwelling unit on a Lot, attached to the Dwelling, and used to provide housing for Owner's employees or guests. No nightly rental of the Accessory Dwelling Unit is permitted.

"Approved Color List" shall mean those colors ("Approved Colors") described on Exhibit "B" to this Declaration.

"Approved Plants List" shall mean those plants ("Approved Plants") described on the Park City Plant List of Approved Drought Tolerant Plants, as it may be amended from time to time and native evergreens, aspens and willows.

"Association" shall mean the Willow Ranch Subdivision Homeowners Association, whether incorporated or not, and as the context requires, the Officers and Trustees of that Association.

"Barn" shall mean an agricultural outbuilding intended for the care and occupancy of not more than three horses and one un-weaned colt, together with storage areas for supplies, tack, equipment, and livestock feed for the horses kept on an Equestrian Lot.

"Barn Limits of Disturbance Area" shall mean the area designated on the Plat for any Equestrian Lot containing the location of a Barn and any typical agricultural appurtenances such as corrals and watering areas.

"Builder" shall mean the person or entity engaged by an Owner for the purpose of constructing, altering, or maintaining a Permitted Improvement. In this context, the Owner may also be the Builder, provided that if the Owner is not acting as Builder, the Builder shall be a duly licensed contractor as defined by Utah State law.

"City" shall mean Park City Municipal Corporation and its appropriate departments, officials, and boards.

"Committee" shall mean the architectural committee created under Article III of this Declaration.

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"Declarant" shall mean and refer to the signer of this Declaration.

"Declaration" shall mean this Declaration of covenants, conditions and restrictions, together with any subsequent amendments or additions, and any other matters or conditions shown on the official Plat of the Willow Ranch Subdivision, which are incorporated into this Declaration by reference.

"Dwelling" or "Dwelling Unit" shall mean the single family residence built or to be built on any Lot.

"Equestrian Lot" shall mean any numbered Lot on the Plat of the Willow Ranch Subdivision that is designated as such, including but not limited to Lots 1, 2, 6 and 7.

"Equestrian Lot Open Space" shall mean those portions of any Equestrian Lot that are designated as such on the Plat.

"Excavation" shall mean any disturbance to the surface of the land, including the removal of native vegetation, and also including trenching which results in removal of soil or rock from a depth of more than 12 inches from the natural surface of the land, or any grading of the surface. Excavation shall include any activities for which an excavation or grading permit would be required under the Uniform Building Code as adopted by the City.

"Family" shall mean one household of persons related to each other by blood, adoption or marriage, or one group of not more than five people not related living together as a unit who maintain a common household.

"Fencing" see Permitted Fencing below.

"Fill" shall mean the depositing of earth, soil, rock or other materials to the surface of the land, whether imported from off-site or resulting from the re-grading of excavated material from on-site, to raise the natural elevation of the surface. Fill shall also include any fill material as defined under the Uniform Building Code, as adopted by the City.

"Floor Area" shall mean the total of all floor surfaces surrounded by the exterior walls of any Dwelling or habitable structure (or in the case of Equestrian Lots, also of any Barn), on all levels. Porches, patios, balconies and decks are not counted as Floor Area unless under roof and enclosed on three sides by the walls of the Dwelling. The first 600 square feet of attached garage space is not counted as Floor Area. The maximum Floor Area for each Lot is shown on Exhibit "F" to this Declaration.

"Improvement" shall mean all structures and appurtenances of every type and kinds, including but not limited to buildings, Dwelling Units, garages, storage buildings, walkways, retaining walls, sprinklers, pipes, driveways, landscaping, pools, decks, stairs, poles, lighting, signs, satellite dishes or other antennas, and any mechanical equipment located on the exterior of any building.

"Limits of Disturbance Area" shall mean the area within each Lot which is the outer limit of the area which may be disturbed by construction activity. The maximum size of the Limits of Disturbance Area for each Lot is shown on Exhibit "F" to this Declaration. For an Equestrian Lot, the lawful creation and maintenance of ponds, diversions, canals and other irrigation structures and their appurtenances shall not be subjected to the Limits of Disturbance

Area calculations. For a Lot, the Barn Limits of Disturbance Area shall mean the area designated as such on the Plat, and as shown on Exhibit F hereof. Each Lot owner will be required to comply with the terms and conditions of the permit issued by the Army Corps of Engineers relating to Wetlands mitigation and restoration. A copy of the Permit is attached as Exhibit "H" to this Declaration.

"Lot" shall mean any numbered building Lot shown on the Plat of the Willow Ranch Subdivision.

"Natural Area" shall mean the portion of any Lot that is outside of the Limits of Disturbance Area.

"Open Space" shall mean any areas designated on the Plat as such, which may be dedicated to the public or owned by the Association, or an individual Owner, and may or may not provide for public access or access by the Association.

"Owner" shall mean the person or persons having title to any Lot or other parcel of Property as shown on the Plat of the Willow Ranch Subdivision. Owner shall mean the person holding fee simple title, including the Declarant, and buyers under any contract for deed, but shall exclude any person or entity holding title for purposes of securing performance of an obligation.

"Permitted Fencing" shall mean any fences and their appurtenances installed, constructed, maintained or allowed to stand on the Property in conformity with this Declaration and the Fencing Standards described in the attached Exhibit "C".

"Permitted Improvements" shall mean any Improvements installed, constructed, maintained or allowed to stand on the Property in conformity with this Declaration.

"Person" shall mean a natural person or any legal entity with a right to hold title to real property in its own name in the State of Utah.

"Plat" shall mean the Plat of the Willow Ranch Subdivision as approved by the City and recorded in the office of the Summit County Recorder, and any amendments that may be made from time to time.

"Property" shall mean all of the land described on the Plat, including Lots, Trail Corridors, and any Equestrian Lot, Equestrian Lot Open Space, Natural Area, roads, Wildlife Corridors and common areas.

"Public View" shall mean that the object, Improvement, or activity on the Property is or would be in the line of sight originating from a point five feet above the surface of any public streets, including Roadways within the Subdivision.

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"Roadway" shall mean those portions of the Property that have been or will be dedicated to the City of Park City as a public way, as shown and described on the Plat.

"Subdivision" shall mean the Willow Ranch Subdivision, and all Lots and other Property within the Subdivision as shown on the Plat, and as it may be amended or expanded from time to time.

"Trail Corridor" shall mean those areas designated on the Plat as the location of trails for horses and human foot traffic.

"Trustees" shall mean the duly elected and acting board of trustees of the Willow Ranch Homeowners Association.

"Wildlife Corridor" shall mean those portions of the Willow Ranch Subdivision that have been designated as such.

ARTICLE II

HOMEOWNERS ASSOCIATION

2. Homeowners Association Purposes. To effectively enforce this Declaration, the Declarant has created a Utah Non-Profit corporation called Willow Ranch Homeowners Association, Inc. The Association shall be comprised of the Owners of Lots within the Willow Ranch Subdivision, and is established to perform the following functions and exercise the following rights and powers for the benefit of the Owners and the enforcement of these covenants. Membership in the Association is deemed an appurtenance to the Lot, and is transferable only in conjunction with the transfer of the title to the Lot. The Association shall have and exercise, as necessary, the following powers:

2.1. Enforcement Powers. The Association shall have the power to enforce this Declaration by actions in law or equity brought in its own name, the power to retain professional services needed for the enforcement of these covenants and to incur expenses for that purpose. The Officers of the Association shall have the authority to compromise claims and litigation on behalf of the Association resulting from the enforcement of these covenants. The Trustees of the Association shall have the exclusive right to initiate enforcement actions in the name of the Association, however, this shall not limit the individual rights of Lot Owners to personally enforce this Declaration in their own name. The Association may appear and represent the interests of the Subdivision at all public meetings concerning zoning, variances, or other matters of general application and interest to the Owners. Owners may appear individually.

2.2. Maintenance Responsibilities. The Association may own or be granted easements over portions of the Property within the Subdivision. The responsibility to maintain and properly control the use of these parcels, when granted, vests in the Association, which has the power to perform maintenance services, construct Permitted Improvements, and in all other respects manage or supervise the management of those portions of the Property.

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2.3. Association's Obligation to Accept Grant of Open Space. The Owners, and the Association, agree to accept a grant of the fee or an easement to portions of the Property which may be designated as Open Space. Any such grant will be made free of liens and financial encumbrances, except taxes and accruing expenses and made subject to this Declaration. Open Space granted to the Owners or Association may be subject to conservation easements or similar third party limitations on use and access. Declarant or its successors are under no obligation to grant or arrange for the grant of any land to the Owners or the Association. Consideration for any such grant will not exceed Ten Dollars, and Grantor will bear all

transactional expenses. For the purpose of this section, the Wildlife Corridor, except when it is located on a Lot or Equestrian Lot shall be treated as Open Space.

2.4. Guardian of the Wildlife Corridor. The Association is hereby specifically charged by the Declarant and by the City with the responsibility and powers to enforce this Declaration as it pertains to the Lot A Wildlife Corridor. In the event title to Lot A is transferred to a third party, then this obligation as set forth in paragraph 2.4 of this Declaration shall cease.

2.5. Snow Removal. The City presently is requiring the Association to provide snow removal service within the Subdivision until 50% of the Lots have been improved by the construction of a Dwelling. Until such time as the snow removal service has been assumed by the City, the Association shall be responsible for snow removal, and shall have the power to make assessments against the owners, including the Owners of unimproved Lots, for purposes of providing this service.

2.6. Assessments. The Association has the power to levy assessments against each Lot as necessary to carry out its functions. All assessments will be equal on all Lots, whether vacant or improved. The non-Equestrian Lots will not be assessed for arena expenses. Assessments will be made annually to meet the anticipated and recurring expenses of the Association including, but not limited to, the costs of landscape maintenance, taxes, water for irrigation, reimbursement of expenses incurred by the Trustees and Architectural Committee in performance of their obligations, and enforcement of this Declaration. Notice of the Assessment and the proposed amount of the annual Assessment will be given in advance along with the notice of the annual meeting of the Association, provided that the amount of the proposed assessment may be increased or decreased at the meeting in which it is approved by the Owners.

The Association may also levy special assessments to cover unanticipated expenses or shortfalls. No special assessment will be levied without approval of the Owners in a meeting called for that purpose.

2.7. Assessments Constitute Lien, Mortgagee Protection. Any validly imposed assessment by the Association shall constitute a lien against the Lots in the Subdivision. The Association shall have the right to foreclose on that lien when any assessment remains unpaid for a period of more than 90 days from the date the assessment was levied, but if the lien is not foreclosed upon, it may be renewed from year to year by recording a new notice of the lien, together with accumulated interest. The lien of the Association against any Lot shall have priority from the date that the first Notice of Lien on a specific Lot is recorded in the office of the Summit County Recorder, and is subordinate to any previously recorded liens or encumbrances filed against that Lot, specifically including any purchase money mortgage or trust deed. Notwithstanding the lien rights of the Association, the obligation to pay assessments is a personal obligation of the Owner of each Lot, and the Association may proceed to collect against the Owner, or the prior Owner of any Lot in the event of a sale. No Mortgagee or Beneficiary under a Trust Deed who takes title by foreclosure or non-judicial sale, shall be held liable for the unpaid assessments of the Owner whose Lot was acquired by the Mortgagee or Beneficiary under a Trust Deed.

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2.8. Statement of Account. Any Owner may request the Association to provide a statement of his account to any lender or prospective buyer of that Lot showing the

assessments to be paid in full, or the amount of any past due assessments. The Buyer or lender for whom such a statement was prepared will be entitled to rely on its accuracy, and will not be held liable for any amounts not shown on the statement.

2.9. Formative Documents. The Articles of Incorporation and the By-laws of the Association are included as Exhibits "D" and "E" and incorporated by reference as part of this Declaration.

ARTICLE III

ARCHITECTURAL COMMITTEE

3. Introduction. It is the intention and purpose of this Declaration to impose Architectural Design Standards of a type and nature that result in Dwellings and Improvements which are compatible with the area landscape. The placement, massing, dimensions, materials, colors, and public view aspects of the Improvements will be guided, but still allow for diversity in style and the vitality in design.

To accomplish this goal, the Declarant hereby establishes the Architectural Committee, which is empowered to oversee and enforce the Architectural Design Standards set forth in this Declaration.

3.1. Architectural Committee Created. The Committee will consist of three members, who shall be members of the Board of Trustees of the Homeowners Association. The initial committee will consist of three people appointed by the Declarant, who do not need to be Owners. At the time 50% of the Lots are sold to persons other than the Declarant, two members of the Committee will be elected from the Board of Trustees, to replace the appointees of the Declarant. At the time that 80% of the Lots are sold to persons other than the Declarant, or following the second anniversary of the recording of the original Plat (whichever occurs first), all three members of the Committee will be elected by the Lot owners from the Board of Trustees.

3.2. Approval by Committee. No improvements of any kind, including without limitation the construction of any Dwelling Unit, garage, Accessory Dwelling Unit, Barn, out building, parking area, driveway, tennis court, walkway, or other hard surfaced area in excess of 100 square feet, swimming pools, outdoor hot tubs or spas, fences, walls, curbs, poles, trampolines, satellite dishes or antenna, solar panels, or any other permanent structure may be constructed, installed, maintained or allowed to stand in the Subdivision without the prior written approval of the Committee. No excavation, grading, filling, draining, landscaping, or installation or removal of existing vegetation shall be made without the prior written approval of the Committee. Approval of the Committee will be sought in the following manner:

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a. Plans submitted. Plans for the construction of any new Dwelling Unit and/or Barn must be submitted to the Committee for review. It is recommended that preliminary plans be submitted before the expense of final construction drawings is incurred. The plan must be in sufficient detail to show the location on the Lot of the exterior walls of the Dwelling Unit and/or Barn and all other structures to be built with it; detailed drawings of all elevations of all buildings showing locations of windows,

doors, roof pitches, decks and other exterior elements; a list of exterior siding and roofing materials and/or a sample, including color samples; and a landscape plan showing the location of driveways, walkways, patios, decks and other hard surfaced or irrigated areas and the areas to be disturbed by construction and the means of restoring those areas. In the case of an addition or modification to an existing Dwelling, the Committee may waive any of the foregoing requirements.

b. Review Fee. The applicant will pay a review fee to the Committee of $100 for each new dwelling, $20 for each addition or remodel, or, in the case of Improvements which cost less than $1,000, or which make no structural changes, the applicant will pay a fee of $10. The primary purpose of the fee is to document the date of submission, but the Committee may also use the proceeds to pay for its expenses in reviewing the plans and giving notice of meetings. No fee will be accepted until the Committee determines the submission to be complete.

c. Review. Within 15 days from receipt of a complete submission, the Committee will review plans and make an initial determination whether or not the plans comply with the conditions imposed by this Declaration. If they do not, the plans will be rejected. If they are in compliance, the Committee will approve the plans. The Committee may also approve the plans subject to specific modifications or conditions. Owners may desire to submit preliminary plans for review. The Committee will review preliminary plans, without fee, and make its comments known to the Owner, provided, however, that no preliminary approval is to be considered a final approval, and no final approval will be granted on less than a complete submission. Upon approval, the Committee and the Owner will each sign a copy of the plans, which shall be left to the Committee. Any construction that is not in strict compliance with the approved plans is prohibited.

d. Written Record. The Committee will maintain a written record of its actions, and maintain in its files a copy of all plans approved or rejected for a period of five years.

e. Failure to Act. If the Committee has not approved or rejected any submission within 45 days after payment of the review fee and submission of complete plans, the submission is deemed to have been disapproved.

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3.3. Variances. Variances to the Architectural Design Standards contained in this Declaration, or modifications to the size or shape or location of the Limits of Disturbance Area on any Lot, may be granted when strict application would create an unforeseen or unreasonable hardship to the Owner of any Lot. No such variance may be granted without the unanimous consent of the Committee and City approval.

3.4. Extraordinary Costs. Whenever it deems appropriate, and with the consent of the Board of Trustees, the Committee may engage the services of an architect, or civil

or structural engineer to assist in its review of any proposed Improvements. All costs of such additional review will be paid by the Applicant, provided however that no architect or engineer will be hired without advance notice to the Applicant of the intention to hire a review architect or engineer, and the aspects of the proposal that caused the Committee to believe that professional review was required, and the estimated cost of that review. If the applicant does not withdraw the proposal within five days after receipt of that notice, he is deemed to have consented to the Committee retaining such professional assistance. Whenever the Committee retains outside professional services in its review, the reviewing architect or engineer is acting only in an advisory capacity, and the applicant, for himself and his successors and assigns, waives any and all claims against the Committee in the event that advice from, or conditions imposed by, the reviewing professional prove ineffective, unnecessary, or inappropriate to the circumstances. The costs of such review will be billed directly to the applicant.

3.5. General Design Review. The Committee will use its best efforts to provide a consistent pattern of enforcement, and consistent application of the Architectural Design Standards of this Declaration. These Standards are, of necessity, general in nature, and the Committee shall apply them in a manner that results in a high quality, attractive, and well-designed community.

3.6. Declarant, Trustees and Committee not Liable. The Declarant, the Trustees, and the Committee and its members shall not be liable to the applicant for any damages, or to the Owners of Lots within the Subdivision for their actions, inactions, or approval or disapproval of any set of plans submitted to the Committee for review. In the absence of bad faith or malicious actions, the Owners shall have no claim against the Declarant or Committee as a result of the performance or failure to perform the duties created by this Declaration. Each Owner has the right to enforce this Declaration against another Owner, and may seek independent redress if he believes the Committee has acted improperly.

3.7. Limitations on Review. The Committee's review is limited to those matters expressly described in this Declaration. The Committee shall have no authority over the enforcement of building codes, zoning ordinances, or other statutes, laws, or ordinances affecting the development or improvement of the Property and shall have no liability to any Owner whose plans were approved in a manner that included any such violation. Corrections or changes to plans as may be subsequently required to bring them into conformity with any applicable codes must be reviewed and approved by the Committee prior to construction.

3.8. Approval to Proceed. The Committee shall promptly issue as Certificate of Approval to the Owner once the plans have been approved and the pre-construction conference required in Articles III and X has been held, and all other conditions of construction set forth in Articles III and X have been satisfied.

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ARTICLE IV

RESTRICTIONS ON ALL PROPERTY

4. The following Restrictions on use apply to all Property within the Subdivision.

4.1. Governing Regulations. The lawfully enacted zoning regulations of Park City, and any building, fire, and health codes are in full force and effect in the Subdivision, and no Lot may be occupied in a manner that is in violation of any such statute, law, or ordinance. If the Covenants, Conditions and Restrictions in this Declaration are more stringent than applicable zoning, it is the intent that the provisions of this Declaration control. This Declaration shall not authorize any uses, improvements, or activities that are prohibited by any local, state or federal law or regulation.

4.2. No Mining Uses. The property within the Subdivision shall be used for residential purposes only, and no mining, drilling, or quarrying activity will be permitted at any time.

4.3. No Business or Commercial Uses. No portion of the Subdivision may be used for any commercial business use, provided however that nothing in this provision is intended to prevent (a) the Declarant from using one or more Lots for purposes of a construction office during the actual period of construction of the Subdivision Improvements or (b) the use by any Owner of his Lot for a home occupation. No home occupation will be permitted, however, which requires or encourages the Owner's clients, customers, patients or others to come to the Lot to conduct business, or which requires any employees outside of the Owner's immediate family or household. No retail sales of any kind may be made in the Subdivision.

4.4. Restrictions on Signs. No signs will be permitted on any Lot or within the Subdivision, except for traffic control signs for Roadways placed by the City, or temporary signs warning of some immediate danger. Signs indicating the Lot is for sale may be placed in accordance with City sign regulations, and no such sign may exceed six square feet. The Declarant may erect a sign of not more than thirty-two square feet at the entrance to the Subdivision announcing the availability of Lots and giving sales information. No permanent signs stating the address or the name of the owner of the Lot may be installed without the advance consent of the Committee.

4.5. Completion Required Before Occupancy. No Dwelling may be occupied prior to its completion and the issuance of a certificate of occupancy by the City.

4.6. Dwelling to be Constructed First. No garage, Barn, Accessory Dwelling Unit, storage unit, or other out-building may be constructed prior to the construction of the Dwelling on the Lot.

4.7. Wood-Burning Fireplaces. To limit increases in air pollution, no Dwelling shall have more than one wood-burning fireplace, stove, furnace, or device. If an Owner combines two or more Lots and constructs one Dwelling, the Dwelling shall be entitled to one wood-burning fireplace for each Lot combined. The right to install a wood-burning fireplace is specific to each Lot, and may not be otherwise transferred to any other Lot. No wood-burning fireplaces, stoves, or furnaces will be permitted in any Barn. No coal-fired fireplaces, stoves, furnaces or devices of any kind will be permitted in the Subdivision.

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4.8. Animals. No animals other than ordinary household pets and horses for the Equestrian Lots may be kept on any Lot. This specifically excludes keeping horses on lots 3, 4 and 5.

4.9. No Re-Subdivision. No Lot may be re-subdivided without the consent of the Architectural Committee, and no re-subdivision of any Lot or group of Lots may result in an increase in the number of Lots within the Subdivision.

4.10. Underground Utilities. All gas, electrical, telephone, television, and any other utility lines in the Subdivision are to be underground, including lines within any Lot which service Improvements entirely within that Lot.

4.11. No Oil or L. P. Gas Tanks. The primary heat sources for all Improvements shall be solar, natural gas delivered by pipeline, or electric heat. Except for temporary periods during construction of the Dwelling, no heating oil, propane, butane, or other bulk fuel storage tank may be installed on the Property.

4.12. Service Yards. All clothes lines, service yards, storage yards, and exterior mechanical equipment must be screened in a manner approved by the Architectural Committee so that they are not visible from the Public View or other residence located in the Subdivision.

4.13. Maintenance of Property. All Lots, and the Improvements on them, shall be maintained in a clean, sanitary, attractive and marketable condition at all times. No Owner shall permit his Lot or the Improvements on it to fall into disrepair.

4.14. No Noxious or Offensive Activity. No noxious or offensive activity shall be carried out on any Lot, including the creation of loud or offensive noises or odors that detract from the reasonable enjoyment of nearby Lots.

4.15. No Hazardous Activity. No activity may be conducted on any Lot that is, or would be considered by a reasonable person to be unreasonably dangerous or hazardous, or which would cause the cancellation of conventional property casualty insurance. This includes, without limitation, the storage of caustic, toxic, flammable, explosive or hazardous materials in excess of those reasonable and customary for household uses, the discharge of firearms or fireworks, and setting open fires (other than properly supervised and contained barbecues).

4.16. No Unsightliness. No unsightliness is permitted on any Lot. This shall include, without limitation, the open storage of any building materials (except during the construction of any Dwelling or Improvements); open storage or parking of farm or construction equipment, with the exception of one (1) horse trailer that can be parked in the barn area.; inoperable motor vehicles, boats, campers, trailers, trucks larger than pick-up trucks (except during periods of actual loading and unloading); accumulations of lawn or tree clippings or trimmings; any bales of hay or woodshavings; accumulations of construction debris or waste; household refuse or garbage except as stored in tight containers in an enclosure such as a garage; lawn or garden furniture except during the season of use; and the storage or accumulation of any other material, vehicle, or equipment on the Lot in a manner that it is visible from the Public View or other residences located in the Subdivision.

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4.17. No Annoying Lights. Any outdoor lighting shall be subject to approval by the Architectural Committee, and no outdoor lighting shall be permitted except for lighting that is designed to aim downward and limit the field of light to the confines of the Lot on

which it is installed. This shall not apply to street lighting maintained by the City. The flood lighting of tennis courts or similar sports courts is deemed to be annoying to abutting Owners, and is expressly prohibited.

4.18. No Annoying Sounds. No speakers, or other noise making devices may be used or maintained on any Lot which create noise that might reasonably be expected to be unreasonably or annoyingly loud from adjoining Lots, except for security or fire alarms.

4.19. Municipal Water Connection. The Property is served by municipal water service, and no Owner shall drill his own well for culinary or irrigation water production, except that the Owners of Equestrian Lots may drill irrigation wells with the authorization of the Utah Division of Water Rights. The pump house for any such well or irrigation system must be approved by the Architectural Committee.

4.20. Sewer Connection Required. All Lots are served by sanitary sewer service, and no cesspools, septic tanks, or other types of waste disposal systems are permitted on any Lot. All Dwellings Units must be connected to the sanitary sewer system in accordance with the rules and regulations of the Snyderville Basin Sewer Improvement District.

4.21. Groundwater Protection. No underground storage tanks for fuels or chemicals of any kind may be installed on the Property. No above ground storage tanks shall be permitted.

4.22. Vehicles Restricted to Roadways. No motor vehicle will be operated on the Property except on Roadways and driveways. No snowmobiles or motorcycles will be operated on the Property except for loading the equipment for lawful transport on public streets. This shall not preclude the operation of agricultural equipment on any Equestrian Lot or Equestrian Lot Open Space for the cultivation of crops, mowing of natural vegetation, and other agricultural necessities.

4.23. Kennels. No kennel or dog run may be placed closer than 50 feet to any Dwelling Unit other than that of the Owner of the Kennel.

4.24. No Transient Lodging Uses. The Lots are to be used for residential housing purposes only, and shall not be rented in whole or in part for transient lodging purposes, boarding house, "bed and breakfast," or other uses for providing accommodations to travelers. No lease of any Lot shall be for a period of less than 30 days. No Lot shall be subjected to any form of time interval ownership, or ownership in a manner that rotates the use among multiple Owners in a manner that would permit the right of use to be sold separately from the fee simple title to the Lot.

4.25. No Hunting. The hunting, trapping, and harassment of wildlife, by firearms or any other means, is expressly prohibited within the Subdivision.

4.26. Stallions. No stallions may be kept on any Lot.

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ARTICLE V

PERMITTED USES AND IMPROVEMENTS

5. Introduction. The following uses and Improvements are permitted within the Subdivision in the areas of the Property designated. Uses not specifically permitted are prohibited, unless, in the sole judgment of the Architectural Committee, the proposed use is a reasonable and logical extension or appurtenance of a use that is expressly permitted. The Property is divided into the following classifications of Property, with specific uses permitted or prohibited within each classification:

a. Limits of Disturbance Area of a Lot
b. Barn Limits of Disturbance Area
c. Equestrian Lot Open Space
d. Wildlife Corridor

5.1. Uses and Improvements Permitted Within the Limits of Disturbance Areas. All construction activity, Excavation, and Fill are to be confined to the Limits of Disturbance Area within the Lot. Having carefully located the Limits of Disturbance Area for each Lot, the Declarant encourages that each Dwelling be designed to conform to the natural topography of the site, and to preserve the natural texture, appearance and vegetation of the undeveloped site to the extent possible. No Improvements, additions, alterations or other construction may be installed, constructed, maintained or allowed to stand within the Limits of Disturbance Area except as follows:

a. The construction, maintenance, and use of one single family Dwelling together with a garage with capacity for at least two automobiles and storage of recreational and maintenance equipment; and

b. The construction, maintenance, and use of those Improvements generally and customarily associated with the use and enjoyment of a single family Dwelling, including driveways, Accessory Dwelling Unit, utility connections, garages, retaining walls, stairways, decks, patios, pools and spas, swing sets, trampolines, walkways, fences, lighting, tennis courts or sports courts, sprinklers, antennas and satellite dishes, and irrigation systems.

c. The construction, maintenance and use of driveway and underground utility connections to the Dwelling Unit from other portions of the Lot.

5.2. Uses and Improvements Permitted Within the Barn Limits of Disturbance Area. Within each Equestrian Lot there is a designated Limits of Disturbance Area for the Barn. Within the Barn Limits of Disturbance Area, no Improvement shall be installed, constructed, maintained or allowed to stand except as follows:

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a. The construction, maintenance and use of a free-standing Barn for the housing of horses and storage of equipment and livestock feed for use on the Equestrian Lot. The construction of the Barn shall conform

to the Architectural Design Standards and all other provisions of this Declaration, and shall be treated as a separate building for review purposes by the Committee; and

b. The construction, maintenance and use of driveway and underground utility connections to the Barn from other portions of the Lot; and

c. The construction, maintenance and use of Permitted Fencing to confine horses and of such Improvements reasonably necessary for the feeding of horses including mangers and watering troughs.

The following restrictions apply to the use of Barn Limits of Disturbance Areas:

a. No hay, grain, or other livestock feed in excess of one day's consumption may be stored outside of the Barn at any time.

b. If not used as a fertilizer and spread over the Equestrian Lot Space, manure must be removed and disposed of, off the Property, to maintain a clean, attractive, and healthy environment for the horses and to avoid annoyance of adjoining Owners.

c. The Homeowners Association shall budget for and cause the semi-annual removal of stored manure from each Equestrian Lot.

5.3. Uses and Improvements Permitted Within the Trail Corridor. The Trail Corridor shall be used only for hiking, cross-country skiing, and horse back riding. No motor vehicles of any kind or description may be operated on the Trail Corridor except for authorized vehicles engaged in the construction or maintenance of the trail or Improvements within the Trail Corridor. No Improvements of any kind may be installed, constructed, maintained or allowed to stand in the Trail Corridor.

5.4. Uses and Improvements Permitted Within the Equestrian Lot Open Space. The Equestrian Lot Open Space is intended to provide an area for the Equestrian Lot Owner to maintain up to three horses and one un-weaned colt. A foal is deemed an adult horse after six months. Equestrian Lot Open Space may also serve as pasture land, and be maintained in a green and vegetated state. The right to graze horses on the Equestrian Lot Open Space is conditioned upon the Owner providing property maintenance and rotation of stock in order to prevent over-grazing, scuffing, and soil erosion. All riparian areas shall be fenced to prevent horses from entering or breaking the natural banks of the stream channel. No outdoor haystacks, feed storage, manure storage, or similar accumulations of materials is permitted. No motor vehicles may be operated on the Equestrian Lot Open Space except when engaged in the care of animals or the maintenance of the Open Space. No horse trailers or other equipment may be stored on the Equestrian Lot Open space. No stallions may be kept on Equestrian Lot Open Space. No cattle, sheep, goats, mules, asses, pigs, hogs or other animals may be kept in the Equestrian Lot Open Space. No Improvements of any kind shall be installed, constructed, maintained, or allowed to stand in the Equestrian Lot Open Space except:

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a. Those disturbances related to the construction, maintenance, and use of any Roadway on the Property, including the installation and maintenance of underground utility facilities, structures, devices, traffic controls and accessories as may be required by the City in the operation of the Roadways as a public streets; and

b. Those disturbances related to the construction, maintenance and use of Driveway Connections as provided in Article VII, including driveway culverts, retaining walls, Excavations and Fills, provided that driveways shall be located on the Lot in a manner that minimizes the need for Excavation, Fill, or the use of retaining walls; and

c. Those disturbances related to the construction, maintenance, and use of Utility Connections to extend utility services from the adjacent Roadway to the Dwellings. This shall include underground electrical, telephone, and cable television lines, and water, sewer and natural gas supply pipes. Underground irrigation systems and their appurtenances may be constructed, maintained, and used in the Natural Areas as permitted by the City; and

d. Those minor disturbances related to the construction, maintenance and use of any Permitted Fencing; and

e. The construction, maintenance and use of those Improvements reasonable and necessary for the grazing of animals and razing of forage crops, such as irrigation systems, watering troughs, and feed mangers, and ditches, ponds and unpaved paths; and

f. The number of horses raised or grazed in the Equestrian Lot Open Space may be limited by the City pursuant to its rights under that certain Animal Management and Maintenance Covenant executed by and among the Declarant, the City and the Association as evidenced by Exhibit "G". Use of the Equestrian Lot Open Space by any other animals will require specific approval by the City and the Association.

5.5. Uses and Improvements Permitted in the Wildlife Corridor. Within the boundaries of some of the Lots shown on the Plat is an area shown as "Wildlife Corridor", which is intended to serve the Owners as a visual amenity while functioning as a wildlife habitat and a significant link in the Subdivision's hydrologic system. The Wildlife Corridor is the property of the Owners of the Lots on which it is located and each such Owner accepts his or her Lot subject to these special Covenants, Conditions, and Restrictions. No Improvements, except Permitted Fencing, of any kind or nature are allowed in the Wildlife Corridor.

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ARTICLE VI

ARCHITECTURAL DESIGN STANDARDS AND CONDITIONS ON IMPROVEMENTS

6. Introduction. The guiding design concept for the Willow Ranch Subdivision is that the dominant visual feature of the Subdivision, whether viewed from within the Property or from locations off-site, should be the natural landscape consisting of the alpine meadow. Dwellings and other Improvements are intended to blend into this natural setting and not dominate it. These Architectural Design Standards have been prepared with the intention of insuring that the impacts of construction of the Subdivision are minimal, acceptable, and respectful of the natural landscape. Suggested clear standards of design will provide direction and guidance to the Owners and their design professionals in the planning and construction of Improvements on each Lot's unique setting. It is not the intention of these standards to create uniformity, but to encourage a diversity of design and materials within an architectural approach that respects each site, and is compatible with the landscape and community.

6.1. Site Evaluation. It is expected that each Dwelling and its accompanying Improvements will be designed to suit each individual Lot, and to preserve, and benefit from the site's natural and unique character. The Owner is encouraged to use the services of experienced design professionals to evaluate the site and determine the best building approach for that site. The Limits of Disturbance Area is intended to begin this process, but should not be construed as the complete site evaluation. Limits of Disturbance Areas have been located to protect wetlands and natural drainage features, and protect view corridors. Improvements shall be sited and designed to minimize cuts and fills and other site disturbance.

6.2. Placement and Massing. All Dwellings and Improvements, and the entire construction disturbance (including Excavation and storage of excavated material) must be confined within the designated Limits of Disturbance Area, except for permitted driveway and utility connections. The central mass of the Dwelling should step down in height and reduce in bulk as it reaches the edges of the Dwelling to feather the building mass into the natural setting. Curvilinear and multi-faceted wall forms are strongly discouraged and alien to the mountain community.

6.3. Number of Dwellings and Structures. Only one Dwelling may be constructed on any Lot. No other habitable structure, shed, storage building or outbuilding is permitted, except for Barns and Accessory Dwelling Units on the Equestrian Lots. Garages must be attached to the Dwelling. An Equestrian Lot Owner may construct an Accessory Dwelling Unit, subject to further review and approval by the City. The Accessory Dwelling Units may not be detached from the Dwelling Unit and must share the main entrance to the Dwelling Unit. Additionally, Accessory Dwelling Units (a) may not exceed 800 square feet; (b) must share utilities (no separate meter); (c) must have at least one dedicated parking space; and (d) may not be rented on a nightly basis.

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6.4. Dwelling Size. the minimum Floor Area for Dwellings in the Subdivision is 2,400 square feet, and the maximum Floor Area is 4,400 square feet, except on an Equestrian Lot, the maximum Floor Area shall be 8,000 square feet. No Dwelling shall be constructed or altered in a manner that would violate these limits. Up to 600 square feet of

attached garage space is allowed in excess of these limits. Garage area in excess of 600 square feet shall be counted as Floor Area.

6.5. Dwelling Setback and Placement. All portions of the Dwelling and any other Improvements are to be within the Limits of Disturbance Area or set backs designated (or revised by variance granted as per 3.3 hereof) for each Lot, and must also comply with the City's minimum front, rear and side yard setbacks.

6.6. Dwelling Height. The maximum ridgeline height is 28 feet above natural grade, a special height restriction which sets the maximum ridgeline height. On all Lots, the intention of this Article is to prohibit the construction of simple, box-like Dwellings and to eliminate continuous or repetitious multi-story wall planes from the Public View. For multi-story Dwellings, the area of the second-floor template shall not exceed 40% of the Dwelling's footprint. All definitions and the manner of measurement shall be as set forth in the City's Land Development Code.

6.7. Upper Floor Levels. Loft-space above a garage may be developed as living space provided that such development shall not result in raising of the garage exterior wall height or eave line above that necessary to contain the actual garage area volume.

6.8. Maximum Exterior Wall Height. No exterior wall may exceed 23 feet in height when measured from the overhanging drip eave line to the lesser in elevation of either natural grade or finished grade.

6.9. Restrictions on Use of Accessory Dwelling Units. Any Accessory Dwelling Unit may only be used in conjunction with the Owner's use of the Dwelling on that Lot, and may not be separately sold. No Accessory Dwelling Unit may be occupied prior to the commencement of substantial and committed construction of the Owner's Dwelling.

6.10. City Approval Required for Accessory Dwelling. Notwithstanding the foregoing intent of the Declarant, an Owner's ability to construct and use any Accessory Dwelling Unit may be prohibited or further restricted by the City.

6.11. Roof Characteristics. The following restrictions apply:

a. Shapes. Double-pitched roofs, hip roofs, and partial hip roofs are permitted. Shed roofs are only permitted if they are smaller, secondary roof forms attached and terminating with their ridge or highest point in continuous contact with a major building form. Mansard roofs, A-frames, gambrel roofs (including on Barns), domes and curvilinear roof elements are prohibited on the Property. Flat roofs are permissible only when not visible from the Public View, and are limited to a maximum size of 10% of the Dwelling's Floor Area. Except for permitted flat roofs, all roofs shall overhang exterior walls by a minimum of 24 inches. Roof pitches shall be not less than 4 in 12 pitch, and no greater than 10 in 12 pitch, and should generally follow or respond to the underlying grade, with steeper pitches used on steeper terrain, and flatter pitches used on flatter terrain. All roof planes descending from a common ridge or connected

ridge shall be of the same pitch, regardless of length. A second roof pitch on any one Dwelling may be used only for secondary roof forms such as permitted sheds or dormers. Only hip roofed or double-pitched roof dormers are permitted. Two or more dormers placed above and well-apart from the eave line on the same roof surface shall be spaced no closer than 0.75 times the width of the largest such dormer unless their fascias intersect, in which case they shall be considered as a continuous or repetitive dormer.

No turrets, towers, or other thematic decorative elements are permitted and no complex, multi-faceted roof planes twisting to conform to irregular building shapes are permitted.

b. Materials. Careful design should consider the visual impact of the roof materials, and minimize their contrast with the surrounding natural landscape. Roofing materials are classified as follows:

Permitted:	Unfinished metals of copper, zinc, or terne or steel
	Fire retardant wood shingles or medium shakes with no more than 10 inches to the weather
	Asphalt shingles weighing more than 270 pounds per 100 square feet
Prohibited:	Heavy, hand-split wood shakes
	Glazed tile
	Curved tile
	Synthetic Shingles or Tile, including aluminum interlock shingles
	Highly reflective metals
	Roll and membrane roofing
	Composition or tar and gravel roofing

c. Roof Colors. All roofing material shall be of an Approved Color.

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d. Fascia. Fascia and roof trim shall be sized to be in scale with the roof and building mass, and shall not be less than twelve inches wide. The use of compound or build up trim adds detail to the roof element and is encouraged. Roof trim shall be finished in an Approved Color to match or mildly contrast with adjacent siding or roof material.

e. Roof Appurtenances. All vents, stacks, gutters, flashings, snow diverters, furnace flues, trim and metal work shall match the color of the surface to which it is attached or from which it projects. Whenever possible, vent stacks must be combined to minimize roof penetrations, and concealed from the Public View. No mechanical equipment, exhaust fans, coolers or attic ventilation equipment shall protrude more than 6 inches from the roof. Skylights are permitted when mounted close to and consistent with the underlying roof pitch. Domed or barrel-vaulted skylights are prohibited. Solar collectors shall lie flat on the roof surface, with attention to minimizing glare and reflection to the Public View, and to integrate such devices into the form and plane of the roof. Greenhouse or conservatory roofs shall match the plane and slope of adjoining roofs; curved portions of these elements are not allowed where in the Public View. All visible parts of such roof appurtenances, except glazing, shall match the color of the underlying or adjacent roof surface.

6.12. Chimneys. Chimneys must be constructed of or enclosed in approved siding material. No exposed metal flues are permitted. Visible metal parts, other than flashings, are not permitted. If more than one chimney is used on a Dwelling, then each must be of the same design, finish and appearance, although sizes may differ. Whenever possible, chimneys shall contain and conceal the Dwelling's vent stacks, furnace flues and other permitted roof penetrations. All flues must be flat-topped, side-venting, and equipped with spark arrestors.

6.13. Antennas. All antennas must be enclosed within the Dwelling. Any satellite dishes must be located and screened from the Public View and adjoining buildings in a manner approved in advance by the Architectural Committee.

6.14. Siding and Trim Characteristics. The materials that clad the exterior of the Dwelling shall be natural materials that blend with and are compatible with the natural landscape. The textures and patterns of siding material affect the perceived scale and mass of the Dwelling.

a. Materials. Whenever possible, major wall surfaces should express their mass by being finished with plaster, stucco, or stone.

Neither plaster nor stone shall be used as an infill (i.e. "Tudor" or "half-timbered"). Heavier materials should be used below lighter materials whenever more than two siding materials are exposed on the same surface. No more than three permitted siding materials may be used on any one building facade, and no more than four on any one Dwelling. Siding materials may affect fire sprinkling requirements under the Uniform Fire Code. Siding materials are classified as follows:

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Permitted: sidings, boards, or shingles of natural wood (cedar, fir, redwood, cyprus or spruce) tight-knot grade or better,

plaster, including stucco, Dri-vit and similar systems, which shall be seamless except for expansion joints

natural stone indigenous to the mountain environment laid in a random or rubble pattern

solid, irregular, structural logs

Prohibited: textured plywood

synthetic sidings such as particle board, vinyl, aluminum, metal, masonite or asphalt tiles, charm stone, etc.

metal

brick

b. Trim Materials. The use of skirt boards, water tables, banding, battens, headers, sills, casings and other trim can enrich the exterior of a Dwelling and is encouraged. Permitted trim materials are limited to better quality cedar, cypress, redwood, fir, spruce, pine, or durable weather resistant hardwoods such as teak and mahogany. When placed with or against siding or boards, the trim material shall be of the same wood variety as the adjoining siding material, except for casings on windows and doors provided by the manufacturer of the window or door.

c. Colors and Finishes. Wood sidings and shingles shall be finished in colors selected from the Approved Colors List. Siding shall not be painted, but shall be stained with semi-transparent or semi-solid stains that permit the natural grain and textures of the wood materials to show through.

Stucco and similar permitted materials shall be blended or finished in warm, off-white, light gray or light tan colors, and applied in a manner that does not obscure the natural texture or "tooth" of the material. Stone shall be finished only with a clear water repellant to prevent infiltration or staining of the Dwelling by oxidation. Highly contrasting trim is prohibited on any portion of the Dwelling visible from Public View. Trim may be finished to match or mildly contrast with any adjacent wood siding materials, or any rock or stucco siding, provided that colors are from the Approved Colors List.

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d. Siding Appurtenances. Flashings and other accessories shall be finished to match the siding and be made unobtrusive. Gable vents shall be finished to match the siding and shall be rectangular, or if triangular or trapezoidal, shall match the slope of the adjacent roof slope. All curvilinear gable vents and louvers are prohibited. Vent, stacks, meter troughs, meters, junction boxes and other devices which penetrate or

mount upon exterior walls shall be concealed from Public View when possible, and shall be finished to match the surrounding or underlying surface, except for approved exterior light fixtures or lighting devices.

6.15. Windows.

a. Design. Window openings should be arranged and combined in a manner to reference the indigenous architecture of the mountain community. Where large glazed areas are desired, windows should be grouped together. When in the Public View, the use of single glass surfaces (lites) of over 20 square feet is strongly discouraged, and no single lite on any Dwelling shall exceed 50 square feet. A grouping of windows, each separated by trim, mullions, or siding material, is preferable to windows attached jamb-to-jamb in a strip or gang. Windows shall be rectilinear in shape, although trapezoidal forms are allowed when the top leg is parallel to the roof slope above, and other legs are vertical and the base horizontal. Free-standing round-topped, quarter rounded, and elliptical, windows are prohibited. Any half-round, constant radius windows, incremental to a Palladian window assembly, and consisting of no more than three glazed elements, of which the round-top is the central and highest element, all trimmed as a single unit, is permitted. Free-standing round or octagonal windows of less than 24 inches in sash diameter or width are permitted. Glass block may not be used if within the Public View.

b. Material. Windows must be either wood or, clad wood. All windows must be double or triple glazed. The use of non-wood snap-in or artificial muntins is prohibited. The use of true divided lites or wood, full-sectioned applied muntins is encouraged and will enrich the appearance of large glazed areas. Windows shall be finished in an Approved Color to match or mildly contrast with their adjoining trim.

No window part will be finished in white or in any sharply contrasting color. No reflective glazing is permitted, and the use of opaque tints, and films applied to clear glass is prohibited.

6.16. Exterior Doors. Door openings should be protected by overhanging eaves and otherwise located to provide shelter from mountain weather and snow shedding from the roof. When adjacent, doors and windows shall have matching head heights, and when grouped together, doors should be of identical size and type. Doors shall be rectangular in shape and constructed and glazed to the same standards as the windows, as described above. Doors shall be finished in an Approved Color to match the trim or to mildly contrast with the trim and siding.

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6.17. Garage Doors. Garage doors may vary in height but shall match the trim details of any other doors and windows on the same wall surface or within 4 horizontal feet on the same elevation in the Public View. Adjacent garage doors may vary in width but shall otherwise be identical. Surfaces in the Public View shall be solid wood or wood veneer, finished in an Approved Color to match or mildly contrast with adjacent trim and siding.

6.18. Balconies and Decks. Balconies and decks can add visual interest and further enrich the design of the Dwelling. Balconies should be small, private areas and designed and located to minimize accumulations of snow and ice. Decks are larger and should closely relate to the adjoining grade and landscape areas. The area under any deck must either be landscaped or screened so that the Public View is not of the unfinished underside of the deck. The area under any deck shall not be used for storage of equipment, firewood, building material, or similar material. The underside of any deck more than four feet above grade must either be completely screened with shrubbery, vertical lattice or siding, or, if exposed (as in the case of a second story deck or balcony) then treated or stained to match the adjacent wood siding and trim. All deck railings and their posts and other parts shall be constructed of wood or metal and finished in an Approved Color to match or mildly contrast with the adjacent wood siding or trim.

6.19. Fire Protection. All dwellings must comply with the fire exposure provisions of the Uniform Fire Code, and may be required to use only flame retardant exterior materials or be equipped with an automatic fire sprinkler system as defined in the Uniform Fire Code.

6.20. Foundations. No foundation may be exposed for more than eight inches above the finished grade. Foundations that extend above that height must be covered with an approved siding material.

6.21. Parking Areas. Each Dwelling shall include a garage for at least two vehicles. Dwellings may garage more than two vehicles, provided that no more than three car-widths of garage entrance may face the Public View. Double loading of garage areas is permissible. Each Dwelling must also provide paved driveway parking for two vehicles. No on-street parking is permitted. Parking areas may not be used for the storage or parking of boats, campers, or motorhomes.

6.22. Barns. On an Equestrian Lot, one Barn as defined above is permitted. Barns must comply with the Architectural Design Standards for Dwellings, except that (a) windows may be single glazed or not glazed, and (b) hanging or sliding doors and window closures are permitted. Barns shall have matching siding and roofing materials to that of the Dwelling. Barns may not exceed 1500 square feet in Floor Area. No Dwelling Unit or Accessory Dwelling Unit may be installed in any Barn. The maximum height of a barn, at the ridgeline of the roof, shall not exceed 22 feet above natural grade.

6.23. Driveways, Walkways and Other Paving. Each Lot shall be permitted one curb-cut on the Roadway for a driveway. The location, slope, grading conditions, and other impacts of the proposed driveway shall be considered by the Committee in its review of the Owner's plans. Once driveway and utility connections for a Lot have been designated by the Owner and approved by the Committee, and approved construction of the Improvements has begun, the driveway connection will cease to be Natural Area, and is deemed a part of the Limits of Disturbance Area on the Lot. Such conversion will be permitted only one time on each Lot, and should construction be abandoned, any future Improvement on that Lot is bound to the same driveway connection. Any separate utility connections will remain Natural Area, and must be re-vegetated in accordance with Article VII of this Declaration.

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6.24. Driveways, Walkways and other Paving. Asphalt, pigmented concrete of an Approved Color, natural stone, and stone-dust, or bound gravel are the only permitted materials for driveways.

Walks may be constructed of wood block, boards or planking as well as any approved driveway material. Permitted materials for patios, decks, terraces or other on-grade exterior finished areas are the same as for walks.

ARTICLE VII

LANDSCAPE STANDARDS

7. Introduction. The intent of this Declaration is to conserve water, and preserve the natural vegetation and condition on the property to the extent possible, given the construction of the Subdivision. The use of each Lot is subject to the following Landscape Standards:

7.1. Irrigation of Lots. Water is a precious commodity in this semi-arid alpine desert climate, and any choice of vegetation materials should consider the irrigation needs. While Declarant recognizes and accepts that an Owner may want to plant and care for lawns and other water intensive plants, any species requiring long-term irrigation is clearly dependent upon the continued availability and affordability of water for irrigation purposes. The permanent irrigation heads and the application of water shall be contained in the Limits of Disturbance Area on any Equestrian Lot. Temporary irrigation is required to repair damage to the natural vegetation in all Natural Areas or Open Space, and is necessary while establishing new growth of Approved Plants. Additional irrigation of Equestrian Lot Open Space is permitted in accordance with an approved irrigation system delivering water through sprinkler heads in accordance with the existing irrigation water agreement with the City.

7.2. Re-Vegetation of Disturbed Areas. The Owner of any Lot must promptly re-vegetate portions of the Natural Area that are disturbed in the course of construction or otherwise. Re-vegetation shall occur as soon as possible weather permitting. Any vegetation disturbance to the Natural Area of a Lot or Equestrian Lot Open Space, whether permitted or accidental, shall immediately be repaired and re-vegetated with plants from the Approved Plant List. Within the Limits of Disturbance Area of all Lots, re-vegetation and landscaping must be completed as soon as possible following the issuance of a Certificate of Occupancy, but in no event later than the spring following the issuance of the Certificate of Occupancy. Within the Limits of Disturbance Area of any Lot, and within the Open Space of an Equestrian Lot, the Owner may plant grass seed or trees, shrubs, and other plantings, and while the use of plants from the Approved Plant List is encouraged, it is not required. All vegetation should be planted in a naturalistic manner, grouping similar species and creating soft and flowing transitional lines where plant species and levels of maintenance change. On non-Equestrian Lots, the mowed turf grass area may cover the remaining area of the Lot. The remaining area shall be transitionally planted with shrubs, trees, and ground covers when adjacent to the Dwelling and Improvements, and unmowed natural grasses, wildflowers, and compatible trees and shrubs as transition to a natural area. Planting of trees is encouraged, provided that the location of trees will be subject to review by the Committee so that view corridors from adjoining Lots are preserved.

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7.3. Re-vegetation of Equestrian Lot Open Space. Equestrian Lot Open Space is intended to function as pasture for horses. While the planting of vegetation from the Approved Plant List is allowed, the planting of drought tolerant pasture grasses is encouraged. Planting of turf grasses is prohibited.

7.4. Fences. Perimeter fencing shall be permitted in the Subdivision in a manner consistent with the Declarant fencing of the Wildlife Corridor. All property lines, Limits of Disturbance Areas and driveways may be fenced in a similar manner subject to the approval of the Architectural Committee. Specific fencing standards are attached as Exhibit "C." Interior pasture fencing on Equestrian Lot Open Space shall be by electric wire fence or monofilament fence per Exhibit "C."

ARTICLE VIII

COMBINATION OF LOTS

8. Right to Combine Lots. Subject to the provisions of this Declaration and the limitations set forth in this Section, any Owner may combine two or more adjoining Lots within the Subdivision. In the event an Owner desires to combine more than two Lots, the determination of new Limits of Disturbance Area will be based on the sizes for the two largest Lots combined, and no additional Limits of Disturbance Area will result from the addition of a third or any subsequent Lot.

8.1. Limits of Disturbance Area Revision. As a result of the combination of Lots, the Limits of Disturbance Areas of the two Lots must be revised. The Owner of the Lots must submit the proposed Limits of Disturbance Area for the combined Lot to the Committee for its review. In no case may the combined Limits of Disturbance Area exceed 75% of the sum of the two Limits of Disturbance Areas for the Lots if developed independently. Siting of the Dwelling should spread the resulting building mass more or less evenly over the combined Lots. In no event shall the entire Dwelling mass be allocated to a single Lot. In all circumstances City approval shall be required.

8.2. Dwelling Size. The maximum Dwelling Size for the Dwelling on the combined Lots shall not exceed 75% of the sum of the maximum allowable Dwelling Sizes stated in this Declaration for the two Lots if developed independently.

8.3. Equestrian Lots. Equestrian Lots may be combined with other Lots, provided that in no event shall additional Limits of Disturbance Area or Dwelling Size be based on the Limits of Disturbance Area for the Barn. The Barn shall not be re-located in a manner that places it closer to any other Owner's Dwelling.

8.4. Driveways and Utilities. The driveway and utility corridor requirements of this Declaration are based on each Dwelling, not on each Lot, and no additional driveway, curb-cut, or utility width is permitted for a combined Lot.

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8.5. Combination Deemed Permanent. The combination of Lots is deemed to be permanent and the Lots may not be independently sold once construction has commenced on the Improvements for the combined Lot.

8.6. Record Notice of Combination. The Owner of any Lots that have been combined will execute and deliver to the Committee a notice in recordable form, containing the name of the Owner and the legal description of the Lots combined, which Notice will state that the two Lots have been combined and cannot subsequently be subdivided. The Committee shall record this Notice with the Summit County Recorder upon the commencement of construction.

ARTICLE IX

OWNERS' MAINTENANCE OBLIGATIONS

9. It is the obligation of each Owner to properly maintain his Lot at all times in order to preserve and enhance the enjoyment of the Subdivision:

9.1. Duty to Maintain. It is the obligation of the Owner of each Lot to maintain his Lot and the Improvement to the Lot in a good state of repair and an attractive, safe, and healthy condition.

9.2. Repair by Association. In the event that an Owner permits his Lot or Improvements to fall into a state of disrepair that is dangerous, unsafe, unsanitary, or an unsightly condition in violation of this Declaration, the Association may give written notice to the Owner describing the condition complained of and demanding that the Owner correct the condition within 30 days. If the Owner fails to take corrective action, the Association shall have the right, but not the obligation, to enter upon the offending Owner's Lot and take corrective action to abate the condition. All costs of abatement shall be charged to the Owner, who agrees to promptly pay the reasonable costs of any work performed under this provision. Unpaid accounts will bear interest at the lawful judgment rate under applicable state law.

9.3. Alterations of Exterior Appearance. The Owners will maintain their Lots and Improvements in substantially the same condition and appearance as that approved by the Committee. No subsequent exterior alterations, improvements or remodeling, whether structural or cosmetic will be made without the advance consent of the Committee.

9.4. Repair Following Damage. In the event of casualty loss or damage to the Improvements, the Owner will be entitled to reconstruct the Improvements as they existed prior to the damage or loss without review by the Committee, provided however that alterations or deviations from the originally approved plans will require review. Nothing in this Declaration is intended to prevent an Owner who has suffered property damage or loss from taking temporary measures to secure the property and prevent further damage, or to prevent injury or dangerous conditions following loss or damage, before re-construction beings. Such temporary measures may be taken without the consent or approval of the Committee, provided that any such measures must be of a temporary nature, and repair or reconstruction must being as soon as circumstances will permit.

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No damaged structure will be permitted to remain on any Lot for more than 90 days without repairs commencing, and any damaged structure which does remain un-repaired after 90 days following the occurrence of damage is deemed a nuisance which may be abated by the Association.

ARTICLE X

CONSTRUCTION COVENANTS

10. Introduction. In order to insure that the Natural Area outside of the Limits of Disturbance Area on each Lot is not damaged during any construction activities, and to minimize the inconvenience to adjoining Owners, the following construction regulations shall be enforced. These regulations shall be made a part of the construction contract between the Owner and the Builder of each Dwelling or other Improvements on a Lot. The Owner shall be bound by these regulations, and violations committed by the Builder or its employees, sub-contractors or others shall be deemed a violation by the Owner for which Owner is liable.

10.1. Pre-Construction Conference. Prior to the commencement of construction, the Owner and Builder will meet with the Committee to review these regulations and coordinate the construction activities within the Subdivision. At the conference, or prior to the Committee granting its approval, the Owner or Builder must supply a construction site plan showing the location of material storage areas, the portable toilet, any construction office or trailer, and the trash dumpster. This plan must be approved by the Committee prior to the commencement of construction.

10.2. Marking Limits of Disturbance. Prior to the commencement of construction, the Owner shall survey and mark the Limits of Disturbance Area(s) of the Lot. The Limits of Disturbance Area boundary will be marked with surveyors tape and roped-off or fenced to prevent any intrusion by construction activity into the Natural Area of the Lot.

10.3. Occupational Safety and Health Act Compliance. The Builder shall comply with the standards and regulations of the United States Department of Labor under the Occupational Safety and Health Act.

10.4. Portable Office or Trailer. Any Builder who desires to bring a portable office or trailer on to a Lot shall first apply for and receive written approval from the Committee. The Committee will work closely with the Builder and Owner to determine the best possible location for the portable office. The portable office will be located in a location approved by the Committee and within the Limits of Disturbance Area.

The temporary office may not be installed prior to the commencement of construction, and must be removed upon the first to occur of (i) the issuance of a Certificate of Occupancy, (ii) the termination, expiration, or cancellation of the Building Permit, or (iii) the suspension or construction activities for a period of 60 days.

10.5. Construction Debris Removal. The Builder must comply with City ordinances requiring the placement and maintenance of a trash container or dumpster on the Lot. The Builder shall collect trash at the end of each work day and depositing construction trash, packing material, unusable scraps, and other debris in a suitable container, protected from the wind, and regularly serviced. No trash may be burned, buried, or otherwise disposed of on the Property. No concrete trucks may be cleaned out on the Lot, the Property, or anywhere within the Subdivision.

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10.6. Construction Area Appearance. The Lot must be maintained in a reasonably organized and neat condition at all times during the construction of a Dwelling or other Improvements. Once the Dwelling is enclosed, materials shall be stored inside, and out of sight, whenever practical and possible.

10.7. Sanitary Facilities. The Builder is responsible for the installation and maintenance of an approved portable toilet facility during construction. The portable toilet must be located on the Lot at a location approved by the Committee, and removed from the site at such time as the permanent plumbing system is operational.

10.8. Construction Parking and Vehicles. Construction crews must park their vehicles on the Lot on which they are working, and shall not use or park on any other Lot, Open Spaces or any other Property within the Subdivision. All vehicles must be parked to allow the free flow of traffic within the Subdivision.

10.9. Construction Sign. During periods of actual construction on the Dwelling, the Owner or Builder may install a sign not to exceed six square feet in area identifying the Lot and the Builder. The sign must be removed upon completion or abandonment of construction.

10.10. Hours of Work. Daily working hours on the site shall be limited to the period beginning at 7:00 a.m. and ending at 7:00 p.m., unless otherwise restricted by Park City ordinances. The Builder is responsible for controlling noise emanating from the site.

10.11. Soil Conservation, Dust. At all times when the surface of the Lot is disturbed by construction activity, and re-vegetation has not been completed, the Builder shall practice reasonable dust, sedimentation and erosion control measures as described in the USDA Soil Conservation Service Guidelines.

10.12. Removal of Mud. The Builder is responsible for cleaning up and removing mud from the construction site that is deposited on the Roadways of the Subdivision.

10.13. Construction Access. Construction access to the Dwelling is limited to the Driveway and Utility Corridors designated on the approved site plan for the Dwelling. The Natural Areas shall not be used for ingress or egress, temporary utility lines, delivery of material, or otherwise disturbed during construction.

10.14. Duration of Construction. No construction shall be undertaken without a Building Permit and all other necessary permits from the City, Snyderville Basin Sewer Improvement District and any other governmental entity having jurisdiction over construction on the site. No materials, tools, temporary offices or portable toilets, excavation or construction equipment or similar materials or equipment may be delivered to the site prior to the issuance of the Permit(s). It is the obligation of the Owner to proceed with construction with all reasonable speed once construction has commenced, and in any event, all exterior surfaces of the building shall be substantially complete within a period of six months from commencement. All landscaping and soil stabilization work must be completed as soon as possible after completion of the exterior of the Dwelling, but in no event later than the summer season following completion of the exterior of the Dwelling.

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10.15. Repair of Damage. The Owner is responsible for the prompt repair of any damage to the Property caused by or incidental to Owner's construction. The Association, if necessary shall initiate legal action against any Owner for the repair of damage that occurs from construction activity pertaining to that Owner's Lot.

ARTICLE XI

GENERAL PROVISIONS

11. The covenants, conditions, and restrictions contained in this Declaration may be enforced as follows:

11.1. Violation Constitutes Nuisance. The violation of the provisions of this Declaration is deemed to be a nuisance, and the Owner of the Property on which the violation occurs is responsible for the removal or abatement of the nuisance.

11.2. Remedies.

a. Any single or continuing violation of the covenants contained in this Declaration may be enjoined in an action brought by the Declarant (for so long as the Declarant is the Owner of any Lot), by any other Owner, or by the Association in its own name. In any action brought to enforce these covenants, the prevailing party shall be entitled to recover as part of its judgment all of the reasonable costs of enforcement, including attorneys fees and costs of court.

b. Nothing in this Declaration shall be construed as limiting the rights and remedies that may exist at common law or under applicable federal, state, or local laws and ordinances for the abatement of nuisances, health and safety, or other matters. These covenants are to be construed as being in addition to those remedies available at law.

c. The remedies available under this Declaration and at law or equity generally are not to be considered as exclusive, but rather as cumulative.

d. The failure to take enforcement action shall not be construed as a waiver of the covenants contained in this Declaration in the future or against other similar violations.

11.3. Severability. Each of the covenants contained in this Declaration shall be independent of the others, and in the event that any one is found to be invalid, unenforceable, or illegal by a court of competent jurisdiction, the remaining covenants shall remain in full force and effect.

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11.4. Limited Liability. Neither the Declarant, the Trustees, or the Committee or its individual members, nor any other Owner shall have personal liability to any other Owner for actions or inactions taken under these covenants, provided that any such actions

or inactions are the result of the good faith exercise of their judgment or authority under these covenants, and without malice.

11.5. Term of Covenants, Renewal. This Declaration shall expire seventy-five years from the date it is first recorded with the Summit County Recorder, provided however that in the last year prior to expiration, the Owners of 90% of the Lots may, by written notice which is recorded with the Summit County Recorder, agree to extend the covenants for a period of an additional twenty years.

11.6. Amendment, Mortgagee Not Bound. At any time while this Declaration is in effect, the Owners of 70% of the Lots subject to this Declaration may amend the provisions of this Declaration, provided that if the Declarant owns or controls an interest in all or a portion of the Additional Land at the time of the proposed Amendment, the consent of the Declarant will be required. Any such consent shall be in the exclusive judgment of the Declarant. Any Amendment must be in writing and be properly recorded in the office of the Summit County recorder. No Amendment will be binding upon the holder of any mortgage or trust deed on any Lot unless the mortgage or trust deed holder joins in the Amendment. This Declaration may not be repealed by amendment. No Amendment shall have the effect of eliminating the Limits of Disturbance Area and limitations on site disturbance, increasing the number of Lots or Dwellings within the Subdivision beyond that approved by the City and this Declaration, or making less restrictive those provisions regulating the uses of the Open space within the Subdivision.

11.7. Constructive Notice. Every person who owns, occupies, or acquires any right, title or interest in any Lot in the Subdivision is conclusively deemed to have notice of this Declaration and its contents, and to have consented to the application and enforcement of each of the Covenants, Conditions and Restrictions against his Lot, whether or not there is any reference to this Declaration in the instrument by which he acquires his interest in any Lot.

11.8. Reservation of Easements. For the mutual benefit and convenience of all-of the Owners, each Lot is burdened by an easement five feet in width across the front of the Lot for the installation and maintenance of utility services to the Subdivision. The Owner grants the right to public utilities to enter upon each Lot for purposes of utility installation, meter reading, and maintenance, and the right to public agencies providing utility-type services and emergency and public safety services to enter on to the Lot as needed to perform their functions.

11.9. Notices. All notices under this Declaration are deemed effective 72 hours after mailing, whether delivery is proved or not, provided that nay mailed notice must have postage pre-paid and be sent to the last known address of the party to receive notice. Notices delivered by hand are effective upon delivery.

11.10. Liberal Interpretation. The provisions of this Declaration shall be interpreted liberally to further the goal of creating a uniform plan for the development of the Subdivision. Paragraph headings are inserted for convenience only and shall not be considered in interpretation of the provisions. Singular will include plural, and gender is intended to include masculine, feminine and neuter as well.

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11.11. Pre-existing Conditions As of the date of this Declaration, a variety of Improvements may exist on the Property. These pre-existing conditions, when not in

conformance with this Declaration, shall not be deemed to be in violation of the intent and purpose of this Declaration or the uniform plan for the development of the Subdivision, and shall be exempt from the enforcement and remedies provided herein.

Executed on the date stated above.

WILLOW RANCH DEVELOPMENT COMPANY

By _____

STATE OF UTAH)
: ss.
COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me this 24 day of February, 1993, by Richard Dudley, the ~~President~~, of Willow Ranch Development Company, a corporation.

_____
NOTARY PUBLIC
Residing at: Park City, UT.

My Commission Expires:
4/2/94

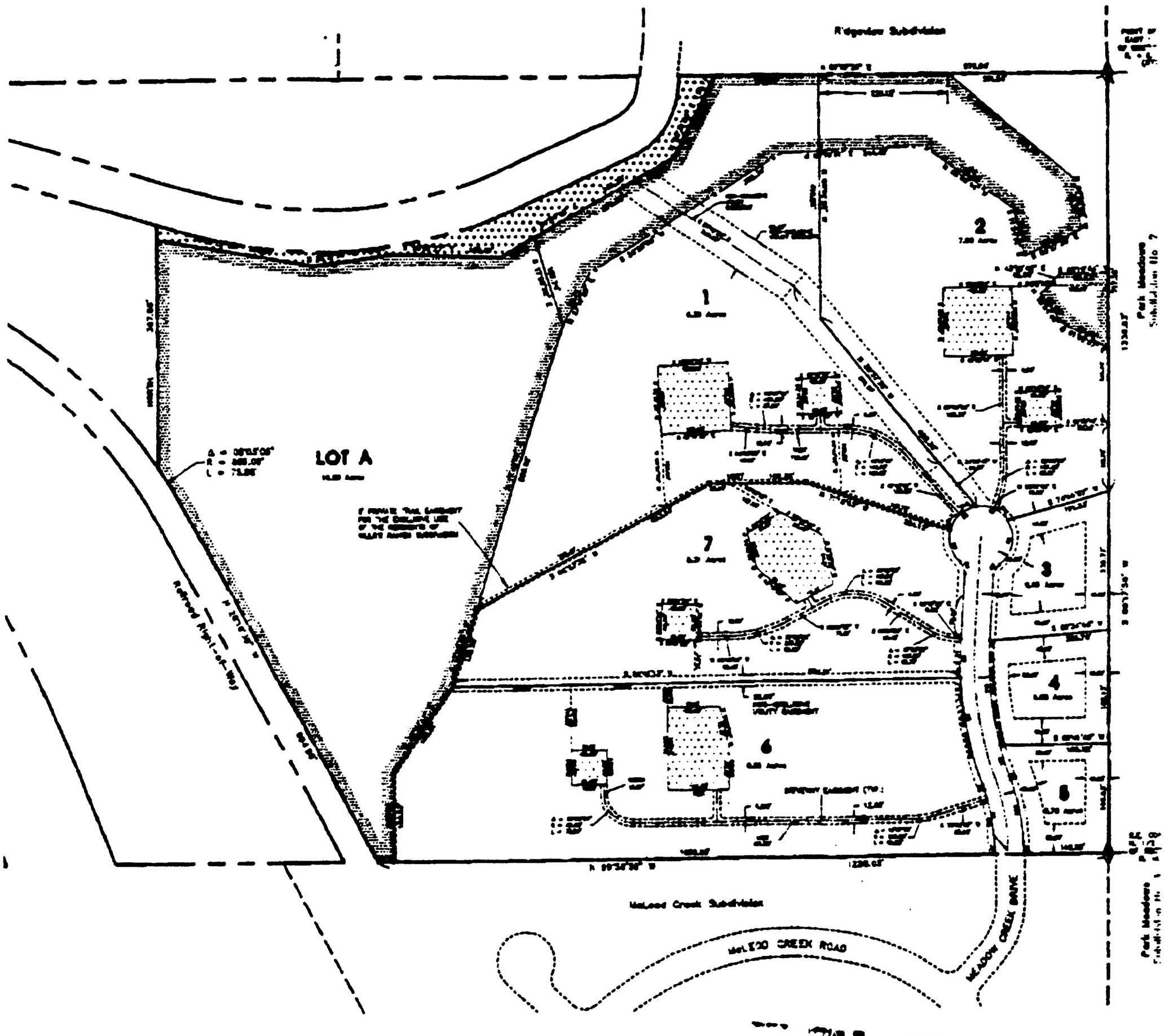
Notary Public
DIANE ZIMNEY
P. O. Box 2033
Park City, Utah 84060
My Commission Expires
April 2, 1994
State of Utah

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WILLOW RANCH SUBDIVISION

EXHIBIT A



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Exhibit A

Innovators in Project Direction . . .

WILLOW RANCH SUBDIVISION

Legal Description

December 22, 1992

Beginning at the East Quarter Corner of Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence along the East line of the North half of the Southeast Quarter of said Section 5, South 00°17'50" West 1338.83 feet to the Southeast Corner of the North half of the Southeast Quarter of said Section 5, said point also being the Northeast Corner of McLeod Creek Subdivision as recorded; thence along the South line of the North half of the Southeast Quarter of said Section 5, said South line also being the North line of said McLeod Creek Subdivision, North 89°58'59" West 1258.05 feet to a point on the Easterly most line of a 50 foot wide railroad right-of-way; thence along said railroad right-of-way the following two (2) calls: 1) North 28°16'38" West 694.96 feet to a point of a 855.00 foot radius curve to the left; thence 2) along the arc of said curve 75.88 feet thru a central angle of 05°05'05"; thence North, 387.86 feet; thence South 79°53'25" East 262.94 feet; thence North 82°51'53" East 140.99 feet; thence South 88°02'27" East 185.69 feet; thence North 60°24'25" East 345.20 feet; thence North 26°38'08" East 153.78 feet to a point on the center section line of said Section 5, said point also being on the south line of Ridgeview Subdivision as recorded; thence North 89°57'38" East along said center section line and said subdivision line 679.64 feet to the POINT OF BEGINNING.

Contains: 41.48 acres of land, more or less.

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THE JACK JOHNSON COMPANY

Governmental Approvals ▲ Land Planning ▲ Architecture ▲ Civil Engineering
1910 Prospector Avenue ▲ Park City, Utah 84060
(801) 645-9000 ▲ Fax (801) 649-1620

EXHIBIT "B"

Approved Colors List

INTRODUCTION:

It is the intention of the Declarant that the dwellings constructed within the subdivision shall not visually dominate the natural landscape. To harmonize with the natural palette, dwelling colors shall be soft, earth tones, in the range of colors and intensities typical of native river stone.

To more accurately describe Approved Colors, they are quantified by reference to the accepted standard of the Munsell System, i.e., the Munsell Book of Color. Original color chips from Munsell are on file with both the Committee and the City, and color copies which are not fully accurate but are of illustrative value are also available from the Committee.

The Munsell System arranges and identified colors by three variables, "Hue," "Value" and "Chroma." The Hue notation indicates the relation of a color to red, yellow, green, blue and purple. The Value notation indicates the lightness of the color. The Chroma indicates the strength of the color, i.e., its departure from a neutral of the same lightness.

The colors displayed on the Munsell Color Charts are of constant Hue, designated by a symbol in the upper right-hand corner of the card. Vertically, the colors become successively lighter from the bottom of the card to the top by visually equal steps; their value increases. Horizontally they increase in Chroma to the right and become grayer to the left. The Value notation of each chip is indicated by the vertical scale in the far left column of the chart. The Chroma notation is indicated by the horizontal scale across the bottom of the chart.

As arranged in the collection the charts provide three scales: (1) radial, or from one chart to the next in hue, (2) vertical in value; and (3) horizontal in chroma.

"The nomenclature for color consists of two complementary systems; (1) Color names and (2) the Munsell notation of color. Neither of these alone is adequate for all purposes." The color names and their limits are given in the diagrams which appear opposite each chart.

"The Munsell notation for color consists of separate notations for hue, value, and chroma, which are combined in that order to form the color designation. The symbol for hue is the letter abbreviation of the color of the rainbow (R for red, YR for yellow-red, Y for yellow) proceeded by numbers from 0 to 10.

Within each letter range, the hue becomes more yellow and less red as the numbers increase. The middle of the letter range is at 5; the zero point coincides with the 10 point of the next redder hue. Thus, 5YR is in the middle of the yellow-red hue, which extends from 10R (zero YR) to 10YR (zero Y)."

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"The notation for value consists of numbers from 0, for absolute black, to 10, for absolute white. Thus, a color of value 5/ is visually midway between absolute white and absolute black. One of value 6/ is slightly less dark, 60 percent of the way from black to white, and midway between values of 5/ and 7/."

"The notation for chroma consists of numbers beginning at 0 for neutral grays and increasing at equal intervals to a maximum of about 20, which is never really approached in soil. For absolute achromatic colors (pure grays, white, and black), which have zero chroma and no hue, the letter N (Neutral) takes the place of a hue designation."

"In writing the Munsell notation, the order is hue, value, chroma with a space between the hue letter and the succeeding value number, and a diagonal between the two numbers for value and chroma. If expression beyond the whole numbers is desired, decimals are always used, never fractions. Thus, the notation for a color of hue 5YR, value 5, chroma 5, is 5YR 5/6, a yellowish red. The notation for a color midway between the 5YR 5/6 and 5YR 6/6 chips is 5YR 5.5/6; for one midway between 2.5 YR 5/6 and 5YR 6/8, it is 3.75YR 5.5/7. The notation is decimal and capable of expressing any degree of refinement desired. Since color determinations cannot be made precisely in the field-generally no closer than half the interval between colors in the chart-expression of color should ordinarily be to the nearest color chip."

Quoted in part from U.S. Department Agriculture Handbook, 18 - Soil Survey Manual.

The following colors are the "Approved Colors" for use at Willow Ranch:

COLOR	HUE	VALUE	CHROMA
Reddish Gray	10R	5-6	1
Pale Red	10R	6	2-3
Weak Red	10R	5	2-3
Dark Reddish Gray	10R	3-4	2
Weak Red	10R	4	
Reddish Gray	5R	5-6	1
Pale Red	5R	6	2-3
Weak Red	5R	5	22-3
Dark Reddish Gray	5R	4	1
Weak Red	5R	4	2
Dark Reddish Gray	5R	3	1
White	5Y	8	1-2
Pale Yellow	5Y	7-8	3
Light Gray	5Y	7	1-2
Light Gray/Gray	5Y	6	1
Gray	5Y	5	1
Light Olive Gray	5Y	6	2
Pale Olive	5Y	6	3

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COLOR	HUE	VALUE	CHROMA
Olive Gray	5Y	5	2
White	2.5Y	N8-8	0-2
Pale Yellow	2.5Y	7-8	3
Light Gray	2.5Y	N7	0-2
Light Gray/Gray	2.5Y	N6	0
Light Brownish Gray	2.5Y	6	2
Light Yellowish Brown	10YR	6	3
White	10YR	8	1-2
Very Pale Brown	10YR	8	3
Light Gray	10YR	7	1-2
Very Pale Brown	10YR	7	3
Light Gray/Gray	10YR	6	1
Light Brownish Gray	10YR	6	2
Pale Brown	10YR	6	3
Gray	10YR	5	1
Grayish Brown	10YR	5	2
White	7.5YR	N8	0
Pinkish White	7.5YR	8	2
Light Gray	7.5YR	N7	0
Pinkish Gray	7.5YR	7	2
Light Gray/Gray	7.5YR	N6	0
Pinkish Gray	7.5YR	6	2
Light Brown	7.5YR	6	3
White	5YR	8	1
Pinkish White	5YR	8	2
Light Gray	5YR	7	1
Pinkish Gray	5YR	7	2
Light Gray/Gray	5YR	6	1
Pinkish Gray	5YR	6	2
Light Reddish Brown	5YR	6	3
Gray	5YR	5	1
Reddish Gray	5YR	5	2
Gray	2.5YR	N6	0
Pale Red	2.5YR	6	2
Light Reddish Brown	2.5YR	6	3
Gray	2.5YR	N5	0
Weak Red	2.5YR	5	2

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COLOR	HUE	VALUE	CHROMA
Reddish Brown	2.5YR	5	3
Dark Gray	2.5YR	N4	0
Weak Red	2.5YR	4	2
Light Greenish Gray	5GY	7	1
Greenish Gray	5GY	6	1

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EXHIBIT "C"

Permitted Fencing

Only the following types of fencing are permitted to be constructed, installed, maintained or allowed to stand within the Subdivision:

TYPE I - EXISTING FENCES

All fences on the Property existing as of the date of recording of this Declaration, are permitted.

TYPE II - POST AND RAIL WOOD FENCE

1. General

1.1 Description and Use. This fence consists of wood posts and wood rails constructed in accordance with these specifications and the details and dimensions shown on the accompanying drawing attached as Exhibit "I" to this document. This fence may be used throughout the Subdivision on property lines, entry lanes and drives and around the residential disturbance pads of the equestrian lots.

2. Materials

2.1 Fence Rail Logs. The fence rails shall be sound, peeled lodgepole pine free from rot, disease or insects. Fence rails shall be a minimum of 4 3/4 inches. The rails are to be cut with a 2 1/2 inch doweled end 3 inches long. The rails shall be treated with a shingle oil or similar preservative.

2.2 Fence Posts. The fence posts shall be sound, peeled lodgepole pine free from rot, disease or insects. Minimum diameter at the small end shall be 7 inches. The posts shall be treated with shingle oil and the buried end shall be dip treated.

The dip treatment preservative shall be Pentachlorophenol and diesel of a 10:1 ratio or the equivalent.

Before any timber posts are placed, the Contractor shall furnish to the Architectural Committee a sample of the materials to be used.

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2.3 Height. Maximum height shall be 5'0".

2.4 Wire Application. Wire box fence (2" x 4" box) may be fastened to the owner's side of any permitted post and rail fence. Farm fence shall be of 12 1/2 gauge woven or welded steel wire with a constant mesh size. Top and/or bottom strands of 10 gauge smooth wire may also be applied.

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2.5 Gates, Braces, Misc. When used between Lots or to divide a Lot, gates, braces and other usual appurtenances shall be constructed of wood to match the appearance of the post and rail fence, or metal and approved by the Architectural Committee. When used against Open Space, gates, braces and other usual appurtenances may be of an "agricultural style" and constructed of weather resistant or protected metals. All gate hardware shall be of weather resistant or protected metals.

3. Execution

3.1 General. Clearing, grubbing and grading for fence installation are not allowed and disturbance of the ground cover shall be kept to a minimum.

3.2 Construction. The fence shall be constructed to meet the dimensions, line and grade as shown on the approved plans.

3.3 Cleanup. When the fence has been installed, the general area shall be cleaned up to present a natural appearance. All debris and material not utilized shall be removed from the Subdivision.

TYPE III - ELECTRIC WIRE OR MONOFILAMENT

1. General

1.1 Description and Use. This fence consists of three strands of steel or monofilament wire stretched through wood posts in accordance with these specifications and the details and dimensions shown on the accompanying drawing attached as Exhibit "II" to this document. This fence shall be used in the Subdivision to subdivide pastures as needed.

2. Materials

2.1 Steel Wire. Wire suitable for electric charge carrying capacity.

2.2 Monofilament. 9 guage BAYCO or equivalent monofilament line.

2.3 Wood Posts. Wood cedar posts as described in Exhibit "II".

2.4 Gates, Braces, Misc. Gates and braces and other usual appurtenances shall be constructed of steel or aluminum. Gates may be of pipe frame or corrugated or channel stock or wood.

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2.5 Finishes. Finishes. All steel fence components shall be protected from weather by zinc or aluminum coating. Braces and gates may be painted a typical "farm green" or an Approved Color.

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3. Execution

3.1 General. Clearing, grubbing and grading are not allowed and disturbance of the ground cover shall be kept to a minimum. In general, the fence shall be erected on undisturbed natural ground and may deviate from the line as staked to negotiate trees and obstacles. Such deviations must be contained within the installing Owner's Lot unless a Fenceline Agreement exists between the abutting Owners.

3.2 Construction. The fence shall be constructed to meet the dimensions, line and grade as shown on the approved plans.

3.3 Cleanup. When the fence has been installed, the general area shall be cleaned up to present a natural appearance. All debris and material not utilized shall be removed from the Subdivision.

3.4 Approved Materials. In no case shall an electric fence utilize any wire other than 9 gauge wire. In the alternative, a fence may be constructed with a 9 gauge monofilament line manufactured by BAYCO fencing or similar quality.

TYPE IV - STALL FENCE

Stall fencing within the barn zone of each equestrian lot shall consist of 4 or 5 rail welded pipe that is prefabricated in panels. Panel sections are joined together in various lengths to design a desired stall size and shape.

TYPE V - EXCEPTION

Nothing in the foregoing shall preclude the owners of Lots 2, 3, 4 and 5 from constructing on their eastern boundary line a 5' high solid wood fence of cedar or redwood material. No paint is allowed, however, clear preservative stains are allowed and recommended.

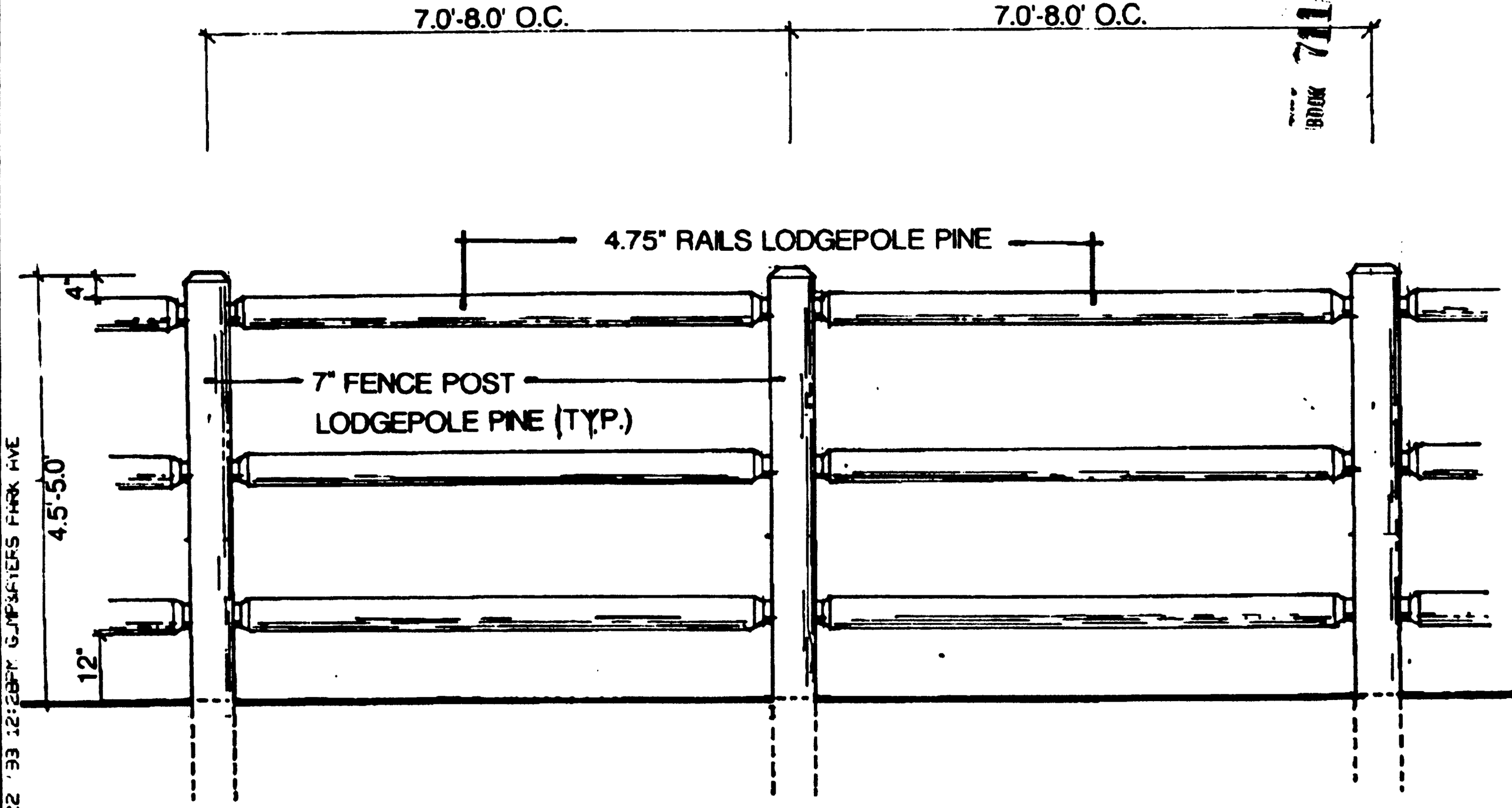
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EXHIBIT I

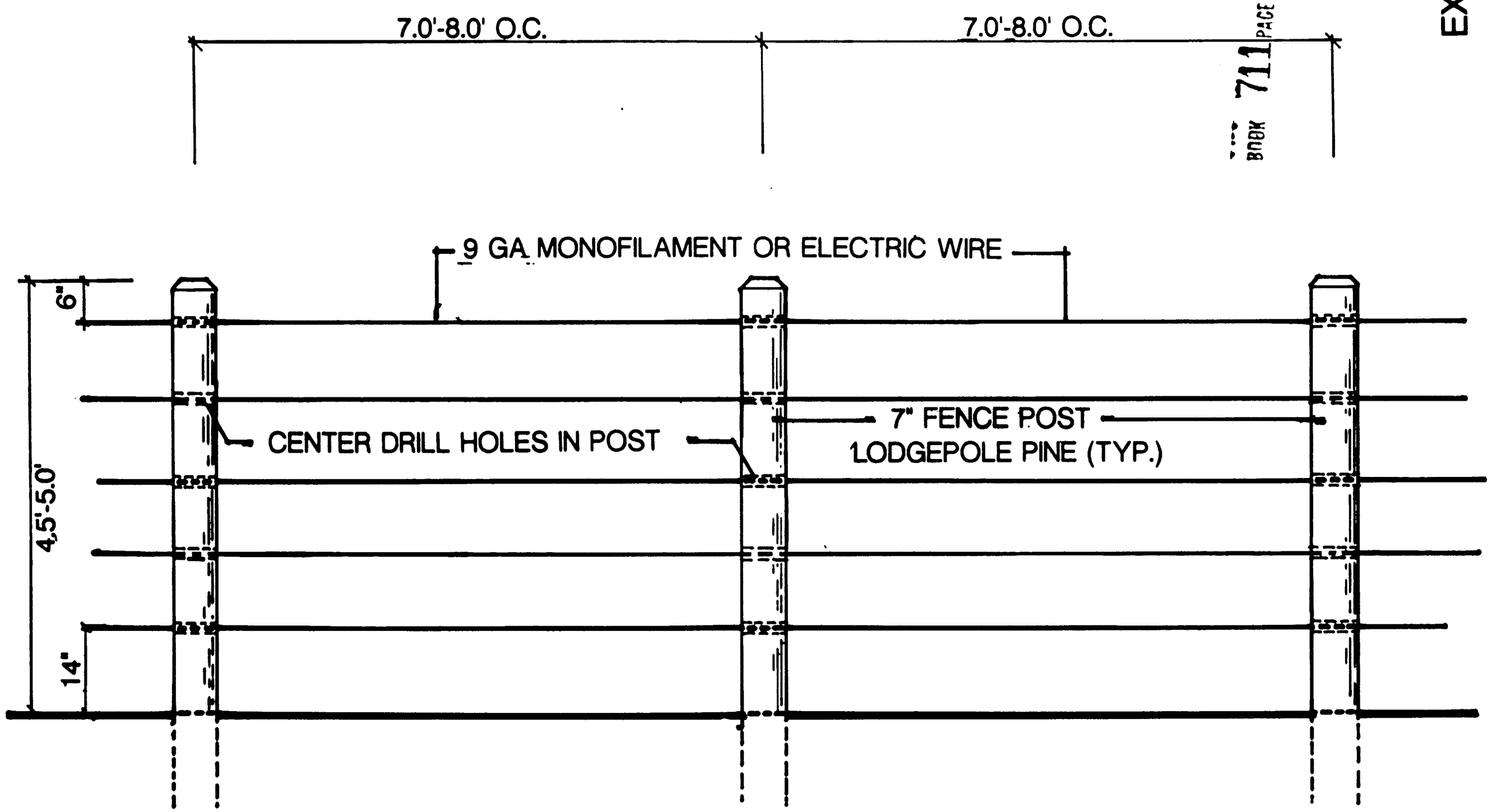


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TYPICAL FENCE

EXHIBIT 2

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TYPICAL FENCE

168888

State of Utah
Department of Commerce
Division of Corporations and Commercial Code

I Hereby certify that the foregoing has been filed and approved on the 22nd day of July 1993 in the office of this Division and Hereby issue this Certificate thereof.

Examiner CS Date 7-22-93

Gary R. Hansen
Division Director

ARTICLES OF INCORPORATION

FOR

WILLOW RANCH HOMEOWNERS ASSOCIATION, INC.

The undersigned person, being a natural person over the age of 18 years, executes these Articles of Incorporation to form and establish a not-for-profit corporation under the provisions of the Utah Revised Business Corporations Act, and adopts the following Articles of Incorporation:

1. Name. The name of the corporation is Willow Ranch Homeowners Association, Inc.

2. Duration. The duration of the corporation shall be perpetual, unless dissolved by the action of the Corporation or by operation of law.

3. Purposes. The purposes of the corporation are to function as the homeowners association for the Willow Ranch Subdivision located in Park City, Summit County, Utah, and to enforce the covenants, conditions, and restrictions on the lots within that subdivision as set forth in the Declaration of Covenants, and to provide the other services, and perform all of the other functions set forth in the Declaration and as may become desirable or necessary for the benefit of the members. The corporation shall have all powers, rights, and privileges available to non-profit corporations under the laws of the State of Utah.

4. Membership. The members of the corporation shall be the owners of Lots in the Willow Ranch Subdivision, Park City, Summit County, Utah. Membership is deemed an appurtenance to the Lot, and shall pass automatically to the owner of that lot upon conveyance of title. The corporation shall not have stock or issue shares.

5. Voting Rights. Each Member is entitled to cast one vote for each Lot he or she owns on all matters presented to the members for approval. In the election of Trustees, members may accumulate their votes.

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EXHIBIT D

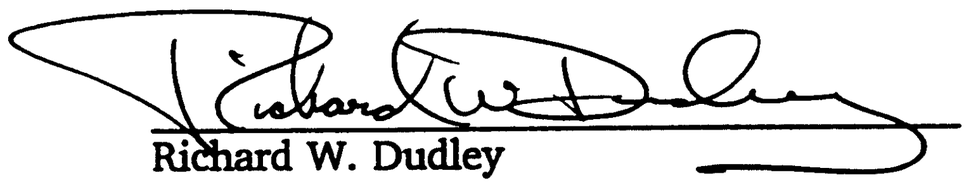
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6. Registered Agent. The initial registered agent of the corporation is:

Richard W. Dudley
4550 North Ranch Creek Lane
Park City, Utah 84060

Acceptance of Appointment

I, Richard W. Dudley, hereby accept the appointment as the registered agent for Willow Ranch Homeowners Association, Inc.



Richard W. Dudley

7. By-laws. The Board of Trustees will adopt by-laws consistent with these articles at its first meeting. Thereafter, by-laws may be adopted, amended, or repealed by the vote of the Members.

8. Principal Place of Business. The principal place of business of the corporation, and its initial offices are located at: 1030 Park Avenue, Park City, Utah 84060. The corporation may establish such other offices and locations as it deems appropriate for the operation of its business.

9. Board of Trustees. There will initially be three Trustees of the corporation, provided that the Board of Trustees will be expanded to five members at the first annual meeting. The initial Board of Trustees, who will serve until the election of officers and Trustees at the first annual Members meeting, are:

Name	Address
Richard W. Dudley	4550 North Ranch Creek Lane Park City, Utah 84060
Blaine J. Glasmann	P. O. Box 699 Park City, Utah 84060
Craig J. Masters	P. O. Box 237 Park City, Utah 84060

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The Trustees will elect one of them to act as Chairman until the first annual Members meeting.

10. Officers. The initial officers of the corporation are:

President	Richard W. Dudley
Vice President	Craig J. Masters
Secretary/Treasurer	Blaine J. Glasmann

Officers serve at the pleasure of the Board of Trustees. The addresses of the officers are stated in paragraph 9.

11. Annual Meeting. The annual meeting of Members will be held on the first Monday in April at the offices of the corporation at the hour of 6:00 p.m., or at such other time or place as may be stated in the notice of annual meeting.

12. Limitations on Liability. The Officers, Trustees, and Members of the corporation shall not be held personally liable for the debts and obligations of the corporation.

13. Incorporators. The incorporator of the corporation is:

Thomas T. Billings
Van Cott, Bagley, Cornwall & McCarthy
50 South Main Street, Suite 1600
Salt Lake City, Utah 84144

14. Amendment. These articles of incorporation may be amended from time to time as authorized by the shareholders and as permitted by law.

Wherefore the Incorporators have executed and verified these articles this 22nd day of February, 1993.

BOOK 711 PAGE 553

Thomas T. Billings

057\23631.

State of Utah)
: ss
County of Salt Lake)

On the 22nd day of February, 1993, the foregoing instrument was acknowledged and verified before me by Thomas T. Billings who personally appeared before me, and being by me duly sworn declared under penalty of perjury that he is the incorporator of Willow Ranch Homeowners Association, Inc., and that he signed the foregoing Articles of Incorporation of Willow Ranch Homeowners Association, Inc., and that the statements contained therein are true and correct.

In witness whereof, I have set my hand and seal this 22nd day of February, 1993.

Notary Public
DEBORAH ROBERTSON
50 South Main St. #1600
Salt Lake City, Utah 84144
My Commission Expires
August 6, 1994
State of Utah

Deborah Robertson
Notary Public
Residing at: Salt Lake City, Utah

My Commission Expires:

August 6, 1994

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057\23631.

BY-LAWS

OF

WILLOW RANCH HOMEOWNERS ASSOCIATION

A Non-Profit Corporation of the State of Utah

Pursuant to the provisions of the Utah Non-Profit Corporations Act, the Board of Trustees of the Willow Ranch Homeowners Association hereby adopt the following By-Laws of the Willow Ranch Homeowners Association:

ARTICLE I

Name and Principal Office

1.1 Name. The name of the corporation is "Willow Ranch Homeowners Association", and it is referred to below as the "Association."

1.2 Offices. The initial office of the Association will be in Park City, Utah.

ARTICLE II

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Members and Meetings

2.1 Annual Meetings. The annual meeting of the members of the Association shall be held on the First Monday in April at 6:00 p.m. at the offices of the Association, beginning in the year following the year in which the Association is incorporated. The Board of Trustees may designate some other time, date and place for the annual meeting by giving proper notice of the change in advance of the meeting. The purpose of the annual meeting is the election of officers and Trustees, and to consider such other business that comes before the meeting. If the Trustees are not elected at the annual meeting, the existing Trustees shall continue to serve until their successors are named in a special meeting called for that purpose or until the next annual meeting. The Trustees may change the date, time and place of the annual meeting as they see fit by formal resolution.

EXHIBIT E

057\23642.

2.2 Special Meeting. Special Meetings of the Members may be called by the Board of Trustees or by the President as they see fit or by the Members of the Association representing not less than 33% of the total votes of the Association. Any notice of Special Meeting shall state the time, place and date of the meeting, and the matters to be considered at that meeting. When a Special Meeting is called by the Members of the Association, the notice shall be in writing and delivered to the President or the Chairman of the Board.

2.3 Place of Meeting. All meetings will be held in Park City, Utah, unless the Members have authorized a meeting to be held elsewhere by written waiver.

2.4 Notice of Meeting. The Board of Trustees shall cause written or printed notice of the date, time, place and purposes of all meetings of the Members to be sent to each of the Members not more than 60 but not less than 10 days prior to the meeting. Mailed notice is deemed delivered when it is deposited in the United States Mail, postage prepaid, addressed to the Member at the last known address. Each Member shall register his or her address with the Association, and it shall be the obligation of the Member to provide notice of any change of address to the Association. If no address is registered, the Association may mail that Member's notice to the Secretary of the Association as the agent for the Member. Only one notice will be mailed on each Lot, so if there are multiple owners, they must designate one of them to receive the notice of the meeting on their behalf.

2.5 Members of Record. Upon purchasing a Lot in the subdivision, each owner shall promptly furnish the Association with a copy of the deed or other instrument under which he or she acquired title to the Lot. For purposes of determining a quorum, determining the persons entitled to vote, and all other matters before a meeting of the Members, the Association may designate a record date, not more than 60 days nor less than 10 days prior to the meeting date to determine the Members entitled to notice and to vote at the meeting. If no record date has been fixed, the record date is deemed to be the date on which notice of the meeting was mailed to the Members. The persons appearing as Members as of the record date are deemed entitled to notice and to vote at the meeting. Persons who become Members subsequent to the record date, or whose ownership is not registered with the Association until subsequent to the record date shall not be entitled to notice, shall not be counted in comprising a quorum and shall not be entitled to vote at the meeting. This shall not preclude a person who acquires his or her Membership subsequent to the record date from voting the interest of his predecessor under a written proxy.

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2.6 Quorum. At any meeting of the Members, the presence of members, in person or by proxy, holding the right to cast more than 50% of the total

votes of the Association shall constitute a quorum for the transaction of business. In the event that a quorum is not present at a meeting, the Members present, in person or by proxy, though less than a quorum, may adjourn the meeting to a later date set by those Members present. Notice of the re-scheduled meeting will be sent to the Members providing at least 10 days' notice of the new meeting. At any re-scheduled meeting, a quorum will be deemed to exist comprised of those Members present in person or by proxy at the re-convened meeting.

2.7 Proxies. At each meeting of the Members, each Member entitled to cast a vote shall be entitled to vote in person or by written proxy. All proxies must be in writing, signed by the Member as shown on the records of the corporation. When a Membership is jointly held, the proxy must be signed by all of the joint owners of the Membership. Proxies must be presented to the Secretary of the Meeting at the beginning of the meeting for purposes of determining a quorum. The secretary will make an entry of proxies in the minutes of the meeting.

2.8 Voting Rights. With respect to each matter presented to the Members, including the election of Trustees, each Member will be entitled to cast one vote for each Lot that he or she owns. Lots with multiple owners will be entitled to only one vote for that Lot, and in the event that the multiple owners of that Lot are not able to agree on how to cast the vote, no vote will be cast. The Lot may be counted as present for purposes of calculating a quorum. If only one of the multiple owners is present at the meeting, the other owners are deemed to have consented to that owner voting the interests of the Lot. In the event of Lots held subject to Trust Deeds or Mortgages, the Trustor or Mortgagor will be entitled to vote, and the Lender shall have no right to vote; provided however that when a Lender has taken possession of any Lot, the Lender shall be deemed to have succeeded to the interest of the Trustor or Mortgagor and shall then be entitled to cast that vote.

2.9 Simple Majority. Any matter placed before the Members for a vote shall pass if there is an affirmative vote of the majority of the Members present at the meeting (and there is a quorum present). Election of Trustees will be by secret ballot. Other matters may be voted by secret ballot or by show of hands or such other means as the officer conducting the meeting shall determine.

2.10 Waiver of Irregularities. Any inaccuracies, irregularities, or errors in any call for a meeting or notice of meeting, inaccuracies or irregularities in the determination of a quorum or acceptance of proxies are deemed waived unless there is an objection stated at the meeting prior to the vote being taken.

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2.11 Informal Action. Any act which is required to be taken or approved at a meeting may be taken or approved without a formal meeting if a majority of the Members consent to the action in writing prior to the action being taken. The Members may hold meetings for which formal notice was not given if the Members waive notice prior to the meeting.

ARTICLE III

Board of Trustees

3.1 General Powers. The Board of Trustees shall have authority to manage and control the property and affairs of the Association. The Board of Trustees may exercise all powers conferred upon them by law, by the Articles of Incorporation, or by these by-laws, provided however that those powers which are specifically reserved to the Members by law or by the Articles of Incorporation shall be exercised only by the Members. The Board may delegate its powers to officers, managers, or others such of its powers as are appropriately delegated.

3.2 Number and Tenure. The initial Board of Trustees is three members. They shall serve until the next annual meeting in which Trustees are elected, and shall continue to serve until their successors have been elected and assumed office. Immediately after the election of the first Board of Trustees by the Members, the Trustees shall, by drawing lots, divide themselves into three terms of two years and two terms of one year. Thereafter, at each annual meeting, only those Trustees whose terms have expired will stand for election. Trustees need not be residents of the State of Utah.

3.3 Board Meetings. The Board of Trustees shall have at least one meeting per year, which shall be within the 90 days preceding the Annual Meeting of Members for the purpose of setting the agenda for that meeting. The Trustees may meet as often as they see fit, and as required by law or the Articles for purposes of approving annual reports, tax returns, and similar matters. Special Meetings may be called by the President or the Chairman, or by a majority of the Board by giving notice to the other Board members. Notice of Board meetings will be given in writing or by telephone not more than 15 days, and not less than 5 days prior to the date of the meeting.

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3.4 Quorum. A quorum at a Board meeting will consist of a simple majority of the Board. Board members may be counted as present if they are participating in the meeting by telephone. No proxies will be given among Board

members. Actions of the Board may only be taken by formal action of the Board, and no individual Trustee shall have the authority to act on behalf of the Association.

3.5 Assessment. Assessments of the Members, a called for in the Declaration of Covenants, Conditions and Restrictions for the Willow Ranch Subdivision, shall be levied by Association. The Trustees shall prepare an annual budget for presentation to the Members. The Assessment will be deemed levied when approved by a majority of the Members at the annual meeting or a special meeting called for that purpose.

3.6 Deadlock. In the event of a deadlock on the Board, the Board shall immediately call for a special meeting of the Members and, at the direction of the Chairman of the Board, either call for the election of a new board, or submit the matter to the Members for determination.

3.7 Compensation. The Board of Trustees shall serve without compensation, provided that their reasonable out of pocket expenses for Association business, including the costs of attending board meetings, may be reimbursed by the Association.

3.8 Resignation or Removal. Any Trustee may resign at any time. A Trustee is deemed to have resigned when he or she sells (or otherwise is divested of) his or her Lot and therefore ceases to be Member of the Association. Any Trustee may be removed prior to the end of his or her term of office by an affirmative vote of 60% of the Members of the Association at a regular or special meeting called for that purpose.

3.9 Vacancies. Vacancies on the Board of Trustees will be filled by appointment of a successor by the remainder of the Board, provided that any such appointee will be confirmed or rejected at the next regular meeting of the Members. Any such Trustee is to fill the balance of the vacant term which he or she has filled, and will stand for election at the expiration of that term.

3.10 Informal Action by Trustees. The Trustees may take any action they could take in a formal meeting without a formal meeting, provided that the action is authorized in advance in writing signed by a majority of the Board, and further provided that all of the Trustees must have been given an opportunity to approve or reject the action. The Trustees may waive notice of meetings by signing written waivers at the time of the meeting. Minutes of all board meetings will be kept, and when a meeting is held without prior notice, the minutes will reflect the written waiver of notice.

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ARTICLE IV

Officers

4.1 Number. The officers of the Association shall consist of at least a President, Vice President, and a Secretary/Treasurer. The Board may establish such other officers as it deems appropriate.

4.2 Appointment, Tenure. The officers will be appointed by the Board of Trustees at their annual meeting, and all officers serve at the pleasure of the Board and may be removed by a majority vote of the Board in a meeting called for that purpose. All officers must be Members of the Association.

4.3 Duties of the President. The President shall preside at meetings of the Board of Trustees and at meetings of Members. He shall sign, on behalf of the Association, all legal documents approved by the Board, including deeds and mortgages and other contracts. The president shall supervise and be primarily responsible for the day to day operation of the Association's affairs, including the firing and termination of employees and subordinates. The President shall perform such other duties as assigned by the Board.

4.4 Duties of the Vice President. The Vice President will perform the duties of the President if he or she is not available, and shall perform such other duties as designated by the Board.

4.5 Duties of the Secretary/Treasurer. The Secretary/Treasurer is responsible to keep accurate records of the Members of the Association and the transfer of their interests to others, to keep minutes at the meetings of the Association Members and the Trustees, and cause notice of any meetings to be issued as called for in these by-laws, to file annual reports, and to perform all other assignments of the Board.

4.6 Compensation. The Officers will serve without compensation, provided that their reasonable out of pocket expenses in performing their duties for the Association will be reimbursed. The Board may fix such other compensation as it finds appropriate given the responsibility of the officers.

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ARTICLE V

Indemnification

5.1 Indemnification Against Third Party Actions. The Association may defend and indemnify the officers and Trustees against all actions, claims, and suits brought by third parties against them individually which arise from the exercise of their obligations and duties as officers and Trustees. This shall include all civil, administrative, criminal, or investigative actions whether brought by an individual or a government agency. The indemnification shall extend to the payment of reasonable attorney's fees incurred in the defense of such action, including fees for independent counsel, and the payment of any fine, settlement, or judgment. This indemnity is limited in scope to those acts or omissions arising from the good faith exercise of the authority of the office held, or the discharge of the duties as a Trustee on behalf of the Association.

5.2 Indemnification Against Member Actions. The Association may defend and indemnify the officers and Trustees against all actions, claims, and suits brought by Members of the Association against them individually which arise from the exercise of their obligations and duties as officers and Trustees. This shall include all civil, administrative, criminal, or investigative actions whether brought by an individual or a governmental agency. The indemnification shall extend to the payment of reasonable attorney's fees incurred in the defense of such action, including fees for independent counsel, and the payment of any fine, settlement, or judgment. This indemnity is limited in scope to those acts or omissions arising from the good faith exercise of the authority of the office held, or the discharge of the duties as a Trustee on behalf of the Association.

5.3 Request for Indemnification. When any officer, Trustee or employee of the Association receives notice of any action referred to above, he or she must give notice to the President and to the Board of Trustees, stating at the nature of the claim, the claimant, and providing all pertinent information about the claim. The Board, in the case of an action against an officer or employee, or against a single Trustee, may vote to indemnify the officer, employee or Trustee. In the event that the action is against the Board of Trustees as a whole, or names more than a single Trustee individually, and the claim is entirely covered by and within the policy limits of the Association's insurance coverage, the Board may vote to indemnify itself and the individuals named. In the event that the claim exceeds the limits of any insurance coverage, or is not covered, the Board may not agree to indemnify itself without presenting the matter to the Association for a vote at a special meeting called for that purpose.

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ARTICLE VI

Amendment

6.1 Amendment. These by-laws may be amended by the Members of the Association from time to time as the Members see fit by a majority vote at a meeting called for that purpose.

Adopted this 22nd day of February, 1993.

President

Attest:

Secretary

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EXHIBIT "F"

MAXIMUM LIMITS OF DISTURBANCE AREAS AND MAXIMUM FLOOR AREAS

LOT NUMBER	LOT SIZE	RESIDENCE LIMITS OF DISTURBANCE AREA	MAXIMUM FLOOR AREA	MAXIMUM BARN FLOOR AREA
1	8.26 ACRES	14,000 SQ.FT.	8000	1500
2	7.50 ACRES	14,000 SQ.FT.	8000	1500
3	.95 ACRES	per set backs	4400	N/A
4	.88 ACRES	per set backs	4400	N/A
5	.70 ACRES	per set backs	4400	N/A
6	6.80 ACRES	14,400 SQ.FT.	8000	1500
7	5.31 ACRES	14,400 SQ.FT.	8000	1500

057\23651.
02/23/93/3:50 pm

When Recorded, Return to:
Thomas T. Billings, Esq.
Van Cott, Bagley, Cornwall & McCarthy
314 Main Street, Suite 205
P.O. Box 4611
Park City, Utah 84060

ANIMAL MANAGEMENT PLAN AND MAINTENANCE COVENANT

THIS COVENANT is entered into this 24th day of February, 1993, by and among PARK CITY MUNICIPAL CORPORATION ("City"), WILLOW RANCH DEVELOPMEMT COMPANY ("Owner"), and WILLOW SPRINGS RANCH HOMEOWNERS ASSOCIATION ("Association"), to set forth the terms and conditions under which the City has certain enforcement rights, and Association and Owner have certain maintenance obligations concerning a portion of the Willow Ranch Subdivision in Park City, Utah. The parties agree as follows:

1. Property. The subject Property affected by this agreement is shown on the official plat of the Willow Ranch Subdivision (the "Plat") and described as follows:

See Attached Exhibit A

Owner owns the subject Property (but may convey the same to the Association and subsequent Lot purchasers). The parcel described in Exhibit A shall be referred to as the "Property." The Property includes portions of the meadow adjoining Highway 224 and Meadow Drive that the City has identified as critical to the protection of the visual entry to Park City, and it is the intention of the parties to this agreement to provide for a consistent level of maintenance to the Property to protect its visual character.

2. Covenants Apply. The Property, is subject to extensive covenants, conditions, and restrictions within the Willow Ranch subdivision which call for the protection of the Property. The City is not a party to those covenants, and has no direct enforcement powers under them. This agreement is made to create enforcement rights among the City and Owner and the Association. It is the intention of the parties, however, that the primary obligation to enforce those covenants, and protect the visual quality of the Equestrian Lot Open Space and the Wildlife Corridor, shall be that of the Association. This additional agreement is entered into to provide the City with a direct enforcement mechanism should the Association fail to adequately enforce its covenants relating to Equestrian Lot Open Space and the Wildlife Corridor.

3. Covenant to Maintain. Owner, for itself and its successors and assigns, covenants with city to restrict the uses and maintain the Equestrian Lot Open Space for the benefit of the other Owners in the Subdivision and for the benefit of the City. During the term of this Covenant, no improvements of any kind shall be installed, constructed, maintained or allowed to stand in the designated Equestrian Lot Open Space and Wildlife Corridor of Willow Ranch except as set forth below:

Uses and Improvements Permitted Within the Equestrian Lot Open Space. The Equestrian Lot Open Space is intended to provide an area for the Equestrian Lot Owner to maintain up to three horses and one un-weaned colt. A foal is deemed an adult horse after six

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EXHIBIT G

months. Equestrian Lot Open Space may also serve as pasture land, and be maintained in a green and vegetated state. The right to graze horses on the Equestrian Lot Open Space is conditioned upon the Owner providing property maintenance and rotation of stock in order to prevent over-grazing, scuffing, and soil erosion. All riparian areas shall be fenced to prevent horses from entering or breaking the natural banks of the stream channel. No outdoor haystacks, feed storage, manure storage, or similar accumulations of materials is permitted. No motor vehicles may be operated on the Equestrian Lot Open Space except when engaged in the care of animals or the maintenance of the Open Space. No horse trailers or other equipment may be stored on the Equestrian Lot Open space. No stallions may be kept on Equestrian Lot Open Space. No cattle, sheep, goats, mules, asses, pigs, hogs or other animals may be kept in the Equestrian Lot Open Space. No Improvements of any kind shall be installed, constructed, maintained, or allowed to stand in the Equestrian Lot Open Space except:

a. Those disturbances related to the construction, maintenance, and use of any Roadway on the Property, including the installation and maintenance of underground utility facilities, structures, devices, traffic controls and accessories as may be required by the City in the operation of the Roadways as a public streets; and

b. Those disturbances related to the construction, maintenance and use of Driveway Connections as provided in Article VII of the Declaration, including driveway culverts, retaining wall,s Excavations and Fills, provided that driveways shall be located on the Lot in a manner that minimizes the need for Excavation, Fill, or the use of retaining walls; and

c. Those disturbances related to the construction, maintenance, and use of Utility Connections to extend utility services from the adjacent Roadway to the Dwellings. This shall include underground electrical, telephone, and cable television lines, and water, sewer and natural gas supply pipes. Underground irrigation systems and their appurtenances may be constructed, maintained, and used in the Natural Areas as permitted by the City; and

d. Those minor disturbances related to the construction, maintenance and use of any Permitted Fencing; and

e. The construction, maintenance and use of those Improvements reasonable and necessary for the grazing of animals and razing of forage crops, such as irrigation systems, watering troughs, and feed mangers, and ditches, ponds and unpaved paths; and

f. The number of horses raised or grazed in the Equestrian Lot Open Space may be limited by the City pursuant to its rights under this Maintenance Covenant executed by and among the Declarant, the City and the Association. Use of the Equestrian Lot Open Space by any other animals will require specific approval by the City and the Association.

<u>Uses and Improvements Permitted in the Wildlife Corridor</u>. Within the boundaries of some of the Lots shown on the Plat is an area shown as "Wildlife Corridor", which is intended to serve the Owners as a visual amenity while functioning as a wildlife habitat and a

BOOK 711 PAGE 565

significant link in the Subdivision's hydrologic system. The Wildlife Corridor is the property of the Owners of the Lots on which it is located and each such Owner accepts his or her Lot subject to these special Covenants, Conditions, and Restrictions. No Improvements, except Permitted Fencing, of any kind or nature are allowed in the Wildlife Corridor. Fencing is to be installed according to the fencing standards set forth in Exhibit C of the Willow Ranch Subdivision Covenants to comply with the intent of the Permit issued to the Property by the Army Corps of Engineers and this Animal Management Plan. Any old fencing on the Willow Ranch Subdivision property shall be removed upon construction of new fencing complying with the fencing guidelines set forth in Exhibit C to the Willow Ranch Subdivision restrictive covenants. At such time as Lot 2 has horses, the northeast corner of the Lot (northeast of the transversing stream) shall be gated and controlled as a separate pasture.

4. Covenants Run With the Land. The foregoing covenants and restrictions are intended to be covenants running with the land, and shall be in full force and effect for a period of 75 years from the date of this Agreement. Unless terminated by mutual agreement of the affected parties at that time, these covenants shall automatically be extended for an additional term of 20 years.

Effective on the date stated above.

PARK CITY MUNICIPAL CORP.

By _____, Mayor

PARK CITY SUMMIT COUNTY UTAH CORPORATE Seal MARCH 1, 1884

Attest: Anita K. Sheldon
_____, City Recorder

WILLOW RANCH DEVELOPMENT COMPANY

By _____
Richard W. Dudley, President

WILLOW RANCH HOMEOWNERS ASSOCIATION

By _____
Its President

BOOK 711 PAGE 566

057\23752.1
02/22/93/10:56 am

STATE OF UTAH)
: ss.
COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me this 24th day of February, 1993, by Bonanza A. Clark, of Park City Municipal Corporation, a corporation.

NOTARY PUBLIC
Residing at: Salt Lake City, Utah

My Commission Expires:
4/8/94

Notary Public
DIANE ZIMNEY
P.O. Box 2033
Park City, Utah 84060
My Commission Expires
April 2, 1994
State of Utah

STATE OF UTAH)
: ss.
COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me this 24th day of February, 1993, by Richard W. Dudley, of Willow Ranch Development Company, a corporation.

NOTARY PUBLIC
Residing at: Salt Lake City, Utah

My Commission Expires:
4/8/94

Notary Public
DIANE ZIMNEY
P.O. Box 2033
Park City, Utah 84060
My Commission Expires
April 2, 1994
State of Utah

STATE OF UTAH)
: ss.
COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me this 24th day of February, 1993, by Richard W. Dudley, of Willow Ranch Homeowners Association, a corporation.

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NOTARY PUBLIC
Residing at: Salt Lake City, Utah

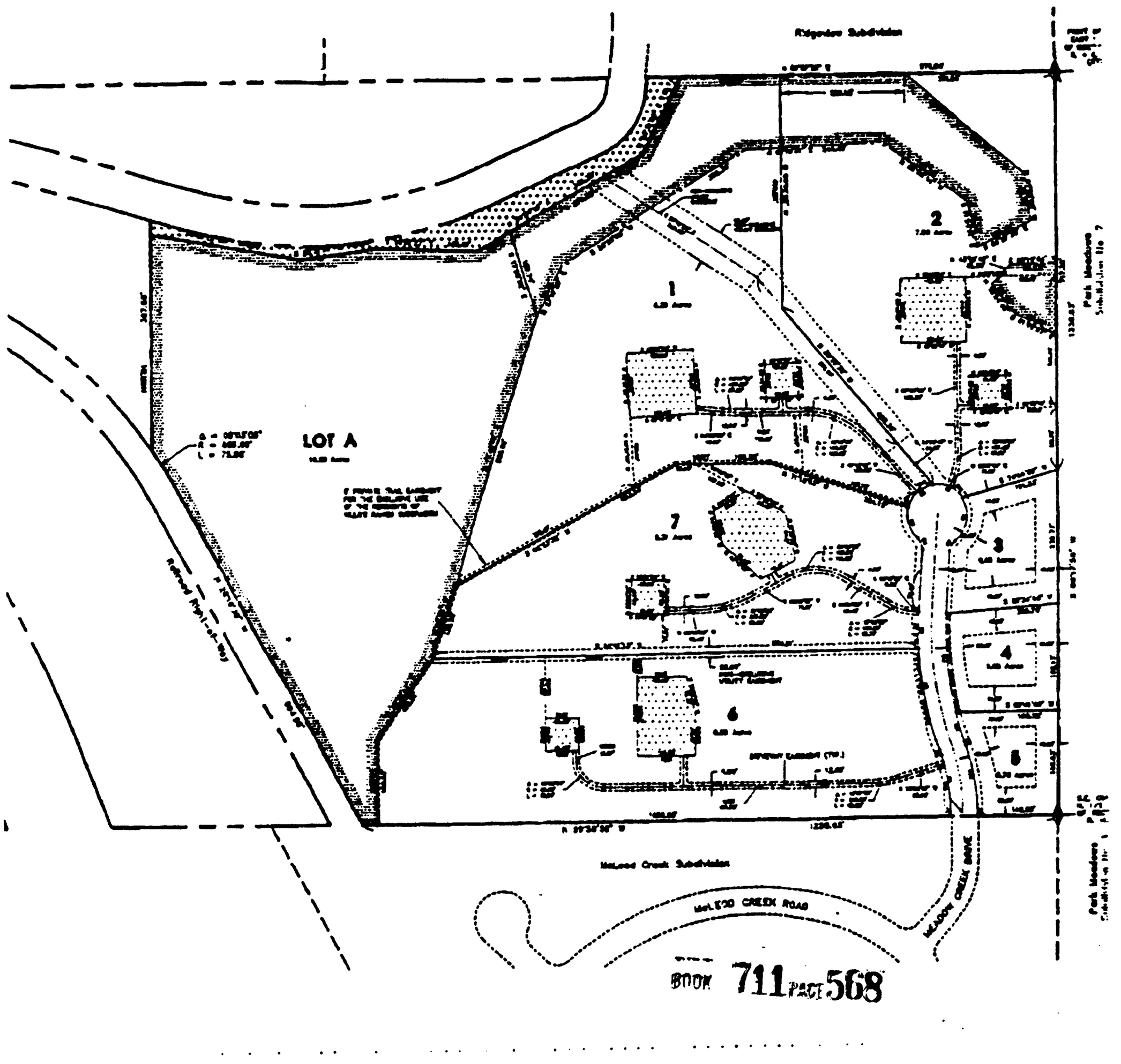
My Commission Expires:
4/8/94

Notary Public
DIANE ZIMNEY
P.O. Box 2033
Park City, Utah 84060
My Commission Expires
April 2, 1994
State of Utah

057\23752.1
02/22/93/10:56 am

WILLOW RANCH SUBDIVISION

EXHIBIT A



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Ex-13.1-A

Innovators in Project Direction. .

WILLOW RANCH SUBDIVISION

Legal Description

December 22, 1992

Beginning at the East Quarter Corner of Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence along the East line of the North half of the Southeast Quarter of said Section 5, South 00°17'50" West 1338.83 feet to the Southeast Corner of the North half of the Southeast Quarter of said Section 5, said point also being the Northeast Corner of McLeod Creek Subdivision as recorded; thence along the South line of the North half of the Southeast Quarter of said Section 5, said South line also being the North line of said McLeod Creek Subdivision, North 89°58'59" West 1258.05 feet to a point on the Easterly most line of a 50 foot wide railroad right-of-way; thence along said railroad right-of-way the following two (2) calls: 1) North 28°16'38" West 694.96 feet to a point of a 855.00 foot radius curve to the left; thence 2) along the arc of said curve 75.88 feet thru a central angle of 05°05'05"; thence North, 387.86 feet; thence South 79°53'25" East 262.94 feet; thence North 82°51'53" East 140.99 feet; thence South 88°02'27" East 185.69 feet; thence North 60°24'25" East 345.20 feet; thence North 26°38'08" East 153.78 feet to a point on the center section line of said Section 5, said point also being on the south line of Ridgeview Subdivision as recorded; thence North 89°57'38" East along said center section line and said subdivision line 679.64 feet to the POINT OF BEGINNING.

Contains: 41.48 acres of land, more or less.

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THE JACK JOHNSON COMPANY

Governmental Approvals ▲ Land Planning ▲ Architecture ▲ Civil Engineering
1910 Prospector Avenue ▲ Park City, Utah 84060
(801) 645-9000 ▲ Fax (801) 649-1620

DEPARTMENT OF THE ARMY PERMIT

Permittee RICHARD DUDLEY

Permit No. 199250275

Issuing Office CORPS OF ENGINEERS, SACRAMENTO DISTRICT

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: To discharge fill into 1.31 acres of wetlands adjacent to McLeod Creek in order to develop seven (7) Lots in the Willow Ranch Subdivision as shown on the attached drawings.

Project Location: The site is located south of Quarry Mountain in Section 5, Township 2 South, Range 4 East, north of Park City, Summit County, Utah.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on December 31, 1997 **. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.**

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

BOOK 711 PAGE 570

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

EXHIBIT H

SPECIAL CONDITIONS:

1. As mitigation for the project and to offset the loss of wildlife, water quality and flood control values, the permittee shall place 20.8 acres of land into a preservation area. The mitigation area will be maintained in a natural state by the permittee or Corps approved public or quasi-public entity. This natural state shall include the application of 6 acre feet of water to improve the quality of the wetland and the elimination of all impacts due to domestic livestock grazing or other activities which would reduce vegetal cover.

2. In order to maintain the values of the mitigation area, the permittee shall inform, in writing, prospective buyers of the requirements of fencing, maintaining the fencing and avoidance of the grazing of domestic livestock in mitigation areas and shall provide a copy of this permit as part of each deed. Fences will be constructed concurrently with residential construction.

3. The permittee shall construct a permanent weir on McLeod Creek to provide 6 acre feet of water to the mitigation area and make provision for maintenance of water to the mitigation area in perpetuity.

4. To enhance and protect the water quality in the tributary along Meadows Drive, the permittee shall provide a minimum of a 50 foot buffer by construction and perpetual maintenance of a fence. Willow cuttings will be planted along both banks where they currently do not exist on five (5) foot centers and the permittee will guarantee at least 60% survival rate for five years. To avoid water quality degradation, the permittee will ensure that concentrated animal waste is removed semi-annually to a site or sites where it will not re-enter a water of the United States. No more than one horse per two acres will be allowed. Adequate erosion control will be provided during all construction so that water quality is not degraded in the Meadows Drive creek or McLeod Creek.

5. As mitigation for stream impacts, the permittee shall donate $10,000 toward the rehabilitation of McLeod Creek on the adjacent property purchased by Park City Municipal Corporation. A plan will be developed to rehabilitate the creek and approved by the Corps for use of these funds.

6. Sewer and water lines will be constructed so as not to alter the subsurface hydrology of the property.

7. To avoid the contamination of surface and groundwater, the permittee shall use only clean fill material, free of contaminants.

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e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

Richard DeCinque Pres. Willow Ranch Dev Inc. — DEC 29, 1992

(PERMITTEE) — *(DATE)*

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Art Champ — 1/5/93

(DISTRICT ENGINEER) — *(DATE)*

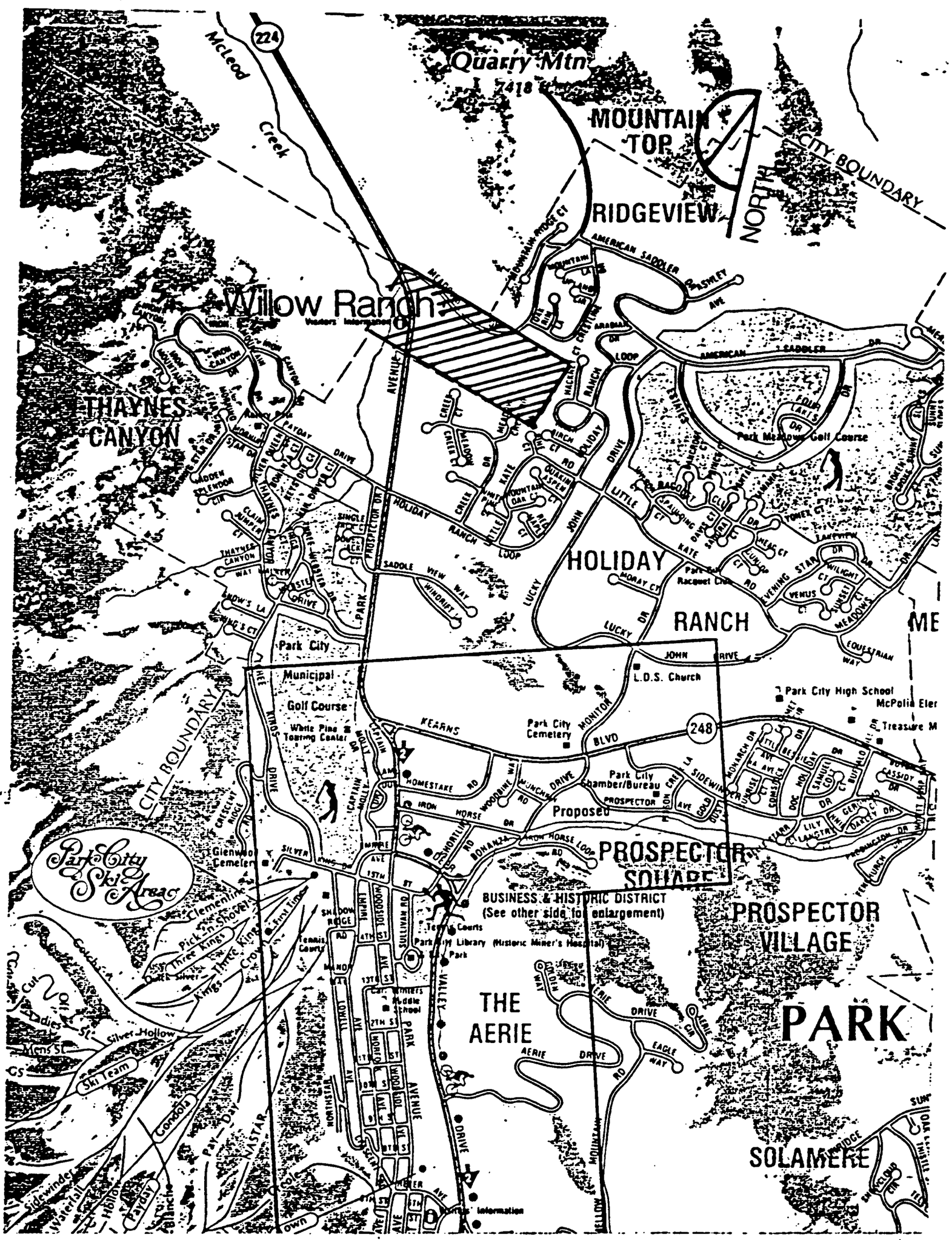
ART CHAMP, Chief, Regulatory Sec, CE, for
LAURENCE R. SADOFF, Colonel, CE
Sacramento District

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

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(TRANSFEREE) — *(DATE)*

★U.S. GOVERNMENT PRINTING OFFICE: 1986 — 717-425



BOOK 711 PAGE 573 9925027S

Sheet 19A

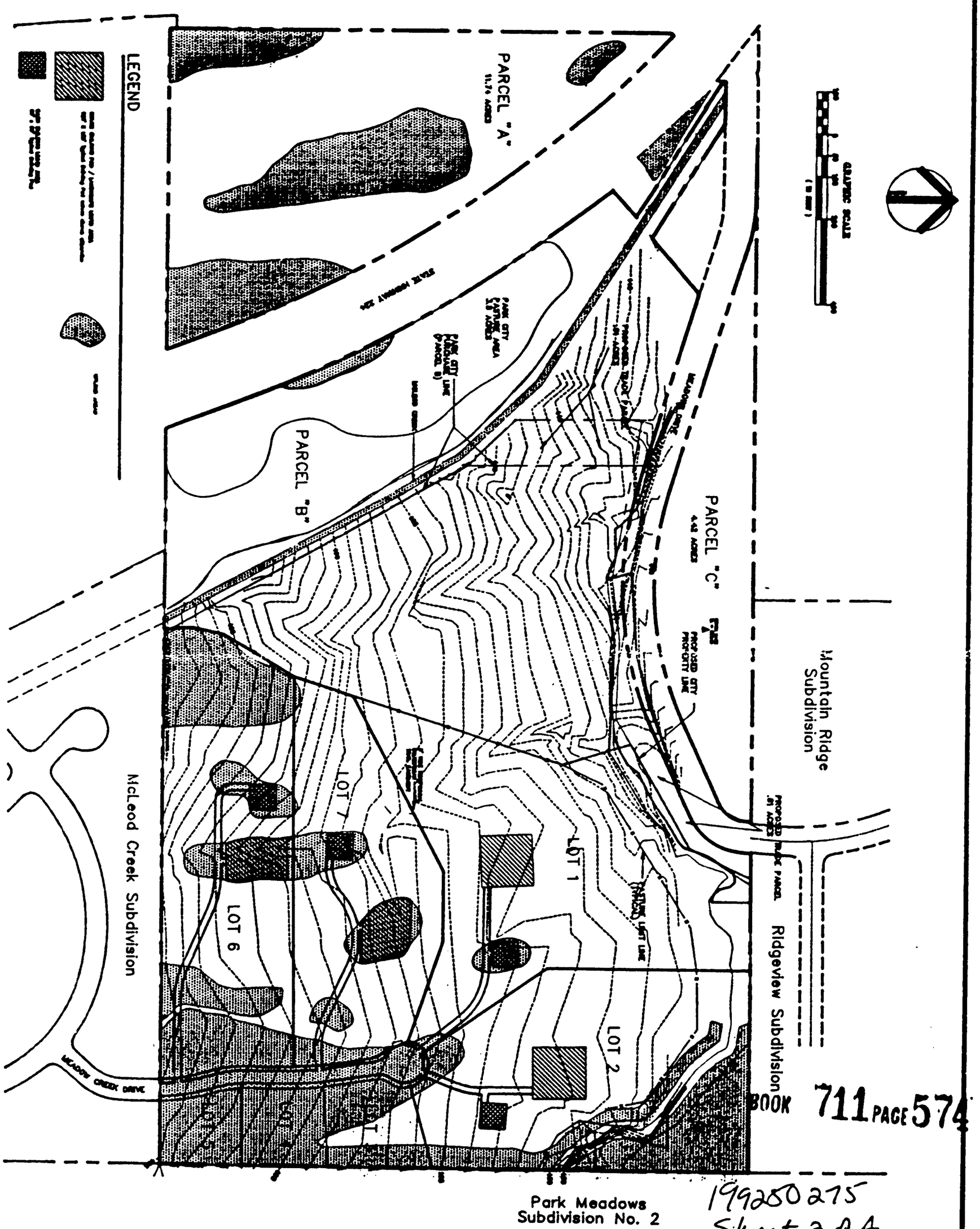
1 OF 6

WILLOW RANCH
VICINITY MAP

WILLOW RANCH DEVELOPMENT, INC. | UTIL_DWG | 170012

THE JACK JOHNSON COMPANY

Aspen Springs Ranch Phase I



Park Meadows
Subdivision No. 2

BOOK 711 PAGE 574

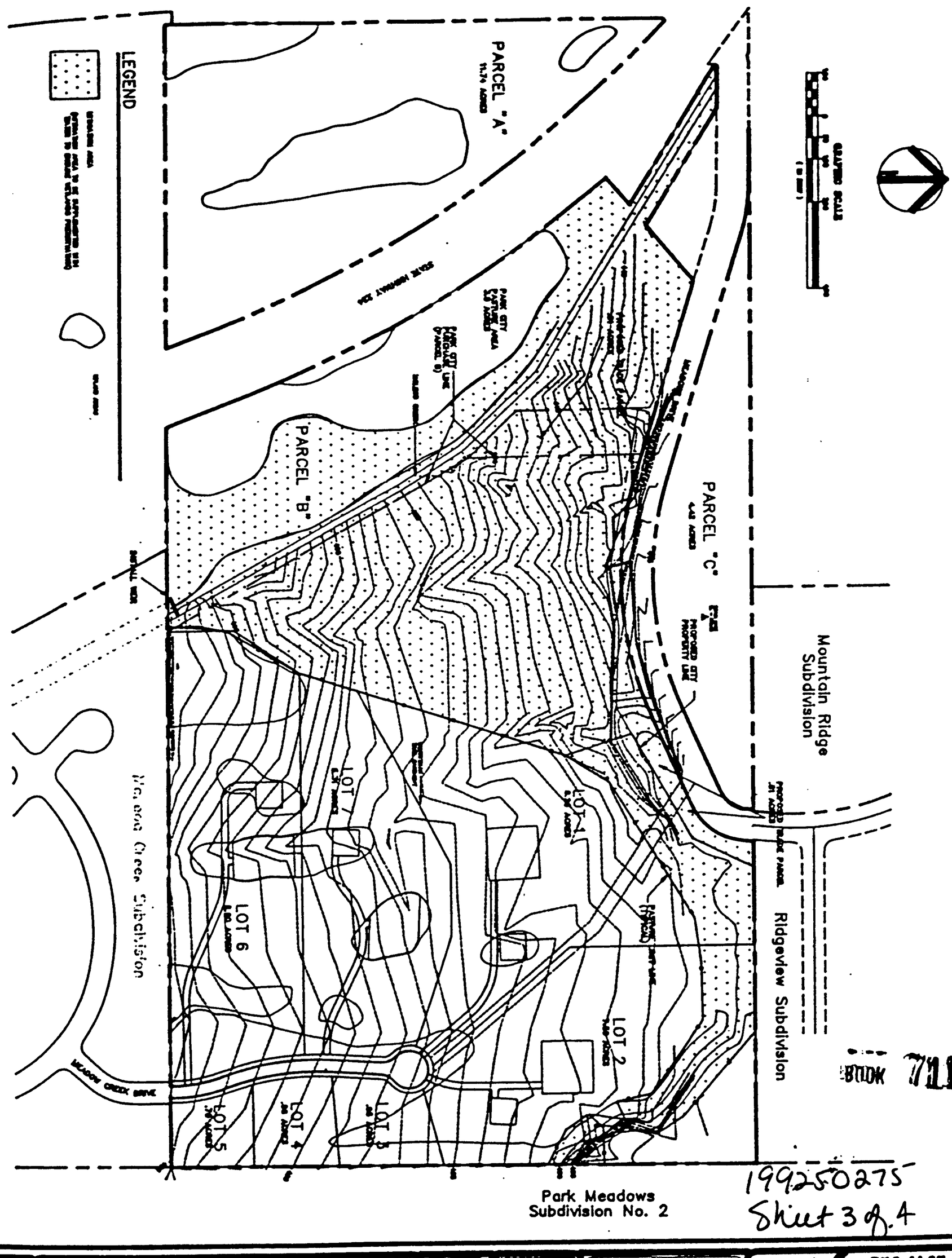
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Sheet 2 of 4

WILLOW RANCH

WILLOW RANCH DEVELOPMENT, INC.

THE JACK JOHNSON COMPANY

Aspen Springs Ranch Phase I



Park Meadows
Subdivision No. 2

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19925027S
Sheet 3 of 4

WILLOW RANCH
LANSCAPE/MITIGATION/IRRICATION PLAN

WILLOW RANCH DEVELOPMENT, INC.

THE JACK JOHNSON COMPANY

BOOK 711 PAGE 576

1992503875
Sheet 4084

GRAPHIC SCALE

Mountain Ridge Subdivision

Ridgeview Subdivision

PROPOSED BLADE PARCEL .51 ACRES

PARCEL "C" 4.42 ACRES

PROPOSED CITY PROPERTY LINE

PROPOSED BLADE PARCEL .51 ACRES

PASTURE FENCE (TYPICAL)

LOT 2 7.60 ACRES

LOT 1 8.38 ACRES

Park Meadows Subdivision No. 2

Aspen Springs Ranch Phase I

PARCEL "A" 11.76 ACRES

PARK CITY PASTURE AREA 3.5 ACRES

PARK CITY BOUNDARY LINE (PARCEL B)

MILLER CREEK

STATE HIGHWAY 224

PARCEL "B"

LOT 7 6.39 ACRES

LOT 3 .66 ACRES

LOT 4 .66 ACRES

LOT 6 6.88 ACRES

LOT 5 .79 ACRES

McLeod Creek Subdivision

MCLEOD CREEK DRIVE

LEGEND

NATIONWIDE PERMIT #26

NATIONWIDE PERMIT #26

PERMITTED UNDER NATIONWIDE #12

THE JACK JOHNSON COMPANY

DECEMBER 1992

WILLOW RANCH
WETLAND IMPACTS

WILLOW RANCH DEVELOPMENT, INC.

01198508 B: 2766 P: 0459
Page 1 of 29
Rhonda Francis Summit County Recorder
12/07/2022 12:15:54 PM Fee $40.00
By DART ADAMSON & DONOVAN
Electronically Recorded

FIRST AMENDMENT TO THE

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR

WILLOW RANCH SUBDIVISION

PARK CITY, UTAH

THIS First Amendment to the Declaration of Covenants, Conditions, and Restrictions for Willow Ranch Subdivision Park City, Utah was approved by the Owners with requiste approval and is made effective as of the date signed below, by Willow Ranch Homeowners Association, Inc. ("Association"), a Utah nonprofit corporation, by and through its Owners.

RECTICALS

A. Willow Ranch Development Company, Inc., developer of that certain land situated in Park City, Summit County, Utah, which is more particularly described on Record of Survey Map of the Property (the "Property") recorded on February 26th, 1993, as Entry No. 374694 (attached Exhibit A)

B. The original Declaration of Covenants, Conditions and Restrictions for Willow Ranch Subdivision Park City was recorded on February 26th, 1993, with the Summit County Recorder as Entry No. 374693 (the "Original Declaration").

C. The Property is governed by and subject to the terms and conditions of the Original Declaration and Plat as well as any subsequent Plat amendments and any subdivisions related to the Lots.

D. Consistent with the rights and authority of the Association under the Utah Community Association Act, Utah Code Annotated 57-8a-101, et seq (the "Act") and the Original Declaration, the Association now desires to amend the Original Declaration for the purposes: (a) to conform to changes in the Act and other Utah laws; (b) streamline and clarify the governance structure and procedures for the Association; (c) clarify and more fully define the respective rights and responsibilities of the Association and the Owners; (d) amend covenants, conditions, and restrictions for the benefit of the Association, the Owners and their guests; and (e) make clear that any and all rights of under the Original Declaration remain in full force and effect unless expressly amended herein.

E. Pursuant to Section 11.6 of the Original Declaration, this Declaration is not intended to supersede or replace all of terms and conditions of the Original Declaration, but rather reinforce the protective covenants, conditions, and restrictions for the Property therein and incorporate those changes made through this First Amendment in a convenient document. The Original Declaration and this First Amendment may be collectively referred to as the "Declaration."

F. The Amended and Restated Articles of Incorporation of the Willow Ranch Homeowners Association, Inc. ("Articles") (attached Exhibit B) and the Amended and Restated Bylaws of the Willow Ranch Homeowners Association ("Bylaws") (attached Exhibit C) are incorporated by reference.

G. Imposing these covenants, conditions, and restrictions intends to create a generally uniform pattern of development, to protect and enhance the property values and aesthetic values by eliminating inconsistent uses or improvements, all for the mutual protection and benefit of the Owners of the Lots. The covenants, conditions, and restrictions are intended to, and shall in all cases run with the

title of the land, and be binding upon the Owners, their successors, assigns, heirs, lien holders, and any other person holding any interest in the Property and shall inure to the benefit of all other Property.

NOW, THEREFORE, after incorporating the above Recitals, the Association strikes Articles 1-11 of the Original Declaration, including all its exhibits, and replaces those provisions as follows:

These covenants, conditions, and restrictions shall be binding upon the Association as well as its successors in interest and may be enforced only by the Association or by any Owner; and, no other persons or entities, including but not limited to the City and adjacent neighbors, have the ability to enforce the Declaration, Articles, Plat, or Bylaws ("Governing Documents"). Only Owners have standing to enforce the Governing Documents upon another Owner or the Association.

Article I
Definitions

All terms in the covenant, conditions, and restrictions as well as the associate Declaration, Articles, Plat and Bylaws shall have the definitions herein given. All terms not defined herein shall have the definition given by Park City in its Land Management Code ("LMC") dated January 1, 1984, which is the LMC that was effective on the date the Original Declaration was recorded in 1993 unless the Association determines for a particular definition that the current LMC definition should apply herein. For consistency, the LMC as of the date of the recorded Original Declaration shall apply to all Lots regardless of any subsequent amended Plats for said Lots are recorded. A copy of the applicable LMC definitions from the date of the recorded Original Declaration will be keep on file with the Association. Unless the context of a term clearly requires a more general meaning, the following terms shall mean:

"**Accessory Dwelling Unit"** shall mean a separate dwelling unit which is incidental and subordinate to the primary residential use of the property to provide housing for Owner's employees or guests; and, it is not required to be contained within the Dwelling or Barn. No nightly rental or transient uses of the Accessory Dwelling Unit is permitted.

"**Agriculture**" shall mean the farming of land, cultivating the soil, growing of plants, practicing of any horticulture (i.e. produce food, herbs, and flowers as well as ornamental trees, laws, shrubs and any general vegetation), gardening, growing orchards, and raising of livestock, as well as other reasonable agricultural accessory uses including but not limited to storage and vehicle use and accessory improvements including but not limited to irrigation, culverts, ponds, pumps, wells, pump houses, greenhouses, hoop houses, ponds, fencings, raised garden beds, trellis, stakes, and other accessory improvements that would benefit any agriculture use.

"**Architectural Design Standards and Process**" shall mean a set of rules and regulations adopted by the Association and incorporated herein by reference concerning the design, construction, repair and improvements within the Property. This shall be on file with the Association.

"**Association**" shall mean the Willow Ranch Homeowners Association, Inc. as represented by its Officers, Owners, or Board, or as historically referred to as a committee or the architectural committee.

"Association Approval" shall mean the simple majority of Quorum in a requested vote; *See* Bylaws.

"**Association's View**" shall mean any improvement or activity within the Property that is or would be in the line of sight originating from a point five feet above the surface from Meadow Creek Drive.

"**Barn**" shall mean an additional structure so designated by an Owner as a Barn on any Equestrian Lot within a Barn Envelope on the Plat.

"**Board**" shall mean the Board of Trustees for the Association. *See* Bylaws.

"**Builder**" shall mean the person or entity constructing, altering, or maintaining an Improvement. If the Owner is not acting as Builder, then the Builder shall be a duly licensed contractor per Utah State law.

"**Building**" shall mean a Dwelling (and Barn for an Equestrian Lot) and excludes other Improvements.

"**Building Envelope**" shall mean the Building Pad and maximum Height restrictions that defines the three-dimensional area in which the Dwelling (or Barn, if applicable) must be contained.

"Building Footprint" shall mean the total area of the foundation of the Dwelling (or Barn if applicable) or the furthest exterior wall of the Dwelling (or Barn) projected to Natural Grade.

"**Building Pad**" shall mean the area where the Building Footprint may be located.

"**Building Pad Line**" shall mean the area of construction disturbance attributable to a Dwelling (or Barn) that may not extend beyond ten (10) feet from the Building Pad exterior delineation.

"**Construction Activity**" or "**Construction Disturbance**" shall mean construction, grading, excavating, filling, disturbances, material storage, or construction office related to the construction or remodeling of a Dwelling (and Barn for an Equestrian Lot).

"**City**" shall mean Park City Municipal Corporation.

"**Dwelling**", "**House**", "**Home**", or "**Residence**" shall mean the single-family residence or home that may be built upon each Lot.

"**Dwelling Building Pad**" or "**Barn Building Pad**" shall mean the area designated on the Plat containing the location of the Dwelling or Barn for an Equestrian Lot or shall mean the area inside the set-back hatch marks on the Plat for Dwellings on Lots that are not Equestrian Lots (Lots 3, 4, and 5). Nothing herein shall be construed to reduce or limit the setbacks for unusual Lot configurations, Side Yard Exceptions, Rear Yard Exceptions, Front Yard Exceptions, or Height Exceptions for Improvements on the Lots. Nothing herein shall limit other Improvements besides a Dwelling or Barn within the Dwelling or Barn Building Pads. Nothing contained herein shall limit other Improvements with Association Approval allowed in the Estate District outside of the designated Dwelling and Barn Building Pads. The maximum size of the Building Pads for each Building is shown on the attached Exhibit D.

"**Equestrian Lot**" shall mean Lots 1, 2, 6 and 7 on the Plat.

"**Equestrian Lot Open Space**" shall mean those portions of any Equestrian Lot that the Owner of said Lot declares to the Association as Equestrian Lot Open Space which must be made by an Owner who desires to maintain horses. Areas not so designed are not subject to the Equestrian Lot Open Space restrictions. Owners who desire to have horses and thus must designate Equestrian Lot Open Space, must designate at least 50% of their Lot as Equestrian Lot Open Space, excluding the Building Pads, Trail Corridors, and Wildlife Corridors, and have a minimum of two acres per horse. This designated Equestrian Lot Open Space, if applicable to any Equestrian Lot, may also be governed by additional

regulations set forth by the City. If an Owner chooses to later remove horses from a designated Equestrian Lot Open Space, then the Owner may remove such designation to revert to Estate Zone Area. An owner may designate area as Equestrian Lot Open Space without maintaining horses.

"Estate Zone Area" shall mean all other areas within the Lots exclusive of the Dwelling Building Pad, Barn Building Pad, Equestrian Lot Open Space, Wildlife Corridor, and Trail Corridor indicated on the Plat. The default is Estate Zone Area unless specifically marked as otherwise on the Plat.

"**Floor Area**" shall mean the total of the fully enclosed area of any Dwelling or Barn that has a floor, is fully surrounded by exterior walls, and that is under a ceiling and that is above final grade, excluding any exemptions from the LMC. Improvements on the Lots not attached to the Dwelling or Barn are not considered as Floor Area for the Dwelling (or Barn, if applicable). Floor Area differs from Living Area.

"**Impacted Area**" shall mean the area of a Lot which contains the Building Footprint and any additional foundation backfill for a Dwelling (or Barn, if applicable). Areas with improvements which are not the Dwelling (or Barn, if applicable) are not part of the Impacted Area. Nothing herein shall limits the impact of other improvements outside of the Impacted Area for the Building Footprints.

"**Improvement**" shall mean all structures, improvements, changes, and appurtenances of every type and kinds, existing or modified, including but not limited to Dwellings, Barns, driveways, garages, storage buildings, walkways, retaining walls, significant landscaping, pools, hot tubs, decks, poles, exterior lighting, signs, satellite dishes or other antennas, mechanical equipment, sheds, outbuildings, greenhouses, saunas, recreational courts, outdoor dining areas, fences, utility buildings, parking areas, guest houses, pool houses, ADUs, detached garages, other hard surfaced areas in excess of 500 square feet, or any other permanent improvement that may or may not require a building permit, but that is an allowed use or conditional use in the applicable zone.

"**Improvement Activity**" shall mean construction, grading, excavating, filling, disturbances, material storage, or construction office related to the construction or remodeling of any improvement that is not the Dwelling (or Barn for an Equestrian Lot). Nothing contained herein shall limit other improvements outside of the Dwelling or Barn Building Pads for improvements that are not a Dwelling or Barn.

"**Land Management Code**" or "**LMC**" shall mean the Land Management Code passed and adopted by Park City on December 22, 1983 and made effective January 1, 1984; the version of the LMC that was effective the day the Original Declaration was recorded on February 26, 1993 shall apply for definitions to the Property and all Governing Documents including a Plat amendment unless otherwise specified.

"**Limits of Disturbance**", "**Building Area/Residence/Dwelling Limits of Disturbance**" or "**Barn Area Limits of Disturbance**" shall mean the designated outer limit of the area in which all Construction Activity for the Dwelling (or Barn, as applicable) must be contained with a 10-foot-wide additional added area per the applicable LMC. The Limits of Disturbance only applies to Dwellings and Barn, and specifically excludes other uses and all other improvements. *See* Building Pad or Building Envelope.

"**Living Square Footage**", "**Living Area**", "**Dwelling Square Footage**", or "**Barn Square Footage**" or when referring to the Dwelling or Barn in the Plat simply "**square footage"** or **"square feet**" shall mean the total of the livable and finished area of any Dwelling (and Barn, if applicable) that is surrounded by four exterior walls, is under a roof, has a finished floor which is fully above grade, and is finished in a quality similar to the rest of the Building. Non-livable or non-finished areas are excluded from square footage. Examples include, but are not limited to, areas with a ceiling of less than 7' in height, areas without access via a Normal Doorway, area unsuitable for year round living (requiring insulation and

permanently installed power and heating sources), and areas that are not continuous (I.e.. accessed from the outside and not the balance of the Building livable area). Additional non-livable areas include, but are not limited to, finished basements, crawl space, any area with a floor under grade, partially enclosed (less than four walls) covered porches, balconies, terraces, patios, decks, covered hot tubs, attics, storage areas, laundry rooms, chimneys, fireplace boxes, hot tubs, saunas, sunrooms, water features, pools, stairways, under stairway closets, elevator shafts, vent shafts, bay windows, finished areas accessible by a ladder, lofts, plant shelves, entry alcoves, equipment and utility areas and closets, storage rooms or areas, mechanical equipment and areas, furnace rooms, vent shafts, recreational areas, any outdoor areas, any unfinished areas, and other improvements on the Lots not attached to the Dwelling (or Barn) are not counted as Square Footage for the Dwelling (or Barn, if applicable). The first 600 square feet of attached conditioned garage space for the Dwelling or Barn are not counted as Square Footage. Square Footage is measured from the finished surface of interior walls and excludes dead space between interior walls. The maximum Square Footage for each Dwelling and Barn is attached in Exhibit D.

"**Lot**" shall mean any originally numbered Lot on the Plat that shall be entitled vote on matters related to the Association, specifically:

Lot 1: WLR-1
*Lot 2: WLR-2-AM (previously or informally known at WLR-2)
Lot 3: WLR-3
Lot 4: WLR-4
Lot 5: WLR-5
*Lot 6: SMITH-B (previously or informally known at WLR-6)
Lot 7: WLR-7

*WLR-2-A, WLR-2-B, WLR-C, RV-22, and SMITH-A are excluded from the Association & Property.

"**Lot A**" shall mean that Lot A as indicated on the original Plat (WLR-A), and shall be included with the protections and restrictions granted to the Wildlife Corridor and the Governing Documents; Lot A does not have any voting or enforcement rights for the Association; however, the Association and Owners do have enforcement powers to enforce any provision within the Governing Documents upon Lot A.

"Normal Doorway" shall mean a doorway 6' or greater in height with a threshold less than 1 foot in height above the floor on both sides of the doorway and a total doorway area greater than 12 square feet.

"**Open Space**" shall mean any areas designated on the Plat or designated by an Owner as such, which may be dedicated to the public, owned by the Association or owed an individual Owner, and may or may not provide for public access or access by the Association.

"**Owner**" or "**Member**" shall mean the person(s) or entity holding fee simple title to any originally numbered Lot, but shall exclude any person or entity holding title for purposes of securing performance of an obligation and shall exclude Lot A. *See* Bylaws.

"**Plat**" shall mean the Plat of the Willow Ranch Subdivision as recorded in the Summit County Recorder, and any amendments or subdivisions; the Plat specifically excludes the small parcels created from the first replat of Lot 2 on its northerly boundary known as WLR-2-A, WLR-2-B, WLR-2-C, and RV-22 and SMITH-A which are not part of this Property and have no standing or affiliation with this Association.

"**Permitted Fencing"** shall mean fencing described in the Architectural Design Standards and Process.

"**Quorum**" shall mean at any meeting of Owners, the presence of Owners, in person or by proxy, shall constitute a Quorum for the transaction of business including Owners whose Lot may be up for a vote as all are entitled to vote when present. If an electronic meeting is held for a vote, then Quorum shall be those Owners who respond to the requested vote before the noticed deadline to vote. *See* Bylaws.

"**Subdivision**" shall mean the Willow Ranch Subdivision as shown on the Plat.

"**Super Majority Approval**" shall mean 60% of Quorum obtained by a requested vote; *See* Bylaws.

"**Trail Corridor**" shall mean those areas designated on the Plat.

"**Wildlife Corridor**" shall mean those areas designated on the Plat.

Article 2
Homeowners Association

2. Homeowners Association Purposes. The Association shall be comprised of the Owners and is established to perform the functions and exercise the following rights and powers for the benefit of the Owners and the enforcement of these covenants. Membership in the Association is deemed an appurtenance to the Lot and is transferable only in conjunction with the transfer of the title to the Lot.

2.1. Enforcement Powers. The Association shall have the powers set forth in the Act and Governing Documents together with the general powers of a nonprofit corporation registered in Utah, to enforce the Governing Documents by actions in law or equity brought in its own name, the power to levy and collect Assessments, the power to retain professional services needed for the enforcement of these covenants and to incur expenses for that purpose. With Association Approval, Owners, Board and/or Officers shall have the authority to compromise claims and litigation on behalf of the Association resulting from the enforcement of these covenants. The Board shall have the exclusive right to initiate enforcement actions in the name of the Association, however, this shall not limit the individual rights of Lot Owners to personally enforce the Governing Documents in their own name. The Association may appear and represent the interests of the Property or Association at all public meetings concerning zoning, variances, or other matters of general application and interest to the Owners. Owners may appear individually. No other person or entity including but not limited to the City or neighbors adjacent to the Property, shall have any right to enforce any provision of any Governing Document.

2.1.1. Enforcement Actions. The Association shall have the right, power and authority in its own name, or in the name and behalf of any Owner or Owners who consent thereto, to commence and maintain actions and suits to restrain and enjoin any breach or threatened breach of the Governing Documents or any Rules and Regulations promulgated by the Association.

2.1.2. Enter Into Contracts. In fulfilling any of its duties under the Governing Documents, including its duties for the maintenance, repair, exterior repairs of Dwellings to the extent necessitated by the failure of the Owners of such Lots, the Association shall have the power and authority to obtain, contract and pay for, or to otherwise provide for: (1) insurance policies or bonds for the protection or benefit of the Association, Trustees and the Owners; (2) services of architects, engineers, attorneys and certified public accountants and such other professional or nonprofessional services; and (3) materials, supplies, furniture, equipment, services and labor.

2.1.3. Right of Entry. After prior written notice of at least five (5) days, the Association shall have the power and authority without liability to any Owner for trespass, damage or otherwise, to

enter upon any Lot or easement area as necessary for the maintenance, repair or replacement required by the Declaration and for making emergency repairs provided, however, in the case of an emergency, the Association need only provide reasonable notice under the circumstances. *See* section 6.1 concerning the Association's right to enter a Lot for the purpose of maintaining and repairing a Lot when an Owner fails to maintain and repair such Lot or improvement.

2.1.4. Water Service Agreement. The Association has a Water Service Agreement with the City in which that City shall deliver water to the Equestrian Lots. The Association and/or Equestrian Lot Owners entitled to receive water from the City may seek to enforce said agreement with the City and against any other Owner who violates the terms of said agreement.

2.2. Maintenance Responsibilities. The Association may own or be granted easements over portions of the Property. The responsibility to maintain and control the use vests in the Association, which has the power to perform maintenance services, construct Improvements, and supervise those portions of the property. The Association may cover the costs to maintain the easements benefitting the Owners.

2.3. Assessments. The Association has the power to levy Assessments against each Lot to carry out its functions. All Assessments will be equal on all Lots, whether vacant or improved. Assessments will be made annually to meet the anticipated and recurring expenses of the Association including, but not limited to, the costs of landscape maintenance, taxes, water for irrigation, reimbursement of expenses incurred by the Trustees, the Officers, or the Association in performance of their obligations, and enforcement of the Governing Documents. The Association may levy special Assessments to cover unanticipated or extraordinary expenses or shortfalls with Association Approval.

2.3.1. Individual Assessment on Specific Lot. In addition to the regular Assessment and any special Assessment authorized pursuant to Sections 2.3, the Association may levy Individual Assessments against a particular Lot and its Owner at any time related to (a) costs of providing services and Improvements to adjacent roads, sidewalks, planting areas or other portions of the Property made at the written request of the Owner of the Lot to be charged; (b) costs associated with damages caused to the certain areas of the Property by the Owner, its occupant, guest or invitee; (c) costs incurred in bringing the Owner or the Owner's Lot into compliance; (d) expenses incurred for maintenance or repair work performed, or enforcement action taken, or other provisions of the Governing Documents; (e) fines, late fees, collection charges and interest; (f) attorney fees, costs and other expenses relating to any of the incidents described in this section regardless of whether a lawsuit is filed; (g) the cost to provide a statement of account as allowed by law and the Governing Documents; and (h) any other charge designated as pertaining to an individual Lot. Any Assessment may be made in advance of the performance of work. If a special benefit arises from any Improvement that is part of the general maintenance obligations of the Association, it shall not give rise to an Individual Assessment.

2.3.2. Reserve Funds. The Association may determine and maintain a reserve fund with Association Approval.

2.3.3. Unpaid Assessments; Future Lease Payments. If an Owner who is leasing a Lot fails to pay an Assessment for more than ninety (90) days after the Assessment is due, the Association, upon compliance with this paragraph and Section 57-8a-310 of the Act, may demand that the tenant pay to the Association all future lease payments due to the Owner, beginning with the next monthly or other periodic payment, until the amount due to the Association is paid. The Association shall give the Owner written notice of its intent to demand full payment from the tenant under this section unless full payment is received from the Owner within fifteen (15) days. The notice shall explain that full payment includes the amount of assessment due, including an interest or late payment fee, collection cost and attorney's

fees and that any costs of collection, and other assessments that become due may be added to the total amount due. If the Owner fails to pay the full assessment due by the date specified in the notice described above, the Association may deliver written notice to the tenant that demands future payments due to the Owner to be paid to the Association, with a copy being sent to the Owner. The notice to the tenant shall provide the required information under the Act and explain that the tenant's compliance with this section shall be acknowledged by the Owner who shall credit each payment the tenant makes to the Association under this section against any obligations the tenant owes to the Owner as though the tenant made the payment to the Owner. The Owner may not initiate a suit or any other action against the tenant for the tenant's compliance with this section.

2.3.4. Rules Regarding Billing and Collection Procedures. The Association may adopt rules and regulations setting forth procedures for the purpose of making the Assessments and for the billing and collection of Assessments. The failure of the Association to send a bill to an Owner shall not relieve any Owner of liability for any Assessment or charge under this Declaration, but the Assessment Lien therefor shall not be foreclosed or otherwise enforced until the Owner has been given not less than fifteen (15) days written notice prior to the commencement of such foreclosure or enforcement, at the address of the Owner on the records of the Association, that the Assessment or any installment thereof is or will be due and of the amount owing. Such notice may be given at any time prior to or after the delinquency of such payment. The Association shall be under no duty to refund any payments received by it even though the Ownership changes during an Assessment Period; successor Owners of Lots be given credit for prepayments, on a prorated basis, made by prior Owners. If the Owner becomes liable for payment of an increased sum during the Assessment Period, the Owner shall notify the Association but failure to notify the Association shall not relieve liability for such amounts.

2.4. Assessments Constitute Lien. Any validly imposed Assessment by the Association shall constitute a lien against the Lot. The Association shall have the right to foreclose on that lien when any Assessment remains unpaid for a period of more than 90 days from the date the Assessment was levied, but if the lien is not foreclosed upon, it may be renewed from year to year by recording a new notice of the lien, together with accumulated interest. The lien of the Association against any Lot shall have priority from the date that the first Notice of Lien on a specific Lot is recorded in the office of the Summit County Recorder. The obligation to pay Assessments is a personal obligation of the Owner of each Lot, and the Association may proceed to collect against the Owner, or prior Owner of any Lot in the event of a sale.

2.5. Statement of Account. Any Owner is entitled to a statement of account showing any current or outstanding Assessments.

2.6. Bylaws. The Bylaws contain additional information related to the Board, Officers, and the Association.

2.7. Indemnification. No member of the Association acting in good faith shall be personally liable to any Owner, guest, lessee or any other person for any error or omission of the Association, its representatives and employees, the Board, Officers, Trustees, Owners or any agent. The Association may maintain Director's and Officer's Liability insurance such that each Owner who serves as a Trustee or Officer shall be indemnified and held harmless by the Association against all costs, expenses and liabilities whatsoever including, without limitation, attorney's fees reasonably incurred by such Owner in connection with any proceeding in which they become involved by reason of being or having been a member of the Board or service as an Officer; the foregoing indemnification shall not apply if the loss, expense or liability involved resulted from the willful misconduct or gross negligence of the Owner.

Article III
Conditions for Improvements

3. Introduction. It is the intention of this Declaration to impose Architectural Design Standards and Process of a type and nature of any Improvements. The Association is empowered to publish, oversee and enforce the Architectural Design Standards and Process for all Improvements (on file with the Association and incorporated by reference by Exhibit E). The Architectural Design Standards and Process is intended to provide more information and can be amended by Super Majority Approval. It will be held on file with the Association as it is private solely created for the Association's use and reference.

3.1. Indemnification. The Association, Owners, Trustees, and Officers shall not be liable for their actions, inactions, or approval or disapproval of any set of plans submitted to the Association for review by an Applicant. Owners shall have no claim against the Association, Trustees, Officers, or Owners as a result of the performance or failure to perform the duties created by the Declaration. Each Owner has the right to enforce this Declaration against another Owner, and may seek independent redress if the Association has acted improperly. The Association's review is limited to those matters expressly described in this Declaration with broad powers to grant variances. The Association shall have no authority over the enforcement or approval of building permits, Plats, Subdivisions, building codes, zoning ordinances, or other statutes, laws, or ordinances affecting any Improvement and shall have no liability to any Owner whose plans were approved in a manner that included any such violation during the Association Approval. Corrections or changes to plans as may be subsequently required to bring them into conformity with any applicable codes must be reviewed and approved with Association Approval.

3.2. Enforcement. Only the Association, Trustees, Officers, and Owners may enforce the Governing Documents including the Architectural Design Standards and Process. No other persons or entities may enforce the Governing Documents against an Owner or the Association.

3.3. Dwelling Setback and Placement. All portions of the Dwelling are to be within the Building Pad marked on the Plat for Equestrian Lots or within the set-backs hatch marks on all other Lots on the Plat. Each Lot shall comply with the City's minimum front, rear, and side yard setbacks as well as any applicable exceptions. These Setbacks and Placement for the Dwelling shall not limit any Owner from constructing other improvements outside of the Setbacks, including but not limited to those listed under Sections 5.1.2, 5.2.2, 5.3.2, and 5.6 with Association Approval.

3.4. View Corridors. Building Pads were carefully platted to solely protect view corridors of Owners. Improvements, including all significant vegetation such as any tree planting, require Association Approval so that view corridors from Lots are reasonably preserved for other Owners.

Article IV
Restrictions

4. The lawfully enacted zoning regulations of Park City, and any building, fire, and health codes are in full force and effect, and no Lot may be occupied or used in a manner that is in violation of any such statute, law, or ordinance. If the Declaration is more stringent than applicable zoning, it is the intent that the provisions of this Declaration control. The following restrictions apply to all Property, unless a Super Majority Approval grant a variance for a regulated activity, use, or improvement, unless otherwise stated.

4.1. Mining Uses. No mining or quarrying, except water wells and related irrigation.

4.2. Business or Commercial Uses. No business or commercial use allowed, except the use by any Owner for a home occupation that does not have any visitation of clients, customers, patients, or others to come to the Lot to conduct business. The Association Approval shall determine if said home occupation becomes or may become a nuisance and shall therefore be prohibited.

4.3. Signs. No signs may be place on Lots, except for signs placed by the City; signs warning of danger; political signs may be displayed for a period of 45 days before a primary or general election through a date which is five days after such election; temporary signs for special events displayed for two days or less; signs indicating the Lot is for sale; or signs with Association Approval. No allowed sign may exceed three square feet. Permitted signs may have reasonable time, place, and manner restrictions.

4.4. Lot Combination. City approval shall be required to combine adjoining Lots. An Owner seeking to combine two or more adjoining Lots may seek Association Approval to (1) revise the Building Pad location so long as the combined Building Pad cannot exceed 75% of the sum of the two Building Pads for the Lots if they had been developed independently; and (2) revise the maximum Dwelling Square Footage on the combined Lots shall not exceed 75% of the sum of the maximum allowable Dwelling Square Footage if the they had been developed independently.

4.5. Animals. Horses are allowed on Equestrian Lot Open Space on the Equestrian Lots; this specifically excludes keeping horses on Lots 3, 4 and 5. No hay, grain, or other livestock feed more than one week's consumption may be stored outside the Barn. Horse manure must be removed and disposed of, off the Lot, to avoid annoyance of adjoining Lots. No kennel or dog run may be placed closer than 50 feet to any Lot line. Association Approval can set limitations on type and number of other animals to ensure that animals do not interfere with other Owners' enjoyment. Animals which typically cause a nuisance such as roosters, cows, mules, asses or hogs shall not be allowed.

4.6. Underground Utilities. All utility lines are to be underground.

4.7. Maintenance. All Lots, and the Improvements on them, shall be always maintained in a clean and attractive condition. No Owner shall permit any Lot or Improvement on it to fall into disrepair. All clothes lines, service yards, storage yards, exterior mechanical equipment, or other unsightliness must be screened so that they are not easily visible from the Association View. The Association Approval shall determine if said maintenance complies with this provision.

4.8. No Noxious, Hazardous, or Offensive Activity. No noxious, hazardous, or offensive activity on the Property, including those activities that are dangerous, unreasonably annoying, or distributing to adjoining Lots; including annoying lights or sounds. No storage tanks for fuels or chemicals, except propane for emergency preparedness or BBQs and a household amount of automotive fuels. Association Approval shall determine if said activity is Noxious, Hazardous, and/or Offensive; and, thus prohibited.

4.9. Motor Vehicles. Motor Vehicle will be operated on roadways and driveways, except agricultural and support equipment on any Equestrian Lot. This shall not preclude the use of electric motor vehicles.

4.10. No Transient Lodging Uses. The Lots are to be used for residential, single family housing purposes only, and shall not be rented in whole or in part for transient lodging purposes, boarding house, Private Residential Club, "bed and breakfast," or other uses for providing accommodations to travelers. No lease or rental agreement of any Lot or any Improvement on any Lot shall be for a period of less than 30 days. The section specifically prohibits ownership in any form of time interval ownership, fractional ownership, or ownership in a manner that rotates the use among multiple Owners or ownership that would

permit the right of use to be sold separately from the fee simple title to the Lot. Association Approval shall determine any further limitations on bans for nightly rentals.

4.11. No Hunting. Use of firearms for hunting or recreation is prohibited.

4.12 Trash Containers and Collection. All garbage and trash shall be placed and kept in covered containers with Association Approval. Such containers shall not to be visible from neighboring Lots except for the shortest time necessary to affect such collection.

Article V
Uses and Improvements

5. Introduction. The following uses and Improvements are permitted in the designated areas along with the uses that are a reasonable and logical extension or appurtenance of a permitted use. Improvements require Association Approval, governed by Architectural Design Standards and Process.

5.1. Uses and Improvements Permitted Within Dwelling Building Pads. Within the Dwelling Building Pad, uses and Improvements may be installed, constructed, maintained, or allowed to stand as follows:

5.1.1. The construction, maintenance, and use of one Dwelling, and

5.1.2. The construction, maintenance, and use of those Improvements generally and customarily associated with the use and enjoyment of a Dwelling, including but not limited to Permitted Fencing, driveways, utilities, Accessory Dwelling Unit, garages, retaining walls, berms, rainwater collection systems, stairways, decks, patios, outdoor dining areas, gardens, garden shed, greenhouses, pools, spas, saunas, pergolas, swing sets, trampolines, walkways, lighting, tennis courts, sports courts, bocce courts, recreational facilities, basketball hoops, putting greens, sprinklers, antennas, satellite dishes, solar panels, irrigation systems, ponds, water features, landscaping, and other improvements and uses approved by Association Approval. Except for the Dwelling Improvement, Improvements in the Dwelling Building Pad are not bound by any Square Footage, Building Pad, Limits of Disturbance areas or calculations.

5.1.3 The Living Square Footage of a Dwelling may not be less than 70% of the Floor Area of the Dwelling.

5.2. Uses and Improvements Permitted Within Barn Building Pads. Within the Barn Building Pad, uses and Improvements may be installed, constructed, maintained, or allowed to stand as follows:

5.2.1. The construction, maintenance, and use of a Barn, and

5.2.2. The construction, maintenance, and use of those Improvements generally and customarily associated with the use and enjoyment of a Barn or Dwelling, including but not limited to Permitted Fencing, driveways, utilities, Accessory Dwelling Unit, guest house, garages, retaining walls, berms, rainwater collection systems, stairways, decks, patios, outdoor dining areas, gardens, garden shed, greenhouses, pools, spas, saunas, pergolas, swing sets, trampolines, walkways, lighting, tennis courts, sports courts, bocce courts, recreational facilities, basketball hoops, putting greens, sprinklers, antennas, satellite dishes, solar panels, irrigation systems, ponds, water features, landscaping, animal storage, animal accessory uses, feed storage, and other improvements and uses approved by Association Approval. Improvements subject to section 5.2.2 may be made in the Barn area with or without the construction of a Barn. Except for the Barn Improvement, Improvements in the Barn Building Pad are not bound by any Square Footage, Building Pad, Limits of Disturbance areas or calculations.

5.3. Uses and Improvements Permitted Within the Equestrian Lot Open Space. No outdoor haystacks, horse trailers, feed storage, manure storage, or similar accumulations of horse materials may be kept in the Equestrian Lot Open Space. No cattle, mules, asses, pigs, or hogs may be kept in the Equestrian Lot Open Space. Additional limitations on the number of horses to be raised or grazed on any applicable Equestrian Lot Open Space may be limited by the City. Within the any Equestrian Lot Open Space that an Equestrian Lot Owner declares as such to the Association, uses and Improvements may be installed, constructed, maintained, or allowed to stand as follows:

5.3.1. Up to three horses (no stallions) so long as the Owner provides for property maintenance including but not limited to rotation of stock to prevent over-grazing, adequate fencing to prevent horses from entering or breaking the natural banks or exiting its designated Equestrian Lot Open Space or Lot; and

5.3.2. The construction, maintenance, and use of those Improvements generally and customarily associated with the use and enjoyment of horses and growing vegetation including but not limited to Permitted Fencing, ponds, canals, culverts, retaining walls, underground utilities, walkways, irrigation systems, watering troughs, wells, diversions, feed mangers, ditches, paths, pump houses, greenhouses, hoop houses, and any other, and other improvements and uses approved by an Association Approval. Improvements in the Equestrian Lot Open Space are not bound by any Square Footage, Building Pad, Limits of Disturbance areas or calculations. Nothing herein shall prevent the planting and irrigation of grass, trees, shrubs and all Agriculture Improvements and uses in the Equestrian Lot Open Space.

5.4. Uses and Improvements Permitted Within the Trail Corridor. On the Plat there are areas shown as Private Trial Easements. The Trail Corridor shall be used only for walking, hiking, cross-country skiing, biking, and horse-back riding by Owners and their guests. No Improvements area allowed in the Trail Corridor except Permitted Fencing and those Improvements and uses approved by an Association Approval. Improvements in the Trail Corridor are not bound by any Square Footage, Building Pad, Limits of Disturbance areas or calculations. The Association may set reasonable rules for the Trail Corridor and may limit certain Owners or their guests for inappropriate use with Association Approval.

5.5. Uses and Improvements Permitted in the Wildlife Corridor. On the Plat there are areas shown as Wildlife Corridors. A Wildlife Corridor is the property of the Owners of the Lots on which it is located. No Improvements are allowed in the Wildlife Corridor, except Permitted Fencing and those improvements and uses approved by Association Approval. Improvements in the Wildlife Corridor are not bound by any Square Footage, Building Pad, Limits of Disturbance areas or calculations. Owners have the ability to enforce restrictions on the Wildlife Corridor on Lot A; Lot A owner does not have any enforcement ability, voting rights or standing with the Association.

5.6. Uses and Improvements Permitted Within the Estate Zone Area. The Estate Zone Areas are all other areas within the Lots exclusive of the Dwelling Building Pad, Barn Building Pad, Equestrian Lot Open Space, Wildlife Corridor, and Trail Corridor. The construction, maintenance, and use of those uses and Improvements generally and customarily associated with the use and enjoyment of a Dwelling and/or a Barn, including but not limited to those uses and Improvements from Section 5.1.2, Section 5.2.2, and Section 5.3.2. All uses and Improvements within the Estate Zone Area requires Association Approval. Improvements in the Estate Zone Areas are not bound by Square Footage, Building Pad, Limits of Disturbance areas or calculations. Nothing contained herein shall limit an Owner from parking vehicles in an accessory building. Nothing herein shall prevent the planting and irrigation of grass seed, trees, shrubs and all Agriculture Improvements and uses in the Estate Zone.

Article VI
Owners' Maintenance Obligations

6. It is the obligation of each Owner to always properly maintain their Lot and all Improvements to the Lot to preserve and enhance the enjoyment of the Owners so that each Lot is in a good state of repair and an attractive, safe, and healthy condition as determined by Association Approval. The maintenance of all Lots and Improvements shall be in accordance with the Architectural Design Standards and Process.

6.1. Repair by Association. If an Owner permits their Lot or Improvements to fall into a state of disrepair that is dangerous, unsafe, unsanitary, or an unsightly condition in violation of this Declaration, the Association may give written notice to the Owner describing the condition complained of and demanding that the Owner correct the condition within 30 days. If the Owner fails to take corrective action, the Association shall have the right, but not the obligation, to enter upon the offending Owner's Lot and take corrective action to abate the condition. All costs of abatement shall be charged to the Owner, who agrees to promptly pay the reasonable costs of any work performed under this provision. Unpaid accounts will bear interest at the lawful judgment rate under applicable state law.

6.2. Repair Following Damage. In the event of casualty loss or damage to the Improvements, the Owner will be entitled to reconstruct the Improvements as they existed prior to the damage or loss without review by the Association, provided however that alterations or deviations from the originally approved plans will require review. Nothing in this Declaration is intended to prevent an Owner who has suffered property damage or loss from taking temporary measures to secure the property and prevent further damage, or to prevent injury or dangerous conditions following loss or damage, before re-construction beings. Such temporary measures may be taken without the consent or approval of the Association, provided that any such measures must be of a temporary nature, and repair or reconstruction must begin as soon as circumstances will permit.

6.3. Violation Constitutes Nuisance. The violation of the provisions of this Declaration is deemed to be a nuisance by an Association Approval, and the Owner on which the violation occurs is responsible for the removal or abatement of the nuisance.

Article VII
General Provisions

7.1. Notices. Any notice required or permitted to be given to any Owner or the Association under the provisions of this Declaration shall comply with the notice provisions provided for in the Bylaws.

7.2. Enforcement. Any single or continuing violation of the covenants contained in this Declaration may be enjoined in an action brought by the Association in its own name or by any other Owner. In any action brought to enforce these covenants, the prevailing party shall be entitled to recover as part of its judgment all of the reasonable costs of enforcement, including attorney's fees and costs of court. No other party other than the Owners or the Association has the right to enforce any of the terms of the Declaration. Nothing in this Declaration shall be construed as limiting the rights and remedies that may exist at common law or under applicable federal, state, or local laws and ordinances for the abatement of nuisances, health and safety, or other matters. These covenants are to be construed as being in addition to those remedies available at law. The remedies available under this Declaration and at law or equity generally are not to be considered as exclusive, but rather as cumulative. The failure to take enforcement action shall not be construed as a waiver of the covenants in the future or against other similar violations.

7.3 Suspension of Services / Voting Rights. In the event an Owner fails to correct or cure a violation of this Declaration, the Association shall suspend the Owner's (a) access and use of the any recreational or community areas and all other facilities and common amenities including the Trail Corridors, if any, (b) services provided by the Association or paid for as a common expense through Assessments, and (c) voting rights. The delinquent Owner shall be notified in writing at least ten (10) days prior to suspension. All suspensions will be lifted upon the Owner's (a) cure or correction of the violation, or (b) receipt of payment in full of outstanding account balance which shall include but not limited to all past due Assessments, Association fees, fines, interest, attorney's fees and costs and all other collection charges. Nothing shall preclude an owner in good standing from voting on matters pertaining to their own Lot.

7.4 Violations; Non-Conforming Uses; Fines; Hearing. Upon Association Approval, the Association may issue a fine or citation to any Owner whose behavior or use of their Lot does not conform to the Governing Documents ("Non-Conforming Owner"). Owners are responsible for the action and/or failure to act on the part of their family members, guests, visitors, tenants, and invitees.

7.4.1 First Notice of Non-Conforming Use. The Association shall send a first notice of citation in writing to the Non-Conforming Owner which shall generally advise the nature of the offense, cite the specific provision with the Governing Documents which has allegedly been violated, specify the remedy required, and state the number of days to complete corrective action, which shall be at least 48 hours. The Association is not required to provide this first notice as set forth in this section if it determines that the interests of health and safety of the other Owners and Occupants of the Subdivision requires a more expedited handling of the allegations.

7.4.2 Second Notice of Non-Conforming Use / Hearing. If the Non-Conforming Owner does not remedy the violation within the number of days noted in the first notice, the Association shall issue a second notice of citation which shall follow the basic form of the first notice of citation and include additional information deemed important by the Association concerning the violation including but not limited to a final deadline for the corrective action to be completed. Notification will be deemed effective even if any Owner fails or refuses to sign for any certified mailing from the Association. The second notice shall also advise the Non-Conforming Owner of the Association's authority to impose reasonable fines or other monetary penalties in the amounts listed in the Association's rules and regulations, suspend privileges for violations and the ability of the Association to conduct self-help measures.

7.4.3 Fines / Penalty. If the Non-Conforming Owner does not remedy the offense within the number of days noted in the second notice, the Board may assess the Non-Conforming Owner with a penalty and/or fine which may accrue interest and late fees. Unpaid fines and/or monetary penalties may be collected as an unpaid Assessment pursuant to the Act.

7.4.4 Hearing. A Non-Conforming Owner who is assessed a fine or monetary penalties may submit a written request for an informal hearing to the Association within thirty (30) days of the date the fine or penalty is assessed. If a hearing is requested, no interest or late fees may accrue until after the hearing has been conducted and a final decision has been rendered. The hearing may be conducted in person or through Means of Electronic Communication. The Non-Conforming Owner shall be afforded a reasonable opportunity to be heard so long as the request for a hearing is timely. At the hearing, the Association shall provide the Non-Conforming Owner with a reasonable amount of time to present any and all defenses to the citation. The Non-Conforming Owner may have counsel present at the hearing at the Owner's own expense. Under no circumstances shall the Association be responsible for any attorney fees or costs incurred by a Non-Conforming Owner relating to a citation or hearing conducted pursuant to this policy. The

Non-Conforming Owner must demonstrate extenuating circumstances which require deviation from the Governing Documents and evidence of the extenuating circumstance.

7.4.5 Decision. Following the hearing, the Association shall meet to discuss whether satisfactory proof of the alleged violation was presented and take a vote. If Association Approval is unfavorable to the Non-Conforming Owner, the Association will affirm the fines and other penalties and deliver notice of its decision to the Non-Conforming Owner.

7.4.6 Appeal. Appeal of a fine or penalty shall require the Non-Conforming Owner to initiate a civil action as described by the Act.

7.4.7 Trustee. Pursuant to section 57-8a-212(j) of the Act, the Owners hereby convey and warrant pursuant to U.C.A. Sections 57-1-20 and 57-8a-402 to an attorney at law selected and appointed by Association Approval, as trustee, with power of sale, the Lot and all Improvements for the purpose of securing payment of Assessments and compliance with the terms of the Declaration. The Association may replace the trustee at any time so long as the trustee qualifies under Subsection 57-1-21(1)(a)(i) or (iv).

7.5. Limited Liability. Neither the Association, Officers, Trustees, or Owners shall have personal liability to any other Owner for actions or inactions taken under the Governing Documents, provided that any such actions or inactions are without malice.

7.6. Term of Covenants. This Declaration shall continue and remain in full force and effect until seventy-five years from the date the Original Declaration was first recorded with the Summit County Recorder or terminated by Super Majority Approval, whichever occurs first. Association Approval may also choose to extend the duration of the Declaration.

7.7. Amendment. Any Amendment of the Declaration requires a Super Majority Approval.

7.8. Constructive Notice. Every person who owns, occupies, or acquires any right, title or interest in any Lot is conclusively deemed to have notice of the Governing Documents and to have consented to the application and enforcement of each of the Covenants, Conditions and Restrictions against their Lot, whether or not there is any reference to this Declaration in the instrument acquiring the Lot.

7.9. Reservation of Easements. For the mutual benefit and convenience of all of the Owners, each Lot is burdened by an easement five feet in width across the front of the Lot for the installation and maintenance of utility services to the Property. The Owner grants the right to public utilities to enter upon each Lot for purposes of utility installation, meter reading, and maintenance, and the right to public agencies providing utility-type services and emergency and public safety services to enter on to the Lot as needed to perform their functions.

7.10. Liberal interpretation. The provisions of this Declaration shall be interpreted liberally to further the goal of creating a uniform plan for the development. Paragraph headings are inserted for convenience only and shall not be considered in interpreting provisions. Singular will include plural, and gender is intended to include masculine, feminine and neuter as well.

7.11 Severability. Each of the covenants contained in this Declaration shall be independent of the others, and if any covenant is found to be invalid, unenforceable, or illegal by a court of competent jurisdiction, the remaining covenants all remain in full force and effect.

7.12. Pre-existing Conditions. As of the date of this Declaration, a variety of Improvements may exist. These pre-existing conditions, when not in conformance with this Declaration, shall not be deemed to be in violation of the Governing Documents, and shall be exempt from the enforcement and remedies.

7.13. Express Waiver; Indemnification. Each Owner covenants and waives all rights to sue any other Owner for any injury incurred on the Trail Corridors and/or Wildlife Corridors.

7.14. Covenants to Run with Land. The Governing Documents constitute the covenants that shall run with the land or equitable servitudes and shall be binding upon and shall inure to the benefit of the Owners, and all parties who hereafter acquire any interest in a Lot shall be subject to the terms of the Governing Documents and the provisions of any rules, regulations, agreements, instruments, and determinations contemplated by the Governing Documents; and failure to comply with any of the foregoing shall be grounds for an action by the Association or an aggrieved Owner for the recovery of damages, or for injunctive relief, or both. By acquiring any interest in a Lot, the party acquiring such interest consents to, and agrees to be bound by, each and every provision of the Governing Documents.

WHEREFORE, the Vice President of the Association executes and verifies this Declaration on this Nov 28, 2022.

Willow Ranch Homeowners Association, Inc.

By: Alaine Caraher
Its Vice President

STATE OF UTAH)
)
COUNTY OF Summit)

The foregoing instrument was acknowledged to me this November 28th, 2022, by Alaine Caraher, as Vice President of the Willow Ranch Homeowners Association, Inc.

NOTARY PUBLIC
Residing County: Summit

My commission expires: 03/16/2025

GREG FLINT
NOTARY PUBLIC-STATE OF UTAH
COMMISSION EXP. 03/16/2025
COMMISSION NO. 717363

Exhibit A

Legal Description
Original Subdivision Plat Map

ORIGINAL LEGAL DESCRIPTION

SUBD: WILLOW RANCH SUBD & 1ST AMENDED,REPLAT S 5 T 2S R 4E WILLOW RANCH SUBDIVISION:BEG AT THE E1/4 COR OF SEC 5, T2SR4E; TH ALG THE E LINE OF THE N1/2 OF THE SE1/4 OF SD SEC 5, S 00*17'50" W 1338.83 FT TO THE SE COR OF THE N1/2 OF THE SE1/4 OF SD SEC 5, SD PT ALSO BEING THE NE COR OF MCLEOD CREEK SUB; TH ALG THE S LINE OF THE N1/2 OF THE SE1/4 OF SD SEC 5, SD S LINE ALSO BEING THE N LINE OF SD MCLEOD CREEK SUB, N 89*58'59" W 1258.05 FT TO A PT ON THE E'LY MOST LINE OF A 50 FT WIDE RR R/W; TH ALG SD RR R/W THE FOLLOWING 2 CALLS: N 28*16'38" W 694.96 FT TO APT OF A 855.0 FT RAD CUR TO THE L; TH ALG THE ARC OF SD CUR 75.88 FT THRU A CENTRAL ANGLE OF 05*05'05"; ETC SEE DOC FOR REMAINING LEGAL CONT 41.48 AC CONT LOTS 1 THRU 7 & LOT A, A WILDLIFE CORRIDOR

LEGAL DESCRIPTION and TAX PARCEL NUMBERS of LOTS:
LOTS 1 THRU 7 OF THE WILLOW RANCH SUBDIVISION ACCORDING TO THE ORIGINAL PLAT ON FILE WITH THE SUMMITY COUNTY RECORDERS OFFICE.

Lot 1: WLR-1
Lot 2: WLR-2-AM (formerly WLR-2)
Lot 3: WLR-3
Lot 4: WLR-4
Lot 5: WLR-5
Lot 6: SMITH-B (formerly WLR-6)
Lot 7: WLR-7

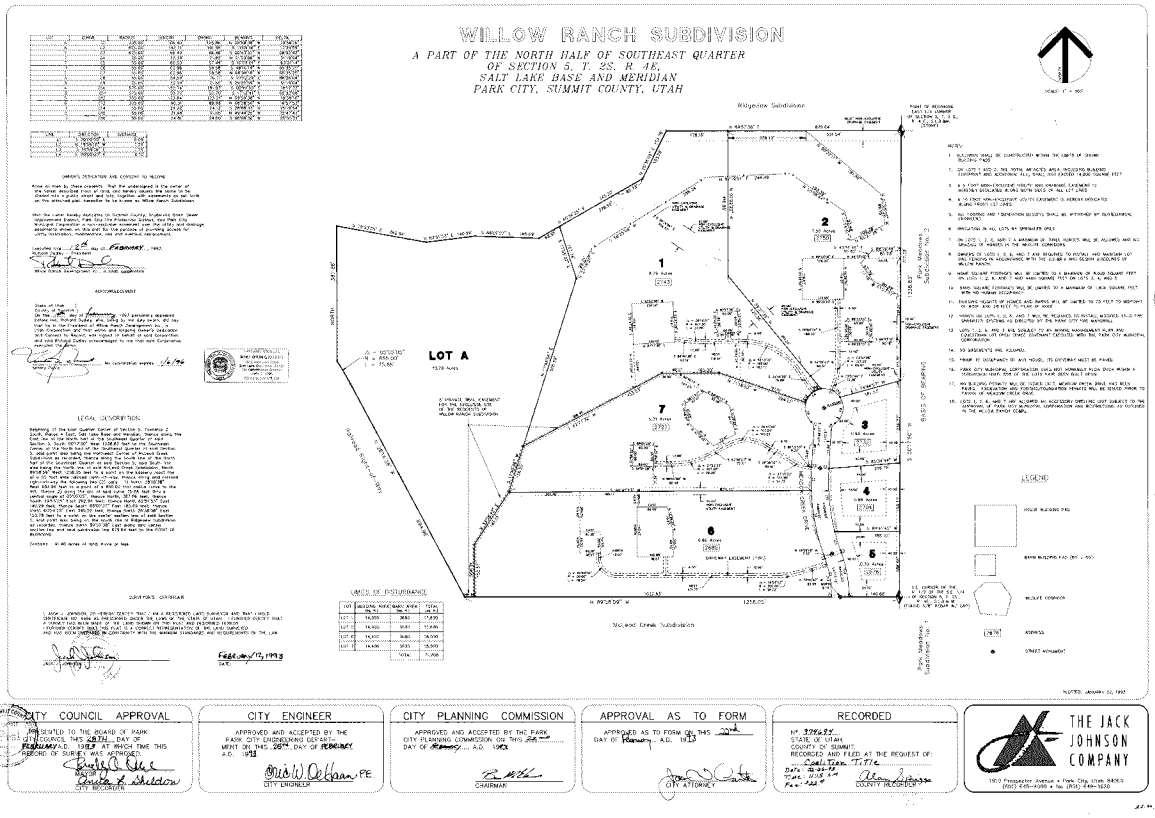


Exhibit B

Articles of Incorporation

ATTACHMENT

RECEIVED
NOV 04 2022
Utah Div. Of Corp. & Comm. Code

AMENDED AND RESTATED ARTICLES OF INCORPORATION OF WILLOW RANCH HOMEOWNERS ASSOCIATION, INC.

This Amended and Restated Articles of Incorporation of Willow Ranch Homeowners Association, Inc. (the "Articles") was approved by the Owners with unanimous approval and is made and executed as of the date signed below, by the Owners of the Willow Ranch Homeowners Association, Inc., a Utah Non-Profit corporation (the "Association"). These Articles are governed by the Utah Revised Nonprofit Corporation Act, Utah Code Ann. Section 16-6a- et seq (the "Act").

RECITALS

A. On February 22, 1993, the Articles of Incorporation for Willow Ranch Homeowners Association, Inc. were filed with the State of Utah (the "Original Articles").

B. Pursuant to Section 14 of the Original Articles, Owners of the Association desire to amend the Original Articles.

NOW, THEREFORE, the Original Articles are amended and restated as follows:

1. Definitions. Except as otherwise provided herein or as may be required by the context, all terms defined in the Declaration of Covenants, Conditions and Restrictions for Willow Ranch Subdivision, Park City, Utah, as amended and existing as of the date of these Articles, hereinafter referred to as the "Declaration" shall have such defined meanings when used in the Articles.

2. Name. The name of the corporation is Willow Ranch Homeowners Association, Inc.

3. Duration. The duration shall be perpetual, unless dissolved by a Super Majority Approval of the Owners or by operation of law.

4. Purposes. The purposes are to function as the homeowners association for the Association and to enforce the provisions of its Declaration, and to provide other services to its Owners deemed necessary or desirable. The Association shall have all powers, rights, and privileges available to corporation under the Act.

5. Members. The Members of the Association shall be the Owners of the Lots within the Willow Ranch Subdivision of Park City, Utah. The Association shall not have stock or issue shares. *See* Bylaws for further information.

6. Voting. Each Lot is entitled to one vote. *See* the Bylaws for further information.

7. Registered Agent. The registered agent shall be confirmed annually in the Association's annual report to the Utah Division of Corporations. If the registered agent has resigned, the agent's authority has been terminated, or the agent cannot be found or served with the exercise of reasonable diligence, the President may be served with process if the then serving President is a Utah resident; if not, the Vice President may accept service next and then the Secretary/Treasurer, whichever is a Utah resident.

RECEIVED
NOV 04 2022
Utah Div. Of Corp. & Comm. Code

8. Principal Place of Business. The principal place of business shall be confirmed annually in the Association's annual report to the Utah Division of Corporations.

9. Officers. There will be at least a President, Vice President, and Secretary/Treasurer who shall serve as Officers. *See* the Bylaws for further information.

10. Limitations on Liability. The Trustees, Officers, Owners, and Members of the Association shall not be held personally liable for the debts or obligations of the Association. *See* Bylaws for additional information.

WHEREFORE, the President of the Association executes and verifies these Articles on this October 27th, 2022.

Willow Ranch Homeowners Association, Inc.

Stanton D. Jones

By: Stanton Jones
Its President

STATE OF UTAH)
)
COUNTY OF Summit)

The foregoing instrument was acknowledged to me this 27th october, 2022, by Stanton Jones, as President of the Willow Ranch Homeowners Association, Inc.

Neyma Jurado

NOTARY PUBLIC
Residing County: Summit

My commission expires: 11/22/2025

NEYMA E JURADO
Notary Public
State of Utah
My Commission Expires 11/22/2025
COMMISSION # 721674

Exhibit C
Bylaws

AMENDED & RESTATED
BYLAWS
OF
WILLOW RANCH HOMEOWNERS ASSOCIATION, INC.

This Amended and Restated Bylaws of Willow Ranch Homeowners Association, Inc. (the "Bylaws") was approved by the Owners with the requiste approval and is made and executed as of the date signed below, by the Owners of the Willow Ranch Homeowners Association, Inc. (the "Association") to amend, restate, and supersede the Association's Bylaws which are governed by the Utah Revised Nonprofit Corporation Act, Utah Code Ann. Section 16-6a- et seq (the "Act" hereunder).

RECITALS

A. On February 26, 1993, the Bylaws for Willow Ranch Homeowners Association, Inc. were filed for record with the Summit County Recorder, State of Utah (the "Original Bylaws").

B. Pursuant to Section 6.1 of the Original Bylaws, the Owners of the Association desire to amend the Articles.

C. Except as otherwise provided herein or as may be required by the context, all terms defined in the Declaration of Covenants, Conditions and Restrictions for Willow Ranch Subdivision, Park City, Utah, as amended and existing as of the date of these Bylaws, hereinafter referred to as the "Declaration" shall have such defined meanings when used herein.

NOW, THEREFORE, the Original Bylaws are amended and restated as follows:

ARTICLE I

Name and Principal Office

1.1 Name. The name of the corporation is "Willow Ranch Homeowners Association", and it is referred to below as the "Association."

1.2 Offices. The office of the Association will be in Park City, Utah.

ARTICLE II

Owners and Meetings

2.1 Annual Meetings. The President will call an Annual Meeting of the Owners designating the time, date, and place of said meeting with proper notice. The Annual Meeting can be held more than a year after any preceding meeting with Association Approval. The purpose of the Annual Meeting is the election of Officers and other business that comes before the meeting. If the Officers are not elected at the annual meeting, the existing Officers shall continue to serve until their successors are elected.

2.2 Special Meeting. Special Meetings of the Owners may be called by any Owner at any time for any reason. Any notice of Special Meeting shall state the agenda, time, place (if in person), and date of the Special Meeting. When a Special Meeting is called by the Owners of the Association, the notice shall be in writing and delivered to the President.

2.3 Place of Meeting. All meetings will be held electronically; in Park City, if in-person; or in a hybrid of in-person and electronically, unless by Association Approval.

2.4 Notice of Meeting. A call for any Meeting shall be given in writing at least 15 days in advance of said meeting, which states the location (if in person), date, time, and agenda. All Meeting times, places, and dates shall be reasonable. Association Approval may change the agenda, date, time, and place (if in person) of any Meeting.

2.5 Owners of Record. Upon purchasing a Lot in the subdivision, each Owner shall promptly furnish to the Association a copy of the instrument showing title to the Lot. For purposes of determining Quorum, determining the persons entitled to vote, and all other matters before a meeting, the Association may designate a record date, not more than 60 days nor less than 15 days prior to the meeting date to determine the Owners entitled to notice and to vote at the meeting. If no record date has been fixed, the record date is deemed to be the date on which notice of the meeting was mailed to the Owners. The Owners as of the record date are deemed entitled to notice and to vote at the meeting. Persons who become Owners subsequent to the record date, or whose ownership is not registered with the Association until subsequent to the record date shall not be entitled to notice, shall not be counted in comprising a quorum and shall not be entitled to vote at the meeting. This does not preclude a person who acquires Ownership subsequent to the record date from voting under a written proxy.

2.6 Quorum. At any meeting of the Owners, the presence of Owners, in person or by proxy, shall constitute a Quorum any requested vote. If an electronic meeting is held for vote, then Quorum shall be those Owners who respond to the requested call for a vote before the noticed deadline to vote which shall be at least 15 days in advance.

2.7 Proxies. At each meeting of the Owners, each Owner may cast a vote by written proxy. All proxies must be in writing, signed by the Owner, and delivered to the President prior to the meeting.

2.8 Voting Rights. With respect to each matter presented to the Association for a vote, each Lot is entitled to cast one vote. If a Lot has multiple Owners who cannot agree on how to cast a vote, then no vote will be counted for that Lot. In the event that there is a Trust Deed or Mortgage on the Lot, no Trustor or Mortgagor shall be entitled to vote on any matter. Voting may occur by secret ballot or by public vote. Owners shall be given the opportunity to Vote electronically at an in-person meeting.

2.8.1 Simple Majority for Association Approval. On any matter placed before the Association for a vote (unless specifically stated to require a Super Majority Approval in these Bylaws, Articles, or Declaration), it shall pass if there is an affirmative vote by Quorum with a simple majority (51%) (the "Association Approval"). For example, if all 7 Lots vote on a matter, then 4 of the 7 votes will be the Association Approval approving the matter; if 6 Lots vote on a matter, then 4 of 6 votes will be the Association Approval approving the matter; and so forth.

2.8.2 Super Majority Approval. When a specific matter requires more than a simple majority for approval, then the Association must have 60% of Quorum ("Super Majority Approval"). For example, if all 7 Lots vote on a matter, then 5 of the 7 votes will be the Super Majority Approval approving the matter; if 6 Lots vote on a matter, then 4 of 6 votes will be the Super Majority Approval approving the matter; and so forth.

2.9 Waiver of Irregularities. Any inaccuracies, irregularities, or errors in any call for a meeting or notice of meeting, inaccuracies, or irregularities in the determination of a Quorum or proxies are deemed waived unless there is an objection stated at the meeting prior to the vote being taken.

ARTICLE III
Board of Trustees

3.1 General Powers. The Board shall have authority to manage and control the property and affairs of the Association. The Board of Trustees may exercise all powers conferred upon them by law, by the Articles, Bylaws, and Declaration ("Governing Documents") provided however that those powers which are specifically reserved to the Owners by law or by the Governing Documents shall be exercised only by the Owners. The Board may delegate its powers to Officers or agents with Association Approval.

3.2 Number and Tenure. Each of the Lots may have one Owner or one Owner representative serve as a Trustee, at the option of each respective Owner desiring to serve as a Trustee. There will be a minimum of three Trustees and there must be an odd number of Trustees. Upon purchase of a Lot, the new Owner shall provide contact information to the President for the Owner or Owner representative. The Trustee term shall be interchangeable with an Owner when appropriate under the Declaration. All Trustees must be Owners. Trustees need not be residents of the State of Utah.

3.3 Insurance. The Association may elect to purchase and maintain any type of insurance desired including but not limited to property, general liability, as well as directors and officers insurance on behalf of the Association or any person who was or who is a Trustee, Officer, or agent of the Association. Notwithstanding the foregoing or any other provisions, each Owner shall be solely responsible for purchasing and maintaining any property, liability, or other insurance with respect to each Owner's own Lot. All insurance premiums for insurance maintained, pursuant to this Section shall constitute expenses of the Association and shall be paid with funds from the Association.

3.4 Assessment. An Officer, preferably the Secretary, shall prepare an annual budget for presentation to the Owners. The Assessment will be deemed levied with Association Approval.

3.7 Compensation. The Board shall serve without compensation, provided that their reasonable out of pocket expenses for Association business may be reimbursed by the Association.

3.8 Resignation or Removal. Any Trustee may resign at any time. A Trustee is deemed to have resigned when said Trustee no longer owns title to said Lot (or otherwise is divested of said Lot) and therefore ceases to be Owner. Any Trustee may be removed with Association Approval.

3.10 Vacancies. Vacancies creating less than three Trustees or an even number of Trustees will require a Meeting to appoint a successor.

ARTICLE IV
Officers

4.1 Number and Tenure. The Officers shall consist of at least one President, Vice President, and a Secretary/Treasurer. The Owners may establish such other Officers as it desires. The Officers will be appointed by Association Approval and all Officers may be removed by Association Approval. All Officers must be Owners.

4.2 Duties of the President. The President shall preside over Meetings; sign on behalf of the Association; and, perform other reasonable duties.

4.3 Duties of the Vice President. The Vice President will perform the duties of the President if the President is unable to do so, and other reasonable duties.

4.4 Duties of the Secretary/Treasurer. The Secretary/Treasurer keeps accurate records and Meeting minutes; notates any transferred Owners; notices meetings; and perform other reasonable duties.

4.5 Compensation. The Officers will serve without compensation, provided that their reasonable out of pocket expenses in performing their duties for the Association will be reimbursed.

ARTICLE V
Indemnification

5.1 Indemnification Against Third Party Actions. The Association may defend and indemnify the Officers, Trustees, and Owners against all actions, claims, and suits brought by third parties against them individually which arise from the exercise of their obligations and duties as Officers, Owners, and Trustees. This shall include all civil, administrative, criminal, or investigative actions whether brought by an individual or a government agency. The indemnification shall extend to the payment of reasonable attorney's fees incurred in the defense of such action, including fees for independent counsel, and the payment of any fine, settlement, or judgment. This indemnity limited in scope to those acts or omissions arising from the good faith exercise of the authority of the office held, or the discharge of the duties on behalf of the Association.

5.2 Indemnification Against Member Actions. The Association may defend and indemnify the Officers, Owners, and Trustees against all actions, claims, and suits brought by Owners against them individually which arise from the exercise of their obligations and duties as Officers and Trustees. This shall include all civil, administrative, criminal, or investigative actions whether brought by an individual or a governmental agency. The indemnification shall extend to the payment of reasonable attorney's fees incurred in the defense of such action, including fees for independent counsel, and the payment of any fine, settlement, or judgment. This indemnity is limited to those acts or omissions arising from the good faith exercise of the authority of the office held or the duties as a Trustee on behalf of the Association.

5.3 Request for Indemnification. When any Officer, Trustee or agent of the Association receives notice of any action referred to above, said person must give notice to all Owners, stating at the nature of the claim, the claimant, and providing all pertinent information about the claim. Owners may vote to indemnify the Officer, Owner, Board, Association, Trustee, or agent thereof.

5.4 Determinations. To the extent that an Owner has been successful on the merits or otherwise in defense of any action, suit, or proceeding, or in defense of any claim, issue, or matter against an Officer, Owner, Board, Association, Trustee, or agent, then said person shall be indemnified against expenses (including attorneys' fees) actually and reasonably incurred by him or her in connection therewith. Any other indemnification shall be made by the Association only upon a determination that indemnification of the person is proper in the circumstances because said person has met the applicable standard of conduct under applicable Utah law. Such determination shall be made either (i) by Association Approval or (ii) by independent legal counsel to the Association in a written opinion.

5.5 Advances. Expenses incurred in defending a civil or criminal action, suit, or proceeding as contemplated in this Article may be paid by the Association in advance of the final disposition of such action, suit, or proceeding upon Association Approval and upon receipt of an undertaking by or on behalf of the person to repay such amount or amounts unless it ultimately be determined that said person is

entitled to be indemnified by the Association as authorized by these Articles or otherwise and the procedures of applicable Utah law have been met.

5.6 Scope of Indemnification. The indemnification provided for by these Articles shall not be deemed exclusive of any other rights to which those indemnified may be entitled under any provision in the Governing Documents, agreements, absence or contrary vote by an Owner, Officer, or Trustee. The indemnification authorized by this Article shall apply to all past, present and future Trustees, Officers, Owners, employees, and agents of the Association and shall continue as to such persons who cease to be Trustees, Officers, Owners, or agents of the Association and shall inure to the benefit of the successors, heirs and personal representatives of all such persons and shall be in addition to all other rights to which such persons may be entitled as a matter of law.

ARTICLE VI
Miscellaneous

6.1 Amendment. These Bylaws may be amended by a Super Majority Approval of Owners.

6.2 Rules and Regulations. The Association may from time to time adopt, amend, repeal, and enforce reasonable rules and regulations governing the Subdivision to the extent that such rules and regulations are substantially in furtherance of the purposes of the Association as set forth in the Governing Documents. The Owners shall be provided with copies of all rules and regulations adopted by Association Approval, and with copies of all amendments and revisions thereof.

6.3 Notice.

6.3.1 Notice by Electronic Means. Where notice is required, the Association may provide notice by electronic means, including text message, email, an Association website or another reasonable electronic method, unless a specific method of notice is designated in the Declaration or by Utah Law. Notice shall be deemed delivered within forty-eight (48) hours of electronic notice being sent or upon the receiving party's confirmation of receipt, whichever is sooner. If an electronic notice is returned as undeliverable, the serving party shall send notice via first-class mail, postage prepaid to the Lot address. With Association Approval, Owners are authorized to promulgate rules and procedures facilitating the implementation of notice as it deems fit from time to time, including requiring members to furnish the Association with a current email address.

6.3.2 Notice by Mail. An Owner may require the Association, by written demand, to provide notice to the Owner by mail. If mailed, such notice shall be deemed to be delivered when deposited in the U.S. mail addressed to the Owner at such Owner's address as then on file with the Association, or as otherwise shown on the Summit County Parcel Reference Map, with first-class postage prepaid. Each Owner shall register with the Association such Owner's current mailing address for purposes of notice hereunder. Except as otherwise provided in the Declaration, Bylaws, or law, all notices to any Owner shall be sent to such address as may have been designated in writing to the Board, or if no address has been designated, then to the Owner's Lot or posted to the Owner's Lot.

6.3.3 Notice to Multiple-Owners. If a Lot is owned by multiple owners, notice shall be sent to a single address, of which the Secretary has been notified in writing. If no address has been given to the secretary in writing, then Summit County Parcel Reference Map address is sufficient.

6.4 Affairs, Electronic Means. Any transaction or action involving the business or affairs of the Association, including but not limited to voting and providing notice or records, may be conducted by

person if it was the act of the person. An electronic signature may consist of an email response, electronic mark, symbol, character, letter, or number or any combination thereof attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record and the same shall be considered the signature of such person. A writing includes any document, record, vote, ballot, proxy, or instrument required or permitted.

6.5 Conflicts. In the case of a conflict between the Articles and Bylaws, the Articles shall control; and in the case of a conflict between the Declaration and Bylaws, the Declaration shall control.

6.7 Accounting. The books and accounts of the Association shall be generally kept in accordance with generally accepted accounting procedures considering the nature of the Association. The books and accounts shall be available for inspection by any Owner or an Owner's authorized representative during regular business hours, as is required by then applicable law.

6.8 Waiver, Precedent and Estoppel. No restriction, condition, obligation, or provision contained in these Bylaws or rules and regulations adopted pursuant hereto shall be deemed to have been abrogated or waived by the Association by reason of any failure to enforce the same, irrespective of the number of violations or breaches thereof which may occur and any failure to enforce the same shall not be deemed to constitute precedent or estoppel impairing the right of the Association as to any similar matter.

6.9 Invalidity: Number: Captions. The invalidity of any part of these Bylaws shall not impair or affect in any manner the validity, enforceability, or effect of the balance of these Bylaws. As used herein, the singular shall include the plural and the plural the singular. The masculine and neuter shall each include the masculine, feminine, and neuter, as the context requires. All captions used herein are intended solely for convenience and shall in no way limit any of the provisions of the Bylaws.

WHEREFORE, the President of the Association executes and verifies these Bylaws on this October 27th, 2022.

Willow Ranch Homeowners Association, Inc.

By: Stanton Jones
Its President

STATE OF UTAH)
)
COUNTY OF Summit)

The foregoing instrument was acknowledged to me this 27th October, 2022, by Stanton Jones, as President of the Willow Ranch Homeowners Association, Inc.

NEYMA E JURADO
Notary Public
State of Utah
My Commission Expires 11/22/2025
COMMISSION # 721674

NOTARY PUBLIC
Residing County: Summit

My commission expires: 11/22/2025

Exhibit D

Dwelling Limits of Disturbance/Building Pad and
Dwelling/Residence Maximum Living Square Footage
Barn Limits of Disturbance/Building Pad and
Barn Maximum Living Square Footage

- These restrictions on the Dwelling and Barn Building Pad and Square Footage do not restrict other allowed Improvements or uses on the Lots and those other Improvements do not count towards the Living Square Footage calculations or Residence/Barn Limits of Disturbance

- Amendments to this Exhibit may be made in a Plat amendment and shall automatically apply to the Governing Documents including this Exhibit D. All terms and definitions in affect in the current Declaration and the City Land Management Code in affect upon the initial 1993 Willow Ranch Declaration shall apply to all Lots. The Square Footage definition in the current Willow Ranch Declaration shall apply.

Lot Number	Lot Size	Maximum Dwelling Limits of Disturbance/Building Pad	Maximum Barn Limits of Disturbance/Building Pad	Dwelling Maximum Living Square Footage*	Barn Maximum Living Square Footage
1	8.26 acres	14,000 sq.ft.	3,600 sq.ft.	8,000	1800
2	7.50 acres	17,000 sq.ft.	3,600 sq.ft.	9,300	1,800
3	.95 acres	set-back hatch marks on Plat	None	4,400	None
4	.88 acres	set-back hatch marks on Plat	None	4,400	None
5	.70 acres	set-back hatch marks on Plat	None	4,400	None
6	6.80 acres	14,400 sq.ft.	3,600 sq.ft.	8,000	1800
7	5.31 acres	14,400 sq.ft.	3,600 sq.ft.	8,000	1800

*First 600 sq.ft. of attached garage does not count toward Maximum Square Footage

Exhibit E
Architectural Design Standards and Process

On file with the Association
Not public record/Not publicly available

xx 2022

2022 CC&Rs Amendment
Willow Ranch Subdivision

Context and Motivation

to

Strike/Delete 1993 CCR&s

and

Replace with 2022 CC&Rs

February 5, 2024

PETITION/COMPLAINT

CRESCENT VERTICAL LLC
SARAH AND GERRY HALL /MANAGERS
FAILURE TO COMPLY
AND
PARK CITY MUNICIPAL CORPORATION
FAILURE TO ENFORCE

LAND MANAGEMENT CODES AND ORDINANCES

AND

APPEAL OF DENIAL OF APPEAL TO BOARD OF ADJUSTMENT

UPDATED SUPPLEMENT TO
2750 MEADOW CREEK DRIVE - VIOLATIONS COMPLAINT
12/2/2023 FINAL

Summary of Complaint

- Owner failed to apply, and City failed to demand a Conditional Use Permit to build a **Pool or Spa,** or **similar facility** as required by Section 15-2.10-2 of the 2021 Land Management Code (LMC) and related provisions.

- Owner failed to prepare, and the City failed to demand a Sensitive Lands Overlay (SLO) analysis as required as by LMC 15-2.10-2 for Conditional Uses in the Estate District and LMC 15-2.21-6 for all lands within the SLO Zone

- Owner violated the maximum permitted square footage of 9,300 sq. ft. applicable to the existing house and the proposed remodeled house under Plat Notes #13, #17 and #19. The 1999 Permit shows that fees were paid for 9, 830 sq. ft. In 2023, the Chief Building Official interprets the recently calculated applicable square footage to be 10,104 sq. ft.

- Owner violated the platted Limits of Disturbance applicable to development in the Estate District and in Willow Ranch Subdivision, including in respect of preservation of open space, undeveloped lands, and view corridors.

Summary of Complaint (continued)

- Owner planted trees and imported fill material into potential wetlands in violation of restrictions on wetlands development under 15-2.21-6 of the LMC and without an Army Corps of Engineers 404 wetlands permit in violation of the federal Clean Water Act.

- Owner has disrupted the wildlife habitat and corridor on the Lot in violation of applicable restrictions on wildlife habitat and corridor development under Section 15-2.21-8 of the LMC.

- Owner has violated Plat Note # 3 and #21 relating to excavation and tree planting without SLO analysis, without proper MS4 analysis , and without Section 404 wetlands permits.

- Owner has violated Plat Note #8 requiring Fence Maintenance

WILLOW RANCH - MASTER PLAN DEVELOPMENT (MPD) APPROVAL 1992/93

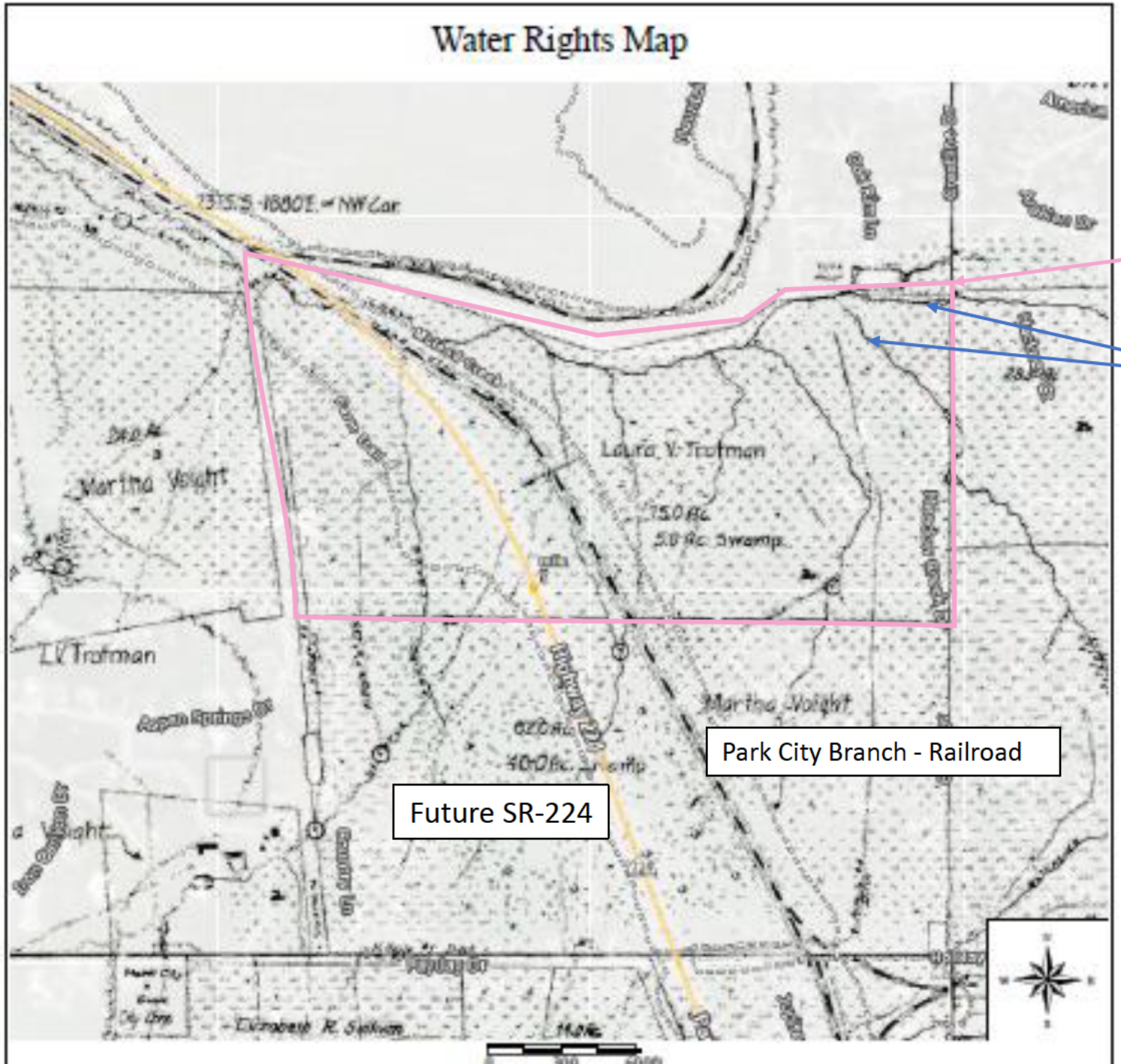
Wetlands - Open Space – View Corridors

Willow Ranch Subdivision is a unique development in Park City and environs. During the annexation and MPD approval process in 1992, the Developer, the Planning Commission and City Council recognized that these sensitive lands replete with wetlands, wildlife and open space needed protections.

The Peterson Estate, approximately seventy acres, was wholly undeveloped and situated outside the city limits of Park City. A significant portion was extremely wet, characterized as swampy on an early map. The property with no less than 7 spring-fed and surface waterways was designated 81% wetlands subject to Army Corps of Engineers (Corps) jurisdiction. The property straddled the SR 224 entry corridor, encompassed a historic railroad grade, and was surrounded by three adjacent subdivisions – **Ridgeview, McCloud Creek, and Park Meadows**. It was clear (then and now) that any development would impact each of these neighborhoods. At the time, there was a fair amount of opposition to any kind of traditional single family residential development whatsoever on the site.

Peterson Estate/Willow Ranch was the first subdivision in Park City to impose/accept a 30-acre conservation easement on the property. As a result, the City took over stewardship of a significant portion of property. The developers voluntarily complied with the City's newly-adopted Sensitive Lands Overlay Ordinance.(SLO). Willow Ranch is now within the designated SLO boundaries and subject to all restrictions and review requirements.

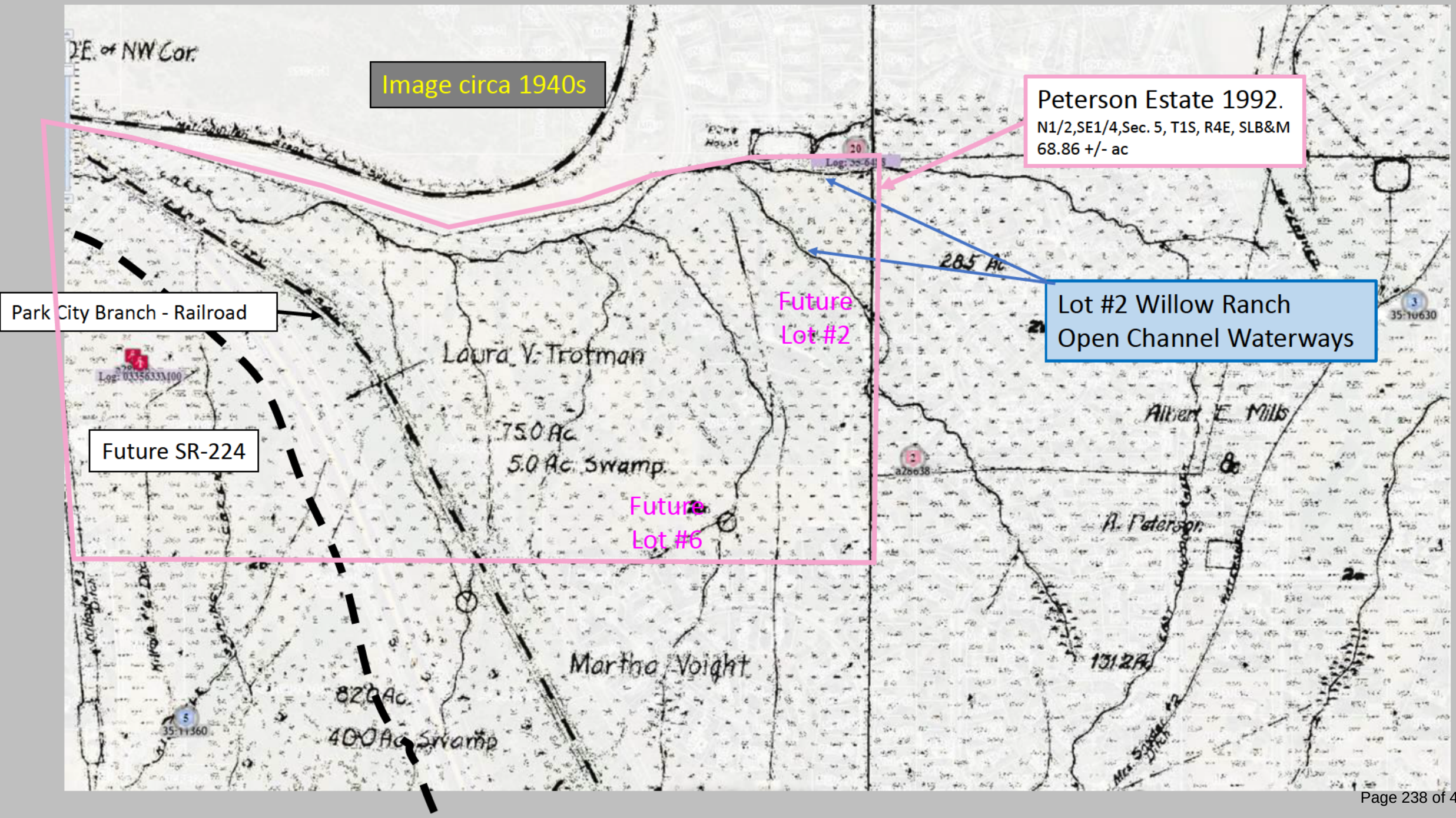
In 1992/3, the Corps Permit #199250275 set forth several development restrictions including Nationwide 404 Permit #26 labeled: "IMPACTED HOUSE BUILDING/LANDSCAPE LIMITS AREA". The specifically-permitted Areas including driveways were surveyed to ensure avoidance of wetlands, wildlife corridors, drainages and other sensitive areas. Plat Notes carry-over the Corps' intent to limit development and protect wetlands throughout property.



[UDWR - Hydrographic Survey (Before 2012)]

Peterson Estate 1992.
N1/2,SE1/4,Sec. 5, T1S, R4E, SLB&M
68.86 +/- ac

Open Channel Waterways


E. of NW Cor.
Image circa 1940s
Peterson Estate 1992.
N1/2,SE1/4,Sec. 5, T1S, R4E, SLB&M
68.86 +/- ac
Park City Branch - Railroad
Future SR-224
Future
Lot #2
Future
Lot #6
Lot #2 Willow Ranch
Open Channel Waterways
285 Ac
Laura V. Trotman
75.0 Ac
5.0 Ac. Swamp
Martha Voight
82.0 Ac
40.0 Ac. Swamp
Albert E. Mills
A. Peterson
131.2 Ac


8/1993
Image 8/22/1993
Ridgview Subdivision
Wetlands??
MS4 Open Channel
Ditch/Berm-Upland
Park City Branch - Railroad
Park Meadow Sub. #2
SR-224
Image U.S. Geological Survey
Google Eart
Imagery Date: 8/22/1993 40°40'25.55" N 111°30'49.09" W elev 6737 ft eye alt 9080 ft

MPD Considered Elements

- 1992/93 Willow Ranch Subdivision MPD - Considered elements of the approval was protection of surrounding neighbor's views of open space and mountains – Ridgeview and Park Meadows and McCleod Creek subdivisions.

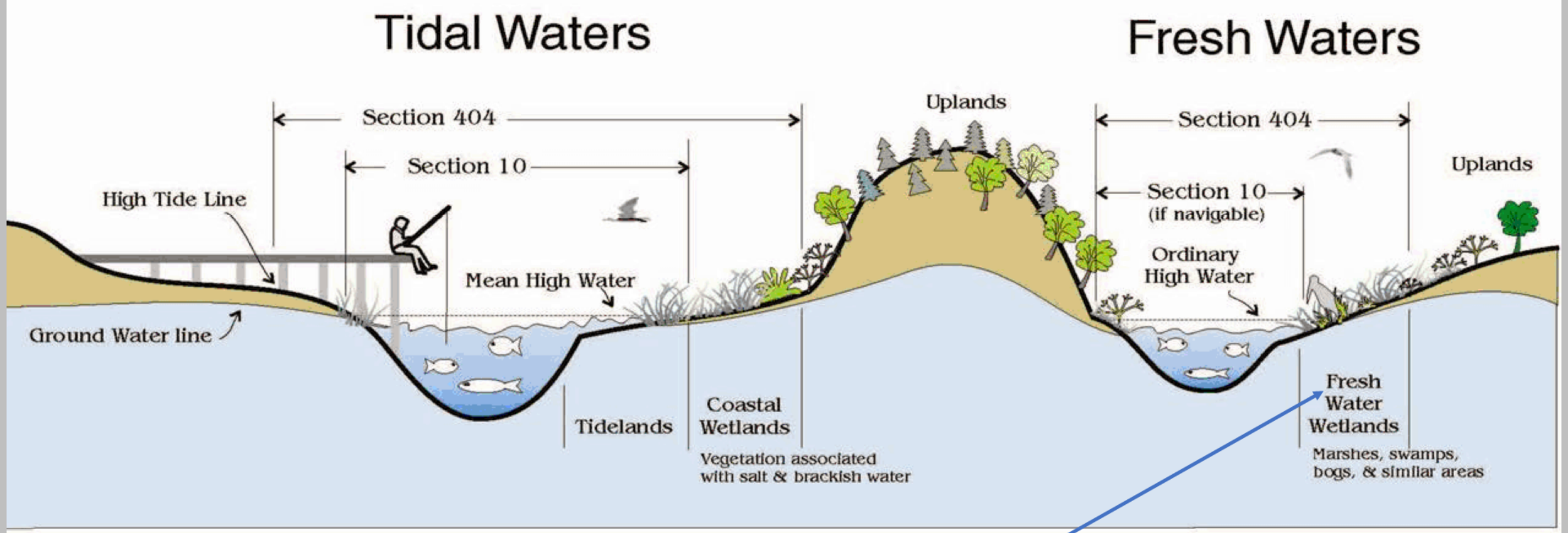
City Officials - 1992:

> In this case, we are asking the applicants to comply with the spirit and intent of the ordinance, rather than strictly applying the Sensitive Lands provisions. We hope we will be able to achieve compliance with the intent, but if we are unable to, we do have the option of requiring strict compliance.
>
> The reason we are doing this is that we wish to work with the developers to obtain open space of high visual and environmental value for the citizenry while achieving the best development for them.

> A quick analysis by the staff has shown the only area which would be allowed to be developed under the Ordinance is located in the southeast corner of the site and could accommodate perhaps 5-6 small single family lots, or 3-4 larger lots if the wetlands were included in the lot area but left untouched.

A complete set of MPD documents is available in the City archives.

CORPS OF ENGINEERS REGULATORY JURISDICTION



	Section 103 Ocean Disposal of Dredged Material	**Section 404** Discharge of Dredged or Fill Material (all waters of the U.S.)	**Section 10** All Structures and Work (navigable waters)
Typical examples of regulated activities	Ocean discharges of dredged material	All filling activities, utility lines, outfall structures, road crossings, beach nourishment, riprap, jetties, some excavation activities, etc.	Dreding, marinas, piers, wharves, floats, intake / outtake pipes, pilings, bulkheads, ramps, fills, overhead transmission lines, etc.

WILLOW RANCH
WETLANDS IMPACT/MITIGATION PLAN
OCTOBER 27, 1992

68.86 +/- Acre Parcel
12.9 Acres Upland
55.96 81% Acres Low - Low/Moderate Wetland

Low - Low/Moderate Wetland Impacts

Driveways	-	.9 Acres
Arena Parking	-	.2 Acres
Barn	-	.2 Acres
Houses Bldg Envelope (110' x 110')	-	1.1 Acres
House Barns	-	.1 Acres
Lot 5	-	.2 Acres
		2.7 Acres

1993 Plat: 120' x 116.67 = 14,000 sf
1999 Lot 2 Replat - Reconfigured 17,000 sf

Mitigation

- Enhance 22.3 acres existing low - low/moderate value wetlands by removing from agricultural uses and planting native wetland vegetation materials.
- Provide irrigation for enhanced wetland areas.

DEPARTMENT OF THE ARMY PERMIT

Permittee RICHARD DUDLEY

Permit No. 199250275

Issuing Office CORPS OF ENGINEERS, SACRAMENTO DISTRICT

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: To discharge fill into 1.31 acres of wetlands adjacent to McLeod Creek in order to develop seven (7) Lots in the Willow Ranch Subdivision as shown on the attached drawings.

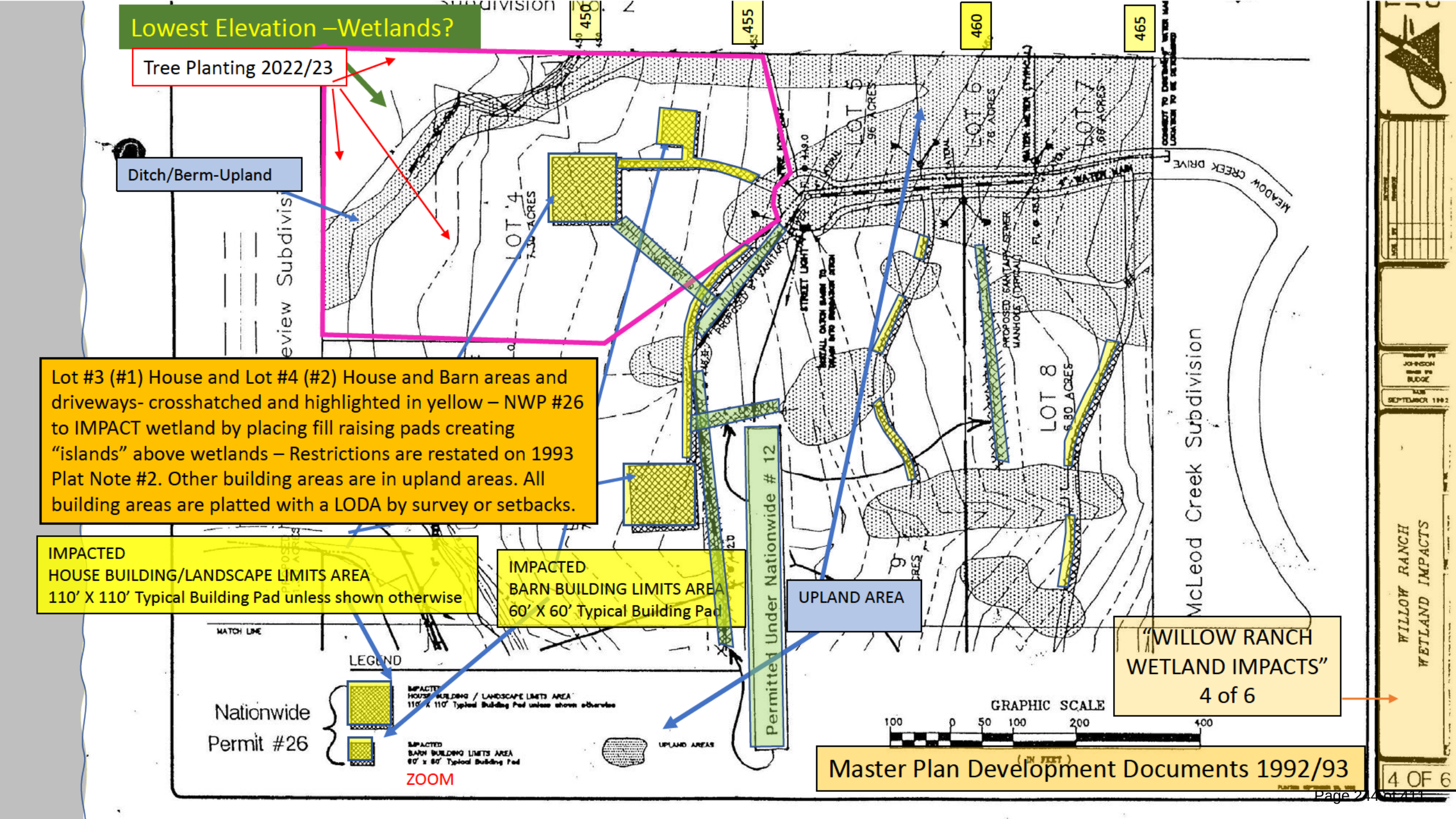
General Conditions:

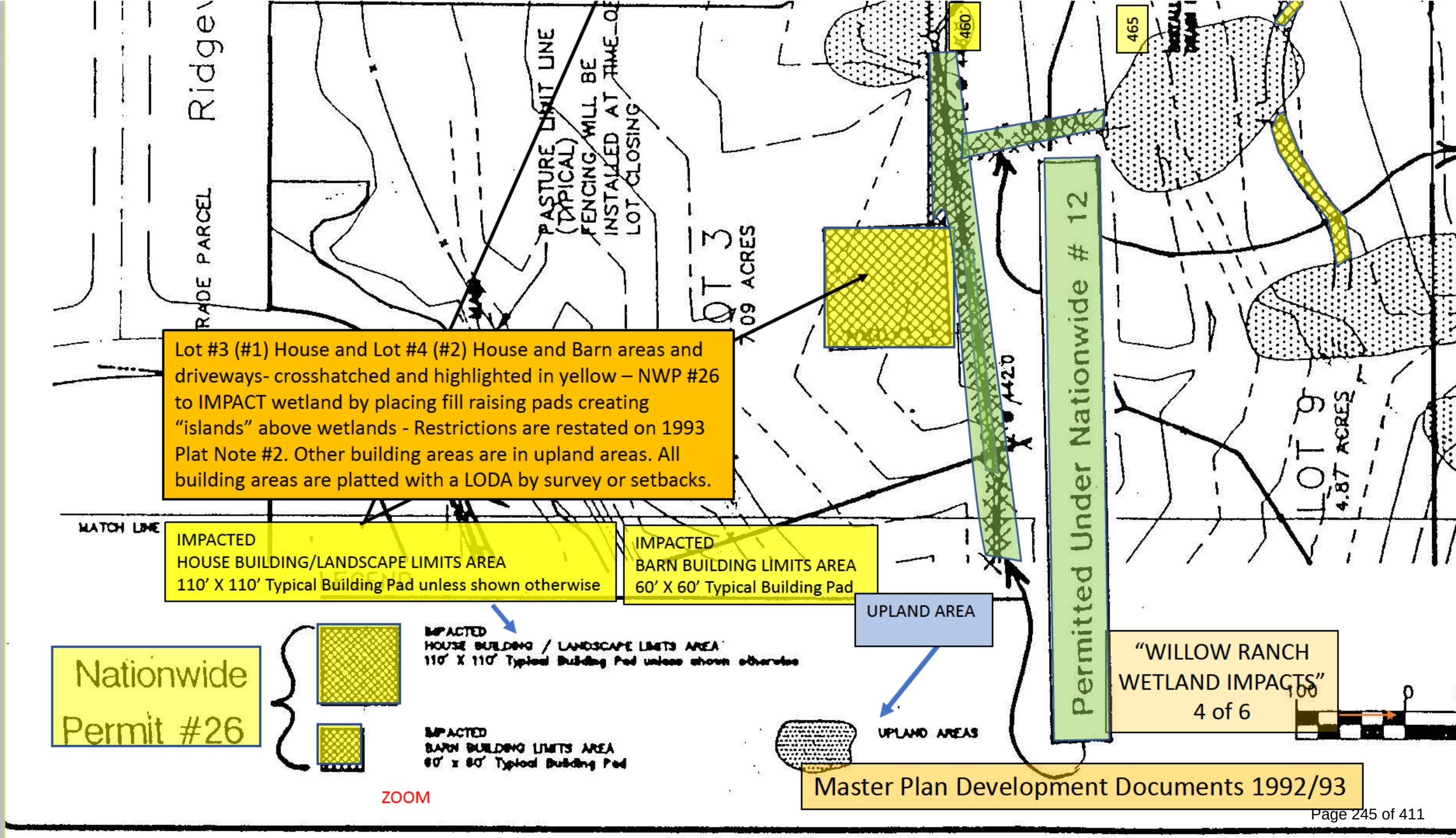
1. **The time limit for completing the work authorized ends on** December 31, 1997 **. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.**

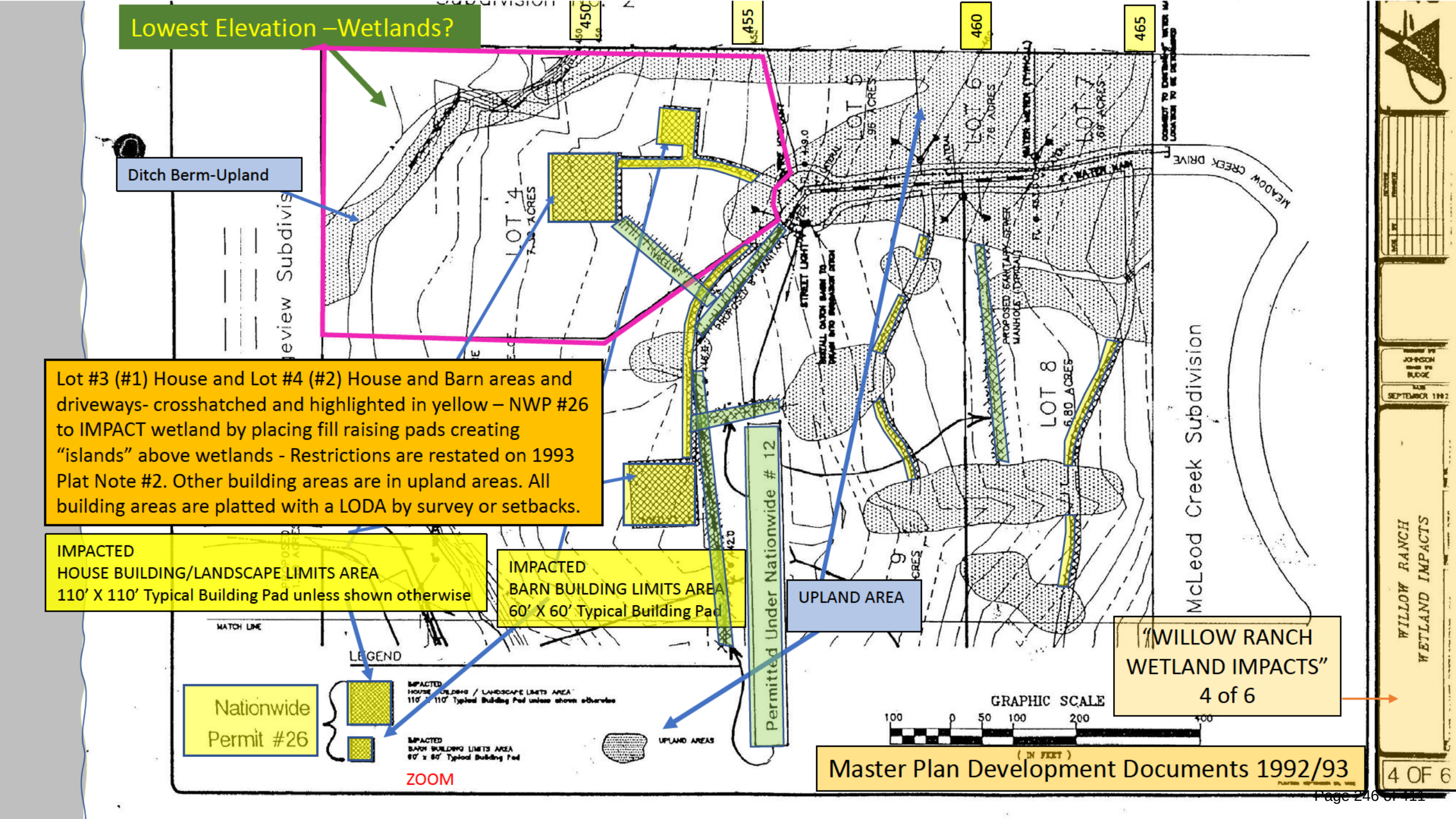
2. **You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.**

BOOK 711 PAGE 570

3. **If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.**

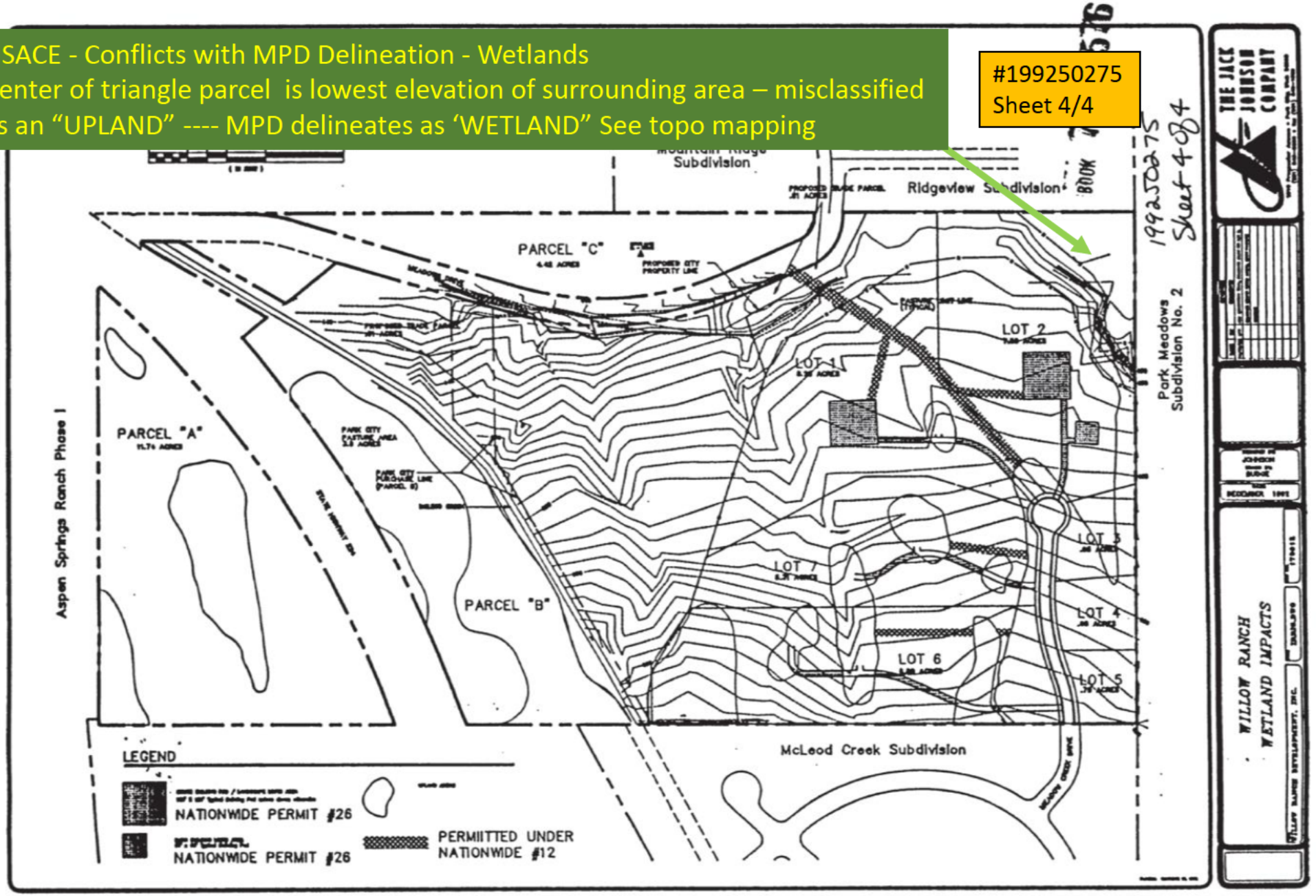

Lowest Elevation –Wetlands?
Tree Planting 2022/23
Ditch/Berm-Upland
Lot #3 (#1) House and Lot #4 (#2) House and Barn areas and driveways- crosshatched and highlighted in yellow – NWP #26 to IMPACT wetland by placing fill raising pads creating "islands" above wetlands – Restrictions are restated on 1993 Plat Note #2. Other building areas are in upland areas. All building areas are platted with a LODA by survey or setbacks.
IMPACTED
HOUSE BUILDING/LANDSCAPE LIMITS AREA
110' X 110' Typical Building Pad unless shown otherwise
IMPACTED
BARN BUILDING LIMITS AREA
60' X 60' Typical Building Pad
UPLAND AREA
Permitted Under Nationwide # 12
"WILLOW RANCH WETLAND IMPACTS" 4 of 6
Nationwide Permit #26
ZOOM
LEGEND
GRAPHIC SCALE
Master Plan Development Documents 1992/93
WILLOW RANCH WETLAND IMPACTS
4 OF 6
LOT 4
LOT 6
LOT 7
LOT 8
McLeod Creek Subdivision
MEADOW CREEK DRIVE


Lot #3 (#1) House and Lot #4 (#2) House and Barn areas and driveways- crosshatched and highlighted in yellow – NWP #26 to IMPACT wetland by placing fill raising pads creating "islands" above wetlands - Restrictions are restated on 1993 Plat Note #2. Other building areas are in upland areas. All building areas are platted with a LODA by survey or setbacks.
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BARN BUILDING LIMITS AREA
60' X 60' Typical Building Pad
UPLAND AREA
Nationwide Permit #26
ZOOM
UPLAND AREAS
Permitted Under Nationwide # 12
"WILLOW RANCH WETLAND IMPACTS"
4 of 6
Master Plan Development Documents 1992/93
460
465
LOT 3
LOT 9
4.87 ACRES
MATCH LINE


Lowest Elevation –Wetlands?
Ditch Berm-Upland
Lot #3 (#1) House and Lot #4 (#2) House and Barn areas and driveways- crosshatched and highlighted in yellow – NWP #26 to IMPACT wetland by placing fill raising pads creating "islands" above wetlands - Restrictions are restated on 1993 Plat Note #2. Other building areas are in upland areas. All building areas are platted with a LODA by survey or setbacks.
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McLeod Creek Subdivision
MEADOW CREEK DRIVE
LOT 4
LOT 6
LOT 7
LOT 8
MATCH LINE

USACE - Conflicts with MPD Delineation - Wetlands
Center of triangle parcel is lowest elevation of surrounding area – misclassified as an "UPLAND" ---- MPD delineates as 'WETLAND" See topo mapping

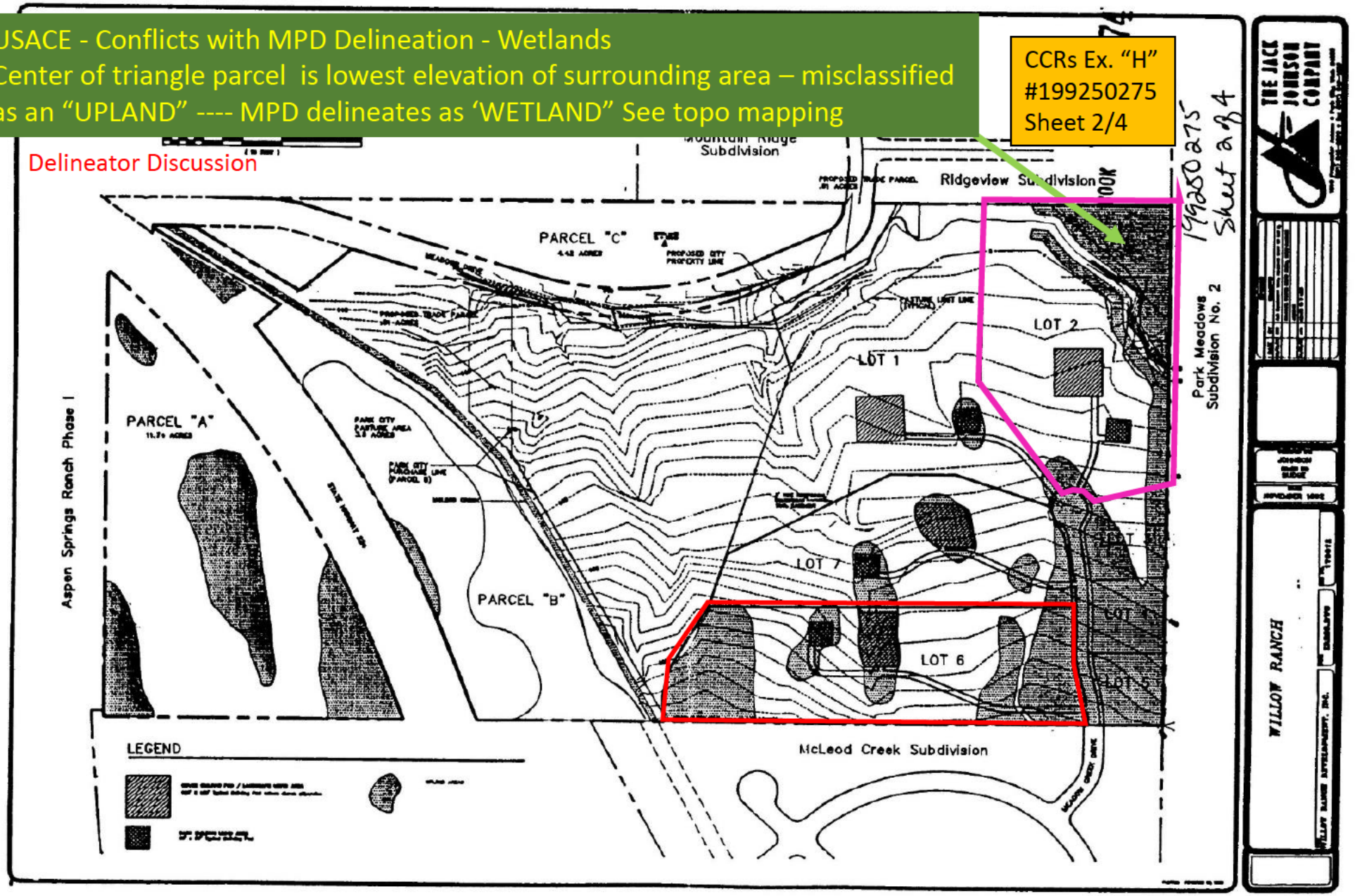
#199250275
Sheet 4/4



USACE - Conflicts with MPD Delineation - Wetlands
Center of triangle parcel is lowest elevation of surrounding area – misclassified as an "UPLAND" ---- MPD delineates as 'WETLAND" See topo mapping

Delineator Discussion

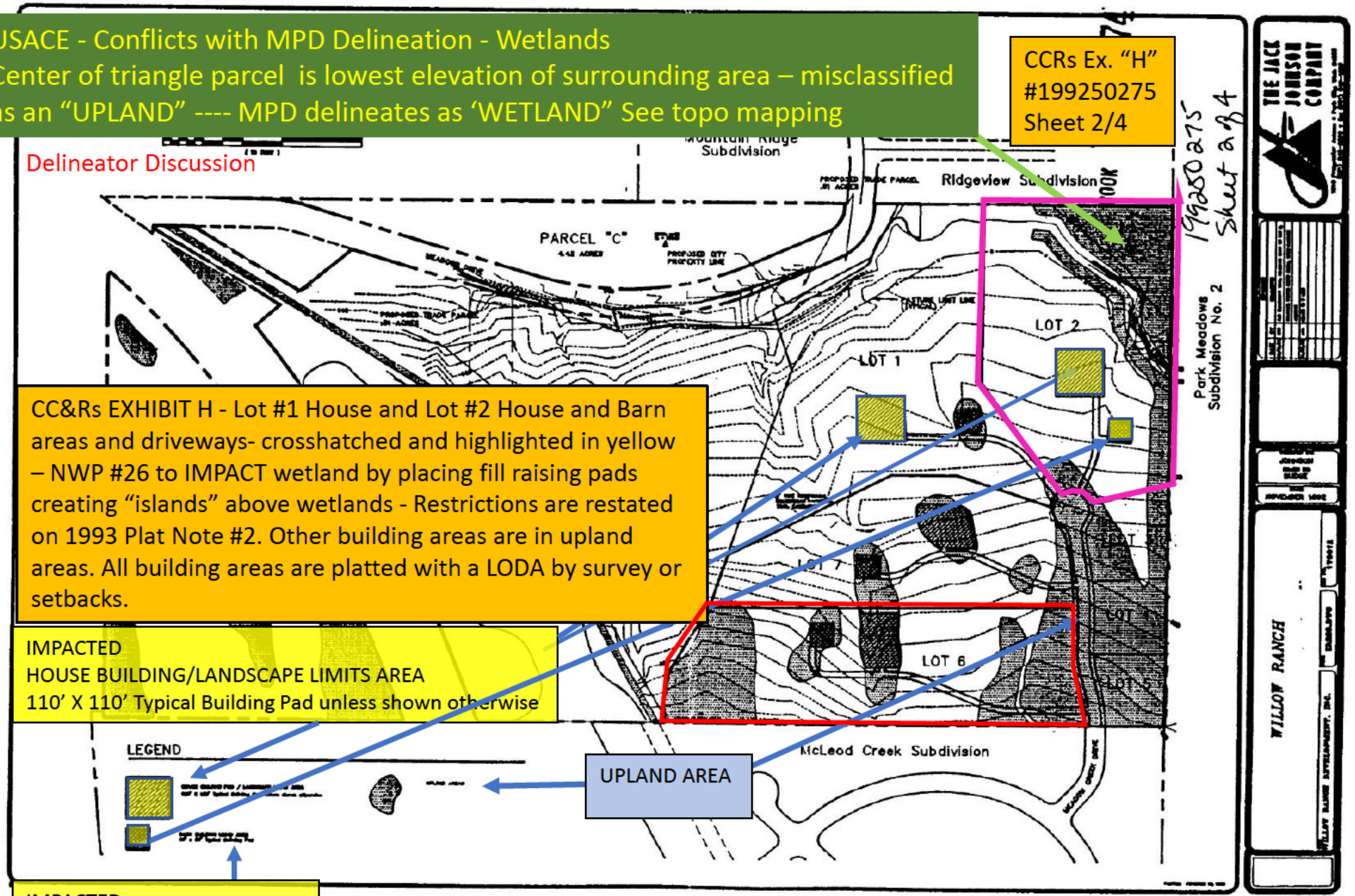
CCRs Ex. "H"
#199250275
Sheet 2/4



USACE - Conflicts with MPD Delineation - Wetlands
Center of triangle parcel is lowest elevation of surrounding area – misclassified as an "UPLAND" ---- MPD delineates as 'WETLAND" See topo mapping

Delineator Discussion

CCRs Ex. "H"
#199250275
Sheet 2/4



CC&Rs EXHIBIT H - Lot #1 House and Lot #2 House and Barn areas and driveways- crosshatched and highlighted in yellow – NWP #26 to IMPACT wetland by placing fill raising pads creating "islands" above wetlands - Restrictions are restated on 1993 Plat Note #2. Other building areas are in upland areas. All building areas are platted with a LODA by survey or setbacks.

IMPACTED
HOUSE BUILDING/LANDSCAPE LIMITS AREA
110' X 110' Typical Building Pad unless shown otherwise

UPLAND AREA

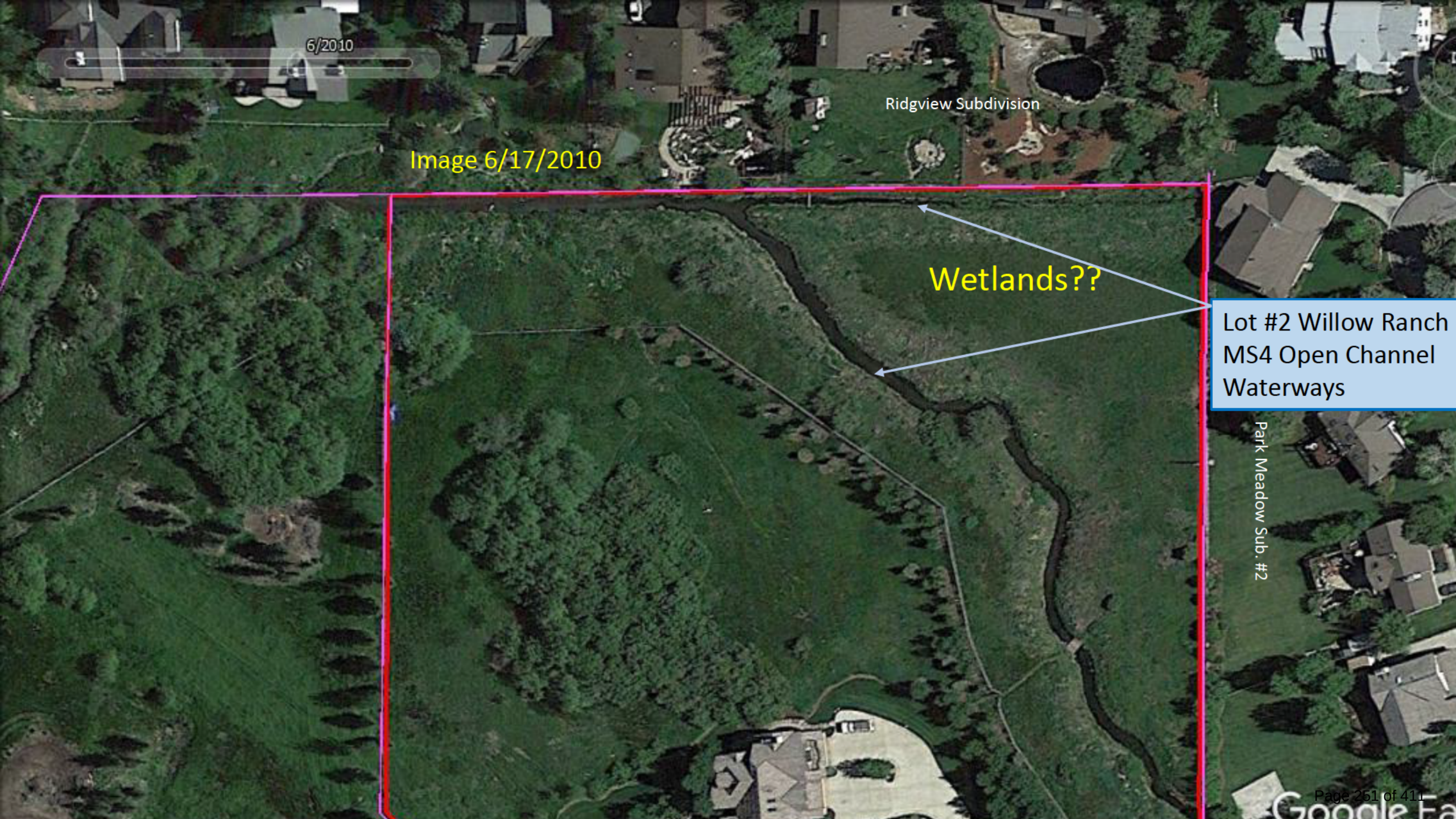
IMPACTED
BARN BUILDING LIMITS AREA
60' X 60' Typical Building Pad

Environmental Consultant (2022)

- M.S. Watershed Science
- B.A. Environmental Studies,
- Society of Wetland Scientists

Clean Water Act :

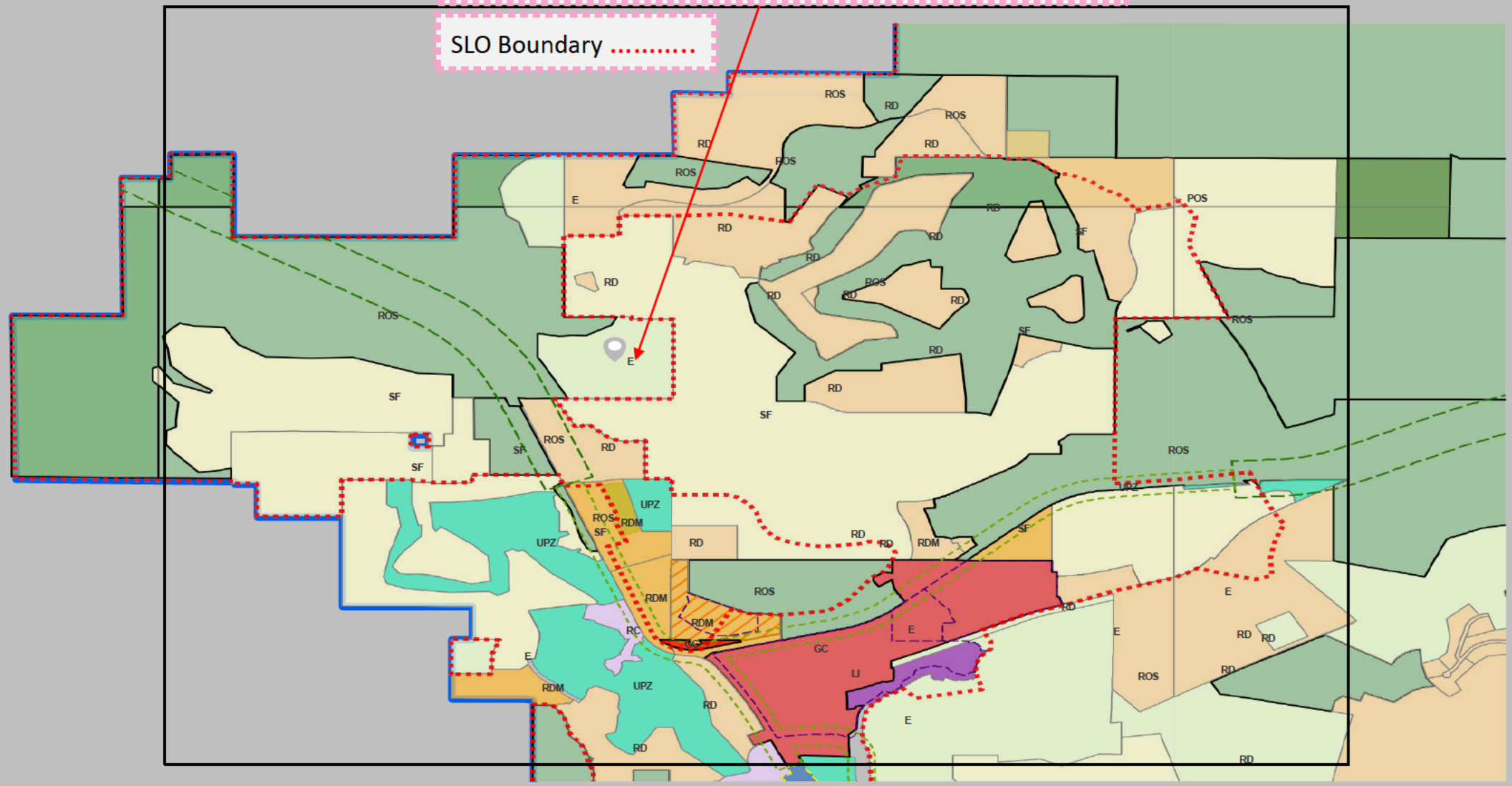
> "…delineations are usually good for a period of 5 years. Activities like tree planting, because they can change the surface elevation of wetlands **are considered "fill" and are therefore regulated** under Section 404 of the Clean Water Act and require a permit." **(emphasis added.)**


6/2010
Ridgview Subdivision
Image 6/17/2010
Wetlands??
Lot #2 Willow Ranch
MS4 Open Channel
Waterways
Park Meadow Sub. #2


Willow Ranch Subdivision HOA
Violations: LMC-Plat-CC&Rs
Ridgview Subdivision
Wetlands??
2022 Lot 2 –Tree Planting w/o SLO
MS4 /LODA /Corps Permits
Violates PN #3 and #21
2021 Lot 2–Home Exceeds 9,800 sf
& Improper Permit w/o CUP/SLO
Violates PN #13 and #17
Park City Branch - Railroad
SR-224
1
2
3
4
5
6X
7
2021 Lot 3 - HOA Approved
Pickleball Court outside LODA
2021 Lot 4 - Improper Permit &
Construction Sauna Building
BoA Order 3/1/22 Enforce LODA
Google Earth

Willow Ranch Subdivision – Estate - SLO Zone

SLO Boundary .....



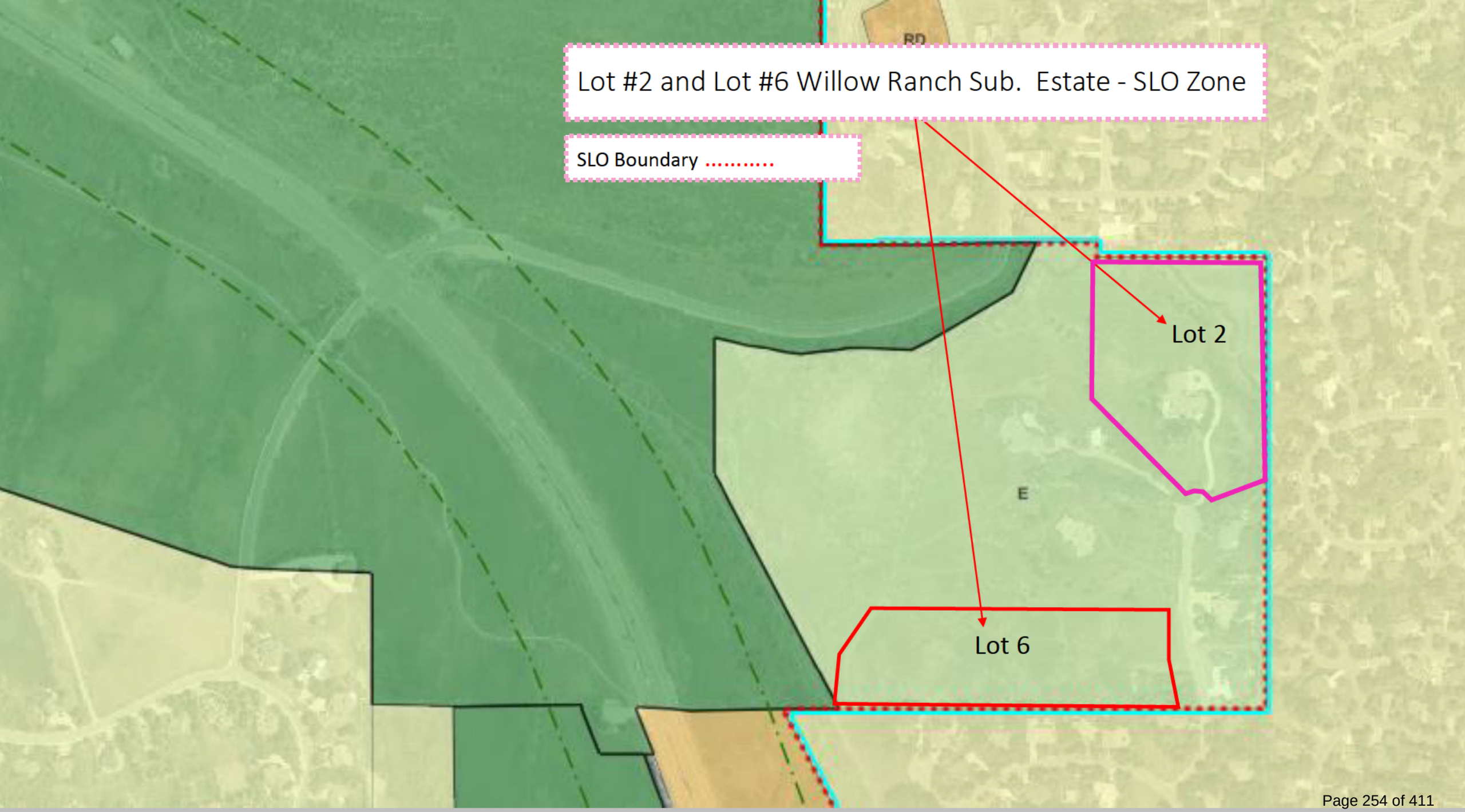
5/3/2023

1:31,598

0 0.2 0.4 0.8 mi

0 0.33 0.65 1.3 km

PCMC


Lot #2 and Lot #6 Willow Ranch Sub. Estate - SLO Zone
SLO Boundary .....
Lot 2
Lot 6
RD
E

15-2.21-3 Sensitive Lands Overlay Zone - Ordinance Provisions

A. SENSITIVE LANDS ANALYSIS. Any Applicant for Development must produce a Sensitive Lands Analysis performed by a Qualified Professional(s) that identifies and delineates all the following features and conditions:

1. **SLOPE/TOPOGRAPHIC MAP**.
2. **RIDGE LINE AREAS**.
3. **VEGETATIVE COVER**.
4. **DESIGNATED ENTRY CORRIDORS AND VANTAGE POINTS**
5. **WETLANDS, STREAM CORRIDORS, CANALS, AND IRRIGATION DITCHES**.
6. **WILDLIFE HABITAT AREAS**.

B. ADDITIONAL INFORMATION AND STUDY REQUIREMENTS. The Planning Department may require the Applicant to submit the following information, as applicable:

1. **VISUAL ASSESSMENT**. A visual assessment of the Property from Vantage Points designated by the Planning Department, depicting conditions before and after the proposed Development, including the proposed location, size, design, landscaping, and other visual features of the project.

15-2.21-3 Sensitive Lands Overlay Zone - Ordinance Provisions

C. SENSITIVE LANDS DETERMINATION. The Planning Department shall review the information presented in the Sensitive Lands Analysis, as described in Section 15-2.21-3(A) and Section 15-2.21-3(B), and provide a recommendation to the Planning Commission determining and delineating all Sensitive Lands on the parcel...

15-2.21-6 Sensitive Lands Regulations - Wetlands And Stream Protection

1. **INTENT**. The following requirements and standards have been developed to promote, preserve, and enhance wetlands and Stream Corridors and to protect them from adverse effects and potentially irreversible impacts.
2. **JURISDICTION**. All Wetlands and Stream Corridors are regulated as provided below.
3. **PROHIBITED ACTIVITIES**. No person shall disturb, remove, fill, dredge, clear, destroy or alter any Area, including vegetation, surface disturbance within wetlands and Stream Corridors and their respective Setbacks, except as may be expressly allowed herein.
4. **BOUNDARY DELINEATIONS**. The Applicant must provide a wetlands delineation by a qualified professional utilizing the methods of the *1987 Army Corp of Engineers Manual for Identifying and Delineating Jurisdictional Wetlands*, as amended. The boundary of stream corridors and wetlands shall be delineated at the Ordinary High-Water Mark as defined in Section 15-15-1.
5. **DETERMINATION OF WETLANDS, STREAMS AND IRRIGATION DITCHES**.

    1. **WETLAND CRITERIA**. A wetland that meets the criteria of the *1987 Army Corp of Engineers Manual for Identifying and Delineating Jurisdictional Wetlands* is a Wetland.
    2. **STREAM CORRIDOR**. All Stream Corridors which exist within the property. Irrigation ditches are not Stream Corridors.
    3. **IRRIGATION DITCHES**. An irrigation ditch that meets the Army Corps of Engineers definition for waters of the United States must comply with the regulations of stream corridors within this Section.

15-2.21-6 Sensitive Lands Regulations - Wetlands And Stream Protection (continued)

6. **SETBACKS.** The following Setbacks are required:

    1. Setbacks from wetlands shall extend a minimum of fifty feet (50') outward from the delineated wetland Ordinary High-Water Mark.
    2. Setbacks from Stream Corridors shall extend a minimum of fifty feet (50') outward from the Ordinary High-Water Mark.
    3. Setbacks from irrigation ditches that meet the Army Corps of Engineers definition for waters of the United States shall extend a minimum of twenty feet (20') from the Ordinary High-Water Mark.

7. **RUNOFF CONTROL**. All projects adjacent to wetlands, Stream Corridors, or irrigation ditches that meet the Army Corps of Engineers definition for waters of the United States, must apply best management practices for both temporary and permanent runoff control to minimize sediment and other contaminants.

8. **HABITAT RESTORATION PROJECTS**. The Planning Department may approve wetland and Stream Corridor restoration and enhancement projects if the project plan has been reviewed by a Qualified Professional, approved by the appropriate state and federal agencies, and performed under the direct supervision of a Qualified Professional.

HISTORY

Adopted by Ord. 00-51 on 9/21/2000
Amended by Ord. 07-81 on 12/6/2007
Amended by Ord. 2023-19 on 4/27/2023

1999 Staff Report to City Council - Plat Amendment expanding the LODA from 14,000 sq. ft. to 17,000 sq. ft. SLO analysis included Wetlands and View Corridors of neighbors. No Impact - Permits granted.

Violations - In 2005/6 and 2022/23, No SLO analysis for extensive landscaping and tree planting in delineated and suspected wetlands and View Corridors. No 404 Permits were sought or obtained from Army Corps of Engineers.

DATE:	May 26, 1999 (June 3, 1999 meeting)
DEPARTMENT:	Planning Department
AUTHOR:	Kirsten A. Whetstone, AICP
TITLE:	2750 Meadow Creek Drive, Lot 2 Willow Ranch Subdivision plat amendment
TYPE OF ITEM:	Legislative

Applicability of Sensitive Lands Overlay and Chapter 15 of the LMC

Willow Ranch subdivision is located within the Sensitive Lands Overlay (SLO) district. Staff therefore reviewed this request against criteria in the SLO. Section 2.4.6 (SLO) requires a minimum setback of 50' from wetlands and stream corridors. All disturbance proposed for Lot 2 will maintain a minimum setback of 50' from the designated wetland/wildlife corridor.

To address the Commission's concerns regarding impacts on the neighborhood, staff visited the site to determine whether any mountain views from surrounding neighborhoods would be obstructed by the proposed amendment. Given that the houses to the north are more than 400' from the proposed building pad, and that they are higher on the hill than Lot 2, and that the view corridor for these houses looks across four 6-8 acre lots plus a 10.5 acre open space parcel (approximately 39 acres with 4 homes) staff determined that the existing view of the mountains from the houses to the north will not be diminished as a result of the plat amendment. (see attached photographs as Exhibit E).

Houses to the east, in Park Meadows Subdivision, are 117' to 204' from the proposed barn. Kathy Kahn, owner of 2810 Holiday Ranch Loop, expressed to staff that a reduction in both the floor area and height of the barn are a positive benefit for her and her neighborhood. A two story, 1,800 sf barn would obscure her existing mountain views. Ms. Kahn is in favor of this plat amendment. Her neighbor, Dell Fuller, also expressed that the plat amendment is positive as it reduces the mass of the barn structure which is close to his house. Staff agrees with the neighbors that a reduction in the mass and height of the barn is a positive benefit of this plat amendment in that a 500 square foot one story structure creates less overall impact than an 1,800 sf two story structure would.

PLAT NOTES: Amended and Restated – Ord. 2021-20 Replat

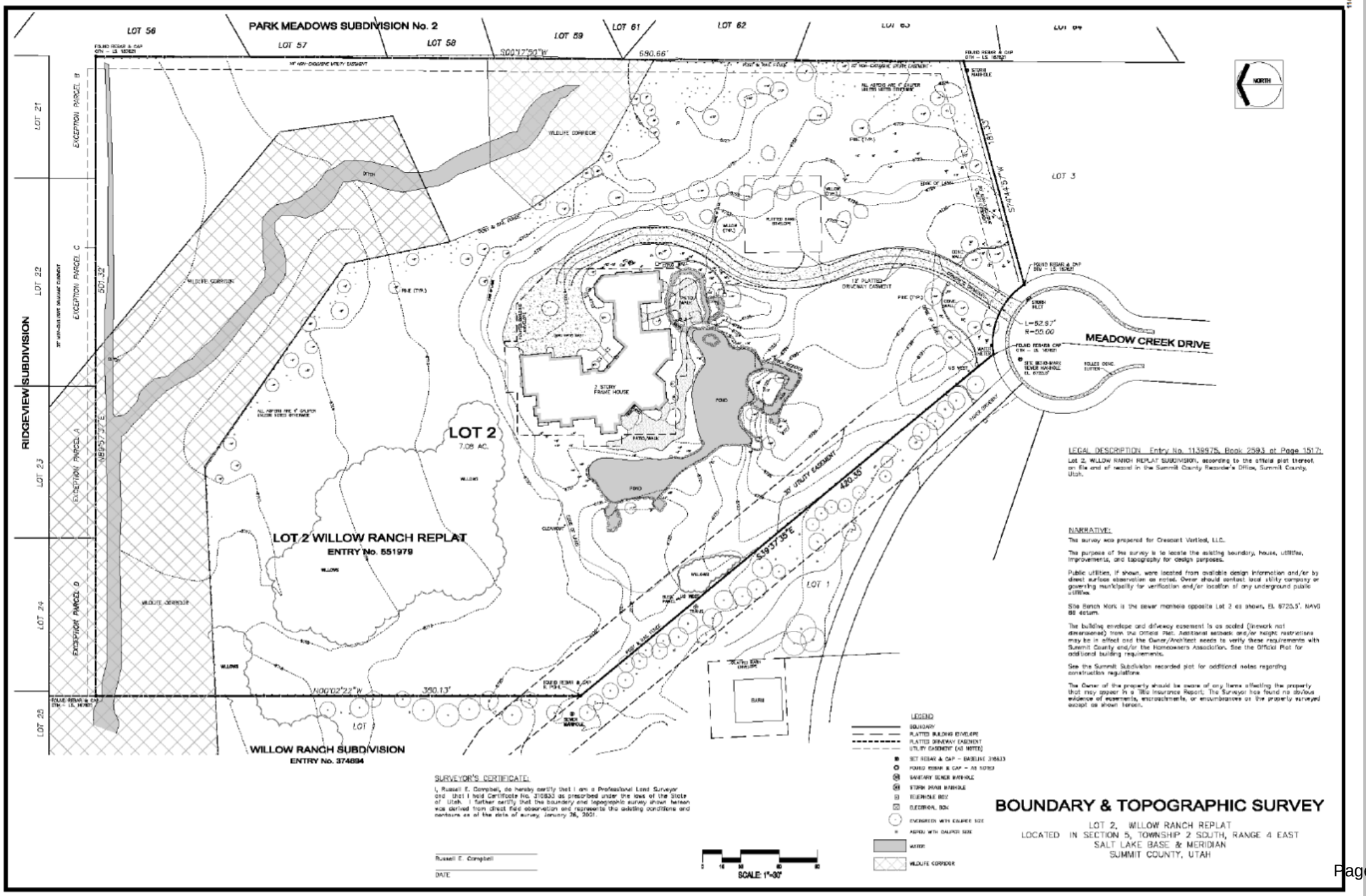
★Violations

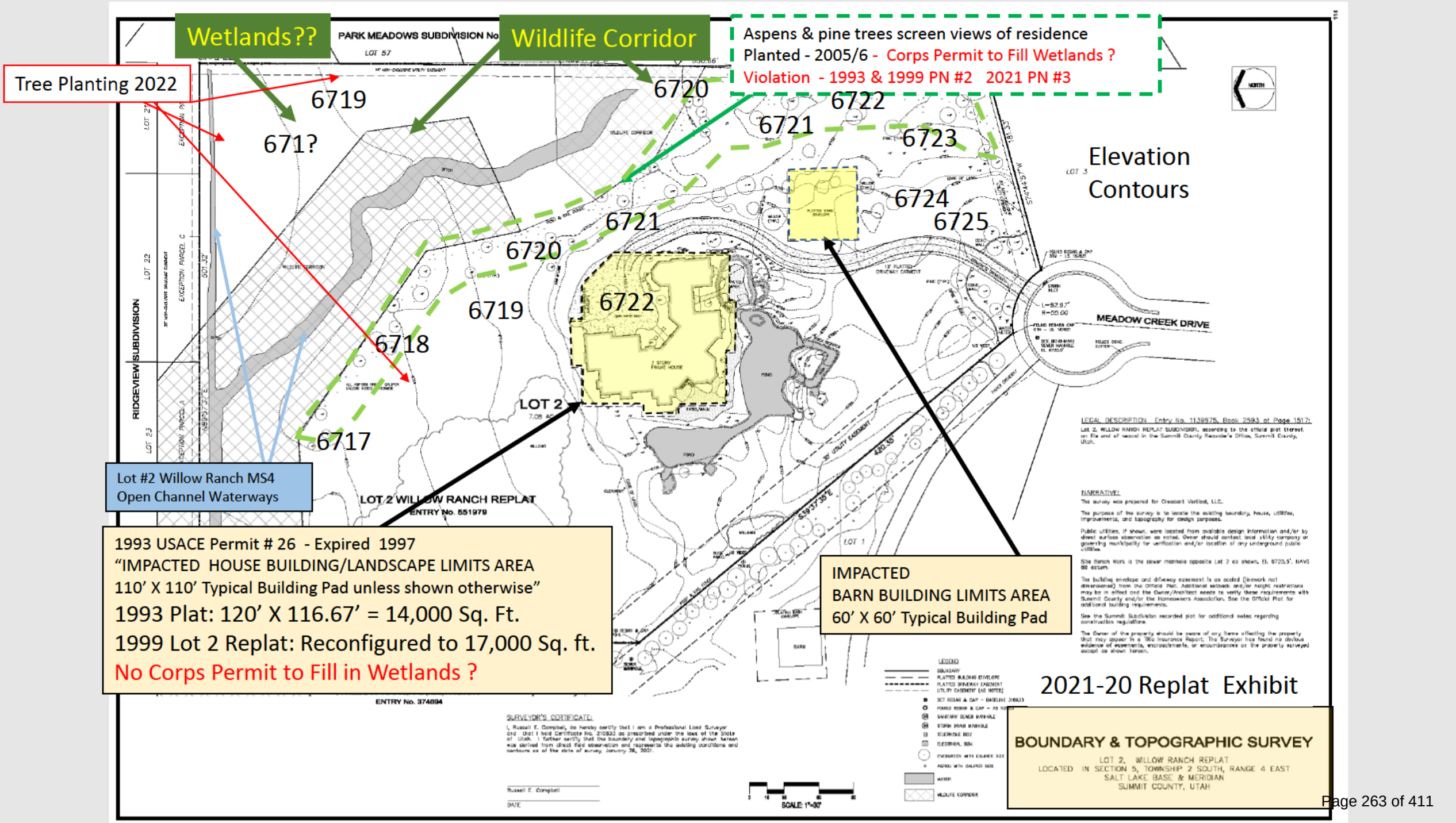
1. The Street Address of Lot 2 is 2750 Meadow Creek Drive.
2. The Home and Barn shall be constructed within the designated building envelopes.
3. The total impacted area, including build footprint and additional fill, shall not exceed 17,000 square feet.
4. A minimum 5 foot non-exclusive utility and drainage easement is hereby dedicated along both sides of all lot lines. A 10 foot non-exclusive utility easement is hereby dedicated along front lot lines. All other utility easements are hereby dedicated as shown hereon.
5. All footing and foundation designs shall be approved by Geotechnical engineers.
6. Irrigation is by sprinkler only.
7. A maximum of three horses will be allowed and no grazing of horses in the wildlife corridors.
8. Lot line fencing is required and must be maintained in accordance with the CC&Rs and design guidelines of Willow Ranch.
9. A modified 13-D fire sprinkler system is required for the home as directed by the Park City Fire Marshal.
10. This lot is subject to an animal management plan and equestrian lot open space covenant executed with Park City Municipal Corporation.
11. No basements are allowed.
12. The Lot is allowed an accessory dwelling unit subject to the approval of Park City Municipal Corporation and restrictions as outlined in the Willow Ranch CC&Rs.
13. The Home square footage is limited to a maximum of 9,300 square feet, excluding the first 600 square feet of the attached garage space per CC&Rs and the City's Land Management Code.
14. The building height of the home is limited to 23 feet to the midpoint of the roof and 28 feet to the peak of the roof.
15. The pitch of the barn roof shall be substantially similar to the predominant pitch of the home's roof, and under no circumstances shall the peak height of the barn exceed the Zone Height of 28 feet.
16. None of the Exception Parcels are rendered separately buildable by virtue of this amendment.
17. The combined total square footage of the home and barn shall not exceed 9,800 square feet, excluding the first 600 square feet of the home attached garage space per CC&Rs and the City's Land Management Code.
18. The barn square footage will be limited to a maximum of 1,800 square feet as originally allowed in the Willow Ranch Subdivision Plat and CC&Rs with no human occupancy.
19. Floor plans for both house and barn shall be submitted at the time of a building permit for any modification to the house and any new construction for the barn, showing that the combined maximum square footage will not exceed 9,800 square feet. Plans must be stamped and signed by a registered architect to ensure the maximum total square footage is not exceeded.
20. No certificate of occupancy will be issued for the barn until all construction on the house has been completed.
21. Lot 2 Willow Ranch Replat exceeds one (1) acre and shall meet the requirements of the municipal separate storm sewer system (MS4) storm water program. A MS4 storm water permit is required to be obtained prior to any construction.

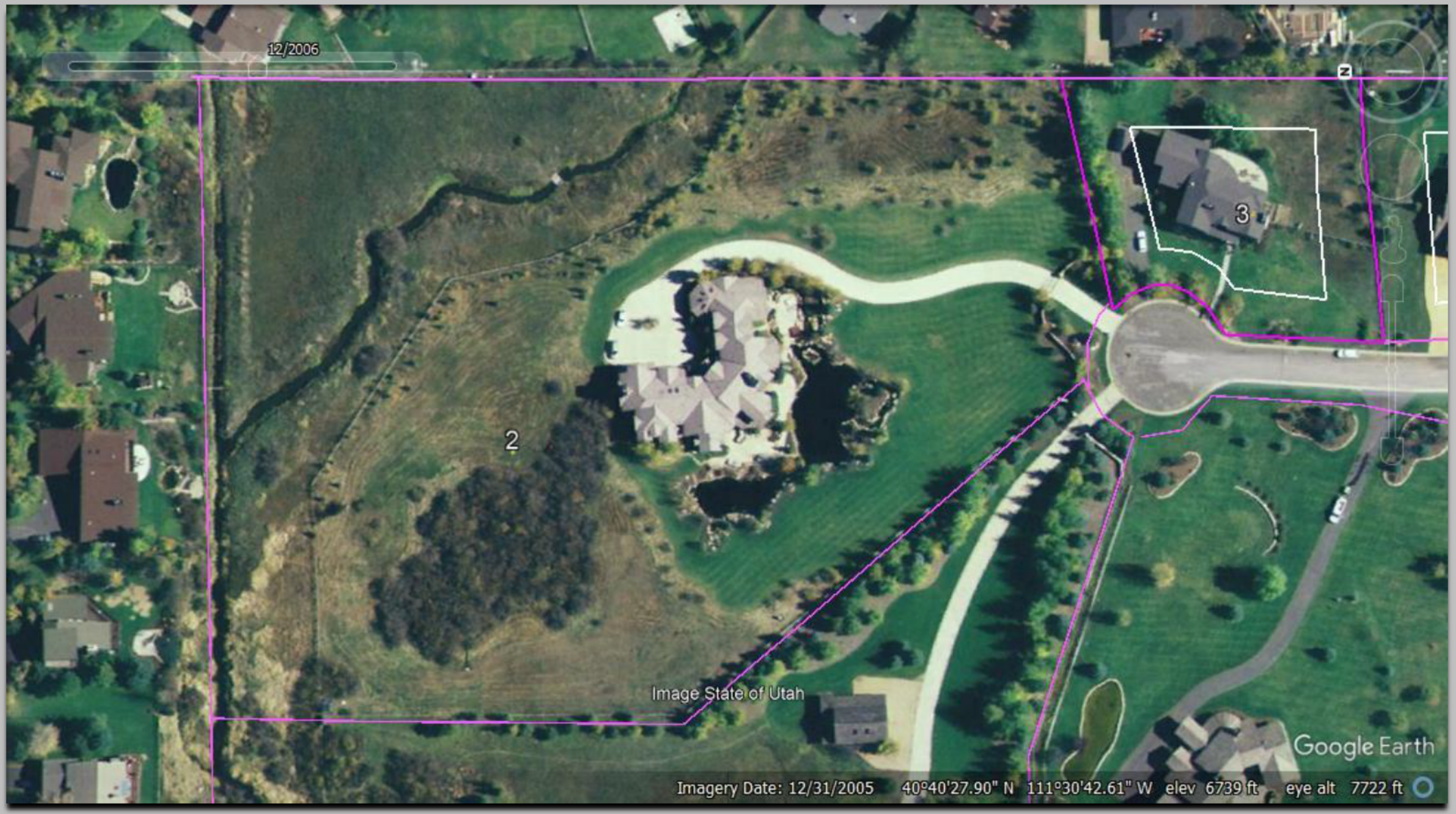
The Plat is subject to P.C. Ordinance 2021-20.

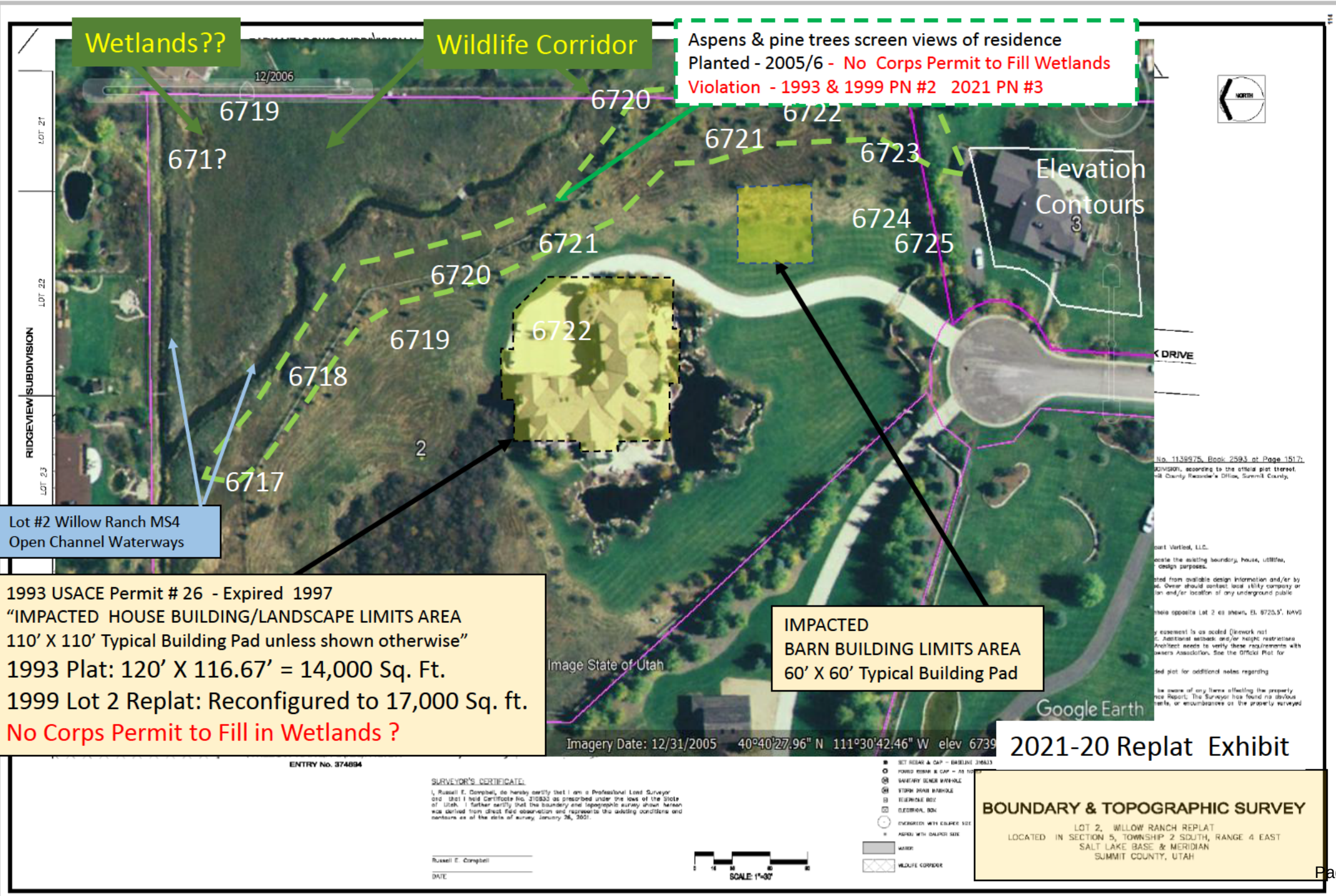
CC&Rs Reference/Defined

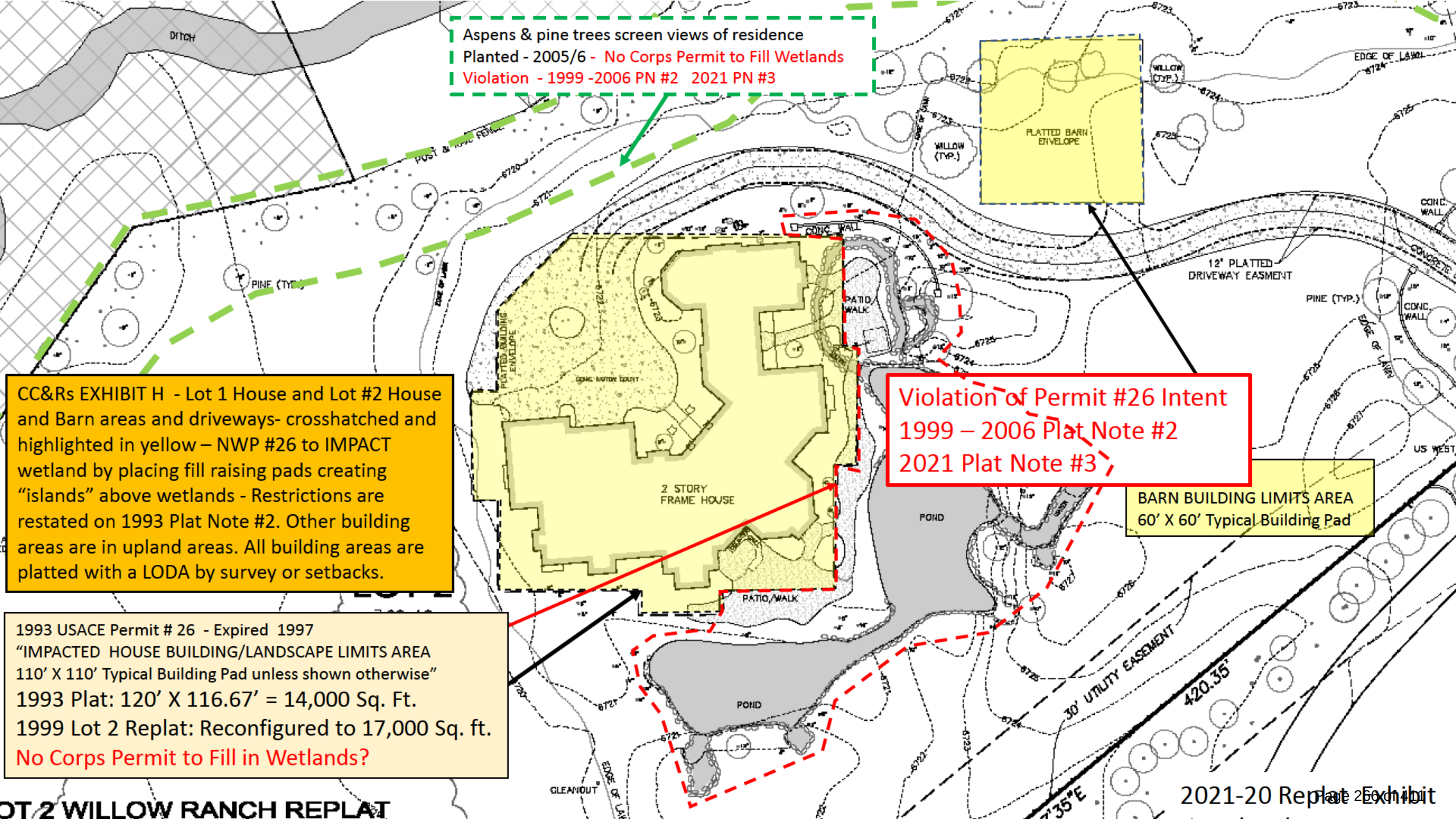
FOUND REBAR &

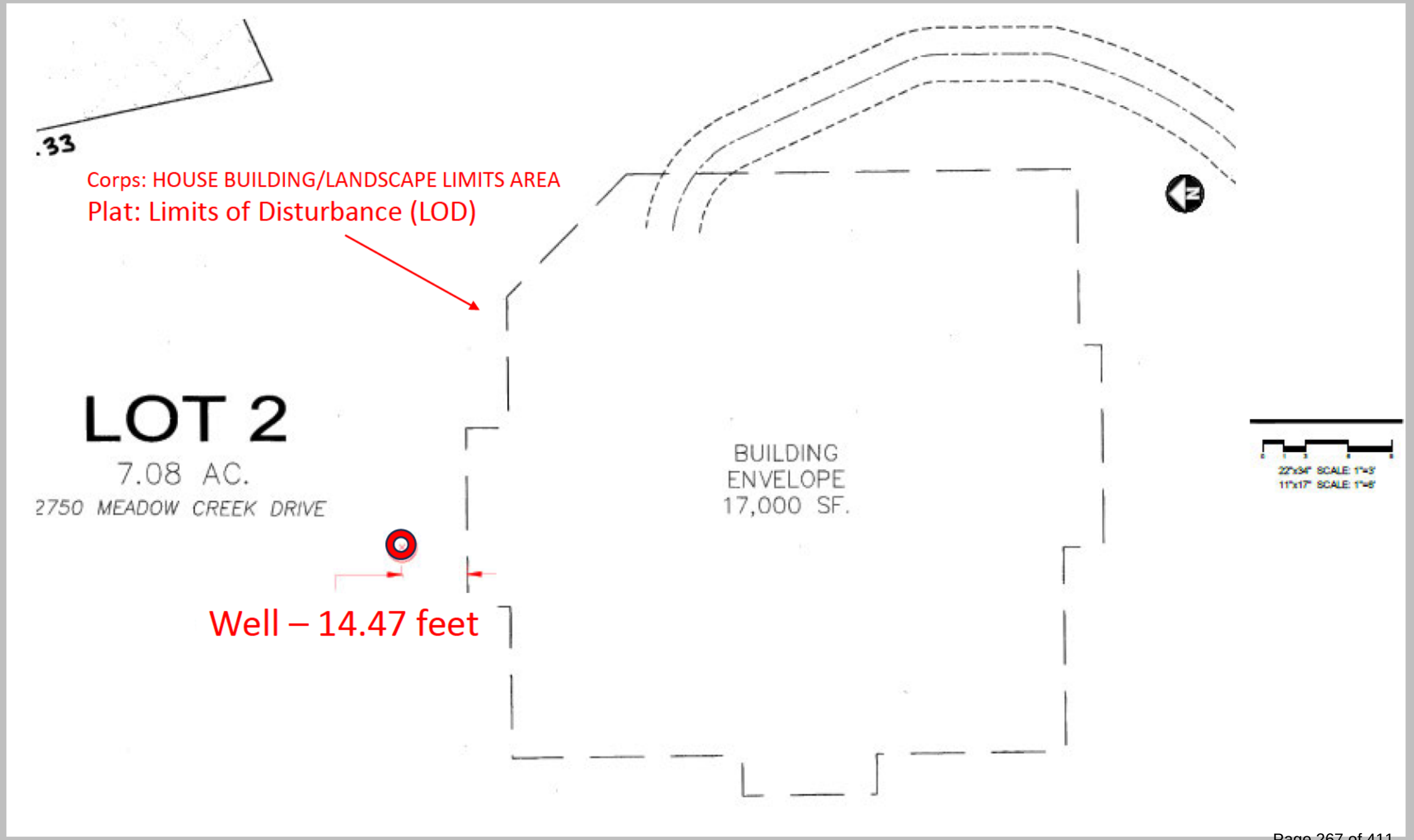

PARK MEADOWS SUBDIVISION No. 2
LOT 56
LOT 57
LOT 58
LOT 59
LOT 61
LOT 62
LOT 63
LOT 64
S00°17'50"W
690.66'
RIDGEVIEW SUBDIVISION
LOT 21
LOT 22
LOT 23
LOT 24
LOT 25
EXCEPTION PARCEL B
EXCEPTION PARCEL C
EXCEPTION PARCEL A
EXCEPTION PARCEL D
WILDLIFE CORRIDOR
DITCH
POND
7 STORY FRAME HOUSE
PATIO/WALK
LOT 2
7.09 AC.
LOT 2 WILLOW RANCH REPLAT
ENTRY No. 551979
WILLOWS
N89°57'37"E
501.32'
N00°02'22"W
390.13'
WILLOW RANCH SUBDIVISION
ENTRY No. 374694
LOT 3
S74°44'57"W
181.35'
MEADOW CREEK DRIVE
L=52.97'
R=55.00
12' PLATTED DRIVEWAY EASEMENT
30' UTILITY EASEMENT
420.53'
S39°37'35"E
LOT 1
BARN
NORTH
SURVEYOR'S CERTIFICATE:
LEGAL DESCRIPTION: Entry No. 1139975, Book 2593 at Page 1517:
Lot 2, WILLOW RANCH REPLAT SUBDIVISION, according to the official plat thereof, on file and of record in the Summit County Recorder's Office, Summit County, Utah.
NARRATIVE:
This survey was prepared for Crescent Vertical, LLC.
The purpose of this survey is to locate the existing boundary, house, utilities, improvements, and topography for design purposes.
Public utilities, if shown, were located from available design information and/or by direct surface observation as noted. Owner should contact local utility company or governing municipality for verification and/or location of any underground public utilities.
Site Bench Mark is the sewer manhole opposite Lot 2 as shown, El. 8725.5', NAVD 88 datum.
The building envelope and driveway easement is as scaled (linework not dimensioned) from the Official Plat. Additional setback and/or height restrictions may be in effect and the Owner/Architect needs to verify these requirements with Summit County and/or the Homeowners Association. See the Official Plat for additional building requirements.
See the Summit Subdivision recorded plat for additional notes regarding construction regulations.
The Owner of the property should be aware of any items affecting the property that may appear in a Title Insurance Report. The Surveyor has found no obvious evidence of easements, encroachments, or encumbrances on the property surveyed except as shown hereon.
LEGEND
BOUNDARY
PLATTED BUILDING ENVELOPE
PLATTED DRIVEWAY EASEMENT
UTILITY EASEMENT (AS NOTED)
SET REBAR & CAP – BASELINE 318833
FOUND REBAR & CAP – AS NOTED
SANITARY SEWER MANHOLE
STORM DRAIN MANHOLE
ELECTRICAL BOX
EVERGREEN WITH CALIPER SIZE
ASPEN WITH CALIPER SIZE
WATER
WILDLIFE CORRIDOR
I, Russell E. Campbell, do hereby certify that I am a Professional Land Surveyor and that I hold Certificate No. 318833 as prescribed under the laws of the State of Utah. I further certify that the boundary and topographic survey shown hereon was derived from direct field observation and represents the existing conditions and contours as of the date of survey, January 26, 2021.
Russell E. Campbell
DATE
SCALE: 1"=30'
BOUNDARY & TOPOGRAPHIC SURVEY
LOT 2, WILLOW RANCH REPLAT
LOCATED IN SECTION 5, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH


Wetlands??
Wildlife Corridor
Aspens & pine trees screen views of residence
Planted - 2005/6 - Corps Permit to Fill Wetlands ?
Violation - 1993 & 1999 PN #2 2021 PN #3
Tree Planting 2022
6719
671?
6720
6722
6721
6723
6724
6725
Elevation Contours
6721
6720
6719
6722
6718
6717
LOT 2
LOT 2 WILLOW RANCH REPLAT
ENTRY No. 551979
MEADOW CREEK DRIVE
RIDGEVIEW SUBDIVISION
Lot #2 Willow Ranch MS4
Open Channel Waterways
1993 USACE Permit # 26 - Expired 1997
"IMPACTED HOUSE BUILDING/LANDSCAPE LIMITS AREA
110' X 110' Typical Building Pad unless shown otherwise"
1993 Plat: 120' X 116.67' = 14,000 Sq. Ft.
1999 Lot 2 Replat: Reconfigured to 17,000 Sq. ft.
No Corps Permit to Fill in Wetlands ?
IMPACTED
BARN BUILDING LIMITS AREA
60' X 60' Typical Building Pad
2021-20 Replat Exhibit
BOUNDARY & TOPOGRAPHIC SURVEY
LOT 2, WILLOW RANCH REPLAT
LOCATED IN SECTION 5, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH

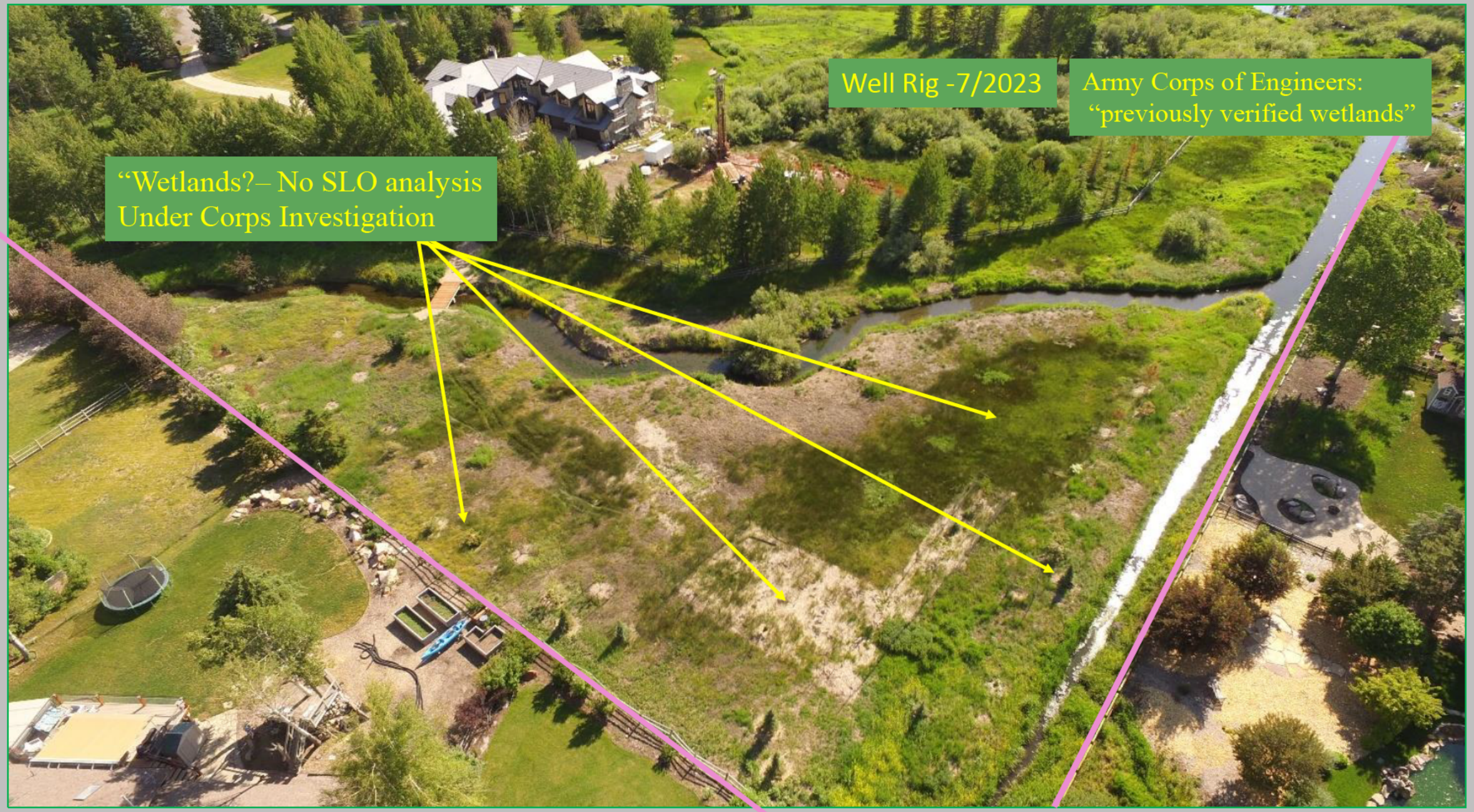

12/2006
2
3
Image State of Utah
Google Earth
Imagery Date: 12/31/2005 40°40'27.90" N 111°30'42.61" W elev 6739 ft eye alt 7722 ft

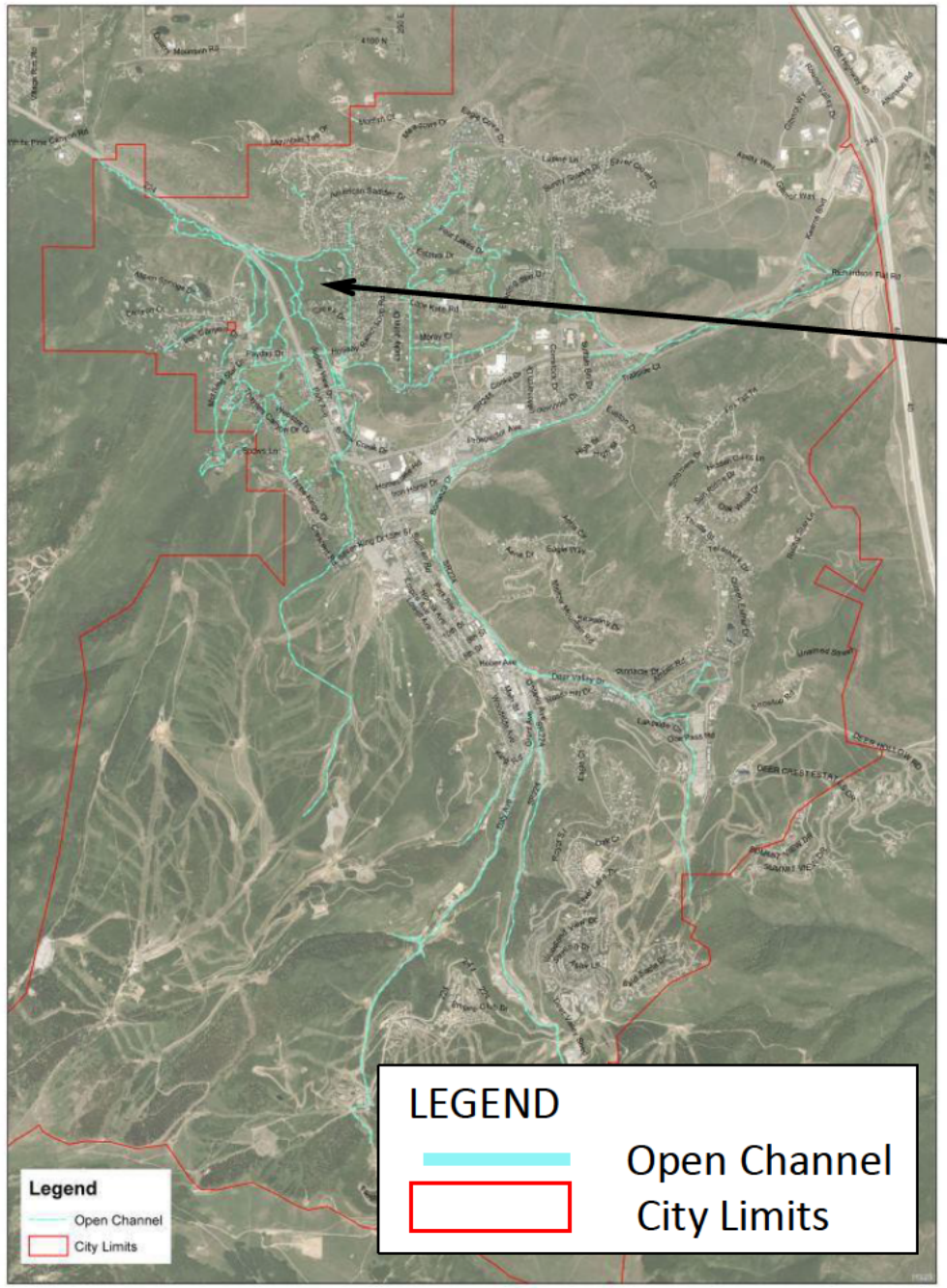

Wetlands??
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6724
6725
Elevation Contours
3
6721
6720
6719
6718
6717
6722
2
RIDGEVIEW SUBDIVISION
LOT 21
LOT 22
LOT 23
Lot #2 Willow Ranch MS4
Open Channel Waterways
1993 USACE Permit # 26 - Expired 1997
"IMPACTED HOUSE BUILDING/LANDSCAPE LIMITS AREA
110' X 110' Typical Building Pad unless shown otherwise"
1993 Plat: 120' X 116.67' = 14,000 Sq. Ft.
1999 Lot 2 Replat: Reconfigured to 17,000 Sq. ft.
No Corps Permit to Fill in Wetlands ?
IMPACTED
BARN BUILDING LIMITS AREA
60' X 60' Typical Building Pad
Image State of Utah
Google Earth
Imagery Date: 12/31/2005 40°40'27.96" N 111°30'42.46" W elev 6739
2021-20 Replat Exhibit
ENTRY No. 374894
SURVEYOR'S CERTIFICATE
BOUNDARY & TOPOGRAPHIC SURVEY
LOT 2, WILLOW RANCH REPLAT
LOCATED IN SECTION 5, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH

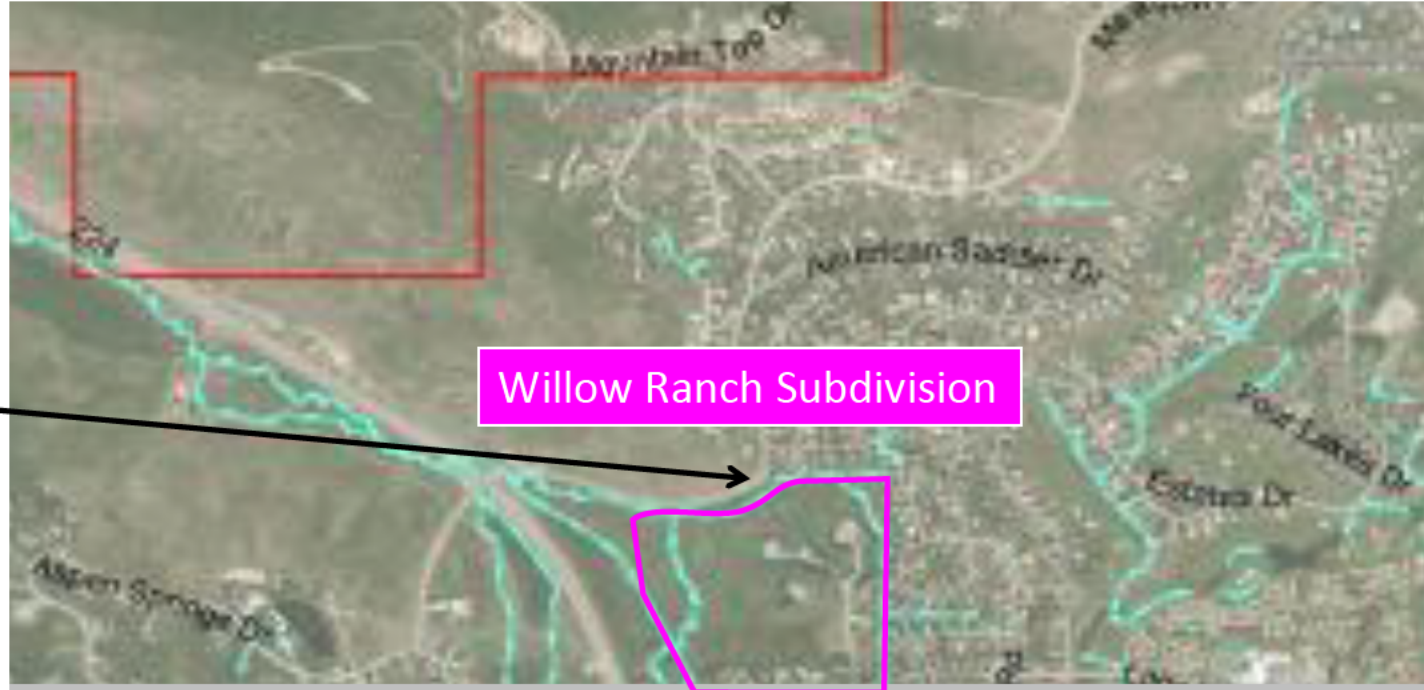

Aspens & pine trees screen views of residence
Planted - 2005/6 - No Corps Permit to Fill Wetlands
Violation - 1999 -2006 PN #2 2021 PN #3
CC&Rs EXHIBIT H - Lot 1 House and Lot #2 House and Barn areas and driveways- crosshatched and highlighted in yellow – NWP #26 to IMPACT wetland by placing fill raising pads creating "islands" above wetlands - Restrictions are restated on 1993 Plat Note #2. Other building areas are in upland areas. All building areas are platted with a LODA by survey or setbacks.
1993 USACE Permit # 26 - Expired 1997
"IMPACTED HOUSE BUILDING/LANDSCAPE LIMITS AREA
110' X 110' Typical Building Pad unless shown otherwise"
1993 Plat: 120' X 116.67' = 14,000 Sq. Ft.
1999 Lot 2 Replat: Reconfigured to 17,000 Sq. ft.
No Corps Permit to Fill in Wetlands?
Violation of Permit #26 Intent
1999 – 2006 Plat Note #2
2021 Plat Note #3
BARN BUILDING LIMITS AREA
60' X 60' Typical Building Pad
PLATTED BARN ENVELOPE
PLATTED BUILDING ENVELOPE
2 STORY FRAME HOUSE
PATIO/WALK
POND
POND
12' PLATTED DRIVEWAY EASEMENT
30' UTILITY EASEMENT
420.35'
DITCH
PINE (TYP.)
WILLOW (TYP.)
EDGE OF LAWN
CONC. WALL
CLEANOUT
OT 2 WILLOW RANCH REPLAT
2021-20 Replat Exhibit


.33
Corps: HOUSE BUILDING/LANDSCAPE LIMITS AREA
Plat: Limits of Disturbance (LOD)
LOT 2
7.08 AC.
2750 MEADOW CREEK DRIVE
BUILDING
ENVELOPE
17,000 SF.
Well – 14.47 feet


Well Rig -7/2023
Army Corps of Engineers:
"previously verified wetlands"


Well Rig -7/2023
Army Corps of Engineers:
"previously verified wetlands"
"Wetlands?– No SLO analysis
Under Corps Investigation





PARK CITY STORMWATER MANAGEMENT PROGRAM

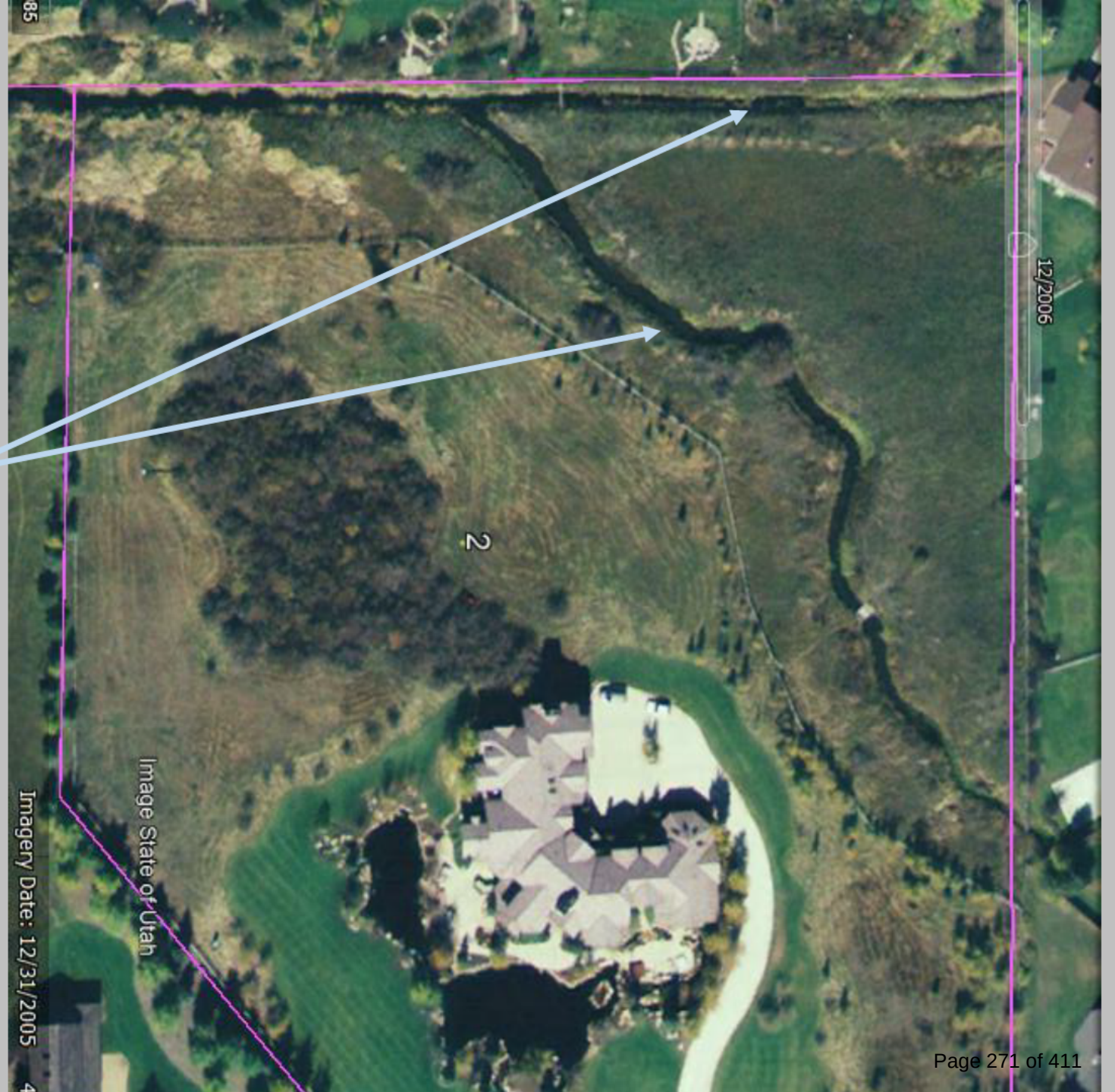
Originally Prepared: 2003
MS4 Inclusion Revision: June 2016
Revision: September 2017

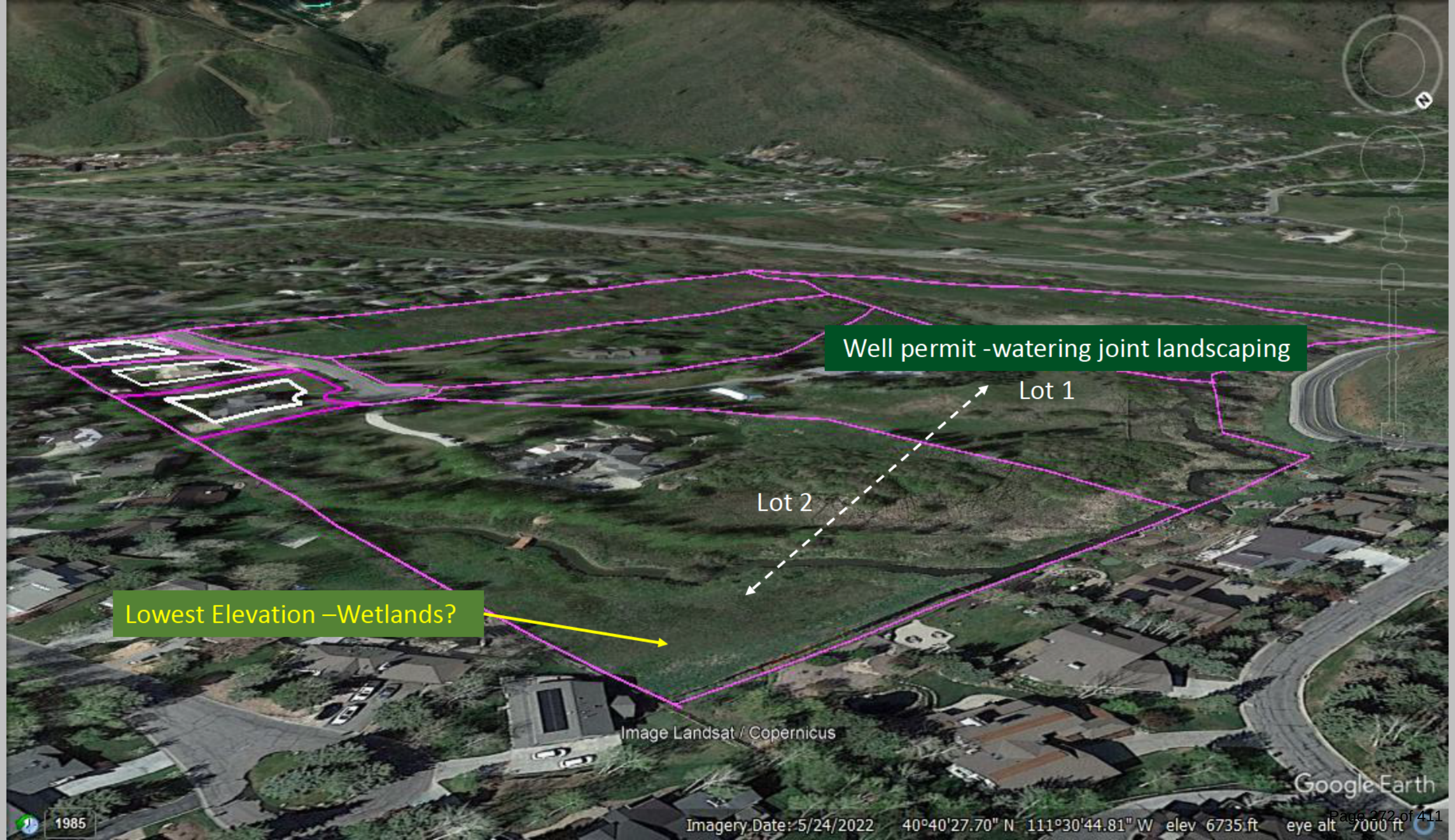
5.0. MS4 LOCATION DESRIPTION AND MAP

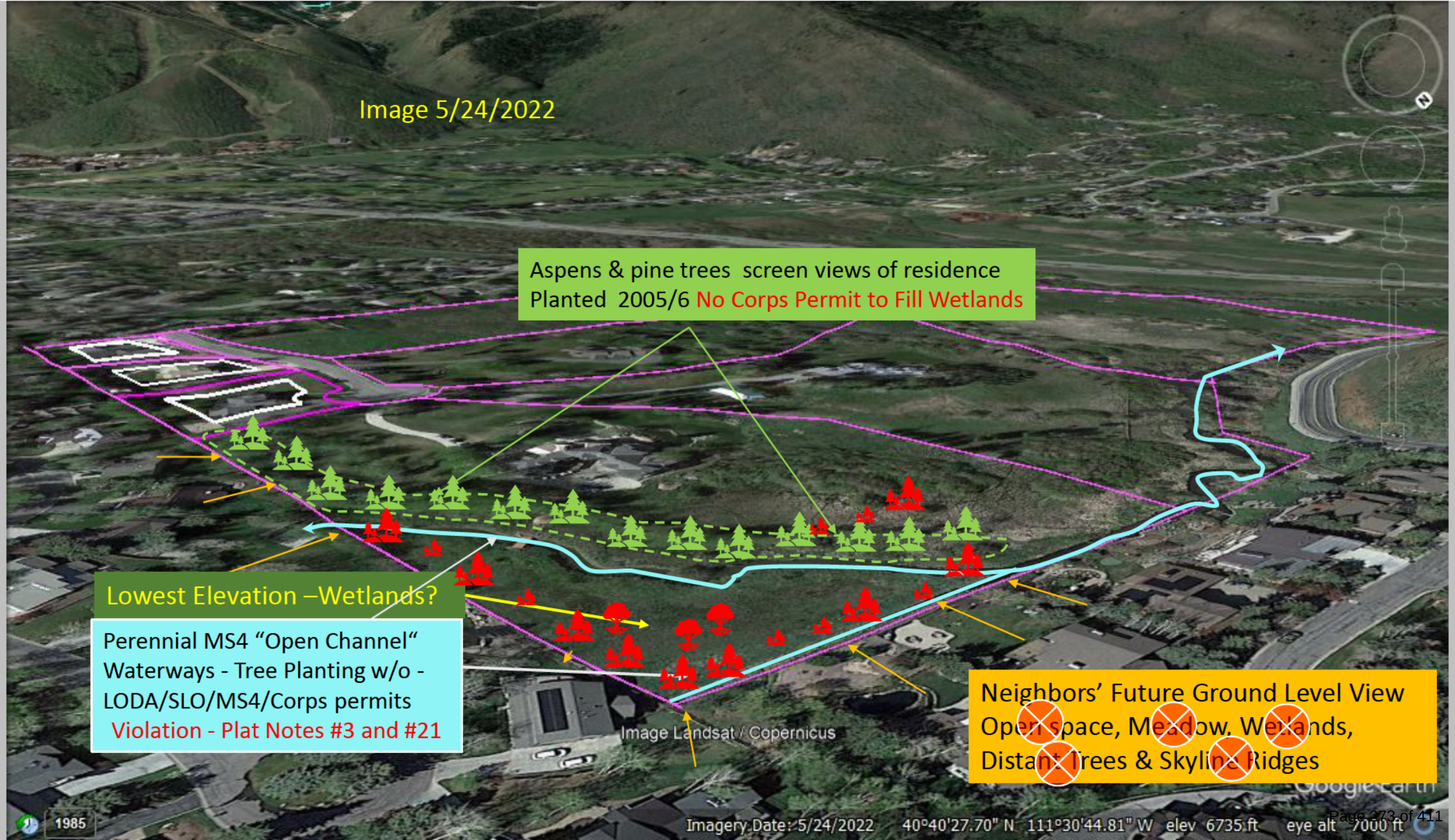
PARK CITY STORMWATER MANAGEMENT PROGRAM

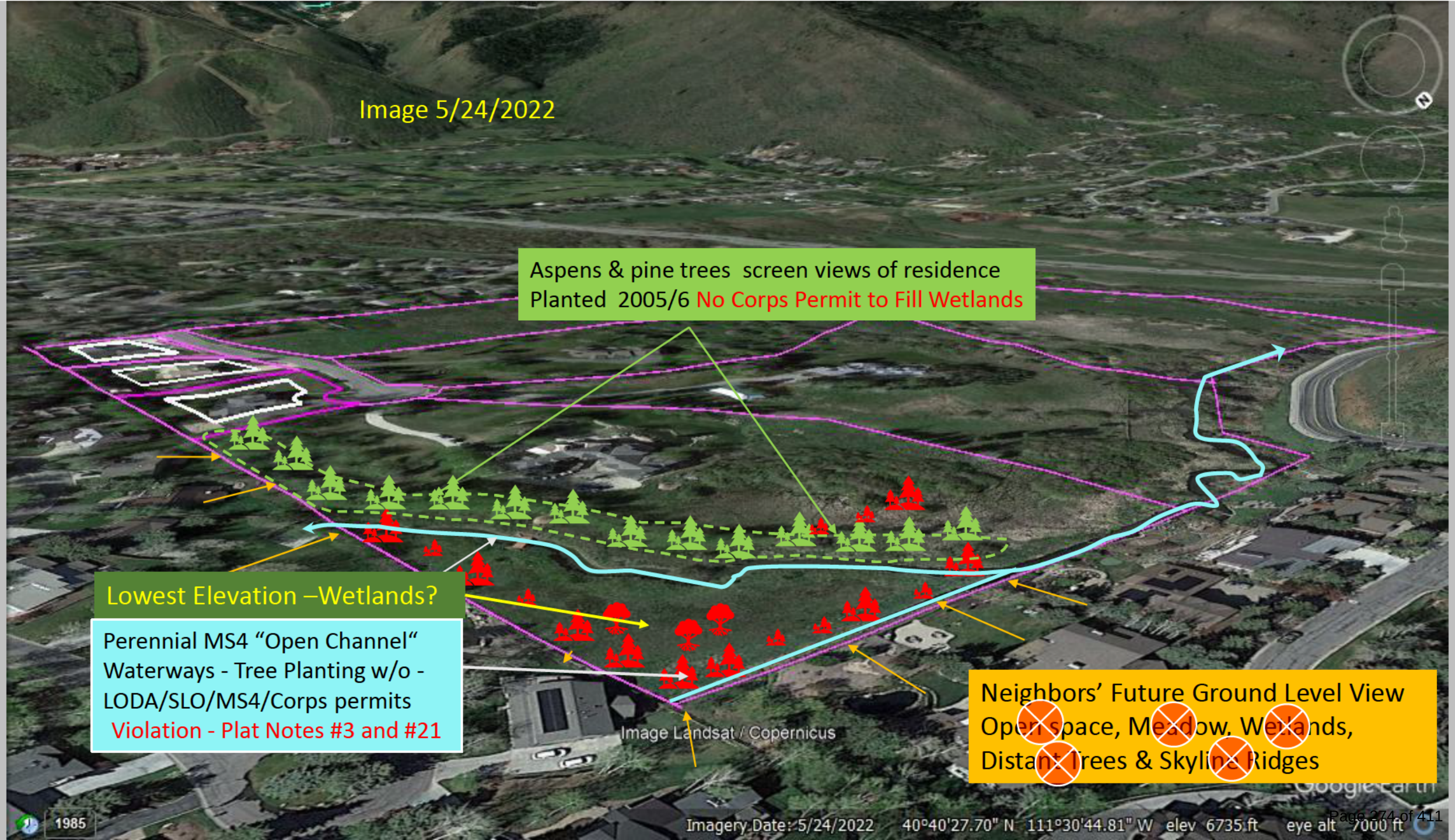
Originally Prepared: 2003
MS4 Inclusion Revision: June 2016
Revision: September 2017

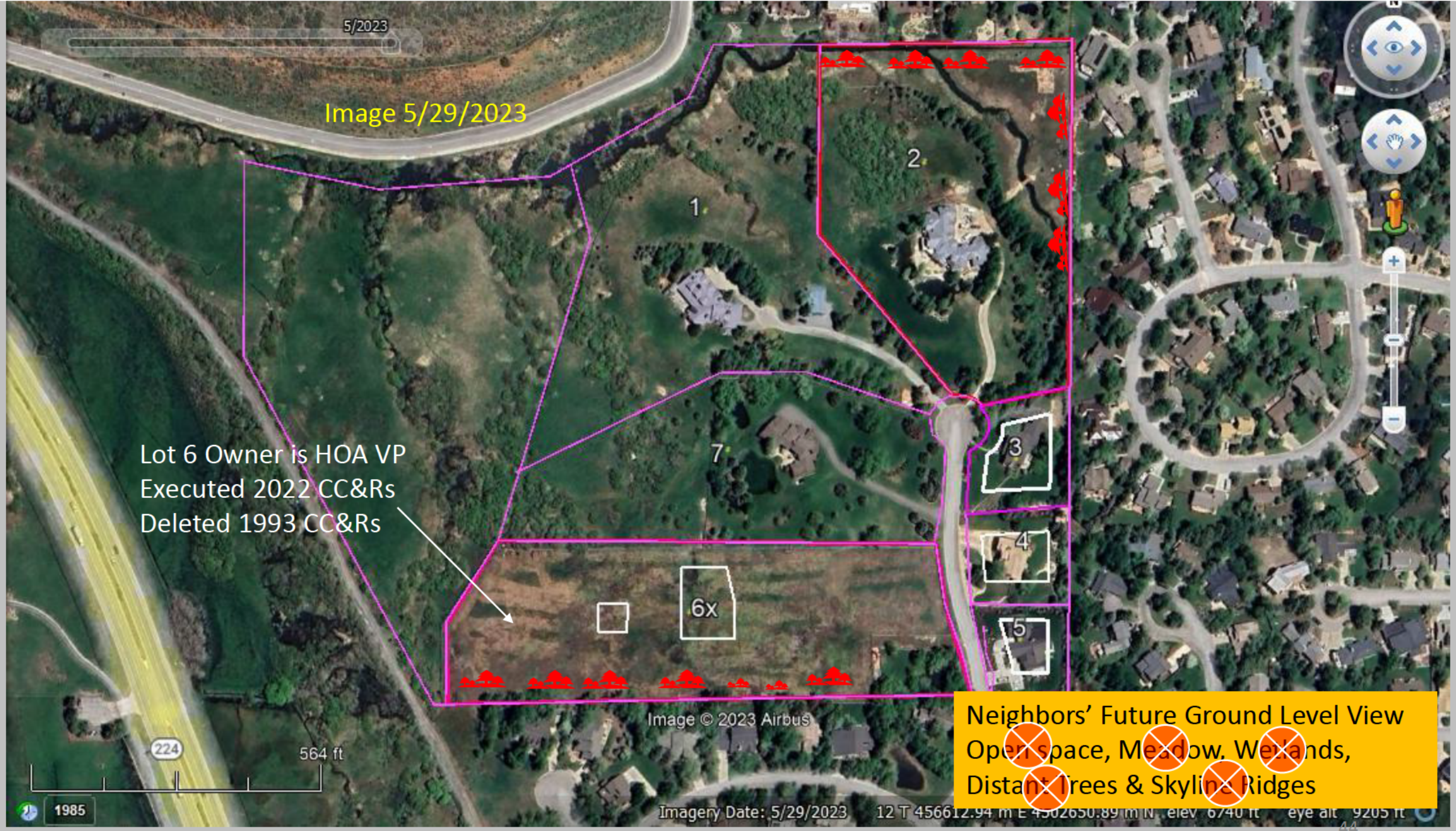
5.0. MS4 LOCATION DESRIPTION AND MAP

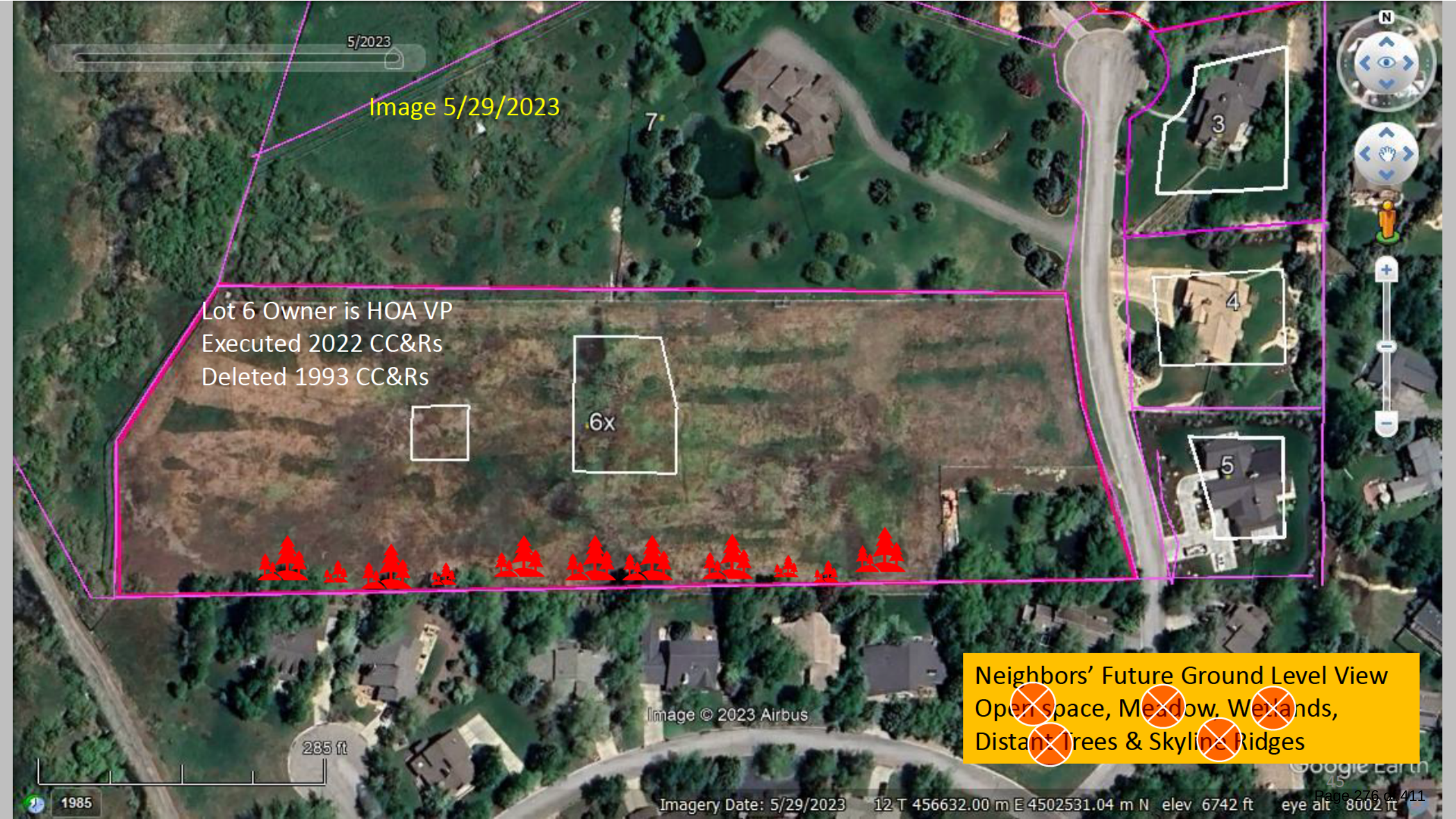


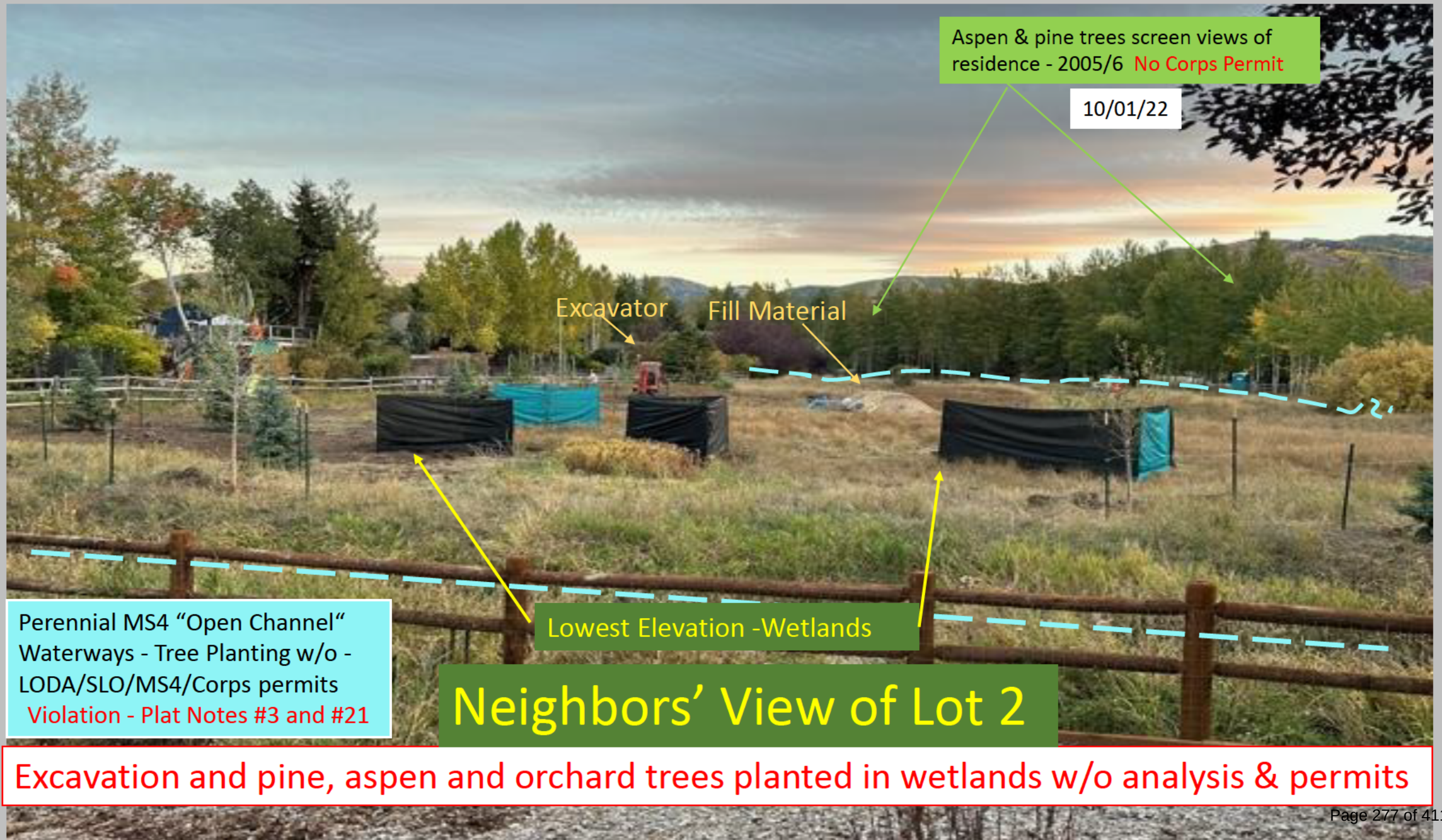

Well permit -watering joint landscaping
Lot 1
Lot 2
Lowest Elevation –Wetlands?
Image Landsat / Copernicus
Google Earth
1985
Imagery Date: 5/24/2022 40°40'27.70" N 111°30'44.81" W elev 6735 ft eye alt 7000 ft


Image 5/24/2022
Aspens & pine trees screen views of residence
Planted 2005/6 No Corps Permit to Fill Wetlands
Lowest Elevation –Wetlands?
Perennial MS4 "Open Channel"
Waterways - Tree Planting w/o -
LODA/SLO/MS4/Corps permits
Violation - Plat Notes #3 and #21
Image Landsat / Copernicus
Neighbors' Future Ground Level View
Open space, Meadow, Wetlands,
Distant Trees & Skyline Ridges
1985
Imagery Date: 5/24/2022 40°40'27.70" N 111°30'44.81" W elev 6735 ft eye alt 7000 ft

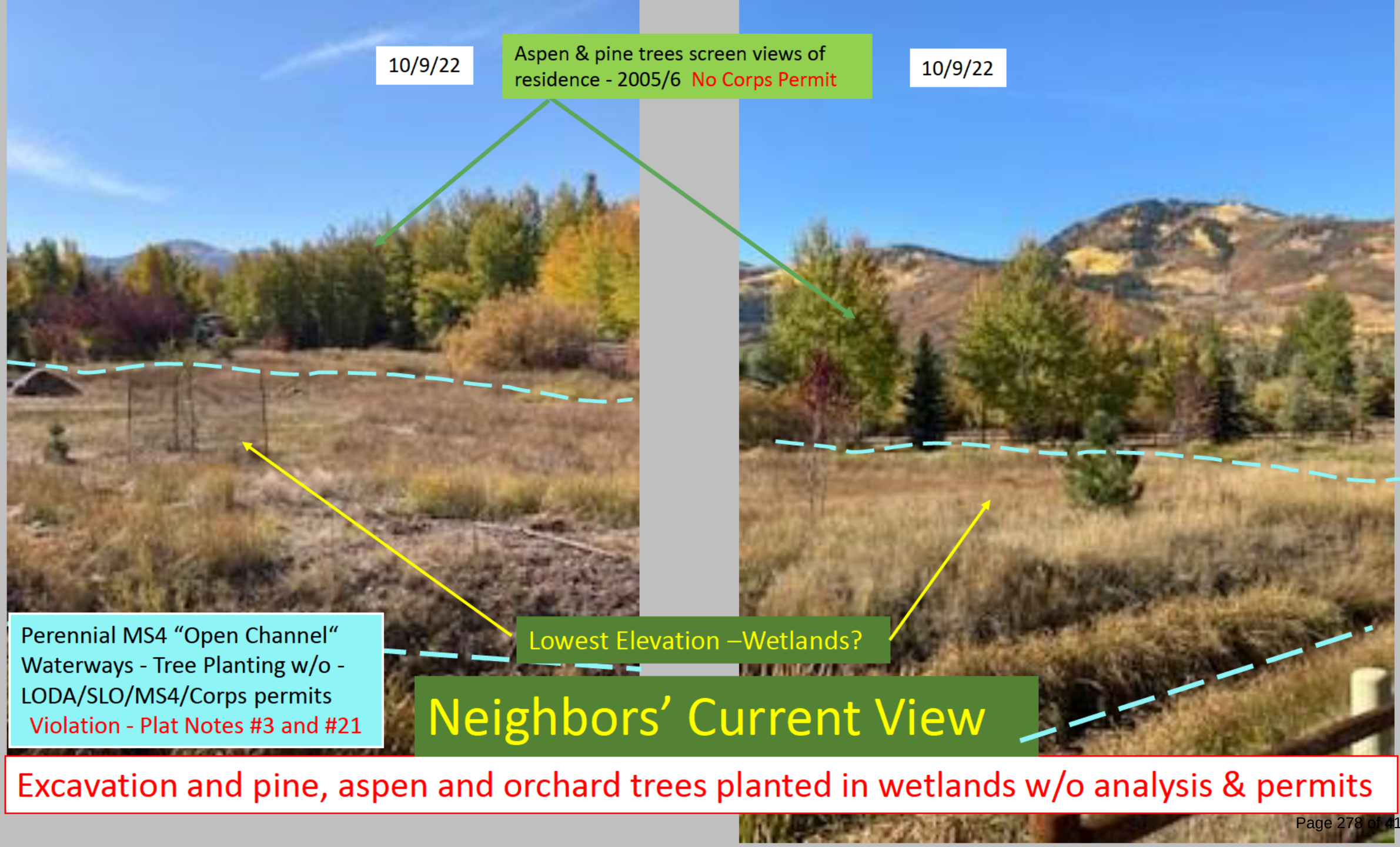

Image 5/24/2022
Aspens & pine trees screen views of residence
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Lowest Elevation –Wetlands?
Perennial MS4 "Open Channel"
Waterways - Tree Planting w/o -
LODA/SLO/MS4/Corps permits
Violation - Plat Notes #3 and #21
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Neighbors' Future Ground Level View
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1985
Imagery Date: 5/24/2022 40°40'27.70" N 111°30'44.81" W elev 6735 ft eye alt 7000 ft


5/2023
Image 5/29/2023
1
2
3
4
5
6x
7
Lot 6 Owner is HOA VP
Executed 2022 CC&Rs
Deleted 1993 CC&Rs
Image © 2023 Airbus
224
564 ft
1985
Imagery Date: 5/29/2023
Neighbors' Future Ground Level View
Open space, Meadow, Wetlands,
Distant Trees & Skyline Ridges

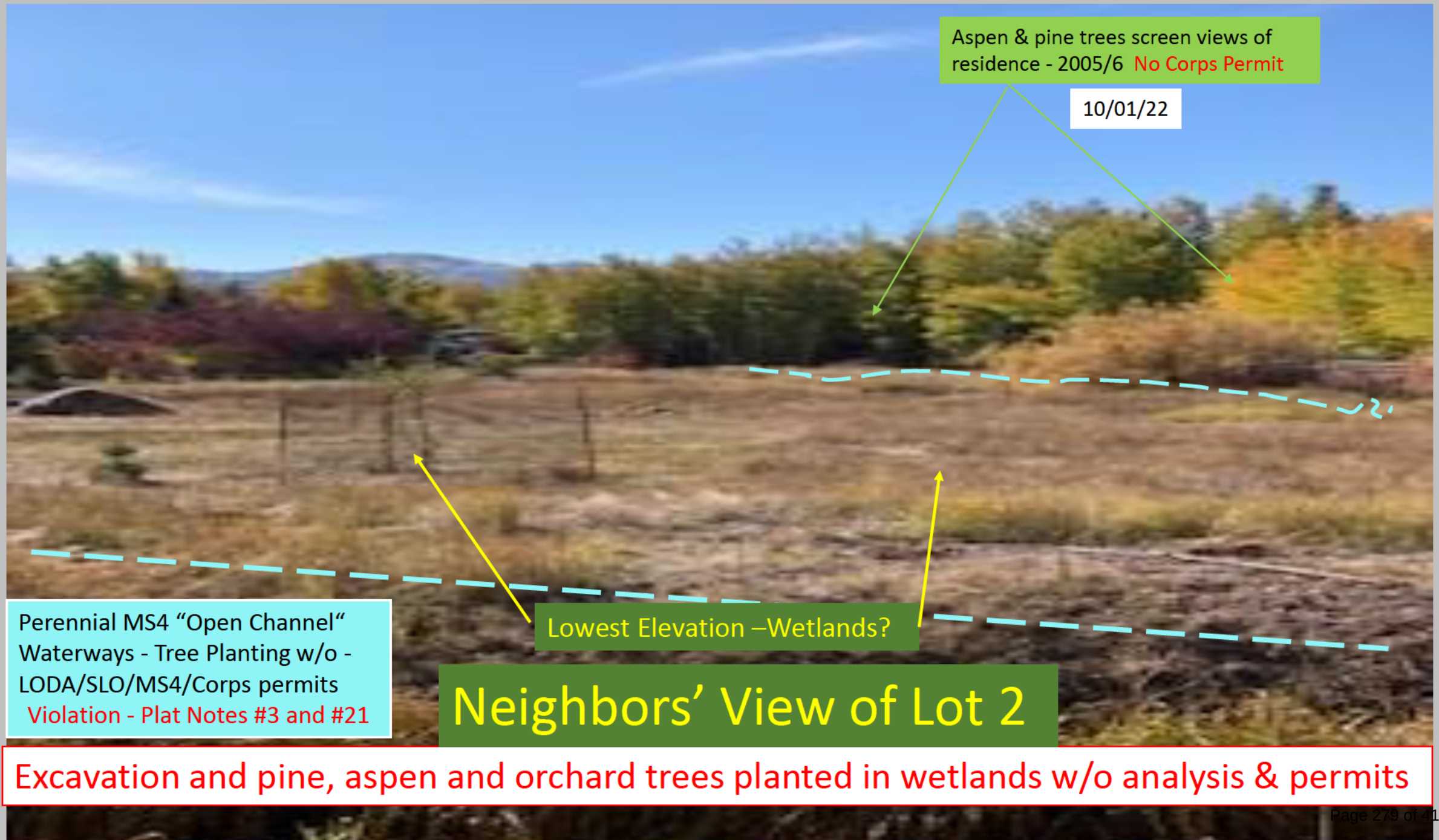

5/2023
Image 5/29/2023
7
3
4
5
6x
Lot 6 Owner is HOA VP
Executed 2022 CC&Rs
Deleted 1993 CC&Rs
Image © 2023 Airbus
285 ft
1985
Neighbors' Future Ground Level View
Open space, Meadow, Wetlands,
Distant Trees & Skyline Ridges
Imagery Date: 5/29/2023 12 T 456632.00 m E 4502531.04 m N elev 6742 ft eye alt 8002 ft



Excavation and pine, aspen and orchard trees planted in wetlands w/o analysis & permits



Excavation and pine, aspen and orchard trees planted in wetlands w/o analysis & permits


Aspen & pine trees screen views of residence - 2005/6 No Corps Permit
10/01/22
Lowest Elevation –Wetlands?
Perennial MS4 “Open Channel“ Waterways - Tree Planting w/o - LODA/SLO/MS4/Corps permits
Violation - Plat Notes #3 and #21
Neighbors’ View of Lot 2
Excavation and pine, aspen and orchard trees planted in wetlands w/o analysis & permits





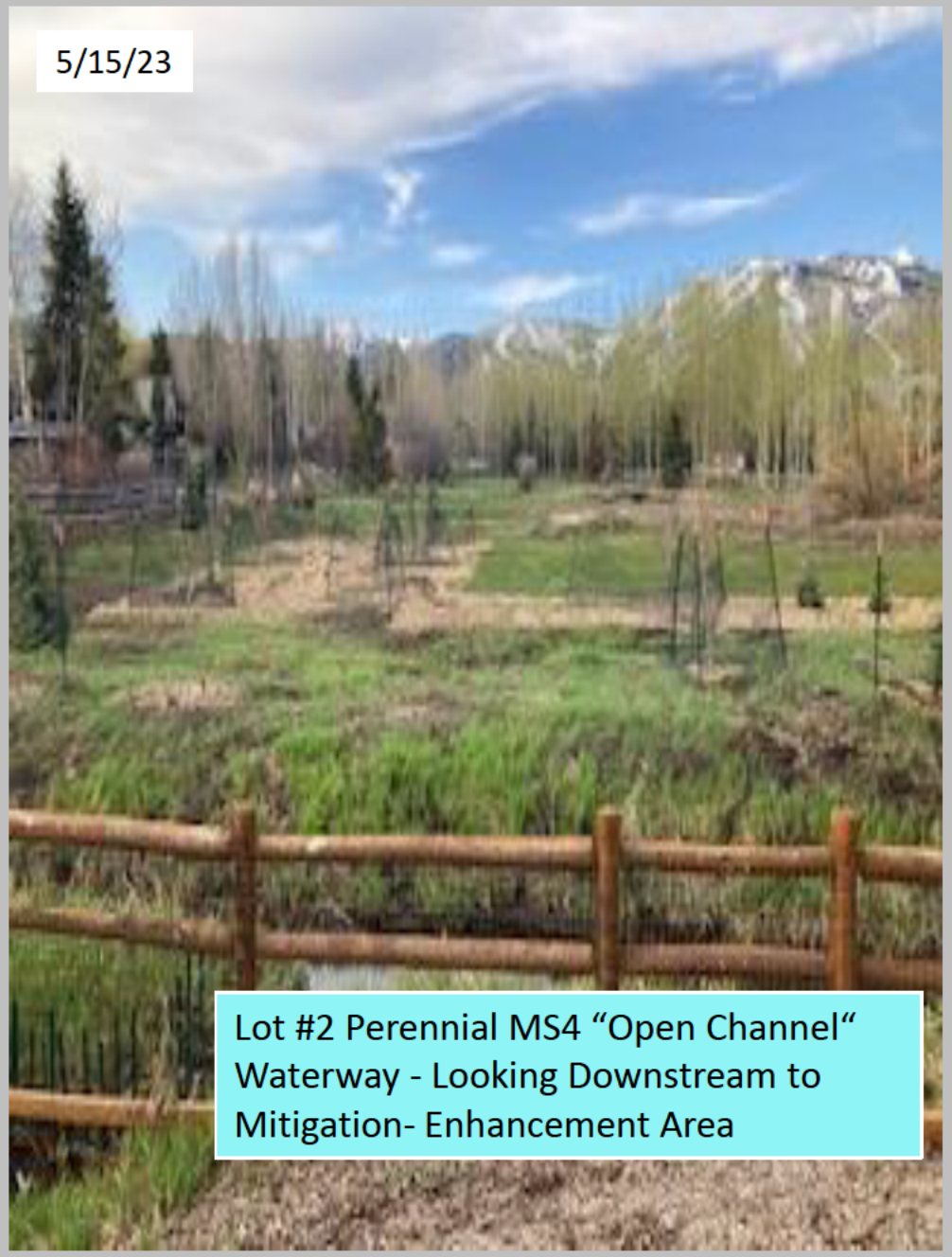
5/15/23

Excavation and Fill - Tree planting, wood chips over wetlands vegetation .



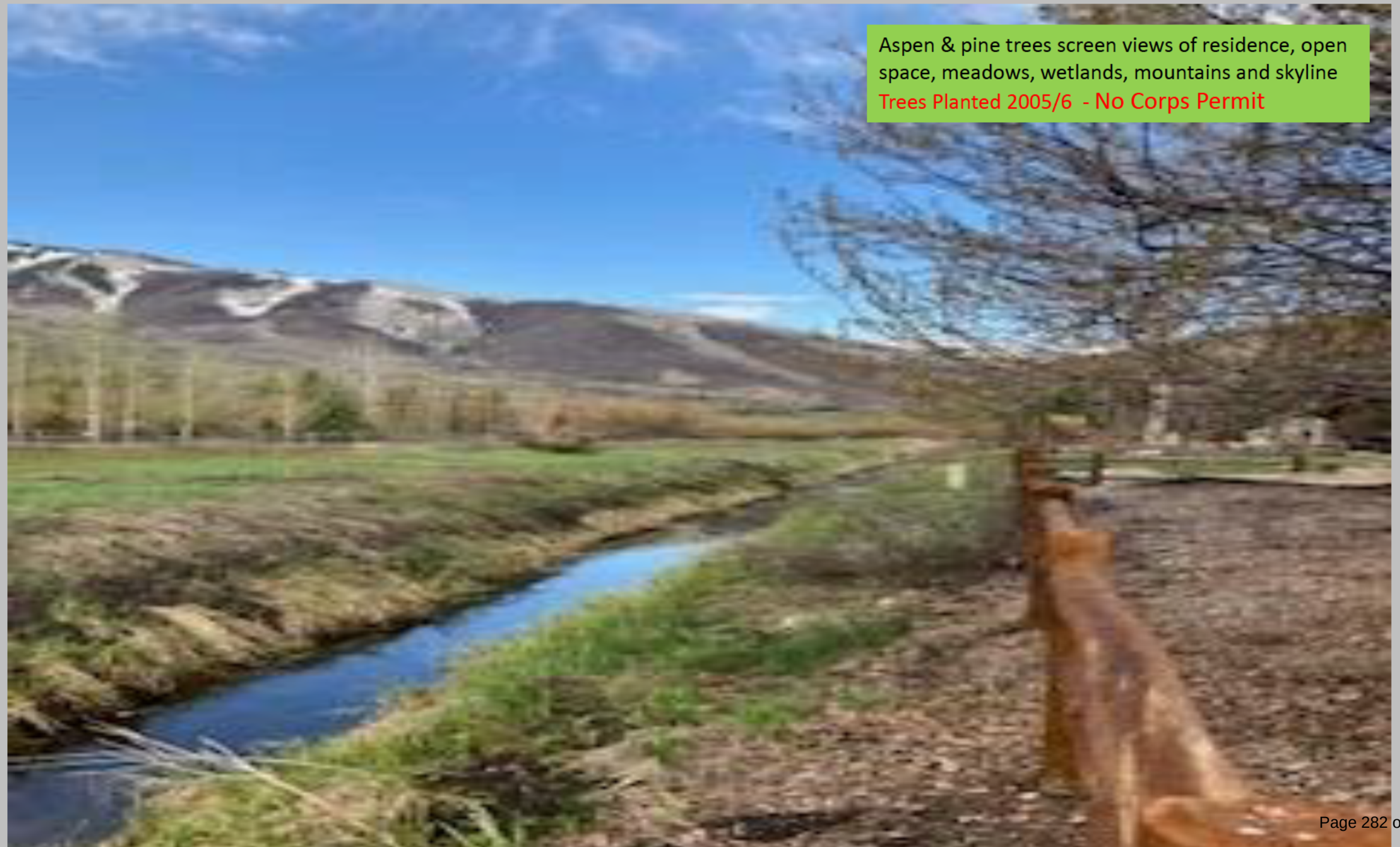


Perennial MS4 “Open Channel“ waterway in foreground



Mitigation/Enhancement Area Downstream from Lot #2 Perennial MS4 “Open Channel“ Waterway




Aspen & pine trees screen views of residence, open space, meadows, wetlands, mountains and skyline
Trees Planted 2005/6 - No Corps Permit


Aspen & pine trees screen views of residence, open space, meadows, wetlands, mountains and skyline
Trees Planted 2005/6 - No Corps Permit
Neighbors' Future View of Lot #2
(Landscaping 2005/6)

Violation of Ordinance 2021 -20
Plat Notes #13, #17, and #19

Home Exceeds Maximum 9,300 Square Feet

PLAT NOTES: Amended and Restated – Ord. 2021-20 Replat

★Violations

1. The Street Address of Lot 2 is 2750 Meadow Creek Drive.
2. The Home and Barn shall be constructed within the designated building envelopes.
3. The total impacted area, including build footprint and additional fill, shall not exceed 17,000 square feet.
4. A minimum 5 foot non-exclusive utility and drainage easement is hereby dedicated along both sides of all lot lines. A 10 foot non-exclusive utility easement is hereby dedicated along front lot lines. All other utility easements are hereby dedicated as shown hereon.
5. All footing and foundation designs shall be approved by Geotechnical engineers.
6. Irrigation is by sprinkler only.
7. A maximum of three horses will be allowed and no grazing of horses in the wildlife corridors.
8. Lot line fencing is required and must be maintained in accordance with the CC&Rs and design guidelines of Willow Ranch.
9. A modified 13-D fire sprinkler system is required for the home as directed by the Park City Fire Marshal.
10. This lot is subject to an animal management plan and equestrian lot open space covenant executed with Park City Municipal Corporation.
11. No basements are allowed.
12. The Lot is allowed an accessory dwelling unit subject to the approval of Park City Municipal Corporation and restrictions as outlined in the Willow Ranch CC&Rs.
13. The Home square footage is limited to a maximum of 9,300 square feet, excluding the first 600 square feet of the attached garage space per CC&Rs and the City's Land Management Code.
14. The building height of the home is limited to 23 feet to the midpoint of the roof and 28 feet to the peak of the roof.
15. The pitch of the barn roof shall be substantially similar to the predominant pitch of the home's roof, and under no circumstances shall the peak height of the barn exceed the Zone Height of 28 feet.
16. None of the Exception Parcels are rendered separately buildable by virtue of this amendment.
17. The combined total square footage of the home and barn shall not exceed 9,800 square feet, excluding the first 600 square feet of the home attached garage space per CC&Rs and the City's Land Management Code.
18. The barn square footage will be limited to a maximum of 1,800 square feet as originally allowed in the Willow Ranch Subdivision Plat and CC&Rs with no human occupancy.
19. Floor plans for both house and barn shall be submitted at the time of a building permit for any modification to the house and any new construction for the barn, showing that the combined maximum square footage will not exceed 9,800 square feet. Plans must be stamped and signed by a registered architect to ensure the maximum total square footage is not exceeded.
20. No certificate of occupancy will be issued for the barn until all construction on the house has been completed.
21. Lot 2 Willow Ranch Replat exceeds one (1) acre and shall meet the requirements of the municipal separate storm sewer system (MS4) storm water program. A MS4 storm water permit is required to be obtained prior to any construction.

The Plat is subject to P.C. Ordinance 2021-20.

CC&Rs Reference/Defined

FOUND REBAR &

On Fri, Nov 11, 2022 at 1:30 PM David Thacker *<dave.thacker@parkcity.org> wrote:*
Hi Gerry,

Thanks for the follow up, and sorry for the delayed reply. The concerns we have received related to the total square footage of the home and pool are not clear in the current set of plans. Specifically, the building plans do not have the total square footage of the building noted as it is proposed to be built.

The approved plans have several areas not included in the square footage totals, and an amended page submitted (showing additional finished area) but not calculated. Additionally, the pool does not have clear dimensions on the plan. Per our previous conversation it was indicated this is not a pool but a hot tub. However, the originally submitted and updated pool plans ***all note this is a pool****.*

We are asking for the following to move forward:
1. A plan showing the dimensions of the pool (width, length, and depth). The pool plans indicate two areas of a pool. Please indicate what is proposed to be built
2. A CUP application for a pool will be required based on Land Management Code regulations unless the plans are updated and approved as a hot tub.
3. A licensed Utah State Architects stamped and signed set of plans showing the actual square footage of the structure including the pool area.

Is there a possibility to meet on Monday to discuss these items to clarify any questions and or clear up any confusion? I am available between 8-9:00 am or after 3:00 pm. Alternatively, I can be available on Tuesday or Wednesday if that is more convenient.

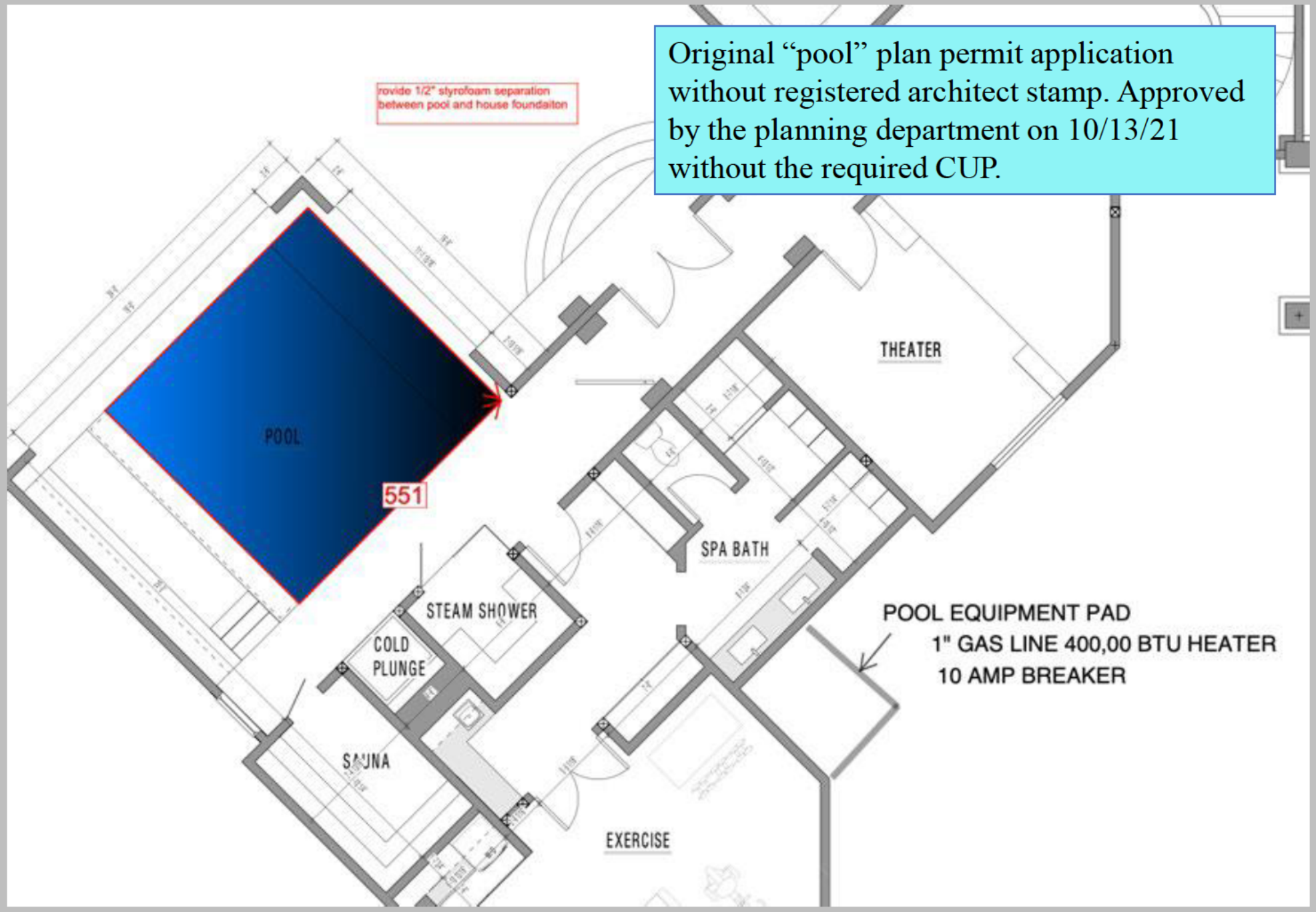
Thanks,
Dave Thacker
Chief Building Official/Fire Code Official

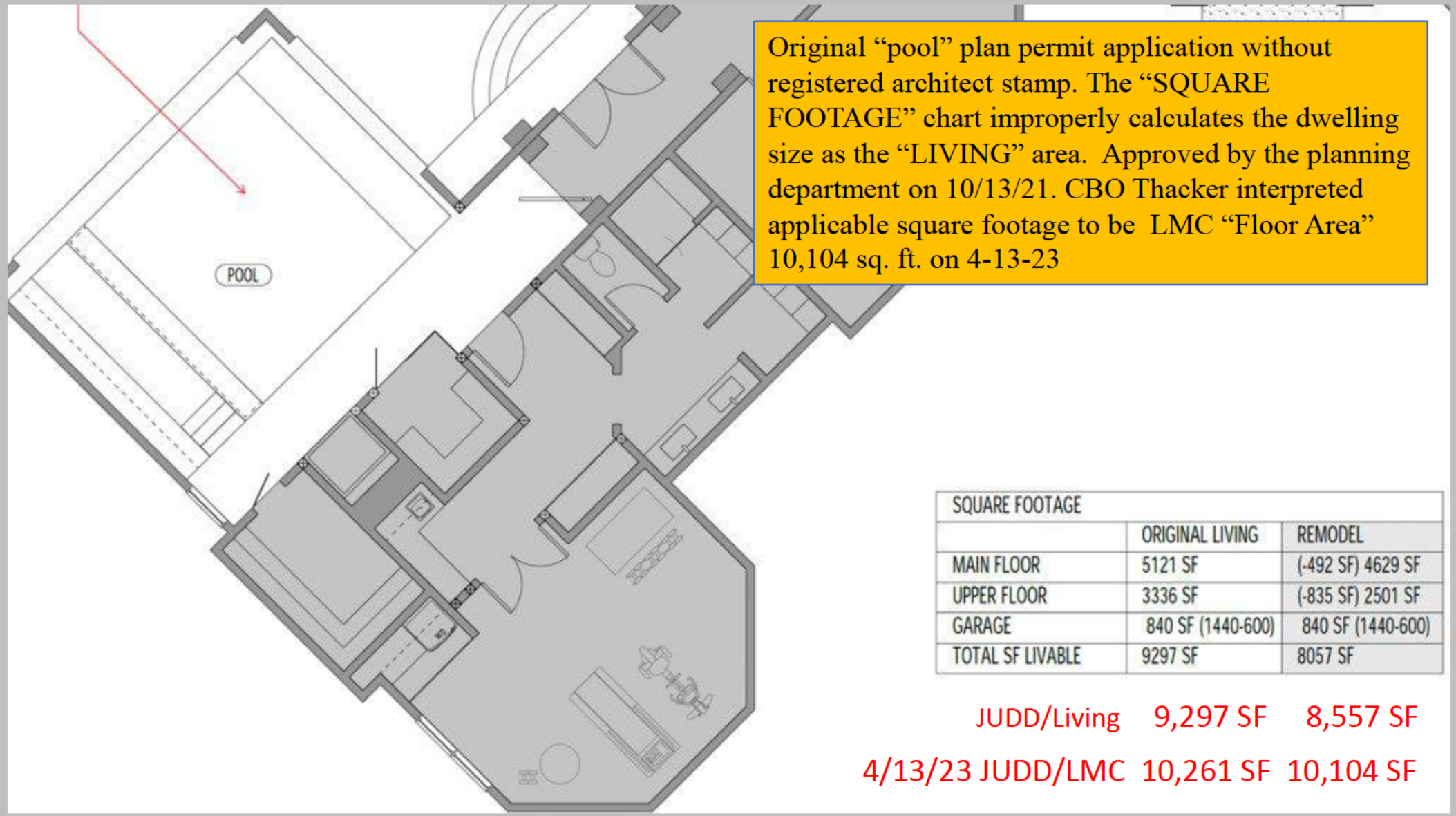
From: Gerry Hall <cgerardhall@[redacted]
Sent: Thursday, December 15, 2022 12:24 PM
To: David Thacker <dave.thacker@parkcity.org>
Subject: Re: [External] 2750 Meadow Creek Trees

Hey Dave,
Just checking to see if there's any updates. We are ready to submit the stamped plans.
Thanks
Gerry
Sent from

On Dec 19, 2022, at 10:22 AM, David Thacker <dave.thacker@parkcity.org> wrote:
Hi Gerry,
Thanks for the email. We are finalizing a cursory review today and will get back with you on Tuesday. Is there a time that works for a call tomorrow?
Thanks,
Dave

On Mon, Dec 19, 2022 at 10:36 AM Gerry Hall <cgerardhall@[redacted] wrote:
I'm available most of the day.
Sent from my iPhone


Original “pool” plan permit application without registered architect stamp. Approved by the planning department on 10/13/21 without the required CUP.
rovide 1/2" styrofoam separation between pool and house foundaiton
POOL
551
THEATER
SPA BATH
STEAM SHOWER
COLD PLUNGE
SAUNA
EXERCISE
POOL EQUIPMENT PAD
1" GAS LINE 400,00 BTU HEATER
10 AMP BREAKER



Original “pool” plan permit application without registered architect stamp. The “SQUARE FOOTAGE” chart improperly calculates the dwelling size as the “LIVING” area. Approved by the planning department on 10/13/21. CBO Thacker interpreted applicable square footage to be LMC “Floor Area” 10,104 sq. ft. on 4-13-23

SQUARE FOOTAGE		
	ORIGINAL LIVING	REMODEL
MAIN FLOOR	5121 SF	(-492 SF) 4629 SF
UPPER FLOOR	3336 SF	(-835 SF) 2501 SF
GARAGE	840 SF (1440-600)	840 SF (1440-600)
TOTAL SF LIVABLE	9297 SF	8057 SF

JUDD/Living 9,297 SF 8,557 SF

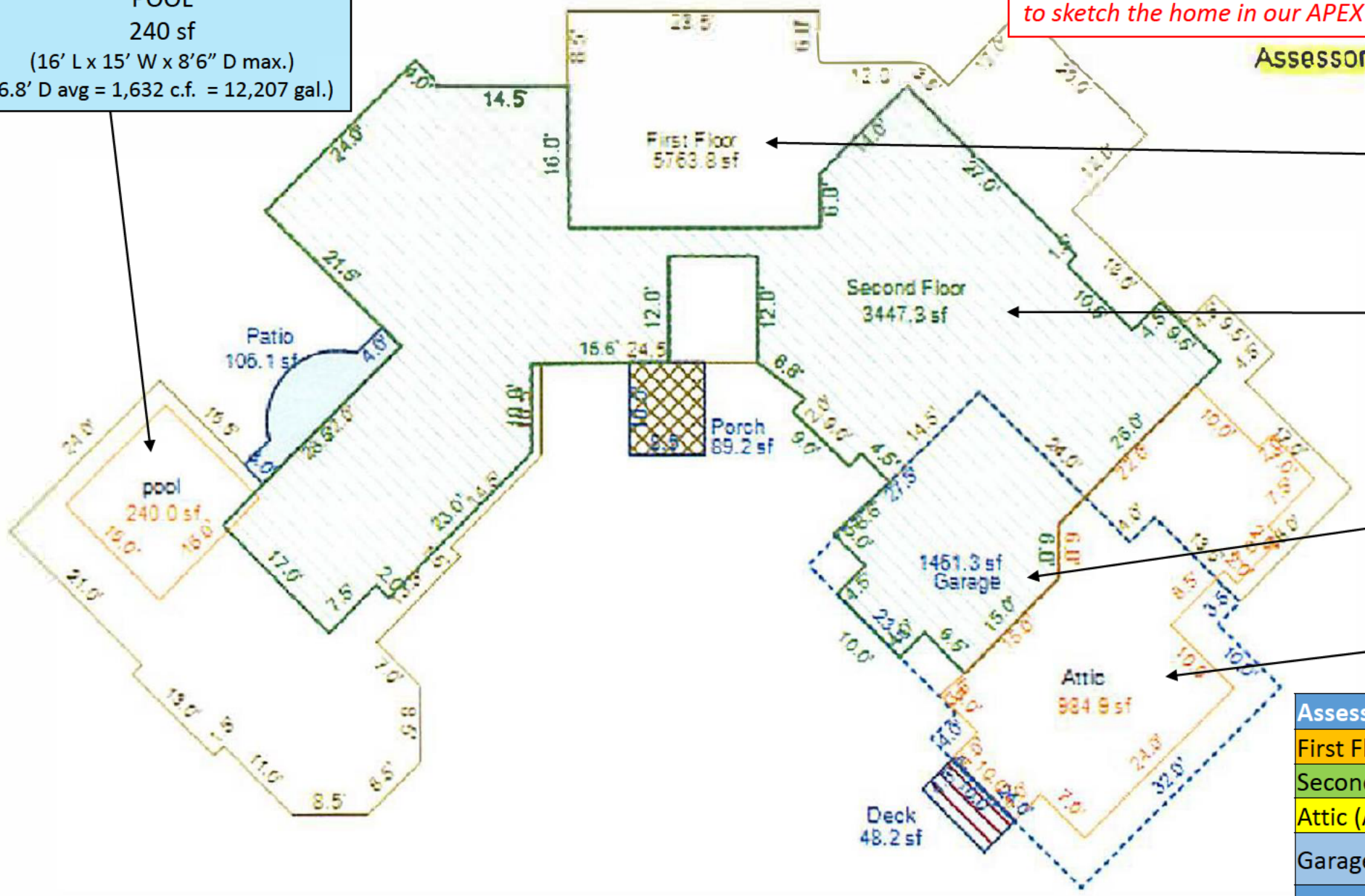
4/13/23 JUDD/LMC 10,261 SF 10,104 SF

Section Removed

GRAMA Travis Lewis/Chief Deputy Assessor: *We were able to view the plans from the Park City building department. Which allowed us to sketch the home in our APEX program.* (2021 Permit Floor Plan)

Assessors estimate using GIS Map

POOL
240 sf
(16' L x 15' W x 8'6" D max.)
(6.8' D avg = 1,632 c.f. = 12,207 gal.)



First Floor
5,763.8 sf

Second Floor
3,447.3 sf

Garage
1,461.3 sf

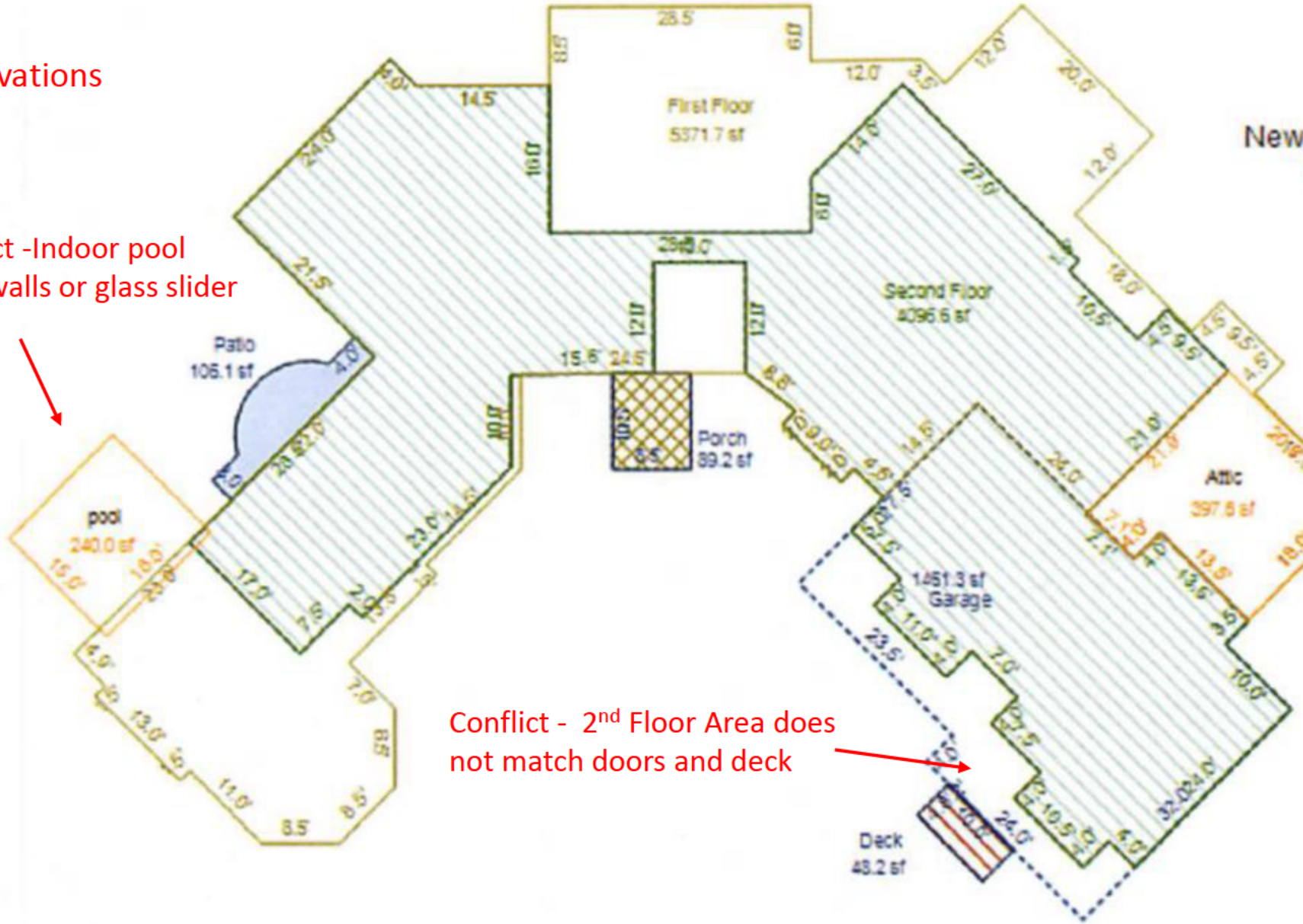
Attic
924.9 sf

? Attic ?
Decietful

Assessor	Grs. S F	Net S F
First Floor	5,764	5,764
Second Floor	3,447	3,447
Attic (Apt.)	925	925
Garage (Net: -600)	1,461	861
Total	11,597	10,997

Observations

Conflict -Indoor pool
With walls or glass slider doors



Conflict - 2nd Floor Area does not match doors and deck

New sketch using plans submitted by owner and from Park City Building Dept

3/1/24

Good morning. Mr. Theobald,

Here is a copy of the sketch that the Summit County Assessor's office is using to value 2750 Meadow Creek Dr – WLR-2-2AM.

Best Regards,

Travis M Lewis

Chief Deputy Assessor

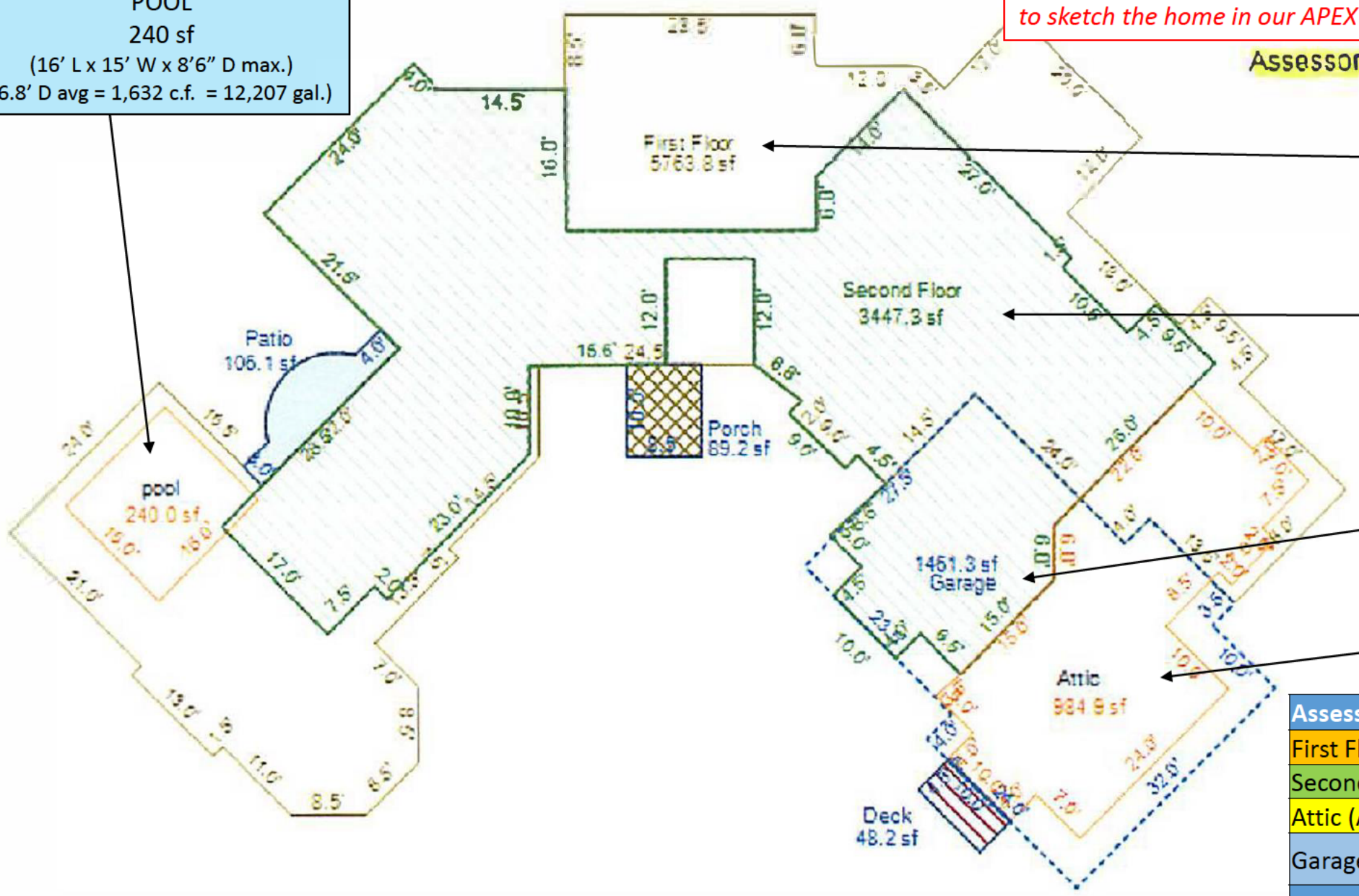
Assessor	Grs. S F	Net S F
First Floor	5,371	5,371
Second Floor	4096	4096
Attic (Apt.)	397.	397
Garage (Net: -600)	1,461	861
Total	11,325	10,725
Delta	**(272)**	**(272)**

Section removed

GRAMA Travis Lewis/Chief Deputy Assessor: *We were able to view the plans from the Park City building department. Which allowed us to sketch the home in our APEX program.* (2021 Permit Floor Plan)

Assessors estimate using GIS Map

POOL
240 sf
(16' L x 15' W x 8'6" D max.)
(6.8' D avg = 1,632 c.f. = 12,207 gal.)



First Floor
5,763.8 sf

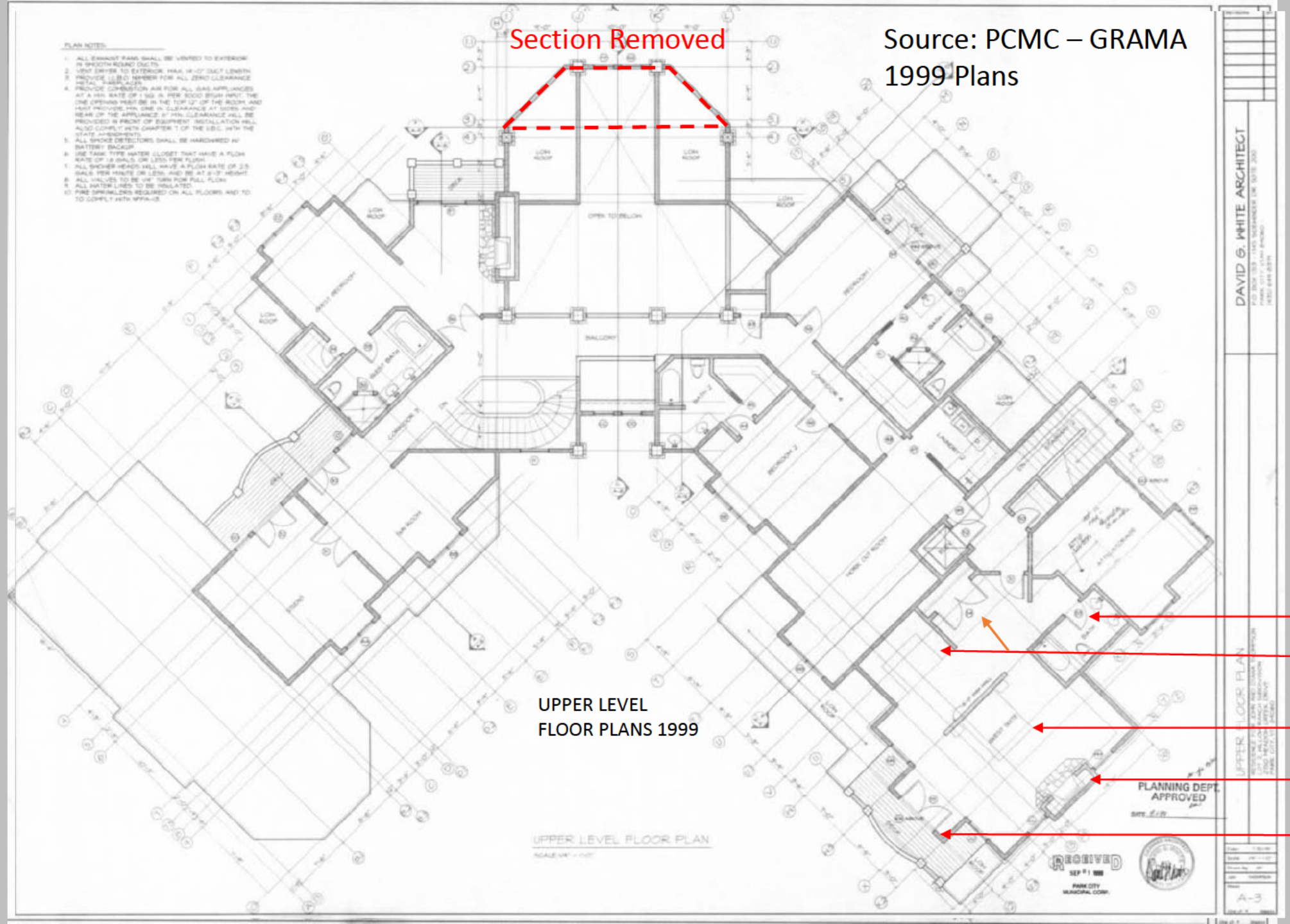
Second Floor
3,447.3 sf

Garage
1,461.3 sf

Attic
924.9 sf

? Attic ?
Deceitful

Assessor	Grs. S F	Net S F
First Floor	5,764	5,764
Second Floor	3,447	3,447
Attic (Apt.)	925	925
Garage (Net: -600)	1,461	861
Total	11,597	10,997


Section Removed
Source: PCMC – GRAMA
1999 Plans
UPPER LEVEL
FLOOR PLANS 1999
UPPER LEVEL FLOOR PLAN
PLANNING DEPT.
APPROVED
RECEIVED
DAVID G. WHITE ARCHITECT
Not an Attic
Over Garage
Bathroom
Closet/Vanity
Bed
Fireplace
French Doors
Balcony/Deck

Park City Board of Realtors – Multiple Listing Service (MLS) –

Closed 9/16/2013

2750 Meadow Creek Drive - MLS Listing Activities 2009-2020

MLS Residential List View — **8 Properties**

	MLS #	Status	Price	Address	Type	Sub-Type	Area	Subdivision	Beds	Baths	Apx SqFt Total	Date Expire	Sold Date	List Price/ SqFt	SP/ LP Ratio	Days On Market	Building/ Unit #	Lot #
1	9978722	Expired	$12,900,000	2750 Meadow Creek Drive	S	DT	09 - Park Meadows	Park Meadows	6	11	12,000			1,075		181		
2	9981301	Expired	$11,900,000	2750 Meadow Creek Drive	S	DT	09 - Park Meadows	Park Meadows	6	11	12,000			991.67		403		
3	9975805	Expired	$12,900,000	2750 Meadow Creek Drive	S	DT	09 - Park Meadows	Park Meadows	6	11	12,000			1,075		190		
4	9987268	Expired	$8,995,000	2750 Meadow Creek Drive	S	DT	09 - Park Meadows	Willow Ranch	6	8	12,000			749.58		548		
5	9993137	Closed	$8,000,000	2750 Meadow Creek Drive	S	DT	09 - Park Meadows	Willow Ranch	6	8	12,000		09/ 16/ 2013	749.58	0.889	428		
6	11702835	Expired	$9,000,000	2750 Meadow Creek Drive	S	DT	09 - Park Meadows	Willow Ranch	6	8	12,000			750		545		
7	11808395	Cancelled	$9,000,000	2750 Meadow Creek Drive	S	DT	09 - Park Meadows	Willow Ranch	6	8	12,000			750		417		
8	12000737	Closed	$6,720,000	2750 Meadow Creek Drive	S	DT	09 - Park Meadows	Willow Ranch	6	8	11,500		08/ 25/ 2020	630.43	0.93	145		

Source: Summit County Assessor

Building Information

Property Code RESIDENTIAL PRIMARY
Living Area 11500
Basement Area 0
No. Full Baths 2
No. Designer Bathrooms 2

Building Status % 0
Year Built 1999
Attached/Built-in Garage Area 1461
No. Half Baths 1

Living Area	11,500
Garage Net*	861
Total Net	12,361
Plat Max	9,300
Excess	3,061

*Net: Plat, CC&Rs and LMC exempt 600 sf of garage from Total Square Footage

From: Travis Lewis <tlewis@summitcounty.org>
Sent: Monday, March 13, 2023 11:03 AM
To: Bob Theobald [redacted]
Cc: Matt Hone <mhone@summitcounty.org>
Subject: RE: Account Number 0289441

Good morning Mr. Theobald,

I have replied to your questions below in red.
Have a good day,

Travis M Lewis
Chief Deputy Assessor
Summit County Assessor's Office
Telephone (435) 336-3245, (435) 615-3245

From: Bob Theobald [redacted]
Sent: Friday, March 10, 2023 11:59 AM
To: Travis Lewis <tlewis@summitcounty.org>
Subject: Account Number 0289441

Hi Travis:

I received the attached drawing and MLS Listing from Maren Geary of the County records office as part of a GRAMA response last September 22, 2022. I understand you were the appraiser for this property – 2750 Meadow Creek Drive, Park City – WLR-2-AM, Account Number 0289441.

I have a few questions:

- The drawing seems to indicate IT/GIS department involvement because of a notation which was highlighted in yellow. What was the extent of the GIS involvement, if any? GIS was used minimally, we rely heavily on the building plans.

- When the drawing is enlarged, it shows color-coded measurements with square footage by floor which totals 11,597 sq. ft. Can you please tell me the County's standard measurement methodology - ANSI or other measurement methodology - inside or outside of exterior walls, etc? We use ANSI Standard of measurements for single family houses and townhomes (exterior measurements).

- The drawing shows an indoor pool measuring 15 ft. x 16 ft. How was it determined that there was a pool inside the home? The building plans showed a pool on them.

- Also, there is a section of the home that was to be demolished and is missing from the drawing. However, at the time of the appraisal in 2021, the demolition work had not yet begun/complete. I don't have any information in the file that can refute or confirm that.

- After analysis of the above information, It appears that this drawing may be based on, or is in fact, the floorplans submitted for a building permit as listed on the County website 21-1302 / TEMP21- 1283 and issued on 10/1/2021. Did the Park City building department, or the property owner provide this floorplan to the County? We were able to view the plans from the Park City building department. Which allowed us to sketch the home in our APEX program.

- The 8 different MLS Listing events from 2009-2020 and the required Seller disclosures, appear to confirm the home to be in the range of 11,500 -12,000 sq ft.

Travis, If you could find the time, I would like to review this drawing with you. What might be a good day/time? I would enjoy the drive to Coalville. FYI the drawing is based off the building plans only. No physical measurements have been made of it behind the locked gate. You are welcome to come to Coalville to talk anytime. I just wanted to let you know, I haven't been inside the gate. I have only viewed it from the street, so my knowledge of the interior is strictly based off the plans.

Thanks for your help.
Best
[redacted]

Update: On 3/16/2023, Mr. Lewis personally reviewed and confirmed that all drawings, notations and calculations are accurate representations of his work and conclusions. Mr. Lewis expressed a willingness to discuss the issues with Park City officials and/or the owner. Upon request, Mr. Lewis will conduct a comprehensive measurement of the residence. (435) 615-3245 <tlewis@summitcounty.org>

B99-05033

BUILDING PERMIT
BUILDING INSPECTION DEPARTMENT

and a water meter box assembly to current City standards.
Although we hope these improvements are in place and
acceptable, in the event they are missing, damaged, or
substandard it is the responsibility of the owner and
contractor to install them to current City standards.
The contractor shall take any and all necessary steps,
up to and including the complete cessation of all work
and deliveries, in order to avoid tracking mud onto the
paved atreet or allowing mud or silt to erode into the
stream channel■' Please contact city Engineer Eric
DeHaan at 615-5075 if there are any questions.
Cond: CON0011676
Plat has been recorded. 11.2.99
Cond: CON0011532
Permit is for houae only. Barn will need aeparate permit.
Barn limited to 500 sf. and 18' in height to peak of roof.
Cond: CON0011668
square footage verified, ok for full with attic
and mechanical aa shown on the plane.
Cond: FIRESPRINK
Submit plans and hydraulic calculations for the fire
eprinkler system to the Building Official for review
and approval PRIOR to installation.
cond: STUCCO
For any synthetic stucco system that is to be used, submit
the ICBO Evaluation Report to the Building Official for
review and approval PRIOR to installation. Synthetic
stucco applicators must be factory authorized to apply the
brand of stucco being submitted for approval. Evidence of
this authorization must be submitted with the stucco
materials submittal.
Cond: RADIANT
Su.bmit plane and heat loaa calculation& for the hydronic
heating system to the Building Official for review
and approval PRIOR to inatallation.

Valuation Itema:

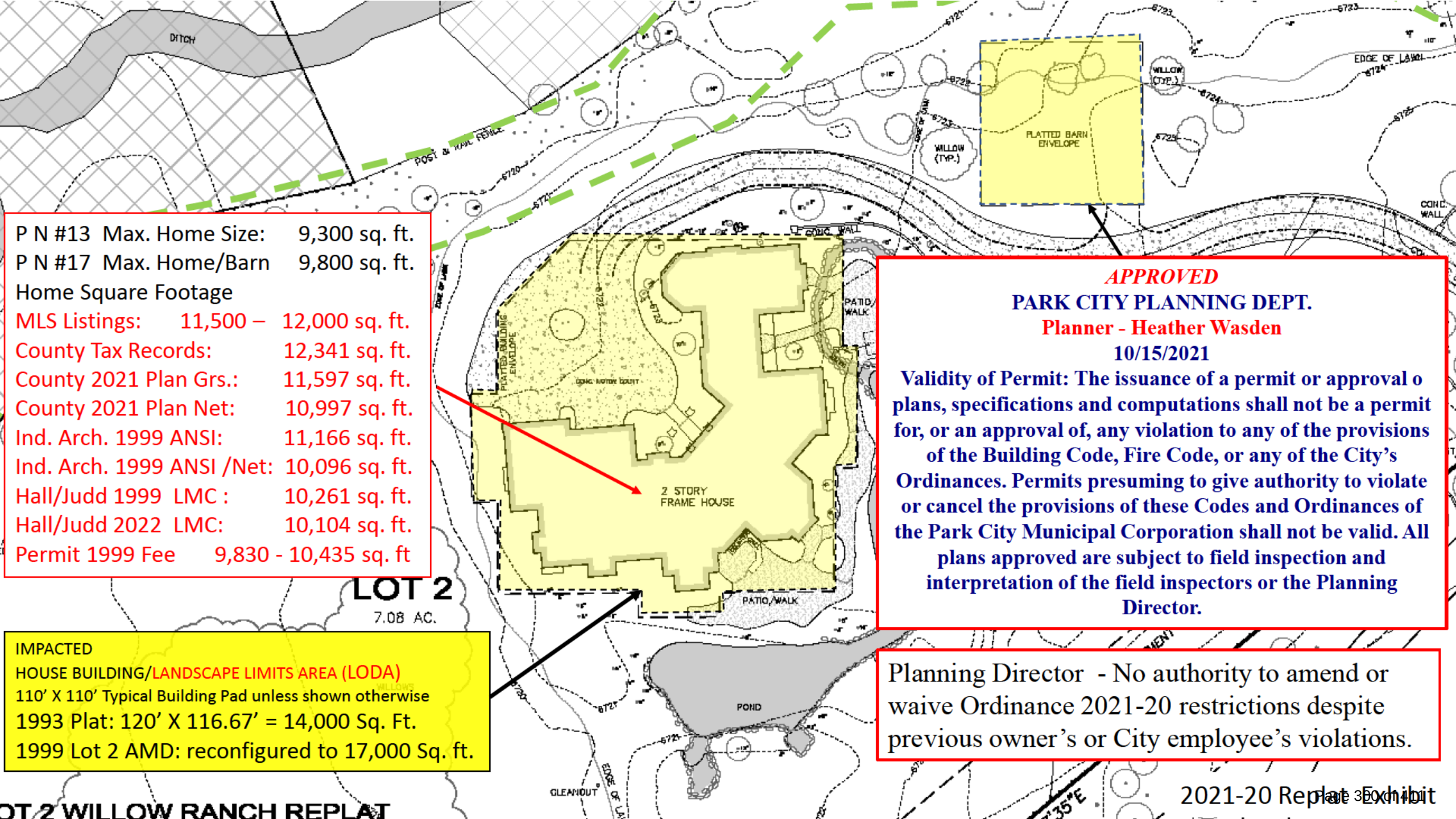
occupancy	Type	Factor	Sq Feet	
Dwelling• (R-3 occ)	Type V Wood Frame	88.00	9,830	$865,040.00
Dwellings (R-3 occ)	Garage (Wood framed)	22.10	605	$13,370.50
Dwellings (R-3 occ)	Decks	15.00	335	$5,025.00
	Totals.••		10,770	$883,435.50*

DATE 11-3-99

2022 Planning Department Stamp of "Approval" :

"Validity of Permit: The issuance of a permit or approval of plans, specifications and computations shall not be a permit for, or an approval of, any violation of the provisions of the Building Code, Fire Code, or any of the City's Ordinances. Permits presuming to give authority or to violate or cancel the provisions of these Codes and Ordinances of the Park City Municipal Corporation ***shall not be valid****. All plans approved are subject to field inspection and interpretation of the field inspectors or the Planning Director" (****Emphasis Added****)*

Planning Director - No authority to amend or waive Plat Notes #13, #17 and #19 - Ordinance 2021-20 restrictions despite previous owner's or City employee's violations.



P N #13 Max. Home Size: 9,300 sq. ft.
P N #17 Max. Home/Barn 9,800 sq. ft.
Home Square Footage
MLS Listings: 11,500 – 12,000 sq. ft.
County Tax Records: 12,341 sq. ft.
County 2021 Plan Grs.: 11,597 sq. ft.
County 2021 Plan Net: 10,997 sq. ft.
Ind. Arch. 1999 ANSI: 11,166 sq. ft.
Ind. Arch. 1999 ANSI /Net: 10,096 sq. ft.
Hall/Judd 1999 LMC : 10,261 sq. ft.
Hall/Judd 2022 LMC: 10,104 sq. ft.
Permit 1999 Fee 9,830 - 10,435 sq. ft

APPROVED
PARK CITY PLANNING DEPT.
Planner - Heather Wasden
10/15/2021
Validity of Permit: The issuance of a permit or approval o plans, specifications and computations shall not be a permit for, or an approval of, any violation to any of the provisions of the Building Code, Fire Code, or any of the City's Ordinances. Permits presuming to give authority to violate or cancel the provisions of these Codes and Ordinances of the Park City Municipal Corporation shall not be valid. All plans approved are subject to field inspection and interpretation of the field inspectors or the Planning Director.

IMPACTED
HOUSE BUILDING/LANDSCAPE LIMITS AREA (LODA)
110' X 110' Typical Building Pad unless shown otherwise
1993 Plat: 120' X 116.67' = 14,000 Sq. Ft.
1999 Lot 2 AMD: reconfigured to 17,000 Sq. ft.

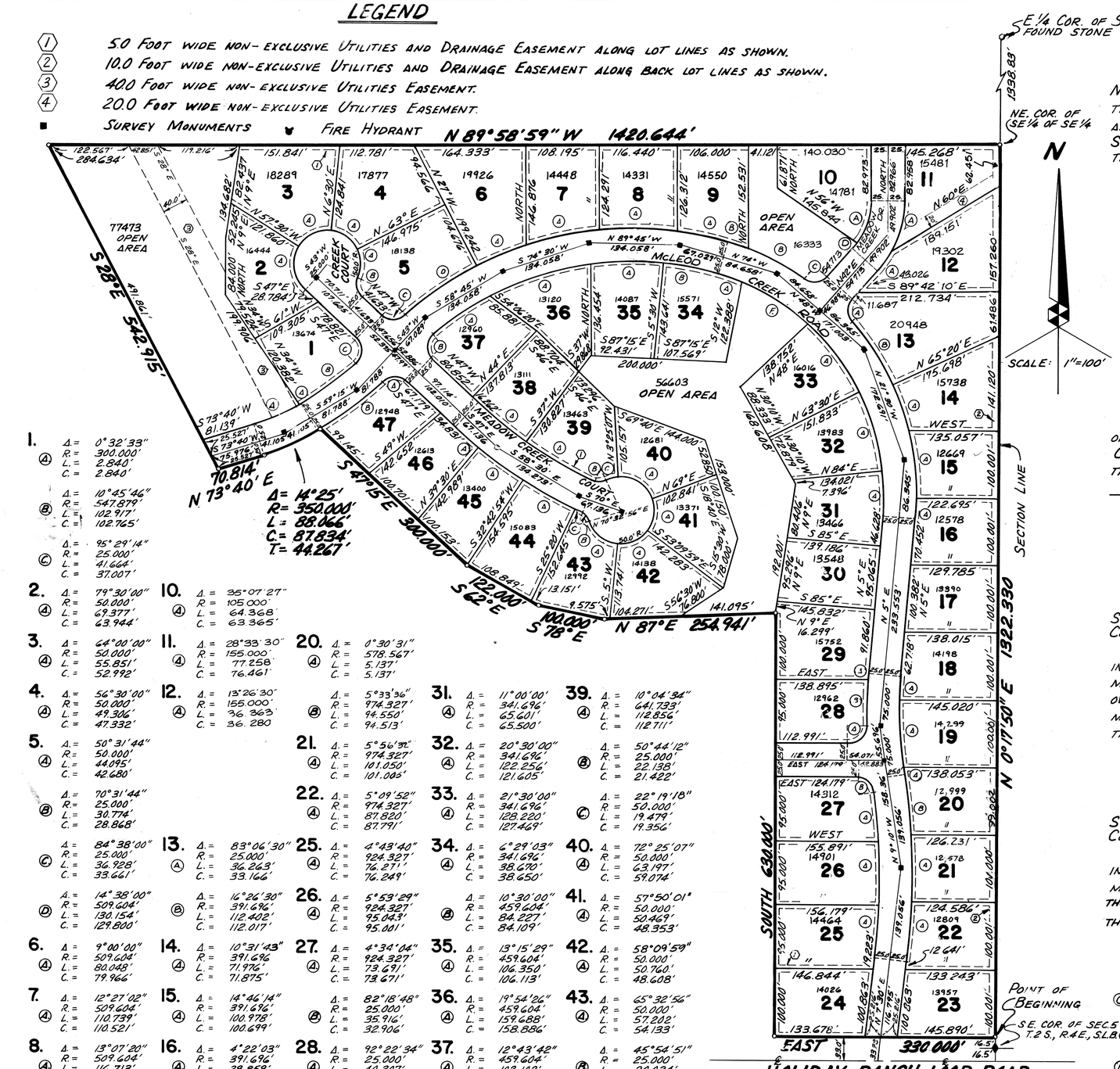
Planning Director - No authority to amend or waive Ordinance 2021-20 restrictions despite previous owner's or City employee's violations.

2021-20 Replat Exhibit

LEGEND

1. 5.0 FOOT WIDE NON-EXCLUSIVE UTILITIES AND DRAINAGE EASEMENT ALONG LOT LINES AS SHOWN.
2. 10.0 FOOT WIDE NON-EXCLUSIVE UTILITIES AND DRAINAGE EASEMENT ALONG BACK LOT LINES AS SHOWN.
3. 40.0 FOOT WIDE NON-EXCLUSIVE UTILITIES EASEMENT.
4. 20.0 FOOT WIDE NON-EXCLUSIVE UTILITIES EASEMENT.

■ SURVEY MONUMENTS ● FIRE HYDRANT



1. Δ = 0°32'33" R = 300.000' L = 2.840' C = 2.840'
   Δ = 10°45'46" R = 547.879' L = 102.917' C = 102.765'
   Δ = 95°29'14" R = 25.000' L = 41.664' C = 37.007'
2. Δ = 79°30'00" R = 50.000' L = 69.377' C = 63.944'
3. Δ = 64°00'00" R = 50.000' L = 55.851' C = 52.992'
4. Δ = 56°30'00" R = 50.000' L = 49.306' C = 47.332'
5. Δ = 50°31'44" R = 50.000' L = 44.095' C = 42.680'
   Δ = 70°31'44" R = 25.000' L = 30.774' C = 28.868'
   Δ = 84°38'00" R = 25.000' L = 36.928' C = 33.661'
   Δ = 14°38'00" R = 509.604' L = 130.154' C = 129.800'
6. Δ = 9°00'00" R = 509.604' L = 80.048' C = 79.966'
7. Δ = 12°27'02" R = 509.604' L = 110.739' C = 110.521'
8. Δ = 13°07'20" R = 509.604' L = 116.713' C = 116.458'
9. Δ = 8°25'38" R = 509.604' L = 74.953' C = 74.886'
   Δ = 05°02'42" R = 391.696' L = 34.491' C = 34.479'
10. Δ = 35°07'27" R = 105.000' L = 64.368' C = 63.365'
11. Δ = 28°33'30" R = 155.000' L = 77.258' C = 76.461'
12. Δ = 13°26'30" R = 155.000' L = 36.363' C = 36.280'
13. Δ = 83°06'30" R = 25.000' L = 36.263' C = 33.166'
    Δ = 16°26'30" R = 391.696' L = 112.402' C = 112.017'
14. Δ = 10°31'43" R = 391.696' L = 71.976' C = 71.875'
15. Δ = 14°46'14" R = 391.696' L = 100.978' C = 100.699'
16. Δ = 4°22'03" R = 391.696' L = 29.859' C = 29.852'
17. Δ = 3°43'19" R = 578.567' L = 37.583' C = 37.577'
    Δ = 05°02'42" R = 391.696' L = 34.491' C = 34.479'
18. Δ = 6°17'24" R = 628.567' L = 69.004' C = 68.970'
19. Δ = 9°56'10" R = 578.567' L = 100.333' C = 100.208'
20. Δ = 0°30'31" R = 578.567' L = 5.137' C = 5.137'
21. Δ = 5°56'31" R = 974.327' L = 101.050' C = 101.005'
22. Δ = 5°09'52" R = 974.327' L = 87.820' C = 87.791'
23. Δ = 4°34'04" R = 924.327' L = 73.691' C = 73.671'
24. Δ = 82°18'48" R = 25.000' L = 35.916' C = 32.906'
25. Δ = 4°43'40" R = 924.327' L = 76.271' C = 76.249'
26. Δ = 5°53'29" R = 924.327' L = 95.043' C = 95.001'
27. Δ = 4°34'04" R = 924.327' L = 73.691' C = 73.671'
28. Δ = 92°22'34" R = 25.000' L = 40.307' C = 36.081'
29. Δ = 6°17'24" R = 628.567' L = 11.915' C = 11.915'
30. Δ = 5°33'36" R = 974.327' L = 94.550' C = 94.513'
31. Δ = 11°00'00" R = 341.696' L = 65.601' C = 65.500'
32. Δ = 20°30'00" R = 341.696' L = 122.256' C = 121.605'
33. Δ = 21°30'00" R = 341.696' L = 128.220' C = 127.469'
34. Δ = 6°29'03" R = 341.696' L = 38.670' C = 38.650'
    Δ = 10°30'00" R = 459.604' L = 84.227' C = 84.109'
35. Δ = 13°15'29" R = 459.604' L = 106.350' C = 106.113'
36. Δ = 19°54'26" R = 459.604' L = 159.688' C = 158.886'
37. Δ = 12°43'42" R = 459.604' L = 102.102' C = 101.893'
38. Δ = 7°55'39" R = 641.733' L = 88.791' C = 88.720'
39. Δ = 10°04'34" R = 641.733' L = 112.856' C = 112.711'
40. Δ = 72°25'07" R = 50.000' L = 63.197' C = 59.074'
41. Δ = 57°50'01" R = 50.000' L = 50.469' C = 48.353'
42. Δ = 58°09'59" R = 50.000' L = 50.750' C = 48.608'
43. Δ = 65°32'56" R = 50.000' L = 57.202' C = 54.133'
44. Δ = 7°22'54" R = 691.733' L = 89.119' C = 89.057'
45. Δ = 6°47'06" R = 691.733' L = 81.915' C = 81.868'
46. Δ = 3°30'00" R = 691.733' L = 42.256' C = 42.249'
47. Δ = 85°23'45" R = 25.000' L = 37.261' C = 33.907'
    Δ = 11°38'45" R = 597.878' L = 121.523' C = 121.314'
    OPEN AREA Δ = 13°52'27" R = 300.000' L = 72.645' C = 72.468'
    Δ = 14°03'48" R = 391.696' L = 96.142' C = 95.901'
    Δ = 83°06'30" R = 25.000' L = 36.263' C = 33.166'
    Δ = 6°52'33" R = 105.000' L = 12.601' C = 12.593'
    Δ = 19°30'57" R = 341.696' L = 116.386' C = 115.825'

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 LAW OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS, HEREAFTER TO BE KNOWN AS McLEOD CREEK SUBDIVISION AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT.

BEGINNING AT A POINT N 0°17'50" E ALONG A SECTION LINE 16.5 FEET FROM THE SOUTHEAST CORNER OF SECTION 5, T.2 S., R.4 E., S.L.B.&M. AND RUNNING THENCE N 0°17'50" E ALONG SAID SECTION LINE 1322.330 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 5; THENCE N 89°58'59" W ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 5, A DISTANCE OF 1420.644 FEET; THENCE S 28°00' E 542.915 FEET; THENCE N 73°40' E 70.814 FEET TO A CURVE TO THE LEFT, THE RADIUS POINT BEING N 16°20' W 350.000' FEET; THENCE NORTHEASTERLY ALONG THE ARC 88.066 FEET; THENCE S 47°15' E 300.000 FEET; THENCE S 62° E 122.000 FEET; THENCE S 78° E 100.000 FEET; THENCE N 87° E 254.941 FEET; THENCE SOUTH 630.000 FEET TO THE NORTH RIGHT-OF-WAY LINE OF HOLLIDAY RANCH LOOP ROAD; THENCE ALONG SAID RIGHT-OF-WAY LINE EAST 330.000 FEET TO THE POINT OF BEGINNING. CONTAINS 23.008 ACRES.

Feb 18, 1980 — DATE — James G. West — JAMES G. WEST

OWNERS DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED OWNERS OF THE HEREIN DESCRIBED TRACT OF LAND HAVING CAUSED SAME TO BE SUBDIVIDED INTO LOTS AND STREETS TO BE HEREAFTER KNOWN AS McLEOD CREEK SUBDIVISION DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE. IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS THIS 27th DAY OF February A.D. 1980.

McLEOD CREEK ASSOCIATES — Robert L. Harrington — ROBERT L. HARRINGTON

UTAH POWER AND LIGHT CO. — J.C. Taylor — J.C. TAYLOR, VICE PRESIDENT — May 4, 1970 — DATE

ACKNOWLEDGMENT

STATE OF UTAH
COUNTY OF SUMMIT

ON THIS 27 DAY OF January A.D. 1980 PERSONALLY APPEARED BEFORE ME THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, ROBERT L. HARRINGTON WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE IS A GENERAL PARTNER OF McLEOD CREEK ASSOCIATES A UTAH PARTNERSHIP THAT HE SIGNED THE OWNER'S DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID COMPANY FOR THE PURPOSES THEREIN MENTIONED AND THAT SAID COMPANY FOR THE PURPOSES THEREIN MENTIONED AND THAT SAID COMPANY EXECUTED THE SAME.

Carol L. Spencer — NOTARY PUBLIC

MY COMMISSION EXPIRES January 26, 1981
RESIDING IN [illegible] COUNTY, UTAH

ACKNOWLEDGMENT

STATE OF UTAH
COUNTY OF SUMMIT

ON THIS 4th DAY OF March A.D. 1980 PERSONALLY APPEARED BEFORE ME THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, J.C. TAYLOR WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE IS A VICE PRESIDENT OF UTAH POWER AND LIGHT CO. A UTAH CORPORATION THAT HE SIGNED THE OWNER'S DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID CORPORATION FOR THE PURPOSES THEREIN MENTIONED AND THAT SAID CORPORATION EXECUTED THE SAME.

Carol L. Spencer — NOTARY PUBLIC

MY COMMISSION EXPIRES January 26, 1981
RESIDING IN [illegible] COUNTY, UTAH

McLeod Creek Subdivision

Located in the SE¼ of the SE¼ of Section 5, T.2S., R.4E., S.L.B.&M.

Prepared By:
J.J. Johnson & Associates
Civil Engineering Planning Surveying
1700 Park Avenue P.O. Box 1661
Park City, Utah 84060

City Planning Commission
Approved & Accepted by the Park City Planning Commission this 27 Day of Feb A.D. 1980
Burnis Watts — Chairman

Engineers Certificate
Approved & Accepted by the Park City Engineering Department this 2nd Day of Mar A.D. 1980
John Robasco — Park City Engineer

Approval as to Form
Approved as to Form this 19 Day of March A.D. 1981
Michael D. Mills — Park City Attorney

Certificate of Attest
Attest this 1st Day of April A.D. 1981
M R Olson — Park City Recorder

Council Approval & Acceptance
Approved & Accepted by the Park City Council this 1st Day of Apr. A.D. 1981
John C. Green — Mayor

Recorded
No. 178292
State of Utah, County of Summit, Recorded and Filed at the request of:
M R Olson - Park City Municipal Corp
Date 4/13/81 Time 2:10
3350 Fee
Wanda Y. Spriggs — Summit County Recorder

Page 301 of 411

MCCLEOD CREEK

WILLOW RANCH SUBDIVISION

A PART OF THE NORTH HALF OF SOUTHEAST QUARTER OF SECTION 5, T. 2S, R. 4E, SALT LAKE BASE AND MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH

LOT	CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
6	C1	305.00'	106.40'	105.86'	N 09°59'38" W	19°59'16"
6	C2	625.00'	192.71'	191.95'	S 11°09'16" E	17°39'59"
7	C3	625.00'	66.49'	66.46'	S 00°43'35" W	06°05'43"
7	C4	25.00'	22.39'	21.65'	N 21°53'06" W	51°19'04"
7	C5	55.00'	60.50'	57.49'	S 16°02'01" E	63°01'14"
1	C6	55.00'	62.96'	59.58'	S 48°16'19" W	65°35'25"
2	C7	55.00'	62.96'	59.58'	N 66°08'16" W	65°35'25"
3	C8	55.00'	84.89'	76.71'	N 10°52'29" E	88°26'04"
3	C9	25.00'	22.39'	21.65'	S 29°25'59" W	51°19'04"
4	C10	575.00'	182.74'	181.97'	S 05°19'50" E	18°12'33"
3	C11	575.00'	55.72'	55.70'	S 17°12'41" E	05°33'09"
5	C12	355.00'	123.84'	123.21'	N 09°59'38" W	19°59'16"
6	C13	305.00'	90.31'	89.98'	N 08°28'56" W	16°57'53"
1	C14	55.00'	24.32'	24.12'	S 28°08'33" W	25°19'54"
2	C15	55.00'	31.48'	31.05'	N 49°44'25" W	32°47'43"
1	C16	55.00'	24.81'	24.60'	S 68°08'36" W	25°50'51"

LINE	DIRECTION	DISTANCE
L1	S 00°00'00" E	6.09'
L2	N 19°59'16" W	7.29'
L3	S 19°59'16" E	7.29'
L4	N 00°00'00" E	6.10'

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents: That the undersigned is the owner of the herein described tract of land, and hereby causes the same to be divided into a public street and lots, together with easements as set forth on the attached plat, hereafter to be known as Willow Ranch Subdivision.

Also the owner hereby dedicates to Summit County, Snyderville Basin Sewer Improvement District, Park City Fire Protection District, and Park City Municipal Corporation a non-exclusive easement over the utility and drainage easements shown on this plat for the purpose of providing access for utility installation, maintenance, use and eventual replacement.

Executed this 12th day of FEBRUARY, 1993.

Richard Dudley – President

Willow Ranch Development Inc., a Utah corporation

ACKNOWLEDGEMENT

State of Utah)
County of Summit)

On the 12th day of February, 1993 personally appeared before me, Richard Dudley, who, being by me duly sworn, did say that he is the President of Willow Ranch Development Inc., a Utah Corporation and that within and forgoing Owner's Dedication and Consent to Record, was signed on behalf of said Corporation and said Richard Dudley acknowledged to me that said Corporation executed the same.

My commission expires: 1/6/96

Notary Public

NOTARY PUBLIC
MIKI BRINGHURST
7672 Avon-dale Drive
Salt Lake City, Utah 84121
My Commission Expires
June 1, 1996
STATE OF UTAH

LEGAL DESCRIPTION

Beginning at the East Quarter Corner of Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence along the East line of the North half of the Southeast Quarter of said Section 5, South 00°17'50" West 1338.83 feet to the Southeast Corner of the North half of the Southeast Quarter of said Section 5, said point also being the Northeast Corner of McLeod Creek Subdivision as recorded; thence along the South line of the North half of the Southeast Quarter of said Section 5, said South line also being the North line of said McLeod Creek Subdivision, North 89°58'59" West 1258.05 feet to a point on the Easterly most line of a 50 foot wide railroad right-of-way; thence along said railroad right-of-way the following two (2) calls: 1) North 28°16'38" West 694.96 feet to a point of a 855.00 foot radius curve to the left; thence 2) along the arc of said curve 75.88 feet thru a central angle of 05°05'05"; thence North, 387.86 feet; thence South 79°53'25" East 262.94 feet; thence North 82°51'53" East 140.99 feet; thence South 88°02'27" East 185.69 feet; thence North 60°24'25" East 345.20 feet; thence North 26°38'08" East 153.78 feet to a point on the center section line of said Section 5, said point also being on the south line of Ridgeview Subdivision as recorded; thence North 89°57'38" East along said center section line and said subdivision line 679.64 feet to the POINT OF BEGINNING.

Contains: 41.48 acres of land, more or less.

SURVEYOR'S CERTIFICATE

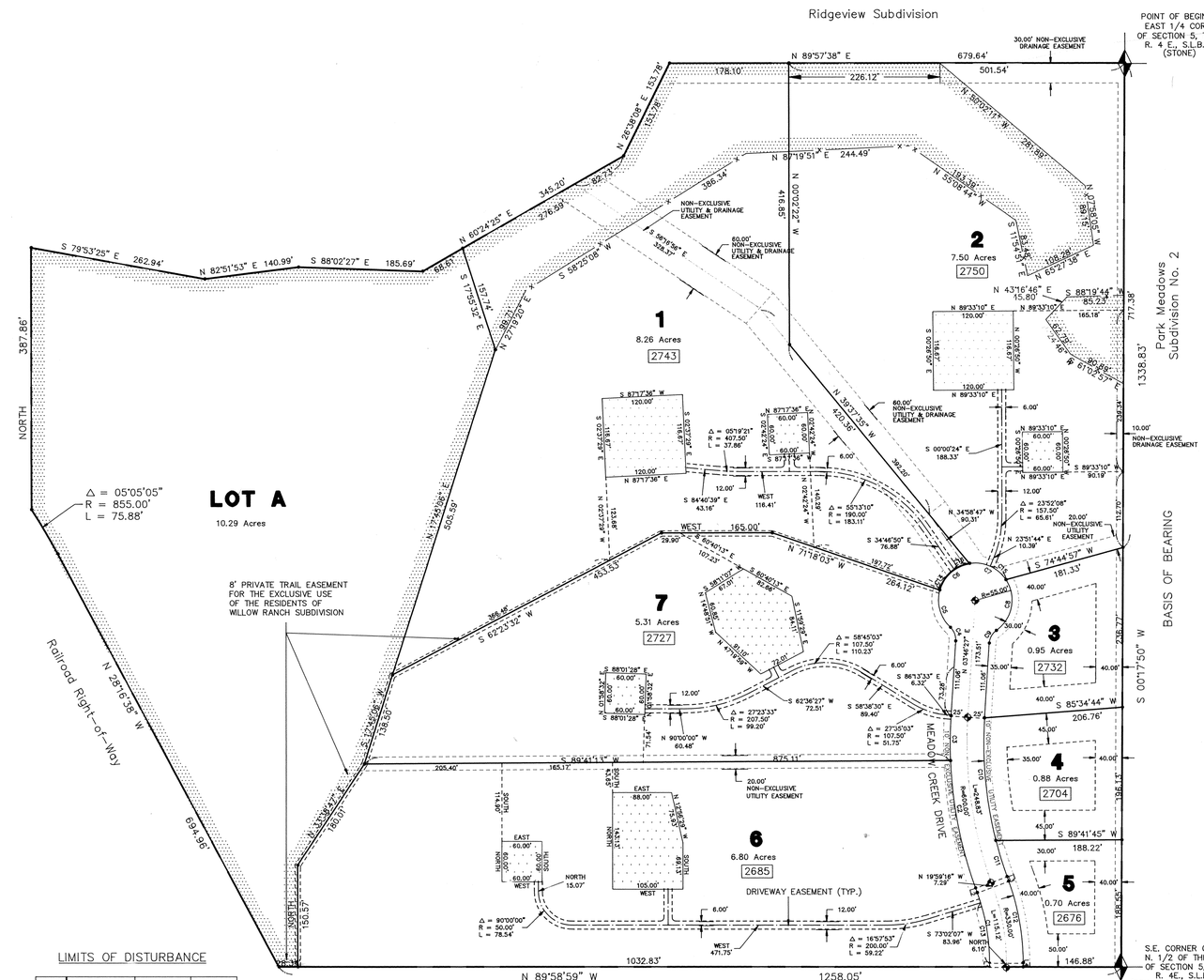
I, JACK J. JOHNSON, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 4496 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT A SURVEY HAS BEEN MADE OF THE LAND SHOWN ON THIS PLAT AND DESCRIBED HEREON. I FURTHER CERTIFY THAT THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW.

JACK J. JOHNSON

February 12, 1993
DATE:

LIMITS OF DISTURBANCE

LOT	BUILDING AREA (sq. ft.)	BARN AREA (sq. ft.)	TOTAL (sq. ft.)
LOT 1	14,000	3600	17,600
LOT 2	14,000	3600	17,600
LOT 6	14,400	3600	18,000
LOT 7	14,400	3600	18,000
		TOTAL	71,200



NOTES:

1. BUILDINGS SHALL BE CONSTRUCTED WITHIN THE LIMITS OF SHOWN BUILDING PADS.
2. ON LOTS 1 AND 2, THE TOTAL IMPACTED AREA, INCLUDING BUILDING FOOTPRINT AND ADDITIONAL FILL, SHALL NOT EXCEED 14,000 SQUARE FEET.
3. A 5 FOOT NON-EXCLUSIVE UTILITY AND DRAINAGE EASEMENT IS HEREBY DEDICATED ALONG BOTH SIDES OF ALL LOT LINES.
4. A 10 FOOT NON-EXCLUSIVE UTILITY EASEMENT IS HEREBY DEDICATED ALONG FRONT LOT LINES.
5. ALL FOOTING AND FOUNDATION DESIGNS SHALL BE APPROVED BY GEOTECHNICAL ENGINEERS.
6. IRRIGATION IN ALL LOTS BY SPRINKLER ONLY.
7. ON LOTS 1, 2, 6, AND 7 A MAXIMUM OF THREE HORSES WILL BE ALLOWED AND NO GRAZING OF HORSES IN THE WILDLIFE CORRIDORS.
8. OWNERS OF LOTS 1, 2, 6, AND 7 ARE REQUIRED TO INSTALL AND MAINTAIN LOT LINE FENCING IN ACCORDANCE WITH THE C.C.&R.s AND DESIGN GUIDELINES OF WILLOW RANCH.
9. HOME SQUARE FOOTAGES WILL BE LIMITED TO A MAXIMUM OF 8,000 SQUARE FEET ON LOTS 1, 2, 6, AND 7 AND 4400 SQUARE FEET ON LOTS 3, 4, AND 5.
10. BARN SQUARE FOOTAGES WILL BE LIMITED TO A MAXIMUM OF 1,800 SQUARE FEET WITH NO HUMAN OCCUPANCY.
11. BUILDING HEIGHTS OF HOMES AND BARNS WILL BE LIMITED TO 23 FEET TO MIDPOINT OF ROOF AND 28 FEET TO PEAK OF ROOF.
12. HOMES ON LOTS 1, 2, 6, AND 7 WILL BE REQUIRED TO INSTALL MODIFIED 13-D FIRE SPRINKLER SYSTEMS AS DIRECTED BY THE PARK CITY FIRE MARSHALL.
13. LOTS 1, 2, 6, AND 7 ARE SUBJECT TO AN ANIMAL MANAGEMENT PLAN AND EQUESTRIAN LOT OPEN SPACE COVENANT EXECUTED WITH THE PARK CITY MUNICIPAL CORPORATION.
14. NO BASEMENTS ARE ALLOWED.
15. PRIOR TO OCCUPANCY OF ANY HOUSE, ITS DRIVEWAY MUST BE PAVED.
16. PARK CITY MUNICIPAL CORPORATION DOES NOT NORMALLY PLOW SNOW WITHIN A SUBDIVISION UNITL 50% OF THE LOTS HAVE BEEN BUILT UPON.
17. NO BUILDING PERMITS WILL BE ISSUED UNITL MEADOW CREEK DRIVE HAS BEEN PAVED. EXCAVATION AND FOOTING/FOUNDATION PERMITS WILL BE ISSUED PRIOR TO PAVING OF MEADOW CREEK DRIVE
18. LOTS 1, 2, 6, AND 7 ARE ALLOWED AN ACCESSORY DWELLING UNIT SUBJECT TO THE APPROVAL OF PARK CITY MUNICIPAL CORPORATION AND RESTRICTIONS AS OUTLINED IN THE WILLOW RANCH CC&Rs.

NORTH

SCALE: 1" = 100'

LEGEND

- HOUSE BUILDING PAD
- BARN BUILDING PAD (60' x 60')
- WILDLIFE CORRIDOR
- 2676 ADDRESS
- STREET MONUMENT

PLOTTED: JANUARY 22, 1993

CITY COUNCIL APPROVAL

PARK CITY SUMMIT COUNTY CORPORATE SEAL MARCH 1, 1884

PRESENTED TO THE BOARD OF PARK CITY COUNCIL THIS 28TH DAY OF FEBRUARY A.D. 1993 AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED.

MAYOR Anita L. Sheldon

CITY RECORDER

CITY ENGINEER

APPROVED AND ACCEPTED BY THE PARK CITY ENGINEERING DEPARTMENT ON THIS 25TH DAY OF FEBRUARY A.D. 1993.

Eric W. DeHaan P.E.

CITY ENGINEER

CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS 22nd DAY OF February A.D. 1993.

CHAIRMAN

APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS 22nd DAY OF February A.D. 1993

CITY ATTORNEY

RECORDED

Nº. 324694.
STATE OF UTAH.
COUNTY OF SUMMIT.
RECORDED AND FILED AT THE REQUEST OF:
Coalition Title
DATE: 02-26-93
TIME: 11:15 AM
FEE: $22.00

COUNTY RECORDER

THE JACK JOHNSON COMPANY

1910 Prospector Avenue * Park City, Utah 84060
(801) 645-9000 * fax (801) 649-1620

3-16-93 GD
SEC 5, T2S R4E
WILLOW RANCH

22-00

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
DECEMBER 17, 1992

I ROLL CALL

Mayor Brad Olch called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, December 17, 1992. Members in attendance were Sally Elliott, Ruth Gezelius, Roger Harlan, Leslie Miller, Bob Richer, and Brad Olch. Staff present were Toby Ross, City Manager; Suzanne McIntyre, Senior Planner; and Jim Carter, City Attorney.

II PUBLIC INPUT

The Mayor invited the public to comment on any matter of City business.

1. 1993 Council meeting schedule - See work session notes. Leslie Thatcher, KPCW, agreed with Bob Richer and Ruth Gezelius that meetings should be held weekly to make it easier for the public to keep in touch with its elected officials and staff.

2. Appeal of Planning Commission decision of December 16 of the Quitting Time Application - Pat Sweeney, applicant for Quitting Time read a notice of appeal, dated December 17, 1992, which has already been submitted to the City Recorder. A copy of this notice is made a part of these minutes. Because of contractual obligations with other parties, the applicant has requested that the appeal be heard before January 1, 1993.

Jim Carter, City Attorney, stated that the appeal has been filed in a timely manner or within ten days of the denial. There was discussion at the Planning Commission meeting if this appeal could be heard before Council this evening, but sufficient notice has to be provided in order for the Council to take an action. There is time to provide ten days mailed courtesy notice before the end of the year, but there is not time to publish notice ten days before the end of the year. The Council, however, could provide notice, conduct a hearing, and act, and hold the record open until the notice period has expired at which time the determination of Council would become final. See New Business.

III MINUTES OF MEETING OF DECEMBER 10, 1992

Ruth Gezelius, "I move approval of the December 10, 1992 minutes". Roger Harlan seconded. Motion unanimously carried.

IV REPORTS FROM COMMISSIONS AND BOARDS

Planning Commission Meeting of December 16, 1992 - Suzanne McIntyre reported on this meeting; minutes of which are available in the Planning Department.

V COMMUNICATIONS FROM COUNCIL AND STAFF

Call-up of Town Lift Phase 1 - See work session notes. Leslie Miller felt it important to have further discussion on the final design of the Town Lift Building A2. This is a significant project and she expressed the desire to make sure that there is ample opportunity to look at the design elements. Councilman Richer felt that the work session review was adequate and Sally Elliott stated that she felt comfortable with the decision of the Design Review Task Force. Ruth Gezelius and Roger Harlan were also opposed to calling this approval up. Leslie Miller stated that the Task Force has done a good job and that her desire to call it up should not be taken personally. She does not feel that the project goes quite far enough in meeting the objectives that were outlined in the conceptual approval stage, specifically variations in height and referred to Eldon Beck's vision of the project. Harry Reed emphasized that this building is similar but smaller than Beck's rendering. Ms. Miller felt that the height variation is an important feature.

Because of lack of support to call this matter up, the approval of the Town Lift Design Task Force is upheld.

VII PUBLIC HEARING

Continuation of public hearing on Willow Ranch (Peterson) annexation petition and supplemental annexation policy declaration - See minutes of December 10, 1992. Suzanne McIntyre noted that the City has received a request to annex approximately 70 acres into the City limits. It would be zoned estate and recreation open space. For the benefit of Bob Richer with regard to the water service agreement, Jim Carter answered that the market value of the property of the railroad easement is very low. The estate has $25,000 in escrow for the acquisition of the easement. Discussions are underway with the owners of the easement and the City feels comfortable with obtaining the property within 18 months.

Leslie Miller asked if an environmental study has been performed. The City Manager stated that in Utah, environmental assessments are not required by any state or local regulation. The City has received a wetland assessment because of federal requirements. Bob Richer pointed out the 100 acre feet provided in the water service agreement as opposed to projections of 30 or 40 acre feet for irrigation in the staff report. The City Manager stated that the water can only be used for irrigation and it is not anticipated that 100 acre feet would ever be used and there is adequate protection for both parties.

VIII NEW BUSINESS

1. A Resolution annexing the Willow Ranch property into the corporate limits of Park City, Utah and adopting an annexation agreement and a supplemental annexation policy declaration - Ruth Gezelius, "I move approval of the resolution". Bob Richer seconded. Motion carried unanimously.

2. Approval of Peterson acquisition including a Water Service Agreement - Ruth Gezelius, "I move approval of the Peterson acquisition including a Water Service Agreement". Bob Richer seconded. Motion carried unanimously.

Councilman Richer felt that this is a great accomplishment in acquiring environmentally protected open space. This depended less on procedures and bureaucracies and more on relationships. He thanked the Peterson Estate representative Michael Wright, real estate advisor Don Griffin, legal advisor John Parsons, real estate representatives Richard Dudley, Blane Glassman, and Craig Masters. He acknowledged the leadership role of the City Council, Mayor, City Manager and staff. Without the City's desire to facilitate this process, he was convinced that the end result would have been far less satisfying for all involved and far more expensive. Mr. Richer characterized this transaction as an example of how cooperation is central to the art of politics. Ruth Gezelius added that the City has again secured a piece of land that meets the commitment to provide an entry corridor, neighborhood compatibility and requiring a higher standard of development and open space requirements on annexed parcels. She also commended the City Manager in his negotiations and Bob Richer for his creative solutions to land management problems. Sally Elliott felt that the planning staff and Planning Commission did a great job in keeping with the aims of the City Council.

3. A Resolution extending time for recordation of Royal Oaks Phase II Subdivision Plat - Jim Carter stated that when the Royal Oaks Phase II Subdivision Plat was approved in January 1992, the City Council attached a condition that the plat not be recorded for 90 days to allow an opportunity to resolve some issues. Those discussions have been productive but ultimate resolution has not been accomplished. The City Attorney is recommending that the City Council hold the time period open until solutions are exhausted. Ruth Gezelius, "I move that we approve the resolution extending time for recordation of the Royal Oaks Phase II Subdivision Plat". Bob Richer seconded. Motion unanimously carried.

4. Appeal of Planning Commission denial of Quitting Time Phase B application - See public input commentary. Ruth Gezelius commented that the project is of great significance to the Depot Area and because of the Council's previous involvement, the appeal should be heard. Ruth Gezelius, "I move to hear the appeal and to schedule a special meeting within the legal requirements but within

the time frame of 1992, if the two can be accommodated". Sally Elliott seconded. Motion unanimously carried. Staff will set a date and appropriate parties will be noticed.

IX ORDINANCE

An Ordinance amending the official zoning map of Park City, Utah to include the Willow Ranch property - The Mayor requested a motion to approve. Ruth Gezelius, "I so move". Bob Richer seconded. Motion carried unanimously.

X ADJOURNMENT

The Mayor wished all a Merry Christmas and happy New Year. With no further business, the regular meeting of the City Council was adjourned.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3 p.m. Members in attendance were Mayor Brad Olch, Sally Elliott, Ruth Gezelius, Roger Harlan, Leslie Miller, and Bob Richer. Staff present were Toby Ross, City Manager; and Jim Carter, City Attorney. Ruth Gezelius, "I move to close the meeting to discuss litigation". Bob Richer seconded. Motion unanimously carried.

The meeting opened at approximately 3:30 p.m.

* * * * * *

The meeting for which these minutes were prepared was noticed by posting 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott

Janet M. Scott
Deputy City Recorder

Received by
Anita Sheldon
10/17/92

December 17, 1992

Park City Recorder
Park City, UT 84060

NOTICE OF APPEAL

TO WHOM IT MAY CONCERN:

Pursuant to Section 1.16 of the Park City Land Management Code, this letter shall constitute a Notice of Appeal by Quitting Time Ltd. to the Park City Council of the Park City Planning Commission's final decision denying Quitting Time's Phase B Application as it relates to the Coalition East Properties of the Town Lift Subdivision. The denial of Quitting Time's application occurred at the December 16, 1992 Planning Commission meeting. The following information is provided:

1. Quitting Time's address is P.O. Box 2429, Park City, Utah 84060, and its phone number in Park City is 649-7077. Quitting Time is the developer of the project.

2. The reasons for this appeal and requested review of the Planning Commission's decision are as follows:

(a) The Phase B Application is consistent with the Sweeney Properties Master Plan approved by the Park City Municipal Corporation on October 16, 1986 and subsequently amended on October 14, 1987.

(b) The Phase B Application is consistent with the conceptual approval of the Town Lift Project passed by the City Council on September 19, 1991.

(c) The Phase B Application is consistent with the criteria set forth for small scale master plans as outlined in Sections 1.13 and 1.14 of the Park City Land Management Code.

(d) The Application contains adequate information to satisfy the requirements of the Subdivision Regulations of the Land Management Code for sketch and preliminary plat approval.

(e) The failure to approve the Phase B Application constitutes a breach of contract between the Park City Municipal Corporation, Quitting Time Ltd. and its predecessors in interest. Specifically, Quitting Time alleges that the Sweeney Master Plan approval (pursuant to which Quitting Time and affiliated entities deeded various parcels of land to Park City, agreed to the rezoning of certain properties, opened certain parcels of property to public use, built and maintained over three miles of walking and biking trails for public use, granted an easement to Park City for the location of a major water line and expended over $150,000 on design work alone) constitutes a binding contract.

(f) The failure of the Planning Commission to approve the Phase B Application violates at a minimum the following sections of the Land Management Code: Section 1.13, Section 1.14, Section 1.21, Section 3.5, Section 3.8, Section 3.14(b) through (f), including but not limited to the specific requirement of 3.14(f) pertaining to the scope of the Commission's review and Section 15.2.1 - 15.2.3.

(g) The failure of the Planning Commission to approve the Phase B Application constitutes inverse condemnation.

(h) Quitting Time seeks a hearing and resolution of this appeal prior to year-end, particularly in light of the potential expiration at year-end (if Quitting Time's Application is not approved) of Quitting Time's Joint Development Agreement with McIntosh Mill Ltd., which will cause grave damage to Quitting Time.

Respectfully submitted this 17TH day of December, 1992.

QUITTING TIME LTD.

By Patrick J. Sweeney
Its: President MDE
Its General Partner

9996I
10624-1

MEMORANDUM
PARK CITY PLANNING DEPARTMENT

TO: Planning Commission
FROM: Suzanne McIntyre, Senior Planner SM
DATE: January 13, 1993
RE: Willow Ranch Subdivision - Preliminary Plat

==========

I. BACKGROUND INFORMATION:

The Willow Ranch preliminary plat application is not ready for approval yet due to unresolved issues on utilities, trails, areas of disturbance, accessory units, building standards, and the animal management plan. The Planning Commission may, however, be able to provide some useful direction on the outstanding issues during the Work Session. The applicants were willing to delay action on the preliminary plat, but would like to receive preliminary and final approval at the next meeting. Hopefully, everything can be resolved by then.

II. ISSUES FOR DISCUSSION:

1. Utilities. The applicants continue to work with City Engineer Eric DeHaan, Chief Building Official Ron Ivie, and the SBSID on the location of the utilities. We will not schedule this for further review until we have an okay from each of them.

2. Trails. The applicant has reviewed the trails plan required by Landscape Architect Jennifer Harrington and has indicated that one of the trails may not be acceptable. We will have an update at the meeting and determine whether or not this is an issue the Planning Commission needs to become involved in.

3. Area of disturbance. During the Public Hearings, a number of adjacent property owners indicated their concern over allowing grazing in the northeast corner of the site, largely due to the crossing of the stream in that area. The applicant believes the concerns were more over the fencing and the neighbors' opposition to three fences in a row, and have indicated that the fences will be minimized by the use of electric wire. The Planning Commission should review this area in the field if possible, and come prepared to discuss the environmental and visual impacts of allowing grazing in this location.

4. Accessory units. The Planning Commission indicated during the discussion over the employee housing requirement associated with the annexation that perhaps the larger houses should be explicitly permitted to have employee units. The Land Management Code currently allows "Secondary Living Quarters" which meet the following criteria (Chapter 2 - Definitions):

"Secondary Living Quarters" are defined as...areas within the main dwelling which are used by the property owner or primary tenant as dwellings for the private use of the property owner's relatives, domestic help, caretakers, nursing staff, house guests, or similar users. The Code requires these quarters to be small, on the same meter system as the main dwelling, with limited access, and not separately rented or leased.

If the Planning Commission decides that specific "employee units" should be allowed, language permitting them can be drafted to require year-long leases, with stipulations that the employee be employed within the City limits, and not earning a wage over "X" amount, or something along those lines.

5. Building standards. Applicable sections of the CC&Rs, including the architectural standards, are attached. A complete copy is available in the Planning Department for anyone wishing to read them in their entirety (these are some of the best-prepared CC&Rs to have been recently received). Of particular note are the following sections:

4.7 Wood-Burning Fireplaces. This section limits fireplaces and wood-burning stoves to one per dwelling, a restriction which the staff applauds.

6.4 Dwelling Size. This section sets the maximum house square footages on the smaller lots at 4,000, and at 8,000 square feet on the larger lots. In Section 6.6 Dwelling Height, the maximum building ridge height is set at 28', with the area of the second-floor not being permitted to exceed 40% of the dwelling's footprint. Additionally, Section 6.8 Maximum Exterior Wall Height, limits the walls to 23' at the eave from either natural or finished grade, which ever is lower.

The Planning Commission needs to decide if these are appropriate size and mass restrictions for houses on lots which average .84 acres on the smaller lots and 7 acres on the larger lots. If it is determined that these sizes are not appropriate, additional language or changes need to be developed.

Article V - Permitted Uses and Improvements,
Article VI - Architectural Design Standards and Conditions on Improvements, and
Article VII - Landscape Standards. These sections should all be reviewed, as these were areas the Planning Commision expressed concern over. In particular, they address the outdoor storage of materials and equipment, building design philosophy and revegetation standards. There is reference to separate "fencing standards" which were not attached and the staff has requested them. In

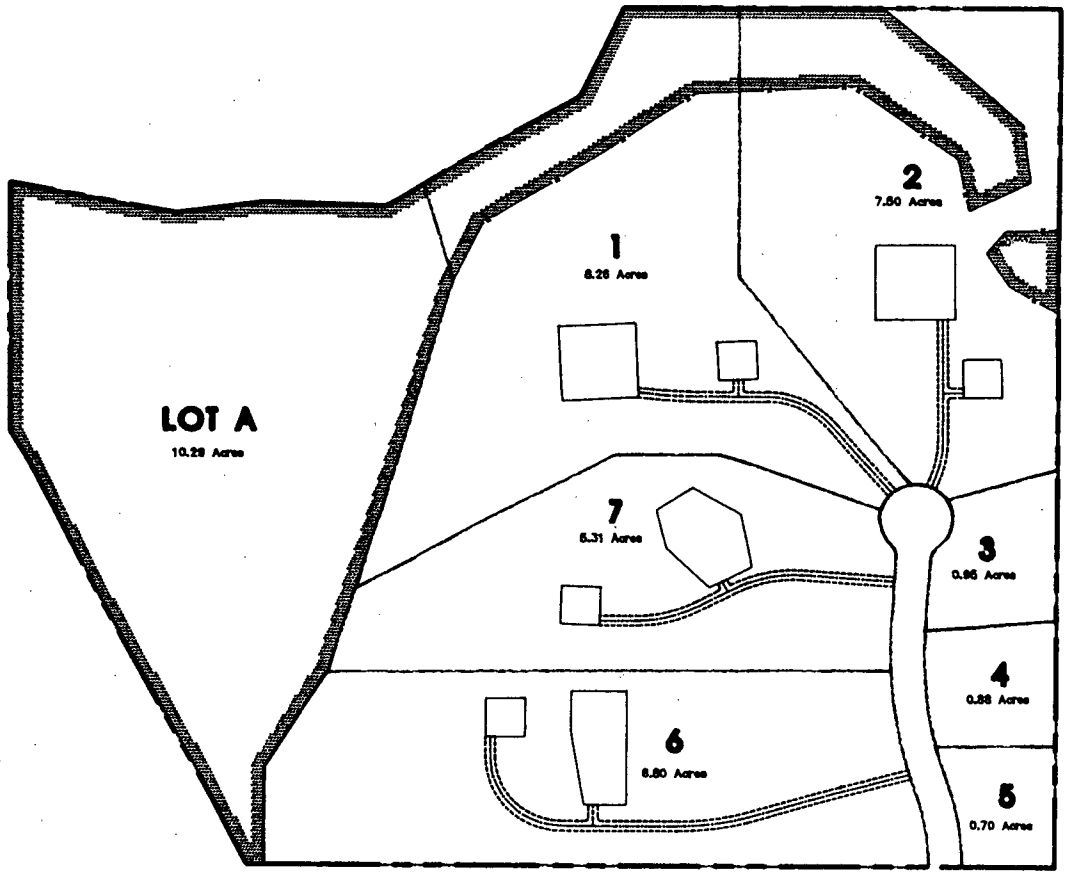
general, the staff is satisfied with the CC&Rs.

6. Animal Management Plan and Maintenance Covenant. As you can see from reading this, the animal management plan is a separately recorded document between PCMC, the developer, and the HOA. The purpose is to "provide the City with direct enforcement should the (Homeowners) Association fail to adequately enforce its covenants relating to the Equestrian Lot Open Space and the Wildlife Corridor". Please review this language and determine if anything additional is needed.

7. Additional Items. If there is anything else which may have been overlooked, please give the staff a call and we will do the back-up research prior to the meeting.

WILLOW RANCH SUBDIVISION

SCALE: 1" = 300'



LEGEND

- HOUSE BUILDING PAD
- BARN BUILDING PAD (60' x 60')
- WILDLIFE CORRIDOR

PLOTTED: JANUARY 7, 1998

CITY COUNCIL APPROVAL	CITY ENGINEER	CITY PLANNING COMMISSION	APPROVAL AS TO FORM	RECORDED
PRESENTED TO THE BOARD OF _____ CITY COUNCIL THIS _____ DAY OF _____ A.D. 19___ AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED. MAYOR CITY RECORDER	APPROVED AND ACCEPTED BY THE _____ CITY ENGINEERING DEPARTMENT ON THIS _____ DAY OF _____ A.D. 19___ CITY ENGINEER	APPROVED AND ACCEPTED BY THE CITY PLANNING COMMISSION ON THIS _____ DAY OF _____ A.D. 19___ CHAIRMAN	APPROVED AS TO FORM ON THIS _____ DAY OF _____ A.D. 19___ CITY ATTORNEY	N°. _____ STATE OF _____. COUNTY OF _____. RECORDED AND FILED AT THE REQUEST OF: COUNTY RECORDER

THE JACK JOHNSON COMPANY
1910 Prospector Avenue • Park City, Utah 84060
(801) 645-9000 • fax (801) 649-1820

WORK SESSION NOTES - JANUARY 13, 1993

PARK CITY PLANNING COMMISSION
WORK SESSION NOTES
JANUARY 13, 1993

Present: Bruce Erickson, Dean Berrett, Alison Child, Fred Jones, Chuck Klingenstein, Joe Tesch, Ron Whaley, Rick Lewis, Nora Seltenrich, Suzanne McIntyre, Janice Lew, Jim Carter, and Bob Richer

WORK SESSION - OVERVIEW OF REGULAR MEETING

Thaynes No. 5, Final Plat

Planner Janice Lew explained that Thaynes Canyon No. 5 is a 4-lot single family subdivision. The average lot size is 15,451 square feet. The applicant is proposing an 8,000 square foot maximum house size.

Planner Janice Lew explained the Planning Staff's recommendations regarding the sketch and preliminary plat conditions of approval. Most concerns were with incoming golf balls. With regard to lot screening, the staff recommended that all the lots be screened. The applicant originally showed screening on Lot 1 and part of Lot 2. The staff had discussions with Doug Vilven, the City's Golf Pro, and Pace Erickson, Parks and Golf Superintendent, who both agreed that all four lots should be screened. The driving range and the first fairway are abutting the parcel, so there could be problems with balls slicing into Lots 3 and 4. As a result, the staff recommended that all four lots be landscaped and bermed and it should be the responsibility of the property owner.

With regard to the maximum house size, Planner Lew stated that the staff recommended that the house size be no larger than 4,000 square feet plus a 600 square foot garage allowance.

Commissioner Questions and Comments:

Commissioner Chuck Klingenstein was concerned with the maintenance of the landscaping and buffer zone and who would be responsible for it. Planner Lew said that there would be a change in the conditions stating that it would be the property owner's responsibility. Mr. Greg Lawson, representing the applicant, stated that from a practical standpoint it would work better if it were a requirement at the time of the building permit stage for the homeowner. Maintenance is one consideration; how they want to do it is another. Commissioner Klingenstein also inquired as to whether there were requirements for size of vegetation. Planner Lew recommended an approval of landscaping be incorporated into the conditions, one that would have some immediate effects.

Chairman Bruce Erickson suggested that Greg Lawson submit a list of material sizes for staff approval.

Commissioner Alison Child was concerned with the size of the berm. She felt that a 2-1/2 foot berm was quite small. She also requested a size description of the vegetation. Greg Lawson agreed to have the Planning Staff approve the plant list, and reiterated that house size is a factor in the size of the berm. Commissioner Child stated that she would be satisfied with only landscaping Lot 1 and half of Lot 2.

Commissioner Ron Whaley said that he thought is was very important for the applicant to determine how he would mitigate golf balls. He was concerned that in the future, property owners will cut view corridors through their landscaping. He thought it backward for the City to ask an applicant to vegetate heavily to mitigate City golf balls.

Commissioner Dean Berrett agreed with Commissioner Whaley's point and stated that the Commission is telling the property owner, who knows he is purchasing a lot and building a home on a golf course, that he must put in an extraordinary amount of landscaped berm and mature trees to preclude golf balls from getting on his own property. He expressed concern that every time the Commission saw another golf course subdivision proposal in the future, inordinate amounts of landscape requirements would be imposed. He did not feel this made sense.

Commissioner Child suggested that the Commission come up with a short-term compromise to avoid legal disputes and to make it safe for homeowners to be on their decks.

Chairman Erickson suggested that notification to the homeowners be required.

Commissioner Fred Jones pointed out that the applicant had willingly agreed to landscape Lot 1 and half of Lot 2. The question seemed to be whether to landscape the rest of the project. Greg Lawson stated that he was opposed to the 30-foot fence, that the idea of a modest berm and landscaping was fine on Lot 1 and part of Lot 2 because they are right along the fairway, but that he disagreed with having the same conditions apply to Lots 3 and 4. Mr. Lawson showed aerial photos of the area for the Commissioners to review.

Commissioner Joe Tesch asked the City Attorney, Jim Carter, if the City would be liable if City golf balls went through a homeowners window. Mr. Carter said that they would not. Mr. Carter explained that Park City opted not to fence it's golf course with a large link fence, although that would give maximum protection from liability exposure. Instead, they chose landscaping as an alternative. Landscaping was made a part of the deal in getting subdivision projects approved in the vicinity of the golf course.

Mr. Carter stated that the concept of incorporating features that flow out of a project's location into the design of this subdivision is no different than requiring 90 pounds per square foot roof load standards in Park City rather than 30 pounds. It is part of the environment.

Chairman Erickson stated that consensus showed recommending approval subject to the conditions listed in the staff report and the revisions to Conditions 2 and 4 regarding landscaping standards, providing plant materials in accordance with that condition, and responsibility thereof. Greg Lawson agreed to all of the conditions.

Mr. Lawson said that he originally proposed an 8,000 square foot maximum house size, including the garage. Now he was requesting a 5,000 square foot maximum house size, not including the garage and basement, because he felt this size was more representative of what was on the cul-de-sac. Discussion continued on the size of homes in that area.

Commissioner Berrett suggested looking at the reasonably shaped buildable areas of the four lots and try to do something different with each lot's square footage maximum, as some of the lots have a more reasonable building pad than others. This would give the area a variety in size and mass.

Commissioner Tesch felt that 4,000 square feet should be the maximum house size, and that the maximum house size on Lot 1 should be smaller.

Commissioner Child said she was comfortable with the house size at 4,000 square feet plus a 600 square foot garage allowance.

Planner Lew stated that Condition 2 would be revised stating:

> The final plat shall include information on the following items:
>
> a. Maximum house sizes not to exceed 4,000 square feet plus a 600 square foot garage allowance.
> b. A separate recorded sheet designating landscaping standards for Lot 1 and a portion of Lot 2 which shall be the responsibility of the individual property owner and shall be required to be complied with at the time of building construction.
>
> c. A notation warning of the danger from errant golf balls, and that structures built on the lots must be designed to reduce the impacts and danger from golf balls.

Planner Lew also stated that a fourth condition would be added stating:

> Prior to building permit issuance, a site specific landscape plan and security shall be required for Lots 1 and 2. The landscaping shall be required to be in place prior to final Certificate of Occupancy.

Resort Center Lodge and Inn, CUP for Additional Signage Square Footage

Planner Janice Lew introduced the applicant's representatives, Kirk Brimley and Jim Loveland. She then proceeded to review the project. She explained that the proposed directional sign is replacing a smaller existing sign. The proposed sign exceeds the 45 square foot limit which can be approved at the Planning Staff level. The proposed sign is an internally illuminated cabinet sign constructed of aluminum with a plastic face. A low luster vinyl would be applied to the face of the sign with only the lettering illuminated. The letters would be in ivory with a 1-1/2 inch stroke width. Planner Lew showed examples of the vinyl fabric to the Commissioners.

Commissioner questions and comments:
Commissioner Alison Child asked the applicant about the sign's purpose. Kirk Brimley stated that due to the massive size of the building, tourists have an enormous problem finding their way around, so it would be to direct pedestrian traffic. Commissioner Child confirmed that the colors match the existing signage.

Mr. Brimley showed the Commissioners a scaled drawing.

Public Input

Rob Morris requested a few minutes of the Planning Commission's time to address concerns about development at Snow Creek. He inquired if the City would become a partner in the Snow Creek project if it were consummated. Planning Director Nora Seltenrich stated that it would basically be a simultaneous closing. The City would not be considered a partner but would receive portions of the property only.

Mr. Morris stated that he, as well as his neighbors, were opposed to any residential development, particularly two-story development, along Park City's corridor. Apartments at this location would have boats and campers in the parking lot and bikes on the decks, causing an eye sore. What he suggested instead was building light commercial or office spaces. In addition, he suggested requiring 70% open space rather than the 60% that was presently required. Mr. Morris suggested the planning should be designed so to allow

only one story buildings, require mature landscaping, and good design of structure. This would produce a residential looking design but would house light commercial. He also noted that even if this property were to be purchased for $1.00, it would still be unaffordable to build housing that would make a profit. The only way to make it affordable would be to take cheap design, cheap construction, two stories, and ruin Park City's corridor.

Chairman Bruce Erickson stated that some of those concerns would possibly be addressed later in the meeting when Thaynes Canyon No. 5 was addressed.

North Horse MPD

Planner Susan Lykes addressed the Commission with information that had been previously requested on the proposed project. She added that North Horse is on the next Planning Commission meeting regular agenda and the staff will be coming forward with a recommendation, including a number of conditions of approval. She stated that changes had been made since the last review, and that the Planning Staff now feels more comfortable with the project.

The materials for the project are proposed to be brick and wood siding, although Joel Kester, representing Sundial Inc., has discussed alternative siding materials with the staff. The front and rear elevations have remained the same and there are open stairways on either side of the four units on each floor. Planner Lykes stated that the sewer district is not 100% satisfied yet, so the staff will stipulate a condition of approval that the sewer and all utilities be approved by the City Engineer and the SBSID.

Commissioner Questions and Comments:

Commissioner Alison Child requested to see a color palette and further description of the windows. Mr. Kester explained that they had grays in mind with a matching brick and a black roof. He also explained that the windows would be wood clad with aluminum.

Planner Lykes stated that the staff had calculated this project to have approximately 47% open space, although the requirement is 50%. The options available to reach the 50% code requirement would be to lessen the road width, build smaller units, or give a recommendation from the Planning Commission to the Board of Adjustment for a special exception. Joel Kester agreed that they could reduce the road width and conform to regulations, but was concerned with access ease.

Commissioner Fred Jones felt that the 47% open space was less noticeable and had a less adverse affect than lessening road width or building smaller units.

Commissioner Dean Berrett commended the developer on the proposed gas fireplaces and hoped that they could not be converted, as that would raise an additional concern of wood storage. He also raised the issue of parking. Mr. Kester explained that they would not, at this point, allow campers or trailers. He stated that a nominal fee would be imposed for additional parking spaces per unit to alleviate the problem of abandoned vehicles. He explained that this had worked well to keep parking areas clean in other complexes.

Commissioner Berrett questioned whether these units would block any views from the Fireside or Ironside complexes. Mr. Kester stated that the tallest building proposed would block a partial view of Prospector Square but not the hillside beyond. A very nominal portion of the golf course subdivision would also be blocked out.

Commissioner Berrett also inquired about the loop and the fact that it is not meant to be a thoroughfare. Joel Kester stated that Sundial Inc. and the other complexes concerned have discussed this problem and were working on solutions together.

Commissioner Chuck Klingenstein said that he was concerned with the long-term effects of this project and would like to see the full 50% open space. He proposed that the apartments be required to remain affordable for a longer period of time. Mr. Kester replied that Sundial Inc. had offered other programs to the City which would make this project restricted forever, such as the City purchasing the units, but that the City said they were not interested in being involved with this type of program. He also stated that the private sector would not go beyond a 24-year project.

Commissioner Ron Whaley noted that he does not have a problem with only 47% open space. He felt that if he took each of the specifics one by one, he would approve them separately for an affordable housing project, but as a whole he would decline the project. He agreed with Commissioner Klingenstein regarding long-term effects. He felt that there were so many items being pulled through the eye of the needle on this project that by the time it was completed, a disservice will have ben done to the community. Commissioner Whaley expressed concern that in 24 years when the City benefits evaporate, this area would become a ghetto. He referred to Rob Morris' statement that you can take free land and still have a situation where you can't make it work.

Commissioner Joe Tesch suggested the Commission pay attention to law versus permanency, and permanent rental versus permanent owner occupancy. He also was in favor of lifetime rentals. Commissioner Tesch stated that he had no problem with the 47% open space, and proposed that the City would have first right of refusal after 24

years. Joel Kester explained to Commissioner Tesch that this project was designed as a 24-year project. Mr. Kester said it could work well, but if it were restricted to a rental, there would be more of a tendency for a loss of value and less upkeep. He also felt that it would have better value retention if someday the units could be sold to individual owners.

Commissioner Jones said that his concern was that of affordability of housing in the long-term. He elaborated that the responsibility of providing affordable housing should lie with the employers of the town (shops, City, ski area, etc.). If there was a need for affordable housing at the end of the 24 years, the buyers of the condominiums should be the employers. He also stated that the 47% open space was not a problem for him.

Commissioner Child said that she was worried about the long- term effects of this project, therefore she would push to see the project be the best it could be by voting for the full 50% open space. She requested that the Planning Commission be provided with a landscape plan, grading plan, and a color palate before approving this project. Commissioner Child explained that because this was a business venture, she felt she should ask no less of Sundial Inc. than of other applicants. She also inquired as to whether there was any anticipated signage. Joel Kester stated that he would like to have some type of small directory placed on the property, and it would, of course, be approved by the Planning Staff.

Mr. Kester stated that he was very willing to please the Planning Commission by upgrading the retaining walls, getting suitable colors, etc., but that he needed to know exactly what the Commission wanted so that he could work on getting it approved.

Chairman Bruce Erickson stated that the staff would review the road grade and how it fits in with the project. He requested to have the grading plan one week prior to the next meeting for review. The Chairman stated that the Employee Housing Committee would need to discuss the language of the long-term employee housing conditions of approval with Planner Lykes before the next Planning Commission meeting so that action could be taken and a recommendation made to the City Council on the affordable housing agreement.

Willow Ranch Subdivision, Preliminary Plat

Senior Planner Suzanne McIntyre gave the Commission additional background information on this project. She stated that the applicant was still working with the City Engineer on the location of the utilities. She explained that this project could not be scheduled for further review until the City Engineer gives his approval. Planner McIntyre also said that the Planning Staff had

concerns with the trail plan received from Jennifer Harrington, Senior Landscape Architect.

Planner McIntyre stated that Ms. Harrington's comments explained that the trails master plan showed a 4-foot wide concrete sidewalk extending from Meadow Creek Drive up to Meadows Drive, but due to the nature of the proposed subdivision configuration and the environmental sensitivity of the site, she recommended that a boardwalk or path be constructed instead of the concrete sidewalk. The boardwalk could span the wetland areas with perhaps some wildlife viewing area located in appropriate places.

Commissioner Questions and Comments:

Commissioner Fred Jones requested that the Commission take an in-depth look at how this trail fit it with the trails master plan.

Richard Dudley, representing the applicants, stated that he spoke with Toby Ross and Rick Lewis while developing the Cooperative Mitigation Plan to the Army Corp of Engineers. He said and that there was a great deal of discussion about the entire railroad grade that exists for a trails system, of which they would like to plan for future drop off points to accomplish what Ms. Harrington indicated would be suitable wildlife and wetlands viewing areas. The applicants are currently meeting with the Summit Land Trust, and are donating 10 acres to the Trust and putting in a conservation easement over this property.

Mr. Dudley pointed out that they already had a private use easement from the cul-de-sac out to access the railroad grade trail for the equestrian/pedestrian use of the subdivision lot owners on the plat.

Commissioner Alison Child confirmed with Mr. Dudley that the trail was a wildlife trail. She suggested building a small offshoot which would be a private seating area with a boardwalk instead of a trail.

Chairman Bruce Erickson asked if any Commissioners were in favor of the proposed viewing trail. None of the Commissioners showed support for the trail. The Chairman recommended that any wildlife viewing area be accommodated on the existing railroad trail which is being built by the City.

Planner McIntyre explained that the Planning Department had received concerns regarding the area of disturbance in the northeast portion of the property, specifically dealing with fencing. One fence is located at the property line, another bounds the section of the creek area which should not be broached. This totals three fences residents would look over. Another concern

would be the allowance of grazing in this area due to the disturbance of the stream. Mr. Dudley felt that this should definitely not be excluded from grazing, and said that the stream crossing area would have a gate so that the animals did not enter the stream.

Commissioner Child confirmed that the project was proposing electric fences.

Chairman Bruce Erickson confirmed that all the Commissioners were comfortable with the electric fences.

Planner McIntyre inquired as to whether or not employee housing should be encouraged on these four lots.

Commissioner Ron Whaley mentioned his previous discussion with Commissioner Chris Erickson on this topic and stated that the Commission should allow the developers to build what they wanted, with no recommendations or restrictions, as long as the project stayed inside the envelope of the main house. This suggestion was similar to what the City Council had recommended, and Commissioner Whaley felt it was an extremely workable idea to answer an employee housing need.

Richard Dudley stated that the project CC&R's outline that "An Equestrian Lot Owner may construct an Accessory Dwelling Unit, subject to further review and approval by the City."

On another issue, Planner McIntyre stated that the CC&R's outlined the following mechanisms to address building mass, which is a bigger issue than house size:

1. Limiting maximum ridgeline to 28 feet above natural grade
2. Limiting the area of the second floor to 40% of the dwelling's footprint
3. Limiting the wall height to 23 feet at the eave line to the lesser in elevation of either natural grade or finished grade.

Commissioner Whaley agreed with the staff that the proposed mechanisms are very good. He added that the smaller lots could be amended to 4,400 square feet, and that 8,000 square feet would work on the larger lots.

Chairman Erickson asked if the staff could review a comparative house size study for the smaller lots.

Planner McIntyre confirmed that the Commission was comfortable with the animal management plan. She also reiterated that the CC&R's

were the best ones she had seen come through the Planning office in quite awhile.

Pursuant to Mr. Dudley's request, Chairman Erickson confirmed with the Commission that it would be acceptable to present the preliminary and final plat for approval at the same meeting two weeks from now if they could get an approval on the utilities.

Snow Creek MPD

Representing the project were Jack Thomas, Doug Rosecrans and Jeff Coleman, the developer.

Chairman Bruce Erickson excused himself from discussion of the project, stating that he had a conflict of interest. Vice Chairman Alison Child led the discussion.

Senior Planner Suzanne McIntyre went over background information and reviewed concerns the Planning Commission had expressed earlier. She stated that after many discussions with the Planning Staff, the biggest concern which had not been resolved to date was whether or not to broach the wetlands with a connection to State Highway 224. The staff had discussed whether this was important enough in terms of traffic circulation to allow a crossing of the wetlands. The staff had determined that it was something they felt was necessary.

Planner McIntyre explained that the applicant was proposing to request a large scale master plan development for just the commercial portion of the sites at the Planning Commission meeting on January 27. That review will be contingent upon the project receiving approval of the RCO overlay zone, as the project would be a conditional use. The developer would then come back as soon as possible after the 27th with the details.

Commissioner Questions and Comments:

Commissioner Joe Tesch was concerned that the Commission had only discussed commercial development and were not discussing how it would interface with residential development. Therefore, he felt that residential development may never happen. Planning Director Nora Seltenrich explained that she believed there was no requirement that the development build employee housing.

Due to time constraints, Vice Chairman Child recommended scheduling a special work session to look at the proposed plans. A work session was scheduled for 6:00 P.M. next Wednesday, January 20, 1993.

PARK CITY PLANNING DEPARTMENT
STAFF REPORT

TO: Planning Commission
FROM: Planning Staff
DATE: January 27, 1993
RE: Willow Ranch Subdivision Final Plat for 7-Lot Single Family Subdivision

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I. PROJECT STATISTICS:

Applicant:	Jeff Graham for Jack Johnson Co.
Project Address:	State Hwy. 224, north of McLeod Creek Sub. and south of Ridgeview
Request:	Final Plat of 7-lot subdivision
Zoning:	SF and ROS
Adjacent Land Uses:	SF Residential and open space
Date of Application:	September 8, 1992
Date of Staff Report:	January 22, 1993
Staff Planner:	Suzanne McIntyre
Staff Recommendation:	APPROVE

II. BACKGROUND INFORMATION:

This is the final plat for the parcel known as the Peterson Annexation which was annexed into the City at the end of 1992.

III. PROJECT DESCRIPTION:

The property is proposed to be developed as 7 single family lots, 4 of which will be large equestrian lots with stables and pasture areas. The development has been designed to avoid the high value wetlands and to minimize impacts on other wetlands by locating the houses and barns on the upland areas of the site. There will be 2.7 acres of wetlands disturbed by development which will be mitigated by the provision of 22.3 acres of wildlife habitat and preservation corridors. Those areas will be fenced to prohibit grazing and access and irrigated to allow the natural vegetation to be re-established. The developers intend to start construction in Spring of 1993.

IV. ISSUES FOR DISCUSSION:

House Size. At the last Planning Commission meeting the staff presented 4 issues for discussion: house sizes, trails, accessory apartments (employee housing), and grazing in the northeast corner of the site. All the issues were resolved with the exception of house sizes. The applicant provided a comparison with the McLeod Creek subdivision and it appears that the houses are generally in the range of 2600-3400 sf on lots which are 13,000-16,000 sf. The 3 smaller lots in Willow Ranch average 33,000 sf and the houses are proposed to be 4000 sf. The lots in Willow Ranch are much larger

than the neighboring lots but with the accompanying wall height and mass restrictions, will appear to be in a comparable range.

Accessory Apartments (Employee Units). It is worth noting that on the issue of accessory apartments, the language in the CC&Rs is being revised to allow them on the large lots as long as they are incorporated into the main building envelope and are not rented on a nightly basis. Rental rates and size restrictions are not being included but are left up to the individual property owner. A statement is also being included as to the intent of the City and developer in allowing them as affordable employee housing for caretakers or other employees.

Grazing in the Northeast Corner of the Site. Additional language shall be included in the animal management plan to address the issues of pasture rotation and fencing in the northeast corner. Grazing is permitted but must be carefully monitored.

Trails. The Planning Commission recommendation on the trail locations will be presented to the City Council along with the recommendation of City Landscape Architect Jennifer Harrington.

Revegetation of Disturbed Areas. City Engineer Eric DeHaan has expressed concern over the revegetation of areas disturbed by infrastructure construction and has requested an additional condition on the approval. Mr. DeHaan is generally comfortable with the utility plan but has also added a condition in the event that final approval from the utility companies is not forthcoming. Location of drainage easements has also not been finalized and will be required before plat recordation.

V. PUBLIC INPUT STATEMENT: The property was posted and legal notice sent and as of January 22, 1993 additional input has been received from:

1. Mike Watts, adjacent property owner in Ridgeview Subdivision, who expressed his concern that the northeast corner of the site be carefully maintained to prevent overgrazing due to the location of the stream in this area.

VI. STAFF RECOMMENDATION: The Planning Staff recommends the Planning Commission approve the final plat for the Willow Ranch 7 Lot Single Family Subdivision with the following conditions:

1. Information shall be included on the plat regarding the following:
   - house and barn building pads, sizes and heights
   - wildlife corridors
   - fire sprinkling

2. Prior to plat recordation the City Council, City Attorney and City Engineer shall have reviewed and approved the plat and accompanying Animal Management Plan. The Animal Management Plan shall include restrictions on the number of horses,

grazing, fencing, and uses within the wildlife corridor.

3. Prior to plat recordation the Community Development Department and City Attorney shall have reviewed and approved the CC&Rs which shall include restrictions on architecture and use.

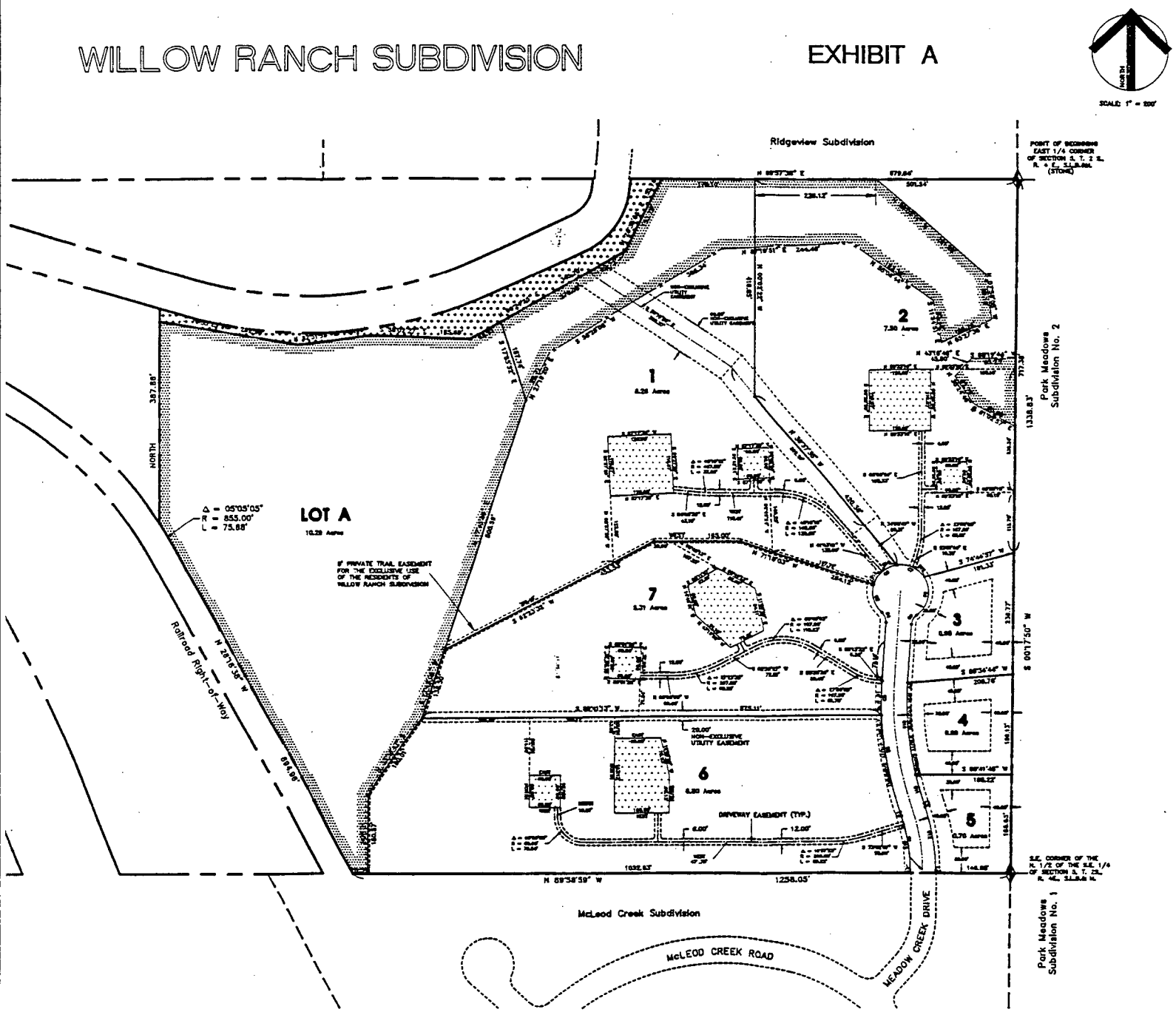
4. Prior to plat recordation the City Engineer shall have received approval from all utility companies serving the property. The plat shall have been deemed to be denied in the event utility easements not currently shown on the plat are in fact required by any franchised utility provider and a new plat shall be required to be approved by the City. This condition does not apply to various drainage easements for existing storm drain channels and culverts, which shall be shown on the plat.

5. The security guaranteeing the installation of public improvements shall include stream channel mitigation according to a plan approved by the Community Development Director. It is anticipated that the mitigation will take two or more years to accomplish and it is the intent of the Planning Commission that no public improvements shall be accepted by the City until the Community Development Director has determined that successful mitigation has been accomplished. A separate guarantee will be required to ensure adequate mitigation of disturbance to the stream channel in accordance with the approved plan.

6. A note shall be added to the plat that the driveway must be paved prior to occupancy of each house.

WILLOW RANCH SUBDIVISION

EXHIBIT A



Curtis Oberhansly, owner of property on Ridge Avenue, was concerned because his lots have a steep downhill slope. The proposed FARs affect the lots with a downhill slope much more severely than the lots with an uphill slope. He wondered if there had been some consideration given to these downhill slope lots. It would look like a mineshaft to build a structure with a 700 sq. ft. footprint and then come up with a 400 sq. ft. garage for access.

Chairman Bruce Erickson commented that it was his understanding that from here the Architectural Review Group would review the final standards and the HDC would also be developing final standards. Susan Lykes responded that what was before the Commission now would go into effect, and when the Architectural Design Group comes back with their recommendation, it would go back to the HDC to make further recommendations that would replace the FARs. No consideration had been given for uphill or downhill lots, and the architects were being relied upon to get around the problems of garages, driveways, and access.

Mr. Oberhansly stated that he feared this, because once something became a law or ordinance, it was difficult to change. He felt that he must rush to develop his property, because in the last 20 years it had been continually downzoned. He asked that, before the Commission forwarded a positive recommendation to the City Council, they look at these downhill lots.

Chairman Bruce Erickson responded that the Commission would not take action at this meeting and the Staff would review this issue before a recommendation is forwarded.

Chairman Bruce Erickson closed the public hearing on the proposed amendments to the Land Management Code in the Historic District.

Public Hearing

2. Willow Ranch - Request for Preliminary and Final Plat Approval of a 7-Lot Single Family Subdivision - Jack Johnson Co.

Senior Planner Suzanne McIntyre reported that this application was for a seven-lot, single-family subdivision. It originally came to the Planning Commission as the Peterson Annexation. The City purchased a large portion of the property which would be entry corridor open space. Four of the lots would be large equestrian lots. The development was designed to avoid high value wetlands and minimize impacts on other wetlands. There would be 2.7 acres of wetlands disturbed by development which would be mitigated by the provision of 22.3 acres of improved wildlife habitat. The canal running through the property would be restored to a natural stream. The developers planned for construction to start in the spring of 1993.

At the last meeting, the Planning Commission looked at the issues still remaining to be resolved: house size, accessory apartments (employee units), and grazing in the northeast corner of the site. All were resolved except for house sizes, and the Planning Commission had asked for comparisons with other neighborhoods in the area. The houses in the McLeod Creek Subdivision range from 2,600 to 3,400 sq. ft. on 13,000 to 16,000 sq. ft. lots. The three smaller lots in Willow Ranch average 33,000 sq. ft., and the proposed houses would be 4,400 sq. ft. It was noted that there was a typographical error in the staff report and that the proposed house size is 4,400, not 4,000 sq. ft. The larger lots are proposed to have houses of 8,000 sq. ft. The houses and lots were much larger than the neighboring lots, but with the accompanying wall height and mass restriction, the Staff felt they would appear to be in a comparable range. The developer has added to the CC&R's the acceptability of accessory apartments on the large lots as long as they are incorporated in the main building envelope and not rented on a nightly basis. The intent of the City and developers in allowing accessory apartments as affordable employee housing for caretakers or other employees has also been included in the CC&R's.

With respect to grazing in the northeast corner of the site, additional language shall be included in the animal management plan to address the monitoring of grazing, pasture rotation and fencing. The Planning Commission has made one recommendation regarding trails, and the Staff, represented by Jennifer Harrington, had prepared a second recommendation. The Commissioners were given a copy of the trails masterplan recommending a concrete sidewalk running across the property and a trail along the old railroad grade. Planner McIntyre further stated that the City Engineer, Eric DeHaan, was concerned that the infrastructure improvements be carefully monitored and that extraordinary revegetation efforts would be necessary. A condition of approval was added to guarantee that. The Staff had received a letter from Snyderville Basin Sewer Improvement District indicating that a line extension agreement had been approved.

The Staff has received input from the following individuals:

Mike Watts, adjacent property owner in Ridgeview Subdivision, expressed concern that the northeast corner be carefully maintained.

Richard and Kathy Kennedy are concerned about the grazing in the northeast corner and the issues of fencing.

A letter was received from L.C & C.T. Worsch asking that their letter be read into the record. Senior Planner Suzanne McIntyre summarized the letter, stating that the entire text would be filed

with the application. They were concerned that this is a legitimate wetlands area. They also addressed the drainage areas, the standing water, the vegetation, and the fact that this is a vital habitat for wildlife. They felt the mitigation measures would not help the wildlife. They were concerned about parceling up the area and felt that horses were not appropriate in this location. This parcel constituted one of the last largest contiguous active wildlife habitats in Park City, and tiny units of meadow connected by fenced corridors did not constitute effective habitat. The future is arrived at in small steps, and although this development itself did not seem to doom the aesthetic future of Park City, in aggregate with other developments to be approved, it would contribute. In 50 years, the effect of all these small steps would be felt.

The Staff received a call from Jan Gibbs who asked that the letter submitted last November be read to the Planning Commissioners. Chairman Bruce Erickson asked Planner McIntyre to summarize the high points and file the letter with the application. The letter was sent to the Army Corps of Engineers and stated that the Gibbs' were in direct opposition to the proposal. They felt it would disturb the wetlands and hurt the wildlife. They felt the role of the Army Corps was to preserve the wetlands and listen to the concerns of the community.

Planner Suzanne McIntyre stated that the Staff was recommending approval with the conditions listed in the Staff Report.

Commissioner Chuck Klingenstein stated that he was excusing himself from this item due to a potential for any perceived conflict of interest.

Commissioner Dean Berrett asked for clarification of condition 6 and stated that many times winter conditions precluded a driveway from being paved. Planner McIntyre stated that this condition was added at the request of Chief Building Official Ron Ivie. His thinking was that, with the extending driveways on these lots, they needed to be paved for emergency access.

Commissioner Alison Child asked for clarification on the barn size and the Staff's recommendation on the trails plan. Planner McIntyre responded that the barns may be 1,500 sq. ft. on a 60 x 60 square foot building pad with a 22 ft. height restriction. She stated that Jennifer Harrington's trail recommendation was presented at the last meeting and stated that there should be a wildlife viewing trail provided by the developer bisecting the parcel between Lot A and the backs of the large equestrian lots 1, 6, and 7, in addition to the trail along the old railroad grade. Commissioner Child asked what Ms. Harrington's response to the

Planning Commission's concerns was, and if the Commission's concerns would be forwarded to the City Council. Planner McIntyre stated that Ms. Harrington felt strongly that her recommendation had merit because it would be a restricted wildlife viewing area with a boardwalk and gates at both ends to keep dogs and bicycles out of the area. She further stated that good notes were kept at the work session and the Commission's concerns would be reported to the City Council.

Commissioner Fred Jones commented that he was concerned that the Staff was proceeding with a recommendation counter to that of the Commission without having an opportunity to try to resolve the issue. He felt it was contrary to the position of preserving the wetlands to put a boardwalk in the middle of them. Planning Director Nora Seltenrich responded that this was not something that the Staff typically does, but Ms. Harrington felt very strongly about her recommendation and wanted to let the City Council know why she felt the way she did. The Council has encouraged the Staff to bring its opinions forward when they have a strong opinion on something counter to that of the Commission. Commissioner Fred Jones stated that his objection was that Ms. Harrington was going directly to the City Council without explaining her position to the Commission so they would understand. Commissioner Alison Child commented that she felt it was not in the best interest of the wildlife to have a boardwalk in the middle of the area to encourage more people to go into the area and disturb the animals.

Commissioner Ron Whaley commented that he would like to see accessory housing included on all seven lots since the smallest lot is 7/10 of an acre and large enough to handle an accessory apartment. Commissioner Chris Erickson and the developer concurred. Planner McIntyre stated that the Staff would support this recommendation.

Chairman Bruce Erickson opened the public hearing.

Mike Larson, a student from Treasure Mountain Middle School (TMMS), commented that he thought the land should not be developed, because lot A is along the highway, and every day when he goes to the bus stop, there are dead deer. He feels they are trapped in the area. If the lots are developed there will be nowhere for the deer to go, and they will run off and be hit by cars. He asked the Commissioners what they were going to do about it.

Commissioner Ron Whaley responded that he had asked the same question of the Division of Wildlife Resources and the Department of Transportation when they put in Highway 40, and he was told it would be mitigated, which meant some deer would be killed and some would not. Commissioner Whaley said it was a good question, and

that it was a difficult question to decide where human interfacing begins and ends. He said there are no easy answers.

Rebecca Fogarty, a TMMS student, asked what kind of materials would be used to fence the project. Planner Suzanne McIntyre responded that a post and rail type fence was proposed. Ms. Fogarty also asked if there would be a disclosure to the buyers of lots 5, 6, and 7 about the marshlands and the potential contamination that may be there. She felt that if the owners of Northshore and Prospector had known about existing conditions before they bought their property, they probably would not have built there. Commissioner Ron Whaley responded that the courts hold that it is the buyer's responsibility to know all they can about the property. Park City would help an individual find out that information, but ultimately it was the individual's responsibility to do discovery. Chairman Bruce Erickson stated that it would not be noted on the plat, but on the sales report and the documents for the homeowners' association there were restrictions listed for the wetlands and what could and could not be done with the property. Ms. Fogarty stated that the Planning Commission was making a big mistake and didn't think they should turn Park City into another California.

TMMS student Dylon Kelsch stated that he felt the wetlands were a resource that the community needed.

TMMS student Zeke Ewing asked for clarification as to why lots 1, 2, 6, and 7 were so spread out with small houses on them. He felt the lots should be smaller to help protect the wetlands. Senior Planner Suzanne McIntyre responded that the developer came in with an original plan for equestrian lots with a riding arena. As a compromise, the City received a lot of open space and the developer removed the riding arena. The current configuration is a compromise between the developer's desires and the City's concerns.

TMMS student Jake Wartena commented that he was opposed to the project and felt the wetlands should be saved.

Both Chairman Bruce Erickson and Commissioner Joe Tesch commented that the students had asked very intelligent questions and that they wished they had received the students' wisdom at the beginning of this project.

Mr. Tom Kullen, who lives in the lot adjacent to the Willow Creek Ranch entry, commented that he was disturbed with the cavalier attitude in approving what appeared to him to be duplexes in a subdivision. He asked for clarification about the size of the apartments. Commissioner Whaley clarified that the apartments must be within the envelope and remain within the 4,400 feet. Mr. Kullen voiced his opposition to the apartments on the smaller lots

because they would create parking problems, and the house sizes would not allow for an apartment. His other concerns were the enforceability of the CC&R's. Chairman Bruce Erickson stated that the regulation would be under the City's regulations for moderate income housing, MISRP. Commissioner Ron Whaley stated that the Commission's actions were not cavalier. This had been a long process, and there were actually other resorts which required that accessory apartments be built. This would help with the City's need for affordable housing.

Mr. Kullen further voiced his concern about the manure cleanup and was concerned with the odor. He felt it was not enough to do it twice a year. Chairman Erickson stated that it was required by the Animal Management Plan to scrape the pastures twice a year.

Mr. Kullen commented on the fencing of the development to separate it from the McLeod Creek subdivision and asked if the barbed wire fence would be taken down or if there would be double fencing. The developer responded that he could not take down the existing fence without the homeowners' permission. Chairman Bruce Erickson stated that they would look into it further.

Mr. Kullen commented that he felt the house sizes were too large.

Mike Larson spoke on behalf of the TMMS 7th hour class and stated that 90% of the City's wetlands had already been built on, and wanted to know why the City wanted to build on the 10% that was left.

Chairman Bruce Erickson responded that the City did not regulate the development of wetlands until this year. The Planning Commission felt that the mitigations that were being made were responsible tradeoffs to let the development take place. He commented that these were great questions, and more student comment was needed in the future.

Chairman Bruce Erickson closed the public hearing.

VI. MINUTES OF JANUARY 13, 1993

MOTION: Commissioner Ron Whaley moved to APPROVE the minutes of the January 13, 1993, meeting of the Park City Planning Commission. Commissioner Fred Jones seconded the motion.

VOTE: The minutes of January 13, 1993, were approved unanimously.

VII. CONSENT AGENDA

1. **Willow Ranch, Request for Preliminary and Final Plat Approval of a 7-Lot Single Family Subdivision - Jack Johnson Co.**

Senior Planner Suzanne McIntyre stated that the staff recommended approval with the addition of condition 7 that the CC&R's shall be revised to include additional language on the intent and purpose of the accessory apartments and shall include a maximum square footage so as to preclude the development of duplexes.

MOTION: Commissioner Joe Tesch moved to APPROVE the consent agenda with the addition of Condition 7 including accessory apartments on all seven lots and conditions to deal with parking. Commissioner Ron Whaley seconded the motion.

VOTE: The motion passed 6 to 1, with Commissioners Dean Berrett, Chris Erickson, Fred Jones, Chuck Klingenstein, Joe Tesch, and Ron Whaley voting in favor of the motion and Commissioner Alison Child voting against the motion.

Conditions of Approval:

1. Information shall be included on the plat regarding the following:
   - house and barn building pads, sizes and heights
   - wildlife corridors
   - fire sprinkling

2. Prior to plat recordation, the City Council, City Attorney and City Engineer shall have reviewed and approved the plat and accompanying Animal Management Plan. The Animal Management Plan shall include restrictions on the number of horses, grazing, fencing, and use within the wildlife corridor.

3. Prior to plat recordation, the Community Development Department and City Attorney shall have reviewed and approved the CC&Rs which shall include restrictions on architecture and use.

4. Prior to plat recordation, the City Engineer shall have received approval from all utility companies serving the property. The plat shall be deemed to be denied in the event utility easements not currently shown on the plat are in fact required by any franchised utility provider and a new plat shall be required to be approved by the City. This condition does not apply to various drainage easements for existing storm drain channels and culverts, which shall be shown on the plat.

5. The security guaranteeing the installation of public improvements shall include stream channel mitigation according to a plan approved by the Community Development Director. It is anticipated that the mitigation will take two or more years to accomplish and it is the intent of the Planning Commission that no public improvements shall be accepted by the City until the Community Development Director has determined that successful mitigation has been accomplished. A separate guarantee will be required to ensure adequate mitigation of disturbance to the stream channel in accordance with the approved plan.

6. A note shall be added to the plat that the driveway must be paved prior to occupancy of each house.

7. The CC&R's shall be revised to include additional language which reflects that all seven lots may include accessory apartments, the intent and purpose of the accessory apartments, a maximum square footage so as to preclude the development of duplexes, and standards to deal with parking.

VIII. OLD BUSINESS

1. 707 Norfolk, Request for a Conditional Use Permit for a Single Family Residence on the Sheen Parcel (Sweeney Master Plan) - Fred Moore

MOTION: Commissioner Fred Jones moved to CONTINUE this item until February 10, 1993. Commissioner Ron Whaley seconded the motion.

VOTE: The motion passed unanimously.

IX. NEW BUSINESS

1. North Horse, Request for Approval of a 112-Unit Master Planned Moderate Income Housing Development - Joel Kester

Planner Susan Lykes stated that the Staff recommended approval with the 20 conditions outlined in the Staff Report and with the addition of Condition 21 dealing with the determination of the need for a 404 permit for the wetlands. She stated that there was discussion at the work session which would lead the Staff to believe the Planning Commission would like to continue this item, and the Staff would support that motion with some direction.

Commissioner Dean Berrett asked the Staff which condition they felt covered the grading plan. Planner Susan Lykes suggested that it be added in Condition 12, which deals with retaining walls.

A note to this effect shall be placed on the plat. Prior to plat recordation, a security will be posted with the City to guarantee installation of the trail improvements.

2. Approval of final plat for Willow Ranch Subdivision - Ruth Gezelius, "I move approval of the final plat for the Willow Ranch Subdivision with the conditions outlined under the staff recommendation 1 through 6 adding condition No. 7 which would require sidewalks to City standards along Meadow Creek Drive to the cul-de-sac and Condition No. 8 regarding the condition that the Planning Commission added on accessory apartments would be limited to the dwelling units on Lots No. 1, 2, 6 and 7 only with the revisions in the language as specified by the Planning Commission on size, parking and other considerations with the addition that the requirement that the accessory apartments be accessed by the same entrance as the owner of the house uses". Sally Elliott seconded. Motion carried.

Sally Elliott	Aye
Ruth Gezelius	Aye
Roger Harlan	Aye
Leslie Miller	Absent
Bob Richer	Aye

I. PROJECT STATISTICS:

Applicant:	Jeff Graham for Jack Johnson Co.
Project Address:	State Hwy. 224, north of McLeod Creek Sub. and south of Ridgeview
Request:	Final Plat of 7-lot subdivision
Zoning:	SF and ROS
Adjacent Land Uses:	SF Residential and open space
Date of Application:	September 8, 1992
Date of Staff Report:	January 22, 1993
Staff Planner:	Suzanne McIntyre
Staff Recommendation:	APPROVE

II. BACKGROUND INFORMATION:

This is the final plat for the parcel known as the Peterson Annexation which was annexed into the City at the end of 1992.

III. PROJECT DESCRIPTION:

The property is proposed to be developed as 7 single family lots, 4 of which will be large equestrian lots with stables and pasture areas. The development has been designed to avoid the high value wetlands and to minimize impacts on other wetlands by locating the houses and barns on the upland areas of the site. There will be 2.7

acres of wetlands disturbed by development which will be mitigated by the provision of 22.3 acres of wildlife habitat and preservation corridors. Those areas will be fenced to prohibit grazing and access and irrigated to allow the natural vegetation to be re-established. The developers intend to start construction in Spring of 1993.

IV. ISSUES FOR DISCUSSION:

House Size. At the last Planning Commission meeting the staff presented 4 issues for discussion: house sizes, trails, accessory apartments (employee housing), and grazing in the northeast corner of the site. All the issues were resolved with the exception of house sizes. The applicant provided a comparison with the McLeod Creek subdivision and it appears that the houses are generally in the range of 2600-3400 sf on lots which are 13,000-16,000 sf. The 3 smaller lots in Willow Ranch average 33,000 sf and the houses are proposed to be 4000 sf. The lots in Willow Ranch are much larger than the neighboring lots but with the accompanying wall height and mass restrictions, will appear to be in a comparable range.

Accessory Apartments (Employee Units). It is worth noting that on the issue of accessory apartments, the language in the CC&Rs is being revised to allow them on the large lots as long as they are incorporated into the main building envelope and are not rented on a nightly basis. Rental rates and size restrictions are not being included but are left up to the individual property owner. A statement is also being included as to the intent of the City and developer in allowing them as affordable employee housing for caretakers or other employees.

Grazing in the Northeast Corner of the Site. Additional language shall be included in the animal management plan to address the issues of pasture rotation and fencing in the northeast corner. Grazing is permitted but must be carefully monitored.

Trails. The Planning Commission recommendation on the trail locations will be presented to the City Council along with the recommendation of City Landscape Architect Jennifer Harrington.

Revegetation of Disturbed Areas. City Engineer Eric DeHaan has expressed concern over the revegetation of areas disturbed by infrastructure construction and has requested an additional condition on the approval. Mr. DeHaan is generally comfortable with the utility plan but has also added a condition in the event that final approval from the utility companies is not forthcoming. Location of drainage easements has also not been finalized and will be required before plat recordation.

V. PUBLIC INPUT STATEMENT: The property was posted and legal notice sent and as of January 22, 1993 additional input has been received from:

Mike Watts, adjacent property owner in Ridgeview Subdivision, who expressed his concern that the northeast corner of the site be carefully maintained to prevent overgrazing due to the location of the stream in this area.

VI. STAFF RECOMMENDATION: The Planning Staff recommends the approval the final plat for the Willow Ranch 7 Lot Single Family Subdivision with the following conditions:

1. Information shall be included on the plat regarding the following:
   house and barn building pads, sizes and heights
   wildlife corridors
   fire sprinkling

2. Prior to plat recordation the City Council, City Attorney and City Engineer shall have reviewed and approved the plat and accompanying Animal Management Plan. The Animal Management Plan shall include restrictions on the number of horses, grazing, fencing, and uses within the wildlife corridor.

3. Prior to plat recordation the Community Development Department and City Attorney shall have reviewed and approved the CC&Rs which shall include restrictions on architecture and use.

4. Prior to plat recordation the City Engineer shall have received approval from all utility companies serving the property. The plat shall have been deemed to be denied in the event utility easements not currently shown on the plat are in fact required by any franchised utility provider and a new plat shall be required to be approved by the City. This condition does not apply to various drainage easements for existing storm drain channels and culverts, which shall be shown on the plat.

5. The security guaranteeing the installation of public improvements shall include stream channel mitigation according to a plan approved by the Community Development Director. It is anticipated that the mitigation will take two or more years to accomplish and it is the intent of the Planning Commission that no public improvements shall be accepted by the City until the Community Development Director has determined that successful mitigation has been accomplished. A separate guarantee will be required to ensure adequate mitigation of disturbance to the stream channel in accordance with the approved plan.

6. A note shall be added to the plat that the driveway must be paved prior to occupancy of each house.

7. A sidewalk shall be included along the cul de sac.

8. The staff shall revise the language in the CC&Rs regarding accessory apartments to limit the unit square footage so as to preclude construction of duplexes, ensure adequate parking, restrict nightly rentals, and require entrance from the main structure.

VIII RESIGNATIONS AND APPOINTMENTS

Appointment of Ruth Gezelius as the City Council liaison to the Town Lift Project Design Task Force - The Mayor requested a motion to approve. Bob Richer, "I so move". Sally Elliott seconded. Motion carried.

Sally Elliott	Aye
Ruth Gezelius	Aye
Roger Harlan	Aye
Leslie Miller	Absent
Bob Richer	Aye

IX ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned.

* * * * * *

The meeting for which these minutes were prepared was noticed by posting 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott

PARK CITY SUMMIT COUNTY UTAH CORPORATE Seal MARCH 1, 1884

Janet M. Scott
Deputy City Recorder

PARK CITY
1884

RECEIVED
FEB 3

January 29, 1993

Jeff Graham
Jack Johnson Company
1910 Prospect Avenue, Suite 200
Park City, UT 84060

NOTICE OF FINAL ACTION

Project Name: Willow Ranch Subdivision

Project Description: Preliminary and Final Plat of a 7-Lot Single Family Subdivision

Action Taken By Planning Commission: APPROVED - January 27, 1993

Action Taken By City Council: APPROVED - January 28, 1993

Conditions of Approval:

1. Information shall be included on the plat regarding the following:
   - house and barn building pads, sizes and heights
   - wildlife corridors
   - fire sprinkling

2. Prior to plat recordation the City Council, City Attorney and City Engineer shall have reviewed and approved the plat and accompanying Animal Management Plan. The Animal Management Plan shall include restrictions on the number of horses, grazing, fencing, and uses within the wildlife corridor.

3. Prior to plat recordation the Community Development Department and City Attorney shall have reviewed and approved the CC&Rs which shall include restrictions on architecture and use.

4. Prior to plat recordation the City Engineer shall have received approval from all utility companies serving the property. The plat shall have been deemed to be denied in the event utility easements not currently shown on the plat are in fact required by any franchised utility provider and a new plat shall be required to be approved by the City. This condition does not apply to various drainage easements for existing storm drain channels and culverts, which shall be shown on the plat.

5. The security guaranteeing the installation of public improvements shall include stream channel mitigation according to a plan approved by the Community Development Director. It is anticipated that the mitigation will take two or more years to accomplish and it is the intent of the Planning Commission that no public improvements shall be accepted by the City until the Community Development Director has determined that successful mitigation has been accomplished. A separate guarantee will be required to ensure adequate mitigation of disturbance to the stream channel in accordance with the approved plan.

6. A note shall be added to the plat that the driveway must be paved prior to occupancy of each house.

7. A sidewalk shall be included along the cul de sac.

8. The staff shall revise the language in the CC&Rs regarding accessory apartments to limit the unit square footage so as to preclude construction of duplexes, ensure adequate parking, restrict nightly rentals, and require entrance from the main structure.

Date of Expiration: January 28, 1994

SMcIntyre 2/2/93

Suzanne McIntyre, AICP
Senior Planner

Date

ACKNOWLEDGEMENT

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

Richard W. Dale 2/4/93

Pres. Willow Ranch Development Inc.

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.

PARK CITY
1884

COUNCIL AGENDA REPORT

DATE:	August 31, 1995
DEPARTMENT:	Community Development Department
AUTHOR:	Kirsten Whetstone
TITLE:	Plat Amendments to Lot 6, Willow Ranch Subdivision and Lot 10, McLeod Creek Subdivision
TYPE OF ITEM:	Legislative

SUMMARY RECOMMENDATIONS:

Adopt an ordinance amending two subdivision plats to combine a portion of Lot 6, Willow Ranch Subdivision with Lot 10, McLeod Creek Subdivision. The purpose of the amendment is to allow additions to the existing house on Lot 10, located at 2647 Meadow Creek Drive, to conform with required side yard setbacks. New construction will be limited to the original portion of Lot 10 with the new portion to be used as yard area.

DESCRIPTION:

A. **Topic**.

PROJECT STATISTICS

Applicant:	**Stan Johnson**
Proposal:	**Plat amendments for Lot 6 Willow Ranch Subdivision and Lot 10 McLeod Creek Subdivision**
Zoning:	**SF-Single Family**
Adjacent Land Uses:	**Residential**
Date of Application:	**June 6, 1995**
Project Planner:	**Kirsten A. Whetstone**
Staff Recommendation:	**Approve with conditions**

B. Background.

The applicant, Stan Johnson, represents the owner of Lot 10, McLeod Creek Subdivision. The owner, Philo Smith, has proposed to construct two additions to the north side of his existing home located at 2647 Meadow Creek Drive (see Exhibit A). The additions would encroach into the existing 12' side yard setbacks established for the McLeod Creek Subdivision. Therefore, Mr. Smith has purchased approximately 0.4 acres of the adjacent Lot 6, Willow Ranch Subdivision, to ensure that these additions meet required setbacks.

The applicant requests that this 0.4 acre portion of Lot 6 be legally combined with Lot 10 by means of these plat amendments. This portion of Lot 6 has physically been combined with the adjacent 0.34 acre Lot 10 by means of an open three rail fence. The new Lot 10 would be 0.74 acres in size The remaining Lot 6 would be approximately 6.4 acres in size. Lot 6 is currently vacant (see Exhibit B).

Property owners within 300' and within the affected plats were sent notice of this proposal. At this time, no concerns have been raised by the affected property owners.

The applicant submitted a letter from the Willow Ranch Homeowners Association indicating that there were no objections to the proposal (see Exhibit C).

C. Analysis.

If these subdivision amendments are approved, the proposed additions to 2647 Meadow Creek Drive would not encroach in the required side yard setbacks for the McLeod Creek Subdivision. There are no house size restrictions in the McLeod Creek Subdivision, therefore additional land area is not needed for the proposed additions, in terms of floor area ratio. The resulting Lot 10 would be larger than most of the lots in McLeod Creek Subdivision, but because this is the last lot in the subdivision and it is adjacent to the larger Willow Ranch lots, the resulting lot would be compatible with the immediate neighborhood.

If these amendments are approved, Lot 6 will be reduced in size by approximately 0.4 acres. At 6.4 acres, Lot 6 will remain compatible in size with the other "ranch" lots in the Willow Ranch Subdivision and will still be significantly larger than the three "standard" Willow Ranch lots across the street. A single family house could still be constructed on Lot 6 of Willow Ranch Subdivision within the originally platted building envelop, as the amendment does not change the buildable area or location.

This current request for plat amendments is a request to formally combine, by a legal subdivision plat, lots that the owner already has a deed to. In addition, the small section of Lot 6 has been physically combined with Lot 10 by an open three rail fence.

The Willow Ranch Subdivision allows construction of houses and barns to occur only in designated building envelopes. Therefore, Staff recommends as a condition of approval, that the additions to the existing house at 2647 Meadow Creek Drive not extend onto that portion of Lot 6 which is being combined with Lot 10. The additional lot area for Lot 10 shall be used for yard area only, including any uses that would have been allowed on that portion if it had remained a part of Lot 6. The applicants have agreed to place a note on the plat to this effect.

In addition, there is an existing utility easement between Lots 6 and 10. Staff recommends that the applicant provide letters from utility agencies, prior to recording the plat, stating that there are either no utilities in the easement or that the utilities can be relocated; and that utility providers do not have a problem vacating the easement with this plat amendment. Staff recommends that new utility easements be shown on the plat along the new lot line between Lots 6 and 10. The applicant has agreed to provide the new utility easements.

Findings:

Staff supports this plat amendment as it creates a legal document to describe the land already purchased by deed. Staff finds that impacts to the City and surrounding neighborhood are not significant. We have reviewed the Willow Ranch and McLeod Creek Subdivision requirements and find that house size is not restricted in the McLeod Creek Subdivision. The size and building envelope for the future house on Lot 6 is not affected by the amendment. In addition, the proposed additions to the existing house are not out of character with the surrounding neighborhood.

Conclusions of Law:

1. There is good cause for the amendment, as outlined in the staff report.

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

D. Department Review.

The Community Development Department and City Attorney's Office have reviewed this proposal. There is a recommendation that a note be added to the plat stating that all new construction on Lot 10 be limited to the area of Lot 10 as it existed prior to the plat amendment and that the added area from Lot 6 be yard area, limited to those uses which were previously allowed when it was a part of Lot 6 Willow Ranch Subdivision.

ALTERNATIVES:

A. Deny the plat amendments thereby retaining the original configuration of Lot 6 Willow Ranch and Lot 10 McLeod Creek. The addition to the house at 2647 Meadow Creek Drive would have to be redesigned to conform to existing side yard setbacks.

B. Approve the amendment to the two subdivision plats and allow the new configuration of lots with or without the Staff recommended condition about use of the added parcel.

C. Continue the item and request evaluation and recommendations from Staff.

SIGNIFICANT IMPACTS:

Staff does not believe that there are significant impacts as a result of the requested plat amendments.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If the Council chooses not to approve the plat amendments as proposed, additions to the house at 2647 Meadow Creek Drive would have to be redesigned to conform to the existing lot lines and required setbacks.

RECOMMENDATION:

The Staff recommends that the Council select Alternative B and approve the proposed plat amendment subject to the following conditions:

1. **Prior to plat recordation, the City Attorney and City Engineer shall review and approve the final plat.**

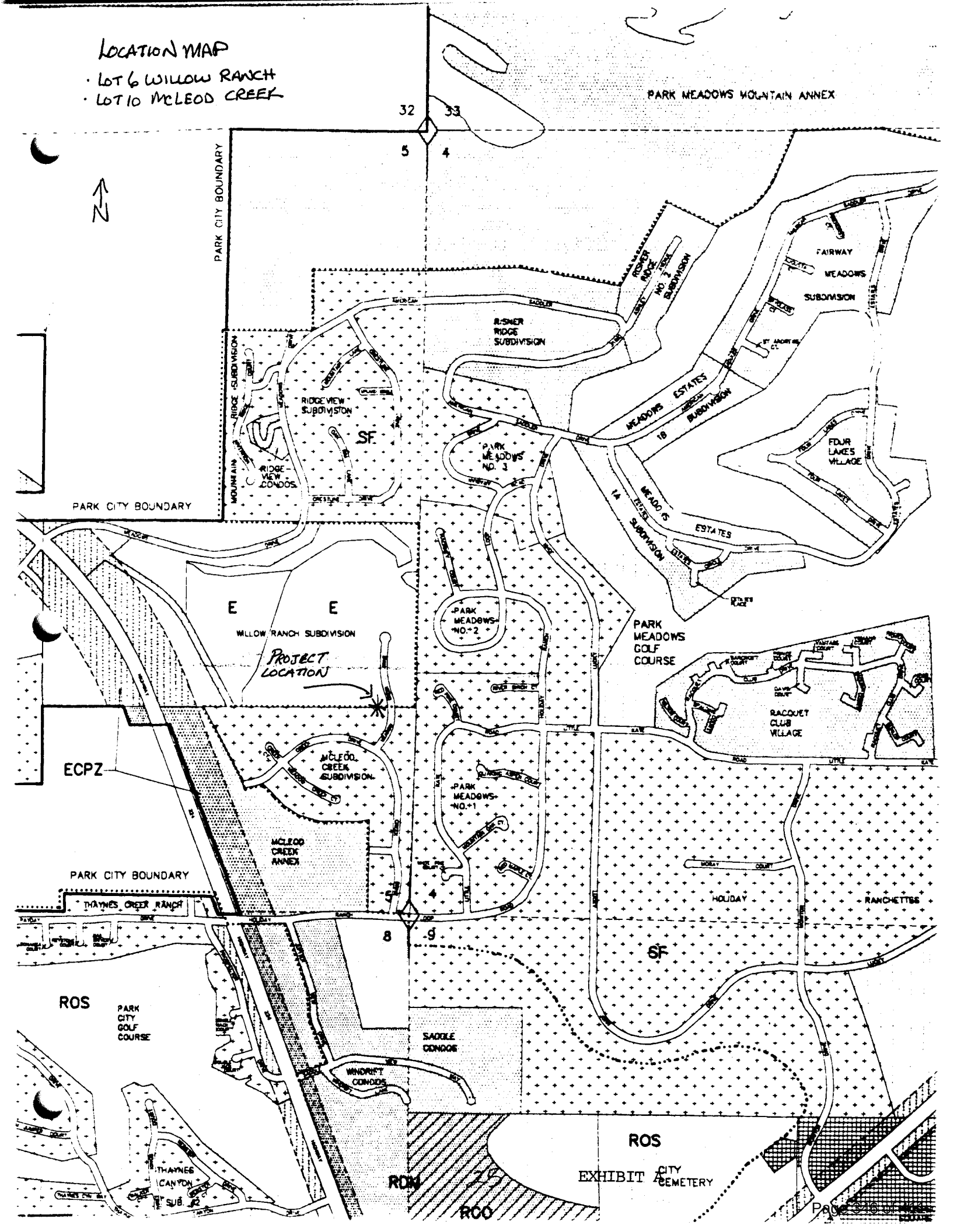
2. **All Standard Conditions of Approval apply.**

3. **All previous conditions of the Willow Ranch and McLeod Creek Subdivisions shall remain in full force and effect.**

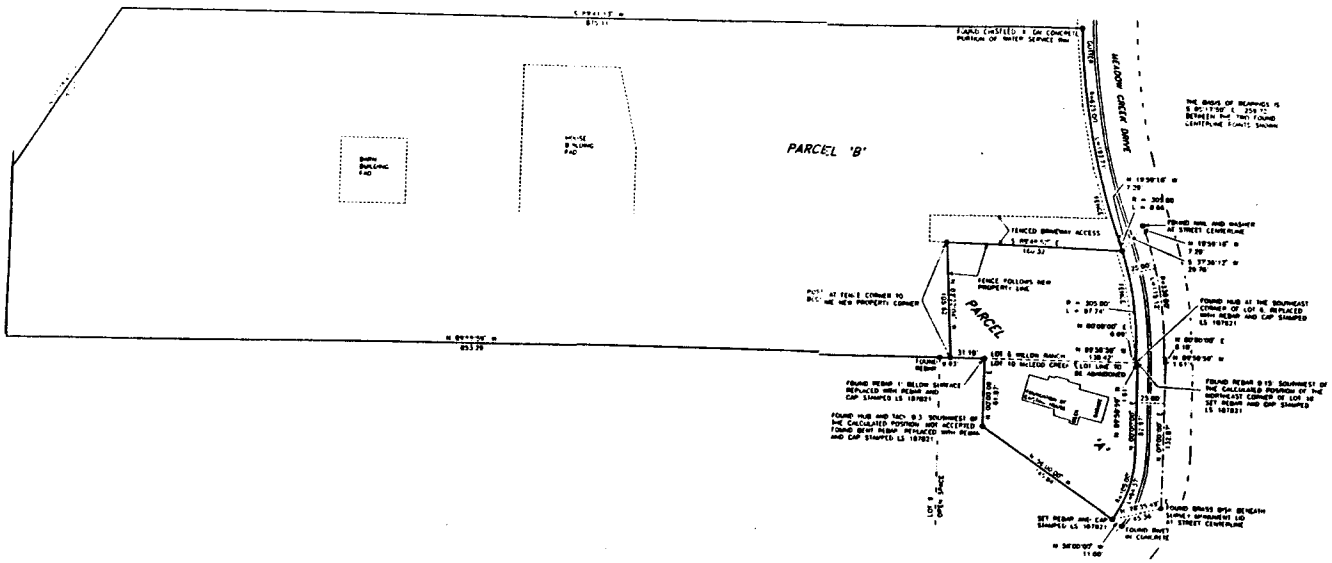
4. **A note shall be added to the plat stating that the area added to Lot 10 shall be a non-build yard area with such uses allowed as were previously allowed as part of Lot 6, Willow Ranch Subdivision.**

EXHIBITS

EXHIBIT A- LOCATION MAP
EXHIBIT B- PROPOSED PLAT AMENDMENT
EXHIBIT C- HOMEOWNER'S ASSOCIATION LETTER


LOCATION MAP
· LOT 6 WILLOW RANCH
· LOT 10 McLEOD CREEK
PARK MEADOWS MOUNTAIN ANNEX
PARK CITY BOUNDARY
32
33
5
4
RIDGE SUBDIVISION
RIDGE VIEW SUBDIVISTON
SF
RIDGE VIEW CONDOS
MOUNTAIN
PARK CITY BOUNDARY
RISHER RIDGE SUBDIVISION
POWER RIDGE NO. 2 SUBDIVISION
FAIRWAY MEADOWS SUBDIVISION
MEADOWS ESTATES SUBDIVISION
FOUR LAKES VILLAGE
PARK MEADOWS NO. 3
PARK MEADOWS NO. 2
E
E
WILLOW RANCH SUBDIVISION
PROJECT LOCATION
PARK MEADOWS GOLF COURSE
RACQUET CLUB VILLAGE
ECPZ
McLEOD CREEK SUBDIVISION
PARK MEADOWS NO. 1
McLEOD CREEK ANNEX
PARK CITY BOUNDARY
THAYNES CREEK RANCH
HOLIDAY
RANCHETTES
8
9
SF
ROS
PARK CITY GOLF COURSE
SADDLE CONDOS
WINDRIFT CONDOS
THAYNES CANYON SUB.
ROS
EXHIBIT A
CITY CEMETERY
RDM
RCO

PLAT AMENDMENT OF LOT 6 WILLOW RANCH SUBDIVISION AND LOT 10 McLEOD CREEK SUBDIVISION
and RECORD OF SURVEY



CITY COUNCIL	CITY ENGINEER	CITY PLANNING COMMISSION	CITY ATTORNEY	SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT	RECORDED
APPROVED BY THE PARK CITY COUNCIL ON THIS ____ DAY OF _____ 1995	APPROVED BY THE PARK CITY ENGINEER ON THIS ____ DAY OF _____ 1995	APPROVED BY THE PARK CITY PLANNING COMMISSION ON THIS ____ DAY OF _____ 1995	APPROVED AS TO FORM BY THE PARK CITY ATTORNEY ON THIS ____ DAY OF _____ 1995	APPROVED AND ACCEPTED BY S.B.S.I.D. ON THIS ____ DAY OF _____ 1995	NUMBER _____ STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ FEE _____

LAND SURVEYING
P.O. BOX 3864
PARK CITY, UT 84060
647-8829

SURVEYOR'S CERTIFICATE

I, JOE SHERMAN, CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD LICENSE NUMBER 187821 AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND THAT I HAVE MADE A SURVEY OF THE PROPERTY SHOWN HEREON AND AS DESCRIBED IN THE NOTES AND LEGAL DESCRIPTION BELOW.

NOTES

1. THE BASIS OF BEARINGS FOR THIS SURVEY IS AS SHOWN
2. SURVEY MONUMENTS WERE FOUND OR SET AS SHOWN.
3. THE PURPOSE OF THIS SURVEY IS FOR BOUNDARY LOCATION AND PLAT AMENDMENT
4. THIS SURVEY WAS REQUESTED BY PHILIP SMITH
5. THIS SURVEY WAS PERFORMED ON MAY 10 1995
6. THE OWNER OF THIS PROPERTY SHOULD BE AWARE OF ANY ITEMS AFFECTING THE PROPERTY THAT ARE APPEAR ON A TITLE INSURANCE REPORT. THIS SURVEYOR WAS FOUND NO OBVIOUS EVIDENCE OF EASEMENTS, ENCROACHMENTS OR ENCUMBRANCES ON THE PROPERTY SHOWN OR DESCRIBED HEREON EXCEPT AS SHOWN OR NOTED HEREON
7. ALL BEARINGS AND DISTANCES SHOWN WERE MEASURED AND ARE EQUIVALENT TO THE RECORD BEARINGS AND DISTANCES EXCEPT WHERE OTHERWISE SHOWN
8. THE PURPOSE OF THIS PLAT AMENDMENT IS TO ADD PART OF LOT 6 TO LOT 10
9. OTHER LOT LINES IN McLEOD CREEK AND WILLOW RANCH SUBDIVISIONS WILL NOT BE AFFECTED

LEGAL DESCRIPTIONS

PARCEL A
LOCATED IN SECTION 5, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: ALL OF LOT 10 OF McLEOD CREEK SUBDIVISION TOGETHER WITH A PART OF LOT 6 OF WILLOW RANCH SUBDIVISION, SAID PART OF LOT 6 BEING THE FOLLOWING: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 6; THENCE N 89°39'39" W 169.61 FEET; THENCE N 82°22'04" W 165.62 FEET; THENCE S 00°48'57" E 160.37 FEET TO A POINT ON A 305.00 FOOT RADIUS CURVE; THENCE E 97.74 FEET ON A SOUTHERLY DIRECTION ALONG THE ARC OF SAID CURVE (WHOSE CHORD BEARS S 09°10'58" E 97.32 FEET); THENCE S 00°00'00" E 6.00 FEET TO THE POINT OF BEGINNING. PARCEL A CONTAINS 0.34 ACRES

PARCEL B
LOCATED IN SECTION 5, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: ALL OF LOT 1 OF WILLOW RANCH SUBDIVISION EXCEPTING THEREFROM A PART OF LOT 6 OF WILLOW RANCH SUBDIVISION, SAID PART OF LOT 6 BEING THE FOLLOWING: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 6; THENCE N 89°39'39" W 169.61 FEET; THENCE N 82°22'04" W 165.62 FEET; THENCE S 00°48'57" E 160.37 FEET TO A POINT ON A 305.00 FOOT RADIUS CURVE; THENCE E 97.74 FEET ON A SOUTHERLY DIRECTION ALONG THE ARC OF SAID CURVE (WHOSE CHORD BEARS S 09°10'58" E 97.32 FEET); THENCE S 00°00'00" E 6.00 FEET TO THE POINT OF BEGINNING. PARCEL B CONTAINS 0.64 ACRES

DUPLICATE

26

EXHIBIT B

RE: Plat Amendment of Lot 10 McLeod Creek Subdivision and Lot 6 Willow Ranch Subdivision

To whom it may concern:

Diane Jordan-Smith, owner of Lot 10 of the McLeod Creek Subdivision, and Philo Smith, owner of Lot 6 of Willow Ranch Subdivision, asked the Willow Ranch Homeowners Association to approve the combination of approximately 1/3 of an acre (16,800 Square Feet) of Lot 6 Willow Ranch Subdivision to Lot 10 of McLeod Creek Subdivision at the May 8, 1995 meeting of the Willow Ranch Homeowners Association.

This combination would allow the Smith's to create a backyard for their residence on Lot 10 of McLeod Creek Subdivision without creating an adverse effect on Lot 6 of Willow Ranch Subdivision, or any of the other Lots of the Willow Ranch Subdivision.

The Remaining portion of Lot 6 Willow Ranch Subdivision will be approximately 6.5 acres.

The Smith's also asked the Willow Ranch Homeowners Association to approve the landscaping of the portion of Lot 6 Willow Ranch Subdivision which will be combined with Lot 10 McLeod Creek Subdivision, which is located on the North side of his residence in McLeod Creek. Landscaped area would be about 1/3 of an acre.

There were no objections to these proposals by the Architectural Committee or any Homeowners.

RECEIVED
AUG - 4 1995
PARK CITY
PLANNING DEPT.

President
Willow Ranch Home owners
Assn.

EXHIBIT C

Ordinance No. 95-

AN ORDINANCE APPROVING AMENDMENTS TO LOT 6 WILLOW RANCH SUBDIVISION AND LOT 10 MCLEOD CREEK SUBDIVISION LOCATED AT 2647 MEADOW CREEK DRIVE, PARK CITY, UTAH

WHEREAS, the owners of the property known Lot 10 McLeod Creek Subdivision, Park City, Utah, have petitioned the City Council for approval of amendments to both Lot 6, Willow Ranch Subdivision and Lot 10, McLeod Creek Subdivision; and

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

WHEREAS, the City Council held a public hearing on August 31, 1995 to receive input on the proposed amendments; and

WHEREAS, it is in the best interest of Park City, Utah to approve the amended plat, known as the Plat Amendment of Lot 6 Willow Ranch Subdivision and Lot 10 McLeod Creek Subdivision;

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

SECTION 1. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned plat amendments and that neither the public nor any person will be materially injured by the proposed plat amendments.

SECTION 2. PLAT APPROVAL. The amendments to Lot 10, McLeod Creek Subdivision and Lot 6, Willow Creek Subdivision, Park City, Utah, are approved as shown on the attached Exhibit A with the following conditions:

1. Prior to plat recordation, the City Attorney and City Engineer shall review and approve the final plat.
2. All Standard Conditions of Approval apply.
3. All previous conditions of the Willow Ranch and McLeod Creek Subdivisions shall remain in full force and effect.
4. A note shall be added to the plat, prior to recordation, stating that the area added to Lot 10 from the Willow Ranch Subdivision shall be a non-build yard area with such uses allowed as were previously allowed as part of Lot 6 Willow Ranch Subdivision.

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect upon adoption.

PASSED AND ADOPTED this 31st day of August, 1995.

PARK CITY MUNICIPAL CORPORATION

_____

Mayor Bradley A. Olch

Attest:

_____

Janet M. Scott, Deputy City Recorder

Approved as to form:

_____

Mark D. Harrington, Assistant City Attorney

29

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
AUGUST 31, 1995

I ROLL CALL

Mayor Brad Olch called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, August 31, 1995. Members in attendance were Brad Olch, Ruth Gezelius, Roger Harlan, Lou Hudson, Shauna Kerr, and Leslie Miller. Staff present were Toby Ross, City Manager; Pat Putt, Planning and Zoning Administrator; Kirsten Whetstone, Planner; Meg Ryan, Planner; Eric DeHaan, City Engineer; Mark Harrington, Assistant City Attorney; and Jodi Hoffman, City Attorney.

II PUBLIC INPUT

The Mayor invited the public to comment on any matter of City business not scheduled on the agenda.

1. Council integrity/resignation of City Attorney - Chris Smart, resident, stated that he has concerns about the Frandsen proposal but not directly related to the application. He emphasized that no matter what he has to say, the City Council is not capable of listening to him or taking new input. He felt that this City Council is recalcitrant and not willing to take new information from private citizens who are not in the City's employ. He found the Planning Commission to be interested in new information from citizens and felt that at least this part of government worked. Mr. Smart wished that the City Council had the professionalism and open-mindedness that the appointed Planning Commission has, because as a citizen he receives more respect from them than he does from the Council. Mr. Smart stated that he gets a bad feeling dealing with the City Council and its staff and noted that dissent is the center of democracy. He stressed that the Council's staff does not like dissent and this elected body, for the most part, is a rubber stamp for its own staff. There are some notable exceptions, one of which was the Main Street flowers. Mr. Smart alleged that the Council meets twice a month and asked how the Council expects to govern by showing up only twice a month. In the early 1980s when Mr. Smart was a reporter for the *Park Record*, the Council met four times a month whether or not they had to vote. He asked what has happened to Council's own agenda of priorities and how much of it has been acted upon, indicated that it is in the bottom of the City Manager's desk and Council has forgotten about it because he's the one that sets the agenda not the Council. Mr. Smart commented that staff tells the Council how to vote. This is not governance but acquiescence. He felt that staff does everything it can to stifle dissent and it is his assertion that the conflict of interest allegation brought forth by the City Attorney is nothing more than an attempt to stifle dissent and it is his assertion that if the City Attorney can't cite the code that shows a direct conflict of interest which under Utah law is a financial conflict, then the City Council will have to agree that this is nothing more than an attempt to gag Leslie Miller and stifle dissent so that the staff can clear off this nasty Frandsen matter and move on to something more important.

Mr. Smart continued that if there is a conflict of interest here, let's cite the code and the case law. If the City Attorney can't cite the code and the case law, then it is going to appear to be a deliberate act by the City Attorney to interrupt the First Amendment rights of Leslie Miller and interrupt her sworn duty to the taxpayers to vote on this matter. He did not feel that there is case law to defend this. If it is true that the City Attorney deliberately misrepresented the law to keep her own client from speaking and voting, he didn't know how the Council could trust Ms. Hoffman. He pointed out that next time it could be another Councilmember. Mr. Smart stated that if this City Attorney has deliberately misrepresented the law in order to gag her own client, then the Council must dismiss her forthwith and that's for starters. He continued that the Council should also file a bar complaint. This is the most serious allegation that Mr. Smart could make against the City Attorney and he stated that he does not do it lightly. He asked Council to cite the case law and the code and to tell him that there was not a deliberate attempt to keep this individual from talking and voting on this matter, because it is in writing. It is up to the City Council to act. This is not fair government and it is time for the Council to take back the government. If the Council doesn't ask for the resignation of the City Attorney, it will catch up everyone because she is freelancing with the law. He accused Ms. Hoffman of opening the Council's mail and disposing of correspondence she doesn't want the Council to read. He stated that the City Attorney works in private unilaterally to undo agreements made by the previous city council. Mr. Smart stated that there is a growing feeling in the community that this staff is out-of-control and the Council's is rubber stamping its agenda. He suggested that the Council demand the resignation of City Attorney Jodi Hoffman and that Council bring in a management consultant immediately. Mr. Smart stated that as a body, the Council is dysfunctional and the staff is not operating in good faith.

2. Conflict of interest - Ray Johnson, former Councilmember, stated that during his City Council office he was employed by the Greater Park City Company and many times he did not vote and recused himself whenever there was related business. Under a careful reading of the law, he did not have to do that because he only held 8% of the stock, not 10%. He asked Ms. Miller to also take the high road and not vote on the Frandsen issue in order to give the rest of the Council an opportunity to vote "no".

III MINUTES OF MEETING OF AUGUST 24, 1995

Ruth Gezelius, "I move approval of the Minutes of the meeting of August 24, 1995 as presented". Lou Hudson seconded. Motion carried unanimously.

IV PUBLIC HEARING

1. Ordinance approving an amendment to the amended Park City Survey, Lots 8, 9 and 10, Block 24 located at 540 Main Street, Park City, Utah - Pat Putt, Planning and Zoning Administrator, explained that this application is for a lot line plat amendment for eight lots combining them into one lot. This application was prompted by the April 1995 approval of an eight

foot addition on the Masonic Building which will remove common interior lot lines and also memorialize pedestrian easements and sidewalk right-of-way deeded over the last several years. This complies with the Land Management Code and has been duly noticed and advertised. This plat amendment will resolve the 18" encroachment of the Elks Building on the property by adjusting the lot lines. Approval is recommended; see attached staff report. For the benefit of Robert Jarvis who represented the Elks, Mr. Putt explained the encroachment.

With no further questions or comments from the Council or public, the public hearing was closed.

2. Ordinance approving amendments to Lot 6 Willow Ranch Subdivision and Lot 10 McLeod Creek Subdivision located at 2647 Meadow Creek Drive, Park City, Utah - Planner Kirsten Whetstone explained that the proposed ordinance would amend two subdivision plats with the intent to create one lot in McLeod Creek to accommodate an addition to the existing house which would conform with setbacks. The house size is compatible with surrounding residences and Ms. Whetstone relayed that she has spoken to the home owners association and adjacent neighbors and did not believe that there are any outstanding concerns.

With no questions from the Council or the public, the public hearing was closed.

3. Ordinance amending the final plat of Hidden Meadows located at Solamere Drive, Park City, Utah - Meg Ryan explained that the request before Council is a boundary revision and an amendment to the Hidden Meadows final plat approved earlier this year. The boundary revision deletes approximately 4.9 acres of open space from ROS Parcel 4 and moves that to Phase 2. This was a request from the applicant due to a title dispute. Approval is recommended with the conditions outlined in the staff report. For the benefit of Roger Harlan, Ms. Ryan described the open space areas.

With no further comments or questions from the Council or the public, the public hearing was closed.

4. Ordinance approving the Frandsen Subdivision; being a replat of a portion of Lot 8 and Lots 9, 10, 11 and 12, Block 21; and a portion of Lots 7 and 8, Block 22 of the Snyder's Addition of the Park City Survey; and including a parcel known as SA-222, located at 1445 Woodside Avenue; and including the Woodside right-of-way located adjacent to these parcels from 1437 to 1439 Woodside Avenue - Ruth Gezelius disclosed that she will not be voting on this issue; she has no conflict of interest to her knowledge in connection with this applicant, but has had a relationship wherein she was an employee, without any financial interest, for a business known as Park City Kis, which was owned by Howard E. Wallack who rented space from Mr. Frandsen at 421 Main Street from 1986 to 1993. She continued that she has never had any personal or legal contractual arrangements nor has she ever had litigation with Mr. Frandsen, but based on this remote

connection and the apparent conflict of interest issue, stated that she will not participate in the public hearing or in voting. Ms. Gezelius clarified that she participated in the work session on planning related issues that she didn't feel were discussed at the Planning Commission.

Planner Kirsten Whetstone, through illustration of slides, described the current configuration of the lots and the area of right-of-way relating to the proposal. The ordinance would create a three-lot subdivision and lots would have access from Woodside Avenue. A five foot right-of-way and ten foot snow storage easement are proposed to be dedicated, as well as an historic facade easement for the historic building on Lot A and a tree preservation easement for evergreen trees and maple trees. There are box elder trees and shrubbery that would create a natural buffer for the subdivision which will be considered when a site plan is submitted.

Ms. Whetstone continued that the subdivision proposal for these three lots meets the requirements of the Land Management Code and state law and staff finds that the consolidation of the six existing lots to three lots is in the best interest of the City, because there is a significant decrease in the density. She pointed out that there was a potential of 35 hotel units or condominiums. The proposal maintains the residential character of the neighborhood, the historic structure is restored and preserved, significant vegetation is being preserved and the ownership and property lines are resolved as are access and traffic problems. The Planning Commission held a public hearing on July 26 and forwarded a positive recommendation to Council on this subdivision request. Three people spoke; two opposed and one adjacent neighbor in favor.

Ms. Whetstone added that the proposal for vacation of right-of-way complies with the Land Management Code and state law and the City Engineer has indicated that it is unlikely that the reserved right-of-way would ever be needed for a street or to accommodate utilities in the future. According to state law, if a municipality is not using right-of-way for public purposes, it can be petitioned to be vacated, and if vacated, is deeded to the adjacent property owner(s). The City has three options for this property (1) to be used as right-of-way for roads and utilities; (2) to reserve it for future right-of-way; or (3) to vacate it. Ms. Whetstone emphasized that the City does not have the option to use the property for development for housing because it is not a parcel of land but rather right-of-way set aside for public purposes. Although the Planning Commission is not empowered to take action on the vacation, it asked that its concerns be relayed to the City Council. Ms. Whetstone clarified that those included the size of the right-of-way, the value of the property, the ownership of the house, and the precedent established; all of which are outlined in the staff report. The planning staff supports the vacation with conditions and believes that the public interests are maintained.

With no questions from the Council, the Mayor opened the floor to the public.

In response to a question from Chris Smart regarding compensation for the right-of-way, Jodi Hoffman explained that the proposal includes conditions of development that staff has

concluded has value to the City and to the community in excess of the monetary amount. The staff has also evaluated the monetary value of this land if the Council decided not to place development restrictions on the property, which would leave it as RC and allow 35 hotel units. As described, the limitation of house size on the back lot, the restoration of 1439 Woodside, the historic preservation facade easement of 1439, the dedication of right-of-way adjacent to the paved prescriptive Woodside Avenue, and the dedication of the snow shedding and tree preservation easements, Ms. Hoffman explained that staff has effectively negotiated a significant down-zone of the property which would be beneficial to the community in lieu of cash.

Jodi Hoffman explained for the benefit of resident Ray Johnson that municipalities "sell" their interest in the right-of-way not the fee title. This is either done by determining that the right-of-way has little or no value and may go for "$10 or other good and valuable consideration", or if it will enhance the development of property, it can be sold for market value. Ms. Hoffman continued that it depends on the features of a proposal and the City has sold property under a statutory vacation process over the years under a variety of circumstances and prices.

The Mayor invited public comment.

Chris Smart, resident, distributed photographs of the site and pointed out that a tree has been removed. He stated that he lived at 1439 Woodside until 1994 and clarified that Mr. Frandsen has alleged that Mr. Smart was evicted, but Mr. Smart clarified that he resided there until his lease expired. He stated that he has no financial interest in 1439 Woodside, except that he is a taxpayer and voter in Park City. He questioned the concern regarding Mr. Frandsen's due process rights as he was before the City Council ten years ago and denied. When this was litigated, the court found that the City did not have to give or sell this land to Mr. Frandsen. Mr. Smart insisted that Mr. Frandsen has had due process. He felt it fair to sell Mr. Frandsen the property at market value which he felt is valued at $250,000, but it needs to be public. If Mr. Frandsen has a title to the house, let him present it. Mr. Smart stated that the Council cannot undo Judge Billings' ruling in saying that it is his property. He reiterated that if Mr. Frandsen can produce a title to the house, the Council should sell him the property at fair market value which would be $100,000 per lot. He felt that it is not up to the County Recorder to decide ownership of the house, because Frandsen has been paying taxes on it. He felt that Council should be publicly clear that they are giving the house to him. He discussed a tree that Mr. Frandsen removed at 1439 Woodside Avenue and questioned the agreement to the tree preservation easement. Mr. Smart stated that the staff has tried to keep the Council and the public from knowing how much land is involved. He stressed that this is the size of two City lots and to call it right-of-way is absurd. He felt that the Council's constituents would be served if the City received fair market value.

Alan Frandsen, applicant, stated that he cannot respond to Mr. Smart's comments because he is "off the wall". Mr. Frandsen stated that he has been paying taxes and is the fee title owner of the house. He stated that he is not selling the property, but rather improving the boundary

lines which have clouded the title. This action will help adjacent property owners in the future and he thanked Council for its consideration.

Craig Smith, former Assistant City Attorney, stated that he represented the City in the Frandsen litigation in the 1980s. He described the platting of Park City in the 1800s and the resulting inaccuracies of the survey and added that many streets are not located in the platted right-of-way and the mining companies in the early days allowed people to pay taxes on improvements which were not located on fee property. Mr. Smith stated that Mr. Frandsen approached the City asking for the vacation of the right-of-way, but at that time Frandsen had a potential buyer for this and other property to build a condominium on the site. The City Council considered the application and chose not to vacate because it was concerned about the density of the condominium project. Mr. Frandsen then brought a lawsuit to quiet title, and at the time, the improvements were not an issue of interest. Judge Billings granted the City's request for summary judgment and held that the City did not have to vacate the right-of-way. Mr. Smith commented that if a Councilmember has personal feelings and biases that there may come a time when they may get to a point where the process itself is endangered by participation by a Councilmember. That is a decision that each person on the Council needs to make, and that is not unique to this situation. He emphasized that it is Council's job to make policy and he is committed to a full and fair hearing on this issue, even though he and Alan Frandsen have probably not gotten along well over the years because of litigation with the City. Mr. Smith concluded that only by getting all the facts on the table can everyone's rights be respected.

Jodi Hoffman interjected that there has been a concern that this is a very large chunk of right-of-way and somewhat unprecedented and pointed out that the right-of-way runs through about five or six homes. Eric DeHaan, City Engineer, agreed that there are numerous structures, several of which, are almost entirely within platted streets in Park City. The City Engineer discussed the history of several platted streets and pointed out that platted First Street was vacated in its entirety in the 1960s and 1970s as there were three homes within that right-of-way. Other examples are on Sandridge Avenue and Marsac and in all those cases, the rights-of-way were deeded by the City to various property owners. He discussed the conveyance of a portion of platted Norfolk where the Empire Condominiums are located. Mr. DeHaan commentd on the numerous minor encroachments of private improvements in the public right-of-way.

Joe Tesch, attorney and Planning Commissioner, stated that there is another opinion about Ms. Miller's conflict of interest which he has researched. He commented that he and Mr. Smith have discussed this matter and Mr. Smith is aware of his opinion which has to with speculation of what a court might do, not what a court in this state has ever done, or any laws in the state as they currently exist. He stated that no one sits on a city council without a personal interest in everything that occurs and to hang a legal opinion on that concept is something he wouldn't do. Shauna Kerr pointed out that Mr. Tesch abstained on this matter at the Planning Commission meeting, because he disclosed a conflict of interest. Mr. Tesch clarified that he asked Alan Frandsen if he would be uncomfortable ruling on the application and Mr. Frandsen indicated that he would.

With no further comments or questions, the public hearing was closed.

5. Ordinance amending Chapter 9, Title 4, Licensing, of the Municipal Code of Park City, Utah to regulate sexually oriented businesses - Assistant Attorney Mark Harrington explained that this public hearing is at the request of Planning Commissioner Joe Tesch, who has requested that the City Council reexamine the policy behind having a sexually oriented business licensing procedure altogether. This ordinance relates only to the licensing procedures; the zoning and conditional use permitting has never been decided and is pending before the Planning Commission and a separate issue. If Council decides to keep the sexually oriented business licensing, there should be a directive to the Planning Commission to expedite the review process as it has been in excess of six months. Mr. Harrington warned that there is some risk of exclusion because of that delay.

Joe Tesch explained that this is not a legal argument, but a policy argument. He stated that he is not here as a Planning Commissioner, but as a member of the community and as a board member of the Arts Council and Park City Performances. He noted that he is not a libertarian but believes in good government and without that, the ability to govern ourselves by conscientious people ensures the freedoms protected by our government. He did not believe that there is a market for sexually oriented businesses and felt that this law is a strong censorship, in his opinion, and is moralistic. The law assumes that the exposure of the human body is wrong, or otherwise wouldn't be defined. He emphasized that the ordinance is very broad and "kills" First Amendment rights and it is moralistic. Mr. Tesch stressed that obscenity is already forbidden without this law as is ludeness and putting a limitation on the kind of expression, art, and speech has already been found by the Supreme Court to have value and merit. He continued that Park City is not like the rest of Utah as it is much more diversified and when he looked at the law and saw that we are trying to be like West Valley City, or Sandy, it concerned him. Mr. Tesch discussed censorship in various cities in Utah and discussed losing First Amendment rights with this ordinance.

Mr. Tesch discussed the writings of Milton regarding free speech and quoted Justice Holmes regarding the free exchange of ideas. He felt that being moralistic is oppressive and that the people of Park City are not used to this. He then quoted Justice Brandeise on free speech. Mr. Tesch discussed Joanne Collins, a former council member, and her position on free speech which was that you learn by education and you don't withhold information. Mr. Tesch warned against limiting First Amendment rights and this ordinance "chills" what happens in the artistic community. He alleged that it will foster lawsuits and felt that the law will inhibit art organizations from showing certain films or displaying art and Park City will become like other towns in Utah. He didn't think that the law protects children as that job should be left to parents. Mr. Tesch felt that the passage of the law was overreacting to a business license application. He pointed out that Park City has gone 111 years without this law, and it is not needed here because there is no market for sexually oriented businesses. He discussed in detail the history of Michael Angelo's Last Judgment and the unfortunate censorship of that great work of art.

Jim Murphy noted that Mr. Tesch quoted a number of Supreme Court decisions and Mr. Tesch also commented on how wonderful they were, however, he reminded the public that the Supreme Court also made the Dred Scott decision. He stated that he is a retired police officer and school teacher and assured Council that sexually oriented businesses feeds it way to the children.

Mike Andrews stated that he is a member of the Arts Council and is a believer in the freedom of expression and the importance of the First Amendment. As an educator he is concerned about the impact of obscenity on our children, both pornography and violence. It is difficult to balance the right of free speech and the right of a society to protect its children who are not old enough to make good judgments. He believed that as a community, we have an obligation to protect our children, however, and urged Council to revisit the ordinance because he believed that the language is much too broad.

Vicky Perry, Thaynes Canyon resident, voiced her confusion with Mr. Tesch's comments about the arts as it was her understating from meeting with legal staff that this ordinance would not regulate the arts and its purpose is strictly to regulate businesses that no one wants. She stated that she has polled people and there was no support for sexually oriented businesses in Park City. She emphasized that she does not want the ordinance "loosened", and again discussed her confusion.

City Attorney Jodi Hoffman clarified that the ordinance addresses permanent businesses in Park City that fall under the definition of a sexually oriented business. Legal staff tried very hard to define sexually oriented businesses in a manner that would not affect any of the goals of the arts community as presently imagined. However, the one area that could be improved is the definition of adult theaters and staff has asked Mr. Tesch what items in the ordinance concerned the arts community so it would not affect them. However, Mr. Tesch was not interested in doing that but rather bringing the larger public debate about whether Park City is the kind of place that is going to regulate these things at all, which is a policy matter. Ms. Perry responded that the Park City of the 1990s belongs to families and Park City is portrayed that way. She believed that certain types of businesses should be prohibited based on the values of a community. Ms. Hoffman clarified that that this is a business licensing ordinance; Mr. Tesch has characterized this as something that criminalizes behavior and it doesn't do that. If a business falls within the definition of a sexually oriented business, it must obtain a license. The Planning Commission is currently reviewing what zones in the City are appropriate for these types of businesses, has had one public hearing on this and will likely schedule hearings in the future.

Mark Harrington addressed comments on the City's ability to exclude businesses based on morality and emphasized that that is not on option for Park City and this is not intended nor written as a moral law; it is written as an ordinance regulating the secondary effects of a particular type of business. Mr. Harrington added that staff did not conduct extensive research on resort communities but pointed out that Seattle is a leader in this area of regulation and has not

damaged its arts community. He felt it possible to narrowly define sexually oriented businesses in a manner which would distinguish them from legitimate protected First Amendment speech.

The Mayor suggested that if members of the art community find specific areas in the ordinance which should be addressed, their comments are welcomed.

Duane Reehunt, resident, referred to Mr. Tesch's comment that there is no market for sexually oriented businesses so we should throw off restraint and see what happens. He reminded the public that this is the type of community that attracts outside businesses and urged the City Council to keep the law in place.

Patty Fellows, resident and former School District Transportation Director, felt it foolish to loosen the ordinance and let these businesses come in as it impacts the children. She explained a situation at the Elementary School where pornography was found. She applauded the City Council for adopting the ordinance and commended them for doing a good job.

Diane Rhinehart stated that she is on the board of several art organizations. She continued that she does not want sexually oriented businesses in the community but feared that with the law someone could sue her for art work displayed in her salon, because she holds a business license. She urged Council to make the ordinance specific.

Catherine Henney, President of the Arts Council, stated that as a mother she wants her children given the opportunity to be exposed to art. She felt that the ordinance needs to be tightened up so the arts community is protected and freedom of speech is extremely important in theater and films. She felt there is a bigger problem with violence than sexuality. The ordinance is too broad. The Mayor asked that she get together with staff to work on language amendments.

Paul Sincock, resident, felt that the 58 page ordinance could be reduced to four pages and should be simpler. He felt that sexually oriented businesses should be restricted as much as possible but he does not want to restrict artistic freedom and expression. He is very concerned and suspicious of First Amendment rights being abridged and there should be as much public input as possible. He discussed slowly taking away people's rights without them being aware of it and supported involving the arts community in reevaluating the ordinance.

Dell Fuller, citizen, artist and parent, commented on his concern about legislating morality as morality has to be dealt with on a personal level, and imposing this on others is fundamentally wrong.

Brook Grant, resident, stated that he was impressed with the adoption of the ordinance. People want to be free without taking responsibility and Council did the responsible thing by adopting the ordinance and that took courage. He hoped that Council maintains it position.

As a university professor he supports the arts, but felt that the Council should stick to "the higher path".

Joe Ellis, pastor, emphasized that religion, church and arts do not conflict. If it weren't for the church, much in the arts wouldn't exist. He pointed out that the argument has suddenly shifted as initially the arts council was against any ordinance and now they are asking that it be tightened up. He suggested that if the ordinance is reexamined that not only should there be a voice from the arts council but other representatives from the community. As a pastor, he would like to be a part of that decision-making process. Pastor Ellis added that it appears that everyone is fundamentally agreeing and emphasized that there is a big distinction between pornography and the arts and the two worlds are miles apart. He described the operators of sexually oriented businesses as people who are corrupt, greedy, and cruel and believed that the ordinance is right on target. He pointed out that Park City has changed dramatically and to say that over our 110 year history, we have never needed this ordinance is not good logic. He believes that the ordinance separates the arts and pornography and that the ordinance represents the direction of the community.

With no further comments, the public hearing was closed.

V CONSENT AGENDA

Leslie Miller disclosed that she will be abstaining from Item 3, as she has been contracted by Blue Ledge Corporation. Ruth Gezelius, "I move approval of Consent Agenda Items 1 through 6, as presented". Shauna Kerr seconded. Motion carried

Ruth Gezelius	Aye
Roger Harlan	Aye
Lou Hudson	Aye
Shauna Kerr	Aye
Leslie Miller	Aye, Abstention Item 3 only

1. Ordinance approving an amendment to the amended Park City Survey, Lots 8, 9 and 10, Block 24 located at 540 Main Street, Park City, Utah - See following staff report.

2. Ordinance approving amendments to Lot 6 Willow Ranch Subdivision and Lot 10 McLeod Creek Subdivision located at 2647 Meadow Creek Drive, Park City, Utah - See staff report.

3. Ordinance amending the final plat of Hidden Meadows located at Solamere Drive, Park City, Utah - See staff report.

4. Resolution waiving building, planning and development impact fees by the City Council of Park City, Utah for the construction of school facilities in Park City, Utah in the estimated amount of $389,375 - See staff report.

5. Authorization to staff to enter into contract with Chance Coach for the purchase of a compressed natural gas trolley in an amount not to exceed $280,000 - See staff report.

6. Authorization to staff to enter into contract with Kendall & Sons Roofing for roofing of the Racquet Club in an amount not to exceed $83,780 - See attached staff report.

VI NEW BUSINESS

1. Ordinance amending Chapter 2 and Section 15.1 of the Land Management Code to create a new lot line adjustment process - See attached staff report. Shauna Kerr, "I move approval of the Ordinance amending Chapter 2 and Section 15.1 of the Land Management Code to create the new lot line adjustment process". Ruth Gezelilus seconded. Motion carried unanimously.

2. Ordinance increasing the elected and appointed officials' compensation and adopting travel and meeting expense guidelines - Roger Harlan stated that he could support increasing compensation by 2% this year and then following the pay plan but could not also support in addition to a stipend, paying a portion of the premium for private insurance coverage equal to the cost of City single health insurance coverage if arrangements can be made with the private carrier. If arrangements cannot be made increase compensation by the amount of City single health insurance coverage (approximately $155/per month). Ruth Gezelius suggested that motions be separated.

Shauna Kerr, "I move that we approve Option 2 which is an increase of 2% this year and then follow the pay plan guidelines, which has been the previous Council's direction". Roger Harlan seconded. Motion unanimously carried.

Shauna Kerr, "I move to approve Option 3 which is in addition to a stipend, that single health coverage would be provided at the City's expense as a part of the compensation package in addition to the compensation we just approved, with Option 5 that in the event the Councilmember cannot transfer to the City's coverage and the premiums cannot be paid to the alternative carrier then that Councilmember would be entitled to that dollar amount as an additional compensation". Leslie Miller seconded. Motion carried.

Ruth Gezelius	Aye
Roger Harlan	Nay
Lou Hudson	Aye
Shauna Kerr	Aye

Leslie Miller Aye

Ruth Gezelius, "I move to increase the compensation for the Planning Commission, Historic District Commission and Board of Adjustment $100, $60, and $40 (respectively)". Shauna Kerr seconded. Motion unanimously carried.

3. Ordinance approving the Frandsen Subdivision; being a replat of a portion of Lot 8 and Lots 9, 10, 11 and 12, Block 21; and a portion of Lots 7 and 8, Block 22 of the Snyder's Addition of the Park City Survey; and including a parcel known as SA-222, located at 1445 Woodside Avenue; and including the Woodside right-of-way located adjacent to these parcels from 1437 to 1439 Woodside Avenue - See public hearing comments. Ruth Gezelius disclosed that she will be abstaining from voting on this, as detailed during the public hearing.

Leslie Miller stated that this has been a very emotional meeting and clarified for the record her intent in raising questions on this application a month ago. Her intent was to bring information to this decision that she viewed as important as it is a public piece of property. She referred to a comment made by Ms. Hoffman who stated that she has never seen her spend so much time or interest on an issue, and pointed out her involvement in the Carl Winters issue which was a piece of public property that the Council tried to give to a developer in exchange for other sorts of public benefit. Ms. Miller noted that she worked good and hard on that, which launched her into public service. She felt that the intent has been clouded by the personal bias of the City Attorney who has not been able to substantiate the legal claim of conflict of interest. Ms. Miller was forced to find an alternative opinion that tells her otherwise. Ms. Miller continued that aside from losing her trust as a result of personal and political motivation clouded by the legal issue, she walks away from this feeling "poisoned" as there is nothing worse than somebody putting words in your mouth or telling her how she feels or telling her the cause of her behavior when she feels comfortable with herself. Ms. Miller stated that she felt violated by those that she expected would be here to protect her and has legal opinions that warrant her feelings. She felt it was one thing to be misrepresented in the press based on speculation, but in her heart she stated that she brings no more bias to this decision than her fellow Councilmembers bring to other decisions and could list one after another. She discussed the appointment of real estate professionals on the Planning Commission, and her concern of setting the stage for conflicts of interest. Ms. Miller stated that the memo she received from the City Attorney was threatening and that she did not have a problem disclosing a conflict of interest as her life is an open book. She continued that she agreed that there was a potential conflict of interest two years ago when she was a tenant of Mr. Frandsen, however, the situation is very different and she has separated herself from the house. The purpose of her participation in the discussion of this issue was to bring information that would help protect the public's interest as well as explain the intent of Mr. Frandsen's application. She stressed that she does not have a vendetta, is not the one filing lawsuits against him, and doesn't want to punish him and wanted everyone to know that, as it has been characterized differently which is offensive to her. While she resents the imposition of somebody's else's "truth", and because the public has been tarnished with

misinformation, misrepresentation and mischaracterization, that there is no way that by voting, she can serve any purpose to the community which is unfortunate because of what she has to offer regarding information which could be beneficial. That opportunity is gone and this disturbs her greatly, and she stated that she will be recusing herself from the vote and hoped that this type of scenario is never permitted to happen again, because it is not right.

Shauna Kerr personally thanked Ms. Miller for bringing up the compensation issue for this public right-of-way and pointing out the features of the area and felt more comfortable in making a decision with the expertise Ms. Miller has brought to Council's attention. She added that the decision before Council is to make a planning and zoning decision and a policy determination. A right-of-way is a fee determinable which means that the land is used so long as it has a public purpose; it is a determinable fee and the City doesn't own it as fee title. It has a right of reverter to the adjacent property owners and Mr. Frandsen is the adjoining property owner. In consideration of the public benefits negotiated for the reduced density, restoration of the house including the facade, and the preservation of vegetation, Ms. Kerr felt that there has been a fair exchange and didn't feel like the Council is giving away the public's property, and is vacating the City's right-of-way to the rightful owner. Shauna Kerr, "I move approval of the Ordinance approving the Frandsen Subdivision being a replat of a portion of Lot 8 and Lots 9 and 10, etc. with the additional conditions onto the staff report, including the maple trees as trees that we're saving, the staff report just refers to conifers. I think the maple trees are significant and should be added as well and in addition the box elder trees on the rear part of the parcel which would provide a very effective buffer for the houses between the commercial uses up to the parking lot and would also perhaps be an incentive on the Empire side from snow shedding onto this lot, and I think that it is significant vegetation there and I would request that we also add those box elder trees along the westerly border of the property as part of the preservation agreement as well. Also, if in fact it is determined that the shed behind the structure at 1439 is a historic shed, I think we should also condition it that that structure be restored and saved as part of this project". Lou Hudson seconded in consideration of the conditions of approval. Roger Harlan stated that he has examined a map, indicating many rights-of-way that the City has vacated, and this is application is not unusual and agreed with the public benefit factors. Motion carried.

Ruth Gezelius	Abstention
Roger Harlan	Aye
Lou Hudson	Aye
Shauna Kerr	Aye
Leslie Miller	Abstention

VII COMMUNICATIONS FROM COUNCIL AND STAFF

Myles Rademan announced a candidate orientation meeting to be held Wednesday, September 20 at 3:30 p.m. He invited Council to the final meeting of the Leadership 2000 on September 18 from 7 p.m. to 9 p.m.

VIII ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned.

* * * * * *

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3:50 p.m. on Thursday, August 31, 1995. Members in attendance were Mayor Brad Olch, Ruth Gezelius, Roger Harlan, Lou Hudson, Shauna Kerr, and Leslie Miller. Staff in attendance were Toby Ross, City Manager; Jodi Hoffman, City Attorney; and Mark Harrington, Assistant City Attorney. Leslie Miller, "I move that we break into closed session to discuss my concern and the issues inherent to this particular application (Frandsen Subdivision and vacation of right-of-way)". Shauna Kerr seconded. Motion unanimously carried.

The meeting opened at approximately 4:30 p.m.

* * * * * *

The meeting for which these minutes were prepared was noticed by posting 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott

Janet M. Scott
Deputy City Recorder



Ordinance No. 95-44

AN ORDINANCE APPROVING AMENDMENTS TO LOT 6 WILLOW RANCH SUBDIVISION AND LOT 10 MCLEOD CREEK SUBDIVISION LOCATED AT 2647 MEADOW CREEK DRIVE, PARK CITY, UTAH

WHEREAS, the owners of the property known Lot 10 McLeod Creek Subdivision, Park City, Utah, have petitioned the City Council for approval of amendments to both Lot 6, Willow Ranch Subdivision and Lot 10, McLeod Creek Subdivision; and

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

WHEREAS, the City Council held a public hearing on August 31, 1995 to receive input on the proposed amendments; and

WHEREAS, it is in the best interest of Park City, Utah to approve the amended plat, known as the Plat Amendment of Lot 6 Willow Ranch Subdivision and Lot 10 McLeod Creek Subdivision;

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

SECTION 1. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned plat amendments and that neither the public nor any person will be materially injured by the proposed plat amendments.

SECTION 2. PLAT APPROVAL. The amendments to Lot 10, McLeod Creek Subdivision and Lot 6, Willow Creek Subdivision, Park City, Utah, are approved as shown on the attached Exhibit A with the following conditions:

1. Prior to plat recordation, the City Attorney and City Engineer shall review and approve the final plat.
2. All Standard Conditions of Approval apply.
3. All previous conditions of the Willow Ranch and McLeod Creek Subdivisions shall remain in full force and effect.
4. A note shall be added to the plat, prior to recordation, stating that the area added to Lot 10 from the Willow Ranch Subdivision shall be a non-build yard area with such uses allowed as were previously allowed as part of Lot 6 Willow Ranch Subdivision.

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect upon adoption.

PASSED AND ADOPTED this 31st day of August, 1995.

PARK CITY MUNICIPAL CORPORATION

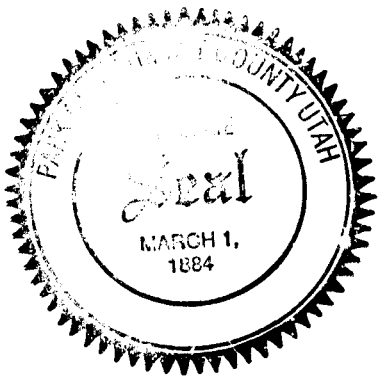
Mayor Bradley A. Olch

Attest:

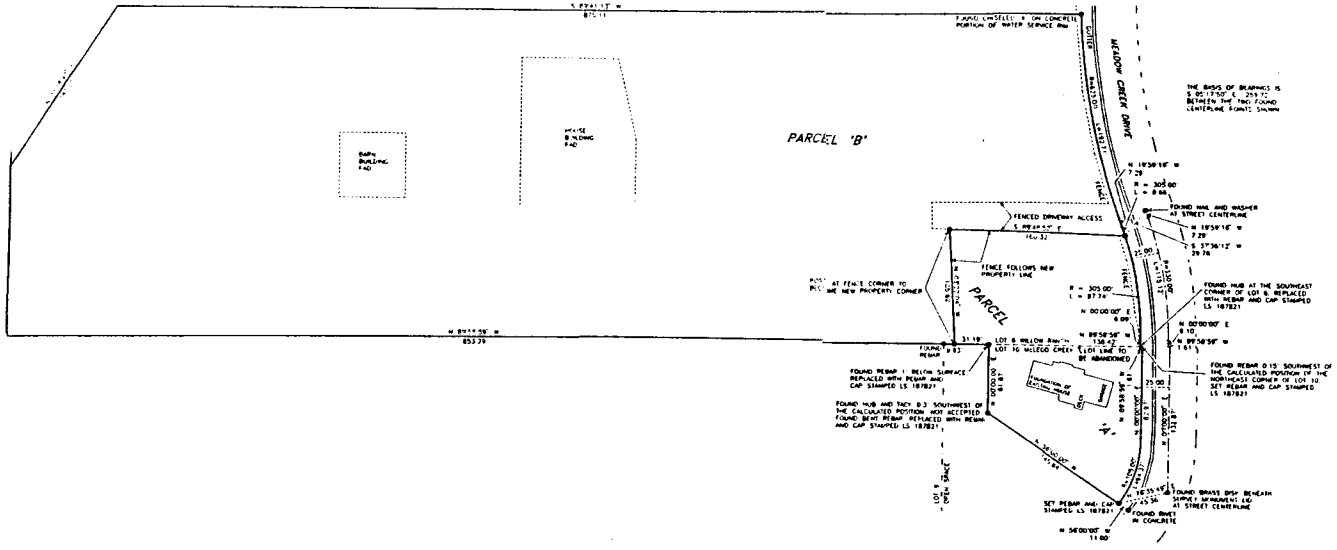
Janet M. Scott, Deputy City Recorder

Approved as to form:

Mark D. Harrington, Assistant City Attorney



PLAT AMENDMENT OF LOT 6 WILLOW RANCH SUBDIVISION AND LOT 10 McLEOD CREEK SUBDIVISION
and RECORD OF SURVEY



SURVEYOR'S CERTIFICATE

I, JOE BRATHEWS, CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD LICENSE NUMBER 187821 AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND THAT I HAVE MADE A SURVEY OF THE PROPERTY SHOWN HEREON AND AS DESCRIBED IN THE NOTES AND LEGAL DESCRIPTION BELOW.

NOTES

1. THE BASIS OF BEARINGS FOR THIS SURVEY IS AS SHOWN
2. SURVEY MONUMENTS WERE FOUND OR SET AS SHOWN
3. THE PURPOSE OF THIS SURVEY IS FOR BOUNDARY LOCATION AND PLAT AMENDMENT
4. THIS SURVEY WAS REQUESTED BY PHILO SMITH
5. THIS SURVEY WAS PERFORMED ON MAY 10, 1995
6. THE OWNER OF THIS PROPERTY SHOULD BE AWARE OF ANY ITEMS AFFECTING THE PROPERTY THAT MAY APPEAR IN A TITLE INSURANCE REPORT. THE SURVEYOR WAS FOUND NO OBVIOUS EVIDENCE OF EASEMENTS, ENCROACHMENTS OR ENCUMBRANCES ON THE PROPERTY SURVEYED EXCEPT AS SHOWN OR NOTED HEREON
7. ALL BEARINGS AND DISTANCES SHOWN WERE MEASURED AND ARE EQUIVALENT TO THE RECORD BEARINGS AND DISTANCES, EXCEPT WHERE OTHERWISE SHOWN
8. THE PURPOSE OF THIS PLAT AMENDMENT IS TO ADD PART OF LOT 6 TO LOT 10
9. OTHER LOT LINES IN McLEOD CREEK AND WILLOW RANCH SUBDIVISIONS WILL NOT BE AFFECTED

LEGAL DESCRIPTIONS

PARCEL A
LOCATED IN SECTION 5, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASELINE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: ALL OF LOT 10 OF McLEOD CREEK SUBDIVISION, TOGETHER WITH A PART OF LOT 6 OF WILLOW RANCH SUBDIVISION, SAID PART OF LOT 6 BEING THE FOLLOWING: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 6; THENCE N 89°58'58" W 169.81 FEET; THENCE N 02°29'04" W 105.92 FEET; THENCE S 88°48'52" E 160.37 FEET TO A POINT ON A 305.00 FOOT RADIUS CURVE; THENCE 87.74 FEET ON A SOUTHERLY DIRECTION ALONG THE ARC OF SAID CURVE WHOSE CHORD BEARS S 08°10'50" E 87.32 FEET; THENCE S 00°00'00" E 8.09 FEET TO THE POINT OF BEGINNING.
PARCEL A CONTAINS 0.74 ACRES

PARCEL B
LOCATED IN SECTION 5, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASELINE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: ALL OF LOT 6 OF WILLOW RANCH SUBDIVISION EXCEPTING THEREFROM A PART OF LOT 6 OF WILLOW RANCH SUBDIVISION, SAID PART OF LOT 6 BEING THE FOLLOWING: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 6; THENCE N 89°58'58" W 169.81 FEET; THENCE N 02°29'04" W 105.92 FEET; THENCE S 88°48'52" E 160.37 FEET TO A POINT ON A 305.00 FOOT RADIUS CURVE; THENCE 87.74 FEET ON A SOUTHERLY DIRECTION ALONG THE ARC OF SAID CURVE WHOSE CHORD BEARS S 08°10'50" E 87.32 FEET; THENCE S 00°00'00" E 8.09 FEET TO THE POINT OF BEGINNING.
PARCEL B CONTAINS 0.60 ACRES

DUPLICATE

JOE BRATHEWS
LAND SURVEYING
P.O. BOX 1864
PARK CITY, UT. 84060
647-9826

CITY COUNCIL	CITY ENGINEER	CITY PLANNING COMMISSION	CITY ATTORNEY	SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT	RECORDED
APPROVED BY THE PARK CITY COUNCIL ON THIS _____ DAY OF _____ 1995	APPROVED BY THE PARK CITY ENGINEER ON THIS _____ DAY OF _____ 1995	APPROVED BY THE PARK CITY PLANNING COMMISSION ON THIS _____ DAY OF _____ 1995	APPROVED AS TO FORM BY THE PARK CITY ATTORNEY ON THIS _____ DAY OF _____ 1995	APPROVED AND ACCEPTED BY S.B.S.I.D. ON THIS _____ DAY OF _____ 1995	NUMBER _____ DATE _____ STATE OF UTAH TIME _____ COUNTY OF SUMMIT FEE _____ RECORDED AND FILED AT THE REQUEST OF _____

EXHIBIT A

PAUL CARAHER
WETLAND DELINEATION
SUMMIT COUNTY, UTAH

PAUL CARAHER
WETLAND DELINEATION
SUMMIT COUNTY, UTAH

Prepared for:

PAUL CARAHER
2685 MEADOW CREEK DRIVE
PARK CITY, UT. 84060

And

U.S. ARMY CORPS OF ENGINEERS
UTAH REGULATORY OFFICE
533 WEST 2600 SOUTH, SUITE 150
BOUNTIFUL, UTAH 84010
801-295-8380

Prepared by:

INTERMOUNTAIN ECOSYSTEMS, LLC
270 EAST 1230 NORTH
SPRINGVILLE, UT. 84663
801-367-1589

28 JUNE 2023

PAUL CARAHER
WETLAND DELINEATION
SUMMIT CO., UTAH

EXECUTIVE SUMMARY

Intermountain Ecosystems, LLC. was contracted by Paul Caraher to conduct a wetland delineation on approximately 6.47 acres of property located at 2685 Meadow Creek Road in Park City, Utah at coordinates N 40.67221^0 W 111.51143^0. Approximately 0.025 acres of wetlands were delineated in the project area based on two small polygons. The project area is located near McLeod Creek , a water of the United States (WOUS).

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APPENDIX C—USDA Soil Map

1.0 INTRODUCTION

1.1 Project Description

Mr. Paul Caraher has contracted Intermountain Ecosystems to conduct a Waters of the United States (WOUS) inventory which includes jurisdictional wetlands administered under Section 404 of the Clean Water Act (CWA). The project area is located in Park City, UT. at 2685 Meadow Creek Drive (Fig 1).

The property is approximately 6.47 acres in size and the land has been fallow for several years. The property is owned by Mr. Caraher and his plans include barn construction, habitat restoration and perhaps some light grazing by horses. There is no interstate commerce associated with this project.

Average annual precipitation for Park City is estimated at 16 inches and elevation is estimated at 6400 ft. (Ashcroft 1992). The following report includes a description of the field methods, vegetation, soils, hydrology sampling, inventory results, and discussion of the wetland delineation and connectivity to WoUS.

2.0 METHODS

2.1 Field Inventory

Field inventory was conducted on 16th June by Ronald J. Kass, Professional Wetland Scientist (PWS) and Paul Dawson, hydrologist in accordance with the 1987 "Corps of Engineers Wetlands Delineation Manual." Information reviewed included *Hydric Soils of the U.S.* (USDA-SCS 1991), *National List of Plant Species that Occur in Utah*: Intermountain Region 8 (USFWS 1988), *National Wetland Inventory Maps (NWI)* and *Soil Survey Web* (USDA 2023).

Upland/wetland boundaries were identified and delineated by sampling vegetation, soils, and determining wetland hydrology at subjective sample points along ecological gradients. Seven (7) data points were established in areas most relevant to determine the upland/wetland boundary.

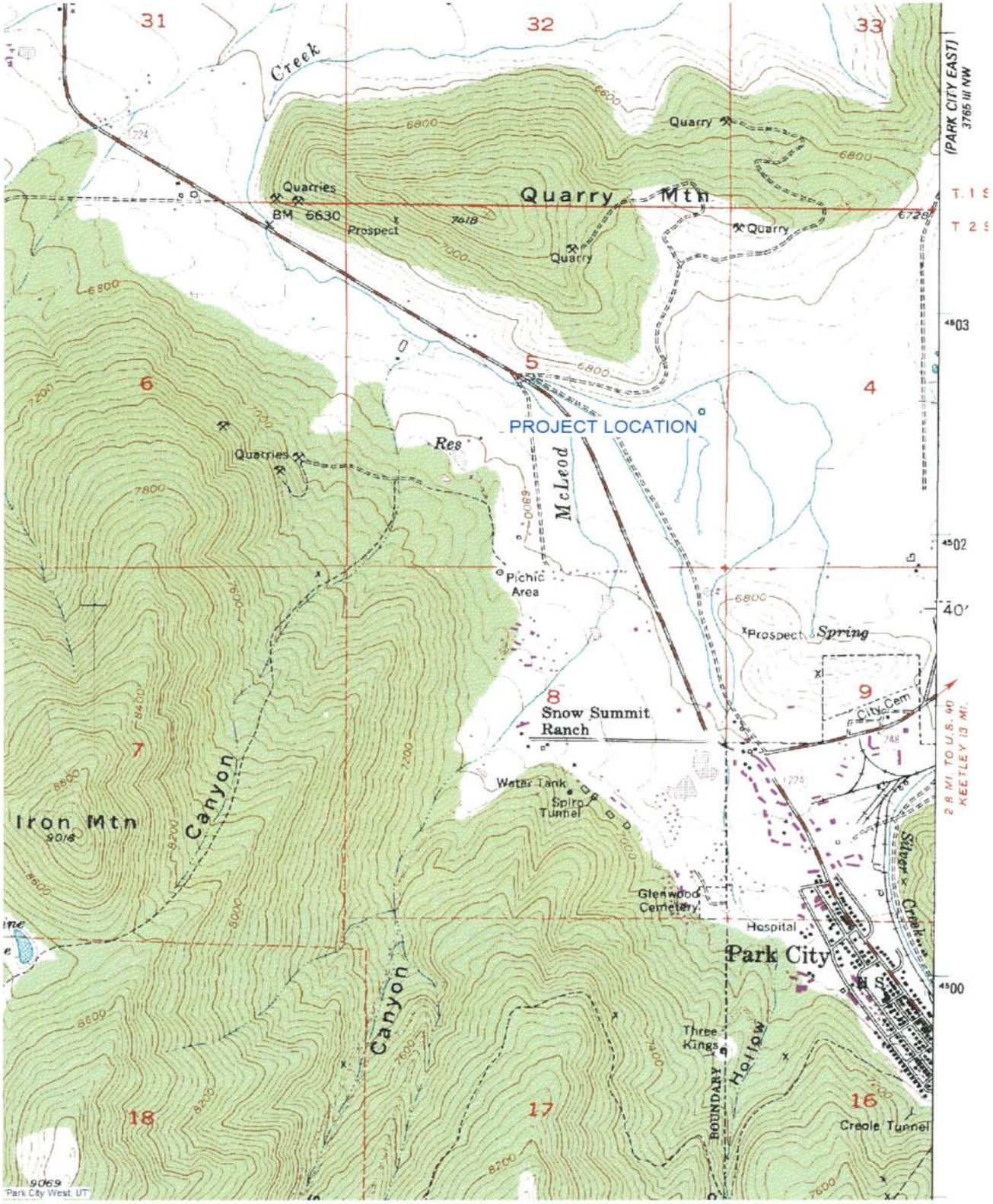


Fig 1. Project Location USGS Park City East.

Data points were designated with pink pin flags and wetland boundaries were mapped with Trimble Geo 7X GPS. Vegetation was determined by ocular estimation of percent cover within a 6-foot radius for herbaceous strata and shrubs, and within 30-foot radius for trees. Vegetation dominance was determined by the 50/20 rule. A routine onsite determination data sheet was completed for each sample point (Appendix A).

Soil texture, chroma (Munsell color charts-Kollmorgen 1988), and moisture were determined at each sample point by examination of soil characteristics within an excavated pit 18 inches deep. Observing local conditions and assessing primary and secondary indicators determined hydrology.

Jurisdictional/non-jurisdictional wetland determination was concluded for each sample point based on the presence of at least one field indicator for each of the three USACOE parameters, and a surface connection to adjacent WoUs. Surface connections to WoUS were established by examining USGS maps and aerial photos and field checking these connections.

Table 1. Species List and Indicator Status

Common Name	Scientific Name	Indicator Status
Woody		
Sandbar willow	Salix exigua	FACW
Graminoids		
Baltic rush	*Juncus balticus*	FACW
Spikerush	*Eleocharis palustris*	OBL
Tall wheatgrass	*Thinopyrum ponicum*	FACU
Nebraska sedge	*Carex nebrascensis*	FACW
Cattail	*Typha latifolia*	OBL
Meadow fescue	*Festuca pratensis*	FACU

Indicator Status (Reed 1988).
OBL Obligate wetland plants; almost always occur in wetlands under natural conditions (>99 percent probability).
FACW Facultative wetlands plants; usually occur in wetlands but occasionally found in one-wetlands (67-99 percent probability).
FAC Facultative plant; equally likely to occur in wetlands or non-wetlands (34-66 percent probability).
FACU Facultative upland plants; usually occur in non-wetlands but occasionally found in wetlands (1-33 percent probability).
UPL Upland plants; occur almost never in wetlands under natural conditions (<1 percent probability).
NI No indicator; insufficient information available to determine indicator status.

3.0 RESULTS

3.1 Vegetation

This property is characterized as a palustrine wet meadow with plant species such as Arctic rush (*Juncus arcticus*), meadow foxtail (*Alopercurus pratensis*) and Nebraska sedge (*Carex nebrascensis*). Uplands are dominated by whitetop (*Cardaria draba*). Common plant species and their indicator status are listed in Table 1.

3.2 Soils

Soil Survey Web (USDA 2023) indicated Wanship loam 0-3% slope (Appendix C). This soil occurs on low stream terraces and is often associated with cobbles at 20 inches. Onsite soils were characterized as silt loams and sandy loams, moderately well drained and generally dark brown (10YR 2/1, 2/2) with no redox concentrations. There was considerable organic matter located within the top 6 inches of the soil profile.

3.3 Hydrology

Wetland hydrology is provided by sub-surface flow from McLeod Creek which drains to the north across most areas west of Park City. Wetland hydrology was observed in data pts. 3 & 5.

3.4 Analysis of Data Points

Data Pt. #1--This point was located in concave topography vegetated to Nebraska sedge (FACW) and meadow foxtail (FACW). The soil was silt loam (10YR 2/1) and there was water in the sample pit at 18 inches. Only the USACOE vegetation parameter was met rendering this point as upland (Appendix A).

Data Pt. # 2-- This point was located near concave topography vegetated to Arctic rush (FACW) and meadow foxtail (FACW). Soils were silt loams (10YR 2/2) with no redox concentrations or wetland hydrology. Only the USACOE vegetation parameter was met rendering this point as upland (Appendix A).

Data Pt. # 3-- This point was located in a depression vegetated to meadow foxtail (FACW) and Nebraska sedge (FACW). The soil was a silt loam (10YR 2/2) and there was water at 9 inches in the sample pit. All three USACOE parameters were met rendering this point as wetland (Appendix A).

Data Pt. # 4-- This was a paired data point located in convex topography vegetated to mainly white top (FACU). Soils were a silt loam (10YR 2/1) and there was no hydrology in the sample pit. No USACOE parameters were met rendering this point as upland (Appendix A).

Data Pt. # 5-- This point was located in a depression vegetated to meadow foxtail (FACW) and Arctic rush (FACW). The soil was a silt loam (10YR 2/1) and saturated at 10 inches. All three USACOE parameters were met rendering this point as wetland (Appendix A).

Data Pt. #6-- This was a paired data point located in convex topography vegetated to mainly white top (FACU). Soils were a silt loam (10YR 2/1) and there was no hydrology in the pit. No USACOE parameters were met rendering this point as upland (Appendix A).

Data Pt. #7-- This point was located in convex topography vegetated to mainly white top (FACU). Soils were a silt loam (10YR 2/1) and there was no hydrology in the sample pit. No USACOE parameters were met rendering this point as upland (Appendix A).

4.0 DISCUSSION

Approximately 0.025 acres of palustrine wet meadow were delineated based on 2 wetland polygons (see photo 1). There were no ditches located on the property. McLeod Creek, and its tributaries flows adjacent and through the project area and is most likely responsible for wetland hydrology.



Photo 1. Wet Meadow 6/16/23

5.0 LITERATURE CITED

ACOE. 2012. State of Utah-National Wetland Plant List. 2012 Final Draft.

Ashcroft, G. L., J. T. Jensen, and J. L. Brown. 1992. Utah Climate.

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APPENDIX A
ROUTINE WETLAND DATA FORMS

WETLAND DETERMINATION DATA FORM – Arid West Region

Project/Site: 2685 Meadow Creek Drive City/County: Park City/Utah Sampling Date: 6/16/23

Applicant/Owner: Paul Caraher State: UT. Sampling Point: 1U

Investigator(s): Ron Kass & Paul Dawson Section, Township, Range: T2S, R4E, S5

Landform (hillslope, terrace, etc.): Floodplains Local relief (concave, convex, none): concave Slope (%): 0-3

Sub region (LRR): Arid Lat: N 40.67253234^0 Long: W 111.51260177^0 Datum: WGS 1984

Soil Map Unit Name: Wanship loam NWI classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)

Are Vegetation No, Soil No, or Hydrology No significantly disturbed? Are "Normal Circumstances" present? Yes, X No ___

Are Vegetation No, Soil No, or Hydrology No naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes, X	No ____	**Is the Sampled Area within a Wetland?** , ____ **No X**
Hydric Soil Present?	Yes ____	No X	
Wetland Hydrology Present?	Yes ____	No X	

Remarks .

VEGETATION

Tree Stratum (Use scientific names.)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
Total Cover:			
Sapling/Shrub Stratum			
1.			
2.			
3.			
4.			
5.			
Total Cover:			
Herb Stratum			
1. Carex nebrascensis	10	Y	OBL
2. Alopercurus pratensis	10	Y	FACW
4. Cardaria draba	10	Y	UPL
5.			
6.			
7.			
8.			
Cover: 30			
Woody Vine Stratum			
1.			
2.			
Total Cover:			

% Bare Ground in Herb Stratum _____ % Cover of Biotic Crust _____

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 2 (A)

Total Number of Dominant Species Across All Strata: 3 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 66 (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:
OBL species _____	x 1 = _____
FACW species _____	x 2 = _____
FAC species _____	x 3 = _____
FACU species _____	x 4 = _____
UPL species _____	x 5 = _____
Column Totals: _____ (A)	_____ (B)

Prevalence Index = B/A = _____

Hydrophytic Vegetation Indicators:

___ Dominance Test is >50%

___ Prevalence Index is ≤3.0[1]

___ Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present.

Hydrophytic Vegetation Present? Yes X No _____

Remarks:

SOIL

Sampling Point: 1U

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color	%	Redox Features Color	%	Type[1]	Loc[2]	Texture	Remarks
0-18	10YR 2/1						SL	moist

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix. [2]Location: PL=Pore Lining, RC=Root Channel, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5) (**LRR C**)
- ___ 1 cm Muck (A9) (**LRR D**)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Vernal Pools (F9)

Indicators for Problematic Hydric Soils[3]:

- ___ 1 cm Muck (A9) (**LRR C**)
- ___ 2 cm Muck (A10) (**LRR B**)
- ___ Reduced Vertic (F18)
- ___ Red Parent Material (TF2)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes, ___ No __X__

Remarks: High organic matter content low chroma

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (any one indicator is sufficient)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1) (**Nonriverine**)
- ___ Sediment Deposits (B2) (**Nonriverine**)
- ___ Drift Deposits (B3) (**Nonriverine**)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Water-Stained Leaves (B9)
- ___ Salt Crust (B11)
- ___ Biotic Crust (B12)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Plowed Soils (C6)
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water Marks (B1) (**Riverine**)
- ___ Sediment Deposits (B2) (**Riverine**)
- ___ Drift Deposits (B3) (**Riverine**)
- __X__ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Thin Muck Surface (C7)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes _____ No __X__ Depth (inches): _____

Water Table Present? Yes __X__ No _____ Depth (inches): 18

Saturation Present? (includes capillary fringe) Yes _____ No __X__ Depth (inches): _____

Wetland Hydrology Present? No

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM – Arid West Region

Project/Site: 2685 Meadow Creek Dr. City/County: Park City/Utah Sampling Date: 6/16/23

Applicant/Owner: Paul Caraher State: UT. Sampling Point: 2U

Investigator(s): Ron Kass & Paul Dawson Section, Township, Range: T2S, R4E, S5

Landform (hillslope, terrace, etc.): Floodplains Local relief (concave, convex, none): concave Slope (%): 0-3

Sub region (LRR): Arid Lat: N 40.67274089^0 Long: W 111.51310751^0 Datum: WGS 1984

Soil Map Unit Name: Wanship loam NWI classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)

Are Vegetation No, Soil No, or Hydrology No significantly disturbed? Are "Normal Circumstances" present? Yes, X No ___

Are Vegetation No, Soil No, or Hydrology No naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes, X	No ____	**Is the Sampled Area within a Wetland?** , ____ **No X**
Hydric Soil Present?	Yes ____	No X	
Wetland Hydrology Present?	Yes ____	No X	

Remarks.

VEGETATION

Tree Stratum (Use scientific names.)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
Total Cover:			
Sapling/Shrub Stratum			
1.			
2.			
3.			
4.			
5.			
Total Cover:			
Herb Stratum			
1. Juncus articus	10	Y	FACW
2. Alopercurus pratensis	30	Y	FACW
4. Cardaria draba	30	Y	UPL
5.			
6.			
7.			
8.			
Cover: 70			
Woody Vine Stratum			
1.			
2.			
Total Cover:			

% Bare Ground in Herb Stratum _____ % Cover of Biotic Crust _____

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 2 (A)

Total Number of Dominant Species Across All Strata: 3 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 66 (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:
OBL species _____	x 1 = _____
FACW species _____	x 2 = _____
FAC species _____	x 3 = _____
FACU species _____	x 4 = _____
UPL species _____	x 5 = _____
Column Totals: _____ (A)	_____ (B)

Prevalence Index = B/A = _____

Hydrophytic Vegetation Indicators:

___ Dominance Test is >50%

___ Prevalence Index is ≤3.0[1]

___ Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present.

Hydrophytic Vegetation Present? **Yes X** **No _____**

Remarks:

SOIL

Sampling Point: 1U

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color	%	Redox Features Color	%	Type[1]	Loc[2]	Texture	Remarks
0-18	10YR 2/2						SL	moist

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix. [2]Location: PL=Pore Lining, RC=Root Channel, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5) (**LRR C**)
- ___ 1 cm Muck (A9) (**LRR D**)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Vernal Pools (F9)

Indicators for Problematic Hydric Soils[3]:

- ___ 1 cm Muck (A9) (**LRR C**)
- ___ 2 cm Muck (A10) (**LRR B**)
- ___ Reduced Vertic (F18)
- ___ Red Parent Material (TF2)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes, ___ No X

Remarks: High organic matter content low chroma, gravel at 17 inches

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (any one indicator is sufficient)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1) (**Nonriverine**)
- ___ Sediment Deposits (B2) (**Nonriverine**)
- ___ Drift Deposits (B3) (**Nonriverine**)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Water-Stained Leaves (B9)
- ___ Salt Crust (B11)
- ___ Biotic Crust (B12)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Plowed Soils (C6)
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water Marks (B1) (**Riverine**)
- ___ Sediment Deposits (B2) (**Riverine**)
- ___ Drift Deposits (B3) (**Riverine**)
- X Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Thin Muck Surface (C7)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes _____ No X Depth (inches): _____

Water Table Present? Yes _____ No X Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes _____ No X Depth (inches): _____

Wetland Hydrology Present? No

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM – Arid West Region

Project/Site: 2685 Meadow Creek Dr. City/County: Park City/Utah Sampling Date: 6/16/23

Applicant/Owner: Paul Caraher State: UT. Sampling Point: 3W

Investigator(s): Ron Kass & Paul Dawson Section, Township, Range: T2S, R4E, S5

Landform (hillslope, terrace, etc.): Floodplains Local relief (concave, convex, none): concave Slope (%): 0-3

Sub region (LRR): Arid Lat: N 40.67277557^0 Long: W 111.5136151^0 Datum: WGS 1984

Soil Map Unit Name: Wanship loam NWI classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)

Are Vegetation No, Soil No, or Hydrology No significantly disturbed? Are "Normal Circumstances" present? Yes, X No ___

Are Vegetation No, Soil No, or Hydrology No naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes, X No _____	**Is the Sampled Area within a Wetland?** , X **No** _____
Hydric Soil Present?	Yes X No ___	
Wetland Hydrology Present?	Yes X No _____	

Remarks.

VEGETATION

Tree Stratum (Use scientific names.)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
Total Cover:			
Sapling/Shrub Stratum			
1.			
2.			
3.			
4.			
5.			
Total Cover:			
Herb Stratum			
1. Carex nebrascensis	15	Y	OBL
2. Alopercurus pratensis	30	Y	FACW
4. Cardaria draba	20	Y	UPL
5.			
6.			
7.			
8.			
Cover: 60			
Woody Vine Stratum			
1.			
2.			
Total Cover:			

% Bare Ground in Herb Stratum _____ % Cover of Biotic Crust _____

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 2 (A)

Total Number of Dominant Species Across All Strata: 3 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 66 (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:
OBL species _____	x 1 = _____
FACW species _____	x 2 = _____
FAC species _____	x 3 = _____
FACU species _____	x 4 = _____
UPL species _____	x 5 = _____
Column Totals: _____ (A)	_____ (B)

Prevalence Index = B/A = _____

Hydrophytic Vegetation Indicators:

___ Dominance Test is >50%

___ Prevalence Index is ≤3.0[1]

___ Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present.

Hydrophytic Vegetation Present? Yes X No _____

Remarks:

SOIL

Sampling Point: 3W

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color	%	Redox Features Color	%	Type[1]	Loc[2]	Texture	Remarks
0-18	10YR 2/2						SL	moist

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix. [2]Location: PL=Pore Lining, RC=Root Channel, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- _X_ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5) (**LRR C**)
- ___ 1 cm Muck (A9) (**LRR D**)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Vernal Pools (F9)

Indicators for Problematic Hydric Soils[3]:

- ___ 1 cm Muck (A9) (**LRR C**)
- ___ 2 cm Muck (A10) (**LRR B**)
- ___ Reduced Vertic (F18)
- ___ Red Parent Material (TF2)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes, _X_ No ___

Remarks: High organic matter content low chroma,

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (any one indicator is sufficient)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- _X_ Saturation (A3)
- ___ Water Marks (B1) (**Nonriverine**)
- ___ Sediment Deposits (B2) (**Nonriverine**)
- ___ Drift Deposits (B3) (**Nonriverine**)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Water-Stained Leaves (B9)
- ___ Salt Crust (B11)
- ___ Biotic Crust (B12)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Plowed Soils (C6)
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water Marks (B1) (**Riverine**)
- ___ Sediment Deposits (B2) (**Riverine**)
- ___ Drift Deposits (B3) (**Riverine**)
- _X_ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Thin Muck Surface (C7)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes _____ No _X_ Depth (inches): _____

Water Table Present? Yes _X_ No _____ Depth (inches): 11

Saturation Present? (includes capillary fringe) Yes _X_ No ____ Depth (inches): 4

Wetland Hydrology Present? Yes

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM – Arid West Region

Project/Site: 2685 Meadow Creek Drive City/County: Park City/Utah Sampling Date: 6/16/23

Applicant/Owner: Paul Caraher State: UT. Sampling Point: 4U

Investigator(s): Ron Kass & Paul Dawson Section, Township, Range: T2S, R4E, S5

Landform (hillslope, terrace, etc.): Floodplains Local relief (concave, convex, none): convex Slope (%): 0-3

Sub region (LRR): Arid Lat: N 40.18287651^0 Long: W 111.60621528^0 Datum: WGS 1984

Soil Map Unit Name: Wanship loam NWI classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)

Are Vegetation No, Soil No, or Hydrology No significantly disturbed? Are "Normal Circumstances" present? Yes, X No ___

Are Vegetation No, Soil No, or Hydrology No naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes, ___	No X	**Is the Sampled Area within a Wetland?** , ____ No X
Hydric Soil Present?	Yes _____	No X	
Wetland Hydrology Present?	Yes ____	No X	

Remarks . paired data pt-upland

VEGETATION

Tree Stratum (Use scientific names.)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
Total Cover:			
Sapling/Shrub Stratum			
1.			
2.			
3.			
4.			
5.			
Total Cover:			
Herb Stratum			
1. Poa pratensis	10	Y	FACU
2. Alopercurus pratensis	30	Y	FACW
4. Cardaria draba	30	Y	UPL
5.			
6.			
7.			
8.			
Cover: 70			
Woody Vine Stratum			
1.			
2.			
Total Cover:			

% Bare Ground in Herb Stratum _____ % Cover of Biotic Crust _____

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)

Total Number of Dominant Species Across All Strata: 3 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 33 (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:
OBL species _____	x 1 = _____
FACW species _____	x 2 = _____
FAC species _____	x 3 = _____
FACU species _____	x 4 = _____
UPL species _____	x 5 = _____
Column Totals: _____ (A)	_____ (B)

Prevalence Index = B/A = _____

Hydrophytic Vegetation Indicators:

___ Dominance Test is >50%

___ Prevalence Index is ≤3.0[1]

___ Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present.

Hydrophytic Vegetation Present? Yes ____ No X

Remarks:

SOIL

Sampling Point: 4U

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color	%	Redox Features Color	%	Type[1]	Loc[2]	Texture	Remarks
0-18	10YR 2/1						SL	moist

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix. [2]Location: PL=Pore Lining, RC=Root Channel, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5) (**LRR C**)
- ___ 1 cm Muck (A9) (**LRR D**)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Vernal Pools (F9)

Indicators for Problematic Hydric Soils[3]:

- ___ 1 cm Muck (A9) (**LRR C**)
- ___ 2 cm Muck (A10) (**LRR B**)
- ___ Reduced Vertic (F18)
- ___ Red Parent Material (TF2)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes, ___ No X

Remarks: High organic matter content low chroma,

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (any one indicator is sufficient)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1) (**Nonriverine**)
- ___ Sediment Deposits (B2) (**Nonriverine**)
- ___ Drift Deposits (B3) (**Nonriverine**)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Water-Stained Leaves (B9)
- ___ Salt Crust (B11)
- ___ Biotic Crust (B12)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Plowed Soils (C6)
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water Marks (B1) (**Riverine**)
- ___ Sediment Deposits (B2) (**Riverine**)
- ___ Drift Deposits (B3) (**Riverine**)
- X Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Thin Muck Surface (C7)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes _____ No X Depth (inches): _____

Water Table Present? Yes ___ No X Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes _____ No X Depth (inches): _____

Wetland Hydrology Present? No

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM – Arid West Region

Project/Site: 2685 Meadow Creek Drive City/County: Park City/Utah Sampling Date: 6/16/23

Applicant/Owner: Paul Caraher State: UT Sampling Point: 5W

Investigator(s): Ron Kass & Paul Dawson Section, Township, Range: T2S, R4E, S5

Landform (hillslope, terrace, etc.): Floodplains Local relief (concave, convex, none): concave Slope (%): 0-3

Sub region (LRR): Arid Lat: N 40.67278777^0 Long: W 111.51409428^0 Datum: WGS 1984

Soil Map Unit Name: Wanship loam NWI classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)

Are Vegetation No, Soil No, or Hydrology No significantly disturbed? Are "Normal Circumstances" present? Yes, X No ___

Are Vegetation No, Soil No, or Hydrology No naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes, X	No _____	**Is the Sampled Area within a Wetland?** , X **No** _____
Hydric Soil Present?	Yes X	No ___	
Wetland Hydrology Present?	Yes X	No _____	

Remarks .

VEGETATION

Tree Stratum (Use scientific names.)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
Total Cover:			
Sapling/Shrub Stratum			
1.			
2.			
3.			
4.			
5.			
Total Cover:			
Herb Stratum			
1. Juncus arcticus	10	Y	FACW
2. Alopercurus pratensis	30	Y	FACW
4. Cardaria draba	20	Y	UPL
5.			
6.			
7.			
8.			
Cover: 60			
Woody Vine Stratum			
1.			
2.			
Total Cover:			

% Bare Ground in Herb Stratum _____ % Cover of Biotic Crust _____

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 2 (A)

Total Number of Dominant Species Across All Strata: 3 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 66 (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:	
OBL species	x 1 =	
FACW species	x 2 =	
FAC species	x 3 =	
FACU species	x 4 =	
UPL species	x 5 =	
Column Totals: (A)		(B)

Prevalence Index = B/A = _____

Hydrophytic Vegetation Indicators:

___ Dominance Test is >50%

___ Prevalence Index is ≤3.0[1]

___ Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present.

Hydrophytic Vegetation Present? Yes X No _____

Remarks:

SOIL

Sampling Point: 5W

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color	%	Redox Features Color	%	Type[1]	Loc[2]	Texture	Remarks
0-18	10YR 2/2						SL	moist

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix. [2]Location: PL=Pore Lining, RC=Root Channel, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5) (**LRR C**)
- ___ 1 cm Muck (A9) (**LRR D**)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Vernal Pools (F9)

Indicators for Problematic Hydric Soils[3]:

- ___ 1 cm Muck (A9) (**LRR C**)
- ___ 2 cm Muck (A10) (**LRR B**)
- ___ Reduced Vertic (F18)
- ___ Red Parent Material (TF2)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes, X No ___

Remarks: High organic matter content low chroma,

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (any one indicator is sufficient)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- X Saturation (A3)
- ___ Water Marks (B1) (**Nonriverine**)
- ___ Sediment Deposits (B2) (**Nonriverine**)
- ___ Drift Deposits (B3) (**Nonriverine**)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Water-Stained Leaves (B9)
- ___ Salt Crust (B11)
- ___ Biotic Crust (B12)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Plowed Soils (C6)
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water Marks (B1) (**Riverine**)
- ___ Sediment Deposits (B2) (**Riverine**)
- ___ Drift Deposits (B3) (**Riverine**)
- X Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Thin Muck Surface (C7)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes ___ No X Depth (inches): ___

Water Table Present? Yes X No ___ Depth (inches): 9

Saturation Present? (includes capillary fringe) Yes X No ___ Depth (inches): 4

Wetland Hydrology Present? Yes

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM – Arid West Region

Project/Site: 2685 Meadow Creek Drive City/County: Park City/Utah Sampling Date: 6/16/23

Applicant/Owner: Paul Caraher State: UT. Sampling Point: 6U

Investigator(s): Ron Kass & Paul Dawson Section, Township, Range: T2S, R4E, S5

Landform (hillslope, terrace, etc.): Floodplains Local relief (concave, convex, none): convex Slope (%): 0-3

Sub region (LRR): Arid Lat: N 40.67277387° Long: W 111.51406370° Datum: WGS 1984

Soil Map Unit Name: Wanship loam NWI classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)

Are Vegetation No, Soil No, or Hydrology No significantly disturbed? Are "Normal Circumstances" present? Yes, X No ___

Are Vegetation No, Soil No, or Hydrology No naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes, ___	No X	**Is the Sampled Area within a Wetland?** , ____ **No X**
Hydric Soil Present?	Yes ____	No X	
Wetland Hydrology Present?	Yes ____	No X	

Remarks . Paired data pt for 5W

VEGETATION

Tree Stratum (Use scientific names.)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
Total Cover:			
Sapling/Shrub Stratum			
1.			
2.			
3.			
4.			
5.			
Total Cover:			
Herb Stratum			
1. Poa pratensis	10	Y	FACU
2. Alopercurus pratensis	30	Y	FACW
4. Cardaria draba	40	Y	UPL
5.			
6.			
7.			
8.			
Cover: 80			
Woody Vine Stratum			
1.			
2.			
Total Cover:			

% Bare Ground in Herb Stratum _____ % Cover of Biotic Crust _____

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)

Total Number of Dominant Species Across All Strata: 3 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 33 (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:
OBL species _____	x 1 = _____
FACW species _____	x 2 = _____
FAC species _____	x 3 = _____
FACU species _____	x 4 = _____
UPL species _____	x 5 = _____
Column Totals: _____ (A)	_____ (B)

Prevalence Index = B/A = _____

Hydrophytic Vegetation Indicators:

___ Dominance Test is >50%

___ Prevalence Index is ≤3.0[1]

___ Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present.

Hydrophytic Vegetation Present? Yes ____ No X

Remarks:

SOIL

Sampling Point: 6U

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color	%	Redox Features Color	%	Type[1]	Loc[2]	Texture	Remarks
0-18	10YR 2/2						SL	moist

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix. [2]Location: PL=Pore Lining, RC=Root Channel, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5) (**LRR C**)
- ___ 1 cm Muck (A9) (**LRR D**)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Vernal Pools (F9)

Indicators for Problematic Hydric Soils[3]:

- ___ 1 cm Muck (A9) (**LRR C**)
- ___ 2 cm Muck (A10) (**LRR B**)
- ___ Reduced Vertic (F18)
- ___ Red Parent Material (TF2)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes, ___ No X

Remarks: High organic matter content low chroma,

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (any one indicator is sufficient)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1) (**Nonriverine**)
- ___ Sediment Deposits (B2) (**Nonriverine**)
- ___ Drift Deposits (B3) (**Nonriverine**)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Water-Stained Leaves (B9)
- ___ Salt Crust (B11)
- ___ Biotic Crust (B12)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Plowed Soils (C6)
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water Marks (B1) (**Riverine**)
- ___ Sediment Deposits (B2) (**Riverine**)
- ___ Drift Deposits (B3) (**Riverine**)
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Thin Muck Surface (C7)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes _____ No X Depth (inches): _____

Water Table Present? Yes _____ No X Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes _____ No X Depth (inches): _____

Wetland Hydrology Present? No

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM – Arid West Region

Project/Site: 2685 Meadow Creek Drive City/County: Park City/Utah Sampling Date: 6/16/23

Applicant/Owner: Paul Caraher State: UT. Sampling Point: 7U

Investigator(s): Ron Kass & Paul Dawson Section, Township, Range: T2S, R4E, S5

Landform (hillslope, terrace, etc.): Floodplains Local relief (concave, convex, none): convex Slope (%): 0-3

Sub region (LRR): Arid Lat: N 40.67277387° Long: W 111.51406370° Datum: WGS 1984

Soil Map Unit Name: Wanship loam NWI classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)

Are Vegetation No, Soil No, or Hydrology No significantly disturbed? Are "Normal Circumstances" present? Yes, X No ___

Are Vegetation No, Soil No, or Hydrology No naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes, ___	No X	**Is the Sampled Area within a Wetland?** , ____ **No X**
Hydric Soil Present?	Yes ____	No X	
Wetland Hydrology Present?	Yes ____	No X	

Remarks .

VEGETATION

Tree Stratum (Use scientific names.)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
Total Cover:			
Sapling/Shrub Stratum			
1.			
2.			
3.			
4.			
5.			
Total Cover:			
Herb Stratum			
1. Poa pratensis	10	Y	FACU
2. Alopercurus pratensis	30	Y	FACW
4. Cardaria draba	40	Y	UPL
5.			
6.			
7.			
8.			
Cover: 80			
Woody Vine Stratum			
1.			
2.			
Total Cover:			

% Bare Ground in Herb Stratum _____ % Cover of Biotic Crust _____

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)

Total Number of Dominant Species Across All Strata: 3 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 33 (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:
OBL species _____	x 1 = _____
FACW species _____	x 2 = _____
FAC species _____	x 3 = _____
FACU species _____	x 4 = _____
UPL species _____	x 5 = _____
Column Totals: _____ (A)	_____ (B)

Prevalence Index = B/A = _____

Hydrophytic Vegetation Indicators:

___ Dominance Test is >50%

___ Prevalence Index is ≤3.0[1]

___ Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present.

Hydrophytic Vegetation Present? Yes ____ No X

Remarks:

SOIL

Sampling Point: 7U

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color	%	Redox Features Color	%	Type[1]	Loc[2]	Texture	Remarks
0-18	10YR 2/2						SL	moist

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix. [2]Location: PL=Pore Lining, RC=Root Channel, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5) (**LRR C**)
- ___ 1 cm Muck (A9) (**LRR D**)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Vernal Pools (F9)

Indicators for Problematic Hydric Soils[3]:

- ___ 1 cm Muck (A9) (**LRR C**)
- ___ 2 cm Muck (A10) (**LRR B**)
- ___ Reduced Vertic (F18)
- ___ Red Parent Material (TF2)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes, ___ No X

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (any one indicator is sufficient)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1) (**Nonriverine**)
- ___ Sediment Deposits (B2) (**Nonriverine**)
- ___ Drift Deposits (B3) (**Nonriverine**)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Water-Stained Leaves (B9)
- ___ Salt Crust (B11)
- ___ Biotic Crust (B12)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Plowed Soils (C6)
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water Marks (B1) (**Riverine**)
- ___ Sediment Deposits (B2) (**Riverine**)
- ___ Drift Deposits (B3) (**Riverine**)
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Thin Muck Surface (C7)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes _____ No X Depth (inches): _____

Water Table Present? Yes _____ No X Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes _____ No X Depth (inches): _____

Wetland Hydrology Present? No

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

APPENDIX B
WETLAND DELINEATION MAP



Paul Caraher Wetland Delineation 2023

T 2S R 4E S 05
Summit County, Utah

Legend

- Data Point
- Boundary (Total Area = 6.47 Acres)
- Wetland (Total Area - 0.025 Acres)

Intermountain Ecosystems
270 East 1230 North
Springville, UT 84663
(801) 489-4590

APPENDIX C
USDA SOIL MAPS

Soil Map—Summit Area, Utah, Parts of Summit, Salt Lake and Wasatch Counties
(Paul Carraher)



Map Scale: 1:1,420 if printed on A landscape (11" x 8.5") sheet.

N

Meters: 0 20 40 80 120

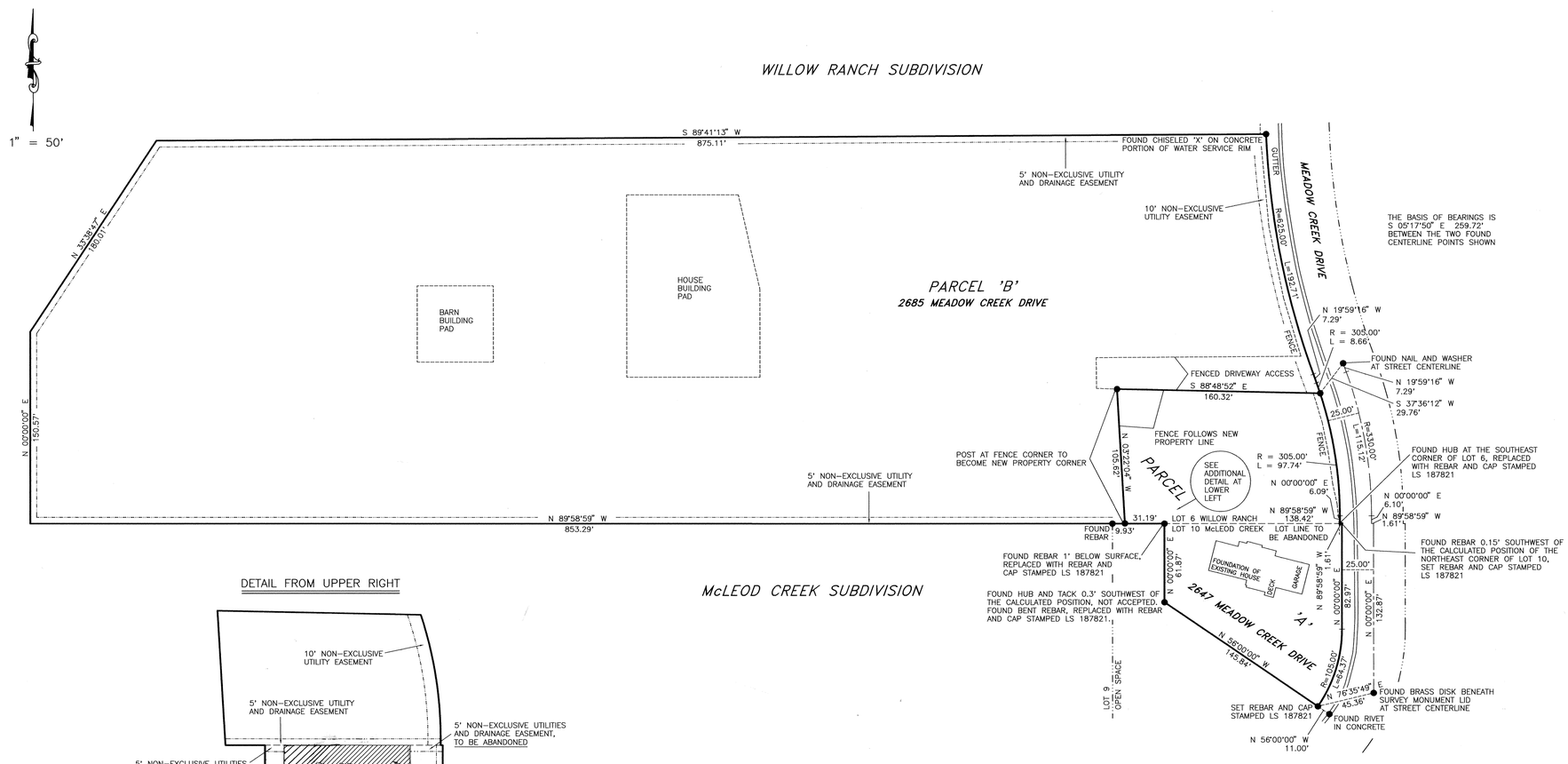
Feet: 0 50 100 200 300

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 12N WGS84

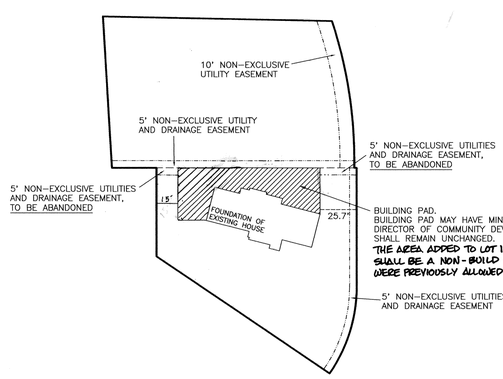
Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
178	Wanship loam, 0 to 3 percent slopes	5.7	100.0%
Totals for Area of Interest		**5.7**	**100.0%**

SMITH SUBDIVISION
being a
PLAT AMENDMENT OF LOT 6 WILLOW RANCH SUBDIVISION AND LOT 10 McLEOD CREEK SUBDIVISION
and RECORD OF SURVEY



DETAIL FROM UPPER RIGHT



OWNER'S CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENT, THAT WE, PHILO M. SMITH, JR. AND DIANE JORDAN SMITH TRUSTEES, THE OWNERS OF THE HEREON DESCRIBED PROPERTY, HEREINAFTER TO BE KNOWN AS SMITH SUBDIVISION, CERTIFY THAT WE HAVE CAUSED THIS SURVEY TO BE MADE, AND THE PLAT TO BE PREPARED, AND WE DO HEREBY CONSENT TO THE RECORDATION OF THIS SUBDIVISION AND PLAT AMENDMENT.

Philo M. Smith, Jr.
PHILO M. SMITH, JR.

Diane Jordan Smith
DIANE JORDAN SMITH, FOR DIANE JORDAN SMITH TRUSTEES

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

ACKNOWLEDGEMENT

STATE OF Utah
COUNTY OF Summit
ON THIS 6th DAY OF October, 1995, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, PHILO M. SMITH, JR. AND DIANE JORDAN SMITH, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT THEY ARE THE OWNERS OF THE HEREIN DESCRIBED PROPERTY, AND THEY SIGNED THE ABOVE OWNER'S CONSENT TO RECORD FREELY AND VOLUNTARILY.

NOTARY PUBLIC GLENNA R. COLLINS 310 South Main, Suite 350 Salt Lake City, Utah 84101 My Commission Expires December 23, 1998 STATE OF UTAH

Glenna R. Collins
NOTARY PUBLIC
MY COMMISSION EXPIRES: 12-23-98
RESIDING AT: Park City, UT

SURVEYOR'S CERTIFICATE

I, JOE DHAENENS, CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD LICENSE NUMBER 187821 AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND THAT I HAVE MADE A SURVEY OF THE PROPERTY SHOWN HEREON AND AS DESCRIBED IN THE NOTES AND LEGAL DESCRIPTION BELOW.

NOTES

1. THE BASIS OF BEARINGS FOR THIS SURVEY IS AS SHOWN.
2. SURVEY MONUMENTS WERE FOUND OR SET AS SHOWN.
3. THE PURPOSE OF THIS SURVEY IS FOR BOUNDARY LOCATION AND PLAT AMENDMENT.
4. THIS SURVEY WAS REQUESTED BY PHILO SMITH.
5. THIS SURVEY WAS PERFORMED ON MAY 10, 1995.
6. THE OWNER OF THIS PROPERTY SHOULD BE AWARE OF ANY ITEMS AFFECTING THE PROPERTY THAT MAY APPEAR IN A TITLE INSURANCE REPORT; THE SURVEYOR HAS FOUND NO OBVIOUS EVIDENCE OF EASEMENTS, ENCROACHMENTS, OR ENCUMBERANCES ON THE PROPERTY SURVEYED, EXCEPT AS SHOWN OR NOTED HEREON.
7. ALL BEARINGS AND DISTANCES SHOWN WERE MEASURED AND ARE EQUIVALENT TO THE RECORD BEARINGS AND DISTANCES, EXCEPT WHERE OTHERWISE SHOWN.
8. THE PURPOSE OF THIS PLAT AMENDMENT IS TO ADD PART OF LOT 6 TO LOT 10. OTHER LOT LINES IN McLEOD CREEK AND WILLOW RANCH SUBDIVISIONS WILL NOT BE AFFECTED.

LEGAL DESCRIPTIONS

PARCEL A:
LOCATED IN SECTION 5, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASELINE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: ALL OF LOT 10 OF McLEOD CREEK SUBDIVISION, TOGETHER WITH A PART OF LOT 6 OF WILLOW RANCH SUBDIVISION, SAID PART OF LOT 6 BEING THE FOLLOWING: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 6, THENCE N 89°58'59" W ALONG THE COMMON LINE BETWEEN McLEOD CREEK AND WILLOW RANCH SUBDIVISIONS 169.61 FEET, THENCE N 03°22'04" W 105.62 FEET, THENCE S 88°48'52" E 160.32 FEET TO A POINT ON A 305.00 FOOT RADIUS CURVE, THENCE 97.74 FEET IN A SOUTHERLY DIRECTION ALONG THE ARC OF SAID CURVE WHOSE CHORD BEARS S 09°10'50" E 97.32 FEET, THENCE S 00°00'00" E 6.09 FEET TO THE POINT OF BEGINNING.
PARCEL A CONTAINS 0.74 ACRES.

PARCEL B:
LOCATED IN SECTION 5, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASELINE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: ALL OF LOT 6 OF WILLOW RANCH SUBDIVISION, EXCEPTING THEREFROM A PART OF LOT 6 OF WILLOW RANCH SUBDIVISION, SAID PART OF LOT 6 BEING THE FOLLOWING: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 6, THENCE N 89°58'59" W 169.61 FEET, THENCE N 03°22'04" W 105.62 FEET, THENCE S 88°48'52" E 160.32 FEET TO A POINT ON A 305.00 FOOT RADIUS CURVE, THENCE 97.74 FEET IN A SOUTHERLY DIRECTION ALONG THE ARC OF SAID CURVE WHOSE CHORD BEARS S 09°10'50" E 97.32 FEET, THENCE S 00°00'00" E 6.09 FEET TO THE POINT OF BEGINNING.
PARCEL B CONTAINS 6.40 ACRES.

REGISTERED LAND SURVEYOR No. 187821 JOE DHAENENS STATE OF UTAH

Joe Dhaenens
JOE DHAENENS

11-28-95
DATE

SURVEYED BY:
ON THE MAP
LAND SURVEYING
P.O. BOX 3864
PARK CITY, UT 84060
647-9826

CITY COUNCIL
APPROVED BY THE PARK CITY COUNCIL ON THIS 31ST DAY OF AUGUST, 1995.
Bradley A. Olch
MAYOR
Anita L. Sheldon
CITY RECORDER

CITY ENGINEER
APPROVED BY THE PARK CITY ENGINEER ON THIS 12TH DAY OF DECEMBER, 1995.
Eric W. DeHaan, PE
CITY ENGINEER

CITY ATTORNEY
APPROVED AS TO FORM BY THE PARK CITY ATTORNEY ON THIS 10TH DAY OF JANUARY, 1996.
Mark D. Harrington
CITY ATTORNEY

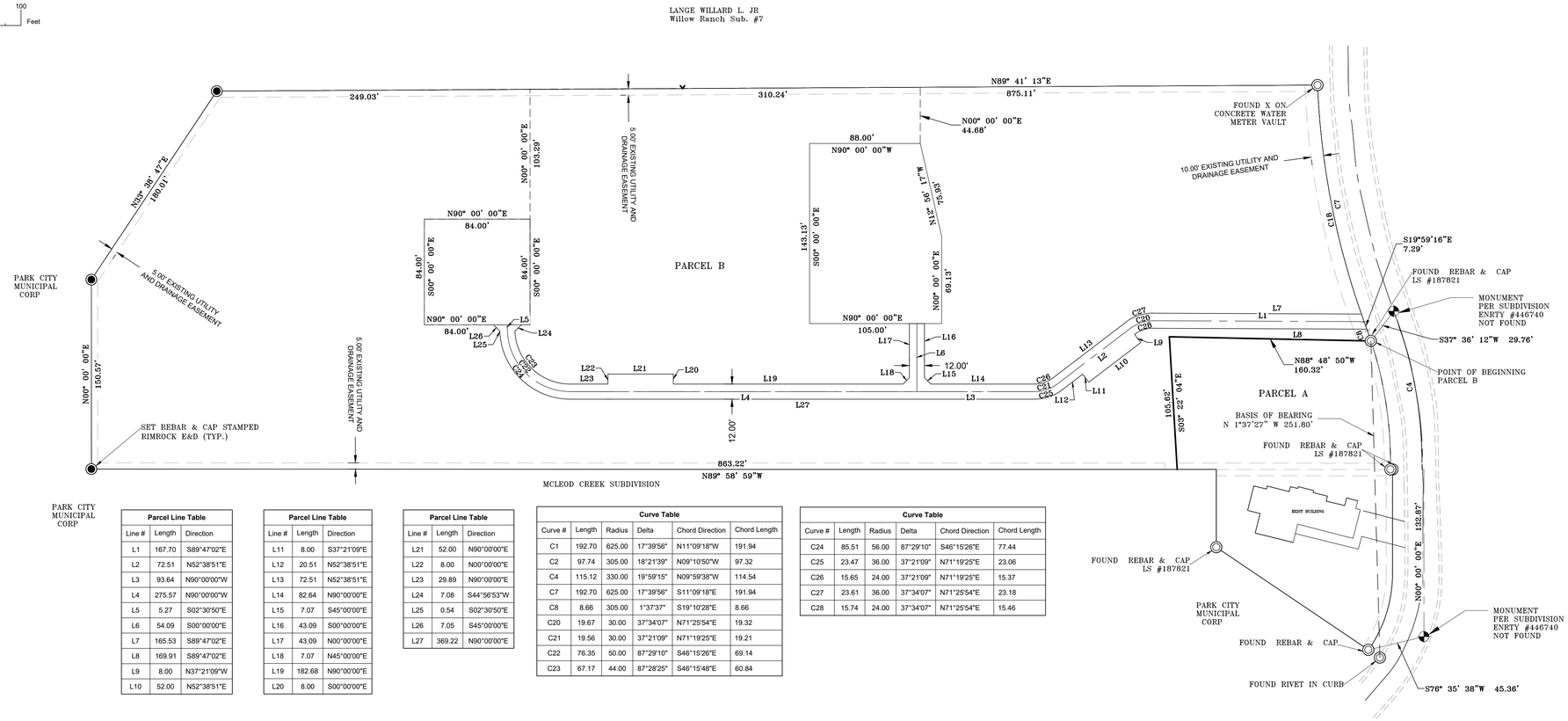
SEWER DISTRICT APPROVAL
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS ON THIS 7TH DAY OF December, 1995.
S.B.S.I.D.

RECORDED
NUMBER 446740
STATE OF UTAH
COUNTY OF SUMMIT
RECORDED AND FILED AT THE
REQUEST OF Coalition
Title
DATE 01-23-96
TIME 08:34 AM
FEE $32.00
Renee M. Brown deputy
COUNTY RECORDER

SMITH SUBDIVISION
PARCEL B AMENDED

LOCATED IN THE:
SOUTHEAST QUARTER OF SECTION 5,
TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE AND MERIDIAN, PARK CITY
SUMMIT COUNTY, UTAH

0 50 100 Feet



PARK CITY MUNICIPAL CORP

Parcel Line Table		
Line #	Length	Direction
L1	167.70	S89°47'02"E
L2	72.51	N52°38'51"E
L3	93.64	N90°00'00"W
L4	275.57	N90°00'00"W
L5	5.27	S02°30'50"E
L6	54.09	S00°00'00"E
L7	165.53	S89°47'02"E
L8	169.91	S89°47'02"E
L9	8.00	N37°21'09"W
L10	52.00	N52°38'51"E

Parcel Line Table		
Line #	Length	Direction
L11	8.00	S37°21'09"E
L12	20.51	N52°38'51"E
L13	72.51	N52°38'51"E
L14	82.64	N90°00'00"E
L15	7.07	S45°00'00"E
L16	43.09	S00°00'00"E
L17	43.09	N00°00'00"E
L18	7.07	N45°00'00"E
L19	182.68	N90°00'00"E
L20	8.00	S00°00'00"E

Parcel Line Table		
Line #	Length	Direction
L21	52.00	N90°00'00"E
L22	8.00	N00°00'00"E
L23	29.89	N90°00'00"E
L24	7.08	S44°56'53"W
L25	0.54	S02°30'50"E
L26	7.05	S45°00'00"E
L27	369.22	N90°00'00"E

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	192.70	625.00	17°39'56"	N11°09'18"W	191.94
C2	97.74	305.00	18°21'39"	N09°10'50"W	97.32
C4	115.12	330.00	19°59'15"	N09°59'38"W	114.54
C7	192.70	625.00	17°39'56"	S11°09'18"E	191.94
C8	8.66	305.00	1°37'37"	S19°10'28"E	8.66
C20	19.67	30.00	37°34'07"	N71°25'54"E	19.32
C21	19.56	30.00	37°21'09"	N71°19'25"E	19.21
C22	76.35	50.00	87°29'10"	S46°15'26"E	69.14
C23	67.17	44.00	87°28'25"	S46°15'48"E	60.84

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C24	85.51	56.00	87°29'10"	S46°15'26"E	77.44
C25	23.47	36.00	37°21'09"	N71°19'25"E	23.06
C26	15.65	24.00	37°21'09"	N71°19'25"E	15.37
C27	23.61	36.00	37°34'07"	N71°25'54"E	23.18
C28	15.74	24.00	37°34'07"	N71°25'54"E	15.46

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT PAUL THOMAS CARAHER III (TRUSTEE) OF THE CARAHER FAMILY TRUST, HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, TO BE HEREAFTER KNOWN AS SMITH SUBDIVISION PARCEL B AMENDED, AS SHOWN ON THIS PLAT AND INTENDED FOR PRIVATE USE, SUBJECT TO EASEMENTS AND RIGHTS GRANTED HEREUNDER AND ANY MATTERS OF RECORD, RESTRICTIONS AND CONDITIONS CONTAINED ON THIS PLAT. IN WITNESS WHEREOF, I/WE HAVE HEREUNTO SET OUR/MY HAND(S) THIS _____ DAY OF _____, 2024, A.D.

BY: _____ _____
PAUL THOMAS CARAHER III DATE

ACKNOWLEDGMENT

STATE OF UTAH)
: SS.
COUNTY OF _____)

ON THE _____ DAY OF _____, A.D. 2024, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, THE SIGNATURE(S) OF THE ABOVE OWNERS DEDICATION _____, WHO ACKNOWLEDGED TO ME THAT (S)HE EXECUTED THE ABOVE OWNERS DEDICATION AND CONSENT TO RECORD.

_____
NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

LEGAL DESCRIPTION

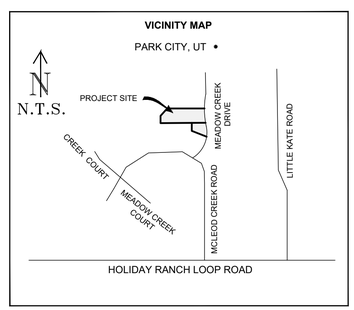
ALL OF PARCEL B, SMITH SUBDIVISION LOCATED IN THE SOUTHEAST QUARTER OF SECTION 5 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH. RECORDED IN THE SUMMIT COUNTY RECORDERS OFFICE ENTRY #446740

PLAT NOTES

THE PURPOSE OF THIS PLAT IS TO ADJUST THE BUILDING EASEMENTS FOR PARCEL B

1. 10' PUBLIC UTILITY EASEMENTS ON FRONT LOT LINE ALONG ELK MEADOW CIRCLE, 5' PUBLIC UTILITY EASEMENTS ON ALL SIDE AND REAR LOT LINES
2. THIS SUBDIVISION PLAT AMENDMENT IS BASED UPON THE PREVIOUS RECORDED SUBDIVISION PLAT BY JOE DHAENENS RECORDED IN THE SUMMIT COUNTY RECORDERS OFFICE ENTRY # 446740
3. BASIS OF BEARING IS BETWEEN A FOUND RIVET IN THE CURB AND GUTTER AND A FOUND REBAR AND CAP LS#187182 AS SHOWN ON THIS PLAT

VICINITY MAP



SURVEYOR'S CERTIFICATE

I, TRAVIS R. GOWER, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH, AND THAT I HOLD LICENSE NUMBER 6439364 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT, I FURTHER CERTIFY THAT I HAVE COMPLETED A SURVEY AND HAVE REFERENCED A RECORD OF SURVEY MAP OF THE EXISTING PROPERTY BOUNDARIES IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED THE BOUNDARY LOCATIONS AND HAVE PLACED MONUMENTS AS REPRESENTED ON THAT PLAT. I DO FURTHER CERTIFY THAT BY THE AUTHORITY OF THE OWNERS, I HAVE PREPARED THIS PLAT AND AMENDMENT OF THE PROPERTY DESCRIBED HEREON, HEREAFTER TO BE KNOWN AS SMITH SUBDIVISION PARCEL B AMENDED.

PRELIMINARY

LICENSED PROFESSIONAL LAND SURVEYOR
NO. 6439364
TRAVIS R. GOWER
STATE OF UTAH

TRAVIS R. GOWER
P.L.S. 6439364
DATE

PARK CITY RECORDER

APPROVED THIS_____ DAY OF _____, A.D. 2024.

_____
PARK CITY RECORDER

PARK CITY MAYOR

APPROVED THIS_____ DAY OF _____, A.D. 2024.

_____
PARK CITY MAYOR

PARK CITY ATTORNEY

I HAVE EXAMINED THE PROPOSED PLAT OF THIS SUBDIVISION, AND IN MY OPINION IT CONFORMS WITH THE ORDINANCES APPLICABLE THERETO AND NOW IN FORCE AND EFFECT. APPROVED THIS _____ DAY OF _____ A.D. 2024.

_____
PARK CITY ATTORNEY

PARK CITY ENGINEER

I HEREBY CERTIFY THAT THIS PLAT EXAMINED BY THIS OFFICE AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE.

_____ _____
PARK CITY ENGINNER DATE

SNYDERVILLE BASIN WATER RECLAMTION DISTRICT

APPROVED THIS_____ DAY OF _____, A.D. 2024.

_____
SBWRD REPRESENTATIVE

PARK CITY PLANNING COMMISION

APPROVED THIS_____ DAY OF _____, A.D. 2024.

_____
CHAIRMAN

RECORDED ENTRY NUMBER _____

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

DATE: _____ TIME: _____ BOOK: _____ PAGE: _____

_____ _____
FEE $ SUMMIT COUNTY RECORDER

SMITH SUBDIVISION PARCEL B AMENDED

LOCATED IN THE: SOUTHEAST QUARTER OF SECTION 5,
TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE AND MERIDIAN, PARK CITY SUMMIT COUNTY, UTAH

tgower@re-n-d.com
801-837-0633

RIMROCK ENGINEERING & DEVELOPMENT

PROJECT NAME
SMITH SUBDIVISION PARCEL B AMENDED

1" = 50'	PROJECT # RGC2216-01-01
DRAWN: TG	DATE: 01/16/2024
CHECKED: AP	SHEET NO: 1 OF 1

E:\2022 PROJECTS\SMITH SUBDIVISION-DWG\SMITH SUBDIVISION REV1 PRELIM 2024 - A 2-8-24.DWG

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned owners of the herein described tract of land, to be known hereafter as the LOT 2 WILLOW RANCH REPLAT, do hereby certify that we have caused this Lot Line Amendment Plat to be prepared, and we, John Thompson and Diana J. Thompson, husband and wife as joint tenants, hereby consent to the recordation of this Lot Line Amendment Plat.

ALSO, the owners or their representative, hereby irrevocably offer for dedication to the City of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat and construction drawings in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set their hands this 27th day of October, 1999.

John Thompson
Owner

Diana J. Thompson
Owner

ACKNOWLEDGEMENT

State of Utah:
County of Summit:

On this 27th day of October, 1999, John Thompson and Diana J. Thompson personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, John Thompson and Diana J. Thompson acknowledged to me that they are the owners of the herein described tract of land and that they signed the above Owner's Dedication and Consent to Record freely and voluntarily.

Mary L. Peacock
Notary Public

NOTARY PUBLIC
MARY L. PEACOCK
323 Main St. P.O. Box 2664
Park City, UT 84060
My Commission Expires: 1-13-2002
State of Utah

My commission expires: 8-28-2002

SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 163931, as prescribed by the laws of the State of Utah, and that by authority of the owner(s), I have prepared this Record of Survey map of LOT 2, WILLOW RANCH SUBDIVISION and that the same has been or will be monumented on the ground as shown on this plat.

John Demkowicz — 10-21-99 Date

REGISTERED LAND SURVEYOR
No. 163931
JOHN
DEMKOWICZ
State of Utah

BOUNDARY DESCRIPTION

PARCEL #1

LOT 2, WILLOW RANCH SUBDIVISION, according to the official plat thereof on file and of record in the Summit County Recorder's Office.
Less and excepting the following described parcels: (Parcel A)

A part of Lot 2 of Willow Ranch Subdivision, being located in Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian, Park City, Summit County, Utah, and being more particularly described as follows:

Beginning at a point which is South 89°57'38" West 258.71 feet from the northeast corner of said Lot 2; thence South 00°17'50" West 36.72 feet; thence South 89°57'38" West 119.00 feet; thence North 00°17'50" East 36.72 feet; thence North 89°57'38" East 119.00 feet to the point of beginning.

Also excepting: (Parcel B)

A part of Lot 2 of Willow Ranch Subdivision, being located in Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian, Park City, Summit County, Utah, and being more particularly described as follows:

Beginning at the northeast corner of said Lot 2; thence South 00°17'50" West 36.72 feet; thence South 89°57'38" West 95.77 feet; thence North 00°17'50" East 36.72 feet; thence North 89°57'38" East 95.77 feet to the point of beginning.

Also excepting: (Parcel C)

A part of Lot 2 of Willow Ranch Subdivision, being located in Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian, Park City, Summit County, Utah, and being more particularly described as follows:

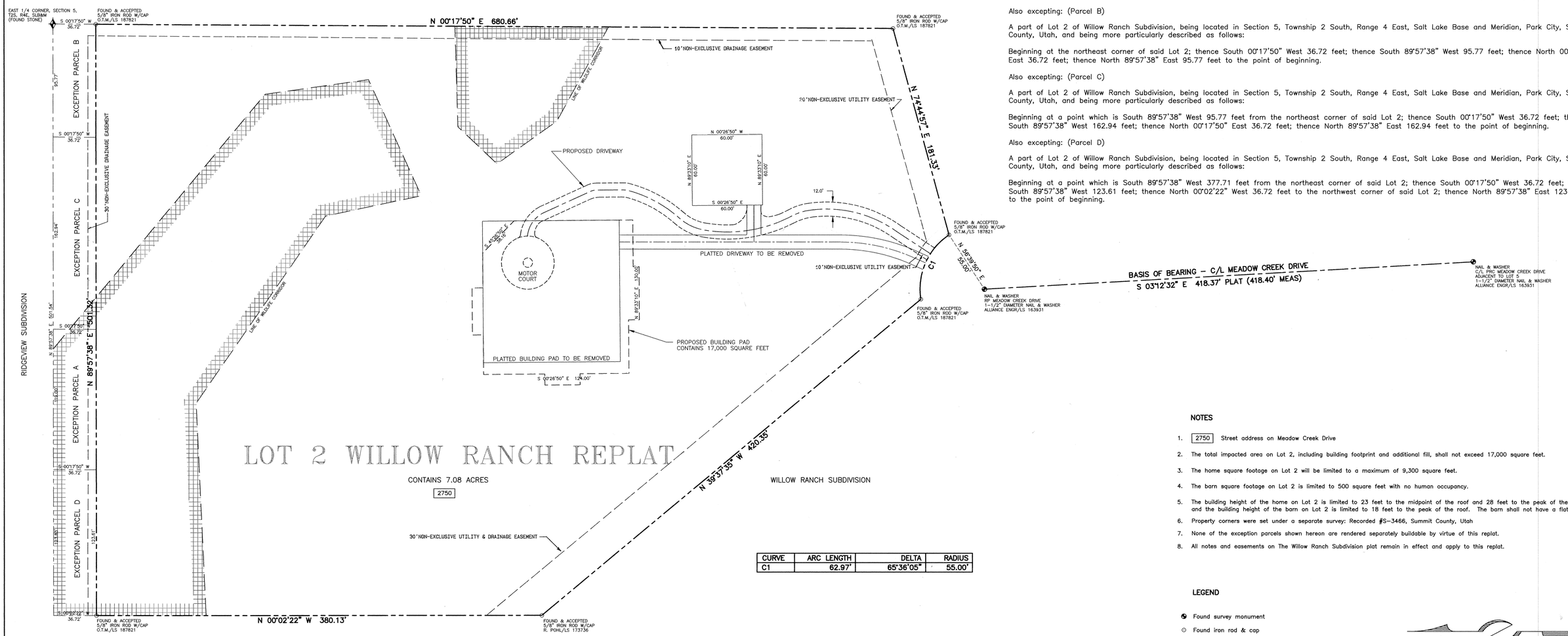
Beginning at a point which is South 89°57'38" West 95.77 feet from the northeast corner of said Lot 2; thence South 00°17'50" West 36.72 feet; thence South 89°57'38" West 162.94 feet; thence North 00°17'50" East 36.72 feet; thence North 89°57'38" East 162.94 feet to the point of beginning.

Also excepting: (Parcel D)

A part of Lot 2 of Willow Ranch Subdivision, being located in Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian, Park City, Summit County, Utah, and being more particularly described as follows:

Beginning at a point which is South 89°57'38" West 377.71 feet from the northeast corner of said Lot 2; thence South 00°17'50" West 36.72 feet; thence South 89°57'38" West 123.61 feet; thence North 00°02'22" West 36.72 feet to the northwest corner of said Lot 2; thence North 89°57'38" East 123.83 feet to the point of beginning.

PARK MEADOWS SUBDIVISION NO. 2



CURVE	ARC LENGTH	DELTA	RADIUS
C1	62.97'	65°36'05"	55.00'

NOTES

1. 2750 Street address on Meadow Creek Drive
2. The total impacted area on Lot 2, including building footprint and additional fill, shall not exceed 17,000 square feet.
3. The home square footage on Lot 2 will be limited to a maximum of 9,300 square feet.
4. The barn square footage on Lot 2 is limited to 500 square feet with no human occupancy.
5. The building height of the home on Lot 2 is limited to 23 feet to the midpoint of the roof and 28 feet to the peak of the roof and the building height of the barn on Lot 2 is limited to 18 feet to the peak of the roof. The barn shall not have a flat roof.
6. Property corners were set under a separate survey: Recorded #S-3466, Summit County, Utah
7. None of the exception parcels shown hereon are rendered separately buildable by virtue of this replat.
8. All notes and easements on The Willow Ranch Subdivision plat remain in effect and apply to this replat.

LEGEND

- Found survey monument
- Found iron rod & cap

40' 0 40' 80'

LOT LINE AMENDMENT PLAT

LOT 2 WILLOW RANCH REPLAT

LOCATED IN SECTION 5
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE
AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

JOB NO.: 14-5-98 FILE: Z:\Wil\dwg\srv\plat98\140598p.dwg

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

SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS ON THIS 29th DAY OF OCTOBER, 1999 A.D.
BY S.B.S.I.D.

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 1st DAY OF November, 1999 A.D.
BY CHAIRMAN

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 22nd DAY OF OCTOBER, 1999 A.D.
BY PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS 2nd DAY OF November, 1999 A.D.
BY PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 3 DAY OF JUNE, 1999 A.D.
BY PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 3rd DAY OF JUNE, 1999 A.D.
BY MAYOR

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF Equity Title
DATE 11-3-99 TIME 8:50 AM BOOK ___ PAGE ___
#31.00 FEE
RECORDER

Ordinance No. 92-22

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF PARK CITY, UTAH TO INCLUDE THE PETERSON (WILLOW RANCH) PROPERTY

WHEREAS, Park City Municipal Corporation and its affiliated entities have acquired properties adjacent to and contiguous with the City boundaries to provide for several public needs; and

WHEREAS, the Park City Council, on its own motion, has proposed the annexation of these properties on the terms and conditions set forth in a Supplemental Annexation Declaration dated December 17, 1992; and

WHEREAS, notice of the proposed annexation was duly published for at least four consecutive weeks in compliance with state law; and

WHEREAS, public hearings were held before the Planning Commission on December 2, 1992 and before the City Council on December 10 and 17, 1992, and the City Council finds that the annexation and zoning designation proposed at the time of the hearing is in the best interest of the community;

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah, that the Official Zoning Map of Park City, Utah be amended as follows:

SECTION 1. AMENDMENT TO OFFICIAL ZONING MAP. The parcels of property depicted in the attached Exhibit A shall be annexed to the City boundaries of Park City, Utah and shall be zoned Estate (E) and Recreation Open Space (ROS).

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

PASSED AND ADOPTED this 17th day of ~~August~~ December, 1992.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

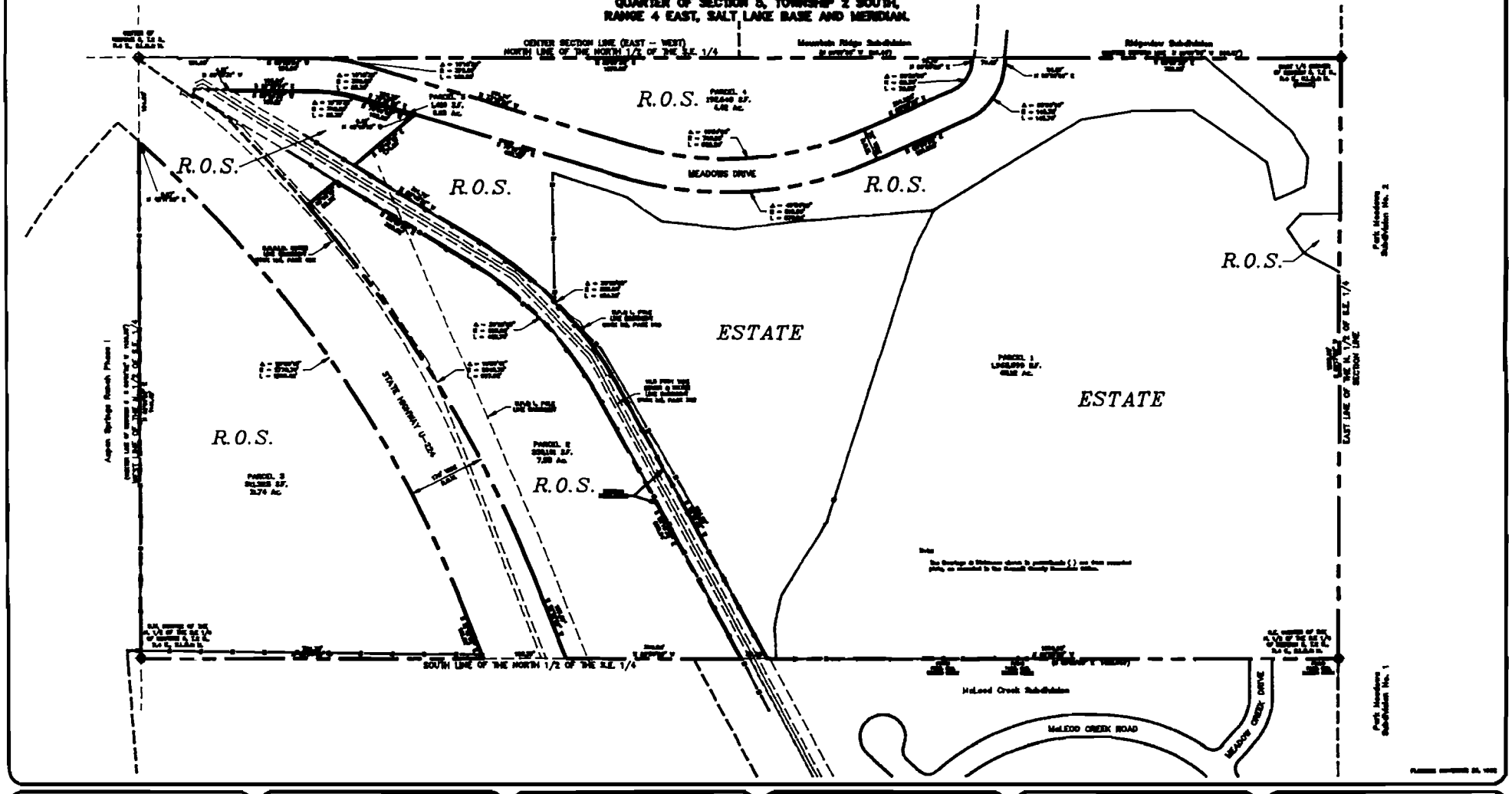
Attest:

Anita L. Sheldon, City Recorder

PARK CITY SUMMIT COUNTY UTAH
CORPORATE
Seal
MARCH 1, 1884

ANNEXATION & ZONING PLAT OF THE PETERSON PROPERTY

LOCATED IN THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.



CITY COUNCIL APPROVAL	CITY ENGINEER	CITY PLANNING COMMISSION	APPROVAL AS TO FORM	RECORDED	
PRESENTED TO THE BOARD OF _____ CITY COUNCIL THIS _____ DAY OF _____ A.D. 19__ AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED.	APPROVED AND ACCEPTED BY THE _____ CITY ENGINEERING DEPARTMENT ON THIS _____ DAY OF _____ A.D. 19__	APPROVED AND ACCEPTED BY THE _____ CITY PLANNING COMMISSION ON THIS _____ DAY OF _____ A.D. 19__	APPROVED AS TO FORM ON THIS _____ DAY OF _____ A.D. 19__	M°. _____ STATE OF _____. COUNTY OF _____ RECORDED AND FILED AT THE REQUEST OF:	THE JACK JOHNSON COMPANY
MAYOR	CITY ENGINEER	CHAIRMAN	CITY ATTORNEY	COUNTY RECORDER	

DATE: April 25, 2024
TO: Park City Appeal Panel
FROM: Bob Theobald
RE: Amended Petition to Appeal Plat Amendment PL 24-06033

On March 13, 2024, the Planning Commission approved Application PL 24-06033, a Plat Amendment for 2685 Meadow Creek Drive - Lot 6 Willow Ranch Subdivision. The property is owned by Paul and Alaine Caraher. Ms. Caraher is Vice President of the Willow Ranch HOA.

The undersigned has standing because the Petitioner provided written comments to the Planning Commission on March 13, 2024. The undersigned supports the intent of the proposed Plat Amendment, but files this petition to appeal the Commission's and Staff's assumptions, misinterpretations, Findings of Fact, and conclusions supporting and resulting in the approval. The Appellant requests a reversal of the final action until such time as all of the following elements and modifications are fully investigated and resolved. Exhibits to this Narrative are available here: Appeal and Exhibits

"Smith Subdivision" - Willow Ranch Lot 6 and McCleod Creek Lot 10

On December 14, 2022, the Owners of Willow Ranch Lot 6 were scheduled for a public hearing to receive a positive recommendation from the Planning Commission for a plat amendment to modify the location of the home's "Limits of Disturbance Area" and realign a driveway in closer proximity to the original platted location. Staff Report to PC 12-14-22 . The Staff Report cited the January 28 1993 Council Minutes which required City approval of 1993 CC&Rs. The Master Plan Development (MPD) Conditions of Approval dated January 29, 1993 also specifically required City approval of CC&Rs . *See Exhibits #1- Conditions of Approval, and #7- 1993 CC&Rs*

Planning technician Jaron Ehlers and Planning Director Ward appear to be unfamiliar with or have ignored critical elements of the 1993 Willow Ranch MPD approval process. Absent in the 2024 Staff Report is mention of the Notice of Final Action agreement dated January 29, 1993 and executed by both the City and the Developer where the City provided the Conditions of Approval including definitions, permitted provisions, and prohibitive restrictions on the subdivision Plat and as referenced in the 1993 CC&Rs.

However, notwithstanding acknowledgement of the 1993 Council Minutes, the Owner/Applicant, as the HOA Vice President executed the Amended 2022 CC&Rs on November 28, 2022 which were recorded on December 7, 2022, only 7 days prior to the first public hearing requesting a Plat amendment. There are three questions appropriate to be asked by the Appeal Panel: 1) Why the 2022 CC&Rs deleted all 1993 articles, exhibits and restrictions as previously mandated by the Council Minutes and the 1993 Conditions of Approval; 2) If and when the new 2022 CC&Rs were disclosed to and/or acknowledged by staff and City officials; and 3) Why the original 2022 Plat Amendment Application was withdrawn and re-submitted over 1 year later. The Applicant and staff must answer these consequential questions.

Excerpt from 2022 Amended CC&Rs:

> *NOW, THEREFORE, after incorporating the above Recitals, the Association strikes Articles 1-11 of the Original Declaration, including all its exhibits, and replaces those provisions as follows…": See Exhibit 8 - 2022 CC&Rs –*

In meetings on July 9 and 10, 2023 about wetlands, the Owner failed to disclose to the Appellant the existence of the 2022 Application and the 2022 CC&Rs although they were in process and recorded 7 months earlier. It is unknown why the 12-14-2022 Application was withdrawn.

Peterson Estate Annexation and Willow Ranch Master Plan Development

Willow Ranch Subdivision required special zoning consideration and unique restrictions to obtain approval. In 1992, the property was part of the Peterson Estate comprised of approximately seventy acres which was wholly undeveloped and situated outside the northwestern boundary of Park City. A significant portion was characterized as "swampy" on an early Utah Division of Water Rights map. The property with no less than 7 spring-fed and surface waterways was designated by the developer as 81% wetlands subject to Army Corps of Engineers (Corps) jurisdiction. The property straddled the SR 224 entry corridor, encompassed a historic railroad grade, and was surrounded by three adjacent subdivisions – **Ridgeview, McLeod Creek, and Park Meadows**. It was clear then and now that any development would have adverse impacts on these neighborhoods. At the time, there was a fair amount of opposition to any kind of traditional single family residential development whatsoever on the site.

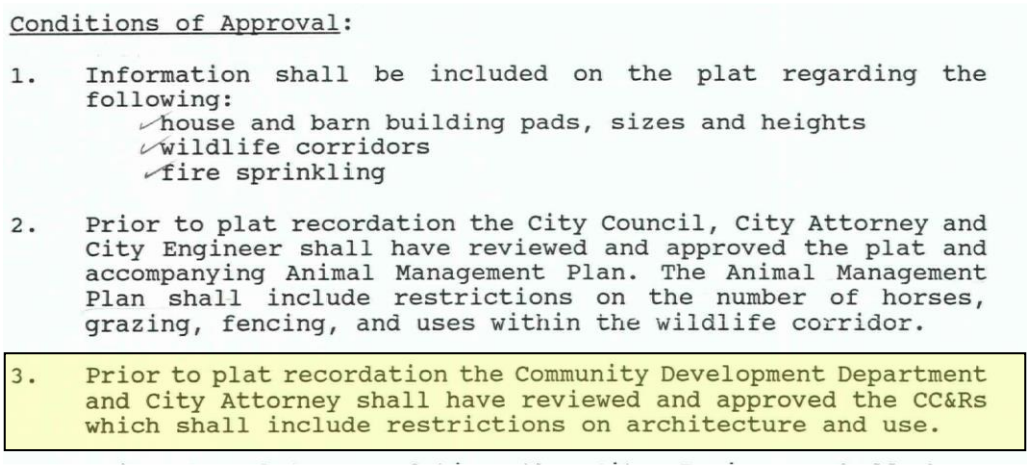
Peterson Estate/Willow Ranch MPD was the first subdivision in Park City to impose/accept a conservation easement. The City took over stewardship of approximately 30-acres of the property. The developers voluntarily complied with the newly adopted Sensitive Lands Overlay Ordinance.(SLO). All of the property is within the designated SLO boundaries and subject to all restrictions and review requirements.

The MPD/Willow Ranch Subdivision was ultimately configured as 7 lots on 40 acres +/- with unique Conditions of Approval and restrictions many of which were expressly defined and explained in the 1993 CC&Rs as required by the Community Development Department, City Attorney, Planning Commission, and City Council.

Corps Permit #199250275 - Exhibit H to the 1993 CC&Rs - provided specific restrictions on Lots #1 and #2 including Nationwide 404 Permit #26 to fill in wetlands labeled: "IMPACTED: HOUSE BUILDING/LANDSCAPE LIMITS AREA". The "Limits of Disturbance Areas" including driveways on Lots 1, 2, 6, and 7 were surveyed to ensure avoidance of wetlands, wildlife corridors, drainages, and other sensitive areas. The Plat illustrations and Notes show the Corps' and City's intent to limit development areas and protect wetlands throughout property.

The 2024 Staff Report PL 24-06033 indicates that the applicant misrepresents or staff misinterprets the surveyed "Limits of Disturbance" boundaries shown on the Plat as only "Building Pads" with standard "setbacks" in an Estate Zone subdivision. If this designation was true, it would allow additional Buildings outside the "Building Pads" without public hearings.

The Staff Report is incomplete and Commission approval is improper without recognizing and requiring compliance with the Master Plan Development - Notice of Final Action - Conditions of Approval.



Conditions of Approval:

1. Information shall be included on the plat regarding the following:
   - house and barn building pads, sizes and heights
   - wildlife corridors
   - fire sprinkling

2. Prior to plat recordation the City Council, City Attorney and City Engineer shall have reviewed and approved the plat and accompanying Animal Management Plan. The Animal Management Plan shall include restrictions on the number of horses, grazing, fencing, and uses within the wildlife corridor.

3. Prior to plat recordation the Community Development Department and City Attorney shall have reviewed and approved the CC&Rs which shall include restrictions on architecture and use.

Definitions:

Conditions of Approval -Oracle Conditions of approval are restrictive requirements and terms that are applied to project applications such as permits and planning applications. Regulatory agencies enforce such conditions at various stages of the development life cycle to ensure project compliance with the regional laws.

Condition of Approval means any condition imposed by the Municipality as part of a land development application to be adhered to and exercised as part of a right granted to the property.

In 1993, in accordance with the MPD Conditions of Approval, the City reviewed the 1993 CC&Rs and set forth critical provisions and specific restrictions. *See Exhibit 7- 1993 CC&Rs*

Article I – Definitions (See "Limits of Disturbance", "Natural Areas", "Floor Area", and others)

Article III – Architectural Committee –

"3.3 Variance – Variance to the Architectural Design Standards contained in this Declaration, or modifications to the size or shape or location of the Limits of Disturbance Area on any Lot may be granted when strict application would create an unforeseen or unreasonable hardship to the Owner of the Lot. No such variance may be granted without the unanimous consent of the Committee and City approval".

Article V – Permitted Uses and Improvements

Article VI – Architectural Design Standards and Conditions

The 2024 Staff Report fails to recognize several consequential elements and nuances relative to the original 1993 MPD approval that must be considered in a revised Findings of Fact and Conditions of Approval granting a variance and the proposed plat amendment PL 24-06033.

1. Willow Ranch is a 7-lot subdivision – not a 6-lot subdivision as quoted by Staff. Lots #1 and #2 are owned/controlled by Sarah Hall, Chair of the Planning Commission.

2. The "Limits of Disturbance Area/Building Pads" is based on avoidance of wetlands delineation by the developer and accepted by the Army Corps of Engineers (Corps). The existence of Exhibit H to the CC&Rs – Corps Permit #199250275 must be recognized in the Findings. The City adopted the Corps LODA boundaries which have been continued on all subsequent Plats. The 2022 CC&Rs deleted Exhibit H in its entirety.

3. All Lots in Willow Ranch are subject to a LODA designation either by specific setbacks from property boundary for Lots 3, 4, 5, or by survey for Lots 1, 2, 6, and 7. The LOD chart for Lots 1, 2, 6, and 7 is shown on the lower-left part of the original 1993 Plat. The 2022 CC&Rs altered or deleted all definitions and references to the original LODA.

   Staff's misinterpretation of the areas proposed to be relocated only as "Building Pads" in the standard Estate District allows additional Accessory Buildings under an LMC "Allowed Use" Permit to be constructed outside the LODA in "Natural Areas" if the structure complies with standard Estate District setbacks. **This notion is incorrect.**

   This same LODA issue was adjudicated by the Board of Adjustment in 2022 where it found that former Director Milliken and Assistant Director Ward misinterpreted the dashed lines on the Plat as standard Estate District "setbacks" resulting in illegally granting the sauna building permit on August 9, 2021 on Willow Ranch Lot 4. The BOA determined the lines indicated the "Limits of Disturbance Area" where no buildings or Improvements are permitted outside of the LODA in the "Natural Areas".

   Furthermore, in correspondence on December 5, 2021, the City planning department **incorrectly** suggested that only a CUP process was necessary (without a variance or plat amendment) for the unpermitted 90% complete pickleball court in the "Natural Area" on Lot 3 which also violated the platted "Limits of Disturbance Area."

   Planning Director Ward participated in the BOA hearing but apparently does not recall the ruling and Order. Obviously, Planner Erlers has not been informed of this matter. *See Exhibit 4 – BOA 3-1-2022 Final Action Letter - Signed*

   The BOA apparently agreed with the Appellant that the Plat (or Ordinance or Condition of Approval) "can be explained by" … "certain provisions of the CC&Rs by reference":

> Mr. Theobald provided a letter from the original developer/declarant supporting his position. Mr. Theobald also argued that the meaning of the Plat can be explained by City approvals incorporating certain provisions of the CC&Rs by reference, provisions the City in fact wrote as a prerequisite to adopting the final Plat as recorded on February 26th ,1993. Mr. Theobald reviewed the original staff reports for the project to demonstrate that the development was limited to the areas consistent with the master plan.

Order

1. The City's request to dismiss for lack of jurisdiction is denied.
2. The appeal is granted, and the Chief Building Official is ordered to respond to the Complaint consistent with the Board's determination that the Subdivision Plat prohibits an Accessory Building in the location on Lot 4 where the building permit was issued and the sauna has been constructed.

- BOA 3-1-2022 Final Action Letter - Signed
- BOA 3-1-2022 See video at 05:56 Minutes

4. 1993 Notice of Final Action/Conditions of Approval, January 29, 1993 (COA #2 and #3)

   The 2024 Staff Reports states:

   > *"When the Willow Ranch Subdivision was created, many restrictions were placed onto the Plat. Those restrictions were not incorporated into the Smith Subdivision Plat, but included COA 3 which stated, "All previous conditions of the Willow Ranch and McLeod Creek Subdivision shall remain in full force and effect" (Exhibit J). Staff recommends these be added as plat notes to the Amended Smith Subdivision Plat (Conditions of Approval 8)"*

   The City must enforce *Ordinance No. 95-44 COA 3 - "All previous conditions of the Willow Ranch and McLeod Creek Subdivision shall remain in full force and effect"* It is appropriate to also reference as a Plat Note and enforce the original MPD Conditions of Approval #2 and #3 dated January 29, 1993. As such, any material alterations (deletions) of the 1993 CC&Rs relied upon by enforceable or "recorded writings" is a serious violation. *See Exhibit 1*

The 1993 MPD Conditions of Approval is an enforceable "writing". Ordinance 2021-20 and related Plat is an enforceable recorded "writing". Both "writings" are consequentially dependent on the recorded "writings" of the 1993 CC&Rs which are expressly connected to and relied upon by both enforceable "writings".

As the 2022 BOA Order clearly stated - it is ordering enforcement of the Plat - not to be confused with "enforcing CC&Rs". Certain mandatory definitions, methodology and notifications including Army Corps of Engineers restrictions are defined and expressed in the 1993 CC&Rs. Otherwise, without the 1993 CC&Rs, several elements of the enforceable "writing(s)" become "moot" or seriously altered and unavailable to the public. *(See Exhibit 2 "Staff Report Ordinance 2021-20 Cross-Ref" and Exhibit 5 B "Analysis of Amendments to 2022 CC&Rs…"*

Deletion of the 1993 CC&Rs raises several serious fundamental legal questions that may affect this application and must be considered by the Appeal Panel.

1. Are there additional provisions (unknown or undisclosed) in the deleted 1993 Conditions of Approval (CC&Rs) applicable to this application?

2. Are there certain provisions of the original 1993 CC&Rs that cannot be modified or deleted without consent of Army Corps of Engineers (Corps) and/or City? If so, why are they allowed to be deleted by the illegal 2022 CC&Rs with no repudiation?

3. Does deleting Exhibit "H" - Corps Permit #199250275 constitute intentional concealment of Corps wetland regulations or City SLO criteria? Has the Applicant disclosed the amended 2022 CC&Rs to the Corps or City?

4. Are amendments to the CC&Rs misguided or illegal attempts to materially change 1993 MPD Conditions of Approval, Ordinance 2021-20, and the Plat/Notes? Has this been achieved… condoned?

5. Did a sitting planning commissioner orchestrate the 2022 CC&Rs amendments with complicity by the Owner of 6 and others? Is there a quid pro quo? Are these actions subject to any Ethics Provisions ? A written opinion may be required.

6. Were the 2022 amendments premeditated to conceal previous or future violations of constructing Improvements such as well drilling, irrigation lines, and planting trees (fill) outside the LODA in "Natural Areas" and in "previously verified by the Corps wetlands?"

7. Do City officials know about the 2022 CC&Rs Amendment… when and by whom was it known… former Director Milliken, the current Planning Director Ward, or City Attorney Mark Harrington?

8. Does the act of deleting the 1993 CC&Rs give cause to investigate the matter under U.C.A. 76-6-503.6 Fraudulent handling of recordable writings and 76-6-504. Tampering with records.

Staff's failure to recognize (or disclose) critical factors may be attributable to an apparent aversion to exercise diligence and locate for review the 1993 CC&Rs as specifically referenced by the Council Minutes - January 28, 1993 and 1993 MPD Conditions of Approval.

Or it may be a predictable unavoidable manifestation of the consequential conflicts of having two sets of unrepudiated CC&Rs that are relied on by several enforceable "writings". This situation is problematic for an unsuspecting planner, City official, (**or Appeal Panel)** without institutional memory of the existence of 1993 CC&Rs who may have referred to and relied only on the most recently recorded 2022 CC&Rs provisions which expressly and purposefully struck (deleted) **all applicable** articles and exhibits of the City-imposed restrictions as defined in the 1993 CC&Rs.

1993 Article I Definitions – Deleted by 2022 CC&Rs

"Limits of Disturbance Area" shall mean the area within each Lot which is the outer limit of the area which may be disturbed by construction activity. The maximum size of the Limits of Disturbance Area for each Lot is shown on Exhibit "F" to this Declaration. For an Equestrian Lot, the lawful creation and maintenance of ponds, diversions, canals and other irrigation structures and their appurtenances shall not be subjected to the Limits of Disturbance

BOOK 711 PAGE 513

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3

Area calculations. For a Lot, the Barn Limits of Disturbance Area shall mean the area designated as such on the Plat, and as shown on Exhibit F hereof. Each Lot owner will be required to comply with the terms and conditions of the permit issued by the Army Corps of Engineers relating to Wetlands mitigation and restoration. A copy of the Permit is attached as Exhibit "H" to this Declaration.

1993 Article 3.3 deleted by the 2022 CC&Rs

3.3. Variances. Variances to the Architectural Design Standards contained in this Declaration, or modifications to the size or shape or location of the Limits of Disturbance Area on any Lot, may be granted when strict application would create an unforeseen or unreasonable hardship to the Owner of any Lot. No such variance may be granted without the unanimous consent of the Committee and City approval.

The Appeal Panel must consider rejecting this Application and advise the Applicant to proceed to relocate the "Limits of Disturbance Area" under the prescribed process: 1) obtain a **variance** from the Board of Adjustment as defined in Article 3.3 of the 1993 CC&Rs; and 2) upon completion, re-apply to the Planning Commission for a Plat amendment.

Furthermore. on or about January 24, 2022, in preparation for the BOA hearing, the Developer-Declarant, Richard Dudley, responded to questions with the following: *See Exhibit 1A.*

> *Theo*
>
> *I'll send you a short statement letter.*
>
> *In all my years of development and ownership of properties with Plats and CC & R's none of the property owners ever went to the recorded plat…they always relied on the directive of the CC & R's. All of the subdivision rules could not be prescribed on the plat.*

The follow up "statement" letter from the Declarant dated January 25, 2022 included the following language: *See Exhibit 1B*

> *"We did however fully intend and thus designed each lot to have prescribed Limits of Disturbance (LOD's) and for 3, 4, & 5 the easier description of a setback was all that was needed*
>
> *Please note that we as developers didn't invent LOD's… the City did, and we were comfortable with the Plat and the CC&Rs and every reference to Limits of Disturbance as to the residence sizes we had agree on and the barns."*

The evidence should be conclusive. The proper designation for the areas to be relocated is "Limits of Disturbance Area/Home Building Pad" as defined by the 1993 Conditions of Approval (CC&Rs) which prohibits all buildings and Improvements outside the designated LODA boundary in the "Natural Areas". *See Exhibit 6 - Selected Definitions Illustrations*

Excerpt from the 2022 amended CC&Rs:

NOW, THEREFORE, after incorporating the above Recitals, the Association strikes Articles 1-11 of the Original Declaration, including all its exhibits, and replaces those provisions as follows:

These covenants, conditions, and restrictions shall be binding upon the Association as well as its successors in interest and may be enforced only by the Association or by any Owner; and, no other persons or entities, including but not limited to the City and adjacent neighbors, have the ability to enforce the Declaration, Articles, Plat, or Bylaws ("Governing Documents"). Only Owners have standing to enforce the Governing Documents upon another Owner or the Association.

The Owner/Applicant failed to disclose the 2022 CC&Rs and deletion of critical elements of the 1993 CC&Rs which are expressly relied upon by the 1993 MPD Conditions of Approval and Ordinance 2021-20, and all other official actions related to Willow Ranch.

The 2022 CC&Rs violate certain elements of the 1993 MPD Conditions of Approval, Ordinance 2021-20, the Sensitive Lands Overlay (SLO), and Army Corps of Engineer's Exhibit H that sets forth wetland delineations, fill permits and restrictions – also deleted.

All Park City officials including the Planning Commission were notified of the recently discovered conflicting 2022 CC&Rs by email on December 19, 2023 and February 7, 2024. There has been no response or attempt to clarify or repudiate the 2022 CC&Rs. Did the Planning Commission ever seriously discuss the ramifications of the two sets of CC&Rs in the context of this Application? If not…why not?

Could the answer be that Planning Commission Chair Sarah Hall is a beneficial owner of Lots #1 and #2 in Willow Ranch subject to Ordinance 2021-20. Commissioner Hall participated in drafting the 2022 CC&Rs in an apparent attempt to effect compliance with several violations related to Lot #2. *See Exhibit 5 B "Analysis of Amendments to 2022 CC&Rs…"*

In order to make supportable, lawful decisions regarding this Application, it is imperative for the Planning Commission and the Appeal Panel to consider and understand with certainty all applicable laws. It is equally important for the public including investors, lenders, title companies, appraisers, real estate agents, buyers, contractors, and adjacent homeowners to understand and rely on all applicable rules and restrictions related to Willow Ranch. It is not possible to do at his time.

All of the issues and impacts must be disclosed in their entirety, investigated thoroughly, and lawfully resolved prior to proceeding with approval of PL 24-06033 Plat Amendment, or consideration of approval of any type of application on any property located in Willow Ranch Subdivision.

Respectfully submitted,
Bob Theobald –