PLANNING DEPARTMENT ADMINISTRATIVE PUBLIC HEARING
SUMMIT COUNTY, UTAH
June 27, 2024

The Planning Department of Park City, Utah, will hold a Public Hearing in person at the Marsac Municipal Building, Planning Department Conference Room, 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. REGULAR AGENDA - 12:00PM

1.A. **2960 Arabian Drive – Administrative Permit** – The Applicant Proposes Construction of a Detached Accessory Apartment in the SIngle-Family Zoning District. PL-19-04182
(A) Public Hearing; (B) Action

1.B. **Parcel PCA-S-98-SD-1-A – Administrative Conditional Use Permit** – The Applicant Proposes Retaining Walls Greater than Six Feet In The Residential Development Zoning District. PL-24-06144.
(A) Public Hearing; (B) Action

1.C. **30 Nakoma Terrace – Administrative Conditional Use Permit** – The Applicant Proposes to Construct Retaining Walls in Two Locations Greater than Six Feet in the Residential Development District and Sensitive Land Overlay. PL-24-06145
(A) Public Hearing; (B) Action

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.**

Planning Department
Staff Report

Subject: **2960 Arabian Drive**
Application: **PL-24-04182**
Author: **Planning Team**
Date: **June 27, 2024**
Type of Item: **Administrative Permit – Accessory Apartment**

Recommendation
(I) Review the Administrative Permit for an Accessory Apartment, (II) conduct a public hearing, and (III) consider approving the Administrative Permit based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the draft Final Action Letter (Exhibit A).

Description

Applicant:	Mike Wong
Location:	2960 Arabian Drive
Zoning District:	Single-Family
Adjacent Land Uses:	Residential
Reason for Review:	Land Management Code Section 15-4-7(B) requires an Administrative Permit for an Accessory Apartment with Planning Department review and approval.

LMC Land Management Code

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

Background
2960 Arabian Drive in the Park Meadows neighborhood and is Lot 22 of the Park Meadows Subdivision No. 3, recorded with Summit County in 1977 (Parcel No. PKM-3-22) (Exhibit B). According to the Summit County Assessor webpage, the Single-Family Dwelling at 2960 Arabian Drive was constructed in 1979. The Applicant proposes constructing a detached Accessory Apartment in the rear yard. LMC Section 15-15-1 defines an Accessory Apartment as a self-contained apartment with cooking, sleeping, and sanitary facilities, created by adding onto or within a detached Single-Family Dwelling or detached garage. Accessory Apartments do not increase the residential Unit Equivalent of the property and are an Accessory Use to the primary dwelling.

Figure 1: 2960 Arabian Drive Image from Google Maps

Analysis

(I) The proposal to construct an Accessory Apartment, as conditioned, complies with the Single-Family Zoning District requirements.

LMC Section 15-2.11-2(A)(4) *Single-Family Zoning District Uses* establishes Accessory Apartments as an allowed use, subject to Administrative Permit approval and compliance with LMC Section 15-4-7 *Accessory Apartments*.

LMC Section 15-2.11-3 *Single-Family Zoning District Lot and Site Requirements* establishes the following:

Requirement	Analysis of Proposal
Front Setback - 20 feet	The proposed Accessory Apartment is set behind the existing Single-Family Dwelling and complies with the minimum 20-foot Front Setback.
Rear Setback – 15 feet	Condition of Approval 1 requires the Applicant to submit an updated survey confirming the Accessory Apartment will be set back at least 15 feet from the rear property line.

Side Setback – 12 feet	The Accessory Apartment is proposed to be set back 13 feet from the side property line. Condition of Approval 2 requires the Applicant to submit an updated survey confirming the Accessory Apartment will be set back at least 13 feet from the side property line.

LMC Section 15-2.11-4 *Single-Family Zoning District Building Height* establishes the following:

Requirement	Analysis of Proposal
18 feet from Existing Grade	Condition of Approval 3 requires the Applicant to submit a roof over topography showing existing grade and compliance with height prior to Building Permit submittal.

LMC Section 15-2.11-5 *Single-Family Zoning District Architectural Review* requires projects to comply with LMC Chapter 15-5 *Architectural Review*:

Requirement	Analysis of Proposal
Outdoor Lighting	The Dark Sky Code requires outdoor lighting to be Fully Shielded, down directed, with bulbs 3,000 degrees Kelvin or less. Condition of Approval 4 requires outdoor lighting for the property to be brought into compliance with the Dark Sky Code (LMC Section 15-5-5(J)). For more information, please visit the City's Dark Sky webpage.
Water Wise Landscaping	Condition of Approval 5 requires modifications to landscaping to comply with the water wise requirements outlined in LMC Section 15-5-5(N)). For more information, please visit the City's Water Wise Landscaping webpage.

(II) The Accessory Apartment, as conditioned, complies with the requirements of Land Management Code Section 15-4-7.

LMC Section 15-4-7 establishes the following requirements for Accessory Apartments:

Requirement	Analysis of Proposal
Accessory Apartments shall be no more than 1/3 of the Single-Family Dwelling and are limited	The Single-Family Dwelling is 3,900 square feet. The proposed Accessory Apartment is 1,008 square feet. Condition of Approval 9 requires the Applicant reduce the

to a maximum floor area of 1,000 square feet.	floor area to 1,000 square feet prior to building permit submittal
Accessory Apartments shall have no more than two bedrooms.	The Accessory Apartment has two bedrooms.
Parking – one space per bedroom must be provided in addition to the existing requirement for the primary residence.	LMC Section 15-3-6(A) requires two parking spaces for a Single-Family Dwelling and two additional parking spaces for the Accessory Apartment. The Single-Family Dwelling at 2960 Arabian Drive has a three-car garage, satisfying three required parking spaces. For the required fourth parking space, LMC Section 15-4-7(A)(2) allows for one parking space for an Accessory Apartment to be provided in tandem if the existing driveway length equals or exceeds 25 feet as measured from the property line. The Applicant shall confirm the driveway meets this requirement through the updated survey. If the driveway does not meet this requirement, the Applicant shall install a code-compliant parking pad for one parking space in a location to be approved by the Planning Department (Condition of Approval 6).
Deed Restriction	Condition of Approval 7 requires Deed Restriction outlining the limitations of the Accessory Apartment to be recorded with the Summit County Recorder prior to issuance of a building permit.
Nightly Rentals – Prohibited.	The Deed Restriction shall prohibit Nightly Rentals of the Accessory Apartment. The minimum rental term for the Accessory Apartment is 90 days (Condition of Approval 8).
Homeowner Association Notification	LMC Section 15-4-7(A)(7) requires notification of the proposed Accessory Apartment to homeowner associations registered with the Park City Building Department pursuant to LMC Section 15-1-12(F). 2960 Arabian Drive is not part of a homeowner association.

(III) The Development Review Committee reviewed the proposal on June 18, 2024.[1]

[1] The Development Review Committee meets the first and third Tuesday of each month to review and provide comments on Planning Applications, including review by the Building Department, Engineering Department, Sustainability Department, Transportation Planning Department, Code Enforcement, the City Attorney's Office, Local Utilities including Rocky Mountain Power and Dominion Energy, the Park City Fire District, Public Works, Public Utilities, and the Snyderville Basin Water Reclamation District (SBWRD).

Required Conditions of Approval are outlined in the draft Final Action Letter.

Condition of Approval 10 requires that the Accessory Apartment be set back at least 10' from the rear property line to reflect a Public Utility Easement along the rear portion of the property.

Condition of Approval 11 requires that the Applicant coordinate with the Water Department regarding the water lateral requirements prior to construction.

Department Review

The Planning Department reviewed this report.

Notice

Staff published notice on the City's website and posted notice to the property on June 7, 2024. Staff mailed courtesy notice to adjacent property owners on June 10, 2024.[2]

Public Input

Staff did not receive any public input at the time this report was published.

Alternatives

- The Planning Director may approve the Administrative Permit.
- The Planning Director may deny the Administrative Permit and direct staff to make Findings for the denial.
- The Planning Director may request additional information and continue the discussion to a date certain.

Exhibits

Exhibit A: Draft Final Action Letter
Exhibit B: Park Meadows Subdivision No. 3
Exhibit C: Proposed Plans

[2] LMC § 15-1-21

Planning Department

June 27, 2024

Mike Wong
2960 Arabian Drive
Park City, Utah 84060

NOTICE OF PLANNING DEPARTMENT ACTION

Description

Address:	2960 Arabian Drive
Zoning District:	Single-Family
Application:	Administrative Permit
Project Number:	PL-24-04182
Action:	APPROVED WITH CONDITIONS (See Below)
Date of Final Action:	June 27, 2024
Project Summary:	The Applicant proposes construction of a detached Accessory Apartment.

Action Taken

On June 27, 2024, the Planning Director conducted a public hearing and approved the Administrative Permit for an Accessory Apartment according to the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact

1. 2960 Arabian Drive in the Park Meadows neighborhood and is Lot 22 of the Park Meadows Subdivision No. 3, recorded with Summit County in 1977 (Parcel No. PKM-3-22).
2. According to the Summit County Assessor webpage, the Single-Family Dwelling at 2960 Arabian Drive was constructed in 1979.
3. The Applicant proposes constructing a detached Accessory Apartment in the rear yard.
4. LMC Section 15-15-1 defines an Accessory Apartment as a self-contained apartment with cooking, sleeping, and sanitary facilities, created by adding onto or within a detached Single-Family Dwelling or detached garage.

5. Accessory Apartments do not increase the residential Unit Equivalent of the property and are an Accessory Use to the primary dwelling.
6. LMC Section 15-2.11-2(A)(4) *Single-Family Zoning District Uses* establishes Accessory Apartments as an allowed use, subject to Administrative Permit approval and compliance with LMC Section 15-4-7 *Accessory Apartments*.
7. LMC Section 15-2.11-3 *Single-Family Zoning District Lot and Site Requirements* establishes the following:

Requirement	Analysis of Proposal
Front Setback - 20 feet	The proposed Accessory Apartment is set behind the existing Single-Family Dwelling and complies with the minimum 20-foot Front Setback.
Rear Setback – 15 feet	Condition of Approval 1 requires the Applicant to submit an updated survey confirming the Accessory Apartment will be set back at least 15 feet from the rear property line.
Side Setback – 12 feet	The Accessory Apartment is proposed to be set back 13 feet from the side property line. Condition of Approval 2 requires the Applicant to submit an updated survey confirming the Accessory Apartment will be set back at least 13 feet from the side property line

8. LMC Section 15-2.11-4 *Single-Family Zoning District Building Height* establishes the following:

Requirement	Analysis of Proposal
18 feet from Existing Grade	Condition of Approval 3 requires the Applicant to submit a roof over topography showing existing grade and compliance with height prior to Building

	Permit submittal.

9. LMC Section 15-2.11-5 *Single-Family Zoning District Architectural Review* requires projects to comply with LMC Chapter 15-5 *Architectural Review*:

Requirement	Analysis of Proposal
Outdoor Lighting	The Dark Sky Code requires outdoor lighting to be Fully Shielded, down directed, with bulbs 3,000 degrees Kelvin or less. Condition of Approval 4 requires outdoor lighting for the property to be brought into compliance with the Dark Sky Code (LMC Section 15-5-5(J)).
Water Wise Landscaping	Condition of Approval 5 requires modifications to landscaping to comply with the water wise requirements outlined in LMC Section 15-5-5(N)).

10. LMC Section 15-4-7 establishes the following requirements for Accessory Apartments:

Requirement	Analysis of Proposal
Accessory Apartments shall be no more than 1/3 of the Single-Family Dwelling and are limited to a maximum floor area of 1,000 square feet.	The Single-Family Dwelling is 3,900 square feet. The proposed Accessory Apartment floor area is 1,008 square feet. Condition of Approval 9 requires the Applicant reduce the proposed floor area to less than 1,000 square feet prior to building permit submittal.
Accessory Apartments shall have no more than two	The Accessory Apartment has two bedrooms.

bedrooms.	
Parking – one space per bedroom must be provided in addition to the existing requirement for the primary residence.	LMC Section 15-3-6(A) requires two parking spaces for a Single-Family Dwelling and two additional parking spaces for the Accessory Apartment. The Single-Family Dwelling at 2960 Arabian Drive has a three-car garage, satisfying three required parking spaces. For the required fourth parking space, LMC Section 15-4-7(A)(2) allows for one parking space for an Accessory Apartment to be provided in tandem if the existing driveway length equals or exceeds 25 feet as measured from the property line. The Applicant shall confirm the driveway meets this requirement through the updated survey. If the driveway does not meet this requirement, the Applicant shall install a code-compliant parking pad for one parking space in a location to be approved by the Planning Department (Condition of Approval 6).
Deed Restriction	Condition of Approval 7 requires Deed Restriction outlining the limitations of the Accessory Apartment to be recorded with the Summit County Recorder prior to issuance of a building permit.
Nightly Rentals – Prohibited.	The Deed Restriction shall prohibit Nightly Rentals of the Accessory Apartment. The minimum rental term for the Accessory Apartment is 90 days (Condition of Approval 8).
Homeowner Association Notification	LMC Section 15-4-7(A)(7) requires notification of the proposed Accessory Apartment to homeowner associations registered with the Park City Building Department pursuant to LMC Section 15-1-12(F). 2960 Arabian Drive is not part of a homeowner

	association.

11. The Development Review Committee evaluated the proposed Accessory Apartment on June 18, 2024.

Conclusions of Law

1. The Accessory Apartment, as conditioned, complies with LMC Chapter 15-11 *Single-Family Zoning District*.
2. The Accessory Apartment, as conditioned, complies with LMC Section 15-4-7 *Accessory Apartments*.

Conditions of Approval

1. The Applicant shall submit an updated survey confirming the Accessory Apartment will be set back at least 15 feet from the rear property line prior to building permit submittal.
2. The Applicant shall submit an updated survey confirming the Accessory Apartment is set back at least 13 feet from the side property line prior to building permit submittal.
3. The Applicant shall submit a roof over topography showing existing grade and compliance with height requirements prior to building permit submittal.
4. All outdoor lighting for the property shall be brought into compliance with the dark sky code outlined in LMC Section 15-5-5(J). All outdoor lighting must be fully shielded, down-directed, with bulbs 3,000 degrees Kelvin or less.
5. Modifications to landscaping shall comply with the water wise requirements outlined in LMC Section 15-5-5(N).
6. The Applicant shall confirm the driveway to the property line is at least 25 feet in length. If the driveway is not, the Applicant shall install a code-compliant parking pad for one parking space in a location to be approved by the Planning Department.
7. Prior to building permit issuance, the Applicant shall record with Summit County a Deed Restriction that meets the requirements of LMC Section 15-4-7 in a form approved by the City Attorney's Office.
8. Nightly Rental of the Accessory Apartment is prohibited. The Accessory Apartment shall be rented for no term less than 90 days.
9. The Applicant shall reduce the proposed floor area of the Accessory Apartment to less than 1,000 square feet in compliance with LMC Section 15-4-7 prior to building permit submittal

10. The Accessory Apartment shall be set back at least 10 feet from the rear property line to reflect the Public Utility Easement along the rear property line.
11. The Applicant shall coordinate with the Water Department regarding the water lateral requirements prior to construction.

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

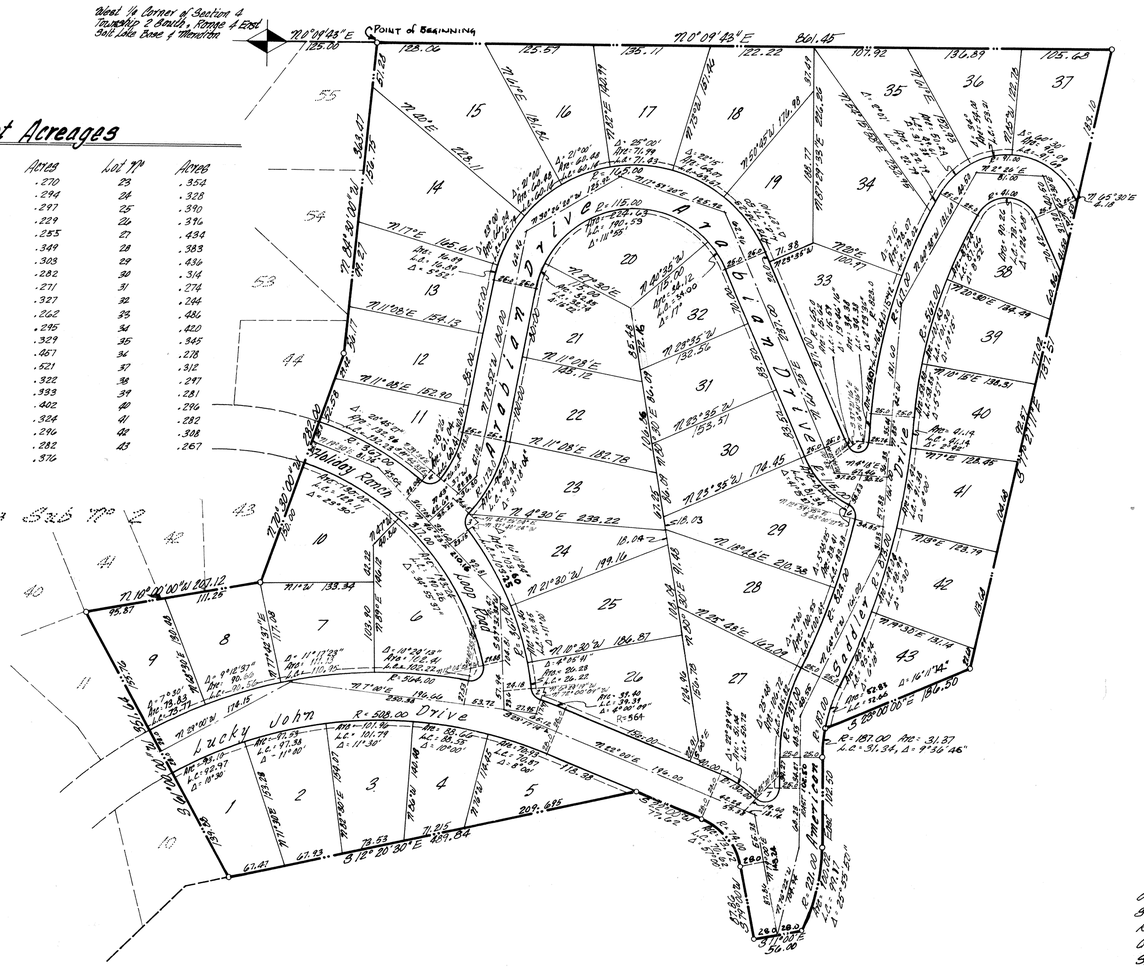
Sincerely,

Rebecca Ward, Planning Director

Park Meadows Subdivision No 3

A Subdivision located in the West ½ Section 4, Township 2 South, Range 4 East, Salt Lake Base & Meridian

Scale 1" = 100'



Lot Acreages

Lot No	Acres	Lot No	Acres
1	.270	23	.352
2	.294	24	.328
3	.297	25	.390
4	.229	26	.376
5	.255	27	.434
6	.349	28	.383
7	.303	29	.436
8	.282	30	.314
9	.271	31	.274
10	.327	32	.264
11	.262	33	.486
12	.295	34	.420
13	.329	35	.945
14	.467	36	.278
15	.521	37	.912
16	.932	38	.297
17	.933	39	.281
18	.402	40	.296
19	.324	41	.282
20	.296	42	.308
21	.282	43	.267
22	.376		

Surveyor's Certificate

I James C. West do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No 3082 as prescribed under the Laws of the State of Utah. I further certify that 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 & streets, hereafter to be known as PARK MEADOWS SUBDIVISION No 3 and that same has been correctly surveyed and staked on the ground as shown on this plat.

Beginning at a point which is N 0°09'43" E 125.00 feet from the West ¼ Corner of Section 4, Township 2 South, Range 4 East, Salt Lake Base and Meridian and running thence; N 0°9'43" E Bal. 45 feet; thence S 77°27'11" E 737.51 feet; thence S 29°00'00" E 186.50 feet; to a point on a curve to the left the radius point of which bears N 9°34'46" E 181.00 Southeasterly along the arc of said curve 31.37 feet to the point of tangency; thence East 102.50 to the point of a 221.00' radius curve to the right; thence Southeasterly along the arc of said curve 100.02 feet; thence S 11°00'00" E 56.00 feet; thence S 79°00'00" W 87.86 feet to the point of a 74.00 foot radius curve to the left; thence Southwesterly along the arc of said curve 73.62 feet to a point of Tangency; thence S 22°00'00" W 77.62 feet; thence S 12°20'30" E 289.84 feet; thence S 61°00'00" W 351.64 feet; thence N 10°00'00" W 207.12 feet; thence N 70°30'00" W 282.00 feet; thence N 84°30'00" W 363.47 feet to the point of beginning.
Contains 17.991 Acres

James C. West — Sept 1, 1976
James C. West — Date

Owner's 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 PARK MEADOWS SUBDIVISION No 3 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 1st Day of September A.D. 1976

Park Meadows Development Company

Enoch R. Smith — Partner
Victor R. Ayers — Partner

Acknowledgment

State of Utah
County of Summit

On this 1st Day of September A.D. 1976 personally appeared before me, the undersigned Notary Public, in and for said State and County, Enoch R. Smith and Victor R. Ayers who after being duly sworn, acknowledged to me that they are partners of PARK MEADOWS DEVELOPMENT COMPANY a Utah Partnership, that they signed the owners dedication freely and voluntarily for and on behalf of said Company for the purposes therein mentioned and that said Company executed the same.

Linda D. Bruno — Notary Public

My Commission Expires 6-1-77
Residing in Wasatch County, Utah

Curve Data

No	Radius	Δ	Arc	L.C.
1	15.0	111° 28' 36"	29.18	24.79
2	15.0	65° 35' 50"	17.17	16.25
3	15.0	80° 06' 28"	20.97	19.31
4	15.0	90° 41' 27"	23.74	21.34
5	15.0	195° 57' 06"	35.59	27.81
6	15.0	78° 00' 02"	20.42	18.88
7	15.0	134° 29' 49"	35.21	27.07

Legend

① 5' wide non-exclusive utilities easement along all front lot lines as shown.
② 10' wide non exclusive utilities easement as shown
Fire Hydrants
Survey Monuments

Prepared By:
J.J. Johnson & Associates
Engineering Planning Surveying
1515 Park Avenue p.o. box 1161
Park City, Utah. 84060

City Planning Commission
Approved & Accepted by the Park City Planning Commission this 15 Day of Sept. A.D. 1976
Burning Watts — Chairman

Engineers Certificate
Approved & Accepted by the Park City Engineering Department this 12th Day of January A.D. 1977
Johnny L. Robbins — Park City Engineer

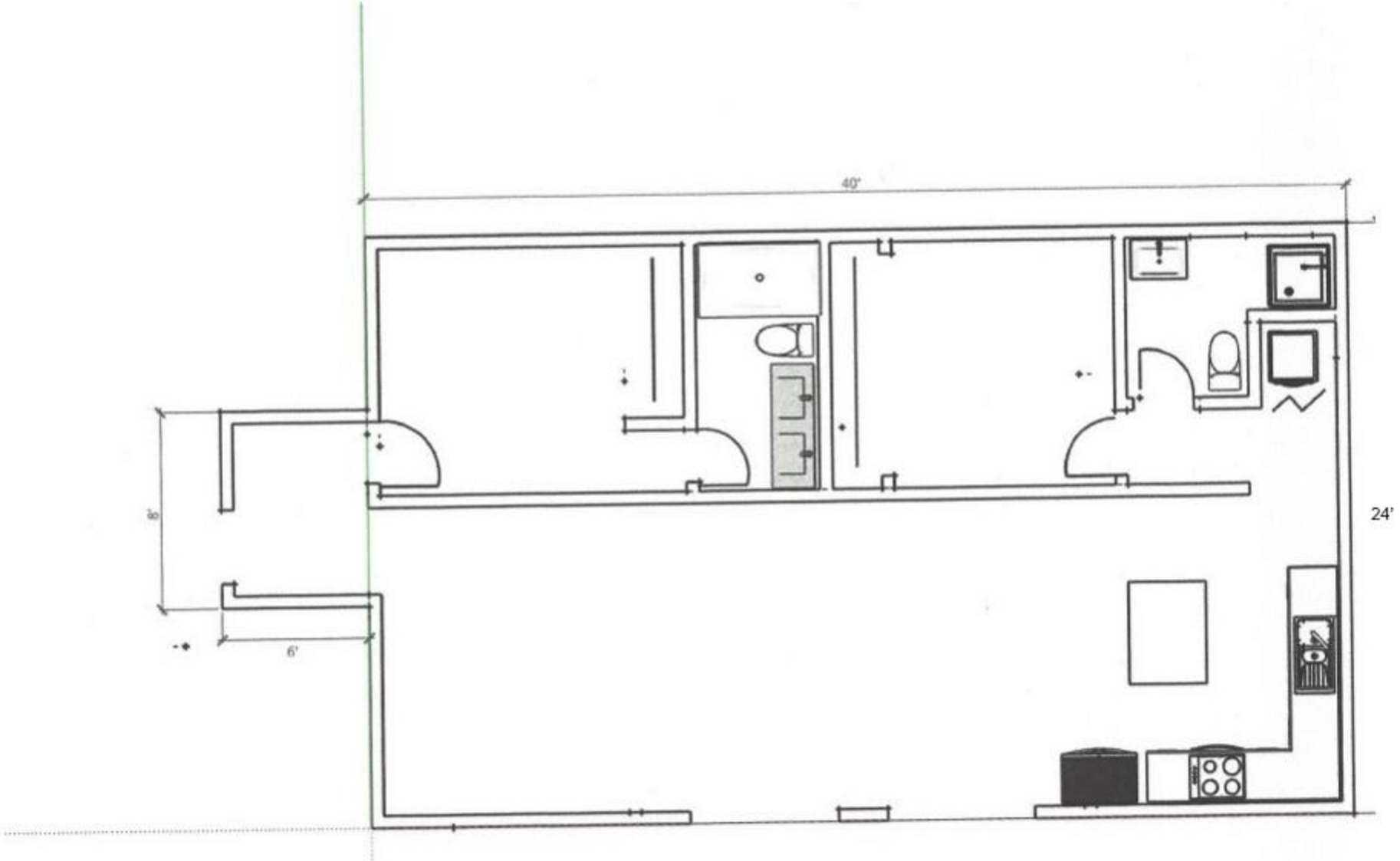
Approval as to Form
Approved as to Form this 9th Day of February A.D. 1977
Nick J. Colessides — Park City Attorney

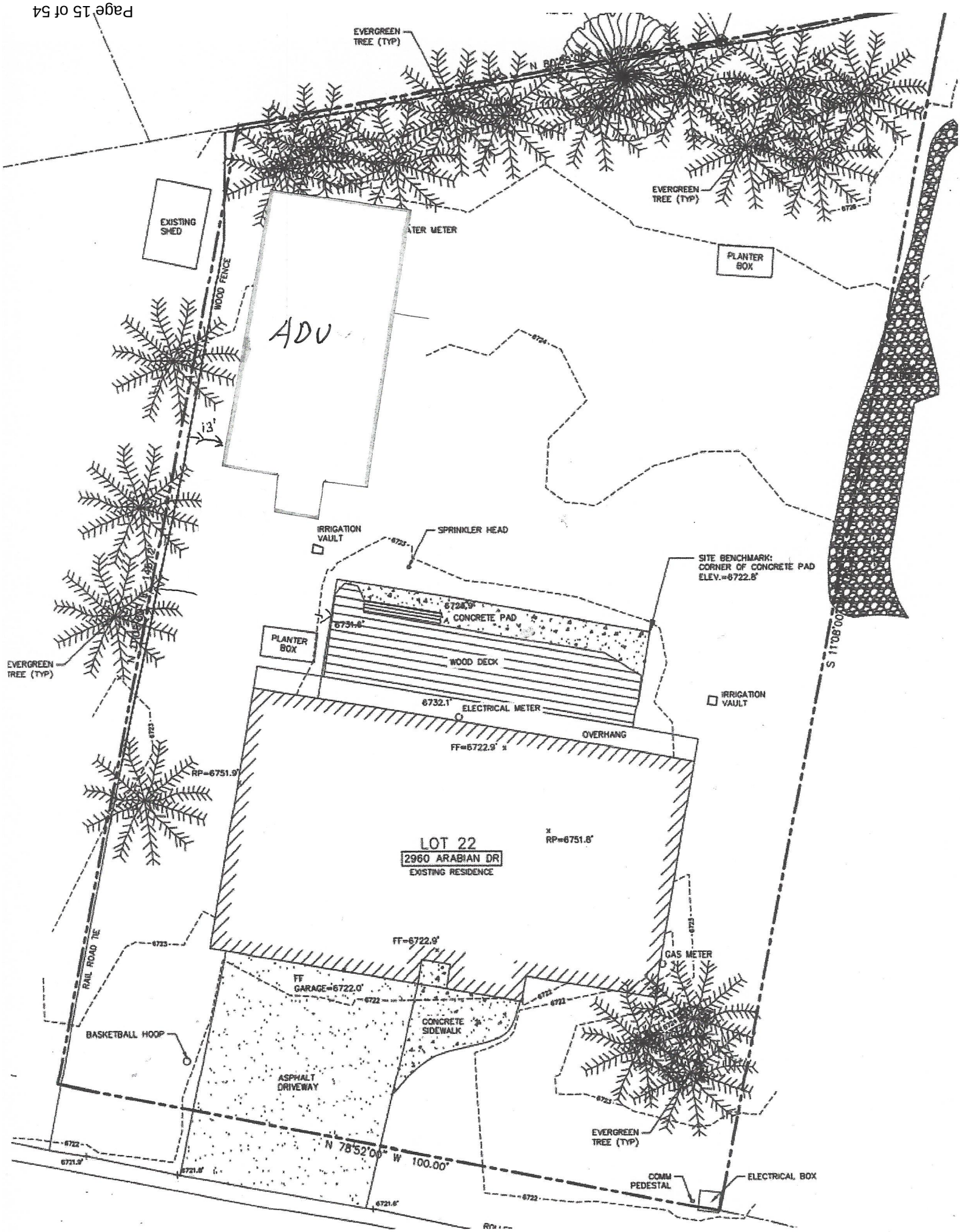
Certificate of Attest
Attest this 9th Day of Feb. A.D. 1977
Bruce C. Decker — Park City Recorder

Council Approval & Acceptance
Approved & Accepted by the Park City Council this 9TH Day of FEBRUARY A.D. 1977
Leon Uriarte — Mayor

No 136317 Recorded
State of Utah, County of Summit Recorded and Filed at the request of:
Summit County Title Co
Date Feb-10, 1977 Time 2:46 Book Filed Page
$31.50 Fee $
Wanda W. Springer — Summit County Recorder

2960 Arabian Dr.




EVERGREEN TREE (TYP)
EVERGREEN TREE (TYP)
EXISTING SHED
ATER METER
PLANTER BOX
WOOD FENCE
ADU
13'
IRRIGATION VAULT
SPRINKLER HEAD
SITE BENCHMARK: CORNER OF CONCRETE PAD ELEV.=6722.8'
6728.9'
CONCRETE PAD
6731.8'
PLANTER BOX
WOOD DECK
EVERGREEN TREE (TYP)
6732.1'
ELECTRICAL METER
OVERHANG
IRRIGATION VAULT
FF=6722.9'
RP=6751.9'
RP=6751.8'
LOT 22
2960 ARABIAN DR
EXISTING RESIDENCE
FF=6722.9'
GAS METER
FF GARAGE=6722.0'
CONCRETE SIDEWALK
BASKETBALL HOOP
ASPHALT DRIVEWAY
RAIL ROAD TIE
EVERGREEN TREE (TYP)
N 78°52'00" W 100.00'
COMM PEDESTAL
ELECTRICAL BOX

Planning Department
Staff Report

Subject: **Parcel: PCA-S-98-SD-1A**
Application: **PL-24-06144**
Author: **Virgil Lund, Planner I**
Date: **June 27, 2024**
Type of Item: **Administrative Conditional Use Permit**

Recommendation
(I) Review the proposed retaining walls at the Mid-Mountain Trailhead (II) conduct a public hearing, and (III) consider approving the Administrative Conditional Use Permit (ACUP) based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter (Exhibit A).

Description

Applicant:	Sommet Blanc, LLC; Applicant Representative: Douglas Ogilvy
Location:	Parcel: PCA-S-98-SD-1A
Zoning District:	Residential Development
Adjacent Land Uses:	Multi-Family, Recreation Open Space
Reason for Review:	Retaining walls greater than six feet in height from Final Grade require an ACUP in the Residential Development Zoning District.[1]

ACUP	Administrative Conditional Use Permit
LMC	Land Management Code
MPD	Master Planned Development
RD	Residential Development

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

Summary
The Applicant proposes an ACUP for a retaining wall greater than six feet in height from Final Grade as part of the Mid-Mountain Trailhead improvements. (Exhibit B).

Background
The Mid-Mountain Trailhead and Parking Area has been an unofficial Parking Area for many years and is popular for recreational users in the Summer and Winter months.

[1] LMC § 15.2-13.2(B)

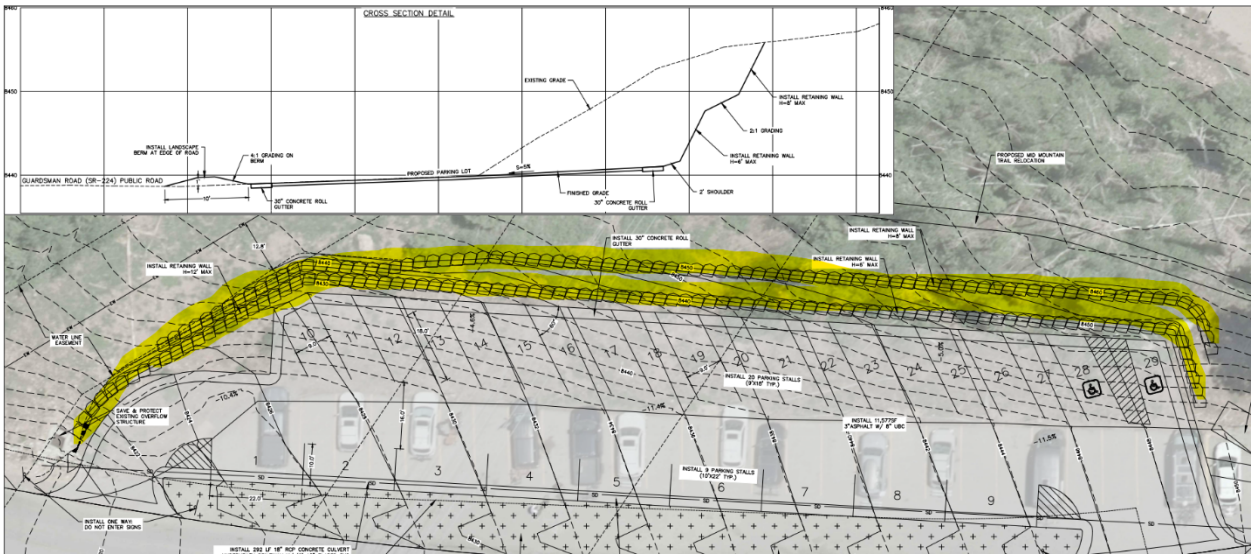


Image 1: Retaining Walls at Mid Mountain Trailhead

Analysis

See Final Action Letter for Analysis.

The Development Review Committee reviewed the proposal on June 4, 2024 and requires Conditions of Approval.[2]

The Engineering Department requires the Applicant to provide detailed engineered plans and a geotechnical report for the proposed retaining walls and Parking Area improvements at building permit submittal (Condition of Approval 3).

Department Review

The Planning Department 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 June 12, 2024. Staff mailed courtesy notice to adjacent property owners on June 12, 2024.[3]

Public Input

Staff did not receive any public input at the time this report was published.

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[2] The Development Review Committee meets the first and third Tuesday of each month to review and provide comments on Planning Applications, including review by the Building Department, Engineering Department, Sustainability Department, Transportation Planning Department, Code Enforcement, the City Attorney's Office, Local Utilities including Rocky Mountain Power and Dominion Energy, the Park City Fire District, Public Works, Public Utilities, and the Snyderville Basin Water Reclamation District (SBWRD).
[3] LMC § 15-1-21

Alternatives

- The Planning Director may approve the ACUP for retaining walls greater than six feet;
- The Planning Director may deny the ACUP for retaining walls greater than six feet and direct staff to make Findings for the denial; or
- The Planning Director may request additional information and continue the discussion to a date certain.

Exhibits

Exhibit A: Draft Final Action Letter
Exhibit B: Proposed Plans
Exhibit C: Trailhead Kiosk Sign

Planning Department

June 27, 2024

Douglas Ogilvy
Parcel: PCA-S-98-SD-1A

CC: Sommet Blanc, LLC

NOTICE OF PLANNING DIRECTOR ACTION

Description

Address:	Parcel: PCA-S-98-SD-1A
Zoning District:	Residential Development
Application:	Administrative Conditional Use Permit
Project Number:	PL-24-06144
Action:	APPROVED WITH CONDITIONS (See Below)
Date of Final Action:	June 27, 2024
Project Summary:	The Applicant Proposes retaining walls greater than six feet at the Mid-Mountain Trailhead.

Action Taken

On June 27, 2024, the Planning Director conducted a public hearing and approved the retaining walls greater than six feet according to the following findings of fact, conclusions of law, and conditions of approval.

Findings of Fact

1. The Applicant proposes a retaining wall greater than six feet at the Mid Mountain Trailhead.
2. The Mid-Mountain Trailhead and Parking Area has been an unofficial Parking Area for many years and is popular for recreational users in the Summer and Winter months.
3. The proposal complies with the RD Zoning District requirements found in LMC Chapter 15-2.13
    a. Front Setback

i. The proposed retaining wall is less than four feet in the Front Setback.

b. Side Setback
   i. The proposed retaining wall is greater than 12 feet from any side property line.

c. Rear Setback
   i. The proposed retaining wall is greater than 15 feet from the rear property line.

d. Vegetation Protection
   i. The Applicant proposes to remove seven trees with a diameter of 6" inches or greater.
   ii. LMC § 15-5-5(N)(4)(i)(2) establishes exceptions where the Forestry Board and Planning Director may approve the removal of Significant Vegetation "if upon their review it is found that equivalent replacement is impossible, would be detrimental to the site's existing and/or proposed vegetation, or violates Chapter 11-21 Utah Wildland-Urban Interface Code."
   iii. On June 6, 2024, the Forestry Board reviewed the proposal and determined the replacement of Significant Vegetation would be detrimental to the site's existing vegetation and approved the removal of seven trees with a diameter of 6" inches or greater.

4. The proposal, as conditioned, complies with LMC § 15-4-2 Fences and Retaining Walls
   i. Fences and retaining walls shall not exceed six feet (6') in height measured from Final Grade within any required Rear Setback or Side Setback. Within any required Front Setback or Street Side Setback, Fences and retaining walls shall not exceed four feet (4') in height, measured from Final Grade.
   ii. The proposed retaining wall will not exceed four feet in height within any Front Setback and is not located within any Side or Rear Setback.

5. The proposal, as conditioned, complies with the Conditional Use Permit criteria outlined in LMC § 15-1-10(E).
   a. Size and Location of Site
      i. The proposed retaining wall will help stabilize the existing Parking Area and slope and is located within property lines.

b. Traffic Capacity
    i. No mitigation required.
c. Utility Capacity
    i. The Development Review Committee reviewed the proposal on June 4, 2024, and confirmed the proposal conforms with their requirements.
d. Emergency Vehicle Access
    i. The Park City Fire District reviewed the proposal on June 4, 2024, and confirmed the proposal conforms with their requirements.
e. Off-Street Parking
    i. The proposed Parking Area improvements will increase the amount of Off-street parking for recreation uses from 15 Parking Spaces to 29.
f. Internal Vehicular and Pedestrian Circulation System
    i. The proposed Parking Area improvements will help increase pedestrian and vehicle safety at the Mid Mountain Trailhead.
g. Fencing, Screening, and Landscaping
    i. The Applicant proposes retaining walls greater than six feet along the hillside to stabilize the slope surrounding the Parking Area. The maximum height that the retaining walls will reach is 12 feet from Final Grade and will span the length of the Parking Area, approximately 288 feet across. The proposed retaining wall will be constructed of rocks.
h. Structure Mass, Bulk, and Orientation
    i. The total square footage for the proposed Parking Area improvements will be approximately 18,000 square feet. Vegetation must be protected during development activity, and disturbed areas must be replaced to existing or improved conditions.
i. Useable Open Space
    i. The proposed Parking Area improvements will increase the accessibility to Open Space for the community.
j. Signs and Lighting
    i. Municipal Code of Park City § 12-8-1 lists exceptions from the Sign Code requirements: “Signs located inside open-air recreational facilities that are not oriented to public streets, such as signs in ski

resorts, skateboard parks, and golf courses, are exempt from the requirements of this Title."

ii. The Applicant proposes a trailhead kiosk sign that is four feet wide by four feet tall and approximately eight feet tall and is not oriented to Marsac Avenue, similar to other kiosk signs at Park City trailheads.

iii. There will be six signs, approximately seven square feet each, oriented towards Marsac Avenue.

iv. The Sign Code states the following in § 12-8-1(A): "CITY SIGNS. Signs erected by or at the direction of the Park City Municipal Corporation are exempt from the requirements of this Title."

v. The Trails and Open Space and Engineering Department requires the Applicant to install entrance and exit signs, trail crossing warning signs, a stop sign at the Parking Area exit, and trail stop signs for trail users.

k. Physical Design and Compatibility with Surrounding Structures

i. The Applicant proposes retaining walls greater than six feet along the hillside to stabilize the slope surrounding the Parking Area. The maximum height that the retaining walls will reach is 12 feet from Final Grade and will span the length of the Parking Area, approximately 288 feet across. The proposed retaining wall will be constructed of rocks.

l. Noise, Vibration, Odors, Steam, or Other Mechanical Structures

i. The applicant proposes installing a 110-square-foot singular pit toilet on the east side of the Parking Area, to be maintained by the Trails and Open Space Department.

m. Control of Delivery and Service Vehicles; Loading and Unloading; Screening of Trash and Recycling Pickup Areas

i. A trash can is proposed to be installed on the east side of the Trailhead, and will be screened with existing vegetation.

n. Expected Ownership

i. Parcel PCA-S-98-SD-1A is owned by REDUS LLC and has signed off on this application. The Applicant has obtained approval by UDOT for the proposed work adjacent to the Marsac Avenue Right of Way.

o. Environmentally Sensitive Lands, Physical Hazards, Historic Mining Waste, Park City Soils Ordinance, or Steep Slopes
    i. The proposed Parking Area improvement plans were evaluated and presented as part of the Sommet Blanc MPD/CUP Approval. The Planning Commission reviewed the proposed location and plans for the Mid-Mountain Trailhead improvements attached as Exhibit X to the March 9, 2022, Planning Commission packet.
    ii. Staff determined at that time "The MPD Conclusion of Law #10 notes that the Flagstaff Annexation was not included in the Sensitive Lands Overlay. The MPD does not assert why this is, but it may be because at the time of annexation, the City and Applicant strategically chose specific development pods and donated the other acreage to preservation. Fourteen (14) technical reports were required and submitted with the annexation agreement that covered detailed reports of the area including a mine soil mitigation plan, open space management plan, a trails master plan, historic preservation, and wildlife management plan (amongst others). Again, these plans were utilized to suggest the least sensitive areas for development while preserving 826 acres as Open Space. The 2004 Village at Empire Pass MPD Conclusion of Law #10 noted "The Sensitive Lands (overlay) Zone did not specifically apply to the Empire Pass Large-Scale MPD annexation; however, the locations of the development pods are based on Sensitive Lands principles." See March 9, 2022 Planning Commission Staff Report, Minutes.
    iii. The Applicant proposes retaining walls to stabilize the slope surrounding the Parking Area. The proposed retaining walls are appropriate for the site and necessary to stabilize the surrounding hillside for the Parking Area improvements. Condition of Approval 3 requires the Applicant to provide engineered plans and a geotechnical report to be reviewed by the Engineering Department prior to Building Permit issuance.
    iv. The proposed Parking Area improvements do not conflict with any Physical Mine Hazards, and it is outside the Soils Ordinance Boundary. No wetlands, ridgelines, stream corridors, or wildlife habitat will be impacted.

v. The Flagstaff technical report number 13 “Wildlife Management Plan” does not mention the Mid-Mountain Trailhead as a Sensitive Wildlife Area. The Open Space Management plan does not specifically mention the Mid-Mountain Trailhead, but it could be inferred that the “trailhead” mentioned is referring to the Mid-Mountain Trailhead. “Deer Valley and UPK have historically cooperated with the Utah Department of Transportation (UDOT) in providing a base parking area and snowmobile route through the Deer Valley ski area for use by property owners in Wasatch County in accessing cabins and/or lots outside the boundaries of Deer Valley ski resort. This route is the same as that referred to under the commercial snowmobile operations section, above. While the parking area and trailhead will ultimately be relocated, Deer Valley and UPK will continue to work with UDOT in providing winter access to Wasatch County landowners.”

vi. The proposal includes parallel parking stalls for vehicles with trailers. There are no additional technical reports that mention the Mid-Mountain Trailhead

p. General Plan

i. Goal 4 of the General Plan states: “Conserve a connected, healthy network of open space for continued access to and respect for the Natural Setting.” The proposed Parking Area improvements will increase access and connectivity in Open Space areas.

ii. Goal 9 of the General Plan states: “Park City will continue to provide unparalleled parks and recreation opportunities for residents and visitors.” The proposed Parking Area improvements will provide residents and visitors with improved access to recreational opportunities.

6. Staff published notice on the City’s website and the Utah Public Notice website and posted notice to the property on June 12, 2024.
7. Staff mailed courtesy notice to property owners within 300 feet on June 12, 2024. The Park Record published courtesy notice on June 12, 2024.

Conclusions of Law

1. The proposal complies with the Land Management Code requirements pursuant to Chapter 15-2.13 *Residential Development Zoning District*, Chapter 15-4-2

Fences and Retaining Walls, and Section 15-1-10, *Conditional Use Review Process*.

2. The Use will be compatible with surrounding Structures in use, scale, mass, and circulation.
3. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval

1. Final building plans and construction details shall reflect substantial compliance with the final plans dated June 13, 2024, submitted to the Planning Department and reviewed June 27, 2024, by the Planning Director.
2. The Applicant is responsible for notifying the Planning Department prior to making any changes from the approved plans. Any changes, modifications, or deviations from the approved scope of work shall be submitted in writing for review and approval/denial in accordance with the applicable standards by the Planning Director prior to construction.
3. The Applicant shall provide detailed engineered plans and a geotechnical report for the proposed retaining walls and Parking Area improvements at building permit submittal.
4. The Applicant shall obtain a license agreement, subject to City Attorney's Office approval, which ensures the City's ability to operate, manage and maintain the Mid-Mountain parking lot (snow removal to remain within the EPMOA) prior to Building Permit Issuance.
5. The Mid-Mountain Trailhead parking lot shall be constructed by 10/15/24.
6. All disturbed vegetation must be replaced to existing or improved conditions and shall comply with LMC § 15-5-5(N). Seeded areas shall have at least 80% or more germination prior to site completion.

If you have questions or concerns regarding this Final Action Letter, please call 385-481-2036 or email virgil.lund@parkcity.org

Sincerely,

Rebecca Ward
Planning Director

CC: Virgil Lund

MID MOUNTAIN TRAIL PARKING PLAN

MARSAC AVENUE
PARK CITY, UT 84060

VICINITY MAP

SHEET INDEX

1. EXISTING CONDITIONS & TOPOGRAPHIC MAP
2. GRADING PLAN
3. GRADING PROFILE
4. DESIGN PLAN
5. CONSTRUCTION MITIGATION PLAN

CIVIL ENGINEER

Alliance Engineering Inc.
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(435) 649-9475-FAX
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

PROFESSIONAL ENGINEER
No. 12275305
MARTIN CONNOR DINSMORE
06/13/24
STATE OF UTAH

GENERAL NOTES

G-1 ALL WORK PERFORMED SHALL BE DONE IN ACCORDANCE WITH THE FOLLOWING PLANS & SPECIFICATIONS:

A. PARK CITY Design Standards, Construction Specifications, and Standard Drawings, Latest Edition.

D. Manual of Uniform Traffic Control Devices 2003 Edition, Revision #1 November 2004, Revision #2 December 2007.

C. UDOT Standard Specifications for Road and Bridge Construction, latest edition. (for improvements in the UDOT right of way)

D. Special conditions of approval and/or permits as required and/or issued by regulatory bodies.

E. Approved construction plans and details.

F. Approved Traffic Control Plan.

G. Storm Water Pollution Prevention Plan. (SWPPP)

G-2 Contractor/Bidder shall obtain a copy of the specifications, at his cost. Copies of the specifications shall be kept at the job site by the contractor and be available for the contractor, subcontractor, owner or his agent, design engineer, city engineer, and their designated representatives and inspectors.

G-3 The Contractor shall be responsible for ground and surface water control during construction. This requirement shall include, but not be limited to the installation of utilities, manholes, vaults, catch basins, earthwork operations, and road construction.

G-4 Prior to any excavation work, the contractor shall contact Blue Stakes for location of existing utilities. The contractor shall be responsible for determining the location of utilities, whether shown on the plans or not, and protecting the utilities during construction. If existing utility lines conflict in location with new construction, the contractor shall notify the engineer in order to resolve the conflict.

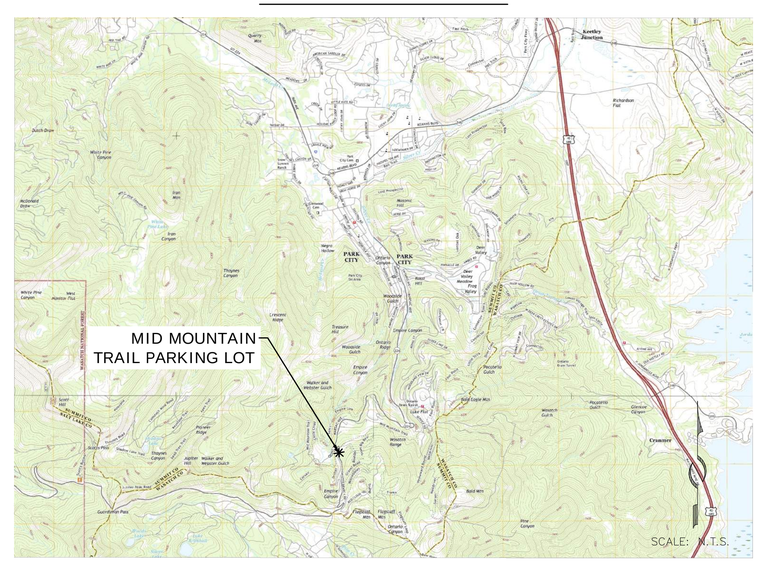
G-5 The contractor shall have a qualified representative to handle grade determination, drainage flow, and connections to existing features using proper grade setting techniques such as, but not limited to, string line, rod and level, GPS, or Surveying.

G-6 All work performed shall be guaranteed by the contractor and/or his surety against all defects in materials and workmanship of whatever nature for a period of one (1) year from the date of final acceptance of the work by the project owner.

G-7 The contractor shall be responsible for the installation and maintenance of adequate signs, traffic devices, and warning devices to inform and protect the public during all phases of construction. The contractor shall submit to the Owner and Design Engineer for approval.

G-8 Compaction testing shall be an integral part of the project. Compaction testing shall include, but shall not be limited to earthwork, trench back-fill, base course, and asphalt pavement. Compaction testing shall be performed by a qualified, independent testing company retained by the contractor.

VICINITY MAP



PROFESSIONAL ENGINEER
No. 12275305
MARTIN CONNOR DINSMORE
06/13/24
STATE OF UTAH

10' 0 10' 20'

(435) 649-9467

Alliance Engineering Inc.

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS

323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

STAFF: MICHAEL DEMKOWICZ
CONNOR DINSMORE

DATE: 06/13/2024

EXISTING CONDITIONS
MID MOUNTAIN TRAIL PARKING PLAN
SOMMET BLANC DEVELOPMENT

FOR: SOMMET BLANC RESIDENCES I, LLC
JOB NO.: 1-11-18
FILE: X:\Empire\dwg\B2 East Design\mid mtn trail\B2 East-Civil - Mid Mt Trail.dwg

SHEET 1 **OF** 5

NOTES:
1. PROPOSED PARKING LOT TO MATCH SLOPE OF EXISTING GUARDSMAN ROAD, S=10% TO 12%
2. CONFIRM WITH OWNER & DEER VALLEY FOR LOCATION/ALIGNMENT OF RELOCATED MID-MOUNTAIN TRAIL

PROFESSIONAL ENGINEER No. 12275305-2202 MARTIN CONNOR DINSMORE 06/13/24 STATE OF UTAH

10' 0 10' 20'

(435) 649-9467
Blanc Engineering Inc.
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323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

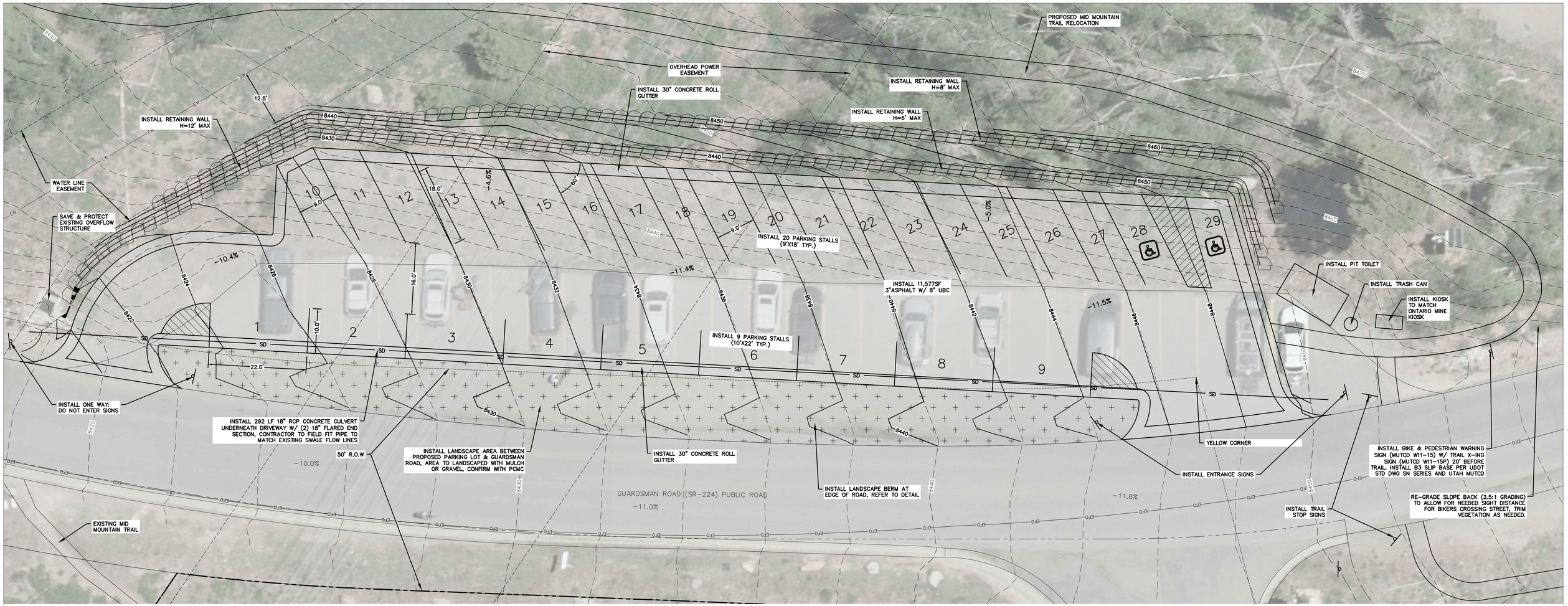
STAFF: MICHAEL DEMKOWICZ, CONNOR DINSMORE

DATE: 06/13/2024

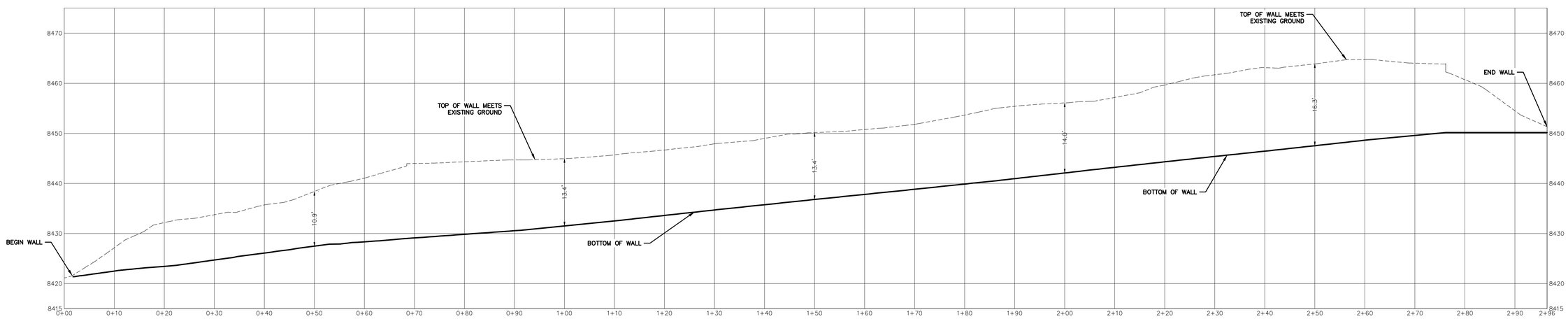
GRADING & SITE PLAN
MID MOUNTAIN TRAIL PARKING PLAN
SOMMET BLANC DEVELOPMENT

FOR: SOMMET BLANC RESIDENCES I, LLC
JOB NO.: 1-11-18
FILE: X:\Empire\dwg\B2 East Design\mid mtn trail\B2 East-Civil - Mid Mt Trail.dwg

SHEET 2 OF 5



ROCK WALL PROFILE



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PROFESSIONAL ENGINEER
No. 12275305
MARTIN CONNOR DINSMORE
06/13/24
STATE OF UTAH

10' 0 10' 20'

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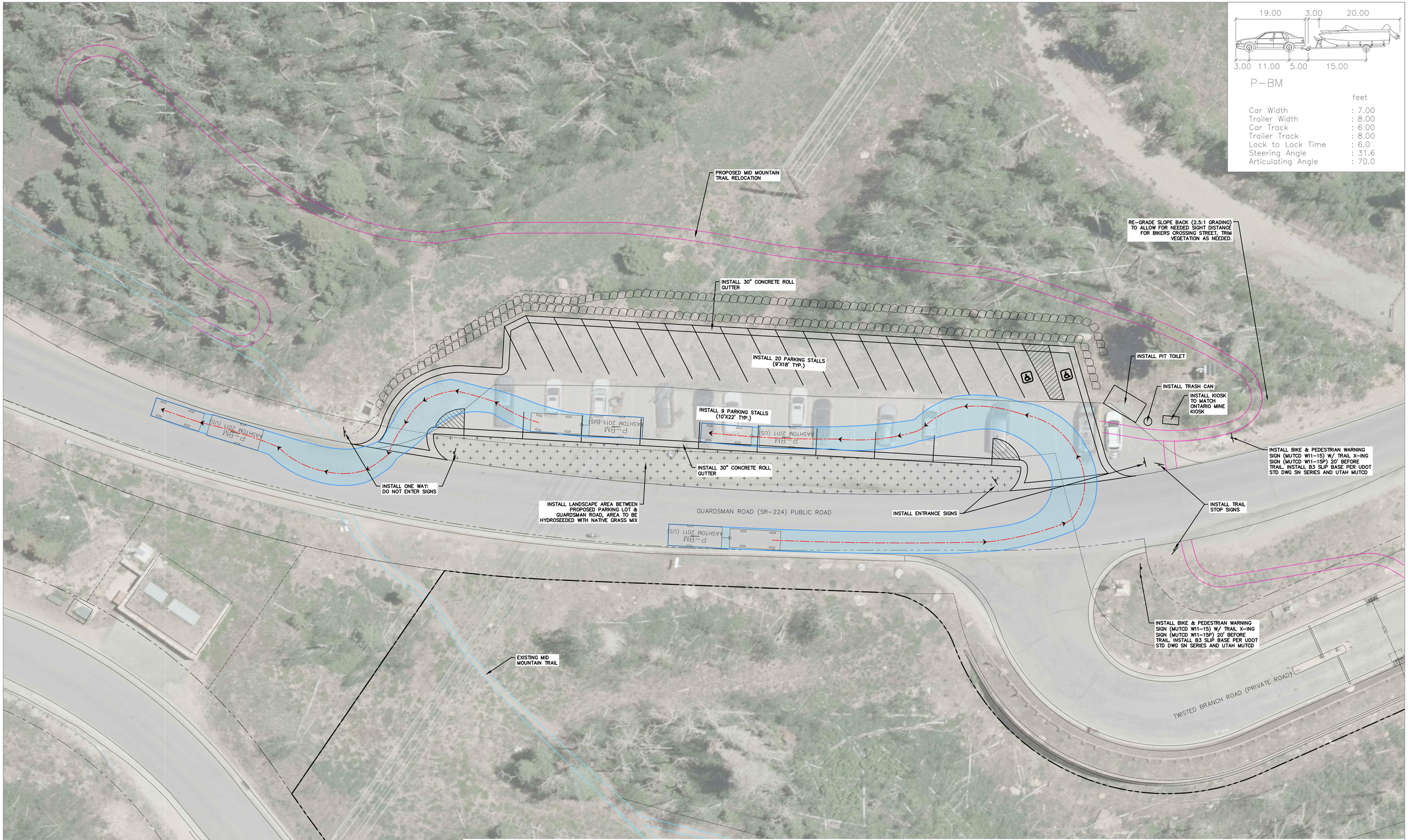
STAFF:
MICHAEL DEMKOWICZ
CONNOR DINSMORE

DATE: 06/13/2024

ROCK WALL PLAN AND PROFILE
MID MOUNTAIN TRAIL PARKING PLAN
SOMMET BLANC DEVELOPMENT

FOR: SOMMET BLANC RESIDENCES I, LLC
JOB NO.: 1-11-18
FILE: X:\Empire\dwg\B2 East Design\mid mtn trail\B2 East-Civil - Mid Mt Trail.dwg

SHEET 3 OF 5



NOTES:
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2. CONFIRM WITH OWNER & DEER VALLEY FOR LOCATION/ALIGNMENT OF RELOCATED MID-MOUNTAIN TRAIL

15' 0 15' 30'

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STAFF:
MICHAEL DEMKOWICZ
CONNOR DINSMORE

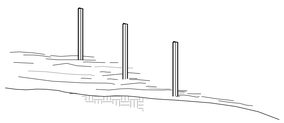
DATE: 06/13/2024

AUTO TURN DETAIL
MID MOUNTAIN TRAIL PARKING PLAN
AUTOTURN EXHIBIT

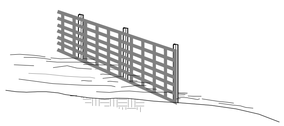
FOR: SOMMET BLANC RESIDENCES I, LLC
JOB NO.: 1-11-18
FILE: X:\Empire\dwg\B2 East Design\mid mtn trail\B2 East-Civil - Mid Mt Trail.dwg

SHEET 4 OF 5

1. SET METAL T–POSTS @ 8' O.C. MAX.



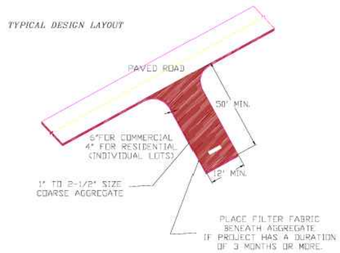
2. ATTACH ORANGE CONSTRUCTION FENCING TO THE T–POSTS.



STANDARD DRAWING	CONSTRUCTION FENCE DETAIL
	ALLIANCE ENGINEERING — dtl\parkcity\const fence

STABILIZED CONSTRUCTION ENTRANCE

TYPICAL DESIGN LAYOUT

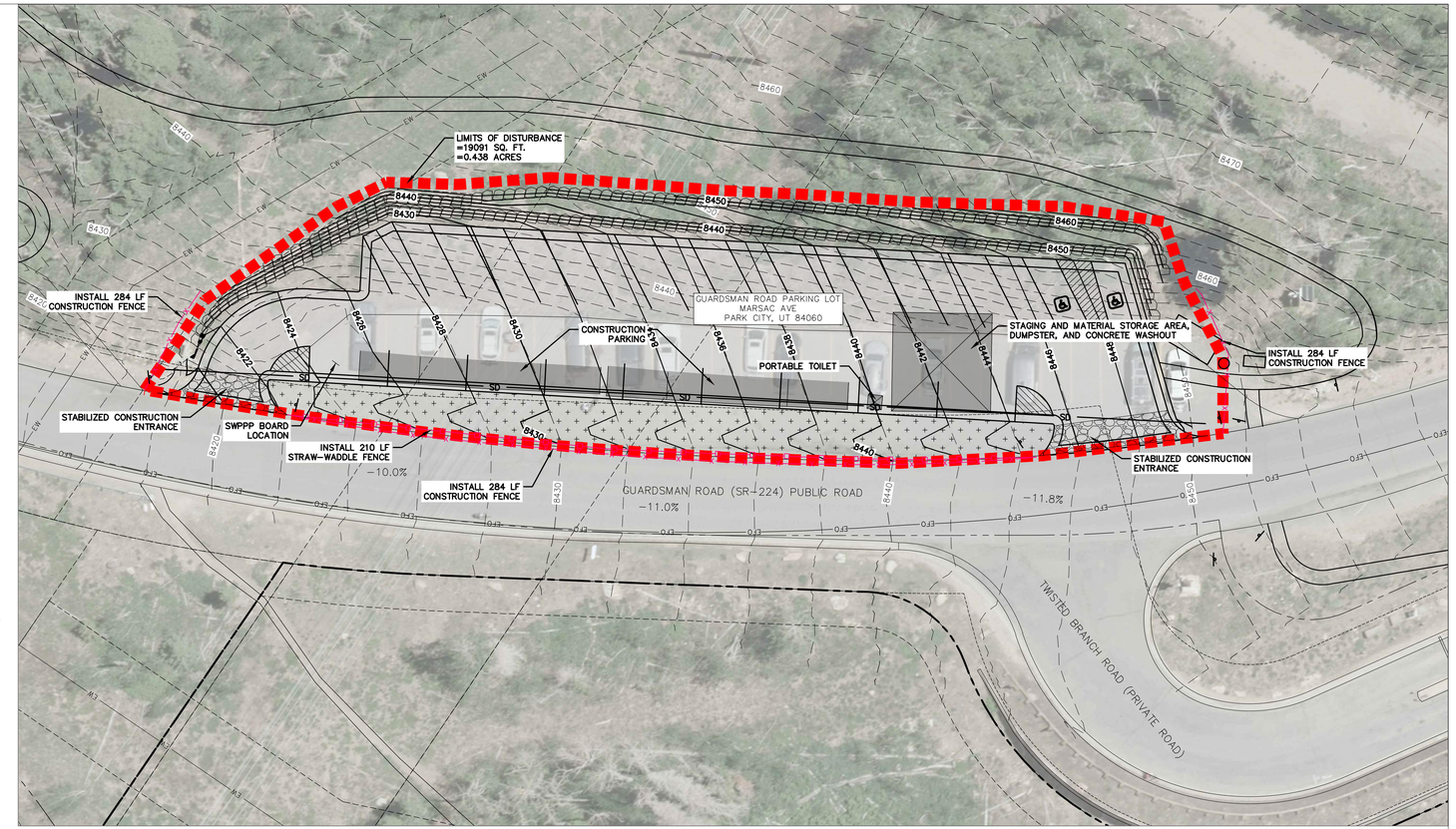


INSTALLATION:

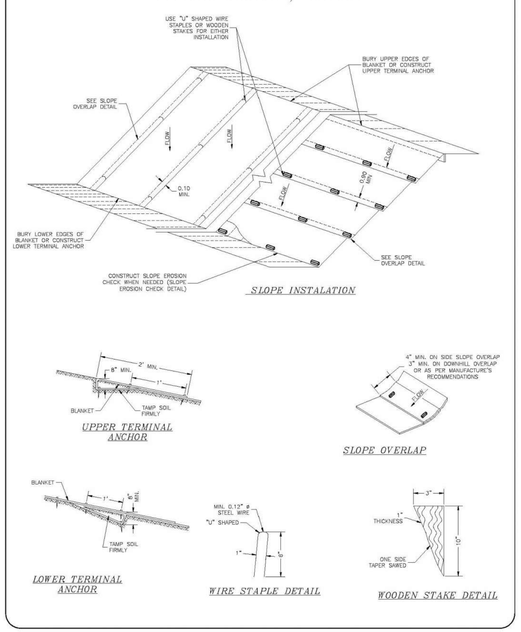
1. Install at any point of ingress or egress at a construction site where adjacent traveled way is paved.
2. Clear and grub area and grade to provide slope shown for driveway, or access/intersection. If adjacent to waterway, use a maximum slope of 2%.
3. Compact subgrade and place filter fabric if required.
4. Place coarse aggregate, 1 to 2 ½ inches size, to a minimum depth of 6 inches for commercial projects, and 4 inches for residential projects.

MAINTENANCE:

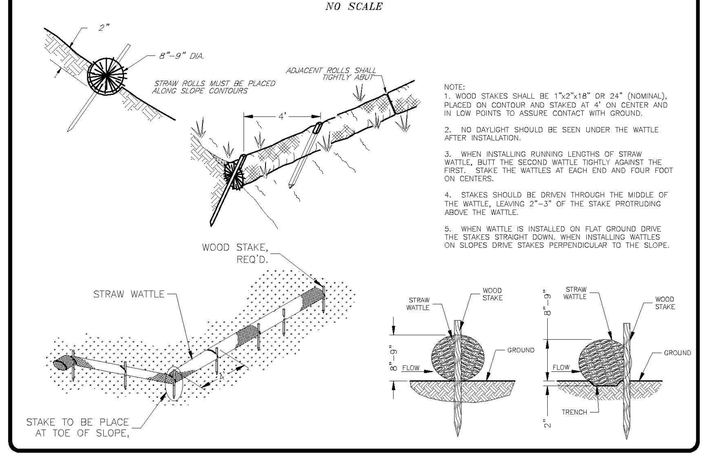
1. Inspect daily for loss of gravel or sediment buildup.
2. Inspect adjacent roadway for sediment deposit and clean by sweeping or shoveling.
3. Repair entrance and replace gravel as required to maintain control in good working condition.
4. Expand stabilized area as required to accommodate traffic, and off site street parking and prevent erosion at driveway.



GEOTEXTILES–
TYPICAL DESIGN / LAYOUT



STRAW WATTLE DETAIL
NO SCALE



NOTE:
1. WOOD STAKES SHALL BE 1"x2"x18" OR 24" (NOMINAL), PLACED ON CONTOUR AND STAKED AT 4' ON CENTER AND IN LOW POINTS TO ASSURE CONTACT WITH GROUND.

2. NO DAYLIGHT SHOULD BE SEEN UNDER THE WATTLE AFTER INSTALLATION.

3. WHEN INSTALLING RUNNING LENGTHS OF STRAW WATTLE, BUTT THE SECOND WATTLE TIGHTLY AGAINST THE FIRST. STAKE THE WATTLES AT EACH END AND FOUR FOOT ON CENTERS.

4. STAKES SHOULD BE DRIVEN THROUGH THE MIDDLE OF THE WATTLE, LEAVING 2"–3" OF THE STAKE PROTRUDING ABOVE THE WATTLE.

5. WHEN WATTLE IS INSTALLED ON FLAT GROUND DRIVE THE STAKES STRAIGHT DOWN. WHEN INSTALLING WATTLES ON SLOPES DRIVE STAKES PERPENDICULAR TO THE SLOPE.

NOTES:

1. CONSTRUCTION PARKING/TRAFFIC MAY NOT BLOCK THE STREET WITHOUT A PERMIT (AVAILABLE FORM THE ENGINEERING DIVISION).
2. MUD TRACKED OUT ONTO THE STREET MUST BE CLEANED PRIOR TO THE END OF THE WORK DAY.
3. THE CONSTRUCTION SITE MUST BE MAINTAINED IN A NEAT MANNER. TRASH AND OTHER DEBRIS MAY NOT ACCUMULATE OUTSIDE THE SITE.
4. ROADSIDE PARKING IS NOT ALLOWED.
5. ANY DISTURBED AREA LEFT EXPOSED FOR A PERIOD GREATER THAN 14 DAYS SHALL BE STABILIZED WITH MULCH OR TEMPORARY SEEDING.
6. EROSION CONTROL MEASURES WILL BE MAINTAINED AT ALL TIMES. IF FULL IMPLEMENTATION OF THE APPROVED PLAN DOES NOT PROVIDE FOR EFFECTIVE EROSION CONTROL, ADDITIONAL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE IMPLEMENTED TO CONTROL OR TREAT THE SEDIMENT SOURCE.
7. THE ESCAPE OF SEDIMENT FROM THE SITE SHALL BE PREVENTED BY THE INSTALLATION OF EROSION CONTROL MEASURES AND PRACTICES PRIOR TO, OR CONCURRENT WITH, LAND DISTURBING ACTIVITIES.

PROFESSIONAL ENGINEER
No. 12275305
MARTIN CONNOR DINSMORE
06/13/24
STATE OF UTAH

10' 0 10' 20'

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

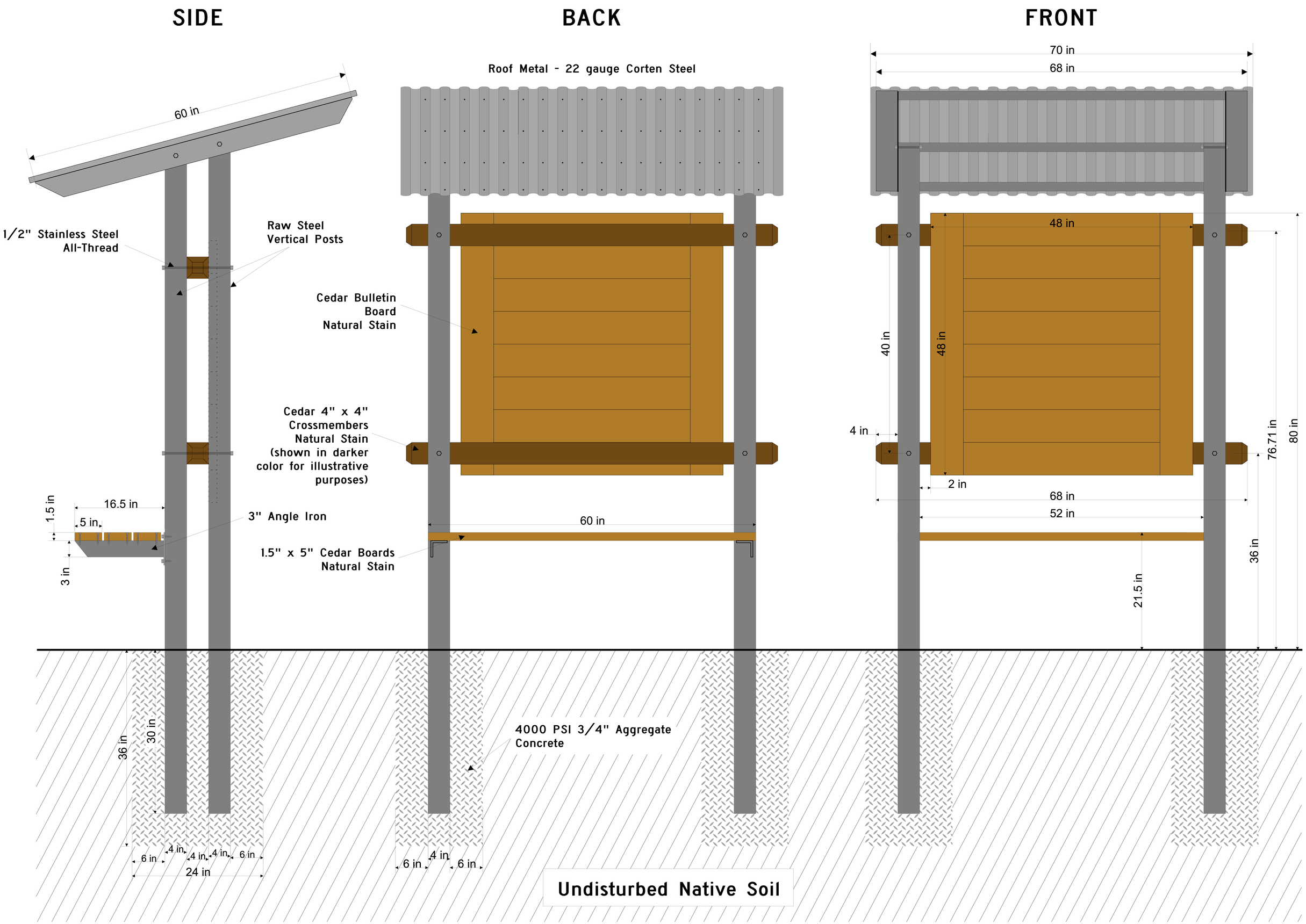
STAFF: MICHAEL DEMKOWICZ
CONNOR DINSMORE

DATE: 06/13/2024

CONSTRUCTION MITIGATION PLAN / SWPPP
MID MOUNTAIN TRAIL PARKING PLAN
SOMMET BLANC DEVELOPMENT

FOR: SOMMET BLANC RESIDENCES I, LLC
JOB NO.: 1–11–18
FILE: X:\Empire\dwg\B2 East Design\mid mtn trail\B2 East–Civil – Mid Mt Trail.dwg

SHEET 5 **OF** 5


SIDE
BACK
FRONT
60 in
1/2" Stainless Steel All-Thread
Raw Steel Vertical Posts
1.5 in
16.5 in
5 in
3 in
3" Angle Iron
Roof Metal - 22 gauge Corten Steel
Cedar Bulletin Board Natural Stain
Cedar 4" x 4" Crossmembers Natural Stain (shown in darker color for illustrative purposes)
60 in
1.5" x 5" Cedar Boards Natural Stain
70 in
68 in
48 in
40 in
48 in
4 in
2 in
68 in
52 in
76.71 in
80 in
36 in
21.5 in
36 in
30 in
4000 PSI 3/4" Aggregate Concrete
6 in
4 in
4 in
4 in
6 in
24 in
6 in
4 in
6 in
Undisturbed Native Soil

Planning Department
Staff Report

Subject: **30 Nakoma Terrace**
Application: **PL-24-06145**
Author: **Jaron Ehlers, Planning Technician**
Date: **June 27, 2024**
Type of Item: **Administrative Conditional Use Permit**

Recommendation

(I) Review the Administrative Conditional Use Permit to construct a retaining wall greater than six feet in height in the Residential Development Zoning District, (II) conduct a public hearing, and (III) consider approving the Administrative Conditional Use Permit based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter (Exhibit A)

Description

Applicant:	Midway Construction, represented by Beau McDonald
Location:	30 Nakoma Terrace
Zoning District:	Residential Development, Sensitive Land Overlay
Adjacent Land Uses:	Residences, Ski Resort
Reason for Review:	The Planning Department reviews and takes Final Action on Administrative Conditional Use Permits.[1]

ACUP	Administrative Conditional Use Permit
LMC	Land Management Code
RD	Residential Development District
SLO	Sensitive Land Overlay

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

Background

30 Nakoma Terrace is Lot 3 of the Nakoma Condominiums First Amended and Restated Condominium Plat. The property is in the Residential Development (RD) Zoning District and the Sensitive Land Overlay (SLO).

On April 25, 2023, the Applicant applied for Building Permit 23-728 to construct a new Single-Family Dwelling. On June 7, 2023, the City issued the Building Permit, conditioning it to require to the Applicant to apply for an Administrative Conditional Use Permit (ACUP) for any retaining walls greater than six feet in height from Final Grade pursuant to LMC § 15-2.13-2(B)(40).

Nakoma Condominiums First Amended and Restated Condominium Plat (Exhibit B) establishes Setbacks around the entire Condominium Development, with none of those

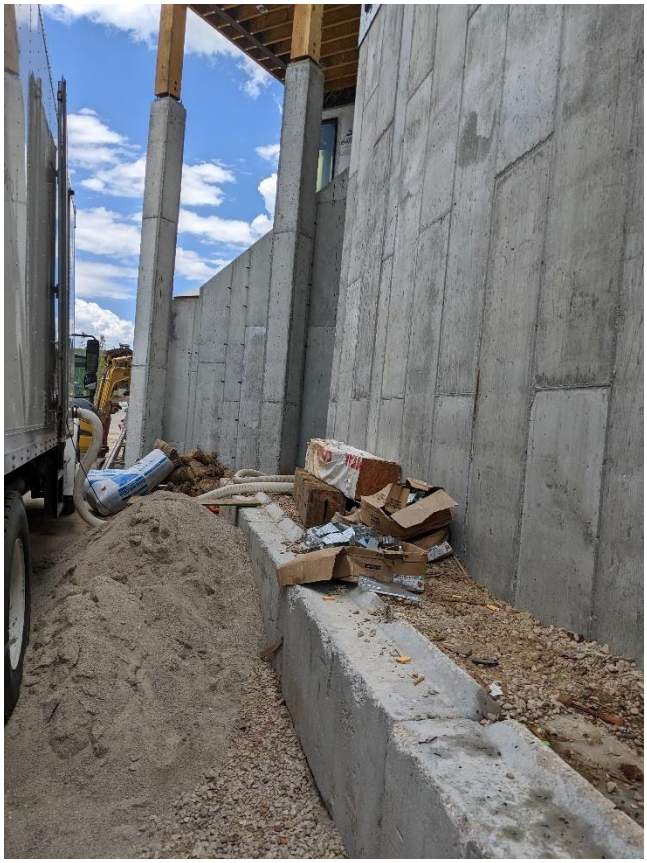
[1] LMC § 15-1-8(E)

Setbacks located on Unit 3.

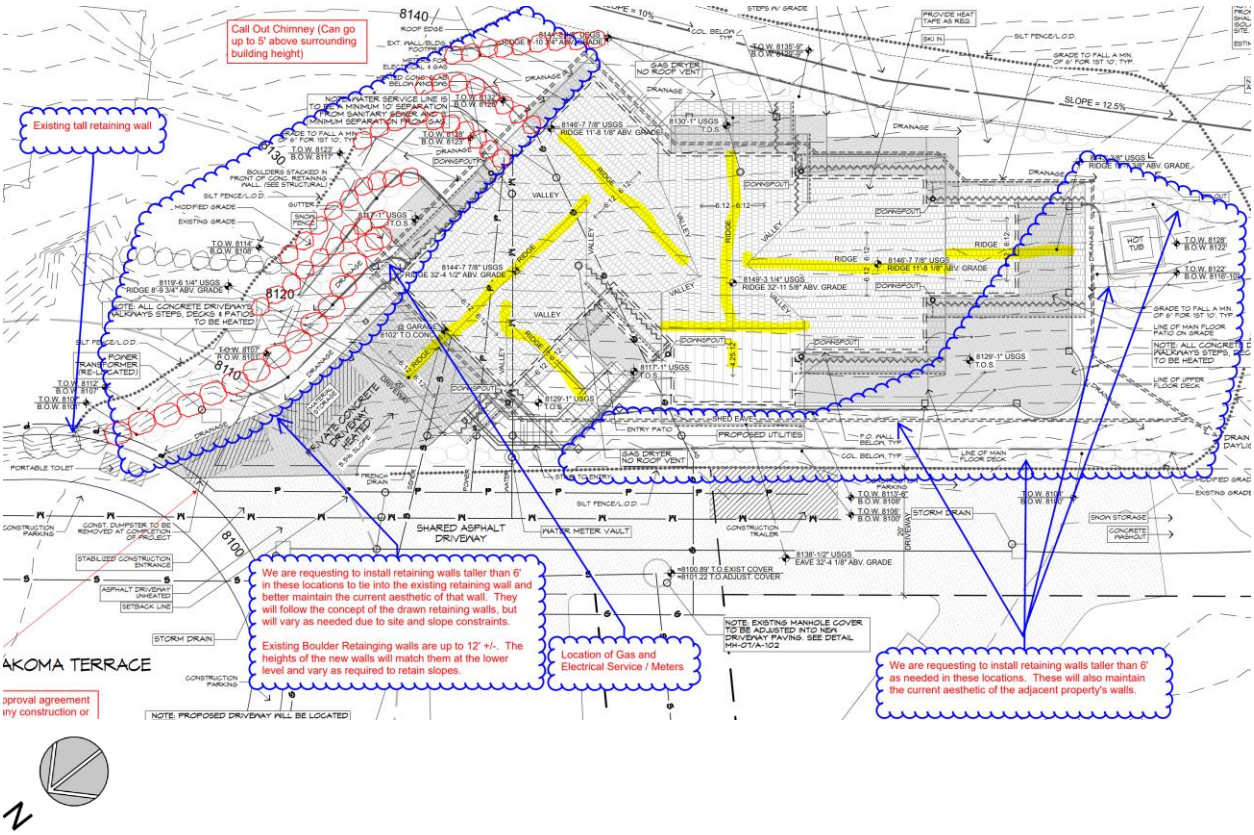
30 Nakoma Terrace is highlighted by the red circle shown on the Summit County Parcel Viewer.

Front view of the Single-Family Dwelling. The proposed areas for the retaining walls that exceed six feet in Height from Final Grade are shown by the red circles.

Image of neighboring retaining wall. Applicant plans to extend that wall in size and material for the retaining walls behind the new Single-Family Dwelling.



Side View of Single-Family Dwelling and location where the second set of retaining walls may be constructed. Applicant is unsure if they will be necessary but requests permission for them.



Site Plan (Attachment 1). Applicant would like to continue the style of retaining walls on the neighboring property for the eastern area. In the western area, the Applicant is requesting permission to construct retaining walls but has not yet determined if they are necessary.

The full analysis of the proposed retaining wall is outlined in the Draft Final Action Letter (see Exhibit A).

Department Review

The Development Review Committee reviewed the proposal on June 18, 2024, and confirmed the proposal complies with required standards.[2]

Notice

Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on June 12, 2024. Staff mailed courtesy notice to adjacent property owners on June 12, 2024.[3]

Public Input

Staff did not receive any public input at the time this report was published.

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[2] The Development Review Committee meets the first and third Tuesday of each month to review and provide comments on Planning Applications, including review by the Building Department, Engineering Department, Sustainability Department, Transportation Planning Department, Code Enforcement, the City Attorney's Office, Local Utilities including Rocky Mountain Power and Dominion Energy, the Park City Fire District, Public Works, Public Utilities, and the Snyderville Basin Water Reclamation District (SBWRD).
[3] LMC § 15-1-21

Alternatives

- The Planning Director may approve the Administrative Conditional Use Permit;
- The Planning Director may deny the Administrative Conditional Use Permit and direct staff to make Findings for the denial; or
- The Planning Director may request additional information and continue the discussion to a date certain.

Exhibits

Exhibit A: Draft Final Action Letter
    Attachment 1: Proposed Plans
Exhibit B: Current Plat
Exhibit C: Ordinance 08-16

Planning Department

June 27, 2024

Beau McDonald

CC: Jonathon Spagat

NOTICE OF PLANNING DEPARTMENT ACTION

Description

Address:	30 Nakoma Terrace
Zoning District:	Residential Development Sensitive Land Overlay
Application:	Administrative Conditional Use Permit
Project Number:	PL-24-06145
Action:	APPROVED WITH CONDITIONS (See Below)
Date of Final Action:	June 27, 2024
Project Summary:	The Applicant Proposes to Construct Retaining Walls in Two Locations Greater than Six Feet

Action Taken

On June 27, 2024, the Planning Director conducted a public hearing and approved the Administrative Conditional Use Permit according to the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact

1. 30 Nakoma Terrace is Lot 3 of the Nakoma Condominiums First Amended and Restated Condominium Plat.
2. The property is in the Residential Development (RD) Zoning District and the Sensitive Land Overlay (SLO), and was developed as part of the Flagstaff Development Agreement and Master Planned Development for the Flagstaff Mountain Resort Phase II (Pod B-1), as amended.
3. The City approved the Flagstaff Mountain Development Agreement/Annexation Resolution 99-30 on June 24, 1999.

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4. On September 11, 2002, the Planning Commission approved a Master Planned Development for the Flagstaff Mountain Resort Phase II (Pod B-1).
5. On October 27, 2004, the Planning Commission approved an MPD Amendment to Lot B.
6. On April 23, 2008, the Planning Commission approved a second MPD Amendment.
7. On May 29, 2008, the City Council passed Ordinance 08-16, approving the Nakoma Condominiums First Amended and Restated Condominium Plat, which was recorded with Summit County on December 31, 2008.
8. On April 25, 2023, the Applicant applied for Building Permit 23-728 for a new Single-Family Dwelling at 30 Nakoma Terrace.
9. On June 7, 2023, the City issued the Building Permit, conditioning it to require to the Applicant to apply for an Administrative Conditional Use Permit for any retaining walls greater than six feet in height from Final Grade, which requires an Administrative Conditional Use Permit (ACUP) in the Residential Development Zoning District pursuant to LMC § 15-2.13-2(B)(40).
10. Nakoma Condominiums First Amended and Restated Condominium Plat establishes Setbacks around the entire Condominium Development, with none of those Setbacks located on Unit 3.
11. The Single-Family Dwelling is currently under construction.
12. On May 28, 2024, the Applicant applied for an ACUP to construct retaining walls that exceed six feet in height from Final Grade within two locations on the site.
13. On June 18, 2024, the Development Review Committee reviewed the proposal and confirmed it meets the required standards.
14. The areas where the proposed retaining walls are approved are shown in blue on the Proposed Plans (Attachment 1).
15. All retaining walls are proposed to be constructed from boulders.
16. The retaining walls in the eastern area are intended to continue the existing retaining walls at 24 Nakoma Terrace.
17. The forward retaining wall on 24 Nakoma Terrace, which encroaches onto 30 Nakoma Terrace, exceeds 11 feet in height.
18. In the western area, the Applicant is requesting permission to construct retaining walls but has not yet determined if they are necessary.
19. Walls greater than six feet in height from Final Grade in the RD Zoning District require an ACUP pursuant to LMC § 15-2.13-2(B)(40).

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20. The Planning Director reviewed the proposal based on the following Conditional Use Permit criteria outlined in LMC § 15-1-10(E):

CUP Review Criteria	Analysis of Constructed Wall
Size and Location of the Site	**No required mitigation:** The retaining walls are located on Site on the eastern and western sides of the new Single-Family Dwelling. The Single-Family Dwelling is located at the north end of the Lot and the proposed retaining walls are within the Private Area shown on the Plat. The retaining walls are of a comparable material and Height with 24 Nakoma Court, which has a forward retaining wall that exceeds 11 feet in height.
Traffic	**No required mitigation**
Utility Capacity	**No required mitigation** The retaining walls are not proposed to be installed on or near any platted utility easements.
Emergency Vehicle Access	**No required mitigation**
Parking	**No required mitigation**
Internal Vehicular and Pedestrian Circulation System	**No required mitigation**
Fencing, Screening, and Landscaping	**No required mitigation:** The retaining walls are consistent with Upper Deer Valley Objective 9.5: Aesthetic of the Upper Deer Vally: A Grand Scale Within the Forest. That objective specifically calls out “large retaining walls” as a “repeated design characteristics” of the neighborhood.

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Building Mass, Bulk, and Orientation	**Condition of Approval 3:** Staff recommends all retaining walls must be no more than 12 feet in height.
Useable Open Space	**No required mitigation**
Signs and Lighting	**No required mitigation**
Physical Design and Compatibility with Surrounding Structures	**Condition of Approval 6:** The retaining walls are consistent with Upper Deer Valley Objective 9.5: Aesthetic of the Upper Deer Vally: A Grand Scale Within the Forest. That objective specifically calls out "large retaining walls" as a "repeated design characteristics" of the neighborhood. The proposed boulder material is compliant with LMC § 15-5-5. 24 Nakoma Terrace has an existing retaining wall which all retaining walls will continue in material.
Noise, Vibration, Odors, Stream, or Other Mechanical Factors	**No required mitigation**
Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas	**No required mitigation**
Expected Ownership and Management	**No required mitigation**
Within and Adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, and Appropriateness of the Proposed Structure to the	**Complies:** The site is in the Sensitive Land Overlay but is not in the Soils Ordinance boundary. The density of this use was allocated by the Flagstaff Mountain Resort Phase II (Pod B-1) and determinations for Sensitive Land compliance being made at that stage. The retaining walls are required to support the Single-Family Dwelling. While Steep Slopes may be impacted, the site has already been

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Existing Topography of the Site	significantly disturbed both by the ongoing construction on 30 Nakoma Terrace as well as by the other buildings in the Condominium.
Reviewed for Consistency with the Goals and Objectives of the Park City General Plan	**Complies:** The Retaining Walls are consistent with Upper Deer Valley Objective 9.5: Aesthetic of the Upper Deer Vally: A Grand Scale Within the Forest. That objective specifically calls out "large retaining walls" as a "repeated design characteristics" of the neighborhood.

21. LMC § 15-2.21-4(E) requires all retaining walls within the SLO to receive approval "based upon assessment of visual impact, Compatibility with surrounding terrain and vegetation, and safety."
    a. While there will be visual impact, it is consistent with the Upper Deer Valley neighborhood. The retaining walls will be able to be seen from the Nakoma Terrace Road, a private road, but the proposed retaining walls will be consistent with existing retaining walls in the neighborhood, including on neighboring 24 Nakoma Terrace, which exceeds 11 feet in height.
    b. The retaining walls are compatible with the surrounding terrain and vegetation.
    c. Both the Engineering and Building Departments have identified no issues with the proposed Retaining Wall.

Conclusions of Law

1. The proposal complies with Land Management Code § 15-1-10 *Conditional Use Review Process,* Chapter 15-2.21 *Sensitive Land Overlay Zone (SLO) Regulations*, and Chapter 15-2.13 *Residential Development (RD) Zoning District.*
2. The Use is compatible with surrounding Structures in Use, scale, mass, and circulation.
3. The effects of any difference in use or scale have been mitigated through careful planning.

Conditions of Approval

1. The Applicant is responsible for notifying the Planning Department in writing of any changes, modifications, or deviations from the approved scope of work and

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shall be reviewed and approved or denied by the Planning Director or their designee in accordance with applicable development standards.

2. Final building plans and construction details shall reflect substantial compliance with the plans reviewed by the Planning Department submitted with this application. Any changes, modifications, or deviations from the approved design that have not been approved in advance by the Planning Department may result in a Stop Work Order.
3. All retaining walls onsite shall not exceed 12 feet in height.
4. Retaining walls four feet and larger require engineered plans at the time of building permit submittal and require review and approval by the Engineering and Building Departments.
5. If retaining walls are not constructed within the western area, approval for any retaining walls there shall expire upon the issuance of the Certificate of Occupancy for 30 Nakoma Terrace, and if the Applicant, or any future owner, wishes to construct retaining walls on that part of the property, they shall seek a new approval.
6. All retaining walls shall be built with boulder materials similar to the existing retaining walls on 24 Nakoma Terrace.

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

Sincerely,

Rebecca Ward
Planning Director

CC: Jaron Ehlers, Project Planner

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Park City Administrative Conditional Use Permit – Requirement #2

Written Statement Describing Request

We are requesting permission to install retaining walls taller than noted in the Park City LMC 15-2.13-3. The intent of this request is to bring the walls at this project in line with the surrounding lots that currently have taller retaining walls. This is especially true of walls on Lot 2 at the NE side of this Lot 3 which will continue into the house on Lot 3. In order to effectively tie the new walls into the existing walls and maintain the current aesthetic, we will need to match the taller as-built retaining walls.

In addition to the walls on the NE side of this lot, we would like to install taller walls along the shared driveway and potentially on the SW side of the house. We intend to maintain the two-tiered walls shown in the drawings at front of the middle of the house, but may need transition to a single taller wall where the decks occur. This will also be in keeping with the aesthetic of the walls near Lot 2.

These locations referenced above are noted on the attached site plan with 'blue' clouded borders.

PARK CITY 1884

APPROVED
PARK CITY PLANNING DEPT.
Planner - Olivia Cvetko
05/10/2023
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 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.

NOTE: DIRECT THE DRAINAGE WATER TO THE STREET OR TO AN APPROVED DRAINAGE COURSE BUT NOT ONTO NEIGHBORING PROPERTIES. THE GRADE SHALL FALL A MINIMUM OF 6" WITHIN THE FIRST 10'. I.R.C. R401.3

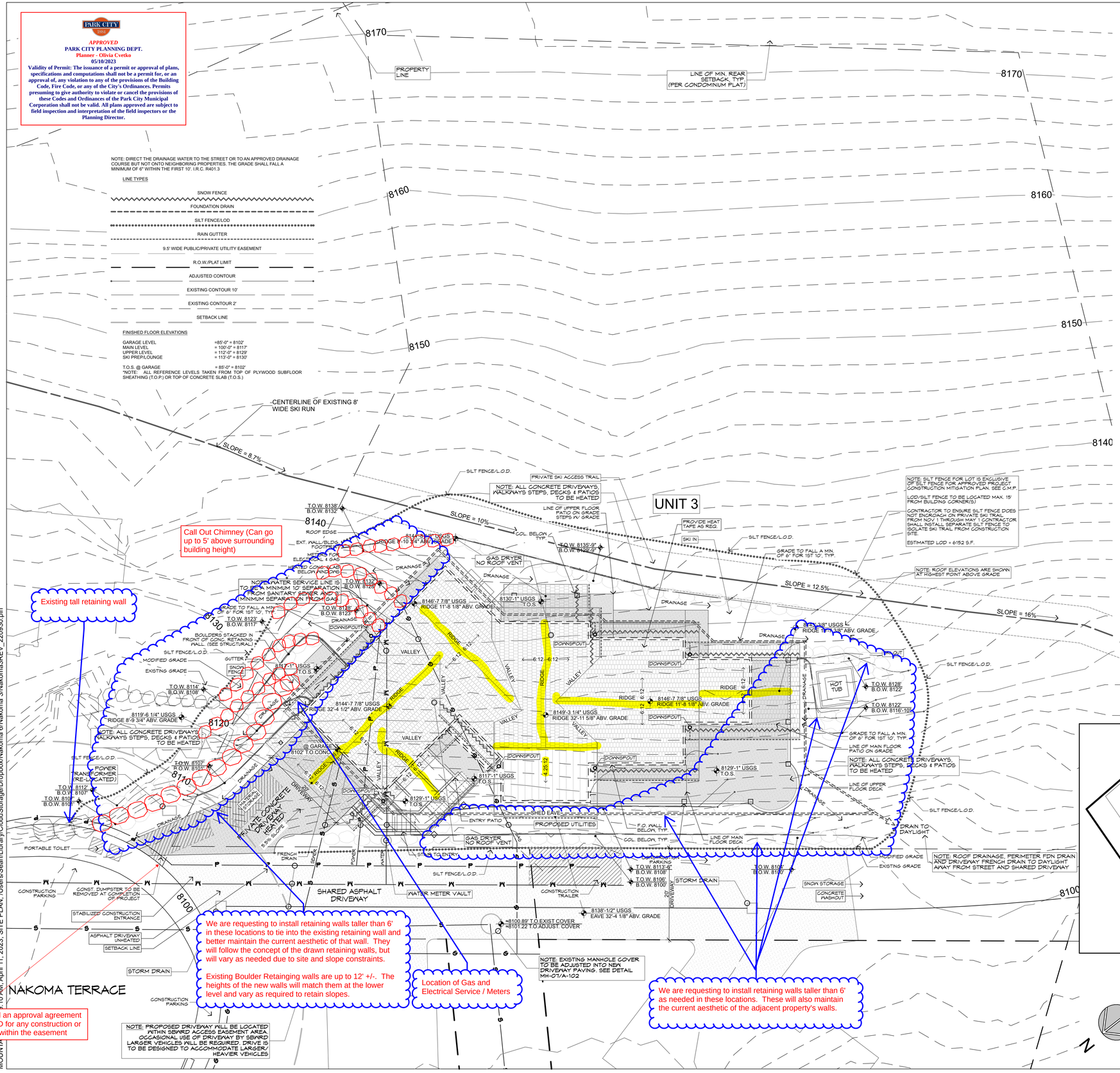
LINE TYPES

SNOW FENCE
FOUNDATION DRAIN
SILT FENCE/LOD
RAIN GUTTER
9.5' WIDE PUBLIC/PRIVATE UTILITY EASEMENT
R.O.W./PLAT LIMIT
ADJUSTED CONTOUR
EXISTING CONTOUR 10'
EXISTING CONTOUR 2'
SETBACK LINE

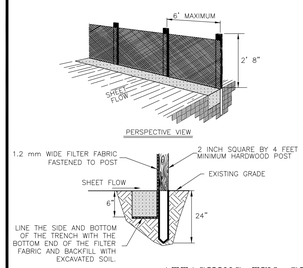
FINISHED FLOOR ELEVATIONS

GARAGE LEVEL	=85'-0" = 8102'
MAIN LEVEL	= 100'-0" = 8117'
UPPER LEVEL	= 112'-0" = 8129'
SKI PREP/LOUNGE	= 113'-0" = 8130'
T.O.S. @ GARAGE	= 85'-0" = 8102'

*NOTE: ALL REFERENCE LEVELS TAKEN FROM TOP OF PLYWOOD SUBFLOOR SHEATHING (T.O.P.) OR TOP OF CONCRETE SLAB (T.O.S.)



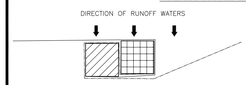
SILT FENCE



INSTALLATION:
1. Where possible, layout the silt fence 5 to 10 feet beyond the toe of slope.
2. Align the fence along the contour as close as possible.
3. When excavating the trench, use machinery that will produce no more than the desired dimension.
4. Place posts 6 foot on center along contour (or use pre assembled unit) and drive 2 feet (min.) into ground. Excavate an anchor trench (8 inches wide and 8 inches deep) immediately up-gradient of posts.
5. Cut fabric to required width, unroll along length of barrier and drape over barrier. Secure fabric to, stakes with staples, or similar, with trailing edge extending into anchor trench.
6. Backfill trench over filter fabric to anchor.

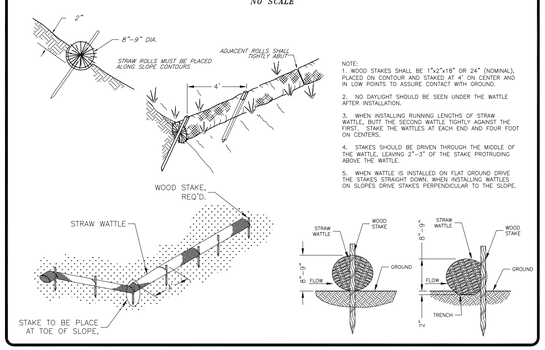
MAINTENANCE:
1. Inspect immediately after any rainfall and at least daily during prolonged rainfall.
2. Look for runoff bypassing ends of barriers or undercutting fence (repair immediately).
3. Repair or replace damaged areas of the fence and remove accumulated sediment.
4. Re-anchor fence as necessary to prevent shortcutting.
5. Remove accumulated sediment when it reaches ½ the height of the fence.

ATTACHING TWO SILT FENCES



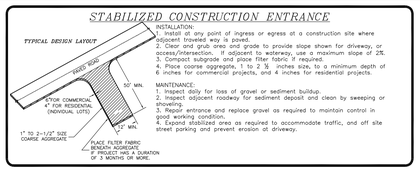
1. PLACE THE END POST OF THE SECOND FENCE INSIDE THE END POST OF THE FIRST FENCE.
2. ROTATE BOTH POSTS AT LEAST 180 DEGREES IN A CLOCKWISE DIRECTION TO CREATE A TIGHT SEAL WITH THE FABRIC MATERIAL.
3. DRIVE BOTH POSTS ABOUT 24 INCHES INTO THE GROUND AND BURY FLAP.

STRAW WATTLE DETAIL
NO SCALE



NOTE:
1. WOOD STAKES SHALL BE 1"x2"x18" OR 24" (NOMINAL), PLACED ON CONTOUR AND STAKED AT 4' ON CENTER AND IN LOW POINTS TO ASSURE CONTACT WITH GROUND.
2. NO DAYLIGHT SHOULD BE SEEN UNDER THE WATTLE AFTER INSTALLATION.
3. WHEN INSTALLING RUNNING LENGTHS OF STRAW WATTLE, BUTT THE SECOND WATTLE TIGHTLY AGAINST THE FIRST. STAKE THE WATTLES AT EACH END AND FOUR FOOT ON CENTERS.
4. STAKES SHOULD BE DRIVEN THROUGH THE MIDDLE OF THE WATTLE, LEAVING 2"-3" OF THE STAKE PROTRUDING ABOVE THE WATTLE.
5. WHEN WATTLE IS INSTALLED ON FLAT GROUND DRIVE THE STAKES STRAIGHT DOWN. WHEN INSTALLING WATTLES ON SLOPES DRIVE STAKES PERPENDICULAR TO THE SLOPE.

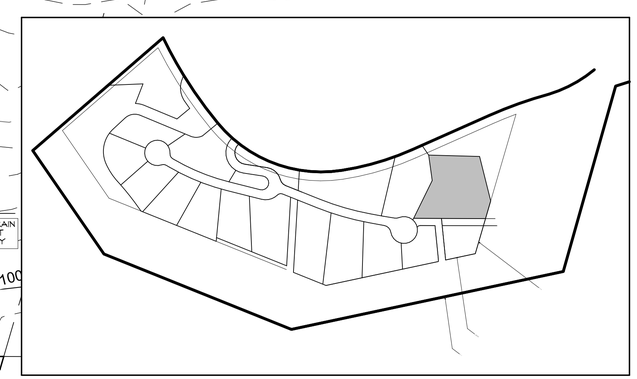
STABILIZED CONSTRUCTION ENTRANCE



INSTALLATION:
1. Install at any point of ingress or egress at a construction site where adjacent traveled way is paved.
2. Clear and grub area and grade to provide slope shown for driveway, or as necessary to provide a smooth, stable surface with a maximum slope of 2%.
3. Compact subgrade and place filter fabric if required.
4. Place coarse aggregate, 1 to 2 ½ inches size, to a minimum depth of 6 inches for commercial projects, and 4 inches for residential projects.

MAINTENANCE:
1. Inspect daily for loss of gravel or sediment buildup.
2. Inspect adjacent roadway for sediment deposit and clean by sweeping or shoveling.
3. Repair entrance and replace gravel as required to maintain control in good working condition.
4. Expand stabilized area as required to accommodate traffic, and off site street parking and prevent erosion at driveway.

PARK CITY
PARK CITY MUNICIPAL CORPORATION
COMMUNITY DEVELOPMENT
06/07/2023
APPROVED



2 VICINITY PLAN
SCALE: 1" =200'

1 SITE PLAN
SCALE: 1" = 10'

JACK THOMAS, AIA
1375 DEER VALLEY DRIVE, Suite #103
P.O. BOX 981985 - PARK CITY, UTAH 84068
PH. 435.640.1343
Email: jackthomasaia@gmail.com

MOUNTAIN RESIDENCE
NAKOMA PHASE 2/LOT 3
30 NAKOMA TERRACE
PARK CITY, UTAH
84060

No.	Revisions	Date

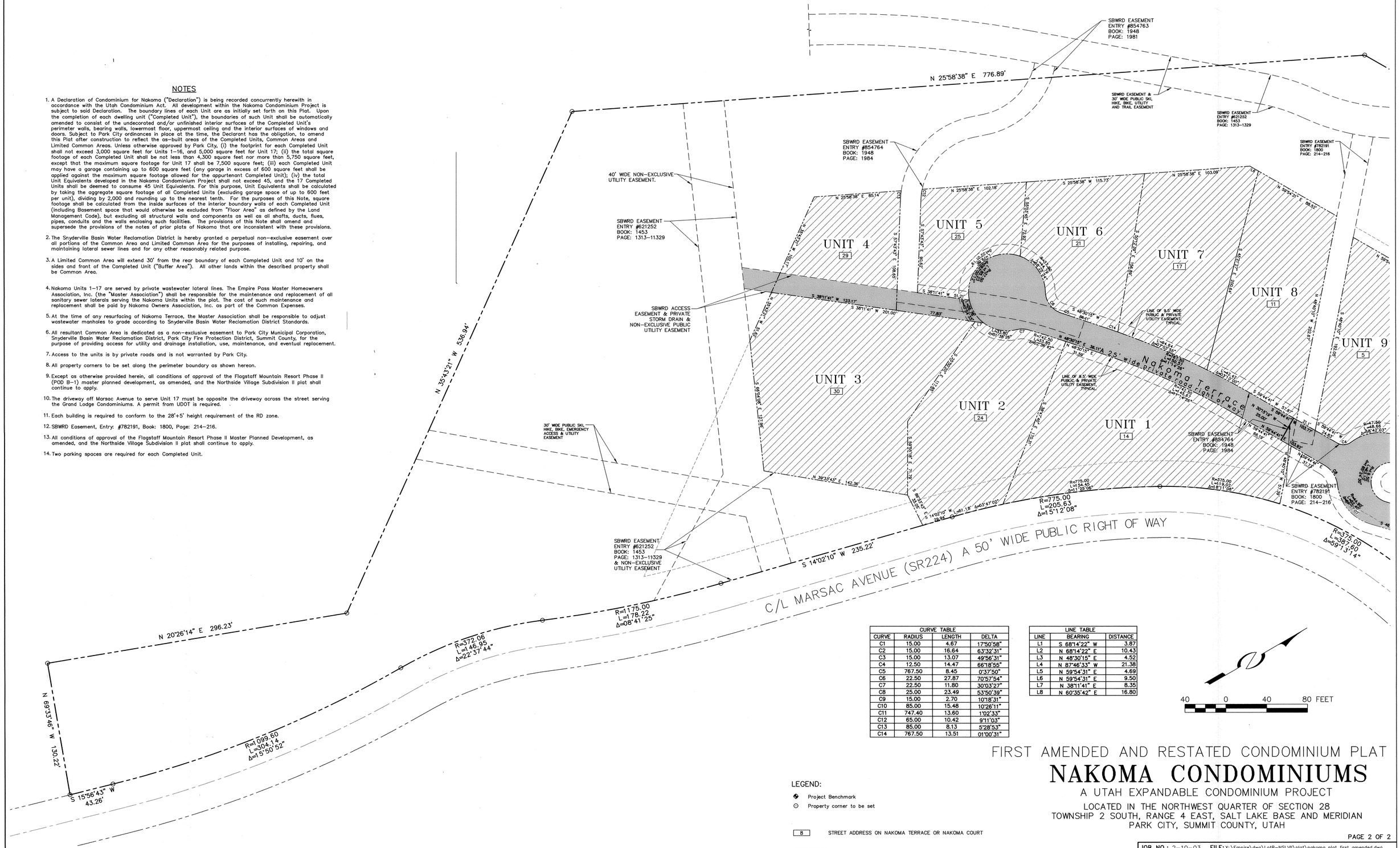
Scale: AS NOTED
Drawing Title: SITE PLAN

STATE OF UTAH #12303 JACK M. THOMAS LICENSED ARCHITECT

Drawn By: SDW
Plot Date: 04.11.23
Issue Date: 04/11/2023
Project No.: NK3-REV2
Drawing No.: A-101
MOUNTAIN

NOTES

1. A Declaration of Condominium for Nakoma ("Declaration") is being recorded concurrently herewith in accordance with the Utah Condominium Act. All development within the Nakoma Condominium Project is subject to said Declaration. The boundary lines of each Unit are as initially set forth on this Plat. Upon the completion of each dwelling unit ("Completed Unit"), the boundaries of such Unit shall be automatically amended to consist of the undecorated and/or unfinished interior surfaces of the Completed Unit's perimeter walls, bearing walls, lowermost floor, uppermost ceiling and the interior surfaces of windows and doors. Subject to Park City ordinances in place at the time, the Declarant has the obligation, to amend this Plat after construction to reflect the as-built areas of the Completed Units, Common Areas and Limited Common Areas. Unless otherwise approved by Park City, (i) the footprint for each Completed Unit shall not exceed 3,000 square feet for Units 1-16, and 5,000 square feet for Unit 17; (ii) the total square footage of each Completed Unit shall be not less than 4,300 square feet nor more than 5,750 square feet, except that the maximum square footage for Unit 17 shall be 7,500 square feet; (iii) each Completed Unit may have a garage containing up to 600 square feet (any garage in excess of 600 square feet shall be applied against the maximum square footage allowed for the appurtenant Completed Unit); (iv) the total Unit Equivalents developed in the Nakoma Condominium Project shall not exceed 45, and the 17 Completed Units shall be deemed to consume 45 Unit Equivalents. For this purpose, Unit Equivalents shall be calculated by taking the aggregate square footage of all Completed Units (excluding garage space of up to 600 feet per unit), dividing by 2,000 and rounding up to the nearest tenth. For the purposes of this Note, square footage shall be calculated from the inside surfaces of the interior boundary walls of each Completed Unit (including Basement space that would otherwise be excluded from "Floor Area" as defined by the Land Management Code), but excluding all structural walls and components as well as all shafts, ducts, flues, pipes, conduits and the walls enclosing such facilities. The provisions of this Note shall amend and supersede the provisions of the notes of prior plats of Nakoma that are inconsistent with these provisions.
2. The Snyderville Basin Water Reclamation District is hereby granted a perpetual non-exclusive easement over all portions of the Common Area and Limited Common Area for the purposes of installing, repairing, and maintaining lateral sewer lines and for any other reasonably related purpose.
3. A Limited Common Area will extend 30' from the rear boundary of each Completed Unit and 10' on the sides and front of the Completed Unit ("Buffer Area"). All other lands within the described property shall be Common Area.
4. Nakoma Units 1-17 are served by private wastewater lateral lines. The Empire Pass Master Homeowners Association, Inc. (the "Master Association") shall be responsible for the maintenance and replacement of all sanitary sewer laterals serving the Nakoma Units within the plat. The cost of such maintenance and replacement shall be paid by Nakoma Owners Association, Inc. as part of the Common Expenses.
5. At the time of any resurfacing of Nakoma Terrace, the Master Association shall be responsible to adjust wastewater manholes to grade according to Snyderville Basin Water Reclamation District Standards.
6. All resultant Common Area is dedicated as a non-exclusive easement to Park City Municipal Corporation, Snyderville Basin Water Reclamation District, Park City Fire Protection District, Summit County, for the purpose of providing access for utility and drainage installation, use, maintenance, and eventual replacement.
7. Access to the units is by private roads and is not warranted by Park City.
8. All property corners to be set along the perimeter boundary as shown hereon.
9. Except as otherwise provided herein, all conditions of approval of the Flagstaff Mountain Resort Phase II (POD B-1) master planned development, as amended, and the Northside Village Subdivision II plat shall continue to apply.
10. The driveway off Marsac Avenue to serve Unit 17 must be opposite the driveway across the street serving the Grand Lodge Condominiums. A permit from UDOT is required.
11. Each building is required to conform to the 28'+5' height requirement of the RD zone.
12. SBWRD Easement, Entry: #782191, Book: 1800, Page: 214-216.
13. All conditions of approval of the Flagstaff Mountain Resort Phase II Master Planned Development, as amended, and the Northside Village Subdivision II plat shall continue to apply.
14. Two parking spaces are required for each Completed Unit.



CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	15.00	4.67	17°50'58"
C2	15.00	16.64	63°32'31"
C3	15.00	13.07	49°56'31"
C4	12.50	14.47	66°18'55"
C5	767.50	8.45	0°37'50"
C6	22.50	27.87	70°57'54"
C7	22.50	11.80	30°03'27"
C8	25.00	23.49	53°50'39"
C9	15.00	2.70	10°18'31"
C10	85.00	15.48	10°26'11"
C11	747.40	13.60	1°02'33"
C12	65.00	10.42	9°11'03"
C13	85.00	8.13	5°28'53"
C14	767.50	13.51	01°00'31"

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 68°14'22" W	3.87
L2	N 68°14'22" E	10.43
L3	N 48°30'15" E	4.52
L4	N 87°46'33" W	21.38
L5	N 59°54'31" E	4.69
L6	N 59°54'31" E	9.50
L7	N 38°11'41" E	8.35
L8	N 60°35'42" E	16.80

LEGEND:

- Project Benchmark
- Property corner to be set
- 8 — STREET ADDRESS ON NAKOMA TERRACE OR NAKOMA COURT
- COMMON OWNERSHIP
- PRIVATE OWNERSHIP
- SBWRD ACCESS EASEMENTS/COMMON OWNERSHIP

FIRST AMENDED AND RESTATED CONDOMINIUM PLAT

NAKOMA CONDOMINIUMS

A UTAH EXPANDABLE CONDOMINIUM PROJECT

LOCATED IN THE NORTHWEST QUARTER OF SECTION 28
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

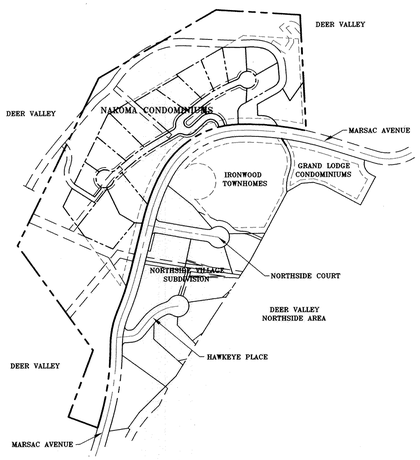
JOB NO.: 2-10-03 FILE: X:\Empire\dwg\LotB-NSLVII\plat\nakoma plat first amended.dwg

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

10/29/08

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
ENTRY NO. 00861927
12/31/2008 03:59:43 PM B: 1961 P: 1851
Plat PAGE 1/1
ALAN SPRIGGS, SUMMIT COUNTY RECORDER
FEE 77.00 BY HIGHLAND TITLE AGENCY INC
DATE _____
PAGE _____
FEE RECORDER



INSET
SCALE: 1"=300'

CURVE TABLE			
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C4	12.50	14.47	66°18'55"
C5	767.50	8.45	00°37'50"
C6	22.50	27.87	70°57'54"
C7	22.50	11.80	30°03'27"
C8	25.00	23.49	53°50'39"
C9	15.00	2.70	10°18'31"
C10	85.00	15.48	10°26'11"
C11	747.40	13.60	01°02'33"
C12	65.00	10.42	09°11'03"
C13	85.00	8.13	05°28'53"
C14	767.50	13.51	01°00'31"

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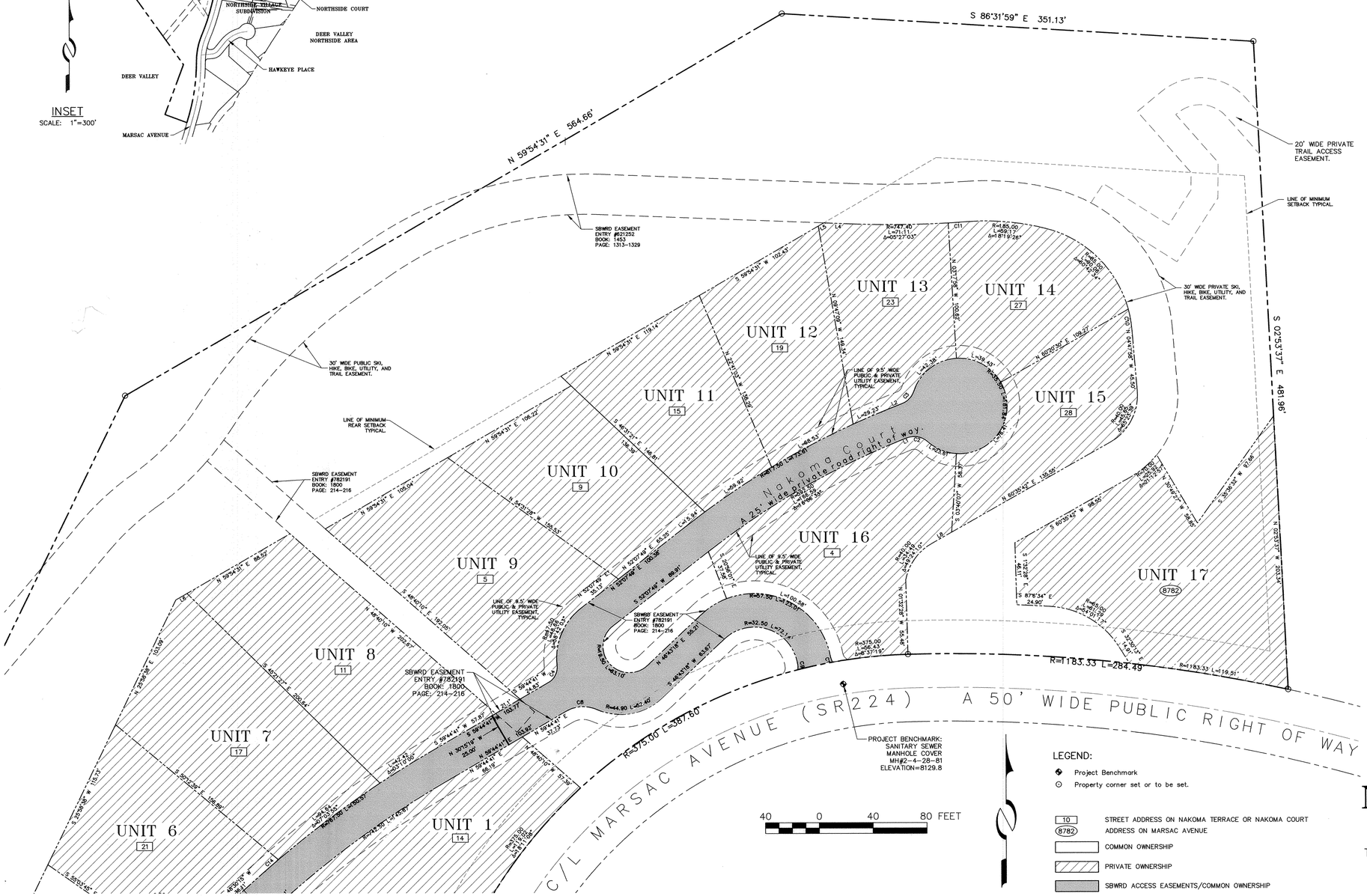
L6	N 59°54'31" E	9.50
L7	N 38°11'41" E	8.35
L8	N 60°35'42" E	16.80



LEGEND:

- Project Benchmark
- Property corner set or to be set.
- 10 STREET ADDRESS ON NAKOMA TERRACE OR NAKOMA COURT
- 8782 ADDRESS ON MARSAC AVENUE
- COMMON OWNERSHIP
- PRIVATE OWNERSHIP
- SBWRD ACCESS EASEMENTS/COMMON OWNERSHIP

REGISTERED LAND SURVEYOR No. 154491 JOHN DEMKOWICZ State of Utah

SURVEYOR'S CERTIFICATE

I, John Demkowicz, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491 as prescribed by the laws of the State of Utah, and that I have caused to be made under my direction and by the authority of the owner(s), this First Amended and Restated Condominium Plat of the NAKOMA CONDOMINIUMS, a Utah Expandable Condominium Project, in accordance with the provisions of the Utah Condominium Ownership Act. I further certify that the information shown hereon is correct.

JOHN DEMKOWICZ, L.S. #154491 — 12-3-08 DATE

BOUNDARY DESCRIPTION

Lot B, NORTHSIDE VILLAGE SUBDIVISION, II, according to the official plat thereof recorded June 28, 2002, as Entry No. 623453 in the office of the Summit County Recorder.

Unit No. 9, 10, 11, 12, 13, 14, 15, & 16 contained within NAKOMA CONDOMINIUMS, a Utah Condominium Project, as the same is identified in the Condominium Plat recorded in the office of the Summit County Recorder ON aUGUST 22, 2006, as Entry No. 788157, and as further defined and described in the Declaration of Covenants, Conditions and Restrictions and Bylaws of the NAKOMA CONDOMINIUMS, a Utah Condominium Project, recorded in the office of the Summit County Recorder on August 22, 2006, in Book 1811, at page 1764, as Entry No. 788158, (as said Map and Declaration may be amended and/or supplemented).

Together with the appurtenant undivided ownership interest in said Condominium Project's Common Areas and Facilities in accordance with aforesaid Declaration and Survey Map and the Utah Condominium Ownership Act.

Less and Excepting any and all outstanding oil and gas, mining and mineral rights, ect., together with the right of the proprietor of a vein or lode to extract his ore there from should same be found to penetrate or intersect the premises, and right of ingress and egress for the use of said rights.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, FRIENDS OF FLAGSTAFF, LLC, a Utah limited liability company, the owner of the tract of land described herein as FIRST AMENDED AND RESTATED NAKOMA CONDOMINIUMS, a Utah Condominium Project, located on said tract of land, hereby certifies that it has caused this survey to be made and this Condominium Plat consisting of TWO (2) sheets to be prepared, and does hereby consent to the recordation of this Record of Survey Map and submit this property to the Utah Condominium Ownership Act.

The owner certifies that the Units shown on this plat, but not under construction at the time the plat was recorded, will, when completed be in conformance with the approved Master Planned Development, Declaration of Condominium, recorded concurrently herewith, and the Land Management Code of Park City Municipal Corporation.

In witness whereof the undersigned has executed this certificate and dedication this 3RD day of DEC 2008.

Friends of Flagstaff LLC,
a Utah limited liability company

By: Jack Thomas
Title: PARTNER

ACKNOWLEDGMENT

State of Utah:
County of Summit: ss:

This instrument was acknowledged before me this 3rd day of December, 2008 by Jack Thomas the Partner of Friends of Flagstaff LLC, a Utah limited liability company.

Notary Public
Teri Ekstrom
Printed Name
Residing in: Summit County
My commission expires: 4/10/2012

OWNER'S CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, Nakoma 5, LLC, a Utah limited liability company, owner of Unit 9 at NAKOMA does hereby consent to the recordation of this Record of Survey Map.

In witness whereof the undersigned has executed this consent this 5th day of December, 2008.

Nakoma 5, LLC,
a Utah limited liability company

By:
Title: MANAGER

ACKNOWLEDGMENT

State of Utah:
County of Summit: ss:

This instrument was acknowledged before me this 5th day of December, 2008 by Paul R. Poulsen the Manager of Nakoma 5, LLC, a Utah limited liability company.

Notary Public
Danette Dani Loehr
Printed Name
Residing in: Heber City, UT
My commission expires: 7-21-12

FIRST AMENDED AND RESTATED CONDOMINIUM PLAT
NAKOMA CONDOMINIUMS

A UTAH EXPANDABLE CONDOMINIUM PROJECT
LOCATED IN THE NORTHWEST QUARTER OF SECTION 28
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

JOB NO.: 2-10-03 FILE: X:\Empire\dwg\LotB-NSLVII\plat\nakoma plat first amended.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 WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 8th DAY OF December, 2008 A.D.
BY S.B.W.R.D.

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 8th DAY OF December, 2008 A.D.
BY CHAIRMAN

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 12th DAY OF DECEMBER, 2008 A.D.
BY PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS 30th DAY OF December, 2008 A.D.
BY PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 29 DAY OF May, 2008 A.D.
BY PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 29th DAY OF May, 2008 A.D.
BY Dana Williams MAYOR

RECORDED # 861927
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF Highland Title Agency
DATE 12-31-2008 TIME 3:59 pm BOOK ____ PAGE ____
$77.00 FEE — Jennifer L. Bowen, Deputy RECORDER

Ordinance No. 08-16

AN ORDINANCE APPROVING THE NAKOMA CONDOMINIUMS FIRST AMENDED AND RESTATED RECORD OF SURVEY PLAT LOCATED AT 8800 MARSAC AVENUE, PARK CITY, UTAH

WHEREAS, the owners of the property known as the Nakoma Condominiums, located at 8800 Marsac Avenue, Lot B of the Northside Village Subdivision II, have petitioned the City Council for approval of the Nakoma Condominiums First Amended and Restated record of survey plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on May 14, 2008, to receive input on the Nakoma Condominiums First Amended and Restated record of survey plat;

WHEREAS, the Planning Commission, on May 14, 2008, forwarded a positive recommendation to the City Council; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Nakoma Condominiums First Amended and Restated record of survey 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 Nakoma Condominiums Phase II record of survey as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 8800 Marsac Avenue.
2. The Nakoma Condominiums are located in the RD-MPD zoning district.
3. The City Council approved the Flagstaff Mountain Development Agreement/Annexation Resolution 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum densities, location of densities, and developer-offered amenities.
4. On September 11, 2002, the Planning Commission approved a Master Planned Development for the Flagstaff Mountain Resort Phase II (Pod B-1).

5. The approved Flagstaff Mountain Resort Phase II MPD includes a maximum density assignment and conceptual site design for eighteen (18) detached single family units utilizing not more than 27 Unit Equivalents on Northside Village Subdivision II, Lot B.
6. The Planning Commission approved an MPD amendment to Lot B on October 27, 2004, in which the UE count on Lot B increased from 27 to 45, while maintaining the same footprint and maximum house size requirements as previously approved.
7. The Planning Commission approved a second amendment to the Nakoma Master Planned Development on April 23, 2008. That amendment allowed for the combination of units 17 and 18 into a single unit of 7,500 square feet and further allowed the distribution of the square footage to the other un-built units. Units 1-16 still have a maximum footprint of 3,000 square feet while unit 17 (combined unit) is allowed a maximum footprint of 5,000 square feet. The total Unit Equivalent count remained unchanged and cannot exceed 45 UEs (90,000 square feet).
8. The approved maximum building footprint for the units 1-16 detached single-family units on Northside Village Subdivision II, Lot B, is 3,000 square feet with a maximum house size between 4,300 square feet and 5,750 square feet (whether considered a Basement or Floor Area by LMC definition). An additional 600 square feet is allowed for a garage.
9. Unit 17 may be up to 7,500 square feet of floor area (again, whether Basement or Floor Area as defined by the LMC) with a footprint not to exceed 5,000 square feet.
10. The 17 units represent the irrevocable consumption of 45 Unit Equivalents.
11. The proposed amended record of survey is consistent with the approved and amended Master Planned Development for the Flagstaff Mountain Resort Phase II.
12. Two parking spaces are required for each unit.
13. Each building is required to conform to the 28+5 foot height requirement of the RD zone.

Conclusions of Law:

1. There is good cause for this amended record of survey.
2. The amended record of survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed amended record of survey.
4. Approval of the amended record of survey, 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 record of survey 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 amended record of survey 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.
3. All conditions of approval of the Flagstaff Mountain Resort Phase II (Pod B-1) Master Planned Development, as amended, and the Northside Village Subdivision II plat shall continue to apply.

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

PASSED AND ADOPTED this 29th day of May, 2008.

PARK CITY MUNICIPAL CORPORATION

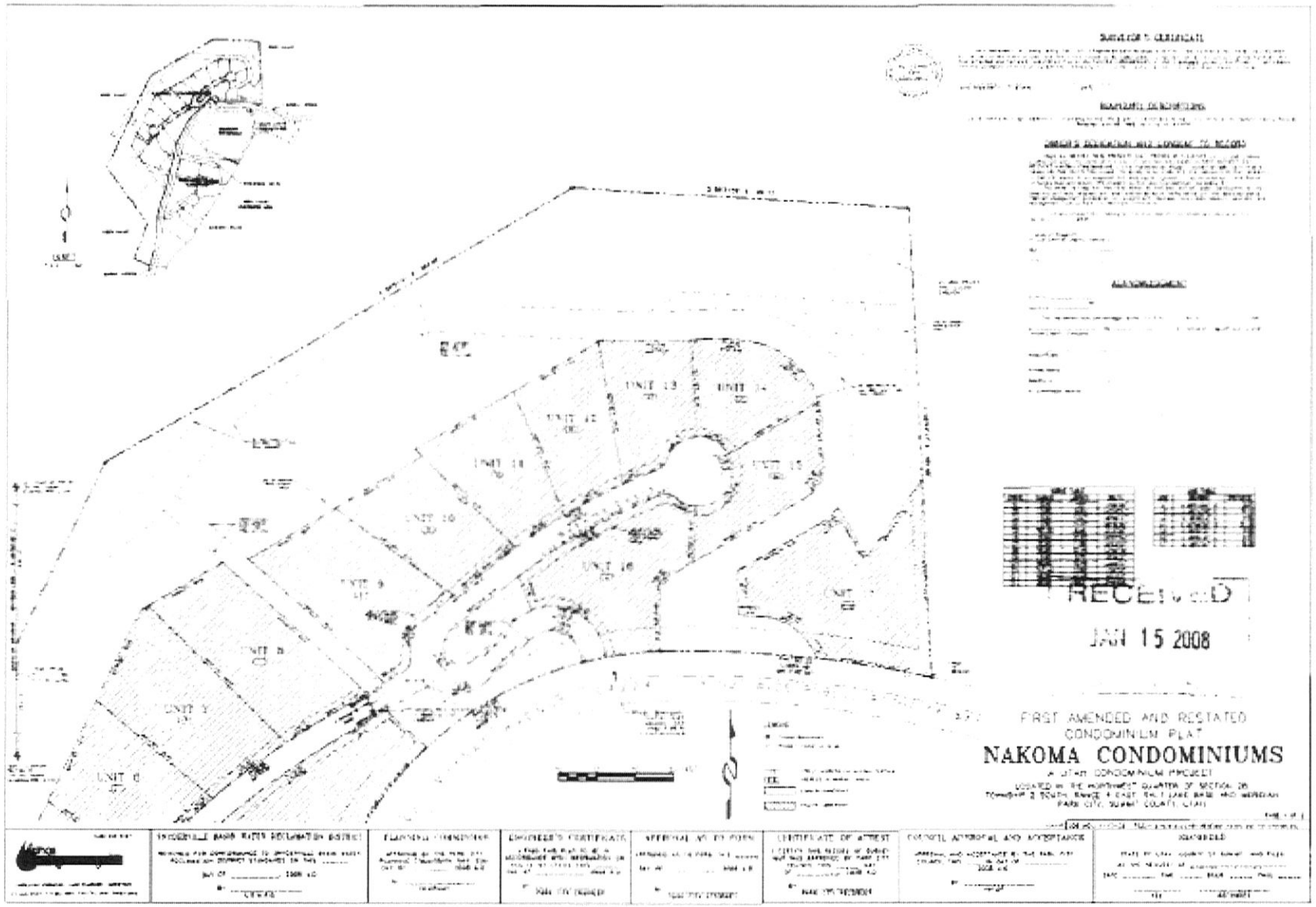
Mayor Dana Williams

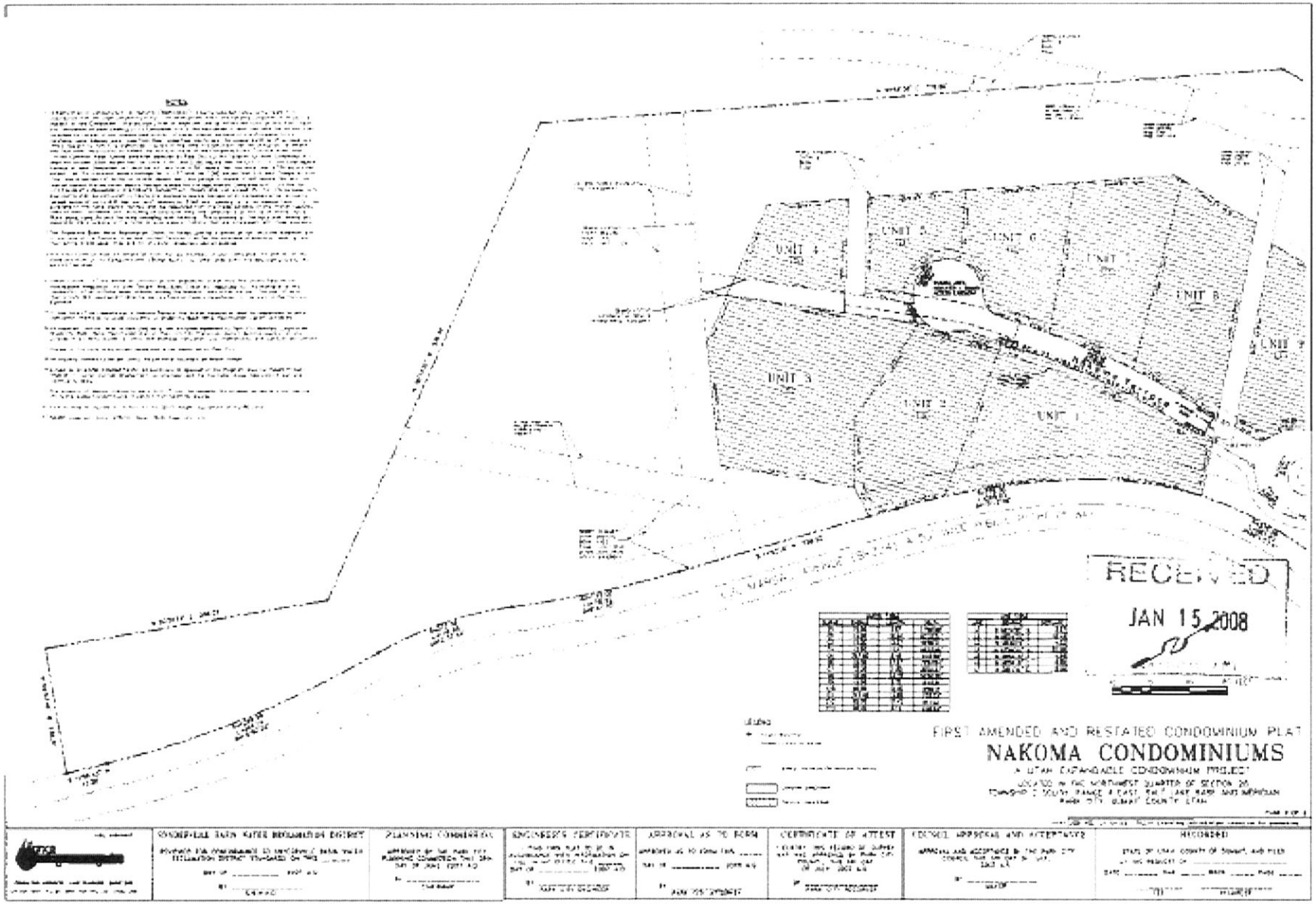
Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney


RECEIVED
JAN 15 2008
FIRST AMENDED AND RESTATED
CONDOMINIUM PLAT
NAKOMA CONDOMINIUMS


UNIT 4
UNIT 5
UNIT 6
UNIT 7
UNIT 8
UNIT 9
UNIT 3
UNIT 2
UNIT 1
RECEIVED
JAN 15 2008
FIRST AMENDED AND RESTATED CONDOMINIUM PLAT
NAKOMA CONDOMINIUMS
A UTAH EXPANDABLE CONDOMINIUM PROJECT
LOCATED IN THE NORTHWEST QUARTER OF SECTION 20,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH
SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
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