



**PARK CITY PLANNING COMMISSION MEETING
SUMMIT COUNTY, UTAH
January 25, 2023**

The Planning Commission of Park City, Utah, will hold its regular meeting in person at the Marsac Municipal Building, Council Chambers, at 445 Marsac Avenue, Park City, Utah 84060. Meetings will also be available online with options to listen, watch, or participate virtually. [Click here](#) for more information.

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MEETING CALLED TO ORDER AT 5:30 PM.

1. ROLL CALL

2. MINUTES APPROVAL

- 2.A Consideration to Approve the Planning Commission Meeting Minutes from December 19, 2022.
[12.19.2022 Minutes](#)

3. PUBLIC COMMUNICATIONS

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

5. CONTINUATIONS

- 5.A **1305 Lowell Avenue - Conditional Use Permit** - The Applicant Proposes to Install Concealed Rooftop Antennas and Associated Equipment to Increase Telecommunications Capacity Coverage in the Recreation Commercial Zoning District. PL-22-05449
(A) Public Hearing; (B) Continue to a Date Uncertain
[1305 Lowell Avenue Continuation Report](#)

6. REGULAR AGENDA

- 6.A **402 and 410 Ontario Avenue - Plat Amendment** - Request to Create Two (2) Lots of Record, Removing the Internal Lot Lines Existing on the Lots Currently. PL-22-05331 (20 mins.)
(A) Public Hearing; (B) Possible Recommendation for Council Consideration on March 2, 2023
[Ontario Plat Amendment Staff Report](#)
[Exhibit A: Draft Ordinance](#)
[Exhibit B: Planning Director Determination of Status](#)
[Exhibit C: Ordinance 97-41](#)

[Exhibit D: Existing Conditions Survey](#)
[Exhibit E: Site Photos](#)
[Exhibit F: Encroachment Agreement](#)

- 6.B **7979 Roamer Court - Plat Amendment** - The Applicant Proposes Amending the Platted Building Pad to Reflect Current Built Conditions and to Accommodate the Addition of A Garage and Deck Extension. PL-22-05456 (A) Public Hearing; (B) Possible Recommendation for City Council's Consideration on February 16, 2023

[7979 Roamer Court Staff Report](#)
[Exhibit A: 7979 Roamer Court Plat Amendment Draft Ordinance and Proposed Plat](#)
[Exhibit B: Applicant Statement](#)
[Exhibit C: Existing Plat](#)
[Exhibit D: Engineer's Survey](#)
[Exhibit E: Property Photos](#)

- 6.C **103 Alice Court - Steep Slope Conditional Use Permit** - The Applicant Proposes to Construct a New Single Family Home on a Steep Slope in the Historic District (HR-1) Zoning District. PL-22-05421 (30 mins.)

(A) Public Hearing; (B) Action

[103 Alice Court Staff Report](#)
[Exhibit A: Draft Final Action Letter](#)
[Exhibit B: Proposed Plans](#)
[Exhibit C: Alice Claim Subdivision](#)
[Exhibit D: 103 Alice Court Renderings](#)

7. WORK SESSION

- 7.A **Land Management Code Amendments -- Sensitive Land Overlay --** The Planning Commission Will Conduct a Work Session on Expanding the Sensitive Land Overlay to include the Recently Annexed Property in the Quinn's Junction Area to Establish Designated Ridgelines and Vantage Points, and to Consider Updates to the Overall Sensitive Land Overlay Regulations Outlined in Land Management Code Chapter 15-2.21, Including Criteria When Evaluating Construction of Trails in the Sensitive Land Overlay.

[Sensitive Land Overlay Staff Report](#)
[Exhibit A: Resolution No. 30-91](#)
[Exhibit B: Ordinance No. 92-17](#)
[Exhibit C: Ordinance No 00-4](#)
[Exhibit D: Ordinance No. 07-81](#)

- 7.B **Land Management Code Amendments** - The Planning Commission Will Review Potential Land Management Code Amendments to Prioritize in 2023, Including Amendments to Incentivize Affordable Housing and Sustainable Development, to Improve Active Transportation Facilities and Connectivity, and to Outline Criteria for Traffic Impact Studies and Transportation Demand Management Strategies for Master Planned Development, and Additional Potential Priorities.

[2023 Land Management Code Amendments Staff Report](#)

8. ADJOURN

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 Council meeting attendees who park in the China Bridge parking structure.**

Planning Commission Agenda Item Report

Meeting Date: January 25, 2023

Submitted by: Levi Jensen

Submitting Department: Planning

Item Type: Minutes

Agenda Section: MINUTES APPROVAL

Subject:

Consideration to Approve the Planning Commission Meeting Minutes from December 19, 2022.

Suggested Action:

Attachments:

[12.19.2022 Minutes](#)



**PARK CITY MUNICIPAL CORPORATION
SPECIAL PLANNING COMMISSION MEETING MINUTES
PROSPECTOR LODGE & CONVENTION CENTER
2175 SIDEWINDER DRIVE
DECEMBER 19, 2022**

COMMISSIONERS IN ATTENDANCE: Chair Laura Suesser, John Kenworthy, Vice Chair Sarah Hall, Bill Johnson, Christin Van Dine, John Frontero, Henry Sigg

EX OFFICIO: Gretchen Milliken, Planning Director; Rebecca Ward, Assistant Planning Director; Alexandra Ananth, Senior City Planner; City Engineer, John Robertson; Housing Manager, Jason Glidden; Transportation Director, Matthew Neely; Transportation Planning Manager, Julia Collins; Jaron Ehlers, City Planner; Mark Harrington, City Attorney

1. ROLL CALL

Vice Chair Sarah Hall called the meeting to order at 5:30 p.m. and reported that all Commissioners were present either in person or on Zoom. She noted that Chair Laura Suesser was attending the meeting via Zoom.

Vice Chair Hall set forth the schedule for the meeting and noted that it would begin with a Staff presentation followed by a presentation by the applicant. Following the presentations, there would be 5 to 10 minutes for direct questions from the Commissioners, and then one hour would be allotted for public comment. A short discussion by the Commissioners would take place thereafter. She stated that the next meeting on this application would occur on January 18, 2023.

She reported that over 100 pages of public comment had been received to date and many people shared similar concerns. She requested that speakers express their shared concerns with those of prior speakers to allow the opportunity to hear the different opinions of as many members of the public as possible.

Vice Chair Hall encouraged members of the public to e-mail comments ahead of future meetings to planning@parkcity.org. She stated that emailed comments are read before the meeting. She asked the public to remain respectful during the meeting and to adhere to the specified time limits.

2. REGULAR AGENDA

A. **Deer Valley Snow Park Base Area Redevelopment - Substantive Amendment to the MPD; Conditional Use Permit for Phase 1; Petition to Vacate Right-of-Way - The Planning Commission Will Hold a Work Session With a Focus On the Applicant's Transportation, Circulation, Parking, and Right-Of-Way Transfer Plans. PL-21-04767 & PL-21-04811.**

Senior City Planner, Alexandra Ananth introduced City Engineer, John Robertson, and the City's Independent Traffic Engineer, Wahl Consulting Group. She reported that a number of City Staff were in attendance via Zoom. She identified Housing Manager, Jason Glidden; City Transportation Director, Matthew Neely; Transportation Planning Manager, Julia Collins; and Planning Director, Gretchen Milliken. Planner Ananth reiterated the schedule for the meeting and reminded those present that there would be further upcoming meetings on this application. She indicated that public comment could be emailed directly to her or to the website identified by Vice Chair Hall.

Tonight's meeting was to serve as a Work Session on the applicant's Transportation, Circulation, and Parking plans, as well as the applicant's request to vacate portions of City Right-of-Way ("ROW"). After public input, the Planning Commission would discuss the applicant's request for parking exceptions as well as the City Council's request to forward a recommendation on the applicant's Circulation plans and request to vacate public ROW.

Planner Ananth reported that Deer Valley Corporation submitted two applications. The first was to amend the existing Master Planned Development ("MPD") with a new amendment to allow for the project. The second application was for a Conditional Use Permit ("CUP") for Phase 1 only. She explained that Phase 1 included the overall conceptual Site and Circulation Plan, as well as the request to vacate ROW. Phase 1 also included the parking structure on the south parcel south of Doe Pass Road, the applicant's request for a 20% reduction in the required number of parking stalls, the new Transit Center, and road and utility improvements. Phases 2 and 3 would include the future vertical development, which would include the hotel, residential, and commercial development. Those phases would require future CUP applications to the Planning Commission and would come back for public discussion.

Planner Ananth reported that the Planning Commission has purview over the MPD as well as the CUP and the applicant's request for parking exceptions. The City Council has purview over the ROW vacation, but it expected a recommendation from the Planning Commission. Vacation of the ROW required two findings including (1) good cause for the vacation, and (2) no material injury to either the public or any person caused by the vacation. Since the applications were submitted in Spring 2021, the Planning Commission had already held six Work Sessions on the project and taken public input at each Work Session. The last meeting on the applications was held in March 2022 and was a joint meeting between the Planning Commission and City Council. It was at that meeting that the City Council directed the applicant to consider alternatives to the proposed ROW vacation and to work with the Planning Commission on a Circulation Plan prior to returning to the Council on the request to vacate ROW.

In terms of the existing MPD for the site, Planner Ananth stated that there was no approved Site Plan for this parcel. Density and Building Heights were considered approved under the existing MPD. She added that the applicant proposed to meet the majority of the MPD's requirements

including Setbacks, Open Space, Density, and Building Height. However, the applicant was seeking exceptions to the parking requirements and for the vacation of the ROW.

Planner Ananth reported that the City's transportation goals for the site were primarily focused on increasing the safety for all modes of transportation, improving emergency response and egress to U.S. 40, and reducing vehicle miles traveled by prioritizing alternative modes of transportation. She referred to the Staff Report for a further description of these goals. To date, the applicant submitted three different Circulation Plans, which are referred to as Alternatives A, B, and C. Alternative A was reviewed during the Joint Meeting in March 2022 and involved a bus-only lane. Staff referred to this alternative as the Transit Priority Plan.

Alternative B was submitted by the applicant over the past summer in response to community feedback for safe and separated bike lanes. This plan was referred to as the Bike Priority Plan. Planner Ananth reported that following the submission of the Bike Priority Plan, the City and the applicant worked on Alternative C, which Staff believes addressed the community's desire for bike lanes and the City's transportation and safety goals. They refer to Alternative C as the Shared Mobility Lane. This alternative was submitted in December 2022.

The Shared Mobility Lane ("SML") would add an 11-foot wide vehicle travel lane to the circulation pattern from the Y-intersection around the Deer Valley. She noted that the SML was contemplated as a bike lane for most of the year but could be re-purposed for public transit and buses during peak traffic times, which would include the ski season and special events. Planner Ananth indicated that Alternative C was the City's preferred option moving forward.

With respect to the applicant's request for a parking reduction, Planner Ananth explained that Deer Valley currently has 1,340 day-skier parking stalls in the surface lots. The applicant would be required to have 2,262 parking stalls for both day-skier parking and the new development. The applicant proposed to eliminate the overflow parking that happens around the Loop on those 10% of ski days as allowed in the MPD and during special events. This would increase the day-skier parking requirement to 1,500 stalls plus the new development stalls. She advised that the applicant was seeking to provide 1,810 total parking stalls for the new development and day-skier parking, which is a 20% reduction among all the various uses.

In terms of the vacation of the ROW, the City identified the following possible good cause for the Planning Commission's consideration. First, the Transportation and Circulation Plan prioritized bike lanes for the majority of the year with the addition of the SML. Secondly, the SML prioritized transit during peak congestion times when it is needed the most. Finally, it would allow for improved access for emergency vehicles.

On behalf of the applicant, Todd Bennett, President of Deer Valley Resort, indicated that he grew up in Lake Placid, New York, and relocated his family from Southern California to Park City this past summer. His wife was a ski racer and they were excited to raise their family in Park City. He was thrilled to be a part of the Deer Valley community, and the Park City community, and to have the opportunity to lead the team. He has a professional background in hospitality and spent nearly two decades integrating experiences that balanced communities, creative commercial, and operating disciplines.

Mr. Bennett felt that Snow Park was an important evolution in Deer Valley's reputation of service and hospitality, food and beverage, and providing a great ski experience. He added that this project provides an opportunity to thoughtfully create a new village that staff, the community,

and their guests could be proud of. He commented that the Snow Park plan hit on a couple of important pieces for the future. First, it would respect Deer Valley's history and the people that built it. The plan was part of Edgar and Polly's original vision for the resort, and the goal was to thoughtfully evolve the experience. He commented that the proposed Snow Park Base Area was reflective of a world-class experience and an arrival and departure experience that they are trying to create for their guests. It would also support many of the goals of the community. Mr. Bennett stated that they want to reduce single-occupancy vehicle traffic, which is good for Deer Valley and the community at large. They also want to spread out the peak load demand associated with skier arrivals and departures. The project will support the City's overall transportation grid with a state-of-the-art Mobility Hub, create a safer and optimized circulation pattern, and add many opportunities for year-round retail, dining, and entertainment for guests and the community.

Wade Budge was also present on behalf of the applicant Deer Valley Resort and stated that they were taking notes and considering the comments not only from the Commissioners but the public. He recalled the joint meeting in March 2022 where they received input about the redevelopment of the Snow Park area. Over the past eight months, they have been busy locating all prior plans for how the Snow Park parking lots could be developed. He noted that some of the plans date back to the 1980s. They took the prior plans and married them with what this community has expressed through the General Plan and communications from elected officials, staff, and experts. He stated that they understood through these communications that the community values of having this resort operate in a way that has created the recreational asset that they all enjoy. Deer Valley is a top-class, world-renowned resort because it is operated so well.

Mr. Budge added that they have also taken into account one of the concepts in the General Plan that calls for prioritization of transit as part of any redevelopment effort. He identified this as a key element as they thought about how to ensure that the redevelopment of Snow Park would accommodate that goal as communicated in the General Plan. The applicant evaluated various options, some of which involved maintaining current routes and the current arrangement whereby those who arrive by transit are dropped off have to walk across travel lanes to the ski hill. They also looked at other opportunities to create the type of multi-modal facility called out in the General Plan. Mr. Budge stated that they also discussed how they could keep the arrival experience the same or better than what it is currently. They wanted to avoid creating impacts that would take away from the fantastic resort that they all know. They determined that to do Snow Park correctly, they need to create a village in the area. He explained that a village would be a unified structure whereby those arriving by car were able to enter the village seamlessly without having to travel through a drop-off area.

Mr. Budge added that they have created a new drop-off area that would be closer to the current location of the Carpenter Lift. They also created additional connectivity by bringing the Carpenter Lift down into the village and by upgrading the Silver Lake Express and turning it into a gondola to provide yet another transportation link that could operate during ski operational hours and which would allow travel between villages. Mr. Budge stated that in addition, they incorporated an arrival experience that would be unrivaled in this community for those coming into the Transit Center. The Transit Center will be located in the parking structure and allow those arriving by transit to arrive by bus in a covered location and walk into a lounge area. Guests could then use an elevator or escalator to the village and the extended lift and gondola options mentioned previously. He felt the village concept would allow them to create a world-

class experience for both locals and out-of-town guests and allow them to experience the village in an unrivaled way.

Another important element was the opportunity for those guests coming off the mountain to have a place to mingle and utilize restaurants and retail, which would benefit the community by lessening impacts down the line in terms of traffic in the afternoon and evening hours. Beyond the traffic value, Mr. Budge offered that there was value in creating a place where those who have been skiing are allowed to continue their experience on the mountain or in the village. He commented that it has been a marvelous opportunity to interact with the community and particularly referenced the previous week where they were able to meet with approximately 500 members of the public through three open houses. During these open houses, they were able to explain what they have seen and incorporate the input received into the plan.

Mr. Budge introduced Jake Romney, from Alterra Director of Development, on behalf of the applicant, who reviewed some of the specifics of how they would address the circulation concerns and illustrated how the extensive modeling, re-design of facilities, and expansion of opportunities for drop-off would ensure that the experience would be even better than it is currently. Mr. Romney recalled that from the March 2022 meeting, the applicant was directed to come up with more options and public outreach. He presented the different iterations of the Traffic Circulation plans presented since April 2021 and how they arrived at the preferred Circulation Plan. They were able to set up several meetings with surrounding Homeowners' Associations ("HOAs") and individuals and garner letters of support. They also reached out to the broader community and undertook some polling. He highlighted the value of the recent open houses, where they had five sessions over three nights, in which they had approximately 500 attendees. He felt it was educational for both the public and the applicant.

Mr. Romney stated that the result of this work could be found in the updated Circulation Plan, which marries the July submission that included more bike lanes, with the plan calling for dedicated bus lanes. He presented a video to help illustrate what the roadways would look like from the Y-intersection down Deer Valley Drive East. He highlighted the proposed SML and reminded those present that the images in the video were conceptual. As the video played, Mr. Romney highlighted the entrances to the garage and the new and improved drop-off. He also noted Snow Park Lodge and the extended Ski Beach. He mentioned the multi-use path, which would also be used for emergency vehicle access across the plaza.

Mr. Romney next addressed the applicant's Traffic Analysis. He commented that in working with the community, they came up with a very efficient layout at the intersection of Deer Valley Drive East, Deer Valley Drive, and Deer Valley Drive West. They created a free-flow right-hand turn leaving Deer Valley Drive East by removing the stop sign and mitigating the traffic coming down Deer Valley Drive East. He offered that the City liked this concept. He added that they took this concept a few steps further by including a traffic signal controlled by the bus operators. These changes would create better flow through the intersection and improve the intersection.

With regard to Deer Valley Drive West, he mentioned the SML, which would create a purpose-driven and intuitive arrival experience. Day skiers arriving for parking would turn down Deer Valley Drive West and into the garage; whereas, if one was going to drop off skiers, they would turn down Deer Valley Drive East to the drop-off area. They also retained Jon Nepstad, Fehr & Peers, to do the analysis to ensure they would meet the Levels of Service goals of the City.

Mr. Budge added that when arriving by Deer Valley West, there is a one-way driveway before Royal Street used for egress. A major component of the plan is to convert it into a public-width road and make it work in both directions and continue Deer Valley West onto Doe Pass Road. He stressed that this would contribute to the free flow of traffic into the parking garages and drop-off areas and would also help the flow for the homeowners in the area. The majority of traffic will free flow onto the new and improved Doe Pass Road, which was key to creating the same connectivity needed for this system to operate and meet the Deer Valley standard of a flawless arrival experience. He noted that there was some confusion during the meetings with the public and stated that the Loop would be two-way with the SML lane. Doe Pass Road would be widened and become an integral part of the system by creating an inner loop to allow for the flow of traffic. He reiterated the continuation of traffic onto Doe Pass Road, and the only traffic movements would be to turn right into the parking garages or drop-off area. Right turns are traffic movements that could be made without interruption into the arrival.

Mr. Nepstad mentioned the Mobility Hub on the southeast corner and noted that all transit vehicles would also take advantage of the right-turn access. In terms of the Traffic Analysis, he reported that they met with City Staff who provided the ground rules by which they would complete the analyses, including when to collect data and the City's Levels of Service requirements. He referenced the grading system of A through F, with A representing free movement and F representing gridlock. He explained that the City standards were a Level of Service C. Mr. Nepstad explained that they took the data and layered on the net new trips from the development. He mentioned that the way the land use is planned for the village they would have a lot of people who would linger after their ski day, which will in turn have a big impact on traffic flows. He mentioned that they were conservative with the numbers because they would initially take a "wait and see" approach.

They also took into account the complementary land uses, transit usage, and other factors. He presented a table reflecting the analysis and noted an issue with the Y-intersection. He stated that the ultimate solution for that location would be a traffic signal. Mr. Nepstad stated that they proposed some geometric improvements at Solamere and would initially take a wait-and-see posture since the community did not necessarily want traffic signals throughout the Loop. He highlighted that this plan met the City standards in terms of Level of Service, which was vetted by the City's third-party traffic consultants. He addressed the questions regarding a signal at the Y-intersection and parking ingress/egress from the village and noted the current percentages of traffic inbound and outbound and the forecast for the future.

Mr. Nepstad reiterated that they thought through a lot of the arrival experiences, including who arrives and leaves when and by what entrance. He presented a simulation of the traffic flow and explained that this platform allowed them to look at the benefits of the SML for transit vehicles. He emphasized the benefits of Doe Pass Road and noted that it would be a lynchpin in terms of the overall circulation pattern. Parking would not only be a free flow inbound from the roadway system but once a visitor entered the parking structure there would be extensive wayfinding and traffic management to give users the best real-time information possible. He referenced the short-term parking at Salt Lake Airport, which is managed level by level. He stated they would model that and take it even further.

Mr. Romney clarified the simulations reflected 2040 in the a.m. and depicts a typical day on the left and a congested situation on the right. He introduced a simulation for 2040 p.m. that starts at the Y-intersection. Mr. Nepstad identified the transit vehicles in the simulation and stated that they would have a travel time advantage. He added that as a bus leaves Doe Pass Road to the

east, they would also have a specialized traffic signal that bus operators could activate remotely to provide a travel time advantage on Deer Valley Drive East as they loop around.

Mr. Romney wanted to expand on the polling they completed as part of the public outreach, and invited Matt Lusty, Honey Communications, to explain the work they conducted. Mr. Lusty advised that he was brought in to help Deer Valley gauge community sentiment without bias as to what people were saying about this project in Park City and Summit County. He explained that they designed a survey instrument that was distributed via MMS, or peer-to-peer texting, to a random sample of individuals throughout Summit County. They wanted to reach a 95% confidence level and a margin of error below 4.5%. This required them to get 450 responses, and he reported that they received 501 responses throughout the County.

Mr. Lusty advised that they found that support for Snow Park Village was high, and a majority of the respondents who read the summary of the proposed village supported the plan. He noted that 54.4% of respondents agreed or strongly agreed with the proposal, while only 20.4% responded with strongly disagree or disagree entirely with the proposal. The rest of the respondents either needed more information or were neutral. He noted that his firm was brought in because the applicant wanted to minimize peer bias and have a randomized sample.

Mr. Lusty explained that they designed the survey so the questions were holistic, meaning they described the project in its entirety and then broke out the individual components. Within the individual components, they saw that there was particular interest in a couple of areas. He reported that 70.4% of the respondents stated they would be more likely or much more likely to support this proposal if these changes reduced “up to 20% of peak hour arrival or departure traffic out of the Snow Park area on peak ski days.” He also reported that 69.6% of respondents supported a flex lane (bus and bike) being funded by this plan. Mr. Lusty also pointed out that 57.86% of respondents supported the redevelopment of the Deer Valley day-use surface parking lot.

Mr. Romney noted that currently there is one arrival point at Deer Valley located right below the Lodge where all the various users arrive at one location. They have proposed providing multiple arrival options, which would create safer conditions and help distribute the arrival traffic. The ski school and shuttle drop-off would be located below Snow Park Lodge, and the Mobility Hub would be located off of Doe Pass Road. The other arrival options include utilizing the parking garage. He emphasized that this was directed more toward the shared bus and bike lanes, and also the multi-use path circulation. He noted the concerns raised about crossing the plaza and noted that users would be able to make that loop in the future by bicycle or on foot.

Mr. Romney presented slides that depicted all of the benefits of this plan, and how it aligns not only with Park City’s goals but also with the Lower Deer Valley Neighborhood General Plan. He stressed that these roadway improvements would provide better flow for transportation, bikes, pedestrians, and vehicles.

Mr. Budge touched on the overall benefits of this proposal and noted the key component of the intermodal hub and the multiple drop-offs. He highlighted the drop-off at the ski school and added that the idea was that in the future, Snow Park would be primarily used for the ski school and other employee purposes. The drop-off would be located right next to Snow Park Lodge so that those dropping-off children would not have to cross anything. He also noted that the ease of parking and multiple ways into the parking garage could encourage those who want to get their children dressed in their car could do so. He explained that they would still be providing

a loop for the drop-off, but by also having four entrances into the day-skier parking areas, they would encourage many to come in and park to help get their skiers ready before sending them to Ski Beach. This would meet the Deer Valley standard of having multiple days to arrive and begin the ski day.

Mr. Budge stated that another benefit of the Village was that they would have another area for the amenities such as restaurants and shops. There would also be a skating rink. He added that Snow Park Lodge could be active year-round. He noted that they were still modeling out how they would develop above the parking structure, but the current thinking was that with the present entitlements, they would look at having a hotel with approximately 100 rooms, and the balance of the building would house 50 to 60 condominiums. He stressed that this was a well-thought-out way to utilize the existing, approved entitlements in a way that would also be coupled with creating a place that would be usable by the public. They were not just creating a community that could be used by its members; rather, they were locating the existing entitlements on top of a planned and intentional public area. He added that this proposal would provide an amenity that is over and above what they have currently and would convert Snow Park into something that could accommodate an après experience that does not currently exist at Snow Park.

Mr. Budge wanted the Commission to think not only about these benefits but also what they would be able to achieve alongside development of the parking lots that were approved in 1978. The proposed development would be done in a way that would take into account the input received and marry it with the best-in-class science and best-in-class design to ensure that all of the pieces would operate in a way that would enhance the arrival experience with minimal impacts to the surrounding areas of the Loop.

Mr. Bennett felt there had been good collaboration and they looked forward to the public comments.

Vice Chair Hall invited the Commissioners to ask direct questions to the applicant and Staff before taking public comment. She also acknowledged that Commissioner disclosures had been made in prior meetings and invited the Commissioners to make any disclosures regarding this application. Commissioner Henry Sigg disclosed that he had worked with Fehr & Peers in the past.

Commissioner Kenworthy disclosed that 15 years ago he built a seasonal housing compound and campground underneath the dam, and Deer Valley has been his tenant for the past 15 years. He added that they have a substantial number of cabins, but he leases others as well.

Commissioner Van Dine disclosed that she owns property in Lower Deer Valley Lakeside and stated that this ownership would not affect her decision on this application.

Chair Hall reported that she is a longtime client of Snell & Wilmer.

Chair Suesser understood that two boutique hotels were envisioned for the plaza and asked the applicant how the hotel guests would be encouraged to take public transit. She expressed concern that hotel guests would rely on car shares and shuttles rather than using public transit.

Mr. Budge explained that the design was the gold standard of transit multi-modal centers. It includes a covered transit center that does not just put transit riders near the development; it

puts them in the development. The users step out into a nice lounge area that facilitates the transition up into the village. The current concept was to have only one hotel that would be within a couple of hundred feet of transit users. They also added drop-off areas specific to the hotel. Therefore, hotel guests would be able to arrive at the hotel in the same manner as a skier, without impeding the arrival experience for the ski school or the day-skier parking structures.

Mr. Budge explained that the applicant was seeking approval for an MPD that would allow the parking structure on which all of the vertical development would be located. The approval for the parking structure would allow them to understand what they are working with, so they could then prepare the design for the vertical development. He emphasized that the function of the parking structure and the multi-modal center would allow for connectivity with the hotel.

Mr. Nepstad was asked to comment on the trips generated by the hotel. He stated that the design of the Mobility Hub would also encourage hotel guests to utilize transit by virtue of the wayfinding and the design of the six bays in the Mobility Hub. He added that the six bays would be enumerated to allow all visitors, including hotel guests, to recognize and select convenient transit.

Chair Suesser asked if the applicant gave any thought to prohibiting car shares for pickup and drop-off at the hotel to encourage transit or hotel shuttle use. She understood from this discussion that shuttles would be dropping off people near the ski school and wondered about the staging of those shuttles and whether that might impact the flow.

Mr. Romney addressed the issue of car share and stated that the applicant had not yet addressed that detail, but would make a note of it for discussion. He added that the plan to date had been to accommodate car share and to ensure that the applicant's modeling took into account car share operators as part of the experience. In terms of shuttles and staging, he felt that was more of an operational question. He noted that the shuttles would be arriving and dropping off in the same loop. It was noted that Deer Valley currently does not stage any shuttles.

Chair Suesser observed that there are many hotels and shuttle services around town, and while they are great, they also take up more space than a passenger vehicle and often wait in the parking areas. Mr. Romney reiterated that they would look at this issue. Mr. Budge added that the new drop-off zone would still have three lanes and would still be staffed with "greencoats" to help direct the function and flow in this zone. By having a drop-off, the same length as exists currently, a good "greencoat" crew has enough room to accommodate those shuttles that might have to wait, while at the same time moving guests through the zone.

Chair Suesser referenced the width of Deer Valley Drive East and Deer Valley Drive West and wanted assurance that it would not interfere with the multi-use path. Mr. Budge represented that the applicant's engineer was nodding his head and stated that he had analyzed this down to the inch in terms of the paved surface and how they would configure these lanes within the ROW.

Chair Suesser confirmed her understanding that the multi-use path would be usable year-round and would not interfere with the Shared Mobility Lane or the other two lanes of traffic. Mr. Budge concurred.

Commissioner Johnson echoed the concerns of Chair Suesser regarding the drop-off zones. He asked the applicant if they ran the numbers on the existing drop-off count versus the new configuration. He also asked if they eliminated the proposed drop-off within the building for the ski school. Mr. Budge responded that they could look at some numbers. Commissioner Johnson felt the numbers would be helpful. In terms of the ski school, Mr. Budge stated that the design was to place the drop-off as close as possible to the ski school. He acknowledged that people could still park in the building and then use an elevator or escalator to come up on the deck to access the ski school.

Mr. Romney reported that they did a recent one-day study that looked at the rate of usage for passenger vehicles at the drop-off area versus the overall parking. He stated that they would do some additional studies for traffic counts. He added the belief that the proposed plan calling for the lifts to be brought down closer to the parking lot would result in a reduction in the number of drop-offs needed. He stated they would obtain the data on existing numbers versus proposed. It was clarified that in addition to passenger vehicles, the requested numbers should also include pick-ups, drop-offs, and transit.

Commissioner Johnson sought and received clarification that the Traffic Analysis numbers were based on pre-pandemic numbers. He asked City Engineer Robertson to confirm that the City's standard for Level of Service was C. City Engineer Robertson agreed and added that the City had allowed Level of Service D as an acceptable Level of Service. In terms of the existing capacity for buses at the Old Town Transit Center, City Engineer Robertson stated he would have to defer to someone in the Transportation Department and offered to provide this information at a future meeting.

Commissioner Johnson mentioned the Park-and-Ride shuttle service and requested that this issue be discussed at a future Work Session. He noted the reference to Richardson Flat and sought confirmation that Treasure Mountain was no longer part of the applicant's plan.

Hannah Tyler, Deer Valley Vice President of Resort Operations, advised that Deer Valley currently has a lease for Treasure Mountain for overflow parking; however, due to the planned future redevelopment on that site, they would not be counting on that property in the long term. She stated that they were always willing to have discussions with the City regarding Park N Ride solutions.

Commissioner Van Dine referenced Levels of Service at Solamere and Deer Valley Drive East and wondered if the applicant could break it down in terms of time so the Commission could evaluate when the intersection was most impacted. She requested clarification of the proposed traffic controls at Deer Valley Drive West and Doe Pass Road. Mr. Budge confirmed that this intersection would be free flow inbound and stop controlled outbound. There was discussion about the slight left from Royal Street onto Deer Valley West, and Mr. Romney noted that all of the traffic would be diverted ahead of Royal Street onto Doe Pass Road. The only drivers that would continue up would be those going to Trail's End.

Commissioner Van Dine clarified that she was asking about the driver leaving Royal Street to go back into Park City who would have to cross traffic. She would like to see numbers for the residents coming down from Royal Street. It was noted that those residents could make all rights and travel the entire loop; however, Commissioner Van Dine observed that many would like to take the more direct route and turn left onto Deer Valley Drive West.

Commissioner Van Dine asked about oversized parking. Mr. Budge advised that the parking structure design would fit a Sprinter Van, but not a mega-Sprinter. He stated that it was designed for a Suburban with a rocket box. He confirmed that Lot 5 would be the alternative for vehicles that could not fit in the parking structure. Commissioner Van Dine echoed the concerns about the staging of shuttles and acknowledged that the “greencoats” do a good job of keeping vehicles moving.

Mr. Budge requested further information regarding the concerns over the staging of shuttles so that the applicant could address them fully. Commissioner Van Dine stated that currently, there was generally plenty of room for all users, and it was the heavy peak days that they want to ensure are being well mitigated. She stated that they do not want to see the area clogged with waiting shuttles on those peak days and felt it important to establish that now when they have the space. She would like to know how it gets mitigated going forward. Mr. Budge confirmed his understanding that the Commission wanted to make sure that the Level of Service and the space works, and that they would be able to operate a majority of the time at the same Level of Service they have today.

Commissioner Van Dine felt that the layout for the entrance to the parking lots was intricate and asked the applicant to keep in mind the plowing plans, how the flow would be on a big snow day, and where the snow would be stored.

Commissioner Frontero stated that his main concerns were the ROW and mitigation, and the 20% reduction in parking. He felt this was not the proper time for those discussions but stated he would focus on those when the applicant returns.

Commissioner Kenworthy asked the applicant what the estimated increase in vehicle traffic would be at full build-out. Mr. Nepstad offered that the P.M. peak would increase by approximately 225 to 230 trips. Commissioner Kenworthy asked if the applicant had the room to build the parking required by the Land Management Code (“LMC”) in the current configuration. The applicant answered in the affirmative.

Commissioner Sigg wanted to know more about the circulation inside the parking garage and asked whether the “greencoats” would be present, where the oversized parking would be located, and electric vehicle parking. He would like to see the Parking Plan and how orderly parking within the garage would be accommodated. He also wanted to know how the internal plan at Deer Valley dovetailed with Park City’s Master Transportation Plan. He asked how many buses would be designated for capture lots if any. Commissioner Sigg would like to know how the transit plan would get people out of town, and how the plan at Deer Valley would impact the overall traffic mitigation, especially as one heads towards the roundabout, which becomes gridlocked during the busy times of the year. Commissioner Sigg also wanted more information on Doe Pass Road and its connectivity with Lot 5.

Vice Chair Hall reported that public comment should be limited to the Circulation and Transit issues, as outlined in the Staff Report. Issues such as affordable housing would be addressed at a future meeting. She advised that there would be another meeting on January 18, 2023. She noted that emails could be sent to planning@parkcity.org with comments.

Based on the number of people who expressed a desire to speak, Vice Chair Hall stated that each speaker would be allotted three minutes and requested that each speaker abide by the

timer so that everyone's time was respected and they could allow as many people as possible comment.

Bill Watson identified himself as a Board Member at Solamere and President of the Board of the Solamere Oaks Swim and Tennis Company. He stated that approximately nine months ago, they formed a small group of eight people from Lower Deer Valley and American Flag. He mentioned Scott Martin, who worked on the airport transportation. Mr. Watson advised that they had attempted to work with Alterra Development over the past nine months, however, it had been a slow process. He stressed that this group needed more meetings with Alterra Development and added that Mr. Martin would love to meet with them. He commented that Deer Valley is customer-focused and he felt they were losing some of that. Mr. Watson mentioned 30 letters from locals, primarily from the Lower Deer Valley Association, which objected to abandonment of the Loop.

In terms of traffic, he felt there would be a problem with putting three lanes on a road designed for two lanes. He stated that Deer Valley East is 31 feet wide. Buses are 10 feet wide and would be given an 11-foot lane. Mr. Watson felt that the third lane was not needed and offered that the traffic problem was getting out in the evening. He stressed that there is no backup in the morning hours. He added that the lights were another problem. Currently, the traffic moves, albeit slowly, by alternating, but he felt that installing lights would create a bigger problem than they currently have.

Mr. Watson noted that next week would be a high week and asked the Planning Department and Planning Staff to visit the area and observe the traffic in action. He stated that they loved the idea of reducing parking by 20%, but wanted a plan other than charging higher fees, on how it would work. He mentioned reduced fees if a vehicle left by 3:00 p.m., or stayed past 6:00 p.m. Mr. Watson felt there was still a lot of work to be done, and although he heard many good comments, they have to work together. He mentioned a meeting last April with Alterra Development and noted it was a different group. He also mentioned a great meeting with the City but nothing ever came of it. His group of eight represents approximately 500 people, and most of them have lived in the area for 15 to 20 years, have seen the area grow, and might have some ideas to share. He would appreciate people listening to his group.

Mark Duross gave his address as 1774 Amber Road and identified himself as President of the Amber Daystar Homeowners' Association, located at Deer Valley Drive East and Solamere Drive. He concurred with the prior speakers' comments and stated that on behalf of the HOA, they were generally very much in favor of the Deer Valley development. They were concerned with maintaining the current neighborhood integrity of no stoplights. He felt that traffic studies within the Loop were constrained by the canyon and the traffic circle below. He reiterated that they would like to maintain the integrity of their neighborhood as much as possible and eliminate the flex lanes.

Mr. Duross appreciated the public relations spin on the texting, and offered that people were generally in favor of flex lanes; however, when they do not go anywhere, they do not do any good. He stated that the biggest flaw in the development was the uphill traffic. He felt that if there was a collection point for day skiers on the west side, they could effectively preserve an exit from the west and distribute the pain equally in the neighborhood. Having all of the garage collection points on the east side of the development would allow the traffic to morph over to the east side, which they saw as fundamentally unfair.

Allison Keenan reported that she lives in Deer Lake Village in Lower Deer Valley and is one of the founding members of Protect the Loop. She added that she is in regular contact with HOAs that are part of the Lower Deer Valley coalition, other HOAs in the area, and area residents who are concerned about the proposed Snow Park Development. She commented that after the March 15th Joint Meeting, she emailed Planning Staff and asked how the residents could best participate and be heard. This email was part of the public comment attached as Exhibit N. She noted that she never received a response.

Ms. Keenan stated that Protect the Loop wanted to understand the community's concerns, and hired a consultant, Angela Moschetta, who created a survey to obtain community feedback. She stated that they were not anti-development, but they want the community to be informed. Collaboration among community members, Alterra Development, and the City would help to equitably balance resident concerns about quality of life and safety with the resort experience and transportation improvements. She acknowledged that development was a reality and that community benefit and resort growth did not have to be mutually exclusive. She stressed that the community deserved to be represented in these discussions and collaboration was essential. Ms. Keenan felt there had not been significant collaboration.

She reviewed the plans in detail and requested Planning Staff and Alterra Development provide clarification on two items. First, she observed that Alterra's exhibit showed Doe Pass Road as a ROW dedicated to the City or an easement. The Staff Report indicated that Alterra might retain rights to Doe Pass Road. She stressed that an easement was substantially different from a ROW. In one situation, the City would own Doe Pass Road, whereas, in the other, Alterra would own Doe Pass Road. She wanted clarification of what was proposed.

Second, Alterra's ROW Vacation Petition filed in January 2022 included a portion of Deer Valley Drive South at the Snow Park Base where the Transit Center was currently located. She offered that Alterra now asserts that they own the land since they have been paying taxes on it, yet the road above was dedicated to the City in 1995. Ms. Keenan reported that she read the Planning Commission Agenda and Minutes from 1995 and it was clear that a ROW was to be dedicated to the City at that time. She referenced Ordinance No. 95-59 which approved the dedication of the ROW plat for a portion of Deer Valley Drive South. The portion dedicated to the City is the current portion of the road in question at the Snow Park Base. She added that Alterra has maintained the underground portion of the road where the current Deer Valley Tram turnaround and tunnel to the Resort are located. The City has maintained the portion above the road and paid for capital improvements for over 20 years, clearly establishing public use as noted in the Staff Report.

Ms. Keenan asked if Alterra's application for the road vacation should include this portion of the road. She felt it should be based on the 1995 City Ordinance, but it should be clarified who owns that portion of the road. She believes in transparency so that all community members are informed. Ms. Keenan advised that Protect the Loop would continue to read, listen, research, and do its best to be informed community advocates.

Donna Wells indicated that she works as a Concierge at the Deer Valley Lodges and supports the proposed development. With regard to transit, a drop-off where guests do not have to cross the street was much safer. Currently, it is very dangerous in that location. She also liked the idea of separating the buses in a transit area away from the drop-off area. She felt that Deer Valley and the "greencoats" could manage the stopped shuttles. She agreed it should be flowing all the time and felt the management would do that.

Ms. Wells also felt that all of the Concierges in the area do a good job of encouraging people to not use their vehicles to get to the area. She commented that the development is a good idea because now all of the guests go down to Main Street, where the restaurants are overcrowded. The idea should be to keep these guests at Deer Valley, and if they have more restaurants it would keep people off of Main Street, which would in turn improve the traffic pattern. Ms. Wells felt that having a village would encourage people to stay in Deer Valley instead of going elsewhere.

Angela Moschetta stated that in her capacity as a private resident, Alterra's application violated LMC Section 15-1-14, Termination of Applications for Inaction. She read the Code as follows: "Recognizing the length of the Planning Review process will vary with the size and complexity of each proposal, applicants must move their applications either to approve or deny in a reasonably expeditious manner. The Planning Director may formally deny applications which remain inactive for a period of 180 days or longer, due to acts or omissions of the applicant."

She argued that this application has not been before the Planning Commission since a Work Session was conducted during the Joint Meeting on March 15, 2022. At that meeting, Alterra introduced its proposed ROW vacation, but it was not included in any of its materials. She recalled that Commissioner Suesser expressed frustration that the application was not moving forward and the lack of other options offered by the applicant.

Ms. Moschetta recounted that during a November 9 Planning Commission Meeting held 239 days after the Joint Meeting, the Planning Director indicated that Alterra re-submitted an amendment to its application and would be back before the Commission on December 14, 2022, which would have been 274 days since the last public action on the application. She commented that this matter was presented today where Staff has ignored this violation of the Code and accommodated the applicant while placing the burden on the public and the Planning Commission to scrutinize an application that should be canceled and resubmitted under an entirely new MPD subject to current Code.

Ms. Moschetta next addressed the results of the Protect the Loop survey, which she was professionally commissioned to execute. She stated that she would furnish the survey results and relevant conclusions via email to the Commission, the applicant, the City, and the media for equitable consideration. She stated that the survey was open for a period of 105 days from August 23 to December 6, 2022. It was promoted on KPCW, in the *Park Record*, and on Future Park City. It was also circulated among HOAs and other community groups. She explained that nearly all of the 30 questions required an answer before the respondent was able to proceed.

She stressed that this was an objective survey that functioned to glean respondents' usage habits regarding the Loop, ski access, public transportation, and more. Unlike the Deer Valley survey, this survey did not ask a series of questions such as "would you support the plan if..." followed by reference to various unconfirmed promises such as workforce housing development. She felt this was done to garner manipulated support for certain outcomes.

Ms. Moschetta reported that the Protect the Loop survey garnered 1,113 responses, which were well balanced between Upper Deer Valley and Lower Deer Valley residents, as well as adjacent neighborhoods. More than 50% of respondents were primary, local residents, and another 46% were secondary property owners. She stressed that 96% of the respondents had a tax-based, financial stake in the impacts of any development of the Snow Park Base. Nearly 30% of

respondents admitted to never using public transit. She offered that this must be accepted inside of the wishful plans about transit adoption, especially when the survey also revealed that 38% of respondents stated that nothing would make them utilize public transit more than they already do.

Ms. Moschetta reported that nearly all respondents use the Loop for ski access. They also use it for dog walking, leisure bike riding, and to access hiking, biking, The Ponds, and more. She stressed that it was very much a part of the public domain and acts as a year-round portal that supports quality of life for people living in and around it. She added that 88% of respondents were somewhat familiar with Alterra's plans, and despite the claims of extensive community outreach and positive feedback, respondents remained overwhelmingly opposed to anything beyond what was granted in the original MPD. The survey also showed that respondents were opposed to the ROW vacation and were clear that the community benefit was limited to a couple of the HOA communities immediately adjacent to the ROW that would end up with ski-in/ski-out properties. She noted that these HOAs had provided letters of support for Alterra.

Ms. Moschetta stated that it would not be impossible for Alterra to offer improved significant community benefit, which should not be confused with consistency or compliance. Community benefit means a significant gain in ways that are quantifiable for the entire 84060 community. She urged that this burden should fall on Alterra, not Planning Staff. She noted that it would be a waste of taxpayer investment and Planning Commission time to assume Alterra would prove broad community benefit and be granted the ROW vacation by City Council. She urged that it was wise to demand that Alterra work on an actual alternate plan through Planning at the same time.

Tom Moore reported that he has lived in Park City for over three decades. He asked whether the option of building a ski bridge, much like that at the Town Lift project, had been considered. He opined that this could allow for the skiers to access the village, and they could still maintain the Loop. This would be a win-win wherein the Loop would maintain its integrity, and Alterra would get access to the village. He also mentioned the emphasis on public transportation; however, as he queried Ms. Tyler, he wondered why there was such a big push for a Transit Hub when only 8% of Deer Valley visitors use public transportation.

Mr. Moore also addressed the Y-intersection and noted the comments by Commissioner Van Dine that except for Christmas week and President's weekend, that intersection works perfectly fine. He noted that it has a natural zipper-line effect as people exit during peak times. He felt that peak periods were bad case study test times to use as far as determining whether that intersection fails.

He mentioned his discussions with Mr. Nepstad during a recent meeting, wherein Mr. Nepstad indicated that while the Utah Department of Transportation ("UDOT") controlled the lights in town, the City would control the light at the Transit Hub, and the City would be in charge of the light at the Y-intersection. Mr. Moore asked whether the City would turn off the signal at the Y-intersection during the rest of the year to allow traffic to flow naturally.

Carol Shenevert reported that she serves on the Board of the Deer Lake Village HOA. She stated that for years she and her neighbors have used the Deer Lake shuttle, at great cost, to get to and from the mountain. She felt that this shuttle was important in keeping the Deer Lake residents from driving and parking. When she comes off the hill, the shuttles are generally already at the pickup spot or arrive within eight minutes. She observed that the new plan

showed three lanes for drop-off, whereas the current configuration has six lanes, with three of them dedicated to shuttles and three dedicated to passenger vehicles.

Ms. Shenevert queried where the shuttles would be staged when they come off the hill at the end of the day, and wondered whether the residents would be required to wait 45 minutes for a shuttle. If this occurred, she felt many would just drive to the resort. In addition, she felt that the Transit Hub was a nice idea but noted that there was no access to transit for most of those who live in Lower Deer Valley. She did not see its advantage given that residents cannot take a bus without walking a mile. She added there is no place in town to catch a bus because there was no parking along the bus routes.

Maureen Murtaugh stated that she also lives in Deer Lake Village. Her comments focused on the traffic beyond the Deer Valley because last Thursday at 5:00 p.m. it took her 30 minutes to get to Prospector. The traffic was not stopped until well after the Loop, and she advised that the traffic problems persist well beyond the Loop. She did not see that this plan addressed this issue. These traffic issues affect her lifestyle and she was worried that in the future she would not be able to go anywhere between 3:00 p.m. and 6:00 p.m., particularly on the weekends. With regard to transit, Ms. Murtaugh stated that she can walk one-third of a mile to the bus; however, this requires her to walk on the street, as there are no maintained sidewalks. She added that there are no streetlights, which compounds the safety issue. She did not see how this plan addressed the safety of emergency vehicles for the neighborhoods. She felt it was fair to ask whether the evacuation plan for the area worked now, let alone with increased density.

Wes Richards stated that he lives in The Oaks in Deer Valley. He advised that he left his house, which is 2.2 miles away, at 4:30 p.m. to come to this meeting. He arrived at 5:20 p.m. He felt that the applicant made a great presentation and believed his community supported the development; however, he felt they were missing the point. The focus on the arrival experience is only half of the equation. People have to leave to get to their homes or hotels. He felt there could be 10 exit points out of the resort, but they would all have pinch points. He mentioned the huge planters and bike lanes along Bonanza Drive that only allow for one lane in each direction. He commented on the road configuration along Kearns Boulevard where there are two lanes for a block that get reduced to one lane even though the road base is capable of handling two lanes.

Mr. Richards urged the City to look at this from the perspective of not just the project, but from five miles out. He offered that those who do not like the experience were blasting the City on social media. The fact that people are turning away from Park City is not good for commerce or the perception of the community. He hoped the City would take a broader view going forward.

Jeff Whipple stated that he is a 14-year resident of Park City and has lived in Solamere for 1½ years. He echoed the comments of Mr. Richards. Mr. Whipple relayed that on July 31 he suffered a heart attack, and emergency personnel arrived at his house in three minutes. As the local hospital did not have a cath lab, it took 57 minutes from the time his daughter called 911 to when he arrived at the Murray hospital. The responders advised him that was record time. He posited that if it took 33 more minutes, he would have suffered serious, lifelong complications, or worse. If his heart attack had not occurred when there was no traffic, he might not be here today.

Mr. Whipple stated that it took him 24 minutes to get from the Y-intersection to this meeting, and that did not include the excess traffic it would have taken to get to a freeway. He expressed

gratitude for the emergency services in Park City and felt the excess traffic could put the City's residents at risk. He urged the City to be careful and consider all traffic implications.

David Glew reported that he lives on Rossie Hill Drive and felt that the Traffic Plan should include not just the Loop, but also the traffic circle up to Snow Park. With regards to the Levels of Service issues, he noted there was a four-way intersection halfway up the street between the Y-intersection and the circle. At this location, Rossie Hill Drive, Coalition View Court, McHenry, Deer Valley Loop, and several other streets funnel into the street. He also mentioned all of the driveways that come into Deer Valley Drive. He noted that the third-party evaluation alluded to the fact that the data is somewhat limited below the Loop. He felt this area should also be considered as part of the overall movement of traffic.

Alvid Avenon (sp?) reported that he resides full-time in Aspen Wood. He echoed some of the prior comments about the lack of communication. He felt that a fancy website and fancy open house, along with select HOA outreach was not cutting it. They can and have to do better. He felt that a traffic signal would not sit well with full-time residents. He would like the Commission and the applicant to take into account the human in the equation. He noted that humans take the path of least resistance. Creating an arrival experience that is 2½ times the size of taking Deer Valley West was probably not going to be the most used experience. He appealed to the applicant and to the Commission to look at what is being done if they truly want to mitigate traffic and ensure that it is the experience that everyone would like to have. He reiterated that humans want to use the shortest route.

Mr. Avenon echoed the comments regarding snow removal. He also felt that there was no answer given to a question regarding bus traffic and the Transit Center as it related to hotel traffic. He felt that there was no transit traffic from where the people want to go to where the people are going. Deer Valley gets a lot of traffic from the Wasatch Back, the Wasatch Front, and the airport. He would like to see the non-stop transit options that service these areas because currently there were none. As a result, visitors would continue to use car share, and rental cars and the traffic would continue to increase.

Bob Dolan reported that he lives in American Flag and requested that his written comments be entered into the record. Vice Chair Hall accepted Mr. Dolan's written comments.

Albert Gutierrez identified himself as the President of the Lakeside HOA. He echoed the comments about the need for more cooperation. He stated that the HOA supported the development, but some of the Doe Pass Road and traffic issues were of concern. He also echoed the comments that there was a much bigger problem. He felt this was all simple math. Currently, there are effectively six lanes, and if they were to replicate the six lanes then traffic mitigation would be the same. However, he felt it did not sound as though that was what was being contended.

Keith Golan advised that his family has resided in Park City for over 40 years. He felt that all elements of planning would come together in this one project. He understood that it involved a 47-year-old entitlement, but they could bring it up to 2023/2024 and make it the best project that the country or the world would marvel at. He believed that if the community and Alterra worked together to make this a state-of-the-art village, they could make this so outstanding that even Park City residents will love it.

Paul Bromley assumed that the Carpenter Lift would be the one to take guests to the top of the mountain. He noted that everyone uses Carpenter Lift and that the drop-off is right next to this lift. He assumed that everyone would be using Deer Valley Drive East. He expressed that the applicant vastly underestimated what was going on with the congestion at Deer Valley Drive East. There is traffic going to and from the drop-off, along with two garage entrances and exits. He felt this was potentially the biggest problem, excluding the Y-intersection.

Phil Palminteri reported that he lives on Solamere Drive and represented that it is a 1.8-mile walk from his home to the closest bus stop on Deer Valley Drive. As a disabled skier, this would not allow him to entertain the thought of taking public transit. He found the simulation for the traffic to be misleading. He noted that simulations were always a function of the assumptions built into the mathematical models. He felt it was clear that the models used assumed there was never a traffic jam at the traffic circle, Bonanza Drive, Kearns Boulevard, or Park Avenue.

He wondered why Alterra did not show an animation with more realistic assumptions that would show precisely what the traffic would look like at the end of the day. Mr. Palminteri strongly suspected that it would show that traffic would continue to be clogged on Deer Valley Drive past Solamere Drive and up to Queen Esther Drive as happens currently. He also wanted to make sure that everyone would focus on the fact that the proposed development would bring more automobiles through Park City and into Deer Valley. A hotel with 100 rooms would mean roughly 100 automobiles. He doubted that people would come from Salt Lake City in public transit.

In addition, the hotel staff would also translate into more automobiles coming into and exiting Deer Valley. He requested that these assumptions be built into the traffic model. The same was true for the 60 condominiums, where one could assume 2 to 3 vehicles per condominium. He commented that these assumptions were not built into this model. In terms of public participation, he found Alterra's claim of broad community support disingenuous. He has tried to engage with Deer Valley on numerous occasions and found it difficult to engage with them.

At the recent open house, he asked how he could be a part of the conversation, particularly for those who are permanently disabled skiers. He was told that the applicant wanted to work with HOA presidents. Mr. Palminteri understood that HOA presidents wanted to do the right thing, but this was not a representative democracy wherein they speak for him and he could not speak for himself. He found it odd that Deer Valley claimed it wants public participation, but when the rubber meets the road, they do not.

Tom Petro identified himself as a member of the Chaparelle HOA and has been an owner for 22 years. He echoed the concerns raised by the neighbors regarding traffic lights and the third transit lane, which he described as the transit lane to nowhere. He addressed concerns about the recreational path around the existing Loop. From Deer Valley Market to Snow Park, this path is on the inside, and from Snow Park to the Market, this recreational path is on the outside of the Loop. He asked how the Traffic Plan would allow pedestrians to cross a busy road to safely access the existing sidewalk/path.

Sally Jablon stated that she is a resident of Queen Esther. She expressed concern over the fact that they glossed over the chart that discussed the current Levels of Service versus the Levels of Service after the proposed changes. It seemed to her that both Queen Esther Drive and Solamere Drive would have a worse Level of Service once the changes are completed. Currently, it is almost impossible for residents of Solamere and Queen Esther to get out of Deer

Valley at any reasonable time. She reported that as she was returning home from the market today, she observed the traffic coming toward her and could not imagine it being worse.

Christina Shiebler stated that she has been a Coalition View Court resident for nearly 20 years. She would like the communities to take into consideration student and children transport. She has observed that the traffic and speeds are alarming. As they discuss traffic and transportation impacts, she would like to keep the children in mind.

Andrew Walter stated that he is the President of the Black Bear Lodge HOA. He felt that it was clear that there was a lot of opposition in the community to this proposal. He challenged the Planning Commission to make sure they could do a better job asking for things from public and private companies that dominate the economics around Park City to encourage positivity for Park City. He felt that this was a rare opportunity for the community to come together and ask for more negotiation in a way that would benefit all of Park City's residents, homeowners, and taxpayers.

Stefanie Wilson stated that she lives at Queen Esther Village, and is on the Board. She clarified that she was not speaking on behalf of the Board. She concurred with many of the prior comments. She highlighted the issue of public participation and the survey touted as showing support. She started to take the survey and quit partway through because the questions were so slanted that it did not allow her to say she did not support this project. She felt the survey needed to be taken with a grain of salt. Ms. Wilson added that this development would likely take five years to complete, and she asked what would happen to skier traffic during construction. She felt this was an important consideration because it could be quite awful for quite some time. With regard to the traffic signal, she understood that no one preferred a traffic signal in the neighborhood; however, she suggested consideration of a roundabout and noted that this solution had worked well in other parts of the community.

Paul Lakin stated he has been an owner in Lakeside for approximately 20 years. He supported the development and felt it was an exciting opportunity for the community if it is done right. He concurred with many of the speakers in terms of concerns regarding traffic in Deer Valley and how it feeds into the rest of Park City. He was hopeful that the Planning Commission and all involved with this project build in the potential for adapting as time goes on and things change.

Alison Kitching advised that she is the President of the Portico HOA, which is located below the Y-intersection in the Rossie Hill area. She stated that during the Joint Session there seemed to be a need for the community to come together to condense the issues and come together with a more collective voice. She commented that the community seems to have spoken that the ROW and shortening the Loop would not be the optimal solution from a community perspective. She was optimistic in thinking that Deer Valley and Alterra would come back with a Plan B that would leave the Loop alone. She was still waiting for the opportunity to weigh that plan against the current plan. She would like to see collaboration with Deer Valley, Alterra, and the City to achieve a ski village while keeping the Loop intact. She added that if this was truly a world-leading development opportunity, they could collectively achieve that if that is the goal.

Michelle Dement stated she is a 20-year owner at Bristlecone Condominiums, located next to the fire station. She felt that Alterra and Deer Valley were not accurately representing how people arrive and depart from the ski hill. She advised that she takes public transit to the ski area, and she represented that those buses were not very full even during peak times. She reported heavy reliance on the shuttles and felt that Deer Valley needed to get a handle on the

numbers of how skiers arrive and depart. The City's emphasis on public transit for this development might be slightly misplaced and she felt that more attention needed to be placed on where the shuttles would be and where they would stage. Ms. Dement also noted that not much attention was paid to what would be done to preserve the summer atmosphere and experience of the Deer Valley Loop in the non-ski season. Many longtime residents and owners want to ensure that the non-ski season experience and sense of community would be preserved.

Rachel Solomon reported that she is an owner of the Sunspot Condominiums. She would like to see information regarding service vehicles. She noted that currently, there were vehicles making deliveries all day long, and with the addition of the hotel and condominiums she felt there would be additional service vehicle traffic. She agreed with the prior comments objecting to a traffic signal and a three-lane roadway.

Kristen Gentilly (sp?) reported that she lives on Lower Deer Valley Drive. She agreed with the prior speaker and many other residents. She works as a nurse in the hospital and referenced the speaker who discussed his medical emergency. She shared these concerns and noted that when she is on call, she is required to be at the hospital within 30 minutes and it has taken her over an hour to get to the hospital. She expressed concern about traffic during construction and after construction is completed.

There were no further public comments. Vice Chair Hall closed the public hearing and reminded those present that there will be future meetings where people could provide comment.

Mr. Budge asked to be allowed to respond to some of the comments. He noted some confusion about the ROW and explained that there was no question that the ROW was owned and operated by Park City. There was also no question that if the ROW were vacated, it would come back to only one entity, Deer Valley, as Deer Valley owns the land underlying and adjacent to the ROW. He added that they would utilize the ROW as part of the village. With regard to Doe Pass Road, he confirmed that the applicant was completely willing to make that a public road or hold it and operate in accordance with the public requirements. He stressed that their focus was to operate in a way that would be two-way, with a third lane, and in a way to ensure that people could traverse through it.

Commissioner Johnson referenced the identified concerns in the third-party consulting group analysis and asked if the applicant was addressing those concerns. It was noted by Mr. Nepstad that many of those items were considered Conditions of Approval moving forward. They were comfortable moving forward with the study, as recommended, given those Conditions of Approval. Commissioner Johnson understood and noted that the first concern related to much of the public comment on the City's stated goal of reducing peak traffic hour volumes by 20% citywide. Mr. Nepstad understood that many of the concerns centered on conditions outside the influence of the development. He mentioned that PC Forward was recently adopted as a long-range Transportation Plan, and it highlights how they would improve many of these congestion issues. The focus was on transit and other mobility modes of transportation. He added that there was an additional challenge given that these intersections were owned by UDOT, so they must work with them to come up with workable solutions. He mentioned the Bus Rapid Transit Plan ("BRT") nearing approval by the County. He felt the Environmental Document would be finalized within the next 6 to 8 months, and anticipated that they could be 2 to 3 years from completion of the BRT construction.

Commissioner Kenworthy heard that the community was looking for a holistic plan. The applicant could contribute to the holistic plan, and he felt it fair that the public understood the phasing. He asked Mr. Nepstad if he looked into a transit study wherein Deer Valley would operate Mayflower and some of the mitigation that they could be pushed over to I-40. Mr. Nepstad knew those issues were out there, however, nothing was formalized to where the applicant felt comfortable considering it; rather, they had to look at what was in front of them currently and what they know is approved. He confirmed that they do not have a study that says how many potential cars could be shifted over.

Chair Suesser referenced the BRT from Kimball Junction and noted that the BRT would not end at Deer Valley. Mr. Nepstad advised that the current plan called for the BRT to be a shoulder-running lane up to SR-224 and SR-248. They would then work with the County to arrive at solutions at the two traffic signals to get priority for the BRT. She asked the applicant if they explored access to the parking garage for day skiers off of Doe Pass Road via Deer Valley West. She felt an access point on that side might take some of the strain off of Deer Valley West. She recalled some discussion about day-skier access off of Doe Pass Road.

Mr. Budge explained there would be two entrances for day skiers off Doe Pass Road. They looked exhaustively at entrances off of Deer Valley West and ran into an issue with the grade. They would have to start retaining to achieve the level for the vehicles to get into the garage. To mitigate that, they arrived at a design wherein Deer Valley West flows naturally onto Doe Pass Road. Mr. Romney added that they also connected Levels P2 and P3 so they could cycle between those two floors.

Chair Suesser echoed Commissioner Kenworthy's comments regarding a holistic plan desired by the community. She recalled a comment by the applicant that they would be willing to work with the City on remote parking solutions; however, the Commission was looking at Alterra to come up with those solutions, rather than expecting the City to come up with those solutions. She emphasized that they were looking to Alterra to come up with a good traffic mitigation strategy that would involve planning beyond the Loop that would benefit all of Park City. She referenced her questions about shuttles and how visitors staying at Deer Valley would be encouraged to use transit. She noted the comments that the buses were not heavily utilized, and urged the applicant to present a strategy for getting more people on transit and fewer car shares. Chair Suesser felt the car shares were a huge problem, and they needed to do better at getting people on shuttles and transit. She observed people using shuttles more and would like to see Deer Valley or the hotel provide a free shuttle from the airport, from the Wasatch Back, and the Wasatch Front.

Chair Suesser agreed with the commentary regarding the desire to preserve the summer experience and did not think that enough attention was being devoted to that. She noted that the summer activities were very dear to the community, and she would like to know the applicant's plan to preserve them. She queried how someone arriving by bus with a mountain bike would access the lift during the summer.

Chair Suesser stated that the alternatives presented have all been variations on the same, and have always assumed that the City would vacate the southern ROW. She wanted to know whether there was a backup plan, and if so, what it entailed. She felt it would help the community and the Commission to understand these plans better if they had a thorough understanding of why this design was the only one being considered.

Mr. Budge referenced a graphic showing the key elements of the project and noted that if the southern ROW were not vacated, then there could not be a village. He explained that during the open house, as they walked people through the experience they could expect, a majority were in favor of the plan. He highlighted the comments of one person who understood why the vacation was necessary because there was a village that would go from the ice skating rink to Carpenter Lift, and if there was a road going through it, it "cuts its throat." Without the vacation of the ROW, the continuity would be broken. They are trying to create an experience where visitors arrive and where the ski experience begins, without the need to travel over asphalt to experience what is Deer Valley. He stressed that this was the genius of this plan.

Mr. Budge confirmed that they have looked at other options; however, they all lead to a plan without a village and hundreds of townhomes or condominiums that would be isolated with amenities only available to those owners. This would be antithetical to the vision of creating a village that would be usable by the community. He added that by exhaustively reviewing and comparing all of the other plans, they came back to the parking structure plan they started with. They want to focus on how they could provide these benefits that justify the small vacation of the ROW.

Commissioner Frontero asked the applicant to give more consideration to alternatives on the ROW in terms of what the City would receive in return. He was not sure that Doe Pass Road would be a good trade for the City and suggested that alternatives could include shuttles to the residents in Lower Deer Valley, and the provision of shuttle stops. He heard many comments that people could not get to the bus stops. He wanted to see a more detailed, robust plan of what the City would receive if the applicant received the ROW vacation.

Vice Chair Hall suggested providing the applicant and Staff with some specific questions or directions and felt that from a high level, they needed to discuss whether the Commission was conceptually in favor of transitioning away from the current configuration to the two-way on Doe Pass Road and changing the drop-off zone. She also suggested that they determine whether they liked the new Alternative C. She also mentioned the parking reduction.

Vice Chair Hall wanted information on the width of the three lanes to confirm that they could operate City buses and oversized shuttles within the three lanes. She also requested an analysis of the pros and cons of the ROW versus an easement for Doe Pass Road. She would also like to see an analysis of the feasibility of a roundabout, or other options instead of a stoplight at the Y-intersection. Vice Chair Hall was in favor of Alternative C and would like to see how far they could extend the SML past the Y-intersection.

Commissioner Johnson agreed and observed that they had asked for quite a bit from the applicant. He stated he was favoring Alternative C, but there were a lot of "ifs." He could not support the parking reduction until they have some sort of holistic view on transportation. He felt if they were not to grant the parking reduction, the use could be shifted at a later date in the development, but he could not support the parking reduction at this point.

Vice Chair Hall recalled that the applicant stated they could go either way. She wondered how the applicant could incentivize the use of public transportation when only 8% of residents use public transit. She acknowledged that a parking reduction with paid parking was not popular among locals, but it was a reality.

Commissioner Frontero understood the concept behind the parking reduction that if they do not build it, they will not come. He has seen evidence in other studies that this is the case. He would consider the 20% reduction, but noted that allowing the reduction would substantially reduce the applicant's costs, and roughly estimated the savings to be around \$22 million. He wanted to know what the community would be getting in exchange for the reduction. He charged the applicant with being more creative and providing a holistic solution for the community. He stressed that the community needs more in return given what the applicant has requested. At present, the application was fairly one-sided towards what the applicant needs, and not what the community needs. He implored the applicant to try to come up with more alternatives that the community could support.

Chair Suesser echoed Commissioner Frontero's remarks.

Commissioner Kenworthy would like to see more mitigation for the additional 225 trips. He echoed the comments that they are all in this together and all want what is best. He added that while there are positive aspects, they always come back to parking and transportation. If they could not get the buses out of traffic, he would like to see from the City how they could micro-transit from SR-248 and SR-224. He stated that the key was to get the Average Vehicle Occupancy ("AVO") up and make it efficient. He noted that during the pandemic they had a great reduction of AVO for good reason. They need to go back to what would help the AVO and would create fewer cars through this loop. He acknowledged that it was difficult to get the Deer Valley demographic onto buses. He added that it would be difficult to increase transit use from 8% to 20% to offset the parking reduction, and would like to see the raw numbers on how that would work.

Commissioner Kenworthy understood the Doe Pass Road option and felt it was a good solution, although he would love to keep the Loop. He averred that the elevations would make it extremely difficult. He thanked the applicant for the element that would help with emergency issues and felt that the 12-foot path would keep the summer aspect tied in. He agreed with the other Commissioners about equity. He liked the idea of the gondola and felt it would take cars off the road. Commissioner Kenworthy felt they had a wonderful window of opportunity if they stay united as Park City.

Senior City Attorney, Mark Harrington, addressed the claim of inaction under LMC Section 15-1-14 and stated the standard was not based on meetings. Before the City could try to declare an application inactive, the Planning Director must give the applicant 14 days' notice, which has not occurred in this case. He noted that there are many aspects to processing an application that occurs behind the scenes. Many applicants do not get to their first meeting during the first 180 days because they are working with third parties, or addressing utility issues and those types of things. He acknowledged that was difficult for the public to track, but in this case, it was not even a close call, as the applicant has been engaged the entire time.

2. ADJOURN

MOTION: Commissioner Van Dine moved to adjourn.

The meeting adjourned at approximately 8:30 p.m.

Planning Commission Staff Report



Subject: 1305 Lowell Avenue
Application: PL-22-05449
Author: Spencer Cawley, Planner II
Date: January 25, 2023
Type of Item: Administrative – Conditional Use Permit

Recommendation

Staff requests the Planning Commission open a public hearing and continue the item to a date uncertain.

Description

Applicant: AT&T; Jenelle Humphrey, Applicant Representative
Location: 1305 Lowell Avenue
Zoning District: Recreation Commercial
Adjacent Land Uses: Resort, Multi-Unit Dwellings, and Single-Family Dwellings
Reason for Review: New Telecommunication Facilities require Planning Commission review and Final Action¹

¹ LMC [§ 15-4-14\(E\)](#)

Planning Commission Staff Report



Subject: 402 and 410 Ontario Avenue Plat Amendment
Application: PL-22-05331
Author: Alexandra Ananth, Sr. Planner
Date: January 25, 2023
Type of Item: Administrative – Plat Amendment

Recommendation

(1) Review the requested 402 and 410 Ontario Avenue Plat Amendment; (2) hold a public hearing; and (3) consider forwarding a recommendation for City Council's consideration on March 9, 2023, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval in the Draft Ordinance 2023-XX (Exhibit A).

Description

Applicant: Green Monster, LLC (402 Ontario) & Cameron Stacy (410 Ontario)
Location: 402 and 410 Ontario Avenue
Zoning District: Historic Residential -1
Adjacent Land Uses: Single Family Dwellings
Reason for Review: Plat Amendments require Planning Commission recommendation and City Council action¹

HDDR Historic District Design Review
HR – 1 Historic Residential – 1
LMC Land Management Code
ROW Right-of-Way
SFD Single Family Dwelling

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

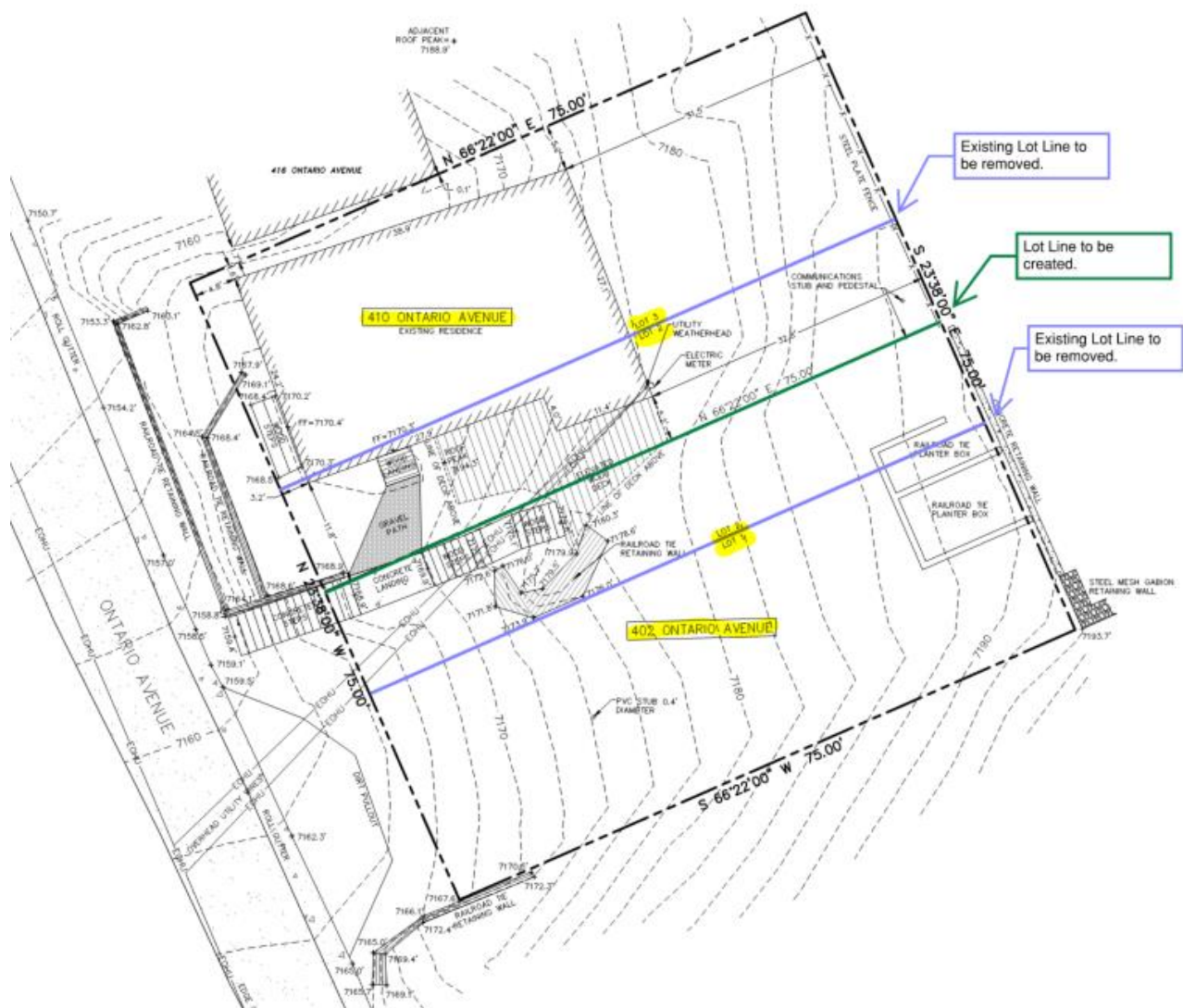
Summary

402 and 410 Ontario Avenue are neighboring properties with two different owners occupying Lots 1, 2, and 3 in Block 58 of the Park City Survey. 402 Ontario consists of Lot 1 and the southerly half of Lot 2 and is currently vacant. 410 Ontario consists of the northerly half of Lot 2 and Lot 3 and is improved with a non-conforming duplex, with one unit on the upper floor and one unit on the lower floor. The Planning Director issued a letter on January 6, 2023, determining the duplex is a non-conforming Use and Structure (Exhibit B). 410 Ontario received approval in 1997 for a Plat Amendment to combine 1.5 Old Town Lots into one 2,805 square foot Lot (the same proposal as the

¹ LMC [§ 15-7.1-2\(B\)](#).

current application), but the Plat was not recorded and has since expired (Exhibit C Ordinance 97-41).

The owners would like to create two Lots, removing the internal Lot lines existing on the properties currently. This would allow 402 Ontario Avenue to utilize their one and a half lots to propose a new Single-Family Dwelling. 410 Ontario currently has no plans for construction or remodeling but is built over a lot line that is proposed to be removed.



Existing Conditions (Exhibit D):



Aerial View

Background

402 Ontario Avenue – The Lot previously had a non-historic structure on it that was approved for demolition on April 8, 2020. Since then, the natural grade has been restored and it is currently a vacant Lot. The current owner is in the process of seeking HDDR approval for a new Single-Family Dwelling which will meet all HR-1 Lot and Site Requirements including Building Height and Parking.

410 Ontario Avenue – The existing non-historic structure was built in 1970.

On August 18, 1997, the Historic District Commission approved a Design Review of the non-historic duplex to replace failing foundation and re-construct the rear of the structure. The following relevant Conditions of Approval were applied:

1. The final building plans shall reflect substantial compliance with the elevations submitted and reviewed by the Historic District Commission on August 18, 1997.
2. The applicant shall obtain a Plat Amendment of the property to accommodate the development of the proposed addition. Execution and recordation of the Plat Amendment is a condition precedent to the issuance of a building permit for the proposed structure.
3. All new improvements, including but not limited to the proposed additional shall comply with all HR-1 District setback requirements.

On September 18, 1997, the City Council approved a Plat Amendment to combine 1.5 Old Town Lots into one 2,805 square foot Lot (the same proposal as the current application). The plat was never recorded but was approved with the following relevant Conditions of Approval:

1. Realignment of the staircase that currently crosses property line is required on the south side of the structure to comply with the Uniform Building Code.
2. Any remnant portion of Lot 2 is not separately developable unless combined with another piece of property to create a lot conforming to minimum lot size.
3. 10' non-exclusive snow storage easement along Ontario Ave shall be dedicated to the city.

For unknown reasons, despite City Council approval, the plat was not recorded by the prior owner.

On November 7, 1997, despite lack of plat recordation, a Building Permit was approved for the structure with the following relevant Conditions of Approval:

1. This building is non-conforming. It is a duplex on a parcel less than 3,750 square feet. No expansion or additions may be made under this permit, only improvements of a structural or cosmetic nature.

From the Conditions of Approval previously agreed upon with the 1997 Plat Amendment, Staff has added the 10-foot snow storage Easement as **Condition of Approval 4**. The property owner of 410 Ontario Avenue has an Encroachment Agreement with the property owner of 402 Ontario Avenue for the existing deck and staircase which crosses the proposed property line. Staff is currently in discussions with the Building Department regarding if a Condition of Approval for the realignment of the staircase should still be a Condition of Approval. This will be resolved prior to the public hearing. The encroaching stairs into City ROW are addressed with Encroachment Agreement: [Entry No. 01198229](#) (with the City).

(I) The proposed Plat Amendment complies with the Historic Residential (HR-1) Zoning District requirements.

The following table outlines the HR-1 Zoning District Lot requirements.²

HR-1 Zoning Requirement	410 Ontario Avenue (Lot B)	402 Ontario Avenue (Lot A)
Min. Lot Area for a Single-Family Dwelling: 1,875 sf	Lot contains 2,812.5 sf (0.065 acres).	Lot contains 2,812.5 sf (0.065 acres).
Min. Lot Area for a Duplex: 3,750 sf	Existing Non-Conforming Use/ Non-Compliant structure	Condition of Approval 5:
	Conditional of Approval 6: The Applicant may repair or maintain the existing Structure provided that such repair or	Any new development on Lot A must comply with the Land Management Code in place at the time of building permit application and requires

² LMC [§ 15-2.2-3](#)

	maintenance shall neither create any new non-compliance nor shall increase the degree of the existing non-compliances with the LMC. The applicant may maintain and remodel the existing Duplex Dwelling. Should more than 50% of the Gross Floor Area of the Structure be demolished, the Structure shall be brought into compliance with the Land Management Code at the time of application. As this site does not meet the minimum Lot Size requirements or parking requirements for a Duplex Dwelling, the Use will also need to be brought into compliance with the LMC at the time of application. The applicant may maintain the existing Use of the site as a Duplex, but any deviation, expansion, or demolition of the existing Structure from this Use will need to come into compliance with the requirements of the HR-1 Zoning District at the time of application.	Historic District Design Review and Approval.
Min. Lot Width: 25 feet	Complies The frontmost section of the proposed lot is 37.5 feet wide.	Complies The frontmost section of the proposed lot is 37.5 feet wide.
Maximum Building Footprint $= (\text{Lot Area}/2) \times 0.9$ Lot Area/1875	Complies Condition of Approval 6 The maximum Building Footprint for this Lot is 1,200 sf. Existing Footprint: 968.05 sf	Conditional of Approval 5 The maximum Building Footprint for this Lot is 1,200 sf. Future development of this

		Lot must comply with LMC Maximum Building Footprint requirements.
Setbacks: Front: Ten feet (10') Rear: Ten feet (10') Side: Minimum three feet (3')	<u>Front:</u> 3.2 feet to structure Less than a foot to existing wood steps. Two (2) railroad tie retaining walls and concrete steps to 410 Ontario Avenue encroach into the Public Right of Way (ROW) that the Applicant has recorded Entry No. 01198229 with Summit County. <u>Rear:</u> 32.8 feet <u>Side:</u> North side: 1.6 feet minimum South side: 5.2 feet minimum to structure. Existing Non-Conforming Use/ Non-Compliant Structure Condition of Approval 6	Conditional of Approval 5 Future development of this Lot must comply with LMC setback requirements.
Building Height: 27 feet	Existing Non-Conforming Use/ Non-Compliant structure Condition of Approval 6 Existing Maximum Height: 28 ft on the northwest corner.	Condition of Approval 5 Future development of this Lot must comply with LMC Building Height Requirements.
Development on Steep Slopes	Existing Non-Conforming Use/ Non-Compliant Structure Condition of Approval 6	Condition of Approval 5 Average slope of Lot A is 36% which will require a Steep Slope CUP prior to Building Permit submittal.

		Future development of this Lot must comply with LMC Steep Slope Development requirements.
Parking LMC §15-3-6 Single Family Dwelling: 2 spaces required Duplex: 4 spaces required	The existing Duplex does not maintain any parking spaces. Existing Non-Conforming Use/ Non-Compliant Structure Condition of Approval 7	Condition of Approval 5 Future development of this Lot shall comply with LMC Parking requirements.

As noted above, 410 Ontario is a nonconforming Use and Structure. The applicant is not proposing any alterations at the current time but Condition of Approval 6 reads:

“The Owner of 410 Ontario Avenue may repair or maintain the existing Structure provided that such repair or maintenance shall neither create any new non-compliance nor shall increase the degree of the existing non-compliances with the LMC. The Owner may maintain and remodel the existing Duplex Dwelling. Should more than 50% of the Gross Floor Area of the Structure be demolished, the Structure shall be brought into compliance with the Land Management Code at the time of application. As this site does not meet the minimum Lot Size requirements or parking requirements for a Duplex Dwelling, the Use will also need to be brought into compliance with the LMC at the time of application. The Owner may maintain the existing Use of the site as a Duplex, but any deviation, expansion, or demolition of the existing Structure from this Use will need to come into compliance with the requirements of the HR-1 Zoning District at the time of application.”

410 Ontario also has no parking for the two units and there does not appear to be room for parking under the existing conditions. Staff recommends the Planning Commission consider **Condition of Approval 7**, which requires that if 410 Ontario remodels more than 50% of the existing structure or redevelops the site as a SFD, parking requirements in place at the time of building permit application shall be met.

Architectural Review LMC [§ 15.2.2-9](#)

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance. Any proposed structure or future development will require the Applicant to submit a Historic District Design Review Application to the Planning Department for review and approval for compliance with LMC [Chapter 15-11](#), *Historic Preservation*, and LMC [Chapter 15-13](#), *Design Guidelines for Historic Districts and Historic Sites*.

(II) Staff finds Good Cause for the proposed Plat Amendment.

Plat Amendments shall be reviewed according to LMC [§ 15-7.1-6](#), *Final Subdivision Plat*, and approval shall require a finding of Good Cause and a finding that no Public Street Right-of-Way, or easement is vacated or amended.

LMC [§ 15-15-1](#) defines Good Cause as “[p]roviding positive benefits and mitigating negative impacts, determined on a case-by-case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City Community.”

Two of the purposes of the HR-1 Zoning District is to preserve present land Uses and the character of the Historic residential Areas of Park City, and to encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods.³ Lots surrounding 402 and 410 Ontario Avenue range from 25’ lot frontage to 75’, with Single-Family, Duplex, and Multi-Unit Dwellings in the area. There are several Lots with 37.5’ frontage along Ontario which allows the proposal for 402 and 410 Ontario to be compatible with the character of the streetscape. This proposal is consistent with the HR – 1 Zoning District by preserving the character of residential development that is consistent with the Design Guidelines for Historic Districts. The Plat Amendment removes the Lot Line under the 410 Ontario Avenue structure, and allows for Historically Compatible development on 402 Ontario Avenue. Furthermore, 410 Ontario has previously received approval for the Lot configuration the applicant is currently proposing.

The Plat Amendment does not vacate or amend any portion of the platted ROW and no easements are vacated or amended.

Department Review

The Development Review Committee met on September 20, 2022. The Engineering Department noted that a geotechnical report and storm drain analysis would be required at Building Permit stage. Additionally, a 10’ snow storage easement on Ontario Avenue shall be dedicated on the plat (**Condition of Approval 4**). The Public Works Department noted that at HDDR and Building Permit stage to be aware of a water line running up 4th Street that may require additional attention from the owner planning to build at 402 Ontario.

The Engineering Department required an Encroachment Agreement to review the retaining walls and existing stairs that encroach into the Public ROW. This has been recorded as Encroachment Agreement [Entry No. 01198229](#) (Exhibit F).

³ LMC [§ 15-2.2-1\(A\)](#)

Notice

Staff published notice on the City's website and the Utah Public Notice website, and posted notice to the property on January 11, 2023. Staff mailed courtesy notice to property owners within 300 feet also on January 11, 2023. The *Park Record* published notice on January 11, 2023. LMC [§ 15-1-21](#).

Public Input

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

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the 402 and 410 Ontario Avenue Plat Amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the 402 and 410 Ontario Avenue Plat Amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the 402 and 410 Ontario Avenue Plat Amendment to a date certain.
-

Exhibits

Exhibit A: Draft Ordinance and Proposed Plat
Exhibit B: Planning Director Determination of Status
Exhibit C: Ordinance 97-41
Exhibit D: Existing Conditions Survey
Exhibit E: Site Photos
Exhibit F: Encroachment Agreement

Ordinance No. 2023-XX

AN ORDINANCE APPROVING THE 402 AND 410 ONTARIO AVENUE PLAT AMENDMENT, LOCATED AT 402 AND 410 ONTARIO AVENUE, PARK CITY, UTAH

WHEREAS, the owners of the property located at 402 and 410 Ontario Avenue petitioned the City Council for approval of the 402 and 410 Ontario Avenue Plat Amendment; and

WHEREAS, on January 11, 2023, notice was published in the *Park Record* and on the City and Utah Public Notice websites; and

WHEREAS, on January 11, 2023, courtesy notice was mailed to property owners within 300 feet of 402-410 Ontario Avenue and

WHEREAS, on January 25, 2023, the Planning Commission reviewed the application and held a public hearing; and

WHEREAS, on January 25, 2023, the Planning Commission forwarded a positive recommendation for City Council's consideration on March 2, 2023; and

WHEREAS, on March 2, 2023, the City Council reviewed the proposed plat amendment and held a public hearing; and

WHEREAS, the plat is consistent with the Park City Land Management code including § 15-7.1-3(B), § 15-12-15(B)(9), and Chapters 15-2.2 and 15-7.

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

SECTION 1. APPROVAL. The 402 and 410 Ontario Avenue Plat Amendment, located at 402 and 410 Ontario Avenue, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The properties are located at 402 and 410 Ontario Avenue.
2. The property is listed with Summit County as Lots 1, 2, and 3 of Block 58 of the Park City Survey.
3. 402 Ontario consists of Lot 1 and the southerly half of Lot 2 of Block 58 of the Park City Survey and is currently vacant.
4. 410 Ontario consists of the northerly half of Lot 2 and Lot 3 of Block 58 of the Park City Survey and is occupied with a non-conforming and non-complying duplex, with one unit on the upper floor and one unit on the lower floor.
5. The property is in the Historic Residential (HR-1) Zoning District.
6. The owners would like to create two Lots of record, removing the internal Lot lines existing on the total of three (3) Lots.
7. The existing non-historic structure at 410 Ontario Avenue was built in 1970.

8. On August 18, 1997, the Historic District Commission approved a Design Review of the non-historic structure at 410 Ontario Avenue to replace failing foundation and re-construct the rear of the structure.
9. On September 18, 1997, the City Council approved a plat amendment for 410 Ontario Avenue to combine 1.5 Old Town Lots into one 2,805 square foot Lot. The plat was never recorded for unknown reasons.
10. On November 7, 1997, despite lack of plat recordation, a Building Permit was approved for the structure with the following relevant Condition of Approval:
 - a. This building is non-conforming. It is a duplex on a parcel less than 3,750 square feet. No expansion or additions may be made under this permit, only improvements of a structural or cosmetic nature.
11. In 1997, the City made a determination that the 1970 structure is non-conforming/non-complying and allowed the property owner to maintain the structure and duplex use over the years.
12. Two (2) railroad tie retaining walls and concrete steps to 410 Ontario Avenue encroach into the Public Right of Way (ROW) that the Applicant has recorded Encroachment Agreement # [Entry No. 01198229](#) with Summit County.
13. The property owner of 410 Ontario Avenue has an Encroachment Agreement with the property owner of 402 Ontario Avenue for the encroachment of the existing deck and staircase.
14. The proposed Plat Amendment removes the internal Lot lines existing on the Lots currently to create two (2) Lots of record from three (3) Lots.
15. Both Lots will contain 2,815.5 square feet or 0.065 acres, respectively.
16. No easement is vacated or amended as a result of the plat amendment.
17. The LMC regulates Lot and Site Requirements for the HR – 1 Zoning District per LMC [§ 15-2.2-3](#).
18. A Single-Family Dwelling is an Allowed Use in the HR-1 Zoning District and requires a minimum Lot size of 1,875 square feet. The proposed Lot size for Lot A is 2,812.5 square feet.
19. A Duplex Dwelling is a Conditional Use in the HR-1 Zoning District and requires a minimum Lot size of 3,750 square feet. The proposed Lot size for Lot B is 2,812.5 square feet. The existing Duplex is a non-conforming Use and Structure.
20. The minimum Lot width in the HR-1 Zoning District is 25 feet. The proposed width of both Lots is 37.5 feet.
21. The required front Setback for Lot depths of 75 feet is ten feet (10').
22. The required Side Setback is three feet (3').
23. In the HR-1 Zoning District, the Maximum Building Footprint = $(\text{Lot Area}/2) \times 0.9^{\text{Lot Area}/1875}$. The Maximum Building Footprint for both Lots is 1,200 square feet.
24. Building Height in the HR-1 Zoning District is 27 feet. The existing non-complying structure is 28 feet.
25. The average slope on Lot A is 36% and will require a Steep Slope Conditional Use Permit prior to Building Permit submittal.

26. Duplex Dwellings require four (4) parking spaces. No parking exists for the existing non-complying/non-conforming Duplex at 410 Ontario Avenue.
27. The findings in the Analysis section of the Staff Report are incorporated herein.

Conclusions of Law

1. The Plat Amendment is consistent with the Park City Land Management Code, including LMC Chapter 15-2.2, *Historic Residential (HR-1) Zoning District*, and LMC § 15-7.1-6, *Final Subdivision Plat*.
2. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
3. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The Planning Department, City Attorney, and City Engineer will review and approve the final form and content of the Plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The Applicant shall record the plat at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this Plat approval will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The plat shall note that fire sprinklers are required for all new construction on Lot A to be approved by the Chief Building Official.
4. A non-exclusive ten foot (10') public snow storage easement on Ontario Avenue shall be dedicated on the Plat.
5. Any new development on Lot A must comply with the Land Management Code and requires Historic District Design Review.
6. The Owner of 410 Ontario Avenue may repair or maintain the existing Structure provided that such repair or maintenance shall neither create any new non-compliance nor shall increase the degree of the existing non-compliances with the LMC. The Owner may maintain and remodel the existing Duplex Dwelling. Should more than 50% of the Gross Floor Area of the Structure be demolished, the Structure shall be brought into compliance with the Land Management Code at the time of application. As this site does not meet the minimum Lot Size requirements or parking requirements for a Duplex Dwelling, the Use will also need to be brought into compliance with the LMC at the time of application. The Owner may maintain the existing Use of the site as a Duplex, but any deviation, expansion, or demolition of the existing Structure from this Use will need to come into compliance with the requirements of the HR-1 Zoning District at the time of the application.
7. If 410 Ontario remodels more than 50% of the existing structure or redevelops the site as a SFD, parking requirements in place at the time of building permit application shall be met.

8. City Engineer shall review and approve all Lot grading, utility installation, public improvement, and drainage plans for compliance with City standards prior to issuance of any building permits.
9. The Plat shall note that these Lots are subject to Ordinance 2023-~~Xx~~.
10. Staff is currently in discussions with the Building Department regarding if a Condition of Approval for the realignment of 410's staircase should still be a Condition of Approval. This will be resolved prior to the public hearing.

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

PASSED AND ADOPTED this 9th Day of March 2023.

PARK CITY MUNICIPAL CORPORATION

Nann Worel, MAYOR

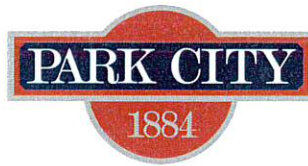
ATTEST:

City Recorder

APPROVED AS TO FORM:

City Attorney

Attachment 1 – Proposed Plat



Planning Department

January 6, 2023

Cameron Stacy
cstacy@mlsmanagementgroup.com
410 Ontario Avenue
Park City, UT 84060

Re: Determination Of Status, in conjunction with the requirements of Land Management Code [15-9](#) for 410 Ontario Avenue

Dear Cameron,

It is the Planning Director's determination that the Use and Structure at 410 Ontario Ave is Non-Conforming. Per LMC § 15-9-6(A) this building may be "repaired, maintained, altered, or enlarged, provided that such repair, maintenance, alteration, or enlargement shall neither create any new non-compliance nor shall increase the degree of the existing non-compliance of all or any part of such Structure."¹

In 1997 the then homeowners received an HDDR for structural modifications to existing square footage at the back of the house, including a new foundation and retaining walls. Building Permit BP97-02968 was approved and issued for the remodel (See Exhibit A). Building Permit Condition of Approval # 2 states:

1. "This building is non-conforming. It is a duplex on a parcel less than 3,750 square feet. No expansion or additions may be made under this permit, only improvements of a structural or cosmetic nature."

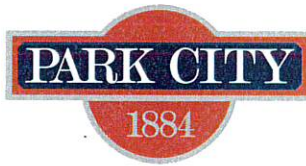
Authority to make this determination is given under the Park City Municipal Code Land Management Code 15-9-2:

[15-9-2\(B\) Determination Of Status](#) *The Planning Director shall determine the Non-Conforming or Non-Complying status of Properties. Any decision of the Planning Director may be appealed within ten (10) calendar days of the decision to the Board of Adjustment. Upon appeal, the Board of Adjustment shall conduct a hearing and shall review the matter under de novo standard of review.*

Please include this Determination of Status with any future construction plans/drawings for the site and keep it in your records for this property.

Should you have any questions, please do not hesitate to contact us.

¹ LMC § [15-9-6\(A\)](#)



Planning Department

Thank you,

A handwritten signature in blue ink, appearing to read "Gretchen Milliken".

Gretchen Milliken

Planning Director

435-615-5008

Gretchen.milliken@parkcity.org

CC: Alexandra Ananth, Sr. Planner

Exhibit A: Building Permit BD97-02968

Ordinance No. 97-41

**AN ORDINANCE APPROVING AN AMENDMENT TO THE PARK CITY
SURVEY FOR THE NORTH HALF OF LOT 2 AND LOT 3 IN BLOCK 58
LOCATED AT 410 ONTARIO AVENUE, PARK CITY, UTAH**

WHEREAS, the owners, Gary & Sandra Wohlfarth, of the property known as the north half of Lot 2 and 3 of Block 58, Park City Survey, has petitioned the City Council for approval of an amendment to the amended Park City Survey; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and state law; and

WHEREAS, on August 13, 1997 the Planning Commission held a public hearing to receive public input on the proposed plat amendment forwarded a positive recommendation of approval to the City Council; and

WHEREAS, a financial guarantee for all public improvements is necessary to ensure completion of these improvements and to protect the public from liability and physical harm if these improvements are not completed by the developer or owner.

WHEREAS, the proposed plat amendment combines the north half of Lot 2 and Lot 3 into one parcel of record;

WHEREAS, it is in the best interest of Park City, Utah to approve the Plat Amendment;

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

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact.

1. The plat amendment combines 1-1/2 lots into one 2,812 square foot lot.
2. The total square footage of the home, including the proposed addition will be approximately 1,950 square feet.
3. The addition to the non-historic structure does not exceed the floor area ratio.
4. The proposed lot size, 2,812 square feet, is consistent with the existing lot sizes in the surrounding area.

5. The project is on Ontario Avenue with dense residential uses. Minimal construction staging area is available along Ontario Avenue.
6. Dedication of a ten foot (10'-0") nonexclusive snow storage easement, along Ontario Avenue, is necessary to provide adequate snow removal services.
7. The property is in the HR-1 District.
8. The applicant stipulates to all conditions of approval.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned subdivision plat and that neither the public nor any person will be materially injured by the proposed subdivision plat.

1. There is good cause for the amendment.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.
3. The proposal is consistent with both the Park City Land Management Code Chapter 7 and Chapter 15 and State subdivision requirements.

SECTION 3. PLAT APPROVAL. The plat amendment for the north half of Lot 2 and Lot 3 , Block 58, Park City Survey, is hereby approved as shown on Exhibit A, with the following conditions:

1. City Attorney and City Engineer review and approval of the plat amendment, for compliance with the Land Management Code and these conditions of approval, is a condition precedent to plat recordation.
2. All Standard Project Conditions and Land Management Codes shall apply.
3. The final plat shall be recorded at Summit County within one year from the date of City Council approval. If recordation has not occurred within the one year time frame, this approval and the plat shall be considered null and void.
4. A ten foot (10'-0") non-exclusive snow storage easement along Ontario Avenue shall be dedicated to the City on the amended plat.
5. Receipt and approval of a construction mitigation plan (CMP) by the Community Development Department is a condition precedent to the issuance of a building permit. The plan shall

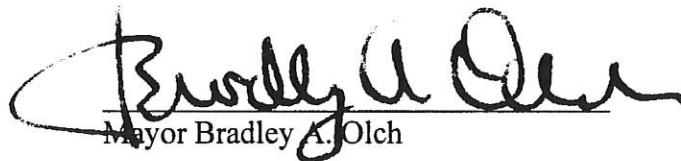
address staging, material storage, construction time lines, special signs, parking, fencing, and any other construction-related details to the satisfaction of the Community Development Department.

6. Any remnant portion of Lot 2 is not separately developable unless combined with another piece of property to create a lot conforming to minimum lot size.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 18th day of September, 1997.

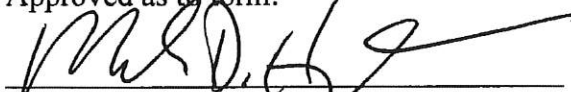
PARK CITY MUNICIPAL CORPORATION

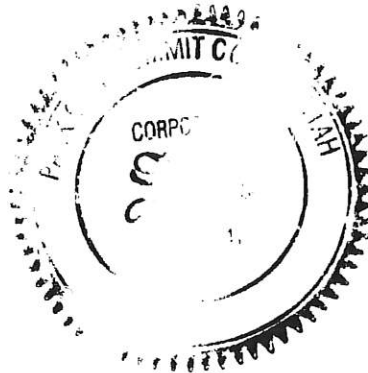

Mayor Bradley A. Olch

Attest:


Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, Deputy City Attorney



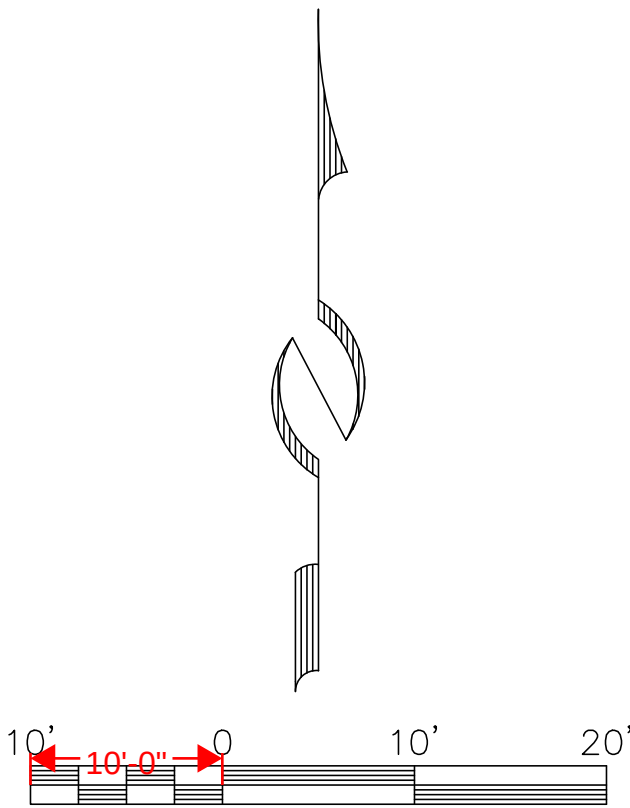
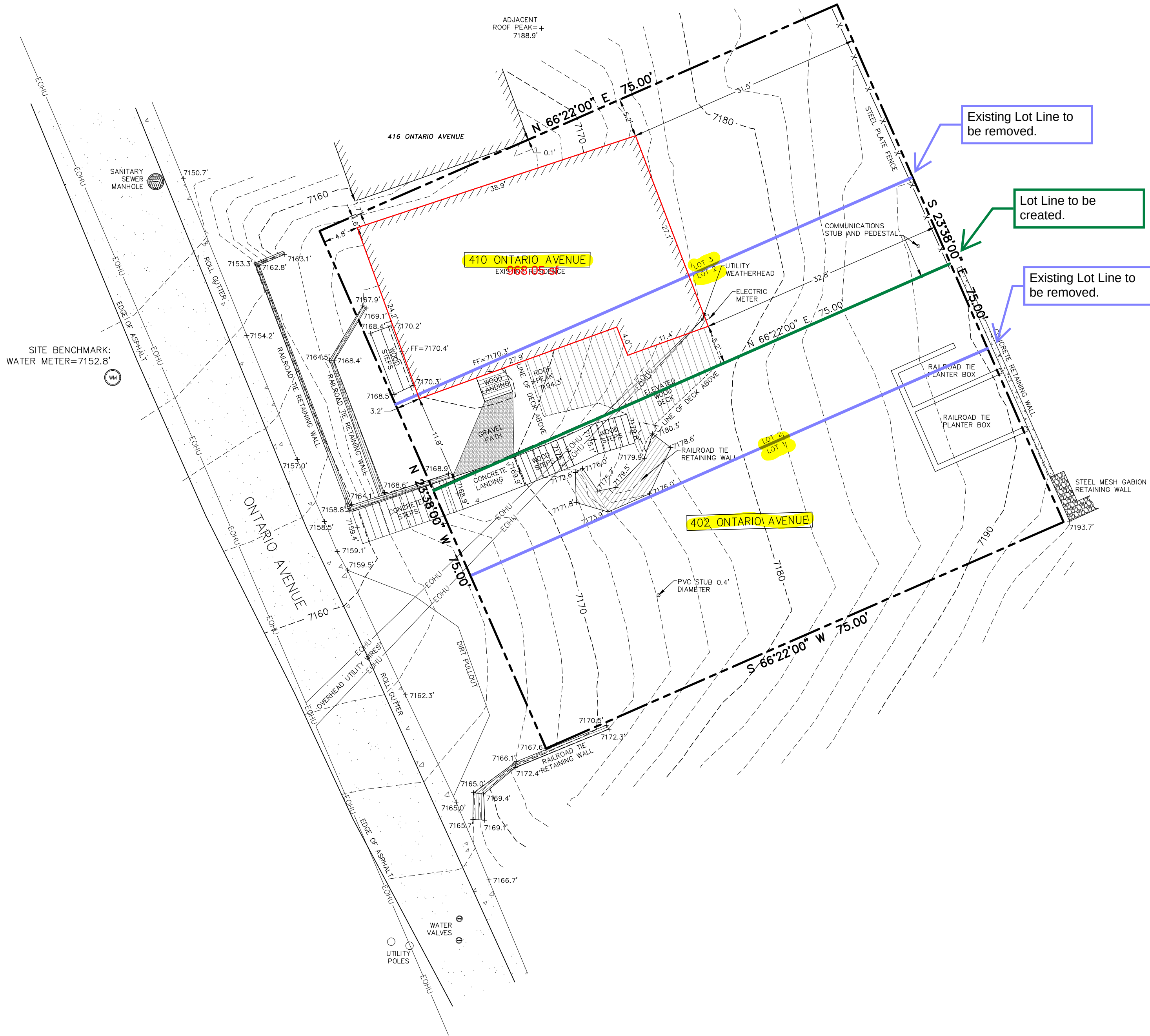


SURVEYOR'S CERTIFICATE

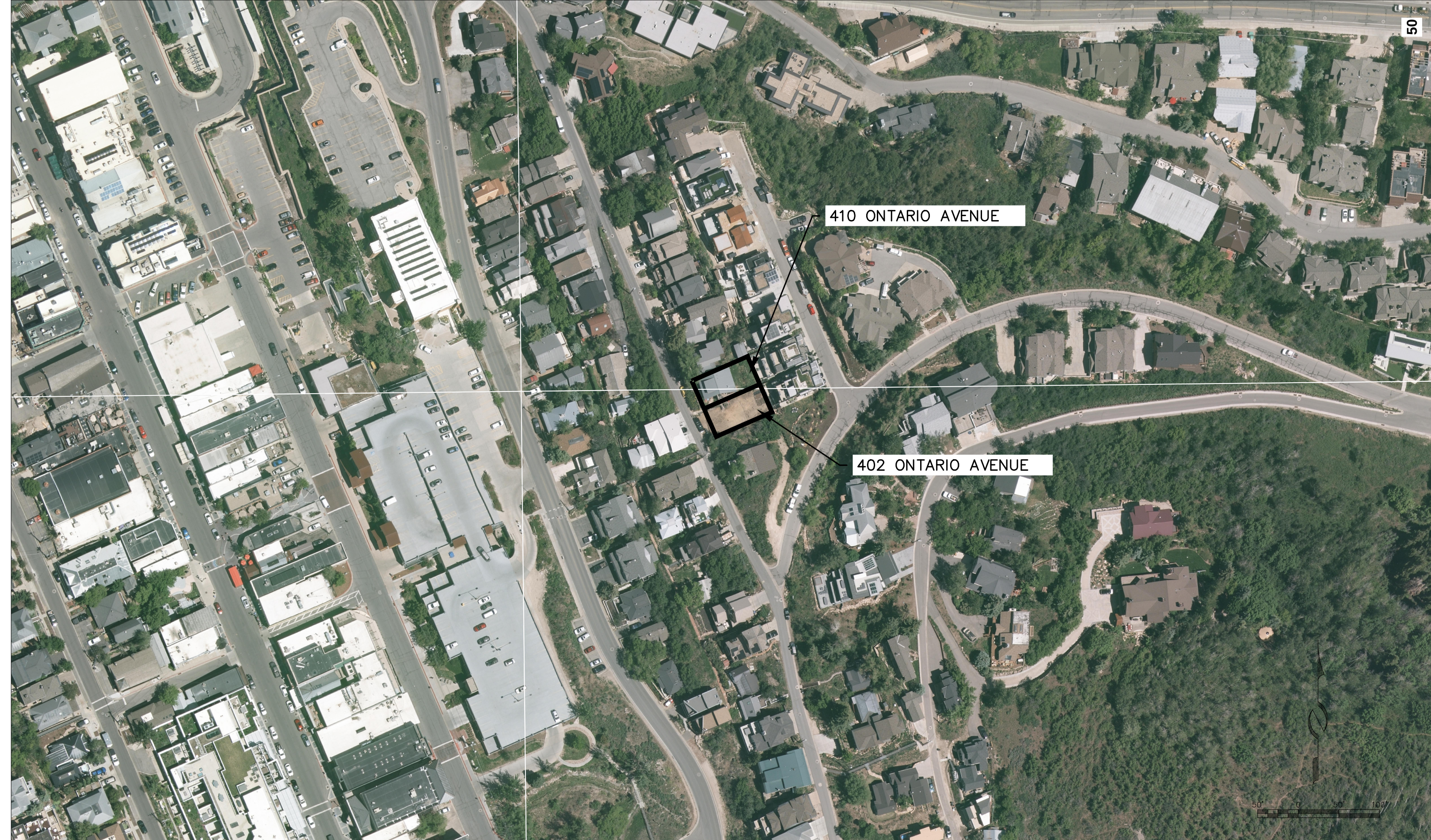
I, Michael Demkowicz, do hereby certify that I am a Professional Land Surveyor and that I hold License No. 4857264 as prescribed under the laws of the State of Utah. I further certify that under my direct supervision a survey has been performed on the hereon described property and that to the best of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

NOTES

- 1. Site Benchmark: Water Meter = 7152.8'.
- 2. Field work for this survey was completed on May 31, 2022.
- 3. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
- 4. This survey was prepared for a plat amendment application.



 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	(435) 649-9467	STAFF: MARSHALL KING CHIP TOMSUDEN TYLER LEPORE NICK BENTLEY	EXISTING CONDITIONS & TOPOGRAPHIC MAP 410 & 402 ONTARIO AVENUE PARK CITY SURVEY, BLOCK 58, LOTS 1-3 FOR: CAMERON STACY & SEAN KELLEHER JOB NO.: 12-3-22 & 11-3-22 FILE: X:\ParkCitySurvey\dwg\srv\topo2022\120322.dwg	SHEET 1 OF 1
		DATE: 6/17/22		



410 ONTARIO AVENUE

402 ONTARIO AVENUE





402 and 410 Ontario - front - looking northeasterly



402 and 410 Ontario - front - looking easterly



402 and 410 Ontario - rear - looking westerly



402 and 410 Ontario - rear - looking southerly

WHEN RECORDED RETURN TO:

Cameron M. Stacy
136 Heber Avenue, Suite 205
Park City, Utah 84060

Parcel Nos.: PC-477; PC-478

AMENDMENT TO AGREEMENT

THIS AMENDMENT TO AGREEMENT (this "**Amendment**") is made this 2nd day of Nov., 2022, by and between CAMERON M. STACY ("**410 Owner**") and GREEN MONSTER, LLC, a Utah limited liability company ("**402 Owner**"), and amends that certain December 3, 1976 Agreement recorded in the office of the Summit County Recorder as Entry No. 135043 in Book 87 at Page 506 (the "**1976 Agreement**") between Robert L. Berry and Diana Jo Berry, on the one hand, and Paul C. Harrold on the other.

RECITALS

A. WHEREAS, 410 Owner is the record title owner of that certain real property formerly owned by Robert L. Berry and Diana Jo Berry and located in Park City, Summit County, Utah commonly known as 410 Ontario Avenue, Park City, Utah 84060 (the "**410 Parcel**"), which parcel is more particularly described as follows:

LOT 3 AND THE NORTH ONE HALF OF LOT 2, BLOCK 48, PARK CITY SURVEY, TOGETHER WITH ALL IMPROVEMENTS AND APPURTENANCES THEREON.

Tax ID: PC-478

B. WHEREAS, 402 Owner is the current record title owner of that certain real property formerly owned by Paul C. Harrold located in Park City, Summit County, Utah commonly known as 402 Ontario Avenue, Park City, Utah 84060 (the "**402 Parcel**"), which parcel is particularly described as follows:

LOT 1 AND THE SOUTHERLY ONE-HALF OF LOT 2, BLOCK 58, AMENDED PLAT OF THE PARK CITY SURVEY, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDER'S OFFICE.

Tax ID: PC-477

C. WHEREAS, the 410 Parcel and the 402 Parcel share a common boundary;

D. WHEREAS, for a period of at least 45 years, the residential building situated on the 410 Parcel has been served by deck improvements located on the south side of the common boundary on the 402 Parcel (the "Encroachments"), as well as a subsequent wood staircase that encroaches on the 402 Parcel but is not identified by the 1976 Agreement (together with the

Encroachments, the "Existing Encroachments"), in approximately the area identified on Exhibit A the drawing as the "Existing Encroachment Area" attached hereto (the "**Improvements**"); and

E. WHEREAS, the 1976 Agreement allows the 402 Owner to demand at any time the removal of the Encroachments) by the 410 Owner onto 402 Parcel; and that the 410 Owner affirms the right of the 402 Owner to remove and replace the Existing Encroachments; and

F. WHEREAS, 402 Owner has agreed to amend the 1976 Agreement to allow encroachments of a portion of the top of a concrete staircase located in the northwest corner of the 402 Parcel as shown in Exhibit A on the terms and conditions set forth herein (the "Revised Encroachment Area).

NOW THEREFORE and in consideration of the terms, conditions and covenants hereafter set forth, the parties agree as follows:

AGREEMENT

1. **Affirmation of Agreement for Improvements.** Until such time as each of the conditions set forth in Section 3 below have been met by the 402 Owner, and any notice periods set forth therein have expired, the 402 Owner hereby affirms the effectiveness of the encroachment granted to the 410 Owner under the 1976 Agreement for the Improvements to remain in their present location subject to the right of the 402 Owner to demand at any time the removal of the Existing Encroachments, which will likely occur when 402 Owner commences development of the 402 Parcel

2. **Maintenance of Improvements.**

- a. 410 Owner shall be responsible for all construction and all maintenance responsibilities of the Improvements, and when applicable, the Replacement Improvements, subject to the terms of this Agreement, including any that remain inside the Encroachment Area, and when applicable, the Revised Encroachment Area, which shall include, in 410 Owner's sole discretion and determination, snow removal and any repairs required to maintain the safety of 410 Owner and the 402 Owner and their respective invitees, tenants and guests. 410 Owner shall also be responsible for maintaining the Improvements in a manner that complies with all government ordinances and laws.

3. **Indemnity.**

- a. In the event 402 Owner does not utilize the Improvements in any capacity, 410 Owner shall bear all risk of personal injury and property loss arising from the use of the Improvements and shall indemnify and hold harmless 402 Owner from any and all claims and liability for injury and loss arising from the existence and use of the Improvements, including but not limited to personal injury to 410 Owner, his successors, assigns, or tenants, or any of their respective guests and invitees, as well as to the public at large, and including any attorney fees incurred by 402 Owner in connection with defending any claim arising from injuries sustained upon or on account of the Improvements.

- b. In the event 402 Owner does utilize the Improvements in any capacity, the 402 Owner and the 410 Owner shall each bear the risk of personal injury and property loss arising from the use of the Improvements for itself, its guests, tenants, and invitees and shall indemnify and hold harmless the other owner ("Defending Owner") from any and all claims and liability for injury and loss, including but not limited to personal injury, arising from the existence and use of the Improvements, by itself, its guests, invitees, and tenants, and including any attorney fees incurred by the Defending Owner in connection with defending any claim arising from injuries sustained upon or on account of the Improvements.
- c. In the event that 402 Owner installs the Replacement Improvements, consistent with the terms of this Amendment, the indemnification references and obligations set forth in this Amendment shall apply solely to the improvements installed in the Revised Encroachment Area

4. **Conditions to Removal and Relocation of Improvements.** Notwithstanding the legal rights which would otherwise be available to the 410 Owner, the 410 Owner hereby agrees that the 402 Owner shall be entitled to demolish the Improvements and build a replacement staircase, deck and railing on the 410 Parcel at 402 Owner's expense, at (but not before) such time as the 402 Owner has satisfied each of the following conditions:

- a. Submit for 410 Owner's written approval (which approval shall not be unreasonably withheld, conditioned, or delayed) for plans that have received all required permits from the Park City Municipal Corporation for a replacement staircase, deck and railing which will provide pedestrian access to and from Ontario Avenue to the top-floor deck of the residence on the 410 Parcel (the "**Replacement Improvements**");
- b. Provide 410 Owner with no fewer than thirty (30) days' prior written notice before the planned demolition of the Improvements (a "**Demolition Notice**"), and specifying the date on which such demolition will commence; and
- c. Take all steps required to ensure that the Replacement Improvements will be completed within sixty (60) days after the date specified in the Demolition Notice, while providing temporary access to the 410 Parcel during this period
- d. Upon the completion of the installation of the Replacement Improvements, the 410 Owner shall indemnify and hold harmless the 402 Owner from any and all claims and liability for injury and loss arising from the existence and use of the Replacement Improvements by tenants, guests and invitees of the 410 Owner.

5. **Amended Agreement.** In the event the Replacement Improvements are approved and installed, consistent with the terms of this Amendment, the Encroachment Area shall be abandoned and replaced in their entirety with the Revised Encroachment Area, as set forth on **Exhibit A**, in which case, all references to the Encroachment Area in the 1976 Agreement and this Amendment, where applicable, shall apply equally to the Revised Encroachment Area.

6. **Any disputes arising under this Agreement shall first be submitted to Mediation under the Utah Uniform Mediation Act.**

7. **Attorneys' Fees.** In the event either party incurs attorney fees or court costs in order to enforce the 1976 Agreement or this Amendment, with or without judicial intervention, the prevailing party in such adjudication shall be awarded its reasonable costs and attorney fees, including those incurred on appeal.

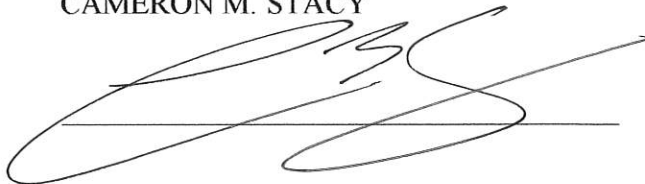
8. **Recordation.** Within 60 days after the Effective Date, but not before, 410 Owner shall cause this Amendment to be recorded with the Summit County Recorder's Office on the records of both the 402 Property and the 410 Property. In the event the 410 Owner does not so record this Amendment, the 402 Owner may, as its option, cause this Amendment to be recorded.

9. **Covenants to Run with the Land.** All of the provisions of the 1976 Agreement, as the same was modified by this Amendment, shall continue to be binding upon the 410 Owner and the 402 Owner and their respective successors-in-interest in and to the 410 Parcel and the 402 Parcel until termination occurs as set forth in Paragraph 10 hereto.

10. **Termination of Agreement.** At any time the 410 Owner is no longer utilizing the Improvements and Revised Encroachment Area in any capacity, the 410 Owner may request that 402 Owner execute and deliver an instrument terminating the 1976 Agreement and this Amendment, and 410 Owner shall promptly execute and deliver the same. Upon recordation with the office of the Summit County Recorder, the 1976 Agreement and this Amendment shall be terminated and the Encroachment set forth herein abandoned. Thereafter, the 402 Owner shall be free of any and all encroachments from 410 Owner.

IN WITNESS WHEREOF, 410 Owner has executed this Agreement and made it effective as of the first date written above.

CAMERON M. STACY



newyork

Acknowledgement

STATE OF ~~UTAH~~)
newyork :ss
COUNTY OF ~~SUMMIT~~)

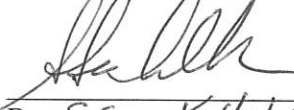
On this 27 day of October, 2022, personally appeared before me Cameron M. Stacy who is personally known to me or proven on the basis of satisfactory evidence and duly acknowledge that he signed the foregoing on behalf for its stated purpose.


NOTARY PUBLIC

IVONNE CRUZ
Notary Public, State of New York
No. 01CR6013365
Qualified in New York County
Commission Expires October 25, 2026

IN WITNESS WHEREOF, 402 Owner has executed this Agreement and made it effective as of the first date written above.

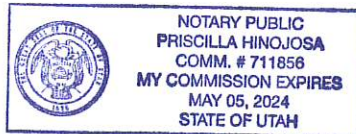
GREEN MONSTER, LLC, a Utah limited liability company


By: S. Sean Kelleher
Its: Managing Member

Acknowledgement

STATE OF Utah
COUNTY OF Summit :SS

On this 2 day of Nov, 2022, personally appeared before me S. Sean Kelleher who is personally known to me or proven on the basis of satisfactory evidence to be the person whose name is subscribed to this document and duly acknowledge that he executed the same in his capacity as the Manager of Green Monster, LLC, a Utah limited liability company.



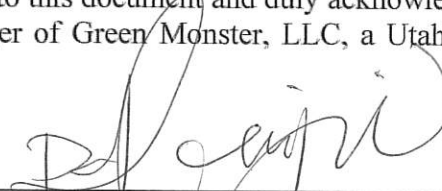
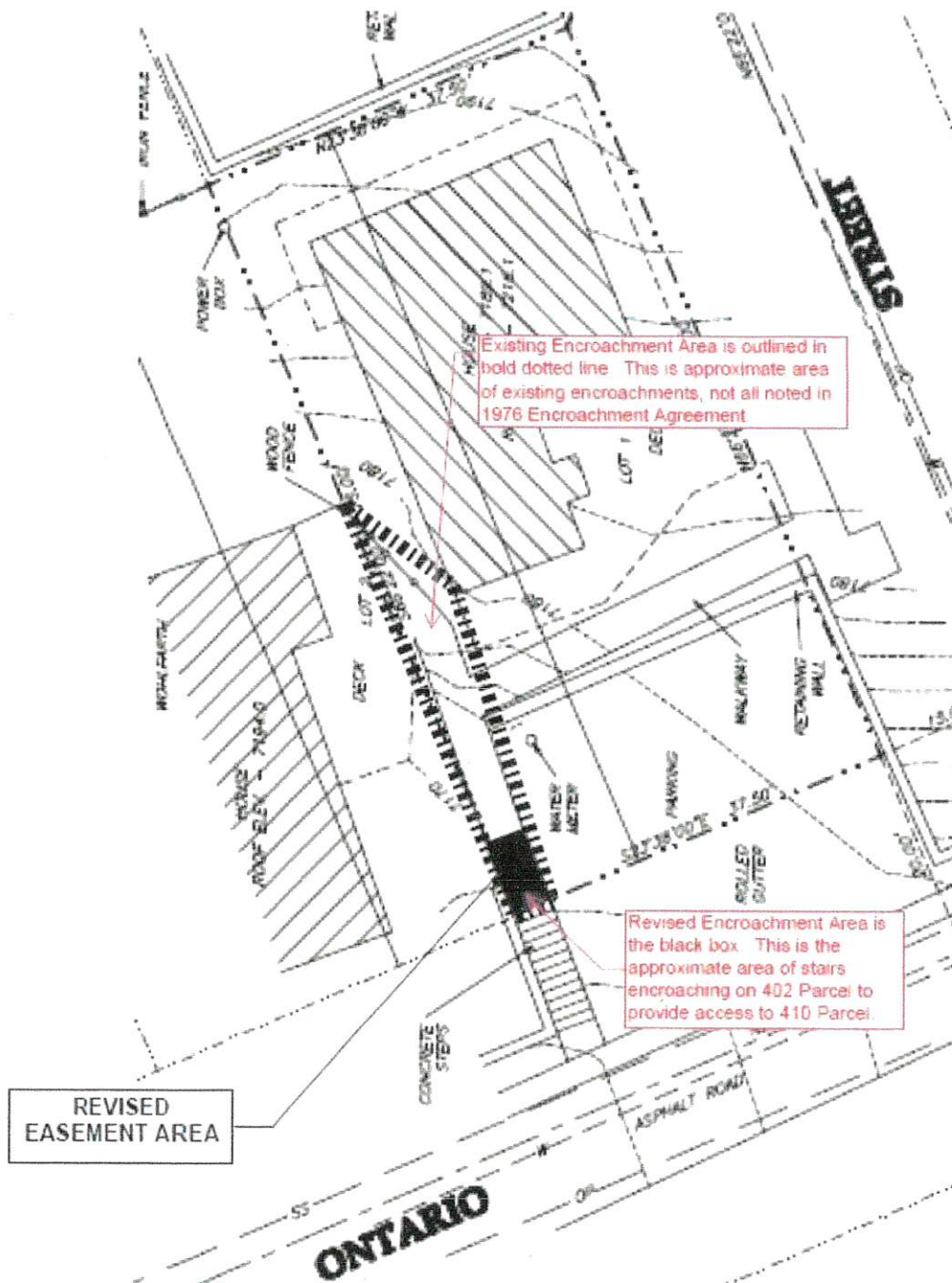

NOTARY PUBLIC

EXHIBIT B
(Revised Easement Area)



Planning Commission Staff Report



Subject: The Bald Eagle Club at Deer Valley,
Amending Unit 9 (7979 Roamer Court)
Application: PL-22-05456
Author: Spencer Cawley, Planner II
Date: January 25, 2023
Type of Item: Administrative – Plat Amendment

Recommendation

(I) Review The Bald Eagle Club at Deer Valley Amending Unit 9 Plat Amendment (7979 Roamer Court), (II) hold a public hearing, and (III) consider forwarding a positive recommendation for City Council's consideration on February 16, 2023, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Ordinance No. 2023-XX (Exhibit A).

Description

Applicant: Ali and Anu Leemann
Alliance Engineering, Applicant Representative
Location: 7979 Roamer Court
Zoning District: Residential Development
Adjacent Land Uses: Single-Family Dwellings, Open Space
Reason for Review: Plat Amendments require Planning Commission recommendation and City Council action¹

LMC Land Management Code
MPD Master Planned Development
RD Residential Development
ROW Right-of-Way

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

Background

7979 Roamer Court is Unit 9 of The Bald Eagle Club at Deer Valley, in the Residential Development (RD) Zoning District, and part of the Deer Valley Master Planned Development. The Bald Eagle Community Condominiums' conceptual MPD was approved by the Planning Commission on May 3, 1989. The final Condominium Plat was approved by the City Council on July 20, 1989. The final plat was recorded with Summit County on August 3, 1989.

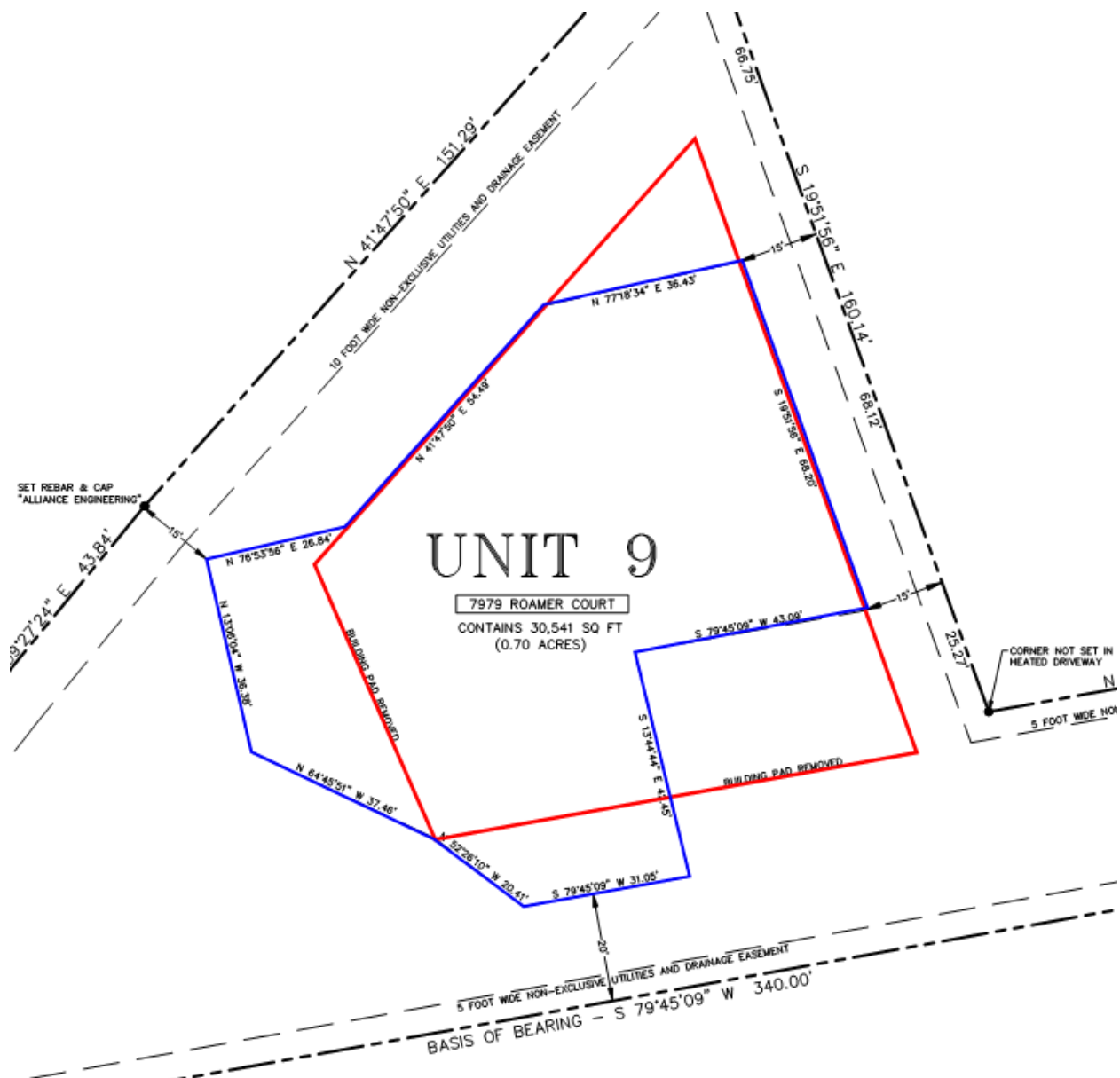
According to the Applicant's statement (Exhibit B), in 2004, an addition to the existing Single-Family Dwelling was constructed outside the platted Building Pad. Building Permit No. BD-03-08456 confirms this addition and the approved plans show the

¹ LMC [§ 15-7.1-2](#)

addition outside the Building Pad. However, a plat amendment revising the Building Pad to reflect the addition was never completed.

On November 15, 2022, the Applicant applied to amend the plat for The Bald Eagle Club, Unit 9 to (I) adjust the Building Pad to reflect existing conditions and (II) revise the Building Pad to accommodate a future addition to the existing garage. The Building Pad on the current recorded plat has an area of approximately 7,963 square feet. The proposed amended Building Pad will maintain the same square footage with the new configuration.

The image below shows the existing Building Pad (red) as it relates to the proposed Building Pad (blue).



Analysis

A Plat Amendment is required to amend platted elements.² Plat Amendments require Planning Commission review and recommendation to City Council for Final Action.³

(I) The proposed Plat Amendment complies with the Residential Development (RD) Zoning District Requirements.

The purposes of the RD Zoning District are to:

1. Allow a variety of Residential Uses that are compatible with the City's Development objectives, design standards, and growth capabilities;
2. Encourage the clustering of residential units to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services;
3. Allow commercial and recreational activities that are in harmony with residential neighborhoods;
4. Minimize impacts of the automobile on architectural design;
5. Promote pedestrian connections within Development and between adjacent Areas; and
6. Provide opportunities for variation in architectural design and housing types.

Single-Family Dwellings are an Allowed Use in the RD Zoning District.⁴

The table below outlines the RD Zoning District Lot and Site Requirements established in LMC [§ 15-2.13-3](#):

RD Zoning District Requirement	Analysis of Proposal
Front Setback: 15 feet	Complies Existing Front Setback is 15 feet. Proposed Front Setback is 15 feet.
Side Setback: 12 feet	Complies Existing Side Setback is 35 feet. Proposed Side Setback is 20 feet.
Rear Setback: 15 feet	Complies Existing Rear Setback is 16.5 feet.

² LMC [§ 15-7.1-3\(B\)](#)

³ LMC [§ 15-12-15\(B\)\(9\)](#)

⁴ LMC [§ 15-2.13-2\(A\)\(1\)](#)

	Proposed Rear Setback is 15 feet.
Building Height: 28 feet from Existing Grade.	Condition of Approval 4 Any addition to the Structure shall not exceed the zone height of 28 feet from Existing Grade.

Architectural Review LMC [§ 15-2.13-5](#)

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with LMC Chapter 15-5, *Architectural Review*.

(II) The proposal complies with the Sensitive Land Overlay Criteria, LMC Chapter [15-2.21](#).

The proposed development is located within the Sensitive Land Overlay (SLO). LMC [§ 15-2.21-2\(A\)](#) requires:

Applicants for Development within the SLO must identify the Property's sensitive environmental and aesthetic Areas such as Steep Slopes, Ridge Line Areas, wetlands, Stream Corridors, Wildland interface, and Wildlife Habitat Areas and provide at time of Application, a Sensitive Lands Analysis.

The Applicant has not compiled a Sensitive Lands Analysis, but rather has submitted items which address the required criteria, documented in the table below.

SLO Analysis Criteria	Analysis of Proposal
<i>Slope/Topographic Map:</i> A Slope and topographic map based on a certified boundary survey depicting contours at an interval of five feet (5') or less. The map must highlight Areas of high geological hazard, Areas subject to land sliding, and all significant Steep Slopes in categories of greater than 15%, 30-40%, and greater than 40%.	Complies The Site Survey (Exhibit D) shows the existing structure and the existing topography. Any construction on the site will require Engineering Department review of slope stabilization as part of the Building Permit review process.

<i>Ridge Line Areas:</i> A map depicting all Crests of Hills and Ridge Line Areas.	Not applicable The existing structure is not on a Ridge Line.
<i>Vegetative Cover:</i> A detailed map of vegetative cover, depicting the following: a. Deciduous trees; b. Coniferous trees; c. Gamble oak or high shrub; and d. Sage, grassland, and agricultural crops.	Complies The Site Survey shows the site's existing vegetative coverage and landscaped elements. All areas within the limits of disturbance described on the Limits of Disturbance and Erosion Control Plan, and those areas of disturbance associated with the project, but not shown on the plan, shall be seeded with Deer Valley Seed Mix at a rate of 40 lbs. p.l.s. per acre.
<i>Designate Entry Corridors and Vantage Points:</i> Designated entry corridors and Vantage Points present within or adjacent to the Site, including Utah Highway 248 east of Wyatt Earp Way and Utah Highway 224 north of Holiday Ranch Loop Road and Payday Drive as identified by Staff.	Not applicable The site is not visible from the designated entry corridors and vantage points.
<i>Wetlands:</i> A map delineating all Wetlands established by using the 1987 Federal Manual for Identifying and Delineating Jurisdictional Wetlands, as amended. ⁵	Not applicable There are no wetlands on the Site.
<i>Stream Corridors, Canals, and Irrigation Ditches:</i> A map delineating all stream corridors, canals, and irrigation ditches defined by the Ordinary High-Water Mark.	Not applicable There are no streams, canals, or irrigation ditches that run on or through the Site.
<i>Wildlife Habitat Areas:</i> A map depicting all wildlife habitat areas, as defined by a Wildlife Habitat Report shall be provided by the Applicant. The Wildlife Habitat Report shall be prepared by a professional, qualified in the	Not applicable The site is part of an existing MPD, and the Building Pad limits the allowed disturbance to a

⁵ See LMC [§ 15-2.21-6](#)

Areas of ecology, wildlife biology, or other relevant disciplines.	designated, approved area.
Additional Information and Study Requirements: The Planning Department may require the Applicant to submit the following information: a. Visual Assessment b. Soil Investigation Report c. Geotechnical Report d. Additional Slope Information e. Fire Protection Report f. Hydrological Report	Not applicable Planning Department Staff does not find cause to require additional informational studies for this Plat Amendment.

(III) The proposal complies with the Bald Eagle Club At Deer Valley Plat requirements (Exhibit C).

The amendment to the Building Pad does not affect any utility or drainage easements, platted trails, or private roads.

The survey shows that the existing driveway crosses the property line common to Unit 9 (7979 Roamer Court) and Unit 8 (7991 Roamer Court). Staff highlighted this encroachment in red in the image below. (See Exhibit D).



The Applicant indicates that they intend to increase the width of the driveway to aid in the ease of ingress and egress. As part of this driveway reconfiguration, the Applicant intends to remove the encroachment. Staff recommends adding a Condition of Approval that requires the applicant to correct the driveway encroachment into the abutting property upon completion of updating the driveway configuration. Otherwise, the

Applicant shall enter into an encroachment agreement with the neighboring property owner and record the agreement with Summit County prior to recordation of the plat.

(IV) The proposal complies with LMC § 15-7.1-3(B), *Plat Amendment*.

Plat amendments shall be reviewed according to LMC [§ 15-7.1-6](#), *Final Subdivision Plat*, and approval shall require a finding of Good Cause and a finding that no Public Street Right-of-Way, or easement is vacated or amended.

A. There is Good Cause for this Plat Amendment because it resolves non-conformities and brings the property into compliance.

LMC [§ 15-15-1](#) defines Good Cause as “[p]roviding positive benefits and mitigating negative impacts, determined on a case-by-case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City Community.”

Staff finds Good Cause for this because the building pad will reflect as-built conditions, does not increase density, and maintains the platted Building Pad square footage from 1989.

B. No Public Street or Right-of-Way is vacated or amended.

All roads in the Bald Eagle Club are private. This amendment does not alter access to the property.

C. No easement is vacated or amended.

Plat notes from the 1989 recorded plat show dimensions and locations of utility easements, drainage easements and sewer easements. These easements are upheld with this plat amendment.

NOTES:

1. 5.0 FOOT WIDE NON-EXCLUSIVE UTILITIES AND DRAINAGE EASEMENTS ALONG ALL SIDE UNIT LINES AS SHOWN. (UNLESS NOTED OTHERWISE).
2. 5.0 FOOT WIDE NON-EXCLUSIVE UTILITIES AND DRAINAGE EASEMENT ALONG ALL FRONT UNIT LINES.
3. 10.0 FOOT WIDE NON-EXCLUSIVE UTILITIES AND DRAINAGE EASEMENT ALONG ALL PARCEL BOUNDARY LINES AND REAR UNIT LINES.
4. THE OWNERS HEREBY DEDICATES TO PARK CITY MUNICIPAL CORPORATION, SNYDERVILLE BASIN IMPROVEMENT DISTRICT, AND PARK CITY FIRE PROTECTION DISTRICT NON-EXCLUSIVE PUBLIC UTILITY EASEMENTS, SANITARY SEWER EASEMENTS (S.B.S.I.D. ONLY), AND PRIVATE ROADS SHOWN ON THIS PLAT FOR THE PURPOSE OF PROVIDING ACCESS FOR UTILITY INSTALLATION, MAINTENANCE, USE AND EVENTUAL REPLACEMENT AND DOES FURTHER DEDICATE INGRESS AND EGRESS FOR PERPETUAL USE BY EMERGENCY AND UTILITY VEHICLES OVER THE COMMON AREAS AND PRIVATE ROADS.
5. ALL ROADS SHOWN ARE PRIVATE ROADS AND NON-EXCLUSIVE PUBLIC UTILITY AND DRAINAGE EASEMENTS. IT IS ANTICIPATED AT THE TIME OF RECORDING THAT PARK CITY, SUMMIT COUNTY, AND WASATCH COUNTY DO NOT AND WILL NEVER HAVE ANY RESPONSIBILITY FOR THE INSTALLATION, MAINTENANCE, OR EVENTUAL REPLACEMENT OF THE ROADS, BRIDGES, OR TUNNEL WITHIN THIS CONDOMINIUM AND ANY EXPANSIONS THEREOF. UNIT PURCHASERS ARE CAUTIONED TO BE FULLY AWARE OF THE MAINTENANCE COVENANT AND CONDOMINIUM DECLARATION RECORDED CONCURRENTLY WITH THIS CONDOMINIUM PLAT.

(V) The Development Review Committee met on January 3, 2023, reviewed the proposal, and did not identify any issues.⁶

Department Review

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

Notice

Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on January 11, 2023. Staff mailed courtesy notice to property owners within 300 feet on January 11, 2023. The *Park Record* published notice on January 11, 2023. LMC [§ 15-1-21](#).

Public Input

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

⁶ 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).

Alternatives

- The Planning Commission may forward a positive recommendation for Ordinance No. 2023-XX, Approving The Bald Eagle At Deer Valley Amending Unit 9 Plat Amendment, to the City Council for Consideration on February 16, 2023; or
- The Planning Commission may forward a negative recommendation for Ordinance No. 2023-XX, Denying The Bald Eagle At Deer Valley Amending Unit 9 Plat Amendment, to the City Council and direct staff to make Findings for the denial; or
- The Planning Commission may request additional information and continue the discussion to a date certain.

Exhibits

Exhibit A: Draft Ordinance No. 2023-XX and Proposed Plat
Exhibit B: Applicant Statement
Exhibit C: The Bald Eagle at Deer Valley Plat
Exhibit D: Licensed Engineer's Survey
Exhibit E: Property Photos

Ordinance No. 2023-XX

AN ORDINANCE APPROVING THE BALD EAGLE CLUB AT DEER VALLEY, AMENDING UNIT 9 PLAT AMENDMENT, LOCATED AT 7979 ROAMER COURT, PARK CITY, UTAH

WHEREAS, the owner of the property located at 7979 Roamer Court petitioned the City Council for approval of The Bald Eagle Club at Deer Valley, Amending Unit 9 Plat Amendment; and

WHEREAS, on January 11, 2023, notice was published in the *Park Record* and on the City and Utah Public Notice websites; and

WHEREAS, on January 11, 2023, courtesy notice was mailed to property owners within 300 feet of 517 Park Avenue; and

WHEREAS, on January 25, 2023, the Planning Commission reviewed the application and held a public hearing; and

WHEREAS, on January 25, 2023, the Planning Commission forwarded a **positive/negative** recommendation for City Council's consideration on February 16, 2023; and

WHEREAS, on February 16, 2023, the City Council reviewed the proposed plat amendment and held a public hearing; and

WHEREAS, the plat is consistent with the Park City Land Management code including § 15-7.1-3(B), § 15-12-15(B)(9), and Chapters 15-2.2 and 15-7.

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

SECTION 1. APPROVAL. The Bald Eagle Club at Deer Valley, Amending Unit 9 Plat Amendment, located at 7979 Roamer Court, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

Background:

1. The property is located at 7979 Roamer Court.
2. The property is listed with Summit County as Parcel number BEC-9.
3. The property is in the Residential Development Zoning District.
4. The Bald Eagle Club at Deer Valley is part of the Deer Valley Master Planned Development.
5. The Bald Eagle Community Condominiums conceptual Master Planned Development was approved by the City Council on July 20, 1989.
6. The Bald Eagle Club at Deer Valley Final Plat was recorded with Summit County on August 3, 1989.

7. An addition to the site's existing Single-Family Dwelling was completed in 2004 and built outside the platted Building Pad.
8. The Applicant proposes amending the plat and modify the Building Pad to reflect existing as-built conditions and to accommodate a future addition to the garage.
9. The existing Building Pad contains 7,936 square feet.
10. The proposed amended Building Pad contains 7,936 square feet.
11. The existing driveway crosses the property line common to Unit 9 (7979 Roamer Court) and Unit 8 (7991 Roamer Court).
12. The Land Management Code regulates Lot and Site Requirements per LMC § 15-2.13-3.
13. A Single-Family Dwelling is an allowed Use in the Residential Development Zoning District.
14. The required Front Setback is 15 feet.
15. The required Side Setback is 12 feet.
16. The required Rear Setback is 15 feet.
17. The maximum Building Height in the Residential Development Zoning District is 28 feet from Existing Grade.
18. The proposal complies with the Sensitive Land Overlay Zone Regulations.
19. The proposal complies with the Bald Eagle Club At Deer Valley Plat requirements.
20. There is Good Cause for this Plat Amendment.
21. No Public Street or Right-of-Way is vacated or amended.
22. No easement is vacated or amended as a result of the plat amendment.
23. Staff published notice on the City's Website, the Utah Public Notice Website, and posted notice to the property on January 11, 2023.
24. Staff mailed courtesy notice to property owners within 300 feet on January 11, 2023.
25. *The Park Record* published notice on January 11, 2023.

Conclusions of Law

1. The Plat Amendment is consistent with the Park City Land Management Code, including LMC Chapter 15-2.13, *Residential Development (RD) District*, LMC Chapter 15-2.21, *Sensitive Land Overlay Zone (SLO) Regulations*, and LMC § 15-7.1-6, *Final Subdivision Plat*.
2. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
3. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the Plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The Applicant shall record the plat at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this

Plat approval will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. The plat shall note that fire sprinklers are required for all new construction.
4. Any addition to the existing Structure shall not exceed the zone height of 28 feet from Existing Grade
5. To address the driveway encroachment, the Applicant shall correct the encroachment into the abutting property upon completion of updating the driveway configuration. Otherwise, the Applicant shall enter into an encroachment agreement with the neighboring property owner and record the agreement with Summit County prior to recordation of the plat.
6. City Engineer review and approve all Lot grading, utility installation, public improvement, and drainage plans for compliance with City standards prior to issuance of any building permits.

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

PASSED AND ADOPTED this 16th Day of February 2023.

PARK CITY MUNICIPAL CORPORATION

Nann Worel, MAYOR

ATTEST:

City Recorder

APPROVED AS TO FORM:

City Attorney

Attachment 1 – Proposed Plat

THE BALD EAGLE CLUB AT DEER VALLEY
UNIT 9
(7979 Roamer Court)

November 9, 2022

PROJECT INTENT

The Bald Eagle Club at Deer Valley was originally recorded August 3, 1989, as Entry No. 311265 in the Office of the Recorder, Summit County, Utah.

In approximately 2004, an addition was made to the west end of the house which was constructed outside the building pad as originally platted in 1989. No plat amendment was recorded in the recorder's office that revises the building pad to reflect the building addition.

The applicant will be submitting plans to add a one-car garage to the south of the existing garage with a home office above the additional one-car garage. Since no plat amendment was recorded for the addition circa 2004, the building pad will be adjusted so that the current location of the building is within the revised building pad as well as the proposed addition of the one-car garage. A proposed deck extension for a hot tub is also being proposed on the north side of the residence.

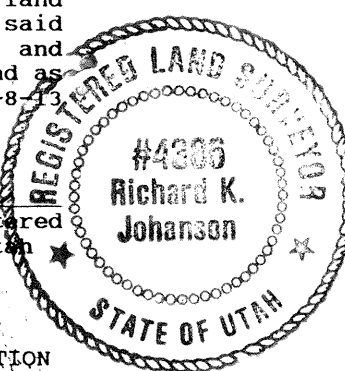
In conjunction with the construction of a one-car garage, a widened driveway has been designed. The current driveway is approximately 11 feet wide at its narrowest point and curved, which makes it difficult to maneuver when backing out. The proposed driveway will still be curved, but will be approximately 20 feet wide at its narrowest point. The current driveway also encroaches into the neighboring property by approximately 2.6 feet, and the new driveway design eliminates this encroachment.

The building pad as shown on Page 2 of the currently recorded plat has an area of approximately 7,963 square feet. The proposed additions along with the addition that was completed circa 2004, will be within the proposed new building pad configuration and a square footage of 7,963 square feet will be maintained.

CERTIFICATE OF SURVEY

I, Richard K. Johanson, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 4303, as prescribed under the laws of the State of Utah, I further certify that by the authority of the owners I have made a survey of the tract of land as described and shown on this plat and that have subdivided said tract of land into units, common areas, and private streets, and that same has been correctly surveyed and staked on the ground as shown on this plat and said survey complies with Sections 57-8-1, Utah Code Annotated.

Richard K. Johanson
Richard K. Johanson, Registered
Land Surveyor No. 4303, Utah



Date 7/28/89

BACK LOT SANITARY SEWER EASEMENT DESCRIPTION

A 20.00 foot wide sanitary sewer easement, the centerline of which is described as follows: beginning at a point which is South 288.05 feet and East 1628.57 feet from the Southwest corner of Section 22, Township 2 North, Range 4 East, Salt Lake Base and Meridian, said point being on the Northerly boundary of the Bald Eagle Road Access Easement and running thence the following courses:

S-1 = North 05° 29' 27" West, a distance of 99.13 feet,
S-2 = North 01° 13' 46" West, a distance of 319.51 feet,
S-3 = North 59° 25' 15" East, a distance of 25.55 feet,
S-4 = North 07° 59' 06" East, a distance of 233.16 feet,
S-5 = North 14° 22' 12" East, a distance of 249.82 feet,
S-6 = North 30° 06' 05" East, a distance of 159.12 feet,
S-7 = North 78° 09' 59" East, a distance of 214.56 feet,
S-8 = South 71° 33' 54" East, a distance of 107.52 feet,
S-9 = South 69° 41' 30" East, a distance of 135.42 feet,
S-10 = North 63° 13' 06" East, a distance of 355.09 feet,
S-11 = North 65° 53' 52" East, a distance of 128.80 feet,
S-12 = South 63° 14' 10" East, a distance of 83.26 feet,
S-13 = South 42° 36' 51" East, a distance of 169.85 feet,
S-14 = North 70° 41' 37" East, a distance of 191.26 feet,
S-15 = North 87° 00' 11" East, a distance of 166.36 feet,
S-16 = South 54° 06' 09" East, a distance of 129.62 feet,
S-17 = South 51° 55' 06" East, a distance of 98.25 feet,
S-18 = North 85° 54' 52" East, a distance of 115.97 feet,
S-19 = South 60° 33' 41" East, a distance of 115.97 feet,

ALUMINUM CAP

SECTION LINE

(BASIS OF BEARING)

SOUTHWEST CORNER OF SECTION 22, T2S, R4E, S.L.B.&M.

SEC. 28

STREET NUMBERS

TYPICAL UNIT EASEMENTS

NOTES:

- 5.0 FOOT WIDE NON-EXCLUSIVE UTILITIES AND DRAINAGE EASEMENTS ALONG ALL SIDE UNIT LINES AS SHOWN. (UNLESS NOTED OTHERWISE).
- 5.0 FOOT WIDE NON-EXCLUSIVE UTILITIES AND DRAINAGE EASEMENT ALONG ALL PARCEL BOUNDARY LINES AND REAR UNIT LINES.
- 10.0 FOOT WIDE NON-EXCLUSIVE UTILITIES AND DRAINAGE EASEMENT ALONG ALL PARCEL BOUNDARY LINES AND REAR UNIT LINES.
- THE OWNERS HEREBY DEDICATE TO PARK CITY MUNICIPAL CORPORATION, SNOWVILLE BASIN TOWNSHIP DISTRICT, AND PARK CITY FIRE PROTECTION DISTRICT NON-EXCLUSIVE PUBLIC UTILITY EASEMENTS, SANITARY SEWER EASEMENTS (S.B.S.I.D. ONLY), AND PRIVATE ROADS SHOWN ON THIS PLAT FOR THE PURPOSE OF PROVIDING ACCESS FOR UTILITY INSTALLATION, MAINTENANCE, USE AND EVENTUAL REPLACEMENT AND DOES FURTHER DEDICATE INGRESS AND EGRESS FOR PERPETUAL USE BY EMERGENCY AND UTILITY VEHICLES OVER THE COMMON AREAS AND PRIVATE ROADS.
- ALL ROADS SHOWN ARE PRIVATE ROADS AND NON-EXCLUSIVE PUBLIC UTILITY AND DRAINAGE EASEMENTS. IT IS ANTICIPATED AT THE TIME OF RECORDING THAT PARK CITY, SUMMIT COUNTY, AND WASATCH COUNTY DO NOT AND WILL NEVER HAVE ANY RESPONSIBILITY FOR THE INSTALLATION, MAINTENANCE, OR EVENTUAL REPLACEMENT OF THE ROADS, BRIDGES, OR TUNNEL WITHIN THIS CONDOMINIUM AND ANY EXPANSIONS THEREOF. UNIT PURCHASERS ARE CAUTIONED TO BE FULLY AWARE OF THE MAINTENANCE COVENANT AND CONDOMINIUM DECLARATION RECORDED CONCURRENTLY WITH THIS CONDOMINIUM PLAT.

Note: Iron Rod set on all parcel and lot corners.

SUMMIT / WASATCH COUNTY LINE

SEE BACKLOT SANITARY SEWER EASEMENT DESCRIPTION FOR BEARINGS & DISTANCES

EXPANSION AREA A

EXPANSION AREA B

RECORD OF SURVEY MAP FOR AN EXPANDABLE CONDOMINIUM CALLED THE BALD EAGLE CLUB AT DEER VALLEY

LOCATED IN SECTIONS 22 & 27, TOWNSHIP 2 SOUTH, RANGE 4 EAST, S.L.B.&M.

PARK CITY, SUMMIT & WASATCH COUNTIES, UTAH

SUMMIT / WASATCH COUNTY LINE

PARK CITY BOUNDARY (JULY 1989)

COUNTY LINE DESCRIPTION

CL1 = North 41° 51' 15" East 386.61 feet
CL2 = North 53° 34' 30" East 132.63 feet
CL3 = North 46° 14' 18" East 411.89 feet
CL4 = North 68° 57' 05" East 625.96 feet
CL5 = North 65° 49' 52" East 204.63 feet
CL6 = North 52° 41' 55" East 439.65 feet
CL7 = North 24° 50' 57" East 300.09 feet
CL8 = North 24° 47' 43" East 304.77 feet
CL9 = North 24° 47' 43" East 314.04 feet
CL10 = North 24° 47' 43" East 418.94 feet

PARK CITY LINE DESCRIPTION

PC1 = South 24° 47' 43" West 418.94 feet
PC2 = South 39° 55' 00" West 205.18 feet
PC3 = South 00° 00' 00" West 126.67 feet
PC4 = South 00° 00' 00" West 419.20 feet
PC5 = South 45° 00' 00" West 2412.34 feet

CITY ENGINEER

APPROVED AND ACCEPTED BY THE
PARK CITY CITY ENGINEERING DEPARTMENT
ON THIS 3RD DAY OF AUGUST
A.D. 1989.

Eric W. DeHaan PE
CITY ENGINEER

CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE
CITY PLANNING COMMISSION ON THIS 28TH
DAY OF JULY A.D. 1989.

Ronald A. Whaley
CHAIRMAN

APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS 3RD
DAY OF AUGUST A.D. 1989.

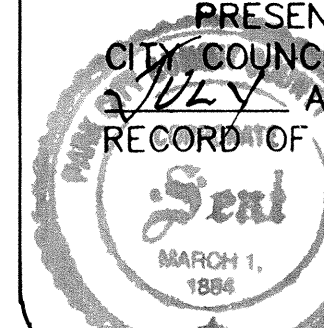
Janet A. Carter
CITY ATTORNEY

RECORDED

No. 31265.
STATE OF Utah
COUNTY OF Summit
RECORDED AND FILED AT THE REQUEST OF:
High Country Title
8-3-89
at 4:57 p.m.
Alan Spriggs
COUNTY RECORDER

CITY COUNCIL APPROVAL

PRESENTED TO THE BOARD OF Park
CITY COUNCIL THIS 20TH DAY OF
JULY A.D. 1989 AT WHICH TIME THIS
RECORD OF SURVEY WAS APPROVED.



Mayor
CITY RECORDER

Sno-engineering Inc.

THE MOUNTAIN RESORT PLANNERS

IN ASSOCIATION WITH EPS ASSOCIATES INC.

P.O. Box 1726, Park City, Utah 84060
Phone (801) 649-4777

EXPANDABLE AREA

BLM PARCEL EXCEPTION

EXPANDABLE AREA

RECORDED

Nº. 311265
STATE OF Utah
COUNTY OF Summit
RECORDED AND FILED AT THE REQUEST OF:
Alain Spriggs
COUNTY RECORDER

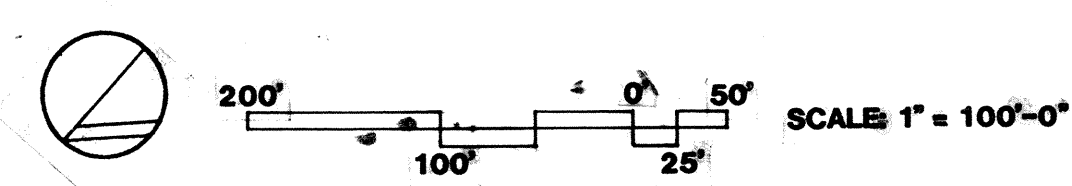
Sno-engineering Inc.

THE MOUNTAIN RESORT PLANNING

P.O. Box 1726, Park City, Utah 84080
Phone (801) 649-4777

- NOTES:
1. A pre-construction meeting shall occur between the project engineer, city engineer, building department official, and contractor to establish in the field the limits and areas of disturbance as described on the Limits of Disturbance and Erosion Control Plan.
 2. Limits of disturbance shall be delineated in the field with rope and flagging cord.
 3. All areas within the limits of disturbance described on the Limits of Disturbance and Erosion Control Plan, and those areas of disturbance associated with the project but not shown on the plan, shall be seeded with Deer Valley Seed Mix at a rate of 40 lbs. p.a.s. per acre.

RECORD OF SURVEY MAP FOR AN EXPANDABLE CONDOMINIUM CALLED
THE BALD EAGLE CLUB AT DEER VALLEY
LOCATED IN SECTIONS 22 & 27, TOWNSHIP 2 SOUTH, RANGE 4 EAST, S.L.B.&M.
PARK CITY, SUMMIT COUNTY, UTAH



Building pads represent the boundary in which all building and associated construction disturbance shall occur. When the actual building footprint is established, the limits of construction disturbance shall be no greater than 15' beyond the foundation walls. The building footprint may shift within the building pad. Any deviation from this format shall be approved by the Architectural Committee. Access to the building footprint shall be no wider than 15'. All areas within the limits of disturbance shall be seeded with Deer Valley Seed Mix at a rate of 40 lbs. p.a.s. per acre. This map affects the architectural design for the improvements to units 21 - 25 and to units within the Expandable Area 2.

Limits of Disturbance are not enforced by Park City. All enforcement efforts must be undertaken by the Architectural Committee.

PARCEL A BOUNDARY DESCRIPTION

Beginning at a point which is South 330.17 feet and East 1764.21 feet from the southwest corner of Section 22, Township 2 South, Range 4 East, Salt Lake Base and Meridian, thence the following courses:

- 1) North 20° 33' 06" East; 800.00 feet
- 2) South 50° 11' 00" East; 139.97 feet
- 3) South 18° 57' 10" West; 305.00 feet
- 4) South 10° 08' 49" East; 69.31 feet
- 5) South 18° 15' 58" East; 88.55 feet
- 6) South 29° 35' 41" West; 385.00 feet
- 7) North 50° 09' 18" West; 181.19 feet

to the point of beginning. Said parcel contains 3.20 acres more or less.

PARCEL B BOUNDARY DESCRIPTION

Beginning at a point which is 519.326 feet North and 2683.768 feet East from the Southwest Corner of Section 22, Township 2 South, Range 4 East, Salt Lake Base to Meridian, Thence from said point of beginning, the following courses:

- Thence N 37° 56' 33" E, a distance of 114.73 feet;
Thence N 33° 27' 24" E, a distance of 43.84 feet;
Thence N 41° 47' 50" E, a distance of 326.29 feet;
Thence S 86° 30' 00" E, a distance of 283.36 feet;
Thence S 72° 00' 00" E, a distance of 116.00 feet;
Thence S 24° 02' 46" W, a distance of 120.00 feet;
Thence S 42° 36' 03" W, a distance of 139.33 feet;
Thence S 79° 45' 09" W, a distance of 575.00 feet;
To said point of beginning.

Said parcel contains 3.25 acres, more or less.

PARCEL C BOUNDARY DESCRIPTION

Beginning at a point which is 347.192 feet North and 3422.338 feet East of the Southwest corner of Section 22, Township 2 South, Range 4 East, Salt Lake Base and Meridian and running thence the following courses:

- 1) North 47° 02' 14" East, a distance of 20.77 feet to a point on a 55.00 foot radius curve to the right, said curve having a central angle of 50° 55' 09" , and a center bearing South 42° 57' 46" East
- 2) Thence along the arc of said curve 48.87 feet
- 3) South 82° 02' 37" East, a distance of 58.56 feet
- 4) North 00° 00' 00" East, a distance of 62.79 feet
- 5) North 39° 55' 00" East, a distance of 205.52 feet
- 6) North 24° 47' 43" East, a distance of 109.18 feet
- 7) North 62° 00' 01" West, a distance of 214.57 feet
- 8) South 24° 02' 46" West, a distance of 230.71 feet
- 9) South 08° 04' 05" West, a distance of 108.93 feet
- 10) South 01° 18' 43" East, a distance of 122.02 feet to the point of beginning.

Said Parcel C contains 1.48 acres.

PARCEL D BOUNDARY DESCRIPTION

Beginning at a point which is 877.544 feet South and 1809.595 feet East of the Southwest Corner of Section 22, Township 2 South, Range 4 East, Salt Lake Base & Meridian. Thence from said point of beginning the following courses:

- 1) North 43° 15' 49" East, a distance of 140.00 feet
- 2) North 41° 00' 01" East, a distance of 195.00 feet
- 3) North 00° 09' 38" East, a distance of 222.00 feet
- 4) North 30° 58' 56" East, a distance of 135.94 feet
- 5) North 46° 33' 24" East, a distance of 100.11 feet
- 6) North 61° 49' 10" East, a distance of 101.57 feet
- 7) North 28° 10' 55" East, a distance of 319.45 feet
- 8) North 27° 27' 34" East, a distance of 125.89 feet
- 9) North 50° 42' 05" East, a distance of 375.30 feet
- 10) North 79° 45' 09" East, a distance of 618.00 feet
- 11) South 04° 57' 39" West, a distance of 120.00 feet
- 12) South 04° 24' 01" East, a distance of 79.50 feet
- 13) South 16° 46' 58" East, a distance of 131.61 feet
- 14) South 39° 13' 04" East, a distance of 210.48 feet
- 15) South 00° 00' 00" East, a distance of 87.05 feet
- 16) South 38° 39' 35" West, a distance of 49.77 feet
- 17) South 51° 00' 32" West, a distance of 135.09 feet
- 18) South 67° 41' 38" West, a distance of 126.46 feet
- 19) South 78° 35' 20" West, a distance of 111.20 feet
- 20) South 53° 35' 01" West, a distance of 75.80 feet
- 21) South 32° 17' 44" West, a distance of 94.03 feet
- 22) South 48° 00' 00" West, a distance of 1177.71 feet
- 23) North 75° 39' 43" West, a distance of 189.31 feet to a point on a 530.00 foot radius curve to the right from which the radius point bears North 54° 44' 12" West, said curve having a central angle of 13° 43' 07"
- 24) Thence westerly along the arc of said curve a distance of 126.94 feet
- 25) South 48° 58' 55" West, a distance of 9.14 feet to a point on a 163.00 foot radius curve from which the radius point bears North 41° 01' 05" West, said curve having a central angle of 170° 31' 04" to the right
- 26) Thence westerly along the arc of said curve a distance of 485.33 feet
- 27) South 50° 30' 01" East, a distance of 60.00 feet
- 28) North 39° 29' 59" East, a distance of 61.46 feet
- 29) North 37° 12' 51" East, a distance of 66.52 feet to the point of beginning.

Said Parcel D contains 31.88 acres.

EXPANSION AREA B BOUNDARY DESCRIPTION

Beginning at a point which is 406.568 feet North and 4167.176 feet East of the Southwest corner of Section 22, Township 2 South, Range 4 East, Salt Lake Base and Meridian and running thence the following courses:

- 1) South 11° 44' 17" ~~EAST~~, a distance of 309.03 feet
- 2) South 30° 00' 00" West, a distance of 131.61 feet
- 3) South 65° 07' 40" West, a distance of 101.00 feet
- 3) South 55° 07' 41" West, a distance of 97.19 feet
- 4) North 31° 08' 50" West, a distance of 193.22 feet
- 5) North 32° 17' 44" East, a distance of 94.03 feet
- 6) North 53° 35' 01" East, a distance of 75.80 feet
- 7) North 78° 35' 20" East, a distance of 111.20 feet
- 8) North 67° 41' 38" East, a distance of 126.46 feet
- 9) North 51° 00' 32" East, a distance of 135.09 feet
- 10) North 38° 39' 35" East, a distance of 49.77 feet
- 11) North 0° 00' 00" East, a distance of 184.74 feet
- 12) North 49° 39' 58" East, a distance of 40.77 feet
- 13) North 42° 42' 34" West, a distance of 88.46 feet
- 14) North 20° 49' 15" West, a distance of 75.96 feet
- 15) North 01° 18' 43" West, a distance of 9.01 feet
- 16) North 47° 02' 14" East, a distance of 20.77 feet to a point on a 55.00 foot radius curve to the right, said curve having a central angle of 50° 55' 09", and a center bearing South 42° 57' 46"
- 17) Thence along the arc of said curve 48.87 feet
- 18) South 82° 02' 37" East, a distance of 58.56 feet
- 19) North 0° 00' 00" East, a distance of 62.79 feet
- 20) North 39° 55' 00" East, a distance of 205.52 feet
- 21) North 24° 47' 43" East, a distance of 109.18 feet
- 22) South 62° 00' 01" East, a distance of 200.19 feet
- 23) South 49° 15' 57" East, a distance of 177.49 feet
- 24) South 67° 59' 05" East, a distance of 81.43 feet
- 25) South 55° 59' 58" East, a distance of 75.00 feet to the point of beginning.

Said Expansion parcel contains 13.25 acres

BLM PARCEL EXCEPTION

Excepting from the above described Parcel D and Expandable Area B the following described tract. Beginning at a point which is corner No. 3 of the Essex Patented Lode Mining Claim Lot No. 147; said point of beginning being South 261.18' and East 3066.82' from the Southwest Corner of Section 22, Township 2 South, Range 4 East, SLB&M; thence N 45° 20' 21" E 1223.72', thence S 49° 15' 57" E 4.44', thence S 45° 32' 46" W 1224.08', to the point of beginning.

Containing .06 Acres

PRIVATE ROAD BOUNDARY DESCRIPTION

Beginning at a point within Royal Street East which is South 40.90 feet and East 1223.67 feet from the Southwest Corner of Section 22, Township 2 South, Range 4 East, SLB & M; thence along the centerline of a 60.00 foot wide private road, for the purpose of utility service, ingress and egress to the Bald Eagle Club, an expandable condominium, as shown on the official plat herein, and described as follows:

- S 76° 54' 53" E 34.97', Thence
S 63° 26' 26" E 132.81', across the Long Chord of a 284.99' Radius Curve to the Right and Subtended by a Central Angle of 26 56' 53"; Thence
Thence
S 49° 58' 00" E 254.87', across the Long Chord of a 290' Radius Curve to the Right and Subtended by a Central Angle of 49 58' 00"; Thence
S 24° 59' 00" E 244.97', Thence
Thence
South 70.47', across the Long Chord of a 330' Radius Curve to the Left and Subtended by a Central Angle of 23 00' 00"; Thence
S 23° 00' 00" E 145.02', Thence
S 8° 15' 00" W 84.04', across the Long Chord of a 81' Radius Curve to the Right and Subtended by a Central Angle of 62 39' 59"; Thence
S 39° 29' 59" W 61.46', to the Bald Eagle Community Subdivision Boundary Line.

ROAD EASEMENT DESCRIPTION NO 1

Beginning at a point that is South 257.86' and East 2137.89' from the SouthWest Corner of Section 22, Township 2 South, Range 4 East, SLB&M; Thence along the CenterLine of a 50' Wide Road, for the purpose of Ingress and Egress, and for Utility Construction and Maintenance to Units 39 thru 42, and more specifically described as follows: N 45° 54' 56" W 76.40' to the Point of Tangency of a 237.15' Radius Curve to the Right, Thence along the Centerline of said Curve 39.12', more or less, to the Boundary Line of the above mentioned Units 39 thru 42.

Containing 0.11 Acres

ROAD EASEMENT DESCRIPTION NO 2

Beginning at a point that is North 513.60' and East 3073.69' from the SouthWest Corner of Section 22, Township 2 South, Range 4 East, SLB&M; Thence along the Boundary line of a 50' Wide Road, for the purpose of Ingress and Egress, and for Utility Construction and Maintenance to Units 6 thru 9, and more specifically described as follows: N 13° 56' 53" W 60.67', Thence NorthWesterly along the arc of a 15' Radius Curve to the Left to the Boundary of the above mentioned Units 6 thru 9, thence along said Boundary line N 71° 45' 01" E 80.17', Thence SouthWesterly along the arc of a 15' Radius Curve to the Left 24.53', Thence S 13° 56' 53" E 58.73', Thence S 79° 45' 09" W 50.10' to the Point of Beginning.

Containing .09 Acres

ROAD EASEMENT DESCRIPTION NO. 3

Beginning at a point which is North 349.05' and East 3,422.28' from the Southwest Corner of Section 22, Township 2 South, Range 4 East, SLB&M; Thence along the Boundary line of a 50' Wide Road, for the purpose of Ingress and Egress, and for the Utility Construction and Maintenance to Unit 3, the following courses:

N 01° 18' 43" W, 63.89 feet; to a point on a 105 foot radius curve; said curve having a cord bearing of S 52° 59' 50" W and a cord length of 21.81 feet and a central angle of 11° 55' 13"; thence Southwesterly along said curve a distance of 21.84 feet; thence S 47° 02' 14" W, 46.24 feet; thence S 04° 24' 01" E, 0.73 feet; thence S 16° 46' 58" E, 55.71 feet; thence N 47° 02' 14" E, 49.94 feet to the point of beginning.

Contains 0.07 Acres

Notes regarding Sanitary Sewer Service and Expansion Area B

Units Number 14, 28, 29, and 34 are not presently within the boundaries of the Snyderville Basin Sewer Improvement District. Sewer service will not be provided until and unless these units are annexed to the District. This shall not preclude the Owners of those Units from installing septic tank systems upon approval of applicable county health authorities.

Unit Number 14 is located at an elevation where sewer service is only available through the use of a pump system, which is the sole responsibility of the Unit Owner and not a part of the Snyderville Basin Sewer Improvement District system for purposes of maintenance or operation.

See separate Notice and Covenant regarding sewer service to these units.

Unit Owners shall fully indemnify and save harmless the Snyderville Basin Sewer Improvement District from all costs and damages which may arise due to stoppages and/or overflows in the backlot sewer and for which the District is unable to respond due to limited access.

RECORD OF SURVEY MAP FOR AN EXPANDABLE CONDOMINIUM CALLED

THE BALD EAGLE CLUB AT DEER VALLEY

LOCATED IN SECTIONS 22 & 27, TOWNSHIP 2 SOUTH, RANGE 4 EAST, S.L.B.&M.

PARK CITY, SUMMIT COUNTY, UTAH

OWNER'S CERTIFICATE AND CONSENT TO RECORD

KNOWN ALL MEN BY THESE PRESENT: That Marc Realty & Investment Group, Inc. and Kieth-Marc Properties, Ltd.; do hereby certify that they are the fee owner of the tract of land described and shown herein and they have caused this record of survey map to be prepared for a project to be known as The Bald Eagle Club at Deer Valley, an expandable condominium. We hereby submit the property to the provisions of the Utah Condominium Ownership Act and give consent to its recordation for the same.

In witness thereof, we have set are signature the 28TH day of July, 1989.

Marc Realty & Investment Group, Inc.

Keith-Marc Properties, Ltd.
By Marc Realty & Investment Group, Inc., a corporate General Partner:

By: Mark O. Kaplan
Mark O. Kaplan, President

By: Mark O. Kaplan
Mark O. Kaplan, President

ACKNOWLEDGEMENT

STATE OF UTAH)
COUNTY OF SUMMIT) ss

On the 28 day of July, 1989 the foregoing instrument was acknowledged before me by Mark Kaplan, president of Marc Realty & Investment Group, Inc., who executed the same for the corporation.

Notary Public

Residing at: Park City, Utah

My Commission Expires:

6-1-93

STATE OF UTAH)
COUNTY OF SUMMIT) ss

On the 28 day of July, 1989 the foregoing instrument was acknowledged before me by Mark Kaplan, president of Marc Realty & Investment Group, Inc., a corporation which is a general partner of Keith-Marc Properties, Ltd, a limited partnership, who executed the same on behalf of the partnership.

Notary Public

Residing at: Park City, Utah

My Commission Expires:

6-1-93

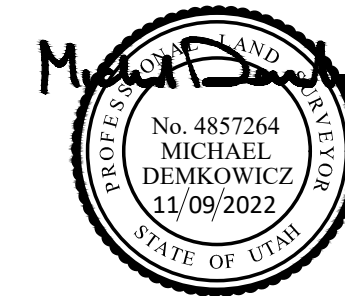
RECORDED

N^o. 311265
STATE OF Utah
COUNTY OF Summit
RECORDED AND FILED AT THE REQUEST OF:
High Country Title
8-3-89
at 4:57 p.m.
#80.
Alan Sprigg
COUNTY RECORDER

Sno-engineering Inc.

THE MOUNTAIN RESORT PLANNERS

P.O. Box 1726, Park City, Utah 84060
Phone (801) 649-4777



SURVEYOR'S CERTIFICATE

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

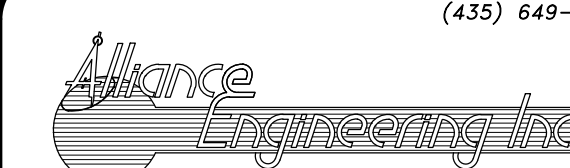
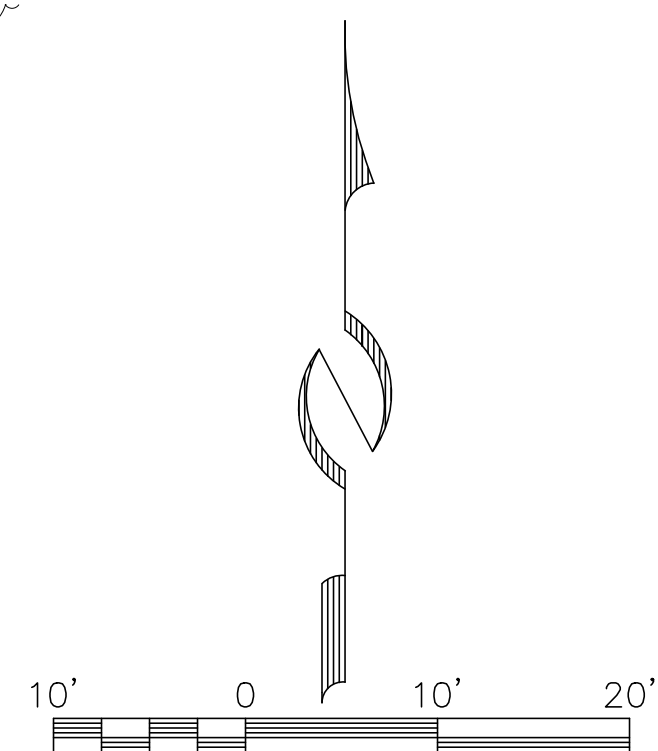
NOTES

1. Site Benchmark: Water Valve = 8288.4'.
2. Field work for this survey was completed on June 21, 2022.
3. The architect is responsible for verifying building setbacks, zoning requirements and building heights.

NOTES FROM THE BALD EAGLE CLUB AT DEER VALLEY, ENTRY NO. 311265, SUMMIT COUNTY
RECORDER'S OFFICE

4. Building pads represent the boundary in which all building and associated construction disturbance shall occur. When the actual building footprint is established, the limits of construction disturbance shall be no greater than 15' beyond the foundation wall. The building footprint can shift within the building pad. Any deviation from this format shall be approved by the Architectural Committee. Access to the building footprint shall be no wider than 14', and the associated limits of cut and fill slopes shall be the steepest slopes approved by the geotechnical reports. Any deviation from this format shall be approved by the Architectural Committee.
5. Limits of Disturbance are not enforced by Park City. All enforcement efforts must be undertaken by the Architectural Committee.
6. No finished floor elevation shall exceed 8455. This may affect the Architectural design for the improvements to Units 21-25 and to Units within the Expandable Area B.
7. A pre-construction meeting shall occur between the project engineer, city engineer, building department official, and contractor to establish in the field the limits and areas of disturbance as described on the Limits of Disturbance and Erosion Control Plan.
8. Limits of disturbance shall be delineated in the field with rope and flagging cordon.
9. All areas within the limits of disturbance described on the Limits of Disturbance and Erosion Control Plan, and those areas of disturbance associated with the project but not shown on the plan, shall be seeded with Deer Valley Seed Mix at a rate of 40 lbs. p.s. per acre.

DEER VALLEY SEED MIX	
SEED TYPE	PERCENTAGE
WINTER WHEAT	20%
PERENNIAL RYEGRASS	20%
INTERMEDIATE WHEATGRASS	20%
KENTUCKY BLUEGRASS	10%
ORCHARD GRASS	10%
SMOOTH BROME	10%
TIMOTHY, CLIMAX	5%
MEDIUM RED CLOVER	5%



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

(435) 649-9467

STAFF:
MARSHALL KING
BRAYLON ROSE
CHIP TOMSUDEN
TYLER LEPORE
THOMAS VAUGHN

64 **DATE:** 11/9/22

EXISTING CONDITIONS & TOPOGRAPHIC MAP
BALD EAGLE CLUB, UNIT 9
7979 ROAMER COURT

FOR: ANU LEE MAN
JOB NO.: 10-5-22

FILE: X:\BaldEagle\dwg\srv\topo2022\100522.dwg

SHEET
1
OF
1



7979 Roamer Court - looking westerly



7979 Roamer Court - looking southwesterly



7979 Roamer Court - looking easterly



7979 Roamer Court - looking southeasterly



7979 Roamer Court - looking southerly



7979 Roamer Court - looking westerly



7979 Roamer Court - looking southeasterly



7979 Roamer Court - looking westerly

Planning Department Staff Report



Subject: 103 Alice Court
Application: PL-22-05421
Author: Lillian Zollinger, Planner I
Date: January 25, 2023
Type of Item: Steep Slope Conditional Use Permit

Recommendation

(I) Review the Steep Slope Conditional Use Permit (SSCUP) at 103 Alice Court, (II) conduct a public hearing, and (III) consider approving the proposal based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter (Exhibit A).

Description

Applicant: Gavin Steinberg
Location: 103 Alice Court
Zoning District: Historic Residential - 1 (HR-1) District
Adjacent Land Uses: Single Family Dwellings, Recreation and Open Space
Reason for Review: The Planning Commission reviews and takes Final Action on SSCUPs for Lots greater than 3,750 square feet.¹

DRT	Design Review Team
HDDR	Historic District Design Review
HR-1	Historic Residential - 1
LMC	Land Management Code
SFD	Single Family Dwelling
SSCUP	Steep Slope Conditional Use Permit

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

Background

103 Alice Court is Lot 6 of the Alice Claim Subdivision and is vacant (Exhibit C). The Applicant submitted a SSCUP and a Historic District Design Review (HDDR) application and proposes construction of a new Single-Family Dwelling (SFD) within the Historic Residential-1 (HR-1) Zoning District.

The review of the Alice Claim Subdivision began in 2006, and took 12 years to approve. The Alice Claim Subdivision had 15 meetings since 2014, with the Planning Commission or City Council reviewing the proposal. In 2015, the Planning Commission recommended denial of the Alice Claim Subdivision/Plat Amendment and Conditional

¹ LMC § [15-2.1-6\(B\)\(2\)](#)

Use Permit (CUP). The City Council then sent the application back to the Planning Commission for further review. In 2016, with an updated proposal, the Planning Commission approved a CUP for three retaining walls up to ten feet to help with slope stabilization. The CUP was appealed, but after an access agreement was obtained, the new access did not require walls greater than six feet. One appeal was withdrawn, and the other appeal was not pursued with the updated retaining wall height included in the Subdivision and Plat Amendment proposal. In 2017, the Planning Commission forwarded a positive recommendation to the City Council for the Alice Claim Subdivision with conditions to create developable lots with proper water access and to protect sensitive lands. On March 8, 2018, the City Council adopted [Ordinance No. 2018-08](#) approving the Alice Claim Subdivision ([Staff Report, p. 60-167](#); [Meeting Minutes, p. 8-13](#)).

In conjunction with the SSCUP, Staff is reviewing the HDDR application (PL-22-05260) for compliance with LMC [Section 15-13-8](#) *Design Guidelines for New Residential Infill Construction in Historic Districts*.

Analysis

103 Alice Court is located on an uphill lot with a slope average of 15-33% Approximately 1,452 square feet of the SFD will be constructed on a steep slope with an average slope 32.1%. LMC § [15-2.2-6](#) requires a SSCUP for construction of any Structure with a Building Footprint in excess of two hundred square feet (200 sf) in the HR-1 Zoning District.

(I) The proposal to construct a new Single-Family Dwelling complies with HR-1 Zoning District requirements outlined in LMC Chapter 15-2.2.

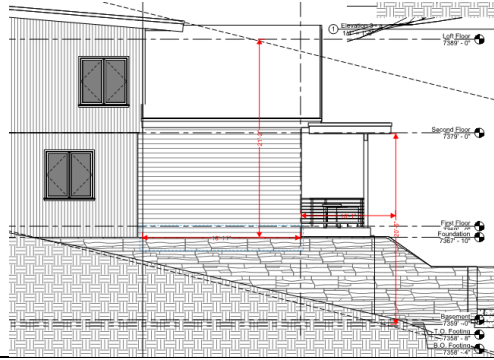
Two of the purposes of the HR-1 district are to “encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods and establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.”²

The proposed SFD is an Allowed Use in the HR-1 Zoning District, pursuant to LMC § [15-2.2-2\(1\)](#).

LMC § [15-2.2-3](#) outlines lot and site requirements for the HR-1 Zoning District, shown in the table below:

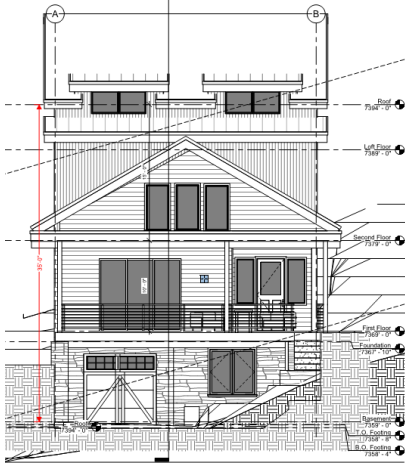
Zoning Requirement	Analysis of Proposal
Minimum Lot Size - 1,875 sq. ft.	Complies: The lot contains 4,510 sq. ft.
Minimum Lot Width - 25 feet	Complies: The lot is 41.91 feet long at the front end, and 44.70 feet long at the rear.

² LMC § [15-2.2-1](#)

Maximum Building Footprint – 1,750 sq. ft.	Complies: The proposed Footprint is 1,750 sq. ft. as measured on the submitted plans (Exhibit B).
Minimum Front and Rear Setback for Lots over 100 feet long – 15 feet each for a total of 30 feet	Complies: 15 feet each
Minimum Side Setbacks for Lots up to 50 feet in width – 5 feet each	Complies: 5 feet each
Building Height – 27 feet from Existing Grade	Complies: The proposed height is 27 feet from existing grade.
Building Height – 10-foot minimum horizontal step in the downhill facade	Complies: At 20' from the lowest point of existing grade, the architecture steps back 10' from the front façade of the structure. 

LMC § [15-2.2-5](#) outlines building height requirements, shown in the table below:

Maximum interior height of 35 feet	Complies: LMC § 15-2.2-5(A) states, “A Structure shall have a maximum height of thirty-five feet (35’) measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.” The proposal has an interior height of 35 feet, as defined, and is compliant.
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	 The proposed design does not require additional height exceptions for the SFD to be constructed.
Roof Pitch- between 7:12 and 12:12	Complies: The Contributing Roof Form is 7:12.
Final Grade within 4 feet of Existing Grade	Complies: The proposed final grade is within 4 feet of existing grade.

(II) The proposal to construct a SFD complies with criteria outlined in LMC §15-2.2-6 Development on Steep Slopes.

There are certain Uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land Uses, may not be Compatible in some Areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

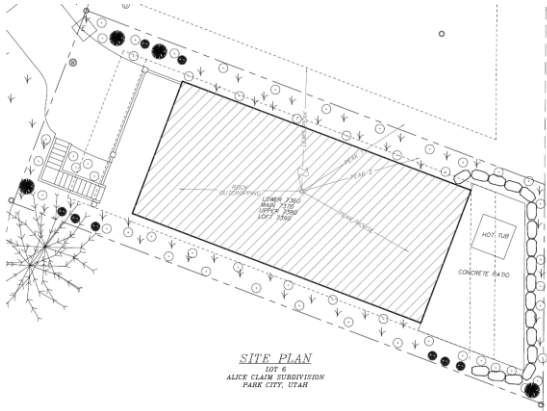
Development on Steep Slopes must be environmentally sensitive to hillside areas, carefully planned to mitigate adverse effects on neighboring land and improvements, and consistent with the Design Guidelines for Historic Districts (LMC § [15-2.2-6](#)).

Since the new SFD proposes an excess of 200 square feet located on an existing Slope of thirty percent (30%) or greater, the SSCUP application is required, pursuant to per [15.2-2.6\(A\)\(1\)](#). Additionally, the HDDR Application's approval will be subject to the approval of this SSCUP.

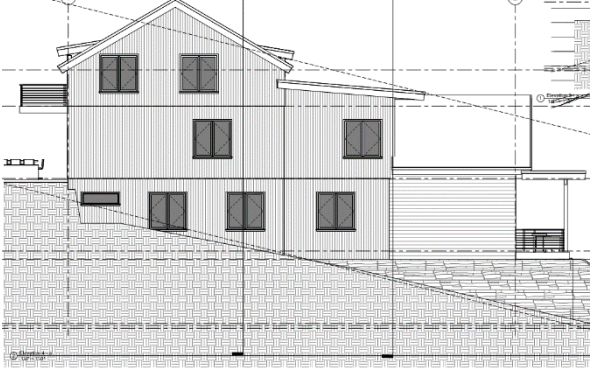
The Planning Commission reviews Steep Slope Conditional Use Permits for Lots that are 3,750 square feet or greater (LMC Section § [15-2.2-6\(B\)\(1\)](#)). 103 Alice Court contains 4,510 square feet and therefore requires Planning Commission approval.

Steep Slope Conditional Use Permit applications are subject to the following criteria:

Criteria	Analysis of Proposal
LOCATION OF DEVELOPMENT –	Complies

Development is located and designed to reduce visual and environmental impacts of the Structure.	The south side of the lot has an egress window – the retaining walls are a maximum of four feet in height from existing grade, with grade restored around them to support the window. Retaining walls in the front of the lot follow existing grade on either side to allow a garage, bottom level window, and stairs to access the first level entrance. A retaining wall is proposed in the rear of the structure to create an outdoor patio area. Aside from the structure itself, these are the only impacts created to the existing topography. No significant vegetation exists on the site, and therefore none will be removed.
VISUAL ANALYSIS – The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points: To determine potential impacts of the proposed Access, and Building mass and design; and to identify the potential for Screening, Slope stabilization, erosion mitigation, vegetation protection, and other design opportunities.	Complies The Single-Family Dwelling will be the first constructed in the Alice Claim Subdivision and does not yet have streetscape context among other structures. However, it will not be viewable from Vantage Points, as defined in LMC § 15-15-1. (See Exhibit D to view the Applicant's submitted streetscape). There is no existing significant vegetation on the lot, but the applicant proposes to add vegetation to mitigate erosion. The SFD will be significantly screened from the South due to the existing natural grade and vegetation. 
ACCESS – Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. Shared Driveways and Parking Areas, and side Access to garages are strongly encouraged, where feasible.	Complies The proposed twelve-foot (12') wide driveway located within the Front Setback is a 2% downhill slope towards Daly Avenue, and compliant with LMC § 15-13-8(B)(1)(h)(7), which requires, "new driveways shall not exceed twelve (12) feet in width." The driveway leads to a single tandem-car garage door. The front entrance is accessed via

	stairs, which are built into the existing grade.
TERRACING – The project may include terraced retaining Structures if necessary to regain Natural Grade.	Complies The Applicant is proposing to use the Structure itself as the majority of the retaining for Natural Grade. LMC § 15-2.2-5 states, “Final Grade must be within four vertical feet (4’) of Existing Grade.” The applicant is not proposing to change grade more than four feet (4’). The Applicant has largely maintained Natural Grade where possible, including changing the design of the structure on the side lot to egress windows to lessen the impact of the excavation required. LMC § 15-2.2-3 states that retaining walls four feet or less in the Front Setback, or six feet or less in the Rear Setback, are exceptions to Setbacks. All proposed retaining walls are 4’ or less and are compliant with the setback exceptions.
BUILDING LOCATION – Buildings, Access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and to provide variation of the Front Yard.	Complies The footprint of the structure is within the building pad and is inside all setbacks. The structure respects the 10’ foot Public Utilities easement in the front. The applicant reduced the proposed cut from previous design proposals to reduce the impact on the grade. This included removing windows on the south side, to only include one required egress window, and require less impact/excavation on the existing grade.
BUILDING FORM AND SCALE – Where Building masses orient against the Lot’s existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Director and/or Planning Commission may require a garage separate from the main Structure or no garage.	Complies LMC § 15-2.2-5 states that, “A ten foot (10’) minimum horizontal step in the downhill façade is required.” There is a 10’ step down approximately 24’ from the front of the structure. Additionally, the house is broken into three side sections, amidst the four levels of the home to follow the topography, and is compliant with allowed height as analyzed above and below. The proposed tandem-garage fits with the width of the lot, as the single-door garage allows for additional landscaping seen from the street level.

	 The design is incorporated into the topography, as the roof form steps up where the land does, to be more compatible with the Design Guidelines. The garage is set to the side of the lowest level of the structure and, as a tandem car garage, does not detract from the other levels of the dwelling. The tandem car garage allows for the street level of the dwelling to not be completely garage face. The space adjacent to the garage allows for the area to be vegetation rather than a concrete driveway.
SETBACKS – The Planning Commission may require an increase in one or more Setbacks to minimize the creation of a “wall effect” along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures.	Complies The new structure complies with all HR-1 setbacks, and there are no significant exceptions recommended for the design of the dwelling to be compliant with Code. The site does not exceed 33% in slope, and the proposed construction is within the allowed setbacks.
DWELLING VOLUME – The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures.	Complies The proposed structure is the first SFD of nine in the Alice Claim Subdivision. The proposed structure meets the requirements of code in roof shape, setbacks, and stepping of the form.
BUILDING HEIGHT STEEP SLOPE – The Zone Height in the HR-1 District is twenty-seven feet (27') and is restricted as stated above in Section 15-2.2-5. The Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual	Complies The building does not exceed the allowable building height and is compatible with the Zoning District (see elevation and analysis above, under Analysis I).

mass and/or to mitigate differences in scale between a proposed Structure and the Historic character of the neighborhood's existing residential Structures.



(IV)The Development Review Committee³ reviewed the proposal on December 6, 2022, and identified the following.

The Building Department requires the following Conditions of Approval:

Condition of Approval 7

Residential fire sprinklers are required for all new or renovation construction on this lot, per requirements of the Chief Building Official.

Condition of Approval 10

City approval of a Construction Mitigation Plan (CMP) is a condition precedent to the issuance of any building permits. The CMP shall include language regarding the method of protecting adjacent structures.

The Engineering Department requires the following Conditions of Approval:

Condition of Approval 8

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

Condition of Approval 11

City Engineer review and approval of all lot grading, utility installations, public improvements, and drainage plans for compliance with City standards is a condition precedent to building permit issuance.

Condition of Approval 14

The Applicant shall submit a geotechnical report and final slope stability prior to submitting a building permit, subject to City Engineer approval.

³ 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).

Condition of Approval 15

The Applicant shall provide soil stabilization details and drainage documenting how the disturbed area will be restored and stabilized prior to submitting a building permit, subject to City Engineer approval.

Condition of Approval 16

The Applicant shall submit a landscape bond to ensure the stabilization and vegetation rehabilitation are complete prior to submission of a building permit.

Condition of Approval 17

Prior to submitting a building permit, the Applicant shall submit a plan demonstrating how they will provide the temporary shoring needed during construction, subject to City Engineer approval.

Notice

Staff published notice on the City's website and the Utah Public Notice website, and posted notice to the property on January 17, 2023. Staff mailed courtesy notice to property owners within 300 feet on January 17, 2023. The *Park Record* published notice on January 17, 2023. LMC § [15-1-21](#).

Public Input

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

Alternatives

- The Planning Commission may approve the SSCUP Application;
- The Planning Commission may deny the SSCUP Application and direct staff to make Findings for the denial; or
- The Planning Commission 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: Alice Claim Subdivision

Exhibit D: 103 Alice Court Renderings



Planning Department

January 25, 2023

Gavin Steinberg
13 Club Road
Riverside, CT 06878

NOTICE OF PLANNING COMMISSION ACTION

Description

Address: 103 Alice Court

Zoning District: Historic Residential – 1 (HR-1)

Application: Steep Slope Conditional Use Permit

Project Number: PL-22-05421

Action: APPROVED WITH CONDITIONS (See Below)

Date of Final Action: January 25, 2023

Project Summary: The Applicant Proposes to Construct a New Single-Family Dwelling on a Steep Slope on a Vacant Lot.

Action Taken

On January 25, 2023, the Planning Commission conducted a public hearing and approved the proposal for a new Single-Family Dwelling at 103 Alice Court built into a Steep Slope, on a vacant lot according to the following Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact

1. The Site is located at 103 Alice Court, Lot 6 of the Alice Claim Subdivision, and is a vacant lot.
2. The Site is located within the Historic Residential – 1 (HR-1) Zoning District.
3. The Applicant proposes construction of a new Single-Family Dwelling (SFD) on the vacant lot.
4. The new SFD proposes an excess of 200 square feet located on an existing Slope of thirty percent (30%) or greater, therefore, a SSCUP application is required.



Planning Department

5. In conjunction with the SSCUP, the Applicant submitted a Historic District Design Review (HDDR) Application (PL-22-05260). The HDDR Application approval is subject to the approval of this SSCUP.
6. 103 Alice Court is located on an uphill lot with an average slope of 31%.
7. 1,452 square feet of the SFD will be constructed on a steep slope with an average slope 32.1%. The minimum Lot size in the HR-1 Zoning District is 1,875 square feet. Lot 6 of the Alice Claim Subdivision contains 4,510 square feet.
8. The minimum Lot width in the HR-1 Zoning District is 25 feet. Lot 6 of the Alice Claim Subdivision is 41.91 feet wide at the front and 44.7 feet wide at the rear.
9. The maximum building footprint in the HR-1 Zoning District for a Lot that is 4,510 square feet is 1,750 square feet. The proposed building footprint is 1,750 square feet.
10. Minimum front and rear setbacks for Lots over 100 feet long are 15 feet in the HR-1 Zoning District. The proposed SFD meets a 15-foot setback for both the front and rear setbacks.
11. Minimum side setbacks for Lots up to 50 feet in width are five feet in the HR-1 Zoning District. The proposed SFD meets a five-foot side setback for each side.
12. The maximum building height is 27 feet from Existing grade in the HR-1 Zoning District. The proposed maximum building height is 27 feet from existing grade.
13. The HR-1 Zoning District requires a ten-foot minimum horizontal step in the downhill façade. The proposed SFD steps back at least ten feet at 24 feet and two inches from the lowest point of existing grade.
14. Final Grade must be within four feet of existing grade in the HR-1 Zoning District. The proposed final grade is within four feet of existing grade.
15. Structures cannot exceed 25 feet from the lowest finish floor plane to the point of highest wall top plate that supports the ceiling joists or roof rafters in the HR-1 Zoning District. The proposal has an interior height of 35 feet, as defined.
16. The roof pitch for the Contributing Roof Form must be between 7:12 and 12:12 in the HR-1 Zoning District. The proposed Contributing Roof Form is 7:12.
17. The Planning Commission reviews SSCUPs for a Lot that is greater than 3,750 square feet.
18. The proposal is located and designed to reduce visual and environmental impacts of the Structure
19. The proposal will not be viewable from Vantage Points and mostly screened from existing grade and vegetation for erosion mitigation.



Planning Department

20. The proposed driveway is 12' wide and access to a tandem garage minimizes the width and impact on natural topography.
21. The proposed terracing is required to construct the structure, but minimized to maintain Natural Grade where possible.
22. The proposed cut location requires minimal egress windows and retaining walls that reduce the impact on the site.
23. The building scale is compliant with the grade of the site, and the design is compliant with Historic District Design Guidelines.
24. The proposal is compliant with setbacks, and does not require significant exceptions be granted to construct.
25. The volume of the dwelling is compliant with the size and height of the lot.
26. The proposal does not exceed the allowable building height.
27. Staff published notice on the City's website and posted notice to the property on January 10, 2023.
28. Staff mailed courtesy notice to property owners within 300 feet and posted notice to the property on January 10, 2023.

Conclusions of Law

1. The proposal complies with the Land Management Code requirements pursuant to Chapter 15-2.2, Historic Residential – 1 (HR-1) District.
2. The proposal complies with the Land Management Code requirements pursuant to Chapter 15-2.2-6, Development on Steep Slopes in the HR-1 District.

Conditions of Approval

1. Final building plans and construction details shall reflect substantial compliance with the plans approved January 25, 2023, by the Planning Commission. Any changes, modifications, or deviations from the approved design that have not been approved in advance by the Planning and Building Departments may result in a stop work order.
2. The Applicant shall receive approval of a Historic District Design Review prior to submitting a Building Permit application.
3. All conditions of approval and plat notes of the Alice Court Subdivision shall continue to apply.
4. If the Applicant does not obtain a complete building permit within one year of the date of this approval, this SSCUP approval will expire unless the Applicant submits a written extension request to the Planning Department prior to the expiration date and the Planning Director approves an extension.



Planning Department

5. The applicant is responsible for notifying the Planning Department prior to making any changes to the approved plans.
6. 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 or designee prior to construction.
7. Residential fire sprinklers are required for all new or renovation construction on this lot, per requirements of the Chief Building Official.
8. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine-related impacts. If the property owner does encounter mine waste or mine waste-impacted soils they must handle the material in accordance with State and Federal law.
9. Any areas disturbed during construction surrounding the proposed work shall be brought back to their original state.
10. City approval of a Construction Mitigation Plan (CMP) is a condition precedent to the issuance of any building permits. The CMP shall include language regarding the method of protecting adjacent structures.
11. City Engineer review and approval of all lot grading, utility installations, public improvements, and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
12. All exterior lighting shall be down-directed and shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited. Exterior lighting shall not exceed 3,000 degrees Kelvin and outdoor lighting fixtures shall be Fully Shielded. Final lighting details shall be reviewed by the Planning Staff prior to installation.
13. Construction waste should be diverted from landfill and recycled when possible.
14. The Applicant shall submit a geotechnical report and final slope stability prior to submitting a building permit, subject to City Engineer approval.
15. The Applicant shall provide soil stabilization details and drainage documenting how the disturbed area will be restored and stabilized prior to submitting a building permit, subject to City Engineer approval.
16. The Applicant shall submit a landscape bond to ensure the stabilization and vegetation rehabilitation are complete prior to submission of a building permit.
17. Prior to submitting a building permit, the Applicant shall submit a plan demonstrating how they will provide the temporary shoring needed during construction, subject to City Engineer approval.



Planning Department

18. Retaining walls cannot exceed the height proposed/reviewed as part of this SSCUP without modifying the SSCUP. Additionally, walls more than four feet in height in the front setback, or more than six feet in the rear or side setbacks will require an Administrative Conditional Use Permit.

If you have questions or concerns regarding this Final Action Letter, please call 435-615-5068 or email lillian.zollinger@parkcity.org.

Sincerely,

Gretchen Milliken,
Planning Director

CC: Lillian Zollinger, Planner I

Alice Claim Subdivision, Lot 6
103 Alice Court
Park City, Utah 84060

1. THE FOLLOWING TWO ITEMS ARE REQUIRED AFTER THE PERMIT HAS BEEN ISSUED. AFTER THE FOUNDATION HAS BEEN POURED AND PRIOR TO A SHEARWALL-4-WAY INSPECTION.
 - A. A CERTIFICATE OF SURVEY TO VERIFY THE AS-BUILT LOCATION.
 - B. CERTIFICATE OF ELEVATION: THE ELEVATIONS OF THE TOP OF FOUNDATION WALLS OF AT LEAST THE FOUR (4) MAJOR CORNERS OR ROOF RIDGES TO VERIFY THE HEIGHT.

1. RETAINING WALLS OVER 4' TALL OR SUPPORTING SURCHARGE REQUIRE A SEPARATE PERMIT.
2. SWIMMING POOLS, SPAS, SOLAR, GEO THERMAL HEATING SYSTEMS, PHOTO VOLTAIC, AND WIND GENERATED SYSTEMS REQUIRE A SEPARATE PERMIT.
3. SEPERATE PLANS, SPECIFICATIONS AND APPLICATIONS ARE TO BE SUBMITTED AND REVIEWED FOR APPROVAL PRIOR TO ISSUE OF THESE PERMITS.

1. RADON MITIGATION PLAN AF103.6 IN CRAWL SPACE OR UNDER SLAB ON GRADE PRESSURIZATION SYSTEM (PASSIVE) RADON PIPING IN CRAWL SPACE AT BOTTOM OF FOOTING LEVEL PLASTIC WITH 12" OVERLAP ON PLASTIC JOINTS. VERTICAL TERMINATION OF RADON PIPE THRU THE MECHANICAL ROOM THRU THE ROOF.
2. ELECTRICAL OUTLET FOR IN-LINE POWER VENTED IN MECHANICAL ROOM
3. THREE BACKFLOW PREVENTERS WILL BE INSTALLED.
4. R-1 RESIDENTIAL ZONE

GY VALUE ANALYSIS		CODE ANALYSIS	
	R-42	CONSTRUCTION TYPE	VB
	R-24	OCCUPANCY	R-3
	R-13	2015 IBC (International Building Code)	
@SLAB ON GRADE	R-13	2015 IRC (International Residential Code)	
	R-19	2015 IPC (International Plumbing Code)	
	U.28	2015 IMC (International Mechanical Code)	
	U.28	2015 IECC (International Energy Conservation Code)	
		2014 NEC (National Electrical Code)	

Structural	General Contractor

ENERGY VALUE ANALYSIS		CODE ANALYSIS	
ROOF	R-42	CONSTRUCTION TYPE	VB
2x6 WALLS	R-24	OCCUPANCY	R-3
2x4 WALLS	R-13	2015 IBC (International Building Code)	
FOUNDATION @SLAB ON GRADE	R-13	2015 IRC (International Residential Code)	
FLOORS	R-19	2015 IPC (International Plumbing Code)	
WINDOWS	U.28	2015 IMC (International Mechanical Code)	
DOORS	U.28	2015 IECC (International Energy Conservation Code)	
		2014 NEC (National Electrical Code)	

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New Residence
Alice Claim
Subdivision, Lot 6
103 Alice Court
Park City, UT 84060

Cover Sheet

SCALE:
1/4" = 1'-0"

DATE
20 JAN 2023

SHEET
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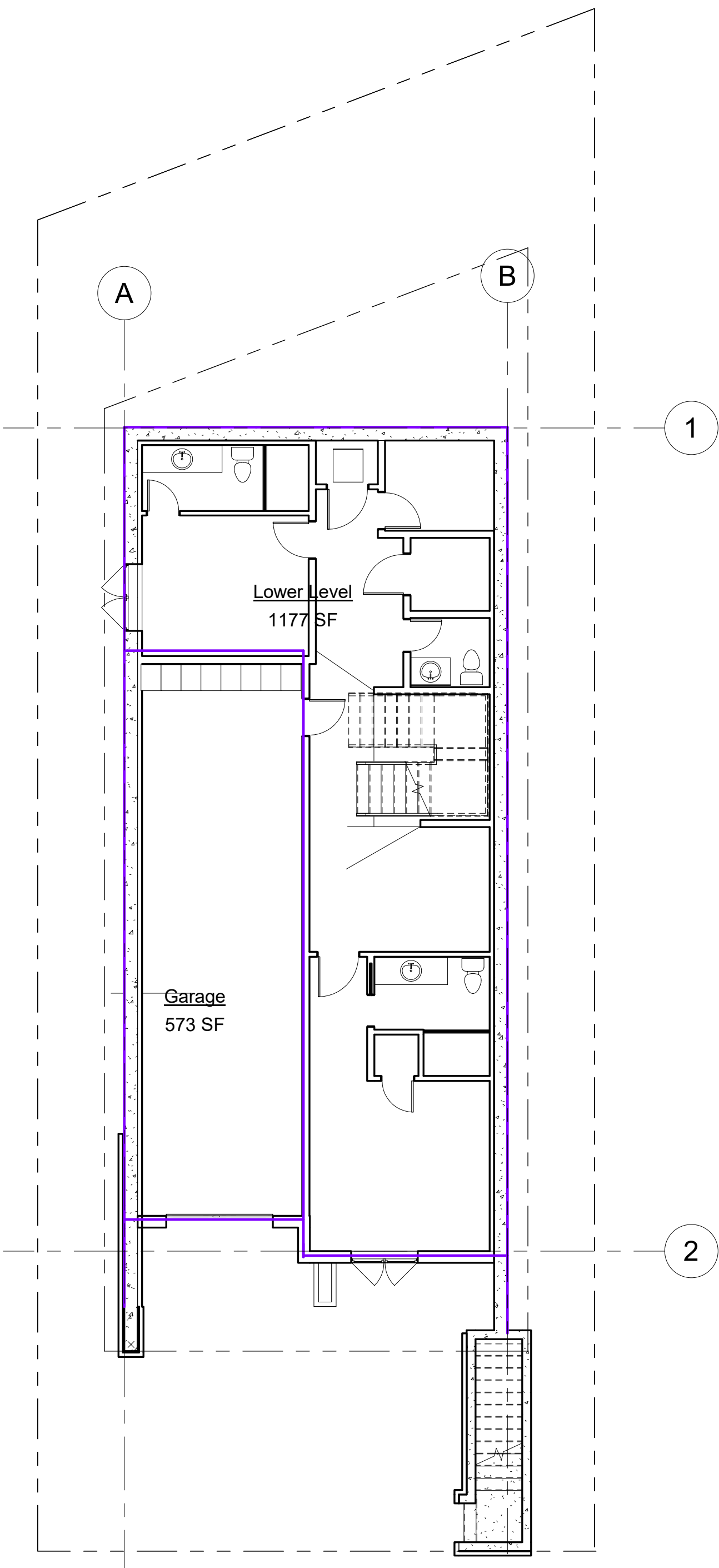
 **VAN SICKLE**

DESIGN & DRAFTING

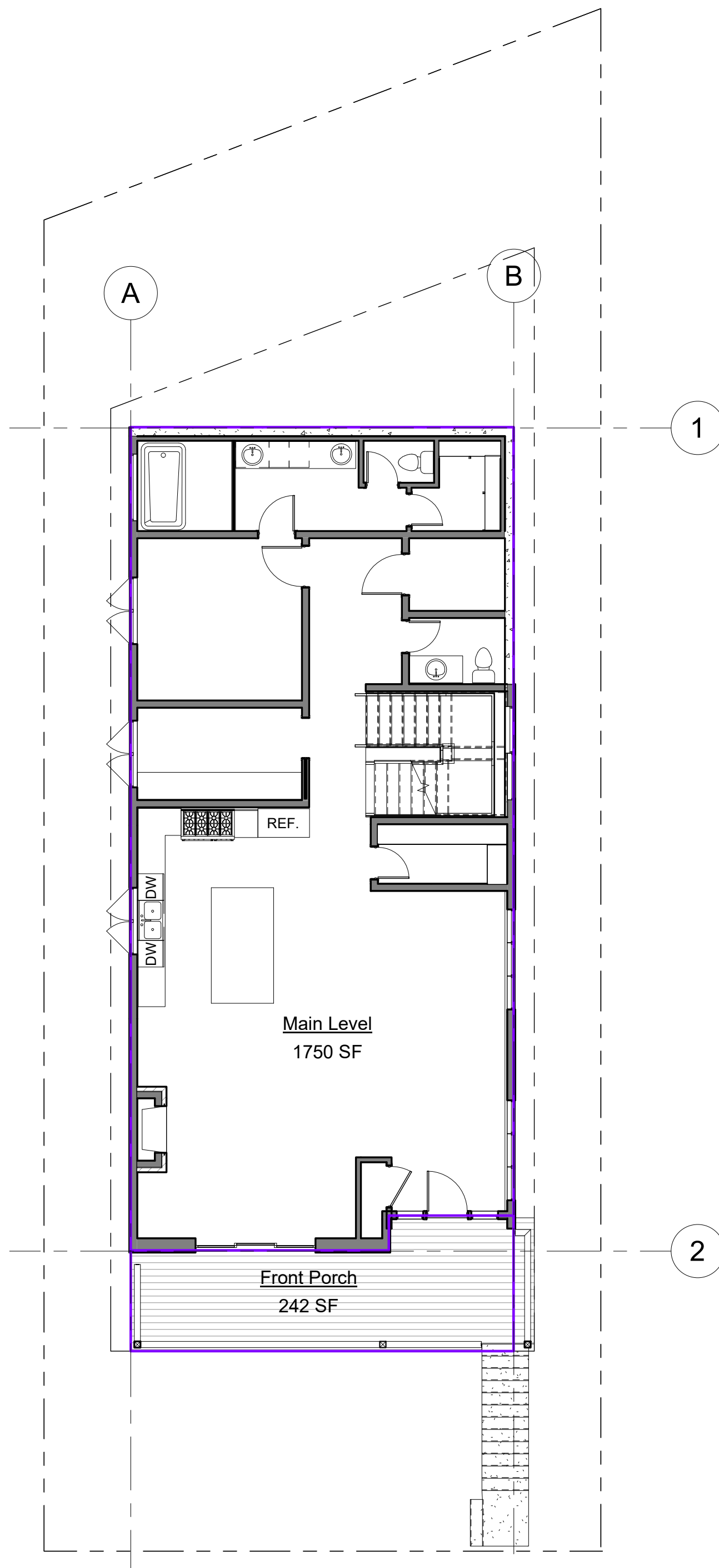
4383 FOREST DALE ROAD, SUITE 205
PARK CITY, UTAH 84098

www.vansickledesignanddrafting.com

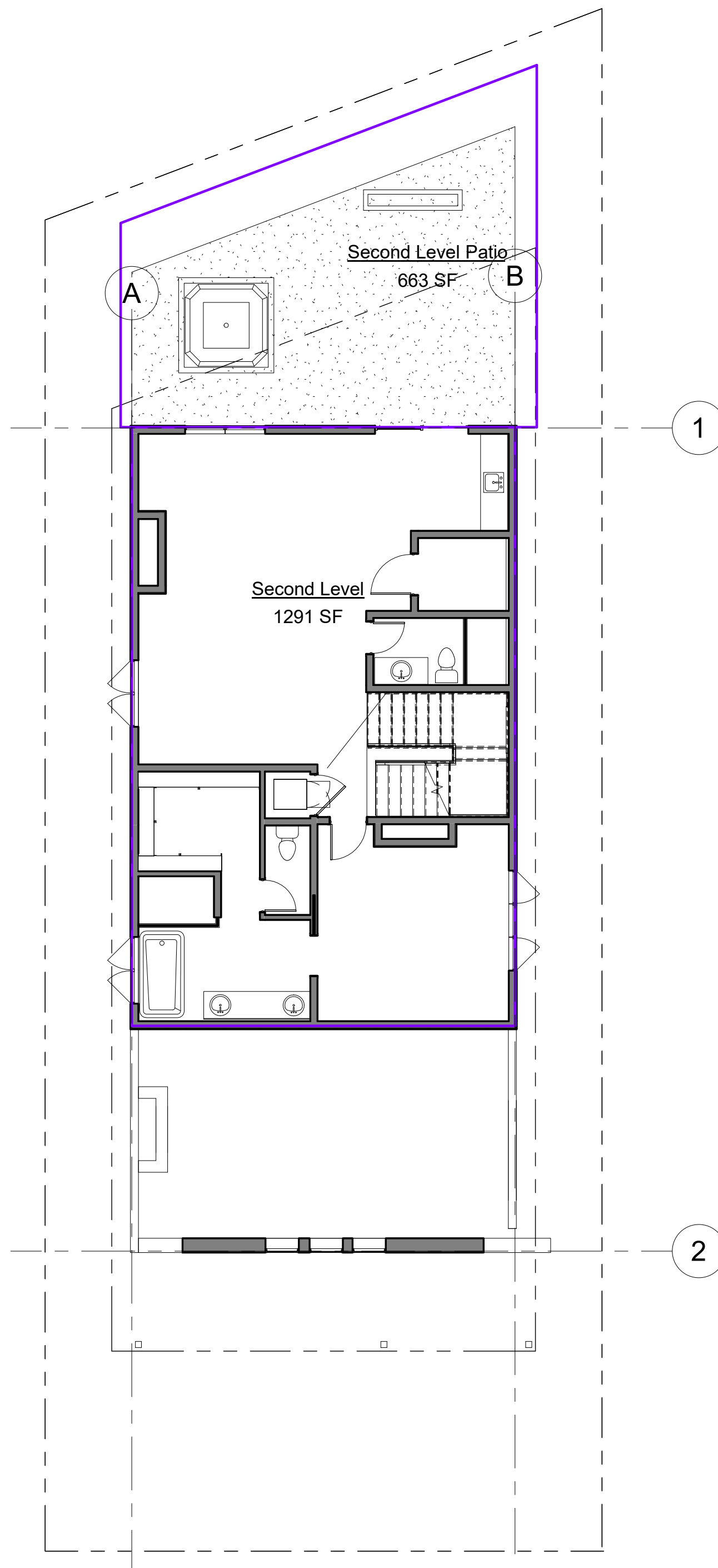
① Basement
1/8" = 1'-0"



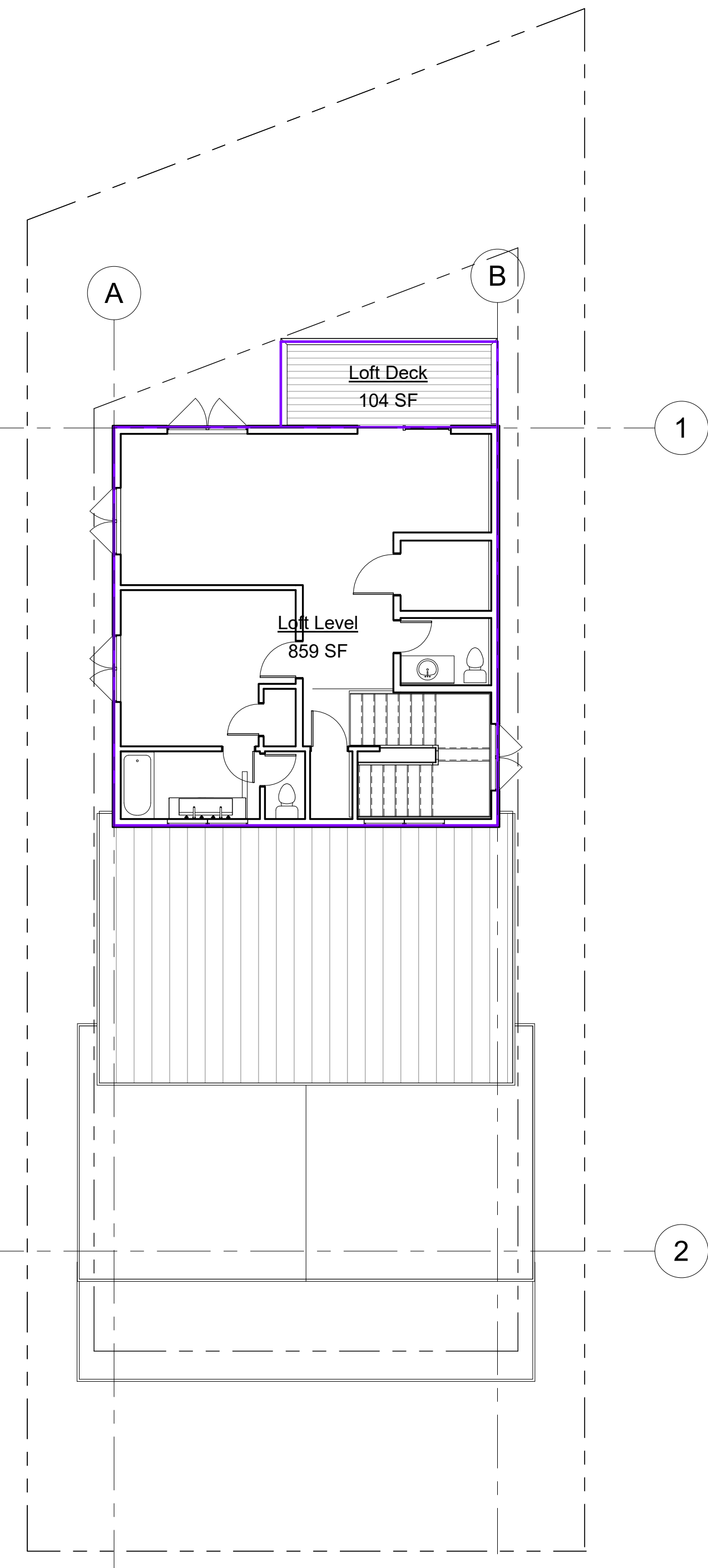
② First Floor
1/8" = 1'-0"



③ Second Floor
1/8" = 1'-0"



④ Loft Floor
1/8" = 1'-0"



Square Footage - Living

Number	Name	Area
--------	------	------

A1	Lower Level	1177 SF
A2	Main Level	1750 SF
A3	Second Level	1291 SF
A4	Loft Level	859 SF
		5076 SF

Square Footage - Non Living

Number	Name	Area
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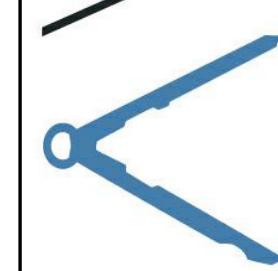
B1	Garage	573 SF
		573 SF

Square Footage - Exterior

Number	Name	Area
--------	------	------

C1	Loft Deck	104 SF
C2	Second Level Patio	663 SF
C3	Front Porch	242 SF
		1009 SF

LOT SIZE: 4,510 SF
ALLOWED FOOTPRINT: 1,750 SF
PROPOSED FOOTPRINT: 1,750 SF



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Revision Schedule	
Revision Number	Revision Date

New Residence

Alice Claim

Subdivision, Lot 6

103 Alice Court

Park City, UT 84060

Area Calculation Plan

SCALE:
1/8" = 1'-0"

DATE

20 JAN 2023

SHEET

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WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER ALL DIMENSIONS AND CONDITIONS ON THE JOB AND THIS OFFICE SHALL NOT BE RESPONSIBLE FOR ANY DISCREPANCIES FROM THE DIMENSIONS SHOWN BY THESE DRAWINGS. ALL SHOP DETAILS MUST BE SUBMITTED TO THIS OFFICE FOR APPROVAL PRIOR TO PROCEEDING WITH ANY BUILDING THESE PLANS. THE CONTRACTOR UNDERSTANDS THAT THESE ARE DRAWINGS CONTAINED IN THIS SET AND NOT HEREIN THIS OFFICE FOR ANY OVERSIGHTS OR ERRORS AND WILL NOTIFY THIS OFFICE OF ERRORS THAT ARISE DURING CONSTRUCTION.

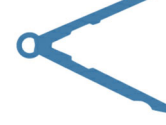
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THE ABOVE DRAWINGS AND SPECIFICATIONS AND THE IDEAL DESIGN, AND
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HARRIS INC. USUAL CONTACT WITH THESE DRAWINGS SHALL CONSTITUTE
CONCLUSIVE EVIDENCE OF THESE RESTRICTIONS.

WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER SCALED
DIMENSIONS. CONTRACTORS SHALL VERIFY, AND BE RESPONSIBLE FOR ALL
DIMENSIONS AND CONDITIONS ON THE JOB AND THIS OFFICE SHALL BE NOTIFIED
IMMEDIATELY OF ANY VARIATIONS FROM THE DIMENSIONS AND/OR CONDITIONS
SHOWN BY THESE DRAWINGS. ALL SHOP DETAILS MUST BE SUBMITTED TO THIS
OFFICE FOR APPROVAL PRIOR TO PROCEEDING WITH FABRICATION.

BY BUILDING THESE PLANS THE CONTRACTOR UNDERSTANDS THAT THERE MAY BE
VARIATIONS CONTAINED IN THIS SET AND WILL HOLD THIS OFFICE LIABLE FOR
ANY OMISSIONS OR ERRORS AND WILL NOTIFY THE OFFICE OF ANY ERRORS THAT
ARISE DURING CONSTRUCTION.

UNLESS OTHERWISE SPECIFIED, ALL DIMENSIONS SHALL BE IN FEET AND INCHES.
BY ACCEPTING THESE PLAN DOCUMENTS AND/OR SERVICES OUTLINED IN THESE
PLAN DOCUMENTS, THE CLIENT, THEIR CLIENT, ARCHITECT, SUBCONTRACTORS, VENDORS
AND ALL PRESENT AND FUTURE PERSONS OR PARTIES DIRECTLY OR INDIRECTLY
AFFECTED BY THE PLAN DOCUMENTS OR SERVICES OUTLINED IN THE PLAN
DOCUMENTS AGREE TO A LIMIT OF LIABILITY OF ST. HARRIS INC. AND ITS
EMPLOYEES AND PERSONNEL TO THE EXTENT OF THE ORIGINAL, VERBALLY OR
SIGNED AGREED CONTRACT.



VAN SICKLE

DESIGN & DRAFTING

4333 Forestdale Road, Suite 205

Park City, UT 84098

(801) 694-9683

bill.draftmaster@gmail.com

www.vansicklearchitecture.com

ALICE
CLAIM
SUBDIVISION
LOT 6

NEW RESIDENCE

PARK CITY, UT
84098

SITE
PLAN

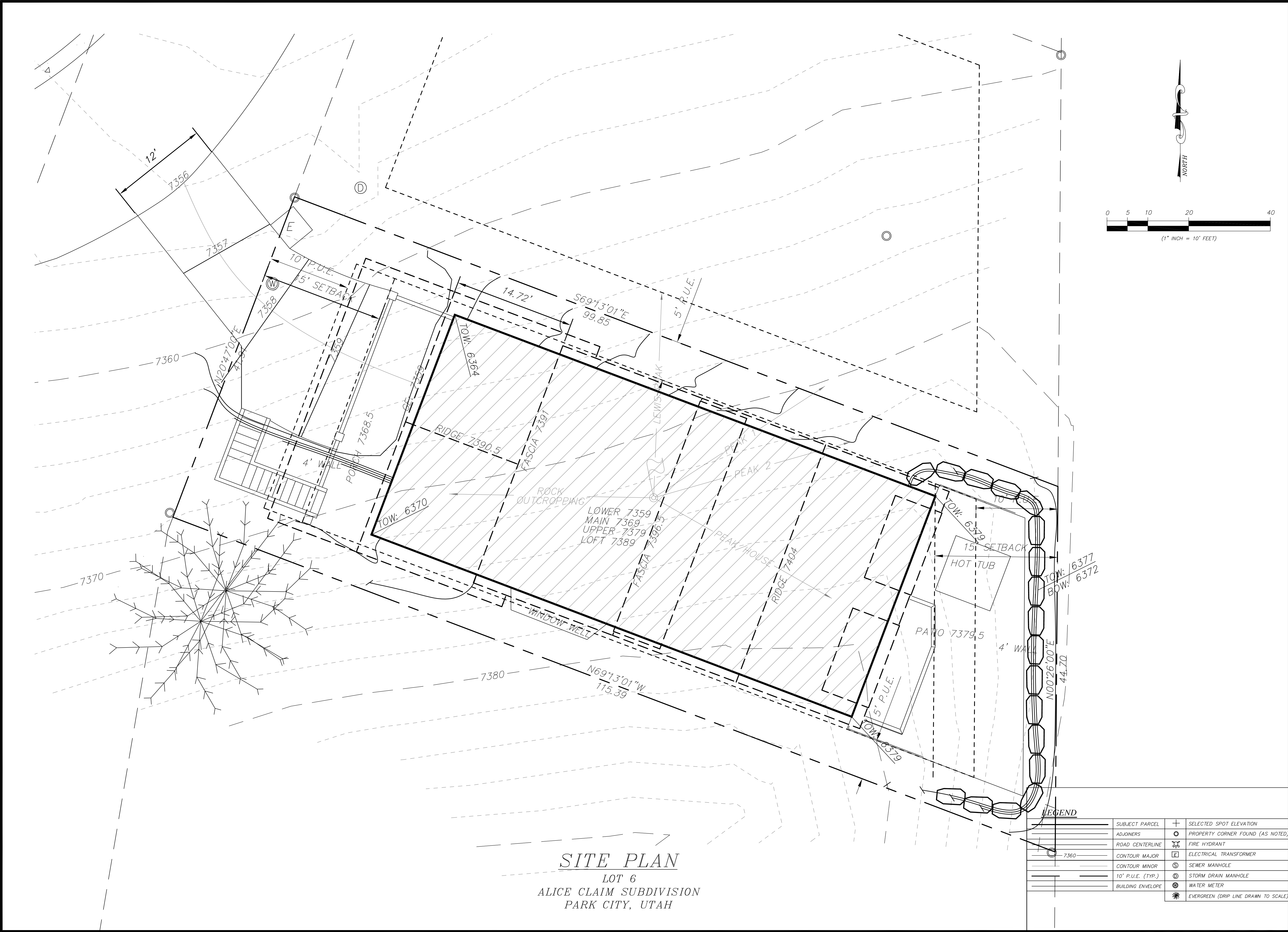
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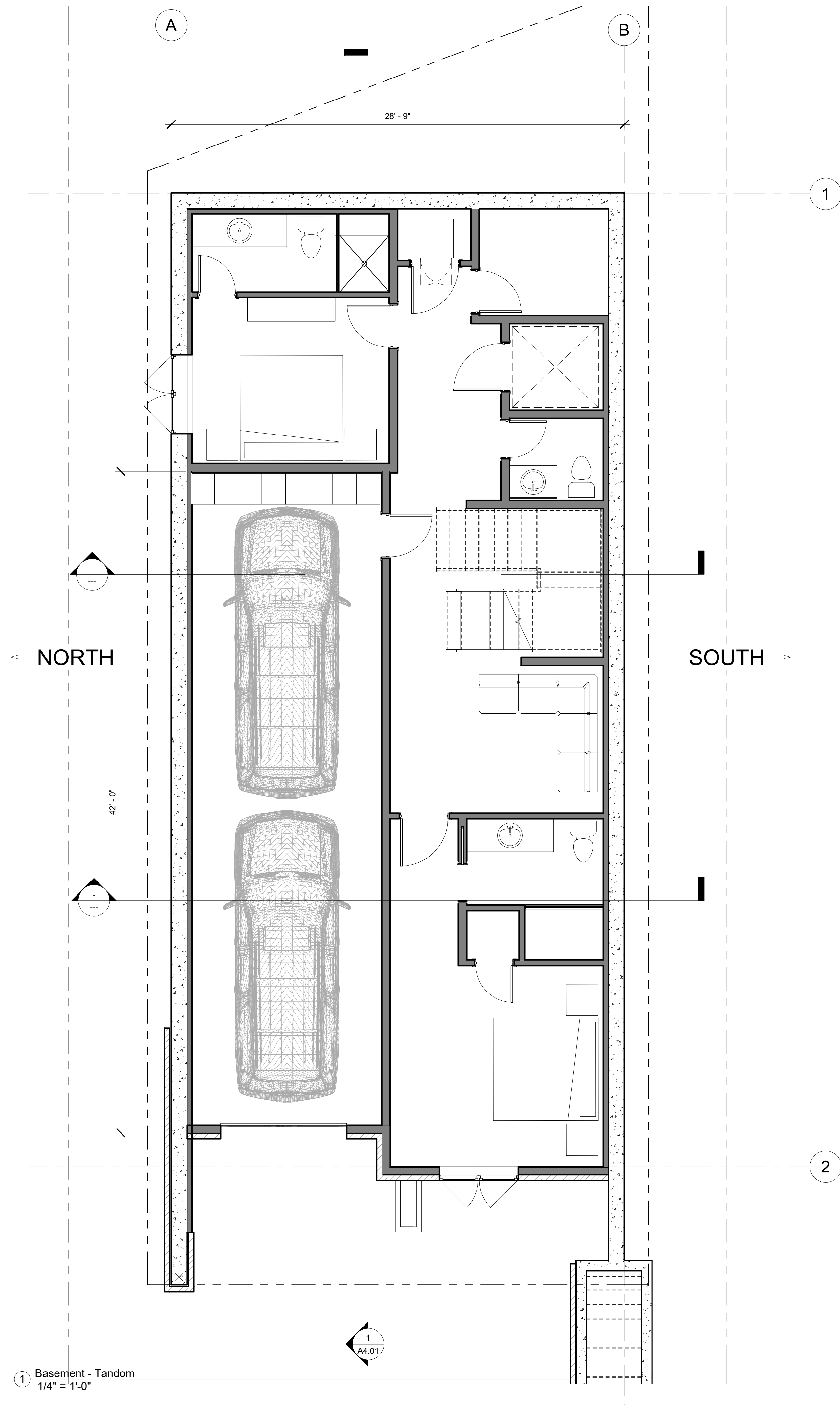
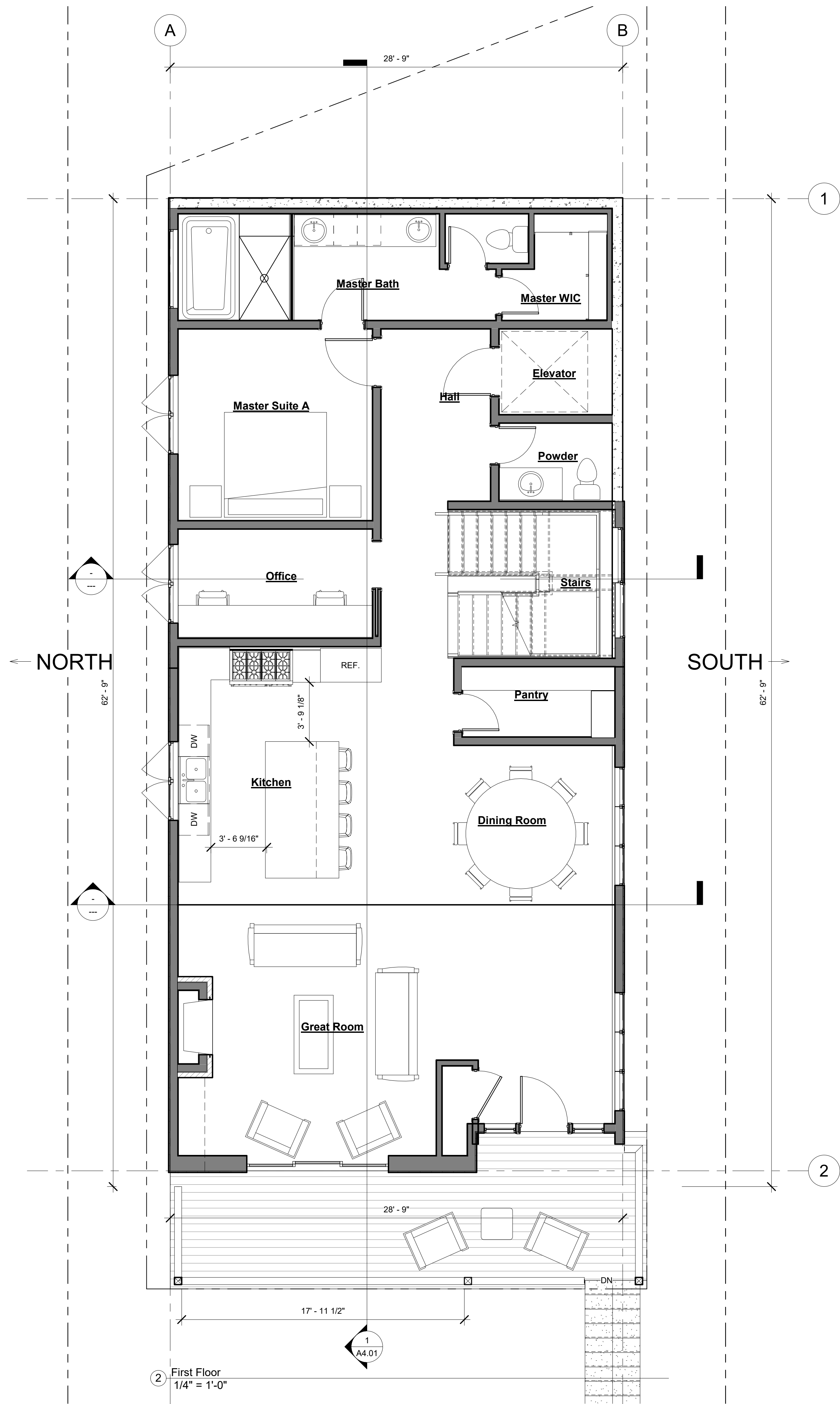
DATE OF
PLANS

20 JAN 2022

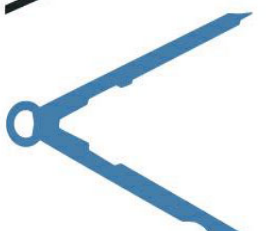
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FOR WHICH THEY HAVE BEEN PREPARED AND DEVELOPED WITHOUT THE
CONSENT OF R.T. HARRIS INC. ANY CONTACT WITH THESE DRAWINGS
CONSTITUTE CONCLUSIVE EVIDENCE OF THESE
BY BUILDING THESE PLANS THE CONTRACTOR UNDERSTANDS THAT THERE
ARE ERRORS CONTAINED IN THIS SET AND WILL NOTIFY THIS OFFICE OF
ANY OVERSIGHTS OR ERRORS AND WILL NOTIFY THIS OFFICE OF
ERRORS THAT ARISE DURING
BY ACCEPTING THESE PLANS, THE CONTRACTOR OR SERVICES OUTLINED IN
THIS DOCUMENT, THE CLIENT, THEIR SUBS, SUBS
USERS AND ALL PRESENT AND FUTURE PERSONS OR PARTIES DIRECTLY
OR INDIRECTLY INVOLVED IN THE DESIGN OR SERVICES OUTLINED IN
THIS DOCUMENT AGREE TO A LIMIT OF LIABILITY OF R.T. HARRIS INC. AND
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Revision Schedule	
Revision Number	Revision Date

New Residence

Alice Claim
Subdivision, Lot 6
103 Alice Court
Park City, UT 84060

Floor Plans

SCALE:
1/4" = 1'-0"

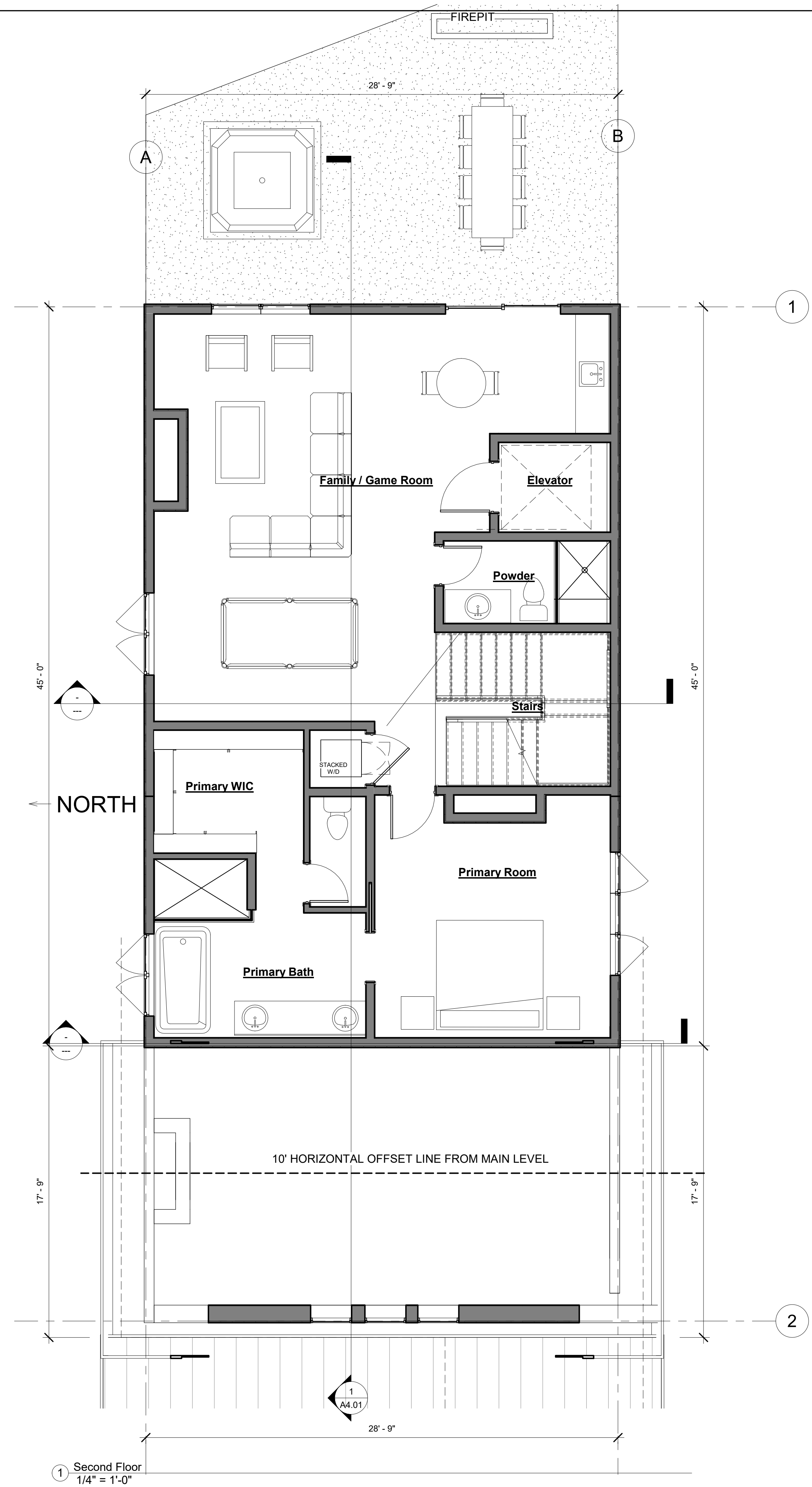
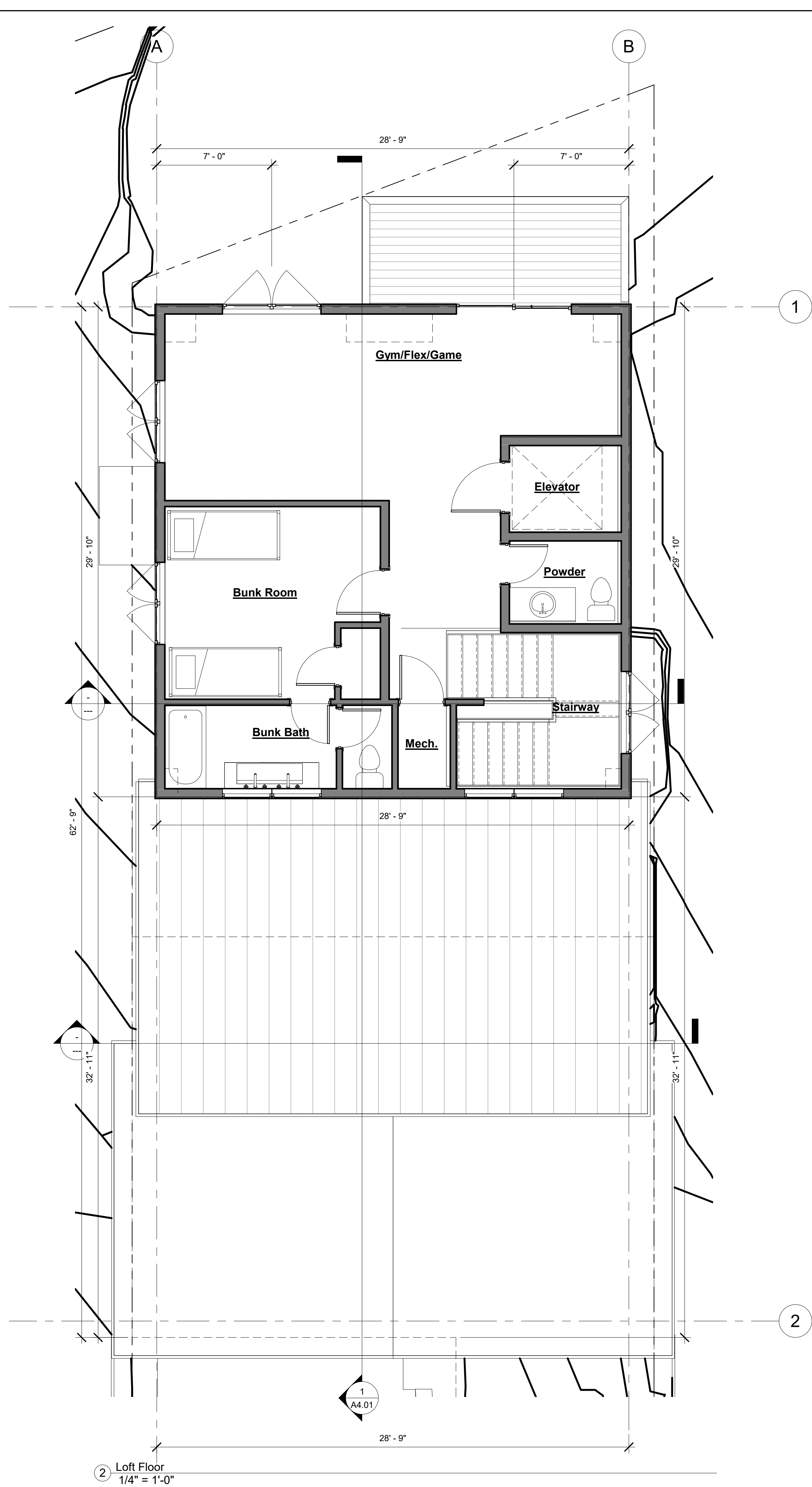
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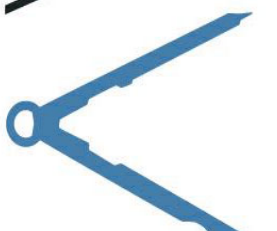
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THE ARCHITECT'S DRAWINGS AND SPECIFICATIONS ARE THE SOLE RECORD OF THE PROJECT. ANY CHANGES TO THE DRAWINGS OR SPECIFICATIONS MUST BE MADE IN WRITING AND SIGNED BY THE ARCHITECT. ANY CHANGES MADE ORALY OR BY HAND ON THE DRAWINGS ARE VOID. THE ARCHITECT'S OFFICE SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THE DRAWINGS OR SPECIFICATIONS. THE ARCHITECT'S OFFICE SHALL NOT BE RESPONSIBLE FOR ANY CONSTRUCTION DEFECTS OR DAMAGE TO THE PROJECT. THE ARCHITECT'S OFFICE SHALL NOT BE RESPONSIBLE FOR ANY DELAYS OR COST OVER RUNS. THE ARCHITECT'S OFFICE SHALL NOT BE RESPONSIBLE FOR ANY OTHER MATTER NOT SPECIFICALLY MENTIONED IN THESE TERMS AND CONDITIONS. BY ACCEPTING THESE PLANS, THE CONTRACTOR UNDERSTANDS THAT THERE ARE NO OTHER CONDITIONS IN THE SET AND WILL HOLD THE OFFICE OF THE ARCHITECT HARMLESS FOR ANY OVERSIGHTS OR ERRORS AND WILL NOTIFY THIS OFFICE OF ANY ERRORS THAT MAY BE FOUND.

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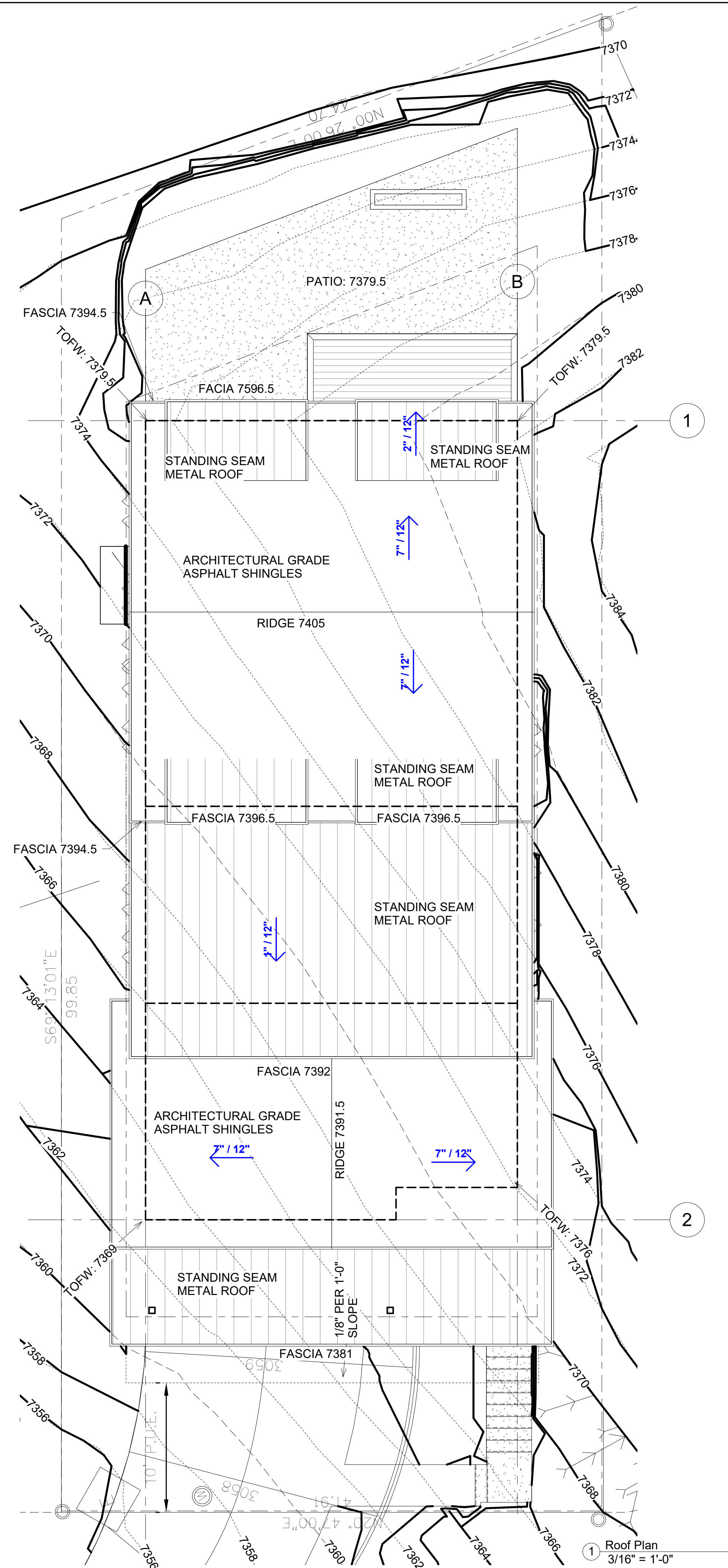
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WRITTEN DOCUMENTS IN SUCH DRAWINGS SHALL HAVE PRECEDENCE OVER ANY ORAL STATEMENTS OR EXPLANATIONS OF ANY PERSON, INCLUDING ALL DIMENSIONS AND CONDITIONS ON THE JOB AND THIS OFFICE SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION AND CONDITIONS SHOWN BY THESE DRAWINGS. ALL SHOP DETAILS MUST BE SUBMITTED TO THIS OFFICE FOR APPROVAL PRIOR TO PROCEEDING WITH ANY CONSTRUCTION OF THE PROJECT.

BY BUILDING THESE PLANS THE CONTRACTOR UNDERSTANDS THAT THERE WILL BE NO CHANGES TO THE PROJECT WITHOUT THE WRITTEN APPROVAL OF ANY PERSONS OR ENTITIES AND WILL NOTIFY THIS OFFICE OF ANY CHANGES TO THE PROJECT.

DATE: _____

BY: _____

MAILING OF: _____

BY ACCEPTING THESE PLAN DOCUMENTS AND/OR SERVICES OUTLINED IN THESE PLAN DOCUMENTS THE CONTRACTOR AGREES TO: 1. GUARANTEE THE PLANS, SPECIFICATIONS AND ALL PRESENT AND FUTURE PERSONS OR PARTIES ORIGINALLY PREPARED BY OR FOR THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR FOR THE ACCURACY OF THE INFORMATION AND CONDITIONS SHOWN BY THESE DRAWINGS AND SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION AND CONDITIONS SHOWN BY THESE DRAWINGS TO A LIMIT OF LIABILITY OF B. J. HARRIS, INC. AND EMPLOYEES AND PRINCIPALS OF B. J. HARRIS, INC. OF ANY ORAL, WRITTEN OR PRINTED STATEMENTS OR EXPLANATIONS OF ANY PERSON, INCLUDING ALL DIMENSIONS AND CONDITIONS SHOWN BY THESE DRAWINGS.

SIGNED: _____



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New Residence
Alice Claim
Subdivision, Lot 6
103 Alice Court
Park City, UT 84060

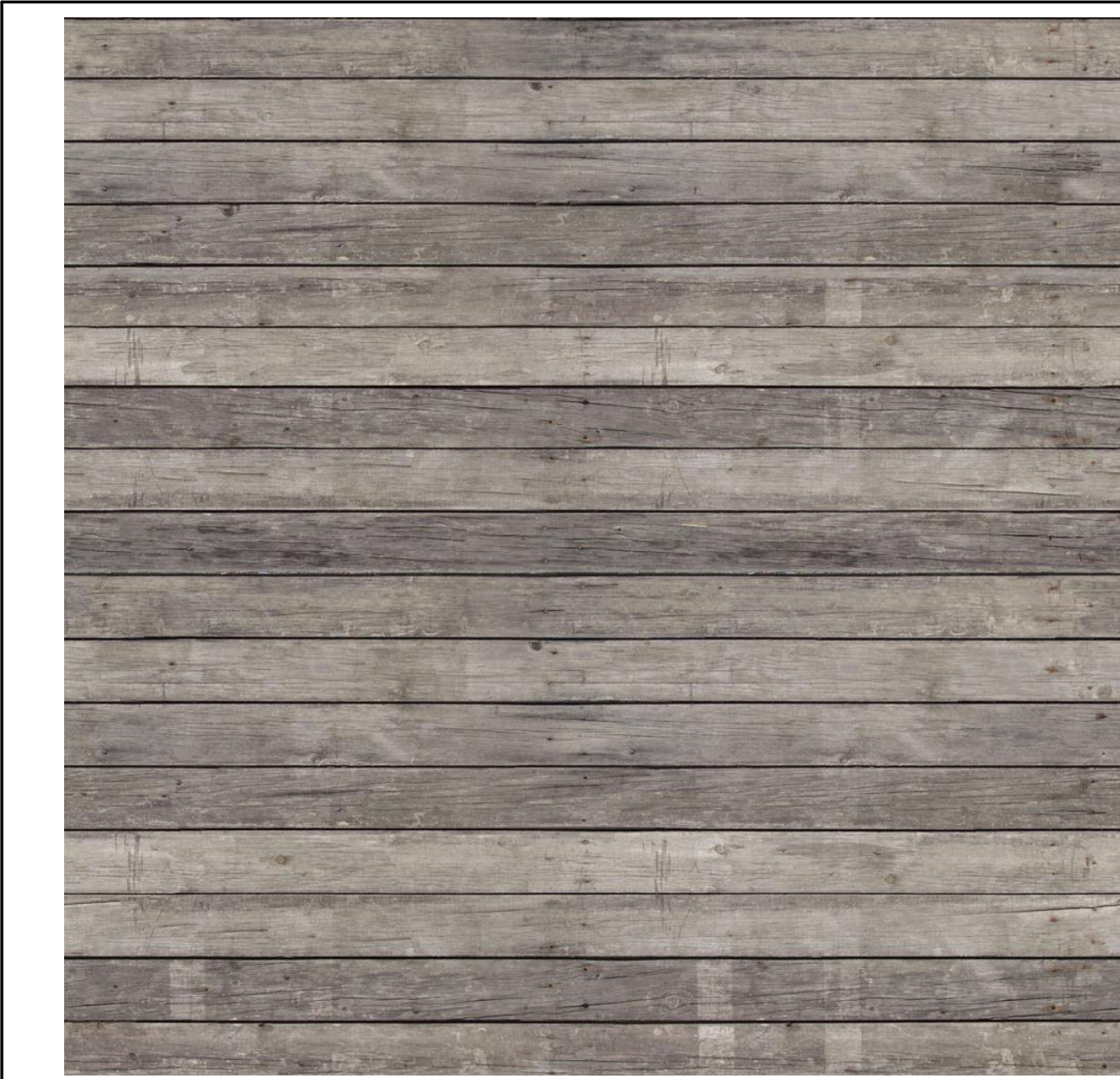
Roof Plan

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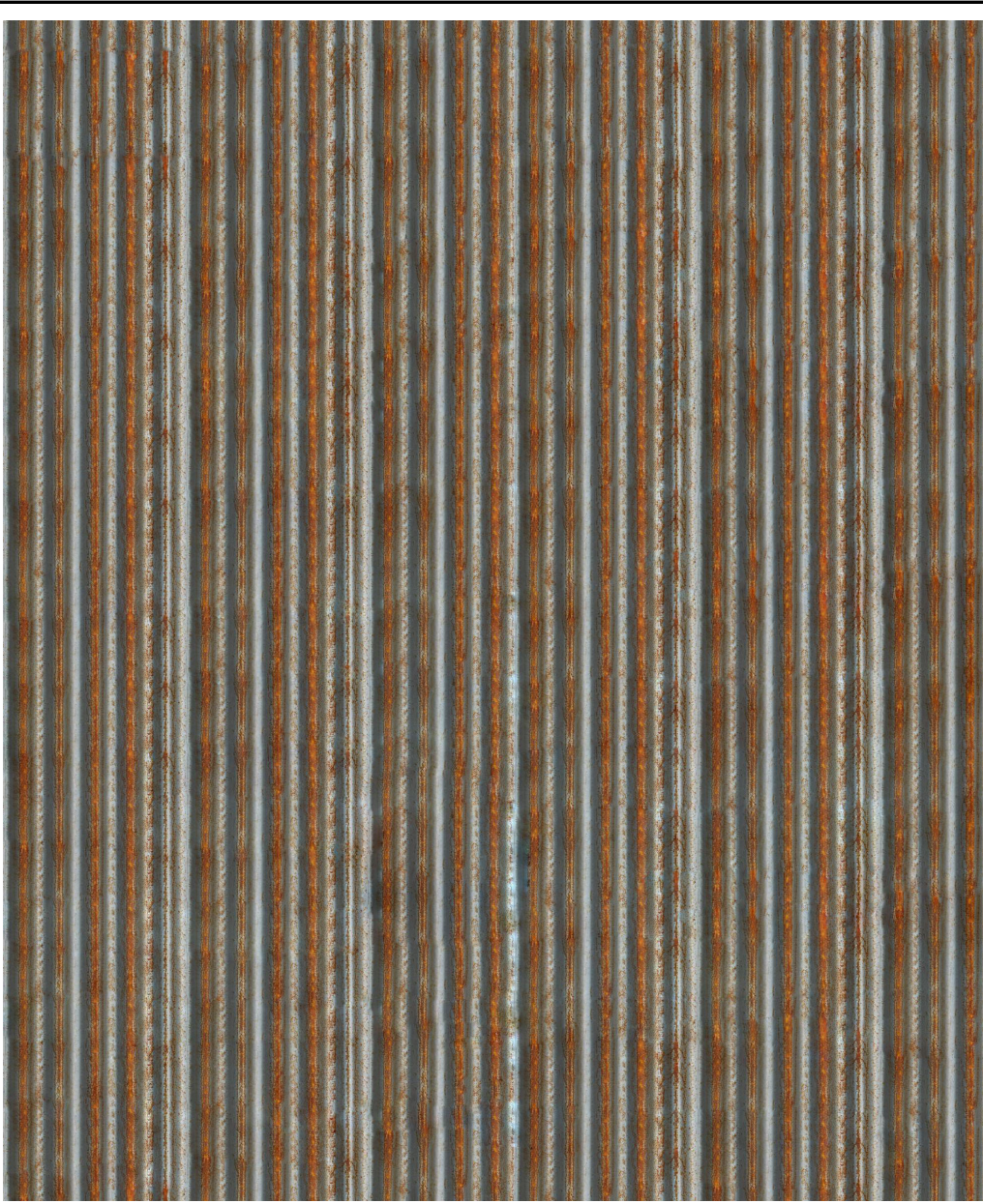
3/16" = 1'-0"

DATE
20 JAN 2023

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MATERIAL: HORIZONTAL WOOD SIDING	COLOR: GREY NATURAL WEATHERED
MANUF: MONTANA SNOW FENCE	SPEC: 3/4" T&G RANDOM 4" TO 6"



MATERIAL: VERTICAL CORTEN METAL	COLOR: SEMI OXIDIZED CLEAR COAT
MANUF: LOCAL DISTRIBUTOR	SPEC: CORRUGATED



MATERIAL: DECK SURFACE	COLOR: HONEY WHEAT
MANUF: TIMBERTECH	SPEC: 6" HIDDEN FASTENERS



MATERIAL: GUARDRAIL / HANDRAIL	COLOR: POWDER COATED BLACK
MANUF: LOCAL FABRICATOR	SPEC: STEEL BAR STOCK



MATERIAL: STONE VENEER	COLOR: SHALE
MANUF: LOCAL SUPPLIERS	SPEC: 2" VENEER



MATERIAL: EXTERIOR COLUMNS	COLOR: ESPRESSO
MANUF: LOCAL SUPPLIERS	SPEC: 6x6 POST STAINED



MATERIAL: STANDING SEAM ROOFING	COLOR: MATTE BLACK
MANUF: CMG METAL	SPEC: 24 GUAGE, 26.8% REFLECTIVITY



MATERIAL: WINDOWS	COLOR: MATTE-BLACK
MANUF: TBD	SPEC: 24 GUAGE, 26.8% REFLECTIVITY



MATERIAL: SHINGLED ROOF	COLOR: CHARCOAL BLACK
MANUF: CERTAINTEED	SPEC: TL PRESIDENTIAL 30 YR



MATERIAL: FRONT DOOR	COLOR: GREY NATURAL CEDAR
MANUF: LOCAL SUPPLIERS	SPEC: STAINED WOOD DOOR



MATERIAL: GARAGE DOORS	COLOR: DARK ESPRESSO
MANUF: LOCAL SUPPLIERS	SPEC: STAINED WOOD DOOR



MATERIAL: EXTERIOR CONCRETE	COLOR: TAN / BROWN
MANUF: LOCAL SUPPLIERS	SPEC: COLORED AND TEXTURED

THE ABOVE FINISHED AND SPECIFICATIONS AND THE LOCAL, REGIONAL, ARRANGEMENTS REPRESENTED THEREIN ARE AND SHALL REMAIN THE PROPERTY OF B.T. HARRIS INC. NO PART HEREOF SHALL BE COPIED, REPRODUCED, EITHER OR USED IN CONNECTION WITH ANY OTHER WORK OR PROJECT FOR ANY OTHER PERSON FOR ANY PURPOSE OTHER THAN THE SPECIFIC FOR WHICH THEY HAVE BEEN PREPARED AND DEVELOPED WITHOUT THE CONSENT OF B.T. HARRIS INC. WRITTEN CONSENT WITH THESE DRAWINGS CONSTITUTE CONCLUSIVE EVIDENCE OF THESE.

WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL HAVE PRECEDENCE LOCAL DIMENSIONS. CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE ALL DIMENSIONS AND CONDITIONS ON THE JOB AND THIS OFFICE SHALL NOT BE RESPONSIBLE FOR ANY VARIATIONS FROM THE DIMENSIONS CONDITIONS SHOWN BY THESE DRAWINGS. ALL SHOP DETAILS MUST SUBMITTED TO THIS OFFICE FOR APPROVAL PRIOR TO PROCEEDING WITH ANY BUILDING THESE PLANS. THE CONTRACTOR UNDERSTANDS THAT THESE ARE OFFERS CONTAINED IN THIS SET, AND NOT HAVE BEEN THE OFFICE FOR ANY OVERSIGHTS OR ERRORS AND WILL NOTIFY THIS OFFICE OF ERRORS THAT WERE FOUND.

BY ACCEPTING THESE, PLAN DOCUMENTS AND OR SERVICES OUTLINED IN PLAN DOCUMENTS, THE CLIENT, THEIR AGENTS, ARCHITECTS, ENGINEERS AND ALL PRESENT AND FUTURE PERSONS OR PARTIES DIRECTLY OR INDIRECTLY INVOLVED IN THE PLAN DOCUMENTS OR SERVICES OUTLINED IN PLAN DOCUMENTS AGREE TO A LIMIT OF LIABILITY OF B.T. HARRIS INC. AND EMPLOYEES AND PROVIDING TO THE AMOUNT OF THE ORIGINAL RETAIL. SIGNED ADDRESS:

VAN SICKLE

DESIGN & DRAFTING

4383 FOREST DALE ROAD, SUITE 205
PARK CITY, UTAH 84098

www.vansickledesignanddrafting.com

Revision Schedule	
Revision Number	Revision Date

New Residence

Alice Claim
Subdivision, Lot 6
103 Alice Court
Park City, UT 84060

Exterior
Materials Board

SCALE:

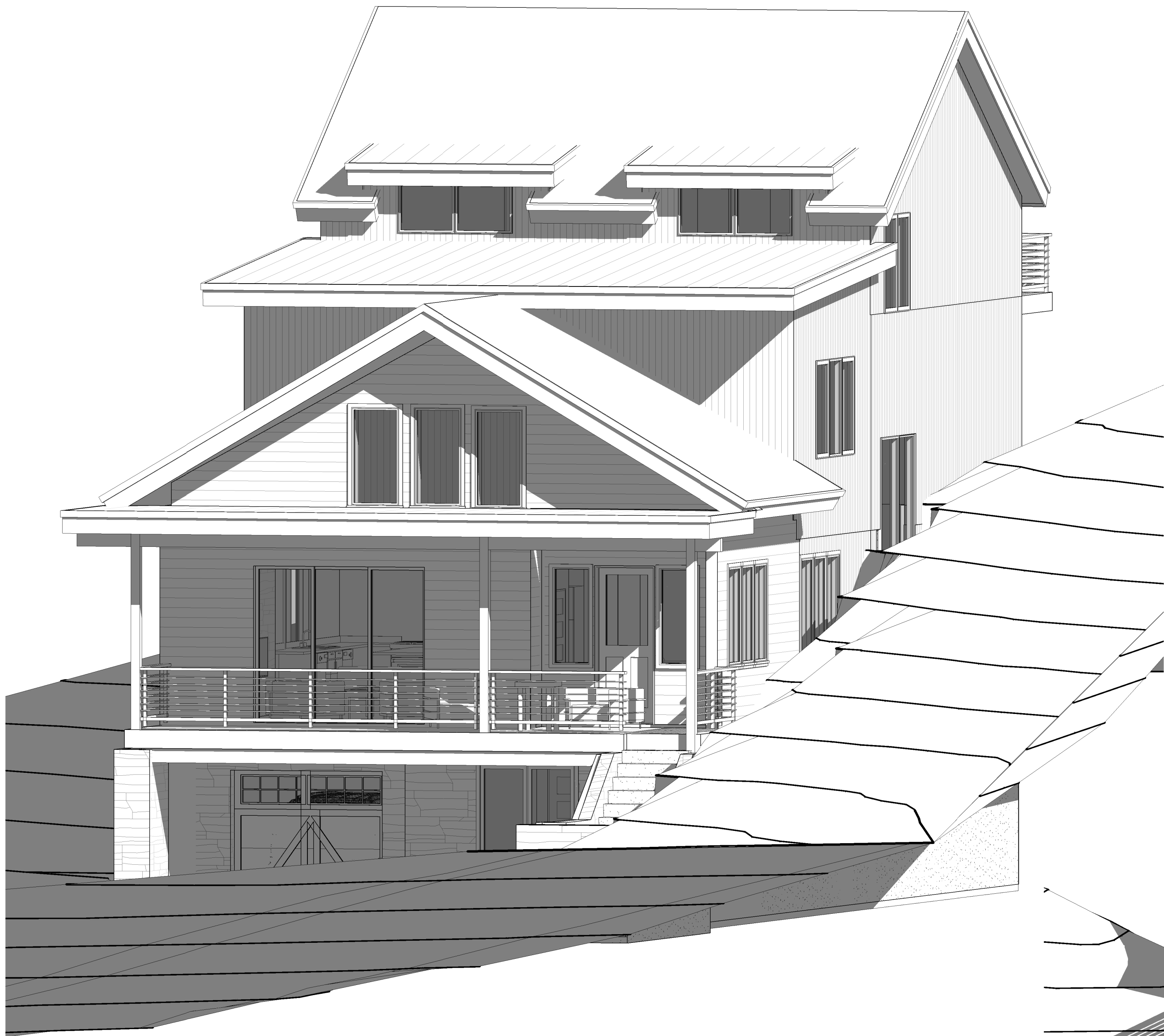
DATE

20 JAN 2023

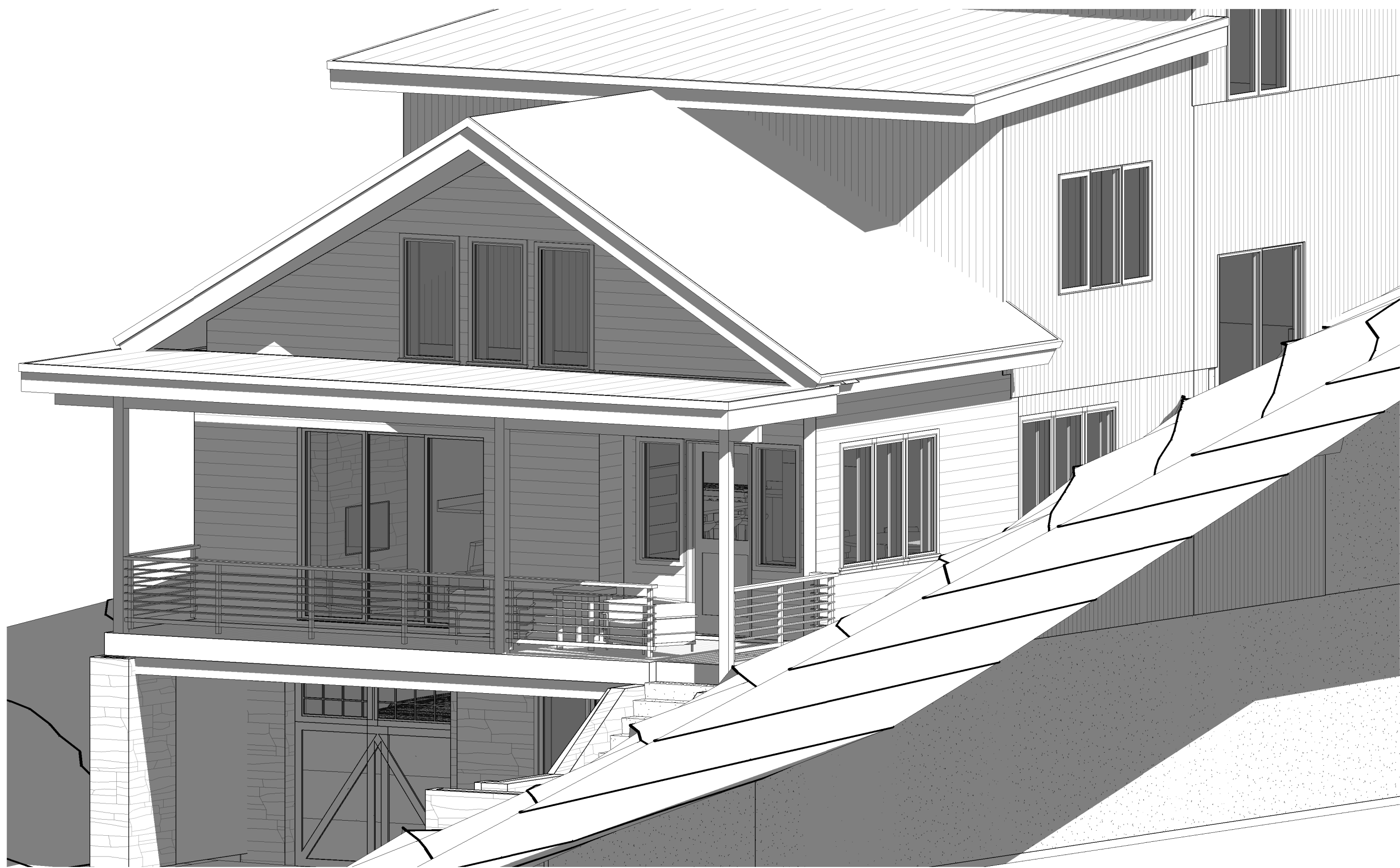
SHEET

A3.00

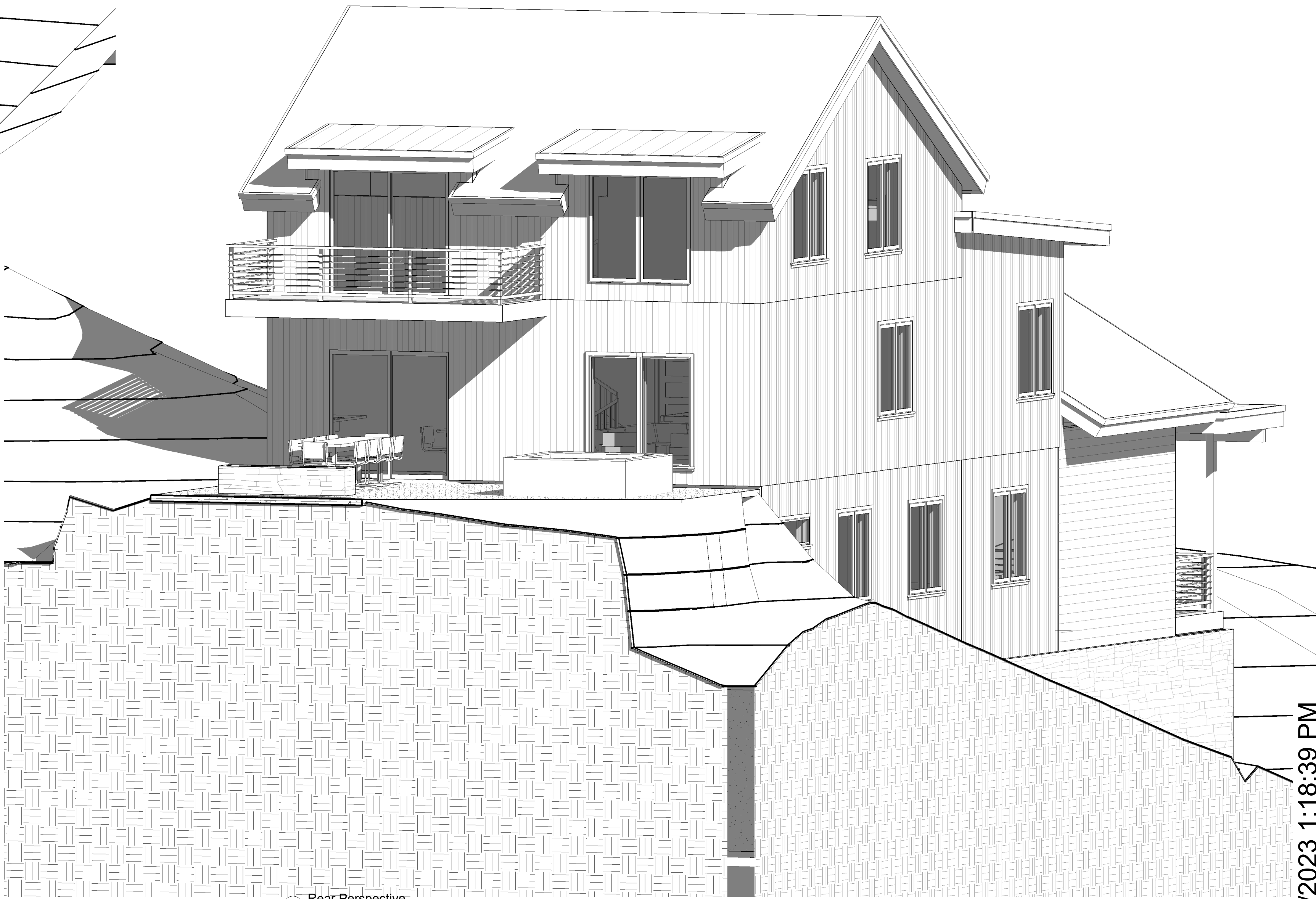
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① Front Perspective

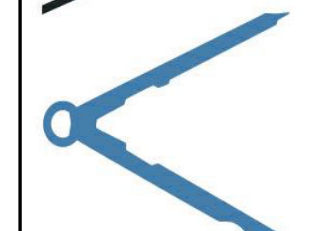


③ Entry Perspective



② Rear Perspective

THE ARCHITECT, ENGINEER, ARCHITECTURAL FIRM, AND/OR CONSULTANT SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED TO THE CLIENT AND FOR THE COMPLETION OF THE PROJECT. THE ARCHITECT, ENGINEER, ARCHITECTURAL FIRM, AND/OR CONSULTANT SHALL BE RESPONSIBLE FOR THE COMPLETION OF THE PROJECT. THE ARCHITECT, ENGINEER, ARCHITECTURAL FIRM, AND/OR CONSULTANT SHALL BE RESPONSIBLE FOR THE COMPLETION OF THE PROJECT. THE ARCHITECT, ENGINEER, ARCHITECTURAL FIRM, AND/OR CONSULTANT SHALL BE RESPONSIBLE FOR THE COMPLETION OF THE PROJECT.



VAN SICKLE

DESIGN & DRAFTING

4383 FOREST DALE ROAD, SUITE 205

PARK CITY, UTAH 84098

www.vansickledesignanddrafting.com

Revision Schedule	
Revision Number	Revision Date

New Residence

Alice Claim

Subdivision, Lot 6

103 Alice Court

Park City, UT 84060

Isometric Elevations

SCALE:

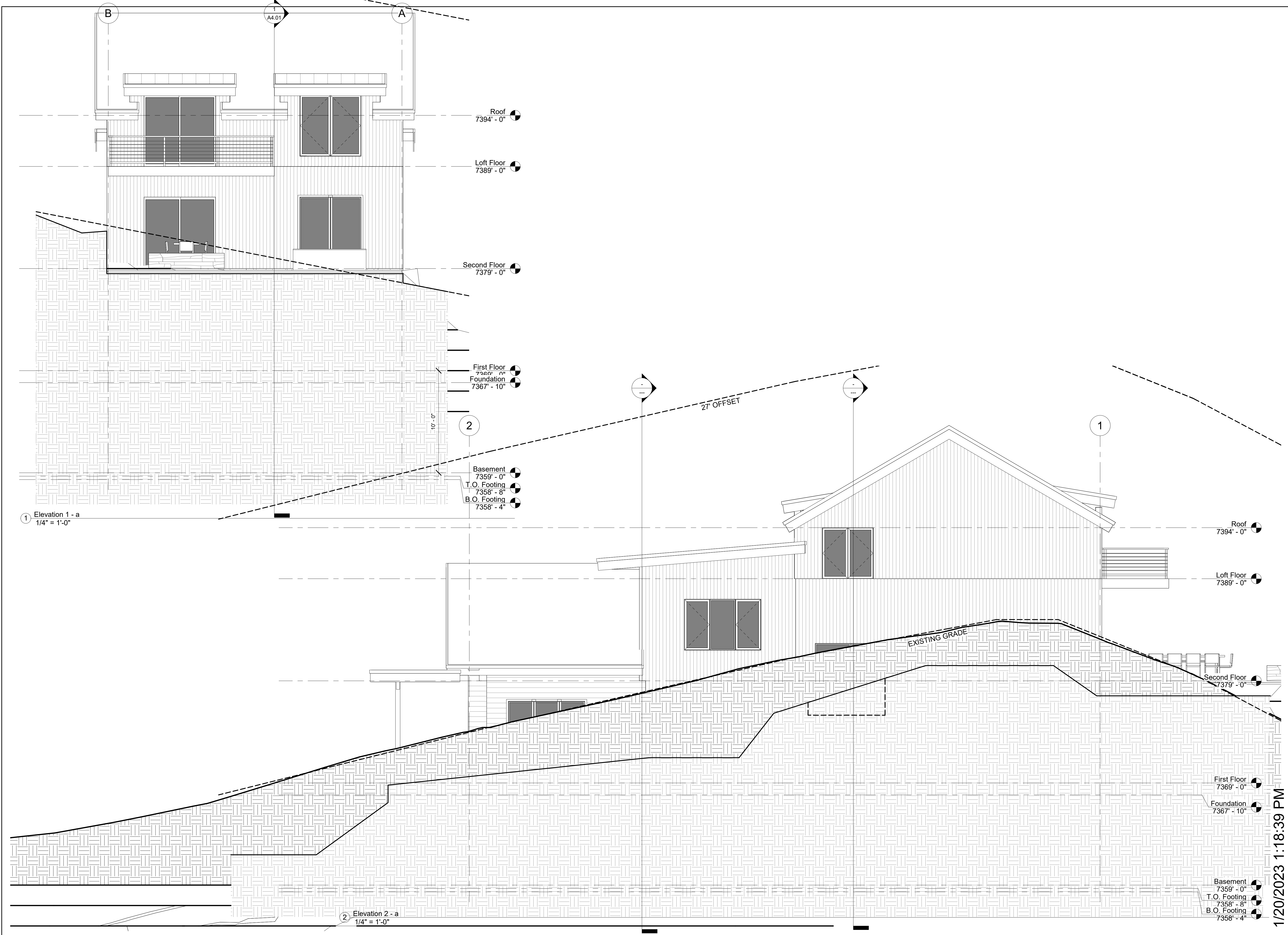
DATE

20 JAN 2023

SHEET

A3.01

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THE ABOVE DIMENSIONS AND SPECIFICATIONS ARE THE PROPERTY OF VAN SICKLE DESIGN & DRAFTING. ANY REVISIONS OR CHANGES TO THESE DIMENSIONS AND SPECIFICATIONS SHALL BE THE PROPERTY OF VAN SICKLE DESIGN & DRAFTING. ANY REVISIONS OR CHANGES TO THESE DIMENSIONS AND SPECIFICATIONS SHALL BE THE PROPERTY OF VAN SICKLE DESIGN & DRAFTING. ANY REVISIONS OR CHANGES TO THESE DIMENSIONS AND SPECIFICATIONS SHALL BE THE PROPERTY OF VAN SICKLE DESIGN & DRAFTING.

VAN SICKLE

DESIGN & DRAFTING

4383 FOREST DALE ROAD, SUITE 205
PARK CITY, UTAH 84098
www.vansickledesignanddrafting.com

Revision Schedule	
Revision Number	Revision Date

New Residence

Alice Claim
Subdivision, Lot 6
103 Alice Court
Park City, UT 84060

Elevations

SCALE:
1/4" = 1'-0"

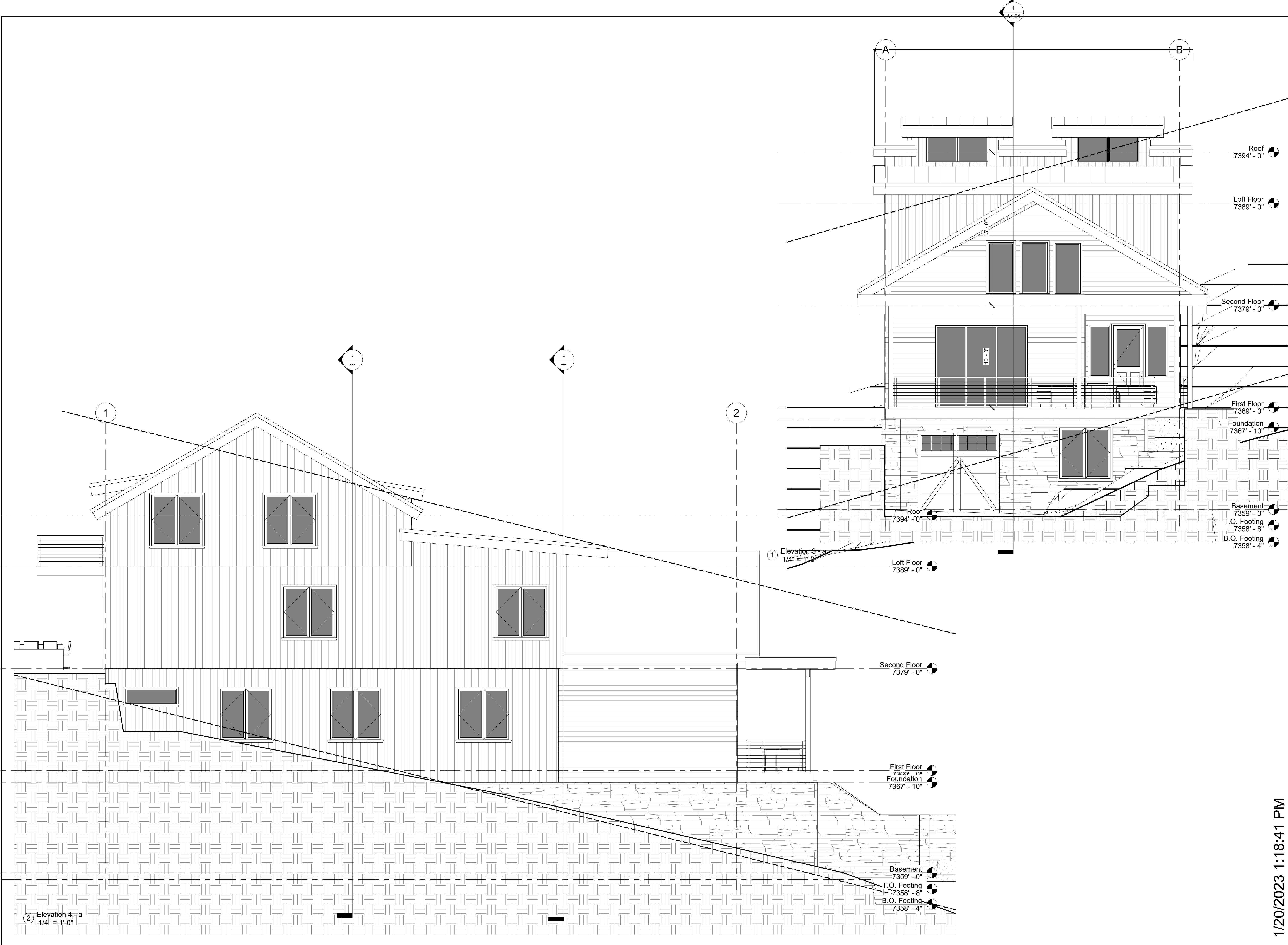
DATE

20 JAN 2023

SHEET

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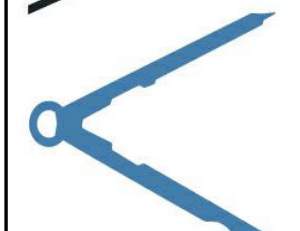
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THE NOTES, DIMENSIONS AND SPECIFICATIONS AND THE SCALE, RECORD, ARRANGEMENTS REPRESENTED THEREIN ARE AND SHALL REMAIN THE PROPERTY OF R.T. HARRIS INC. AND NO PART THEREOF SHALL BE COPIED, REPRODUCED OR USED IN CONNECTION WITH ANY OTHER WORK OR PROJECT OR FOR ANY OTHER PURPOSE FOR ANY PURPOSE OTHER THAN THE SPECIFIC PURPOSE FOR WHICH THEY HAVE BEEN PREPARED AND DEVELOPED WITHOUT THE CONSENT OF R.T. HARRIS INC. WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER ALL DIMENSIONS AND CONDITIONS ON THE JOB AND THIS OFFICE SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS FROM THE DIMENSIONS SHOWN BY THESE DRAWINGS. ALL SHOP DETAILS MUST BE SUBMITTED TO THIS OFFICE FOR APPROVAL PRIOR TO PROCEEDING WITH CONSTRUCTION OF THESE DRAWINGS.

BY BUILDING THESE PLANS THE CONTRACTOR UNDERSTANDS THAT THERE ARE ERRORS CONTAINED IN THIS SET AND WILL HOLD THIS OFFICE RESPONSIBLE FOR ANY OVERSIGHTS OR ERRORS AND WILL NOTIFY THIS OFFICE OF ERRORS THAT ARISE DURING CONSTRUCTION.

BY ACCEPTING THESE PLANS, THE CONTRACTOR AGREES TO BE RESPONSIBLE FOR ANY ERRORS CONTAINED IN THIS SET AND WILL HOLD THIS OFFICE RESPONSIBLE FOR ANY OVERSIGHTS OR ERRORS AND WILL NOTIFY THIS OFFICE OF ERRORS THAT ARISE DURING CONSTRUCTION.

**VAN SICKLE**
DESIGN & DRAFTING

4383 FOREST DALE ROAD, SUITE 205
PARK CITY, UTAH 84098
www.vansickledesignanddrafting.com

Revision Schedule	
Revision Number	Revision Date

New Residence
Alice Claim
Subdivision, Lot 6
103 Alice Court
Park City, UT 84060

Elevations

SCALE:
1/4" = 1'-0"

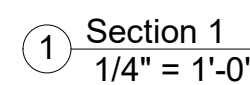
DATE

20 JAN 2023

SHEET

A3.03

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 **VAN SICKLE**
DESIGN & DRAFTING

4383 FOREST DALE ROAD, SUITE 205
PARK CITY, UTAH 84098

www.vansicklesdesignanddrafting.com

Revision Schedule	
Revision Number	Revision Date

New Residence
Alice Claim
Subdivision, Lot 6
103 Alice Court
Park City, UT 84060

Building
Sections

SCALE:

1/4" = 1'-0"

DATE
20 JAN 2023

SHEET

A4.01

ALICE CLAIM

LOCATED IN THE NORTHEAST QUARTER OF SECTION 21,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH

ROAD / LOT TABLE	LOT #	SQ FT	ACRES
LOT A	5,150	0.118	

LOT TABLE	LOT #	SQ FT	ACRES	ADDRESS
1	131,083	3.009	100	ALICE COURT
2	4,510	0.104	108	ALICE COURT
3	4,510	0.104	112	ALICE COURT
4	4,510	0.104	116	ALICE COURT
5	4,510	0.104	120	ALICE COURT
6	4,510	0.104	103	ALICE COURT
7	4,510	0.104	107	ALICE COURT
8	4,510	0.104	111	ALICE COURT
9	4,510	0.104	115	ALICE COURT

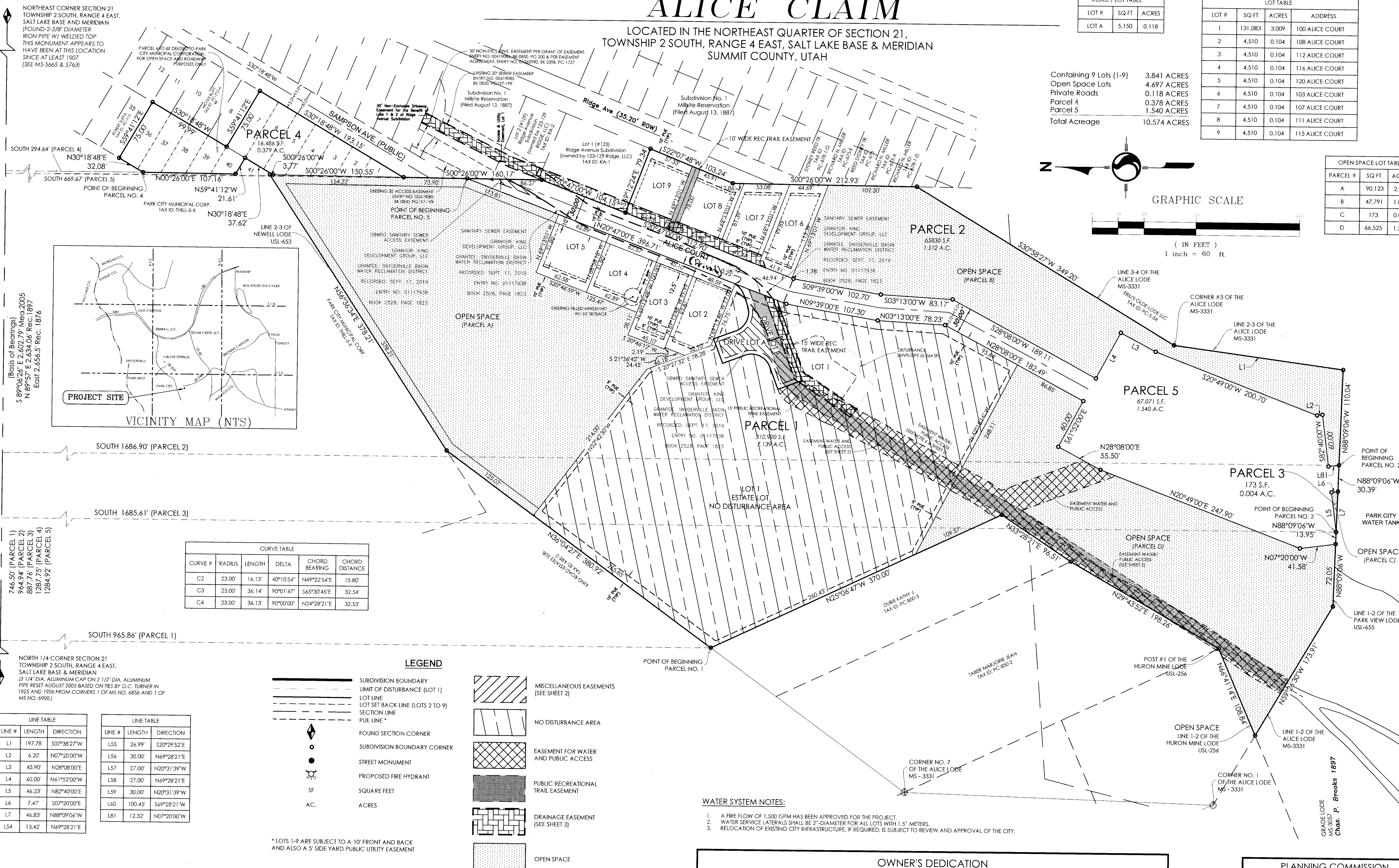
Containing 9 Lots (1-9)
Open Space Lots
Private Roads
Parcel 4
Parcel 5
Total Acreage
10.574 ACRES

OPEN SPACE LOT TABLE	PARCEL #	SQ FT	ACRES
A	90,123	2.069	
B	47,791	1.097	
C	173	0.004	
D	66,525	1.527	

GRAPHIC SCALE



(1 IN FEET)
1 inch = 60 ft



CURVE #	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD DISTANCE
C2	23.00	16.13	40°10'54"	N49°22'54"E	15.80
C3	23.00	36.14	90°01'47"	S45°30'45"E	32.54
C4	23.00	36.13	90°00'00"	N04°28'21"E	32.53

LEGEND

SUBDIVISION BOUNDARY LIMIT OF DISTURBANCE (LOT 1) LOT SET BACK LINE (LOTS 2 TO 9) SECTION LINE PUE LINE FOUND SECTION CORNER SUBDIVISION BOUNDARY CORNER STREET MONUMENT PROPOSED FIRE HYDRANT SQUARE FEET AC.	MISCELLANEOUS EASEMENTS (SEE SHEET 2) NO DISTURBANCE AREA EASEMENT FOR WATER AND PUBLIC ACCESS PUBLIC RECREATIONAL TRAIL EASEMENT DRAINAGE EASEMENT (SEE SHEET 2) OPEN SPACE
---	--

WATER SYSTEM NOTES:

- A FIRE FLOW OF 1,500 GPM HAS BEEN APPROVED FOR THE PROJECT.
- WATER SERVICE LATERALS SHALL BE 2" DIAMETER FOR ALL LOTS WITH 1.5" METERS.
- RELOCATION OF EXISTING CITY INFRASTRUCTURE, IF REQUIRED, IS SUBJECT TO REVIEW AND APPROVAL OF THE CITY.

OWNER'S DEDICATION

Know all men by these presents that KING DEVELOPMENT GROUP, a Utah Limited Liability Company, the undersigned owner(s) of the above described tract of land having caused same to be subdivided into lots and to be hereafter known as

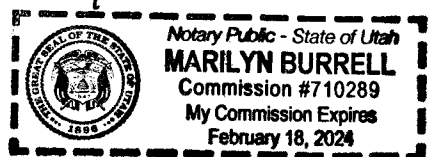
ALICE CLAIM

and do hereby dedicate for the perpetual use of the public all the areas shown on this plat as intended for public use. The undersigned owner(s) also hereby convey to any and all public utility companies a perpetual, non-exclusive easement over the public utility easements shown on this plat, the same to be used for the installation, maintenance and operation of utility lines and facilities. The undersigned owner(s) also hereby convey any other easements as shown on this plat to the parties indicated and for the purposes shown hereon.

In witness whereof _____ have hereunto set _____ this 25 day of February, 2021 A.D.

By: *[Signature]*
Yoram Jerry Fiat, its authorized signer
KING DEVELOPMENT GROUP, LLC, A
UTAH LIMITED LIABILITY COMPANY

By: *[Signature]*
Marilyn Burrell
Notary Public



PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 12th DAY OF April, 2021 A.D.

By: *[Signature]*
CHAIRMAN

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SUBDIVISION PLAT WAS APPROVED BY PARK CITY COUNCIL THIS 18th DAY OF March, 2021 A.D.

By: *[Signature]*
PARK CITY RECORDER

SHEET

1 OF 2

CITY ENGINEER

MAYOR

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 18th DAY OF March, 2021 A.D.

By: *[Signature]*
MAYOR

By: *[Signature]*
CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS 22nd DAY OF March, 2021 A.D.

By: *[Signature]*
ATTORNEY

SURVEYOR'S CERTIFICATE

I, Eric V. Snyder, do hereby certify that I am a Professional Land Surveyor, and that I hold Certificate No. 7550669 as prescribed under the laws of the State of Utah. I certify that the boundary and adjoining information of this survey is based on the Mineral Survey Replacement Plat Record of Survey for Alice Lode performed by Loyal D. Olson III. I further certify that by authority of the Owners, I have subdivided said tract of land into lots and streets, hereafter to be known as

ALICE CLAIM

and that same has been surveyed and staked on the ground as shown on this plat.

BOUNDARY DESCRIPTION

A parcel of land located in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

BEGINNING at a point on Line 6-7 of the Alice Lode, Mineral Survey #3331, said point being also S89°06'26"E, 746.50 feet, along the Section Line, and South 965.86 feet from the North Quarter Corner of said Section 21, and running thence along said Line 6-7, N30°18'48"E, 380.92 feet to a point on Line 2-3 of the Newell Lode USL-653; thence along said Line 2-3, Newell Lode, N56°34'34"E, 378.21 feet to a point on the Western Boundary Line of Subdivision No. 1 of Millite Reservation (Filed Aug. 13, 1887); thence along said Western Boundary Line, S00°26'00"W, 228.22 feet to a point on the Western Right-of-Way Line of the Park City Water Company Access Road, thence along said Western Right-of-Way Line the following four (4) courses: (1) S20°47'00"W, 396.71 feet, (2) S09°39'00"W, 107.30 feet, (3) S03°13'00"W, 78.23 feet, (4) S28°08'00"E, 182.49 feet to a point on the Park City Property; thence along the Western Boundary Line of said Park City Property the following four (4) courses: (1) N61°52'00"W, 60.00 feet, (2) S28°08'00"E, 55.50 feet, (3) S20°49'00"W, 247.90 feet, (4) S07°20'00"E, 41.58 feet to a point on Line 1-2 of the Park View Lode USL-655; thence along said Line 1-2, Park View Lode, N88°09'06"W, 72.05 feet to a point on Line 1-2 of said Alice Lode MS-3331; thence along said Line 1-2, Alice Lode, N59°41'12"E, 173.91 feet to a point on Line 1-2 of the Huron Mine Lode USL-256; thence along said Line 1-2, Huron Mine Lode, N64°11'14"E, 108.84 feet to Post #1 of said Huron Mine Lode; thence N29°43'52"E, 198.26 feet; thence N33°28'21"E, 96.51 feet; thence N25°08'47"W, 370.00 feet to the POINT OF BEGINNING.

Containing 310,920 square feet or 7.139 acres.

Parcel No. 2

A parcel of land located in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

BEGINNING at a point on the Eastern Boundary Line of the Park City Property, said point being also on the Line 1-2 of the Park View Lode USL-655, said point being also S89°06'26"E, 944.94 feet, along the Section Line, and South, 1686.90 feet from the North Quarter Corner of said Section 21, and running thence, along said Eastern Boundary Line the following six (6) courses: (1) N07°20'00"W, 12.32 feet, (2) N82°40'00"E, 40.00 feet, (3) N07°20'00"W, 6.20 feet, (4) N20°49'00"E, 200.70 feet, (5) N28°08'00"E, 45.90 feet, (6) N41°52'00"W, 60.00 feet to the Eastern Right-of-Way Line of the Park City Water Company Access Road; thence along said Eastern Right-of-Way Line the following four (4) courses: (1) N28°08'00"E, 189.11 feet, (2) N03°13'00"E, 83.17 feet, (3) N09°39'00"E, 107.30 feet, (4) N20°47'00"E, 208.75 feet; thence S69°12'24"E, 79.34 feet, thence S22°20'48"W, 103.24 feet to a point on the Western Boundary Line of Subdivision No. 1 of Millite Reservation (dated 06/25/1887); thence along said Western Boundary Line, S00°26'00"W, 212.93 feet to a point on Line 3-4 of the Alice Lode, Mineral Survey #3331; thence along said Line 3-4, S30°58'27"W, 349.20 feet to Corner #3 of said Alice Lode MS-3331; thence along said Line 2-3 of the Alice Lode, S07°28'27"W, 197.78 feet to a point on said Line 1-2 of the Park View Lode USL-655; thence along said Line 1-2, N88°09'06"W, 110.04 feet to the POINT OF BEGINNING.

Containing 65,830 square feet or 1.512 acres.

Parcel No. 3

A parcel of land located in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

BEGINNING at a point on the Southern Boundary Line of the Park City Property, said point being also on the Line 1-2 of the Park View Lode USL-655, said point being also S89°06'26"E, 887.76 feet, along the Section Line, and South, 1685.61 feet from the North Quarter Corner of said Section 21, and running thence, along said Southern Boundary Line the following two (2) courses: (1) N82°40'00"E, 46.23 feet, (2) S07°20'00"E, 7.47 feet to a point on said Line 1-2 of the Park View Lode; thence along said Line 1-2, N88°09'06"W, 46.63 feet to the POINT OF BEGINNING.

Containing 173 square feet or 0.004 acres.

Parcel No. 4

A parcel of land located in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Lots 1 through 7 inclusive and Lots 36 through 40 inclusive, Block 77, Millite Reservation to Park City, according to the official plat thereof filed in the office of the Summit County Recorder, being more particularly described as follows:

BEGINNING at a point on the Western Boundary Line of Subdivision No. 1 of Millite Reservation, said point being also S89°06'26"E, 1287.78 feet, along the Section Line, and South 294.60 feet from the North Quarter Corner of said Section 21, and running thence along said Western Boundary Line of Lot 37 and Lot 36, N30°18'48"E, 32.08 feet to the Northern Corner of said Lot 36, thence along the Northern Line of said Lot 36, S59°41'12"E, 75.00 feet to the Eastern Corner of said Lot 36, thence along the Eastern Line of Lot 36, S00°26'00"W, 193.15 feet to the Southern Corner of Lot 1 and said Western Boundary Line of Millite Reservation; thence along said Western Boundary Line, N07°20'00"E, 150.55 feet to the Southern Corner of Lot 41, the following two (2) courses: (1) N30°18'48"E, 37.42 feet, (2) N59°41'12"W, 21.61 feet to said Western Boundary Line of Millite Reservation; thence, along said Western Boundary Line, N00°26'00"E, 107.16 feet to the POINT OF BEGINNING.

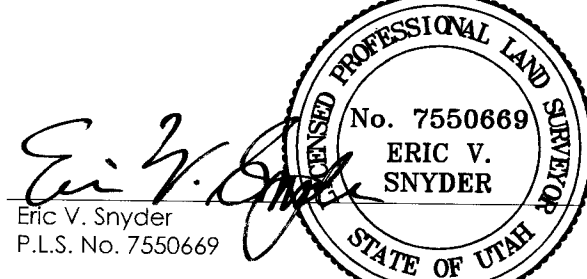
Containing 16,486 square feet or 0.379 acres.

Parcel No. 5

A parcel of land located in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

BEGINNING at a point S89°06'26"E, 1284.92 feet along the Section Line, and South, 669.67 feet from the North Quarter Corner of said Section 21, and running thence S00°26'00"W, 86.27 feet; thence S20°47'00"W, 312.90 feet; thence S09°39'00"W, 102.70 feet; thence S03°13'00"W, 83.17 feet; thence S28°08'00"E, 189.11 feet; thence S41°52'00"E, 60.00 feet; thence S28°08'00"E, 45.90 feet; thence S20°49'00"W, 200.70 feet; thence S07°20'00"E, 6.20 feet; thence S82°40'00"W, 40.00 feet; thence S07°20'00"E, 12.32 feet; thence N88°09'06"W, 30.39 feet; thence N07°20'00"W, 7.47 feet; thence S82°40'00"W, 46.23 feet; thence N88°09'06"W, 13.95 feet; thence N07°20'00"W, 41.58 feet; thence N20°49'00"E, 247.90 feet; thence N28°08'00"E, 55.50 feet; thence S41°52'00"E, 60.00 feet; thence N28°08'00"E, 182.49 feet; thence N03°13'00"E, 78.23 feet; thence N09°39'00"E, 107.30 feet; thence N20°47'00"E, 396.71 feet to the POINT OF BEGINNING.

Containing 67,071 square feet or 1.540 acres.



02/24/2021
DATE

Eric V. Snyder
P.L.S. No. 7550669

ACKNOWLEDGMENT

STATE OF UTAH } S.S.
COUNTY OF UTAH }
On the _____ day of _____, 20____ A.D. personally appeared before me, Yoram Jerry Fiat, who acknowledged before me that, as an authorized signer, he signed the foregoing instrument on behalf of KING DEVELOPMENT GROUP, LLC.

My commission number: _____
My commission expires: _____
Approved this 5 day of March, 2021
Jeffrey A. Chappell, Notary Public

MUNICIPAL ACKNOWLEDGMENT

STATE OF UTAH } S.S.
COUNTY OF UTAH }
On this 25 day of February, 2021 A.D. personally appeared before me, _____ who, being by me duly sworn or affirmed, did say that he/she is the _____ of _____, a Utah municipal corporation, and that he/she signed the Owner's Dedication freely and voluntarily for and in behalf of said municipal corporation, for the purposes therein mentioned, and he/she acknowledged to me that said municipal corporation executed the same.

106390
My commission number: _____
My commission expires: _____
Name: _____
Notary Public commissioned in Utah

Stantec Consulting Services Inc.
2890 E. Cottonwood Parkway
Suite 300
Salt Lake City, Utah
84121-7283
Tel. 801.261.0090
Fax. 801.266.1671
www.stantec.com



No.	Revisions	By	Date	1"= 60'	Date
1	Total plat revision	SV	5-06-15	Scale	02/02/2021
2	Total plat revision	BD	2-02-16	Scale	02/02/2021
3	Lot Line Adjustments	JA	2-15-17	Checked by	Date
4	Addition of easements	TAJ	9-13-17	SB	DS
5	City Comments	EVs	2-23-21	Designed by	Drawn by

OWNER/SUBDIVIDER:
KING DEVELOPMENT GROUP, LLC
P.O. BOX 244
PARK CITY, UTAH 84060

SNYDERVILLE BASIN
WATER RECLAMATION DISTRICT
REVIEW FOR CONFORMANCE TO SNYDERVILLE BASIN
WATER RECLAMATION DISTRICT STANDARDS ON THIS
25th DAY OF February, 2021 A.D.
By: *[Signature]*
S.B. P.D.

MAYOR
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 18th DAY OF March, 2021 A.D.
By: *[Signature]*
MAYOR

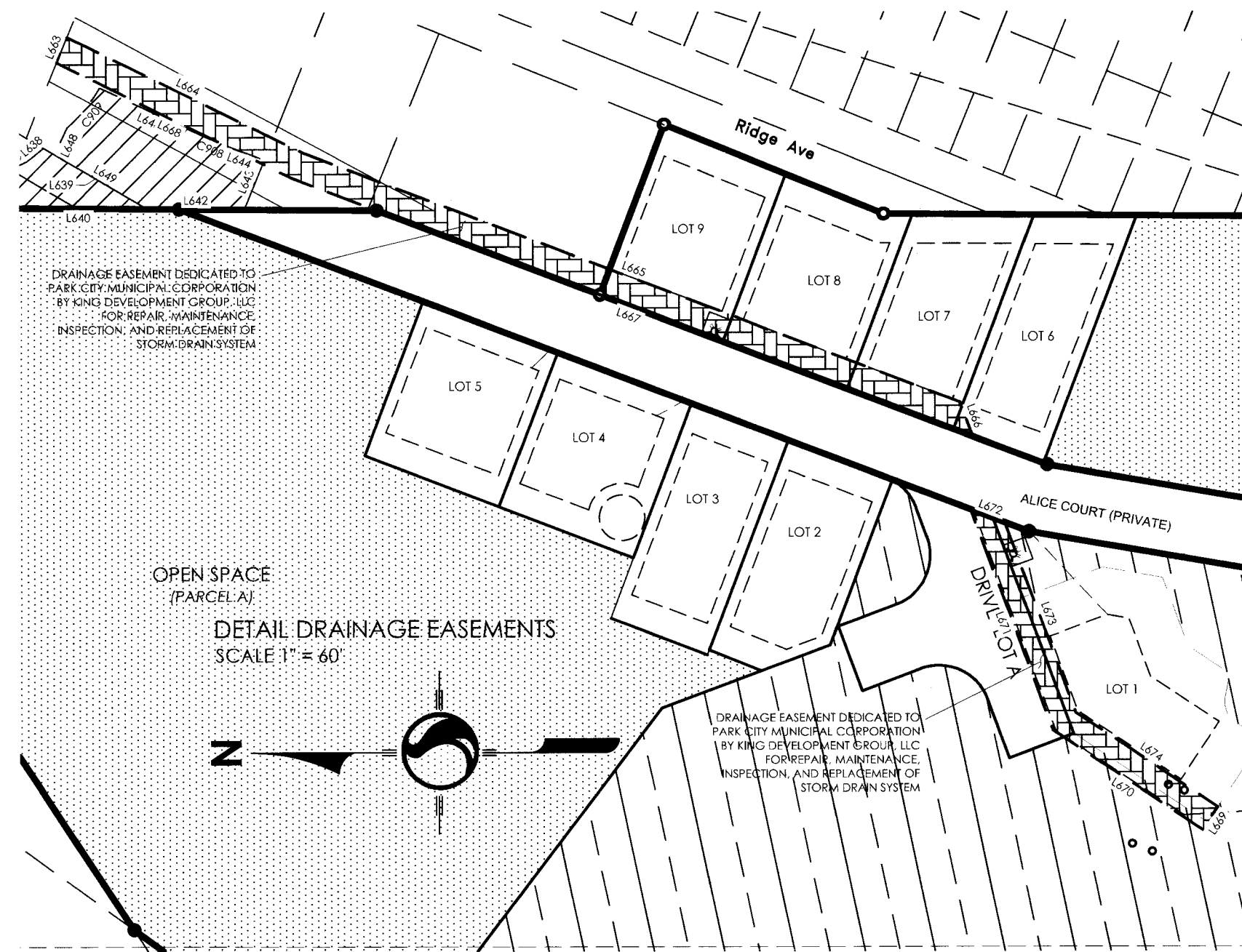
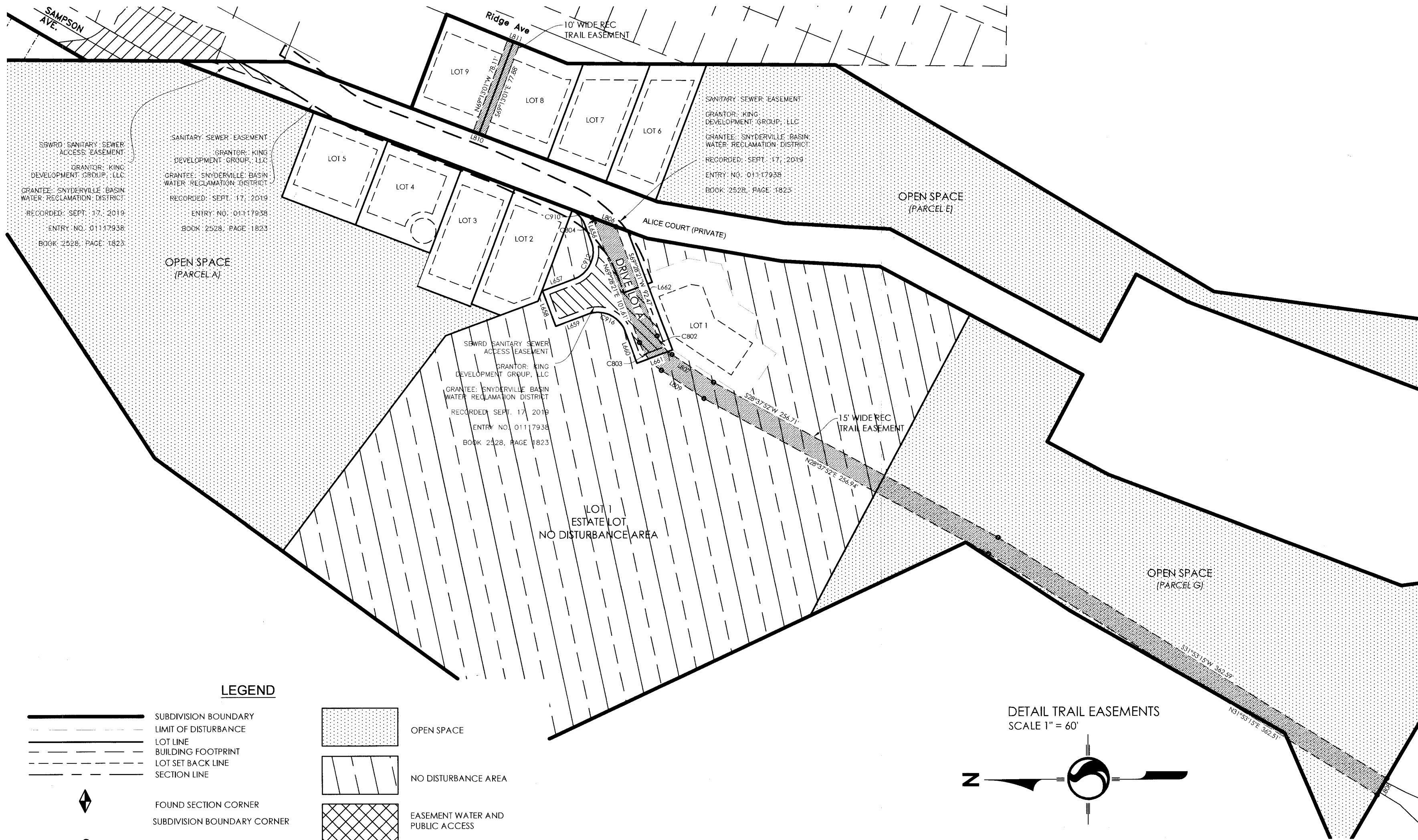
CITY ENGINEER
I, _____, CITY ENGINEER HEREBY CERTIFY THAT THIS PLAT HAS BEEN EXAMINED BY THIS OFFICE AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE.
02/01/2021
DATE
By: *[Signature]*
CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS 22nd DAY OF March, 2021 A.D.
By: *[Signature]*
ATTORNEY

RECORDED # 1157210
LOCATED IN THE NORTHEAST QUARTER OF SECTION 21,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH
STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE
REQUEST OF: Coalition Title
02/24/2021
\$120.00
FEE

ALICE CLAIM

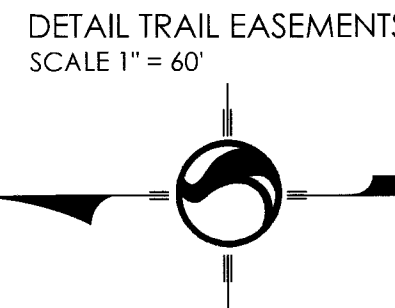
LOCATED IN THE NORTHEAST QUARTER OF SECTION 21,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH



TRAIL EASEMENT CURVE TABLE					
CURVE #	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD DISTANCE
CB02	30.50	19.09	33°51'10"	S51°52'46"W	18.78
CB03	45.50	28.47	32°51'10"	N51°52'46"E	28.01
CB04	30.50	4.33	8°07'30"	N65°24'36"E	4.32

TRAIL EASEMENT LINE TABLE		
LINE #	DIRECTION	LENGTH
L664	S50°47'00"W	20.38
L665	S20°37'12"W	39.71
L666	N69°36'30"W	15.00
L667	N33°37'12"E	40.36
L668	S20°47'01"W	10.00
L669	N22°07'48"E	10.00

DRAINAGE EASEMENT LINE TABLE		
LINE #	DIRECTION	LENGTH
L663	S6°52'42"E	12.03
L664	S20°12'00"W	114.89
L665	S20°47'00"W	307.00
L666	S69°33'44"W	15.95
L667	N20°47'00"E	318.13
L668	N26°11'20"E	114.10
L669	N58°22'15"W	12.00
L670	N33°36'45"E	78.31
L671	N69°33'44"E	102.80
L672	S20°47'00"W	15.95
L673	S69°33'44"W	88.40
L674	S33°36'45"W	74.42



DRIVE LOT A LINE TABLE		
LINE #	LENGTH	DIRECTION
L654	13.42	S69°28'21"W
L657	26.99	N20°29'52"W
L658	30.00	S69°28'21"W
L659	27.00	S20°31'39"E
L660	27.00	S69°28'21"W
L661	30.00	S20°31'39"E
L662	100.45	N69°28'21"E

DRIVE LOT A CURVE TABLE				
CURVE #	RADIUS	LENGTH	DELTA	CHORD BEARING
C910	23.00	19.55	48°41'20"	S45°07'41"W
C912	23.00	36.14	90°01'47"	N65°30'45"W
C916	23.00	36.13	90°00'00"	S24°28'21"W

WATER / PUBLIC EASEMENT ACCESS LINE TABLE		
LINE #	DIRECTION	LENGTH
L900	S89°27'19"E	19.32
L901	S28°43'47"W	19.32
L902	S28°33'46"W	24.21
L903	S34°31'18"W	21.55
L904	S32°54'57"W	15.44
L905	S46°40'25"W	10.66
L907	S34°23'17"W	26.73
L908	S22°03'00"W	9.86
L910	N18°09'55"E	6.83
L911	N34°23'17"E	15.69
L912	N28°07'11"E	23.98
L913	N20°48'11"E	19.14
L914	N27°48'57"E	21.66
L915	N32°53'40"E	17.94
L916	N35°52'53"E	20.44
L917	N37°13'28"E	19.50
L918	N34°13'27"E	15.55
L919	N33°16'29"E	15.28
L920	N31°54'37"E	18.84
L921	N27°58'03"E	24.46
L922	N28°44'42"E	26.87
L923	N27°24'41"E	17.87

WATER / PUBLIC EASEMENT ACCESS LINE TABLE		
LINE #	DIRECTION	LENGTH
L924	N25°22'59"E	19.31
L925	N31°09'39"E	16.45
L926	N28°30'29"E	19.27
L927	N33°14'48"E	18.16
L928	N32°06'59"E	19.32
L929	N32°54'57"E	15.83
L930	N34°51'19"E	20.81
L931	N28°33'46"E	25.17
L932	N28°43'47"E	13.96
L933	S27°29'25"W	48.95
L934	N27°29'25"E	49.01
L935	N27°34'10"E	42.42
L936	S20°31'39"E	30.00
L937	N69°28'21"E	1.08
L940	N27°34'10"E	44.83
L942	N69°28'21"E	1.08

WATER / PUBLIC EASEMENT CURVE TABLE				
CURVE #	RADIUS	LENGTH	DELTA	CHORD BEARING
C900	30.00	21.94	41°54'11"	N48°51'16"E
C901	30.00	21.94	41°54'11"	N48°51'16"E

PLAT NOTES (cont.):

- THE DEVELOPMENT EXCEEDS ONE (1) ACRE AND SHALL MEET THE REQUIREMENTS OF THE MS4 STORM WATER PROGRAM. EACH LOT WITHIN THIS COMMON DEVELOPMENT SHALL BE REQUIRED TO OBTAIN A MS4 STORM WATER PERMIT PRIOR TO ANY CONSTRUCTION ACTIVITY.
- ALL BUILDINGS WILL BE MORE THAN 5' FROM PROPERTY LINES.
- ALL 9 HOMES WILL HAVE FIRE SUPPRESSION SYSTEMS THAT INCLUDE INTERIOR AND EXTERIOR FIRE SPRINKLERS.
- MODIFIED 13-D SPRINKLERS WILL BE REQUIRED FOR NEW CONSTRUCTION BY THE CHIEF BUILDING OFFICIAL AT THE TIME OF REVIEW OF THE BUILDING PERMIT SUBMITTAL.
- FIREWOOD STORAGE WILL BE ALLOWED ONLY IN AREAS WITH FIRE SUPPRESSION.
- DEFENSIBLE SPACE WILL BE PROVIDED AT EACH HOME WHERE MATERIALS CAPABLE OF ALLOWING A FIRE TO SPREAD UNCHECKED HAS BEEN TREATED, CLEARED, OR MODIFIED TO SLOW THE RATE AND INTENSITY OF AN ADVANCING WILDFIRE AND TO CREATE AN AREA FOR FIRE SUPPRESSION OPERATIONS TO OCCUR.
- A FIRE PROTECTION PLAN WILL BE DEVELOPED IN CONSULTATION WITH THE PARK CITY FIRE DISTRICT PRIOR TO THE FIRST BUILDING PERMIT ISSUANCE.
- THE CURVE INLET SHALL BE A MINIMUM 50' FROM ANY STRUCTURE ON LOT 1.
- ALICE COURT ROAD IS NOT ELIGIBLE TO BE CONVERTED TO A PUBLIC RIGHTS OF WAY PER THE CURRENT CODE.
- IN ACCORDANCE WITH THE UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY APPROVED "ALICE LODGE MITIGATION WORK PLAN (REVISED AUGUST 3, 2006), VOLUNTARY CLEANUP PROGRAM #003, AUGUST 3, 2006" AS AMENDED, SOILS WITHIN THE SBWRD SEWER UTILITY TRENCH SHALL MEET THE ESTABLISHED SOIL ACTION LEVELS OF 400 MG/KG LEAD AND 100 MG/KG ARSENIC.
- AT THE TIME OF ANY RESURFACING OF ALICE COURT OR DRIVE LOT A, THE HOA SHALL BE RESPONSIBLE TO ADJUST WASTEWATER MANHOLES TO GRADE ACCORDING TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT (SBWRD) STANDARDS. PRIOR NOTIFICATION OF THE ADJUSTMENTS AND INSPECTION BY SBWRD IS REQUIRED.
- THIS PLAT IS SUBJECT TO ORDINANCES 2018-08 AND 2020-10.
- RECORDATION OF THIS PLAT AND COMPLETION AND APPROVAL OF FINAL HISTORIC DISTRICT DESIGN REVIEW AND STEEP SLOPE CONDITIONAL USE PERMIT, IF REQUIRED, APPLICATIONS ARE REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE FOR ANY CONSTRUCTION OF BUILDINGS WITHIN THIS SUBDIVISION. COMPLETION AND APPROVAL OF FINAL HISTORIC DISTRICT DESIGN REVIEW APPLICATIONS ARE REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE FOR ANY CONSTRUCTION OF RETAINING WALLS.
- LOT 1 IN THE ESTATE DISTRICT SHALL BE SUBJECT TO HISTORIC DISTRICT DESIGN REVIEW PROCESS (PRIOR TO BUILDING PERMIT APPROVAL).
- SIGNIFICANT VEGETATION / MATURE TREES THAT WILL BE LOST DUE TO THE DEVELOPMENT SHALL BE APPROVED BY THE PLANNING DEPARTMENT AND BE REPLACED IN KIND OR WITH THREE (3) SMALLER TREES AS CLOSE TO THE ORIGINAL LOCATION AS POSSIBLE WITHIN ONE (1) YEAR OF TREE REMOVAL.

SHEET
2 OF 2

ALICE CLAIM

LOCATED IN THE NORTHEAST QUARTER OF SECTION 21,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH

RECORDED #

ENTRY NO. 01157218

03/05/2021 03:21:32 PM B: 2648 P: 0838

DATE: 03/05/2021 03:21:32 PM B: 2648 P: 0838

FILE: 03/05/2021 03:21:32 PM B: 2648 P: 0838

Stantec Consulting Services Inc.
2890 E. Cottonwood Parkway
Suite 300
Salt Lake City, Utah
84121-7253
Tel. 801.261.0090
Fax. 801.266.1671
www.stantec.com



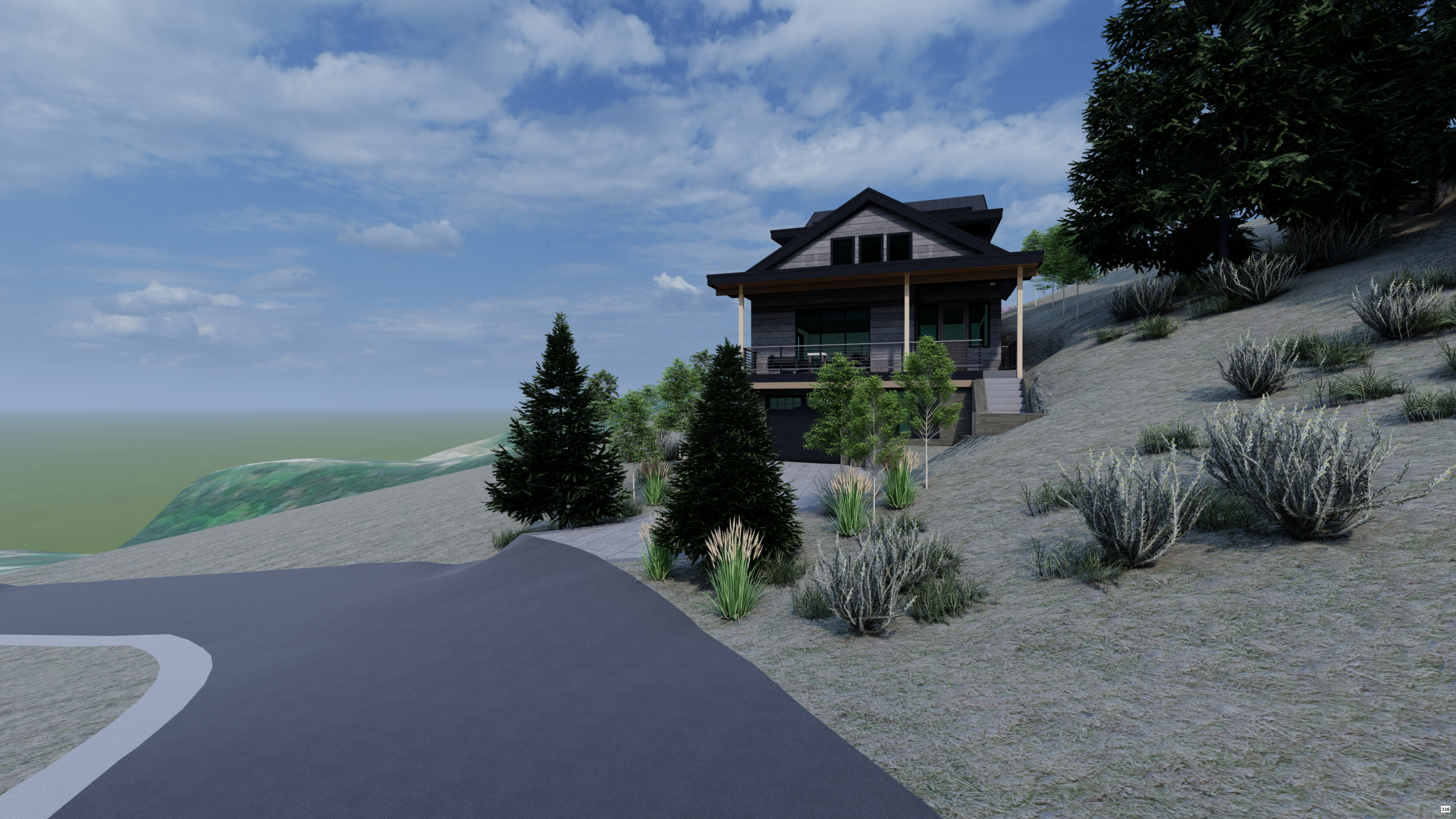
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205303057		SB	
Filename		Plot Date	
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Designed by		Drawn by	
SB		BD	
Checked by		Date	
EVS		02/02/2021	
Scale		Date Issued	
1"=60'		Date	
Revisions		By	
4 Addition of easements		AX 2-13-17	
3 Lot Line Adjustments		JA 2-09-17	
1 Total plat revision		BD 2-02-18	

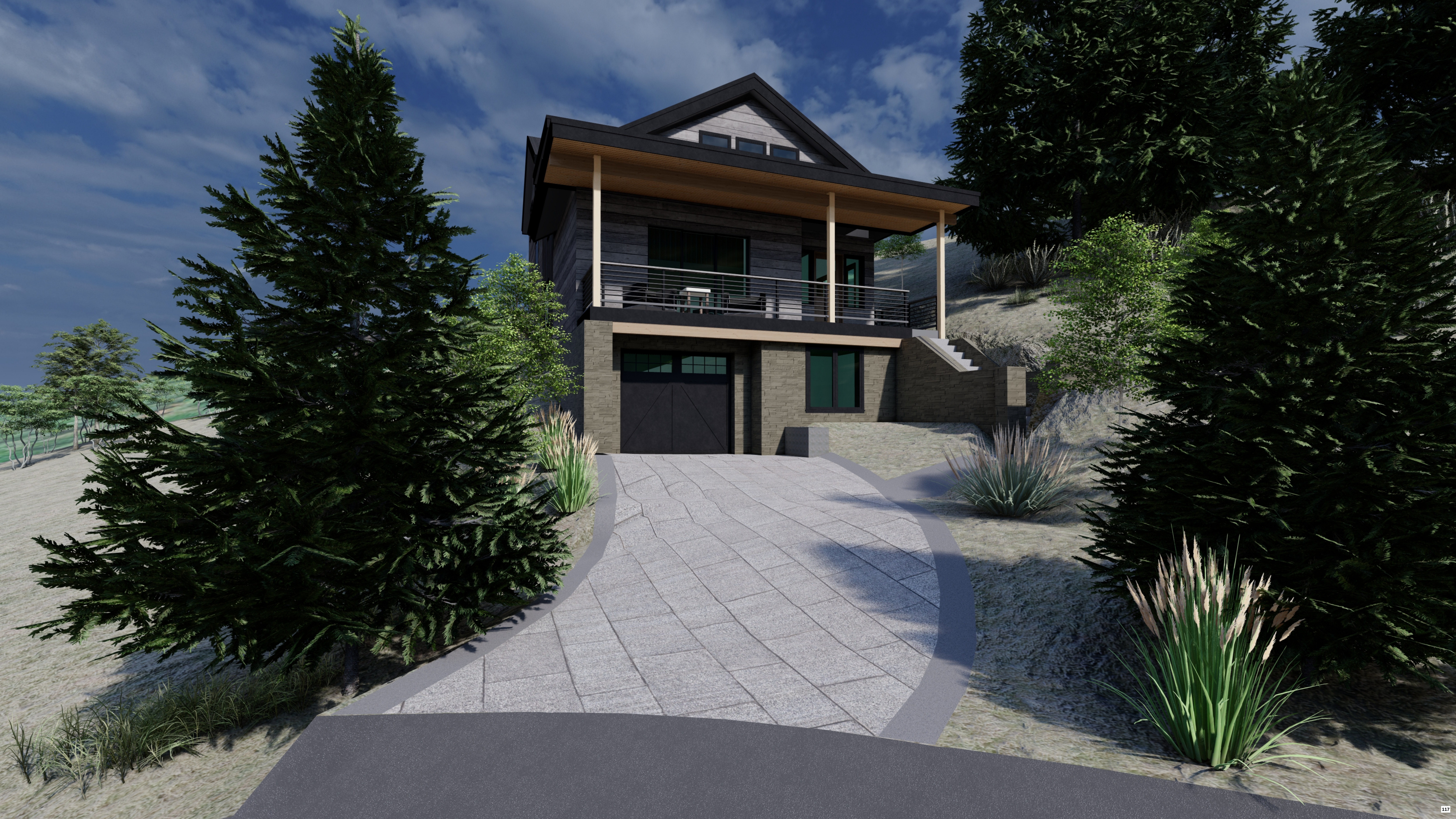


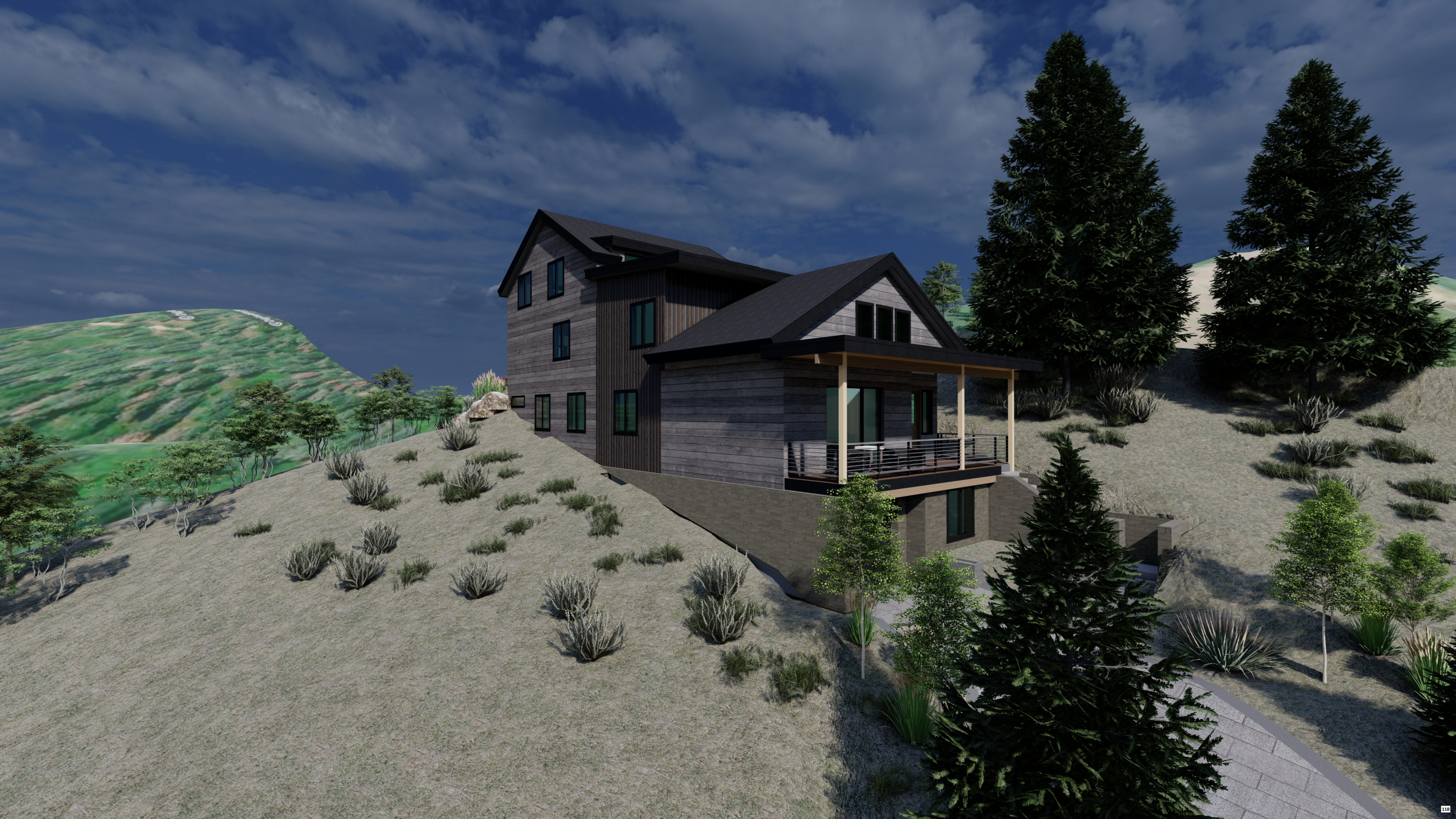
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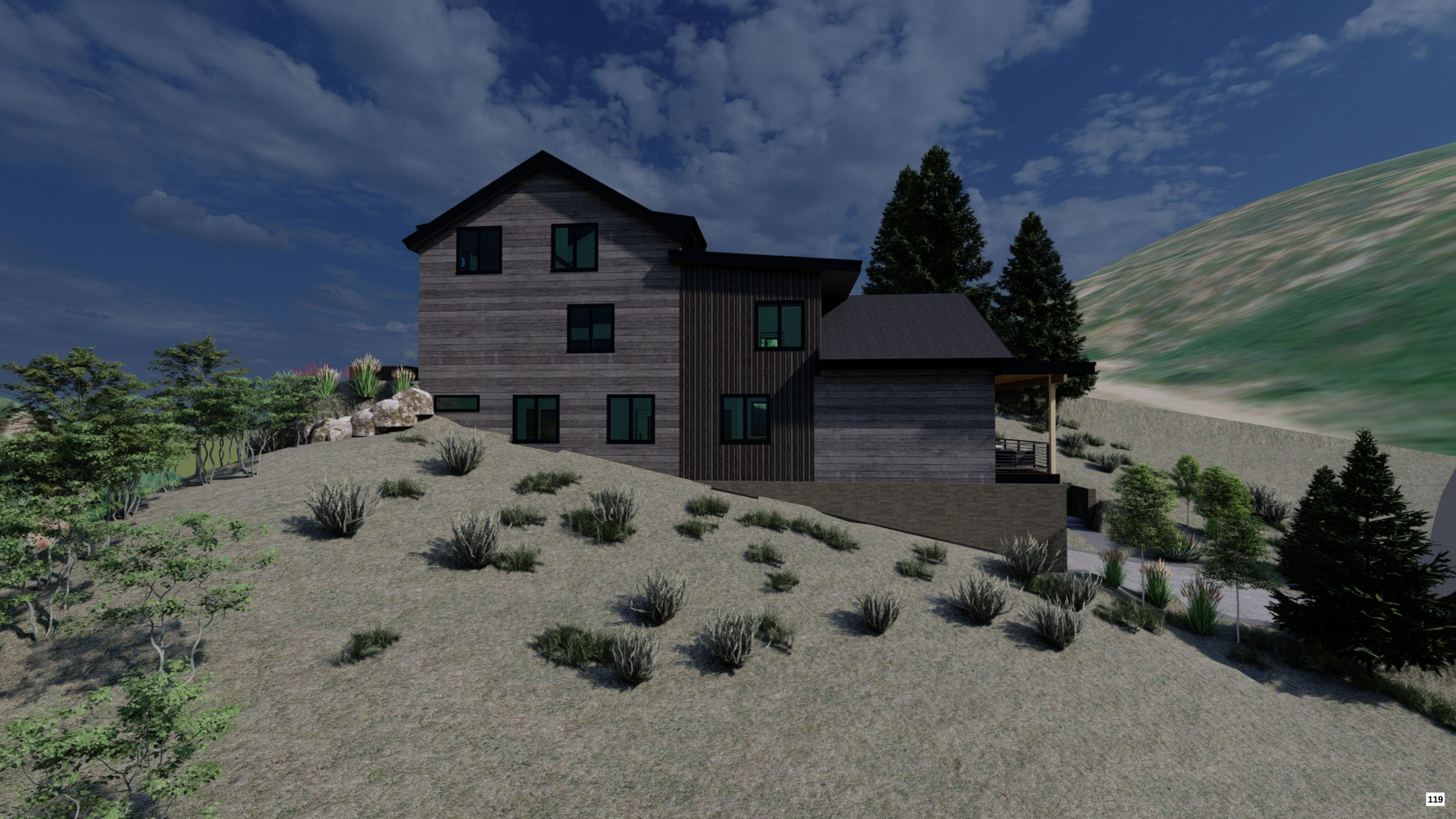
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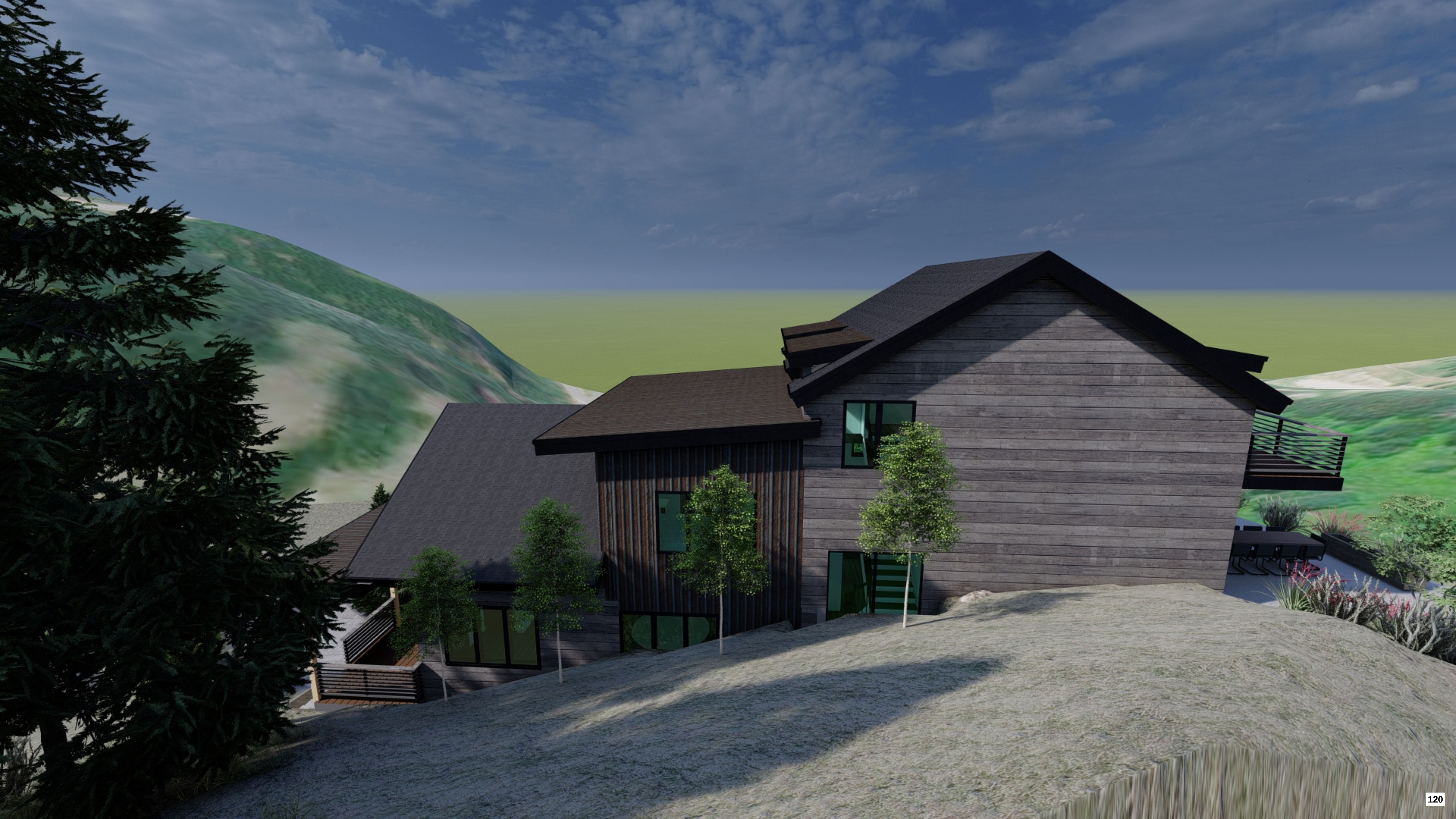
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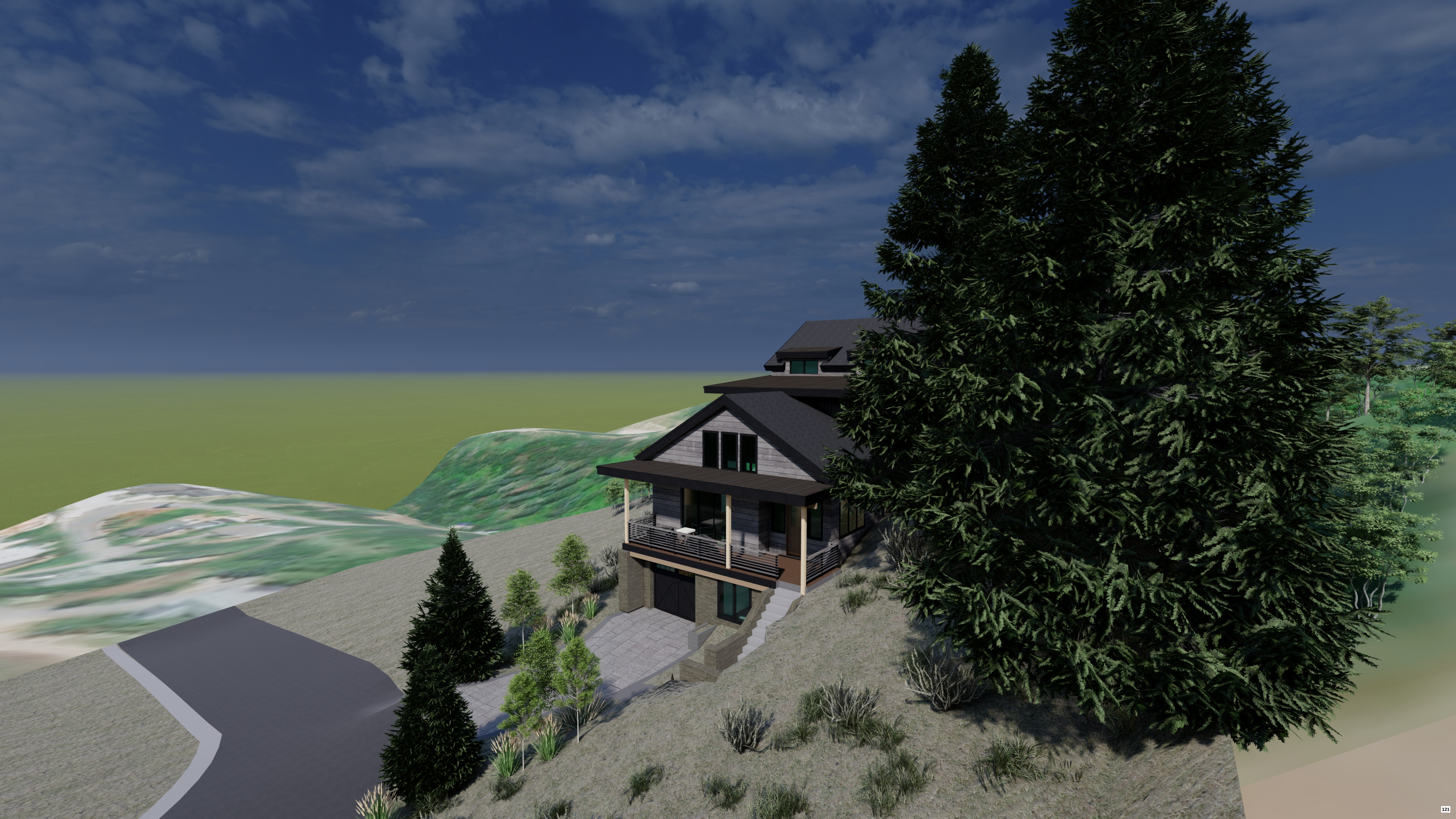


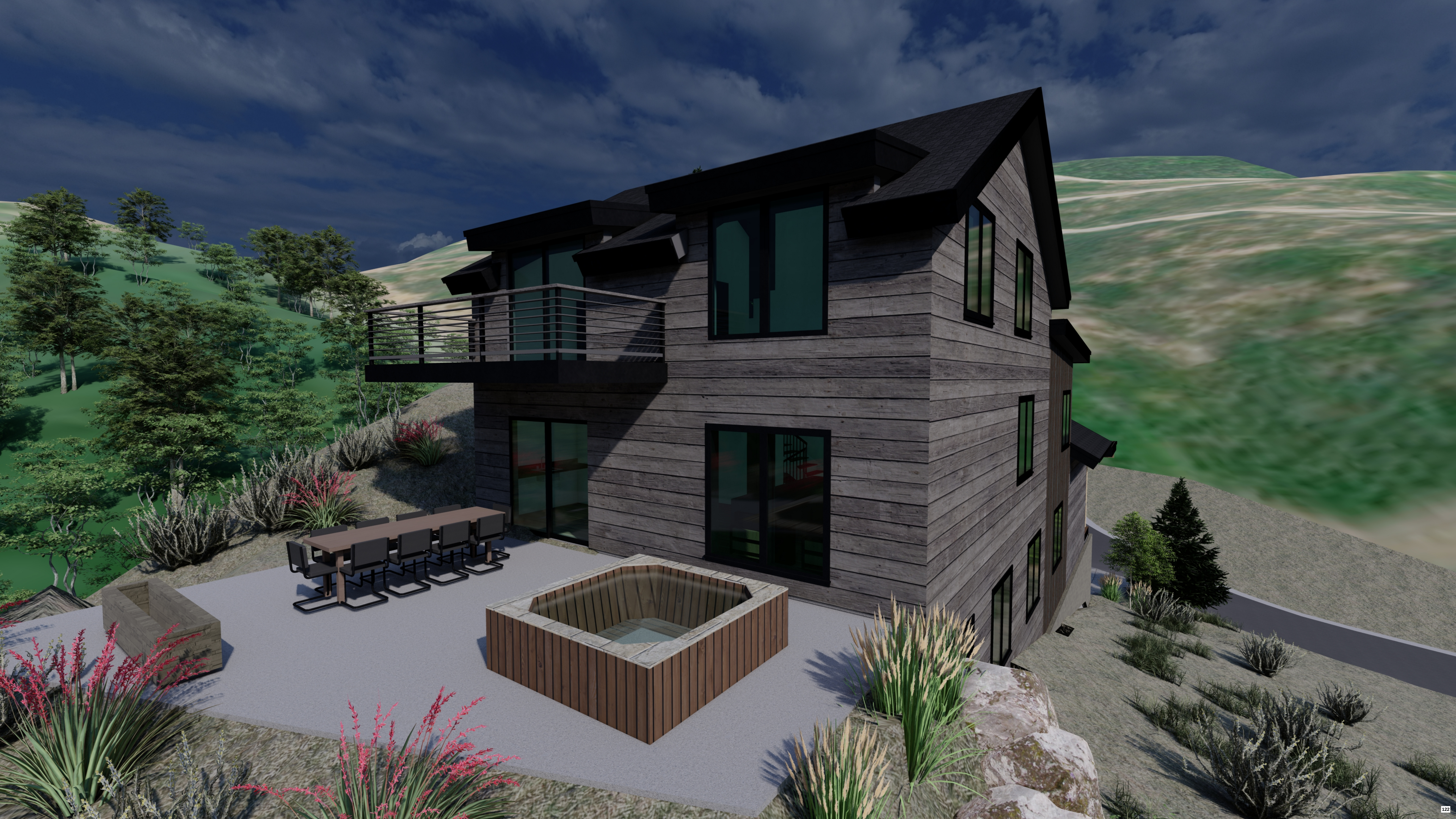


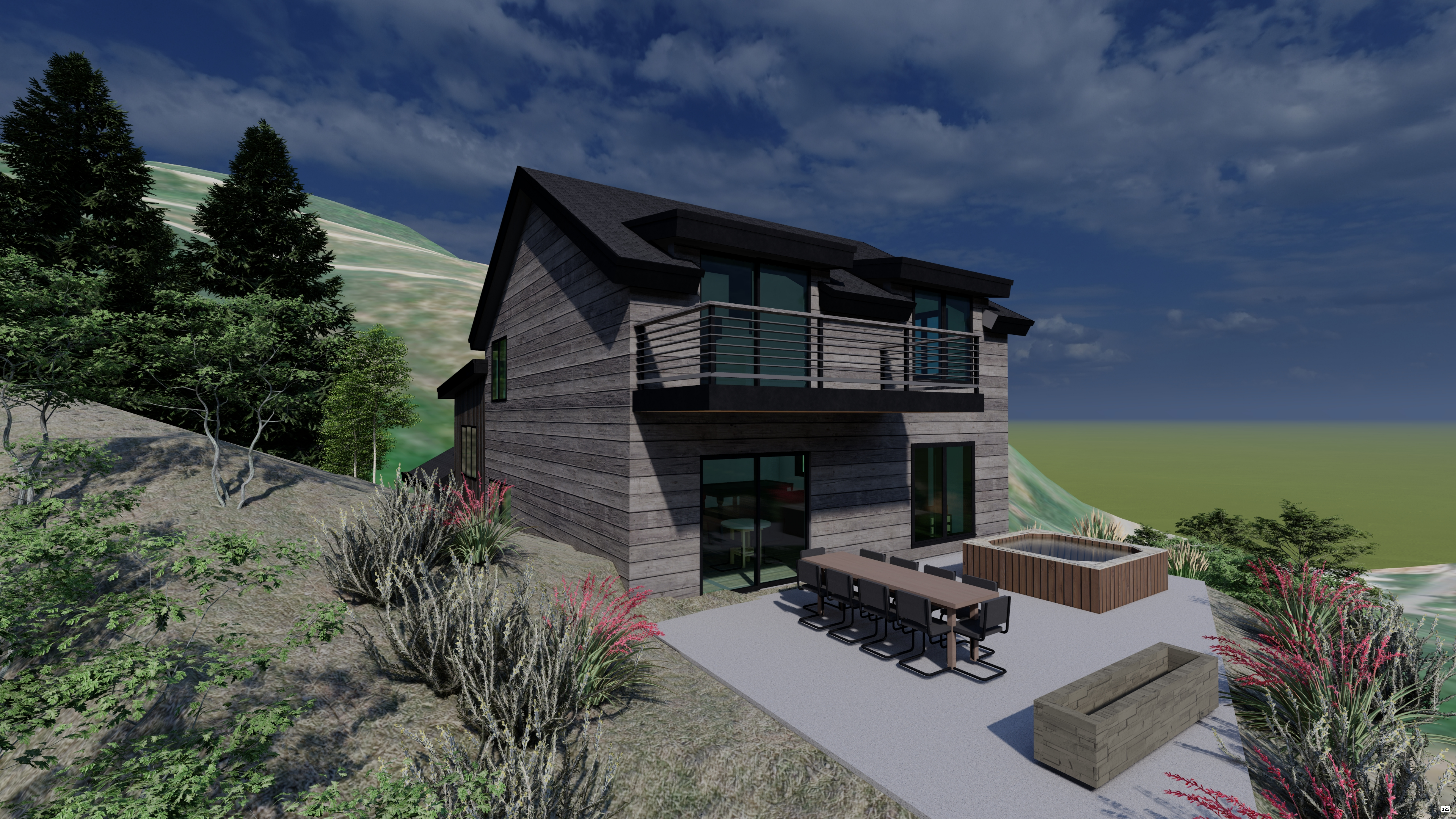


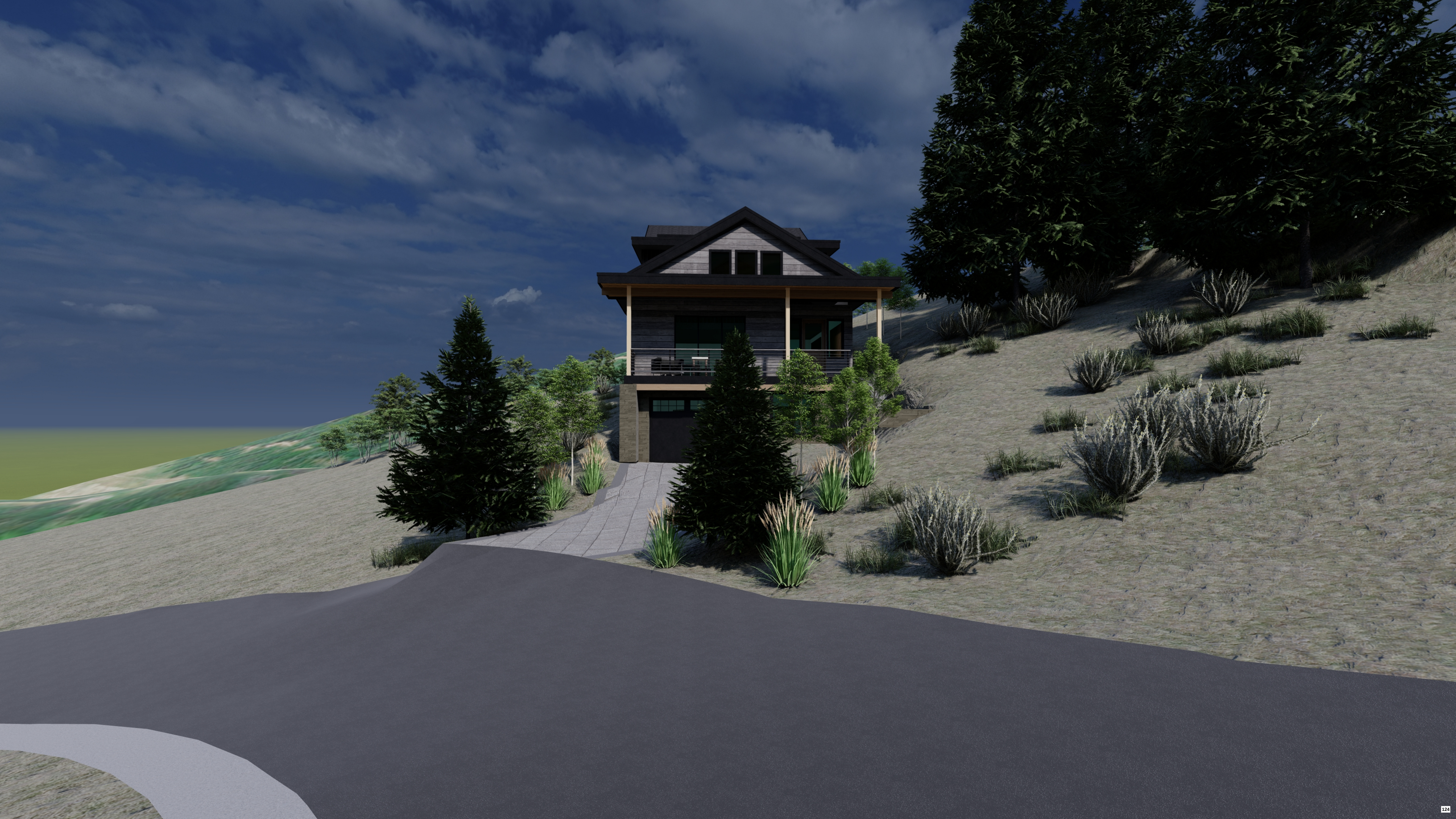


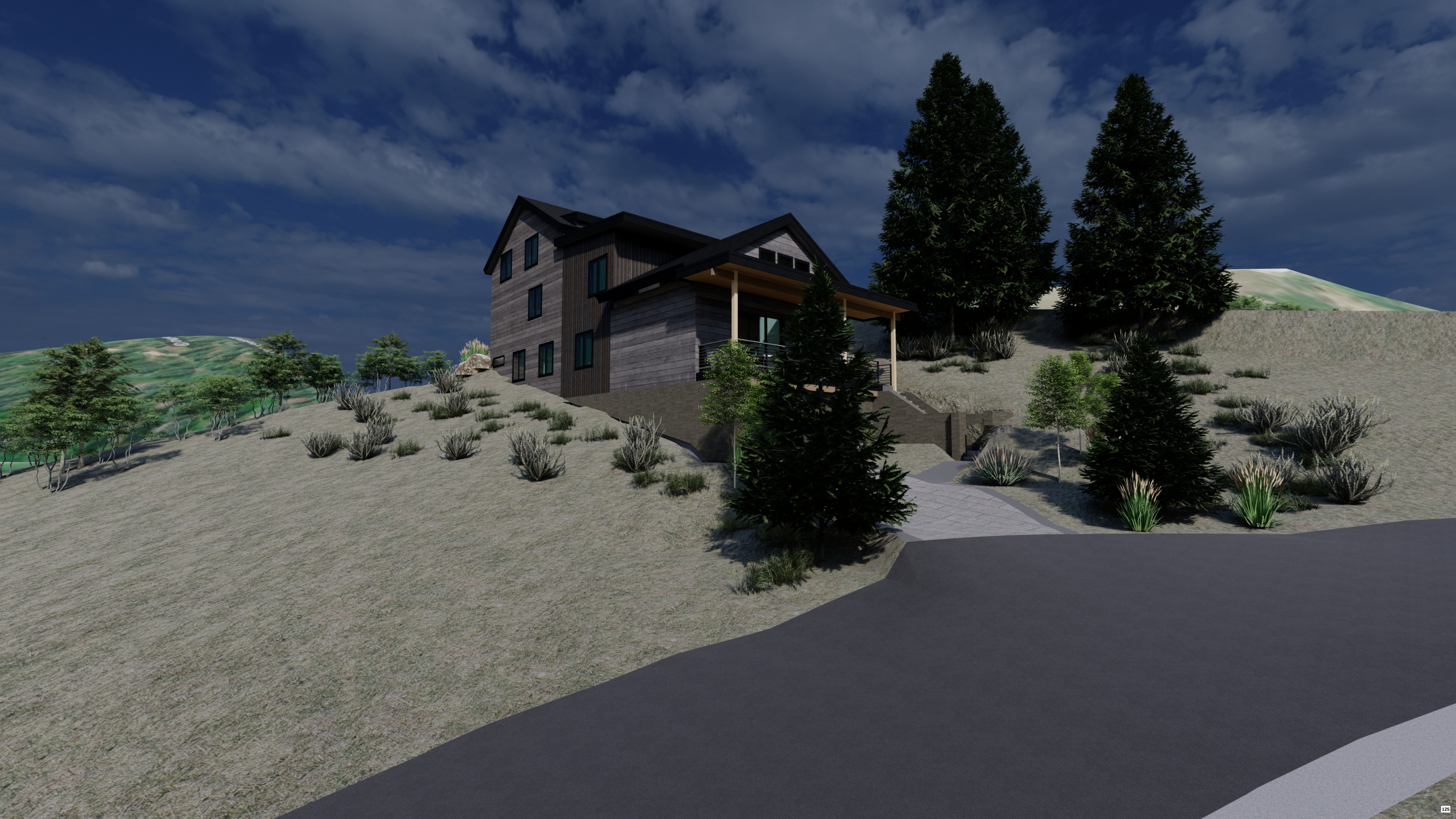












Planning Commission Staff Report



Subject: Sensitive Land Overlay
Application: PL-23-05512
Author: Rebecca Ward, Assistant Planning Director
Date: January 25, 2023
Type of Item: Work Session – Land Management Code Amendment

Recommendation

Review and provide input on potential Sensitive Land Overlay amendments within the Land Management Code to:

- Establish new Ridge Line Areas and Vantage Points for the Southeast Quinn's Junction Area
- Update the Zoning Map to illustrate existing Ridge Line Areas and Vantage Points citywide
- Allow for trails construction within the SLO when approved as part of a Trails Master Plan

The Planning Commission also requested to evaluate steep slope standards.

Description

Applicant: Planning Department

Zoning District: Sensitive Land Overlay

Land Management Code Amended: Chapter 15.2-21 *Sensitive Land Overlay Zone*
Section 15-15-1 *Definitions*

Reason for Review: The Planning Commission conducts a public hearing on Land Management Code amendments and forwards a recommendation to the City Council. The City Council conducts a public hearing and takes Final Action.¹

LMC Land Management Code
SLO Sensitive Land Overlay

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

¹ LMC [§ 15-1-7](#) *Amendments to the Land Management Code and Zoning Map*

Background

These amendments were originally scheduled for Planning Commission review on November 9, 2022, but were continued to January to accommodate the Planning Commission's continued review of the Studio Crossing project ([Agenda](#), Work Session Item 6.A).

In 1991, the City Council recognized the City's economic well-being was dependent on the appeal of the year-round resort destination and that protection of the City's natural resources, view corridors, and mountain environment was directly related to the City's appeal for both tourists and the quality of life for residents. On October 10, 1991, the City Council passed Resolution No. 30-91 *Establishing Principles for the Protection of Sensitive Lands in the Park City Planning Area*, authorizing a study of sensitive lands within the community (Exhibit A).

The following principles guided the study:

- A balance must be maintained between development and the City's natural habitat
- The development process must recognize and respect our natural landforms and vegetative patterns
- A balance must be achieved between the public's desire to preserve the natural alpine environment and the rights of private property owners to develop their land
- As development occurs, significant, contiguous areas of natural habitat should be left undisturbed
- The natural ridgelines must be retained as a backdrop to the City
- Stream corridors, flood plains, and wetlands should be preserved as natural areas
- Developed areas should relate in scale, texture, color, and density to the particular landscape in which they are located
- A thorough analysis of the environmental impacts of developing a site, including aesthetic impacts should be performed prior to approval of development of land
- Road development and other disturbance to natural habitat on the sides of mountains and hills should be limited or designed in such a way as to minimize their visual impact
- The removal or modification of natural earth forms such as rock outcroppings and minor ridges should be kept to a minimum as development occurs

In 1992, the City Council enacted Ordinance No. 92-17 *Adopting the Sensitive Area Overlay Zone Regulations and Amending the Official Zoning Map of Park City, Utah to Include the Sensitive Area Overlay Zone and Amending the Land Management Code of Park City, Utah to Better Regulate Development of Sensitive Lands* (Exhibit B).

The Sensitive Land Overlay (SLO) was adopted to restrict development in aesthetically and environmentally sensitive areas by requiring open space on hillsides, prohibiting development on ridgeline areas and wetlands, and strictly regulating development in entry corridors through clustered development that allowed for reasonable and more

sustainable use of private property. Over the years, the SLO has been modified as follows:

- On February 3, 2000, the City Council adopted Ordinance No. 00-4 to adjust the SLO boundary along Deer Valley Drive East (Exhibit C)
- On December 6, 2007, the City Council adopted Ordinance No. 07-81 to reduce repetitive SLO reviews by the Building and Planning Departments (Exhibit D)

The current [SLO](#) requires the following:

- Applicants with property in the SLO must identify sensitive environmental and aesthetic areas on their property, including steep slopes, ridgeline areas, wetlands, and stream corridors
- Staff reviews the proposal and applies SLO regulations – for example, development cannot occur within 150 feet of a designated Ridge Line Area and development is prohibited on or within 50 feet of a Very Steep Slope, defined as a slope greater than 40%
- Staff completes a Sensitive Area Determination with recommended locations for development, which is provided to the Planning Commission for consideration as part of a subdivision or Master Planned Development application
- Property owners may request relief if the SLO regulations deny all reasonable use of the property

Staff recommends expanding Ridge Line Areas and Vantage Points to the recently annexed acreage in the Southeast Quinn's Junction area, updating the City's Zoning Map to reflect existing designated Ridge Line Areas and Vantage Points citywide, updating Vantage Point references to reflect current conditions, and considering SLO review of trails as part of a Trails Master Plan, rather than on a case-by-case basis for each constructed trail. Additionally, the Planning Commission requested to evaluate steep slope standards.

Analysis

The Park City General Plan recommends protections for sensitive lands. Goal 4 is to conserve a connected, healthy network of open space for continued access to and respect for the natural setting.² Goal 6 states Park City will implement climate adaptation strategies to enhance the City's resilience to the future impacts of climate change and Objective 6C is to support ecosystem health, biodiversity, and natural buffers between development and sensitive lands.³

The LMC implements the goals and policies of the General Plan, in part to allow development in a manner that encourages preservation of environmentally sensitive lands and to prevent development that adds to existing geologic hazards, erosion, flooding, degradation of air quality, wildfire danger or other conditions that create potential dangers

² General Plan, [Natural Setting](#), p. 4

³ General Plan, [Natural Setting](#), p. 6

to life and safety in the community or that detracts from the quality of life in the community.⁴

The purposes of the SLO are to:

- Require dedicated Open Space in aesthetically and environmentally sensitive areas
- Encourage preservation of large expanses of Open Space and wildlife habitat
- Cluster development while allowing reasonable use of property
- Prohibit development on Ridge Line Areas, Steep Slopes, and wetlands
- Protect and preserve environmentally sensitive land⁵

The proposed amendments are outlined below:

Establish New Ridge Line Areas and Vantage Points for the Southeast Quinn's Junction Area

On June 16, 2022, the City Council adopted [Ordinance No. 2022-18](#) *Annexing Approximately 1,200 Acres of Property Located in the Southeast Quinn's Junction Area into the Corporate Limits of Park City*. One of the purposes of the City's regulations regarding annexations is to protect sensitive lands⁶ and annexations that preserve environmentally sensitive lands are preferred.⁷

Sensitive lands were evaluated as part of the Southeast Quinn's Junction Area annexation and the property was annexed into the Recreation and Open Space Zoning District within the Entry Corridor Protection and Sensitive Land Overlays ([Staff Report](#); [Minutes](#), p. 10). At the time of annexation, future LMC amendments to the SLO were identified to designate Ridge Line Areas and Vantage Points for the newly annexed acreage ([Staff Report](#), p. 38 – 39).

Potential Vantage Points include:

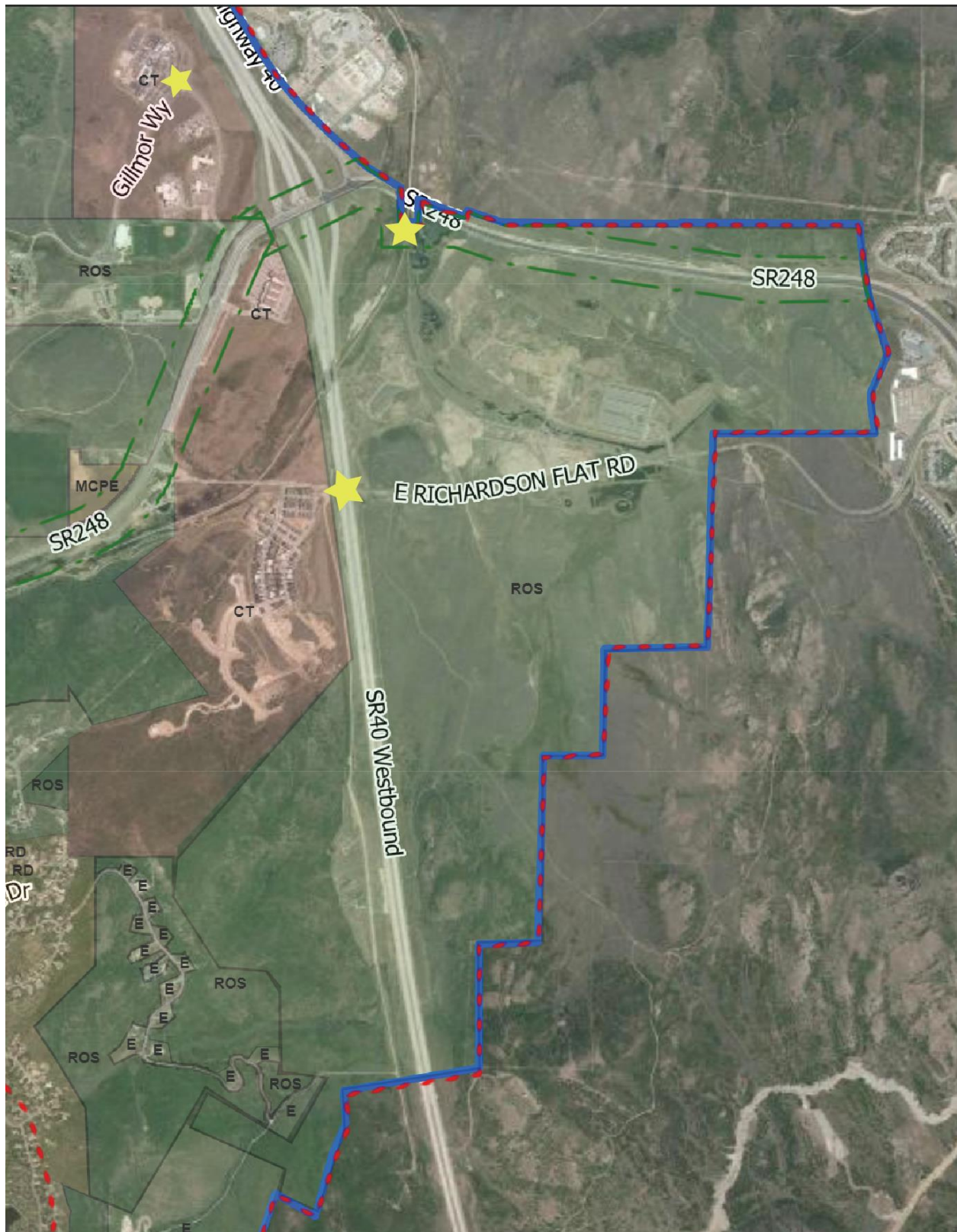
- The roundabout at the Park City Hospital, 900 Round Valley Drive
- The intersection of the Rail Trail and SR 248
- The intersection of Richardson Flat Road and HWY 40

⁴ LMC [Section 15-1-2](#) *Statement of Purpose*

⁵ LMC [Section 15-2.21-1](#) *Sensitive Land Overlay Purpose*

⁶ LMC [Section 15-8-1](#) *Annexation Purpose*

⁷ LMC [Section 15-8-2\(L\)](#) *Annexation General Requirements*



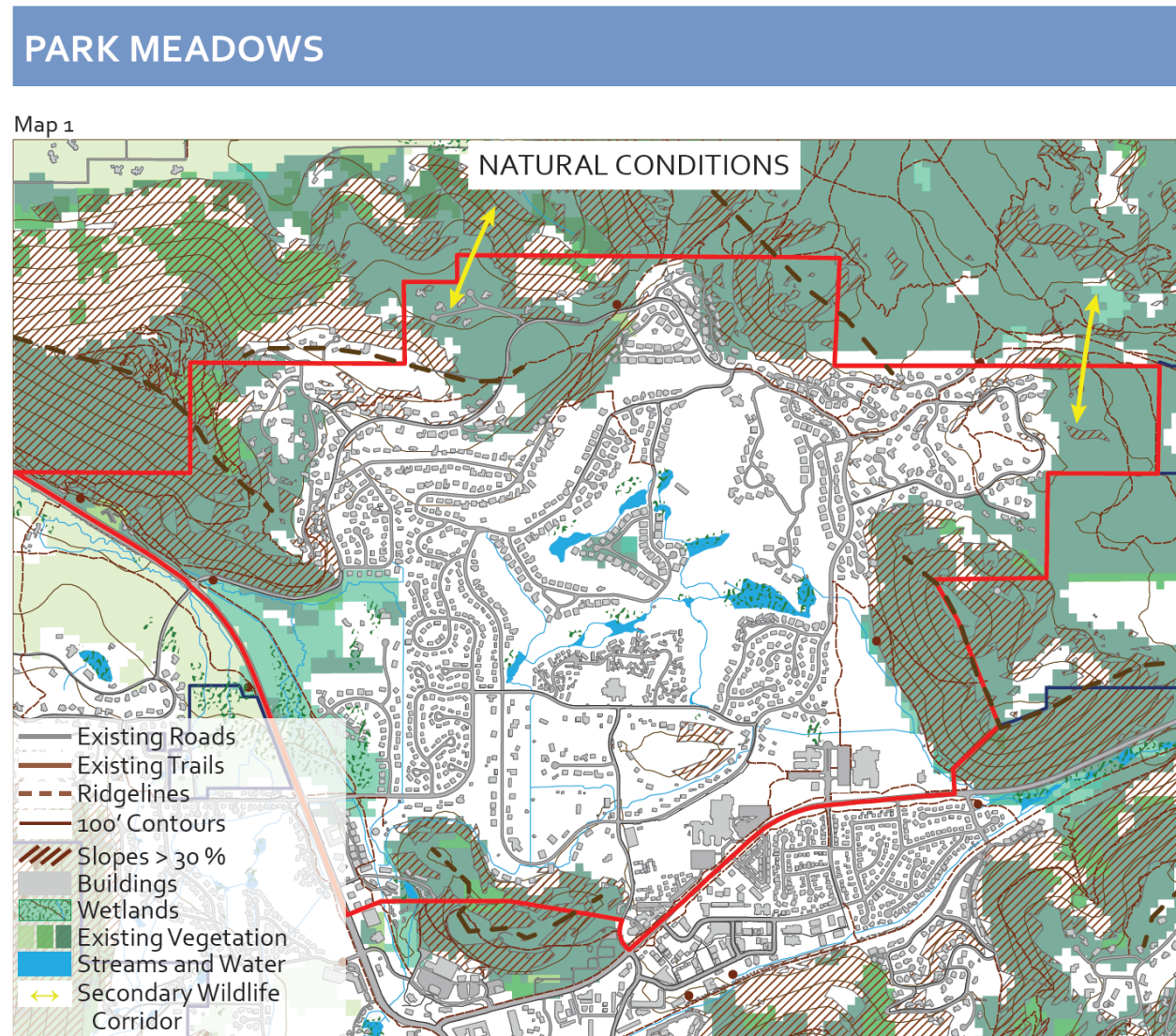
Update the Zoning Map to Illustrate Existing Ridge Line Areas and Vantage Points Citywide

LMC [Section 15-15-1](#) defines *Ridge Line Area* as “[t]he top, ridge, or Crest of Hill, or Slope plus the land located within one hundred fifty feet (150’) on both sides of the top, crest, or ridge.” LMC [Section 15-2.21-3\(A\)\(4\)](#) designates Existing Vantage Points from which visual assessments of projects in the SLO are completed.

When the SLO was first adopted in the 1990s, the map below illustrated designated Ridge Line Areas and Vantage Points:



Currently, designated Ridge Line Areas are shown in the General Plan and are not indicated on a separate map or the Zoning Map. The image below is taken from the General Plan and shows the designated Ridge Line Areas for the Park Meadows neighborhood:



The recommended amendments update the City's Zoning Map to include designated Ridge Line Areas citywide.

The recommended amendments also update Vantage Points. LMC [Section 15-2.21-3\(A\)\(4\)](#) designates Existing Vantage Points from which visual assessments of projects in the SLO are completed:

1. Osguthorpe/McPolin Barn
2. Treasure Mountain Middle School
3. Intersection of Main Street and Heber Avenue
4. Park City Ski Area Base
5. Snow Park Lodge
6. Park City Golf Course Clubhouse
7. Park Meadows Golf Course Clubhouse
8. Utah Highway 248 at the turn-out one quarter mile west from U.S. Highway 40
9. Highway 224, 2 mile south of the intersection with Kilby Road

LMC [Section 15-15-1](#) *Definitions* also outlines Vantage Points “to assist in analyzing the visual impact of Development on hillsides and Steep Slopes:”

VANTAGE POINTS. A height of five feet (5') above a set reference marker in the following designated Vantage Points within Park City that function to assist in analyzing the visual impact of Development on hillsides and Steep Slopes:

1. Osguthorpe Barn;
2. Treasure Mountain Middle School;
3. Intersection of Main Street and Heber Avenue;
4. Park City Ski Area Base;
5. Snow Park Lodge;
6. Park City Golf Course Clubhouse;
7. Park Meadows Golf Course Clubhouse;
8. State Road 248 at the turn-out one quarter mile west from U.S. Highway 40;
9. State Road 224, one-half mile south of the intersection with Kilby Road;
10. Intersection of Thaynes Canyon Drive and State Road 224; and
11. Across valley view.

The proposed amendments update the Vantage Points and provide coordinates, align the SLO Vantage Points and Definitions Section Vantage Points, and clarify Planning Commission discretion to shift the Vantage Points or to add Vantage Points on a case-by-case basis:

1. ~~Osguthorpe/McPolin Barn~~
2. ~~Treasure Mountain Middle School~~ Park City School District Campus
3. Intersection of Main Street and Heber Avenue
4. Park City Ski Area Base
5. Snow Park Lodge
6. ~~Park City Golf Course Clubhouse~~ Intersection of Thaynes Canyon Drive and S.R. 224/Park Avenue
7. Park Meadows Golf Course Clubhouse
8. Utah Highway 248 at the turn-out one quarter mile west from U.S. Highway 40
9. Highway 224, 2 miles south of the intersection with ~~Kilby Road~~ Ute Boulevard

With the potential of additional Vantage Points with coordinates, including:

- The intersection of Holiday Ranch Loop Road and SR 224
- The MARC (1200 Little Kate Road and Monitor Drive)
- The intersection of Queen Esther Drive and Deer Valley Drive
- City Hall
- A location in the Empire Pass area

Allow for Trails Construction within the SLO when Approved as Part of the Trails Master Plan

Each trail constructed in the Recreation and Open Space Zoning District and SLO requires an Administrative Conditional Use Permit (ACUP) and SLO Sensitive Lands Analysis. The City's Trails and Open Space Manager requested the Planning Commission consider additional amendments. The Trails and Open Space Manager requests the Planning Commission consider exceptions for trails constructed within the SLO if those trails are part of a Trails Master Plan that has been reviewed pursuant to the SLO requirements and recommended by the Planning Commission and approved by the City Council.

Staff recommends potential amendments that would require holistic review and application of the SLO at the time of a Trails Master Plan reviewed by the Planning Commission with a recommendation for adoption by the City Council. This would allow for trails identified within the Trails Master Plan to be evaluated for consistency with the Trails Master Plan, rather than to require SLO material submittal and analysis for each individual trail. However, updated materials regarding Significant Vegetation, wetlands, and other materials could be required as part of the ACUP application and review at the time each trail is proposed to be constructed.

Update Planning Applications to Require a Sensitive Lands Analysis

LMC [Section 15-2.21-2\(A\)](#) requires that Applicants with a proposal within the SLO submit a Sensitive Lands Analysis, which identifies Steep Slopes, Ridge Line Areas, wetlands, Stream Corridors, wildland interface, and wildlife habitat areas at the time of application.

Staff is then required to review the Sensitive Lands Analysis and to prepare a report for the Applicant and Planning Commission recommending areas suitable for development.⁸ The Planning Commission may impose Conditions of Approval through a subdivision, plat amendment, Conditional Use Permit, or Master Planned Development (including Affordable Master Planned Developments) to comply with the requirements of the SLO.

Staff recommends updating Planning Applications to outline what is required for those applications located in the SLO to put Applicants on notice prior to submitting their land use application.

⁸ LMC [Section 15-2.21-2\(C\)](#) *Site Development Suitability Determination*

Steep Slope Criteria

The Planning Commission requested an opportunity to evaluate steep slope criteria citywide. Steep Slopes for properties outside the SLO are evaluated through the Steep Slope Conditional Use Permit in the Historic Residential Low – Density, Historic Residential – 1, and Historic Residential – 2 Zoning Districts.

Steep slopes within the SLO are evaluated under criteria outlined in LMC [Section 15-2.21-4 Sensitive Lands Regulations – Slope Protection](#):

The following Slope protection provisions apply in the Sensitive Land Overlay Zone:

- A. **PROHIBITIONS.** No Development is allowed on or within fifty feet (50'), map distance, of Very Steep Slopes, Areas subject to land slide activity, and other high-hazard geologic Areas. As used herein, an Area of Very Steep Slopes must cover a topographic Area at least twenty-five feet (25') vertically, upslope or downslope, and fifty feet (50') horizontally in any direction to be subject to this prohibition.

The Planning commission may vary the Setback from Very Steep Slopes if the Planning Commission can make all of the following findings during the suitability review:

1. Varying the Setback does not create an intrusion by Buildings into the Ridge Line Area when viewed from Land Management Code designated Vantage Points, Section 15-2.21-3(A)(4), or other Vantage Points designated by the Planning staff or Commission, Section 15-2.21-3(B);
2. Building Areas in the Setback do not create excessive cut or fill Slopes; minimal retaining walls to limit disturbance and meet Grade may be required by the Planning Commission subject to Sections 15-2.21-4(B),(C), and (E);
3. Limits of Disturbance around any Structure within the Setback shall be limited to the minimal Area necessary to excavate and backfill the foundation. Decks and patios in the area of the Very Steep Slope setback, may not extend more than fifteen feet (15') beyond the foundation walls or the minimal excavation/backfill Areas, whichever is greater;
4. No additional erosion, land subsidence, or avalanche hazard is created;
5. The Site plan results in an improved organization of units through vegetation avoidance, minimization of changes to the viewshed from public Areas, and reduction of Site disturbance;
6. The reduction in Setback results in a reduction in overall project Density or Development massing as established by the Planning Staff's Site Suitability Determination, and
7. In no case shall additional disturbance be allowed beyond the maximum area determined in the Site Development Suitability Determination (See Section 15-2.21-2(C)).

- B. **GRADED OR FILLED SLOPES.** The Applicant must avoid or, to the greatest extent possible, minimize proposed cuts and fills. Cutting and filling to create additional or larger Building Sites shall be kept to a minimum and shall be avoided to the maximum extent feasible. Except for ski Slopes, Graded or filled Slopes shall be limited to a 3 to 1 Slope or less. All Graded Slopes shall be recontoured to the natural, varied contour of surrounding terrain.
- C. **BENCHING OR TERRACING.** Benching or terracing to provide additional or larger Building Sites is prohibited.
- D. **STREETS AND ROADS.** Streets and roads, proposed for Steep Slopes may not:
1. Cross Slopes of thirty percent (30%) or greater. A short run of not more than one hundred feet (100') may be allowed to cross Slopes greater than thirty percent (30%) if the Planning Director and the City Engineer conclude that such Streets or roads will not have significant adverse visual, environmental, or safety impacts.
 2. Streets and roads proposed to cross Slopes greater than ten percent (10%) are allowed, subject to the following:
 - a. Proof that such Street and/or road will be built with minimum environmental damage and within acceptable public safety parameters; and
 - b. Such Street and road design generally follows contour lines to preserve the natural character of the land, and are Screened with trees or vegetation.
 3. Cutting and filling is minimized and appropriately re-vegetated.
- E. **RETAINING WALLS.** The Use, design, and construction of all retaining walls is subject to an Administrative Permit based upon assessment of visual impact, Compatibility with surrounding terrain and vegetation, and safety.
- F. **LANDSCAPING AND REVEGETATION.** An Applicant must commit to landscaping or re-vegetating exposed Slopes. Topsoil from any disturbed portion of a Steep Slope must be preserved and utilized in re-vegetation. Fill soil must be of a quality to support plant growth.
- G. **PRIVATE DEVELOPMENT DESIGN STANDARDS.** All Development on Steeps Slopes shall comply with the design standards set forth in LMC Chapter 15-5.
- H. **OPEN SPACE AND DENSITY ON DELINEATED PORTIONS OF SITES WITH STEEP SLOPES GREATER THAN FIFTEEN PERCENT (15%) BUT LESS THAN OR EQUAL TO FORTY PERCENT (40%).** In addition to the specific Development regulations set forth above, the following regulations apply:
1. **OPEN SPACE.** Seventy-five percent (75%) of the Steep Slope Area must remain as Open Space.
 2. **DEVELOPABLE LAND.** Twenty-five percent (25%) of the Steep Slope Area may be Developed in accordance with the underlying zoning subject to the following conditions:
 - a. **MAXIMUM DENSITY.** The maximum Density on Developable Land within a Steep Slope Area is governed by the underlying zoning and

proof that the proposed Density will not have a significant adverse visual or environmental affect on the community.

- b. LOCATION OF DEVELOPABLE LAND. The Developable Land in a Steep Slope Area is that Area with the least visual and environmental impacts, as determined by the Sensitive Lands Determination (See Section 15-2.21-2(C)), including the Visual Assessment, and considering the visual impact from key Vantage Points, potential for Screening location of natural drainage channels, erosion potential, vegetation protection, Access, and similar Site design criteria. Based upon such analysis, the Planning Department may require the Applicant to Site the Developable Land pursuant to one or more of the following techniques:
 - 1. Clustered Development, or
 - 2. dispersed Development, or
 - 3. Transfer of Density to the least sensitive portions of the Site.¹
- c. DENSITY TRANSFER. Upon proof of a sensitive Site plan, the Applicant may Transfer up to twenty-five percent (25%) of the Densities from the Open Space portion of the Site to the Developable Land.
- d. SUITABILITY DETERMINATION. The Applicant must prove that the Development will have no significant adverse impact on adjacent Properties. The Planning Commission shall determine that the Proposal complies with this chapter if the Applicant proves:
 - 1. The Density is Compatible with that of adjacent Properties.
 - 2. The Architectural Detail, height, building materials, and other design features of the Development are Compatible with adjacent Properties.
 - 3. The Applicant has adopted appropriate mitigation measures such as landscaping, Screening, illumination standards, and other design features to buffer the adjacent Properties from the Developable Land.

I. OPEN SPACE AND DENSITY ON VERY STEEP SLOPES.

- 1. **REQUIRED OPEN SPACE.** One hundred percent (100%) of the Very Steep Slope Area shall remain in open space. No vegetation within fifty vertical feet (50') in elevation of the Very Steep Slope Area shall be disturbed, except as permitted by the Planning Commission per Section 15-2.21-4.
- 2. **TRANSFER OF DENSITY.** Up to ten percent (10%) of the Densities otherwise allowed in the zone may be transferred to Developable Land subject to a Suitability Determination (See Section 15-2.21-4(H)(2)(d)).

J. MASTER PLANNED DEVELOPMENT (MPD) TDR OPEN SPACE REQUIREMENTS.

The Planning Commission at the time of Master Planned Development or Subdivision review, may reduce the TDR Open Space requirements upon a determination that:

- 1. the Sensitive Land open space set aside is sufficient for the Development,

2. sufficient neighborhood and TDR Open Space is set aside within the Developable Land to serve residents of the Development, and
 3. not less than twenty percent (20%) of the Developable Land is set aside for TDR Open Space.
- K. **DENSITY BONUSES**. In addition to the Density Transfers permitted pursuant to this Section, the Planning Department may recommend that the Planning Commission grant up to a twenty percent (20%) increase in Transferable Densities if the Applicant:
1. offers to preserve open space to ensure the long-term protection of a significant environmentally or visually sensitive Area in a manner approved by the City; or
 2. provides public Access as shown on the Trails Master Plan; or
 3. restores degraded wetlands or environmental Areas on the Site or makes other significant environmental improvements.

¹Development shall be Sited to preserve the open meadow vistas.

***Would the Planning Commission like to evaluate
the Steep Slope criteria and consider updates?***

Department Review

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

Exhibits

Exhibit A: Resolution No. 30-91
Exhibit B: Ordinance No. 92-17
Exhibit C: Ordinance No. 00-4
Exhibit D: Ordinance No. 07-81

**RESOLUTION ESTABLISHING PRINCIPLES
FOR THE PROTECTION OF SENSITIVE LANDS
IN THE PARK CITY PLANNING AREA**

WHEREAS, the City Council of the City of Park City recognizes that the community's economic well being is dependent on the appeal as a year-round resort destination; and

WHEREAS, the protection of Park City's unique natural resources, view corridors, and mountain environment is directly related to Park City's attractiveness for tourists and the quality of life of its residents; and

WHEREAS, the Park City Comprehensive Plan expresses this concern in its goal to **"Preserve and enhance the natural features such as: ridgelines, hillsides, meadows, streams, flood plains, and significant vegetation which form the sensitive alpine environment that makes Park City so appealing"**, and

WHEREAS, one of the objectives of the Comprehensive Plan is to develop a "sensitive lands" ordinance which will guide development in sensitive areas and further, that another objective of the Comprehensive Plan is to protect ridges from development which would be visible on the skyline from prominent areas of the City.

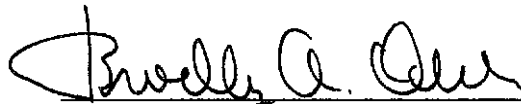
NOW, THEREFORE BE IT RESOLVED, that the City Council authorizes a study of sensitive lands within the community and establishes the following principles to serve as a guide for that study:

1. A balance must be maintained between development and Park City's natural habitat.
2. The development process must recognize and respect our natural landforms and vegetative patterns.
3. A balance must be achieved between the public's desire to preserve the natural alpine environment and the rights of private property owners to develop their land.
4. As development occurs, significant, contiguous areas of natural habitat should be left undisturbed.
5. The natural ridgelines must be retained as a backdrop to the City.

6. Stream corridors, flood plains, and wetland should be preserved as natural areas.
7. Developed areas should relate in scale, texture, color and density to the particular landscape in which they are located.
8. A thorough analysis of the environmental impacts of developing a site, including aesthetic impacts should be performed prior to approval of development of land.
9. Road development and other disturbance to natural habitat on the sides of mountains and hills should be limited or designed in such a way as to minimize their visual impact.
10. The removal or modification of natural earth forms such as rock outcroppings and minor ridges should be kept to a minimum as development occurs.

PASSED AND ADOPTED this 10th day of October, 1991.

PARK CITY MUNICIPAL CORPORATION



Mayor Bradley A. Olch

Ordinance No. 92-17

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

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

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

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

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

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

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

SECTION 2. AMENDMENTS TO THE LAND MANAGEMENT CODE:

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

1.13(1) Sensitive Lands Review. If a conditional use approval is located within the Sensitive Area Overlay Zone, additional requirements and regulations may apply. See the Sensitive Lands Provisions.

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

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

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

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

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

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

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

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

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

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

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

GROSS DENSITY ALLOWED
(Total Site)

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

Sensitive Area Overlay Zone Density established by Sensitive Area Overlay Zone regulations

All other zones Density established by Chapter 7

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

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

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

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

15.2.1.

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

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

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

15.4.1.

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

15.4.10 Preservation of Natural Features and Amenities.

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

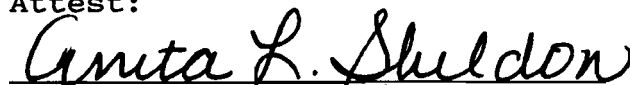
SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect immediately.

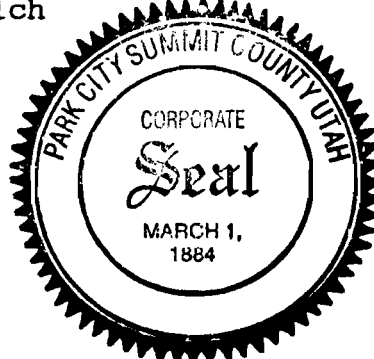
PASSED AND ADOPTED this 24th day of September, 1992.

PARK CITY MUNICIPAL CORPORATION


Bradley A. Olch

Attest:


Anita L. Sheldon, City Recorder



SENSITIVE AREA OVERLAY ZONE REGULATIONS

**Final Draft
September 24, 1992**

**Park City Municipal Corporation
Park City, Utah**

SENSITIVE AREA OVERLAY ZONE REGULATIONS

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SENSITIVE AREA OVERLAY ZONE REGULATIONS

INTRODUCTION AND OVERVIEW

A. Conditions and Development Pressures Leading to Action

For many years, Park City has discussed the need to develop more comprehensive regulations to deal with development on sensitive lands within Park City. The need for new regulations has intensified with increasing development pressures and with the continued buildout of areas within Park City.

The City Council adopted a resolution in October of 1991 that directed the staff to update the current ordinances to include additional regulations for sensitive lands. A citizens focus group was formed and draft Comprehensive Plan amendments and implementation strategies were formulated. This document proposes changes to the Land Management Code to address development in the sensitive areas of Park City.

The basis for these regulations is the Comprehensive Plan for which amendments are proposed to stress the importance of protecting the characteristics that make Park City unique and desirable:

"The long-term viability of the community depends on its success as a year-round tourist destination and as a desirable place to live and work. Park City must maintain its identity to preserve and enhance its appeal."

The primary intent of the regulations included in this document is to restrict development in aesthetically and environmentally sensitive areas. This is done by requiring open space on hillsides, prohibiting development on ridgeline areas and wetlands and strictly regulating development in entry corridors. The intent is that these regulations will encourage large expanses of open space and the clustering of development while still allowing a reasonable use of property.

There are several different categories of land to which these regulations apply. Much of the property within the existing city limits of Park City is subdivided or master planned. Additionally, there is land within the City which is zoned but undeveloped, and land within the Annexation Policy Declaration which is unzoned and not within the current City Limits.

The regulations will apply to land only within the Sensitive Area Overlay Zone and will have a different level of application for each of these situations. A matrix is included (Appendix B) as a part of these regulations to better understand how requirements apply to these different categories of land:

1. Unannexed, Unzoned Land - The City currently has a significant amount of negotiating power in these situations, but these regulations will provide a minimum basis for those negotiations and will set forth the intent so that new development can be made consistent with that intent.
2. Land within the City Limits and Zoned - All of the proposed regulations would apply to this category of land including the density transfer provisions.
3. Land within the City Limits which is Master Planned but not Subdivided - As site specific plans come before the City, these regulations shall be used for site planning and final density determinations. The building design standards and tree/vegetation protection regulations shall apply.
4. Land within the City Limits which is Subdivided - The building design standards and tree/vegetation protection regulations shall apply to these areas.

It is the intent of this ordinance that the sensitive area regulations will also apply to unique or special developments like public works and utility projects, ski resorts, and industrial activities. However, given the special nature of these developments, the ordinance applies the regulations through special procedures.

These regulations are a beginning point. Because of limited staff resources, there has been an attempt to address the most vital issues relating to development on sensitive lands. Other future regulations may be appropriate as time and staffing allows.

B. Basic Regulatory Approach

The city staff and sensitive lands consultants analyzed a range of regulatory approaches and specific tools to deal with the development pressures on sensitive lands. For example, the team explored options such as a complete rewrite of the city's zoning ordinance to emphasize protection of sensitive lands. They examined innovative growth management systems involving performance zoning and development point systems that are being utilized in other fast-growing communities.

Based on this analysis and an assessment of the pros and cons of each option, the city staff and consultants concluded that given the need to act expeditiously, the best approach was to

adopt a special overlay zoning protection district for all lands containing sensitive environmental areas (importantly, defined to include both sensitive visual and natural environmental areas). Such overlay protection districts are used frequently in localities throughout the United States, and in fact, Park City already utilizes this technique under its Land Management Code.

The overlay protection zone will work as follows. Within the new district, all existing land-use and building regulations now in place will continue to apply except to the extent the regulations contained in the protection district are stronger or more restrictive. In a few instances, new regulations are proposed that would amend existing zoning regulations (for example, the limits of disturbance regulations or building design standards would apply to all development, including residential and commercial, etc.). The overlay district regulations would also serve as minimum standards of review to guide annexation negotiations, but could be applied with a greater degree of discretion given the flexibility inherent in the annexation process.

The overlay review process, described in greater detail in the proposed regulations, will have four primary steps:

1. Sensitive area analysis and delineation: All applicants for development (defined as including applications for subdivision or other development permits, including significant changes in existing Master Planned Developments (MPD), and for annexation) whose property has been identified as being within the sensitive area overlay zone, will be required to undertake an analysis of their property to identify sensitive environmental and aesthetic areas such as steep slopes, ridgeline areas, wetlands, and stream corridors. The regulations set forth criteria for the staff delineation of sensitive environmental areas.
2. Application of overlay zone regulations: Once the staff delineates sensitive areas on a site, regulatory standards will apply depending on the type of area involved (for example, a setback from a crest of a hill or wetlands or a prescribed amount of open space and existing vegetation that must be retained).
3. Site Development Suitability Review: The site will be analyzed and the most appropriate location for development will be determined based upon criteria for suitability outlined in Sections 2.1.9.c and 2.2.3.c. The staff shall review the Sensitive Area Determination and the proposed locations for development

at this time. A report shall be given to the Planning Commission which shall discuss appropriate areas for development and road restrictions. The Community Development Director may require that an application be reviewed by the Planning Commission prior to the master plan or subdivision review based upon size, location, and complexity of the project. A proposal will then continue with the design phase and will be reviewed and approved by the Planning Commission according to the process required in the Land Management Code. The MPD or Subdivision approval shall include density bonuses which may be appropriate as well as the open space requirement within the developed portion of an MPD site.

4. Hardship relief: Application of the sensitive area regulations may in a few cases, particularly involving smaller parcels, give rise to substantial economic hardship. Special procedures are recommended to obviate such hardship. If the applicant can demonstrate that the regulations would deny all reasonable use of the property, administrative steps are specified to provide relief through a special hearing process.

C. Effect on Existing Master Plans

There are number of existing, valid Master Plans which have been approved. Requests for site specific approval for parcels within Large Scale Master Plans which are located within the Sensitive Area Overlay Zone shall be required to go through the Sensitive Lands Analysis and the development will be required to be placed on the least sensitive portion of the parcels. In general, the site design criteria shall apply to these proposals.

If there is a request to change the form of density for a part or all of a Master Plan or a request to substantially modify the plan, the total permitted density will be reevaluated based upon the criteria in these provisions.

D. Changes in Existing Ordinance Provisions

In some instances, adoption of the sensitive area overlay zone regulations will require changes in existing city land development regulations to ensure consistency and compatibility. These provisions are identified in general terms.

E. Future Ordinance Revisions

In addition to recommendations for new sensitive area overlay regulations that should be adopted immediately, possible future revisions to the city's land development regulations are identified for consideration.

SENSITIVE AREA OVERLAY ZONE ORDINANCE PROVISIONS

SECTION 1: APPLICATION AND ANALYSIS REQUIREMENTS

In the Sensitive Area Overlay Zone as depicted in the accompanying map, the following application and analysis requirements and standards shall apply. The map requires that the following analysis be conducted to determine the exact boundaries of the sensitive areas and does not in and of itself define the sensitive areas.

1.1. Sensitive Area Analysis and Determination

Any applicant for any development approval must produce a sensitive lands analysis performed by qualified professionals that identifies and delineates all the following features and conditions.

- 1.1.1 Slope/topographic map, which shall be based on a certified boundary survey and depict contours at an interval of five (5) feet or less. Additionally, the map shall highlight areas of high geologic hazard, areas subject to landsliding, and all significant steep slopes in the following categories: (1) greater than fifteen (15) percent but less than or equal to thirty (30) percent; (2) greater than thirty (30) percent but less than or equal to forty (40) percent; and (3) over forty (40) percent. Steep slopes shall be defined as all areas within a parcel with a slope of greater than fifteen (15) percent. Slope determinations shall be made upon areas at least twenty-five (25) feet vertically and fifty (50) feet horizontally.
- 1.1.2 Ridgeline areas, which shall include all crests of hills or steep slopes as defined in Section 4.
- 1.1.3 Vegetative cover, generally by type and density of vegetation, including: 1) deciduous trees, 2) coniferous trees, 3) gamble oak or high shrub, and 4) sage, grassland, and agricultural crops. The Community Development Department shall have the discretion to require a more detailed tree/vegetation survey if the site has significant or unusual vegetation, stands of trees, or woodlands.

- 1.1.4 All designated entry corridors and designated vantage points present within or adjacent to the site, including Utah Highway 248 east of Wyatt Earpp Way and Utah Highway 224 north of Holiday Ranch Loop Road and Payday Drive.
- 1.1.5 Wetlands as established by using the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, dated January 10, 1989. Although the Federal Manual may change in the future, the City will use this referenced manual as a basis for wetlands determination.
- 1.1.6 Stream corridors as defined by their ordinary high-water mark.

1.2 Additional Information and Study Requirements

In addition to the analysis required by the preceding subsection, the Community Development Department may require the applicant to undertake the following studies and submit the following information and assessments to ensure that the City has adequate information to comprehensively assess all development proposals. Such information and studies may include, but are not limited to:

- 1.2.1 Visual assessment of the subject property from relevant designated vantage points as directed by the Community Development Department, depicting conditions before and after the proposed development, including the proposed location, size, design, landscaping, and other visual features of the project to assist in analyzing the potential aesthetic impact and most advantageous location of structures and other improvements to reduce any adverse impact. The visual assessment shall be conducted using techniques as approved by the Community Development Director, including but not limited to sketches, models, drawings, renderings, hand-enhanced photographs, and computerized images. Selection of the appropriate technique will depend on the size of the development and the visual sensitivity of the proposed development site.
- 1.2.2 Soil investigation report, including but not limited to shrink-swell potential, elevation of water table, general soil classification and suitability for development, erosion potential, hazardous material analysis, and potential frost action.
- 1.2.3 Geotechnical report, including but not limited to location of major geographic and geologic features, depth of bedrock, structural features (folds, fractures,

etc.), and potential slide and other high-hazard areas such as mine shafts and avalanche paths.

1.2.4 Additional Slope Information. If the size of the proposed development and visual sensitivity of the site dictate, the Community Development Department may require the submission of a slope/topographic map depicting contours at an interval of two (2) feet.

1.2.5 Fire protection report, including but not limited to identification of potential fire hazards, mitigation measures, access for fire protection equipment, existing and proposed fire flow capability. The fire protection report shall address, as appropriate, the State Forester's Wildfire Hazards and Residential Development Identification Classification and Regulation Report and the Summit County Wildfire Plan.

1.2.6 Hydrologic report, including but not limited to information on groundwater levels, drainage channels and systems, and base elevations in floodplains.

1.2.7 Wetland/stream corridor resource evaluation, including a delineation of wetland and stream corridor boundaries and a determination of resource significance pursuant to Section 2.4.

1.3 Waiver/Modification of Analysis and Study Requirements.

Based upon a preliminary assessment of the development proposal and a site field inspection, the Community Development Director may modify or waive any of the sensitive area analysis requirements upon a determination that the information is not necessary for a full and adequate analysis of the development or is sufficient at a reduced level of detail.

1.4 Sensitive Area Determination.

The Community Development Department shall delineate all sensitive areas on the parcel, including steep slope areas, ridgeline areas, entry corridors, and wetlands and stream corridors based on information submitted pursuant to this section, any other information and data available to or acquired by the Community Development Department, and an analysis thereof. Such delineation shall be used as the basis for all calculations of open space, density, buffers, setbacks, and density transfers permitted or required by this ordinance.

1.5 Density Transfer.

Whenever land within the Sensitive Areas Overlay Zone is subject to more than one density transfer provision, the more restrictive provision shall apply.

1.6 Annexations

Whenever an Annexation Petition is presented to the City, that Annexation shall be required to provide a Sensitive Area Analysis according to this code and may require varying levels of detail based upon existing conditions on the site. The Sensitive Area will be determined based upon that analysis. The analysis may lead to the designation of additional significant ridgelines, wetlands or vantage points which may not have been previously included as a part of this ordinance or of the accompanying maps.

SECTION 2: SENSITIVE AREA REGULATIONS

The following provisions shall apply to all delineated sensitive areas contained in the Sensitive Area Overlay Zone, including steep slopes, ridgeline areas, meadows, entry corridors, wetlands, and stream corridors.

2.1 Slope Protection Regulations

- 2.1.1 Intent. It is the intent of these regulations to protect Park City's visual character and environmentally sensitive areas on hillsides and slopes. This shall be accomplished by minimizing the visual and environmental impacts of development through careful site planning that maintains the maximum amount of open space, protects existing vegetation, avoids sensitive natural areas, minimizes erosion, recognizes the need for water conservation and locates structures in the least visually sensitive location. These regulations shall apply to all slopes in excess of fifteen (15) percent.
- 2.1.2 Prohibitions. No development shall be allowed on or within fifty (50) feet of slopes in excess of forty (40) percent, areas subject to landsliding, and other high-hazard geological areas as determined by a geotechnical or soils report produced pursuant to Section 1.2.2 and 1.2.3 herein.
- 2.1.3 Graded or filled slopes. Cutting and filling to create additional or larger building sites shall be kept to a minimum and avoided to the maximum extent feasible. All proposed grading and filling shall be subject to review by the Community Development Department to ensure minimum visual impact and geotechnical safety. Graded or filled slopes shall be limited to thirty-three a 3 to 1 slope or less. All graded slopes shall be recontoured to the natural, varied contour of surrounding terrain. Exceptions to this provision may be made for grading associated with ski area development based upon Section 3.2.
- 2.1.4 Benching or terracing to provide additional or larger building sites is prohibited.
- 2.1.5 Streets and roads. Road construction in hillsides can be the most visually disruptive portion of a development. Development in some areas may not be appropriate if roads cannot be constructed to access it without causing

significant visual impacts. Where streets and roads, public and private, are proposed to be constructed on steep slopes:

- (a) Streets and roads that cross slopes of thirty (30) percent or greater shall not be allowed, except that a short run of not more than one hundred (100) feet across slopes greater than thirty (30) percent may be allowed by the Community Development Director upon a favorable recommendation by the Planning Director and the City Engineer that such streets or roads will not have significant adverse visual, environmental, or safety impacts.
- (b) Where streets and roads, public and private, are proposed to cross slopes greater than ten (10) percent, the following standards shall apply:
 - (1) Evidence must be presented that such streets and roads will be built with minimum environmental damage and within acceptable public safety parameters.
 - (2) Such streets and roads shall, to the maximum extent feasible, follow contour lines, preserve the natural character of the land, and be screened with trees or vegetation.
 - (3) Cutting and filling shall be held to a minimum and retaining walls employed to help provide planting areas conducive to revegetation. Revegetation plans will be required for all areas disturbed during road construction.

2.1.6 Retaining walls. Use of retaining walls is encouraged to reduce the steepness of man-made slopes and provide planting pockets conducive to revegetation. The use, design, and construction of all retaining walls shall be subject to the approval of the Community Development Department based upon assessment of visual impact, compatibility with surrounding terrain and vegetation, and safety considerations.

2.1.7 Landscaping and revegetation. In order to mitigate adverse environmental and visual effects, slopes exposed in new development shall be landscaped or

revegetated in accord with a revegetation/landscaping plan as provided in Sections 15.4.2 (d) and 10.9 (k) of the Park City Municipal Land Management Code (Limits of Disturbance/Vegetation Protection), as amended. See Appendix B herein. Topsoil from any disturbed portion of a steep slope shall be preserved and utilized in revegetation. Fill soil must be of a quality to support plant growth.

2.1.8 Private development design standards. All development on steep slopes shall comply with the design standards set forth in Chapter 9 of the Land Management Code--Architectural Review (See Appendix A attached hereto.).

2.1.9 Open space and density on delineated portions of sites with steep slopes greater than fifteen (15) percent but less than or equal to forty (40) percent. In addition to the specific development regulations set forth above, the following general open space, limits of disturbance, and density transfer regulations shall apply:

(a) Open space. Seventy-five (75) percent of the steep slope area shall remain in natural open space as defined in the Land Management Code. Twenty five (25) percent may be developed in accordance with the underlying zoning subject to the following conditions.

(1) Maximum development density. The maximum allowable density that may be developed on the portion of the steep slope area not set aside for open space shall be governed by the underlying zoning. However, the maximum allowable density shall be permitted only by approval of the Community Development Department pursuant to the visual and environmental analysis provided for in Sections 1.1 and 1.2, and a finding that development at that density will not have a significant adverse visual or environmental affect on the community as set forth in Section 2.1.9(c).

(2) Location of development within sensitive areas. Any development permitted in steep slope areas pursuant to this section shall be located in such a manner to reduce visual and environmental impacts to the maximum

extent feasible. To determine the most appropriate location for development, the Community Development Department shall require that the applicant conduct a visual and environmental analysis considering visual impact from key vantage points, potential for screening, location of natural drainage channels, erosion potential, vegetation protection, access, and similar site design criteria. Based upon such analysis, the Community Development Department may require any one or a combination of the following measures:

- (i) clustering of development within the sensitive area, or
 - (ii) dispersal of development throughout the sensitive area, or
 - (iii) transferral of development density to non-sensitive or less sensitive portions of the site not subject to Section 2. In transferring development to less sensitive portions of the site, meadows must also be considered as important visual resources. A low lying meadow area may not always be the most appropriate location for all the development on a site to occur. Development shall be sited to preserve the open meadow vistas which are also desirable.
- (b) Density transfer. Up to twenty-five (25) percent of the densities otherwise permitted in the underlying zone attributable to the 75% open space portion of the site may be transferred to other portions of the site. The density transfer shall be subject to a suitability determination as set forth in Section 2.1.9(c). In addition to density transfers permitted above, up to one (100) hundred percent of the remaining preexisting density as set forth in Section 2.1.9(a) is eligible for transfer.
- (c) Suitability determination. A suitability determination certifying that a development will have no significant adverse impact on

adjacent properties or development shall be granted by the Planning Commission at the time of master plan or subdivision review if the following conditions are satisfied:

- (1) The overall development density of the entire parcel (not limited to the portion of the parcel receiving the transferred densities) is compatible with that of adjacent properties or developments. The fact that individual lot sizes in the receiving area may vary from those of adjacent properties or developments shall not be determinative of incompatibility.
- (2) The architecture, height, building materials, and other design features of the development in the receiving area are compatible with adjacent properties or developments.
- (3) The applicant has agreed to adopt appropriate mitigation measures such as landscaping, screening, illumination standards, and other design features as recommended by the Community Development Department to buffer the adjacent properties from the receiving area.

2.1.10 Open space and density on portions of sites with very steep slopes (in excess of 40 percent).

- (a) One hundred (100) percent of the very steep slope area shall remain in open space. No vegetation within fifty (50) feet of the very steep slope area shall be disturbed.
- (b) Up to ten (10) percent of the densities otherwise permitted in the zone may be transferred to other portions of the site, including delineated sensitive areas. The density transfer shall be subject to a suitability determination by the Community Development Department as set forth in Section 2.1.9(c).

2.1.11 Land Management Code Master Planned Development (MPD) Open Space Requirements. The sixty (60) percent open space requirements contained in Chapter 10.9.(c) of the Land Management Code shall continue to apply to the developed portion of an MPD site. However, the Community Development

Department may recommend to the Planning Commission at master plan or subdivision approval to reduce the sixty (60) percent open space requirement on non-sensitive areas on the site receiving a density transfer upon a determination that:

- (a) The sensitive area open space set aside is sufficient to provide adequate natural open space for the entire development, and
- (b) Sufficient neighborhood and recreational open space is set aside within the developable portion of the site to serve residents of the development.
- (c) In no case shall less than twenty (20) percent of the developable portion of the MPD site be set aside for neighborhood and recreational open space.

2.1.12 Density bonuses. In addition to the density transfers permitted pursuant to this Section, the Community Development Department may recommend that the Planning Commission grant, at the MPD or subdivision review, up to a maximum of twenty (20) percent increase in transferrable densities if the applicant:

- (a) Donates open space either in fee or a less-than-fee interest to either the City or another unit of government or nonprofit land conservation organization approved by the City. Such density bonus shall only be granted upon a finding by the Director that such donation will ensure the long-term protection of a significant environmentally or visually sensitive area; or
- (b) Provides public access other than trails normally required through the development process and as shown on the Trails Master Plan; or
- (c) Restores degraded wetlands or stream areas on the site or makes other significant environmental improvements.

2.2 Ridgeline Area Protection Regulations

- 2.2.1 Intent. The intent of these provisions is to protect the unique visual and environmental character of all designated ridgeline areas within the Sensitive Area Overlay Zone and to ensure that development near ridgeline areas blends in with rather than interrupts or modifies the natural contour elevations of these landforms. Significant ridgeline areas should be retained in a natural state, and development should be sited in such a manner so as not to create a silhouette against the skyline or mountain backdrop as viewed from designated vantage points.
- 2.2.2 Minimum setback. No building, roof, or other appurtenant device shall encroach upon the ridgeline area, as defined in Section 4.2. Additionally, no roof or other appurtenant device, including mechanical equipment, on any building may visually intrude on the ridgeline area from any of the eight designated vantage points as depicted on the accompanying map, determined by a visual assessment.
- 2.2.3 Open space and density. In addition to the specific development regulations set forth above, the following general open space, limits of disturbance, and density transfer regulations shall apply to all ridgeline areas in the Sensitive Area Overlay Zone as defined in Section 4.2:
- (a) No vegetation within the ridgeline area shall be disturbed. One hundred (100) percent of the ridgeline area shall remain in open space.
 - (b) Density transfer. Up to twenty-five (25) percent of the densities otherwise permitted in the zone attributable to the ridgeline area may be transferred to portions of the site determined not to be subject to regulations contained in Section 2 herein. The density transfer shall be subject to a suitability determination as set forth below.
 - (c) Suitability determination. A suitability determination certifying that a development will have no significant adverse impact on adjacent properties or development shall be granted by the Planning Commission at the time of master plan or subdivision review if the following conditions are satisfied:

- (1) The overall development density of the entire parcel (not limited to the portion of the parcel receiving the transferred densities) is compatible with that of adjacent properties or developments. The fact that individual lot sizes in the receiving area may vary from those of adjacent properties or developments shall not be determinative of incompatibility.
- (2) The architecture, height, building materials, and other design features of the development in the receiving area are compatible with adjacent properties or developments.
- (3) The applicant has agreed to adopt appropriate mitigation measures such as landscaping, screening, illumination standards, and other design features as recommended by the Community Development Department to buffer the adjacent properties from the receiving area.

2.2.4 Density bonuses. In addition to the density transfers permitted pursuant to this Section, the Community Development Director may recommend that the Planning Commission grant, at MPD or subdivision review, up to a maximum of twenty (20) percent increase in transferrable densities if the applicant:

- (a) Donates open space either in fee or a less-than-fee interest to either the City or another unit of government or nonprofit land conservation organization approved by the City. Such density bonus shall only be granted upon a finding by the Director that the donation will ensure the long-term protection of a significant environmentally or aesthetically sensitive area; or
- (b) Provides public access for trails, other than those normally required as a part of the development process and as shown on the Trails Master Plan; or
- (c) Restores degraded environmental areas on the site or makes other significant environmental improvements.

2.3 Entry Corridor Protection

- 2.3.1 Intent. To protect the image of Park City as a mountain community with sweeping, attractive vistas, it is the intent of this section to maintain the visual character of all designated entry corridors into Park City including open space and meadows located in the entry corridor protection areas, views of hillsides and ridgeline areas, and natural areas such as streams and wetlands. This objective can be attained by eliminating or mitigating visually obtrusive development and ensuring that significant portions of meadows remain in open space.
- 2.3.2 Applicability to property within existing Park City limits. The regulations contained in this subsection shall apply to all structures on lots adjacent to or within two-hundred and fifty (250) feet of the nearest right-of-way of entry corridors within the existing boundaries of Park City including (1) Utah State Highway 224 north of Holiday Ranch Loop Road and Payday Drive, (2) Utah State Highway 224 south of Prospect Avenue, and (3) Utah Highway 248 east of Wyatt Earpp Way.
- 2.3.3 Applicability to future annexed properties. Upon submission of an annexation petition, the Community Development Department shall identify relevant entry corridors for designation by the City Council and to the maximum extent feasible open vistas and meadows shall be maintained.
- 2.3.4 Access/traffic. Access points and driveways connecting directly to the entry corridor roadways shall be minimized. Access shall be from existing city streets that join with the corridor roadways rather than direct roadway access. Common driveways between adjoining projects shall be encouraged. Whenever direct driveway access is necessary, it shall be located in such a manner to minimize interference with through traffic on the corridor roadway.
- 2.3.5 Setbacks.
- (a) A setback line shall be established by the Community Development Department based upon a visual assessment of the property. However, in no case shall the setback be less than one-hundred (100) feet from the nearest entry roadway right-of-way. In areas where open meadow vistas are considered important, the required setback may be increased significantly.

The 100 foot standard is intended to be more appropriate for properties currently within the City Limits. Upon Annexation request, the appropriate setback will be determined based upon a site specific visual analysis.

- (b) Building setbacks shall vary from structure to structure within any one lot or development. Setbacks shall also vary from those on adjoining roadway-oriented property to avoid creating a walled effect. Buildings shall be located in such a manner to enhance and frame important views as determined in the visual assessment provided for in Section 1.2.1.
- (c) Agricultural or stock fences shall be permitted in the setback area subject to approval by the Community Development Department.

2.3.6 Parking lots. Parking lots shall be located to the rear or sides of buildings to the maximum extent feasible.

2.3.7 Berms/earthwork screening. All earthen berms and earthwork screening shall be graded and planted in such a manner so as to permit views of primary uses on the site from the adjacent entry corridor roadway. Additionally, berm crests shall be contoured and varied in height to avoid a straight-line barrier effect.

2.3.8 Fencing. In addition to the requirements contained in Section 8.7 of the Land Management Code, all fences in the entry corridor shall be of one of the following styles:

- (a) Wooden rail
- (b) Architecturally compatible solid wood and natural stone.
- (c) Stock fences
- (d) Various forms of steel fencing as determined by the Community Development Department, not including chain link fencing.

2.3.9 Height controls. No building shall exceed the following height limits, as defined in Section 2 of the Land Management Code:

- (a) Twenty (20) feet if the entry corridor setback is less than one-hundred fifty (150) feet.
- (b) Twenty-five (25) feet if the entry corridor setback is greater than one-hundred fifty (150) feet but less than two-hundred (200) feet.
- (c) Up to the maximum height allowed by the underlying zone if the setback is two-hundred (200) feet or greater.

In addition, buildings may be required to be stepped back to preserve and enhance important views defined in the visual assessment as provided in Section 1.2.1.

2.3.10 Pedestrian facilities. Trails and sidewalks shall be provided in all entry corridor developments in accordance with the Park City Trails Master Plan.

2.3.11 Landscaping/vegetation protection. A landscaping plan shall be required for all entry corridor developments, and vegetation protection shall be undertaken pursuant to Chapter 15.4.2.(d) of the Land Management Code as amended (See Appendix B).

2.3.12 Design standards. All development within an entry corridor shall comply with the design standards contained in Chapter 9 of the Land Management Code, as amended. (See Appendix A).

2.4 Wetlands and Stream Corridors

2.4.1 Intent. Park City finds that the wetlands and stream corridors provide important hydrologic, biological and ecological, aesthetic, recreational, and educational functions. Important functional values of wetlands and streams have been lost or significantly impaired as a result of various activities and additional functional values of these important resources are in jeopardy of being lost. The following requirements and standards have been developed to promote, preserve and enhance these valuable resources and to protect them from adverse effects and potentially irreversible impacts.

2.4.2 Jurisdiction. All significant wetlands and stream corridors in the Sensitive Areas Overlay Zone are regulated as provided herein and are subject to the jurisdiction of this ordinance.

2.4.3 Prohibited Activities. No person shall engage in any activity that will disturb, remove, fill, dredge, clear, destroy or alter any area, including vegetation, ("surface disturbance") within significant wetlands and significant stream corridors and their respective setbacks, except as may be expressly allowed herein.

2.4.4 Boundary Delineations. Wetland and stream corridor delineations shall be performed by a qualified professional that has demonstrated experience necessary to conduct site analysis. The qualified professional shall be approved by the Community Development Director and shall perform the work on behalf of Park City Municipal Corporation through a third-party contract where all fees, costs and expenses are borne by the applicant. Delineation of wetlands and stream corridors shall be subject to the approval of the Community Development Director.

(a) Pursuant to Section 1.1.5, boundary delineation of wetlands shall be established using the Federal Manual For Identifying and Delineating Jurisdictional Wetlands, dated January 10, 1989, and jointly published by the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers and the U.S. Soil conservation Service. Subsequent revisions to the Federal Manual shall not be incorporated as part of the methodology. Although the Federal Manual may change in the future, the City will use this referenced manual as a basis for wetlands determination.

(b) Stream corridors shall be delineated at the ordinary high water mark as defined in Section 4.2.

2.4.5 Determination of Significance.

(a) A wetland delineated pursuant to the 1989 Federal Manual shall be found significant based upon the following criteria:

- (1) Size. All wetlands that occupy a surface area greater than 1/10 acre or are associated with permanent surface water are significant.
- (2) Location. All wetlands that are adjacent to or contiguous with a stream corridor are significant.
- (b) All stream corridors are significant. Stream Corridors shall not include ditches which are commonly known to be irrigation ditches and do not contribute to the preservation or enhancement of fisheries or wildlife.

2.4.6 Setbacks. The following setbacks are considered minimum distances:

- (a) Setbacks from wetlands shall extend a minimum of 50 feet outward from the delineated wetland edge.
- (b) Setbacks from stream corridors shall extend a minimum of 50 feet outward from the ordinary high water mark.
- (c) Setbacks from irrigation ditches shall extend a minimum of 20 feet from the ordinary high water mark.

2.4.7 Runoff Control. All projects adjacent to wetlands will provide appropriate temporary and permanent runoff control to minimize sediment and other contaminants to the maximum extent feasible.

2.4.8 Habitat Restoration Projects. The Community Development Department may approve wetland and stream restoration and enhancement projects providing that the project plan has been reviewed by a qualified professional and approved by the appropriate state and federal agencies with jurisdiction. All habitat restoration work shall be performed under the direct supervision of a qualified professional.

2.4.9 Land Management Code Master Planned Development (MPD) Open Space Requirements. The sixty (60) percent open space requirements contained in Chapter 10.9.(c) of the Land Management Code shall continue to apply to the developed portions of an MPD site. However, the Community Development Department may recommend to the Planning Commission at master plan or

subdivision approval to reduce the sixty (60) percent open space requirement in the developed portion of an MPD site upon a determination that:

- (a) The sensitive area open space set aside is sufficient to provide adequate natural open space for the entire development, and
- (b) Sufficient neighborhood and recreational open space is set aside within the developable portion of the site to serve residents of the development.
- (c) In no case shall less than twenty (20) percent of the developable portion of the MPD site be set aside for neighborhood and recreational open space.

SECTION 3: ADMINISTRATIVE PROVISIONS

3.1 Development Approvals For Public Projects/Public Works/Public Utilities

All public development projects and public works that visually impact or otherwise adversely impact sensitive areas, and all public utility installations including but not limited to water and sewer projects, pipelines, electrical supply facilities and wires, roads, and trails, constructed or undertaken within the Sensitive Area Overlay Zone shall be reviewed according to the following process and guidelines. It is the intent of this section that the proposed public utilities projects, both private and public, make all reasonable attempts to comply with the standards and guidelines of the Sensitive Lands regulations. The primary emphasis shall be on reasonable and practical reclamation and revegetation of areas disturbed by major public works and utility projects. In some situations, it may be necessary to encroach upon certain environmentally sensitive lands in order to maintain a desirable level of public service and safety. In those cases, an evaluation of alternatives and possible mitigation shall be required prior to such projects being submitted.

3.1.1 Consultation.

- (a) Public Utilities projects. The project sponsor shall notify the Community Development Director of the proposed project. A project plan delineating the location, alignment, and scope of the undertaking shall be submitted with such notification. If the Community Development Director determines that the project may have significant visual and environmental impacts, a consultation meeting shall be scheduled. No development shall occur until after the consultation meeting and compliance with the steps outlined in the following subsections, unless the Community Development Director has determined that no significant visual or environmental impact will result from the proposed project.
- (b) Public Works and other public projects. The department director shall notify the Community Development Director of all proposed projects which may have significant visual and environmental impacts and a consultation meeting shall be scheduled. No development shall occur until after the

consultation meeting and compliance with the steps outlined in the following subsections.

Minor projects which are determined by the Community Development Director to have no potential for significant visual or environmental impacts shall be exempt from the process outlined in Sections 3.1.2 through 3.1.6.

- 3.1.2 Mitigation. The Community Development Director shall review the proposed project and after the consultation meeting may request the project sponsor to prepare a mitigation plan that modifies the project to mitigate the environmental and visual impact of the project. To the maximum extent feasible, the project sponsor shall design the public works to preserve the natural character of the sensitive area and locate it in areas not visible from major public rights-of-way or public property such as parks.
- 3.1.3 Adoption of Recommendations. The project sponsor shall, before undertaking the project, to the maximum extent feasible, adopt the modifications and mitigation measures recommended by the Community Development Department or state in writing why adoption of such measures is not feasible before the project shall proceed.
- 3.1.4 Wetlands and Stream Corridors. All public utilities and public works, constructed or undertaken within significant wetlands and significant stream corridors and their respective setbacks, including but not limited to water and sewer projects, pipelines, electrical supply facilities and wires, roads, and trails, shall be governed pursuant to the procedures set forth in Section 3.1. They shall be exempted from the requirements of this Section 2.4 providing that: (a) no practical alternative location exists outside the significant wetland and significant stream corridor and their respective setbacks; and (b) the project meets the technical guidelines defined below.
- (a) To the maximum extent feasible, disturbed areas within the setbacks shall be revegetated using native species common to the native vegetation community.
 - (b) Maintenance access shall be provided at specific access points rather than parallel access roads. To the extent that access roads must be located within a corridor, the roads shall be kept

to a minimum width. Parallel access roads shall be sited contiguous to the utility corridor to minimize disturbance and shall be sited on the outside edge of the utility corridor away from the resource.

- (c) Surface materials used for trail construction and other access routes shall be approved by the Community Development Director.
- (d) Road construction techniques for stream crossings shall use appropriate methods demonstrated to provide fisheries protection.

3.1.5 Emergency Repairs. In the event of an emergency that requires immediate action to protect the health and safety of the general public, such action may go forward without the immediate consent of the Community Development Director. The Community Development Director shall be consulted at the earliest stage reasonably possible in the construction/repair phase.

3.1.6 Maintenance. Maintenance projects shall proceed only after notification of and approval by the Community Development Director. If the Community Development Director, due to the size or nature of the maintenance activity, determines that it may have a significant adverse impact on the sensitive area, the project shall proceed through the review procedures set forth in Sections 3.1.1 through 3.1.5.

3.2 Development Approvals for Ski Area Construction and Expansion

3.2.1 Consultation. Development of skiing and recreation related facilities within existing ski areas and expansion of ski facilities shall remain a permitted use. The project developer shall notify the Community Development Director of the proposed project. A plan detailing the location, alignment and scope of the undertaking shall be submitted with such notification. If the Community Development Director determines that the project may have significant visual and environmental impacts, a consultation meeting will be scheduled. No development shall occur until after the consultation meeting.

3.2.2 Mitigation. The Community Development Director shall review the proposed project and after consultation may request the project developer to prepare

alternatives for consideration and to prepare a mitigation plan that modifies the project to mitigate the environmental and visual impact of the project. To the maximum extent feasible, the developer shall design the ski facilities to preserve the natural character of the sensitive area. The mitigation plan shall also address revegetation disturbed areas and temporary and permanent erosion control measures.

3.3 Substantial Compliance. To avoid unnecessary review by city agencies and disputes over the application of the Sensitive Area Overlay Zone ordinance provisions, whenever there are practical difficulties over the application of the provisions or whenever the aims of the ordinance can be better achieved through alternatives to strict compliance, the Community Development Director, pursuant to the authority granted under Ordinance No. 83-3, may make specific modifications to strict compliance with the Sensitive Area Overlay Zone ordinance provisions.

3.4 Economic Hardship Relief Provisions.

3.4.1 Hardship Relief Petition. Any applicant for development, after a final decision on its development application is taken by the City Council, may file a Hardship Relief Petition with the Community Development Director seeking relief from the overlay zone regulations on the basis that the denial of the application has created a substantial economic hardship, depriving the applicant of all reasonable use of its property.

3.4.2 Affected Property Interest. The hardship relief petition must provide information sufficient for Community Development Director and the City Attorney to determine that the petitioner possesses a protectable interest in property under Article I, Section 22 of the Constitution of Utah and the Fifth Amendment to the United States Constitution.

3.4.3 Economic Hardship Standard. For purposes of this ordinance, a substantial economic hardship shall be defined as a denial all reasonable use of the property. Upon a finding that the denial of the application has resulted in a denial of all reasonable use of the property, the Park City Municipal Corporation may provide the petitioner with relief from the overlay zone regulations.

3.4.4 Time for Filing Notice of Petition and Petition. No later than ten (10) calendar days from final action by the City Council on any development application, the

applicant shall file a notice of petition in writing with the City Recorder. Within thirty (30) days of filing of a Notice of Petition, the applicant shall file a Hardship Relief Petition with the City Recorder.

3.4.5 Information to be Submitted with Hardship Relief Petition.

- (a) The hardship relief petition must be submitted on a form prepared by the Community Development Director, and must be accompanied at a minimum by the following information:
 - (1) Name of the petitioner;
 - (2) Name and business address of current owner of the property, form of ownership, whether sole proprietorship, for-profit or not-for-profit corporation, partnership, joint venture or other, and if owned by a corporation, partnership, or joint venture, name and address of all principal shareholders or partners.
 - (3) Price paid and other terms of sale of the property, the date of purchase, and the name of the party from whom purchased, including the relationship, if any, between the petitioner and the party from whom the property was acquired;
 - (4) Nature of the protectable interest claimed to be affected, such as, but not limited to, fee simple ownership, leasehold interest;
 - (5) Terms (including sale price) of any previous purchase or sale of a full or partial interest in the property in the three years prior to the date of application;
 - (6) All appraisals of the property prepared for any purpose, including financing, offering for sale, or ad valorem taxation, within the three years prior to the date of application;

- (7) The assessed value of and ad valorem taxes on the property for the previous three years;
 - (8) All information concerning current mortgages or other loans secured by the property, including name of the mortgagee or lender, current interest rate, remaining loan balance and term of the loan and other significant provisions, including but not limited to, right of purchasers to assume the loan;
 - (9) All listings of the property for sale or rent, price asked and offers received, if any, within the previous three years;
 - (10) All studies commissioned by the petitioner or agents of the petitioner within the previous three years concerning feasibility of development or utilization of the property;
 - (11) For income producing property, itemized income and expense statements from the property for the previous three years; and
 - (12) Information from a title policy or other source showing all recorded liens or encumbrances affecting the property;
- (b) The Community Development Director or the appointed Hearing Officer may request additional information reasonably necessary, in their opinion, to arrive at a conclusion concerning whether there has been a denial of all reasonable use constituting a substantial economic hardship.

3.4.6 Failure to Submit Information. In the event that any of the information required to be submitted by the petitioner is not reasonably available, the petitioner shall file with the petition a statement of the information that cannot be obtained and shall describe the reasons why such information is unavailable.

3.4.7 Preliminary determination of substantial economic hardship. Prior to the appointment of a hearing officer, and based on a review of documents

submitted by the applicant, the City Council, upon advice of the Community Development Director and City Attorney, shall make a determination whether the applicant has made a prima facie case that the subject property has suffered a serious diminution of value or a denial of all reasonable use that amounts to a substantial economic hardship. If a determination is made that a prima facie case has been established, then the Community Development Director and City Attorney shall recommend whether the hearing shall be formal or informal under the Utah Administrative Procedures Act. Such determination shall be made within thirty (30) days of the filing of a Hardship Relief Petition and submission of all information required by the Community Development Director and City Attorney necessary to make such determination. Upon such showing, the City Council may appoint a hearing officer, elect either formal or informal administrative proceedings, and proceed with a review of the hardship petition. If upon advice of the Community Development Director and the City Attorney, the City Council finds that the applicant has not made a prima facie case of economic hardship as defined above, the petition for hardship relief shall be denied and no hearing officer shall be appointed.

- 3.4.8 Appointment of Hearing Officer. The Community Development Director shall, within thirty (30) days following a preliminary determination of hardship by the City Council, appoint a Hearing Officer to review information submitted by the petitioner, to hold a hearing to determine whether there is an affected property interest and whether a substantial economic hardship has been created as a result of the final action on the application, and to make a recommendation to the City Council concerning approval or denial of the Hardship Relief Petition.
- 3.4.9 Qualifications of the Hearing Officer. Every appointed Hearing Officer shall have demonstrated experience in either development, real estate finance, real estate analysis, real estate consulting, real estate appraisal, planning, real estate or zoning law, or in other real estate related disciplines sufficient to allow understanding, analysis and application of the economic hardship standard. Prior to appointment, the hearing officer shall submit a statement of no potential or actual conflict of interest.
- 3.4.10 Notice of the Public Hearing. Within ten (10) days following appointment of the Hearing Officer, written notice shall be published and posted in accordance with Section 1.15 of the Land Management Code. The hearing shall be held

within thirty (30) days following the final date of written notice, unless a reasonable extension of time is agreed to by both the Community Development Director and the petitioner.

3.4.11 Rules for Conduct of the Hearing. The hearing shall be conducted according to the rules of the Utah Administrative Procedures Act.

3.4.12 Application of the Economic Hardship Standard. In applying the economic hardship standard in Section 3.4.3 above, the Hearing Officer shall consider among other items the following information or evidence.

- (a) Any estimates from contractors, architects, real estate analysts, qualified developers, or other competent and qualified real estate professionals concerning the feasibility, or lack of feasibility, of construction or development on the property as of the date of the application, and in the reasonably near future;
- (b) Any evidence or testimony of the market value of the property both considering and disregarding the Sensitive Area Overlay Zone designation; and
- (c) Any evidence or testimony concerning the value or benefit to the petitioner from the availability of opportunities to transfer density or cluster development on other remaining contiguous property owned by the petitioner eligible for such transfer as provided herein;

3.4.13 Burden of Proof. The petitioner shall have the burden of proving that the denial of the application creates a substantial economic hardship under the standard provided in Section 3.4.3.

3.4.14 Findings of the Hearing Officer. The Hearing Officer shall, on the basis of the evidence and testimony presented, make the following specific findings as part of its report and recommendations to the City Council:

- (a) Whether the petitioner has complied with the requirements for presenting the information to be submitted with a hardship relief petition;

- (b) Whether the petitioner has a protectable interest in property;
- (c) The market value of the property considering the Sensitive Area Overlay Zone designation;
- (d) The market value of the property disregarding the Sensitive Area Overlay Zone designation;
- (e) The market value of, or benefit accruing from opportunities to transfer density or cluster development on other remaining contiguous property owned by the petitioner eligible for such transfer as provided herein;
- (f) Whether it was feasible to undertake construction on or development of the property as of the date of the application, or in the reasonably near future thereafter;
- (g) Whether, in the opinion of the Hearing Officer, the denial of the application would create a substantial economic hardship as defined in Section 3.4.3.

3.4.15 Report and Recommendations of the Hearing Officer.

- (a) The Hearing Officer, based upon the evidence and findings, shall make a recommendation to the City Council concerning the Hardship Relief Petition.
- (b) If the Hearing Officer recommends that the City Council approve the Hardship Relief Petition, then the report of the Hearing Officer shall discuss the type and extent of incentives necessary, in the opinion of the Hearing Officer, to provide an appropriate increase in market value or other benefit or return to the petitioner sufficient to offset the substantial economic hardship. The types of incentives that the hearing officer may consider include, but are not limited to, the following:
 - (1) An increase in the opportunity to transfer density or cluster development on other property owned by the applicant outside the Sensitive Area Overlay Zone;

- (2) A waiver of permit fees;
- (3) Development finance assistance on property outside the Sensitive Area Overlay Zone;
- (4) Approval of development on some portion of the property within the Sensitive Lands Protection District; and
- (5) Acquisition of all or a portion of the property at market value.

- (c) The report and recommendation shall be submitted to the City Council and mailed to the petitioner within thirty (30) days following conclusion of the public hearing.

3.4.16 City Council Review and Consideration. The City Council shall review the report and recommendations of the Hearing Officer and approve or disapprove the Hardship Relief Petition within sixty (60) days following receipt of the Hearing Officer's report. The City Council may hold a public hearing and provide notice as provided in the Land Management Code. Only new testimony and evidence shall be presented at any public hearing held by the City Council. The City Council may adopt any incentive reasonably necessary to offset any substantial economic hardship as defined in Section 3.4.3 and may condition such incentives upon approval of specific development plans.

3.4.17 Time Limits/Transferral of Incentives. Any incentives adopted by the City Council pursuant to this section may be transferred and utilized by successive owners of the property or parties in interest, but in no case shall the incentives be valid after the expiration date of the development approval.

SECTION 4: DEFINITIONS

4.1 Definition Usage.

For the purposes of this ordinance, certain terms and words used herein shall be used, interpreted, and defined as set forth in this subsection and the Park City Municipal Corporation Land Management Code.

4.2 Definitions.

Compatible. A development is compatible with an existing development or property if its architectural features, building height and materials, approved uses, intensity of such use and other features are complementary and do not have a significant adverse economic and aesthetic impact on the existing development or property.

Crest of hill. The highest point on a hill or slope as measured continuously throughout the property. Any given property may have more than one hill crest.

Substantial economic hardship. Means denial of all reasonable economic use of the property.

Development Approval Application. Includes any application for any development approval including but not limited to grubbing, grading, an alteration or revision to an approved MPD, conditional use permits, zoning or rezoning, subdivision, or annexation. The term "development approval application" shall not include any building permits associated with construction within an approved subdivision or on an existing platted lot unless otherwise specified.

Land Management Code. The official Park City Municipal Corporation Land Management Code adopted December 22, 1983, and effective January 1, 1984, as amended.

Maximum extent feasible. Means no prudent, practical and feasible alternative exists, and all possible planning to minimize potential harm has been undertaken. Economic considerations may be taken into account but shall not be the overriding factor in determining "maximum extent feasible."

Open space. Shall have the meaning set forth in Chapter 2 of the Land Management Code.

Ordinary high water mark. Means the line on the bank to which the high water ordinarily rises annually in season as indicated by changes in the characteristics of soil, vegetation or other appropriate means which consider the characteristics of the surrounding areas. Where the ordinary high water mark cannot be found, the top of the channel bank shall be substituted. In braided channels, the ordinary high water mark or substitute shall be measured so as to include the entire stream feature.

Qualified professional. Means a professionally trained person with the requisite academic degree, experience, and professional certification or license in the field or fields relating to the subject matter being studied or analyzed.

Ridgeline area. Means the crest of a hill or slope plus the land located within one-hundred fifty (150) feet horizontally (map distance) on either side of the crest.

Significant wetland. All wetlands which occupy a surface area greater than 1/10 acre or are associated with permanent surface water or which are adjacent to or contiguous with a stream corridor.

Slope. The level of inclination of land from the horizontal determined by dividing the horizontal run of the slope into the vertical rise of the same slope and converting the resulting figure into a percentage value. For purposes of regulation and measurement, slopes must cover at least twenty five (25) feet vertically and fifty (50) feet horizontally.

Steep slope. Slopes greater than fifteen (15) percent but less than or equal to forty (40) percent.

Stream. Means those streams, excluding ditches and canals constructed for irrigation and drainage purposes, that flow year around or intermittently during years of normal rainfall.

Stream corridor. Means the corridor defined by the stream's ordinary high water mark.

Suitability determination. A determination carried out by the Community Development Director to ascertain if a development at increased densities due to a

density transfer from a sensitive area is compatible with development on surrounding or adjacent property.

Vantage points. A height of five feet above a set reference marker in the following designated vantage points within Park City that function to assist in analyzing the visual impact of development on hillsides and steep slopes:

1. Osguthorpe Barn
2. Treasure Mountain Middle School
3. Intersection of Main Street and Heber Avenue
4. Park City Ski Area Base
5. Snow Park Lodge
6. Park City Golf Course Clubhouse
7. Park Meadows Golf Course Clubhouse
8. Utah Highway 248 at the turn-out one quarter mile west from U.S. Highway 40
9. Highway 224, 1/2 mile south of the intersection with Kilby Road.

APPENDIX A--DESIGN STANDARDS

All private development within the Sensitive Area Overlay Zone shall comply with the following design standards which supplement, and supersede in the case of a conflict, Chapter 9 of the Land Management Code

- A.1 Building color and material. All buildings shall be constructed of material of a muted earth tone color that reflects the dominant color of the surrounding vegetation. Building materials shall comply with the provisions of Chapter 9 of the Park City Municipal Land Management Code (Architectural Review).
- A.2 Windows and other glass. Glass areas shall be reviewed to avoid highly reflective surfaces. Mirrored glazing is prohibited on any building, except that solar absorption glazing is an acceptable material.
- A.3 Parking. Subdivision lots and streets shall be designed so that wherever possible parking is located behind buildings on the uphill lots. Uses other than single-family residences shall break up parking areas into smaller lots that should be located in linear strips running parallel to the slope contours. The perimeter of parking areas shall be screened with vegetation, fencing, or other architectural elements.
- A.4 Rooftop mechanical equipment. All rooftop mechanical equipment, including HVAC equipment and similar appurtenances, must be screened so as not to be visible from nearby properties or hillsides above the equipment.
- A.5 Roof pitch, color, and materials. The pitch of any roof shall generally parallel the slope upon which the building is located, but in any case shall not exceed a height to horizontal ratio of 9/12 and shall not descend closer than seven (7) feet from the ground. The minimum roof pitch shall be 4/12. Roofs shall be of a dark, muted earth tone color in a shade of dark gray, dark brown, or black that reflects the dominant color of the surrounding vegetation and shall be constructed of materials as set forth in Chapter 9 of the Park City Municipal Corporation Land Management Code (Architectural Review).
- A.6 Height controls. Upon review of any subdivision or MPD within the Sensitive Area Overlay Zone, an analysis of appropriate building heights will be conducted. Based upon the visual analysis, building heights may be reduced for all or part of a proposed development.

- A.7 Dwelling size. Maximum single-family dwelling size shall be evaluated at the time of project approval taking into consideration visual impact and community character.
- A.8 Underground utilities. All utility lines in steep slope developments shall be underground, except that the Community Development Director may allow above-ground utilities if burying would result in severe damage to significant vegetation or sensitive environmental areas.

APPENDIX B--TREE/VEGETATION PROTECTION REGULATIONS

- B.1 The following provisions are hereby adopted as amendments to existing limits of disturbance regulations contained in Section 15.4.2(d) and Section 10.9 (k) of the Park City Municipal Corporation Land Management Code and will apply to existing platted subdivisions in the Sensitive Area Overlay Zone, to include the following criteria to be used in establishing limits of disturbance.
- B.1.1 Visual impacts of the development, including but not limited to screening from adjacent properties, ridgeline area protection, and protection of critical viewsheds as defined in the Sensitive Area Overlay Zone District Regulations Section 1 herein.
- B.1.2 Erosion prevention and control, including but not limited to protection of natural drainage channels.
- B.1.3 Fire prevention and safety, including but not limited to location of trees and vegetation near structures.
- B.1.3 Irrigation and water conservation.
- B.1.4 Wildlife habitat, including but not limited to preservation of critical wildlife habitat and migration routes.
- B.1.5 Stream and wetland protection and buffering.
- B.2 Tree/vegetation removal. No trees or vegetation within the Sensitive Area Overlay Zone shall be removed for the purpose of providing open views to or from structures on a site.
- B.3 Irrigation limits. The amount of irrigated area shall be minimized depending on the amount existing natural vegetation on the site prior to construction and type of irrigation proposed to be used.
- B.4 Revegetation plan. All applicants for developments on land subject to Sensitive Area Overlay Zone regulations involving cut and fill and graded slopes shall submit a revegetation/landscaping plan for approval by the Community Development Department. The plan shall depict the type, size, and location of any vegetation and trees being planted and illustrate how the site will be recontoured in such a fashion

and with sufficient topsoil to ensure that revegetation is feasible. The plan shall also indicate a time frame for revegetation which is acceptable to the Community Development Department. Retaining walls shall be used to provide breaks in man-made steep slopes exceeding fifteen (15) percent and to provide planting pockets.

- B.5 Violation/Replacement provision. Any applicant who violates the provisions of this subsection by removing trees or vegetation or exceeding the prescribed limit of disturbance shall replace two for one in number all trees/vegetation illegally removed. Size of trees planted in replacement of illegally removed trees must be approved by the Community Development Department.

APPENDIX C--LAND USE MATRIX

APPLICATION OF SENSITIVE LANDS PROVISIONS

	Building Design Standards	Limits of Disturbance & Vegetation Protection Standards	Site Planning Standards	Density Limitations
Annexations	Used as a basis for negotiation			
Projects within City Limits, but not Master Planned	YES	YES	YES	YES
Projects within approved Large Scale MPD's	YES	YES	YES	Where changes in concept are proposed
Small Scale MPD's	YES	YES	YES	Where changes in concept are proposed
Building Permits within subdivisions on visually sensitive hillsides	YES	YES	NO	NO



Ordinance No. 00-04

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP
OF PARK CITY TO ADJUST THE SENSITIVE AREA
OVERLAY ZONE BOUNDARY IN THE VICINITY OF
DEER VALLEY DRIVE EAST,
PARK CITY, SUMMIT COUNTY, UTAH**

WHEREAS, the Sensitive Area Overlay Zone boundary was established in 1992 for the purpose of regulating development on ridgetops, hillsides and in wetlands; and

WHEREAS, the Sensitive Area Overlay boundary was drawn to be inclusive, with the understanding that further evaluation may result in some areas not being identified as "sensitive"; and

WHEREAS, it came to the attention of the Planning Department that the boundary in the vicinity of Deer Valley Drive may more appropriately be placed behind the existing development at the toe of the slope; and

WHEREAS, the Planning Commission held a legally noticed public hearing on a proposed boundary adjustment on December 15, 1999 and forwarded a positive recommendation on the boundary line adjustment to the City Council;

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

SECTION 1. ZONING MAP AMENDED. The Official Zoning Map of Park City as adopted by Section 1.9 of the Park City Land Management Code, is hereby amended to adjust the Sensitive Area Overlay Zone boundary as depicted on Exhibit A, based upon the following findings:

1. The Sensitive Areas Overlay Zone was established in 1992. At that time, a boundary was established.
2. The intent of the Sensitive Area Overlay Zone was to protect ridgelines, hillsides and wetlands.
3. The area to the east of Deer Valley Drive East contains development or disturbed area. Beyond this area, the hillside rises consistently.

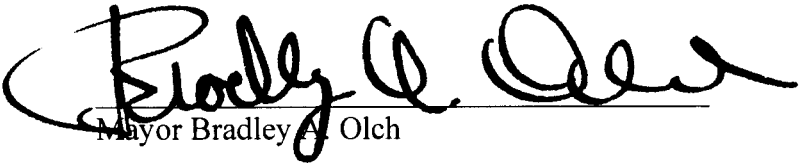
4. Further site specific review of the zone boundary in the vicinity of Deer Valley East demonstrated that an adjustment to the zone boundary to the toe of the consistently rising slope and excluding the disturbed area immediately to the east of the road is appropriate.

5. The amendment is consistent with the General Plan. The Land Use Element specifically directs development to the toe of slopes, preserving ridgelines, meadows and visible hillsides.

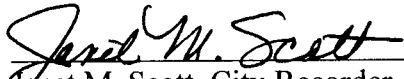
SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 3rd day of February, 2000.

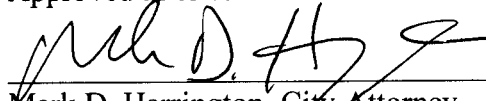
PARK CITY MUNICIPAL CORPORATION

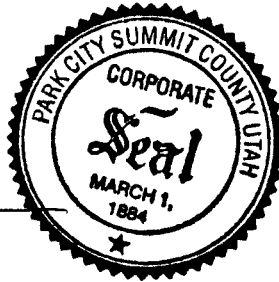

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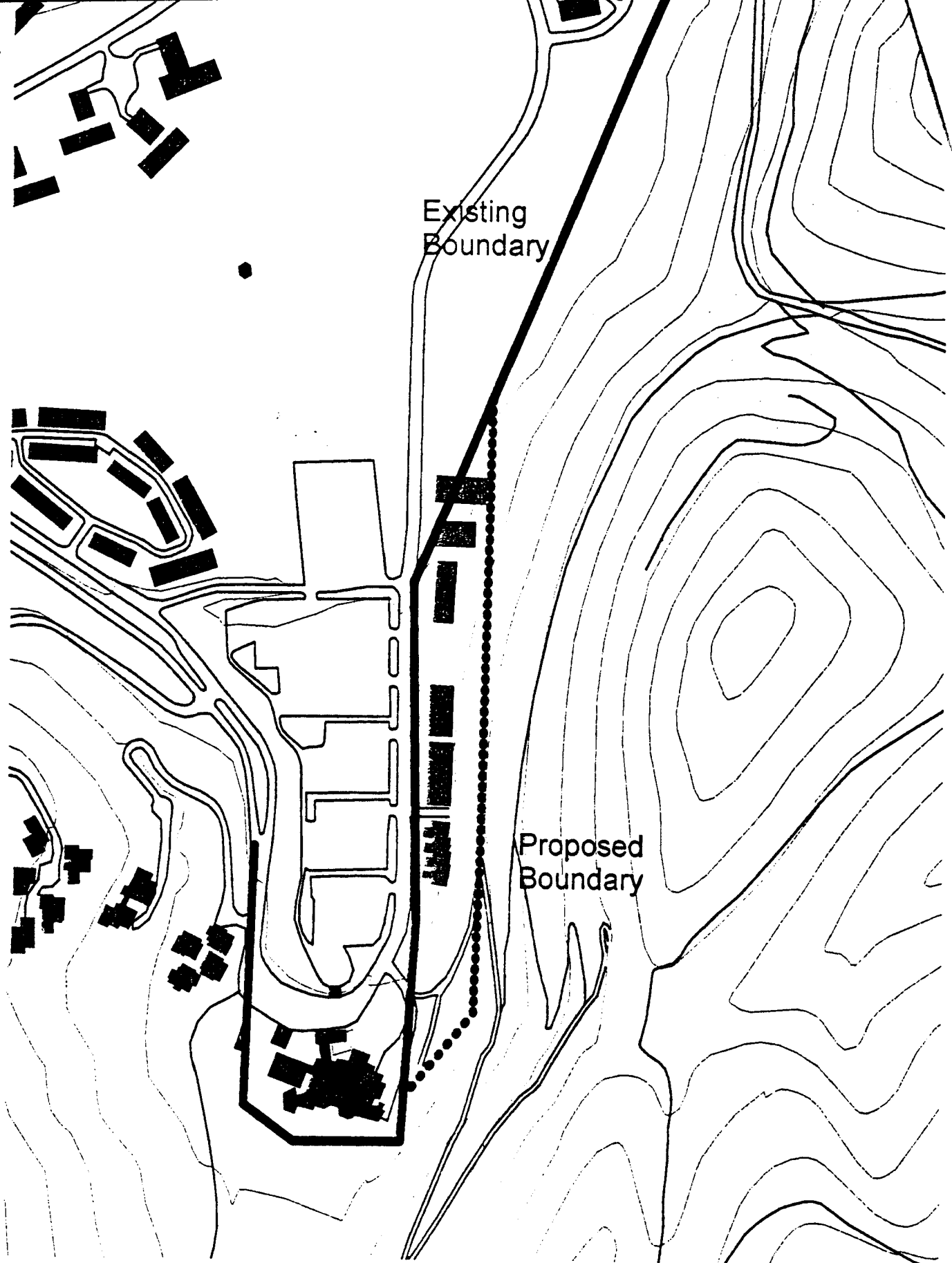
Attest:


Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney





Sensitive Lands
Boundary Adjustment

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**AN ORDINANCE APPROVING AMENDMENTS TO
THE LAND MANAGEMENT CODE
OF PARK CITY, UTAH, TO REFLECT REVISIONS TO PREVENT REPITION BETWEEN THE
PROCESSES OF THE BUILDING DEPARTMENT AND PLANNING DEPARTMENT, TO
CREATE A MORE COHESIVE AND COMPREHENSIBLE CODE, TO UPDATE
REFERENCED CODES AND ORGANIZATIONS AND TO REFLECT THE NEW S.B. 183 OF
THE UTAH CODE, AND TO ADDRESS SUBTANTIVE AMENDMENTS,
FOR CHAPTER 2.21 SLO ZONING DISTRICT**

WHEREAS, the Land Management Code is designed and enacted to implement the objectives of the Park City General Plan; to protect the general health, safety, and welfare of Park City's citizen's and property owners; to maintain the quality of life and experience for its residents and visitors; and to preserve the community's unique character and values;

WHEREAS, the City is in the process of preparing amendments to the entire Land Management Code to address reorganization of the Community Development Department and to ensure that the Park City Land Management Code comports with revisions to the Utah Code in 2005;

WHEREAS, approval of these amendments to the Land Management Code serve to implement amendments to the City's General Plan and to address substantive amendments to the Land Management Code Sensitive Lands Overlay regarding repetition of process between departments, updates to referenced codes and organizations, updates to the State Code, and updates language to create a more cohesive and comprehensible code

WHEREAS, these amendments are changes identified since the 2000 Land Management Code revisions.

WHEREAS, the Planning Commission duly noticed and conducted a public hearing at its regularly scheduled meeting on November 14, 2007 and forwarded to City Council a positive recommendation to the City Council;

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on December 6, 2007; and

WHEREAS it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the Utah State Code and the Park City General Plan, and to be consistent with the values and identified goals of the Park City community to protect health and safety, maintain the quality of life for its residents, and to preserve the community's unique character.

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

SECTION 1. AMENDMENTS TO CHAPTER 2 OF THE LAND MANAGEMENT CODE. Chapter 2.21 is hereby amended as attached hereto as Exhibits A. Any conflicts or cross-references from other provisions of the LMC to Chapter 2.21 shall be resolved by the Planning Director.

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

PASSED AND ADOPTED this 6th day of December, 2007.

PARK CITY MUNICIPAL CORPORATION

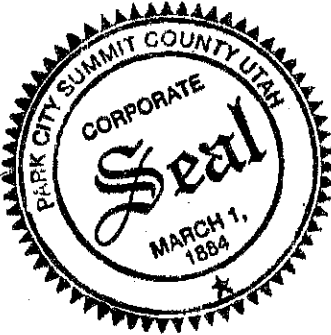
Dana Williams
Mayor Dana Williams

Attest:

Jane M. Scott
Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington
Mark D. Harrington, City Attorney



PARK CITY MUNICIPAL CODE

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.21 - SENSITIVE LAND OVERLAY ZONE (SLO)
REGULATIONS

Chapter adopted by Ordinance No. 00-51

15-2.21-1. PURPOSE.

The purpose of the Sensitive Land Overlay (SLO) is to:

- (A) require dedicated Open Space in aesthetically and environmentally sensitive Areas;
- (B) encourage preservation of large expanses of Open Space and wildlife habitat;
- (C) cluster Development while allowing a reasonable use of Property;
- (D) prohibit Development on Ridge Line Areas, Steep Slopes, and wetlands; and
- (E) protect and preserve environmentally sensitive land.

15-2.21-2. OVERLAY REVIEW PROCESS.

The overlay review process has four primary steps:

(A) **SENSITIVE LANDS ANALYSIS.** Applicants for Development within the SLO must identify the Property's sensitive environmental and aesthetic Areas such as Steep Slopes, Ridge Line Areas, wetlands, Stream Corridors, Wildland interface, and wildlife habitat Areas and provide at time of Application, a Sensitive Lands Analysis. Every annexation must provide a sensitive lands analysis.

(B) **APPLICATION OF OVERLAY ZONE REGULATIONS.** Regulatory standards apply to the type of Sensitive Lands delineated.

(C) **SITE DEVELOPMENT SUITABILITY DETERMINATION.** Staff shall review the Sensitive Lands Analysis, apply the applicable Sensitive Lands Overlay Regulations (15-2.21-4 through 15-2.21-9), and shall prepare a report to the Applicant and the Planning Commission identifying those Areas suitable for Development as Developable Land.

(D) **HARDSHIP RELIEF.** If the Applicant demonstrates that the regulations would deny all reasonable Use of the Property, the Planning Commission may

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modify application of these regulations to provide the Applicant reasonable Use of the

15-2.21-3. SENSITIVE LANDS OVERLAY ZONE- ORDINANCE PROVISIONS.

(A) SENSITIVE LANDS ANALYSIS.

Any Applicant for Development must produce a Sensitive Lands Analysis performed by a qualified professional(s) that identifies and delineates all the following features and conditions:

(1) **SLOPE/TOPOGRAPHIC MAP.** A Slope and topographic map based on a certified boundary survey depicting contours at an interval of five feet (5') or less. The map must highlight Areas of high geologic hazard, Areas subject to land sliding, and all significant Steep Slopes¹ in the following categories:

(a) Greater than fifteen percent (15%), but less than or equal to thirty percent (30%);

(b) Greater than thirty percent (30%) but less than or equal to forty percent (40%); and

¹Slope determinations shall be made upon Areas with a rise of at least twenty-five feet (25') vertically and a run of at least fifty feet (50') horizontally.

Property.

(c) Very Steep Slopes, greater than forty percent (40%).

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(2) **RIDGE LINE AREAS.** A map depicting all Crests of Hills and Ridge Line Areas.

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(3) **VEGETATIVE COVER.** A detailed map of vegetative cover, depicting the following:

(a) Deciduous trees;

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(b) Coniferous trees;

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(c) Gamble oak or high shrub; and

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(d) Sage, grassland, and agricultural crops.

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The Planning Department may require a more detailed tree/vegetation survey if the Site has unusual or Significant Vegetation, stands of trees, or woodlands.

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(4) **DESIGNATED ENTRY CORRIDORS AND VANTAGE POINTS.** Designated entry corridors and Vantage Points present within or adjacent to the Site, including Utah Highway 248 east of Wyatt Earp Way and Utah Highway 224 north of Holiday Ranch Loop Road and Payday Drive as identified by Staff.

Typical Vantage Points are:

(a) Osguthorpe/McPolin Barn.

(b) Treasure Mountain Middle School

(c) Intersection of Main Street and Heber Avenue

(d) Park City Ski Area Base

(e) Snow Park Lodge

(f) Park City Golf Course Clubhouse

(g) Park Meadows Golf Course Clubhouse

(h) Utah Highway 248 at the turn-out one quarter mile west from U.S. Highway 40

(i) Highway 224, 2 miles south of the intersection with Kilby Road

(5) **WETLANDS.** A map delineating all Wetlands established by using the 1987 Federal Manual for Identifying and Delineating Jurisdictional Wetlands, as amended. (See Section 15-2.21-6.)

(6) **STREAM CORRIDORS, CANALS, AND IRRIGATION DITCHES.** A map delineating all stream corridors, canals, and irrigation ditches, defined by the ordinary high-water mark,

(7) **WILDLIFE HABITAT AREAS.** A map depicting all wildlife habitat Areas, as defined by a Wildlife Habitat Report shall be provided by the applicant. The Wildlife Habitat Report shall be prepared by a professional, qualified in the Areas of ecology, wildlife biology, or other relevant disciplines and describe the following:

(a) The ecological and wildlife Use characterization of the Property explaining the species of wildlife using the Areas, the times or seasons the Area is used by those species, and the value, e.g. meaning feeding, watering, cover, nesting, roosting, or perching, that the Area provides for such wildlife species;

(b) The existence of critical wildlife movement corridors;

(c) The existence of special habitat features, including Key nesting Sites, feeding Areas, calving or production Areas, use Areas for migrant song birds and grassland birds, fox and coyote dens, deer and elk winter concentration Areas as identified by the Utah Division of Wildlife, and

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Areas of high terrestrial or aquatic insect diversity.

(d) Areas inhabited by or frequently utilized by any species identified by state or Federal agencies as Threatened or Endangered.

(e) The general ecological functions provided by the Site and its features;

(f) Potential impacts on these existing wildlife species that would result from the proposed movement.

(B) ADDITIONAL INFORMATION AND STUDY REQUIREMENTS.

The Planning Department may require the Applicant to submit the following information, as applicable:

(1) VISUAL ASSESSMENT.

A visual assessment of the Property from Vantage Points designated by the Planning Department, depicting conditions before and after the proposed Development, including the proposed location, size, design, landscaping, and other visual features of the project.

(2) SOIL INVESTIGATION REPORT. A soil investigation report, including but not limited to shrink-swell potential, water table elevation, general soil classification and suitability for Development, erosion potential, hazardous material analysis, and potential frost action.

The soils report shall indicate whether the property is 1) within the Prospector Soils Ordinance area and 2) within a Point Source water protection zone.

(3) GEOTECHNICAL REPORT. A geotechnical report, which must include the location of major geographic and geologic features, the depth of bedrock, structural features, folds, fractures, etc., and potential land slide and other high hazard Areas such as mine shafts and avalanche paths.

(4) ADDITIONAL SLOPE INFORMATION. If the size of the proposed Development and visual sensitivity of the Site dictate, the Planning Department may require the Applicant to submit a Slope/topographic map depicting contours at an interval of two feet (2').

(5) FIRE PROTECTION REPORT. A fire protection report that identifies potential Wildland Urban Interface areas. Analysis must include fire hazards, mitigation measures, access for fire protection equipment, existing and proposed fire flow capability and compliance with the International Wildland Urban Interface Code and the Summit County Wildfire Plan.

(6) HYDROLOGICAL REPORT. A hydrological report, including information on groundwater levels, drainage

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PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 2.21 Sensitive Area Overlay Zone (SLO) Regulations
15-2.21-5

channels and systems, and base elevations in flood plains.

in any direction to be subject to this prohibition.

(C) SENSITIVE LANDS DETERMINATION. The Planning Department shall review the information presented in the Sensitive Lands Analysis, as described in Section 15.2-21.3(A) and Section 15.2-21.3(B), and provide a recommendation to the Planning Commission determining and delineating all Sensitive Lands on the parcel, including Steep Slope Areas, Ridge Lines Areas, Entry Corridors, Wetlands, Stream Corridors, Irrigation Ditches, Wildland and Wildfire Interface Areas, and Critical Wildlife Movement Corridors and Habitat Areas.

The Planning commission may vary the Setback from Very Steep Slopes if the Planning Commission can make all of the following findings during the suitability review:

(1) DENSITY TRANSFER. Whenever land within the Sensitive Area Overlay Zone is subject to more than one (1) Density transfer provision, the more restrictive provision shall apply.

(1) Varying the Setback does not create an intrusion by Buildings into the Ridge Line Area when viewed from Land Management Code designated Vantage Points (15-2.21-3(A)(4) or other Vantage Points designated by the Planning staff or Commission (15-2.21-3(B);

15-2.21-4. SENSITIVE LANDS REGULATIONS - SLOPE PROTECTION.

The following Slope protection provisions apply in the Sensitive Land Overlay Zone:

(A) PROHIBITIONS. No Development is allowed on or within fifty feet (50'), map distance, of Very Steep Slopes, Areas subject to land slide activity, and other high-hazard geologic Areas. As used herein, an Area of Very Steep Slopes must cover a topographic Area at least twenty-five feet (25') vertically, upslope or downslope, and fifty feet (50') horizontally

(2) Building Areas in the Setback do not create excessive cut or fill Slopes; minimal retaining walls to limit disturbance and meet Grade may be required by the Planning Commission subject to sections 15-2.21-4(B),(C), and (E);

(3) Limits of Disturbance around any Structure within the Setback shall be limited to the minimal Area necessary to excavate and backfill the foundation. Decks and patios, in the area of the Very Steep Slope setback, may not extend more than fifteen feet (15') beyond the foundation walls or the minimal excavation/backfill Areas, whichever is greater;

(4) No additional erosion, land subsidence, or avalanche hazard is created;

Deleted: (7) WETLAND/STREAM CORRIDOR RESOURCE EVALUATION. A Wetland/Stream Corridor resource evaluation, including a delineation of wetland and Stream Corridor boundaries and a determination of resource significance. This report shall also identify and describe all canals and irrigation ditches. ¶

(8) WILDLIFE AND HABITAT REPORT. A report prepared by a professional, qualified in the Area ... [1]

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(5) The Site plan results in an improved organization of units through vegetation avoidance, minimization of changes to the viewshed from public Areas, and reduction of Site disturbance;

(6) The reduction in Setback results in a reduction in overall project Density or Development massing as established by the Planning Staff's Site Suitability Determination and

(7) In no case shall additional disturbance be allowed beyond the maximum area determined in the Site Development Suitability Determination (See Section 15-2.21-2(C)).

(B) **GRADED OR FILLED SLOPES.** The Applicant must avoid or, to the greatest extent possible, minimize proposed cuts and fills. Cutting and filling to create additional or larger Building Sites shall be kept to a minimum and shall be avoided to the maximum extent feasible. Except for ski Slopes, Graded or filled Slopes shall be limited to a 3 to 1 Slope or less. All Graded Slopes shall be re-contoured to the natural, varied contour of surrounding terrain.

(C) **BENCHING OR TERRACING.** Benching or terracing to provide additional or larger Building Sites is prohibited.

(D) **STREETS AND ROADS.** Streets and roads, proposed for Steep Slopes may not:

(1) Cross Slopes of thirty percent (30%) or greater. A short run of not more than one hundred feet (100') may be allowed to cross Slopes greater than thirty percent (30%) if the Planning Director and the City Engineer conclude that such Streets or roads will not have significant adverse visual, environmental, or safety impacts.

(2) Streets and roads proposed to cross Slopes greater than ten percent (10%) are allowed, subject to the following:

(a) Proof that such Street and/or road will be built with minimum environmental damage and within acceptable public safety parameters; and

(b) Such Street and road design generally follows contour lines to preserve the natural character of the land, and are Screened with trees or vegetation.

(3) Cutting and filling is minimized and appropriately re-vegetated.

(E) **RETAINING WALLS.** The use, design, and construction of all retaining walls is subject to an Administrative Permit based upon assessment of visual impact, Compatibility with surrounding terrain and vegetation, and safety.

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(F) **LANDSCAPING AND REVEGETATION.**

An Applicant must commit to landscaping or re-vegetating exposed Slopes. Topsoil from any disturbed portion of a Steep Slope must be preserved and utilized in re-vegetation. Fill soil must be of a quality to support plant growth.

(G) **PRIVATE DEVELOPMENT DESIGN STANDARDS.**

All Development on Steep Slopes shall comply with the design standards set forth in LMC Chapter 15-5.

(H) **OPEN SPACE AND DENSITY ON DELINEATED PORTIONS OF SITES WITH STEEP SLOPES GREATER THAN FIFTEEN PERCENT (15%) BUT LESS THAN OR EQUAL TO FORTY PERCENT (40%).**

In addition to the specific Development regulations set forth above, the following regulations apply:

(1) **OPEN SPACE.** Seventy-five percent (75%) of the Steep Slope Area must remain as Open Space.

(2) **DEVELOPABLE LAND.** Twenty-five percent (25%) of the Steep Slope Area may be Developed in accordance with the underlying zoning subject to the following conditions:

(a) **MAXIMUM DENSITY.** The maximum Density on Developable Land within a Steep Slope Area is governed by the underlying zoning and proof that the

proposed Density will not have a significant adverse visual or environmental affect on the community.

(b) **LOCATION OF DEVELOPABLE LAND.**

The Developable Land in a Steep Slope Area is that Area with the least visual and environmental impacts, as determined by the Sensitive Lands Determination (See Section 15-2-21 (C)), including the Visual Assessment, and considering

the visual impact from key Vantage Points, potential for Screening location of natural drainage channels, erosion potential, vegetation protection, Access, and similar Site design criteria.

Based upon such analysis, the Planning Department may require the Applicant to Site the Developable Land pursuant to one or more of the following techniques:

(i) Clustered Development, or

(ii) dispersed Development, or

(iii) transfer of Density to the least sensitive portions of the Site.²

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(c) DENSITY TRANSFER. Upon proof of a sensitive Site plan, the Applicant may transfer up to twenty-five percent (25%) of the Densities from the Open Space portion of the Site to the Developable Land.

(d) SUITABILITY DETERMINATION. The Applicant must prove that the Development will have no significant adverse impact on adjacent Properties. The Planning Commission shall determine that the Proposal complies with this chapter if the Applicant proves:

(i) The Density is Compatible with that of adjacent Properties.

(ii) The Architectural Detail, height, building materials, and other design features of the Development are Compatible with adjacent Properties.

(iii) The Applicant has adopted appropriate mitigation measures such as landscaping,

preserve the open meadow vistas.

Screening, illumination standards, and other design features to buffer the adjacent Properties from the Developable Land.

(I) OPEN SPACE AND DENSITY ON VERY STEEP SLOPES.

(1) REQUIRED OPEN SPACE. One hundred percent (100%) of the Very Steep Slope Area shall remain in Open Space. No vegetation within fifty vertical feet (50') in elevation of the Very Steep Slope Area shall be disturbed, except as permitted by the Planning Commission per Section 15-2.21-4.

(2) TRANSFER OF DENSITY. Up to ten percent (10%) of the Densities otherwise allowed in the zone may be transferred to Developable Land subject to a Suitability Determination (See Section 15-2.21-4(H)(2)(d)).

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(J) MASTER PLANNED DEVELOPMENT (MPD) TDR OPEN SPACE REQUIREMENTS. The Planning Commission at the time of Master Planned Development or Subdivision review, may reduce the TDR Open Space requirements upon a determination that:

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(1) the Sensitive Land Open Space set aside is sufficient for the Development,

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(2) sufficient neighborhood and TDR Open Space is set aside within the Developable Land to serve residents of the Development, and.

(3) not less than twenty percent (20%) of the Developable Land is set aside for TDR Open Space.

(K) **DENSITY BONUSES.** In addition to the Density transfers permitted pursuant to this Section, the Planning Department may recommend that the Planning Commission grant up to a twenty percent (20%) increase in transferable Densities if the Applicant:

(1) offers to preserve Open Space to ensure the long-term protection of a significant environmentally or visually sensitive Area in a manner approved by the City; or

(2) provides public Access as shown on the Trails Master Plan; or

(3) restores degraded wetlands or environmental Areas on the Site or makes other significant environmental improvements.

(Amended by Ord. No. 05-40)

15-2.21-5. SENSITIVE LANDS REGULATIONS - RIDGE LINE AREA PROTECTION.

(A) **INTENT.** The intent of these provisions is to ensure that Development near Ridge Line Areas blends with the natural contour of these land forms. Ridge

Line Areas should be retained in a natural state, and Development should be sited in such a manner so as not to create a silhouette against the skyline or mountain backdrop as viewed from designated Vantage Points.

(B) **MINIMUM SETBACK.** No Structure or other appurtenant device, including mechanical equipment may visually intrude on the Ridge Line Area from any of the designated Vantage Points as depicted herein, or as identified by the Planning Commission during review of an Annexation or Master Planned Development.

(C) **OPEN SPACE AND DENSITY.** The following regulations apply to all Ridge Line Areas in the Sensitive Overlay:

(1) **OPEN SPACE.** One hundred percent (100%) of the Ridge Line Area shall remain in Open Space.

(2) **DENSITY TRANSFER.** The Planning Commission may transfer up to twenty-five percent (25%) of the Densities otherwise allowed in the Ridge Line Area to Developable Land. Subject to a Suitability Determination. (See Section 15-2.21-4(H)(2)(d))

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¶ (a) **SUITABILITY DETERMINATION.** The Applicant must prove that the Development will have no significant adverse impact on adjacent Properties. The Planning Commission shall determine that the Proposal complies with this chapter if the Applicant proves:¶

¶ (i) The Density is Compatible with that of adjacent Properties.¶

¶ (ii) The Architectural Detail, height, materials, and other design features of the Development in the receiving Area are Compatible with adjacent Properties.¶

¶ (iii) The Applicant has adopted appropriate mitigation measures such as landscaping, Screening, illumination standards, and other design features to buffer the adjacent Properties from the Developable Land.

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(D) **DENSITY BONUSES.** In addition to the Density transfers permitted pursuant to this Section, at MPD or subdivision review. The Planning Department may recommend that the Planning Commission grant up to a twenty percent (20%) increase in transferrable Densities if the Applicant:

- (1) offers to preserve open space to ensure the long-term protection of a significant environmentally or visually sensitive Areas in a manner approved by the City; or
- (2) provides public Access for trails, as shown on the Trails Master Plan; or
- (3) restores degraded wetlands or environmental Areas on the Site or makes other significant environmental improvements.

15-2.21-6. SENSITIVE AREA REGULATIONS - WETLANDS AND STREAM PROTECTION.

(A) **INTENT.** The following requirements and standards have been developed to promote, preserve, and enhance wetlands and Stream Corridors and to protect them from adverse effects and potentially irreversible impacts.

(B) **JURISDICTION.** All Wetlands and Stream Corridors are regulated as provided below.

(C) **PROHIBITED ACTIVITIES.** No person shall disturb, remove, fill, dredge, clear, destroy or alter any Area, including vegetation, surface disturbance within

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

(D) **BOUNDARY DELINEATIONS.**

The applicant must provide a wetlands delineation by a qualified professional utilizing the methods of the 1987 Army Corp of Engineers Manual for identifying and delineating Jurisdictional Wetlands, as amended. The boundary of stream corridors and wetlands shall be delineated at the Ordinary High Water Mark as define in Section 15-15.

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

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

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

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

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

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¶ (1) Wetlands shall be established using the *Federal Manual for Identifying and Delineating Jurisdictional Wetlands*, dated January 10, 1989. ¶

¶ (2) Stream Corridors shall be delineated at the Ordinary High Water Mark as defined in Section 15-15.

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¶ (a) SIZE. All wetlands that occupy a surface Area greater than 1/10 acre or are associated with permanent surface water.¶

¶ (b) LOCATION. All wetlands that are adjacent to, or contiguous with, a Stream Corridor.¶

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Deleted: (3) WETLANDS ASSOCIATED WITH MAN-MADE DRAINAGE AND/OR IRRIGATION FACILITIES.¶

(1) Setbacks from <u>wetlands</u> shall extend a minimum of fifty feet (50') outward from the delineated wetland <u>Ordinary High Water Mark</u>.	(A) CONSULTATION. The Developer must submit a plan detailing the location, alignment and scope of the undertaking. If the <u>Planning</u> Director determines that the project may have significant visual and environmental impacts, a consultation meeting will be scheduled. No Development shall occur until after the consultation meeting and any required approvals have been granted.	Deleted: Significant W Deleted: w
(2) Setbacks from Stream Corridors shall extend a minimum of fifty feet (50') outward from the Ordinary High Water Mark.		Deleted: edg Deleted: e. Deleted: Community Development Deleted: (3) Formatted: Bullets and Numbering
(3) Setbacks from irrigation ditches <u>that meet the Army Corps of Engineers definition for waters of the United States</u> shall extend a minimum of twenty feet (20') from the Ordinary High Water Mark.	(B) MITIGATION. The <u>Planning</u> Director must review the proposed project and after consultation may request the Developer to prepare alternatives for consideration and to prepare a mitigation plan that modifies the project to mitigate the environmental and visual impact of the project. To the Maximum Extent Feasible, the Developer must design the ski facilities to preserve the natural character of the <u>Sensitive Lands</u>. The mitigation plan must also address re-vegetation of disturbed Areas and temporary and permanent erosion control measures.	Deleted: ¶ ¶ Any specific allowances or requirements for appropriate crossings of wetlands, Stream Corridors, and irrigation ditches? Are these regulations already included in the Subdivision Ordinance... just need to refer to that??¶
(G) RUNOFF CONTROL. All projects adjacent to wetlands, <u>Stream Corridors, or irrigation ditches that meet the Army corps of Engineers definition for waters of the United States</u> must apply Best Management Practices for both temporary and permanent runoff control to minimize sediment and other contaminants.		Deleted: Deleted: s Deleted: Area Deleted: 9 Deleted: Community Development Deleted:
(H) HABITAT RESTORATION PROJECTS. The <u>Planning</u> Department may approve wetland and Stream Corridor restoration and enhancement projects if the project plan has been reviewed by a qualified professional, approved by the appropriate state and federal agencies, and performed under the direct supervision of a Qualified Professional.	15-2.21-8. SENSITIVE LAND REGULATIONS - WILDLIFE AND WILDLIFE HABITAT PROTECTION. (A) INTENT. The following requirements and standards have been developed to promote, preserve, and enhance wildlife and wildlife habitat Areas in and around Park City, and to protect them from adverse effects and potentially irreversible impacts.	Deleted: ¶ (1) LMC MASTER PLANNED DEVELOPMENT (MPD) OPEN SPACE REQUIREMENTS. The Planning Commission may reduce the sixty percent (60%) MPD Open Space requirement in the Developable Land if the Planning Commission determines that: ¶ ¶ (1) Open Space set aside is sufficient to provide adequate natural Open Space for the entire Development;¶ ¶ ... [13]
15-2.21-7. SENSITIVE LAND REGULATIONS - DEVELOPMENT APPROVALS FOR SKI AREA CONSTRUCTION AND EXPANSION.	(B) JURISDICTION. All Sensitive or Specially Valued Species, including all species identified by state or federal	Deleted: ; and¶ ... [14] Deleted: A Deleted: t least twenty percent ... [15] Formatted: Font: Times New Roman Formatted ... [16] Formatted: Font: (Default) Arial Formatted: Font: Times New Roman Formatted: Font: Times New Roman Deleted: 8

agencies as ~~Threatened~~ or ~~Endangered~~
~~Wildlife~~ are regulated as provided below:

(1) **PROTECTION OF
WILDLIFE HABITAT AND
ECOLOGICAL CHARACTER.**

(a) **CONSTRUCTION
TIMING.** Construction shall
be organized and timed to
minimize disturbance of
Sensitive or Specially Valued
Species occupying or using
on-Site and adjacent natural
Areas.

(b) **SENSITIVE AND
SPECIALLY VALUED
SPECIES.** If the
Development Site contains or
is within five hundred feet
(500') of a natural Area or
habitat Area, and the wildlife
and habitat report show the
existence of Sensitive or
Specially Valued Species, the
Development plans shall
include provisions to ensure
that any habitat contained in
any such natural Area shall
not be disturbed or
diminished, and to the
Maximum Extent Feasible,
such habitat shall be
enhanced.

(c) **CONNECTIONS.** If
the Development Site
contains existing natural
Areas that connect to other
Off-Site natural Areas, to the
Maximum Extent Feasible
the Development plan shall

preserve such natural Area
connections. If natural Areas
lie adjacent to the
Development Site, but such
natural Areas are not
presently connected across
the Development Site, then
the Development plan shall,
to the extent reasonably
feasible, provide such
connection. Such
connections shall be designed
and constructed to allow for
the continuance of existing
wildlife movement between
natural Areas and to enhance
the opportunity for the
establishment of new
connections for movement of
wildlife.

(d) **WILDLIFE
CONFLICTS.** If wildlife that
may create conflicts for
future occupants of the
Development ~~are~~ known to
exist in Areas adjacent to or
on the Development Site,
then the Development plan
must include provisions to
minimize these conflicts to
the extent reasonably
feasible.

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Planning Commission Staff Report



Subject: 2023 Land Management Code Amendments
Author: Rebecca Ward, Assistant Planning Director
Date: January 25, 2023
Type of Item: Work Session

Recommendation

Review the Land Management Code (LMC) priorities for 2023 and provide input.

Background

In a joint Planning Commission and City Council meeting held on March 15, 2022, LMC amendments prioritized for last year were outlined ([Staff Report](#); [Minutes](#)). These amendments have been completed or are in progress:

Adopted Ordinances – 2022

Pickleball – To proactively address requests for new outdoor pickleball courts in residential areas, on April 28, 2022, the City Council enacted [Ordinance No. 2022-08](#) to establish regulations ([Staff Report](#); [Minutes](#), p. 14).

Vibrancy Ordinance Updates – To further incentivize vibrant businesses in Old Town and to clarify Vibrancy Ordinance regulations, on May 26, 2022, the City Council enacted [Ordinance No. 2022-15](#) ([Staff Report](#); [Minutes](#), p. 14).

Compliance with State Code – On May 26, 2022, the City Council adopted [Ordinance No. 2022-16](#) outlining restrictions on architectural review of Single-Family and Duplex Dwellings, to update the appeals sections of the LMC, to update defined terms, and to make non-substantive corrections ([Staff Report](#); [Minutes](#), p. 15).

Planning Commissioner Qualifications – On September 1, 2022, the City Council enacted [Ordinance No. 2022-30](#), amending LMC Section 15-12-2 *Terms and Eligibility of Members to Outline Planning Commissioner Qualifications* to establish priority for at least one Planning Commissioner to be a land use professional, including but not limited to experience in construction, planning, architecture, or real estate development ([Staff Report](#); [Minutes](#), p. 22).

Fractional Use of Dwelling Units – Fractional use of condominium units in the form of Timeshares and Private Residence Clubs is not new to Park City. However, to address a new type of fractional use of Single-Family Dwellings and other Dwelling Units offered by companies like Pacaso, Sharetini, and Ember with some properties in primary resident areas, on October 27, 2022, the City Council enacted [Ordinance No. 2022-21](#) to direct Fractional Uses to limited commercial Zoning Districts ([Staff Report](#); [Minutes](#), p. 10).

Amendments in Progress

Water Wise Landscaping Updates

On September 23, 2021, the City Council directed the Planning team to evaluate improvements to the City's water wise landscaping regulations in preparation for a 2023 landscaping incentive program that will offer rebates for replacement of turf with water wise landscaping ([Minutes](#), p. 4). The Planning Commission conducted work sessions on water wise landscaping updates on April 27, 2022 ([Staff Report](#); [Minutes](#), p. 2), October 12, 2022 ([Staff Report](#); [Minutes](#), p. 12), and January 11, 2023 ([Staff Report](#); [Audio](#)).

The Planning Commission is scheduled to review modifications to the proposed water wise landscaping updates on February 8, 2023, with a possible recommendation for City Council's consideration on March 9, 2023.

Timeshares, Private Residence Clubs, and Fractional Use of Dwelling Units

On October 27, 2022, the City Council directed staff to issue a pending ordinance prohibiting Timeshares, Private Residence Clubs, and Fractional Use of Dwelling Units in the General Commercial, Residential Development, and Residential Development Medium Zoning Districts, to conduct a study, and to recommend LMC amendments by April 27, 2023 ([Minutes](#), p. 10).

On January 11, 2023, the Planning Commission conducted an initial work session ([Staff Report](#); [Audio](#)). Community open houses are scheduled for Tuesday, February 7 from 5:00 – 6:00 PM in the Park City Library and Wednesday, February 8 from noon – 1:00 PM in Council Chambers. A Planning Commission public hearing is scheduled for February 22, 2023, with a possible recommendation for City Council's consideration on March 23, 2023.

Temporary Winter Balcony Enclosure Pilot Program

In 2014, the City Council initiated a pilot program to allow temporary balcony enclosures on non-historic buildings on Main Street from November 15 – April 30, with a termination date of 2023. On January 7, 2016, the City Council adopted [Ordinance No. 16-01](#), amending LMC [Section 15-2.6-2 Uses](#) and [15-2.6-3\(E\) Lot and Site Requirements](#) to allow for temporary balcony enclosures on non-historic buildings in the Historic Commercial Business Zoning District. As a result, if the pilot program is to continue, no action is required – the LMC remains in effect. If the pilot program is discontinued, the LMC must be amended.

To gather input regarding whether the pilot program should continue or not, the Planning team scheduled work sessions with the Historic Preservation Board and Planning Commission. On September 7, 2022, the Historic Preservation Board expressed support for the continuation of the pilot program ([Staff Report](#); [Minutes](#), p. 2).

On October 12, 2022, the Planning Commission conducted a work session. The Commission was split, with some Commissioners wanting stronger design guidelines

and enforcement, and others wanting to discontinue the pilot program ([Staff Report](#); [Minutes](#), p. 5).

On December 15, 2022, the City Council conducted a work session on the pilot program ([Staff Report](#); [Minutes](#), p. 2). Staff presented the Historic Preservation Board's favorable recommendation for continuation of the pilot program, and the Planning Commission's split input. The Council directed staff to take the temporary winter balcony enclosure pilot program back to the Historic Preservation Board and Planning Commission for continued review. Staff has tentatively scheduled this for the Historic Preservation Board on May 3, 2023, and Planning Commission on June 14, 2023.

Lot Combinations in Historic Districts – Laura Suesser & John Frontero, Liaisons

On December 7, 2022, the Historic Preservation Board conducted a preliminary work session on Lot Combinations in the Historic Districts ([Staff Report](#); [Audio](#)). Staff recommends the Planning Commissioners listen to the public input provided for the Historic Preservation Board, as well as public input provided to the City Council as part of public comment for City business not scheduled on the agenda on December 8, 2022 ([Audio](#); [Minutes](#), p. 5 – 6). As part of the Lot Combination review, the City Council recommended the Commission consider whether two units should be required to be retained on site when two full lots are combined into one, with one primary and one secondary like an Accessory Apartment with a potential affordable deed restriction requirement.

Prior to a Planning Commission work session, staff is gathering information on the number of vacant lots remaining in the Historic Districts, as well as conducting additional outreach with input from Planning Commission liaisons, property owners, architects, and community members. An initial work session is scheduled with the Planning Commission on May 10, 2023.

Accessory Uses in Master Planned Developments – Laura Suesser & Henry Sigg, Liaisons

On December 16, 2022, the Planning Commission conducted a work session on Support Commercial, Residential, Resort, and Resort Support Commercial Accessory Uses for which there are density bonuses allowed as part of a Master Planned Development ([Staff Report](#); [Minutes](#), p. 25). The Planning Commission provided initial input and is scheduled to conduct a second work session on February 8, 2023.

Sensitive Land Overlay Updates – Bill Johnson & John Frontero, Liaisons

When the City annexed the Southeast Quinn's Junction acreage, it was annexed as part of the Sensitive Land Overlay. LMC amendments are required to establish designated Ridge Line Areas and Vantage Points for the newly annexed area. Additionally, updates to Ridge Line Areas and Vantage Points citywide are proposed, as well as potential comprehensive review of a Trails Master Plan for future trail development in the Sensitive Land Overlay. The Planning Commission also requested that steep slope standards citywide be evaluated. This initial work session is scheduled for January 25, 2023.

Parking and Driveway Regulations in the Historic Districts

A 2019 task force evaluated the permitting and review process for development in Park City and recommended clarifications to parking and driveway regulations in the Historic Districts, including whether parking spaces can be satisfied within setbacks. Proposed amendments will first be reviewed by the Historic Preservation Board, tentatively scheduled for March 1, 2023, with Planning Commission review on April 26, 2023.

Illustrations for LMC Chapter 15-13 *Design Guidelines for Historic Districts and Historic Sites*

In the fall of 2022, the City issued a Request for Proposals (RFP) for consultant services to illustrate LMC [Chapter 15-13](#) *Design Guidelines for Historic Districts and Historic Sites*. Many qualified consultants responded to the request and the City is completing the review and selection process, which will go to City Council for final approval. Once the illustrations are complete, the proposed code illustrations will come before the Historic Preservation Board and Planning Commission, likely in the fall of 2023, for input and review with a possible recommendation to the City Council for potential adoption.

Secure Bicycle Parking Requirements – Sarah Hall & Christin Van Dine, Liaisons

LMC [Section 15-3-9](#) requires temporary bike storage for at least three bikes or 10% of the required parking, whichever is greater. Potential updates to this section of code, as well as the Conditional Use, Master Planned Development, and Affordable Master Planned Development sections, include increased bike parking facility requirements, requirements for indoor bike storage that can accommodate e-bikes and charging for residential developments, covered outdoor bike parking facilities, snow clearing and maintenance standards, infrastructure and multi-use path requirements, and bike repair stations. The Planning Commission is scheduled to review proposed amendments on February 22, 2023.

2023 Priorities Identified by the Planning Commission

On September 14, 2022, the Planning Commission conducted a work session on LMC amendment priorities for 2023 ([Staff Report](#); [Minutes](#), p. 11). The Planning Commission agreed to reserve time for each second Planning Commission meeting of the month to review LMC amendments, with LMC amendments scheduled for public hearings for the first and second meeting as they progress. The Planning Commission also appointed liaisons to assist with specific amendments.

On October 12, 2023, the Planning Commission reviewed the following priorities:

- Affordable Housing and Transfer of Development Rights
- Sustainability
- Improving Transit, Trail, and Active Transportation Connectivity
- Transportation Demand Management and Traffic Impact Studies

Additionally, the Planning Commission requested the following:

- Review of Excavation Limits
- Evaluation of Steep Slope Standards Citywide (see Sensitive Land Overlay above)
- Conventional Chain Business and Vibrancy Ordinance Review
- Final Action Review ([Staff Report](#); [Minutes](#), p. 1)

Affordable Housing – Bill Johnson & John Kenworthy, Liaisons

Rezone Process – Recreation Open Space to a new zone that incentivizes affordable housing development

- City-owned Recreation Open Space parcels like Clark Ranch and Mine Bench have been identified by the City Council as potential areas for rezoning and affordable housing development. The Affordable Master Planned Development code is intended to incentivize affordable housing through infill projects, which may not provide the flexibility needed for development of affordable housing on acreage that is currently Recreation Open Space.
- Evaluate a potential rezoning process for City-owned Recreation Open Space parcels that are not subject to a conservation easement and have been identified by the City Council as potential property for affordable housing development, that allows for site-specific flexibility of design that achieves the City's sustainability goals, while being restrictive and prescriptive to limit rezone proposals, and to ensure protection of sensitive lands, including Ridge Line Areas, Steep Slopes, wetlands and streams, wildlife and wildlife habitat, and the Wildland Urban Interface, the Entry Corridor Protection Overlay, and the Frontage Protection Zone.

Affordable Master Planned Development Updates

- Reevaluate building height, allowable roof forms, and side and rear setbacks; consider requiring mechanical equipment limitations and setback requirements to reduce visual impacts.
- Consider an increase in allowable commercial square footage.
- Consider allowing market-rate nightly rentals when a project offers units affordable to those at 30 – 40% AMI.
- Hire Cascadia to update [the 2019 Affordable Master Planned Development Code Audit Report](#) to reflect current market conditions and to evaluate the financial implications of additional commercial uses and allowing market-rate nightly rentals.

Missing Middle Housing

- Evaluate potential incentives for the construction of affordable units ranging from triplexes up to 20,000 square feet.

Transit Oriented Development

- Identify opportunities to better align affordable housing development with transit plans with a potential overlay for those areas designated for Bus Rapid Transit stops with increased density and decreased parking for affordable units, market-rate units, and potential commercial uses.

Accessory Apartment Incentives – Pilot Program

- In May of 2020, a consultant completed [a memo on incentivizing Accessory Apartment development](#). In 2021, the City Council adopted [Ordinance No. 2021-51](#) implementing many of the suggestions of the memo, including:
 - Expanding where Accessory Apartments are allowed – they have been expanded to the Community Transition Zoning District (Park City Heights)
 - Reducing the minimum allowable size – they can now be as small as 280 square feet
 - Removing the requirement that the property owner must live on site
 - Allowing for the Single-Family Dwelling to be a Nightly Rental, but requiring that the Accessory Apartment be rented for at least 90 days
 - Removing the proximity cap that prohibited more than four Accessory Apartments within a 300-foot radius
 - Establishing an allowance for detached Accessory Apartments for lots 3,750 square feet or larger
- The 2020 memo also recommends financing programs to incentivize Accessory Apartments, as well as development of user-friendly manuals, process materials, workshops, and technical assistance resources, which may include pre-approved plans and prefabricated units for community members interested in Accessory Apartment development. There may be an opportunity to incentivize development of Accessory Apartments through a pilot program.

Sustainability – John Frontero & Sarah Hall, Liaisons

The Sustainability team collaborated with Utah Clean Energy, Summit County, community stakeholders, building industry professionals, the resorts, affordable housing residents, and staff to complete the [Strategic Action Plan for Building Decarbonization in Park City and Summit County](#). In addition to net-zero incentives for new development, the action plan outlines time-of-listing, transparency, and performance standard programs, funding programs, and certification and recognition programs for those who take the lead with net-zero development, as well as strategies for equitable outcomes.

Category 1: Existing Building Retrofits	Time-of-listing Home Energy Score	Residential Rental Licensing & Energy Transparency Policy	Commercial & Multifamily Building Energy Performance Standard
Category 2: New Construction	Net-zero Stretch Code		Net-zero Incentives
Category 3: Finance	Utah Clean Energy Fund	Commercial Property Assessed Clean Energy (C-PACE)	Allocate a portion of PCMC's Municipal Energy Tax/Franchise Tax Revenue to support decarbonization work
Category 4: Community & Business Leader Engagement & Empowerment	Certification and Recognition Program for Decarbonization Leadership		Equitable Outcomes within Building & Community Decarbonization Efforts

The Sustainability team is implementing several programs outlined in the plan to incentivize net zero development and improve building efficiency, including:

- Adopting a Net-Zero Building Stretch Code
- Establishing a fund to incentivize decarbonizing new buildings and deep energy retrofits
- Reaching out to businesses on available building energy incentives and best practices
- Building networks and resources for the real estate community, including feasibility for a Home Energy Labeling Program
- Implementing a Commercial Building Energy Benchmark Program

The Sustainability team would like to conduct a work session on a net zero building stretch code and supporting program, as well as initiatives for zero waste, Commercial and Multifamily Building Energy Performance Standards, and certification and recognition programs for decarbonization projects, with the Planning Commission on March 8, 2023.

Additionally, outlined below are potential Land Management Code amendments:

Reevaluate EV Charging Station Conduit and Installation Requirements

- On November 19, 2020, the City Council enacted Ordinance No. 2020-48, requiring projects to install EV Charging Station conduit for 20% of the first 100 required off-street parking spaces and EV Charging Station installations for 5% of the required parking spaces for the first 200 parking spaces. The first installation must be a dual port with one ADA accessible charging station.

- These amendments were based on [EV Charging Station network plans](#) in effect at that time. With new incentives to purchase EVs and increases in EV ownership, more conduit may be needed.
- Additionally, there may be opportunities to amend the LMC to allow for fast charging EV stations in certain Zoning Districts along main roads.

Prohibit Wood Burning Stoves

- The Summit County Code of Health [Section 1-12-13](#) and the Snyderville Basin [Section 10-4-2](#) prohibit wood burning stoves. The LMC could be amended to also prohibit wood burning stoves and retrofitting wood burning stoves could be incentivized with a potential rebate program.

Update Sustainability Requirements for Master Planned Developments

- The Planning Commission is required to find an MPD “incorporates best planning practices for sustainable development, including water conservation measures and energy efficient design and construction, per the Residential and Commercial Energy and Green Building program and codes adopted by the Park City Building Department in effect at the time of Application” (LMC [Section 15-6-6\(L\)](#)).
- While there are some limitations at the state level regarding municipal authority to require standards above and beyond the energy code adopted by the state, these criteria could be expanded with recommended net-zero performance standards, as well as requirements for energy usage, solar panels or green roofs, or other standards that reduce impacts.

Evaluate Solar Roof Panel and Renewable Energy Upgrade Incentives

- In 2019, the City Council adopted [Resolution No. 11-2019 Approving Building Department Fee Waivers on New Renewable Energy Projects](#). Building permit and site inspection fees are waived for new solar photovoltaic systems, on site battery storage, solar thermal, air, and ground source heat pumps, small-scale wind projects, and electric vehicle charging stations completed within City limits.
- Additionally, a list of available state and federal incentives available for energy upgrades, including solar roof installation, could be compiled.

Initiate Annual Awards for Projects that Achieve Net-Zero Standards

- Each year, the Historic Preservation Board [selects a project](#) that embodies the City’s historic preservation values and honors the project with the Cindy Matsumoto Award. As part of the award, the Board commissions an artist to depict the winning project (the paintings of past winners are available for public viewing in the second-level hallway of City Hall). The Board also issues up to five plaques for outstanding projects. The Planning Commission could initiate a similar annual award that brings attention to and celebrates sustainable projects.

Improving Transit, Trail, and Active Transportation Connectivity – Christin Van Dine & Sarah Hall, Liaisons

On February 2, 2023, the City Council is scheduled to conduct a work session and potentially to re-initiate the City's master active transportation plan. LMC amendments to improve bike facilities and infrastructure are scheduled for Planning Commission review February 22, 2023.

Transportation Demand Management and Traffic Impact Studies – John Kenworthy & Laura Suesser, Liaisons

Planning Commissioners expressed interest in comparing past traffic studies to current studies for consistency and recommendations for major intersections to provide a baseline for project reviews. The Engineering and Transportation teams are analyzing the data.

Amending the LMC to require that applicants submit Transportation Demand Management (TDM) strategies as part of their development review allows for opportunities to reduce single-occupancy vehicles through parking management, multimodal options, transit access and infrastructure, potential car shares, and ongoing compliance and reporting.

Standardizing the requirements for Traffic Impact Studies will help both applicants and the City to prepare and evaluate submitted studies leading to consistent recommendations.

Conventional Chain Business and Vibrancy Ordinances

The Planning Commission requested staff provide background on the Conventional Chain Business and Vibrancy Ordinance for new Planning Commissioners so the Commission could determine whether to prioritize updates for these regulations in 2023. On December 14, 2022, staff provided information in [a Staff Communication](#).

Staff also reached out to the Historic Park City Alliance (HPCA) for input. The HPCA discussed the Conventional Chain Business and Vibrancy Ordinances during their December 20, 2022 board meeting and provided the following:

The group did discuss this and the overall consensus is to keep as is. However they would suggest adding a variance during Sundance. Currently with all Chain slots being filled (on the top of Main), this prevents street level businesses from renting out business site during the event. With rent prices being so high, this creates a missed opportunity for businesses.

Review of Excavation Limits

The Planning Commission requested excavation limits be evaluated. The LMC requires that MPDs¹ and AMPDs² “be designed to minimize Grading and the need for large retaining structures” and that “[r]oads, utility lines, and Structures should be designed to work with the Existing Grade. Cuts and fills shall be minimized.” For properties within the Sensitive Land Overlay (SLO), there are limitations on excavation for slope protection.³ However, the Conditional Use Review does not include these criteria.⁴ The MPD, AMPD, and SLO criteria could be updated, and consideration of excavation limits could be added as part of the CUP review.

Final Action Review

The Planning Commission requested that in 2023, the Commission evaluate planning application reviews to determine whether some reviewed by the Commission could be reviewed at a staff-level, and whether some that are reviewed by the Commission with a recommendation to City Council could be reviewed by the Commission for Final Action ([Minutes](#), p. 11).

Additionally, the City Council requested information regarding Final Action review. The Planning team provided [a Staff Communication](#) and [Exhibit](#) outlining case-by-case determinations. The Council requested the Planning Commission review and determine whether the authority, recommendations, and Final Action are appropriate and to recommend amendments if warranted ([Minutes](#), p. 8).

LMC Consultant

Funding from the Executive Budget has been offered to hire a LMC consultant to assist with the 2023 amendments.

Upcoming reviews scheduled through March:

Date	Topic
January 25, 2023	Sensitive Land Overlay Work Session

¹ LMC [Section 15-6-5\(G\)](#)

² LMC [Section 15-6.1-11\(B\)](#)

³ LMC [Section 15-2.21-4\(A\)\(3\)](#)

⁴ LMC [Section 15-1-10\(E\)](#)

February 8, 2023	Water Wise Landscaping Public Hearing Accessory Uses in Master Planned Developments Work Session
February 22, 2023	Timeshares, Private Residence Clubs, and Fractional Use of Dwelling Units Public Hearing Secure Bike Facility Requirement Public Hearing
March 8, 2023	Sensitive Land Overlay Public Hearing Net Zero Incentives Work Session

Department Review

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