



**PARK CITY PLANNING COMMISSION MEETING
SUMMIT COUNTY, UTAH
October 12, 2022**

NOTICE OF HYBRID IN-PERSON AND ELECTRONIC MEETING: The Planning Commission of Park City, Utah will hold its regular meeting with an anchor location for public participation at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah 84060 on Wednesday, October 12, 2022. Planning Commission members may participate in person or connect electronically by Zoom or phone. Members of the public may attend in person or participate electronically. Public comments will also be accepted virtually. To comment virtually, use eComment or raise your hand on Zoom through www.parkcity.org/public-meetings. Written comments submitted before or during the meeting will be entered into the public record but will not be read aloud. For more information on attending virtually and to listen live, please go to www.parkcity.org.

MEETING CALLED TO ORDER AT 5:30 PM.

1. ROLL CALL

2. MINUTES APPROVAL

3. PUBLIC COMMUNICATIONS

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

- 4.A 2022 - 2023 Land Management Code Amendment Schedule and Commission Liaisons
[2022 - 2023 Land Management Code Amendments](#)

5. CONTINUATIONS

- 5.A **1251 Kearns Boulevard -- Conditional Use Permit --** The Applicant Proposes Constructing an Addition to The Blind Dog Restaurant in the Frontage Protection Zone, Modifying the Parking Area to Increase Parking, and Creating Shared Parking with 1351 Kearns Boulevard. PL-22-05240 (2 mins.)

(A) Public Hearing; (B) Continuation to a Date Uncertain

[1251 Kearns Boulevard Continuation Report](#)

5.B

1351 Kearns Boulevard -- Conditional Use Permit -- The Applicant Proposes Enlarging the Parking Area in the Frontage Protection Zone and Shared Parking with 1251 Kearns Boulevard. PL-22-05296 (2 mins.)

(A) Public Hearing; (B) Continuation to a Date Uncertain

[1351 Kearns Boulevard Continuation Report](#)

6. WORK SESSION

- 6.A **Temporary Winter Balcony Enclosure Pilot Program** – The Planning Commission Will Review the Temporary Winter Balcony Enclosure Pilot Program that Allows for Non-Historic Balconies in the Historic Commercial Business District Facing Main Street to be Enclosed from November 15 through April 30. The Pilot Program Will End in 2023 and May Require Amendments to the Land Management Code. (GI-22-00487)
[Winter Balcony Enclosure Staff Report](#)
[Exhibit A: November 13, 2014 City Council Meeting Minutes](#)
[Exhibit B: January 7, 2015 HPB Staff Report](#)
[Exhibit C: January 7, 2015 HPB Meeting Minutes](#)
[Exhibit D: March 4, 2015 HPB Staff Report](#)
[Exhibit E: March 4, 2015 HPB Meeting Minutes](#)
[Exhibit F: December 9, 2015 Planning Commission Staff Report](#)
[Exhibit G: December 9, 2015 Planning Commission Meeting Minutes](#)
[Exhibit H: September 7, 2022 HPB Staff Report](#)
[Exhibit I: Public Input](#)
- 6.B **Land Management Code Amendments** - The Planning Commission Will Conduct a Work Session on Proposed Land Management Code Amendments to Clarify Landscaping and Water Wise Regulations, Define Key Terms, Update Gravel Regulations, Establish Landscaping Regulations Based on Land Use Type, Provide Flexibility to Replace Significant Vegetation with Water Wise and Firewise Landscaping, Update the Recommended Plant List to Identify Water Wise Plants, and Clarify Landscaping and Limits of Disturbance. PL-21-05064 (45 mins.)
[Landscaping Land Management Code Amendments Staff Report](#)
[Exhibit A: Approved Plant List](#)

7. REGULAR AGENDA

- 7.A **3099 Mountain Ridge Court - Plat Amendment** - The Applicant Proposes to Amend the Mountain Ridge Subdivision Plat to Modify the Limitations on Maximum Building Square Feet for Lot 13. PL-22-05368 (15 mins.)
(A) Public Hearing; (B) Possible Recommendation for City Council's Consideration on November 10, 2022
[Mountain Ridge Subdivision Lot 13 Plat Amendment Staff Report](#)
[Exhibit A: Draft Ordinance No 2022-XX and Proposed Plat](#)
[Exhibit B: Applicant's Survey of Proposed Changes to Building Envelope](#)
[Exhibit C: September 27, 1990 Planning Commission Meeting Minutes](#)
[Exhibit D: February 14, 1990 Planning Commission Meeting Minutes](#)
[Exhibit E: Mountain Ridge Subdivision Plat](#)
[Exhibit F: 2013 Building Permit](#)
[Exhibit G: Applicant Statement](#)
- 7.B **7620 Royal Street - Condominium Plat Amendment** - The Applicant Proposes a condominium plat amendment to combine two existing units into one recorded unit. PL-22-05343 (15 mins.)
(A) Public Hearing; (B) Possible Recommendation for City Council's Consideration on November 17, 2022
[7620 Royal Street Staff Report](#)
[Exhibit A: Draft Ordinance No. 2022-XX and Proposed Plat](#)
[Exhibit B: Existing Plat](#)

[Exhibit D: Royal Plaza Board Approval](#)
[Exhibit C: Project Intent](#)

7.C

Founders Place (Parcel 00-0021-01977 in Wasatch County; 3267 West Deer Hollow Road) – Development Agreement Modification – On January 12, 2022, the Planning Commission Approved a Modification to a Master Planned Development and Conditional Use Permit for Founders Place, a 354,264-Square-Foot Ski-In Ski-Out Village in the Deer Crest Area. On July 27, 2022, the Planning Commission Ratified the Development Agreement Outlining the Requirements of the Development. The Applicant Requests a Modification to the Development Agreement Phasing Plan. PL-21-05056, PL-21-04917 (15 mins.)

(A) Public Hearing; (B) Action

[Founders Place Development Agreement Staff Report](#)
[Exhibit A: Founders Place Development Agreement](#)
[Attachment 1 - January 12, 2022 Project Approval](#)
[Attachment 2 - Housing Mitigation Plan](#)
[Attachment 3 - Legal Description](#)
[Attachment 4 - Community Benefit Agreement](#)

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 Staff Communication

Subject: Land Management Code Amendments
Author: Rebecca Ward, Assistant Planning Director
Date: October 12, 2022
Type of Item: 2022-2023 Schedule & Commission Liaisons



Summary

On September 14, 2022, the Planning Commission reviewed Land Management Code amendments in progress, prioritized amendments for 2023, and appointed Commission liaisons ([Staff Report](#); [Minutes](#), p. 11). This Staff Communication outlines Commission liaisons and the proposed schedule for work sessions and public hearings for 2022 and 2023. After meeting with Commission liaisons to discuss and outline each topic, the Planning team will return to the Planning Commission for a January 11, 2023 work session to finalize the schedule for the code amendment review.

2022 Schedule

The amendments below are in progress, scheduled for Planning Commission review:

Date	Topic	Commission Liaison
10/12/2022	Work Session Winter Balcony Enclosure Pilot Program Landscaping Updates	
10/26/2022	Public Hearing Landscaping Updates	
11/9/2022	Work Session Sensitive Land Overlay Work Session	Bill Johnson
11/9/2022	Work Session Accessory Uses in MPDs	Laura Suesser
11/23/2022	Meeting Cancelled – Thanksgiving Break	
12/14/2022	Work Session Secure Bicycle Parking Requirements	Christin Van Dine
12/14/2022	Public Hearing Sensitive Land Overlay	Bill Johnson

2023 Priorities

The Planning Commission identified the following priorities and Commission liaisons for 2023:

Priority	Commission Liaison
Incentivizing affordable housing development and amending Transfer of Development Rights	John Kenworthy Bill Johnson
Encouraging sustainability	Sarah Hall John Frontero
Improving transit, trail, and active transportation connectivity	Christin Van Dine
Evaluating lot combinations in the Historic Districts	Laura Suesser John Frontero
Transportation Demand Management and Traffic Impact Studies	Sarah Hall John Kenworthy

Additionally, the Commissioners requested that the Planning team schedule the following for review in 2023:

- Excavation limits
- Evaluation of steep slope standards citywide
- Review of the Conventional Chain Business and vibrancy ordinances
- Final action review and efficiency – Could some items that go to City Council stop with Planning Commission review; could some Planning Commission items be reviewed at a staff level?

2023 Schedule

Land Management Code amendment work sessions are scheduled for the second Planning Commission meeting each month, with the possibility of additional public hearings scheduled as amendments progress. After meeting with Commission liaisons this fall, on January 11, 2023, the Planning Team will return to the Planning Commission for final review of a detailed schedule.

The Planning team has reserved at least one hour for Land Management Code work sessions for the following meetings:

- January 25, 2023
- February 22, 2023
- March 22, 2023
- April 26, 2023
- May 24, 2023
- June 28, 2023
- July 26, 2023
- August 23, 2023
- September 27, 2023
- October 25, 2023
- November 22, 2023 – No Meeting – Thanksgiving
- December 27, 2023 – No Meeting – Winter Break

Planning Commission Staff Report



Subject: 1251 Kearns Boulevard
Application: PL-22-05240
Author: Rebecca Ward
Date: October 12, 2022
Type of Item: Conditional Use Permit

Recommendation

(I) Open a public hearing, and (II) consider continuing a Conditional Use Permit to enclose an outdoor dining area in the Frontage Protection Zone to a date uncertain to allow the Applicant additional time to update their parking study.

Description

Applicant: Mark Fisher, represented by Jonathan DeGray

Location: 1251 Kearns Boulevard

Zoning District: General Commercial
Frontage Protection Overlay

Adjacent Land Uses: Homestake Condominiums, Homestake Lot (slated for affordable housing development), Park City cemetery, The Emporium (1351 Kearns Boulevard), and Com-Park Plaza Condominiums

Reason for Review: The Planning Commission reviews Conditional Use Permits, conducts a public hearing, and takes Final Action¹

¹ LMC [§ 15-1-8\(G\)](#)

Planning Commission Staff Report



Subject: 1351 Kearns Boulevard
Application: PL-22-05296
Author: Rebecca Ward
Date: October 12, 2022
Type of Item: Conditional Use Permit

Recommendation

(I) Open a public hearing, and (II) consider continuing a Conditional Use Permit to enlarge a parking area in the Frontage Protection Zone to a date uncertain to allow the Applicant additional time to update their parking study.

Description

Applicant: Mark Fisher, represented by Michael Sweeney

Location: 1351 Kearns Boulevard (The Emporium)

Zoning District: General Commercial
Frontage Protection Overlay

Adjacent Land Uses: The Blind Dog and Boneyard Restaurants, Park City cemetery, Com-Park Plaza Condominiums, and City-owned property

Reason for Review: The Planning Commission reviews Conditional Use Permits, conducts a public hearing, and takes Final Action¹

¹ LMC [§ 15-1-8\(G\)](#)

Planning Commission Staff Report



Subject: Winter Balcony Enclosure Pilot Program
Application: GI-22-00487
Author: Caitlyn Tubbs, Senior Historic Preservation Planner
Date: October 12, 2022
Type of Item: Work Session

Recommendation

Evaluate and provide input on the Winter Balcony Enclosure pilot program that allows temporary enclosure of non-historic balconies facing Main Street in the Historic Commercial Business District. The pilot program is scheduled to end in 2023.

Summary

The City Council initiated a pilot program to allow balcony enclosures on non-historic buildings on Main Street from November 15 – April 30 through 2023.

On March 7, 1979, Park City's Main Street was listed on the [National Register of Historic Places](#), and was expanded in 2018. The Historic Character of Park City is one of the core values of the Park City General Plan ("General Plan"). Goal 15 of the General Plan is to "[p]reserve the integrity, mass, scale, compatibility, and historic fabric of the nationally and locally designated historic resources and districts for future generations." Goal 16 of the General Plan is to "[m]aintain the Historic Main Street District as the heart of the City for residents and encourage tourism in the district for visitors."

The General Plan acknowledges that historic preservation requires consideration of local business needs to retain vibrancy. The General Plan Community Planning Strategy 16.4 is to "[w]ork with Historic Park City Alliance (HPCA) and the Park City Historical Society to address the needs and concerns of local business owners."

The pilot program was suggested by a local business to increase seating capacity during the winter months and to allow temporary balcony enclosures to replace tents. Only one property has requested the Winter Balcony Enclosure, with details provided in the Analysis Section below.

Since the Winter Balcony Enclosure pilot program was first introduced, staff has repeatedly voiced concerns, outlined in the Analysis Section below. Staff continues to find that the enclosure of Main Street balconies, even temporarily, has a detrimental impact on the historic character of Main Street.

Background

The table below outlines the Winter Balcony Enclosure pilot program background:

Sept. 18, 2014	A community member proposed the City consider a Winter Balcony Enclosure program on Main Street to promote expanded winter use. The City Council supported scheduling the proposal for future discussion. (Minutes, p. 4)
Nov. 13, 2014	The City Council conducted a work session on Winter Balcony Enclosures. Staff expressed concerns: • Impact to the historic integrity of Main Street • International Building Code requirements for fire safety and snow loads • Snow shed issues • Increased use of sewer and water • Increased parking demands • Increased strain on City resources and staff time for reviewing and monitoring the enclosures • Enclosures were prohibited in the Land Management Code and Design Guidelines for Historic Districts and Historic Sites and required amendments Some Councilmembers agreed there would be impacts, but most Councilmembers were in support of exploring a pilot program. (Minutes, Exhibit A)
Jan. 7, 2015	The Historic Preservation Board conducted a work session on Winter Balcony Enclosures. The staff report outlined concerns: • Even temporary enclosures of balconies change the historic character of Main Street • Enclosure substantially alters the architectural design of the building, light and shade of the building design, and the rhythm and pattern of the streetscape • Enclosure of balconies substantially alters the visual character of the original building in shape, roof design, projections, recesses, and solid-to-void ratio • The balcony enclosures obscure and detract from historic details • Balconies not designed to meet the requirements of interior spaces and enclosures may require substantial structural changes and reconstruction The Board continued the discussion to March. (Jan. 7, 2015 Staff Report, Exhibit B; Jan. 7, 2015 Minutes, Exhibit C)

Mar. 4, 2015	The Historic Preservation Board provided input on potential amendments to the Land Management Code and Design Guidelines for Historic Districts to allow temporary enclosures on non-historic balconies in the Historic Commercial Business Zoning District for buildings facing Main Street. (Mar. 4, 2015 Staff Report, Exhibit D; Mar. 4, 2015 Minutes, Exhibit E)
Jun. 25, 2015	The City Council conducted a work session on Winter Balcony Enclosures and provided direction to staff to move forward with a three-year pilot program for non-historic buildings on Main Street. Community members raised concerns about the energy required to heat temporary enclosures. (Staff Report, p. 22; Minutes, p. 3)
Dec. 9, 2015	The Planning Commission voted 5 – 2 to forward a negative recommendation to City Council regarding amendments to the Land Management Code to accommodate Winter Balcony Enclosures. The Planning Commission expressed concerns: • If the temporary enclosure was constructed as a semi-permanent structure, why not consider a year-round enclosure • Balcony enclosures severely detract from the historic character and integrity of the Main Street Historic District, blocks views of neighboring historic structures, and changes the mass and scale of the historic commercial district in opposition to the General Plan and historic preservation goals • Balcony enclosures do not add to street vibrancy like summer dining decks • Balcony enclosures do not comply with Utah’s adopted State Energy Code and will increase carbon footprint in opposition to the General Plan and City goals (Dec. 9, 2015 Staff Report, Exhibit F; Dec. 9, 2015 Minutes, Exhibit G)
Jan. 7, 2016	City Council launched a three-year pilot program for the Winter Balcony Enclosure Program for non-historic buildings facing Main Street to enclose their balconies from November 15 – April 30. (Staff Report, p. 93; Minutes, p. 8)
Jan. 7, 2016	City Council enacted Ordinance No. 16-01, amending the Land Management Code to accommodate Winter Balcony Enclosures on non-historic buildings in the Historic Commercial Business Zoning District facing Main Street from November 15 through April 30. (Staff Report, p. 83; Minutes, p. 5)

Nov. 3, 2016	The City Council affirmed support of the three-year pilot program and approved a one-year agreement to allow the Riverhorse Balcony Enclosure over the public pedestrian right-of-way. (Staff Report , p. 98; Minutes , p. 13)
Oct. 11, 2018	City Council extended the pilot program for another five years and approved a one-year agreement to allow for the Riverhorse Balcony Enclosure over the public pedestrian right-of-way. (Staff Report ; Minutes , p. 10)
Nov. 7, 2019	As part of the consent agenda, the City Council approved an updated agreement for the Riverhorse Balcony Enclosure. The agreement terminated on April 30, 2020. The balcony enclosure was allowed to be installed from November 14, 2019 through May 4, 2020. (Staff Report , p. 459; Minutes , p. 12)
Sep. 7, 2022	The Historic Preservation Board held a work session to review the pilot program and give input. Staff reiterated concerns raised at prior meetings. The Historic Preservation Board expressed support for the continuation of the temporary enclosure of balconies on non-historic structures. (Staff Report , p.21; (Minutes not yet adopted))

The pilot program is scheduled to expire in April 2023. Section 15-2.6-3 of the Land Management Code (LMC) was amended to include the allowance for temporary winter balcony enclosures. Prior to the program's expiration the Land Management Code will need to be amended to reflect the City's desired outcome. Staff is seeking a recommendation from the Planning Commission to the City Council regarding the future of the temporary winter balcony enclosure provisions as follows:

- Amend the LMC to allow for the continued **temporary** winter enclosure of balconies on non-historic structures,
- Amend the LMC to remove the provision for temporary winter enclosure of balconies on non-historic structures, OR
- Amend the LMC to allow for permanent (year-round) enclosure of balconies on non-historic structures.

Analysis

Preserving the Historic Character of Park City is one of the core values in Park City's General Plan ("General Plan"). Goal 15 of the General Plan is:

Preserve the integrity, mass, scale, compatibility, and historic fabric of the nationally and locally designated historic resources and districts for future generations.

Objective 15A – maintain the integrity of historic resources within Park City as a community asset for future generations, including historic resources locally designated on the Park City Historic Sites Inventory and its two

National Register Historic Districts – the Main Street Historic District and the Mining Boom Era Residences Thematic District.

Objective 15B – Maintain character, context, and scale of local historic districts with compatible infill development and additions.

Community Planning Strategy 15.8 is to periodically review newly constructed infill projects for suitability and compatibility of infill development within the Historic Districts. “Identify issues that threaten the aesthetic experience of the districts and refine the Design Guidelines and/or LMC based on findings. The aesthetic experience should be measured from the pedestrian experience at street frontage. In addition, the influence of site design and architecture should be analyzed in the review.”

Goal 16 of the General Plan is:

Maintain the Historic Main Street District as the heart of the City for residents and encourage tourism in the district for visitors.

Objective 16E is to “[e]ncourage all infill, additions, and building alterations on Main Street to be compatible with existing Landmark and Significant Buildings.”

Community Planning Strategy 16.4 is to “[w]ork with Historic Park City Alliance (HPCA) and the Park City Historical Society to address the needs and concerns of local business owners.”

The LMC implements the goals and policies of the General Plan, including allowing development in a manner that encourages the preservation and integrity of the Historic Districts in the unique urban scale of original Park City.² The Winter Balcony Enclosure pilot program was initiated in the Historic Commercial Business District. The purposes of the Historic Commercial Business District include:

- Preserving the cultural heritage of the City’s original Business, governmental, and residential center,
- Facilitating the continuation of the visual character, scale, and streetscape of the original Park City Historical District,
- Encouraging pedestrian-oriented, pedestrian-scale development,
- Minimizing the impacts of new development on parking constraints of Old Town,
- Minimizing the impacts of commercial uses and business activities, including parking, access, deliveries, service, mechanical equipment, and traffic on residential neighborhoods,
- Maintaining and enhancing the long-term viability of the downtown core as a destination for residents and tourists by ensuring a business mix that encourages a high level of vitality, public access, vibrancy, activity, and public/resort-related attractions.³

¹ LMC [§ 15-11-5](#)² LMC [§ 15-1-2](#)

³ LMC [§ 15-2.6-1](#)

Land Management Code (LMC) [§ 15-2.6-3\(E\)](#) regulates balconies that project over the Main Street public pedestrian right-of-way in the Historic Commercial Business Zoning District. City Council must review any proposed balcony construction, enlargement, or modification that extends over the Main Street public pedestrian right-of-way. Prior to 2016, balcony enclosures were prohibited. However, on January 7, 2016, the City Council amended LMC [§ 15-2.6-3\(E\)](#) to initiate a pilot program to allow for Winter Balcony Enclosures on non-historic structures facing Main Street from November 15 – April 30. To date, only one property owner has installed a Winter Balcony Enclosure – Riverhorse on Main at 540 Main Street. The pilot program is set to expire in 2023 and staff requests the Planning Commission’s input regarding termination or continuation of the program.

The pilot program outlines the following:

1. There may be times when it is not appropriate to construct a Temporary Winter Balcony Enclosure on a non-historic building due to unique conditions, including but not limited to health and safety concerns, as found by the Planning Director or Chief Building Official.
2. The Temporary Winter Balcony Enclosures and the balcony should respect the architectural style of the building.
3. The Temporary Winter Balcony Enclosures should retain existing balcony railings to achieve a design consistent with open balconies and maintain the character of the original building.
4. The existing exterior wall of the building may not be removed seasonally to accommodate the balcony enclosure.
5. The Temporary Winter Balcony Enclosures must not block existing door and window openings on neighboring buildings.
6. Temporary Winter Balcony Enclosures should consist of clear glazing set in window frames that generally match the mass, scale, and materials of those used for the glazing frames of the building.
7. Screens are permitted and should only be used in times of extreme sun but should not be obtrusive.
8. The balcony must be situated so as not to interfere with pedestrian movement on the sidewalk.
9. The Temporary Winter Balcony Enclosures must have direct access to the restaurant’s dining area.
10. Temporary Winter Balcony Enclosures designs must address snow shedding.
11. Any changes to the exterior façade of the building, proposed changes to the existing balcony, or construction of a new balcony shall be reviewed by staff as part of the Historic District Design Review. New balconies extending over the City right-of-way will require approval of the City Council.

12. The construction of any temporary tents should be approved through an Administrative Conditional Use Permit for up to fourteen (14) days. Free-standing tents will not be considered the same as balcony enclosures.
13. No signage is allowed on any Temporary Winter Balcony Enclosures.
14. Any new Temporary Winter Balcony Enclosures will require a building permit.
15. Temporary Winter Balcony Enclosures will only be permitted from November 15th through April 15th.

When the pilot program was proposed, staff voiced concerns, outlined in the attached staff reports and summarized below:

- *Staff's professional opinion is that the enclosure of this space—even temporarily during the winter months—changes the historic character of the Main Street district as a whole.*
- *The enclosure of balcony spaces substantially alters the architectural design of the building, light and shade of the building design, and the rhythm and pattern of the streetscape.*
- *The visual character of the original building (historic or non-historic) will be substantially altered due to changes in its overall shape, roof design, projections, recesses, and solid-to-void ratio.*
- *The enclosure of the balconies detracts from the historic “western” appearance of our Mining Era Main Street.*
- *The appearance of balconies over the sidewalks adds appeal and interest to the rhythm and patterning of the Main Street historic district; these enclosures change the massing of the structure and create the perception of the second floor extending beyond the plane of the façade and over the City right-of-way.*
- *By extending beyond the front plane of the façade, these seasonal balcony enclosures block the views of neighboring historic buildings when looking up or down Main Street.*
- *Park City's Main Street is characterized by in-line facades with limited breaks in their massing.*
- *Building over the balconies breaks the well-articulated street wall along the sidewalk and disrupts the continuity of the street wall.*

On July 8, 2022, the Planning, Building, Engineering, Public Works, and Sustainability Departments met to evaluate and discuss the pilot program. Staff continues to voice the same concerns raised previously. The enclosure impacts the historic character of Park City's Historic Main Street, presents snow shedding issues, and increases water, sewage, and parking demands. Additionally, while the pilot program allows for temporary enclosure of balconies on non-historic buildings, the enclosure impacts adjacent Historic Structures, requiring attachment to and removal from historic material. Staff requests the Planning Commission please review the staff reports attached as exhibits to this report for the full background and analysis.

Since the LMC was amended to allow for the Winter Balcony Enclosure pilot program,

in 2019, the Design Guidelines for Historic Commercial Infill Construction were adopted. The current guidelines outlined in LMC [§ 15-13-9](#) include the following for non-historic commercial structures in the Historic Districts and do not support Winter Balcony Enclosures:

- New infill commercial buildings shall differentiate from historic structures but shall be compatible with historic structures in materials, features, size, scale, and proportion, and massing to protect the integrity of the Main Street Historic District as a whole. The massing of new infill commercial buildings shall be further broken up into volumes that reflect the original massing of historic buildings; larger masses shall be located at the rear of the site.
- Scale and height of new infill commercial structures shall follow the predominant pattern and respect the architecture of the Streetscape or character area with special consideration given to Historic Sites.
- Size and mass of a structure shall be compatible with the size of the site so that site coverage, and building bulk and mass are compatible with Historic Sites within the Streetscape or character area.
- New construction activity shall not physically damage nearby Historic Sites.
- New infill commercial buildings shall reinforce visual unity within the context of the Historic District but also within the context of the Streetscape or character area. The specific context of the Streetscape or character area is an important feature of the Historic District. The context of each Streetscape or character area shall be considered in its entirety, as one would see it when standing on the street viewing both sides of the street for the entire length of the Streetscape or character area. Special consideration should be given to adjacent and neighboring Historic Sites to reinforce existing rhythms and patterns.
- Structures shall be located on a site in a way that follows the predominant pattern of historic buildings along the street, maintaining traditional setbacks, orientation of entrances, and alignment along the street.
- All Streetscape or character area elements should work together to create a coherent visual identity and public space. The visual cohesiveness and historic character of a site shall be maintained using complementary materials.
- Historic height, width, and depth proportions are important in creating compatible infill and new design shall reflect the historic mass and scale of commercial buildings in the Historic District.
- The size and mass of a new infill commercial building, in relation to open spaces, shall be visually compatible with adjacent historic buildings and historic structures in the surrounding Historic District.
- Building features such as storefronts, upper story windows, cornices, and balconies shall be aligned with similar historic building features in the Historic District.
- New balconies shall be visually subordinate to the new building and shall be minimally visible from the primary public right-of-way.
- A new balcony shall be simple in design and compatible with the character of the Historic Districts. Simple wood and metal designs are appropriate for commercial structures. Heavy timber and plastics are inappropriate materials.

- An addition shall be visually subordinate to the existing building and shall be compatible with the scale of the historic buildings in the Streetscape or character area.

Amendments to the Design Guidelines for Historic Commercial Infill Construction would be required to accommodate and continue the pilot program.

Since the pilot program was initiated in 2016, only one property has installed a Winter Balcony Enclosure, the Riverhorse on Main. The entrance to the Riverhorse on Main is through 540 Main Street, a Landmark Historic Structure ([Historic Site Form](#)). Riverhorse on Main then extends along the upper level of 530 Main Street to the south, which is not a Historic Structure. The Winter Balcony Enclosure extends from this portion of the restaurant and adds approx. 575 SF to the restaurant's usable space. The adjacent property to the south is the Park City Museum at 528 Main Street, a Landmark Historic Structure ([Historic Site Form](#)). As a result, although the balcony for Riverhorse on Main is not on a building designated a Historic Structure, the Winter Balcony Enclosure requires connection to two Landmark Historic Structures.

Below are photos illustrating the historic streetscape and the Balcony Enclosure.

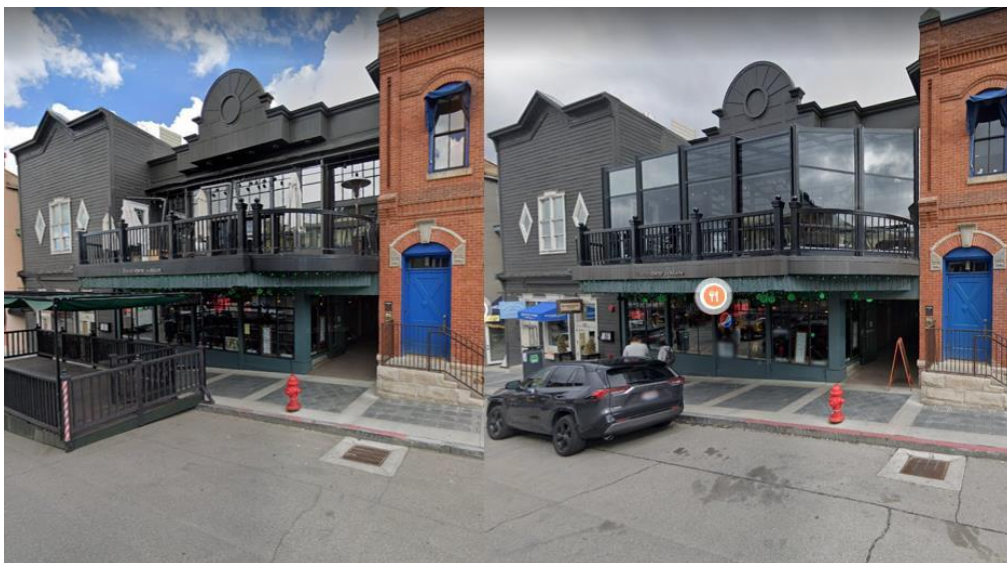
Image taken from Google Maps showing the open Balcony:



Image taken in 1995 showing the open balcony:



Images taken from Google Earth showing side-by-side comparisons:





Questions for Commission consideration:

- Does the Planning Commission support continuation of the Temporary Winter Balcony Enclosure program?
- Does the Planning Commission support the expansion of the Balcony Enclosure program to allow for permanent (year-round)
- If yes, should Park City include standards in the Historic District Design Guidelines specific to balcony enclosures?
- Are there additional factors that should be considered if the program continues or expands, like payment of fees for increased parking demands, structural engineering requirements, or penalty fees for noncompliance with agreements or program requirements?
- Are there preferred methods the City should use to ensure applicants remain in compliance with the program requirements and signed agreements?

Department Review

The Planning Department, Public Works Department, Building Department, Sustainability Department, Streets Department, and City Attorney's Office reviewed the pilot program.

Public Input

Please see Exhibit I.

Exhibits

Exhibit A: November 13, 2014 City Council Meeting Minutes

Exhibit B: January 7, 2015 HPB Staff Report

Exhibit C: January 7, 2015 HPB Meeting Minutes

Exhibit D: March 4, 2015 HPB Staff Report

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**PARK CITY COUNCIL MEETING MINUTES
SUMMIT COUNTY, UTAH,
November 13, 2014**

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Council member Beerman has attended many Mountain Accord meetings. Stated that the December 3rd Community Outreach meeting has been postponed until early January. Live PC Give PC killed it and he is very proud of the community for raising over a million dollars.

2015 Legislative Update

Matt Dias spoke to the Council gearing up to the upcoming Legislative session. Spoke to the platform he created in the staff report discussing transportation, land use. Mayor and Council feel that the framework is a great idea and feel comfortable with the outline presented to Council. Dias stated that he did not want to look into the crystal ball but feels that there will be a push for transportation as well as the usual hot topics of clean air, health care. Discussed a proposed resolution that he will be bringing back to Council next week. Council member Beerman stated that he got a preview of the proposed transportation tax stating that it will be a very broad definition of transportation with this bill. He inquired about what the tax would mean to Park City. Dias stated that he will have a better number next week following the kickoff meeting. Council member Simpson inquired if this money will stay within our City. Dias stated that a city-wide option is available and he will have more information next week as well. Simpson inquired if there is any LGBT movement this time as the door was closed on those bills last year awaiting the Supreme Court ruling. Dias stated that anything is possible. Dias will be bringing back updates at each Council meeting until the close of the session.

Temporary Winter Balcony enclosure discussion

Planner Grahn stated that in September 2013 the Riverhorse approached the City regarding winter balcony enclosures. Staff is not in favor of the temporary winter enclosures as they would interrupt the view along Main Street as well as cause possible damage to the historic structures. Grahn outlined the LMC and International Building Code that would be against permitting these temporary enclosures. John Allen, Building Department, stated that he can agree that there is not a desire for the tent structures, as well as being unsightly they have energy efficiency deficits. Mayor Thomas feels that this winter program would be redesigning Main Street for the winter season and he agrees with Staff.

Council member Matsumoto stated that she does not have a problem with the dining decks and stated that there are only 5 restaurants with decks and they may not all want to participate and would be inclined to a shorter period of time. She also thanked staff for the wonderful report but does not see this as a negative aspect. Council member Peek stated that he feels that it will change the architectural pattern of Main and feels with the snow load impacts would be too great. Council member Henney stated he agrees with Matsumoto and would like to think that staff could make certain adjustments to make this work. Council member Simpson agrees with the Mayor. Council member Beerman agrees with Matsumoto and Henney and feels that there is not an impact and feels that during the summer there are large umbrellas up that interrupt the vibe and flow and also remembers the hurdles we had with the summer decks. Allison Butz spoke for the HPCA stating that they do not have a problem with adding square footage to the restaurants during the winter season.

Mayor Thomas spoke to the structural design and snow load issues of the property. Allen stated that each deck would have to go through a design review. Mayor Thomas stated that even with

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a pilot program it would still impact the character of Main Street. Council member Simpson stated that she feels that this will be a lot of pain for not a lot of gain. Council member Matsumoto stated that she does not feel it should be allowed up year-round and looks at health and safety as a paramount issue and would suggest the HPCA take a look at this item but is still in favor. Sintz suggested a compromise that would allow the restaurants to keep the tents up for longer than the currently allowed 14 days to allow for more seating during the winter season. Council agreed that the proposed enclosures looked nicer than the tents. Mayor and Peek spoke again to the architectural load.

Seth Adams, Riverhorse, stated that he has worked with architects and have looked at the snow load and fire codes. They are looking at just adding time through the ski season and would like to give a different perspective to our visitors. Spoke to the impact to the adjacent buildings as well as the process of taking the structure up and down.

Kasey Crawford, business owner, spoke to the tent structure stating that it detracts from the appeal of Main Street.

Mike Sweeny took this from a perspective as a business owner and stated that he supports creative and innovative ideas to bring people into Main Street.

Mayor Thomas expressed his continued concern regarding this item. Foster spoke to the items staff will bring back a proposed lease agreement and a policy program as well as a read from the HPCA and the Historic Preservation Board as well as building guidelines.

Main Street Employee Parking Initiative

Blake Fannesbeck, Public Works Director; Brian Anderson, Transportation and Allison Butz, HPCA spoke to the parking initiative stating that this has been an evolving plan to better serve our parking issues. Fannesbeck stated that the Task Force that included HPCA members as well as staff looking at peak hour/peak day data to develop a final recommendation for Council. Fannesbeck recognized the parking problem apparent in Park City. Outlined the recommendations stating that they looked at China Bridge proposing 6 hours per vehicle instead of the current 6 hours per space where they have identified spot jumping in the garage.

Council member Henney thanked staff for looking at resolving actual parking issues. Fannesbeck outlined the changes for the China Bridge Pass with increased fee and restrictions on Friday and Saturday reserving the current restrictions during Sundance and Arts Fest. Council member Simpson stated her concerns with the transferrable pass and will exacerbate the problem. Council member Peek stated that in his mind the goal is to free up parking for visitors and feels that if there are problems then the task force should be able to change those restrictions. Council member Henney stated that he feels this is an appropriate step to help mitigate the issue. Fannesbeck outlined the transportation system that will help encourage people to use the bus routes and the shuttle service. Mayor Thomas thanked staff and looks forward to the item coming back in a future meeting.

Introduction of new Park City Mountain Resort Chief Operating Officer Bill Rock

Mike Gore introduced Bill Rock as the Chief Operating Officer of Park City Mountain Resort sharing that the Council and Community will find his involvement outstanding. Gore asked the record to reflect that Bill brought the snow storm this evening. Rock thanked Gore for the great introduction and is very excited to be in the Community. Stated that his family is so excited to



Historic Preservation Board Staff Report

Subject: Temporary Winter Balcony Enclosures
Author: Anya Grahn, Historic Preservation Planner
Department: Planning Department
Date: January 7, 2014
Type of Item: Work Session

Summary Recommendations:

Staff recommends the Historic Preservation Board (HPB) review staff's analysis of the proposed balcony enclosures over the Main Street right-of-way during the winter months (November through April) as well as proposed Design Guidelines, and the HPB make recommendations to City Council.

Topic/Description:

The Riverhorse on Main wishes to construct a temporary, seasonal enclosure on their balcony that would provide additional restaurant space during the winter months (November 1st through April 30th). They believe other restaurants on Main Street would also benefit by having the ability to enclose their balconies, and the Riverhorse has proposed that City Council develop a seasonal program similar to Street Dining on Main—the dining deck program.

Background:

On September 18, 2014, Seth Adams of the Riverhorse presented to City Council his concept for a winter balcony enclosure program. The applicant requested that property owners be permitted to enter into a lease agreement with the City for the enclosure of balcony space above the City right-of-way (ROW). This program would be similar to Street Dining on Main's summer dining decks. Staff met with City Council on November 13, 2014, to discuss this program and expressed their concern for these balcony enclosures; City Council directed staff to meet with the HPB for feedback on this program.

There are approximately twenty-one (21) balconies on Main Street that extend over the City ROW. Of these, seven (7) are constructed on historic buildings, but only one (1) balcony is historic (361 Main Street). Land Management Code (LMC) 15-2.6-3 requires that no balcony projecting over City ROW may be erected, re-erected, located or relocated, enlarged, or structurally modified without first receiving approval from City Council. LMC 15-2.6-3(D) specifically states that "Balconies . . . may not be enclosed." Should City Council decide to pursue a seasonal balcony enclosure program, the LMC will need to be amended to allow for temporary balcony enclosures. Property owners are required to provide insurance for their balconies.

Outdoor dining is a conditional use in the Historic Commercial Business (HCB) District for restaurants. Any outdoor dining must be approved through an Administrative Conditional Use Permit (Admin-CUP). Riverhorse and Wahso both have Admin-CUPs

for their outdoor dining for summertime balcony dining. No other restaurants currently have approvals.

The following chart outlines the location, historic designation, and existence of Admin-CUPs for the existing balconies:

Business Name:	Address:	Use:	Historic Designation:	Admin CUP for Outdoor Dining
TMI	255 Main St	Multiple	Not Historic	No
Red Banjo Pizza	322 Main St	Restaurant	Landmark	No
Berkshire Hathaway Home Services	354 Main St	Real Estate	Significant	No
Burns Cowboy Shop	361 Main St	Retail	Landmark	No
Woodbury Jewelers	421 Main St	Retail	Not Historic	No
Flannagans	438 Main St	Restaurant	Landmark	No
Robert Kelly Home	449 Main St	Retail	Significant	No
501 on Main	501 Main St	Restaurant	Not Historic	<i>Under review</i>
The Expanding Heart	505 Main St	Retail	Not Historic	No
The Cunningham Building	537 Main St	Office	Not Historic	No
River Horse	530-540 Main St	Restaurant	Landmark (Balcony is on the addition)	Yes
Quicksilver	570 Main St	Retail	Not Historic	Yes
Wahso	577 Main St	Restaurant	Not Historic	Yes
Gaucha/Above Condo	591 Main St	Retail/Residential	Significant	No
Destiny	608 Main St	Retail	Not Historic	No
Montgomery Life Fine Art	608 Main St	Retail	Not Historic	No
Condos	613 Main St	Residential (2 nd level)	Not Historic	No
Condos	614 Main St	Residential (2 nd level)	Not Historic	No
Summit Sotherby's International Realty	625 Main St	Residential/Realty	Not Historic	No
Bahnhof Sport	639 Main St.	Retain	Not Historic	No
Town Lift Condominiums	693 Main St	Commercial/Residential	Not Historic	No
Caledonian Hotel	751 Main St	Commercial	Not Historic	No

Analysis:

A balcony is a platform that projects from the wall of a Building and is enclosed by a railing, parapet, or balustrade. It typically does not have a roof. Usually, balconies are incorporated into the design of a building for functional and aesthetic reasons. In some cases, the balcony offsets the massing of the commercial building while embellishing the façade of the structure with additional architectural detailing. The balcony is one of the most visible elements of the building and significantly contributes to the style, appearance, and relationship of the structure to the streetscape.

Balconies traditionally serve as open-air spaces. They are an extension of the interior yet provide a clear transitional space between the private interior spaces and public

exterior spaces of the building. Balconies are an outside room during warm weather and provide a covered entrance to the lower level during adverse weather conditions.

Staff's professional opinion is that the enclosure of this space—even temporarily during the winter months—changes the historic character of the Main Street district as a whole. The enclosure of balcony spaces substantially alters the architectural design of the building, light and shade of the building design, and the rhythm and pattern of the streetscape. The visual character of the original building (historic or non-historic) will be substantially altered due to changes in its overall shape, roof design, projections, recesses, and solid-to-void ratio. On historic structures, the balcony enclosure would obscure and detract from historic details of the balcony and the corresponding historic building. In other cases, balconies that were not originally designed to meet the requirements of interior spaces and enclosures may require substantial structural changes and reconstruction.

Design Guidelines for Historic Districts and Historic Sites

Staff does not believe that the seasonal enclosures of balconies over Main Street complies with the current *Design Guidelines for Historic Sites and Structures*.

Planning Staff's professional opinion is that the enclosure of the balconies detracts from the historic "western" appearance of our Mining Era Main Street. The appearance of balconies over the sidewalks adds appeal and interest to the rhythm and patterning of the Main Street historic district. These enclosures would change the massing of the structure and create the perception of the second floor extending beyond the plane of the façade and over the City right-of-way. By extending beyond the front plane of the façade, these seasonal balcony enclosures would also be blocking the views of neighboring historic buildings when looking up or down Main Street. Park City's Main Street is characterized by in-line facades with limited breaks in their massing. Staff finds that building over the balconies would break the well-articulated street wall along the sidewalk and will greatly disrupt the continuity of the street wall.



Scenario 1. The balcony projects over Main Street adding interest to the street wall overall, but the balcony is also transparent and does not impede the view of the neighboring historic buildings.



Scenario 2. The seasonal enclosure extends over the city right-of-way. On the second level, the enclosure disrupts the continuity of the street wall and blocks the view of the Park City Museum.

The Design Guidelines specify that new additions on historic buildings be visually subordinate to the historic building from the primary public right-of-way, including incorporating rooftop additions that are not visible from the street. The guidelines also recommend that the new addition does not obscure or significantly contribute to the loss of historic materials. Staff finds that these balcony enclosures are a very visible addition to the existing structure, conceal historic building facades, and threaten historic materials.

Staff is concerned that the annual construction and removal of the balcony enclosures will be detrimental to historic building materials. Nails, screws, sealants, and other materials used at connections will leave behind holes, scratches, stains, and other signs of damage on the historic materials that will need to be patched and repaired annually when the enclosure is removed. Staff finds that this will intensify normal wear and tear on historic materials and cause the materials to deteriorate faster.

Staff also finds that the proposed balcony enclosures will visually modify or alter the original building design. The majority of historic buildings with existing balconies already have second-level doors accessing the balcony; however, these doors are not original to the building. Most buildings would not be permitted to add a new door to access their non-historic balcony. As new doors and balconies would not be permitted to be constructed without a Historic District Design Review (HDDR) approval and permission from City Council to construct over the public right-of-way, staff finds that only a limited number of balcony enclosures would be permitted for those decks already existing.

Staff has met with the Legal, Building, Finance, and Engineering Department to identify other issues that will need to be addressed in order to establish this program. These include:

- The applicant must submit a full architectural and engineering plan to the Building Department that addresses energy efficiency, structural loads on the cantilevered deck, emergency egress plans, seating plan, weather proofing, electrical plans, etc. Additional electrical upgrades must be permanent and electrical outlets will need to be concealed from the view of the public right-of-way.
- The applicant will also need to provide a snow shed plan. Snow will need to be retained on the roof and the applicant shall show how the melted snow will be diverted to the public way without draining across the sidewalk.
- Building permits will be required for the assembly and disassembly of the seasonal balcony enclosures.
- Increased water and sewer impact fees will require Snyderville Basin Water Reclamation District sign-off.
- There will be increased fees for business licensing due to the additional square footage.
- Additional fire safety requirements will require approval by Park City Fire District.

- The applicant will assume all liability for the seasonal enclosures and need to provide insurance for the balcony and enclosure.

Is the HPB supportive of the seasonal enclosure of restaurant balconies during the winter months?

Developing a program similar to summer dining decks

In order to accommodate such a program, the Design Guidelines and the Land Management Code (LMC) will need to be amended in order to allow for the temporary, seasonal enclosure of the balconies. LMC 15-2.6-3(D) Balconies should be amended to state:

(D) BALCONIES. No Balcony may be erected, enlarged, or altered over a public pedestrian Right-of-Way without the advance approval of the City Council. Balcony supports may not exceed eighteen inches (18") square and are allowed no closer than thirty-six inches (36") from the front face of the curb. Balconies must provide vertical clearance of not less than ten feet (10') from the sidewalk and may not be enclosed permanently. Temporary seasonal balcony enclosures may be appropriate on some structures. With reasonable notice, the City may require a Balcony be removed from City property without compensating the Building Owner.

If City Council supports temporary balcony enclosures, than Staff recommends altering the following guidelines to specify that these guidelines are not impacted by temporary structures:

Design Guidelines for Historic Sites in Park City:

MSHS1. The proposed project must not cause the building or district to be removed from the National Register of Historic Places. Temporary structures are not subject to review of the National Register of Historic Places.

MSHS8. Temporary winter balcony enclosures are reviewed by the program's criteria and are not addressed by these Specific Design Guidelines.

Design Guidelines for New Construction in Park City's Historic Districts

MSNC1. New construction in the Main Street National Register Historic should be approved only after it has been determined by the Planning Department that the proposed project will not jeopardize the integrity of the surrounding Historic Sites. Temporary structures are not subject to review of the National Register of Historic Places.

MSNC9. Temporary winter balcony enclosures are reviewed by the program's criteria and are not addressed by these Specific Design Guidelines.

Should the HPB believe such enclosures are appropriate along Historic Main Street, staff finds that there need to be some basic guidelines in order to protect the historic

integrity of the Main Street Historic District. Staff is recommending that the HPB review and provide feedback on the following proposed guidelines for balcony enclosures:

General Requirements for Balcony Enclosures

1. The enclosure must be constructed on a balcony on Main Street.
2. There may be times when it is not appropriate to enclose a balcony due to the unique historic character and architectural detailing of the historic building.
3. The applicant must demonstrate that the temporary enclosure will not damage the existing façade and/or side walls with repeated attachment and detachment.
4. The enclosure and balcony should respect the architectural style of the building.
5. The enclosure should retain existing railings in order to achieve a design consistent with open balconies and maintain the character of the original building.
6. The existing exterior wall may not be removed seasonally in order to accommodate the balcony enclosure.
7. The enclosure must not block existing door and window openings on neighboring buildings.
8. Enclosures should consist of clear glazing set in window frames that generally match the mass, scale, and material as those used for the glazing frames of the building.
9. Draperies, blinds, and/or screens must be located in a traditional manner above doors and windows. Draperies, blinds, and/or screens should not be used within the balcony enclosure if they increase the bulk appearance of the enclosure. The use of these must blend with the architecture of the building and should not detract from it. Materials should be high-quality, colorfast, and sunfade resistant.
10. The balcony must be situated so as not to interfere with pedestrian movement on the sidewalk.
11. The enclosure must have direct access to the restaurant's dining area.
12. The design must address snow shedding.
13. Any changes to the exterior façade of the building, proposed changes to the existing balcony, or construction of a new balcony shall be reviewed by staff as part of the Historic District Design Review. New balconies extending over the City right-of-way will require the approval of City Council.
14. The construction of any temporary tents should be approved through an Administrative Conditional Use Permit for up to fourteen (14) days. Free-standing tents will not be considered the same as balcony enclosures.
15. Any new signage will require a Sign Permit application.

Does the Historic Preservation Board approve of these proposed Design Guidelines for Balcony Enclosures? Are there any other Design Guidelines that should be incorporate?

Recommendation:

Staff recommends the Historic Preservation Board (HPB) review staff's analysis of the proposed balcony enclosures over the Main Street right-of-way during the winter months (November through April) as well as proposed Design Guidelines, and the HPB make recommendations to City Council.

Exhibits:

Exhibit A – City Council Staff Report and Minutes

Exhibit B – HPCA input for balcony enclosures

Exhibit C – Additional renderings of proposed enclosure at Riverhorse

Temporary Winter Balcony Enclosures

Board Member Crosby recused herself from this discussion and left the room.

The Staff recommended that the Historic Preservation Board review the Staff's analysis of the proposed balcony enclosures over the Main Street right-of-way during the winter months, November through April, as well as proposed Design Guidelines. The HPB was being asked to make recommendations to City Council.

Planner Anya Grahm reported that the Staff's professional opinion is that the balcony enclosures are a threat to the look and feel of the historic character. Per the definition, a balcony provides coverage when entering from the ground level; and it is also a transitional space between exterior and interior and outdoors and indoors.

Planner Grahm understood that balcony enclosures were only temporary and the plan is to only keep them up for six months during the winter months. However, she was concerned that enclosing the balconies would alter the look and feel of Main Street and take away from the western appearance that exists. It alters the architectural design, the light and shade created by the design of the building, and the rhythm and pattern on the streetscape. Planner Grahm stated that a balcony overall contributes to the visual qualities of the building design. Enclosing the balcony changes the overall form and shape of the building. She was very concerned about enclosing balconies on historic structures because the seasonal removal and construction of the balcony enclosure could damage historic building materials.

Planner Grahm pointed out that the Riverhorse was proposing to enclose the balcony on the new portion of the building; however, their request would result in a program that would encompass all the restaurants on Main Street.

Another issue is that any new balconies would have to go before the City Council for approval. In some instances, if a building were to put on a new balcony, Planner Grahm was unsure whether the Staff would support changing the door and window configurations on the second level so the balcony could be enclosed during the winter season.

Planner Grahm reported that for historic structures the Guidelines are very specific about keeping new additions being subordinate and not being visible in the public right-of-way. Enclosing the balcony changes the form of the building and adds an addition to the front, which is something that would normally not be approved. Planner Grahm remarked that even a roof top addition on a historic building needs to be shielded and not visible. She noted that the Staff report contained a chart showing which balconies were historic and which were not.

Most of the balconies on Main Street are not historic and were added to the historic structure at a later time.

Planner Grahn asked if the HPB was interested in pursuing this program.

Seth Adams from Riverhorse on Main stated that the balcony enclosure they were suggesting would not be on a historic building and it would not connect to any historic buildings. He noted that they have looked at drainage, snow removal and other aspects associated with adding the balcony enclosure. Mr. Adams remarked that it was simply a matter of trying to make the most out of the winter season. The surrounding restaurants have that capability in the summer and he was looking to do that in the winter time. Mr. Adams thought 180 days was a generous time frame because winter is not that long and he specifically wants the balcony for the winter season. He would like the balcony to add to the historical integrity of people being out there in the summer, but adding the balcony for winter use allows people to perceive the historic nature in a way they have never experienced before. Mr. Adams remarked that they waited a long time for this to come before the HPB, and they were looking forward to a favorable opinion in order to compete in a seasonal town. Mr. Adams believed the process would address wind load, fire and other safety aspects and any issues could be worked through with the Fire Marshall and the Building Department.

Mr. Adams presented drawings and photos. He referred to comments about the balcony blocking the view of the Museum. Mr. Adams stated that he works closely with the Museum and he had asked Sandra Morrison to attend this meeting because she was in favor of their proposal. Mr. Adams expressed a willingness to work with any recommendations from the HPB that would allow them to move forward.

Chair Kenworthy pointed out that the Riverhorse has done this in the past. Mr. Adams replied that they are allowed to put up a tent for a two week period up to five times per year, but the tent does not hold up to the weather elements. A semi-permanent structure would give them the ability to ensure that their guests are warm and comfortable on the patio year-round.

Chair Kenworthy understood that the Staff was not looking for a final answer. The question was whether or not the Board thought it was something that should be pursued as policy. Planner Grahn answered yes. If the HPB is interested in pursuing it, it would be looked at as a possible change to the LMC and the Design Guidelines so if this program moves forward the Staff would have a mechanism to evaluate the structures.

Chair Kenworthy asked if the businesses who construct the temporary tents need to obtain approval each time. Director Eddington replied that approval for any tents must be obtained from the Planning and Building Departments.

Chair Kenworthy called for public input.

John Lundell stated that he has been an owner in Park City since 1997 and he has lived in Park City full-time for 12 years. Mr. Lundell was in favor of this proposal for several reasons. According to the Mountain Accord data, Summit County is the second fastest growing county in the Country and like it or not they can expect a lot of growth. Main Street is a particular problem because the businesses on Main Street cannot go up beyond 27' and they cannot go wide because there is no space. Mr. Lundell thought this proposal was a minimally invasive way to allow existing businesses some growth opportunities. A second reason is that outdoor dining has already been approved during the summer months, which is more disruptive to the historic look and feel. An enclosed balcony would be less intrusive. Mr. Lundell stated that by not allowing people to use their decks in the winter penalizes those without a ground floor. From the drawings he saw, it would not be intrusive to the historic atmosphere they were trying to maintain.

Ruth Meintsma, a resident at 305 Woodside, referred to the comments that a balcony tent would be something similar to the summer dining decks. She disagreed with that comment because the summer dining decks engage people with the historic character of the street. An enclosed tent would do the opposite and actually shut off humanity from the street. Ms. Meintsma remarked that summer dining also engages the people on the street with the humanity dining. During the discussions about summer dining, she recalled comments from the City Council about intrusive umbrellas on the street that could compare with the tent. Ms. Meintsma also disagreed with that comment because umbrellas are over people's head while the people are sitting in the open air; whereas the tents would be enclosed. Ms. Meintsma thought the images shown did not give any indication of the feel of what the enclosed balcony would do. She agreed with an earlier comment by Board Member Holmgren that computer images do not show what you need to see. Ms. Meintsma stated that the reasons for enclosing the deck when it is cold outside could be the same argument for summer. Park City has cold nights and there are times when it rains or even snows in July. She was also concerned about setting a precedent for a proliferation of balconies. Ms. Meintsma found it interesting that the historic on each side of the Riverhorse building are slightly proud. She wondered if when that structure was approved some of the Planners had the forethought of setting the building slightly back to show off those historic. She noted that a tent would eliminate that effect where the historic are proud and show themselves off.

Planner Grahn clarified that even though the Riverhorse was the first to bring this forward, the program would be for balcony enclosures up and down Main Street.

Casey Adams stated that Ms. Meintsma was right in saying that the balconies would not be the same as in the summer because it is a winter program. It is also a short timeframe. Ms. Adams thought it would benefit more people than just the Riverhorse because although they all agree that historic Main Street needs to be preserved, people who come to Park City to spend money would be benefitted as well. The Riverhorse was looking out for the people who come to support this town. Ms. Adams remarked that the architects have worked very hard on snow removal and other issues and concerns that have been presented.

Chair Kenworthy closed public input.

Planner Grahn reiterated that the question for the Board was whether or not they supported pursuing this program.

Board Member Melville understood that the City Council was asking the HPB for their recommendation. She wanted to know what criteria the Board should use to base their recommendation.

Assistant City Attorney McLean stated that it was actually a policy issue that would require amendments to the LMC and the Guidelines. These discussions were a kick-off from a policy standpoint of whether or not the program was something to consider. Ms. McLean recommended that they look for consistency with the General Plan and their thoughts of the Historic District. Currently, the proposal would not meet the Guidelines or the Code, so they could not use those to aid in their decision.

Mr. Adams stated that he is allowed to have temporary structures on the patio for 70 days a year. However, he could not remove it for one day and put it back up the next day to make it comfortable for his guests. He clarified that he was requesting an amendment to the Land Management Code, and he would follow whatever number of days the City would allow it to stay up if he could create a better atmosphere for his guests than a vinyl tent.

Board Member Melville asked Planner Grahn to show the renderings on Exhibit C. Ms. Melville referred to the picture of the open deck which has a western look. She pointed out that the picture of the enclosed deck eliminates the western look of the street. Ms. Melville remarked that the deck shown is not what the deck currently looks like. She asked Mr. Adams why he would not just build out to the property line to gain more square footage. Mr. Adams explained that it would affect the entrance to the Riverhorse and impact what they do at the top of the stairs. Obtaining this requested approval would change the master plan and the flow of the interior of the restaurant. They would still make the improvements shown, but it would make the cost worthwhile for making those improvements. Ms. Melville asked if the photo with the enclosure was showing exactly what the enclosure would look like. She was concerned about snow loading on the top.

Mr. Adams replied that they have talked about heat trays and guttering the water underneath the sidewalk. Ms. Melville clarified that Mr. Adams would have to do a lot more to create the permanent structure that was shown. She asked if there would need to be pillars on the sidewalk to support the extra weight. Mr. Adams answered no. Board Member Melville understood that in order to make this a permanent structure, they would have to build out more than what was being shown. Mr. Adams reiterated that they would have to have heating and air and gutters, but no additional support would be required.

Board Member Hewett clarified that the enclosure would only be temporary. Mr. Adams answered yes. He explained that it would be a tongue and groove type with aluminum poles and plexiglass windows.

Board Member Melville remarked that it could come off, but the visitors on Main Street during the winter would see it as a permanent structure rather than a temporary structure. If someone came in requesting a new building, she questioned whether the City would allow them to build a permanent structure out over the sidewalk because it would change the view of Main Street significantly. Planner Grahn stated that if the structure was proposed to be permanent it would not be approved because it is built over the City right-of-way and because of the form of the building.

Board Member Melville Ms. Melville stated that her concern is that an open deck has a western mining town look. Enclose the deck and that look is lost. Having that up and down Main Street would create a different look. She asked if the Board was willing to go with a different look for Main Street. Ms. Melville was concerned about setting a precedent. She named the buildings that already have decks and the ones that could build decks. Ms. Melville believed these were different from dining decks. Dining decks are clearly temporary because you can see through them and around them. Ms. Melville stated that because the Building Department would require a dining deck that is enclosed for six months to be built to permanent standards, it will look like the permanent way the building was designed.

Board Member Holmgren stated that she is a strong proponent of the dining decks during the summer, but there was controversy to allow those. She still hears people complain as she walks up and down the street. Ms. Holmgren believed this was another step in the right direction. She thought it was fabulous, particularly the fact that it is all tongue and groove and they have addressed snow removal and other issues. It would only be up for 180 days. She would not care if a visitor thought it was permanent because she knows that by Spring she would be sitting on an outdoor deck.

Board Member Hewett concurred with Board Member Holmgren. She thought it was a good idea and she believed people would look at it as a way to make

something historic current. Ms. Hewett thought people would be able to interpret the difference.

Board Member Holmgren stated that if someone wants to do something that is safe and good looking they should be allowed to do it. She pointed out that all decks go through a design review and they have to be approved. She was not opposed to having more decks. Ms. Holmgren remarked that this was one of the best innovations she has seen in a long time that was good for Main Street.

Chair Kenworthy expressed his appreciation for the independence and the diversity of this Board. It opens his eyes and he hoped it benefits the Staff.

Board Member Beatlebrox did not have a definite opinion either way, but she could see no harm in looking into it further.

Chair Kenworthy disclosed that he is a restaurant owner with a dining deck and for that reason he would decline to make comment.

Board Member White asked if the roof of the temporary structure was glass or plexiglass. Mr. Adams stated that it was designed to be see-through plexiglass or some type of polyurethane. Mr. White stated that if it is see-through glass or plexiglass it would have very little or no snowload. It would have moisture but gutters and downspouts would take care of it. Mr. White stated that if it is metal and glass and they would no longer have to look at the vinyl tents, he favored pursuing it.

Assistant City Attorney McLean stated that because this matter is legislative, Chair Kenworthy could participate. Chair Kenworthy preferred to abstain. Ms. McLean encouraged his comments.

Chair Kenworthy thought it would open up a can of worms that could be looked into down the road. He did not want to be a hypocrite because this type of policy could work to his benefit. Chair Kenworthy understood that during the winter months the establishments are full to capacity and many people are turned away. As long as it is temporary and it looks better than what they are currently allowed to do, he thought it was worth pursuing. Chair Kenworthy thought it would be a slippery slope through the process, but he admires people who come in with different ideas.

Planner Grahn stated that since the majority of the Board were in favor of pursuing it further, they needed to review the changes that should be made and create guidelines for balcony enclosure throughout Main Street.

Board Member Melville understood that the majority rules, but she wanted it clear that she was adamantly against moving forward because it would change the

look of the architecture. She asked if they had consulted with the Historical Consultant to see if it would affect their designation as a Historic District. Planner Grahm stated that she spoke with Corey Jensen and the State Historic Preservation Office and he told her that if it is temporary it would not impact the National Register. Ms. Melville stated that temporary was one thing in terms of the Building Code definition of less than six months. However, temporary in terms of built upon standards and the majority of the visitors who come in the winter seeing a permanent structure attached to the outside of buildings changing the look of the architecture is a different issue. She pointed out that if the structures were permanent it would jeopardize the National Register; therefore it is an architectural change.

Chair Kenworthy personally preferred something closer to 120 days rather than 180 days.

Board Member Holmgren stated that when the City discussed outdoor dining decks guidelines were written on how they should be built. Ms. Holmgren was excited about the decks and she was excited about this next step. She remarked that Park City is historic but they also needed to be realistic.

Board Member Hewett liked the fact that the ceilings would be clear. She thought the timing was good and she had no concerns.

Given the late hour, Planner Grahm suggested that the discussion regarding changes to the LMC and the Design Guidelines for temporary winter balconies enclosures be continued to another meeting. The Board concurred.

Historic District Grant Program – Policy Review

Board Member Crosby returned to the meeting.

Planner Grahm stated that the goal for establishing guidelines is to give the HPB some criteria as a basis for deciding whether a project qualifies for going from Significant to a Landmark status. She reminded the Board that Landmark means the site is National Register eligible and it must be pristine.

Planner Grahm reviewed each guideline.

1. The building shall not have been reconstructed, panelized, relocated, or re-oriented.

In speaking with Ms. Meintsma this evening, Planner Grahm believed there were unique circumstances such as High West where this works and it can remain National Register eligible. However, in the majority of cases it is very rare for a structure to remain on the National Register if it is reconstructed or relocated.



Historic Preservation Board Staff Report

Subject: Temporary Winter Balcony Enclosures
Author: Anya Grahn, Historic Preservation Planner
Department: Planning Department
Date: March 4, 2015
Type of Item: Work Session

Summary Recommendations:

Staff recommends the Historic Preservation Board (HPB) review staff's analysis of the proposed balcony enclosures over the Main Street right-of-way during the winter months (November through April) as well as proposed Design Guidelines, and the HPB make recommendations to City Council.

Topic/Description:

The Riverhorse on Main wishes to construct a temporary, seasonal enclosure on their balcony that would provide additional restaurant space during the winter months (November 1st through April 30th). They believe other restaurants on Main Street would also benefit by having the ability to enclose their balconies, and the Riverhorse has proposed that City Council develop a seasonal program similar to Street Dining on Main—the dining deck program.

Background:

On September 18, 2014, Seth Adams of the Riverhorse presented to City Council his concept for a winter balcony enclosure program. The applicant requested that property owners be permitted to enter into a lease agreement with the City for the enclosure of balcony space above the City right-of-way (ROW). This program would be similar to Street Dining on Main's summer dining decks. Staff met with City Council on November 13, 2014, to discuss this program and expressed their concern for these balcony enclosures; City Council directed staff to meet with the HPB for feedback on this program.

The HPB briefly discussed their interest in seasonal balcony enclosures during the January 7, 2015 meeting, and expressed interest in discussing the topic further during their next meeting.

There are approximately twenty-one (21) balconies on Main Street that extend over the City ROW. Of these, seven (7) are constructed on historic buildings, but only one (1) balcony is historic (361 Main Street). Land Management Code (LMC) 15-2.6-3 requires that no balcony projecting over City ROW may be erected, re-erected, located or relocated, enlarged, or structurally modified without first receiving approval from City Council. LMC 15-2.6-3(D) specifically states that "Balconies . . . may not be enclosed." Should City Council decide to pursue a seasonal balcony enclosure program, the LMC will need to be amended to allow for temporary balcony enclosures. Property owners are required to provide insurance for their balconies.

Outdoor dining is a conditional use in the Historic Commercial Business (HCB) District for restaurants. Any outdoor dining must be approved through an Administrative Conditional Use Permit (Admin-CUP). Riverhorse and Wahso both have Admin-CUPs for their outdoor dining for summertime balcony dining. No other restaurants currently have approvals.

The following chart outlines the location, historic designation, and existence of Admin-CUPs for the existing balconies:

Business Name:	Address:	Use:	Historic Designation:	Admin CUP for Outdoor Dining
TMI	255 Main St	Multiple	Not Historic	No
Red Banjo Pizza	322 Main St	Restaurant	Landmark	No
Berkshire Hathaway Home Services	354 Main St	Real Estate	Significant	No
Burns Cowboy Shop	361 Main St	Retail	Landmark	No
Woodbury Jewelers	421 Main St	Retail	Not Historic	No
Flannagans	438 Main St	Restaurant	Landmark	No
Robert Kelly Home	449 Main St	Retail	Significant	No
501 on Main	501 Main St	Restaurant	Not Historic	<i>Under review</i>
The Expanding Heart	505 Main St	Retail	Not Historic	No
The Cunningham Building	537 Main St	Office	Not Historic	No
River Horse	530-540 Main St	Restaurant	Landmark (Balcony is on the addition)	Yes
Quicksilver	570 Main St	Retail	Not Historic	Yes
Wahso	577 Main St	Restaurant	Not Historic	Yes
Gaucha/Above Condo	591 Main St	Retail/Residential	Significant	No
Destiny	608 Main St	Retail	Not Historic	No
Montgomery Life Fine Art	608 Main St	Retail	Not Historic	No
Condos	613 Main St	Residential (2 nd level)	Not Historic	No
Condos	614 Main St	Residential (2 nd level)	Not Historic	No
Summit Sotherby's International Realty	625 Main St	Residential/Realty	Not Historic	No
Bahnof Sport	639 Main St.	Retain	Not Historic	No
Town Lift Condominiums	693 Main St	Commercial/Residential	Not Historic	No
Caledonian Hotel	751 Main St	Commercial	Not Historic	No

Analysis:

A balcony is a platform that projects from the wall of a Building and is enclosed by a railing, parapet, or balustrade. It typically does not have a roof. Usually, balconies are incorporated into the design of a building for functional and aesthetic reasons. In some cases, the balcony offsets the massing of the commercial building while embellishing the façade of the structure with additional architectural detailing. The balcony is one of the most visible elements of the building and significantly contributes to the style, appearance, and relationship of the structure to the streetscape.

Balconies traditionally serve as open-air spaces. They are an extension of the interior yet provide a clear transitional space between the private interior spaces and public exterior spaces of the building. Balconies are an outside room during warm weather and provide a covered entrance to the lower level during adverse weather conditions.

Staff's professional opinion is that the enclosure of this space—even temporarily during the winter months—changes the historic character of the Main Street district as a whole. The enclosure of balcony spaces substantially alters the architectural design of the building, light and shade of the building design, and the rhythm and pattern of the streetscape. The visual character of the original building (historic or non-historic) will be substantially altered due to changes in its overall shape, roof design, projections, recesses, and solid-to-void ratio. On historic structures, the balcony enclosure would obscure and detract from historic details of the balcony and the corresponding historic building. In other cases, balconies that were not originally designed to meet the requirements of interior spaces and enclosures may require substantial structural changes and reconstruction.

Design Guidelines for Historic Districts and Historic Sites

Staff does not believe that the seasonal enclosures of balconies over Main Street complies with the current *Design Guidelines for Historic Sites and Structures*.

The Design Guidelines specify that new additions on historic buildings be visually subordinate to the historic building from the primary public right-of-way, including incorporating rooftop additions that are not visible from the street. The guidelines also recommend that the new addition does not obscure or significantly contribute to the loss of historic materials. Staff finds that these balcony enclosures are a very visible addition to the existing structure, conceal historic building facades, and threaten historic materials.

Staff is concerned that the annual construction and removal of the balcony enclosures will be detrimental to historic building materials. Nails, screws, sealants, and other materials used at connections will leave behind holes, scratches, stains, and other signs of damage on the historic materials that will need to be patched and repaired annually when the enclosure is removed. Staff finds that this will intensify normal wear and tear on historic materials and cause the materials to deteriorate faster.

Staff also finds that the proposed balcony enclosures will visually modify or alter the original building design. The majority of historic buildings with existing balconies already have second-level doors accessing the balcony; however, these doors are not original to the building. Most buildings would not be permitted to add a new door to access their non-historic balcony. As new doors and balconies would not be permitted to be constructed without a Historic District Design Review (HDDR) approval and permission from City Council to construct over the public right-of-way, staff finds that only a limited number of balcony enclosures would be permitted for those decks already existing.

Staff has met with the Legal, Building, Finance, and Engineering Department to identify other issues that will need to be addressed in order to establish this program. These include:

- The applicant must submit a full architectural and engineering plan to the Building Department that addresses energy efficiency, structural loads on the cantilevered deck, emergency egress plans, seating plan, weather proofing, electrical plans, etc. Additional electrical upgrades must be permanent and electrical outlets will need to be concealed from the view of the public right-of-way.
- The applicant will also need to provide a snow shed plan. Snow will need to be retained on the roof and the applicant shall show how the melted snow will be diverted to the public way without draining across the sidewalk.
- Building permits will be required for the assembly and disassembly of the seasonal balcony enclosures.
- Increased water and sewer impact fees will require Snyderville Basin Water Reclamation District sign-off.
- There will be increased fees for business licensing due to the additional square footage.
- Additional fire safety requirements will require approval by Park City Fire District.
- The applicant will assume all liability for the seasonal enclosures and need to provide insurance for the balcony and enclosure.

Does the HPB wish to see balcony enclosures on both historic and non-historic buildings? Or, would the HPB prefer that the new enclosures be limited to non-historic structures only so as not to increase annual wear and tear on historic materials?

Developing a program similar to summer dining decks

In order to accommodate such a program, the Design Guidelines and the Land Management Code (LMC) will need to be amended in order to allow for the temporary, seasonal enclosure of the balconies. LMC 15-2.6-3(D) Balconies should be amended to state:

(D) BALCONIES. No Balcony may be erected, enlarged, or altered over a public pedestrian Right-of-Way without the advance approval of the City Council. Balcony supports may not exceed eighteen inches (18") square and are allowed no closer than thirty-six inches (36") from the front face of the curb. Balconies must provide vertical clearance of not less than ten feet (10') from the sidewalk and may not be enclosed permanently. Temporary seasonal balcony enclosures may be appropriate on some structures. With reasonable notice, the City may require a Balcony be removed from City property without compensating the Building Owner.

If City Council supports temporary balcony enclosures, than Staff recommends altering the following guidelines to specify that these guidelines are not impacted by temporary structures:

Design Guidelines for Historic Sites in Park City:

MSHS1. The proposed project must not cause the building or district to be removed from the National Register of Historic Places. Temporary structures are not subject to review of the National Register of Historic Places.

MSHS8. Temporary winter balcony enclosures are reviewed by the program's criteria and are not addressed by these Specific Design Guidelines.

Design Guidelines for New Construction in Park City's Historic Districts

MSNC1. New construction in the Main Street National Register Historic should be approved only after it has been determined by the Planning Department that the proposed project will not jeopardize the integrity of the surrounding Historic Sites. Temporary structures are not subject to review of the National Register of Historic Places.

MSNC9. Temporary winter balcony enclosures are reviewed by the program's criteria and are not addressed by these Specific Design Guidelines.

Should the HPB believe such enclosures are appropriate along Historic Main Street, staff finds that there need to be some basic guidelines in order to protect the historic integrity of the Main Street Historic District. Staff is recommending that the HPB review and provide feedback on the following proposed guidelines for balcony enclosures:

General Requirements for Balcony Enclosures

1. The enclosure must be constructed on a balcony on Main Street.
2. There may be times when it is not appropriate to enclose a balcony due to the unique historic character and architectural detailing of the historic building.
3. The applicant must demonstrate that the temporary enclosure will not damage the existing façade and/or side walls with repeated attachment and detachment.
4. The enclosure and balcony should respect the architectural style of the building.
5. The enclosure should retain existing railings in order to achieve a design consistent with open balconies and maintain the character of the original building.
6. The existing exterior wall may not be removed seasonally in order to accommodate the balcony enclosure.
7. The enclosure must not block existing door and window openings on neighboring buildings.
8. Enclosures should consist of clear glazing set in window frames that generally match the mass, scale, and material as those used for the glazing frames of the building.
9. Draperies, blinds, and/or screens must be located in a traditional manner above doors and windows. Draperies, blinds, and/or screens should not be used within the

balcony enclosure if they increase the bulk appearance of the enclosure. The use of these must blend with the architecture of the building and should not detract from it. Materials should be high-quality, colorfast, and sunfade resistant.

10. The balcony must be situated so as not to interfere with pedestrian movement on the sidewalk.
11. The enclosure must have direct access to the restaurant's dining area.
12. The design must address snow shedding.
13. Any changes to the exterior façade of the building, proposed changes to the existing balcony, or construction of a new balcony shall be reviewed by staff as part of the Historic District Design Review. New balconies extending over the City right-of-way will require the approval of City Council.
14. The construction of any temporary tents should be approved through an Administrative Conditional Use Permit for up to fourteen (14) days. Free-standing tents will not be considered the same as balcony enclosures.
15. Any new signage will require a Sign Permit application.

Does the Historic Preservation Board approve of these proposed Design Guidelines for Balcony Enclosures? Are there any other Design Guidelines that should be incorporated?

Recommendation:

Staff recommends the Historic Preservation Board (HPB) review staff's analysis of the proposed balcony enclosures over the Main Street right-of-way during the winter months (November through April) as well as proposed Design Guidelines, and the HPB make recommendations to City Council.

Exhibits:

Exhibit A – City Council Staff Report and Minutes

Exhibit B – HPCA input for balcony enclosures

Exhibit C – Additional renderings of proposed enclosure at Riverhorse

2. The existing house structure located at 316 Woodside Avenue does not comply with all of the criteria for a Landmark Site as set forth in Land Management Code (LMC) Section 15-11-10(A)(1). The structure does not meet the criteria for landmark designation as it is not eligible for the National Register of Historic Places due to post 1941 alterations that have damaged and obliterated significant character-defining features of the historic structure.

WORK SESSION

Temporary Winter Balcony Enclosures

Board Member Crosby recused herself and left the room.

Planner Grahm reported that the Riverhorse had approached the City Council about the possibility of creating a seasonal balcony enclosure program. In November the City Council requested feedback from the Historic Preservation Board. The HPB had a brief discussion but tabled further discussion due to the late hour.

Planner Grahm stated that currently there were a few conflicts with balcony enclosures in the Design Guidelines. The Guidelines are strict about new additions being visually subordinate to historic buildings when viewed from the public right-of-way. The Staff is concerned that annual construction and removal could be detrimental to historic building materials and intensify wear and tear. They also believe that the proposed balcony enclosures visualize and alter the original building design. Additional concerns include energy-efficiency, snow shedding of shed roofs on to Main Street, the seasonal assembly and disassembly, increased water and sewer impact fees to name a few.

Planner Grahm asked whether the Board was comfortable with having seasonal balcony enclosures on both historic and non-historic buildings, or whether it should be limited to non-historic buildings given the amount of wear and tear of attaching and removing temporary structures.

Chair Kenworth asked Planner Grahm to define the current tent situation that the City allows for these balconies. Planner Grahm stated that currently if someone wants to put up a tent on their balcony during the winter months it goes through Administrative Conditional Use Permit process. The applicant is allowed to up a tent for a two-week period. She recalled that one applicant can have five Administrative CUPs for a total of 70 days combined. The tent should be taken down between each CUP or the owner will be fined.

Board Member Holmgren recalled that the temporary structures have to be built as though they were permanent. Planner Grahm answered yes. Ms. Melville asked about the balcony itself. Planner Grahm remarked that in some cases the

balcony itself may need to be upgraded for structural supports. She believed it would have to be reviewed on a case by case basis because each building is unique and different.

Board Member Melville stated that in her personal opinion it putting up and taking down a permanent enclosure on a historic façade would be very detrimental. She was opposed to allowing enclosures on historic structures. Ms. Melville stated that she was also generally opposed to balcony enclosures on newer buildings because the enclosures visually modify and alter the original building design. She also thought the enclosures would have an impact on the historic district. Planner Grahn stated that it would not impact the historic district because the enclosures would be seasonal. If they were to permanently enclose balconies there would be an issue with the National Register. She noted that the State Historic Preservation Office was adamant that temporary structures do not get considered for the National Register. Ms. Melville stated that at least visually it would alter the Historic District. Planner Grahn agreed.

Chair Kenworthy pointed out that the tents that are currently allowed also alter the visual. He asked the representatives from Riverhorse to offer their opinion.

Seth Adams with Riverhorse thought the tents were much more of a detriment to the visual appearance. He did not put up a tent this year and he was lucky the weather was nice. However, they would like to have the ability to use the balcony all the time, which was why they were making this request. Mr. Adams did not believe the enclosure impacted the visual integrity of what people on the street see walking on Main Street. Mr. Adams remarked that one of the objectives for the enclosure is to get people out on the deck to look up and down Main Street.

Chair Kenworthy asked Mr. Adams if the building was historic. Mr. Adams stated that where the balcony is was not historic. The entrance of the Riverhorse on the Main Street level is historic. Chair Kenworthy asked what percentage the business would increase with the enclosure. Mr. Adams estimated 10%. He clarified that it allows them to take the waiting space in the restaurant and convert it into seats. The balcony would be used to corral people in order to create more dining space inside the restaurant, but there would not be tables on the balcony. Chair Kenworthy asked if the enclosure was needed for six months. Mr. Adams answered no. He thought December 15th through April 15th would be sufficient.

Board Member Melville referred to page 295 of the Staff report and noted that the balcony was currently curved and the building façade is further back. She understood that Mr. Adams was proposing to rebuild the balcony to square it up. He replied that this was correct. Squaring up the corners would add a few square feet to the size. The reason was to make the temporary structure fit

better. Ms. Melville understood that they were also proposing to bring the façade out further than where it currently sits. Mr. Adams replied that it would only be the corners beneath the archway.

Board Member Melville clarified that the building shown on page 296 with the enclosure would not be allowed to be constructed as a permanent structure. Planner Grahn answered yes. If the Riverhorse was to propose this permanently it would not be supported by the Guidelines. Planner Grahn pointed out that Mr. Adams is the only one who has proposed the enclosure, but they need to look at it holistically in terms of how it could be managed up and down Main Street.

Board Member White noted from the table on page 277 of the Staff report that only three properties wanted this type of structure. Planner Grahn explained that the Staff looked at who on Main Street has an Administrative CUP, which is required for outdoor dining in the summer. Of all the businesses on Main Street only three do, and one was under review last year. Mr. White asked if the businesses that said no could change their mind. Director Eddington answered yes. He pointed out that the three identified were the ones who have applied for an Administrative Conditional Use Permit. The rest would have that ability. Director Eddington stated that there were 15 non-historic structures out of 21 shown on the table.

Board Member Melville assumed other buildings could build a balcony as well. Director Eddington stated that they could but they would need permission from the City Engineer to encroach over the public right-of-way. Planner Grahn noted that balconies need City Council approval because they do extend over the City right-of-way. Director Eddington agreed that with City approval more balconies could be built on Main Street if they apply for an Administrative CUP for outdoor dining.

Board Member White how many properties would have to do structural work in order to enclose their balconies. Director Eddington stated that the Staff had not done that analysis, but he assumed that most would require some type of structural work for both historic and non-historic structures. Mr. White asked if the same applied for tents. Director Eddington believed the tents still needed to meet load capacity for the number of people. However, that situation was different than connecting a new structure to a building. The temporary structure would have more connections and structural challenges to the existing façade, but the requirements for load capacity would be about the same.

Chair Kenworthy asked how this would affect Grappa. They were not on the list but they put up tents all the time on their patio. Director Eddington replied that this was only for balconies. Chair Kenworthy noted that TMI was not listed but they have outdoor dining. He names others that were not listed.

Board Member White clarified that the only visual example they have is for Riverhorse. Director Eddington stated that Riverhorse was the only application they had received. Board Member Holmgren thought it needed to be determined on a case by case basis. Mr. White thought the temporary structure looked better than a white tent. However, he was apprehensive about putting glass and steel temporary structures on historic buildings. Planner Grahm stated that the Staff had drafted guidelines to address the issues and to be consistent when applicants come in with an application for a balcony enclosure. The guidelines would also ensure that they protect the look and feel of Main Street.

Board Member White thought it was obvious that whether it was a tent or an enclosure these structures would not go away. Planner Grahm explained that if someone has a balcony on Main Street and they wanted something more permanent than a tent for the winter months, they could apply for that type of enclosure. She stated that the Staff would treat the process similar to the dining deck program except that it would be a winter balcony enclosure program. Mr. White clarified that each structure would be reviewed on a case by case basis. Planner Grahm answered yes, but guidelines need to be in place for consistency.

Board Member Beatlebrox asked if the guidelines on page 280 of the Staff report were enforceable. Planner Grahm replied that it was an issue they needed to discuss.

Planner Grahm reiterated her earlier question about limiting enclosures to new buildings versus historic buildings, or whether it should be allowed on all structures.

Board Member Holmgren did not believe they should delineate between old and new. Board Member Melville disagreed. She thought it would be even worse if they were allowed on historic buildings. Board Member Beatlebrox agreed. Board Member White concurred with Ms. Melville and Ms. Beatlebrox. He was not comfortable putting that type of temporary structure on a historic building.

Planner Grahm summarized that the answer was No on historic structures but Yes on non-historic buildings. Board Member Melville stated that she was generally opposed to the structures on any building on Main Street at this point.

Planner Grahm read proposed language to the LMC to say that, "Balconies may not be enclosed permanently. Temporary seasonal balcony enclosures may be appropriate on some structures." She thought that gave some leeway for structures where the Staff did not believe it would be appropriate. Chair Kenworthy understood that this would only pertain to the ones on public pedestrian right-of-ways. Planner Grahm answered yes. Board Member Holmgren asked how the language ensures that the enclosures would not be

allowed on historic buildings. Planner Grahn stated that additional language could be added to exclude historic structures. Ms. Melville suggested specifying non-historic buildings.

Chair Kenworthy stated that the Flanagan's Building is a Landmark historic building and he would never want to see a temporary structure on it for any reason. He noted that the balcony is probably 99% over a public right-of-way which would eliminate the opportunity. Since it was his building he was very comfortable not having the enclosure.

Planner Grahn reviewed the proposed revisions to the Design Guidelines for the Main Street District as outlined on page 180 of the Staff report. She noted that new construction is everything that was not designated as historic on the HSI.

The first guideline addressed historic sites in Park City. She added, "Temporary structures are not subject to review of the National Register of Historic Places" which is true by the national Park Service.

She added a new Guidelines, "Temporary winter balcony enclosures are reviewed by the programs criteria and are not addressed by these specific Design Guidelines."

Board Member Melville questioned why they would say it was not addressed by the Design Guideline. Planner Grahn stated that the Staff thought it was better to have a separate set of guidelines for review because it is less confusing than having them incorporated into the Design Guidelines. Director Eddington clarified that there were so many conflicting guidelines relative to a new temporary structure that it would not work well and could cause confusion. Planner Grahn noted that summer dining decks have a separate set of guidelines. This would fall under that category.

Chair Kenworthy stated that Flanagan's has a dining deck and they have to go through the requirements and permitting process. From his point of view and a business standpoint, they are providing a customer service. He understands that there is opposition to dining decks and he respects those opinions. However, in a situation like the Riverhorse it allows the owner to provide customer service in a resort town and people enjoy the dining decks on the street. Contrary to popular belief they do not make a lot of money from dining decks, but the reward is happy customers. Chair Kenworthy remarked that in granting his request, Mr. Adams would be able to provide an operational solution in a historic building to improve customer service. Chair Kenworthy thought six months was too long and would prefer a four-month time frame. He thought it was important to balance historic preservation with the ability to provide better customer service.

Board Member Holmgren understood from previous conversations that Mr. Adams was addressing the issues of snow shedding and removal and other safety factors. She thought this was positive for Main Street. It is a piece of magic and people who experience it will never forget it. Ms. Holmgren felt strongly that they should allow this to happen. However, she agreed that the time limit should be less than six months. She felt positive that this was brilliant, new and innovative for Historic Main Street and she would like to see it approved.

Mr. Adams favored a shorter time period as well. He would be comfortable if the winter was 180 days.

Planner Grahn reviewed the proposed guidelines for balcony enclosures and requested feedback from the Board on each one.

1) The enclosure must be constructed on a balcony on Main Street. There would be no balconies on Swede Alley or any side streets.

The Board pointed out balconies that already exist on Swede Alley. They noted that the Caledonia is on a side street and they have a balcony. Chair Kenworthy thought it would be difficult to limit it to Main Street. Planner Grahn suggested that they eliminate the guideline.

2) There may be times when it is not appropriate to enclose a balcony due to the unique historic character and architectural detailing of the historic building. Planner Grahn noted that the guideline no longer applied based on their discussion and the decision not to allow it on historic buildings.

The Board discussed whether or not the guideline could apply to non-historic structures. Planner Grahn suggested changing the language to say, "...due to unique conditions or circumstances" to address an unforeseen situations where enclosing a balcony may cause life/safety issues. The Board concurred.

Planner Grahn read the language as revised, "There may be times when it is not appropriate to enclose a balcony on a non-historic building due to the unique conditions or circumstances".

Board Member Beatlebrox asked if they needed to define unique circumstances. Planner Grahn stated that currently the Planning Director and Chief Building Official are the ones who determine a unique circumstance and she thought they should make that determination for the enclosures as well. The Board agreed.

3) The applicant must demonstrate that the temporary enclosure will not damage the existing façade and/or side walls with repeated attachment and detachment.

Planner Grahn stated that this guideline was no longer necessary based on their earlier decision.

4) The enclosure and balcony shall respect the architectural style of the building. Planner Grahn clarified that even on new buildings they would not want something that did not match what exists or keep with the theme. The Board agreed.

Chair Kenworthy suggested that they prohibit signage. Planner Grahn asked if they wanted to prohibits signs completely or whether they should include language stating that any new signage will required a sign permit application. The Board unanimously wanted signage prohibited for the temporary enclosures.

5) The enclosure shall retain existing railings in order to achieve a design consistent with open balconies and maintain the character of the original building. She asked if the Board agreed that the railings should not be removed.

Director Eddington suggested that they keep the railings on the balconies to keep it looking like a balcony. The Board agreed.

6) The existing exterior wall may not be removed seasonally in order to accommodate the balcony enclosure. The Board agreed.

7) The enclosure must not block existing door and window openings on neighboring buildings. The Board agreed.

8) Enclosures should consist of clear glazing set in window frames that generally match the mass, scale and material as those used for the glazing frames of the building itself. The Board agreed.

9) Draperies, blinds and/or screens must be located in a traditional manner above doors and windows. Draperies, blinds and/or screens should not be used within the balcony enclosure if they increase the bulk appearance of the enclosure. The use of these must blend with the architecture of the building and should not detract from it. Materials should be high quality, color-fast and sun fade resistant.

Planner Grahn stated that she had borrowed the guideline from Vancouver, where they have balcony enclosures on condo buildings. The concern is that when people drape the interior of the glass, it appears to be bulky and heavier, and less open. She was unsure whether that would occur on Main Street, but the language could protect it from occurring.

Board Member Beatlebrox suggested saying that draperies, blinds or screens are not required. Board Member Holmgren preferred not to allow them at all. They would still want people to be able to look in or look out.

Mr. Adams stated that the only reason he would consider a blind would be the hour or two as protection from the blinding sun. Other than that he could see no reason to have them.

Board Member Holmgren did not favor the concept at all. The Board discussed potential language to address the issue of blocking the sun like Mr. Adams had suggested, but not using them as a barrier.

Board Member Beatlebrox suggested language to say, "Sun screens permitted and should be used only during times of extreme sun and should not be obstructive." The Board was comfortable with that language.

10) The balcony must be situated so as not to interfere with pedestrian movement on the sidewalk. The Board agreed.

11) The closure must have direct access to the restaurant's dining area. The Board agreed.

12) The design must address snow shedding.

Board Member Melville asked where in the language it says that a building permit is required and it must comply with Building Department requirements.

Planner Grahn stated that if they add language indicating that a building permit is required, the Building Department would make sure it complies with the International Building Code. The Board favored adding language regarding the building permit.

13. Any changes to the exterior façade of the building, proposed changes to the existing balcony, or construction of a new balcony shall be reviewed by Staff as part of the Historic District Design Review. New balconies extending over the City right-of-way will require approval of the City Council. The Board agreed.

14. The construction of any temporary tents should be approved through an Administrative Conditional Use Permit for up to fourteen (14) days. Free-standing tents will not be considered the same as balcony enclosures.

Planner Grahn clarified that tents would still be treated as tents and balcony enclosures would be a separate program.

15. Any new signage will require a Sign Permit application.

Planner Grahn noted that this guideline was no longer necessary because signage was addressed in a previous guideline where the Board agreed to prohibit signage.

In terms of the time frame for having the enclosure, The Board agreed on four months. Director Eddington preferred to have specific dates and suggested December 15th to April 15th.

Mr. Adams noted that the time frame for summer dining decks was 180 days. Board Member Beatlebrox thought 120 days was sufficient. Director Eddington pointed out that dining decks have specific dates so everyone knows when they are allowed to go up and when they have to come down.

Chair Kenworthy suggested a maximum four month window between December 1st through April 30th. Director Eddington asked if they wanted to limit it to four months. Mr. Adams stated that personally he would like to put it up right after Thanksgiving and take it down when PCMR closes.

Board Member White suggested November 15th to April 15th. Director Eddington recommended specifying dates and not talk about a four month limit. It would be consistent for everyone and it would make it easier for Building and Code Enforcement to monitor.

The Board was comfortable with a November 15th to April 15th time frame.

Chair Kenworthy thanked Mr. Adams for his input.

The meeting adjourned at 8:47 p.m.

Approved by _____
John Kenworthy, Chair
Historic Preservation Board

Planning Commission Staff Report

Subject: Main Street Balcony Enclosure Amendments
Author: Anya Grahn, Historic Preservation Planner
Project Number: PL-15-03021
Date: December 9, 2015
Type of Item: Legislative – LMC Changes

Summary Recommendations

Staff is requesting that the Planning Commission open a public hearing, review the possible Land Management Code amendments regarding balcony enclosures on Main Street, and consider forwarding a positive recommendation to City Council.

Description

Project Name: LMC Amendment to permit temporary enclosure of balconies, not to exceed 180 days (November 15th- April 30th)
Applicant: Planning Department
Proposal: Revisions to the Land Management Code

Proposal

City Council wishes to develop a pilot program to allow Main Street restaurateurs to construct temporary, seasonal enclosures on their balconies that would provide additional restaurant seating space during the winter months (November 15th through April 30th). The pilot program would be available only to those balconies directly attached to restaurant space on non-historic structures. Staff has collaborated with the Building, Planning, Engineering, Finance, Sustainability, and Legal Departments to develop a pilot program proposal for the 2015-2016 winter season. Balcony enclosures may be constructed starting on November 15th and must be removed no later than April 30th; the duration of the balcony enclosures shall not exceed 180 days.

In order to move forward with the pilot program, the Land Management Code (LMC) needs to be amended to permit the temporary enclosure of balconies. Staff requests that the Planning Commission review staff's proposed modifications to the LMC and forward a positive recommendation to City Council. Any design guideline amendments for the balcony enclosures will be adopted through a City Council resolution amending the Design Guidelines for Historic Districts and Historic Sites (June 19, 2009).

Purpose

The purpose of the Historic Commercial Business (HCB) District:

- (A) preserve the cultural heritage of the City's original Business, governmental and residential center,
- (B) allow the Use of land for retail, commercial, residential, recreational, and institutional purposes to enhance and foster the economic and cultural vitality of the City,

- (C) facilitate the continuation of the visual character, scale, and Streetscape of the original Park City Historical District,
- (D) encourage the preservation of Historic Structures within the district,
- (E) encourage pedestrian-oriented, pedestrian-scale Development,
- (F) minimize the impacts of new Development on parking constraints of Old Town,
- (G) minimize the impacts of commercial Uses and business activities including parking, Access, deliveries, service, mechanical equipment, and traffic, on surrounding residential neighborhoods,
- (H) minimize visual impacts of automobiles and parking on Historic Buildings and Streetscapes, and
- (I) support Development on Swede Alley which maintains existing parking and service/delivery operations while providing Areas for public plazas and spaces.
- (J) maintain and enhance the long term viability of the downtown core as a destination for residents and tourists by ensuring a Business mix that encourages a high level of vitality, public Access, vibrancy, activity, and public/resort-related attractions.

Background

On September 18, 2014, Seth Adams of the Riverhorse presented to City Council his concept for a winter balcony enclosure program. Riverhorse hopes to imitate the success of their tent's use during special events by constructing a temporary (not to exceed 180-days) enclosure on the balcony from November 15th through April 30th that would promote winter-time use. The temporary enclosure would add approximately 350 square feet of restaurant space on their balcony and seat approximately twenty (20) patrons, or about five (5) tables of four (4).

Staff met with City Council on November 13, 2014, to discuss creating a Winter Balcony Enclosure program, similar to that of the Street Dining on Main's summer dining decks. City Council directed staff to meet with the Historic Preservation Board (HPB) for feedback on this program. Staff met with the HPB on January 7 and March 4, 2015, to discuss necessary changes to the Land Management Code (LMC) and Design Guidelines in order to accommodate the winter balcony enclosure program. The input provided by the HPB is reflected in the attached staff reports and exhibits.

Staff strongly recommended that the balcony enclosures not be permitted as staff found the enclosures would detract from the look and feel of Historic Main Street; however, the majority of City Council and the HPB found the enclosures to be an aesthetic improvement to the white tents currently used during the winter months. Further, City Council and the HPB found that the balcony enclosures would maintain the high quality of customer service and support for increased seasonal occupant loads of Main Street restaurants.

Staff has moved forward with developing a pilot program for the 2015-2016 Winter Season which would permit balcony enclosures only on those balconies facing Main Street that are on non-historic structures and directly attached to restaurant space. Thus far, staff has found that only Riverhorse on Main is interested in constructing a balcony enclosure. This year's pilot program will occur from January through April

following changes to the LMC. Following the removal of the balcony enclosures on April 30th, staff will assess the merits and challenges of the program and review these with City Council in May.

Analysis

Balconies are defined by the Land Management Code (LMC) as a platform that projects from the wall of a building and is enclosed by a railing, parapet, or balustrade. There are approximately twenty-one (21) balconies on Main Street that extend over the City ROW. This program would only allow enclosures to be constructed on those balconies directly attached to restaurant space on non-historic structures that are not designated on the Historic Sites Inventory (HSI). Currently, only three (3) restaurant balconies would be eligible for the pilot program.

Outdoor dining is a conditional use in the Historic Commercial Business (HCB) District for restaurants. Any outdoor dining must be approved through an Administrative Conditional Use Permit (Admin-CUP). Riverhorse and Wahso both have Admin-CUPs for their outdoor dining for summertime balcony dining. No other restaurants currently have approvals. For more information, please review the Analysis section of Exhibit 3--6.25.15 City Council Report.

Current Balcony Requirements

The Land Management Code (LMC) 15-2.6-3 requires that no balcony projecting over City ROW may be erected, re-erected, located or relocated, enlarged, or structurally modified without first receiving approval from City Council. LMC 15-2.6-3(D) specifically states that "Balconies . . . may not be enclosed." Because City Council has directed staff to move forward with the pilot Winter Balcony Enclosure program, the LMC will need to be amended to allow for these temporary, seasonal balcony enclosures. Property owners are required to provide insurance for their balconies.

Current Temporary Structure Requirements

The LMC defines a temporary improvement as a structure built or installed, and maintained during the construction of a development, or during a special event or activity and then removed prior to release of the performance guarantee. Staff finds that the proposed balcony enclosures meet the definition of a temporary improvement, BUT extend beyond the duration of construction activity or a special event or activity as currently allowed by code. The winter season is not a special event.

LMC 15-4-16(A)(4) limits temporary structures, such as tents, to a duration no longer than 14 days and for more than five (5) times per year on the same property or site, unless a longer duration or greater frequency is approved by the Planning Commission consistent with the Conditional Use Criteria or as approved by City Council as part of a Master Festival. The intent of this provision in the code was to allow events to run together if necessary, but each 14 day period would count toward the total allowed amount of five (5) times per year, or 70 days total. This limits temporary structures, such as tents, from standing indefinitely by allowing them to stand for only 70 days per

year. The Planning Commission, however, may currently approve a longer duration or greater frequency through a Conditional Use Permit (CUP).

The Land Management Code (LMC) was revised to address the duration of temporary structures in 2009. At that time, there were several temporary structures located on hotel properties in town that had been approved as temporary structures, but were left standing in virtual perpetuity. To ensure this trend would not continue, new duration parameters were adopted in 2009.

There have been instances where a temporary structure has been approved to stay up for greater than 14 days, such as the 2013 Planning Commission approval of a CUP at the Montage allowing construction of temporary structures for up to 15 times per year of which 4 structures were allowed for a maximum of 60 days due to the high frequency of weddings and outdoor parties.

Required Changes to the Land Management Code (LMC)

During the November 2014 and June 2015 City Council work session and the January and March 2015 HPB work sessions, staff expressed concern that the proposal was in direct opposition to the current LMC, and the LMC does not make exception for temporary, seasonal structures. The LMC needs to be amended in order to accommodate an exception for temporary, seasonal structures. Staff proposes that LMC 15-2.6-3(D) Balconies be amended to state:

(D) BALCONIES AND TEMPORARY WINTER BALCONY ENCLOSURES.

(1) No Balcony may be erected, enlarged, or altered over a public pedestrian Right-of-Way without the advance approval of the City Council. Balcony supports may not exceed eighteen inches (18") square and are allowed no closer than thirty-six inches (36") from the front face of the curb. Balconies must provide vertical clearance of not less than ten feet (10') from the sidewalk and may not be enclosed permanently. With reasonable notice, the City may require a Balcony be removed from City property without compensating the Building Owner.

(2) Temporary Winter Balcony Enclosures may only be permitted on existing balconies on structures which are not on the Historic Sites Inventory. Temporary Winter Balcony Enclosures are only permitted from November 15th through April 30th on balconies facing Main Street.

Note: Language was added to the existing LMC section. No language was eliminated.

Application Process for Pilot Program

Those restaurants intending to construct a temporary, seasonal balcony enclosure will be required to complete an Administrative Conditional Use Permit (Admin-CUP). This is a one-time application that runs with the land. Much like the summer Dining Deck program, applicants will only be required to re-apply for the Admin-CUP if substantial changes are made to their balcony enclosure. Temporary structures, per the

International Building Code (IBC), are limited to a 180-day duration, and, so, staff has limited the balcony enclosures to November 15th through April 30th to ensure that the enclosures are not considered permanent under the IBC.

The applicant will also be required to obtain a building permit for the balcony enclosure. This will allow the Building Department to ensure that the enclosure meets the International Building Code (IBC) and addresses such issues as:

- Lighting and ventilation
- Engineering for live loads, wind, roof capacity
- Fire safety
- Drainage and snow shedding on public right-of-way (Main Street)
- Energy efficiency
- Recalculations for increased occupancy loads will impact sanitation facility requirements, upgrading the design of existing occupancy loads,
- Adequate heating and ventilation

Staff has also discussed additional concerns with our internal Development Review Committee. Staff finds that the balcony enclosures should not further aggravate parking demands as the balconies are already in use during the summer for outdoor dining. The Building Department will also address increased water usage and requirements for the increased occupancy loads at the building permit stage. Further, no new signage may be installed on the balcony enclosure.

The balcony enclosure would have to be constructed as a semi-permanent structure in order to meet the International Building Code. Further, the Building Department will require annual building permits for installation and removal of the enclosures. Each property has its unique challenges and the enclosures will need to be reviewed on a case-by-case basis.

Any modifications to existing buildings or balconies to accommodate the balcony enclosure will be reviewed through a Historic District Design Review application subject to the Design Guidelines and Land Management Code.

Unlike the summer dining decks, City Council will not require a lease agreement with the property owner for the construction of the Temporary Winter Balcony Enclosure. The only fees associated with the Winter Balcony Enclosure will be the one-time Admin-CUP and annual Building Permits for installation and removal of the enclosures. Staff will work with the applicants at the time of the application to ensure that any existing balconies have a recorded encroachment agreement with the City Engineer's Office, if one does not already exist.

Good Cause

Planning Staff finds there is good cause for these LMC amendments as City Council has expressed interest in pursuing a pilot Winter Balcony Enclosure program. The pilot program will run from January through April 2016. Following removal of any balcony enclosures on April 30th, staff will evaluate the success of the program and return to City Council in May with a summary of the program, evaluating its merit and challenges at

that time. City Council may then decide whether or not to continue the program as a pilot program or make it full-time.

Department Review

This report has been reviewed by the Planning, Building, Engineering, and Legal Departments.

Notice

Legal notice of a public hearing was posted in the required public spaces and public notice websites on November 25, 2015, and published in the Park Record on November 21, 2015 per requirements of the Land Management Code.

Public Input

Public input is outlined in the attached staff reports and minutes of previous Historic Preservation Board and City Council meetings. No new public input was submitted for the Planning Commission at the time of writing this report.

Process

Amendments to the Land Management Code require Planning Commission recommendation and City Council adoption. City Council action may be appealed to a court of competent jurisdiction per LMC § 15-1-18.

Significant Impacts

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

Recommendation

Staff is requesting that the Planning Commission open a public hearing, review the possible Land Management Code amendments, and consider forwarding a positive recommendation to City Council.

Exhibits

Exhibit 1—Ordinance (will include Exhibits redlining each LMC Section that is being amended)

Exhibit 2 – Winter Balcony Enclosure Informational Sheet

Exhibit 3 – 6.25.15 City Council Report

Exhibit 4 – 6.25.15 City Council Minutes

Exhibit 5- Riverhorse Proposed Balcony Enclosure Plans

Chair Strachan asked if the Commissioners had concerns with the language in the proposed changes to the LMC. There were no concerns or changes. Chair Strachan noted that the language needed to be changed to reflect the new boundary lines.

Chair Strachan opened the public hearing.

Mike Sweeney had read through the document and he complimented Planner Whetstone on a fabulous job. He thought the wordsmithing was clear and concise and he did not have any issues with it. Mr. Sweeney stated that he always thought his property on the west side of Main Street was commercial, and it was built that way for a reason. They did not put commercial on the top of the plaza. They essentially donated property to the City in the sense of protecting the view corridor by never building on the deck. Mr. Sweeney wants it to remain as it exists today and he was comfortable with the Code changes.

Chair Strachan asked if Mr. Sweeney had an issue with the boundary line change. Mr. Sweeney answered no.

Chair Strachan closed the public hearing.

MOTION: Commissioner Joyce moved to forward a positive recommendation to the City Council regarding LMC Amendments to Zoning Chapters 2.5, 2.6 and Chapter 15, according to the Findings of Fact and Conclusions of Law in the draft ordinance, and as amended to include 820, 875 and the Main Street side of 804 in the vertical zoning per the discussion this evening. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

3. Land Management Code Amendments in Chapter 15-2.6-3(D) – Main Street Balcony Enclosures to allow Main Street restaurant owners to construct winter enclosures on balconies of non-historic buildings from November 15th – April 15th which will allow winter dining on those enclosed decks.
(Application PL-15-02031)

Planner Grahn reported that over the past year the Staff has been working with the City Council and the Historic Preservation Board to determine whether or not it was appropriate to enclose Main Street balconies over the winter months. All parties found that it was appropriate. Planner Grahn noted that the history of their discussions was outlined and documented with Exhibit in the Staff report. The intent is to create a pilot program to enclose the balconies with temporary but semi-permanent structures to replace white tents from November 15th through April 30th, and not to exceed 30 days. However, to do so requires an amendment to the Land Management Code.

Planner Grahm noted that the proposed changes were outlined on page 372 of the Staff report. The Staff requested that the Planning Commission review the changes and forward a positive recommendation to the City Council.

Commissioner Campbell asked if others besides Riverhorse were requesting this. Planner Grahm replied that it was only Riverhorse at this time. The balcony enclosure would have to be directly accessible to the restaurant space and; therefore, other than Riverhorse only Waso and 501 Main Street could currently meet that requirement.

Chair Strachan asked Planner Grahm to summarize the input from the HPB and the City Council. Planner Grahm stated that the first concern was whether or not it was appropriate on historic buildings, because removing and constructing the temporary structures creates a lot of wear and tear. Therefore, it was decided to limit it only to balconies that were on non-historic buildings. Planner Grahm reported that the HPB had mixed reactions, but the majority of the Board felt it was an improvement from the white tents that remain up all winter. The HPB was not concerned that the balcony enclosures would appear permanent and misleading to people viewing Main Street in the winter months. They also thought it would help enhance the level of customer service and the restaurant experience.

Commissioner Joyce understood that this was being proposed as a trial program. He noted that currently a CUP can be applied for to leave up a temporary structure for 180 days. He asked why the Staff was proposing a zoning change instead of the current CUP process. Planner Grahm replied that under the CUP process a structure could not be left up for 180 consecutive days. The applicant would come to the Planning Commission to have a tent approved for up to 14 days five times a year, or 70 days. She noted that exceptions have been made for some of the resorts to leave tents up for a longer period during the summer time for weddings, etc. Planner Grahm pointed out that the a balcony enclosures is different because it is attached to the building and not a freestanding tent.

Commissioner Joyce thought it was unusual to be making a zoning change for a trial. He thought a better approach would be to allow the same exception under the CUP that is made for wedding tents during the summer.

Assistant City Attorney McLean replied that the Code does not allow for balcony enclosures; therefore, it would not be allowed under the current CUP process. The only way for this temporary program to move forward is through a Code change.

Chair Strachan wanted to know if they would have to amend the Code again if they determine that the trial period is not successful. Ms. McLean explained that the City

Council could decide not to allow balcony enclosures in the right-of-way; or they could implement another Code change to reverse it.

Commissioner Worel questioned how the City Council could make that decision if it was allowed by Code. Ms. McLean understood that if someone applied for a balcony enclosure they would need an encroachment agreement. Planner Grahm explained that most of the balconies already encroach over the right-of-way and require an encroachment agreement. Some have an agreement and others do not. However, when people come in to make changes to their balcony, they are required to get an encroachment agreement if they do not already have one. Planner Grahm remarked that the City Council also has to review any changes to balconies regardless of whether it is a new balcony or a modification to an existing balcony. It also requires an HDDR by the Planning Department.

Planner Grahm explained that for the purpose of the pilot program, the process will be to do an Administrative CUP, which is consistent with the summer dining deck program. The CUP would run with the land but they would be required to apply for a building permit to construct it and to demolish it every year. It would involve two building permits. She pointed out that if someone came in with a request to enclose their balcony, they would get an encroachment agreement with the City at the same time.

Commissioner Thimm understood that an applicant would have to obtain CUP approval for the enclosure, put up the enclosure and take it down. He asked if the applicant would be covered under the same CUP to put it up again the next year. Planner Grahm replied that they would not have to reapply for the CUP but they would have to apply for new building permits. Chair Strachan asked about the encroachment agreement. Planner Grahm believed that the encroachment agreement also runs with the land. Ms. McLean explained that encroachment agreements are generally licenses which can be revoked at any time.

Commissioner Phillips asked if the CUP would expire with the trial period. Ms. McLean stated that the Staff could phrase it to have a sunset for the conditional use. Planner Grahm favored a sunset because they would want the opportunity to revoke balcony enclosures if it does not work out.

Commissioner Joyce asked if the Planning Department and the Historic Preservation Board were comfortable with enclosed balconies. Planner Grahm stated that the Planning Department was not in support. However, the HPB liked the idea because it was an improvement over white tents. The HPB supports it from the standpoint of aesthetics. Commissioner Joyce remarked that if white tents are the problem, he did not believe it made sense to fix the problem by allowing balcony enclosures. The City Council has put historic preservation as one of the top six priorities. There is a view walking down Main Street and they have tried to preserve that view. One balcony enclosure breaks the view

and changes everything. Commissioner Joyce remarked that everything he read about enclosing balconies states that they are not part of the historic look, they block off other buildings, and they should not be done. He referred to documents on page 413 of the Staff report showing that the Planning Department was opposed when this idea was previously presented. He pointed out that what was being presented this evening was the same exact plan. The only difference is that the City Council has now decided to try it.

Commissioner Joyce stated that if these things are not good because it hurts their historic image, making them temporary does not change anything. He believed that a permanent enclosure could be made to look more historic and fit in better than a plastic temporary enclosure. He pointed out that as proposed the balcony enclosures are only temporary, but they are allowed to be up during the four most important months in Park City. Those are the peak months with all the tourists. Commissioner Joyce noted that this proposal was being driven by one restaurant who fundamentally wants to accommodate 20 additional people for dinner. He thought it was counter to not only his view, but how the Planning Department viewed it and initially thought it should not be allowed. Commissioner Joyce was unsure at what point the City decided to give in to one constituent, because it was counter to everything the City has done to try to preserve the Main Street corridor.

Commissioner Phillips agreed with Commissioner Joyce, and added that it would also be an “energy hog”.

Commissioner Joyce was surprised when he read the minutes that the HPB was concerned about patrons being turned away from the restaurant during the peak season, and that was their logic for approving balcony enclosures. As a Board that is supposed to be preserving the historic character and mining heritage of Park City, he could not understand why the HPB would find this acceptable.

Planner Grahn stated that the Staff raised many of the same issues when they met with the Building Department. They also had concerns that it would look like the plexiglass tent on the Blue Plate Diner in Salt Lake. Planner Grahn remarked that the Planning Department has been working with Riverhorse and the enclosure will be glass and steel to blend in with the design of the buildings. Commissioner Joyce asked where there were other glass and steel buildings along Main Street. He questioned whether a glass and steel building would be approved under the current design guidelines. Planner Grahn clarified that if a balcony enclosure is requested it would have to compliment and be consistent with the design of the building. Since Riverhorse is already a steel and glass building, an enclosure would fit in better than if it was attached to a wood frame building.

Director Erickson clarified that the opinion of the HPB was that a balcony enclosure was aesthetically better than a white tent. He noted that it was an ongoing discussion with the

HPB and the City Council. Mr. Erickson suggested that the Planning Commission forward their opinion to the City Council to be considered when the Council makes the final decision. He noted that this was a difficult issue for the Planning Department because their mission is to preserve the street. Mr. Erickson pointed out the Staff's previous recommendation and he stood by the former Planning Director's recommendation. He emphasized that the Staff was following direction from the City Council to come up with a compromise for allowing enclosures.

Chair Strachan stated that he agreed with Commissioner Joyce substantively. However, he has never viewed his role on the Planning Commission to be looking at what is historic and what is not. He does not have the skill set or the knowledge to say one way or another whether a temporary structure fits with the form and feel of historic Main Street. Chair Strachan stated that from a planning perspective he did not believe balcony enclosures should be allowed. He was concerned that allowing one would open the door for many more.

Commissioner Joyce wanted to know why permanent balcony enclosures would not be allowed if temporary enclosures are allowed. If balcony enclosures are acceptable, why would they have to be removed in April. In his opinion it would be better to allow the owners to build a nice enclosure that fits in better, is insulated, and has good snow shed.

Director Erickson explained that the planning argument for taking down the enclosures is that during the summer the balconies would obscure the view of the other buildings and disrupt the rhythm and pace of the second floor. Mr. Erickson acknowledged that it could also be a reason for not allowing enclosures during the winter.

Chair Strachan thought it was a policy decision that the City Council would make. He did not believe it was an issue for the Planning Commission or a Code issue. He was not opposed to sending a recommendation to the City Council, recognizing that the Council decides what could occur on Main Street.

Commissioner Campbell asked if the Planning Commission could forward a neutral recommendation. Chair Strachan replied that it the vote had to be aye or nay or a continuation.

Chair Strachan opened the public hearing.

Seth Adams, representing the Riverhorse, clarified that the Riverhorse originally approached the idea for a permanent balcony enclosure; however, that was rejected because it is over City property and the City did not want something permanent in the right-of-way. That created the situation for a temporary enclosure for 180 days. Mr. Adams

noted that they do not have the capability for deck dining during the summer because they do not have a Main Street spot on the street. For that reason, they approached it as a winter time enclosure because they need it more in the winter. Mr. Adams noted that the enclosure would be built by a very reputable company. It was designed to be built as a permanent enclosure, but it was be redesigned to allow it to be put up and taken down. Mr. Adams remarked that it would be well-built and would not look cheap. His preference would be to leave it up 365 days, but since that was not an option he was willing to accept a temporary time period so they could prosper as a restaurant and accommodate larger crowds during the peak season.

Ruth Meintsma, a resident at 305 Woodside, focused on the energy issue related to the enclosures. She commented on an interview with Matt Abbott earlier that day where he spoke about the City's current effort towards zero carbon footprint. The City was also moving forward with sensitive issues such as outdoor fire pits and wood fireplaces. Ms. Meintsma did not believe the proposed balcony enclosures accomplish what the City is trying to accomplish. She had researched solariums and greenhouses, which was the closest she could find similar to what was being proposed, and they are very energy inefficient. Ms. Meintsma referred to language on page 5 of the Staff report which states, "A building permit will insure that the enclosure addresses energy efficiency". She thought that was vague and asked if standards or specific criteria would be adhered to. Page 6 of the Staff report under significant impacts states that there are no significant environmental impacts; however Ms. Meintsma did not believe they know at this point whether there would be environmental impacts. Ms. Meintsma referred to Exhibit 1 of the ordinance, and noted that the fourth Whereas states, "The City's goals include sustainability". This structure does not necessarily accomplish sustainability. The ninth Whereas states, "This amendment is consistent with the General Plan." Ms. Meintsma questioned whether it was consistent with the General Plan. She believed there were still a lot of unanswered questions that they could not know at this point. Ms. Meintsma referred to Item 10 which states that the design must address snow shedding. She pointed out that if the enclosure on the Riverhorse sheds at all it would shed on to the sidewalk. She thought aggressive snow melt should be included in the energy efficiency evaluation of the structure. Ms. Meintsma referred to number 19, materials, and thought it needed to go further than just materials that complement the existing structure. She suggested that the criteria should be a material that actually accomplishes a certain level of energy efficiency.

Mike Sweeney, stated that as a person sitting in the audience who has done a lot of permitting in front of the Planning Commission, he was offended by the outrage that Mr. Adams with the Riverhorse would build a "crappy" building. Mr. Sweeney did not believe that was fair.

Commissioner Joyce agreed and he apologized to Mr. Adams and Mr. Sweeney. Commissioner Joyce clarified that his frustration was more with the City not allowing a nice permanent structure that would meet normal development guidelines; and instead allowing one that must meet difficult requirements of being temporary and having the ability to be pulled apart and packed up. Commissioner Joyce stated that if Mr. Adams was allowed to build a permanent structure he was confident that he would build something that was nicer, solve more engineering problems, be better insulated to address energy concerns, and look better on the historic street. He acknowledged that he had used a poor choice of words.

Mr. Sweeney stated that with all the concerns about energy and everything else is involved for this type of structure, the Riverhorse was doing their best and using the best technology available. He understood that the Riverhorse is not the most energy efficient, and there are other buildings in the community that are less energy efficient than what the Riverhorse was trying to accomplish. Mr. Sweeney referred to Commissioner Joyce's comment about the historic district and whether or not it was acceptable to have balconies on Main Street. He stated that Main Street has had balconies since for as long as he could remember.

Commissioner Joyce stated that he was aware that balconies are allowed on Main Street and clarified that his comment related to enclosed balconies.

Mr. Sweeney remarked that if the real issue is enclosed balconies, he believed that in the 1800s people put up something to enclose their balconies to protect themselves.

Brian Markenan stated that he was an architect in town who was helping Mr. Adams move this request through the process. Mr. Markenan understood that energy was an issue for everyone. Since Mr. Adams would be paying for that energy, he was motivated to build and complement that building. Mr. Markenan pointed out that this was a pilot program to determine what will and will not work for the City and the Riverhorse. He remarked that snow shedding would be remedied. The enclosure will have a low pitch to avoid fast slides into the street. It would be held a foot and a half to two feet from the edge of the balcony so a lot of the snow will dump on the side. A lot of snow will melt off and they will be dealing with the runoff of the roof in a much different way than snow just sliding off. Mr. Markenan stated that they anticipate using cleats and snow bars to hold back much of the snow. He pointed out that it was not a cheap structure. It is an engineered metal and glass building with a polycarbonate top that will withstand snow loads. It is also built to IBC standards. Mr. Markenan stated that they have been working with the Building and Planning Departments and he felt they had come to a good place for this trial.

Commissioner Thimm asked if this type of structure would comply with the State Energy Code. Mr. Markenan was hesitant to say that it complies with the State Energy Code. He

pointed out that it is a stand-alone structure. Commissioner Thimm noted that the Code was a measuring stick in terms of sustainability that is required by the State. Mr. Markenán replied that it was lacking in terms of having an R-49 roof. He suggested the possibility of sliding in different panels in the future.

Chair Strachan closed the public hearing.

Commissioner Campbell did not believe the balcony enclosures would sweep all the way up Main Street, and he did not see it as a gigantic stain on the visual character of Main Street. Chair Strachan noted that some of the Commissioners differed in that opinion. He did not think there would be an abundance of enclosures but he felt certain that the number would increase if the pilot program is passed. Commissioner Campbell suggested crafting the language to limit the number. Commissioner Joyce asked how they could justify allowing it for one non-historic building to serve food and deny it for another person with a non-historic building who wants to enclose their balcony for storage or other uses. Commissioner Campbell thought it would be easy to make that distinction because the vibrancy a restaurant brings to the area benefits everyone. Chair Strachan thought it would put the Staff in a difficult position of saying yes to some and no to others based on vibrancy.

Planner Grahn noted that the City Council was only proposing the pilot program for restaurants. The program would have to be adjusted to expand it to retail, office space, private residences, etc.; and that would require going back to the HPB and the Planning Commission.

Commissioner Joyce remarked that at some level the City was making a judgment of whether or not to allow enclosed decks. Under the current constraints there was a possibility for three and only one was currently interested in doing it. However, once it is approved and the next person wants to enclose their balcony for a different entertainment use, it keeps growing and growing. He thought the decision the City Council should be making is whether or not enclosed balconies are okay. If the answer is yes, they should be allowed to be permanent and done well.

Commissioner Campbell suggested that if the pilot program runs for three years, after that time they could determine whether or not to allow permanent enclosures. He asked if Commissioner Joyce would be more comfortable with that approach. Commissioner Joyce clarified that he personally did not think enclosed balconies belong because they are not part of the Historic Design Guidelines. He thought the decision needed to be consistent. He could not justify saying it was fine for the five prime months but not for the rest of the year. If the City Council thinks enclosed balconies are fine, then they should be allowed all year long or not allowed at all.

Commissioner Phillips wanted to make sure that the CUP would have a sunset date. Assistant City Attorney McLean stated that they could make that recommendation as part of the motion.

MOTION: Commissioner Joyce moved to forward a Negative Recommendation to the City Council on the Main Street balcony enclosure amendments. Commissioner Worel seconded the motion.

VOTE: The motion passed 3-2. Commissioners Joyce, Thimm and Worel voted in favor of the motion. Commissioners Phillips and Campbell voted against the motion.

WORK SESSION

The Planning Commission returned to work session for Annual Legal Training on the Public Meeting Act.

Assistant City Attorney McLean stated that the Open Meetings Act is primarily about the importance of transparency and openness in government so the constituents in the community understand that decisions are being made in the public and not behind closed doors.

Ms. McLean reminded the Commissioners to keep their disclosure forms updated with the City Recorder.

Ms. McLean clarified that "Open" means "in public". State Code requires the Planning Commission to follow the rules and requirements of the Open Public Meetings Act. She noted that the lesser Boards and Commissions follow the Act as well, including the Art Board.

Ms. McLean commented on what constitutes a meeting. For the Planning Commission, it is four members including the Chair. However, it was preferable to have more members than just a quorum making decisions. She thanked the Commissioners for their diligence in attending most meetings. Ms. McLean requested that they contact the Staff if they know they will not be attending to make sure they have a quorum. A meeting cannot be held without a quorum.

Chair Strachan asked the Commissioners to also let him know if they will not be attending; however, he preferred that they use his personal email because he does not check his

Historic Preservation Board Staff Report



Subject: Winter Balcony Enclosure Pilot Program
Application: GI-22-00487
Author: Rebecca Ward, Assistant Planning Director
Date: September 7, 2022
Type of Item: Work Session

Recommendation

Evaluate and provide input on the Winter Balcony Enclosure pilot program that allows temporary enclosure of non-historic balconies facing Main Street in the Historic Commercial Business District. The pilot program is scheduled to end in 2023.

Summary

The City Council initiated a pilot program to allow balcony enclosures on non-historic buildings on Main Street from November 15 – April 30 through 2023.

On March 7, 1979, Park City's Main Street was listed on the [National Register of Historic Places](#), and was expanded in 2018. The Historic Character of Park City is one of the core values of the Park City General Plan ("General Plan"). Goal 15 of the General Plan is to "[p]reserve the integrity, mass, scale, compatibility, and historic fabric of the nationally and locally designated historic resources and districts for future generations." Goal 16 of the General Plan is to "[m]aintain the Historic Main Street District as the heart of the City for residents and encourage tourism in the district for visitors."

The General Plan acknowledges that historic preservation requires consideration of local business needs to retain vibrancy. The General Plan Community Planning Strategy 16.4 is to "[w]ork with Historic Park City Alliance (HPCA) and the Park City Historical Society to address the needs and concerns of local business owners."

The pilot program was suggested by a local business to increase seating capacity during the winter months and to allow temporary balcony enclosure to replace tents. Only one property has requested the Winter Balcony Enclosure, with details provided in the Analysis Section below.

Since the Winter Balcony Enclosure pilot program was first introduced, staff has consistently voiced concerns, outlined in the Analysis Section below. Staff continues to find that the enclosure of Main Street balconies, even temporarily, has a detrimental impact on the historic character of Main Street.

Background

The table below outlines the Winter Balcony Enclosure pilot program background:

Sept. 18, 2014	A community member proposed the City consider a Winter Balcony Enclosure program on Main Street to promote expanded winter use. The City Council supported scheduling the proposal for future discussion. (Minutes, p. 4)
Nov. 13, 2014	The City Council conducted a work session on Winter Balcony Enclosures. Staff expressed concerns: • Impact to the historic integrity of Main Street • International Building Code requirements for fire safety and snow loads • Snow shed issues • Increased use of sewer and water • Increased parking demands • Increased strain on City resources and staff time for reviewing and monitoring the enclosures • Enclosures were prohibited in the Land Management Code and Design Guidelines for Historic Districts and Historic Sites and required amendments Some Councilmembers agreed there would be impacts, but most Councilmembers were in support of exploring a pilot program. (Minutes, Exhibit A)
Jan. 7, 2015	The Historic Preservation Board conducted a work session on Winter Balcony Enclosures. The staff report outlined concerns: • Even temporary enclosures of balconies change the historic character of Main Street • Enclosure substantially alters the architectural design of the building, light and shade of the building design, and the rhythm and pattern of the streetscape • Enclosure of balconies substantially alters the visual character of the original building in shape, roof design, projections, recesses, and solid-to-void ratio • The balcony enclosures obscure and detract from historic details • Balconies not designed to meet the requirements of interior spaces and enclosures may require substantial structural changes and reconstruction The Board continued the discussion to March. (Jan. 7, 2015 Staff Report, Exhibit B; Jan. 7, 2015 Minutes, Exhibit C)

Mar. 4, 2015	The Historic Preservation Board provided input on potential amendments to the Land Management Code and Design Guidelines for Historic Districts to allow temporary enclosures on non-historic balconies in the Historic Commercial Business Zoning District for buildings facing Main Street. (Mar. 4, 2015 Staff Report, Exhibit D; Mar. 4, 2015 Minutes, Exhibit E)
Jun. 25, 2015	The City Council conducted a work session on Winter Balcony Enclosures and provided direction to staff to move forward with a three-year pilot program for non-historic buildings on Main Street. Community members raised concerns about the energy required to heat temporary enclosures. (Staff Report, p. 22; Minutes, p. 3)
Dec. 9, 2015	The Planning Commission voted 5 – 2 to forward a negative recommendation to City Council regarding amendments to the Land Management Code to accommodate Winter Balcony Enclosures. The Planning Commission expressed concerns: • If the temporary enclosure was constructed as a semi-permanent structure, why not consider a year-round enclosure • Balcony enclosures severely detract from the historic character and integrity of the Main Street Historic District, blocks views of neighboring historic structures, and changes the mass and scale of the historic commercial district in opposition to the General Plan and historic preservation goals • Balcony enclosures do not add to street vibrancy like summer dining decks • Balcony enclosures do not comply with Utah's adopted State Energy Code and will increase carbon footprint in opposition to the General Plan and City goals (Dec. 9, 2015 Staff Report, Exhibit F; Dec. 9, 2015 Minutes, Exhibit G)
Jan. 7, 2016	City Council launched a three-year pilot program for the Winter Balcony Enclosure Program for non-historic buildings facing Main Street to enclose their balconies from November 15 – April 30. (Staff Report, p. 93; Minutes, p. 8)
Jan. 7, 2016	City Council enacted Ordinance No. 16-01, amending the Land Management Code to accommodate Winter Balcony Enclosures on non-historic buildings in the Historic Commercial Business Zoning District facing Main Street from November 15 through April 30. (Staff Report, p. 83; Minutes, p. 5)

Nov. 3, 2016	The City Council affirmed support of the three-year pilot program and approved a one-year agreement to allow the Riverhorse Balcony Enclosure over the public pedestrian right-of-way. (Staff Report , p. 98; Minutes , p. 13)
Oct. 11, 2018	City Council extended the pilot program for another five years and approved a one-year agreement to allow for the Riverhorse Balcony Enclosure over the public pedestrian right-of-way. (Staff Report ; Minutes , p. 10)
Nov. 7, 2019	As part of the consent agenda, the City Council approved an updated agreement for the Riverhorse Balcony Enclosure. The agreement terminated on April 30, 2020. The balcony enclosure was allowed to be installed from November 14, 2019 through May 4, 2020. (Staff Report , p. 459; Minutes , p. 12)

Analysis

The purposes of the Historic Preservation Board include:

- Preserving the City's unique Historic character and to encourage compatible design and construction through the creation, and periodic update of comprehensive Design Guidelines for Historic Districts and Historic Sites
- To identify as early as possible and resolve conflicts between the preservation of cultural resources and alternative land uses
- To recommend to the Planning Commission and City Council ordinances that may encourage Historic preservation ¹

Preserving the Historic Character of Park City is one of the core values in the 2014 Park City General Plan ("General Plan"). Goal 15 of the General Plan is:

Preserve the integrity, mass, scale, compatibility, and historic fabric of the nationally and locally designated historic resources and districts for future generations.

Objective 15A – maintain the integrity of historic resources within Park City as a community asset for future generations, including historic resources locally designated on the Park City Historic Sites Inventory and its two National Register Historic Districts – the Main Street Historic District and the Mining Boom Era Residences Thematic District.

Objective 15B – Maintain character, context, and scale of local historic districts with compatible infill development and additions.

¹ LMC [§ 15-11-5](#)

Community Planning Strategy 15.8 is to periodically review newly constructed infill projects for suitability and compatibility of infill development within the Historic Districts. “Identify issues that threaten the aesthetic experience of the districts and refine the Design Guidelines and/or LMC based on findings. The aesthetic experience should be measured from the pedestrian experience at street frontage. In addition, the influence of site design and architecture should be analyzed in the review.”

Goal 16 of the General Plan is:

Maintain the Historic Main Street District as the heart of the City for residents and encourage tourism in the district for visitors.

Objective 16E is to “[e]ncourage all infill, additions, and building alterations on Main Street to be compatible with existing Landmark and Significant Buildings.”

Community Planning Strategy 16.4 is to “[w]ork with Historic Park City Alliance (HPCA) and the Park City Historical Society to address the needs and concerns of local business owners.”

The LMC implements the goals and policies of the General Plan, including allowing development in a manner that encourages the preservation and integrity of the Historic Districts in the unique urban scale of original Park City.² The Winter Balcony Enclosure pilot program was initiated in the Historic Commercial Business District. The purposes of the Historic Commercial Business District include:

- Preserving the cultural heritage of the City’s original Business, governmental, and residential center,
- Facilitating the continuation of the visual character, scale, and streetscape of the original Park City Historical District,
- Encouraging pedestrian-oriented, pedestrian-scale development,
- Minimizing the impacts of new development on parking constraints of Old Town,
- Minimizing the impacts of commercial uses and business activities, including parking, access, deliveries, service, mechanical equipment, and traffic on residential neighborhoods,
- Maintaining and enhancing the long-term viability of the downtown core as a destination for residents and tourists by ensuring a business mix that encourages a high level of vitality, public access, vibrancy, activity, and public/resort-related attractions.³

² LMC [§ 15-1-2](#)

³ LMC [§ 15-2.6-1](#)

Land Management Code (LMC) [§ 15-2.6-3\(E\)](#) regulates balconies that project over the Main Street public pedestrian right-of-way in the Historic Commercial Business Zoning District. City Council must review any proposed balcony construction, enlargement, or modification that extends over the Main Street public pedestrian right-of-way. Prior to 2016, balcony enclosures were prohibited. However, on January 7, 2016, the City Council amended LMC [§ 15-2.6-3\(E\)](#) to initiate a pilot program to allow for Winter Balcony Enclosures on non-historic structures facing Main Street from November 15 – April 30. To date, only one property owner has installed a Winter Balcony Enclosure – Riverhorse on Main at 540 Main Street. The pilot program is set to expire in 2023 and staff requests Historic Preservation Board input regarding termination or continuation of the program.

The pilot program outlines the following:

1. There may be times when it is not appropriate to construct a Temporary Winter Balcony Enclosure on a non-historic building due to unique conditions, including but not limited to health and safety concerns, as found by the Planning Director or Chief Building Official.
2. The Temporary Winter Balcony Enclosures and the balcony should respect the architectural style of the building.
3. The Temporary Winter Balcony Enclosures should retain existing balcony railings to achieve a design consistent with open balconies and maintain the character of the original building.
4. The existing exterior wall of the building may not be removed seasonally to accommodate the balcony enclosure.
5. The Temporary Winter Balcony Enclosures must not block existing door and window openings on neighboring buildings.
6. Temporary Winter Balcony Enclosures should consist of clear glazing set in window frames that generally match the mass, scale, and materials of those used for the glazing frames of the building.
7. Sunscreens are permitted and should only be used in times of extreme sun but should not be obtrusive.
8. The balcony must be situated so as not to interfere with pedestrian movement on the sidewalk.
9. The Temporary Winter Balcony Enclosures must have direct access to the restaurant's dining area.
10. Temporary Winter Balcony Enclosures designs must address snow shedding.
11. Any changes to the exterior façade of the building, proposed changes to the existing balcony, or construction of a new balcony shall be reviewed by staff as part of the Historic District Design Review. New balconies extending over the City right-of-way will require approval of the City Council.

12. The construction of any temporary tents should be approved through an Administrative Conditional Use Permit for up to fourteen (14) days. Free-standing tents will not be considered the same as balcony enclosures.
13. No signage is allowed on any Temporary Winter Balcony Enclosures.
14. Any new Temporary Winter Balcony Enclosures will require a building permit.
15. Temporary Winter Balcony Enclosures will only be permitted November 15th through April 15th.

When the pilot program was proposed, staff voiced concerns, outlined in the attached staff reports and summarized below:

- *Staff's professional opinion is that the enclosure of this space—even temporarily during the winter months—changes the historic character of the Main Street district as a whole.*
- *The enclosure of balcony spaces substantially alters the architectural design of the building, light and shade of the building design, and the rhythm and pattern of the streetscape.*
- *The visual character of the original building (historic or non-historic) will be substantially altered due to changes in its overall shape, roof design, projections, recesses, and solid-to-void ratio.*
- *The enclosure of the balconies detracts from the historic “western” appearance of our Mining Era Main Street.*
- *The appearance of balconies over the sidewalks adds appeal and interest to the rhythm and patterning of the Main Street historic district; these enclosures change the massing of the structure and create the perception of the second floor extending beyond the plane of the façade and over the City right-of-way.*
- *By extending beyond the front plane of the façade, these seasonal balcony enclosures block the views of neighboring historic buildings when looking up or down Main Street.*
- *Park City's Main Street is characterized by in-line facades with limited breaks in their massing.*
- *Building over the balconies breaks the well-articulated street wall along the sidewalk and disrupts the continuity of the street wall.*

On July 8, 2022, the Planning, Building, Engineering, Public Works, and Sustainability Departments met to evaluate and discuss the pilot program. Staff continues to voice the same concerns raised previously. The enclosure impacts the historic character of Park City's Historic Main Street, presents snow shedding issues, and increases water, sewage, and parking demands. Additionally, while the pilot program allows for temporary enclosure of balconies on non-historic buildings, the enclosure impacts adjacent Historic Structures, requiring attachment to and removal from historic material. Staff requests the Historic Preservation Board please review the staff reports attached as exhibits to this report for the full background and analysis.

Since the LMC was amended to allow for the Winter Balcony Enclosure pilot program,

in 2019, the Design Guidelines for Historic Commercial Infill Construction were adopted. The current guidelines outlined in LMC [§ 15-13-9](#) include the following for non-historic commercial structures in the Historic Districts and do not support Winter Balcony Enclosures:

- New infill commercial buildings shall differentiate from historic structures but shall be compatible with historic structures in materials, features, size, scale, and proportion, and massing to protect the integrity of the Main Street Historic District as a whole. The massing of new infill commercial buildings shall be further broken up into volumes that reflect the original massing of historic buildings; larger masses shall be located at the rear of the site.
- Scale and height of new infill commercial structures shall follow the predominant pattern and respect the architecture of the Streetscape or character area with special consideration given to Historic Sites.
- Size and mass of a structure shall be compatible with the size of the site so that site coverage, and building bulk and mass are compatible with Historic Sites within the Streetscape or character area.
- New construction activity shall not physically damage nearby Historic Sites.
- New infill commercial buildings shall reinforce visual unity within the context of the Historic District but also within the context of the Streetscape or character area. The specific context of the Streetscape or character area is an important feature of the Historic District. The context of each Streetscape or character area shall be considered in its entirety, as one would see it when standing on the street viewing both sides of the street for the entire length of the Streetscape or character area. Special consideration should be given to adjacent and neighboring Historic Sites to reinforce existing rhythms and patterns.
- Structures shall be located on a site in a way that follows the predominant pattern of historic buildings along the street, maintaining traditional setbacks, orientation of entrances, and alignment along the street.
- All Streetscape or character area elements should work together to create a coherent visual identity and public space. The visual cohesiveness and historic character of a site shall be maintained using complementary materials.
- Historic height, width, and depth proportions are important in creating compatible infill and new design shall reflect the historic mass and scale of commercial buildings in the Historic District.
- The size and mass of a new infill commercial building, in relation to open spaces, shall be visually compatible with adjacent historic buildings and historic structures in the surrounding Historic District.
- Building features such as storefronts, upper story windows, cornices, and balconies shall be aligned with similar historic building features in the Historic District.
- New balconies shall be visually subordinate to the new building and shall be minimally visible from the primary public right-of-way.
- A new balcony shall be simple in design and compatible with the character of the Historic Districts. Simple wood and metal designs are appropriate for commercial structures. Heavy timber and plastics are inappropriate materials.

- An addition shall be visually subordinate to the existing building and shall be compatible with the scale of the historic buildings in the Streetscape or character area.

Amendments to the Design Guidelines for Historic Commercial Infill Construction would be required to continue the pilot program.

Since the pilot program was initiated in 2016, only one property has installed a Winter Balcony Enclosure, the Riverhorse on Main. The entrance to the Riverhorse on Main is through 540 Main Street, a Landmark Historic Structure ([Historic Site Form](#)). Riverhorse on Main then extends along the upper level of 530 Main Street to the south, which is not a Historic Structure. The Winter Balcony Enclosure extends from this portion of the restaurant. The adjacent property to the south is the Park City Museum at 528 Main Street, a Landmark Historic Structure ([Historic Site Form](#)). As a result, although the balcony for Riverhorse on Main is not on a building designated a Historic Structure, the Winter Balcony Enclosure requires connection to two Landmark Historic Structures.

Below are photos illustrating the historic streetscape and the Balcony Enclosure.

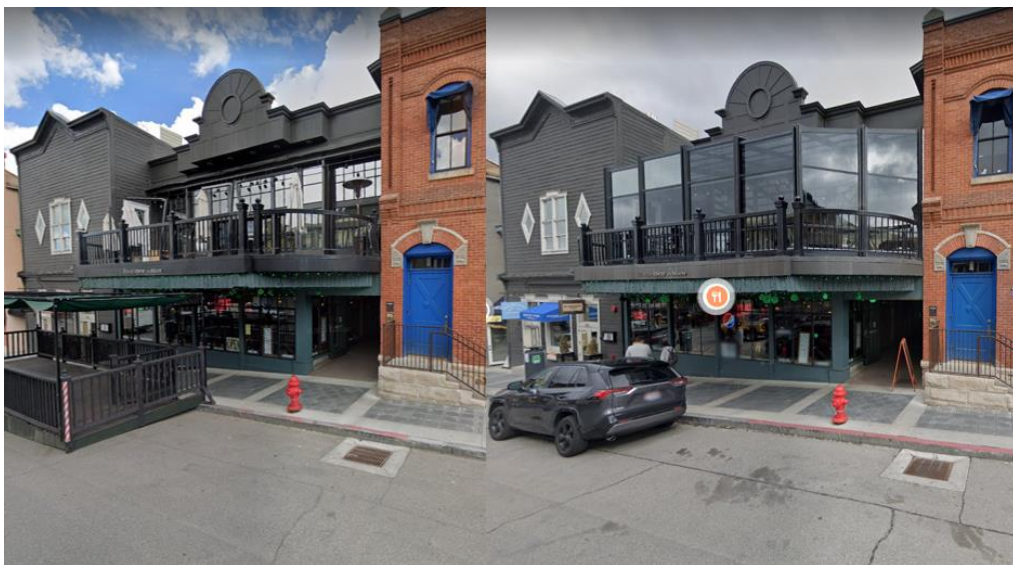
Image taken from Google Maps showing the open Balcony:



Image taken in 1995 showing the open balcony:



Images taken from Google Earth showing side-by-side comparisons:





Questions for HPB consideration:

- Does the HPB support continuation of the Winter Balcony Enclosure pilot program?
- If so, is the HPB supportive of amending the Design Guidelines for Historic Commercial Infill Construction to establish parameters for Winter Balcony Enclosures?

Department Review

The Planning Department, Public Works Department, Building Department, Sustainability Department, Streets Department, and City Attorney's Office reviewed the pilot program.

Public Input

Please see Exhibit H.

Exhibits

Exhibit A: November 13, 2014 City Council Meeting Minutes

Exhibit B: January 7, 2015 HPB Staff Report

Exhibit C: January 7, 2015 HPB Meeting Minutes

Exhibit D: March 4, 2015 HPB Staff Report

Exhibit E: March 4, 2015 HPB Meeting Minutes

Exhibit F: December 8, 2015 Planning Commission Staff Report

Exhibit G: December 9, 2015 Planning Commission Meeting Minutes

Exhibit H: Public Input



RIVERHORSE ON MAIN



RIVERHORSE ON MAIN STREET

Riverhorse on Main brings an elegant experience of the flagship Main Street for locals and visitors alike – guest who come from around the world get a view of Park City like never seen before. The current winter dining program has been a great success – we would like to collaborate with the city to find a way to keep the program year-round. We thrive on promoting historic main street, and since the pandemic we can do that every season with our deck enclosure.



GUESTS & VISITORS

GUESTS

The Riverhorse on Main family hosts visitors from around the world who often want to return – providing a tourism view of the city year round. We entertain locals, tourists, and corporate events – over 100,000 guests per year. This provides additional business for surrounding establishments bringing large events to Main Street year-round.

VISITORS

At Riverhorse on Main, after guests leave dinner with us we make a suggestion where they should go next! Whether it is a visit to the Fine Art Gallery of Park City or a drink after at No Name, our goal is promote businesses that promote us on Main Street.



A hand holding a glass of champagne with a city view in the background. The hand is wearing a watch and rings. The background shows a city street with buildings and a car.

Agreement

We understand that there would need to be changes to code in order for this to occur. I believe other business owners can and will succeed. Changing code or the program will create consistency for everyone on the street.

Our structure will certainly need to be upgraded in order to comply with permanent structure status as opposed to a temporary structure. Riverhorse will commit to providing an enhanced the aesthetic view of main street. This will make our restaurant closer to the our goal of being a green business with upgraded windows and insulation.

The deck is over 5 feet of city property, We propose in some fashion a long term lease over that property, that if at any time it was a problem for city hall Riverhorse would comply with city direction.

Thank you



Thank you for taking the time to review and discuss this proposal – our goal at Riverhorse on Main is to continue to provide an excellent experience to guests that represents Park City Main Street well with an outstanding view.

Thank you!

Planning Commission Staff Report



Subject: Water Wise Landscaping
Application: PL-21-05064
Authors: Lillian Lederer
Spencer Cawley
Date: October 12, 2022
Type of Item: Work Session – Land Management Code Amendments

Recommendation

Staff recommends the Planning Commission provide input on proposed Land Management Code amendments to improve Water Wise Landscaping and clarify landscaping regulations.

Description

Applicant:	Planning Department
Zoning District:	All Zoning Districts
Land Management Code Sections Amended:	§ 15-5-5(N) <i>Landscaping</i> § 15-15-1 <i>Definitions</i>
Municipal Code of Park City Section Amended:	§ 14-1-5 <i>Regulations for Planting Trees and Landscaping in the City's Right-of-Way</i>
Reason for Review:	The Planning Commission reviews Land Management Code amendments and forwards a recommendation for City Council's consideration. The City Council conducts a public hearing and takes Final Action. ¹

Background

On May 30, 2019, the City Council adopted [Ordinance No. 2019-30](#), amending the Land Management Code to implement Water Wise Landscaping to reduce the need for supplemental irrigation. Water Wise Landscaping includes Xeriscaping, where native drought-tolerant plants, trees, and shrubs appropriate to the local climate are selected, and use of mulch reduces water evaporation and runoff, and Hydrozoning, a landscaping technique that co-locates plants, trees, and shrubs that have similar irrigation needs.

Current landscaping regulations are outlined in LMC [§ 15-5-5\(N\)](#) and require:

¹ LMC [§ 15-1-7](#)

- A landscape plan
- At least 50% of any landscaped area be Water Wise with native and drought-tolerant species
- Drip irrigation with a WaterSense labeled smart irrigation controller which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions
- Mulching
- Protections for Significant Vegetation
- Limitations on lawn or turf area

However, the regulations are difficult to read:

N. **LANDSCAPING.** A complete landscape plan must be prepared for the limits of disturbance area for all Development activity. The landscape plan shall utilize the concept of Water Wise Landscaping for plant selection and location, irrigation, and mulching of all landscaped areas. The plan shall include foundation plantings and ground cover, in addition to landscaping for the remainder of the lot. The plan shall indicate the percentage of the lot that is landscaped, the percentage of the landscaping that is irrigated, the type of irrigation to be used, and Hydrozones. The plan shall identify all existing Significant Vegetation. The plan shall also identify the 50 percent (50%) of any Water Wise Landscaped area comprised of appropriate plants, trees, and shrubs. Any proposed boulders or rocks greater than two inches (2") in diameter and Gravel must be identified. Materials proposed for driveways, parking areas, patios, decks, and other hard-scaped areas shall be identified on the plan. A list of plant materials indicating the botanical name, the common name, quantity, and container or caliper size and/or height shall be provided on the plan. Refer to the Municipal Code of Park City Title 14-1-5 for a City approved Plant List. A diverse selection of plantings is suggested to provide plantings appropriate to the Park City climate and growing season, to provide aesthetic variety and to prevent the spread of disease between the same species. Artificial turf is allowed to be used in limited quantities on decks, pathways, recreation and play areas, or as a limited landscaping material on areas in which vegetation may be unsuccessful. Artificial turf's installation shall not pool water and be installed to allow for drainage. Areas of mulch shall be identified on the plan. Approved mulches include natural organic plant based or recycled materials. Gravel is only allowed in the following applications: as an approved walkway, patio, drainage plan, and/or defensible space. The Planning Director or his/her designee may determine if proposed defensible space areas are not required to include plantings. Any Gravel or stone within the HRL, HR-1, HR-2, HRM, HRC, or HCB Zoning Districts must meet the requirements of Park City's Design Guidelines for Historic District and Historic Sites. Gravel is not an allowed surface for parking, ground cover on berms or finished grade with a ratio greater than 3:1, within platted or zoned open space, or as a material in parking strips or City rights-of-way. To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. When approved to be removed, based on a Site Specific plan, Conditional Use, Master Planned Development, or Historic District Design Review approval, the Significant Vegetation shall be replaced with equivalent landscaping in type and size. The Forestry Manager or Planning Director may grant exceptions to this if upon their review it is found that equivalent replacement is impossible or would be detrimental to the site's existing and/or proposed vegetation. Multiple trees equivalent in caliper to the size of the removed Significant Vegetation may be considered instead of replacement in kind and size. Where landscaping does occur, it should consist primarily of native and drought tolerant species, drip irrigation, and all plantings shall be adequately mulched. Significant Vegetation preservation and/or replacement shall be prioritized, but where applicable, Firewise Landscaping and/or Defensible Space landscaping plans for Property within the Wildland-Urban Interface area that include Significant Vegetation removal shall be in accordance with Municipal Code Chapter 11-21. A detailed irrigation plan shall be drawn at the same scale as the landscape plan including, but not limited to: a layout of the heads, lines, valves, controller, backflow preventer, and a corresponding legend and key. Landscaped areas shall be provided with a WaterSense labeled smart irrigation controller which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions. All controllers shall be equipped with automatic rain delay or rain shut-off capabilities. Irrigated lawn and turf areas are limited to a maximum percentage of the allowed Limits of Disturbance Area of a Lot or Property that is not covered by Buildings, Structures, or other Impervious paving, based on the size of the Lot or Property according to the following table:

Lot Size	Maximum Turf or Lawn Area as a percentage of the allowed Limits of Disturbance Area of the Lot that is not covered by Buildings, Structures, or other Impervious paving
Greater than one (1) acre	25%
0.50 acres to one (1) acre	35%
0.10 acres to 0.49 acres	45%
Less than 0.10 acres	No limitation

Where rock and boulders are allowed and identified on the Landscape Plan, these shall be from local sources. All noxious weeds, as identified by Summit County, shall be removed from the Property in a manner acceptable to the City and Summit County, prior to issuance of Certificates of Occupancy.

The Water Department is preparing to implement a landscape rebate pilot program (Cash for Grass) in 2023 to incentivize residents to replace lawn with Water Wise Landscaping. On September 23, 2021, City Council directed the Planning team to evaluate the landscaping regulations to identify opportunities to improve water conservation in preparation for the landscape rebate pilot program and to further conserve water use for new construction landscaping moving forward ([Staff Report](#); [Land Management Code Exhibit](#); [Minutes, p. 4](#)).

On April 27, 2022, the Planning Commission conducted a work session and directed the Planning team to implement changes regarding Water Wise definitions, investigate graywater use/regulations, and create a user-friendly website for residents to find information regarding water conservation ([Staff Report](#); [Minutes, p. 2](#)).

On September 30, 2022, the Planning Department mailed public notice to property owners citywide with information about a Landscaping and Water Conservation Survey available on [the Engage Park City website](#) (open through October 20, 2022). The public notice also includes information on the proposed amendments and how to participate in the Planning Commission public hearing scheduled for October 26, 2022, and City Council public hearing scheduled for November 17, 2022. Additionally, the Planning team provided information on the proposed amendments at the City's Open House on October 4, 2022.

The Planning team recommends amendments to:

- (I) Align with HB 282 *Water Wise Landscaping Amendments* definitions and to define key terms
- (II) Reorganize, update, and simplify landscaping regulations, so they are easily understandable for the community, applicants, and staff

Additionally, the Planning team recommends creation of a website to:

- (III) Provide information to applicants about:
 - a. Existing water impact fee rebates for Water Wise Landscaping
 - b. The landscaping rebate pilot program (Cash for Grass)
 - c. Links to information on potential future state funding
 - d. New graywater for landscaping opportunities
 - e. Best practice resources

Analysis

Natural Setting is one of the core values in the Park City General Plan and Goal 5 is to implement mitigation for environmental impacts. Objective 5.3 is to adopt new landscaping requirements to decrease water utilization and preserve native landscape.

The Land Management Code (LMC) implements the goals and policies of the General Plan in part to promote the general health, safety, and welfare of the present and future inhabitants, businesses, and visitors of the City, and to protect and enhance the overall quality of life.² LMC [§ 15-5-1](#) outlines the Policy and Purpose of the Architectural Review Chapter of the LMC, and includes the following:

It is also the intent of this section to encourage and implement water conservation practices for landscaping, as it is in the public's interest to conserve water resources and promote Water Wise Landscaping. Park City is in a mountainous, semi-desert environment where much of the precipitation occurs as snow during the winter months and the highest demand for water occurs during the summer months. The largest single water demand is for irrigation of landscaping. The use of Water Wise Landscaping will protect the health, safety, and welfare of the community from impacts of water shortages likely to occur

² LMC [§ 15-1-2](#)

during cycles of drought. Water Wise Landscaping is a concept of landscaping with plants that use little or no supplemental irrigation and are typically native to the region. The concept also requires water conserving irrigation practices, such as drip irrigation, Hydrozoning, and effective mulching with plant-based mulches. Where applicable in Wildland-Urban Interface areas as demonstrated by the latest Utah State Department of Natural Resources Wildfire Risk Assessment Portal Map, Firewise Landscaping techniques shall be in accordance with Municipal Code Chapter 11-21.

To strengthen the Water Wise Landscaping regulations, the Planning team recommends:

- Defining key terms
- Reorganizing the code
- Moving the *Water Wise Landscaping Purpose* Section of the *Architectural Review* Chapter to the *Landscaping* Section
- Decreasing allowable lawn area, with exceptions for Recreation, School, Public and Quasi-Public Institution Uses
- Differentiating between gravel (less than 2" in diameter and problematic for the stormwater system) restrictions and rocks (greater than 2" in diameter and less than 4" in diameter) to allow for increased use of rocks in landscaping
- Prohibiting Zeroscaping (landscaping primarily consisting of gravel, rocks, and mulch)
- Restricting lawns, gravel, and rocks on slopes with a ratio greater than 3:1
- Allowing for Significant Vegetation to be replaced with Water Wise species
- Limiting Impervious Surfaces
- Updating the City's recommended plant list to identify Water Wise species

(I) Amend the LMC to align with HB 282 *Water Wise Landscaping Amendments* definitions and to define key terms

[HB 282](#) was passed during the 2022 Utah Legislative Session. This bill prohibits municipalities, counties, and homeowner associations (HOAs) from prohibiting a property owner from incorporating Water Wise Landscaping on the property owner's property. However, a municipality or HOA may require a property owner to:

1. Comply with a Site Plan review or other review process before installing Water Wise Landscaping
2. Maintain plant material in a healthy condition
3. Follow specific Water Wise Landscaping design requirements adopted by the municipality or HOA, including a requirement that:
 - a) Restricts or clarifies the use of mulches considered detrimental to municipal operations
 - b) Imposes minimum or maximum vegetation coverage standards; or
 - c) Restricts or prohibits the use of specific plant materials.

A municipality or HOA may not require a property owner to install or keep in place lawn

turf in an area with a width less than eight feet (8').

The LMC does not restrict installation of Water Wise Landscaping. However, the Planning team recommends amendments to reflect the landscaping language defined by the state. HB 282 defines the following terms not currently defined or differently defined in the LMC:

HB 282 Terms	Definition
Lawn/Turf	Nonagricultural land planted in closely mowed, managed grasses.
Mulch	Material such as rock, bark, wood chips, or other materials left loose and applied to the soil.
Overhead Spray Irrigation	Above ground irrigation heads that spray water through a nozzle.
Water Wise Landscaping	1. Installation of plant materials suited to the microclimate and soil conditions that can: a) Remain healthy with minimal irrigation once established; or b) Be maintained without the use of overhead spray irrigation; 2. Use of water for outdoor irrigation through proper and efficient irrigation design and water application. 3. Use of other landscape design features that: a) Minimize the need of the landscape for supplemental water from irrigation; or b) Reduce the landscape area dedicated to lawn or turf.

The Planning team also recommends amending or adding the following LMC terms:

- Gravel
 - Round rock or crushed stone less than two inches (2") in diameter
- Rocks
 - Greater than two inches (2") and no more than four inches (4") in diameter
- Irrigation Plan
 - A plan showing the components of the irrigation system with water meter size, backflow prevention, precipitation rates, flow rate, and operating pressure for each irrigation circuit, and identification of all irrigation equipment

- Impervious Surfaces
 - Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, sidewalks, patios, and paved recreation areas.
- Graywater
 - Wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, or laundry tubs used for landscaping as approved by the Summit County Health Department
- Mulch
 - Material such as rock, bark, wood chips, or other materials left loose and applied to the soil.
 - Organic mulches: wood, bark chips, pole peelings, wood grindings, shredded bark, nut shells, pine needles, discarded plant parts
 - Inorganic mulches: rocks, gravel, crushed stone, lava rock, cobblestone
- Water Wise Landscaping
 - A landscaping method developed especially for arid and semiarid climates utilizing water-conserving techniques such as the use of native drought-tolerant plants, mulch, and efficient irrigation that reduces the need for supplemental irrigation. Water Wise Landscaping is a mix of plantings, rocks, and other landscaping materials with at least fifty percent (50%) of the landscaped area containing plants, trees, and shrubs. The use of mulch coverings, organic or stone-based, without fifty percent (50%) plantings does not constitute Water Wise Landscaping.
 - Hydrozones/Hydrozoning. Plant grouping according to water needs, allowing for more efficient irrigation. Plants, trees, and shrubs that are appropriate to the local climate are used, and care is taken to avoid losing water to evaporation and run-off.
 - Xeriscaping. Sustainable landscape that conserves water and is based on sound horticultural practices designs that incorporate low-water-use plants planted in Hydrozones.
 - Zeroscaping. Prohibited.
- Zeroscaping
 - A landscaped area, not including approved Impervious Surfaces, that is primarily gravel, rocks, and/or mulch.

Adopting definitions will help clarify and maintain consistency for Water Wise Landscaping.

(II) Reorganize, update, and simplify landscaping regulations, so they are easily understandable for the community, applicants, and staff.

The current code outlines Water Wise Landscaping but is difficult to read. The Planning team recommends:

- Reorganizing the code

- Moving the *Water Wise Landscaping Purpose* Section of the *Architectural Review* Chapter to the *Landscaping* Section
- Decreasing allowable lawn area, with exceptions for Recreation, School, Public and Quasi-Public Institution Uses
- Differentiating between gravel (less than 2" in diameter and problematic for the stormwater system) restrictions and rocks (greater than 2" in diameter and less than 4" in diameter) to allow for increased use of rocks in landscaping
- Prohibiting Zeroscaping (landscaping primarily consisting of gravel, rocks, and mulch)
- Restricting lawns, gravel, and rocks on slopes with a ratio greater than 3:1
- Allowing for Significant Vegetation to be replaced with Water Wise species
- Limiting Impervious Surfaces

LANDSCAPING.

1. **PURPOSE.** Park City is in a mountainous, semi-desert environment where much of the precipitation occurs as snow during the winter months and the highest demand for water occurs during the summer months. The largest single water demand is for irrigation of landscaping. Water Wise Landscaping incorporates native drought-tolerant plants that require little or no supplemental irrigation, includes water conserving irrigation, and requires Hydrozoning in which plants, trees, and shrubs with similar water needs are planted in the same area with mulches that prevent water evaporation. Water Wise Landscaping protects the health, safety, and welfare of the community from impacts of water shortages likely to occur during cycles of drought.
2. **WATER WISE LANDSCAPING.** At least fifty percent (50%) of the landscaped area shall be Water Wise Landscaping containing approved native drought tolerant plants, trees, and shrubs.
3. **LANDSCAPE PLAN.** A complete landscape plan must be prepared for the limits of disturbance area for all Development activity.
 - a. The landscape plan shall ~~utilize the concept of~~ **include** Water Wise Landscaping for plant selection and location, irrigation, and mulching of all landscaped areas. The plan shall identify the 50 percent (50%) of any Water Wise Landscaped area comprised of ~~appropriate~~ **approved native drought-tolerant** plants, trees, and shrubs.
 - b. The plan shall include foundation plantings and ground cover, in addition to landscaping for the remainder of the lot.
 - c. The plan shall indicate the percentage of the lot that is landscaped, **the percentage of the lot containing Impervious Surfaces,** the percentage of the landscaping that is irrigated, the type of irrigation to be used, and Hydrozones.
 - d. The plan shall identify all existing Significant Vegetation.
 - (1) To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction.
 - (2) When approved to be removed, based on a Site-Specific plan, Conditional Use, Master Planned Development, or Historic District

Design Review approval, the Significant Vegetation shall be replaced with equivalent landscaping in type and size.

- (A) The Forestry Manager or Planning Director may grant exceptions to this if upon their review it is found that equivalent replacement is impossible or would be detrimental to the site's existing and/or proposed vegetation.
 - (B) Multiple trees equivalent in caliper to the size of the removed Significant Vegetation may be considered instead of replacement in kind and size.
 - (C) The Forestry Manager or Planning Director may approve Significant Vegetation replacement with native drought-tolerant Water Wise species of equivalent type and size.
- (3) Significant Vegetation preservation and/or replacement shall be prioritized, but where applicable, Firewise Landscaping and/or Defensible Space landscaping plans for Property within the Wildland-Urban Interface area that include Significant Vegetation removal shall be in accordance with ~~Municipal Code~~ Chapter 11-21.
- e. Materials proposed for driveways, parking areas, patios, decks, and other ~~hardscaped~~ Impervious Surfaces areas shall be identified on the plan.
 - f. Artificial turf made of sustainable materials is allowed to be used in limited quantities on decks, pathways, recreation and play areas, or as a limited landscaping material on areas in which vegetation may be unsuccessful. Installation of artificial turf's installation shall not pool water and be installed to allow for drainage.
 - g. A list of plant materials indicating the botanical name, the common name, quantity, and container or caliper size and/or height shall be provided on the plan.
 - (1) ~~Refer to the Municipal Code of Park City~~ Section 14-1-5 for a City approved Plant List.
 - (2) A diverse selection of plantings is suggested to provide plantings appropriate to the Park City climate and growing season, to provide aesthetic variety, and to prevent the spread of disease between the same species.
 - h. Areas of mulch shall be identified on the plan.
 - (1) Approved mulches include natural organic plant-based or recycled materials.
 - (A) Mulch shall be applied at least three to four inches deep.
 - i. Any proposed ~~boulders~~ stones or rocks greater than two inches (2") in diameter and Gravel (less than 2" in diameter) must be identified.
 - (1) Gravel is only allowed in the following applications:
 - (A) as an approved walkway;
 - (B) patio;
 - (C) drainage plan; and/or
 - (D) defensible space.

- (2) Any Gravel, rocks, or stone within the HRL, HR-1, HR-2, HRM, HRC, or HCB Zoning Districts must meet the requirements of the Design Guidelines for Historic District and Historic Sites.
- (3) Gravel and rocks is are not an allowed surface for parking, ground cover on berms, or finished grade with a ratio greater than 3:1, within platted or zoned open space, or as a material in parking strips or City rights-of-way.
- j. The Planning Director or designee may determine if proposed defensible space areas outlined in Chapter 11-21 Utah Wildland-Urban Interface Code are not required to include plantings.
- k. ~~Where landscaping does occur, it should consist primarily of native and drought tolerant species, drip irrigation, and all plantings shall be adequately mulched.~~
- l. All noxious weeds, as identified by Summit County, shall be removed from the Property in a manner acceptable to the City and Summit County, prior to issuance of Certificates of Occupancy.
4. **IRRIGATION PLAN.** A detailed irrigation plan shall be drawn at the same scale as the landscape plan including, but not limited to a layout of the heads, lines, valves, controller, backflow preventer, and a corresponding legend and key.
 - a. Irrigation shall be drip irrigation.
 - b. Overhead Spray Irrigation is prohibited.
 - c. Landscaped areas shall be provided with a WaterSense labeled smart irrigation controller which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions. All controllers shall be equipped with automatic rain delay or rain shut-off capabilities.
5. **LAWN AND TURF LIMITATIONS.** Lawn and turf is prohibited on slopes with a ratio greater than 3:1. Irrigated lawn and turf areas are limited to a maximum percentage of the allowed Limits of Disturbance Area of a Lot or Property that is not covered by Buildings, Structures, or other Impervious Surfaces paving, based on the size of the Lot or Property according to the following table:

Lot Size	Maximum Turf or Lawn Area as a percentage of the allowed Limits of Disturbance Area of the Lot that is not covered by Buildings, Structures, or other Impervious paving
Greater than one (1) acre	25% <u>20%</u>
0.50 acres to one (1) acre	35% <u>30%</u>
0.10 acres to 0.49 acres	45% <u>40%</u>
Less than 0.10 acres	No limitation

Recreation, School, Public, and Quasi-Public Institution Uses are exempt from lawn and turf limitations. Landscaping plans shall incorporate best practices for water conservation and lawn and turf areas shall be reviewed and approved by the Planning Director.

In addition to the amendments to Section 15-5-5(N), the Planning team recommends updating the City's recommended plant list identified in Municipal Code of Park City [Section 14-1-5](#) to indicate those plants that are Water Wise (Exhibit A).

(III) Create a website to provide information to applicants about existing water impact fee rebates for Water Wise Landscaping, the landscaping rebate (Cash for Grass) pilot program, links to information on potential future state funding, new graywater for landscaping opportunities, and best practice resources.

Rebates for Water Impact Fees

The City incentivizes Water Wise Landscaping for new construction. Municipal Code of Park City [§ 11-13-7](#) outlines when a property owner is eligible to receive a rebate of up to 50% of the paid exterior water Impact Fee if they install Water Wise Landscaping. A rebate is processed if the Planning Department receives an application within two years of the payment of the exterior water Impact Fee and within six months of the installation of Water Wise Landscaping. However, the code does not apply to conversions of previously disturbed or existing landscaping, only from new Development Activity.

Landscaping Rebates (Cash for Grass)

The Planning and Water teams are coordinating and preparing for the landscaping rebate pilot program with updates to the landscaping code and a Landscaping and Water Conservation survey and will update the Planning Department webpage to provide information regarding the pilot program when it is initiated in 2023.

State Incentives

During the 2022 Legislative Session, Utah lawmakers approved \$5 million for a statewide grass removal rebate program. According to the Utah Department of Natural Resources website, the details of the program are still under review with a possible launch Fall 2022.³

[House Bill 121](#) *Water Conservation Modifications* offers preliminary eligibility criteria:⁴

- The property must have living, maintained turfgrass that the owner intends to replace with drought-tolerant landscaping
- The owner must be in good standing with their water provider—no unpaid bills
- Participation is voluntary and not required by governmental code or policy

³ [Utah's Grass Removal Rebates](#)

⁴ [H.B. 121](#)

New Graywater for Landscaping Opportunities

The Summit County Health Department received approval to implement a graywater systems program from the Utah Department of Environmental Quality.⁵ There are two tiers available to residents and businesses in Summit County. Pursuant to the State of Utah's Wastewater Rule (R317),⁶ these tiers are defined as follows:

- A. **Tier 1 System (residential)** – A gravity-fed graywater system without a surge tank, pretreatment, or pressurized components. A Tier 1 System is intended to be simple to operate and can be easily disconnected during winter months or other periods when the system may not be in use. This may also be appropriate for retrofitting an existing structure. (Permit fee is \$140.)
- B. **Tier 2 System (commercial and multi-family)** – A graywater system that employs a surge tank, pre-treatment, drip line irrigation, or pressurized components. (Permit fee is \$730.)

Best Practices Resources

The Planning team is compiling resources to provide to community members outlining recommended plant lists, irrigation, and landscaping water conservation. The Planning team will include these resources on a website managed by the Planning Department. Utah State University's [Center for Water-Efficient Landscaping](#) is one example of the type of resource available.

Exhibit

Exhibit A: Approved Plant List

⁵ <https://summitcountyhealth.org/enviro/graywater-systems/>

⁶ [Utah Office of Administrative Rules](#)

<u>Coniferous Trees</u>	<u>Deciduous Trees</u>
Austrian Pine Blue Spruce Bosnian Red Cone Pine Bristlecone Pine Douglas Fir Engelmann Spruce Limber Pine Norway Spruce Pinyon Pine Ponderosa Pine Rocky Mountain Juniper Scotch Pine Single-needled Pine Sub Alpine Fir Utah Juniper Vanderwolf Pine Western White Pine White Fir	Amur Maple* Autumn Blaze Maple Bigtooth Maple* Bolleana Poplar Burr Oak* Canada Red Chokecherry* Columnar Swedish Aspen* Common Hackberry* Common Pear Tree Crabapple* Downy Serviceberry* Emerald Queen Norway Maple Gambel Oak; Scrub Oak Japanese Tree Lilac Kentucky Coffeetree* Lindon Trees* Manchurian Ash Marshall Seedless Ash May Day Tree* Narrowleaf Cottonwood* Patmore Green Ash Quaking Aspen* Rocky Mountain Maple* Saskatoon Serviceberry or Juneberry* Sensation Boxelder* Sycamore Maple* Tatarian Maple* Thornless Hawthorn* Turkish Filbert* Western Catalpa*
<u>Shrubs</u>	
Adam's Needle* Alpine Current* Antelope Bitterbrush* Apache Plume Ash Leaf False Spirea* Austrian Copper Rose Beauty Bush* Big Basin Sage Bigelow's Sage Black Chokeberry* Black Sage	Leatherleaf Viburnum* Lewis' Mockorange* Littleleaf Mockorange* Meideland Rose Mentor Barberry, Red Leaf Barberry, Rose Glow Barberry* Mountain Lover* Mountain Mahogany* Mountain Snowberry* New Mexico Locust* Ninebark*

Blue Mist Spirea* Boulder Thimbleberry* Bridal Wreath Spirea* Bumald Spirea* Butterfly Bush Chenault Coralberry* Chokecherry* Cliff Jamesia* Cliff Rose* Clove Currant* Common Lilac (many cultivars) * Common Snowberry* Compact Oregon Grape* Cranberry Cotoneaster* Crimson Pygmy Barberry* Curl-leaf Mountain Mahogany* Yew* Diabolo Ninebark* Dwarf Korean Lilac* Dwarf Mountain Mahogany* Dwarf Mugo Pine Dwarf Smooth Sumac Dwarf Winged Euonymous* Elderberry* Fernbush Flowering Almond* Forsythia* Fringed Sage Golden Currant Greenleaf Manzanita* Harison's Yellow Rose Harriman's Yucca* Honeysuckle Species* Indian Currant Coralberry*	Oakbrush Sumac, Skunkbrush Oregon Grape* Peking Cotoneaster* Purple Sand Cherry* Pygmy Pea Shrub Red Chokeberry* Redleaf Rose Rock Spray Spiraea* Rose Daphne Rubber Rabbitbrush Rugosa Rose Sand Sage Saskatoon Serviceberry* Sea Buckthorn* Shrubby Cinquefoil* Siberian Pea Shrub* Silver Buffaloberry* Silver Sage* Smoke Tree Smooth Sumac Spreading Cotoneaster* Squaw Currant Staghorn Sumac Tallhedge Buckthorn* Thinleaf Alder* Utah Serviceberry* Wayfaring Tree* Western Sand Cherry* Winged Euonymous* Winterfat Wolfberry Woods Rose*
<u>Perennials</u>	
Barrenwort Bearded Iris; German Iris* Bergenia, Saxifrage* Black Eyed Susan* Blanket Flower* Bloody Cranesbill* Blue Flax; Lewis' Flax* Blue Mint Bush Bluebells-of-Scotland	Orange Coneflower* Oriental Poppy Ozark Coneflower* Pale Evening Primrose* Palmer Penstemon* Partridge Feather Pasque Flower* Pearly Everlasting Persian Rockcress

Bronze Evening Primrose*	Pine-leaf Penstemon*
Butterfly Milkweed*	Pine-leaved Garden Pink
Candytuft*	Plume-flowered Salvia*
Catmint Chocolate flower*	Poppy Mallow; Prairie Winecup*
Common Thrift	Prairie Coneflower, Mexican Hat*
Coral Bells*	Prairie Purple Coneflower*
Creeping Germander	Prairie Skullcap
Creeping Phlox*	Pussytoes
Dalmatian Bellflower	Pink Pussytoes; Rosy Red Hot Poker*
Daylily*	Rock Soapwort
Desert Four O'Clock	Rockrose
Desert Penstemon*	Rocky Mountain Columbine*
Dotted Gayfeather	Rocky Mountain Penstemon*
Eaton's Beardtongue	Rose Campion
Endress Cranesbill*	Russian Sage
English Lavender (many cultivars available including Munstead, Hidcote, Nana, and Jean Davis)	Sand Penstemon*
False Indigo	Scarlet Bugler
Fernleaf Yarrow	Serbian Yarrow
French Lavender	Showy Goldeneye
Garden Pinks	Showy Milkweed
Garden Salvia	Showy Stonecrop*
Gaura, Whirling Butterflies	Shrubby Sandwort
Gayfeather	Siberian Iris*
Germander Sage	Siskiyou Pink Mexican Primrose*
Globemallow*	Sticky Geranium*
Golden Columbine*	Sulfur Flower
Greek Yarrow	Sweet Iris*
Green Santolina*	Texas Mist Flower
Hens And Chicks*	Threadleaf Coreopsis
Hollyhocks	Tufted Beardtongue
Hummingbird Flower	Tufted Evening Primrose
Hummingbird Trumpet	Utah Lady finger; Utah Milkvetch Valerian*
Keys Of Heaven, Jupiter's Beard, Red*	Wall Germander
Kitchen Sage	Wasatch Beardtongue
Lady's Mantle*	Western Columbine*
Lavender Cotton	Western Coneflower*
Leadplant*	Whipple's Penstemon*
Leather Leaf Powder Puff	Wild Hyssop
Licorice Hyssop*	Wormwood
Lilyleaf Ladybells	Yarrow
Mat Penstemon*	Yellow Corydalis
Missouri Evening Primrose*	Yellow Stork's bill
Mount Atlas Daisy*	
Mountain Gold Alyssum	

<u>Annuals</u>	
Ageratum; Flossflower Annual Chrysanthemums; Marguerites Annual Coreopsis* Bachelor's Buttons* Bells-of-Ireland Blue Marguerite Calendula; Pot Marigold California Poppy* Canterbury Bells Carnation; China Pinks China Aster Cleome; Spiderflower Coleus* Cosmos* Creeping Zinnia* Dusty Miller* Flanders Poppy* Flowering Kale and Cabbage* Flowering Tobacco Forget-me-not* Garden Petunia* Garden Verbena*	Garden Zinnia Geranium Globe Amaranth Gloriosa Daisy* Icelandic Poppy* Klondike Cosmos Larkspur; Annual Delphinium Lobelia* Love-in-a-mist Love-lies-bleeding Marigolds* Nasturtium* Painted Tongue; Velvet flower Pansy; Viola* Salvia; Flowering Sage* Snapdragon* Statice Strawflower Sunflower Sweet Alyssum* Sweet Pea* Sweet William*
<u>Turfgrasses and Ornamental Grasses</u>	
Alkali Sacaton Arizona Fescue Blue Avena Grass; Blue Oat Grass Blue Fescue Blue Grama* Deergrass Feather Reed Grass Foerster Reedgrass Fountain Grass Galleta Grass; Curly Grass; James' Grass Great Basin Rye* Indian Rice Grass* Indiangrass Little Bluestem*	Maidenhair Grass Mountain Muhly Muhly Grass Muttongrass Needlegrass Overdam Reedgrass Pine Dropseed; Hairy Dropseed Prairie Junegrass Sideoats Grama* Spike Dropseed Spike Muhly Switch Grass Tall Wheatgrass
<u>Groundcovers</u>	
Ajuga, Bugleweed Autumn Amber Sumac Blue Woolly Speedwell Chenault Coralberry	Lily-Of-The-Valley* Mount Atlas Daisy Mountain Gold Alyssum Purple-leaf Winter Creeper

Clematis* Common Juniper Creeping Juniper Creeping Oregon Grape* Creeping Thyme Dead Nettle Gray Creeping Germander Gro-low Sumac Halls Honeysuckle Japanese Honeysuckle* Kinnikinnick Lamb's Ear	Pussy Toes; Pink Pussy Toes Rockspray Cotoneaster* Snow In Summer* Stonecrop* Sweet Woodruff* Thyme-leaf Speedwell Trumpet Vine Turkish Speedwell Virginia Creeper, Boston Ivy Wild Strawberry Woolly Thyme
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*Classified as Firewise plants. All plant locations, quantities, and maintenance must abide with Chapter 11-21, Utah Wildland-Urban Interface Code.

Identified as Water Wise plants.

Planning Commission Staff Report



Subject: Mountain Ridge Subdivision Lot 13 Plat Amendment
Application: PL-22-05368
Author: Spencer Cawley, Planner II
Date: October 12, 2022
Type of Item: Administrative – Plat Amendment

Recommendation

Staff recommends the Planning Commission (I) review the Mountain Ridge Subdivision Lot 13 Plat Amendment, (II) hold a public hearing, and (III) consider whether there is Good Cause to forward a positive recommendation for City Council's consideration on November 11, 2022, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in Draft Ordinance No. 2022-XX (Exhibit A).

Description

Applicant: David and Heidi Maya
Location: 3099 Mountain Ridge Court
Zoning District: Single Family
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
SF Single Family

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

Background

Last year, the Applicant submitted application PL-21-04950 proposing to amend Lot 13 of the Mountain Ridge Subdivision to increase the Building envelope and the Maximum Building Area. Specifically, the Applicant proposed increasing the allowed square footage from 3,247 square feet to 3,410 square feet and amend the Building envelope to add 220 square feet to accommodate the addition.

On October 13, 2021, the Planning Commission held a public hearing and continued application PL-21-04950 to October 27, 2021. ([Staff Report](#); [Meeting Minutes](#).)

On October 27, 2021, the Planning Commission held a public hearing and continued application PL-21-04950 to a date uncertain. ([Continuation Report](#); [Meeting Minutes](#).)

¹ LMC [§ 15-7.1-2\(B\)](#)

On February 9, 2022, the Planning Commission reviewed application PL-21-04950, held a public hearing, and forwarded a negative recommendation to the City Council ([Staff Report](#); [Meeting Minutes](#)). The Planning Commission clarified the negative recommendation by revising the Findings of Fact to include that the Applicant's request does not meet the requirements for Good Cause and is inconsistent with the original intent and methodology of the Subdivision Plat. However, the Planning Commission suggested the Applicant to find a compromise and return to the Commission with a modified proposal.

On March 3, 2022, the City Council considered Ordinance No. 2022-05, held a public hearing, and denied the Ordinance based on the Planning Commission's recommendation. The Council asked Planning Department staff to amend the Ordinance to reflect the denial and return on March 31, 2022, for Council review. ([Staff Report](#); [Meeting Minutes](#).)

On March 31, 2022, the City Council reviewed the Planning Department's amendments to [Ordinance No. 2022-05](#), and denied the Ordinance. ([Staff Report](#); [Meeting Minutes](#).)

Summary

3099 Mountain Ridge Court is in the Mountain Ridge Subdivision, Lot 13, in the Single Family (SF) Zoning District. The Lot is occupied by a Single-Family Dwelling. The Applicant proposes amending the Plat to increase the Building Footprint 120 square feet to accommodate an addition of 526 square feet. An 85-square-foot portion of the platted Building envelope remains unbuilt in the front of the property.



Figure 1: Front View of Applicant's Property

The Applicant requests to amend the Plat to remove this portion of the Building Footprint and transfer the excess to the rear of the Building, with an increase of 35-square-foot to the total Building Footprint. See the Applicant's survey that shows the proposed Building envelope (Exhibit B).

The following image, taken from the Applicant's proposed plat, shows how this amendment will alter the Building footprint. The diagonal gray area on the right is existing Building envelope to be removed. The rectangle gray area on the left indicates the new Building envelope.

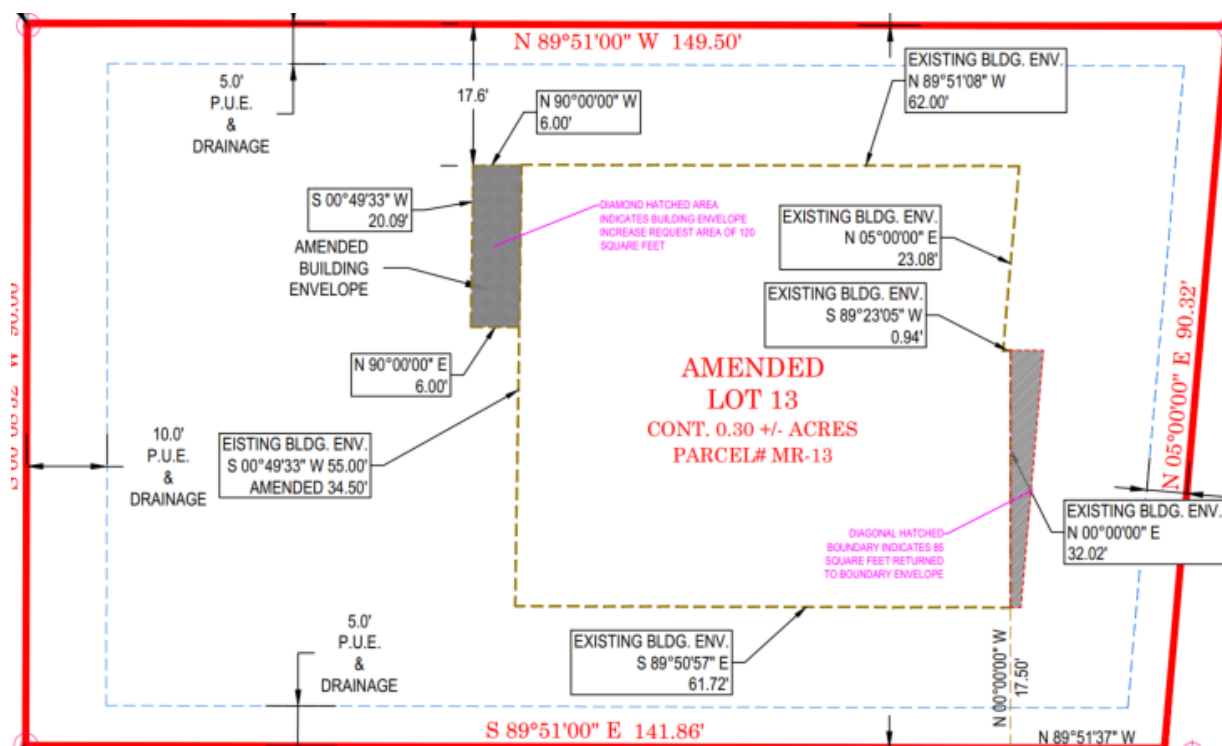


Figure 2: Proposed Changes to Building Envelope

On September 1, 2022, the Applicant reapplied to amend the Mountain Ridge Subdivision Plat with a revised proposal. Staff determined the application was complete on September 22, 2022.

MOUNTAIN RIDGE SUBDIVISION HISTORY

On September 27, 1989, Planning staff presented the Mountain Ridge Subdivision to the Planning Commission and noted that "buildings should be sited to preserve significant views and so as not to break prominent ridgelines" (Exhibit C).

The Planning Commission meeting minutes from February 14, 1990, state that the City Council requested the Subdivision be compatible with the community and that "[...] stringent development controls [be] placed on each lot which include limits of

disturbance, revegetation, minimum/maximum square footages, and building heights, [...] indicated on each lot” (Exhibit D).

On March 8, 1990, the City Council approved [Ordinance No. 90-12](#) (p. 150), an ordinance rezoning the Mountain Ridge Subdivision from Residential Density-Master Planned Development to Single Family, and amending the official Zoning Map of Park City.

In 1991, the Mountain Ridge Subdivision was recorded in Summit County as Entry No. 321514. The Subdivision established 21 Lots and designated the Building Envelope limit, the maximum building size, and the maximum building height for each Lot (Exhibit E). No Lots within the Subdivision have been amended. For Lot 13, the maximum buildable square footage is 3,247 square feet and the maximum building height is 25 feet from existing grade.

The following image outlines the Mountain Ridge Subdivision and highlights the location of Lot 13.



On July 29, 2013, the City issued a Building Permit for a Single-Family Dwelling at 3099 Mountain Ridge Court. The Building Department’s plan check indicates the main Structure Area measured 4,241 square feet, the basement Area measured 1,633 square feet, and the garage Area measured 911 square feet (Exhibit F, p. 7).

ALLOWED MAXIMUM SQUARE FOOTAGE

The Summit County online record and the 2013 Building Permit for 3099 Mountain Ridge Court show the structure's square footage is greater than what is allowed pursuant to the Subdivision Plat. The Applicant's architect used these current LMC definitions to calculate the existing square footage:

Basement: Any floor level below the First Story in a Building. Those floor levels in Buildings having only one floor level shall be classified as a Basement unless that floor level qualifies as a First Story as defined herein.

First Story: The lowest Story in a Building provided the floor level is not more than four feet below Final Grade for more than 50% of the perimeter. Can include habitable or uninhabitable Floor Area

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

Under these definitions, the Applicant's architect calculates the total square footage for 3099 Mountain Ridge Court as less than 3,247 square feet:

GARAGE AREA

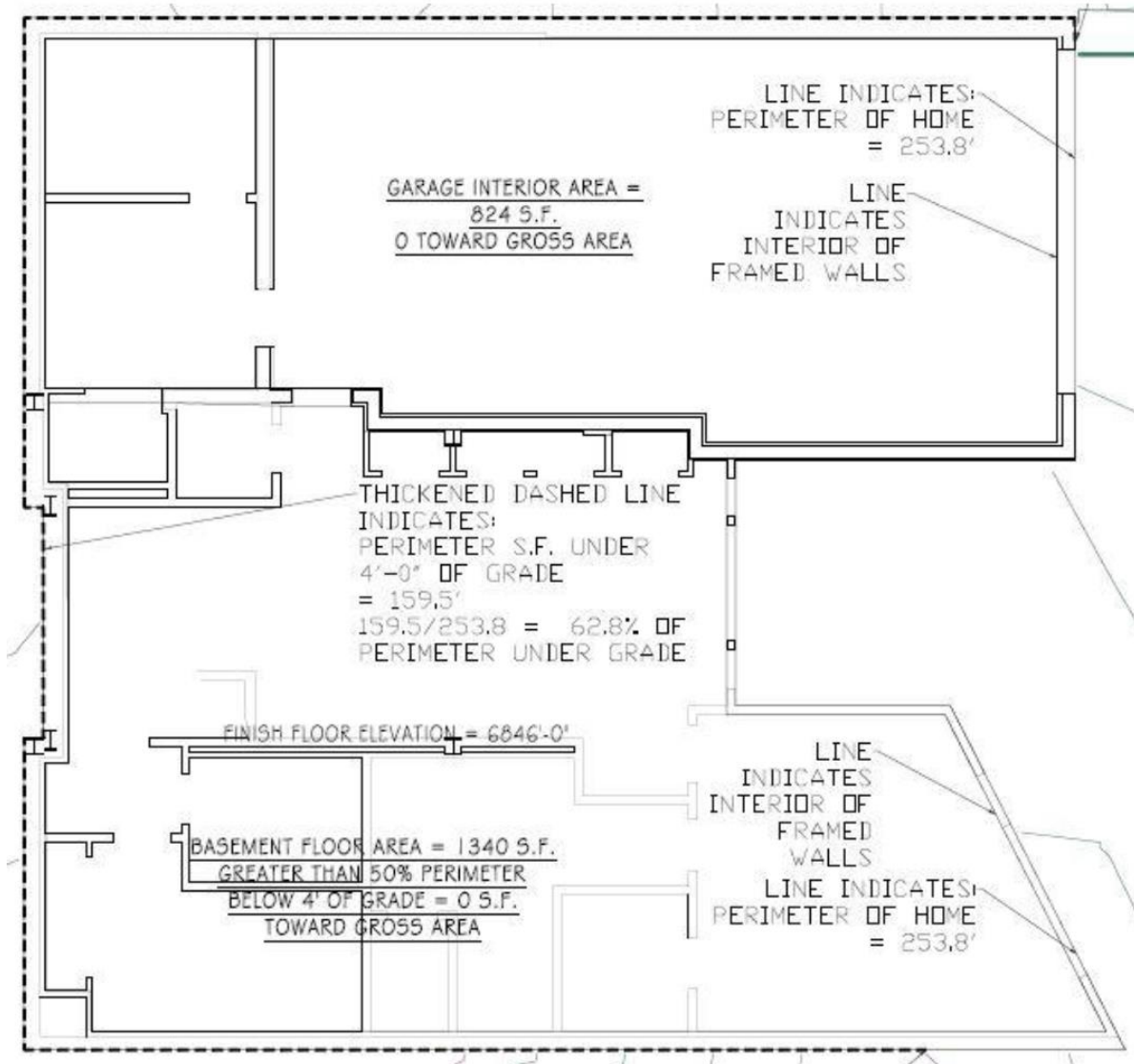
- 824 square feet
- 50% below Final Grade
- Plat indicates 600 square feet does not count toward total square footage
- **TOTAL: ZERO SQUARE FEET TOWARD GROSS AREA²**

BASEMENT AREA

- 1,340 square feet
- Greater than 50% below Final Grade
- **TOTAL: ZERO SQUARE FEET TOWARD GROSS AREA**

The image on the next page is taken from the Application and shows the Basement Area as determined by the Applicant's architect.

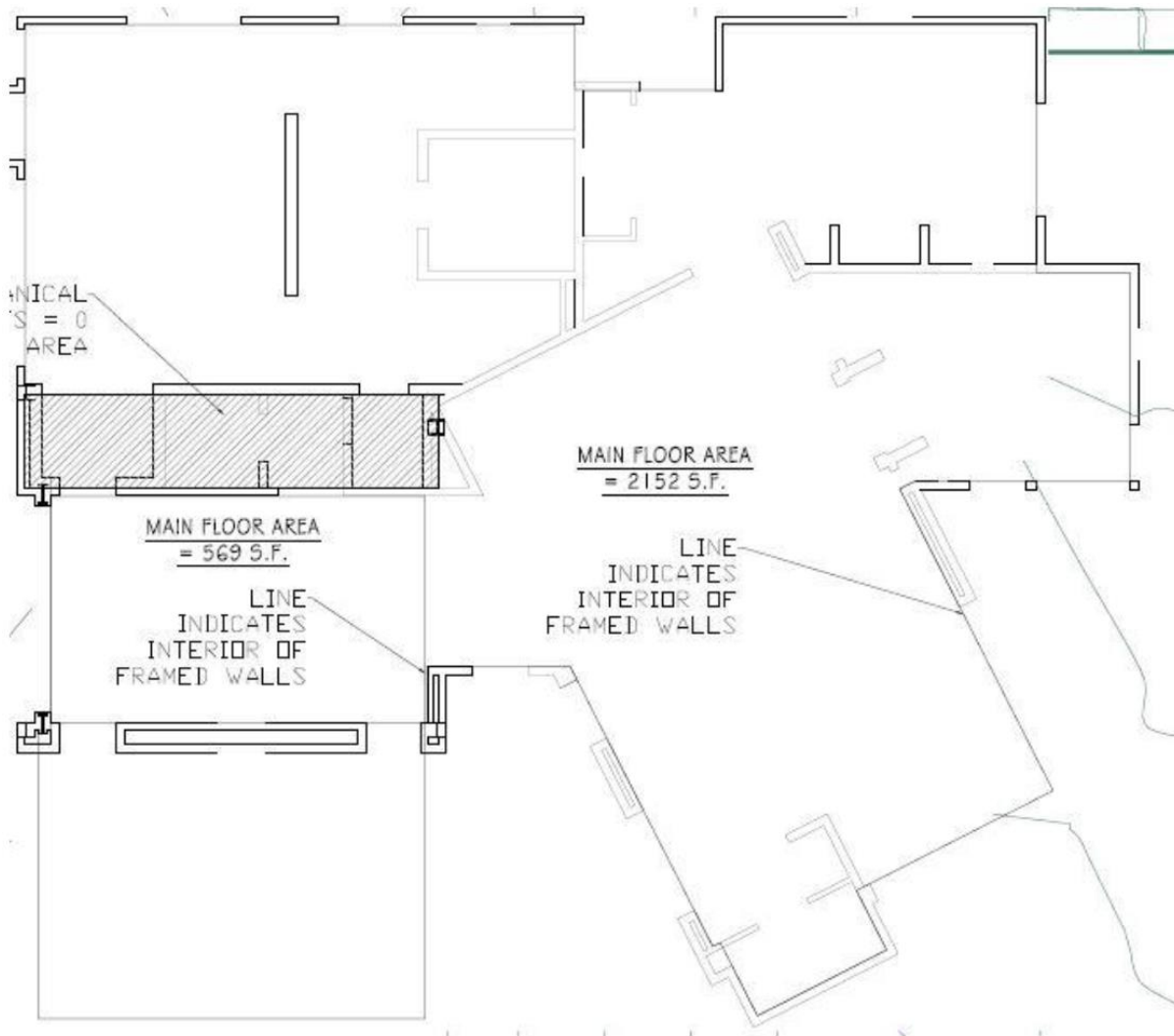
² The Applicant's architect shows that the garage area is basement area and proposes the 824 square feet are exempt as a result.



MAIN & UPPER FLOOR AREA

- Mechanical shafts do not count toward Gross Area
- 2,152 square feet for Main Floor
- 569 square feet for Upper Floor
- **TOTAL: 2,721 SQUARE FEET TOWARD GROSS AREA**

The image below is taken from the Application and shows the Main Floor Area (right) and the Upper Floor Area (left) as determined by the Applicant's architect.



Analysis

Plat Amendments require Planning Commission review and City Council Final Action.³ The amendments shall be approved in accordance with the procedures outlined in LMC [§ 15-7.1-2](#).

(I) The proposed Plat Amendment will meet the less restrictive Single Family (SF) Zoning District requirements.

The purposes of the SF Zoning District include maintaining existing predominately Single-Family detached residential neighborhoods, allowing for development to compatible with the existing developments, and maintaining the character of mountain resort neighborhoods with compatible residential design.⁴

The following table outlines the SF Zoning District Lot and Site requirements⁵ and compares the zone standards with the Subdivision Plat requirements.

Requirement	SF Zone	Subdivision Plat – Lot 13
Front Setback	20 feet	20 feet
Rear Setback	15 feet	Not specified
Side Setback	12 feet	Not specified
House Size	Not specified	3,247 square feet
Building Height ⁶	28 feet from existing grade	25 feet from existing grade

The Applicant plans to add a 526 square foot addition at the rear of the existing Building. In order to stay within the Plat restricted height of 25 feet from existing grade, the Applicant proposes to cantilever the addition over an existing patio approximately six feet beyond the Building Envelope. Therefore, the Applicant requests to amend the plat to increase the Building Envelope in the rear by 120 square feet and decrease the Building Envelope by 85 square feet in the front, for a net increase of 35 square feet to the Building Envelope. The amendment will not change the Setbacks, nor the height restrictions as established by the Mountain Ridge Subdivision Plat.

The following table shows the allowed maximum square footage and Lot size for each Lot in the subdivision.

Lot Number	Maximum Square	Lot Size
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³ LMC [§ 15-12-15\(B\)\(9\)](#)

⁴ LMC [§ 15-2.11-1](#)

⁵ LMC [§ 15-2.11-3](#)

⁶ LMC [§ 15-2.11-4](#)

	Footage	
1	3,616	14,649.18 SF
2	4,509	18,371.42 SF
3	4,600	19,572.67 SF
4	4,226	17,193.43 SF
5	4,600	22,794.16 SF
6	4,600	31,849.85 SF
7	4,600	26,948.77 SF
8	4,600	26,585.32 SF
9	3,474	14,057.74 SF
10	3,194	12,891.19 SF
11	3,144	12,684.77 SF
12	3,210	12,959.09 SF
13	3,247	13,111.45 SF
14	3,344	13,518.52 SF
15	3,169	12,787.22 SF
16	3,695	14,977.86 SF
17	3,803	15,430.28 SF
18	4,600	22,494.55 SF
19	3,628	14,701.23 SF
20	3,579	14,497.55 SF
21	2,800	9,176.11 SF
SUBDIVISION AVERAGE	3,208	17,202.49 SF

Total square footage of habitable space allowed in the Mountain Ridge Subdivision uses the same calculation for all the Lots and is approximately 24% of the Lot Area, or 4,600 square feet, whichever is less. The Applicant's 526 square foot addition will increase the habitable space, as defined in the LMC, to meet the 3,247 square foot maximum area limit.

(II) The Planning Commission must make a finding of Good Cause prior to forwarding a positive recommendation for City Council's consideration.

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:

Providing positive benefits and mitigating negative impacts, determined on a case-by-case basis to include such things as:

- *Providing public amenities and benefits;*
- *Resolving existing issues and non-conformities;*
- *Addressing issues related to density;*
- *Promoting excellent and sustainable design;*

- Utilizing best planning and design practices;
- Preserving the character of the neighborhood and of Park City; and
- Furthering the health, safety, and welfare of the Park City community.

The proposed expansion of the Building Footprint does not vacate or amend a Public Street, Right-of-Way, or easement.

The Applicant included the following statement with their Application regarding Good Cause (Exhibit G):

There is Good Cause for the Plat Amendment as the proposal will allow homeowners to construct an addition that is in compliance with the zoning requirements, the new proposed maximum floor area is consistent with many of the other lots of the subdivision. Additionally, no non-conformities will be created and no changes in density will result from the proposed Plat Amendment. Further, the applicant will replace any disturbed vegetation, and the amendment will not result in increased density.

(III) The Development Review Committee met on July 19, 2022, reviewed the proposal, and did not identify any issues.⁷

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 September 28, 2022. Staff mailed courtesy notice to property owners within 300 feet on September 28, 2022. The *Park Record* published notice on September 28, 2022. 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 Ordinance No. 2022-XX, Approving the Mountain Ridge Subdivision Lot 13 Plat Amendment;

⁷ 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).

- The Planning Commission may forward a negative recommendation to the City Council for Ordinance No. 2022-XX, Denying the Mountain Ridge Subdivision Lot 13 Plat Amendment 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. 2022-XX and Proposed Amended Plat
Exhibit B: Applicant's Survey of Proposed Changes to Building Envelope
Exhibit C: September 27, 1989, Planning Commission Meeting Minutes
Exhibit D: February 14, 1990, Planning Commission Meeting Minutes
Exhibit E: Mountain Ridge Subdivision Plat
Exhibit F: 2013 Building Permit
Exhibit G: Applicant Statement

Ordinance No. 2022-XX

AN ORDINANCE APPROVING THE MOUNTAIN RIDGE SUBDIVISION LOT 13 PLAT AMENDMENT, LOCATED AT 3099 MOUNTAIN RIDGE COURT, PARK CITY, UTAH

WHEREAS, the owners of the property located at 3099 Mountain Ridge Court petitioned the City Council for approval of the Mountain Ridge Subdivision Lot 13 Plat Amendment; and

WHEREAS, on September 28, 2022, notice was published in the *Park Record* and on the City and Utah Public Notice Websites; and

WHEREAS, on September 28, 2022, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on September 28, 2022, courtesy notice was mailed to property owners within 300 feet of 3099 Mountain Ridge Court; and

WHEREAS, on October 12, 2021, the Planning Commission held a public hearing and forwarded a positive/negative for the City Council's consideration on November 10, 2022; and

WHEREAS, on November 10, 2022, 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 15-2.11 and 15-7.

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

SECTION 1. APPROVAL. The Mountain Ridge Subdivision Lot 13 Plat Amendment at 3099 Mountain Ridge Court, as shown in Attachment 1, is approved subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact

Background:

1. The property is located at 3099 Mountain Ridge Court.
2. The property is listed with Summit County as Parcel Number MR-13.
3. The property is in the Single Family (SF) Zoning District.
4. On September 1, 2022, the Applicant submitted a Plat Amendment application to the Planning Department. The application was deemed complete on September 22, 2022.
5. The proposed Plat Amendment increases the maximum square feet for the existing Single-Family Dwelling.
6. The proposed Plat amendment amends the Building Envelope.
7. No easement is vacated or amended because of the Plat Amendment.
8. The LMC regulates Lot and Site Requirements per LMC § 15-2.11-3.
9. A Single-Family Dwelling is an allowed Use in the SF Zoning District.

10. The SF Zoning District minimum Front Setback is twenty feet (20').
11. The SF Zoning District minimum Rear Setback is fifteen feet (15').
12. The SF Zoning District minimum Side Setback is twelve feet (12').
13. The Mountain Ridge Subdivision requires a minimum Front Setback of twenty feet (20') for Lot 13.
14. The Mountain Ridge Subdivision restricts building height to twenty-five feet (25') as measured from natural, existing grade at the building site. Gable, hip, gambrel, or other pitched roofs may extend up to thirty feet (30').
15. The Mountain Ridge Subdivision restricts the maximum total square footage of Lot 13 to 3,247 square feet.

Conclusions of Law

1. There is Good Cause for this Plat Amendment.
2. The Plat Amendment is consistent with the Park City Land Management Code, including LMC Chapter 15-2.11, *Single Family (SF) District*, and LMC § 15-7.1-6, *Final Subdivision Plat*.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the Plat for compliance with state law, the Land Management Code, and the conditions of approval, prior to recordation of the Plat.
2. The Applicant shall record the Plat with the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior 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 or renovation construction on this Lot, to be approved by the Chief Building Official.
4. New construction shall comply with the Land Management Code.
5. 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.

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

PASSED AND ADOPTED this 10th Day of November 2022.

PARK CITY MUNICIPAL CORPORATION

MAYOR, Nann Worel

ATTEST:

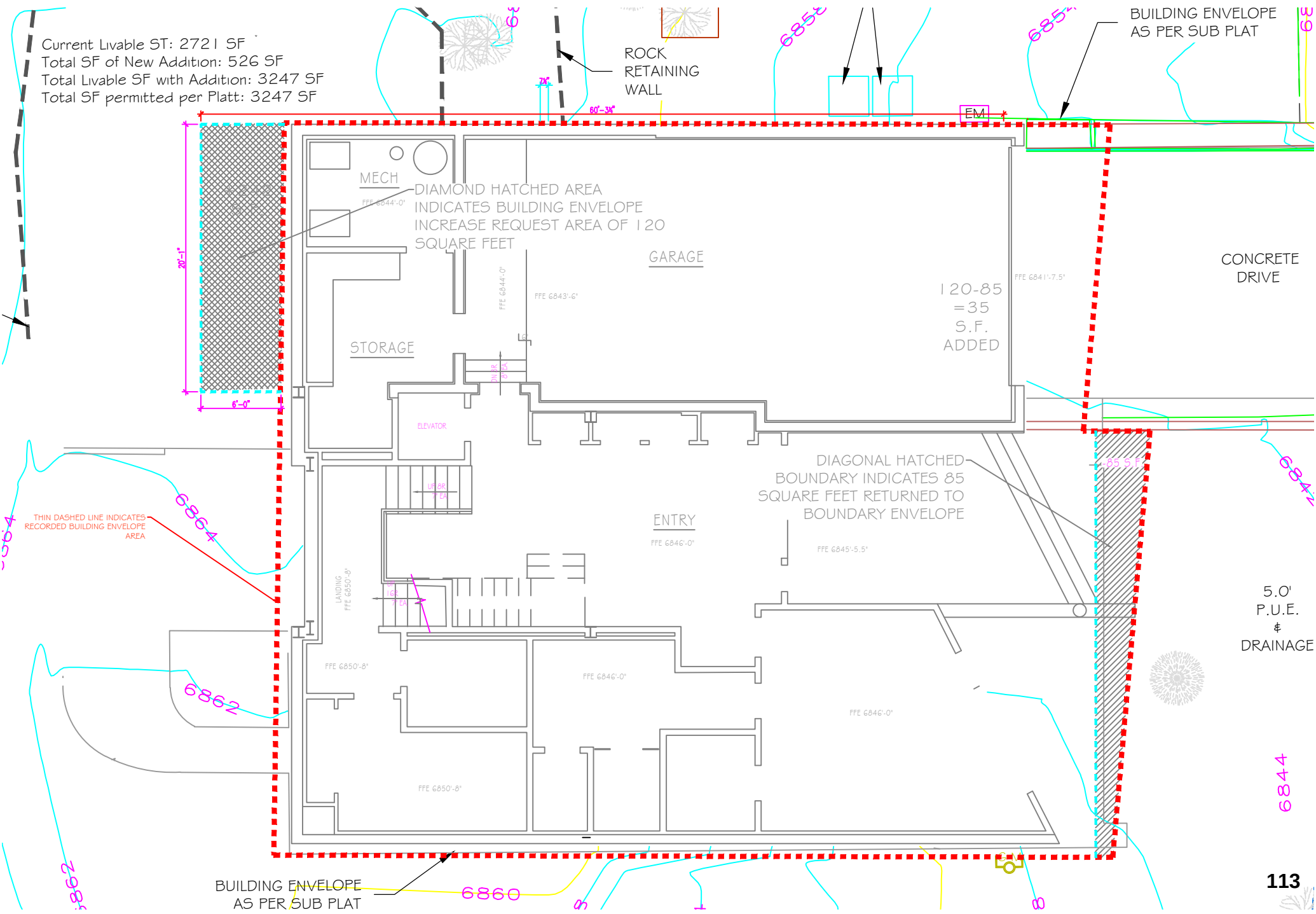
City Recorder, Michelle Kellogg

APPROVED AS TO FORM:

City Attorney's Office

Attachment 1: Proposed Plat Amendment

Current Livable ST: 2721 SF
Total SF of New Addition: 526 SF
Total Livable SF with Addition: 3247 SF
Total SF permitted per Platt: 3247 SF



PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
SEPTEMBER 27, 1989

COMMISSIONERS IN ATTENDANCE:

Chairman Ron Whaley, Bruce Erickson, Ruth Gezelius, Dean Berrett, Carol Calder, and Diane Zimney.

COMMISSIONERS ABSENT AND EXCUSED:

Dick Lueck

EX OFFICIO:

Suzanne McIntyre, Planner; Steve Osguthorpe, Planner; Eric DeHaan, City Engineer; Jim Carter, City Attorney; Shauna Kerr, Deputy City Attorney; Janice Lew, Planning Intern; Sharon Bauman, Planning Secretary.

=====

PUBLIC HEARING

Chairman Whaley opened the Public Hearing at 7:15 P.M.

1. To receive public input on a request to subdivide Lots 1 and 2, Silver Lake Village, Deer Valley.

Planner Suzanne McIntyre explained that in December of 1987, the Planning Commission approved the Silver Lake MPD. She stated that this request to resubdivide Lots 1 and 2 into parcels A, B, F, G, and H, was a simple procedural request and did not involve any revisions to the Master Plan. She stated that the Staff Report had been presented in detail at the September 13, 1989 meeting. There were no comments from the audience and there were no questions from the Commissioners.

2. To receive public input on the Mountain Ridge Subdivision, a 23-lot Single Family Subdivision located west of Ridgeview.

Planner Suzanne McIntyre explained that action would be taken later in the evening under New Business.

Planner McIntyre stated that the Planning Department had received an application on September 1, 1989 from The Sear-Brown Group for the subdivision of an 11.78 acre parcel west of the Ridgeview Townhouse Condominiums on Meadows Drive into 22 single family lots. She stated that the Comprehensive Plan showed this area to be low density residential; properties to the north and east had been

generally approved for single family residential development, and properties to the south and west were outside the City limits and were largely undeveloped hillsides and meadows.

She explained that the parcel was originally approved for 36 multi-family units under the Quarry Hills/Ridgeview Condominiums Master Planned Development and noted that four of those approved units were built and the approval of the remaining units expired in approximately April, 1983.

Planner McIntyre noted that the applicant's original request for 28 lots had been reduced to 22 lots and noted that the applicant had been particularly sensitive to the Staff's input regarding limits of disturbance and importance of maintaining existing vegetation.

Planner McIntyre commented that a portion of the site was within Park City's main entry corridor on Highway 224 and structures which may be built on several of these lots may be highly visible, as they are on a prominent hillside. She noted that the Comprehensive Plan discussed entry corridors, ridgeline development, revegetation, etc. She added that the Staff wanted to bring this to the Planning Commission's attention due to recent activities in the community, including the Snyderville Basin Design Charette and the CommunityVision process, and also because of the expressed interest on the part of the City Council in the issues of Park City's entry corridors and hillside development.

Planner McIntyre explained that the proposal was for 22 lots ranging in size from 12,650 sq. ft. to 34,115 sq. ft., with an average lot size of 18,420 sq. ft. to be placed on an east-facing hillside which contains slopes of over 30% on approximately 40-50% of the parcel, and slopes of between 20-30% on another 20-30% of the site. She noted that there were extensive stands of mature scrub oak on the site, and the other prominent vegetation was sagebrush.

Planner McIntyre stated that the subdivision would have a single access off of Meadows Drive at approximately the location where it intersects with American Saddler Drive and the intersection would be realigned as part of the subdivision development in accordance with the Streets Master Plan and the Park Meadows Master Plan.

Planner McIntyre stated that the standard City requirements for completion of infrastructure (street, sanitary sewer, storm drainage, trails, water lines, etc.) would be included as a Condition of Approval and the developer would be required to complete these improvements prior to final plat approval or the Planning Commission may waive the requirement if an appropriate Letter of Credit is provided to the City Engineer's satisfaction.

She added that the standard requirements would also extend to the relocation of utilities, abandonment of easements, etc., and all improvements must comply with the Land Management Code, UBC, and Park City Design Standards, Construction Specifications, and Standard Drawings. She added that due to the extensive grading and site disturbance involved with the site improvements, a plan showing revegetation for all site improvements should be required and a Letter of Credit should be required for the revegetation.

Planner McIntyre stated that the City Planning Department anticipated that the developer would be requesting a rezoning of the parcel from RD to SF in order to prohibit the rental of the dwelling units for periods of less than 30 days, consistent with the other single family subdivisions in Park Meadows and Ridgeview. She added that the public hearings and recommendation to the City Council would be noticed and reviewed separate from the request for plat approval.

Planner McIntyre stated that after reviewing the Subdivision Ordinance, Section 14 of the Land Management Code, and the preliminary designs for the Mountain Ridge Subdivision, the Planning Staff had noted several issues which need further review.

Planner McIntyre stated that in addition to the realignment of the intersection of American Saddler Drive and Meadows Drive, a platted right-of-way extending from the southerly end of the cul-de-sac was recommended and an easement for a roadway within that platted right-of-way may be needed in the future to provide access to the adjacent property. She noted that construction of a hammer-head turnaround or other form of cul-de-sac at the termination of Ridgeview Drive in the existing condos should be completed as part of the initial site improvements.

Planner McIntyre stated that the issue of the use of ejector pumps for each residence or the use of back-lot sewerage has not been resolved with the Snyderville Basin Sewer Improvement District. She added that while the City defers to SBSID on all issues of sewerage, the Planning Staff wanted to make the Planning Commission aware of the considerations of non-gravity systems.

Planner McIntyre explained that Section 14 of the Land Management Code required either sidewalks or trails in all subdivisions and, during Work Session, the Commission indicated that sidewalks were impractical in this subdivision and would not be required. She stated that the developer and the Staff would need to discuss and determine appropriate trail locations within the subdivision pursuant to the approved Park City Trails Master Plan. She added that the trails should be required to be constructed at the time of road construction, unless the Planning Commission determined otherwise, in which case cash deposits could be required pursuant

to Section 3 of the Land Management Code.

Planner McIntyre stated that the Staff would also recommend that the Planning Commission require the developer to pay an "In Lieu of" fee for development of parks paid on a per unit rate and based upon fair market values. The City Staff will need to do an analysis to determine the amount required, and will provide the developer with those calculations.

Planner McIntyre quoted Section 14.4.10, Preservation of Natural Features and Amenities, of the Subdivision Ordinance. She stated that in order for this subdivision to comply with those guidelines, the Staff recommended that: buildings should be sited to preserve significant views and so as not to break prominent ridgelines; building pad locations should be shown on the plat for each lot; maximum building heights should be specified on a lot by lot basis; minimum and maximum building square footages should be shown on the plat; limits of disturbance should be specified on a per-lot basis; and a vegetation buffer of mature scrub oak trees, averaging at least 20 feet wide should be preserved between the existing Ridgeview Townhouse Condominiums and the proposed roadway.

Planner McIntyre noted that due to the length of the dead-end street(s) and the high amount of mature natural vegetation, all buildings should be required to have interior and exterior fire sprinkling systems. She stated that the Staff recommended that the Park City Fire Marshal and Fire Chief review and approve the preliminary and final plat and that this requirement for sprinklers be noted on the plat.

There were no comments from the audience and there were no questions from the Commissioners.

3. To receive public input on a request to rezone a 1.92 acre parcel referred to as the North Silver Lake Homesite, located between Royal Street West and Royal Street from Recreation Open Space (ROS) to Residential Development-Master Planned Development (RD-MPD).

Planner McIntyre explained that the Staff Report, which contained a number of Staff Conditions, had been reviewed in detail at the September 13, 1989 meeting. She noted that the Staff had determined that it was not appropriate to place Conditions of Approval on a request to rezone. She stated that at the time of Master Planned Development the Staff would impose conditions in terms of site development standards. She added that no development would be permitted to take place on this lot until the Deer Valley Special Exception Permit was amended showing a transfer of density to this lot.

to the clustered approach, and the effects of the disturbance on the site.

There were no questions from the Commissioners. There was no public input.

3. To receive public input on the Final Plat for the Mountain Ridge Subdivision, 21 single family lots, on the property surrounding Ridgeview Townhouse Development along Meadows Drive - The Sear-Brown Group.

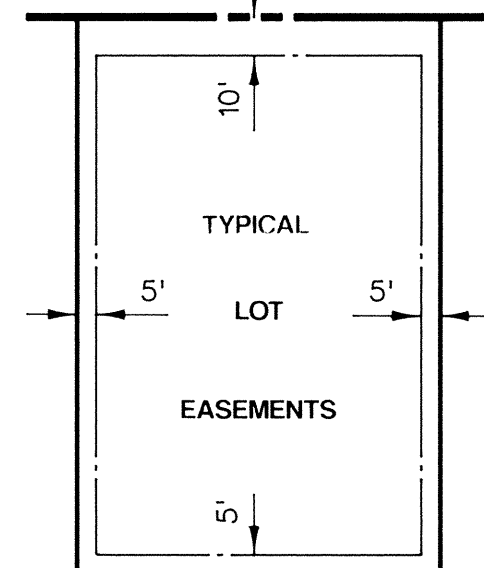
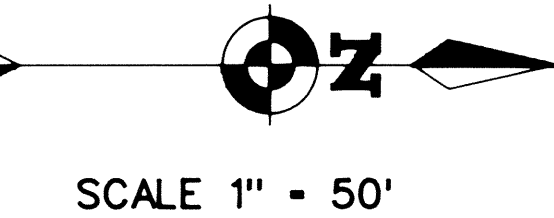
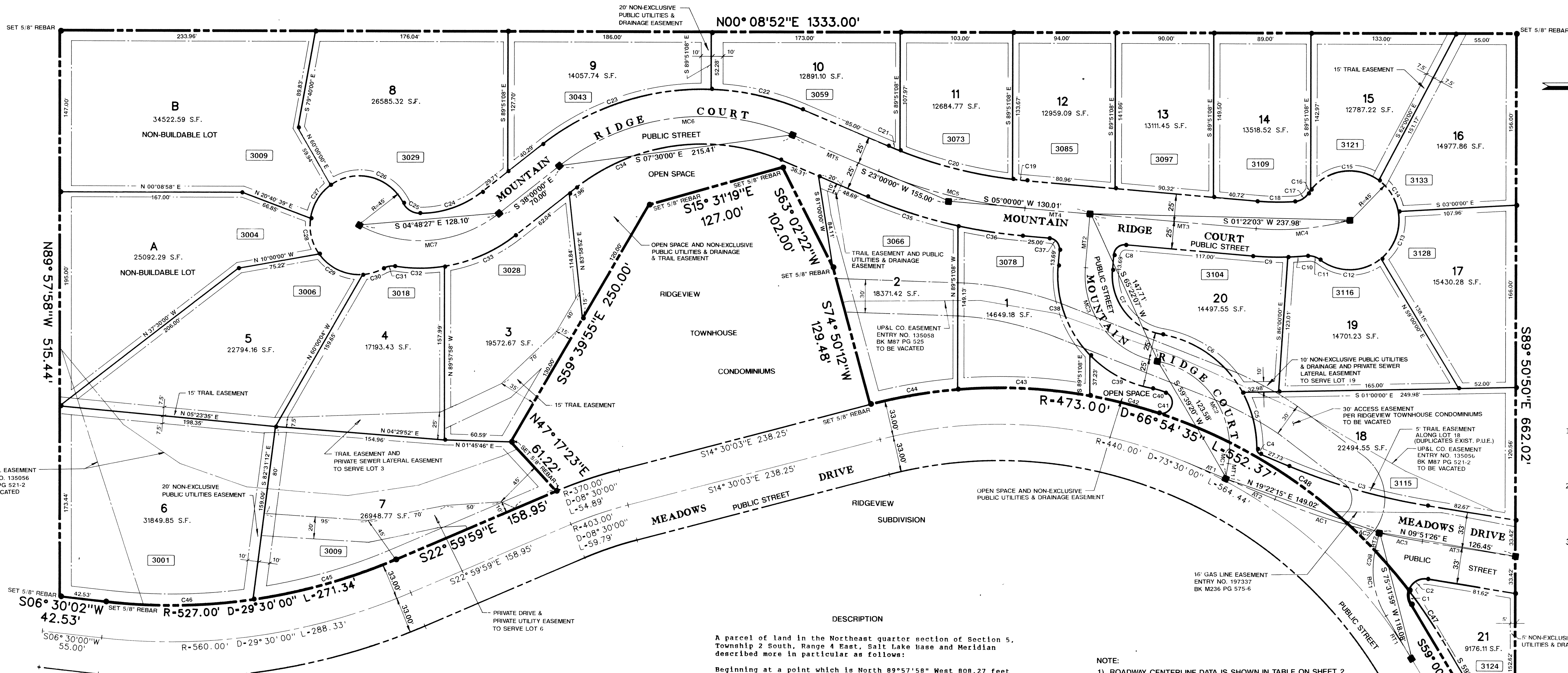
Senior Planner McIntyre explained that on September 27, 1989 the Planning Commission granted Preliminary Plat approval to the Mountain Ridge Subdivision, then a 22-lot single family subdivision. She stated that due to the site's significant hillsides, ridgelines, and proximity to the entry corridor, it was determined by the City Council that certain adjustments would be necessary to make the subdivision more compatible with the community. She reported that the City Council reviewed the subdivision request in October and spent several months setting forth findings and conditions which work toward meeting the goals of compatibility.

Senior Planner McIntyre explained the most significant changes: Lots 6 and 7 on the original proposal were now being proposed for parkland dedication which would include a path and park bench; and that a new lot, Lot 21, had been created at the intersection of Meadows Drive and American Saddler Drive which was a substandard lot of 9,176 sq. ft. and would have a reduced maximum allowable square footage of 2,800 sq. ft. She further explained that stringent development controls had been placed on each lot which include limits of disturbance, revegetation, minimum/maximum square footages, and building heights, and were indicated on each lot and shown on a supplement to the plat, referred to as exhibit "A".

There were no questions from Commissioners. There was no public input.

4. To receive public input on the Preliminary and Final Plat for the Knollheim Subdivision, 4 single family lots, Sterling Drive - The Sear-Brown Group.

Planner Steve Osguthorpe explained that the Knollheim Subdivision (Previously known as Knoll II) received final plat approval on June 28, 1989 as a six-lot subdivision in the Silver Lake Knoll Parcel 1-DD1. He stated the applicant was requesting that only four lots be platted at this time and a revision to the final plat approval was requested.



EASEMENT NOTES

- 10.00 FOOT WIDE NON-EXCLUSIVE UTILITIES AND DRAINAGE EASEMENT ALONG ALL SUBDIVISION BOUNDARY LINES AS SHOWN. (UNLESS NOTED OTHERWISE).
- 5.0 FOOT WIDE NON-EXCLUSIVE UTILITIES AND SNOW STORAGE EASEMENT ALONG ALL SIDE AND REAR LOT LINES AS SHOWN. (UNLESS NOTED OTHERWISE).
- 5.0 FOOT WIDE NON-EXCLUSIVE UTILITIES AND SNOW STORAGE EASEMENT ALONG ALL FRONT LOT LINES AS SHOWN. (UNLESS NOTED OTHERWISE).

P.O.B.

LEGEND

- STREET MONUMENTS (TO BE SET)
- 5/8" IRON ROD (TO BE SET)
- STREET ADDRESS
- BOUNDARY LINE
- RIGHT-OF-WAY LINE
- LOT LINE

Surveyor's Certificate
I, James G. West, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 3082 as prescribed under the laws of the State of Utah. I further certify that by authority of the owners, I have made a survey of the tract of land shown on this plat and described, and have subdivided said tract of land into lots and streets, hereafter to be known as Mountain Ridge Subdivision, and that same has been correctly surveyed and staked on the ground as shown on this plat.

James G. West
2/21/90
Date



OWNER'S DEDICATION AND CONSENT TO RECORD
KNOW ALL MEN BY THESE PRESENTS: That A C Development, Inc., a Utah Corporation, the owner of the herein described tract of land, hereby causes the same to be divided into lots and public streets, as set forth in the above plat, hereafter to be known as Mountain Ridge Subdivision, subject to the declaration of covenants, conditions and restrictions, and reservation of easements for Mountain Ridge Subdivision, which will be recorded in the offices of the County Recorder of Summit County, Utah, concurrently with the recording of this plat.

The owner hereby dedicates Lots A and B to Park City Municipal Corporation as parkland. The owner hereby dedicates to Park City Municipal Corporation the trail easements as shown on the above plat together with the city streets as shown hereon. The city streets and trail easements are dedicated for the use of the general public. The owner also hereby dedicates to Park City Municipal Corporation, Snyderville Basin Sewer Improvement District, Park City Fire Protection District, and Summit County, a non-exclusive easement over the streets, driveways and utility easements shown on this plat for the purpose of providing access for utility installation, maintenance use and eventual replacement and to provide emergency services to said Mountain Ridge Subdivision.

EXECUTED this 21 day of February, 1990.

A C DEVELOPMENT, INC. a Utah Corporation

by: Evelyn M. Anderson
Evelyn Anderson, President

STATE OF UTAH)
COUNTY OF SUMMIT) ss.

On the 21 day of February, 1990, personally appeared before me Evelyn Anderson who being by me duly sworn did say, that she is the President of AC DEVELOPMENT, INC., a Utah Corporation, and that the within and foregoing instrument was signed in behalf of said corporation by authority of a resolution of its board of directors and said Evelyn Anderson duly acknowledged to me that said corporation authorized the same.

Cheryl L. Thomson
NOTARY PUBLIC
Residing at: Summit County, Utah
My Commission Expires: 9/21/91

DESCRIPTION
A parcel of land in the Northeast quarter section of Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian described more in particular as follows:

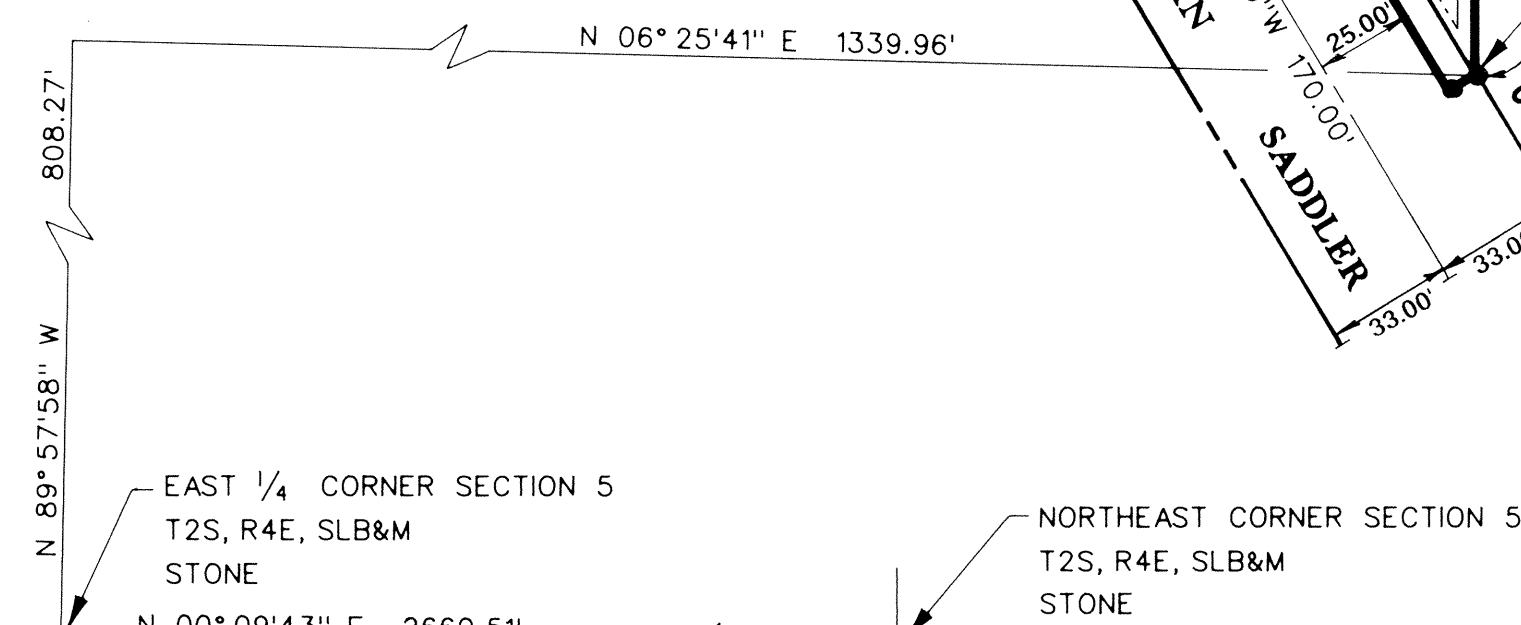
Beginning at a point which is North 89°57'58" West 808.27 feet and North 06°25'41" East 1339.96 feet from the East quarter corner of Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also being on the westerly line of Meadows Drive (Basis of bearing is North 00°09'43" East 2660.51 feet from the said East Quarter corner to the Northeast corner of said Section 5); thence South 59°00'00" West 128.73 feet along said westerly line to a point on a 473.00 foot radius curve to the left (center bears South 31°00'00" East 473.00 feet of which the central angle is 73°30'00"); thence southwesterly along the arc of said curve and westerly line 606.77 feet to the Northeast corner of Ridgeview Townhouses Condominiums and following along the boundary of said Condominiums the next five courses: 1) South 74°50'12" West 129.48 feet; 2) thence South 63°02'22" West 102.00 feet; 3) thence South 15°31'19" East 127.00 feet; 4) thence South 59°39'55" East 250.00 feet; 5) thence North 47°17'20" East 61.22 feet to the westerly line of Meadows Drive; thence South 23°00'00" East along said westerly line 158.95 feet to a point on a 527.00 foot radius curve to the right (center bears South 67°00'00" West 527.00 feet of which the central angle is 29°30'00"); thence southeasterly along the arc of said curve and westerly line 271.34 feet to a point of tangency; thence South 06°30'00" West along said westerly line 42.53 feet; thence North 89°57'58" West 515.44 feet; thence North 00°08'52" East 1333.00 feet; thence South 89°50'50" East 662.02 feet to the point of beginning.

ALSO:

Beginning at a point which is North 89°57'58" West 808.27 feet and North 06°25'41" East 1339.96 feet from the East quarter corner of Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also being on the westerly dedicated right-of-way line of Meadows Drive (Basis of bearing is North 00°09'43" East 2660.51 feet from the said East quarter corner to the Northeast corner of said Section 5); thence South 59°00'00" West 128.73 feet along the said right-of-way line, to a point on a 473.00 foot radius curve to the left (center bears South 31°00'00" East 473.00 feet of which the central angle is 06°35'25"); thence southwesterly along said curve and right-of-way line 54.38 feet to a point on a 15.00 foot radius curve to the left (center bears North 25°00'22" East 15 feet of which the central angle is 47°32'57"); thence northwesterly along said curve 12.45 feet; thence North 30°59'44" West 8.00 feet to the point of beginning.

Contains 11.81 acres more or less.

- NOTE:
- 1) ROADWAY CENTERLINE DATA IS SHOWN IN TABLE ON SHEET 2.
 - 2) CURVE DATA IS SHOWN IN TABLE ON SHEET 2.



MOUNTAIN RIDGE SUBDIVISION
A SUBDIVISION LOCATED IN THE NORTHEAST QUARTER OF SECTION 5
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH
JANUARY 1990 PROJECT NO. 6388

SHEET 1 of 2

CITY COUNCIL APPROVAL

PRESENTED TO THE BOARD OF PARK CITY COUNCIL THIS 2ND DAY OF MARCH A.D. 1990. AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED

Burdette A. O'Neil
MAYOR
Amrita L. Sheldon
CITY RECORDER

CITY ENGINEER

APPROVED AND ACCEPTED BY THE CITY ENGINEERING DEPARTMENT ON THIS 7th DAY OF MARCH A.D. 1990.

Eric W. DeHaven
CITY ENGINEER

CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE CITY PLANNING COMMISSION ON THIS 22nd DAY OF February A.D. 1990

Chairman
CHAIRMAN

APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS 27th DAY OF February A.D. 1990

James W. O'Neil
CITY ATTORNEY

RECORDED

No. 321514
STATE OF Utah
COUNTY OF Summit
RECORDED AND FILED AT THE REQUEST OF:
Coalition Title Company
\$520 3:09 PM
Fees
Alan S. S. 1990
COUNTY RECORDER

THE SEAR-BROWN GROUP
FULL-SERVICE DESIGN PROFESSIONALS
1351 Deer Valley Rd. South, Suite 202 Park City, Utah 84000
(801) 646-9811 FAX (801) 646-7066

PARK CITY

1884

DMBO PERMITPO BOX 1480 • 445 MARSAC AVE • PARK CITY, UTAH 84060
(435) 615-5100**Site Address:** 3099 MOUNTAIN RIDGE CT
PARK CITY UT 84060**PERMIT NUMBER:** BD-13-18358**PARCEL NUMBER:****STATE PERMIT #:****ISSUED DATE:** 7/29/2013**Project Name:****OWNER**HONIGMAN SUZY
3109 MOUNTAIN RIDGE CT
PARK CITY UT 84060-6944**CONTRACTOR**Top Mark Industries , INC
1645 NORTSHORE CT
PARK CITY UT 84098**State License:** 6074881-5501
Expires: 11/30/2013

INVESTIGATION FEE	<u>N</u>
CONSTRUCTION VALUE	<u>519532.42</u>
WAIVE FEES	<u>no</u>
SWIMMING POOL	<u>no</u>
IDENTICAL PLAN REVIEW	<u>N</u>
UNIT TYPE	<u>1</u>
# OF DWELLING UNITS	<u>1</u>

ARCHITECTURAL & DESIGN FEES	<u>newres</u>
# OF EQUIVALENT UNITS	<u>1</u>

FEES

PARKS, TRAILS, OPEN SPACE	5,780.00
BUILDING PERMIT FEE	3,396.49
PLAN CHECK FEE	2,207.72
OUTDOOR WATER IMPACT FEE	11,525.00
WATER IMPACT FEE	7,145.00
PUBLIC SAFETY IMPACT FEE	910.00
STATE FEE	33.96
STREETS IMPACT FEES	470.00
Water Meter 1.5"	1,020.70
Total Permit Fees	32,488.87

PERMIT DESCRIPTION

SFD

This department must have 24 hrs. notice for all inspections
(435) 615-5100

All work must be inspected prior to concealment

Conditions:

Cond:

Temporary cut slopes shall comply with the soils report (up to 4 ft may be near-vertical and up to 10 ft may be 2 vert : 1 horiz.)

Flexible pavement areas , upper 9 inches of soil shall be scarified, moisture prepared to 2% above optimum moisture content and recompacted. Recompacted shall mean the upper 9 inches of nautral soil shall be removed and replaced with "non-expansive" low permeability subbase fill.

Flatwork within the upper 5-6 ft of potentially expansive soil, must have minimum 2 ft "non-expansive" low permeability structural fill.

Potentially expansive soils to be removed an replaced w/non-expansive site grading structural fill. This includes area under footings and slabs.

Cond:

The building permit as calculated from the valuation is \$3,896.49. However, EDEN did not automatically deduct the \$500 plan check deposit as it should have. Therefore, the building permit fee was reduced by \$500 to reflect the same sum. The new building permit fee is shown as \$3,396.49.

Cond: FIRESPRINK

SUBMIT PLANS AND HYDRAULIC CALCULATIONS FOR THE FIRE SPRINKLER SYSTEM TO THE BUILDING DEPARTMENT FOR REVIEW AND APPROVAL PRIOR TO INSTALLATION.

Cond:

The fire pit must be approved by the Deputy Fire Marshal before being installed.

Cond:

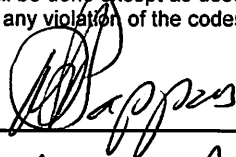
1. Single Family (SF) District.
2. Mountain Ridge Subdivision.
3. 3,847 sq. ft. house size maximum - includes 600 sq. ft. garage credit.
4. Maximum height is 25 feet.
5. Disturbance shall not exceed 15 feet from building on side and rear.
6. Exterior lighting shall be down lit and shielded.

Valuation Items:

<u>Occupancy</u>	<u>Type</u>	<u>Factor</u>	<u>Sq Feet</u>	<u>Valuation</u>
r3 Single Family	VB	137.32	2,578.00	\$354,010.96
finbas FINISHED BASEMENT	VB	33.71	1,663.00	\$56,059.73
unbas UNFINISHED BASEMENT	VB	26.22	1,663.00	\$43,603.86
sprink FIRE SPRINKLER SYSTEM	FIRE SPRINKLER SYSTEM	4.37	4,635.00	\$20,254.95
sfgar RESIDENTIAL 1&2 FAMILY GARAGE	VB	40.34	911.00	\$36,749.74
decks DECKS	VB	22.47	394.00	\$8,853.18
TOTALS			11,844.00	\$519,532.42

I certify that no work will be done except as described above or on accompanying plans. Issuance of this permit shall not be construed as aproval of any violation of the codes, laws or ordinances as adopted by the City of Park City or the State of Utah.

SIGNATURE



DATE

7/29/13

PRINT NAME:

MARK PAPPAS



**CONSTRUCTION MITIGATION AGREEMENT
STORM WATER POLLUTION ACKNOWLEDGMENT
ACKNOWLEDGMENT OF LEAD/ASBESTOS**

PERMIT #	BA-13-18358	ADDRESS	3099 Mountain Ridge Ct Park City UT 84060	
CONTRACTOR/OWNER NAME		TOPMARK INDUSTRIES INC.		
MAILING ADDRESS	1645 Northshore Ct. Park City 84098			
CONTACT PERSON	MARK PAPPAS	CONTACT PHONE #	435/6405981	

When signing this agreement, the responsible party(ies) acknowledges reading and understanding the conditions of the construction mitigation plan and hereby agrees to comply with not only this, but all applicable city ordinances. A copy of the construction mitigation plan will be kept on-site for all contractors/sub-contractors to have access to at all times. This form shall serve as a notice that failure to comply with the mitigation conditions will result in enforcement action. *Additional restrictions may apply please see the specific construction mitigation agreement if applicable*

As the project owner or authorized agent of the owner, I have read and understand the requirements listed in the storm water pollution attachment A for construction activities to control storm water pollution from sediments, erosion and construction materials. I certify that I will comply with these requirements.

When signing this agreement, the above responsible party(ies) acknowledges reading and understanding the demolition handout and hereby agrees to comply with not only this, but all applicable city regulations as well as State and Federal Laws. A copy of the handout was given to the above responsible party and they were duly informed by the Park City Building Department that any property runs the risk of creating air pollution caused by asbestos and/or lead and they are to contact Summit County Health Department, Questar Gas and Snyderville Basin before demolition work will take place. This requirement is considered effective as of June 2011 per State Legislature H.B.0285.

- KEEP CONSTRUCTION MITIGATION ON SITE
- NOTHING DOWN THE CREEK OR IN THE DRAIN UPON CLEAN-UP
- BUILDINGS BUILT PRIOR TO 1978 MAY CONTAIN LEAD/ASBESTOS

Signature: 

Print Name: MARK PAPPAS

Date: 7/29/13.



HOMEOWNERS ASSOCIATION NOTIFICATION VERIFICATION

This document shall serve as verifications that the Mountain Ridge Subdivision
(Subdivision)

Homeowner's Association has been notified of Honigman
(Owner)

Intent to build at 3097 Mountain Ridge Ct.
(Address)

This notice is only to inform the HOA that the owner is seeking a Building permit from Park City Municipal Corporation. These plans may change and it is the HOA's responsibility to follow the process if necessary.

Check One:

☒ Notice received and acknowledged

Michelle J. Paulsen
HOA Representative

6/3/2013
Date

☐ Notice mailed and received

I hereby certify that I attempted to contact the HOA to execute the above acknowledgement and was unsuccessful. Attached is the signed return receipt of the certified letter which included a true and accurate copy of this notification.

(Owner signature and attach receipt)

HOMEOWNERS ASSOCIATION NOTIFICATION VERIFICATION

This document shall serve as verification that the MOUNTAIN RIDGE

Homeowner's Association (HOA) has been notified of SUZANNE HONIGMAN (owner)

intent to build at (address) 3099 MOUNTAIN RIDGE COURT RD. (lot #) 13

Plans may be viewed at the Park City Building Department , 445 Marsac Ave.

This notice is only to inform the HOA that the owner is seeking Building Permit (s) from the Park City. These plans may change and it is the HOA'S responsibility to follow the permit process if necessary.

Check One:

☒ Notice received and acknowledged

[Signature] 5/29/2013
HOA Representative Date

☐ Notice mailed and received

I hereby certify that I attempted to contact the HOA to execute the above knowledge and was unsuccessful. Attached is the signed return receipt of the Certified letter which included a true and accurate copy of this notification _____ (signed owner & attached return receipt).

RECEIVED
PARK CITY MUNICIPAL CORP
JUN 04 2013
BUILDING DEPT

CERTIFICATE OF SURVEY

I, J.D. GAILEY do hereby certify

that I am a licensed land surveyor registered by the State of Utah, License

359005 as prescribed under the laws of Utah. I

further certify that I have reviewed the plans for permit # BD-13-18358

at 3099 Mountain Ridge Court
(Street Address)

on 13 Mountain Ridge
(Lot number) (Subdivision)

and have surveyed the property to verify that the structure is situated on the lot as

approved or have submitted a site plan showing the actual setback dimensions. I

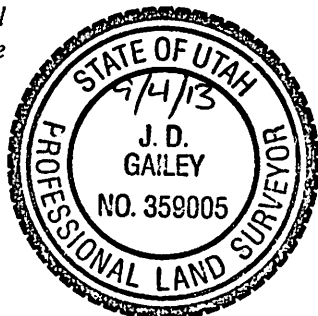
have also verified that the footing elevations are BASED ON AN ELEVATION

OF 6834.5 FEET AT THE SEWER MANHOLE LID

IN FRONT OF THE PROPERTY: NE COR = 6839.3';

SE COR = 6845.05'; SW COR = 6849.75'; NW

Professional Seal Here
COR = 6843.55'



J.D. Gailey
(Signature)

Sept. 4, '13
(Date)

RECEIVED
PARK CITY MUNICIPAL CORP

SEP 05 2013

BUILDING DEPT

2009 INTERNATIONAL RESIDENTIAL CODE
(Revised 04-20-2011)

Log Number: BD-13-18358 Date Plans Received: 7/11/13
Building Address: 3099 Mountain Ridge Ct
Owner's Name: Honigman
Main Building Sq. Ft: 4241 Other: _____
Total Area Basement: 1663 Type of Building: SFD
Finished Basement: 1663 No. Stories: 2
Garage: 911 No. Levels: 3
Deck/Balcony: 394 Area of LOD: 6963
Fire Sprinklers: Y Area: 4635 Number of Bedrooms: 3
Elevation: 68752 Ground Snow Load: 144
Roof Snow Load: 102 Soil Bearing Capacity: 2500
Plan Check by: Michelle Downard
Started Review: 7/8/13 Finished Review: 7/11/13

This checklist is compiled for plan checking purposes for use by the Division of Building Inspection. The information contained herein will also provide condensed construction information for design and job use. This checklist is not intended to indicate any change in any building code or ordinance by inference or omission. A circle around a checklist number indicates an incorrect detail or insufficient information. **Please make the corrections on the drawings indicated by the number in the circle/box on the checklist.** Any indicated correction not made or construction detail not shown will be assumed to be installed in accordance with the applicable codes.

GENERAL:

- G1. Place correct construction street address, owner's name, designer's name, and architect and/or engineer's name and seal on the drawings.
Is this 3099 or 3097 (see survey) changed to 3099
- G2. Provide a plan index. Make sure this is correct A0.0
- G10. Show the 'Limits-of-Disturbance' on the Site Plan including all utility crossings, material storage and stockpile areas, driveways, re-graded areas, proposed landscaped areas, and construction parking areas.
Explain how construction can be completed within LOD

7/11/13 emailed to architect

G23 For driveways that go across public property (we believe 99% of them will, so we will assume all do), provide a copy of the "Application to work in a Public Right of Way" that has been approved by the City Engineering department.

G24 Obtain Engineering Department approval for plans. *done*

G25 Obtain Planning Department approval for plans. *Shauna waiting on Bldg*

G26 Provide a receipt or "non-required payment" letter from both Snyderville Basin Water Reclamation District, and the Park City Fire District. *received 7/23*

G27 Provide a landscaping plan for Planning approval. *received 7/23 see redlines*

Additional General Comments:

- Please confirm- "perforated floating screen wall" on south end of home- shown in elevation and plans as future... (not included in this permit or approval?) *included*
- Confirm soil bearing capacity- struct calcs list 2500 psf, soils report lists CL/ML soil which is listed as 1500 psf in IRC 401.4.1 *see pg 10*
- Elevator special inspection is required by state *A.O.*
- Provide elevator shaft and fire rating assembly

FOUNDATION PLAN:

F3. Show footings a minimum of 40 inches below finish grade. -IRC R403.1.4
SE Corner *4' @ corner*

ARCHITECTURAL:

A17. Automatic garage door openers, if provided, shall be tested in accordance with UL325. R309.6 *E1.2 & E1.5*

A20. All unenclosed floor and roof openings, open and glazed sides of landings and stairs, balconies and porches more than 30 inches above grade, and roofs used for other than service of the building shall be protected by a guard (aka "Guardrail"). Guards shall not be less than 36 inches in height. Open guards shall have intermediate rails or an ornamental pattern such that no sphere 4 inches in diameter can pass through. - IRC R312 I see the guardrail detail and I can see it on the elevation. But please LABEL on floor plans, elevations or somewhere that shows where it will be provided *see A2.1*

A33. Show ice shield extending from the eaves to a point at least 24 inches inside the exterior wall line. -IRC R905.8. *flat roof*

A48. Insulation and U-values on plans don't match ResCheck energy analysis. Basement walls- R13 or R15 (A8.1 #4), framed walls- R21 or R23 (A8.1 #1) *see revised A8.1*

A59. List on the cover sheet of the drawings each deferred submittal item IE: ~~fire sprinkler submittal, truss details, radiant heat submittal, 2-lb. gas piping schematic, stucco/EIFS submittal, factory-built fireplace product information, and Planning Department items, siding details, etc.~~ IRC R107 ~~steam shower~~ *see A0.0*

A60. Sills of exterior windows which are located more than 6 feet above grade, and less than 24 inches above the interior floor surface must meet some new requirements. The area of the window less than 24 inches above the interior floor surface must now be fixed or have an opening or a guard which does not allow the passage of a 4 inch diameter sphere. R612.2 14, 21, 22 *see A6.1*

A63. Stair tread nosing: The radius of curvature at the leading edge of the tread shall be no greater than 9/16 inch (914.3 mm). A nosing not less than 3/4 inch (19 mm) but not more than 1 1/4 inches (32 mm) shall be provided on stairways with solid risers. The greatest nosing projection shall not exceed the smallest nosing projection by more than 3/8 inch (9.5 mm) between two stories, including the **nosing at the level of** floors and landings. Beveling of nosing shall not exceed 1/2 inch (12.7 mm). Risers shall be vertical or sloped from the underside of the leading edge of the tread above at an angle not more than 30 degrees (0.51 rad) from the vertical. Open risers are permitted, provided that the opening between treads does not permit the passage of a 4 inch (102 mm) diameter sphere. (Utah State amendment) Exceptions. *see 6/A 7.1*

A. A nosing is not required where the tread depth is a minimum of 10 inches (254 mm).

B. The opening between adjacent treads is not limited on stairs with a total rise of 30 inches (762 mm) or less. Note: This means that concrete stairs, without nosings, must have a tread depth of 10 inches.

A64. Provide defensible space for all structures on site as per the 2006 International Wildland-Urban Interface Code. Provide landscape plan *see site plan notes.*

Additional Architectural Comments

- ✓* Fire pit is not approved with this building permit. Must obtain approval of ~~conditions~~ *condition on permit* fire pit from Kurt Simister, Deputy Fire Marshall to install fire pit. *A2.3*
- ✓* Provide roof overflow drains per 903.4.1 *A2.3*
- ✓* All radiant heating? No forced air? How will you provide air circulation? *see A2.0, providing forced air also see A2.0*

STRUCTURAL:

Note: Park City is Seismic Design Category D or D₁, with an S_s between 92 degrees east and 103 degrees west.

- S12. Fire block stud spaces at soffits, floor and ceiling joist lines, at 10 ft vertically and horizontally, and at openings between attic spaces and chimney spaces for factory-built chimneys, and at any other locations not specifically mentioned which could afford passage for flames. -IRC R302.11 #34 A20
- S20. Chimneys shall extend at least 2 feet higher than any portion of a building within 10 feet, but shall not be less than 3 feet above the point where the chimney passes through the roof. -IRC R1003.9 A3.0
- S22. Note on plans: Special inspection is required for field welding and high strength bolting. 2009 IBC, sections 1704.3.1 and 1704.3.3. contractor must sign special inspection form, (they can do this when they come into the office to pull the permit or anytime sooner) received 7/23/13
- S23. Call out on the cover sheet of the plans, that any field welding or torch work, will require a separate "hot work" permit prior to beginning work. IFC 105.6.11. S0.0
- S26. Call out "naturally durable wood, or wood that is preservative-treated" for the structural members for exterior decks. R317.1.3 cement slab

ELECTRICAL:

- E3. Lights in closets must comply with the clearance dimensions of IRC E4003.12. #22 E1.1
- E5. Show smoke detectors conforming to IRC section R314. All levels, all bedrooms, access to all bedrooms and in all rooms with sloped ceilings next to halls serving bedrooms. All detectors shall be hard-wired, interconnected, and have battery backup. see electrical sheets
- E8. Carbon Monoxide detectors shall be installed on each habitable level of a dwelling unit equipped with a fuel burning appliance. R314 as amended by state. see electrical sheets

PLUMBING:

- P1. Note on plans: All plumbing installations shall comply with 2009 IRC. #27 A2.2

- P2. Show location of gas and electrical meters in an area that is protected from snow and ice damage. -LMC 15-2.3-4 (j) **A1.1**
- P3. Show tank type water closets with a flow rate of not more than 1.6 gallons per flush. -IRC R2903.2 **A2.2**
- P4. Show showerheads with a flow rate of not more than 2.5 gpm. -IRC P2903.2 **A2.2**
- P6. Show all plumbing vents through the roof to be minimum 3" pipe. -IRC P3103.2 **A2.2**
- P8. Show location of access for whirlpool type tubs. **No grouted tile access allowed.** -IRC P2720, E4109.3 any? **none - A2.1**
- P10. Showers shall be finished to a height of not less than 72 inches above the floor. Material shall be non-absorbent. -IRC R307.2 **A2.1**
- P13. In seismic design categories C, **D₀**, **D₁** and **D₂**, water heater shall be anchored or strapped in the upper third **and lower one-third** of the appliance to resist a horizontal force equal to one third of the operating weight. IRC P2801.7 (State Amendment) Provide a detail. **A8.2**

MECHANICAL:

- M1. **Note on plans: All mechanical installations shall comply with the 2009 IRC & IFGC.** **A2.1**
- M3. Show combustion air for all fuel-burning appliances at a minimum rate of 1 sq inch per 3000 Btu/hour input. The one opening must be in the top 12 inches of the room. Show minimum 1 inch clearance around equipment at sides and rear of the appliance. Show minimum 6 inch clearance in front of the appliance. -IRC M1701 **A2.1**
- M4. Show gas logs and each gas appliance with a shut-off valve within 6 feet of the appliance. -IRC G2420 **A2.1**
- M5. Fuel-burning appliances, including fireplaces, are not permitted to be installed in sleeping rooms, bathrooms, or toilet rooms unless the appliances are Direct Vent appliances. See IRC Section G2406 and IMC 303.3 for more information and the list of exceptions. Note: All construction in Park City is "unusually tight construction". Master bedroom **A2.1**
- M11. Vent the dryer to the outside. Maximum length of the duct with two 90-degree elbows is 15 feet. -IRC M1502.2 Provide makeup air to laundry room. IRC G2439.4 **A2.0**

M13. Natural gas service lines shall be no less than 1 inch (25 mm) in diameter. R156-56-709 (3) state amendment to IFGC. Note on plans. A2.1

M14. State on the cover sheet of the drawings the number of 'backflow preventers' to be installed in the Work. Remember to include the lawn sprinkler system, fire sprinkler system, number of boilers, etc. -IRC P2902

A0.0

2009 INTERNATIONAL RESIDENTIAL CODE
(Revised 04-20-2011)

Log Number: BD-13-18358 Date Plans Received: 7/11/13
Building Address: 3099 Mountain Ridge Ct
Owner's Name: Honigman
Main Building Sq. Ft: 4241 Other: _____
Total Area Basement: 1663 Type of Building: SFD
Finished Basement: 1663 No. Stories: 2
Garage: 911 No. Levels: 3
Deck/Balcony: 394 Area of LOD: 6963
Fire Sprinklers: Y Area: 4635 Number of Bedrooms: 3
Elevation: 68752 Ground Snow Load: 144
Roof Snow Load: 102 Soil Bearing Capacity: 2500
Plan Check by: Michelle Downard
Started Review: 7/8/13 Finished Review: 7/11/13

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GENERAL:

- G1. Place correct construction street address, owner's name, designer's name, and architect and/or engineer's name and seal on the drawings.
Is this 3099 or 3097 (see survey)
Address has been corrected to 3099 Mountain Ridge Court on cover sheet, title block and survey. Drawings have been sealed and stamped.
- G2. Provide a plan index. Make sure this is correct
See A0.0 for plan index.
- G10. Show the 'Limits-of-Disturbance' on the Site Plan including all utility crossings, material storage and stockpile areas, driveways, re-graded

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PARK CITY MUNICIPAL CORP

JUL 23 2013

BUILDING DEPT

areas, proposed landscaped areas, and construction parking areas.
Explain how construction can be completed within LOD

See A1.3 for construction mitigation plan

- G23 For driveways that go across public property (we believe 99% of them will, so we will assume all do), provide a copy of the "Application to work in a Public Right of Way" that has been approved by the City Engineering department.

Contractor to provide it as stated on note 19.8 on A0.0 Cover Sheet

- G24 Obtain Engineering Department approval for plans.

- G25 Obtain Planning Department approval for plans.

- G26 Provide a receipt or "non-required payment" letter from both Snyderville Basin Water Reclamation District, and the Park City Fire District.

Contractor to provide this information.

- G27 Provide a landscaping plan for Planning approval. *See 19.8 on A0.0*

Additional General Comments:

- Please confirm- "perforated floating screen wall" on south end of home- shown in elevation and plans as future... (not included in this permit or approval?)

The word "future" has been removed from the plans. Perforated floating screen wall should be included in this permit.

- Confirm soil bearing capacity- struct calcs list 2500 psf, soils report lists CL/ML soil which is listed as 1500 psf in IRC 401.4.1

See Structural Engineer Response Letter

- Elevator special inspection is required by state

See note 19.15 on A0.0 Cover Sheet stating that contractor to coordinate Elevator Special Inspection with Park City

- Provide elevator shaft and fire rating assembly

Elevator shaft construction is VB – wood construction. Any elevator serving a single family residence and contained exclusively within that unit is not required to have a fire rated enclosure.

FOUNDATION PLAN:

- F3. Show footings a minimum of 40 inches below finish grade. -IRC R403.1.4
SE Corner

See Structural Engineer Response Letter

ARCHITECTURAL:

- A17. Automatic garage door openers , if provided, shall be tested in accordance with UL325. R309.6
See note 21 on E1.0 – E1.5
- A20. All unenclosed floor and roof openings, open and glazed sides of landings and stairs, balconies and porches more than 30 inches above grade, and roofs used for other than service of the building shall be protected by a guard (aka "Guardrail"). Guards shall not be less than 36 inches in height. Open guards shall have intermediate rails or an ornamental pattern such that no sphere 4 inches in diameter can pass through. – IRC R312 I see the guardrail detail and I can see it on the elevation. But please LABEL on floor plans, elevations or somewhere that shows where it will be provided
See A2.0 – A2.2 Guardrail has been labeled on floor plans.
- A33. Show ice shield extending from the eaves to a point at least 24 inches inside the exterior wall line. -IRC R905.8.
IRC R905.8 applies to wood shakes and sloped roofs. This building has flat roofs with no eaves. See note 7 on A2.3 Roof Plan: Ice and Water Shield to be installed over entire roof.
- A48. Insulation and U-values on plans don't match ResCheck energy analysis. Basement walls- R13 or R15 (A8.1 #4), framed walls- R21 or R23 (A8.1 #1)
Details have been corrected to match ResCheck energy analysis
Basement walls: R13
Framed walls: R21
- A59. List on the cover sheet of the drawings each deferred submittal item IE: ~~fire sprinkler submittal, truss details, radiant heat submittal, 2 lb. gas piping schematic, stucco/EIFS submittal, factory-built fireplace product information, and Planning Department items, siding details, etc.~~ IRC R107 steam shower
See note 19.16 on Cover sheet. Steam shower has been listed as a deferred submittal
- A60. Sills of exterior windows which are located more than 6 feet above grade, and less than 24 inches above the interior floor surface must meet some new requirements. The area of the window less than 24 inches above the interior floor surface must now be fixed or have an opening or a guard

which does not allow the passage of a 4 inch diameter sphere. R612.2
14, 21, 22

See A6.1 Window Schedule.

- A63. Stair tread nosing: The radius of curvature at the leading edge of the tread shall be no greater than 9/16 inch (914.3 mm). A nosing not less than $\frac{3}{4}$ inch (19 mm) but not more than 1 $\frac{1}{4}$ inches (32 mm) shall be provided on stairways with solid risers. The greatest nosing projection shall not exceed the smallest nosing projection by more than $\frac{3}{8}$ inch (9.5 mm) between two stories, including the **nosing at the level of** floors and landings. Beveling of nosing shall not exceed $\frac{1}{2}$ inch (12.7 mm). Risers shall be vertical or sloped from the underside of the leading edge of the tread above at an angle not more than 30 degrees (0.51 rad) from the vertical. Open risers are permitted, provided that the opening between treads does not permit the passage of a 4 inch (102 mm) diameter sphere. (Utah State amendment) Exceptions.

A. A nosing is not required where the tread depth is a minimum of 10 inches (254 mm).

B. The opening between adjacent treads is not limited on stairs with a total rise of 30 inches (762 mm) or less. Note: This means that concrete stairs, without nosings, must have a tread depth of 10 inches.

See 6/A7.1 for detail and stair notes.

- A64. Provide defensible space for all structures on site as per the 2006 International Wildland-Urban Interface Code. Provide landscape plan
Landscape plan has been listed as a deferred submittal. See note 19.8 on Cover Sheet

Additional Architectural Comments

- Fire pit is not approved with this building permit. Must obtain approval of fire pit from Kurt Simister, Deputy Fire Marshall to install fire pit.
- *Fire pit has been listed as a deferred submittal. See note 19.18 on Cover Sheet*
- Provide roof overflow drains per 903.4.1
See note 11 on A2. Roof plans
- All radiant heating? No forced air? How will you provide air circulation?
- *Radiant heat AND forced air shall be provide. HVAC equipment has been included in mechanical room. See note 19 and mechanical room in A2.0*

STRUCTURAL:

Note: Park City is Seismic Design Category D or D₁, with an S_s between 92 degrees east and 103 degrees west.

- S12. Fire block stud spaces at soffits, floor and ceiling joist lines, at 10 ft vertically and horizontally, and at openings between attic spaces and chimney spaces for factory-built chimneys, and at any other locations not specifically mentioned which could afford passage for flames. –IRC R30211

See note 34 on A2.0 – A2.2

- S20. Chimneys shall extend at least 2 feet higher than any portion of a building within 10 feet, but shall not be less than 3 feet above the point where the chimney passes through the roof. –IRC R1003.9

See note and chimney dimensions on A3.0 and A3.1

- S22. Note on plans: Special inspection is required for field welding and high strength bolting. 2009 IBC, sections 1704.3.1 and 1704.3.3. contractor must sign special inspection form, (they can do this when they come into the office to pull the permit or anytime sooner)

Contractor to provide special inspection form.

- S23. Call out on the cover sheet of the plans, that any field welding or torch work, will require a separate “hot work” permit prior to beginning work. IFC 105.6.11.

See note on structural cover sheet.

- S26. Call out “naturally durable wood, or wood that is preservative-treated” for the structural members for exterior decks. R317.1.3

See Structural Engineer Response Letter

ELECTRICAL:

- E3. Lights in closets must comply with the clearance dimensions of IRC E4003.12.

See note 22 on E1.0- E1-5

- E5. Show smoke detectors conforming to IRC section R314. All levels, all bedrooms, access to all bedrooms and in all rooms with sloped ceilings next to halls serving bedrooms. All detectors shall be hard-wired, interconnected, and have battery backup.

See smoke detectors (clouded) and Electrical Legend on E1.3- E1.5

- E8. Carbon Monoxide detectors shall be installed on each habitable level of a dwelling unit equipped with a fuel burning appliance. R314 as amended by state.

See Carbon Monoxide detectors (clouded) and Electrical Legend on E1.3-E1.5

PLUMBING:

- P1. **Note on plans: All plumbing installations shall comply with 2009 IRC.**

See Note 27 on A2.0-A2.2 Floor plans

- P2. Show location of gas and electrical meters in an area that is protected from snow and ice damage. -LMC 15-2.3-4 (j)

See Note 13 on A1.1 along with Gas and Electrical Meters location

- P3. Show tank type water closets with a flow rate of not more than 1.6 gallons per flush. -IRC R2903.2

See Note 28 on A2.0-A2.2 Floor plans

- P4. Show showerheads with a flow rate of not more than 2.5 gpm. -IRC P2903.2

See Note 28 on A2.0-A2.2 Floor plans

- P6. Show all plumbing vents through the roof to be minimum 3" pipe. -IRC P3103.2

See Note 29 on A2.0-A2.2 Floor plans

- P8. Show location of access for whirlpool type tubs. **No grouted tile access allowed.** -IRC P2720, E4109.3 any?

See clouded note on A2.1 indicated location of access in bathtub of Master Bedroom

- P10. Showers shall be finished to a height of not less than 72 inches above the floor. Material shall be non-absorbent. -IRC R307.2

See note 35 on A2.0 – A2.2 All showers shall be finished to ceiling height with a non-absorbent material.

- P13. In seismic design categories C, **D_o**, **D₁** and **D₂**, water heater shall be anchored or strapped in the upper third **and lower one-third** of the appliance to resist a horizontal force equal to one third of the operating weight. IRC P2801.7 (State Amendment) Provide a detail.

See detail on A8.

MECHANICAL:

- M1. Note on plans: All mechanical installations shall comply with the 2009 IRC & IFGC.**

See Note 30 on A2.0-A2.2 Floor plans

- M3. Show combustion air for all fuel-burning appliances at a minimum rate of 1 sq inch per 3000 Btu/hour input. The one opening must be in the top 12 inches of the room. Show minimum 1 inch clearance around equipment at sides and rear of the appliance. Show minimum 6 inch clearance in front of the appliance. -IRC M1701

See Note 31 on A2.0-A2.2 Floor plans

- M4. Show gas logs and each gas appliance with a shut-off valve within 6 feet of the appliance. -IRC G2420

See Note 32 on A2.0-A2.2 Floor plans

- M5. Fuel-burning appliances, including fireplaces, are not permitted to be installed in sleeping rooms, bathrooms, or toilet rooms unless the appliances are Direct Vent appliances. See IRC Section G2406 and IMC 303.3 for more information and the list of exceptions. Note: All construction in Park City is "unusually tight construction". Master bedroom

See clouded note on Master Bedroom (A2.1): Master bedroom fireplace to be Direct-Vent

- M11. Vent the dryer to the outside. Maximum length of the duct with two 90-degree elbows is 15 feet. -IRC M1502.2 Provide makeup air to laundry room. IRC G2439.4

See clouded note on Laundry Room (A2.0)

- M13. Natural gas service lines shall be no less than 1 inch (25 mm) in diameter. R156-56-709 (3) state amendment to IFGC. Note on plans.

See Note 33 on A2.0-A2.2 Floor plans

- M14. State on the cover sheet of the drawings the number of 'backflow preventers' to be installed in the Work. Remember to include the lawn sprinkler system, fire sprinkler system, number of boilers, etc. -IRC P2902

See Note 19.17 on A0.0 Cover Sheet

Project Description

The existing Mountain Ridge Subdivision, approved in 1990, includes plat notes limiting both the house size and the building height as well building envelope. The homeowner requests a plat amendment to modify the additional limitations on the building envelope.

The owners, Heidi and David Maya, are currently residents of the State of Florida and have two of three grown children living in California. At some point in the next 3-5 years, they would like to make Park City their permanent home. In order to accommodate their family with any future growth during visits, they would require an extra bedroom. This home is for their family and there are no plans to ever rent it or allow guests while we are not present.

The homeowner would like to extend the building envelope in a small portion of the rear of the house to accommodate the addition of a single bedroom and bathroom. All other aspects of the addition would be in full compliance with existing restrictions, setbacks and zoning regulations.

The attached drawings show that the proposed addition would not be visible from most vantage points and that it would comply with zoning regulations.

While the subdivision is bordered by Open Space to the west, the Lot is not located within the Sensitive Lands Overlay and thus is not subject to the Sensitive Land Overlay Regulations in Land Management Code Chapter 15- 2.21.

The proposal complies with Single Family (SF) Zoning Requirements in Land Management Code (LMC) 15-2.11.

Zoning Requirement	Analysis of Proposal
Density – The maximum density for Subdivisions is three units per acre.	Complies. The proposal does not change density in the subdivision.
Front Setback – The minimum Front Setback is 20 feet. New Front-Facing Garages for Single Family and Duplex Dwellings must maintain a minimum of 25 feet from the Front Lot Line.	Complies. The proposal does not include a request to change any Setbacks or building pad envelopes.
Rear Setback – The minimum Rear Setback is 15 feet.	Complies. The proposal does not include a request to change any Setbacks or building pad envelopes.
Side Setbacks – The minimum Side Setbacks are 12 feet each.	Complies. The proposal does not include a request to change any Setbacks or building pad envelopes.

The proposal complies with all notes and requirements on the Mountain Ridge Subdivision with the exception of requesting a change to the building envelope size.

Mountain Ridge Subdivision Requirements	Analysis of Proposal
Front Setback – Per the Plat, the minimum Front Setback is determined by a platted building envelope.	Complies. The proposal does not include a request to change any Setbacks or building pad envelopes.
Rear Setback – Per the Plat, the minimum Rear Setback is determined by a platted building envelope.	Change requested The proposal requests an amendment to extend a section of the rear envelope of the home such that the addition will take up the remaining square footage available according to the existing Plat restriction. It is of note that the envelope extension will be entirely above grade as a cantilever over the rear patio area so there will be no disturbance at grade level.
Side Setbacks – Per the Plat, the minimum Side Setbacks are determined by a platted building envelope.	Complies. The proposal does not include a request to change any Setbacks or building pad envelopes.
Maximum Floor Area – Per the Plat, the minimum/maximum building sizes are listed on the plat in a table.	Complies. The proposal does not include a request to change any maximum floor area restrictions.

The proposal complies with LMC 15-7.1-3(B) in that there is Good Cause for the Plat Amendment and no Public Street, Right-of-Way, or easement is vacated or amended.

The LMC 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, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.”

There is Good Cause for the Plat Amendment as the proposal will allow homeowners to construct an addition that is in compliance with the zoning requirements, and conforms with lot coverage percentages within the subdivision. See lot coverage analysis below. Additionally, no non-conformities will be created and no changes in density will result from the proposed Plat Amendment. Further, the applicant will replace any disturbed vegetation, and the amendment will not result in increased density.

Lot #	Lot Size	Building Envelope Size	Coverage	Proposed
1	14,649.18	3,438.79	23%	
2	18,371.42	5,512.03	30%	
3	19,572.67	3,792.36	19%	
4	17,193.43	4,919.50	29%	
5	22,794.16	5,130.67	23%	
6	31,849.85	3,920.14	12%	
7	26,948.77	3,653.53	14%	
8	26,585.32	4,628.20	17%	
9	14,057.74	3,444.07	24%	
10	12,891.10	3,888.76	30%	
11	12,684.77	3,572.88	28%	
12	12,959.09	3,625.89	28%	
13	13,111.45	3,543.54	27%	27.34
14	13,518.52	3,477.36	26%	
15	12,787.22	3,194.98	25%	
16	14,977.86	4,472.83	30%	
17	15,430.28	5,004.61	32%	
18	22,494.55	4,324.82	19%	
19	14,701.23	4,321.56	29%	
20	14,497.55	4,247.97	29%	
21	9,176.11	2,942.06	32%	
Total Number of Lots with =/>28% Coverage				10

The proposal does not affect any Public Street, Right-of-Way, or easement.

Planning Commission Staff Report



Subject: Royal Plaza Condominiums Fourth
Amended Plat (Units 301 & 309)
Application: PL-22-05343
Author: Jaron Ehlers
Date: October 12, 2022
Type of Item: Administrative – Condominium Plat

Recommendation

Staff recommends the Planning Commission (I) review the proposed Royal Plaza Condominiums Fourth Amended Plat Combining Units 301 & 309, (II) hold a public hearing, and (III) consider forwarding a positive recommendation for City Council's consideration on November 17, 2022, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval (Exhibit A)

Description

Applicant: Bain Nigel G. – Trustee;
Rory Murphy, Applicant Representative
Location: 7260 Royal St. E, Units 301 & 309
Zoning District: Residential Development
Adjacent Land Uses: Multi-Unit Dwellings
Reason for Review: Plat Amendments require Planning Commission recommendation and City Council final action¹

LMC Land Management Code
RD Residential Development.

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

Summary

The Applicant proposes a condominium plat amendment to combine two existing units into one recorded unit. The Applicant is proposing the combination to fix existing non-compliance regarding access and limited common space that were created by the 2010 Plat Amendment.

Background

Royal Plaza Condominiums is a 26 Multi-Unit Dwelling located in the Residential Development (RD) Zoning District. The original Plat was approved in 1991. In 2010 a Plat Amendment was approved. This Amendment recorded changes of ownership for

¹ LMC [§ 15-12-15\(B\)\(9\)](#)

Units 301, 309, & 401. It also made a change of ownership to the entrance alcove for Unit #301, enlarging it and leaving no room for legal access for Unit #309. An access agreement was made between the two units.

As part of the original Plat for Unit #309 a deck was marked on the plat as “limited common space”. When Unit #309 was built in 1991, this deck was instead created as a bedroom, turning the designated “limited common space” into private space.

Analysis

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

The proposed Plat Amendment is consistent with the Lot and Site Requirements of the RD Zoning District. All proposed changes to the Plat are restricted to the building’s interior Area and will not change the existing condominium structure.

(II) The proposal, as conditioned, complies with LMC § 15-3-6, *Parking Ratio Requirements*.

The following table outlines the current parking required by LMC [§ 15-3-6](#):

Residential Parking Ratio Requirements for Multi-Unit Dwellings	Parking Ratio
Floor Area no greater than 1,000 sq. ft.	1 per Dwelling Unit
Floor Area greater than 1,000 sq. ft. and less than 2,000 sq. ft.	1.5 per Dwelling Unit
Floor Area greater than 2,000 sq. ft.	2 per Dwelling Unit

According to the existing Plat, Unit #301 has 990 square feet of floor area and Unit #309 has 1,258 square feet. Each unit is assigned a single off-street parking spot in the Silver Lake Parking Garage, which Royal Plaza Condominiums owns 33% of. Unit #309 is currently not in compliance under the current code and would require 1.5 parking spots to meet requirements. The proposed combination of Unit #301 and Unit #309 would have 2,248 square feet in total, requiring 2 parking spots. Both current parking spots assigned to the units would be assigned to the combined unit, which would bring it into compliance with the current Parking Ratio.

(III) The proposal complies with LMC requirements for Condominium Plat Amendments.

LMC [§ 15-7.1-6\(G\)](#) outlines the requirements for combining adjoining condominium units within a condominium plat. Once a unit owner owns adjoining units, the owner may

remove or alter the partition between the unit owner's unit and the acquired unit. However, the unit owner must demonstrate the removal or alteration of the partition will not

- Impair the structural integrity or mechanical systems of the building or either unit
- Reduce the support of any portion of the common areas and facilities or another unit
- Violate Utah Code Section 10-9a-608, as amended, or any section of the International Building Code

To address this, Staff recommends Conditional of Approval #3 which would require a plat note that any plans to remove or alter a partition wall shall be stamped and signed by a certified structural engineer.

Approval of a condominium plat amendment does not change an assessment or voting right attributable to the unit owner's unit or the acquired unit, unless the declaration provides otherwise.

This plat amendment will not lead to any external changes or expansion of the existing building footprint.

Additionally, changes to platted elements including conversion of common Area/limited common Area to private Area within a condominium requires a Plat Amendment. Plat Amendments shall be reviewed according to the requirements of LMC [§ 15-7-1.6](#), *Final Subdivision Plat*, and approval shall require a finding of Good Cause.

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

Staff finds Good Cause for this Plat Amendment because it resolves existing issues and non-conformities. By combining the two Units, only one entrance alcove will be required and the units will connect internally. The proposed plat would also recognize the existing situation with effective private space in the bedroom. Additionally, separate units that do not comply with current parking will be combined and the two parking spaces satisfy required parking.

(IV) The Development Review Committee reviewed the proposal and did not identify any issues.²

² The Development Review Committee meets the first and third Tuesday of each month to review and provide comments on Planning Applications, including review by the Building Department, Engineering Department, Sustainability Department, Transportation Planning Department, Code Enforcement, the City

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 [date]. Staff mailed courtesy notice to property owners within 300 feet on [date]. The *Park Record* published notice on [date].³

Public Input

Public input is attached as Exhibit X or

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 Ordinance No. 2022-XX, Approving the Royal Plaza Condominiums Fourth Amended Plat Combining Units 301 & 309; or
- The Planning Commission may forward a negative recommendation to the City Council for Ordinance No. 2022-XX, Denying the Royal Plaza Condominiums Fourth Amended Plat Combining Units 301 & 309 and direct staff to make findings for this negative recommendation; or
- The Planning Commission may request additional information for Ordinance No. 2022-XX for the Royal Plaza Condominiums Fourth Amended Plat Combining Units 301 & 309 and continue the discussion to a date certain.

Exhibits

Exhibit A: Draft Ordinance 2022-XX and Proposed Plat
Exhibit B: Existing Plat
Exhibit C: Project Intent
Exhibit D: Letter of Support from Royal Plaza Board President.

Attorney's Office, Local Utilities including Rocky Mountain Power and Dominion Energy, the Park City Fire District, Public Works, Public Utilities, and the Snyderville Basin Water Reclamation District (SBWRD).

³ LMC [§ 15-1-21](#).

Ordinance No. 2022-XX

AN ORDINANCE APPROVING THE ROYAL PLAZA CONDOMINIUMS FOURTH AMENDED PLAT COMBINING UNITS 301 & 309, LOCATED AT 7620 ROYAL STREET E, PARK CITY, UTAH.

WHEREAS, the owners of the property at 7620 Royal Street E, Units 301 & 309 petitioned the City Council for approval of the Royal Plaza Condominiums Fourth Amended Plat Combining Units 301 & 309;

WHEREAS, on September 28, 2022, the Park Record published notice for the Planning Commission and City Council public hearings; and

WHEREAS, on September 27, 2022, staff mailed courtesy notice to property owners within 300 feet, posted notice to the Utah Public Notice Website and City Website, and posted notice to the property for the Planning Commission and City Council public hearings; and

WHEREAS, on October 12, 2022, the Planning Commission reviewed the proposed plat, held a public hearing; and forwarded a **positive/negative** recommendation to the City Council; and,

WHEREAS, on November 17, 2022, the City Council held a public hearing on the Royal Plaza Condominiums Fourth Amended Plat Combining Units 301 & 309; and

WHEREAS, it is in the best interest of Park City, Utah, to approve the Royal Plaza Condominiums Fourth Amended Plat Combining Units 301 & 309 to reflect as-built conditions and correct existing non-compliance; and

WHEREAS, Staff finds that the plat will not cause undue harm to adjacent property owners.

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

SECTION 1. APPROVAL. The Royal Plaza Condominiums Fourth Amended Plat Combining Units 301 & 309 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 7620 Royal Street E, Units 301 & 309.
2. Royal Plaza Condominiums was approved in 1991.
3. The property is listed with Summit County as Parcel numbers ROYL-301-2AM & ROYL-309-2AM.
4. The Property is located in the Residential Development (RD) Zoning District.
5. When the Property was created in 1991, Limited Common Space was

- designated by the Plat but was constructed as Private Space.
6. This Plat Amendment correctly records the existing Private Space.
 7. In 2010 a Plat Amendment was approved that made a change of ownership to the entrance alcove for Unit #301, enlarging it and leaving no room for legal access for Unit #309.
 8. This Plat Amendment corrects the entrance access non-compliance.
 9. The total Area of the proposed Unit 309 is 2,304 square feet.
 10. The proposal complies with Land Management Code Chapter 15-2.13, *Residential Development (RD) District*.
 11. The current LMC requires two (2) parking spaces per Dwelling Units with a Floor Area greater than 2,000 square feet in a Multi-Unit Dwelling.

Conclusions of Law:

1. There is good cause for this amendment to the plat because it memorializes existing conditions and corrects existing non-compliance.
2. The Plat Amendment is consistent with Land Management Code Section 15-7.1-3(B), Section 15-7.1-6, and Chapters 15-2.13 and 15-7.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. Approval of the plat amendment, subject to the conditions of approval, will 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 year, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The Applicant shall record a plat note that any plans to remove or alter a partition wall shall be stamped and signed by a certified structural engineer.
4. There will be no external changes or expansion of the existing building footprint.
5. The condo uses/retires the existing density and does not create any new unit density for future use.

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

PASSED AND ADOPTED this 17th day of November, 2022.

PARK CITY MUNICIPAL CORPORATION

Nann Worel, MAYOR

ATTEST:

City Recorder

APPROVED AS TO FORM:

City Attorney's Office

Attachments

Attachment 1: Royal Plaza Condominiums Fourth Amended Plat Combining Units 301 & 309

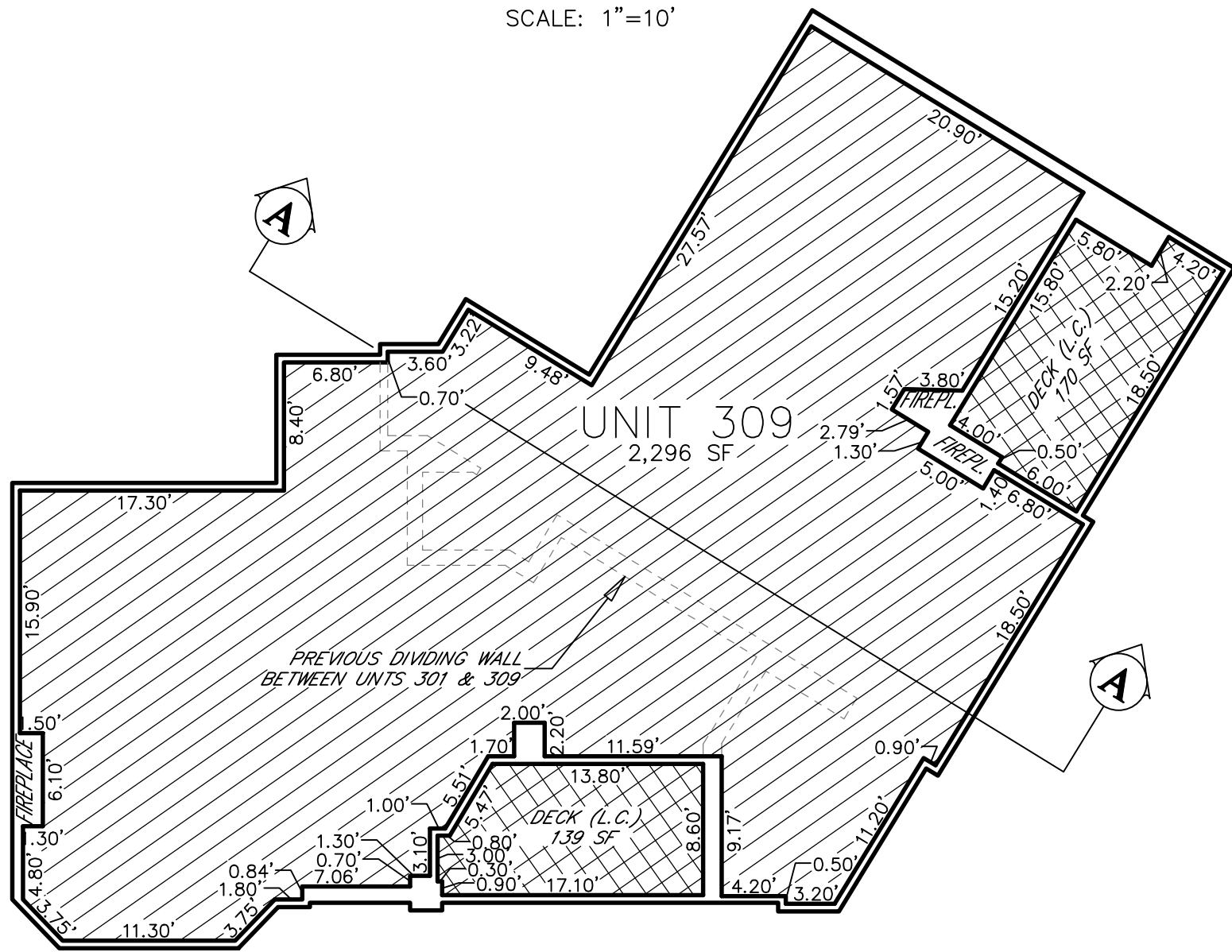
DRAFT

ROYAL PLAZA, FOURTH AMENDED COMBINING UNITS 301 & 309

— A UTAH CONDOMINIUM PROJECT —
LOCATED WITHIN THE SOUTHEAST QUARTER OF SECTION 8 & SOUTHWEST QUARTER OF SECTION 9,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN,
PARK CITY, SUMMIT COUNTY, UTAH

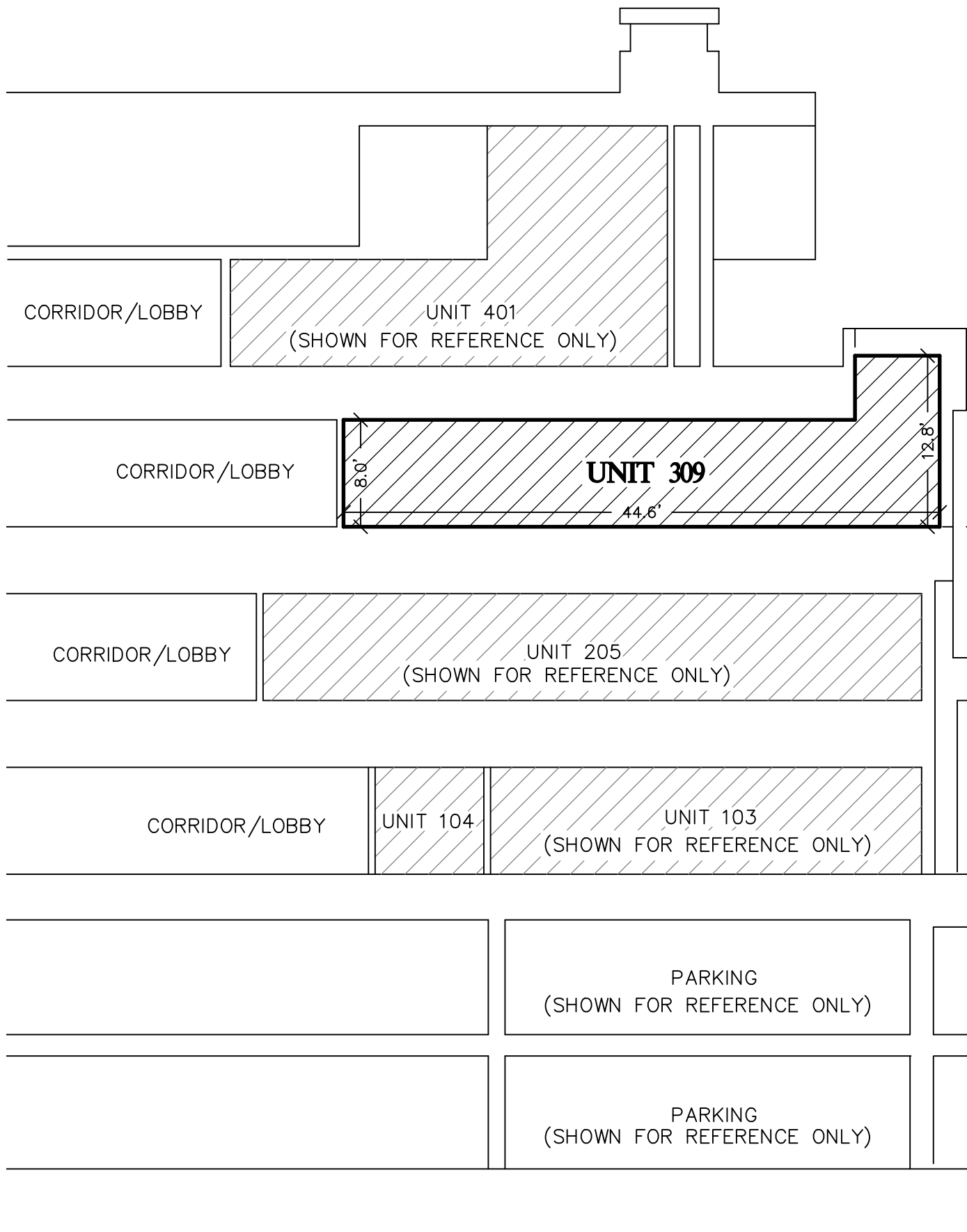
FLOOR PLAN

SCALE: 1"=10'

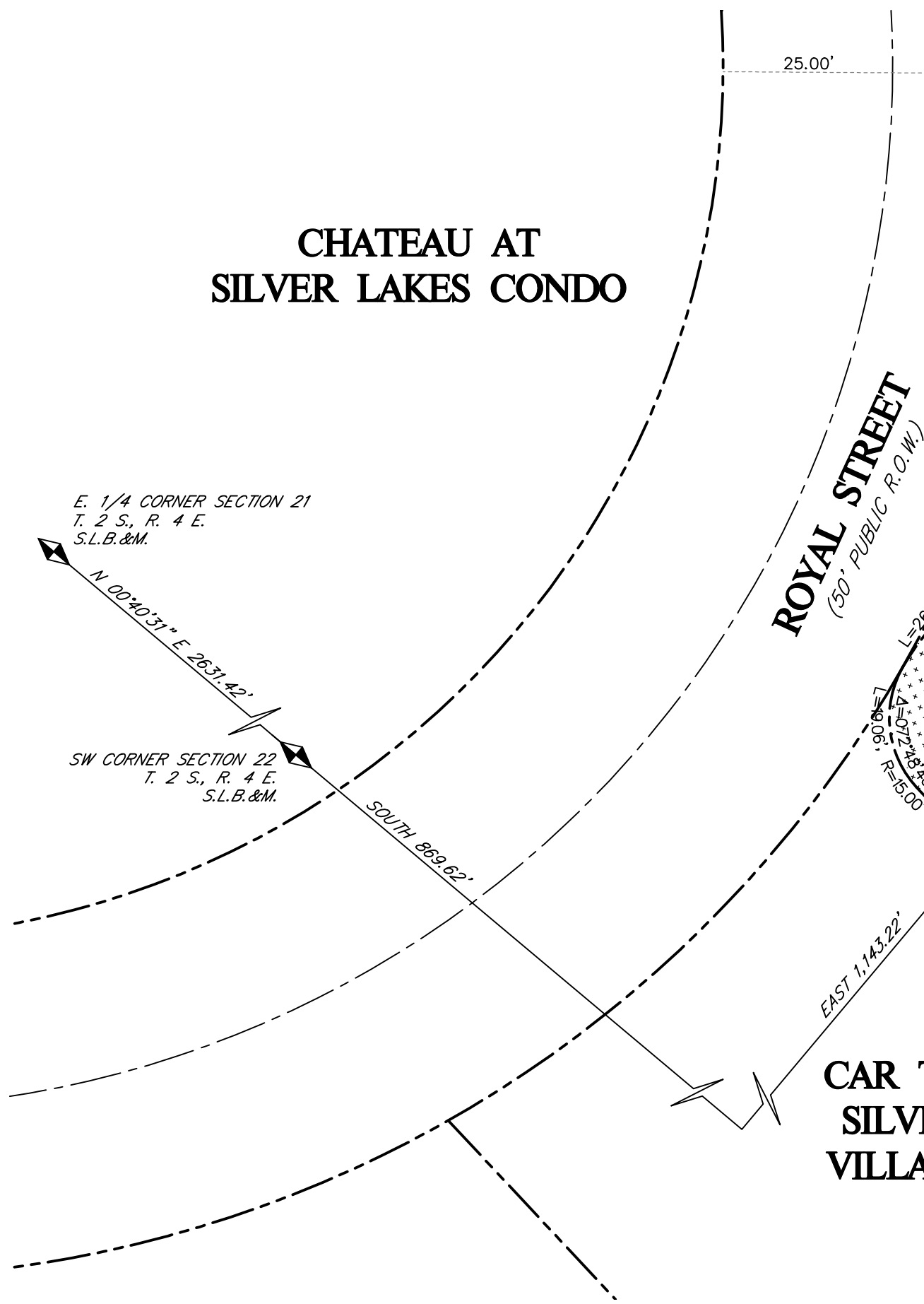


SECTION A-A

SCALE: 1"=10'



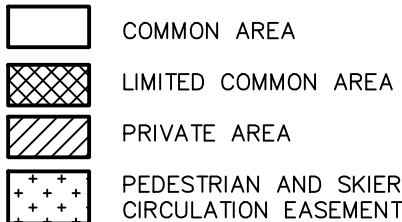
CHATEAU AT SILVER LAKES CONDO



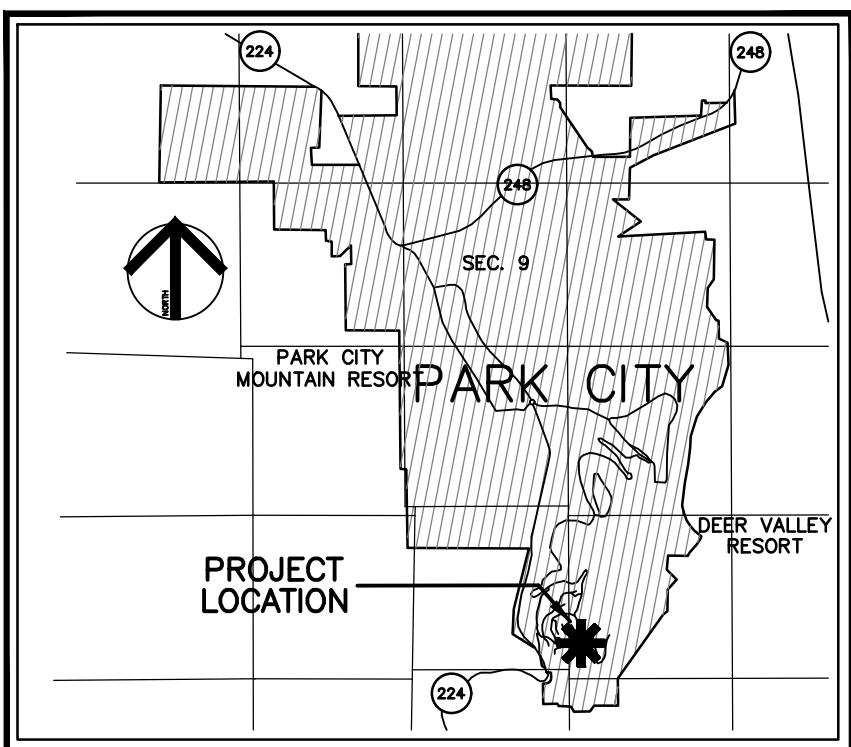
CAR TURNOUT SILVER LAKE VILLAGE NO. 1

MONT CERVIN PLAZA CONDO

HATCHING LEGEND



VICINITY MAP N.T.S.



NOTES FROM ORIGINAL PLAT

- THIS RECORD OF SURVEY MAP WAS COMPILED FROM DRAWINGS PREPARED BY GARY FRANCIS, ARCHITECTS AND BY ALLEN AND PHILIP ARCHITECTS, INFORMATION SUPPLIED BY THE OWNER, AND FROM FIELD SURVEY AND MEASUREMENTS.
- THE MONUMENT LOCATING THE SOUTHWEST CORNER OF SECTION 22 WAS DESTROYED BY CONSTRUCTION ACTIVITIES; THE LEGAL TIE TO SAID CORNER IS BASED ON RECORD INFORMATION. THE ACTUAL MONUMENTS USED IN THIS SURVEY ARE THE STREET MONUMENTS INDICATED ON THIS MAP. USE COORDINATE INFORMATION SHOWN TO LOCATE THE IMPROVEMENTS.
- INTERIOR DIMENSIONS SHOWN ARE TO STUD WALLS.
- ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
- THE STREET ADDRESS OF ROYAL PLAZA CONDOMINIUMS IS: 7620 ROYAL STREET EAST, UNIT NO. (201 AS EXAMPLE).

ADDITIONAL NOTES

- LOCATED WITHIN: ROYAL PLAZA
- THIS PLAT REPRESENTS A COMBINATION OF UNITS 301 AND 309 OF "SECOND AMENDED RECORD OF SURVEY MAP ROYAL PLAZA" ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, RECORDATION NUMBER 891235.
- THIS PLAT CONVERTS LIMITED COMMON AREA TO PRIVATE AREA IN UNIT 301 AS SHOWN HEREON.
- ALL BEARINGS AND DISTANCES SHOWN ARE THE EQUIVALENT OF RECORD, UNLESS NOTED OTHERWISE.
- ALL OTHER CONDITIONS OF APPROVAL OF ROYAL PLAZA, RECORDED APRIL 4, 1991, AS ENTRY NO. 338594 IN THE SUMMIT COUNTY RECORDER'S OFFICE, SHALL CONTINUE TO APPLY.
- THE DIMENSIONS OF THE PRIVATE SPACES AND SQUARE FOOTAGE CALCULATIONS ARE BASED ON THE RECORD OF SURVEY MAP OF ROYAL PLAZA CONDOMINIUMS AND FROM MEASUREMENTS TAKEN BY EVERGREEN ENGINEERING. MINOR DISCREPANCIES MAY EXIST DUE TO EXISTING FURNITURE AND FIXTURES EXISTING IN THE UNITS AT THE TIME MEASUREMENTS WERE TAKEN.
- THE UNITS OF THIS CONDOMINIUM ARE SERVED BY A COMMON PRIVATE LATERAL WASTEWATER LINE. THE ROYAL PLAZA CONDOMINIUM ASSOCIATION SHALL BE RESPONSIBLE FOR THE OWNERSHIP, OPERATION AND MAINTENANCE OF ALL COMMON PRIVATE WASTEWATER LINES.
- ALL CONDITIONS OF APPROVAL OF THE DEER VALLEY MPD AND SILVER LAKE VILLAGE NO. 1 SUBDIVISION, PARCEL A PLAT, CONTINUE TO APPLY.
- THIS PLAT IS SUBJECT TO ORDINANCE 13-30, AS WELL AS ORDINANCE X-X.

OWNERS DEDICATION AND CONSENT TO RECORD - H.O.A.

KNOW ALL MEN BY THESE PRESENT THAT THE ROYAL PLAZA CONDOMINIUM ASSOCIATION, A UTAH NON-PROFIT CORPORATION (THE "ASSOCIATION"), THE AUTHORIZED REPRESENTATIVE OF ALL OF THE UNIT OWNERS HOLDING AT LEAST A TWO-THIRDS OWNERSHIP INTEREST IN THE COMMON AREA AND FACILITIES OF THE PROJECT PURSUANT TO THE DECLARATION OF COVENANTS AND RESTRICTIONS OF ROYAL PLAZA, CERTIFIES THAT IT HAS CAUSED THIS SURVEY TO BE MADE AND THIS LOT LINE ADJUSTMENT PLAT PREPARED. THE ASSOCIATION, ON BEHALF OF ALL OF THE UNIT OWNERS, DOES HEREBY CONSENT TO THE RECORDED OF THIS LOT LINE ADJUSTMENT PLAT, HEREAFTER TO BE KNOWN AS "ROYAL PLAZA, FOURTH AMENDED, COMBINING UNITS 301 & 309".

ROYAL PLAZA CONDOMINIUM ASSOCIATION
A UTAH NON-PROFIT CORPORATION

BY: BRIAN VANDENBROEK, PRESIDENT

ACKNOWLEDGMENT

STATE OF _____) BRIAN VANDENBROEK, PRESIDENT
COUNTY OF _____) ROYAL PLAZA CONDOMINIUM ASSOCIATION
A UTAH NON-PROFIT CORPORATION

ON THE _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME _____, WHOSE IDENTITY IS PERSONALLY KNOWN TO ME (or proven on the basis of satisfactory evidence) AND WHO BY ME DULY SWORN/AFFIRMED, DID SAY THAT HE IS PRESIDENT OF ROYAL PLAZA CONDOMINIUM ASSOCIATION, AND THAT SAID DOCUMENT WAS SIGNED BY HIM ON BEHALF OF SAID CORPORATION BY AUTHORITY OF ITS BYLAWS (OR RESOLUTION OF ITS BOARD OF DIRECTORS), AND SAID _____ ACKNOWLEDGED TO ME THAT SAID CORPORATION EXECUTED THE SAME.

NOTARY PUBLIC
MY COMMISSION EXPIRES: _____
RESIDING IN _____ COUNTY, _____ STATE

OWNERS DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED, NIGEL G. BAIN AND NICOLA P. BAIN, AS JOINT TENANTS, ARE THE OWNERS OF THE HEREON DESCRIBED LOT, AND HEREBY CAUSE THE SAME TO BE ADJUSTED AS SET FORTH AND SHOWN HEREON, HEREAFTER TO BE KNOWN AS "ROYAL PLAZA, FOURTH AMENDED UNIT 301".

BY: NIGEL G. BAIN _____ DATE _____
NICOLA P. BAIN _____ DATE _____

ACKNOWLEDGMENT

STATE OF _____) NIGEL G. BAIN
COUNTY OF _____)

ON THIS _____ DAY OF _____, 20____, NIGEL G. BAIN, PERSONALLY APPEARED BEFORE ME, WHOSE IDENTITY IS PERSONALLY KNOWN TO ME OR PROVEN ON THE BASIS OF SATISFACTORY EVIDENCE, AND WHO BY ME DULY SWORN/AFFIRMED, THAT HE/SHE ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE "ROYAL PLAZA FOURTH AMENDED" PLAT.

NOTARY PUBLIC
MY COMMISSION EXPIRES: _____
RESIDING IN _____ COUNTY, _____ STATE

ACKNOWLEDGMENT

STATE OF _____) NICOLA P. BAIN
COUNTY OF _____)

ON THIS _____ DAY OF _____, 20____, NICOLA P. BAIN, PERSONALLY APPEARED BEFORE ME, WHOSE IDENTITY IS PERSONALLY KNOWN TO ME OR PROVEN ON THE BASIS OF SATISFACTORY EVIDENCE, AND WHO BY ME DULY SWORN/AFFIRMED, THAT HE/SHE ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE "ROYAL PLAZA FOURTH AMENDED" PLAT.

NOTARY PUBLIC
MY COMMISSION EXPIRES: _____
RESIDING IN _____ COUNTY, _____ STATE

LEGAL DESCRIPTION

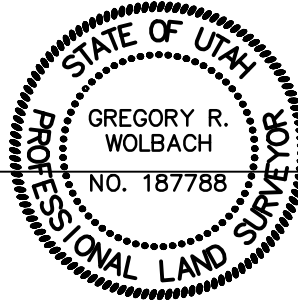
UNIT 301 & UNIT 309, ROYAL PLAZA, A UTAH CONDOMINIUM PROJECT; ACCORDING TO THE OFFICIAL PLAT THEREOF, RECORDED FEBRUARY 1, 2010 AS ENTRY NO. 891235, OF THE OFFICIAL RECORDS IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.

TOGETHER WITH A RIGHT AND EASEMENT OF USE AND ENJOYMENT IN AND TO THE COMMON AREAS AS DESCRIBED AND PROVIDED FOR IN SAID CONDOMINIUM PLAT AND DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND RESERVATION OF EASEMENTS.

SURVEYOR'S CERTIFICATE

I, GREGORY R. WOLBACH, OF PARK CITY, UTAH, CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 187788, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH.
I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE PERFORMED A SURVEY OF "UNIT 301 & UNIT 309" AND "COMMON AREA", AS SHOWN AND DESCRIBED HEREON, AND HAVE MADE A CONDOMINIUM PLAT, HEREAFTER TO BE KNOWN AS "ROYAL PLAZA, FOURTH AMENDED", AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND.
I FURTHER CERTIFY THAT THIS LOT LINE ADJUSTMENT PLAT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REGULATIONS OF THE LAW.

GREGORY R. WOLBACH

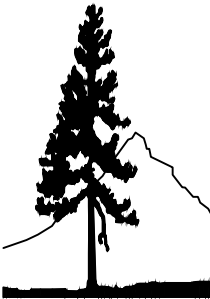


DATE:

SHEET 1 OF 1
PLOT DATE: JULY 11, 2022
DRAWING: 89301-309-PLAT.dwg
© 2022 Evergreen Engineering, Inc.

**Evergreen
Engineering, Inc.**

Civil Engineering * Land Surveying * Land Planning
1678 S. Westwood Drive * Suite C
P.O. Box 2861 * Park City * Utah * 84060
Phone: 801.557.5482
E-mail: office@evergreen-eng.com



PUBLIC SAFETY ANSWERING POINT APPROVAL

APPROVED THIS _____ DAY
OF _____ A.D. 20 ____.

SUMMIT COUNTY GIS COORDINATOR

CITY ENGINEER

I FIND THIS PLAT TO BE IN CONFORMANCE
WITH INFORMATION ON FILE IN THE OFFICE
THIS ____ DAY OF _____ A.D. 20 ____.

CITY ENGINEER

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE
BASIN WATER RECLAMATION DISTRICT STANDARDS
ON THIS _____ DAY OF _____
AD 20 ____.

BY:

SNYDERVILLE BASIN WATER
RECLAMATION DISTRICT

PLANNING COMMISSION

RECOMMENDED BY THE PARK CITY PLANNING
COMMISSION ON THIS 23rd
DAY OF MARCH A.D. 20 22.

CHAIR

APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS _____
DAY OF _____ A.D. 2022.

CITY ATTORNEY

COUNCIL APPROVAL & ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK
CITY COUNCIL THIS 28th DAY OF
APRIL A.D. 20 22.

MAYOR

CERTIFICATE OF ATTEST

I CERTIFY THIS WAS APPROVED BY PARK
CITY COUNCIL THIS _____ DAY OF
_____. A.D. 2022.

CITY RECORDER

RECORDED

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

FEE _____ RECORDER _____

TIME: _____ DATE: _____ ENTRY: _____

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, the undersigned representative of the herein described tract of land, hereby certifies that he has caused this survey to be made and this Second Amended Record of Survey Map to be prepared and consents to the recordation of this Second Amended Record of Survey Map.

In witness whereof, the undersigned set his hand this 16 day of November, 2009.

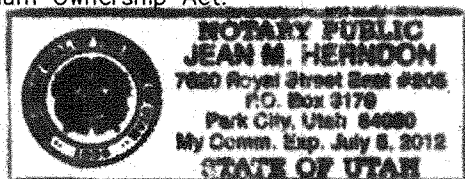
ROYAL PLAZA CONDOMINIUM ASSOCIATION
By: Robert W. Wells
Robert W. Wells, Secretary/Treasurer

ACKNOWLEDGMENT

State of UTAH ss:
County of SUMMIT

On this 16 day of November, 2009, personally appeared before me, the undersigned Notary Public, in and for said County and State, Robert W. Wells, being duly sworn, acknowledged to me that he is the Secretary/Treasurer of the ROYAL PLAZA CONDOMINIUM ASSOCIATION, and that he signed the above Owner's Dedication and Consent to Record for, on, and in behalf of all of the unit owners at the ROYAL PLAZA Condominium Project acting as a group (under the name Royal Plaza Owners Association, Inc.) in accordance with the Utah Condominium Ownership Act.

Jean M. Herndon
Notary Public
Residing in: DAVIS Co. UT
My commission expires: 7-5-2012



OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned owner of Units 301 and 309, ROYAL PLAZA, a Utah Condominium Project, hereby certifies that he has caused this survey to be made, and this Second Amended Record of Survey Map to be prepared and consents to the recordation of this Second Amended Record of Survey Map.

In witness whereof, the undersigned set his hand this 16 day of November, 2009.

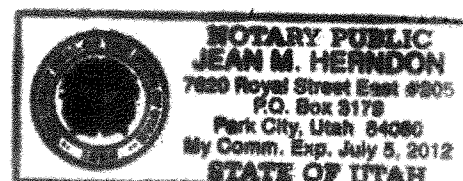
ROYAL STREET CORPORATION, a Washington corporation
By: Gil Williams
Gil Williams, President

ACKNOWLEDGMENT

State of UTAH ss:
County of SUMMIT

On this 16 day of November, 2009, personally appeared before me, the undersigned Notary Public, in and for said county and state. Having been duly sworn, Gil Williams acknowledged to me that he is the President of ROYAL STREET CORPORATION, a Washington Corporation, owner of Unit 309, Royal Plaza, a Utah Condominium Project, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

Jean M. Herndon
A Notary Public commissioned in Utah
JEAN M. HERNDON
Printed Name
Residing in: DAVIS Co. UT
My commission expires: 7-5-2012



OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned owner of Unit 402, ROYAL PLAZA, a Utah Condominium Project, hereby certifies that he has caused this survey to be made, and this Second Amended Record of Survey Map to be prepared and consents to the recordation of this Second Amended Record of Survey Map.

In witness whereof, the undersigned set his hand this 16 day of November, 2009.

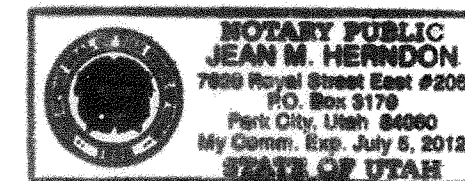
FIDUCIARY TRUST COMPANY and LESSING S. STERN, Trustees under Agreement of Trust of Edith S. Stern, dated July 6, 1953
By: Lessing S. Stern
Lessing S. Stern, Trustee

ACKNOWLEDGMENT

State of UTAH ss:
County of SUMMIT

On this 16 day of November, 2009, personally appeared before me, the undersigned Notary Public, in and for said county and state. Having been duly sworn, Lessing S. Stern acknowledged to me that he is a Trustee of the Agreement of Trust of Edith S. Stern, dated July 6, 1953, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

Jean M. Herndon
A Notary Public commissioned in Utah
JEAN M. HERNDON
Printed Name
Residing in: DAVIS Co. UT
My commission expires: 7-5-2012



SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491 as prescribed by the laws of the State of Utah, and that by authority of the owners, I have caused to be made under my direction this Record of Survey map of the ROYAL PLAZA, a Utah Condominium Project, in accordance with the provisions of the Utah Condominium Ownership Act.

John Demkowicz
John Demkowicz

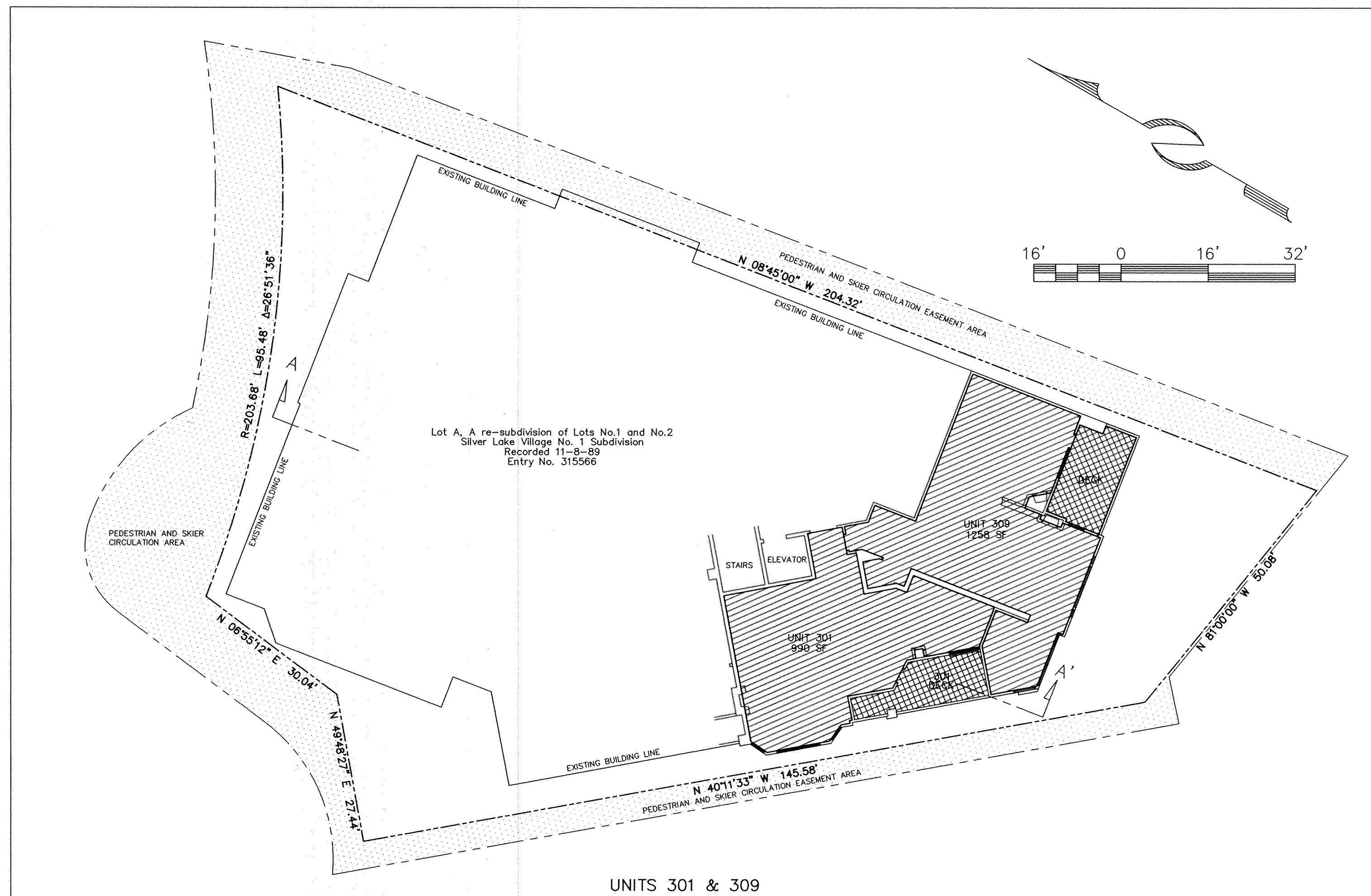
Nov 11, 2009
Date

LEGAL DESCRIPTION

UNIT 301, ROYAL PLAZA, a Utah Condominium Project, together with its undivided appurtenant ownership interest in and to the common areas and facilities of the project, as the same are identified and established in the Record of Survey Map recorded April 4, 1991, as Entry No. 338594 and the Declaration of Condominium for Royal Plaza recorded April 4, 1991, as Entry No. 338595 in Book 601 at Page 788 of the official records, in the office of the Summit County Recorder.

UNIT 309, ROYAL PLAZA, a Utah Condominium Project, together with its undivided appurtenant ownership interest in and to the common areas and facilities of the project, as the same are identified and established in the Record of Survey Map recorded April 4, 1991, as Entry No. 338594 and the Declaration of Condominium for Royal Plaza recorded April 4, 1991, as Entry No. 338595 in Book 601 at Page 788 of the official records, in the office of the Summit County Recorder.

UNIT 402, ROYAL PLAZA, a Utah Condominium Project, together with its undivided appurtenant ownership interest in and to the common areas and facilities of the project, as the same are identified and established in the Record of Survey Map recorded April 4, 1991, as Entry No. 338594 and the Declaration of Condominium for Royal Plaza recorded April 4, 1991, as Entry No. 338595 in Book 601 at Page 788 of the official records, in the office of the Summit County Recorder.



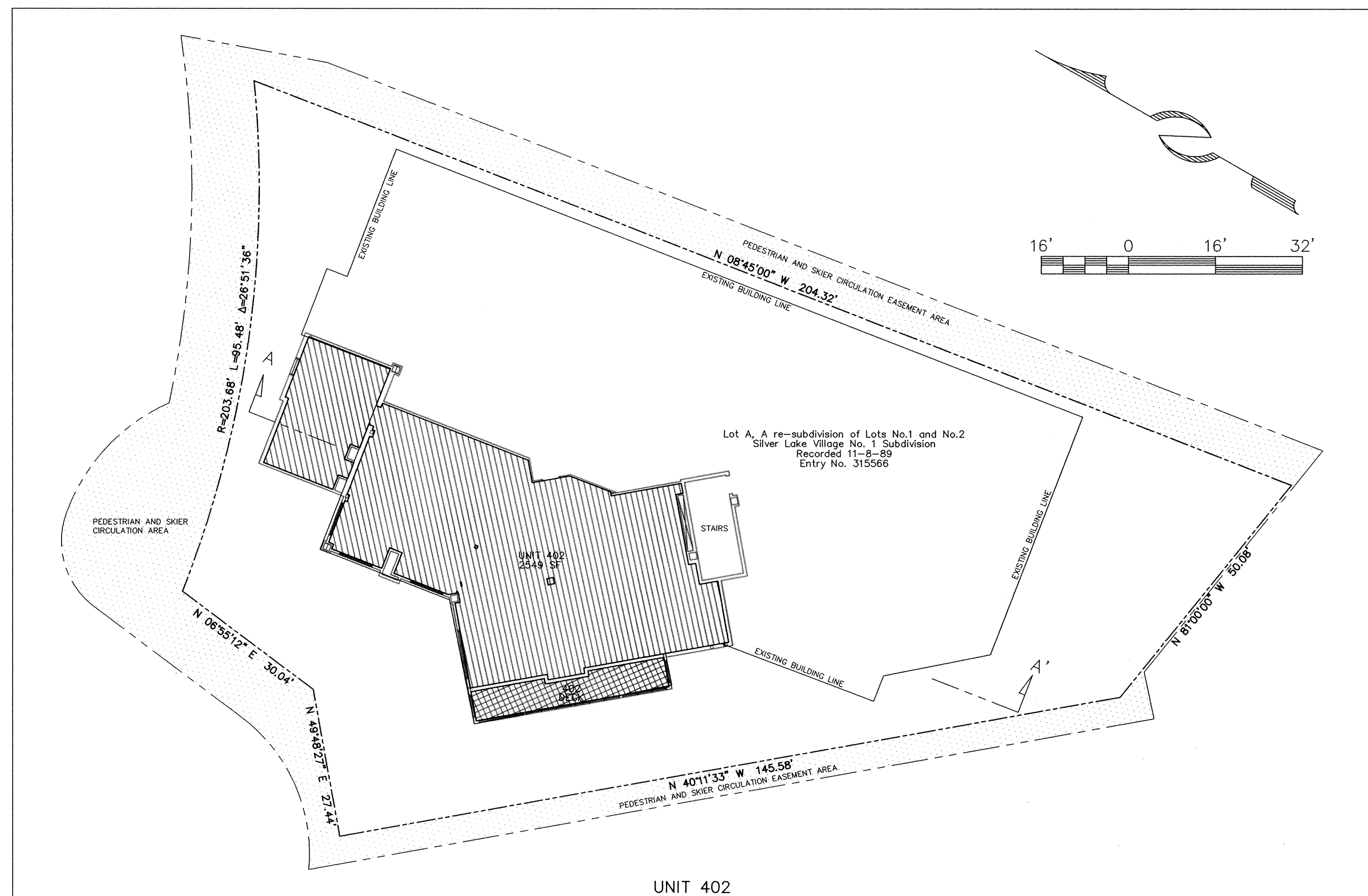
UNITS 301 & 309

LEGEND

	PRIVATE OWNERSHIP
	COMMON OWNERSHIP
	LIMITED COMMON OWNERSHIP
	PEDESTRIAN AND SKIER CIRCULATION EASEMENT

NOTES

1. This Second Amended Record of Survey Map reflects the changes of ownership of Units 301, 309 and 402, and except as shown on this Plat, no other changes to the Condominium Project are being made.
2. All other conditions of approval of the ROYAL PLAZA Condominiums, recorded April 4, 1991, as Entry #338594 in the Summit County Recorders Office, shall remain intact.
3. The dimensions of the private spaces and square footage calculations are based on the Record of Survey Map of ROYAL PLAZA Condominiums (see Note 1), and from drawings supplied by WPA Architecture. Minor variations may occur. It is the intent that the private ownership area of the units will be as constructed.
4. All structural elements are designated as common areas.
5. The street address of Royal Plaza Condominiums is: 7620 Royal Street East.
6. Maintenance of all required elements of the fire protection plan, including residential fire sprinkler system shall be required.
7. The units of this condominium are served by Common Private Lateral Wastewater Line. The Royal Plaza Condominium Association shall be responsible ownership, operation and maintenance of all Common Private Wastewater Lines.
8. All conditions of approval of the Deer Valley MPD, Silver Lake Village No. 1 Subdivision Parcel A, and Royal Plaza condominium record of survey plat, as amended shall continue to apply.



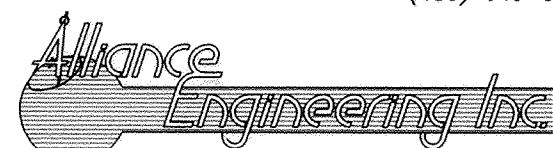
UNIT 402

SECOND AMENDED
RECORD OF SURVEY MAP
ROYAL PLAZA

A UTAH CONDOMINIUM PROJECT
LOCATED IN SE 1/4 OF SECTION 8 & SW 1/4 OF SECTION 9
T2S, R4E, SLB & M

SHEET 1 OF 2

10/27/09 JOB NO.: 1-4-09 FILE: X:\SilverLakeVillage\dwg\sr\plat\plat2009\010409.dwg



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

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 16th

DAY OF November, 2009 A.D.

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

PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 12th DAY OF AUGUST, 2009 A.D.

BY Chairman

ENGINEER'S CERTIFICATE

I FIND THIS PLAT TO BE ACCORDANCE WITH INFORMATION FILE IN MY OFFICE THIS DAY OF NOVEMBER, 2009 A.D.

BY Park City Engineer

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS 27th

DAY OF January, 2010 A.D.

BY Park City Attorney

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 3rd DAY OF SEPTEMBER, 2009 A.D.

BY Park City Recorder

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 3rd DAY OF SEPTEMBER, 2009 A.D.

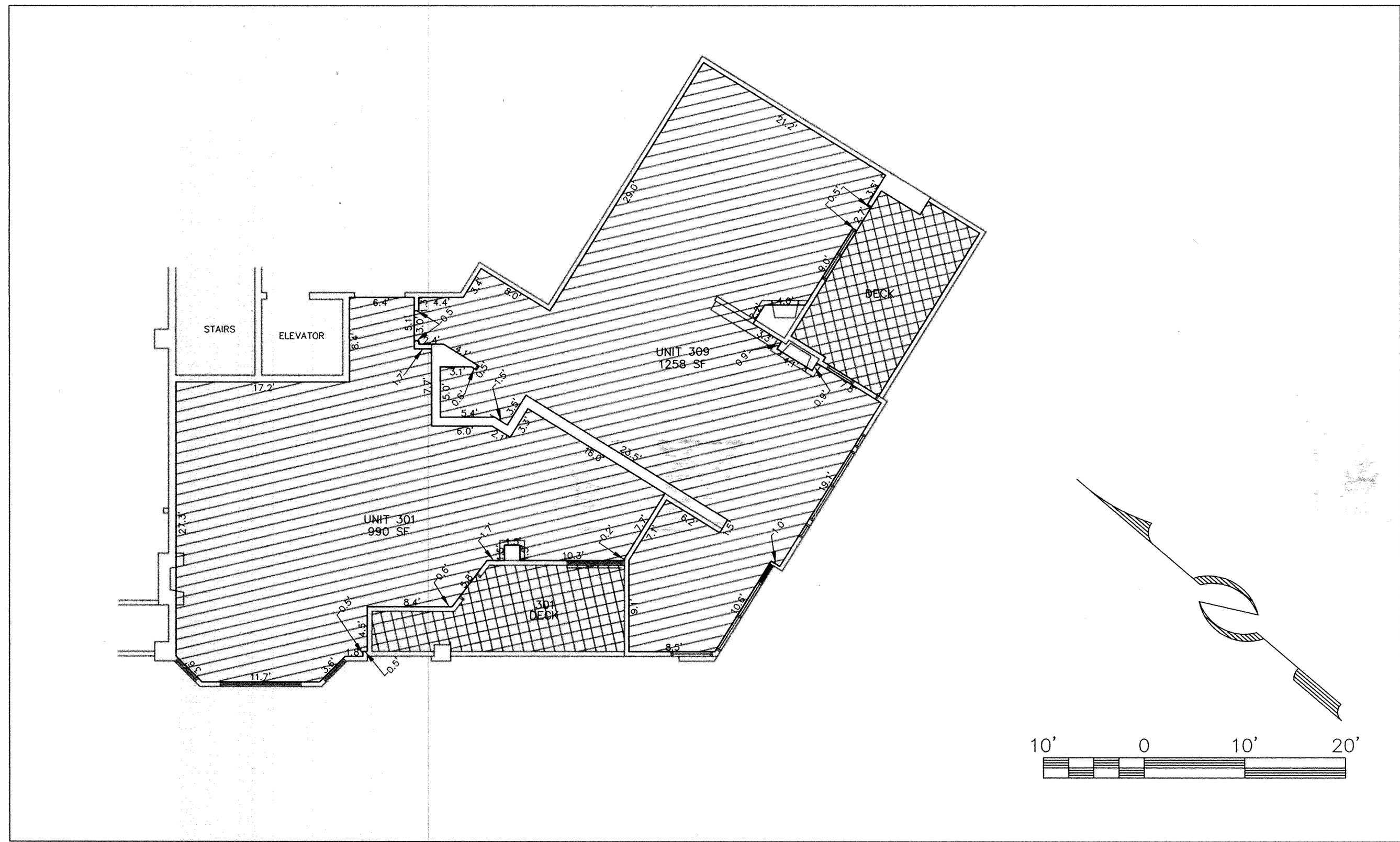
BY Mayor

891235 RECORDED

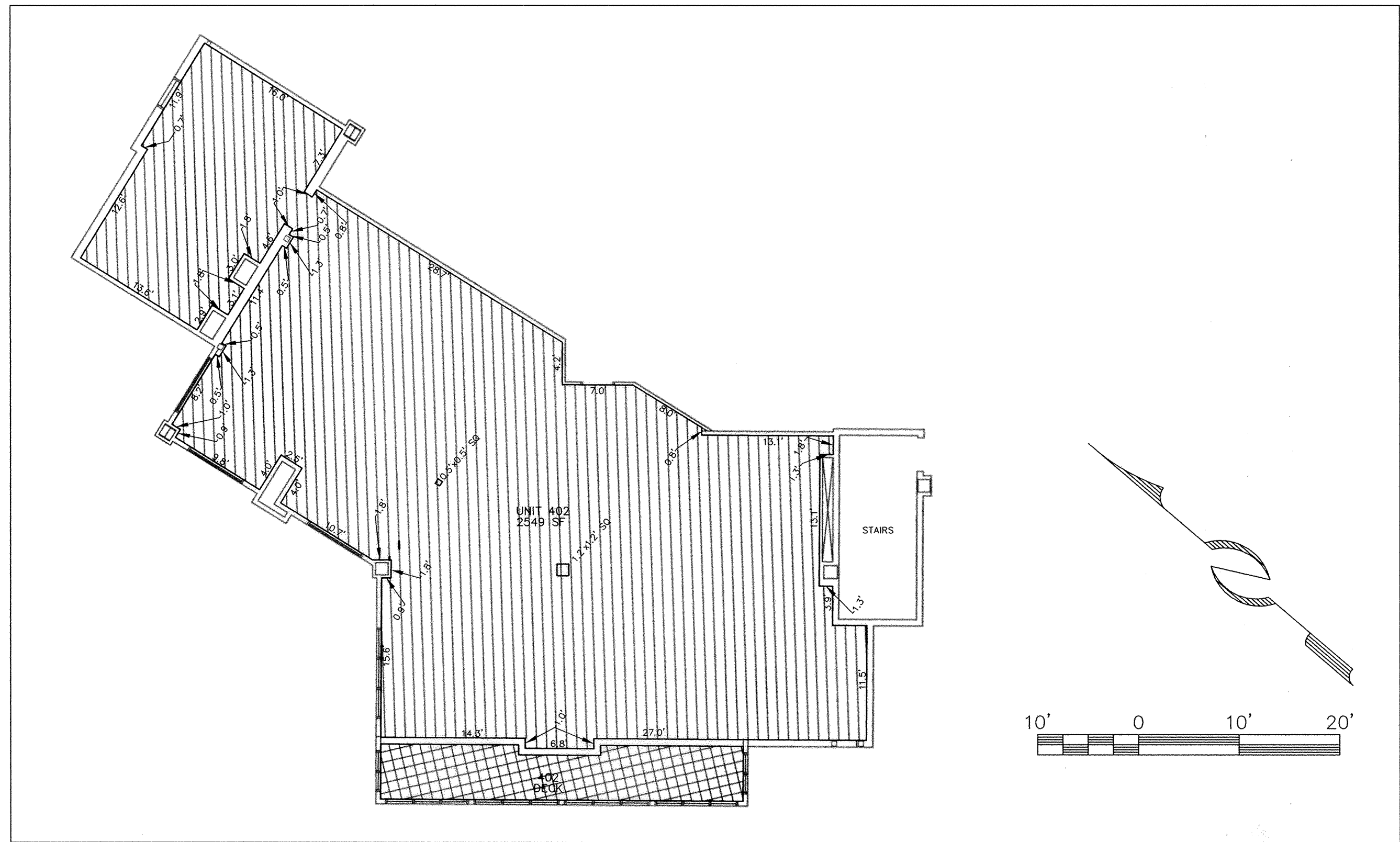
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF High Country Title

DATE 2-1-10 TIME 11:14 AM BOOK --- PAGE ---

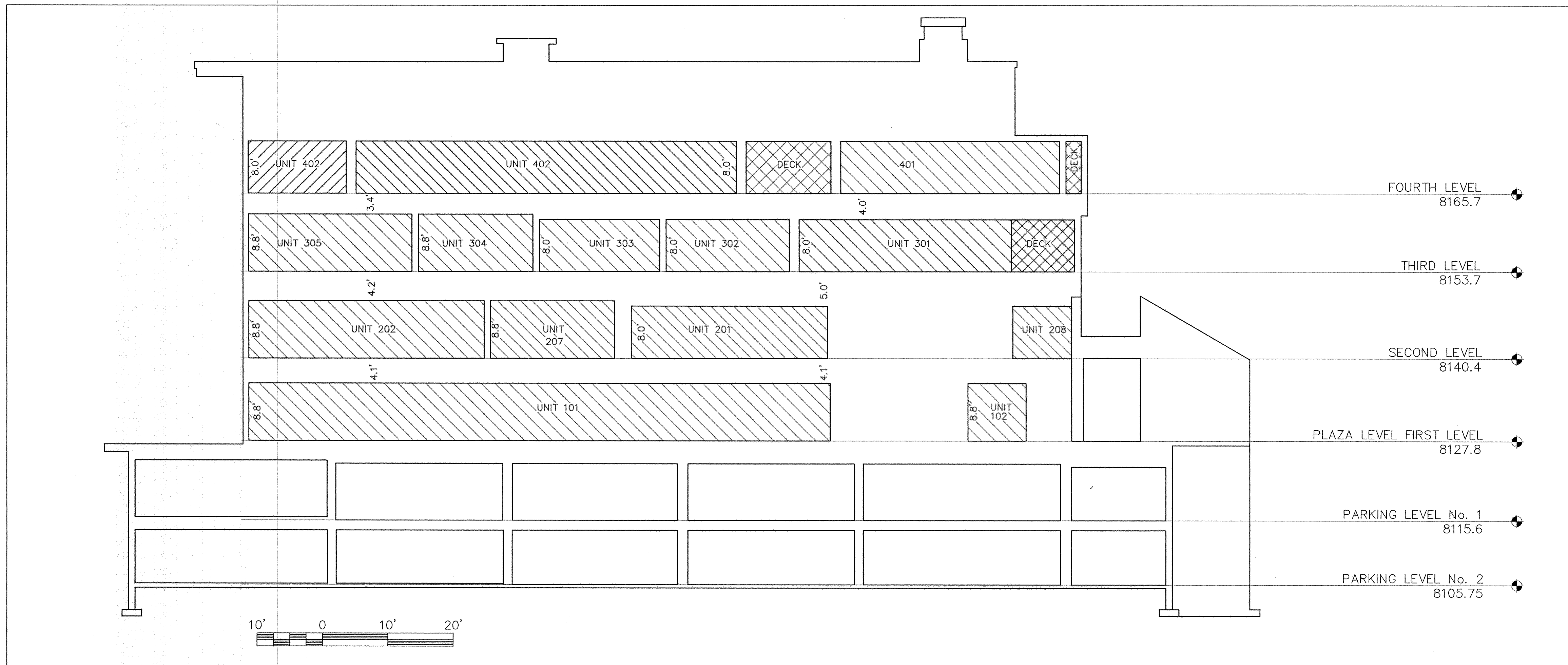
FEE \$63.00 RECORDER Deborah A. Bower, Deputy



UNITS 301 & 309



UNIT 402



BUILDING SECTION A-A'

- LEGEND
- PRIVATE OWNERSHIP
 - COMMON OWNERSHIP
 - LIMITED COMMON OWNERSHIP
 - PEDESTRIAN AND SKIER CIRCULATION EASEMENT

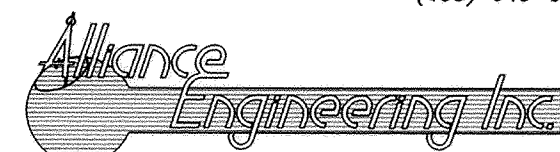
SECOND AMENDED
RECORD OF SURVEY MAP
ROYAL PLAZA
A UTAH CONDOMINIUM PROJECT
LOCATED IN SE 1/4 OF SECTION 8 & SW 1/4 OF SECTION 9
T2S, R4E, SLB & M

SHEET 2 OF 2

11/09/09 JOB NO.: 1-4-09 FILE: X:\SilverLakeVillage\dwg\sr\plat\plat2009\010409.dwg

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE CLERK'S OFFICE OF
DATE **02/01/2010** **11:14:46 AM** BY **2019 P: 0940**
ENTRY NO. 00891235
PLAT PAGE 1/1
63.00 BY HIGH COUNTRY TITLE
FEE 63.00 BY HIGH COUNTRY TITLE



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



Dear City of Park City & Nigel and Nicola Bain

The board of trustees have met and unanimously voted to allow the Bains to combine units #301 & #309 into one unit.

Thank you,

A handwritten signature in black ink, appearing to read 'B. VandenBroek', written over the printed name.

Brian VandenBroek
Board President

August 9, 2022

Gretchen Milliken, Planning Director
Rebecca Ward, Assistant Planning Director
Park City Planning Department
Park City Municipal Corporation
P.O. Box 1480
445 Marsac Avenue
Park City, UT 84060

Re: Plat Amendment/Condominium Combination Unit #309

Dear Gretchen and Rebecca:

Please find attached a Condominium Combination Plat Amendment for Royal Plaza Condominiums Units #301 and #309. The proposal is to combine the two Units into one Unit and officially refer to the combined Unit as Unit #309. The reason for combining the Units is to allow legal access to the combined Unit. In the 2010 Plat Amendment there was a change to the entrance alcove giving ownership of the entrance alcove to Unit #301 and leaving no legal access to Unit #309. This entrance alcove is not large enough to make two entrances. Therefore, by combining the Units, the access problem resulting from the 2010 Plat Amendment will be corrected. Once combined, the Units will connect internally. According to the existing Royal Plaza Plat, Unit #301 has 990 square feet and Unit #309 has 1,258 square feet for a combined total of 2,248 square feet. However, as is common with some of the older Park City condominium plats, the actual square footages and the Plat square footages are not identical.

The proposed combined Unit #309 has 2,304 square feet for a difference of 56 square feet. There are 64 square feet of common space located in the adjoining walls that would be converted to private space. In addition, there is a 24-square foot area that was identified as "Limited Common" space on the Plat as a deck, which was built into a bedroom back in 1991 when the building was constructed (please see Exhibit A). This similar Limited Common space is also enclosed as a bedroom in the same manner in Unit #401, which is located directly above Unit #301. Clearly, the construction in 1991 did not precisely reflect the Plat. The result is that the 24 square feet incorporated in the bedroom has been effectively private ownership for 41 years. Part of the request for this Plat Amendment would be to clarify this discrepancy and incorporate such 24 square feet into the ownership of the combined Unit.

Interestingly, there are many discrepancies between the Plat and the Units as they were constructed. The original square footage in 1991 of Units #301 and #309 was 2,098 square feet. In 2009, in the Third Amendment to the Declaration of Condominium for Royal Plaza (Entry #00891236, attached as Exhibit B) 150 square feet of Limited Common Area was added to Unit

Gretchen Milliken, Planning Director
August 9, 2022
Page Two

#309. According to the Third Amendment, the total amended square footage for Units #301 and #309 was 2,248 square feet.

In the current proposal, the addition of the common interior wall space (64 square feet) and the limited common deck space (24 square feet) should result in a total of 2,336 square feet of private space. However, the Unit was recently surveyed, and it has only 2,304 square feet. The difference between the square footage shown on the Plat and the actual surveyed square footage is 48 square feet. As was common in the 1990s, what was built and what was platted do not match up very gracefully. The purpose of this Plat Amendment, in addition to joining the two Units together, would be to correct the existing Plat and have it reflect the reality of a 40-year-old building.

There is no additional floor space being added to the Units or the Building. The change in numbers is the direct consequence of:

1. Measuring and including more accurately what was actually built, and
2. Changing the interior walls that now separate the two Units from "common space," into "private space."

The only change that would materially affect the other Unit owners within Royal Plaza is a slight change in Undivided Interests of the Units in Royal Plaza. If the proposal is approved by the City, combined Unit #309 would have a total of 2,304 square feet of private space. Accordingly, the total square footage would increase slightly, and consequently the Undivided Interest for Unit #309 would increase slightly, and the other Units within Royal Plaza would have their Undivided Interests decrease slightly. The desired result would be to correct a 40-year-old error.

At the July 20, 2022 Royal Plaza Homeowner's Association meeting, the Members voted unanimously to approve the combination of Units #301 and #309 into one Unit. Attached is a letter from the HOA which acknowledges this. There is no objection from the immediate neighbors, and the situation as described has been in place for almost 40 years. Our proposal combines the two Units and matches the Plat to the existing reality. We deeply appreciate the Staff's and the Commission's consideration of this proposal, and we are available to answer any questions or concerns whatsoever that you may have.

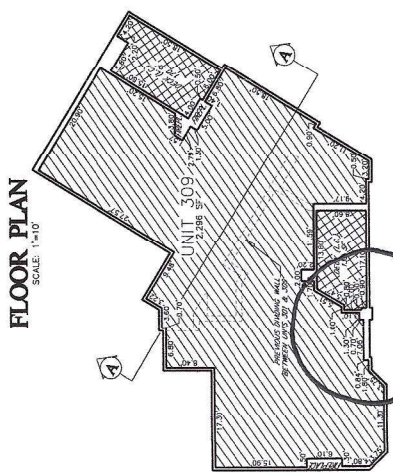
Sincerely,



Rory Murphy
Real Estate Advisor to the Bain Family
435-640-5068
paladinparkcity@aol.com

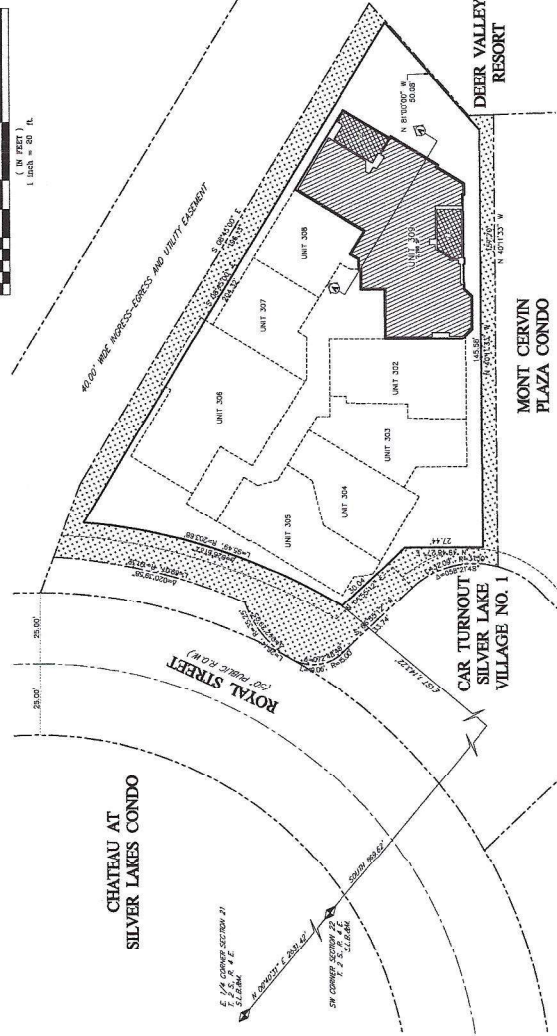
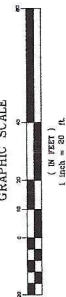
ROYAL PLAZA, FOURTH AMENDED COMBINING UNITS 301 & 309

LOCATED WITHIN THE SOUTHEAST QUARTER OF SECTION 9,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN,
PARK CITY, SUMMIT COUNTY, UTAH



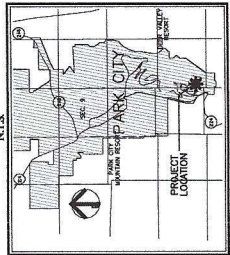
SUBJECT AREA SECTION A-A

SCALE: 1"=10'



- HATCHING LEGEND**
- UNITED COMMON AREA
 - PRIVATE AREA
 - COMMON AREA
 - REGULATORY EXCLUSION

VICINITY MAP



- NOTES FROM ORIGINAL PLAT**
- THIS RECORD MAP WAS COMPILED FROM RECORDS, INFORMATION OBTAINED BY THE ENGINEER AND FIELD SURVEY, AND FROM THE RECORD MAPS OF THE PROJECT.
 - THE ENGINEER HAS CONDUCTED A VISUAL INSPECTION OF THE PROJECT AND HAS FOUND THAT THE INFORMATION IS TRUE AND CORRECT.
 - THE ENGINEER HAS CONDUCTED A VISUAL INSPECTION OF THE PROJECT AND HAS FOUND THAT THE INFORMATION IS TRUE AND CORRECT.
 - THE ENGINEER HAS CONDUCTED A VISUAL INSPECTION OF THE PROJECT AND HAS FOUND THAT THE INFORMATION IS TRUE AND CORRECT.

ADDITIONAL NOTES

- LOCATED WITHIN THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH.
- THE PROJECT IS LOCATED WITHIN THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH.
- THE PROJECT IS LOCATED WITHIN THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH.
- THE PROJECT IS LOCATED WITHIN THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH.

OWNERS DEDICATION AND CONSENT TO RECORD - HOA

I, the undersigned, being the owner of the property described in the foregoing, do hereby dedicate and consent to the recording of the foregoing plat, and I warrant that the same is true and correct, and that I have no other interest in the same.

ACKNOWLEDGMENT

STATE OF UTAH, COUNTY OF SUMMIT, BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

OWNERS DEDICATION AND CONSENT TO RECORD

I, the undersigned, being the owner of the property described in the foregoing, do hereby dedicate and consent to the recording of the foregoing plat, and I warrant that the same is true and correct, and that I have no other interest in the same.

ACKNOWLEDGMENT

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ACKNOWLEDGMENT

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ACKNOWLEDGMENT

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ACKNOWLEDGMENT

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ACKNOWLEDGMENT

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I, the undersigned, being the owner of the property described in the foregoing, do hereby dedicate and consent to the recording of the foregoing plat, and I warrant that the same is true and correct, and that I have no other interest in the same.

ACKNOWLEDGMENT

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Evergreen Engineering, Inc.
Civil Engineering • Land Surveying • Land Planning
1000 West 1000 North, Suite 100 • Park City, UT 84302
Phone: (435) 243-1111 • Fax: (435) 243-1112
www.evergreeneng.com

RECORDED

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

DATE: _____

RECORDED: _____

ENTRY: _____

CERTIFICATE OF ATTEST

I CERTIFY THIS WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, A.D. 20__.

ATTEST: _____

CITY RECORDER: _____

COUNCIL APPROVAL & ACCEPTANCE

APPROVED AS TO FORM ON THIS _____ DAY OF _____, A.D. 20__.

ATTEST: _____

MAYOR: _____

APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS _____ DAY OF _____, A.D. 20__.

ATTEST: _____

CITY ATTORNEY: _____

PLANNING COMMISSION

RECOMMENDED BY THE PARK CITY PLANNING COMMISSION ON THIS _____ DAY OF _____, A.D. 20__.

ATTEST: _____

CHAIR: _____

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, A.D. 20__.

ATTEST: _____

BY: _____

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

CITY ENGINEER

I HAVE REVIEWED THE PLAT AND CONFORMANCE WITH INFORMATION ON FILE IN THE OFFICE OF THE CITY ENGINEER ON THIS _____ DAY OF _____, A.D. 20__.

ATTEST: _____

CITY ENGINEER: _____

PUBLIC SAFETY ANSWERING POINT APPROVAL

APPROVED THIS _____ DAY OF _____, A.D. 20__.

ATTEST: _____

SUMMIT COUNTY 35 COORDINATOR: _____

WHEN RECORDED RETURN TO:

Robert W. Wells
 Royal Plaza Condominium Association
 P. O. Box 3179
 Park City, Utah 84060

ENTRY NO. 00891236

02/01/2010 11:14:46 AM B: 2019 P: 0941

Declaration PAGE 1/4

ALAN SPRIGGS, SUMMIT COUNTY RECORDER

FEE 42.00 BY HIGH COUNTRY TITLE



THIRD AMENDMENT
 TO
 DECLARATION OF CONDOMINIUM
 FOR
ROYAL PLAZA

A CONDOMINIUM PROJECT

PARK CITY
 SUMMIT COUNTY, UTAH

THIS THIRD AMENDMENT TO DECLARATION OF CONDOMINIUM FOR ROYAL PLAZA A CONDOMINIUM PROJECT (hereinafter referred to as the "Second Amendment") is made this 6th day of November, 2009 by the ROYAL PLAZA OWNERS ASSOCIATION, INC. (hereinafter referred to as the "Association"):

WITNESSETH:

WHEREAS, on April 4, 1991, a document entitled Declaration of Condominium for Royal Plaza a Condominium Project was recorded as Entry No. 338595 in Book 601, beginning at Page 788, in the official records of the Summit County Recorder (the "Original Declaration"), the First Amendment to said Declaration was recorded on August 8, 1997 as Entry No. 484070 in Book 1065, Pages 533 to 536, in the official records of the Summit County Recorder and the Second Amendment to said Declaration was recorded on March 19, 2003 as Entry No. 651655 in Book 1519, Pages 1141-1144 (the First and Second Amendments together with the Original Declaration and all subsequent amendments thereto, the "Declaration").

WHEREAS, The Record of Survey Map for the Royal Plaza Condominiums (referred to below as the "Map") was recorded on the 4th day of April, 1991 as Entry No. 338594, in the office of the Summit County Recorder and an Amendment to said Map was recorded on the 30th day of April, 2003 as Entry No. 656508, in the office of the Summit County Recorder.

WHEREAS, ARTICLE XIV, Section 14.05 of the Declaration allows for Amendment of the Declaration by "Owners holding at least sixty percent (60%) of the total votes in the Association..."; and

WHEREAS, on the 2nd day of April, 2009, by a duly noticed Special Meeting of the Association, Owners holding 100% of the total votes in the Association, either in person or by duly executed proxy, authorized and directed this Third Amendment to be signed and recorded by Robert W. Wells, as a member of the Board of Trustees, and on behalf of the Association, said Third Amendment to (a) effectively re-characterize approximately 425 square feet of Common Area immediately adjacent to Unit 402 as an appurtenant addition to Unit 402, (b) effectively re-characterize approximately 130 square feet of Limited Common Area appurtenant to Unit 402 as an appurtenant addition to Unit 402, and (c) effectively re-characterize approximately 150 square feet of existing Limited Common Area as an addition to Unit 309; and

WHEREAS, this Third Amendment is intended to apply to and be binding upon all units of the Royal Plaza Condominiums;

NOW, THEREFORE, the Declaration is hereby amended as follows:

1. The Association has determined that it is in the mutual best interest of the Association and the Owners of Units 402 and 309 to permanently re-characterize (a) approximately 425 square feet of Common Area immediately adjacent to Unit 402 as an appurtenant addition to Unit 402, (b) approximately 130 square feet of Limited Common Area appurtenant to Unit 402 as an appurtenant addition to Unit 402, and (c) approximately 150 square feet of existing Limited Common Area as an addition to Unit 309; for the use, enjoyment, and benefit of the Owners of said Units 402 and 309, subject only to the provisions of the Declaration as amended. To that end, Exhibit A of the Declaration is hereby amended and replaced with Exhibit A attached hereto in order to account for the increase in the total square footage of Units from 31,343 square feet to 32,048 square feet. The Owners of Units 402 and 309 retain all permission previously granted by the Association to enclose or build out the additional spaces subject to obtaining appropriate building permits from Park City Municipal Corporation.

2. The definition of "Map" as set forth in ARTICLE I, Section 1.13, is also hereby amended so as to include the change set forth above. An appropriate amendment to the Map shall subsequently be prepared and recorded at the sole expense of the Owners of Units 309 and 402 to accurately reflect the change set forth above.

3. This Third Amendment is intended to run with the land, and the provisions hereof, shall accrue to the benefit of the Owners of Units 402 and 309, and their heirs, successors and assigns. The provisions of the Third Amendment shall likewise be binding upon the Association, its members, and all Units located in the Royal Plaza Condominiums. The Association agrees to execute any further instruments necessary to effect the changes set forth above.

IN WITNESS WHEREOF, the undersigned Association hereby consents to and adopts this Third Amendment as evidenced by its signature below as of the date first above written.

ROYAL PLAZA OWNERS ASSOCIATION, INC.

by:


Robert W. Wells, Secretary/Treasurer

STATE OF UTAH

)

ss.

COUNTY OF SUMMIT

)

On the 6th day of November, 2009, before me, the undersigned, a Notary Public in and for the said County and State, personally appeared Robert W. Wells, known to me to be the Secretary/Treasurer of Royal Plaza Owners Association, Inc., who executed the within instrument on behalf of the Royal Plaza Owners Association, and acknowledged to me that he executed the same.

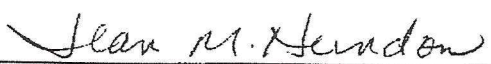

Notary Public
Residing at: Davis Co. UT
Commission Expires: 7-5-2012



EXHIBIT A**ATTACHED TO DECLARATION OF CONDOMINIUM
FOR ROYAL PLAZA**

UNIT NO.	SQUARE FEET	UNDIVIDED INTEREST IN COMMON AREAS	NUMBER OF VOTES
101	3903	12.179%	121789
102	357	1.114%	11140
103	1406	4.387%	43869
104	1573	4.908%	49079
105	1560	4.868%	48679
201	1806	5.635%	56349
202	1003	3.130%	31300
203	377	1.176%	11760
204	742	2.315%	23150
205	2827	8.821%	88209
206	773	2.412%	24120
207	422	1.317%	13170
208	56	0.175%	1750
301	990	3.089%	30890
302	848	2.646%	26460
303	855	2.668%	26680
304	829	2.587%	25870
305	869	2.712%	27120
306	1357	4.234%	42339
307	731	2.281%	22810
308	732	2.284%	22840
309	1258	3.925%	39249
401	2124	6.628%	66280
402	2549	7.954%	79539
403	1359	4.241%	42409
404	742	2.315%	23150
TOTALS	32048	100.00%	1000000

Planning Commission Staff Report



Subject: Founders Place
Applications: PL-21-04917; PL-21-05056
Author: Rebecca Ward
Date: October 12, 2022
Type of Item: Administrative – Development Agreement Modification

Recommendation

(I) Review the proposed modifications to the Founders Place Development Agreement; (II) conduct a public hearing; and (III) consider the Applicant's request to amend Development Agreement Section(3)(e) *Development Phasing* (Exhibit A).

Description

Applicant: Bill Fiveash with Deer Crest Associates I, LC

Location: Parcel 00-0021-01977 in Wasatch County
3267 West Deer Hollow Road

Zoning District: Recreation Commercial within a Master Planned Development

Adjacent Land Uses: Residential; Open Space; Deer Valley Resort

Reason for Review: The Planning Commission holds a public hearing and ratifies Development Agreements.¹

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

Background

On January 12, 2022, the Planning Commission approved substantive modifications to a Master Planned Development and a Conditional Use Permit for Multi-Unit Dwellings for the Founders Place project, a 354,264-square-foot ski-in ski-out village located in the Deer Crest area on 30.7 acres ([Staff Report](#); [Minutes](#), p. 18).

Condition of Approval 6 required the Applicant to submit a draft Development Agreement to the Planning Department within six months of the approval. On May 23, 2022, the Applicant submitted a draft Development Agreement. The Development Agreement was scheduled for Planning Commission review and ratification on June 22 but was continued to July 13 to accommodate the Commission's full agenda. On July 13, the Planning Commission again continued the item to July 27, 2022 ([Staff Report](#); [Minutes](#), p. 29).

¹ LMC [§ 15-6-4\(l\)](#).

On July 27, 2022, the Planning Commission ratified the Founders Place Development Agreement, amending the phasing plan outlined in Section (3)(e) *Development Phasing* ([Staff Report](#); [Draft Development Agreement](#); [Minutes](#), p. 33). The Applicant requests the Planning Commission reconsider the amendments to Section (3)(e).

Analysis

The Planning Commission holds a public hearing and ratifies a Development Agreement for an approved Master Planned Development.² LMC [§ 15-6-4\(l\)](#) requires ten criteria for Development Agreements, including a project phasing plan.

The Applicant outlined the following timeline for the Founders Place development for Planning Commission review (January 12, 2022 [Exhibit B: Applicant's Submittal](#), p. 7):³

2.14 PHASING

The project will be constructed in 3 phases with a timeline based on the economic conditions of the time. A summary of the scope and general timeline of each phase is defined below:

- Phase I:	Includes Buildings 1 and 2, Amenity Space, and the Pool/Ski Deck.	
	Housing Unit Count this Phase:	32
	Total GSF this Phase:	158,813 GSF
	Construction Start Date:	Spring 2022
- Phase II:	Includes Building 3	
	Housing Unit Count this Phase:	19
	Total GSF this Phase:	89,422 GSF
	Construction Start Date:	Spring 2023
- Phase III:	Includes Building 4 and Associated Pedestrian Bridge	
	Housing Unit Count this Phase:	27
	Total GSF this Phase:	114,222 GSF
	Construction Start Date:	Spring 2024

After the Planning Commission approved the project, the Applicant proposed a modified phasing plan with changes shown below in red, which were reviewed by the Planning Commission in the July 27, 2022 meeting:

¶ 3(a) *Phase I consists of four affordable housing units, 32 for-sale condominium units and amenities, including the additions, buildings, and uses as approved in the attachments hereto, as well as 53 underground parking stalls with conduit for ten Electric Vehicle Charging Stations, installation of a dual-port Electric Vehicle Charging Station with one ADA accessible Charging Station, and two Electric Vehicle Charging Station installations, and four at-grade parking spaces in the entry area for the amenities building. Developer shall use commercially reasonable efforts to apply for building permits for the Phase I Development by December 8,*

² LMC [§ 15-6-4\(l\)](#).

³ Please note the affordable units are excluded from the market-rate unit count in the phasing plan and are addressed in the Housing Mitigation Plan and Development Agreement. LMC [§ 15-6-8](#) excludes affordable units from the project's density when the affordable units are constructed on site.

2022.

¶ 3(b) Phase II consists of one affordable housing unit, 19 for-sale condominium units, 32 underground parking stalls with conduit for six Electric Vehicle Charging Stations, installation of two Electric Vehicle Charging Stations, and landscaping. *Developer shall use commercially reasonable efforts to apply for building permits for Phase II within three (3) years following the issuance of the final Certificate of Occupancy for Phase I.*

¶ 3(c) Phase III consists of one affordable housing unit, 27 for-sale condominium units, 38 underground parking stalls with conduit for six Electric Vehicle Charging Stations, installation of one Electric Vehicle Charging Station, three at-grade parking stalls, a pedestrian bridge, and landscaping. *Developer shall use commercially reasonable efforts to apply for building permits for Phase III within three (3) years following the issuance of the final Certificate of Occupancy for Phase II.*

In the July 27, 2022 meeting, the Planning Commission ratified the Development Agreement, but expressed concerns regarding the phasing plan. The Planning Commission unanimously voted to ratify the Development Agreement but amended Section (3)(e) *Development Phasing* to state that failure to adhere to the Phasing Plan by 2032 by virtue of the issuance of a building permit for Phase III would require the developer to return to the Planning Commission to modify the phasing plan, or the approval would expire.

As a result of the Planning Commission's motion amending the Development Agreement, staff modified the language of Section (3)(e) as follows:

If the Developer does not obtain an approved building permit for Phase 3 by January 1, 2032, the Developer must obtain approval of a substantive amendment to the Phasing Plan by the Planning Commission, prior to further permit issuance. Failure to obtain approval of the Phasing Plan amendment by June 30, 2032 will result in the expiration of the MPD.

The Applicant requests the Planning Commission amend Section (3)(e) as follows:

If the Developer does not apply for a building permit for Phase 3 by June 30, 2032, the Developer must obtain approval of a substantive amendment to the Phasing Plan by the Planning Commission, prior to further permit issuance. Failure to apply for a Phasing Plan amendment by June 30, 2032 will result in the expiration of the MPD.

Planning staff and the City Attorney's Office recommend Section (3)(e) reflect the Planning Commission's July 27, 2022 amendment. The Planning Commission's January 12, 2022 approval contains Conditions of Approval that must be addressed at the

building permit stage. These Conditions of Approval require careful review and preparation by the Applicant prior to submitting a building permit for each project phase, as well as detailed staff review of the building permit for each phase. Conditions of Approval include affordable housing obligations, Electric Vehicle Charging Station requirements, Dark Sky Code compliance, roof design specifications, restrictions to limits of disturbance, retaining wall and grading restrictions, heightened sustainability standards, as well as overall project and code compliance. As a result, staff recommends that the Planning Commission's amendment to Section (3)(e) remain in effect and the Applicant complete the final building permit approval by January 1, 2032, or the project requires additional review by the Planning Commission, or the approval expires.

Exhibits

Exhibit A: Draft Founders Place Development Agreement

Attachment 1 – January 12, 2022 Project Approval

Attachment 2 – Housing Mitigation Plan

Attachment 3 – Legal Description

Attachment 4 – Community Benefit Agreement

WHEN RECORDED, MAIL TO:

City Recorder
Park City Municipal Corporation
P.O. Box 1480
Park City, Utah 84060-1480

Tax I.D.: _____

**DEVELOPMENT AGREEMENT
FOR FOUNDERS PLACE
PARK CITY, UTAH**

This Development Agreement ("**Agreement**") is entered into as of this ____ day of August, 2022 ("**Effective Date**"), by and between the Deer Crest Associates I, L.C., a Utah Limited Liability Company (with its successor and assigns, "**Developer**"), and Park City Municipal Corporation, a municipality and political subdivision of the State of Utah ("**Park City**"). Developer and City may each sometimes be referred to herein as a "party" or, collectively as the "parties".

RECITALS

A. Developer is the owner of approximately 30.7 acres of real property, consisting of four (4) subdivided lots known as Lot 1, Lot 2, Lot 3, and Lot 4 (Open Space) of the Founders Place Subdivision, located in Park City, Wasatch County, Utah (the "**Property**") and recorded with the Wasatch County Recorder on the 5th day of July, 2022, as Entry No. 521735 as more particularly shown on the Founders Place Subdivision plat.

B. On January 12, 2022, Park City approved Modifications to the Master Planned Development (PL-21-05056) and a Conditional Use Permit (PL-21-04917) ("**Project Approval**"), attached hereto as Attachment 1, which grants the Developer the right to develop the Property as set forth in this Agreement (the "**Project**") and consistent with the Deer Crest Master Planned Development and the 1995 Settlement Agreement and subsequent amendments ("**MPD**").

C. The Park City Land Management Code ("**LMC**") requires Development Agreements for Master Planned Developments.

D. Developer desires to design and develop the Project in a manner that is in harmony with and intended to promote the long-range policies, goals, and objectives of the Park City General Plan, and to address other issues as more fully set forth below.

E. In furtherance of its land use policies, goals, objectives, ordinances,

resolutions, and regulations, Park City has made certain determinations with respect to the Project, and, in the exercise of its legislative discretion, has elected to enter into this Development Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing, the mutual covenants made herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Project Conditions:

(a) The Project is located in the Recreation Commercial Master Planned Development (RC-MPD) Zoning District. The Project Approval is incorporated herein as the Project, subject to changes detailed herein.

(b) Except as otherwise provided for in Section 5.7.5 of the December 29, 1995 Settlement Agreement by and between Park City Consolidated Mines Company, a Utah corporation, Trans-Wasatch Company, LLC, a Utah limited liability company, and Park City Municipal Corporation, a political subdivision of the State of Utah, and the December 17, 1998 Deer Crest Interlocal Agreement, Developer agrees to pay the then current impact fees imposed and as uniformly established by the Park City Municipal Code at the time of permit application.

(c) Developer agrees that the following are required to be entered into and approved by Park City prior to issuance of a Building Permit(s):

- (i) construction mitigation plan (CMP);
- (ii) utility and grading plans;
- (iii) storm water plans; and
- (iv) water efficient landscape and irrigation plan showing snow storage areas.

(d) Developer is responsible for compliance with all local, state, and federal regulations regarding contaminated soils as well as streams and wetlands.

2. Vested Rights and Reserved Legislative Powers

(a) Subject to the provisions of this Agreement, Developer shall have the right to develop and construct the Project in accordance with the uses, densities, intensities, and general configuration of development outlined in the Project Approval and this Agreement.

(b) Developer acknowledges that Park City is restricted in its authority to

limit its police power by contract and that the limitations, reservations, and exceptions set forth herein are intended to reserve to Park City all of its police power that cannot be so limited. Notwithstanding the retained power of Park City to enact such legislation under the police power, such legislation shall only be applied to modify the existing land use and zoning regulations which are applicable to the Project under the terms of this Agreement based upon policies, facts, and circumstances meeting the compelling, countervailing public interest exception to the vested rights doctrine in the State of Utah. Any such proposed legislative changes affecting the Project and terms and conditions of this Agreement applicable to the Project shall be of general application to all development activity in Park City; and, unless Park City declares an emergency, Developer shall be entitled to the required notice and an opportunity to be heard with respect to the proposed change and its applicability to the Project under the compelling, countervailing public interest exception to the vested rights doctrine.

3. Development Phasing

Project Approval expires two years from the date of execution of this Agreement unless construction, as defined by the International Building Code, has commenced on the Project. Construction of the Project is planned in phases in accordance with the following, which specifies the anticipated development activity to be included in each phase:

(a) Phase I consists of four affordable housing units, 32 for-sale condominium units and amenities, including the additions, buildings, and uses as approved in the attachments hereto, as well as 53 underground parking stalls with conduit for ten Electric Vehicle Charging Stations, installation of a dual-port Electric Vehicle Charging Station with one ADA accessible Charging Station, and two Electric Vehicle Charging Station installations, and four at-grade parking spaces in the entry area for the amenities building. Developer shall use commercially reasonable efforts to apply for building permits for the Phase I Development by December 8, 2022.

(b) Phase II will consist of one affordable housing unit, 19 for-sale condominium units, 32 underground parking stalls with conduit for six Electric Vehicle Charging Stations, installation of two Electric Vehicle Charging Stations, and landscaping. Developer shall use commercially reasonable efforts to apply for building permits for Phase II within three (3) years following the issuance of the final Certificate of Occupancy for Phase I.

(c) Phase III will consist of one affordable housing unit, 27 for-sale condominium units, 38 underground parking stalls with conduit for six Electric Vehicle Charging Stations, installation of one Electric Vehicle Charging Station, three at-grade parking stalls, a pedestrian bridge, and landscaping. Developer shall use commercially reasonable efforts to apply for building permits for Phase III within three (3) years following the issuance of the final Certificate of Occupancy for Phase II.

(d) Subject to completion of a Construction Mitigation Plan approved by the City, the Developer may commence grading access to the Project as approved by the City Engineer according to generally accepted engineering practices and standards, and pursuant to permit requirements of the Park City Land Management Code, and the International Building Code/Fire Code. Developer shall be responsible for maintenance of any such accesses until they are completed according to Park City standards and accepted by Park City.

(e) If the Developer does not obtain an approved building permit for Phase 3 by January 1, 2032, the Developer must obtain approval of a substantive amendment to the Phasing Plan by the Planning Commission, prior to further permit issuance. Failure to obtain approval of the Phasing Plan amendment by June 30, 2032 will result in the expiration of the MPD.

4. Affordable Housing

(a) The Founders Place Housing Mitigation Plan requires:

- i. six on-site affordable units totaling 5,400 square feet to provide on-site affordable employee units to serve managers, full-time, and seasonal employees, and
- ii. a community benefit fee to contribute to the Park City affordable housing fund for citywide initiatives.

1. The community benefit fee shall be 0.50% of the net purchase price for each initial market-rate unit sale and 0.25% for each subsequent transfer through December 31, 2040.

(b) On January 13, 2022, the Park City Housing Authority approved the Housing Mitigation Plan, attached hereto as Attachment 2, in fulfillment of the housing obligations for the Project.

(c) The Developer shall comply with the Housing Mitigation Plan requirements for each phase prior to receiving a certificate of occupancy for any unit within such phase. Deed restrictions for the affordable units shall be recorded at Wasatch County as outlined in the Housing Mitigation Plan.

5. Transportation Demand Management Plan

(a) The Founders Place Homeowner Association shall finance and operate an ongoing ride-share service that (1) provides pick-up within 15 minutes of request for owners, employees, and guests; (2) provides service anywhere within the Park City area; and (3) encourages the use of shared ride services from the Salt Lake City International Airport through pre-arrival assistance in booking such services and by

notifying owners and guests of the availability of onsite alternatives.

(b) The Developer's Transportation Demand Management Plan requires the following:

- i. Grocery Delivery – onsite property management shall work with local grocery delivery services to provide pre-arrival shopping services. Staff shall offer pre-arrival shopping services.
- ii. Onsite Ski Valet shall be offered so guests do not have to drive into town to rent equipment.
- iii. Pre-Ski and Après Ski Activities – amenities shall include a continental breakfast, après ski events, on-site entertainment, and an on-site restaurant.

6. Sustainability

Developer shall install low-flow plumbing fixtures. Gas fireplaces and cooking appliances are prohibited in residential units. The final project shall achieve LEED Residential BD+C Multifamily certification or similar equivalent or improved certification and approved by the Sustainability Department within 18 months of the issuance of a certificate of occupancy for each phase. The Sustainability Department shall review and approve all Founders Place building permits for compliance with sustainability standards prior to building permit issuance. Certification shall include at a minimum:

- (a) Heat island reduction through reduction in hardscape, maximized landscaping and open space, and inclusion of green and ballasted roofs;
- (b) Light pollution reduction through vertical illuminance calculations to minimize light pollution;
- (c) Water use reduction through use of low-flow plumbing fixtures in public and private areas and minimizing irrigation demand through native and drought-tolerant plantings;
- (d) Minimum energy performance through energy-efficient mechanical systems, Energy Star rated appliances, tight thermal enclosure with associated enclosure commissioning, and fenestration systems that exceed prescriptive U values; and
- (e) Indoor air quality through unit ventilation systems, operable window/door systems, air filtering, and low emittance product specifications for indoor materials.

7. Successors and Assigns

(a) This Agreement shall be binding on the successors and assigns of Developer in the ownership or development of any portion of the Project.

(b) Neither this Agreement nor any of the provisions, terms, or conditions

hereof (except with regard to the sale and transfer of condominium units) can be assigned to any other party, individual, or entity without assigning the rights as well as the responsibilities under this Agreement. Developer shall provide written notice of any such assignment by letter addressed to Park City. This restriction on assignment is not intended to prohibit or impede the sale of parcels of fully or partially improved or unimproved land by Developer prior to construction of buildings or improvements on the parcels, with Developer retaining all rights and responsibilities under this Agreement.

(c) Developer shall be entitled to transfer any portion or all of the Project consistent with the terms of this Agreement upon written notice to the City. In the event of a complete transfer of the Developer's interest in the Project, the recipient/purchaser shall be deemed to be substituted as the Developer for all rights and obligations specified in this Agreement for the portion of the Facility transferred.

(d) In the event of a full or partial transfer of the Project, the recipient/purchaser shall be bound by all of the Developer rights and obligations under this Agreement. The recipient/purchaser shall be fully substituted as the Developer under the terms of this Agreement, and the Developer executing this Agreement shall be fully released from any further obligations with respect to this Agreement for the parcel so transferred.

8. General Terms and Conditions

(a) The term of this Agreement shall commence on the Effective Date and shall extend for a period of twenty-five (25) years following such Effective Date. Developer and Park City may agree to extend this Agreement for additional ten (10) year terms as long as the terms of this Agreement have been substantially complied with, and this Agreement has not been earlier terminated, or its term otherwise modified by written amendment. The joinder of any additional parties following the initial effective date shall not extend or otherwise affect the term of this Agreement

(b) This Agreement shall be recorded against the Property, as legally described on Attachment 3, and shall be deemed to run with the land and shall be binding on all successors and assigns of Developer in the ownership or development of any portion of the Property.

(c) This Agreement does not create any joint venture, partnership, undertaking, or business arrangement between the parties hereto, nor any rights or benefits to third parties.

(d) This Agreement and Attachments attached and incorporated herein contain the entire Agreement with respect to the subject matter hereof and integrate all prior conversations, discussions, or understandings of whatever kind or nature and may only be modified by a subsequent writing duly executed by the parties hereto.

(e) If any part or provision of this Agreement shall be determined to be unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, then such a decision shall not affect any other part or provision of this Agreement except that specific provision determined to be unconstitutional, invalid, or unenforceable. If any condition, covenant, or other provision of this Agreement shall be deemed invalid due its scope or breadth, such provision shall be deemed valid to the extent of the scope or breadth permitted by law.

(f) If this Agreement or any of the Attachments hereto are breached, the party at fault agrees to pay the attorney fees and other costs of enforcement of the non-breaching party.

9. Notices

All notices, requests, demands, and other communications hereunder shall be in writing and shall be given (i) by Federal Express, UPS, or other established express delivery service that maintains delivery records, (ii) by hand delivery, or (iii) by certified or registered mail, postage prepaid, return receipt requested, to the parties at the following addresses, or at such other address as the parties may designate by written notice in the above manner:

To Developer:

Deer Crest Associates I, L.C.
Bill Fiveash
1375 Deer Valley Drive, #105
Park City, UT 84060

To Park City:

Park City Municipal Corporation
445 Marsac Avenue
PO Box 1480
Park City, UT 84060
Attn: City Attorney

Such communication may also be given by email transmission, provided any such communication is concurrently given by one of the above methods. Notices shall be deemed effective upon receipt, or upon attempted delivery thereof if delivery is refused by the intended recipient or if delivery is impossible because the intended recipient has failed to provide a reasonable means for accomplishing delivery.

List of Attachments

Attachment 1 – January 12, 2022 Project Approval

Attachment 2 – Housing Mitigation Plan
Attachment 3 – Legal Description
Attachment 4 – Community Benefit Agreement

IN WITNESS WHEREOF, this Agreement has been executed as of the day and year first above written by a duly authorized representative of each of the parties hereto.

[Signature Pages Follow]

PARK CITY

Park City Municipal Corporation

By: _____
Name: Nann Worel
Its: Mayor

ACKNOWLEDGEMENT

STATE OF UTAH)
 :
ssCOUNTY OF SUMMIT)

On this ____ day of _____, 2022, personally appeared before me _____, who being by me duly sworn did say that she is the Mayor of Park City Municipal Corporation, a Utah municipal corporation, and that the Development Agreement for the Founders Place, Park City, *Utah* was signed on behalf of such entity.

Notary

Public

Residing

at:

My Commission Expires:

DEVELOPER

Deer Crest Associates I, L.C., a Utah limited liability company

By: _____
Name: _____
Its: _____

ACKNOWLEDGEMENT

STATE OF UTAH)
 :
ssCOUNTY OF SUMMIT)

On this ____ day of _____, 2022, personally appeared before me _____, who being by me duly sworn did say that he _____ is the _____ of _____, and that the Development Agreement for the Founders Place, Park City, *Utah* was signed on behalf of such entity.

Notary

Public

Residing

at:

My Commission Expires:



Planning Department

January 12, 2022

Deer Crest Associates I, LC
1375 Deer Valley Drive STE 105
Park City, Utah 84060
435-714-0267

CC: Bill Fiveash

NOTICE OF PLANNING COMMISSION ACTION

Description

Address: Parcel 00-0021-01977 in Wasatch County

Zoning District: Recreation Commercial within a Master Planned Development

Application: Modification to a Master Planned Development
Conditional Use Permit

Project Number: PL-21-05056; PL-21-04917

Action: APPROVED WITH CONDITIONS (See Below)

Date of Final Action: January 12, 2022

Project Summary: The Applicant proposes to construct a 354,264-square-foot ski-in ski-out village in the Deer Crest area in three phases.

Action Taken

On January 12, 2022, the Planning Commission conducted a public hearing and approved the Founders Place Modifications to a Master Planned Development and Multi-Unit Dwelling Conditional Use Permit according to the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact

1. Founders Place (formerly known as Deer Hollow and Slalom Village) is in the Deer Crest area east of Deer Valley Resort and west of HYW 40 along Deer Hollow Road, a private road accessed from Park City through the Queen Esther Gatehouse to the west or from HWY 40 through the Jordanelle Gatehouse to the east.
2. The Applicant proposes constructing 199,200 square feet for 78 residential units in four buildings, 5,400 square feet for six affordable employee units, 3,299



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square feet of support commercial, 100,857 square feet of residential accessory uses, and 45,578 square feet for 123 underground parking spaces, five uncovered parking spaces, and parking circulation.

3. On October 19, 2021, the Park City Development Review Committee evaluated the project and did not identify issues or concerns.
4. On October 27, 2021, the Planning Commission conducted a work session on the project.
5. On November 4, 2021, the Wasatch County Development Review Committee evaluated the project and provided input and recommended Conditions of Approval.
6. On November 10, 2021, the Planning Commission visited the site.
7. On November 10, 2021, the Planning Commission was scheduled to determine whether the project is a minor or substantive modification to the Master Planned Development. However, prior to the meeting, the Applicant agreed the modification is substantive and the Planning Commission continued the discussion to December 8, 2021.
8. On December 8, 2021, the Planning Commission reviewed the project, conducted a public hearing, and continued the item to January 12, 2022.
9. The area was originally within unincorporated Wasatch County and the proposed project started the land use review process with Wasatch County in the late 1980s.
10. In 1989, the property owner applied for a Density Determination from Wasatch County to develop what was then called the Telemark Park Resort.
11. In 1991, the Wasatch County Commissioners approved the Density Determination.
12. However, due to the project's location in several jurisdictions, a lawsuit ensued regarding development and services.
13. In 1995, Park City Consolidated Mines Company, Trans-Wasatch Company, and Park City Municipal Corporation entered into the Telemark Settlement Agreement.
14. The 1995 Settlement Agreement ¶ 2.2 describes the location of the Deer Crest property, which straddles several jurisdictions: *A portion of the Property lies within Park City city limits, and another portion of the Property lies within the annexation boundary of Park City. Of the approximately 678 acres, 524 acres lie within unincorporated Wasatch County, approximately 84 acres lie within unincorporated Summit County and approximately 70 acres lie within the Park City Municipal Corporation city limits.*
15. The 1995 Settlement Agreement outlined the process and conditions for annexing portions of the Deer Crest property into Park City, as well as development parameters. The 1995 Settlement Agreement established the following regarding Founders Place within what was then identified as the Slalom Village development envelope:



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- a. No more than 83 Multi-Unit Dwellings at 2,400 square feet per unit (totaling 199,200 square feet)
 - b. 60% of the Multi-Unit Dwellings concentrated in a primary village structure
 - c. Four Single-Family Dwellings
 - d. A 20,000-square-foot ski academy
 - e. A ski chairlift located within a 1,100-foot radius of the primary village structure
 - f. Support commercial up to 5% of the gross square footage and appropriate amenities
16. The 1995 Settlement Agreement required the property owners to amend the 1991 Wasatch County Density Determination. In 1996, the First Amended Density Determination was recorded with Wasatch County. The First Amended Density Determination increased the single-family dwellings from four to five and included 83 townhouse/cottages (units not to exceed 2,400 square feet, totaling 199,200 square feet).
 17. In 1997, the parties amended the 1995 Settlement Agreement, transferring the 20,000-square-foot ski academy to Telemark Park (also known as the Jordanelle Village Resort).
 18. On December 17, 1998, the City Council approved Ordinance No. 98-53, annexing 253 acres of the Deer Crest property into Park City.
 19. Also on December 17, 1998, the City Council approved Ordinance No. 98-51, amending the Zoning Map to include the Deer Crest annexation area.
 20. Founders Place is in the Recreation Commercial within a Master Planned Development Zoning District.
 21. On December 23, 1998, Deer Crest Associates I, LC recorded the Deer Hollow Village Subdivision at Deer Crest, creating five single-family lots pursuant to the Founders Place density allocation.
 22. In 2021, the Applicant submitted Conditional Use Permit, Modification to a Master Planned Development, Subdivision, and Phase I Condominium Plat applications to construct the remaining Multi-Unit Dwelling density.
 23. The proposal complies with Land Management Code Chapter 15-2.16 *Recreation Commercial District* and Chapter 15-6 *Master Planned Developments*.
 24. The Proposal Complies with Density Allocated in the 1995 Settlement Agreement and Reiterated in the First Amended Density Determination. Density for the Founders Place Site was established in the 1995 Settlement Agreement (no more than 83 Multi-Unit Dwellings at 2,400 square feet per unit, totaling 199,200 square feet) and the First Amended Density Determination (83 townhouse/cottages units not to exceed 2,400 square feet, totaling 199,200 square feet).
 25. The Applicant proposes 78 Residential Units, totaling 199,200 square feet, and six Affordable Units. Affordable Units constructed on site do not count toward the



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Residential Unit Equivalents of an MPD and are therefore exempt from project Density.

26. The Proposal Complies with Setbacks. The minimum Setback around exterior boundaries of an MPD is 25 feet. In addition to the 25-foot perimeter Setback, the internal Setbacks for this project are established in ¶ 4 of the First Amended Density Determination: a 40-foot Setback from the road centerline; a 25-foot Rear Setback; a 10-foot Side Setback.
27. The Applicant proposes subdividing the property to align with the proposed phasing of the project, creating three separate lots, and three separate condominium plats. As a result, there will be a common wall created between proposed Lots 1 and 2. Pursuant to LMC § 15-2.16.3(G), a side Setback between connected structures is not required where structures are designed with a common wall on a property line and a party wall agreement is recorded in a form approved by the City Attorney and Chief Building Official.
28. MPDs must contain a minimum of 60% Open Space. The 30.7-acre Parcel totals 1,337,292 square feet. The gross building footprint square footage for the site is 345,405 square feet and the driveway square footage is 22,309 square feet, totaling 367,714 square feet. Proposed Open Space for the 30.7-acre Parcel is 72%.
29. Open Space requirements for 526 acres within the Deer Crest area were outlined in the First Amended Density Determination. ¶ 1 of the First Amended Density Determination required that 312 of the 526 acres be preserved as Open Space, totaling 60%.
30. The Applicant Proposes Reduced Parking. The 1995 Settlement Agreement ¶ 5.2.3.10 requires that *Property Owners may construct no more parking stalls underneath the [Founders Place] multi-family unit structure than are required to service that structure as may be required by the appropriate Wasatch County official(s).* . . . ¶ 11(C) of the First Amended Density Determination approved by Wasatch County requires 166 parking spaces for the development. The Applicant proposes 128 parking spaces, a 23% reduction.
31. The Applicant's request to reduce the parking from the 159 spaces required by the LMC to 128 parking spaces is a 20% reduction.
32. The Applicant's Parking Study references the Institute of Transportation Engineer's Parking Generation Manual 5th Edition, which estimates peak parking demand for a project based on its land use with estimates developed from parking demand studies at similar sites over the past 40 years. The Parking Supply Study concludes that Founders Place will produce an estimated parking demand of 104 parking spaces. The Applicant proposes 128 total parking spaces with 123 underground parking spaces and five uncovered parking spaces.
33. The Applicant's Parking Supply Study offers project comparisons with Arrowleaf A, Arrowleaf B, Flagstaff, One Empire Pass, Empire Residences, and Talisker



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Tower and concludes that the appropriate parking ratio for similar projects is 1.5 parking spaces per unit.

34. The Applicant's Trip Generation Study concludes that Founders Place will generate less traffic than the 1995 Settlement Agreement approval, which included the 20,000-square-foot ski academy that was later transferred to another site in unincorporated Wasatch County.
35. The Applicant's Transportation Demand Management Plan proposes the following:
 - a. Ski-in Ski Out Access – guests will access Deer Valley Resort on the Mountaineer Express Chair.
 - b. Public Trail Access – the property is adjacent to the Village Trail, which connects to the Park City trail network.
 - c. Reduced Parking – the project proposes 1.5 parking spaces per residence to discourage multiple vehicles per unit.
 - d. Shared Ride Service – operated by the Founders Place Homeowner Association to provide pick-up within 15 minutes of request, provide service anywhere within Park City proper, be app-based, and include evening geofencing to limit the number of pick-up and drop-off locations on Main Street.
 - e. Grocery Delivery – onsite property management will work with local grocery delivery services to provide pre-arrival shopping services and staff will provide pre-arrival shopping services.
 - f. Onsite Ski Valet – offered so guests do not have to drive into town to rent equipment.
 - g. Pre-Ski and Après Ski Activities – amenities include a continental breakfast, après ski events, on-site entertainment, and on-site restaurant.
36. LMC § 15-3-9 requires ten percent of the required Off-Street Parking Spaces for the temporary storage of bicycles.
37. The Applicant does not propose overflow parking during peak periods. Wasatch County requires a Condition of Approval that parking demand for Founders Place be satisfied on-site and that overflow parking in unincorporated Wasatch County be prohibited.
38. Founders Place is approximately 500 feet from the nearest development, the residential Snowtop Subdivision at Deer Crest.
39. The Applicant Requests Modifications to Building Height Approvals. The First Amended Density Determination ¶ 8.A outlines the following roof and height regulations for the property: *Height shall be measured from the elevation of the finished grade at midpoint of building. The maximum height shall be 75 feet, consisting of not more than five levels. The building shall have a gable roof (a roof consisting of two inclined planes that meet at a ridge over the center of the building and slope down to the sidewalls) or a hip roof (a roof similar to a gable roof with a central ridge except that the roof slopes from the ridge to all outside*



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walls), with the top level being partly located in the roof structure. The top level shall not cover more than 50% of the Building Footprint. The building must then step from such top level on both the ski hill side and the road side to avoid any vertical wall more than three levels in height.

40. The Applicant submitted an exhibit showing the top-story building footprint compared to the ground-level building footprint, which complies with the First Amended Density Determination ¶ 8.A, requiring that the top-story building footprint be 50% of the ground-level.
41. Regarding the First Amended Density Determination ¶ 8.A requirement that "[t]he building must then step from such top level on both the ski hill side and the road side to avoid any vertical wall more than three levels in height," the MPD process provides the Planning Commission with discretion to consider an increase in Building Height based upon a Site-specific analysis. The Applicant requests that vertical wall height be allowed up to four levels, five levels in some places.
42. The Applicant must request a Site-specific determination and bears the burden of proof to the Planning Commission that the necessary findings for an increase in Building Height can be made if six criteria are met:
 - (1) The increase in Height does not increase square footage or Building volume and provides architectural variation.
 - (2) Buildings are positioned to minimize visual impacts on adjacent structures.
 - (3) There is adequate landscaping and buffering from adjacent properties and uses.
 - (4) Increased Setbacks and separations from adjacent properties are proposed.
 - (5) Increased Height results in more than the minimum Open Space required and is publicly accessible.
 - (6) Increased Height is designed in a manner that provides a transition in roof elements in compliance with Chapter 15-5, Architectural Review.
43. The Applicant provided an exhibit that states the proposed Founders Place design reduces the overall impact to the site and does not increase square footage or building volume, buildings are positioned to minimize visual impacts to adjacent structures, there is adequate landscaping and buffering from adjacent properties, the project includes increased setbacks and separations, more than minimum Open Space is provided, and the Building Height is designed in a manner that provides a transition in roof elements.
44. The Modifications to the Site Plan Comply with the Land Management Code. The Founders Place proposal reduces the overall Site disturbance by decreasing the Limit of Disturbance by 40%, the driveway square footage by 53%, the gross building footprint square footage by 8%, the linear retaining wall square footage by 4%, and the exposed retaining wall face square footage by 34%.



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45. Additional changes to the Site Plan include the configuration of Deer Hollow Road, formerly known and shown as Keetley Road on the 1995 Site Plan. The 1995 Settlement Agreement required the Founders Place development to permanently and physically disconnect Deer Hollow Road to prevent vehicular through-traffic in the Deer Crest area. The Primary Village Structure footprint was to be partially within the historic configuration of Deer Hollow Road. The intention was to prevent public through-traffic between the Jordanelle Basin and Park City. The developers of Deer Crest were required to install east and west entrance gates that prevent through-traffic.
46. On February 8, 2017, the Planning Commission reviewed a proposed amendment to the Settlement Agreement to remove the requirement that Deer Hollow be disconnected. The Planning Commission continued the discussion to March 22, 2017. On March 22, 2017, the Planning Commission reviewed the proposed amendment, conducted a public hearing, and forwarded a positive recommendation to the City Council to amend the 1995 Settlement Agreement, removing the requirement that Deer Hollow Road be disconnected at the time of future development. On June 15, 2017, the City Council approved the Settlement Agreement amendments. On December 4, 2017, the Third Amendment to the Settlement Agreement was recorded with Wasatch County.
47. The Third Amendment to the Settlement Agreement outlines the following regarding Deer Hollow Road:
- Deer Hollow Road is no longer required to be disconnected
 - Official vehicles of emergency service providers (police, fire, and emergency medical) are allowed to use Deer Hollow Road to provide emergency services to properties, residents, guests, and others within the project
 - Deer Hollow Road is otherwise for exclusive use by the owners, guests, and invitees within the project
 - The public may use Deer Hollow Road
 - For an evacuation necessary to protect human life
 - A natural disaster
 - A major public safety event determined by the Park City Fire Marshal, Park City Police Chief, Wasatch County Fire Chief, or other public safety officer of similar rank in Park City or Wasatch County
 - The public may not use Deer Hollow Road for non-life endangering causes like
 - Traffic congestion
 - Delays caused by weather
 - Public or private events and gatherings
 - Deer Crest Master Association must maintain and operate the Queen Esther and Jordanelle Gates in accordance with the 1995 Settlement Agreement to prevent public vehicle access between HWY 40 and Park City



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- If the gates are not operated in accordance with the 1995 Settlement Agreement and the Deer Crest Master Association does not cure the defect, the City may reinstate the Deer Hollow Road disconnection requirement at Deer Crest Master Association expense
- 48. The Proposal, as Conditioned, Complies with Landscaping and Lighting Requirements.
- 49. The Proposal Complies with the Sensitive Land Overlay.
- 50. The Housing Department and Applicant Agreed to a Draft Housing Mitigation Plan.
- 51. ¶ 5.2.3.1 of the 1995 Settlement Agreement requires four percent of the total number of units within Founders Place to be affordable employee units in compliance with Resolution No. 7-95.
- 52. However, the Applicant met with the Housing Department to create a draft Affordable Housing Mitigation Plan that increases the affordable housing contribution from four percent to ten percent. The draft Affordable Housing Mitigation Plan is scheduled for Housing Authority (City Council) review on January 13, 2022. The Applicant's plan proposes two mitigation measures: six on-site units and a community benefit fee. This proposal aims to provide on-site affordable employee units that will serve managers, full-time, and seasonal employees, while contributing to the Park City affordable housing fund for citywide initiatives.
- 53. The six on-site units will total 5,400 square feet, will be intermixed within the project on building levels three and four, and will be phased in with project development.
- 54. The Applicant will implement a fee in accordance with state law that requires that 0.50% of the net purchase price for each market-rate unit sale, initially and with each subsequent sale, be transferred to Park City Municipal for the City's affordable housing budget. Fees will be transferred to Park City through December 31, 2035.
- 55. The developer estimates that initial sales will generate \$300,000,000, thus resulting in an initial \$1.5 million contribution to the City's affordable housing fund. Assuming a five percent turnover rate within the project and an average sales price of \$3,750,000, the ongoing annual transfer fee is estimated to be \$37,500.
- 56. The Proposal Complies with Mine Hazard Requirements. There are no known mine hazards on the property.
- 57. The Proposal Complies with Historic Mine Waste Mitigation Requirements
- 58. The Applicant commissioned two Phase I Environmental Site Assessments, one in 2018 and one in 2020. The 2020 Assessment concludes that "the subject property was historically vacant land with an unimproved road traversing the site from east to west (since at least 1938) [and] [w]e found no conclusive evidence to suggest that active mining activities occurred on the subject property, and all



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available information suggests that the subject property was not likely impacted from historical mining activities in the area. . . ."

59. The 2020 Assessment found that there is no evidence of recognized environmental conditions in connection with the subject property and that no additional investigation is warranted.
60. The Proposal Complies with the General Plan. Founders Place is in the Lower Deer Valley Neighborhood. The General Plan identifies this area as a resort neighborhood dominated by Multi-Unit Dwelling condominiums that cater to second homes and nightly rentals. "Future planning in the neighborhood should be directed toward maintaining the world-class resort experience."
61. The Proposal Complies with Historic Site Protection Requirements. The 2020 Environmental Site Assessment determined the property was historically vacant land. There are no known historic sites on the property.
62. The Proposal Strengthens and Enhances the Resort Character of Park City. Founders Place is the final development within the Deer Crest Master Planned Development and has been envisioned for the Deer Valley Resort area since 1995. Founders Place provides residents with ski-in ski-out access to Deer Valley Resort via the Mountaineer Express Chair.
63. The Proposal Incorporates Sustainable Features. The Applicant's submittal ¶ 2.11 outlines the following sustainable features:
 - a. Integrating the building into site topography, minimizing the building footprint, and maximizing open space
 - b. Maximizing passive solar orientation
 - c. Pursuing LEED™ Residential BD+C Multifamily certification, which includes:
 - i. Heat island reduction through reduction in hardscape, maximized landscaping and open space, and inclusion of green and ballasted roofs
 - ii. Light pollution reduction through vertical illuminance calculations to minimize light pollution
 - iii. Water use reduction through use of low-flow plumbing fixtures in public areas and minimizing irrigation demand through native and drought-tolerant plantings
 - iv. Minimum energy performance through energy-efficient mechanical systems, Energy Star rated appliances, tight thermal enclosure with associated enclosure commissioning, and fenestration systems that exceed prescriptive U values
 - v. Indoor air quality through unit ventilation systems, operable window/door systems, air filtering, and low emittance product specifications for indoor materials
 - d. The Applicant also proposes no gas fireplaces or cooking for residential units.



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64. Multi-Unit Dwellings are a Conditional Use in the Recreation Commercial Zoning District.
65. The Applicant proposes developing the project in three phases:
- a. Phase I: Buildings 1 and 2, amenity space, and the pool/ski deck.
 - i. Housing unit count: 32
 - ii. Gross square footage: 158,813
 - iii. Construction start date: spring 2022
 - b. Phase II: Building 3
 - i. Housing unit count: 19
 - ii. Gross square footage: 89,422
 - iii. Construction start date: spring 2023
 - c. Phase III: Building 4 and associated pedestrian bridge
 - i. Housing unit count: 27
 - ii. Gross square footage: 114,222
 - iii. Construction Start Date: spring 2024
66. The staff report is incorporated herein.

Master Planned Development Conclusions of Law

The Master Planned Development, as conditioned:

1. complies with all requirements of the Land Management Code;
2. meets the minimum requirements of Section 15-6-5;
3. provides the highest value of Open Space, as determined by the Planning Commission;
4. strengthens and enhances the resort character of Park City;
5. compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;
6. is Compatible in Use, scale, and mass with adjacent Properties, and promotes neighborhood Compatibility, and Historic Compatibility, where appropriate, and protects residential neighborhoods and Uses;
7. provides amenities to the community so that there is no net loss of community amenities;
8. is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time staff determined the Application to be complete;
9. meets the Sensitive Lands requirements of the Land Management Code and is designed to place Development on the most developable land and least visually obtrusive portions of the Site;
10. promotes the Use of non-vehicular forms of transportation through design and by providing trail connections;



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11. was noticed and the Planning Commission held a public hearing in accordance with this Chapter;
12. 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 the Application;
13. addresses and mitigates Physical Mine Hazards according to accepted City regulations and policies;
14. addresses and mitigates Historic Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance;
15. addresses Historic Structures and Sites on the Property, according to accepted City regulations and policies, and any applicable Historic Preservation Plan;
16. addresses and mitigates traffic.

Conditional Use Permit Conclusions of Law

1. The Application complies with requirements of the Land Management Code.
2. The use will be compatible with surrounding structures in use, scale, mass, and circulation.
3. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval

1. A Construction Mitigation Plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, as a condition precedent to issuance of any grading or building permits. The CMP shall be updated as necessary to identify impacts and propose reasonable mitigation of these impacts on the site, neighborhood, and community due to construction of this project. The CMP shall include information about specific construction phasing, traffic, parking, service and delivery, stock-piling of materials and staging of work, work hours, noise control, temporary lighting, trash management and recycling, mud and dust control, construction signs, temporary road and/or trail closures, limits of disturbance fencing, protection of existing vegetation, erosion control. Storm-water management, and other items as may be required by the Building Department. The immediate neighborhood and community at large shall be provided notice at least 24 hours in advance of construction work impacting private driveways, street closures, and interruption of utility service.
2. A storm water run-off and drainage plan shall be submitted with the building plans and approved prior to issuance of any building permits. The plan shall follow Park City's Storm Water Management Plan and the project shall implement storm water Best Management Practices. Post development drainage



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- shall not exceed predevelopment drainage conditions and special consideration shall be made to protect any wetlands delineated on and adjacent to the site.
3. The project is over 1.0 acres and will be required to meet the requirements of Park City's municipal separate storm sewer system (MS4) storm-water program.
 4. Final utility plans, consistent with preliminary utility plans reviewed by the Planning Commission during the MPD review, shall be submitted with the final subdivision plat.
 5. Dry utility infrastructure must be located on the property and shown on the building plans prior to building permit issuance to ensure that utility companies verify that the area provided for their facilities are viable and that exposed meters and boxes can be screened with landscaping.
 6. Approval of this Master Planned Development is subject to LMC Chapter 15-6 *Master Planned Developments* and shall expire two years from the date of execution of the Development Agreement unless Construction, as defined by the International Building Code, has commenced on the project.
 7. The approval shall be put in the form of a Development Agreement. The Development Agreement must be submitted to the Planning Department for ratification by the Planning Commission within 6 months of this approval. The Development Agreement shall be signed by the Mayor on behalf of the City Council and recorded with the Summit County Recorder.
 8. Timing of completion of all required items and public benefits shall be further described and stated in the Development Agreement.
 9. The Development Agreement shall require the Founders Place Homeowner Association to finance and operate an ongoing ride-share service that (1) provides pick-up within 15 minutes of request for owners, employees, and guests; (2) provides service anywhere within the Park City area; and (3) encourages the use of shared ride services from the SLC airport through pre-arrival assistance in booking such services and by notifying owners and guests of the availability of onsite alternatives.
 10. The Applicant shall include bike racks for securing at least 13 bicycles on the site plan submitted for building permit review. Bike racks must provide for both the bike frame and wheels to be locked by the user and must be designed to prevent damage to the bike and to facilitate easy and secure storage without interference from or to adjacent bikes. Bike racks must be anchored and be of solid construction, resistant to rust, corrosion, hammers, and saws. Bike racks shall be in convenient, highly visible, active, well-lit areas, and shall not interfere with pedestrian movements or snow storage. Bike racks shall be installed prior to City issuance of a Certificate of Occupancy.
 11. Founders Place employee, owner, and guest parking on Deer Hollow Road is prohibited.
 12. Founders Place employee, owner, and guest parking in unincorporated Wasatch County is prohibited.



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13. The Applicant shall include Electric Vehicle Charging Station Infrastructure for 22 Parking Spaces in the plans submitted for building permit review. The Founders Place Covenants, Conditions, and Restrictions shall put future property owners on notice of the Electric Vehicle Charging Station Infrastructure. The breaker panel containing the Electric Vehicle Charging Station Infrastructure shall also identify the conduit for future Electric Vehicle Charging Station Infrastructure.
14. The Applicant shall include six Electric Vehicle Charging Stations in the plans submitted for building permit review and shall install six Electric Vehicle Charging Stations ready for use at the time the City issues a Certificate of Occupancy. The first Electric Vehicle Charging Station installed shall be a dual port with one Charging Station that is ADA accessible. This dual port shall count as one Charging Station. Dual-port Charging Stations installed thereafter shall count as two Charging Stations. The Electric Vehicle Charging Stations shall comply with location, signage, user information, cord management, protection, snow removal, and maintenance requirements outlined in LMC § 15-3-11(E). Electric Vehicle Charging Stations shall be open and available to all employees, residents, and guests.
14. Final building plans at the time of building permit application shall comply with the Current Roof Design reviewed and approved by the Planning Commission on January 12, 2022.
16. The Applicant shall submit an arborist report to the Planning Director prior to submitting a building permit application that identifies Significant Vegetation impacted by development and plans to replace Significant Vegetation with like vegetation, as approved by the Planning Director.
17. Retaining walls on site shall not exceed heights as reviewed by the Planning Commission on January 12, 2022. Final landscape plans shall ensure that all retaining walls exceeding eight feet in height are shielded from view from Deer Hollow Road as determined by Planning Staff. Final building plans shall include landscaping features that diminish exposed concrete walls and retaining walls. Additional landscaping shall be provided at the base of Building 3 in Phase II to mitigate exposed concrete. At the time of building permit submittal, the Applicant shall submit a separate retaining wall plan that clearly identifies the height of all retaining walls measured from final grade showing compliance with the retaining wall heights reviewed by the Planning Commission on January 12, 2022.
18. The Applicant shall dedicate the four-foot soft-surfaced Pipeline and Village Trails for public use on the subdivision plat, as approved by the Trails & Open Space Manager and City Attorney's Office.
19. The Applicant shall submit a snow storage plan at the time of building permit application, to be approved by the Chief Building Official.
20. Centralized trash and recycling facilities for glass, paper, plastic, cans, cardboard, and other household and commercially generated recyclable and scrap materials shall be centrally located in a completely enclosed structure with



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a pedestrian door and truck door or gate. The enclosed Structure shall be designed with materials compatible with the Multi-Unit Dwellings and be constructed of masonry, steel, or other substantial material. The centralized trash and recycling facilities shall be large enough to accommodate a trash container and at least two recycling containers to provide for the option of dual-stream recycling.

21. Delivery and service vehicles shall access the site at the small surface lots or within parking garages.
22. Trash and recycling facilities shall be within the enclosed parking garages.
23. Loading and unloading of goods shall take place entirely on site. Loading and unloading zones shall be screened from public view.
24. Pursuant to LMC § 15-5-5(N), the Applicant shall submit a complete landscape plan at the time of building permit application that (1) utilizes Water Wise Landscaping for plant selection and location, irrigation, and mulching of landscaped areas; (2) includes WaterSense labeled smart irrigation controllers which automatically adjust the frequency and/or duration of irrigation events in response to changing weather conditions; (3) indicates the percentage of the lot that is landscaped, the percentage of landscaping that is irrigated, and the type of irrigation to be used; (4) identifies Significant Vegetation and plans to replace Significant Vegetation impacted by development; and (5) restricts lawn area to no more than 25% of the Limit of Disturbance.
25. Pursuant to LMC § 15-5-5(J), all outdoor lighting shall be Fully Shielded and 3,000 degrees Kelvin or less. Total Lumens shall not exceed 2,500 Lumens per light and total lighting shall not exceed 100,000 Lumens per acre. The Applicant shall submit an outdoor lighting plan demonstrating code compliance at the time of a building permit application.
26. Cuts and fills shall be minimized. Graded or filled slopes shall be limited to a three to one slope or less. Graded slopes shall be recontoured to the natural, varied contour of surrounding terrain.
27. Topsoil from any disturbed portion of a Steep Slope must be preserved and utilized in revegetation. Fill soil must be of a quality to support plant growth.
28. Slope stability analysis completed by a geotechnical engineer prior to submitting a building permit, to be reviewed and approved by the Engineering Department.
29. The Applicant shall work with the Engineering Department to address subsurface drainage and storm water drainage, prior to submitting a building permit.
30. The Applicant shall submit structural engineering design and calculations for retaining walls, to be reviewed and approved by the Planning Director and Engineering Department, prior to submitting a building permit.
31. Construction shall be organized and timed to minimize disturbance of wildlife occupying or using on-site and adjacent natural areas.



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32. The on-site affordable housing obligations outlined in the approved Housing Mitigation Plan shall be satisfied prior to City issuance of a Certificate of Occupancy within each phase of the project.
33. The Applicant shall submit draft deed restrictions in compliance with the approved Housing Mitigation Plan for review and approval by the Planning, Housing, and Legal Departments prior to submitting a subdivision or condominium mylar. The deed restrictions shall be approved, executed, and recorded simultaneously with the condominium plat.
34. The Applicant shall submit a draft Founders Place Homeowner Association Declaration that includes the affordable housing obligations outlined in the approved Housing Mitigation Plan for review and approval by the Planning, Housing, and Legal Departments prior to submitting a subdivision or condominium mylar. The Declaration shall be approved, executed, and recorded simultaneously with the condominium plat.
35. No Certificate of Occupancy for any market rate unit shall be issued by the City until the affordable employee units required for that phase of development are complete and deed restrictions, in a form approved by the City Attorney's Office, are recorded.
36. The Applicant shall revise Founders Place emergency vehicle access, shall obtain written approval from the Wasatch County Fire District, and shall submit written approval to the Park City Planning Department and Chief Building Official and Fire Marshal for review and inclusion in the project file prior to ~~January 27, 2022, and prior to any City Council action on the Founders Place Subdivision or Founders Place Condominium Plat.~~
37. The Applicant shall submit a Master Sign Plan Application at the time of building permit submittal. The Master Sign Plan shall show each outdoor sign proposed for the project and shall establish visual consistency for the project as a whole in compliance with Municipal Code of Park City Title 12, *Sign Code*. A Sign Permit Application is required for installation of individual signs in conformance with an approved Master Sign Plan.
38. Mechanical equipment shall be screened according to the requirements of the Land Management Code.
39. The Applicant shall ensure compliance with the Deer Crest Interlocal Agreement.
40. All units shall install low-flow plumbing fixtures. All units shall install low-flow plumbing fixtures. No gas fireplaces or cooking appliances will be provided to residential units. The final project shall achieve LEED™ Residential BD+C Multifamily certification or similar equivalent or improved certification as approved by the Sustainability Department within 18 months the issuance of a certificate of occupancy for each phase. The Sustainability Department shall review and approve all Founders Place building permits for compliance with sustainability standards prior to building permit issuance. Certification shall include at a minimum:



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- i. Heat island reduction through reduction in hardscape, maximized landscaping and open space, and inclusion of green and ballasted roofs
- ii. Light pollution reduction through vertical illuminance calculations to minimize light pollution
- iii. Water use reduction through use of low-flow plumbing fixtures in public and private areas and minimizing irrigation demand through native and drought-tolerant plantings
- iv. Minimum energy performance through energy-efficient mechanical systems, Energy Star rated appliances, tight thermal enclosure with associated enclosure commissioning, and fenestration systems that exceed prescriptive U values
- v. Indoor air quality through unit ventilation systems, operable window/door systems, air filtering, and low emittance product specifications for indoor materials

If you have questions or concerns regarding this Final Action Letter, please call 385-290-0789 or email rebecca.ward@parkcity.org.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Phillips", written over a horizontal line.

John Phillips, Planning Commission Chair

CC: Rebecca Ward

FOUNDERS PLACE

CONDITIONAL USE PERMIT SUBMITTAL PHASES I, II, AND III



November 15, 2021

east west partners
SPARANO + MOONEY ARCHITECTURE

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- 2.12 Hours of Operation, Employment, and Workforce Housing
- 2.13 Special Issues and Mitigation
- 2.14 Phasing

3.0 ATTACHMENTS

Attachment 1: Proposed F Design Drawings - Phases I, II, and III

- Exhibit 1: Site Plan
- Exhibit 2: Planting Plan
- Exhibit 3: Architectural Site Plan
- Exhibit 4: Phasing Plan
- Exhibit 5: Floor Plan - Elev. 7076
- Exhibit 6: Floor Plan - Elev. 7088.67
- Exhibit 7: Floor Plan - Elev. 7101.33
- Exhibit 8: Floor Plan - Elev. 7114
- Exhibit 9: Floor Plan - Elev. 7126.67
- Exhibit 10: Floor Plan - Elev. 7139.33
- Exhibit 11: Floor Plan - Elev. 7152
- Exhibit 12: Floor Plan - Elev. 7164.67
- Exhibit 13: Floor Plan - Elev. 7177.33
- Exhibit 14: Gross Building Area Calculations
- Exhibit 15: Housing Unit Schedule and Square Footage Summary
- Exhibit 16: Exterior Elevations
- Exhibit 17: Exterior Elevations
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- Exhibit 25: Project Rendering - View 1
- Exhibit 26: Project Rendering - View 2
- Exhibit 27: Project Rendering - View 3
- Exhibit 28: Project Rendering - View 4
- Exhibit 29: Civil Cover Sheet
- Exhibit 30: Civil Overall Site Plan
- Exhibit 31: Civil Grading Plan
- Exhibit 32: Civil Slope Map
- Exhibit 33: Civil Utilities Plan
- Exhibit 34: Civil Storm Drain Plan

4.0 ADDITIONAL EXHIBITS UNDER SEPARATE COVER

- Exhibit 35: Phase I Environmental Site Assessment (Dated November 17, 2020)
- Exhibit 36: Deer Crest Design Guidelines
- Exhibit 37: Entitlements Timeline

1.0 EXECUTIVE SUMMARY

Deer Hollow Development LLC is seeking a Conditional Use Permit for the development and construction of residential units in stack flat condominium buildings, including an amenity building, for the exclusive use of all **Founders Place** residents. The Founders Place project, located within the Deer Crest development, offers a unique ski-in ski-out location, providing a private and secluded living experience focused on outdoor recreation and wellness.

The Founders Place (aka Slalom Village) parcel is part of the land subject to the 1995 Deer Crest Master Planned Development and Settlement Agreement, including amendments 1 through 3. This application seeks to move forward the approvals as required in the development agreement and restated in the Planning Staff Report for the Third Amendment to the Settlement Agreement “Analysis, Findings of Fact, Conclusions of Law and Conditions of Approval”, dated March 22, 2017. Exhibit ‘F’ below shows the approved concept for the Slalom Village Area from the 1995 Settlement Agreement.

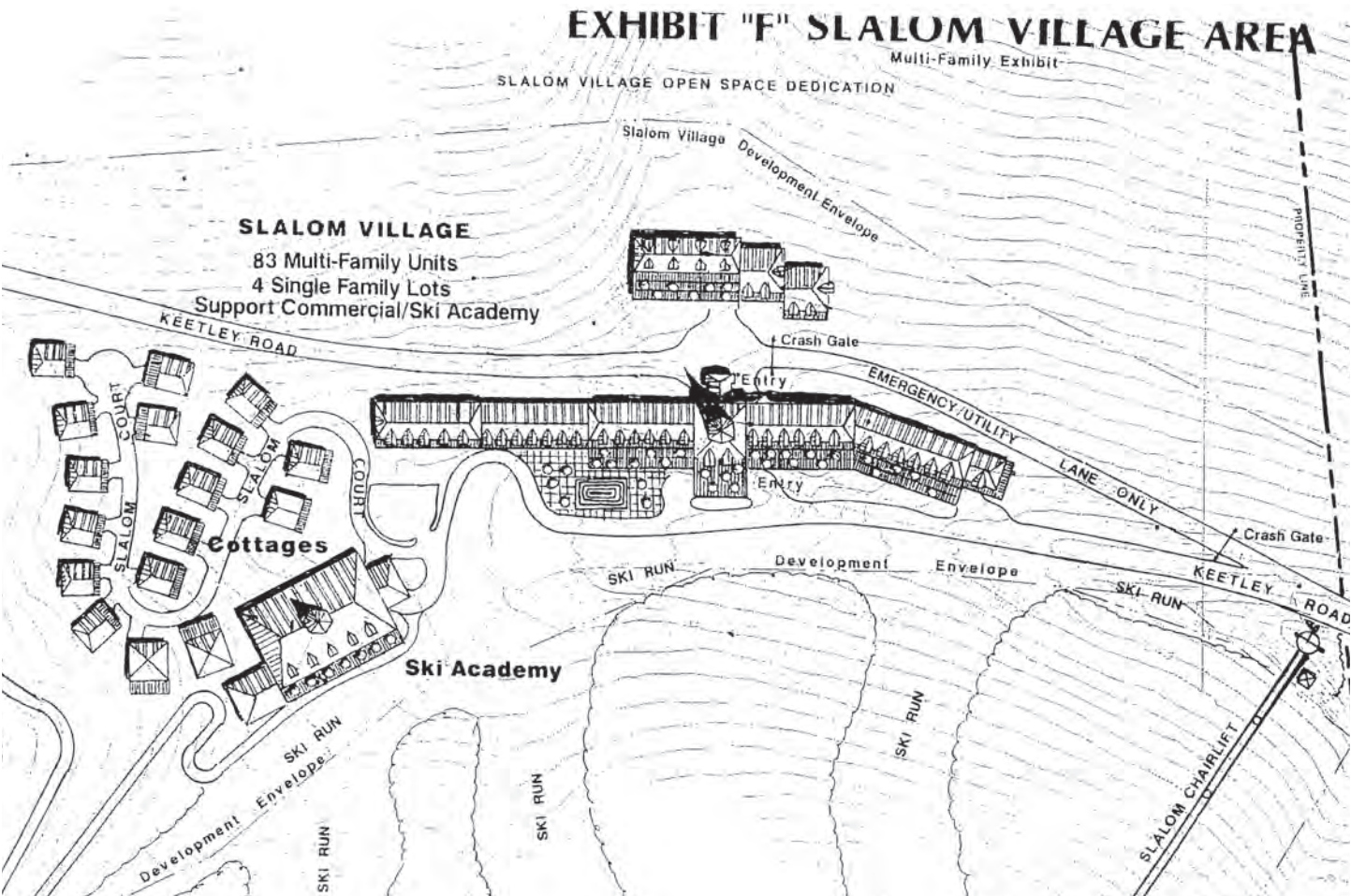


EXHIBIT 'F' - SLALOM VILLAGE AREA

Deer Hollow Development LLC is proposing to build NTE 199,200 SF total residential square footage divided over four building and consisting of 78 residential for sale properties, 6 Employee Housing Units as required by the development agreement, and 128 total parking spaces and various Residential Accessory Uses as defined in the Development Agreement. The project will be constructed in 3 phases.

Sustainable design strategies of Founders Place include the integration of the buildings into the site topography, minimization of the building footprints, maximization of open space and passive solar orientation, and LEED™ Residential BD+C Multifamily certification criteria. Access to daylight, fresh air, recreational opportunities, and wellness components are primary project drivers. Although the open space requirement for the original MPD has already been satisfied, of the 30 acre development parcel, 13 acres will be dedicated as additional open space.

1.1 PROJECT DESCRIPTION

Applicant:	Deer Hollow Development LLC		
Project Address:	TBD - not yet registered		
Parcel:	00-0021-1977		
Application Type:	CUP (a Subdivision Plat is being submitted concurrently)		
Zoning:	Recreational Commercial (RC-MPD) District		
Governing Documents:	Telemark Park Settlement Agreement and Amendments 1, 2, and 3 Density Determination for Telemark Park Resort and Amendments 1 and 2 Deer Crest Interlocal Agreement (Wasatch County and Park City Municipal) Deer Crest Design Guidelines Park City LMC Park City General Plan		
Density/SF Summary:	78 Condominium Units	=	199,200 NSF
	Residential Accessory Uses/Parking Garages/Circulation	=	163,258 GSF
	Total Project GSF	=	362,458 GSF



SITE LOCATION MAP

2.0 OVERVIEW

2.1 SITE LOCATION

The Founders Place project site is located within the Deer Crest development at the Deer Valley Resort, adjacent to the Mountaineer Express ski lift, to the northeast of the St. Regis, and to the west of US-40. Access to the project site is via a private and gated road, Deer Hollow Road, with control points at the Queen Ester gatehouse to the west, and the Jordanelle gatehouse to the east. The 30 acres site is bifurcated by Deer Hollow road, with 20 acres to the north of the road and 10 acres to the south. The site resides within Wasatch County, and has been annexed into Park City.



SITE VICINITY MAP

2.2 CONTEXT

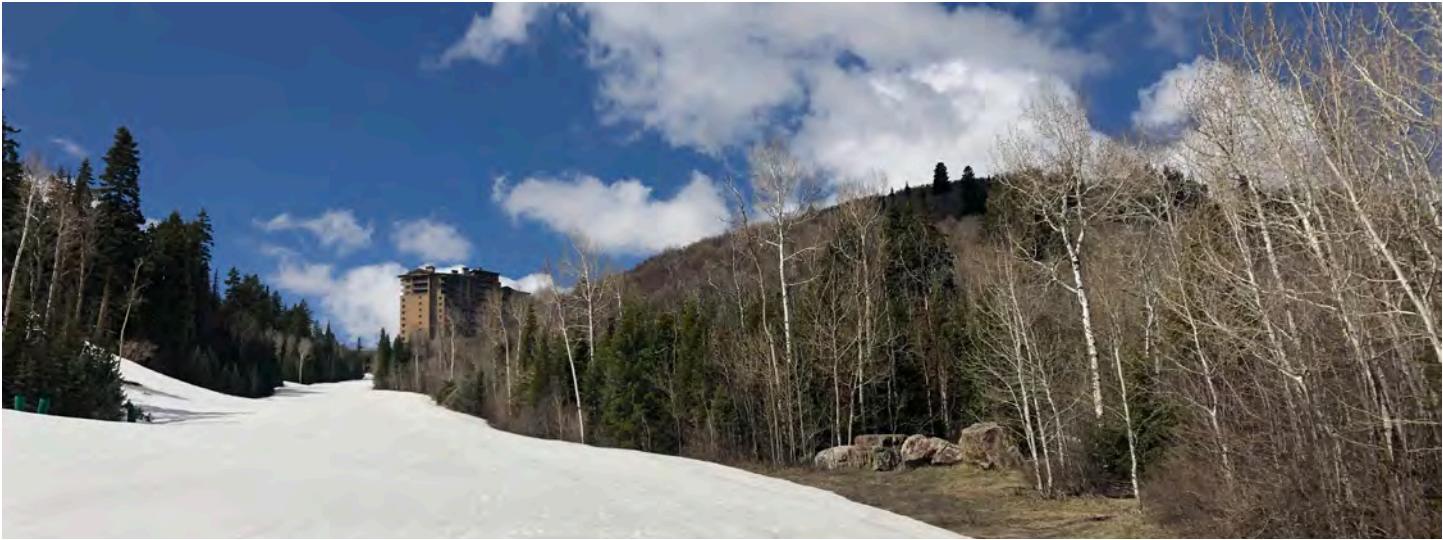
The Founders Place project site is private and secluded, with no residential or commercial development within close proximity. The nearest development to the proposed built-area of the Founders Place project site includes the residences at Snowtop Court approximately 750 feet to the northwest; the residences at Deer Crest Estates approximately 1,800 feet to the south; and the St. Regis hotel approximately 2,500 feet to the southwest. The Founders Place project site is located at the base of the adjacent hillsides at an elevation of 7,100 feet, approximately 300 feet below the elevation of the St. Regis hotel and closest residential areas.

2.3 VIEWSHED AND NIGHT SKY

Given the location of the Founders Place project site, at the base of the adjacent hillsides, the new development does not impede the views from any existing surrounding development, nor does the development approach any ridgeline. Clear views to the surrounding vistas, mountains, and Jordanelle Reservoir are maintained. The night sky resource will also be protected, maintaining existing residents views to the stars. Lighting for the new development will meet all Park City LMC outdoor lighting ordinances to protect the night sky, including fully shielded fixtures, 3,000 degree Kelvin light temperature, and maximum lumen per acre requirements; thus providing and protecting views to the night sky by the new development occupants.



SITE VIEW LOOKING SOUTH TO MOUNTAINEER EXPRESS LIFT



SITE VIEW LOOKING WEST TO THE ST. REGIS



VIEW WEST UP DEER HOLLOW ROAD

JORDANELLE RESERVOIR

PROJECT SITE

MOUNTAINEER EXPRESS SKI LIFT

DEER HOLLOW ROAD

ST. REGIS

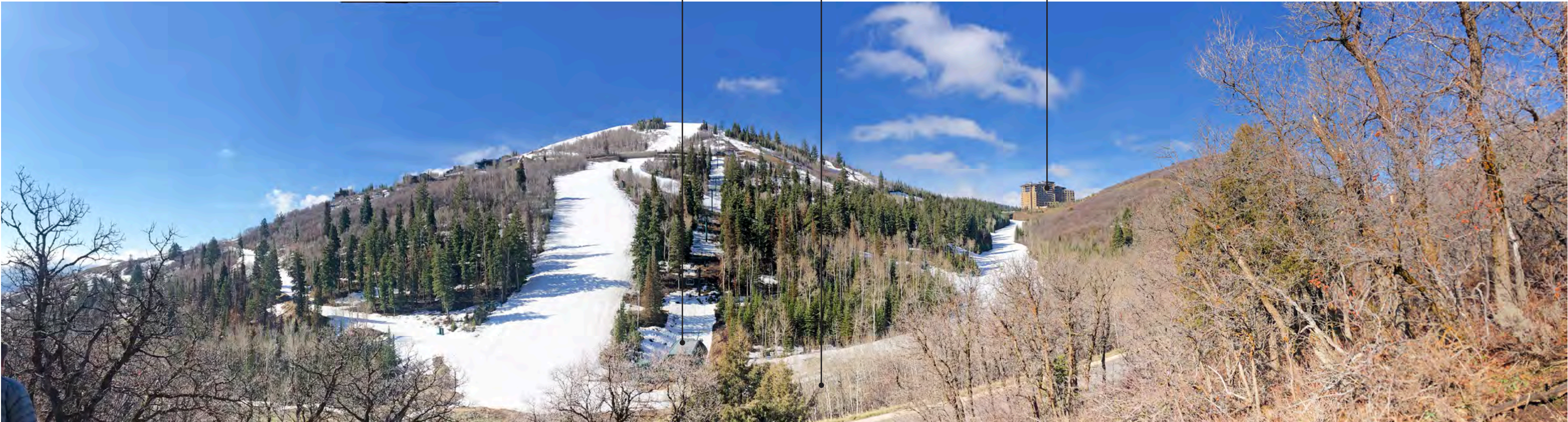


PANORAMIC OVERVIEW FROM SNOWTOP COURT SUBDIVISION

MOUNTAINEER EXPRESS SKI LIFT

PROJECT SITE

ST. REGIS



PANORAMIC OVERVIEW

2.4 SURROUNDING USES AND FITTING-IN

The Deer Crest development is a gated community comprised of primarily resort-oriented residential development (Multi-Family and Single Family). Other uses in the Deer Crest and Deer Valley area include hotel and nightly rentals recreation commercial development, and open space. The proposed Founders Place project continues this residential development pattern, supporting recreational activity and the ski-in ski-out experience. In addition, the project proposes development of 17 of the 30 acre parcel, with dedication of 13 acres to open space.

The Deer Valley Resort and Deer Crest community include buildings constructed from the 1980’s to the present, with various architectural styles ranging from a more traditional mountain aesthetic to heritage and mountain modern interpretations. Predominant materials used in the area include wood siding, natural stone, log, stucco and standing seam or similar metal panels. Other predominant material references found in the Park City Area include bevel, tongue and groove, and ship lap painted wood siding; board formed concrete; and large format corrugated metal panels. The proposed Founders Place Condominium project proposes a compatible material palette including the use of natural wood siding, board formed concrete, and standing seam metal panels. This palette is also consistent with the limit on the number of exterior materials as set forth in the LMC and Deer Crest Design Guidelines.

Scale and massing of buildings and homes in the Deer Valley Resort and Deer Crest community include multi-level single family homes, typically 2 to 3 stories and approximately 28 feet in height, and larger resort development including the St. Regis at 11 stories and approximately 150 feet in height. The Deer Hollow Condominium project height maximum based on the Settlement Agreement documents is 75 feet from finished grade. To limit the apparent height of the proposed buildings, the design includes parking at the 1st level, which is underground to the extent possible, and 4 levels of housing above, with the top story stepping back at all sides. Generally, this gives the appearance of a four story building, with average heights above the finished grade of 54 feet to 68 feet from wall base at finished grade to roof peak.

The development of a resort style condominium property was specifically contemplated for this site within the previously granted MPD. The proposed buildings fit the approved massing, scaling and square footage allowances per previous approvals. (Re. first amendment & density determination of the Deer Crest settlement agreement).

The project site is surrounded by open space with access to trails and adjacent to the Deer Hollow ski run at Deer Valley Resort for ski-in/ski-out access from the property. The target buyer for these homes are primarily second home owners seeking a ski vacation property.

2.5 SERVICE AND BENEFIT TO PARK CITY

The Founders Place property is part of the Deer Crest MPD, a resort residential community, and will mostly be occupied by non-primary residents. It is anticipated that these homes will be lightly occupied throughout the year and impose a minimal burden to Park City and Wasatch County while at the same time provide significant tax benefits as laid out in the approved and adopted 1998 Interlocal Agreement between Park City and Wasatch County (resort sales tax, transit tax, property tax, etc.).

2.6 CONSISTENCY WITH THE ZONING DISTRICT AND GENERAL PLAN

The proposed Founders Place project is consistent with the Deer Crest Master Plan Development and Settlement Agreement . In addition, the proposed Founders Place project is consistent with the purposes and goals of both the Recreational Commercial (RC-MPD) District zoning and the Park City General Plan as the project:

- 1. Clusters the development to minimize the building footprint and maximize open space.
- 2. Places the new development at the base of the hillside to minimize visibility and impact to view.
- 3. Provides variation in architectural design and housing type.
- 4. Promotes pedestrian, bike, and ski-in/ski-out connections to the outdoors and adjacent areas.
- 5. Minimizes architectural impact of the automobile by limiting parking to 1.5 stalls per unit, concealing parking within enclosed parking garages, and utilizing a transportation network.
- 6. Conserves a healthy network of open space for continued access to and respect for the natural setting.
- 7. Promotes sustainable design strategies including limiting the foot print, protection of open space, optimal solar orientation, and LEED™ Residential BD+C Multifamily certification criteria.
- 8. Increases the number of workforce housing units.
- 9. Supports the continued success of the multi-seasonal tourism economy while preserving the community character that adds to the visitor experience.

2.7 DENSITY

Density for the development parcel is defined by the Settlement Agreement, and no changes are proposed to the approved densities outlined in the Settlement Agreement, as amended. The Founders Place site (formerly Slalom Village) is one of the remaining undeveloped areas of the original MPD. Per the Settlement Agreement the density “shall not exceed 83 multifamily units (maximum 2,400 square feet per unit) with support commercial space up to 5% of the gross square footage and appropriate amenities and five (5) single-family lots (per 1st Amendment)”. The maximum square footage allowed for the housing units is 199,200 SF (83 x 2,400 SF).

Per the Settlement Agreement, where the “average square footage of one or more of the units exceeds the average footage given in the Land Use table, the maximum number of Units and maximum total square footage shall control, and adjustments must be made in number of units or size of other so as not to exceed either”. The Founders Place project will consist of 78 housing units and the maximum total square footage will be maintained at 199,200 SF.

2.8 BUILDING DESIGN AND MATERIALITY

The form of the Founders Place project references the western vernacular building forms found throughout the American West, those typologies found within Deer Crest and Park City, and with an emphasis on simplicity and functionality. The buildings integrate thoughtfully into the site topography, minimizing site disturbance, with a narrow footprint oriented with the site contours. The southern orientation of the buildings allows for maximizing daylight and passive solar design. Fenestration of the buildings provides focused views and an interface to the active ski slopes to the south, the distant view of Jordanelle to the east, and close proximity mountain views to the north and west.

The building design includes a board form concrete base that surrounds the parking garage, a three story volume of wood siding for the primary housing units that include equally spaced projected board form concrete cores, and a recessed top story penthouse that is a mixture of standing seam metal panels and wood siding. This material palette is consistent with the mountain character of the site and surrounding development, as well as the Park City and the greater Western region.

2.9 PARKING AND TRANSPORTATION

Parking for the Founders Place project will consist of enclosed parking garages at the base of each building, as well as two small surface lots for general service and passenger loading. Proposed parking for the project is based on 1.5 stalls per unit for a total of 117 parking stalls associated with the condominium housing (78 units x 1.5), 4 stalls associated with the workforce housing units, and 7 service/loading stalls, for a parking total of 128 stalls. All off-street parking will abide by Park City Municipal Code, including dimensioning, grading and drainage, surfacing, lighting, landscaping, and snow storage standards.

The developer intends to implement an on demand ride-share program for the benefit of all residents within the proposed development of Founders Place, similar to the “dial-a-ride” program at Empire Pass. The spirit of the service is to substantially reduce traffic between the Founders Place neighborhood and various destinations within the greater Park City limits. Furthermore, it is the intent of the developer to work with the Deer Crest Master Association to expand the program and make these services available for the entire Deer Crest Community.

2.10 SITE AND LANDSCAPE DESIGN

The site and landscape design meets the requirements of the Park City LMC. Key topics not covered under other sections of the narrative include the following:

Emergency Vehicle Access

The proposed site plan accounts for fire and emergency vehicle access. For Phase I and Phase II buildings, emergency vehicle turnarounds are proposed at the western terminus of the proposed driveway and within the proposed central drop-off area, on the north side of Phase I. Emergency access for Phase III is to be from existing Deer Hollow Road. The drop offs abide to the required wing and radius dimensions.

Internal Vehicular and Pedestrian Circulation System

Vehicles will arrive and drop-off at the central drop-off area for all phases of the proposed development. Vehicles will park within each building’s indoor parking facilities. Outdoor pedestrian circulation is proposed as an interconnected network of sidewalks and pathways that facilitate movement between buildings and from buildings to the adjacent Deer Hollow Resort ski run. Pathway surfacing and grading will maximize accessibility and minimize disturbance of surrounding landscape.

Fencing, Screening, and Landscaping to Separate the Use from Adjoining Uses
The proposed site plan separates the development from adjoining Recreation Commercial Zone uses at the Deer Valley Resort primarily through siting of buildings and clear designation of outdoor pathways. Site walls and special plantings will provide visually unobtrusive screening where deemed necessary and appropriate, including to screen exterior mechanical equipment. Proposed trees, shrub and meadow species will be consistent with those found within the area and will allow for ecological integration of the development and surrounding natural habitats. In disturbed areas, the height of retaining walls will be minimized to accommodate necessary grading. Existing forest to the southwest will be preserved along the property boundary.

Building mass, bulk, and orientation, and the location of Buildings on the Site
Buildings, outdoor amenities, and accompanying grading are placed strategically to limit disturbance of surrounding landscape, including proposed cut and fill. Buildings and amenities have also been placed to facilitate access to the Deer Valley Ski Resort, whereby some units will have ski-in/ski-out access and others will have access via shared indoor and outdoor circulation corridors.

Orientation to Buildings on Adjoining Lots
Proposed buildings and amenities are located to facilitate views toward the Deer Valley Resort’s mountainous landscape and the outlying Jordanelle Reservoir and not the existing St Regis Hotel. This is to provide a visual barrier between both properties. Furthermore, buildings are sited, scaled, and oriented to integrate with the landscape as viewed from Deer Hollow Road and adjoining lots, and to minimize blocking of views from these locations.

Usable Open Space
Open space requirements per the Settlement Agreement have been satisfied for the Deer Crest MPD and granted to DCMA via a special warranty deed (411704) on 12/29/2014, Additional open space in Deer Hollow Village will be provided. The proposed development is consistent with Open Space requirements for Recreation Commercial District Zone and requirements for steep slopes within Sensitive Land Overlay Zone, such that greater than 60% of the Lot is devoted to Open Space uses and less than 25% of the Steep Slope Area is developed.

Control of Delivery/Service Vehicles, Loading and Unloading Zones, and Screening of Trash/Recycling
Delivery and service vehicles will access the site at the small surface lots provided or within parking garages as necessary. All structures for storing refuse will be within the enclosed parking garages. Loading and unloading of goods will take place entirely on site, and loading and unloading zones will be screened from general public view.

Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, and Appropriateness of the Proposed Structures to the Existing Topography
Buildings and amenities are located to comply with regulations regarding steep slopes and general requirements for developments in Sensitive Land Overlay Zone areas. The proposed grading is designed to limit cut/fill and to preserve ecological function. The owner commissioned a Phase I ESA in 2018, and Wasatch Environmental conducted surficial soil sampling at 22 locations (see Attachment 2). The development furthermore aims to minimize disturbance of wildlife and habitats, and to maximize tree preservation. Exposed slopes will be revegetated with native species using high quality fill soil that will support plant growth.

2.11 SUSTAINABILITY

As noted previously, integrating the building into the site topography, minimizing the building footprint, maximizing open space, and maximizing passive solar orientation are the major sustainable site related strategies of the project. In addition to these strategies, LEED™ Residential BD+C Multifamily certification criteria will be pursued. LEED™ related sustainable aspects of the Deer Hollow project include:

- a. **Heat Island Reduction:** Strategies will include reduction in hardscape, maximizing landscape and open space, and inclusion of green and ballasted roofs.
- b. **Light Pollution Reduction:** In addition to the requirements of the LMC, vertical illuminance

calculations will be completed at the lighting boundary to minimize light pollution and protect the night sky resource.

- c. **Water Use Reduction:** Strategies include the use of low-flow plumbing fixtures in public areas, and minimizing irrigation demand through the use of native and drought tolerant plantings.
- d. **Minimum Energy Performance:** Strategies include energy efficient mechanical systems, Energy Star rated appliances, tight thermal enclosure with associated enclosure commissioning, and fenestration systems that exceed prescriptive U values.
- e. **Indoor Air Quality:** Strategies include whole house (unit) ventilation systems, access to fresh air through operable window/door systems, air filtering, and low emittance product specifications for interior materials.

2.12 HOURS OF OPERATION, EMPLOYMENT, AND WORKFORCE HOUSING

As a residential property, Founders Place is expected to be occupied 24 hours a day. The developer is proposing to have Deer Valley Lodging operate the HOA and thus will employ at least one FTE employee as a lodge keeper, plus other support employees from existing staff of DV Lodging. Per the Settlement Agreement, workforce housing is the total 4% of the total number of condominium units, which equals four workforce housing units. Founders Place will provide 10% workforce housing with six (6) on-site housing units.

2.13 SPECIAL ISSUES AND MITIGATION

The proposed use is similar in design and function to other second-home condominium buildings around the Deer Valley Ski area. No Historic sites and structures exist within the development parcel. The developer will coordinate access requirements to the ski run and lift terminal with Deer Valley Resort. There are no extraordinary uses or mechanical systems that one would expect to produce any emissions (noise, glare, dust, pollutants, odor) dissimilar to the other existing properties.

2.14 PHASING

The project will be constructed in 3 phases with a timeline based on the economic conditions of the time. A summary of the scope and general timeline of each phase is defined below:

- Phase I:	Includes Buildings 1 and 2, Amenity Space, and the Pool/Ski Deck.
	Housing Unit Count this Phase: 32
	Total GSF this Phase: 158,813 GSF
	Construction Start Date: Spring 2022
- Phase II:	Includes Building 3
	Housing Unit Count this Phase: 19
	Total GSF this Phase: 89,422 GSF
	Construction Start Date: Spring 2023
- Phase III:	Includes Building 4 and Associated Pedestrian Bridge
	Housing Unit Count this Phase: 27
	Total GSF this Phase: 114,222 GSF
	Construction Start Date: Spring 2024



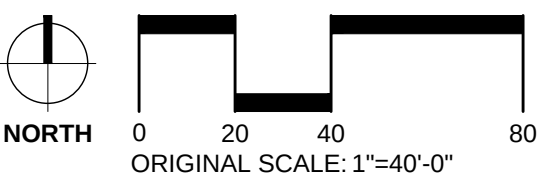
SITE PLAN

DRAWING NO.

EX - 1

DATE _____

11/16/21

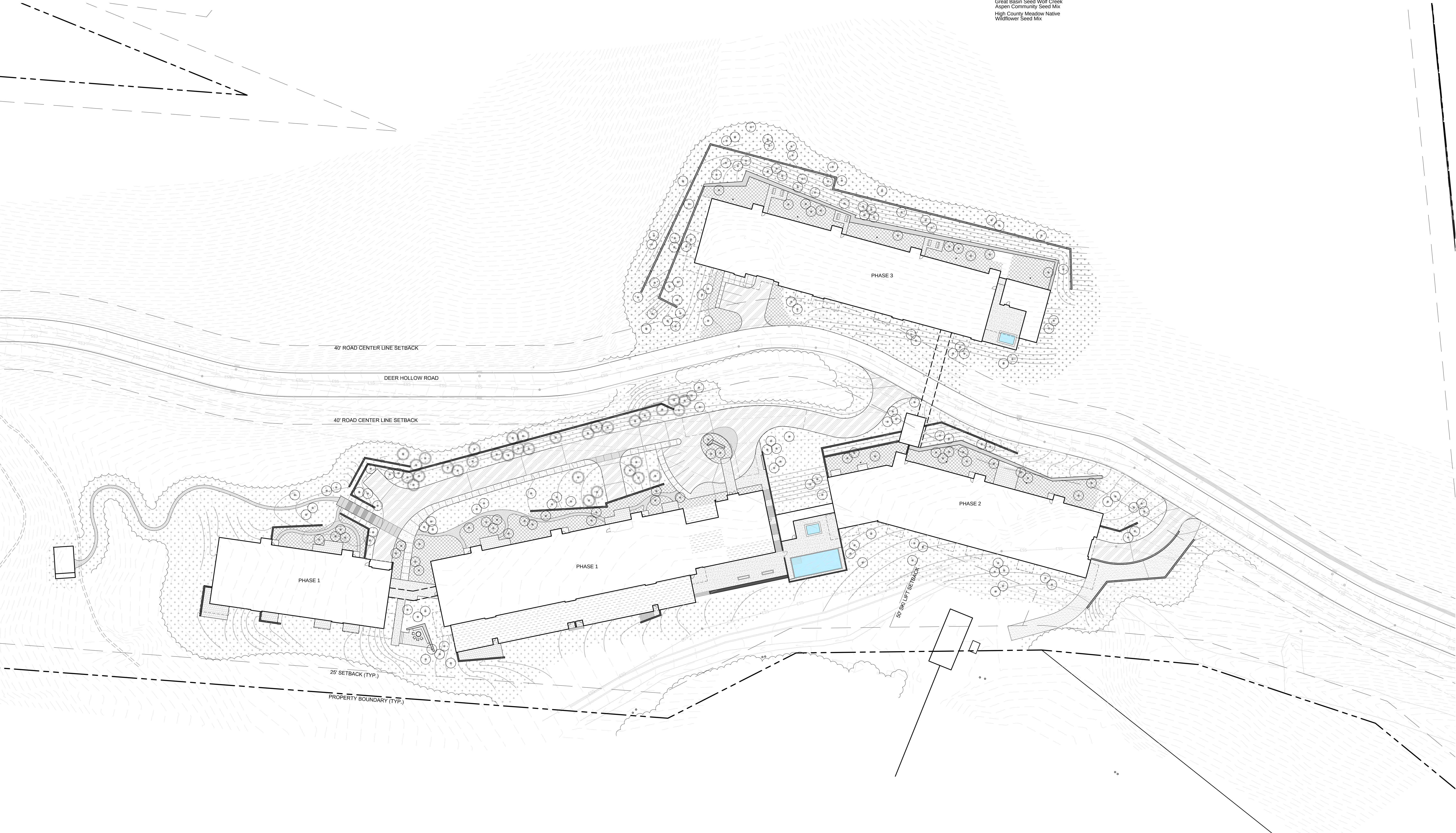


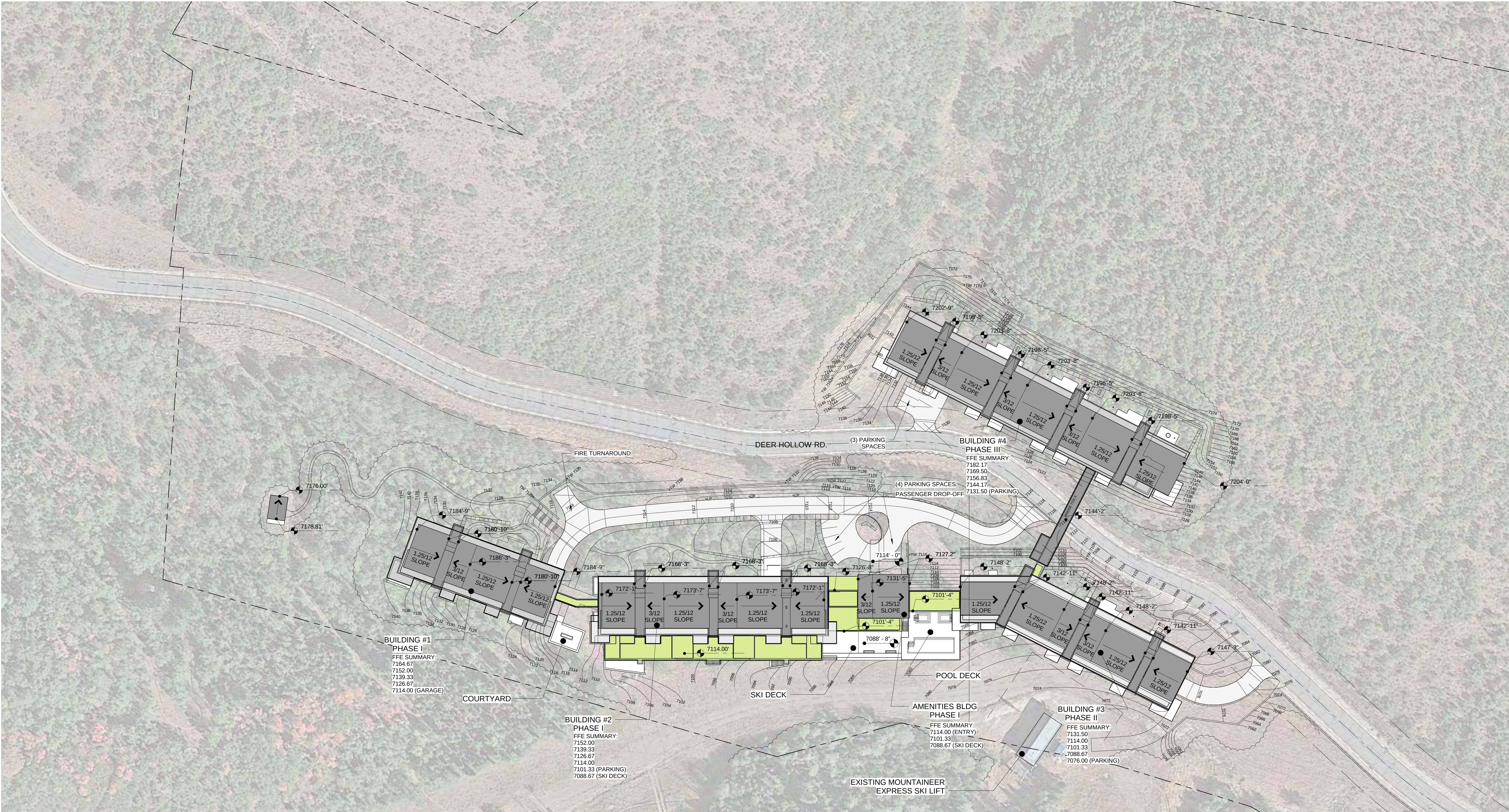
PLANT LIST

BOTANICAL NAME	COMMON NAME
DECIDUOUS TREES	
<i>Acer glabrum</i>	Rocky Mountain Maple
<i>Acer grandidentatum</i>	Bigtooth Maple
<i>Acer negundo</i>	Boxelder
<i>Amelanchier canadensis</i>	Shadower Serviceberry
<i>Celtis occidentalis</i>	Common Hackberry
<i>Populus tremuloides</i>	Quaking Aspen
<i>Quercus gambelii</i>	Gambel Oak
CONIFEROUS TREES	
<i>Abies concolor</i>	White Fir
<i>Juniperus scopulorum</i>	Rocky Mountain Juniper
<i>Picea engelmannii</i>	Engelmann Spruce
<i>Picea pungens</i>	Colorado Spruce
<i>Pseudotsuga menziesii</i>	Douglas Fir
DECIDUOUS & EVERGREEN SHRUBS	
<i>Artemisia tridentata</i>	Big Sagebrush
<i>Holodiscus dumosus</i>	Rock Spirea
<i>Juniperus communis</i>	Common Juniper
<i>Rosa woodsii</i>	Wood's Rose
<i>Rhus glabra</i>	Smooth Sumac
<i>Sambucus cerulea</i>	Blue Elderberry
<i>Symphoricarpos oreophilus</i>	Mountain Snowberry
GROUNDCOVERS / ORNAMENTAL GRASSES	
<i>Arctostaphylos uva-ursi</i>	Kinnikinnick
<i>Bromus marginatus</i>	Mountain Brome
<i>Elymus trachycaulis</i>	Slender Wheatgrass
<i>Pseudoroegneria spicata</i>	Bluebunch Wheatgrass
<i>Poa annua</i>	Creeping Bentgrass
<i>Schizachyrium scoparium</i>	Little Bluestem
TURF NATIVE GRASSES/ WILDFLOWERS/ EDGING	
<i>Poa pratensis</i>	Kentuck Bluegrass
Great Basin Seed Wolf Creek	
Aspen Community Seed Mix	
High County Meadow Native	
Wildflower Seed Mix	

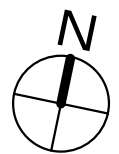
PLANTING LEGEND

- PROPOSED EVERGREEN TREE
- PROPOSED DECIDUOUS TREE
- SHRUB, PERENNIALS + GROUNDCOVER AREAS
- NATIVE REVEGETATION AREAS
- GREEN ROOF





① SITE PLAN
1" = 50'-0"



FOUNDERS PLACE

ARCHITECTURAL SITE PLAN

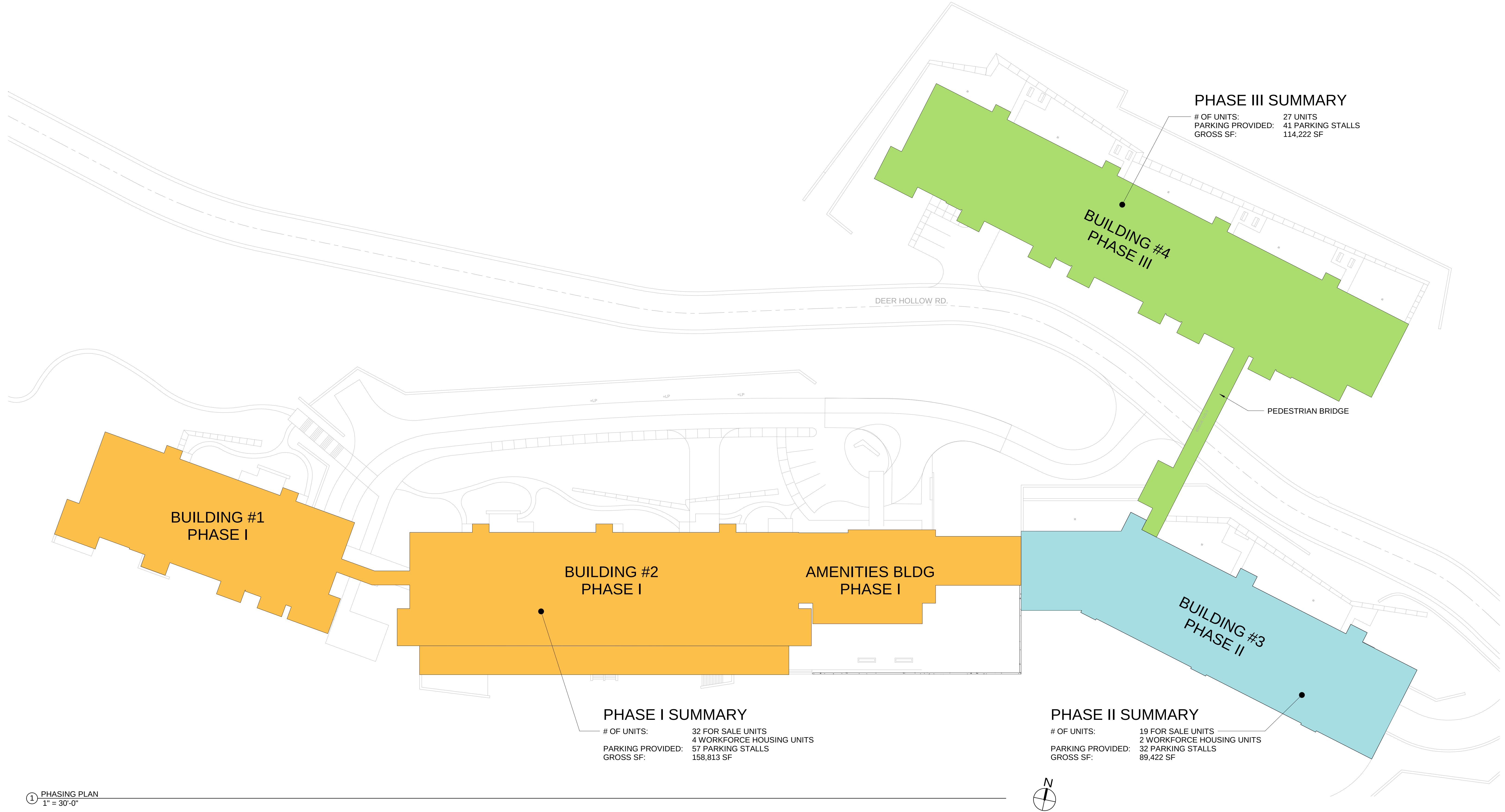
DRAWING NO. EX - 3
DATE: 11/16/21
JOB NO. 21-08

east west partners

SPARANO+MOONEY
ARCHITECTURE

57 WEST 2100 SOUTH
SALT LAKE CITY, UT 84115
www.sparanomooney.com
T 801.746.0234 F 801.746.0233

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FOUNDERS PLACE

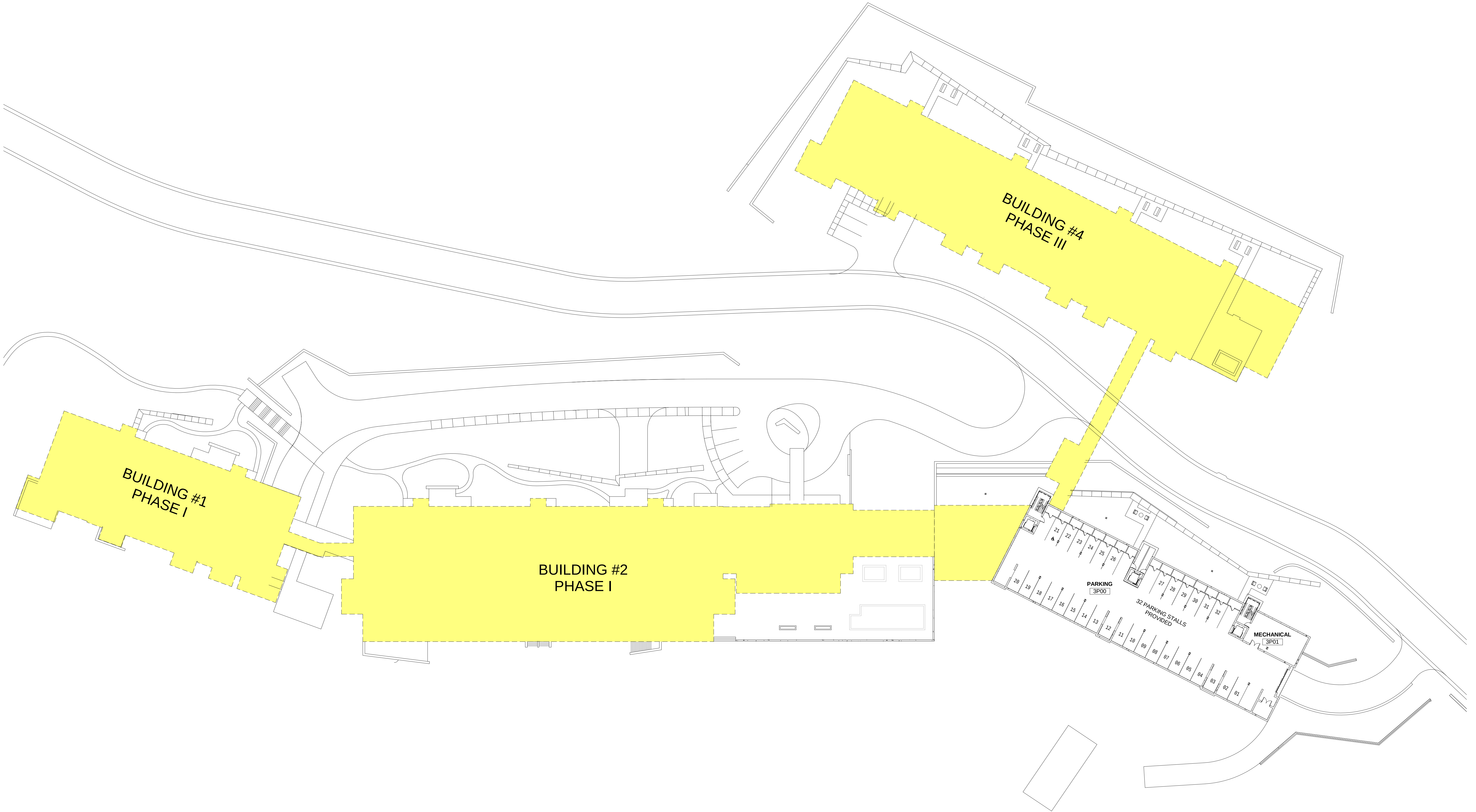
PHASING PLAN

DRAWING NO. EX - 4 DATE: 11/16/21 JOB NO. 21-08

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SALT LAKE CITY, UT 84115
www.sparanomooney.com
T 801.746.0234 F 801.746.0233



① FLOOR PLAN - ELEV. 7076.00'
1" = 30'-0"



FOUNDERS PLACE

FLOOR PLAN - ELEV. 7076.00'

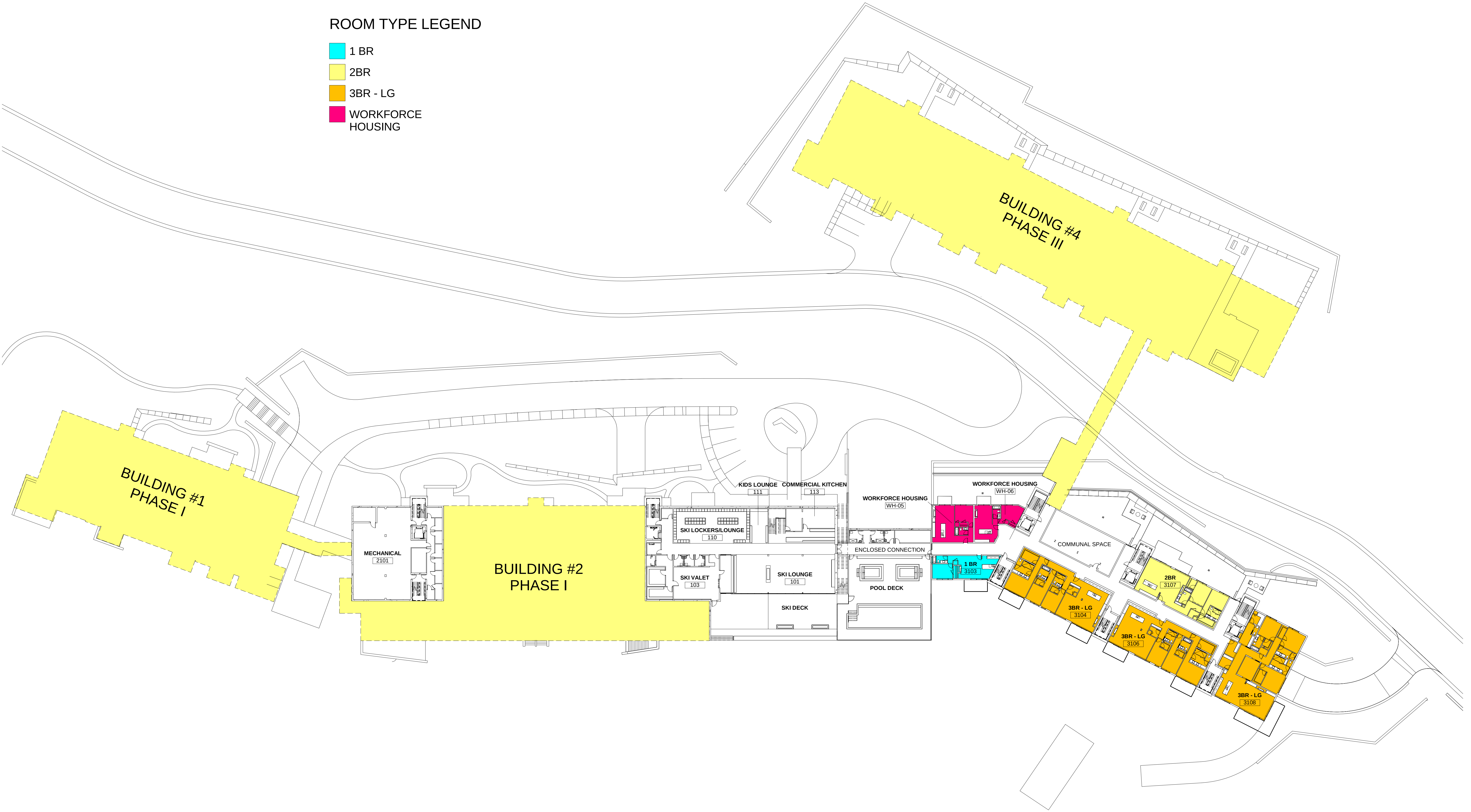
DRAWING NO. EX - 5 DATE: 11/16/21 JOB NO. 21-08

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SPARANO+MOONEY
ARCHITECTURE
57 WEST 2100 SOUTH
SALT LAKE CITY, UT 84115
www.sparanomooney.com
T 801.746.0234 F 801.746.0233

ROOM TYPE LEGEND

- 1 BR
- 2BR
- 3BR - LG
- WORKFORCE HOUSING



1 FLOOR PLAN - ELEV. 7088.67'
1" = 30'-0"

FOUNDERS PLACE

FLOOR PLAN - ELEV. 7088.67'

DRAWING NO. EX - 6 DATE: 11/16/21 JOB NO. 21-08

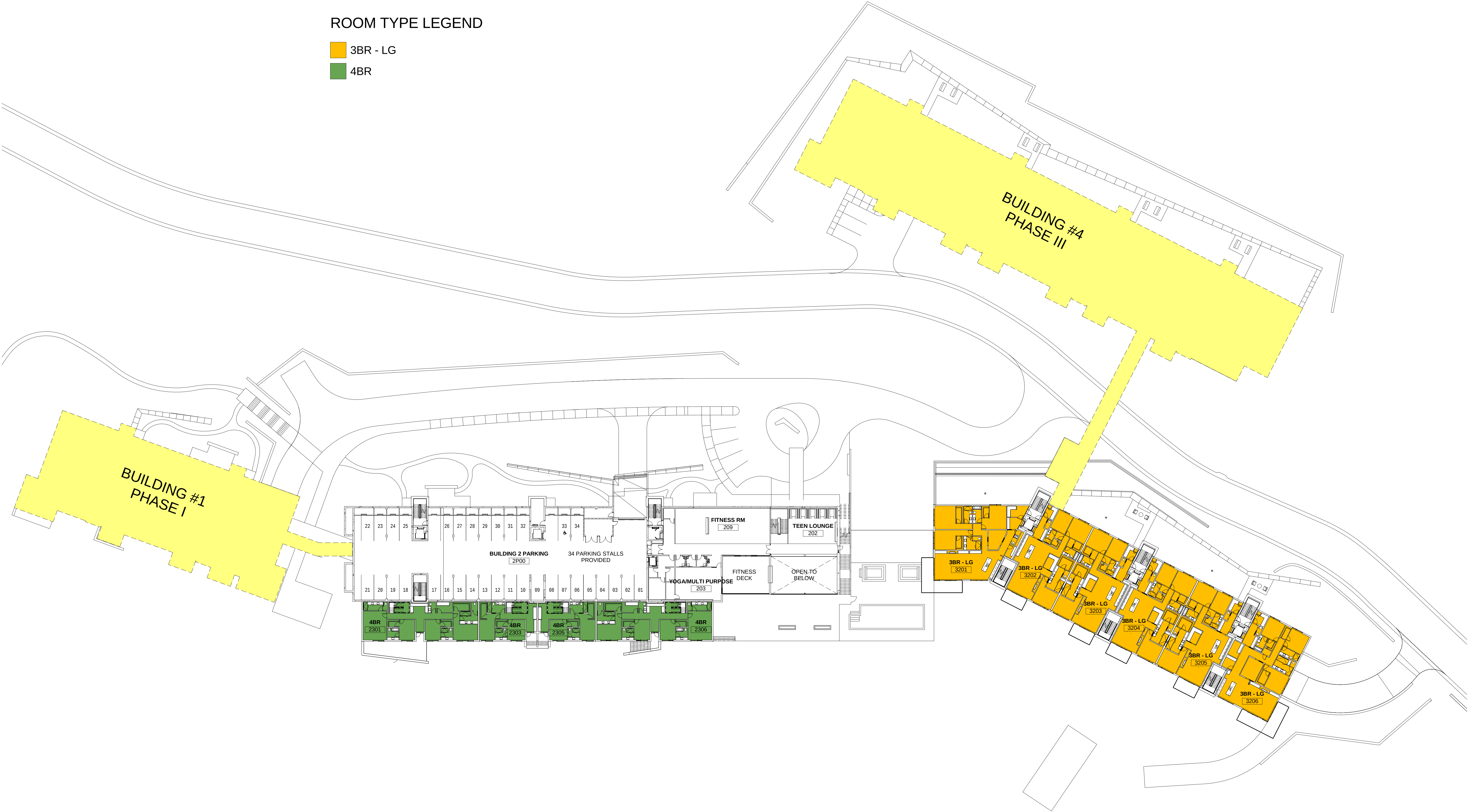
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ARCHITECTURE

57 WEST 2100 SOUTH
SALT LAKE CITY, UT 84115
www.sparanomooney.com
T 801.746.0234 F 801.746.0233

ROOM TYPE LEGEND

- 3BR - LG
- 4BR



1 FLOOR PLAN - ELEV. 7101.33'
1" = 30'-0"

FOUNDERS PLACE

FLOOR PLAN - ELEV. 7101.33'

DRAWING NO. EX - 7 DATE: 11/16/21 JOB NO. 21-08

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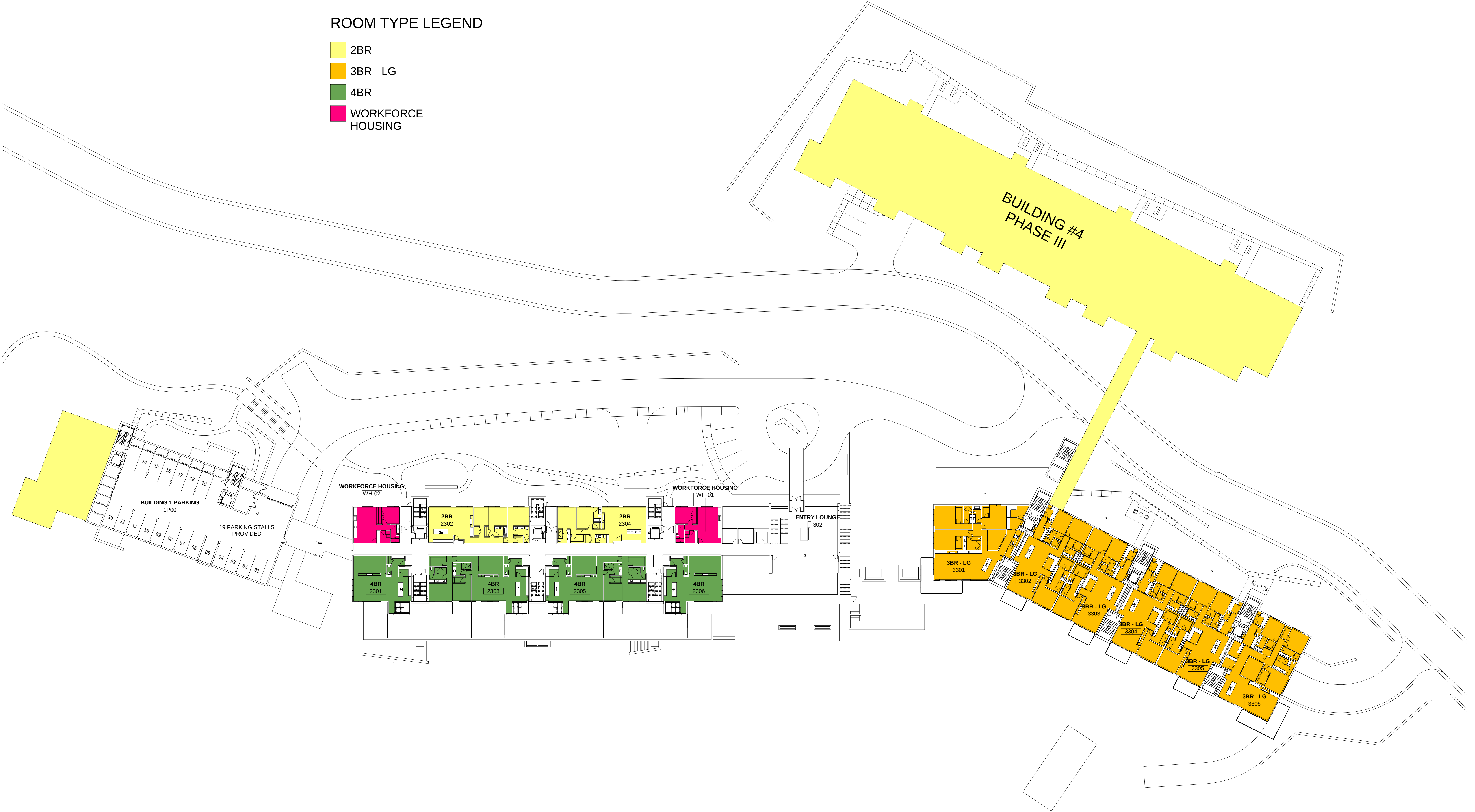
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SALT LAKE CITY, UT 84115
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ROOM TYPE LEGEND

- 2BR
- 3BR - LG
- 4BR
- WORKFORCE HOUSING



1 FLOOR PLAN - ELEV. 7114.00'
1" = 30'-0"

FOUNDERS PLACE

FLOOR PLAN - ELEV. 7114.00'

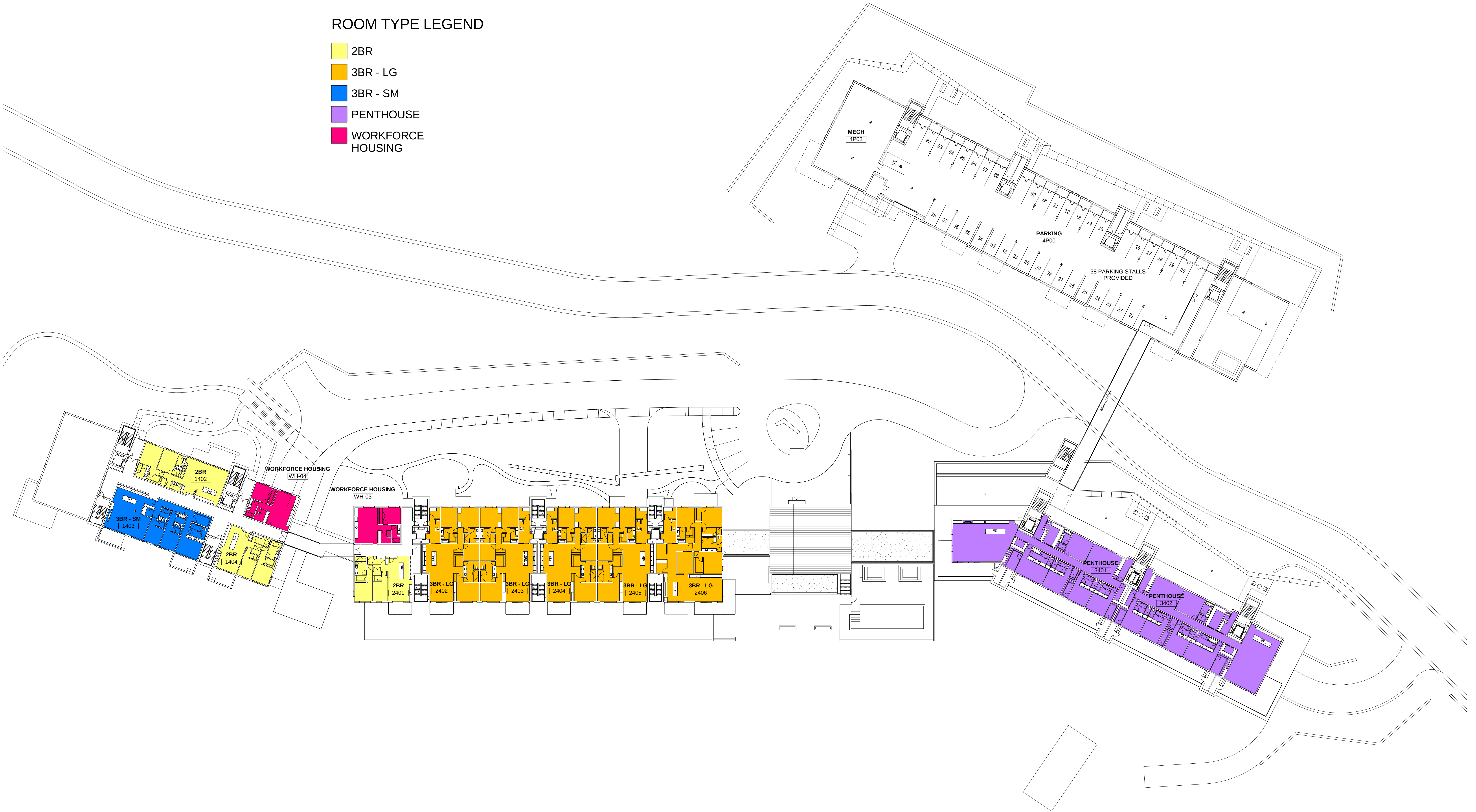
DRAWING NO. EX - 8 DATE: 11/16/21 JOB NO. 21-08

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ROOM TYPE LEGEND

- 2BR
- 3BR - LG
- 3BR - SM
- PENTHOUSE
- WORKFORCE HOUSING



1 FLOOR PLAN - ELEV. 7126.67'
1" = 30'-0"

FOUNDERS PLACE

FLOOR PLAN - ELEV. 7126.67'

DRAWING NO. EX - 9 DATE: 11/16/21 JOB NO. 21-08

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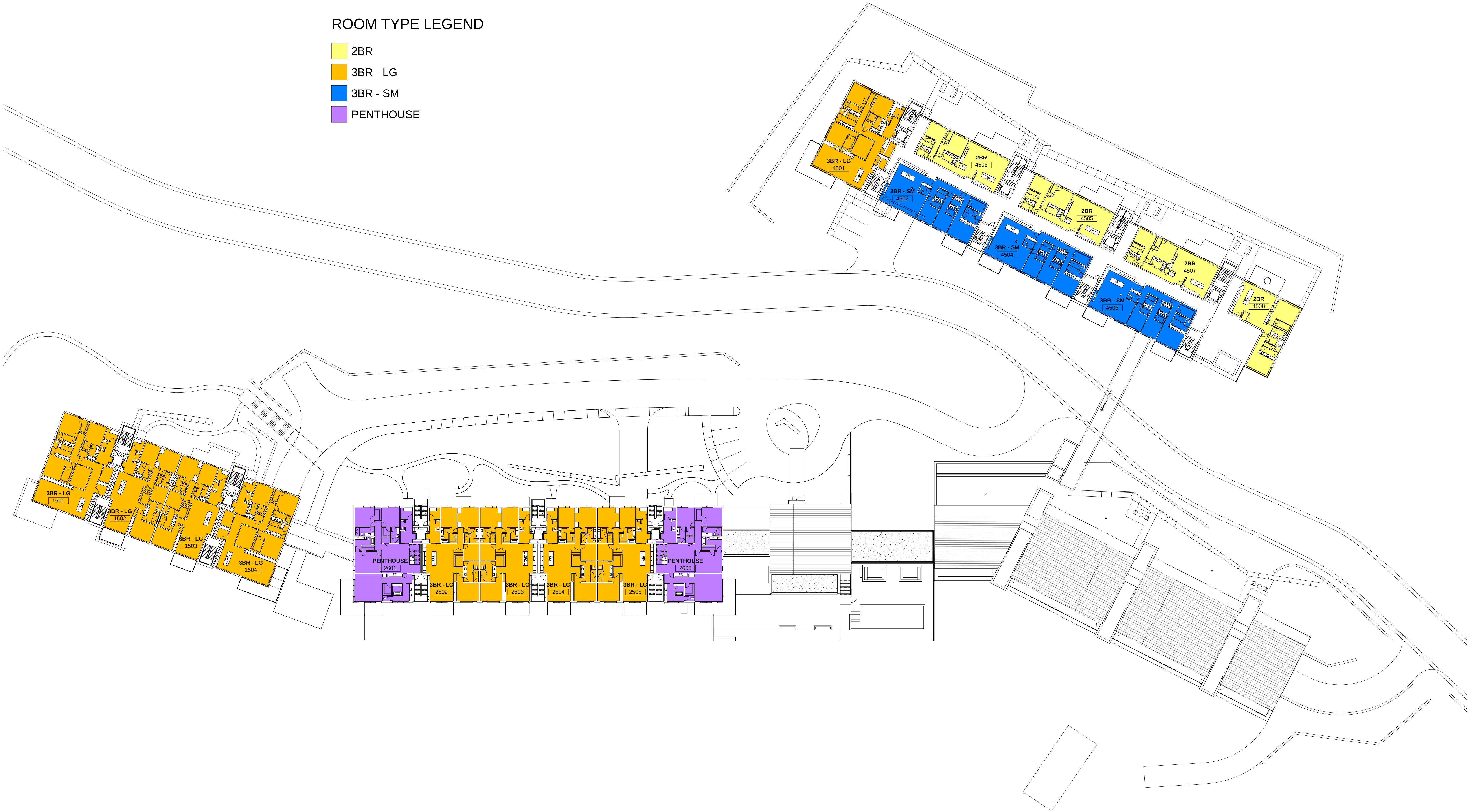
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ROOM TYPE LEGEND

- 2BR
- 3BR - LG
- 3BR - SM
- PENTHOUSE



1 FLOOR PLAN - ELEV. 7139.33'
1" = 30'-0"

FOUNDERS PLACE

FLOOR PLAN - ELEV. 7139.33'

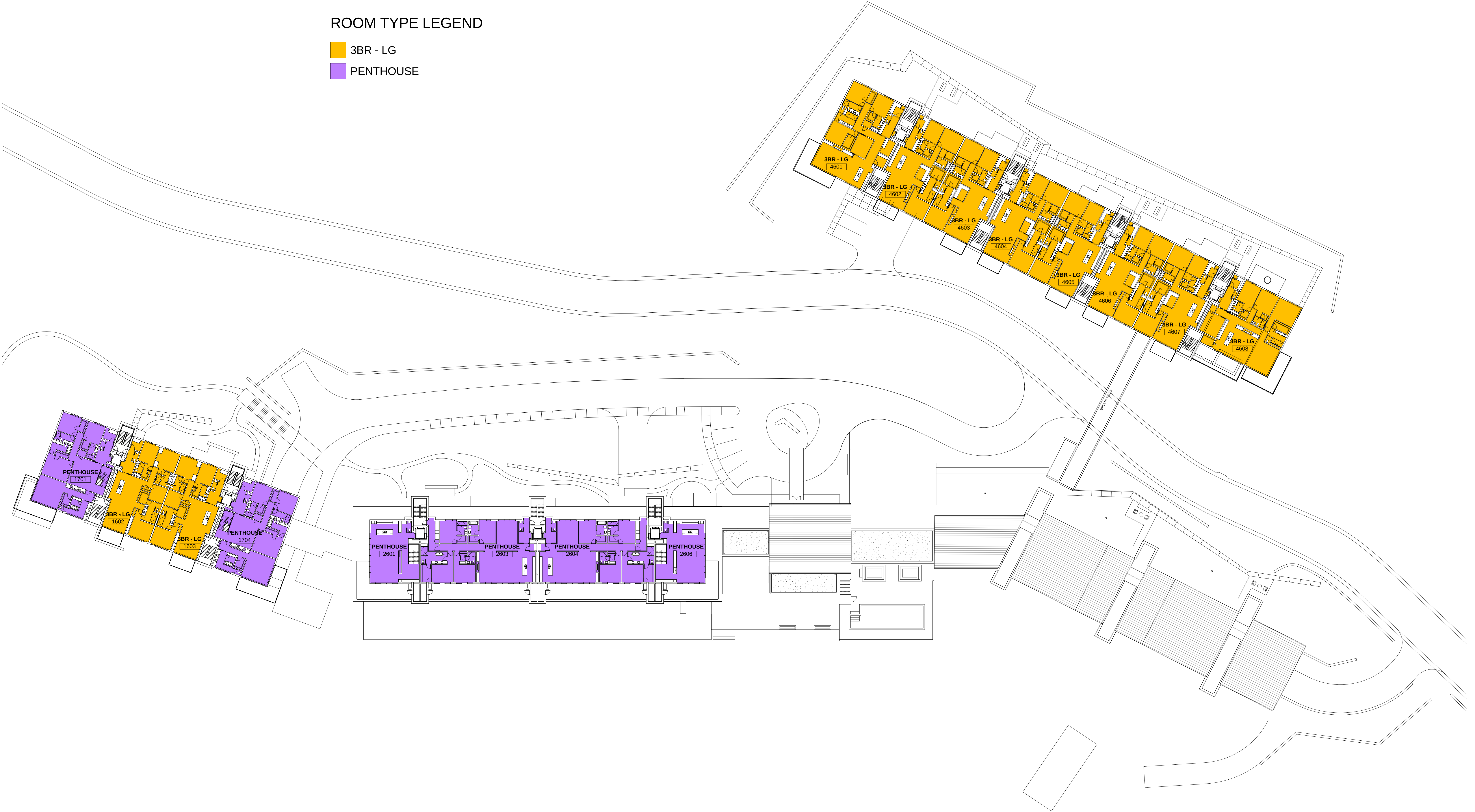
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ROOM TYPE LEGEND

- 3BR - LG
- PENTHOUSE



1 FLOOR PLAN - ELEV. 7152.00'
1" = 30'-0"



FOUNDERS PLACE

FLOOR PLAN - ELEV. 7152.00'

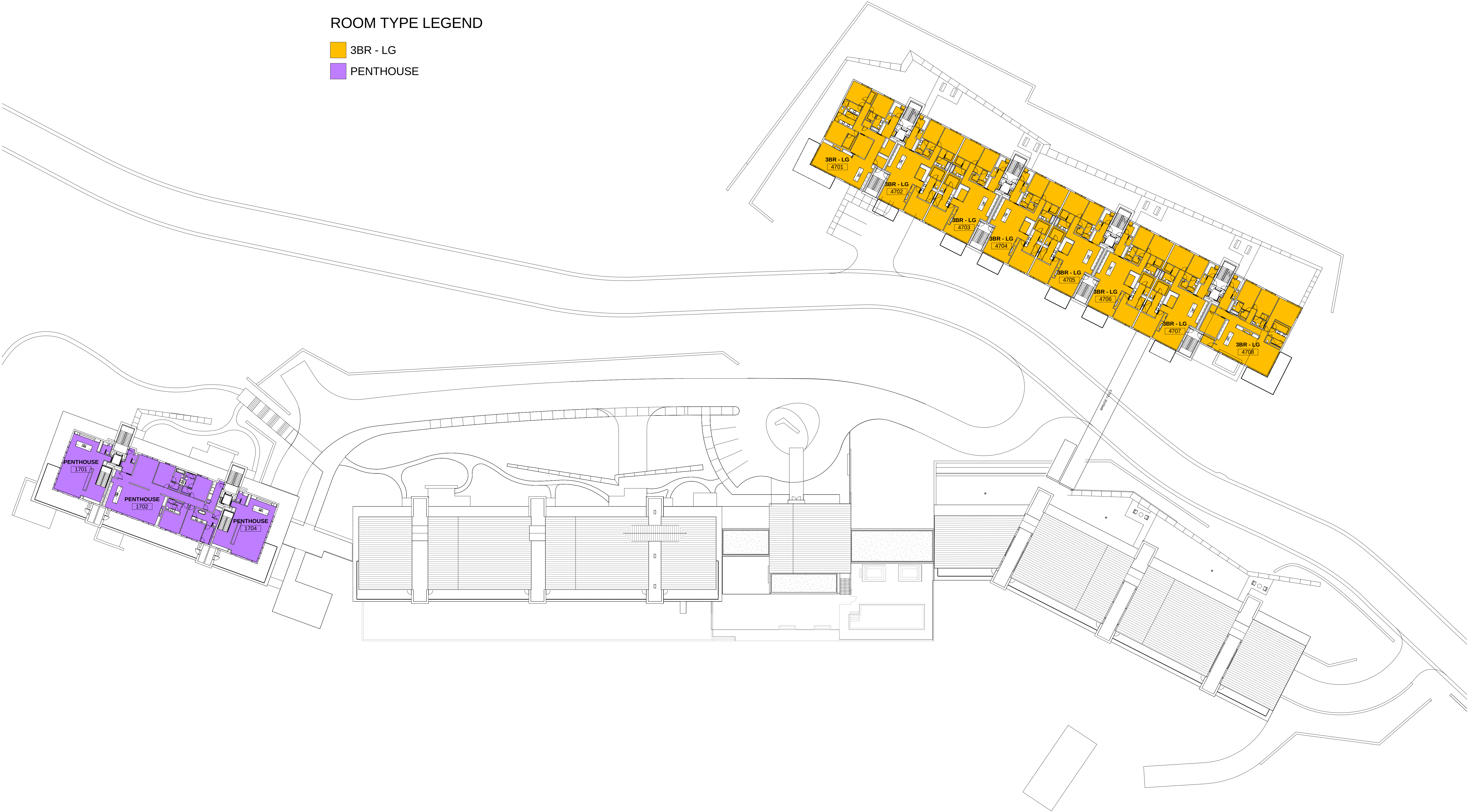
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ROOM TYPE LEGEND

- 3BR - LG
- PENTHOUSE



1 FLOOR PLAN - ELEV. 7164.67'
1" = 30'-0"

FOUNDERS PLACE

FLOOR PLAN - ELEV. 7164.67'

DRAWING NO. EX - 12 DATE: 11/16/21 JOB NO. 21-08

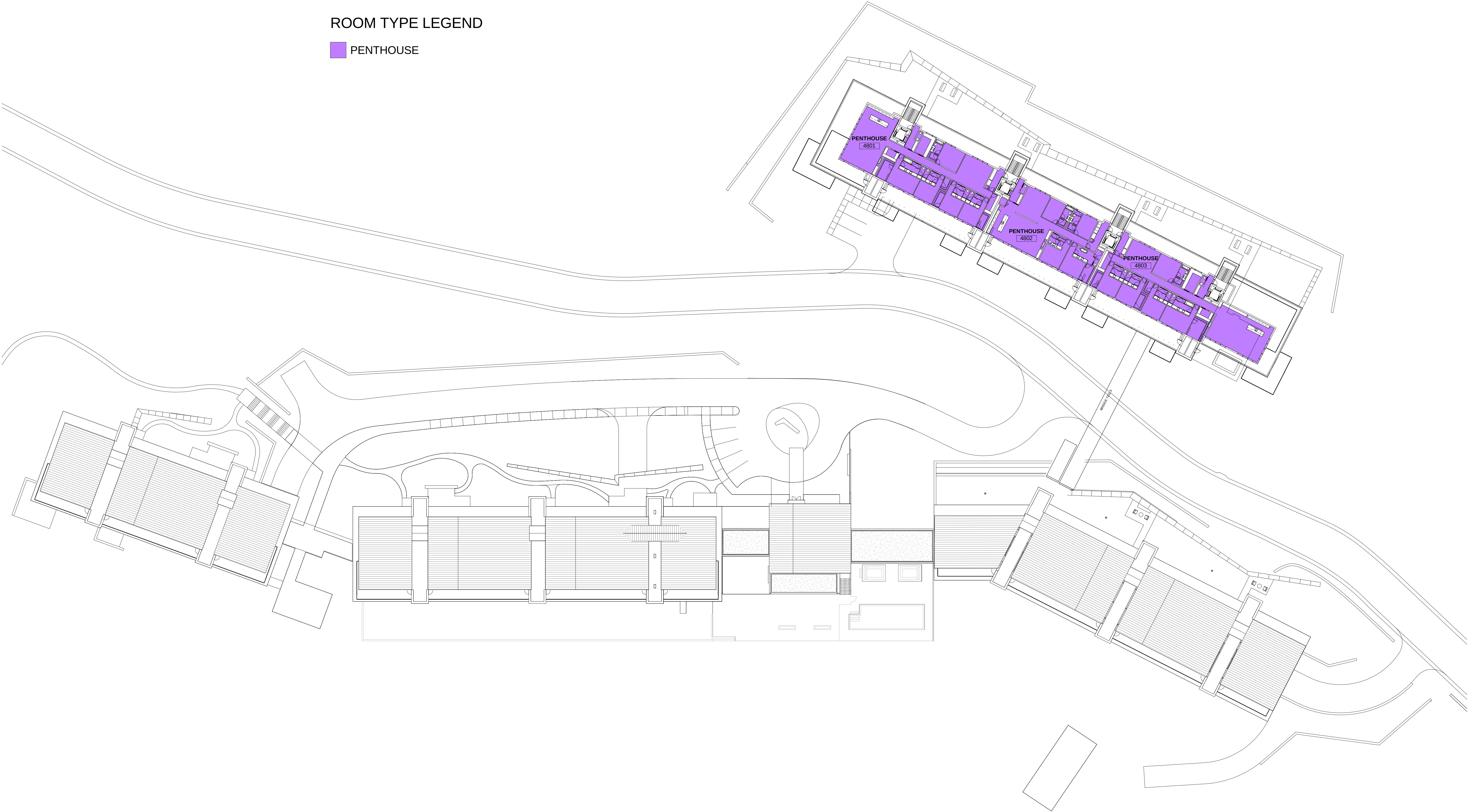
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ROOM TYPE LEGEND

PENTHOUSE



① FLOOR PLAN - ELEV. 7177.33'
1" = 30'-0"

FOUNDERS PLACE

FLOOR PLAN - ELEV. 7177.33'

DRAWING NO. EX - 13 DATE: 11/16/21 JOB NO. 21-08

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GROSS BUILDING AREA SCHEDULE - ALL PHASES		
PHASE	LEVEL	AREA

AMENITY BLDG	LEVEL 1	10210 SF
AMENITY BLDG	LEVEL 2	7992 SF
AMENITY BLDG	LEVEL 3	2477 SF
AMENITY BLDG: 3		20679 SF

PHASE I	LEVEL 1	4901 SF
PHASE I	LEVEL 2	21246 SF
PHASE I	LEVEL 3	18823 SF
PHASE I	LEVEL 3	9383 SF
PHASE I	LEVEL 4	28262 SF
PHASE I	LEVEL 5	18239 SF
PHASE I	LEVEL 5	12450 SF
PHASE I	LEVEL 6	12007 SF
PHASE I	LEVEL 6	12450 SF
PHASE I	LEVEL 7	375 SF
PHASE I: 10		138134 SF

PHASE II	LEVEL P1	15077 SF
PHASE II	LEVEL 1	18221 SF
PHASE II	LEVEL 2	18275 SF
PHASE II	LEVEL 3	18275 SF
PHASE II	LEVEL 4	11749 SF
PHASE II	LEVEL 7	7825 SF
PHASE II: 6		89422 SF

PHASE III	LEVEL 1	651 SF
PHASE III	LEVEL 2	348 SF
PHASE III	LEVEL 3	348 SF
PHASE III	LEVEL 4	25911 SF
PHASE III	LEVEL 5	21088 SF
PHASE III	LEVEL 5	1782 SF
PHASE III	LEVEL 6	24092 SF
PHASE III	LEVEL 7	24092 SF
PHASE III	LEVEL 8	15911 SF
PHASE III: 9		114222 SF
Grand total: 28		362458 SF

PHASE I
375 SF

PHASE II
7825 SF

PHASE III
24092 SF

⑧ LEVEL 6
1" = 100'-0"

PHASE I
9383 SF

PHASE I
18823 SF

AMENITY BLDG
2477 SF

PHASE III
348 SF

PHASE II
18275 SF

⑤ LEVEL 3
1" = 100'-0"

PHASE I
28262 SF

PHASE I
28262 SF

PHASE III
25911 SF

PHASE II
11749 SF

⑥ LEVEL 4
1" = 100'-0"

PHASE I
4901 SF

AMENITY BLDG
10210 SF

PHASE III
651 SF

PHASE II
18221 SF

② LEVEL 1
1" = 100'-0"

PHASE III
15911 SF

PHASE III
21088 SF

PHASE III
1782 SF

PHASE I
12450 SF

PHASE I
18239 SF

⑦ LEVEL 5
1" = 100'-0"

PHASE I
21246 SF

AMENITY BLDG
7992 SF

PHASE III
348 SF

PHASE II
18275 SF

④ LEVEL 2
1" = 100'-0"

LEGEND

- AMENITY BLDG
- PHASE I
- PHASE II
- PHASE III

FOUNDERS PLACE

GROSS BUILDING AREA CALCULATIONS

DRAWING NO. EX - 14 DATE: 11/16/21 JOB NO. 21-08

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FOUNDERS PLACE

HOUSING UNIT SCHEDULE AND SQUARE FOOTAGE SUMMARY

DRAWING NO.
EX - 15

DATE:
11/16/21

JOB NO.
21-08

UNIT NET SQUARE FOOTAGE - ALL PHASES				
TYPE	ROOM NUMBER	LEVEL	AREA	PHASE
PHASE I				
2BR	1402	LEVEL 4	1475 SF	PHASE I
2BR	1404	LEVEL 4	1163 SF	PHASE I
2BR	2302	LEVEL 3	1678 SF	PHASE I
2BR	2304	LEVEL 3	1480 SF	PHASE I
2BR	2401	LEVEL 4	1163 SF	PHASE I
3BR - LG	1501	LEVEL 5	2740 SF	PHASE I
3BR - LG	1502	LEVEL 5	2326 SF	PHASE I
3BR - LG	1503	LEVEL 5	2326 SF	PHASE I
3BR - LG	1504	LEVEL 5	2740 SF	PHASE I
3BR - LG	1602	LEVEL 6	2326 SF	PHASE I
3BR - LG	1603	LEVEL 6	2326 SF	PHASE I
3BR - LG	2402	LEVEL 4	2326 SF	PHASE I
3BR - LG	2403	LEVEL 4	2326 SF	PHASE I
3BR - LG	2404	LEVEL 4	2326 SF	PHASE I
3BR - LG	2405	LEVEL 4	2326 SF	PHASE I
3BR - LG	2406	LEVEL 4	2740 SF	PHASE I
3BR - LG	2502	LEVEL 5	2326 SF	PHASE I
3BR - LG	2503	LEVEL 5	2326 SF	PHASE I
3BR - LG	2504	LEVEL 5	2326 SF	PHASE I
3BR - LG	2505	LEVEL 5	2326 SF	PHASE I
3BR - SM	1403	LEVEL 4	2128 SF	PHASE I
4BR	2301	2 STORY UNIT	3336 SF	PHASE I
4BR	2303	2 STORY UNIT	3185 SF	PHASE I
4BR	2305	2 STORY UNIT	3185 SF	PHASE I
4BR	2306	2 STORY UNIT	3337 SF	PHASE I
PENTHOUSE	1701	2 STORY UNIT	4067 SF	PHASE I
PENTHOUSE	1702	LEVEL 7	3308 SF	PHASE I
PENTHOUSE	1704	2 STORY UNIT	4066 SF	PHASE I
PENTHOUSE	2601	2 STORY UNIT	4067 SF	PHASE I
PENTHOUSE	2603	LEVEL 6	3309 SF	PHASE I
PENTHOUSE	2604	LEVEL 6	3308 SF	PHASE I
PENTHOUSE	2606	2 STORY UNIT	4066 SF	PHASE I
			84449 SF	
PHASE II				
1 BR	3103	LEVEL 1	625 SF	PHASE II
2BR	3107	LEVEL 1	1473 SF	PHASE II
3BR - LG	3104	LEVEL 1	2132 SF	PHASE II
3BR - LG	3106	LEVEL 1	2132 SF	PHASE II
3BR - LG	3108	LEVEL 1	2742 SF	PHASE II
3BR - LG	3201	LEVEL 2	2821 SF	PHASE II
3BR - LG	3202	LEVEL 2	2327 SF	PHASE II
3BR - LG	3203	LEVEL 2	2327 SF	PHASE II
3BR - LG	3204	LEVEL 2	2327 SF	PHASE II
3BR - LG	3205	LEVEL 2	2327 SF	PHASE II
3BR - LG	3206	LEVEL 2	2737 SF	PHASE II
3BR - LG	3301	LEVEL 3	2821 SF	PHASE II
3BR - LG	3302	LEVEL 3	2327 SF	PHASE II
3BR - LG	3303	LEVEL 3	2327 SF	PHASE II
3BR - LG	3304	LEVEL 3	2327 SF	PHASE II
3BR - LG	3305	LEVEL 3	2327 SF	PHASE II
3BR - LG	3306	LEVEL 3	2737 SF	PHASE II
PENTHOUSE	3401	LEVEL 4	4685 SF	PHASE II
PENTHOUSE	3402	LEVEL 4	4572 SF	PHASE II
			48088 SF	
PHASE III				
2BR	4503	LEVEL 5 BLDG 4	1480 SF	PHASE III
2BR	4505	LEVEL 5 BLDG 4	1480 SF	PHASE III
2BR	4507	LEVEL 5 BLDG 4	1480 SF	PHASE III
2BR	4508	LEVEL 5 BLDG 4	1478 SF	PHASE III
3BR - LG	4501	LEVEL 5 BLDG 4	2742 SF	PHASE III
3BR - LG	4601	LEVEL 6 BLDG 4	2737 SF	PHASE III
3BR - LG	4602	LEVEL 6 BLDG 4	2327 SF	PHASE III
3BR - LG	4603	LEVEL 6 BLDG 4	2327 SF	PHASE III
3BR - LG	4604	LEVEL 6 BLDG 4	2327 SF	PHASE III
3BR - LG	4605	LEVEL 6 BLDG 4	2327 SF	PHASE III
3BR - LG	4606	LEVEL 6 BLDG 4	2327 SF	PHASE III
3BR - LG	4607	LEVEL 6 BLDG 4	2327 SF	PHASE III
3BR - LG	4608	LEVEL 6 BLDG 4	2844 SF	PHASE III
3BR - LG	4701	LEVEL 7 BLDG 4	2737 SF	PHASE III
3BR - LG	4702	LEVEL 7 BLDG 4	2327 SF	PHASE III
3BR - LG	4703	LEVEL 7 BLDG 4	2327 SF	PHASE III
3BR - LG	4704	LEVEL 7 BLDG 4	2327 SF	PHASE III
3BR - LG	4705	LEVEL 7 BLDG 4	2327 SF	PHASE III
3BR - LG	4706	LEVEL 7 BLDG 4	2327 SF	PHASE III
3BR - LG	4707	LEVEL 7 BLDG 4	2327 SF	PHASE III
3BR - LG	4708	LEVEL 7 BLDG 4	2844 SF	PHASE III
3BR - SM	4502	LEVEL 5 BLDG 4	2131 SF	PHASE III
3BR - SM	4504	LEVEL 5 BLDG 4	2131 SF	PHASE III
3BR - SM	4506	LEVEL 5 BLDG 4	2131 SF	PHASE III
PENTHOUSE	4801	LEVEL 8 BLDG 4	4581 SF	PHASE III
PENTHOUSE	4802	LEVEL 8 BLDG 4	3292 SF	PHASE III
PENTHOUSE	4803	LEVEL 8 BLDG 4	4654 SF	PHASE III
			66663 SF	
			199200 SF	

PHASE I UNIT TYPES		
TYPE	ROOM NUMBER	PHASE
PHASE I		
2BR	2401	PHASE I
2BR	2304	PHASE I
2BR	2302	PHASE I
2BR	1404	PHASE I
2BR	1402	PHASE I
2BR: 5		
3BR - LG	2503	PHASE I
3BR - LG	2502	PHASE I
3BR - LG	2505	PHASE I
3BR - LG	2402	PHASE I
3BR - LG	2403	PHASE I
3BR - LG	2404	PHASE I
3BR - LG	2405	PHASE I
3BR - LG	1602	PHASE I
3BR - LG	1603	PHASE I
3BR - LG	1502	PHASE I
3BR - LG	1503	PHASE I
3BR - LG	1504	PHASE I
3BR - LG	1501	PHASE I
3BR - LG	2406	PHASE I
3BR - LG	2504	PHASE I
3BR - LG: 15		
3BR - SM		
3BR - SM	1403	PHASE I
3BR - SM: 1		
4BR	2306	PHASE I
4BR	2303	PHASE I
4BR	2301	PHASE I
4BR	2305	PHASE I
4BR: 4		
PENTHOUSE	2603	PHASE I
PENTHOUSE	2604	PHASE I
PENTHOUSE	2601	PHASE I
PENTHOUSE	1702	PHASE I
PENTHOUSE	1704	PHASE I
PENTHOUSE	1701	PHASE I
PENTHOUSE	2606	PHASE I
PENTHOUSE: 7		
PHASE I: 32		

PHASE I UNIT TYPES SUMMARY		
TYPE	UNIT TOTALS	PERCENTAGE
2BR	5	15.6%
3BR - LG	15	46.9%
3BR - SM	1	3.1%
4BR	4	12.5%
PENTHOUSE	7	21.9%

OVERALL PROJECT UNIT TYPE SUMMARY		
TYPE	UNIT TOTALS	PERCENTAGE
1 BR	1	1.3%
2BR	10	12.8%
3BR - LG	47	60.3%
3BR - SM	4	5.1%
4BR	4	5.1%
PENTHOUSE	12	15.4%

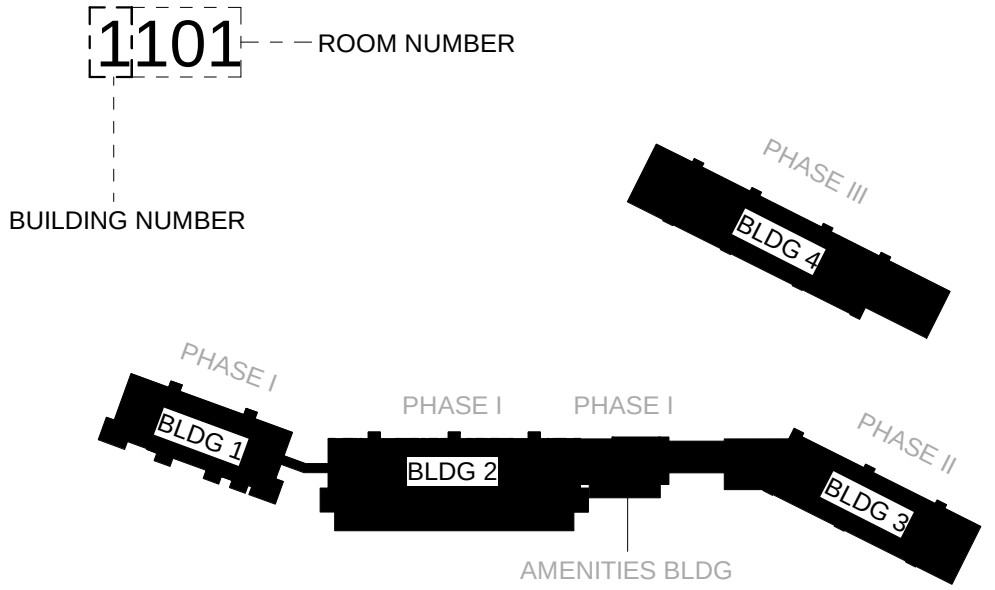
PHASE II UNIT TYPES		
TYPE	ROOM NUMBER	PHASE
PHASE II		
1 BR	3103	PHASE II
1 BR: 1		
2BR		
2BR	3107	PHASE II
2BR: 1		
3BR - LG	3206	PHASE II
3BR - LG	3204	PHASE II
3BR - LG	3202	PHASE II
3BR - LG	3306	PHASE II
3BR - LG	3305	PHASE II
3BR - LG	3304	PHASE II
3BR - LG	3303	PHASE II
3BR - LG	3302	PHASE II
3BR - LG	3201	PHASE II
3BR - LG	3301	PHASE II
3BR - LG	3108	PHASE II
3BR - LG	3106	PHASE II
3BR - LG	3203	PHASE II
3BR - LG	3205	PHASE II
3BR - LG	3104	PHASE II
3BR - LG: 15		
PENTHOUSE	3401	PHASE II
PENTHOUSE	3402	PHASE II
PENTHOUSE: 2		
PHASE II: 19		

PHASE II UNIT TYPES SUMMARY		
TYPE	UNIT TOTALS	PERCENTAGE
1 BR	1	5.3%
2BR	1	5.3%
3BR - LG	15	78.9%
PENTHOUSE	2	10.5%

PHASE III UNIT TYPES		
TYPE	ROOM NUMBER	PHASE
PHASE III		
2BR	4508	PHASE III
2BR	4507	PHASE III
2BR	4505	PHASE III
2BR	4503	PHASE III
2BR: 4		
3BR - LG	4705	PHASE III
3BR - LG	4704	PHASE III
3BR - LG	4707	PHASE III
3BR - LG	4706	PHASE III
3BR - LG	4702	PHASE III
3BR - LG	4601	PHASE III
3BR - LG	4602	PHASE III
3BR - LG	4603	PHASE III
3BR - LG	4604	PHASE III
3BR - LG	4607	PHASE III
3BR - LG	4605	PHASE III
3BR - LG	4606	PHASE III
3BR - LG	4501	PHASE III
3BR - LG	4608	PHASE III
3BR - LG	4703	PHASE III
3BR - LG	4701	PHASE III
3BR - LG	4708	PHASE III
3BR - LG: 17		
3BR - SM		
3BR - SM	4506	PHASE III
3BR - SM	4504	PHASE III
3BR - SM	4502	PHASE III
3BR - SM: 3		
PENTHOUSE	4802	PHASE III
PENTHOUSE	4801	PHASE III
PENTHOUSE	4803	PHASE III
PENTHOUSE: 3		
PHASE III: 27		

PHASE III UNIT TYPES SUMMARY		
TYPE	UNIT TOTALS	PERCENTAGE
2BR	4	14.8%
3BR - LG	17	63.0%
3BR - SM	3	11.1%
PENTHOUSE	3	11.1%

ROOM NUMBER LEGEND



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REVISION SCHEDULE		
NO	DATE	DESCRIPTION

EXTERIOR ELEVATIONS

SCALE	As indicated	SHEET NO.
JOB NO.	21-08	A201
ISSUE	50% DD	
DATE	NOVEMBER 10, 2021	

KEYNOTE LEGEND

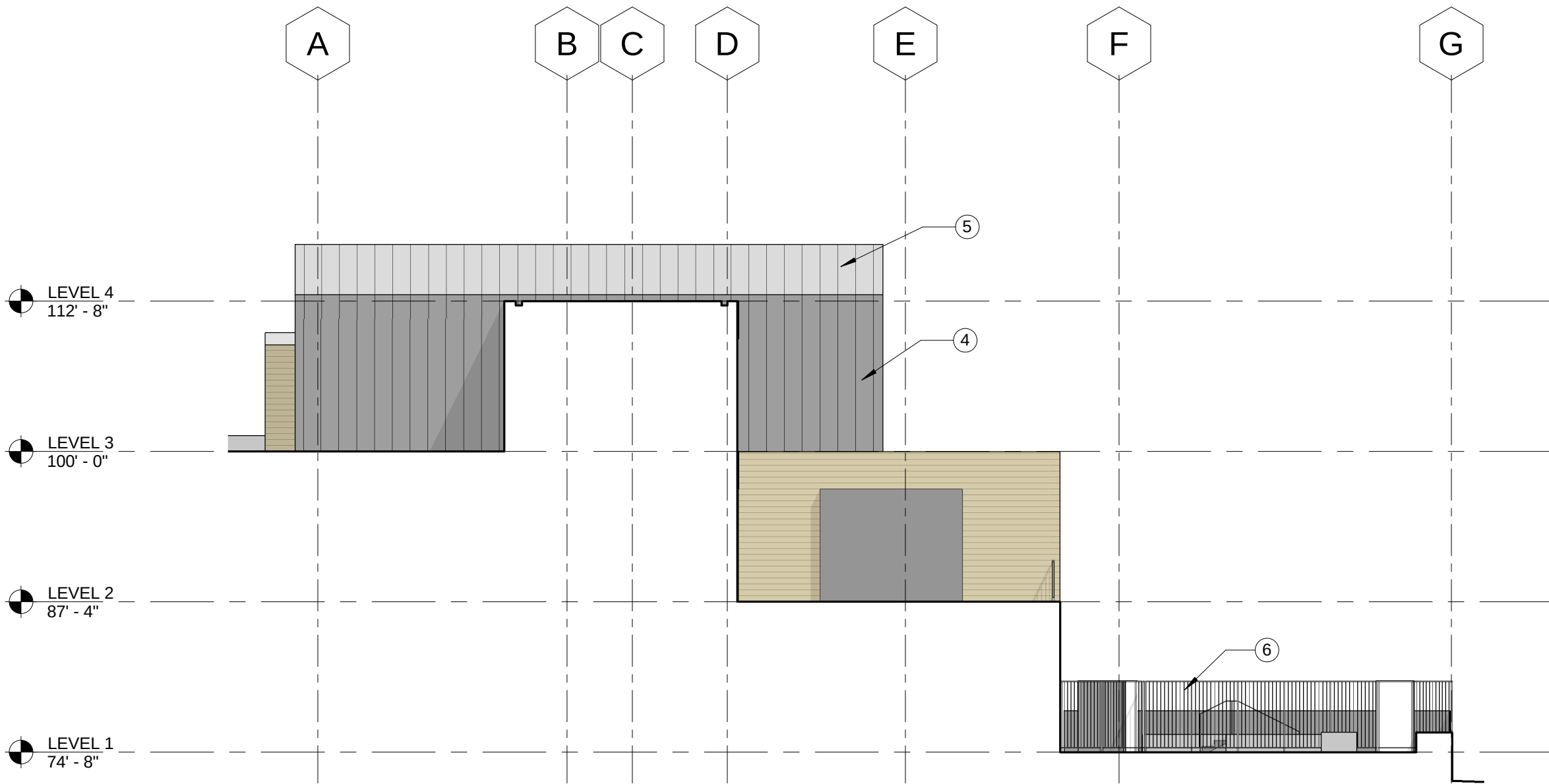
- 1
- 2 CONCRETE PANEL SIDING.
- 3 PREFINISHED METAL RAILING.
- 4 HORIZONTAL WOOD SIDING.
- 5 STANDING SEAM METAL ROOF/WALL/FASCIA PANEL.
- 6 PREFINISHED METAL POOL FENCING.

GENERAL NOTES

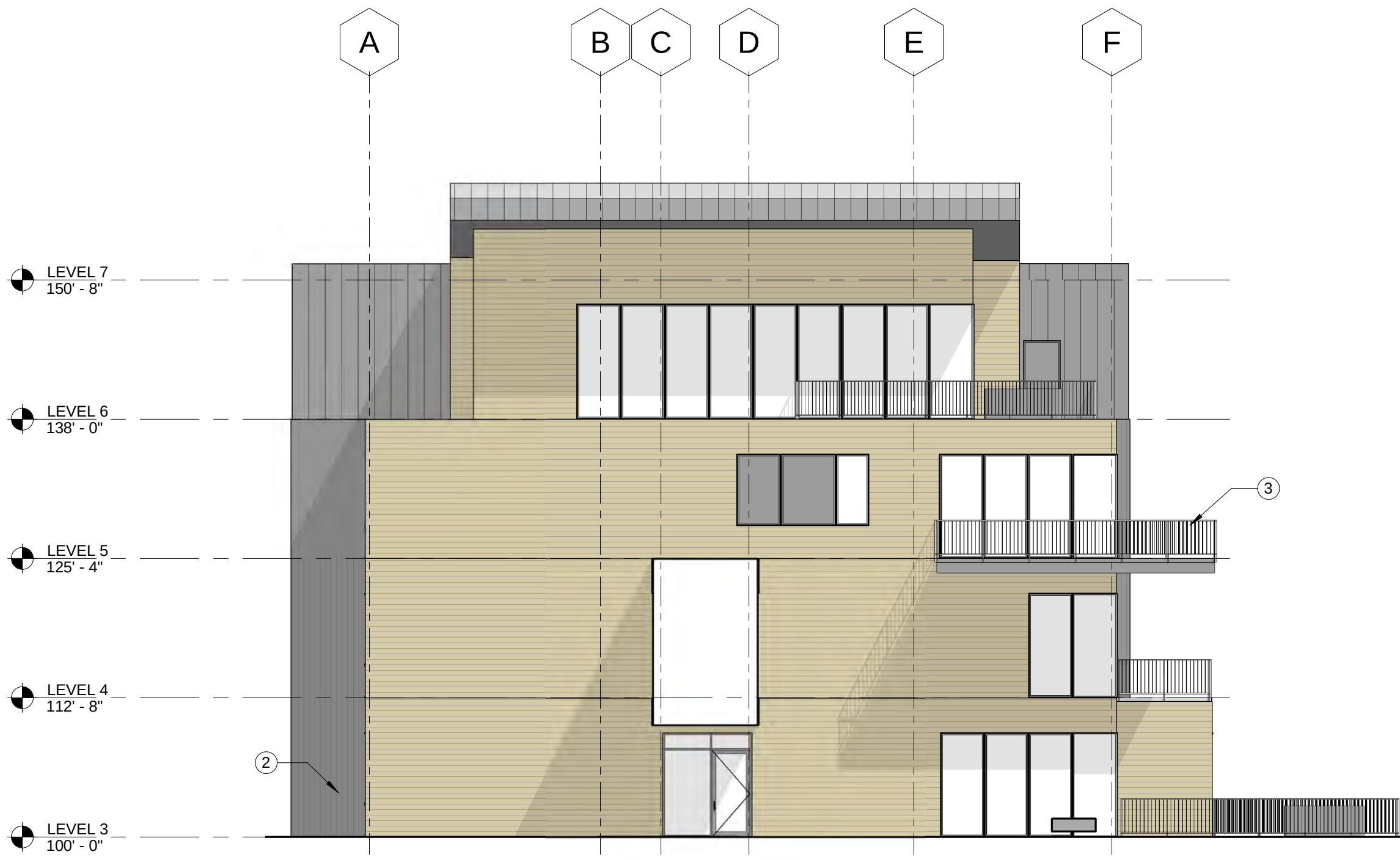
A. SEE EXTERIOR MATERIAL SYSTEMS DETAILS AND SPECIFICATIONS FOR ADDITIONAL INFORMATION.



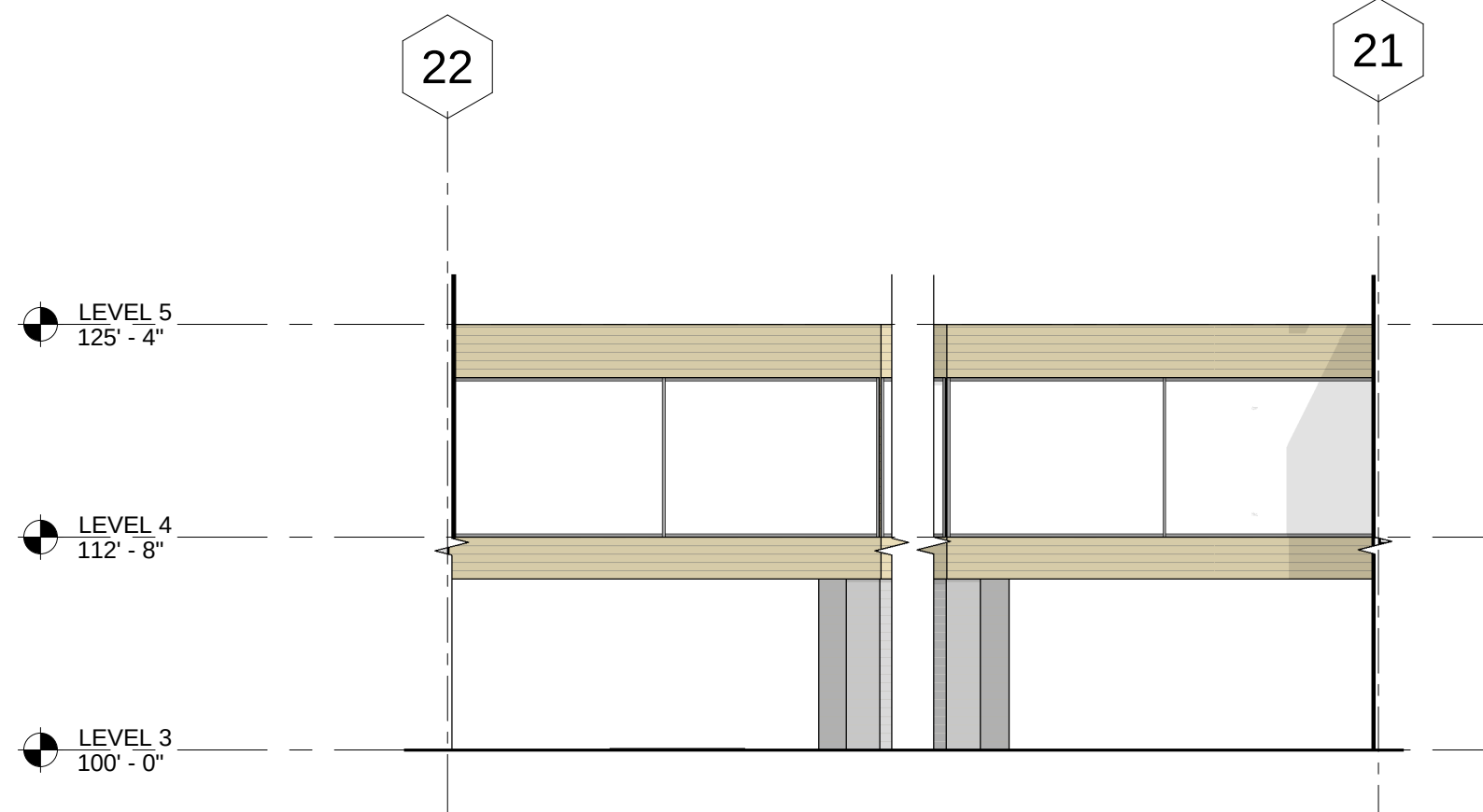
1 BUILDIGN 2 - NORTH ELEVATION
3/32" = 1'-0"



5 AMENITY - WEST ELEVATION
3/32" = 1'-0"

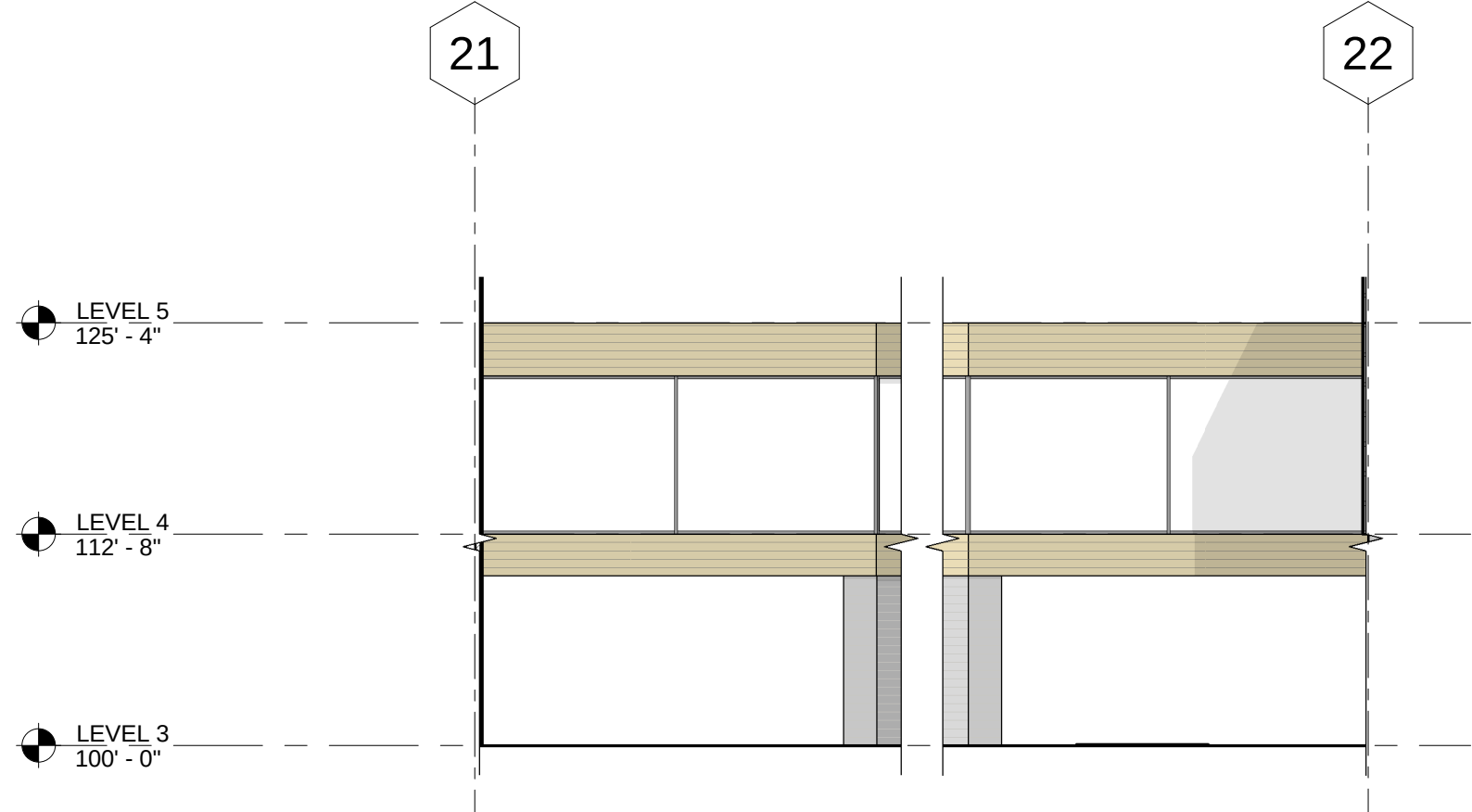


4 BUILDING 2 - WEST ELEVATION
3/32" = 1'-0"



3 BRIDGE - SOUTH ELEVATION A
3/32" = 1'-0"

2 BRIDGE - SOUTH ELEVATION B
3/32" = 1'-0"



7 BRIDGE - NORTH ELEVATION A
3/32" = 1'-0"

6 BRIDGE - NORTH ELEVATION B
3/32" = 1'-0"

ELEVATION 1

DRAWING NO. DATE:
EX - 16 11/16/21

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KEYNOTE LEGEND

- 1 HORIZONTAL WOOD SIDING.
- 2 PREFINISHED METAL RAILING.
- 3 BOARD FORM CONCRETE.
- 4 STANDING SEAM METAL ROOF/WALL/FASCIA PANEL.
- 5 PREFINISHED METAL POOL FENCING.

GENERAL NOTES

A. SEE EXTERIOR MATERIAL SYSTEMS DETAILS AND SPECIFICATIONS FOR ADDITIONAL INFORMATION.

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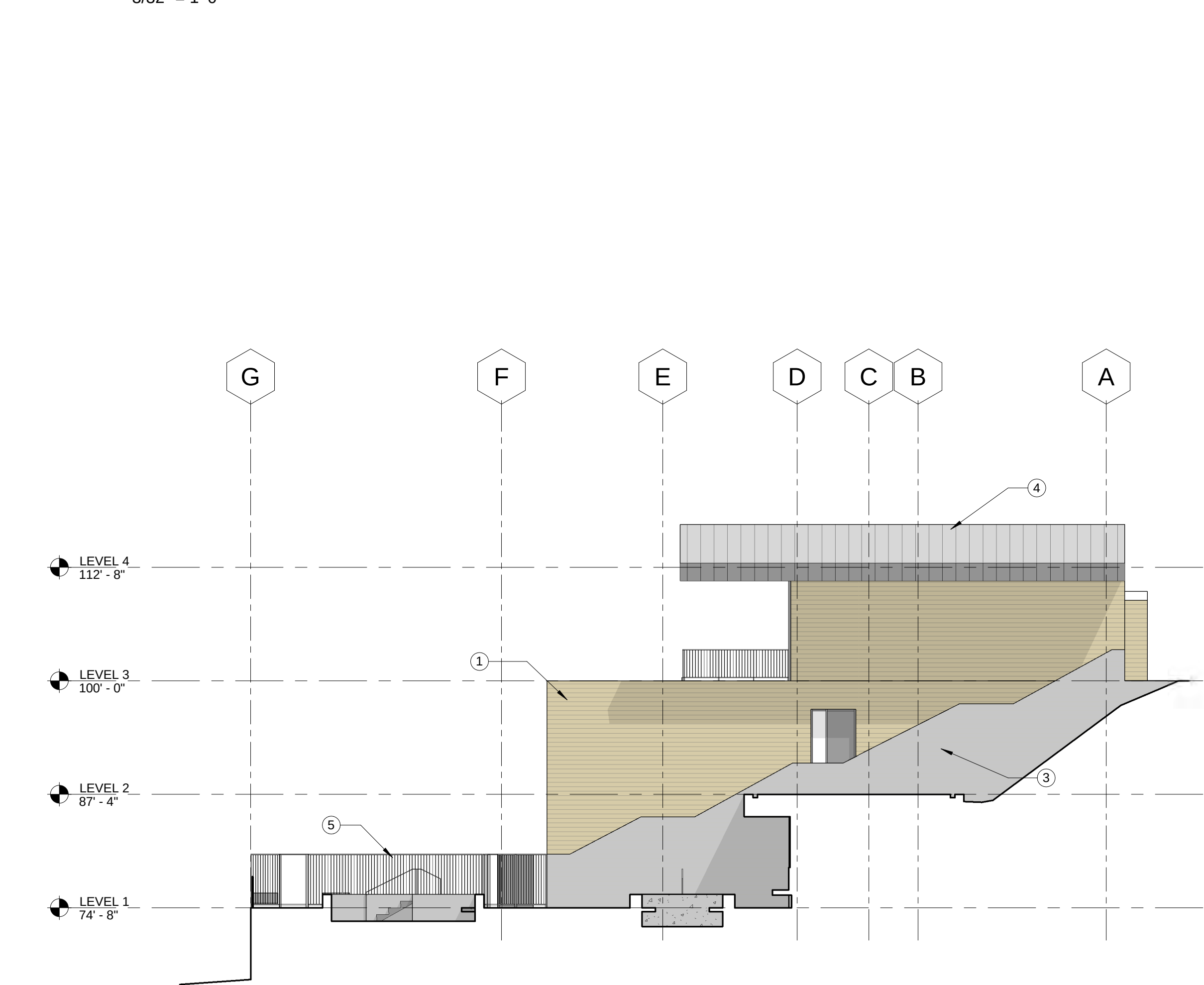
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FOUNDERS PLACE

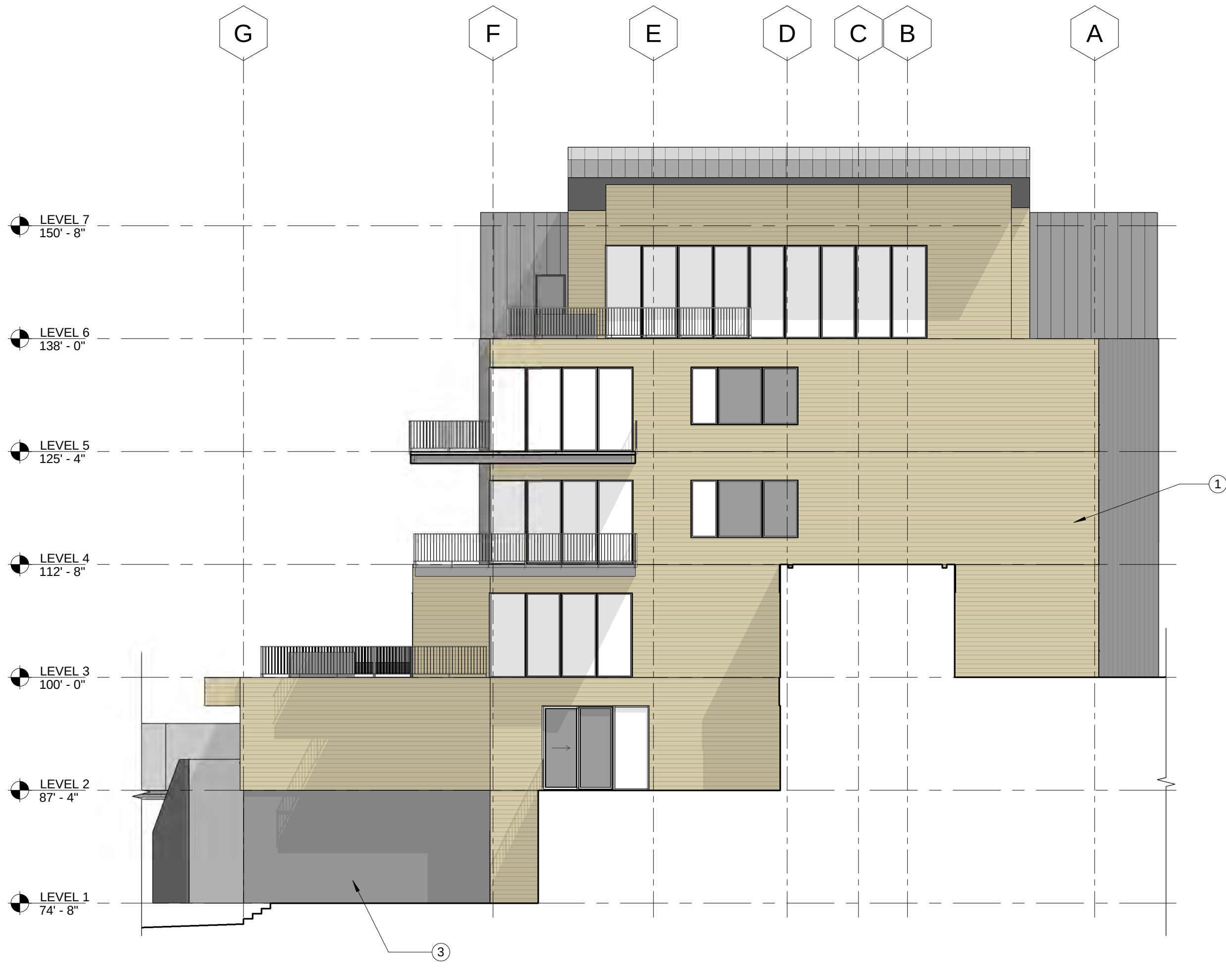
3000 W. DEER HOLLOW RD.
PARK CITY, UT 84060



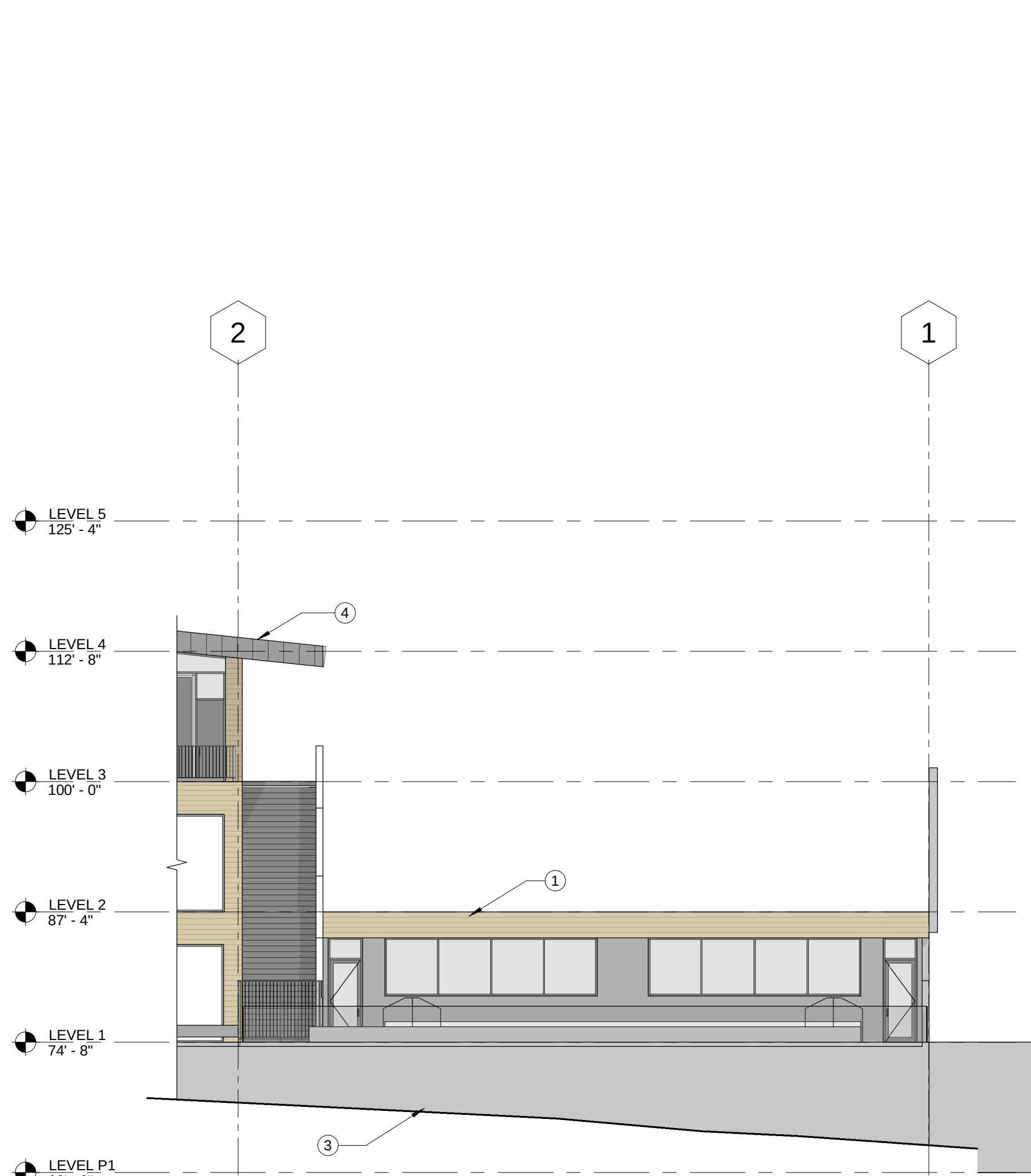
1 BUILDING 2 - SOUTH ELEVATION
3/32" = 1'-0"



4 AMENITY - EAST ELEVATION
3/32" = 1'-0"



3 BUILDING 2 - EAST ELEVATION
3/32" = 1'-0"



2 AMENITY - SOUTH POOL DECK AREA ELEVATION
3/32" = 1'-0"

CONSULTANT

SEAL

IF THIS SHEET IS LESS THAN
30"x42" IT IS A REDUCED PRINT,
SCALE REDUCED ACCORDINGLY

KEY PLAN

REVISION SCHEDULE

NO	DATE	DESCRIPTION

EXTERIOR ELEVATIONS

SCALE	As indicated
JOB NO.	21-08
ISSUE	50% DD
DATE	NOVEMBER 10, 2021

SHEET NO.

A202

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KEYNOTE LEGEND

- 1 <varies>
2 PREFINISHED METAL RAILING.
3 BOARD FORM CONCRETE.
4 STANDING SEAM METAL ROOF/WALL/FASCIA PANEL.
5 CONCRETE PANEL SIDING.

GENERAL NOTES

A. SEE EXTERIOR MATERIAL SYSTEMS DETAILS AND SPECIFICATIONS FOR ADDITIONAL INFORMATION.

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SALT LAKE CITY, UT 84115
www.sparanomooney.com
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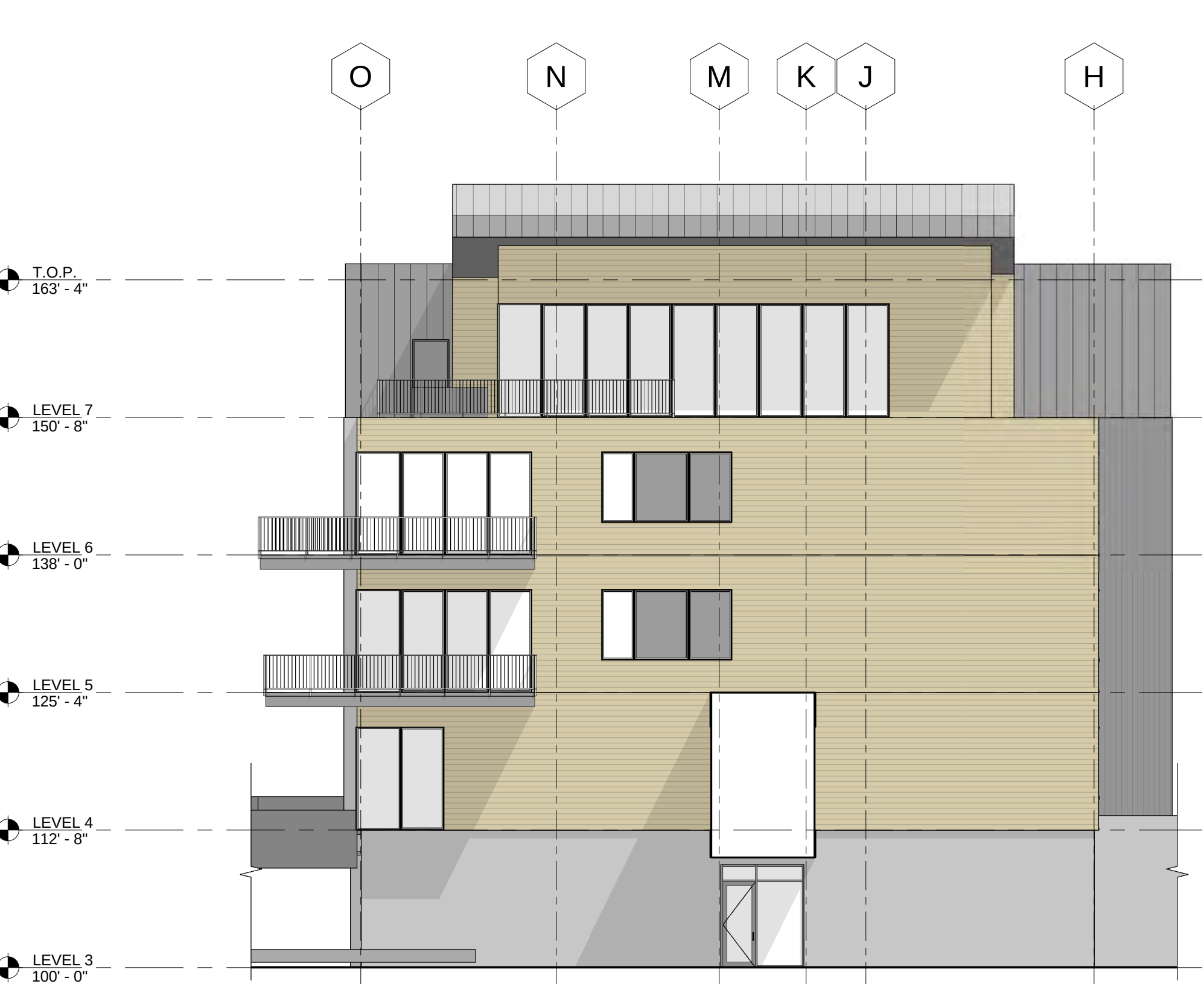
KEY PLAN

REVISION SCHEDULE

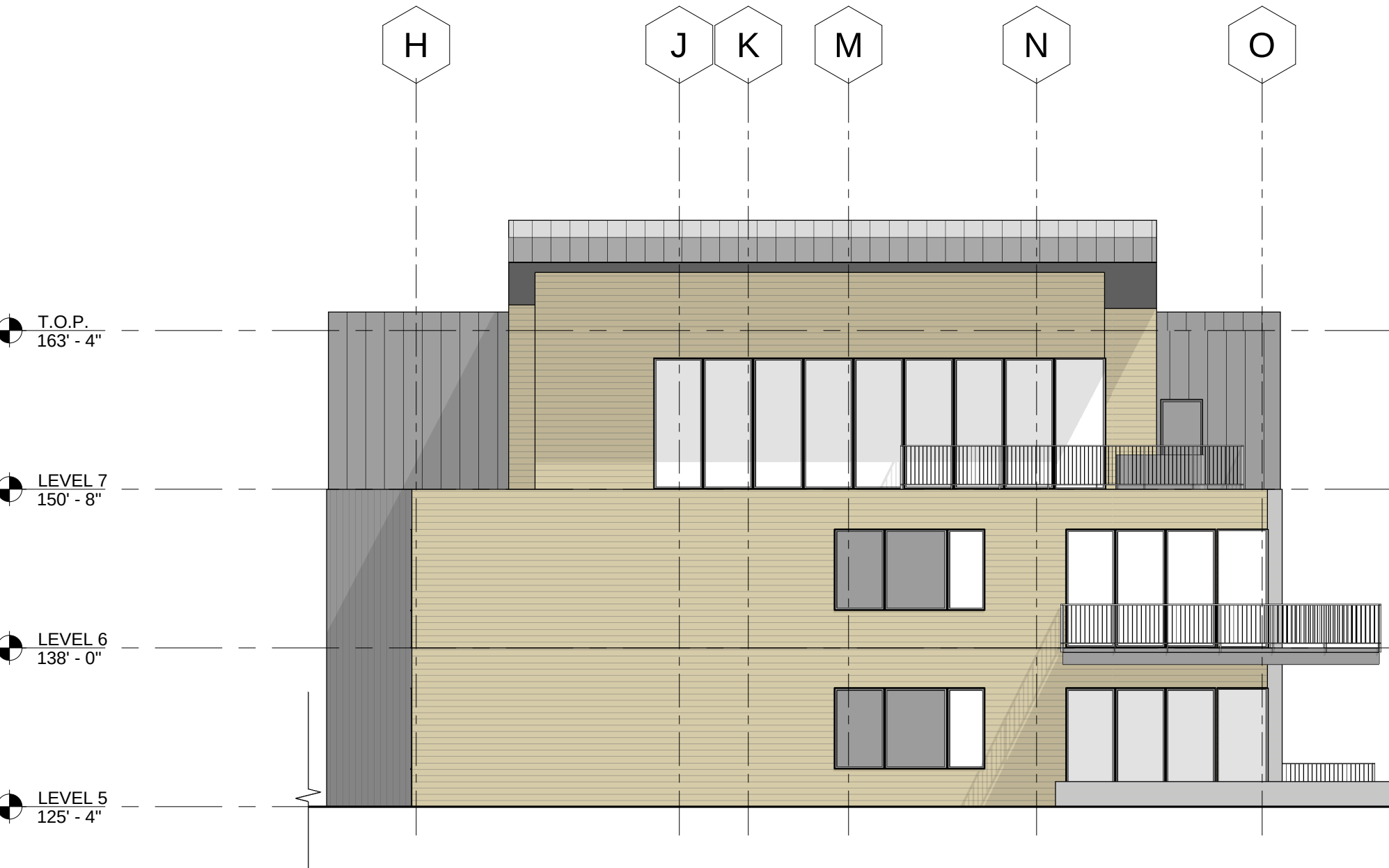
NO	DATE	DESCRIPTION

EXTERIOR ELEVATIONS

SCALE	As indicated	SHEET NO.
JOB NO.	21-08	A203
ISSUE	50% DD	
DATE	NOVEMBER 10, 2021	



2 BUILDING 1 - EAST ELEVATION
3/32" = 1'-0"



4 BUILDING 1 - WEST ELEVATION
3/32" = 1'-0"



1 BUILDING 1 - NORTH ELEVATION
3/32" = 1'-0"



3 BUILDING 1 - SOUTH ELEVATION
3/32" = 1'-0"

ELEVATION 4

DRAWING NO. DATE:

EX - 19

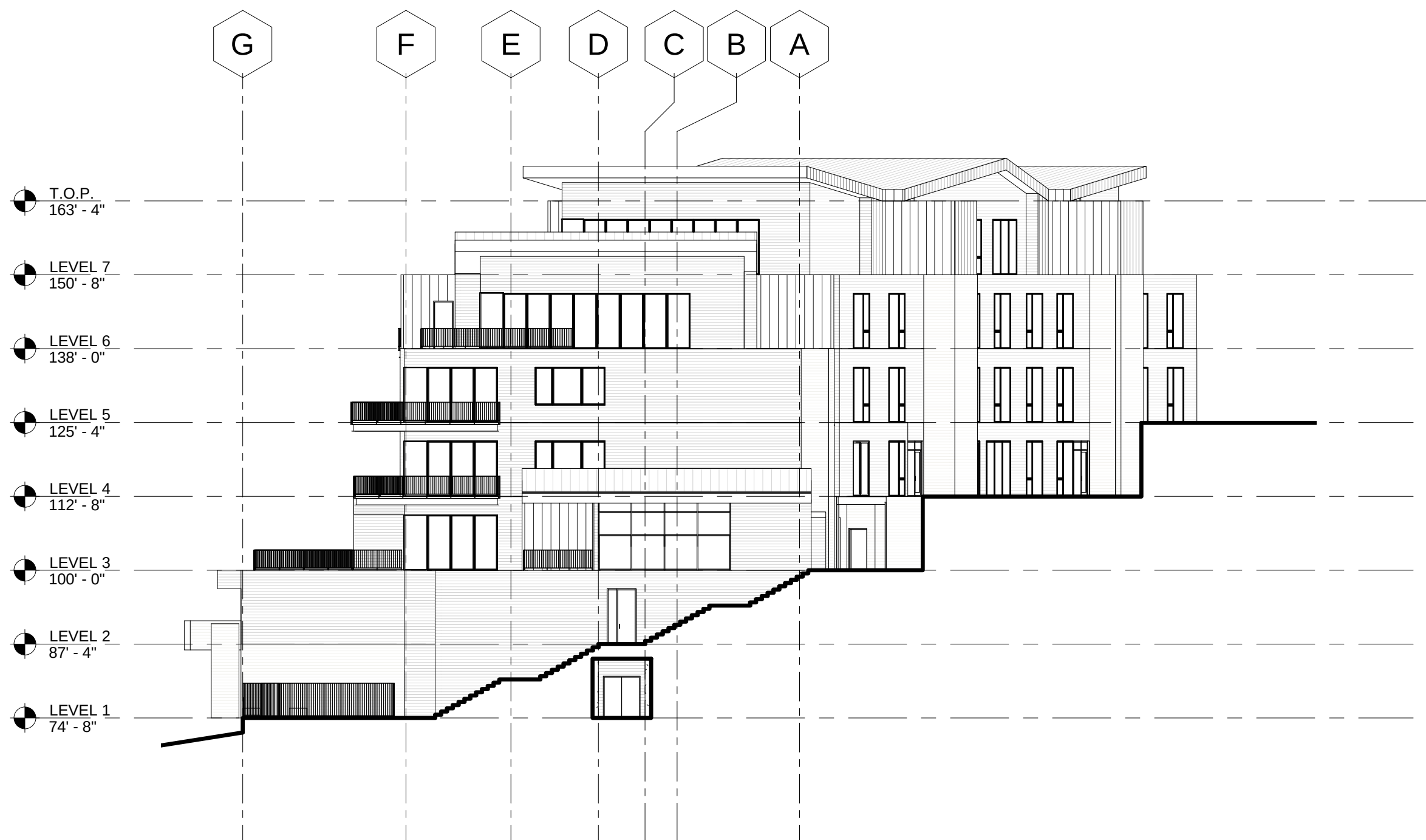
11/16/21



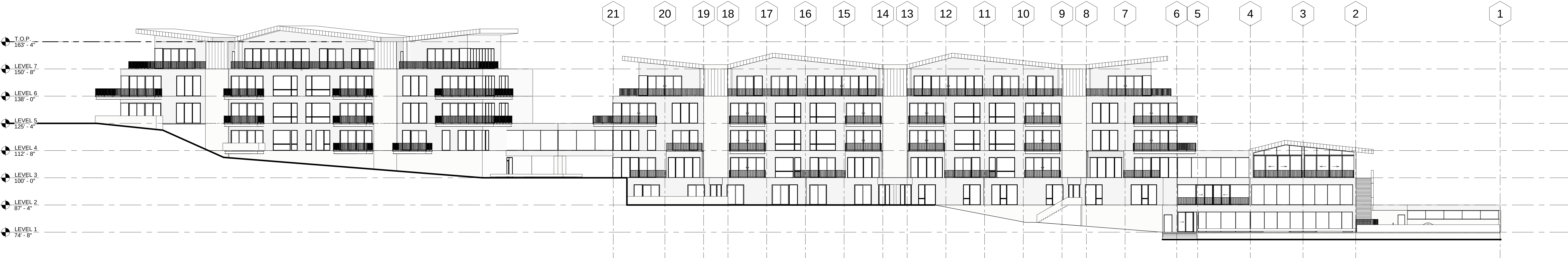
① OVERALL REFERENCE EXTERIOR ELEVATION - NORTH
1" = 20'-0"



② OVERALL REFERENCE EXTERIOR ELEVATION - WEST
1" = 20'-0"



④ OVERALL REFERENCE EXTERIOR ELEVATION - EAST
1" = 20'-0"



③ OVERALL REFERENCE EXTERIOR ELEVATION - SOUTH
1" = 20'-0"

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57 WEST 2100 SOUTH
SALT LAKE CITY, UT 84115
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KEY PLAN

REVISION SCHEDULE		
NO	DATE	DESCRIPTION

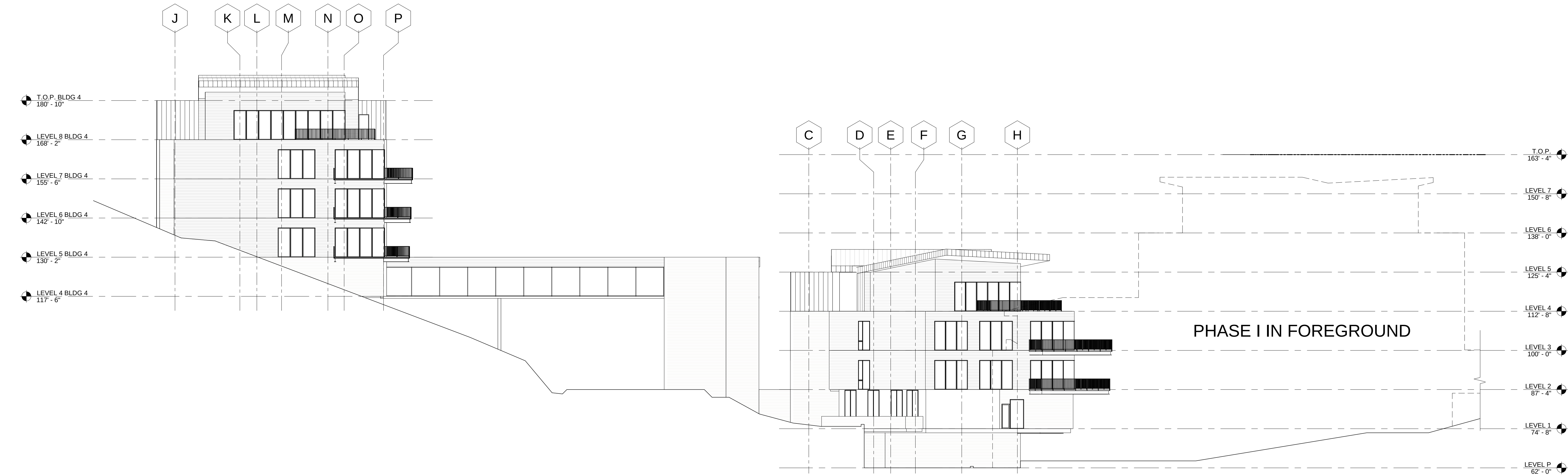
OVERALL REFERENCE
EXTERIOR ELEVATIONS

SCALE	1" = 20'-0"	SHEET NO.
JOB NO.	21-08	A200R
ISSUE	SCHEMATIC DESIGN	
DATE	OCTOBER 20, 2021	

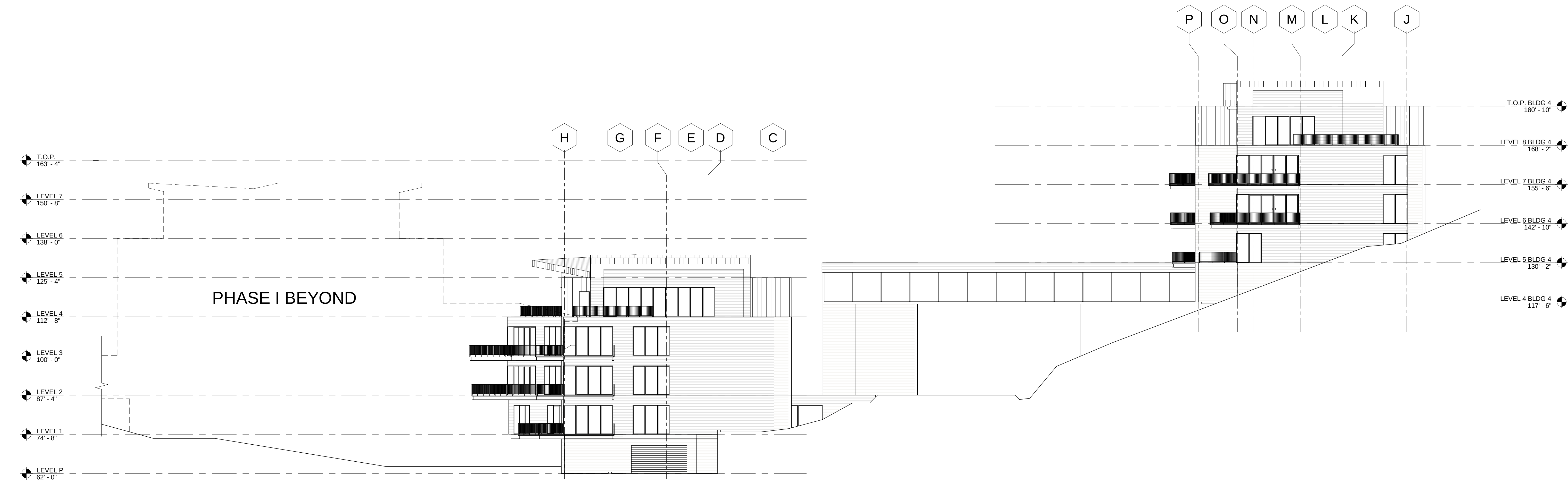
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NO	DATE	DESCRIPTION

SCALE	1/16" = 1'-0"	SHEET NO.
JOB NO.	21-08	A200R
ISSUE	SCHEMATIC DESIGN	
DATE	OCTOBER 20, 2021	



2 OVERALL REFERENCE EXTERIOR ELEVATION - WEST
1/16" = 1'-0"



1 OVERALL REFERENCE EXTERIOR ELEVATION - EAST
1/16" = 1'-0"

KEYNOTE LEGEND

GENERAL NOTES

1. SWINGING DOORS AND WINDOWS TO THE EXTERIOR OR TO UNCONDITIONED SPACES SHALL BE FULLY WEATHERSTRIPPED, OR OTHERWISE TREATED TO LIMIT AIR INFILTRATION.
2. GLAZED OPENINGS WITHIN 40" OF THE DOOR LOCK WHEN THE DOOR IS IN THE CLOSED POSITION SHALL BE FULLY TEMPERED.
3. GLASS DOORS, ADJACENT PANELS AND ALL GLAZED PANELS WITHIN 18" OF THE FLOOR, SHALL BE TEMPERED GLASS OR OTHER BUILDING CODE ACCEPTED SAFETY GLASS.

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PHASE II & III

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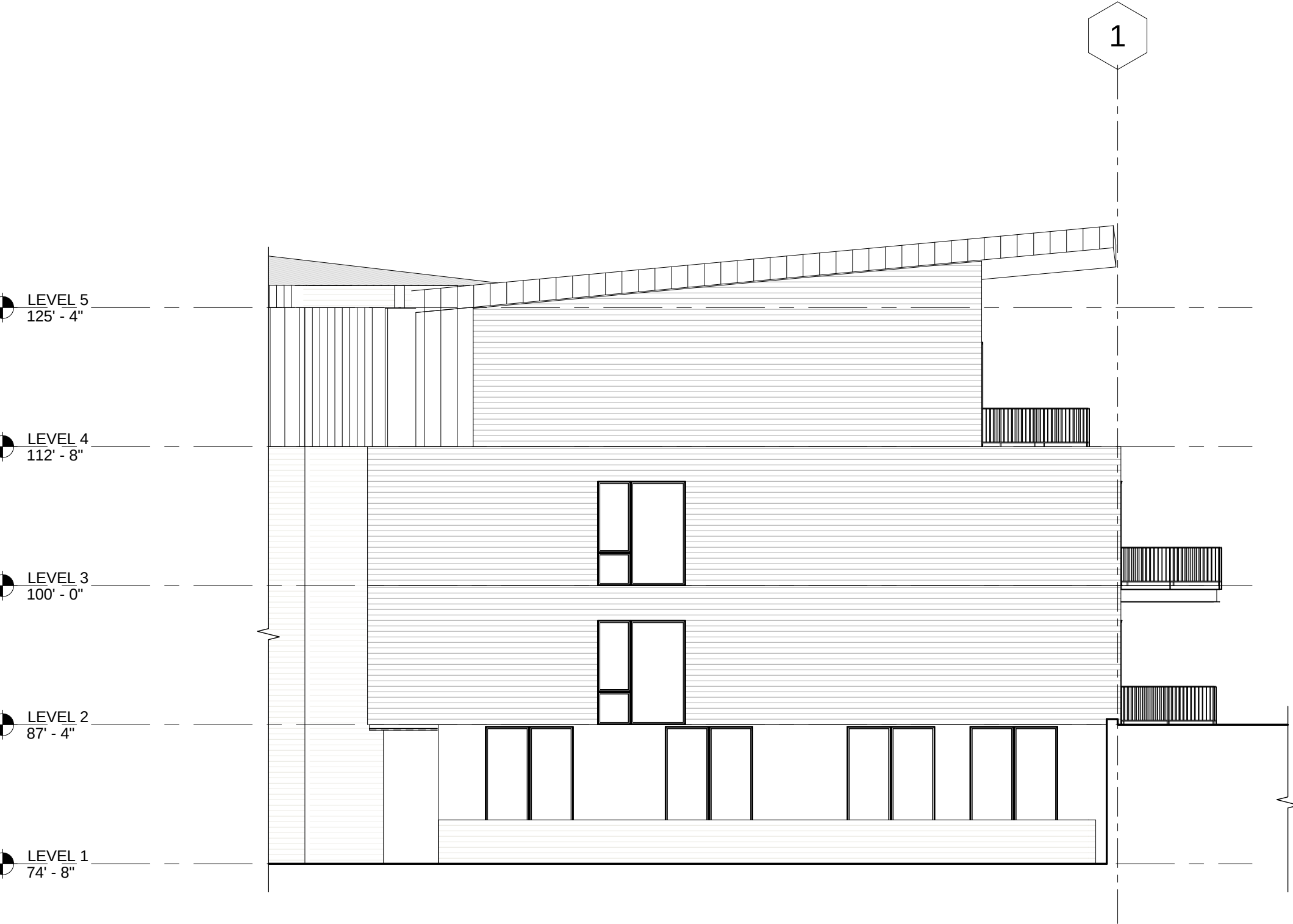
KEY PLAN

REVISION SCHEDULE

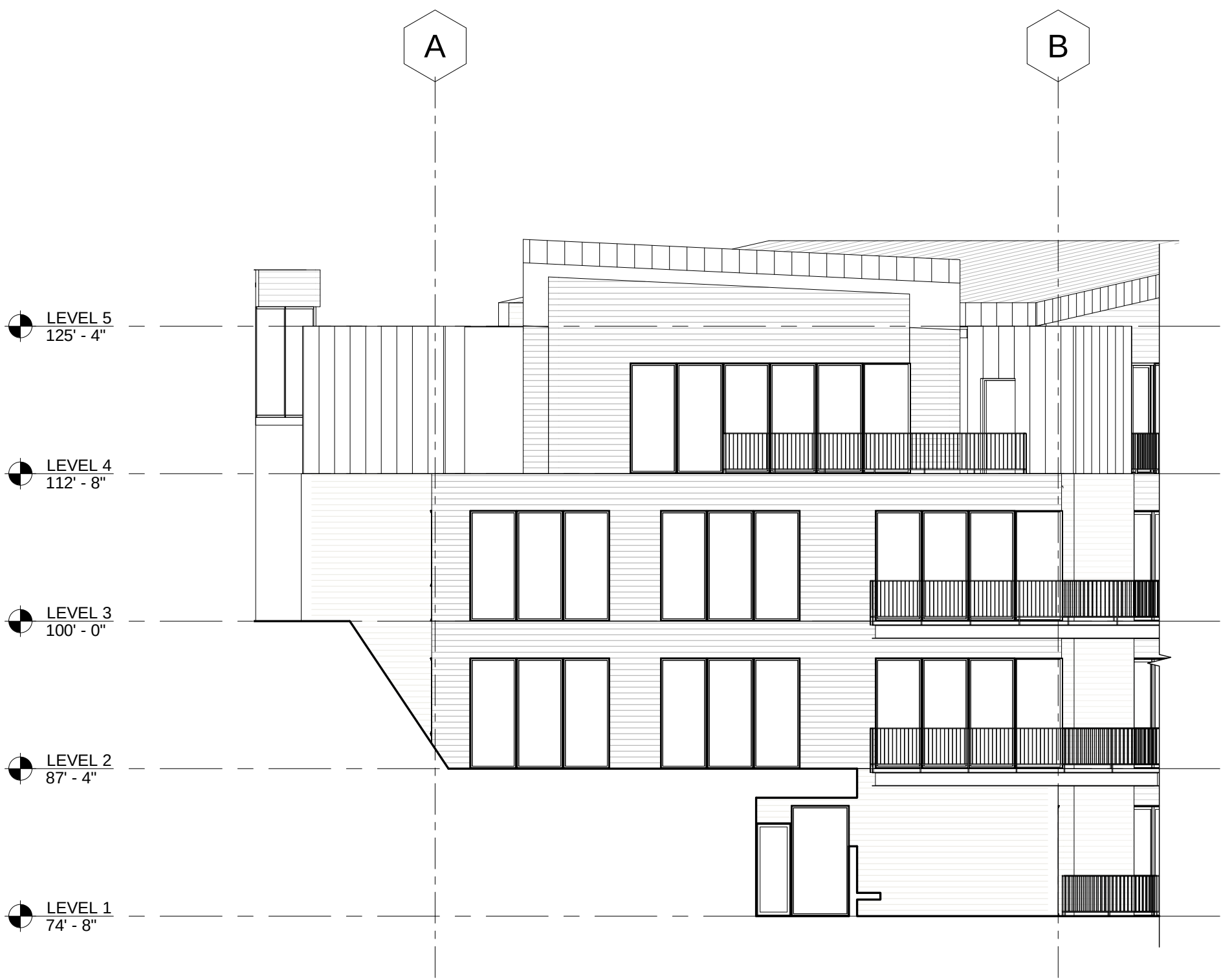
NO	DATE	DESCRIPTION

EXTERIOR ELEVATIONS

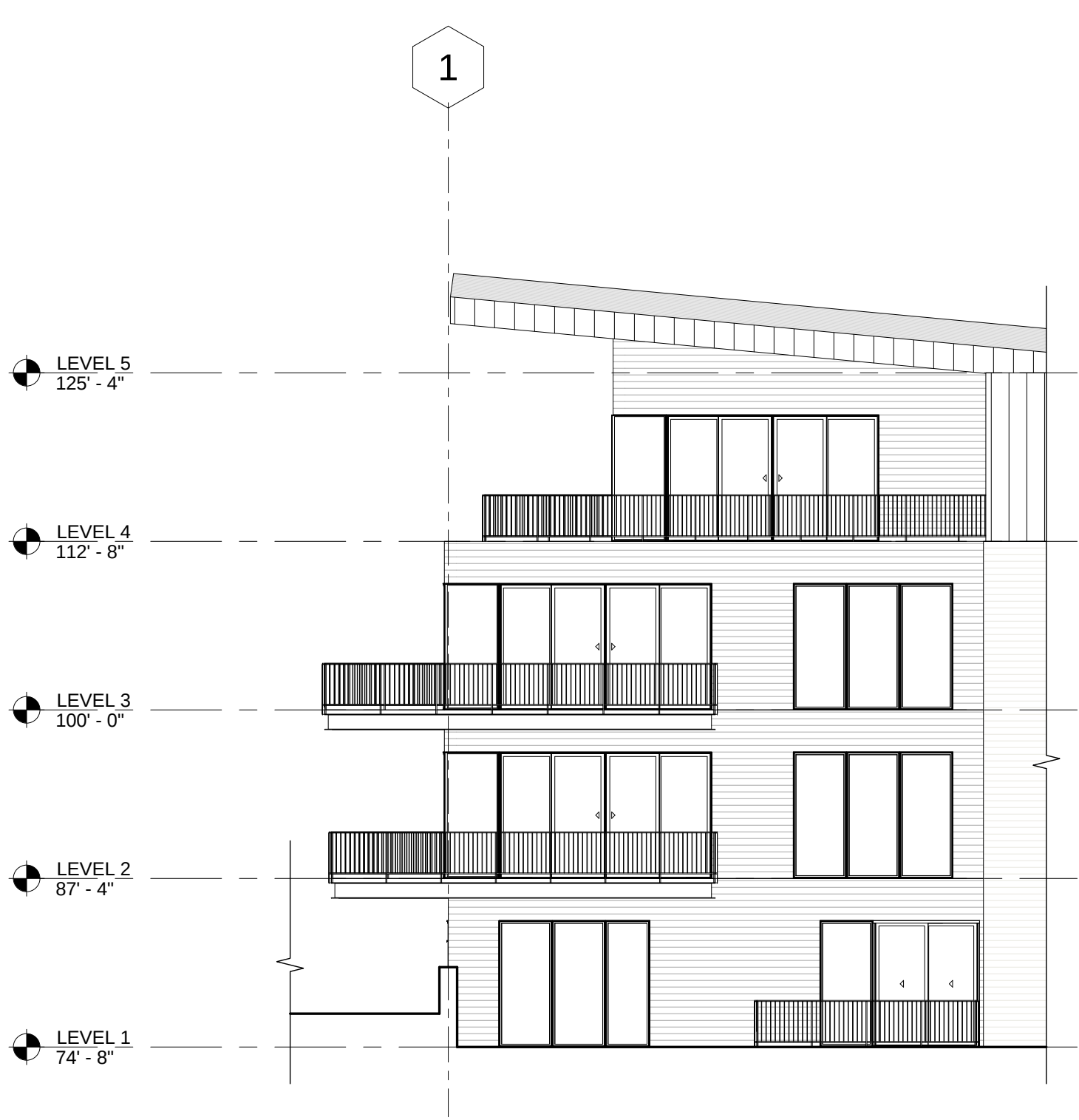
SCALE	As indicated	SHEET NO.
JOB NO.	21-08	A201
ISSUE	SCHEMATIC DESIGN	
DATE	OCTOBER 20, 2021	



1 BUILDING 3 - NORTH ELEVATION OBLIQUE
3/32" = 1'-0"



3 BUILDING 3 - WEST ELEVATION OBLIQUE
3/32" = 1'-0"



2 BUILDING 3 - SOUTH ELEVATION OBLIQUE
3/32" = 1'-0"



6 BUILDING 3 - NORTH ELEVATION
3/32" = 1'-0"

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KEYNOTE LEGEND

GENERAL NOTES

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57 WEST 2100 SOUTH
SALT LAKE CITY, UT 84115
www.sparanomooney.com
T 801.746.0234 F 801.746.0233

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PHASE II & III

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SEAL

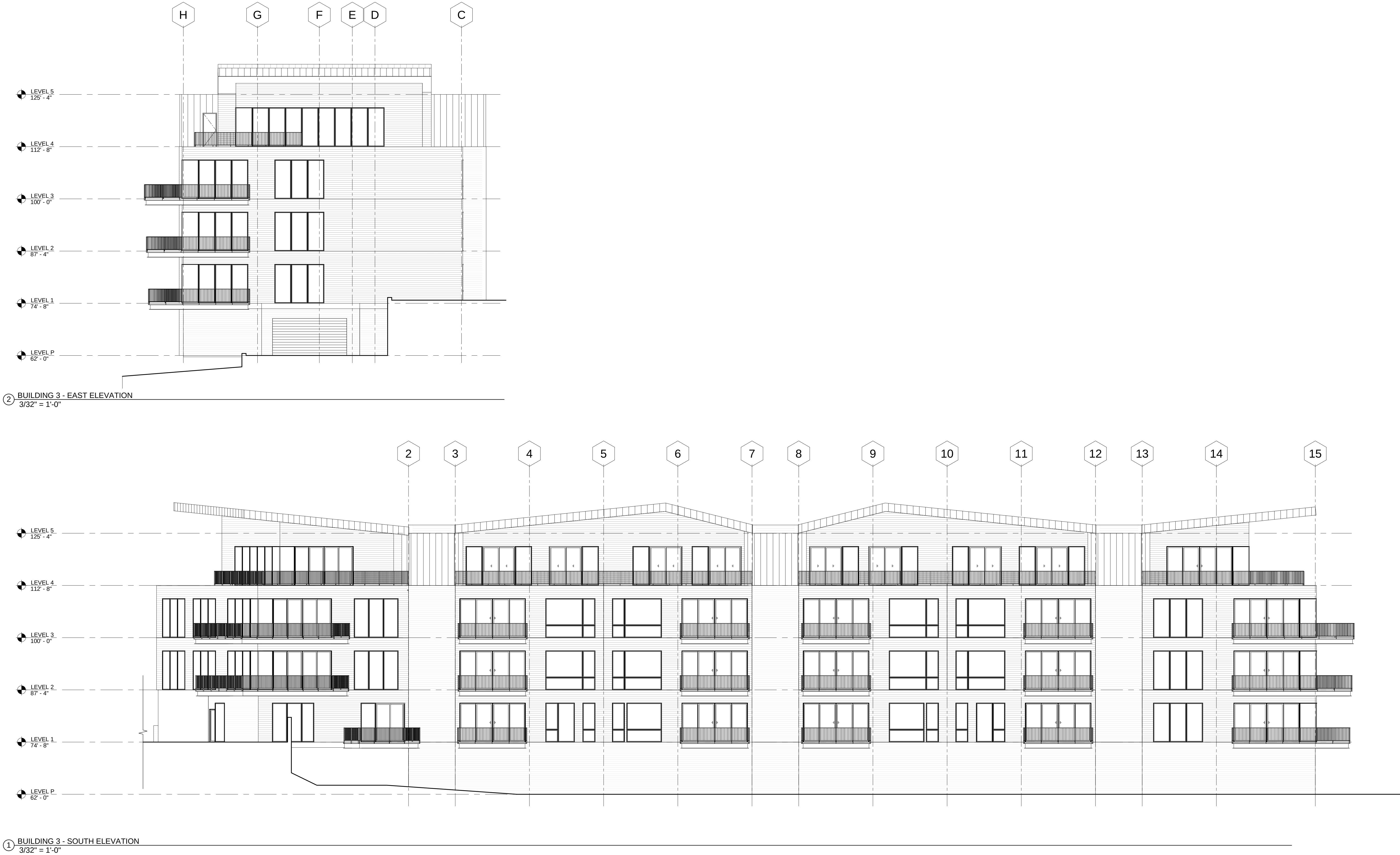
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SCALE REDUCED ACCORDINGLY

KEY PLAN

REVISION SCHEDULE		
NO	DATE	DESCRIPTION

EXTERIOR ELEVATIONS

SCALE	As indicated	SHEET NO.
JOB NO.	21-08	A202
ISSUE	SCHEMATIC DESIGN	
DATE	OCTOBER 20, 2021	



ELEVATION 8

DRAWING NO. DATE:

EX - 23 11/16/21

KEYNOTE LEGEND

GENERAL NOTES

1. SWINGING DOORS AND WINDOWS TO THE EXTERIOR OR TO UNCONDITIONED SPACES SHALL BE FULLY WEATHERSTRIPPED, OR OTHERWISE TREATED TO LIMIT AIR INFILTRATION.
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PHASE II & III

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KEY PLAN

REVISION SCHEDULE

NO	DATE	DESCRIPTION

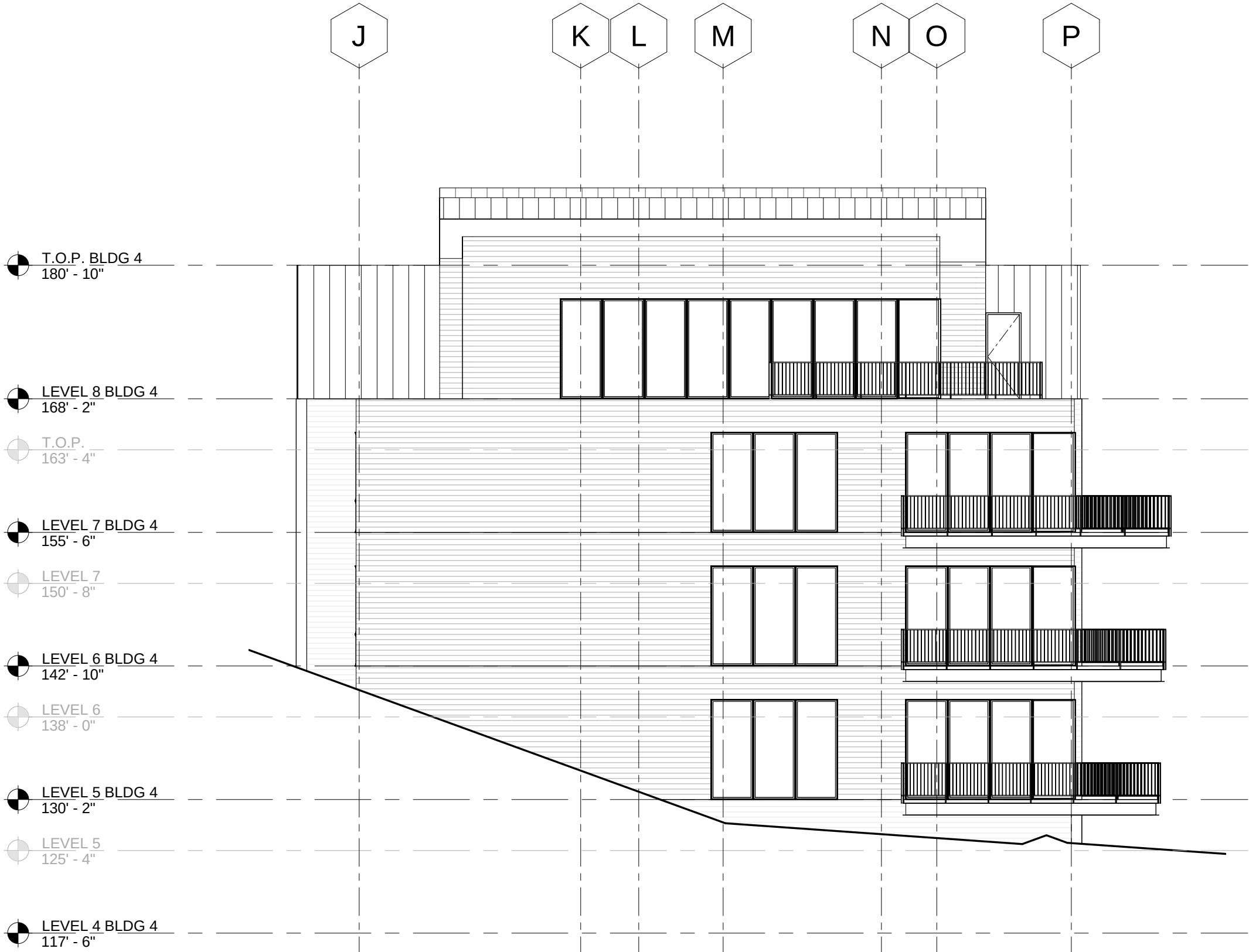
EXTERIOR ELEVATIONS

SCALE	As indicated
JOB NO.	21-08
ISSUE	SCHEMATIC DESIGN
DATE	OCTOBER 20, 2021

SHEET NO.

A203

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1 BUILDING 4 - WEST ELEVATION
3/32" = 1'-0"



2 BUILDING 4 - NORTH ELEVATION
3/32" = 1'-0"

ELEVATION 9

DRAWING NO. DATE:

EX - 24 11/16/21

KEYNOTE LEGEND

GENERAL NOTES

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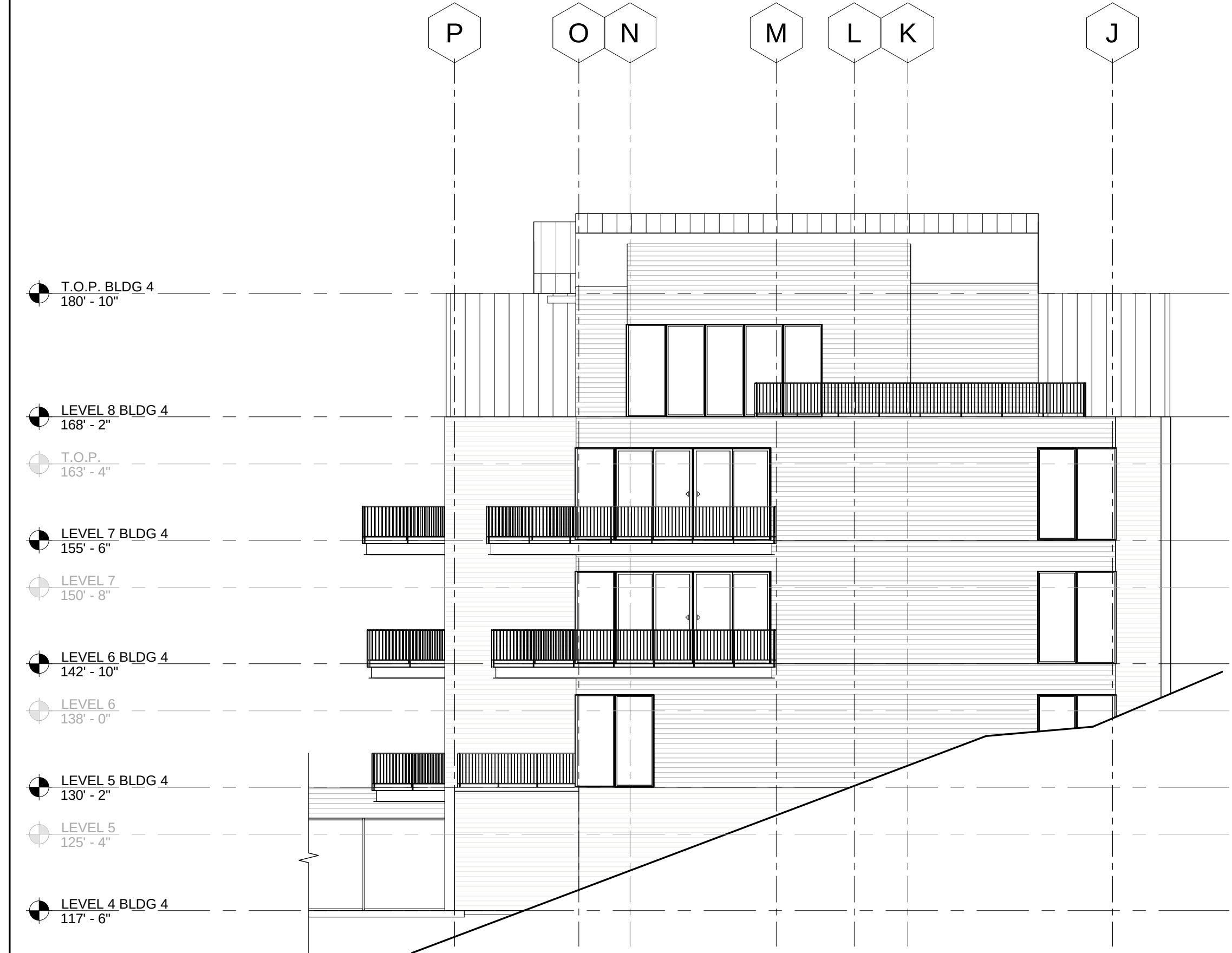
KEY PLAN

REVISION SCHEDULE

NO	DATE	DESCRIPTION

EXTERIOR ELEVATIONS

SCALE	As indicated	SHEET NO.
JOB NO.	21-08	A204
ISSUE	SCHEMATIC DESIGN	
DATE	OCTOBER 20, 2021	



2 BUILDING 4 - EAST ELEVATION
3/32" = 1'-0"



1 BUILDING 4 - SOUTH ELEVATION
3/32" = 1'-0"



FOUNDERS PLACE

RENDERING VIEW - 1

DRAWING NO.	DATE:	JOB NO.
EX - 25	11/16/21	21-08

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FOUNDERS PLACE

RENDERING VIEW - 2

DRAWING NO. EX - 26 DATE: 11/16/21 JOB NO. 21-08

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FOUNDERS PLACE

RENDERING VIEW - 3

DRAWING NO.	DATE:	JOB NO.
EX - 27	11/16/21	21-08

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FOUNDERS PLACE

RENDERING VIEW - 4

DRAWING NO. EX - 28 DATE: 11/16/21 JOB NO. 21-08

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VICINITY MAP



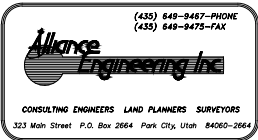
FOUNDER'S PLACE
CONDITIONAL USE SUBMITTAL
PHASES I, II, AND III

JULY 9, 2021

SHEET INDEX

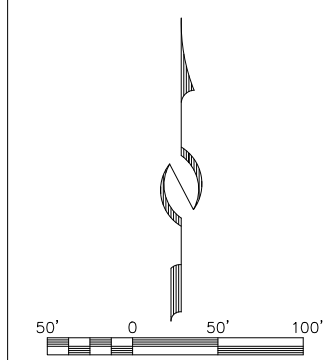
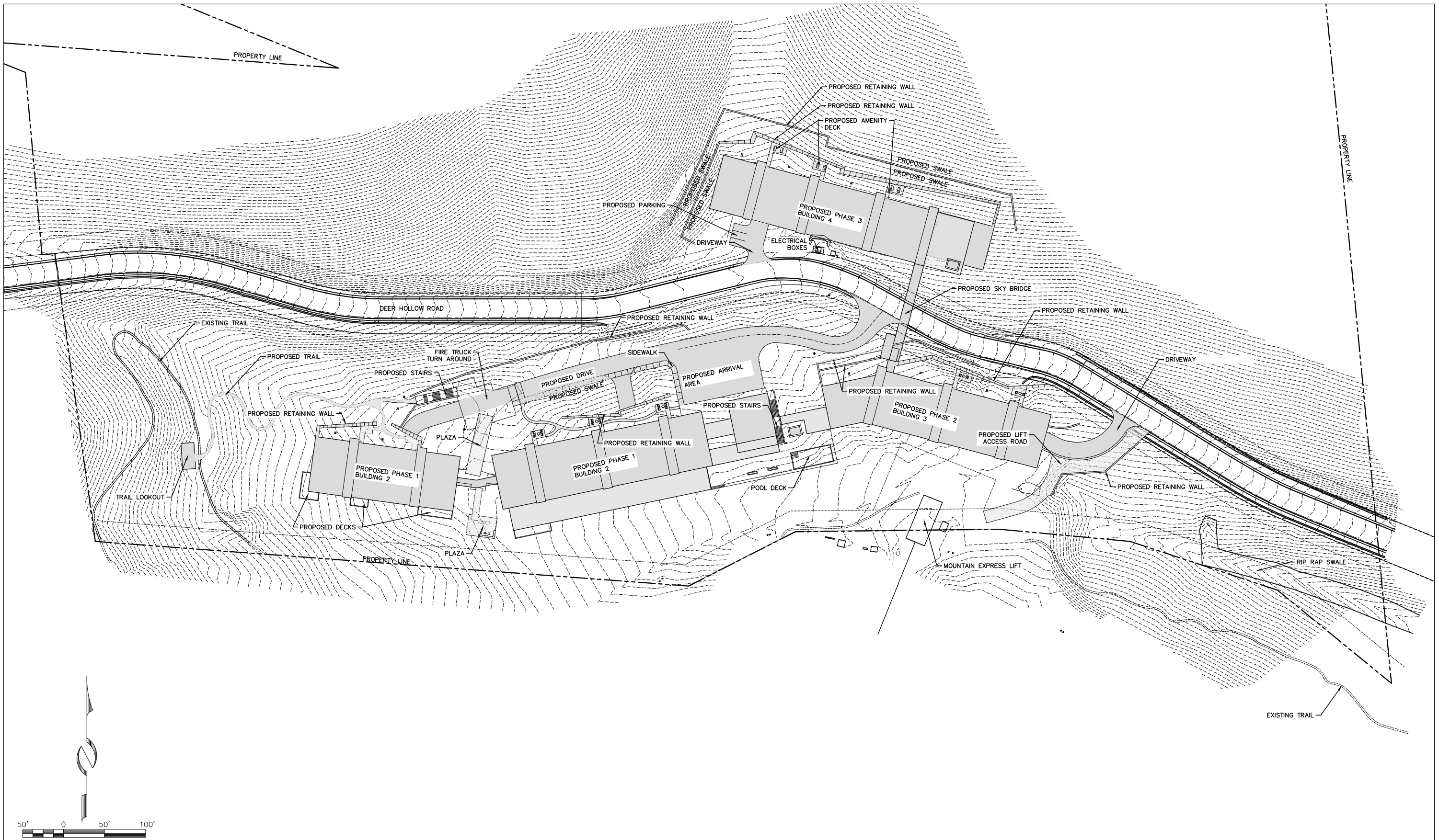
- 1. OVERALL SITE PLAN
- 2. GRADING PLAN
- 3. SLOPE PLAN
- 4. UTILITIES PLAN
- 5. STORM DRAIN PLAN

CIVIL ENGINEER



GENERAL NOTES

- G-1 ALL WORK PERFORMED SHALL BE DONE IN ACCORDANCE WITH THE FOLLOWING PLANS & SPECIFICATIONS:
- A. Jordanelle Special Service District Standards, Construction Specifications, and Standard Drawings, Latest Edition.
 - B. Manual of Uniform Traffic Control Devices 2003 Edition, Revision #1 November 2004, Revision #2 December 2007.
 - D. Special conditions of approval and/or permits as required and/or issued by regulatory bodies.
 - E. Approved construction plans and details.
 - F. Approved Traffic Control Plan.
 - G. Storm Water Pollution Prevention Plan. (SWPPP)
- G-2 Contractor/Bidder shall obtain a copy of the specifications, at his cost. Copies of the specifications shall be kept at the job site by the contractor and be available for the contractor, subcontractor, owner or his agent, design engineer, Jordanelle Special Service District engineer, and their designated representatives and inspectors.
- G-3 The Contractor shall be responsible for ground and surface water control during construction. This requirement shall include, but not be limited to the installation of utilities, manholes, vaults, catch basins, earthwork operations, and road construction.
- G-4 The contractor shall maintain accurate records of "As Built" conditions of all underground work. The "As Builts" shall be tied to easily defined monuments and/or surface improvements or as required by accuracy for the as-built conditions. The as-built information shall be given to the owner and be incorporated in the final "As Built" drawings. Special as-built requirements for HDPE sewer mains are required per as outlined on the drawings.
- G-5 Prior to any excavation work, the contractor shall contact Blue Stakes for location of existing utilities. The contractor shall be responsible for determining the location of utilities, whether shown on the plans or not, and protecting the utilities during construction. If existing utility lines conflict in location with new construction, the contractor shall notify the engineer in order to resolve the conflict.
- G-6 The contractor shall have a qualified representative to handle grade determination, drainage flow, and connections to existing features using proper grade setting techniques such as, but not limited to, string line, rod and level, GPS, or Surveying.
- G-7 All work performed shall be guaranteed by the contractor and/or his surety against all defects in materials and workmanship of whatever nature for a period of one (1) year from the date of final acceptance of the work by the project owner.
- G-8 The contractor shall be responsible for the installation and maintenance of adequate signs, traffic devices, and warning devices to inform and protect the public during all phases of construction. The contractor shall submit to the Owner and Design Engineer for approval.
- G-9 Compaction testing shall be an integral part of the project. Compaction testing shall include, but shall not be limited to earthwork, trench back-fill, base course, and asphalt pavement. Compaction testing shall be performed by a qualified, independent testing company retained by the contractor.

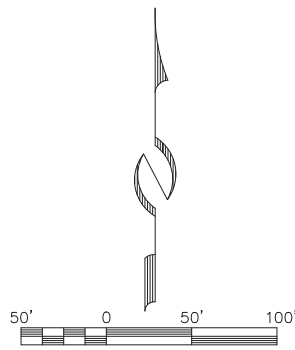


Alliance Engineering Inc.
 (435) 649-9467
 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

STAFF:
 MICHAEL DEMKOWICZ
 MITCHELL WAGNER
DATE: 7/09/21

**OVERALL SITE PLAN
 FOUNDER'S PLACE**
FOR: EAST WEST PARTNERS
JOB NO.: 14-6-18
FILE: X:\DeerCrest\dwg\Deer Hollow\140618-Deer Hollow Civil.dwg

**SHEET
 1
 OF
 5**



NOTE: TWL= TOP WALL LEFT
TWR= TOP WALL RIGHT



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

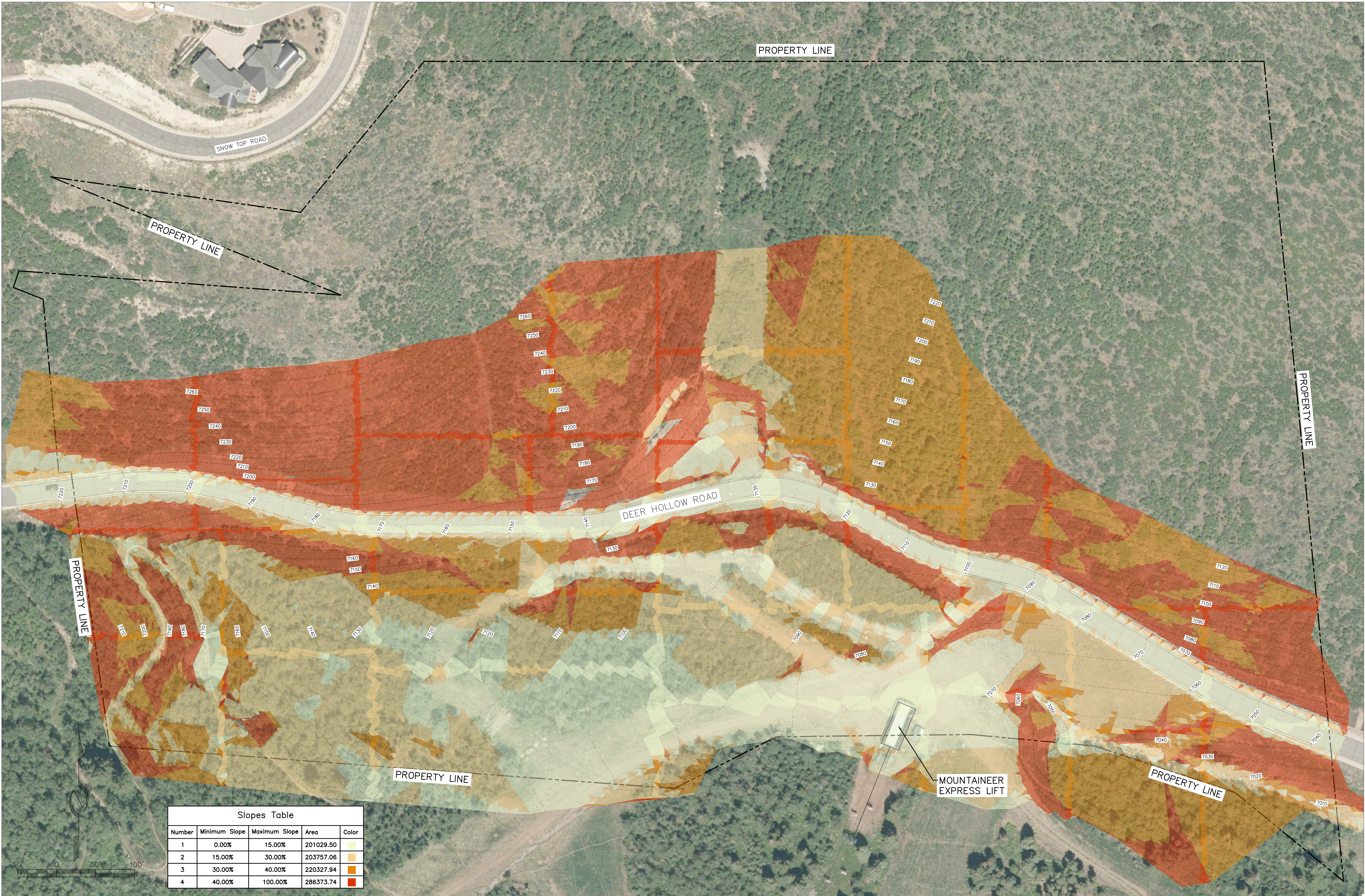
STAFF:
MICHAEL DEMKOWICZ
MITCHELL WAGNER

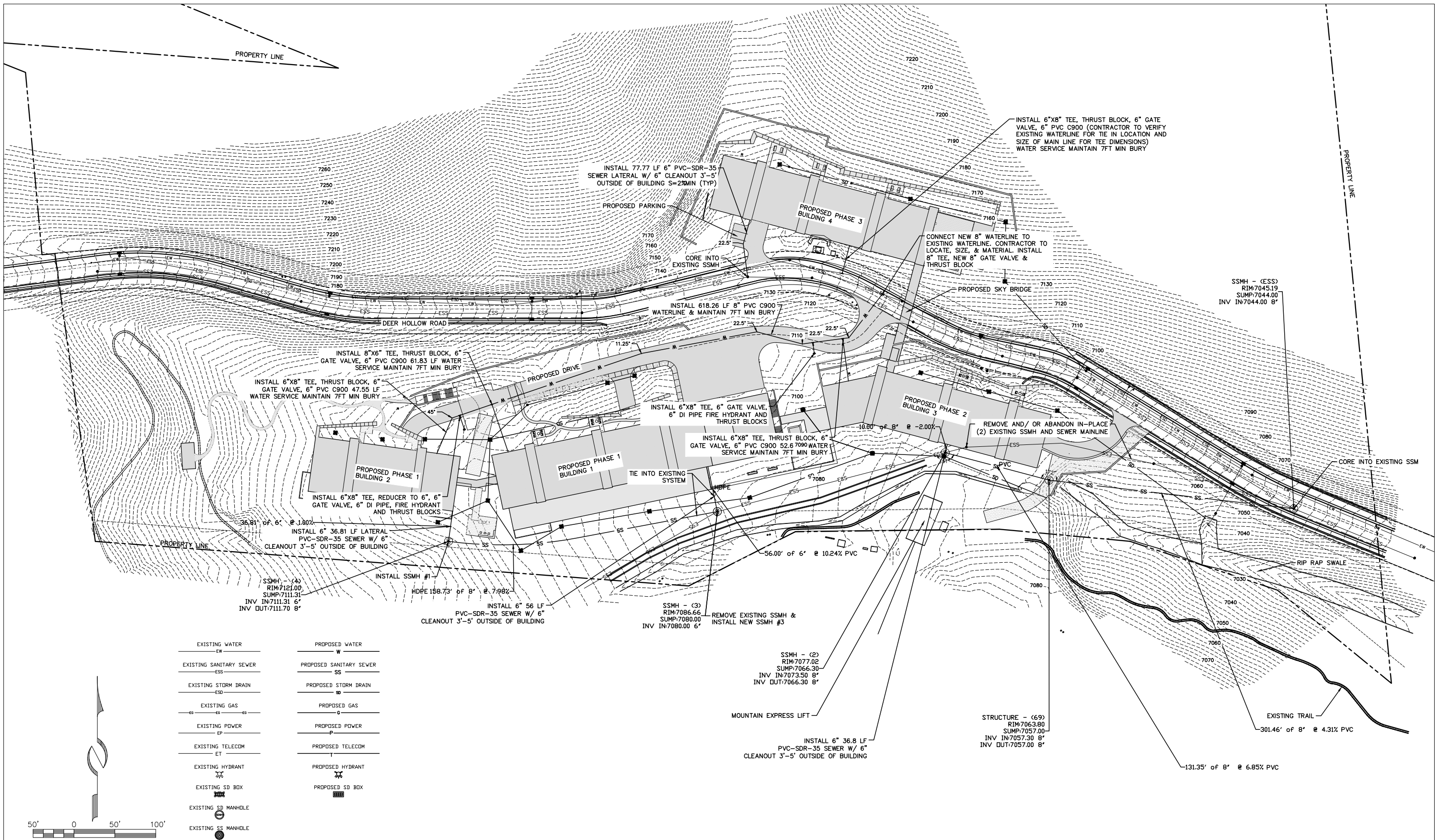
**GRADING PLAN
FOUNDER'S PLACE**

FOR: EAST WEST PARTNERS
JOB NO.: 14-6-18
FILE: X:\DeerCrest\dwg\Deer Hollow\140618-Deer Hollow Civil.dwg

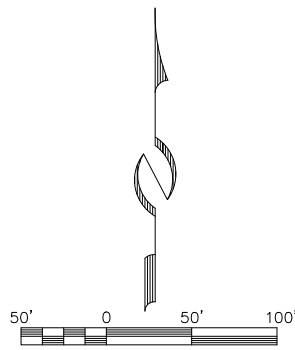
DATE: 7/09/2021

SHEET
2
OF
5





EXISTING WATER EW	PROPOSED WATER W
EXISTING SANITARY SEWER ESS	PROPOSED SANITARY SEWER SS
EXISTING STORM DRAIN ESD	PROPOSED STORM DRAIN SD
EXISTING GAS EG	PROPOSED GAS G
EXISTING POWER EP	PROPOSED POWER P
EXISTING TELECOM ET	PROPOSED TELECOM T
EXISTING HYDRANT 	PROPOSED HYDRANT
EXISTING SD BOX 	PROPOSED SD BOX
EXISTING SD MANHOLE 	
EXISTING SS MANHOLE 	



(435) 649-9467

Alliance Engineering Inc.

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS

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

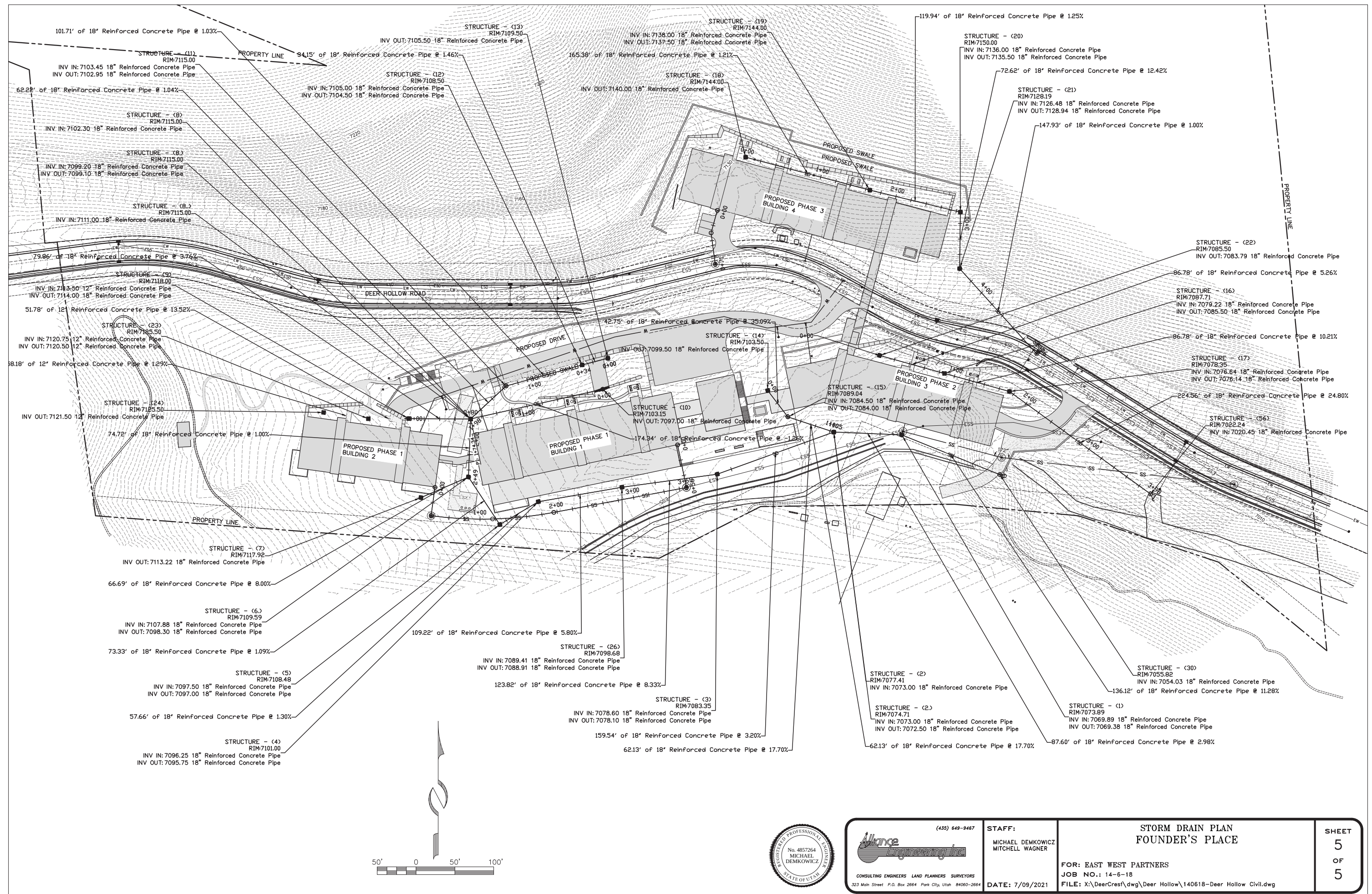
STAFF:
MICHAEL DEMKOWICZ
MITCHELL WAGNER

DATE: 7/09/2021

UTILITIES PLAN
FOUNDER'S PLACE

FOR: EAST WEST PARTNERS
JOB NO.: 14-6-18
FILE: X:\DeerCrest\dwg\Deer Hollow\140618-Deer Hollow Civil.dwg

SHEET
4
OF
5





January 13, 2022

Bill Fivash
East West Partners
Address

Dear Bill,

Please find below an Action Letter confirming the decision made by the Park City Housing Authority on January 13, 2022, to accept an on-site development of 6 AUEs and a Community Benefit Fee as fulfillment for the housing obligation generated by the Founders Place development, as follows:

NOTICE OF HOUSING AUTHORITY ACTION

<u>Description:</u>	Affordable Housing Mitigation Plan
<u>Project Title:</u>	Founders Place Development
<u>Date of Action:</u>	January 13, 2022

Summary of Housing Authority Action

On January 13, 2022, the Park City Housing Authority approved the Housing Mitigation Plan (Attachment 1) in fulfillment of the housing obligations for the Founders Place development pursuant to the Deer Crest Master Planned Development. In fulfillment of the housing obligation, the Housing Authority approved an on-site development of six on-site affordable units and a Community Benefit Fee to satisfy 9.96 total Affordable Unit Equivalents (AUEs).¹

1. On January 12, 2022, the Planning Commission approved a modification to the Deer Crest Master Planned Development for the Founders Place development, a 78 market-rate-unit ski-in ski-out village in the Deer Crest area. The 78 market-rate units total 199,200 square feet.
2. On January 13, 2022, the Housing Authority determined the Developer is obligated to provide AUEs for 10% of the residential units within the project, totaling 9.96 AUEs.
3. Founders Place fulfills 6 AUEs by building 6 on-site units, totaling 5,400 square feet.
4. Founders Place fulfills the remaining 3.96 AUEs by the creation of a Community Benefit Fee of 0.50% of the net purchase price for each market-rate unit sale. Net purchase prices shall only exclude personal property sold with the unit sale.
5. All funds generated from the Community Benefit Fee from the initial sale will be transferred to Park City Municipal for the City's affordable housing budget. Initial

¹ One AUE is equal to 900 square feet.



sales shall be the first unit sales after certificate of occupancy of completed units for market consideration and shall not include transfers for financing or corporate restructuring.

6. For each Community Benefit Fee received by the Foundation as a result of any subsequent Transfer after the Initial Transfer, the Foundation will pay Fifty Percent of the Community Benefit Fee (0.25%) to the City.
7. The project is proposed to be developed in three phases. Four on-site affordable employee units are required in Phase I. One on-site affordable employee unit is required in Phase II. One on-site affordable employee unit is required in Phase III.

Conditions of Approval:

1. Payment from the Community Benefit Fee Covenant shall be paid to Park City within 30 days of closing of the sale and collection of the the applicable Benefit Fee following a Transfer or Initial Transfer. Certificates of occupancy will be withheld in the final phase if payments are not up to date.
2. The Applicant shall submit draft deed restrictions in compliance with the approved Housing Mitigation Plan for review and approval by the Planning, Housing, and Legal Departments prior to submitting a subdivision or condominium mylar. The deed restrictions shall be approved, executed, and recorded simultaneously with the condominium plat.
3. The Applicant shall submit a draft Founders Place Homeowner Association Declaration that includes the affordable housing obligations outlined in the approved Housing Mitigation Plan for review and approval by the Planning, Housing, and Legal Departments prior to submitting a subdivision or condominium mylar. The Declaration shall be approved, executed, and recorded simultaneously with the condominium plat.
4. The 6 AUEs built on site shall be occupied before or at the same time as any market rate unit in each corresponding phase. Certificates of occupancy will not be issued to the market rate units in the development until the 6 AUEs have received their certificates of occupancy throughout each phase.
5. The Community Benefit Fee will be collected by the developer and transferred to Park City Municipal Corporation after all initial sales are complete. Fees shall be transferred to Park City within 30 days of receiving the applicable Benefit Fee following a Transfer or Initial Transfer. Fees will be paid through December 31, 2040.

If you have any questions about this action letter, please contact Elyse Kats at 435-400-0106 or via email at elyse.kats@parkcity.org.

Attachments:

1. Founder's Place Housing Mitigation Plan dated November 2021.



CONFIRMED AND ADOPTED this 13th DAY OF January, 2022.

PARK CITY HOUSING AUTHORITY

Nann Worel, CHAIR

Attest:

Michelle Kellogg, City Recorder

Approved as to Form:

City Attorney's Office

An architectural rendering of a modern, multi-story housing complex named 'Founders Place'. The building features dark wood siding and large glass windows. It includes multiple levels of balconies and a large outdoor patio area with lounge furniture and umbrellas. A swimming pool is visible on the right side of the building. In the foreground, a snowy slope is populated with several people skiing and snowboarding. The background shows a steep, snow-covered hillside with a small building at the top. The entire image is overlaid with a semi-transparent blue filter.

Founders Place

Housing Mitigation Plan

Submitted by East West Partners

east west partners

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3	Background
4	Housing Obligation
5-9	Mitigation Plan – On-site Units
10	Mitigation Plan – Community Benefit Fee

Housing Mitigation Plan

Background

East West Partners, acting as the Manager for the development company Deer Hollow Development, LLC, is pleased to be able to incorporate the following housing mitigation plan as part of the Conditional Use Permit application for Founders Place to provide the appropriate on-site employee housing and concurrently creating a revenue stream to provide additional financial support towards increasing the available stock of employee housing in the Park City area.

The Affordable Housing Mitigation Plan is in response to discussions with the Park City Housing Staff Department team and is predicated upon the 1995 Settlement Agreement as described below.

On December 29, 1995, Park City Consolidated Mines Company and Trans-Wasatch Company, LLC a Utah (collectively the “Land Owners”) entered into a Settlement Agreement with Park City Municipal Corporation (“PCMC”) to provide a framework for the resolution of all outstanding issues and disputes related to the development the Deer Crest project of approximately 678 acres within Wasatch and Summit Counties (“Development Area”) – approximately 524 acres within unincorporated Wasatch County and approximately 84 acres within unincorporated Summit County. The Settlement Agreement established various criteria relative to future development rights, such as density, use and configuration, that when combined with the 1996 First Amended Findings and Order on Density Determination, created the Master Plan Development Agreement for the development parcels within the Development Area. Within the Development Area, specific language related to the Slalom Village Area – now known as Founders Place – further clarifies the development rights and requirements for the multi-family units.

Section 5.2.3.1 of the Settlement Agreement states:

“The petition for annexation of the Slalom Village Area shall provide for affordable employee housing, subject to Park City qualified renters guidelines and shall otherwise comply with Park City Resolution No. 7-95. The total affordable employee housing shall be four percent (4%) of the total number of units within the Slalom Village Area.”

While the Settlement Agreement language specific to the Slalom Village Area contemplates the 4% housing mitigation rate, the following Housing Mitigation Plan proposes a ten percent (10%) mitigation rate for the development. This mitigation rate is consistent with the St. Regis Hotel Conditional Use Permit approvals that were predicated upon the Settlement Agreement, and will more adequately provide the appropriate amount of affordable housing – both on-site and through a continued funding mechanism.

Housing Mitigation Plan

Housing Obligation

While the Settlement Agreement requires the total employee housing shall be four percent (4%) of the total number of units, the Founders Place applicant has had a series of meetings with the City Housing Staff, and agreed to modify these requirements and provide affordable employee housing equal to ten percent (10%) of the Residential Unit Equivalents (“UEs”). The Park City Municipal Corporation UE calculation is:

$$UEs = \text{Gross Platted Square Feet} \div 2,000 \text{ SF}$$

Per the above formula, Founders Place is comprised of 99.6 UEs or 9.96 Affordable Unit Equivalents (“AUEs”)

Platted Square Feet	Unit Equivalents	Housing Obligation (% of UEs)	Affordable Unit Equivalents (AUEs)	Estimated Total AUE Square Feet
199,200	99.6 UEs	10%	9.96 AUEs	8,964 SF

The intent of this mitigation plan is to show how the applicant will fulfill on the obligation of 8,964 total square feet of affordable housing. The following pages describe in detail the fulfillment of this obligation including:

1. 6 on-site AUE Deed Restricted Units totaling 5,400 SF.
2. A Fee In-Lieu funded through a 0.5% Community Benefit Fee Covenant delivering approximately \$1,500,000 during the initial sales process of the property, and an additional amount of approximately \$37,500 annually through 2035. These payments will be deemed to satisfy any remaining affordable housing obligation.

All on-site housing obligations will be satisfied prior to all market rate units receiving certificate of occupancy within each phase of the project.

This affordable housing mitigation plan will meet the needs of the property by allowing flexibility in the units for various employee types (managers, full-time and seasonal employees) as well as providing a significant financial contribution to Park City’s affordable housing efforts.

Housing Mitigation Plan

Proposed Mitigation Plan: On-Site Housing

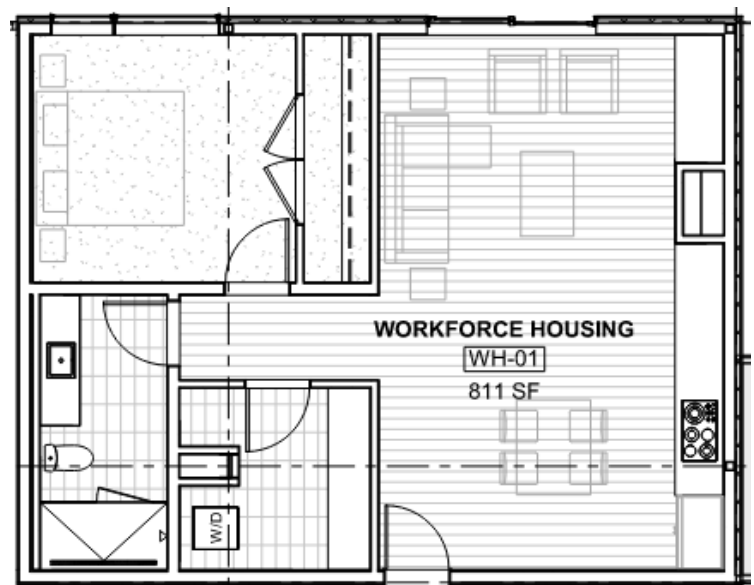
Founders Place proposes that six (6) Affordable Unit Equivalents will be constructed within the Founders Place project. These AUEs will total approximately 5,400 square feet of affordable housing on-site. The six total units will be built; four (4) in Phase 1, one (1) in Phase 2, and one (1) in Phase 3.

The phasing plan with respective unit counts and estimated total square feet is shown in the table below.

Phase	Market Rate Units	Platted Residential SF	Affordable Housing Units	Estimated Total AUE Square Feet*
Phase 1	32	84,449	4	3,244 SF
Phase 2	19	48,088	1	TBD SF
Phase 3	27	66,663	1	TBD SF
Total	78	199,200	6	5,400 SF

The primary intent for the six on-site affordable housing units is to provide housing for employees whose scope of work is focused to the service and management of the Founders Place HOA and associated amenities.

The proposed units will be designed and built as one or two bedroom units. The figure to the right is representative of a typical proposed affordable housing one bedroom unit; however the final design may adjust slightly with final preparations of plans and to address City input. Each phase design will be completed and approved by Park City Housing Authority staff prior to recordation the condominium plat for each phase.



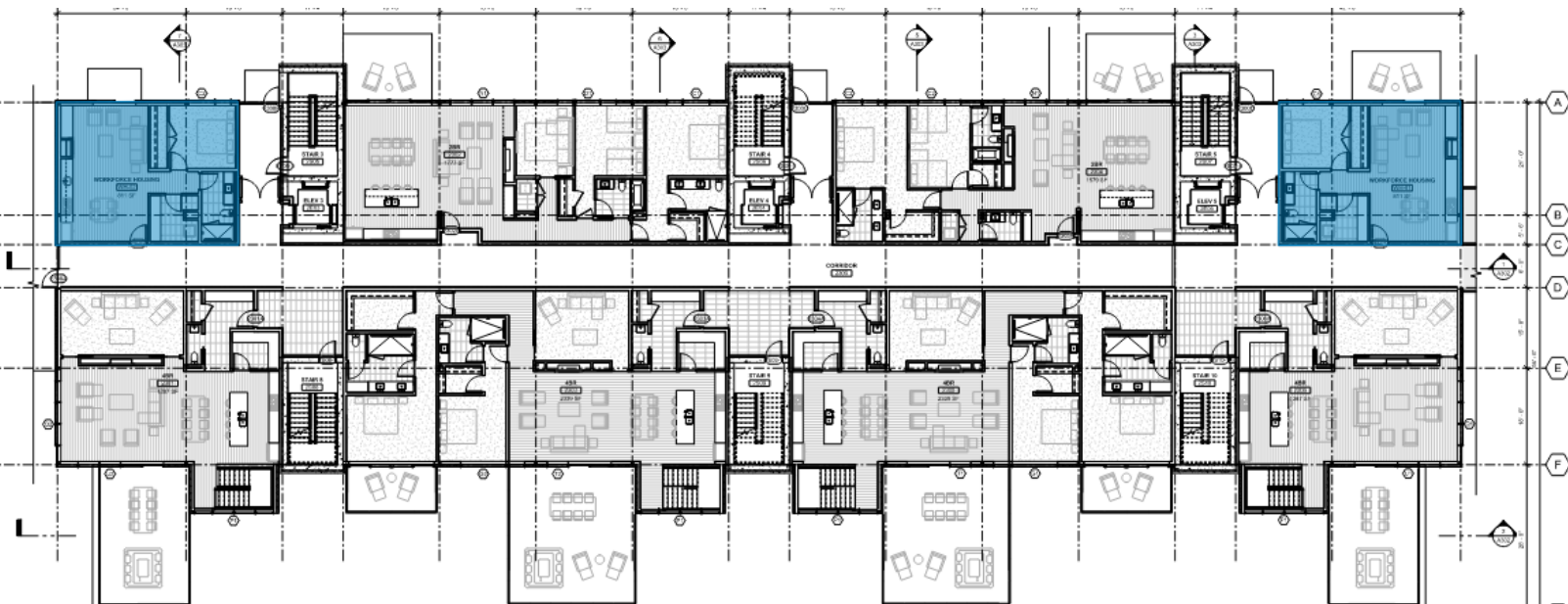
Representative Affordable Housing Unit

**The AUD Square Feet totals are estimated per Park City Affordable Housing guidelines. The actual unit square feet will be finalize upon final project design and will total 5,400 SF.*

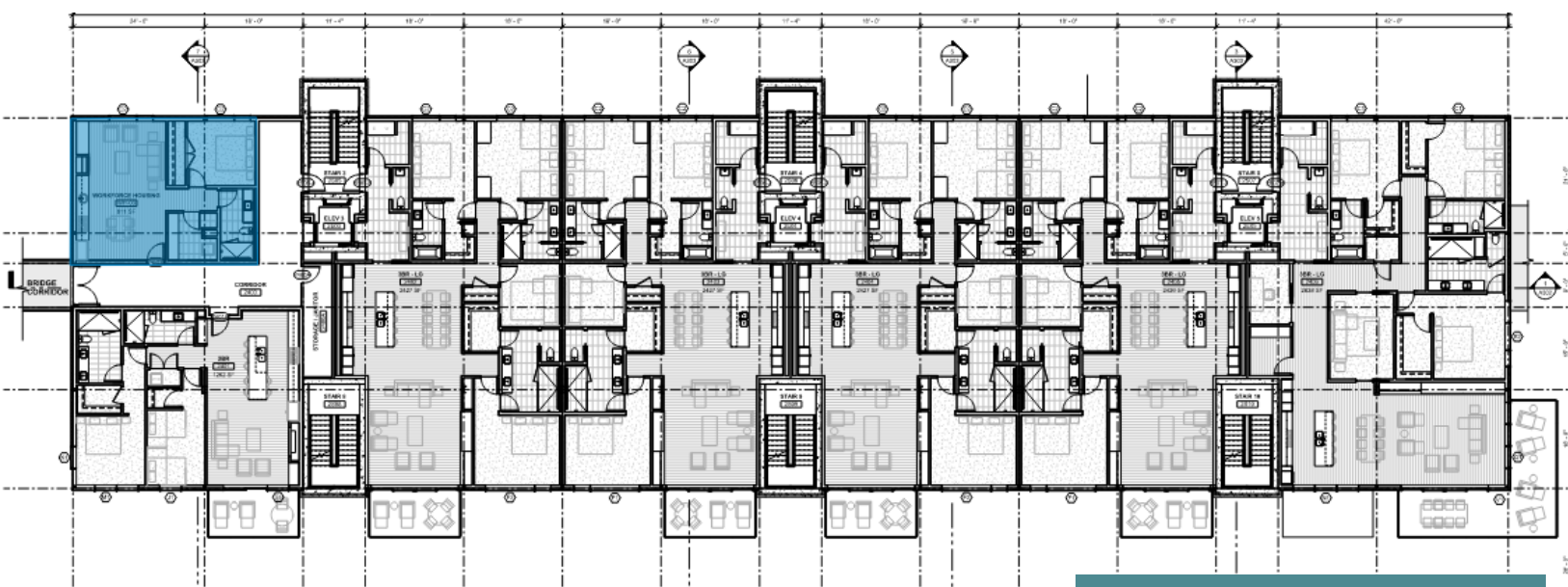
Housing Mitigation Plan

Phase 1 Proposed Floor Plan

The following figures illustrate the proposed locations of the affordable housing units on each respective floorplate.



Floor Plan – Building 2, Level 3



Floor Plan – Building 2, Level 4

Housing Mitigation Plan

Phase 1 Proposed Floor Plan, cont.

The following figures illustrate the proposed locations of the affordable housing units on each respective floorplate.



Floor Plan – Building 1, Level 4

Housing Mitigation Plan

Rental Eligibility and Rate - On-Site Units

RENTAL PRIORITY: Priority for use of the on-site units will be focused on housing staff dedicated to the operations of the Founders Place project. If not occupied by operational staff, the general rules of the current Park City Affordable Housing Resolution will prevail in selection of renters qualified to rent the units.

Priority for Occupancy	
1	Employees engaged full-time or seasonally, focused on serving the Founders Place HOA, Founders Place property manager working primarily on the Founders Place operation, Deer Crest Master Association, or Deer Valley Resort.
2	Persons employed fulltime year-round within Summit or Wasatch County.

For persons qualified to live within the property under Priority 1 above, no income limits shall be required. For persons qualified to live within the property under Priority 2 above, income qualification will be required under the guidelines of the current Park City Municipal Resolution for Affordable Housing currently 80% of AMI.

2021 Summit County AMI %*	1 Person	2 Persons	3 Persons	4 Persons
80%	\$66,960	\$76,480	\$86,080	\$95,600

The overall goal of the on-site units is to aid in the operations of the resort, but also to aid in the availability of local affordable housing needs. Reasonable efforts shall be made by owner of said units to keep the property fully occupied at all times, with reasonable vacancy allowed for transitions between occupants and seasonality. At no time should the units remain vacant for more than 3 months without attempting to fill the unit with an occupant qualified by priority 2 above.

RENTAL RATES: Persons qualified to live within the property, through priority 1 or 2, shall not be charged rent and utility costs in excess of an amount equal to 30% of the amount of income earned by an individual earning 80% of AMI for Summit County.

For 2021, the rent would be calculated pursuant to the table below for a 1-bedroom unit with 2 occupants. In this scenario, the Rent portion covers all utilities and costs other than electricity and the monthly electrical bill is estimated at \$50. See attached

Bedrooms	Occupants	AMI (80%)*	Percent of Income	Yearly Rent	Monthly Expense Including Utilities	Monthly Utility Estimate	Monthly Rent (net)
1	2	\$76,480	30%	\$22,944	\$1,912	\$50	\$1862

*Income limits provided by Mountainlands Community Housing Trust: <https://housinghelp.org/income-limits/>

Housing Mitigation Plan

Transfer or Sale of On-Site Units

The overall goal of the proposed Affordable Housing Mitigation Plan is to provide the units for rent to operational employees or other individuals qualified to live in the unit by alternative employment and income qualification pursuant to the Park City Affordable Housing Resolution. The units will be owned at completion of construction by Deer Hollow Development, LLC (“Declarant”). Sale of the units by the Declarant shall be subject to the deed restriction but also limited to a group or entity intending to follow this Mitigation Plan.

The sale of the units shall be deemed pre-approved, but shall require notification to the Park City Housing Authority, if sold or transferred to:

1. An entity related to Deer Hollow Development, LLC through common ownership.
2. The Founders Place HOA
3. Founders Place Property Manager

Other than a to an entity above, the properties shall not be sold without amending this Affordable Housing Mitigation Plan with the Park City Affordable Housing Authority.

Housing Mitigation Plan

Proposed Mitigation Plan – Community Benefit Fee

In addition to the on-site affordable housing units, Founders Place will create a Community Benefit Fee Covenant that will apply to all residential transactions within the Founders Place Condominium Association. To clarify, the Fee will apply to all 78 initial developer transactions and all subsequent resale transactions.

The fee will be equal to half of one percent (0.50%) of the net purchase price. The fee will be payable to a non-profit entity proposed to be called Founders Place Community Benefit Foundation. The Foundation will agree to transfer one hundred percent (100%) of the fees collected from initial sales by the developer to Park City Municipal Corporation to provide funding towards affordable housing solutions throughout the Park City area. Additionally, through December 31, 2035, fifty percent (50%) of the fees collected from resales will be paid to Park City Municipal Corporation to provide funding towards affordable housing solutions throughout the Park City area.

Initial net sales volume for all three phases of Founders Place is anticipated to be approximately \$300,000,000. Below outlines the \$1,500,000 of potential transfer fees generated from the initial developer sales.

Estimated Initial Sales Volume	Community Benefit Fee %	Community Benefit Fee \$
\$300,000,000	0.50%	\$1,500,000

The estimated annual volume of resale transactions and subsequent transfer fees is dependent on market volume and activity. At an estimated five percent (5.0%) of total units transferring per year, the potential annual transfer fee generated for Park City Municipal through 2035 is estimated at \$37,500 per year. This assumes a 5% per year turnover rate within the project and an average sale price of \$3,750,000. This is 2021 pricing and does not factor in real estate changes in value over the period.

Total Units	5.0% of Units	2022 Average Sale Price	Estimated Annual Sales Volume	Community Benefit Fee %	Community Benefit Fee	Transfer Fee to PCMC
78	4	\$3,750,000	\$15,000,000	0.50%	\$75,000	\$37,500



east west partners

The following described property being located in Wasatch County, State of Utah:

That portion of estate conveyed in that Special Warranty Deed recorded July 01, 1996, as Entry No. 187886, in Book 325, at Page 746, of Official Records, and being located in Section 14, Township 2 South, Range 4 East, Salt Lake Base and Meridian, which intersects the following patented mining claims:

Roosevelt (Mineral Survey 6645)

Queen Esther No. 3, and Queen Esther No. 6 (Mineral Survey 6979)

Gilt, Galena, Park City Consolidated No. 31, and Silver (Mineral Survey 6867)

Less and excepting therefrom the following described properties:

- a) Deer Hollow Village at Deer Crest Official Plat recorded as Entry No. 209772, in Book 408, at Page 256.**
- b) Snowtop Subdivision at Deer Crest Official Plat recorded as Entry No. 209773, in Book 408, at Page 276.**
- c) Deer Crest Estates Phase II Official Plat recorded as Entry No. 209775, in Book 408, at Page 336.**
- d) Roosevelt No. 1 (Mineral Survey 6645)**
- e) Lot 27, Section 14, Township 2 South, Range 4 East, Salt Lake Base and Meridian.**
- f) The property described in that Special Warranty Deed recorded as Entry No. 411705, in Book 1129, at Page 679.**

FOUNDERS PLACE COMMUNITY BENEFIT AGREEMENT

THIS COMMUNITY BENEFIT AGREEMENT (“**Agreement**”), is made and entered into as of this 28 day of JUNE, 2022 (“**Effective Date**”) by Founders Place Community Benefit Foundation, a Utah non-profit corporation (“**Foundation**”), Deer Crest Associates I, L.C., a Utah limited liability company (“**Owner**”), and Park City Municipal Corporation, a political subdivision of the State of Utah (“**City**”, collectively with Foundation and Owner, the “**Parties**”).

RECITALS

A. Owner is the developer of a condominium project known as Founders Place Condominiums (the “**Project**”) being developed on a parcel of real property located in Park City, Wasatch County, Utah (“**Property**”), which contains, or is anticipated to contain, seventy-eight (78) market rate condominium units (“**Unit(s)**”) and six (6) affordable condominium units (“**Affordable Units**”).

B. Foundation was organized for the purpose of benefiting the Wasatch County and Summit County communities, including without limitation, for charitable purposes and support of affordable housing initiatives.

C. Owner caused a Community Benefit Covenant, attached hereto as Exhibit A (“**Covenant**”), to be recorded against the Project and the Units. The Covenant provides that the Foundation will receive a Benefit Fee (as defined in the Covenant) for certain sales of Units at the Project, to be used for the benefit of communities, common planning, facilities and infrastructure, affordable housing, community programming, resort facilities, open space, recreation amenities, and other charitable purposes.

D. In connection with the development of the Project, which includes Affordable Units, and consistent with the Covenant, the Parties desire that a portion of the Benefit Fee be allocated to the City to benefit affordable housing solutions and the local community in accordance with the terms and conditions of this Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing Recitals and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Term. The term of this Agreement shall be for a period commencing on the Effective Date and continue through December 31, 2040 (“**Termination Date**”). Upon the Termination Date, this Agreement shall automatically terminate without any further action required of the Parties and shall be of no further force or affect.

2. Community Benefit Contribution. In accordance with the Covenant, upon each Transfer (defined below) of a Unit, a Benefit Fee based on the Purchase Price (defined below) of such Unit, will be payable to the Foundation. In accordance with the terms hereof, after receiving

such Benefit Fee, the Foundation hereby agrees to pay to the City a portion of the Benefit Fee (each a “**Community Benefit Contribution**”) as follows:

(a) For each Benefit Fee received by the Foundation from an Initial Transfer (defined below) of a Unit, the Foundation shall pay a Community Benefit Contribution to the City, in an amount equal to One Hundred Percent (100%) of the Benefit Fee received by the Foundation; and

(b) For each Benefit Fee received by the Foundation from any Transfer not constituting an Initial Transfer, the Foundation will pay a Community Benefit Contribution to the City in an amount equal to Fifty Percent (50%) of the Benefit Fee received by the Foundation.

(c) Use of Community Benefit Contribution. The Community Benefit Contribution shall be used by the City for the benefit of affordable housing projects and programs within the City deemed appropriate by the City.

(d) For purposes of this Agreement, “**Transfer**” means, whether in one transaction or in a series of related transactions, any conveyance, assignment, lease, or other transfer of beneficial ownership of a Unit, including but not limited to (1) the conveyance of fee simple title to any such Unit; (2) the transfer of more than fifty percent (50%) of the outstanding shares of the voting stock of a corporation which, directly or indirectly, owns any portion of such Unit, and (3) the transfer of more than fifty percent (50%) of the interest in net profits or net losses of any partnership, joint venture, limited liability company, or other business entity which, directly or indirectly, owns any portion of the such Unit. “**Initial Transfer**” means the first Transfer of each Unit, from Owner, as the developer of the Project, to any third party purchaser. For clarity, there shall only by one (1) Initial Transfer for each Unit.

(e) Exclusions. Notwithstanding the foregoing, a "Transfer" shall not include any of the following excluded events:

- (i) Any involuntary Transfer.
- (ii) Any Transfer that results from a court order.
- (iii) Any a bona fide Transfer to a family member of the seller within three degrees of consanguinity who, before the Transfer, provides adequate proof of consanguinity.
- (iv) Any Transfer or change of interest due to death, whether provided in a will, trust, or decree of distribution.
- (v) Any Transfer of burdened property by a financial institution, except to the extent that the reinvestment fee covenant requires the payment of a common interest association's costs directly related to the Transfer of the burdened property, not to exceed \$250.
- (vi) Any Transfer of an Affordable Unit.

(f) Purchase Price. For purposes of this Agreement, “**Purchase Price**” means the gross purchase price of the property that is the subject of the Transfer prior to any commissions or closing costs. The gross purchase price shall not include any amounts paid by the transferee for furnishings or other personal property. Owner, and its successors and assigns, may require either the transferor or transferee to submit verification of the Purchase Price.

(g) Payment of Community Benefit Contribution. The Foundation shall collect the Benefit Fee at the closing for each Initial Transfer for each Unit and the closing for any subsequent Transfer for each Unit. The Foundation shall pay the Community Benefit Contribution to the City within thirty (30) days following the closing of a Transfer or Initial Transfer.

(h) Non-Payment. If the Foundation does not receive the Benefit Fee in accordance with Section 2 of this Agreement, the Foundation will pay the Community Benefit Contribution to the City and the Foundation may place a lien on the Unit for reimbursement of payment for the Benefit Fee.

(i) Non-Payment by Foundation. If the City does not receive timely payment for Initial Transfers of the Community Benefit Contribution as described in Section 2 of this Agreement, the City may, in its sole discretion, withhold certificates of occupancy from the final phase of the Project (which may be either Phase II or Phase III, as determined in good faith by Owner), until payment is current.

(j) Certificates of Occupancy. The Owner shall build four Affordable Units in Phase I, one Affordable Unit in Phase II, and one Affordable Unit in Phase III. The Owner shall obtain a certificate of occupancy for the Affordable Units in each respective Phase, before the Owner obtains a certificates of occupancy for any other Units within the same phase. The City may, in its sole discretion, not issue certificates of occupancy for any Units within a Phase until all Affordable Units in such phase have received a certificate of occupancy.

3. Waiver. No term or condition of this Covenant will be deemed to have been waived or amended unless expressed in writing, and the waiver of any condition or the breach of any term will not be a waiver of any subsequent breach of the same or any other term or condition.

4. Successors. Except as otherwise provided herein, the provisions and covenants contained herein shall inure to the benefit of, and be binding upon, the heirs, successors, and assigns of the Parties.

5. Owner and Foundation Certification. By execution of this Agreement, the Owner and Foundation certify, represent, and warrant as to the following:

(a) Owner and Foundation are duly and validly organized and are in good standing under the laws of the State of Utah.

(b) Owner and Foundation have the requisite power and authority and has received any necessary lender or internal consents to own the Units, and to enter into this Agreement.

(c) The persons named below and signing on behalf of Owner and Foundation have received all necessary approvals and are duly authorized to bind Owner and Foundation to all of the terms and conditions found in this Agreement.

(d) To the best of their knowledge and belief, the execution and delivery by the Owner and Foundation of this Agreement, and the consummation of the transactions described herein, do not conflict with or result in a breach of any of the terms, provisions or condition of any agreement or instrument to which Owner and Foundation may be bound, or of any order, law, rule or regulation of any court or governmental body or administrative agency having jurisdiction over the Owner and Foundation.

(e) This Agreement is a legal, valid and binding obligation of Owner and Foundation, enforceable in accordance with the terms herein.

6. Choice of Law. This Agreement shall be governed and construed in accordance with the laws of the State of Utah.

7. Integration. This Agreement constitutes the entire Agreement between the Parties with respect to the matters set forth herein.

8. No City Liability. Nothing herein requires or shall be construed to require the City or any officer, director, employee, agent, designee, assignee, or successor thereof to protect or indemnify the Owner and Foundation against any loss.

9. Counterparts. This Agreement may be executed in several counterparts, all of which together shall constitute one binding Agreement on all parties hereto, notwithstanding that all the parties have not signed the same counterpart.

10. Construction. The Parties acknowledges that they have reviewed and revised this Agreement with the assistance of counsel, and further acknowledge and agree that any interpretation of drafting ambiguities or inconsistencies shall be construed in favor of the City.

[Signature Page Follows]

Dated this 28 day of JUNE, 2022.

FOUNDATION:

FOUNDERS PLACE COMMUNITY BENEFIT
FOUNDATION, a Utah non-profit corporation

By: [Signature]
Its: AUTHORIZED SIGNATORY

OWNER:

DEER CREST ASSOCIATES I, L.C.,
a Utah limited liability company

By: [Signature]
Its: AUTHORIZED SIGNATORY

CITY:

PARK CITY MUNICIPAL CORPORATION,
a Utah municipal corporation

By: [Signature: Dan Worrel]
Name: Dan Worrel
Its: Mayor

EXHIBIT A
COVENANT

WHEN RECORDED, MAIL TO:

Steven P. Mehr
Ballard Spahr LLP
201 South Main, Suite 800
Salt Lake City, UT 84111

Tax Parcel Number:

COMMUNITY BENEFIT COVENANT

THIS COMMUNITY BENEFIT COVENANT ("**Covenant**"), is made as of this 28 day of JUNE, 2022 by Deer Crest Associates I, L.C., a Utah limited liability company ("**Owner**").

RECITALS

A. Owner is the developer of a condominium project known as Founders Place Condominiums (the "**Project**") being developed on a parcel of real property located in Park City, Wasatch County, Utah ("**Property**"), as more particularly described on Exhibit A. The Project will include seventy-eight (78) market rate condominium units ("**Unit(s)**") and six (6) residential condominium units ("**Affordable Units**"), to be developed in phases, with the first phase being more particularly described on the Founders Place Plat, recorded _____, as Entry No. _____, in Book _____, at Page _____, in the Office of the Wasatch County Recorder, as amended and/or supplemented from time to time ("**Plat**"). For clarity purposes, four (4) Affordable Units will be built in Phase I, one (1) Affordable Unit in Phase II, and one (1) Affordable Unit in Phase III.

B. Founders Place Community Benefit Foundation, a Utah non-profit corporation ("**Foundation**"), was organized for the purpose of benefiting the Wasatch County and Summit County communities, including without limitation, for charitable purposes and support of affordable housing initiatives.

C. In connection with the development of the Project and certain obligations imposed by the Park City Municipal Corporation ("**City**"), Owner desires to establish a Community Benefit Covenant for the benefit of the Foundation, as defined and further set forth below.

COVENANT

NOW, THEREFORE, the following Community Benefit Covenant is imposed on the Units as follows:

1. Community Benefit Covenant. Upon each Transfer (defined below) of any Unit, the owner of the Unit shall pay a fee based on the "Purchase Price" (defined below) of such Unit to the Foundation (a "**Benefit Fee**"), which funds shall be used by the Foundation in accordance with this Covenant, the Founders Place Community Benefit Agreement, dated the date hereof, among the Owner, Foundation and City, and the Foundation's governing directives, including without limitation, for the benefit of communities, common planning, facilities and infrastructure,

affordable housing, community programming, resort facilities, open space, recreation amenities, and other charitable purposes. The Benefit Fee shall be equal to one-half of a percent (0.5%) of the Purchase Price of the subject Unit. This Covenant, including the Benefit Fee, shall run with the land and improvements consisting of the Units for the benefit of the Foundation and the City.

(a) For purposes of this Covenant, "**Transfer**" means, whether in one transaction or in a series of related transactions, any conveyance, assignment, lease, or other transfer of beneficial ownership of a Unit, including but not limited to (1) the conveyance of fee simple title to any such Unit; (2) the transfer of more than fifty percent (50%) of the outstanding shares of the voting stock of a corporation which, directly or indirectly, owns any portion of such Unit, and (3) the transfer of more than fifty percent (50%) of the interest in net profits or net losses of any partnership, joint venture, limited liability company, or other business entity which, directly or indirectly, owns any portion of the such Unit.

(b) Exclusions. Notwithstanding the foregoing, a "Transfer" shall not include any of the following excluded events, except to the extent that any such exclusion is used for the purpose of avoiding the Benefit Fee:

(i) Any involuntary Transfer.

(ii) Any Transfer that results from a court order.

(iii) Any a bona fide Transfer to a family member of the seller within three degrees of consanguinity who, before the Transfer, provides adequate proof of consanguinity.

(iv) Any Transfer or change of interest due to death, whether provided in a will, trust, or decree of distribution.

(v) Any Transfer of burdened property by a financial institution, except to the extent that the reinvestment fee covenant requires the payment of a common interest association's costs directly related to the Transfer of the burdened property, not to exceed \$250.

(vi) Any Transfer of an Affordable Unit.

(c) For purposes of this Covenant, "**Purchase Price**" means the gross purchase price of the property that is the subject of the Transfer prior to any commissions or closing costs. The gross purchase price shall not include any amounts paid by the transferee for furnishings or other personal property. Owner, and its successors and assigns, shall require either the transferor or transferee to submit verification of the Purchase Price.

(d) Payment of Benefit Fee. The owner of a Unit shall pay, or cause to be paid, the Benefit Fee at closing of the Transfer, and each Benefit Fee not paid at that time shall accrue interest until fully paid at five percent (5%) per annum over the rate of interest announced from time to time by Wells Fargo Bank, as its "prime rate" for commercial loans. Such interest shall be payable on demand, and if unpaid, shall be compounded monthly at the rate so calculated as of thirty (30) days after the date of the Transfer, and all accruing interest shall become a part of the Benefit Fee due and owing. The Declaration under which the Project is subject shall include

a provision that if the Benefit Fee is not paid as part of the Transfer, the Foundation shall cause the homeowners association for the Project to place a lien on the Unit for the Benefit Fee, plus any interest, fees or expenses to collect such Benefit Fee, until the Benefit Fee is paid.

2. Runs with Land; Successors and Assigns. This Covenant, including the Benefit Fee, covenants, agreements, rights and obligations created hereby, (a) runs with the land and improvements constituting the Units, (b) does not require any additional notice or filing or the consent or approval of any partner, officer, or any other party, and (c) is binding on the Owner and Unit owners, their successors and assigns, and inures to the benefit of and is enforceable by the City and the Foundation (and others having or acquiring the rights reserved to the Foundation) against the Owner and the Unit owners, any other parties claiming an interest in the Units, and each of their successors in interest, assignees, heirs, devisees, mortgagees, lenders, trustees, beneficiaries, executors, administrators, lessees, and personal representatives.

3. Recordation and Amendment. The Owner shall cause this Covenant to be recorded against the Units, as may be supplemented and added to from time-to-time, in the Office of the Wasatch County Recorder at the time of recording of the Plat. The Owner shall cause this Covenant to be amended and recorded against the Units in future phases prior to construction on the such phases and (i) prior to recordation of any all security instruments (deed of trust or mortgage), or (ii) together with a subordination agreement, subordinating the lien of any security instrument to this Covenant. No amendment shall be made to this Covenant without the prior written consent of the City and Foundation.

4. Waiver. No term or condition of this Covenant will be deemed to have been waived or amended unless expressed in writing, and the waiver of any condition or the breach of any term will not be a waiver of any subsequent breach of the same or any other term or condition.

5. Authority to Execute. Owner represents and warrants that as of the date of this Covenant, it is the fee owner of all of the Units and is authorized to execute this Covenant.

6. Construction. Owner acknowledges that it has reviewed and revised this Covenant with the assistance of counsel, and further acknowledges and agrees that any interpretation of drafting ambiguities or inconsistencies shall be construed in favor of the City.

[Signature Page Follows]

Dated this 28 day of JUNE, 2022.

OWNER:

DEER CREST ASSOCIATES I, L.C.,
a Utah limited liability company

By: [Signature]

Its: AUTHORIZED SIGNATORY

STATE OF Utah)

COUNTY OF Summit)

The foregoing instrument was acknowledged before me on JUNE 28, 2022 by Bill Fincash the Auth. signatory of DEER CREST ASSOCIATES I, L.C., a Utah limited liability company.

Ruth Mather
NOTARY PUBLIC

Residing at: Kamas, UT
My Commission Expires: 10/25/22

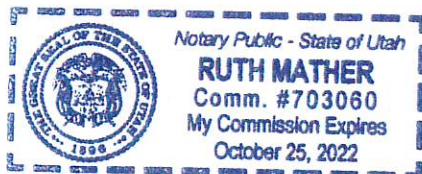


EXHIBIT A

Legal Description of Property

Unit WH-01, Unit WH-02, Unit WH-03, Unit WH-04, FOUNDERS PLACE CONDOMINIUMS, created pursuant to the Condominium Plat for Founders Place Condominiums recorded on _____, 2022 in the Office of the Wasatch County Recorder as Entry No. _____, together with an undivided interest in the Common Areas appurtenant thereto, as described and in accordance with the Declaration of Condominium for Founders Place Condominiums, recorded in the Office of the Wasatch County Recorder on _____, 2022 as Entry No. _____, in Book _____ at Page _____.

Tax Parcel No. _____