



**PARK CITY PLANNING COMMISSION MEETING
SUMMIT COUNTY, UTAH
June 22, 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, June 22, 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

- 2.A Consideration to Approve the Planning Commission Meeting Minutes from May 25, 2022.
[05.25.22 PC Pending Approval](#)

3. PUBLIC COMMUNICATIONS

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

- 4.A **Rail Trail Master Plan Update**
[Staff Report: Rail Trail Master Planning Update](#)

5. CONTINUATIONS

- 5.A **Founders Place (Parcel 00-0021-01977 in Wasatch County; 3267 West Deer Hollow Road) - Development Agreement Ratification** - 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. The Planning Commission Will Review and May Ratify the Development Agreement Outlining the Requirements of the Development. (3 mins.)
(A) Public Hearing; (B) Continue to July 13, 2022
[Continuation Report](#)

- 5.B **2000 Meadows Drive – Conditional Use Permit** – The Park Meadows Country Club is Requesting to Build a New Training Center as an Addition to the Golf Club – A Commercial Recreation Facility in the Recreation Open Space Zoning District. PL-22-05189 (2 mins.)

(A) Public Hearing; (B) Continuation to August 24, 2022

[2000 Meadows Golf Club CUP Continuation Report](#)

- 5.C **General Plan Supplemental Update - Long-Range Transportation Plan** - The Planning Commission Will Review *Park City Forward*, the City's Long-Range Transportation Plan, a Supplement to the General Plan. The Plan Prioritizes Multimodal Transportation Projects and Strategies to Address Existing and Future Conditions. The Purpose of the Plan is to Improve Safety, Protect the Natural Environment, Expand Transportation Choices, and Maintain Quality of Life for those that Live, Work, and Recreate in Park City. (5 mins.)
(A) Public Hearing; (B) Continue to August 10, 2022
[Continuation Report](#)

6. WORK SESSION

- 6.A **Moderate Income Housing Element of the General Plan** – The Planning Commission Will Conduct a Work Session on H.B. 462 *Utah Housing Affordability Amendments* to Discuss New State Requirements and Timelines for the City's Moderate Income Housing Element to the General Plan and Annual Moderate Income Housing Reporting. (45 mins.)
[Staff Report](#)
[Exhibit A: HB 462 Moderate Income Housing Strategies](#)

7. REGULAR AGENDA

- 7.A **3805 Fox Tail Trail - Subdivision** - The Applicant Proposes Creating One Lot from Parcel PCA-S-98-SEC-11 for a Single-Family Dwelling in the Estate Zoning District and One Parcel in the Recreation Open Space Zoning District. PL-21-04826 (45 mins.)
(A) Public Hearing; (B) Possible Recommendation to City Council for Consideration on July 21, 2022

[Fox Tail Trail Subdivision Staff Report](#)

[Exhibit A: Ordinance No. 2022-XX](#)

[Attachment 1: Fox Tail Subdivision](#)

[Exhibit B: Fox Tail Narrative 06-07-22](#)

[Exhibit C: Fox Tail Height Cap Visual Analysis](#)

[Exhibit D: Existing Conditions](#)

[Exhibit E: Slope Constraints Map](#)

[Exhibit F: Hidden Meadow Annexation Plat](#)

[Exhibit G: Hidden Meadows Annexation Resolution, Resolution No. 2-94](#)

[Exhibit H: Amendment to the Hidden Meadows Annexation Agreement, Summit County Recorder Entry No. 430356](#)

[Exhibit I: Hidden Meadow Subdivision](#)

[Exhibit J: Hidden Meadow CC&Rs](#)

[Exhibit K: Fox Tail Sight Line Analysis](#)

[Exhibit L: Public Comments](#)

[Exhibit M: Declaration of Restrictive Covenant to PCMC](#)

[Exhibit N: Declaration of Restrictive Covenant to Hidden Meadows HOA](#)

- 7.B **Parcel PC-900-4 - Conditional Use Permit** - The Applicant Proposes to Move and Reconstruct the Burns Ski Lift and Relocate and Regrade the Lower Little

Stick Ski Run. PL-22-05237 (30 min)

(A) Public Hearing (B) Action

[Deer Valley Burns Lift Staff Report](#)

[Exhibit A: Draft Final Action Letter](#)

[Exhibit B: Lift Locations](#)

[Exhibit C: Sensitive Land Overlay Materials](#)

[Exhibit D: Ski Portal Capacity](#)

[Exhibit E: Burns Lift Tower Planning Director Determination](#)

[Exhibit F: Burns Lift Sound Emission Materials](#)

[Exhibit G: Deer Valley Overflow Parking Operational Plan](#)

[Exhibit H: 2019 Parking Mitigation Measures](#)

- 7.C **405 Woodside Avenue - Subdivision Plat** - The Applicant Proposes Creating a Single Lot of Record From An Existing Metes and Bounds Parcel in the Historical Residential - 1 Zoning District. PL-22-05184 (10 min.)
(A) Public Hearing; (B) Possible Recommendation for City Council's Consideration on July 21, 2022

[405 Woodside Avenue Subdivision Staff Report](#)

[Exhibit A: Draft Ordinance No. 2022-XX and Proposed Plat](#)

[Exhibit B: Existing Conditions](#)

[Exhibit C: Applicant Statement](#)

[Exhibit D: Property Photos](#)

- 7.D **115 Sampson Avenue - Plat Amendment** - The Applicant Proposes Amending 115 Sampson Avenue Subdivision for the Purpose of Exchanging Land with Park City Municipal and Creating a Property Boundary Line that is Parallel with the Existing Asphalt of Sampson Avenue in the Historic Residential - Low Density Zoning District. PL-22-05180 (20 min.)
(A) Public Hearing; (B) Possible Recommendation for City Council's Consideration on July 21, 2022

[115 Sampson Avenue Plat Amendment Staff Report](#)

[Exhibit A: Draft Ordinance No. 2022-XX and Proposed Plat and Survey of Right-of-Way Vacation](#)

[Exhibit B: Existing Plat](#)

[Exhibit C: Right-of-Way Vacation Petition](#)

[Exhibit D: Applicant Statement](#)

[Exhibit E: Site Pictures and Existing Conditions](#)

[Exhibit F: 2013 Planning Commission Staff Report](#)

[Exhibit G: 2018 Historic Preservation Board Staff Report](#)

[Exhibit H: 2018 Historic Preservation Board Meeting Minutes](#)

[Exhibit I: 2018 Steep Slope CUP Final Action Letter](#)

[Exhibit J: 2019 Extension of Steep Slope CUP Final Action Letter](#)

[Exhibit K: 2019 Extension of HDDR Final Action Letter](#)

[Exhibit L: Planning Director Determination of Setbacks](#)

[Exhibit M: Encroachment Permit](#)

[Exhibit N: Engineering Department Recommendation Memorandum](#)

- 7.E **949 Empire Avenue - Plat Amendment** - The Applicant Proposes Removing an Internal Lot Line to Create a Single Lot of Record in the Historic Residential (HR-1) Zoning District. PL-22-05158 (10 min.) (A) Public Hearing; (B) Possible Recommendation for City Council's Consideration on July 21, 2022

[949 Empire Avenue Plat Amendment Staff Report](#)

[Exhibit A: Draft Ordinance No. 2022-XX and Proposed Plat](#)

[Exhibit B: Summit County Recorder Entry No. 105863, Restrictive Covenants](#)
[Exhibit C: Planning Director Determination of Setbacks](#)
[Exhibit D: Ariel View](#)
[Exhibit E: Existing Conditions](#)
[Exhibit F: Site Photos](#)
[Exhibit G: Applicant Statement on Plat Intent](#)

- 7.F **Parcels PCA-62-A-1-A-X, PCA-62-A-X, PCA-61-X, PCA-61-E-X, PCA-59-X, PCA-62-G-X, IHPCMC-1-2AM - Appeal of an Administrative Conditional Use Permit** - The Appellant Appeals the Administrative Conditional Use Permit to Upgrade the Existing Silverlode Lift and Install a New Chair (Chondola Lift) Under the Park City Mountain Resort Mountain Upgrade Plan. PL-22-05249 (15 min.)
(A) Approval of Final Action Letter
[Final Action Letter](#)
- 7.G **543 Park Ave - Hotel, Minor Conditional Use Permit** - The Applicant Requests a Minor Hotel Conditional Use Permit to Convert the Washington School Inn, a Landmark Historic Structure on the Park City Historic Sites Inventory in the Historic Residential -- 1 Zoning District, from a Bed and Breakfast to a Minor Hotel with Accessory Facilities for Events. PL-20-04477 (15 mins.)
(A) Approval of Final Action Letter
[Staff Report](#)
[Exhibit A: Draft Final Action Letter](#)

8. ADJOURN

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Planning Department at 435-615-5060 or planning@parkcity.org at least 24 hours prior to the meeting.

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

Planning Commission Agenda Item Report

Meeting Date: June 22, 2022

Submitted by: Levi Jensen

Submitting Department: Planning

Item Type: Minutes

Agenda Section: MINUTES APPROVAL

Subject:

Consideration to Approve the Planning Commission Meeting Minutes from May 25, 2022.

Suggested Action:**Attachments:**

[05.25.22 PC Pending Approval](#)



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
May 25, 2022**

COMMISSIONERS IN ATTENDANCE: Chair John Phillips, John Kenworthy, Sarah Hall, Laura Suesser (attended virtually), Doug Thimm (attended virtually), Bill Johnson, Christin Van Dine

EX OFFICIO: Gretchen Milliken, Planning Director; Rebecca Ward, Assistant Planning Director; Alexandra Ananth, Senior City Planner; Alex Roy, Senior Transportation Planner; Julia Collins, Transportation Planning Manager; Caitlyn Tubbs, Senior Transportation Planner; Makena Hawley, City Planner II; Browne Sebright, City Planner II; Spencer Cawley, City Planner; Mark Harrington, Senior City Attorney

1. ROLL CALL

Chair Phillips called the meeting to order at approximately 5:30 p.m.

Chair Phillips read the following:

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, May 25, 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 be accepted virtually. To comment virtually, use eComment or raise your hand on Zoom through www.parkcity.org/publicmeetings. 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.

Chair Phillips reported that all Commissioners were present. Commissioner Laura Suesser and Commissioner Doug Thimm attended virtually.

2. MINUTES APPROVAL

- A. Consideration to Approve the Planning Commission Meeting Minutes from April 27, 2022.**

MOTION: Commissioner Christin Van Dine moved to APPROVE the Planning Commission

Meeting Minutes from April 27, 2022. Commissioner Bill Johnson seconded the motion.

VOTE: Commissioner John Kenworthy-Aye; Commissioner Doug Thimm-Aye, with the statement that he was not in attendance, but deferred to the other Commissioners; Commissioner Sarah Hall-Aye; Acting Chair Suesser-Abstained. The motion passed unanimously with one abstention.

3. PUBLIC COMMUNICATIONS

There were no public communications.

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Commissioner Sarah Hall asked the Planning Department about parking passes for the in-person Planning Commission meetings. Planning Director, Gretchen Milliken, stated that she would look into this request.

Director Milliken reported that the appeal of the Administrative Conditional Use Permit ("CUP") for the Park City Mountain Lift Upgrades would be heard at the next Planning Commission meeting on June 8, 2022. Given the volume of documents included the packet for that item only would be published tonight. The packet for the remainder of the Agenda Items would be published as usual. She added that the exhibits for the appeal could be found at the Lift Upgrade website on the Park City Mountain webpage.

Director Milliken stated in response to an inquiry that the appeal would be placed as early as possible on the Regular Agenda and will likely be within the first 45 minutes of the meeting. Ninety minutes was scheduled for the appeal. She also reported that they were seeking candidates to support the Public Land Use bodies, which plays an instrumental role in shaping the community. These bodies include the Board of Adjustments, the Historic Preservation Board, and the Planning Commission. She noted that these public bodies influence the look and feel of the community and rely on interested and engaged community members to serve and help shape the City. A workshop or open house was to be held on June 6, 2022, from 5:30 p.m. to 7:00 p.m. at the Park City Library. Anyone interested in serving could visit www.parkcity.org for more information. She announced that this meeting would be Commissioner Thimm's last meeting and thanked him for his hard work and long hours serving on the Planning Commission. Commissioner Thimm expressed gratitude and noted that they have a wonderful City and a great Planning Commission.

Director Milliken mentioned that City Planner, Browne Sebright would be leaving the Planning Department and transitioning to the Housing Department. She stated that he would present at the June 8, 2022, meeting as a Planner. Following that he would fully transition to the Housing Department.

Chair Phillips thanked Staff for their effort in getting the Commissioners paid for the meetings. Commissioner Kenworthy thanked Chair Phillips for addressing the issue of compensation.

Commissioner Suesser asked for clarification regarding whether the Planning Commission's decision on the Lift Upgrade Appeal would be considered final or if it could also be appealed. Senior City Attorney, Mark Harrington explained that any aggrieved party or the applicant could appeal a final decision by the Planning Commission to the District Court within 30 days. He

confirmed that the decision would not have to go before the City Council before being appealed to the District Court.

Chair Phillips addressed possible confusion on Agenda Item No. 7.D. He explained that the Commission was initially informed that this item would be continued but then less than 24 hours later was informed that it would not be continued. He noted that notwithstanding, the item remained on the agenda and a public hearing would be conducted since it was noticed as such. He understood that the applicant would present for this item.

Planning Director Milliken apologized for the confusion and confirmed that this item would be heard at tonight's meeting. She added that the Conditions of Approval were incomplete and would need to return to the Commission; however, they could still hear the item and conduct the public hearing to provide direction to the applicant. The matter could then come back at a date certain to address the Conditions of Approval. She clarified that the following meeting on this item would not necessarily be required to be a public hearing. Chair Phillips expressed concerns based on his understanding that some of the neighbors were also informed of the continuance. Planning Director Milliken confirmed that they reached out to the neighbors.

Chair Phillips requested that the follow-up meeting on this item be noticed as a public hearing.

5. CONTINUATIONS

A. 316 Woodside Avenue - Steep Slope Conditional Use Permit - The Applicant Proposes an Addition to a Significant Structure with a Single Car Garage on a Steep Slope in the HR-1 Zone. PL-21-05086.

Chair Phillips announced that Staff recommended that the above item be continued to a date uncertain.

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

MOTION: Commissioner Johnson moved to continue 316 Woodside Avenue-Steep Slope Conditional Use Permit to a date uncertain. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

B. 2346 Park Avenue - Conditional Use Permit - Applicant is Requesting Use of a Temporary Structure (Tent) at the Peaks Hotel for a Longer Duration Than the Land Management Code Allows Without an Approved Conditional Use Permit. PL-22-05132.

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

MOTION: Commissioner Johnson moved to continue 2346 Park Avenue—Conditional Use Permit to June 8, 2022. Commissioner Van Dine seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

3. WORK SESSION

A. Studio Crossing Work Session - 4001 Kearns Boulevard - Proposal to Amend the Zoning and Annexation Ordinance and Quinn's Junction Partnership Annexation Master Planned Development Agreement for a Mixed-Use Project Including Commercial, Residential, and Affordable Housing Uses. PL-22-05206.

Planner Sebright, representing the Housing Department and the applicant, joined Senior City Planner, Alexandra Ananth. She explained that the applicant proposed to amend the original ordinance that annexed the property and established the zoning. The applicant also proposed to amend the current Master Planned Development ("MPD"). The application applied only to Lot 1B. The applicant was seeking to allow additional uses, as well as modify the use, number, footprints, and building heights of the remaining density allocated in the MPD. Planner Ananth explained that under the existing MPD, the applicant currently has 282,000 square feet of commercial density that had not yet been constructed.

Planner Ananth explained that the applicant proposed to use this density to construct a mixed-use project that would include 60,000 square feet of commercial uses, 100 "for sale" market rate units, and 185 affordable "for rent" units that would be available at 80% Area Medium Income ("AMI"). She reminded the Commission that the Film Studio site is identified as Lot 1A, and this application was for the vacant portion of that site, identified as Lot 1B. She presented the Site Plan for the approved MPD and stated that only Building 7 was constructed and totaled approximately 90,000 square feet. She referenced Table C from the Annexation Agreement that listed all of the approved uses, most of which are commercial. She reported that a hotel of up to 100 keys was also allowed under the MPD.

Planner Ananth reminded the Commission that the current MPD has no affordable housing requirement per the Annexation Agreement. She presented the approved Subdivision and noted that Lot 1B includes approximately 20 acres. The proposed Phasing Plan shows Phases 1 and 2 at the center of the site. Phase 1 would include two buildings, each being three stories with commercial on the ground floor and two floors of affordable housing. Phase 2 would include the Plaza area and two one-story commercial buildings. Phase 3 would include the market rate townhouses and Phase 4 would also include market-rate units. An additional Phase could be constructed either concurrently with Phase 4 or earlier and would include an affordable housing building.

The approved Plat included a Plat note that if the applicant does not develop the site consistent with the MPD, there would be an affordable housing requirement. Planner Ananth explained that the current Housing Resolution includes a requirement for residential units as well as commercial uses, with the Affordable Unit Equivalent ("AUE") requirement of 42.3 units. She explained that units are converted into square feet, so each AUE is 900 square feet. Therefore, there would be 85 units for rent at 80% AMI, which meets the City's Housing Resolution. The breakdown of the affordable units was heavily weighted towards studios and one-bedroom units. She noted the significant need for rental units, and 80% of the units should be rental units.

In addition to the AUEs required, the applicant also proposed an additional 120 new units, which would translate into 79 AUEs that would also be rented at 80% AMI but would be available to households that are earning up to 120% of AMI. She emphasized that there was no affordable

housing requirement in the current MPD, and with this project, they would be getting the 65 units required along with an additional 120 units. Planner Ananth stated that this would put a significant dent in the City's identified affordable units.

Commissioner Suesser sought clarification of the number of units required under the Plat note. Planner Ananth explained that the number of units required depended on the amount of density proposed by the applicant and would include the amount of commercial and residential. She stressed that under the proposal, the applicant would be required to provide 42.3 AUEs, which when multiplied by 900 square feet yields 38,000 square feet. The applicant proposed to allocate that square footage for 65 units. Some units would be smaller, and some would be larger than the 900 square feet. Planner Ananth confirmed that in addition to the 65 required units, the applicant proposed to build an additional 120 additional affordable units.

Chair Phillips asked what the 80% AMI was in actual cost to the renter. Planner Ananth did not have those numbers with her, but it was confirmed by the applicant's representative, Justin Keys, Quinn Capital Partners LLC, that this would be part of his presentation. He reported that the rental numbers are available through the 2021 Needs Study.

Planner Ananth stated that all 185 units will be rented at a rate consistent with the current Housing Resolution at 80% AMI. She stated that 42.3 of the AUEs will meet the current Housing Resolution and the applicant proposed expanded eligibility for the 79 AUEs. Those units would be available for households making up to 120% of AMI but would still be rented at the 80% AMI rate. She emphasized that the 42.3 AUEs would all meet the Housing Resolution that is currently in place.

Planner Ananth further explained that the zone height is 28 feet, with additional restrictions due to the Entry Corridor Protection Overlay. She noted that with MPDs, the Planning Commission was allowed to consider an increase in building height based on a site-specific analysis. In addition, the existing MPD allows for some height exceptions, but anything within the first 150 feet of the median line of the public right-of-way cannot be taller than 25 feet. Anything beyond 200 feet can be up to 28 feet unless the Planning Commission allowed an exception. She explained that a couple of units in the first townhouse building would require a height exception, as would a portion of the multi-family market-rate building. All of the affordable units, which go up to 48 feet in height, are located in the center or towards the back of the site and would be surrounded by open space and City-owned land.

Planner Ananth referenced a number of issues set forth in the Staff Report for which they requested Commission feedback. She noted that the Planning Commission should consider whether each Phase of construction should require its own CUP, or whether each Phase could be considered under an Administrative CUP. She noted that the current MPD allowed for Administrative CUPs. She stated that none of the proposed buildings include commercial space greater than 30,000 square feet. The Regional Commercial Overlay requires a 30,000 square foot or larger anchor tenant. She requested feedback on whether they could consider the Film Studio as the commercial anchor for this site, which would allow for smaller retail in the other buildings.

The applicant submitted a Trip Generation Analysis that compared a commercial project consistent with the existing MPD to a mixed-use residential project. She asked the Commissioners whether they would like this analysis peer-reviewed. Planner Ananth also requested the Planning Commission consider whether the number of affordable units provided

and improved site changes would justify the proposed zone and MPD Amendments, as well as the proposed increase in building height. She also asked if the Planning Commission was ready to provide a positive recommendation or feedback on the Housing Mitigation Plan to the City's Housing Authority prior to their review. She noted that the required findings for building heights were included in the MPD criteria.

Commissioner Van Dine sought clarification that Phase 4 would include additional affordable units. Planner Ananth explained that the required affordable housing would be constructed in Phase 1. The remainder of the units could be built with Phase 4 or earlier. She confirmed that the applicant would satisfy the housing obligation in Phase 1.

In response to an inquiry from Commissioner Kenworthy regarding the square footage, Planner Ananth explained that the maximum square footage was 202,000 square feet since the Ordinance does not count affordable units toward the total square footage. The total gross square footage is 319,000 square feet and includes Phase 4. When the affordable units are backed out the square footage is 202,000 square feet.

Chair Phillips wondered what the Housing Department indicated as the targeted AMI and whether the Housing Department would again review this before it goes to City Council. Planner Ananth stated that the applicant's proposal met the current Housing Resolution, and the Housing Authority must approve the Housing Mitigation Plan. She noted that the 80% AMI was required by the Ordinance but recognized that every unit was appreciated, and the AMI was something that needed to be weighed by the Commission as part of its recommendation.

In response to a question from Commissioner Suesser, Planner Ananth stated that the applicant proposed a total of 100 market-rate units. These would be two to three-bedroom townhomes at 1,500 square feet with some additional variety in the multi-family building. There would be 48 townhomes and up to 52 apartment-style units for sale as condominiums. She confirmed that the approved density under the MPD is 374,000 square feet and the proposed project, including affordable housing, was for 319,000 square feet. She reiterated that the Ordinance would not count the density of the affordable units so they would count 202,000 square feet of proposed density versus the 282,000 square feet allowed.

Commissioner Johnson expressed his understanding that the applicant proposed 100 market-rate units, 65 rental units at 80% AMI, and 120 units at 120% AMI. Planner Ananth clarified that all 185 units that would be affordable would be for rent at 80% AMI. Sixty-five of the affordable units meet the Ordinance requirements, while the additional 120 units for rent would be considered affordable and offered at up to 120% AMI. The 100 market-rate units would all be for sale.

Chair Phillips understood that the 120% AMI was for those who would qualify for affordable housing, but the rent would still be set at 80% AMI.

Mr. Keys explained that they built out and rented another affordable housing project referred to as The Commons. They learned that not everyone makes exactly 80% AMI and their earnings do not remain static each year. In terms of affordable housing, it hurts when people get a pay raise that puts them slightly above the set AMI. He stated that they worked with the County, and Jeff Jones recommended the applicant set it up this way and give themselves some flexibility in their units so that if someone gets a pay raise, they do not have to immediately remove them at the next certification cycle. He added that if a person's income increased to up

to 120% AMI, they would be allowed to stay in that unit because, with the current market, they still could not afford much else. Mr. Keys also noted that if a renter saw an increase in their income, their rent would remain capped at the 80% AMI. He stressed that this would only be applied to the 120 units that they volunteered to build from their commercial density. The other 65 units required under the Plat note would be offered at only up to 80% AMI.

Mr. Keys reported that they have been exploring this project for several years and have worked hand in hand with the Housing Department. He explained that this application was about embracing bold action. He recalled that several years ago, he listened to a consultant hired by the City on why the City was not meeting its affordable housing goals. After hearing that presentation, he asked his client whether he would be willing to explore something different. At that point, they were already well underway with a hotel project.

He reported that there were a lot of discussions between the applicant and Staff about pivoting from the hotel to affordable housing for this site. He expressed pride in this project because it would create 185 affordable homes where the residents can use public transit to get to work and also have close access to the trails.

Mr. Keys summarized what they have the right to build under the MPD, which includes the hotel and supporting commercial that would go with the Studio building on site. Instead, they proposed to build a mixed-use development and a place where residents would want to live, work, and play. He noted that there would be a lot more open space and community benefits than under the allowed MPD. Mr. Keys stressed that they were trying to build a development that has open space and more affordable housing than any other development undertaken in Park City.

He referenced the various studies over the years, including Envision Park City. Section 4.51 of that study addresses the importance of affordable housing. He noted polls that showed that 84% of Park City residents felt that affordable housing was one of the top three issues facing the community. The polls also showed the importance of housing solutions that implement policies that shift neighborhood balance back to residents by incentivizing long-term rentals and creating more work and housing options such as accessory units and apartments. Mr. Keys stressed that this is exactly what they have proposed and the reason why they chose “for rent” units over “for sale” units. In this way, they feel as though there would be more control over who lives there in the long term and that the project does not turn into an out-of-town holding. They want to dedicate 185 units to people who would live in the community.

Mr. Keys noted that in 2016, the City Council passed a Resolution that established an Affordable Housing Production Plan, the goal of which was to have 800 units by 2026 and 220 units by 2020. He presented a graphic based on a consultant review that showed that 169 units have been constructed as of this year and the City purchased many of those units. He commented that a lot of work needed to be done to construct the remainder of the units to meet the City’s goals. He felt that constructing 185 affordable units in a single project would be a significant step in meeting the City’s goals and would also set the standard for future development.

Mr. Keys explained that the reason developers shy away from affordable housing is that the projects do not pencil out. Ground costs and construction costs are so high, that when a developer gets into the 40 to 60 percent AMI range, they hemorrhage money. He urged the Commission to have this in mind when evaluating an affordable housing proposal. He reiterated

that Section 4.5 of MPD would not require the applicant to provide any affordable housing. The Annexation Agreement also would not require any affordable housing or open space for this site. He opined that this would be bad for the City.

Mr. Keys referenced Condition of Approval 8 of the Subdivision that required the applicant to comply with the Code. The applicant did not object to that Condition of Approval and would be happy to comply with the affordable housing regulations. He added that in doing so, they would exceed the prior density if the affordable housing density were counted. The Code, however, does not count affordable housing density. It was noted that most of the building height requests are part of the affordable housing components of this project. He added that they have proposed heights of up to 45 feet, which is what the Affordable MPD ("AMPD") Code allows. They considered filing this under an AMPD process, but the AMPD Code has strict limitations on the amount of commercial density. He noted that they qualify and exceed the 1-for-1 requirement under an Affordable Housing MPD.

Mr. Keys explained the two different types of affordable housing being proposed. The first 65 units would be included to comply with the Plat note and would be offered at 80% AMI. He presented a graphic showing the mix of affordable units and explained that this mix was arrived at as a result of discussions with the Housing Department as well as their own experience in building affordable housing units in Summit County. He stressed that the reality is that there is a shortage of small units. Not many people who qualify for affordable housing can afford a 3-bedroom unit, although there is some demand for those as well. He emphasized that the studios and 1-bedrooms get leased quickly and rarely are occupied by a single resident. He explained that typically two people occupy the 1-bedrooms, which puts them at the 80% AMI. Most of these residents are retail and service-oriented people who, when their incomes are combined, get to the 80% AMI level. He noted they typically did not get people well below the 80% AMI. He felt that with this mix of units, they could meet the needs they have seen in the community.

Mr. Keys presented the mix of units for the voluntary affordable housing density. He invited the Commissioners to visit The Commons to see how the units look and what the mix looks like. He described them as spectacular and noted that the Crandalls did an amazing job at The Commons and is a very similar mix to what they propose here.

With respect to eligibility and pricing, Mr. Keys stated that all of the units would be deed restricted and would be "for rent." They would hire a third-party manager who is qualified to manage all of the rental units. He added that they would include a "waterfall provision" to ensure that they would be rent first those closest to the space; they would start in Quinn's Junction area specifically. He referenced Commissioner Johnson's question and explained the 80% AMI with a table. The monthly gross rent for the studios would be \$1,674.00. He explained that the "gross rent" included a majority of the utilities and any Homeowners' Association fees. He also presented the average median market rate rent in Park City for comparison and noted that a studio was \$1,938 per month. He highlighted more significant discrepancies in the 3-bedroom units. He noted that even on the market rate units in Park City, there was more than 99% occupancy.

Mr. Keys referenced the Consultant's Report that found that there were not a lot of market-rate townhomes in the area and added that the market rate units they included in this application would serve a need in the community. The townhomes and condominiums in the community were largely ski-in/ski-out and are being purchased for nightly rentals. A large segment of the

community was seniors looking for locations like this and the proposed market-rate units. He summarized the Phases of construction and echoed the information provided by Planner Ananth. He commented on the issue of a new anchor tenant and offered his belief that an additional anchor tenant would not be required since this site would still be considered Studio Crossings, with a 90,000-square-foot building next to a 60-foot-tall building already in existence. They would not want to put another box store on this site just to meet an anchor tenant need.

Mr. Keys explained that Phase 4 could be constructed at any time and might be included as part of Phase 1 depending on construction loadings. Phase 4 would include four floors of additional affordable housing. He noted that this building would sit behind a 60-foot building, which would allow for the heights to step up. He added that there are no adjacent neighbors other than Highway 40; therefore, the height of the Phase 4 building would not obstruct views but would rather provide a good gradation of scale with the Studio Building while allowing construction of a significant number of affordable housing units.

Mr. Keys next addressed the Trip Generation Analysis and expressed that the type of use contemplated would require a lot less vehicular trip. The commercial uses require more trips, but this site would have a mix of uses that would reduce overall traffic loads and parking needs. He noted that Fehr & Peers concluded that this project would greatly reduce the traffic needs of the site and would reduce the 9,110 daily trips to 5,438 daily trips. He also referenced the reduction in A.M. peak and P.M. peak. He stressed that these numbers do not even consider the fact that they are trying to make this a transit-centered development. He reported that they were planning a transit center within the development and had already posted a \$70,000 bond with the City to construct the access point to the trails. They would also install an electric bike charging station, with bike storage for all the units. It would be easy for the residents to take the bus or bike to downtown. He offered that this would further decrease the traffic requirements.

Trent Smith, AIA from Modern Out West, identified himself as the Project Architect. He explained that their approach was to create a community development. He presented the Site Plan and noted the various features, including the plaza and multiple connections to the existing Film Studio and the other affordable housing buildings. He explained that they designed the affordable housing and the townhomes with a very active first-floor commercial space. He explained that Phase 1 would consist of two mixed-use buildings, with commercial on the first floor and two stories of housing. He noted the similarities with The Commons that were successfully developed by the applicant. Phase 2 would include two buildings and the plaza that would create a community hub. The goal would be that these would be built simultaneously so that the commercial and housing would support each other onsite.

Mr. Smith explained that the plaza could be used for Christmas trees and would have a small water feature that would use the existing water rights on the property. The Transit Hub would also be included in Phase 2, and he noted that it would include a bus stop, an e-bike station, and a roundabout that would support the size and scale of City buses as well as other carpooling vehicles. He added that electric car charging stations would be installed throughout the development. Mr. Smith stated that Phase 3 would be the market-rate townhomes and Phase 4 would include market-rate condominiums, as well as the additional affordable housing units.

The applicant, Gary Crandall, emphasized that with the costs of this project they would need to have it at 80% AMI, or they could not build it. He pointed out that at 80% AMI, the most that a couple could make to qualify would be \$85,600 per year. He stressed that if the AMI was less

than 80%, professions such as schoolteachers would be excluded. For the sake of comparison, the maximum income that a couple could earn for a 60% AMI project would be \$64,000.

Chair Phillips noted the difference with regard to Phase 3 from the prior presentation. He recalled his concerns about the entry and exit and wanted to understand the site's circulation from the townhomes. He felt that visitors to Phase 3 could travel through the parking lot to the traffic signal. Mr. Smith explained that one of their goals was to make it more walkable and traffic calming would be built within the site. He noted that there was no disconnect from someone to go through the parking lot to the traffic signal.

Commissioner Kenworthy thanked the applicant for the advancements in the project. He sought clarification of the square footage for the project, including the Film Studio. Mr. Keys stated that the Film Studio was 91,000 square feet, making the total project 410,425 gross square feet. The original gross density was 374,000 square feet before backing out the affordable housing from the gross number.

Commissioner Kenworthy addressed eligibility and pricing and asked what was meant by "there will be no time limit" required in selecting between orders of priority. Mr. Keys explained that in waterfall provisions, the open time between each waterfall could be set. For example, they could let it sit open for 7 days until everyone within a certain waterfall has been exhausted. He expressed that they would not be requiring any wait between the waterfalls, and once they have exhausted everyone within the first zone, which is Quinn's, they could immediately accept applications from anyone in Park City.

Commissioner Kenworthy expressed his understanding that applications would be open first to Quinn's, then Park City boundaries, then Park City School District, and finally Summit County. He confirmed his understanding that if there were not 120 qualified applications within the first three zones, then rentals would be opened up for applications from broader Summit County. With respect to community good cause, while he liked this plan, Commissioner Kenworthy was concerned that this affordable housing be available for workers outside the Film Studio tenant.

Mr. Keys confirmed that they would not give any preference to any employment location or business. In response to a question about how they would deed restrict the number of units so that there would not be a high percentage of units going to employees of the Film Studio tenant, Mr. Keys noted that because the Film Studio employees were more transient, they would be less likely to sign a year lease. In addition, the waterfall provision would only apply at the outset to initially fill the project. Once the project was filled, then it would be on a first-come-first-served basis no matter an applicant's location.

Commissioner Kenworthy recognized that the AMI in Park City was skyrocketing. He expressed concern that they maintain the community good cause outside of the tenancy of the Film Studio and requested the applicant provide information on how they would accomplish that.

In response to Commissioner Kenworthy's inquiry regarding nightly rentals, Planner Ananth confirmed that no nightly rentals will be allowed in the affordable units. The for-sale market-rate units could potentially allow for nightly rentals. Commissioner Kenworthy requested further information when the applicant returns to the Commission.

Commissioner Kenworthy emphasized his concern that the affordable units would not be built for the Film Studio employees.

Commissioner Hall felt it would be appropriate to do an Administrative CUP for all Phases, except Phase 4. She was agreeable to recognizing the Film Studio as the anchor tenant so they would not have a big box within this residential community. She expressed her feeling that they would not need a peer review analysis of the parking, but she would like to know whether the parking for the Film Studio would be incorporated as part of the entire site and whether residents would be able to use Film Studio parking. Mr. Smith explained that because the site was subdivided, they have considered the two sites separate with regards to parking. In addition, the original MPD always envisioned the Film Studio being gated off and Lot 1A dedicated to the Film Studio.

Commissioner Hall understood the complexity of the financials and understood why they could not apply as an Affordable MPD. She would like to take the opportunity to add some elements of commercial as part of the MPD. She understood that the intent of this project was to provide the City with what it has been seeking, which is affordable units. She thanked the applicant for taking the time to envision this project. As a whole, she expressed excitement for a project that proposed 185 affordable housing units. She felt this would be sufficient to justify the height exemption but expressed some concern about the setback with the townhomes and requested the applicant provide further information. Mr. Smith stated that the Site Plan had a typo and felt that they could get the townhomes in the 25-foot zone, which is what is allowed for this site.

Commissioner Van Dine referenced Building 1, and Planner Ananth understood that part of Building 1 had a portion within 200 feet. Mr. Smith confirmed this and added that this side would be stepped down, so there would not be an exception needed at this location.

Commissioner Hall expressed that the Certificate of Occupancy should be attached to the affordable units. She liked the idea of having bike storage within each building as the tenants would have access to the Rail Trail. She also expressed the benefit of having childcare within the commercial space. She understood the reasoning behind the 80% AMI and was agreeable to that, as well as the range from 80% to 120% AMI.

Commissioner Hall felt that the egress from the project at O4 looked difficult and requested further information from the applicant. She asked whether the Rail Trail access point would be public or private. Mr. Keys confirmed that it would be public. She was opposed to nightly rentals on the market rate units. Mr. Keys explained that the 100 market-rate units would be constructed in place of a 100-key hotel. Therefore, allowing nightly rentals on the market rate condominiums and townhomes would be an alternative to the hotel. It was added that the density for the "for sale" units was the same density allocated for the hotel, which is why they felt it would not be favorable to put that limitation on these units.

Commissioner Hall wanted to see the specifics of the deed restrictions for the rental units. She expressed that this is what she is most excited about with this project and what is missed the most in the City. She added that the City needed more affordable units, but particularly affordable rental units.

Chair Phillips also wanted further discussions on the issue of nightly rentals. He offered that this project went from one that would support the Film Studio to residential development. He was also interested in the significant change in use for this site, but he liked the direction this project was going with affordable housing. Chair Phillips deferred to the Council and City policy with regards to the AMI but would also like to be able to offer suggestions. He felt that 80% AMI

would allow people to live there and improve without getting kicked out. He inquired whether there was any way to make a portion of the units in the range from 50% to 150% AMI. He noted that even at the low end, some employees would not qualify, and a larger range might allow housing for these employees. He suggested ten units could go up to 150% AMI with a rent increase. He emphasized that he would like to see a small component at a lesser AMI.

Mr. Keys stated that this was the approach they took at The Commons and noted that it ended up being a nightmare to effectuate, which is why they did not propose it for this project. He stated that they were willing to further discuss, however.

Chair Phillips also focused on commercial uses and trip generations. He would like to know what would be in the commercial spaces because that would impact trip generation. He felt it would be important for the City to have a third party look at the Trip Generation Analysis and expressed concerns about having a significant draw from outside the project and the impact on traffic. He asked if there was any way to set aside affordable units for those that work at the development.

Chair Phillips expressed his intent to focus on traffic and parking. In response to Mr. Keys stating they would like to set forth the allowed commercial uses, Chair Phillips commented that would help him feel comfortable knowing what would be in those spaces. He would like some more visuals to help him picture the completed project.

Commissioner Hall echoed the request for information regarding the commercial uses and felt the more they could incorporate into the MPD, the more comfortable the Commission would be in allowing this to proceed as an Administrative CUP. Chair Phillips agreed. Commissioner Kenworthy agreed that day care would be a top priority as commercial use.

Commissioner Van Dine agreed that day care would be a priority. With respect to the waterfall provision, she suggested more priority for those in Quinn's Junction as more applications come in after that initial time period. She did not have a significant issue with the nightly rentals. She agreed with this proceeding as an Administrative CUP as long as they had a bigger picture of what would be included in the MPD. She felt that another anchor tenant was unnecessary.

Commissioner Van Dine did not feel that an additional peer review of the Trip Generation Study was necessary. The goal of this project was to encourage the use of alternative transit for anyone coming to the site. She suggested some sort of incentive program for those who bike to the project. She was satisfied with the AMI as proposed and stated that the project could be a huge benefit to the City. She looked forward to seeing more detail on the bike circulation plan and the walking plan within the site.

Commissioner Johnson agreed with the Film Studio serving as the anchor tenant. He also agreed with the height exception in lieu of affordable housing. While he would like a lower AMI, he liked the affordable housing for this project. He asked the applicant to look at a staggered AMI as suggested by Chair Phillips. He was uncertain with regard to it proceeding as an Administrative CUP and felt that more information would clarify his position. He emphasized that parking would be a significant issue and noted that there would be 550 spaces, exclusive of the Film Studio, for 285 units.

Commissioner Van Dine was also supportive of the height exception.

In response to a question from Commissioner Kenworthy regarding the current AMIs for Park City versus Summit County, Planner Ananth stated they could provide that information. Commissioner Kenworthy suggested that \$130,000 sounded close to Park City's AMI. Planner Ananth offered that it sounded low but preferred not to speculate. She referenced the Housing Needs Assessment linked with the Staff Report.

Commissioner Kenworthy reiterated the community good cause and did not want to see the AMI at \$200,000 ten years from now. He asked if there was a way to cap it, noting that the average couple's income currently in Salt Lake City was around \$80,000 and Salt Lake City is where a lot of Park City's service workers come from. He would like to cap the AMI and keep it in this project 10 years from now.

Commissioner Kenworthy expressed opposition to allowing nightly rentals. He felt that the community good cause would be to have that type of product available for primary residents. Mr. Crandall addressed Commissioner Kenworthy's concerns that the affordable housing would be used by Film Studio employees and offered that they see the inverse of this issue. They do not envision anyone from the Film Studio qualifying for the affordable units because their income is too high. In addition, he stated that they plan on withholding some of the market rate units so they can provide nightly rentals for those employees so that they can save the trips.

He understood that they want to give the coffee shop worker an affordable unit but noted that there was no difference between the coffee shop worker coming from Salt Lake City and the Film Studio employee coming from Salt Lake City, both of which generate a trip. He added that the reason Yellowstone left was that the applicant doubled the incentive. They see the Film Studio component alleviating those trips by renting the market rate units.

Commissioner Kenworthy understood the community good cause of having a substantial tenant in that building, but they want to strike a balance. He appreciated the plan of keeping some of the market rate units for that use, but they still have the benefit for the community that they are looking to balance.

Commissioner Suesser felt that the Planning Commission should be involved in the approval of the Phases. She was okay with the Film Studio being the anchor tenant but would like more details on the allowed commercial uses.

With regard to traffic, she did not believe that a peer review was necessary, but she would like to see a peer review for the parking. She requested more clarification on any underground parking envisioned for this project, as well as driveways and retail parking. She was concerned about the height, given the restrictions in the original MPD. Commissioner Suesser agreed with Commissioner Hall's request to see an affordable housing MPD and noted that Jason Glidden of the Housing Department had stated that it was difficult to get affordable projects to pencil out. She added that they were now contemplating an amendment to the original MPD that would result in a significant change of use on this property because the project as drafted in the original MPD did not pencil. The permitted uses under Section 1.3.6 of the Settlement Agreement were very restricted and included only recreation, an international film school, commercial support retail, entertainment center, motion picture media campus, sound stage studio and event center, and hotel lodging. She urged the Commission to understand how limited these uses were and offered that this might explain why this project was not getting developed as originally envisioned. She suggested that instead of building the number of market-rate units proposed, they should look at mixing in attainable units in addition to the

affordable units. She observed that the developer was asking for a lot, yet they were in a bind with the original MPD.

Commissioner Suesser requested the developer consider including some attainable units in lieu of some of the market rate units to help with the community benefit. She questioned why there was no community center included in the proposal and would like more details on the amenities envisioned for this development. Commissioner Suesser requested clarification on the phasing of the 65 affordable units.

Commissioner Thimm echoed many of the thoughts and requests of the other Commissioners. He felt that the Planning Commission should consider each phase of this project. With regards to the anchor tenant, he felt that was already in place. That said, he felt some neighborhood retail, in the area of 2,000 to 5,000 square feet, would make this a real mixed-use project. Commissioner Thimm offered that having something in there that made sense for the neighborhood would be the right thing to do.

With regard to the Traffic and Parking Analysis, he reviewed the numbers and found there would be less intensity of use than the prior plan, especially with the hospitality user no longer being a part of this project. He did not see much reason to have a third-party review as the numbers appeared pretty clear. He stressed that they need affordable housing in the City that is in the 40 – 60% AMI range. He clarified that this setting might not be the right place for it, however. He felt that the 80% AMI was probably a good number and he liked Commissioner Suesser's suggestion of some attainable housing at the site.

Commissioner Thimm was in favor of the Condition regarding the Certificates of Occupancy for the market rate units being contingent on the Certificates of Occupancy for the affordable housing in the later phase. With regard to building height, he felt that a little extra height at this location would actually be beneficial to help identify the Gateway entry into the City. He requested the applicant consider creating a dogleg at the westerly driveway.

Chair Phillips commented that the applicant received a lot of good feedback and looked forward to their return before the Commission.

4. REGULAR AGENDA

- A. General Plan Supplemental Update – Long-Range Transportation Plan – The Planning Commission Will Review Park City Forward, the City's Long-Range Transportation Plan, and a Supplement to the General Plan. The Plan Prioritizes Multimodal Transportation Projects and Strategies to Address Existing and Future Conditions. The Purpose of the Plan is to Improve Safety, Protect the Natural Environment, Expand Transportation Choices, and Maintain Quality of Life for those that Live, Work, and Recreate in Park City.**

Senior Transportation Planner, Alex Roy, noted their appearance before the Commission two weeks earlier to discuss transportation as a whole and stated that for this meeting they would discuss Park City Forward, the City's long-range Transportation Plan. They plan to go to a Work Session with City Council on June 9, 2022, with consideration of adoption by the City Council later this summer.

They have worked with the Planning Director and City Attorney to discuss how this could best be incorporated into the City's organizational structure. He reported that they determined that a supplemental update to the existing Transportation Element of the General Plan would provide some consistency with the General Plan but would not supersede anything in the current General Plan. The transportation elements could reference the existing General Plan or Park City Forward.

Planner Roy felt that this would provide some teeth to the Transportation Plan while still allowing the past work to be looked at, recognizing that there were elements of the General Plan that might not be as nuanced as this planning effort. He stated that they also envisioned this rolling into the General Plan Update planned for next year, and they were committed to working with Staff and the Planning Commission to ensure that Park City Forward is well-represented in any sort of General Plan update.

Planner Roy explained that they work with three-time horizons as part of a long-range Transportation Plan, and this Plan fits squarely into the first-time horizon of long-range planning. He commented that they initially undertake the long-range planning because many of the transportation projects are large, long-term projects that involve environmental analyses and intensive regional collaboration with stakeholders such as the Utah Department of Transportation ("UDOT") and Utah Transit Authority ("UTA"). He explained that long-range planning gives them a blueprint for moving forward. Within the long-range plan, there are short and medium-range plans. Medium range planning could include transit plans and roadway improvements. He added that short-range planning generally involved actions such as management of peak day traffic.

Transportation Planning Manager, Julia Collins, explained that they envisioned Park City Forward as a resource for the Planning Commission. The first of the five elements involved identifying regional projects and needs. She explained that transportation projects are incremental and take a lot of time, and they identify the steps in the long-range plan that helps set them up for funding, grant opportunities, and coordination with regional stakeholders. She noted that some projects involve an environmental process, which would feed into engineering and design. She stressed that each of these steps could take a substantial amount of time, depending on the project. She identified the next element as funding projections and grant applications. She reported that they were vigorously pursuing grant opportunities, and this year has applied for over \$12 million for capital projects. Having a long-range plan that includes timelines and stakeholder and community support provides weight to the applications.

Manager Collins next addressed building policy and regulations and highlighted the Modal Hierarchy. They prioritized multi-mode transportation and have presented this to the City Council and the Planning Commission. She added that this is a concept that came out of the community output and the identification of the goals and strategies. She added that this would also serve as a supplemental tool to other strategies being worked on as a result of thinking long-range.

Senior Transportation Planner, Caitlyn Tubbs, stated that an additional component of the implementation of this Plan included the short-term goal of adopting some updates or additions to the Land Management Code ("LMC"). She noted that transit options touch many different types of developments within Park City. She provided the example of the consideration of adopting a transit station amenity standard that the Planning Commission could then refer to in its review of land development applications.

Additionally, Planner Tubbs stated that when they propose updates or amendments to the adopted ordinances, they would bring them before the Planning Commission for feedback.

Planner Roy stated that an important element of this Plan was that it is not for one specific project mode or one specific traveler persona. He stated that this Plan is for all travelers within Park City. To that end, they have looked at different types of travelers, including residents, recreational day-trippers, seasonal or construction workers, and cultural event visitors. Part of the process has been to try to flush out how the different projects and policies of the Park City Forward Plan could be utilized to help these different transit modes. He recognized that these different travelers have different travel needs and they want to recognize that all of the travelers are important.

Planner Roy stated that they identified the blueprint for this Plan as looking at how they get people to Park City. He mentioned that these include the big, regional projects involving high-capacity transit along the gateway corridors, Park-and-Rides at the entry corridors to the City, and working with the resort partners on improving multi-modal and transit facilities at their destinations. He also mentioned that it also involves looking at peak day mitigation, data collection, marketing, and messaging.

He next addressed how the Plan addressed getting people around Park City and noted that this was critical to many of the community members. Within this element, they have Rail Trail connections, intersection improvements, widening and improvement of crossings, complete street and bus stop improvements, flexible transit, and Old Town circulation. He offered that they want to marry the bigger projects with ensuring that the community has a cohesive, well-connected transportation community that allows multiple modes of getting around.

He highlighted that they have multiple active transportation projects, chair mobility, and transit. They also included roadways and goods movement improvements, and parking and Traffic Demand Management ("TDM") for any transit system. They also looked at technology and innovation that could work within the system already established to ensure that it is maximized to the best of its efficiency.

Planner Roy stated that they have heard that active transportation was critical to the Planning Commission and provided an example of a project and how it would be represented in Park City Forward.

The Transportation Department recognized that the Engineering Department has worked hard to build up the Snow Creek and the SR-248 crossing. This project would be represented in Park City Forward as Pedestrian Crossings Improvements in ATO2. Within ATO2, it was listed as an undetermined crossing type and something that would become specified with more detailed engineering work. These projects carry a higher cost because there are multiple crossings and he stated that this was one of the highest-cost active transportation projects.

He noted that only 1 ½ of these crossings were included in the first five years of this Plan because they recognized they are very expensive to build. He explained that they know that they need to put more at-grade crossings within the first five years that are built out past the five-year mark with some of the big crossings. More projects would be budgeted for beyond the five-year mark.

Planner Roy noted that many active transportation projects were being considered and they have recognized how important active transportation is to the community. He asked the Planning Commission to consider how Park City Forward could support the Planning Commission in the development review process, and how Transportation Planning Staff could help shape the General Plan Update.

Commissioner Thimm appreciated the update and was fully supportive of the ongoing efforts. He offered that there have been a number of projects where TDM initiatives were necessary and having the Transportation Planning Staff's input with regards to the TDMs would be of great benefit. Staff could help analyze whether the proposed TDM initiatives made sense with the overall Transportation Plan.

Commissioner Suesser echoed Commissioner Thimm's comments regarding TDM and added that she would like to see Park City Forward at the table, especially for major MPDs or amendments to major MPDs, such as the two major Base Developments currently before the Commission. She also felt it would be helpful if Park City Forward thought broadly about how stakeholders in the community or developers of projects could engage and get involved in how to bring those players into the projects, rather than just thinking of these projects as City projects. Commissioner Suesser did not feel comfortable at this time recommending this Plan to the City Council because it is still very much a draft and needed some work.

Director Milliken thanked Commissioner Suesser for her feedback and stated it would be helpful to know what additional information she would like included in the Plan. She explained that the Plan was labeled "Draft" because it had not yet been formally recommended to City Council and wanted to ensure that it would include Commission feedback as well as that of other stakeholders, including their partners at Summit County and UDOT.

She added that they intentionally called out the Park City Base Area and the Deer Valley Resort area as areas for multi-modal transit hubs, recognizing both the community need and the potential developer contribution to this amenity. There are contributions that developers could make to offset their transportation impacts, which also advance the City's transportation and multi-modal goals. They purposely left some of those areas open for stakeholders and developers to fill in and would defer to the Planning Commission if that was the appropriate approach.

Commissioner Suesser responded that with regards to developer contributions, she pointed to the Park-and-Ride at Quinn's Junction. She stated that there was a reduction in parking elements as part of the proposed supplement to the General Plan that would reduce a developer's parking requirement. She asked how they could get the developer to contribute if the City reduces their parking requirement. She also expressed concern about adopting this type of supplement during two major resort development projects and how that would potentially impact those projects.

Director Milliken explained that Park City Forward was part of the General Plan of Transportation, so it was a high-level, big picture, and a guiding document. It would provide recommendations on things like modal hierarchy and how the City should get from A to B in the community in a broad sense. She added that it includes projects and recommended initiatives within the Plan, but those are recommendations only and look toward potential projects that would push the needle on achieving the over-arching goals.

She added that the more detailed information about parking a particular development has or doesn't have would get worked out as part of the development review before the Commission. The Commission would use the Plan as the guiding document. She stressed that the intention is not to have the Plan "in the weeds."

Commissioner Johnson echoed the concerns expressed by Commissioner Suesser and agreed with Commissioner Thimm's suggestion of having the Transportation Planning Staff more involved in the review of the project TDMs. He saw the benefit of the Plan for areas like Bonanza but had concerns about the Plan's impact on the resort projects. He wanted to make sure that they would not be boxing themselves in with regards to parking reductions by adopting this Plan.

Director Milliken recognized that everyone is asking for a parking reduction, and they support parking reductions, but not without other mitigation. They recognize that parking is an issue and there are too many cars entering the community and one way of trying to address that is to reduce parking because every parking spot is a car on the road.

In response to an inquiry, Planner Roy stated that the overall document was approximately 120 pages, plus an additional 15 – 20 for the Executive Summary and the Engagement Report. Chair Phillips stated that 120 pages was a lot to digest, and offered that the simpler they could make it, the more readable it would be. He appreciated the work and understood the use of this Plan but suggested that some historical information could potentially be cut down.

Chair Phillips expressed reservations given the short time the Commission had to review this Plan. He could see the Commission having more involvement in providing feedback and recalled that he requested bullet points identifying areas of requested feedback. He added that Staff did great work on this Plan and was not opposed to it but expressed reluctance because he felt they did not have adequate time to review it.

Commissioner Hall agreed that this was a lot to digest and was looking for the project list and action plan for the next five years, which she found on page 78. Conceptually, it would be great to have the background information for those who want to read it. She liked the idea of itemizing and prioritizing projects but felt that the active transportation component was much more important to her than the other items. She noted that the project list was very extensive and difficult to distill down as to what is happening next year.

Commissioner Hall suggested that there should be an exit strategy on peak days in addition to the police officers sitting on the corners. She would like more pedestrian improvements on Main Street and Park Avenue. She questioned whether there were less expensive improvements considered such as marking bike paths. She asked about the Marsac closure in winter and whether they could get further information on the potential SR-248 expansion. She would also like more information on the Complete Street for Park Avenue.

Commissioner Kenworthy agreed with the previous Commissioner's comments. He felt that TDM support would be great. He asked how this document compared to the 2011 Transportation Plan and referenced the issues surrounding SR-248. He suggested that a big help for the Commission would be for Staff to summarize the differences between this Plan and the prior Plan, and state whether it supersedes or supports the prior Plan.

Planner Roy responded that this Plan would supersede the 2011 Traffic and Transportation Master Plan ("TTMP") and support the General Plan. Manager Collins added that in either October 2019 or 2020, they took the 2011 TTMP to Council and identified the project list. She noted that the City had built everything in that Plan.

Additionally, she noted that some of the projects were outdated and no longer goals of the City and did not align with the multi-modal transportation goals. She stated that when they started this Plan, they reviewed the existing documents, including the Trails Plan, Summit County's Active Transportation Master Plan, UDOT's long-range Statewide Plan, and all of the City's Plans. These provided the foundation for the background of developing Park City Forward.

With regard to Commissioner Kenworthy's questions regarding SR-248, Manager Collins responded that this was a challenging issue, which is why they identified it throughout the Plan. She reiterated that there were incremental approaches as to how they build transportation projects and SR-248 was particularly tricky because it is owned by UDOT. She reported that Staff was in continuous conversations with UDOT about what would be feasible in the short term; as a result, UDOT completed a pavement reconstruction project where they added pedestrian improvements on Bonanza and SR-248, upgraded all crossings for ADA compliance, and added the inbound/westbound shoulder running bus lane. She proffered that Staff and UDOT both recognize that these were not ultimate solutions, so they are looking at what could be done in the next 1 to 3 years.

She added that they were also looking at whether there should be a full jurisdictional transfer on the corridor or a transit corridor analysis. In Park City Forward, they identified in the 1 – 5 year Plan a Transit Corridor Study, incremental improvements and the inclusion of SR-248 in the disruptive ideas section. She reiterated that the Plan does not get into the details; rather, they dive into the details when the project comes forward.

Commissioner Kenworthy stated that his concern was that they have not had enough time to review this Plan, and he felt that if there was a comparison with the 2011 Plan that would help. He added that in terms of SR-224, they were still waiting on the engineering, and they had limitations on SR-248. He did not want to see the City going backward and going to the back of UDOT's queue would be going backward.

Commissioner Kenworthy explained that he was adamant about the comparison with the 2011 Plan because over the past 2 – 3 years when they had to make decisions, it was clear to the City Council that Bus Rapid Transit ("BRT") was out, and they do not want to think they would be able to do that with UDOT anytime in the near future. He stressed that he does not want to mislead the community.

Commissioner Van Dine felt that being able to tie the big projects back into these goals would be helpful. She liked the breakdown of specific goals for each area but felt that the project lists were difficult to interpret. She would like to know what projects in each area were the big targets for the City's goals. She agreed with Commissioner Hall's suggestion of making active transportation goals a priority in most areas, and effort should be made to bring that forward as much as possible.

Commissioner Van Dine thanked Staff for their work and felt this Plan would be amazing once they have had more time to review it to make sure it is a strong supporting document.

Chair Phillips asked how long this document would be used before it would be revisited. Planner Roy responded that this was likely a 7 to 10-year document.

Chair Phillips reiterated his suggestion to streamline the document and noted that he was looking at similar changes to the General Plan. He referenced several pages that only have a picture, which he felt could be eliminated or included as smaller pictures on other pages. He also mentioned a lot of background information relating to the last couple of years. He questioned the importance of that information and suggested eliminating some of that information. He specifically referenced the information in the document about a pause during COVID-19. He suggested putting that information in a different document that would serve as a backup for the main document.

Director Milliken observed that the Commission's feedback was excellent and eye-opening. She thought it might have been more productive if they prepared and presented an Executive Summary of the Plan that identified only the priority projects. Ultimately, the Planning Commission would use this document as a lens for evaluating land use applications from a transportation standpoint. She suggested Staff return with an Executive Summary that would provide the big picture because ultimately they were requesting feedback from the Commission that it agreed with the big picture. She added that they were not asking for details on how to solve SR-248, but when that project comes up the document should allow the Commission to look at it through this lens.

Planner Roy mentioned that Exhibit A is an Executive Summary but acknowledged that there could be more substance to the Plan in the Executive Summary.

Commissioner Suesser requested information on what projects have been completed, which ones were underway, and what projects were projected on the project list. She liked the idea of identifying priority timing for the projects. She added that in terms of a broad-brush look, they discuss the overall transportation objectives and goals, but not an execution plan. If the plan is to park people outside of town and use transit to bring them into town, then they need a plan for more Park-and-Rides at the junction. She asked how they could find the land to get there.

Commissioner Suesser stressed that everyone wants the modal shift, but there was no way of getting there, and that should be in the Plan.

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

Commissioner Hall stated that what she found most helpful in the packet was on page 4, which identified the goals; she felt that active transportation component needed to be in all of these goals. The information on page 10, pages 78 – 88 and page 98 were also helpful for a high-level review.

Manager Collins noted the Commission's request for more time to review this Plan and asked the Commission what Staff could do to help the Commission with the larger development projects currently before it. She asked that the Commission consider Staff's timeline and the Commission's timeline with regards to the developments before it.

Commissioner Suesser asked why they were looking to supplement the General Plan at this time instead of just updating the Transportation Element of the General Plan when the entire General Plan is updated.

Director Milliken explained that most cities have a strategic or long-range Transportation Plan in addition to their General Plan. Many cities use the long-term Transportation Plan as the Transportation element in the General Plan because the two align. The Transportation Plan is more detailed than the Transportation element in the General Plan, which is why it is a separate document. Additionally, just as the document guides the Planning Commission, it serves as the Bible for the Transportation Planning team and the Engineering team because it includes the list of projects that have been vetted and prioritized.

Manager Collins added that Staff was on track for the adoption of this Plan prior to the pandemic. She noted that these plans do not typically take 3 ½ years to adopt, and Staff had hoped to bring this before the Commission sooner. She expressed excitement over this Plan and noted that they were able to test their new conditions after the pandemic and were able to reaffirm this with the community.

Commissioner Kenworthy expressed that the amount of work done by Staff was phenomenal and added that not only was this Plan stalled because of the pandemic, but the world also changed, and they have to be transparent with the community as they move forward. He raised the issue of how these projects get funded and regional cooperation. Specifically referencing SR-248, he stated that they could not hide from the decisions already made and the ramifications of those decisions. If they stay aligned with UDOT there is a timeline that is light years away before they could address widening SR-248. He wanted transparency regarding the timelines and financial aspects. If they could surplus it and get it in the City's jurisdiction, they could have a completely different timeline and different financing mechanisms. Commissioner Kenworthy did not want to get caught up in ideology.

In response to an inquiry regarding what the focus should be when this returns to the Commission, Planning Director Milliken suggested the Commission review the Executive Summary. Staff would like the Commission's approval of the entire document, but the Commission would be using it more as a visioning tool as it reviews planning applications and land use applications to ensure that they live up to the goals and objectives of the Plan. Planning Director Milliken added that the Commission did not have to worry as much about the "weeds" because that is not how the Commission would use the document.

Commissioner Hall felt that when she looked at the Vision and Goals as they relate to the packets that they review, the peak days are a huge issue for these applications. She suggested that peak days be included in the Vision and Goals. Planner Roy stated that they could highlight the peak days portion in the Executive Summary. Commissioner Hall expressed that she would like to be able to reference this document in five years and refer to the Vision of mitigating peak days.

Planner Roy stated that Staff would welcome notes and comments from the Commissioners, and they could return at a date to be determined to seek the Commission's recommendation. Staff would expand the Executive Summary to create more of a guiding document for the Commission. He stated they would also provide a comparison between this Plan and the 2011 Plan. He stated that they would work on synergizing certain areas of the Plan and move the strategies to the front of the main document.

Chair Phillips re-opened public comment to allow a member of the public to speak.

Benjamin Nitka stated that he is a full-time resident of Park City in Aspen Springs. He agreed with proceeding with the Plan and agreed with the Commission that there have to be solutions to the questions of where the cars and people go. He noted the bid for the 2030 Olympics, which was not mentioned as part of this Plan. He expressed that this Plan either needs to be kicked into high gear or there needed to be a new Plan because eight years did not give the City much time.

Chair Phillips observed that this was a fantastic comment and stated that this has been on his mind since they received the packet. He commented that they were required to move forward as if there were no Olympics, knowing that if the Olympics came to Utah, everything would need to be kicked into high gear. Chair Phillips stated that the item was noticed for action and invited a motion.

MOTION: Commissioner Thimm moved to continue the General Plan Supplement Update-Long Range Transportation Plan to June 22, 2022. Commissioner Suesser seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

- B. Annexation Petition and Zoning Map Amendment – Southeast Quinn’s Junction Annexation – The Planning Commission Will Conduct a Public Hearing on the Petition to Annex Approximately 1,200 Acres of Property in the Southeast Quinn’s Junction Area into Park City and Amend the Zoning Map of Park City to Zone the Annexed Area Recreation and Open Space in the Entry Corridor Protection and Sensitive Land Overlays. The Area Proposed for Annexation Includes Richardson Flat Property Subject to the 1999 Flagstaff Development Agreement that is Restricted to Recreation Uses and the CityOwned Clark Ranch Property, Parcels SS-65-A-X; SS-65-A-X-X; SS-65-A-1-X; SS-92-A-1-A; SS-92-A-1-X; SS-92-A-X; SS-88; SS-91-UP-X; SS-87-A-X; SS87; SS-87-B; SS-86-91-UP-X; SS-91-X; PP-28-A; SS-121-X; PP-26-A-1-AX; PP-26-X; PP-26-D-X; PP-26-A-X; PP-S-46. PL-21-05031.**

Assistant Planning Director, Rebecca Ward, introduced the City representative for this application, Trails and Open Space Manager, Heinrich Dieters. Budget Manager, Judd Briggs, also attended remotely. She explained that this was a follow-up to the April 27, 2022, Work Session on the Annexation Petition for Southeast Quinn’s Junction. The Annexation Petition was filed by Park City Municipal on October 15, 2021, and seeks to annex approximately 1,200 acres in the Quinn’s Junction area along Highway 40 and SR-248. The Petition also seeks to zone the area Recreation and Open Space (“ROS”).

Assistant Director Ward stated that the Petition included the Richardson Flat property, which was highlighted orange on the graphic presented to the Commission. This property is subject to the Flagstaff Development Agreement restrictions that outline future uses such as golf, equestrian or recreational facilities. She reported that Section 3.1 of the Flagstaff Development Agreement established an unconditional offer to annex Richardson Flat into Park City. The General Plan Quinn’s Junction Joint Planning Commission Principles, developed between

Summit County and Park City, identified future use of this area as Recreation and Open Space consistent with the 1999 Flagstaff Development Agreement.

She noted that the City leases 30 acres within the Richardson Flat property, with 650 parking spaces for City use, and 100 parking spaces for the owner of The Montage Hotel at Empire Pass. She stated that the lease allows for future recreation uses and as part of the Work Session, the Commission asked for a map outlining those 30 acres. She identified that area for the Commission, denoted in yellow on the graphic.

Assistant Director Ward continued by stating that the Petition also included the City-owned Clark Ranch property, and in 2014 the City Council approved a Real Estate Purchase Contract for the purchase of this property with Resort Communities Tax open space funds. She added that the purchase included plans for a conservation easement with a potential for limited non-open space uses. She commented that the General Plan designates this area ROS. She noted that the annexation of Richardson Flat into Park City had been envisioned for more than two decades and annexation of the Clark Ranch property would bring that City-owned property into the City's jurisdiction.

Assistant Director Ward stated that the Petition would not overlap with Hideout's attempted annexation in 2020. She highlighted the area that encompasses approximately 350 acres connected along the corridor along SR-248. She explained that when considering an Annexation Petition, the Planning Commission was to evaluate 15 criteria and the Annexation Agreement. She noted that the criteria and the analysis were outlined in detail in the Staff Report. She intended to highlight the environmental quality, services, General Plan, and proposed zoning criteria in her presentation.

With regard to environmental quality, Assistant Director Ward stated that a portion of Richardson Flat was designated the Richardson Flat Tailings Impoundment or Operable Unit ("OU") 1. Some cleanup activities have been completed, and some long-term cleanup activities were planned. She added that the Environmental Protection Agency ("EPA") cleanup does not require local permitting, and annexation of this area into the Municipal boundaries would not alter any legal liability of the City or current or future property owners. Therefore, the cleanup efforts would continue as planned.

In terms of the services criteria, she stated that the area to be annexed was already within the Park City Fire District, the School District, and the Snyderville Basin Water Reclamation District. She added that annexation would not change solid waste services, mosquito abatement services, or animal control services.

Assistant Director Ward expressed that the City would provide police, snow removal, street maintenance, planning, building and Code enforcement, as well as Trails and Open Space services. Future services may include transit and water. With regards to police service, she reported that the Park City Police, in coordination with Summit County Sheriff, currently patrols the Richardson Flat parking lot and the City has cameras installed in that lot for public safety. This level of service was expected to continue. She stated that if transit were expanded to the area, the level of service would likely increase, which would require a future budget amendment.

In 2019, the Planning Commission approved a Conditional Use Permit for a fire station that would be located in the northwestern quadrant of Quinn's Junction. She noted that a police sub-station was also planned on the Park City Medical Campus.

In terms of snow removal and street maintenance, Assistant Director Ward explained that UDOT would continue to provide snow removal services for Highway 40 and SR-248. Richardson Flat Road is the only local road, and an agreement is already in place that Park City would take over the snow removal at the time of annexation. She added that the City would be able to apply for State funds to help with the maintenance costs for Richardson Flat Road.

Assistant Director Ward stated that with regard to planning, zoning, and Code enforcement, no development was proposed for this property, and any future recreational facilities or transit hubs would trigger a Planning Commission review of a Conditional Use. Summit County already approved trails under construction on the Clark Ranch property, and the east side future trail and trailheads would go through an Administrative Planning and Building review process.

With regard to Trails and Open Space, Assistant Director Ward explained that trails were in progress for Clark Ranch East. There are also trails planned for the next year for Clark Ranch West. She added that improvement pathways were also planned, and Clark Ranch services were already in the City's budget.

Assistant Director Ward referenced the prior discussion of Park City Forward and reported that they have two draft plans in progress that identify Quinn's Junction as an important area to improve transit and multi-modal connectivity. She commented that annexation into Park City would bring those into City jurisdiction. She explained that the area to be annexed is part of the Quinn's Junction Joint Planning Commission Principles of the General Plan, where this area was envisioned as Recreation and Open Space. The General Plan specifically states that the development of Richardson Flat was to be consistent with the 1999 Flagstaff Development Agreement with future golf, equestrian, or other recreation facilities.

The applicant proposed ROS zoning for this area, and Staff also recommended that the area be included in the Entry Corridor Protection and Sensitive Land Overlays. The Overlay would protect development along SR-248 and require additional setbacks and height regulations to protect the City's eastern entry corridor.

Assistant Director Ward stated that a draft Annexation Agreement was attached as Exhibit I to the Staff Report and outlined flood plain management and preservation of environmentally sensitive lands. It also requires compliance with the Joint Planning Commission Principles. She noted that because no development was planned for the annexation area, and the proposed zoning and use were intended to remain status quo, the City Council might find that the circumstances of the annexation do not require an Annexation Agreement. She reported that Staff recommended the Planning Commission review the Annexation Petition and proposed Zoning Map Amendment, conduct a public hearing, and consider forwarding a positive recommendation for City Council's consideration on June 16, 2022.

Chair Phillips invited comments or questions from the Commissioners.

Commissioner Van Dine liked that the area would remain ROS and agreed with the Sensitive Land and Entry Corridor Overlays. Chair Phillips added that the Commission had previously inquired about any potential costs with the Tailings, which was addressed.

Commissioner Van Dine asked about the need for an Annexation Agreement. Senior City Attorney, Mark Harrington, stated that looking at having a brief Annexation Agreement similar to

the Gilmore Annexation, might be an option. With regard to the parking at Richardson Flat, Commissioner Suesser understood that the City has a 99-year lease on 30 acres but asked whether that was a permitted use under the Flagstaff Development Agreement. City Attorney Harrington answered in the affirmative.

Commissioner Suesser asked whether the statement that no development was anticipated included improvements to the Richardson Flat parking lot. Assistant Director Ward responded that at this time, no development applications were pending. If this property were to come within the City's boundaries, any development that was in compliance with the ROS zone and the Flagstaff Development Agreement could move forward through the usual development process. She offered that there could be the development of recreation facilities or improvements to transit facilities, and anything over 600 square feet would trigger a Conditional Use review by the Planning Commission, with a public hearing.

Commissioner Suesser expressed that she thinks about that lot with respect to what Vail has proposed about parking its employees and anticipated that some improvements would be necessary to accomplish that.

Commissioner Hall commended Staff for its work on this Petition.

Chair Phillips opened the public hearing.

Bill Ciraco stated that he resides in Aspen Springs. He stated that the discussion tonight and in the prior meetings reminded him of a comment by Commissioner Kenworthy about pulling back to look at this from a 30,000-foot level. He referenced the Work Session presentation for the Film Studio project, and this land borders that property. The City owns 55 acres immediately south of the Film Studio and 40 acres across SR-248 to the west. He asked that the Commission include these comments and thoughts when the Commission sends this along to City Council.

Mr. Ciraco referenced Chair Phillips' comments tonight regarding how some of the elements of the General Plan and the Long-Range Transportation Plan were obsolete. He felt that some elements of the Flagstaff Development Agreement were obsolete, and suggested they preserve some options when they think about the future.

He noted that Kimball Junction was pretty much lost to the City at this point as a functional entry into Park City, and Quinn's Junction provided another opportunity to fix some of the things that they have done wrong regarding access. He referenced Commissioner Hall's comments regarding traffic calming measures in the Long-Range Transportation Plan. He suggested that the way to affect traffic calming is to get cars off the road.

Mr. Ciraco implored the Commission to think about these issues when forwarding this to City Council. He added that the liability does not transfer to the City for the contaminated soils on the site just because they annex the property, but if there is no flexibility in the City's thinking about what happens with the property if it remains as intended in the Flagstaff Development Agreement that would guarantee that it would remain contaminated forever. He suggested using the leverage they have to make some improvements for Park City.

Rory Murphy referenced page 29, Section 3 of the Flagstaff Development Agreement, entitled "Additional Public Benefits." He read the first line as follows: "The developer unconditionally

offers to annex Richardson Flat to the City.” He stated that there was no ambiguity in that statement. He stated that this annexation had been contemplated for 23 years and added that he was at the table when the Agreement was written. He explained that this involved a 5 – 6-year entitlement fight that made anything they have done recently look tame in comparison. He stated that the fight was all about Empire Pass and the development that occurred there. He explained that there was a lot of blood, sweat and tears shed over this document, and it’s not obsolete.

He stressed that the land was designated for a golf course or open space, and a deal is a deal. Mr. Murphy stated that for 10 years, he was Vice President of United Park City Mines Company, the predecessor in interest to Talisker. He understood that United City Park Mines had recently sold this property and the new owner does not get to pick and choose the parts of the Agreement that will apply.

Mr. Murphy stated that the future of this property was decided and was always meant to be annexed with the trade-off being that it would not be developed. Although he has not worked with the developer for 22 years, he stressed that they made promises and those promises need to be kept.

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

Commissioner Hall asked Staff to address page 29 of the Flagstaff Development Agreement, as raised by the public comment.

City Attorney Harrington stated that Staff was recommending annexation subject to the same terms of the Flagstaff Development Agreement, with no modifications to these restrictions. Any future modification would have to go through a transparent, public application process. He opined that they did not have to address a potential future unknown event, because a public process exists. He referenced Section 3.1 of the 2007 Amended Flagstaff Development Agreement that further clarified the parking use and is expressly consistent. Mr. Murphy clarified that he enthusiastically endorsed this effort.

Chair Phillips felt that everything was consistent and followed the intent of the Development Agreement. He expressed that he was happy where they were at with this and that this Petition was ready to go to City Council.

MOTION: Commissioner Kenworthy moved to forward a positive recommendation for City Council’s consideration on June 16, 2022, on the Southeast Quinn’s Junction Annexation Petition as outlined in the Draft Ordinance attached as Exhibit A to the Staff Report. Commissioner Hall seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

C. Land Management Code Amendments – Fractional Ownership – The Planning Commission Will Review Proposed Land Management Code Amendments to Define Fractional Ownership of Single-Family Dwellings and Restrict them to the Historic Recreation Commercial, Historic Commercial Business, Residential Development, Residential Development – Medium Density, Recreation Commercial, Regional Commercial Overlay, General Commercial, and Light Industrial Zoning Districts. PL-22-05210

City Planner, Spencer Cawley reported that prior to this meeting, Staff received a public comment that was forwarded to the Commission. A letter was also printed and provided to each Commissioner. Planner Cawley explained that Fractional Ownership is percentage ownership in an asset, typically something luxurious like cars and aircraft. In this case, they are referring to Single-Family homes in Park City. Fractional Ownership also generally involves a management company and ownership is through an LLC, with the management company overseeing regular upkeep and operations. He stated that affordability is a significant reason for interest in Fractional Ownership. In addition, shared responsibilities for furnishings and upkeep, management, maintenance, and flexibility to use the dwelling are other reasons why Fractional Ownership is attractive.

Planner Cawley explained that Utah Code defines Timeshares as a small, undivided fractional fee interest in real property by which the purchaser does not receive any right to use the accommodation, except as provided by contract, declaration, or other instrument defining a legal right. The Utah Code also states that as a right to occupy fixed or variable accommodations during three or more separate fixed or variable time periods over a period of at least three years, including renewal options, whether or not coupled with an estate in land.

Planner Cawley stated that the LMC currently requires a CUP and an evaluation of Timeshare instruments, rules and regulations, management, utility service payments, the minimum duration of stay intervals, and parking considerations. He compared that to Private Residence Clubs, which also are defined in the LMC as ownership of a condominium unit that is shared by no less than four and no more than 12 owners and operated by a property management service that provides reservations and registration. Private Residence Clubs differ from Fractional Ownership use in the management strategy and shared ownership of Single-Family dwellings that are typically located in residential neighborhoods.

Planner Cawley listed the zones in which Timeshares and Private Residence Clubs are allowed as a Conditional Use. Private Residence Clubs have an expanded use in additional zones as they are typically multi-unit dwellings in commercial zones or zones that are proximate to resorts. He noted that what sets Fractional Ownership apart is that it is shared ownership of a Single-Family dwelling typically in Residential zones or neighborhoods. He explained that Staff had four recommendations for the Planning Commission's consideration to address this ownership model. The proposed amendments seek to:

- Define Single-Family Dwelling Fractional Ownership/Use,
- Require a Conditional Use Permit and Management Plan,
- Direct Single-Family Dwelling Fractional Ownership Use to zoning districts that allow Timeshares and Private Residential Clubs, and
- Require an active Business License.

Planner Cawley referenced certain goals in the General Plan established to create diversity in housing opportunities. One of those goals is to allow for occupancy of full-time residents within primarily Residential zones.

Another goal is to increase affordable housing by offering opportunities for workforce in primary Residential neighborhoods. He noted that the City Council adopted the Lite Deed Restriction Pilot Program on May 5, 2022, to provide more housing supply for year-round residents. He stated that the General Plan acknowledges that neighborhoods where secondary homeownership and nightly rentals were appropriate to support the City's resort economy and the goals of the General Plan.

Planner Cawley presented a map that depicted the Primary and Secondary homes within Park City. He reported that the Budget Department evaluated Primary versus Secondary from 2015 to 2021, and although there was a dip in 2020, they generally had around 3,000 Primary residences throughout the City. He stated that the proposed amendments for Fractional Ownership/Use of Single-Family Dwellings are directed to those same zoning districts that allow the Timeshares and Private Residence Clubs to protect primarily Residential neighborhoods for the City's primary residents.

Planner Cawley explained that the Commission was requested to consider the following definition of Single-Family Dwelling, Fractional Ownership/Use: "Any Single-Family property which is owned by an LC or LLC, which limits the LC or LLC members, shareholders, owners' right to occupy the property by member shareholder's agreement or any other contract which limits owner use of the property to Fractional reservations under 30 days at a time. Other factors include, but are not limited to, centralized management, advanced reservations, fee electronic app reservation systems, maximum day limits on each owner's overall reservation or use of the property, and fixed management subscription fee as part of the initial purchase."

He clarified that not all residences with multiple owners or that are owned by business entities such as a family trust or LLC, or a corporation without fractional use limitations, fall under the proposed definition. The definition is directed specifically at the regulation of the management model, that is the period of use, managed by a centralized entity, with advanced reservations or a management fee.

Planner Cawley proffered that the Planning Commission was requested to consider whether there should be a time period longer than the 30 days specified in the draft definition. With regard to the proposed amendment to require a CUP and a Management Plan, Planner Cawley explained that this was consistent with Timeshares and Private Residents Clubs. A CUP and Management Plan would require the Planning Commission's review and would trigger a public notice to neighboring property owners within 300 feet of the property, which would allow neighbors the opportunity to provide input and offer transparency.

Within the CUP and Management Plan, he stated that there would be a prohibition of nightly rentals, on-street parking, outdoor display of goods and merchandise, and signs and commercial uses not otherwise permitted in that zone. The Management Plan would outline several items that would be considered a satisfactory level of management and maintenance. This would include items such as snow removal, yard, and structural maintenance, routine upkeep, trash collection, and noise control. He added that the Management Plan would also be required to identify the proposed use, including the method of management, restrictions on the

use or occupancy of the property, and any additional documentation that Staff or the Planning Commission would deem necessary for the evaluation of use. He stated that a Business License would also be required.

Planner Cawley addressed the third recommended amendment that would direct Single-Family Dwelling Fractional Ownership/Use to Zoning Districts that allow Timeshares and Private Residential Clubs. He provided the list for the Commission and highlighted the allowance of this use in a Residential Development, except for those subdivisions that restrict nightly rentals through LMC amendments. The excepted developments include April Mountain, Mellow Mountain Estates Subdivisions, Meadow Estates Subdivisions Phases 1A, and 1B, Fairway Meadow Subdivision, and Hidden Oaks at Deer Valley Phases 2 and 3.

Planner Cawley presented a map showing where Fractional Ownership of Single-Family Dwellings would be prohibited, as shown in red. The green areas showed where these uses would be allowed. He next addressed the amendment that would require an active Business License for Fractional Ownerships. Within the Zoning Districts where Single-Family Dwellings are allowed, the ownership model is what this Ordinance would regulate, not the property. He offered that requiring a Business License would help with tracking and enforcement. He reported that Finance and Planning Staff were working to implement a Business License for each Single-Family Dwelling Fractional Ownership/Use.

Planner Cawley detailed that Notice was sent via postcard notice on May 10, 2022, to property owners within the affected Zoning Districts. Public notice was posted to the Utah Public Notice website and City website on May 9, 2022. The *Park Record* published a legal notice on May 11, 2022. He stated that Staff recommended the Planning Commission review the proposed LMC Amendments to define Single-Family Dwelling Fractional Ownership/Use, establish Fractional Ownership/Use of Single-Family Dwellings as Conditional Uses, establish additional review criteria in those Zoning Districts that allow Timeshares and Private Residents Clubs, and to require a Business License for the management of each Single-Family Dwelling Fractional Ownership/Use. He added that Staff also recommended the Planning Commission conduct a public hearing and consider forwarding a positive recommendation for City Council's consideration on June 23, 2022. He noted that line 262 of the Draft Ordinance be amended to include footnotes 3 and 19, which were inadvertently omitted.

Planner Cawley announced that representatives of Pacaso were attending virtually and available to provide a short presentation should the Commission deem it necessary.

Commissioner Suesser noted that the map showing where Fractional Ownership/Use would be permitted was not the best graphic, and she would be interested in the areas of Old Town. She requested Staff provide her with a more detailed view of this map.

Chair Phillips opened the public hearing and invited the representatives from Pacaso to provide a short presentation.

Sarah Filosa identified herself as the Public Affairs Manager for Pacaso. She explained that Pacaso is a real estate service that supports people who want to co-own second homes. For generations, groups of friends and families have co-owned second homes in Park City and the experience was labor intensive and could strain personal relationships. She stated that Pacaso simplifies the owner experience. Generally, between two and eight families co-own and control

100% of a luxury home. She noted that on average, these homes are 7 times the average price point of a primary home.

Ms. Filosa expressed that these owners also employ Pacaso as a full-service property manager to reduce the hassle of second home ownership, and Pacaso offers a fully managed experience. She explained that as a property manager, Pacaso takes care of the details so that owners may enjoy their second home without the hassle. A local home manager is provided that serves as a liaison between owners, vendors, and neighbors. She stated that the Park City home manager is a Park City resident. She added that Pacaso supports owners with cleaning, landscaping, interior design, streamlined bill pay, home maintenance, easy and equitable scheduling, and home policies and enforcement.

Ms. Filosa stated that the Pacaso clients are owners, not vacation renters. Unlike vacation renters, co-owners make a large investment and return to their home to make lasting memories just like any other second homeowner. She added that Pacaso owners invest in relationships with Park City community members, support local businesses year-round, and typically have either children or are considering retirement in the region. All of the owners pay property taxes, put a minimum of 30% cash down, and clear a credit and criminal background check before the close of escrow. She stressed that these owners are new neighbors, not nightly renters. Ms. Filosa expressed that Pacaso values neighbor relations and have policies in place that reflect its commitment to the community. Their professional management service prevents and/or quickly resolves any community issues. She reported that all owners agree to sign a Code of Conduct as a condition of sale and within that, there is a prohibition against rental of the property, a prohibition of large events, and the observance of quiet hours between 9:00 p.m. and 7:00 a.m.

In addition, owners may not use the home for any commercial use and may not have any non-essential street parking. She explained that if an owner violates any of these policies, Pacaso could take action up to and including suspension. As of today, Pacaso has not received any complaints from neighbors about their homes in Park City.

Ms. Filosa highlighted some of the economic impacts of these homes. She stated that Pacaso worked with EVP, a trusted economic research firm, to estimate the economic impact that Pacaso homes have been in the top five second-home destinations across the country. They found that Pacaso helped aggregate second-home demand into fewer top-tier luxury homes, reducing competition for middle-tier single-family homes.

In addition, Pacaso homes typically cost 7 times more than the average primary home. Year-round home use means that Pacaso homes result in nearly 10 times more spending at local businesses compared to the average second home. With that, Pacaso owners are as a result making more tax contributions than the traditional second homeowner.

Ms. Filosa outlined the differences between Pacaso, a timeshare, and nightly rental. She explained that Pacaso owners own their real estate. They purchase a share of specific property as part of a multi-member LLC, and the LLC is the singular deeded owner of the property. Pacaso does not retain any ownership in the home, which is owned 100% by the co-owners. Unlike a timeshare, if Pacaso were to go out of business, the co-owners would retain ownership of their home. She explained that owners could sell their shares at any time after 12 months, and the other owners have a five-day right of first refusal. After that time, the owners determine the list price and market and list the shares through Pacaso or on the MLS.

Ms. Filosa addressed the proposed modifications to the LMC. With respect to the expansion of permitted zones, she stated that professionally managed co-ownership should be accessible in all Single-Family zones. Currently, 15% of second homes in Park City are owned by an LLC, and 22% of second homes are owned by a company. She highlighted that Pacaso owners own 100% of their home through an LLC co-ownership. She noted that some zones that permit nightly rentals were excluded from the proposed Ordinance. She noted that co-ownership was a more sustainable use of second homes than short-term rentals. Allowing owners to purchase in zones that permit short-term rentals helps prevent a home from being converted to a nightly rental.

Ms. Filosa added that alternative options for the ownership of second homes would help alleviate the pressure off of primary residential housing stock. She next addressed Single-Family Fractional regulations and stated that CUP hearing related to Pacaso-acquired properties were likely to be duplicative, given the identical business model, use, and ownership structure. She offered that a streamlined approach would be an efficient use of City resources. Therefore, in the place of a CUP, Pacaso suggested that Park City adopt a set of specific requirements that Single-Family Fractional Owners must meet. This would be similar to how the Park City Code includes special requirements for the regulation of nightly rentals and regulation of food truck locations. Therefore, the LMC would classify Single-Family Fractionals as a permitted use in the zones with a footnote that an applicant would be required to obtain from the Planning Director an Administrative approval letter confirming compliance with the regulations.

Ms. Filosa listed the criteria for a Single-Family Fractional to be considered a permitted use in those zones:

- Prohibition of signs
- Prohibition of nightly rentals
- Prohibition of on-street parking
- Prohibition of outdoor display of goods and merchandise
- Prohibition of a commercial use not otherwise permitted in the Zoning District
- Existence of property management with a local point of contact
- Snow Removal service
- Yard Maintenance
- Structural Maintenance
- Occupancy Limits
- Noise control
- Maintenance of a Business License with Park City

Chair Phillips thanked Ms. Filosa for the presentation.

Charles Meal identified himself as President of the Fairway Meadows Homeowners Association ("HOA"). He stated that the HOA adamantly opposed any fractional ownership or similar schemes in their HOA and offered that it appeared that Park Meadows would not be subject to these uses. He stated that in his neighborhood, he recognizes people on the street, and it is a community that is overwhelmingly full-time Park City residents. He stated that to have fractional ownership would create many administrative issues with the HOA, and he would not be able to recognize all of his neighbors. He felt their community would not be as safe and emphasized that fractional ownership would simply not work in HOAs. He hoped that something could be

adopted that would limit the availability of fractional ownership and prohibit them in some neighborhoods.

Rylan Kramer had difficulty connecting via Zoom. City Planner *Makena Hawley* read his comment submitted via the chat as follows: "If this moratorium is passed, it will have a severe impact on Park City's economy. There are multiple variables that are not being considered for how this could impact Park City's economy. If this moratorium is passed, it will be the start of a decline in real estate in the Wasatch Back. If this moratorium is passed, you will severely hurt the housing market, winter tourism that stimulates our economy, and the real estate industry that represents the residents of Park City. Please see the big picture and negative domino effect that could take place if this moratorium is passed."

Todd Bice stated that he and his family are owners of 135 Norfolk, which is one of the properties managed by Pacaso. He was a lawyer for 30 years and recognized and appreciated the need for local governments to regulate property. He noted that this would not regulate property or land use. He observed that Staff acknowledged that this ordinance would regulate a management model.

He added that private parties have for years managed joint ownership of property in all forms. It is common for the owners of the legal entity to have a private agreement as to how the property would be used. He offered that this is what Pacaso has done and added that the convenience Pacaso provides is what made him and his family go with them. He noted that he could have purchased a property, formed an LLC, and sold off units within the LLC.

Mr. Bice felt that the map was misleading because Fractional Ownership would be allowed in even those areas depicted in red. What would not be allowed would be the management model targeted by this Ordinance. He does not object to local government appropriately regulating property, but it must be done in a reasonable and non-discriminatory manner. He felt that this proposed ordinance discriminates and punishes those who use the Pacaso model. He stressed that he could hire some management company other than Pacaso, but Pacaso's services have been good, and they provide a booking and technology platform that helps all of the owners use the property in the manner most efficient and convenient for them collectively.

Mr. Bice emphasized that the problem with the draft Ordinance is that it would not prohibit Fractional Ownership anywhere; it simply prohibits a form of Fractional Ownership that is specific to Pacaso and its' technology, which the proposed definition of Fractional Ownership essentially admits due to its reference to the use of an app. He questioned why a business would be singled out because it uses an app to manage the scheduling of the property and offered that this would not serve any governmental purpose. He commented that this would not preclude Fractional Ownership anywhere; it would only preclude a particular type of business operation by Pacaso, which he felt was not an appropriate land use restriction. Fractional ownership exists all over the country and in Park City, and this ordinance simply punishes those who use Pacaso.

Benjamin Nitka resides in Aspen Springs. He commented that Pacaso provided a lot of information that was merely an extrapolation of taxes and revenue streams. He felt that there were enough caveats that the only real numbers might have been from some tax entities, while everything else was just numbers that do not mean anything. He added that Pacaso submitted lots of information trying to justify what they do, yet they acknowledge that the numbers might not be accurate. He also stated that the City designated primary residential areas for a reason.

The City wanted to promote full-time residents in the community. He urged the Commission to look to the future because the City will not survive in the long-term if entities buy out all of the single-family homes in the community. People want to live here and raise their children or grandchildren in a community that they recognize. Mr. Nitka referenced communities like Aspen that have a lot of money but do not have full-time residents because they were aged out and priced out. Park City was yet at this point, but if the City does not enforce the rules regarding primary residential communities, it will hurt the City.

Bill Ciraco stated that he resides in Aspen Springs and is a member of the Aspen Springs HOA Board. He noted that in 2020 when Tony Shea started acquiring property in Aspen Springs, the community became concerned with fractional, transient, and nightly rentals, which destroy the fabric of the community. He stated that there are locations in Park City in which the zoning allows Fractional Ownership. He referenced the comments of Mr. Bice and stated that Park City was more than a resort; it is a town of people who live here full time. He stressed that there is no constitutional right to a fractional share of a vacation home that costs \$7 million. Mr. Ciraco noted there are plenty of homes for sale in Park City and there are plenty of places around the country where someone could find a second home. He urged the Planning Commission to work with Staff and implement some regulations so that the fabric of Park City does not get destroyed.

City Attorney Harrington reminded Chair Phillips to reference the Board of Realtors letter received by the Commission and verify that it was sent to Commissioners Suesser and Thimm. Commissioner Suesser confirmed that she received the letter from Jamie Johnson, Park City Board of Realtors, forwarded by Director Milliken. Commissioner Thimm confirmed that he received and read the letter.

Dustin Moore stated that he is an owner through Pacaso at 1360 Empire. He felt that this was a solution looking for a problem. He referenced Pacaso's presentation that they have not had a single complaint from any residents, yet those who spoke against Pacaso seem to be worried about what might happen, with no data to support what has happened. With regard to the comment about a possible increase in crime, Mr. Moore felt that most Pacaso owners were executives, not criminals. They are people who were looking to buy homes in Park City already, and this presented a reasonable solution.

He stated that he and seven owners of his home were all looking for homes in the \$1 million to \$1.5 million range, which would have taken eight homes off the market. The homes would have then sat vacant for 10 to 11 months out of the year. With Fractional Ownership, only one home was taken off the market that is considerably more expensive than the median home. The owners are all vibrant members of the community, paying taxes and supporting local businesses. He felt all of this was good for the community. He reiterated that he would have likely purchased a home in Park City anyway and would have competed with those wanting to buy median homes. He felt this was a great solution for those who want to be a part of the Park City community.

Mike Hludzinsky stated he has been a realtor in Park City for 20 years. He has worked with Pacaso and echoed Mr. Moore's comments. In his experience, Pacaso was buying the \$7 million homes, and he felt that not many locals were buying homes in that range. Fractional ownership was not taking away affordable housing for those who have children in school. He found that fractional owners have home ownership pride and Pacaso ensures that the homes are maintained and not used for nightly rentals or events. The owners are not taking the \$1.7 or

\$2 million single-family homes off the market, these owners are buying into \$7 million homes, which should not impact the affordability factor. It takes buyers away from the lower-priced homes. Mr. Hludzinsky supported Pacaso and what they are doing. He stated that he has worked with plenty of people who own homes with others under an LLC, and that has been going on for decades.

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

Chair Phillips saw both sides of the argument but felt there were impacts associated with Fractional Ownership. He saw this as striking a balance. This would not ban these uses but rather would zone it appropriately for zones that have similar uses. He expressed support for Staff's recommendations. He asked if the item should be continued unless the rest of the Commission felt ready to move forward. Commissioner Hall expressed that she would like to move on this and noted that this would proceed to the next body to allow further comment and review. She agreed that this would not be an outright ban of these uses, and there were specific zones in the community where these belong. She expressed this was not a punitive amendment and would circumvent the semantics in the LMC. She felt these amendments were in line with the General Plan to put these uses in the proper zones.

Commissioner Hall suggested adding "co-ownership" in addition to "Fractional Ownership" to the definition. She also suggested adding a business entity, which would include a corporation, LC, or LLC. In the "other factors" section, she would like to see language along the lines of "unrelated parties" to clarify that this relates to people who did not know each other before the purchase. She asked who would decide on whether ownership would be considered Fractional. City Attorney Harrington responded that it would ultimately be a determination by the Planning Director if it remains as is in the LMC. He noted that if it were amended to be more of a business model, it would go before the Finance Department. He suggested that the Commission would want to carefully choose the definition to regulate the use unless they wanted to regulate all Fractional Ownerships.

Commissioner Hall clarified that this Ordinance was not trying to regulate family members who buy a home together; it seeks to regulate unrelated parties. With regard to the footnote for nightly rentals on page 15, Commissioner Hall asked if there was a way to add HOAs that ban nightly rentals to the definition within the footnote. City Attorney Harrington did not recommend that change since HOAs have their own regulations.

Commissioner Hall agreed with some of the comments that Fractional Ownership would be a great replacement for nightly rentals, and these homes belong in a nightly rental zone. She emphasized that this does not ban Fractional Ownership; they are just limiting the use to certain zones. Chair Phillips recognized that it is also a new use that needed to be codified.

Commissioner Suesser asked for clarification on whether HOAs could prohibit Fractional Ownership. City Attorney Harrington stated that City Code was written to recognize that HOAs have their own rules and regulations, and the City does not enforce HOA provisions. As part of the consideration of applications, the HOA is only provided with notice, so they can take their own enforcement action if they feel there would be a violation. He reiterated that they try to enable effective enforcement at the HOA level, but they do not delegate the police authority to private organizations over which the City has no control.

Commissioner Suesser referenced the public comment that allowing Fractional Ownership in Park Meadows would override any restriction in the HOA By-Laws. City Attorney Harrington stated that enforcement would depend on how the By-Laws were written and noted that it may incorporate a reference to allowed uses within the zone. The HOA could generally be more restrictive.

Commissioner Van Dine asked if they could add to the CUP process that the applicant has complied with the underlying HOA. City Attorney Harrington answered in the negative and referenced the discussion regarding pickleball courts. There was further discussion regarding proof of notice.

Commissioner Van Dine agreed with Commissioner Hall's comments and felt that this went back to their core values and sense of community and supporting the local residents. She noted that they were allowing this use in zones that already support that use, and certain neighborhoods, such as Park Meadows, still have affordable housing and if they do not regulate these uses, there is nothing to prevent Fractional Ownership from bleeding into those communities. She emphasized that it was important to keep these in the appropriate zones to maintain and support the local, full-time residents. She expressed her support for these amendments.

Commissioner Kenworthy offered that the General Plan clearly states that they are to protect primary residents and neighborhoods, and this would be consistent with that mandate.

Commissioner Suesser supported the Ordinance as drafted; however, she expressed concern about keeping the zones as outlined intact. She felt it would be hard to defend against these types of Fractional Ownerships in zones where nightly rentals are permitted. She hoped these ownerships would not bleed into other neighborhoods where they are trying to maintain a sense of community and primary residences.

Commissioner Thimm agreed with Commissioners Suesser and Van Dine. Commissioner Johnson also agreed.

Commissioner Hall asked for feedback on her suggested amended definition to include "corporations," and "related parties." Commissioner Suesser referenced City Attorney Harrington's caution about moving into regulating other entities such as trusts. Chair Phillips and Commissioner Kenworthy liked the language to clearly state that they were not regulating families. Chair Phillips reiterated that this is a new use, and the City regulates residential homes. He could not think of any uses that are allowed in all parts of the City. He felt this would strike a good balance.

MOTION: Commissioner Thimm moved to forward a positive recommendation concerning the Land Management Code Amendments for Fractional Ownership to the City Council for their consideration on June 23, 2022. Commissioner Van Dine seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

D. 543 Park Ave - Hotel, Minor Conditional Use Permit - The Applicant Requests a Minor Hotel Conditional Use Permit to Convert the Washington School Inn, a Landmark Historic Structure on the Park City Historic Sites Inventory in the Historic Residential -- 1 Zoning District, from a Bed and Breakfast to a Minor Hotel with Accessory Facilities for Events. PL-20-04477.

Chair Phillips noted that Commissioner Van Dine was excused from the remainder of the meeting.

Chair Phillips reported that they were at the end of the meeting, but because this item was publicly noticed, they would proceed with the public hearing. The applicant was agreeable to continue this item to a date certain.

Planner Sebright provided the Commission with an update on this item. One of the issues was Accessory Use and whether the definitions proposed by the applicant met the definition of Accessory Use to the proposed Hotel Minor Use. Additionally, in the draft Final Action Letter Staff acknowledged that it was incomplete as it included references to the prior proposal. They anticipated bringing back a complete Draft Final Action Letter at the next meeting. He noted that this item was noticed for a public hearing and Staff recommended continuation to a date certain on June 8, 2022.

The applicant reported that they updated their application to not allow any exterior use of the building other than by the overnight guests.

Chair Phillips opened the public hearing.

Bill Dark stated that he resides at 594 Park Avenue. The Washington School is approximately 250 feet above his home. He noted that this morning, he listened to a conversation between a painter and the homeowner near the School. Sound travels down the hill, and he stated that if there were to be a commercial entity above his home, it would destroy what quiet neighborhood they have. He also mentioned increased traffic for the restaurant, the associated noise, and trash removal on a daily basis. Mr. Dark referenced the comments regarding supporting full-time residents and noted that full-time residents were a dying breed on Park Avenue. They have a nice street and would like to keep it that way.

Chair Phillips closed the public hearing. He thanked those members of the public who attended this meeting.

MOTION: Commissioner Kenworthy moved to continue the Applicant's Request to Convert the Washington School Inn from a Bed and Breakfast to a Minor Hotel by June 8, 2022. Commissioner Hall seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission who were present.

5. ADJOURN

MOTION: Commissioner Thimm moved to adjourn.

The meeting adjourned at approximately 10:30 p.m.

Planning Commission Staff Communication



Subject: Rail Trail Master Plan Update
Author: Heinrich Deters, Trails and Open Space Manager
Date: June 22, 2022
Type of Item: Informational

The Trails and Open Space Team, in conjunction with the City's transportation planning consultants, Fehr and Peers, is finalizing the Rail Trail Master Planning process. The process has included numerous community input sessions and surveys, as well as coordination with the City's Walking and Biking Liaison Committee. An overview of proposed improvements, compiled through public input, will be presented to the Planning Commission for informational purposes.

Background

After numerous residential requests for improved safety and a higher level of maintenance, [on April 15, 2021](#), City Council provided the Trails and Open Space Manager, with direction to explore an agreement, to provide such services with Utah State Parks.

In the Fall of 2021, the Rail Trail Master Planning effort kicked off, to identify possible improvements or programming which could balance the goals of safety, and connectivity while also preserving the natural environment. Fehr and Peers along with the Trails and Open Space Team, will present the item to the Planning Commission on June 22nd and intend to present the final recommendations to City Council in July. Implementation is scheduled to be phased over the next several years. These Improvements and associated programming, in combination with efforts by Summit County on the Rail Trail, will greatly enhance local and regional active transportation goals.

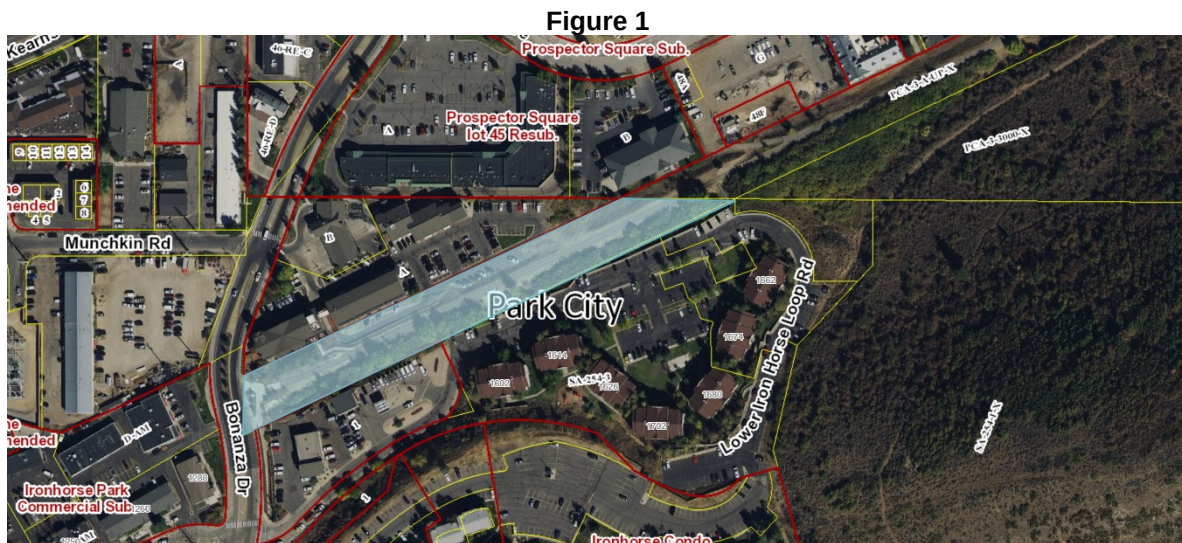
Analysis

The Rail Trail is a 27-mile linear park that runs from the Prospector neighborhood in Park City to Echo, Utah. In 1989, the Union Pacific Railroad (UPR) conveyed the bulk of the corridor to Utah State Parks, subject to interim use or 'rail banking' conditions, established in 1983 as an amendment to Section 8(d) of the [National Trails System Act](#). Rail banking preserves the rail corridor and allows a trail agency to use an out-of-service rail corridor for recreational purposes until rail service becomes necessary or prudent.

In 1992, the PCMC entered a cooperative agreement with USP to master plan the Park City section of the Rail Trail and make improvements consistent with a non-motorized

public trail. In 1999 PCMC purchased approximately 1000' of the corridor for \$220,000 to connect the Rail Trail to Bonanza Drive (see Figure 1 below), which was not included in the 1989 donation to Utah State Parks. In 2005, PCMC granted a conservation easement to Summit Land Conservancy on approximately 2 acres of land upon which the 1000' of acquired Rail Trail is located.

Based on trail counters, staff estimates that over 100,000 people utilize the Park City section of the Rail Trail annually, whether it be daily in their commute or occasionally as a recreationalist. Everything from kids on tricycles to mountain bikers, roller skiers, runners, dogs, etc. can be found on the Rail Trail at any given moment.



Rail Trail management and maintenance is currently funded by State Parks and implemented through contractual services, in the amount of \$89,000 annually, for the facility's entire length, except the first 1000' owned by PCMC.

PCMC and USP staff have long discussed how PCMC might contribute to increased maintenance and levels of service on the Rail Trail. Additionally, the lack of amenities, inadequate trash removal, and insufficient noxious weed abatement are not on par with the user experience (and consequently user expectations) of other PCMC trails and pathways. Utah State Parks (USP) and Park City Municipal Corporation (PCMC) are in the process of finalizing an inter-local agreement (ILA) for the approximately 2.75 miles of the Union Pacific Historic Rail Trail between Bonanza Drive and SR-248.

Planning Commission Staff Report

Subject: Founders Place Development Agreement
Author: Rebecca Ward
Date: June 22, 2022
Type of Item: Administrative



Recommendation

Open a public hearing and continue to July 13, 2022.

Background

On January 12, 2022, the Planning Commission approved 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 requires the Applicant to submit a Development Agreement to the Planning Department for ratification by the Planning Commission within six months of the approval. On May 23, 2022, the Applicant submitted a draft Development Agreement.

The June 8 Planning Commission meeting ran late, and several items were continued to June 15 for a special meeting, and to the June 22 meeting. As a result, the applicant agreed to move the development agreement review to the July 13 meeting to help reduce the items on the June 22 Planning Commission agenda.

Planning Commission Staff Report



Subject: 2000 Meadows Drive – Park Meadows Club –
Teaching Center Addition
Application: PL-22-05189
Author: Makena Hawley, Planner II
Date: June 22, 2022
Type of Item: Administrative – Conditional Use Permit

Recommendation

Open a public hearing and continue the item to August 24, 2022.

Description

Applicant: Park Meadows Club, Represented by Steve Maxwell and Jonathan DeGray
Location: 2000 Meadows Drive, Park Meadows Club
Zoning District: Recreation Open Space (ROS)
Adjacent Land Uses: Single family residential homes and golf course
Reason for Review: The Planning Commission reviews and takes final action on Conditional Use Permits¹

Summary

The Applicant, Park Meadows Country Club (PMCC), is seeking to construct a teaching center as an extension of the existing driving range on their golf course. A Commercial Recreation Facility is a Conditional Use in the ROS which requires approval of the Planning Commission to gain a Conditional Use Permit (CUP).

The applicant is re-examining the proposal to ensure the most suitable location and requested that the item be moved to August 24, 2022.

¹ LMC [§ 15-12-15\(A\)\(6\)](#).

Planning Commission Staff Report



Subject: Park City Forward
Authors: Alex Roy, Senior Transportation Planner
Date: June 22, 2022
Type of Item: General Plan Supplemental Update

Recommendation

Open a public hearing and continue the Park City Forward public hearing to August 10, 2022.

Update

Based on feedback from City Council, Planning Commission, and the Technical Advisory Committee, the PCMC Transportation Planning Department is recommending moving the June 22 agenda item for Park City Forward – Long-Range Transportation Plan to August 10, 2022. This time extension will allow for the Plan Vision (Executive Summary) to be edited in response to stakeholder feedback.



Planning Commission Staff Report

Subject: New Requirements for the Annual Review of the Housing Element of the General Plan
Authors: Housing Team
Date: June 22, 2022
Type of Item: Work Session

Recommendation

Review and discuss the updated reporting requirements for the Moderate-Income Housing Element of the General Plan specified in House Bill 462 (HB 462) that went into effect on June 1, 2022.

Description

Applicant: Housing Team
Reason for Review: Preparation for changes to the State annual affordable housing reporting requirements

Abbreviations

AOG	Association of Governments
ARPA	American Rescue Plan Act
CRA	Community Redevelopment Agency
DWS	Department of Workforce Services
GOBP	Governor's Office of Planning and Budget
MIHP	Moderate Income Housing Plan
MPO	Metropolitan Planning Organization
RDA	Redevelopment Authority
TIF	Transportation Investment Fund
TTIF	Transit Transportation Investment Fund
UDOT	Utah Department of Transportation

Background

In the past, all municipalities, townships, and counties were encouraged by law to adopt moderate-income housing plans. Senate Bill 34 ([SB 34](#)), adopted by the State Legislature in 2019, created specific criteria that certain cities had to adopt in the Housing Element of their General Plan and outlined penalties for non-compliance. In their 2022 session, the State Legislature enacted [HB 462](#), which updated SB 34 and changed annual reporting requirements. The State also refers to the Housing Element as a Moderate-Income Housing Plan (MIHP). The Housing Team is bringing this update to Planning Commission in preparation for the review process, which will take place later this summer to update the Housing Element of Park City's General Plan. It is the role of the Planning Commission to review the updated Housing Element and make a recommendation to the City Council, which has final approval authority.

Analysis

Plan and reporting requirements are changed as follows:

1. The deadline for the annual report is moved from December 1 to October 1, 2022.
2. The menu of strategies jurisdictions may utilize to address housing issues has been modified (see EXHIBIT A).
3. A timeline is now required to implement the strategies chosen in item 2 above. The timeline must include specific benchmarks for each chosen strategy but provides flexibility for the municipality to adjust as needed.
4. Cities without fixed guideway transit¹ must choose a minimum of three strategies from the menu (this applies to Park City). Those communities with fixed guideway transit must choose a minimum of five and must include the adoption of a Station Area Plan². Cities that go beyond the baseline requirement and select five strategies (or six for fixed rail cities) will qualify for enhanced prioritization in the allocation of State Transportation Investment Funds (TIF), Transit Transportation Investment Funds (TTIF), and American Rescue Plan Act (ARPA) local match program funds. Park City's Housing Team will recommend the selection of five strategies (two above the minimum requirement) to qualify for the enhanced funding prioritization.

The Department of Workforce Services (DWS) will provide revised reporting forms by July 1. DWS will also create a moderate-income housing database to provide housing data to local municipalities, metro townships, and counties.

New reporting requirements include descriptions of each adopted MIHP strategy selected by the municipality and a specific implementation timeline. In addition, reports will describe:

- Each action, one time or ongoing, taken by the municipality during the previous fiscal year (or past years if applicable) to implement the MIHP strategies,
- Each land use regulation or decision made by the municipality during the previous fiscal year (or past years if applicable) to support their MIHP strategies,
- Any barriers encountered by the municipality during the previous fiscal year (or past years if applicable) in implementing MIHP strategies,
- How the private sector and market have responded to the selected MIHP strategies, including the number of entitled residential units and other relevant data,
- The number of accessory dwelling units located within the municipality issued a business license or construction permit, and;
- Recommendations on how the state can support the municipality in implementing MIHP strategies.

Successful reports will provide sufficient information for DWS to:

- Assess progress in implementing strategies,
- Monitor the municipality's compliance with its implementation timeline,

¹ "Fixed guideway" means a public transit facility that uses and occupies rail, or a separate right-of-way for public transit.

² "Station Area Plan" refers to a multi-faceted land use and development plan surrounding and/or adjacent to a transit station.

- Identify a clear correlation between the municipality's land-use decisions and their efforts in implementing selected strategies, and
- Identify if and how the market has responded to the municipality's MIHP strategies.

HB 462 removes the requirement to submit reports to the Association Of Governments (AOG) and Metropolitan Planning Organizations (MPO).

If DWS reviews the report and determines the municipality complies with the requirements and has gone beyond the baseline requirement by adopting two additional strategy menu items, the municipality may receive priority consideration for funding from the TIF, TTIF, and ARPA programs. On the other hand, if the municipality only complies with the minimum number of strategies, the state will not prioritize their requests for TIF, TTIF, and ARPA local matching funds, but they are still eligible to be funded.

If DWS determines the municipality's MIHP fails to comply with the requirements, they must notify the municipality, the Utah Department of Transportation (UDOT), and the Governor's Office of Planning and Budget (GOPB). The notice shall include that the municipality is ineligible to receive funds, which funds they are ineligible to receive, the fiscal year that the municipality is ineligible for, and the basis for DWS' determination. The SB 34 provision that UDOT may not grant TIF or TTIF funds on projects within municipalities that fail to comply with reporting requirements still applies. HB 462 adds ineligibility for the ARPA Local Assistance Matching Grant Program due to non-compliance.

HB 462 does provide municipalities with an opportunity to correct reporting deficiencies and come into compliance. In the notice given to the municipality, DWS must provide a description of each deficiency in the report and the actions needed to cure each deficiency. The State will give the legislative body of the municipality 90 days from the day the notice is sent to cure the identified deficiencies, or they will lose eligibility for funding.

Next Steps

The State requires that municipalities update the Housing Element of the General Plan in five-year increments. The City Council adopted the last plan in 2017; therefore, the Housing Team is preparing an update this year. The [2021 Housing Needs Assessment](#) was completed in January of 2022 by James Wood, Ivory Boyer Senior Fellow for the Kem C. Gardner Policy Institute, University of Utah. The Housing Team will use the data from this assessment to draft the 2022 MIHP/Housing Element and return to Planning Commission in late July for input and a recommendation to City Council.

In addition to the needs statements, the Housing Team will recommend goals and a timeline utilizing strategies from the list provided by the State. Park City's Housing and Planning Teams are already several strategies listed in EXHIBIT A. Some examples are listed below with their letter identifier:

C. Rehabilitating existing housing stock: in 2020, the City renovated 23 studio units to provide employee housing to Transit employees.

D. & L. Fee Waivers: the City currently provides fee waivers to qualified, affordable housing projects.

G. Amend land use regulations: amendments have been adopted to the Land Management Code in favor of Affordable Master Planned Developments and Accessory Dwelling Units.

O. Utilization of housing tax credits: the City is partnering with a private firm and will be utilizing tax credits for the development of 120 rental units at the Homestake project.

P. Use of RDA/CRA funding: the City has used and will continue to use RDA funds for the development of affordable housing.

In the 2022 report, the Housing Team will propose some of the same strategies and new ones to meet the requirements of HB 462.

The recent past Housing Assessments and Plans required by SB 34 as well as the last five-year plan completed in 2017 can be viewed at the following links:

- [2021 Updated Housing Assessment and Plan](#),
- [2020 Updated Housing Assessment and Plan](#), and
- [2017 Housing Assessment and Plan](#).

Exhibit

EXHIBIT A: Comprehensive list of Strategies provided in HB 462

EXHIBIT A

Moderate Income Housing Strategies

Excerpt from HB462

- A. Rezone for densities necessary to facilitate the production of moderate-income housing.
- B. Demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of moderate-income housing.
- C. Demonstrate investment in the rehabilitation of existing uninhabitable housing stock into moderate income housing.
- D. Identify and utilize general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the municipality for the construction or rehabilitation of moderate-income housing.
- E. Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones.
- F. Zone or rezone for higher density or moderate-income residential development in commercial or mixed-use zones near major transit investment corridors, commercial centers, or employment centers.
- G. Amend land use regulations to allow for higher density or new moderate income residential development in commercial or mixed-use zones near major transit investment corridors.
- H. Amend land use regulations to eliminate or reduce parking requirements for residential development where a resident is less likely to rely on the resident's own vehicle, such as residential development near major transit investment corridors or senior living facilities.
- I. Amend land use regulations to allow for single room occupancy developments.
- J. Implement zoning incentives for moderate income units in new developments.
- K. Preserve existing and new moderate-income housing and subsidized units by utilizing a landlord incentive program, providing for deed restricted units through a grant program, or establishing a housing loss mitigation fund.
- L. Reduce, waive, or eliminate impact fees related to moderate income housing.
- M. Demonstrate creation of, or participation in, a community land trust program for moderate income housing.
- N. Implement a mortgage assistance program for employees of the municipality, an employer that provides contracted services to the municipality, or any other public employer that operates within the municipality.
- O. Apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing, an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity, an entity that applies for affordable housing programs administered by the Department of Workforce Services, an entity that applies for affordable housing programs administered by an association of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, an entity that applies for services provided by a public housing authority to preserve and

create moderate income housing, or any other entity that applies for programs or services that promote the construction or preservation of moderate income housing.

- P. Demonstrate utilization of a moderate-income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency to create or subsidize moderate income housing.
- Q. Create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.
- R. Eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in Section [10-9a-530](#).
- S. Create a program to transfer development rights for moderate income housing.
- T. Ratify a joint acquisition agreement with another local political subdivision for the purpose of combining resources to acquire property for moderate income housing.
- U. Develop a moderate-income housing project for residents who are disabled or 55 years old or older.
- V. Develop and adopt a station area plan in accordance with Section [10-9a-403.1](#).
- W. Create or allow for, and reduce regulations related to, multifamily residential dwellings compatible in scale and form with detached single-family residential dwellings and located in walkable communities within residential or mixed-use zones.
- X. Demonstrate implementation of any other program or strategy to address the housing needs of residents of the municipality who earn less than 80% of the area median income, including the dedication of a local funding source to moderate income housing or the adoption of a land use ordinance that requires 10% or more of new residential development in a residential zone be dedicated to moderate income housing.

Planning Commission Staff Report



Subject: Fox Tail Subdivision
Application: PL-21-04826
Author: Alexandra Ananth, Sr. Planner
Date: June 22, 2022
Type of Item: Administrative – Subdivision Plat

Recommendation

(I) Review the Fox Tail Subdivision; (2) hold a public hearing; and (3) consider forwarding a positive recommendation for City Council's consideration on July 21, 2022, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval in the Draft Ordinance (Exhibit A).

Description

Applicant: Douglas Ogilvy, REDUS Park City, LLC
Location: 3805 Fox Tail Trail (Parcel No. PCA-S-98-SEC-11)
Zoning District: Estate and Recreation Open Space
Adjacent Land Uses: Residential, Open Space
Reason for Review: Subdivisions require Planning Commission review and City Council action¹

LMC Land Management Code
LOD Limits of Disturbance
ROS Recreation Open Space
ROW Right-of-Way
SLO Sensitive Land Overlay

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

Background

The Applicant originally proposed a one-lot Subdivision in the Estate and Recreation Open Space Zoning Districts to develop one Single-Family Dwelling and a large Open Space parcel (Parcel A). The Applicant proposed rezoning the Subdivision to re-allocate the Estate and Recreation Open Space Zoning for the site. The existing 33-acre property is currently private property.

The Applicant's current (revised) proposal no longer seeks a rezone, significantly reduces the size of Lot 1, and locates Lot 1 close to the adjacent public right-of-way (ROW) thereby minimizing disturbance to the site while maintaining the 150-foot Ridgeline Area Setback and minimizing any views of the house from the SLO designated Vantage Points.

¹ [LMC § 15-7.1-2, Procedure.](#)

The proposed subdivision eliminates the Fox Tail Cut trail, which is not an official trail but a shortcut to the Fox Tail Trail. The City's Trails and Open Space Manager has stated that he has no concerns with the removal of the short cut since the trails network can still be reached from Fox Tail Trail. The Applicant has also agreed to a 12-month minimum rental restriction as a Condition of Approval and Deed Restriction to the Hidden Meadows HOA (Exhibit N).

Project review to date is outlined below:

May 25, 2021	Park City Development Review Committee No issues or concerns were identified as part of the interdepartmental, district, and utility review.
July 28, 2021	Planning Commission Public Hearing (Staff Report, Minutes beginning on p. 12) The Commission heard from the Applicant and members of the public on the Rezone and Subdivision applications. At the meeting, Commissioners asked for additional information, including what mechanisms could be used to ensure relocation of the trails, an explanation of the difference between current configuration of trails versus how segments would be relocated, whether Limits of Disturbance would include the proposed driveway, and how large the proposed home would be in relation to homes in the Hidden Meadow Subdivision.
August 26, 2021	Neighborhood Traffic Management Program Committee On August 26, 2021, the Neighborhood Traffic Management Program (NTMP) committee, including representatives from Trails and Open Space, Transportation Planning, and Engineering, drafted a monitoring and management plan for the trailheads. It is important to note that trails are already in place at this location, and there are no proposed changes to existing conditions other than moving the trailheads to reduce any conflict between the trail and the proposed driveway. Additionally, there are no plans to provide any amenities, such as a kiosk, trash cans, maps, etc., at the trailheads. As with most trails, the City will monitor use per required maintenance levels and management. Monitoring will include: • Placing trail counters • Adding this location to the Trails & Open Space Rangers reporting system, where they:

	○ Check trail signage ○ Collect data (trail) ○ Speak with users if any ○ Document parking if any • Residents may contact trails@parkcity.org if they have concerns and for additional information If the City receives concerns, complaints or sees issues, such as parking, the Trails, and Open Space Department will bring those to the NTMP and propose several steps: • Review with public safety to determine if turning/access issues are present in cul-de-sac or blocking of hydrants, driveways, etc. ○ Add signage if needed (parking-related) ○ Continue to monitor and enforce if necessary ○ Provide trail-related signage (private property, noise, dog-related) The Park City Trails and Open Space Manager reviewed the Applicant's proposal on September 7, 2021, and January 20, 2022, and supports the relocation of the trails, as outlined in the Plat Amendment Staff Report.
October 13, 2021	Planning Commission Public Hearing (Staff Report, Minutes beginning on p. 32) Staff elaborated on the proposed Conditions of Approval relating to limits of disturbance, natural drainage and existing grade, vegetation protection, ridgeline protection, and trails. The Applicant's representative stated that they have offered to pay for the reconstruction of the trails on both Lot 1 and Parcel A of the proposed subdivision. Six members of the public spoke at the public hearing, raising questions related to the separate Limits of Disturbance for the home site and for the driveway, the location of the sewer easement, nightly rentals, the option of the property joining the adjacent Hidden Meadow HOA, the buildability of the property, and the size of the proposed home. The Commission requested more information regarding the Ridgeline Area, the Limits of Disturbance, and context regarding the property in relation to the neighboring HOA.
February 9, 2022	Planning Commission Public Hearing (Staff Report, Minutes beginning on p. 21) Staff addressed questions that were raised at the previous meeting, including background and history of the parcel, the

	sensitive lands ordinance, and the history of the annexation. The applicant shared that there were updated visual renderings, an adjustment to the sewer lateral location, a refined driveway alignment, and an agreement to not allow nightly rentals on the property. Four members of the public spoke at the public hearing and said that they felt the proposal was inconsistent with what was already built in the neighborhood, and that the developer should build under the current restrictions.
April 19, 2022	Park City Development Review Committee The Applicant revised the proposed plans pursuant to the existing Estate and Recreation Open Space Zoning. Staff took the application back to the Development Review Committee to review the updated plans. Park City Fire District notes that under state law, fire sprinklers are not required on a single-lot, single family subdivision. However, the Annexation Resolution (Resolution No. 2-94, Exhibit G) requires exterior and interior fire sprinklers for all construction in within the Hidden Meadow annexation area (Condition of Approval 12). No other issues or concerns were identified as part of the interdepartmental, district, and utility review.
May 11, 2022	Planning Commission Site Visit and Work Session (Staff Report, Minutes beginning on p. 5) Staff presented the Applicant's revised proposal with the new building pad much closer to the public ROW (adjacent cul-de-sac) and no need for the originally proposed Rezone application. The proposal will comply with the zone building height and be less visible and require less disturbance. Possible Conditions of Approval were also discussed. Four members of the public gave public input and said they were interested in the lot becoming part of the Hidden Meadow HOA, had remaining concerns about wildlife and runoff, had concerns with the ability for nightly rentals, and that the proposal was not consistent with the neighborhood.

The property known as 3805 Fox Tail Trail consists of 32.71 acres of land that was annexed into Park City in 1995 (Hidden Meadow Annexation, [Resolution No. 2-94](#)). The annexation plat included parcel No. PCA-S-98-SEC-11 (Exhibit B; Summit County Recorder Entry No. 425982).

The Applicant proposes the Fox Tail Subdivision create a 3.8-acre (165,320 SF) Lot in the Estate Zoning District for a Single-Family Dwelling with a portion of the Lot in the

Recreation Open Space zoning. The Recreation Open Space portion of Lot 1 will be protected, pursuant to a Deed Restriction in favor of the City (Condition of Approval 20 and Exhibit M). This portion of the site is not developable, and the proposed Limits of Disturbance (LOD) does not encroach into this portion of the lot. The Applicant also proposes to create a 28.94-acre (1,260,583 SF) Parcel, to be dedicated to Park City to be protected as Open Space (Condition of Approval 21).

The image below is the recorded Annexation Plat, with emphasis added to show the 3805 Fox Tail Trail property (red outline), and the area to be in the Estate Zoning District where a single-family home could be constructed (yellow highlight).

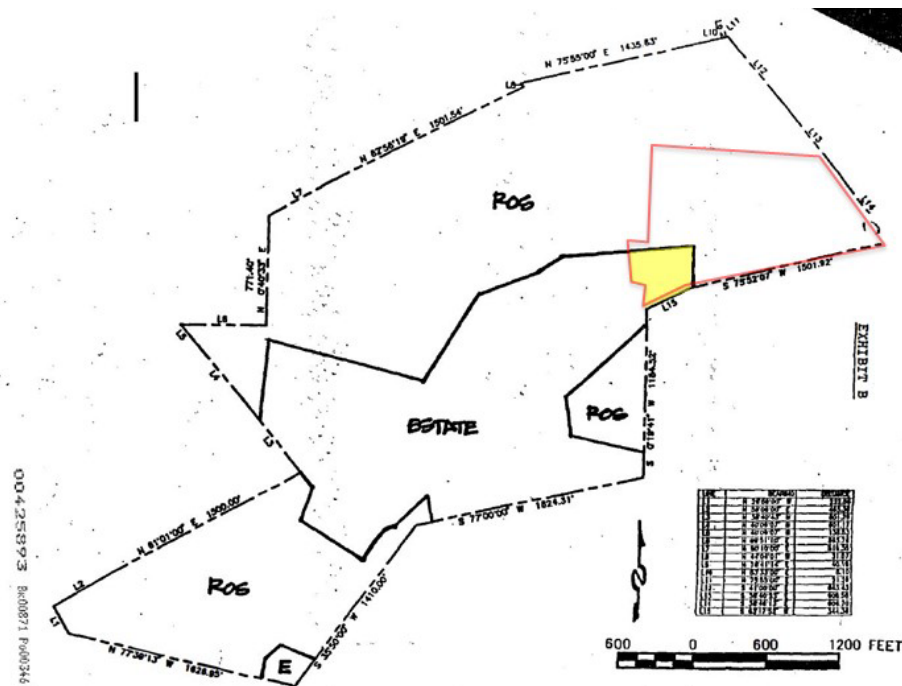


Figure 1. Annexation Plat.

Source: Hidden Meadow Annexation Resolution No. 2-94, Emphasis Added by Staff.

The 3805 Fox Tail Trail property is located between the Hidden Meadow subdivision to the west and Park City Heights to the east. The property was originally anticipated to be platted as a Lot of record in the conceptual Hidden Meadow Phase II subdivision, which was expected to follow the Hidden Meadow Phase I subdivision; however, this proposed subdivision did not move forward.

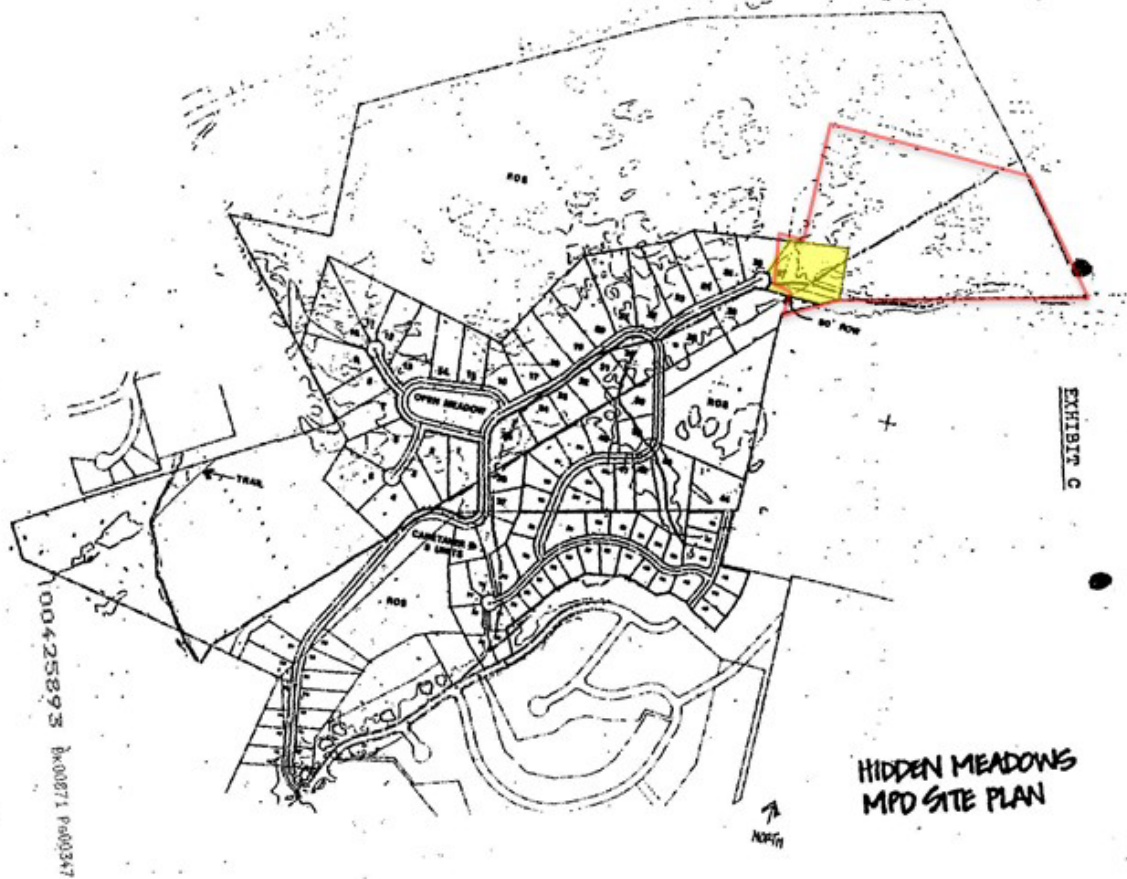


Figure 2. Site Plan Per Approved MPD.

Source: Hidden Meadow Annexation Resolution No. 2-94, Emphasis Added by Staff.

In 1995, the City Council approved the Hidden Meadow Subdivision Phase I and Parcel No. PCA-S-98-SEC-11 was not included in the Subdivision (Exhibit G; Summit County Recorder Entry No. 436642). The Hidden Meadow CC&Rs outlined a timeline to include Parcel No. PCA-S-98-SEC-11 in the Hidden Meadow Subdivision and Homeowner Association (HOA). However, the option expired on September 1, 2002. (Exhibit H, Article XII).

Since the February 9, 2022, Planning Commission meeting, the Applicant has revised the original proposal (one that included both subdivision and rezone applications) and introduced a new proposal that does not require an adjustment of the zoning boundary.

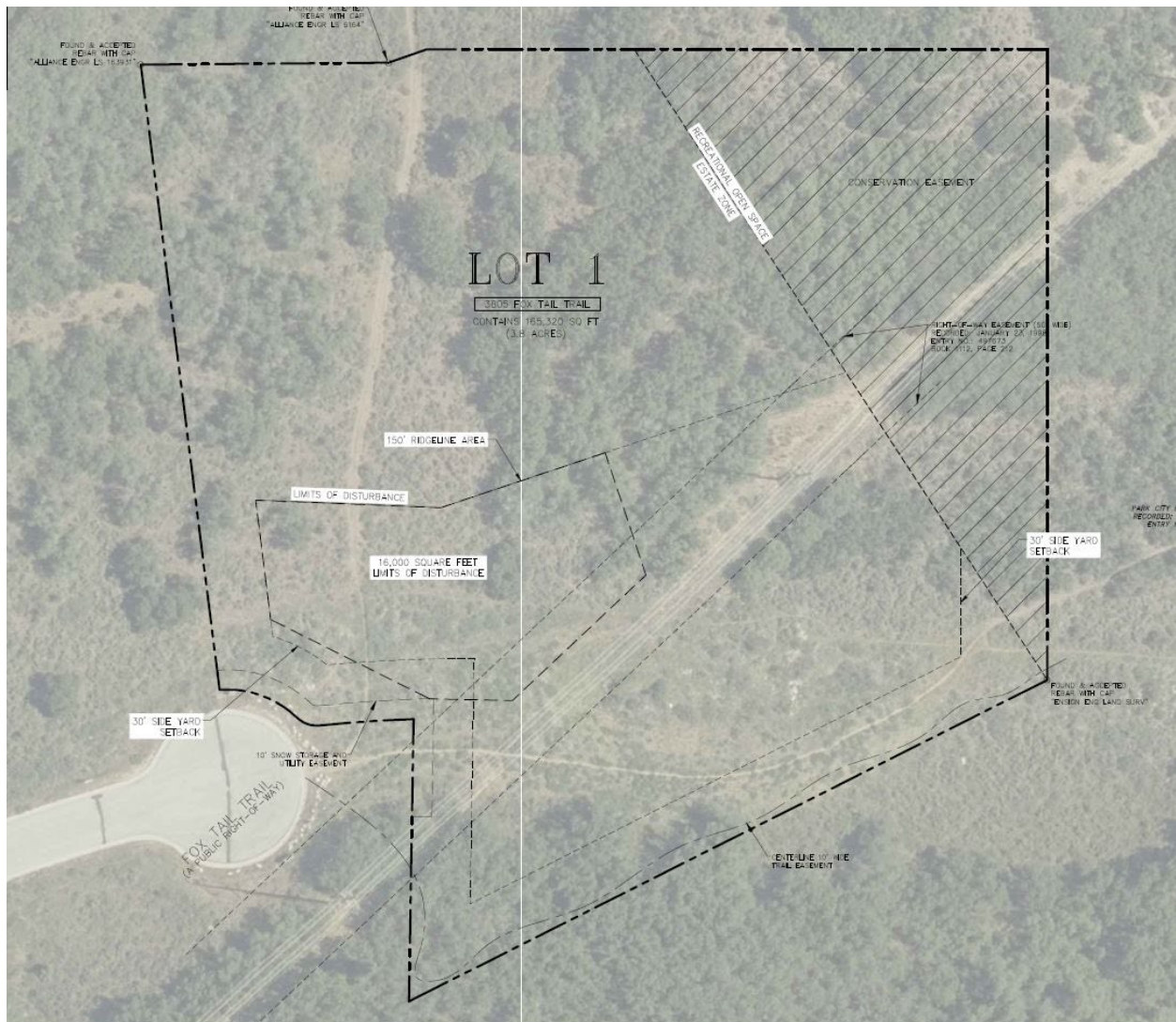


Figure 1. The Proposed Fox Tail Subdivision.
Source: Applicant's submittal.



**Figure 2. Conceptual Rendering for Lot 1 of the Fox Tail Subdivision, looking east.
Source: Applicant's submittal.**

Analysis

(I) The proposed Fox Tail Subdivision complies with previous land use approvals, including the Annexation Resolution.

The property is subject to a series of prior land use approvals that have determined the density and sensitive land restrictions that apply to the proposed Lot. The relevant approvals are detailed in the table below.

Date Adopted	Item	Description
September 24, 1992	Ordinance No. 92-17	An Ordinance Adopting the Sensitive Area Overlay Zone Regulations and Amending the Official Zoning Map of Park City, Utah to Include the Sensitive Area Overlay Zone and Amending the Land Management Code of Park City, Utah to Better Regulate Development on Sensitive Lands

October 21, 1993	<u>Ordinance No. 93-9</u>	An Ordinance Amending Chapters 2 and 9 of the Land Management Code and Section 4 and Appendix A of the Sensitive Land Ordinance
February 3, 1994	<u>Resolution No. 2-94</u>	A Resolution Annexing 227.99 Acres of Hidden Meadow Into the Corporate Limits of Park City, Utah
February 3, 1994	<u>Ordinance No. 94-2</u>	An Ordinance Amending the Official Zoning Map of Park City, Utah, to Include the Hidden Meadow Property
May 11, 1995	<u>Ordinance No. 95-19</u>	An Ordinance Approving the Final Plat of Hidden Meadow Located at Solamere Drive, Park City, Utah
May 16, 1995	Summit County Recorder Entry No. 430356 (Exhibit H)	Amendment to the Hidden Meadow Annexation Agreement
August 31, 1995	<u>Ordinance No. 95-45</u>	An Ordinance Amending the Final Plat of Hidden Meadow Located at Solamere Drive, Park City, Utah
August 15, 1996	<u>Ordinance No. 96-40</u>	An Ordinance Accepting the Public Improvements at Hidden Meadow Subdivision

The Hidden Meadow Annexation Resolution (Resolution No. 2-94) established the zoning and development restrictions for 3805 Fox Tail Trail—stating that:

“Upon annexation, the Hidden Meadow property will become subject to the Park City Land Management code, Subdivision Regulations, Sensitive Lands Ordinance, and all other Park City ordinances and building regulations. ... It is understood that the underlying zone for the entire parcel for the purpose of density calculations is Estate (E) and that the open space area will be zoned Recreation Open Space (ROS) to ensure the area remains in open space.”

(Exhibit G).

The Annexation Resolution also establishes the density allocated to the three subdivisions that have come to be located within the Hidden Meadow annexation area— Hidden Meadow Phase I, Royal Oaks Phase II, and the proposed Fox Tail Trail subdivision. Pursuant to the Annexation Resolution:

“The total density on the Hidden Meadow Property shall be 53 lots. Nine of these lots shall be part of Royal Oaks Phase II; the remaining 44 lots shall be Hidden Meadow lots. The density shall comply with the provisions of the Sensitive Lands Ordinance, with the exception of the bonus and Royal Oaks Phase II lots”

However, in May of 1995, an Amendment to the Hidden Meadow Annexation Agreement was adopted and reallocated the density of the subdivisions based on an adjusted affordable housing obligation agreement where the developer paid a fee-in-lieu rather than build affordable housing on-site. With this, the density allocated to Hidden Meadow and the future Fox Tail Trail subdivision became 45 single-family lots:

“The total density on the Hidden Meadow Property shall be 53 54 lots. Nine of these lots shall be part of Royal Oaks Phase II; the remaining 44 45 lots shall be Hidden lots. The density shall comply with the provisions of the Sensitive Lands Ordinance with the exception of the bonus and Royal Oaks Phase II lots.”

(¶ 4. C. of Summit County Recorder Entry No. 430356, Exhibit H).

Hidden Meadow Phase I was constructed with 53 lots, leaving one buildable lot allocated to this property in the approved density. The Annexation Agreement also established the obligation for the developer to dedicate trails to Park City on the final plat, for Open Space, areas to be designated as Recreation Open Space on the final plat, and for the Open Space areas to be dedicated to the City in fee simple. The Open Space area is also required to be restricted and preserved in perpetuity in the form of a deed restriction, conservation easement, or similar mechanism.

“The trails shall be dedicated to Park City in the final plat. Park City reserves the right to develop additional trails in any open space areas which are dedicated to Park City. The trails shall be dedicated to Park City in the final plat. Park City reserves the right to develop additional trails in any open space areas which are dedicated to Park City.”

(¶ 6 of [Resolution No. 2-94](#), Exhibit G)

“The open space areas shall be subject to a restriction which will ensure the perpetual preservation of the open space and restrict the uses of the parcels. This restriction may take the form of a deed restriction, conservation easement, or some other mechanism acceptable to the City Attorney.”

(¶ 7.B. of [Resolution No. 2-94](#), Exhibit G).

The proposed Fox Tail Trail Subdivision complies with the requirements stated above. The single-family residential unit is entitled to the property by nature of the Annexation Resolution and Estate Zoning. The proposed Subdivision dedicates the Open Space parcel to the City (Condition of Approval 21), Condition of Approval 20 requires the Recreation Open Space portion of Lot 1 to be subject to a Deed Restriction, and Condition of Approval 13 requires trail easements to be dedicated to the City. Additionally, the proposed Subdivision maintains the amount of the property that is in the Recreation Open Space Zoning District.

(II) The proposed Fox Tail Subdivision complies with the purposes of the Estate and Recreation Open Space Zoning Districts.

Of the existing Parcel's 32.73 acres, 10% is in the Estate Zoning District, encompassing 3.27 acres, and the remaining 90% in the Recreation Open Space (ROS) Zoning District, encompassing 29.45 acres. The Property is within the Sensitive Land Overlay.

The purpose of the Estate District is to:

- A. Allow very low density, environmentally sensitive residential development which:
 - 1. Preserves ridge tops, meadows, and visible hillsides,
 - 2. Preserves large, cohesive, unbroken Areas of Open Space and undeveloped land,
 - 3. Preserves and incorporates wetlands, drainage ways, and intermittent streams as amenities of Development,
 - 4. Mitigates geologic and flood hazards,
 - 5. Protects views along the City's entry corridors, and
 - 6. Decreases fire risk by keeping Development out of sensitive wildland interface Areas.²

The purpose of the ROS District is to:

- A. Establish and preserve districts for land uses requiring substantial Areas of open land covered with vegetation and substantially free from Structures, Streets and Parking Lots,
- B. Permit recreational Uses and preserve recreational Open Space land,
- C. Encourage parks, golf courses, trails and other Compatible public or private recreational Uses, and
- D. Preserve and enhance environmentally sensitive lands, such as wetlands, Steep Slopes, ridgelines, meadows, stream corridors, and forests.
- E. Encourage sustainability, conservation, and renewable energy.³

The purpose of the Sensitive Land Overlay is to:

² LMC [§ 15-2.10-1](#)

³ LMC [§ 15-2.7-1](#)

- A. Require dedicated Open Space in aesthetically and environmentally sensitive Areas;
- B. Encourage preservation of large expanses of Open Space and wildlife habitat;
- C. Cluster Development while allowing a reasonable use of Property;
- D. Prohibit Development on Ridge Line Areas, Steep Slopes, and wetlands; and
- E. Protect and preserve environmentally sensitive land.⁴

The proposed Subdivision creates one Lot for development of a Single-Family Dwelling within the Sensitive Land Overlay, including a Ridge Line Area buffer to protect the Site from Ridge Line Area development, and one Parcel to be zoned Recreation Open Space and dedicated to Park City to be protected as Open Space (Condition of Approval 21).

(III) The proposed Fox Tail Subdivision complies with the Lot and Site requirements for the Estate and Recreation Open Space Zoning Districts.

The Applicant is proposing a Subdivision of the Parcel to create one Lot and one Parcel. The Lot for Single-Family Dwelling development meets the Lot and Site Requirements of both the Estate and ROS Zoning Districts.

The portion of the Lot in the Estate Zoning District meets the minimum requirements for a Single-Family Dwelling:

<i>Zone Allowance:</i>	<i>Estate Requirements</i>	<i>Proposed</i>
<i>Min. Lot Size</i>	<i>130,680 sf. (3-acres)</i>	<i>Complies 165,320 sf. (3.79-acres)</i>
<i>Min. Lot Width</i>	<i>100 ft.</i>	<i>Complies 340 ft.</i>
<i>Min. Front/Rear Setback</i>	<i>30 ft.</i>	<i>New Construction Must Comply</i>
<i>Min. Side Setbacks</i>	<i>30 ft.</i>	<i>New Construction Must Comply</i>
<i>Building Height</i>	<i>28 ft.</i>	<i>Condition of Approval 9 New Construction Must Comply and the Applicant has agreed that no point of the Building shall exceed an elevation of 7,135', which is the zone height</i>

⁴ LMC [§ 15-2.21-1](#)

		<i>plus the 5-foot pitched roof exception.</i> <i>LMC § 15-2.10-4 establishes a Zone Height of 28' from existing grade. This section also excepts Gable, hip, Barrel, and similar pitched roofs to extend up to 5' above the Zone Height if the roof pitch is 4:12 or greater. This established a maximum building height of 33' from Existing Grade, which for this property is 7,135'.</i>
<i>Architectural Review</i>	<i>Required</i>	<i>New Construction Must Comply</i>

The Parcel designated to be protected under a Deed Restriction in favor of the City meets the requirements for the ROS Zoning District, which allows for Conservation Activities as an allowed use, and trail improvements as a Conditional Use.

The property is in the Sensitive Land Overlay. The purposes of the Overlay include protecting and preserving environmentally sensitive land, prohibiting development on Ridge Line Areas, and encouraging the preservation of large expanses of open space.⁵ Significant Ridge-Line Areas must be retained in a natural state and development cannot create a silhouette against the skyline or mountain backdrop when viewed from designated Vantage Points.⁶ The Land Management Code prohibits development within 150 feet of a Ridge Line.⁷

Condition of Approval 21 requires the Applicant to dedicate 28.94 acres to Park City and to record a Deed Restriction in favor of the City within the Recreation Open Space portion of Lot 1, with the possibility to develop additional public trails within that acreage (Condition of Approval 20). The Deed Restriction must be completed and recorded prior to recordation of the proposed plat amendment.

⁵ LMC [§ 15-2.21-1](#)

⁶ LMC [§ 15-2.21-5](#)

⁷ LMC [§ 15-15-1](#)

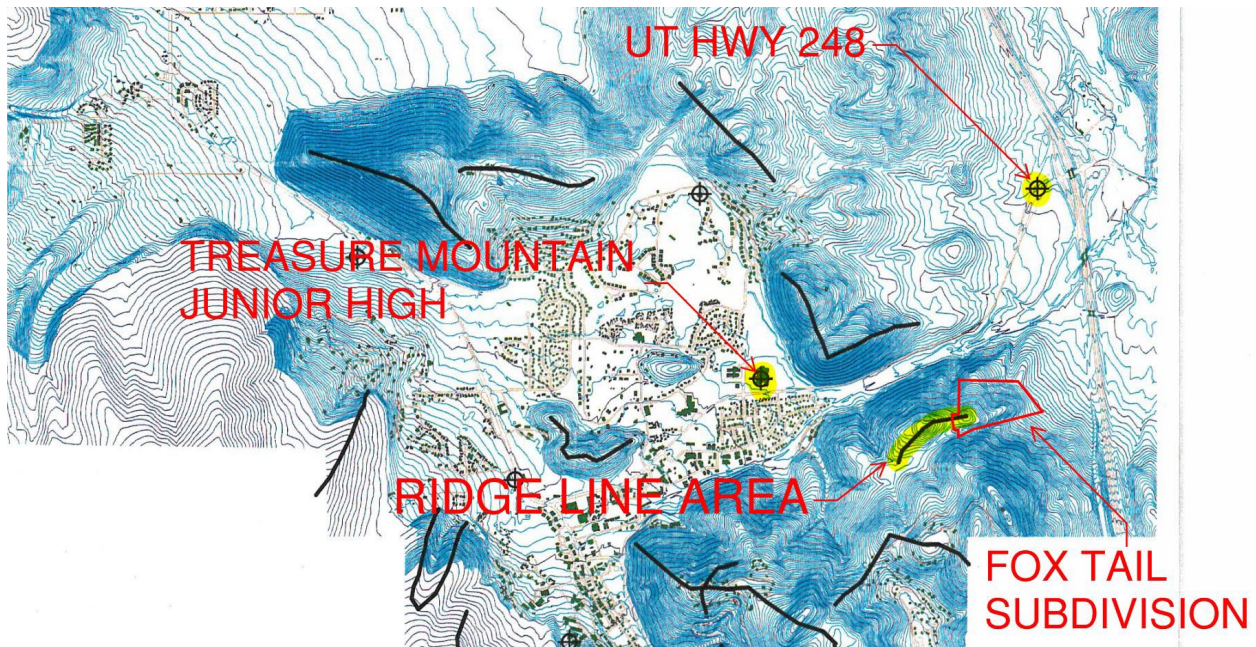


Figure 9: Ridge Line Areas, Designated Entry Corridors, and Vantage Points

The Land Management Code denotes nine (9) typical Vantage Points from which Development should not create a silhouette against the skyline or mountain backdrop.⁸ Additionally, the LMC states that the Applicant may be required to submit a Visual Assessment, which can include identifying the Property from Vantage Points designated by the Planning Department. This Visual Assessment should depict conditions before and after the proposed Development, including the proposed location, size, design, landscaping, and other visual features of the project.

The Applicant submitted a Sensitive Land Overlay (SLO) Analysis including a slope and topography map indicating the building pad is located outside of the 150-foot Ridgeline Setback and adjacent to the cul-de-sac, thereby minimizing disturbance of the Lot. Because the Lot has a significant amount of shrub oak brush some will have to be removed for this project, but most of the Parcel will be dedicated Open Space to the City through a Deed Restriction

⁸ LMC [§ 15-2.21-4 \(4\)](#).

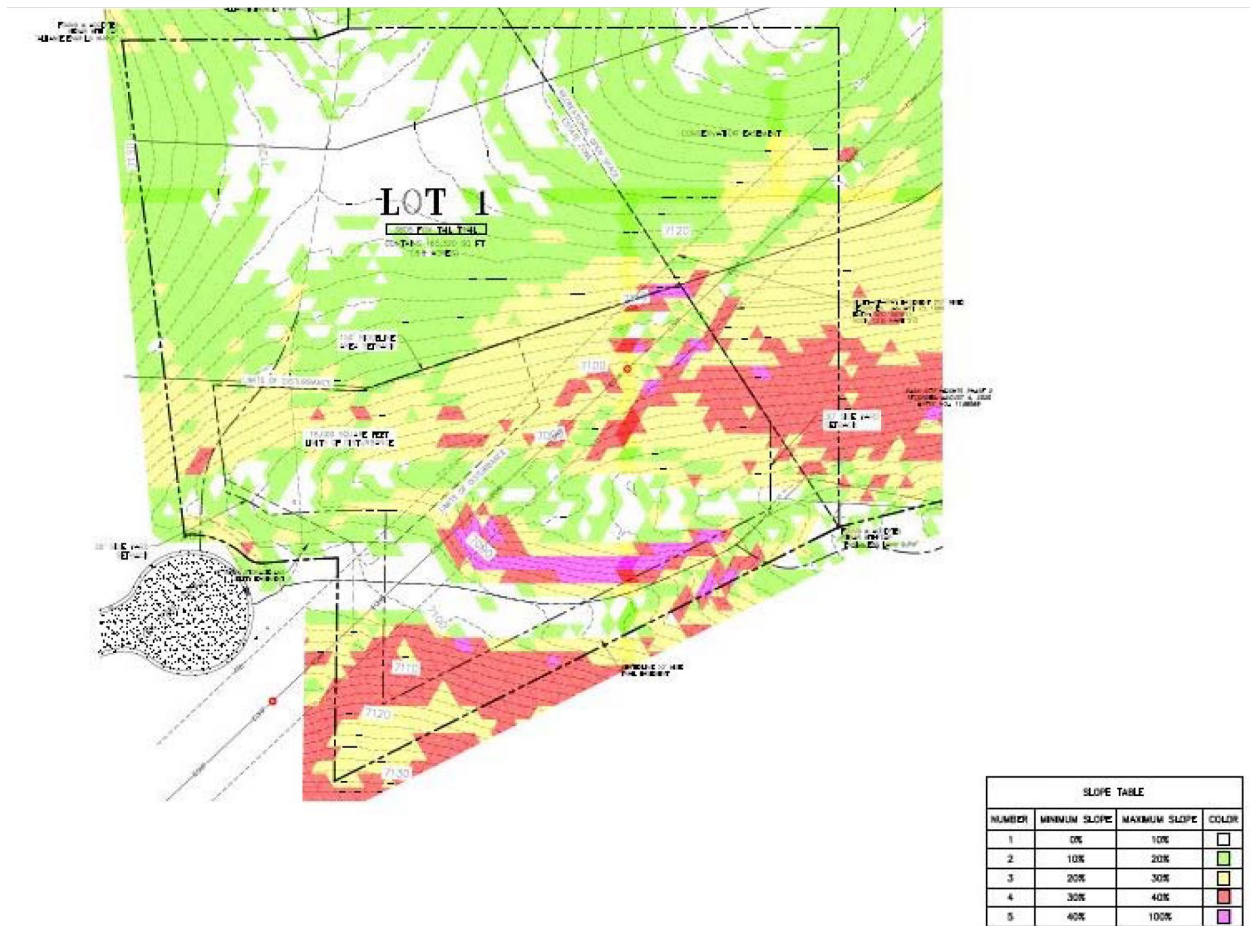


Figure 10: Applicant's Slope and Topography Analysis

The cross section below depicts the proposed building envelope Fox Tail Trail Ridge Line and one of the typical Vantage Points from which the project could be visible (Utah Highway 248 at the turn-out one-quarter mile west from U.S. Highway 40).

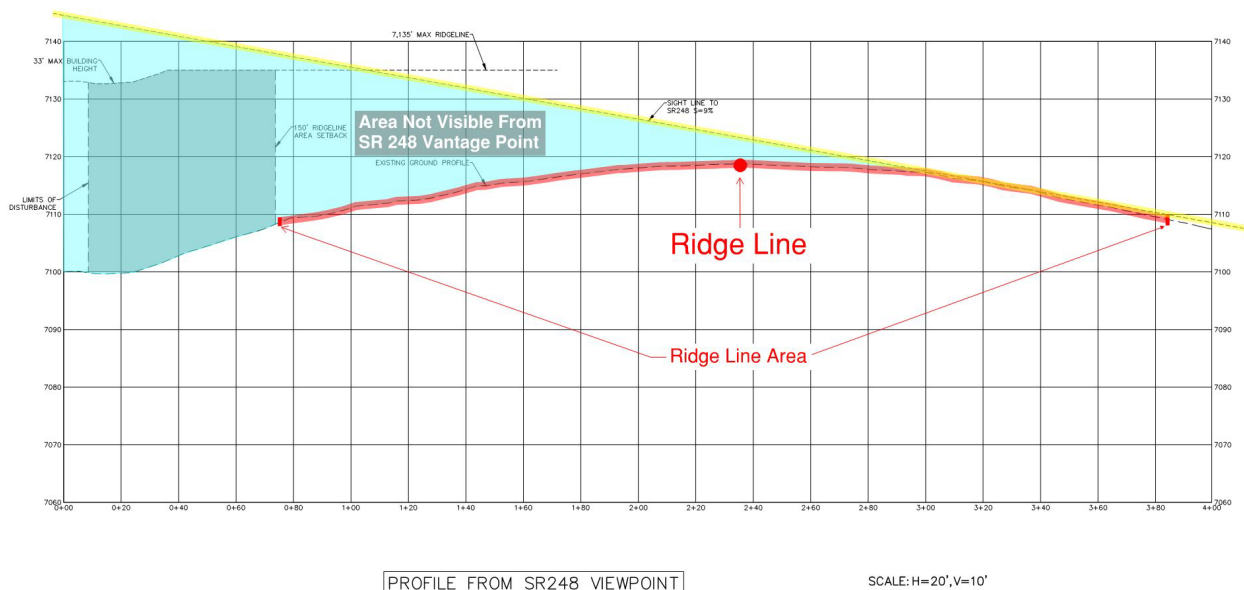


Figure 10: Ridge Line Areas Cross Section
Source: Applicant's submittal. Emphasis added by staff.

The views from the Vantage Points depict the maximum building envelope for the proposed building pad and show that the home would not create a silhouette against the skyline from the SR 248 Vantage Point location. The building would not intrude into any protected Ridge-Line Area. The Applicant submitted a visual analysis of the development from locations along Fox Tail Trail (Exhibit K).

The SLO Analysis indicates that the neighborhood consists of large lots with ample clearance between structures to allow wildlife to migrate through and inhabit the area. The Fox Tail Subdivision is a large property that will provide a recreational open space parcel of approximately 29 acres to the City, as well as one development lot of approximately 4 acres. The proposed building envelope is limited to 16,000 square feet on Lot 1 and the development of one additional single-family residence will not significantly affect wildlife activities.

(IV) Staff recommends Conditions of Approval to comply with LMC § 15-7.3-2, General Subdivision Requirements.

The Planning Commission and City Council have the authority to regulate the Subdivision of land and to attach reasonable conditions to the Subdivision.⁹ The Planning Commission also must take into consideration requirements of the Land Management Code, the General Plan, and Sensitive Lands Analysis, including the topography and natural features of the Property. Please see Exhibit D to view the existing conditions for the area.¹⁰

⁹ LMC [§ 15-7-6](#).

¹⁰ LMC [§ 15-7.1-6\(C\)](#).

Land Management Code [§ 15-7.3-2](#) requires the following for Subdivisions:

Requirement	Proposal
The Subdivision name must not duplicate the name of any other Subdivision in Summit County	Complies Staff confirmed with Summit County that Fox Tail Subdivision does not duplicate an existing Subdivision.
Limits of Disturbance	Condition of Approval 7, Condition of Approval 8, Condition of Approval 19 Staff and the Applicant have determined that there is Significant Vegetation on the Site, defined as large trees of six-inch caliper or greater, groves of five or more smaller trees, or clumps of oak or maple covering an Area of fifty square feet. The Applicant has proposed Limits of Disturbance for the residence of 16,000 square feet shown on the Final Plat that protect Significant Vegetation. The Applicant shall submit a separate plan to address vegetation protection prior to submitting a building permit, pursuant to Analysis V below.
Ridges shall be protected from development that is visible on the skyline from designated Vantage Points in Park City	Condition of Approval 9 Ridge Line Areas, defined as the ridge top and land located within one hundred fifty feet (150') on both sides of the top, crest, or ridge, are protected from development. The Applicant shall include the Ridge Line Area and 150-foot buffer prohibiting development on the final plat. Additionally, no point of the Building shall exceed an elevation of 7,135' or the zone height.
The Unit shall be clustered in the most developable and least visually sensitive portion of the Site	Condition of Approval 9 The final plat will include the Ridge Line Area and 150-foot buffer prohibiting development near the Ridge Line Area. The Applicant submitted an SLO Analysis showing that the home will not be visible from any of the Vantage Points.
Driveway and Utility Lines shall work with Existing Grade	Condition of Approval 10 The driveway and utility lines should be designed to work with Existing Grade and cut and fill Slopes should be minimized. The driveway shall be placed so that disturbance of Significant Vegetation is

	minimized.
Existing natural drainage shall be maintained	Condition of Approval 11
Soil conditions and ground water existence shall be considered	Condition of Approval 5 The property is not within the Soils Ordinance. However, if the property owner encounters mine waste or mine waste impacted soils, they must handle the material in accordance with State and Federal law. The Engineering Department will review plans for drainage prior to the issuance of a building permit.
Trails	Condition of Approval 13 Please see analysis below
Limits of Disturbance and Vegetation Protection	Condition of Approval 8 The Applicant shall show Limits of Disturbance on the final plat based on input and direction provided by the Planning Commission pursuant to Analysis V below and identified Significant Vegetation.
Fire Sprinkling	Condition of Approval 12 Interior and exterior fire sprinkler systems may be required by the Park City Fire District at the time of Building Permit review.

Exhibit B, ¶ 6 of [Resolution No. 2-94](#) *Trails and Sidewalks*, states that trails shall be concurrently reviewed and approved with plats and shall be dedicated to Park City. The Resolution additionally states that “Park City reserves the right to develop additional trails in any open space areas which are dedicated to Park City.”

The Applicant’s Existing Conditions submission identifies two public trails on the property (Exhibit E). The Fox Tail Trail mountain biking trail forms a loop within the Parcel with two connector points accessed from the Fox Tail Trail cul-de-sac. The currently privately held lot is within the Recreation Open Space area and will be dedicated to Park City.

The Applicant proposes removing the Fox Tail Cut trail as it conflicts with the proposed building pad. The Applicant also proposes relocating the Woodchip Trail trailhead to the south and relocating the trail to the south. The Park City Trails and Open Space Manager reviewed the Applicant’s proposal on May 6, 2022, and supports the relocation of the trails for the following reasons:

- Maintains public access to and from the public trail system and Solamere neighborhood;

- Provides for improved connections and development of a trail facility through the property, consistent with International Mountain Bike Association trail building guidelines;
- Provides for the continuation of and connection between the Lost Prospector Trail and Park City Heights Trails.

Condition of Approval 13 requires the Applicant to dedicate ten-foot-wide trail easements through the Estate portions of the Lot to provide public trail access from Fox Tail Trail on the plat. Condition of Approval 22 states that the Certificate of Occupancy for the property will not be issued until the dedication of the easements are complete to City trail standards and approved by the Open Space and Trails Manager. The Applicant will be financially responsible for any required relocation of the trails (Condition of Approval 23).

(V) Staff recommends Conditions of Approval to comply with LMC Section 15-7.3-3, *General Lot Design Requirements*.

Land Management Code [§ 15-7.3-3](#) requires the following for Subdivisions:

Requirement	Proposal
The Lot shall be such that there will be no foreseeable difficulties for reasons of topography or other conditions and in providing reasonable driveway access	Complies The proposed Subdivision accommodates an approximately 100' long driveway located in an area of the site that will minimize required grading and allows for construction of a Single-Family Dwelling outside of the Ridge Line Area. Pursuant to LMC Section, 15-3-3 (H) , the maximum allowed driveway width is 27'.
The Building envelope shall minimize disturbance of existing vegetation	Condition of Approval 8 The plat shall include the proposed Limits of Disturbance that preserves Significant Vegetation. Condition of Approval 7 All Significant Vegetation that is removed shall be replaced in kind.
Square Footage	Condition of Approval 18 Please see the analysis below for the recommended Maximum Floor Area.
In general, lot lines shall be radial to curving street lines	Complies The property is at the Fox Tail Trail cul-de-sac and conforms to the cul-de-sac radial.
Lot drainage shall be laid out to provide positive drainage away from the	Condition of Approval 14

Single-Family Dwelling in accordance with the International Building Code	
Limits of Disturbance and Vegetation Protection	Condition of Approval 7, Condition of Approval 8, Condition of Approval 15, Condition of Approval 19 A plan for vegetation protection during construction and revegetation after construction and a designated driveway location shall be shown on the final plat, subject to Planning Director, Chief Building Official, and City Engineer review and approval.
Revegetation, Seed, and Sod	Condition of Approval 16 All disturbed areas on the Lot shall be covered with topsoil and revegetated.
Debris and Waste	Condition of Approval 17 No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried in any land or left or deposited on the Lot at the time of a Certificate of Occupancy.

LMC [§ 15-7.3-3\(C\)](#) states that the Planning Commission may recommend maximum dwelling or unit square footage for Subdivisions. While the requested Subdivision is not subject to a Maximum Floor Area under the requirements of the Estate Zoning District, the approved Plat for the adjacent Hidden Meadow Subdivision includes Maximum Floor Area and Maximum Site Disturbance for each lot in the Subdivision (Exhibit C).

As mentioned above, in 1995, the City Council approved the Hidden Meadow Subdivision and Parcel No. PCA-S-98-SEC-11 was not included in the Subdivision (Exhibit C), but the Hidden Meadow CC&Rs outlined a timeline to include Parcel No. PCA-S-98-SEC-11 in the Hidden Meadow Subdivision and Homeowner Association. However, the option expired September 1, 2002.

The proposed Fox Tail Subdivision was originally slated to be a 4.3-acre Lot 26 in the Hidden Meadow Subdivision. The recorded Hidden Meadow Subdivision Plat did not include Lot 26. However, the Plat established a 16,000-square-foot Maximum Site Disturbance (8.56% of the 4.3-acre Lot) and a 10,000-square-foot Maximum Floor Area (5.35% of the 4.3-acre Lot) for Lot 26 (Parcel PCA-S-98-SEC-11).

The table below outlines the Lots within the Hidden Meadow Subdivision that exceed 100,000 square feet and compares the Maximum Site Disturbance and Maximum Floor Area percentages:

Lot and Size	Maximum Site Disturbance	% Based on Lot Size	Maximum Floor Area	% Based on Lot Size
5 – 157,921 SF	14,000 SF	8.87%	10,000 SF	6.33%
10 – 281,972 SF	16,000 SF	5.67%	10,000 SF	3.55%
11 – 122,989 SF	16,000 SF	13.01%	10,000 SF	8.13%
20 – 130,330 SF	14,000 SF	10.74%	10,000 SF	7.67%
21 – 129,150 SF	14,000 SF	10.84%	10,000 SF	7.74%
23 – 118,896 SF	14,000 SF	11.77%	10,000 SF	8.41%
Proposed Fox Tail Subdivision Lot 1 – 165,320 SF	16,000 SF	9.67%	10,000 SF	6.04%

To align with the existing Maximum Site Disturbance and Maximum Floor Area established for the Hidden Meadow Subdivision, Staff recommends Condition of Approval 8 to establish the Maximum Site Disturbance of 16,000 square feet and Condition of Approval 18 to establish a Maximum Floor Area of 10,000 square feet.

In the General Notes of the Hidden Meadow Subdivision (Exhibit G), note 4 states that the area of disturbance for each Lot in the subdivision is exclusive of driveway improvements.

4. The maximum floor area of homes constructed on Hidden Meadow lots shall be governed by the table shown hereon. Additionally, this table establishes the maximum allowable area to be disturbed during construction of home and yard improvements. This area of disturbance is exclusive of the driveway improvements. Any deviations from maximum site disturbance allowed for each lot may and must be reviewed and approved by the Park City Community Development Department and the Hidden Meadow Architectural Committee.

Note 6 of the proposed Fox Tail Subdivision (Attachment 1) is consistent with what was allowed for in the Hidden Meadow Subdivision and states that the maximum allowable area of disturbance is exclusive of the driveway and sewer improvements. Snyderville Basin Water Reclamation District (SBWRD) has confirmed that no additional easement for the sewer line will be necessary. Because the line will need to be pressurized, there is more flexibility with where the sewer lateral will need to be located so long as it ultimately connects to the lateral stub in the existing private sewer easement. SBWRD indicated that they would defer to engineered drawings to establish limits of disturbance for a sewer lateral, since there may be issues such as grading or vegetation that could impact where it should be located. The Applicant has indicated that the proposed development will accommodate a new location for a low-pressure sewer line that will run from the existing sewer easement and will connect with the proposed driveway and continue to the building pad. The proposed sewer line will disturb an area that is nine feet (9') wide, and the Applicant has agreed to hydroseed the disturbed area with native species immediately follow the sewer installation.

(VI) The Applicant Has Agreed to a Minimum Rental Period of 12 Months.

Since the October 2021 Planning Commission Public Hearing, Staff has received public input from neighbors of the project. The comments express concern over several issues, including the provision of whether nightly rentals would be allowed, the relocation of trail segments, the location of the sewer easement, and the visual impact of the residence. Staff has responded to each owner who has submitted comment and forwarded them to the Applicant.

The Applicant has agreed to Conditions of Approval and a draft Restrictive Covenant to the Hidden Meadows HOA prohibiting nightly rentals, requiring that any lease shall be for a period of no less than 12-months, and prohibiting timeshare and private residence clubs or fractional ownership (Condition of Approval 23 and Exhibit N).

(VII) There is Good Cause for the Fox Tail Subdivision.

The Planning Commission shall make a finding as to Good Cause prior to making a positive recommendation to City Council.¹¹ Land Management Code [§ 15-15-1](#) defines *Good Cause* as “[p]roviding positive benefits and mitigating negative impacts, determined on a case by case basis to include 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 Park City and furthering the health, safety, and welfare of the Park City community.”

Staff finds Good Cause for this Subdivision as it protects the Ridge Line Area, does not increase density, encourages orderly and beneficial Development, and complies with Estate and ROS Zoning District Lot and Site Requirements, and the requirements of the Sensitive Land Overlay. The applicant has offered Deed Restrictions in favor of the City and has agreed to Conditions of Approval and a Plat Note prohibiting Nightly (short-term) rentals.

Also, no Public Street, Right-of-Way, or easement is vacated. Trail easements are amended pursuant to the Trails Master Plan and the Trails & Open Space Department review and approval.

Department Review

The Development Review Committee reviewed this application on May 25, 2021, and on April 19, 2022. No issues were raised. Staff took the Plat Amendment and Rezone Applications to the Neighborhood Traffic Management Program committee on August 26, 2021, and established the criteria that are listed above in Analysis V.

Notice

¹¹ LMC [§ 15-7.1-6\(C\)](#)

On July 14, 2021, staff posted the property, mailed notice to property owners within 300 feet, and posted notice to the Utah Public Notice website. The *Park Record* published notice on July 14, 2021. After the July 28, 2021, Planning Commission Public Hearing, the application was continued to August 25, 2021, to September 22, 2021, and again to October 13, 2021. Additional courtesy notices were posted to the property and mailed to property owners within 300 feet on September 29, 2021, and again on April 26, 2022.

On April 26, 2022, staff posted the property, mailed notice to property owners within 300 feet, and posted notice to the Utah Public Notice website. The *Park Record* published notice on April 26, 2022. LMC [§ 15-1-21](#).

Staff re-posted the property, mailed notice to property owners within 300 feet, and posted notice to the Utah Public Notice website. The *Park Record* published notice on June 6, 2022.

Public Input

Public comments received since the May 11, 2022, Work Session are attached as Exhibit L.

Exhibits

Exhibit A: Draft Ordinance and Fox Tail Subdivision (Attachment 1)
Exhibit B: Applicant's Narrative
Exhibit C: Fox Tail Height Cap Visual Analysis
Exhibit D: Existing Conditions Survey
Exhibit E: Slope Constraints Map
Exhibit F: Hidden Meadow Annexation Plat
Exhibit G: Hidden Meadow Annexation Resolution, Resolution No. 2-94
Exhibit H: Amendment to the Hidden Meadow Annexation Agreement, Summit County Recorder Entry No. 430356
Exhibit I: Hidden Meadow Subdivision
Exhibit J: Hidden Meadow CC&Rs
Exhibit K: Fox Tail Sight Line Analysis
Exhibit L: Public Comments
Exhibit M & N: Draft Restrictive Covenants to City and Hidden Meadows HOA

Ordinance No. 2022-XX

AN ORDINANCE APPROVING THE FOX TAIL SUBDIVISION, LOCATED AT 3805 FOX TAIL TRAIL, PARK CITY, UTAH

WHEREAS, the owners of the property located at 3805 Fox Tail Trail petitioned the City Council for approval of the Fox Tail Trail Subdivision to create a 3.79-acre Lot for a Single-Family Dwelling, and a 28.94-acre Parcel to be dedicated to Park City subject to a Deed Restriction; and

WHEREAS, on July 14, 2021, the *Park Record* published notice for the Planning Commission and City Council public hearings; and

WHEREAS, on July 14, 2021, 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 13, 2021, the Planning Commission reviewed the proposed Fox Tail Subdivision and held a public hearing; and

WHEREAS, on February 9, 2022, the Planning Commission reviewed the proposed Fox Tail Subdivision and held a public hearing; and

WHEREAS, on May 11, 2022, the Planning Commission reviewed the proposed Fox Tail Subdivision, visited the site, and held a work session; and

WHEREAS, on June 22, 2022, the Planning Commission reviewed the proposed Fox Tail Subdivision and held a public hearing and forwarded a positive recommendation for City Council's consideration on July 21, 2022; and

WHEREAS, on July 22, 2022, the City Council reviewed the Fox Tail Subdivision and held a public hearing; and

WHEREAS, the Fox Tail Subdivision is consistent with the Park City Land Management Code, including Chapters 15-2.7, 15-2.10, and 15-2.21, and Sections 15-7.3-2 and 15-7.3-3.

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

SECTION 1. APPROVAL. The Fox Tail Subdivision is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. In 1995, the City Council adopted Resolution No. 2-94, annexing 227.99 acres of Hidden Meadow.
2. Parcel No. PCA-S-98-SEC-11 was included on the annexation plat.
3. In 1995, the City Council approved the Hidden Meadow Subdivision. Parcel No. PCA-S-98-SEC-11 was not included in the Subdivision.
4. The Hidden Meadow CC&Rs outlined a timeline to include Parcel No. PCA-S-98-SEC-11 in the Hidden Meadow Subdivision and Homeowner Association. However, the option expired.

5. The Applicant proposes the Fox Tail Subdivision to create a 3.8-acre Lot in the Estate Zoning District for a Single-Family Dwelling with a portion of the Ridgeline Area zoned Recreation Open Space, and to create a 28.94-acre Parcel, to be dedicated to Park City Municipal Corporation to retain as Recreation Open Space pursuant to a Deed Restriction.
6. The proposed Subdivision complies with the purposes of the Estate and Recreation Open Space Zoning Districts, and Sensitive Land Overlay.
7. The proposed Subdivision complies with the Lot and Site requirements for the Estate and Recreation Open Space Zoning Districts.
8. The minimum lot size for the Estate Zoning Districts is 130,680 square feet. The proposed Lot contains 165,320 square feet.
9. The proposed Subdivision complies with Land Management Code Section 15-7.3-2, as outlined in the staff report, and conditioned below.
10. The proposed Subdivision complies with Land Management Code Section 15-7.3-3, as outlined in the staff report, and conditioned below.

Conclusions of Law

1. There is Good Cause for this Subdivision because it protects the Ridge Line Area, encourages orderly and beneficial Development, complies with the Sensitive Land Overlay, and dedicates a 28.94-acre Parcel A to the City as Recreation Open Space.
2. The Subdivision complies with Land Management Code Chapters 15-2.7, 15-2.10, and 15-2.21, as well as Sections 15-7.3-2 and 15-7.3-3.
3. Neither the public nor any person will be materially injured by the proposed Subdivision.
4. Approval of the Subdivision, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant shall record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year, this approval will be void, unless the applicant submits a request for an extension in writing prior to the expiration date and an extension is granted by the City Council.
3. The plat shall note that fire sprinklers are required for all new construction, to be approved by the Chief Building Official.
4. A non-exclusive ten-foot public snow storage easement on Fox Tail Trail shall be dedicated on the plat.
5. The property is not located within the Soils Ordinance and therefore it is not regulated by the City for mine-related impacts. However, if the property owner encounters mine waste or mine waste impacted soils, they must handle the material in accordance with State and Federal law.
6. 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.
7. All Significant Vegetation that is removed shall be replaced in kind.
8. Limits of Disturbance for the not to exceed 16,000 square feet that protects Significant Vegetation shall be approved by the Planning Director and shown on the final plat.

9. A Ridge Line Area and 150-foot buffer prohibiting development shall be included on the final plat. The Unit shall comply with Estate Zoning District requirements for Maximum Building Height, and no point of the Building shall exceed an elevation of 7,135', which is the Zone Height of 28 feet plus exceptions for roof pitch of 4:12 or greater.
10. The driveway and utility lines should be designed to work with Existing Grade and cut and fill Slopes should be minimized. The driveway shall be placed so that disturbance of Significant Vegetation is minimized.
11. Existing natural drainage shall be maintained.
12. Interior and exterior fire sprinkler systems may be required by the Park City Fire District at the time of Building Permit review.
13. The Applicant shall dedicate ten-foot-wide trail easements to provide public trail access from Fox Tail Trail on the plat.
14. Lot drainage shall be laid out to provide positive drainage away from the Single-Family Dwelling in accordance with the International Building Code.
15. The Applicant shall submit a vegetation protection plan prior to applying for a building permit outlining vegetation protection during construction and revegetation after construction and a designated driveway location shall be shown on the final plat subject to Planning Director, Chief Building Official, and City Engineer review and approval.
16. All disturbed areas on the Lot shall be covered with topsoil and revegetated.
17. No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried in any land or left or deposited on the Lot at the time of a Certificate of Occupancy.
18. The plat notes shall state that the Maximum Floor Area for Fox Tail Subdivision Lot 1 is 10,000 square feet.
19. The plat notes shall state that the Maximum Site Disturbance shall be 16,000 square feet exclusive of area disturbed for driveway and sewer improvements.
20. The Applicant shall dedicate 0.9-acres to Park City Municipal Corporation, subject to a restrictive covenant to be recorded on the same day as the final plat. This agreement shall also satisfy as a development agreement that allows for Architectural Review of the single-family residence.
21. The Applicant shall dedicate 28.94 acres to Park City Municipal Corporation, to be recorded on the same day as the final plat.
22. The Certificate of Occupancy shall not be issued until the dedication of the easements are complete to City trail standards and approved by the Open Space and Trails Manager.
23. The Applicant shall be financially responsible for any relocation of the trail on both Lot 1 and Parcel A.
24. Nightly rentals, short-term rentals less than a 12-month term, commercial uses, and fractional ownership of the single-family dwelling are prohibited and a Restrictive Covenant to be recorded shall further enforce this Condition.
25. A Plat Note shall indicate that the Subdivision is subject to Conditions of Approval in Ordinance 2022-Xx.

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

PASSED AND ADOPTED this 21st Day of July 2022.

PARK CITY MUNICIPAL CORPORATION

Nann Worel, MAYOR

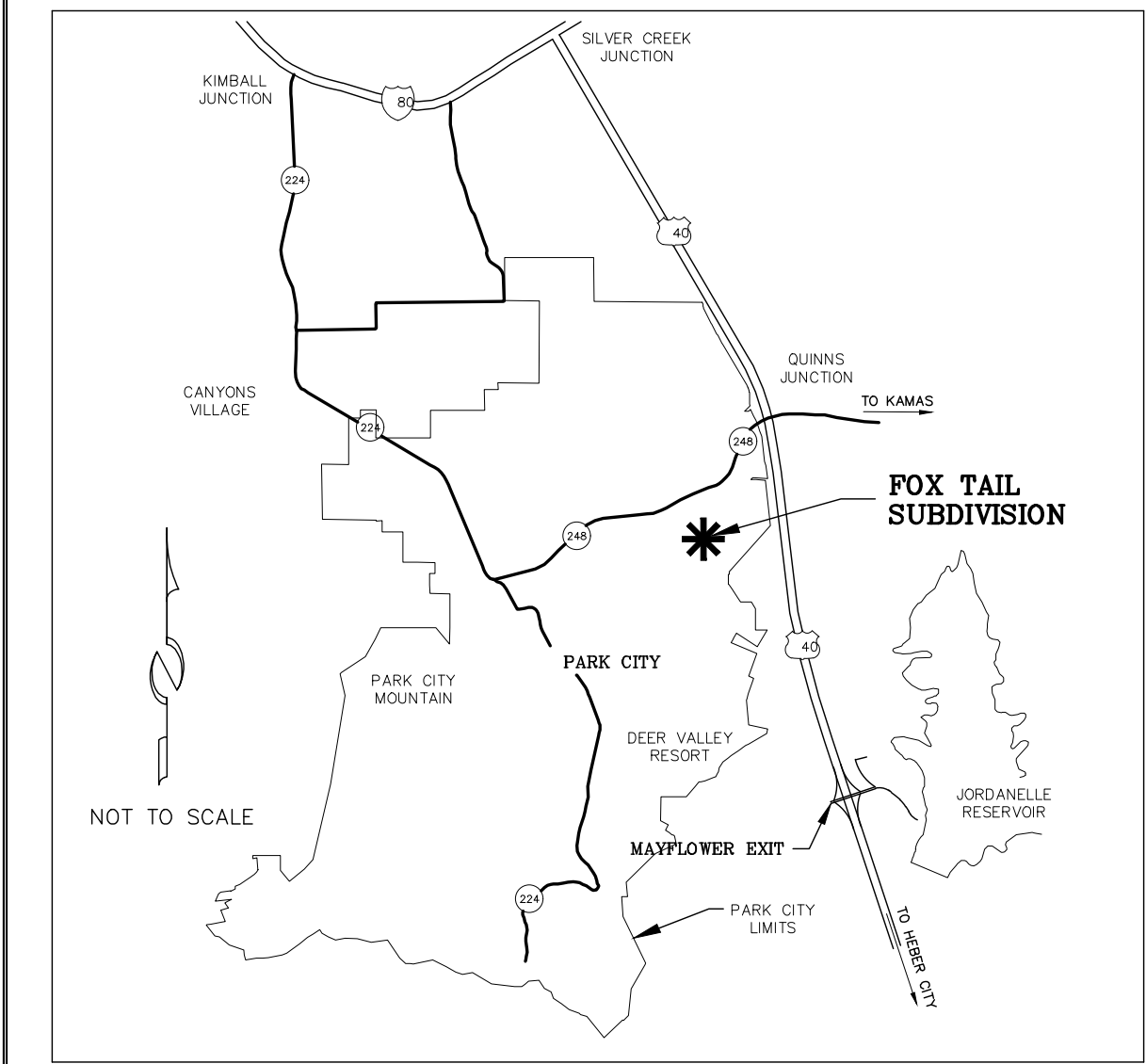
ATTEST:

City Recorder

APPROVED AS TO FORM:

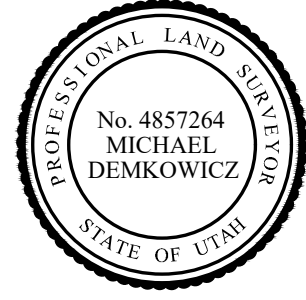
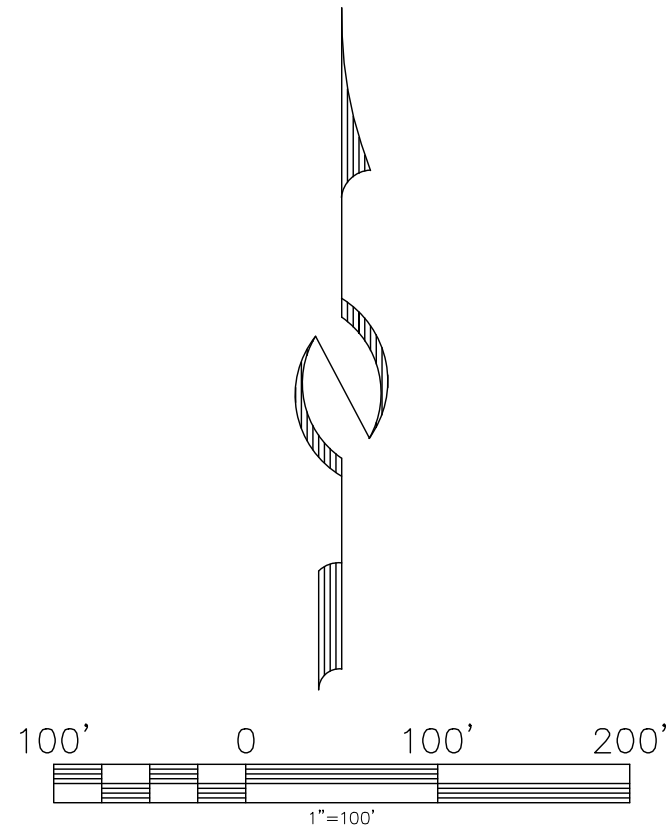
City Attorney's Office

Attachment A: Subdivision Map



VICINITY MAP

HIDDEN MEADOW SUBDIVISION PHASE 1
RECORDED: SEPTEMBER 1, 1995
ENTRY NO.: 436642



SURVEYORS CERTIFICATE

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

LEGAL DESCRIPTION

The surface estate of those portions of the Woodrow No. 6, Clegg No. 2 and Clegg No. 3 patented Mining claims situated in the Northeast Quarter of Section 10 and the Northwest Quarter of Section 11, Township 2 South, Range 4 East, SLB&M, Summit County, Utah which real property is more particularly described as follows:

Beginning at the Northwest corner of Section 11, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence along the North line of Section 11 South 88°47'03" East 1240.30 feet; thence along the Easterly end line of the Clegg No. 2 Mining claim (Mineral Survey 6792) South 39°40'23" East 215.18 feet; thence along the Easterly end line of the Clegg No. 3 Mining claim South 38°46'13" East 606.70 feet; thence along the Southerly side line of the Clegg No. 3 Mining Claim South 75°52'07" West 1501.92 feet; thence along the Southerly line of the Woodrow No. 6 Mining claim South 63°17'52" West 358.92 feet; thence North 05°57'03" East 142.10 feet to a point of a 675.00 foot radius curve to the left, whose radius point bears South 01°58'05" East; thence along the arc of said curve 47.10 feet thru a central angle of 03°59'53" to a point on a 15.00 foot radius curve to the right, whose radius point bears North 05°57'58" West; thence along the arc of said curve 13.05 feet thru a central angle of 49°51'38" to a point on a 50.00 foot radius curve to the left, whose radius point bears South 43°53'40" West; thence along the arc of said curve 42.48 feet thru a central angle of 48°40'36"; thence North 07°11'05" West 317.18 feet; thence North 89°32'18" East 124.80 feet; thence North 70°48'39" East 20.35 feet, thence North 05°57'03" East 714.42 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS that the undersigned is the owner of the above described tract of land, and hereby causes the same to be unified into one lot of record, together with easements as set forth to be hereafter known as FOX TAIL SUBDIVISION and does hereby dedicate for the perpetual use of the public the areas shown on this plat as intended for public use. The undersigned owner also hereby conveys to any and all public utility companies a perpetual, non-exclusive easement over any public utility easements shown on this plat, the same to be used for the installation, maintenance and operation of utility lines and facilities. The undersigned owner also hereby conveys any other easements as shown on this plat to the parties indicated and for the purposes shown hereon.

In witness whereof, the undersigned set his hand this _____ day of _____, 2022.

REDUS Park City, LLC, a Delaware limited liability company

By: REDUS Properties, Inc.
a Delaware corporation, its Manager

By: _____
David Ash, Sr. Vice President

ACKNOWLEDGMENT

STATE OF _____)
: ss.
COUNTY OF _____)

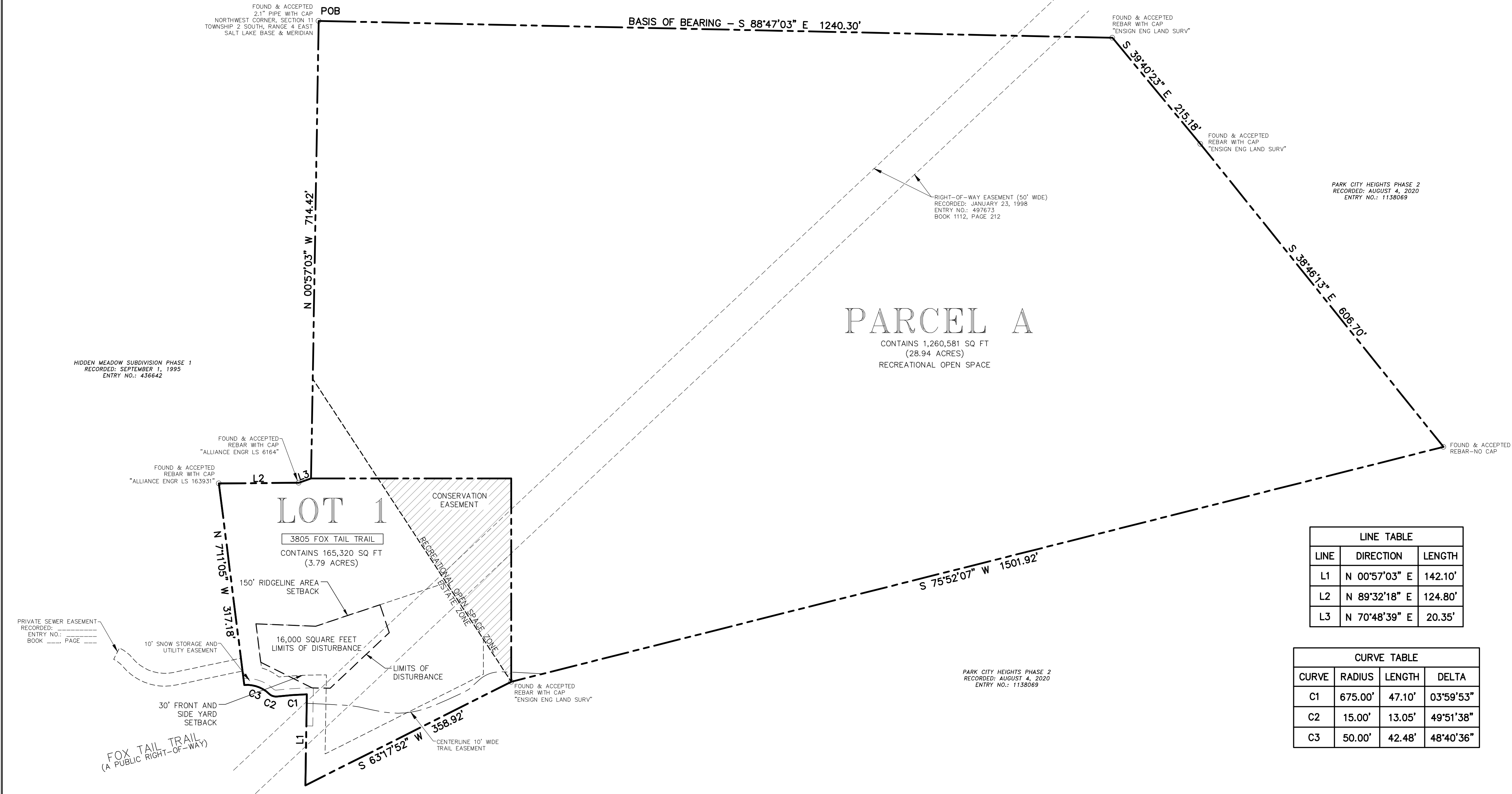
On this _____ day of _____, 2022, David Ash personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that he is the Sr. Vice President of REDUS Properties, Inc., a Delaware corporation, and that said document was signed by him on behalf of said corporation by authority of its Operating Agreement or Resolution of its Members, and he acknowledged to me that he executed FOX TAIL SUBDIVISION.

By: _____
Notary Public

Printed Name _____
Residing in: _____
My commission expires: _____
Commission No. _____

NOTES

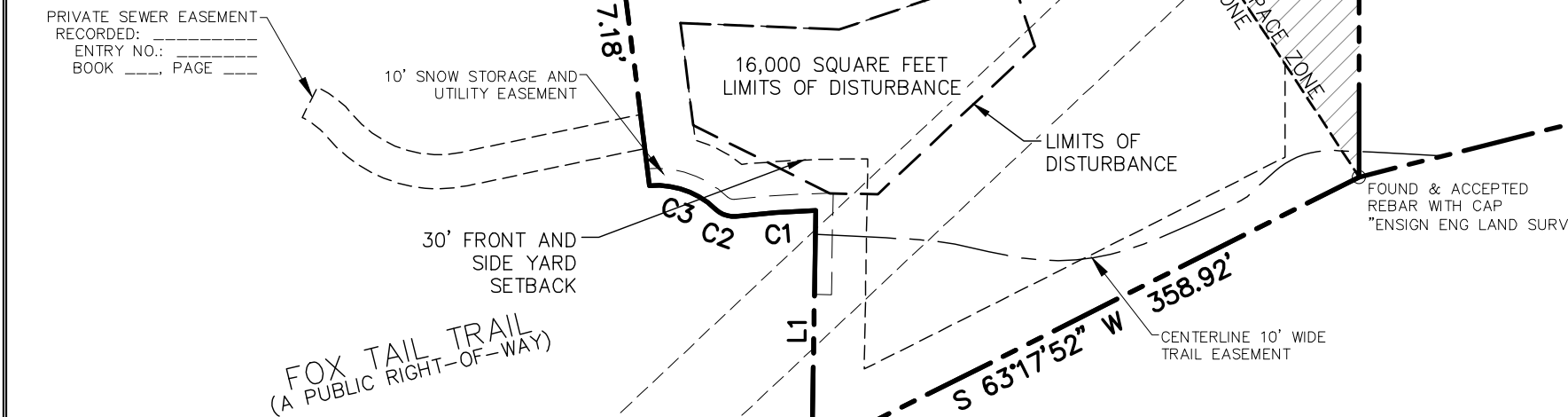
- This plat amendment is subject to the Conditions of Approval in Ordinance 2022-_____.
- An easement in favor of Mountain States Telephone and Telegraph Co., recorded December 15, 1932, as Entry No. 49018 affects this property. No description is given.
- A privately owned and operated wastewater ejector pump is required for wastewater service.
- Parcel A and the eastern portion of Lot 1 shown, shall be subject to a Conservation Easement.
- The maximum Floor Area of the Single Family Residence shall be 10,000 sf.
- The maximum allowable area of disturbance during home and yard improvements shall be 16,000 sf exclusive of area disturbed for driveway and sewer improvements. Any modification to the limits of disturbance shown shall require approval of the Planning Director.
- A 10' wide utility and snow storage easement is hereby dedicated along the front lot line.
- A 10' wide trail easement is hereby dedicated 5' either side of centerline of existing trail. Trail and easement may be shifted south at Lot 1 owner's expense with maximum 8% grade.
- The lot is to be used for residential housing purposes only, and shall not be used for providing accommodations to travelers. No lease of the lot or dwelling shall be for a period of less than one year. The lot shall not be subjected to time interval ownership.
- Maximum ridge line elevation for Single Family Residence 7,135'.



PARCEL A
CONTAINS 1,260,581 SQ FT
(28.94 ACRES)
RECREATIONAL OPEN SPACE

LINE TABLE		
LINE	DIRECTION	LENGTH
L1	N 00°57'03" E	142.10'
L2	N 89°32'18" E	124.80'
L3	N 70°48'39" E	20.35'

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	675.00'	47.10'	03°59'53"
C2	15.00'	13.05'	49°51'38"
C3	50.00'	42.48'	48°40'36"



FOX TAIL SUBDIVISION

LOCATED IN THE NORTHEAST QUARTER OF SECTION 10 & THE NORTHWEST QUARTER OF SECTION 11,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

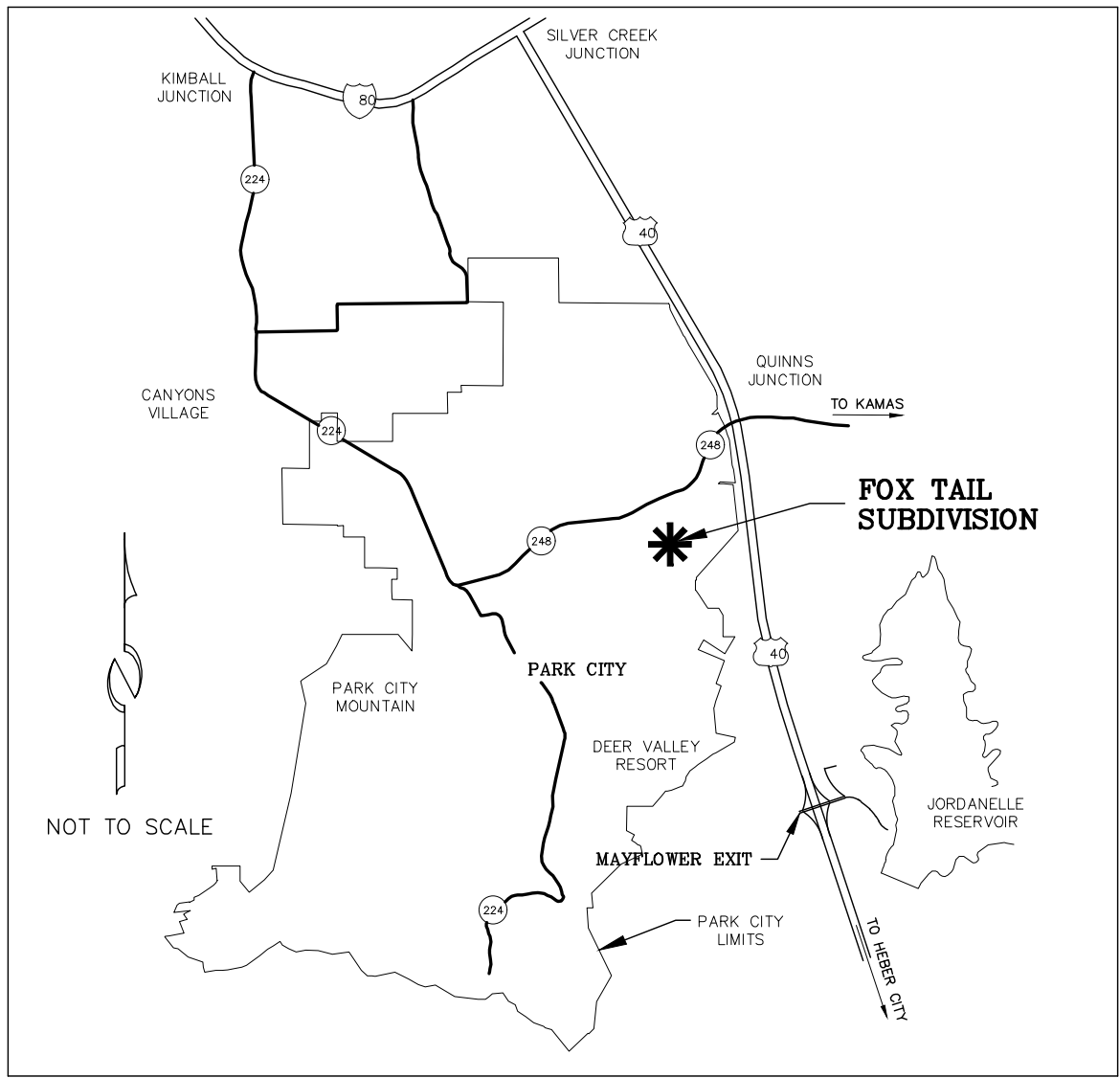
(435) 649-9467

Alliance Engineering Inc.

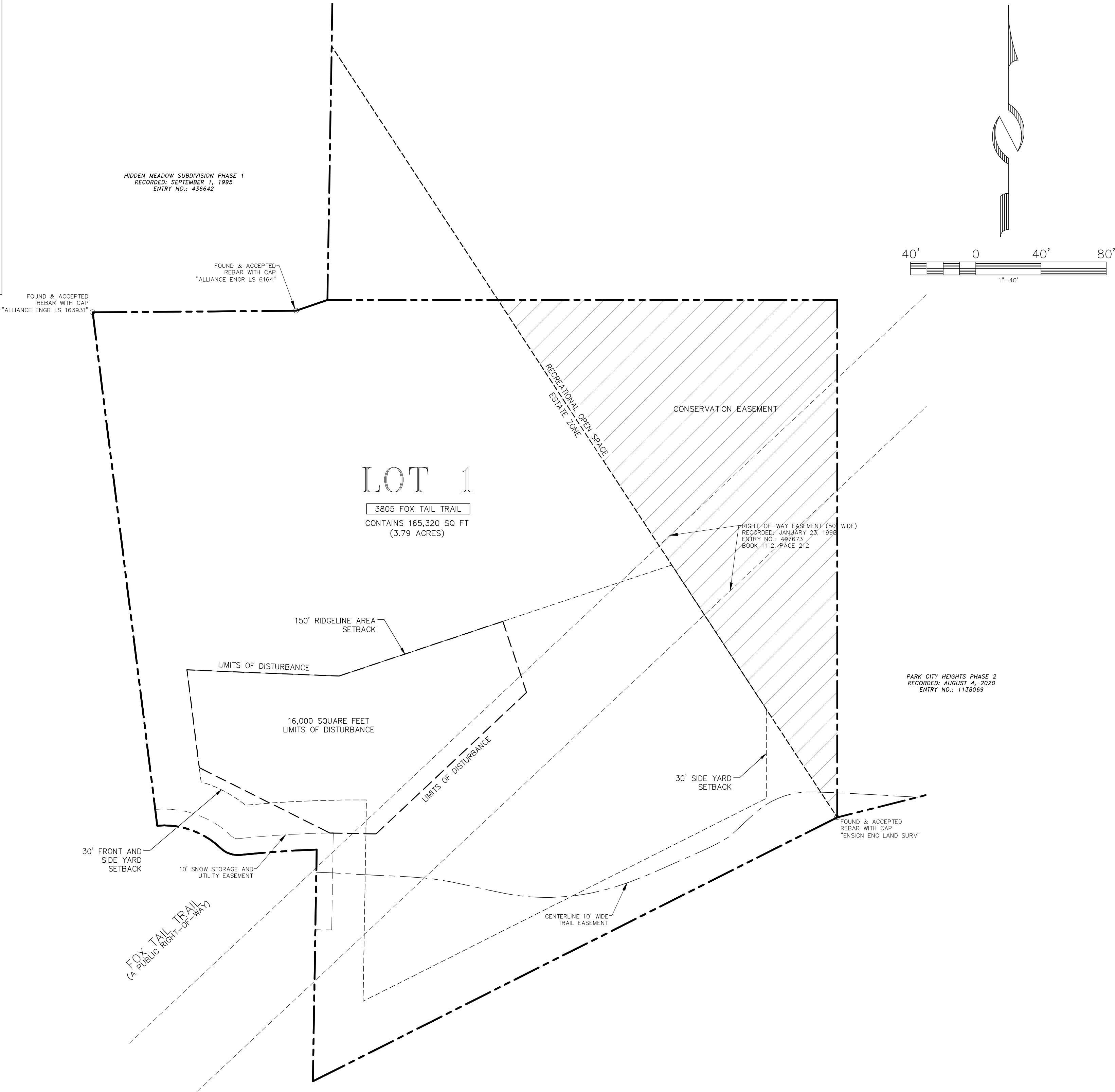
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS

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

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2022 BY _____ ENGINEERING DEPARTMENT	PLANNING COMMISSION RECOMMENDED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2022 BY _____ CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2022 BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2022 BY _____ PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2022 BY _____ MAYOR	CERTIFICATE OF ATTEST I CERTIFY THIS PLAT WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2022 BY _____ PARK CITY RECORDER	PUBLIC SAFETY ANSWERING POINT APPROVAL APPROVED THIS _____ DAY OF _____, 2022 BY _____ SUMMIT COUNTY GIS COORDINATOR	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ FEE _____ RECORDER _____ TIME _____ DATE _____ ENTRY NO. _____
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VICINITY MAP



FOX TAIL SUBDIVISION

LOCATED IN THE NORTHEAST QUARTER OF SECTION 10 & THE NORTHWEST QUARTER OF SECTION 11,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



SURVEYORS CERTIFICATE

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

LEGAL DESCRIPTION

The surface estate of those portions of the Woodrow No. 6, Clegg No. 2 and Clegg No. 3 patented Mining claims situated in the Northeast Quarter of Section 10 and the Northwest Quarter of Section 11, Township 2 South, Range 4 East, SLB&M, Summit County, Utah which real property is more particularly described as follows:

Beginning at the Northwest corner of Section 11, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence along the North line of Section 11 South 88°47'03" East 1240.30 feet; thence along the Easterly end line of the Clegg No. 2 Mining claim (Mineral Survey 6792) South 39°40'23" East 215.18 feet; thence along the Easterly end line of the Clegg No. 3 Mining claim South 38°46'13" East 606.70 feet; thence along the Southerly side line of the Clegg No. 3 Mining Claim South 75°52'07" West 1501.92 feet; thence along the Southerly line of the Woodrow No. 6 Mining claim South 63°17'52" West 358.92 feet; thence North 0°57'03" East 142.10 feet to a point of a 675.00 foot radius curve to the left, whose radius point bears South 01°58'05" East; thence along the arc of said curve 47.10 feet thru a central angle of 03°59'53" to a point on a 15.00 foot radius curve to the right, whose radius point bears North 05°57'58" West; thence along the arc of said curve 13.05 feet thru a central angle of 49°51'38" to a point on a 50.00 foot radius curve to the left, whose radius point bears South 43°53'40" West; thence along the arc of said curve 42.48 feet thru a central angle of 48°40'36"; thence North 07°11'05" West 317.18 feet; thence North 89°32'18" East 124.80 feet; thence North 70°48'39" East 20.35 feet, thence North 0°57'03" East 714.42 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS that the undersigned is the owner of the above described tract of land, and hereby causes the same to be unified into one lot of record, together with easements as set forth to be hereafter known as FOX TAIL SUBDIVISION and does hereby dedicate for the perpetual use of the public the areas shown on this plat as intended for public use. The undersigned owner also hereby conveys to any and all public utility companies a perpetual, non-exclusive easement over any public utility easements shown on this plat, the same to be used for the installation, maintenance and operation of utility lines and facilities. The undersigned owner also hereby conveys any other easements as shown on this plat to the parties indicated and for the purposes shown hereon.

In witness whereof, the undersigned set his hand this _____ day of _____, 2022.

REDUS Park City, LLC, a Delaware limited liability company

By: REDUS Properties, Inc.
a Delaware corporation, its Manager

By: _____
David Ash, Sr. Vice President

ACKNOWLEDGMENT

STATE OF _____
: ss.
COUNTY OF _____

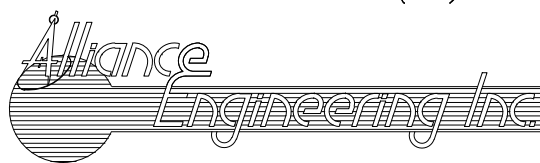
On this _____ day of _____, 2022, David Ash personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that he is the Sr. Vice President of REDUS Properties, Inc., a Delaware corporation, and that said document was signed by him on behalf of said corporation by authority of its Operating Agreement or Resolution of its Members, and he acknowledged to me that he executed FOX TAIL SUBDIVISION.

By: _____
Notary Public

Printed Name _____
Residing in: _____
My commission expires: _____
Commission No. _____

NOTES

- This plat amendment is subject to the Conditions of Approval in Ordinance 2022-_____.
- An easement in favor of Mountain States Telephone and Telegraph Co., recorded December 15, 1932, as Entry No. 49018 affects this property. No description is given.
- A privately owned and operated wastewater ejector pump is required for wastewater service.
- Parcel A and the eastern portion of Lot 1 shown, shall be subject to a Conservation Easement.
- The maximum Floor Area of the Single Family Residence shall be 10,000 sf.
- The maximum allowable area of disturbance during home and yard improvements shall be 16,000 sf exclusive of area disturbed for driveway and sewer improvements. Any modification to the limits of disturbance shown shall require approval of the Planning Director.
- A 10' wide utility and snow storage easement is hereby dedicated along the front lot line.
- A 10' wide trail easement is hereby dedicated 5' either side of centerline of existing trail. Trail and easement may be shifted south at Lot 1 owner's expense with maximum 8% grade.
- The lot is to be used for residential housing purposes only, and shall not be used for providing accommodations to travelers. No lease of the lot or dwelling shall be for a period of less than one year. The lot shall not be subjected to time interval ownership.
- Maximum ridgeline elevation for Single Family Residence 7,135'.



(435) 649-9467

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 _____ DAY OF _____, 2022
BY _____ ENGINEERING DEPARTMENT

PLANNING COMMISSION
RECOMMENDED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2022
BY _____ CHAIR

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2022
BY _____ PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS _____ DAY OF _____, 2022
BY _____ PARK CITY ATTORNEY

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2022
BY _____ MAYOR

CERTIFICATE OF ATTEST
I CERTIFY THIS PLAT WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2022
BY _____ PARK CITY RECORDER

PUBLIC SAFETY
ANSWERING POINT APPROVAL
APPROVED THIS _____ DAY OF _____, 2022
BY _____ SUMMIT COUNTY GIS COORDINATOR

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____
FEE _____ RECORDER _____
TIME _____ DATE _____ ENTRY NO. _____

5/3/22 JOB NO.: 19-11-20 FILE: X:\TheOaks\dwg\src\plat2020\191120-plat.dwg

3805 Fox Tail Court

- **Plat for Single Family Residence**

Follow up to 5/11/22 Planning Commission Site Visit and Workshop

June 7, 2022

On 5/11/22, Planning Commission held a site visit and workshop on the proposed Fox Tail Plat. For the site visit, corners of the proposed improvement envelope (LOD limits) were staked and Alliance Engineering provided a drone to demonstrate proposed height constraints. One neighbor was present and expressed support for the amended application.

The Fox Tail property has been entitled for development of a single family home since annexation into Park City in 1995. Reviewing the historical record, it appears that the property was not included in the 1995 Hidden Meadows Plat because of the potential to connect Fox Tail Trail to the area below now known as Park City Heights. Any road connection from Fox Tail Trail to Park City Heights would cross the property, so it was held back from development in 1995. With Talisker's acquisition of United Park City Mines, development focus shifted to Empire Pass and the Fox Tail property lay dormant until foreclosed by Wells Fargo. Meanwhile, Park City Heights was developed without a road connection to Solamere.

Based on the recorded sewer easement on Hidden Meadows Lot 25, it seems clear that development on "Lot 26" was originally contemplated set back from the cul de sac, in a similar manner to the homes to the west. When Applicant acquired the property, a review of site constraints determined that a home set back that far would contravene the Sensitive Lands Ordinance. Following consultation with City Staff, Applicant proposed a new home site 800' east of the cul de sac with the belief that a home in that location would comply with the City's Sensitive Lands Ordinance while having the least impact on immediate neighbors. Applicant proposed a rezoning to facilitate establishing a homesite in that area. **In response to comments from neighbors, Applicant has dropped the proposed rezoning and is now proposing to plat a 4 acre single family lot in the exact location shown in the 1995 annexation approval.**

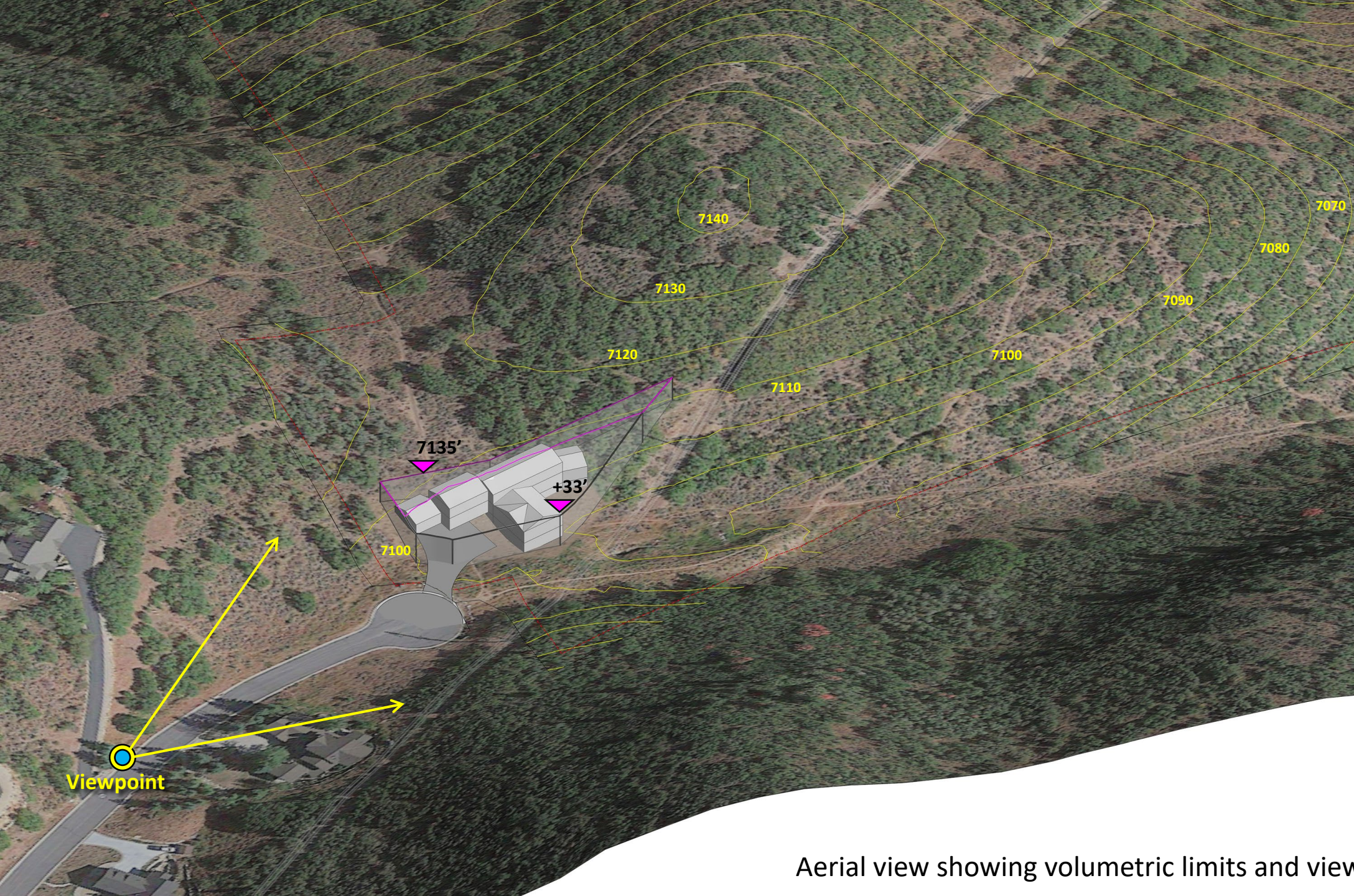
Since Applicant's original application submission, many neighbors have weighed in with concerns regarding the application:

- **Nightly rentals.** With a better understanding of the unrest associated with two recently constructed nightly rental properties in the nearby Hidden Oaks neighborhood, **Applicant proposes establishing a 12 month minimum rental**

restriction on the property secured by a deed restriction in favor of the City and the Hidden Meadows HOA.

- **Relocation of *Fox Tail Cut* trail.** The original application shifted trail closer to Lot 25 which was a concern to that property owner. Revised application eliminates *Fox Tail Cut* trail. The existing trail is not an official trail, but a short cut to the trail network. City Trails and Open Space Manager has no concerns about elimination of this short cut since the trail network may still be reached using the *Fox Tail Trail*.
- **Relocation of sewer easement on Lot 25.** Applicant has reached agreement with adjacent property owner to relocate private sewer easement to an alignment preferred by that owner.
- **View Studies.** Fox Tail Trail is not a designated vantage point under the Sensitive Lands Ordinance. However, in response to inaccurate visual impact simulations circulated to the neighborhood, Applicant commissioned a professionally prepared visual impact study showing view from Fox Tail Trail. An updated study for amended application shows that ridgeline views to the east would be preserved. Applicant has also prepared studies confirming views are not impacted from SR248 viewpoint adjacent film studio nor from Rail Trail crossing of Richardson Flat Road.
- **Open Space Dedication of little value.** The entire 33 acre property is currently private property. The Open Space dedication presents the opportunity for development of additional public trails improving the local trail network. Amended application includes 29 acre Open Space dedication. The Applicant also proposed a deed restriction on the ROS portion of Lot 1 further limiting property improvements.
- **10,000 sf home not consistent with neighborhood.** 1995 Hidden Meadows Plat contemplated a 10,000 sf home on “Lot 26”. Ten other lots in Hidden Meadows permit 10,000 sf homes.
- **Excessive driveway length.** Prior submission included an 800’ driveway with associated disturbance area. **Amended application eliminates long driveway by placing homesite immediately adjacent cul-de-sac.**

In his letter of March 7th, the owner of adjacent Lot 27 encourages Planning Commission to reject REDUS’ prior submission and “let him build on the original Lot 26”. The amended application is for approval to do just that. We recognize that for some neighbors, prohibiting development is the only satisfactory outcome, but that would not be fair to the owner of a 33 acre property entitled for development since 1995.



Aerial view showing volumetric limits and viewpoint



Existing View



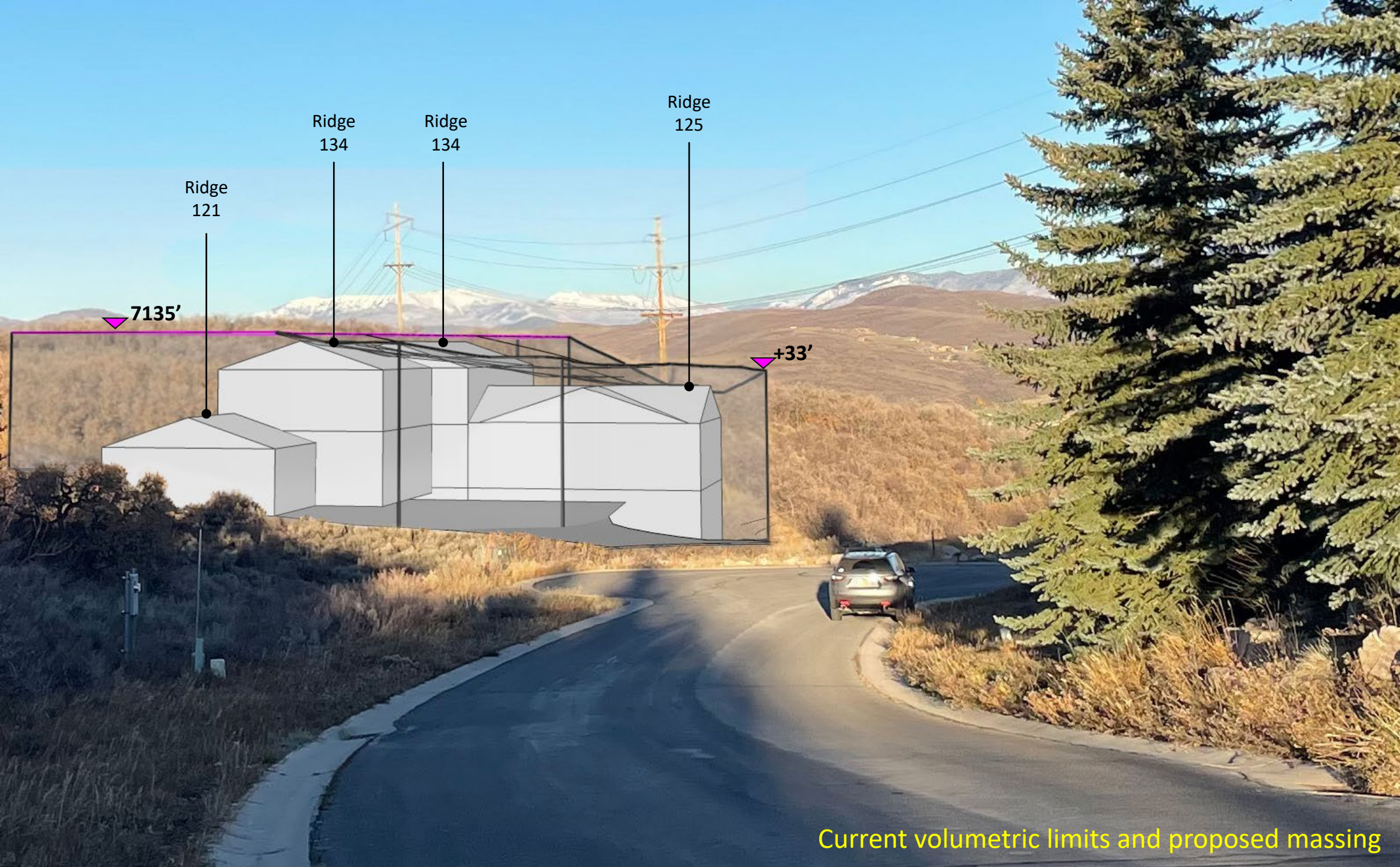
Current volumetric limits and proposed massing



Existing View



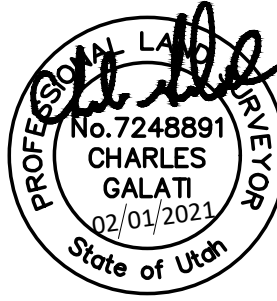
Current volumetric limits and proposed massing



Current volumetric limits and proposed massing

PARCEL
PCA-S-98-SEC-11

LOCATED IN THE NORTHWEST QUARTER OF SECTION 11,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
RECORD OF SURVEY
SUMMIT COUNTY, UTAH



SURVEYOR'S CERTIFICATE

I, Charles Galati, certify that I am a Professional Land Surveyor and that I hold License No. 7248891, as prescribed by the laws of the State of Utah. I further certify that under my direct supervision a survey has been performed on the hereon described property and that to the best of my knowledge this plat is a correct representation of said survey.

PARK CITY HEIGHTS PHASE 2
RECORDED: AUGUST 4, 2020
ENTRY NO.: 1138069

LEGEND

- Found Monument (As-Noted)
- Found Street Monument (As-Noted)
- Found Section monument (As-Noted)

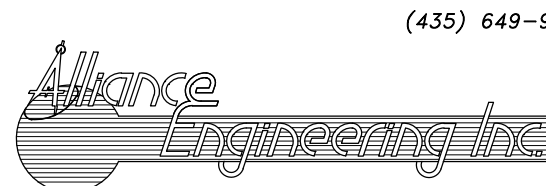
NARRATIVE/NOTES

- Basis of Bearing for this survey is between the found section monuments as shown on this plat.
- Field work for this survey was completed December 3, 2020, and is in compliance with generally accepted industry standards for accuracy.
- The purpose of this survey was to perform an Existing Conditions and Topography survey for the possibility of future improvements to the property.
- A Title Report was provided to the surveyor, File No. 27696 Dated November 13, 2018 prepared by Old Republic National Title Insurance Company, and only easements per said title report were located as part of this survey. The owner of the property should be aware of any items affecting the property that may appear in a title insurance report. The surveyor found no obvious evidence of easements, encroachments or encumbrances on the property surveyed except as shown hereon.
- County tax maps, recorded deeds, Hidden Meadow Subdivision Phase 1 (Entry N.: 436642), Park City Heights Phase 2 (Entry No. 1138069), Park City Heights Phase 3 (Entry No. 1120269), Grant of easement Entry No. 49018, Pole line easement Entry No. 497673, Pole line easement Entry No. 503332, and Record of Surveys S7180, S9447 (all aforementioned documents on file and of record in the Summit County Recorder's Office), and physical evidence found in the field were all considered when determining the boundary as shown on this plat.
- Easement Entry No. 49018 is a blanket easement and not addressed on this survey.
- Site Benchmark: Water Valve, Elevation=7104.86' as shown.
- The architect is responsible for verifying building setbacks, zoning requirements and building heights.
- Property corners were found as shown.
- Measured bearings and distances, when different than record, are shown in parenthesis. ()

LEGAL DESCRIPTION

The surface estate of those portions of the Woodrow No. 6, Clegg No. 2 and Clegg No. 3 patented Mining claims situated in the Northeast Quarter of Section 10 and the Northwest Quarter of Section 11, Township 2 South, Range 4 East, SLB&M, Summit County, Utah which real property is more particularly described as follows:

Beginning at the Northwest corner of Section 11, Township 2 south, Range 4 East, Salt Lake Base and Meridian; and running thence along the North line of Section 11, South 88°47'03" East 1240.30 feet; thence along the Easterly end line of the Clegg No. 3 Mining claim (Mineral Survey 6792) South 39°40'23" East 215.18 feet; thence along the Easterly end line of the Clegg No. 3 Mining claim South 38°46'13" East 606.70 feet, thence along the Southerly side line of the Clegg No. 3 Mining Claim South 75°52'07" West 1501.92 feet; thence along the Southerly line of the Woodrow No. 6 Mining claim South 63°17'52" West 358.92 feet; thence North 0°57'03" East 142.10 feet to a point of a 675.00 foot radius curve to the left whose radius point bears South 01°58'05" East; thence along the arc of said curve 47.10 feet thru a central angle of 03°59'53" to a point on a 15.00 foot radius curve to the right, whose radius point bears North 05°57'58" West; thence along the arc of said curve 13.05 feet thru a central angle of 49°51'38" to a point on a 50.00 foot radius curve to the left, whose radius point bears South 43°53'40" West; thence along the arc of said curve 42.48 feet thru a central angle of 48°40'36"; thence North 07°11'05" West 317.18 feet; thence North 89°32'18" East 124.80 feet; Thence North 70°48'39" East 20.35 feet, thence North 0°57'03" East 714.42 feet to the point of beginning.



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

(435) 649-9467

STAFF:
CHARLES GALATI
DUSTIN CARRISH
JASON WYNNE
TIM WILSON

DATE: 2/1/21

EXISTING CONDITIONS & TOPOGRAPHIC MAP
HIDDEN MEADOWS PARCELS

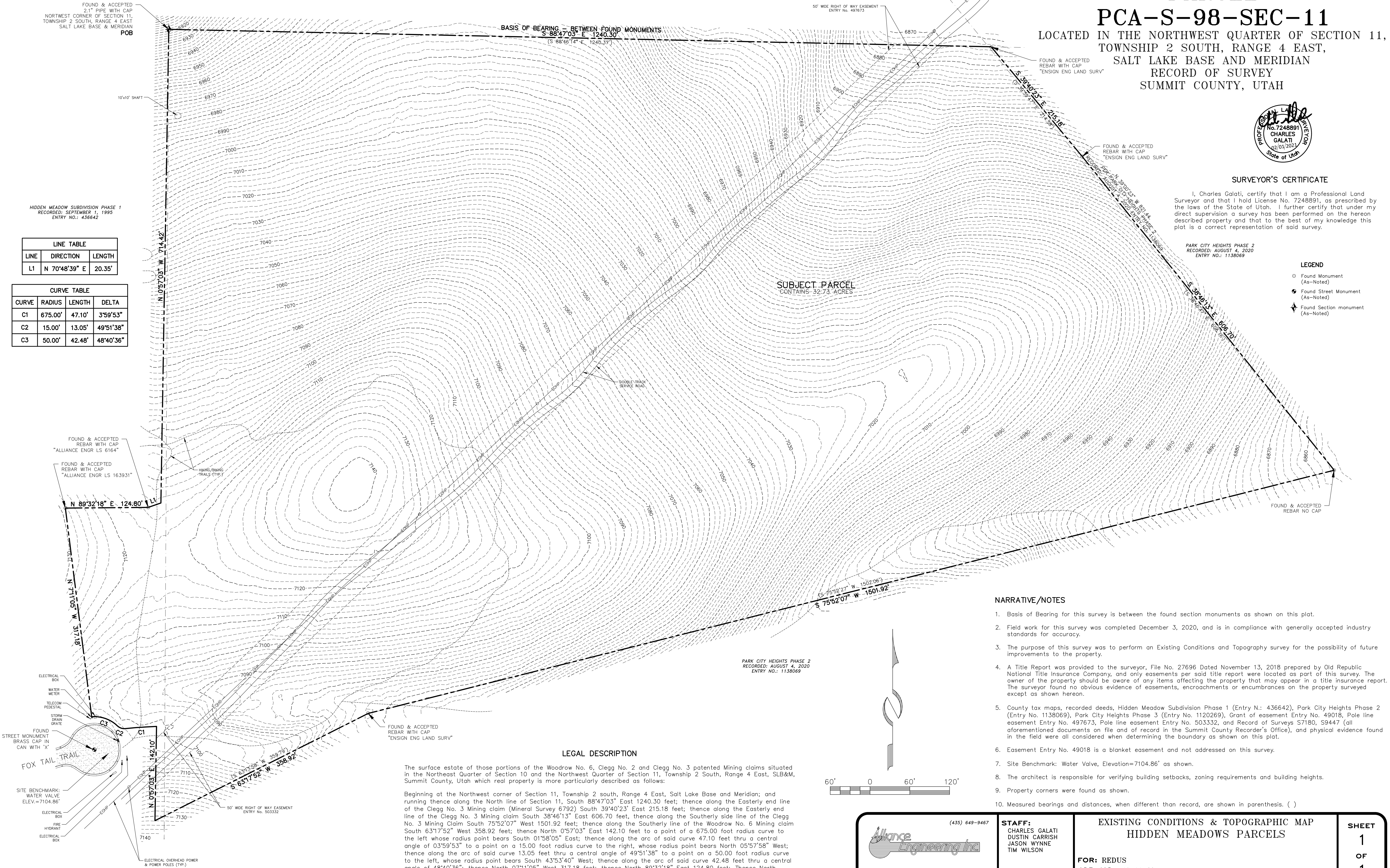
FOR: REDUS
JOB NO.: 19-11-20

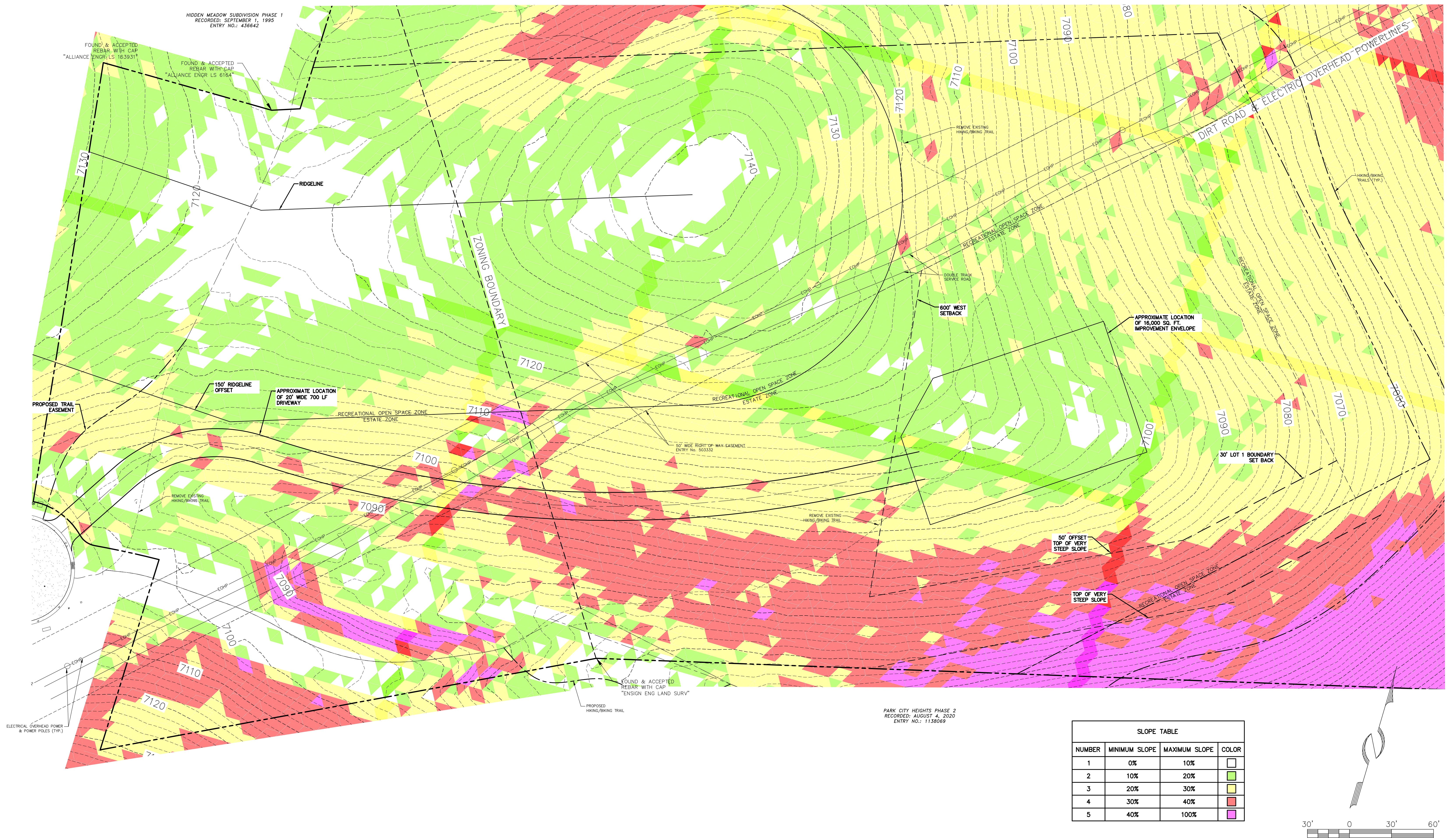
FILE: X:\TheOaks\dwg\sr\svry2020\191120-Hidden Meadow Survey-Redus\191120-ros.dwg

SHEET
1
OF
1

LINE TABLE		
LINE	DIRECTION	LENGTH
L1	N 70°48'39" E	20.35'

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	675.00'	47.10'	3°59'53"
C2	15.00'	13.05'	49°51'38"
C3	50.00'	42.48'	48°40'36"

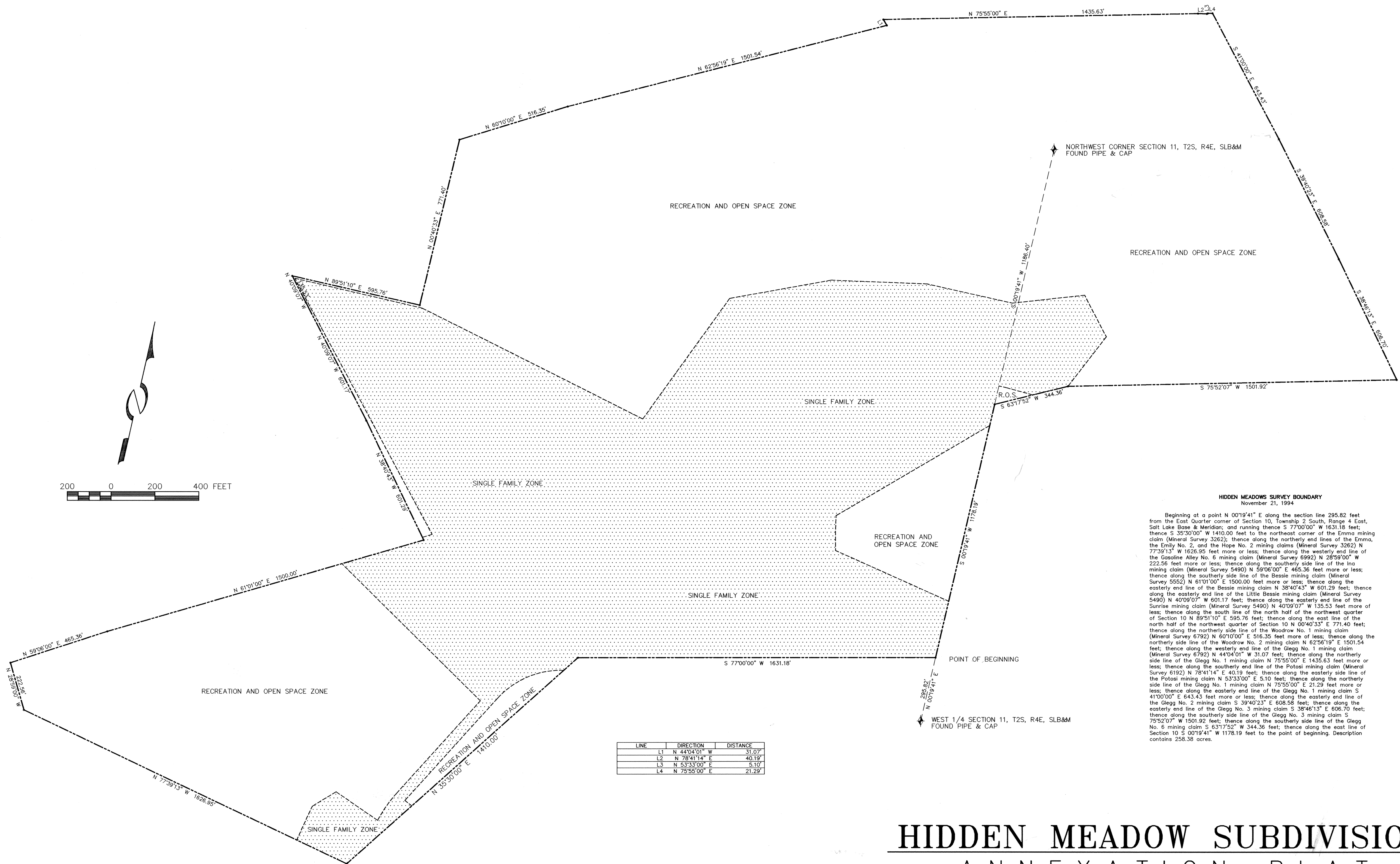
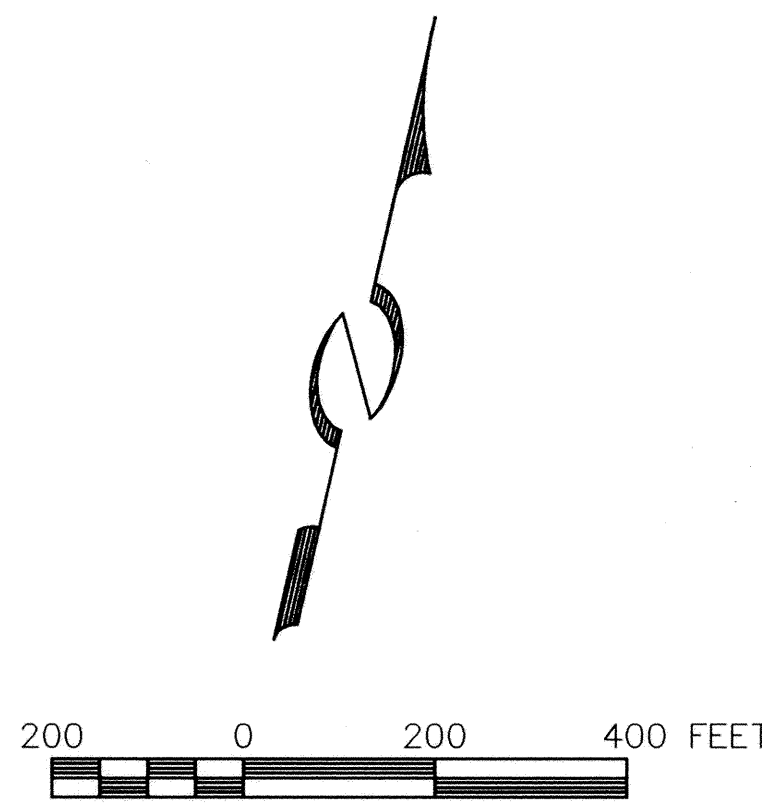




SLOPE TABLE			
NUMBER	MINIMUM SLOPE	MAXIMUM SLOPE	COLOR
1	0%	10%	
2	10%	20%	
3	20%	30%	
4	30%	40%	
5	40%	100%	

A horizontal bar representing a 60-minute tape. The bar is divided into segments by vertical lines. Above the bar, the time markers 30', 0, 30', and 60' are indicated. The segment between the first 30' and the 0 mark is shaded with horizontal lines, representing the 30-minute segment mentioned in the text.

 (435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	STAFF: CHARLES GALATI DUSTIN CARRISH BRAYLON ROSE	CONSTRAINTS MAP PARCEL PCA-S-98-SEC-11	SHEET 1
	DATE: 9/21/21	FOR: REDUS JOB NO.: 19-11-20 FILE: X:\TheOaks\dwg\sr\sr\rvy2020\191120-Hidden Meadow Survey-Redus	OF 1



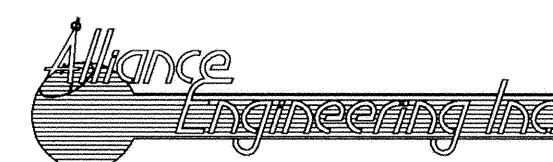
HIDDEN MEADOWS SURVEY BOUNDARY
November 21, 1994

Beginning at a point N 00°19'41" E along the section line 295.82 feet from the East Quarter corner of Section 10, Township 2 South, Range 4 East, Salt Lake Base & Meridian; and running thence S 77°00'00" W 1631.18 feet; thence S 35°30'00" W 1410.00 feet to the northeast corner of the Emma mining claim (Mineral Survey 3262); thence along the northerly end lines of the Emma, the Emily No. 2, and the Hope No. 2 mining claims (Mineral Survey 3262) N 77°39'13" W 1626.95 feet more or less; thence along the westerly end line of the Gasoline Alley No. 6 mining claim (Mineral Survey 6992) N 28°59'00" W 222.56 feet more or less; thence along the southerly side line of the Ina mining claim (Mineral Survey 5490) N 59°06'00" E 465.36 feet more or less; thence along the southerly side line of the Bessie mining claim (Mineral Survey 5552) N 61°01'00" E 1500.00 feet more or less; thence along the easterly end line of the Bessie mining claim N 38°40'43" W 601.29 feet; thence along the easterly end line of the Little Bessie mining claim (Mineral Survey 5490) N 40°09'07" W 601.17 feet; thence along the easterly end line of the Sunrise mining claim (Mineral Survey 5490) N 40°09'07" W 135.53 feet more or less; thence along the south line of the north half of the northwest quarter of Section 10 N 89°51'10" E 595.76 feet; thence along the east line of the north half of the northwest quarter of Section 10 N 00°40'33" E 771.40 feet; thence along the northerly side line of the Woodrow No. 1 mining claim (Mineral Survey 6792) N 60°10'00" E 516.35 feet more or less; thence along the northerly side line of the Woodrow No. 2 mining claim N 62°56'19" E 1501.54 feet; thence along the westerly end line of the Glegg No. 1 mining claim (Mineral Survey 6792) N 44°04'01" W 31.07 feet; thence along the northerly side line of the Glegg No. 1 mining claim N 75°55'00" E 1435.63 feet more or less; thence along the southerly end line of the Potosi mining claim (Mineral Survey 6192) N 78°41'14" E 40.19 feet; thence along the easterly side line of the Potosi mining claim N 53°33'00" E 5.10 feet; thence along the northerly side line of the Glegg No. 1 mining claim N 75°55'00" E 21.29 feet more or less; thence along the easterly end line of the Glegg No. 1 mining claim S 41°00'00" E 643.43 feet more or less; thence along the easterly end line of the Glegg No. 2 mining claim S 39°40'23" E 608.58 feet; thence along the easterly end line of the Glegg No. 3 mining claim S 38°46'13" E 606.70 feet; thence along the southerly side line of the Glegg No. 3 mining claim S 75°52'07" W 1501.92 feet; thence along the southerly side line of the Glegg No. 5 mining claim S 63°17'52" W 344.36 feet; thence along the east line of Section 10 S 00°19'41" W 1178.19 feet to the point of beginning. Description contains 258.38 acres.

LINE	DIRECTION	DISTANCE
L1	N 44°04'01" W	31.07'
L2	N 78°41'14" E	40.19'
L3	N 53°33'00" E	5.10'
L4	N 75°55'00" E	21.29'

HIDDEN MEADOW SUBDIVISION

ANNEXATION PLAT

 ALLIANCE ENGINEERING INC. P.O. BOX 2664 323 MAIN STREET PARK CITY, UTAH 84060 (801) 649-9467	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS <u>3RD</u> DAY OF <u>MARCH</u> , 199 <u>4</u> A.D. BY <u>Alison Chiles</u> CHAIRMAN	ENGINEERS CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS <u>3RD</u> DAY OF <u>MARCH</u> , 199 <u>4</u> A.D. BY <u>Eric W. DeHaan PE</u> PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS <u>3RD</u> DAY OF <u>MARCH</u> , 199 <u>4</u> A.D. BY <u>Mark D. Hye</u> PARK CITY ATTORNEY	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS <u>3RD</u> DAY OF <u>FEBRUARY</u> , 199 <u>4</u> A.D. BY <u>Antia L. Sheldon</u> PARK CITY RECORDER	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS <u>3RD</u> DAY OF <u>FEBRUARY</u> , 199 <u>4</u> A.D. BY <u>David J. Quinn</u> MAYOR	RECORDED # <u>425892</u> STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF <u>Park City Municipal Corp.</u> DATE <u>03-08-95</u> TIME <u>08:21 AM</u> BOOK <u> </u> PAGE <u> </u> N/C FEE <u> </u> <u>Deanna M. Dunn - deputy</u> RECORDER
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PLOT DATE: 2-24-95 JOB NO. 25-8-91 Y:\CE\DHMANEX

Recorded at the request of and return to:
Park City Municipal Corporation
P. O. Box 1480
Park City, Utah 84060
Attention: City Recorder

Resolution No. 2-94

00425893 Bk00871 Pg00335-00349
3-13
ALAN SPRIGGS, SUMMIT COUNTY RECORDER
1995 MAR 08 08:24 AM FEE \$1.00 BY DNG
REQUEST: PARK CITY MUNICIPAL CORP

**A RESOLUTION ANNEXING 227.99 ACRES OF
HIDDEN MEADOWS
INTO THE CORPORATE LIMITS OF PARK CITY, UTAH**

WHEREAS, a petition was filed by the owners of the land, Blue Ledge Corporation, included within the area described on the attached Annexation Plat, requesting Park City to annex that land to the City, zoned as Resort Open Space (ROS) and Estate (E); and

WHEREAS, the land is included within the City's Annexation Policy Declaration Statement and Annexation Boundary area; and

WHEREAS, public hearings, as required by law, were held before the Planning Commission on September 22, 1993, October 13, 1993, November 17, 1993 and December 15, 1993, and the City Council on January 20, 1994; and

WHEREAS, the attached Annexation Agreement (Exhibit B) was approved by the Planning Commission at its meeting of December 15, 1993, and approved by the City Council at its meeting of February 3, 1994; and

WHEREAS, the land in question is not included within any other municipal jurisdiction, and there have been no protests to the annexation filed by any other jurisdiction;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Park City, Utah that the land described on Exhibit A is hereby annexed to the corporate limits of Park City, Utah.

SECTION 1. ANNEXATION. The land so annexed shall enjoy the privileges of Park City and be entitled to receive all City services on the same basis as other land within the City except as provision of service is modified by the Annexation Agreement attached as Exhibit B, and shall be subject to all City levies and assessments as described in the terms of the Annexation Agreement attached as Exhibit B.

SECTION 2. COMPLIANCE WITH STATE LAW. The Annexation, in the judgment of Park City, meets the standards for annexation set forth in Title 10, Chapter 2 of the Utah Code.

SECTION 3. EFFECTIVE DATE. This Resolution shall take effect upon passage, provided that the annexation shall not be deemed completed until this Resolution is recorded in the Office of the Summit County Recorder together with the Annexation Plat.

PASSED AND ADOPTED 3rd day of February, 1994.

PARK CITY MUNICIPAL CORPORATION

Ruth D. Gezelius

Ruth Gezelius, Mayor Pro Tem

Attest:

Anita L. Sheldon
Anita L. Sheldon, City Recorder

Approved as to form:

Jodi F. Hoffman
Jodi F. Hoffman, City Attorney



00425893 Bk00871 Pg00336

Exhibit A
to
Resolution 2-94

HIDDEN MEADOWS SURVEY BOUNDARY

Beginning at a point North 00°19'41" East along the section line 295.82 feet from the east quarter corner of Section 10, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 77°00'00" West 1631.18 feet; thence South 35°30'00" West 1410.00 feet to the northeast corner of the Emma mining claim (Mineral Survey 3262); thence along the northerly end lines of the Emma, the Emily No. 2, and the Hope No. 2 mining claims (Mineral Survey 3262) North 77°39'13" West 1626.95 feet more or less; thence along the westerly end line of the Gasoline Alley No. 6 mining claim (Mineral Survey 6992) North 28°59'00" West 222.56 feet more or less; thence along the southerly side line of the Ina mining claim (Mineral Survey 5490) North 59°06'00" East 465.36 more or less along the southerly side line of the Bessie mining claim (Mineral Survey 5552) North 61°01'00" East 1500.00 feet more or less; thence along the easterly end line of the Bessie mining claim North 83°40'43" West 601.29 feet; thence along the easterly end line of the Little Bessie mining claim (Mineral Survey 5490) North 40°09'07" West 601.17 feet; thence along the easterly end line of the Sunrise mining claim (Mineral Survey 5490) North 40°09'07" West 135.53 feet more or less; thence along the south line of the north half of the northwest quarter of Section 10 North 89°51'10" East 595.76 feet; thence along the east line of the north half of the northwest quarter of Section 10 North 00°40'33" East 771.40 feet; thence along the northerly side line of the Woodrow No. 1 mining claim (Mineral Survey 6792) North 60°10'00" East 516.35 feet more or less; thence along the northerly side line of the Woodrow No. 2 mining claim North 62°56'19" East 1501.54 feet; thence along the westerly end line of the Glegg No. 1 mining claim (Mineral Survey 6792) North 44°04'01" West 31.07 feet; thence along the northerly side line of the Glegg No. 1 mining claim North 75°55'00" East 1435.63 feet more or less; thence along the southerly end line of the Potosi mining claim (Mineral Survey 6192) North 78°41'14" East 40.19 feet; thence along the easterly side line of the Potosi mining claim North 53°33'00" East 5.10 feet; thence along the northerly side line of the Glegg No. 1 mining claim North 75°55'00" East 21.29 feet more or less; thence along the easterly end line of the Glegg No. 1 mining claim South 41°00'00" East 643.43 feet more or less; thence along the easterly end line of the Glegg No. 2 mining claim South 39°40'23" East 608.58 feet; thence along the easterly end line of the Glegg No. 3 mining claim South 38°46'13" East 606.70 feet; thence along the southerly side line of the Glegg No. 3 mining claim South 75°52'07" West 1501.92 feet; thence along the southerly side line of the Glegg No. 6 mining claim South 63°17'52" West 344.36 feet; thence along the east line of Section 10 South 00°19'41" West 1178.19 feet to the point of beginning. Description contains 258.38 acres.

00425893 Bk00871 Pg00337

Exhibit B

to

Resolution 2-94

HIDDEN MEADOWS ANNEXATION AGREEMENT

THIS AGREEMENT is made by and between Park City Municipal Corporation ("Park City") and Blue Ledge Corporation, a Utah corporation, (Blue Ledge) to set forth the terms and conditions under which Park City will annex land owned by Blue Ledge into the corporate limits of Park City, and extend municipal services to that property. This agreement is made under authority of Utah Code Annotated §10-2-414, (1953, as amended) and shall serve as part of a supplemental annexation policy declaration when executed by all parties. In consideration of Park City's agreement to annex Blue Ledge's property and in consideration of the mutual promises contained herein, the parties agree that the terms and conditions of annexation shall be as follows:

1. Property. The property to be annexed is described on the attached Exhibit A, and is referred to herein as the Hidden Meadows Property.

2. Zoning. Upon annexation, the Hidden Meadows property will become subject to the Park City Land Management Code, Subdivision Regulations, Sensitive Lands Ordinance, and all other Park City ordinances and building regulations. The property will be zoned in two areas as shown on the annexation plat for the property, which is incorporated into this agreement as Exhibit B. The open hillsides outside of the development area will be zoned RECREATION OPEN SPACE (ROS). The developed area will be zoned ESTATE (E), with maximum density as outlined in Paragraph 4 of this agreement. It is understood that the underlying zone for the entire parcel for the purpose of density calculations is Estate (E) and that the open space areas will be zoned Recreation Open Space (ROS) to ensure the area remains in open space.

3. Master Plan Approval. The Planning Commission has approved a master plan as part of the action on the annexation. The density, road and lot locations, open space and other parameters of the project shall be consistent with the master plan approval as shown in Exhibit C. The master plan approval is contingent upon approval of this agreement by the City Council. The MPD approval is valid for two years from the date of the Royal Oaks Phase II plat recordation.

4. Density.

A. Underlying Density. The underlying density of Hidden Meadows is calculated as if the entire parcel is zoned Estate, with the Sensitive Lands Ordinance applied. The total density without bonuses or Royal Oaks reconfiguration shall be no greater than 35 lots.

B. Royal Oaks Phase II Reconfiguration Bonuses. Park City desires to reduce the visual impacts of Royal Oaks Phase II, as approved in 1991, and to maintain the hillside below the Oaks Clubhouse in as natural a state as possible. In order to achieve this, Park City agrees to grant density bonuses to Blue Ledge on the Hidden Meadows property in consideration for the relocation of the most visually obtrusive Royal Oaks Phase II lots. Nine lots shall be moved from Royal Oaks Phase II to the Hidden Meadows property; an additional nine lots shall be granted to Blue Ledge as a bonus for accommodating the reconfiguration. Reference Exhibit C.

C. Total Density. The total density on the Hidden Meadows Property shall be 53 lots. Nine of these lots shall be part of Royal Oaks Phase II; the remaining 44 lots shall be Hidden Meadows lots. The density shall comply with the provisions of the Sensitive Lands Ordinance, with the exception of the bonus and Royal Oaks Phase II lots.

D. Alternate Density. Hidden Meadows Property shall not receive any plat approvals until the developers of Royal Oaks Phase II have received Planning Commission approval for a final plat to reconfigure the Royal Oaks Phase II deleting nine lots as shown conceptually in Exhibit C. If the developers of Royal Oaks Phase II have not recorded that plat within eighteen months of adoption of this agreement, the underlying zoning of Estate (E) and Recreation Open Space (ROS) shall dictate the density of the Hidden Meadows parcel, with no bonuses granted.

5. Site Planning. The configuration of the Hidden Meadows Property shall be substantially as shown in Exhibit C and as described in the MPD approval.

6. Trails and Sidewalks. A trails plan shall be approved concurrently with the preliminary plat and shall conform to the MPD approval. The trails shall be dedicated to Park City in the final plat. Park City reserves the right to develop additional trails in any open space areas which are dedicated to Park City.

7. Open Space. The Hidden Meadows Property open space shall be as shown in Exhibit C.

A. Ownership. Blue Ledge shall by statutory warranty deed transfer land designated as Recreational Open Space (ROS) to the City in fee simple. Blue Ledge hereby warrants marketable title to the entire area designated ROS in Exhibit C.

B. Use Restrictions and Preservation. The open space areas shall be subject to a restriction which will ensure the perpetual preservation of the open space and restrict the uses of the parcels. This restriction may take the form of a deed restriction, conservation easement, or some other mechanism acceptable to the City Attorney.

C. Maintenance. Open space shall be maintained by the entity holding fee title to the property unless other provisions have been made by agreement or as conditions of plat approval.

8. Fire Safety. Exterior and interior fire sprinklers are required. Wood roofs are prohibited.

9. Affordable Housing. In consideration of the foregoing, Blue Ledge shall provide 4.4 affordable unit equivalents as required by Resolution 8-93 as provided in Exhibit D.

A. Duplex Units. Two affordable rental units shall be provided in duplex configuration in conjunction with the Hidden Meadows project. These units shall comply with Resolution 8-93. Unit size, occupancy and affordable housing restrictions on the units shall be reviewed by the Planning Commission concurrent with final plat approval. The Commission shall make a recommendation to the Park City Housing Authority (Housing Authority) on the general terms of a Moderate Income Rental Program Agreement (MIRPA). The approval of the MIRPA by the Housing Authority is a condition of final plat approval.

B. Remaining Requirement. The remaining affordable housing requirement shall be provided through in-lieu payment or by other methods reviewed and approved by the Housing Authority. The Planning Commission shall review proposals for satisfying the remaining requirement during subdivision review and shall make a recommendation on the method and parameters to the Housing Authority. The Housing Authority shall approve a MIRPA as a condition of final plat approval.

C. Security Required. Security for the entire 4.4 affordable housing unit requirement totalling \$264,000 shall be posted prior to plat recordation.

D. Deadlines.

- i. Duplex Units. The duplex units described in sub-paragraph 9.A. must be one of the first five structures in the subdivision to receive building permits and must be approved for occupancy within 18 months of the building permit issuance for the duplex unit. If the duplex units do not meet these conditions, the security for affordable housing, together with accrued interest, shall be forfeited to the Housing Authority.
- ii. Other Units. The units described in Paragraph 9.B. must be constructed within two years of plat recordation. If this condition is not satisfied, the security for affordable housing, together with accrued interest, shall be paid over to the Housing Authority.
- iii. Security. If all affordable units are built prior to the respective deadlines, the security for affordable housing, together with interest, shall be returned to Blue Ledge.

E. Fee Waivers. Affordable housing fee waivers outlined in Resolution 8-93 (Exhibit D) shall not be available for affordable housing built in conjunction with the requirement for affordable housing set forth in paragraph 9.

10. Roads and Road Design. All streets and roads within the Hidden Meadows property shall be public and public access may not be obstructed. All streets and roads, excluding the cul de sacs and the meadow loop road, must be platted and built in the first phase of the development. Park City agrees to consider road designs submitted by registered engineers on Blue Ledge's behalf, and agrees that roads within the project will be required to meet Park City standards for residential and collector streets, including adequate provisions for construction traffic.

A. The road traversing the hillside below the Oaks Clubhouse shall have a minimum width of twenty-four feet from back of curb to back of curb, with a ten-foot shoulder on each side. The road design will be rigorously reviewed by the staff for retaining walls, landscaping, and irrigation which will minimize the visual impact of the road crossing. This road shall have a very confined limit of disturbance, particularly on the downhill side, in order to retain as much of the natural screening as possible.

11. Future Rights-of-Way. The subdivision plat for the Hidden Meadows Property shall show a right-of-way, of at least fifty feet in width, on the east edge of the property bordering the Gillmor parcel in the general location of the existing dirt road. The right-of-way shall not be improved for public vehicular traffic until a review of the Park City Annexation Declaration Policy and Comprehensive Plan is completed and the use of the right-of-way is determined to be appropriate and desirable as a result of such comprehensive review. Blue Ledge, as the developer, shall have no obligation now or in the future to construct or pay for the construction of this road beyond the cul-de-sac bulb; provided that if Blue Ledge still owns lots at such time as a special improvement district is formed for that purpose, Blue Ledge would be subject to assessment on the same basis as other lot owners.

12. Sanitary Sewer. Alignment of the sanitary sewer through Chatham Crossing is subject to Park City review and approval prior to and after final design. Blue Ledge shall submit a revegetation plan for the disturbance associated with the installation of the sanitary sewer. This plan shall be approved by the staff prior to commencement of sanitary sewer construction.

13. Dedication of Water Rights. In consideration of the benefits incurred to Park City in the January 22, 1992 "Agreement between Park City Municipal Corporation and United Park City Mines Company Consenting to a Sale of Surplus Salt Lake City Water," Park City will not require dedication of water rights by Blue Ledge as a condition of annexation of the Hidden Meadows property.

14. Water Connection and Development Fees and Other Water Costs. As each building permit is obtained for individual houses within the subdivision, the owner shall pay the Park City water connection and development fees as provided by the Park City ordinance in effect at the time of application for building permits. Because there is no longer desirable distribution capacity in the Oaks Tank, Blue Ledge shall be required to pay a City approved portion of the cost of a pump station to send water from the Chatham area to the Solamere area.

15. Homeowners Association. A Homeowners Association shall be formed to maintain trails and any common open space under the ownership of the association.

16. Park Development Fees. Blue Ledge shall pay and agrees not to contest Parks and Recreation fees in the amount of \$1035 per Hidden Meadows lot prior to final plat recordation. However, pursuant to Paragraph 7 of this Agreement, Blue Ledge is dedicating substantial open space to Park City. Accordingly, all or part of the Park and Recreation fees may be waived by Park City in an amount to be determined by the Park City Parks, Recreation and Beautification Board. The potential for a fee waiver shall be scheduled on the first available agenda of the Park City Parks, Recreation and Beautification Board upon the execution of this Agreement. Blue Ledge shall not be responsible for payment of Parks and Recreation fees for the nine Royal Oaks Phase II lots located on Blue Ledge Property.

17. Planning Review Fees. Blue Ledge shall be responsible for all subdivision approval fees as deemed appropriate by the Community Development Director. Blue Ledge shall not be responsible for payment of fees for the nine Royal Oaks lots located on the Hidden Meadows parcel.

18. Impact and Building Fees. Blue Ledge or successor owners of lots will pay and not contest all generally applicable impact (including school facilities impact fees), building permit, and plan check fees due for construction on the annexed land as provided by Park City ordinance in effect at the time of application for building permits.

19. Acceptance of Public Improvements. Park City will accept title to the public improvements within each phase of the project upon final approval of the construction for each phase. Blue Ledge shall pay for the usage of water in each phase sufficient, in the opinion of the Park City Public Works Director, to avoid freezing of water lines until homes have been built on 23 lots (or 50% of the lots) in that phase.

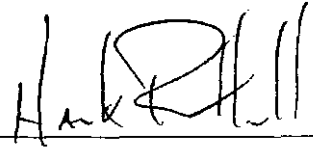
20. Snow Removal and Storage. Park City is not obligated to take over snow removal responsibility on public streets within Hidden Meadows Property until at least 23 lots in the Hidden Meadows Subdivision exclusive of the Nine Royal Oaks Phase II Lots) have been improved by the construction of a house on those lots as evidenced by issuance of a certificate of occupancy on those lots. Until that occurs, snow removal shall be Blue Ledge's responsibility, or that of the homeowners' association. Because of the project location within a drift line and on a north-facing slope, a ten-foot snow storage easement shall be provided on either side of all streets within Hidden Meadows.

21. Governing Law. This agreement shall be governed by the laws of Utah.

22. Full Agreement. This agreement contains the full and complete agreement of the parties regarding the annexation and there are no other agreements in regard to the annexation of the Hidden meadows Property. This agreement may only be modified or varied by in writing signed by the parties.

Dated this 2nd day of March, 1995.

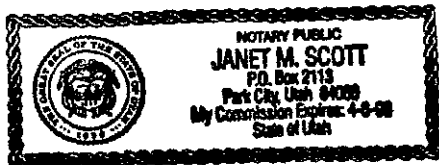
BLUE LEDGE CORPORATION

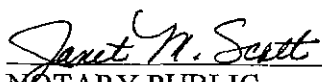

By: _____
Its: President

CORPORATE ACKNOWLEDGMENT

STATE OF UTAH)
 : ss.
County of Summit)

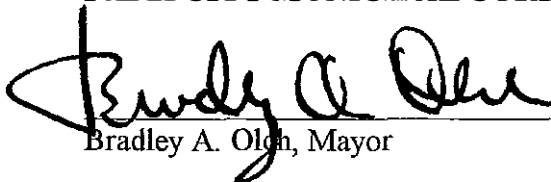
On the 3 day of March, 1995, personally appeared before me
HANK ROTHWELL, who did say that he/she is the
PRESIDENT of Blue Ledge Corporation, and that the foregoing Agreement was
signed in behalf of said corporation by authority of a resolution of its board of directors; and said
person acknowledged to me that said corporation executed the same.





NOTARY PUBLIC

PARK CITY MUNICIPAL CORPORATION



Bradley A. Olson, Mayor

Attest:


Anita Sheldon, City Recorder

Approved as to Form:

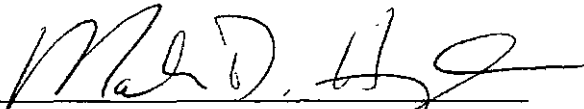

Mark D. Harrington, Asst. City Attorney

Exhibit A - Legal description of property to be annexed

Exhibit B - Annexation plat (estimated reduction - original recorded w/ Summit County Recorder)

Exhibit C - Site plan per approved MPD (reduction)

Exhibit D - Resolution 8-93

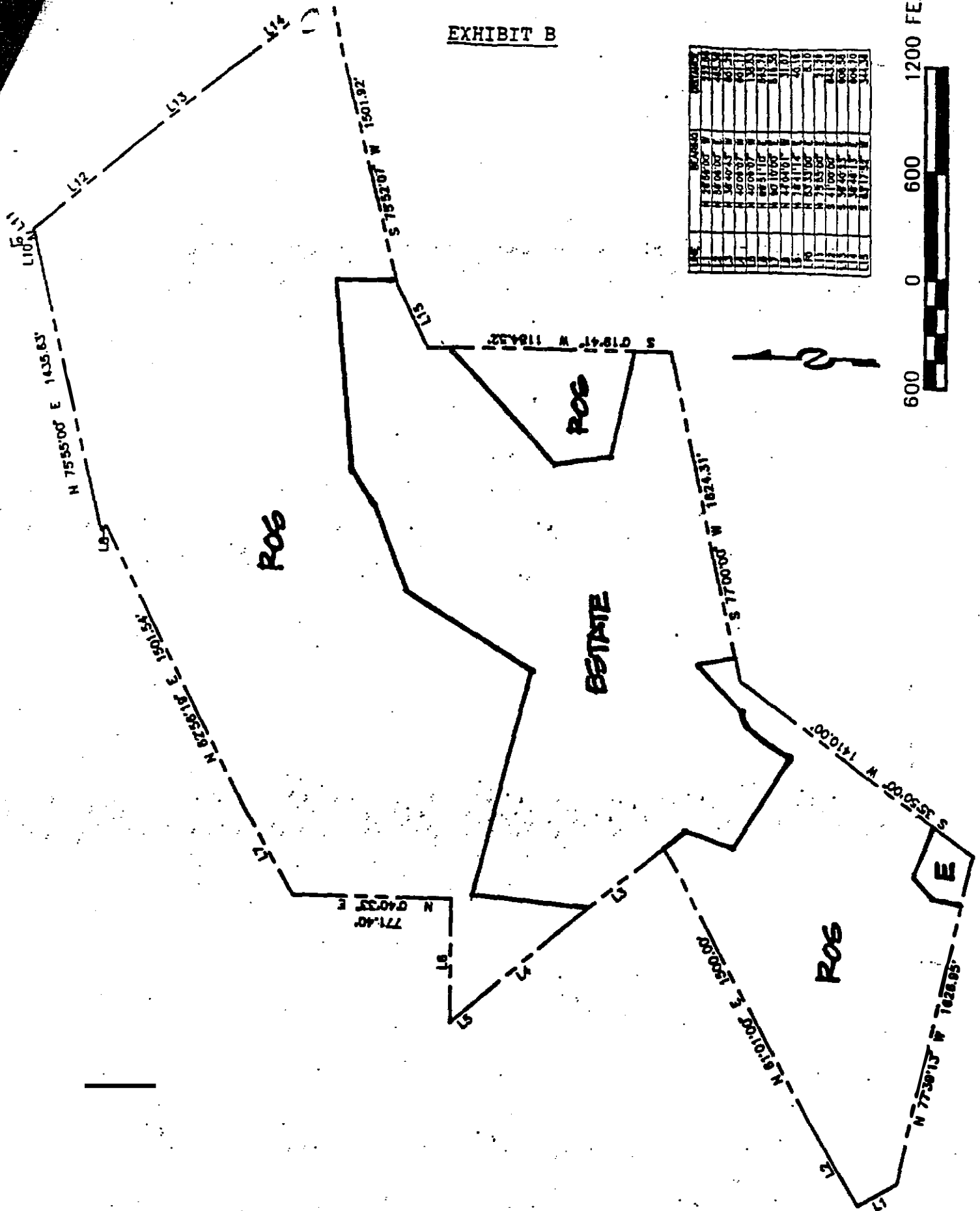
EXHIBIT A

HIDDEN MEADOWS SURVEY BOUNDARY

Beginning at a point North 00°19'41" East along the section line 295.82 feet from the east quarter corner of Section 10, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 77°00'00" West 1631.18 feet; thence South 35°30'00" West 1410.00 feet to the northeast corner of the Emma mining claim (Mineral Survey 3262); thence along the northerly end lines of the Emma, the Emily No. 2, and the Hope No. 2 mining claims (Mineral Survey 3262) North 77°39'13" West 1626.95 feet more or less; thence along the westerly end line of the Gasoline Alley No. 6 mining claim (Mineral Survey 6992) North 28°59'00" West 222.56 feet more or less; thence along the southerly side line of the Ina mining claim (Mineral Survey 5490) North 59°06'00" East 465.36 more or less along the southerly side line of the Bessie mining claim (Mineral Survey 5552) North 61°01'00" East 1500.00 feet more or less; thence along the easterly end line of the Bessie mining claim North 83°40'43" West 601.29 feet; thence along the easterly end line of the Little Bessie mining claim (Mineral Survey 5490) North 40°09'07" West 601.17 feet; thence along the easterly end line of the Sunrise mining claim (Mineral Survey 5490) North 40°09'07" West 135.53 feet more or less; thence along the south line of the north half of the northwest quarter of Section 10 North 89°51'10" East 595.76 feet; thence along the east line of the north half of the northwest quarter of Section 10 North 00°40'33" East 771.40 feet; thence along the northerly side line of the Woodrow No. 1 mining claim (Mineral Survey 6792) North 60°10'00" East 516.35 feet more or less; thence along the northerly side line of the Woodrow No. 2 mining claim North 62°56'19" East 1501.54 feet; thence along the westerly end line of the Glegg No. 1 mining claim (Mineral Survey 6792) North 44°04'01" West 31.07 feet; thence along the northerly side line of the Glegg No. 1 mining claim North 75°55'00" East 1435.63 feet more or less; thence along the southerly end line of the Potosi mining claim (Mineral Survey 6192) North 78°41'14" East 40.19 feet; thence along the easterly side line of the Potosi mining claim North 53°33'00" East 5.10 feet; thence along the northerly side line of the Glegg No. 1 mining claim North 75°55'00" East 21.29 feet more or less; thence along the easterly end line of the Glegg No. 1 mining claim South 41°00'00" East 643.43 feet more or less; thence along the easterly end line of the Glegg No. 2 mining claim South 39°40'23" East 608.58 feet; thence along the easterly end line of the Glegg No. 3 mining claim South 38°46'13" East 606.70 feet; thence along the southerly side line of the Glegg No. 3 mining claim South 75°52'07" West 1501.92 feet; thence along the southerly side line of the Glegg No. 6 mining claim South 63°17'52" West 344.36 feet; thence along the east line of Section 10 South 00°19'41" West 1178.19 feet to the point of beginning. Description contains 258.38 acres.

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EXHIBIT B

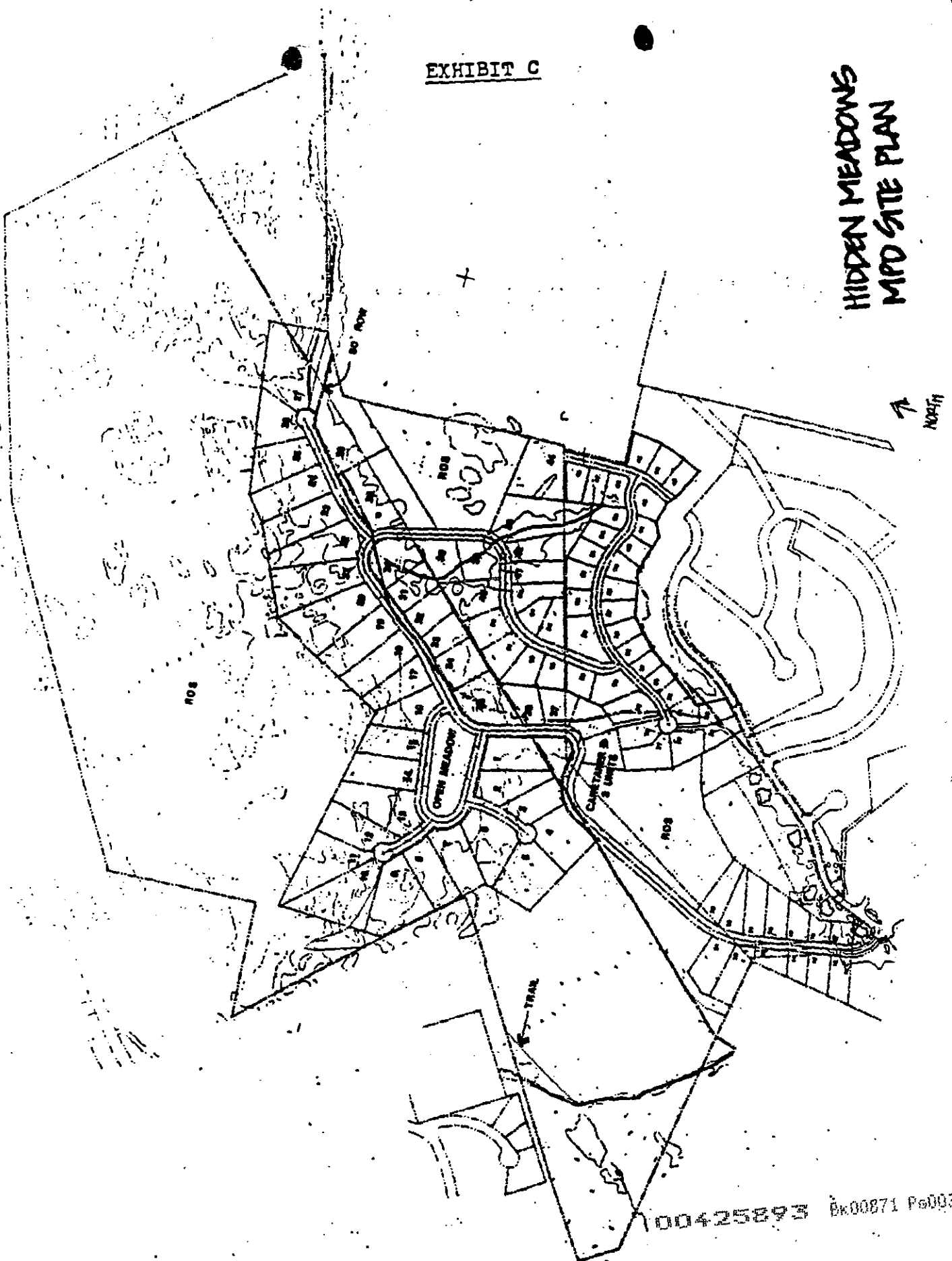


LINE	BEARING	DISTANCE	AREA
L1	N 77°30'13" W	7628.95'	711.24
L2	N 91°10'10" E	1500.00'	48.34
L3	S 35°30'00" W	1410.00'	60.34
L4	S 17°00'00" W	1824.31'	60.11
L5	S 01°41' W	1184.52'	138.33
L6	S 75°53'07" W	1501.92'	245.74
L7	N 04°03' E	771.40'	11.30
L8	N 62°58'18" E	1595.18'	11.01
L9	S 1°00'10" E	1595.18'	20.18
L10	N 75°55'00" E	1435.63'	81.0
L11	N 75°55'00" E	1435.63'	81.0
L12	N 75°55'00" E	1435.63'	81.0
L13	S 75°53'07" W	1501.92'	608.58
L14	S 75°53'07" W	1501.92'	608.58
L15	S 75°53'07" W	1501.92'	608.58
L16	S 75°53'07" W	1501.92'	608.58



EXHIBIT C

HIDDEN MEADOWS
MPD SITE PLAN



00425893 Bk00871 Pg00347

Exhibit D

Resolution No. 8-93

A RESOLUTION ADOPTING AFFORDABLE HOUSING GUIDELINES AND STANDARDS FOR PARK CITY, UTAH

WHEREAS, the City Council has identified affordable housing as a high priority in its work program for 1993 through 1995; and

WHEREAS, the City Council has adopted Resolution No. 37-91 on December 5, 1991 which established policies to support and increase affordable housing in Park City; and

WHEREAS, it is deemed in the best interest of the community to formulate guidelines and standards so that there are consistent and established criteria for review of project applications, annexation petitions, and other planning actions where affordable housing is an issue; and

WHEREAS, it is appropriate to base the following figures on standards in other resort communities, two Park City studies, HUD standards, and input from the Planning Commission Subcommittee on Affordable Housing;

NOW, THEREFORE BE IT RESOLVED that the City Council adopt the following:

SECTION 1. AFFORDABLE HOUSING STANDARDS AND GUIDELINES ADOPTED.

MINIMUM UNIT SIZE--STANDARD

studio	400 square feet
1 br	550 square feet
2 br	750 square feet
3 br	950 square feet
4 br	1,100 square feet

MAXIMUM RENT--GUIDELINE

studio	\$400
1 br	500
2 br	650
3 br	800
4 br	950

It is assumed that the affordable units will be in multifamily configuration. Modifications to the maximum rent guidelines may be made based upon such factors as housing configuration (detached), provision of a public benefit, or project amenities. These numbers will be adjusted annually in consideration of the CPI and rental

rates. The City Council will reevaluate the rent maximums every three years.

MAXIMUM CITY ASSISTANCE--STANDARD

\$5,000 regardless of unit size or configuration.

LIMITATION PERIOD--GUIDELINE

15 years regardless of unit size.

The limitation period may be varied based upon provision of a public benefit or other factors as negotiated by the City Council or Housing Authority.

ANNEXATION REQUIREMENTS--STANDARDS

10% minimum percent affordable housing.

2 bedroom standard unit size.

UNIT EQUIVALENTS FOR AFFORDABLE HOUSING--STANDARDS

studio	.50
1 br	.75
2 br	1.00
3 br	1.25
4 br	1.50

IN LIEU PAYMENTS FOR ANNEXATION AFFORDABLE HOUSING REQUIREMENT

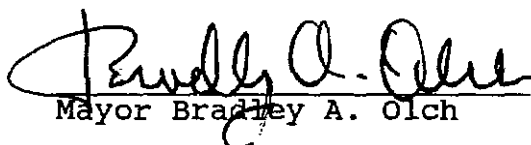
studio	\$30,000
1 br	45,000
2 br	60,000
3 br	75,000
4 br	90,000

The in lieu payment figures were derived from a recent estimate of the cost of providing one unit of affordable housing. The estimate of \$60,000 includes financing and title costs, construction costs, and contingency costs for a two bedroom unit. All other in lieu payments (for other sizes of units) are based upon the unit equivalents. These numbers will be adjusted annually in consideration of the CPI and estimates of affordable housing development costs. The City Council will reevaluate the in lieu amounts every three years.

SECTION 2. EFFECTIVE DATE. This Resolution shall become effective immediately.

PASSED AND ADOPTED this 18th day of March, 1993.

PARK CITY MUNICIPAL CORPORATION



Mayor Bradley A. Olch

2 of 2

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ADDRESS:

Park City Affordable Housing Project.

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PARK CITY PLANNING DEPARTMENT
MEMORANDUM

TO: PLANNING COMMISSION SUBCOMMITTEE ON AFFORDABLE HOUSING
FROM: SUSAN LYKES, PLANNER II *SL*
DATE: 5 AUGUST 1993
RE: CORNER PARCEL/HIDDEN MEADOWS ANNEXATION PETITION

As you know, the applicants for the Hidden Meadows Annexation have included the "Corner Parcel" in their annexation petition as an option for development of affordable housing, deferring to the city the decision on the inclusion of parcel in the annexation request. If annexed, the parcel would be the site of a dense, small-lot, single-family subdivision geared toward providing affordable housing for the area's "middle class." Otherwise, the applicants would pursue alternative options (which have not been specified) for provision of their eight-unit affordable housing requirement. The applicants' preferred option is the annexation of the Corner Parcel.

When the Hidden Meadows application was first received, the city was planning to move forward on the "East Corridor" Area Plan. The staff indicated that the city was not inclined to consider annexation of the Corner Parcel until such time as the area plan was completed. The area plan would determine if the affordable housing use is compatible within the context of the east corridor. Since that time, however, the Planning Commission has stated a priority of reviewing and revising the Comprehensive Plan. In addition, the Council has directed the staff to revise the Annexation Policy Declaration. The East Corridor Plan was therefore postponed because of a lack of staff time. Because of this, the staff is no longer requesting the deferral of the Corner Parcel annexation and master planning.

Up to this point, the Planning Commission review of Hidden Meadows has focused primarily on the basic question of annexation. Little emphasis has been placed upon other issues which will be important *if the project is to be annexed* but which are currently secondary to the annexation question. The staff would like the Affordable Housing Subcommittee to discuss the Corner Parcel in order to provide recommendations to the Planning Commission on the appropriateness of annexation of that parcel. The AHSC should discuss the following questions.

PLANNING ISSUES.

- The Corner Parcel has one tip adjacent to the city limits. However, the parcel is somewhat in the middle of nowhere in terms of development: the adjacent property within Park City is composed of a long strip of ROS property. Is this an appropriate place to encourage new development, particularly dense, single-family development?
- The provision of services to the Corner Parcel will imply that the city is willing to consider annexation and/or development in the east corridor area. At this time, development in that area has been stemmed by that fact that the city currently has no services extended to that area and has no plans to do so. Annexation of the Corner Parcel and extension of services could very well open Pandora's box. Is the affordable housing development worth the extension of services and the attendant development implications?
- Should the Commission consider an option whereby the Corner Parcel is annexed but may not be developed for a certain number of years? The timing of development could be dictated by the annexation agreement.

AFFORDABLE HOUSING ISSUES.

- While it may be unrealistic to expect to develop single-family affordable housing within the current city limits because of land prices, is it appropriate to be placing affordable housing on the fringes of the urban area?
- Is this type of affordable housing appropriately used to satisfy an annexation requirement?
- Will this type of housing just attract more Salt Lake families rather than provide for Park City needs? How can this be avoided?
- Should the city provide fee waivers for the development?
- Applicant Hank Rothwell argues that the size of the lots would be a natural restriction on the price of the lots and homes. Is the AHSC comfortable with this notion or should there be sales restrictions on the lots?
- Is this type of housing needed? (I believe that the AHSC has already determined that it is.)

This topic may be too extensive to resolve in one meeting; if this is the case, another meeting may be scheduled. If the AHSC feels that the Corner Parcel should be annexed concurrently with Hidden Meadows, the recommendation will be passed on the Planning Commission for their consideration.

The staff has asked applicants Hank Rothwell and Liz Josephson to attend the meeting in order to participate in the Corner Parcel discussion.

When recorded mail to:

Anita Sheldon, City Recorder
P.O. Box 1480
Park City, UT 84060

AMENDMENT TO THE HIDDEN MEADOWS ANNEXATION AGREEMENT

Whereas, the City Council has determined that it is in the best interest of the City to accept a payment in-lieu of the affordable housing requirement because the money will be used to facilitate the construction of a greater number of affordable housing units in other projects; and

Whereas, Blue Ledge has agreed to give to the City approximately fifty percent of the sale price of one lot as consideration for release of the obligation to build an affordable housing duplex on Lot 45;

NOW THEREFORE, this Agreement is made by and between Park City Municipal Corporation ("Park City") and Blue Ledge Corporation, a Utah corporation, (Blue Ledge) to amend the Hidden Meadows Annexation Agreement entered into on March 2, 1995 regarding the property more particularly described in "Exhibit A". In consideration of Park City's agreement to annex Blue Ledge's property and in consideration of the mutual promises contained herein, the parties agree that the terms and conditions of Hidden Meadows Annexation Agreement shall be amended to read as follows:

4. Density.

A. Underlying Density. The underlying density of Hidden Meadows is calculated as if the entire parcel is zoned Estate, with the Sensitive Lands Ordinance applied. The total density without bonuses or Royal Oaks reconfiguration shall be no greater than 35 lots.

B. Royal Oaks Phase II Reconfiguration Bonuses. Park City desires to reduce the visual impacts of Royal Oaks Phase II, as approved in 1991, and to maintain the hillside below the Oaks Clubhouse in as natural a state as possible. In order to achieve this, Park City agrees to grant density bonuses to Blue Ledge on the Hidden Meadows property in consideration for the relocation of the most visually obtrusive Royal Oaks Phase II lots. Nine lots shall be moved from Royal Oaks Phase II to the Hidden Meadows property; an additional nine lots shall be granted to Blue Ledge as a bonus for accommodating the reconfiguration. Reference Exhibit C.

C. Total Density. The total density on the Hidden Meadows Property shall be ~~53~~ ⁵⁴ lots. Nine of these lots shall be part of Royal Oaks Phase II; the remaining ~~44~~ ⁴⁵ lots shall be Hidden

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ALAN SPRIGGS, SUMMIT COUNTY RECORDER
1995 MAY 24 09:39 AM FEE \$1.00 BY DMS
REQUEST: PARK CITY MUNICIPAL CORP

Meadows lots. The density shall comply with the provisions of the Sensitive Lands Ordinance, with the exception of the bonus and Royal Oaks Phase II lots.

D. Alternate Density. Hidden Meadows Property shall not receive any plat approvals until the developers of Royal Oaks Phase II have received Planning Commission approval for a final plat to reconfigure the Royal Oaks Phase II deleting nine lots as shown conceptually in Exhibit C. If the developers of Royal Oaks Phase II have not recorded that plat within eighteen months of adoption of this agreement, the underlying zoning of Estate (E) and Recreation Open Space (ROS) shall dictate the density of the Hidden Meadows parcel, with no bonuses granted.

9. Affordable Housing. In consideration of the foregoing, Blue Ledge shall pay Park City \$364,000 as follows: provide 4.4 affordable unit equivalents as required by Resolution 8-93 as provided in Exhibit D

A. Payment in Lieu. Prior to final plat recordation, Blue Ledge shall pay \$264,000 to Park City which shall satisfy its affordable housing obligation for 4.4 affordable unit equivalents.

B. Lot 45. Blue Ledge shall pay \$100,000 to Park City within 2 years of Phase I final plat recordation as consideration for retaining ownership and single-family use of Lot 45. Blue Ledge shall execute and record a lien and promissory note on Lot 45 to Park City's satisfaction. Blue Ledge hereby grants to Park City a right of first refusal to purchase Lot 45 at the price of \$215,000. Such right shall expire 30 days after Blue Ledge provides written notice to Park City of the first bona fide offer of purchase for Lot 45 which culminates in a sale at or near appraised value.

A. Duplex Units. Two affordable rental units shall be provided in duplex configuration in conjunction with the Hidden Meadows project. These units shall comply with Resolution 8-93. Unit size, occupancy and affordable housing restrictions on the units shall be reviewed by the Planning Commission concurrent with final plat approval. The Commission shall make a recommendation to the Park City Housing Authority (Housing Authority) on the general terms of a Moderate Income Rental Program Agreement (MIRPA). The approval of the MIRPA by the Housing Authority is a condition of final plat approval.

B. Remaining Requirement. The remaining affordable housing requirement shall be provided through in-lieu payment or by other methods reviewed and approved by the Housing Authority. The Planning Commission shall review proposals for satisfying the remaining requirement during subdivision review and shall make a recommendation on the method and parameters to the Housing Authority. The Housing Authority shall approve a MIRPA as a condition of final plat approval.

C. Security Required. Security for the entire 4.4 affordable housing unit requirement totalling \$264,000 shall be posted prior to plat recordation.

~~D. Deadlines.~~

- ~~i. Duplex Units. The duplex units described in sub-paragraph 9.A. must be one of the first five structures in the subdivision to receive building permits and must be approved for occupancy within 18 months of the building permit issuance for the duplex unit. If the duplex units do not meet these conditions, the security for affordable housing, together with accrued interest, shall be forfeited to the Housing Authority.~~
- ~~ii. Other Units. The units described in Paragraph 9.B. must be constructed within two years of plat recordation. If this condition is not satisfied, the security for affordable housing, together with accrued interest, shall be paid over to the Housing Authority.~~
- ~~iii. Security. If all affordable units are built prior to the respective deadlines, the security for affordable housing, together with interest, shall be returned to Blue Ledge.~~

~~E. Fee Waivers. Affordable housing fee waivers outlined in Resolution 8-93 (Exhibit D) shall not be available for affordable housing built in conjunction with the requirement for affordable housing set forth in paragraph 9.~~

Dated this 16th day of May, 1995.

BLUE LEDGE CORPORATION

By: Hank Rothwell
Its: President

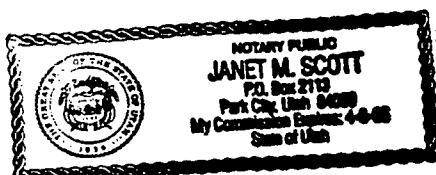
CORPORATE ACKNOWLEDGMENT

STATE OF UTAH)

: ss.

County of Summit)

On the 16 day of May, 1995, personally appeared before me HANK ROTHWELL, who did say that he/she is the PRESIDENT of Blue Ledge Corporation, and that the foregoing Agreement was signed in behalf of said corporation by authority of a resolution of its board of directors; and said person acknowledged to me that said corporation executed the same.



Janet M. Scott
NOTARY PUBLIC

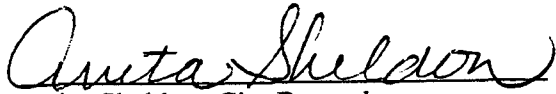
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PARK CITY MUNICIPAL CORPORATION


Bradley A. Orr, Mayor

Attest:


Anita Sheldon, City Recorder

Approved as to Form:

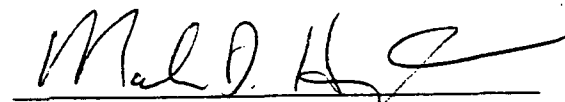

Mark D. Harrington, Asst. City Attorney

EXHIBIT A

HIDDEN MEADOWS SURVEY BOUNDARY

Beginning at a point North $00^{\circ}19'41''$ East along the section line 295.82 feet from the east quarter corner of Section 10, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South $77^{\circ}00'00''$ West 1631.18 feet; thence South $35^{\circ}30'00''$ West 1410.00 feet to the northeast corner of the Emma mining claim (Mineral Survey 3262); thence along the northerly end lines of the Emma, the Emily No. 2, and the Hope No. 2 mining claims (Mineral Survey 3262) North $77^{\circ}39'13''$ West 1626.95 feet more or less; thence along the westerly end line of the Gasoline Alley No. 6 mining claim (Mineral Survey 6992) North $28^{\circ}59'00''$ West 222.56 feet more or less; thence along the southerly side line of the Ina mining claim (Mineral Survey 5490) North $59^{\circ}06'00''$ East 465.36 more or less along the southerly side line of the Bessie mining claim (Mineral Survey 5552) North $61^{\circ}01'00''$ East 1500.00 feet more or less; thence along the easterly end line of the Bessie mining claim North $83^{\circ}40'43''$ West 601.29 feet; thence along the easterly end line of the Little Bessie mining claim (Mineral Survey 5490) North $40^{\circ}09'07''$ West 601.17 feet; thence along the easterly end line of the Sunrise mining claim (Mineral Survey 5490) North $40^{\circ}09'07''$ West 135.53 feet more or less; thence along the south line of the north half of the northwest quarter of Section 10 North $89^{\circ}51'10''$ East 595.76 feet; thence along the east line of the north half of the northwest quarter of Section 10 North $00^{\circ}40'33''$ East 771.40 feet; thence along the northerly side line of the Woodrow No. 1 mining claim (Mineral Survey 6792) North $60^{\circ}10'00''$ East 516.35 feet more or less; thence along the northerly side line of the Woodrow No. 2 mining claim North $62^{\circ}56'19''$ East 1501.54 feet; thence along the westerly end line of the Glegg No. 1 mining claim (Mineral Survey 6792) North $44^{\circ}04'01''$ West 31.07 feet; thence along the northerly side line of the Glegg No. 1 mining claim North $75^{\circ}55'00''$ East 1435.63 feet more or less; thence along the southerly end line of the Potosi mining claim (Mineral Survey 6192) North $78^{\circ}41'14''$ East 40.19 feet; thence along the easterly side line of the Potosi mining claim North $53^{\circ}33'00''$ East 5.10 feet; thence along the northerly side line of the Glegg No. 1 mining claim North $75^{\circ}55'00''$ East 21.29 feet more or less; thence along the easterly end line of the Glegg No. 1 mining claim South $41^{\circ}00'00''$ East 643.43 feet more or less; thence along the easterly end line of the Glegg No. 2 mining claim South $39^{\circ}40'23''$ East 608.58 feet; thence along the easterly end line of the Glegg No. 3 mining claim South $38^{\circ}46'13''$ East 606.70 feet; thence along the southerly side line of the Glegg No. 3 mining claim South $75^{\circ}52'07''$ West 1501.92 feet; thence along the southerly side line of the Glegg No. 6 mining claim South $63^{\circ}17'52''$ West 344.36 feet; thence along the east line of Section 10 South $00^{\circ}19'41''$ West 1178.19 feet to the point of beginning. Description contains 258.38 acres.

00430356 Bk00825 Pg00172

When recorded mail to:
Anita Sheldon, City Recorder
P.O. Box 1480
Park City, UT 84060

HIDDEN MEADOWS ANNEXATION AGREEMENT

THIS AGREEMENT is made by and between Park City Municipal Corporation ("Park City") and Blue Ledge Corporation, a Utah corporation, (Blue Ledge) to set forth the terms and conditions under which Park City will annex land owned by Blue Ledge into the corporate limits of Park City, and extend municipal services to that property. This agreement is made under authority of Utah Code Annotated §10-2-414, (1953, as amended) and shall serve as part of a supplemental annexation policy declaration when executed by all parties. In consideration of Park City's agreement to annex Blue Ledge's property and in consideration of the mutual promises contained herein, the parties agree that the terms and conditions of annexation shall be as follows:

1. Property. The property to be annexed is described on the attached Exhibit A, and is referred to herein as the Hidden Meadows Property.

2. Zoning. Upon annexation, the Hidden Meadows property will become subject to the Park City Land Management Code, Subdivision Regulations, Sensitive Lands Ordinance, and all other Park City ordinances and building regulations. The property will be zoned in two areas as shown on the annexation plat for the property, which is incorporated into this agreement as Exhibit B. The open hillsides outside of the development area will be zoned RECREATION OPEN SPACE (ROS). The developed area will be zoned ESTATE (E), with maximum density as outlined in Paragraph 4 of this agreement. It is understood that the underlying zone for the entire parcel for the purpose of density calculations is Estate (E) and that the open space areas will be zoned Recreation Open Space (ROS) to ensure the area remains in open space.

3. Master Plan Approval. The Planning Commission has approved a master plan as part of the action on the annexation. The density, road and lot locations, open space and other parameters of the project shall be consistent with the master plan approval as shown in Exhibit C. The master plan approval is contingent upon approval of this agreement by the City Council. The MPD approval is valid for two years from the date of the Royal Oaks Phase II plat recordation.

4. Density.

A. Underlying Density. The underlying density of Hidden Meadows is calculated as if the entire parcel is zoned Estate, with the Sensitive Lands Ordinance applied. The total density without bonuses or Royal Oaks reconfiguration shall be no greater than 35 lots.

B. Royal Oaks Phase II Reconfiguration Bonuses. Park City desires to reduce the visual impacts of Royal Oaks Phase II, as approved in 1991, and to maintain the hillside below the Oaks Clubhouse in as natural a state as possible. In order to achieve this, Park City agrees to grant density bonuses to Blue Ledge on the Hidden Meadows property in consideration for the relocation of the most visually obtrusive Royal Oaks Phase II lots. Nine lots shall be moved from Royal Oaks Phase II to the Hidden Meadows property; an additional nine lots shall be granted to Blue Ledge as a bonus for accommodating the reconfiguration. Reference Exhibit C.

C. Total Density. The total density on the Hidden Meadows Property shall be 53 lots. Nine of these lots shall be part of Royal Oaks Phase II; the remaining 44 lots shall be Hidden Meadows lots. The density shall comply with the provisions of the Sensitive Lands Ordinance, with the exception of the bonus and Royal Oaks Phase II lots.

D. Alternate Density. Hidden Meadows Property shall not receive any plat approvals until the developers of Royal Oaks Phase II have received Planning Commission approval for a final plat to reconfigure the Royal Oaks Phase II deleting nine lots as shown conceptually in Exhibit C. If the developers of Royal Oaks Phase II have not recorded that plat within eighteen months of adoption of this agreement, the underlying zoning of Estate (E) and Recreation Open Space (ROS) shall dictate the density of the Hidden Meadows parcel, with no bonuses granted.

5. Site Planning. The configuration of the Hidden Meadows Property shall be substantially as shown in Exhibit C and as described in the MPD approval.

6. Trails and Sidewalks. A trails plan shall be approved concurrently with the preliminary plat and shall conform to the MPD approval. The trails shall be dedicated to Park City in the final plat. Park City reserves the right to develop additional trails in any open space areas which are dedicated to Park City.

7. Open Space. The Hidden Meadows Property open space shall be as shown in Exhibit C.

A. Ownership. Blue Ledge shall by statutory warranty deed transfer land designated as Recreational Open Space (ROS) to the City in fee simple. Blue Ledge hereby warrants marketable title to the entire area designated ROS in Exhibit C.

B. Use Restrictions and Preservation. The open space areas shall be subject to a restriction which will ensure the perpetual preservation of the open space and restrict the uses of the parcels. This restriction may take the form of a deed restriction, conservation easement, or some other mechanism acceptable to the City Attorney.

C. Maintenance. Open space shall be maintained by the entity holding fee title to the property unless other provisions have been made by agreement or as conditions of plat approval.

8. Fire Safety. Exterior and interior fire sprinklers are required. Wood roofs are prohibited.

9. Affordable Housing. In consideration of the foregoing, Blue Ledge shall provide 4.4 affordable unit equivalents as required by Resolution 8-93 as provided in Exhibit D.

A. Duplex Units. Two affordable rental units shall be provided in duplex configuration in conjunction with the Hidden Meadows project. These units shall comply with Resolution 8-93. Unit size, occupancy and affordable housing restrictions on the units shall be reviewed by the Planning Commission concurrent with final plat approval. The Commission shall make a recommendation to the Park City Housing Authority (Housing Authority) on the general terms of a Moderate Income Rental Program Agreement (MIRPA). The approval of the MIRPA by the Housing Authority is a condition of final plat approval.

B. Remaining Requirement. The remaining affordable housing requirement shall be provided through in-lieu payment or by other methods reviewed and approved by the Housing Authority. The Planning Commission shall review proposals for satisfying the remaining requirement during subdivision review and shall make a recommendation on the method and parameters to the Housing Authority. The Housing Authority shall approve a MIRPA as a condition of final plat approval.

C. Security Required. Security for the entire 4.4 affordable housing unit requirement totalling \$264,000 shall be posted prior to plat recordation.

D. Deadlines.

- i. Duplex Units. The duplex units described in sub-paragraph 9.A. must be one of the first five structures in the subdivision to receive building permits and must be approved for occupancy within 18 months of the building permit issuance for the duplex unit. If the duplex units do not meet these conditions, the security for affordable housing, together with accrued interest, shall be forfeited to the Housing Authority.
- ii. Other Units. The units described in Paragraph 9.B. must be constructed within two years of plat recordation. If this condition is not satisfied, the security for affordable housing, together with accrued interest, shall be paid over to the Housing Authority.
- iii. Security. If all affordable units are built prior to the respective deadlines, the security for affordable housing, together with interest, shall be returned to Blue Ledge.

E. Fee Waivers. Affordable housing fee waivers outlined in Resolution 8-93 (Exhibit D) shall not be available for affordable housing built in conjunction with the requirement for affordable housing set forth in paragraph 9.

10. Roads and Road Design. All streets and roads within the Hidden Meadows property shall be public and public access may not be obstructed. All streets and roads, excluding the cul de sacs and the meadow loop road, must be platted and built in the first phase of the development. Park City agrees to consider road designs submitted by registered engineers on Blue Ledge's behalf, and agrees that roads within the project will be required to meet Park City standards for residential and collector streets, including adequate provisions for construction traffic.

A. The road traversing the hillside below the Oaks Clubhouse shall have a minimum width of twenty-four feet from back of curb to back of curb, with a ten-foot shoulder on each side. The road design will be rigorously reviewed by the staff for retaining walls, landscaping, and irrigation which will minimize the visual impact of the road crossing. This road shall have a very confined limit of disturbance, particularly on the downhill side, in order to retain as much of the natural screening as possible.

11. Future Rights-of-Way. The subdivision plat for the Hidden Meadows Property shall show a right-of-way, of at least fifty feet in width, on the east edge of the property bordering the Gillmor parcel in the general location of the existing dirt road. The right-of-way shall not be improved for public vehicular traffic until a review of the Park City Annexation Declaration Policy and Comprehensive Plan is completed and the use of the right-of-way is determined to be appropriate and desirable as a result of such comprehensive review. Blue Ledge, as the developer, shall have no obligation now or in the future to construct or pay for the construction of this road beyond the cul-de-sac bulb; provided that if Blue Ledge still owns lots at such time as a special improvement district is formed for that purpose, Blue Ledge would be subject to assessment on the same basis as other lot owners.

12. Sanitary Sewer. Alignment of the sanitary sewer through Chatham Crossing is subject to Park City review and approval prior to and after final design. Blue Ledge shall submit a revegetation plan for the disturbance associated with the installation of the sanitary sewer. This plan shall be approved by the staff prior to commencement of sanitary sewer construction.

13. Dedication of Water Rights. In consideration of the benefits incurred to Park City in the January 22, 1992 "Agreement between Park City Municipal Corporation and United Park City Mines Company Consenting to a Sale of Surplus Salt Lake City Water," Park City will not require dedication of water rights by Blue Ledge as a condition of annexation of the Hidden Meadows property.

14. Water Connection and Development Fees and Other Water Costs. As each building permit is obtained for individual houses within the subdivision, the owner shall pay the Park City water connection and development fees as provided by the Park City ordinance in effect at the time of application for building permits. Because there is no longer desirable distribution capacity in the Oaks Tank, Blue Ledge shall be required to pay a City approved portion of the cost of a pump station to send water from the Chatham area to the Solamere area.

15. Homeowners Association. A Homeowners Association shall be formed to maintain trails and any common open space under the ownership of the association.

16. Park Development Fees. Blue Ledge shall pay and agrees not to contest Parks and Recreation fees in the amount of \$1035 per Hidden Meadows lot prior to final plat recordation. However, pursuant to Paragraph 7 of this Agreement, Blue Ledge is dedicating substantial open space to Park City. Accordingly, all or part of the Park and Recreation fees may be waived by Park City in an amount to be determined by the Park City Parks, Recreation and Beautification Board. The potential for a fee waiver shall be scheduled on the first available agenda of the Park City Parks, Recreation and Beautification Board upon the execution of this Agreement. Blue Ledge shall not be responsible for payment of Parks and Recreation fees for the nine Royal Oaks Phase II lots located on Blue Ledge Property.

17. Planning Review Fees. Blue Ledge shall be responsible for all subdivision approval fees as deemed appropriate by the Community Development Director. Blue Ledge shall not be responsible for payment of fees for the nine Royal Oaks lots located on the Hidden Meadows parcel.

18. Impact and Building Fees. Blue Ledge or successor owners of lots will pay and not contest all generally applicable impact (including school facilities impact fees), building permit, and plan check fees due for construction on the annexed land as provided by Park City ordinance in effect at the time of application for building permits.

19. Acceptance of Public Improvements. Park City will accept title to the public improvements within each phase of the project upon final approval of the construction for each phase. Blue Ledge shall pay for the usage of water in each phase sufficient, in the opinion of the Park City Public Works Director, to avoid freezing of water lines until homes have been built on 23 lots (or 50% of the lots) in that phase.

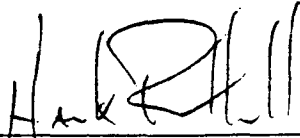
20. Snow Removal and Storage. Park City is not obligated to take over snow removal responsibility on public streets within Hidden Meadows Property until at least 23 lots in the Hidden Meadows Subdivision exclusive of the Nine Royal Oaks Phase II Lots) have been improved by the construction of a house on those lots as evidenced by issuance of a certificate of occupancy on those lots. Until that occurs, snow removal shall be Blue Ledge's responsibility, or that of the homeowners' association. Because of the project location within a drift line and on a north-facing slope, a ten-foot snow storage easement shall be provided on either side of all streets within Hidden Meadows.

21. Governing Law. This agreement shall be governed by the laws of Utah.

22. Full Agreement. This agreement contains the full and complete agreement of the parties regarding the annexation and there are no other agreements in regard to the annexation of the Hidden meadows Property. This agreement may only be modified or varied by in writing signed by the parties.

Dated this 2nd day of March, 1995.

BLUE LEDGE CORPORATION


By: _____
Its: President

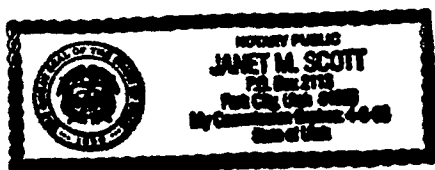
CORPORATE ACKNOWLEDGMENT

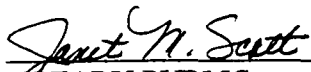
STATE OF UTAH)

: ss.

County of Summit)

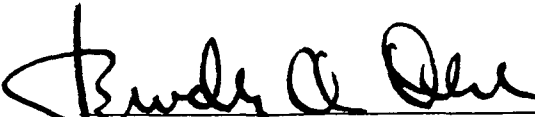
On the 3 day of March, 1995, personally appeared before me
HANK ROTHWELL who did say that he/she is the
PRESIDENT of Blue Ledge Corporation, and that the foregoing Agreement was
signed in behalf of said corporation by authority of a resolution of its board of directors; and said
person acknowledged to me that said corporation executed the same.





NOTARY PUBLIC

PARK CITY MUNICIPAL CORPORATION



Bradley A. Olson, Mayor

Attest:

Anita Sheldon
Anita Sheldon, City Recorder

Approved as to Form:

Mark D. Harrington
Mark D. Harrington, Asst. City Attorney

Exhibit A - Legal description of property to be annexed

Exhibit B - Annexation plat (estimated reduction - original recorded w/ Summit County Recorder)

Exhibit C - Site plan per approved MPD (reduction)

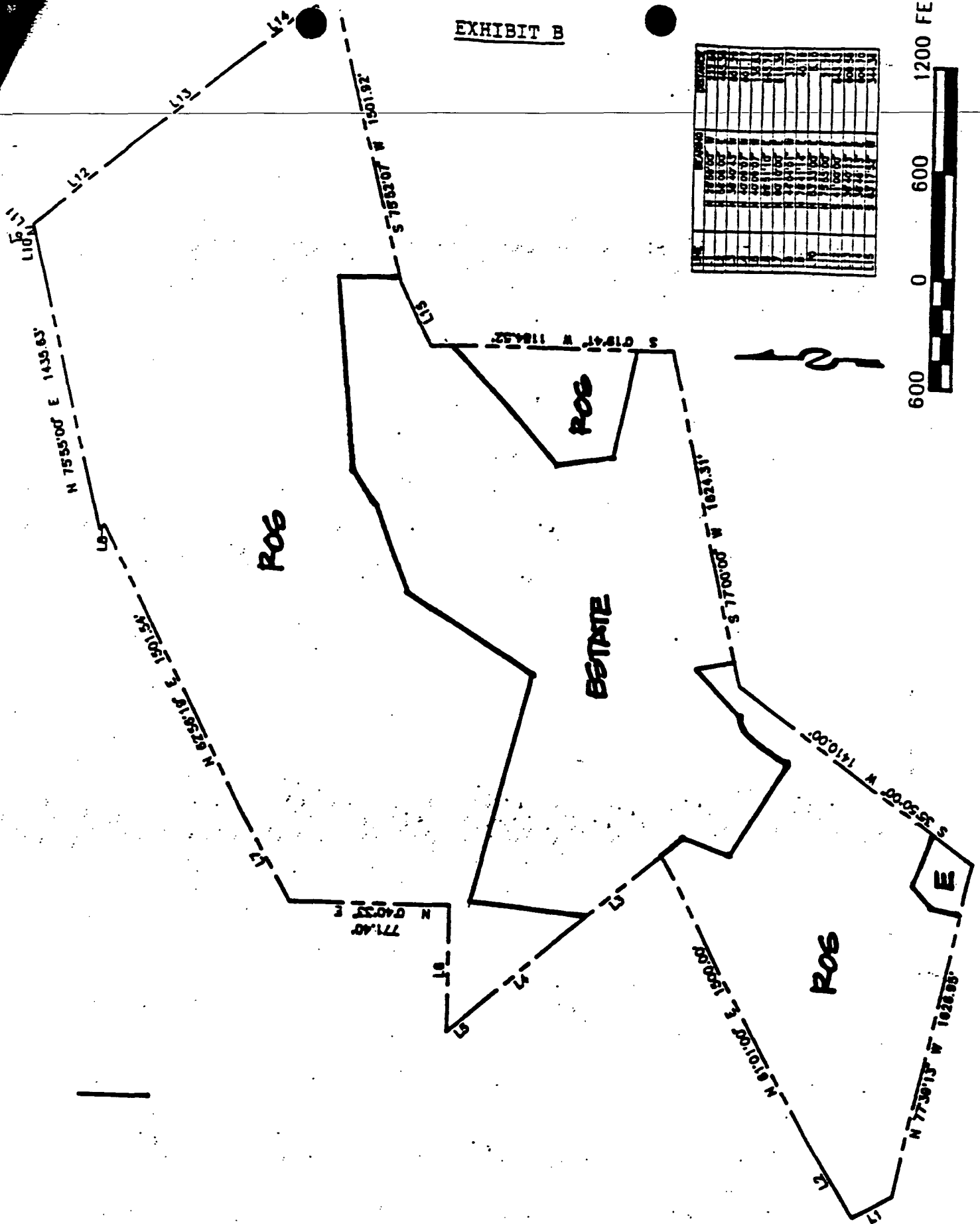
Exhibit D - Resolution 8-93

EXHIBIT A

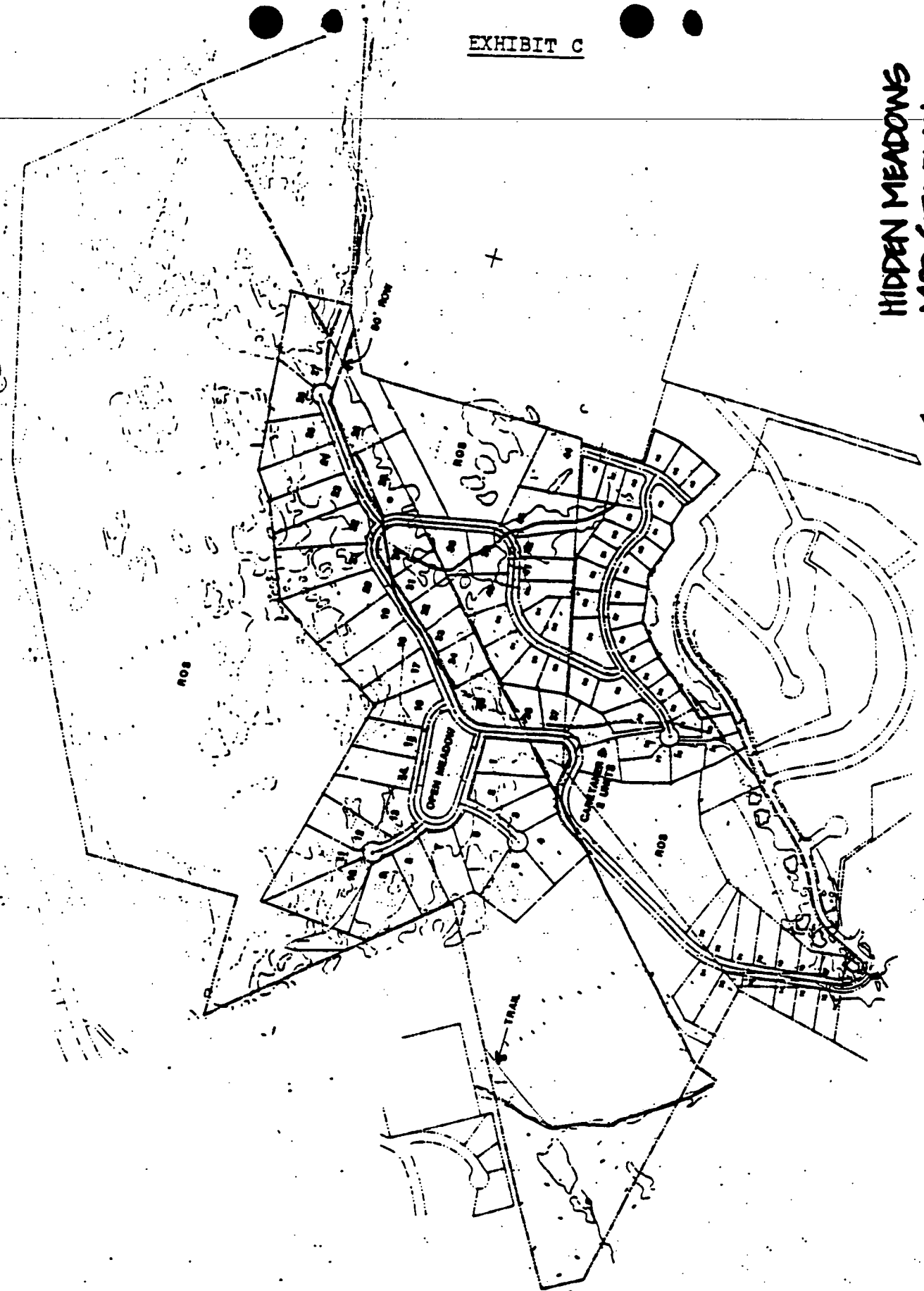
HIDDEN MEADOWS SURVEY BOUNDARY

Beginning at a point North 00°19'41" East along the section line 295.82 feet from the east quarter corner of Section 10, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 77°00'00" West 1631.18 feet; thence South 35°30'00" West 1410.00 feet to the northeast corner of the Emma mining claim (Mineral Survey 3262); thence along the northerly end lines of the Emma, the Emily No. 2, and the Hope No. 2 mining claims (Mineral Survey 3262) North 77°39'13" West 1626.95 feet more or less; thence along the westerly end line of the Gasoline Alley No. 6 mining claim (Mineral Survey 6992) North 28°59'00" West 222.56 feet more or less; thence along the southerly side line of the Ina mining claim (Mineral Survey 5490) North 59°06'00" East 465.36 more or less along the southerly side line of the Bessie mining claim (Mineral Survey 5552) North 61°01'00" East 1500.00 feet more or less; thence along the easterly end line of the Bessie mining claim North 83°40'43" West 601.29 feet; thence along the easterly end line of the Little Bessie mining claim (Mineral Survey 5490) North 40°09'07" West 601.17 feet; thence along the easterly end line of the Sunrise mining claim (Mineral Survey 5490) North 40°09'07" West 135.53 feet more or less; thence along the south line of the north half of the northwest quarter of Section 10 North 89°51'10" East 595.76 feet; thence along the east line of the north half of the northwest quarter of Section 10 North 00°40'33" East 771.40 feet; thence along the northerly side line of the Woodrow No. 1 mining claim (Mineral Survey 6792) North 60°10'00" East 516.35 feet more or less; thence along the northerly side line of the Woodrow No. 2 mining claim North 62°56'19" East 1501.54 feet; thence along the westerly end line of the Glegg No. 1 mining claim (Mineral Survey 6792) North 44°04'01" West 31.07 feet; thence along the northerly side line of the Glegg No. 1 mining claim North 75°55'00" East 1435.63 feet more or less; thence along the southerly end line of the Potosi mining claim (Mineral Survey 6192) North 78°41'14" East 40.19 feet; thence along the easterly side line of the Potosi mining claim North 53°33'00" East 5.10 feet; thence along the northerly side line of the Glegg No. 1 mining claim North 75°55'00" East 21.29 feet more or less; thence along the easterly end line of the Glegg No. 1 mining claim South 41°00'00" East 643.43 feet more or less; thence along the easterly end line of the Glegg No. 2 mining claim South 39°40'23" East 608.58 feet; thence along the easterly end line of the Glegg No. 3 mining claim South 38°46'13" East 606.70 feet; thence along the southerly side line of the Glegg No. 3 mining claim South 75°52'07" West 1501.92 feet; thence along the southerly side line of the Glegg No. 6 mining claim South 63°17'52" West 344.36 feet; thence along the east line of Section 10 South 00°19'41" West 1178.19 feet to the point of beginning. Description contains 258.38 acres.

EXHIBIT B



HIDDEN MEADOWS
MPD SITE PLAN



Resolution No. 8-93

**A RESOLUTION ADOPTING AFFORDABLE HOUSING
GUIDELINES AND STANDARDS FOR
PARK CITY, UTAH**

WHEREAS, the City Council has identified affordable housing as a high priority in its work program for 1993 through 1995; and

WHEREAS, the City Council has adopted Resolution No. 37-91 on December 5, 1991 which established policies to support and increase affordable housing in Park City; and

WHEREAS, it is deemed in the best interest of the community to formulate guidelines and standards so that there are consistent and established criteria for review of project applications, annexation petitions, and other planning actions where affordable housing is an issue; and

WHEREAS, it is appropriate to base the following figures on standards in other resort communities, two Park City studies, HUD standards, and input from the Planning Commission Subcommittee on Affordable Housing;

NOW, THEREFORE BE IT RESOLVED that the City Council adopt the following:

SECTION 1. AFFORDABLE HOUSING STANDARDS AND GUIDELINES
ADOPTED.

MINIMUM UNIT SIZE--STANDARD

studio	400 square feet
1 br	550 square feet
2 br	750 square feet
3 br	950 square feet
4 br	1,100 square feet

MAXIMUM RENT--GUIDELINE

studio	\$400
1 br	500
2 br	650
3 br	800
4 br	950

It is assumed that the affordable units will be in multifamily configuration. Modifications to the maximum rent guidelines may be made based upon such factors as housing configuration (detached), provision of a public benefit, or project amenities. These numbers will be adjusted annually in consideration of the CPI and rental

rates. The City Council will reevaluate the rent maximums every three years.

MAXIMUM CITY ASSISTANCE--STANDARD

\$5,000 regardless of unit size or configuration.

LIMITATION PERIOD--GUIDELINE

15 years regardless of unit size.

The limitation period may be varied based upon provision of a public benefit or other factors as negotiated by the City Council or Housing Authority.

ANNEXATION REQUIREMENTS--STANDARDS

10% minimum percent affordable housing.

2 bedroom standard unit size.

UNIT EQUIVALENTS FOR AFFORDABLE HOUSING--STANDARDS

studio	.50
1 br	.75
2 br	1.00
3 br	1.25
4 br	1.50

IN LIEU PAYMENTS FOR ANNEXATION AFFORDABLE HOUSING
REQUIREMENT

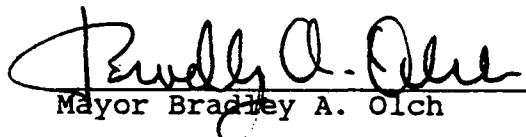
studio	\$30,000
1 br	45,000
2 br	60,000
3 br	75,000
4 br	90,000

The in lieu payment figures were derived from a recent estimate of the cost of providing one unit of affordable housing. The estimate of \$60,000 includes financing and title costs, construction costs, and contingency costs for a two bedroom unit. All other in lieu payments (for other sizes of units) are based upon the unit equivalents. These numbers will be adjusted annually in consideration of the CPI and estimates of affordable housing development costs. The City Council will reevaluate the in lieu amounts every three years.

SECTION 2. EFFECTIVE DATE. This Resolution shall become effective immediately.

PASSED AND ADOPTED this 18th day of March, 1993.

PARK CITY MUNICIPAL CORPORATION



Mayor Bradley A. Olch

SURVEYOR'S CERTIFICATE

I, John Demkowicz, do hereby certify that I am a registered Land Surveyor and that I hold Certificate No. 163931 as prescribed under the laws of the State of Utah. I have made a survey of the tract of land shown and described herein and subdivided said tract of land into lots, public easements, ROS parcels and public right-of-ways to be hereafter known as HIDDEN MEADOW SUBDIVISION PHASE 1 and that the same has been correctly surveyed on the ground as shown on this plat.

John Demkowicz
JOHN DEMKOWICZ L.S. NO. 163931

8-24-95
DATE



BOUNDARY DESCRIPTION

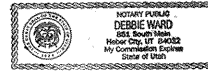
Beginning at a point on the northerly end line of the Emma mining claim North 77° 39' 13" West 251.53 feet from the Northeast corner of the Emma mining claim, said point is located North 4133.38 feet and East 2713.23 feet from the East Quarter corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence along the northerly end of the Emma, the Emily No. 2, and the Hope No. 2 mining claims (Mineral Survey 3262) North 77° 39' 13" West 1375.42 feet more or less; thence along the westerly end line of the Gasoline Alley No. 6 mining claim (Mineral Survey 6992) North 28° 58' 00" West 222.56 feet more or less; thence along the southerly side line of the Emma mining claim (Mineral Survey 5490) North 59° 06' 00" East 465.36 feet more or less; thence along the southerly side line of the Bessie mining claim (Mineral Survey 5552) North 61° 01' 00" East 1500.00 feet more or less; thence along the easterly end line of the Bessie mining claim North 38° 40' 43" West 14.26 feet; thence along the Chatham Crossing Subdivision boundary (Recorded Instrument Number 179465 in the Office of the Summit County Recorder) the following four courses: 1) North 61° 10' 55" East (Plat North 61° 05' 56" East) 48.56 feet; thence 2) North 41° 14' 05" West (Plat North 41° 19' 02" West) 1317.38 feet; thence 3) South 89° 55' 03" East (Plat East) 595.29 feet; thence 4) North 0° 04' 57" East (Plat North) 785.35 feet; thence along the northerly side line of the Woodrow No. 1 mining claim (Mineral Survey 6792) North 60° 10' 00" East 509.54 feet more or less; thence along the northerly side line of the Woodrow No. 2 mining claim North 52° 55' 19" East 1501.54 feet; thence along the westerly end line of the Glegg No. 1 mining claim (Mineral Survey 6792) North 44° 04' 01" West 31.07 feet; thence along the northerly side line of the Glegg No. 1 mining claim North 75° 55' 00" East 1435.63 feet more or less; thence along the southerly end line of the Potosi mining claim (Mineral Survey 6192) North 78° 41' 14" East 40.19 feet; thence along easterly side line of the Potosi mining claim North 53° 33' 00" East 5.10 feet; thence along the northerly side line of the Glegg No. 1 mining claim North 75° 55' 00" East 21.29 feet more or less; thence along the easterly end line of the Glegg No. 1 mining claim South 41° 00' 00" East 158.14 feet more or less; thence along the west line of the east half of the southwest quarter of the southwest quarter of section 2 South 00° 29' 39" West 656.87 feet more or less; thence along the North line of Section 11 North 88° 47' 03" West 664.97 feet more or less to the Northwest corner of Section 11; thence South 0° 57' 03" West 714.42 feet; thence South 70° 48' 36" West 20.35 feet; thence South 89° 32' 18" West 124.80 feet; thence South 07° 11' 05" East 317.18 feet to a point on a 50.00 foot radius curve to the right, whose radius point bears South 04° 46' 56" East, thence along the arc of said curve 42.48 feet thru a central angle of 48° 40' 36" to a point on a 15.00 foot radius curve to the left, whose radius point bears North 43° 53' 40" East; thence along the arc of said curve 13.05 feet thru a central angle of 49° 51' 38" to a point on a 675.00 foot radius curve to the right, whose radius point bears South 05° 57' 58" East; thence along the arc of said curve 47.10 feet thru a central angle of 03° 59' 53"; thence South 0° 57' 03" West 1415.52 feet to a point on a 50.00 foot radius curve to the left, whose radius point bears North 89° 02' 57" West; thence along the arc of said curve 73.52 feet thru a central angle of 84° 14' 57"; thence North 10° 48' 33" West 34.02 feet; thence South 80° 37' 22" West 628.64 feet; thence North 16° 28' 35" West 238.32 feet; thence North 13° 36' 27" West 50.00 feet; thence South 76° 23' 33" West 64.47 feet to a point on a 290.15 foot radius curve to the left, whose radius point bears South 13° 36' 27" East; thence along the arc of said curve 48.67 feet thru a central angle 09° 36' 38"; thence North 31° 57' 40" West 225.19 feet; thence South 46° 41' 39" West 377.59 feet; thence South 07° 56' 32" East 319.08 feet; thence South 10° 24' 24" West 233.92 feet; thence South 41° 50' 49" West 137.01 feet; thence South 67° 45' 45" West 221.74 feet; thence South 14° 25' 20" East 246.82 feet; thence South 38° 35' 36" East 164.61 feet to the northeast corner of Phase 1, Parcel 1 of Royal Oaks Subdivision Phase 1 (Recorded Instrument No. 352414 in the Office of the Summit County Recorder); thence along the north line of said Parcel 1 South 79° 34' 34" West (Plat South 79° 36' 44" West) 160.00 feet; thence along the north line of said Parcel 1 South 69° 24' 48" West (Plat South 69° 26' 58" West) 65.28 feet; thence along the Oaks at Deer Valley (Recorded Instrument No. 311418 in the Office of the Summit County Recorder) boundary line South 68° 57' 50" West (Plat South 69° 00' 00" West) 59.25 feet; thence along the Oaks at Deer Valley boundary line South 48° 57' 50" West (Plat South 49° 00' 00" West) 500.00 feet; thence North 65° 36' 22" West 331.48 feet to a point on a 536.60 foot radius curve to the left, whose radius point bears South 69° 33' 01" East; thence along the arc of said curve 335.95 feet thru a central angle of 35° 44' 16"; thence South 06° 17' 17" East 477.78 feet to a point on a 125.00 foot radius curve to the left, whose radius point bears North 83° 42' 43" East; thence along the arc of said curve 18.63 feet thru a central angle of 08° 32' 16"; thence along the Oaks at Deer Valley boundary line South 81° 46' 37" West (Plat South 81° 46' 47" West) 50.24 feet to a point on a 175.00 foot radius curve to the right, whose radius point bears North 77° 03' 57" East; thence along the arc of said curve 20.30 feet thru a central angle of 06° 38' 46"; thence North 06° 17' 17" West 477.78 feet to a point on a 588.60 foot radius curve to the right, whose radius point bears North 83° 42' 43" East; thence along the arc of said curve 214.78 feet thru a central angle of 20° 54' 26"; thence North 68° 29' 02" West 229.73 feet; thence South 48° 04' 16" West 126.36 feet; thence South 11° 47' 28" West 170.03 feet to the point of beginning. Description contains 222.03 acres more or less. The Basis of Bearing for the above description is South 00° 30' 11" West between the East Quarter corner and the southeast corner of Section 16.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS: That the undersigned is the owner of the herein described tract of land, having caused the same to be subdivided into lots, ROS parcels and public right-of-ways, together with easements as set forth on this Record of Survey Plat to be known hereafter as HIDDEN MEADOW SUBDIVISION, does hereby dedicate for the perpetual use of the public, all parcels of land as intended for public use and further consents to the recordation of this Record of Survey Plat in accordance with Utah Law. ALSO, the owner hereby dedicates to Snyderville Basin Sewer Improvement District, Park City Fire Protection District, and Summit County a non-exclusive easement over the utility easements shown on this plat for the purpose of providing access for utility installation, maintenance, use and eventual replacement. The owner, or his representative, hereby irrevocably offers for dedication to the City of Park City all the streets, land for local government uses, easements, parks and required utilities and easements shown on the subdivision plat and construction plans in accordance with an irrevocable offer of dedication.

IN WITNESS WHEREOF, the undersigned set his hand this 24th day of August, 1995.

BLUE LEDGE CORPORATION
A Delaware Corporation
Hank Rothwell
Hank Rothwell
Its President



STATE OF UTAH)
COUNTY OF SUMMIT)

On the 24 day of August, 1995, Hank Rothwell, appeared before me and acknowledged that he is the President of Blue Ledge Corporation, A Delaware Corporation, and that he executed the same on behalf of the Corporation with proper authority.

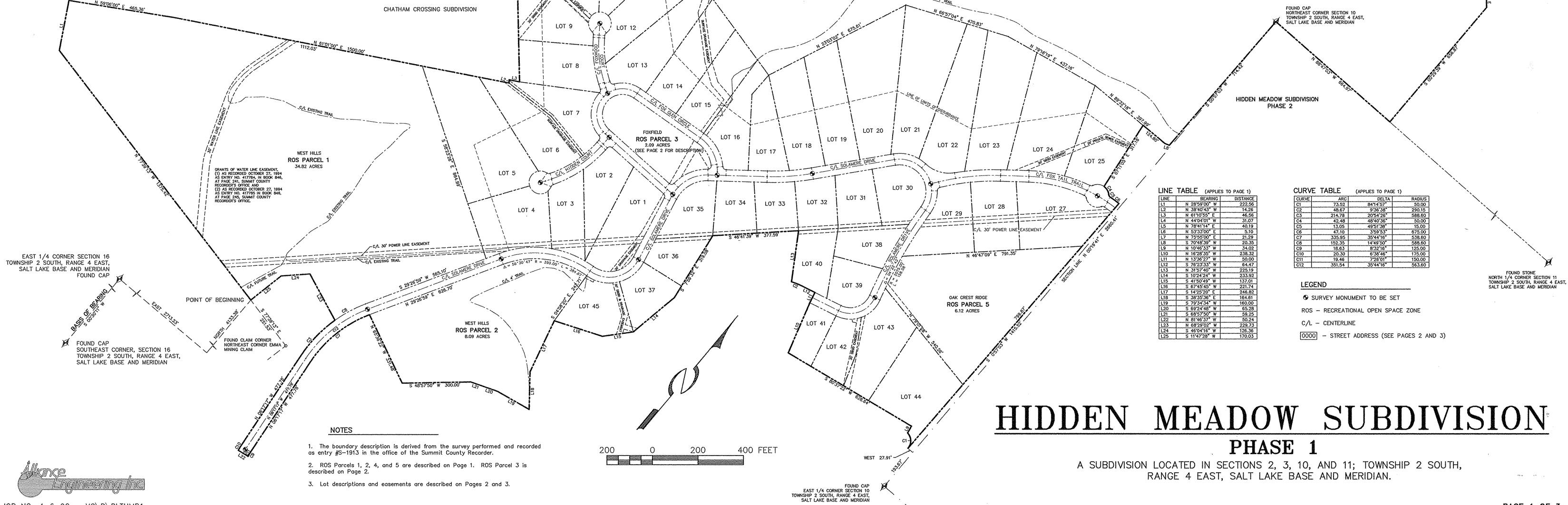
Debbie Ward
Notary Public

Residing at: *Hobart*
Commission Expires: *May 30, 1999*

ACKNOWLEDGEMENT

TABLE B

LOT #	SQUARE FEET	MAXIMUM FLOOR AREA	MAXIMUM SITE DISTURBANCE
LOT 1	77,447 S.F.	8,500 S.F.	12,000 S.F.
LOT 2	54,540 S.F.	7,250 S.F.	10,000 S.F.
LOT 3	49,336 S.F.	7,250 S.F.	10,000 S.F.
LOT 4	81,380 S.F.	8,500 S.F.	12,000 S.F.
LOT 5	157,921 S.F.	10,000 S.F.	14,000 S.F.
LOT 6	74,821 S.F.	8,500 S.F.	12,000 S.F.
LOT 7	55,352 S.F.	7,250 S.F.	10,000 S.F.
LOT 8	64,921 S.F.	7,250 S.F.	10,000 S.F.
LOT 9	81,383 S.F.	8,500 S.F.	12,000 S.F.
LOT 10	281,972 S.F.	10,000 S.F.	16,000 S.F.
LOT 11	122,989 S.F.	10,000 S.F.	16,000 S.F.
LOT 12	80,190 S.F.	8,500 S.F.	12,000 S.F.
LOT 13	81,383 S.F.	8,500 S.F.	12,000 S.F.
LOT 14	76,228 S.F.	8,500 S.F.	12,000 S.F.
LOT 15	64,790 S.F.	7,250 S.F.	10,000 S.F.
LOT 16	58,077 S.F.	7,250 S.F.	10,000 S.F.
LOT 17	49,336 S.F.	7,250 S.F.	10,000 S.F.
LOT 18	74,275 S.F.	8,500 S.F.	12,000 S.F.
LOT 19	78,352 S.F.	8,500 S.F.	12,000 S.F.
LOT 20	130,330 S.F.	10,000 S.F.	14,000 S.F.
LOT 21	128,150 S.F.	10,000 S.F.	14,000 S.F.
LOT 22	98,309 S.F.	10,000 S.F.	14,000 S.F.
LOT 23	118,896 S.F.	10,000 S.F.	14,000 S.F.
LOT 24	125,517 S.F.	10,000 S.F.	14,000 S.F.
LOT 25	89,976 S.F.	8,500 S.F.	12,000 S.F.
LOT 26	186,994 S.F.	10,000 S.F.	16,000 S.F.
LOT 27	90,053 S.F.	10,000 S.F.	14,000 S.F.
LOT 28	60,918 S.F.	7,250 S.F.	10,000 S.F.
LOT 29	64,391 S.F.	7,250 S.F.	10,000 S.F.
LOT 30	46,547 S.F.	7,250 S.F.	10,000 S.F.
LOT 31	43,069 S.F.	6,000 S.F.	10,000 S.F.
LOT 32	39,186 S.F.	6,000 S.F.	10,000 S.F.
LOT 33	39,308 S.F.	6,000 S.F.	10,000 S.F.
LOT 34	41,301 S.F.	6,000 S.F.	10,000 S.F.
LOT 35	45,723 S.F.	7,250 S.F.	10,000 S.F.
LOT 36	37,772 S.F.	6,000 S.F.	10,000 S.F.
LOT 37	42,690 S.F.	6,000 S.F.	10,000 S.F.
LOT 38	42,063 S.F.	6,000 S.F.	10,000 S.F.
LOT 39	37,032 S.F.	6,000 S.F.	10,000 S.F.
LOT 40	44,468 S.F.	7,250 S.F.	10,000 S.F.
LOT 41	29,535 S.F.	6,000 S.F.	10,000 S.F.
LOT 42	39,381 S.F.	6,000 S.F.	10,000 S.F.
LOT 43	75,033 S.F.	8,500 S.F.	12,000 S.F.
LOT 44	98,348 S.F.	10,000 S.F.	14,000 S.F.
LOT 45	57,471 S.F.	7,250 S.F.	10,000 S.F.



LINE TABLE (APPLIES TO PAGE 1)

LINE	BEARING	DISTANCE
L1	N 28°59'00" W	222.56
L2	N 38°40'33" W	14.26
L3	N 61°10'55" E	46.56
L4	N 44°04'01" W	31.07
L5	N 78°41'14" E	40.19
L6	N 53°33'00" E	5.10
L7	N 75°55'00" E	21.29
L8	S 70°48'36" W	20.35
L9	N 10°48'33" W	34.02
L10	N 16°28'35" W	238.32
L11	N 13°36'27" W	50.00
L12	S 76°23'33" W	64.47
L13	N 31°57'40" W	225.19
L14	S 10°24'24" W	233.92
L15	S 41°50'49" W	137.01
L16	S 67°45'45" W	221.74
L17	S 14°25'20" E	246.82
L18	S 38°35'36" E	164.61
L19	S 73°04'34" W	160.00
L20	S 69°24'48" W	65.28
L21	S 68°57'50" W	59.25
L22	N 61°46'57" W	50.24
L23	N 68°29'02" W	229.73
L24	S 48°04'16" W	126.36
L25	S 11°47'28" W	170.03

CURVE TABLE (APPLIES TO PAGE 1)

CURVE	ARC	DELTA	RADIUS
C1	73.52	84°14'57"	50.00
C2	48.67	92°51'38"	200.15
C3	214.78	20°54'26"	588.60
C4	42.48	48°40'36"	50.00
C5	13.05	49°51'38"	15.00
C6	47.10	3°59'53"	675.00
C7	335.95	35°44'16"	536.60
C8	192.35	14°48'59"	588.60
C9	18.63	8°32'16"	125.00
C10	20.30	6°38'46"	175.00
C11	19.46	7°29'01"	126.00
C12	351.54	35°44'16"	563.60

LEGEND

- ☉ SURVEY MONUMENT TO BE SET
- ROS - RECREATIONAL OPEN SPACE ZONE
- C/L - CENTERLINE
- 00000 - STREET ADDRESS (SEE PAGES 2 AND 3)

HIDDEN MEADOW SUBDIVISION PHASE 1

A SUBDIVISION LOCATED IN SECTIONS 2, 3, 10, AND 11; TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.



JOB NO. 4-6-92 VCD,PLTHMP1

ALLIANCE ENGINEERING INC.
P.O. BOX 2664
323 MAIN STREET
PARK CITY, UTAH 84060
(801) 649-9467

SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS ON THIS 30th DAY OF August, 1995 A.D.
BY *James R. Baird*
S.B.S.I.D.

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 30th DAY OF August, 1995 A.D.
BY *Hank Rothwell*
CHAIRMAN

ENGINEERS CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 30th DAY OF August, 1995 A.D.
BY *Brian W. Oetken*
PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS 1st DAY OF September, 1995 A.D.
BY *M. D. H.*
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 31st DAY OF August, 1995 A.D.
BY *Julia L. Sheldon*
PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 31st DAY OF September, 1995 A.D.
BY *Bradley*
MAYOR

RECORDED
436442
STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF COALITION TITLE CO.
DATE 9-1-95 TIME 17:00 PM BOOK PAGE
139.00 FEE *Alan Spriggs* RECORDER

TABLE B

LOT #	SQUARE FEET	MAXIMUM FLOOR AREA	MAXIMUM SITE DISTURBANCE
LOT 1	77,447 S.F.	8,500 S.F.	12,000 S.F.
LOT 2	54,540 S.F.	7,250 S.F.	10,000 S.F.
LOT 3	49,336 S.F.	7,250 S.F.	10,000 S.F.
LOT 4	81,380 S.F.	8,500 S.F.	12,000 S.F.
LOT 5	157,921 S.F.	10,000 S.F.	14,000 S.F.
LOT 6	74,821 S.F.	8,500 S.F.	12,000 S.F.
LOT 7	55,352 S.F.	7,250 S.F.	10,000 S.F.
LOT 8	64,921 S.F.	7,250 S.F.	10,000 S.F.
LOT 9	81,303 S.F.	8,500 S.F.	12,000 S.F.
LOT 10	281,972 S.F.	10,000 S.F.	16,000 S.F.
LOT 11	122,989 S.F.	10,000 S.F.	16,000 S.F.
LOT 12	80,190 S.F.	8,500 S.F.	12,000 S.F.
LOT 13	81,338 S.F.	8,500 S.F.	12,000 S.F.
LOT 14	76,228 S.F.	8,500 S.F.	12,000 S.F.
LOT 15	64,790 S.F.	7,250 S.F.	10,000 S.F.
LOT 16	58,077 S.F.	7,250 S.F.	10,000 S.F.
LOT 17	49,379 S.F.	7,250 S.F.	10,000 S.F.
LOT 18	74,275 S.F.	8,500 S.F.	12,000 S.F.
LOT 19	78,352 S.F.	8,500 S.F.	12,000 S.F.
LOT 20	130,330 S.F.	10,000 S.F.	14,000 S.F.
LOT 21	128,150 S.F.	10,000 S.F.	14,000 S.F.
LOT 22	98,309 S.F.	10,000 S.F.	14,000 S.F.
LOT 23	118,896 S.F.	10,000 S.F.	14,000 S.F.
LOT 24	125,517 S.F.	10,000 S.F.	14,000 S.F.
LOT 25	80,976 S.F.	8,500 S.F.	12,000 S.F.
LOT 26	186,994 S.F.	10,000 S.F.	16,000 S.F.
LOT 27	90,053 S.F.	10,000 S.F.	14,000 S.F.
LOT 28	60,918 S.F.	7,250 S.F.	10,000 S.F.
LOT 29	64,391 S.F.	7,250 S.F.	10,000 S.F.
LOT 30	48,547 S.F.	7,250 S.F.	10,000 S.F.
LOT 31	43,069 S.F.	6,000 S.F.	10,000 S.F.
LOT 32	39,189 S.F.	6,000 S.F.	10,000 S.F.
LOT 33	39,308 S.F.	6,000 S.F.	10,000 S.F.
LOT 34	41,301 S.F.	6,000 S.F.	10,000 S.F.
LOT 35	45,723 S.F.	7,250 S.F.	10,000 S.F.
LOT 36	37,722 S.F.	6,000 S.F.	10,000 S.F.
LOT 37	42,690 S.F.	6,000 S.F.	10,000 S.F.
LOT 38	42,083 S.F.	6,000 S.F.	10,000 S.F.
LOT 39	37,052 S.F.	6,000 S.F.	10,000 S.F.
LOT 40	44,458 S.F.	7,250 S.F.	10,000 S.F.
LOT 41	29,535 S.F.	6,000 S.F.	10,000 S.F.
LOT 42	39,381 S.F.	6,000 S.F.	10,000 S.F.
LOT 43	75,089 S.F.	8,500 S.F.	12,000 S.F.
LOT 44	98,348 S.F.	10,000 S.F.	14,000 S.F.
LOT 45	57,471 S.F.	7,250 S.F.	10,000 S.F.

TRAIL EASEMENT LINE TABLE

LINE	DIRECTION	DISTANCE
T1	S 29°24'18" E	59.39
T2	S 07°07'44" E	12.55
T3	N 87°26'28" W	28.64
T4	N 12°59'29" W	21.66
T5	N 54°33'40" E	17.29
T6	N 48°51'31" W	20.63
T7	N 70°05'29" W	31.67
T8	N 61°18'41" E	21.32
T9	N 34°04'14" E	24.99
T10	N 07°55'11" W	26.28
T11	N 34°55'33" W	32.59
T12	N 42°48'43" E	54.18
T13	N 07°52'41" W	19.81
T14	N 16°39'15" E	43.00
T15	N 30°08'26" E	37.33
T16	N 04°27'31" E	44.84

LINE	DIRECTION	DISTANCE
E1	S 79°24'45" E	17.33
E2	N 85°01'17" E	15.00
E3	S 12°36'20" E	10.32
E4	S 77°03'40" W	40.00
E5	N 04°08'20" W	12.09
E6	N 12°28'22" W	60.00
E7	N 46°28'00" W	77.94
E8	N 43°41'07" W	15.97
E9	N 58°33'26" W	43.83
E10	S 80°37'22" W	29.75
E11	S 80°37'22" W	1.89
E12	S 67°06'39" W	18.41
E13	N 48°20'55" E	12.37
E14	N 46°41'39" E	4.40
E15	N 00°01'03" E	89.12
E16	S 88°00'00" E	6.28
E17	N 58°23'26" W	35.04
E18	S 78°24'44" E	25.33
E19	S 61°01'00" W	21.88
E20	N 38°40'43" W	12.50
E21	N 46°48'19" E	46.97
E22	N 41°14'05" W	39.84
E23	S 70°00'00" W	4.22

CURVE	RADIUS	LENGTH	DELTA
EC1	40.00	20.99	24°02'51"
EC2	198.70	15.00	0°41'36"
EC3	15.00	20.61	78°45'31"
EC4	201.51	41.26	114°00'00"
EC5	15.00	21.31	81°23'28"
EC6	120.00	48.42	23°35'53"
EC7	170.00	58.27	23°35'53"
EC8	170.00	30.18	10°10'14"
EC9	142.73	24.30	09°41'13"
EC10	142.73	17.44	07°00'01"
EC11	142.73	17.93	07°11'48"
EC12	506.08	10.00	01°07'58"
EC13	506.08	10.01	01°07'58"
EC14	403.72	107.11	151°01'01"
EC15	50.00	15.27	17°29'56"

LINE	BEARING	DISTANCE
L1	N 38°20'00" E	15.00
L2	S 88°31'31" E	42.67
L3	N 88°31'31" E	35.61
L4	N 88°31'31" W	39.51
L5	N 88°31'31" W	22.43
L6	S 34°02'08" E	61.33
L7	S 34°02'08" E	11.53
L8	S 57°33'31" E	5.06
L9	S 57°33'31" E	63.44
L10	N 57°33'31" W	26.14
L11	N 57°33'31" W	24.06
L12	N 33°09'31" E	22.86
L13	N 33°09'31" E	12.19
L14	N 33°09'31" E	1.62
L15	S 22°31'31" W	39.51
L16	S 22°31'31" W	12.11
L17	N 12°11'31" W	19.93
L18	N 51°39'31" E	38.53
L19	N 51°39'31" E	35.50
L20	N 38°04'31" E	35.50
L21	N 51°48'07" E	87.21
L22	N 29°29'59" E	61.81
L23	N 88°31'31" W	176.38
L24	S 22°31'31" W	12.11
L25	N 33°09'31" E	12.19
L26	N 57°33'31" W	24.06
L27	N 38°04'31" E	35.50
L28	N 51°48'07" E	87.21
L29	N 29°29'59" E	61.81
L30	N 88°31'31" W	176.38
L31	S 22°31'31" W	12.11
L32	N 33°09'31" E	12.19
L33	N 57°33'31" W	24.06
L34	S 22°31'31" W	12.11
L35	N 33°09'31" E	12.19
L36	N 57°33'31" W	24.06
L37	N 38°04'31" E	35.50
L38	N 51°48'07" E	87.21
L39	N 29°29'59" E	61.81
L40	N 88°31'31" W	176.38
L41	S 22°31'31" W	12.11
L42	N 33°09'31" E	12.19
L43	N 57°33'31" W	24.06
L44	S 22°31'31" W	12.11
L45	N 33°09'31" E	12.19
L46	N 57°33'31" W	24.06
L47	S 22°31'31" W	12.11

CURVE	ARC	DELTA	RADIUS
C1	32.65	10°46'16"	173.79
C2	139.07	45°52'18"	173.79
C3	13.37	0°46'27"	113.09
C4	22.50	11°24'31"	113.09
C5	28.88	19°45'08"	113.09
C6	36.26	30°02'54"	113.09
C7	151.36	48°32'29"	173.79
C8	20.57	0°43'00"	173.79
C9	30.01	2°14'19"	521.08
C10	28.91	2°54'10"	521.08
C11	11.28	2°39'44"	176.31
C12	38.60	12°33'06"	176.31
C13	144.89	47°06'47"	176.31
C14	1.62	0°37'27"	176.31
C15	31.37	12°02'23"	146.00
C16	60.73	23°02'19"	146.00
C17	60.73	33°02'19"	146.00
C18	189.37	52°09'43"	117.73
C19	52.86	4°39'48"	850.00
C20	50.80	4°23'54"	850.00
C21	87.21	7°41'15"	850.00
C22	156.49	20°22'42"	446.00
C23	41.38	2°39'56"	446.00
C24	19.91	7°10'20"	13.00
C25	13.38	8°17'18"	13.00
C26	128.88	13°16'44"	506.08
C27	149.10	15°11'44"	506.08
C28	15.07	0°53'56"	15.00
C29	23.94	2°29'02"	50.00
C30	99.45	11°37'51"	50.00
C31	64.48	16°04'41"	50.00
C32	39.93	42°45'15"	50.00
C33	14.24	54°22'33"	15.00
C34	15.07	0°53'56"	506.08
C35	85.35	6°39'46"	506.08
C36	21.97	8°36'07"	15.00
C37	15.98	0°13'12"	15.00
C38	170.01	17°40'17"	551.51
C39	37.63	3°30'56"	551.51
C40	13.82	3°00'12"	15.00
C41	84.05	27°23'40"	50.00
C42	21.88	0°27'07"	50.00
C43	55.44	52°03'53"	50.00
C44	86.51	99°07'48"	50.00
C45	13.82	3°00'12"	15.00
C46	110.55	12°38'18"	501.51
C47	27.70	6°26'53"	501.51
C48	23.98	0°14'01"	15.00
C49	121.27	50°20'56"	138.00
C50	66.79	0°35'33"	991.68
C51	97.66	2°36'54"	991.68
C52	168.77	63°37'02"	151.51
C53	140.90	4°11'05"	170.00
C54	151.51	3°10'30"	170.00
C55	116.32	40°23'27"	165.00
C56	18.44	1°29'16"	165.00
C57	44.88	0°28'29"	1054.33
C58	158.86	8°37'58"	1054.33
C59	121.67	13°23'02"	875.00
C60	118.94	10°09'46"	875.00
C61	13.05	4°31'38"	15.00
C62	20.20	0°48'48"	50.00
C63	42.48	48°40'36"	50.00
C64	13.05	4°31'38"	15.00
C65	20.20	0°48'48"	50.00
C66	28.02	3°29'08"	825.00
C67	14.24	54°22'33"	15.00
C68	66.79	0°27'07"	50.00
C69	14.24	54°22'33"	15.00
C70	121.67	13°23'02"	1054.33
C71	135.86	7°45'03"	1054.33
C72	20.20	0°48'48"	15.00
C73	158.40	36°40'40"	145.00
C74	158.58	42°21'43"	2075.00
C75	55.62	1°32'00"	2075.00
C76	119.19	8°14'33"	142.73
C77	114.39	45°55'10"	142.73
C78	148.16	8°29'43"	82.73
C79	128.31	2°27'02"	2125.00
C80	83.31	2°30'58"	2125.00
C81	49.78	43°31'47"	1041.68
C82	121.47	6°40'53"	1041.68
C83	22.97	8°44'52"	15.00
C84	165.40	6°36'47"	501.51
C85	26.22	10°08'48"	15.00
C86	119.05	45°52'18"	146.70
C87	81.63	47°06'47"	850.00
C88	21.80	8°18'50"	15.00
C89	75.77	41°30'02"	1029.33
C90	266.18	23°27'48"	1500.00
C91	44.08	35°30'09"	850.00
C92	262.27	28°19'22"	531.08
C93	23.95	0°14'01"	50.00
C94	48.67	0°36'38"	290.15

LEGEND

- * SURVEY MONUMENT TO BE SET
 ROS - RECREATIONAL OPEN SPACE ZONE
 C/L - CENTERLINE
 [0000] - STREET ADDRESS

GENERAL NOTES:

- A Declaration of Covenants, Conditions and Restrictions is recorded concurrently herewith. All development within the Hidden Meadow Subdivision is subject to said Declaration and the Land Management Code of Park City Municipal Corporation. All Final Conditions of Approval as outlined on December 15, 1993 are in full force and effect. All Conditions of the Annexation Agreement dated March 5, 1995 also are in effect.
- Unless noted otherwise by delineation of a rear limits of disturbance line the minimum required setbacks from property lines shall be 25 feet front, 20 feet side, and a 15 foot rear, except on Lots 4 through 25 where the rear setback will be computed from the limits of disturbance line. A 30 foot setback from the Center Line of the existing power line is required on the affected lots.
- The Declaration of Covenants, Conditions, and Restrictions create an "Architectural Committee". No improvements of any kind, including without limitation the construction of any dwelling unit, barn, garage, out building, or addition to any of them; or any parking area, driveway, tennis court, walkway, or other hard surfaced area in excess of 100 square feet, swimming pools, outdoor hot tubs or spas, fences, walls, curbs, flag pole, transpires, satellite dishes or antennas, solar panels or any other permanent structure may be constructed, erected, or installed in the Subdivision without written approval of the Hidden Meadow Architectural Committee.
- The maximum floor area of homes constructed on Hidden Meadow lots shall be governed by the table shown herein. Additionally, this table establishes the maximum allowable area to be disturbed during construction of home and yard improvements. This area of disturbance is exclusive of the driveway improvements. Any deviations from maximum site disturbance allowed for each lot may and must be reviewed and approved by the Park City Community Development Department and the Hidden Meadow Architectural Committee.
- Driveway access from the public way to the Building Zone must be specifically approved by the Hidden Meadow Architectural Committee. Each Lot Owner, at his/her sole expense shall construct the driveway/sidewalk/curb intersection to comply with applicable Park City Municipal Corporation Specifications.
- Unless noted otherwise a 10 foot wide non-exclusive public utility and snow storage easement is hereby dedicated along all lot lines. A five foot wide drainage easement is hereby dedicated along all side lot lines.
- The Limits of Disturbance Line shown on Lots 4 through 25 indicates a non-disturbance zone within the Lot which expressly prohibits the construction of pools, tennis courts, garages, or any other structures or facilities.
- Park City entrances in effect at the time of approval of Hidden Meadow Subdivision require payment of substantial water development and water connection fees at the time of building permit issuance. Park City does not allow any such time as 50% of the lots have legally occupied single family dwellings. The total cost of snow removal until that time is substantial.
- Owners of downhill lots may encounter difficulty in designing a home with gravity flow to the sanitary sewer laterals. Owners of such lots at their sole expense, will be required to install private individual ejector systems. Lot 25 will require an ejector system.
- The Lot owner shall identify and maintain historic drainage channels (if any) in conjunction with construction on the property.
- The maximum Floor Area for Dwellings in the Subdivision, including the area of any Accessory Dwelling Unit, is set forth in the Declaration of Covenants, Conditions, and Restrictions on the table herein.
- The City requires that a modified type 130 fire sprinkler system as per Park City's Modifications be installed in all residences constructed in the Hidden Meadow Subdivision.

- Lot owner/s constructing dwellings with any portion of the structure greater than 150 feet from the public way may be required by the City to install and connect a dry stand pipe from the edge of the public roadway to the fire sprinkler system within the dwelling. The residences shall be constructed to conform to the Park City's Modified 130" fire protection standards including, but not limited to interior and exterior sprinkler heads, and a fire retardant roof.
- The 20 foot wide back lot public sewer easement shown on Lots 24 and 25 provides Skyline Basin Sewer Improvement District with a right-of-access to said back lot sewer including ingress or egress along any reasonable route of access for the purpose of maintenance, operation, repair, or eventual replacement.
- Trail easements are provided for the trails as delineated on sheets 1 of 3 in the Recreation Open Space Areas.
- Special Restrictions on Some Lots. As a condition of approval by the city, additional restrictions have been imposed on some of the lots.
 - On Lots 4, 5, 9, 10, and 11, no more than 35 % of the gross floor area, exclusive of the garage, will be above the ground level story. The ground level story shall be defined as finished grade. The maximum Dwelling Height will be 25 feet to the midpoint of the roof and 28 feet to the ridge

HIDDEN OAKS SUBDIVISION PHASE 3

100 0 100 200 FEET

PUBLIC RIGHT-OF-WAY TO BE PLATTED
IN HIDDEN OAKS SUBDIVISION PHASE 1

LEGEND

- SURVEY MONUMENT TO BE SET
- ROS - RECREATIONAL OPEN SPACE ZONE
- C/L - CENTERLINE
- 0000 - STREET ADDRESS

LINE	DIRECTION	DISTANCE
EL1	S 78°24'45" E	17.33
EL2	N 80°01'17" E	10.00
EL3	S 12°56'20" E	10.32
EL4	S 77°03'40" W	43.00
EL5	N 04°08'20" W	12.09
EL6	N 12°29'22" W	90.67
EL7	N 40°59'00" W	77.64
EL8	N 43°41'07" W	15.97
EL9	N 58°23'26" W	43.83
EL10	S 80°37'22" W	29.75
EL11	S 80°37'22" W	1.89
EL12	S 82°06'57" W	18.41
EL13	N 48°29'03" W	12.37
EL14	N 46°41'39" E	4.40
EL15	N 00°57'03" E	89.12
EL16	S 86°00'00" E	8.26
EL17	N 58°23'26" W	35.04
EL18	S 76°24'45" E	25.33
EL19	S 61°01'00" W	21.88
EL20	N 38°40'43" W	12.50
EL21	N 46°48'19" E	63.57
EL22	N 41°14'05" W	39.84
EL23	S 70°00'00" W	4.22

GENERAL NOTES:

- A Declaration of Covenants, Conditions and Restrictions is recorded concurrently herewith. All development within the Hidden Meadow Subdivision is subject to said Declaration and the Land Management Code of Park City Municipal Corporation. All Final Conditions of Approval as rolled on December 15, 1993 are in full force and effect. All Conditions of the Annexation Agreement dated March 5, 1995 also are in effect.
- Unless noted otherwise by delineation of a rear limits of disturbance line the minimum required setbacks from property lines shall be 25 foot front, 20 foot side, and a 15 foot rear, except on Lots 4 through 25 where the rear setback will be computed from the limits of disturbance line. A 30 foot setback from the Center Line of the existing power line is required on the affected lots.
- The Declaration of Covenants, Conditions, and Restrictions create an "Architectural Committee". No improvements of any kind, including without limitation the construction of any dwelling unit, barn, garage, out building, or addition to any of them; or any parking area, driveway, tennis court, walkway, or other hard surfaced area in excess of 100 square feet, swimming pools, outdoor hot tubs or spas, fences, walls, curbs, flag poles, trampolines, satellite dishes or antennas, solar panels or any other permanent structure may be constructed, erected, or installed in the Subdivision without written approval of the Hidden Meadow Architectural Committee.
- The maximum floor area of homes constructed on Hidden Meadow lots shall be governed by the table shown herein. Additionally, this table establishes the maximum allowable area to be disturbed during construction of home and yard improvements. This area of disturbance is exclusive of the driveway improvements. Any deviations from maximum site disturbance allowed for each lot may and must be reviewed and approved by the Park City Community Development Department and the Hidden Meadow Architectural Committee.
- Driveway access from the public way to the Building Zone must be specifically approved by the Hidden Meadow Architectural Committee. Each Lot Owner, at his/her sole expense shall construct the driveway/sidewalk/curb intersection to comply with applicable Park City Municipal Corporation Specifications.
- Unless noted otherwise a 10 foot wide non-exclusive public utility and snow storage easement is hereby dedicated along all front lot lines. A five foot wide drainage easement is hereby dedicated along all side lot lines.
- The Limits of Disturbance Line shown on Lots 4 through 25 indicates a non-disturbance zone within the Lot which expressly prohibits the construction of pools, tennis courts, gazebos, or any other structures or facilities.
- Park City ordinances in effect at the time of approval of Hidden Meadow Subdivision require payment of substantial water development and water connection fees at the time of building permit issuance. Park City does not allow snow until such time as 50% of the lots have legally occupied single family dwellings. The total cost of snow removal until that time is substantial.
- Owners of downhill Lots may encounter difficulty in designing a home with gravity flow to the sanitary sewer laterals. Owners of such Lots at their sole expense, will be required to install private individual ejector systems. Lot 25 will require an ejector system.
- The Lot owner shall identify and maintain historic drainage channels (if any) in conjunction with construction on the property.
- The maximum Floor Area for Dwellings in the Subdivision, including the area of any Accessory Dwelling Unit, is set forth in the Declaration of Covenants, Conditions, and Restrictions and on the table herein.
- The City requires that a modified type 130 fire sprinkler system as per Park City's Modifications be installed in all residences constructed in the Hidden Meadow Subdivision.

- Lot owner/s constructing dwellings with any portion of the structure greater than 150 feet from the public way may be required by the City to install and connect a dry stand pipe from the edge of the public roadway to the fire sprinkler system within the dwelling. The residences shall be constructed to conform to the Park City's "Modified 130" fire protection standards including, but not limited to interior and exterior sprinkler heads, and a fire retardant roof.
- The 20 foot wide back lot public sewer easement shown on Lots 24 and 25 provides Snyderville Basin Sewer Improvement District with a right-of-access to said back lot sewer including ingress or egress along any reasonable route of access for the purpose of maintenance, operation, repair, or eventual replacement.
- Trail easements are provided for the trails as delineated on sheets 1 of 3 in the Recreation Open Space Areas.
- Special Restrictions on Some Lots. As a condition of approval by the city, additional restrictions have been imposed on some of the lots:
 - (a) On Lots 4, 5, 9, 10, and 11, no more than 35 % of the gross floor area, exclusive of the garage, will be above the ground level story. The ground level story shall be defined as finished grade. The maximum Dwelling Height will be 25 feet to the midpoint of the roof and 28 feet to the ridge line. Measurement standards are defined in the Park City Land Management Code.
 - (b) On Lots 10 and 11, the front yard setback will not exceed 100 feet from the front lot line.
- The 30' power line easement shown on the plat contains a power line which is overhead at the time of plot recordation and is intended to remain overhead.
- Fox Tail Trail and Solamere Drive are intended to become a heavily traveled collector road, provided lands to the East are duly annexed.
- No building permits will be issued until roads are paved.

HIDDEN MEADOW SUBDIVISION PHASE 1

A SUBDIVISION LOCATED IN SECTIONS 10 AND SECTION 11, TOWNSHIP 2 SOUTH,
RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

PAGE 3 OF 3

RECORDED
436442
STATE OF UTAH COUNTY OF SUMMIT AND FILED
AT THE REQUEST OF COALITION TITLE Co.
DATE 9-1-95 TIME 1:00 PM BOOK PAGE
139.00
FEE
RECORDER

JOB NO. 4-6-92 VC/D\PLTHMP3

130

HIDDEN MEADOW

TABLE B

LOT #	SQUARE FEET	MAXIMUM FLOOR AREA	MAXIMUM SITE DISTURBANCE
LOT 1	77,447 S.F.	8,500 S.F.	12,000 S.F.
LOT 2	54,540 S.F.	7,250 S.F.	10,000 S.F.
LOT 3	49,336 S.F.	7,250 S.F.	10,000 S.F.
LOT 4	81,380 S.F.	8,500 S.F.	12,000 S.F.
LOT 5	157,921 S.F.	10,000 S.F.	14,000 S.F.
LOT 6	74,821 S.F.	8,500 S.F.	12,000 S.F.
LOT 7	55,352 S.F.	7,250 S.F.	10,000 S.F.
LOT 8	64,921 S.F.	7,250 S.F.	10,000 S.F.
LOT 9	81,303 S.F.	8,500 S.F.	12,000 S.F.
LOT 10	281,972 S.F.	10,000 S.F.	16,000 S.F.
LOT 11	122,989 S.F.	10,000 S.F.	16,000 S.F.
LOT 12	80,190 S.F.	8,500 S.F.	12,000 S.F.
LOT 13	81,338 S.F.	8,500 S.F.	12,000 S.F.
LOT 14	76,228 S.F.	8,500 S.F.	12,000 S.F.
LOT 15	64,790 S.F.	7,250 S.F.	10,000 S.F.
LOT 16	58,077 S.F.	7,250 S.F.	10,000 S.F.
LOT 17	49,379 S.F.	7,250 S.F.	10,000 S.F.
LOT 18	74,275 S.F.	8,500 S.F.	12,000 S.F.
LOT 19	76,392 S.F.	8,500 S.F.	12,000 S.F.
LOT 20	130,330 S.F.	10,000 S.F.	14,000 S.F.
LOT 21	128,150 S.F.	10,000 S.F.	14,000 S.F.
LOT 22	98,309 S.F.	10,000 S.F.	14,000 S.F.
LOT 23	118,896 S.F.	10,000 S.F.	14,000 S.F.
LOT 24	125,517 S.F.	10,000 S.F.	14,000 S.F.
LOT 25	80,976 S.F.	8,500 S.F.	12,000 S.F.
LOT 26	186,984 S.F.	10,000 S.F.	16,000 S.F.
LOT 27	90,053 S.F.	10,000 S.F.	14,000 S.F.
LOT 28	60,918 S.F.	7,250 S.F.	10,000 S.F.
LOT 29	64,391 S.F.	7,250 S.F.	10,000 S.F.
LOT 30	45,547 S.F.	7,250 S.F.	10,000 S.F.
LOT 31	43,069 S.F.	6,000 S.F.	10,000 S.F.
LOT 32	39,189 S.F.	6,000 S.F.	10,000 S.F.
LOT 33	39,308 S.F.	6,000 S.F.	10,000 S.F.
LOT 34	41,301 S.F.	6,000 S.F.	10,000 S.F.
LOT 35	45,723 S.F.	7,250 S.F.	10,000 S.F.
LOT 36	37,722 S.F.	6,000 S.F.	10,000 S.F.
LOT 37	42,690 S.F.	6,000 S.F.	10,000 S.F.
LOT 38	42,063 S.F.	6,000 S.F.	10,000 S.F.
LOT 39	37,052 S.F.	6,000 S.F.	10,000 S.F.
LOT 40	44,458 S.F.	7,250 S.F.	10,000 S.F.
LOT 41	25,535 S.F.	6,000 S.F.	10,000 S.F.
LOT 42	39,381 S.F.	6,000 S.F.	10,000 S.F.
LOT 43	75,089 S.F.	8,500 S.F.	12,000 S.F.
LOT 44	98,348 S.F.	10,000 S.F.	14,000 S.F.
LOT 45	57,471 S.F.	7,250 S.F.	10,000 S.F.

NOTE:
NO CONSTRUCTION SHALL OCCUR ON
ADJOINING PROPERTY UNTIL HIDDEN
MEADOW PHASE 2 SUBDIVISION PLAT
IS RECORDED.

EASEMENT CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA
EC1	50.00	20.39	24.02
EC2	158.70	15.00	24.12
EC3	15.00	20.61	78.42
EC4	207.21	41.28	114.60
EC5	15.00	21.31	81.23
EC6	120.00	49.42	233.55
EC7	70.00	38.27	125.49
EC8	170.00	30.18	101.04
EC9	142.73	24.30	99.45
EC10	142.73	14.44	72.00
EC11	142.73	17.93	77.11
EC12	508.08	10.00	01.72
EC13	508.08	10.00	01.72
EC14	403.72	107.11	151.21
EC15	50.00	15.27	17.28

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 38°09'00" E	13.00
L2	S 81°31'31" W	43.67
L3	N 88°19'31" W	21.64
L4	N 88°19'31" W	39.51
L5	N 88°19'31" W	22.43
L6	S 36°02'08" E	61.23
L7	S 36°02'08" E	11.53
L8	S 73°32'21" E	5.06
L9	S 73°32'21" E	45.14
L10	N 57°32'21" W	26.14
L11	N 57°32'21" W	24.98
L12	N 57°32'21" E	23.88
L13	N 22°31'17" E	12.59
L14	N 22°31'17" E	39.43
L15	S 22°31'17" W	29.51
L16	S 22°31'17" W	13.11
L17	N 12°17'11" W	19.83
L18	N 81°09'31" E	40.00
L19	N 81°09'31" E	26.53
L20	N 36°30'47" E	35.50
L21	N 36°30'47" E	124.46
L22	N 22°02'09" E	61.81
L23	N 88°19'31" W	126.38
L24	S 22°31'17" W	12.11
L25	N 22°31'17" E	12.19
L26	N 57°32'21" W	24.09
L27	N 36°02'08" E	11.53
L28	S 36°02'08" E	5.06
L29	S 73°32'21" E	5.06
L30	N 88°19'31" E	39.53
L31	S 81°09'31" E	96.64
L32	N 81°09'31" E	84.38
L33	N 81°09'31" E	21.45
L34	S 81°09'31" E	38.85
L35	N 40°24'45" E	61.47
L36	N 40°24'45" E	13.74
L37	N 81°09'31" E	26.21
L38	N 81°09'31" E	124.46
L39	N 81°09'31" E	127.01
L40	N 81°09'31" E	55.01
L41	S 81°09'31" E	60.20
L42	S 81°09'31" E	58.33
L43	S 81°09'31" E	66.98
L44	S 40°24'45" E	104.09
L45	S 40°24'45" E	96.57

CURVE TABLE

CURVE	ARC	DELTA	RADIUS
C1	39.65	10°46'16"	173.79
C2	138.07	43°30'18"	173.79
C3	13.37	6°48'37"	113.00
C4	167.75	89°02'46"	113.00
C5	22.50	11°24'31"	113.00
C6	28.96	19°45'58"	113.00
C7	99.30	56°29'56"	113.00
C8	151.36	49°53'09"	113.00
C9	29.37	6°43'09"	173.79
C10	30.01	2°14'16"	503.06
C11	29.91	2°54'07"	503.06
C12	11.26	2°38'44"	176.31
C13	38.60	12°33'58"	176.31
C14	144.89	47°08'17"	176.31
C15	1.92	0°37'37"	176.31
C16	80.73	33°03'39"	140.00
C17	31.37	12°59'23"	140.00
C18	90.28	36°58'49"	140.00
C19	52.80	13°38'48"	650.00
C20	52.80	43°30'41"	650.00
C21	40.92	2°30'57"	650.00
C22	198.49	29°22'47"	440.00
C23	43.36	5°38'58"	440.00
C24	41.91	7°03'07"	15.00
C25	23.38	8°17'16"	15.00
C26	128.88	13°18'44"	558.06
C27	149.10	10°27'44"	558.06
C28	13.07	49°55'06"	15.00
C29	23.34	27°29'52"	50.00
C30	89.48	11°02'13"	50.00
C31	64.49	96°46'16"	50.00
C32	39.83	42°45'15"	50.00
C33	14.24	5°22'33"	15.00
C34	164.67	18°38'36"	506.08
C35	85.35	5°39'48"	506.08
C36	21.87	8°78'07"	15.00
C37	15.98	61°03'12"	15.00
C38	170.01	17°40'17"	301.51
C39	37.93	8°17'16"	15.00
C40	13.82	5°01'12"	15.00
C41	44.05	7°23'40"	50.00
C42	51.86	59°27'07"	50.00
C43	45.44	52°03'33"	50.00
C44	80.38	89°07'48"	50.00
C45	13.82	52°01'12"	15.00
C46	110.56	12°38'18"	501.21
C47	77.79	12°37'17"	501.21
C48	22.98	87°46'18"	15.00
C49	121.27	50°20'58"	158.00
C50	96.79	2°39'37"	991.68
C51	97.66	5°38'14"	991.68
C52	188.77	83°57'52"	191.87
C53	140.06	47°11'05"	170.00
C54	151.51	51°03'52"	170.00
C55	118.33	42°23'27"	165.00
C56	36.44	12°39'19"	165.00
C57	44.88	02°29'50"	1954.33
C58	159.66	63°37'06"	1954.33
C59	157.47	12°22'00"	675.00
C60	118.94	10°05'46"	675.00
C61	13.05	49°31'06"	15.00
C62	52.30	59°48'48"	30.00
C63	42.48	48°40'36"	30.00
C64	13.05	49°31'06"	15.00
C65	47.10	35°53'33"	675.00
C66	39.02	42°29'58"	675.00
C67	11.24	54°23'58"	15.00
C68	86.79	99°27'04"	50.00
C69	14.24	54°23'58"	15.00
C70	130.14	7°31'18"	1004.33
C71	130.86	7°49'39"	1004.33
C72	30.20	77°08'37"	15.00
C73	106.40	36°58'49"	185.00
C74	159.58	42°22'43"	2075.00
C75	56.82	13°30'09"	2075.00
C76	115.19	46°14'35"	142.73
C77	114.39	45°53'10"	142.73
C78	149.16	81°08'43"	82.73
C79	129.31	32°27'35"	2125.00
C80	81.31	2°37'58"	2125.00
C81	82.79	43°31'14"	1041.68
C82	121.47	64°03'53"	1041.68
C83	33.93	87°46'18"	15.00
C84	165.45	47°08'17"	201.51
C85	28.22	10°05'46"	15.00
C86	119.65	42°57'16"	143.79
C87	43.83	41°26'06"	625.00
C88	21.80	82°16'50"	15.00
C89	75.77	47°39'02"	1009.33
C90	286.18	23°27'48"	650.00
C91	44.08	23°33'04"	650.00
C92	262.32	28°18'52"	51.68
C93	73.52	84°14'57"	50.00
C94	45.67	5°38'38"	201.51

When Recorded, Mail to:

Blue Ledge Corporation
P.O. Box 1450
Park City, Utah 84060

**DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS FOR
HIDDEN MEADOWS SUBDIVISION
PARK CITY, UTAH**

**Blue Ledge Corporation
PARK CITY, UTAH**

MARCH 1995

00436643 Bk00905 Pg00449-00484

**ALAN SPRIGGS, SUMMIT COUNTY RECORDER
1995 SEP 01 17:00 PM FEE \$125.00 BY DMG
REQUEST: COALITION TITLE**

125.00

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**DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS FOR
HIDDEN MEADOWS SUBDIVISION
PARK CITY, UTAH**

THIS DECLARATION IS MADE THIS 17th July, 1995, by Blue Ledge Corporation, a Delaware corporation, referred to below as "Declarant:"

RECITALS:

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

See the attached Exhibit A

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

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

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

ARTICLE I
DEFINITIONS

1. Unless the context clearly requires the application of a more general meaning, the following terms, when used in this Declaration, shall have the following meanings:

1.1. "Accessory Dwelling" shall mean a separate, self-contained dwelling unit complete with cooking, sleeping, and sanitary facilities, and accessible without entering the Primary Dwelling. Fire separations, independent ventilation systems, and other building code requirements for separate, attached dwelling units must be complied with.

1.2. "Amenity Parcel" shall mean that parcel of land within the Subdivision designated as the Amenity Parcel on the Plat.

1.3. "Architectural Committee" shall mean the design review committee created under this Declaration.

1.4. "Association" shall mean the Hidden Meadows Subdivision Homeowners Association, whether incorporated or not, and as the context requires, the officers and directors of that Association.

1.5. "City" shall mean the City of Park City, Utah, and its appropriate departments, officials, and boards. Although the City will be conveyed title to the Open Space Parcels, and those Parcels will be subject to these covenants, the City is not an Owner for purposes of this Declaration, and no voting rights in the Association will be appurtenant to the Open Space Parcels.

1.6. "Declarant" shall mean and refer to Blue Ledge Corporation, a Delaware corporation having its principal place of business in Park City, Utah.

1.7. "Declaration" shall mean this Declaration of covenants, conditions and restrictions, together with any subsequent amendments or additions. The Subdivision Plat for Hidden Meadows, limits of disturbance, easements and other matters shown on that Plat, are also incorporated into this Declaration by reference.

1.8. "Dwelling" shall mean the primary single family residence built or to be built on any Lot.

1.9. "Floor Area" shall mean the total of the horizontal floor surfaces within the Dwelling, including bathrooms and mechanical areas, and decks, courtyards, or balconies that are under roof and enclosed by walls on three or more sides. Floor Area shall not include basements as defined by the Uniform Building Code or the first 600 square feet of any garage space.

1.10. "Improvement" shall mean all structures and appurtenances of every type and kind, including but not limited to buildings, Dwellings, Accessory Apartments, garages, storage buildings, and additions to them; walkways, retaining walls, gazebos, fences, driveways, landscaping, pools, decks, tennis courts, hard surfaced areas, stairs,

poles, lighting, signs, satellite dishes or other antennas, and any mechanical equipment located on the exterior or any building.

1.11. "Lot" shall mean any building Lot shown on the official plat of the Hidden Meadows Subdivision.

1.12. "Open Space Parcels" shall mean those areas designated on the plat as Open Space which will be conveyed to the City subject to the covenants contained in this Declaration. The Open Space Parcels are not subject to assessments by the Association.

1.13. "Owner" shall mean the person or persons having title to any Lot. Owner shall mean the person holding fee simple title, including the Declarant, and buyers under any contract for deed, but shall exclude any person or entity holding title only for purposes of securing performance of an obligation, unless that entity has taken possession. "Owner" shall not include the City or any other person or entity having an interest in the Open Space or Amenity Parcels.

1.14. "Person" shall mean a natural person or any legal entity with a right to hold title to real property in its own name in the State of Utah.

1.15. "Plat" shall mean the official subdivision plat of the Hidden Meadows Subdivision as approved by the City of Park City and recorded in the office of the Summit County Recorder, as it may be amended from time to time.

1.16. "Site Disturbance Area" means the portion of a Lot which may be disturbed by construction activity, including the physical limits of the Dwelling or any other Structure. The area allowable for each Lot is shown on Exhibit B.

1.17. "Subdivision" shall mean the Hidden Meadows Subdivision, and all Lots, Open Space Parcels and Amenity Parcel within the Subdivision as shown on the Plat.

1.18. "Trustees" shall mean the duly elected and acting board of trustees of the Hidden Meadows Homeowners Association.

ARTICLE II

HOMEOWNERS ASSOCIATION

2. To effectively enforce these Covenants, the Declarant has created a Utah Non-Profit corporation called Hidden Meadows Homeowners Association. The Association shall be comprised of the Owners of Lots within the Hidden Meadows Subdivision, and is established to perform the following functions and exercise the following rights and powers for the benefit of the Owners and the enforcement of these covenants. Membership in the Association is deemed an appurtenance to the Lot, and is transferrable only in conjunction with the transfer of the title to the Lot. The Association shall have and exercise, as necessary, the following powers:

2.1. Enforcement Powers. The Association shall have the power to enforce these covenants by actions in law or equity brought in its own name, the power to retain professional services needed for the enforcement of these covenants and to incur expenses for that purpose. The Trustees of the Association shall have the authority to compromise claims and litigation on behalf of the Association resulting from the enforcement of these covenants. The Trustees shall have the exclusive right to initiate enforcement actions in the name of the Association, however this shall not limit the individual rights of Lot Owners to personally enforce these Covenants in their own name. The Association may appear and represent the interests of the Subdivision at all public meetings concerning zoning, variances, or other matters of general application and interest to the Owners. Owners may appear individually.

2.2. Management of Open Space. Following the conveyance from Declarant to the Association, the Association shall have ownership and control over the Amenity Parcel, and be responsible for its maintenance, insurance, property taxes, and, consistent with the terms of this Declaration, be able to determine the nature of any Improvements made to the Amenity Parcel by the Association, and at its expense, as provided in Article VIII of this Declaration. The Trustees of the Association may also grant utility or similar easements through the Amenity Parcel.

2.3. Snow Removal. The ordinances of Park City require the Association to provide snow removal service within the Subdivision until 50% of the Lots in the Subdivision have been improved by the construction of a completed Dwelling. Because of the length of road outside the boundaries of the Subdivision that serves only this Subdivision, and will have to be plowed at Association expense, this will be a substantial annual expense to the Association. Until such time as the snow removal service has been assumed by the City, the Association shall be responsible for the costs of private snow removal service, and shall have the power to make assessments against the Owners, including the Owners of unimproved Lots, for purposes of providing this service.

2.4. Indemnity of Association Trustees and Officers. The Association will indemnify the officers, agents and trustees of the association against any and all claims arising against them personally which are a result of the good faith exercise of the powers, duties and responsibilities of their office under this Declaration. To the extent the Association deems it appropriate, it may purchase liability insurance covering the Trustees with Association funds.

2.5. Assessments. The Association has the power to levy Assessments against each Lot as necessary to carry out these functions. Assessments will be equal on all Lots, whether vacant or improved. Assessments will be made annually to meet the anticipated and recurring expenses of the Association including, but not limited to, the costs of snow removal (until assumed by the City), insurance, property taxes on the Amenity Parcel, reimbursement of expenses incurred by the Trustees and Architectural Committee in performance of their obligations, enforcement of these covenants, and the initial construction costs, maintenance and operation of any Improvements made by the Association on the Amenity Parcel. Notice of the Assessment and the proposed amount of the annual Assessment will be given in advance with the notice of the annual meeting of the Association, provided that the amount of the proposed Assessment may be increased or decreased at the meeting in which it is approved by the Owners. The Association may also levy special Assessments to cover unanticipated expenses or shortfalls. No special Assessment will be levied without approval of the Owners in a

meeting called for that purpose. The Trustees will provide the Owners with an annual accounting of Assessments collected and expenditures.

2.6. Assessments Constitute Lien, Mortgagee Protection. Any validly imposed Assessment by the Association shall constitute a lien against the Lots in the Subdivision. The Association shall have the right to foreclose on that lien when any Assessment remains unpaid for a period of more than 90 days from the date the Assessment was levied, but if the lien is not foreclosed upon, it may be renewed from year to year by recording a new notice of the lien, together with accumulated interest. The lien of the Association against any Lot shall have priority from the date that the first Notice of Lien on a specific Lot is recorded in the office of the Summit County Recorder, and is subordinate to any previously recorded liens or encumbrances filed against that Lot, specifically including any purchase money mortgage or trust deed. Notwithstanding the lien rights of the Association, the obligation to pay Assessments is a personal obligation of the Owner of each Lot, and the Association may proceed to collect against the Owner, or the prior Owner of any Lot in the event of a sale. No Mortgagee or Beneficiary under a Trust Deed who takes title by foreclosure or non-judicial sale, or accepts in lieu of foreclosure or non-judicial sale, shall be held liable for the unpaid Assessments of the Owner whose Lot was acquired by the Mortgagee or Beneficiary under a Trust Deed. Delinquent Assessments will bear interest at the highest lawful consumer credit rate permitted under Utah law until paid.

2.7. Statement of Account. Any Owner may request the Association to provide a statement of his account to any lender or prospective buyer of that Lot showing the Assessments to be paid in full, or the amount of any past due Assessments and interest charges. The Buyer or lender for whom such a statement was prepared will be entitled to rely on its accuracy, and will not be held liable for any amounts not shown on the statement. The Association may charge a fee of \$25 or less for each such statement.

2.8. By-Laws. The day to day administration of the Association's affairs, including the manner in which Trustees are elected and their terms of office are set forth in the By-Laws of the Association, which may be amended from time to time by the Association as provided in those by-laws. No amendment of the By-Laws shall have the effect of releasing or amending these covenants, conditions, or restrictions.

2.9. Voting Rights. There shall be one vote appurtenant to each Lot, and each Owner, including the Declarant, shall be entitled to cast one vote for each Lot he or she owns. In the case of a Lot with multiple Owners, the Owners will agree among themselves how the vote applicable to that Lot will be cast, and if no agreement can be reached, no vote will be received from that Lot. Any of the multiple Owners appearing at the meeting in person or by proxy is deemed to be acting with proper authority for all of the other Owners of that Lot unless the other Owners are also present and object, or have filed written objections to that Owner's representation of the other Owners of the Lot in question. In matters presented to the Owners for a vote, a simple majority of those present at the meeting (if a quorum is present) will carry a motion, except as provided below for the purpose of making Improvements to the Open Space Parcel or amendment of this Declaration. A quorum will consist of 50% of the Lots. The Open Space Parcels have no voting rights.

2.10. Architectural Review. It is the intention and purpose of these covenants, conditions and restrictions to impose architectural standards on any Improvements made to any Lot that result in buildings which are architecturally compatible in terms of Lot

coverage, siting, proportion, materials, colors, and general appearance, while at the same time allowing for diversity in style and design appropriate for the mountain setting. To accomplish this goal, the Declarant hereby empowers the Board of Trustees to oversee and enforce the Architectural Design Standards set forth in this Declaration.

2.11. Architectural Committee Created. The Board of Trustees of the Association shall constitute the Architectural Committee, provided however that until such time as 75% of the Lots in the Subdivision have been conveyed by the Declarant to third parties, the Declarant shall appoint an interim Architectural Committee consisting of three members, who are not required to be Owners. At the time 25% of the Lots are sold to persons other than the Declarant, one member of the Committee will be appointed from the Owners, other than a representative of the Declarant. At the time that 75% of the Lots are sold to persons other than the Declarant, the functions of the Architectural Committee will be assumed by the Board of Trustees. The Trustees may employ the services of a design professional, such as an architect, land planner, or landscape architect to serve as one member of the Architectural Committee, and such design professional does not need to be an Owner or resident of the Subdivision. The remaining members of the Committee shall be members of the Board of Trustees. In any event, regardless of the number of Lots sold, all members of the Committee will be named by the Trustees following the fifth anniversary of the recording of this Declaration with the Summit County Recorder.

2.12. Approval by Committee. No Improvements of any kind, including without limitation the construction of any Dwelling, Accessory Dwelling, garage, out building, or addition to any of them; or any parking area, driveway, tennis court, walkway, or other hard surfaced area in excess of 100 square feet, swimming pools, outdoor hot tubs or spas, fences, walls, curbs, flag poles, trampolines, satellite dishes or antennae, solar panels, or any other permanent structure may be constructed, erected, or installed in the Subdivision without the prior written approval of the Architectural Committee. No excavation, grading, filling, draining, landscaping, or installation or removal of existing vegetation shall be made without the advance written approval of the Architectural Committee. A simple majority of the Committee members is required to approve any submission. Approval of the Committee will be sought in the following manner:

a. Plans submitted. Plans for the construction of any new Improvement must be submitted to the Committee for review. It is recommended that a preliminary plan be submitted before the expense of final construction drawings is incurred. The submission must include:

(i) a Site Plan showing the boundaries of the Lot, and the proposed Site Disturbance Area within the Lot. The Site Plan will also show the location of driveways, utility connections and lines, and any retaining walls, excavations, fills, or other modifications of the existing surface condition of the site; and

(ii) an Architectural Plan for the Dwelling or other Improvements in sufficient detail to show the detailed drawings of all elevations of all buildings (including existing Buildings or Improvements in the case of a subsequent addition or remodel) showing locations of windows, doors, roof pitches, decks and other exterior elements; a list of exterior siding and roofing materials and/or a sample, including color samples; and a landscape plan showing the location of driveways, walkways, patios, decks

and other hard surfaced or irrigated areas and the areas to be disturbed by construction and the means of restoring those areas. In the case of an addition or modification of an existing Dwelling, the Committee may waive any of the foregoing it feels are unnecessary to its review of the remodel or addition.

b. **Review Fee.** The applicant will pay a review fee to the Committee of \$500 for each new dwelling, \$100 for each addition or remodel, or, in the case of Improvements which cost less than \$1,000, or which make no structural changes, the applicant will pay a fee of \$10. The primary purpose of the fee is to document the date of submission, but the Committee may also use the proceeds to pay for its expenses in reviewing the plans and giving notice of meetings. No fee will be accepted until the Architectural Committee considers the submission complete.

c. **Review.** Within 15 business days from receipt of a complete submission and payment of the fee, the Committee will review plans and make an initial determination whether or not the plans comply with the conditions imposed by this Declaration. If they do not, the plans will be rejected. If they are in compliance, the Committee will approve the plans. The Committee may also approve the plans subject to specific modifications or conditions. Owners may desire to submit preliminary plans for review. The committee will review preliminary plans, without fee, and make its comments known to the Owner, provided, however, that no preliminary approval is to be considered a final approval, and no final approval will be granted on less than a complete submission. Upon approval, the Committee and the Owner will each sign copies of the plans, one of which shall be left with the Committee. No construction that is not in strict compliance with the plans approved will be permitted.

d. **Written Record.** The Committee will maintain a written record of its actions, and maintain in its files a copy of all plans approved or rejected for a period of five years. The Committee will also provide evidence of its approval for the City, if requested by the Owner.

e. **Failure to Act.** If the Committee has not approved or rejected any submission within 45 business days after payment of the review fee and submission of complete plans, the submission is deemed to have been approved, unless the approval process has been extended as provided in Section 2.14 for special review of some aspects of the proposal.

2.13. **Variances.** Variances to the design standards contained in this Declaration may be granted when strict application would create an unforeseen or unreasonable hardship to the Owner of any Lot. No variance may be granted without the consent of at least 25% of the Owners in the Subdivision at a meeting called for that purpose. The Architectural Committee, or the Owners as a whole, cannot grant any variance that has the effect of modifying applicable City zoning, building code regulations, or conditions of subdivision approval. The burden of obtaining a variance is entirely on the applicant, including the costs of notice.

2.14. **Extraordinary Costs.** Whenever it deems appropriate, the Committee may engage the services of an independent architect, civil or structural engineer, or other appropriate consultant to assist in its review of any proposed Improvements. All costs of

such additional review will be paid by the Applicant, provided however that no architect or engineer will be hired without advance notice to the Applicant of the intention to hire a review architect or engineer, and the aspects of the proposal that caused the Committee to believe that professional review was required, and the estimated cost of that review. If the applicant does not withdraw the proposal within five days after receipt of that notice, he is deemed to have consented to the Committee retaining such professional assistance. Whenever the Committee retains outside professional services in its review, the reviewing architect or engineer is acting only in an advisory capacity, and the applicant, for himself and his successors and assigns, waives any and all claims against the Committee and the Association in the event that advice from, or conditions imposed by, the reviewing professional prove ineffective, unnecessary, or inappropriate to the circumstances. The costs of such review will be billed directly to the applicant in advance, and the review of the plans will be suspended until the costs of the special review have been paid by the Applicant. The review period will be extended for a period of 30 days following payment of the special review costs to allow for the review.

2.15. General Design Review. The Committee will use its best efforts to provide a consistent pattern of development, and consistent application of the standards of this Declaration. These standards are, of necessity, general in nature, and it is the Committee should apply them in a manner that results in a high quality, attractive, and well designed community, and reflect the wide range of Lot sizes with the Subdivision.

2.16. Declarant, Trustees and Committee not Liable. The Declarant, the Trustees, and the Committee and its members shall not be liable to the applicant for any damages, or to the Owners of and Lots within the Subdivision for their actions, inactions, or approval or disapproval of any set of plans submitted to the Committee for review. In the absence of bad faith or malicious actions, the Owners shall have no claim against the Declarant or Committee as a result of the performance or failure to perform the duties created by this Declaration. Each Owner has the right to enforce these covenants against every other owner, and may seek independent redress if it believes the Committee has acted improperly.

2.17. Limitations on Review. The Committee's review is limited to those matters expressly granted in this Declaration. The Committee shall have no authority over the enforcement of building codes, zoning ordinances, or other statutes, laws, or ordinances affecting the development or improvement of real property and shall have no liability to any Owner whose plans were approved in a manner that included any such violation. Corrections or changes in plans required by the City to bring them into conformity with applicable codes must be re-submitted to, and approved by the Committee prior to construction. No additional fee will be assessed for reviewing such revisions to the original submission.

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ARTICLE III

RESTRICTIONS ON ALL LOTS

3. The following restrictions on use apply to all Lots within the Subdivision:

3.1. Zoning Regulations. The lawfully enacted zoning regulations of Park City, and any building, fire, and health codes are in full force and effect in the Subdivision, and no Lot may be occupied in a manner that is in violation of any such statute, law, or ordinance.

3.2. No Mining Uses. The property within the Subdivision shall be used for residential purposes only, and no surface occupation for mining, drilling, or quarrying activity will be permitted at any time on any Lot, Open Space, or the Amenity Parcel.

3.3. No Business or Commercial Uses. No portion of the Subdivision may be used for any commercial business use, provided however that nothing in this provision is intended to prevent (a) the Declarant from using one or more Lots for purposes of a construction office or sales office during the actual period of construction of the Subdivision Improvements, or (b) the use by any Owner of his Lot for a home occupation. No home occupation will be permitted, however, which requires or encourages the Owner's clients, customers, patients or others to come to the Lot to conduct business, or which requires any employees outside of the Owner's immediate family or household. No retail sales of any kind may be made in the Subdivision. No materials, machinery, equipment, or inventory associated with any home occupation may be stored outside on any Lot. No signs associated with any home occupation are permitted.

3.4. Restrictions on Signs. No signs will be permitted on any Lot or within the Subdivision, except for traffic control signs placed by the City, temporary signs warning of some immediate danger, or signs not in excess of six square feet identifying the contractor and/or architect of any Dwelling Unit while it is under construction. Signs indicating the Lot is for sale may be placed in accordance with City sign regulations, and no such sign may exceed six square feet. The Declarant may erect a sign of not more than thirty-two square feet at the entrance to the Subdivision for a period of no more than one year announcing the availability of Lots and giving sales information. No permanent signs stating the address or the name of the owner of the Lot may be installed without the advance consent of the Architectural Committee. Such signs will be limited to 6 square feet, and may be placed at the driveway intersection with the public street, set back to the property line of the Lot.

3.5. Completion Required Before Occupancy. No Dwelling Unit may be occupied prior to its completion and the issuance of at least a Temporary Certificate of Occupancy by the City of Park City.

3.6. Primary Dwelling to be Constructed First. No Accessory Dwelling, garage, storage unit, or other out building or Improvement may be constructed prior to the commencement of construction of the primary Dwelling on the Lot.

3.7. No Re-Subdivision. No Lot may be re-subdivided. No Accessory Dwelling may be leased for a period of more than 24 months.

3.8. No Time Interval Ownership. No Lot may be owned, leased, or otherwise held in a manner that divides either the legal title or the right of use into formal or informal time intervals or timeshare ownership, or any other contract, trust, partnership, or other arrangement that permits, allows, or as a practical matter, creates or establishes time interval ownership or use of the Lot that is indistinguishable from time interval ownership.

3.9. Underground Utilities. All gas, electrical, telephone, television, and any other utility lines in the Subdivision are to be underground, including lines within any Lot which service installations or Improvements entirely within that Lot. No propane tanks or oil tanks may be installed on any Lot except for temporary heat during construction. Notwithstanding this provision, there is an existing overhead electrical line as shown on the Plat which will remain in place as an overhead line.

3.10. Service Yards. All clothes lines, service yards, storage yards, and exterior mechanical equipment must be screened in a manner approved by the Architectural Committee so that they are not visible from adjoining Lots.

3.11. Maintenance of Property. All Lots, and the Improvements on them, shall be maintained in a clean, sanitary, attractive and marketable condition at all times. No Owner shall permit his Lot or the Improvements on it to fall into disrepair.

3.12. No Noxious or Offensive Activity. No noxious or offensive activity shall be carried out on any Lot, including the creation of loud or offensive noises or odors that detract from the reasonable enjoyment of nearby Lots.

3.13. No Hazardous Activity. No activity may be conducted on any Lot that is, or would be considered by a reasonable person to be unreasonably dangerous or hazardous, or which would cause the cancellation of conventional property casualty insurance. This includes, without limitation, the storage of caustic, toxic, flammable, explosive or hazardous materials in excess of those reasonable and customary for household uses, the discharge of firearms or fireworks, and setting open fires (other than properly supervised and contained barbecues). No Owner will occupy a Lot in a manner that is in violation of any State or Federal environmental protection law or regulation concerning the storage, disposal, or use of toxic or hazardous materials.

3.14. No Open Burning. The open burning of yard trimmings, construction waste, or other materials on the Lot is prohibited.

3.15. No Unsightliness. No unsightliness is permitted on any Lot. This shall include, without limitation, the open storage of any building materials (except during the construction of any Improvement, Dwelling or addition); open storage or parking of farm or construction equipment, inoperable motor vehicles, boats, campers, trailers, trucks larger than pick-up trucks (except during periods of actual loading and unloading); accumulations of lawn or tree clippings or trimmings; accumulations of construction debris or waste; household refuse or garbage except as stored in tight containers in an enclosure such as a garage; lawn or garden furniture except during the season of use; and the storage or accumulation of any other material, vehicle, or

equipment on the Lot in a manner that it is visible from any other Lot or any public street.

3.16. No Annoying Lights. Any outdoor lighting shall be subject to approval by the Architectural Committee, and no outdoor lighting shall be permitted except for lighting that is designed to aim downward and limit the field of light to the immediate vicinity of the Building or Improvement it is intended to serve. Lighted tennis courts, sport courts, and similar lighted recreation facilities are prohibited.

3.17. No Annoying Sounds. No speakers, or other noise making devices may be used or maintained on any Lot which create noise that might reasonably be expected to be unreasonably or annoyingly loud from adjoining Lots, except for properly operating and maintained security or fire alarms.

3.18. Drainage. No Owner shall alter the direction of natural drainage from his Lot, nor shall any Owner permit accelerated storm run-off to leave his Lot without first using reasonable means to dissipate the flow energy. Significant natural drainage areas are indicated on the Plat, and no Owner will construct Improvements in those areas that interfere with surface run off.

3.19. Vehicles Restricted to Roadways. No motor vehicle will be operated on the Subdivision except on improved roads and driveways. No snowmobiles or motorcycles will be operated on any Lot except for ingress and egress by duly licensed, "street legal" vehicles or while loading the equipment for lawful transport on public streets. The operation of any vehicle outside of the Site Disturbance Area of any Lot is strictly prohibited, even during periods of construction.

3.20. Kennels. No kennel or dog run may be placed closer than 50 feet to any Dwelling other than that of the Owner of the kennel.

3.21. No Transient Lodging Uses. The Lots are to be used for residential housing purposes only, and shall not be rented in whole or in part for transient lodging purposes, boarding house, "bed and breakfast," or other uses for providing accommodations to travelers. No lease of any Lot or Dwelling shall be for a period of less than one year. No Lot shall be subjected to time interval ownership.

3.22. No Firearms. No firearms of any kind, including b-b guns, pellet guns, or similar air-powered firearms may be discharged within the Subdivision.

3.23. Clearing and Grading. No portion of any Lot may be cleared of vegetation, graded, cut, or otherwise altered from its natural vegetative condition, except as specifically provided in this Declaration, and except in conjunction with the construction of the Primary Dwelling or other approved Improvements.

3.24. Public Trail Easements. There are public trails that cross through the Subdivision as shown on the Plat. These trails are for the use and benefit of the general public, and not just the Owners. They are dedicated public easements. No Owner shall obstruct or interfere with the use of the trails crossing his or her Lot. Subject to City regulations, trails will be open for use only during daylight hours. Trails are for non-motorized use only, and no motorcycle, all-terrain vehicle, snowmobile or other motorized vehicle (except for authorize maintenance vehicles or equipment) will be permitted on the trail system.

ARTICLE IV

RESTRICTIONS ON IMPROVEMENTS

4. All Improvements on any Lot shall be subject to the following restrictions and architectural design standards:

4.1. Number of Dwellings. Only one Dwelling may be constructed on any Lot; with the exception that Accessory Dwellings are permitted as described below. All Dwellings shall have an attached garage large enough to enclose 2 cars.

4.2. Site Disturbance Area; Placement of Buildings. In order to protect existing native vegetation, minimize landscape irrigation requirements, and maintain the feeling of open space within the subdivision, all construction and landscaping activity must be contained within the maximum Site Disturbance Area for each Lot. The Maximum Site Disturbance Area is comprised of the actual footprint of the house and garage, driveways and utility excavations as approved by the Association on the site plan, and the additional irrigated landscaped area around the house. The maximum size of the irrigated landscaped area for each lot is shown on Exhibit B. Within the Lot, subject to minimum front, side, and rear yard set back requirements, the Owner may propose any location for the Dwelling and the irrigated landscaped area around it. The location of the Dwelling and irrigated landscaped area should be selected to minimize removal of trees and oak brush or other significant vegetation. The placement of the Dwelling and other Improvements should also recognize historic drainage patterns and channels, if any, and avoid construction in locations that obstruct historic drainage. The shape of the Site Disturbance Area may be dictated by the proposed Dwelling, but shall be generally compact and in all cases, the areas disturbed by construction must be contiguous (and not linked by "cherry stems" that give the appearance of two areas of disturbance). Not included within the Site Disturbance Area are:

(a) Driveways not exceeding 20 feet in width connecting from the Site Disturbance Area to the abutting public street;

(b) Utility service lines, provided that utility service lines will be located immediately adjacent to or in the drive way whenever reasonable. If, because of grade considerations for sewer lines, it is not practical to install such lines within or adjacent to the driveway, only one additional utility access trench will be permitted, and it will be kept to the minimum width reasonably possible to minimize disturbance, and if possible, routed around areas of significant vegetation to minimize tree removal.

4.3. Construction Activity Confined to Site Disturbance Area. All construction activity, Improvements, and Dwellings are to be confined to the portion of the Lot identified as the Site Disturbance Area. The Site Disturbance Area will be physically staked on the ground, and fenced or roped off to prevent construction activity from extending beyond the established limits. No soil storage, excavation or backfill operations, or vehicular access is permitted outside of the Site Disturbance Area.

4.4. Building Setback. Regardless of the location of the Site Disturbance Area, all portions of the Dwelling or any other Improvements (except for access driveways and underground utilities) must maintain a minimum front yard set back from property line of 25 feet; a minimum side yard set back of 20 feet on each side of the Lot, and a

minimum rear yard set back of 15 feet from the rear Lot line. On Lots 4 through 26, the rear yard set back will be established from the Limit of Disturbance line shown on the Plat instead of the rear Lot line, and no Improvements may be constructed beyond that line. See Section 4.23 for additional restrictions on specific Lots.

4.5. Relation of Set Back to Site Disturbance Area. The Site Disturbance Area may extend into the Building set back areas, so that the minimum front, rear, and side yard set backs will determine the minimum set back for the exterior walls of any Dwelling or other Improvement, but allow for site disturbance beyond the exterior wall for construction purposes and/or irrigated landscaping.

4.6. Building Size. The sizes of the Lots within the Subdivision were intentionally varied. The maximum allowable Floor Area for the Dwelling and other buildings on the Lot are shown on the table in Exhibit "B". No Dwelling may be constructed which exceeds maximum building Floor Area stated for the Lot on which it is proposed, as shown on Exhibit B. The minimum Floor Area on the main level of any Dwelling shall be at least 2,500 square feet. Garages are not counted in the Floor Area, unless they exceed 600 square feet, in which case the area in excess of 600 square feet is counted.

4.7. Building Height. No structure on and Lot may exceed 28 feet in height as measured at the natural grade on the Lot prior to construction to a point half way between the eaves and the ridge line of the roof. The maximum ridge line height will be 33 feet above natural grade, with the intention being to have the building mass follow the natural, existing contour of the land. Building location and design should place buildings in a manner to minimize visibility from adjoining or adjacent Lots. See Section 4.23 for additional restrictions on specific Lots.

4.8. Roof Design. Roof pitches must be within a range of a 5/12 to a 7/12 slope. No more than one roof pitch may be used on any structure. Eaves and roofs must overhang by at least twenty-four inches. Shingles will be fire retardant material approved by the City. No wood shingles or shakes are permitted. Non-reflective metal roofing, and asphalt composite shingles weighing at least 270 pounds per 100 square feet are also permitted. Mansard, fake mansard, A-frame, gambrel, curvilinear, flat and domed roof designs are prohibited. All fascia boards must be at least twelve inches in width. Special attention will be paid to the south facing roof overhang to allow for adequate sun protection. All roof metal such as flashing, vent stacks, gutters and chimney caps will be made of anodized aluminum or painted galvanized metal, and in either case, will be painted an earth tone color.

4.9. Siding Materials. Unless specifically approved by the Architectural Committee, only the following exterior wall surface materials are allowed: cedar siding, redwood siding, stone, log, wood shingles, and stucco without "tudor" wood breaks. Textured plywood, metal, vinyl, masonite or similar manufactured siding materials are prohibited. There shall be no more than two separate exterior wall materials on any wall surface (excluding trim), and no more than three on any one Building. Exterior wall colors must harmonize with the site and surrounding buildings. The predominant tone should be earth tone, whether in the natural color or patina of the weathered color of the wall surface itself or the color of the stain or other coating. Bright or dramatic colors can be used for accent of exterior wall areas hidden from general view. Fascia and trim shall also remain in the earth tone spectrum.

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4.10. Windows. Windows must be either wood, bronze-tone aluminum clad wood, bronze tone aluminum, or dark metal. All windows must be at least double glazed. Any trapezoidal windows must parallel the shape of the walls or roofs surrounding them. No mirrored or reflective glass may be used.

4.11. Fireplaces, Chimneys. Only one wood-burning stove, fireplace, or other such appliance is permitted on each Lot. The primary heat source must be natural gas or solar rather than wood. No coal fired appliances may be use, and no coal shall be burned in fireplaces. Chimneys must be enclosed in an approved siding material with a spark arrester. No exposed metal flues are permitted.

4.12. Antennas. All antennas must be enclosed within a building, and not roof mounted. Any satellite dishes in excess of 24 inches in diameter must be located and screened in a manner approved in advance by the Architectural Committee so that they are not visible from either adjoining Lots or from outside the Subdivision.

4.13. Solar Panels. Solar panels will be permitted only with the consent of the Architectural Committee, and if permitted at all, must lie flat against the roof and may not differ in pitch from the roof surface on which they are mounted. No free standing solar panels will be permitted.

4.14. No Used or Temporary Structures. No previously erected, used, or temporary structure, mobile home, trailer house, or any other non-permanent structure may be installed or maintained on any Lot.

4.15. No Air Supported Structures. No air supported tennis or swimming pool bubbles or covers will be permitted on any Lot.

4.16. Balconies and Decks. The area under any deck or balcony that is more than twenty-four inches above natural grade must either be landscaped or screened from view so that the view from adjoining Lots or streets is not of the unfinished underside of the deck. The area under any deck shall not be used for storage of equipment, firewood, building material, or similar material. The underside of any deck more than four feet above grade must either be completely screened with vertical lattice or siding, or, if exposed (as in the case of a second story deck) painted or stained to match the house.

4.17. Fire Sprinklers. All dwellings must be equipped with an automatic fire sprinkler system in accordance with the ordinances of Park City or, in the absence of an ordinance, a system which meets standard 13-D of the National Fire Protection Association for residential applications. Owners constructing any portion of the Dwelling or other inhabitable structure more than 150 feet back from the public street may be required to install a dry standpipe from the edge of the street to the fire sprinkler system within the structure. The specifications for fire sprinkling equipment are established by City regulations, and it is the obligation of each Owner to comply with those specifications in the construction of the Dwelling.

4.18. Deer Valley Design Guidelines Incorporated. The Deer Valley Resort Architectural Design Guidelines, which are attached as Exhibit C are incorporated as general design requirements. In the event of conflicts, the specific provisions set forth in this Declaration shall control.

4.19. Fences. To minimize disturbance to native vegetation and disruption to wildlife habitat, fencing of the side and rear boundaries of any Lot shall not be permitted in the Subdivision. Limited interior fencing of the irrigated landscaped area is permitted subject to advance approval by the Architectural Committee. Chain link or other wire fencing is prohibited. With the advance consent of the Committee, an Owner whose Lot is bisected by, or abuts or adjoins a Public Trail Easement, as shown on the Plat or as later dedicated by the Owner, may fence the trail in a manner that is reasonable to prevent trespass. Fencing of trail easements may occur outside the Site Disturbance Area of the Lot. The design of such fencing should be typical of agricultural wire or wood rail fencing (not chain link) of a design that blends in with the surrounding vegetation, and not a highly visible privacy or screening type fence. The fencing material and height shall be of a design that will allow the free travel of wildlife, while discouraging human trespass. Any such fencing should be on the right of way boundary line, and placed in a manner that does not present safety hazards to trail users.

4.20. Entrance Gates. To the extent permitted by applicable City zoning, entrance gates are permitted on all Lots. The driveway width of any entrance gate may not exceed 20 feet in width. The decorative wall or other structure on either side of the gate, plus the width of the gate itself, may not exceed 75 feet in total length, or 30% of the frontage of the Lot, whichever is less. Fencing of the remainder of the Lot frontage is permitted, provided that fencing is of a decorative metal rather than chain link or other wire fencing, and is designed in a manner that blends into the natural landscaping. Decorative pillars on fencing are prohibited.

4.21. Driveway Access. Individual driveway accesses to each Lot must be approved by the Architectural Committee as part of the site plan of the Lot. Driveways should be located in a manner to minimize cuts and fills and the need for retaining walls. No driveway may exceed 12% slope. Driveways shall be wide enough to permit two cars to be parked side by side in front of the garage entrance, but shall not exceed 20 feet otherwise. Cut and fill slopes must be re-vegetated with native vegetation when occurring outside of the approved Site Disturbance Area. Main driveways must be hard surfaced.

4.22. Sewer Connection Required. All Lots are served by sanitary sewer service, and no cesspools, septic tanks, or other types of waste disposal systems are permitted for use with any Dwelling. All Dwellings must be connected to the sanitary sewer system. Owners of downhill Lots may encounter difficulty in providing gravity flow sewer connections to the street. The cost of private ejector systems will be borne by the individual Lot Owner, and not by the Declarant or the provider of sewer treatment service. Lots 25, 26, and 44 will probably require ejector pumps, and others may, depending on the placement and design of the Dwelling.

4.23. Exterior Lighting Standards. All exterior lighting must be adequately shielded and controlled to prevent glare and illumination to adjacent properties or streets. Bare light globe fixtures, such as flood and spot lights, are prohibited.

4.24. Special Restrictions on Some Lots. As a condition of approval by the City, additional restrictions have been imposed on some of the Lots:

(a) On Lots 4, 5, 9, 10, and 11, at least 65% of the total gross floor area, exclusive of the garage, is to be on the finished grade. The maximum Dwelling Height will be 25

feet to the midpoint of the roof and 28 feet to the ridgeline, as defined by the City Land Management Code.

(b) On Lots 10 and 11, the front yard set back will not exceed 100 feet from the front Lot line as defined by the City Land Management Code.

ARTICLE V

LANDSCAPE STANDARDS

5. The intent of this declaration is to conserve water, preserve the natural existing vegetation, and enhance wildlife habitat to the extent possible given the construction of the Subdivision. The use of each Lot is subject to the following Landscape Standards:

5.1. Irrigated Landscape Area. Within each Lot there is an area available for irrigated landscaping, including lawn areas. The size of this area within each Lot is listed on Exhibit B. The irrigated landscape area will be within the Maximum Site Disturbance Area of the Lot. The use of permanent irrigation systems is limited to this portion of the Lot.

5.2. Non-Irrigated Area. Outside of the Maximum Site Disturbance Area, the native vegetation will be preserved, and the following standards apply:

(a) Irrigation. No permanent irrigation is permitted in this area. Temporary irrigation as needed to repair damage to the natural vegetation as a result of construction activities, such as reclamation of utility trenches and areas along driveways, is permitted, but only for so long as necessary for restoration of vegetative cover. New plantings of native plants may be irrigated on a temporary basis to establish healthy growth. No permanent irrigation systems may be installed outside of the Maximum Site Disturbance Area.

(b) Plant Materials. It is the intention to preserve the native vegetation in the areas outside of the Maximum Site Disturbance Area. New plantings in that area will be of native species.

(c) Removal of Vegetation. No native vegetation, trees, or shrubbery may be cut or removed from the non-irrigated area of the Lot except as necessary to maintain healthy growth, remove diseased plants, or for approved utility trenches and driveways. Noxious weeds may be removed as required.

5.3. Uses of Non-Irrigated Area. No improvements of any kinds are permitted in the Non-Irrigated area of any Lot (with the exception of approved driveways and utility trenches). No swimming pool, tennis court, deck, spa, swing set, trampoline, play ground equipment, dog run, or similar structures, hard surfaced area, or improvement is permitted in the non-irrigated area of the Lot. With the consent of the Committee, Owners may clear additional trails in the non-irrigated area, provided that no trail will exceed 10 feet in width. No vehicles, snowmobiles, motorcycles, or all terrain vehicles will be used, stored, or operated on the non-irrigated portion of the Lot.

5.4. No Livestock. No horses or other livestock will be kept on any part of the Lot.

ARTICLE VI

ACCESSORY DWELLINGS

6. While the intention of the Declarant is to develop a subdivision of single family dwellings, the nature and use of such Dwellings in a resort context may make it desirable in some cases for the Owners of Lots to include an Accessory Dwelling in the Primary Dwelling on the Lot. Accessory Dwellings are permitted on each Lot, subject to the following conditions:

6.1. Size of Accessory Dwelling. The Accessory Dwelling may not exceed 25% of the floor area of the Primary Dwelling. Accessory Dwellings may not be less than 400 square feet in floor area, nor more than 800 square feet, and may contain no more than two bedrooms. The addition of an Accessory Dwelling will not increase either the maximum permitted Floor Area or the maximum Site Disturbance Area for each Lot as shown on Exhibit B.

6.2. One Accessory Dwelling Per Lot. Only one Accessory Dwelling is permitted on any Lot. The Accessory Dwelling may only be constructed in conjunction with, or after completion of the Primary Dwelling, but may not be constructed first.

6.3. Location of Accessory Dwelling. Accessory Dwellings must be incorporated into the Primary Dwelling, and no increase in the Site Disturbance Area is permitted for an Accessory Dwelling. The Site Disturbance Area may not be split into separate building sites for the Primary and Accessory Dwellings.

6.4. Ownership, Appurtenance. The Accessory Dwelling is an appurtenance to the Primary Dwelling, and is not to be separately sold, encumbered, leased for periods in excess of 2 years, or in any other way separated from the ownership and control of the Primary Dwelling. There will be no vote in the Association assigned to an Accessory Dwellings, and no assessment levied on Accessory Dwellings other than the assessment on the Lot.

6.5. Transient Lodging Prohibited. No Accessory Dwelling may be rented for transient lodging purposes. No rental agreement for less than 30 days will be permitted. This shall not preclude use by guests of the Owner for periods of shorter duration, but commercial rental on a nightly or short term basis is prohibited.

6.6. Parking. Accessory Dwellings must have one off-street, enclosed parking space per bedroom, in addition to the Parking for the Primary Dwelling.

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ARTICLE VII

OWNERS' MAINTENANCE OBLIGATIONS

7. It is the obligation of each Owner to maintain his Lot at all times in order to preserve and enhance the enjoyment of the Subdivision:

7.1. Duty to Maintain. It is the obligation of the Owner of each Lot to maintain his Lot and the Improvements to the Lot in a good state of repair and an attractive, safe, and healthy condition.

7.2. Repair by Association. In the event that an Owner permits his Lot or Improvements to fall into a state of disrepair that is dangerous, unsafe, unsanitary, or unsightly condition in violation of this Declaration, the Association may give written notice to the Owner describing the condition complained of and demanding that the Owner correct the condition within 30 days. If the Owner fails to take corrective action, the Association shall have the right, but not the obligation, to enter upon the offending Owner's Lot and take corrective action to abate the condition. All costs of abatement shall be charged to the Owner, who agrees to promptly pay the reasonable costs of any work performed under this provision. Unpaid amounts will bear interest at the lawful judgment rate under applicable state law.

7.3. Alterations of Exterior Appearance. The Owners will maintain their Lots and Improvements in substantially the same condition and appearance as that approved by the Architectural Committee. No subsequent exterior alterations, improvements or remodeling, whether structural or changes in landscaping, paint color or siding or trim materials will be made without the advance consent of the Committee.

7.4. Repair Following Damage. In the event of casualty loss or damage to the Improvements, the Owner will be entitled to reconstruct the Improvements as they existed prior to the damage or loss without review by the Committee, provided however that alterations or deviations from the originally approved plans will require review. Nothing in this Declaration is intended to prevent an Owner who has suffered property damage or loss from taking temporary measures to secure the property and prevent further damage, or to prevent injury or dangerous conditions following loss or damage, before re-construction begins. Such temporary measures may be taken without the consent or approval of the Architectural Committee, provided that any such measures must be of a temporary nature, and repair or reconstruction must begin as soon as circumstances will permit. No damaged structure will be permitted to remain on any Lot for more than 90 days without repairs commencing, and any damaged structure which does remain un-repaired after 90 days following the occurrence of damage is deemed a nuisance which may be abated by the Association at the expense of the Owner.

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ARTICLE VIII

CONSTRUCTION COVENANTS AND REGULATIONS

8. In order to insure that the natural vegetation outside of the maximum Site Disturbance Area is not damaged during any construction activities, and to minimize the inconvenience to adjoining Owners, the following construction regulations shall be enforced during the construction period. These regulations shall be made a part of the construction contract between the Owner and his or her contractor on any Improvements on a Lot. Each Owner shall be bound by these regulations, and violations committed by the contractor shall be deemed a violation by the Owner for which Owner is liable.

8.1. Marking Site Disturbance Area. Prior to the commencement of construction, the Owner shall cause the perimeter of the Site Disturbance Area to be surveyed and marked in conjunction with the staking of the foundation and other Improvements. The perimeter of the Site Disturbance Area will be marked with surveyors tape or fenced to prevent any intrusion beyond that area.

8.2. Portable Office or Trailer. Any Owner whose contractor desires to bring a portable office or trailer on to a Lot shall first apply for and receive written approval from the Architectural Committee. The Architectural Committee will work with the Owner to determine the best location for the portable office. The portable office will be located only in a location approved by the Architectural Committee, which shall be on the Owner's Lot and within the area that can be disturbed by construction or driveway areas.

8.3. Removal of Temporary Office. The temporary office may not be installed prior to the commencement of construction, and must be removed upon the first to occur of (i) the issuance of a Certificate of Occupancy, (ii) the termination, expiration, or cancellation of the Building Permit, or (iii) the suspension of construction activities for a period of 60 days.

8.4. Construction Debris Removal. Owners and their contractors must comply with Park City ordinances requiring the placement and maintenance of a trash container or dumpster on the Lot during construction. Owners and their contractors are responsible for collection of trash at the end of each work day and depositing construction trash, packing material, unusable scraps, and other debris in a suitable container. Lightweight material must be weighted down to prevent wind from blowing it away. Debris must be contained until removed from the Lot to an appropriate land fill. The dumpster must be regularly serviced. No trash may be burned, buried, or otherwise disposed of on the Lot. No concrete trucks may be cleaned out on any Lot, Open Space Parcel, or anywhere within the Subdivision.

8.5. Construction Area Appearance. The Lot must be maintained in a reasonably organized and neat condition at all times during the construction of Dwelling or any other Improvements. Materials must be stored in neat stacks and covered. No more material may be delivered to the site than can reasonably be consumed in a week's time, provided that once the Dwelling is enclosed, materials may be stored inside, out of sight, indefinitely.

8.6. Sanitary Facilities. Each Owner is responsible for the installation and maintenance of an approved portable toilet facility on the site during construction. The portable toilet must be located on the Lot at a location approved by the Architectural Committee, and removed from the site at such time as the permanent plumbing system is operational.

8.7. Removal of Mud. Owner and contractor are responsible for keeping mud from the construction site from being deposited on the roadways of the Subdivision. This may require cleaning of truck tires before leaving the site.

8.8. Duration of Construction. It is the obligation of the Owner to proceed with construction with all reasonable speed once construction has commenced, and in any event, all exterior surfaces of the building shall be substantially complete within a period of twelve months from commencement. All landscaping and soil stabilization work must be completed as soon as possible after completion of the exterior of the Dwelling, but in no event later than the summer following completion of the exterior of the Dwelling.

ARTICLE IX

OPEN SPACE AND AMENITY PARCELS

9. Within the Subdivision, there are areas designated on the plat as Open Space Parcels, and an area designated as the Amenity Parcel. Declarant has, or will convey the Open Space Parcels to the City. The use of the Open Space Parcels will be governed by this Declaration. The Amenity Parcel will be conveyed to the Association.

9.1. Use of Amenity Parcel. The Amenity Parcel will be owned by the Association. Its ultimate use is to be determined by the Association, consistent with these covenants. The Amenity Parcel may be used for a natural or landscaped park area, for the construction by the Association, at its expense, of a swimming pool, tennis courts, club house, or similar recreational amenity for the use and benefit of the Owners, or left in its natural condition. Prior to the construction by the Association of any Improvements costing more than \$15,000 on the Amenity Parcel, the Trustees will first present to proposal to the Owners, and receive the affirmative vote of 2/3rds of the Owners, excluding the Declarant. No such Improvements will be made until the Declarant has conveyed at least 2/3rds of the Lots to third parties, unless the Declarant otherwise consents in writing.

9.2. No Dwellings. The Amenity Parcel may not be used for, sold, or leased for the purpose of constructing Dwellings, office space, or commercial buildings. Any recreation amenity will be for the use of the Owners, and not open to the general public or for members other than Owners within the Hidden Meadows Subdivision. This shall not preclude the construction of a manager's dwelling of not more than 400 square feet in any club house facility constructed by the Association.

9.3. No Commercial Use. The Amenity Parcel may not be used for any commercial purpose, including the operation of a club house, restaurant, tennis club or pool facility open to the public or persons other than Owners or their guests. No vehicles, construction materials (other than those for the use and benefit of the Association), or equipment will be parked or stored on the Open Space Parcel, except

during Declarant's initial construction of the Subdivision Improvements, such as streets and utilities.

9.4. Culinary Water Well Site. Declarant's predecessor in interest has reserved the right to drill and operate a culinary water well within the Amenity Parcel. The location of that well will be coordinated with the Association to minimize site disturbance or interference with the Association's use of the Amenity Parcel, but also to provide access to sub-surface geologic structures which are believed to be advantageous locations for drilling a well. The well, if drilled, will be equipped with a surface pump house not to exceed 1,000 square feet, which will be sided, roofed, and landscaped in a manner consistent with these covenants.

9.5. Water Quality Protection. The Association will not do anything on the Amenity Parcel that might reasonably be expected to compromise water quality from the proposed well, including disposal or storage of hazardous materials, fuels or oils, insecticides or herbicides, or the use of other toxic or hazardous materials.

9.6. Open Space Parcels. Around the perimeter of the Subdivision there are larger areas designated on the Plat as Open Space. Declarant has, or will, convey these parcels to the City, subject to this Declaration and additional covenants contained in the deeds. The Owners may enforce these covenants against the City as owner of the Open Space, as the Open Space is created for the benefit of the Subdivision. The City is not deemed an Owner for purposes of participation in the Association, and shall not be subject to Assessment, nor entitled to vote. These covenants are not reciprocal as to the Open Space, and the City will have no right to enforce these covenants against Lot Owners, provided that this shall not waive any powers that exist under City ordinances. The Open Space parcels are to be maintained in their natural condition, and no improvements of any kind will be permitted, except:

- (a) Trails, which will be public easements for non-motorized use;
- (b) Underground utilities, and such above ground controls, transformer boxes, and junction boxes as may be reasonably necessary;
- (c) The existing overhead power line.

No clearing, grading, excavation, or other site work is permitted that would alter the natural vegetation or natural appearance of the Open Space Parcels.

9.7. Additional Trails. The City may construct an additional trail that extends north through Open Space Parcel Number 4, provided that no new trail will be constructed closer to any Lot than the trail easement shown on the Plat north of the rear lot line of Lots 16 through 26.

ARTICLE XI

COMBINATION OF LOTS

10. Subject to the provisions of this Declaration and the limitations set forth in this Section, any Owner may combine two adjoining Lots with adjoining frontage on the same street within the Subdivision, subject to the approval of the Architectural

Committee and City. The following regulations will apply in the event of a combination:

10.1. Maximum Site Disturbance Area Revision. As a result of the combination of Lots, the maximum allowable Site Disturbance Area of the resulting combined Lot will be determined from the table in Exhibit B, but will not exceed 75% of the combined irrigated area allowed for the two lots. Siting of the Dwelling should spread the resulting building mass more or less evenly over the combined Lots, although may be more concentrated where good site planing practices dictate. In no event may the entire mass be constructed on a single Lot.

10.2. Maximum Floor Area. The maximum Floor Area for the Dwelling on the combined Lots shall not exceed 75% of the combined floor areas of the two individual Lots.

10.3. Architectural Committee May Deny Combination. The Architectural Committee has the power to deny the Owner's application to combine Lots on the basis that the resulting combination concentrates too much building mass on a single Lot, that the combination results in damage to significant natural features on the Property such as natural drainage courses or significant wooded areas, or results in a structure that violates the provisions of this Declaration.

10.4. Combination Deemed Permanent. The combination of Lots is deemed to be permanent and the Lots may not be independently sold once construction has commenced on the Improvements for the combined Lot.

10.5. Record Notice of Combination. The Owner of any Lots that have been combined will execute and deliver to the Architectural Committee a notice in recordable form, containing the name of the Owner and the legal description of the Lots combined, which Notice will state that the two Lots have been combined and cannot subsequently be subdivided. The Owner will also submit a current title report showing any lien holders, who will also be required to sign the Notice. The Committee shall record this Notice with the Summit County Recorder upon the commencement of construction.

10.6. Plat Amendment. The combination of Lots may also require a formal Plat Amendment process under applicable state or city regulations, all or which will be done at the sole expense of Owner.

ARTICLE XI

GENERAL PROVISIONS

11. The covenants, conditions, and restrictions contained in this Declaration may be enforced as follows:

11.1. Remedies.

(a) Any single or continuing violation of the covenants contained in this Declaration may be enjoined in an action brought by the Declarant (for so long as the

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Declarant is the Owner of any Lot), by any other Owner, or by the Association in its own name. In any action brought to enforce these covenants, the prevailing party shall be entitled to recover as part of its judgment all of the reasonable costs of enforcement, including attorneys fees and costs of court.

(b) Nothing in this Declaration shall be construed as limiting the rights and remedies that may exist at common law or under applicable federal, state, or local laws and ordinances for the abatement of nuisances, health and safety, or other matters. These covenants are to be construed as being in addition to those remedies available at law.

(c) The remedies available under this Declaration and at law or equity generally are not to be considered as exclusive, but rather as cumulative.

(d) The failure to take enforcement action shall not be construed as a waiver of the covenants contained in this Declaration in the future or against other similar violations.

11.2. Severability. Each of the covenants contained in this Declaration shall be independent of the others, and in the event that any one is found to be invalid, unenforceable, or illegal by a court of competent jurisdiction, the remaining covenants shall remain in full force and effect.

11.3. Limited Liability. Neither the Declarant, the Trustees, or the Architectural Committee or its individual members, nor any other Owner shall have personal liability to any other Owner for actions or inactions taken under these covenants, provided that any such actions or inactions are the result of the good faith exercise of their judgment or authority under these covenants, and without malice.

11.4. Term of Covenants, Renewal. This Declaration shall expire fifty years from the date it is first recorded with the Summit County Recorder, provided however that in the last year prior to expiration, the Owners of 90% of the Lots may, by written notice which is recorded with the Summit County Recorder, agree to extend the covenants for a period of an additional twenty years.

11.5. Amendment. At any time while this Declaration is in effect, the Owners of 75% of the Lots may amend the provisions of this Declaration. Any amendment must be in writing and be approved by 75% of the Owners at the time of the amendment. No amendment which has the effect of substantially or materially altering the size, nature, or use of the Improvements on any Lot permitted by this Declaration will be binding upon the holder of any mortgage or trust deed on any Lot unless the mortgage or trust deed holder joins in the amendment. These covenants may be repealed in whole or in part by amendment. No amendment which eliminates the rights of the Declarant under this Declaration will be effective without the consent of the Declarant.

11.6. Constructive Notice. Every person who owns, occupies, or acquires any right, title or interest in any Lot in the Subdivision is conclusively deemed to have notice of this Declaration and its contents, and to have consented to the application and enforcement of each of the covenants, conditions and restrictions against his Lot, whether or not there is any reference to this Declaration in the instrument by which he acquires his interest in any Lot.

11.7. Notices. All notices under this Declaration are deemed effective 5 business days after the date of mailing, whether delivery is proved or not, provided that any mailed notice must have postage pre-paid and be sent to the last known address of the party to receive notice. The address for notice may be taken from the latest available property tax assessment rolls if no other address for an Owner is known. Notices delivered by hand are effective upon delivery.

11.8. Liberal Interpretation. The provisions of this Declaration shall be interpreted liberally to further the goal of creating a uniform plan for the development of the Subdivision. Paragraph headings are inserted for convenience only and shall not be considered in interpretation of the provisions. Singular will include plural, and gender is intended to include masculine, feminine and neuter as well.

11.9. Covenants Run with the Land. The covenants, conditions, and restrictions in this Declaration are covenants running with the land, and shall burden and benefit the successors and assigns of the Declarant and the Owners for so long as the Declaration is in effect.

ARTICLE XII

EXPANSION OF PROJECT

12. The Declarant owns other land adjoining the Subdivision which is described on the attached Exhibit D. It is the intention of the Declarant to subdivide the additional land and to add it to the Subdivision and to these Covenants. Within a period of seven years from the date this Declaration is recorded, the additional land may be added to this Declaration and become a part of the Subdivision by the Declarant, or its successor in interest, recording a Subdivision Plat describing the additional land and the Lots created on it, and a Supplemental Declaration stating that it is the intention of the Declarant to add the additional land to the Subdivision, and to have that land be subject to these same covenants, conditions and restrictions.

12.1. No Obligation to Expand. The Declarant reserves the right to add some or all of the additional land to the Subdivision, but is under no obligation to do so. The additional land, if not added to the Subdivision, may be developed in a manner that is different from that described in this Declaration.

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12.2. Expansion in Phases. The Declarant may exercise its right to expand the project in one or more phases or stages, and the addition of some of the expansion area does not obligate the Declarant to add the balance of the land to the Subdivision.

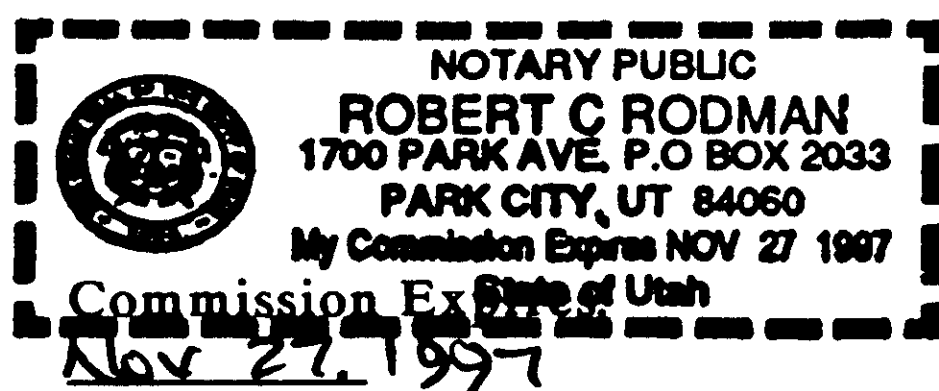
Executed on the date stated above.

BLUE LEDGE CORPORATION, a
Delaware
corporation

By: Hank Rothwell
Hank Rothwell, Pres.

STATE OF UTAH)
 :SS
COUNTY OF SUMMIT)

On the 17 day of July, 1995, Hank Rothwell appeared before me and acknowledged that he is the President of Blue Ledge Company, a Delaware corporation, which is the Declarant in the above instrument, and that he executed the same on behalf of the corporation with proper authority.



Robert C. Rodman
Notary Public
Residing at: Summit Co Utah

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EXHIBITS

EXHIBIT A PROPERTY DESCRIPTION

**EXHIBIT B TABLE FROM PLAT ON HOUSE SIZES AND BUILDING ZONE
MAXIMUMS, INCLUDE REFERENCE TO GARAGES AND SIDE
FRONT AND REAR SET BACKS**

EXHIBIT C AMENITY PARCEL DESCRIPTION

EXHIBIT D PHASE II PROPERTY

00436643 Bk00905 Pg00478

EXHIBIT "A"

HIDDEN MEADOW SUBDIVISION PHASE 1
BOUNDARY DESCRIPTION
May 10, 1995

Beginning at a point on the northerly end line of the Emma mining claim North 77° 39' 13" West 251.53 feet from the Northeast corner of the Emma mining claim, said point is located North 4133.38 feet and East 2713.23 feet from the East Quarter corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence along the northerly end of the Emma, the Emily No. 2, and the Hope No. 2 mining claims (Mineral Survey 3262) North 77° 39' 13" West 1375.42 feet more or less; thence along the westerly end line of the Gasoline Alley No. 6 mining claim (Mineral Survey 6992) North 28° 59' 00" West 222.56 feet more or less; thence along the southerly side line of the Ina mining claim (Mineral Survey 5490) North 59° 06' 00" East 465.36 feet more or less; thence along the southerly side line of the Bessie mining claim (Mineral Survey 5552) North 61° 01' 00" East 1500.00 feet more or less; thence along the easterly end line of the Bessie mining claim North 38° 40' 43" West 14.26 feet; thence along the Chatham Crossing Subdivision boundary (Recorded Instrument Number 179465 in the Office of the Summit County Recorder) the following four courses:) 1) North 61° 10' 55" East (Plat North 61° 05' 58" East) 46.56 feet; thence 2) North 41° 14' 05" West (Plat North 41° 19' 02" West) 1317.38 feet; thence 3) South 39° 55' 03" East (Plat East) 595.29 feet; thence 4) North 0° 04' 57" East (Plat North) 785.35 feet; thence along the northerly side line of the Woodrow No. 1 mining claim (Mineral Survey 6792) North 60° 10' 00" East 509.54 feet more or less; thence along the northerly side line of the Woodrow No. 2 mining claim North 62° 56' 19" East 1501.54 feet; thence along the westerly end line of the Glegg No. 1 mining claim (Mineral Survey 6792) North 44° 04' 01" West 31.07 feet; thence along the northerly side line of the Glegg No. 1 mining claim North 75° 55' 00" East 1435.63 feet more or less; thence along the southerly end line of the Potosi mining claim (Mineral Survey 6192) North 78° 41' 14" East 40.19 feet; thence along easterly side line of the Potosi mining claim North 53° 33' 00" East 5.10 feet; thence along the northerly side line of the Glegg No. 1 mining claim North 75° 55' 00" East 21.29 feet more or less; thence along the easterly end line of the Glegg No. 1 mining claim South 41° 00' 00" East 643.43 feet more or less; thence along the easterly end line of the Glegg No. 2 mining claim South 39° 40' 23" East 393.40 feet; thence along the North line of Section 11 North 88° 47' 03" West 1240.30 feet to the Northwest corner of Section 11; thence South 0° 57' 03" West 714.42 feet; thence South 70° 48' 39" West 20.35 feet; thence South 89° 32' 18" West 124.80 feet; thence South 07° 11' 05" East 317.18 feet to a point on a 50.00 foot radius curve to the right, whose radius point bears South 04° 46' 56" East, thence along the arc of said curve 42.48 feet thru a central angle of 48° 40' 36" to a point on a 15.00 foot radius curve to the left, whose radius point bears North 43° 53' 40" East; thence along the arc

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of said curve 13.05 feet thru a central angle of 49° 51' 38" to a point on a 675.00 foot radius curve to the right, whose radius point bears South 05° 57' 58" East; thence along the arc of said curve 47.10 feet thru a central angle of 03° 59' 53"; thence South 0° 57' 03" West 1451.52 feet to a point on a 50.00 foot radius curve to the left, whose radius point bears North 89° 02' 57" West; thence along the arc of said curve 73.52 feet thru a central angle of 84° 14' 57"; thence North 10° 46' 33" West 34.02 feet; thence South 80° 37' 22" West 628.64 feet; thence North 16° 28' 35" West 238.32 feet; thence North 13° 36' 27" West 50.00 feet; thence South 76° 23' 33" West 64.47 feet to a point on a 290.15 foot radius curve to the left, whose radius point bears South 13° 36' 27" East; thence along the arc of said curve 48.67 feet thru a central angle 09° 36' 38"; thence North 31° 57' 40" West 225.19 feet; thence South 46° 41' 39" West 377.59 feet; thence South 07° 56' 32" East 319.08 feet; thence South 10° 24' 24" West 233.92 feet; thence South 41° 50' 49" West 137.01 feet; thence South 67° 45' 45" West 221.74 feet; thence South 14° 25' 20" East 246.82 feet; thence South 38° 35' 36" East 164.61 feet to the northeast corner of Phase 1, Parcel 1 of Royal Oaks Subdivision Phase I (Recorded instrument No. 352414 in the office of the Summit County Recorder); thence along the north line of said Parcel 1 South 79° 34' 34" West (Plat South 79° 36' 44" West) 160.00 feet; thence along the north line of said Parcel 1 South 69° 24' 48" West (Plat South 69° 26' 58" West) 65.28 feet; thence along The Oaks at Deer Valley (Recorded instrument No. 311418 in the office of the Summit County Recorder) boundary line South 68° 57' 50" West (Plat South 69° 00' 00" West) 59.25 feet; thence along The Oaks at Deer Valley boundary line South 48° 57' 50" West (Plat South 49° 00' 00" West) 300.00 feet; thence North 65° 36' 22" West 331.48 feet to a point on a 538.60 foot radius curve to the left, whose radius point bears South 60° 33' 01" East; thence along the arc of said curve 335.95 feet thru a central angle of 35° 44' 16"; thence South 06° 17' 17" East 477.78 feet to a point on a 125.00 foot radius curve to the left, whose radius point bears North 83° 42' 43" East; thence along the arc of said curve 18.63 feet thru a central angle of 08° 32' 16"; thence along The Oaks at Deer Valley boundary line South 81° 46' 37" West (Plat South 81° 48' 47" West) 50.24 feet to a point on a 175.00 foot radius curve to the right, whose radius point bears North 77° 03' 57" East; thence along the arc of said curve 20.30 feet thru a central angle of 06° 38' 46"; thence North 06° 17' 17" West 477.78 feet to a point on a 588.60 foot radius curve to the right, whose radius point bears North 83° 42' 43" East; thence along the arc of said curve 214.78 feet thru a central angle of 20° 54' 26"; thence North 68° 29' 02" West 229.73 feet; thence South 46° 04' 16" West 126.36 feet; thence South 11° 47' 28" West 170.03 feet to the point of beginning. Description contains 226.42 acres. The Basis of Bearing for the above description is South 00° 30' 11" West between the East Quarter corner and the southeast corner of Section 16.

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EXHIBIT "A"

HIDDEN MEADOW SUBDIVISION PHASE 2
BOUNDARY DESCRIPTION
April 19, 1995

Beginning at the Northwest corner of Section 11, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence along the North line of Section 11 South $88^{\circ} 47' 03''$ East 1240.30 feet; thence along the easterly end line of the Glegg No. 2 mining claim (Mineral Survey 6792) South $39^{\circ} 40' 23''$ East 215.18 feet; thence along the easterly end line of the Glegg No. 3 mining claim South $38^{\circ} 46' 13''$ East 606.70 feet; thence along the Southerly side line of the Glegg No. 3 mining claim South $75^{\circ} 52' 07''$ West 1501.92 feet; thence along the Southerly line of the Woodrow No. 6 mining claim South $63^{\circ} 17' 52''$ West 360.03 feet; thence North $0^{\circ} 57' 03''$ East 142.10 feet to a point on a 675.00 foot radius curve to the left, whose radius point bears South $01^{\circ} 58' 05''$ East; thence along the arc of said curve 47.10 feet thru a central angle of $03^{\circ} 59' 53''$ to a point on a 15.00 foot radius curve to the right, whose radius point bears North $05^{\circ} 57' 58''$ West; thence along the arc of said curve 13.05 feet thru a central angle of $49^{\circ} 51' 38''$ to a point on a 50.00 foot radius curve to the left, whose radius point bears South $43^{\circ} 53' 40''$ West; thence along the arc of said curve 42.48 feet thru a central angle of $48^{\circ} 40' 36''$; thence North $07^{\circ} 11' 05''$ West 317.18 feet; thence North $89^{\circ} 32' 18''$ East 124.80 feet; thence North $70^{\circ} 48' 39''$ East 20.35 feet; thence North $0^{\circ} 57' 03''$ East 714.42 feet to the point of beginning. Description contains 32.73 acres.

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TABLE B

EXHIBIT "B"

LOT #	SQUARE FEET	MAXIMUM FLOOR AREA	MAXIMUM SITE DISTURBANCE
LOT 1	77,447 S.F.	8,500 S.F.	12,000 S.F.
LOT 2	54,540 S.F.	7,250 S.F.	10,000 S.F.
LOT 3	49,336 S.F.	7,250 S.F.	10,000 S.F.
LOT 4	81,380 S.F.	8,500 S.F.	12,000 S.F.
LOT 5	157,921 S.F.	10,000 S.F.	14,000 S.F.
LOT 6	74,821 S.F.	8,500 S.F.	12,000 S.F.
LOT 7	55,352 S.F.	7,250 S.F.	10,000 S.F.
LOT 8	64,921 S.F.	7,250 S.F.	10,000 S.F.
LOT 9	81,303 S.F.	8,500 S.F.	12,000 S.F.
LOT 10	281,972 S.F.	10,000 S.F.	16,000 S.F.
LOT 11	122,989 S.F.	10,000 S.F.	16,000 S.F.
LOT 12	80,190 S.F.	8,500 S.F.	12,000 S.F.
LOT 13	81,388 S.F.	8,500 S.F.	12,000 S.F.
LOT 14	76,228 S.F.	8,500 S.F.	12,000 S.F.
LOT 15	64,790 S.F.	7,250 S.F.	10,000 S.F.
LOT 16	58,077 S.F.	7,250 S.F.	10,000 S.F.
LOT 17	49,379 S.F.	7,250 S.F.	10,000 S.F.
LOT 18	74,275 S.F.	8,500 S.F.	12,000 S.F.
LOT 19	78,352 S.F.	8,500 S.F.	12,000 S.F.
LOT 20	130,330 S.F.	10,000 S.F.	14,000 S.F.
LOT 21	128,150 S.F.	10,000 S.F.	14,000 S.F.
LOT 22	98,309 S.F.	10,000 S.F.	14,000 S.F.
LOT 23	118,896 S.F.	10,000 S.F.	14,000 S.F.
LOT 24	125,517 S.F.	10,000 S.F.	14,000 S.F.
LOT 25	80,976 S.F.	8,500 S.F.	12,000 S.F.
LOT 26	186,994 S.F.	10,000 S.F.	16,000 S.F.
LOT 27	90,053 S.F.	10,000 S.F.	14,000 S.F.
LOT 28	60,918 S.F.	7,250 S.F.	10,000 S.F.
LOT 29	64,391 S.F.	7,250 S.F.	10,000 S.F.
LOT 30	48,547 S.F.	7,250 S.F.	10,000 S.F.
LOT 31	43,069 S.F.	6,000 S.F.	10,000 S.F.
LOT 32	39,189 S.F.	6,000 S.F.	10,000 S.F.
LOT 33	39,308 S.F.	6,000 S.F.	10,000 S.F.
LOT 34	41,301 S.F.	6,000 S.F.	10,000 S.F.
LOT 35	45,723 S.F.	7,250 S.F.	10,000 S.F.
LOT 36	37,722 S.F.	6,000 S.F.	10,000 S.F.
LOT 37	42,690 S.F.	6,000 S.F.	10,000 S.F.
LOT 38	42,063 S.F.	6,000 S.F.	10,000 S.F.
LOT 39	37,052 S.F.	6,000 S.F.	10,000 S.F.
LOT 40	44,458 S.F.	7,250 S.F.	10,000 S.F.
LOT 41	29,535 S.F.	6,000 S.F.	10,000 S.F.
LOT 42	39,381 S.F.	6,000 S.F.	10,000 S.F.
LOT 43	75,089 S.F.	8,500 S.F.	12,000 S.F.
LOT 44	98,348 S.F.	10,000 S.F.	14,000 S.F.
LOT 45	57,471 S.F.	7,250 S.F.	10,000 S.F.

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EXHIBIT "C"

HIDDEN MEADOW SUBDIVISION
RECREATION OPEN SPACE PARCEL 3

Beginning at a point North 5704.31 feet and East 3793.03 feet from the East Quarter Corner of Section 16, Township 2 South, Range 4 east, Salt Lake Base and Meridian; and running thence North 88° 19' 31" West 353.13 feet to a point on a 88.00 foot radius curve to the right, whose radius point bears North 1° 40' 29" East; thence along the arc of said curve 266.24 feet thru a central angle of 173° 20' 48"; thence North 85° 01' 17" East 339.08 feet to a point on a 148.70 foot radius curve to the right, whose radius point bears South 4° 58' 43" East; thence along the arc of said curve 119.05 feet thru a central angle of 45° 52' 18" to a point on a 15.00 foot radius curve to the right, whose radius point bears South 40° 53' 36"; thence along the arc of said curve 26.22 feet thru a central angle of 100° 08' 48" to a point on a 201.21 foot radius curve to the left, whose radius point bears South 51° 02' 24" West; thence along the arc of said curve 165.45 feet thru a central angle of 47° 06' 47" to a point on a 15.00 foot radius curve to the right, whose radius bears North 86° 04' 23" West; thence along the arc of said curve 22.97 feet thru a central angle of 87° 44' 52" to the point of beginning. Description contains 2.09 acres. The basis of Bearing for the above description is South 00° 30' 11" West between the East Quarter corner and the southeast corner of Section 16.

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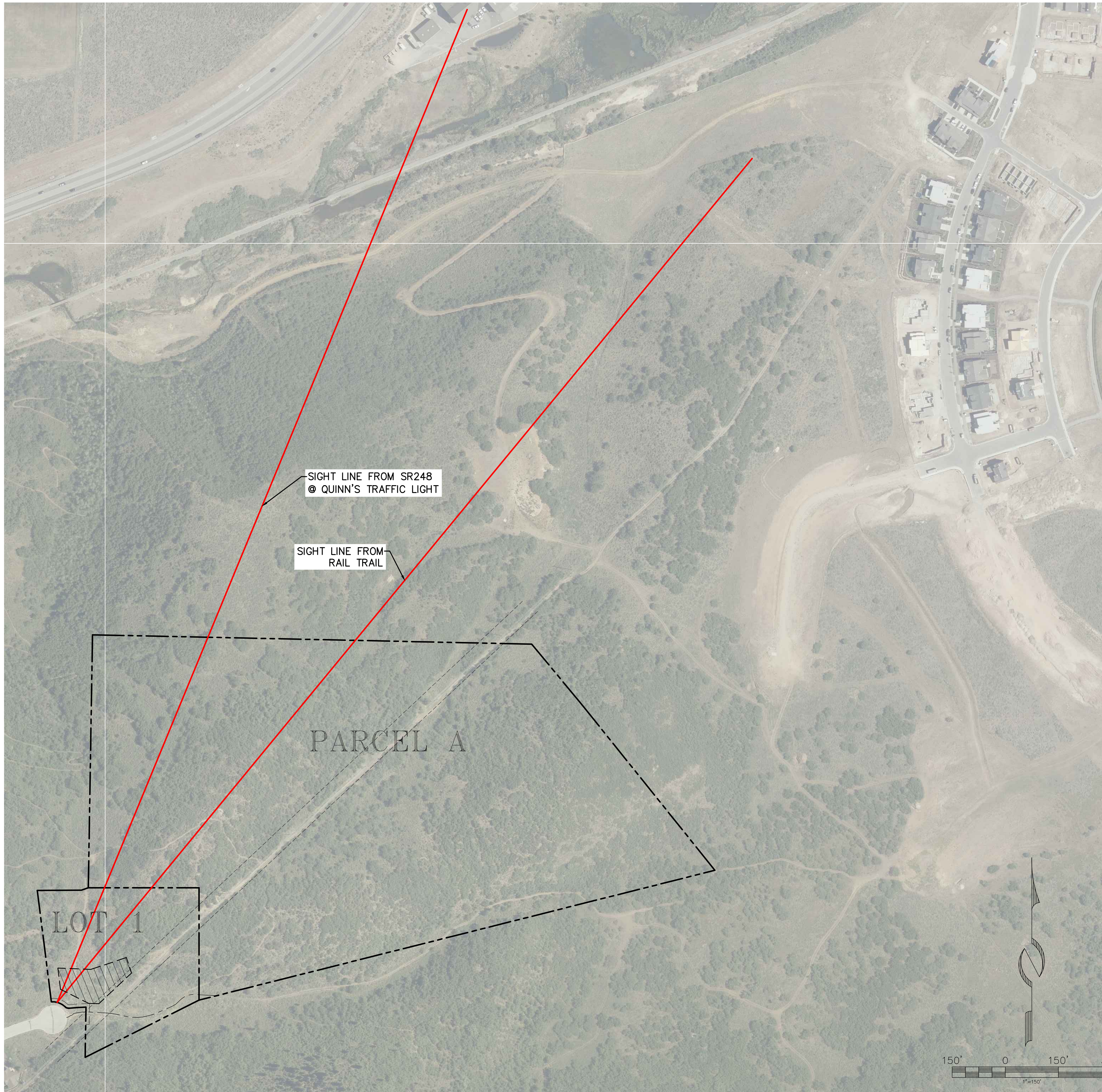
EXHIBIT "D"

HIDDEN MEADOW SUBDIVISION PHASE 2
BOUNDARY DESCRIPTION
April 19, 1995

Beginning at the Northwest corner of Section 11, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence along the North line of Section 11 South 88° 47' 03" East 1240.30 feet; thence along the easterly end line of the Glegg No. 2 mining claim (Mineral Survey 6792) South 39° 40' 23" East 215.18 feet; thence along the easterly end line of the Glegg No. 3 mining claim South 38° 46' 13" East 606.70 feet; thence along the Southerly side line of the Glegg No. 3 mining claim South 75° 52' 07" West 1501.92 feet; thence along the Southerly line of the Woodrow No. 6 mining claim South 63° 17' 52" West 360.03 feet; thence North 0° 57' 03" East 142.10 feet to a point on a 675.00 foot radius curve to the left, whose radius point bears South 01° 58' 05" East; thence along the arc of said curve 47.10 feet thru a central angle of 03° 59' 53" to a point on a 15.00 foot radius curve to the right, whose radius point bears North 05° 57' 58" West; thence along the arc of said curve 13.05 feet thru a central angle of 49° 51' 38" to a point on a 50.00 foot radius curve to the left, whose radius point bears South 43° 53' 40" West; thence along the arc of said curve 42.48 feet thru a central angle of 48° 40' 36"; thence North 07° 11' 05" West 317.18 feet; thence North 89° 32' 18" East 124.80 feet; thence North 70° 48' 39" East 20.35 feet; thence North 0° 57' 03" East 714.42 feet to the point of beginning. Description contains 32.73 acres.

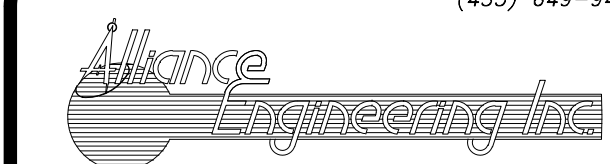
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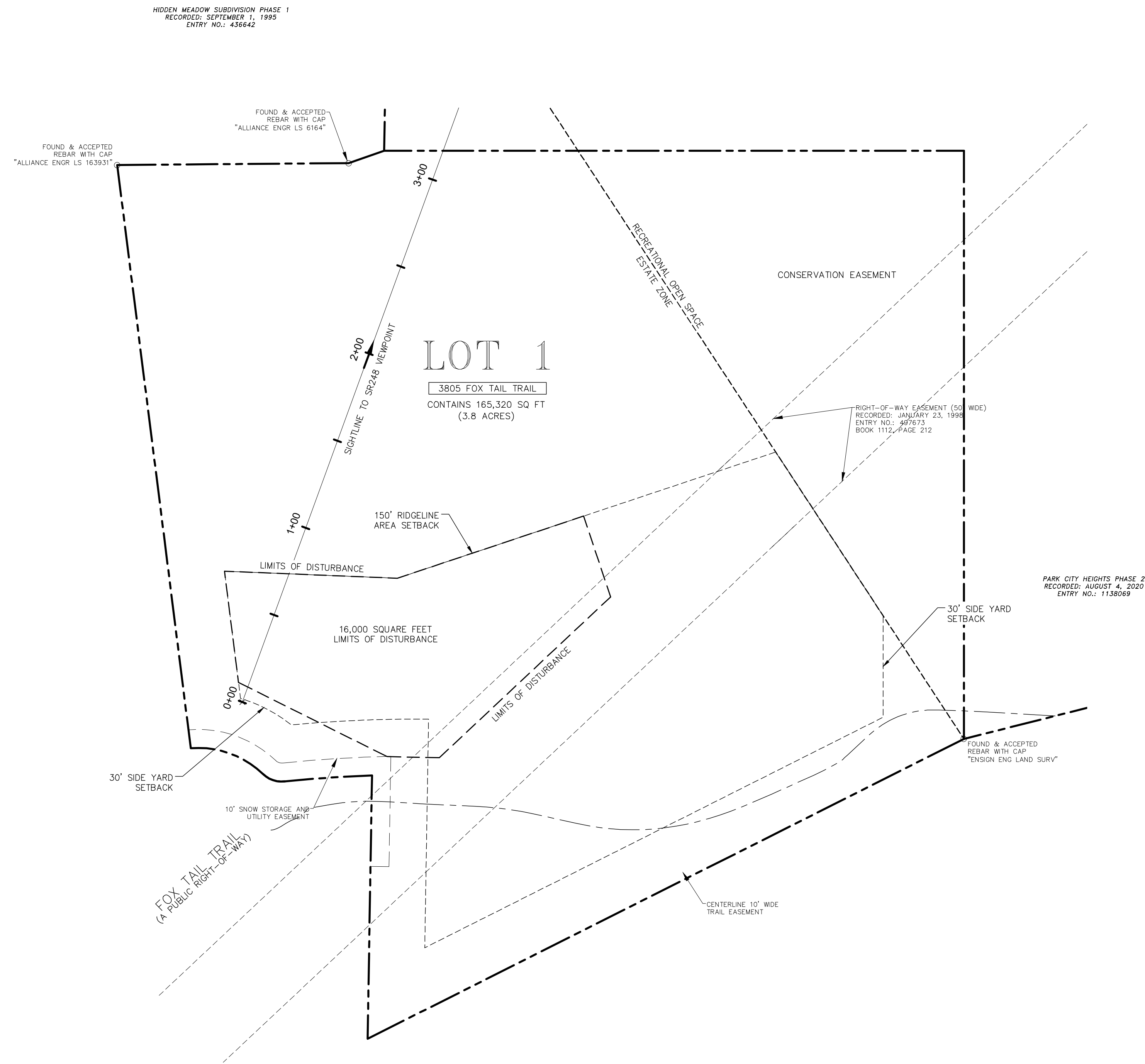
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RIDGELINE IMPACT STUDY

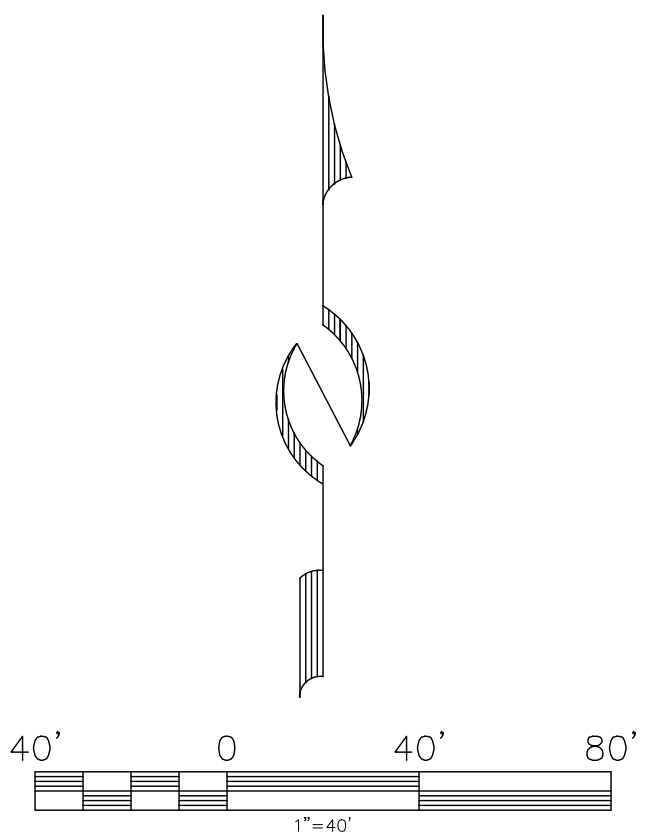
LOCATED IN THE NORTHEAST QUARTER OF SECTION 10 & THE NORTHWEST QUARTER OF SECTION 11,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

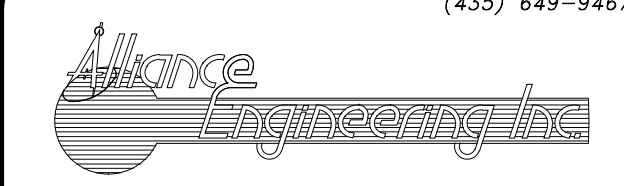
 (435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	STAFF: MICHAEL DEMKOWICZ BRAYLON ROSE DATE: 5/3/22	RIDGELINE IMPACT STUDY FOX TAIL SUBDIVISION FOR: REDUS JOB NO.: 19-11-20 FILE: X:\TheOaks\dwg\sr\plat2020	SHEET 1 OF 5
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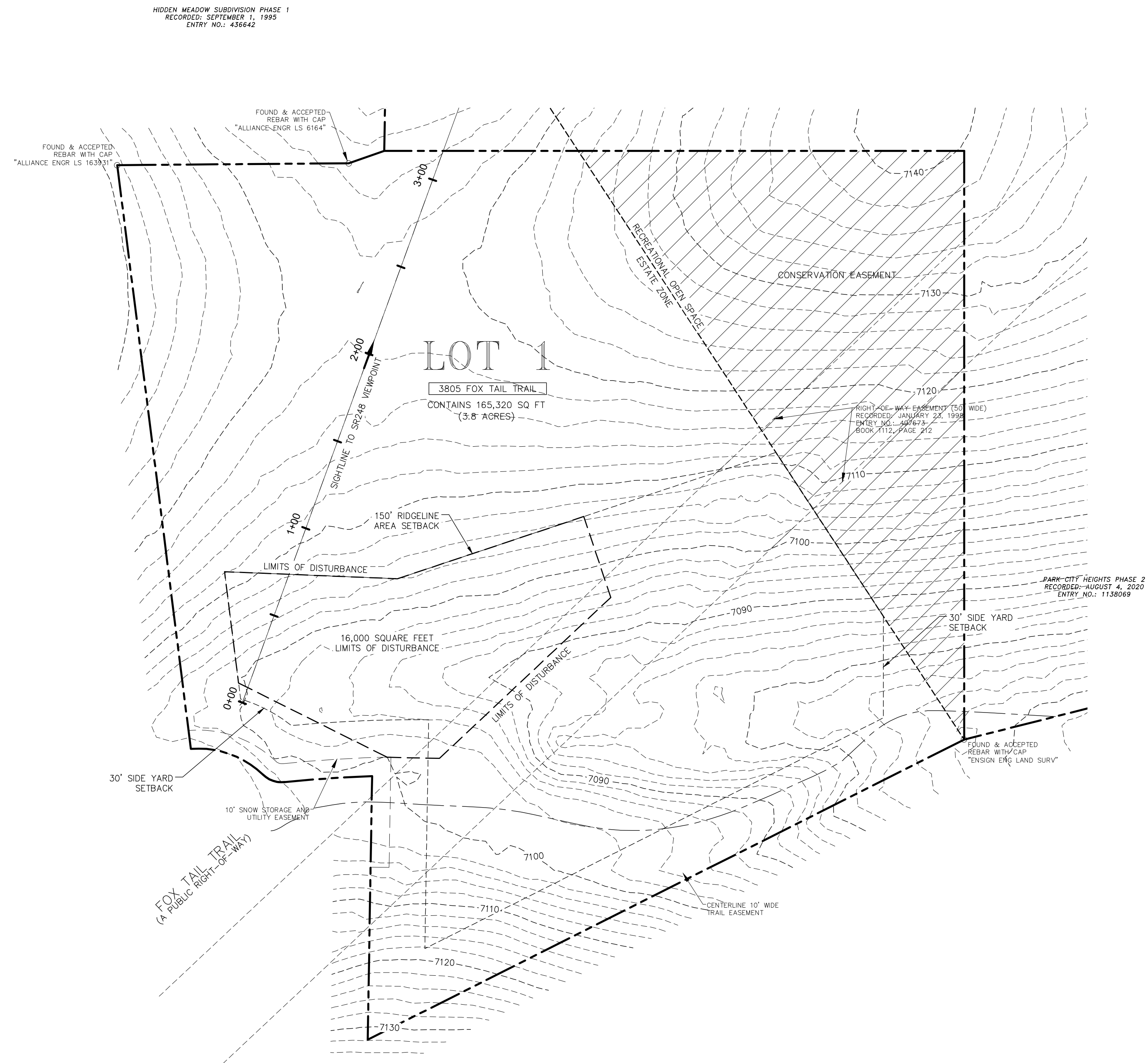


RIDGELINE IMPACT STUDY

LOCATED IN THE NORTHEAST QUARTER OF SECTION 10 & THE NORTHWEST QUARTER OF SECTION 11,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

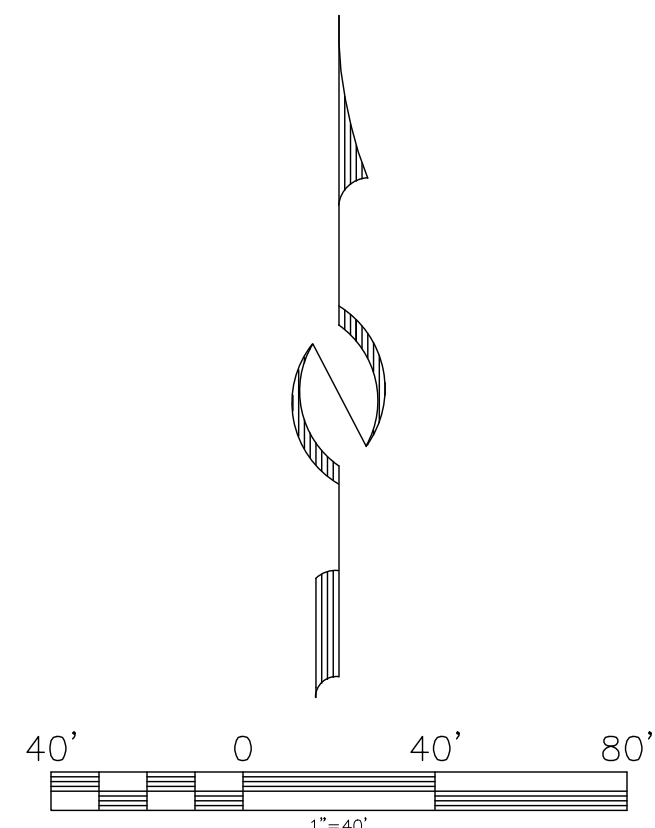


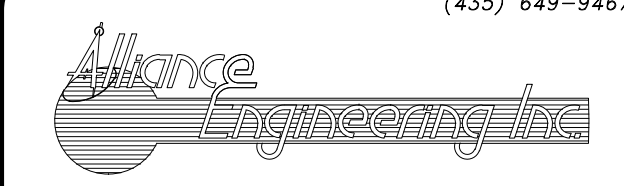
 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	(435) 649-9467	RIDGELINE IMPACT STUDY FOX TAIL SUBDIVISION		SHEET 2 OF 5
	STAFF: MICHAEL DEMKOWICZ BRAYLON ROSE	FOR: REDUS JOB NO.: 19-11-20 FILE: X:\TheOaks\dwg\sr\plat2020	DATE: 5/3/22	

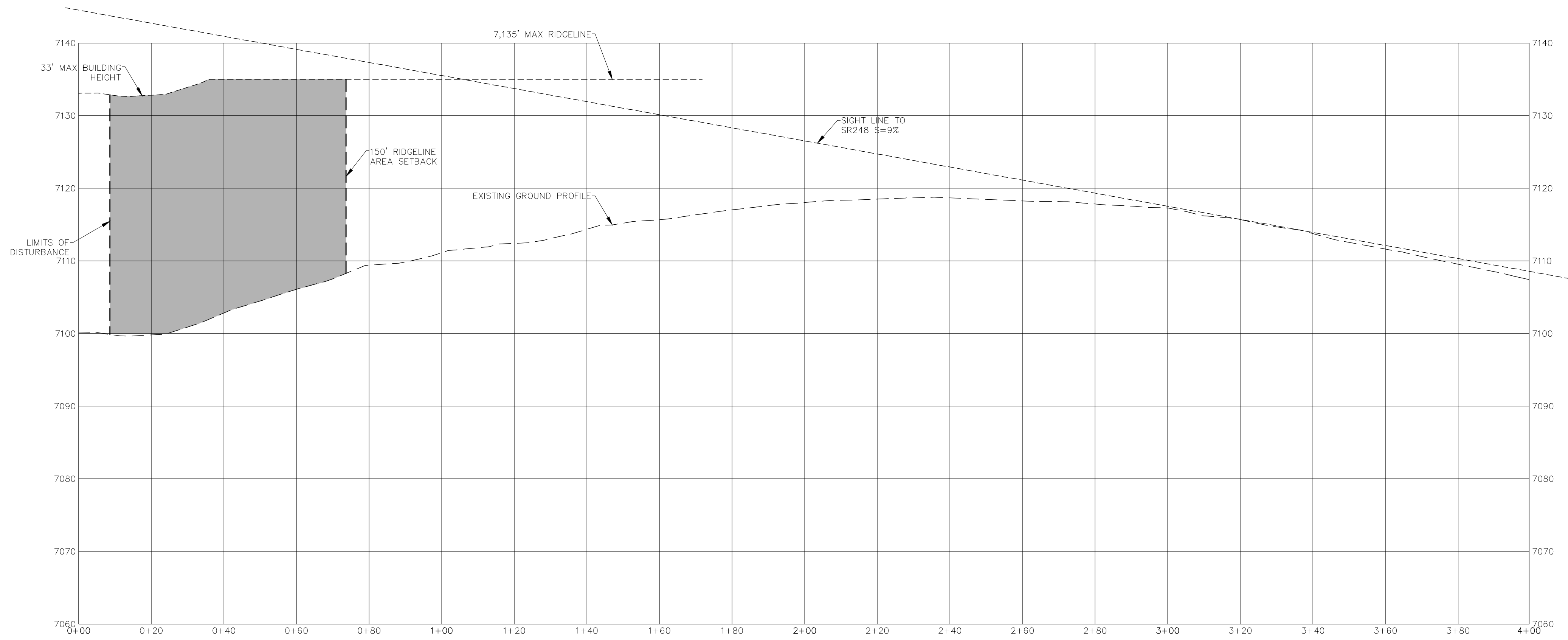


RIDGELINE IMPACT STUDY

LOCATED IN THE NORTHEAST QUARTER OF SECTION 10 & THE NORTHWEST QUARTER OF SECTION 11,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	(435) 649-9467 STAFF: MICHAEL DEMKOWICZ BRAYLON ROSE	RIDGELINE IMPACT STUDY FOX TAIL SUBDIVISION	SHEET 3 OF 5
	DATE: 5/3/22	FOR: REDUS JOB NO.: 19-11-20 FILE: X:\TheOaks\dwg\sr\plat2020	

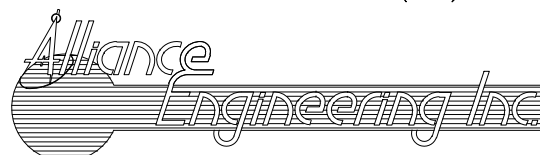


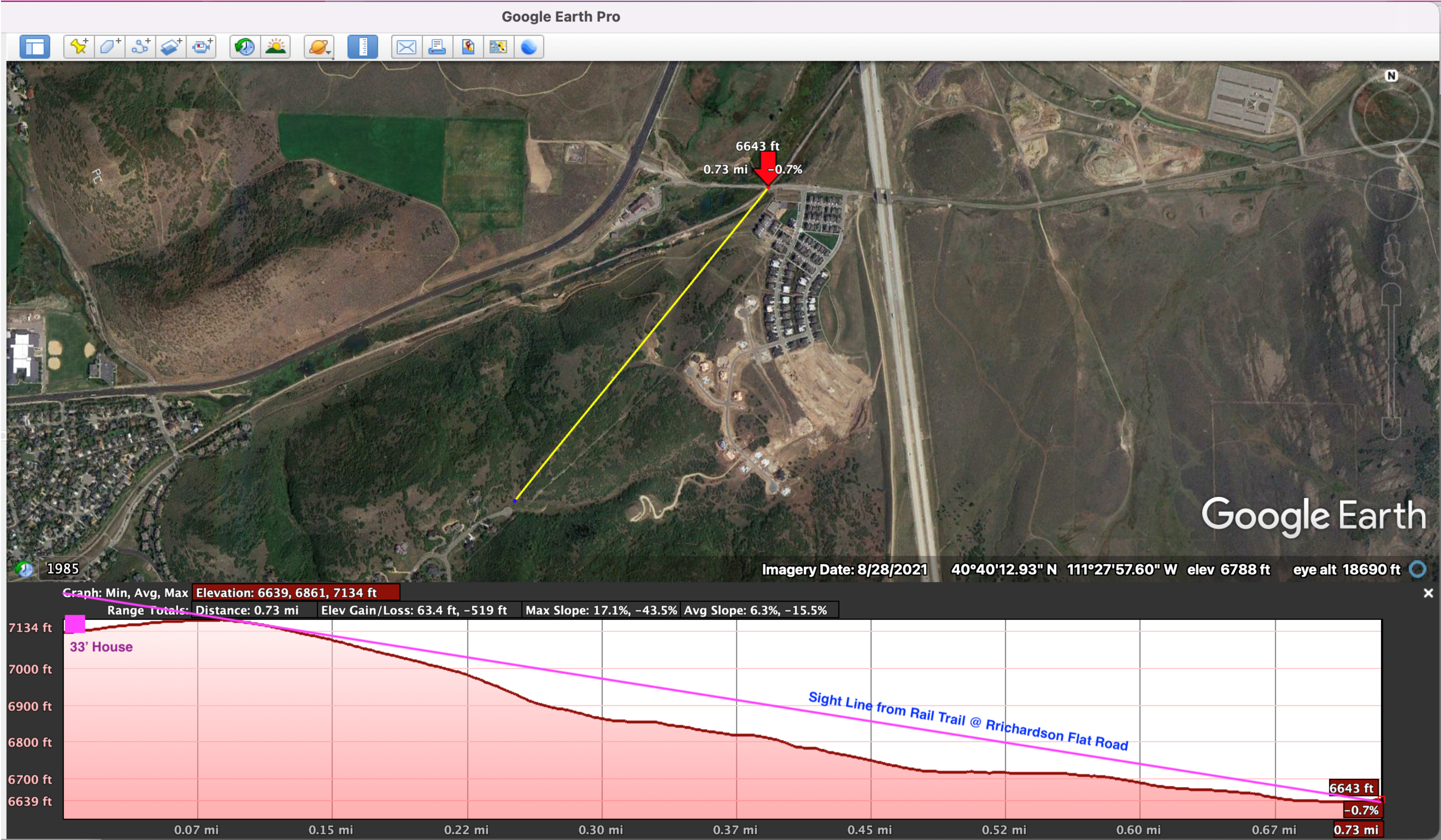
PROFILE FROM SR248 VIEWPOINT

SCALE: H=20', V=10'

RIDGELINE IMPACT STUDY

LOCATED IN THE NORTHEAST QUARTER OF SECTION 10 & THE NORTHWEST QUARTER OF SECTION 11,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

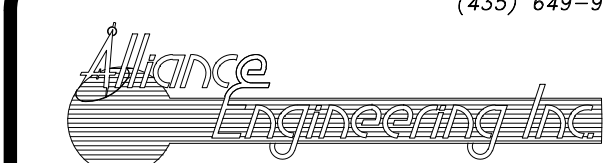
 (435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	STAFF: MICHAEL DEMKOWICZ BRAYLON ROSE DATE: 5/3/22	RIDGELINE IMPACT STUDY FOX TAIL SUBDIVISION FOR: REDUS JOB NO.: 19-11-20 FILE: X:\TheOaks\dwg\sr\plat2020	SHEET 4 OF 5
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PROFILE FROM RAIL TRAIL VIEWPOINT

RIDGELINE IMPACT STUDY

LOCATED IN THE NORTHEAST QUARTER OF SECTION 10 & THE NORTHWEST QUARTER OF SECTION 11,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

 (435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	STAFF: MICHAEL DEMKOWICZ BRAYLON ROSE DATE: 5/3/22	RIDGELINE IMPACT STUDY FOX TAIL SUBDIVISION FOR: REDUS JOB NO.: 19-11-20 FILE: X:\TheOaks\dwg\sr\plat2020	SHEET 5 OF 5
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May 25, 2022

VIA EMAIL ONLY planning@parkcity.org

Park City Planning Commissioners
445 Marsac Avenue
P.O. Box 1480
Park City, UT 84060

*RE: 3805 Fox Tail Trail and Fox Tail Trail Subdivision Proposal
(Inaccuracies in Mr. Ogilvy's Letter to HOA Members)*

Dear Commissioners:

The above referenced applications are set for a hearing before the Commission on June 8. My wife and I own property at 3790 Fox Tail Trail. I regret that I must write to address inaccuracies in a letter Mr. Ogilvy sent to Hidden Meadows HOA members. These same misleading statements have been made to this Commission.

1. Mr. Ogilvy stated that he conferred with 29 homeowners in the Hidden Meadows HOA and he implied all 29 favor this application.

James Letchford, president of the HOA, surveyed our members and located only one member who favors the application. Mr. Bill Ligety now favors the proposal after Mr. Ogilvy agreed to improve Mr. Ligety's undeveloped property (lot 25) by moving a sewer line located on lot 25 as part of this proposal.

2. Mr. Ogilvy stated that a 10,000 ft.² house would be consistent with our neighborhood.

Mr. Ogilvy also made this statement in the very first meeting back in July, 2021. Not true. One of the commissioners asked him to provide a site map showing the 10,000 ft.² houses. He never did. My wife, an architect, asked for the same information and he simply forwarded her the 1995 plat map.

3. **Mr. Ogilvy's reference to the 1995 plat showing that ten lots permitted a 10,000 ft.² house is misleading.** What he doesn't tell you is that not a single one of the 40 houses in Hidden Meadows exceeds 10,000 ft.² (although one comes close).

- Only 1 house exceeds 9000 ft.²
- 5 houses are 8000 ft.² to 9000 ft.²
- 2 houses are 7000 ft.² 8000 ft.²
- 8 houses are 6000 ft.² to 7000 ft.²
- 24 houses are 4000 ft.² to 6000 ft.²

4. **Mr. Ogilvy's comments about our Fox Tail Trail neighborhood ignore the concept of "block continuity".**

- None of the six largest houses in the HOA are near Fox Tail Trail. The houses around Fox Tail Trail do not exceed 6000 ft.² Most are less than 5000 ft.² - one half the size of his requested development.
- Of the six largest houses, five are next door to each other on Foxwood Ct. (about a half-mile from this project). The sixth sits high on the backside of a hill behind Fox Tail Trail, on Sun Ridge Cove. None are even within sight of Fox Tail Trail.

5. **Mr. Ogilvy says since 1995 it has been contemplated that lot 26 would have a 10,000 ft.² house.** But what about 2022? We have an existing neighborhood on Fox Tail Trail, with restrictions on areas of disturbance, ridgeline, zoning, and setback. Mr. Ogilvy has cherry-picked one thing from 1995 that might favor him, while ignoring all other 1995 contemplations, like the fact that lot 26 was intended to be a part of the Hidden Meadows HOA, and no construction could begin before the platting of Phase Two of Hidden Meadows.

6. **Mr. Ogilvy claims to have heard our concern over nightly rentals.** All Mr. Ogilvy proposes is a plat restriction with no enforcement mechanism. I direct the Commission to the existing plat: it states that no

Commissioners
May 25, 2022
Page 3

construction will begin on lot 26 until Hidden Meadows Phase two is platted. Yet Mr. Oglivy seeks to build there without Phase Two platting.

I'm enclosing with this letter a color-coded chart that shows the size of houses in Hidden Meadows as they exist today - 2022. You can see that a 10,000 ft.² house at the bottom of the Fox Tail Trail cul-de-sac completely disrupts the block continuity and is inconsistent with our neighborhood.

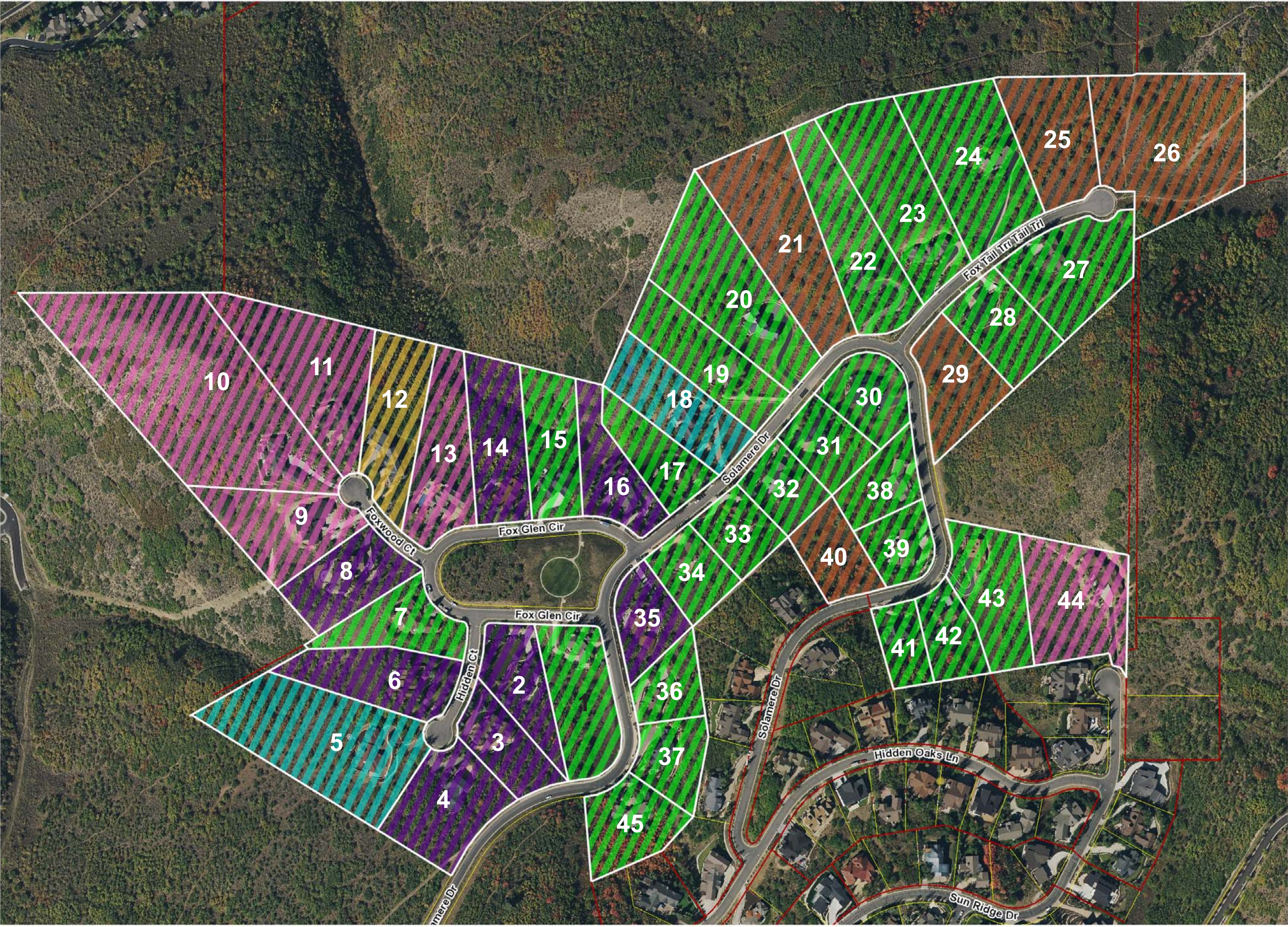
Thank you for your consideration of these points in the opportunity to correct Mr. Oglivy's misleading statements. Please deny these applications.

Very truly yours,

A handwritten signature in blue ink that reads "Coyt Randal Johnston". The signature is fluid and cursive, with the first name "Coyt" being more prominent.

Coyt Randal Johnston

cc: James Letchford, Pres.
Hidden Meadows HOA



LEGEND	
# OF LOTS	RANGE IN SQFT
24	4,000 - 6,000 SQFT
8	6,000 - 7,000 SQFT
2	7,000 - 8,000 SQFT
5	8,000 - 9,000 SQFT
1	9,000 - 10,000 SQFT
4	LAND

HIDDEN MEADOW SUBDIVISION

WHEN RECORDED, RETURN TO:

REDUS PARK CITY LLC
c/o Wells Fargo Bank, N.A.
Attn: June Merritt
1 Independent Drive
8th Floor, Suite 810
Jacksonville, FL 32202

APN: _____

DECLARATION OF RESTRICTIVE COVENANT

THIS DECLARATION OF RESTRICTIVE COVENANT (this “**Declaration**”) is executed by REDUS PARK CITY LLC, a Delaware limited liability company (the “**Declarant**”), for the benefit of PARK CITY MUNICIPAL CORPORATION, a Utah municipal corporation (the “**City**”), this ____ day of _____, 2022, to be effective as of the date it is recorded in the Summit County, Utah Recorder’s Office (the “**Effective Date**”).

RECITALS

WHEREAS, Declarant is developing a project located at approximately 3805 Fox Tail Trail, Park City, Summit County, State of Utah (the “**Project**”);

WHEREAS, a portion of the Project, approximately nine-tenths (.9) acre in size and more particularly described on **Exhibit A** attached hereto and depicted on **Exhibit B** attached hereto (the “**Easement Area**”), is the subject of this Declaration; and

WHEREAS, Declarant has agreed to execute and record this Declaration for the purpose of subjecting the Easement Area to the Restrictive Covenant (defined below), as set forth herein.

NOW THEREFORE, Declarant hereby declares as follows:

DECLARATION

1. **Recitals.** The Recitals set forth above are true and correct, are hereby incorporated into this Declaration as a part hereof.
2. **Restrictive Covenant.** Declarant hereby declares that the Easement Area shall be subject to the following restrictive covenant (the “**Restrictive Covenant**”): (i) no structures shall be constructed upon the Easement Area; (ii) grading shall not be permitted upon the Easement Area except for private pedestrian trails; (iii) no significant vegetation shall be removed from the Easement Area except pruning to construct and maintain private pedestrian trails shall be permitted; and (iv) the Easement Area shall not be used for the keeping or grazing of horses.
3. **Runs With the Land; Assignment.** All provisions of this Declaration, including the benefits and burdens, shall run with the land and are binding upon and shall inure to the benefit of the respective successors and permitted assigns of Declarant and the City. The benefit of the Restrictive Covenant is personal to the City and may not be assigned or transferred without the prior written consent of Declarant or Declarant’s successor-in-title to the Easement Area.
4. **Amendment.** This Declaration may be amended, restated, revoked, or terminated in whole or in part only by an instrument in writing executed and acknowledged by Declarant and

the City, or their respective successors or permitted assigns, and recorded in the Summit County, Utah Recorder's Office. Nothing contained herein shall create any rights in the general public or any person or entity other than the City.

5. Remedies. The City shall be entitled to exercise any available remedies at law or in equity against the owner or owners of the Easement Area arising out of a breach or failure to comply with the Restrictive Covenant set forth in this Declaration, which remedies shall include, but are not limited to, injunctive relief, specific performance, a declaratory action, damages, or other similar equitable relief.

6. Governing Law. This Declaration and the interpretation and enforcement thereof shall be governed by and construed in accordance with the laws of the State of Utah without giving effect to its conflict of laws principles.

7. Severability. If any term or provision contained in this Declaration shall to any extent be deemed invalid or unenforceable, the remainder of the Declaration shall not be affected thereby, and each remaining term and provision of this Declaration shall be valid and enforceable to the fullest extent permitted by law.

[Signature Page Follows]

IN WITNESS WHEREOF, Declarant has executed this Declaration of Restrictive Covenant on the date first above written, to be effective as of the Effective Date.

DECLARANT:

REDUS PARK CITY LLC,
a Delaware limited liability company

By: REDUS PROPERTIES, INC.,
a Delaware corporation
Its: Manager

By: _____
David L. Ash, Senior Vice President

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of _____)

On _____ before me, _____
(insert name and title of the officer)

personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

**EXHIBIT A
TO
DECLARATION OF RESTRICTIVE COVENANT**

LEGAL DESCRIPTION OF THE Easement Area

That certain real property located in Summit County, State of Utah, more particularly described as follows:

[TO BE INSERTED]

**EXHIBIT B
TO
DECLARATION OF RESTRICTIVE COVENANT**

DEPICTION OF THE Easement Area

[TO BE INSERTED]

WHEN RECORDED, RETURN TO:

REDUS PARK CITY LLC
c/o Wells Fargo Bank, N.A.
Attn: June Merritt
1 Independent Drive
8th Floor, Suite 810
Jacksonville, FL 32202

APN: _____

DECLARATION OF RESTRICTIVE COVENANT

THIS DECLARATION OF RESTRICTIVE COVENANT (this “**Declaration**”) is executed by REDUS PARK CITY LLC, a Delaware limited liability company (the “**Declarant**”), for the benefit of HIDDEN MEADOWS HOMEOWNERS ASSOCIATION, INC., a Utah non-profit corporation (the “**Association**”), and PARK CITY MUNICIPAL CORPORATION, a Utah municipal corporation (the “**City**”), this ____ day of _____, 2022, to be effective as of the date it is recorded in the Summit County, Utah Recorder’s Office (the “**Effective Date**”).

RECITALS

WHEREAS, Declarant is developing a project located at approximately 3805 Fox Tail Trail, Park City, Summit County, State of Utah (the “**Project**”);

WHEREAS, Lot [#] of the Project, more particularly described on Exhibit A attached hereto and depicted on Exhibit B attached hereto (the “**Lot**”), is the subject of this Declaration; and

WHEREAS, Declarant has agreed to execute and record this Declaration for the purpose of subjecting the Lot to the Restrictive Covenant (defined below), as set forth herein.

NOW THEREFORE, Declarant hereby declares as follows:

DECLARATION

1. Recitals. The Recitals set forth above are true and correct, are hereby incorporated into this Declaration as a part hereof.
2. Restrictive Covenant. Declarant hereby declares that the Lot shall be subject to the following restrictive covenant (the “**Restrictive Covenant**”): The Lot shall be used for residential housing purposes only, and shall not be rented in whole or in part for transient lodging purposes, a boarding house, a “bed and breakfast”, a VRBO, an AirBnB, or for any other such uses providing accommodation to travelers. No lease of any dwelling unit located on the Lot shall be for a period of less than twelve (12) months. The Lot shall not be used as a timeshare, private residence club, nor under any other fractional ownership arrangement having formal allocation of property use rights among multiple owners. This Restricted Covenant is not intended to limit ownership of the Lot by multiple parties as joint tenants or tenants in common, nor is it intended to limit intermittent use of the Lot as a second home.
3. Runs With the Land; Assignment. All provisions of this Declaration, including the benefits and burdens, shall run with the land and are binding upon and shall inure to the benefit of the respective successors and permitted assigns of Declarant, the Association, and the City. The benefit of the Restrictive Covenant is personal to the Association and the City and may not be

assigned or transferred without the prior written consent of Declarant or Declarant's successor-in-title to the Lot.

4. Amendment. This Declaration may be amended, restated, revoked, or terminated in whole or in part only by an instrument in writing executed and acknowledged by Declarant, the Association, and the City, or their respective successors or permitted assigns, and recorded in the Summit County, Utah Recorder's Office. Nothing contained herein shall create any rights in the general public or any person or entity other than the Association and the City.

5. Remedies. The Association and the City shall be entitled to exercise any available remedies at law or in equity against the owner or owners of the Lot arising out of a breach or failure to comply with the Restrictive Covenant set forth in this Declaration, which remedies shall include, but are not limited to, injunctive relief, specific performance, a declaratory action, damages, or other similar equitable relief.

6. Governing Law. This Declaration and the interpretation and enforcement thereof shall be governed by and construed in accordance with the laws of the State of Utah without giving effect to its conflict of laws principles.

7. Severability. If any term or provision contained in this Declaration shall to any extent be deemed invalid or unenforceable, the remainder of the Declaration shall not be affected thereby, and each remaining term and provision of this Declaration shall be valid and enforceable to the fullest extent permitted by law.

[Signature Page Follows]

IN WITNESS WHEREOF, Declarant has executed this Declaration of Restrictive Covenant on the date first above written, to be effective as of the Effective Date.

DECLARANT:

REDUS PARK CITY LLC,
a Delaware limited liability company

By: REDUS PROPERTIES, INC.,
a Delaware corporation
Its: Manager

By: _____
David L. Ash, Senior Vice President

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of _____)

On _____ before me, _____
(insert name and title of the officer)

personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

**EXHIBIT A
TO
DECLARATION OF RESTRICTIVE COVENANT**

LEGAL DESCRIPTION OF THE LOT

That certain real property located in Summit County, State of Utah, more particularly described as follows:

[TO BE INSERTED]

**EXHIBIT B
TO
DECLARATION OF RESTRICTIVE COVENANT**

DEPICTION OF THE LOT

[TO BE INSERTED]

Planning Commission Staff Report



Subject: Parcel PC-900-4
Application: PL-22-05237
Author: Lillian Lederer, Planner I
Date: June 22, 2022
Type of Item: Conditional Use Permit

Recommendation

Staff recommends the Planning Commission (1) review the proposed plan to move and reconstruct the Burns ski lift and regrade the Lower Little Stick ski run, (2) conduct a public hearing, and (3) consider approving the Conditional Use Permit based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the draft Final Action letter (Exhibit A).

Description

Applicant: Deer Valley Resort
Location: Parcel PC-900-4
Zoning District: Recreation And Open Space (ROS), Sensitive Land Overlay (SLO)
Adjacent Land Uses: Residential, Hotel, Open Space
Reason for Review: The Planning Commission reviews and approves Conditional Use Permits¹

ACUP	Administrative Conditional Use Permit
CUP	Conditional Use Permit
LMC	Land Management Code
ROS	Recreation and Open Space
SLO	Sensitive Land Overlay

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

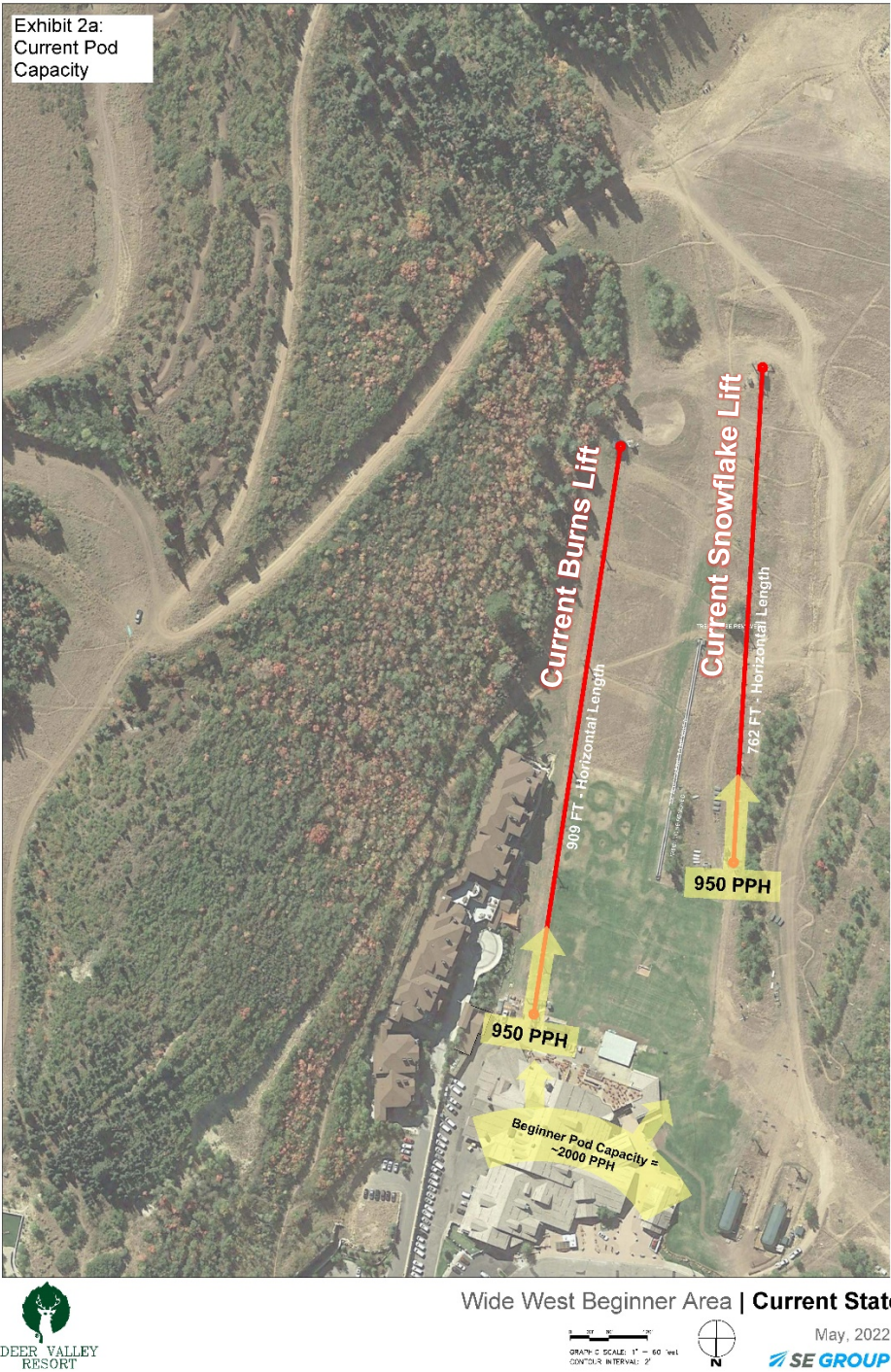
Summary

On March 18, 2022, Staff received one Administrative Conditional Use Permit application for both the Snowflake and Burns Ski lift modifications from Deer Valley Resort. The [Flagstaff Development Agreement \(DA\)](#) (pg. 15) outlines future review processes for Deer Valley Ski Lifts, consistent with the Deer Valley Ski Area Master Plan. Staff determined the Snowflake lift was outlined in the Flagstaff Development Agreement (DA), and processed the application under an ACUP. The ACUP application was approved on May 19, 2022 (PL-22-05222).

Staff found the Burns lift was not outlined in the DA, and therefore required a separate Conditional Use Permit (CUP) with Planning Commission review. On April 15, 2022,

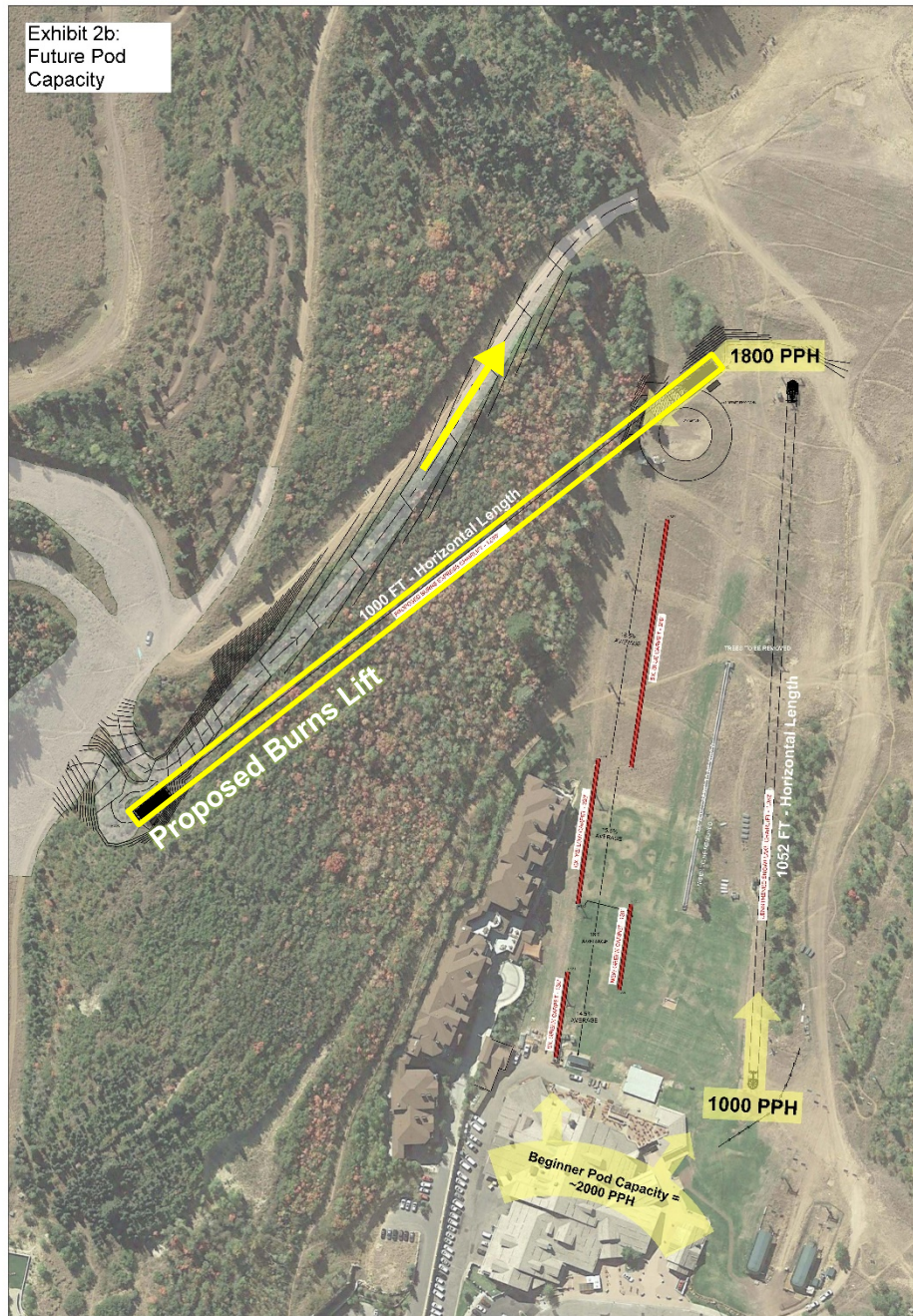
¹ LMC § [15-1-11\(D\)](#)

the Planning Department received a Conditional Use Permit application for the Burns lift. The Applicant proposes to move and reconstruct the Burns ski lift and relocate and regrade the Lower Little Stick ski run. On June 3, 2022, the Planning Department deemed the Conditional Use Permit application complete. The proposed Burns ski lift is within parcel number PC-900-4 in the Recreation And Open Space (ROS) Zone and Sensitive Land Overlay (SLO).



Existing plans.

The current Burns lift is a fixed grip double chair, 909 feet long, and has a capacity of 950 pph. The current base capacity, or people per hour (pph), at the beginner base/ski portal is approximately 2,100 (see Exhibit D). The current Snowflake and Burns lift run nearly parallel to each other.



Wide West Improvement Concept | Overall Plan

GRAPHIC SCALE: 1" = 60' vert
CONTOUR INTERVAL: 2'



May, 2022



Proposed Plans. Snowflake lift extension has been approved.

The proposed Burns lift will be a detachable quad chair, increase to 1,070 feet long,

and have a capacity of 1,800 pph. Deer Valley Resort proposes that with the approved Snowflake extension, and movement of the ski carpets to the location of the existing Burns lift, the beginner ski portal will reduce to a maximum of 1,400 pph.

The reduction of pph is because the proposed Burns lift will no longer be accessible from the beginner base. With the new Burns location, skiers at the base will only be able to access the lift by first using the Snowflake lift. Therefore, capacity for skiers at the beginner base area is limited to the Snowflake lift capacity (1000 pph), and which will decrease the base portal capacity, and will not increase parking demand (see Exhibit D). Staff reviewed with Jeremy Searle from Wall Consulting Group (WCG), who confirmed parking demand should not increase due to the proposed changes.

The Lower Stick Ski run is proposed to run almost parallel to the existing run, but will be graded to meet up with the bottom of the Burns lift. The old section of the ski run will be revegetated (see Condition of Approval 6).

Analysis

(I) The proposal complies with the Recreation And Open Space Zone requirements outlined in LMC Chapter [15-2.7](#).

Parcel PC-900-4 is in the Recreation and Open Space (ROS) Zoning District. Passenger Tramway Stations and Ski Lifts Uses require a Conditional Use Permit in this Zoning District (LMC § [15-2.7-2\(C\)](#)).

Setbacks – LMC Section [15-2.7-3](#) outlines Setbacks for the ROS Zoning District. The front, rear, and side Setbacks of the ROS Zone are 25'. The new Burns lift terminals and towers will be at least 500' from the existing lodges, which also complies with setbacks.

Height – LMC Section [15-2.7-4](#) outlines maximum height for the Zoning District. The maximum zone height is 28'. The new lift terminals will be 25' which complies with height. The existing lift towers range in height from 20' to 45'. The proposed towers will be from 29.91' to 41.5' high. LMC § [15-2.7-4\(A\)\(4\)](#) allows for Planning Director discretion regarding lift towers that exceed zone height in the Recreation and Open Space Zoning District. On May 31, 2022, the Planning Director determined that the lift towers that exceed the height for the zone are appropriate and will have minimal additional impact in comparison to existing ski lift towers (see Exhibit E).

(III) The proposal complies with the Sensitive Land Overlay Requirements outlined in LMC Chapter [15-2.21](#).

Per [LMC § 15-2.21-2\(C\)](#), the Applicant has provided applicable Sensitive Land Overlay materials (see Exhibit C) and Staff finds the area suitable for development.

- Steep Slopes:

- o The lift extension and ski grading will be mostly on Very Steep slopes (see Exhibit C, page 6), which is common practice for ski lift development, and can be reviewed by the Planning Commission for suitability of construction².
 - I. An intrusion into the Ridgeline areas is not created.
 - II. The project does not create an excessive cut into the slope.
 - III. The Limit of Disturbance has been limited to the project scope, and surrounding areas will be revegetated.
 - IV. Any erosion hazard will be mitigated through the revegetation (see Exhibit C, page 22).
 - V. The plan is not proposing the construction of units.
 - VI. The plan is not proposing additional Density massing.
 - VII. The scope of the project is limited to the proposed plans, as reviewed by Staff.
- Ridge Line Areas/Entry Corridors and Vantage Points
 - o The new location of the Burns lift does not have a significant impact on any ridgelines. The current lift is visible from the Snow Park Lodge vantage point, and the new location will also be visible from this point.
- Vegetative Cover
 - o Vegetation will be impacted by the installation, and the surrounding impacted areas must be revegetated with native vegetation (see Condition of Approval 6).
- Wetlands
 - o No wetlands are within the proposed project area.
- Stream Corridors
 - o Silver Creek runs by the Burns Lift, but the new lift and graded run will not significantly impact the runoff that feeds the creek.
- Wildland interface
 - o The project area shall comply with the [PCMC 11-21, Utah Wildland-Urban Interface Code](#) (see Condition of Approval 6).
- Wildlife Habitat Areas
 - o Several species of animals reside on the site, however, the new lift and ski run area will not create a significantly larger impact on the existing habitat areas.

(IV) The proposal complies with Conditional Use Permit criteria outlined in LMC § [15-1-10\(E\)](#).

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

The Planning Commission shall approve a Conditional Use if reasonable conditions

² LMC § [15-2.21-4](#)

are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards. The Planning Commission may deny the Conditional Use if the proposed Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards. LMC [§ 15-1-10](#).

CUP Review Criteria	Analysis of Proposal
Size and location of the site	Complies: This is an existing Site, with existing ski lifts and runs. The Burns lift is proposed to be moved and reconstructed and will expand in length by 91 feet; the Lower Little Stick ski run is proposed to be regraded parallel to the existing run. The old part of the ski run shall be revegetated to mitigate impacts of the new part of the run (see Condition of Approval 6).
Traffic considerations including capacity of the existing Streets in the Area	Complies: The proposed lift and ski run will be constructed within the resort property and will not impact traffic. The proposal will not increase the base capacity of the beginner section of the mountain, and therefore will not increase traffic (see Exhibit G for existing parking conditions).
Utility capacity, including Storm Water run-off	Complies: On May 3, 2022, the Development Review Committee reviewed the proposal and did not identify any impacts to utility capacity.
Emergency vehicle access	Complies: The ski lift will not impede Emergency Vehicle Access.
Location and amount of off-Street parking	Complies: The proposed ski lift will not increase the base capacity of the beginner section of the mountain, and therefore will not increase parking demand (see Exhibit D). Additionally, the parking at Deer Valley was reviewed in 2019, and a Parking Mitigation Report establishes plans for overflow parking (see Exhibit H).
Internal vehicular and pedestrian circulation system	Complies: The ski lift and run will affect the internal pedestrian circulation system, but make it easier to move beginner skiers around the mountain.
Fencing, Screening, and landscaping to separate the Use from adjoining Uses	Complies: Impacted vegetative areas must be revegetated (see Condition of Approval 6). The old Lower Little Stick ski run shall be revegetated with Deer Valley Mountain Mix.

Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots	Not Applicable
Useable open space	Complies: The open space will be made more accessible to beginner skiers, and the beginner ski terrain and circulation will be efficiently redistributed.
Signs and lighting	Complies: There are no proposed outdoor lighting or signs (see Condition of Approval 5).
Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing	Complies: The new terminals will be compatible with existing terminals. The new towers will be galvanized steel, which match existing towers.
Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site	Complies: The new Burns lift will be 70 to 75 decibels at the drive terminals, typical for ski lifts. The new lift will be at least 500' away from existing residences, which reduces the overall sound impact from the proposal (see Exhibit F and Condition of Approval 10).
Control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas	Not Applicable
Expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities	Complies: The expected ownership is Private, by Deer Crest Associates I, L.C.
Within and adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, and appropriateness of the proposed Structure to the existing topography of the Site	Complies: The project complies with the Sensitive Land Overlay, as analyzed above.

Reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding	Complies: The proposed Use of the Site is consistent with the Small Town and Natural Setting Goals of the General Plan, specifically the goals to further the City's role as a world-class destination and supporting high-quality recreation in open space.
--	---

(V) The proposal complies with criteria outlined in LMC § [15-4-18](#), Passenger Tramways And Ski Base Facilities.

Review Criteria	Analysis of Proposal
Ownership of Liftway- The Applicant owns or controls the Liftway necessary to construct and operate the Passenger	Complies: On April 15, 2022, the Applicant submitted a document of sufficient interest and has permission from the Owner of the property to install the lift.
Width- The Liftway shall extend a distance of at least ten feet (10') outward from the vertical plane established by the outermost surface of the Passenger Tramway, which generally is the outside edge of the chair or passenger compartment, on each side of the tramway's course excluding base and terminal Structures.	Complies: The proposed lift will extend a distance of at least ten feet outward from the vertical plane (see Condition of Approval 4).
Base or Terminal Facilities- The Passenger Tramway must be constructed without the installation of base or terminal facilities within the HR-1 or HRL zones.	Complies: The base and terminal facilities of the ski lifts are prohibited from and will not be constructed in the HR-1 or HRL zones, per the LMC.
Crossing of Public Roads- The Applicant must show that all components of the Passenger Tramway and any components of the Liftway, such as safety netting provide a minimum clearance of eighteen feet (18') over major roads and fourteen feet (14') over residential Streets.	Complies: The ski lift will not be constructed over public roads.

Utility Clearance- The Applicant must show all portions of the Passenger Tramway including any associated safety netting constructed with it provides a minimum clearance of ten feet (10') over any wires or utility line which it crosses, and that the Applicant has complied with or has the ability to comply with safety restrictions or regulations imposed by utilities having possession or control over wires that tramway crosses over.	Complies: The ski lift will not be constructed over any wires or utility lines.
Parking and Traffic Plans- The Applicant must present a parking, traffic, and transportation plan pertaining to the Passenger Tramway for review and approval by the Planning Commission.	Complies: The ski lift expansion will not increase the base capacity at the beginner section of the mountain, and therefore will not impact parking (see Exhibit D). The applicant has provided their Parking Operation Plan (see Exhibit G) for overflow parking, which was proven successful for the 2021/2022 ski season.
Liftway Setback- The minimum Setback between the outermost surface of Structure of the Liftway and any existing dwelling shall be ten feet (10'), in addition to the width of the Liftway itself.	Complies: The ski lift does not encroach on existing dwellings, and meets the 25' Recreation and Open Space setback requirement (see Condition of Approval 4).
State Regulation- Any Passenger Tramway constructed under a Conditional Use permit is subject to safety regulation by the Passenger Tramway Safety Committee of the State Department of Transportation.	See Condition of Approval 8.

Public Served Purpose- The Planning Commission must find that the construction and operation of the tramway serves the overall community interest by accomplishing or furthering community goals such as reducing traffic congestion and volume between the downtown Area and the base facilities of the ski resorts, encouraging pedestrian traffic in the downtown neighborhood redevelopment Area, stabilizing the economic base of the Historic District, and mitigating the demand for parking in the Historic District, and that adequate controls on noise, mechanical equipment, smoking and safety aspects of the tramway have been provided to mitigate the effects of the Passenger Tramway on adjoining Properties.	Complies: The purpose of the expanded Burns lift is to better circulate beginner skiers on the mountain in existing ski terrain and runs. A decrease in beginner base lift capacity, while making the beginner area safer and more efficient, serves the overall community goals by implementing world class resort planning, pursuant to the General Plan, Deer Valley Lower Neighborhood. Also, the lift reduces or will not impact the adjoining properties or parking in the Historic Districts.
--	--

Department Review

The Development Review Committee, Planning, Building, and Engineering reviewed this application. No significant issues were raised.

Notice

Staff published notice to the City website and City Hall and posted notice to the property on June 8, 2022. The Park Record published notice on June 8, 2022. Staff mailed courtesy notice to property owners within 300' on June 8, 2022.³

Public Input

Staff did not receive any public input prior to publication of this staff report.

Alternatives

- a. The Planning Commission may approve the CUP;
- b. The Planning Commission may deny the CUP, and direct staff to make findings for the denial; or
- c. The Planning Commission may request additional information and continue

³ LMC [§ 15-1-21](#)

the discussion to a date certain.

Exhibits

Exhibit A: Draft Final Action Letter

Exhibit B: Lift Locations

Exhibit C: Sensitive Land Overlay Materials

Exhibit D: Ski Portal Capacity

Exhibit E: Burns Lift Tower Planning Director Determination

Exhibit F: Burns Lift Sound Emission Materials

Exhibit G: Deer Valley Overflow Parking Operational Plan

Exhibit H: 2019 Parking Mitigation Measures



June 22, 2022

Deer Valley Resort Co. LLC
CC: Garrett Lang
2250 Deer Valley Dr.
Park City, UT 84060
(435) 615 6217
glang@deervalley.com

NOTICE OF PLANNING COMMISSION DETERMINATION

Description

Address: Parcel Number PC-900-4

District: Recreation and Open Space Zone and Sensitive Land Overlay

Application: Conditional Use Permit Number:
PL-22-05237

Action: APPROVED WITH CONDITIONS (See Below)

Date of Final Action: June 22, 2022

Project Summary: The applicant proposes to move and reconstruct the Burns ski lift and relocate and regrade the Lower Little Stick ski run.

Action Taken

On June 22, 2022, the Planning Commission conducted a public hearing and approved the construction of the Burns ski lift and the relocation of and regrading of the Lower Little Stick ski run according to the following Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact

1. The Site is located at Parcel Number PC-900-4.
2. The Site is located in the Recreation and Open Space (ROS) Zoning District.
3. The Applicant proposes to remove, move, and rebuild the Burns ski lift and regrade of the Lower Little Stick ski run.
4. The Lower Little Stick ski run will be 2/3rds regraded.
5. The existing lift towers are between 20' and 45' in height.



Planning Department

6. The proposed four new lift towers are between 29.9' and 41.5' in height.
7. The new lift terminals will be 25' in height.
8. The existing lift is fixed grip double chair, and has a capacity of 950 people per hour (pph).
9. The proposed lift will be a detachable quad chair and has a capacity of 1,800 pph.
10. The 1800 pph of the Burns lift is effectively metered by the Snowflake lift's pph of 1000 and therefore has no impact on parking demand.
11. Staff reviewed the Parcel Number PC-900-4 Conditional Use Permit Application for compliance with LMC Chapter 15-2.7, Recreation and Open Space (ROS) Zoning District, Chapter 15-2.21, Sensitive Land Overlay (SLO) Zoning District, Section 15-4-18 Passenger Tramways And Ski Base Facilities, and Section 15-1-10 Conditional Use Review Process.
12. The new Burns lift and regraded Lower Little Stick ski run comply with setbacks in the ROS Zone.
13. The new terminals are at least ~500 feet away from the nearest residence.
14. Under SLO criteria, the Planning Commission found:
 - i. The new terminals and towers are proposed to be built on Very Steep Slopes and
 - I. An intrusion into the Ridgeline areas is not created.
 - II. The project does not create an excessive cut into the slope.
 - III. The Limit of Disturbance is limited to the project scope, and surrounding areas will be revegetated.
 - IV. Erosion hazards will be mitigated through re-vegetation.
 - V. The plan does not propose the construction of units.
 - VI. The plan does not propose additional Density massing.
 - VII. The scope of the project is limited to the proposed plans.
 - ii. The new location of the Burns lift does not have a significant impact on any ridgelines. The current lift is visible from the Snow Park Lodge vantage point, and the new location will also be visible from this point.
 - iii. Vegetation will be impacted by the installation, and the surrounding impacted areas will be revegetated with native vegetation.
 - iv. No wetlands are within the proposed project area.
The new lift and graded run will not significantly impact the runoff that feeds the creek.
 - v. The project area shall comply with the WUI.



Planning Department

- vi. The new lift and ski run area will not create a significantly larger impact on the existing habitat areas.
15. Under CUP criteria, the Planning Commission found:
- i. The site is existing, with existing ski lifts and runs. The old part of the ski run shall be revegetated to mitigate impacts of the new part of the run.
 - ii. The proposed lift and ski run will be constructed within the resort property and will not impact traffic. The proposal will not increase the base capacity of the beginner section of the mountain, and therefore will not increase traffic.
 - iii. The Development Review Committee reviewed the proposal and did not identify any impacts to utility capacity.
 - iv. The ski lift will not impede Emergency Vehicle Access.
 - v. The proposed ski lift will not increase the base capacity of the beginner section of the mountain, and therefore will not increase parking demand.
 - vi. The ski lift and run will affect the internal pedestrian circulation system, but make it easier to move beginner skiers around the mountain.
 - vii. Impacted vegetative areas must be revegetated (see Condition of Approval 6). The old Lower Little Stick ski run shall be revegetated with Deer Valley Mountain Mix.
 - viii. The open space will be made more accessible to beginner skiers, and the beginner ski terrain and circulation will be efficiently redistributed.
 - ix. There are no proposed outdoor lighting or signs.
 - x. The new terminals will be compatible with existing terminals. The new towers will be galvanized steel, which match existing towers.
 - xi. The new Burns lift will be 70 to 75 decibels at the drive terminals, typical for ski lifts. The new lift will be at least 500' away from existing residences, which reduces the overall sound impact from the proposal.
 - xii. The expected ownership is Private, by Deer Crest Associates I, L.C.
 - xiii. The project complies with the Sensitive Land Overlay.
 - xiv. The proposed Use of the Site is consistent with the Small Town and Natural Setting Goals of the General Plan, specifically the goals to further the City's role as a world-class destination and supporting high-quality recreation in open space.
16. Under Passenger Tramways And Ski Base Facilities criteria, the Planning Commission found:
- i. The Applicant has permission from the Owner of the property to install the lift.
 - ii. The proposed lift will extend a distance of at least ten feet outward from the vertical plane.
 - iii. The base and terminal facilities of the ski lifts are prohibited from and



Planning Department

- will not be constructed in the HR-1 or HRL zones, per the LMC.
- iv. The ski lift will not be constructed over public roads.
 - v. The ski lift will not be constructed over any wires or utility lines.
 - vi. The ski lift expansion will not increase the base capacity at the beginner section of the mountain, and therefore will not impact parking.
 - vii. The purpose of the expanded Burns lift is to better circulate beginner skiers on the mountain in existing ski terrain and runs. A decrease in beginner base lift capacity, while making the beginner area safer and more efficient, serves the overall community goals by implementing world class resort planning, pursuant to the General Plan, Deer Valley Lower Neighborhood. Also, the lift reduces or will not impact the adjoining properties or parking in the Historic Districts.
17. Staff posted notice to the City website, City Hall, and the property on June 8, 2022.
18. Staff mailed courtesy notices to the adjacent property owners on June 8, 2022.
19. On June 8, 2022, the Park Record published legal notice.

Conclusions of Law

1. The proposal complies with the Land Management Code requirements pursuant to Chapter 15-2.7 Recreation and Open Space (ROS) Zoning District, Chapter 15-2.21 Sensitive Land Overlay (SLO) Zoning District, Section 15-4-18 Passenger Tramways And Ski Base Facilities, and Section 15-1-10, Conditional Use Review Process.
2. The use will be compatible with surrounding Structures in use, scale, mass, and circulation.
3. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval

1. This action letter is only applicable to the Burns ski lift, and Lower Little Stick ski run.
2. Final building plans and construction details shall reflect substantial compliance with the final plans submitted on June 15, 2022, to the Planning Department. Any changes, modifications, or deviations from the approved design that have not been approved in advance by the Planning Department may result in a stop work order.
3. The Applicant is responsible for notifying the Planning Department prior to making any changes to the approved plans.
4. Any changes, modifications, or deviations from the approved scope of work



Planning Department

shall be submitted in writing for review and approval/denial in accordance with the applicable standards by the Planning Director or designee prior to construction.

5. The lift shall extend a distance of at least ten feet outward from the vertical plane and shall not encroach into Setbacks.
6. No signs or outdoor lights are approved.
7. All vegetation removal shall be kept to a minimum, and impacted vegetative areas shall be revegetated and compliant with the Wildland-Urban Interface Code. The unused portion Lower Little Stick ski run shall be revegetated. The Applicant shall provide a re-vegetation plan identifying all significant vegetation impacted by the lift removal. All replacement vegetation shall be designed to control erosion and to restore native, water-wise, and fire-resistant ground cover as quickly as possible after ground disturbing activities. The re-vegetation plan shall be submitted with the Building Permit application, reviewed, and approved by the Planning Director.
8. The new towers shall be galvanized to match the existing towers.
9. The project is subject to safety regulation by the Passenger Tramway Safety Committee of the State Department of Transportation.
10. The new lift terminals shall comply with the City Noise Ordinance, Chapter 6-3.
11. The Applicant shall comply with the 25-foot ROS Setback requirement for all structures and staging areas.
12. The existing Burns lift, including all towers and terminals, shall be dismantled and moved off-site prior to the operation of the new lift.

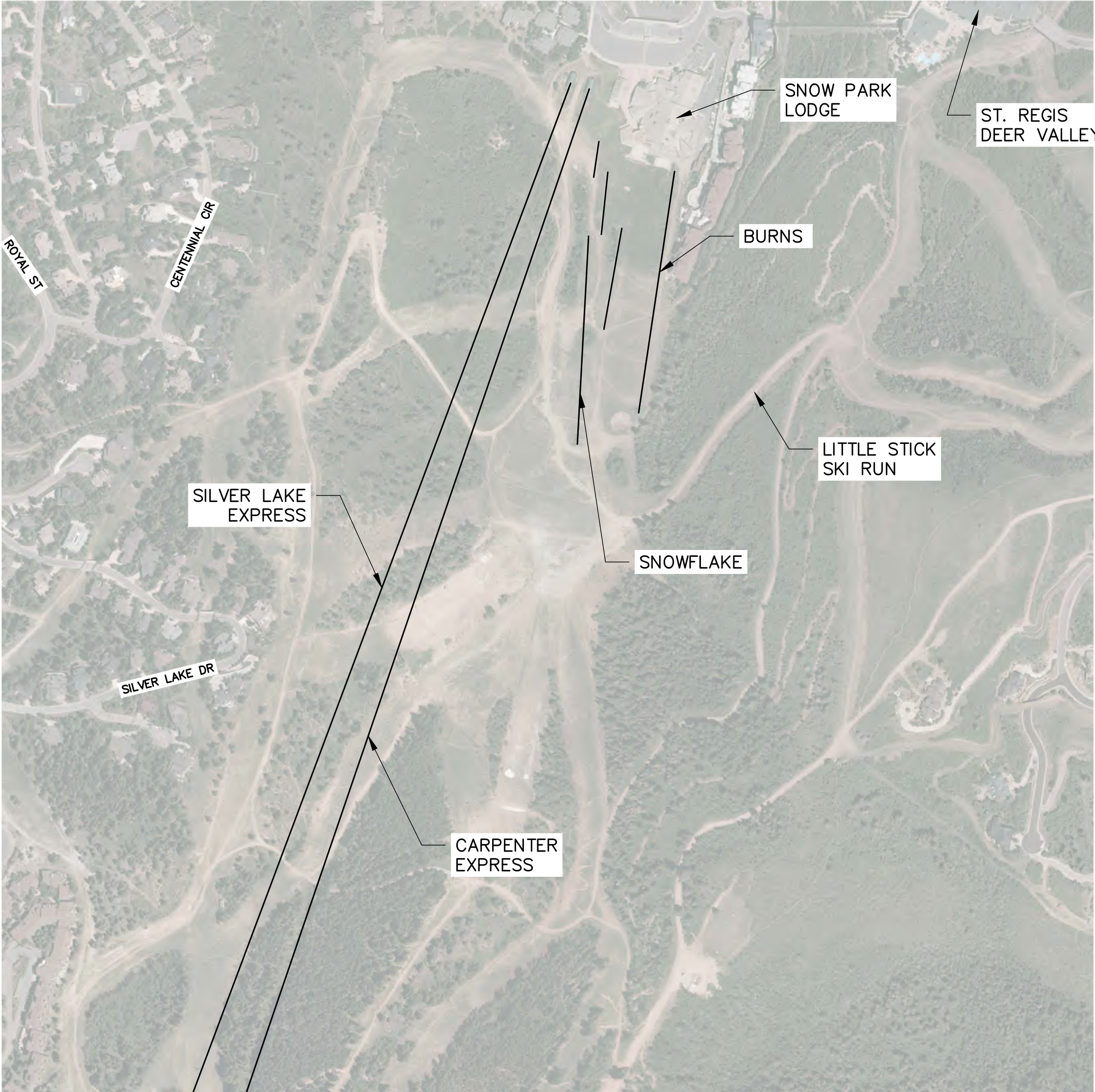
If you have questions or concerns regarding this Final Action Letter, please call (435) 615-5068 or email lillian.lederer@parkcity.org.

Sincerely,

Gretchen Milliken,
Planning Director

CC: Lillian Lederer, Project Planner

VICINITY MAP



DEER VALLEY RESORT
CHAIRLIFT IMPROVMENTS (2022)
BURNS AND SNOWFLAKE

DEER VALLEY RESORT
2250 DEER VALLEY DR
PARK CITY, UTAH 84060

JUNE 15, 2022



DEER VALLEY
RESORT

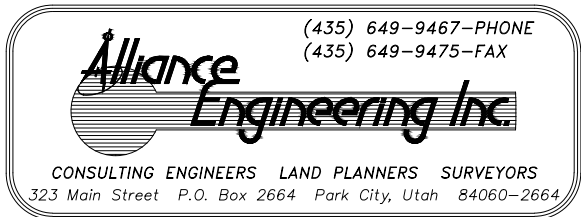
GENERAL NOTES

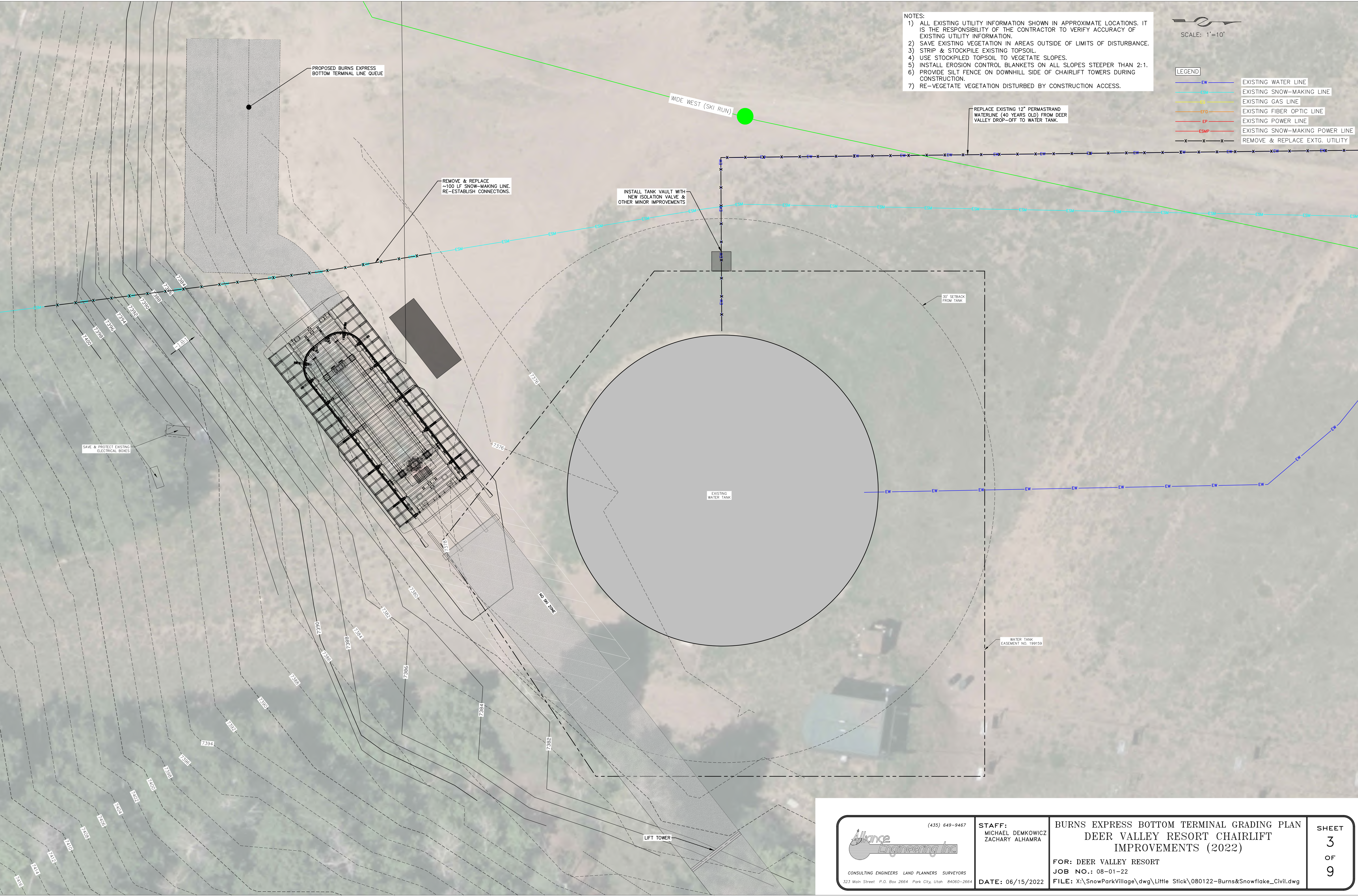
- ALL WORK PERFORMED SHALL BE DONE IN ACCORDANCE WITH THE FOLLOWING PLANS & SPECIFICATIONS:
 - Summit County Design Standards, Construction Specifications, and Standard Drawings, Latest Edition.
 - Snyderville Basin Water Reclamation District (S.B.W.R.D.) Development Procedures, Design Standards and Construction Specifications, February 22, 2016 or latest edition.
 - Manual of Uniform Traffic Control Devices 2009 Edition with 2012 revisions.
 - Summit Water Company Standard Drawings.
 - Special conditions of approval and/or permits as required and/or issued by regulatory bodies.
 - Approved construction plans and details.
 - Approved Traffic Control Plan.
 - Storm Water Pollution Prevention Plan. (SWPPP)
- 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, county engineer, S.B.W.R.D. engineer & Gorgoza Mutual Water Company and their designated representatives and inspectors.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.

SHEET INDEX

- COVER
- EXISTING CONDITIONS & CONSTRUCTION ACCESS PLAN
- BURNS EXPRESS BOTTOM TERMINAL GRADING PLAN
- BURNS EXPRESS TOP TERMINAL GRADING PLAN
- LITTLE STICK SKI RUN GRADING PLAN
- LITTLE STICK SKI RUN CUT & FILL EXHIBIT
- SWPPP, CMP & REVEGETATION PLAN
- SWPPP, CMP & REVEGETATION PLAN DETAILS
- BURNS EXPRESS PROFILE (DOPPELMAYR)

CIVIL ENGINEER





- NOTES:
- 1) ALL EXISTING UTILITY INFORMATION SHOWN IN APPROXIMATE LOCATIONS. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY ACCURACY OF EXISTING UTILITY INFORMATION.
 - 2) SAVE EXISTING VEGETATION IN AREAS OUTSIDE OF LIMITS OF DISTURBANCE.
 - 3) STRIP & STOCKPILE EXISTING TOPSOIL.
 - 4) USE STOCKPILED TOPSOIL TO VEGETATE SLOPES.
 - 5) INSTALL EROSION CONTROL BLANKETS ON ALL SLOPES STEEPER THAN 2:1.
 - 6) PROVIDE SILT FENCE ON DOWNHILL SIDE OF CHAIRLIFT TOWERS DURING CONSTRUCTION.
 - 7) RE-VEGETATE VEGETATION DISTURBED BY CONSTRUCTION ACCESS.

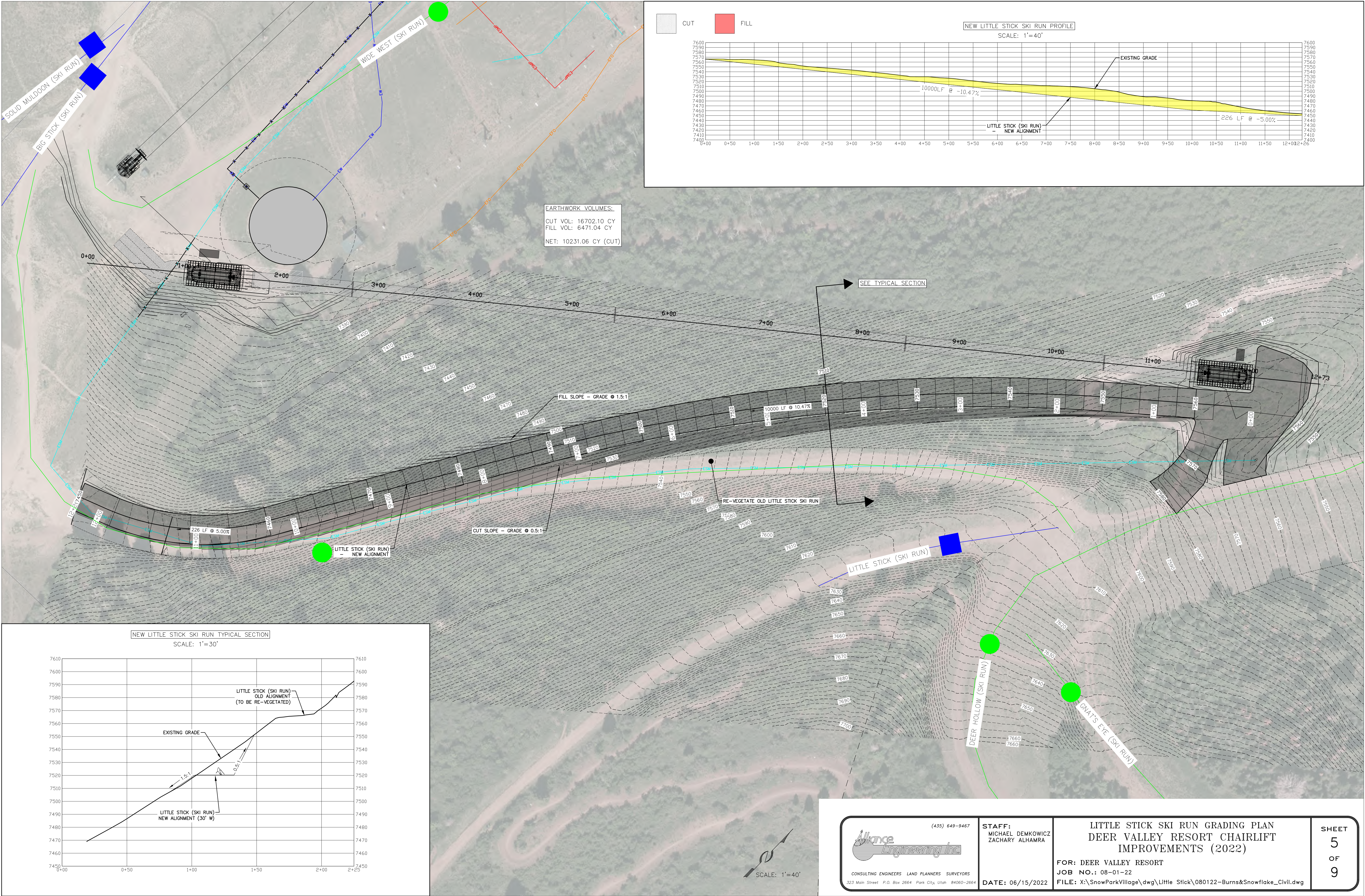
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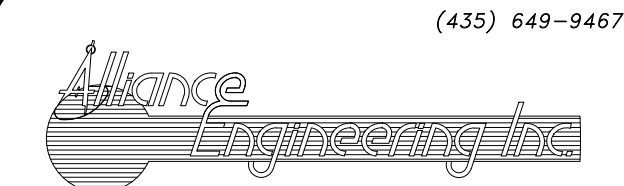
LEGEND

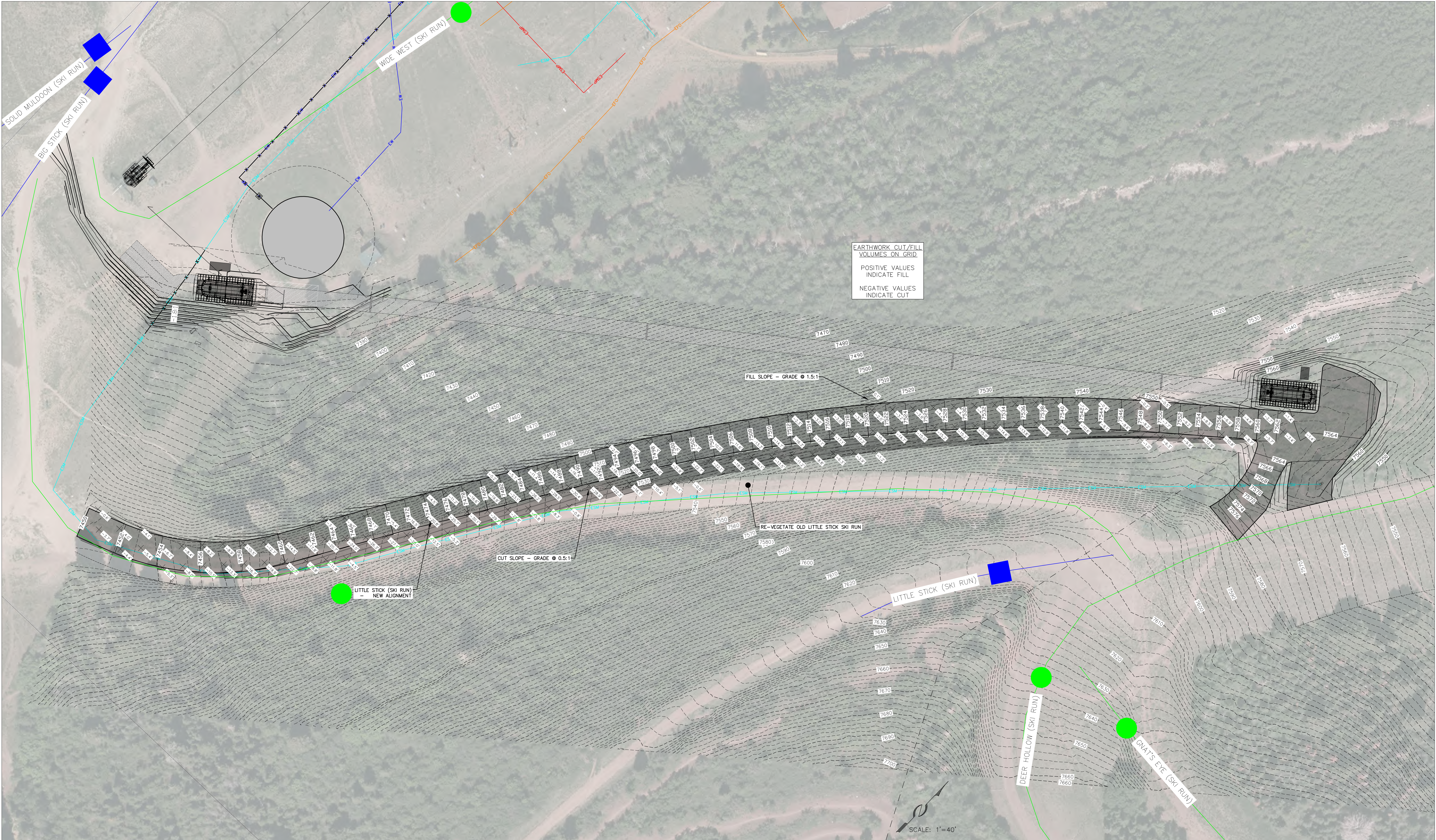
EW	EXISTING WATER LINE
ESM	EXISTING SNOW-MAKING LINE
EG	EXISTING GAS LINE
EFO	EXISTING FIBER OPTIC LINE
EP	EXISTING POWER LINE
ESMP	EXISTING SNOW-MAKING POWER LINE
X X X	REMOVE & REPLACE EXTG. UTILITY

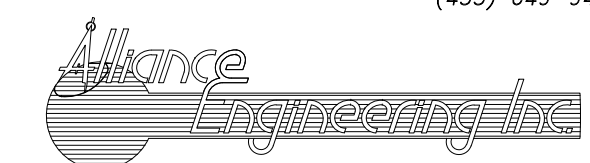
 (435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	STAFF: MICHAEL DEMKOWICZ ZACHARY ALHAMRA	BURNS EXPRESS BOTTOM TERMINAL GRADING PLAN DEER VALLEY RESORT CHAIRLIFT IMPROVEMENTS (2022)	SHEET 3 OF 9	
	DATE: 06/15/2022	FOR: DEER VALLEY RESORT		FILE: X:\SnowParkVillage\dwg\Little Stick\080122-Burns&Snowflake_Civil.dwg
		JOB NO.: 08-01-22		





 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	(435) 649-9467 STAFF: MICHAEL DEMKOWICZ ZACHARY ALHAMRA	LITTLE STICK SKI RUN GRADING PLAN DEER VALLEY RESORT CHAIRLIFT IMPROVEMENTS (2022)	SHEET 5 OF 9	
	DATE: 06/15/2022	FOR: DEER VALLEY RESORT JOB NO.: 08-01-22		FILE: X:\SnowParkVillage\dwg\Little Stick\080122-Burns&Snowflake_Civil.dwg





(435) 649-9467

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS

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

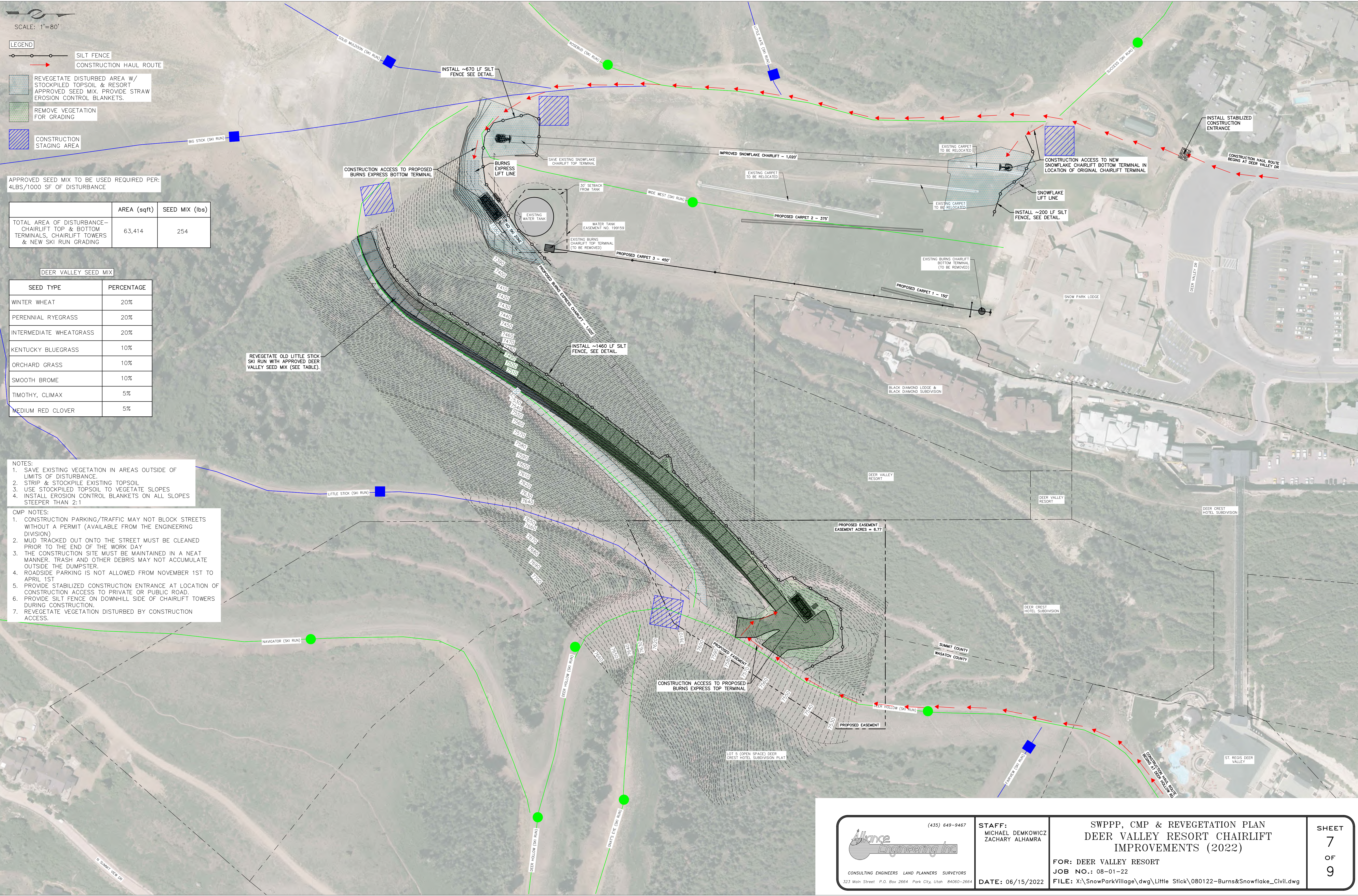
STAFF:
MICHAEL DEMKOWICZ
ZACHARY ALHAMRA

DATE: 06/15/2022

LITTLE STICK SKI RUN CUT & FILL EXHIBIT
DEER VALLEY RESORT CHAIRLIFT
IMPROVEMENTS (2022)

FOR: DEER VALLEY RESORT
JOB NO.: 08-01-22
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SHEET
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OF
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SCALE: 1"=80'

LEGEND

- SILT FENCE
- CONSTRUCTION HAUL ROUTE
- REVEGETATE DISTURBED AREA W/ STOCKPILED TOPSOIL & RESORT APPROVED SEED MIX. PROVIDE STRAW EROSION CONTROL BLANKETS.
- REMOVE VEGETATION FOR GRADING
- CONSTRUCTION STAGING AREA

APPROVED SEED MIX TO BE USED REQUIRED PER: 4LBS/1000 SF OF DISTURBANCE

	AREA (sqft)	SEED MIX (lbs)
TOTAL AREA OF DISTURBANCE-- CHAIRLIFT TOP & BOTTOM TERMINALS, CHAIRLIFT TOWERS & NEW SKI RUN GRADING	63,414	254

DEER VALLEY SEED MIX

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

- NOTES:
1. SAVE EXISTING VEGETATION IN AREAS OUTSIDE OF LIMITS OF DISTURBANCE.
 2. STRIP & STOCKPILE EXISTING TOPSOIL.
 3. USE STOCKPILED TOPSOIL TO VEGETATE SLOPES.
 4. INSTALL EROSION CONTROL BLANKETS ON ALL SLOPES STEEPER THAN 2:1
- CMP NOTES:
1. CONSTRUCTION PARKING/TRAFFIC MAY NOT BLOCK STREETS WITHOUT A PERMIT (AVAILABLE FROM THE ENGINEERING DIVISION)
 2. MUD TRACKED OUT ONTO THE STREET MUST BE CLEANED PRIOR TO THE END OF THE WORK DAY
 3. THE CONSTRUCTION SITE MUST BE MAINTAINED IN A NEAT MANNER. TRASH AND OTHER DEBRIS MAY NOT ACCUMULATE OUTSIDE THE DUMPSTER.
 4. ROADSIDE PARKING IS NOT ALLOWED FROM NOVEMBER 1ST TO APRIL 1ST
 5. PROVIDE STABILIZED CONSTRUCTION ENTRANCE AT LOCATION OF CONSTRUCTION ACCESS TO PRIVATE OR PUBLIC ROAD.
 6. PROVIDE SILT FENCE ON DOWNHILL SIDE OF CHAIRLIFT TOWERS DURING CONSTRUCTION.
 7. REVEGETATE VEGETATION DISTURBED BY CONSTRUCTION ACCESS.

(435) 649-9467

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS

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

STAFF:

MICHAEL DEMKOWICZ

ZACHARY ALHAMRA

DATE: 06/15/2022

SWPPP, CMP & REVEGETATION PLAN

DEER VALLEY RESORT CHAIRLIFT IMPROVEMENTS (2022)

FOR: DEER VALLEY RESORT

JOB NO.: 08-01-22

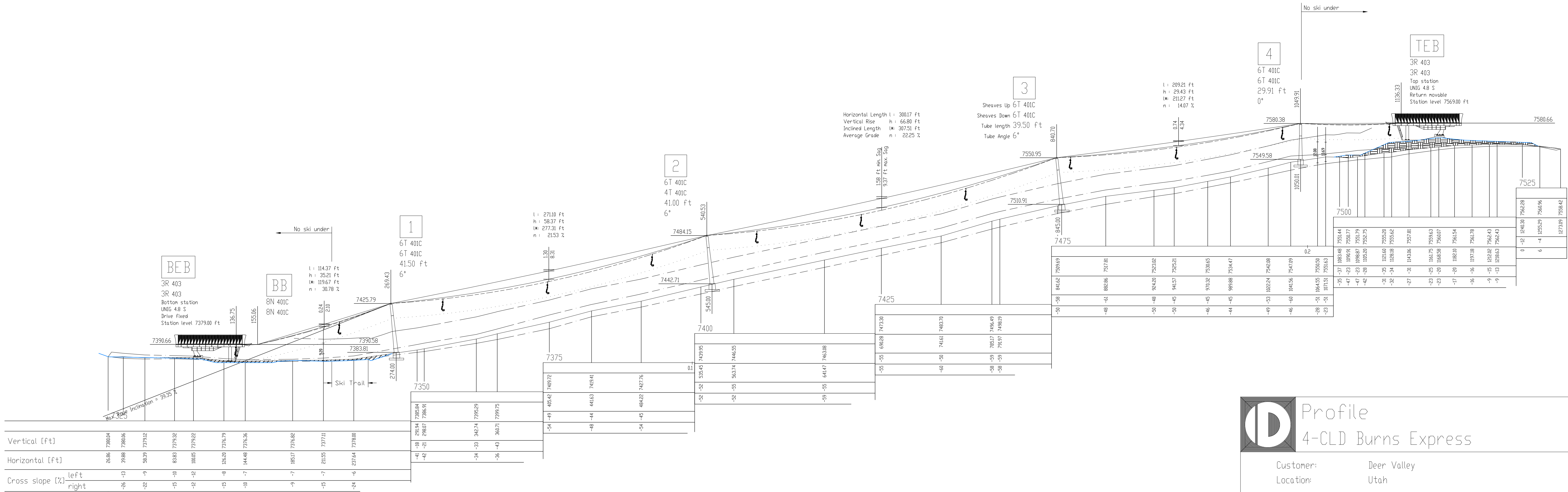
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SHEET

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OF

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SCALE: 1" = 40'

Profile 4-CLD Burns Express

Customer: Deer Valley
Location: Utah

Technical Data:

Uphill Side	Left	Ø Haul Rope	165 in
Drive Station	Bottom	Minimum Breaking Strength	221886 lb
Tension Station	Top	Ø Drive Bullwheel	15.75 ft
Return Station	Top	Ø Return Bullwheel	15.75 ft

Horizontal Length	999.58 ft	Rope Gauge on Line	15.75 ft
Vertical Rise	190.00 ft	Drive Output Continuous	84 HP
Average Grade	19.01 %	Drive Output Starting	133 HP
Max. Rope Inclination	39.35 %	Elevation of Drive Station	7391 ft
Inclined Length	1020.49 ft	Uphill Transportation	100 %
Spliced Rope Length	2190.39 ft	Downhill Transportation	25 %

	Initial	Final
Drive Speed	fpm	689 fpm
Capacity	pph	1800 pph
Number of Carriers		29
Carrier Spacing	ft	91.86 ft
Carrier Interval	s	8.00 s
Trip Time	min	1.96 min

b	New survey data, complete revision.	2022-02-28	DBR
a	Updated 2022	2022-01-04	DBR
Index	Revision	Date	Name
		2019-12-23	DBR
3160 West 500 South Salt Lake City, Utah 84104		Scale 1" = 40'	Project No. SAA0003185
Doppelmayr®		Drawing No. SAA0003185-PRDF	Index
This drawing is the intellectual property of Doppelmayr USA, INC. It must not be copied nor utilized in whole or in part without permission and is subject to return upon request.			



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

STAFF:
MICHAEL DEMKOWICZ
ZACHARY ALHAMRA

DATE: 06/15/2022

BURNS EXPRESS PROFILE (DOPPELMAYR)
DEER VALLEY RESORT CHAIRLIFT
IMPROVEMENTS (2022)

FOR: DEER VALLEY RESORT
JOB NO.: 08-01-22

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9
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9

BURNS EXPRESS AND SNOWFLAKE CHAIRLIFTS, LITTLE STICK SKI RUN & SUMMER BIKING TRAILS

Deer Valley Resort



SENSITIVE LAND OVERLAY ZONE – ORDINANCE PROVISIONS

2250 Deer Valley Dr S
Park City, UT 84060



PREPARED IN ACCORDANCE WITH
PARK CITY LAND MANAGEMENT CODE

BY ZACHARY ALHAMRA



**BURNS EXPRESS AND SNOWFLAKE CHAIRLIFTS,
LITTLE STICK SKI RUN & SUMMER BIKING TRAILS**

Sensitive Land Overlay Zone – Ordinance Provisions
2250 DEER VALLEY DR S,
PARK CITY, UT 84060

INDEX:

PARK CITY LAND MANAGEMENT CODE SECTIONS

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15-2.21-2 Overlay Review Process..... 3
15-2.21-3 Sensitive Lands Overlay Zone – Ordinance Provisions..... 4

SENSITIVE LAND OVERLAY ZONE

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**Notice: All photos and map, unless otherwise stated, was obtained from the city website and various other sources. Alliance Engineering does not take credit for the supporting material provided within this report.*

15-2.21-1 PURPOSE:

The purpose of the Sensitive Land overlay (SLO) is to:

- A) Require dedicated open space in aesthetically and environmentally sensitive Areas;
- B) Encourage preservation of large expanses of open space and wildlife habitat;
- C) Cluster development while allowing a reasonable use of property;
- D) Prohibit development on ridge line areas, steep slopes, and wetlands; and
- E) Protect and preserve environmentally sensitive land.

(Amended by Ord. No. 07-81)

15-2.21-2 REVIEW PROCESS:

A) SENSITIVE LAND ANALYSIS

- Applicants for development within the SLO must identify the property's sensitive environmental and aesthetic areas such as steep slopes, ridge line areas, wetlands, stream corridors, wild land interface, and wildlife habitat areas and provide at time of application a sensitive land analysis.

B) APPLICATION OF OVERLAY ZONE REGULATIONS

- Regulatory standards apply to the type of sensitive land delineated.

C) SITE DEVELOPMENT SUITABILITY DETERMINATION

- Staff shall review the sensitive land analysis, apply the applicable sensitive land overlay regulations, Section 15-2.21-4 through 15-2.21-9, and shall prepare a report to the applicant and the Planning Commission identifying those areas suitable for development as developable land.

D) HARDSHIP RELIEF

- If the Applicant demonstrates that the regulations PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 2.21 Sensitive Land Overlay Zone (SLO) Regulations 15-2.21-2 would deny all reasonable use of the property, the Planning Commission may modify application of these regulations to provide the applicant reasonable use of the property.

(Amended by Ord. No. 07-81)

15-2.21-3 SENSITIVE LANDS OVERLAY ZONE – ORDINANCE PROVISIONS:**A. SENSITIVE LANDS ANALYSIS****1. Slope & Topographic Map**

- a. A slope and topographic map based on a certified boundary survey depicting contours at an interval of five feet (5') or less. The map must highlight area of high geologic hazard, areas subject to land sliding, and all significant steep slopes in the following categories:
 - i. Greater than 15% but less than or equal to 30%
 - ii. Greater than 30% but less than or equal to 40%
 - iii. Very steep slopes, greater than 40%.

2. Ridge Line Area

- a. A map depicting all crests of hills and ridge line areas.

3. Vegetative Cover

- a. A detailed map of vegetative cover, depicting the following:
 - i. Deciduous trees
 - ii. Coniferous trees
 - iii. Gambel oak or high shrub
 - iv. Sage, grassland, and agricultural crops.
- b. The Planning Department may require a more detailed tree/vegetation survey if the site has unusual or significant vegetation, stand of trees, or woodlands.

4. Designated Entry Corridors & Vantage Points

- a. Designated entry corridors and Vantage Points present within or adjacent to the Site, including Utah Highway 248 east of Wyatt Earp Way and Utah Highway 224 north of Holiday Ranch Loop Road and Payday Drive as identified by Staff.

(Typical vantage points are listed in Section 15-2.21-3 of the Park City Municipal Code)

5. Wetlands

- a. A map delineating all wetlands established by using the 1987 *Federal Manual for identifying and Delineating Jurisdictional Wetlands*, as amended. (See Section 15-2.21-6).

6. Stream Corridors, Canals & Irrigation Ditches.

- a. A map delineating all stream corridors, canals, and irrigation ditches, defined by the Ordinary High-Water Mark.

7. Wildlife Habitat Areas

- c. A map depicting all wildlife habitat areas, as defined by the wildlife habitat report shall be provided by the applicant. The wildlife habitat report shall be prepared by a professional, qualified in the areas of ecology, wildlife biology, or other relevant disciplines and describe the following:
 - i. The ecological and wildlife Use characterization of the Property explaining the species of wildlife using the Areas, the times or seasons the Area is used by those species, and the value, e.g. meaning feeding, watering, cover, nesting, roosting, or perching, that the Area provides for such wildlife species;
 - ii. The existence of critical wildlife movement corridors;
 - iii. The existence of special habitat features, including Key nesting Sites, feeding Areas, calving or production Areas, Use Areas for migrant song birds and grassland birds, fox and coyote dens, deer and elk winter concentration Areas as identified by the Utah Division of Wildlife, and Areas of high terrestrial or aquatic insect diversity.
 - iv. Areas inhabited by or frequently utilized by any species identified by state or Federal agencies as Threatened or Endangered.
 - v. The general ecological functions provided by the Site and its features;
 - vi. Potential impacts on these existing wildlife species that would result from the proposed movement.

B. ADDITIONAL INFORMATION AND STUDY REQUIREMENTS

- The planning department may require the Applicant to submit additional information as necessary (not presented in this document).

C. SENSITIVE LANDS DETERMINATION

- The Planning Department shall review the information presented in the Sensitive Lands Analysis, as described in Section 15-2.21-3(A) and Section 15-2.21-3(B), and provide a recommendation to the Planning Commission determining and delineating all Sensitive Lands on the parcel, including Steep Slope Areas, Ridge Lines Areas, Entry Corridors, Wetlands, Stream Corridors, Irrigation Ditches, Wildland and Wildfire Interface Areas, and Critical Wildlife Movement Corridors and Habitat Areas.

1. SLOPE & TOPOGRAPHIC MAP

A slope analysis was performed in order to better understand the area of interest's topography, contours every 5'. (Figures 1.1 & 1.2)



Slopes Table				
Number	Minimum Slope	Maximum Slope	Area	Color
1	0.00%	15.00%	36.48	Green
2	15.00%	30.00%	41.41	Yellow
3	30.00%	40.00%	30.50	Orange
4	40.00%	100.00%	82.48	Red

Figure 1.1: Slope analysis of existing topography.

(AREAS IN ACRES)

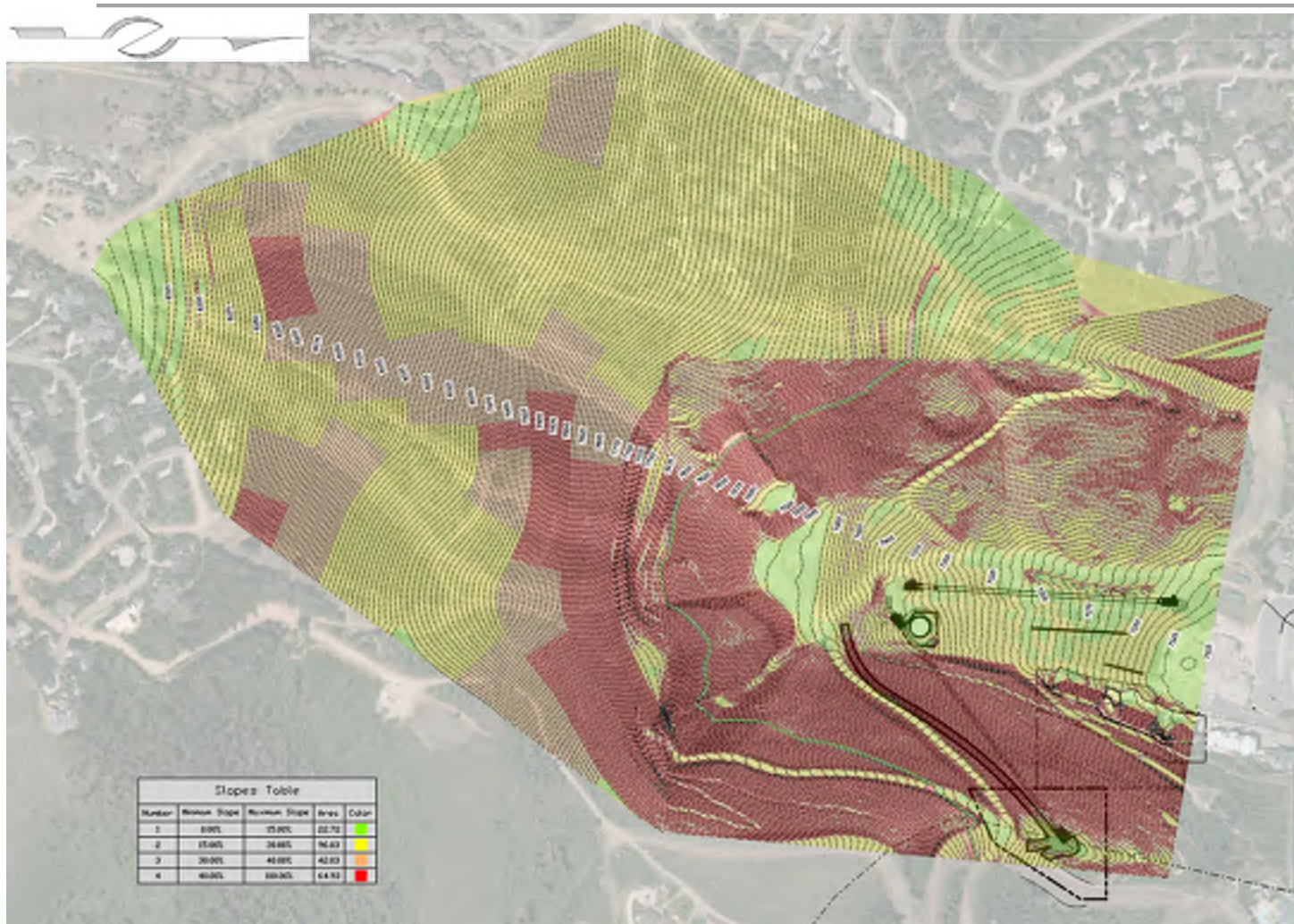


Figure 2.2: Slope analysis of existing topography (Bald Eagle Mountain Trails).

(AREAS IN ACRES)

2. Ridge Line Area

A ridge line study was performed to understand how future development will fit into the existing topography of Park City.

Snowflake Lift

- a. The existing bottom terminal of the Snowflake Lift will be relocated to a lower elevation than its current location and will move closer to Deer Valley Drive. Its new location will be far removed from any ridge lines and shall have no substantial impact on natural ridge line areas.
- b. The existing top terminal of the Snowflake Lift will remain in its current place and will be far removed from any ridge lines and shall have no substantial impact on natural ridge line areas.

Burns Express Lift

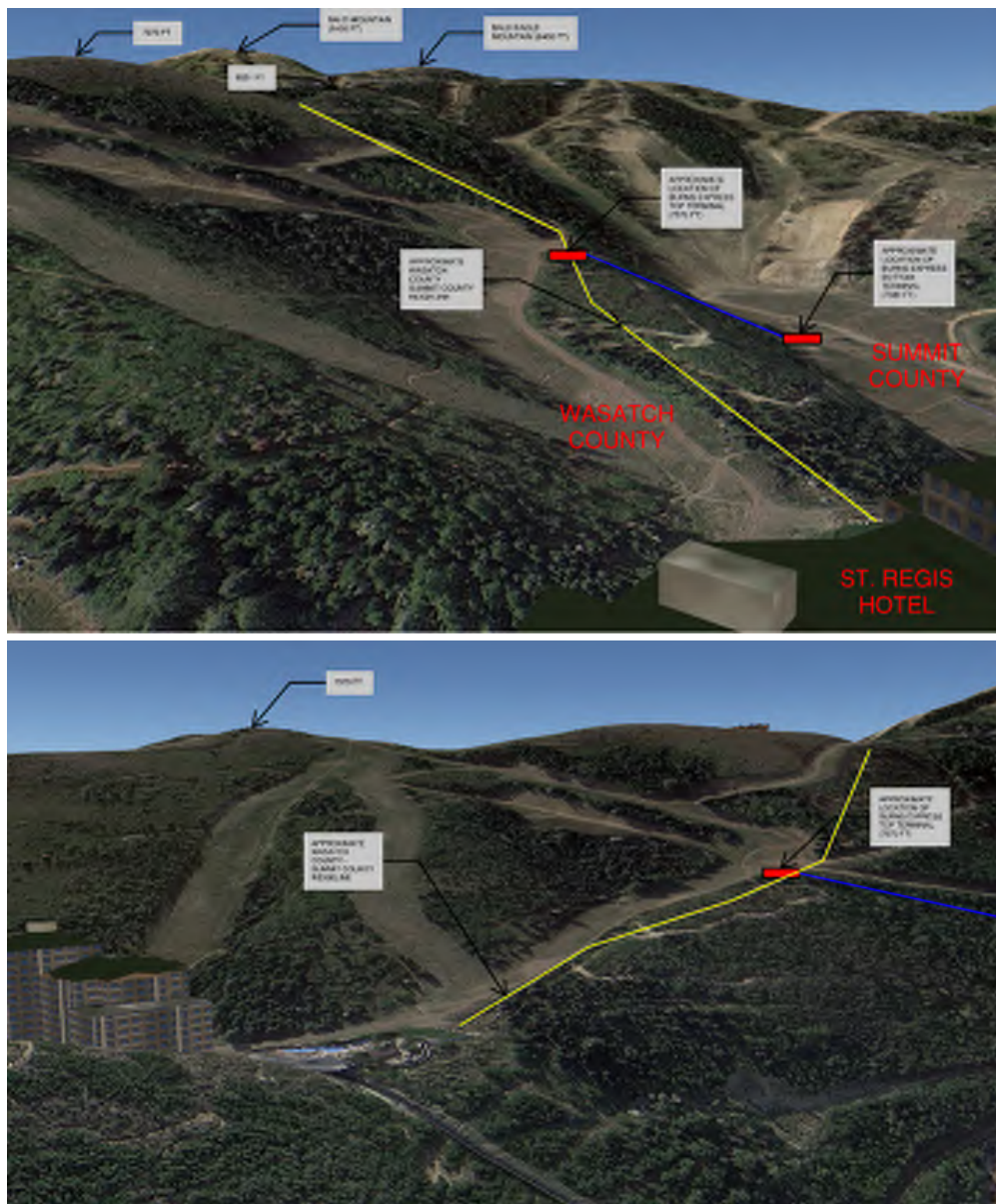
- a. The new bottom terminal of the Burns Express lift will be situated just south of the existing water tank at the entrance of the Wide West beginner's area at approximately 7380 FT. The proposed location of the terminal is in the Silver Creek basin and shall have no substantial impact on the surrounding natural ridge lines.



BURNS EXPRESS AND SNOWFLAKE CHAIRLIFTS, LITTLE STICK SKI RUN & SUMMER BIKING TRAILS

Sensitive Land Overlay Zone – Ordinance Provisions
2250 DEER VALLEY DR S,
PARK CITY, UT 84060

- b. The new top terminal of the Burns Express lift will be situated on the ridge line that separates Wasatch and Summit Counties. The approximate elevation at the top terminal is 7570 FT. While sitting on a ridge line, this terminal will only be able to be seen from the Snow Park Base area of Deer Valley Resort, as eastward from the top terminal the elevation continues to rise to another ridge line with a high point of 7979 FT. Thus, the proposed location is still substantially shielded by surrounding existing topography and should not pose a substantial impact to major vantage points.



Little Stick Ski Run and Bald Eagle Mountain Biking Trails

- a. The project area for the new Little Stick Ski Run and the new mountain biking trails off of Bald Eagle Mountain will have insignificant effects on the surrounding terrain. The area shaded in the exhibit below offers a visual representation of the “bowl” in which the projects fall into. The new development will only be able to be seen when looking south from the Snow Park base area and is completely out of view from the Silver Lake Lodge area.



3. Vegetative Cover

The area of study on the Deer Valley property falls within the Wasatch Montane Zone (Region 19d) ecoregion and zone 6A of USDA's Plant Hardiness Zone Map (PHZM) and ranges from 7200 to 8400 ft in elevation. Expected climate involves cool, humid winters and warm, dry summers. Mean annual precipitation is between 10.4 inches in the winter and 5 inches in the summer. Average annual evapotranspiration is greater than the annual precipitation for 5.5 months of the year. Growing season starts mid-May and ends around the first week of September.

Expected vegetation: Douglas-fir and Spruce-fir with an understory of big sagebrush, snowberry, elderberry and mountain grasses. On some north-facing slopes, subalpine fir and Engelmann Spruce may be present.

Below is a comprehensive list of the plant make-up:

Dry Meadow

Geum rossii
Carex rupestris
Carex scirpoidea
Carex elynoides
Kobresia myosuroides
Deschampsia caespitosa

Common Name

Alpine Avens
Curly Sedge
Canadian Single-spike Sedge
Blackroot Sedge
Mouse-Tail Bog Sedge
Tufted Hair Grass

Shrub Thicket

Salix planifolia
Salix glauca
Salix drummondiana
Polygonum bistortoides
Quercus gambelii
Quercus turbinella

Common Name

Diamondleaf Willow
Gray Willow
Drummonds Willow
Western Bistort
Gamble Oak
Scrub Oak

Evergreens

Pinus ponderosa
Pseudotsuga menziesii

Common Name

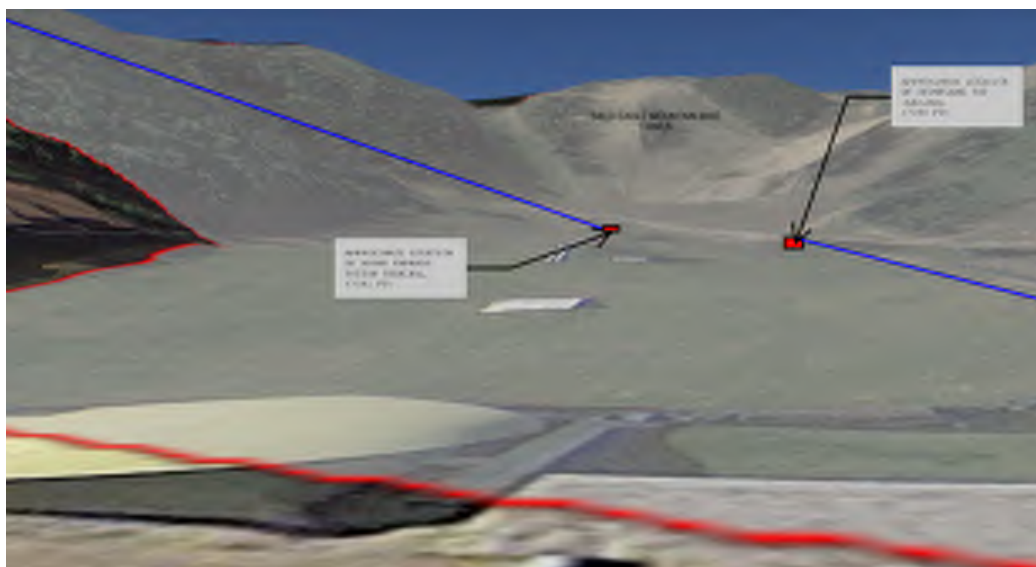
Ponderosa Pine
Douglas-Fir

4. Designated Entry Corridors & Vantage Points

Typical vantage points outlined in the Park City Municipal Code are displayed in relation to the hatched region of interest in the image below.

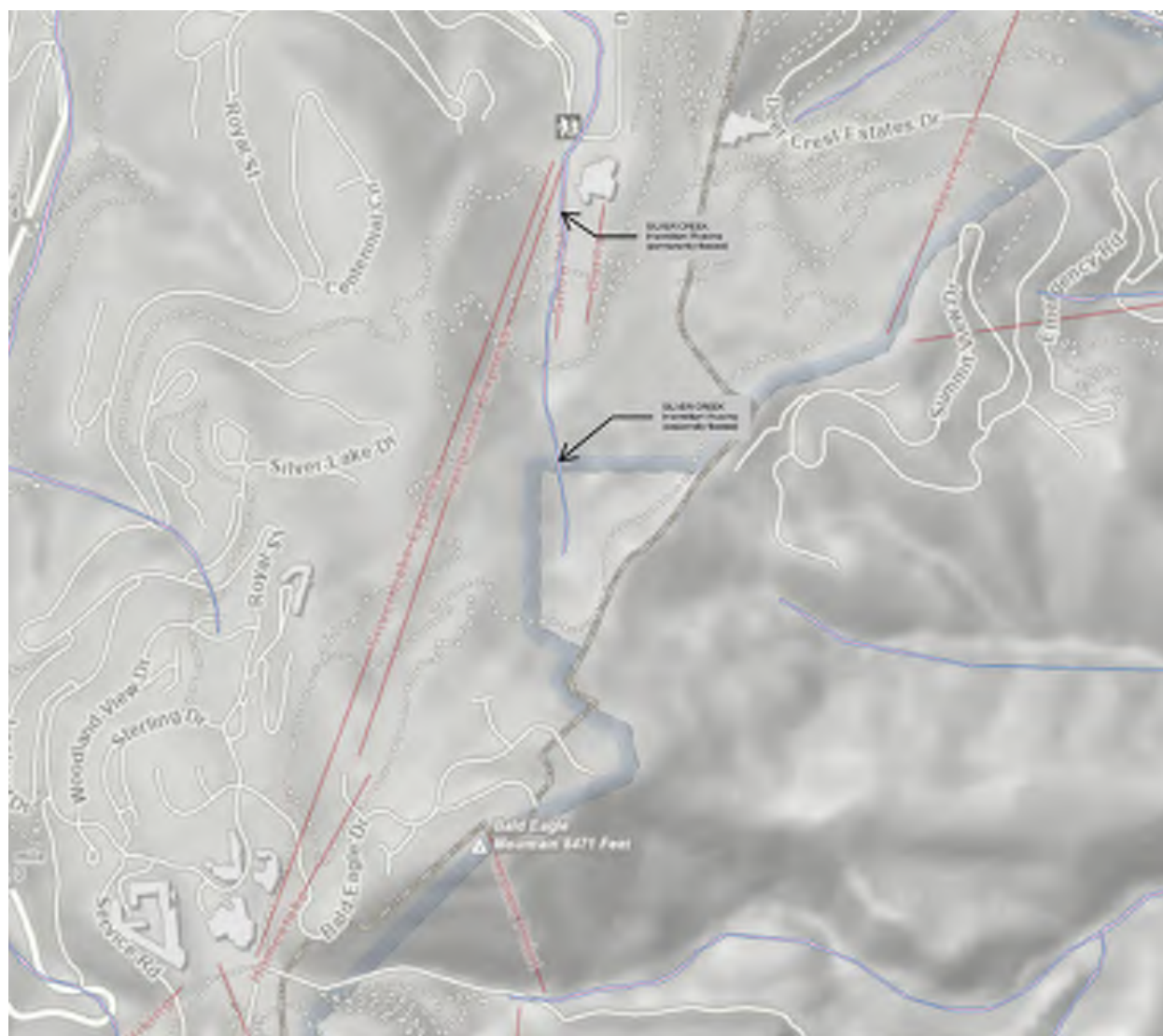


Of these typical vantage points, the project region is only visible from the Snow Park Lodge. The top terminal of the proposed Burns Express chairlift is sheltered by ridgelines (as outlined in previous section of this document) to the east and south and would only be visible from the St. Regis Hotel.



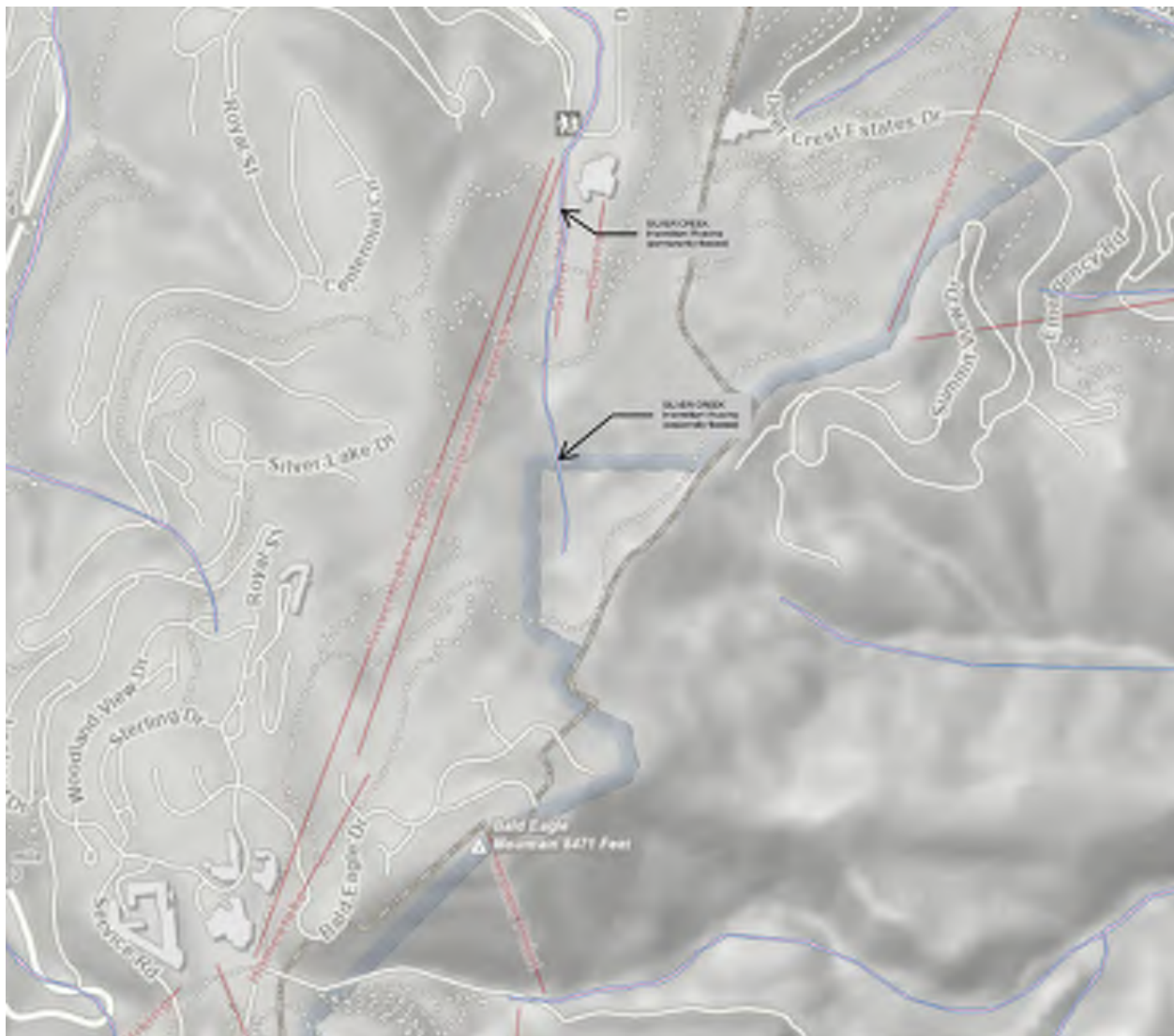
5. Wetlands

The Utah Department of Environmental Quality data does not identify any wetlands within the subject property. However, Silver Creek falls within this project boundary



6. Stream Corridors, Canals & Ditches

The Utah Department of Environmental Quality data identifies Silver Creek, an intermittent riverine, running through the subject property. This stream is caused by snow and ice melt which drains towards the Snow Park base area. The scope of this project (installation of new Snowflake Chairlift, Burns Express Chairlift and the Bald Eagle Mountain biking trails) shall not increase the amount of runoff that will be discharged into Silver Creek in any significant way. This streambed must be preserved and protected before, during and after construction of the new Burns Express Chairlift.



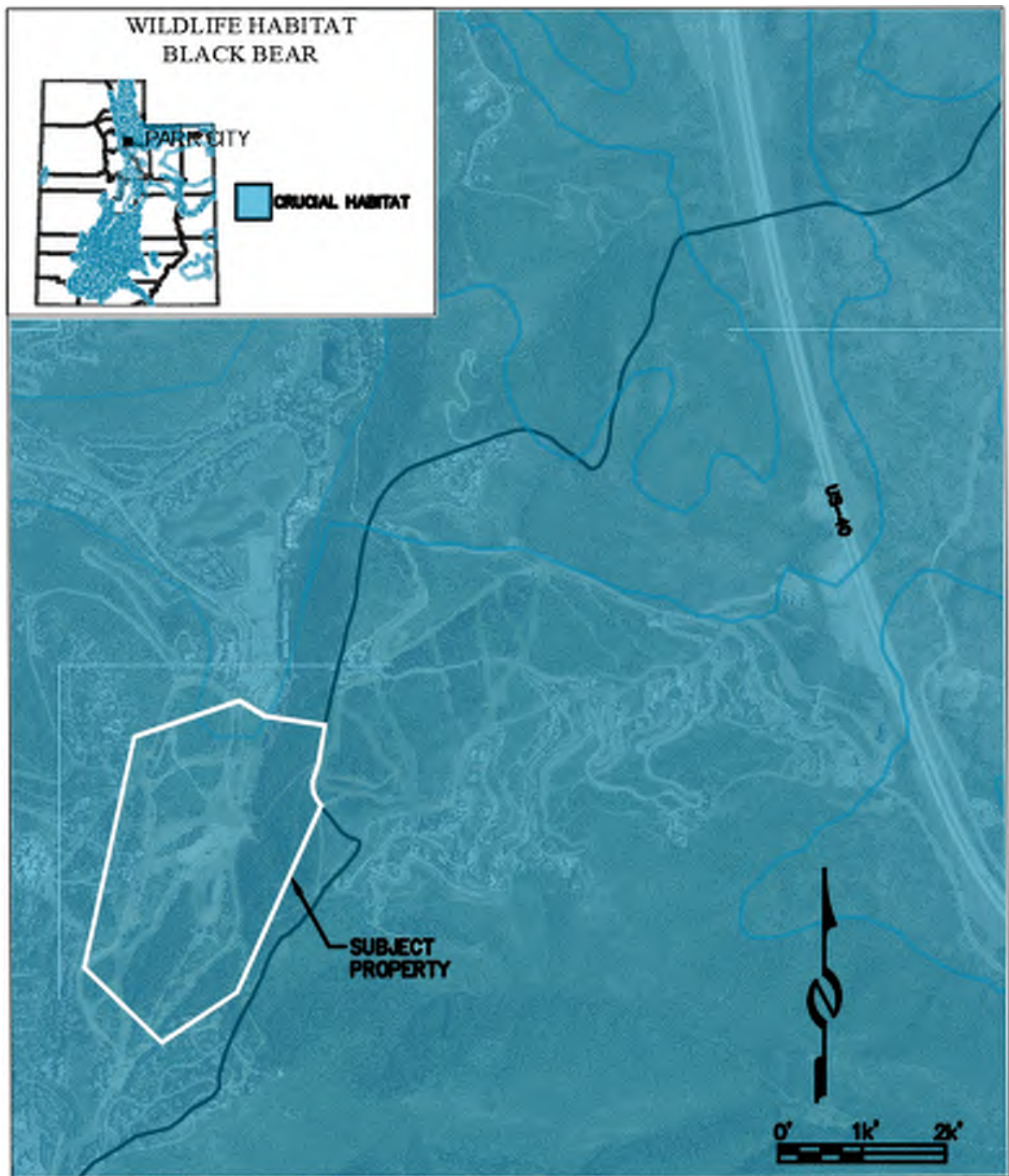
7. Wildlife Habitat Areas

Deer Valley Resort is identified as a wildlife habitat by the Utah Department of Natural Resources for the following species: black bear, dusky grouse, moose, mule deer, rocky mountain elk and white-tail jackrabbit. Specified as either **crucial**- the local population depends heavily on the area for survival, as there are no available alternative habitats in the area, or **substantial**- the habitat is used by the species but is not crucial for the population's survival. Each study (**Figures: 1-6**) shows the species' approximate habitat zone using the latest data uploaded by Utah's Division of Wildlife Resources. Data was collected by wildlife biologists using observations, surveys and radio/satellites. Additional endangered species were identified within a two-mile radius of the site but do not directly impact subject property: Greater Sage-grouse, Ferruginous Hawk, Western Toad, Bald Eagle, Mountain Marshsnail, Columbia Spotted Frog, Northern Leopard Frog and Lewi's Woodpecker. The following is a table of the wildlife directly impacting subject property:

<u>Species</u>	<u>Habitat</u>
Black Bear	Year-Long Crucial
Dusky Grouse	Year-Long Crucial
Moose	Year-Long Crucial, Calving Habitat
Mule Deer	Summer Crucial
Rocky Mountain Elk	Winter Crucial
White Tail Jackrabbit	Year-Long Crucial

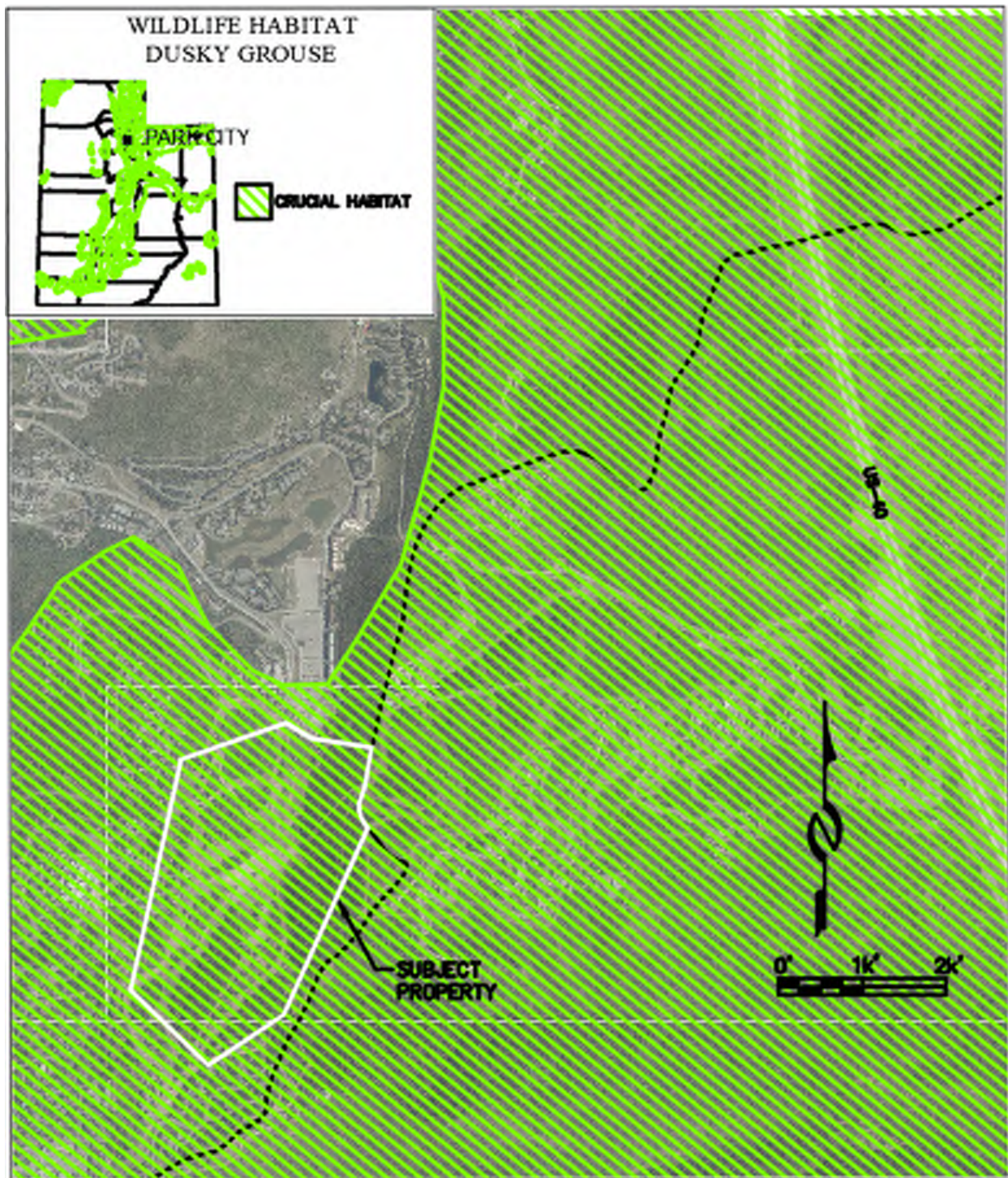
**BURNS EXPRESS AND SNOWFLAKE CHAIRLIFTS,
LITTLE STICK SKI RUN & SUMMER BIKING TRAILS**

Sensitive Land Overlay Zone – Ordinance Provisions
2250 DEER VALLEY DR S,
PARK CITY, UT 84060



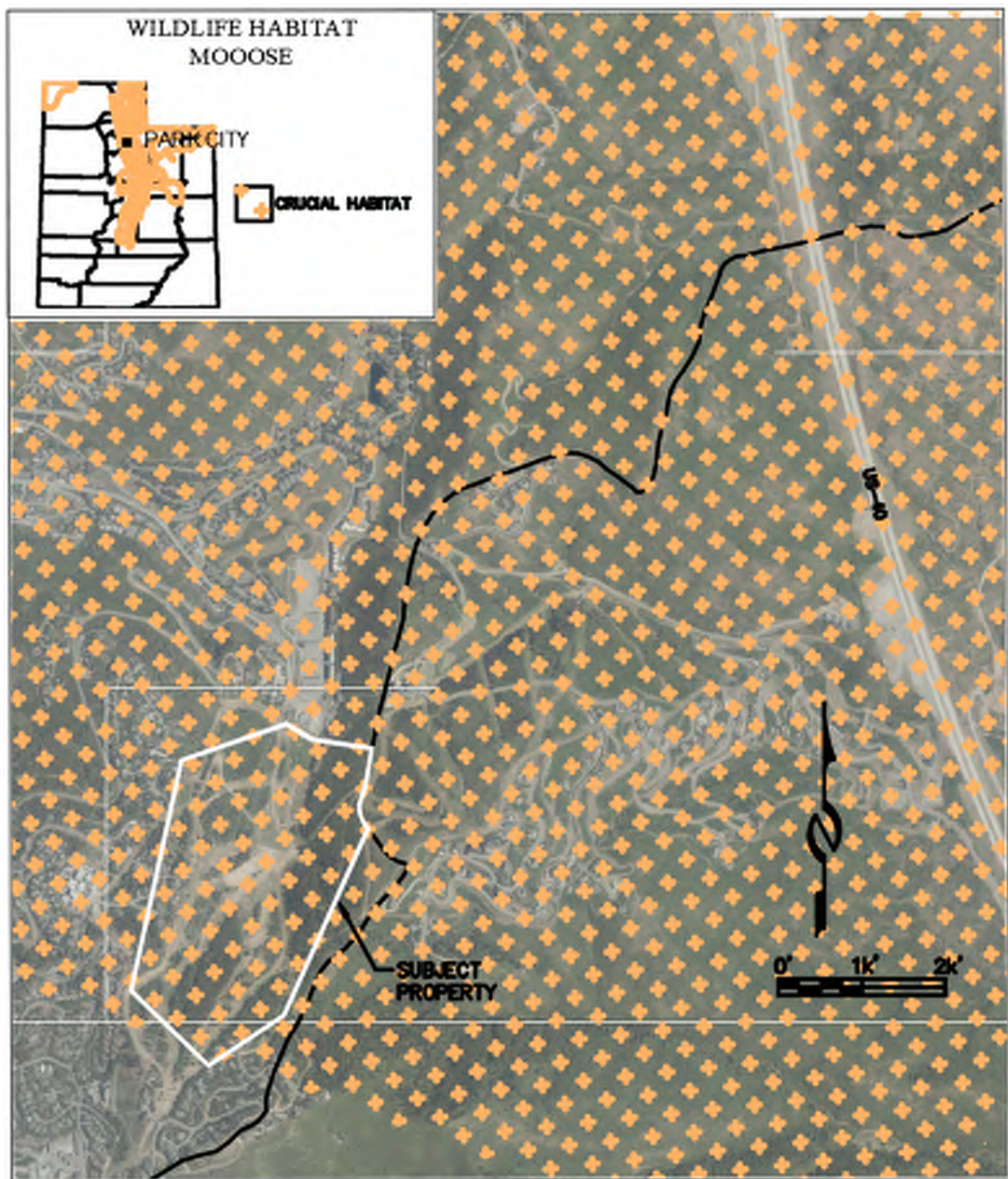
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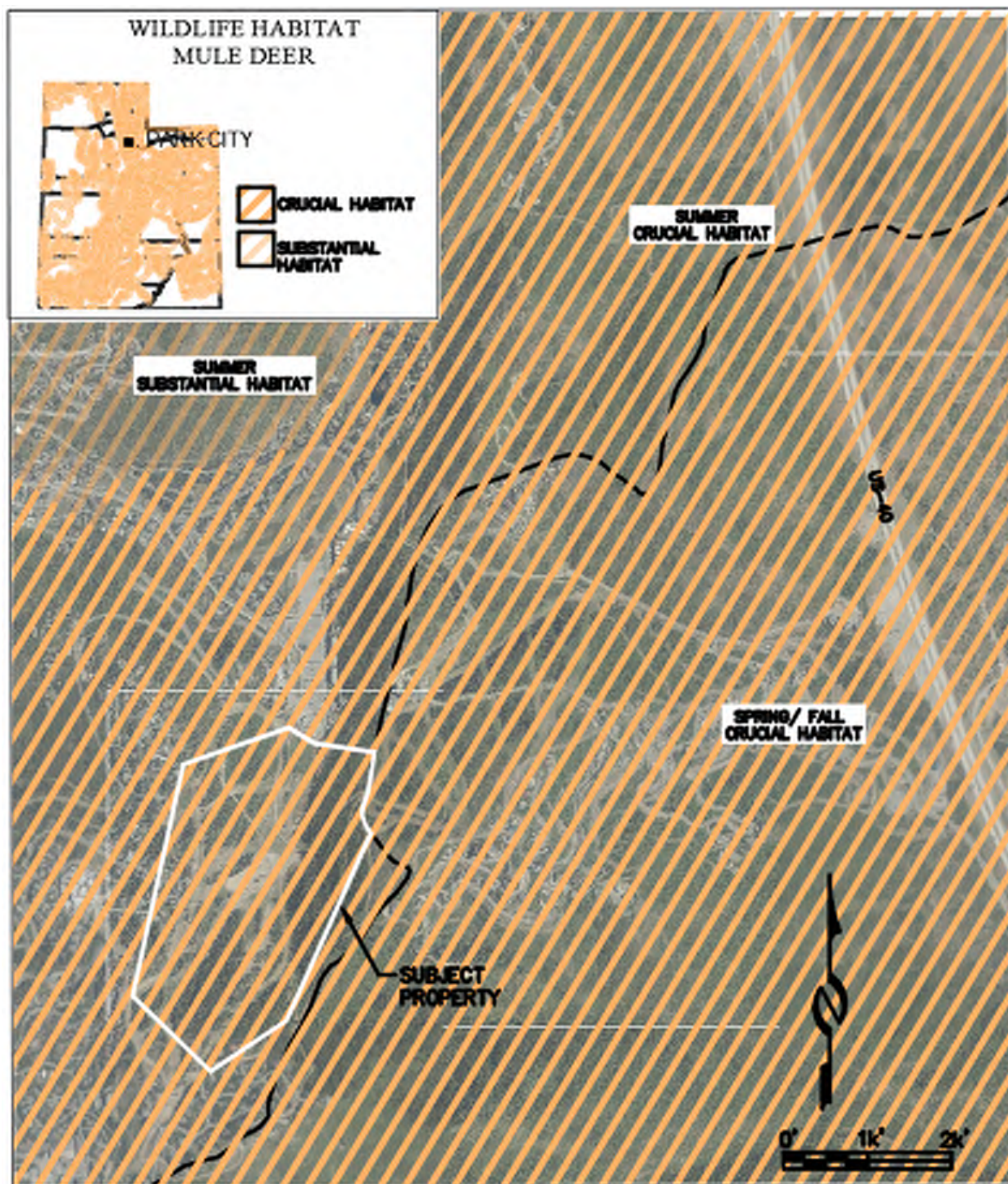
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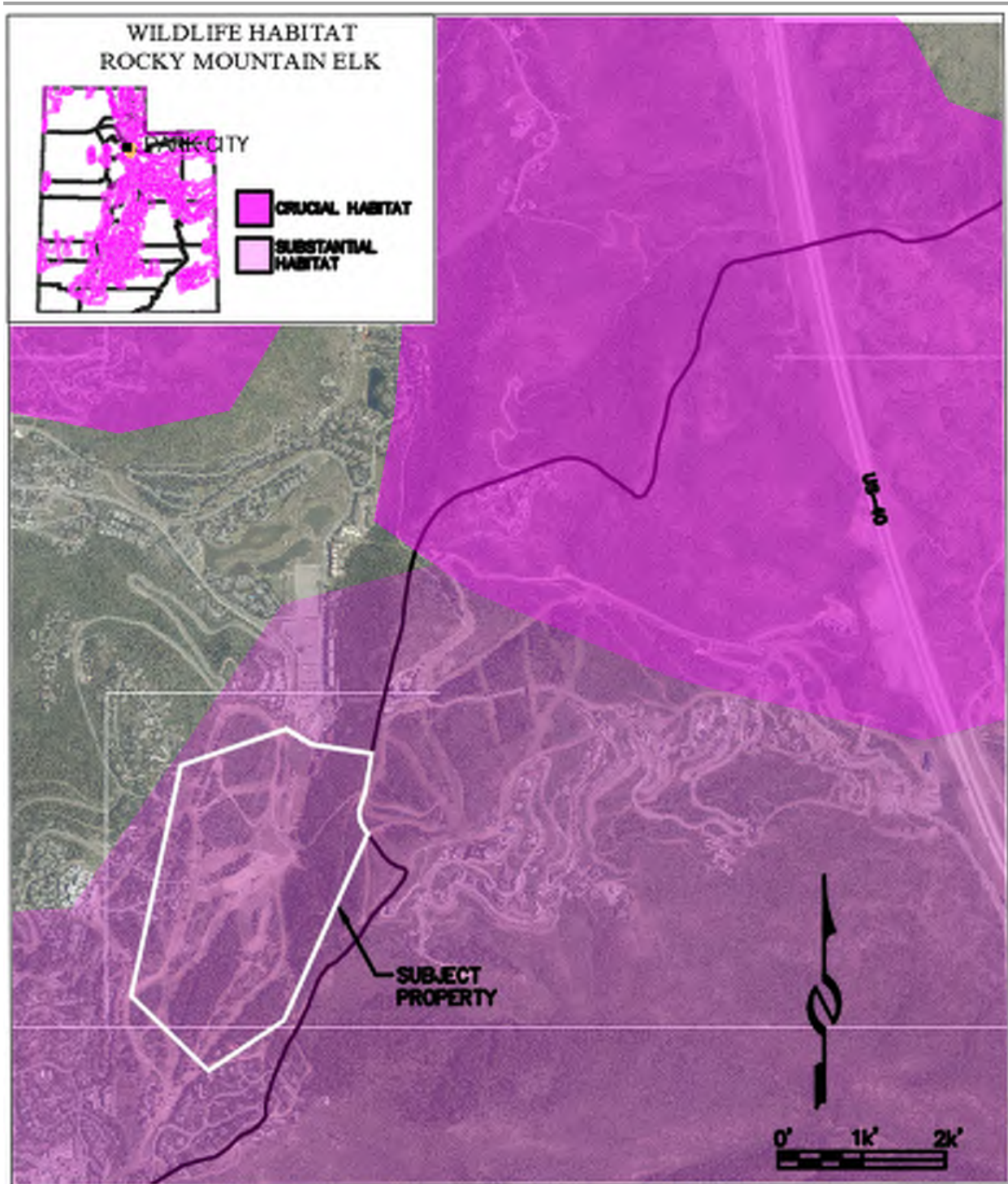
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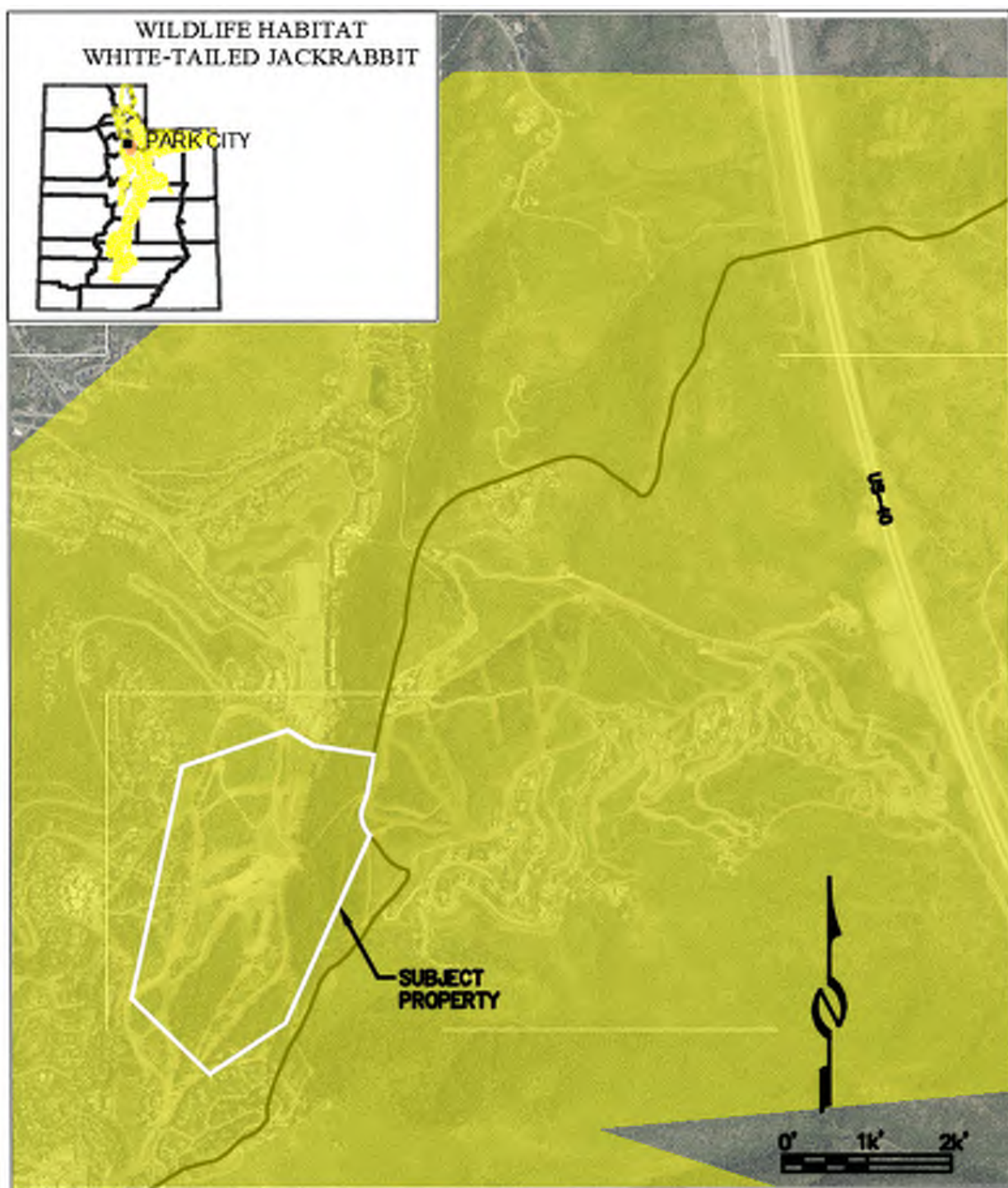
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Deer Valley Erosion and Revegetation Efforts

Erosion control is an ongoing and multi-faceted process at Deer Valley. Water from runoff or rainfall can cause significant damage to ski runs impacting resort operations as well as the natural aesthetic that Deer Valley strives to steward as a large landowner in Park City. Water bars are re-installed after any construction project and repaired on an annual basis to ensure water drains from ski runs into appropriate channels. The same is true for revegetation efforts with 2-3 tons of seed mix being broadcast every fall to revegetate construction areas or fill in bare areas. Vegetation not only improves the natural aesthetic, but a healthy root network prevents erosion and helps eliminate invasive plant species. Below is the seed mix designed by Granite Seed specific to Deer Valley's natural environment.

Deer Valley Seed Mix

Winter Wheat	20%
Perennial Ryegrass	20%
Intermediate Wheatgrass	20%
Kentucky Bluegrass	10%
Orchardgrass	10%
Smooth Brome	10%
Timothy, Climax	5%
Medium Red Clover	5%

Deer Valley - Wide West Improvement Plan

Deer Valley Resort is proposing the following improvement plan to the Wide West and Deer Hollow beginner terrain. The plan involves the reconfiguration of the beginner lift system with guest experience upgrades. The overall portal capacity will remain the same, but the new equipment and alignments will result in a redistribution of capacity, resulting in an improved utilization of existing beginner terrain.

Currently the Snow Park base beginner area has an out-of-base capacity of approximately 2,000 people per hour, provided by the Burns fixed grip double chair and the Snowflake fixed grip double chair, operating in parallel. In the improved configuration, Snowflake lift will be extended, and the Burn's lift will be relocated further uphill, operating in series. The portal capacity will remain the same, but the beginner skiers will be better distributed between the existing Wide West and Deer Hollow beginner terrain. This is highlighted by the attached exhibits. The Mountaineer Express lift which services the Deer Hollow beginner terrain is currently underutilized. This creates a perfect opportunity to better distribute our existing guests and make a drastic improvement to the beginner experience with the addition of Burns Express. Of note, Burns Express can only be reached by the extended Snowflake from the Snow Park base. The carpets will not reach the bottom terminal of Burns Express. Effectively, this limits access to Burns Express to 1,000 PPH from the base.

Improvement Plan:

- Relocate Burn's chairlift alignment and upgrade to detachable chairlift (Exhibits 1a & 1b)
- Reconfigure carpets (Exhibit 2b)
- Return Snowflake fixed grip chairlift to original length by extending downhill (Exhibit 2b)

Current State Capacity – Parallel lifts Out-of-Base (Exhibit 2a):

- Burns – Fixed grip double chair – 950 people per hour capacity
- Snowflake – Fixed grip double chair – 950 people per hour capacity

Improved State Capacity – Serial lifts Out-of-Base (Exhibit 2b):

- Extended Snowflake – Fixed grip double chair – 1,000 people per hour
- Burns Express – Detachable quad chair – 1,800 people per hour

Exhibit 1a:
Burn's Chairlift -
Current State

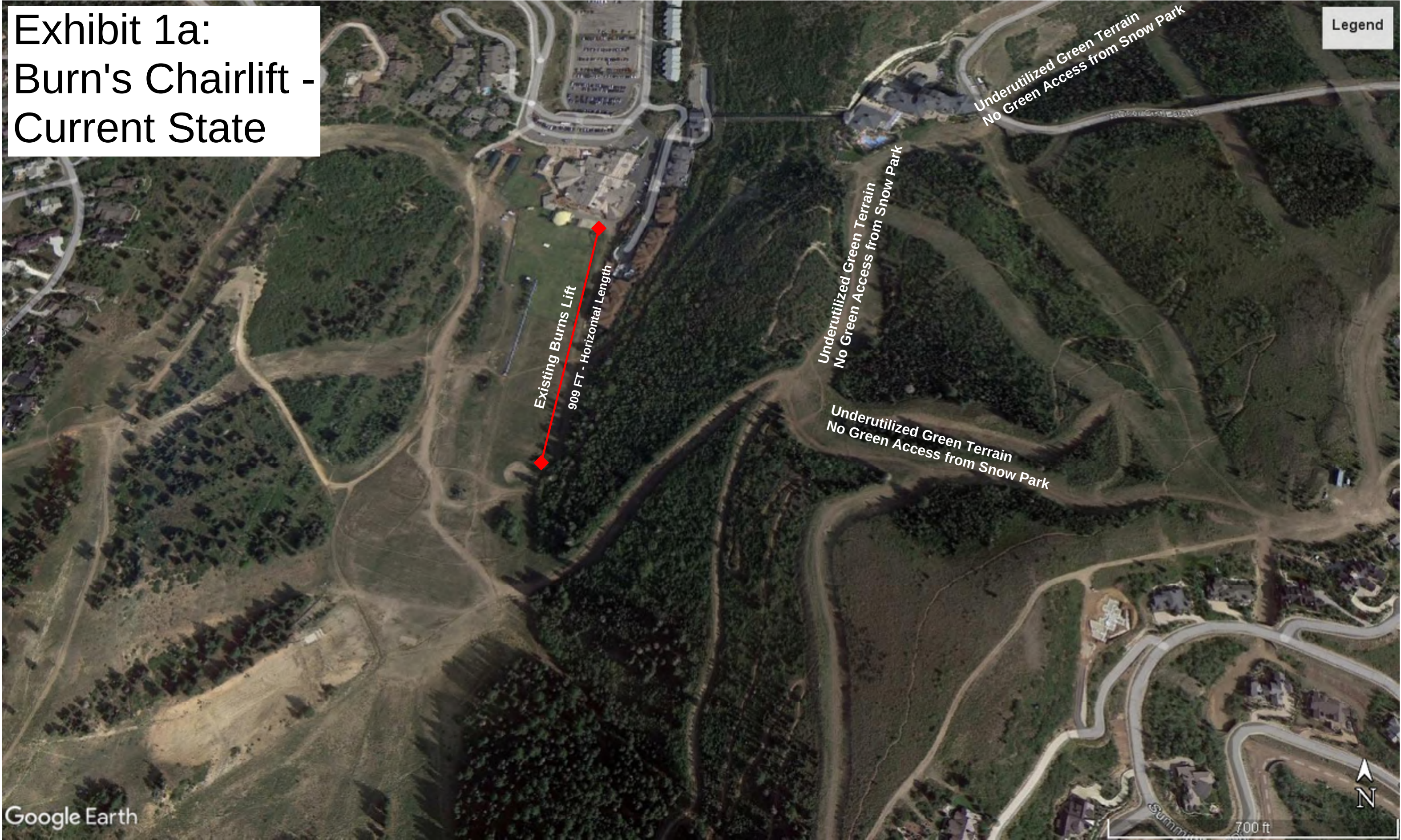


Exhibit 1b:
Burn's Chairlift -
Future State

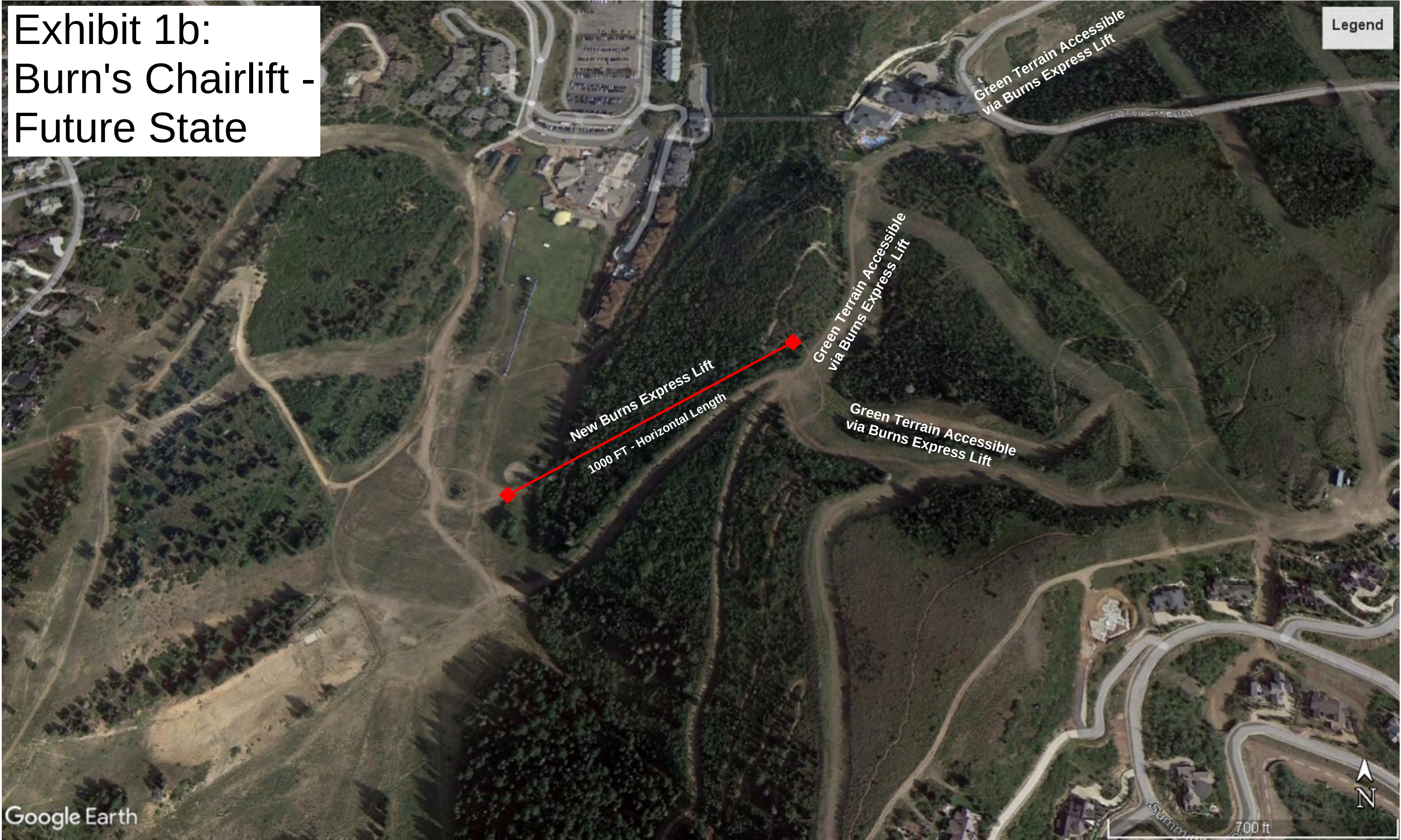


Exhibit 2a:
Current Pod
Capacity

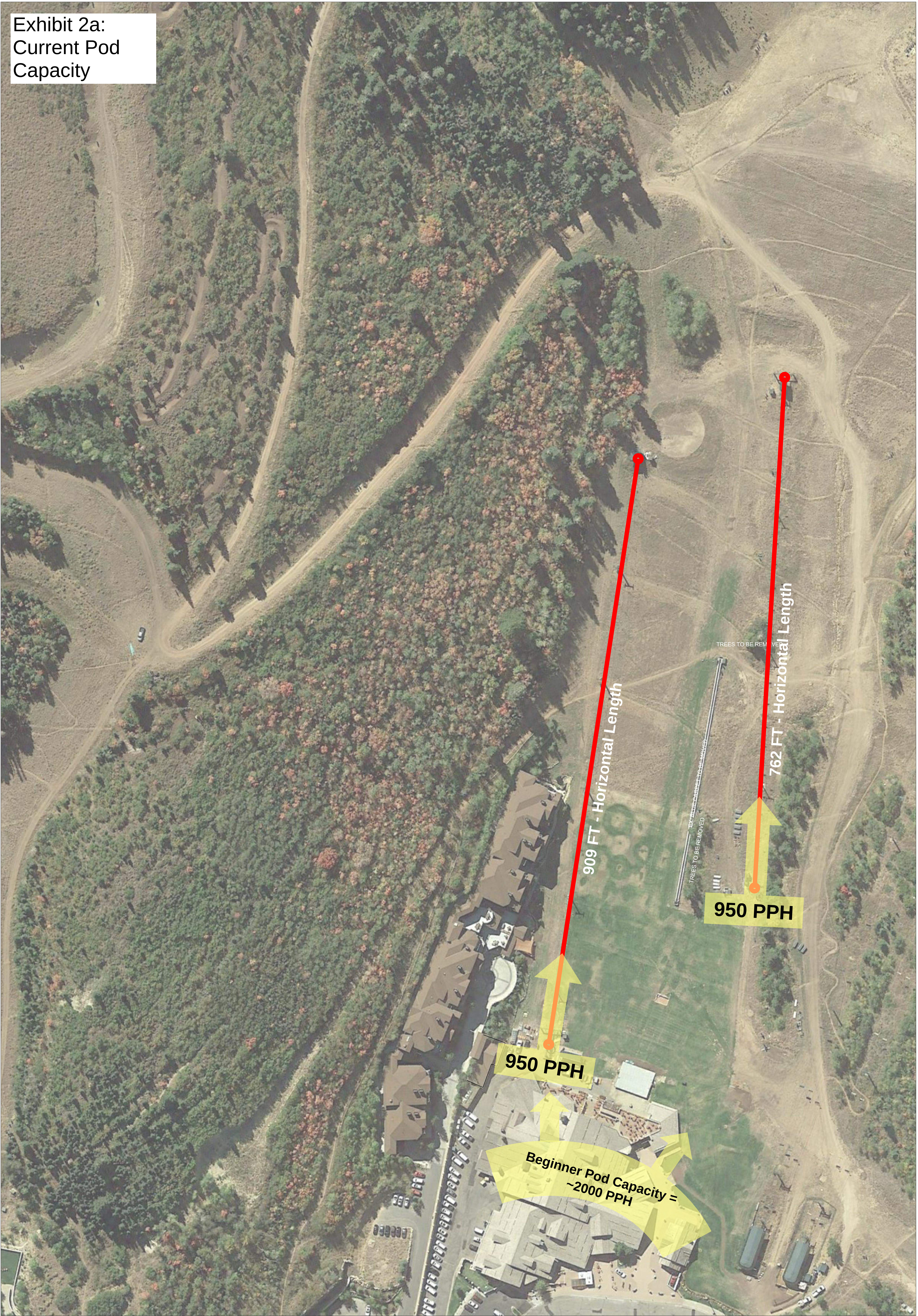
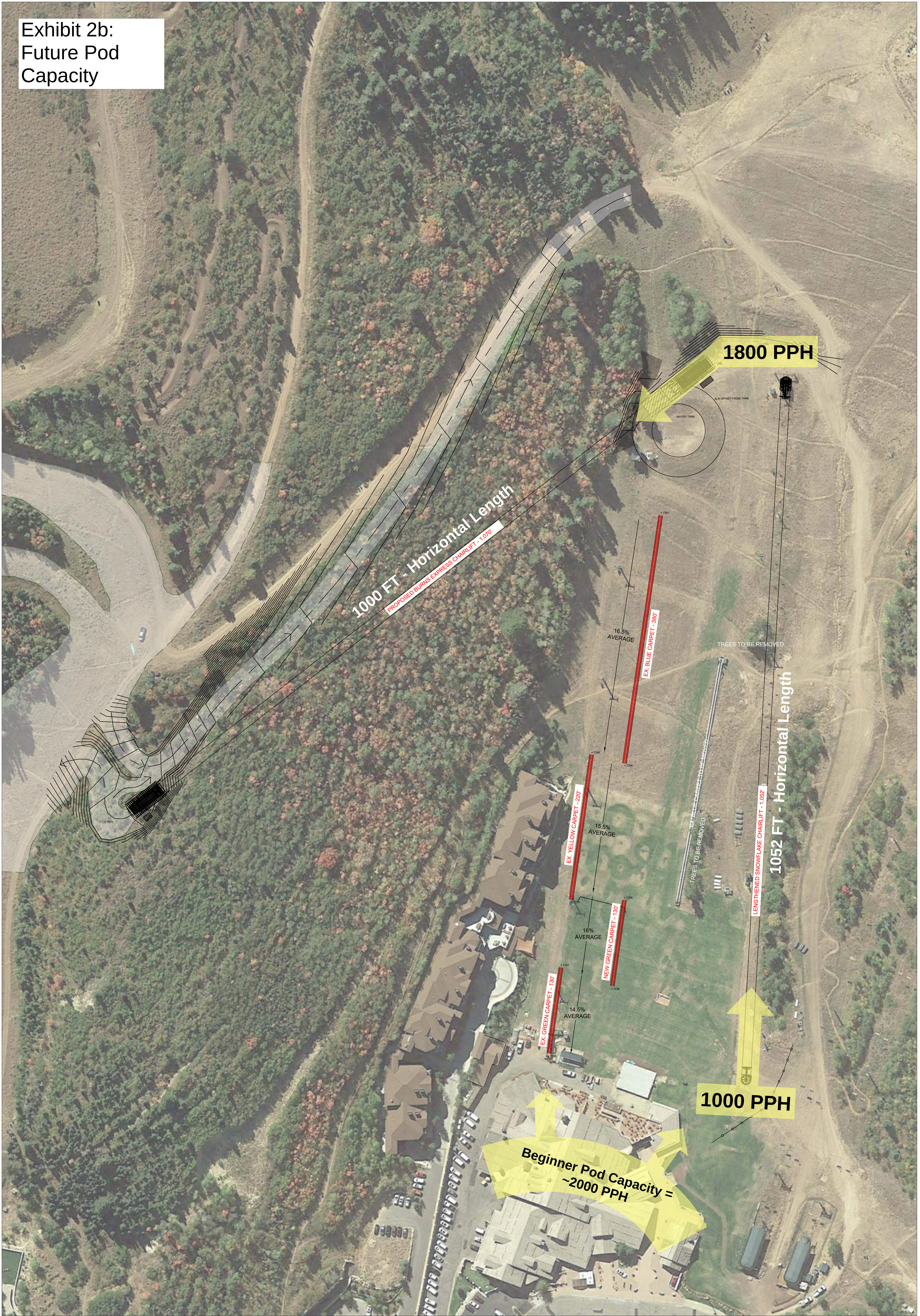


Exhibit 2b:
Future Pod
Capacity





Planning Department

May 31, 2022

Deer Valley Resort Co. LLC
CC: Garrett Lang
2250 Deer Valley Drive
Park City, Utah 84060

NOTICE OF PLANNING DIRECTOR DETERMINATION

RE: Determination of tower height extension for the Burns lift on the parcel PCA-900-4 (Conditional Use Permit, PL-22-05237)

The Burns lift project at Deer Valley Resort includes new location, alignment, and tower installations. The project falls in the Recreation and Open Space (ROS) Zone, where the maximum Building Height is 28 feet. Ski lift towers traditionally exceed zone height, and per Land Management Code § 15-2.7-4, "Ski lift or tramway towers may extend above the maximum Zone Height subject to a visual analysis and administrative approval by the Planning Director."

After thorough review of the submitted materials required, the Planning Director finds the information to be sufficient regarding the lift alignments, tower locations, and visual and ridgeline impacts and determines that the ski lift towers for the Burns lift are consistent with existing heights and best practices and may extend above the maximum Zone Height of 28 feet, as shown on the following attachments:

- Attachment 1 – Ridgelines
- Attachment 2 – Entry Corridor and Vantage Points
- Attachment 3 – Proposed Burns Tower Heights

Please contact the Planning Department with questions or concerns regarding this determination at planning@parkcity.org.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gretchen Milliken". The signature is fluid and cursive, with a long horizontal stroke at the end.

Gretchen Milliken
Planning Director
(435) 615-5008

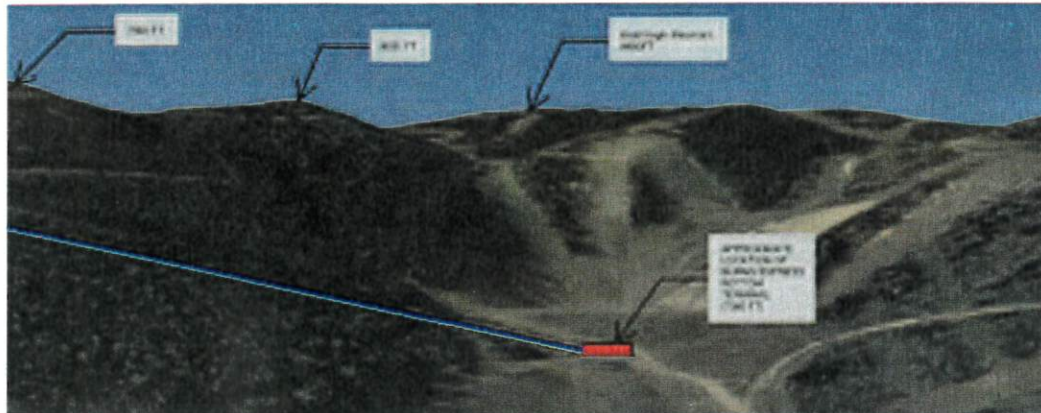
gretchen.milliken@parkcity.org

Park City Municipal Corporation • 445 Marsac Avenue • P.O. Box 1480 • Park City, Utah 84060-1480
Building (435) 615-5100 • Engineering (435) 615-5055 • Planning (435) 615-5060

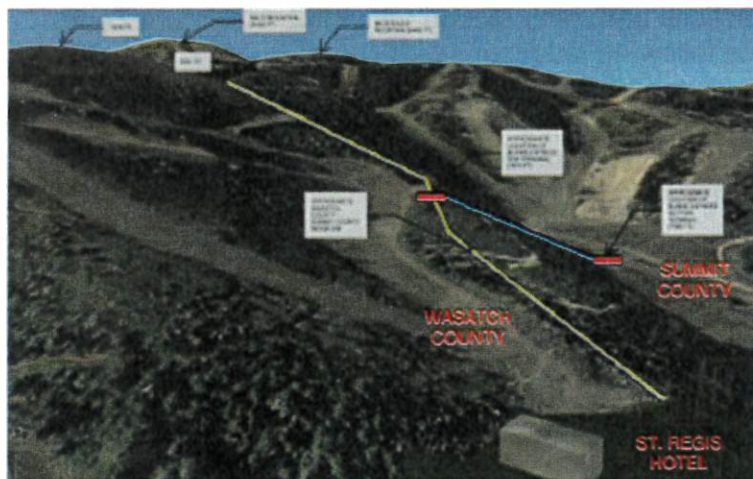
Attachment 1 – Ridgelines

Burns Express Lift

- a. The new bottom terminal of the Burns Express lift will be situated just south of the existing water tank at the entrance of the Wide West beginner's area at approximately 7380 FT. The proposed location of the terminal is in the Silver Creek basin and shall have no substantial impact on the surrounding natural ridge lines.



- b. The new top terminal of the Burns Express lift will be situated on the ridge line that separates Wasatch and Summit Counties. The approximate elevation at the top terminal is 7570 FT. While sitting on a ridge line, this terminal will only be able to be seen from the Snow Park Base area of Deer Valley Resort, as eastward from the top terminal the elevation continues to rise to another ridge line with a high point of 7979 FT. Thus, the proposed location is still substantially shielded by surrounding existing topography and should not pose a substantial impact to major vantage points.

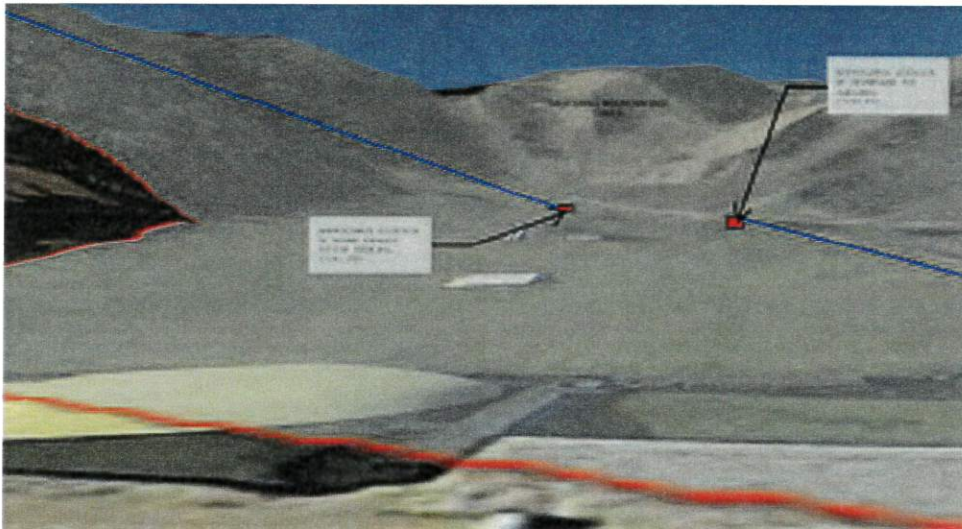


Attachment 2 – Entry Corridor and Vantage Points

Typical vantage points outlined in the Park City Municipal Code are displayed in relation to the hatched region of interest in the image below.



Of these typical vantage points, the project region is only visible from the Snow Park Lodge. The top terminal of the proposed Burns Express chairlift is sheltered by ridgelines (as outlined in previous section of this document) to the east and south and would only be visible from the St. Regis Hotel.



Attachment 3 – Proposed Burns Tower Heights

Proposed Burns Towers Heights			
41.5			
41			
39.5			
29.9			
37.975 Average			

Deer Valley – Detachable Lift Noise Emissions

Deer Valley Resort is proposing an improvement plan to the Wide West and Deer Hollow beginner terrain. The plan involves the reconfiguration of the beginner lift system with guest experience upgrades. The system upgrade involves the removal of the Burn's fixed grip chairlift and the installation of a new Burn's Express detachable chairlift on a new alignment. This equipment has a different noise emission profile, and the following information will help illustrate that the plan will result in an acceptable noise profile for the community noise ordinance.

Improvement Plan:

- Relocate Burn's chairlift alignment and upgrade to detachable chairlift (Exhibits 1a & 1b)

Current State Burn's Lift (Exhibit 1a):

- Burn's is a fixed grip double chair with a return terminal in close proximity to the nearest residences. Fixed grip chairs typically emit low noise levels, especially at non drive terminals. This change is expected to be of negligible change in noise emissions - with likely upside.

Future State Burn's Express Lift (Exhibit 1b):

- The future Burn's Express detachable chairlift is proposed to be aligned as shown. This alignment will result in the drive terminal being approximately 600 feet from the nearest residence and the return terminal being approximately 500 feet from the nearest residence.
- The sound emission of the equipment is detailed per the manufacturer data, as well as the reference installation data measurements; however, as illustrated by the reference measurements, it is expected that, at the respective distances, the lift noise emissions will have drastically reduced in sound power and will be well below the maximum permissible sound level for residential uses of 55 dBA.

Doppelmayr Detachable Lift Sound Design Data (Exhibit 2):

- The provided sound data is generally representative of the model of detachable lift equipment proposed for Burn's Express.
- Of note, the data provided is for a gondola system which is heavier and emits higher sound levels than a chairlift due to the weight of the carriers and horsepower of the drive system.

- The Burn's express lift will operate at 3.5 m/s, thereby, emitting at most between 72-75 dBA directly under the terminal, at the load board, in the open air
- At a distance of 500 feet or further, the sound pressure level will reduce significantly as shown by Exhibit 3.

Sound Emissions of Reference Installation at Distance (Exhibit 3):

- The provided data was collected to measure the sound emissions of a detachable lift at a distance further away than under the terminal.
- The reference ropeway was measured for sound emission levels at distances between 115 to 360 feet.
- The measurements showed that the sound levels generally reduce to within the permissible levels with a pressure level reduction as high as 24 dBA. This is observed at shorter distances than the distance from Burn's Express to the nearest residences.
- With the far greater distances, it is thereby inferred from the field data that the Burn's Express lift will be well within the maximum permissible sound level for residential uses of 55 dBA. The provided sound data is generally representative of the model of detachable lift equipment proposed for Burn's Express.

Exhibit 1a:
Burn's Chairlift -
Current State

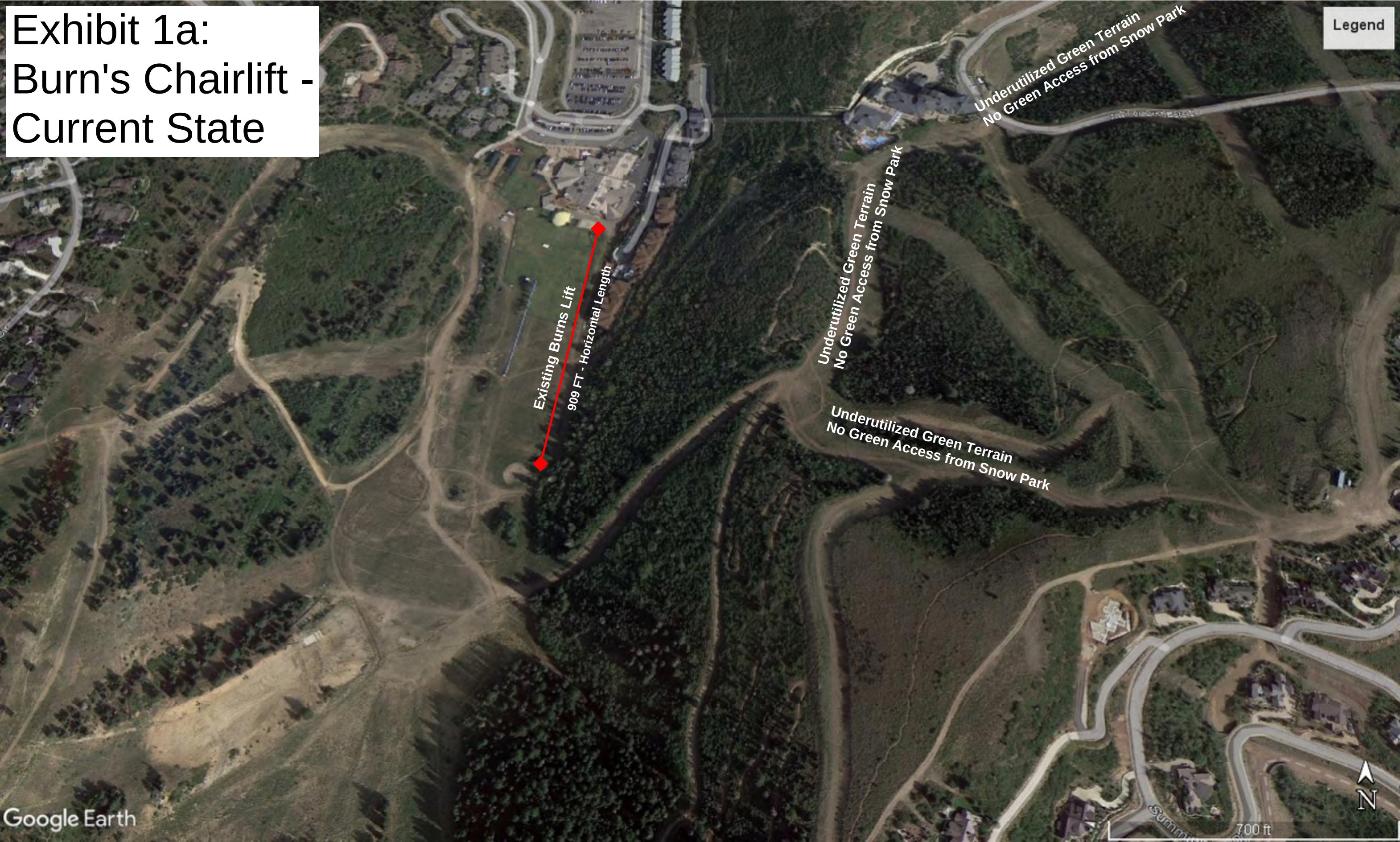
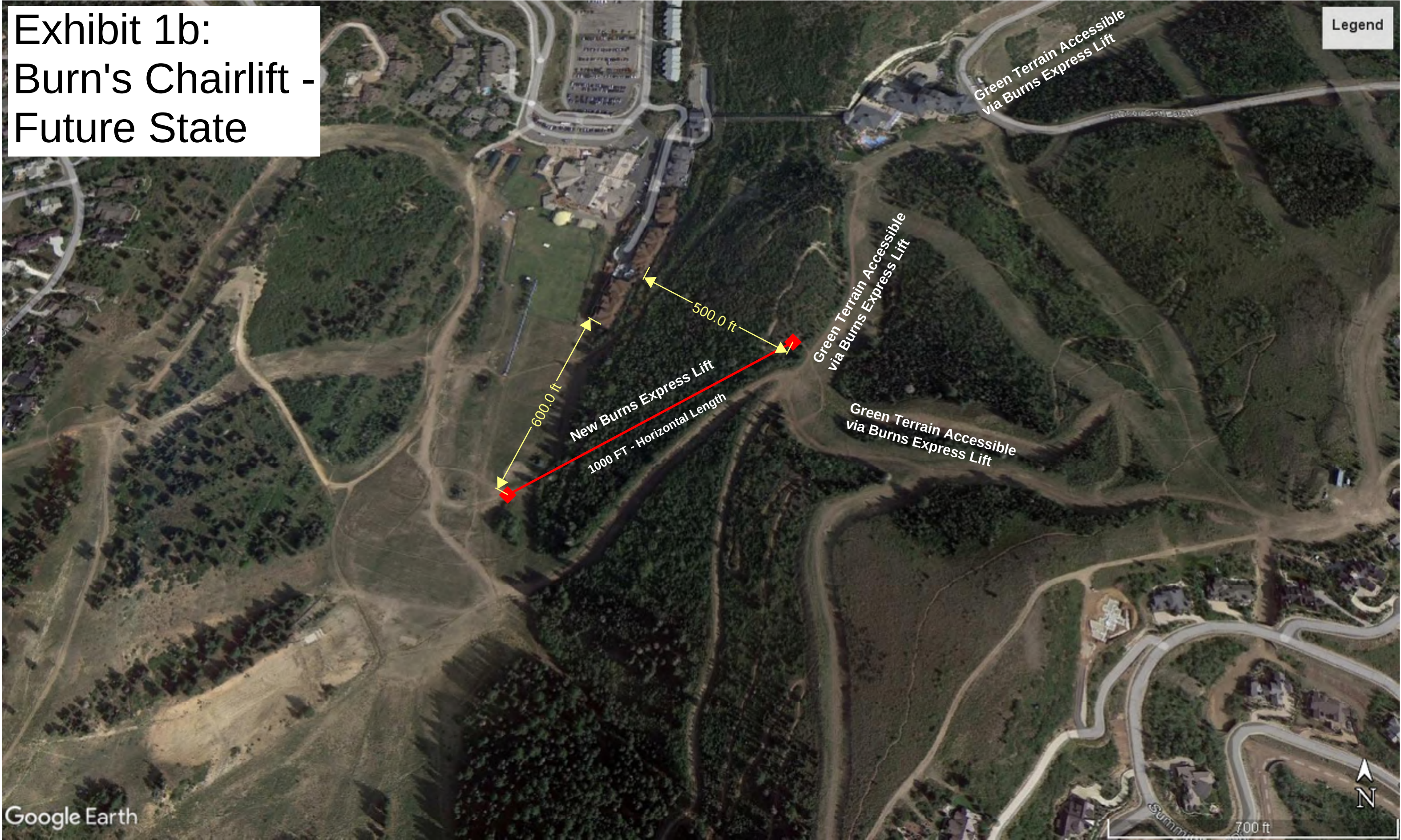
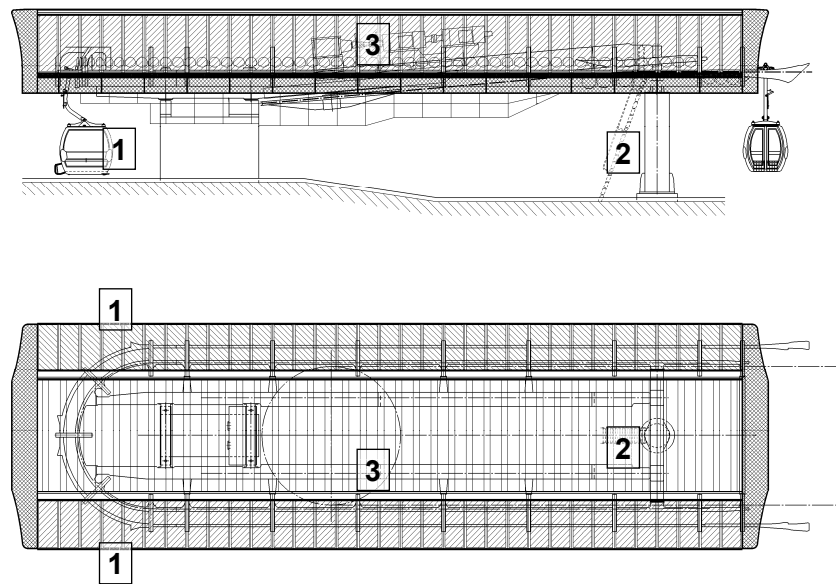


Exhibit 1b:
Burn's Chairlift -
Future State



Sound emission 8-MGD UNIG-L/XL
with undercover



Drive station:

Sound pressure level Lp in dB(A)				
	3,0m/s	4,0m/s	5,0m/s	6,0m/s
Loading / Unloading (1)	75	75	77	78
Coupling area (2)	72	73	75	77
Machinery room (3)	--	--	92	94

In the case of underground vault drives, the sound pressure levels in the station area (MP1 and MP2) are the same as in the return station.

Return station:

Sound pressure level Lp in dB(A)				
	3,0m/s	4,0m/s	5,0m/s	6,0m/s
Loading / Unloading (1)	72	73	75	76
Coupling area (2)	71	72	75	76

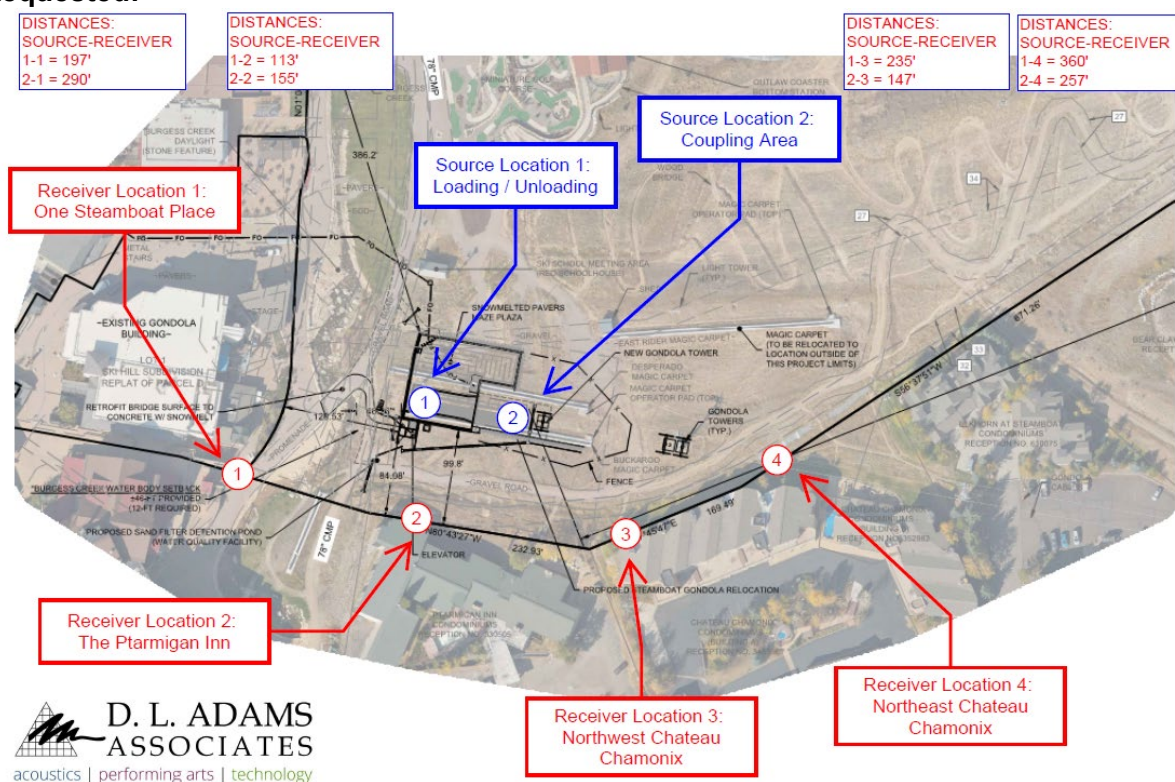
Sound emission of reference 8-MGD UNIG @ 6 m/s

Three measurements were taken at the following locations based on the provided “Source & Receiver Positions” of the Steamboat Gondola.

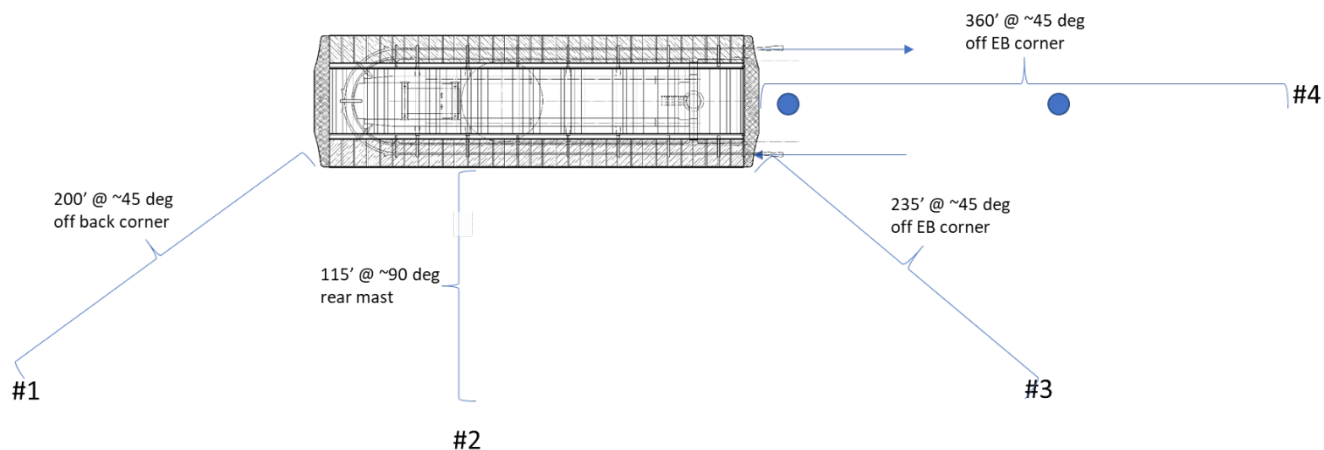
There is no ability to measure differences from the two source locations in an outdoor, real-world environment, so only one measurement was taken at each of 3 receiver locations.

The 1st requested receiver location was inaccessible on the reference system due to terrain features. However, point 3 is of extremely similar distance to the terminal and can serve as a good proxy for expected sound emission.

Requested:



Measured Data Points:



Return station:

Measurement Location	LA _{eq} ⁱ (dBA)	Max Level ⁱⁱ (dBA)
#1 (~One Steamboat Place)	N/A	N/A
Ptarmigan (2)	52.2	56.9
NW Chateau Chamonix (3)	58.4	72.1 ⁱⁱⁱ
NE Chateau Chamonix (4)	51.0	56.3

ⁱ LA_{eq} = equivalent continuous sound level

ⁱⁱ Max sound level during measurement period

ⁱⁱⁱ This particular location was very wind exposed and therefore the max level was perceived to be the wind impacting the measurement far more than the gondola system

Deer Valley Drive Overflow Parking Operational Plan



Prepared by: Park City Municipal Corporation
Revised For: Winter 2021-2022



Overview

Park City Municipal Corporation (PCMC) and Deer Valley Resort have collaborated to develop this operational plan which provides for a coordinated response for limited overflow parking on Deer Valley Drive East when the resort parking lots (lots 1-6) reach capacity.

A 1977 development agreement between Deer Valley and Park City Municipal was updated in 1986 to allow for overflow parking onto Deer Valley Drive, including a need to revisit the need for constructing more parking if overflow exceeded 10% of any one season's number of operating ski days. Historically, this overflow parking had occurred on the east side of Deer Valley Drive. On December 19, 2019 the Park City Council voted to limit this overflow parking to the west side of the street and to start the season testing an additional limit to allow parking along Deer Valley Drive in front of Lots 1-5 only, with the understanding that the City Manager and Staff had the ability to expand such street parking farther along Deer Valley Drive, back to the "Y" intersection near Deer Valley Plaza (map attached – attachment A), while still recognizing to the 10% of operating ski day clause.

Most of the activation and ongoing operations of the overflow parking plan is the responsibility of Deer Valley, with ancillary support from various PCMC departments including Park City Transit, Public Works, Parks, Police, and the City Engineer; however, this responsibility can be delegated to appropriate Management Team staff with concurrence from the City Manager's office.

Key functions of the Plan include:

- Notification of the intent to establish overflow street parking
- Initial notification to internal PCMC departments
- Mobilizing Deer Valley and PCMC Resources necessary to enact the plan
- Tracking the number of overflow parking days during the ski season
- Designated locations for the placement of safety equipment, signage, and staff
- Establishment of outreach through use of VMS and other media outlets

Elements of the Plan

1. Anticipating the potential need for overflow parking

Based upon ticket sales or projected ticket sales, whenever Deer Valley reasonably believes that parking lots will exceed capacity, Deer Valley shall notify the Special Events Lieutenant, or his/her designee, with as much advanced notice as possible. The Special Events Lieutenant, or his/her designee, will notify other key PCMC Department and/or Managers.

- a. Public Works/Streets Manager
- b. Transit Operations Center
- c. Police Traffic Unit Sergeant and Watch Commander

2. Snow Removal and Roadway Treatment

- Deer Valley staff will be responsible for plowing and removal of snow on the sidewalk,

street, and gutter, for the section of the roadway established for overflow parking and described above, in advance of load-in. PCMC will support as available while operating within established snow removal priority guidelines or in extenuating circumstances.

- Snow removal from the sidewalk and along the designated portion of the roadway is critical to the success of the plan. Deer Valley and PCMC agree that clear and direct communication between those responsible for snow removal is vital to the success of the plan (personnel contact list attached – Attachment B).

3. Implementation – Notification and Tracking

Once the Deer Valley parking lots reach capacity, Deer Valley staff will contact the Summit County Dispatch Center and advise that the overflow parking plan has been implemented.

- The dispatch center will notify the PCPD Watch Commander.
- The PCPD Watch Commander will follow an established PCPD protocol which includes:
 - Opening a case in the police records management system with the nature, “Overflow Parking”.
 - The Watch Commander will send police resources to the area as soon as practicable to assess the overall safety of the situation, enforce parking violations, and coordinate with PCMC Public Works and Deer Valley staff regarding snow removal or surface treatment.
 - The Watch Commander will notify the Special Events Lieutenant and the Transit Operations Center.
 - The Watch Commander will note in the end of shift watch log that the overflow plan was implemented and describe any safety concerns or issues associated with overflow parking.
 - The Special Events Lieutenant will track the number of days and report them to the PCMC Planning Department by the 5th day of each month for the duration of the ski season.
- Deer Valley shall also be responsible for tracking the number of overflow days and submitting a monthly report to the PCMC Planning Department by the 5th day of each month for the duration of the ski season.

4. Installation of temporary cones, barricades, and signage

PCMC and Deer Valley have identified key areas on the section of Deer Valley Drive East which will require the deployment of cones, barricades, and signage to maintain a safe line of sight for drivers and to maintain driveways, fire hydrants and fire lanes, intersections, and PCMC bus stops. These areas have been pre-determined and jointly agreed upon by PCMC and Deer Valley Staff (Map attached). Deer Valley Staff will be responsible for the timely placement of safety devices and signage. The following

distances will be maintained with the use of the temporary safety equipment and signage:

- No parking within 30 feet of a stop sign (There are no stop signs within the currently established overflow area)
- No parking within 15 feet of a driveway or intersection (including Deer Valley parking lot entrances)
- No parking within 10 feet of a fire hydrant (There are no fire hydrants within the currently established overflow area)
- No parking on a curve where line of sight is diminished (No areas of concern were noted during the walk through with PCMC and Deer Valley staff)
- There is one City bus stop located within the designated overflow parking area. Deer Valley will protect an area of 15 feet directly in front of the bus stop to allow for safe passenger unloading. The bus will unload from the travel lane.
- Deer Valley staff will place and remove bags over all no parking signs located within the defined overflow area.

5. Traffic flow direction, notification, and safe turn-around

Because overflow street parking is limited to the west side of Deer Valley Drive, it will be critical for Deer Valley staff to notify drivers in advance of the proper direction of travel to accomplish overflow parking. Once overflow parking has been initiated, Deer Valley will send a staff member with signage and an orange traffic wand, to the Y intersection to indicate to drivers travelling south on Deer Valley Drive, toward Snow Park Lodge, to turn left at the Y for overflow parking. In the event that vehicles do not turn left and enter the overflow parking from the wrong direction, Deer Valley staff will utilize a portion of lot 6 as a safe area for drives to pull through and park on the overflow section on Deer Valley Drive. Once the overflow section on Deer Valley Drive next to Deer Valley's parking lots is full, Deer Valley staff will direct drivers onto Doe Pass to head back to the Y intersection, at which time they would turn right to reach additional street parking. Deer Valley staff will be present at the Y intersection and at the designated turn around. Deer Valley staff will also change the direction of their loading zone at the Snow Park Lodge to be consistent with the traffic flow direction necessary to safely accomplish overflow parking.

6. Transit Operations Center Coordination and Outreach

Once overflow parking has been activated, the Transit Operations Center may activate VMS signs located on major roads leading into Park City and/or coordinate the use of social media and other forms of media to notify the public that Deer Valley parking is full and encourage patrons to utilize transit. Deer Valley will also utilize community outreach methods to notify patrons of the overflow situation. Once overflow street parking is maxed (approximately 56 spaces), Deer Valley staff will advise patrons to utilize park and ride lots or other available public parking lots that are serviced by public transit.

7. Special Events

Overflow parking that is the result of special events shall be considered separately through the special events permitting process. This overflow parking operational plan pertains to the

established development agreement between PCMC and Deer Valley. PCMC understands that event parking in specific time periods may precipitate the use of overflow parking. When this happens, these occurrences will not be counted as part of the 10% skier limitation days. A clearly established plan for tracking will be determined at those times.

8. Plan Modification

On December 19, 2019, the Park City Council established the current limitations on the section of Deer Valley Drive East where overflow parking may occur as is set forth in this document. The City Council advised that if this current plan is successful and managed well, and in accordance with Council goals and public safety the plan may be modified in the future to consider more sections of the roadway for overflow parking. On January 7, 2021, the Park City Council approved Deer Valley to work cooperatively with City Staff on expanding street parking to the Y.

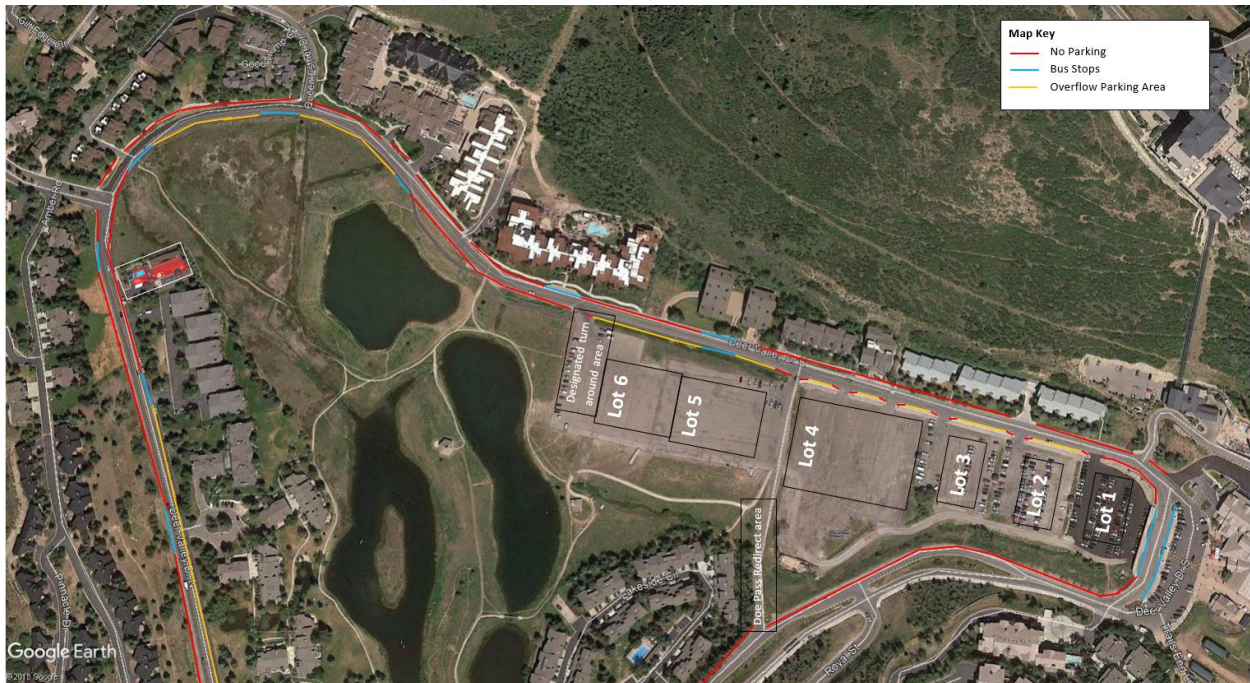
This plan shall be in effect until such time as either the Snow Park Garage is completed or 2) this agreement is modified by the City.

9. Attachments

- Attachment A – Overflow Parking Area Map
- Attachment B – Key Personnel Contact List Deer Valley and PCMC

ATTACHMENT A

Map of Overflow Parking Area



ATTACHMENT B

Contact List of Key Personnel

Deer Valley Overflow Parking - Key Personnel and Duties

PARK CITY

1884

Name	Mobile Number	Desk Number	Email Address	Department	Responsibilities
Summit County Dispatch Center		435-615-5500		Sheriff	Notification and dissemination to PCPD Supervisor
PCMC Transit Operations Center		435-615-5365,5366,5367		Transit	Coordination and Outreach
Lealaitafea, Vai	435-731-0740	435-615-5552	vai@parkcity.org	Police	Special Events/SWAT Lieutenant, Peak Ski Traffic Unit Manager
Robertson, John		435-615-5075	john.robertson@parkcity.org	Engineer	City Engineer
Dayley, Troy	435-714-0392	435-615-5637	troy@parkcity.org	Public Works	Department Manager, streets, snow removal
Diersen, Jenny	435-640-5063		jenny.diersen@parkcity.org	Economic Development	Special Events Manager
McKinney, Rob	435-659-7683		rob.mckinney@parkcity.org	Police	Operations Lieutenant, Patrol Supervisor, Patrol Traffic Unit Manager
Coleman, Casey	435-776-6345		ccoleman@parkcity.org	Streets	Streets supervisor, snow removal
Connell, Bill	435-714-2129		william.connell@parkcity.org	Streets	Snow removal supervisor
Dayley, Clint	435-901-0727		dint@parkcity.org	Parks	Sidewalk snow removal
Chamberlain, Jarren	435-659-6781		jarren.chamberlain@parkcity.org	Parks	Sidewalk snow removal

DEER VALLEY

RESORT

Name	Mobile Number	Desk Number	Email Address	Department	Responsibilities
Skelton, Cindy	435-640-7130		cskelton@deervalley.com		Guest Services Manager
Pierson, Tristan	307-677-4317				Guest Services Assistant Manager
Lang, Garrett	607-329-2871				Assistant Director of Mountain Operations
Cook, Chance	801-548-5989				Guest Services Assistant Manager
Enos, Scott	435-962-4650				Snowmaking/Snow Removal Manager
Schlaepfer, Victoria	303-842-9725		vschlaepfer@deervalley.com		Transportation Liaison and Senior Events Coordinator

TECHNICAL REPORT REGARDING PARKING MITIGATION MEASURES AT DEER VALLEY RESORT

To: Park City Planning Department

From: Deer Valley Resort Company

Date: August 27, 2019

INTRODUCTION

The 12th Amended Deer Valley Master Planned Development Permit dated November 30, 2016 (the “**MPD**”) requires that *“If the capacity of the surface parking lots in the Snow Park Community is exceeded on 10% or more of the days during any single ski season, the need for constructing additional parking in said area shall be reviewed by the [Planning] Commission.”*

The capacity of the surface parking lots in the Snow Park Community was exceeded on more than 10% of the days during the 2018-2019 ski season. On August 14, 2019 the Planning Commission reviewed in work session Deer Valley’s request to pave approximately 0.92 acres of Deer Valley’s property at Snow Park to increase the parking capacity of the area known as Lot 5. At that time public comment was taken regarding the request, the Planning Commission asked questions of Deer Valley’s representative, and each of the Planning Commissioners expressed their thoughts regarding the proposed expansion.

To further supplement the resources available to the Planning Department in reviewing Deer Valley’s application for the grading permit necessary to make the additional improvements to Lot 5, and as contemplated by Paragraph J of the MPD, Deer Valley submits this Technical Report Regarding Parking Mitigation Measures at Deer Valley Resort (“**Report**”).

Deer Valley has constructed the parking at Snow Park in phases, over time, as outlined in the Planning Commission Staff Report dated August 14, 2019, attached as **Exhibit “A”** (“**Staff Report**”). Deer Valley has been conservative in its development of paved surface parking lots, and has not constructed parking facilities until the need to do so has been evaluated and confirmed.

The last addition to the surface parking lots at Snow Park was 16 years ago. That change added the north section of Lot 5, as shown on Exhibit “C” of the Staff Report, and was completed in 2003.

Because the capacity of the surface parking lots at Snow Park was exceeded on more than 10% of the days during the 2019 ski season, Deer Valley is pursuing the course mandated by the MPD by presenting to the Planning Commission, for review, a plan for expansion

of the Snow Park lot. The proposed expansion would straighten the eastern edge of the lot and to expand the lot approximately 65-75 feet to the west as depicted on the attached **Exhibit “B”**. It should be noted that the entirety of the area being proposed for the expansion lies within the RD zone and the future site of the Snow Park Village mixed-use development. This expansion would increase the paved area at Snow Park by approximately 40,000 square feet (0.92 acre) and provide an estimated 90 additional parking stalls, bringing the total number of parking spaces at Snow Park to approximately 1,340.

MITIGATION MEASURES

Deer Valley values conservation, sustainability, and green space. Accordingly, over the course of its development, Deer Valley has chosen to institute noteworthy measures to mitigate the need to increase the total area of its parking lots (the “**Mitigation Measures**”) even as skier visits to Deer Valley have increased. The Mitigation Measures include the following:

1. **Providing Employee Housing Near the Resort.** Deer Valley provides its own employee housing in four communities in and around Park City. This includes 423 beds, and houses approximately 15% of Deer Valley’s total peak winter staff of 2,800. In most cases, Deer Valley does not permit employees residing in its housing within Park City to have personal vehicles. In addition to providing housing at an affordable price to employees, the employee housing in Park City, together with the personal vehicle restrictions, increases the likelihood that employees will not only utilize alternative transportation but genuinely rely upon it as their primary means of transportation. This necessarily results in a decreased number of employees who will bring a vehicle and park at the resort.

2. **Funding Private and Public Transportation.**

- a. In-House Shuttle Service. Deer Valley provides in-house shuttle services (the “**DV Shuttle**”) for its employees living in River’s Edge in Wasatch County. The DV Shuttle provides transportation between this community and the resort, and requires multiple vehicles and drivers to be in service from 6:45am until 1:30am the following morning (19+ hours per day) every day of the week. The DV Shuttle program results in a decreased number of employees who must bring a vehicle and park at the resort.

- b. Private Transportation Contract. Deer Valley has contracted with a private bus company for bus service between Heber and the resort to transport employees who reside in the Heber Valley. The utilization of this private transportation service results in a decreased number of employees who drive to and park at the resort.

- c. Fully Subsidized UTA Passes. Deer Valley fully subsidizes a UTA pass for staff members residing in the Salt Lake and Utah valleys. This program also results in a decreased number of employees who must bring a vehicle and park at the resort, though the number of Deer Valley employees who utilize UTA has decreased since routes were adjusted and the direct route to Snow Park was eliminated.

3. Reducing the Need for Employee Trips Away from the Resort During the Work Day.

a. On-site Staff Dining. Deer Valley provides breakfast, lunch, and dinner options at heavily subsidized cost for on-duty staff. Breakfast and dinner are available during the ski season only. Lunch is available year-round. Offering reasonably-priced meals on-site results in a decreased need for employees to bring a vehicle to the resort for access to meals during the work day.

b. On-site Childcare. Employees are eligible for a 50% discount for their dependent children in the Deer Valley Children's Center, which includes Infant Care, Little Tots, Big Tots, Little Kids and Big Kids. Offering discounted childcare at the resort results in a decreased number of employees who must bring a vehicle and park at the resort in order to drop their children off at a different care center, or in anticipation of emergencies that may arise if a child is at another care center.

c. Deer Valley Academy. Limited spaces at the Deer Valley Academy are available for dependent children of employees at a 10-20% discount, depending on the employee's status at the beginning of each semester at the academy. Similar to the way in which on-site child care mitigates a need for increased parking, incentivizing employees to enroll their children in an on-site academy results in a decreased number of employees who must bring a vehicle and park at the resort.

These successful Mitigation Measures evidence Deer Valley's long-term commitment to spending resources to reduce personal vehicle traffic to the resort.

DEER VALLEY'S SKIER CAPACITY, PARKING RATIO, AND THE NEED TO EXPAND

In this Report, the number of skiers a given ski resort is capable of hosting on a given day is referred to as "skier capacity." For example, if a ski resort has facilities to accommodate 1,000 skiers per day, its skier capacity is 1,000. Further, the ratio of parking spaces to skiers is referred to herein as a "parking ratio." For example, if the resort determines the necessary number of parking spaces by providing one parking space for every three skiers, then the parking ratio is 1:3. Finally, "necessary parking stalls" is used herein to indicate the number of parking stalls determined by applying the parking ratio to the skier capacity. Using the foregoing examples, a resort with a skier capacity of 1,000 and a parking ratio of 1:3 would result in 333 required parking stalls.

There is not a fixed industry standard regarding parking ratios for ski areas because there are many variables affecting the need for parking that relate to the individual location and character of any given ski area. For example, ski resorts catering to local resident skiers would typically require more parking than a resort with a greater number of skiers staying in lodging at the resort. Deer Valley's resort design consultants indicate that parking ratios would typically range from 1:3 for a resort catering to day-use skiers to 1:5 for a destination resort.

Deer Valley's parking ratio was addressed by Park City when the master plan for Deer Valley was originally approved. As memorialized in the Planning Commission Report

dated July 13, 1977 attached as **Exhibit “C”**, the Planning Commission recommended that the total parking area for the resort “be of such a size that it will accommodate one car for every five skiers the hill is capable of handling” (Article VII.B.). The recommendation appears to have been adopted when the city granted the Special Exception Permit in 1978 (the “**Permit**”) which “initially regulated parking by skier capacity with ‘one car [parking space] per every five (5) skiers the hill is capable of handling’” (see page 2 of the Planning Commission Staff Report dated August 14, 2019, attached as **Exhibit “A”**) (this 1:5 parking ratio is referred to herein as the “**DV Parking Ratio**”). To date, though there have been multiple amendments and restatements of the MPD, none of the amendments have revised or amended the DV Parking Ratio as determined in 1978. Further, the DV Parking Ratio, though established four decades ago, is still well within current industry expectations according to Deer Valley’s design consultants. Given the establishment of the DV Parking Ratio by the Park City Council and its falling well within the parameters of current industry expectations, it is reasonable to conclude that the DV Parking Ratio is an appropriate parking ratio by which to determine the necessary parking for Deer Valley.

In 1978, Deer Valley’s Master Plan indicated that the resort’s skier capacity was 9,700 skiers. Applying the DV Parking Ratio to that skier capacity results in 1,940 necessary parking stalls. Over the years, lift capacity at Deer Valley has increased markedly, yet the resort has managed to keep its parking needs well below industry expectations due, at least in part, to implementing the Mitigation Measures described above. Even with the additional 90 stalls being requested, this still puts the total stalls (approximately 1,340) at 30% less than the 1,940 contemplated in 1978.

Public Transportation

In addition to Deer Valley’s ongoing Mitigation Measures, and the minimal expansion of the paved area of Lot 5 being sought, Deer Valley expects that improvements in the municipal and state public transit systems will further mitigate the need for further additional parking in the future.

Deer Valley will continue working to support future improvements particularly in the availability and use of the municipal public transit system serving the resort. These expected improvements include:

- (i) more frequent and direct bus routes serving Deer Valley;
- (ii) convenient and accessible park and ride lots with access to stops on direct-service routes to Deer Valley; and
- (iii) traffic lanes in public roads that are designated for public transit only.

Conclusion

Notwithstanding the extensive mitigation measures taken by Deer Valley over the years to reduce the need for parking at the resort, it is acknowledged that the current parking at Snow Park was insufficient to handle the number of vehicles coming to Deer Valley in the

2018-2019 ski season, one of the biggest snow years on record. This necessitated Deer Valley taking the action mandated by the MPD, which is to have the Planning Commission review the need for additional parking at Snow Park.

The Planning Commission conducted that review on August 14, 2019, and the comments of the Commission members were supportive of the request to expand. Further, some Commission members specifically commented on the need to expedite the approval process for the expansion so that it can be completed in the short window remaining to prepare and pave the expansion area prior to winter 2019.

The expansion of the Snow Park lots is consistent with the long-term plan for parking at Deer Valley, as expressed in the MPD and related city documents which contemplated a satisfactory amount of parking at Snow Park to meet the necessary demands of future skier capacity. Further, as noted by the Planning Commission, this request for an expansion of the parking lots is expected to be somewhat of a temporary measure, as the ultimate residential and commercial development of Snow Park will require significant alterations to the existing public parking infrastructure.

Finally, Deer Valley will continue its mitigation efforts, and seek for other ways to reduce traffic and parking needs at the resort. To do so is not only good business practice, but is consistent with Deer Valley's commitment to its employees, guests and the community. As mentioned in the August 14 Planning Commission meeting, Deer Valley has added 20 more beds to its housing inventory in 2019, and Deer Valley, Park City and the other resorts serving Park City are funding and implementing a ride-share app to encourage carpooling and sharing among those who frequent the resorts. It's impossible to know at this point what quantifiable impact these will have on traffic and parking for the upcoming ski season. What we can reliably expect is that the failure to allow an expansion of the Snow Park lots for the 2019-2020 ski season will not reduce the number of vehicles that will visit Deer Valley.

Deer Valley has consistently invested time, effort and money in significant efforts to mitigate traffic and parking demands at the resort. It fully intends to continue those efforts, both independent of, and in concert with, other city and regional measures.

Exhibit A



**PARK CITY PLANNING COMMISSION MEETING
SUMMIT COUNTY, UTAH
August 14, 2019**

PUBLIC NOTICE IS HEREBY GIVEN that the PLANNING COMMISSION of Park City, Utah will hold its Regular Planning Commission Meeting at the City Council Chambers, 445 Marsac Avenue, Park City, Utah 84060 for the purposes and at the times as described below on Wednesday, August 14, 2019.

MEETING CALLED TO ORDER AT 5:30 PM.

I.ROLL CALL

II.MINUTES APPROVAL

III.PUBLIC COMMUNICATIONS

IV.STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

V.CONTINUATIONS

- V.A. 245 Woodside Avenue – Plat Amendment – Proposal to remove an interior lot line to create one (1) lot of record 2,812 square feet in size. PL-19-04209
Public Hearing and Continuation to September 11, 2019.

Staff Report

VI.CONSENT AGENDA

VII.WORK SESSION

- VII.A. Deer Valley Resort Base Area Parking Plan update pursuant to the Twelfth Amended and Restated Large Scale Master Planned Development Permit Section G. Off-Street Parking. The capacity of the surface parking lots in the Snow Park Community was exceeded on 10% or more of the days during the 2018-2019 ski season. Therefore, the Planning Commission is reviewing the parking in said area.

Staff Report

Exhibit A

Exhibit B

Exhibit C

Exhibit D

Exhibit E

Exhibit F

Planning Commission Staff Report



Subject: Deer Valley Resort – Base Area Parking PLANNING DEPARTMENT
Plan Update Pursuant to Section G.
Off-Street Parking of the Development Agreement

Author: Hannah M. Tyler, AICP, Senior Planner

Date: August 14, 2019

Type of Item: Work Session

During the 2018-2019 ski season, the City found that Deer Valley Resort had exceeded parking allocations within "Section G. Off-Street Parking of the Development Agreement" because the capacity of the surface parking lots in the Snow Park Community were exceeded on more than 10% of the operating days. Exceeding capacity of the surface parking lots (which contain approximately 1,250 parking spaces) during the 2018-2019 ski season resulted in considerable traffic and congestion impacts overall, additional on-street parking (+/- 80 vehicles) within the Deer Valley Drive Right-of-Way during a heavy snow year, conflict with City transit busses, and guests walking in the Right-of-Way.

The Planning Commission approved the Deer Valley Resort Twelfth Amended and Restated Large Scale Master Planned Development Permit (known herein as "the Development Agreement") in 2016, and the full Development Agreement is included as Exhibit A. There was no change in parking calculations or obligations as a part of the 2016 Development Agreement; however, language specific to Parking has been included in the Deer Valley Development Agreements and approvals since the original 1978 Special Exception Permit.

The 1978 Special Exception Permit was a permit for the construction of a 1,597 acre planned unit development in the "Deer Valley areas, American Flag Community, Lake Flat Community and the Bald Eagle Community." The acreage calculation did not include "[A]ll the area to be skied." The project was approved as a six (6) phase development to be completed over 15 years. At the time of approval, the development was split between two (2) jurisdictions with approximately two-thirds of the development in Park City Corporate limits and the southernmost one-third in unincorporated Summit County. The Planning Commission recommended annexing the southernmost one-third of the development which ultimately was annexed later in 1978.

Section G. Off-Street Parking of the 2016 Development Agreement states:

Parking required with relation to each portion of the Project shall be based upon Code as in effect at the time application for a building permit for such portion of the Project as is filed with City. For purposes of calculating required parking, the Project shall be deemed to be zoned Residential Development District (RD)

Master Planned Developments (MPD). Parking for each separate development parcel in the Project shall be determined in accordance with the Code at the time of application for Conditional Use approval. Any additional parking shall not encroach into zoned open space.

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

The Snow Park Community is generally defined as the areas north of the Snow Park Lodge including the parking lots, snowmaking ponds, and adjacent Multi-Unit Dwellings within the base area periphery. The 1978 Special Exception Permit initially regulated parking by skier capacity with "one car [parking space] per every five (5) skiers the hill is capable of handling." It wasn't until the 7th Amended and Restated Large Scale Master Planned Development Permit in 1993 that the language regarding the Snow Park Community surface parking lots capacity was implemented. The 1993 (7th) Development Agreement initialized the Deer Valley Resort obligation to return to Planning Commission should the capacity of the surface lots be exceeded on 10% or more of the days during any single ski season. Since 1993, the parking lots have been expanded to the north including a temporary parking lot that was constructed for the 2002 Winter Olympics. The 2002 Winter Olympic parking lot has since been converted into a snowmaking pond. Staff has included Exhibit C which provides a timeline for the Snow Park Community surface parking lot expansions based on available satellite imagery.

The parking initially provided appears to address the skier capacity through the daily ticket limitations self-imposed by Deer Valley, with consideration given to other impacts like Nightly Rental occupancy and transit operations. Deer Valley intends to implement an RFID lift ticket tracking system for the 2019 ski season. This system is similar to other systems currently in use at local resorts. Deer Valley Resort has stated that skier visits increased due to expanded season pass sales, weather, Cottonwood Canyon(s) closures, and additional marketing efforts. The increase in skier visitation is a positive outcome for Deer Valley Resort and the City. However, neither the resort nor the City have had an opportunity to fully measure the impact on City infrastructure, mitigation efforts, and public safety. Deer Valley Resort has indicated that the skier capacity (daily basis) has not changed since the installation of the Empire Pass pod of lifts and trails.

Deer Valley Resort also points out that they have exceeded the trigger previously in big snow and event years [the City/Development Agreement does not count days regulated under a Special Event Permit. The City increased efforts to monitor the street parking after increased neighborhood issues, transit and public safety considerations were raised.

The purpose of this Work Session is for Deer Valley Resort to address exceeding Section G. Off-Street Parking, specifically for the Snow Park Community during the 2018-2019 ski season. Deer Valley Resort has expressed interest in expanding the lower parking lot by at least 80 parking spaces.

In general, staff does not recommend a pave-first strategy, and in particular staff does not recommend expansion of paved/surface level parking to the east towards Deer Valley Drive. Staff suggests a renewed focus on a combination of implementation strategies in addition to a potential parking lot expansion because drawing more visitations from single occupancy vehicles, guests and staff, directly conflicts with mitigation of the Resort parking. Additionally, a broader approach is more consistent with the following City goals:

General Plan Goals, Objectives and Strategies:

- *Goal #3:* Park City will encourage alternative modes of transportation on a regional and local scale to maintain our small town character.
- *Objective 3C:* Public transportation routes should be designed to increase efficiency of passenger trips and capture increased ridership of visitors and locals.
- *Detail Strategy for Reduction in Greenhouse Gases:* Increase utilization and scope of alternative transportation options including bus transit, car sharing, biking, and walking.
- *Implementation Strategy 5.39:* Develop employee outreach programs focused on large employers.
- *Detailed Strategy to reduce single occupancy vehicles:* Create programs that would support carpooling i.e. online carpooling database, etc.
- *Detailed Strategy for Commercial Nodes:* The Park City Retail Study recommends the following improvement to Deer Valley:
 - Given location, ensure transportation systems effectively serve Deer Valley.
- *Community Planning Strategy 11.1:* Provide flexibility to the two primary resorts in town within Master Planned Development amendments to allow the primary resorts to evolve with the tourism industry and increase occupancy rates year-round.

City Council Critical Priorities:

Thriving Mountain Town: Transportation

- Congestion Reduction
- Sustainable and effective Multi-Modal Transportation
- Balance between tourism and local quality of life

Preserving and Enhancing the Natural Environment: Energy

- Conservation, Renewable Energy, Carbon Reduction

The acting City Engineer has provided a memo detailing the capacity and parking capabilities of the Deer Valley Drive Right-of-Way (see Exhibit F). Review of the acting City Engineer's memo by the Planning Department is ongoing and no determination has been made by the Planning Director. The Planning Commission may consider the memo as a potential implementation strategy; however, in order to safely accommodate parking on Deer Valley Drive, the elimination of bicycle lanes would be triggered. This would be in direct conflict with the City Council's priorities and the General Plan, in addition to requiring revisions to Park City Municipal Corporation's Trails Master Plan and Deer Valley Resort's Trails Master Plan.

Staff supports incremental improvements to the Deer Valley Resort parking lots for public safety purposes and to maximize the efficiency of existing paved areas. Further, City officials are working with Deer Valley Resort to provide additional mitigation strategies, such as elevated transit, incentive programs, and off-site employee parking programs. Staff has provided Exhibit D which contains the draft/preliminary Transit Ridership calculations that reflect the disparity between the Park City Mountain Resort transit service and that of Deer Valley Resort. Planning Department staff is working with Transportation Planning Staff and Deer Valley Resort to refine this. In addition, staff has provided Exhibit E which contains the Deer Valley Resort Special Event Transit Operations Map which is a strategy implemented during Special Events and could be an implementation strategy specific to predictable peak skier days.

Staff has identified the following potential implementation strategies and their consistency with the City's established goals.

Potential Implementation Strategy	Implementation Strategy on its own	When combined with other Implementation Strategies
<i>Transportation Demand Management Program</i>	Consistent	Consistent
<i>Employee Travel Shift Policy Program</i>	Consistent	Consistent
<i>Physical improvements (updated striping, barriers, etc.) to increase efficiencies in the existing parking lot</i>	Consistent	Consistent
<i>Special Transit Operations for Peak Skier Days</i>	Consistent	Consistent
<i>Parking Lot Expansion</i>	Inconsistent	Consistent
<i>Increased Transit Service</i>	Consistent	Consistent
<i>Permanent Deer Valley Drive Right-of-Way Street Parking</i>	Inconsistent	Inconsistent

This work session is primarily an opportunity to hear from Deer Valley Resort.

Following their presentation, Staff recommends several areas of focus to guide Deer Valley Resort and the City on possible collaborative approaches moving forward, unless the Commission recommends constructing more parking. Additional information and an incremental approach allows Deer Valley Resort and the City's technical staff to review mitigation strategies and provide feedback in the areas of public safety, transit, and transportation.

Staff seeks clarification on the following infrastructure and operational related areas below. Additional information provided by Deer Valley Resort at a later date will provide the City's technical staff in the areas of public safety, transit, and transportation to review mitigation strategies and provide feedback:

- Would an increase in parking lot surface area solve the capacity issue for the Snow Park parking areas and public streets during peak skier days?
- What is the short term and long term plan for employee parking needs (i.e. is there an identifiable off-site parking location with existing or potential transit service)?
- What is the long term projection from Deer Valley regarding increased day skier visitation? Are there other users of the parking lots which can be addressed? Are any significant operational changes planned which will increase or reduce impacts?
- Is there an opportunity for the City and Deer Valley to collaborate on more direct transit routes to increase the opportunity for ridership and efficient transportation of riders to Deer Valley Resort (employees and guests included)?
- Can Deer Valley increase transportation and non-skier parking mitigation/employee parking during "predicable" peak skier days (Martin Luther King, Jr. Day weekend)?

Staff supports incremental improvements to the Deer Valley Resort parking lots for public safety purposes and to maximize the efficiency of existing paved areas. Further, City officials are working with Deer Valley Resort to provide additional mitigation strategies, such as elevated transit, incentive programs, and off-site employee parking programs. With the implementation of the RFID Chip Readers for skiers, predictability will be enhanced which could improve efficiencies in seasons to come.

Exhibits

- Exhibit A: Deer Valley Resort Twelfth Amended and Restated Large Scale Master Planned Development Permit
- Exhibit B: Planning Director Notice of Parking Violation dated March 14, 2019
- Exhibit C: Snow Park Community Parking Lot Construction Timeline
- Exhibit D: Park City Transit Ridership Calculations
- Exhibit E: Deer Valley Resort Special Event Transit Operations Map
- Exhibit F: Park City Engineering Department Deer Valley Drive Memo

Exhibit A

FEE EXEMPT
UTAH CODE ANNOTATED § 11-13-10

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

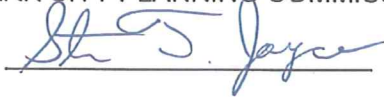
The Sewer District has previously reviewed both the Upper and Lower Deer Valley sewer systems and made the following comments: Upper System (American Flag / Silver Lake Community) - There are two sections of sewer within the American Flag Subdivision that limit upstream, new growth to approximately 325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

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

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

Approved this 30th day of November, 2016.

PARK CITY PLANNING COMMISSION

By 

Planning Commission Chair

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

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

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

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

NOTES:

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

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

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

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

NOTES:

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

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

Developed Space:

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

Transferred to Royal Plaza Residential

1243

Allocated but Undeveloped Space:

Silver Lake Village Lot C	7000
Remainder Unallocated	4968
Total	45165

(3) Includes kitchen, receiving and storage.

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

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

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

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

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

Exhibit B



March 14, 2019

Deer Valley Resort
PO Box 1000
Park City, UT 84060
Attn: Steve Issowits, Director of Real Estate and Resort Planning

Notification of Violation – Exceeding Approved Parking Capacity Snow Park area

Dear Mr. Issowits:

The current Development Agreement between Deer Valley Resort and Park City Municipal requires that if Snow Park ski area parking exceeds parking lot capacity more than 10% of the days in a ski season, the parking lots and any mitigations are required to be reviewed by the Planning Commission. See below:

Section G. Off- Street Parking

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

Our current information indicates that the 10% of parking capacity has been exceeded, therefore Deer Valley Resort is not in compliance with Section G and must comply with the review section of the current Development Agreement.

We can discuss the required analysis at your convenience.

Respectfully,

A handwritten signature in dark ink, appearing to read "B. Erickson".

Bruce M. Erickson, AICP
Planning Director
Park City Municipal Corp.
PO Box 1480
Park City, UT 84060

Cc: Matt Dias, Assistant City Manager
Mark Harrington, City Attorney

1993 (August)

Snow Park Community

Legend

Parking Lot

#



Google Earth



NT 283

EXHIBIT C

2002 (July)

Snow Park Community

Legend

#

Parking Lot #

2002 WINTER
OLYMPIC
PARKING LOT

5

4

3

2

1

Google Earth

284

2003 (September)

Snow Park Community



Legend



2008 (February)

Snow Park Community

Legend

#

Parking Lot #

POND

5+

5

4

3

2

1

Google Earth



NT

286

2018 (September)

Snow Park Community

Legend

Parking Lot

#

POND

5+

5

4

3

2

1



- What is the season defined as (dates) – average daily ridership? Or do you have ridership over the defined timeframe?

Winter = Mid-December to mid-April

Spring = mid-April to mid-June

Summer = mid-June to Labor Day

Fall = Labor Day to mid-November

Early Winter = mid-November to Mid-December

The dates are dependent on when ski resorts plan on opening/closing, and new services typically start on a Friday/Monday, depending on the season. We're trying to work towards fewer service changes and consistent routing, like combining spring/summer/fall, but that'll take a few years to really streamline/optimize.

- What lines run to the areas?

For Snow Park/Deer Valley last winter, the following routes covered this area during peak service:

- 2 Green Park Meadows
- 3 Blue Thaynes Canyon
- 4 Orange Silver Lake
- 5 Yellow Prospector Express

This summer, the following routes serve Deer Valley/Snow Park:

- 1 Red Prospector Square
- 4 Orange Silver Lake (one way, to Main Street)
- 6 Lime Ecker Hill

- Time of first bus, time of last bus

From Snow Park (summer):

- 1 Red = First Bus 7:44am, last bus 11:44pm
- 4 Orange = first bus 10:20am, last bus 5:50pm
- 6 Lime = first bus 6:36am, last bus 12:06am

- Where to catch those lines from and if they are direct or require a transfer.

1 Red = direct, catch from Prospector, PC school district lots, PCM, Old Town Transit Center

4 Orange = direct, from Silver Lake

6 Lime = direct, from Ecker Hill P&R, Kimball Transit Center, Canyons, PCM, Old Town Transit Center

All other lines would require a transfer at the OTTC, except for Pink which would require a transfer at KJTC or Canyons Hub, and Brown, which requires a transfer at KJTC

- Average time to destination (I understand it's a ball park) from the start to the destination.

Fairly accurate approximations, based on scheduled arrival/departures:

From Ecker Hill P&R = 36 minutes

From KJTC = 30 minutes (lime) or 35 minutes (white, with transfer at OTTC)
 From Canyons Hub = 24 minutes
 From PCM = 15 minutes (lime) or 19 minutes (red)
 From The Prospector = 29 minutes
 From PC School District Lots = 27 minutes
 From Fresh Market/Park Ave. Condos = 18 minutes (lime) or 21 minutes (red)
 From OTTC = 6 minutes (lime) or 10 minutes (red)
 From Silver Lake Village = 10 minutes
 From PC MARC (with transfer at OTTC) = 41 minutes (must wait 10 minutes for red)

1. How many buses per hour through Snow Park in Summer Season daily?

Assuming during peak operating hours (7:00am to 12:00am) = 5 per hour (3 Red, 2 Lime) or 7 per hour if you include 4 Orange

a. How does this compare to PCMR during same timeframe?

Total of 16 per hour - 8 buses per hour (3 Red, 3 Green, 2 Lime) to Old Town, 8 buses per hour outbound

2. How many buses per hour through Snow Park in Off Seasons daily?

5 per hour (3 Red, 2 Lime), no Silver Lake service

a. How does this compare to PCMR during same timeframe?

16 per hour – 8 inbound to Old Town, 8 outbound to outlying areas (same as summer service)

3. How many buses per hour through Snow Park in Winter Season daily?

11 per hour based on last winter's routing (3 Green, 3 Blue, 3 Yellow, 2 Orange)

a. How does this compare to PCMR during same timeframe?

24 buses per hour total - 11 per hour heading to Old Town (3 Red, 3 Green, 3 Blue, 2 Orange) and 13 per hour heading outbound to outlying areas (3 Red, 3 Green, 3 Blue, 4 Lime)

- Summer 2018 (June 8 – September 2)
 - Season Total – 434,980
 - Average Daily Ridership – 5,058
- Fall/Early Winter 2018 (September 3 – December 6)
 - Season Total – 312,788
 - Average Daily Ridership – 3,327
- Winter 2018-2019 (December 7 – April 7)
 - Season Total – 1,642,030
 - Average Daily Ridership – 13,570
- Spring 2019 (April 8 – June 6)

DRAFT Transit Info and Data Summer 2019 DRAFT

- Season Total – 182,374
- Average Daily Ridership – 3,091
- Summer 2019 to date (June 7 – July 21)
 - Season Total – 272,426
 - Average Daily Ridership – 6,192

Summer Event Mitigation – Increasing Transit Ridership at concerts above 3,000 pp Data –

Snow Park Lodge
Friday, June 28, 2019

Route	Boarding	Alighting
Yellow	0	0
Red	102	79
Lime	47	45
Total	149	124

Total Ridership =
273 / 2,366 tix
*11.5% took
transit

Snow Park Lodge
Saturday, June 29, 2019

Route	Boarding	Alighting
Yellow	0	0
Red	95	64
Lime	27	30
Total	122	94

Total Ridership =
216 / 2,043 tix
*10.5 % took
transit

Snow Park Lodge
Sunday, June 30, 2019 – Franti/Marley Concert

Route	Boarding	Alighting
Yellow	255	223
Red	111	86
Lime	68	50
Total	434	359

Total Ridership =
793 / 4,738 tix
*16.7% took transit
448 riders on Yellow specifically.

Between Saturday Concert and Sunday sellout concert – there was a 72% increase in the number of people taking transit with the addition of the Yellow route.

Route	Friday, July 19		Saturday, July 20	
	Boarding	Alighting	Boarding	Alighting
1 Red	69	62	76	66
5 Yellow	87	71	0	0
6 Lime	40	29	43	26
Totals	196	162	119	92
	358		211	

July 19 - 358/ 4,108 tix sold *8% of ticketholders took transit.

July 20 – 211 / 2,055 tix sold *10% of ticket holders took transit.

*147 more people took transit to the Friday concert with increased transit (158 on Yellow specifically), as compared to Saturday concert with no increased transit. There was no overflow parking. Seems to be a communication error this evening with Transit Dispatch, for ops coordination, Jenny looking into if DV sent out communication to Ticketholders.

Main points of the operation:

On Deer Valley Concert Series and Deer Valley Music Festival Concerts above 3,000 people, a new traffic circulation egress plan from 7 p.m. to 11 p.m. Please note, that this will only be during egress (out-load) not during ingress (load-in). Read full details of operations plan attached.

1. Anyone parked in the DV parking lots will have to turn right out of the lot. No left turns. We will allow those parked in Lot 6 to turn Left.
2. We will allow residents to turn left at the Y or to continue straight to the front of Deer Valley.
3. Park City Transit will continue to pick up at the Main DV transit stop and head south east to Deer Valley drive. Cars from Lots 1 to 5 will not be allowed to travel in this direction.
4. PCPD in coordination with DV staff and Kane Security (which DV has hired and is paying for) and Park City Transit Customer Service representative will be out in the roads and sidewalks helping to direct traffic/pedestrians.
5. Taxis will continue to access DV at the DV drop and load at Snow Park Lodge or residential areas as normal if dropping off a resident.

Map Key

- Notice/Barricade Locations
- Police Officer Locations (they may move a bit)
- Kane Security – Hired by Deer Valley
- Transit Customer Service
- No Left Signs – provided by PCMC
- Bus Direction at Egress (out load)
- Vehicle Direction at Egress (out load)

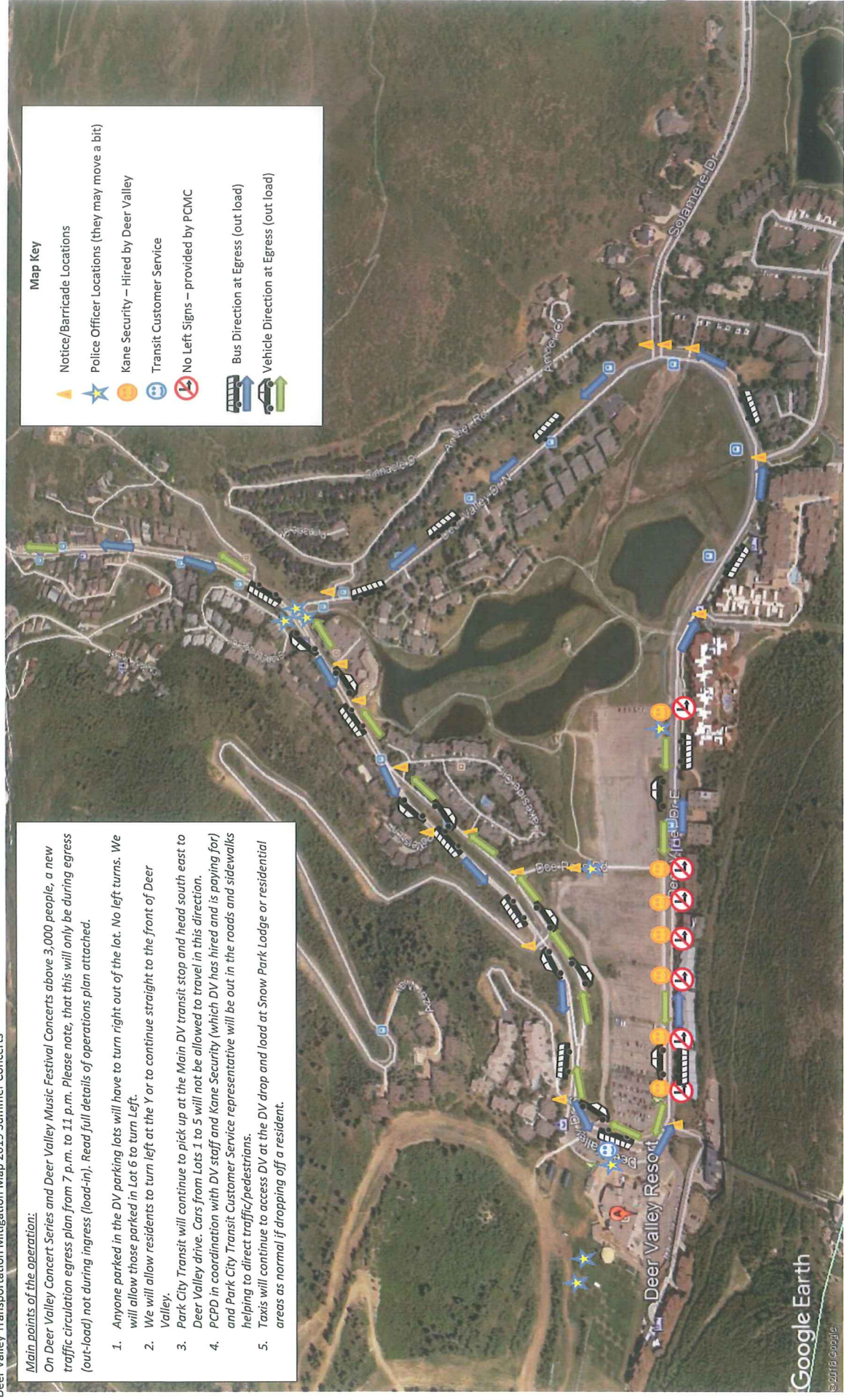


Exhibit F



Engineering

MEMORANDUM

To: Hannah M. Tyler, Planning Department

From: G. Ryan Taylor, City Engineer

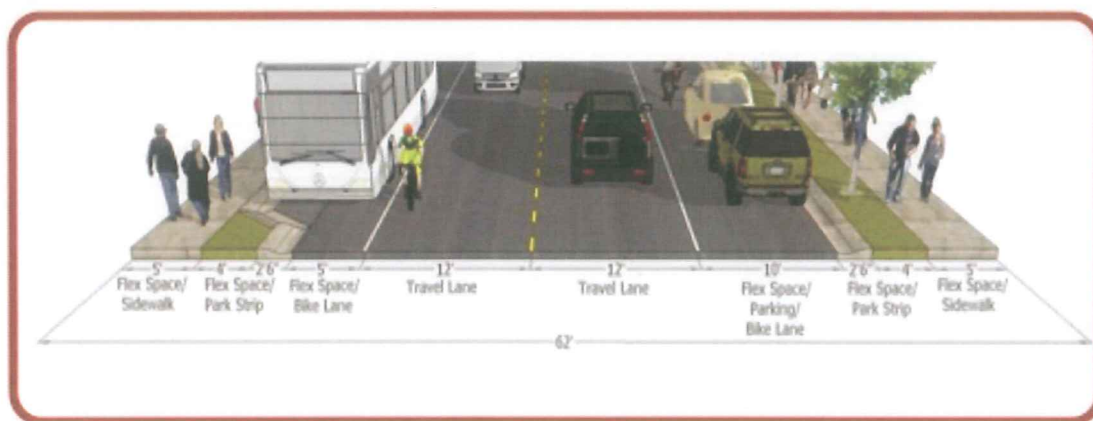
Date: August 1st 2019

Re: Deer Valley Drive on Street Parking Review

The engineer's office has been requested to review the current roadway geometry along Deer Valley Drive adjacent to the Deer Valley Resort parking lot and determine if the current geometry can support parallel parking on one or both sides of the roadway.

Requirements for parallel parking can vary from City to City and design guidelines vary depending on traffic speed, volume, pedestrian traffic, and other factors. The 2011 Park City Transportation Master plan varies the parking width from ~7 feet to approximately 12 feet depending on the roadway classification. Other cities generally require from 8 to 12 feet with some allowing 7 for compact cars only.

Deer Valley Drive was classified as a Major Residential Collector in the 2011 Masterplan. Below is a depiction of the preferred geometry. Note the figure shows two (2) 12-foot travel lanes, 5- foot shoulder on one side of the road and a 10-foot parking/flex space on the other.



The roadway in question is 35-feet wide (asphalt) with two (2) 30-inch concrete gutters resulting in 40' of hard surface. The travel lanes are 12-feet wide and a 5.5-foot shoulder/bike lane is located between the travel lane and concrete roll gutter on each side. The section of road is currently signed with no parking signs on both sides of the road, however, the area is used seasonally by Deer Valley for overflow parking.

The current configuration of the roadway provides for approximately 7-feet from the travel lane to the edge of the hard surface, see photo's below. When cars park on the very edge of the curb or on the sidewalk the driver's side of the vehicle tires are outside of the travel lanes, however, the mirrors and any open doors for ingress and egress impact the travel lane.



The major concern with parking as shown above is that the travel lane is impacted, forced to move to the middle (one way traffic), or stop to allow people in and out of the vehicles. On low volume roadways this impact is minor. However, on major collectors like this one the doors and pedestrians in the travel lane pose a safety hazard and slow traffic. This parking is predominately occurring during special events so the parking and peak travel times coincide further elevating the safety and traffic concerns.

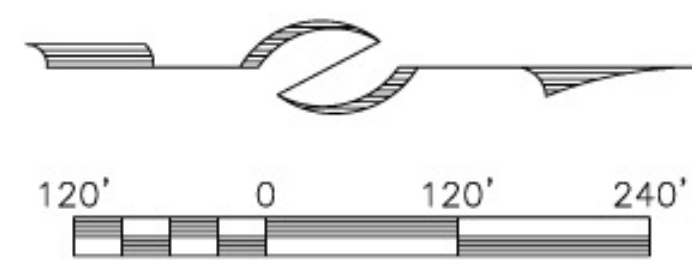
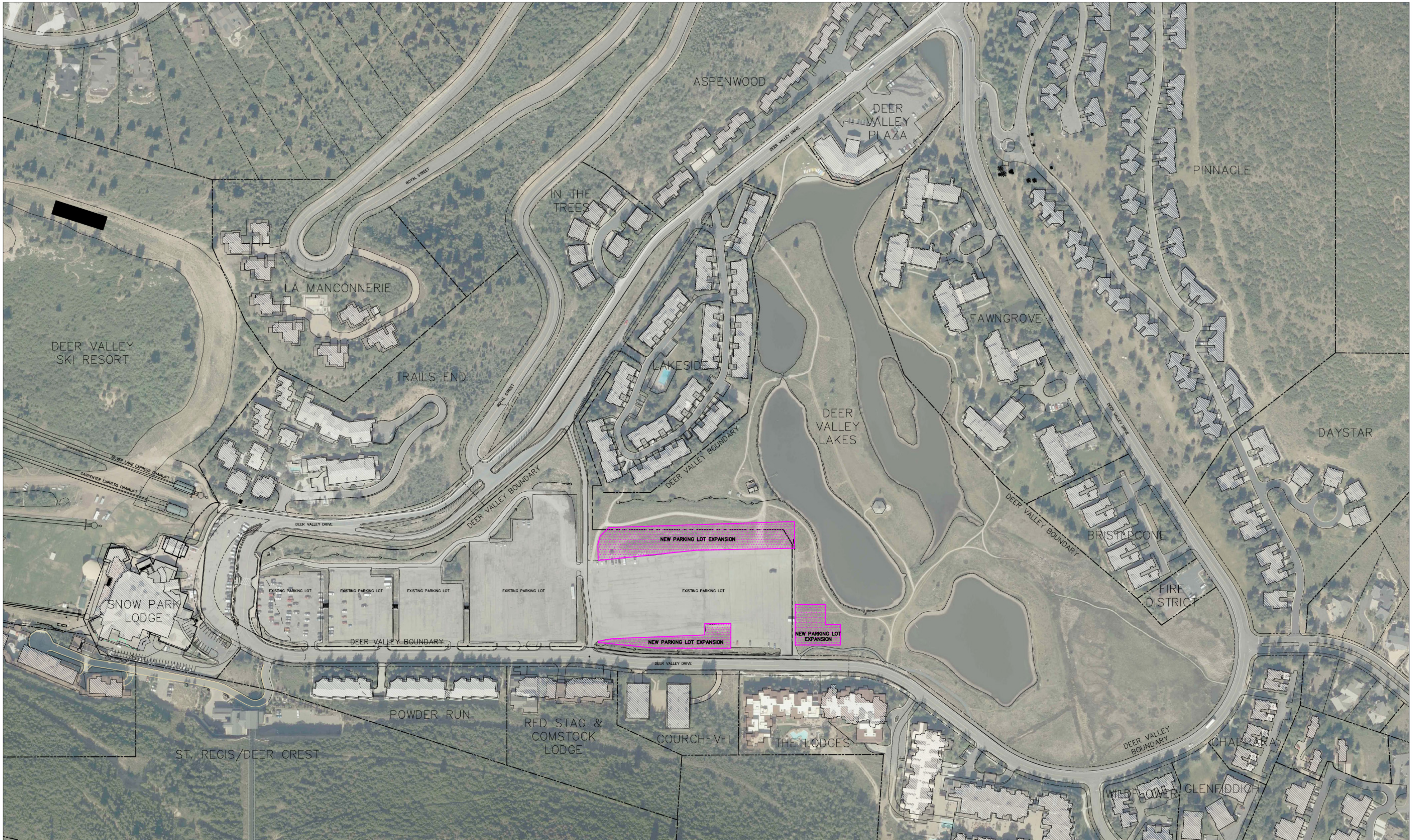
In the winter months it is difficult or impossible to fully plow the curb area which results in parking further into the travel lane. This increases the impacts noted above and when combined with snow covered streets further elevates the safety hazards, as shown in the figure below.



Parking could potentially be added to one side of the roadway and still meet the intent of the Master plan and general engineering guidance. If parking were to be permitted, Engineering recommends using only the west side of the road, which is different from the current practice. The sidewalk adjacent to the west side of the road allow for snow to be removed from the curb, allow passengers exit onto the sidewalk and reduce the pedestrians crossing the travel lanes get to their vehicle.

As part of the parking process, Engineering recommends restriping the roadway to allow for 10 feet between the back of curb and the start of the travel lane for cars to safely park and exit their vehicles. This will require eliminating the bike lane on the east side and reducing the shoulder from ~5-feet to ~2-feet. A 2-foot shoulder, plus the width of the gutter.

Exhibit B



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
DATE: 7/1/19

**DEER VALLEY SNOW PARK
NORTH PARKING LOT IMPROVEMENTS
OVERALL PLAN**
FOR: DEER VALLEY
JOB NO.: 11-1-19
FILE: X:\SnowParkVillage\dwg\Snow Park Development\Snowpark Civil.dwg

**SHEET
1
OF
1**

Exhibit C

—

This is a report from the Park City Planning Commission to the City Council of Park City, the project proponents and any other concerned or involved individual.

I Description of Project

The proposed development is located approximately one mile east of Park City's Main Street, in the area known as Deer Valley. The development site is 1,597 acres in size. If all the area to be skied were included, the acreage would be considerably greater. The project when completed will have approximately 1,815 dwelling units on site. Due to the scale of the project and the lay of the land a number of communities are to be developed in a scattered pattern throughout the area and are as follows: Deer Valley areas, American Flag Community, Lake Flat Community and the Bald Eagle Community. All property owners adjacent to the development have been contacted and seem very positive about the development. The project due to its complexity is to be developed as a Planned Unit Development, and is to extend over 15 years in completion.

Phasing of the project is to be as follows:

*Key elements in Phase #1 Beginning 1978 ending 1979

- Basic roads for entire development
- Major utility lines
- 18 hole golf course
- (355 Deer Valley Multi-family units
- (28 Single family lots
- 8-9 Ski lifts with related buildings

*Key elements in Phase #2 Beginning 1980 ending 1982

- Roads and utilities into Lake Flat area
- Lake Flat lodge 100 units
- Swimming pool
- 5 Tennis Courts
- 75 Cottages
- Deer Valley Parking area
- 60 multi-family units
- Convention Center
- A possible 10th ski lift if needed

*Key elements in Phase #3 Beginning 1983 ending 1984

- Remainder of Main road and minor roads to cottage areas
- Cart paths in Lake Flat area
- Lake Flat auxillary parking
- 35 Multi-family units
- Completion of day skier parking area in Deer Valley
- 25 Unit Lodge
- 165 Cottages
- 4 Tennis Courts

*Key elements in Phase #4 Beginning 1985 ending 1986

Roads and Utilities to Bald Eagle
35 Unit Bald Eagle Lodge and Parking
35 Multi-family dwellings
85 Cottages
100 Deer Valley multi-family dwellings
Ski lift as needed

*Key Elements in Phase #5 beginning 1987 ending 1988

225 Deer Valley Single family lots
Convention facility
American Flag Roads and Utilities
50 unit Lodge at American Flag
16 Single Family lots
Ski lift as needed

*Key Elements in Phase #6 beginning 1989 ending 1992

Completion of roads and utilities for American Flag area
Single family lots 25
75 American Flag multi-family dwellings
36 Duplexes
25 unit Lodge
Ski lift as needed

II Annexation and Zoning

Currently the development is split between two jurisdictions with approximately 2/3 of the site in the Park City Corporate limits and the southernmost third in unincorporated county. The Commission recommends that the portion of the property which is outside the corporate limits be annexed to the City with the condition that water for that land to be annexed is not to be provided by the City but by the developer.

There are a number of advantages to the City annexing the property. Some of these advantages are: (1) The City would then have total control over the development and (2) the City would be able to collect revenues from the same. Since the development is to be composed of a number of commercial activities as well as housing, there appears to be a number of financial gains for the City if the property is annexed and the entire development is within the corporate limits. With regard to zoning, since there is proposed a considerable amount of mixing of land uses, the area is to be treated as a Planned Unit Development.

It is recommended that the property be zoned RD and Estate in accord with the guidelines of the existing Land Management Code. With the property zoned as indicated and treated as a PUD, the uses and the configuration of those uses as proposed by the developer can be accommodated and the City will still maintain a considerable amount of control over the development. Refer to appropriate documents.

III Architecture and Physical Development of the Site

A. Architecture

Architecture of the development is to blend with the site and will not stand out or be in contrast with its natural surroundings. The Commission recommends that the architecture be as indicated and that the colors and textures inherent in the area be captured as near as possible in the architectural design of the development.

B. Building Orientation

Buildings in the area are to be orientated and designed in such a way

through the controlle(se of glass, building orienta(.. and the use of insulation.

All buildings are to be constructed in accord with the Uniform Building Code, the National Electric Code, and the Utah Plumbing Code being subject to the modification of these codes as determined by the City's Building Inspector.

The placement of buildings will be influenced by the soils, hydrology, vegetation, geology and wildlife and any other ecological factors of the area. The architecture and development of the area is to be closely controlled by the development of a set of Restrictive Covenants for the entire development. NOTE: Restrictive Covenants have been provided by the developer and their contents have been approved by the Commission.

C. Openspace Ownership and Maintenance

Another item of concern not only to the developer but also to the City is the ownership and maintenance of open space. The Commission recommends that the open space and maintenance be owned and controlled by either the developer, property owners or a combination of the two and that the open space in the area remain in as natural a state as possible. The natural foliage and cover in the area is to be preserved and only when absolutely necessary are trees to be removed.

D. Restrictive Covenants and Development Regulations

See Restrictive Covenants and the Park City Grading Ordinance.

E. See Exhibits B, C and I.

IV Economics and Related Items

A. Job Relationships

The economic impact of this development on the community will be considerable. The developer has indicated that there will be approximately 700 permanent jobs created as a result of the development of this project.

B. Cost/Benefit

As a result of examining the costs and benefits to the community with regard to this development, there appears to be considerably more benefits than costs. Those items considered as costs to the community are schools, police protection, fire protection and road maintenance. Those things considered as benefits are sales tax revenues, property tax revenues, revenues generated by service fees such as those for sewer, water and the like, and impact fees. Even though the developer has not considered in his cost analysis the other services provided by the City which must either be offset by taxes or fees, there still appears to be a considerable benefit beyond costs to the existing Park City Community.

C. Financial History of the Developer

Concerning the financial history, Mr. J. Warren King submitted to the Commission a brief report concerning his abilities with regard to this development. He stated that since there is not as yet a development company formulated, no financial statements of assets or liabilities is available. He, however, did submit to the Commission the following information:

That it is the intention of the Royal Street Land Company to finance

the Deer Valley/Lake Flat area development by forming a new company and by funding the first phase capital expenditures and improvements with primarily equity capital. It has not yet been determined if the new company will be a partnership or a corporation or if there will be a public offering. At the present time, studies indicate that there is a need for initial equity capital in a minimum amount of \$10,000,000. Future studies may show a variance in this amount. The developer also submitted a list of a number of projects Royal Street Corporation or its subsidiaries have been involved in in the past. They are as follows: developed, owned and operated Television and radio broadcasting stations in Louisiana and Alabama; operates small business investment company; developed the Royal Orleans Hotel in New Orleans, Louisiana, and still retains a major equity position; developed the Royal Sonnesta in New Orleans and retains major equity position; developed, operates and retains a major equity position in Stanford Court Hotel in San Francisco; developed and marketed a number of singular and multiple family residences in California, Colorado, Florida, Louisiana and Utah; managed, developed and operated the Park City Resort in Park City, Utah.

D. See exhibit N.

V Lay of the Land

A. Hydrology

The hydrology, soils, geology and topography of the area all seem to be well suited for the type of development that is proposed. A hydrology study created by John Demkowicz and Jack Johnson indicates that with proper drainage and check dams any potential problems with respect to runoff can be easily eliminated. As a safety factor the developer proposes as a part of the golf course, to develop the ponds in that course in such a way that they would have the ability to hold any abnormal water running off the development area. The more critical area with regard to hydrology is that part of the site called Lake Flat; yet it appears that through proper management and development any potential problems can be eliminated.

B. Soils

The soils of the area are such that through proper controlled development as proposed by the developer, no problems should occur.

C. Geology

The geology of the area from all indications is stable. There is a fault on the eastern side of the development but that fault appears to be inactive.

D. Topography

The topography and orientation seem to be ideally suited for a resort development.

E. See exhibits K and L.

VI Relationship to Community, Community Services and Impacts

A. Relationship to Community

The development has a very close relationship to the community with regard to distance. The entrance to the development is within 2.7 miles of any major area of element within the city. From the entrance of the development, the most distant community to be created is called the Bald Eagle Community which is 4.3 miles away.

Due to the nature of Planned Unit Developments the Planning Commission will be reviewing at all levels the development in greater depth.

B. Fire

There appears to be no problem concerning response time to the area since as mentioned in the fire protection exhibit any area in the development could be reached in approximately 5 minutes. There are to be two substations established within the development; one at Lake Flat and the other in Deer Valley. Other fire protection including hose cabinets, fire boxes, sprinkler systems in commercial and public buildings, are to be provided in accord with Fire and Life Safety Codes. Fire hydrants are to be installed in areas where building development is to occur within 250 feet of each other. Roads leading into and from the area are to be designed in such a way that emergency vehicle traffic will not be impeded. Due to a concern the Planning Commission has about fire hydrants and their accessibility in the higher elevations, they recommend that fire hydrants be adequately contained, accessible, easily identified and that they be installed as approved by the City. This project has been discussed with the Fire District and their desires have been met.

C. Police Protection

From all indications the Park City Police Force is somewhat understaffed when compared to nationally recommended figures. It is recommended that two additional police officers be added to the present force at the beginning of Phase 1; and at the commencement of phase 3, a consideration for an additional increase should be made; this increase depending on the existing problems of the time.

D. Population Impact

This development will have a considerable impact on the existing population of the area as well as encouraging additional population increases. The developer indicates that the maximum accommodation's capacity for the entire development at the end of phase 6 is projected at 6,868. It is supposed that transient population occurring during the peak holiday periods will reach as many as 4,200 persons. Permanent population occurring during the mid-summer season at the close of phase 6 is projected at 781. The ultimate practical accommodation capacity is expected to range from a low of 781 permanent residents to 4,200 transient residents with a maximum permanent capacity of 1,057 permanent residents.

E. Schools

Impact on the Park City School system is difficult to assess. Any impact on schools in the area will from all appearances be offset by the taxes generated from the development. In a study provided by the developer it appears that the school population would increase in proportion to the increase in permanent residents in the project. The relationship of permanent residents in the project to the projected permanent residents in the materials supplied by the school district would indicate that this is relatively minor.

F. See exhibits J & G

VII Roads, Transportation and Related Items

A. Phasing of roads is in Section I - Description of Project.

Roads to be constructed by the developer will be built in such a way that they will meet or surpass all City standards and

specifications. The roads are to be opened to the public and the main road leading into Deer Valley is to tie in with the proposed State Highway with regard to size and configuration. The developer indicates that there will be approximately 12 miles of roadway throughout the entire development; the yearly costs for maintenance of these roads should be as follows: for snow removal \$600 per mile or \$7,200 per year; minor maintenance \$200 per mile or \$2,400 per year; for a total yearly cost to the City of \$9,600 per year. The developer indicates that total resurfacing should be considered at 5 year intervals. This would cost the City approximately \$200,000. In reviewing these figures, the City Manager commented that these figures for maintenance and replacement may be a little high.

B. Parking

The Planning Commission recommends that the total parking area as indicated on preliminary drawings be created and be of such a size that it will accomodate one car for every five skiers the hill is capable of handling. This parking can, of course, be developed in conjunction with the other parts of the development. Parking in single family areas which are intended for full time residents should be two spaces per dwelling unit. Those areas specifically designed to be used for transients are to have at least 1.5 parking spaces per unit.

C. Mass Transportation

Where at all possible, it is the desire of the Planning Commission that mass transportation be used.

D. See exhibits D, E

VIII Utilities

A. Water

If all needs are considered the total demand during the winter season for culinary water could reach as high as 2 million gallons per day. In the summer months that demand would drop to 1.32 million gallons per day or a yearly average of 1.62 million gallons per day. The developer is to provide a proven water source, all facilities, storage and water lines throughout the entire development. He is also responsible for water metering. Water sufficient to carry the development in its entirety is to be provided by the developer and that the City will not impose water fees for connection to water system. Water standards set by the state are to be met or exceeded by the developer.

B. Sewer

The development is to be connected to the Snyderville Basin System. The developer indicates that the maximum amount of water to be treated per day could reach as high as 593,200 gallons. All sewer lines are to be installed by the developer.

C. General Requirements

All utilities are to be placed underground and it is suggested by the Commission that the City insist on bonding or that some other means be devised to insure the installation of all utilities in accord with all Park City specifications at the time of their installation. Utilities are to be developed as development occurs.

See exhibit F

IX Agreement

the developer.

See Exhibit A.

The Commission firmly believes that the creation of this development is for the betterment of the Park City Community and that all elected and appointed City officials should do all in their power to accomplish its creation. It should be noted that during the process of Planning Commission approval, the developer created a number of technical reports for the Commission. These reports are as follows:

- Exhibit A: Agreement
- B . Architectural and site development, restrictive covenants and Conditions
- C Inquiry into design and development control
- D Proposal for variance of parking requirements
- E Utilities
- F Traffic Impact Study
- G Projected population impact
- H Economic impact
- I Open Space Analysis
- J Recommended fire protection modes
- K Environmental study
- L Hydrology report
- M Construction phasing
- N Financial History

They are a part of the Planning Office files and can be examined by the public during regular office hours.

Burnis Watts, Planning Commission Chairman

Planning Members:

Greg Lawson

Kurt Nelson

Bob Wells

Merrill Sanchez

Roy Reynolds

July 13, 1977

Planning Commission Staff Report



Subject: 405 Woodside Avenue Subdivision
Application: PL-22-05184
Author: Spencer Cawley, Project Planner
Date: June 22, 2022
Type of Item: Administrative – Subdivision

Recommendation

Staff recommends the Planning Commission (I) review the 405 Woodside Avenue Subdivision, (II) hold a public hearing, and (III) consider forwarding a positive recommendation for City Council's consideration on July 21, 2022, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as outlined in Draft Ordinance 2022-XX (Exhibit A).

Description

Applicant: Chuck Berriochoa, General Personal Representative
Alliance Engineering, Applicant Representative
Location: 405 Woodside Avenue
Zoning District: Historic Residential (HR-1)
Adjacent Land Uses: Single-Family Dwellings
Reason for Review: Plat amendments require Planning Commission recommendation and City Council action¹

HR-1 Historic Residential – 1
LMC Land Management Code
ROW Right-of-Way

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

Background

405 Woodside Avenue is a metes-and-bounds parcel west of Block 30, Amended Plat of Park City and is bound on three sides by Treasure Hill Subdivision Phase 1. The property is not within the boundaries of the Amended Plat of Park City, but does reference Block 4 of the Plat, east of 405 Woodside Avenue. (See image on next page.) The parcel is identified by Summit County as PC-63 and is in the Historic Residential (HR-1) Zoning District. 405 Woodside Avenue is [a Significant Site](#) on the Park City Historic Sites Inventory.²

The property contains one (1) Single-Family Dwelling, one (1) Accessory Building, and two (2) sheds—one at the front of the property and one behind the Accessory Building.

¹ LMC § [15-7.1-2\(B\)](#)

² LMC § 15-11-10(D)(2)(fz)

Accessory Buildings are an Allowed Use in the HR-1 Zoning District. The shed at the front of the property encroaches into the Woodside Right-of-Way as does the fence and retaining wall. There is not an existing encroachment agreement.

The Applicant indicates they plan to renovate the existing historic Single-Family Structure and construct an addition onto the rear of the Single-Family Dwelling. This subdivision is necessary for the Applicant to move forward with any additions or renovations to the historic Structure.



Analysis

Plat Amendments require Planning Commission review and City Council Final Action.³ A Subdivision containing not more than three Lots fronting an existing Street, not involving any new Street or road, or the extension of municipal facilities, or the creation of public improvements, is a Minor Subdivision and does not require a Preliminary Plat.⁴

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

³ LMC [§ 15-12-15\(B\)\(9\)](#)

⁴ LMC [§ 15-7.1-3\(A\)](#)

The table below outlines the HR-1 Zoning District Lot requirements:

HR-1 Zoning District Requirement	Analysis of Proposal
Min. Lot Area: 1,875 sq. ft.	Complies The Lot contains 7,500 sq. ft.
Min. Lot Width: 25 feet	Complies The Lot is 50 feet wide.
Lot Depth: 75 feet	Complies The Lot is 150 feet deep.
Maximum Building Footprint = (Lot Area/2) x 0.9 Lot Area/1875	Condition of Approval 5 The maximum Building Footprint for this Lot is 2,460 sq. ft. The Final Subdivision shall include the maximum Building Footprint as a Plat note.
Setbacks: Front: 15 feet Rear: 15 feet Side: 5 feet	Condition of Approval 6 Future development on this site requires compliance with HR-1 Setbacks.
Building Height: 27 feet	Condition of Approval 6 Future development on this site requires compliance with LMC Building Height requirements.

Architectural Review LMC [§ 15-2.2-9](#)

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

(II) Staff finds Good Cause for the subdivision because (A) the Historic Character of the Historic Residential (HR-1) Zoning District is retained, (B) no Public Street or Right-of-Way is vacated or amended, and (C) no easement has been vacated or amended.

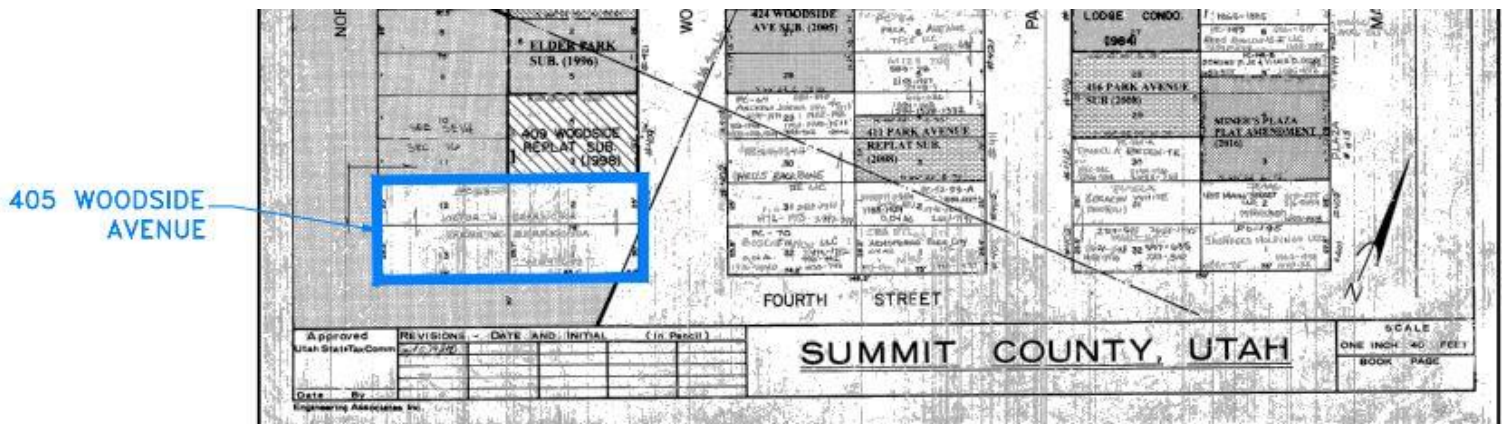
Plat amendments shall be reviewed according to LMC [§ 15-7.1-6](#), *Final Subdivision Plat*, and approval shall require a finding of Good Cause and a finding that no Public Street, Right-of-Way, or easement has been vacated or amended.

LMC [§ 15-15-1](#) defines Good Cause as “[p]roviding positive benefits and mitigating negative impacts, determined on a case-by-case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, 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.”

A. The Historic Residential (HR-1) Zoning District Historic Character is retained.

One of the purposes of the Historic Residential (HR-1) Zoning District is in part to preserve present land Uses and character of the Historic residential Areas of Park City.⁵

As indicated in the image below, this proposal is consistent with the zoning district which “encourage[s] single family Development on a combination of 25’ x 75’ Historic Lots.”⁶



⁵ LMC [§ 15-2.2-1\(A\)](#)

⁶ LMC [§ 15-2.2-1\(D\)](#)

The following image, taken from the Summit County parcel viewer, shows that many properties adjacent to 405 Woodside Avenue have similar 50-foot Lot widths. This Subdivision will maintain this consistency of the streetscape.



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

Access to the Lot is through Woodside Avenue. The proposed Plat does not vacate or amend any portion of Woodside Avenue. However, there are several encroachments into the ROW at the front of the property and stone retaining walls that encroach onto the neighboring property to the south. Staff recommends **Condition of Approval 7** requiring the Applicant to either remove the non-historic shed, retaining walls, and fence, or record an encroachment agreement with Summit County prior to recordation of the Plat.

C. No easement is vacated or amended.

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

Department Review

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

Notice

Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on June 8, 2022. Staff mailed courtesy notice to property owners within 300 feet on June 8, 2022. The *Park Record* published notice on June 8, 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 405 Woodside Avenue Subdivision; or
- The Planning Commission may forward a negative recommendation to the City Council for Ordinance No. 2022-XX, Denying the 405 Woodside Avenue Subdivision; or
- The Planning Commission may request additional information for Ordinance No. 2022-XX for the 405 Woodside Avenue Subdivision and continue the discussion to a date certain.

Exhibits

Exhibit A: Draft Ordinance No. 2022-XX and Proposed Plat
Exhibit B: Existing Conditions
Exhibit C: Applicant Statement
Exhibit D: Property Photos

Ordinance No. 2022-XX

AN ORDINANCE APPROVING THE 405 WOODSIDE AVENUE SUBDIVISION PLAT, LOCATED AT 405 WOODSIDE AVENUE, SUMMIT COUNTY, PARK CITY, UTAH

WHEREAS, the owners of the property at 405 Woodside Avenue petitioned the City Council for approval of the 405 Woodside Avenue Subdivision Plat; and

WHEREAS, on June 8, 2022, the Park Record published notice for the Planning Commission and City Council public hearings; and

WHEREAS, on June 8, 2022, staff mailed courtesy notices to property owners within 300 feet, posted noticed to the Utah Public Notice Website and City Website, and posted noticed to the property for the Planning Commission and City Council public hearings; and

WHEREAS, on June 22, 2022, the Planning Commission reviewed the proposed Subdivision Plat, held a public hearing, and forwarded a **positive/negative** recommendation to the City Council;

WHEREAS, on July 21, 2022, the City Council reviewed the 405 Woodside Avenue Subdivision Plat and held a public hearing; and

WHEREAS, the 405 Woodside Avenue Subdivision Plat is consistent with the Park City Land Management Code, including § 15-7.1- 3(A), § 15-7.1-6, and Chapters 15-2.2, and 15-7.

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

SECTION 1. APPROVAL. The 405 Woodside Avenue Subdivision Plat is approved subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

FINDINGS OF FACT

1. The property is located at 405 Woodside Avenue.
2. The property is listed with Summit County as Parcel number PC-63.
3. The property is in the Historic Residential (HR-1) Zoning District.
4. The Lot contains 7,500 square feet.
5. No easement is vacated or amended as a result of the Subdivision Plat.
6. The Land Management Code regulates HR-1 Zoning District Lot and Site requirements pursuant to LMC [§ 15-2.2-3](#).
7. The property contains one (1) Single-Family Dwelling, one (1) Accessory Building, and two (2) sheds. Accessory Buildings are an Allowed Use in the HR-1 Zoning District.

8. The Single-Family Dwelling is a Significant Site on the Park City Historic Sites Inventory.
9. A Single-Family Dwelling is an allowed Use in the HR-1 Zoning District and requires a minimum Lot size of 1,875 square feet. The proposed Lot size is 7,500 square feet.
10. The minimum Lot width in the HR-1 Zoning District is 25 feet. The proposed Lot is 50 feet wide.
11. The Lot is 150 feet deep.
12. The required Front and Rear Setbacks are 15 feet for Lot depths over 100 feet.
13. The required Side Setbacks are five feet (5') for Lot widths up to 75 feet.
14. The Maximum Building Footprint in the HR-1 Zoning District = (Lot Area/2) x 0.9^{Lot Area/1875}. The maximum Building Footprint is 2,460 square feet.

Conclusions of Law

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

Conditions of Approval

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The Applicant shall record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. 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. A non-exclusive ten foot (10') public snow storage easement on Woodside Avenue shall be dedicated on the plat.
5. The Applicant shall include a Plat note indicating the Maximum Building Footprint for the Lot is 2,460 square feet.
6. Any remodel or additions to the historic Structure shall comply with the Land Management Code, including but not limited to Setbacks and Building Height, at the time of Application submittal.
7. The Applicant shall remove encroachments into the Woodside Avenue Right-of-Way and the neighboring property to the south or record an encroachment agreement with Summit County prior to recordation of the Plat.
8. City Engineer 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. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 21st Day of July 2022.

PARK CITY MUNICIPAL CORPORATION

Nann Worel, MAYOR

ATTEST:

City Recorder

APPROVED AS TO FORM:

City Attorney

Attachment 1 – Proposed Plat



I, Michael Demkowicz, do hereby certify that I am a Professional Land Surveyor and that I hold License No. 4857264 as prescribed under the laws of the State of Utah. I further certify that by authority of the owner, I have made a survey of the land shown on this plat and described hereon, hereafter to be known as 405 WOODSIDE AVENUE SUBDIVISION and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

DEED DESCRIPTION

That certain piece of land fifty feet frontage by 150 feet deep on the Westerly side of Woodside Avenue, situated in the Southwest Quarter of the Southeast Quarter of Section 16, Township 2 South of Range 4 East, Salt Lake Meridian; and opposite Westerly Lots No. 31 and 32 of Block 4, Park City Plat, said plat being on record in the Recorder's office of Summit County, Utah; together with that certain house and other improvements located thereon, and being more particularly described as follows:

beginning at a point South 66°40' West 50.00 feet from the Southwest corner of Lot 32, Block 4, Park City Survey, in part of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian and running thence South 66°40' West 150.00 feet; thence North 23°38' West 50.00 feet; thence North 66°40' East 150.00 feet; thence South 23°38' East 50.00 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS that the undersigned is the general personal representative of the above described land, and hereby causes the same to be created as one lot of record, together with easements as set forth to be hereafter known as 405 WOODSIDE AVENUE SUBDIVISION and does hereby dedicate for the perpetual use of the public areas shown on this plat as intended for public use. The undersigned general personal representative also hereby conveys any easements as shown on this plat to the parties indicated and for the purposes shown hereon.

In witness whereof, the undersigned set his hand this _____ day of _____, 2022.

Chuck Berriochoa, General Personal Representative
of the Estate of Victor Harold Berriochoa, deceased

By: _____

ACKNOWLEDGMENT

STATE OF _____)

: SS

COUNTY OF _____)

On this _____ day of _____, 2022, Chuck Berriochoa 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 acknowledged to me that he executed the 405 WOODSIDE AVENUE SUBDIVISION.

By: _____

Notary Public

Printed Name _____

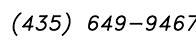
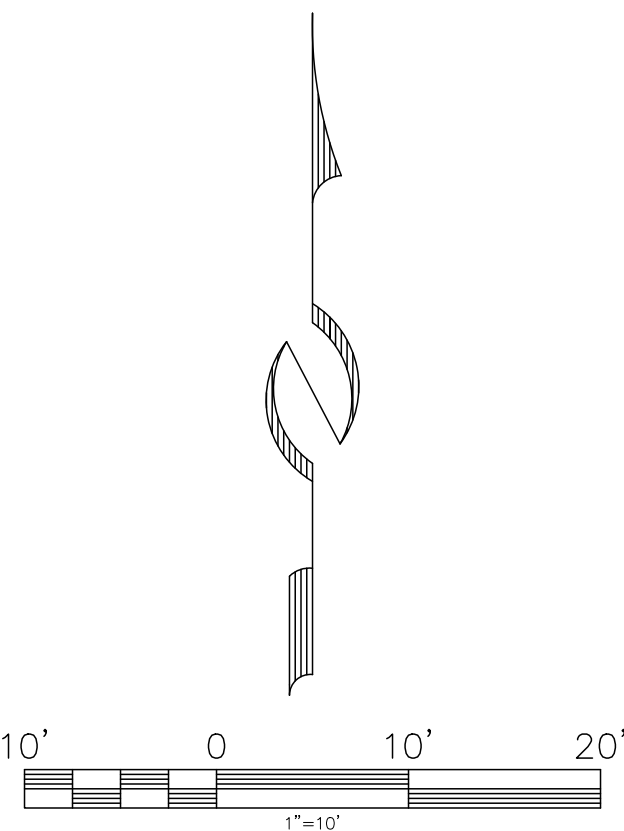
Residing in: _____

My commission expires: _____

Commission No. _____

NOTES

1. This plat amendment is subject to the Conditions of Approval in Ordinance 2022-_____.
2. The property is located in Zone X, areas determined to be outside the 0.2% annual chance floodplain, as shown on the Flood Insurance Rate Map of the Federal Emergency Management Agency, Panel 938, Map Number 49043C03938D, and has an effective date of March 23, 2021.



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

405 WOODSIDE AVENUE SUBDIVISION

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

SHEET 1 OF 1

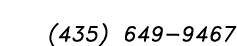
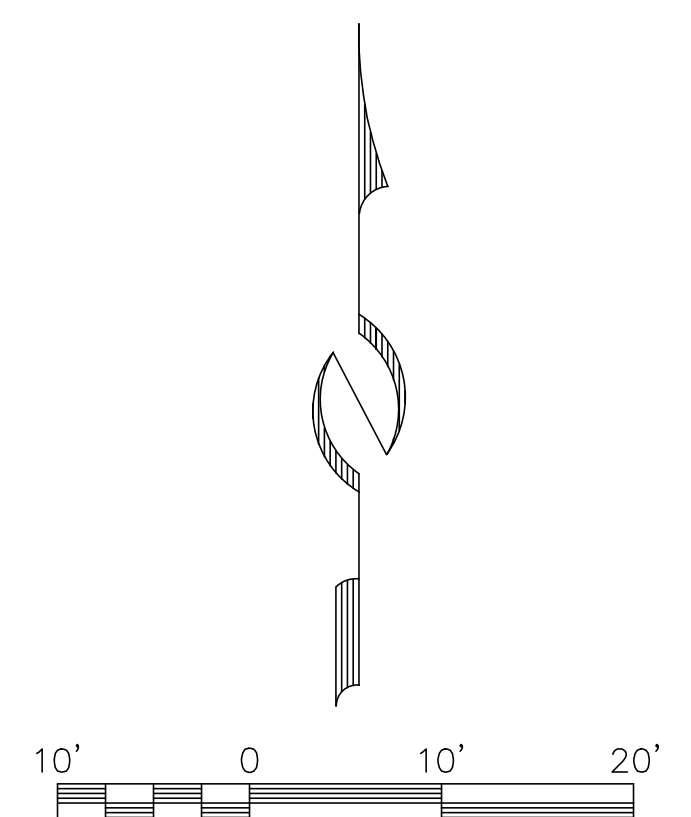
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SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2022 BY _____ ENGINEERING DEPARTMENT	PLANNING COMMISSION RECOMMENDED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2022 BY _____ CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2022 BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2022 BY _____ PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2022 BY _____ MAYOR	CERTIFICATE OF ATTEST I CERTIFY THIS PLAT WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2022 BY _____ PARK CITY RECORDER	PUBLIC SAFETY ANSWERING POINT APPROVAL APPROVED THIS _____ DAY OF _____, 2022 BY _____ SUMMIT COUNTY GIS COORDINATOR	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ _____ FEE _____ RECORDER TIME _____ DATE _____ ENTRY NO. _____
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NOTES

- [illegible]



SHEET
1
OF
1

ADJACENT TO BLOCK 30
AMENDED PLAT OF PARK CITY

(405 Woodside Avenue)

February 18, 2022

PROJECT INTENT

The property at 405 Woodside Avenue is a metes and bounds description adjacent to Block 30, Amended Plat of Park City and is bounded on three sides by Treasure Hill Subdivision Phase 1. The property is not within the boundaries of the Amended Plat of Park City, but does reference Block 4 of the Plat, which is directly across Woodside Avenue from 405 Woodside Avenue. This plat application is being submitted to create a single lot of record. Once the property has been recorded as a single lot of record, the owner proposes to renovate the existing residence and construct an addition onto the rear of the renovated existing residence.



405 Woodside Avenue - front - looking west



405 Woodside Avenue - front - looking southwesterly



405 Woodside Avenue - rear - looking easterly



405 Woodside Avenue - rear - looking northeasterly



405 Woodside Avenue – back edge of property - looking northeasterly

Planning Commission Staff Report



Subject: 115 Sampson Avenue Subdivision – First Amended
Application: PL-22-05180
Author: Spencer Cawley
Date: June 22, 2022
Type of Item: Administrative – Plat Amendment

Recommendation

Staff recommends the Planning Commission (I) review the 115 Sampson Avenue Subdivision First Amended Plat, (II) hold a public hearing, and (III) consider forwarding a positive recommendation for City Council’s consideration on July 21, 2022, based on the Findings of Facts, Conclusions of Law, and Conditions of Approval as outlined in Draft Ordinance 2022-XX (Exhibit A).

Description

Applicant: Mountain Town Lands, LLC;
Alliance Engineering, Inc., Applicant Representative
Location: 115 Sampson Avenue
Zoning District: Historic Residential – Low Density
Adjacent Land Uses: Single-Family Residential
Reason for Review: Plat amendments require Planning Commission recommendation and City Council action.¹

CUP Conditional Use Permit
HDDDR Historic District Design Review
HPB Historic Preservation Board
HRL Historic Residential – Low Density
LMC Land Management Code
ROW Right-of-Way

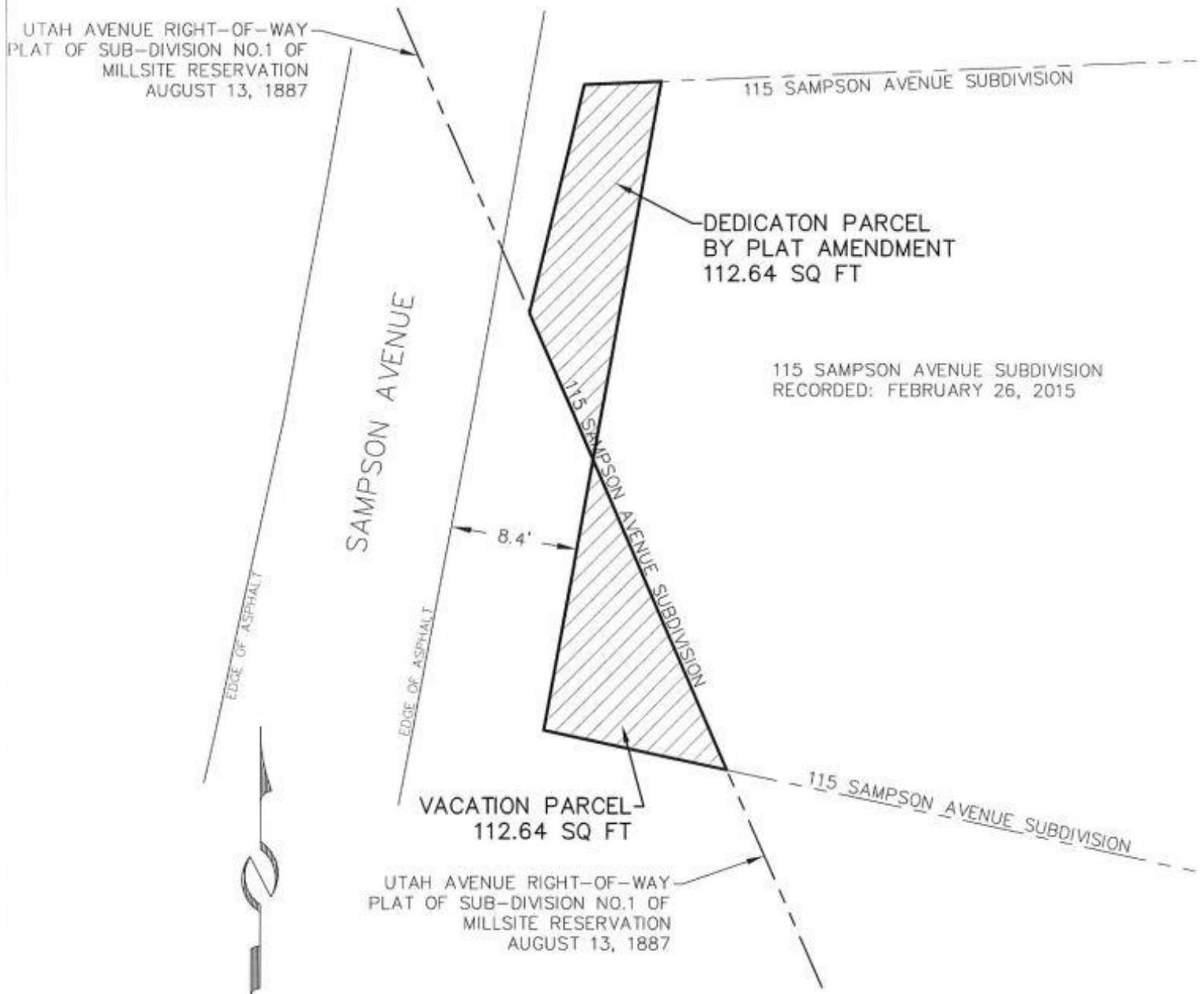
Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

Background

115 Sampson Avenue is on the Historic Sites Inventory as a Significant site that includes a small Mining Era house built in 1904. The site also contains three non-historic sheds. The Applicant petitions the City to vacate a 112.64 square foot portion of Right-of-Way (ROW) and proposes to dedicate an equal 112.64 square foot portion of the Lot to the Sampson Avenue ROW (Exhibit C). Additionally, the Applicant proposes to memorialize the vacation and dedication by amending the 115 Sampson Avenue Subdivision Plat (Exhibit D).

¹ LMC [§ 15-7.1-2\(B\)](#)

Because the front of the Lot is bordered to the east by two properties (113 and 125 Norfolk Avenue), access to the Lot is restricted to Sampson Avenue. The Lot's topography is steep and rapidly descends in grade from Sampson Avenue toward Norfolk Avenue. The Applicant indicates that a future addition to the historic Structure will include a garage. The Applicant petitioned the city to vacate a small portion of the ROW and will dedicate an equal portion of their property to create a property line that is parallel with the existing Sampson Avenue ROW to improve ingress and egress.



The image below, prepared by the Engineering Department, helps illustrate the request. The area in red represents the 2014 ROW dedication required by [Ordinance No. 14-07](#), approving the 115 Sampson Avenue Subdivision. The area in yellow is the proposed new ROW dedication. The area in green is the petitioned vacation of ROW. The existing Sampson Avenue ROW is outlined in magenta.



In 2010 and 2013, the Building Department issued Orders to Repair and Vacate. The Structure continues to decline and is in significant disrepair. However, the Applicant proposes to rehabilitate the historic Structure and add an addition to the rear of the Structure, toward Sampson Avenue.

The table below outlines previous and current applications for 115 Sampson Avenue and the determination:

Date	Type of Application	Determination
October 9, 2013	Plat Amendment The Staff Report is attached as Exhibit F.	The Planning Commission forwarded a positive recommendation to the City Council. In this meeting, the Planning Commission raised concerns about parking and the height of a possible uphill, rear addition.

March 6, 2014	Plat Amendment Staff Report ; Minutes	City Council adopted Ordinance No. 14-07 approving the 115 Sampson Avenue Subdivision. As part of this Ordinance, Condition of Approval 6 required dedication of the portion of Lots 51 and 52 that include Sampson Avenue to the City.
May 16, 2018	Material Deconstruction The Staff Report is attached as Exhibit G and the meeting minutes as Exhibit H.	The Historic Preservation Board approved the Applicant's request for material deconstruction of the Historic Structure.
June 13, 2018	Steep Slope CUP Staff Report ; Minutes	The Planning Commission approved a Steep Slope Conditional Use Permit application for construction of an addition on 115 Sampson Avenue. See Exhibit I for the Final Action Letter.
June 13, 2019	Extension of Steep Slope CUP See Exhibit J.	The Planning Director extended the Steep Slope CUP expiration date to December 10, 2019.
June 18, 2019	Extension of HDDR See Exhibit K.	The Planning Director extended the HDDR expiration date to December 14, 2019. Building permits were not issued and the extensions expired.

On March 4, 2022, the Applicant submitted a complete Plat Amendment application to the Planning Department. The Planning Director determined the Setbacks for the unusual Lot on June 3, 2022 (Exhibit L).

Analysis

(I) The proposed Plat amendment complies with the Historic Residential – Low Density (HRL) Zoning District requirements.

The following table outlines the HRL Zoning District Lot requirements.²

² LMC [§ 15-2.1-3](#)

HRL Zoning Requirement	Analysis of Proposal
Min. Lot Area: 3,750 sq. ft.	Complies The Lot Contains 7,617 sq. ft.
Min. Lot Width: 35 feet	Complies The rear Lot line of the proposed Plat amendment is approximately 43 feet. The frontmost section of the Lot extends east toward Norfolk Avenue and is 25 feet wide. This is the Front Yard of the property, consistent with its historic use. LMC § 15-2.1-3(B) requires that the minimum width of a Lot is 35 feet, measured 15 feet back from the Front Lot Line. However, pursuant to LMC § 15-2.1-3(B) , the Planning Director determines Lot width measurements in the case of unusual Lot configurations. On June 3, 2022, the Planning Director determined that the Lot width is approximately 73 feet wide, measured 56 feet back from the 25-foot Front Lot Line. (Exhibit L).
Maximum Building Footprint = (Lot Area/2) x 0.9 ^{Lot Area/1875}	Condition of Approval 4 The maximum Building Footprint for this Lot is 2,482 sq. ft. The Applicant shall include the maximum Building Footprint as a Plat note.
Setbacks: Front: 15 feet Rear: 15 feet Side: Five feet (5')	Condition of Approval 5 Because of the Lot's unusual configuration, the Lot depth is determined on the buildable Area. The depth is greater than 100 feet. See Analysis II for the Planning Director's determination of Setback requirements.
Building Height: 27 feet from Existing Grade.	Condition of Approval 6 Future development of this Lot shall comply with LMC Building Height requirements.

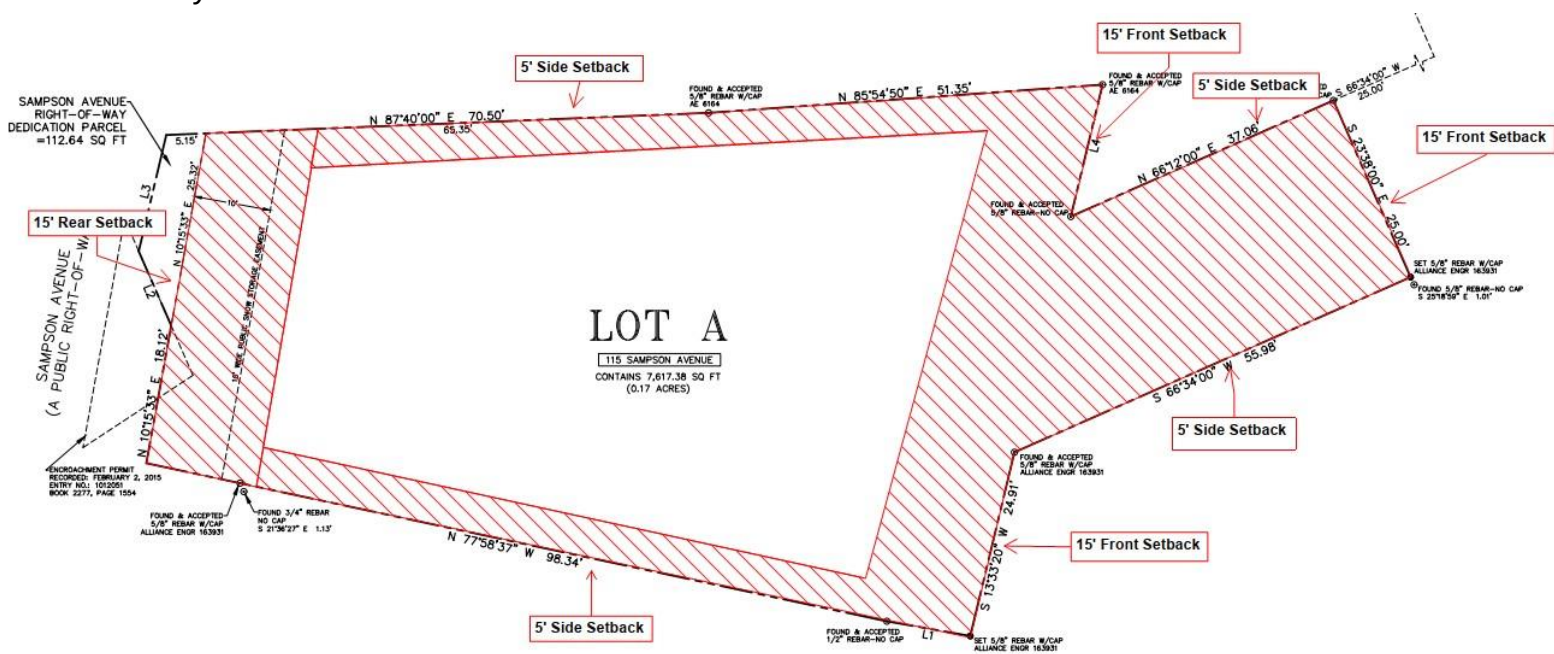
Architectural Review LMC [§ 15-2.1-8](#)

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance. Any proposed structure or

future development will require the Applicant to submit a Historic District Design Review Application to the Planning Department for compliance review with LMC [Chapter 15-13](#), *Design Guidelines for Historic Districts and Historic Sites*.

(II) Setbacks for Unusual Lot Configurations, LMC [§ 15-4-17](#).

This Plat amendment is for a Lot with more than four sides. The Planning Director determines the Setbacks for these Lots as allowed by LMC [§ 15-4-17](#). On June 3, 2022, the Planning Director determined that the Lot has three 15-foot Front Setbacks, four 5-foot Side Setbacks, and one 15-foot Rear Setback. The Applicant shall memorialize these Setbacks on the final Plat (Condition of Approval 8). The following image demonstrates this determination. This visualization is not to scale and is for reference only.



(III) The City may find Good Cause for the petition to vacate a public Right-of-Way if the proposal (A) does not increase density, (B) is compatible with the neighborhood, (C) the Utility of the existing Right-of-Way is no longer significant.

[Resolution No. 8-98](#) establishes the policy for vacation of public Rights-of-Way. The City may generally find Good Cause when a proposal evaluated as a whole demonstrates a “net tangible benefit” to the immediate neighborhood and to the City as a whole. The City will evaluate the proposal against the following criteria to determine whether a “net tangible benefit” has been demonstrated by the petitioner.³

(A) No Increase in Density.

³ Park City [Resolution No. 8-98](#)

Resolution No. 8-98 Requirement	Analysis of Proposal
Existing density shall be determined by counting the Lots/units that the petitioner could reasonably obtain a building permit for at the time the petition is filed.	Complies The existing density will remain at one Single-Family Dwelling. Only Single-Family Dwellings are allowed on the site; Duplexes are prohibited in the HRL Zoning District. The Maximum Building Footprint is established by a formula outlined in LMC § 15-2.1-3(E) and excludes the square footage dedicated to Park City.
The existing density must have existing access and must not require a plat amendment in order to obtain a building permit.	Complies Access to the Lot is from Sampson Avenue and a Plat amendment is proposed only to memorialize the exchange of land as part of the petition.
Street rights-of-way will generally not be vacated to facilitate greater density, floor area or area of disturbance.	Complies The petitioner does not gain any additional density or floor area and does not increase area of disturbance.
New applications which proposed the subdivision of rights-of-way shall be reviewed under Land Management Code ("LMC") Chapter 15, Subdivisions, and must result in a lower density than that permitted by the underlying zoning (Chapter 7), without the vacated right-of-way.	Not Applicable The petitioner does not propose a subdivision of the ROW.

(B) Neighborhood Compatibility.

Resolution No. 8-98 Requirement	Analysis of Proposal
Size and location of the site	Complies The ROW vacation and dedication are equal in size and do not increase or change the location of the site.

Traffic impacts including capacity of the existing streets in the area	Complies Traffic capacity will not increase on Sampson Avenue.
Utility capacity	Complies The petitioned area of the ROW vacation is next to Sampson Avenue and is not critical to the utilization of the ROW. The dedication of ROW will increase the width of Sampson Avenue to approximately 21 feet.
Emergency vehicle access	Complies Emergency vehicle access will remain consistent with the existing ROW.
Location and amount of off-street parking	Complies Because 115 Sampson is a Significant historic Structure, the property is exempt from off-street parking requirements pursuant to LMC § 15-2.1-4. However, an existing encroachment permit for a parking pad allows the property owner to park one car on the existing right of way (see Exhibit M). The vacation of ROW will allow the applicant to construct a driveway on their property, without crossing a ROW, to a one-car garage.
Internal circulation	Not Applicable
Fencing, screening, and landscaping to separate the Use from adjoining Uses	Not Applicable
Building mass, bulk, and site plan	Complies The Applicant indicates they intend to rehabilitate the historic Structure and add a rear addition. Any development on this Lot shall comply with the LMC.
Useable open space	Not Applicable

Signs and lighting	Not Applicable
Physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing	Complies The Applicant indicates they intend to rehabilitate the historic Structure and add a rear addition. Any development on this Lot shall comply with the LMC.
Provision of snow storage, and mitigation of noise, vibration, odors, steam, or other mechanical factors that might affect people and property off site	Complies The proposed Plat indicates a ten-foot-wide public snow storage easement. The vacation and dedication of ROW will not have detrimental effects to surrounding property and property owners and will support snow storage in appropriate areas.
Control of delivery and service vehicles, loading and unloading zones, and screening of trash pick-up areas	Not Applicable
Expected ownership and management of the project as primary residences, condominiums, time interval ownership, Nightly Rental, or commercial tenancies	Complies In the HRL Zoning District, no more than 12 nightly rental Condition Use Permits are allowed in the west sub-neighborhood. 115 Sampson is in this area and does not have a Conditional Use Permit. Only two (2) Nightly Rental CUPs remain. Timeshares and condominiums are prohibited in the HRL Zoning District.
Proposed uses in an historic district must comply with the Historic District Architectural Guidelines provided in a supplement to the LMC	Condition of Approval 7 The Applicant shall obtain HDDR approval prior to developing the site.
All proposed uses in the zones outside an historic district must comply with the General Architectural Guidelines in LMC Chapter 9	Not Applicable

The Sensitive Area Overlay Zone Regulations (which normally apply only to property within the Sensitive Area Overlay Zone) shall apply to all development proposals including a petition to vacate right-of-way, regardless of the underlying zoning/platting of the development.	Condition of Approval 8 The Applicant shall obtain a Steep Slope CUP from the Planning Commission prior to developing the site.
--	--

(C) Consideration.

Resolution 8-98 requires the following: “Proposals must compensate the City for the loss of the right-of-way. Consideration favored by the City will generally be financial (market value based upon square footage); open space dedication above and beyond normal subdivision or development approval requirements; trail or public access dedication above and beyond normal subdivision or development approval requirements; replacement of right-of-way dedication; and/or any other public amenity deemed in the best interests of Park City's citizens.”

The Applicant’s proposal to dedicate 112.64 square feet to the Sampson Avenue ROW off-sets the petition to vacate 112.64 square feet of the ROW.

(D) Utility of existing Right-of-Way.

Resolution 8-98 requires the following: “The City shall typically dispose of public Right-of-Way only when the Right-of-Way is no longer of significant utility to the City. The City shall consider the Right-of-Way’s status as listed in the Streets Master Plan. The recommendation to the City Engineer, existing improvements and utilities within the Right-of-Way, and the Capital improvement Plan. Replacement of the prior Right-of-Way alignment or dedication of new Right-of-Way must meet the construction and width standards in the Streets Master Plan, unless otherwise reduced by the City Engineer.”

The Engineering Department reviewed the petition to vacate and gives the following recommendation (original Memo attached as Exhibit N):

I. Background

115 Sampson Avenue was created from lots 51, 52, 53, 54, 55, 5, 6, and 7 of the Park City Block 78, Section 16 and 21, Township 2 South, Range, 4 East, Salt Lake Base, and Meridian (see Figure 1).

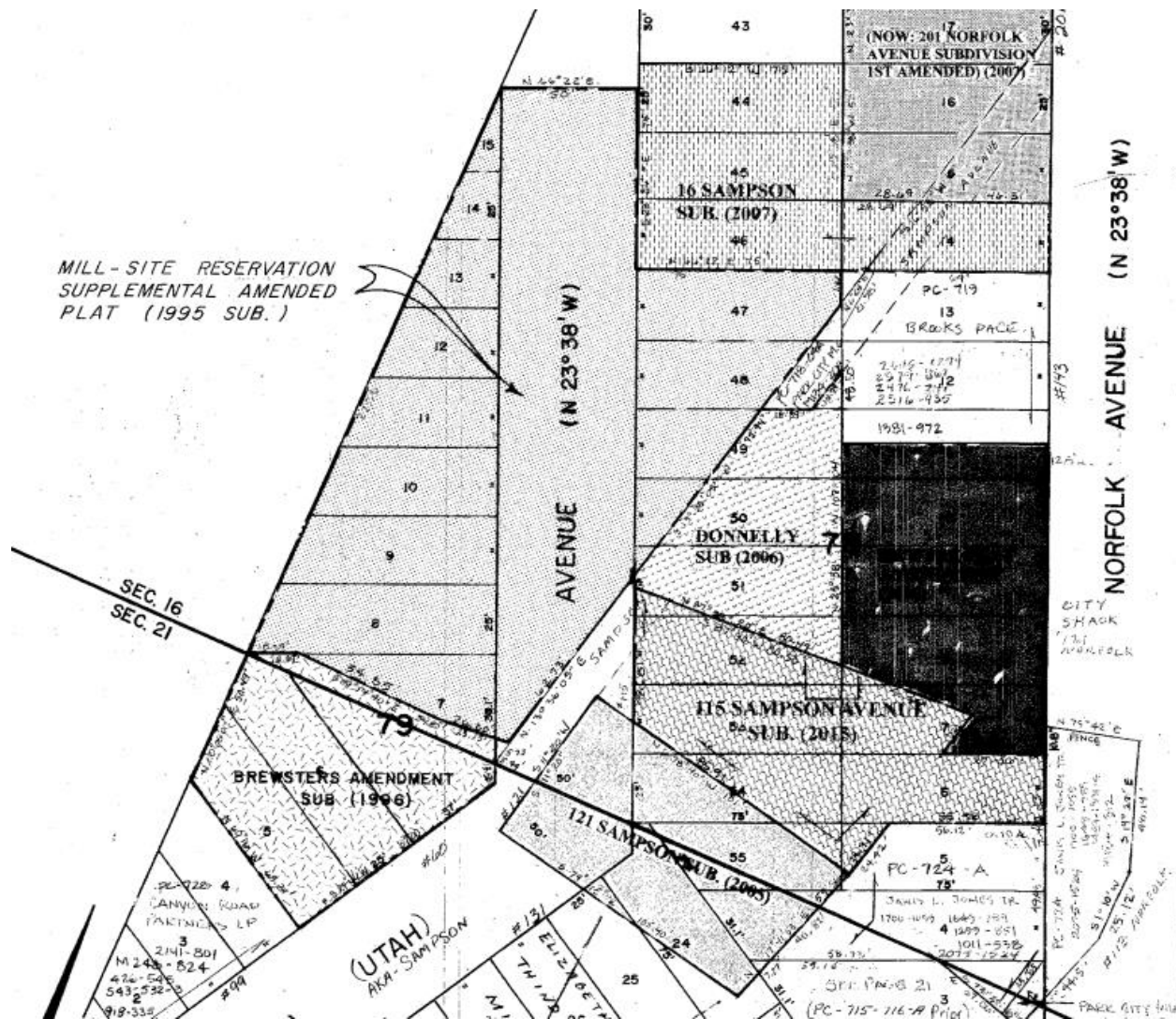


Figure 1: Location of Utah Avenue

According to the Summit County records, Utah Avenue had 50 feet wide right of way with a bearing North 29°44' West. Utah Avenue changes direction at the section line between Section 16 and Section 21 with a centerline bearing North 23°38' West.

Over the years, Lot 78 was subdivided, and the right of way and road centerline bearing changed.

II. Existing Conditions

As stated before, Utah Avenue has a 50-foot wide right of way up to the section line dividing Section 16 and Section 21, Township 2 South, Range, 4 East, Salt Lake Base, and Meridian.

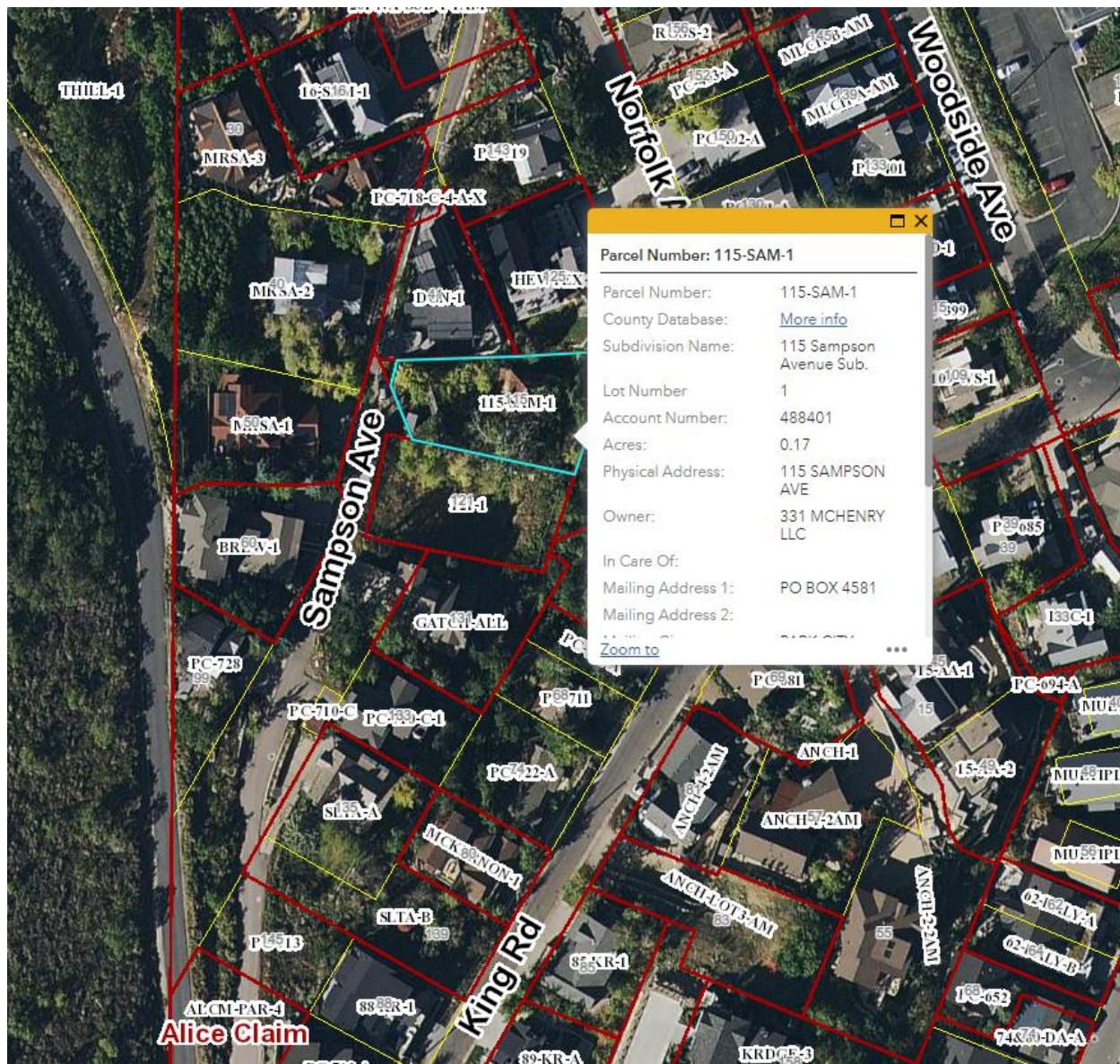


Figure 2: Utah Avenue and Sampson Avenue

Due to the recordation of subdivision plats on Section 16, the configuration and width of Utah Avenue changed, creating a new narrow corridor Sampson Avenue (see Figure 3).

As shown in Figure 3, the proposed right-of-way vacation does not conflict with adjacent residents' rights or cross the Utah Avenue centerline.

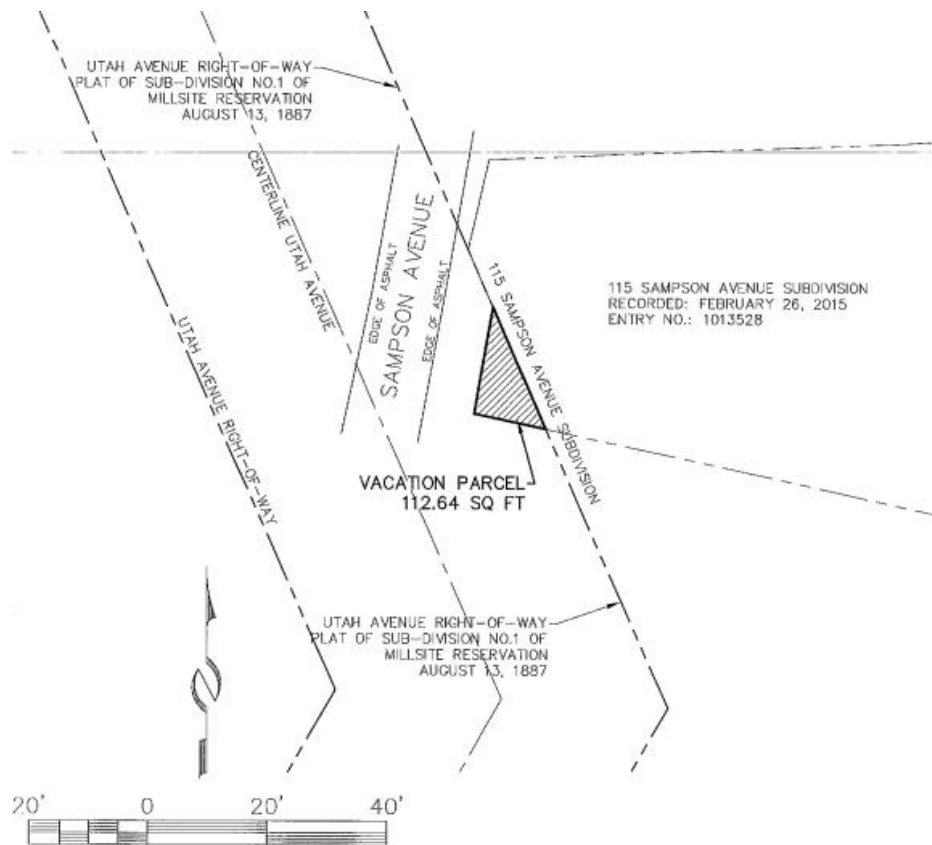


Figure 3: Utah Avenue right of way and road centerline.

III. Recommendation

The Engineering Department does not see any conflicts with the vacation of 112.64 square feet of the public right of way.

(IV) Staff finds Good Cause for this Plat amendment because (A) present land Uses and the character of the HRL Zoning District are retained, (B) no Public Street or Right-of-Way is vacated or amended, and (C) no easement is vacated or amended.

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 further the health safety and welfare of the Park City Community.”

A. The Historic Residential – Low Density (HRL) Zoning District Uses and Character of the residential Area is retained.

This proposal is consistent with the zoning district by preserving the character of Historic residential development, encouraging the preservation of the site's Historic Structure, and encourages construction of Historically Compatible Structures that contribute to the character and scale of the Historic District.⁴

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

Although the Applicant petitioned the City to vacate a ROW, the petition does not increase density, decrease the width of Sampson Avenue, or impact the utility of the ROW. The intent of the Plat amendment is to memorialize the vacation/dedication of ROW.

C. No easement is vacated or amended.

The Plat amendment will not vacate or amend any easement. The Applicant indicates they do not intend to vacate or amend the 2015 Encroachment Permit.

(V) The Development Review Committee met on March 15, 2022, reviewed the proposal, and did not identify any issues.

Department Review

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

Notice

Staff published notice on the City's website and the Utah Public Notice website, and posted notice to the property on June 8, 2022. Staff mailed courtesy notice to property owners within 300 feet on June 8, 2022. The *Park Record* published notice on June 8, 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 for Ordinance No. 2022-XX, approving the 115 Sampson Avenue Subdivision First Amended Plat;
- The Planning Commission may forward a negative recommendation for Ordinance No. 2022-XX, denying the 115 Sampson Avenue Subdivision First Amended Plat, and directing staff to make findings for this denial; or

⁴ LMC [§ 15-2.1-1](#)

- 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 Plat
Exhibit B:	Existing Plat
Exhibit C:	Right-of-Way Vacation Petition
Exhibit D:	Applicant Statement
Exhibit E:	Site Pictures and Existing Conditions
Exhibit F:	2013 Planning Commission Staff Report
Exhibit G:	2018 Historic Preservation Board Staff Report
Exhibit H:	2018 Historic Preservation Board Meeting Minutes
Exhibit I:	2018 Steep Slope Conditional Use Permit Final Action Letter
Exhibit J:	2019 Extension of Steep Slope Conditional Use Permit Final Action Letter
Exhibit K:	2019 Extension of HDDR Final Action Letter
Exhibit L:	Planning Director Determination Letter
Exhibit M:	Encroachment Permit
Exhibit N:	Engineering Department Recommendation Memorandum

Ordinance No. 2022-XX

AN ORDINANCE APPROVING THE VACATION OF A PORTION OF THE PLATTED SAMPSON AVENUE RIGHT-OF-WAY ADJACENT TO 115 SAMPSON AVENUE AND THE 115 SAMPSON AVENUE SUBDIVISION FIRST AMENDED PLAT AMENDMENT, LOCATED AT 115 SAMPSON AVENUE, PARK CITY, UTAH

WHEREAS, the owner of the property located at 115 Sampson Avenue petitioned the City Council for approval of the 115 Sampson Avenue First Amended Plat Amendment; and

WHEREAS, the owner of the property located at 115 Sampson Avenue petitioned the City Council for a vacation of 112.64 square feet of the platted Sampson Avenue adjacent to 115 Sampson Avenue; and

WHEREAS, on June 8, 2022, notice was published in the *Park Record* and on the City and Utah Public Notice websites; and

WHEREAS, on June 8, 2022, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on June 8, 2022, courtesy notice was mailed to property owners within 300 feet 115 Sampson Avenue; and

WHEREAS, the requirements of State Code 10-9a-609.5 Vacating a Street, Right-of-Way, or Easement were followed; and

WHEREAS, the guidelines provided in Resolution 08-98 were followed in analyzing the request for vacation; and

WHEREAS, on June 22, 2022, the Planning Commission reviewed the proposal and held a public hearing; and

WHEREAS, on June 22, 2022, the Planning Commission forwarded a **positive/negative** recommendation for City Council's consideration on July 21, 2022; and

WHEREAS, on July 21, 2022, the City Council reviewed the proposal 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 15-2.1 and 15-7.

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

SECTION 1. APPROVAL. The 115 Sampson Avenue Subdivision Plat Amendment at

115 Sampson Avenue, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

Background:

1. The property is located at 115 Sampson Avenue.
2. The property is listed with Summit County as Parcel number 115-SAM-1.
3. The existing historic Structure is listed as “Significant” on the Historic Sites Inventory.
4. On March 3, 2022, the Applicant petitioned Park City to vacate a portion of the Sampson Avenue Right-of-Way.
5. On March 4, 2022, the Applicant submitted a complete Plat Amendment application.
6. The proposed Plat Amendment memorializes the petition to vacate a 112.64 square feet portion of the Sampson Avenue Right-of-Way and the dedication of 112.64 square feet to the City.
7. No easement is vacated or amended as a result of the plat amendment.
8. The property is in the Historic Residential – Low Density (HRL) Zoning District.
9. The LMC regulates Lot and Site Requirements per LMC § 15-2.1-3.
10. A Single-Family Dwelling is an allowed Use in the HRL Zoning District and requires a minimum lot size of 3,750 square feet. The Lot size is 7,167 square feet.
11. The minimum Lot width in the HRL Zoning District is 35 feet. The proposed Lot complies with this requirement.
12. The required Front Setback for Lot depths of 100 feet or greater is ten feet (15'). The proposed Lot complies with this requirement.
13. The required Rear Setback is ten feet (15'). The proposed Lot complies with this requirement.
14. The required Side Setback is five feet (5'). The proposed Lot complies with this requirement.
15. The Maximum Building Footprint in the HRL Zoning District = $(\text{Lot Area}/2) \times 0.9^{\text{Lot Area}/1875}$. The maximum Building Footprint for this Lot is 2,482 square feet.
16. The analysis section of the staff report is included herein.

Conclusions of Law

1. The Plat Amendment is consistent with the Park City Land Management Code, including LMC Chapter 15-2.1 Historic Residential-Low Density (HRL) Zoning District and LMC § 15-7.1-6 Final Subdivision Plat.
2. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
3. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.
4. The Vacation of Right-of-Way is consistent with Resolution 8-98, Resolution Adopting a Policy Statement Regarding the Vacation of Public Right-of-Ways within Park City, Utah and Utah State Code 10-9a-609, Petition to vacate a public street.

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 year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. 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. The final Plat shall include the maximum Building Footprint of 2,482 square feet as a Plat note.
5. Future development of this Lot shall comply with the required setbacks.
6. Future development of this Lot shall comply with Land Management Code Building Height Requirements.
7. The Applicant shall obtain Historic District Design Review approval prior to developing the site.
8. The Applicant shall obtain a Steep Slope Conditional Use Permit from the Planning Commission prior to developing the site.
9. A non-exclusive ten foot (10') public snow storage easement on Sampson Avenue shall be dedicated on the plat.
10. 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. VACATION APPROVAL. The vacation is approved as shown on Attachment 1.

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 21st Day of July 2022.

PARK CITY MUNICIPAL CORPORATION

Nann Worel, MAYOR

ATTEST:

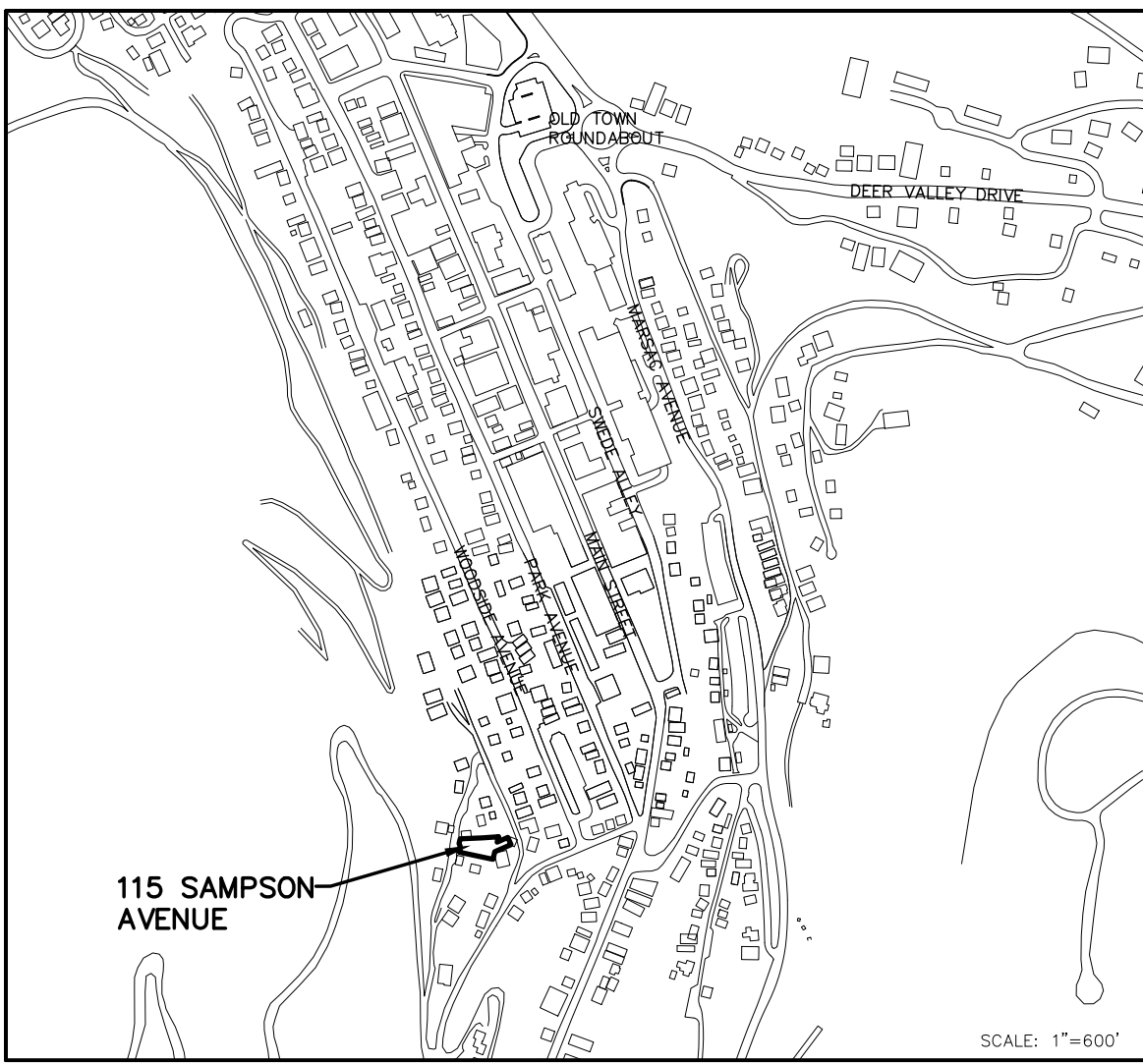
City Recorder

APPROVED AS TO FORM:

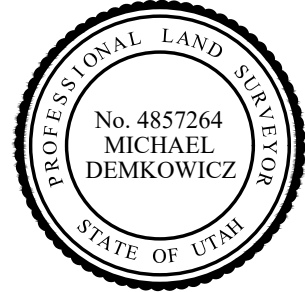
City Attorney's Office

Attachment 1 – Proposed Plat and Survey of Right-of-Way Vacation

DRAFT



VICINITY MAP



SURVEYOR'S CERTIFICATE

I, Michael Demkowicz, do hereby certify that I am a Professional Land Surveyor and that I hold License No. 4857264 as prescribed under the laws of the State of Utah. I further certify that by authority of the owner, I have made a survey of the land shown on this plat and described hereon, hereafter to be known as 115 SAMPSON AVENUE SUBDIVISION FIRST AMENDED, and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

LEGAL DESCRIPTION

LOT 1, 115 SAMPSON AVENUE SUBDIVISION, according to the official plat thereof on file and of record in the Summit County Recorder's Office.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS that the undersigned is the owner of the above described parcel of land, and hereby causes the same to be amended, together with easements as set forth to be hereafter known as 115 SAMPSON AVENUE SUBDIVISION FIRST AMENDED and does hereby dedicate for the perpetual use of the public the areas shown on this plat as intended for public use. The undersigned owner also hereby conveys to any and all public utility companies a perpetual, non-exclusive easement over any public utility easements shown on this plat, the same to be used for the installation, maintenance and operation of utility lines and facilities. The undersigned owner also hereby conveys any other easements as shown on this plat to the parties indicated and for the purposes shown hereon.

In witness whereof, the undersigned set his hand this ____ day of _____, 2022.

Mountain Town Lands, LLC, a Utah limited liability company

By: Christopher J. Goff, Manager

ACKNOWLEDGMENT

STATE OF UTAH)
 : ss.
COUNTY OF SUMMIT)

On this ____ day of _____, 2022, Christopher J. Goff 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 the Manager of Mountain Town Lands, LLC, a Utah limited liability company, and that said document was signed by him on behalf of said limited liability company by authority of its Operating Agreement or Resolution of its Members, and he acknowledged to me that he executed 115 SAMPSON AVENUE SUBDIVISION FIRST AMENDED.

By: Notary Public

Printed Name

Residing in:

My commission expires:

Commission No.

NOTES

- This plat amendment is subject to the Conditions of Approval in Ordinance 2022-_____.
- 115 Sampson Avenue may require a privately owned and operated wastewater ejector pump for wastewater service.
- See recorded survey S-6749 in the Office of the Recorder, Summit County, Utah.
- The property is located in Zone X, areas determined to be outside the 0.2% annual chance floodplain, as shown on the Flood Insurance Rate Map of the Federal Emergency Management Agency, Panel 938, Map Number 49043C0938D, and has an effective date of March 23, 2021.

SAMPSON AVENUE
RIGHT-OF-WAY
DEDICATION PARCEL
=112.64 SQ FT

SAMPSON AVENUE
(A PUBLIC RIGHT-OF-WAY)

ENCROACHMENT PERMIT
RECORDED: FEBRUARY 2, 2015
ENTRY NO.: 1013521
BOOK 2277, PAGE 1554

FOUND & ACCEPTED:
5/8" REBAR W/CAP
ALLIANCE ENGR 163931

FOUND 5/4" REBAR
NO CAP
S 21°56'27" E 1.13'

LOT A
115 SAMPSON AVENUE
CONTAINS 7,617.38 SQ FT
(0.17 ACRES)

121 SAMPSON SUBDIVISION

FOUND & ACCEPTED:
1/2" REBAR-NO CAP

FOUND & ACCEPTED:
5/8" REBAR-NO CAP

FOUND & ACCEPTED:
5/8" REBAR W/CAP
AE 6164

FOUND & ACCEPTED:
5/8" REBAR-NO CAP
S 66°34'00" W 25.00'

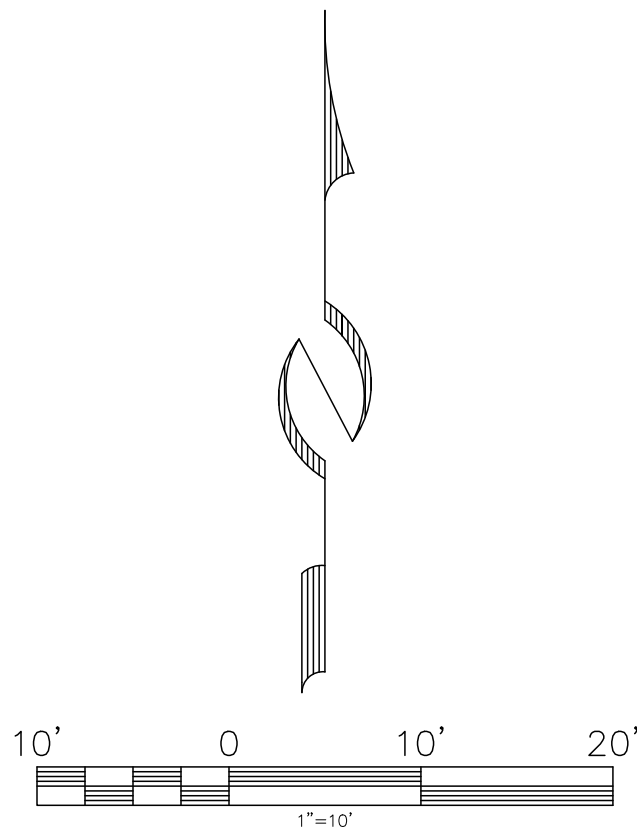
SET 5/8" REBAR W/CAP
ALLIANCE ENGR 163931
FOUND 5/8" REBAR-NO CAP
S 25°18'59" E 1.01'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 80°02'00" E	11.00'
L2	N 23°38'00" W	10.52'
L3	N 13°21'32" E	15.48'
L4	S 13°33'20" W	17.29'

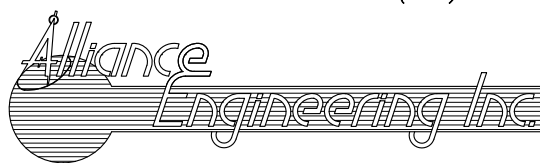
115 NORFOLK AVENUE

115 SAMPSON AVENUE SUBDIVISION FIRST AMENDED

LOCATED IN BLOCK 78, PARK CITY SURVEY
AND IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



THIS PLAT SUPERSEDES 115 SAMPSON AVENUE SUBDIVISION, RECORDED FEBRUARY 26, 2015, AS ENTRY NO. 1013528.



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

SHEET 1 OF 1

3/3/22 JOB NO.: 2-2-22 FILE: X:\ParkCitySurvey\dwg\sr\plot2022\020222.dwg

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ____ DAY OF _____, 2022
BY _____ ENGINEERING DEPARTMENT

PLANNING COMMISSION
RECOMMENDED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF _____, 2022
BY _____ CHAIR

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF _____, 2022
BY _____ PARK CITY ENGINEER

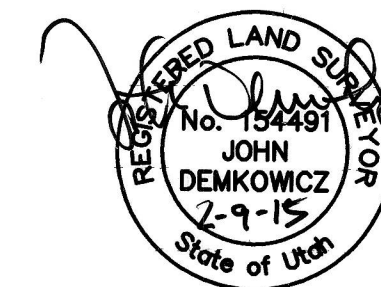
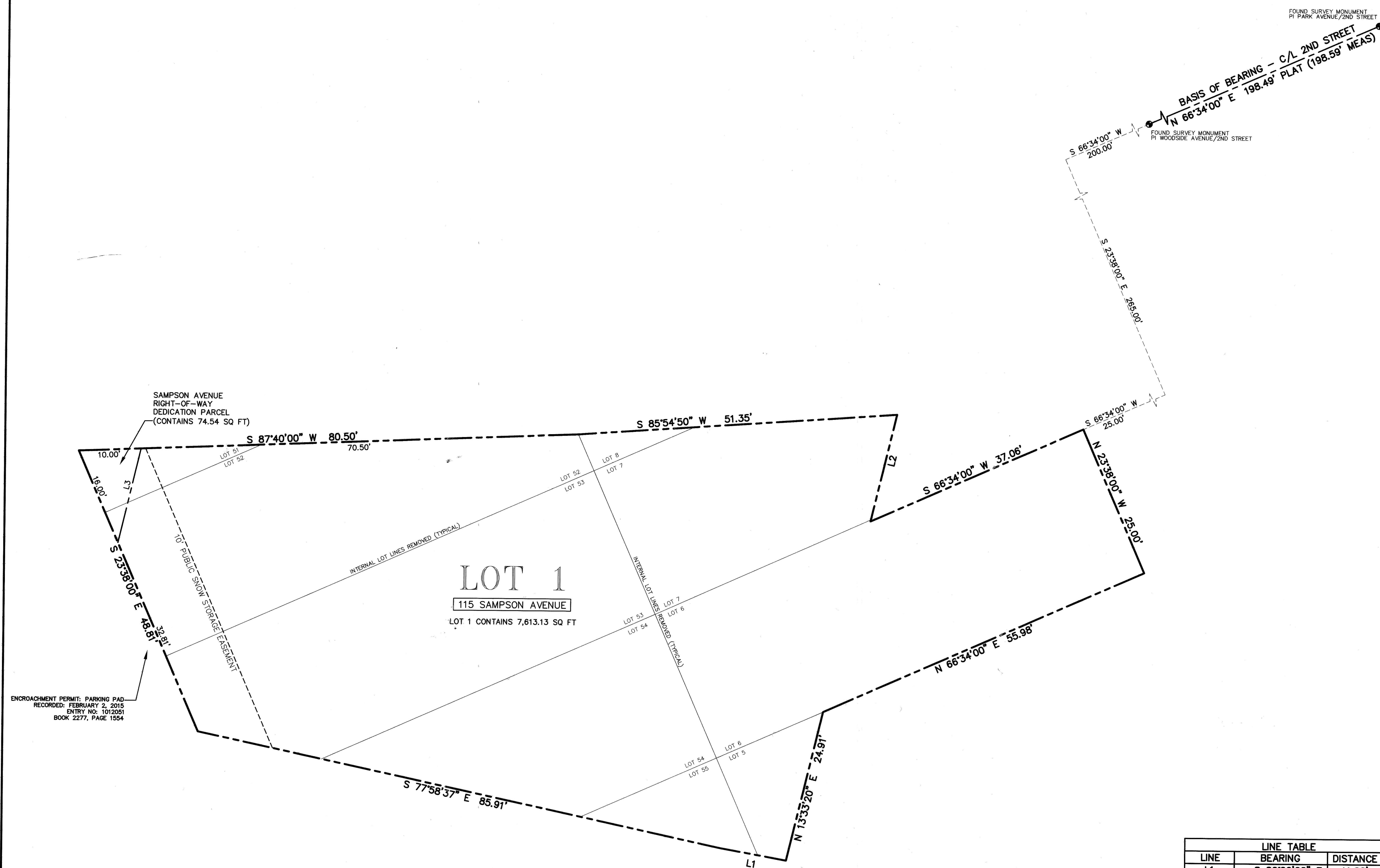
APPROVAL AS TO FORM
APPROVED AS TO FORM THIS ____ DAY OF _____, 2022
BY _____ PARK CITY ATTORNEY

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF _____, 2022
BY _____ MAYOR

CERTIFICATE OF ATTEST
I CERTIFY THIS PLAT WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF _____, 2022
BY _____ PARK CITY RECORDER

PUBLIC SAFETY
ANSWERING POINT APPROVAL
APPROVED THIS ____ DAY OF _____, 2022
BY _____ SUMMIT COUNTY GIS COORDINATOR

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____
FEE _____ RECORDER
TIME _____ DATE _____ ENTRY NO. _____



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 owner, I have prepared this Record of Survey map of 115 SAMPSON AVENUE SUBDIVISION and that the same has been or will be monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

BOUNDARY DESCRIPTION

ALL OF LOT 6 AND PART OF LOTS 5, 7, 8, 51, 52, 53, 54 AND 55, ALL IN BLOCK 78 OF THE MILLSITE RESERVATION TO PARK CITY, Summit County, Utah, being more particularly described as follows:

Beginning at a point which is distant North 86°02'50" West 30.02 feet from the easternmost corner of said Lot 7; thence South 85°54'50" West 51.35 feet to a point on the common lot line of said Lots 8 and 52; thence South 87°40'00" West 80.50 feet to a point on the southwesterly line of said Lot 51; thence South 23°38'00" East along the southwesterly line of said Lots 51, 52, and 53 a distance of 48.81 feet; thence South 77°58'37" East 85.91 feet; thence South 80°02'00" East 11.00 feet; thence North 13°33'20" East 24.91 feet to a point on the southeasterly line of said Lot 6; thence North 66°34'00" East 55.98 feet to the easternmost corner of said Lot 6; thence North 23°38'00" West 25.00 feet to the northernmost corner of said Lot 6; thence South 66°34'00" West along the northwesterly line of said Lot 6 a distance of 37.06 feet; thence North 13°33'20" East 17.29 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Silver Potato, LLC, a Utah limited liability company, the undersigned owner of the herein described tract of land to be known hereafter as 115 SAMPSON AVENUE SUBDIVISION, does hereby certify that it has caused this Plat Amendment to be prepared, and does hereby consent to the recordation of this Plat.

ALSO, the owner hereby irrevocably offers for dedication to the City of Park City all the streets and land for local government uses shown on the plat in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set his hand this 10th day of February, 2015.

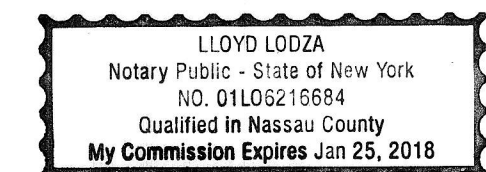
Joseph Sponholz, Manager
Silver Potato, LLC, a Utah limited liability company

ACKNOWLEDGMENT

State of NY
County of NY

On this 10th day of February, 2015, Joseph Sponholz personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Joseph Sponholz acknowledged to me that he is the manager of Silver Potato, LLC, a Utah limited liability company, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

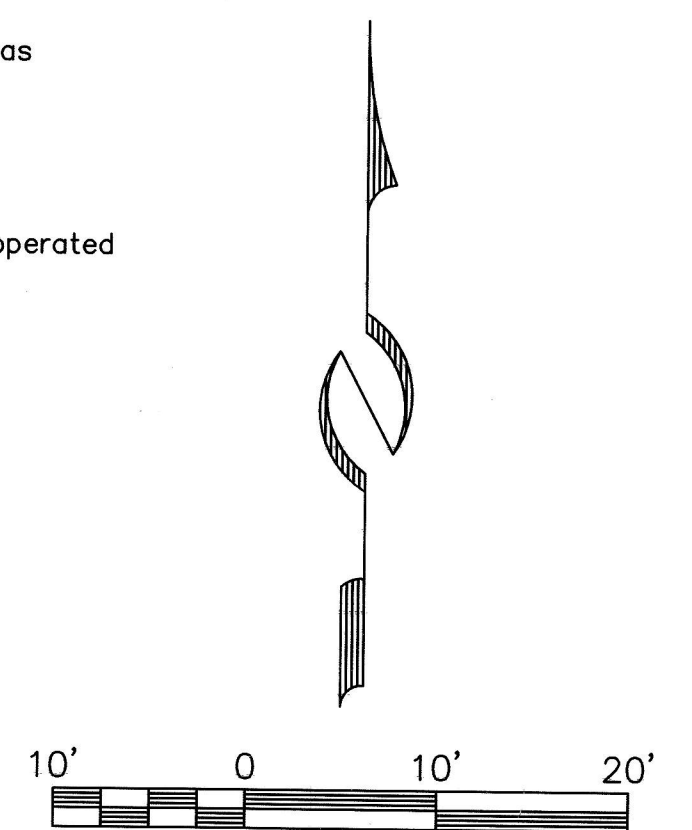
Lloyd Lodza
Notary Public
Printed Name LLOYD LODZA
Residing in: NY



My commission expires: 01/25/2018

NOTES

- All new construction will require modified 13-D sprinklers as required by the Building Department.
- This subdivision is subject to the conditions of approval in Ordinance 14-07.
- 115 Sampson Avenue may require a privately owned and operated wastewater ejector pump for wastewater service.
- Property survey S-6749 (Summit County Recorder)



A PARCEL COMBINATION PLAT

A COMBINATION OF ALL OF LOT 6 AND PORTIONS OF LOTS 5, 7, 8 AND 51-55 OF BLOCK 78, PARK CITY SURVEY

115 SAMPSON AVENUE SUBDIVISION

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

SHEET 1 OF 1

 (435) 649-9467 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 <u>11th</u> DAY OF <u>February</u> , 2015 BY <u>B.D. D.</u> S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 12th DAY OF FEBRUARY, 2014 BY <u>Chair</u> CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS <u>24th</u> DAY OF <u>February</u> , 2015 BY <u>Park City Engineer</u> PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS <u>24th</u> DAY OF <u>February</u> , 2015 BY <u>Park City Attorney</u> PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 6th DAY OF MARCH, 2014 BY <u>Jack Thomas</u> MAYOR	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS <u>24</u> DAY OF <u>February</u> , 2015 BY <u>Recorder</u> PARK CITY RECORDER	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF <u>Silver Potato LLC</u> DATE <u>2/26/2015</u> TIME <u>2:52 pm</u> ENTRY NO. <u>1013528</u> FEE <u>\$31.00</u> RECORDER <u>C. Willoughby - deputy</u>
	JOB NO.: 2-7-13 FILE: X:\ParkCitySurvey\dwg\sr\plat2013\020713.dwg						

Christopher James Goff

3125 Creek Road
Park City, UT 84098
Phone: 713-293-2682

Park City Municipal Corporation

445 Marsac Avenue
Park City, UT 84060

March 3, 2022

Re: Right of Way Vacation Petition (115 Sampson Avenue)

As the property owner, I would like to submit a petition for vacation for a portion of the public right of way within the jurisdictional boundary of Park City.

I am seeking to vacate a portion of the property between the current 115 Sampson Avenue property line and its access street, Sampson Avenue, in effort to line the property with the street. In exchange for this vacation, I intend to dedicate an equal portion of the property to the city. Both the vacation and the dedication properties are between the street and the property line for 115 Sampson Avenue. This neutral property swap would improve the egress and ingress of the property.

The attached exhibit (Exhibit A) shows the vacation area.

I am pleased to have the opportunity to work with the city through this vacation petition and welcome the opportunity to go before the city in a working meeting to discuss any of the details.

If you have any questions or concerns, please feel free to reach out to me.

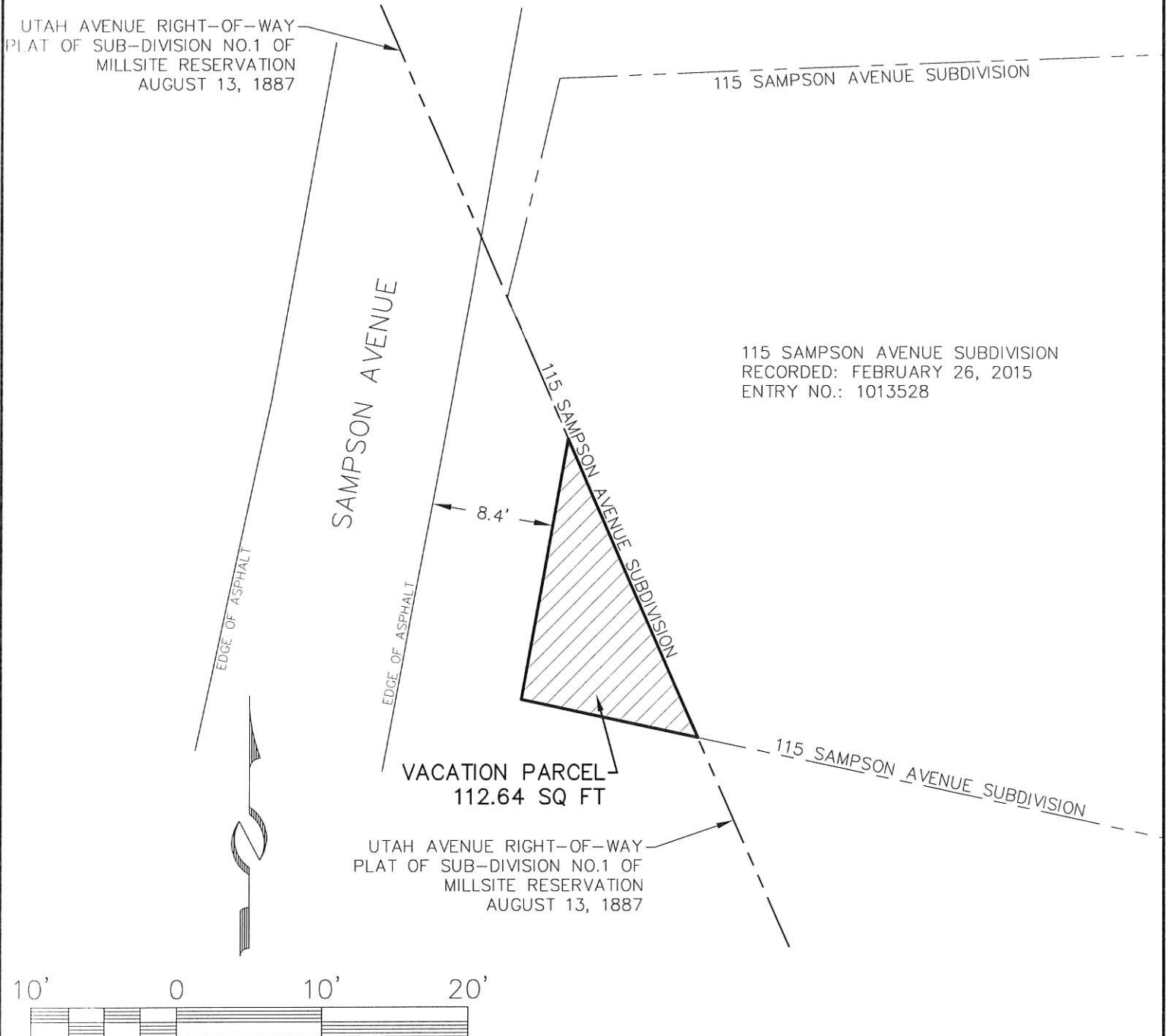
Respectfully,



Christopher James Goff
Manager
Mountain Town Lands, LLC

EXHIBIT A

115 SAMPSON AVENUE BLOCK 78, PARK CITY SURVEY PETITION FOR RIGHT-OF-WAY VACATION



LEGAL DESCRIPTION

115 SAMPSON AVENUE RIGHT-OF-WAY VACATION

March 3, 2022

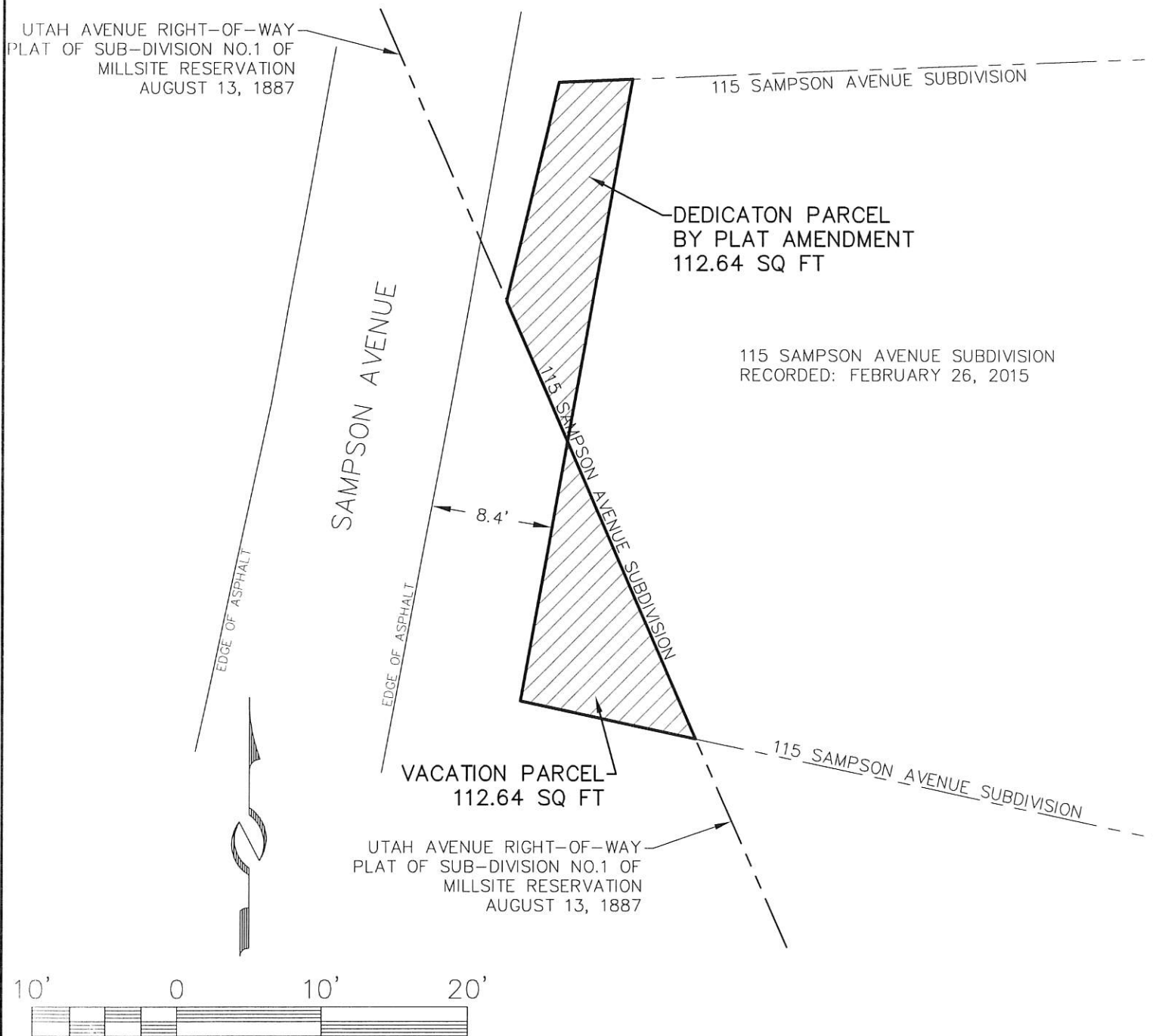
A parcel located in the southeast quarter of the southeast quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being described as follows:

Beginning at a point that is North 80°02'00" West 11.00 feet and North 77°58'37" West 85.91 feet from the southernmost corner of Lot 1, 115 Sampson Avenue Subdivision, recorded February 26, 2015, as Entry No. 1013528 in the Office of the Recorder, Summit County, Utah, said point also being South 32°23'22" West 452.21 feet from a street monument at the intersection of Woodside Avenue and Second Street, Park City Survey and said point also being on the easterly right-of-way of Utah Avenue, Plat of Sub-division No.1 of Mill-site Reservation, Park City, filed August 13, 1887, in the Office of the Recorder, Summit County, Utah; and running thence North 77°58'37" West 12.44 feet; thence North 10°15'33" East 18.12 feet to the easterly right-of-way of said Utah Avenue and also being the west boundary of Block 78, Plat of Sub-division No.1 of Mill-site Reservation; thence coincident with the easterly right-of-way of Utah Avenue and the westerly boundary of Block 78 South 23°38'00" East 22.29 feet to the point of beginning.

Description contains 112.64 square feet.

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115 SAMPSON AVENUE
BLOCK 78, PARK CITY SURVEY
PETITION FOR RIGHT-OF-WAY VACATION



115 SAMPSON AVENUE
BLOCK 78, PARK CITY SURVEY
PETITION FOR RIGHT-OF-WAY VACATION
AND
DEDICATION BY PLAT AMENDMENT



JOB NO.: 2-2-22

3/2/22 FILE: X:\ParkCitySurvey\dwg\ParcelExhibits\190-115 sampson vacation.dwg

115 SAMPSON AVENUE SUBDIVISION FIRST AMENDED
AMENDED PLAT OF PARK CITY, BLOCK 78

March 3, 2022

PROJECT INTENT

The property at 115 Sampson Avenue was recorded as a single lot on February 26, 2015, as Entry No. 1013528 in the Office of the Recorder, Summit County, Utah in a plat known as 115 Sampson Avenue Subdivision.

This plat application, along with a petition to vacate a portion of Utah Avenue, is proposing to make a land swap equal in area (Park City to vacate 112.64 square feet and the applicant to dedicate 112.64 square feet) between the owner and Park City Municipal Corporation for the purpose of creating a property boundary/right-of-way that is parallel with the existing asphalt of Sampson Avenue.

The property that is being proposed to be vacated by Park City is part of the historic Utah Avenue as shown on the Plat of Sub-division No. 1 of Mill-site Reservation dated August 13, 1887, and is on a slope off of the east edge of the existing asphalt of Sampson Avenue. The portion of land that the applicant is proposing to dedicate to Park City is within Block 78 and provides approximately 8.4 to 8.5 feet of additional public right-of-way off of the easterly edge of the existing asphalt.

The applicant also requests that the plat amendment be approved in accordance with the current Land Management Code in the HRL (Historic Residential-Low Density) District regarding the front, rear and side yard setbacks.

An encroachment permit recorded February 2, 2015, as Entry No. 1012051 affects this property along Sampson Avenue and is for a parking pad. The applicant is also requesting that this encroachment permit be terminated along with the vacation of a portion of Utah Avenue since the proposed vacation and dedication would cause this permit to be irrelevant.

A proposal will be presented in the near future to renovate the existing residence (which is currently in a state of disrepair) and construct an addition onto the rear of the renovated residence.



115 Sampson Ave - front - looking southeasterly



115 Sampson Ave - front - looking easterly



115 Sampson Ave - front - looking northeasterly



115 Sampson Ave - rear - looking southwesterly



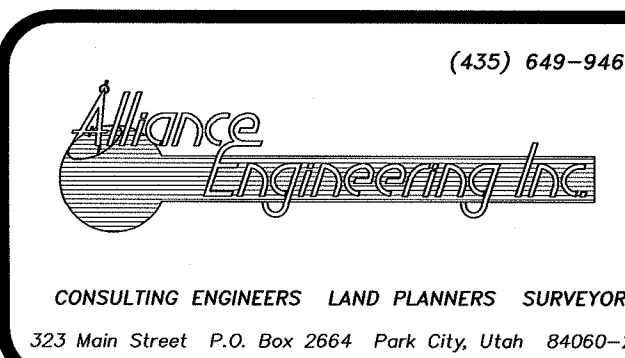
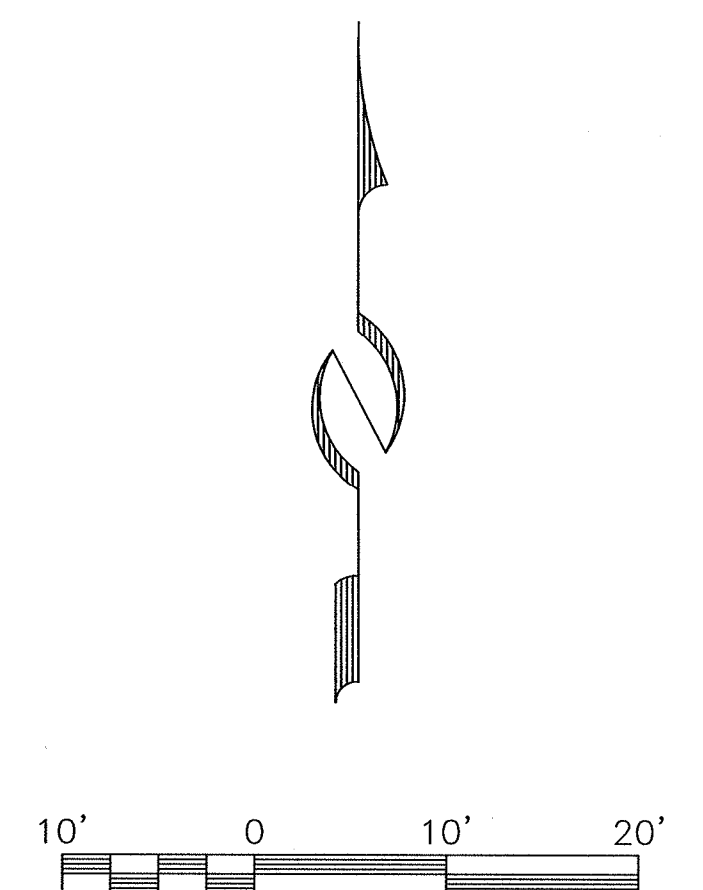
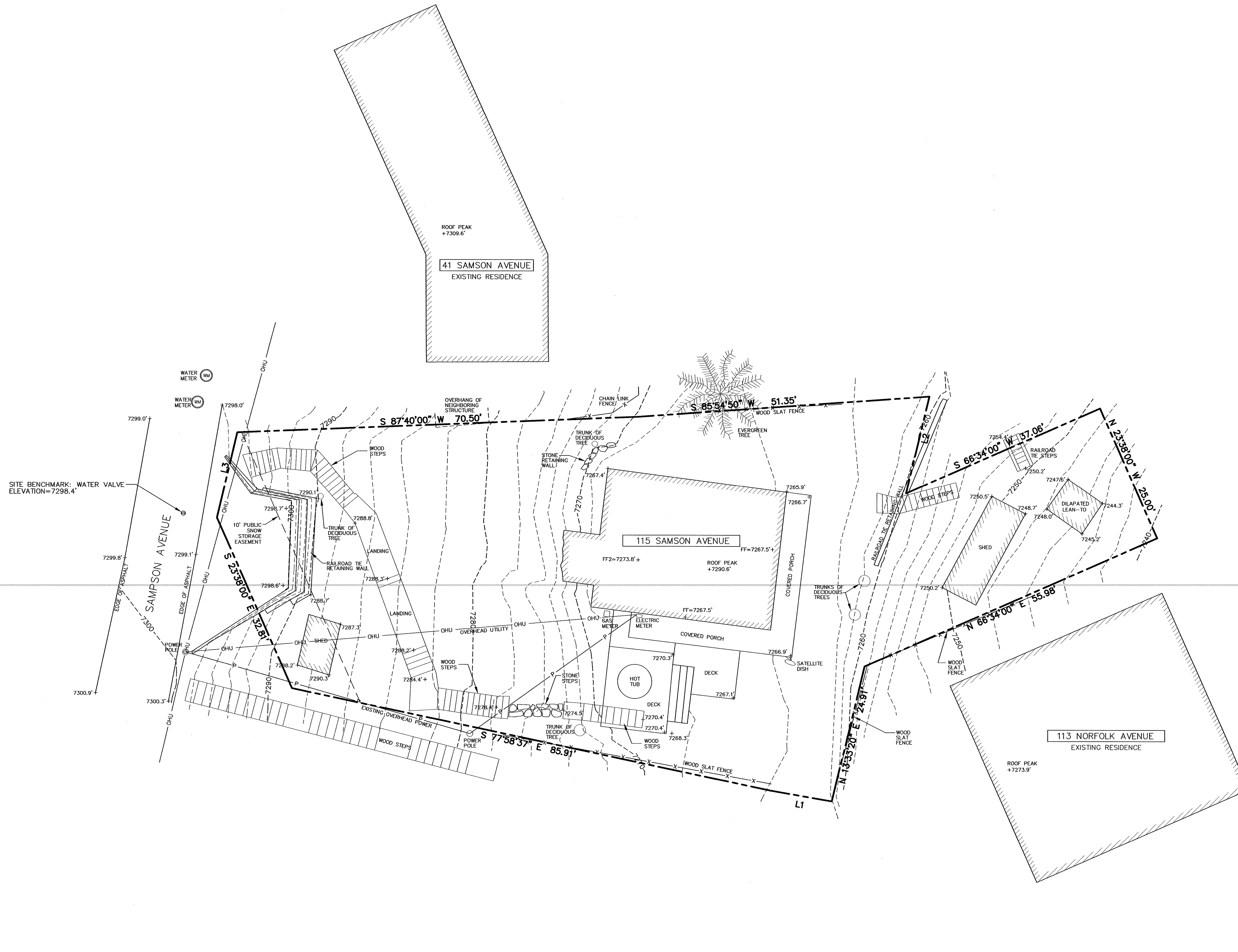
SURVEYOR'S CERTIFICATE

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

NOTES

1. Site Benchmark: Water valve in Sampson Avenue
Elevation=7298.4'
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on a field survey performed on July 24, 1998, and updated on July 28, 2006, November 16, 2007, and March 4, 2022.
4. See recorded survey S-6749.

LINE	BEARING	DISTANCE
L1	S 80°02'00" E	11.00'
L2	N 13°33'20" E	17.29'
L3	S 13°20'43" W	15.45'



STAFF:
MARSHALL KING
BLAKE MYERS
CHIP TOMSUDEN

DATE: 3/4/22

EXISTING CONDITIONS
115 SAMPSON AVENUE
BLOCK 78, PARK CITY SURVEY

FOR: MOUNTAIN TOWN LANDS, LLC
JOB NO.: 2-2-22
FILE: X:\ParkCitySurvey\dwg\sr\topo2022\020222.dwg

SHEET
1
OF
1

City Council Staff Report



PLANNING DEPARTMENT

Application #: PL-13-02035
Subject: 115 Sampson Avenue Plat
Amendment
Author: Anya Grahn, Historic Preservation Planner
Date: March 6, 2014
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the City Council hold a public hearing for the 115 Sampson Avenue plat amendment located at the same address, and consider approving the proposed plat amendment based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Description

Applicant: Silver Potato LLC (Nancy Bronstein), represented by Steve Schueler, Alliance Engineering, Inc.
Location: 115 Sampson Avenue
Zoning: Historic Residential—Low Density (HRL) District
Adjacent Land Uses: Single-family residential, vacation rentals
Reason for Review: Plat approval requires City Council review and approval

Proposal

The applicant is requesting a Plat Amendment for the purpose of combining all of Lot 6, and portions of Lots 5, 7, 8, 51, 52, 53, 54, 55 of Block 78 of the Park City Survey. The existing historic structure straddles Lots 6, 7, 53, and 54 of the Park City Survey and is a valid complying structure. There are also two (2) accessory sheds, that were not identified on the Historic Sites Inventory (HSI) as historic, on Lot 6; a third non-historic shed is located on Lot 53. The plat amendment is necessary in order for the applicant to move forward with an HDDR for the purpose of repairing and restoring the historic house on the significant site, as well as potentially adding a new addition.

Purpose

The purpose of the Historic Residential-Low Density (HRL) District is to:

- (A) Reduce density that is accessible only by substandard Streets so these Streets are not impacted beyond their reasonable carrying capacity,
- (B) Provide an Area of lower density Residential Use within the old portion of Park City,
- (C) Preserve the character of Historic residential Development in Park City,
- (D) Encourage the preservation of Historic Structures,
- (F) Encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District, and maintain existing residential neighborhoods,

- (F) Establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment, and
- (G) Define Development parameters that are consistent with the General Plan policies for the Historic core.

Background

Future Site Improvements

The 115 Sampson Avenue property is listed on the Historic Sites Inventory (HSI) as a Significant site which includes a small Mining era home constructed in 1904. The historic home straddles the lot line between Lots 6, 7, 53, and 54. There are also two (2) accessory sheds, that were not identified on the HSI as historic, on Lot 6; a third non-historic shed is located on Lot 53.

Due to water damage, the Building Department issued a Notice and Order to Repair and Vacate the building in 2010 and at that time, the mothballing of the house was permitted. Despite securing entrances to the building through the mothballing process, the severe decline and deterioration of the vacant structure resulted in a second Notice and Order on April 10, 2013.

A Pre-Historic District Design Review (Pre-HDDR) was submitted to the Planning Department on April 9, 2013, following the Notice and Order. The Design Review Team (DRT) met with the applicants' representative on May 1, 2013, to discuss the potential redevelopment of the property. At that time, the applicants expressed an interest in reconstructing the building and adding a small addition. No Historic District Design Review (HDDR) application has been submitted at this time.

The historic structure is in significant disrepair and would likely qualify for panelization or reconstruction. (This determination must be made by the Planning Director and Chief Building official during the HDDR process.) The site may be cleared following the approval of an HDDR, recording of a preservation plan, and securing a financial guarantee for the repair or reconstruction of the historic structure, which satisfies the Notice and Order.

Once a financial guarantee has been secured, an HDDR approved, and the Preservation Plan has been recorded with Summit County, the applicant may clear the site. At this time, the Notice and Order is still active.

Plat Amendment

The plat application was submitted to the Planning Department on August 15, 2013. The application was deemed complete on August 28, 2013. The Planning Director made a determination as to the allowed setbacks due to the unusual lot configuration on September 16, 2013. This has reduced the overall building pad of the site to approximately 3,330 square feet.

On October 9, 2013, the Planning Commission reviewed the plat amendment for this site. During that meeting, it was found that staff had erred in the report, stating that the

site was in the Historic Residential (HR-1) District, rather than the Historic Residential-Low Density (HRL) District. The Planning Commission raised concerns about additional parking being located on Sampson Avenue, which would further burden the street. The City Engineer will consider the Planning Commission's input in considering parking for the site. The Commission had also raised concerns about the necessary height for a new rear addition in order for the structure to reach street-level. Any addition to the historic structure will require a Steep Slope Conditional Use Permit (CUP) and a Historic District Design Review (HDDR).

The Planning Commission held a Public Hearing and voted unanimously (5-0) to forward a positive recommendation of the 115 Sampson Avenue Plat Amendment on February 12, 2014. Public comment was provided at this meeting in regards to the parking conditions on Sampson Avenue.

Analysis

The house currently straddles the lot line between Lots 6, 7, 53, and 54 of the Park City Survey. Two (2) non-historic sheds are located within Lot 6, and a third (3rd) non-historic shed is located on Lot 53. The plat amendment is necessary in order for the applicants to make the necessary improvements to the site, which are subject to Planning Department review.

Per LMC 15-7.1-5(B)(2) the applicant is required to include all holdings, unless specifically waived by the Planning Department and Planning Commission, including land in the "same ownership," with an indication of the portion which is proposed to be subdivided. LMC 15-7.1-5(B)(2) states the subdivision application shall "Include all contiguous holdings of the Owner, unless specifically waived by the Planning Department and Planning Commission, including land in the "same ownership," as defined herein, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present Owner as recorded in the County Recorder's office. . . ." Silver Potato, LLC owns contiguous parcels at 125 Norfolk Avenue and 115 Sampson Avenue. 125 Norfolk Avenue was purchased on August 8, 2005. The property at 115 Sampson Avenue was purchased on January 29, 2010.

The applicant is only interested in creating a one (1)-lot subdivision at 115 Sampson Avenue. The parcel at 125 Norfolk Avenue is currently a metes and bounds parcel, and has already been developed. They do not wish to subdivide the parcel at 125 Norfolk Avenue at this time and are not proposing any changes to that site. They understand that any changes in the future that require a building permit will require a plat amendment.

The Planning Department supports the applicant pursuing the one (1) lot subdivision at 115 Sampson Avenue and not addressing the parcel at 125 Norfolk Avenue at this time. The Planning Director issued a waiver to this requirement on January 15, 2014 (Exhibit H). The site at 125 Norfolk Avenue was previously developed, and the applicant does

not intend to make any changes to that property. Moreover, the Planning Department finds that if the site were to be redeveloped in the future, smaller, more compatible infill would be more in keeping with the historic district than combining all of the parcels into one large lot. Future development will require a plat amendment application for this adjacent property. As previously noted, any changes to the existing development would require the applicant to submit a plat amendment application for 125 Norfolk Avenue. Furthermore, the one (1) lot subdivision at 115 Sampson Avenue is necessary in order to prevent greater safety hazards due to the declining condition of the historic structure. The Planning Department and Planning Commission agreed to waive the applicants' requirement to subdivide the contiguous holdings at 115 Sampson and 125 Norfolk Avenue.



Prior to recording the plat amendment, the applicant will also be required to resolve any encroachments that currently exist on the site. At this time, a railroad tie retaining wall along Sampson Avenue encroaches approximately twelve feet (12') southwest of the west property line. A second railroad tie retaining wall runs northeast along the east property line and approximately seventeen feet (17') into the neighboring property to the

north. There is also a wood slat fence that sits on and over the south property line. In the northeast corner of the site, railroad tie steps lead into the neighboring property to the north as well.

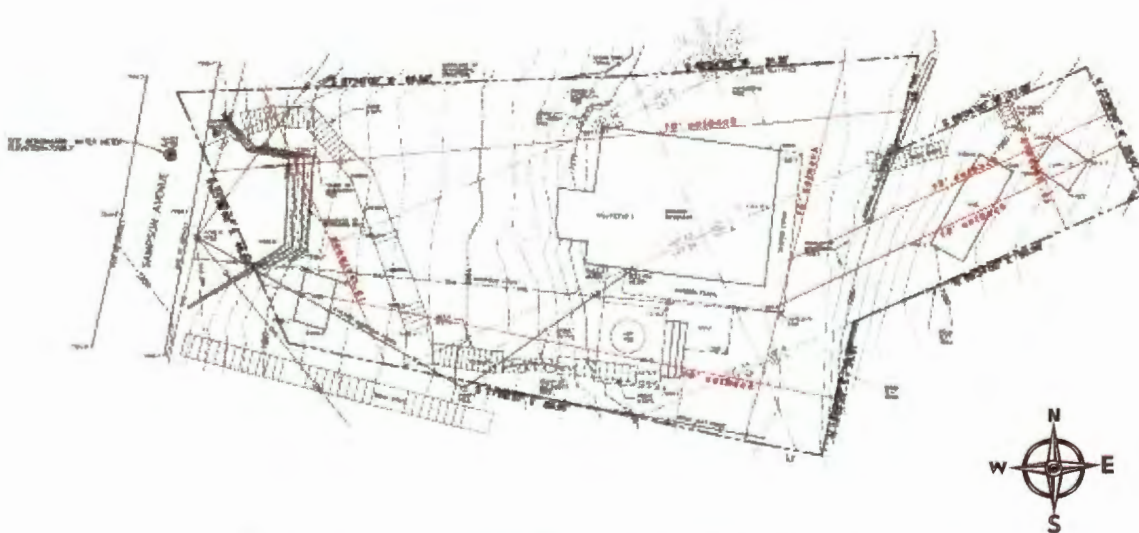
Per LMC 15-2.1-3(A) In the case of unusual lot configurations, such as this, Lot width measurements shall be determined by the Planning Director. As previously noted, the setbacks determined by the Planning Director have reduced the overall building pad of the site to approximately 3,330 square feet. The following table shows the setbacks set by the Planning Director in his Determination Letter dated September 16, 2013 (Exhibit E).

	HRL Zone Designations	Planning Director Determination	Existing Conditions
Lot Size	Minimum Lot Area of 3,750 SF	N/A	7,657 SF, <i>complies</i> (includes reduction due to street dedication)
Maximum Building Footprint	2,496.28 SF	N/A	1,055.7 SF total = House (831.7) and 3 Sheds (53.36+48.1+122.61)
Maximum Height	27 feet from Existing Grade	N/A	approx. 24 feet from Existing Grade, <i>complies</i>
North Side yard Setback	10 ft	10 ft	8'9" (House), <i>valid non-complying</i> (historic)
South Side yard Setback (Sheds)	10 ft 3 ft for accessory structures not more than 18 ft. in height, located minimum of 5 ft. behind front façade of main building	10 ft	27'6" (House); <i>complies</i> ; 3'9" (Shed), <i>complies</i> ; 2'6" (Shed) <i>does not comply</i> (setback requirement); 6' (Shed) <i>does not comply</i> (not located behind front façade);
Front Yard Setback	15 ft	15 ft	57' (House), <i>complies</i> ; 2'6" (Shed) <i>does not comply</i>
Rear Yard Setback (Sheds)	15 ft 1 ft for accessory structures not more than 18 ft in	15 ft	17'6" (House), <i>complies</i> ; 6'3" (Shed) <i>does not comply</i> (not located behind front façade)

	height, located a minimum of 5 ft. behind front façade of main building		
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Per LMC 15-2.1-4, historic structures that do not comply with Building Setbacks, Off-street parking, and driveway location standards are valid Complying Structures. Any new additions, however, will have to comply with Building Setbacks, building footprint, driveway location standards, and building height.

Because of the unusual lot configuration, the image below shows the setbacks determined by the Planning Director for clarification:



(See Exhibit E – Planning Director Determination Letter)

Given the setbacks determined by the Planning Director, the overall building pad of the site will be approximately 3,330 square feet. Based on the building footprint formula, the allowable footprint is 2,490 square feet for a lot of this area. With the 831.7 square feet footprint of the house, the lot could accommodate an addition of 1,658.3 square feet footprint if the sheds were removed. If the sheds were not removed, an addition of 1,434.23 square feet could be constructed.

An addition would be permissible to be added to the west of the historic structure. Staff finds that traditionally the house faced town and so the east elevation is the façade or front of the building. The orientation of the structure was likely due to the need for day lighting prior to electricity as well as the slope of the property. Any new addition made to

the rear (west elevation) of the structure would have to be added with a transition element, or connector, in order to differentiate the new from the old.

Though the size of the site would permit a sizeable addition, the placement of the historic structure on the site makes such an addition difficult due to the setback requirements. The location of the historic structure could be relocated if the Planning Director and Chief Building Official determine that unique conditions warrant the proposed relocation and/or reorientation on the existing site. At this time, no determination has been made to relocate and/or re-orientate the historic structure, nor would such a determination be made to exclusively accommodate new development. Even if the structure were to be panelized or temporarily relocated intact in order to construct a new foundation, the house would be required to be reconstructed in its original location.

The height of any new construction cannot exceed (35') measured from the lowest floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters. The lowest point of terrain in which the house is built sits at 7266.7 feet, whereas the highest elevation in which an addition could be located is at 7298.7 feet. The difference in the topography is thirty-two feet (32'). Any new construction would be required to step down the hill. Moreover, the Planning Commission will have to approve a Steep Slope Conditional Use Permit (CUP) prior to the start of any construction on the hillside, should the construction exceed 1,000 square feet.

Any addition to the historic structure will need to be approved through a Historic District Design Review (HDDR) to ensure that it complies with the 2009 Design Guidelines for Historic Sites and Structures. The addition will need to be visually subordinate to the historic building as well as be visually separated from the historic building with a transitional element. Aside from an HDDR and Building Permit, if the applicant wishes to add an addition to the house greater than 1,000 square feet, they will be required to submit a Steep Slope CUP due to the steepness of the existing grade. New construction shall meet the Site and Lot requirements of the Land Management Code in effect at the time the Steep Slope CUP and/or HDDR applications are (were) submitted.

The chart outlines the approximate square footage of nearby properties and their structures, per Summit County records, along Sampson Avenue and within the HRL District:

Address	Designation	Size of Lot	Allowed SF of Structures (footprint or total square feet)	SF of existing structure
16 Sampson	Significant	6,100.7 SF	2,460 max footprint per plat notes	Not yet reconstructed
30 Sampson	Non-historic	7,089 SF	3,000 SF max. total house size per plat notes	Not yet constructed
40 Sampson	Significant	11,444 SF	3,500 SF max. total house size per plat notes	1,746 SF

41 Sampson	Landmark	4,605.1 SF	1,778 SF footprint per formula	Under construction. (Footprint to be 1,777 SF)
60 Sampson	Significant	6,534 SF	2,263 SF footprint per formula	1,163 SF
50 Sampson	Non-historic	6,966 SF	3,000 SF total house size per plat notes	2,790 SF
80 Sampson/ 80 King	Non-historic	3,750 SF	1,519 SF footprint per formula	2,951 SF
99 Sampson	Non-historic	4,356 SF	1,705 SF footprint per formula	2,002 SF
115 Sampson*	Significant	7,657 SF	2,490 SF footprint per formula	1,056 SF
121 Sampson	Non-historic	6,477 SF	2,244 SF footprint per formula	927 SF
131 Sampson	Non-historic	6,060 SF	2,156 SF footprint per formula	1,359 SF
133 Sampson	Non-historic	3,920 SF	1,573 SF footprint per formula	1,729 SF
135 Sampson	Non-historic	5,663 SF	2,060 SF footprint per formula	2,424 SF
139 Sampson	Non-historic	5,663 SF	2,060 SF footprint per formula	Not yet constructed
145 Sampson	Non-historic	3,750 SF	1,519 SF footprint per formula	Not yet constructed

**The lot size has been reduced to subtract the portion of the lot included in the street dedication.*

Lot sizes on Sampson Avenue vary from the largest 11,444 square feet at 40 Sampson to the smallest 3,750 square foot lots at 133 and 145 Sampson Avenue. 115 Sampson Avenue would be the second largest lot along Sampson Avenue. 40 Sampson is limited to a house size of 3,500 square feet based on the plat notes approved as part of the Mill-Site Reservation Supplemental Amended Plat. Per the footprint formula, 115 Sampson Avenue would be permitted to have a footprint of 2,490 square feet, the largest along Sampson Avenue. The second largest footprint would be 2,460 square feet at 16 Sampson. 16 Sampson is currently under construction as the reconstruction of the "Significant" historic structure has been approved. Other larger footprints include 121 Sampson Avenue, which would be permitted to have a footprint of 2,244 square feet. The second largest allowable footprint would be at 131 Sampson, which would be permitted to have a footprint of 2,156 square feet. The average lot size on Sampson Avenue is 6,002.3 square feet, and the average existing house size is 1,732 square feet.

Staff does not recommend adding a condition of approval that reduces the allowed footprint of the lot. Based on the building footprint formula, the allowable footprint is

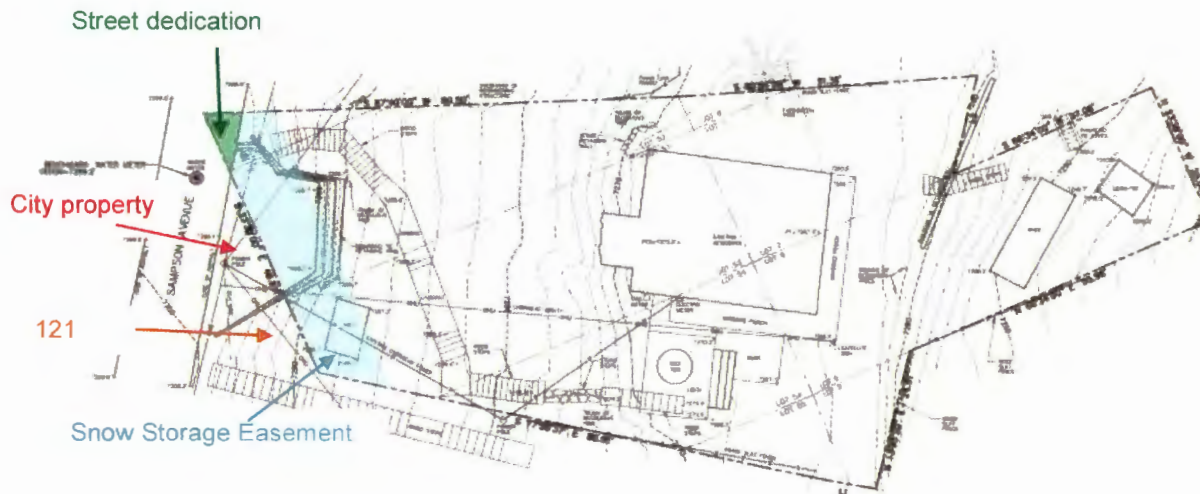
2,490 square feet for a lot of this area. With the 831.7 square feet footprint of the house, the lot could accommodate an addition of 1,658.3 square feet if the sheds were removed. If the sheds were not removed, an addition with a 1,440.58 square feet footprint could be constructed. The LMC's footprint formula reduces the allowed footprint as the lot size increases. The placement of the historic structure on the lot already dictates the placement of an addition to the west of the existing structure. The Planning Director has also increased the setbacks of the site, limiting the buildable area further. Staff finds that it will be very difficult for the applicants to achieve a maximum footprint given the placement of the historic structure on the site and the Planning Director's increased setbacks, which has limited the building footprint to approximately 3,330 square feet. Furthermore, the Planning Commission will be reviewing any new development on the site as it will require a steep slope conditional use permit (CUP) and the addition must comply with the Historic Design Guidelines that limit the location of additions to historic houses, in more precise terms than the previous guidelines did.

The southwest corner of Lot 51 and the northwest corner of Lot 52 contain a portion of Sampson Avenue. The northeast corner of the property will be clipped by approximately eleven feet (11') for the street dedication. The total area for the street dedication located within the property boundaries of 115 Sampson Avenue will be approximately thirty-five (35) square feet. The portion that includes the street will be dedicated to the City during this plat amendment, and the street dedication shall be noted on the recorded plat. The portion of the street dedication was reduced from the overall lot size and was not included when calculating the allowed footprint. As noted in the plat map and in the following image, a portion of Sampson Avenue within Lot 52 is City property.

A ten foot (10') snow storage easement will also be required by the City Engineer. Though the property line gradually increases in its distance from Sampson Avenue from zero (0) to twenty-one feet (21') along the west property line, a ten foot (10') snow storage easement will be required along the entire west edge of the property.

The portion of the property to the west of 115 Sampson's west property line along Sampson Avenue is owned by the City, and is part of the Sampson Avenue right-of-way. The neighboring property, 121 Sampson Avenue, also owns a portion of the property between Sampson Avenue and the south property line.

The image below shows the street dedication, the location of the snow storage easement, as well as ownership:



Good Cause

Planning Staff believes there is good cause for the application. Combining the Lots will allow the property owner to move forward with site improvements, which include stabilizing and repairing or reconstructing the historic structure. The plat amendment is necessary in order for the applicants to utilize future plans, and if left un-platted, the property remains as is. Moreover, the plat amendment will resolve the issue of the historic structure straddling interior lot lines and abate the safety issue with the historic structure. The plat amendment will utilize best planning and design practices, while preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.

Staff finds that the plat will not cause undo harm on any adjacent property owner because the proposal meets the requirements of the Land Management Code (LMC) and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements. In approving the plat, the City will gain one (1) ten foot (10') snow storage easement along Sampson Avenue, as well as a street dedication for the portion of Lots 51 and 52 that contain Sampson Avenue.

Furthermore, the plat amendment will resolve the existing building encroachments over interior lot lines. The applicant cannot move forward with an addition or reconstruction until the plat amendment has been recorded. Approval of this plat amendment will further the purposes of the LMC regarding preservation of historic structures, development on combinations of lots to reduce density, provision of snow storage easements, and dedication of right-of way for public streets.

Process

The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 15-1-18.

Department Review

This project has gone through an interdepartmental review. No additional issues were raised regarding the subdivision.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was published in the Park Record.

Public Input

Public input was provided at the February 12, 2014, Planning Commission hearing and is reflected in the Planning Commission minutes (Exhibit I). Public input received after the Planning Commission hearing is attached as Exhibit J.

Alternatives

- The City Council may approve the 115 Sampson Avenue Subdivision as conditioned or amended; or
- The City Council may deny the 115 Sampson Avenue Subdivision and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on the 115 Sampson Avenue Subdivision; or
- The City Council may remand the item back to the Planning Commission for specific discussion on topics and/or findings.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The proposed plat amendment would not be recorded and fragments of eight (8) existing lots would not be adjoined. Any additions to the historic house would not be permissible as they would encroach over interior property lines and the historic house would not be restored and could be demolished under the notice and order.

Recommendation

Staff recommends the City Council hold a public hearing for the 115 Sampson Avenue Subdivision, and consider approve the 115 Sampson Avenue Subdivision based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Exhibits

- Exhibit A – Draft Ordinance with Proposed Plat
- Exhibit B – Existing Conditions Survey
- Exhibit C – Vicinity Map/Aerial Photograph
- Exhibit D – Existing Conditions Survey with setbacks
- Exhibit E – Planning Director Determination Letter

Exhibit F – Park City Plat Map
Exhibit G – Contiguous Lots Map
Exhibit H – Planning Director waiver letter
Exhibit I – Planning Commission Minutes, 2.12.14
Exhibit J – Public Input

Exhibit A – Draft Ordinance with Proposed Plat

Ordinance 14-

AN ORDINANCE APPROVING THE 115 SAMPSON AVENUE SUBDIVISION LOCATED AT 115 SAMPSON AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 115 Sampson Avenue, has petitioned the City Council for approval of the plat amendment known as 115 Sampson Avenue Subdivision; and

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

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

WHEREAS, the Planning Commission held a public hearing on October 9, 2013, and February 12, 2014 to receive input on the proposed subdivision;

WHEREAS, on February 12, 2014 the Planning Commission forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 6, 2014 the City Council held a public hearing on the proposed subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed 115 Sampson Avenue Subdivision plat amendment.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The 115 Sampson Avenue Subdivision as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 115 Sampson Avenue within the Historic Residential Low-Density (HRL) Zoning District.
2. The applicants are requesting to combine portions of eight (8) Old Town lots into one Parcel. Currently the property includes Old Town Lot 6, and portions of Lots 5, 7, 8, 51, 52, 53, 54, 55 of Block 78 of the Park City Survey.
3. The plat amendment is necessary in order for the applicant to move forward with an HDDR for the purpose of repairing and restoring the historic house on the significant site, as well as potentially adding a new addition.
4. The amended plat will create one new 7,692 square foot lot.

5. The existing historic home is listed as "Significant" on the Historic Sites Inventory (HSI) and has a footprint of 831.7 square feet.
6. The existing historic structure straddles Lots 6, 7, 53, and 54 of the Park City Survey and is a valid complying structure.
7. Any proposed additions to the existing historic home will require a review under the adopted 2009 Design Guidelines for Historic Districts and Historic Sites through the HDDR process.
8. Due to water damage, the Building Department issued a Notice and Order to Repair and Vacate the building in 2010 and at that time the mothballing of the house was permitted.
9. The severe decline and deterioration of the vacant structure resulted in a second Notice and Order on April 10, 2013.
10. A Pre-Historic District Design Review (Pre-HDDR) was submitted to the Planning Department on April 9, 2013, following the Notice and Order. The Design Review Team (DRT) met with the applicants' representative on May 1, 2013, to discuss the potential redevelopment of the property. No Historic District Design Review (HDDR) application has yet been submitted.
11. The rear of the structure is the west elevation, facing Sampson Avenue. The façade faces east.
12. On September 16, 2013, the Planning Director made the determination to increase the required setbacks of the site to include a fifteen foot (15') front yard setback, ten foot (10') south side yard setback, fifteen foot (15') rear yard setback, and ten foot (10') north side yard setback.
13. On January 16, 2014, the Planning Director waived the requirement for the applicants' to subdivide the contiguous properties at 125 Norfolk Avenue and 115 Sampson Avenue.
14. The southwest corner of Lot 51 and the northwest corner of Lot 52 contain a portion of Sampson Avenue. The total area for the street dedication will be approximately thirty-five (35) square feet.
15. The maximum building footprint allowed is 2,490 per the HR-L LMC requirements for a lot of this size. The current footprint of the historic structure is 831.7 square feet and the footprint of the three (3) shed accessory structures is approximately 224 square feet. This would allow a maximum footprint addition of approximately 1,434 square feet. The portion of the street dedication was considered in determining the allowed footprint, and approximately thirty-five (35) square feet was reduced from the overall lot size.
16. Staff does not recommend adding a condition of approval that reduces the allowed footprint of the lot. The LMC's footprint formula reduces the allowed footprint as the lot size increases. The Planning Director has also increased the setbacks of the site, limiting the buildable area further.
17. Per LMC 15-2.1-4, existing historic structures that do not comply with building setbacks are valid complying structures. The historic structure is a valid complying structure, though it does not comply with the required ten foot (10') north side yard setback along the north property line as it is only eight feet nine inches (8'9") from the property line.

18. New additions to the rear of the historic home would require adherence to current setbacks as required in the HR-1 District, as well as be subordinate to the main dwelling in terms of size, setback, etc., per the requirements of the adopted 2009 Design Guidelines for Historic Districts and Historic Sites.
19. The property at 115 Sampson Avenue is contiguous with the property at 125 Norfolk Avenue. 125 Norfolk Avenue is located directly to northeast of the 115 Sampson Avenue site.
20. The applicant submitted an application for a plat amendment on August 15, 2013.
21. The Planning Commission reviewed the application for a one (1) lot subdivision on October 9, 2013.
22. Staff learned that Silver Potato LLC owned the contiguous property at 125 Norfolk Avenue on October 9, 2013.
23. Silver Potato LLC has directly expressed interest in not subdividing both lots at 115 Sampson Avenue at 125 Norfolk Avenue. The property at 125 Norfolk Avenue is already developed and the owner does not intend to redevelop this property at this time.
24. The parcel at 125 Norfolk Avenue is comprised of all of lots 8, 9, and 10; the south half of lot 11, and a portion of Lot 7 of Block 78 of the Millsite Reservation. There are existing structures on the 125 Norfolk Avenue metes and bounds parcel.
25. Silver Potato LLC purchased 125 Norfolk Avenue on August 8, 2005, and 115 Sampson Avenue on January 29, 2010.

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 and applicable State law regarding subdivisions.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. No building permit for any work that expands the footprint of the home, or would first require the approval of an HDDR, shall be granted until the plat amendment and historic preservation guarantee are recorded with the Summit County Recorder's office.
4. All new construction will require modified 13-D sprinklers as required by the Building Department.

5. One (1) 10 foot (10') wide public snow storage easement is required along the street frontage of the lot along Sampson Avenue.
6. The applicant shall dedicate the portion of Lots 51 and 52 that include Sampson Avenue to the City.
7. Encroachments across property lines must be addressed prior to plat recordation and shall either be removed or addressed through an encroachment agreement.
8. The applicant can either remove the existing parking pad from the public right-of-way, or enter into an encroachment agreement with the City. New on-site parking shall be provided out of the Sampson Avenue right-of-way.

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

PASSED AND ADOPTED this ____ day of March, 2014.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney



Historic Preservation Board Staff Report

Planning Department

Author: Laura Newberry, Planning Technician
Anya Grahn, Historic Preservation Planner
Subject: Material Deconstruction and Reconstruction Review
Address: 115 Sampson Avenue
Project Number: PL-17-03580
Date: May 16, 2018
Type of Item: Administrative – Material Deconstruction and Reconstruction

Summary Recommendation:

Staff recommends the Historic Preservation Board review and discuss the application, conduct a public hearing, and approve the Disassembly/Reassembly (Panelization) and Material Deconstruction of non-historic and non-contributory materials of the Significant Historic house at 115 Sampson Avenue pursuant to the following findings of fact, conclusions of law, and conditions of approval.

Topic:

Address: 115 Sampson Avenue
Designation: Significant
Applicant: Silver Potato LLC (Joseph Sponholz and Nancy Bronstein),
represented by architect Jon Degray
Proposal: The applicant is proposing to disassemble/reassemble (panelize) the Historic house designated as “Significant” on the City’s Historic Sites Inventory. In addition, the applicant will be removing an existing non-historic parking pad along with its associated wood staircases and railroad tie retaining wall; non-historic stacked stone retaining walls and 1990s wood slat fences; post-1947 addition on the west elevation and an underground root cellar; rebuilding the historic pyramid roof and dormers; reconstructing the existing masonry chimney; raising the house 2 feet to pour a new foundation; reconstructing the historic ca.1900 wraparound porch on the east and south elevations; replacing two non-historic doors; and removing non-historic aluminum windows and restoring 11 window openings.

Background:

The exact date of construction of this Historic house is unknown. The Summit County Recorder’s Office lists the construction date as 1904 and the house first appears in a 1920s photograph of Old Town as a simple pyramid-roof cottage with a porch and no dormers. The pyramid house is one of the main three (3) house types built during the Historic Park City mining era.

The first recorded owner of the property is the Park City Townsite Corporation, and the site may have been used to house workers. It was first purchased by an individual, Frank Pintar, in 1937. He and his wife, Celia, and their son, Victor, lived in the house. Mr. Pintar and his son both worked as miners. The first mention of the property was in

the 1940 census; however, the census states that Mr. Pintar owned the house in 1935. The house was sold in 1942.

From 1907 through 1941, the Sanborn Fire Insurance Maps show that the house remained largely unchanged from the time of its construction. It was a one-and-a-half story, square pyramid-roof house with a small one story wood-frame addition off the rear (west elevation) and a wraparound porch on the south and east elevations. The first historic photo of the site is from c.1920 and shows a porch had been added to the house. No dormers were present at this time.

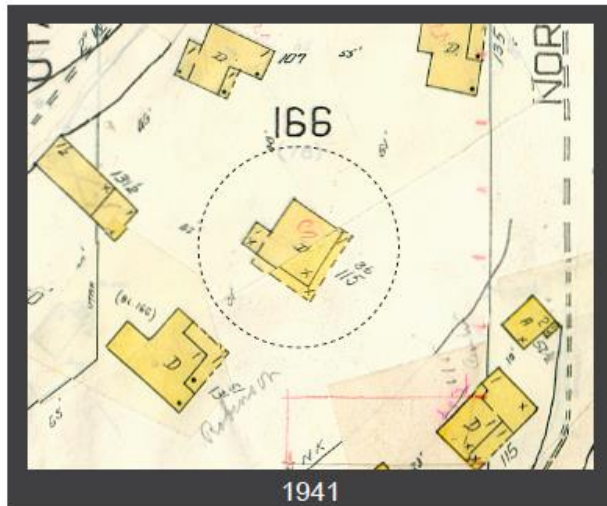
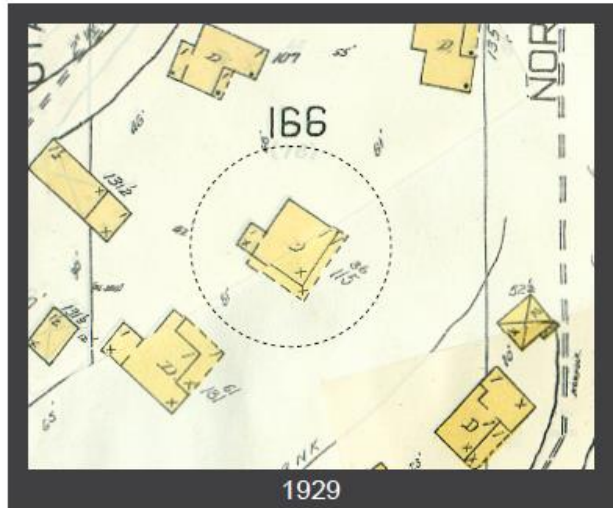
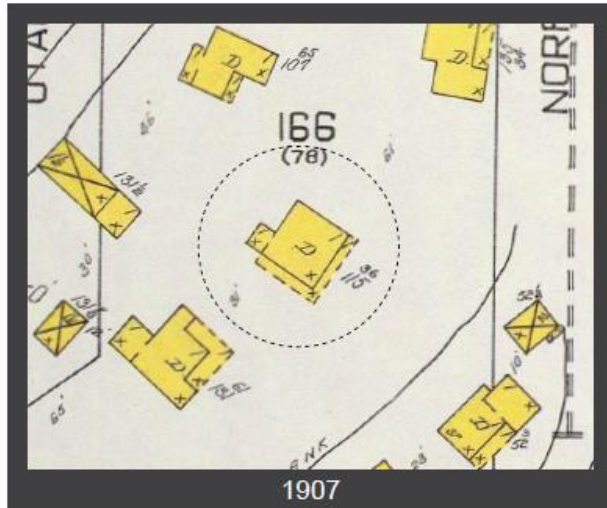




Photo courtesy of the Park City Museum

Since the 1941 Sanborn Fire Insurance map, there have been several additions including a rear lean-to addition along the west elevation. There is also an addition that extends off of the west elevation and is closed off from the interior of the house; this addition is constructed of railroad ties with stacked stone on the exterior. It may have been used as a root cellar at one time.

Many of the changes present on the house today are believed to have occurred between 1960 and 1980, based on their materials and designs. The window-door configuration was substantially altered after 1970, with new aluminum sliding and picture windows, flush wood doors, and trim. The windows on the east façade were modified and large, picture windows were installed. A vinyl faux-stone product was installed across the east façade and aluminum siding was used throughout. Additionally, skylights were cut into the porch roof on the south elevation. New dormers were also built after 1920, and staff believes based on their size, form, and construction that these may have been introduced in the 1970s when the house was extensively remodeled. These changes to the exterior materials and window-door configuration are significant enough to diminish the site's original character.

Additional changes were made to the site following 1982. The parking structure along Sampson Avenue, supported by packed gravel and a railroad tie retaining wall, was built in 1983 according to the Building Department's files. There is also a newer set of stairs that leads from the parking pad to the flat portion of the yard, just south of the historic house; a building permit shows these were constructed in 1995. There is also a

non-historic terraced wood patio to the south of the historic house that contains a contemporary (but vintage) hot tub.

The Historic Sites Inventory was adopted in 2009 and designated this house as Significant. It was determined to not be eligible for the National Register of Historic Places (NRHP) due to several material alterations that have changed the appearance of the historic house. Though the general form remains intact, the exterior cladding materials have been drastically altered. The window openings have been altered and the window have been replaced with aluminum frame side sliders and fixed transoms. The wrap-around shed roof porch is intact with simple square supports and decorative brackets; however, it is in poor condition and a portion of the porch roof was removed on the south elevation to install sky lights. The two gable dormers are located on opposite wall planes and have aluminum windows. The rear low-pitched gable dormer has a door rather than a window.

In February 2010, the current owner, Silver Potato LLC, purchased the property. On September 16, 2010, the Planning Department received a Historic Preservation Plan and Physical Conditions Report. On September 29, 2010, the owner met with Planning Staff for a pre-application conference. The owner was requesting to demolish the historic house. The owner was notified that a Certificate of Appropriateness for Demolition (CAD) would be required but the City recommended preserving, renovating, or reconstructing the house. They began considering redevelopment options for the site, including demolishing the historic house; however, they chose not to pursue a Certificate of Appropriateness for Demolition (CAD). On October 13, 2010, the Chief Building Official issued a Notice and Order to Repair and Vacate the historic house that required the owner to submit a HDDR application with either a Historic Preservation Plan or a plan to mothball and stabilize the historic house.

On November 4, 2011, the Planning Staff received a plan to mothball and stabilize the historic structure. The applicant stabilized the structure and mothballed it while they explored development opportunities. Work included documenting the historic house, developing a Physical Conditions Report, as-built drawings, structurally stabilizing the house, making necessary repairs to achieve the preservation plan/mothballing plan, exterminate and control pests, protect the exterior envelope from moisture penetration, secure the building and its component features to reduce vandalism and break-ins, provide adequate ventilation, secure and/or modify the mechanical utility systems, and a plan for maintenance and monitoring.

On April 10, 2013, the Building Department issued a second Notice and Order to Repair or Vacate the house. At that time, the owner, Silver Potato LLC, was still in the process of completing a HDDR Application. On March 6, 2014, Park City Council approved the 115 Sampson Avenue Subdivision through Ordinance 14-07; it was recorded on February 26, 2015. The current owners submitted a HDDR Pre-Application on April 9, 2013, to discuss opportunities to rehabilitate the historic house and construct a new addition.

The HDDR application currently under review is the most recent application. It was submitted on February 12, 2018, and the application was deemed complete February 22, 2018.

Analysis:

1. Disassembly/Reassembly (Panelization)

While the mothballing of the house in 2011 has slowed the rate of deterioration, this house is in poor condition due to the age and condition of the non-historic siding and roofing materials. The house has been uninhabited for decades, which has furthered the decline of the site and building overall. The site is also overgrown and is known for housing a family of raccoons. These animals have moved into the house by burrowing through the rotted floor structure. The Chief Building Official and Historic Preservation Planner have conducted several site visits to this site to determine the best preservation treatment. The applicant completed exploratory demolition in mid-April and provided a structural engineer's analysis that determined panelization was the best approach to preserving the historic house.

15-11-14 Disassembly And Reassembly Of A Historic Building Or Historic Structure

It is the intent of this section to preserve the Historic and architectural resources of Park City through limitations on the disassembly and reassembly of Historic Buildings, Structures, and Sites.

A. CRITERIA FOR DISASSEMBLY AND REASSEMBLY OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR SIGNIFICANT SITE

In approving a Historic District or Historic Site design review Application involving disassembly and reassembly of the Historic Building(s) and/or Structure(s) on a Landmark Site or Significant Site, the Historic Preservation Board shall find the project complies with the following criteria:

1. A licensed structural engineer has certified that the Historic Building(s) and/or Structure(s) cannot reasonably be moved intact; and

Complies. Structural Engineer Henry Shen has completed an analysis of the building (Exhibit E). His report outlines the structural deficiencies of the roof and floor structures. Despite the temporary shoring of the exterior walls as part of the 2011 mothballing of the house, the exterior walls have no capacity for wind, seismic, or gravity loads. He believed 75% of the exterior walls have rotted and will need to be rebuilt. He found that lifting the house in whole would be improbable due to the extent of the deterioration.

2. At least one of the following:
 - a. The proposed disassembly and reassembly will abate demolition of the Historic Building(s) and/or Structure(s) on the Site; or

- b. The Historic Building(s) and/or Structure(s) are found by the Chief Building Official to be hazardous or dangerous, pursuant to Section 116.1 of the International Building Code; or
- c. The Historic Preservation Board determines, with input from the Planning Director and the Chief Building Official, that unique conditions and the quality of the Historic Preservation Plan warrant the proposed disassembly and reassembly; unique conditions include but are not limited to:
 - 1. If problematic site or structural conditions preclude temporarily lifting or moving a building as a single unit; or
 - 2. If the physical conditions of the existing materials prevent temporarily lifting or moving a building and the applicant has demonstrated that panelization will result in the preservation of a greater amount of historic material; or
 - 3. All other alternatives have been shown to result in additional damage or loss of historic materials.

Complies. In 2010, the Park City Building Department issued a Notice and Order to Repair or Vacate the historic house due to its dilapidated and unsafe condition. The house was then mothballed in 2011 to temporarily shore-up the structure. Despite these efforts, the condition of the house has continued to decline. The Chief Building Official (CBO) and Planning Staff conducted site visits in April 2018, and the CBO concurs with the structural engineer's report that the deteriorated condition and structural instability of the house has prevented it from being lifted in whole. The panelization will salvage the north, south, and east walls of the historic house and ensure a greater amount of historic material than a total reconstruction.

Under all of the above criteria, the Historic Structure(s) and or Building(s) must be reassembled using the original materials that are found to be safe and/or serviceable condition in combination with new materials; and

The Building(s) and/or Structure(s) will be reassembled in their original form, location, placement, and orientation.

Complies. *The applicant intends to disassemble and preserve the north, south, and east walls of the historic house; the west wall sits against the hillside leading to Sampson Avenue has largely deteriorated. Measured drawings have been submitted as part of the HDDR to document the original dimensions of the exterior walls. The applicant proposes to remove all three (3) walls in whole. To further ensure that protection of the panelized walls, staff has added the following Conditions of Approval based on the Design Guidelines:*

#2. To ensure accurate reassembly, all parts of the building or element should be marked as they are systematically separated from the structure.

Contrasting colors of paint or carpenter wax crayons should be used to establish a marking code for each component. The markings should be removable or should be made on surfaces that will be hidden from view when the structure is reassembled.

#3. The process of disassembly should be recorded through photographic means; still photograph or video.

#4. As each component is disassembled, its physical condition should be noted particularly if it differs from the condition stated in the pre-disassembly documentation. If a part is too deteriorated to move, it should be carefully documented—photograph, dimensions, finish, texture, color, etc.---to facilitate accurate reproduction.

#5. Should the applicant not be able to panelize the north, south, or east wall due to its deteriorated condition following further material deconstruction, the applicant should immediately notify the Planning Department. The Planning Director, with input from the Chief Building Official and Historic Preservation Planner, may approve any deviations from this approved plan. The applicant is responsible for amending the Historic Preservation Plan and Physical Conditions Report.

1. MATERIAL DECONSTRUCTION:

This house has had significant alterations since the end of the Mature Mining Era (1894-1930). As previously described, the house was constructed without footings and rests on stone piers or directly on the dirt. The window-door configuration was modified between 1960 and 1980, leading to new aluminum sliding and picture windows that modified the original window openings. Further, the historic wood siding was covered with aluminium siding and a vinyl, faux-stone product on the east façade. Staff believes some of the dormers may have been modified at this time as well.

A. SITE DESIGN

The site is a downhill lot that extends from Sampson Avenue to the west towards Norfolk Avenue to the east. The site does not connect to Norfolk Avenue; however, the house was constructed to face town and the façade of the house is visible from Norfolk Avenue.

Currently, access to the site is from Sampson Avenue. There is a concrete parking pad that measures approximately 15 feet by 12 feet along the street. The parking pad is retained by 10 foot high railroad tie retaining walls. There are a series of wood stairs leading from the parking pad to the historic house; the architect believes that the upper stairs and landing were constructed in the 1990s and the lower stairs and landing were built before 1970. These improvements are not historic and are in dangerous condition.

The applicant is proposing to construct a new addition along the street that will feature a pedestrian entrance and single-car garage. In doing so, the applicant is proposing to remove the parking pad, railroad tie retaining wall, and series of stairs and landings that access the historic house. Staff finds that the proposed material deconstruction mitigates to the greatest extent practical any impact to the historical

importance of other structures located on the property and on adjacent parcels. These improvements are not historic and do not contribute to the historical significance of the house.

On the south side of the historic house, there is a multi-level deck containing a hot tub. The deck consists of 2 inch by 8 inch joists at 24 inches on center with 2 inch by 6 inch decking; this deck was likely introduced after the 1970s.

There are a number of retaining walls and fences on the site. Along the north property line, there is a 24-foot long wood slat fence consisting of 4 inch by 4 inch posts and 1 inch by 6 inch horizontal slats. On the south property line, there is a 30-foot long wood slat fence consisting of 6 inch by 8 inch posts and 1 inch by 6 inch vertical slats. These fences were likely built in the 1990s and are not historic. There are also stacked stone retaining walls behind the historic house in the north and south side yards. Per the photographs provided by the applicant, these improvements are in severe disrepair.

The decks, fences, and retaining walls on this property are not historic and do not contribute to the historical significance of the property. The applicant is proposing to remove these dilapidated improvements in order to redevelop the site and construct a new addition to the house. These additions to the Historic Site have been found to be non-contributory to the historic integrity and historical significance of the site.

Staff has highlighted the site features proposed to be removed in red below:



B. NON-HISTORIC ADDITIONS

There is a one-story addition along the west side of the historic house that was constructed after 1947. It is seven feet wide and covered with aluminum siding. It attaches to an eight foot-wide addition that is buried in the hillside. It is walled off

from the interior of the house. The walls consist of eight inch wide railroad ties with dry stacked stone on the exterior. The walls and roof are in severe disrepair.



View of the house from the Sampson Avenue right-of-way.



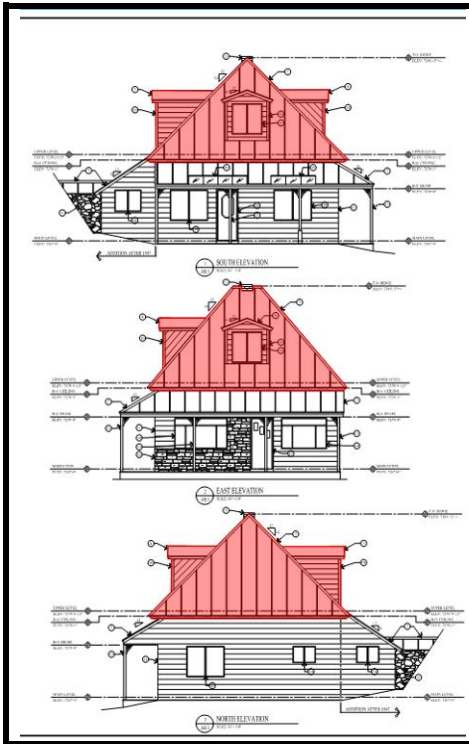
Addition buried in the hillside, west side of the house.

The applicant is proposing to remove these post-1947 additions. These additions to the Historic Site have been found to be non-contributory to the historic integrity and historical significance of the site.

C. ROOF

The historic house has a pyramid roof form. The east and west sides have a 12/12 pitch and the north and south sides have a 12/14 pitch. The west side of the roof transitions into a shed at an 8/12 pitch and extends into the hillside. There are simple gable dormers perpendicular to the roof on the east, west, and south sides. The roof structure consists of 1 inch by 4 inch joists at 24 inches on center, covered by 1x wood planks. The original wood shake shingle roof is covered by a standing seam metal roof that was installed after 1970. The roofing materials are in poor conditions, with the drip, fascia, and soffits requiring replacement.

In 2018, Structural Engineer Henry Shen provided an analysis of the roof structure (Exhibit E). In his report, he finds that the existing roof joists consist of 2 inch by 6 inch structural members that span 8 to 12 feet. The 8 foot joists are operating at 28% capacity and the 12 foot joists are operating at 18%. The existing roof deck is 1x wood plank installed perpendicular to the existing joists. It does not have any capacity of shear diaphragm value. The extent of repairs needed to stabilize the roof and the need to panelize the historic house make reconstructing the original pyramid roof form the best alternative.



The applicant is proposing to reconstruct the roof form. He proposes to construct dormers on all four (4) sides of the pyramid roof. Staff finds that the reconstruction of the roof and dormers on the east side of the roof are part of the restoration of the original roof form; the new dormers on the north and south sides of the roof will be incorporated into the roof form in a manner that is consistent with other historic houses. Staff is working with the applicant to ensure that the dormers are consistent in mass and scale to those that were seen historically.

D. CHIMNEY

There is an existing masonry chimney that protrudes from the top of the pyramid roof structure. The chimney is original to the structure, but has been modified over the years and no longer functions as a smoke flue. It has been significantly shortened, likely as layers of the brick deteriorated. The applicant is proposing to salvage the bricks from the historic chimney and reconstruct it on the outside of the house. Staff finds that this is necessary to restore the original chimney.



E. EXTERIOR WALLS

The exterior walls are comprised of single-wall construction with 1x12 vertical planks beneath 1 inch by 6 inch horizontal planks. They have been covered with ½ inch fiberboard and aluminum siding that was added after 1970. The structural engineer has determined that the exterior walls have no capacity for wind, seismic, or gravity loads. On the west side of the house, these walls retain the hillside, and the moisture from exposure to the ground has caused them to rot. The structural engineer found that 75% of the walls were deteriorated and would require reconstruction.

The photograph below shows the typical exterior wall construction with aluminum siding, fiber board, 1x8 horizontal lap siding and 1 inch by 10 inch vertical planks to form an interior wall.



The applicant is proposing to disassemble and preserve the north, south, and east walls of the historic house; the west wall is too deteriorated to be saved. The walls will then be reassembled over a new framed wall structure. Staff finds that the

proposed material deconstruction is necessary to restore the original house form. Because the applicant has not yet removed all of the aluminum siding and the condition of the original wood siding beneath is not yet known, staff has added the following Condition of Approval:

#7. Where the historic siding materials cannot be repaired, they shall be replaced with materials that match the original in all respects: scale, dimension, texture, profile, material, and finish. The replacement of existing historic material shall be allowed only after the applicant has demonstrated to the Planning Department that the historic materials are no longer safe and/or serviceable and cannot be repaired to a safe and/or serviceable condition. The Planning Department shall approve in writing the disposal of any historic siding materials.

F. FOUNDATION

The historic structure does not have a foundation, but there are some minimal foundation walls around the perimeter of the structure. The posts, beams, and bearing walls all sit on stacked stone, wood piles, and/or soil (see following photo). The floor joists are 2 inch x 6 inch at 24 inches on center; many of the floor joists span 8 to 12 feet unsupported. The structural engineer estimates that 90% of the posts supporting the floor structure have rotted due to the amount of moisture beneath the floor structure. He recommends removing the existing foundation walls and constructing a new foundation.

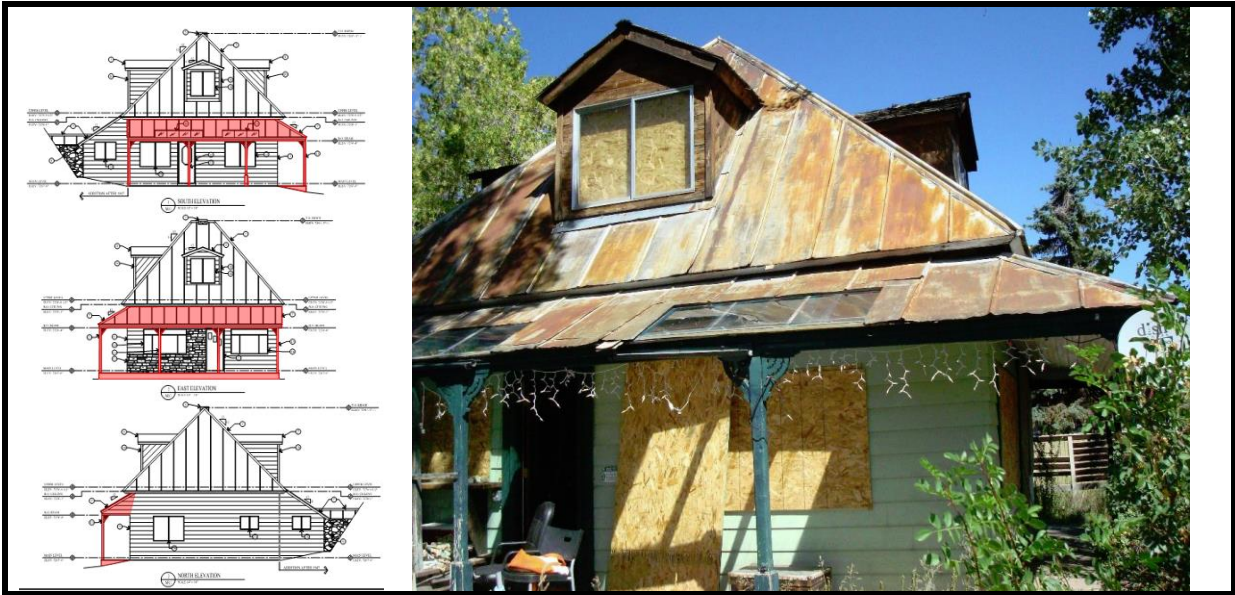


The applicant is proposing to raise the historic house two feet (2') as permitted by the Design Guidelines in order to construct a new code-compliant foundation. Staff finds that the proposed work mitigates any impacts that will occur to the architectural integrity of the structure.

G. PORCH

There is an existing wraparound porch that extends across the east façade of the house and on to the south elevation. The construction of the porch roof is consistent

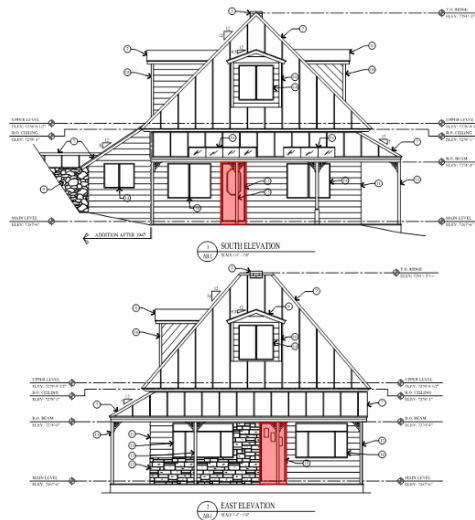
with that of the main roof and the roof joists do not meet code. A portion of the roofing was removed in the 1970s and new glass skylights/roofing material was added to the porch on the east elevation. The ceiling of the porch is 1x6 bead board. The porch posts and decorative ornamentation do not appear to be original. It has 1 inch by 6 inch tongue-and-groove decking above 2 inch by 4 inch joists at 24 inches on center; the decking has rotted and detached from the porch's floor structure.



The applicant is proposing to reconstruct the historic porch form and restore its historic appearance while meeting the structural requirements of the code. Staff finds that the proposed material deconstruction is necessary in order to restore the original wraparound porch.

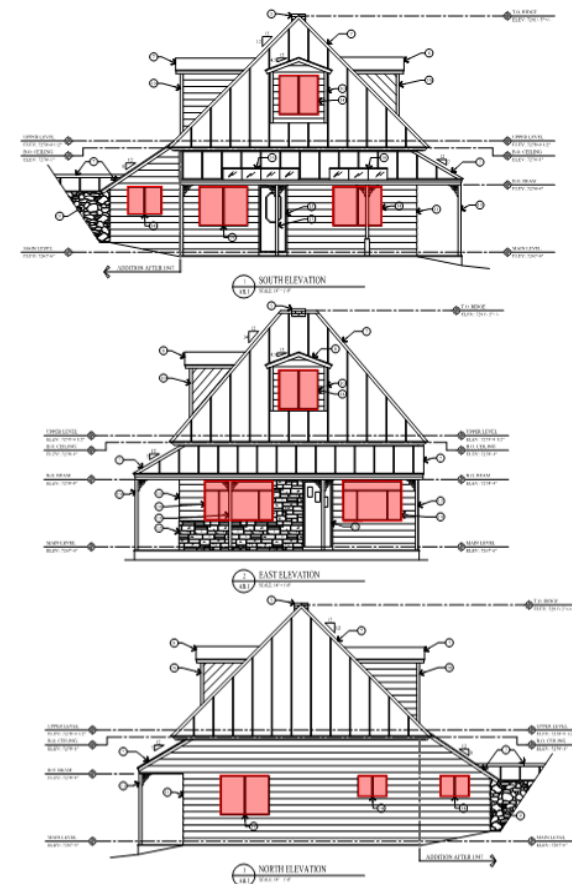
H. DOORS

The doors have been boarded as part of the mothballing of the historic structure. There are two (2) historic door openings on the south and east elevations of the house. The existing doors are not historic and are in poor condition. The applicant is proposing to replace all the doors with new doors that are historic in appearance; these doors are highlighted in red below. Staff finds that this material deconstruction is necessary in order to restore the historic house.



I. WINDOWS

There are a total of 11 window openings on the exterior of the structure. One of the windows is completely missing; however, the other 10 openings appear to have been altered. These aluminum frame windows are not historic. The applicant is proposing to restore the original window openings and install new wood windows on the historic house; these existing window openings are highlighted in red below.

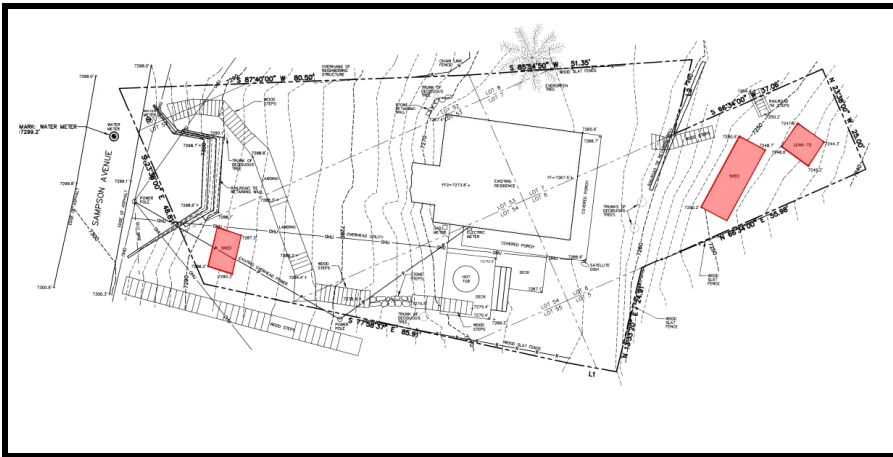


Staff finds that this material deconstruction is necessary in order to restore the historic house. To ensure that the original window openings are restored, staff has added Condition of Approval stating:

#6. Following removal of the non-historic aluminum siding, the applicant shall update his Historic Preservation Plan with a conditions report detailing the locations of original window openings. The applicant shall base any window modifications on the façade (east elevation) or secondary facades (north and south elevations) that will be visible from the Norfolk and Sampson Avenue rights-of-way on physical, measured evidence uncovered during the demolition process. Planning staff shall review and approve the updated window configuration based on this new physical evidence.

J. SHEDS

There are three (3) existing sheds on the property. These sheds were not designated as Historic on the 2009 Historic Sites Inventory. Upon closer examination, staff finds that they were likely constructed of reclaimed materials after 1960. The sheds were built on flatter portions of the lot, so that one shed is visible near the parking pad along Sampson Avenue and two are in the eastern corner of the site. Because the eastern side of the site is overgrown, staff was not able to successfully photograph these two sheds. The shed on the west side of the property is constructed of plywood.



The applicant is proposing to demolish these sheds as part of their site improvements. Staff finds that these sheds are not historic and do not contribute to the historical significance of the site.

Recommendation:

Staff recommends the Historic Preservation Board review and discuss the application, conduct a public hearing, and approve the Disassembly/Reassembly (Panelization) of the historic house as well as Material Deconstruction of non-historic and non-contributory materials at 115 Sampson Avenue pursuant to the following findings of fact,

conclusions of law, and conditions of approval. This site is listed as Significant on the City's Historic Sites Inventory (HSI).

Finding of Fact:

1. The property is located at 115 Sampson Avenue.
2. The site is designated as Significant on the Historic Sites Inventory.
3. On February 12, 2018, the Planning Department received a Historic District Design Review (HDDR) application for the property at 115 Sampson Avenue; it was deemed complete February 22, 2018. The HDDR application has not yet been approved as it is dependent on the HPB's Review for Material Deconstruction approval.
4. The exact date of construction of this house is unknown, but the Summit County Recorder's Office lists the date of construction as 1904 and it appears in 1920s photographs of Old Town as a simply pyramid-roof cottage with a porch and no dormers.
5. The first recorded owner of the property is the Park City Townsite Corporation, and the site may have housed mine workers. It was first purchased by an individual in 1937—Frank Pinter, his wife Celia, and son Victor lived in the house.
6. From 1907 to 1941, the Sanborn Fire Insurance Maps show the house remained largely unchanged. It was a one and one-half story, square pyramid-roof house with a small one-story addition on the southwest corner. It had a porch that wrapped around the east façade and south elevation.
7. Since the 1941 Sanborn Fire Insurance Map, there have been several additions including a rear lean-to addition across the west elevation. There is also a second addition on the west elevation that is built into the hillside and is closed off from the interior of the house. This addition is constructed of railroad ties with stacked stone on the exterior; it may have been used as a root cellar at one time.
8. Between 1960 and 1980, several modifications were made to the historic house that have diminished its historical significance. The window-door configuration was substantially altered after 1970, with new aluminum sliding and picture windows and flush wood doors. On the east façade, the original double-hung wood windows were replaced with large picture windows. A vinyl faux-Permastone product was installed on the east façade and aluminum siding covered the original wood drop novelty siding. Additionally, skylights were cut into the porch roof on the south elevation and new dormers were constructed after 1920.
9. The parking structure along Sampson Avenue was constructed in 1983 and consists of a railroad tie retaining wall with packed gravel. There is a newer set of stairs leading from the parking pad to the house, likely built in 1995.
10. On October 13, 2010, the Chief Building Official issued a Notice and Order to Repair and Vacate the historic house. Subsequently, the Planning Department received a plan to stabilize and mothball the house on November 4, 2011. Work included documenting the historic house, developing a Physical Conditions Report, as-built drawings, structurally stabilizing the house, making necessary repairs to achieve the preservation plan/mothballing plan, exterminate and control pests, protect the exterior envelope from moisture penetration, secure the building and its component features to reduce vandalism and break-ins, provide adequate ventilation, secure and/or modify the mechanical utility systems, and a plan for maintenance and monitoring.

11. On April 10, 2013, the Building Department issued a second Notice and Order to Repair or Vacate the house.
12. On March 6, 2014, Park City Council approved the 115 Sampson Avenue Subdivision through Ordinance 14-07; it was recorded on February 26, 2015.
13. Due to the deteriorated condition of the historic house and the total deterioration of the west wall against the hillside, the applicant has proposed to disassemble/ reassemble the north, south, and east walls of the historic house.
14. The proposal complies with LMC 15-11-14 Disassembly and Reassembly of a Historic Building or Historic Structure as:
 - a. Licensed Structural Engineer Henry Shen has certified that the Historic Building cannot be reasonably moved intact. The exterior walls have no capacity for wind, seismic, or gravity loads and 75% of the wall materials have deteriorated.
 - b. The proposed disassembly and reassembly will abate demolition of the Historic Building on the site.
 - c. The Historic Building has been found by the Chief Building Official to be hazardous or dangerous, pursuant to Section 116.1 of the International Building Code. In 2010, the Park City Building Department issued a Notice and Order to Repair or Vacate the historic house due to its dilapidated and unsafe condition. Although the house was mothballed and temporarily stabilized in 2011, the condition of the house has continued to decline.
 - d. The Historic Preservation Board determined, with input from the Planning Director and Chief Building Official, that unique conditions and the quality of the Historic Preservation Plan warrant the proposed disassembly and reassembly due to unique conditions. On April 27, 2017, the Chief Building Official concurred with the structural engineer's report dated April 26, 2018 that the deteriorated condition and structural instability of the house prevented it from being lifted in whole.
 - e. The north, south and east walls will be disassembled; the west wall has deteriorated from sitting against the hillside along Sampson Avenue. Measured drawings have been submitted as part of the HDDR application to document the original dimensions of the walls. The Building will be reassembled in their original form, location, placement, and orientation.
15. The applicant is proposing to demolish the non-historic c.1983 parking pad, railroad tie retaining wall, and a series of stairs and landings that access the house. The proposed material deconstruction mitigates to the greatest extent practical any impact to the historical importance of the other structures located on the property and on adjacent parcels. Further, these improvements are not historic and do not contribute to the historical significance of the house.
16. On the south side of the historic house, there is a 1970s multi-level deck containing a hot tub. There are also a number of stone retaining walls and 1990s wood fences along the north and south property lines. These improvements are not historic and do not contribute to the historical significance of the property. The applicant is proposing to remove these dilapidated improvements in order to redevelop the site and construct a new addition to the house. These improvements do not contribute to the historic significance or historic integrity of the site.

17. There are two one-story additions along the west elevation of the historic house that was constructed after 1947. The first addition is seven feet wide and covered with aluminum siding. It attaches to an 8 foot wide addition that is partially buried in the hillside. This addition consists of railroad ties and dry-stacked stone on the exterior. The walls and roof are in severe disrepair. These additions to the Historic Site have been found to be non-contributory to the historic integrity and historical significance of the site.
18. The historic house has a pyramid roof form. There are simple gable dormers perpendicular to the roof on the east, west, and south elevations. The roofing materials and structure are in poor condition, with the structural engineer finding that the existing roof structure does not have any capacity of shear diaphragm value. The applicant is proposing to reconstruct the roof form. Staff finds that the reconstruction is necessary for the restoration of the original roof form.
19. There is an existing masonry chimney that protrudes from the top of the pyramid roof structure. The chimney is original, but has been modified through shortening. The bricks and mortar are deteriorated. The applicant is proposing to salvage the bricks from the historic chimney and reconstruct it on the outside of the house. The proposed material deconstruction is necessary to restore the original chimney.
20. The exterior walls have no capacity for wind, seismic, or gravity loads. The west wall has rotted out, and the north, south, and east sides of the house are covered with aluminum siding. The structural engineer has found that 75% of the walls were deteriorated and would require reconstruction.
21. The historic structure does not have a foundation. The posts, beams, and bearing walls sit on stacked stone, wood piles, or directly on the soil. The structural engineer estimates that 90% of the posts supporting the floor structure have rotted. The applicant proposes raising the historic house 2 feet in order to construct a new foundation. The proposed material deconstruction mitigates any impacts that will occur to the architectural integrity of the structure.
22. There is an existing wraparound porch that extends across the east façade and south elevation of the house. A portion of the porch roof was removed in the 1970s to install new glass skylights on the east elevation. The porch posts and ornamentation are not historic and the floor structure has rotted. The applicant is proposing to reconstruct the historic porch form and restore its historic appearance. The proposed material deconstruction is necessary in order to restore the original wraparound porch.
23. There are only two historic door openings on the house on the south and east elevations. The existing doors are not historic and are in poor condition. The applicant is proposing to replace the doors with new wood doors that are historic in appearance. The proposed material deconstruction is necessary in order to restore the historic house.
24. There are a total of 11 window openings on the exterior of the structure. Ten of these openings appear to have been altered with non-historic aluminum frame windows. The applicant is proposing to restore the original window openings and install new wood windows on the historic house. The proposed material deconstruction is necessary in order to restore the historic house.
25. There are three existing sheds identified on the survey of the property. The sheds are not designated as historic on the 2009 Historic Sites Inventory; and these sheds

were likely constructed of reclaimed materials after 1960. The sheds were built on flatter portions of the lot. The applicant is proposing to demolish these sheds as part of their site improvements. These sheds are not historic and do not contribute to the historical significance of the site.

Conclusions of Law:

1. The proposal complies with the Land Management Code requirements pursuant to the HRL District and regarding historic structure deconstruction and reconstruction.
2. The proposal meets the criteria for disassembly and reassembly pursuant to LMC 15-11-14 Disassembly and Reassembly of a Historic Building or Historic Structure.
3. The proposal meets the criteria for material deconstruction pursuant to LMC **15-11-12.5 Historic Preservation Board Review for Material Deconstruction.**

Conditions of Approval:

1. Final building plans and construction details shall reflect substantial compliance with the HDDR proposal stamped in on February 12, 2018. Any changes, modifications, or deviations from the approved design that have not been approved by the Planning and Building Departments may result in a stop work order.
2. To ensure accurate reassembly, all parts of the building or element should be marked as they are systematically separated from the structure. Contrasting colors of paint or carpenter wax crayons should be used to establish a marking code for each component. The markings should be removable or should be made on surfaces that will be hidden from view when the structure is reassembled.
3. The process of disassembly should be recorded through photographic means; still photograph or video.
4. As each component is disassembled, its physical condition should be noted particularly if it differs from the condition stated in the pre-disassembly documentation. If a part is too deteriorated to move, it should be carefully documented—photograph, dimensions, finish, texture, color, etc.—to facilitate accurate reproduction.
5. Should the applicant not be able to panelize the north, south, or east wall due to its deteriorated condition following further material deconstruction, the applicant should immediately notify the Planning Department. The Planning Director, with input from the Chief Building Official and Historic Preservation Planner, may approve any deviations from this approved plan. The applicant is responsible for amending the Historic Preservation Plan and Physical Conditions Report.
6. Following removal of the non-historic aluminum siding, the applicant shall update his Historic Preservation Plan with a conditions report detailing the locations of original window openings. The applicant shall base any window modifications on the façade (east elevation) or secondary facades (north and south elevations) that will be visible from the Norfolk and Sampson Avenue rights-of-way on physical, measured evidence uncovered during the demolition process. Planning staff shall review and approve the updated window configuration based on this new physical evidence.
7. Where the historic siding materials cannot be repaired, they shall be replaced with materials that match the original in all respects: scale, dimension, texture, profile, material, and finish. The replacement of existing historic material shall be allowed only after the applicant has demonstrated to the Planning Department that the

historic materials are no longer safe and/or serviceable and cannot be repaired to a safe and/or serviceable condition. The Planning Department shall approve in writing the disposal of any historic siding materials.

Exhibits:

Exhibit A – HPB Checklist for Material Deconstruction

Exhibit B – [Historic Sites Inventory Form](#)

Exhibit C – Plans

Exhibit D – Physical Conditions Report + Historic Preservation Plan

Exhibit E – Structural Engineer's Report

Exhibit F – CBO Determination Letter, 4.26.18

Exhibit A

Historic Preservation Board Material Deconstruction Review Checklist:

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



**HISTORIC PRESERVATION BOARD
PARK CITY, SUMMIT COUNTY, UTAH**

RE: MATERIAL DECONSTRUCTION DETERMINATION

The Historic Preservation Board of Park City, Utah met on Wednesday, May 16, 2018 for a regularly scheduled and duly noticed meeting. After determining that a quorum was present, the Board conducted its scheduled business.

NOTICE OF HISTORIC PRESERVATION BOARD ACTION:

Project Address: 115 Sampson Avenue
Project Number: PL-17-03580
Type of Item: Administrative – Material Deconstruction Determination
Hearing Date: May 16, 2018

Board Action: **APPROVED** - the Historic Preservation Board conducted a public hearing and found that the proposed work will have little or no negative impact on the historic character of the surrounding neighborhood or the Historic District. The proposed material deconstruction complies with the Land Management Code requirements pursuant to the HRL District and regarding historic structure deconstruction. The Historic Preservation Board made the determination based on the following findings of fact and conclusions of law.

Finding of Fact:

1. The property is located at 115 Sampson Avenue.
2. The site is designated as Significant on the Historic Sites Inventory.
3. On February 12, 2018, the Planning Department received a Historic District Design Review (HDDR) application for the property at 115 Sampson Avenue; it was deemed complete February 22, 2018. The HDDR application has not yet been approved as it is dependent on the HPB's Review for Material Deconstruction approval.
4. The exact date of construction of this house is unknown, but the Summit County Recorder's Office lists the date of construction as 1904 and it appears in 1920s photographs of Old Town as a simply pyramid-roof cottage with a porch and no dormers.
5. The first recorded owner of the property is the Park City Townsite Corporation, and the site may have housed mine workers. It was first purchased by an individual in 1937—Frank Pintar, his wife Celia, and son Victor lived in the house.
6. From 1907 to 1941, the Sanborn Fire Insurance Maps show the house remained largely unchanged. It was a one and one-half story, square pyramid-roof house with a small one-story addition on the southwest corner. It had a porch that wrapped around the east façade and south elevation.

7. Since the 1941 Sanborn Fire Insurance Map, there have been several additions including a rear lean-to addition across the west elevation. There is also a second addition on the west elevation that is built into the hillside and is closed off from the interior of the house. This addition is constructed of railroad ties with stacked stone on the exterior; it may have been used as a root cellar at one time.
8. Between 1960 and 1980, several modifications were made to the historic house that have diminished its historical significance. The window-door configuration was substantially altered after 1970, with new aluminum sliding and picture windows and flush wood doors. On the east façade, the original double-hung wood windows were replaced with large picture windows. A vinyl faux-Permastone product was installed on the east façade and aluminum siding covered the original wood drop novelty siding. Additionally, skylights were cut into the porch roof on the south elevation and new dormers were constructed after 1920.
9. The parking structure along Sampson Avenue was constructed in 1983 and consists of a railroad tie retaining wall with packed gravel. There is a newer set of stairs leading from the parking pad to the house, likely built in 1995.
10. On October 13, 2010, the Chief Building Official issued a Notice and Order to Repair and Vacate the historic house. Subsequently, the Planning Department received a plan to stabilize and mothball the house on November 4, 2011. Work included documenting the historic house, developing a Physical Conditions Report, as-built drawings, structurally stabilizing the house, making necessary repairs to achieve the preservation plan/mothballing plan, exterminate and control pests, protect the exterior envelope from moisture penetration, secure the building and its component features to reduce vandalism and break-ins, provide adequate ventilation, secure and/or modify the mechanical utility systems, and a plan for maintenance and monitoring.
11. On April 10, 2013, the Building Department issued a second Notice and Order to Repair or Vacate the house.
12. On March 6, 2014, Park City Council approved the 115 Sampson Avenue Subdivision through Ordinance 14-07; it was recorded on February 26, 2015.
13. Due to the deteriorated condition of the historic house and the total deterioration of the west wall against the hillside, the applicant has proposed to disassemble/reassemble the north, south, and east walls of the historic house.
14. The proposal complies with LMC 15-11-14 Disassembly and Reassembly of a Historic Building or Historic Structure as:
 - a. Licensed Structural Engineer Henry Shen has certified that the Historic Building cannot be reasonably moved intact. The exterior walls have no capacity for wind, seismic, or gravity loads and 75% of the wall materials have deteriorated.
 - b. The proposed disassembly and reassembly will abate demolition of the Historic Building on the site.
 - c. The Historic Building has been found by the Chief Building Official to be hazardous or dangerous, pursuant to Section 116.1 of the International Building Code. In 2010, the Park City Building Department issued a Notice and Order to Repair or Vacate the historic house due to its dilapidated and

- unsafe condition. Although the house was mothballed and temporarily stabilized in 2011, the condition of the house has continued to decline.
- d. The Historic Preservation Board determined, with input from the Planning Director and Chief Building Official, that unique conditions and the quality of the Historic Preservation Plan warrant the proposed disassembly and reassembly due to unique conditions. On April 27, 2017, the Chief Building Official concurred with the structural engineer's report dated April 26, 2018 that the deteriorated condition and structural instability of the house prevented it from being lifted in whole.
 - e. The north, south and east walls will be disassembled; the west wall has deteriorated from sitting against the hillside along Sampson Avenue. Measured drawings have been submitted as part of the HDDR application to document the original dimensions of the walls. The Building will be reassembled in their original form, location, placement, and orientation.
15. The applicant is proposing to demolish the non-historic c.1983 parking pad, railroad tie retaining wall, and a series of stairs and landings that access the house. The proposed material deconstruction mitigates to the greatest extent practical any impact to the historical importance of the other structures located on the property and on adjacent parcels. Further, these improvements are not historic and do not contribute to the historical significance of the house.
 16. On the south side of the historic house, there is a 1970s multi-level deck containing a hot tub. There are also a number of stone retaining walls and 1990s wood fences along the north and south property lines. These improvements are not historic and do not contribute to the historical significance of the property. The applicant is proposing to remove these dilapidated improvements in order to redevelop the site and construct a new addition to the house. These improvements do not contribute to the historic significance or historic integrity of the site.
 17. There are two one-story additions along the west elevation of the historic house that was constructed after 1947. The first addition is seven feet wide and covered with aluminum siding. It attaches to an 8 foot wide addition that is partially buried in the hillside. This addition consists of railroad ties and dry-stacked stone on the exterior. The walls and roof are in severe disrepair. These additions to the Historic Site have been found to be non-contributory to the historic integrity and historical significance of the site.
 18. The historic house has a pyramid roof form. There are simple gable dormers perpendicular to the roof on the east, west, and south elevations. The roofing materials and structure are in poor condition, with the structural engineer finding that the existing roof structure does not have any capacity of shear diaphragm value. The applicant is proposing to reconstruct the roof form. Staff finds that the reconstruction is necessary for the restoration of the original roof form.
 19. There is an existing masonry chimney that protrudes from the top of the pyramid roof structure. The chimney is original, but has been modified through shortening. The bricks and mortar are deteriorated. The applicant is proposing to salvage the bricks from the historic chimney and reconstruct it on the outside of the house. The proposed material deconstruction is necessary to restore the original chimney.

20. The exterior walls have no capacity for wind, seismic, or gravity loads. The west wall has rotted out, and the north, south, and east sides of the house are covered with aluminum siding. The structural engineer has found that 75% of the walls were deteriorated and would require reconstruction.
21. The historic structure does not have a foundation. The posts, beams, and bearing walls sit on stacked stone, wood piles, or directly on the soil. The structural engineer estimates that 90% of the posts supporting the floor structure have rotted. The applicant proposes raising the historic house 2 feet in order to construct a new foundation. The proposed material deconstruction mitigates any impacts that will occur to the architectural integrity of the structure.
22. There is an existing wraparound porch that extends across the east façade and south elevation of the house. A portion of the porch roof was removed in the 1970s to install new glass skylights on the east elevation. The porch posts and ornamentation are not historic and the floor structure has rotted. The applicant is proposing to reconstruct the historic porch form and restore its historic appearance. The proposed material deconstruction is necessary in order to restore the original wraparound porch.
23. There are only two historic door openings on the house on the south and east elevations. The existing doors are not historic and are in poor condition. The applicant is proposing to replace the doors with new wood doors that are historic in appearance. The proposed material deconstruction is necessary in order to restore the historic house.
24. There are a total of 11 window openings on the exterior of the structure. Ten of these openings appear to have been altered with non-historic aluminum frame windows. The applicant is proposing to restore the original window openings and install new wood windows on the historic house. The proposed material deconstruction is necessary in order to restore the historic house.
25. There are three existing sheds identified on the survey of the property. The sheds are not designated as historic on the 2009 Historic Sites Inventory; and these sheds were likely constructed of reclaimed materials after 1960. The sheds were built on flatter portions of the lot. The applicant is proposing to demolish these sheds as part of their site improvements. These sheds are not historic and do not contribute to the historical significance of the site.

Conclusions of Law:

1. The proposal complies with the Land Management Code requirements pursuant to the HRL District and regarding historic structure deconstruction and reconstruction.
2. The proposal meets the criteria for disassembly and reassembly pursuant to LMC 15-11-14 Disassembly and Reassembly of a Historic Building or Historic Structure.
3. The proposal meets the criteria for material deconstruction pursuant to LMC **15-11-12.5 Historic Preservation Board Review for Material Deconstruction.**

Conditions of Approval:

1. Final building plans and construction details shall reflect substantial compliance with the HDDR proposal stamped in on February 12, 2018. Any changes, modifications,

or deviations from the approved design that have not been approved by the Planning and Building Departments may result in a stop work order.

2. To ensure accurate reassembly, all parts of the building or element should be marked as they are systematically separated from the structure. Contrasting colors of paint or carpenter wax crayons should be used to establish a marking code for each component. The markings should be removable or should be made on surfaces that will be hidden from view when the structure is reassembled.
3. The process of disassembly should be recorded through photographic means; still photograph or video.
4. As each component is disassembled, its physical condition should be noted particularly if it differs from the condition stated in the pre-disassembly documentation. If a part is too deteriorated to move, it should be carefully documented—photograph, dimensions, finish, texture, color, etc.—to facilitate accurate reproduction.
5. Should the applicant not be able to panelize the north, south, or east wall due to its deteriorated condition following further material deconstruction, the applicant should immediately notify the Planning Department. The Planning Director, with input from the Chief Building Official and Historic Preservation Planner, may approve any deviations from this approved plan. The applicant is responsible for amending the Historic Preservation Plan and Physical Conditions Report.
6. Following removal of the non-historic aluminum siding, the applicant shall update his Historic Preservation Plan with a conditions report detailing the locations of original window openings. The applicant shall base any window modifications on the façade (east elevation) or secondary facades (north and south elevations) that will be visible from the Norfolk and Sampson Avenue rights-of-way on physical, measured evidence uncovered during the demolition process. Planning staff shall review and approve the updated window configuration based on this new physical evidence.
7. Where the historic siding materials cannot be repaired, they shall be replaced with materials that match the original in all respects: scale, dimension, texture, profile, material, and finish. The replacement of existing historic material shall be allowed only after the applicant has demonstrated to the Planning Department that the historic materials are no longer safe and/or serviceable and cannot be repaired to a safe and/or serviceable condition. The Planning Department shall approve in writing the disposal of any historic siding materials.

If you have any questions or concerns regarding this letter, please do not hesitate to call me at (435) 615-5067 or contact me by email at anya.grahn@parkcity.org.

Sincerely,



Anya Grahn
Historic Preservation Planner

Default Non-Compliance of Agreement for Historic Preservation for the loss of historic materials, and requiring the applicant to record a Second Amendment to the recorded financial guarantee.

29. This extension of approval expired on January 7, 2018, and no progress was made to comply with the extension's conditions of approval.

30. The applicant submitted another Historic District Design Review (HDDR) application on March 26, 2018; the application was deemed complete on April 4, 2018. It is still under review with the Planning Department.

Conclusions of Law – 1021 Park Avenue

1. The proposal complies with the Land Management Code requirements pursuant to the HR-M District and regarding material deconstruction.
2. The proposal meets the criteria for material deconstruction pursuant to LMC 15-11-12.5 Historic Preservation Board Review for Material Deconstruction.

Conditions of Approval – 1021 Park Avenue

1. Final building plans and construction details shall reflect substantial compliance with the HDDR proposal stamped in on March 26, 2018. Any changes, modifications, or deviations from the approved design that have not been approved by the Planning and Building Departments may result in a stop work order.
2. Where the historic exterior materials cannot be repaired, they shall be replaced with materials that match the original in all respects: scale, dimension, texture, profile, material and finish. Prior to removing and replacing historic materials, the applicant shall demonstrate to the Planning Director and Project Planner that the materials are no longer safe and/or serviceable and cannot be repaired to a safe and/or serviceable condition. No historic materials may be disposed of prior to advance approval by the Planning Director and Project Planner.
3. Any deviation from approved Material Deconstruction will require review by the Historic Preservation Board.

2. 115 Sampson Avenue – HDDR Material Deconstruction and Reconstruction – The applicant is proposing to reconstruct the historic house designated as “Significant” on the City’s Historic Sites Inventory. In addition the applicant will be removing existing non-historic parking pad along with its associated wood staircases and railroad tie retaining wall; non-historic stacked stone retaining walls and 1990s wood slat fences; post-1947 addition on the west elevation and an underground root cellar; rebuilding the historic pyramid roof and dormers; reconstructing the existing masonry chimney; raising the house 2 feet to pour a new foundation; reconstructing the historic ca.1900 wraparound porch on the

east and south elevations; replacing two non-historic doors; and removing non-historic aluminum windows and restoring 11 window openings.
(Application PL-17-03580)

Planner Grahn thanked Planning Tech, Laura Newberry, for her help in writing all the background and history for these applications.

Planning Tech Newberry reported that 115 Sampson was designated as a Significant site. The Staff believed it was built around 1904. From 1907 to 1941 the Sanborn maps show that the house remained largely unchanged. The first photo was not until 1920. The structure was a one-and-a-half story square pyramid roof house with a small one-story addition off the rear on the west side; and a wrap-around porch on the south and east elevations. No dormers were present at that time. Planner Newberry stated that since 1941 the Fire Insurance Maps show several additions, including a rear lean-to addition along the west; and an addition extending off the west elevation which is possibly a root cellar, which cannot be accessed from the interior of the house.

Planner Newberry stated that many of the changes present on the house today are believed to have occurred between 1960 and 1980 based on the materials and the designs. The windows and the doors have been substantially altered and replaced with aluminum frames, side sliders, and fixed transoms. New dormers were also built sometime after 1920. The Staff believes the dormers may have been introduced in the 1970s.

Planner Newberry noted that the parking pad along Sampson Avenue was added in 1983 and is supported by packed gravel and a railroad tie retaining wall. The set of stairs leading from the parking pad to the flat portion of the yard was also added in 1995.

Planner Grahn remarked that the first item for discussion was that the applicant was proposing disassembly and disassembly or panelization. The house had been mothballed in 2011, which means they added additional framing on the interior to keep it standing. The windows and doors were boarded up and there was an effort to limit access to the site. Planner Grahn noted that the structure continues to decline due to its location on the hillside.

Planner Grahn reviewed the Criteria. The first is that a licensed structural engineering has certified that the historic building cannot be reasonably lifted intact. She noted that the applicant had provided a structural engineers report, which indicated several deficiencies based on the floor and roof structures. Even with the temporary shoring that was done in 2011, the exterior walls are rotted and need to be rebuilt. She pointed out that lifting the house in whole was improbable.

Planner Grahn commented on the next criteria; 1) it will abate demolition; 2) it is found by the Chief Building Official to be hazardous or dangerous due to the section of the International Building Code; 3) the HPB determines, with input from the Planning Director and CBO, that the unique conditions warrant it.

Planner Grahn reported that the first Notice and Order was issued in 2010, and the applicant addressed those issues through the mothballing process in 2011. She stated that she and the Chief Building Official visited the site several times in 2018. The CBO concurs with the structural engineer's report. Planner Grahn noted that it is difficult to determine the condition of the historic materials because they have been extensively altered. Large window openings have been cut into the front panel. The door/window configuration has been changed. The structure is resting directly on the dirt. The porches are pulling away. The structure is in very poor condition.

Planner Grahn stated that the applicant was proposing to panelize the north, south and east sides of the building. The west side was up against the hillside and that wall is deteriorated. She noted that it was covered in aluminum siding in an effort to preserve some of the wood material, but because the house sits directly on the dirt, she did not think the aluminum siding protected much underneath. That was an issue the HPB could discuss in the material deconstruction.

Planner Grahn reported that the applicant has agreed to reassemble the house in its current form. They produced accurate dimension drawings. They will build a new structure and the panels will come back on it. Planner Grahn stated that several conditions of approval were added to ensure that the proposed plan is followed. The Staff will continue to work with the applicant through the building permit process. She thought the applicant was planning to store the panels vertically on-site. If that changes, the Staff wanted assurance that they would know where the panels are stored and that they were being preserved to the best extent possible.

Chair Stephens clarified that the house was being panelized rather than disassembled in pieces. Planner Grahn replied that the three walls would be taken down and put back up. Chair Stephens understood that it was currently vertical material with horizontal siding. Planner Grahn answered yes. She noted that 1970s wood panel was helping to hold it together with aluminum siding on the outside. Chair Stephens asked if exploratory demolition had been done through the aluminum siding. Planner Grahn replied that the applicant was able to take off a portion underneath the porch. The wood siding appeared to be in fair condition, but she thought it was hard to assess the entire house from one point. She believed there were different elements of wood depending on the side of the house.

Planner Grahm moved to material deconstruction. She noted that it is a steep downhill lot. A non-historic parking pad is being held together by railroad ties. Parts of the staircase were built in the 1980s and 1990s, and it leads to a 1970s deck with a vintage hot tub and additional site improvements. The site is overgrown. The applicant was proposing to add an addition connecting up to Sampson Avenue, which would provide a more pedestrian-friendly streetscape and access into the house and the yard. Terracing would be done to create a series of outdoor living spaces and patios in an effort to clean up the site.

Planner Grahm pointed out several non-historic additions. The applicant was proposing to remove those additions to restore the pyramid roof cottage. The roof is in poor condition and will need to be reconstructed. The applicant was proposing to restore the dormers. Two dormers have the look and proportions of being built within the historic period. Another dormer did not have that look. The Staff would work with the applicant to make that dormer comply and look the same as the other two.

Planner Grahm stated that it was difficult to know how this house evolved because of limited documentation and records. They were basing it off of what is seen in town and other pyramid roof cottages. Planner Grahm pointed to an existing chimney at the top of the peak. The applicant will salvage the bricks and reconstruct the chimney. She presented a photo of the exterior walls showing single-wall construction. The applicants will create a new structure and attach the panels as cladding.

Planner Grahm noted that there is no foundation. Parts of the house are floating on rock piers. Other parts are resting on the dirt which has caused the floors to rot out. The wrap-around porch is original, per the Sanborn maps. Parts of the porch roof were removed to incorporate skylights. The porch appears to have been updated in the 1970s or 1980s with ornate columns and ornamentation that did not exist historically. The applicant planned to reconstruct the porch and keep it simple as it would have existed originally.

Planner Grahm stated that there were no historic doors on the house. The only doors are two single-panel doors probably from the 1970s. The applicant was proposing to construct new doors in line with the design guidelines and the historic feel of the house. There are a total of 11 window openings in varying styles and eras. As the aluminum siding is removed, they will be able to assess where the original window openings were and restore them. Conditions of approval were added requiring the applicant to work with the Planning Department to make sure the original window openings will be restored.

Planner Grahm commented on three sheds on the property. The sheds were not listed as historic on the historic site form, possibly because they were not visible. She inspected them on the site visits and found various degrees of salvaged

material and plywood. She did not believe the sheds were historic. The applicant was proposing to demolish the sheds.

Board Member Hutchings asked if there was historic material on the porch. Planner Grahn did not believe there was historic material. There is some bead board on the ceiling, but because of how the porch was built and the amount of leaks in the roof, it has rotted out. She thought the applicant was planning to restore the bead board. The porch floor rests directly on the dirt and it appears to have been replaced with newer materials, but it was rotted out.

Chair Stephens thought the material around the front porch on the east and south side was the original material. Planner Grahn asked if Chair Stephens thought the columns and the brackets were historic. Chair Stephens clarified that he was talking about the flooring material. It was vertical grain, which would have been consistent with that era of construction. Most likely it would have been replaced with an expensive material later on. Chair Stephens agreed that the floor was under duress.

Chair Stephens opened the public hearing.

There were no comments.

Chair Stephens closed the public hearing.

MOTION: Board Member Beatlebrox moved to APPROVE the disassembly/reassembly panelization of the historic house at 115 Sampson Avenue; as well as material deconstruction of non-historic and non-contributory materials, pursuant to the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the Staff report. Board Member Holmgren seconded the motion.

Findings of Fact – 115 Sampson Avenue

1. The property is located at 115 Sampson Avenue.
2. The site is designated as Significant on the Historic Sites Inventory.
3. On February 12, 2018, the Planning Department received a Historic District Design Review (HDDR) application for the property at 115 Sampson Avenue; it was deemed complete February 22, 2018. The HDDR application has not yet been approved as it is dependent on the HPB's Review for Material Deconstruction approval.
4. The exact date of construction of this house is unknown, but the Summit County Recorder's Office lists the date of construction as 1904 and it appears in 1920s photographs of Old Town as a simply pyramid-roof cottage with a porch and no dormers.

5. The first recorded owner of the property is the Park City Townsite Corporation, and the site may have housed mine workers. It was first purchased by an individual in 1937—Frank Pintar, his wife Celia, and son Victor lived in the house.

6. From 1907 to 1941, the Sanborn Fire Insurance Maps show the house remained largely unchanged. It was a one and one-half story, square pyramid-roof house with a small one-story addition on the southwest corner. It had a porch that wrapped around the east façade and south elevation.

7. Since the 1941 Sanborn Fire Insurance Map, there have been several additions including a rear lean-to addition across the west elevation. There is also a second addition on the west elevation that is built into the hillside and is closed off from the interior of the house. This addition is constructed of railroad ties with stacked stone on the exterior; it may have been used as a root cellar at one time.

8. Between 1960 and 1980, several modifications were made to the historic house that have diminished its historical significance. The window-door configuration was substantially altered after 1970, with new aluminum sliding and picture windows and flush wood doors. On the east façade, the original double-hung wood windows were replaced with large picture windows. A vinyl faux-Permastone product was installed on the east façade and aluminum siding covered the original wood drop novelty siding. Additionally, skylights were cut into the porch roof on the south elevation and new dormers were constructed after 1920.

9. The parking structure along Sampson Avenue was constructed in 1983 and consists of a railroad tie retaining wall with packed gravel. There is a newer set of stairs leading from the parking pad to the house, likely built in 1995.

10. On October 13, 2010, the Chief Building Official issued a Notice and Order to Repair and Vacate the historic house. Subsequently, the Planning Department received a plan to stabilize and mothball the house on November 4, 2011. Work included documenting the historic house, developing a Physical Conditions Report, as-built drawings, structurally stabilizing the house, making necessary repairs to achieve the preservation plan/mothballing plan, exterminate and control pests, protect the exterior envelope from moisture penetration, secure the building and its component features to reduce vandalism and break-ins, provide adequate ventilation, secure and/or modify the mechanical utility systems, and a plan for maintenance and monitoring.

11. On April 10, 2013, the Building Department issued a second Notice and Order to Repair or Vacate the house.

12. On March 6, 2014, Park City Council approved the 115 Sampson Avenue Subdivision through Ordinance 14-07; it was recorded on February 26, 2015.

13. Due to the deteriorated condition of the historic house and the total deterioration of the west wall against the hillside, the applicant has proposed to disassemble/reassemble the north, south, and east walls of the historic house.

14. The proposal complies with LMC 15-11-14 Disassembly and Reassembly of a Historic Building or Historic Structure as:

a. Licensed Structural Engineer Henry Shen has certified that the Historic

Building cannot be reasonably moved intact. The exterior walls have no capacity for wind, seismic, or gravity loads and 75% of the wall materials have deteriorated.

b. The proposed disassembly and reassembly will abate demolition of the Historic Building on the site.

c. The Historic Building has been found by the Chief Building Official to be hazardous or dangerous, pursuant to Section 116.1 of the International Building Code. In 2010, the Park City Building Department issued a Notice and Order to Repair or Vacate the historic house due to its dilapidated and unsafe condition. Although the house was mothballed and temporarily stabilized in 2011, the condition of the house has continued to decline.

d. The Historic Preservation Board determined, with input from the Planning Director and Chief Building Official, that unique conditions and the quality of the Historic Preservation Plan warrant the proposed disassembly and reassembly due to unique conditions. On April 27, 2017, the Chief Building Official concurred with the structural engineer's report dated April 26, 2018 that the deteriorated condition and structural instability of the house prevented it from being lifted in whole.

e. The north, south and east walls will be disassembled; the west wall has deteriorated from sitting against the hillside along Sampson Avenue. Measured drawings have been submitted as part of the HDDR application to document the original dimensions of the walls. The Building will be reassembled in their original form, location, placement, and orientation.

15. The applicant is proposing to demolish the non-historic c.1983 parking pad, railroad tie retaining wall, and a series of stairs and landings that access the house. The proposed material deconstruction mitigates to the greatest extent practical any impact to the historical importance of the other structures located on the property and on adjacent parcels. Further, these improvements are not historic and do not contribute to the historical significance of the house.

16. On the south side of the historic house, there is a 1970s multi-level deck containing a hot tub. There are also a number of stone retaining walls and 1990s wood fences along the north and south property lines. These improvements are not historic and do not contribute to the historical significance of the property. The applicant is proposing to remove these dilapidated improvements in order to redevelop the site and construct a new addition to the house. These improvements do not contribute to the historic significance or historic integrity of the site.

17. There are two one-story additions along the west elevation of the historic house that was constructed after 1947. The first addition is seven feet wide and covered with aluminum siding. It attaches to an 8 foot wide addition that is partially buried in the hillside. This addition consists of railroad ties and dry-stacked stone on the exterior. The walls and roof are in severe disrepair. These additions to the Historic Site have been found to be non-contributory to the historic integrity and historical significance of the site.

18. The historic house has a pyramid roof form. There are simple gable dormers

perpendicular to the roof on the east, west, and south elevations. The roofing materials and structure are in poor condition, with the structural engineer finding that the existing roof structure does not have any capacity of shear diaphragm value. The applicant is proposing to reconstruct the roof form. Staff finds that the reconstruction is necessary for the restoration of the original roof form.

19. There is an existing masonry chimney that protrudes from the top of the pyramid roof structure. The chimney is original, but has been modified through shortening. The bricks and mortar are deteriorated. The applicant is proposing to salvage the bricks from the historic chimney and reconstruct it on the outside of the house. The proposed material deconstruction is necessary to restore the original chimney.

20. The exterior walls have no capacity for wind, seismic, or gravity loads. The west wall has rotted out, and the north, south, and east sides of the house are covered with aluminum siding. The structural engineer has found that 75% of the walls were deteriorated and would require reconstruction.

21. The historic structure does not have a foundation. The posts, beams, and bearing walls sit on stacked stone, wood piles, or directly on the soil. The structural engineer estimates that 90% of the posts supporting the floor structure have rotted. The applicant proposes raising the historic house 2 feet in order to construct a new foundation. The proposed material deconstruction mitigates any impacts that will occur to the architectural integrity of the structure.

22. There is an existing wraparound porch that extends across the east façade and south elevation of the house. A portion of the porch roof was removed in the 1970s to install new glass skylights on the east elevation. The porch posts and ornamentation are not historic and the floor structure has rotted. The applicant is proposing to reconstruct the historic porch form and restore its historic appearance. The proposed material deconstruction is necessary in order to restore the original wraparound porch.

23. There are only two historic door openings on the house on the south and east elevations. The existing doors are not historic and are in poor condition. The applicant is proposing to replace the doors with new wood doors that are historic in appearance. The proposed material deconstruction is necessary in order to restore the historic house.

24. There are a total of 11 window openings on the exterior of the structure. Ten of these openings appear to have been altered with non-historic aluminum frame windows. The applicant is proposing to restore the original window openings and install new wood windows on the historic house. The proposed material deconstruction is necessary in order to restore the historic house.

25. There are three existing sheds identified on the survey of the property. The sheds are not designated as historic on the 2009 Historic Sites Inventory; and these sheds were likely constructed of reclaimed materials after 1960. The sheds were built on flatter portions of the lot. The applicant is proposing to demolish these sheds as part of their site improvements. These sheds are not historic and do not contribute to the historical significance of the site.

Conclusions of Law – 115 Sampson Avenue

1. The proposal complies with the Land Management Code requirements pursuant to the HRL District and regarding historic structure deconstruction and reconstruction.
2. The proposal meets the criteria for disassembly and reassembly pursuant to LMC 15-11-14 Disassembly and Reassembly of a Historic Building or Historic Structure.
3. The proposal meets the criteria for material deconstruction pursuant to LMC 15-11-12.5 Historic Preservation Board Review for Material Deconstruction.

Conditions of Approval – 115 Sampson Avenue

1. Final building plans and construction details shall reflect substantial compliance with the HDDR proposal stamped in on February 12, 2018. Any changes, modifications, or deviations from the approved design that have not been approved by the Planning and Building Departments may result in a stop work order.
2. To ensure accurate reassembly, all parts of the building or element should be marked as they are systematically separated from the structure. Contrasting colors of paint or carpenter wax crayons should be used to establish a marking code for each component. The markings should be removable or should be made on surfaces that will be hidden from view when the structure is reassembled.
3. The process of disassembly should be recorded through photographic means; still photograph or video.
4. As each component is disassembled, its physical condition should be noted particularly if it differs from the condition stated in the pre-disassembly documentation. If a part is too deteriorated to move, it should be carefully documented—photograph, dimensions, finish, texture, color, etc.—to facilitate accurate reproduction.
5. Should the applicant not be able to panelize the north, south, or east wall due to its deteriorated condition following further material deconstruction, the applicant should immediately notify the Planning Department. The Planning Director, with input from the Chief Building Official and Historic Preservation Planner, may approve any deviations from this approved plan. The applicant is responsible for amending the Historic Preservation Plan and Physical Conditions Report.
6. Following removal of the non-historic aluminum siding, the applicant shall update his Historic Preservation Plan with a conditions report detailing the locations of original window openings. The applicant shall base any window modifications on the façade (east elevation) or secondary facades (north and south elevations) that will be visible from the Norfolk and Sampson Avenue rights-of-way on physical, measured evidence uncovered during the demolition

process. Planning staff shall review and approve the updated window configuration based on this new physical evidence.

7. Where the historic siding materials cannot be repaired, they shall be replaced with materials that match the original in all respects: scale, dimension, texture, profile, material, and finish. The replacement of existing historic material shall be allowed only after the applicant has demonstrated to the Planning Department that the historic materials are no longer safe and/or serviceable and cannot be repaired to a safe and/or serviceable condition. The Planning Department shall approve in writing the disposal of any historic siding materials.

3. 835 Empire Avenue –Historic District Design Review – Material Deconstruction on Landmark Site. The applicant is proposing to impact the following materials including the pre 1941 railroad tie retaining wall; non-historic wood landscape steps; post-1941 rear additions; non-historic 1997 asphalt shingle and rolled asphalt roofing materials; non-historic concrete block foundation; pre-1983 wraparound porch; 4 historic wood doors; and 10 historic wood windows. (Application PL-17-03556)

Planning Tech Newberry reviewed the application for 835 Empire Avenue, which was designated as a Landmark. She noted that the exact date this house was constructed is unknown, but it was likely around 1895. The structure first appears on the Sanborn map and Fire Insurance maps in 1900 as a one-and-a-half story house with a one story addition on the north side and west elevation, with no porch shown. Between 1900 and 1907 the rear addition was removed and a new square addition was constructed on the northwest corner of the house; as well as a smaller addition on the southwest corner of the house. An accessory structure was built approximately 20 feet west. Between 1929 and 1941 an addition was added on to the accessory building, which brought it to 15' from the rear of the house. The accessory structure has since been lost and the date of when it was demolished is unknown.

Planner Newberry noted that the first photograph was from 1941; where a portion of the 1907 rear addition could be seen on the right side of the photo. Between 1947 and 1964 the additions on the west side of the house shown in the 1941 Sanborn map were removed and expanded. Sometime before 1983 a wrap-around porch was added; as well as a small shed extension from the main gable to the porch.

Planner Newberry stated that the house has received several historic district grants. It was nominated for the National Register in 1984, but it was not listed due to the owner's objections. The house remains largely unchanged from the 1984 National Register nomination form.

Planner Grahn commented on material deconstruction. It is an uphill site and there are wood retaining walls in the City's right-of-way. In looking at different



June 14, 2018

Joseph Sponholz & Nancy Bronstein
25 East End Avenue
New York, NY 10028-7052

CC: Jonathan Degray, Architect

NOTICE OF PLANNING DEPARTMENT ACTION

Application #	PL-18-03794
Subject	Steep Slope Conditional Use Permit
Project Address	115 Sampson Avenue
Action Taken	Approved with Conditions
Date of Action	June 13, 2018

On June 14, 2018, the Park City Planning Commission called a meeting to order, a quorum was established, a public meeting was held, and the Planning Commission unanimously approved a Conditional Use and a Steep Slope Conditional Use for the applicant to construct an addition to a historic house at 115 Sampson Avenue based on the following:

Findings of Fact:

1. The property is located at 115 Sampson Avenue.
2. The site is located in the Historic Residential-Low Density (HRL) Zoning District.
3. The site is designated as "Significant" on the City's Historic Sites Inventory.
4. The lot contains 7,692 square feet. It is a downhill lot.
5. On March 6, 2014, the Park City Council approved the 115 Sampson Avenue Subdivision through Ordinance 14-07; it was recorded on February 26, 2015.
6. This application is a request for a Steep Slope Conditional Use Permit (CUP) for construction of an addition to a historic single-family home, when the Building Footprint of the addition is in excess of 200 square feet if the Building Footprint of the addition is located upon an existing Slope of 30% or greater.
7. The applicant is proposing to build an addition on the west side of the historic house creating a total house size of 2,697 square feet.
8. The existing footprint of the historic house and its non-historic additions is 772 square feet; the proposed footprint of the house following construction of the addition is 2,004 square feet. The lot size currently allows a footprint of 2,496.28 square feet.

9. On February 12, 2018, the City received an application for a Conditional Use Permit (CUP) for "Construction on a Steep Slope" at 115 Sampson Avenue; the application was deemed complete on February 22, 2018.
10. This is a downhill lot, and the average slope of the lot is about 52.5%. The slope drops drastically immediately east of Sampson Avenue, with portions of the grade having a slope as much as 67%.
11. Pursuant to LMC 15-2.1-5(D)(4), the Planning Commission may allow additional Building Height (see entire Section 15-2.1-5) on a downhill Lot to accommodate a single car wide garage in a Tandem Parking configuration; to accommodate circulation, such as stairs and/or an ADA elevator; and to accommodate a reasonably sized front entry area and front porch that provide a Compatible streetscape design. The applicant is proposing tandem parking consisting of a single-car garage (approximately 246 square feet) and uncovered parking space in the driveway as well as a circulation space containing a staircase and elevator (approximately 210 square feet). The depth of the garage will not exceed the minimum depth for internal Parking Spaces as required within LMC 15-3; the applicant has provided a garage 20 feet in depth. The additional Building Height is not permitted to exceed 35 feet Existing Grade; the proposed height is 32 feet above Existing Grade.
12. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine related impacts.
13. The development has been located and designed to reduce visual and environmental impacts of the Structure. The historic house will remain in its existing location, which is most visible from Norfolk Avenue and almost hidden from view along Sampson Avenue due to the location of the historic house downhill from the right-of-way. The applicant is proposing to construct an addition to the west (rear) side of the house, which will appear as a small, one-story addition with a pedestrian entrance and single-car garage along Sampson Avenue. The addition will have a total of three stories. Much of the proposed bulk and mass of the new addition will be buried in the hillside.
14. The proposal minimizes impacts of the project by incorporating screening, slope stabilization, erosion mitigation, vegetation protection, and other items. As demonstrated by the visual analysis, the proposed addition fits within the context of the slope, neighboring structures, and existing vegetation. The neighborhood consists of historic houses with one- to two-story additions, one- to two-story new houses, and a few three- to four-story new residential developments. The applicant has designed the addition so that it steps up the hillside, providing pedestrian and vehicular access to Sampson Avenue. Not only will this alleviate some of the dangerous site conditions that exist with the railroad tie-supported parking pad, it will also create a presence along Sampson Avenue where it is currently difficult to determine which staircase accesses this property.
15. Access points and driveways have been designed to minimize grading of the natural topography and reduce overall building scale. The applicant is proposing to remove the existing railroad-tie parking pad that encroaches into the City right-of-way and replace it with a new driveway and single-car garage. This parking

pad was never intended to provide public parking, but was built by previous owners of 115 Sampson Avenue to provide parking for their site. Additionally, as part of the plat amendment that was recorded in 2015, an Encroachment Agreement between Park City Municipal Corporation and Silver Potato LLC (the current owners), requiring the owners to maintain the parking pad.

16. The project includes retaining walls and terraces to retain Natural Grade. The hillside will need to be re-graded following the demolition of the 1983 parking pad to restore original grade. Following construction of the addition, the applicant is proposing to terrace the hillside in order to create a series of outdoor patios and living spaces. There are seven proposed retaining walls; of these, three of the walls are no more than 4 feet in height and four of the walls are 2.5 feet.
17. Buildings, access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The structure has been designed in order to be setback and visually separated from the historic house at the front of the lot. The applicant has sited the new addition in such a way that the original grade of the site can be largely restored following the deconstruction of the 1983 parking pad. Several terraces will extend from the front yard to the flatter portion of the lot where the historic house sits. The design has maximized opportunities for open space, and there is no Significant Vegetation to preserve as the site is overgrown. New landscaping will be incorporated to help maintain the hillside and provide visual separations from the neighboring properties.
18. Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. The new addition provides a visual transition between the historic house and the new addition. The mass of the addition steps up the hill, terminating at Sampson Avenue. This helps breakup the mass of the structure, and the tallest portions of the historic house are set back substantially from the historic house so as not to detract from it. The historic house, when viewed from the Norfolk Avenue right-of-way that it faces, will remain the focal point of the project.
19. The proposal minimizes the creation of a "wall effect" along the Street front. The new addition is largely tucked behind the historic house and only appears as one-story in height from the Sampson Avenue right-of-way. It does not create a wall effect along the Street front or appear to overwhelm the historic house. It is visually separated from the historic house by a transitional element, and the taller masses are pushed back toward Sampson Avenue so they do not overwhelm the historic house.
20. The volume of the structure has been restrained to minimize its visual mass and mitigate differences between the scale of the historic house and new addition. The proposed design is articulated and broken into compatible massing components. The design includes setback variations and lower building heights for portions of the structure. The proposed massing and architectural design components are compatible with both the volume and massing of single family dwellings in the area. The design minimizes the visual mass and mitigates the differences in scale between the proposed house and surrounding structures.

21. The proposed new construction meets the twenty-seven feet (27') maximum building height requirement measured from existing grade; however, the applicant has requested a building height exception for the garage and circulation space pursuant to LMC 15-2.1-5(D)(4). The height of the new addition is approximately 32 feet above existing grade, and the remainder of the addition becomes buried in the hillside as the grade steps uphill towards the rear of the lot to comply with the 27 foot height requirement. The roof has been designed to allow for a front and side-facing gables along the street front, consistent with adjacent structures. As designed the house is compatible in mass and scale with houses in the surrounding neighborhood.
22. The property was posted and notice was mailed to property owners within 300 feet on May 30, 2018. Legal notice was also published in the Park Record in accordance with requirements of the LMC on May 26, 2018.
23. The findings in the Analysis section of this report are incorporated herein.

Conclusions of Law

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.1-6.
2. The Use is consistent with the Park City General Plan, as amended.
3. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The CMP shall include language regarding the method of protecting adjacent structures.
3. 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.
4. This approval will expire on June 13, 2019, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.
5. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission on June 13, 2018, and the Final HDDR Design.
6. Modified 13-D residential fire sprinklers are required for all new construction on this lot.
7. All excavation work to construct the foundation of the new addition shall start on or after April 15th and be completed on or prior to October 15th. The Planning Director may make a written determination to extend this period up to 30 additional days if, after consultation with the Historic Preservation Planner, Chief Building Official, and City Engineer, determines that it is necessary based upon the need to immediately stabilize an existing Historic property, or specific site

conditions such as access, or lack thereof, exist, or in an effort to reduce impacts on adjacent properties.

8. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law.
9. During construction, a six foot chain-link fence around the property will be required. The Construction Mitigation Plan should note that parking will not be allowed on Sampson, King Road or Norfolk Ave. The applicant will need to submit a detailed parking plan when as part of their Construction Mitigation Plan.

If you have questions regarding your project or the action taken, please don't hesitate to contact me at 435-615-5067 or anya.grahn@parkcity.org.

Sincerely,

A handwritten signature in black ink that reads "Anya E. Grahn". The script is cursive and fluid, with the first name "Anya" being more prominent than the last name "Grahn".

Anya Grahn
Historic Preservation Plan



PLANNING DEPARTMENT

June 13, 2019

Joseph Sponholz & Nancy Bronstein
25 East End Avenue
New York, NY 10028-7052

CC: Jonathan Degray, Architect

NOTICE OF PLANNING DEPARTMENT ACTION

Project Address: 115 Sampson Avenue
Project Number: PL-19-04221
Project Description: Steep Slope Conditional Use Permit- Extension Request
Date of Final Action: June 13, 2019

The Planning Director has reviewed the applicant's request for the extension of the Steep Slope Conditional Use Permit application at 115 Sampson Avenue and has **approved** the request to extend the expiration date to December 10, 2019 (see Condition of Approval #4). This letter serves as the final action letter and approval for the Extension Request. The plans, as redlined, are approved subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 115 Sampson Avenue.
2. The site is located in the Historic Residential-Low Density (HRL) Zoning District.
3. The site is designated as "Significant" on the City's Historic Sites Inventory.
4. The lot contains 7,692 square feet. It is a downhill lot.
5. On March 6, 2014, the Park City Council approved the 115 Sampson Avenue Subdivision through Ordinance 14-07; it was recorded on February 26, 2015.
6. This application is a request for a Steep Slope Conditional Use Permit (CUP) for construction of an addition to a historic single-family home, when the Building Footprint of the addition is in excess of 200 square feet if the Building Footprint of the addition is located upon an existing Slope of 30% or greater.
7. The applicant is proposing to build an addition on the west side of the historic house creating a total house size of 2,697 square feet.
8. The existing footprint of the historic house and its non-historic additions is 772 square feet; the proposed footprint of the house following construction of the

addition is 2,004 square feet. The lot size currently allows a footprint of 2,496.28 square feet.

9. On February 12, 2018, the City received an application for a Conditional Use Permit (CUP) for “Construction on a Steep Slope” at 115 Sampson Avenue; the application was deemed complete on February 22, 2018.
10. On June 13, 2018, The Park City Planning Commission approved the Conditional Use Permit (CUP) for “Construction on a Steep Slope” at 115 Sampson Avenue.
11. This is a downhill lot, and the average slope of the lot is about 52.5%. The slope drops drastically immediately east of Sampson Avenue, with portions of the grade having a slope as much as 67%.
12. Pursuant to LMC 15-2.1-5(D)(4), the Planning Commission may allow additional Building Height (see entire Section 15-2.1-5) on a downhill Lot to accommodate a single car wide garage in a Tandem Parking configuration; to accommodate circulation, such as stairs and/or an ADA elevator; and to accommodate a reasonably sized front entry area and front porch that provide a Compatible streetscape design. The applicant is proposing tandem parking consisting of a single-car garage (approximately 246 square feet) and uncovered parking space in the driveway as well as a circulation space containing a staircase and elevator (approximately 210 square feet). The depth of the garage will not exceed the minimum depth for internal Parking Spaces as required within LMC 15-3; the applicant has provided a garage 20 feet in depth. The additional Building Height is not permitted to exceed 35 feet Existing Grade; the proposed height is 32 feet above Existing Grade.
13. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine related impacts.
14. The development has been located and designed to reduce visual and environmental impacts of the Structure. The historic house will remain in its existing location, which is most visible from Norfolk Avenue and almost hidden from view along Sampson Avenue due to the location of the historic house downhill from the right-of-way. The applicant is proposing to construct an addition to the west (rear) side of the house, which will appear as a small, one-story addition with a pedestrian entrance and single-car garage along Sampson Avenue. The addition will have a total of three stories. Much of the proposed bulk and mass of the new addition will be buried in the hillside.
15. The proposal minimizes impacts of the project by incorporating screening, slope stabilization, erosion mitigation, vegetation protection, and other items. As demonstrated by the visual analysis, the proposed addition fits within the context of the slope, neighboring structures, and existing vegetation. The neighborhood consists of historic houses with one- to two-story additions, one- to two-story new houses, and a few three- to four-story new residential developments. The applicant has designed the addition so that it steps up the hillside, providing pedestrian and vehicular access to Sampson Avenue. Not only will this alleviate some of the dangerous site conditions that exist with the railroad tie-supported parking pad, it will also create a presence along Sampson Avenue where it is currently difficult to determine which staircase accesses this property.

16. Access points and driveways have been designed to minimize grading of the natural topography and reduce overall building scale. The applicant is proposing to remove the existing railroad-tie parking pad that encroaches into the City right-of-way and replace it with a new driveway and single-car garage. This parking pad was never intended to provide public parking, but was built by previous owners of 115 Sampson Avenue to provide parking for their site. Additionally, as part of the plat amendment that was recorded in 2015, an Encroachment Agreement between Park City Municipal Corporation and Silver Potato LLC (the current owners), requiring the owners to maintain the parking pad.
17. The project includes retaining walls and terraces to retain Natural Grade. The hillside will need to be re-graded following the demolition of the 1983 parking pad to restore original grade. Following construction of the addition, the applicant is proposing to terrace the hillside in order to create a series of outdoor patios and living spaces. There are seven proposed retaining walls; of these, three of the walls are no more than 4 feet in height and four of the walls are 2.5 feet.
18. Buildings, access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The structure has been designed in order to be setback and visually separated from the historic house at the front of the lot. The applicant has sited the new addition in such a way that the original grade of the site can be largely restored following the deconstruction of the 1983 parking pad. Several terraces will extend from the front yard to the flatter portion of the lot where the historic house sits. The design has maximized opportunities for open space, and there is no Significant Vegetation to preserve as the site is overgrown. New landscaping will be incorporated to help maintain the hillside and provide visual separations from the neighboring properties.
19. Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. The new addition provides a visual transition between the historic house and the new addition. The mass of the addition steps up the hill, terminating at Sampson Avenue. This helps breakup the mass of the structure, and the tallest portions of the historic house are set back substantially from the historic house so as not to detract from it. The historic house, when viewed from the Norfolk Avenue right-of-way that it faces, will remain the focal point of the project.
20. The proposal minimizes the creation of a "wall effect" along the Street front. The new addition is largely tucked behind the historic house and only appears as one-story in height from the Sampson Avenue right-of-way. It does not create a wall effect along the Street front or appear to overwhelm the historic house. It is visually separated from the historic house by a transitional element, and the taller masses are pushed back toward Sampson Avenue so they do not overwhelm the historic house.
21. The volume of the structure has been restrained to minimize its visual mass and mitigate differences between the scale of the historic house and new addition. The proposed design is articulated and broken into compatible massing components. The design includes setback variations and lower building heights for portions of the structure. The proposed massing and architectural design

components are compatible with both the volume and massing of single family dwellings in the area. The design minimizes the visual mass and mitigates the differences in scale between the proposed house and surrounding structures.

22. The proposed new construction meets the twenty-seven feet (27') maximum building height requirement measured from existing grade; however, the applicant has requested a building height exception for the garage and circulation space pursuant to LMC 15-2.1-5(D)(4). The height of the new addition is approximately 32 feet above existing grade, and the remainder of the addition becomes buried in the hillside as the grade steps uphill towards the rear of the lot to comply with the 27 foot height requirement. The roof has been designed to allow for a front and side-facing gables along the street front, consistent with adjacent structures. As designed the house is compatible in mass and scale with houses in the surrounding neighborhood.
23. The property was posted and notice was mailed to property owners within 300 feet on May 30, 2018. Legal notice was also published in the Park Record in accordance with requirements of the LMC on May 26, 2018.
24. The findings in the Analysis section of this report are incorporated herein.

Conclusions of Law

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.1-6.
2. The Use is consistent with the Park City General Plan, as amended.
3. The effects of any differences in use or scale have been mitigated through careful planning.

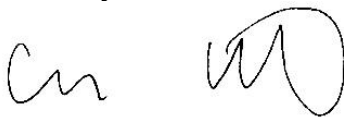
Conditions of Approval

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The CMP shall include language regarding the method of protecting adjacent structures. During construction, a six foot chain-link fence around the property will be required. The Construction Mitigation Plan should note that parking will not be allowed on Sampson, King Road or Norfolk Ave. The applicant will need to submit a detailed parking plan when as part of their Construction Mitigation Plan.
3. 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.
4. The approval of the Extension for Steep Slope Conditional Use Permit application (PL-18-03794) will expire and a new Historic District Design Review application will be required if:
 - a. A Building Permit has not been submitted to the Building Department by September 28, 2019 (90 days from Request for Extension PL-19-04221 Final Action letter dated June 13, 2019); and
 - b. A Building Permit has not been issued by the Building Department by December 10, 2019 (180 days from Request for Extension PL-19-04221 Final Action letter dated June 13, 2019).

5. The Conditions of Approval from the Historic Preservation Board Determination of Material Deconstruction dated May 16, 2018 shall apply.
6. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission on June 13, 2018, and the Final HDDR Design approved June 18, 2018.
7. Modified 13-D residential fire sprinklers are required for all new construction on this lot.
8. All excavation work to construct the foundation of the new addition shall start on or after April 15th and be completed on or prior to October 15th. The Planning Director may make a written determination to extend this period up to 30 additional days if, after consultation with the Historic Preservation Planner, Chief Building Official, and City Engineer, determines that it is necessary based upon the need to immediately stabilize an existing Historic property, or specific site conditions such as access, or lack thereof, exist, or in an effort to reduce impacts on adjacent properties.
9. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law.

If you have any questions or concerns regarding this letter, please do not hesitate to call me at 435-615-5067 or contact me by email at caitlyn.barhorst@parkcity.org

Sincerely,

The image shows a handwritten signature in black ink. It consists of two parts: a cursive 'C' followed by a stylized 'B' that loops around and ends with a small circle.

Caitlyn Barhorst
Historic Preservation Planner

PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS

1. The applicant is responsible for compliance with all conditions of approval.
2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 5, Architectural Review); International Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.
4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.
5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Planning Department, Planning Commission, or Historic Preservation Board prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit must be specifically requested and approved by the Planning Department, Planning Commission and/or Historic Preservation Board in writing prior to execution.
6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Planning, Building, and Engineering Departments. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.

7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Planning and Building Departments prior to issuance of a footing and foundation permit. This survey shall be used to assist the Planning Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.
8. A Construction Mitigation Plan (CMP), submitted to and approved by the Planning, Building, and Engineering Departments, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.
9. Any removal of existing building materials or features on historic buildings shall be approved and coordinated by the Planning Department according to the LMC, prior to removal.
10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.
11. Final landscape plans, when required, shall be reviewed and approved by the Planning Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.
12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the City Engineer, posted prior to occupancy.
13. The Snyderville Basin Water Reclamation District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Water Reclamation District shall be signed and executed prior to building permit issuance. Evidence of compliance with the

District's fee requirements shall be presented at the time of building permit issuance.

14. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.
17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Planning and Building Departments. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.
18. All exterior lights must be in conformance with the applicable Lighting section of the Land Management Code. Prior to purchase and installation, it is recommended that exterior lights be reviewed by the Planning Department.
19. All projects located within the Soils Ordinance Boundary require a Soil Mitigation Plan to be submitted and approved by the Building and Planning departments prior to the issuance of a Building permit.



June 18, 2019

Joseph Sponholz & Nancy Bronstein
25 East End Avenue
New York, NY 10028-7052

CC: Jonathan DeGray, Architect

NOTICE OF PLANNING DEPARTMENT ACTION

Project Address: 115 Sampson Avenue
Project Number: PL-19-04221
Project Description: Historic District Design Review- Extension Request
Date of Final Action: June 18, 2019

Summary of Staff Action

The Planning Director has reviewed the applicant's request for the extension of the Historic District Design Review (HDDR) application at 115 Sampson Avenue and has **approved** the request to extend the expiration date to December 14, 2019 (see Condition of Approval #4). This letter serves as the final action letter and approval for the Extension Request. The plans, as redlined, are approved subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The property is located at 115 Sampson Avenue. The property is located in the Historic Residential-Low Density (HR-L) Zoning District.
2. The historic site is designated as Significant on the Historic Sites Inventory (HSI).
3. The Legal Description for this property is Lot 1 of the 115 Sampson Avenue Subdivision. On March 6, 2014, Park City Council approved the 115 Sampson Avenue Subdivision through Ordinance 14-07; it was recorded on February 26, 2015.
4. On February 12, 2018, the Planning Department received a Historic District Design Review (HDDR) application for the property at 115 Sampson Avenue; it was deemed complete February 22, 2018.
5. The exact date of construction of this house is unknown, but the Summit County Recorder's Office lists the date of construction as 1904 and it appears in 1920s photographs of Old Town as a simply pyramid-roof cottage with a porch and no dormers.

6. The first recorded owner of the property is the Park City Townsite Corporation, and the site may have housed mine workers. It was first purchased by an individual in 1937—Frank Pintar, his wife Celia, and son Victor lived in the house.
7. From 1907 to 1941, the Sanborn Fire Insurance Maps show the house remained largely unchanged. It was a one and one-half story, square pyramid-roof house with a small one-story addition on the southwest corner. It had a porch that wrapped around the east façade and south elevation.
8. Since the 1941 Sanborn Fire Insurance Map, there have been several additions including a rear lean-to addition across the west elevation. There is also a second addition on the west elevation that is built into the hillside and is closed off from the interior of the house. This addition is constructed of railroad ties with stacked stone on the exterior; it may have been used as a root cellar at one time.
9. Between 1960 and 1980, several modifications were made to the historic house diminishing its historical significance. The window-door configuration was substantially altered after 1970, with new aluminum sliding and picture windows and flush wood doors. On the east façade, the original double-hung wood windows were replaced with large picture windows. A vinyl faux-Permastone product was installed on the east façade and aluminum siding covered the original wood drop novelty siding. Additionally, skylights were cut into the porch roof on the south elevation and new dormers were constructed after 1920.
10. The parking structure along Sampson Avenue was constructed in 1983 and consists of a railroad tie retaining wall with packed gravel. There is a newer set of stairs leading from the parking pad to the house, likely built in 1995.
11. On October 13, 2010, the Chief Building Official issued a Notice and Order to Repair and Vacate the historic house. Subsequently, the Planning Department received a plan to stabilize and mothball the house on November 4, 2011. Work included documenting the historic house, developing a Physical Conditions Report, as-built drawings, structurally stabilizing the house, making necessary repairs to achieve the preservation plan/ mothballing plan, exterminate and control pests, protect the exterior envelope from moisture penetration, secure the building and its component features to reduce vandalism and break-ins, provide adequate ventilation, secure and/or modify the mechanical utility systems, and a plan for maintenance and monitoring.
12. On April 10, 2013, the Building Department issued a second Notice and Order to Repair or Vacate the house.
13. On May 16, 2018, the Historic Preservation Board approved the Material Deconstruction and Disassembly/Reassembly (Panelization) associated with the project.
14. On June 18, 2018, the Planning Department approved the Historic District Design Review (HDDR) application for the property at 115 Sampson Avenue.
15. On June 13, 2018, the Planning Commission approved the Steep Slope Conditional Use Permit for this site as well as a height exception as permitted by LMC 15-2.1-5(D)(4). The height exception for a Garage on a Downhill Lot states that the depth of the garage may not exceed the minimum depth for an internal Parking Space as dimensioned within this code, Section 15-3. LMC 15-3 requires a minimum depth of 20 feet; the proposed garage is 21 feet in depth.
16. The proposal complies with LMC 15-2.1-2 Uses as a Single Family Dwelling is an Allowed Use in the HRL Zoning District.

17. The proposal complies with LMC 15-2.1-3(A) Lot Size as the minimum Lot Area in this zone is 3,750 square feet. The existing lot size is 7,613.13 square feet.
18. The proposal complies with LMC 15-2.1-3(D) Footprint as the maximum footprint permitted for a lot size of 7,613.13 square feet is 2,481.66 square feet. The applicant is proposing a footprint of 2,004 square feet.
19. The proposal complies with LMC 15-2.1-3(E) as the minimum front and rear yard setbacks for this site are 15 feet. The applicant is proposing a 15 foot front yard setback and 12 foot rear yard setback due to the porch of the historic house.
20. The proposal complies with LMC 15-2.1-3(F) as the following Front Yard Setback Exceptions are permitted: (1) retaining walls not more than 4 feet in height; (3) porches not more than 10 feet wide and 3 feet deep; (5) sidewalks and pathways; and (6) driveways leading to a garage are permitted in the front yard setback.
21. The proposal complies with LMC 15-2.1-3(G) as the following Rear Yard Setback Exceptions are permitted: (8) mechanical equipment such as the proposed fire pit maintaining a minimum setback of 3 feet from the rear property line (the applicant is proposing a 14 foot setback); and (10) patios and decks not more than 30 inches above Final Grade are permitted in the rear yard setback.
22. The proposal complies with LMC 15-2.1-3(H) as the minimum Side Yard Setbacks are 5 feet, for a total of 10 feet. The applicant has proposed a 10 foot side yard setback on the south side and 10 foot side yard setback on the north side.
23. The proposal complies with LMC 15-2.1-3(I) as the following Side Yard Setback Exceptions are permitted: (1) Bay windows not more than 10 feet wide, projecting not more than 2 feet into the side yard, as proposed on the north side of the house; (3) window and light wells projecting not more than 4 feet into the side yard setback, such as the light well proposed to encroach 2.5 feet into the north side yard setback; (6) patios, decks, and pathways not more than 30 inches above Final Grade; (7) retaining walls, such as those the applicant has proposed; (8) driveways leading to a garage; and (11) mechanical equipment located at least 3 feet from the side yard line.
24. Per LMC 15-2.1-4, Historic Structures that do not comply with Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height.
25. The proposal complies with LMC 15-2.1-5 Building Height. The interior height of the structure, measured from the lowest floor plane to the top of the highest wall plate is 35 feet. The required 10 foot horizontal step on the downhill façade has been provided by the historic house. The roof pitch of the addition's Contributing Roof Form is 7:12.
26. The proposal complies with LMC 15-2.1-5(D)(4) as the Planning Commission approved a height exception for a garage with parking in a tandem configuration on a downhill lot on June 13, 2018.
27. The proposal complies with LMC 15-2.1-9 Vegetation Protection. The site is largely overgrown and the only Significant Vegetation is a deciduous tree on the

south side of the property. The applicant does not propose to remove this tree, and the landscape plan proposes additional new trees.

28. The proposal complies with Universal Design Guidelines for Historic Sites:

- a. The proposal complies with Universal Design Guideline #1 as the site shall be used as it was historically, a single family house, which requires minimal change to the distinctive materials and features.
- b. The proposal complies with Universal Design Guideline #2 as changes to a site or building that have acquired historic significance in their own right will be retained and preserved. The applicant has proposed to reconstruct many of the details and features of the historic house that have been lost by past renovations.
- c. The proposal complies with Universal Design Guideline #3 in that the historic exterior features of a building will be retained and preserved. Where they have been lost, the applicant proposes to reconstruct them.
- d. The proposal complies with Universal Design Guideline #4 in those distinctive materials, components, finishes, and examples of craftsmanship will be retained and preserved. The applicant is proposing to restore and reconstruct missing historic elements.
- e. The proposal complies with Universal Design Guideline #5 as conditioned.
- f. The proposal complies with Universal Design Guideline #6 as features that do not contribute to the significance of the site or building and exist prior to the adoption of these guidelines may be maintained; however, if it is proposed they be changed, those features must be brought into compliance with these guidelines. There were a number of changes made to the historic house after the historic period. The applicant has proposed to remove these later additions and restore the original features of the historic house.
- g. The proposal complies with Universal Design Guideline #7 as the site will be recognized as a physical record of its time, place and use. The applicant is not proposing to introduce architectural elements or details that visually modify or alter the original building design when no evidence of such elements or details exists.
- h. The proposal complies with Universal Design Guideline #8 as conditioned.
- i. The proposal complies with Universal Design Guideline #9 in that the new additions, exterior alterations, and related new construction will not destroy historic materials, features, and spatial relationships that characterize the site or building. The new addition is setback from the west (rear) elevation of the historic house so that the historic house remains the focal point of the project.
- j. The proposal complies with Universal Design Guideline #10 in that the new addition and related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment could be restored.

29. The proposal complies with the Specific Design Guidelines for Historic Sites:

- a. The proposal complies with Specific Design Guideline A.1. Building Setbacks & Orientation. The applicant has proposed to maintain the original front and side yard setbacks of the historic house. The original location of the main entry will also be maintained. The house faces east,

toward Norfolk Avenue. The applicant has proposes to reconstruct the historic porch.

- b. Specific Design Guidelines A.2 Stone Retaining Walls are not applicable as this property does not have any historic stone retaining walls. New stone retaining walls are proposed in the side and front yard along Sampson Avenue; however, these will not exceed 4 feet in height and will be constructed in a traditional style to compliment the historic house.
- c. Specific Design Guidelines A.3 Fences and Handrails are not applicable as there are no historic fences or handrails on this site.
- d. Specific Design Guidelines A.4 Steps are not applicable as there are no historic hillside steps on this site.
- e. The proposal complies with Specific Design Guidelines A.5 Landscaping and Site Grading. There were no historic landscape features to retain and reconstruct on this site. The applicant has incorporated landscape treatments for the driveway, walkways, and paths in a comprehensive, complimentary, and integrated design. The historic character of the site will not be significantly altered by substantially changing the proportion of built or paved area to open space; the applicant has located the patios and decks in the side yard to limit the amount of paved space and created vegetated separations between this house and its neighbors. The landscape plans provides for snow storage on site, in the south side yard setback. The landscape plan respects the manner and materials used traditionally, with special consideration given to the front yard. Landscape separations have been provided between parking areas, drives, service areas, and public use areas. The original grading of the site will be maintained when and where feasible. The non-historic parking pad will be removed and the site regarded to restore an appearance similar to what existed historically.
- f. The proposal complies with Specific Design Guidelines B.1 Roofs. No photovoltaic panels or skylights have been proposed. The applicant has proposed asphalt shingle roofing on the historic house and standing seam metal on the reconstructed porch.
- g. The proposal complies with Specific Design Guidelines B.2. Exterior Walls. The original window-door configuration of the historic house has been lost in past renovations. The applicant will determine the original window-door configuration when the non-historic siding layers are removed. Original materials are proposed to be repaired using recognized historic preservation methods. No substitute materials are proposed.
- h. The proposal complies with Specific Design Guidelines B.3. Foundations. The applicant has proposed to construct a new slab foundation beneath the historic house. The foundation will not raise the elevation of the reconstructed historic house more than 2 feet. The original placement, orientation, and grade of the historic house will be retained where and when feasible.
- i. The proposal complies with Specific Design Guidelines B.4. Doors. The historic doors have been lost. The applicant is proposing to remove the 1970s doors that exist today and replace them with new doors that are more historic in appearance.

- j. The proposal complies with Specific Design Guidelines B.5 Windows. The applicant has proposed to uncover and restore the original window openings. Replacement windows will be wood, double-hung windows typical of the historic period. The proposal complies with Specific Design Guidelines B.6 Mechanical Systems, Utility Systems, and Service Equipment as conditioned.
- k. The proposal complies with Specific Design Guidelines B.7 Paint and Color as conditioned.
- l. The proposal complies with Specific Design Guidelines C.1 Off-Street Parking. The applicant has proposed off-street parking in a single-car garage and driveway on the northwest corner of the site. The driveway will be shielded with landscaping to minimize its appearance along the street. The existing topography will be minimally impacted.
- m. The proposal complies with Specific Design Guidelines C.2 Driveways. The existing topography of the site will be minimally impacted by the construction of the driveway. No shared driveway is proposed.
- n. Specific Design Guidelines C.3 Detached Garages are not applicable as the applicant is proposing an attached one-car garage.
- o. The proposal complies with Specific Design Guidelines D.1 Protection for Historic Structures and Sites. The applicant has set the proposed three-story addition behind the historic house so that much of the historic roof form blocks the view of the addition when viewed from the façade of the house. The addition mimics the scale and proportion of the historic house and steps up the hill so as not to overwhelm the historic house.
- p. The proposal complies with Specific Design Guidelines D.2 General Compatibility. The addition will complement the visual and physical qualities of the historic pyramid-roof cottage as it incorporates similarly shaped and scaled windows and doors, wood siding, and truncated gable roofs. The building components and materials used on the addition will be similar in scale and size to those found on the reconstructed historic house. Window shapes, patterns, and proportions found on the reconstructed house are reflected in the new addition. The addition is taller than the existing historic house and is visually separated from the historic house when viewed from the front of the historic house. No in-line addition is proposed.
- q. The proposal complies with Specific Design Guidelines D.3. Scenario 1: Residential Historic Sites—Basement Addition without Garage as the basement addition will be constructed as part of the new addition; however, only a slab foundation is proposed beneath the historic house. The proposed foundation will not raise the historic structure more than 2 feet from its original floor elevation. Window or egress wells are not proposed to be located on the primary façade. Window or egress wells will be located behind the midpoint of the secondary façades or in a location that is not visible from the primary public right-of-way. Landscape elements are proposed to be used to screen window/egress wells.
- r. Specific Design Guidelines D.4 Scenario 2: Residential Historic Sites—Basement Addition with Garage are not applicable as no basement garage addition is proposed.

- s. Specific Design Guidelines E. Relocation and/or Reorientation of Intact Buildings do not apply as the applicant is not proposing to relocate the historic house.
 - t. The proposal complies with Specific Design Guidelines F. Disassembly/ Reassembly of All or Part of a Historic Structure as the applicant is proposing to panelize the north, south, and east walls of the historic house. The applicant has provided measured drawings of the structure and identified the walls to be panelized in order to disassemble the structure into the largest workable pieces possible. A photographic survey of the existing structure has been made and a structural engineer has certified that Disassembly and Reassembly (Panelization) is the best approach to restoring the historic house. The HPB approved the Disassembly and Reassembly on May 16, 2018.
 - u. Specific Design Guidelines G. Reconstruction of Existing Historic Structures does not apply as the applicant is not proposing to reconstruct the historic house.
 - v. Specific Design Guidelines H. Accessory Structures are not applicable as there are no existing or proposed accessory structures on the site. There are three non-historic sheds on the site and the applicant is proposing to demolish these.
 - w. Specific Design Guidelines I. Signs are not applicable as no signs are proposed.
 - x. The proposal complies with Specific Design Guidelines J. Exterior Lighting as Conditioned.
 - y. Specific Design Guidelines K. Awnings are not applicable as no awnings are proposed.
 - z. The proposal complies with Specific Design Guidelines L. Sustainability as conditioned. No renewable energy systems are proposed.
 - aa. The proposal complies with Specific Design Guidelines M. Seismic Systems as the visual impact of exterior treatments associated with seismic upgrades will be minimized.
 - bb. Specific Design Guidelines N. ADA Compliance are not applicable as no ADA access is proposed.
30. Per LMC 15-11-9 Preservation Policy, the Planning Department is also authorized to require that the Applicant provide the City with a Financial Guarantee to ensure compliance with the conditions and terms of the Historic Preservation Plan.

Conclusion of Law

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.1-6.
2. The Use is consistent with the Park City General Plan, as amended.
3. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval

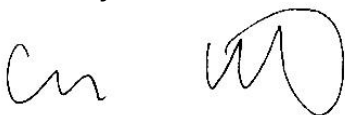
1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the

issuance of any building permits. The CMP shall include language regarding the method of protecting adjacent structures. During construction, a six foot chain-link fence around the property will be required. The Construction Mitigation Plan should note that parking will not be allowed on Sampson, King Road or Norfolk Ave. The applicant will need to submit a detailed parking plan when as part of the Construction Mitigation Plan.

3. 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.
4. The approval of the Extension for Historic District Design Review application (PL-17-03580) will expire and a new Historic District Design Review application will be required if:
 - a. A Building Permit has not been submitted to the Building Department by September 16, 2019 (90 days from Request for Extension PL-19-04221 Final Action letter dated June 18, 2019); and
 - b. A Building Permit has not been issued by the Building Department by December 14, 2019 (180 days from Request for Extension PL-19-04221 Final Action letter dated June 18, 2019).
5. The Conditions of Approval from the Historic Preservation Board Determination of Material Deconstruction dated May 16, 2018 shall apply.
6. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission on June 13, 2018, and the Final HDDR Design.
7. Modified 13-D residential fire sprinklers are required for all new construction.
8. All excavation work to construct the foundation of the new addition shall start on or after April 15th and be completed on or prior to October 15th. The Planning Director may make a written determination to extend this period up to 30 additional days if, after consultation with the Historic Preservation Planner, Chief Building Official, and City Engineer, determines that it is necessary based upon the need to immediately stabilize an existing Historic property, or specific site conditions such as access, or lack thereof, exist, or in an effort to reduce impacts on adjacent properties.
9. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law.

If you have any questions or concerns regarding this letter, please do not hesitate to call me at 435-615-5067 or contact me by email at caitlyn.barhorst@parkcity.org

Sincerely,

A handwritten signature in black ink, appearing to be 'C. Barhorst'.

Caitlyn Barhorst
Historic Preservation Planner

PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS

1. The applicant is responsible for compliance with all conditions of approval.
2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 5, Architectural Review); International Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.
4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.
5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Planning Department, Planning Commission, or Historic Preservation Board prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit must be specifically requested and approved by the Planning Department, Planning Commission and/or Historic Preservation Board in writing prior to execution.
6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Planning, Building, and Engineering Departments. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Planning and Building Departments prior to issuance of a footing and foundation permit. This survey shall be used to assist the Planning Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.

8. A Construction Mitigation Plan (CMP), submitted to and approved by the Planning, Building, and Engineering Departments, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.
9. Any removal of existing building materials or features on historic buildings shall be approved and coordinated by the Planning Department according to the LMC, prior to removal.
10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.
11. Final landscape plans, when required, shall be reviewed and approved by the Planning Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.
12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the City Engineer, posted prior to occupancy.
13. The Snyderville Basin Water Reclamation District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Water Reclamation District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.
14. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.

15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.
17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Planning and Building Departments. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.
18. All exterior lights must be in conformance with the applicable Lighting section of the Land Management Code. Prior to purchase and installation, it is recommended that exterior lights be reviewed by the Planning Department.
19. All projects located within the Soils Ordinance Boundary require a Soil Mitigation Plan to be submitted and approved by the Building and Planning departments prior to the issuance of a Building permit.

September 2012



Planning Department

June 3, 2022

Chris Goff
Mountain Town Lands, LLC
3125 Creek Road
Park City, UT 84098
(713) 293-2682

NOTICE OF PLANNING DIRECTOR DETERMINATION

RE: Determination of Setbacks for an Unusual Lot Configuration at 115 Sampson Avenue, Park City, UT

Dear Chris,

115 Sampson Avenue is a Lot with more than four (4) sides and is considered a Lot with an unusual configuration. Land Management Code §15-4-17 states, "Lots with more than four (4) sides shall have a Side Yard on either side of the Front Yard. The third Side Yard and Rear Yard may be specified by the Planning Director".

Land Management Code § 15-2.1-3(B) requires a 35-foot minimum Lot width, measured 15 feet back from the Front Lot Line. The Planning Director determines that the Lot width will be measured approximately 56 feet back from the 25-foot-wide front property line that projects toward the Norfolk Avenue Right-of-Way.

The Planning Director determines this Lot has the following Setback configuration:

- Three (3) 15-foot Front Setbacks;
- Four (4) five-foot (5') Side Setbacks; and,
- One (1) 15-foot Rear Setback.

The image on the next page identifies these determined Setbacks.

When recorded please return to:
Park City Municipal Corporation
Attn: City Engineer
PO Box 1480
Park City UT 84060

FEE EXEMPT
UTAH CODE ANNOTATED § 11-13-102

ENCROACHMENT PERMIT

115 Sampson Ave (street address)

THIS AGREEMENT is made by and between PARK CITY MUNICIPAL CORPORATION (City) and Silver Potato LLC (Owner(s)) to set forth the terms and conditions under which the City will permit the Owner to build, maintain, and use certain improvements within the City property and right-of-way at 115 Sampson Ave (street address), Park City, Utah. Subject to the following terms and conditions of this agreement, Owner shall have the right to construct and maintain the parking pad within the City right-of-way of Sampson Ave. (street name).

1. This encroachment agreement shall be appurtenant to the following described property: lot 6 and portions of lots 5, 7, 8, 51 (lot # and subdivision) PC-718-1
52, 53, 54, and 55 of Property Block 78 of the Park City Survey

This agreement is not transferable to other property, but is freely transferable with the title to this lot. The license and conditions as stated in the agreement, are binding on the successors in title or interest of Owner(s). Owner(s) shall attach a current title report as part of this application.

2. The improvements permitted within the street right-of-way shall consist of parking pad. Attach a scaled drawing, labeled as ATTACHMENT 'A', showing the improvements and the location of all related elements, on 8 1/2 "x 11" or 11"x 17" paper. No modifications to the improvements may be made without prior written permission from Park City Municipal Corporation.

3. The City may, at some future date, elect to make improvements to Sampson Ave. (street name) at this location and widen the streets to full width of the right-of-way and City property and/or to install utilities (or allow such installation by franchised utilities). To the extent that any improvements or utility work requires the removal, relocation, replacement, and/or destruction of the improvements the Owner(s) may have been using within the City property right-of-way, the Owner(s) waives any right to compensation for the loss of improvements and loss of the use of the street right-of-way and/or change in the grade and elevation of the street. This waiver of compensation, in the event the improvements are removed for any reason whatsoever in the sole determination of Park City, is the consideration given for the granting of this encroachment permit.

4. Prior to installing City improvements in, along or adjacent to the street or installing utilities in a manner that will require the removal or relocation of the improvements, the City will endeavor to give the Owner(s) sixty (60) days notice, in which time the Owner(s) shall make adjustments and remodel the improvements as necessary to accommodate the changes in the street width, utilities, and-or grade at the Owner(s) cost. Park City and its franchised utilities will attempt to save as much of the Owner(s) improvements as possible but in no way guarantees any salvage value whatsoever.

5. No permanent right, title, or interest of any kind shall vest in the Owner(s) in the street right-of-way by virtue of this agreement. The property interest hereby created is a revocable license, and not an easement or other perpetual interest. No interest shall be perfected under the doctrines of adverse possession, prescription, or other similar doctrines of law based on adverse use, as the use hereby permitted is entirely permissive in nature.

Please see side 2

ENTRY NO. 01012051

02/02/2015 11:32:58 AM B: 2277 P: 1554

Encroachment PAGE 1/11

MARY ANN TRUSSELL, SUMMIT COUNTY RECORDER

FEE 0.00 BY PARK CITY MUNICIPAL CORPORATION



6. The Owner(s) or his/her successor shall maintain the improvements in a good state of repair at all times, and upon notice from the City, will repair any damaged, weakened, or failed sections. The Owner(s) agree(s) to hold the City harmless and indemnify the City for any and all claims which might arise from third parties, who are injured as a result of the Owner's use of the right-of-way for private purposes, or from the failure of the Owner's improvements.

7. This agreement shall be in effect until the license is revoked by the City. Revocation shall be effected by the City regarding a notice of revocation with the Summit County Recorder and sending notice to Owner or the Owner's successor.

DATED this 29th day of January, 20 15

PARK CITY MUNICIPAL CORPORATION

[Signature]
Matt Cassel, P.E.,
City Engineer

Attest: Jennifer Byrd
[Signature]
Owner's Signature
25 East End Ave
NYC, NY 10028
Mailing Address

Silver Potato LLC
Joseph G. Sponholz, Manager
Owner's Name (Printed)
nebronstein@gmail.com
email address or phone number

STATE OF UTAH)
 ss
COUNTY OF SUMMIT)

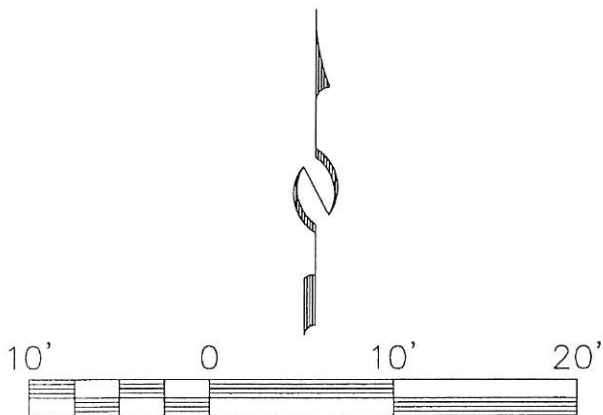
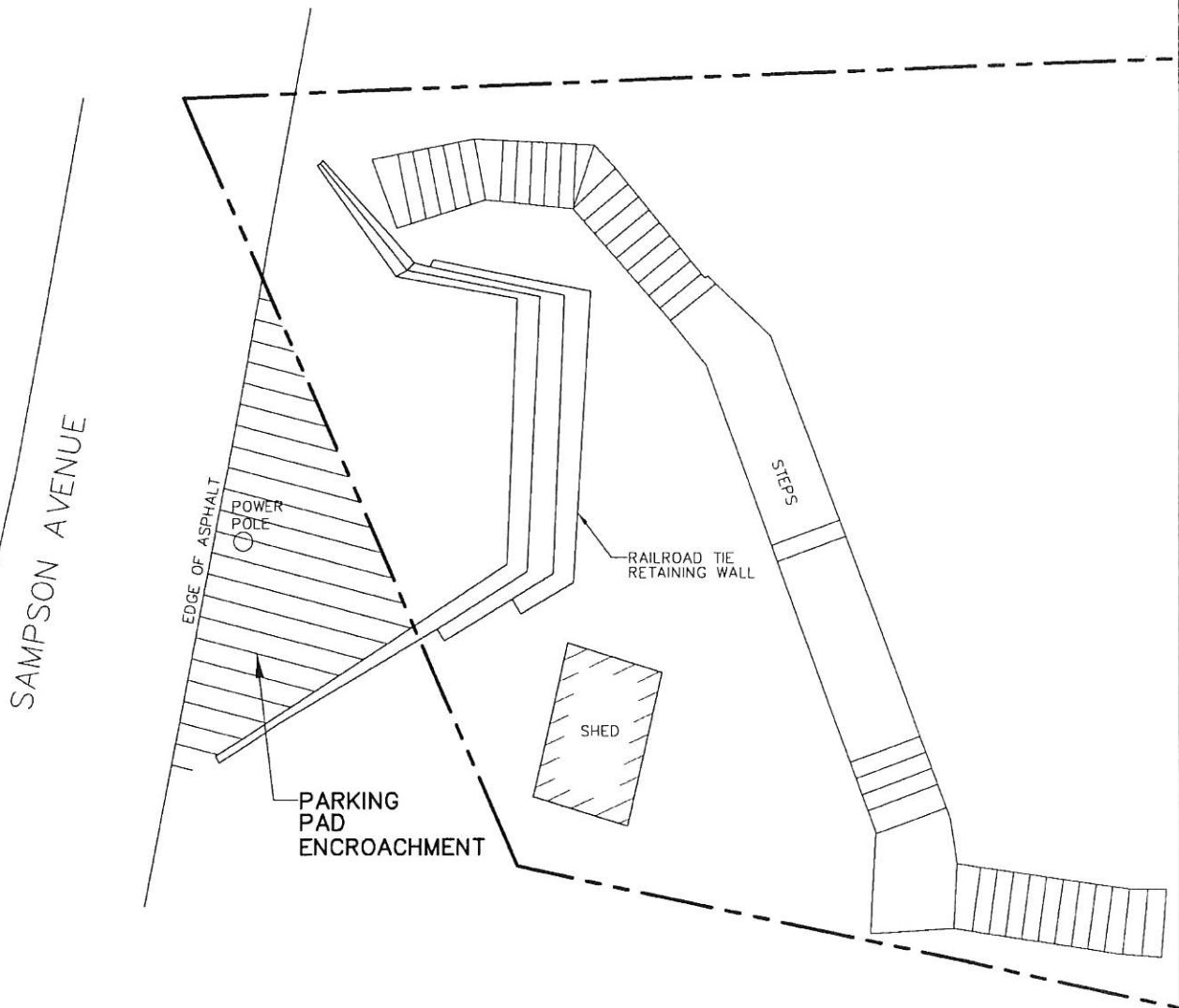
On the 22 day of January, 20 15, Joseph G Sponholz
personally appeared before me Patricia Abdullah who, being first
duly sworn and upon oath, and in full recognition of the penalty for perjury in the State of Utah, did
acknowledged to me that she/he is the Owner(s) of the property or, if the Owner(s) is a Corporation, that
she/he is an authorized representative of the Corporation, and that she/he signed the foregoing instrument
on their behalf.



PATRICIA ABDULLAH
NOTARY PUBLIC - STATE OF UTAH
My Comm. Exp. 03/29/2018
Commission #864131

[Signature]
Notary Public

115 SAMPSON AVENUE PARKING PAD ENCROACHMENT





MEMORANDUM

To: Spencer Cawley/ Planner I
From: Nestor Gallo, P.E. / Public Improvements Engineer
Cc: John Robertson, P.E./ City Engineer
Date: June 16, 2022
Re: 115 Sampson Avenue – Utah Avenue Right of Way vacation

This memo addresses the right of way vacation of a portion of Utah Avenue.

I. Background

115 Sampson Avenue was created from lots 51, 52, 53, 54, 55, 5, 6, and 7 of the Park City Block 78, Section 16 and 21, Township 2 South, Range, 4 East, Salt Lake Base, and Meridian (see Figure 1).

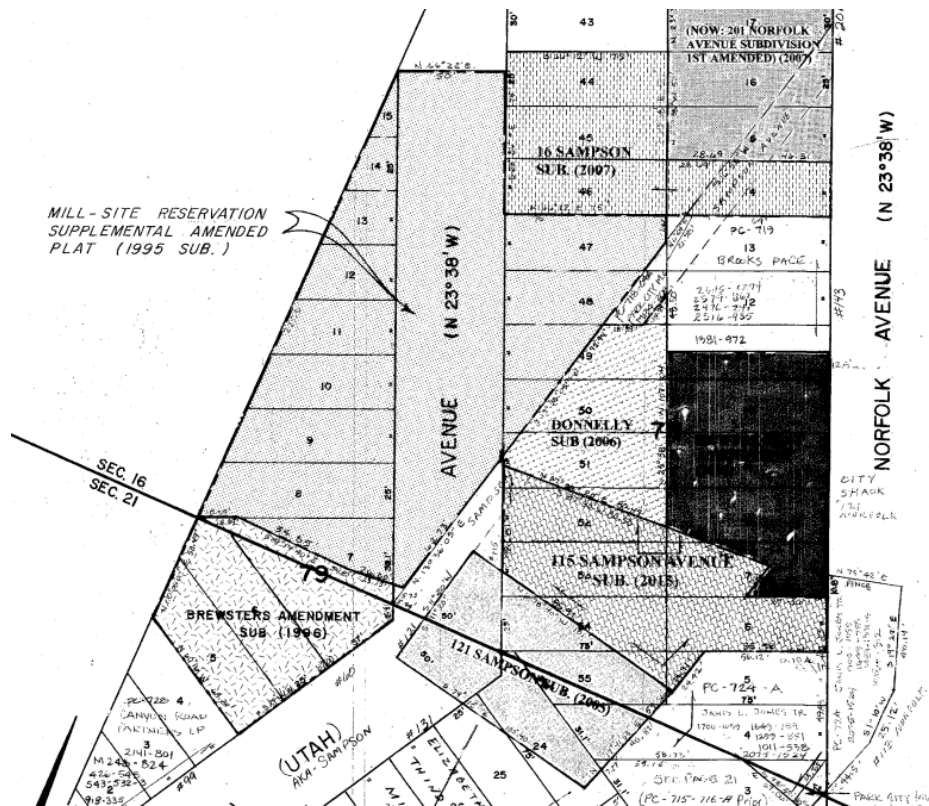


Figure 1: Location of Utah Avenue

According to the Summit County records, Utah Avenue had 50 feet wide right of way with a bearing North 29°44' West. Utah Avenue changes direction at the section line between Section 16 and Section 21 with a centerline bearing North 23°38' West.

Over the years, Lot 78 was subdivided, and the right of way and road centerline bearing changed.

II. Existing Conditions

As stated before, Utah Avenue has a 50 foot wide right of way up to the section line dividing Section 16 and Section 21, Township 2 South, Range, 4 East, Salt Lake Base, and Meridian.

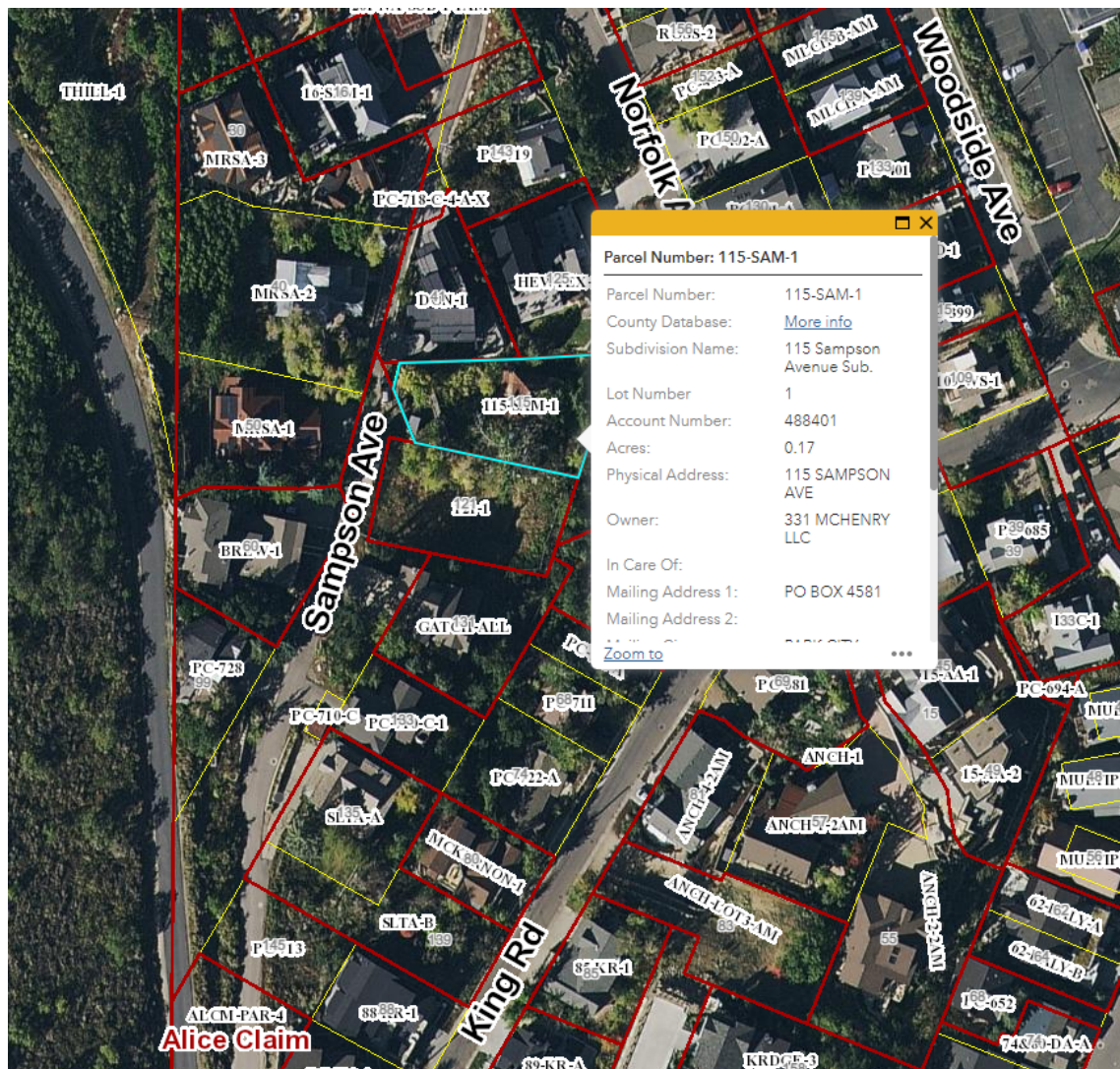


Figure 2: Utah Avenue and Sampson Avenue

Due to the recordation of subdivision plats on Section 16, the configuration and width of Utah Avenue changed, creating a new narrow corridor Sampson Avenue (see Figure 3).

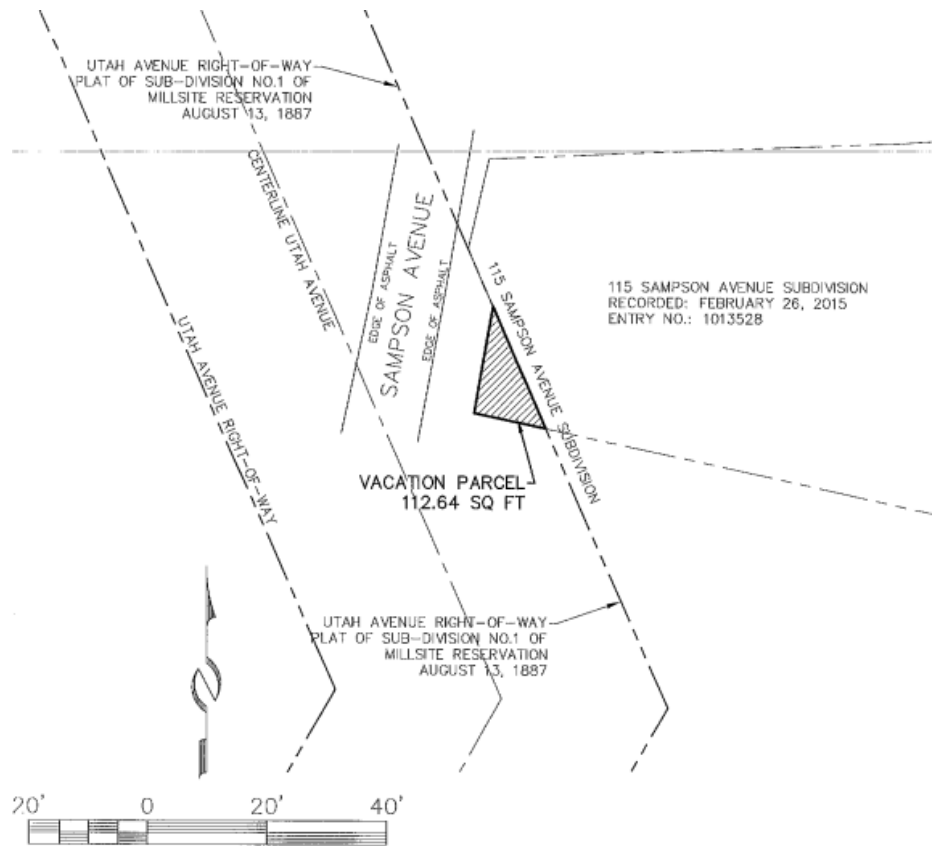


Figure 3: Utah Avenue right of way and road centerline.

As shown in Figure 3, the proposed right-of-way vacation does not conflict with adjacent residents' rights or cross the Utah Avenue centerline.

III. Recommendation

The Engineering Department does not see any conflicts with the vacation of 112.64 sf of the public right of way.

Planning Commission Staff Report



Subject: 949 Empire Avenue Plat Amendment
Application: PL-22-05158
Author: Spencer Cawley
Date: June 22, 2022
Type of Item: Administrative – Plat Amendment

Recommendation

Staff recommends the Planning Commission (I) review the 949 Empire Avenue Plat Amendment, (II) hold a public hearing, and (III) consider forwarding a positive recommendation for City Council's consideration on July 21, 2022, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as outlined in Draft Ordinance 2022-XX (Exhibit A).

Description

Applicant: Terence Scheckter
Location: 949 Empire Avenue
Zoning District: Historic Residential (HR-1)
Adjacent Land Uses: Single-Family Dwellings
Reason for Review: Plat amendments require Planning Commission recommendation and City Council action.¹

DRT Design Review Team
HDDR Historic District Design Review
HR-1 Historic Residential —1
LMC Land Management Code
ROW Right-of-Way

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

Background

949 Empire Avenue is in Block 29 of Snyder's Addition to Park City, is a portion of Lots 12 & 13, and is in the Historic Residential – 1 (HR-1) Zoning District. The Parcel has an unusual flag configuration with a smaller, narrower portion of the Parcel adjacent to the Empire Avenue Right-of-Way (ROW) and a larger full-width section in the rear. The rear portion of the Property is vacant; however, the portion of the Parcel adjacent to Empire Avenue contains an existing, non-historic garage. This existing garage shares a common wall with another garage to the north. The Property owner proposes to demolish the southern portion of the garage that encroaches on the adjacent Property and construct a new residence. To accommodate this proposal, the Applicant requests to remove the existing Lot line and a Deed Line to create one Lot of record. The image

¹ LMC [§ 15-7.1-2\(B\)](#)

below shows the proposed Lot Area in blue.



In August 2013, a non-historic Structure was demolished on the Applicant's Property. The rear Area of the Parcel has since remained vacant as shown in the following Site photo:



953 EMPIRE AVENUE PLAT
RECORDED: FEBRUARY 13, 2008
ENTRY NO.: 837443

RIGHT-OF-WAY FOR THE BENEFIT OF OWNERS

RIGHT-OF-WAY FOR THE BENEFIT OF OWNERS

RIGHT-OF-WAY
PARK CITY MUNICIPAL CORPORATION
RECORDED: DECEMBER 9, 1968
ENTRY NO.: 108260
BOOK M19, PAGE 148

LOT LINE REMOVED

DEED LINE REMOVED

FOUND & ACCEPTED
NAIL & WASHER
IN ROOF

RIGHT-OF-WAY
PARK CITY MUNICIPAL CORPORATION
RECORDED: DECEMBER 9, 1968
ENTRY NO.: 108260
BOOK M19, PAGE 148

FOUND & ACCEPTED
STEEL PIPE

LOT 20

LOT 11

LOT 12

LOT 21

FOUND & ACCEPTED ALLIANCE
ENGINEERING REBAR
AND CAP "LS 154491"

LOT A

949 EMPIRE AVENUE

CONTAINS 3,030 SQ FT
(0.070 ACRES)

N 54°01'00" E 51.00'

S 35°59'00" E 30.00'

N 54°01'00" E 24.00'

S 35°59'00" E 20.00'

N 54°01'00" W 75.00'

S 54°01'00" W 50.00'

N 35°59'00" W 50.00'

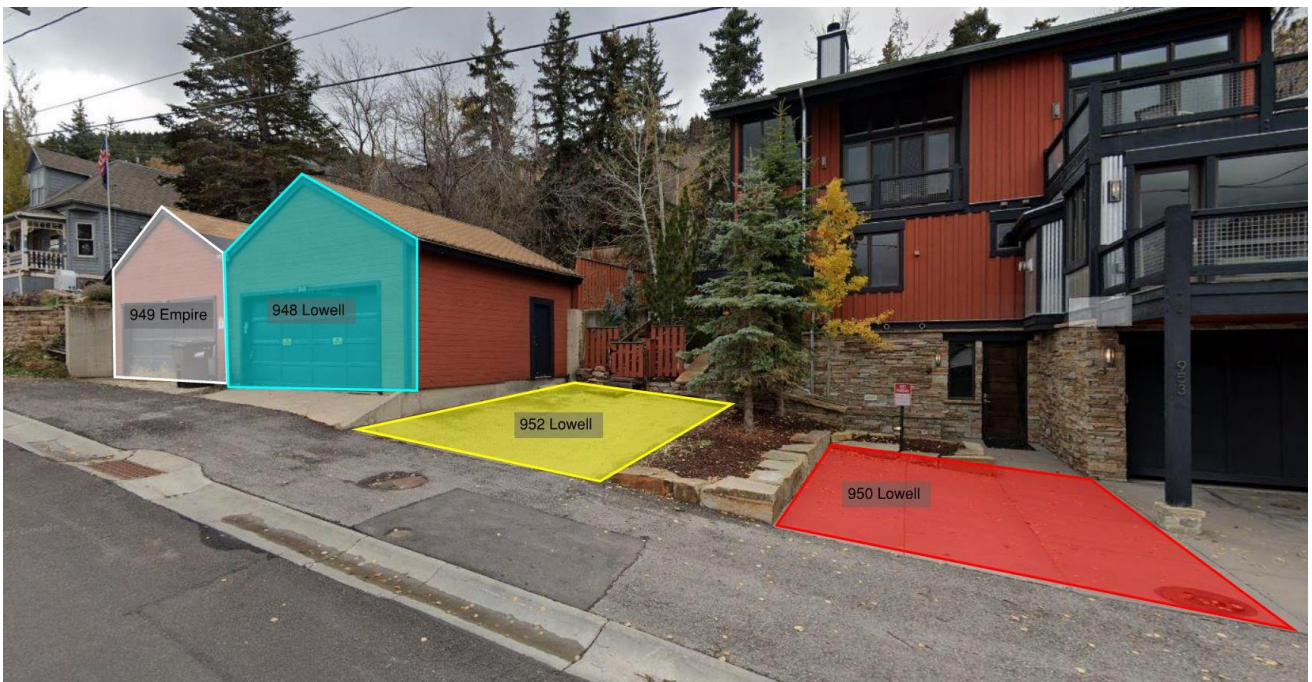
POB

The Lots subject to the Restrictive Covenants have been developed by property owners of some Single-Family Dwellings on Lowell Avenue who own portions along Empire Avenue for parking. The images below, taken from the Summit County Parcel viewer and Google street view, highlight the corresponding ownership of Parcels on Lowell Avenue and Empire Avenue:

- 441

southern portion of the garage encroaches onto Parcel SA-301-B.

- SA-301-B – 949 Empire. The southern half of the garage is owned by the Property owner of 949 Empire.



On April 13, 2022, the Planning Commission continued 949 Empire Avenue Plat

Amendment to June 22, 2022, to allow the Applicant additional time to address concerns with the demolition of the garage ([Staff Report](#); [Minutes](#), p. 13). The Building Department accepted an application for demolition on March 30, 2022. However, the permit will not be issued until the Applicant and neighboring property owner come to a solution regarding division of the garage and the encroachment of the southern garage onto Parcel SA-301-B.

Analysis

Plat amendments require Planning Commission review and City Council Final Action.² The removal of a Lot line and deed line shall be approved in accordance with the procedures outlined in LMC [§ 15-7.1-12](#) and a Final Plat shall be approved in accordance with these regulations.³

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

The following table outlines the HR-1 Zoning District Lot requirements.⁴

HR-1 Zoning Requirement	Analysis of Proposal
Min. Lot Area: 1,875 sq. ft.	Complies Lot contains 3,030 sq. ft. (0.07 acres)
Min. Lot Width: 25 feet	Complies The rear portion of the proposed Lot is 50 feet wide. The frontmost section of the proposed lot is 20 feet wide. LMC § 15-2.2-3(B) requires that the minimum width of a Lot is 25 feet, measured 15 feet back from the Front Lot Line. However, pursuant to LMC § 15-2.2-3(B) , the Planning Director determines lot width measurements in the case of unusual lot configurations. On March 30, 2022, the Planning Director determined that the Lot width will be measured 24 feet from the frontmost Property line parallel with Empire Avenue, totaling a width of 50 feet (Exhibit C).
Lot Depth: 75 feet	Complies

² LMC [§ 15-12-15\(B\)\(9\)](#)

³ LMC [§ 15-7.1-3\(D\)](#)

⁴ LMC [§ 15-2.2-3](#)

	The rear portion of the Lot is 51 feet deep. The frontmost portion adds an additional 24 feet for a total Lot depth of 75 feet for the south Lot line and 51 feet and 24 feet for the north Lot lines.
Maximum Building Footprint = (Lot Area/2) x 0.9 Lot Area/1875	Condition of Approval 6 The maximum Building Footprint for this Lot is 1,278 sq. ft. The Applicant shall include the maximum Building Footprint as a Plat note.
Setbacks: Front: Ten feet (10') Rear: Ten feet (10') Side: Minimum five feet (5')	Condition of Approval 7 The Setbacks for the Lot are measured from the Lot lines on the 50' x 51' portion of the Lot. See Analysis II for Planning Director determination of Setback requirements.
Building Height: 27 feet	Condition of Approval 8 Future development of this Lot shall comply with LMC Building Height requirements.

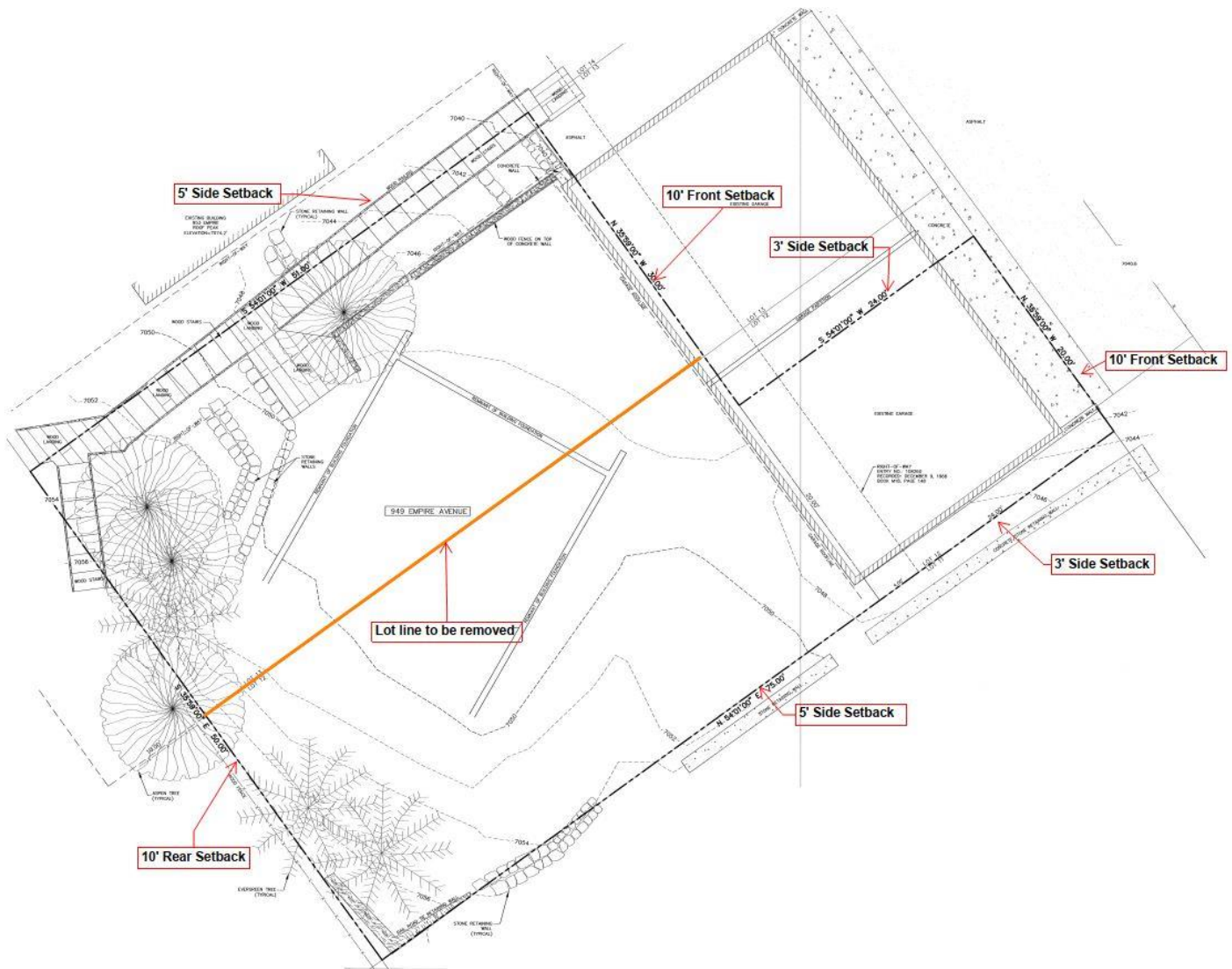
Architectural Review LMC [§ 15-2.1-8](#)

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

(II) Setbacks for Unusual Lot Configurations, LMC [§ 15-4-17](#).

This Plat amendment will create a Lot with more than four (4) sides. The Planning Director determines the Setbacks for these Lots as outlined in Land Management Code [§ 15-4-17](#). On March 30, 2022, the Planning Director determined that the Lot has two five-foot (5') Side Setbacks, two 3-foot (3') Side Setbacks, two ten-foot (10') Front Setbacks, and one ten-foot (10') Rear Setback (Exhibit C). The Applicant shall memorialize these Setbacks on the final plat (Condition of Approval 7). The image

below demonstrates this determination.



As stated in the background section, the survey of the existing site shows a portion of the garage (approximately four feet (4')) encroaches onto the neighboring northern Parcel SA-301-E. Because the Applicant proposes to demolish the southern portion of the garage, staff recommends Condition of Approval 9 requiring the Applicant to gain permission and approval from the owner of Parcel SA-301-E to encroach onto their Property to complete demolition of the southern portion of the double garage. The survey also indicates that a rear portion of the remaining garage will encroach onto the front of the Lot and an existing rock retaining wall will encroach onto the southwest of the Lot. Condition of Approval 10 requires the Applicant to enter into an encroachment agreement to the owner of Parcel SA-301-E for the portion of the remaining garage that will encroach onto the front of the Lot or the encroachment shall be removed prior to Plat recordation. Condition of Approval 11 requires the Applicant to enter into an encroachment agreement to the owner of SA-308 for the portion of the rock retaining wall that encroaches onto the Lot or the encroachment shall be removed

prior to Plat recordation.

(III) Staff finds Good Cause for removing the Lot line because (A) present land Uses and the Character of the HR-1 Zoning District are retained, (B) no Public Street or Right-of-Way is vacated or amended, and (C) no easement is vacated or amended.

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 has been vacated or amended.

Land Management Code [§ 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 further the health, safety, and welfare of the Park City Community.”

A. The Historic Residential (HR-1) Zoning District Uses and Character of the residential Area are retained.

The purpose of the HR-1 Zoning District in part is to preserve land Uses and character of the Historic residential Areas of Park City and defines Development parameters that are consistent with the General Plan policies for the Historic Core.⁵

This proposal is consistent with the zoning district which “encourage[s] single family Development on a combination 25’ X 75’ Historic Lots.”⁶ If approved, the Applicant can construct a Single-Family Dwelling.

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

The Lot is accessed by Empire Avenue and the plat amendment does not vacate or amend any portion of Empire Avenue. A public Right-of-Way on the north end of the property is for the use and benefit of the owner or owners of Lots 12, 13, 14, 15, 17, 18, 19, 20, 21, and 22 of Block 29, Snyder’s Addition to Park City.

C. No easement is vacated or amended.

(IV) The Development Review Committee met on March 1, 2022, reviewed the proposal, and did not identify and issues.

Department Review

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

⁵ LMC [§ 15-2.2-1](#)

⁶ LMC [§ 15-2.2-1\(D\)](#)

Notice

Staff published notice on the City's website and the Utah Public Notice website, and posted notice to the Property on March 30, 2022. Staff mailed courtesy notice to Property owners within 300 feet on March 30, 2022. The *Park Record* published notice on March 30, 2022.⁷ On April 14, 2022, the Planning Commission opened a public hearing and continued the item to June 22, 2022.

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 for Ordinance No. 2022-XX, Approving the 949 Empire Avenue Plat Amendment, to the City Council for Consideration on July 21, 2022; or
- The Planning Commission may forward a negative recommendation for Ordinance No. 2022-XX, Denying the 949 Empire Avenue Plat Amendment, to the City Council and direct staff to make Findings for the denial; or
- The Planning Commission may request additional information for the 949 Empire Avenue Plat Amendment and continue the discussion to a date certain.

Exhibits

Exhibit A: Draft Ordinance 2022-XX and Proposed Plat
Exhibit B: Summit County Recorder Entry No. 105863, *Restrictive Covenants*
Exhibit C: Planning Director Determination of Setbacks
Exhibit D: Aerial Photo
Exhibit E: Existing Conditions
Exhibit F: Site Photos
Exhibit G: Applicant Statement on Project Intent

⁷ LMC [§ 15-1-21](#)

Ordinance No. 2022-XX

AN ORDINANCE APPROVING THE 949 EMPIRE AVENUE PLAT AMENDMENT, LOCATED AT 949 EMPIRE AVENUE, PARK CITY, UTAH

WHEREAS, the owners of the property located at 949 Empire Avenue petitioned the City Council for approval of the 949 Empire Avenue Plat Amendment; and

WHEREAS, on March 30, 2022, notice was published in the *Park Record* and on the City and Utah Public Notice websites; and

WHEREAS, on March 30, 2022, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on March 30, 2022, courtesy notice was mailed to property owners within 300 feet of the 949 Empire Avenue Plat Amendment; and

WHEREAS, on April 13, 2022, the Planning Commission held a public hearing and continued the discussion to June 22, 2022; and

WHEREAS, on June 22, 2022, the Planning Commission reviewed the application and held a public hearing; and

WHEREAS, on June 22, 2022, the Planning Commission forwarded a **positive/negative** recommendation for City Council's consideration on July 21, 2022; and

WHEREAS, on July 21, 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 15-2.2 and 15-7.

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

SECTION 1. APPROVAL. The 949 Empire Avenue Plat Amendment at 949 Empire Avenue, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

Background:

1. The property is located at 949 Empire Avenue.
2. The property is listed with Summit County as Parcel number SA-301-B and consists of a portion of Lots 12 and 13 in Block 29, Snyders Addition to Park City Survey in the Historical Residential (HR-1) Zoning District.
3. On February 10, 2022, the Applicant submitted a complete Plat Amendment

application.

4. The proposed Plat Amendment removes the internal lot line to create one Lot of record containing 3,030 square feet.
5. Demolition of a housing Structure in 2013 left the property vacant.
6. Restrictive Covenants were recorded with Summit County in 1967 against 949 Empire Avenue and Lots 12-22 of Block 29, Snyders Addition (Entry No. 105853).
7. No easement is vacated or amended as a result of the plat amendment.
8. The property is in the Historic Residential (HR-1) Zoning District.
9. The LMC regulates Lot and Site Requirements per LMC [§15-2.2-3](#).
10. A Single-Family Dwelling is an allowed Use in the HR-1 Zoning District and requires a minimum lot size of 1,875 square feet. The proposed Lot size is 3,030 square feet.
11. The minimum Lot width in the HR-1 Zoning District is 25 feet. The proposed Lot complies with this requirement.
12. The required Front Setback for Lot depths of 75 feet is ten feet (10'). The proposed Lot complies with this requirement.
13. The required Rear Setback is ten feet (10'). The proposed Lot complies with this requirement.
14. The required Side Setback is five feet (5'). The proposed Lot complies with this requirement.
15. The Maximum Building Footprint in the HR-1 Zoning District = $(\text{Lot Area}/2) \times 0.9^{\text{Lot Area}/1875}$. The maximum Building Footprint for this Lot is 1,278 square feet.

Conclusions of Law

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

Conditions of Approval

1. The 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 year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. 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. A non-exclusive ten foot (10') public snow storage easement on Empire Avenue shall be dedicated on the plat.
5. The portion of the garage on Parcel SA-301-B shall be demolished prior to recordation of the Plat.

6. The Applicant shall include a Plat note indicating the maximum Building Footprint for the Lot is 1,278 square feet.
7. The Applicant shall include the Setbacks as determined by the Planning Director on March 30, 2022, shall be shown on the final Plat.
8. Any new construction shall comply with the Land Management Code at the time of Application submittal.
9. The Applicant shall gain permission and approval from the owner of Parcel SA-301-E to encroach onto their Property to demolish the southern portion of the double garage on SA-301-B.
10. The Applicant shall enter into an encroachment agreement to the owner of Parcel SA-301-E for the portion of the garage that encroaches onto the front of the Lot or the encroachment shall be removed prior to Plat recordation.
11. The Applicant shall enter into an encroachment agreement to the owner of Parcel SA-308 for the portion of the rock retaining wall that encroaches onto the Lot or the encroachment shall be removed prior to Plat recordation.
12. 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. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 21st Day of July 2022.

PARK CITY MUNICIPAL CORPORATION

Nann Worel, MAYOR

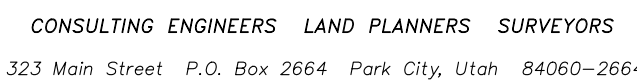
ATTEST:

City Recorder

APPROVED AS TO FORM:

City Attorney

Attachment 1 – Proposed Plat

[illegible]

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

I, Michael Demkowicz, do hereby certify that I am a Professional Land Surveyor and that I hold License No. 4857264 as prescribed under the laws of the State of Utah. I further certify that by authority of the owner, I have made a survey of the land shown on this plat and described hereon, and have combined said land into one (1) lot, hereafter to be known as 949 EMPIRE AVENUE PLAT AMENDMENT and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

Beginning at the southwesterly corner of Lot 12, Block 29, Snyder's Addition to Park City, and running thence North 54°01' East 51 feet; thence North 35°59' West 50 feet; thence South 54°01' West 51 feet; thence South 35°59' East 50 feet to the point of beginning, being the westerly 51 feet of Lots 12 and 13 of said Block 29, Snyder's Addition.

Also, a garage area described as follows; beginning at the southeasterly corner of Lot 12, Block 29, Snyder's Addition, and running thence North 35°59' West 20 feet to the center of a partition, thence South 54°01' West 24 feet; thence South 35°59' East 20 feet to the center of a partition; thence North 54°01' East 24 feet to the point of beginning.

Subject to and together with a right-of-way over the following for the use and benefit of the owner or owners of Lots 12, 13, 14, 15, 17, 18, 19, 20, 21, and 22, Block 29, Snyder's Addition to Park City, in Summit County, Park City, Utah; Beginning at the southeasterly corner of Lot 18, Block 29, Snyder's Addition to Park City, and running thence South 35°59' East 20 feet; thence North 54°01' East 51 feet; thence North 5°59' East 45 feet; thence North 54°01' East 45 feet; thence North 35°59' East 10 feet; thence South 54°01' West 4 feet; thence North 35°59' East 45 feet; thence South 54°01' West 51 feet; thence South 35°59' East 20 feet; thence South 54°01' West 10 feet; thence North 35°59' East 50 feet; thence North 54°01' East 10 feet to the point of beginning.

KNOW ALL BY THESE PRESENTS that the undersigned is the owner of the above described tract of land, and hereby causes the same to be unified into one lot of record, together with easements as set forth to be hereafter known as 949 EMPIRE AVENUE PLAT AMENDMENT and does hereby dedicate for the perpetual use of the public all roads and other areas shown on this plat as intended for public use. The undersigned owner also hereby conveys to any and all public utility companies or persons, now or hereafter existing, the public utility easements shown on this plat, the same to be used for the installation, maintenance and operation of utility lines and facilities. The undersigned owner also hereby conveys any other easements as shown on this plat to the parties indicated and for the purposes shown hereon.

In witness whereof, the undersigned set his hand this _____ day of _____, 2022.

By: Terence Scheckter

STATE OF _____)

: SS

COUNTY OF _____)

On this _____ day of _____, 2022, Terence Scheckter 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 acknowledged to me that he executed the 949 EMPIRE AVENUE PLAT AMENDMENT.

By: _____

Notary Public

Printed Name _____

Residing in:

My commission expires: _____

Commission No

NOTES

1. This plat amendment is subject to the Conditions of Approval in Ordinance 2022-_____
2. See recorded survey S-_____ in the Office of the Summit County Recorder.

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2022 BY _____ ENGINEERING DEPARTMENT	PLANNING COMMISSION RECOMMENDED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2022 BY _____ CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2022 BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2022 BY _____ PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2022 BY _____ MAYOR	CERTIFICATE OF ATTEST I CERTIFY THIS PLAT WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2022 BY _____ PARK CITY RECORDER	PUBLIC SAFETY ANSWERING POINT APPROVAL APPROVED THIS _____ DAY OF _____, 2022 BY _____ SUMMIT COUNTY GIS COORDINATOR	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ _____ FEE _____ RECORDER _____ TIME _____ DATE _____ ENTRY NO. _____
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RESTRICTIVE COVENANTS

Entry No. 105863	Book M12
RECORDED 9.26.67	451A Page 673
Security Title Co.	679
8.00	WANDA V. SPRIGGS, SUMMIT CO. RECORDER
	<i>L. Spriggs</i>

WHEREAS, the undersigned Murray First Thrift & Loan Co., a Utah corporation, is the owner of the following described property, (hereinafter referred to as the "Subdivision") situated in Summit County, State of Utah, to-wit:

Lots 12, 13, 14, 15, 17, 18, 19, 20, 21 and 22, Block 29, Snyder Addition in Summit County, Park City, Utah, according to the official plat thereof, recorded in the Office of the Recorder of Summit County, State of Utah.

Lots 12 and 13 together and as a unit are hereinafter referred to as a "dual lot";

Lots 14 and 15 together and as a unit are hereinafter referred to as a "dual lot";

Lots 17 and 18 together and as a unit are hereinafter referred to as a "dual lot";

Lots 19 and 20 together and as a unit are hereinafter referred to as a "dual lot";

Lots 21 and 22 together and as a unit are hereinafter referred to as a "dual lot";

WHEREAS, said owner desires to place restrictions against the title to said land,

NOW THEREFORE, the following restrictions, reservations and requirements are hereby created and declared to be covenants running with the land hereinabove described; and the undersigned, Murray First Thrift & Loan Co., owner of said land, does hereby declare that the above described land is to be held and conveyed

BOOK M12 PAGE 673

subject to the following described restrictions, reservations and requirements:

I.

RESIDENTIAL LOTS

Each and every dual lot included and contained in the Subdivision shall be known and is hereby designated as a "Residential Dual Lot", and, except as hereinafter provided, no structure shall be erected, altered, placed or permitted to remain on any such residential dual lot other than a single-family dwelling, together with a private garage for the storage of automobiles, which dwellings and garages and any changes made thereto must first be approved as to size and design by the Subdivision Committee.

II.

SUBDIVISION COMMITTEE

Initially, the Subdivision Committee shall consist of three persons. The persons comprising the initial Subdivision Committee shall be Edward I. Vetter, Salt Lake City, Utah; Brent Dyer, Salt Lake City, Utah; and John N. Clawson, Salt Lake City, Utah. The Subdivision Committee shall have the sole power to increase or decrease its size and to fill vacancies in its membership. Any member of the Subdivision Committee may resign at any time. The Subdivision Committee shall establish minimum standards to which buildings and structures in the Subdivision must conform, and shall have complete power

BOOK 12 PAGE 674

in its discretion to approve or reject any proposed structure or improvement upon any dual lot in the Subdivision, based upon compliance or non-compliance with said standards. The Subdivision Committee shall act in all matters by the majority vote of the members of the Committee necessary to constitute a quorum. A quorum of the Committee shall consist of half of the then members if there be an even number of members or a majority of the members if there be an odd number of members.

III.

BUILDING SIZE, DESIGN AND PLACEMENT

No building shall be erected, placed or altered on any dual lot in the Subdivision until a complete set of the building plans, specifications and plot plan showing the location of such building on the dual lot, the conformity and harmony of external design with existing structures in the Subdivision, and the location of the building with respect to topography and furnished ground elevations, have been approved in writing by the Subdivision Committee. Buildings will be required to be of such size, design and cost, and to be so placed on a dual lot, as the Subdivision Committee may reasonably determine in applying the standards hereinabove referred to.

If the construction of any building or structure upon any dual lot shall require the movement of any conifer trees, the dual lot owner or owners shall, before removing, destroying or altering in any way such trees, receive the approval of the

Subdivision Committee, it being the intent of the Corporation and the desire of the dual lot owners to preserve so far as possible the existing conifer growth in the Subdivision.

IV.

STRUCTURES SPECIFICALLY PROHIBITED

No trailer, basement, tent, shack, garage, barn or other outbuilding erected in, upon or about any of the dual lots in the Subdivision shall at any time be used as a residence, either temporary or permanent, and no structure of a temporary character shall at any time be used as a residence.

No structure shall be moved onto any dual lot in the Subdivision unless such structure has been previously approved in writing by the Subdivision Committee.

V.

TRADES AND OFFENSIVE USE

No noxious or offensive trade or activity shall be carried on upon any dual lot in the Subdivision or any part or portion thereof, nor shall anything be done thereon which is or may become an annoyance or nuisance to the occupants of other dual lots in the Subdivision. The Subdivision is not intended to be divided for, and shall not under any circumstances be used for, commercial purposes. This provision does not prohibit the leasing or renting of the premises by the week, month, or longer period to parties other than the owners. Live-

BOOK 12 PAGE 676

stock, fowls, and other animals, except pets, shall not be maintained on any lot or any portion thereof.

VI.

SIGNS AND REFUSE

No signs, billboards or advertising structure may be erected or displayed on any of the dual lots in the Subdivision or on any part thereof.

No trash, ashes, paper or other refuse of any kind shall be thrown, dumped, left or permitted to remain on any dual lot or portion thereof in the Subdivision.

VII.

RESTRICTIONS TO RUN WITH THE LAND

All covenants and restrictions herein stated and set forth shall run with the land and shall be binding on all parties and persons claiming any interest in any dual lot in the Subdivision or any part thereof until fifteen (15) years from the date hereof, at which time said covenants and restrictions shall automatically be extended for successive periods of ten (10) years unless, by vote of the owners of the then majority of said dual lots, it is agreed to change these covenants in whole or in part. These covenants, restrictions and requirements may be amended, modified or changed in any way at any time while in effect by a vote of the then owners of 3/5 or more of said dual lots.

BOOK M12 PAGE 677

VIII.

PENALTY FOR VIOLATION

If the parties now claiming any interest in dual lots in the Subdivision, or any of them, or their heirs, successors, grantees, personal representatives or assigns, shall violate or attempt to violate any of the covenants and restrictions herein contained, it shall be lawful for any other person or persons owning any other dual lot or dual lots in the Subdivision, or for the Corporation, to initiate proceedings at law or in equity against the person, firm or corporation so violating or attempting to violate such covenant or restriction and thereby either prohibit him from so doing or recover damages or seek other appropriate relief for such violation.

IX.

SAVING CLAUSE

If any covenant, restriction or provision hereinabove set forth be declared invalid or unenforceable by a judgment or order of any court of competent jurisdiction or by other official decree, such action shall not affect in any way any of the other provisions hereof, which shall remain in full force and effect.

DATED this 21st day of September, 1967.

ATTEST:

Bruce L. Mason
Secretary

MURRAY FIRST THRIFT & LOAN CO.

By: Edward Vetter
Its President

BOOKM12 PAGE678

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

On the 21st day of September, A. D. 1967,
personally appeared before me EDWARD I. VETTER and BRUCE L.
MOESSER who being by me duly sworn did say, each for himself,
that he, the said EDWARD I. VETTER is the president, and he,
the said BRUCE L. MOESSER is the secretary of MURRAY FIRST
THRIFT & LOAN CO., 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 EDWARD I. VETTER
and BRUCE L. MOESSER each duly acknowledged to me that said
corporation executed the same and that the seal affixed is
the seal of said corporation.

My Commission Expires:

June 22, 1968

Sandra J. Gibson
Notary Public
Residing at Salt Lake City, Utah

BOOK 12 PAGE 679



Planning Department

March 30, 2022

Terence Scheckter
3172 Nasa Street
Brea, CA 92821
(714) 891-0700

NOTICE OF PLANNING DIRECTOR DETERMINATION

RE: Determination of Setbacks for an Unusual Lot Configuration at 949 Empire Avenue, Park City, UT

Dear Terence,

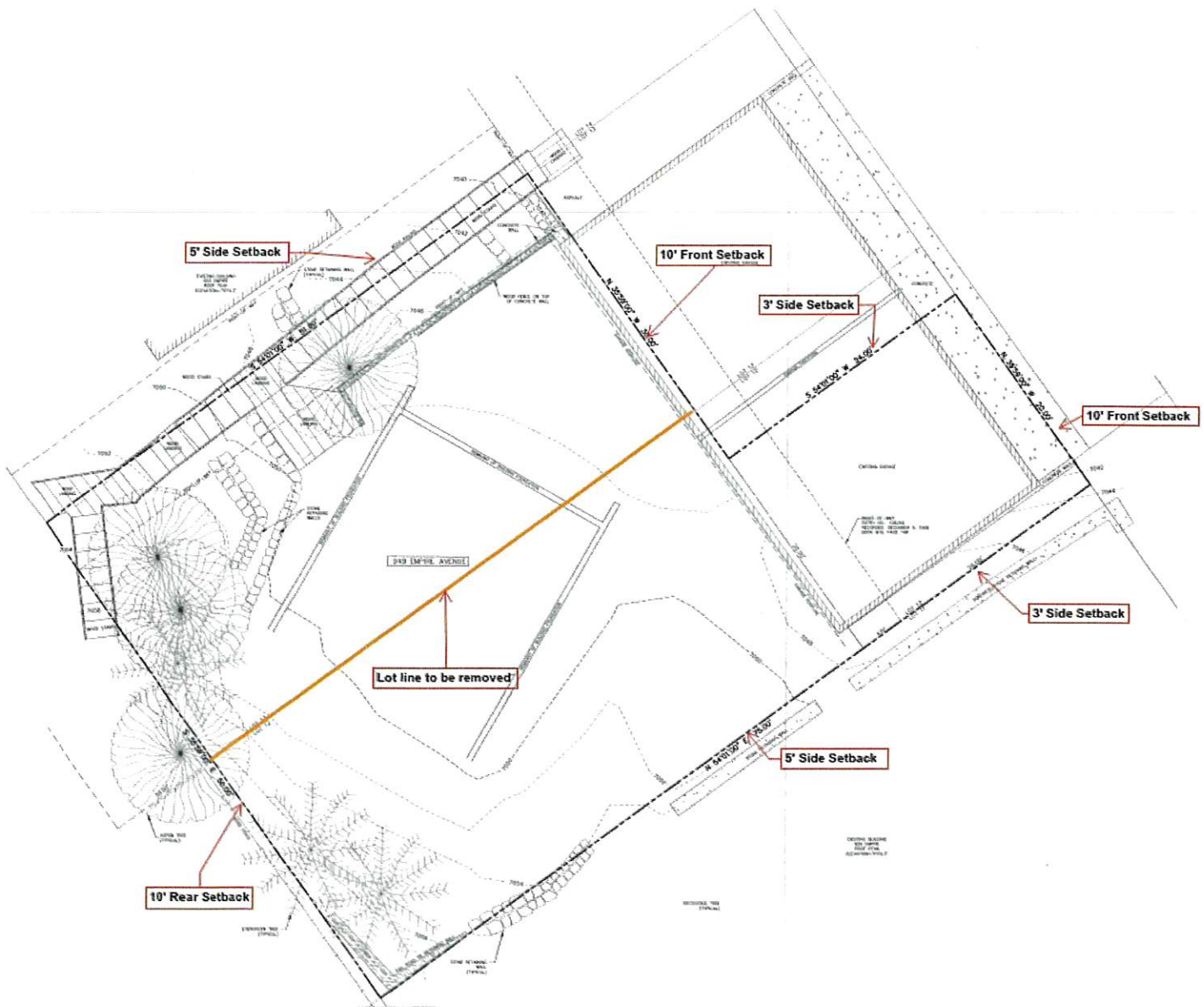
The proposed Plat amendment for 949 Empire Avenue will create a Lot with more than four (4) sides and is considered a Lot with an unusual configuration. Land Management Code §15-4-17 states, "Lots with more than four (4) sides shall have a Side Yard on either side of the Front Yard. The third Side Yard and Rear Yard may be specified by the Planning Director".

The Land Management Code § 15-2.2-3(B) requires a 25-foot minimum Lot width, measured 15 feet back from the Front Lot Line. The Planning Director determines that the Lot width will be measured 24 feet back from the 20-foot-wide property Line at the Empire Avenue Right-of-Way. Most of the Lot is 50 feet wide by 51 feet deep.

The Planning Director determines this Lot has the following Setback configuration:

- Two (2) three-foot (3') Side Setbacks;
- Two (2) five-foot (5') Side Setbacks;
- Two (2) ten foot (10') Front Setbacks; and,
- One (1) ten foot (10') Rear Setback.

The image on the next page identifies these determined Setbacks.



If you have questions or concerns regarding this Determination, please do not hesitate to contact us.

Sincerely,

Gretchen Milliken

Planning Director

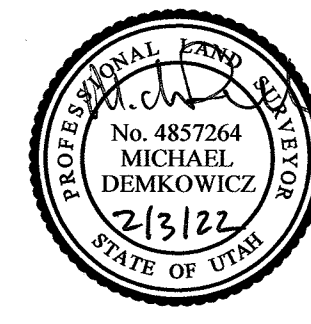
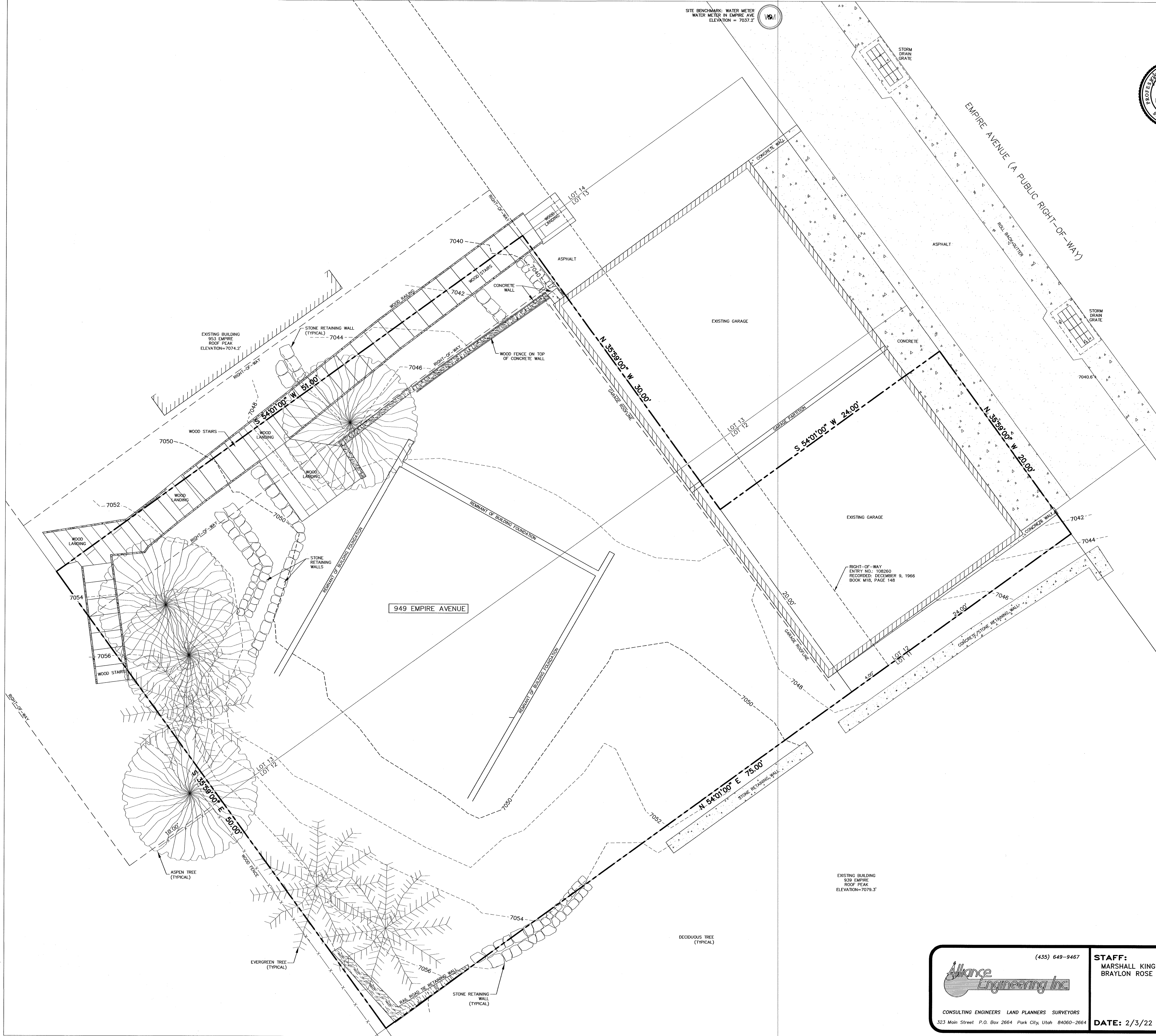
(435) 615-5008

gretchen.milliken@parkcity.org

CC: Spencer Cawley, Project Planner



SUBJECT
PROPERTY



SURVEYOR'S CERTIFICATE

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

NOTES

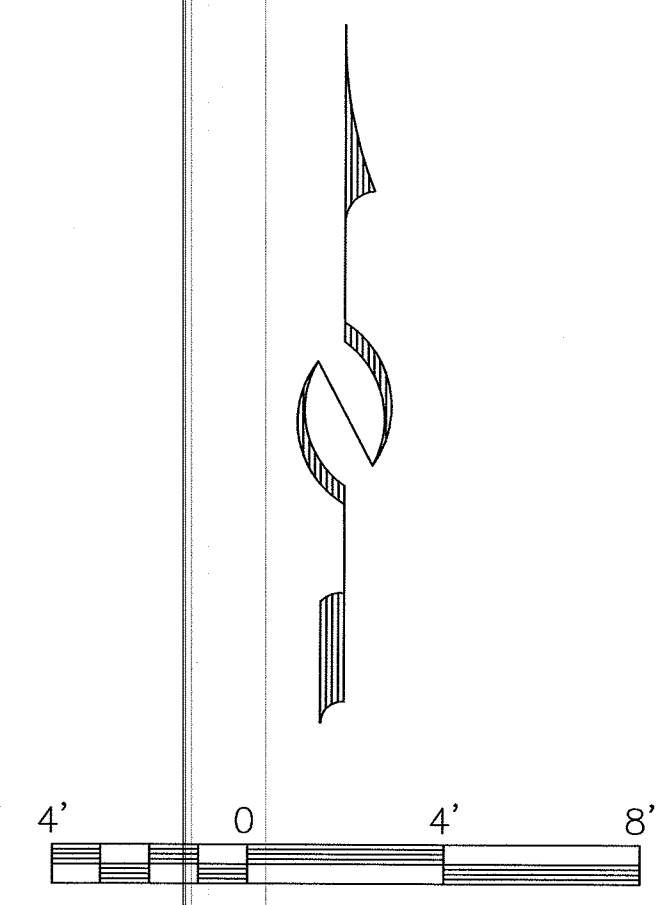
1. Site Benchmark : Water meter on Empire Avenue. Elevation=7037.2'
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on a field survey performed on November 19, 2021.

LEGAL DESCRIPTION

Beginning at the southwesterly corner of Lot 12, Block 29, Snyder's Addition to Park City, and running thence North 54°01' East 51 feet; thence North 35°59' West 50 feet; thence South 54°01' West 51 feet; thence South 35°59' East 50 feet to the point of beginning, being the westerly 51 feet of Lots 12 and 13 of said Block 29, Snyder's Addition.

Also, a garage area described as follows; beginning at the southeasterly corner of Lot 12, Block 29, Snyder's Addition, and running thence North 35°59' West 20 feet to the center of a partition, thence South 54°01' West 24 feet; thence South 35°59' East 20 feet to the center of a partition; thence North 54°01' East 24 feet to the point of beginning.

Subject to and together with a right-of-way over the following for the use and benefit of the owner or owners of Lots 12, 13, 14, 15, 17, 18, 19, 20, 21, and 22, Block 29, Snyder's Addition to Park City, in Summit County, Park City, Utah; Beginning at the southeasterly corner of Lot 18, Block 29, Snyder's Addition to Park City, and running thence South 35°59' East 20 feet; thence North 54°01' East 51 feet; thence North 35°59' West 45 feet; thence North 54°01' East 4 feet; thence South 35°59' East 100 feet; thence South 54°01' West 4 feet; thence North 35°59' West 45 feet; thence South 54°01' West 51 feet; thence South 35°59' East 20 feet; thence South 54°01' West 10 feet; thence North 35°59' West 50 feet; thence North 54°01' East 10 feet to the point of beginning.



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

STAFF:
MARSHALL KING
BRAYLON ROSE

DATE: 2/3/22

TOPOGRAPHIC MAP
A PORTION OF LOTS 12 & 13, BLOCK 29
949 EMPIRE AVENUE

FOR: TERENCE SCHECKTER
JOB NO.: 6-11-21
FILE: X:\SnydersAddition\dwg\srvt\topo2021\061121.dwg

SHEET
1
OF
1



949 Empire Avenue - front - looking westerly



949 Empire Avenue - front - looking southwesterly



949 Empire Avenue - front - looking southwesterly



949 Empire Avenue - rear - looking northerly



949 Empire Avenue - rear - looking northeasterly



949 Empire Avenue - rear - looking easterly

SNYDER'S ADDITION TO PARK CITY SURVEY, BLOCK 29,
949 EMPIRE AVENUE
February 3, 2022

PROJECT INTENT

The property at 949 Empire Avenue is located in Block 29, Snyder's Addition to Park City and is a portion of Lots 12 & 13. The rear of the property is vacant and the 20-foot by 24-foot parcel adjacent to the Empire Avenue right-of-way is currently occupied by a garage. This existing garage shares a party wall with another garage on the adjacent 20-foot by 24-foot parcel to the north. The owner is proposing to demolish the garage associated with the 949 Empire Avenue property and construct a new residence utilizing the entire property. To accomplish the proposed plan, the owner is applying to extinguish the existing lot line to unify the property into one lot of record.



Planning Department

June 22, 2022

Clive Bush
Angela Moschetta
Deborah Rentfrow
Mark Stemler

NOTICE OF PLANNING COMMISSION FINAL ACTION

Description

Application Appealed: Park City Mountain Resort Administrative Conditional Use Permit to upgrade two ski lifts: Silverlode (to remain in the same location) and Eagle (to be realigned and extended) on Parcel Nos. PCA-S-98-PCMR-1, PCA-29-A, PCA-29-D, PCA-1003, SA-402-A, SA-253-B-2 in the Recreation and Open Space Zoning District and Sensitive Land Overlay (PL-22-05145).

Appeal Number: PL-22-05249

Action: APPEAL GRANTED (See Below)

Date of Final Action: June 22, 2022

Appeal Summary: The Appellant appealed the April 25, 2022 Planning Director Approval of the Administrative Conditional Use Permit.

Action Taken

On June 8, 2022, the Planning Commission reviewed an appeal of an Administrative Conditional Use Permit (ACUP) for the construction and upgrading of two ski lifts and conducted a public hearing. On June 15, 2022, the Planning Commission concluded their deliberations regarding the appeal. The Planning Commission hereby GRANTS the appeal according to the following Findings of Fact and Conclusions of Law:

Findings of Fact

1. The Site is located at Parcels PCA-S-98-PCMR-1, PCA-29-A, PCA-29-D, PCA-1003, SA-402-A, SA-253-B-2.
2. The Site is in the Recreation and Open Space (ROS) and Sensitive Land Overlay (SLO).



Planning Department

3. The ACUP Applicant proposed to upgrade the existing Silverlode ski lift from a six-person chairlift to an eight-person chairlift.
4. The Applicant proposed to replace the existing Eagle and Eaglet lifts with a single lift in an adjacent alignment.
5. The 1998 Development Agreement and Park City Mountain Resort 1998 Mountain Upgrade Plan (MUP) outlines future ski lift upgrades.
6. On April 25, 2022, the Planning Director approved an ACUP for the lift upgrades as proposed by Park City Mountain.
7. On May 5, 2022, the Appellant filed a timely Appeal regarding the ACUP approval with the Planning Department.
8. The appellant has standing to appeal because they submitted public input and participated in the Administrative Public Hearing on April 25, 2022.
9. The Planning Commission reviews appeals of Planning Staff pursuant to Land Management Code Section 15-1-18(A).
10. The Planning Commission heard the Appeal on June 8, 2022, conducted a public hearing, closed the public hearing, and continued their deliberations to June 15, 2022.
11. On June 15, 2022, the Planning Commission voted 3-1 to grant the appeal.
12. The Planning Commission determined the proposal did not meet Criteria 1 and 6 of the 1998 Development Agreement, in that:
 - The alignment of the new Eagle (Chondola) lift is not the same as shown in the MUP, as it does not go to the Meadow area. The new Eagle (Chondola) lift is therefore not consistent with the Park City Mountain Resort 1998 MUP.
 - The total CCC analysis due to the lift upgrades is inaccurate and should be 13,130, not 12,860 as presented by the Applicant's CCC Consultant. As a result, the parking impacts are not properly mitigated for the increase to 13,130 CCC and increased lift capacity.
 - The lease for additional parking at the High School is only available eight days a month and is insufficient to properly mitigate the increased parking demand.
 - The paid parking mitigation plan was based on ski resort data that is not satisfactorily comparable to Park City in terms of access and controls for parking. Therefore, the assumed 11% reduction in Average Vehicle Occupancy (AVO) is in error.



Planning Department

- The City's consultant, Ecosign, did not verify actual calculations and review was limited to the data and tables provided by the ACUP Applicant, Park City Mountain Resort.
- The MUP specifies 200 stalls, plus the Sweetwater site, to be used by employees of Park City Mountain Resort, but these stalls are not accounted for in the Parking Mitigation Plan, and parking mitigation therefore is insufficient.
- The ACUP Application is inconsistent with Figure IV-1 (denoting ski lift locations) from the MUP.

Conclusions of Law

1. The Planning Director erred in determining the ACUP complies with Criteria 1 and 6 of the 1998 Development Agreement.
2. The effects of any differences in use or scale have not been sufficiently mitigated through careful planning because the parking mitigation was insufficient for the CCC.

Order

The Appeal is GRANTED. Nothing herein prevents the Applicant from proceeding with a full Conditional Use Permit for each lift individually or jointly.

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

By:

John Phillips,
Planning Commission Chair

CC: Lillian Lederer, Project Planner

Planning Commission Staff Report



Subject: The Washington School Inn
Application: PL-20-04477- Hotel, Minor -Conditional Use Permit
Author: Browne Sebright
Date: June 22, 2022
Type of Item: Administrative

Recommendation

(1) Review, amend as necessary and approve the draft Findings of Fact and Conclusions of Law outlined in the Draft Final Action Letter (Exhibit A) denying the Applicant's request to convert the Washington School Inn from a Bed & Breakfast to a Minor Hotel. approving the.

Description

Applicant: Washington School House LLC, represented by Jason Boal
Location: 543 Park Avenue
Zoning District: Historic Residential – 1
Adjacent Land Uses: Residential; Parking Structure; Offices
Reason for Review: The Planning Commission reviews and takes final action on Conditional Use Permits¹

Background

On June 8, 2022, the Planning Commission reviewed the Conditional Use Permit to convert the Washington School Inn from a Bed & Breakfast to a Minor Hotel and conducted a public hearing ([Staff Report](#); [Audio](#)). The Planning Commission denied the Conditional Use Permit and directed staff to draft a Final Action Letter outlining the Planning Commission's findings. Please see Exhibit B to review the background regarding this application.

Exhibits

Exhibit A: Draft Final Action Letter

¹ LMC [§ 15-1-8\(G\)](#).



June 22, 2022

Jason Boal
543 Park Avenue
Park City, UT 84060
jboal@swlaw.com
801-201-1917

CC: Washington School House LLC

NOTICE OF PLANNING COMMISSION ACTION

Description

Address: 543 Park Avenue

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

Application: Minor Hotel Conditional Use Permit

Project Number: PL-20-04477

Action: Denied

Date of Final Action: June 22, 2022

Project Summary: The proposal is to convert the Washington School Inn from a Bed & Breakfast to a Minor Hotel

Action Taken

On June 8, 2022, the Planning Commission conducted a public hearing, and directed staff to draft findings for denial. On June 22, 2022, the Planning Commission denied the proposal to convert the Washington School Inn from a Bed & Breakfast to a Minor Hotel according to the following findings of fact and conclusions of law:

Findings of Fact

1. The property is located at 543 Park Avenue.
2. On February 18, 2020, the Applicant submitted a Conditional Use Permit (CUP) application to the Planning Department to convert the Washington School Inn

from a Bed & Breakfast to a Minor Hotel at 543 Park Avenue. The Applicant proposes expanding the Bed & Breakfast Use to a Minor Hotel Use to include Private Events for non-hotel guest use of the indoor restaurant and gathering areas.

3. The property is in the Historic Residential (HR-1) Zoning District. The property includes two Lots: Lot 1 of the Washington School Inn Replat (13,068 square feet) and Lot 34 of Block 5 of the Park City Survey (1,875 square feet).
4. The property fronts Park Avenue and Woodside Avenue.
5. The primary access to the property is from Park Avenue, a public street.
6. The neighborhood is characterized by a mix of historic and non-historic residential structures. The streetscape is dominated by homes set close to the street. The homes are a mix of one- to two-story residences, with a few three- to four-story homes.
7. The property is subject to two Conditional Use Permits:
 - a. On September 21, 1983, the Historic District Commission granted a Bed & Breakfast Conditional Use Permit to operate a 14-room Bed & Breakfast with an additional room for the caretaker.
 - i. On June 24, 2015, the Planning Commission approved a modification to the 1983 CUP to shift the laundry facilities from the basement of the Washington School Inn to the detached garage, which was being used for storage.
 - ii. The 1983 CUP and its modification establish that passive use of the Washington School Inn garden and grounds by patrons of the Inn are a permitted use in the HR-1 Zoning District and consistent with the 1983 conditional use permit approval. However, organized events for the Washington School Inn patrons and/or the general public including parties, weddings, or other public assemblies, are prohibited in the HR-1 Zoning District and are outside the scope of the 1983 Conditional Use Permit.
 - b. On November 10, 2010, the Planning Commission approved a Private Recreation Facility Conditional Use Permit for a lap pool behind the Washington School Inn.
 - i. On August 22, 2012, the Planning Commission approved a modification to the 2010 CUP, to expand the site to include landscaping improvements on Lot 34 of the Block 5 of the Park City Survey.
8. LMC § 15-2.2-2(B) establishes a Minor Hotel as a Conditional Use in the HR-1 Zoning District.
9. LMC § 15-15-1 defines a Private Event is defined as, "An event, gathering, party or activity that is closed to the general public or that requires and invitation and/or

fee to attend". The Applicant has proposed the use of the Minor Hotel to include "small gatherings", which includes informal meetings, corporate meetings, or other social gatherings. These small gatherings fall under the definition of Private Events. Private Events are prohibited in the HR – 1 Zoning District.

10. The Planning Commission determined that the Applicant's request to increase the use of the site from approximately 30 guests to 60 guests for dining and Private Events is not compatible with the surrounding Structures in Use, scale, and circulation because:
 - a. The subject property is adjacent to residential land uses on three sides, and the adjacent residential structures have nonconforming 3-foot side setbacks to the Washington School Inn's property;
 - b. Restaurants and Private Events are prohibited in the HR-1 Zoning District; and
 - c. The expansion of the arrival and departure, even with drop off by car service, would create incompatible impacts on the residential street.
11. The Applicant sought a parking reduction pursuant to LMC § 15-3-6(B) because a Minor Hotel requires one (1) parking space per room or suite. The Applicant has a private parking easement for eleven (11) parking spaces in a parking structure across the street. The Applicant requested that the parking requirement be reduced from twelve (12) spaces to eleven (11) to protect Significant Vegetation and to retain the vegetative buffer between the Washington School Inn and neighboring residential properties. No additional parking was proposed on-site for the expanded dining sought to be permitted.
12. The Planning Commission found that the request for a parking reduction cannot be adequately mitigated because the mitigation measures would either increase traffic to Park Avenue, which has limited access during winter months, and to Woodside Avenue. The Applicant's increased parking space on Woodside Avenue would increase traffic to Woodside Avenue and would disturb Significant Vegetation and Steep Slopes.
13. The Planning Commission found that the reliance on public parking facilities as a mitigation strategy was unreasonable.
14. Staff posted notice to the property and mailed notice to property owners within 300 feet on August 25, 2021, February 9, 2022, and May 10, 2022. On May 25, 2022, and on June 8, 2022, the Planning Commission conducted public hearings and continued the item to June 22, 2022 for denial.

Conclusions of Law

1. The Conditional Use Permit is not consistent with the Land Management Code, Section 15-1-10, *Conditional Use Review Process*, and reasonable conditions cannot be proposed to mitigate the anticipated detrimental effects of the proposed Use.

2. The Conditional Use Permit is not compatible with surrounding Structures in Use, scale, mass, and circulation, as required by LMC Section 15-1-10(D), *Standards for Review*.

If you have questions or concerns regarding this Final Action Letter, please call 435-615-5153 or email browne.sebright@parkcity.org.

BY:

John Phillips
Planning Commission, Chair

CC: Browne Sebright, Project Planner

DRAFT