



**PARK CITY REGULAR PLANNING COMMISSION MEETING
SUMMIT COUNTY, UTAH
September 22, 2021**

PUBLIC NOTICE IS HEREBY GIVEN that the Planning Commission of Park City, Utah will hold its Regular Planning Commission Meeting at the www.parkcity.org for the purposes and at the times as described below on Wednesday, September 22, 2021.

MEETING CALLED TO ORDER AT 5:30 PM.

Notice of Electronic Meeting and How to Comment Virtually

The Chair issued a written determination that because of the public health emergency, conducting a meeting with an anchor location presents a substantial risk to the health and safety of those who may attend in person. This determination is based on the ongoing risks and infection rates statewide and in Summit County. For these reasons, this meeting will be an electronic meeting without an anchor location. Planning Commission members will connect electronically. Public comments will be accepted virtually. To comment virtually, use eComment or raise your hand on Zoom. 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.

1.ROLL CALL

2.PUBLIC COMMUNICATIONS

3.STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

4.CONTINUATIONS

- 4.A. 3805 Fox Tail Trail - Plat Amendment - 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
(A) Public Hearing; (B) Continuation to October 13, 2021
[Staff Report](#)
- 4.B. 3805 Fox Tail Trail - Rezone - The Applicant Proposes Reallocating the Estate and Recreation Open Space Zoning for Parcel PCA-S-98-SEC-11 to Create an 8.84-Acre Area in the Estate Zoning District for the Construction of a Single-Family Dwelling Outside of the Ridge Line Area and a 23.89-Acre Area in the Recreation Open Space Area to be Dedicated to Park City Pursuant to a Conservation Easement. PL-21-04865.
(A) Public Hearing; (B) Continuation to October 13, 2021
[Staff Report](#)
- 4.C. 7 Perserverance Court - Plat Amendment - The Applicant Proposes Amending the Limits of Disturbance for Lot 8 of the Evergreen Subdivision in the Residential Development

Zoning District. PL-21-04845
(A) Public Hearing; (B) Continuation to a Date Uncertain
[Staff Report](#)

5.WORK SESSION

- 5.A. Deer Valley Snow Park Proposal - Work Session With A Focus On the Application's Site Design, Density, Building Height, and the Transportation and Mobility Hub. PL-21-04811.
A) Work Session - No Action is Expected.
Questions and public input may be taken at the end of the meeting if time allows.
Questions may be emailed in advance to alexandra.ananth@parkcity.org.
[Snow Park Staff Report](#)
[Exhibit A: Project Overview and Background and Information](#)
[Exhibit B: Planning Director Determination Natural Grade](#)
[Exhibit C: Public Input](#)

6.REGULAR AGENDA

- 6.A. 1061 and 1063 Lowell Avenue - Plat Amendment - The Applicant is Requesting to Subdivide Lot 1 of the Northstar Subdivision with an Existing Duplex into 2 Lots. PL-21-04872
(A) Public Hearing; (B) Possible Recommendation for City Council's Consideration on October 28, 2021
[Northstar Subdivision - Lot 1 Amended Staff Report](#)
[Exhibit: A: Draft Ordinance No. 2021-XX](#)
[Exhibit A: Northstar Subdivision - Lot 1 Amended](#)
[Exhibit B: Northstar Subdivision Plat](#)
[Exhibit C: Working Plat Showing Deed Line](#)
[Exhibit D: Existing Conditions Survey](#)
[Exhibit E: Applicant's Written Description](#)
[Exhibit F: Panoramic Photos](#)
[Exhibit G: Aerial Photographs](#)
[Exhibit H: Notice of Non-Compliance with Protective Covenants](#)
[Exhibit I: Release, Waiver, and Agreement](#)
[Exhibit J: Notice of Removal of Protective Covenants](#)
[Exhibit K: Recorded Party Wall Agreement](#)
[Exhibit L: 1977 Declaration of Protective Covenants for the Northstar Subdivision](#)
[Exhibit M: 1981 LMC Allowed Uses – HR-1 District](#)
[Exhibit N: 1977 Release, Waiver, and Agreement of Proposed Northstar Subdivision](#)
[Exhibit O: Approved 1983 Building Permit](#)
- 6.B. Land Management Code Amendments - Park City Historic Sites Inventory - The Planning Commission Will Consider Amendments to Land Management Code Section 15-11-10, the Park City Historic Sites Inventory, to Update Address Changes to the Landmark Historic Sites on Rossie Hill Drive, and to Update the Status of 1302 Norfolk Avenue, which was Formerly Under Appeal. PL-21-04939
(A) Public Hearing; (B) Possible Recommendation for City Council Review on October 28,

2021

Staff Report

Exhibit A: Draft Ordinance No. 2021-XX

Exhibit B: Lilac Hill East Subdivision

Exhibit C: June 7, 2017 HPB Staff Report

Exhibit D: June 7, 2017 HPB Meeting Minutes

Exhibit E: Historic Site Form

Exhibit F: August 3, 2017 City Council Staff Report

Exhibit G: August 3, 2017 City Council Meeting Minutes

7.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 validations will be provided for meeting attendees that park in the China Bridge parking structure.**

Planning Commission Staff Report

Subject: Fox Tail Subdivision
Application: PL-21-04826
Author: Browne Sebright
Date: September 22, 2021
Type of Item: Administrative – Plat Amendment



Recommendation

Open a public hearing and continue the item to October 13, 2021.

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 recommendation and City Council review and action.

Summary

The Applicant proposes amending the Limits of Disturbance for Lot 1 of the Fox Tail Subdivision and is working on updating the application materials to include the Ridge Line Area. The Applicant continues to work on updating and finalizing the proposal.

Planning Commission Staff Report



Subject: Fox Tail Subdivision
Application: PL-21-04865
Author: Browne Sebright
Date: September 22, 2021
Type of Item: Legislative – Zoning Map Amendment

Recommendation

Open a public hearing and continue the item to October 13, 2021.

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:	The Planning Commission reviews rezone applications and forwards a recommendation to the City Council for Final Action ¹

Summary

The Applicant proposes amending the Limits of Disturbance for Lot 1 of the Fox Tail Subdivision and is working on updating the application materials to include the Ridge Line Area. The Applicant continues to work on updating and finalizing the proposal.

¹ LMC [§ 15-1-7](#).

Planning Commission Staff Report

Subject: Evergreen Subdivision Lot 8
Application: PL-21-04845
Author: Rebecca Ward
Date: September 22, 2021
Type of Item: Administrative – Plat Amendment



Recommendation

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

Description

Applicant:	Perseverance To Success, LLC, represented by Jared Edgel
Location:	7 Perseverance Court
Zoning District:	Residential Development
Adjacent Land Uses:	Residential
Reason for Review:	Plat Amendments require Planning Commission review and recommendation and City Council Final Action.

Planning Commission Work Session Staff Report



Subject: Deer Valley Snow Park Base Area Development
Project #: PL-21-04811
Author: Alexandra Ananth – Senior Planner
Date: September 22, 2021
Type of Item: Work Session

Recommendation

Hold a Work Session on the Snow Park Base Area project with a focus on the application's Site Design, Density, Building Height, and the Transportation and Mobility Hub.

The next Planning Commission meeting for this project is scheduled for October 27, 2021. The intended topics for discussion include Proposed Site Circulation, Request for Parking Exceptions, Utilities and Construction Phasing, and Mitigation.

Description

Applicant	Deer Valley Resort
Location	2250 Deer Valley Drive South
Parcels	PC-745-11 (Parking Lots); PC-745 (ponds); PC-900-4 (Snow Park Lodge Parcel); PC-900-3 (Snow Park Lodge Parcel)
Zoning District	Residential Development (RD), within the Deer Valley Resort MPD (DV MPD)
Adjacent Land Uses	Residential, Resort, Open Space
Reason for Review	CUPs require Planning Commission review and approval

Acronyms

Conditional Use Permits (CUP)
Deer Valley Resort (DVR)
Development Agreement (DA)
Land Management Code (LMC)
Master Planned Development (MPD)
Residential Development (RD)
Recreational Open Space (ROS)
Transportation Network Companies (TNCs)
Transportation Demand Management Plan (TDM)
Vehicle Miles Traveled (VMT)

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

Project Overview and Background Information

The Planning Commission held Work Sessions for this project on the following dates:

July 28, 2021 ([Staff Report](#); [Minutes](#) p. 25-37)

August 25, 2021 ([Staff Report](#); [Minutes](#) p. 2-13)

See Exhibit A, for a summary of the project and additional background information including goals and objectives of the City's General Plan for the [Lower Deer Valley Neighborhood](#).

Analysis

Site Design, Density, Building Height, and the Transportation and Mobility Hub

Site Design

As described in the August 25, 2021 [Staff Report](#), the applicant is proposing significant changes to existing traffic patterns in the Lower Deer Valley neighborhood and is effectively creating two dead-end roads. The applicant is proposing that Deer Valley Drive West will serve as the primary transit route to the proposed new Transit and Mobility Hub and will also provide access to Royal Street and the Trail's End development. Deer Valley Drive East would then serve as the primary vehicular access for all other vehicles looking for access to the general Deer Valley residential neighborhoods and the base area, including the proposed parking structure for day skier parking. ***In addition to adding more traffic to Deer Valley Drive East, staff is concerned that the proposed circulation pattern hinders emergency response access and response time, particularly during peak ski traffic times. Staff recommends the applicant explore maintaining the loop road for emergency vehicles and recommends the applicant request a meeting with the Engineering, Fire and Police Departments through the Planning Department.***

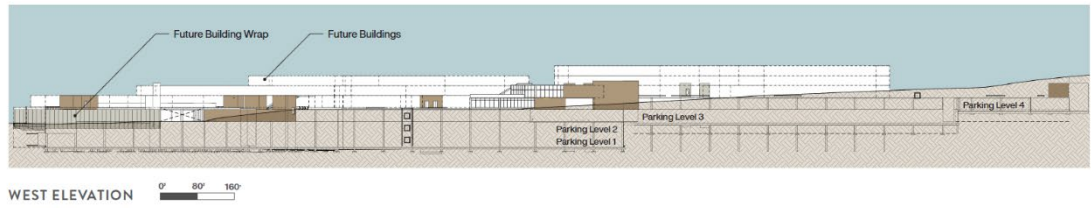
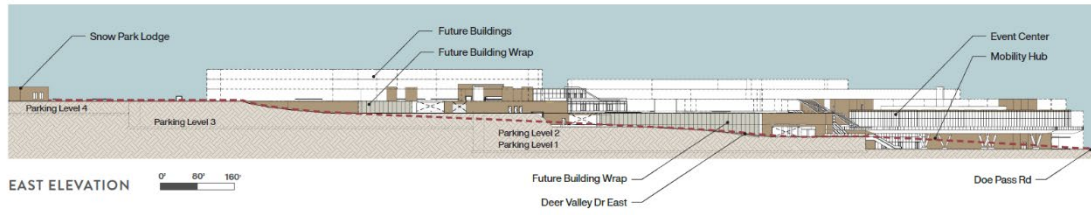
The applicant is proposing to construct a four-level parking structure partially built into the grade and a new Transit and Mobility Hub as Phase 1 CUP. The garage will be partially wrapped with residential and commercial buildings that will be Phase 2 of the project and require an additional CUP. Phase 3 includes parking and buildings on the north side of Doe Pass and will also require a CUP.

At the August 25, 2021 meeting staff noted that only one elevation of the garage was included in the application and ***an overall phasing plan must be submitted, as it is not known how long it may take before Phase 2 is completed, which will help screen portions of the garage structure.***

Since the August meeting, the applicant submitted additional elevations although staff notes these elevations lack details such as proposed building materials. A photo simulation of the proposed garage would also be helpful in the Commission's review of this CUP and MPD application.

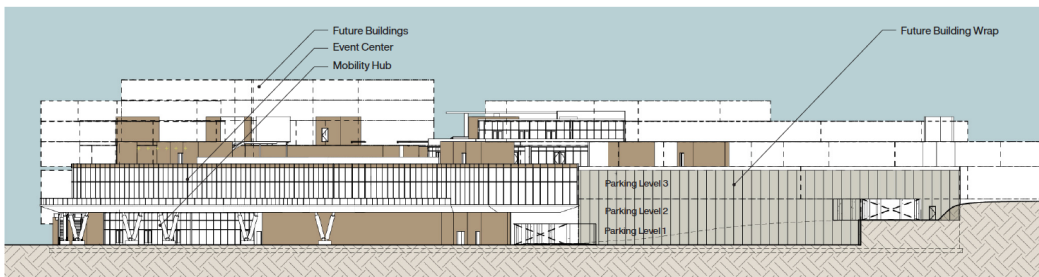
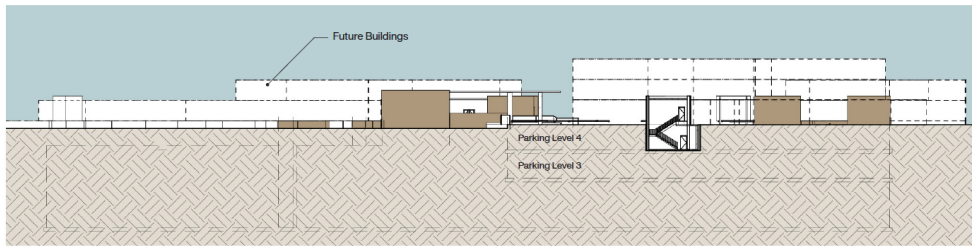
Detailed landscape, lighting, snow storage areas, and plans for service and delivery areas for Phase 1 should be submitted for the CUP.

BUILDING ELEVATIONS



SNOW PARK @ DEER VALLEY RESORT

BUILDING ELEVATIONS



SNOW PARK @ DEER VALLEY RESORT

Density

The table below identifies the conceptual square footage allocations and density for the South Parcel vertical development (Phase 2), which correlates to the required parking that the applicant is proposing to provide in the Phase 1 Parking Structure. All remaining entitled density will be allocated to the Phase 3 development on the North Parcel. Required parking for Phase 3 will be incorporated into a Phase 3 parking structure on the north parking parcel.

Density is allocated in the existing MPD ([Deer Valley Resort 12th Amended and Restated Large Scale Master Planned Development Permit](#)) and Land Management Code as follows:

1. Exhibit 1 of the MPD identifies the permitted Density for the Snow Park Village. The maximum allowed Density is 209.75 Unit Equivalents. ***As the Phase 1 CUP for the parking structure does not include any commercial or residential development, no Unit Equivalents or Density are being used for Phase 1.*** Phase 2, the South Parcel development is expected to utilize 135.96 Unit Equivalents. Phase 3, the north parcel is expected to utilize the remaining 73.79 Unit Equivalents. The applicant is not proposing to exceed the maximum allowed Density as set out in the MPD.
2. Exhibit 2 of the Development Agreement outlines the Commercial and Support Commercial Use square footage allocations within Snow Park. Snow Park has 21,890 square feet of general Commercial Density remaining.
3. In addition to Exhibit 2 of the Development Agreement, the development is also governed by the Support Commercial and Meeting Space allowances set forth in the LMC [15-6-8](#), which are limited to 10% of the total floor area. Residential and Resort Accessory Uses do not count towards the Density and include elements like maintenance and mechanical areas, lobbies and circulation areas, public restrooms, and lockers, etc.

Proposed Development by Use, Phase 1 & 2 Only				
Use	Total GSF	Total NSF	Units	UEs
Phase 1 Parking Structure	272,500	NA (1,360 stalls)	0	0
Total Residential	142,000	116,070	58	58.04
Total Residential Accessory	7,100			0
Total Hotel	124,800	99,840	200	49.92
Total Commercial	26,600	21,280		21.28
Total Support Commercial	38,300	30,640		0
Total Resort Accessory	48,000			0
Total Event/BOH	67,300	57,840		28.0
Total Transit Hub	5,100	4,080		0
Totals	731,700	329,750 + parking	258	157.24

Staff notes the applicant is calculating the Total Support Commercial based on the total residential development for the entire village, including the future phase development of the north parcel, Phase 3. The new residential area currently

included for the north parcel is 147,580 net square feet and there are no support uses envisioned for the north parcel. Therefore, the allowable Support Commercial is being applied to the south parcel which will be utilized by the residents of the north parcel as one cohesive village. ***This matter will require careful consideration and review in conjunction with the Overall Phasing Plan (not yet submitted) - staff is unclear if the LMC intends to allow or whether the City has previously approved building more Support Commercial space in one phase (Phase 2) than they would be entitled to if a future phase (Phase 3) is not developed.***

No Meeting Space is proposed in the development, and the square footage entitled for Meeting Space has been reallocated to Support Commercial. The proposed project includes a 28,000 square foot Community Event Center in addition to the 21,280 square feet of Commercial Uses. ***The applicant should clarify what the Community Event Center entails.***

Total South Parcel Residential Use	215,910
Total North Parcel Residential Use	147,590
x5% = Support Commercial	18,175
x5% = Meeting Space (to be allocated to Support Commercial)	18,175
Total Support Commercial Allowed	36,350

Total Residential Development	363,500	181.75 UEs
Total Support Commercial (10%)	36,350	0 UEs
Community Event Center		28 CUEs
Commercial Uses	21,890	
Residential Accessory Uses	7,100	0 UEs
Resort Accessory Uses	48,000	0 UEs

Building Height

Building Height for the Snow Park Village parcels is regulated by the existing [MPD Exhibit 1](#) (page 9) and is allowed at a maximum of 28-45 feet. On February 19, 2021, the Planning Director issued a grade determination to identify the existing natural grade prior to construction activity and clarify the allowed maximum Building Height on the Snow Park parcels (Exhibit A).

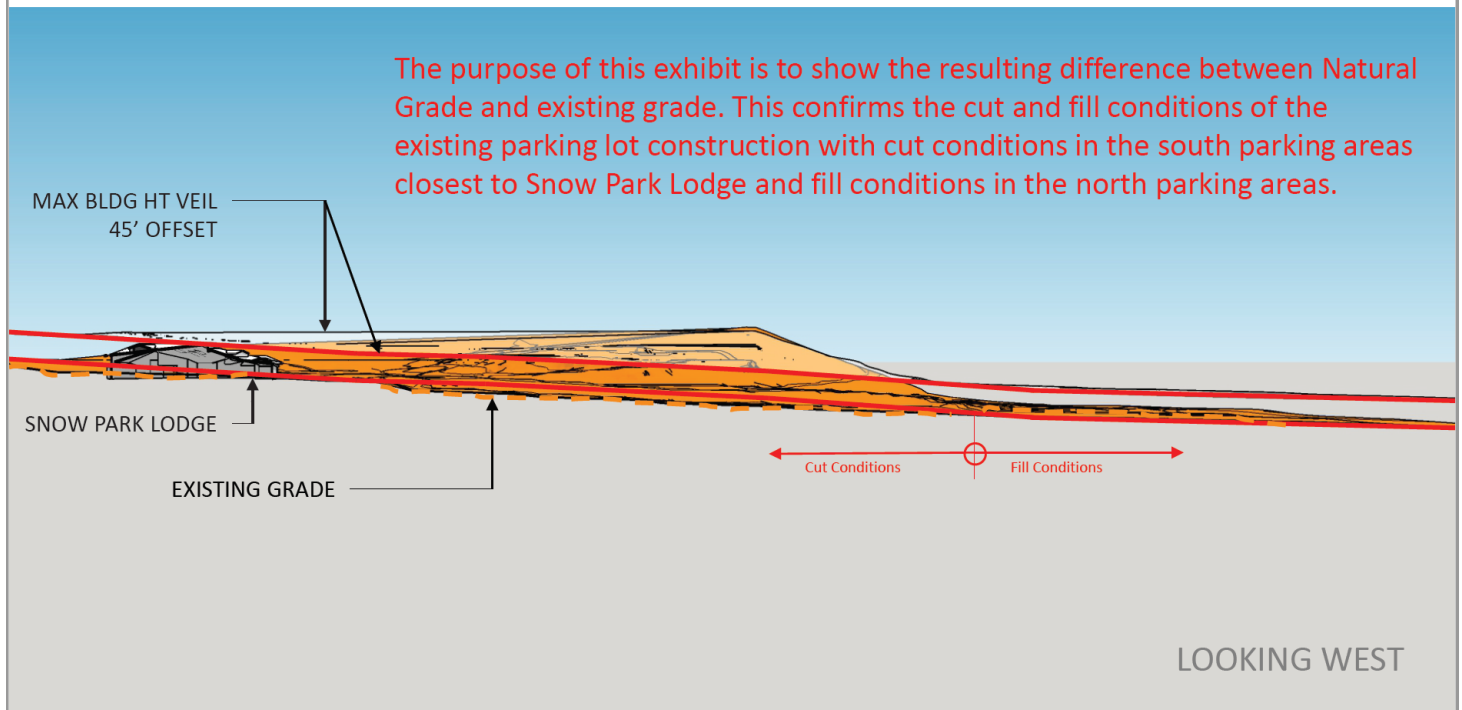
Due to previous grading on the site, it was determined that the southern section of the parking lot closer to Snow Park Lodge were excavated (cut), and the northern section of the parking lots closer to the pond were filled, to create a more level parking area.

The applicant submitted 1955 USGS topographic data to confirm natural grade conditions prior to construction of the existing surface parking lots. This was then overlaid on a 2007 topographical survey to determine the natural grade. Based on the information submitted, the Planning Director determined that the applicant's methodology to determine an interpolated Natural Grade appeared sound, was based on digital contour models, and was stamped and signed by Professional Land Surveyor

Michael Demkowicz. Therefore, the applicant is permitted to determine the Maximum Building Height based on this interpolated natural grade as shown below.

SECTION - Existing Condition w/ 45' Natural Grade Offset

This final exhibit is the same cross section line but showing the existing grade conditions along the bottom dashed yellow line along with the same red lines representing Natural Grade and 45' vertical offset of Natural Grade.



Transit and Mobility Hub

A new Transit and Mobility Hub is proposed to be integrated into the project located at the northeast corner of the south parking parcel on Doe Pass Road. The Transit and Mobility Hub is proposed to have 6 bus bays. A separate 100-foot ride-share zone is also located on Doe Pass Road north of the Transit Hub. **Further details of the Transit and Mobility Hub must be submitted including a list of proposed amenities, plans, and elevations (including how ADA access will work), and a geometric plan showing the turning radius is sufficient for HVT and Park City Transit buses with bike racks. At least one bus bay should be designed to accommodate longer articulated buses and the plan should be adaptable for large special events and competitions.**

Summary

Based on this preliminary review, the Planning Department requests the following information (in addition to the previously requested information in the last [Staff Report](#)):

- 1. *A photo simulation or 3D rendering of the proposed garage from 3-4 neighborhood vantage points.***
- 2. *A phasing plan for the overall project.***
- 3. *Details of the Transit and Mobility Hub including a list of proposed amenities, plans and elevations (including how ADA access will work), and a geometric plan showing the turning radius is sufficient for HVT and Park City Transit buses with bike racks.***
- 4. *Details about the Community Event Center.***
- 5. *A code-based rationale for allowing additional Support Commercial Space in Phase 2 of the project.***
- 6. *Detailed landscape, lighting, snow storage areas, and plans for service and delivery areas for Phase 1 should be submitted for the CUP.***

Exhibits

- Exhibit A – Project Overview and Background Information
- Exhibit B – Planning Director Determination of Natural Grade
- Exhibit C – Public Input

Exhibit A

Project Overview and Background Information

On April 13, 2021, Deer Valley Resort (DVR) submitted a Conditional Use Permit (CUP) application for the expansion and redevelopment of the Snow Park Base Area. The CUP application is for Phase 1 of a proposed 3 phase redevelopment plan for the Snow Park base area and surface parking lots. Specifically, the 3 phases include:

- Phase 1: Overall Site Plan, South Parcel Parking Structure, and a proposed Transit and Mobility Hub (current CUP application). The proposal includes redirecting traffic and prioritizing transit on Deer Valley Drive, separating transit from general-purpose vehicles, as well as relocating the arrival and departure experience for parking and drop-off. The applicant is also proposing the City vacate a significant portion of Deer Valley Drive West Right-Of-Way for the project, and the applicant would dedicate a new 60-foot Right-Of-Way to the City for Doe Pass Road. The new garage includes day skier parking and parking for future hotel, residential and commercial uses on four levels.
- Phase 2: South Parcel Residential and Commercial Development (future CUP for development on top of the Phase 1 South Parcel Parking Structure including hotel and residential lodging, retail, dining, and entertainment uses). Also proposed is an addition to Snow Park Lodge.
- Phase 3: North Parcel Parking Structure with Residential and Commercial Development (future CUP).

The applicant has stated that they do not anticipate seeking additional density beyond what is allocated to the Snow Park Parcels in the Twelfth Amended and Restated Large Scale Master Planned Development Permit (MPD), which is 209.75 Residential Unit Equivalents, and approximately 22,000 square feet of Commercial and Support Commercial Uses. The application requests a reduction in the number of required Off-Street Parking stalls per the LMC. The entire development triggers the requirement of 2,262 parking spaces and 227 bicycle parking spaces. Deer Valley Resort is seeking a reduction to 1,800 parking spaces, a total parking reduction of ~20%.

Governing Documents

The following documents govern the Deer Valley Snow Park Base Area:

1. 1977 [Special Exception Permit](#), amended multiple times;
2. [Deer Valley Twelfth Amended and Restated Large Scale MPD Permit](#) (MPD/DA) dated November 30, 2016. **Currently in place**;
3. Park City's [Land Management Code](#) (LMC);
4. Park City's current [Affordable Housing Resolution 25-2020](#);
5. Park City's 2014 General Plan including the [Lower Deer Valley Neighborhood](#);
6. Park City's Adopted [Transportation Plans](#), as prioritized by the

[Park City Vision 2020](#) and the five Strategic Pillars.

Background

Deer Valley Resort (previously known as Royal Street Land Company) was originally issued a Special Exception Permit in 1977, which has since been amended twelve times. The Deer Valley MPD authorizes Densities for the nine multi-unit parcels that surround the base area, the 2,110 residential units within the MPD, and the Snow Park Village Parcel which currently consist of surface parking lots.

The Snow Park Village parcel is 14.93 acres and is zoned RD-MPD. The Snow Park Village Parcel is currently authorized for 209.75 Unit Equivalents, although this has changed over time.

History of the Resort

Deer Valley Resort opened in December 1981, with five chairlifts, 35 ski runs on Bald Eagle and Bald Mountain, and two day lodges, Snow Park and Silver Lake. Over the years the mountain has expanded to 21 chairlifts including one gondola and 103 ski runs, three-day lodges, and over 2,800 staff members.

Deer Valley takes pride in the concept of providing an overall high-quality and customer-service-oriented resort experience. Deer Valley now includes summer activities including lift-served mountain biking and hiking, scenic chair lift rides, and summer adventure camps for children. The Snow Park Outdoor amphitheater offers regular community concerts.

No formal site plan has been established or approved for the Snow Park Village development site. Density is assigned on a parcel-by-parcel basis in the MPD.

Requirements of the Current DV MPD

The MPD notes that for projects within the DV MPD, 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. Limits of disturbance, vegetation protection, and building design standards apply.

Required Off-Street Parking for each parcel or portion of the MPD is based on the City's Land Management Code in effect at the time of application for a building permit for the respective portion of the project. Parking may not encroach into zoned open space.

Exhibit 2 of the MPD lists commercial and support space allotted to the project. Support Commercial shall be permitted and used as defines in the Code as amended at the time of application.

The MPD's affordable housing requirements and current status are under review by Housing staff and will be presented in a subsequent report.

The applicant must submit updated technical reports with regard to traffic monitoring, water systems, and sewer systems for review by the Commission as needed for specific project review.

Pedestrian and bicycle paths are required and the Deer Valley Trails Master Plan must be updated as necessary. Paths and Trails shall tie into the bus system that serves Deer Valley and shall form a year-round system. With the exception of the parcels identified in Exhibits 1 and 2, all remaining property is designated “landscaped open space”.

The MPD acknowledges that the applicant shall be obligated to construct and convey to the City any water storage, pumping, and transmission lines necessary to store and transmit culinary water, irrigation water, and water for fire flows to all the buildings as required by the City.

The MPD permits 209.75 Authorized Unit Equivalents of Density to the Snow Park Village Parcel, subject to the Conditional Use Review, and notes that the permittee shall file a completed application form supported by the information set forth in Section 15-6 of the City’s LMC. Parking is also based on the Code in effect at the time of application.

As noted earlier, there is no approved site plan associated with the Snow Park development parcels other than when the Deer Valley Sixth Amended and Restated Large Scale MPD was approved subject to the rezone of the north 1.48 acres of the Sports Facility Parcel from RD-MPD to ROS, which effectively created a pool of Commercial Density for designated parcels and resulted in the change from Figure 2 below to Figure 1 below.

Figure 1: Snow Park Hotel Parcel after the 1991 Zone Change.

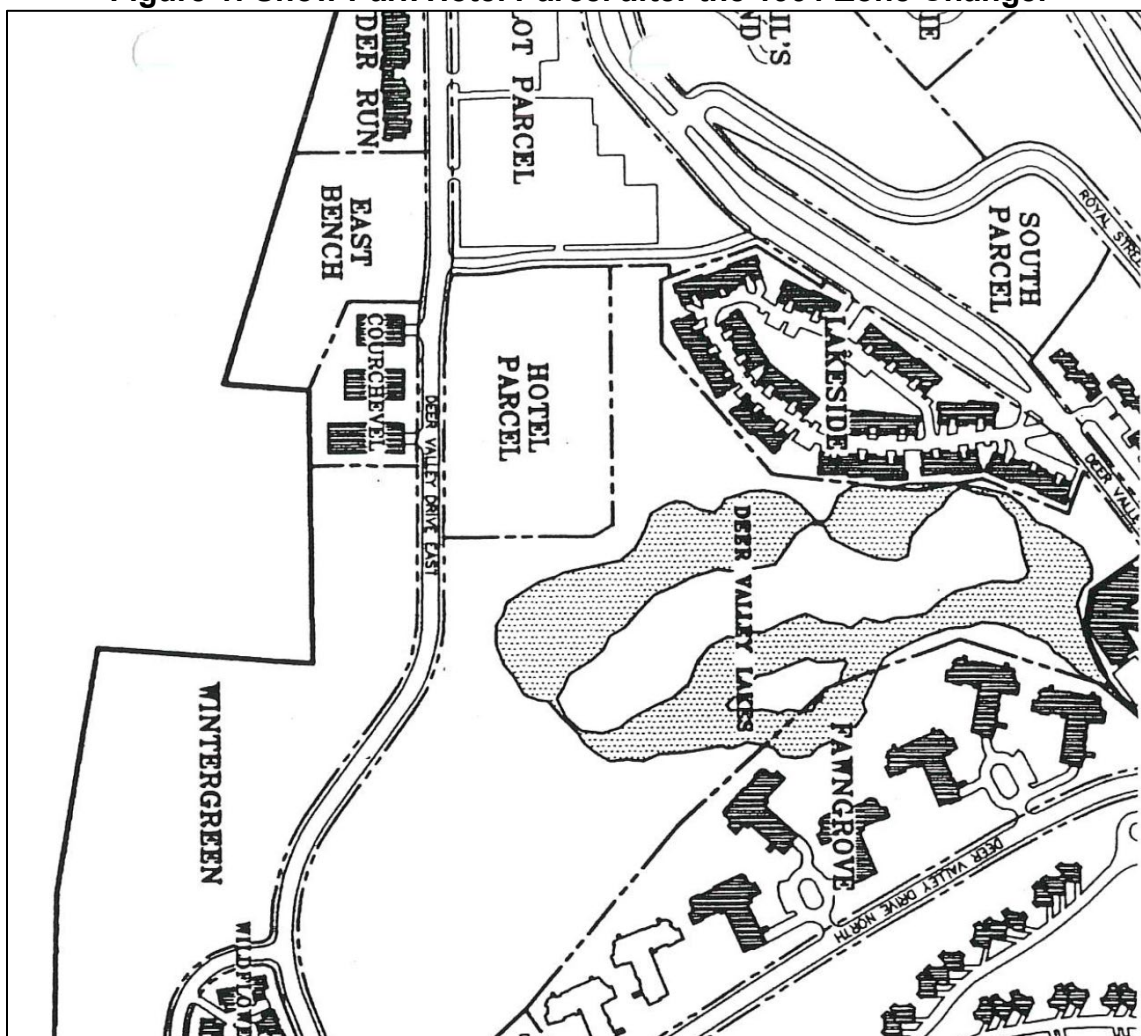
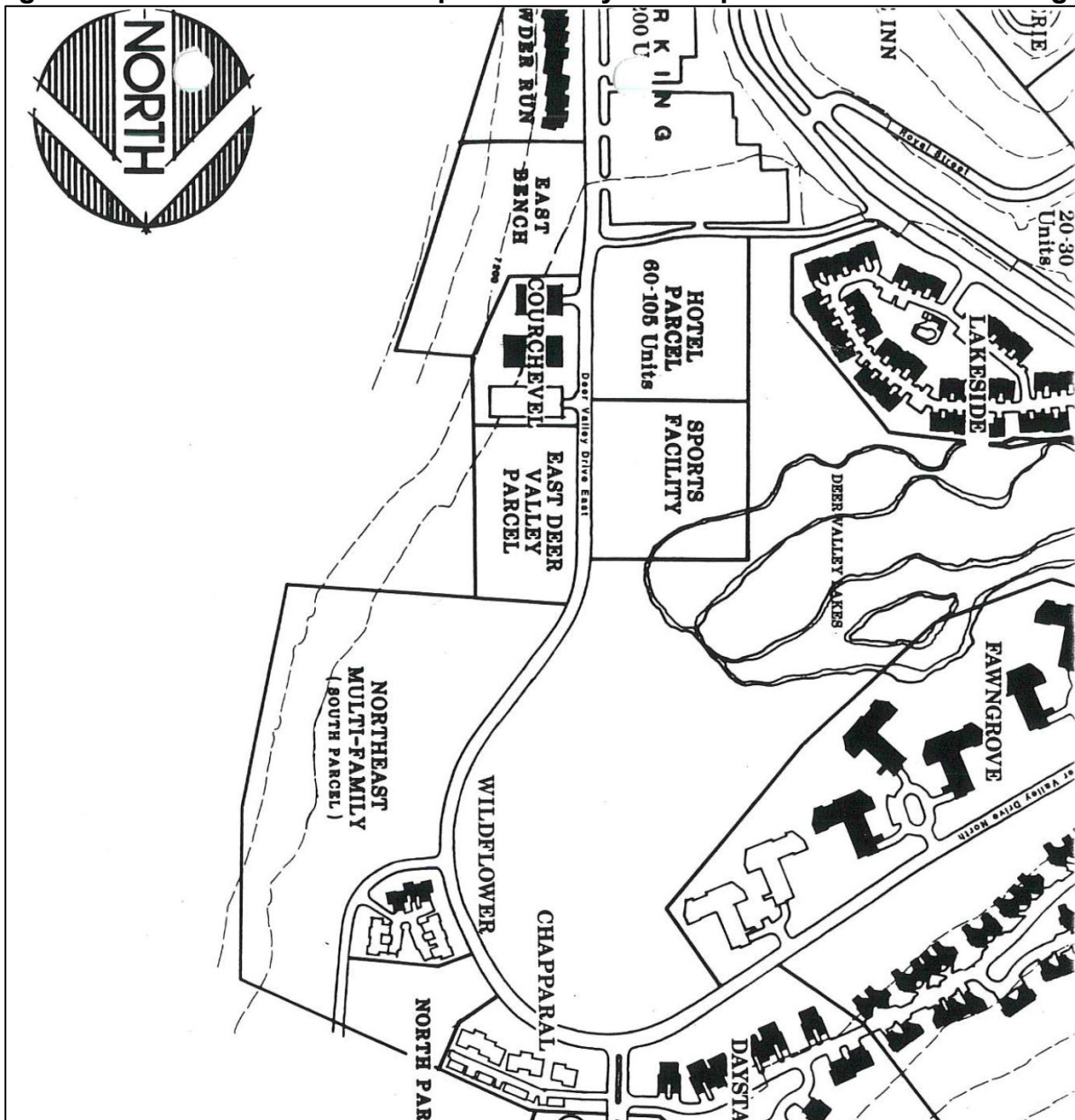


Figure 2: Snow Park Hotel and Sports Facility Parcel prior to 1991 Zone Change.



This Zone Change was approved by the City Council on February 7, 1991.

The Planning Department notes that the expansion of the Snow Park Lodge, which is located on two separate parcels across Deer Valley Drive South from the parking lot parcels, is also proposed as part of this project.

Park City's General Plan for the [Lower Deer Valley Neighborhood](#)

The Lower Deer Valley neighborhood is dominated by nine large multi-family condominiums authorized by the DV MPD for 383.5 Dwelling Units. Single-family homes exist along the northern edge in subdivisions including Solamere, Morning Star, the Oaks, and Hidden Meadows. Many of these residential units are second homes,

although this is changing as more homeowners have begun living full-time in their second homes during the Covid-19 pandemic. Nightly rentals are allowed by most HOAs.

Park City's General Plan for the [Lower Deer Valley Neighborhood](#) notes that future planning should be directed towards maintaining the world-class resort experience and that the arrival experience should be preserved.

The development of the Snow Park Parking Lots will be a tremendous impact on the character of the Lower Deer Valley neighborhood and it is noted in the General Plan that "the opportunity exists for a true 'village' base area to be built that is complementary to the surrounding multifamily condominiums set around the periphery of the parking lots... compatibility, view corridors circulation and connectivity is a priority for the future design....[a]nd that development "could add to the Apres Ski experience of dining and shopping, while providing an opportunity to divert load out traffic at the end of the ski day. This may also provide Lower Deer Valley residents increased local amenities that improve walkability and the visitor experience." [General Plan p. 239]

The Lower Deer Valley area hosts major events at the resort such as the Freestyle Championships, mountain bike races, and concerts, which support the Resort and Hospitality industries of Park City.

The General Plan notes that other issues critical to Deer Valley's continued success include:

1. Improved traffic flow and emergency egress to US-40 including priority given to alternative modes of transportation;
2. Housing opportunities for all;
3. World-class hiking and biking trails connecting Deer Valley to the rest of Park City. Gondola transportation should also be explored as a means of decreasing Vehicle Miles Traveled (VMT).

February 19, 2021

NOTICE OF PLANNING DIRECTOR DETERMINATION

Property Address: 2250 Deer Valley Drive S

Description: Planning Director Determination of Natural Grade

Date of Action: February 19, 2021

Permit Number: PL-20-04708

ACTION TAKEN BY PLANNING DIRECTOR:

On November 12, 2020, Applicant Bryan Elliot submitted a request for a Planning Director Determination of Natural Grade for the site (Snow Park Village development site). This information was supplemented on January 15, 2021 see Attachment 1.

Natural Grade is defined in Land Management Code (LMC) 15-15-2 as,

"The Grade of the surface of the land prior to any Development Activity or any other man-made disturbance or Grading. The Planning Department shall estimate the Natural Grade, if not readily apparent, by reference elevations at points where the disturbed Area appears to meet the undisturbed portions of the Property. The estimated Natural Grade shall tie into the elevation and Slopes of adjoining Properties without creating a need for a new retaining wall, abrupt differences in the visual Slope and elevation of the land, or redirecting the flow of run-off water."

Due to previous grading of the site, the grade of the Snow Park surface parking lots has been altered to create a more level parking field. The Applicant has prepared a proposed interpolated grade analysis that is based on Existing Conditions (as of 2007), perimeter historical (Natural) contours, and pre-development 1955 USGS topography.

A site visit was made by the Planning Department on December 16, 2020.

Based on the site visit, and the Applicant's submittal, the Planning Director has determined that the southern section of the parking lots closer to the Snow Park Lodge were excavated (cut), and the norther section of the parking lots closer to the ponds were filled, in order to create a more level parking area.

Based on the information submitted, the Planning Director has determined that the methodology used to determine interpolated Natural Grade, including page 6 of 2007 Aerial and 1995 USGS Topography Section, appears sound, and is based on a digital

contour model, stamped and signed by Michael Demkowicz, Professional Land Surveyor.

As you have correctly noted, Exhibit 1 of the 12th Amended and Restated MPD notes that the height of the Snow Park Village parcel is 28-45 feet.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Gretchen Milliken', with a long horizontal flourish extending to the right.

Gretchen Milliken

Planning Director

The Planning Director based this determination on the following Findings of Facts:

Findings of Fact:

1. The Site is located at 2250 Deer Valley Drive South
2. The Site is within the Residential Development (RD) Zoning District and the Deer Valley Resort MPD.
3. Planning Staff conducted a Site Visit on December 16, 2020.
4. Per the Staff's Site Visit and information submitted on November 12, 2020, and supplemented on January 15, 2021, the Planning Director has determined the proposed Natural Grade Analysis (see Attachment 1) is complete and appears sound. This includes information stamped and signed by Michael Demkowicz, Professional Land Surveyor, dated 1/7/21, in order to determine the Building Height Envelope.

If you have any questions regarding this determination, please don't hesitate to contact the Planning Department at 435-615-5060.

Sincerely,



Gretchen Milliken

Planning Director

CC: Alexandra Ananth, Senior Planner
Mark Harrington, City Attorney

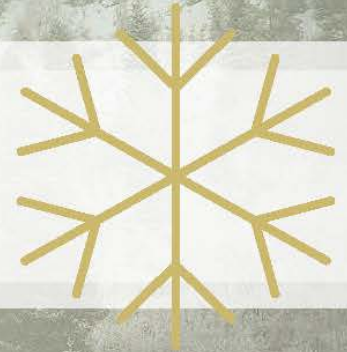
Attachment 1 – Applicant's Proposal

**Exhibit 1: Updated Slide Deck: Snow Park
Village Elevation Study and Proposed Maximum
Building Height Envelope Methodology**

The following information is provided as a means to determine "Natural Grade" for the Snow Park Village site utilizing existing conditions, historical data and three dimensional topographic modeling. By determining "Natural Grade" as a digital contour model, this model can then be offset vertically to define the maximum building height envelope, less exceptions, by which a development proposal would be limited to and can be evaluated by.

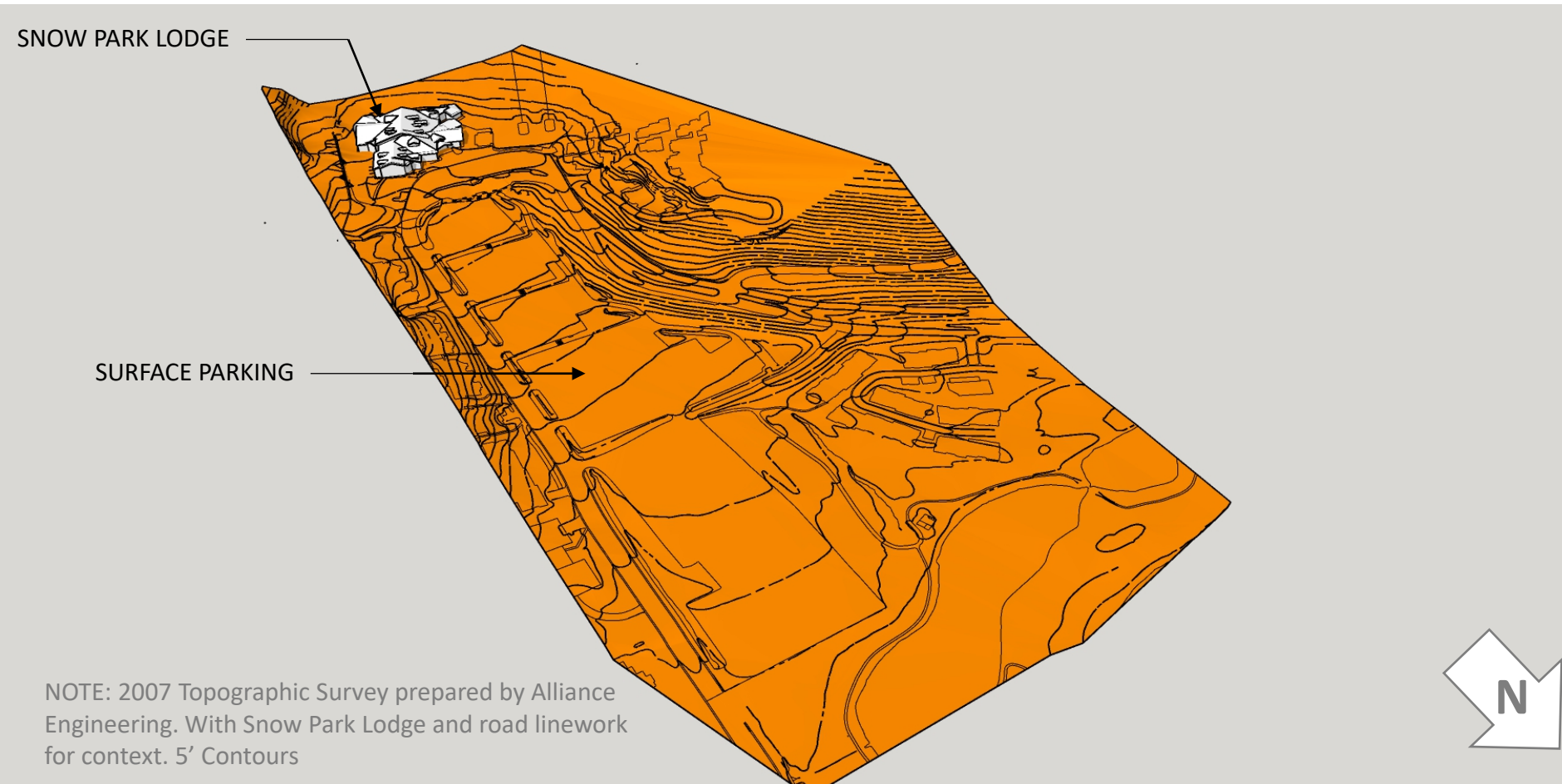


SNOW PARK VILLAGE



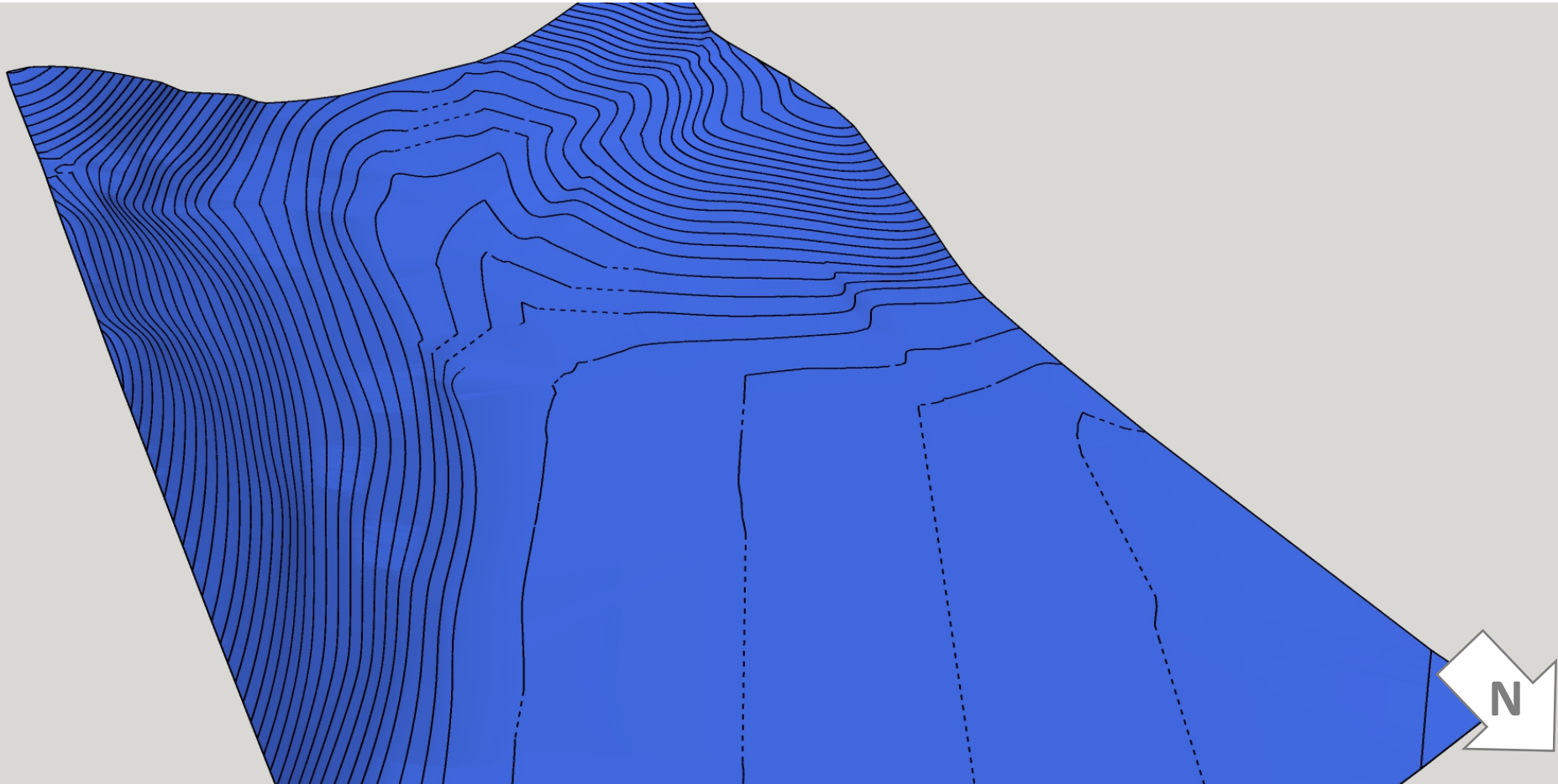
Existing Condition (2007)

Below is a 3D contour model of the existing conditions at Snow Park Lodge and surface parking lots. This model is utilized to establish perimeter contours consistent with pre-development conditions.



1955 USGS Grade

Below is a digitized 3D topo model of the 1955 USGS topographic data intended to confirm natural grade edge conditions and validate interpolation approach. The next step was to overlay all 3D topo models to analyze the methodology.



NOTE: USGS 1955 survey information. 10' Contours

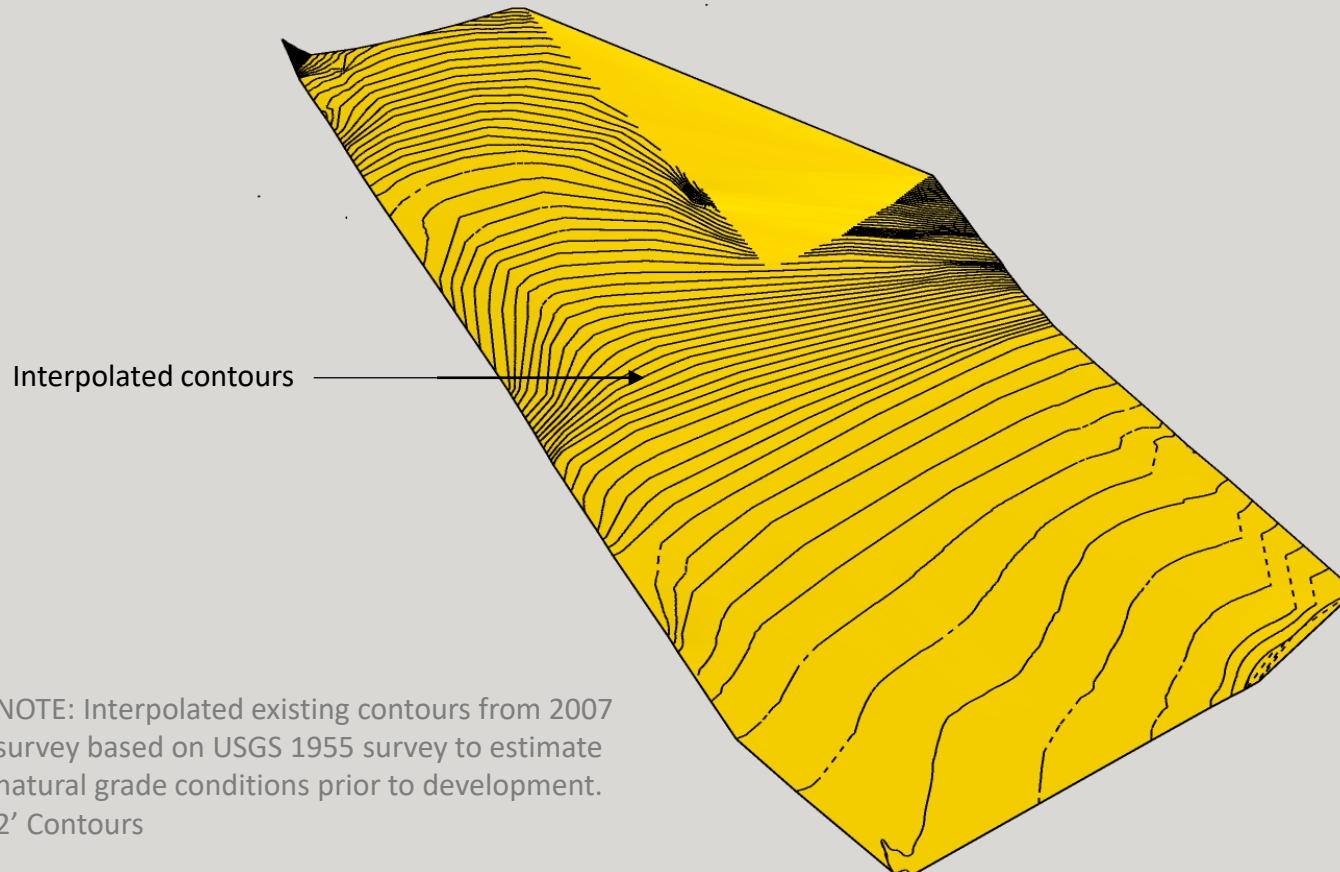
2007 / 1955 USGS Grade Comparison

Alliance Engineering provided pre-development data with 1955 USGS topography to validate the interpolation methodology and consistency of natural grade edge conditions about the property. Below, in red lines, is the USGS information overlaid with the existing 2007 topographic survey.



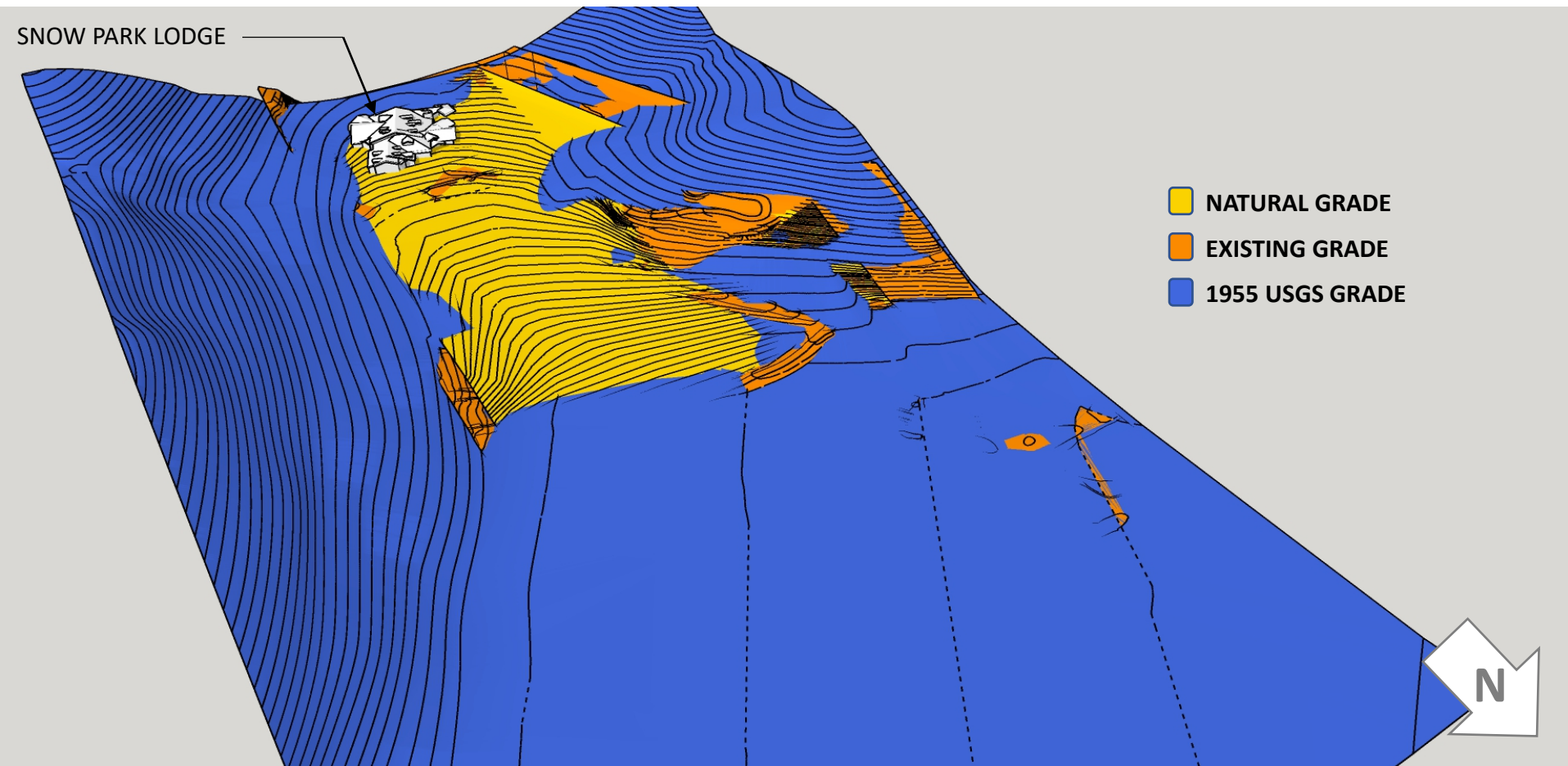
Natural Grade

By using the perimeter historical or natural contours and projecting or interpolating and completing those contours in a typical natural valley condition, it creates the below 3D contour model to represent the pre-development condition of the site.



Natural Grade / Existing Condition / 1955 Composite

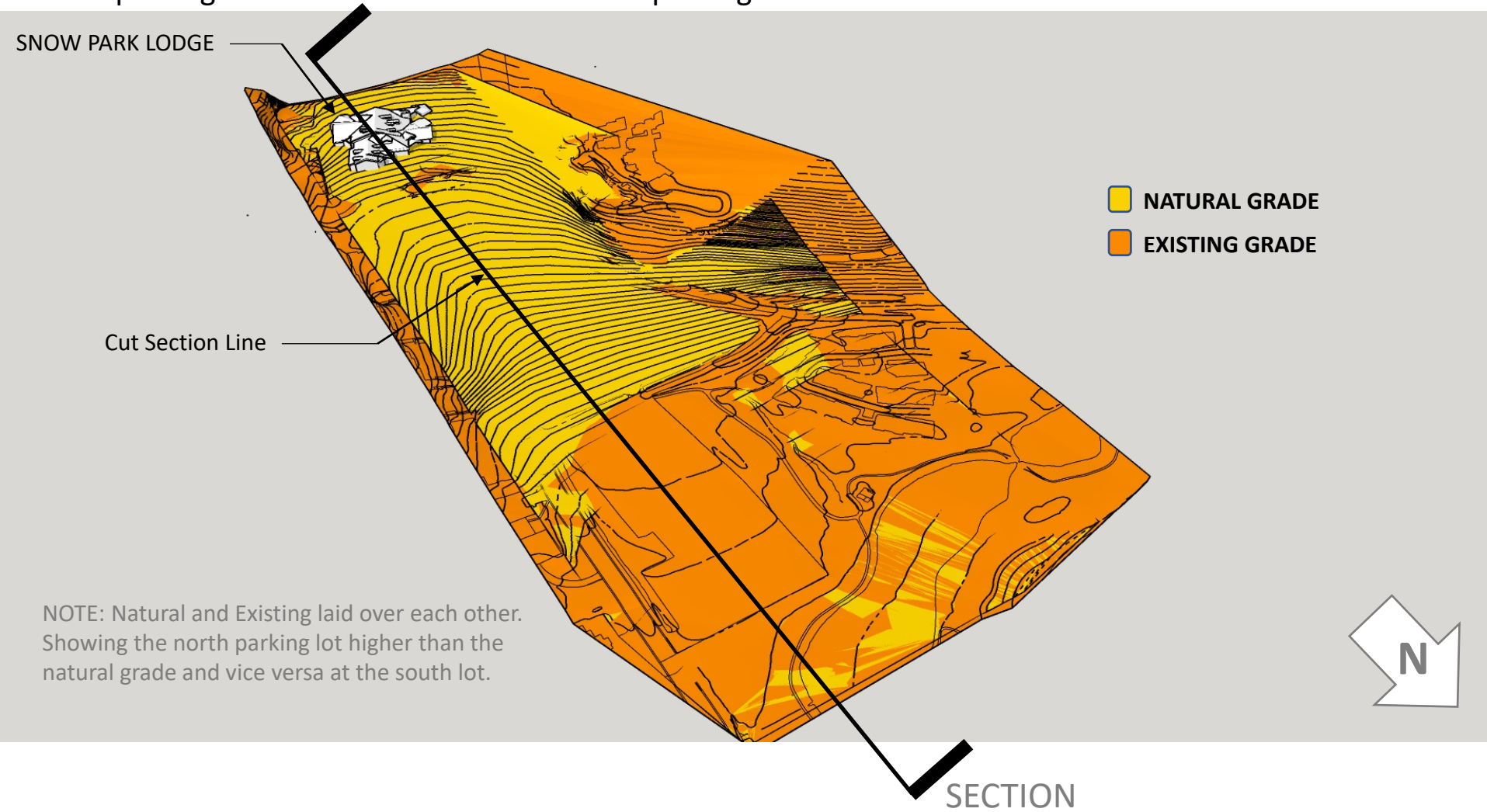
The following is a composite overlay of all 3D topo models to evaluate relative and consistent accuracy of perimeter elevations and confirm assumptions of pre-development conditions versus construction methods to achieve existing conditions.



NOTE: Natural, Existing and 1955 USGS laid over each other.

Natural Grade / Existing Condition Composite

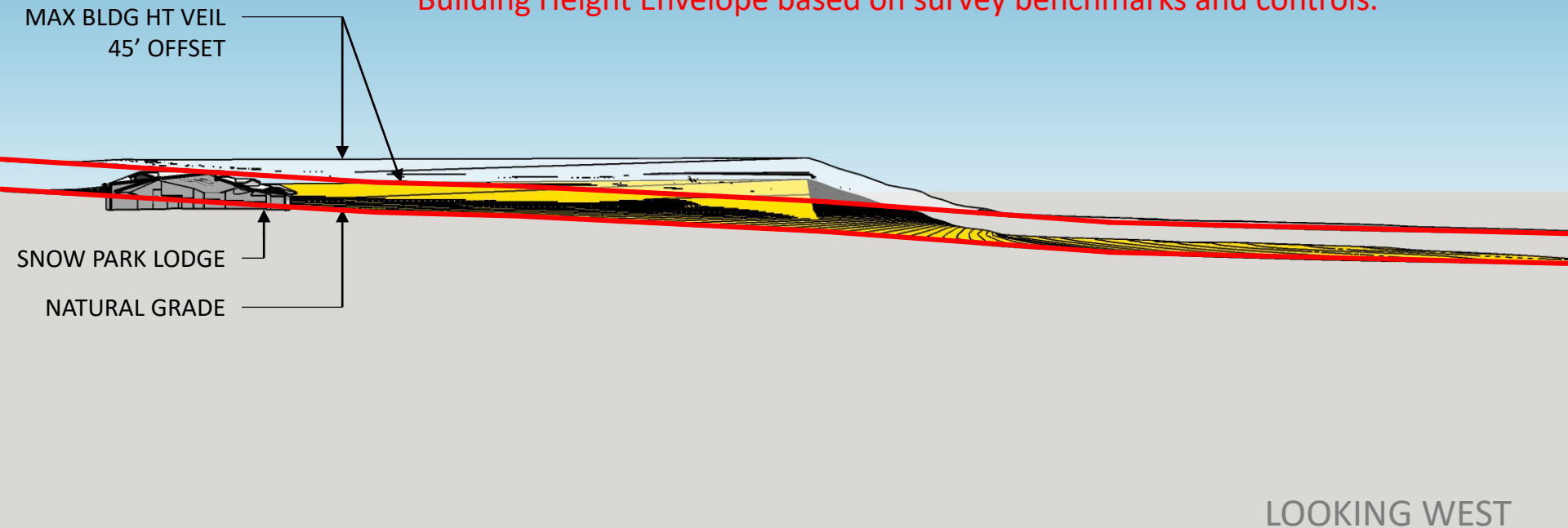
This composite overlays the interpolated natural grade with existing conditions and confirms the assumed cut and fill excavation required for the construction of the existing parking lots and Snow Park Lodge. North parking lots in a fill condition and south parking lots in a cut condition to balance.



SECTION - Natural Section w/ 45' Natural Grade Offset

The cross section below represents the section cut from the previous exhibit through the 3D topographic model of Natural Grade as the bottom red line. The next step is to simply offset this line vertically 45' to define the Maximum Building Height Envelope.

This methodology provides a logical solution to define a 3D topographic model of Natural Grade prior to development of this site. This would allow a Certified Land Surveyor to prepare a certified topographic model as the Maximum Building Height Envelope based on survey benchmarks and controls.



SECTION - Existing Condition w/ 45' Natural Grade Offset

This final exhibit is the same cross section line but showing the existing grade conditions along the bottom dashed yellow line along with the same red lines representing Natural Grade and 45' vertical offset of Natural Grade.

The purpose of this exhibit is to show the resulting difference between Natural Grade and existing grade. This confirms the cut and fill conditions of the existing parking lot construction with cut conditions in the south parking areas closest to Snow Park Lodge and fill conditions in the north parking areas.

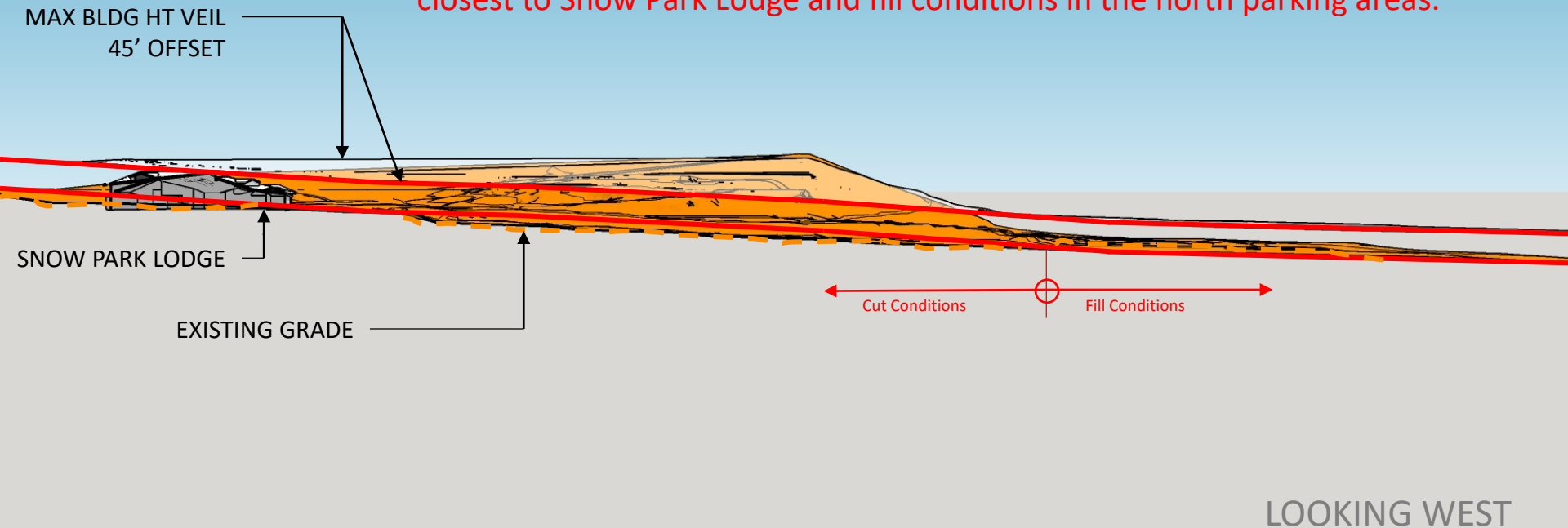


Exhibit 2: Alliance Engineering Certified Topographic Survey Study Cover Sheet

Sheet 1: Deer Valley Snow Park Development 2007 Aerial Topography

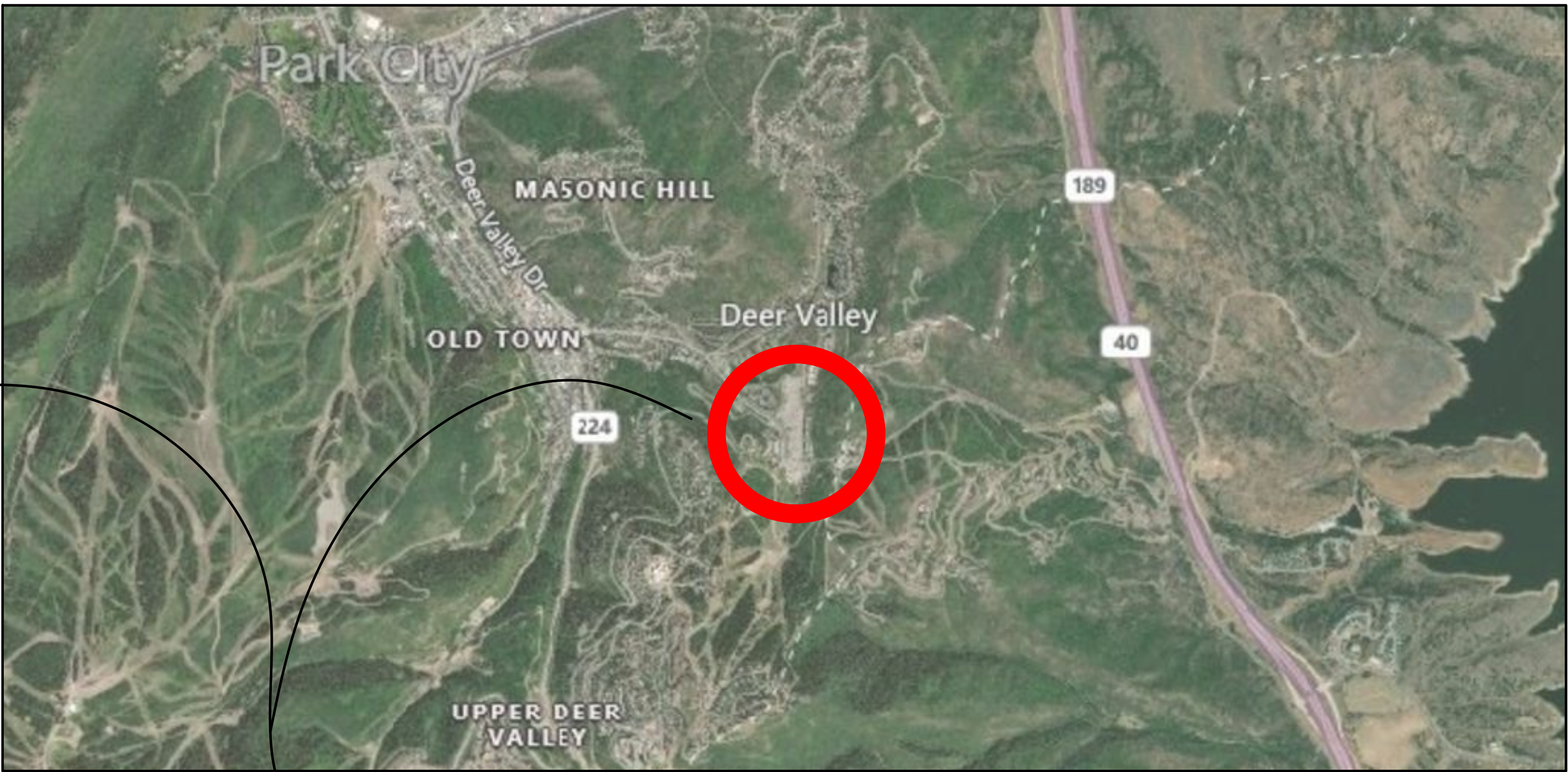
Sheet 2: Deer Valley Snow Park Development 2006 Aerial Slope Map

Sheet 3: Deer Valley Snow Park Development 1955 USGS Topography (Proposed Natural Grade)

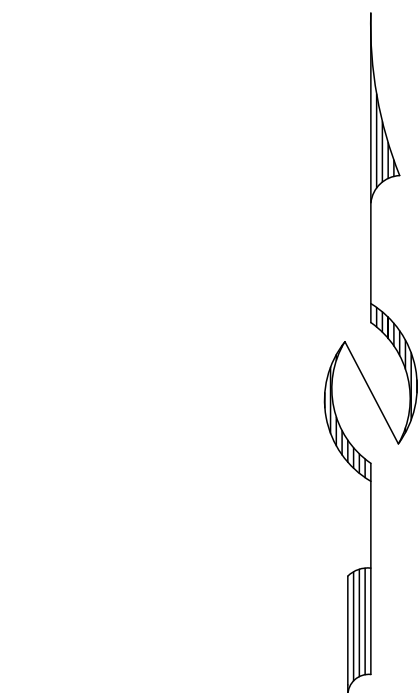
Sheet 4: Deer Valley Snow Park Development 1955 USGS Slope Map

Sheet 5: Deer Valley Snow Park Development 2007 Aerial & 1955 Topography Roof Peak & Deck Elevations

Sheet 6: Deer Valley Snow Park Development 2007 Aerial & 1955 Topography Sections



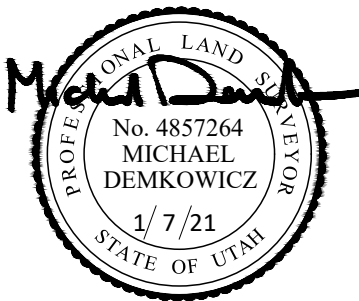
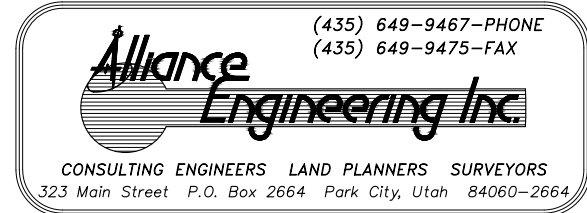
SITE LOCATION



VICINITY MAPS
NOT TO SCALE

DRONE IMAGERY
(12.29.20) IMAGE TAKEN 1000' ABOVE PONDS
LOOKING SOUTHERLY

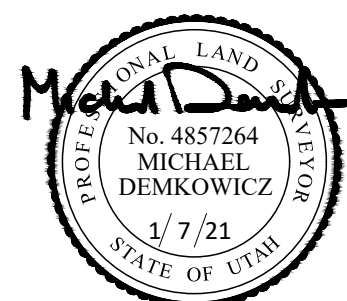
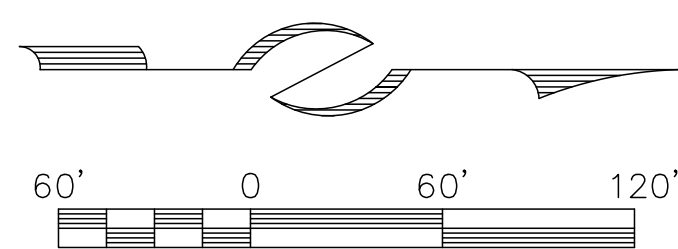
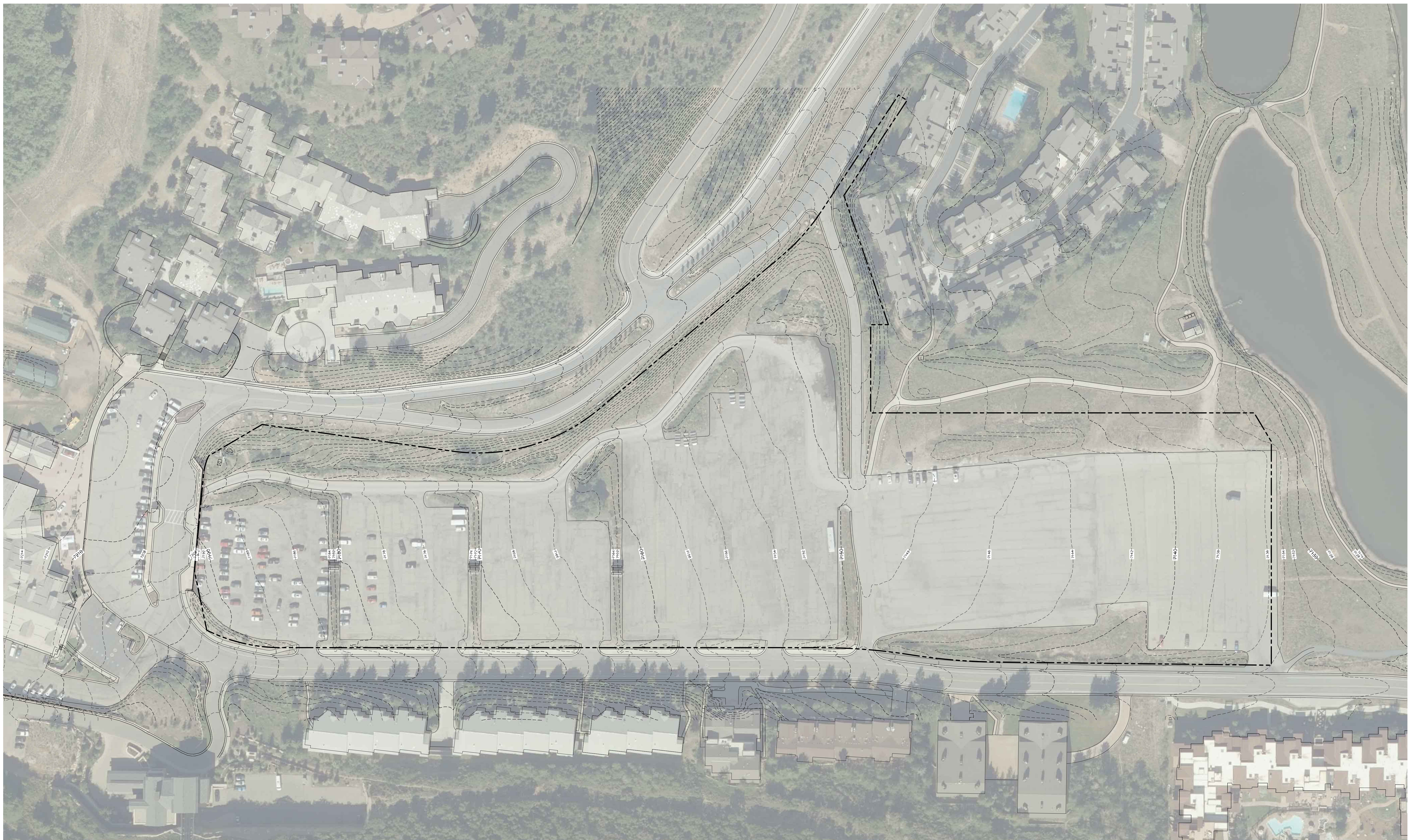
CIVIL ENGINEER



SHEET INDEX

1. 2007 AERIAL TOPOGRAPHY
2. 2007 AERIAL TOPOGRAPHY (SLOPE MAP)
3. 1955 USGS TOPOGRAPHY
4. 1955 USGS TOPOGRAPHY (SLOPE MAP)
5. ROOF PEAKS & DECK ELEVATIONS / TOPOGRAPHY COMPARISON
6. SITE SECTIONS & 45' SURFACE OFFSET

DEER VALLEY
SNOW PARK DEVELOPMENT
TOPOGRAPHY STUDY



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
DUSTIN CARRISH
DATE: 1/7/2021

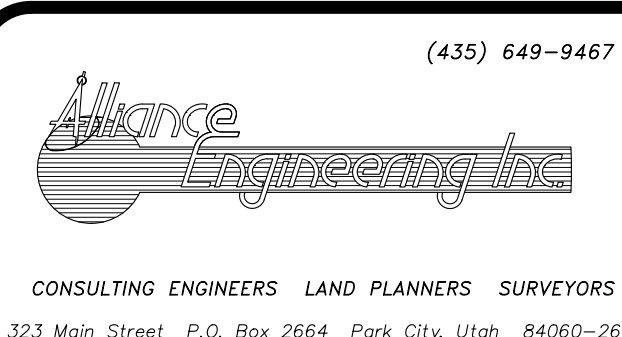
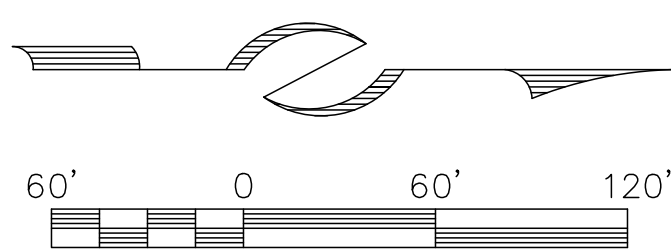
**DEER VALLEY SNOW PARK DEVELOPMENT
2007 AERIAL
TOPOGRAPHY**

FOR: DEER VALLEY
JOB NO.: 11-1-19
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1
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6**



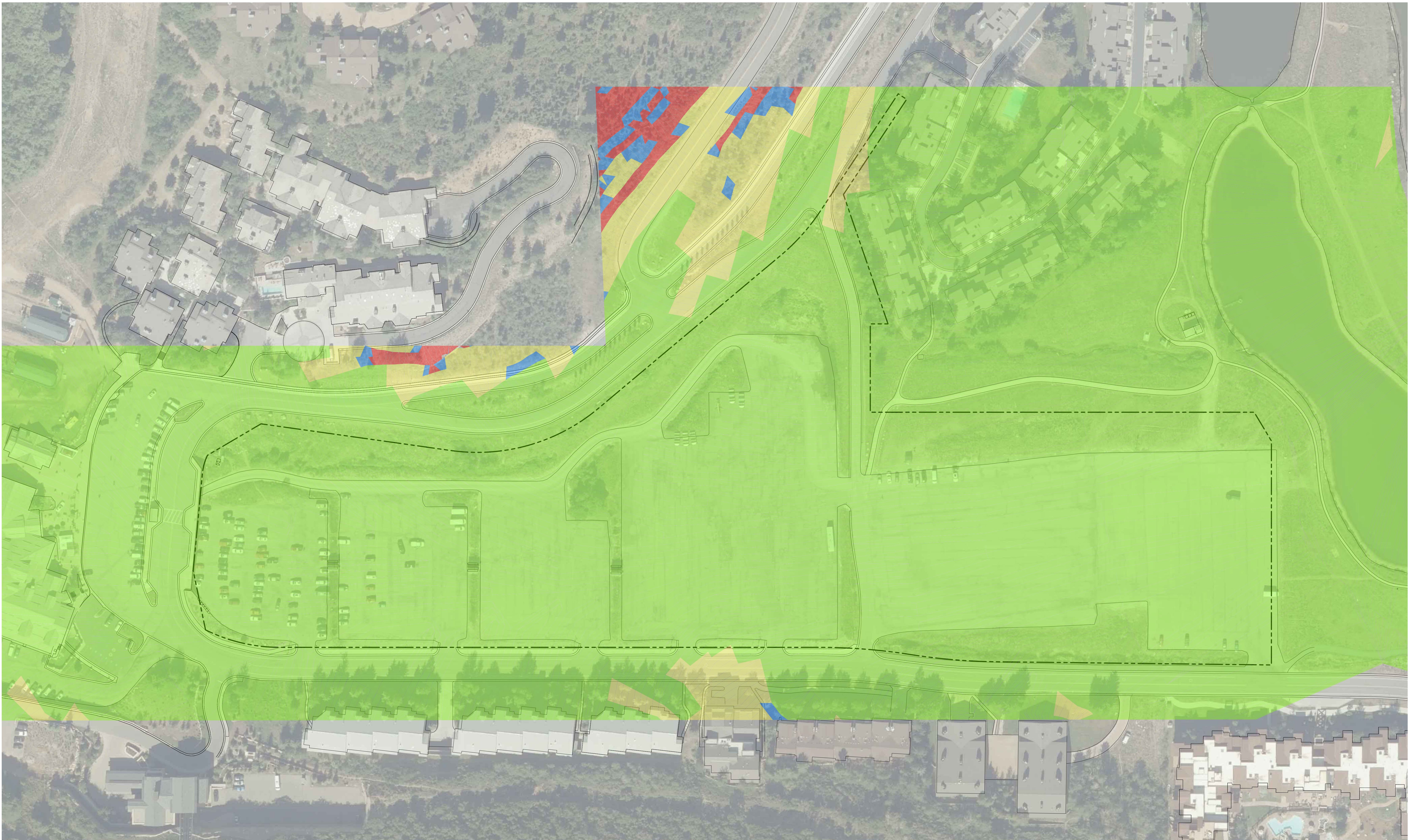
Slopes Table			
Number	Minimum Slope	Maximum Slope	Color
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2	15%	30%	Yellow
3	30%	40%	Blue
4	40%	Vertical	Red



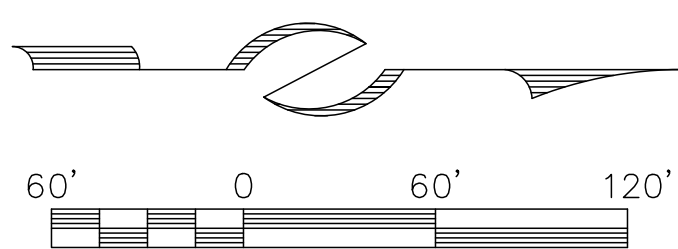
STAFF:
MICHAEL DEMKOWICZ
DUSTIN CARRISH
DATE: 1/7/2021

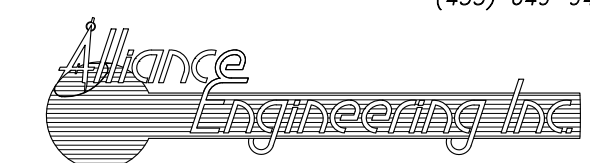
**DEER VALLEY SNOW PARK DEVELOPMENT
2007 AERIAL
SLOPE MAP**
FOR: DEER VALLEY
JOB NO.: 11-1-19
FILE: X:\SnowParkVillage\dwg\Snow Park Development\Snowpark Topo-updates-12.29.20.dwg

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2
OF
6**



Slopes Table			
Number	Minimum Slope	Maximum Slope	Color
1	0%	15%	Green
2	15%	30%	Yellow
3	30%	40%	Blue
4	40%	Vertical	Red





(435) 649-9467

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS

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

STAFF:
MICHAEL DEMKOWICZ
DUSTIN CARRISH

DATE: 1/7/2021

DEER VALLEY SNOW PARK DEVELOPMENT

1955 USGS

SLOPE MAP

FOR: DEER VALLEY

JOB NO.: 11-1-19

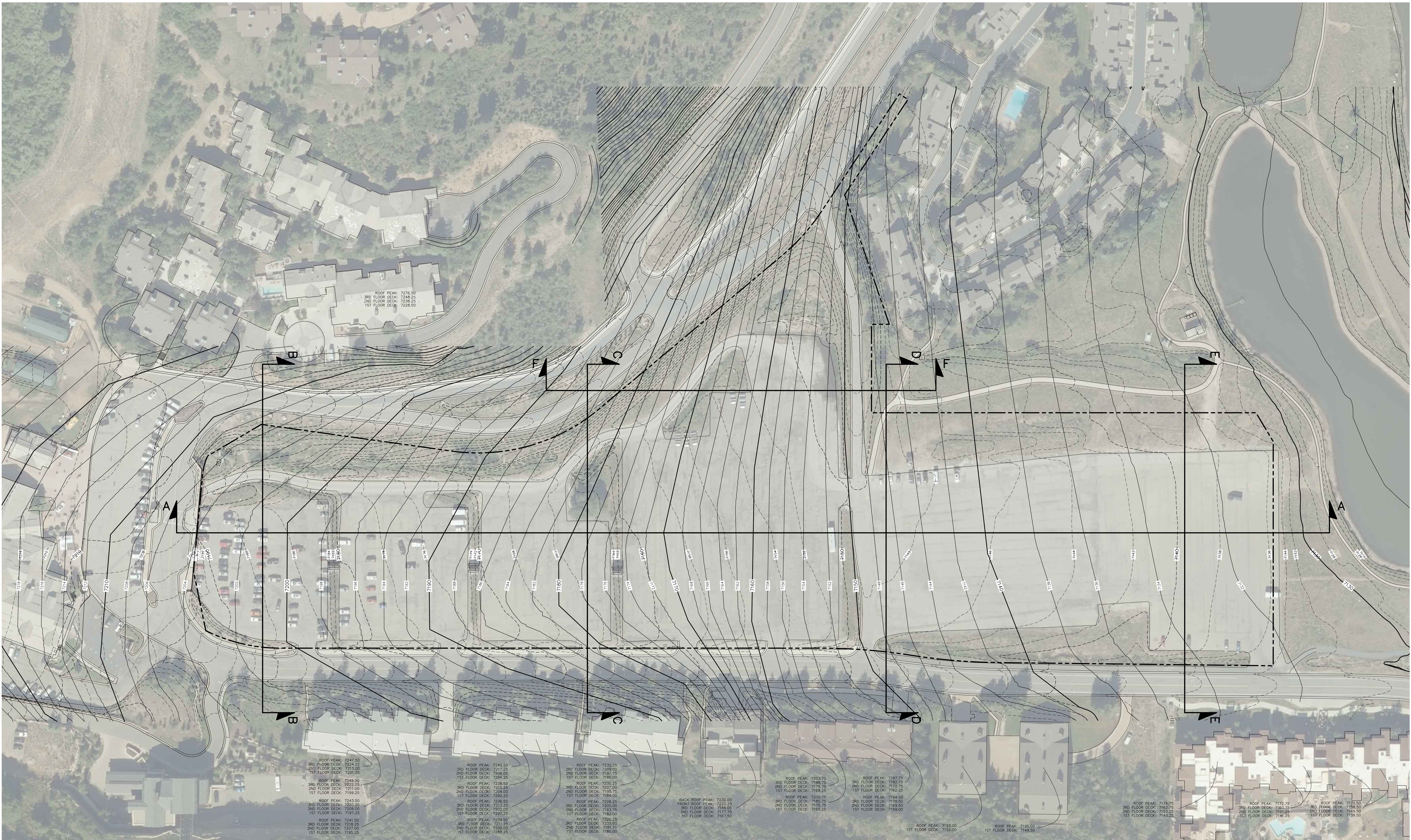
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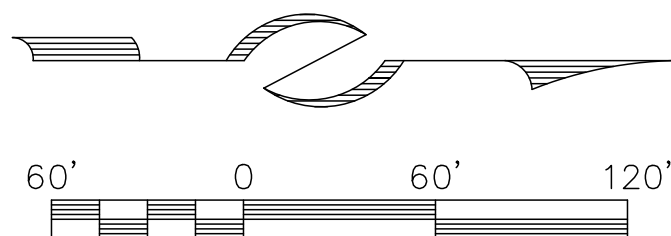
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NOTE:
1955 USGS TOPOGRAPHY - SOLID CONTOURS.
2007 AERIAL TOPOGRAPHY - DASHED CONTOURS.



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

STAFF:
MICHAEL DEMKOWICZ
DUSTIN CARRISH

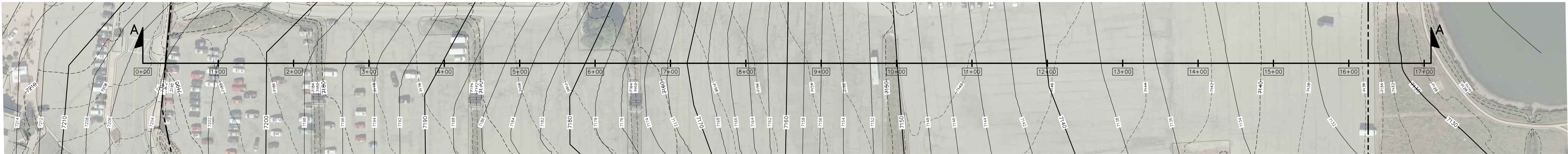
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**DEER VALLEY SNOW PARK DEVELOPMENT
2007 AERIAL & 1955 USGS TOPOGRAPHY
ROOF PEAK & DECK ELEVATIONS**

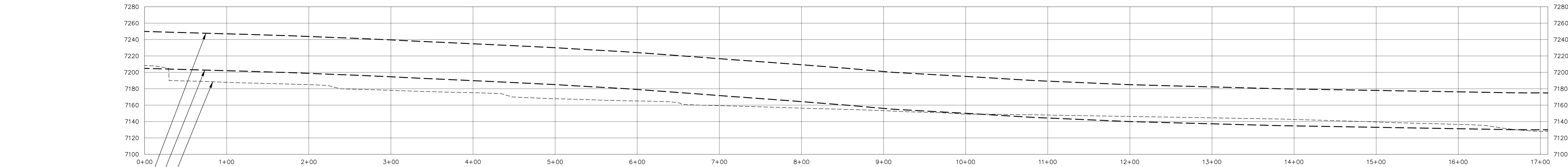
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JOB NO.: 11-1-19

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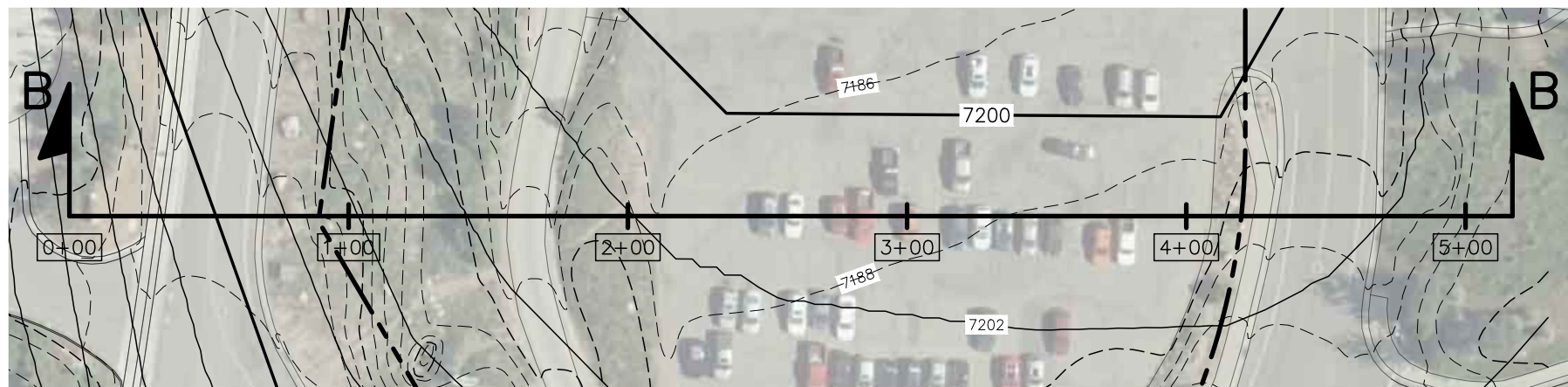
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OF
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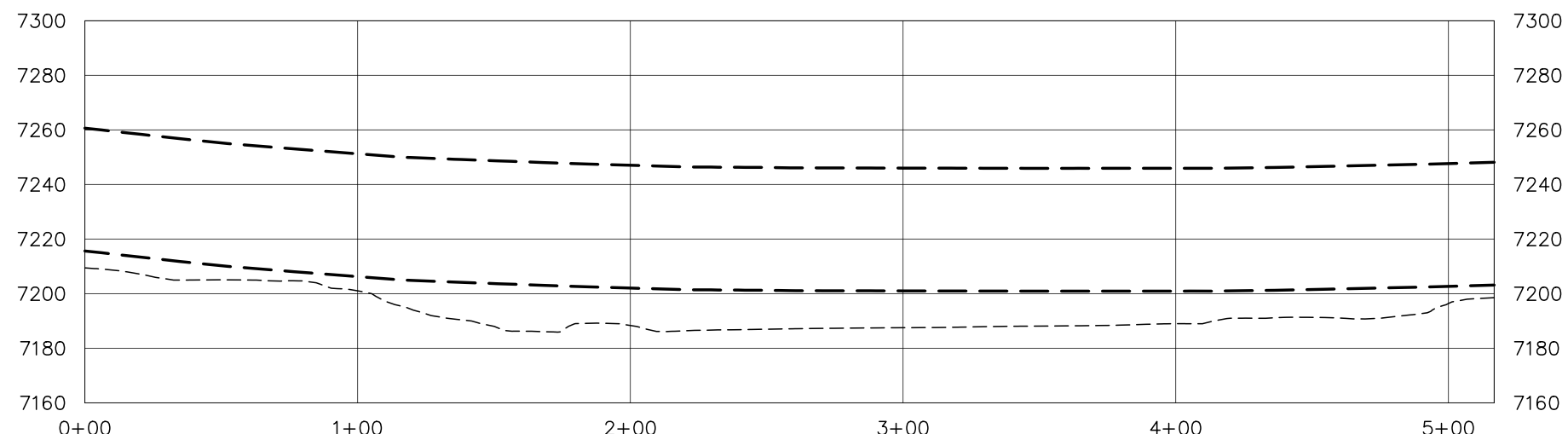
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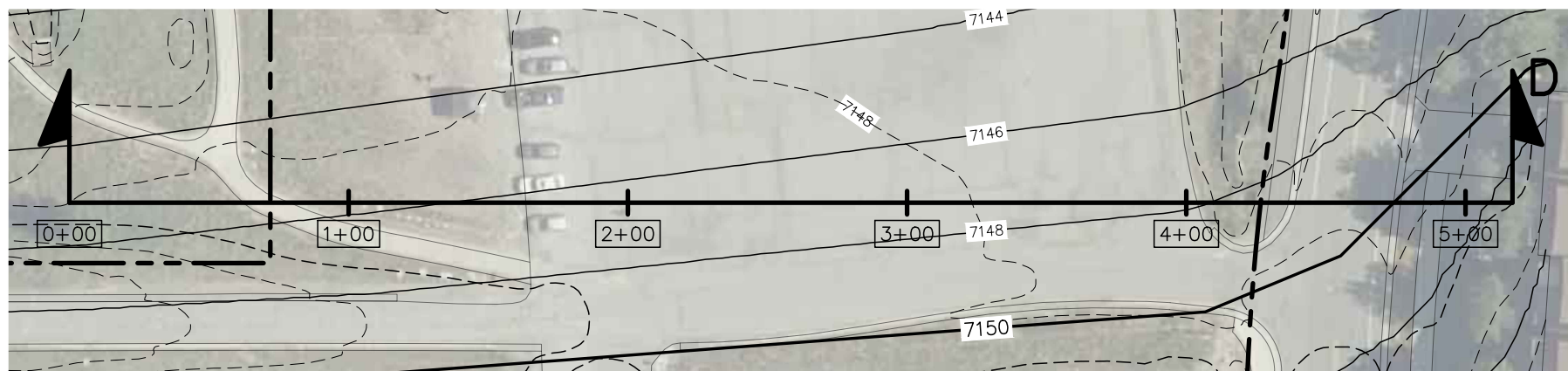
1955 USGS TOPOGRAPHY RAISED 45' (TYP.)
1955 USGS TOPOGRAPHY (TYP.)
2007 AERIAL TOPOGRAPHY (TYP.)



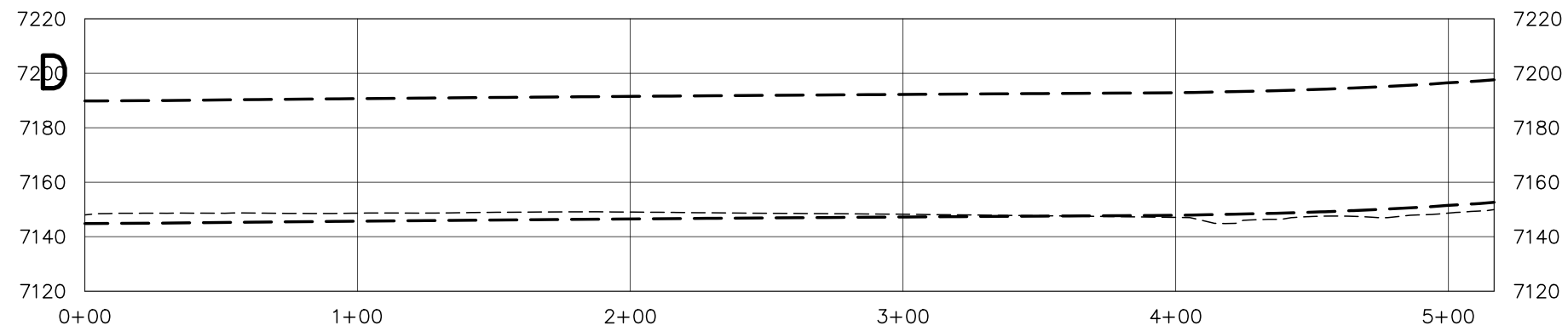
SECTION B-B PLAN



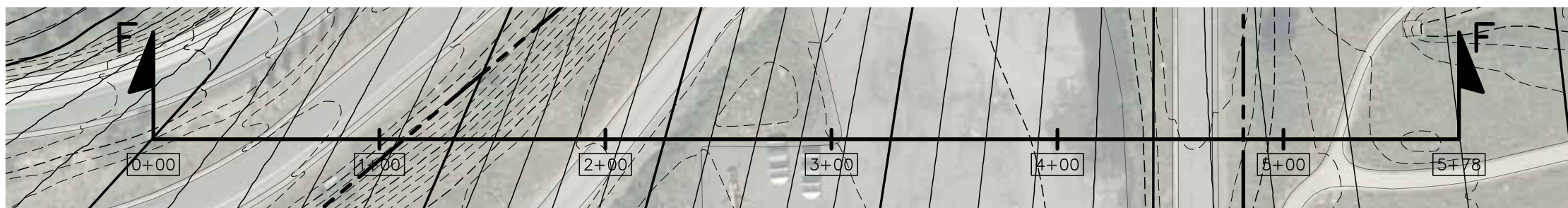
SECTION B-B PROFILE



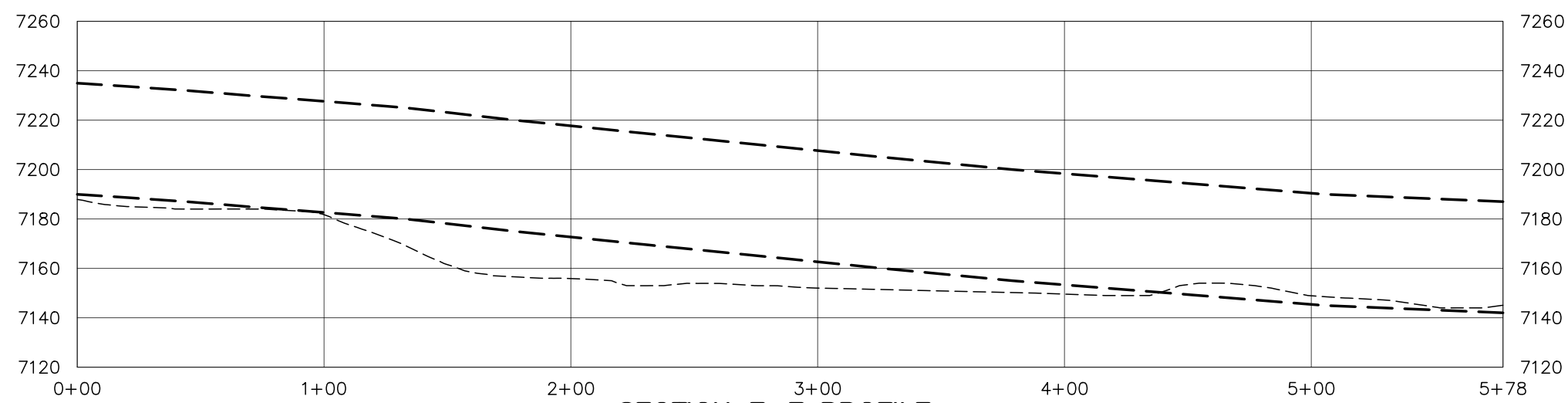
SECTION D-D PLAN



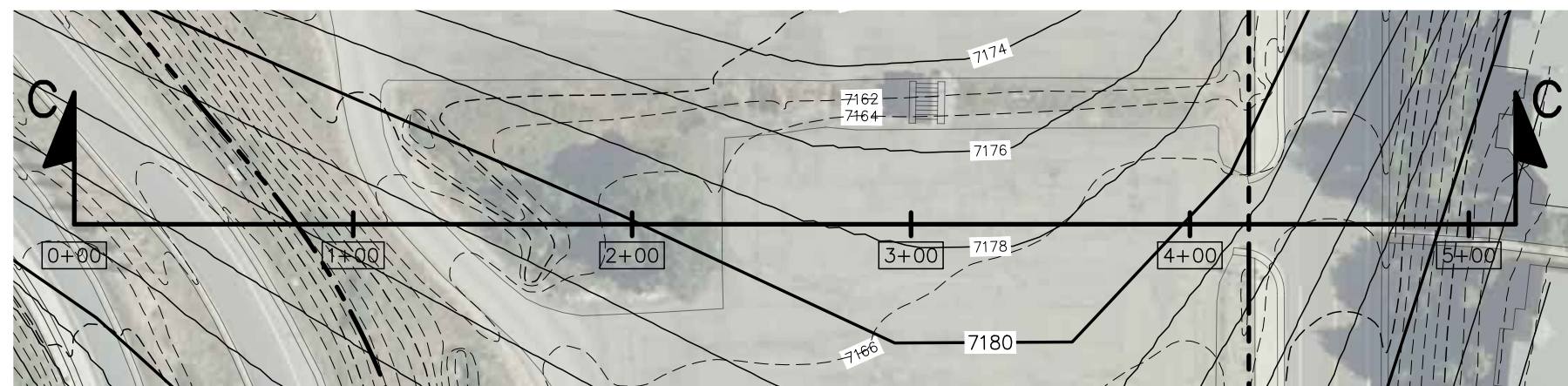
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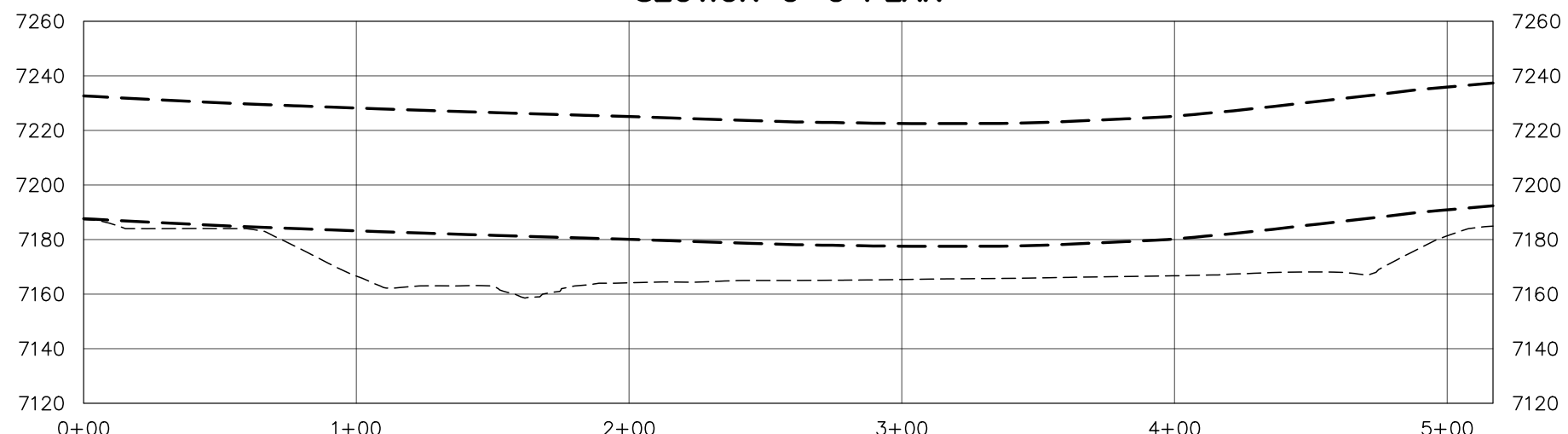
SECTION F-F PLAN



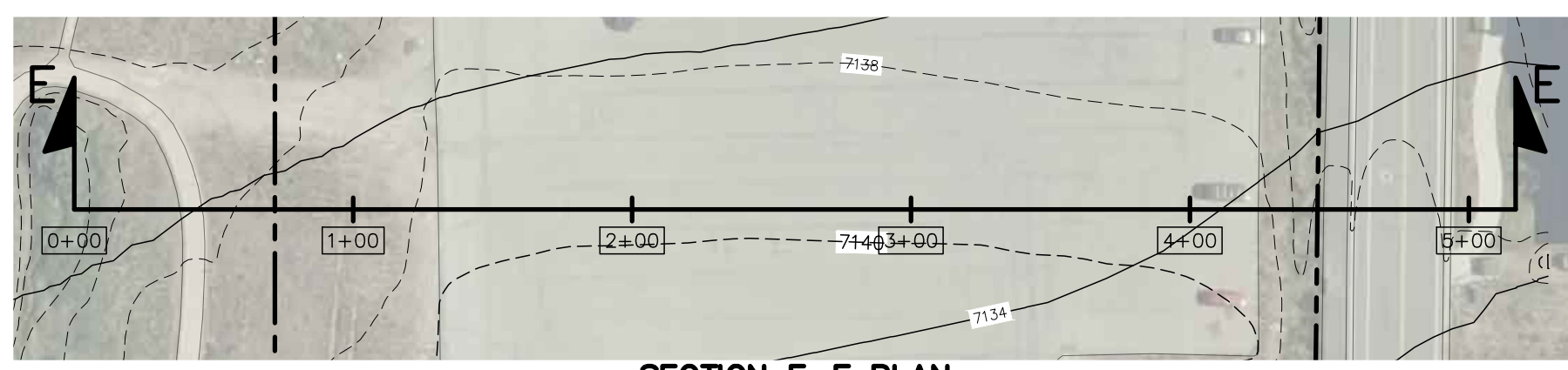
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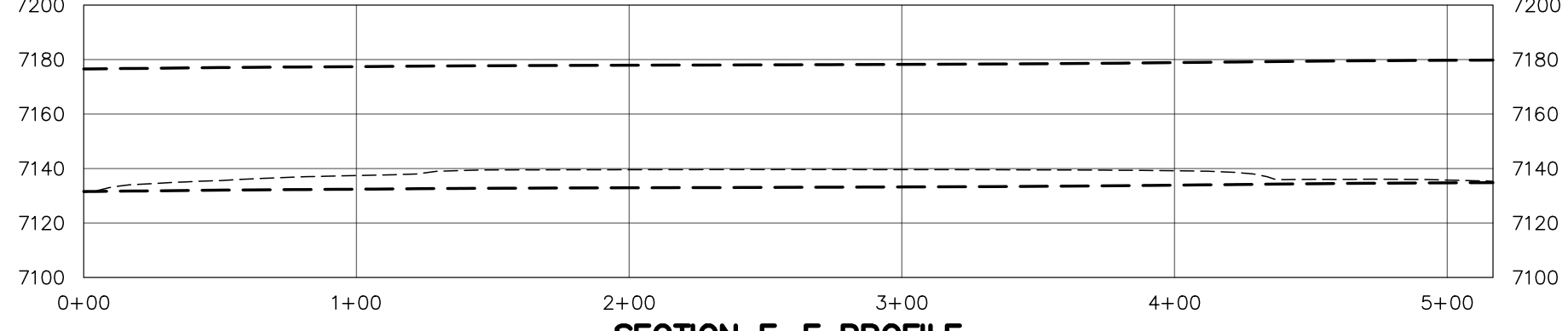
SECTION C-C PLAN



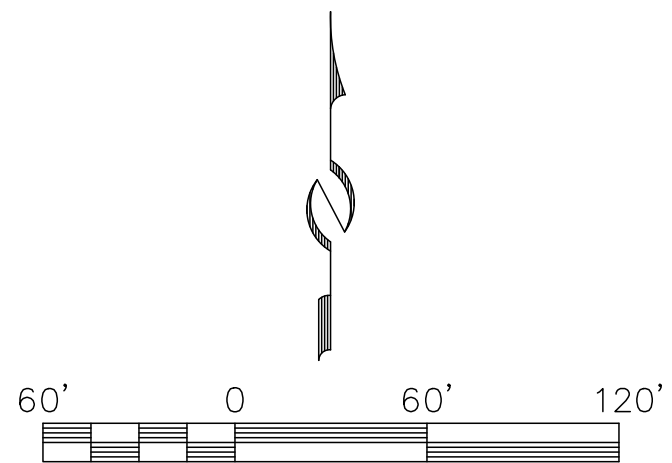
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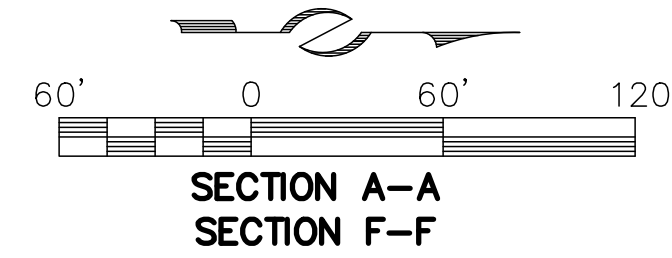
SECTION E-E PLAN



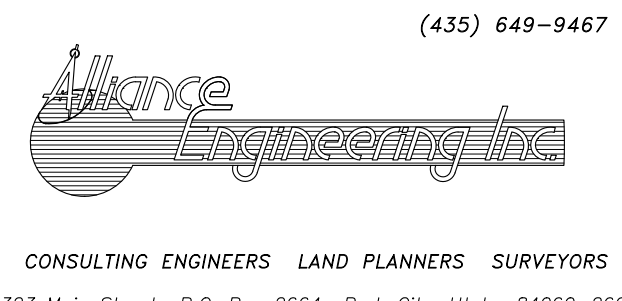
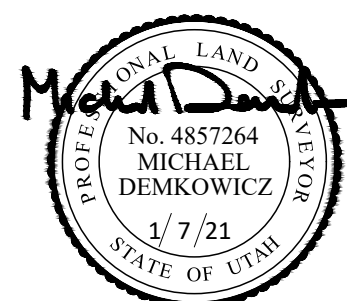
SECTION E-E PROFILE



SECTION B-B
SECTION C-C
SECTION D-D
SECTION E-E



SECTION A-A
SECTION F-F



STAFF:
MICHAEL DEMKOWICZ
DUSTIN CARRISH

DATE: 1/7/2021

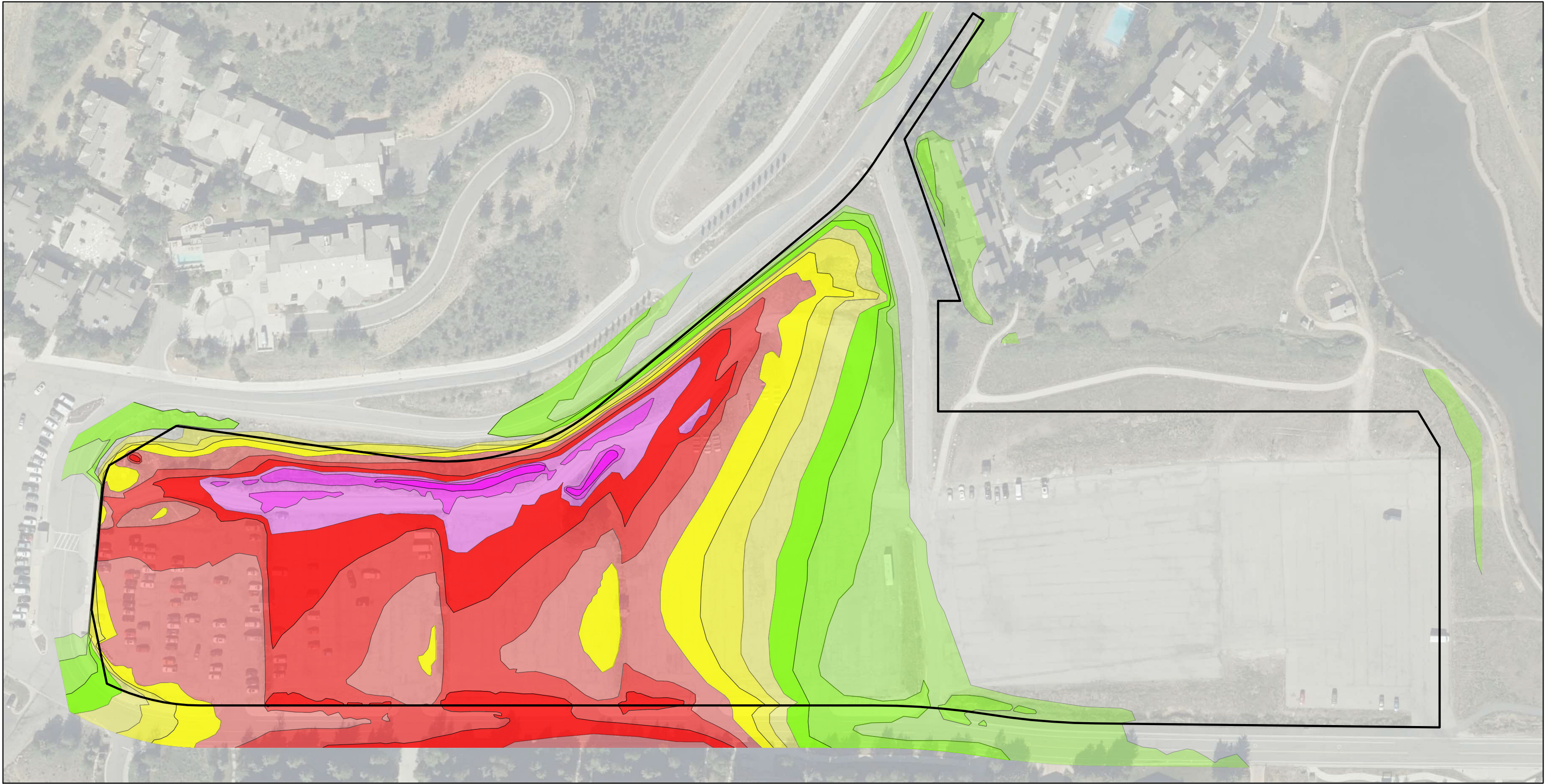
DEER VALLEY SNOW PARK DEVELOPMENT
2007 AERIAL & 1955 USGS TOPOGRAPHY
SECTIONS

FOR: DEER VALLEY
JOB NO.: 11-1-19

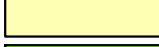
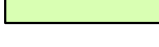
FILE: X:\SnowParkVillage\dwg\Snow Park Development\Snowpark Topo-updates-12.29.20.dwg

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6
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Exhibit 3: Alliance Engineering Deer Valley Snow Park Development Height Study



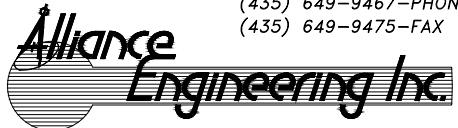
COLOR MAP LEGEND

	67'		55'
	65'		53'
	63'		51'
	61'		49'
	59'		47'
	57'		45'

DEER VALLEY SNOW PARK DEVELOPMENT HEIGHT STUDY

DISTANCE FROM 2007 AERIAL TOPOGRAPHY (EXISTING GRADE) TO A PROJECT MAXIMUM
BUILDING HEIGHT OF 45 FT ABOVE THE 1955 USGS TOPOGRAPHY (NATURAL GRADE)


NOT TO SCALE



(435) 649-9467—PHONE
(435) 649-9475—FAX

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060—26

Alexandra Ananth

From: Jason Horst <jasonhorst11@gmail.com>
Sent: Wednesday, August 25, 2021 7:32 AM
To: Alexandra Ananth
Subject: [External] Snow Park Anonymous questions

[CAUTION] This is an external email.

Hello

A few anonymous questions for the proposed Snow Park Development project:

How is safety being addressed for the greater flow of traffic on Deer Valley Dr North? Speed Cameras? Signage? If the goal is to push all "non-transit" traffic to the roads towards Pinnacle/Fawngrove, this will mean more concentration of movement in those area. There is a great deal of family. children activity on those roads and sidewalks.

How are noise levels for Lower Deer Valley going to be controlled? A curfew for the commercial establishments?

How is wildlife preservation being addressed? The area around the ponds of Lower Deer Valley are a common place for eagles, hawks, ospreys, moose, cranes, etc... the disturbance of land in this area needs to be addressed.

Is the project going to add any value back to the community that its impacting? Improved sidewalks in Lower Deer Valley, improved walking paths around the ponds? Winter maintenance to allow local people to walk and access the project without driving?

How are utilities going to be addressed to avoid the local community having to visually see HVAC, trash, emergency doors, etc... in the back of the project?

How is lighting going to be addressed to not impact the pristine view of Lower Deer Valley?

Thanks

Jason

Alexandra Ananth

From: baueremail <baueremail@yahoo.com>
Sent: Wednesday, August 25, 2021 3:45 PM
To: Alexandra Ananth
Subject: [External] Question for This Evening's 25Aug2021 Planning Commission Meeting--
Please Include

[CAUTION] This is an external email.

Alexandra, I have a question for this evening's Planning Commission Meeting, agenda item 7.A -- DV Snow Park Proposal. It is pasted below. Please include my question with the documents for this evening's meeting. I am attending this evening's meeting online. Thanks much in advance for your help. Sincerely,
Jim Bauer. 2510 Deer Valley Drive East, C-33, Park City, UT. 84060

- * CIRCULATION: DVR's proposal downgrades Deer Valley Drive East from a City thoroughfare into a dead-end service driveway for deliveries, trash trucks, Uber and other transportation vehicles, etc. Closing this DV Drive and making it a dead-end service road was not part of the master-plan approvals. Along with other PC residents along DV Drive, our Powder Run Condos complex will become located on a dead-end service road, and dealing with the chronic problems it will create.

- * This issue is only one of the many problems that the DVR plan creates for Park City, its guests, its residents, and more. The current proposal is a grandiose explosion beyond the original scope and limitations documented in the master-plan approvals already in place. Example: the creation of one new hotel is included in the master plan, yet the current proposal has a multitude of hotels being built within the same footprint.

- * Internal capture: this term is being repeatedly bandied about by DVR. The idea is that people will get to the newly constructed area and will largely remain there and on the Resort's mountains during their multi-day stays. That sounds good, but actually the added crowds of people will likely create the tipping point to an already-stressed Lower Deer Valley road system and beyond.

- * How will the existing elevations of the DVR project footprint be determined?

- * As part of this decision-making by the Planning Commission, a volley has already been shot across the bow that quick approvals must be made because DVR is getting behind with its construction schedule. I know that the Commission has heard this same argument by others in the past, and that it doesn't become part of the decision-making process to create plans that work in the long term to the overall benefit of our City.

Jim Bauer, Lower DV, Park City,

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: baueremail <baueremail@yahoo.com>
Date: 7/28/21 3:27 PM (GMT-07:00)
To: alexandra.ananth@parkcity.org
Subject:

Alexandra, I have a question for this evening's Planning Commission Meeting, agenda item 6.A -- DV Snow Park Proposal. It is pasted below. Please include my question with the documents for this evening's meeting. Thanks much in advance for your help. Sincerely,

Jim Bauer. 2510 Deer Valley Drive East, C-33, Park City, UT. 84060

"How will the existing elevations of the DVR project footprint be determined? DVR states that its new structures will top out at 45' above the existing elevation, but now says that the ground elevations will be determined by elevation numbers written on a topography map from long ago. In 2007, I received the site plans and renderings from DVR for its imagined design for the same development area then. That 2007 site plan included the ground elevations being used as reference. Now those numbers aren't included in the current DVR renderings. Is now using an old topography map(s) to establish the existing, ground elevations creating a method to give DVR higher, starting elevations to then build above and below those reference points? Are the 2007 established, ground elevations lower than the new elevation numbers that are proposed to be used as reference for building heights, etc.? If yes, are the 2007 elevation numbers no longer valid?" Jim Bauer, Lower DV, Park City, UT

Sent from my Verizon, Samsung Galaxy smartphone

Alexandra Ananth

From: Rebecca Ward
Sent: Tuesday, September 7, 2021 8:09 AM
To: Gretchen Milliken; Alexandra Ananth
Subject: FW: [External] Deer Valley/Snowpark project
Attachments: 20210905_195247_resized.jpg

Alex – please see the input below from the Lower Deer Valley Coalition regarding traffic.

From: pikegrain <pikegrain@sbcglobal.net>
Sent: Sunday, September 5, 2021 7:27 PM
To: Rebecca Ward <rebecca.ward@parkcity.org>
Subject: [External] Deer Valley/Snowpark project

[CAUTION] This is an external email.

Dear Rebecca:

You helped me(Billy Sheppard) connect into the last Deer Valley presentation by providing the code for android phones. Again- thank You.

I have attached my sketch of a proposed traffic flow for Deer Valley 's Snowpark project. We previously presented this to Deer Valley and did not know if this proposal had been submitted to your commision. This proposal keeps traffic flowing in a continuous counter clockwise flow. Deer Valley Dr west would descend under the snow & plaza & unload there.

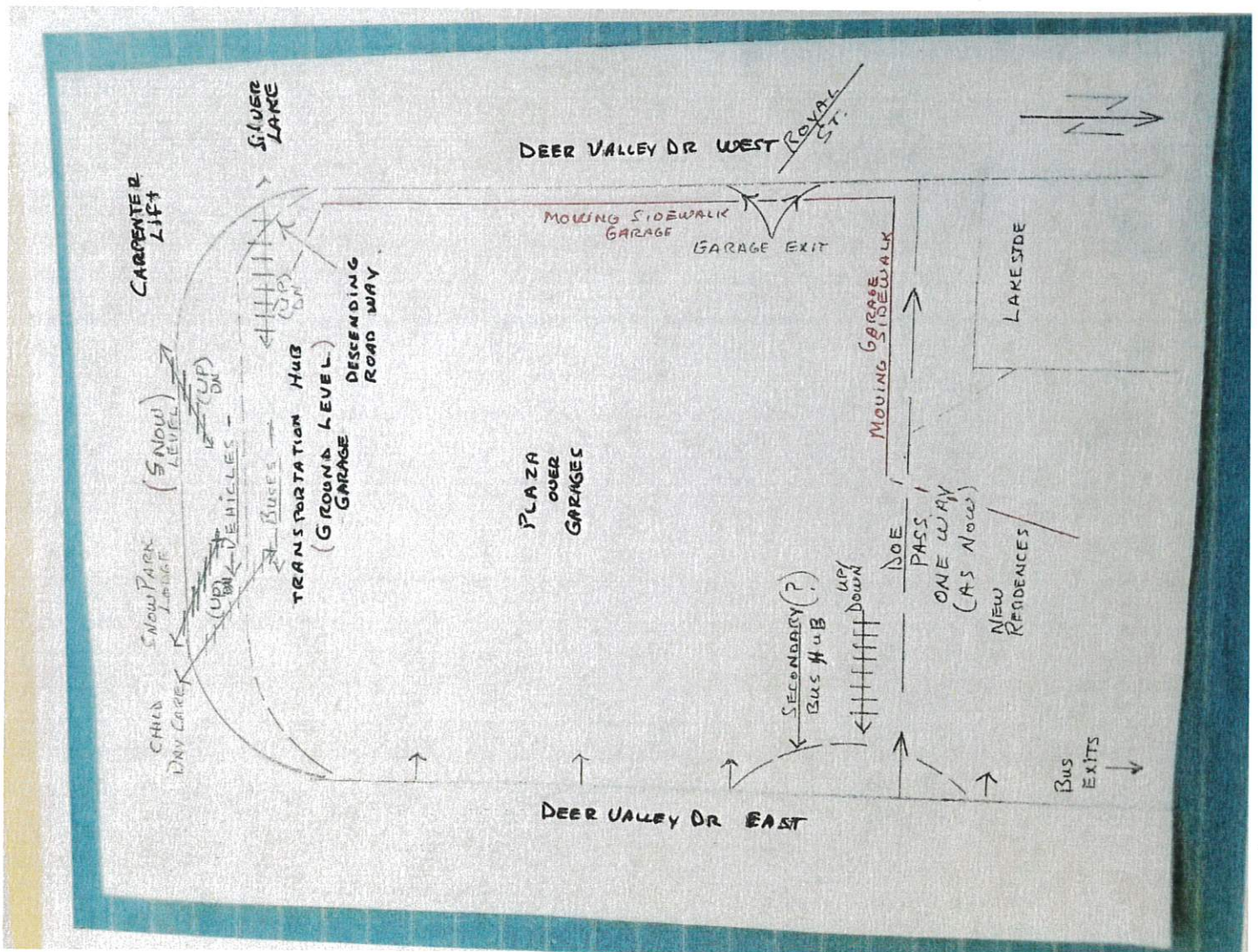
All of the comments that the coalition has received wanted to continue the drop- off as we have now. We believe this proposal will have less congestion & bottle necks.

We hope this will be forward onto Park City's traffic consultant. I am available for any questions. We want to thank You & your staff for your review and for the indepth studies of the Snowpark project.

Respectfully & Sincerely
Billy Sheppard
C-314-249-7453
pikegrain@sbcglobal.net

Lower Deer Valley Coalition-(we represent the HOAs in lower Deer Valley)

Sent via the Samsung Galaxy S8+, an AT&T 5G Evolution capable smartphone





Planning Commission Staff Report

PLANNING DEPARTMENT

Subject: Northstar Subdivision – Lot 1 Amended
Address: 1061 and 1063 Lowell Avenue
Application: PL-21-04872
Author: Makena Hawley, Planner II
Date: September 22, 2021
Type of Item: Administrative – Subdivision

Recommendations

Staff recommends the Planning Commission (1) review the requested Subdivision, (2) conduct a public hearing, and (3) consider forwarding a positive recommendation for City Council's consideration on October 28, 2021, subject to the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the draft Ordinance (Exhibit A).

Description

Applicant: Lowell Project, LLC Represented by Stacy Head and Hannah Tyler
Location: 1061 & 1063 Lowell Avenue
Lot 1, Northstar Subdivision
Zoning: Historic Residential (HR-1) District
Adjacent Land Uses: Residential
Reason for Review: Plat amendments require Planning Commission review and recommendation and City Council review and action

Acronyms

CC&Rs Covenants, Conditions, & Restrictions
CUP Conditional Use Permit
HR-1 Historic Residential 1
LMC Land Management Code

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

Background

On August 18, 2021, the City received a completed application for the Northstar Subdivision – Lot 1 Amended. The property is located at 1061 and 1063 Lowell Avenue within the HR-1 District. The Lot is 0.44 acres or 19,484 square feet in area. The proposed Plat Amendment creates two (2) Lots of record from Lot 1.

The property is Lot 1 of the 1977 Northstar Subdivision (Exhibit B). On July 19, 1977, the *Declaration of Protective Covenants for the Northstar Subdivision* was recorded (Exhibit L). Section 7.4 of the Declaration prohibits further re-subdivision of Northstar

Lots. Section 8.1 of the Declaration limited development on each Northstar Subdivision Lot to one Single-Family Dwelling or “one double family dwelling.”

The 1980s LMC permitted a Two-Unit Dwelling as an Allowed Use in the HR-1 District (Exhibit M). In 1983, the City issued a building permit for the Duplex on Lot 1 of the Northstar Subdivision (Exhibit O). In 1985, a party wall agreement for the shared wall of the Duplex was recorded with Summit County (Exhibit K).

At some point, a deed was recorded with Summit County to bifurcate the existing platted lot with a Duplex into two Parcels, NR-1 and NR-1-A (Exhibit C). However, while a proposal to raze the Duplex and subdivide Northstar Lot 1 into four Single-Family Lots was reviewed by the Planning Commission in 2017, ([Staff Report](#), p. 291; [Minutes](#), p. 73), the application was later withdrawn, and the subdivision of Northstar Subdivision Lot 1 has not been approved by Park City Municipal Corporation.

On December 19, 2008, the Northstar Subdivision recorded a *Notice of Noncompliance with Protective Covenants* against Lot 1 for violation of 7.4 of the Declaration, which prohibited further subdivision of a Northstar Lot (Exhibit H). However, the parties reached a settlement which resulted in the removal of Lot 1 from the Homeowner Association and Declaration of the Northstar Subdivision. On January 14, 2010, the Northstar Homeowners Association recorded a *Notice of Removal of Protective Covenants*, removing the Lot from the Northstar Homeowner Association (Exhibit J).

Existing on the Lot is a 15-foot non-exclusive Access easement for Lots 1, 2, and parts of Lot 3 of the Northstar Subdivision.

Analysis

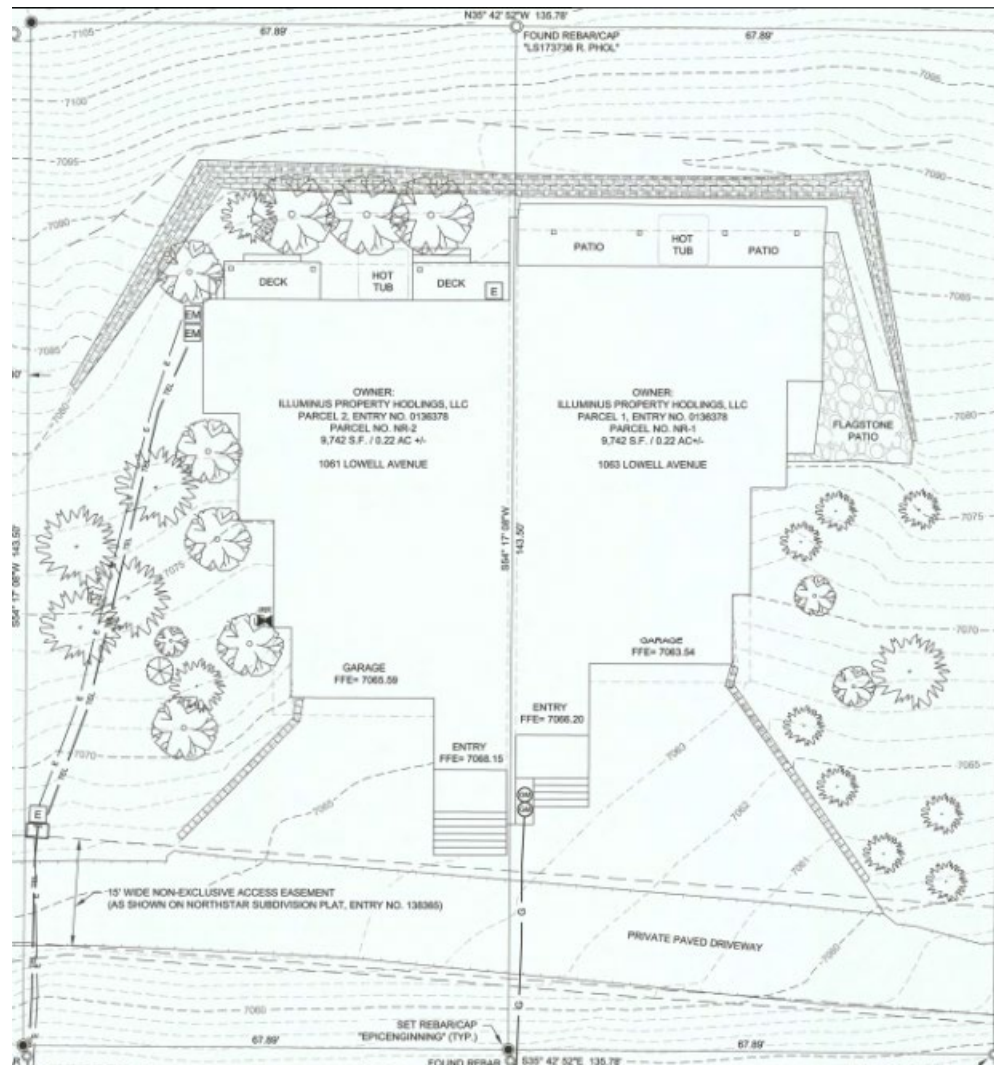
The Planning Commission holds a public hearing and makes a recommendation to City Council; the City Council reviews and takes action on Plat Amendments.

The proposed Northstar Subdivision – Lot 1 Amended complies with the purposes of the Historic Residential (HR-1) Zoning District.

The purpose of the Historic Residential HR-1 District is to:

- A. preserve present land Uses and character of the Historic residential Areas of Park City,
- B. encourage the preservation of Historic Structures,
- C. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- D. encourage single family Development on combinations of 25' x 75' Historic Lots,
- E. define Development parameters that are consistent with the General Plan policies for the Historic core, and
- F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

Existing Conditions:



A Single-Family Dwelling is an Allowed Use in the HR-1 District and a Duplex is a Conditional Use (LMC [§ 15-2.2-2](#)). The HR-1 regulations require a minimum Lot Area of 1,875 square feet for a Single-Family Dwelling and 3,750 square feet for a Duplex (LMC [§ 15-2.2-3](#)). The proposed Lots 1a and 1b are 0.22 acres each or 9,742 square feet. Approval of the proposed Plat Amendment would validate separate ownership of the existing Duplex or would allow the property owner to raze the Duplex to construct two Single-Family Dwellings – one on each Lot, or to raze the Duplex and construct two Duplexes – one on each Lot.

Both lots are proposed to be 143.5 feet in length and 67.89 feet in width and meet LMC requirements outlined in [Chapter 2.2](#) Historic Residential (HR-1) District for use, density, setbacks, height, and parking, outlined below.

A Single-Family Dwelling requires a minimum of two (2) parking spaces per Dwelling, and a Duplex requires two parking spaces per Dwelling Unit, for a total of four (4) parking spaces (LMC [§ 15-3-6\(A\)](#)). For any new development, the Lots are subject to the Historic District Design Review and there is the possibility future development will require a Steep Slope Conditional Use Permit per LMC [§ 15-2.2-6](#), subject to Planning Commission review and approval.

If the two (2) lots are approved the properties are subject to the following criteria outlined in LMC [§ 15-2.2-3](#):

LMC Regulation	Requirements
Building Footprint	Per LMC § 15-2.2-3(E) Building Footprint Formula each lot would have a maximum footprint of 2818 sq. ft.
Front/Rear Yard Setbacks	15 feet minimum, 30 feet total.
Side Yard Setbacks	5 feet minimum, 18 feet total.
Building (Zone) Height	No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade.
Final Grade	Final Grade must be within four vertical feet (4') of Existing Grade around the periphery.
Lowest Finish Floor Plane to Highest Wall Top Plate	A Structure shall have a maximum height of thirty-five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate [...].
Vertical Articulation	A ten foot (10') minimum horizontal step in the downhill façade is required [...].
Roof Pitch	Roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.

Good Cause

Good Cause is required for plat approval as stated in LMC [§ 15-7.1-3\(B\)](#). 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 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.”

Good Cause can be found as new development would be held to HDDR standards thus encouraging construction of Historically compatible structures. The amendment would resolve the existing non-conforming use/structure and non-conforming deed line. Staff finds it keeps with preserving the character of the neighborhood.

The proposal to subdivide Lot 1 into two (2) Lots meets LMC [Chapter 15-2.2](#) HR-1 requirements. New development must meet [Historic District Design Review](#) standards, thus encouraging construction of Historically compatible structures.

Character and Compatibility

The Northstar Subdivision was platted in 1977. It contains a total of 10 lots and is approx. 7 acres. The Northstar lots range from the smallest platted lot of 9,015 sq. ft. to the largest being 62,663 sq. ft.

Lot	Acres	Square feet
Lot 1	.44 acres	19,484 sq. ft.
Lot 2	.33 acres	1,4374.8 sq. ft.
Lot 3	.25 acres	1,0890 sq. ft.
Lot 4	.21 acres	9,147.6 sq. ft.
Lot 5	.20 acres	8,712 sq. ft.
Lot 6	.63 acres	27,442.8 sq. ft.
Lot 7	.68 acres	29,620.8 sq. ft.
Lot 8	1.03 acres	44,866 sq. ft.
Lot 9	.96 acres	41,817.6 sq. ft.
Lot 10	1.44 acres	62,726 sq. ft.

The west side of Lowell and the east side provide 2 different characters and compatibility factors. The west side of the street is uphill topography with an average width of the lots at approximately 153 feet while the east side of Lowell has downhill topography and an average width of 33 feet. The average lot on the west side is larger, with big Single-Family Dwellings, Duplexes, and natural vegetation. Across the street on the east side, smaller Single-Family Dwellings on smaller lots create a character of their own.

When reviewing the purpose statements of the HR-1 District, Staff finds that the plat proposal complies with several purpose statements, including to **“encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods.”** Staff finds that the two (2) smaller lots would be able to read more like the homes and lots north of their lot and on the east side of the street. Given purpose, statement D to **“encourage single family Development on combinations of 25' x 75' Historic Lots”** the proposed two (2) lots would maintain the compatibility that already exists on the east side of Lowell Avenue. These statements could almost correlate directly to the East side of Lowell (small lot sizes) and the West side of Lowell (larger lot sizes).

possible, with an approved CUP for the density to double the built environment will retain the same limitations.

Staff Recommends two Additional Condition of Approval

On June 10, 1977, Park City Municipal Corporation and the Northstar Subdivision developer entered into a *Release, Waiver, and Agreement of Proposed North Star Subdivision* (Exhibit N). The document outlines that property owners of Northstar Lots release, acquit, and forever discharge Park City Municipal from liability related to the streets of the Northstar Subdivision which are not sufficiently wide.

On January 25, 2010, the Northstar Homeowner Association and the owners of Lot 1 signed and recorded a *Release, Waiver, and Agreement*, Lot 1 from the Northstar Declaration (Exhibit I). Paragraph 5 states that the property owners of Lot 1 “agrees to use best efforts to obtain the agreement of Park City Municipal Corporation, which agreement shall be duly executed and recorded, to amend the above referenced ‘Release, Waiver, and Agreement of Proposed Northstar Subdivision’ to provide that the Association shall no longer have any such obligations.” The parties intended that the Lot 1 owner(s) assume and bare all responsibilities and waivers of the agreement for the benefit of the City. Staff recommends Condition of Approval #4 to require the property owner to assume all obligations under the Release, Waiver, and Agreement by such an amendment in a form approved by the City Attorney, to be recorded prior to recordation of the Plat Amendment.

Additionally, due to the nature of the plat reconciling non-conformities, Staff recommends Condition of Approval # 5 stating that if one owner of the duplex intends to propose development, both lots would be required to tear down the duplex in conjunction.

Department Review

The Development Review Committee reviewed this application on May 25, 2021. No issues were raised.

Notice

On September 8, 2021, the property was posted, and notice was mailed to property owners within 300 feet. On September 4, 2021, legal notice was also published in the Park Record according to requirements of the Land Management Code.

Public Input

No public input has been received by the time of this report.

Alternatives

- Planning Commission may forward a positive recommendation to City Council for the Plat Amendment, as conditioned or amended, or
- Planning Commission may forward a negative recommendation to City Council for the Plat Amendment, and direct staff to make Findings for this decision, or
- Planning Commission may continue the Plat Amendment to a date certain.

Exhibits

- Exhibit A – Draft Ordinance No. 2021-XX and Proposed Northstar Subdivision – Lot 1 Amended
- Exhibit B – Northstar Subdivision Plat
- Exhibit C – Northstar Subdivision showing deed line
- Exhibit D – Existing Conditions Survey
- Exhibit E – Applicant's Written Description
- Exhibit F – Panoramic Photographs
- Exhibit G – Aerial Photographs
- Exhibit H – Notice of Non-Compliance with Protective Covenants
- Exhibit I – CC&R Release, Waiver, and Agreement
- Exhibit J – Notice of Removal of Protective Covenants
- Exhibit K - Recorded Party Wall Agreement
- Exhibit L – 1977 Declaration of Protective Covenants for the Northstar Subdivision
- Exhibit M – 1980s LMC Allowed Uses – HR-1 District
- Exhibit O – 1983 Approved Building Permit for existing Duplex

Ordinance No. 2021-XX

AN ORDINANCE APPROVING THE NORTHSTAR SUBDIVISION – LOT 1 AMENDED AT 1061 AND 1063 LOWELL AVENUE, PARK CITY, UTAH

WHEREAS, the owners of the property located at 1061 and 1063 Lowell Avenue petitioned the City Council for approval of the Northstar Subdivision – Lot 1 Amended Plat; and

WHEREAS, on September 8, 2021, staff publicly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on September 22, 2021, the Planning Commission reviewed the proposed plat amendment, held a public hearing, and forwarded a _____ recommendation to the City Council; and

WHEREAS, on October 28, 2021 the City Council reviewed the proposed plat amendment and held a public hearing; and

WHEREAS, the Northstar Subdivision – Lot 1 Amended Plat is consistent with the Park City Land Management Code.

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

SECTION 1. APPROVAL. The Northstar Subdivision – Lot 1 Amended Plat is approved subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. On August 18, 2021, the City received a completed application for the Northstar Subdivision – Lot 1 Amended Plat amendment.
2. The property is located at 1061 and 1063 Lowell Avenue within the HR-1 District. The subject property consists of lot 1 of the 1977 Northstar Subdivision.
3. A deed line bifurcates the existing platted lot with a duplex structure on it (Parcels NR-1 & NR-1-A) however this was never subdivided and sanctioned by Park City Municipal Corporation.
4. On July 19, 1977, the Declaration of Protective Covenants for the Northstar Subdivision was recorded.
5. 7.4 of the Declaration prohibits further re-subdivision of Northstar Lots.
6. 8.1 of the Declaration limited development on each Northstar Subdivision Lot to one Single-Family Dwelling or “one double family dwelling.”
7. The 1980s LMC permitted a Two-Unit Dwelling as an Allowed Use in the HR-1 District.

8. In 1983, the City issued a building permit for the Duplex on Lot 1 of the Northstar Subdivision.
9. In 1985, a party wall agreement for the shared wall of the Duplex was recorded with Summit County.
10. The deed line created on Lot 1 was a violation of the Associations Protective Covenants.
11. On July 19, 1977, the Northstar Homeowners Association recorded a Notice of Noncompliance with Protective Covenants.
12. On January 14, 2010, the Northstar Homeowners Association recorded a Notice of Removal of Protective Covenants, removing the lot from the Northstar Declaration of Protective Covenants.
13. According to the survey, the lot is 0.44 acres or approx. 19,484 square feet.
14. A single-family dwelling is an allowed use in the HR-1 District.
15. A duplex dwelling is a Conditional Use in the HR-1 District for lots with a minimum area of 3,750 square feet.
16. Currently Lot 1 contains 19,484 sq. ft. with a legal non-complying duplex on it which has an approved building permit from 1983 (when the code allowed duplex's in the HR-1 zone).
17. The current duplex would be described as a non- complying structure, which is defined in LMC §15-15-1.172 as "a structure that legally existed before its current zoning designation; and because of subsequent zoning changes, does not conform to the zoning regulation's Setback, Height restrictions, or other regulations that govern the Structure." Though this lot has not been designated as a duplex lot the non-conforming structure that was lawfully constructed with a permit prior to a contrary change in the LMC may be used and maintained, subject to the standards and limitations of Chapter 15-9 'Non-Conforming Uses and Non-complying Structures'.
18. According to recorded documents from 2008, Northstar HOA voted to remove Lot 1 from the HOA due to lack of compliance issues continuing on the lot, which included the duplex and the deed line which was put through the center of the lot.
19. This application is a request to subdivide Lot 1 of the current Northstar Subdivision and create two (2) lots of record.
20. Existing on the lot is a (15') foot non-exclusive Access easement to access Lot 1, 2 and parts of Lot 3 of Northstar plat.
21. The proposed subdivision has the ability to meet code requirements under Land Management Code (LMC) Chapter 2.2 Historic Residential (HR-1) District for use, density, setbacks, height, and parking.
22. 2 or more lots will require a Steep Slope Conditional Use Permit per 15-2.2-6.
23. A duplex dwelling will require approved conditional use permits.
24. If two (2) lots are created from the plat amendment, the HR-1 building footprint is 2817.5 square feet, maximum based on lot size.
25. The HR-1 Front and rear yard setbacks are 15 feet minimum and 30 feet total.
26. The HR-1 Side yard setbacks are 5 feet minimum and 18 feet total.
27. The HR-1 building zone height requires no Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade.

28. The HR-1 zone requires that Final Grade must be within four vertical feet (4') of Existing Grade around the periphery of the structure.
29. The HR-1 zone requires that a Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate [...].
30. The HR-1 zone requires a ten foot (10') minimum horizontal step in the downhill façade [...].
31. The HR-1 zone roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.
32. The City does not enforce any Subdivision Covenants, Conditions, & Restrictions (CC&Rs).
33. The Northstar Subdivision was platted in 1977.
34. The density of the Northstar Subdivision was originally one Unit per lot but has since changed to allow duplexes within their subdivision (it is still a Conditional Use per the LMC 15-2.2-2 (B) LMC).
35. Staff finds the proposal complies with HR-1 purpose statement C: "encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods."
36. Staff finds that the two (2) smaller lots would be able to read more alike to the homes and lots north of their lot and on the east side of the street. Purpose, statement D to "encourage single family Development on combinations of 25' x 75' Historic Lots" the proposed two (2) lots would maintain the compatibility that already exists on the west side of Lowell Avenue.
37. The proposal of two (2) smaller-sized lots can be viewed as a compatible design and lot size when looking to the North and East side of Lowell Avenue and to the purpose statements of the Historic District.
38. The proposed two (2) lots would not increase or decrease the compatibility of existing lots on Lowell in terms of lot size and density and would create more consistent structures within the Historic District Design Guidelines as future houses would be more compatible in width, size, and general massing.
39. If the plat amendment is approved, each lot will maintain 9,742 square feet which allows each lot to pursue a Conditional Use Permit to build a duplex per lot. Should this plat amendment be approved, the opportunity for the applicants to pursue two additional units on this lot (resulting in four (4) units total) is a possibility.
40. The Planning Commission must make a finding of Good Cause prior to forwarding a positive recommendation for City Council's consideration.
41. LMC § 15-15-1 defines Good Cause as follows: *Providing positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.*

42. This plat amendment would allow for additional density with the pursuant of two Conditional Use permits per lot.
43. Increasing the density by two (2) per lot, for a total of four (4) lots would require extensive additional impact mitigation than what has currently been considered for maintaining the current density.
44. Among other items, water, sewer, and fire access would require reevaluation and the private road easement above Lowell that allows access to the duplex would need to be reassessed.

Conclusions of Law

1. There is Good Cause for the Northstar Subdivision – Lot 1 Amended Plat because it resolves non-conformities, resolves the existing non-conforming deed line, preserves the character of the HR1 neighborhood and does not increase density.
2. The Northstar Subdivision – Lot 1 Amended Plat is consistent with Land Management Code Section 15-7.1-3(B), Section 15-7.1-6, and Chapter 15-2.13.
3. Neither the public nor any person will be materially injured by the Northstar Subdivision – Lot 1 Amended Plat.
4. Approval of the Northstar Subdivision – Lot 1 Amended Plat, 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 Planning Director, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with Utah 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 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. 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 property owners are to assume all obligations under the Release, Waiver, and Agreement by such an amendment in a form approved by the City Attorney, to be recorded prior to recordation of the Plat Amendment.
5. In the case of one owner of the duplex intending to redevelop their lot, both lots would require agreement and be subject to demolishing the duplex in conjunction.
6. The Building Footprint for each Lot is 2,818 square feet.

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

PASSED AND ADOPTED this 28th day of October 2021.

PARK CITY MUNICIPAL CORPORATION

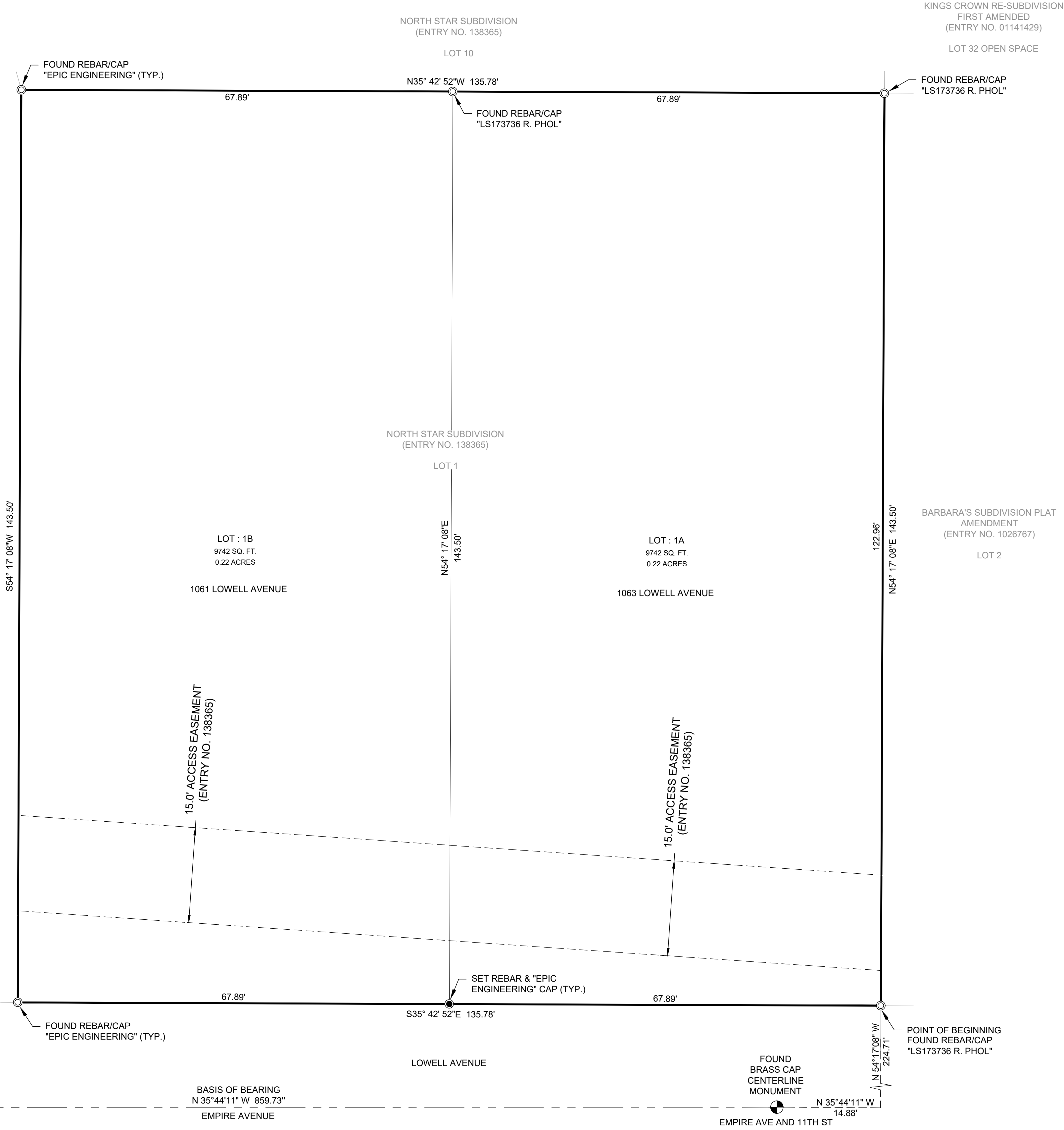
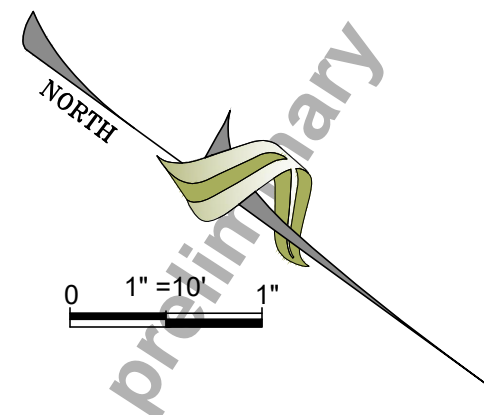
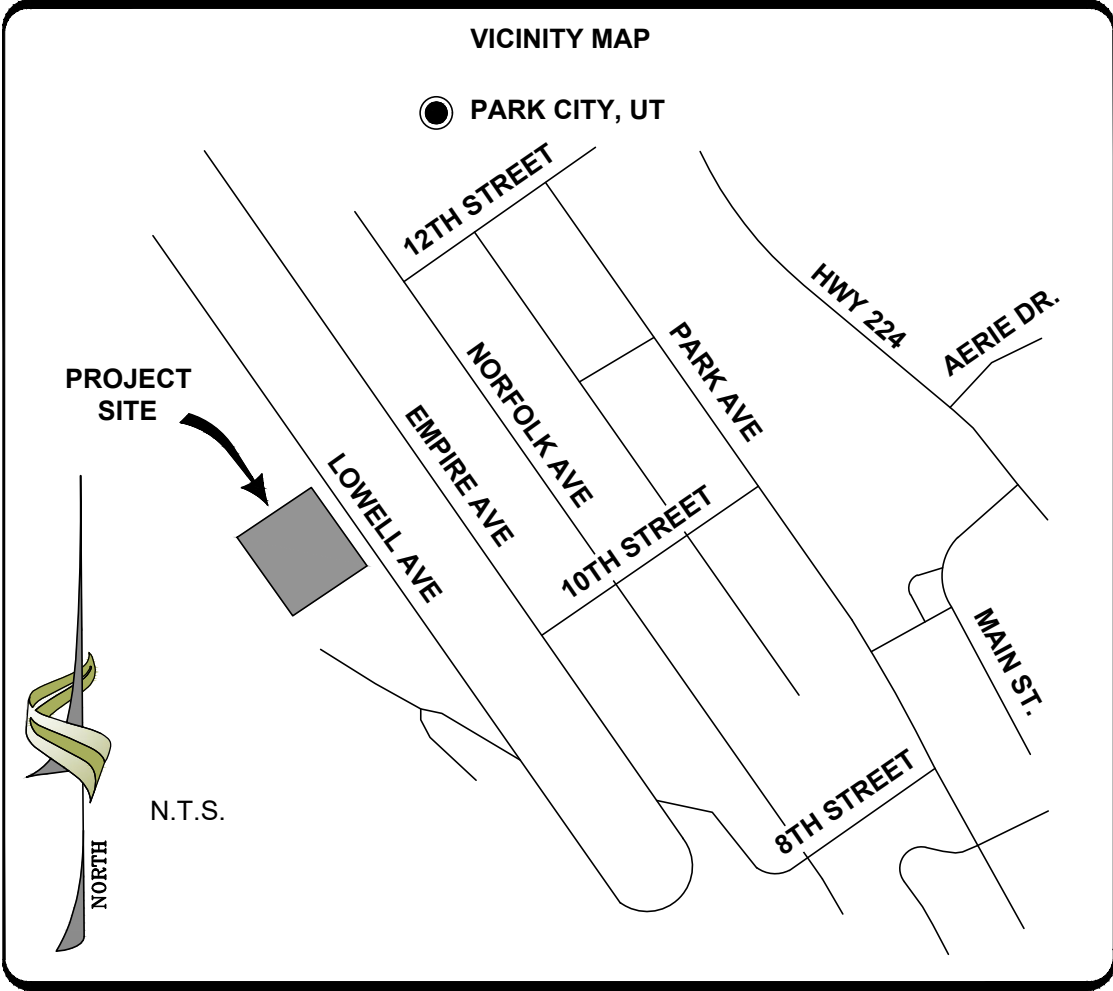
Andy Beerman, MAYOR

ATTEST:

City Recorder

APPROVED AS TO FORM:

City Attorney's Office



NORTHSTAR SUBDIVISION - LOT 1 AMENDED

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

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOWN ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED OWNER(S) OF THE TRACT OF LAND SHOWN AND DESCRIBED ON THIS SUBDIVISION PLAT, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, STREETS AND EASEMENTS TO BE HEREAFTER KNOWN AS NORTHSTAR SUBDIVISION - LOT 1 AMENDED, AND DO HEREBY DEDICATE FOR THE PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE.

AS WITNESS THEREOF, I HAVE HEREUNTO SET MY HAND THIS ____ DAY OF _____, 2021

X _____ DATE _____

ACKNOWLEDGMENT

ON THIS ____ DAY OF _____, 2021, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY OF _____, IN SAID STATE OF UTAH, THE SIGNERS OF THE ABOVE OWNERS DEDICATION, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT THEY SIGNED THE OWNERS DEDICATION FREELY AND VOLUNTARILY FOR THE PURPOSES MENTIONED.

NOTARY PUBLIC IN AND FOR THE STATE OF UTAH

RESIDING IN _____, UTAH

STATE OF UTAH }
COUNTY OF _____ } SS

MY COMMISSION EXPIRES: _____

LEGAL DESCRIPTION

ALL OF LOT 1, NORTHSTAR SUBDIVISION (ENTRY NO. 138365) ON FILE IN THE SUMMIT COUNTY RECORDER'S OFFICE.

NARRATIVE

THE PURPOSE OF THIS PLAT IS TO SUBDIVIDE LOT 1 OF NORTHSTAR SUBDIVISION (ENTRY NO. 138365, SUMMIT COUNTY RECORDER'S OFFICE) INTO TWO (2) RESIDENTIAL LOTS.

THIS SUBDIVISION BOUNDARY HONORS SAID NORTHSTAR SUBDIVISION AS WELL AS A 2016 RECORD OF SURVEY FILED BY EPIC ENGINEERING (ENTRY #S-8642, SUMMIT COUNTY SURVEYORS OFFICE).

TWO BRASS CAP MONUMENTS FOUND IN THE INTERSECTIONS OF EMPIRE AVENUE & 11TH STREET AND EMPIRE AVENUE & 9TH STREET WITH A BEARING OF NORTH 35°44'11" WEST 859.73 FEET WAS USED AS THE BASIS OF BEARING FOR THIS SURVEY.

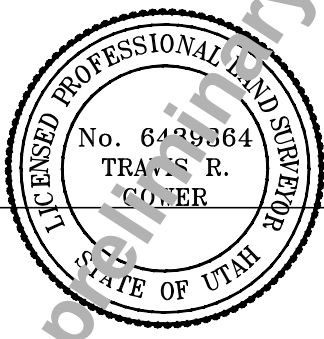
PROPERTY CORNERS WERE MONUMENTED AS DEPICTED ON THIS SURVEY.

SURVEYOR'S CERTIFICATE

I, TRAVIS R. GOWER, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NUMBER 6439364, AND HOLDS A LICENSE IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS' LICENSING ACT AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY THE AUTHORITY OF THE OWNERS, I HAVE COMPLETED A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED ALL MEASUREMENTS AS DESCRIBED HEREON, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO A SINGLE PARCEL TOGETHER WITH EASEMENTS AS SHOWN ON THIS PLAT AND NAME SAID PLAT NORTHSTAR SUBDIVISION - LOT 1 AMENDED, AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND MONUMENTED ON THE GROUND AS REPRESENTED ON THIS PLAT.

TRAVIS R. GOWER
P.L.S. 6439364

DATE



PARK CITY COUNCIL APPROVAL

APPROVED AND ACCEPTED THIS ____ DAY OF _____, 2021. A.D.

MAYOR _____ CITY RECORDER _____

PUBLIC SAFETY ANSWERING POINT APPROVAL

APPROVED AND ACCEPTED THIS ____ DAY OF _____, 2021. A.D.

SUMMIT COUNTY GIS COORDINATOR _____

Address Table

Lot #	Address
1A	1063 LOWELL AVENUE
1B	1061 LOWELL AVENUE

PARK CITY PLANNING COMMISSION

APPROVED AND ACCEPTED THIS ____ DAY OF _____, 2021. A.D.

CHAIRMAN _____

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS ____ DAY OF _____, 2021. A.D.

CITY ATTORNEY _____

PARK CITY ENGINEER

APPROVED AND ACCEPTED THIS ____ DAY OF _____, 2021. A.D.

CITY ENGINEER _____

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

APPROVED AND ACCEPTED THIS ____ DAY OF _____, 2021. A.D.

PARK CITY RECORDER

RECORDED AND FILED AT THE REQUEST OF _____
APPROVED THIS ____ DAY OF _____, 2021 A.D.
TIME: _____ ENTRY# _____ FEE: _____

CITY RECORDER _____

SUMMIT COUNTY RECORDER

RECORDED AND FILED AT THE REQUEST OF _____
APPROVED THIS ____ DAY OF _____, 2021 A.D.
TIME: _____ ENTRY# _____ FEE: _____

COUNTY RECORDER _____

LEGEND

STREET MONUMENT (FOUND)

MONUMENT LINE

PROPERTY LINE

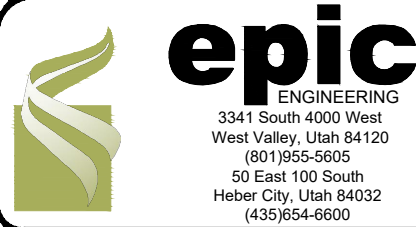
LOT LINE

SET MONUMENT

FOUND MONUMENT

NORTHSTAR SUBDIVISION - LOT 1 AMENDED

1061 AND 1063 LOWELL AVENUE
SE1/4NW1/4 SEC. 16, T.2S., R.4E., SLB&M
PARK CITY, SUMMIT COUNTY, UTAH



0 1" = 10'

DRAWN: JF

CHECKED: TG

PROJECT #: 16SM1891.14

DATE: 06/29/2021

SHEET NO: 1 OF 1

OWNERS DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT I THE UNDERSIGNED OWNER OF THE HEREIN DESCRIBED TRACT OF LAND HAVING CAUSED SAME TO BE SUBDIVIDED INTO LOTS TO BE HEREAFTER KNOWN AS NORTHSTAR SUBDIVISION DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE. IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HANDS THIS 16TH DAY OF FEBRUARY A.D. 1977

Joseph E. Bernolfo III
JOSEPH E. BERNOLFO III

ACKNOWLEDGMENT

STATE OF UTAH
COUNTY OF SUMMIT
ON THIS 16TH DAY OF February A.D. 1977 PERSONALLY APPEARED BEFORE ME THE UNDERSIGNED NOTARY PUBLIC IN FOR SAID STATE AND COUNTY, JOSEPH E. BERNOLFO III WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE IS THE OWNER OF THE HEREON DESCRIBED TRACT OF LAND AND THAT HE SIGNED THE OWNERS DEDICATION FREELY AND VOLUNTARILY.

Lin D. Goffin
NOTARY PUBLIC
MY COMMISSION EXPIRES 12-10-80
RESIDING IN SUMMIT COUNTY, UTAH

SURVEYOR'S CERTIFICATE

I JACK J. JOHNSON DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 4496 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNER I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, HEREAFTER TO BE KNOWN AS NORTHSTAR SUBDIVISION AND THAT SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT.

BLOCKS 28, 29, 30 AND 41 OF SNYDER'S ADDITION TO PARK CITY, UTAH, TOGETHER WITH THE FOLLOWING VACATED STREETS AND AVENUES: CRESCENT STREET FROM LOWELL AVENUE SOUTH WESTERLY TO THE CENTER LINE OF QUAKING ASP AVENUE; HALLADAY STREET FROM LOWELL AVENUE SOUTH WESTERLY TO THE CENTER LINE OF QUAKING ASP AVENUE; SHEPHERD STREET FROM LOWELL AVENUE SOUTH WESTERLY TO THE CENTER SECTION LINE OF SECTION 10, THE EASTERLY ONE-HALF OF QUAKING ASP AVENUE FROM THE CENTER SECTION LINE NORTHWESTERLY TO THE NORTHERLY LINE OF CRESCENT STREET, FACING AVENUE FROM THE CENTER SECTION LINE NORTHWESTERLY TO THE NORTHWESTERLY LINE OF CRESCENT STREET. ALL THE ABOVE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS BEGINNING AT A POINT SOUTH 89°53'05" WEST ALONG THE CENTER SECTION LINE 2697.36 FEET FROM THE EAST QUARTER CORNER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SAID POINT ALSO BEING ON THE WESTERLY RIGHT OF WAY OF LOWELL AVENUE, RUNNING THENCE SOUTH 89°53'05" WEST ALONG SAID CENTER SECTION LINE 462.75 FEET; THENCE NORTH 35°59'00" WEST 675.15 FEET; THENCE NORTH 54°01'00" EAST 975.00 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF LOWELL AVENUE, THENCE SOUTH 35°59'00" EAST ALONG SAID RIGHT OF WAY LINE 946.285 FEET TO THE POINT OF BEGINNING. CONTAINS 6.95 ACRES.

TOGETHER WITH AN EASEMENT FOR ACCESS BEGINNING AT A POINT WHICH IS SOUTH 89°53'05" WEST ALONG THE CENTER OF SECTION LINE 2697.36 FEET FROM THE EAST QUARTER CORNER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN AND NORTH 35°59'00" WEST ALONG THE WESTERLY RIGHT OF WAY LINE OF LOWELL AVENUE 946.285 FEET; AND RUNNING THENCE SOUTH 54°01'00" WEST 205.55 FEET; THENCE NORTH 32°15'00" WEST 25.00 FEET; THENCE NORTH 54°01'00" EAST 15.00 FEET; THENCE SOUTH 35°59'00" EAST 34.82 FEET TO THE POINT OF BEGINNING.

Jack J. Johnson
JACK J. JOHNSON

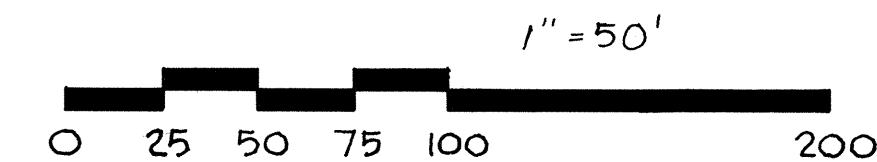
FEBRUARY 16, 1977
DATE

RECORDED CONCURRENTLY
THAT CERTAIN AGREEMENT TITLED "RELEASE, WAIVER AND AGREEMENT OF
PROPOSED NORTHSTAR SUBDIVISION" MADE ON THE 29TH DAY OF APRIL, 1977 BY AND
BETWEEN PARK CITY MUNICIPAL CORPORATION AND JOSEPH E. BERNOLFO III,
RECORDED AND FILED

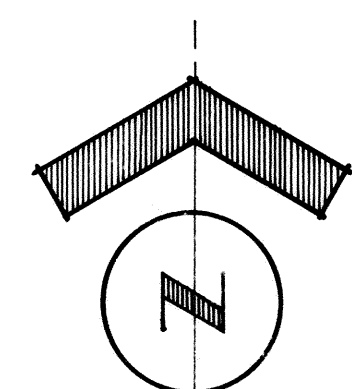
Entry No. 138366
DATE 6-19-77 TIME 3:33 BOOK M95 PAGE 290
AT THE REQUEST OF Summit Co. Title
FEE 1.00
26
SUMMIT COUNTY RECORDER

NORTHSTAR SUBDIVISION

LOCATED IN N.W. 1/4 SEC. 16 T2S R4E SLB 4 M



① - Denotes 5' non-exclusive utilities & improvements easement
② - Denotes non-exclusive utilities, improvements & access easement



BLOCK 28
SNYDER'S ADDITION

BLOCK 29
SNYDER'S ADDITION

NOTE: 107' FROM
9TH ST. & F.H.

EAST 1/4 CORNER SECTION 16
T2S, R4E, SLB 4 M

PREPARED BY:

J. J. JOHNSON & ASSOCIATES
CIVIL ENGINEERING, LAND PLANNING SURVEYING
1515 PARK AVE., P.O. BOX 1061
PARK CITY, UTAH 84060

FEB. 77

CITY PLANNING COMMISSION

APPROVED & ACCEPTED BY THE PARK CITY
PLANNING COMMISSION THIS 16 DAY OF
Feb A.D. 1977

Burnie Watts
CHAIRMAN

ENGINEERS CERTIFICATE

APPROVED & ACCEPTED BY THE PARK CITY
ENGINEERING DEPARTMENT THIS 2ND
DAY OF May A.D. 1977

John Chobase
PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS 16
DAY OF May A.D. 1977

Nick J. Colanin
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST

ATTEST THIS 19TH DAY OF
May A.D. 1977

Bruce C. Decker
PARK CITY RECORDER

COUNCIL APPROVAL & ACCEPTANCE

APPROVED & ACCEPTED BY THE PARK CITY
COUNCIL THIS 18 DAY OF May
A.D. 1977

Leon Uriarte
MAYOR

NO. 138366 RECORDED

STATE OF UTAH, COUNTY OF SUMMIT RECORDED & FILED
AT THE REQUEST OF:

Summit County Title

DATE 6-19-77 TIME 3:33

FEE \$

SUMMIT COUNTY RECORDER

Book 32-23-31
40-41

Platted

NORTHSTAR

TS

LIEBERT S. & MARIA FILAR OWNER 369-734 JOHN J. & DAWN A. JULY (JT) 948-106	2 RICHARD A TRIPPEER JR TR 1125-549 M183-298	3 RICHARD A TRIPPEER JR TR 1125-549 M183-299	4 SCOTT & REBECCA RICHARDS (JT) 564-363	5 W BRENT DICKI PATRICIA B DICK TRUSTEES 657-797
CAROL C. LARSON 517-755 867-317	7 ROBERT A & ANNIE LEWIS J GARDA 531-13	8 WILLIAM W. III & SUSAN W. TRUXES - (JT) 652-176 818-92	9 SULGRAVE INVEST AND TRADE & RIDGELAND BUSINESS LTD. 600-635 1150-1789	10 ERIC R. HERM. SUSAN FREDSTON - H

SERIAL # NR - LOT #

Effective 6-1-1999 parcel ownership will not be updated on this plat

For current ownership see computer indexes.

OWNERS DEDICATION

BY THESE PRESENTS THAT I THE UNDERSIGNED HEREBY DEDICATE TO THE PUBLIC IN FOREVER THE UNDERSIGNED TRACT OF LAND HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS TO BE HEREINAFTER KNOWN AS THE NORTHSTAR SUBDIVISION DO HEREBY FOR PERPETUAL USE OF THE PUBLIC ALL PARCELS SHOWN ON THIS PLAT AS INTENDED FOR THE USE OF THE PUBLIC IN FOREVER IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND SEAL OF OFFICE THIS 16th DAY OF FEBRUARY A.D. 1977

JOSEPH E. BERNOLFO III

ACKNOWLEDGMENT

BY ME, THE UNDERSIGNED, JOSEPH E. BERNOLFO III, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE IS THE OWNER OF THE TRACT OF LAND SHOWN ON THIS PLAT AS INTENDED FOR THE USE OF THE PUBLIC IN FOREVER IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND SEAL OF OFFICE THIS 16th DAY OF FEBRUARY A.D. 1977

JOSEPH E. BERNOLFO III

SURVEYOR'S CERTIFICATE

I, THE UNDERSIGNED, JOSEPH E. BERNOLFO III, A REGISTERED SURVEYOR IN THE STATE OF UTAH, DO HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR IN THE STATE OF UTAH, AND THAT I HOLD CERTIFICATE NO. 4470 AS PRESENTED TO ME BY THE UNDERSIGNED, JOSEPH E. BERNOLFO III, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE IS THE OWNER OF THE TRACT OF LAND SHOWN ON THIS PLAT AS INTENDED FOR THE USE OF THE PUBLIC IN FOREVER IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND SEAL OF OFFICE THIS 16th DAY OF FEBRUARY A.D. 1977

JOSEPH E. BERNOLFO III

RECORDED CONCURRENTLY

THAT CERTAIN AGREEMENT TITLED "RELEASE, WAIVER AND AGREEMENT OF PROPOSED NORTHSTAR SUBDIVISION" MADE ON THE 29th DAY OF APRIL, 1977 BY AND BETWEEN PARK CITY MUNICIPAL CORPORATION AND JOSEPH E. BERNOLFO III, RECORDED AND FILED

DATE 12-11-77 TIME 1:22 BOOK 111 PAGE 275

AT THE REQUEST OF SUMMIT COUNTY RECORDER

FEE 14.00

RECORDED

DATE 12-11-77 TIME 1:22 BOOK 111 PAGE 275

AT THE REQUEST OF SUMMIT COUNTY RECORDER

FEE 14.00

PREPARED BY:

SON & ASSOCIATES

LAND PLANNING SURVEYING

VE., P.O. BOX 1061

UTAH 84002

CITY PLANNING COMMISSION

APPROVED & ACCEPTED BY THE PARK CITY PLANNING COMMISSION THIS 16 DAY OF Feb A.D. 1977

Bruce K. Kott

CHAIRMAN

ENGINEERS CERTIFICATE

APPROVED & ACCEPTED BY THE PARK CITY ENGINEERING DEPARTMENT THIS 22 DAY OF May A.D. 1977

John G. Goshue

PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS 12 DAY OF May A.D. 1977

Rich J. Colanin

PARK CITY ATTORNEY

CERTIFICATE OF ATTEST

ATTEST THIS 14 DAY OF May A.D. 1977

Bruce C. Decker

PARK CITY RECORDER

COUNCIL APPROVAL & ACCEPTANCE

APPROVED & ACCEPTED BY THE PARK CITY COUNCIL THIS 18 DAY OF May A.D. 1977

Leon Thier

MAYOR

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AT THE REQUEST OF:

Summit County Title

DATE 12-11-77 TIME 1:22

FEE 14.00

SUMMIT COUNTY RECORDER

Platted

Book 111-33-31

40-41

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

RECORD LEGAL DESCRIPTION

PARCEL NO.1:

BEGINNING AT THE MOST NORTHERLY CORNER OF LOT 1, NORTHSTAR SUBDIVISION, AS RECORDED IN THE SUMMIT COUNTY RECORDER'S OFFICE; THENCE SOUTH 3559' EAST 67.89 FEET; THENCE SOUTH 5401' WEST 143.5 FEET; THENCE NORTH 3559' WEST 67.89 FEET; THENCE NORTH 5401' EAST 143.5 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH AN ACCESS EASEMENT AS SHOWN ON THE RECORDED PLAT OF
NORTHSTAR SUBDIVISION.

PARCEL NO.2:

BEGINNING AT THE MOST EASTERLY CORNER OF LOT 1, NORTHSTAR SUBDIVISION, AS RECORDED IN THE SUMMIT COUNTY RECORDER'S OFFICE, THENCE SOUTH 5401' WEST 143.5 FEET; THENCE NORTH 3559' WEST 67.89 FEET; THENCE NORTH 5401' EAST 143.5 FEET; THENCE SOUTH 3559' EAST 67.89 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH AN ACCESS EASEMENT AS SHOWN ON THE RECORDED PLAT OF
NORTHSTAR SUBDIVISION.

AS-SURVEYED DESCRIPTION

TWO PARCELS OF LAND, FORMERLY KNOWN AS LOT 1 OF THE NORTHSTAR SUBDIVISION, 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, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A ROUND BRASS CAP MONUMENT AT THE INTERSECTION OF EMPIRE AVENUE AND 11TH STREET, PARK CITY, UTAH, THENCE NORTH 35°44'11" WEST 14.88 FEET, THENCE SOUTH 54°17'08" WEST 224.71 FEET TO THE MOST NORTHERLY CORNER OF LOT 1, NORTSTAR SUBDIVISION, ENTRY NUMBER 138365, AS RECORDED IN THE SUMMIT COUNTY RECORDER'S OFFICE AND THE POINT OF BEGINNING; THENCE SOUTH 35°42'52" EAST 135.78 FEET; THENCE SOUTH 54°17'08" WEST 143.50 FEET; THENCE NORTH 35°42'52" WEST 135.78 FEET; THENCE NORTH 54°17'08" EAST 143.50 FEET TO THE POINT OF BEGINNING.

CONTAINS: 19,484 S.F. / 0.44 AC +/-

NARRATIVE

EPIC ENGINEERING WAS HIRED TO LOCATE AND MONUMENT THE BOUNDARY FOR TWO PARCELS OF LAND KNOWN AS PARCEL NUMBERS NR-1 AND NR-2, SAID PARCEL BEING FURTHER DESCRIBED IN A WARRANTY DEED, ENTRY NUMBER 1036378, AS RECORDED IN THE SUMMIT COUNTY RECORDER'S OFFICE.

IN ADDITION, A TOPOGRAPHIC SURVEY WAS COMPLETED TO LOCATE EXISTING IMPROVEMENTS AND CREATE CONTOURS UPON SAID PARCELS.

IN PERFORMING THIS SURVEY, MULTIPLE DOCUMENTS WERE OBTAINED FROM THE SUMMIT COUNTY SURVEYOR'S AND RECORDER'S OFFICE, TO INCLUDE ENTRY NUMBER(S): 1036378, 891323, 891326, 830412, 891325, 866671, 891327, S-5709, S-5840, 138365, 1015023, AND 1026767.

THE BASIS OF BEARING FOR THIS SURVEY IS BETWEEN TWO FOUND CENTERLINE MONUMENTS, A BRASS CAP MONUMENT, AT THE INTERSECTION OF EMPIRE AVENUE AND 9TH STREET AND THE INTERSECTION OF EMPIRE AVENUE AND 11TH STREET WITH A MEASURED BEARING AND DISTANCE OF NORTH 35°44'11" WEST 859.73'.

A TITLE REPORT WAS NOT OBTAINED, PURSUANT TO AND IN ACCORDANCE WITH THE MINIMUM STANDARD DETAIL REQUIREMENTS FOR AMERICAN LAND TITLE ASSOCIATION (ALTA) / NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS (NSPS) LAND TITLE SURVEYS, DATED 2/23/2016. AS SUCH, THE PARCEL SURVEYED MAY BE SUBJECT TO ADDITIONAL EASEMENTS, RIGHTS OF WAYS, AGREEMENTS, CONVEYANCES, AND SURVEYS THAT MAY NOT BE REFLECTED ON THIS PLAT.

THE UTILITIES SHOWN ON THIS MAP HAVE BEEN LOCATED FROM FIELD OBSERVATIONS ONLY. NO GUARANTEES ARE MADE OR IMPLIED THAT ALL UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED.

THE EXISTING HOME ON THE ADJACENT PARCEL TO THE SOUTH WAS LOCATED AS
DEPICTED ON THIS DRAWING. HOWEVER, THE FOUNDATION WALLS OF A HOME UNDER
CONSTRUCTION ON THE PARCEL TO THE NORTH, WAS NOT LOCATED.

SURVEYOR'S CERTIFICATE

I, PHILLIP R. CHRISTENSEN, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AND THAT I HOLD LICENSE NUMBER 319686 AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY THE AUTHORITY OF THE CLIENT, A SURVEY OF THE TRACT OF LAND DESCRIBED HEREIN, WAS PERFORMED UNDER MY DIRECTION.

PHILLIP R. CHRISTENSEN
P.L.S. 319686

PHILLIP R. CHRISTENSEN
P.L.S. 319686
5-16-16

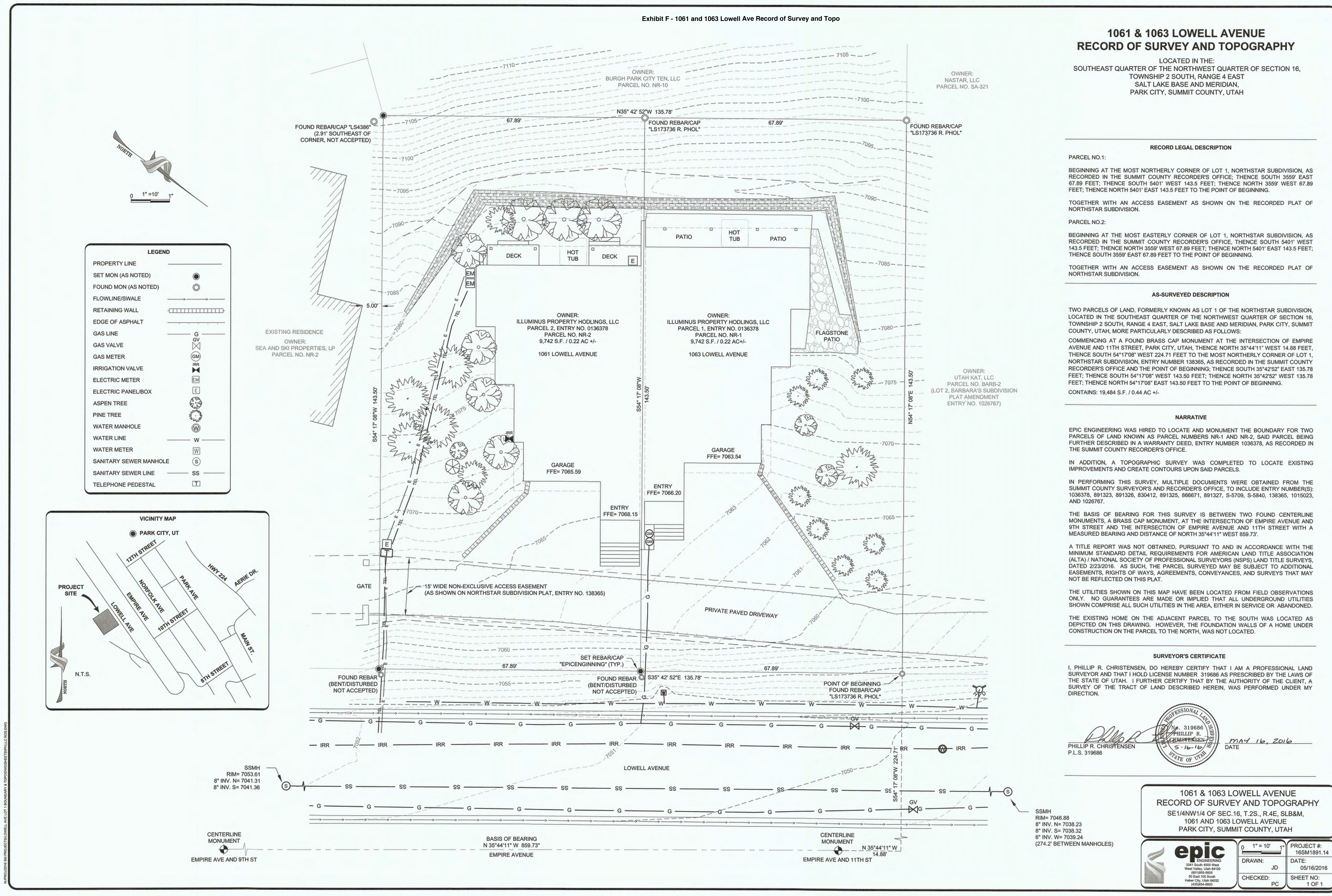
MAY 16, 2016
DATE

1061 & 1063 LOWELL AVENUE
RECORD OF SURVEY AND TOPOGRAPHY
SE1/4NW1/4 OF SEC.16, T.2S., R.4E, SLB&M,
1061 AND 1063 LOWELL AVENUE
PARK CITY, SUMMIT COUNTY, UTAH



epic
ENGINEERING
3341 South 4000 West
West Valley, Utah 84120
(801)655-5605
50 East 100 South
Heber City, Utah 84032
(435)654-6600

	PROJECT #: 16SM1891.14
DRAWN: JD	DATE: 05/16/2016
CHECKED: PC	SHEET NO: 1 OF 1



June 29, 2021

To: Park City Municipal Corporation
Planning Department
445 Marsac Avenue
Park City, UT 84060

Subject: 1061 and 1063 Lowell Avenue Subdivision Plat Amendment
Applicant: Illuminous Property Holdings, LLC
Applicant Representatives: Hannah M. Tyler and Stacy Head
Application Type: Plat Amendment
Subject Properties: 1061 and 1063 Lowell Avenue (Lot 1 and Lot 1A of the Northstar Subdivision)
Tax IDs: NR-1 and NR-1A
Current Zoning: Historic Residential-1 (HR-1)

Project Description:

The applicant is proposing to memorialize the existing two (2) lots located at 1061 and 1063 Lowell Avenue. The subject parcels were subdivided at the Summit County level around 1996, but for unknown reasons were not processed by Park City Municipal Corporation at the time. The two (2) lots were created by subdividing Lot 1 of the Northstar Subdivision (now known as Lot 1 and Lot 1A of the Northstar Subdivision).

The property contains a duplex dwelling which straddles the common lot line with a common wall separating each unit of the duplex dwelling. The duplex dwelling was built with an approved Building Permit from Park City Municipal Corporation in 1983. The two (2) lots have separate Tax ID numbers recognized by Summit County and are identified as two (2) separate lots on the Working Copy of the Original Northstar Subdivision Plat (attached) held by Summit County. Each unit of the duplex dwelling has been held by separate owners since at least 1996 and has held mortgages and separate titles since that time. Lot 1 and Lot 1A are not subject to the protective covenants of the Northstar Subdivision since a Notice of Removal was issued in 2010.

Thus, Applicants are seeking to formalize the plat amendment that is recognized by Summit County with Park City Municipal.

Submittal Requirements and Attachments:

1. Completed and Signed Application form – attached
2. Written statement – included herein
3. Fees – to be paid upon submittal
4. Certified topographic boundary survey – attached
5. Proposed plat – attached
6. Four (4) panoramic photos – attached
7. Current aerial photo – attached
8. Presentation materials – acknowledged
9. One set of reduced 11"x17" copies of the survey, plat, and aerial photo – to be submitted in person following digital submittal
10. Condominium vote – N/A as in 2010 the subject properties were removed from the protective covenants. Notice of Removal attached.

11. Current Title Report – attached
12. Copy of Current Recorded Plat – attached
13. CC&Rs – N/A – see explanation in #10
14. Excel spreadsheet of mailing list – attached





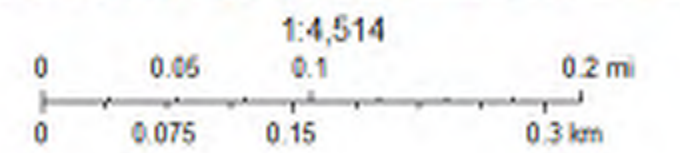


Tax Parcels

Exhibit G - Aerial Photographs



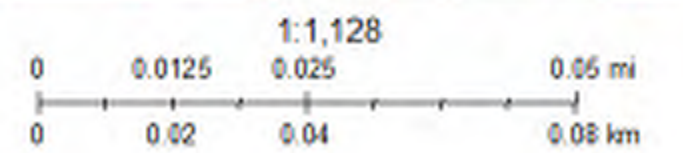
June 21, 2016



Tax Parcels



June 21, 2016



B: 1960 P: 1395

Page 1 of 1

Alan Spriggs, Summit County Utah Recorder

12/19/2008 03:16:57 PM Fee \$10.00

By COALITION TITLE AGENCY, INC.

Electronically Recorded by Simplifile

WHEN RECORDED, RETURN TO:

Northstar Subdivision Homeowners Association

c/o Thomas T. Billings, Esq.

Van Cott, Bagley, Cornwall & McCarthy

36 South State Street, Suite 1900

Salt Lake City, UT 84111

Affects Parcel ID Nos. NR-1, NR-1A

NOTICE OF NONCOMPLIANCE WITH PROTECTIVE COVENANTS

PLEASE TAKE NOTICE that the following-described parcel(s) of real property is/are not in compliance with Section 7.4 of the Protective Covenants for the Northstar Subdivision dated July 19, 1977, and recorded as Entry No. 139189 in Book M97 at Pages 387 to 404 of the official records of Summit County, Utah, **in that the properties purport to have been subdivided into two distinct lots in violation of the Protective Covenants.** Said real properties are more particularly described as follows:

Lot 1, Northstar Subdivision, Summit County, Utah. Parcel ID No. NS-1.

Lot 1A, Northstar Subdivision, Summit County, Utah. Parcel ID No. NS-1A.

DATED this 19th day of December, 2008.

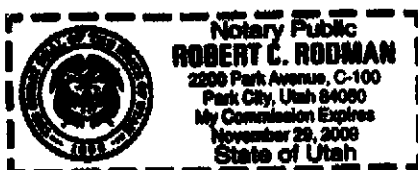
NORTHSTAR HOMEOWNERS

ASSOCIATION, a Utah nonprofit corporation

By: Amel Luis J. Gorda
Its: President

STATE OF Utah)
COUNTY OF Summit) : ss.

The foregoing instrument was acknowledged before me this 19 day of Dec, 2008, by ANNIE LEWIS GARCIA, who is the PRESIDENT of the Board of Directors of Northstar Homeowners Association, a Utah nonprofit corporation.



Notary Public

THIS IS AN ACCOMMODATION RECORD-
ING ONLY. COALITION TITLE AGENCY
MAKES NO REPRESENTATION AS TO
CONDITION OF TITLE NOR DOES IT
ASSUME ANY RESPONSIBILITY FOR
VALIDITY SUFFICIENCY OR AFFECT OF
THIS DOCUMENT OR THE RECORDING
THEREOF.

Exhibit K - CC&R Release, Waiver and Agreement

WHEN RECORDED, RETURN TO:

Northstar Subdivision Homeowners Association

c/o Thomas T. Billings, Esq.

Van Cott, Bagley, Cornwall & McCarthy

36 South State Street, Suite 1900

Salt Lake City, UT 84111

Affects Parcel ID No. NR-1

ENTRY NO. 00891323

02/02/2010 11:14:09 AM B: 2019 P: 1318

Release PAGE 1/5

ALAN SPRIGGS, SUMMIT COUNTY RECORDER

FEE 18.00 BY VAN COTT BAGLEY CORNWALL MCCARTHY

**RELEASE, WAIVER, AND AGREEMENT**

THIS RELEASE, WAIVER, AND AGREEMENT ("Release") is entered into as of the 2 day of Jan, 2010, by and between WILLIAM P. KAUFMAN AND HIS SPOUSE IF APPLICABLE (collectively, "Property Owner"), and NORTHSTAR HOMEOWNERS ASSOCIATION (the "Association").

RECITALS:

WHEREAS, Property Owner is the owner of Lot 1, Parcel ID No. NS-1 (the "Lot"), which has been a part of the Northstar Subdivision in Park City, Summit County, Utah as described in the Plat of Record as Entry No. 138365 in the Official Records of Summit County, Utah (the "Subdivision"), and a member of the Association; and

WHEREAS, the Association, pursuant to the currently effective versions of the Articles of Incorporation, Declaration of Protective Covenants, and By-Laws of the Association, has had certain rights, powers and obligations with regard to the Lot as well as all common areas, access easements, and/or paved streets within the Lot and/or that portion of the access easement described in the Subdivision immediately adjacent to the northeast corner of Lots 1 and/or 1A (collectively, the "Related Areas"); and

WHEREAS, Property Owner desires to remove the Lot from the Subdivision and withdraw from the Association; and

WHEREAS, in connection with removal of the Lot from the Subdivision, the parties desire to execute this mutual Release.

NOW, THEREFORE, in consideration of the foregoing and the mutual release contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree and covenant as follows:

1. Except for the obligations of Property Owner contained herein, each party, on behalf of itself and anyone claiming by, through or under it, does hereby irrevocably and unconditionally release, waive and forever discharge each other from and against any and all claims demands, damages, costs, expenses, liabilities, obligations, actions and causes of action, now existing or hereafter arising, whether known or unknown, contingent or absolute, of



whatsoever kind or character that either party may have against the other as of the date of this Release.

2. Property Owner hereby represents and warrants to the Association that Property Owner is the sole owner of the Lot and has full legal authority to enter into this Release.

3. This Release shall be binding upon the parties and their heirs, legal representatives, successors and assigns. If Property Owner is comprised of more than one person or entity, the terms of this Release shall be joint and several.

4. This Release constitutes the entire agreement between the parties with respect to the subject matter hereof and there are no written or oral representations or agreements between the parties other than those expressly set forth herein. It is expressly understood and agreed that this Release may not be altered, amended, modified or otherwise changed in any respect whatsoever except by a writing duly executed by both parties. This Release shall be construed and interpreted in accordance with, and governed and enforced in all respects by the laws of the State of Utah without giving effect to the conflict of laws principles of such state. If any term, provision or covenant contained in this Release is held by a tribunal of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions hereof shall remain in full force and effect and shall not in any way be affected, impaired or invalidated. This Release may be executed in counterparts, each of which shall be an original and be fully effective as to the party or parties signing the counterpart, but all such counterparts shall together constitute one instrument. In any action to enforce or interpret this release the prevailing party shall, in addition to all other relief, be entitled to an award for its attorneys' fees and costs.

5. The Property Owner expressly acknowledges the applicability of the provisions of that certain "Release, Waiver, and Agreement of Proposed Northstar Subdivision" dated April 29, 1977, and recorded as Entry No. 138366 Book M95, Page 290-293, of the official records of Summit County, Utah, to the Lot and expressly assumes any and all obligations that the Association may have with regard to snow removal, garbage and refuse collection, and any and all other services as to the Lot, as well as any maintenance or other obligations that the Association may have with regard to the Related Areas. It is the intention of the parties that all of these obligations shall no longer be obligations of the Association, but shall be obligations of successive owners and/or purchasers of the Lot and such obligations shall run with the land. Furthermore, property owner agrees to use best efforts to obtain the agreement of Park City Municipal Corporation, which agreement shall be duly executed and recorded, to amend the above referenced "Release, Waiver, and Agreement of Proposed Northstar Subdivision" to provide that the Association shall no longer have any such obligations.

6. The Property Owner agrees to indemnify and hold the Association harmless as to any and all fees and costs (including reasonable attorneys' fees and costs), expenses, damages, liabilities and/or claims of any kind that may be asserted against the Association regarding or relating to any and all interests in and/or obligations regarding or relating to the Lot and/or the Related Areas.

7. Each party hereby agrees, represents and warrants that it has had advice of counsel of their own choosing in the preparation and execution of this Release, that they have read the provisions of this release, and that they are fully aware of its contents and legal effect.

IN WITNESS WHEREOF, the undersigned have executed this Release voluntarily and of their own free will as of the date first above written.

WILLIAM P. KAUFMAN

SPOUSE

**NORTHSTAR HOMEOWNERS
ASSOCIATION**

By:

Its:

PRESIDENT



STATE OF _____)
 : ss.
COUNTY OF _____)

See attached acknowledgement

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by _____.

Notary Public

STATE OF _____)
COUNTY OF _____) ss.

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by _____, who is the _____ of the Northstar Homeowners Association, a Utah nonprofit corporation.

See attached acknowledgment
Notary Public

Notary Public

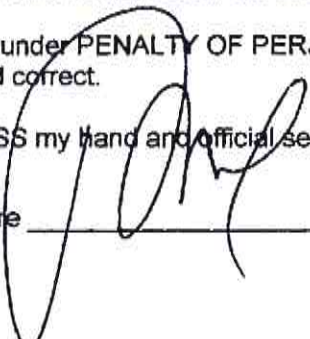
State of California

County of LOS ANGELESOn January 25, 2010 before me, Michael L. Covey, Notary Public
(here insert name and title of the officer)personally appeared William P. Kaufman

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)

OPTIONAL INFORMATION

Law does not require the information below. This information could be of great value to any person(s) relying on this document and could prevent fraudulent and/or the reattachment of this document to an unauthorized document(s)

DESCRIPTION OF ATTACHED DOCUMENTTitle or Type of Document: Release, Waiver, and AgreementDocument Date: January 25, 2010Number of Pages: 3

Signer(s) if Different Than Above: _____

Other Information: _____

CAPACITY(IES) CLAIMED BY SIGNER(S)

Signer's Name(s): _____

☐ Individual☐ Corporate Officer

(Title(s))

☐ Partner☐ Attorney-in-Fact☐ Trustee☐ Guardian/Conservator☐ Other: _____**SIGNER IS REPRESENTING:**

Name of Person(s) or Entity(ies): _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA

)

) ss.

COUNTY OF SAN FRANCISCO

)

On January 27, 2010 before me, Helen Harrison, Notary Public,
personally appeared J. Michael Kelly

who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing is true and correct.

WITNESS my hand and official seal.



Place Notary Seal Above

Helen Harrison

Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Release, Waiver, and Agreement

Document Date: January 25, 2010

Number of Pages: 3

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer – Title(s): _____
☐ Partner – ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer is representing: _____

ESSE: EVIDENCE
OF SIGNATURE

Top of thumb here

WHEN RECORDED, RETURN TO:

Northstar Subdivision Homeowners Association
c/o Thomas T. Billings, Esq.
Van Cott, Bagley, Cornwall & McCarthy
36 South State Street, Suite 1900
Salt Lake City, UT 84111

ENTRY NO. 00891326

02/02/2010 11:14:09 AM B: 2019 P: 1331

Notice PAGE 1/2

ALAN SPRIGGS, SUMMIT COUNTY RECORDER

FEE 16.00 BY VAN COTT BAGLEY CORNWALL MCCARTHY



Affects Parcel ID Nos. NR-1, NR-1A, NR-2, NR-3

NOTICE OF REMOVAL OF PROTECTIVE COVENANTS

PLEASE TAKE NOTICE that the following-described parcels of real property are no longer subject to the provisions of and/or the beneficiaries of any obligations of the Northstar Homeowners Association pursuant to the Declaration of Protective Covenants for the Northstar Subdivision dated July 19, 1977 and recorded as Entry No. 139189 in Book M97 at Pages 387 through 404 of the official records of Summit County, Utah, as amended by a First Amendment to the Declaration of Protective Covenants for the Northstar Subdivision recorded as Entry No. 00497969 in Book 01113 at Pages 00248 through 00249 of the official records of Summit County, Utah, and as further amended by a Second Amendment to the Declaration of Protective Covenants for the Northstar Subdivision recorded as Entry No. 00806996, in Book 1852 at Pages 1838 through 1841 of the official records of Summit County, Utah, and as may be further amended from time to time. Said real properties are more particularly described as follows:

Lot 1, Northstar Subdivision, Summit County, Utah. Parcel ID No. NS-1.

Lot 1A, Northstar Subdivision, Summit County, Utah. Parcel ID No. NS-1A.

Lot 2, Northstar Subdivision, Summit County, Utah. Parcel ID No. NS-2.

Lot 3, Northstar Subdivision, Summit County, Utah. Parcel ID No. NS-3.

All common areas, access easements, and paved streets within said real properties or adjacent to Lots 1 and/or 1A.

DATED this 14th day of January, 2010.

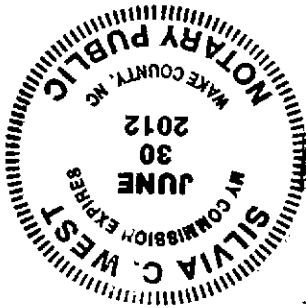
NORTHSTAR HOMEOWNERS
ASSOCIATION, a Utah nonprofit corporation

By: Annie Davis J. Beube
Its: Secretary

STATE OF N.C.)
 : ss.
COUNTY OF Chatham)

The foregoing instrument was acknowledged before me this 14 day of January, 2010, by Annie Lewis J. Gorda, who is the Secretary of the Northstar Homeowners Association, a Utah nonprofit corporation.

[Signature]
Notary Public



Entry No.

244212

WESTERN STATES TITLE

REQUEST OF

FEE

ALAN SPRIGGS, SUMMIT CO. RECORD

PARTY WALL AGREEMENT, EASEMENTS AND

RESTRICTIVE COVENANTS RUNNING WITH THE LAND

RECORDED 12-30-85 BY *[Signature]* M

at: 4:47

THIS AGREEMENT is made and entered into this 23rd day of December, 1985, by Williamsburg Savings Bank, formerly known as Washington Savings Bank, a Utah Corporation (hereinafter referred to as the "Bank").

RECITALS:

A. The Bank is the owner in fee of that certain tract of real property located at Park City, Summit County, State of Utah which is more particularly described in Exhibit "A" attached hereto and by this reference incorporated herein.

B. Situated on the above-described parcel of land are two residential units in a duplex structure. The two halves of the structure are contiguous, join at the boundary line which separates the above-described tracts, and have in common a single wall (hereinafter referred to as the "party wall") running along said boundary line, extending through said two-family residential duplex structure, and including the roof of said structure, along said dividing boundary line. One half of said party wall is located upon each of the above-described tracts.

C. The Bank desires to set forth in a recordable document, its rights and obligations concerning the party wall.

NOW, THEREFORE, in consideration of the premises and of the rights and obligations set forth herein, and for the mutual benefit of the unit owners, the Bank agrees as follows:

1. The party wall referred to and described above is hereby agreed for all purposes to constitute a party wall. Except as herein modified or expended, all legal and equitable principles relating to party walls shall govern and apply to the party wall which is the subject of this Agreement.

2. The Bank or any subsequent owner of the parcels of land shall use or alter any improvements located on the tract which would jeopardize the support furnished by or the soundness or integrity of the party wall.

3. Any party who may purchase one of the units separately from the other shall share equally with the other unit owner any and all costs and expenses relating to damages, repair, replacement, restoration, or maintenance, the expenditure or incurring of which may be necessary or desirable to preserve the soundness or structural integrity of the party wall; provided, however, that if any such cost or expense becomes necessary or desirable as a result of the act or omission of one party, the cost or expense involved shall be borne by that party alone. In addition, all costs associated with maintenance, repairs, or replacements benefiting only one party (such as interior painting or redecorating) shall be borne solely by the party benefited.

4. Any demolition and/or new construction an owner may desire to carry out on one single unit owned by him, that party shall not be entitled to damage or demolish the party wall in whole or in part or alter or change the exterior design or structure of the building, whether on the party wall or on the unit owned by him, without obtaining the prior written consent of the other owner.

5. The Bank hereby grants such easements and rights of ingress and egress over, across, through and under the two separate units as are reasonably necessary to perform any necessary or desirable repairs, replacements, restoration, or maintenance in connection with the party wall, and in connection with utilities, including but not limited to water, sewer, electrical power, natural gas, telephone, whether for the benefit of the party who owns the tract over, across, through and under, which the utilities' accesses are provided or for the benefit of the other owner.

6. The Bank recognizes that, because of the proximity with respect to one another of the two units on the parcel of land described herein and of the improvements situated on said tracts, both the value of each unit and associated improvements and the ability of unit owner to use and enjoy his tract and improvements are, in large part, dependent upon the condition and use of the other owner's tract and improvements. Accordingly, each unit owner hereto agrees that (a) he will not use his tract and improvements in a way which does or would interfere with the other owner's use or enjoyment of his property or in a way which does or would materially and adversely affect the value of the other party's unit and (b) he will maintain his tract and improve-

OK 368 277

ments so as not to interfere with the owner's use and enjoyment of his unit and so as not to materially and adversely affect the value of the other party's unit.

7. The Bank recognizes that there is a common outflow of sewer outside of the structure provided for the common benefit of the separate units. The common sewer line may have been installed over all or a portion of the separate units. The Bank agrees that the periodic costs assessed for the sewer and any and all repairs and maintenance costs for such sewer shall be shared equally by the owner of each unit. Each unit owner grants the other owner such easements and rights of ingress and egress over, across, through and under the tract owned by him as are reasonably necessary to permit the other party to perform any necessary repairs, replacements, or maintenance in connection with said sewer lines.

8. In the event that one owner defaults in any of the terms, conditions or covenants contained in this agreement, then the owner in default agrees to pay all costs of enforcing this Agreement or any damages arising out of the breach hereof including reasonable attorney's fee. In addition, the owners agree that in view of the uniqueness of the real property described herein, that either owner may maintain an action against the other owner for equitable relief in the form of a temporary restraining order or injunction to enforce the terms of this Agreement, and the owner in default under the terms, conditions and covenants of this Agreement shall pay all costs incurred in connection with such action, including reasonable attorney's fee.

9. This Agreement and each and every provision contained herein shall constitute easements and covenants running with the land, or equitable servitudes, as the case may be and shall be binding upon and shall inure to the benefit of the Bank and its respective grantees, transferees, heirs, devisees, personal representatives, successors, and assigns. At any time that the Bank transfers its ownership in fee simple of one unit in the real property described herein, then the Bank shall no longer be obligated under the terms and conditions of this Agreement, but its successor in interest shall be fully obligated and substituted for the Bank as if such successor in interest had signed and entered into this Agreement in the first instance. The provisions hereof shall remain in full force and effect, until both structures utilizing the party wall and/or sewer lines or other utility lines are totally destroyed or demolished, in accordance with the terms of this Agreement, at which time this Agreement shall in all respects cease to be of any further force and effect.

DATED this 23rd day of December, 1985.

WILLIAMSBURG SAVINGS BANK, formerly
known as Washington Savings Bank, a Utah
Corporation.

Randy H. Tesch
By: Randy H. Tesch
Its: Senior Vice President

Gary M. Unker
By: Gary M. Unker
Its: Vice President

STATE OF UTAH }
 ss.
COUNTY OF SALT LAKE

300 368 PAGE 278

On the 23rd day of December A.D. 1985 personally appeared before me Randy H. Tesch and Gary M. Unker, who being by me duly sworn did say each for himself, that (s)he, the said Randy H. Tesch is the Sr. Vice President and he, the said Gary M. Unker is the Vice Pres. of Williamsburg Savings Bank and that the within and foregoing instrument was signed in behalf of said corporation.

My Commission expires: 6-2-87

Notary Public, Residing at
Salt Lake City, Utah

EXHIBIT A

COMMENCING at the most Northerly corner of Lot 1, NORTH STAR SUBDIVISION, as recorded; thence South 35°59' East 67.89 feet; thence South 54°01' West 143.5 feet; thence North 35°59' West 67.89 feet; thence North 54°01' East 143.5 feet to the point of BEGINNING.

TOGETHER WITH AND SUBJECT TO access easement as shown on the recorded plat of North Star Subdivision.

COMMENCING at the most Easterly corner of Lot 1, NORTH STAR SUBDIVISION, as recorded; thence South 54°01' West 143.5 feet; thence North 35°59' West 67.89 feet; thence North 54°01' East 143.5 feet; thence South 35°59' East 67.89 feet to the point of BEGINNING.

TOGETHER WITH AND SUBJECT TO that certain non-exclusive access easement as shown on the recorded plat of North Star Subdivision.

300 368 PAGE 279

RECORDED: _____
INDEXED: _____
FILED: _____
RECORDED: _____
INDEXED: _____

Entry No. 139189 Book 2791
RECORDED 7-26-77 at 1:15 P Page 387
REQUEST of Joseph E. Bernolfo III
FEE: 23.50 WANDA Y. SPRIGGS, SUMMIT CO. RECORDER
By Wanda Y. Spriggs
ABSTRACT

DECLARATION OF
PROTECTIVE COVENANTS FOR THE
NORTHSTAR SUBDIVISION

THIS DECLARATION is made this 19 day of July, 1977,
by JOSEPH E. BERNOLFO, III.

I. PURPOSE OF COVENANTS.

1.1 It is the intention of the Declarant, expressed by execution of this instrument, that the Property within the Northstar Subdivision be developed and maintained as a highly desirable residential area. It is the purpose of these covenants that the present natural beauty, view and surroundings of Northstar Subdivision shall always be protected insofar as is possible in connection with the uses and structures permitted by this instrument. Joseph E. Bernolfo, III hereby declares that the Property and every part thereof is held and shall be held, conveyed, devised, leased, rented, encumbered, used, occupied and improved and otherwise affected in any manner subject to the provisions of this Declaration, each and all of which provisions are hereby declared to be in furtherance of the general plan and scheme of ownership referred to herein and are further declared to be for the benefit of the Property and every part thereof and for the benefit of each Owner thereof. All provisions hereof shall be deemed to run with the land as covenants running with the land or as equitable servitudes as the case may be, and shall constitute benefits and burdens to the Declarant, his successors and assigns, and to all parties hereafter owning any interest in the Property.

II. DEFINITIONS.

When used in this Declaration (including the foregoing), the following terms shall have the meaning set forth in this Article II:

2.1 Declaration. "Declaration" shall mean and refer to this "Declaration" of Protective Covenants For The Northstar Subdivision.

2.2 Declarant. "Declarant" means Joseph E. Bernolfo, III, together with heirs, personal representatives, successors and assigns.

BOOK M97 PAGE 387

23.50

2.3 Property. "Property" means that certain real property located in Summit County, Utah, described in Exhibit A attached hereto.

2.4 Building. "Building" means any building constructed on the Property.

2.5 Lot. A "Lot" shall mean and refer to any of the ten separately numbered parcels of property shown as such on the recorded Subdivision plat.

2.6 Subdivision. "Subdivision" shall mean the Northstar Subdivision recorded as Entry No. 138365, in the records of Summit County, Utah.

2.7 City. "City" shall mean Park City Municipal Corporation.

2.8 Owner. "Owner" shall mean and refer to each person or entity who owns of record (as shown by the real property records of Summit County, Utah, maintained in the office of the said County Recorder) fee title or an undivided fee title interest in and to a Subdivision Lot. Notwithstanding any applicable theory relating to a mortgage, trust deed, or like instrument, the term Owner shall not mean or include a mortgage, or a beneficiary or trustee under a trust deed unless and until such party has acquired fee title pursuant to foreclosure or any arrangement or proceeding in lien thereof.

III. NORTHSTAR HOMEOWNER ASSOCIATION.

3.1 General Purposes and Powers. Northstar Homeowners Association ("Association") has been formed and incorporated as a Utah nonprofit corporation to be constituted and to perform functions as provided in this Declaration and to further the common interest of all Owners of property which may be subject, in whole or in part, to any or all of the provisions, covenants, conditions, and restrictions contained in this Declaration. The Association shall be obligated to and shall assume and perform all functions and obligations imposed on it or contemplated for it under this Declaration and any similar functions or obligations imposed on it or contemplated for it under any Supplemental or Amended Declaration with respect to any Property now or hereafter subject to this Declaration. The Association shall have all powers necessary or desirable to effectuate these purposes. It shall not engage in commercial, profit making activity.

BOOK#97 PAGE 388

3.2 Membership in Northstar Homeowners Association. Every Owner shall automatically be a member of the Association. Membership in the Association shall be mandatory, shall be appurtenant to the Subdivision Lot in which the Owner has the necessary interest, and shall not be separated from the Subdivision Lot to which it appertains. No shares of stock or membership certificates shall issue to evidence membership in the Association, but membership shall be determined by reference to the real property records of Summit County, Utah, maintained in the office of the said County Recorder. The conveyance or other disposition by an Owner of his fee title or undivided fee title interest in and to said Subdivision Lot shall automatically convey to said Owner's successor in interest said Owner's appurtenant membership in the Association.

3.3 Voting. On all matters coming before the Association members for a vote, the Owners of each Subdivision Lot shall be collectively entitled to only one vote, and it shall be necessary for said Owners to act unanimously in order to cast the single vote to which they are entitled.

IV. MUNICIPAL SERVICES

4.1 Restricted Municipal Services. The Declarant has dedicated to the City, the requisite rights of way for streets and utilities. However, the blacktop paved portion of said street rights of way may not meet City standards for width purposes. Consequently, pursuant to the terms of that certain "Release, Waiver and Agreement of Proposed North Star Subdivision" entered into between Declarant and the City dated the 29th day of April, 1977, and recorded as Entry No. 138366, Book M95, Page 290-293, of official records of Summit County, Utah, it may be that the City will not maintain the paved streets within the Subdivision; and it may be that the City will not provide snow removal, or garbage and refuse collection services within the Subdivision.

4.2 Release of Liability. The Declarant, for himself, and any and all transferees, assigns, buyers and all others deriving title from Declarant or holding any rights, or interest to any Subdivision Lot or Property, and any of their heirs, personal representatives, successors and assigns hereby RELEASE, ACQUIT, AND FOREVER DISCHARGE the said City from any and all actions, causes of action, claims, demands, damages, costs, medical expenses, expenses and compensation, or suits, on account of, or in any way arising out of, and any property

BOOK#97 PAGE389

damage of any kind whatsoever, arising out of the inability of the City to provide fire, medical or other emergency services, customarily provided by the City in and upon the streets of this Subdivision because and solely because the said streets of the Subdivision may not be sufficiently wide to enable the City to bring upon said streets the vehicles necessary to provide said services.

V. COVENANT FOR ASSESSMENT.

5.1 Creation of Lien and Personal Obligation for Assessments. The Declarant, for each Lot within the Subdivision, hereby covenants, and each Owner of any Subdivision Lot by acceptance of a deed therefor, whether or not it shall be so expressed in such deed, is deemed to covenant and agree to pay the Association: (1) annual assessments or charges; and (2) special assessments for capital improvements; such assessments to be established and collected as hereinafter provided. The annual and special assessments, together with interest, costs, and reasonable attorney's fees, shall be a charge upon every Subdivision Lot and shall be a continuing lien upon every Subdivision Lot against which each such assessment is made. Each such assessment, together with interest, costs, and reasonable attorney's fees, shall also be the personal obligation of each person or entity who was the Owner of a Subdivision Lot at the time the assessment fell due.

5.2 Purpose of Assessments. The assessments levied by the Association shall be used exclusively to provide for snow removal, and/or garbage and refuse collection services, for the maintenance and improvement of the paved streets within the Subdivision, and for such other customary City services as the City shall refuse to provide to Subdivision Lot Owners by agreement or otherwise, and for such other expenditures as may be necessary to orderly carry out the purposes for which the Association was organized.

5.3 Annual Assessment. Until January 1st of the year immediately following the occupancy of the first residential dwelling constructed on any Subdivision Lot by an Owner, the annual assessment for each Subdivision Lot shall not exceed \$300.00 per Lot (the "rate").

BOOK 97 PAGE 390

The maximum annual assessment rate may be increased effective on January 1st of each succeeding year if there has been an increase in the Consumer Price Index published by the U.S. Department of Labor. If the Consumer Price Index for the month of December in the succeeding year is greater than the same Index for the month of August in the base year, then the maximum annual assessment rate may be increased by the same proportion as the Consumer Price Index for the month of August in the succeeding year, is greater than the same Index for the month of August in the base year without a vote of the Association members. The base year for assessment purposes shall be the year immediately preceeding the year for which the assessment rate is to be fixed. The annual assessment rate may be increased above said maximum annual assessment rate by an affirmative vote of 2/3 of the votes which Association members are entitled to cast at a special meeting duly called for this purpose. The Association may fix the annual assessment at a rate not to exceed the maximum authorized herein. The Index of the Consumer Price Index to be used for this purpose shall be the U.S. City Average for all items. If publication of the Index is discontinued, the Association shall designate and use comparable statistics as they shall be published by an agency of the United States of America or by a responsible financial periodical of recognized authority most nearly reflecting the results of the discontinued Index.

5.4 Special Assessments For Capital Improvements.

In addition to the annual assessments authorized above, the Association may levy, in any assessment year, a special assessment applicable to that year only for the purposes of defraying, in whole or part, the cost of any construction, reconstruction, repair or replacement of any paved street located within the Subdivision not maintained by the City, upon an affirmative vote of 2/3 of the votes which Association members are entitled to cast at a special meeting duly called for this purpose.

5.5 Uniform Rate of Assessment. Both annual and special assessments must be fixed at a uniform rate and may be collected on a monthly basis.

5.6 Annual Assessment Commencement and Due Dates.

As to Subdivision Lots 1 through 9, the annual assessment provided for herein shall commence on the first day of the month following the conveyance by Park City Development Company, Inc. to

BOOK#97 PAGE391

an Owner of each respective Lot. As to Subdivision Lot 10, the annual assessment provided for herein shall commence on the first day of the month following the conveyance by Declarant to an Owner of said Lot, or the first day of the month following the last of Subdivision Lots 1 through 9 to be conveyed by Park City Development Company, Inc. to any Owner, whichever event first occurs. The annual assessment period shall be based on a calendar year. The first annual assessment shall be adjusted according to the number of days remaining in the assessment year. The Governing Board of the Association shall fix the rate of the annual assessment at least 30 days in advance of each annual assessment period. Written notice of the annual assessment shall be sent to every Subdivision Lot Owner subject thereto. The due dates shall be fixed annually by the Governing Board of the Association. Any assessment not paid within 30 days after the due date shall bear interest at the rate of 8 percent per annum until paid. The Association shall, upon demand, and for a reasonable charge, furnish a certificate signed by an officer of the Association stating whether the assessments on a specified Subdivision Lot have been paid, and, if not, stating for each assessment period the amount in arrears.

5.7 Remedies For Non-Payment of Assessments. The Association may bring an action at law against the Owner obligated to pay the assessments, or foreclose the lien against the property, or both. No Owner may waive or otherwise escape liability for the assessments provided for herein by non-use or abandonment of his Subdivision Lot.

5.8 Subordination of Lien. The lien of any assessment provided for herein shall be subordinated to the lien of any first mortgage or trust deed. The sale or transfer of any Subdivision Lot shall not affect any assessment lien. However, the sale or transfer of any Subdivision Lot pursuant to the foreclosure of any first mortgage or trust deed or any proceeding in lien thereof, shall extinguish the lien of any such assessment as to payments which became due prior to such sale or transfer. No sale or transfer shall relieve such Subdivision Lot or subsequent Owners from liability for any assessments thereafter becoming due or from the lien thereof.

BOOK#97 PAGE392

VI. ARCHITECTURAL COMMITTEE.

6.1 Architectural Committee. The Architectural Committee shall consist of three members. The initial committee shall consist of two members selected by Declarant (one of whom may but need not be the Declarant himself) and one member selected by the Northstar Homeowners Association. So long as Declarant shall continue to own any of the Lots in the Northstar Subdivision he shall continue to have the power to appoint successors to the initial members selected by him and may require the resignation of any member appointed by him. The Northstar Homeowners Association shall have the power to require the resignation of members appointed by it and shall have the power to appoint successors to the members appointed by it. Upon such time the Declarant shall no longer have any ownership interest in any Lot in said Subdivision then the successor members shall be selected by the Northstar Homeowners Association.

6.2 Approval by Architectural Committee. No improvements of any kind, including but not limited to dwelling houses, swimming pools, ponds, building pads, parking areas, fences, walls, tennis courts, garages, drives, bridges, antennae, flag poles, curbs, and walks shall ever be erected, altered or permitted to remain on any Subdivision Lot or Property, nor shall any excavating, alteration of any stream, clearing, removal of trees, or shrubs, or landscaping be done on any Subdivision Lot or Property, unless the complete plans and specifications therefor are approved by the Architectural Committee prior to the commencement of such work. A fee of \$50.00 shall be paid to the Architectural Committee to cover costs and expenses of review. Improvements to be done after the initial improvements costing less than \$500 shall be submitted as directed to the Architectural Committee for approval but the fee of \$50 shall not be required. The Architectural Committee shall consider the materials to be used on the exterior features of said buildings and structures, including exterior colors, harmony of external design with existing structures within said Subdivision, location with respect to topography and finished grade elevations and harmony of landscaping with the natural setting and surrounding native trees, bushes and other vegetation. The complete architectural plans and specifications must be submitted in duplicate, must include at least four different elevation views. One complete copy of the plans and specifications shall be signed for identification by the Owner and left with the Architectural Committee. In the event the Architectural Committee fails to take any action within 45 days after the complete plans for such work have

BOOKM97 PAGE393

been submitted to it, then all of such submitted plans shall be deemed to be approved. In the event the Architectural Committee shall disapprove any plans, the person submitting such plans may appeal the matter at the next annual or special meeting of the members of the Association, where an affirmative vote of at least 2/3 of the membership shall be required to change the decision of the Architectural Committee.

6.3 Variances. Where circumstances, such as topography, hardship, location of property lines, location of trees, brush or other matters require, the Architectural Committee may, by an affirmative vote of a majority of the members of the Architectural Committee, allow reasonable variances as to any of the covenants and restrictions contained in this instrument, on such terms and conditions as it shall require.

6.4 General Requirements. The Architectural Committee shall exercise its best judgment to see that all improvements, construction, landscaping, and alterations on any Subdivision Lot or Property conform and harmonize with the natural surroundings and with existing structures as to external design, materials, color, siting, height, topography, grade and finished group elevation.

6.5 Preliminary Approvals. Persons who anticipate constructing improvements on any Subdivision Lot or Property whether they already own Subdivision Lots or Property or are contemplating the purchase of such Subdivision Lots or Property may submit preliminary sketches of such improvements to the Architectural Committee for informal and preliminary approval or disapproval. All preliminary sketches shall be submitted in duplicate and shall contain a proposed site plan together with sufficient general information on all aspects that will be required to be in the complete plans and specifications to allow the Architectural Committee to act intelligently on giving an informed and preliminary approval or disapproval. The Architectural Committee shall never be finally committed or bound by any preliminary or informal approval or disapproval until such time as complete plans are submitted and approved or disapproved.

6.6 Plans. The Architectural Committee shall disapprove any plans submitted to it which are not sufficient for it to exercise the judgment required of it by these covenants.

BOOK 97 PAGE 394

6.7 Architectural Committee Not Liable. The Architectural Committee shall not be liable in damages or otherwise to any person submitting any plans for approval, or to the Association or to any Owner or Owners of any Subdivision Lot or Property, by reason of any action, failure to act, approval, disapproval, or failure to approve or disapprove, with regard to such plans. Any person acquiring the title to any Subdivision Lot or Property or any person submitting plans to the Architectural Committee for approval, by so doing shall be deemed to have agreed and covenanted that he or it will not bring any action or suit to recover damages or other relief against the Architectural Committee, its members as individuals, or its advisors, employees, or agents.

6.8 Written Records. The Architectural Committee shall keep and safeguard complete written records of all applications for approval submitted to it (including one set of all preliminary sketches and all architectural plans so submitted) and of all actions of approval or disapproval and all other actions taken by it under the provisions of this instrument which records shall be maintained for a minimum of five years after approval or disapproval.

6.9 Occupancy. No Building within any Subdivision Lot or Property shall be occupied until and unless the Owner of any Building shall first have obtained a written final inspection and approval from the Architectural Committee stating that the Owner has completed the Building in accordance with, and complied with, all approved plans and is entitled to occupancy.

VII. GENERAL RESTRICTIONS ON ALL PROPERTY.

7.1 Zoning Regulations. No Subdivision Lot or Property shall ever be occupied or used by or for any building or purpose or in any manner which is contrary to the zoning regulations applicable thereto validly in force from time to time.

7.2 Business Uses. The Subdivision Lots or Property shall be used exclusively for residential living purposes and such other uses as are not inconsistent with the exclusive purpose and are permitted by the zoning regulations applicable thereto validly in force from time to time, such purposes to be confined to approved residential Buildings within the Property. No Subdivision Lot or Property shall ever be occupied or used for any commercial or business purposes, provided,

however, that nothing in this Paragraph 7.2 shall be deemed to prevent (a) Declarant, Park City Development Company, Inc., or their duly authorized agents from using any Subdivision Lot owned by Declarant or Park City Development Company, Inc. as a sales office, sales model, property management office, rental office, or maids quarters, or (b) any Owner or his duly authorized agent from renting or leasing said owner's residential Building from time to time, subject to all of the provisions of this Declaration, or (c) the construction of a double family (duplex) unit as permitted by Section 8.1 hereof.

7.3 Restriction on Signs. With the exception of a sign no larger than three square feet identifying the architect and a sign of similar dimension identifying the prime contractor to be displayed only during the course of construction and a sign no larger than three square feet for the Owner to advertise his home or Subdivision Lot for sale, no signs or advertising devices, including but without limitation, commercial, political, informational or directional signs or devices, shall be erected or maintained on any Subdivision Lot or Property, except signs approved in writing by the Architectural Committee as to size, materials, color and location: (a) as necessary to identify ownership of the Subdivision Lot and its address; (b) as necessary to give directions; (c) to advise of rules and regulations; (d) to caution or warn of danger; and (e) as may be required by law.

7.4 No Resubdivision. No Subdivision Lot shall be resubdivided and no Building shall be constructed or allowed to remain on any tract that comprises less than one full Subdivision Lot.

7.5 Underground Utility Lines. All water, gas, electrical, telephone and other electronic pipes and lines and all other utility lines within the limits of the Subdivision Lots or Property must be buried underground and may not be exposed above the surface of the ground.

7.6 Service Yards. All clothes lines, equipment, service yards or storage piles on any Subdivision Lot or Property shall be kept screened by approved planting or fencing so as to conceal them from the view of neighboring Lots, streets, access roads and areas surrounding the Subdivision Lots or Property.

7.7 No Noxious or Offensive Activity. No noxious or offensive activity shall be carried on upon any Subdivision Lot or Property nor shall anything be done or placed on any Subdivision Lot or Property which is or may become a nuisance or cause embarrassment, disturbance or annoyance to others.

7.8 No Hazardous Activities. No activities shall be conducted on any Subdivision Lot or Property and no improvements constructed on any Subdivision Lot or Property which are or might be unsafe or hazardous to any person or property. Without limiting the generality of the foregoing, no firearms shall be discharged upon any Subdivision Lot or Property; and no open fires shall be lighted or permitted on any Subdivision Lot or Property except in a contained barbecue unit while attended and in use for cooking purposes or within a safe and well-designed interior fireplace.

7.9 No Unsightliness. No unsightliness shall be permitted upon any Subdivision Lot or Property. Without limiting the generality of the foregoing, (a) any unsightly structures, facilities, equipment, tools, boats, vehicles other than automobiles, objects and conditions shall be enclosed within an approved Building or appropriately screened from view, except equipment and tools when in actual use for maintenance or repairs; (b) no trailers, mobile homes, tractors, truck campers or trucks other than pickup trucks shall be kept or permitted to remain upon any Subdivision Lot or Property; (c) no vehicle, boat or equipment shall be constructed, reconstructed, repaired or abandoned upon any Subdivision Lot or Property; (d) no lumber, grass, shrub or tree clippings, plant waste, metals, bulk materials or scrap shall be kept, stored or allowed to accumulate on any Subdivision Lot or Property, except in service yards meeting the requirements of Section 7.6; (e) refuse, garbage and trash shall be placed and kept at all times in a covered container and such container shall be kept within an enclosed structure or appropriately screened from view; (f) hanging, drying or airing of clothing or household fabrics shall not be permitted within Buildings, or on any Subdivision Lot or Property if visible from Buildings, or areas surrounding the Property.

7.10 No Annoying Lights, Sounds or Odors. No light shall be emitted from any Subdivision Lot or Property which is unreasonably bright or causes unreasonable glare; no sound shall be emitted from any Subdivision Lot or Property which is unreasonably loud or annoying including but without limitation, speakers, horns, whistles, bells or other sound devices, except security and fire alarm devices used exclusively to protect any of the Property or Buildings; and no odors shall be emitted from any Subdivision Lot or Property which are noxious or offensive to others.

BOOKM97 PAGE397

7.11 No Cesspools or Septic Tanks. No cesspools or septic tanks shall be permitted on any Subdivision Lot or Property. Any other type of sewage disposal system shall be installed only after approval by the Architectural Committee and all governmental health authorities having jurisdiction.

7.12 Maintenance of Property. All Subdivision Property and all improvements on any Subdivision Lot shall be kept and maintained by the owner thereof in clean, safe, attractive and sightly condition and in good repair.

7.13 Rules and Regulations. No owner shall violate the rules and regulations for the use of the Lots as adopted from time to time by the Association. No such rules or regulations shall be established which violate the intention or provisions of this Declaration or which shall unreasonably restrict the use of any Subdivision Lot by the owner thereof.

VIII. RESTRICTIONS ON SUBDIVISION LOTS.

8.1 Number and Location of Buildings. No Building or structures shall be placed, erected, altered, or permitted to remain on any Subdivision Lot other than one single family or one double family dwelling, and one garage together with related nonresidential structures and improvements of the types described in Section 6.2 hereof. Each Subdivision Lot must be improved with a garage with at least a two-car capacity at the time of construction of the single family or one double family dwelling on the Subdivision Lot.

The location of the building for all such Buildings and structures shall be established by the Architectural Committee. In approving or disapproving the building site, the Architectural Committee shall take into consideration the locations with respect to topography, trees, brush, and finished grade elevations and the effect thereof on the setting and surrounding of the Subdivision.

8.2 Trees and Brush. No living tree or scrub oak shall be destroyed or removed from any Subdivision Lot or Property until and unless the owner of such Subdivision Lot or Property first obtains the approval therefor from the Architectural Committee as herein provided and such owner otherwise complies with all of the provisions in this section.

BOOKM97 PAGE398

8.3 Residence Floor Area. The residence structure which may be constructed on a Subdivision Lot shall have a minimum living floor area, exclusive of garages, balconies, porches, and patios of 1,800 square feet.

8.4 Dwelling House to be Constructed First. No garage or other structure shall be constructed on any Subdivision Lot until after commencement of construction of the dwelling house on the same Subdivision Lot except as otherwise specifically permitted by the Architectural Committee. All construction and alteration work shall be prosecuted diligently, and each Building, structure, or improvement which is commenced on any Subdivision Lot shall be entirely completed within 18 months after commencement of construction.

8.5 Setbacks. All front, side and rear yard dimensions shall conform to the Building location hereto established in accordance with Section 8.1 hereof.

8.6 Height Limitations. No building or structure shall be placed, erected, altered or permitted to remain on any Subdivision Lot which exceeds a height of 28 feet measured vertically from the average finished grade elevation of the foundation of such building or structure.

8.7 Towers and Antennae. No towers, and no exposed or outside radio, television or other electrical antennae, with the exception of television receiving antennae shall be allowed or permitted to remain on any Subdivision Lot.

8.8 Used or Temporary Structures. No used or previously erected or temporary house, structure, house trailer, mobile home, camper, or nonpermanent outbuilding shall ever be placed, erected, or allowed to remain on any Subdivision Lot except during construction periods, and no dwelling house shall be occupied in any manner prior to its completion and approval in accordance with Section 6.9 hereof.

8.9 Fences. It is the general intention that all perimeter fencing within the Property have a continuity of appearance in keeping with the setting and surroundings of the Property. The term "perimeter fencing" is defined to mean fences along or near Subdivision Lot lines or fencing not connected with a Building or structure. All perimeter fencing shall be of a type specified by the Architectural Committee. No fence shall be allowed to be constructed or remain across

BOOK#97 PAGE 399

a stream on the Property. Interior fences, screens or walls which are associated or connected with a Building or structure may be of such design, material and height as may be approved by the Architectural Committee.

8.10 Flashings and Roof Gutters. Flashings or roof gutters or other metal fittings on the exterior of Buildings shall be of wood or brick texture in those colors commonly referred to as earth tones.

8.11 Damage. Any structure which is destroyed or damaged, in whole or in part, by or as a result of any cause, must be rebuilt or restored with reasonable diligence, and/or debris and waste materials must be removed from the Subdivision Lot and the structure and/or Subdivision Lot restored to a safe and sightly condition.

8.12 Limitation on Driveway Access. Driveway access from Lowell Avenue to Subdivision Lots 1, 2, 3, 4, 5, 6 is specifically prohibited. Driveway access to Subdivision Lots 1, 2, and 3 is limited to the lower access easement. There shall be no access to Subdivision Lots 6 and 7 from any adjoining property and the roadway shown on the plat of this Subdivision shall not be extended across any portion of either Subdivision Lot 6 or 7 to provide access to or from any adjoining property.

IX. ENFORCEMENT.

9.1 Enforcement and Remedies: The obligations, provisions, covenants, restrictions and conditions contained in this Declaration or any Supplemental or Amended Declaration with respect to the Association or Subdivision Lots shall be enforceable by Declarant or by any Owner of a Subdivision Lot subject to this Declaration by a proceeding for a prohibitive or mandatory injunction. The obligations, provisions, covenants, restrictions and conditions contained in this Declaration or any Supplemental or Amended Declaration with respect to a person or entity or property of a person or entity other than the Association or Declarant shall be enforceable by Declarant or the Association by a proceeding for a prohibitive or mandatory injunction. If court proceedings are instituted in connection with the rights of enforcement and remedies provided in this Declaration, the prevailing party shall be entitled to recover its costs and expenses in connection therewith, including reasonable attorney's fees.

BOOKM97 PAGE 400

9.2 Protection of Encumbrancer. No violation or breach of any provision, restriction, covenant or condition contained in this Declaration or any Supplemental or Amended Declaration and no action to enforce the same shall defeat, render invalid or impair the lien of any mortgage or trust deed taken in good faith and for value and perfected by recording prior to the time of recording of an instrument giving notice of such violation or breach or the title or interest of the holder thereof or the title acquired by any purchaser upon foreclosure of any such mortgage or trust deed. Any such purchaser shall, however, take subject to this Declaration or any Supplemental or Amended Declaration except only that violations or breaches which occur prior to such foreclosure shall not be deemed breaches or violations hereof with respect to such purchaser, his heirs, personal representatives, successors and assigns.

9.3 Limited Liability. Neither Declarant, the Association, the Board of Trustees of the Association, the Architectural Committee nor any member, agent or employee of any of the same shall be liable to any party for any action or for any failure to act with respect to any matter if the action taken or failure to act was in good faith and without malice.

X. GENERAL PROVISIONS.

10.1 Duration of Declaration. Any provision, covenant, condition or restriction contained in this Declaration or any Supplemental or Amended Declaration which is subject to the common law rule sometimes referred to as the rule against perpetuities, shall continue and remain in full force and effect for the period of fifty years or until this Declaration is terminated as hereinafter provided, whichever first occurs. All other provisions, covenants, conditions and restrictions contained in this Declaration or in any Supplemental or Amended Declaration shall continue and remain in full force and effect until January 1, 2027 A.D., provided, however, that unless at least one year prior to said time of expiration, there is recorded an instrument directing the termination of this Declaration, executed by the Owners of not less than 2/3 of the Subdivision Lots then subject to this Declaration, said other provisions, covenants, conditions and restrictions shall continue automatically for an additional ten years and thereafter for successive periods of ten years unless, at least one year prior to the expiration of any such extended period of duration, this Declaration is terminated by recorded instrument directing termination signed by the Owners of not less than 2/3 of the Subdivision Lots then subject to this Declaration as aforesaid.

10.2 Amendment or Revocation. At any time while any provision, covenant, condition or restriction contained in this Declaration or any Supplemental or Amended Declaration is in of a written instrument specifying the amendment or the repeal, executed by the Owners of not less than 2/3 of the Subdivision Lots then subject to this Declaration. No such amendment to repeal shall be effective with respect to the holder or successor or assign of the holder of a mortgage or trust deed recorded prior to the recording of the instrument specifying the amendment or repeal unless such holder executes said instrument.

10.3 Severability. Invalidity or unenforceability of any provision of this Declaration or of any Supplemental or Amended Declaration in whole or in part shall not affect the validity or enforceability of any other provision or valid and enforceable part of a provision of this Declaration.

10.4 Captions. The captions and headings in this instrument are for convenience only and shall not be considered in construing any provision, restriction, covenant or condition contained in this Declaration.

10.5 No Waiver. Failure to enforce any provision, restriction, covenant or condition in this Declaration or in any Supplemental or Amended Declaration shall not operate as a waiver of any such provision, restriction, covenant or condition or of any other provision, restriction, covenant or condition.

IN WITNESS WHEREOF, Joseph E. Bernolfo, III has executed this Declaration the day and year first above written.

JOSEPH E. BERNOLFO, III

STATE OF UTAH)

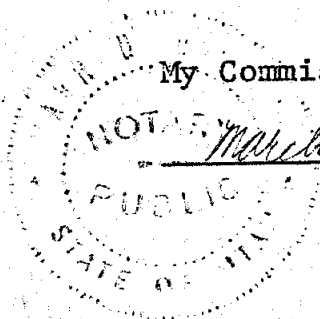
: ss.

COUNTY OF SALT LAKE)

On the 17 day of July, 1977, personally appeared before me, Joseph E. Bernolfo, III, the above Declarant, who duly acknowledged to me that he executed

- 16 - BOOKM97 PAGE 402

the within and foregoing Declaration of Protective Covenants
for the Northstar Subdivision.



My Commission Expires:

March 17, 1981

Mary B. Overman

Notary Public

Residing at:

Salt Lake City, Utah

BOOK#97 PAGE 403

Exhibit A

The real property referred to in Paragraph 2.3 of the Declaration of Protective Covenants For The Northstar Subdivision is more fully described as follows:

Blocks 31, 32, 33, 40 and 41 of Snyder's Addition to Park City; Park City, Utah, together with the following vacated streets and avenues: Crescent Street from Lowell Avenue Southwesterly to the center line of Quaking Asp Avenue; Halladay Street from Lowell Avenue Southwesterly to the center line of Quaking Asp Avenue; Shepherd Street from Lowell Avenue Southwesterly to the center section line of Section 16; the Easterly one-half of Quaking Asp Avenue from the center section line Northwesterly to the Northerly line of Crescent Street; Pacific Avenue from the center section line Northwesterly to the Northwesterly line of Crescent Street. All the above being more particularly described as follows: Beginning at a point South $89^{\circ}53'05''$ West along the center section line 2637.36 feet from the East Quarter Corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also being on the Westerly right of way of Lowell Avenue, running thence South $89^{\circ}53'05''$ West along said center section line 462.75 feet; thence North $35^{\circ}59'00''$ West 675.15 feet; thence North $54^{\circ}01'00''$ East 375.00 feet to a point on the Westerly right of way line of Lowell Avenue; thence South $35^{\circ}59'00''$ East along said right of way line 946.285 feet to the point of beginning.

Together with an easement for access beginning at a point which is South $89^{\circ}53'05''$ West along the center of section line 2637.36 feet from the East Quarter Corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian and North $35^{\circ}59'$ West along the Westerly right of way line of Lowell Avenue 946.285 feet; and running thence South $54^{\circ}01'$ West 20.535 feet; thence North $32^{\circ}15'$ West 85.00 feet; thence North $54^{\circ}01'$ East 15.00 feet; thence South $35^{\circ}59'$ East 84.82 feet to the point of beginning.

BOOK 97 PAGE 404

PARK CITY, UTAH
LAND MANAGEMENT CODE

Consisting of

Ordinance No. 12-79 (January 1, 1980) Creating a Planning Commission, Board of Adjustment and Providing for the Administration and Enforcement of the City's Land Management Code; and Ordinance 8-80A, (August 22, 1980) Repealing and Re-enacting Ordinance No. 13-79, as Amended, to Provide for a Comprehensive Zoning of Park City and Adopting an Official Zoning Map.

Adopted August 22, 1980

Effective August 28, 1980

Reprinted as Amended June 15, 1981

\$5.00

PARK CITY MUNICIPAL CORPORATION
P. O. Box 1480
Park City, Utah 84060

SECTION 4. DISTRICTS AND REGULATIONS

4.1. HISTORIC RESIDENTIAL (HR-1) DISTRICT

4.1.1. PURPOSE. To allow continuation of the land uses and architectural scale and styles of the original Park City residential area and to encourage densities that will preserve the desirable residential environment and that will allow safe and convenient traffic circulation.

4.1.2. PERMITTED USES. In a Historic Residential (HR-1) District, no building or structure shall be erected which is arranged, intended, or designed to be used for other than one or more of the following uses:

4.1.2.1. Single-unit detached dwelling.

4.1.2.2. Two-unit dwelling.

4.1.2.3. Home occupation.

4.1.2.4. Accessory buildings and uses customarily incidental to main use.

4.1.2.5. Three-unit dwellings. Three-unit dwellings may be permitted upon review by the Planning Director provided that all required parking must be fully enclosed in a parking structure situated so that the mass of the parking area is at least 50% below the natural grade.

4.1.2.6. Lockout room.

4.1.3. CONDITIONAL USES. The following uses may be considered by the Planning Commission for conditional use approval as provided by Park City Ordinance 12-79, Section 2.

4.1.3.1. Public and quasi-public institutional use.

4.1.3.2. Nightly rentals.

4.1.3.3. Child nursery.

4.1.4. LOT AND SIZE REGULATIONS.

4.1.4.1. Lot Size. The minimum lot area for a single-unit dwelling shall be 2,812 square feet. Two-unit dwelling shall have a lot size of 3,750 square feet. Three-unit dwelling shall have a lot size of 5,625 square feet. The minimum width of a lot shall be 37.50 feet, 15.00 feet back from front lot line.

4.1.4.2. Side Yard.

4.1.4.2.1. The minimum side yard for any structure or accessory buildings or uses shall be five feet except that a side yard shall not be required where

INDEXED: _____
GRANTOR: J
GRANTEE: J
RELEASED: _____
ABSTRACTED: _____
INDEXED: _____

Entry No. <u>138366</u>	Book <u>M 95</u>
RECORDED <u>6-10-77</u>	at <u>3:38</u> M Page <u>290-293</u>
RECEIVED of <u>Summit County Title</u>	
FEE <u>\$ 7.00</u>	WANDA Y. SPRINGS, SUMMIT CO. RECORDER
INDEXED _____	By <u>Wanda Y. Springs</u>
	ABSTRACT

RELEASE, WAIVER, AND AGREEMENT
OF PROPOSED NORTH STAR SUBDIVISION

April This agreement made and entered into this 29th day
of March 1977, by and between PARK CITY MUNICIPAL CORPORATION,
JEB hereinafter referred to as the "City," and JOSEPH E. BERNOLFO,
III, hereinafter referred to as "Developer."

WITNESSETH:

WHEREAS, the developer is the owner and developer of
a certain parcel of land located within the corporate limits
of Park City, Utah; said property more particularly described
in the attached exhibit "A," which by reference is incorporated
herein, and made a part hereof; and

WHEREAS, due to the special topography of said land
it is necessary that the said proposed subdivision, if approved
by the City, be subject to certain conditions; and

WHEREAS, the City wishes to approve said subdivision
subject, however, to the conditions hereinafter enumerated; and

WHEREAS, said conditions of approval shall be recorded
simultaneously with the recordation of the final approved plat,
and shall affect all the lots in the said subdivision; and

WHEREAS, developer has agreed to disclose to any
prospective buyers of said lots the existence of the hereinbelow
referred to and agreed conditions.

NOW, THEREFORE, in consideration of the mutual conven-
ant and agreements contained herein and other good and valuable
consideration, the parties agree as follows:

BOOK M 95 PAGE 290

See Release & Waiver # 176100 Bb M 79 p. 201-3
(Lot 10 - Withstar)

1. Developer recognizes that, while the said North Star subdivision has dedicated to the City the requisite right of way for streets and utilities, however, the blacktop paved portion of said right of ways may not meet City standards for width purposes.

2. The City shall NOT maintain the paved streets within the said subdivision.

3. The City shall NOT provide snow removal, and/or garbage and refuse collection services within the North Star subdivision.

4. Developer, for himself, and any and all transferees assigns, buyers and all others deriving therefrom or holding title, rights, or interest to any lot in said subdivision, and any of their personal representatives, heirs and assigns by executing this AGREEMENT, RELEASE, AND WAIVER hereby DO RELEASE, ACQUIT, AND FOREVER DISCHARGE the said CITY OF PARK CITY from any and all actions, causes of action, claims, demands, damages, costs, medical expenses, expenses and compensation, or suits, on account of, or in any way arising out of, and any property damage of any kind whatsoever, arising out of the inability of the City to provide fire, medical or other emergency services, customarily provided by the City in and upon the streets of this subdivision because and solely because the said streets of the North Star subdivision may not be sufficiently wide to enable the city to bring upon said streets the vehicles necessary to provide said services.

5. Each of the provisions of this agreement is severable therefrom and if any provisions contained therein

BOOKM95 PAGE291

shall be found to be invalid, illegal, or unenforceable by a court of competent jurisdiction, the remaining provisions of this agreement shall be valid and in full force and effect.

6. This agreement shall be part of and be annexed as an Exhibit to the final approved plat and shall be recorded as such. Said Final Plat, recorded concurrently with this Agreement as No. 138365, Date June 10, 1977, Time 3:37.

7. The parties herein further agree that they have read carefully and understand this agreement, release, and waiver, and that the same is signed and executed as the free act and deed of the said undersigned.

PARK CITY, a Municipal Corporation

Joseph E. Bernolfo, III
JOSEPH E. BERNOLFO, III
Developer - Owner

By Leon Uliast
MAYOR

ATTEST:

(Seal)

By Bruce C. Decker
City Recorder

STATE OF UTAH)
 : ss
COUNTY OF SUMMIT)

Personally appeared before me Joesph E. Bernolfo, III, one of the signers of the foregoing who acknowledged that he executed the same.

My commission expires:

Nov. 24, 1977

Jarriet Lawrence
NOTARY PUBLIC: Residing in
Salt Lake County, Utah

BOOK M95 PAGE 272

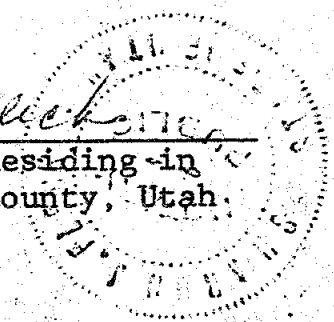
STATE OF UTAH)
 : ss
COUNTY OF SUMMIT)

On the 29th day of April, 1977, personally
appeared before me Leon Uriarte and Bruce C.
Hecker who being by me duly sworn, did say each for
himself, that he the said Leon Uriarte is the mayor
and he the said Bruce C. Hecker is the recorder
of Park City, a municipal corporation, and that the within and
foregoing instrument was signed in behalf of said municipal cor-
poration by a resolution duly adopted by its governing body, and
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:

February 11 1978

Shaun G. Hecker
NOTARY PUBLIC: Residing in
County, Utah.



BOOK M95 PAGE 293

BUILDING PERMIT APPLICATION

BECOMES PERMIT WHEN SIGNED

LOG 311

*Date of Application **5-11-83** Date Work **6-8-83**

*Proposed Use of Structure **DUPLEX**

*Bldg. Address **#1 NORTHSTAR**

*Address Certificate No. **1061 LOWELL AVE** Assessors Parcel No. **1**

*Lot # **1** *Block **NORTHSTAR** *Subd. Name & Number

*Property Location ☐ *If metes and bounds see instructions

*Total Property Area - In Acres or Sq. Ft. **19485** Total Bldg. Site Area Used **4500**

*Owner of Property **DAN CONLON + HECTOR MESTRE** Phone **328-2541**

*Mailing Address **96 P.O. 2455 PARK CITY UTAH** City **UTAH**

*Business Name Address **231 West 4500 So. MURRAY** Business Lic. No. **36021-6**

*Architect or Engineer **STEVEN T. BAIRD** Phone **328-2541**

*General Contractor **A.D.A.C. Dev. Corp** Phone **649-0181**

*Business Address **PO 2455 P.C. UT** *State Lic. No. **36021-6** *City/Co. Lic. No. **1095**

*Electrical Contractor **ALPINE ELECTRIC** Phone **649-8779**

*Business Address **HIGHWAY 248 E COMARK** *State Lic. No. **35131-5** *City/Co. Lic. No. **2080**

*Plumbing Contractor **B.R. HALE PLUMBING** Phone **268-9223**

*Business Address **231 West 4500 So. MURRAY** *State Lic. No. **33607-5** *City/Co. Lic. No. **2100**

*Mechanical Contractor **UT** Phone **2100**

*Business Address **VACANT** *State Lic. No. **VACANT** *City/Co. Lic. No. **VACANT**

*Previous Usage of Land or Structure (Past 3 yrs.) **VACANT**

*Dwell. Units Now on Lot **VACANT** *Assessory Bldgs. Now on Lot **VACANT**

*Type of Improvement/Kind of Const.
☐ Sign ☒ Build ☐ Remodel ☐ Addition
☐ Repair ☐ Move ☐ Convert Use ☐ Demolish

*No. of offstreet parking spaces: **4** Covered **4** Uncovered

SUB-CHECK Zone **HR-1** Zone Approved **HR-1**

Receipt No. **29711** **6-8-83** Permit Number **1302**

BUILDING FEE SCHEDULE

Square Ft. of Building **7258** Valuation **\$336275.30**

☐ Rough Basement Building Fees **2522.06**

☒ Finish Basement **6860** Plan Check Fees **1639.34**

Garage sq. ft. **740** Electrical Fees **1200.00**

Garage sq. ft. **1190** Plumbing Fees **1200.00**

Type of Bldg. **I-N** Occ. Group **R-3** Mechanical Fees **1200.00**

No. of Bldgs. **1** R. Value Walls **19** Roof **30** Water **1200.00**

No. of Stories **2** Storm Sewer **1200.00**

No. of Bedrooms **6** Moving or Demo. **1200.00**

No. of Dwellings **2** Temporary Conn. **1200.00**

Type of Construction **Smpt.** Reinspection **6725.51**

☒ Frame ☐ Brick Var. **W. Devel.** **5000.00**

☐ Brick ☐ Block ☐ Concrete ☐ Steel **less plan**

Max. Occ. Load **CK dep't.** **-200.00**

Fire Sprinkler ☐ Yes ☒ No **Total** **16886.91**

Special Approvals Required Received Not Req.

Board of Adjustment

Health Dept.

Fire Dept.

Soil Report

Water or Well Permit

Traffic Engineer

Flood Control

Sewer or ~~Septic Tank~~ **✓** **✓** **#1438**

City Engineer (off site)

Gas

Comments: **NEED HEAT LOSS & COMB. AIR PRIOR TO STARTING FRAMING**
NOTE: Prior to foundation inspection, review and approval of final grading, drainage and landscape plans required.

Land Use Cert.

Electrical Dept.

HiBack C.G. & S.

Other

Bond Required ☐ Yes ☐ No Amount

This application does not become a permit until signed below.

Plan Chk. OK by **JD**

Signature of Approval **John Swartz** Date **6-8-83**

This permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced. I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not the granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction and that I make this statement under penalty of perjury.

Signature of Contractor or Authorized Agent **6-8-83** Date

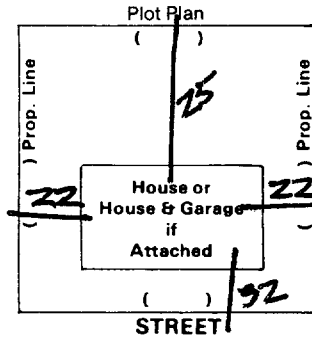
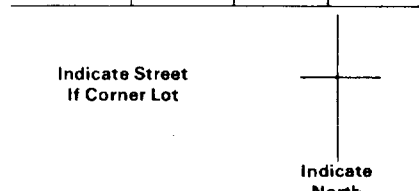
Signature of Owner (If owner) (Date)

Census Tract. Traffic Zone Coordinate Ident. No.

Disapproved **6-8-83** Sub-Ck. By **HR-1**

Minimum Setbacks in Feet

Front	Side	Side	Rear
15'	5'	5'	10'



NOTE: 24 hours notice is required for all inspections.

Planning Commission Staff Report

Subject: Historic Sites Inventory Update
Application: PL-21-04939
Author: Rebecca Ward
Date: September 22, 2021
Type of Item: Legislative - Land Management Code Amendment



Recommendation

(I) Review the proposed Land Management Code Amendments to make technical updates to existing listings on the Park City Historic Sites Inventory; (II) conduct a public hearing; and (III) consider forwarding a positive recommendation for the City Council's consideration on October 28, 2021, of the Draft Ordinance No. 2021-XX (Exhibit A).

Description

Applicant: Planning Department
Reason for Review: The Historic Preservation Board makes recommendations to the Planning Commission and City Council regarding ordinances that may encourage Historic preservation.

The Planning Commission makes a recommendation to the City Council regarding amendments to the Land Management Code.

Background

On September 1, 2021, the Historic Preservation Board reviewed the proposed updates to the Historic Sites Inventory in Land Management Code [§ 15-11-10](#) and unanimously forwarded a positive recommendation to the Planning Commission and City Council.

The Rossie Hill Drive Landmark Historic Sites

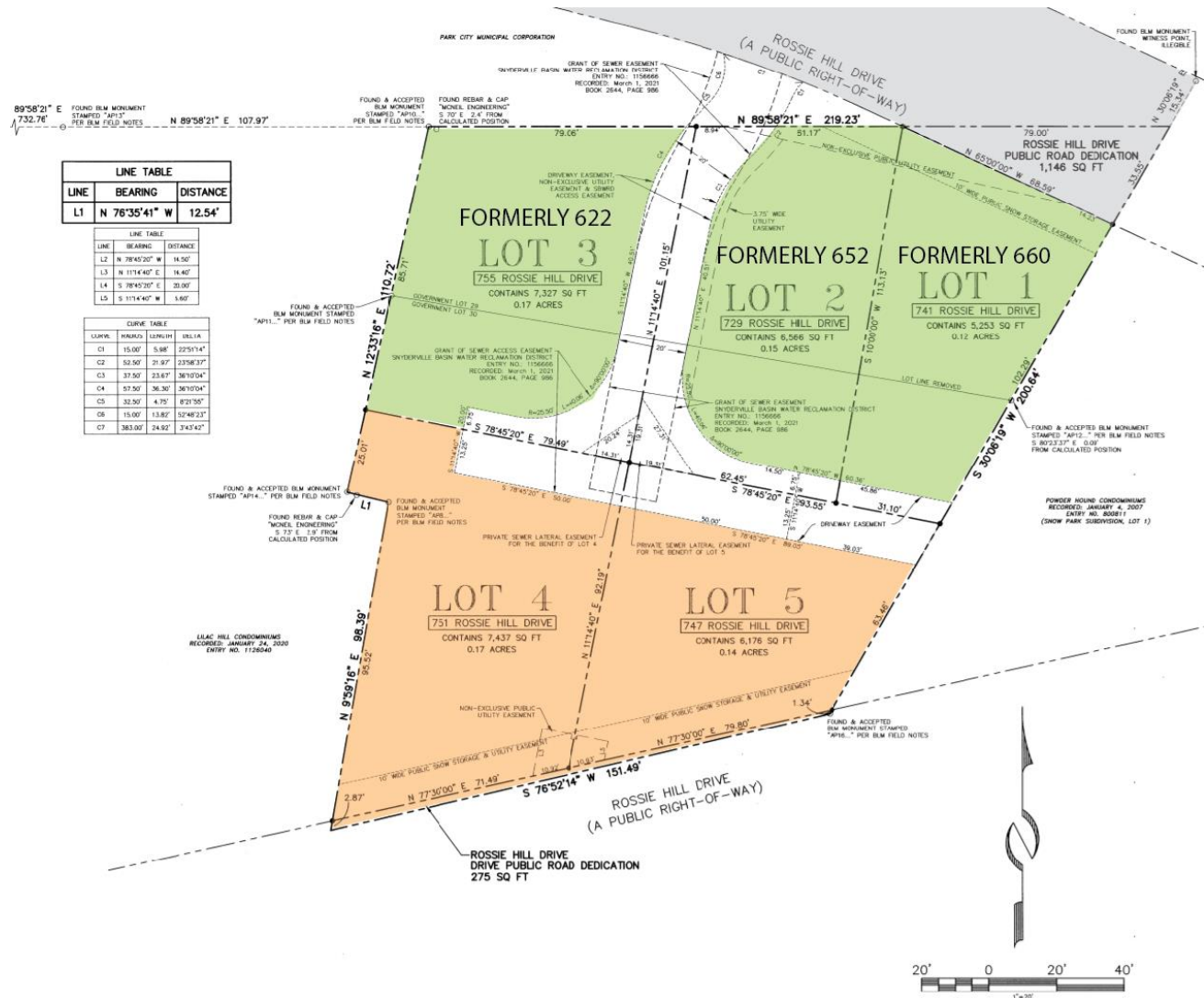
The proposed Land Management Code amendments update the Historic Sites Inventory to reflect the new Landmark Rossie Hill addresses. No change to the Landmark Status of the Sites is proposed.

The Park City Historic Sites Inventory designates three Rossie Hill Drive properties Landmark Historic Sites. To further protect the Rossie Hill Landmark properties, in 2017, the City Council adopted [Ordinance No. 2017-05](#), rezoning these properties from Residential – Medium to Historic Residential Low – Density to reduce density from potentially as many as 24 units to five Single-Family Lots, and to create a Recreation Open Space buffer between Deer Valley Drive and Rossie Hill Drive.

On January 9, 2020, the City Council adopted [Ordinance No. 2020-02](#), approving the Lilac Hill East Subdivision, creating three Lots for the Landmark Historic Structures, and two Lots for new Single-Family Dwelling development (Exhibit B). As part of the

Subdivision process, the Summit County GIS Specialist assigned new addresses to the Landmark Historic Sites to accommodate two new Lots behind the Historic Sites accessed by a new private driveway.

Staff highlighted features of the recorded Lilac Hill East Subdivision plat below, showing the three Landmark Historic Sites in green, the newly created Lots in orange, Rossie Hill Drive in grey, and the private driveway that will access the five Lots in white:



LILAC HILL EAST SUBDIVISION

LOCATED IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 15,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

THE EAST CORNER
FROM THE TYPICAL SUBDIVISION
ED WITH CONCRETE

The Summit County GIS Specialist assigned new addresses for the Landmark Rossie Hill Drive properties as follows:

- 622 Rossie Hill Drive became 755 Rossie Hill Drive
- 652 Rossie Hill Drive became 729 Rossie Hill Drive
- 660 Rossie Hill Drive became 741 Rossie Hill Drive



Formerly 622, now
755 Rossie Hill Drive
(Exhibit C)



Formerly 652, now
729 Rossie Hill Drive
(Exhibit D)



Formerly 660, now
741 Rossie Hill Drive
(Exhibit E)

On May 5, 2021, the Historic Preservation Board approved panelization and material deconstruction for 755 Rossie Hill Drive ([Staff Report](#)), denied panelization but approved material deconstruction for 729 Rossie Hill Drive ([Staff Report](#)), and approved material deconstruction of 741 Rossie Hill Drive ([Staff Report](#)) for the rehabilitation of the Landmark Historic Structures, and to accommodate rear additions ([Meeting Minutes](#)). The Rossie Hill projects are now entering the building permit phase. The proposed Land Management Code amendments update the Historic Sites Inventory to reflect the new Landmark Rossie Hill addresses.

1302 Norfolk Avenue – A Significant Historic Site

In 2016, Planning Department staff submitted a Determination of Significance application to nominate 1302 Norfolk Avenue to the Historic Sites Inventory. On January 24, 2017, the property owner applied to demolish the Structure. Staff denied the demolition permit, pending the Historic Preservation Board action on the Determination of Significance application. The property owner appealed the denial of the demolition permit.

The property owner requested review by the Utah Property Rights Ombudsman to determine whether the Structure could be demolished. On March 7, 2017, the Utah Property Rights Ombudsman issued Advisory Opinion 181, finding the demolition permit application was entitled to approval.

On June 7, 2017, the Historic Preservation Board designated 1302 Norfolk Avenue a Significant Historic Site on the Historic Sites Inventory (Exhibit C, 2017 Staff Report; Exhibit D, Meeting Minutes). On June 17, 2017, the property owner appealed the Historic Preservation Board designation.

To prevent demolition of the Structure, the City purchased the property. The Historic Preservation Board's 2017 determination that 1302 Norfolk Avenue is a Significant Historic Site remains valid (Exhibit E, Historic Site Form). However, the Historic Sites Inventory lists 1302 Norfolk Avenue as a Significant Historic Site, pending an appeal. Staff recommends the proposed Land Management Code amendments to clarify that the Historic status of 1302 Norfolk Avenue is no longer under an appeal.

Analysis

The Planning Department maintains the inventory of Historic Sites listed on the Park City Historic Sites Inventory, pursuant to Land Management Code [§ 15-11-10\(B\)](#). The Historic Sites Inventory lists over 400 sites the City Council designated Landmark or Significant, based on the age of the structure, its importance to the community, its Historic Integrity or Essential Historic Form, and its significance in local, regional, or national history, architecture, engineering, or culture associated with the Settlement & Mining Boom Era (1868 – 1893), the Mature Mining Era (1894 – 1930), or the Mining Decline & Emergence of Recreation Industry (1931 – 1962). Consideration of the lives of significant people in Park City, Utah, the region, or nation, the distinctive characteristics of the type, period, or method of construction, and the work of a notable architect, or of a master craftsman are also factors that may contribute to the designation of a Landmark or Significant Historic Site.¹

To further protect designated Landmark and Significant Historic Sites, on August 3, 2017, the City Council enacted [Ordinance No. 2017-42](#), codifying the Historic Sites Inventory in Land Management Code [§ 15-11-10](#) (Exhibit F, 2017 Staff Report and Exhibit G, Meeting Minutes).

The Historic Preservation Board recommends to the Planning Commission and City Council Land Management Code amendments that encourage Historic preservation.² The proposed amendments update the Historic Sites Inventory to reflect the change to the Rossie Hill Drive addresses and the status of 1302 Norfolk Avenue, as follows, to clarify the Historic designation for the properties:

Section 15-11-10(D)(1):

. . . .

fc. [755 Rossie Hill Drive, formerly](#) 622 Rossie Hill Drive

fd. [729 Rossie Hill Drive, formerly](#) 652 Rossie Hill Drive

fe. [741 Rossie Hill Drive, formerly](#) 660 Rossie Hill Drive

. . . .

¹ LMC [§ 15-11-10](#).

² LMC [§ 15-11-5\(D\)](#).

and

Section [15-11-10\(D\)\(2\)](#):

.....

cr. 1302 Norfolk Avenue* [removal of asterisk]

.....

**These properties are currently under appeal for Determination of Significance.*

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 on August 18, 2021. The *Park Record* published notice on August 18, 2021.³

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 the City Council's consideration on October 28, 2021;
- The Planning Commission may forward a negative recommendation for the City Council's consideration on October 28, 2021, and direct staff to make findings for the denial; or
- The Planning Commission may request additional information and continue the discussion to a date certain.

Exhibits

Exhibit A: Draft Ordinance No. 2021-XX

Exhibit B: Lilac Hill East Subdivision

Exhibit C: June 7, 2017 HPB Staff Report

Exhibit D: June 7, 2017 HPB Meeting Minutes

Exhibit E: 1302 Norfolk Avenue Historic Site Form

Exhibit F: August 3, 2017 City Council Staff Report

Exhibit G: August 3, 2017 City Council Meeting Minutes

³ LMC [§ 15-1-21](#).

DRAFT ORDINANCE 2021-XX

**AN ORDINANCE AMENDING LAND MANAGEMENT CODE § 15-11-10
PARK CITY HISTORIC SITES INVENTORY TO UPDATE
THE ROSSIE HILL DRIVE LANDMARK HISTORIC SITE ADDRESSES AND
THE STATUS OF 1302 NORFOLK AVENUE**

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah, to promote the health, safety, and welfare of the residents, visitors, and property owners of Park City;

WHEREAS, the Land Management Code implements the goals, objectives, and policies of the Park City General Plan to maintain the quality of life and experiences for City residents and visitors;

WHEREAS, Goal 15 of the Park City General Plan is to preserve the integrity, mass, scale, compatibility, and historic fabric of the nationally and locally designated historic resources and districts for future generations;

WHEREAS, the purposes of the Land Management Code include protecting and enhancing the Historic character of the community and allowing development that encourages preservation of Historic Structures and the integrity of Historic Districts;

WHEREAS, the Park City Historic Sites Inventory lists over 400 sites the City Council designated Landmark or Significant;

WHEREAS, the Historic Preservation Board makes recommendations to the Planning Commission and City Council regarding Land Management Code amendments that encourage Historic preservation;

WHEREAS, the proposed amendments update the Historic Sites Inventory to reflect the address change to the Rossie Hill Drive properties and the status of 1302 Norfolk Avenue;

WHEREAS, on September 1, 2021, the Historic Preservation Board duly noticed and conducted a public hearing on the proposed updates to the Historic Sites Inventory and unanimously forwarded a positive recommendation to the Planning Commission and City Council;

WHEREAS, on September 22, 2021, the Planning Commission duly noticed and conducted a public hearing on the proposed updates to the Historic Sites Inventory and forwarded a _____ recommendation to the City Council;

WHEREAS, on October 28, 2021, the City Council duly noticed and conducted a public hearing on the updates to the Historic Sites Inventory.

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

SECTION 1. MUNICIPAL CODE OF PARK CITY, LAND MANAGEMENT CODE TITLE 15. The recitals above are incorporated herein as findings of fact. Section 15-11-10 is hereby amended as outlined in Attachment 1.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 28th day of October, 2021

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, Mayor

Attest:

City Recorder

Approved as to form:

City Attorney's Office

1 **15-11-10 Park City Historic Sites Inventory**

2 The City Council may designate Sites to the Historic Sites Inventory as a means of
3 providing recognition to and encouraging the Preservation of Historic Sites in the
4 community. City Council shall make the final determination on all Determination of
5 Significance applications considering the criteria below, with the recommendation of the
6 Historic Preservation Board.

7 **A. CRITERIA FOR DESIGNATING SITES TO THE PARK CITY HISTORIC SITES**
8 **INVENTORY.**

9 1. **LANDMARK SITE.** Any Buildings (main, attached, detached, or public),
10 Accessory Buildings, and/or Structures may be designated to the Historic
11 Sites Inventory as a Landmark Site if the City Council, with a
12 recommendation from the Historic Preservation Board, considers all the
13 criteria listed below:

- 14 a. It is at least fifty (50) years old or if the Site is of exceptional
15 importance to the community; and
16 b. It retains its Historic Integrity in terms of location, design, setting,
17 materials, workmanship, feeling and association as defined by the
18 National Park Service for the National Register of Historic Places;
19 and
20 c. It is significant in local, regional or national history, architecture,
21 engineering or culture associated with at least one (1) of the
22 following:
23

1. An era that has made a significant contribution to the broad patterns of our history; or
2. The lives of Persons significant in the history of the community, state, region, or nation; or
3. The distinctive characteristics of type, period, or method of construction or the work of a notable architect or master craftsman.

2. **SIGNIFICANT SITE.** Any Buildings (main, attached, detached or public), Accessory Buildings and/or Structures may be designated to the Historic Sites Inventory as a Significant Site if the City Council, with a recommendation from the Historic Preservation Board, considers all the criteria listed below:

- a. It is at least fifty (50) years old or the Site is of exceptional importance to the community; and
- b. It retains its Essential Historic Form as may be demonstrated but not limited by any of the following:
 1. It previously received a historic grant from the City; or
 2. It was previously listed on the Historic Sites Inventory; or
 3. It was listed as Significant on any reconnaissance or intensive level survey of historic resources; and
- c. It has one (1) or more of the following:

1. It retains its historic scale, context, materials in a manner and degree which can be restored to its Essential Historic Form even if it has non-historic additions; or
 2. It reflects the Historical or Architectural character of the site or district through design characteristics such as mass, scale, composition, materials, treatment, cornice, and/or other architectural features as are Visually Compatible to the Mining Era Residences National Register District even if it has non-historic additions; and
- d. It is important in local or regional history architecture, engineering, or culture associated with at least one (1) of the following:
1. An era of Historic Importance to the community, or
 2. Lives of Persons who were of Historic importance to the community, or
 3. Noteworthy methods of construction, materials, or craftsmanship used during the Historic period.
3. **CONTRIBUTORY SITE.** Any Buildings (main, attached, detached or public), Accessory Buildings and/or Structures may be designated to the Historic Sites Inventory as a Contributory Site if the City Council, with a recommendation from the Planning Department, considers all the criteria listed below:

- 67 a. The structure is forty (40) years old or older (this includes buildings
68 not historic to Park City that were relocated to prevent demolition);
69 and
70 b. Meets one of the following:
- 71 1. Expresses design characteristics such as mass, scale,
72 composition, materials, treatment, cornice, and/or other
73 architectural features as are Visually Compatible to the
74 Mining Era Residences National Register District; or
75 2. It is important in local or regional history, architecture,
76 engineering, or culture associated with at least one (1) of the
77 following:
- 78 A. An era of Historic importance to the community; or
79 B. Lives of Persons who were of Historic importance to
80 the community, or
81 C. Noteworthy methods of construction, materials, or
82 craftsmanship used during the Historic Period
- 83 c. Contributory structures may be eligible for Historic District Grant
84 funding. Contributory structures are eligible for demolition.
- 85 4. Any Development involving the Reassembly or Reconstruction of a
86 Landmark Site or a Significant Site that is executed pursuant to Sections
87 15-11-14 or 15-11-15 of this code shall remain on the Park City Historic
88 Sites Inventory. Following Reassembly or Reconstruction, the City
89 Council, with a recommendation from the Historic Preservation Board, will

review the project to determine if the work has required a change in the site or structure's historic designation from Landmark to Significant.

B. PROCEDURE FOR DESIGNATING SITES TO THE PARK CITY HISTORIC

SITES INVENTORY. The Planning Department shall maintain an inventory of Historic Sites which reflects the Historic Sites Inventory adopted herein. It is hereby declared that all Buildings (main, attached, detached or public), Accessory Buildings, and/or Structures within Park City, which City Council considers to be in compliance with the criteria found in Sections 15-11-10(A)(1) or 15-11-10(A)(2) are determined to be on the Park City Historic Sites Inventory. Any Owner of a Building (main, attached, detached or public), Accessory Building, and/or Structure, may nominate it for listing in the Park City Historic Sites Inventory. The Planning Department may nominate a Building (main, attached, detached or public), Accessory Building, and/or Structure for listing in the Park City Historic Sites Inventory. The nomination and designation procedures are as follows:

1. **COMPLETE APPLICATION.** The Application shall be on forms as prescribed by the City and shall be filed with the Planning Department. Upon receiving a Complete Application for designation, the Planning staff shall schedule a hearing before the Historic Preservation Board within ninety (90) days.
2. **NOTICE.** Prior to taking action on the Application, the Planning staff shall provide public notice pursuant to Section 15-1-21 of this Code.

112 **3. HEARING AND DECISION.** The Historic Preservation Board will hold a
113 public hearing and will review the Application for compliance with the
114 “Criteria for Designating Historic Sites to the Park City Historic Sites
115 Inventory.” If the Historic Preservation Board finds that the Application
116 complies with the criteria set forth in Section 15-11-10(A)(1) or Section 15-
117 11-10(A)(2), the Building (main, attached, detached or public), Accessory
118 Building, and/or Structure will be recommended to the City Council to be
119 added to the Historic Sites Inventory.

120 **C. REMOVAL OF A SITE FROM THE PARK CITY HISTORIC SITES INVENTORY.**

121 The City Council, with a recommendation from the Historic Preservation Board,
122 may remove a Site from the Historic Sites Inventory. Any Owner of a Site listed
123 on the Park City Historic Sites Inventory may submit an Application for the
124 removal of his/her Site from the Park City Historic Sites Inventory. The Planning
125 Department may submit an Application for the removal of a Site from the Park
126 City Historic Sites Inventory. The criteria and procedures for removing a Site from
127 the Park City Historic Sites Inventory are as follows:

128 **1. CRITERIA FOR REMOVAL.**

- 129 a. The Site no longer meets the criteria set forth in Section 15-11-
130 10(A)(1) or 15-11-10(A)(2) because the qualities that caused it to
131 be originally designated have been lost or destroyed; or
- 132 b. The Building (main, attached, detached, or public) Accessory
133 Building, and/or Structure on the Site has been demolished and will
134 not be reconstructed; or

- c. Additional information indicates that the Building, Accessory Building, and/or Structure on the Site do not comply with the criteria set forth in Section 15-11-10(A)(1) or 15-11-10(A)(2).

2. PROCEDURE FOR REMOVAL.

- a. **Complete Application.** The Application shall be on forms as prescribed by the City and shall be filed with the Planning Department. Upon receiving a Complete Application for removal, the Planning staff shall schedule a hearing before the Historic Preservation Board within ninety (90) days.
- b. **Notice.** Prior to taking action on the Application, the Planning staff shall provide public notice pursuant to Section 15-1-21 of this Code.
- c. **Hearing and Decision.** The Historic Preservation Board will hear testimony from the Applicant and public and will review the Application for compliance with the “Criteria for Designating Historic Sites to the Park City Historic Sites Inventory.” The HPB shall review the Application “de novo” giving no deference to the prior determination. The Applicant has the burden of proof in removing the Site from the inventory. The HPB will make a recommendation to City Council. The City Council will consider and determine whether the proposal complies with the criteria set forth in Section 15-11-10(A)(1) or Section 15-11-10(A)(2), the Building (main, attached, detached, or public) Accessory Building, and/or Structure will be removed from the Historic Sites Inventory.

D. Properties identified on the Historic Sites Inventory are hereby designated by Ordinance as Landmark or Significant. These properties include:

1. Landmark

.....

a. 755 Rossie Hill Drive, formerly 622 Rossie Hill Drive

b. 729 Rossie Hill Drive, formerly 652 Rossie Hill Drive

c. 741 Rossie Hill Drive, formerly 660 Rossie Hill Drive

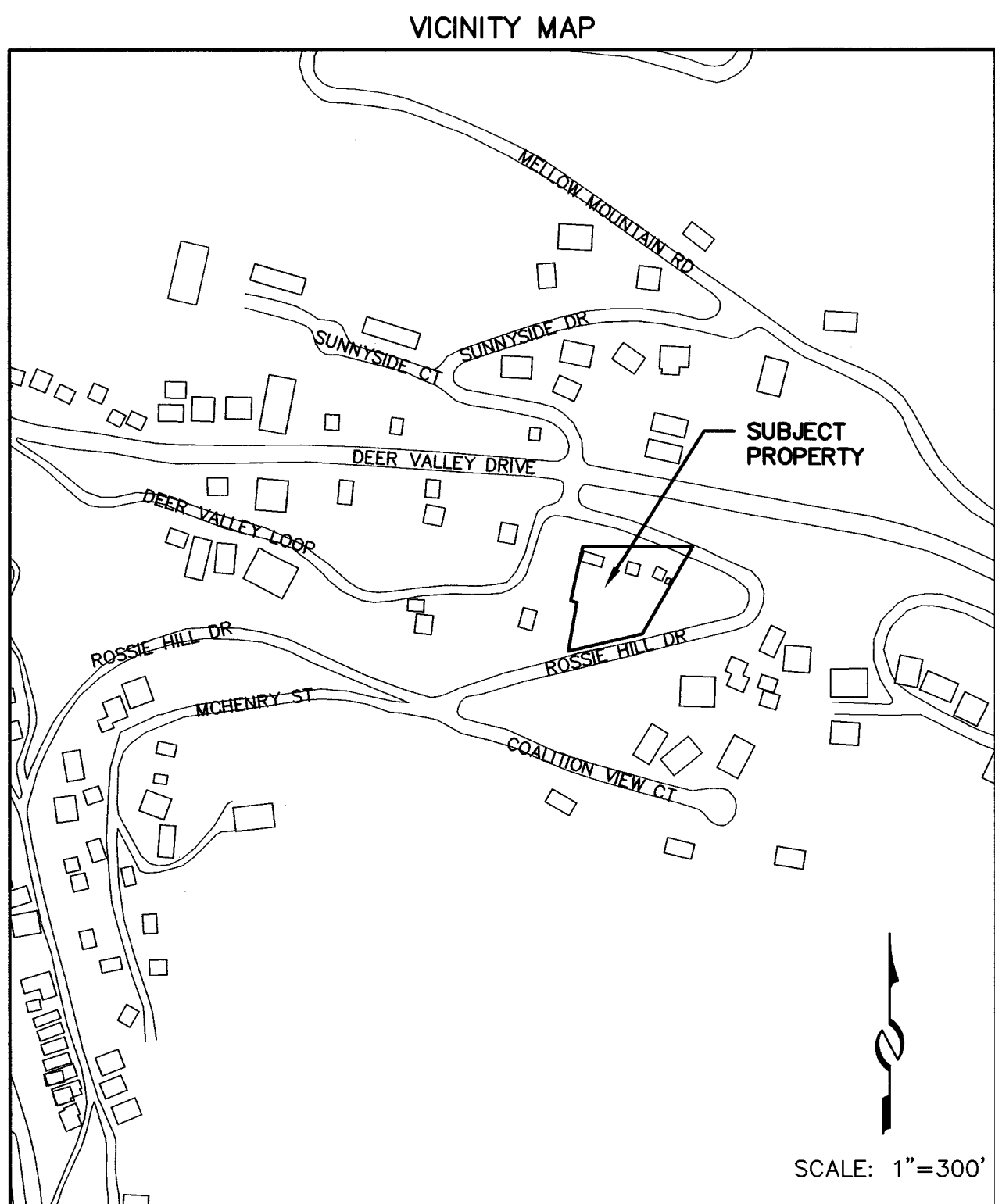
.....

2. Significant

.....

a. 1302 Norfolk Avenue* [removal of asterisk]

.....



EAST 1/4 CORNER
SECTION 16, T2S, R4E, S18&M
3 1/2" BRASS CAP
ON 2 1/4" IRON PIPE

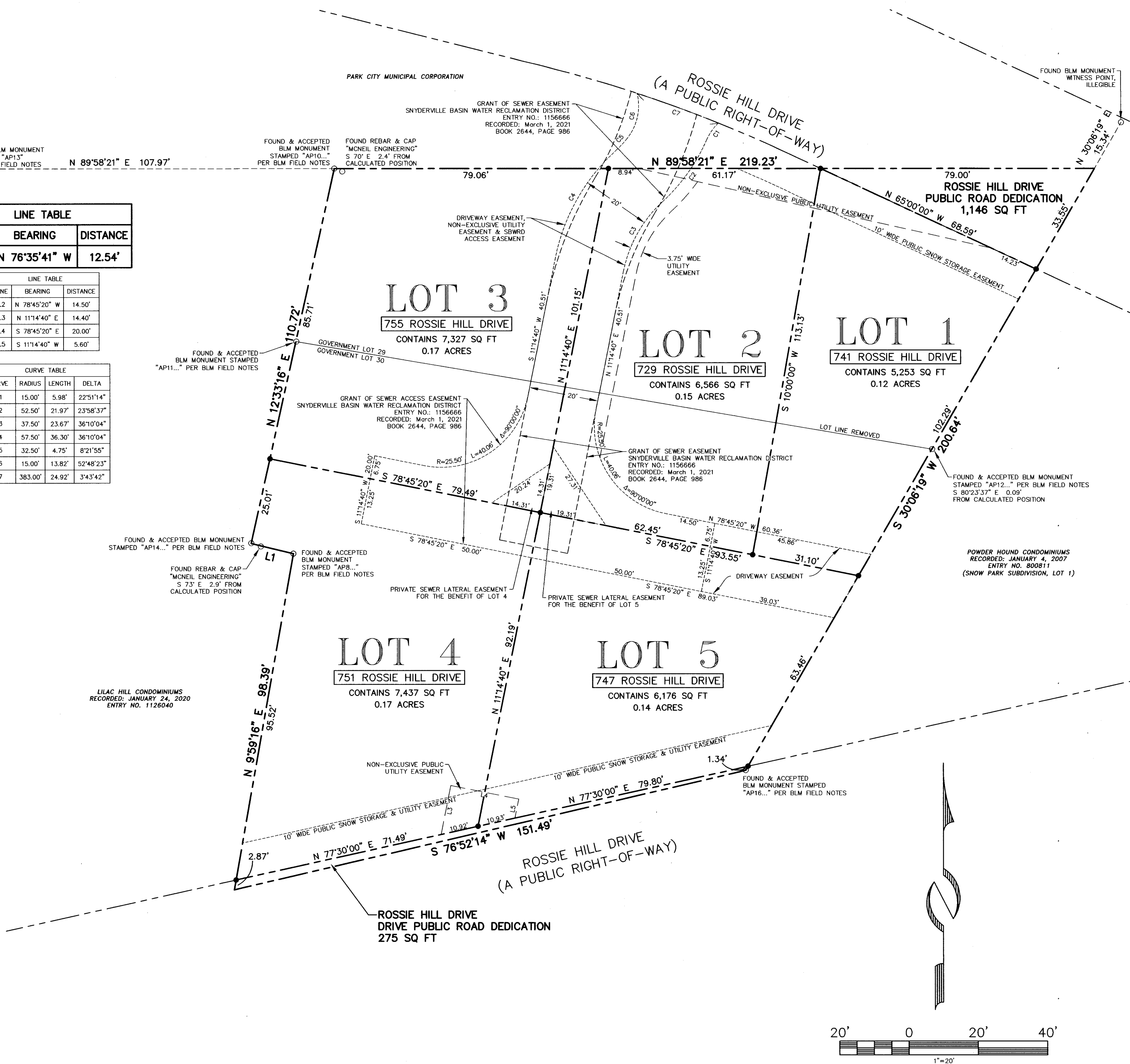
659.88'
BASIS OF BEARING - SECTION LINE - S 00°30'11" W 2630.05' (2629.80' MEAS.)
1970.17'

SOUTHEAST CORNER
SECTION 16, T2S, R4E, S18&M
2 1/2" IRON PIPE
FILLED WITH CONCRETE

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 76°35'41" W	12.54'

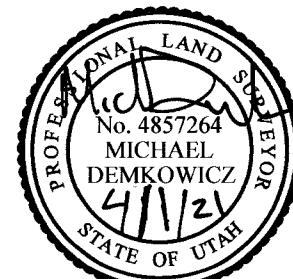
LINE TABLE		
LINE	BEARING	DISTANCE
L2	N 78°45'20" W	14.50'
L3	N 11°14'40" E	14.40'
L4	S 78°45'20" E	20.00'
L5	S 11°14'40" W	5.60'

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	15.00'	5.98'	22°31'14"
C2	52.50'	21.97'	23°58'37"
C3	37.50'	23.67'	36°10'04"
C4	57.50'	36.30'	36°10'04"
C5	32.50'	4.75'	8°21'55"
C6	15.00'	13.82'	52°48'23"
C7	383.00'	24.92'	3°43'42"



LILAC HILL EAST SUBDIVISION

LOCATED IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 15,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



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 tract of land shown and described hereon, hereafter to be known as LILAC HILL EAST SUBDIVISION and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

LEGAL DESCRIPTION

All of Government Lots 29 and 30, Section 15, Township 2 South, Range 4 East, Salt Lake Base and Meridian.

Also sometimes known and described as follows:

13th and 14th houses south side in Deer Valley, Park City;

15th house rear south side in Deer Valley, Park City.

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 divided into lots and streets, together with easements as set forth to be hereafter known as LILAC HILL EAST SUBDIVISION, 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 a perpetual, non-exclusive easement over the public utility easements shown on this plat, the same to be used for the installation, maintenance and operation of utility lines and facilities. The undersigned owner 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 2nd day of April, 2021.

LILAC HILL EAST, LLC,
a Delaware limited liability company

By: Todd Franklin Watanabe, Authorized Signatory

ACKNOWLEDGMENT

STATE OF UT
COUNTY OF Summit

On this 2nd day of April, 2021, Todd Franklin Watanabe 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 Authorized Signatory of Lilac Hill East, LLC, a Delaware 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 LILAC HILL EAST SUBDIVISION.

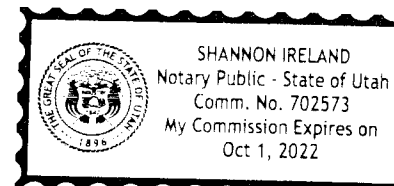
By: Shannon Ireland
Notary Public

Printed Name

Residing in: Summit

My commission expires: October 1, 2022

Commission No. 702573



NOTES

- This plat amendment is subject to the Conditions of Approval in Ordinance 2020-02 & Ordinance 2021-09. Ordinance 2021-09 is approval for an extension of Ordinance 2020-02.
- See Survey 442-AZ, on file with the Bureau of Land Management, and Records of Survey S-0006427 and S-0010076 on file in the Office of the Summit County Recorder.
- All lots shall have a ten (10') foot setback from the Driveway Easement.
- All lot lines shall provide a five (5') foot minimum non-exclusive utility easement.
- Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal.
- Drives (private road/Fire Department access road) shall provide twenty feet (20') wide of clear space to meet Fire Code. If parking impacts this twenty foot (20') wide clear space, it will not be allowed and shall be signed "No Parking". Roads less than twenty-six feet (26') wide shall be marked "No Parking" on both sides of the road.
- This property shall not be further subdivided.
- The Driveway Easement from lower Rossie Hill Drive shall be the single vehicular access for all five (5) Lots.
- At the time of any resurfacing of the private driveway, the Lilac Hill East Homeowners' Association shall be responsible to adjust wastewater manholes to grade according to Snyderville Basin Water Reclamation District (SBWRD) standards. Prior notification of the adjustments and inspection by SBWRD is required.

LEGEND

- Set 5/8" rebar w/cap
"ALLIANCE ENGINEERING"
(Unless noted otherwise)
- Found Monument
(As-Noted)
- Found Section monument
(As-Noted)

SHEET 1 OF 1

4/1/21 JOB NO.: 3-9-18 FILE: X:\EastofOldTown\dwg\sr\plal2018\030918.dwg

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER
RECLAMATION DISTRICT STANDARDS ON THIS 5th
DAY OF April, 2021
BY JD
ENGINEERING DEPARTMENT

PLANNING COMMISSION
APPROVED BY THE PARK CITY
PLANNING COMMISSION THIS 11TH
DAY OF DECEMBER, 2019
BY Chair
CHAIR

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN
ACCORDANCE WITH INFORMATION ON
FILE IN MY OFFICE THIS 06
DAY OF May, 2021
BY W.D. For
PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS 25th
DAY OF May, 2021
BY W.D. For
PARK CITY ATTORNEY

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY
COUNCIL THIS 25TH DAY OF FEBRUARY, 2021
BY A. L. L.
MAYOR

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY
MAP WAS APPROVED BY PARK CITY
COUNCIL THIS 25th DAY
OF February, 2021
BY Michelle Velazquez
PARK CITY RECORDER

PUBLIC SAFETY
ANSWERING POINT APPROVAL
APPROVED THIS 1 DAY
OF JUNE, 2021
BY Dillon Danaher FOR JEFF WARD
SUMMIT COUNTY GIS COORDINATOR

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF First American Title
60.00 Dillon Danaher - Jeff WARD
FEE RECORDER
TIME 8:10 AM DATE 6-01-2021 ENTRY NO. 01164826

LILAC HILL EAST SUBDIVISION

124



Historic Preservation Board Staff Report

Planning Department

Author: Anya Grahn, Historic Preservation Planner
Subject: Historic Sites Inventory
Address: 1302 Norfolk Avenue
Project Number: PL-16-03181
Date: June 7, 2017
Type of Item: Administrative – Determination of Significance for House

Summary Recommendation:

Staff recommends the Historic Preservation Board review the application, conduct a public hearing, and designate the house at 1302 Norfolk as a Significant structure on the Park City Historic Sites Inventory (HSI) in accordance with the attached findings of fact and conclusions of law.

Topic:

Project Name: 1302 Norfolk Avenue
Applicant: Park City Planning Department
Owners: 418 Centennial Circle LLC
Proposal: Determination of Significance

Background:

The Park City Historic Sites Inventory (HSI), adopted February 4, 2009, currently includes 414 sites of which 192 sites meet the criteria for designation as Landmark Sites and 222 sites meet the criteria for designation as Significant Sites. Since 2009, according to LMC 15-11-10(B), staff has reviewed Determination of Significance (DOS) applications with the HPB on a case-by-case basis in order to keep the Historic Sites Inventory (HSI) current.

Staff has been reviewing Summit County Tax Records and working with our consultant, CRSA with input from the Park City Historical Society and Museum to identify those sites that may be designated as Landmark or Significant on the City's Historic Sites Inventory (HSI), but were not included on prior reconnaissance and intensive level surveys. The 1982 Historic District Architectural Survey only surveyed properties on Norfolk Avenue to 12th Street, and this property was outside that survey's boundaries. It was also not reviewed as part of the 2008-2009 reconnaissance level survey that created our adopted Historic Sites Inventory.

On May 17, 2016, the Planning Department submitted an application for a Determination of Significance for this site. Per [LMC 15-11-10\(B\)](#), any Owner of a Building (main, attached, detached or public), Accessory Building, and/or Structure, may nominate it for listing in the Park City Historic Sites Inventory. The Planning Department may nominate a Building (main, attached, detached or public), Accessory Building, and/or Structure for listing in the Park City Historic Sites Inventory. Staff sent a notification letter to the owner on May 19, 2016 (Exhibit B), informing them that we were

reviewing the property for historical significance; the letter was mailed to the owner's address identified on the Summit County Recorder's website.

Per LMC 15-11-10, the Historic Preservation Board (HPB) may designate Sites to the Historic Sites Inventory as a means of providing recognition to and encouraging the Preservation of Historic Sites in the community. Staff scheduled the DOS application for 1302 Norfolk for the July 20, 2016, HPB meeting.

We did not initially have the contact information of the owner, Zelda Marzec, and had to communicate to her through her tenant, Ed Parigian. Through these communications, we offered to continue the item to the August 4, 2016, HPB meeting in an effort to have additional time to meet with the owner. By July 27, 2017, we were in communication with owner Zelda Marzec, attorney Jodi Hoffman, and architect Rick Brighton. Based on their request, we agreed to continue the DOS to the September 7, 2016, HPB meeting so that we could meet and discuss the historic designation and development opportunities of this site further with the owner's representatives. We did so on August 4, 2016.

Due to a lack of quorum, the September 7th HPB meeting was cancelled. On August 25, 2017, Jodi Hoffman emailed staff to request that we continue the item to a date uncertain. We did so at that October 5, 2016, HPB meeting. Staff has not moved forward with this application as the owners were exploring development opportunities and sale of the property.

On January 24, 2017, the Building Department received a demolition permit to demolish the house at 1302 Norfolk Avenue. On January 31, 2017, staff emailed the owners to inform them that we could not sign off on the demolition permit until the DOS had been heard by the HPB. On February 7, 2017, Jodi Hoffman emailed Community Development Director Anne Laurent protesting staff's email and requesting the Planning Department to sign off on the building permit.

On February 16, 2017, Anne Laurent emailed Jodi Hoffman that the DOS application pre-dated the demolition request and therefore, the demolition permit could not be issued until the DOS had been heard. Ms. Laurent denied the demolition permit and informed the applicant that we would be moving forward with the DOS application at the next available HPB meeting.

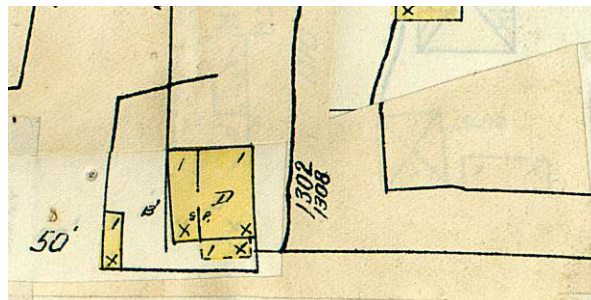
The ten (10) day appeal period of the Community Development Director's determination expired on February 26; however, because February 26 was a Sunday, the final appeal date was Monday, February 27th. On February 27th, the Planning Department received an appeal of the Community Development Director's determination to deny the demolition permit for 1302 Norfolk Avenue. This appeal is scheduled for review by the Planning Commission on June 14, 2017.

History of the Structure:

Originally, this site was occupied by a hall-parlor house that sat at the very edge of the northeast corner of the intersection at 13th Street and Norfolk Avenue. The road was not constructed in the right-of-way, according to the 1927 Sanborn Fire Insurance Map, and the house had an associated wood-frame shed located within the platted Norfolk Avenue right-of-way. The historic photograph from c.1927 shows the original house and the shed on this property. The lot is enclosed by a wire fence, also represented on the 1927 Sanborn Map. All evidence suggests that the original house was demolished before the current house was constructed.



Historic Photograph of 1302 Norfolk



1927 Sanborn Map

According to the Summit County Recorder's Office, the existing house at 1302 Norfolk was constructed in 1932 at the beginning of the Mining Decline & Emergence of Recreation Industry Era (1931-1962). At this time, the land belonged to the Ontario Mining Company. It is unclear whether the house was built by squatters on the Ontario Mining Company-owned land, or if the house was constructed by the mining company.

Gordon E. Tessman purchased the property which included the house from the Ontario Mining Company in 1935. Tessman (1899-1962) served in the US Navy during World War I; letters sent home to his mother during this period document his military tour of Italy, Austria, and Greece and the letters were published in the Park Record in 1919. He married Mirian Gibson (sometimes "Miriam") in 1922 when he returned home from the Great War. Tessman also served at least two terms as a Park City Councilman from approximately 1933-1937. The 1940 census shows Tessman and his wife Miriam living in Park City with their three children: Margaret, Earl, and Barbara. In addition to serving as the commander of the Park City Post of the Veterans of Foreign Wars, Tessman also worked as a radio service and repairman in 1947. At the time of his death in 1962, he was the custodian at the Park City Post Office.

Tessman sold the property to Ernest De Jonghe in 1937. De Jonghe (1904-1970) was born in Rouler, Belgium, but immigrated with his family to the United States in 1906. He came to Park City in 1908 and spent most of his life here. In addition to attending the Park City schools, De Jonghe was also a miner at the Spiro Tunnel, stationary engineer at the west end shaft of the Spiro Tunnel, and shift boss at the Silver King over the course of his mining career. He later moved to Los Angeles, California, and retired as a plumber there in 1968. He died in 1970 of lung cancer.

Frank and Dorothy Carpenter purchased the property from Ernest De Jonghe in June 1944. Frank Carpenter (1923-1972) was a member of the LDS Church, World War II Veteran, and owner and operator of Bill's Inc. Dorothy Carpenter was the Field Director for the Girl Scouts in 1957. They sold the house to Julian M. and Alice E. Hibbert in January 1945. It is unclear if the Carpenters ever lived in the house.

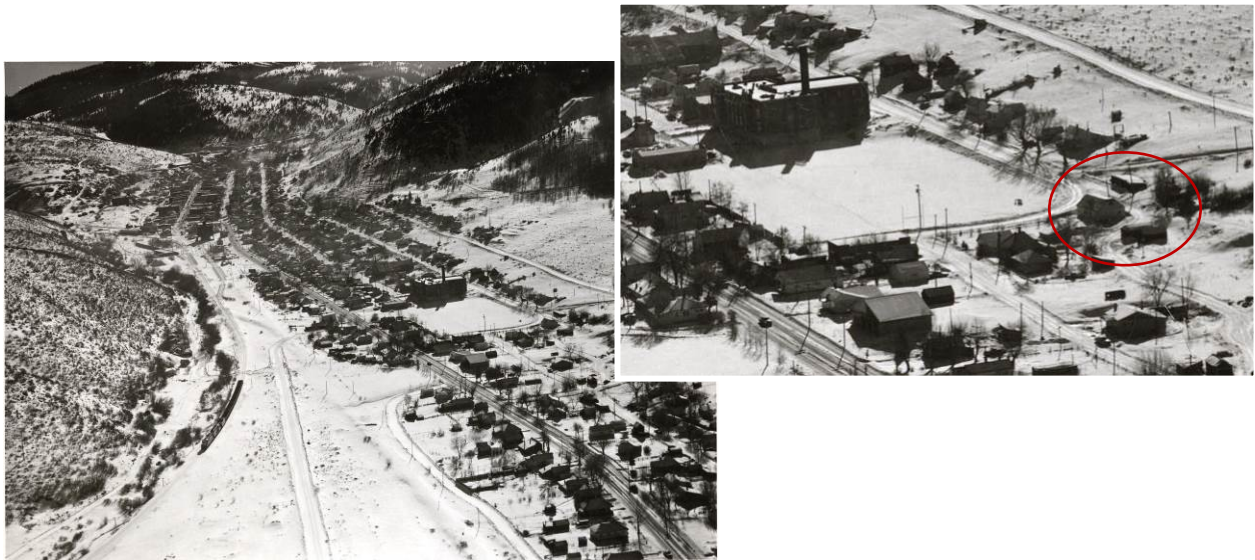
Julian Hibbert (1909-1990) had a long career with the Park City School District. In 1940, he was in the English Department at the Park City High School. He taught eighth grade in 1941, and was principal at the Marsac School in 1943. He married Alice Hibbert (1914-1991) in 1940. The couple had four children: Wynn Hibbert, Kim Hibbert, Phillip Hibbert, and Clinton Hibbert. The couple was residing in Idaho at the time of their deaths. The Hibberts sold the house at 1302 Norfolk to Harold Taylor, a single man, in May 1950.

From 1950 until 1984, the ownership of the house is unclear. The tax cards do not show Harold Taylor as the owner; however, the handwritten owner's name is not legible on the 1968 tax card. In October 1981, Western Savings and Loan sold the property to Lowell A. Brown, Jr., Dan Clark, and Brent Gold. The house was then owned by Park City Municipal Corporation from April 1982 until it was sold to Edwin and Zelda Marzec in 1984. The Marzecs sold the property to the current owner, 418 Centennial Circle, in 2013.

Historic 1940s photograph of students from the Park City High School depict the house in the background:



1947 Photograph courtesy of the Park City Museum & Historical Society.



This aerial photograph from the 1940s also depicts the house. Photo courtesy of the Park City Historical Society & Museum.

The house was constructed as an early interpretation of the Colonial style ranch that was popularized as post-war housing after World War II. The house is one-story in height with a low-pitch roof and it is nearly square in form with a length-to-width ratio of less than 2:1. The gable on the façade (east) elevation was shallow and the house has clipped gables on the side elevations. The house is characterized by its picture windows and front bay window. The siding materials are consistent with those typical of the era—wide horizontal siding and wide vertical siding on the gables.

The house was photographed as part of the c.1968 tax assessment and appears largely as it does today. The tax card notes that the house had been remodeled in 1967 and a new addition was constructed on the north elevation. Shingle shakes had been installed over the siding and the building had a metal roof. A patio and garage had also been constructed by this time. This is consistent with the tax photo from this period:



c.1968 Tax Photo. Photo courtesy of the Park City Museum & Historical Society.

The house has remained largely unchanged since this time. Historically, the house faced the road to the east. Since the 1960s, however, Norfolk Avenue has been shifted and built on its platted right-of-way. The rear of the house now faces Norfolk Avenue. The window and door openings appear to be largely unchanged since the 1940s photographs as well as the 1968 tax photo above. The original gable over the front entrance was modified to a shed dormer sometime after 1967. The siding appears to be the same as that shown in the c.1968 photograph. A re-roof was approved in 1998, and a business license was approved in 2012 for the “Green Machine.” There have been no previous DOS applications for this site.



Current photograph of the east elevation of the house (formerly the façade)



Google Maps image of the property showing the façade (east elevation) and side (south) elevation.

It is not unusual for sites developed during Park City's historic periods to be located outside of the H-zoning districts. The historic mine sites are generally located in the Recreation Open Space (ROS) District, and staff has found a total of 23 designated

historic residential sites that are outside of the H-Districts. These include:

- 555 Deer Valley Drive
- 560 Deer Valley Drive
- 577 Deer Valley Drive
- 595 Deer Valley Loop Road
- 632 Deer Valley Loop Road
- 2465 Doc Holliday Drive
- 3000 Highway 224
- 2780 Kearns Boulevard
- 1400 Lucky John Drive
- 2245 Monitor Drive
- 2414 Monitor Drive
- 1259 Norfolk Avenue (listed in 2016)
- 1255 Park Avenue
- 1354 Park Avenue
- 1503 Park Avenue
- 622 Rossie Hill Drive
- 652 Rossie Hill Drive
- 660 Rossie Hill Drive
- 601 Sunnyside Drive
- 1895 Three Kings Drive
- 1323 Woodside Avenue
- 1439 Woodside Avenue
- 1445 Woodside Avenue
- 1455 Woodside Avenue
- Glenwood Cemetery
- Mine sites

(A total list of 25 sites is available on page 55 of the [Design Guidelines](#); the properties at 622, 652, and 660 Rossie Hill Drive were recently rezoned Historic Residential Low-Density (HRL).)

The City has found that it is in the public's interest to preserve Park City's past by designating sites to the City's Historic Sites Inventory (HSI). The Historic District Commission was established in 1981 and reorganized as the HPB with a revised role in 2009. Reconnaissance level surveys to identify National Register-eligible historic resources in Park City were completed in April 1982 by Ellen Beasley and in 1995 by Allen Roberts. In 2009, a new reconnaissance level survey was completed by Preservation Solutions which led to the development of the current Historic Sites Inventory (HSI), and most recently, CRSA completed an intensive level survey in 2015. The Main Street Historic District was listed on the National Register of Historic Places in 1979 and the Mining Boom Era Residences Thematic District in 1984.

Analysis and Discussion:

The Historic Preservation Board is authorized by Title 15-11-5(I) to review and take action on the designation of sites within the Historic Sites Inventory (HSI). The Historic Preservation Board may designate sites to the Historic Sites Inventory as a means of providing recognition to and encouraging the preservation of historic sites in the community (LMC 15-11-10). Land Management Code Section 15-11-10(A) sets forth the criteria for designating sites to the Park City Historic Sites Inventory (HSI). The structure is currently identified as "Landmark" on the Historic Site Form.

Staff finds that the site would not meet the criteria for Landmark designation, based on the following:

LANDMARK SITE. Any Buildings (main, attached, detached, or public), Accessory Buildings, and/or Structures may be designated to the Historic Sites Inventory as a Landmark Site if the Planning Department finds it meets all the criteria listed below:

(a) It is at least fifty (50) years old or has achieved Significance or if the Site is of exceptional importance to the community; and

Complies. Per the Summit County Recorder's Office, the building was constructed in 1932, making the structure 84 years old.

(b) It retains its Historic Integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the National Park Service for the National Register of Historic Places; and

Does not comply. Historically, this house had a projecting gable over the bay window and entry door on the east façade. Sometime after 1968, this gable was modified to create a shed-roof dormer. While minor, this change to the original roof form does detract from the historic integrity of the structure as the change was made to the character-defining façade outside of the period of significance. Staff finds that this minor alteration would generally preclude the site from being individually listed on the National Register of Historic Places.

Further, the Mining Boom Era Residences Thematic District, listed on the National Register of Historic Places in 1984, includes residential structures throughout Park City built during the mining boom period (1872-1929) that were found to be both architecturally and historically significant. Built after 1929 in a more contemporary style consistent with World War II-era architecture, the historic house at 1302 Norfolk does not contribute to the significance of the City's Mining Boom Era Residences Thematic District.

(c) It is significant in local, regional or national history, architecture, engineering or culture associated with at least one (1) of the following:

(i) An era that has made a significant contribution to the broad patterns of our history;

(ii) The lives of Persons significant in the history of the community, state, region, or nation; or

(iii) The distinctive characteristics of type, period, or method of construction or the work of a notable architect or master craftsman.

Complies. The historic house at this site contributes to the Mining Decline and Emergence of the Recreation Industry (1931-1962) as the house was constructed in 1932. This is one of only two houses constructed during this era, the other being located at [1060 Park Avenue](#). The Depression Era cottage was constructed in a style commonly seen throughout Utah in the mid-20th Century and in a style typical of World War II-era housing; it is significant as it predated the trend to construct ranch style houses that came after the war. Additionally, the house was owned by prominent Park City residents, such as former City Councilman Gordon Tessman; Ernest DeJonge, a miner at the Silver King; local businessman Frank Carpenter; and former Marsac School principal Julian Hibbert.

In order to be included on the HSI, the Historic Preservation Board will need to determine that the building meets the criteria for Significant, as outlined below:

SIGNIFICANT SITE. Any Buildings (main, attached, detached or public), Accessory Buildings and/or Structures may be designated to the Historic Sites Inventory as a Significant Site if the Planning Department finds it meets all the criteria listed below:

(a) It is at least fifty (50) years old or the Site is of exceptional importance to the community; and

Complies. The house was constructed in 1932 and is 84 years old.

(b) It retains its Essential Historical Form as may be demonstrated but not limited by any of the following:

(i) It previously received a historic grant from the City; or

(ii) It was previously listed on the Historic Sites Inventory; or

(iii) It was listed as Significant or on any reconnaissance or intensive level survey of historic resources; or

Complies. With the exception of the non-historic dormer on the east (façade) elevation, the house retains its Essential Historical Form. There have been only minor alterations to the Essential Historical Form, such as the modification of the projecting gable to a shed dormer on the façade (west elevation) of the historic house and the construction of an addition on the north elevation c.1967.

The house has not previously received a historic grant from the City. It had not been listed on the Historic Sites Inventory, originally adopted in 2009, nor was it identified on any previous reconnaissance or intensive level survey of historic resources.

(c) It has one (1) or more of the following:

- (i) It retains its historic scale, context, materials in a manner and degree which can be restored to Historical Form even if it has non-historic additions; and
- (ii) It reflects the Historical or Architectural character of the site or district through design characteristics such as mass, scale, composition, materials, treatment, cornice, and/or other architectural features as are Visually Compatible to the Mining Era Residences National Register District even if it has non-historic additions; or

Complies. As previously outlined, the Essential Historical Form of the building has been largely preserved. There have been only minor changes to the original windows, including the replacement of two (2) attic windows with new vinyl sliding windows on the north and south elevations. Sometime after 1967, the original projecting gable above the front door was replaced with a shed dormer and an addition was constructed on the north elevation. These modifications are reversible, and the house retains its historic scale, context, and materials in a manner and degree which can be restored to its Essential Historical Form. The house also reflects the Historical and Architectural character of the site or district through design characteristics such as mass, scale, composition, materials, and treatment. It is Visually Compatible to the Mining Era residences National Register District, though its period of significance is the Mining Decline and Emergence of the Recreation Industry (1931-1962).

(d) It is important in local or regional history architecture, engineering, or culture associated with at least one (1) of the following:

- (i) An era of Historic Importance to the community, or
- (ii) Lives of Persons who were of Historic importance to the community, or
- (iii) Noteworthy methods of construction, materials, or craftsmanship used during the Historic period.

Complies. The historic house at this site contributes to the Mining Decline and Emergence of the Recreation Industry (1931-1962). After World War I, labor strikes were common in Park City and the mining industry began to decline. Park City's economy struggled during the Great Depression, and it was uncommon throughout the country for new housing to be built. This house was constructed in the midst of the Great Depression in 1932. The house contributes to Park City's history during the era of mining decline and is also noteworthy for its methods of construction, materials, and craftsmanship as the house as an early interpretation of the Colonial style ranch that was popularized in post-war housing after World War II. Finally, the house was owned by prominent Park City residents, such as former City Councilman Gordon Tessman; Ernest DeJonge, a miner at the Silver King; local businessman Frank Carpenter; and former Marsac School principal Julian Hibbert.

Process:

The HPB may hear testimony from the applicant and the public and will review the Application for compliance with the "Criteria for Designating Historic Sites to the Park

City Historic Sites Inventory.” The HPB shall forward a copy of its written findings to the Owner and/or Applicant.

The Applicant or any party participating in the hearing may appeal the Historic Preservation Board decision to the Board of Adjustment. Appeal requests shall be submitted to the Planning Department ten (10) days of the Historic Preservation Board decision. Appeals shall be reviewed de novo (anew).

Notice:

On July 18, 2016, Legal Notice of this public hearing was published in the Park Record, according to the requirements of the Land Management Code. Staff also sent a mailing notice to the property owner and property owners within 100 feet on July 6, 2016 and posted the property on July 6, 2016.

Public Input:

A public hearing, conducted by the Historic Preservation Board, is required prior to adding sites to or removing sites from the Historic Sites Inventory. The public hearing for the recommended action was properly and legally noticed as required by the Land Management Code. No public input was received at the time of writing this report.

Alternatives:

- Conduct a public hearing on the Site described herein and designate the Site as historic on the Historic Sites Inventory based on the findings of fact and conclusions of law set forth in the staff report.
- Conduct a public hearing and reject inclusion of the Site on the Historic Sites Inventory, providing specific findings of fact and conclusions of law for the action.
- Continue the action to a date certain.

Significant Impacts:

The house is currently not designated as historic on the City’s Historic Sites Inventory. If the site is designated as “Significant” on the HSI, any alterations must comply with the Design Guidelines for Historic Sites; the site will be eligible for the Historic District Grant Program. Should the structure not be listed on the HSI, the structure will be eligible for demolition. The owners have submitted for a demolition permit.

Countervailing public interest

Historic character is one of four core Park City values. Park City protects historic buildings to “[p]reserve a strong sense of place, character and heritage.” (General Plan 2014, p. 104). The Park City Land Management Code 15-11-9 .states that “It is deemed to be in the interest of the citizens of Park City, as well as the State of Utah, to encourage the preservation of Buildings, Structures, and Sites of Historic Significance in Park City. These Buildings, Structures, and Sites are among the City’s most important cultural, educational, and economic assets. In order that they are not lost through neglect, Demolition, expansion or change within the City, the preservation of Historic Sites, Buildings, and Structures is required.” Therefore, if this structure is found to be a

significant site then prohibiting its demolition (except for under a Certificate of Demolition process) would be a compelling countervailing public interest.

Recommendation:

Staff recommends the Historic Preservation Board review the application, conduct a public hearing, and designated the house at 1302 Norfolk as a Significant structure on the Park City Historic Sites Inventory (HSI) in accordance with the attached findings of fact and conclusions of law.

Finding of Fact:

1. The Park City Historic Sites Inventory (HSI), adopted February 4, 2009, includes 414 sites of which 192 sites meet the criteria for designation as Landmark Sites and 222 sites meet the criteria for designation as Significant Sites.
2. Historic character is one of four core Park City values. Park City protects historic buildings to “[p]reserve a strong sense of place, character and heritage.” (General Plan 2014, p. 104).
3. The Park City Land Management Code 15-11-9 .states that “It is deemed to be in the interest of the citizens of Park City, as well as the State of Utah, to encourage the preservation of Buildings, Structures, and Sites of Historic Significance in Park City. These Buildings, Structures, and Sites are among the City’s most important cultural, educational, and economic assets. In order that they are not lost through neglect, Demolition, expansion or change within the City, the preservation of Historic Sites, Buildings, and Structures is required.”
4. The house at 1302 Norfolk is within the Recreation Commercial (RC) zoning district.
5. In December 2015, City Council amended the Land Management Code to expand the criteria for what structures qualify to be landmark and significant sites.
6. On May 17, 2016, the Planning Department submitted an application for a Determination of Significance for this site pursuant to [LMC 15-11-10\(B\)](#),
7. On January 24, 2017, the Building Department received a demolition permit to demolish the house at 1302 Norfolk Avenue.
8. There is a wood-frame house located at 1302 Norfolk Avenue.
9. According to the Summit County Recorder’s Office, the current house was constructed in 1932.
10. Originally, there was a wood-frame hall-parlor house at this site that is documented by the 1927 Sanborn Fire Insurance Map; however, this house was demolished after 1927 and before the present house was constructed in 1932.
11. The 1932 retains its Essential Historical Form. The house was constructed in an early interpretation of the Colonial style ranch form that was popularized in post-World War II housing. The house is characterized by its low, one-story height, its nearly square form with a length-to-width ratio of less than 2:1, clipped gables on the side elevations, corner window openings, and wide vertical and horizontal siding.

12. Only minor alterations have occurred to the house. The house was renovated in 1967 and a new addition was constructed to the north elevation. Sometime after 1967, the shallow gable dormer above the front door was replaced with a new shed-roof dormer. The two (2) attic windows on the north and south elevations were replaced with vinyl windows sometime after 1967 and the house was re-roofed in 1998.
13. The house was constructed in 1932 and is 84 years old.
14. The historic house at this site contributes the Mining Decline and Emergence of the Recreation Industry (1931-1962).
15. The house retains its Essential Historic Form as there have been only minor alterations to the original form such as the 1967 addition on the north elevation and the change to the original gable dormer after 1967.
16. The house retains its historic scale, context, materials in a manner and degree which can be restored to the Essential Historical Form even if it has non-historic additions; the shed dormer on the east elevation could be removed the gable dormer restored.
17. The house reflects the Historical and Architectural character of the site and district through its mass, scale, composition, materials, treatment, and other architectural features that are Visually Compatible to the Mining Era Residences National Register District. The Depression Era cottage was constructed in a style commonly seen throughout Utah in the mid-20th Century and in a style typical of World War II-era housing.
18. The house was owned by prominent Park City residents, such as former City Councilman Gordon Tessman; Ernest DeJonge, a miner at the Silver King; local businessman Frank Carpenter; and former Marsac School principal Julian Hibbert.
19. The modification of the gable to a shed dormer on the façade have made the structure ineligible for an individual listing on the National Register of Historic Places.
20. Although the house meets the criteria for a Significant site, the house at 1302 Norfolk does not meet the standards for "Landmark" designation as it is not eligible for the National Register of Historic Places; however, it does meet the criteria for "Significant" due to its age; retention of its Essential Historical Form; reflection of the Historical and Architectural character of the site and district through design characteristics such as its mass, scale, composition, materials, treatment, and other architectural features that are Visually Compatible to the Mining Era Residences National Register District; and its importance in local and regional history, architecture, and culture.

Conclusions of Law:

1. The existing house located at 1302 Norfolk Avenue does not meet all of the criteria for designating sites to the Park City Historic Sites Inventory as a Landmark Site including:
 - a. *It is at least fifty (50) years old or has achieved Significance or if the Site is of exceptional importance to the community; and* **Complies.**

- b. It retains its Historic Integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the National Park Service for the National Register of Historic Places; and **Does Not Comply.***
 - c. It is significant in local, regional or national history, architecture, engineering or culture associated with at least one (1) of the following:*
 - i. An era that has made a significant contribution to the broad patterns of our history;*
 - ii. The lives of Persons significant in the history of the community, state, region, or nation; or*
 - iii. The distinctive characteristics of type, period, or method of construction or the work of a notable architect or master craftsman. **Complies.***
2. The existing house at 1302 Norfolk meets all of the criteria for a Significant Site as set forth in LMC Section 15-11-10(A)(2) which includes:
- (a) It is at least fifty (50) years old or the Site is of exceptional importance to the community; and **Complies.***
 - (b) It retains its Historical Form as may be demonstrated but not limited by any of the following:*
 - (i) It previously received a historic grant from the City; or*
 - (ii) It was previously listed on the Historic Sites Inventory; or*
 - (iii) It was listed as Significant or on any reconnaissance or intensive level survey of historic resources; and **Complies.***
 - (c) It has one (1) or more of the following:*
 - (i) It retains its historic scale, context, materials in a manner and degree which can be restored to Historical Form even if it has non-historic additions; or*
 - (ii) It reflects the Historical or Architectural character of the site or district through design characteristics such as mass, scale, composition, materials, treatment, cornice, and/or other architectural features as are Visually Compatible to the Mining Era Residences National Register District even if it has non-historic additions; and **Complies.***
 - (d) It is important in local or regional history architecture, engineering, or culture associated with at least one (1) of the following:*
 - (i) An era of Historic Importance to the community, or*
 - (ii) Lives of Persons who were of Historic importance to the community, or*
 - (iii) Noteworthy methods of construction, materials, or craftsmanship used during the Historic period. **Complies.***
3. As a significant site, prevention of the demolition of the structure is a compelling countervailing public interest

Exhibits:

Exhibit A – Proposed Historic Site Form

Exhibit B – Notice Letter to Property Owner

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

Planner Grahm had emailed the Board members asking for their availability on July 19th. The July meeting had to be moved from July 5th due to the holiday schedule. She asked anyone who had not responded to let her know whether or not they would be able attend to make sure they would have a quorum.

Planner Grahm stated that in the past the Staff committed to sharing event information with the Board regarding the unveiling of the McPolin Barn and interior tours. She noted that the Friends of the Farm was hosting the "Your Barn Door is Open event on June 24th from 5:30 to 8:30. Tickets could be purchased online.

Planner Grahm thanked everyone who participated in the Vernacular Architecture Forum Conference last Thursday. It was very helpful to have them as volunteers, opening up their houses and buildings. Everyone appreciated the efforts and had a good time.

Director Erickson believed they were close to having a quorum on July 19th. He suggested that the Board put that date in their calendar; however, if they lack a quorum the meeting would be postponed to the regular meeting in August. He pointed out that the August agenda was already full and it would be best if they could plan to meet in July.

Director Erickson announced that the City Council had postponed the quarterly update with the HPB to June 29th.

Director Erickson reported that there were nine candidates for the Historic Preservation Board. Seven candidates would be interviewed and two current Board members would be reappointed. The interviews may not be scheduled until the end of July.

REGULAR AGENDA – Discussion, Public Hearing and Possible Action

1. 1302 Norfolk Avenue – Determination of Significance
(Application PL-16-03181)

Planner Grahm introduced Jodi Hoffman and Rick Brighton, who were representing the owner this evening.

Planner Grahm reported that the Staff has been working with CRSA and the Park City Museum, as well as doing their own research on the Summit County Recorder's website, to make sure they were capturing all the historic sites in Park City and creating as complete an inventory as possible. Planner Grahm stated

that the Planning Department initially filed an application for determination of Significance in May of 2016, and they have been working with the owner to continue that as they look at development opportunities.

Planner Grahm provided a brief history of the building. It was initially constructed as a hall-parlor during the mining era. She presented a photo showing a fence around the structure in the 1927 Sanborn map. They know from the photograph which direction the house was facing. The location of Norfolk was actually platted, however; Planner Grahm assumed that when the house was built the road was in a different location, which is why the house was oriented as it was. She thought it was important to note that there was a previous house on the site. According to the Summit County Recorder, the existing house on the site was built in 1932. She presented a 1940's photo showing the house in the background of the Park City High School.

Planner Grahm stated that the house was built during the mining decline and the emergence of the recreation industry, which was the historic period from 1931 to 1962. Because it was built on Ontario Mining Claims, they had to piece together a title search at the Summit County Recorder's Office. Planner Grahm reported that their research found that it was either built on land owned by the Ontario Mining Company at the time, or possibly squatters had built on it, or it may have been constructed by the Mining Company itself.

Planner Grahm presented a tax photo from 1968 showing what the house looked like at that time. It is a typical ranch home that was been seen in post-war housing. This house is unique because being in 1932, it was built during the Great Depression, but it was also built at a time when no one was investing in Park City because of the Depression and the Mining Decline. Planner Grahm outlined the features of post-war housing, such as the low profile of the house, the rectangular to square shape, modern windows compare to the traditional double-hung windows previously seen, an attic feature that later became a second story for the house. She pointed out that the house has modified over the years. In 1967 the dormer above the door actually became a shed, and the living space and the upstairs was either added or expanded. Planner Grahm remarked that the house historically faced east, evidenced by the primary front entrance, even though the entrance is now in the back yard and Norfolk had been relocated to where it was built.

Planner Grahm stated that it was not unusual for houses to be located outside of the Historic Zoning Districts. Currently, there are approximately 25, not including the mine sites. She noted that a house constructed in 1946 at 1060 Park Avenue constructed in 1946 is listed on the HSI and designated as part of the mining decline and the emergence of the recreation industry era.

Planner Grahn reported that the Staff did not believe this house meets the criteria to be a Landmark site. Changes have occurred to the exterior of the building and it is not in its original state. She noted that the National Register of Historic Places, nominations for the Mining Boom Era and Thematic Residences District was initiated in 1984 and had a final date of 1929. This came after that. The house differs in architecture from what was typically seen during the Vernacular Victorian Housing Era in Park City. It is more contemporary in form and represents a style of architecture that became more popular after World War II.

Planner Grahn stated that the Staff believed the house met the criteria for a Significant structure. The house was constructed in 1932, which is over 50 years old. Its essential overall form has not been modified significantly. An addition was added in 1967, but the historic form is still evident. The house was never listed on the HSI in the past, and it was overlooked in the reconnaissance level and intensive level surveys. In addition to retaining its essential historic form and only having minor changes, the Staff found that some persons of interest within Park City lived in the home. They were not famous or noteworthy in the grand scheme of State or National history, but they were everyday people in Park City, reflecting the people who were building these houses. She reiterated that it also reflects the mining decline and the emergence of the recreation industry.

Planner Grahn remarked that Jodi Hoffman had prepared an outline of her response to the Staff report that was distributed to the Board just prior to this meeting.

Jodi Hoffman, legal counsel representing the applicant, introduced Rick Brighton, the architect. Ms. Hoffman remarked that years ago she was the City Attorney for Park City, and Rick Brighton has practiced as an architect in Park City for nearly 40 years. Because they both understand Park City, and based on their connection with this site, they would not be here if they had any concerns about this being was a historically Significant home.

Ms. Hoffman remarked that the house is definitely old and no one was contesting that the house did not exist. However, the form of the house did not fit into any kind of categorization. She did not believe it was the colonial ranch style as indicated in the Staff report. It is a two-story structure. The Staff report says that it has a low pitched roof. Ms. Hoffman noted that it was actually a 12:12 pitch roof, which is very steep on the front façade. She stated that the Staff report characterizes this particular house as having a gable on the east elevation that was shallow. Ms. Hoffman remarked that there was not a gable on that corner of the house. It was a tiny pitched roof over the door. In looking at a blown-up photograph, it intersects very low on the front façade of the roof.

Ms. Hoffman clarified that there is evidence that the house was substantially changed as a result of a fire in 1967, and a remodel in 1967 or 1968. She

presented a 1968 photograph showing the result of the remodel and how the house had changed. Ms. Hoffman remarked that the Staff's assessment of this photo was that the change in the original roof form detracts from the historic integrity of the structure as a change to make the character defining façade outside the period of significance. She noted that less than 50 years ago, the historic integrity of the building was changed.

Ms. Hoffman stated that at the same time the historic fabric was replaced with shake shingles. The house has had a metal roof and aluminum windows since 1968. Ms. Hoffman presented a slide showing how the house looks today, and pointed out items that were substantially different from what they saw in the photo from 1968. The dormers are larger, the upper windows are different, and a good sized addition was added. The home sits at least three feet below the rights-of-way and faces inward to the property. It does not face the street. The house is surrounded by very mature landscaping and it has almost no historic fabric. It also has a flat roof. Ms. Hoffman stated that she had researched the Utah Historic Sites data base, and there is no style in Utah in that data base that describes it as anything that meets the historic standard.

Ms. Hoffman stated that the current owner purchased the house in 1976 and remodeled it again. The metal roof was replaced with asphalt shingles. A variety of other materials were replaced as necessary to keep the house sound.

Mr. Hoffman remarked that the Staff report implies that there has been an inexplicable delay or that something was going on. She explained that the owner had commissioned Rick Brighton to design a home for her in Deer Valley. She called Mr. Brighton when she heard that the City was trying to designate her house at 1302 Norfolk as Significant on the Historic Sites Inventory. Since the owner lives in California, Mr. Brighton contacted the Planning Department to find out about it. He was told that there was a thin file and the Staff was interested in having the house considered for designation, but the historic sites had not yet been completed. There was some mention that a carpenter owned the house, and she was unsure whether it was intended to mean Otto Carpenter, who would be a significant historic figure for the emergence of the recreation industry in Park City. Board Member Beatlebrox clarified that Ms. Hoffman was talking about the Otto Carpenter who started Deer Valley. Ms. Hoffman answered yes. That the structure itself was not as important as an association with Otto Carpenter. Ms. Hoffman stated that she had researched everything associated with the house and Otto Carpenter never owned the house or lived there. She later learned from Staff that it was a Frank Carpenter who owned the house for a year. Ms. Hoffman remarked that they would understand the reason for the designation if there was an association with Otto Carpenter. However, since that was not the case, she believed the house was less significant.

Ms. Hoffman later learned that a lot of property surrounding this home was being considered for a very large affordable housing project. Phase I was still on the table and Phase II was upcoming. Ms. Hoffman showed photos of the three-story stacked flats immediately adjacent to this house. She also indicated two and three story homes on the hill immediately above the house. Ms. Hoffman showed the historic context of the house compared to the current context of the house. It is surrounded by stacked flats, hotels, and very large imposing structures. The site is surrounded by the RC zone and the house is in the RC zone. The house is hidden by landscaping and the historic context is gone.

Board Member Beatlebrox referred to the slide showing the affordable housing plan and asked where 1302 Norfolk was located on the scheme. Ms. Hoffman pointed to the house and noted that it was in the midst of an apartment complex with three-story houses on the hillside above it.

Ms. Hoffman stated that after talking with the Staff about the number of projects in the area and the City's assessment of value, it was determined that the value in that area is so high that it was probably not the best use of City funds for affordable housing. The City came back and offered to purchase the house at 1302 Norfolk if the owner was willing to donate 50% of the value. The owner actually looked into it and decided that it was not in her best interest. Ms. Hoffman stated that the owner approached Mr. Brighton years ago to see what she could do with her property. He laid out subdivision plans because aside from the house, there were four fragment parcels that could be subdivided and the lot lines removed to create four 25' x 75' traditional Old Town lots for four homes. The owner was not interested in doing that at the time, but kept it as a future option. Now she does not want her development options precluded by having the house designated as historic, particularly when the house is really not historic and there is no historic context or fabric, or a particular architectural style. In addition, it will be overshadowed by a fairly significant affordable housing project.

Ms. Hoffman remarked that 1302 Norfolk has never been on the HIS nor should it be. However, the City has disassembled properties in the same area that are listed on the HSI to build this affordable housing project, and those structures will be reassembled in another location. The rationale was that the historic context was gone and the structures no longer belonged in their current location.

Ms. Hoffman reviewed the criteria and explained why she disputed the Staff's interpretation of the criteria. She agreed that the house was 50 years old but its current form was not 50 years old due to the number of significant changes. On whether it retained its essential historic form, Ms. Hoffman read the definition of essential historic form, and noted that there was nothing in particular about this home that suggests mining decline era. The house does not retain its historic scale, context, or materials in a manner and degree. The context is gone and the fabric is gone. The essential form is gone. There are no architectural

characteristics of the site, and there is no mining decline ambience left. It is not similar to mining era residences, and it is not appropriate for the National Register District. Regarding its association to local or regional history, architecture, engineering or culture, Ms. Hoffman noted that the structure was built in 1932. Without disparaging people who actually lived there, Ms. Hoffman did not believe they were of significant importance to the community or to this house.

Ms. Hoffman did not believe this house met any of the criteria for Significance other than the fact that it was constructed over 50 years ago.

Board Member Scott referred to page 2 of Ms. Hoffman's response, and asked about the picture showing the gable above the front door. He could not see a difference between that picture and the first picture showing the original structure in the field.

Mr. Brighton pointed out that there was no gable on the original structure shown in the field. There was a bay window on the first story on the south facing part of the house. Ms. Hoffman noted that originally there was a small A-frame over the door probably to stop snow shedding when you walked out the door. However, it did not come up high on the roof as shown in the second picture, which means that the gable was less than 50 years old. Mr. Brighton stated that it was called a clipped gable, but it was actually a flat roof and did not fit the category of a clipped gable. Mr. Brighton could see from the windows on the end that it was always a two-story structure. In his opinion, it was never a one-story ranch style. The colonial style was cottage and not defined as ranch-style. He was unsure where the definitions were coming from. He felt that someone was trying to make this home fit into something that was not representative of what it actually was.

Board Member Beatlebrox noted that according to the Staff report, the Project Planner thought it could be brought back to its original form. Planner Grahm explained that she compared two photographs and noted that the major alterations were the addition that was added after the 1960s, as well as the expansion of the dormer. She believed the dormer could be altered to create the shape that was more consistent with what was alluded to in the picture.

Chair Stephens noted that the picture from 1968 did not have a flat roof. Mr. Brighton thought it did have a flat roof. Ms. Hoffman was not certain. Chair Stephens clarified that if it was a flat roof there would not be a clip with a ridge. With a flat roof the profile where it is clipped on the end would be flat across, but it appears to go right to the ridge. Mr. Brighton referred to the original photo, which showed a flat roof. Ms. Hoffman and the Board thought it was difficult to say for sure. Mr. Brighton could not understand why, if there was a gable, it would be clipped off.

Chair Stephens questioned why it was now considered a 12:12 pitch when before it was a shallow pitch. Ms. Hoffman replied that it was always a 12:12 pitch. Planner Grahm explained that Ms. Hoffman was correct in saying that the pitch is 12:12. When she mentioned the shallow roof forms, she was intending to show that it was characteristic of these homes. It tends to be sunken low on the ends and sits low to the ground. It is not a full second story because you can stand up in the center but not on the ends. Chair Stephens asked if everyone was consistent on the pitch of the roof and that it has not changed. It has always been a two-story since it was built. Mr. Brighton and Ms. Hoffman were only saying that there was not a gable over the front porch in the 1930 version but by 1968 there was a gable. Ms. Hoffman remarked that the Staff's position in the Staff report is that the gable constituted a change that lost the historic integrity of the front façade. Mr. Stephens recalled from the Staff report that it was the gable and an addition that kept the house from Landmark status, but it still met the criteria for Significant. Planner Grahm replied that he was correct.

Chair Stephens understood that at some shingles were put on the exterior. He asked if they were put over the existing material, or if the existing exterior fabric was removed before the shingles were put on. Ms. Hoffman could not answer that question, but she knew for sure that there was a fire and a good portion of the burned material was removed. Ms. Hoffman clarified that it was a fire that led to the 1968 remodel. Chair Stephens asked if she knew the extent of the fire and whether it was an exterior or interior fire. Ms. Hoffman was unsure of the extent, but there were still charred roof members inside the house.

Chair Stephens remarked that the problem is that this house is outside of the traditional historic district; and any time they do a historic home outside of the historic district it does lose its context. Mr. Stephens asked if there were many of these structures left. Planner Grahm did not believe there were many left. There was not a lot of building during the Mining Decline Era, and she thought they had captured everything that was built during the Mining Era. If they move forward they would be looking at ski era buildings, that was another topic for another time.

Board Member Holmgren commented on the status of how to consider people of importance. Not everyone was an Otto Carpenter or a Leland Wilde, and she finds that taking title back is very important. She did it on her house. Including herself, the people who lived in that house they were not well-known names, but they are very important to the history of Park City. Ms. Holmgren thought it was disrespectful to dismiss their importance.

Ms. Hoffman apologized for her previous comment and it was not her intent to be disrespectful. She was trying to say that the people who are listed were listed as found within the primary resources within the City. They are in title, but they are

not tied to the home itself. She stated that Dee Marzec, the current owner, has owned this property for nearly 40 years, but she never lived there. Ms. Hoffman believed there was a difference between someone living there, making it their home, and associating the house with their personality and good works versus just owning it.

Board Member Holmgren believed that owning it and/or living there are important to the history of their fabric. She pointed that that before her, many renters lived in the house she now owns and lives in, and several of them made significant contributions to Park City; yet they are not on the title. She emphasized her concern that they should not be dismissed or shown disrespect so easily. Ms. Hoffman reiterated that it was not her intent.

Chair Stephens asked if the current windows were placed into the same openings. Planner Grahn thought it was difficult to say because of the quality of the photo. Chair Stephens thought they appeared to be the same shape. He asked if the Staff found any evidence when they visited the site. Planner Grahn replied that they viewed the building standing in the right-of-way, so they were not close to the building. Mr. Brighton stated that there is a mish-mash of windows but the size of the window opening size appeared to be the same.

Chair Stephens opened the public hearing.

Ruth Meintsma, a resident at 305 Woodside, addressed context. She referred to the photo of the house in the field that was presented by the applicant. Before she sees anything else, she sees the field. She referred to page 6 of the same presentation, showing the house in the next context surrounded by larger buildings, but the first thing they see is the historic field. Ms. Meintsma stated that the historic field is so important to this community that there was a recent fight to save it. It is valuable property. The context of the field in front of the house disputes the applicant's claim that the context has been lost.

Ms. Meintsma presented an image she had prepared showing the historic structures around the field that were currently on the Historic Sites Inventory. She pointed out that it was a neighborhood around the historic field. Ms. Meintsma read from the proposed revised guidelines that have not yet been adopted, as a way to understand context. "The specific context of each block is an important feature of the historic district. The context of each block shall be considered in its entirety."

Ms. Meintsma referred to the applicant's comment about there not being a particular architectural type or style. The house was built in 1932 and she believed it was vernacular, which means a common man's structure. She thought everyone recognizes how important vernacular is in town, because a forum was held last week to celebrate vernacular. Ms. Meintsma was surprised

by the discussion regarding the flat roof. She noted that there are a few historic flat roofs in town, which are the pyramid roofs that do not come to a point at the top. She thought maybe that was the roof being described for this house.

Ms. Meintsma referred to Criteria C, and noted that the essential historic form of the building has been largely preserved, and the modifications are reversible. She referred to a comment about a moved structure and noted that it was 1323 Woodside. That structure was further in and separated from the field, and the house was moved to the affordable housing section. The house at 1302 is right on the field. Ms. Meintsma disagreed about the importance of people that lived at this house.

Chair Stephens closed the public hearing.

Board Member Hodgkins thought Ms. Meintsma made excellent comments about the field. If the trees were taken down in the corner, they would have a similar view of the house as shown in the 1940s photograph. He thought the façade was important and believed he was seeing a similar façade image in the bottom photograph on page 40 of the Staff report. In his opinion, the house is still there. Another point is that not many structures were built during the 1932-time period, and that is important.

Board Member Scott echoed Board Member Hodgkins. As he walked by the home and then read the Staff report, he found it to be historic because nothing else was being built at the time. He thought the house represented an interesting time period in Park City, and the style and construction of the house was different from the mining shacks. He commented on a handful of other structures in Old Town that were designated Significant that have bays windows and other elements that are represented in the house at 1302 Norfolk.

Mr. Scott understood that the role of the HPB is to determine whether the structure is historic and not so much about the context. Assistant City Attorney replied that context is part of the criteria listed in the Code for a Significant structure. Mr. Scott that he was comfortable with his opinion that this structure is historic.

Board Member Beatlebrox believed that context is important; however, she commented on recent decisions the Board has made about context. Ms. Meintsma had pointed out that very recently the HPB had designated the smaller house in between Chateau Après and the large condos to be on the HSI. She recalled that it was an older house. Planner Grahn stated that it was built during the Mining Era, it was constructed, panelized, and reconstructed. Ms. Beatlebrox noted that there had been a fire in that house and it had been restored with new materials. Since restoration is part of the historic fabric, the HPB deemed it appropriate to be on the HSI list.

Ms. Hoffman commented on the house Ms. Beatlebrox mentioned in her comments, and noted that the owner had applied for and received a historic district grant. Usually, with a historic district grant the applicant signs a façade easement where they agree to have restrictions placed on their home to preserve the historic significance of the home. It was owner initiated rules that must be complied with. Ms. Hoffman pointed out that it was not the case with the house at 1302 Norfolk. No one has asked for a historic grant, nor have they been given a façade easement. She understood the decision that was made for the other house, but in her mind the rationale was that the applicant had availed themselves of the protection of the historic system in Park City to encourage historic preservation. That house was also in a historic zone, as opposed to the RC zone.

Board Member Beatlebrox noted that in the 1400 block of Park Avenue the HPB looked at a house where its essential form had been changed and could not be put back to its original form, and the Board did not put it on the HSI. She recalled another house where the context had changed and they allowed two historic houses to be moved five to eight feet. Those houses remained on the HSI and they cannot be demolished. Ms. Beatlebrox was concerned about the house at 1302 Norfolk being demolished. She noted that the HPB had saved a house on Park Avenue that had an application for a demolition permit. Ms. Beatlebrox thought it was important to be concerned about these historic houses.

Board Member Holmgren was surprised by the comments presented by Jodi Hoffman. She did not see this as a flat roof, and she never has. It looks like it has a flat point on top, but it is not a flat roof. Chair Stephens believed Ms. Holmgren was correct. Mr. Brighton argued that the roof is not a clipped gable by definition.

Board Member Holmgren stated that she walks by this house often and he sees a lot of the old house that can be pulled back out. She agreed with her fellow Board members that the house should be designated as Significant on the HSI.

Chair Stephens stated that Park City has shown a pattern over decades where a property outside of the Historic District has been deemed historic. He believed that in most of those instances it would have lost its context based on what was built around it. There is precedence of deeming something Significant in this type of situation. Chair Stephens believed that they look at properties inside the Historic District a little different than properties outside of the District. He assumed, based on the presentations and the Staff report, that the shingles on the exterior were probably placed over the existing siding. With that in mind, other than the gable, he could still the original form and he believed there was probably historic material underneath. Chair Stephens stated that most of the homes in the Historic District have all had substantial modifications with regards

to windows and doors, sizes and shapes. In this case he thought the windows and doors were consistent even though the materials have been changed. The fact that the roof trusses are charred tells him that the original structure on the outside is still there, because they would not put up a new structure and leave the charred roof members in place. Without any evidence to the contrary, he would keep with that assumption.

Chair Stephens agreed with his fellow Board members that this home is Significant. He could understand why the applicant felt that it was no longer part of the context of the neighborhood, and they continually wrestle with that problem in Park City because of what is built around it. However, it is the purview of the HPB and what they have to look at, and he thought the Staff made a compelling argument that this structure meets the requirements for a Significant designation.

MOTION: Board Member Holmgren moved to designate the house at 1302 Norfolk as a Significant Structure on the Park City Historic Sites Inventory, in accordance with the Findings of Fact and Conclusions of Law found in the Staff report. Randy Scott seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1302 Norfolk Avenue

1. The Park City Historic Sites Inventory (HSI), adopted February 4, 2009, includes 414 sites of which 192 sites meet the criteria for designation as Landmark Sites and 222 sites meet the criteria for designation as Significant Sites.
2. Historic character is one of four core Park City values. Park City protects historic buildings to “[p]reserve a strong sense of place, character and heritage.” (General Plan 2014, p. 104).
3. The Park City Land Management Code 15-11-9 states that “It is deemed to be in the interest of the citizens of Park City, as well as the State of Utah, to encourage the preservation of Buildings, Structures, and Sites of Historic Significance in Park City. These Buildings, Structures, and Sites are among the City’s most important cultural, educational, and economic assets. In order that they are not lost through neglect, Demolition, expansion or change within the City, the preservation of Historic Sites, Buildings, and Structures is required.”
4. The house at 1302 Norfolk is within the Recreation Commercial (RC) zoning district.
5. In December 2015, City Council amended the Land Management Code to expand the criteria for what structures qualify to be landmark and significant sites.
6. On May 17, 2016, the Planning Department submitted an application for a Determination of Significance for this site pursuant to LMC 15-11-10(B),
7. On January 24, 2017, the Building Department received a demolition permit to

demolish the house at 1302 Norfolk Avenue.

8. There is a wood-frame house located at 1302 Norfolk Avenue.

9. According to the Summit County Recorder's Office, the current house was constructed in 1932.

10. Originally, there was a wood-frame hall-parlor house at this site that is documented by the 1927 Sanborn Fire Insurance Map; however, this house was demolished after 1927 and before the present house was constructed in 1932.

11. The 1932 retains its Essential Historical Form. The house was constructed in an early interpretation of the Colonial style ranch form that was popularized in post- World War II housing. The house is characterized by its low, one-story height, its nearly square form with a length-to-width ratio of less than 2:1, clipped gables on the side elevations, corner window openings, and wide vertical and horizontal siding.

12. Only minor alterations have occurred to the house. The house was renovated in 1967 and a new addition was constructed to the north elevation. Sometime after 1967, the shallow gable dormer above the front door was replaced with a new shed-roof dormer. The two (2) attic windows on the north and south elevations were replaced with vinyl windows sometime after 1967 and the house was reroofed in 1998.

13. The house was constructed in 1932 and is 84 years old.

14. The historic house at this site contributes the Mining Decline and Emergence of the Recreation Industry (1931-1962).

15. The house retains its Essential Historic Form as there have been only minor alterations to the original form such as the 1967 addition on the north elevation and the change to the original gable dormer after 1967.

16. The house retains its historic scale, context, materials in a manner and degree which can be restored to the Essential Historical Form even if it has non-historic additions; the shed dormer on the east elevation could be removed the gable dormer restored.

17. The house reflects the Historical and Architectural character of the site and district through its mass, scale, composition, materials, treatment, and other architectural features that are Visually Compatible to the Mining Era Residences National Register District. The Depression Era cottage was constructed in a style commonly seen throughout Utah in the mid-20th Century and in a style typical of World War II-era housing.

18. The house was owned by prominent Park City residents, such as former City Councilman Gordon Tessman; Ernest DeJonge, a miner at the Silver King; local businessman Frank Carpenter; and former Marsac School principal Julian Hibbert.

19. The modification of the gable to a shed dormer on the façade have made the structure ineligible for an individual listing on the National Register of Historic Places.

20. Although the house meets the criteria for a Significant site, the house at 1302 Norfolk does not meet the standards for "Landmark" designation as it is not eligible for the National Register of Historic Places; however, it does meet the

criteria for “Significant” due to its age; retention of its Essential Historical Form; reflection of the Historical and Architectural character of the site and district through design characteristics such as its mass, scale, composition, materials, treatment, and other architectural features that are Visually Compatible to the Mining Era Residences National Register District; and its importance in local and regional history, architecture, and culture.

Conclusions of Law – 1302 Norfolk

1. The existing house located at 1302 Norfolk Avenue does not meet all of the criteria for designating sites to the Park City Historic Sites Inventory as a Landmark Site including:
 - a. It is at least fifty (50) years old or has achieved Significance or if the Site is of exceptional importance to the community; and Complies.
 - b. It retains its Historic Integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the National Park Service for the National Register of Historic Places; and Does Not Comply.
 - c. It is significant in local, regional or national history, architecture, engineering or culture associated with at least one (1) of the following:
 - i. An era that has made a significant contribution to the broad patterns of our history;
 - ii. The lives of Persons significant in the history of the community, state, region, or nation; or
 - iii. The distinctive characteristics of type, period, or method of construction or the work of a notable architect or master craftsman. Complies.
2. The existing house at 1302 Norfolk meets all of the criteria for a Significant Site as set forth in LMC Section 15-11-10(A)(2) which includes:
 - (a) It is at least fifty (50) years old or the Site is of exceptional importance to the community; and Complies.
 - (b) It retains its Historical Form as may be demonstrated but not limited by any of the following:
 - (i) It previously received a historic grant from the City; or
 - (ii) It was previously listed on the Historic Sites Inventory; or
 - (iii) It was listed as Significant or on any reconnaissance or intensive level survey of historic resources; and Complies.
 - (c) It has one (1) or more of the following:
 - (i) It retains its historic scale, context, materials in a manner and degree which can be restored to Historical Form even if it has non-historic additions; or
 - (ii) It reflects the Historical or Architectural character of the site or district through design characteristics such as mass, scale, composition, materials, treatment, cornice, and/or other architectural features as are visually Compatible to the Mining Era

- Residences National Register District even if it has non-historic additions; and Complies.
- (d) It is important in local or regional history architecture, engineering, or culture associated with at least one (1) of the following:
- (i) An era of Historic Importance to the community, or
 - (ii) Lives of Persons who were of Historic importance to the community, or
 - (iii) Noteworthy methods of construction, materials, or craftsmanship used during the Historic period. Complies.
3. As a significant site, prevention of the demolition of the structure is a compelling countervailing public interest.
2. Design Guideline Revisions – Staff recommends that the Historic Preservation Board take public comment on the proposed changes to the Design Guidelines for New Construction in Park City’s Historic Districts. Universal and Specific Guidelines will be reviewed for: Universal Guidelines; Site Design; Setback & Orientation; Topography & Grading; Landscaping & Vegetation; Retaining Walls; Fences; Paths, Steps, Handrails, & Railings (Not Associated With Porches); Gazebos, Pergolas, and Other Shade Structures; Parking Areas & Driveways; Mass, Scale & Height; Foundation; Doors; Windows; Roofs; Dormers; Gutters & Downspouts; Chimneys & Stovepipes; Porches; Architectural Features; Mechanical Systems, Utility Systems; & Service Equipment; Materials; Paint & Color; Garages; New Accessory Structures; Additions to Existing Non-Historic Structures; Reconstruction of Non-Surviving Structures; Compatibility & Complementary; Masonry Retaining Walls; and Fencing. (Application GI-13-00222)

It was noted that Planner Tyler had left the meeting. Planner Grahn was prepared to continue unless the Board preferred to continue the item to the next meeting.

Planner Grahn remarked that at the last meeting the HPB provided significant input on the design guidelines for new infill residential structures.

Universal Design Guidelines

Board Member Holmgren read the language, “Styles that never appeared before in Park City shall be avoided”. She noted that there were a few styles that they would like to avoid, such as the dome home that burned down. Planner Grahn stated that if the dome home were to come back, the LMC would have to be changed because it currently prohibits domes.

Foundations

HISTORIC SITE FORM
PARK CITY MUNICIPAL CORPORATION (07-15)

1 IDENTIFICATION

Name of Property: **House at 1302 Norfolk Avenue**

Address: **1302 Norfolk Avenue**

Alternative Address:

City, County: **Park City, Summit, Utah**

Tax Number: **SA-283**

Current Owner Name: **418 Centennial Circle LLC**

Current Owner Address: **11610 Bellagio Rd**

Los Angeles, CA 90049

Legal Description (include acreage): **BEG AT SE COR BLK 24 SNYDERS ADDITION TO PARK CITY TH N 54*01' E 45 FT; N 35*59' W 80 FT; S 54*01' W 45 FT; S 35*59' E 80 FT TO BEG 1302 NORFOLK CONT**

2 STATUS/USE

Property Category

☒ building(s), main
☐ building(s), attached
☐ building(s), detached
☐ building(s), public
☐ building(s), accessory
☐ structure(s)

Evaluation

☐ Landmark Site
☒ Significant Site
☐ Not Historic

Use

Original Use: **single dwelling**

Current Use: **single dwelling**

National Register of Historic Places: ☒ Ineligible ☐ Eligible ☐ listed (date:)

3 DOCUMENTATION

Photos: Dates

☒ digital: **June 2016**
☒ prints: **1968 tax photo**
☐ historic:

Research Sources (check all sources consulted, whether useful or not)

☒ abstract of title
☐ tax card & photo
☐ building permit
☐ sewer permit
☒ Sanborn Maps
☐ obituary index
☐ city directories/gazetteers
☐ census records
☐ biographical encyclopedias
☒ newspapers
☒ city/county histories
☐ personal interviews
☐ USHS History Research Center
☒ USHS Preservation Files
☐ USHS Architects File
☐ LDS Family History Library
☒ local library: **Park City Museum**
☐ university library(ies):

Drawings and Plans

☐ measured floor plans
☐ site sketch map
☐ Historic American Bldg. Survey
☐ original plans available at:
☒ other: **survey, 7/26/2006**

Bibliographical References (books, articles, interviews, etc.)

Attach copies of all research notes, title searches, obituaries, and so forth.

McAlester, Virginia and Lee. *A Field Guide to American Houses*. New York: Alfred A. Knopf, 1998.

National Register of Historic Places. Park City Main Street Historic District. Park City, Utah, National Register #79002511.

4 ARCHITECTURAL DESCRIPTION

Building Style/Type: **other residential type / vernacular style** No. Stories: **1**

Foundation Material: **concrete** Wall Material(s): **wood siding**

Additions: ☐ none ☒ minor ☐ major (describe below) Alterations: ☐ none ☒ minor ☐ major (describe below)

Number of associated outbuildings **0** and/or structures **0**.

Briefly describe the principal building, additions or alterations and their dates, and associated outbuildings and structures. Use continuation sheets as necessary.

The house was constructed as an early interpretation of the Colonial style ranch during the Great Depression. The house is one-story in height with a low-pitch roof and it is nearly square in form with a length-to-width ratio of less than 2:1. The gable on the façade (east) elevation was shallow and the house has clipped gables on the side elevations. The house is characterized by its picture windows and front bay window. The siding materials are consistent with those typical of the era—wide horizontal siding and wide vertical siding on the gables. According to the tax cards, an addition was constructed on the north elevation of the house c.1967. Sometime after 1967, the original shallow-gable dormer above the front door on the east elevation was replaced with a larger shed dormer.

5 HISTORY

Architect/Builder: **unknown**

Date of Construction: **1932**

Historic Themes: Mark themes related to this property with "S" or "C" (S = significant, C = contributing).
(see instructions for details)

☐ Agriculture	☐ Economics	☐ Industry	☐ Politics/ Government
☒ Architecture	☐ Education	☐ Invention	☐ Religion
☐ Archeology	☐ Engineering	☐ Landscape	☐ Science
☐ Art	☐ Entertainment/ Recreation	☐ Architecture	☐ Social History
☐ Commerce	☐ Ethnic Heritage	☐ Law	☐ Transportation
☐ Communications	☐ Exploration/ Settlement	☐ Literature	☒ Other: Mining
☐ Community Planning & Development	☐ Health/Medicine	☐ Maritime History	
☐ Conservation		☐ Military	
		☐ Performing Arts	

Write a chronological history of the property, focusing primarily on the original or principal owners & significant events. Explain and justify any significant themes marked above. Use continuation sheets as necessary.

6 SIGNIFICANCE

Architect: ☐ Not Known ☐ Known: (source:)

Date of Construction: c. 1932¹

Builder: ☐ Not Known ☐ Known: (source:)

The site must represent an important part of the history or architecture of the community. A site need only be significant under one of the three areas listed below:

1. Historic Era:

- ☐ Settlement & Mining Boom Era (1868-1893)
- ☐ Mature Mining Era (1894-1930)
- ☒ Mining Decline & Emergence of Recreation Industry (1931-1962)

Park City was the center of one of the top three metal mining districts in the state during Utah's mining boom period of the late nineteenth and early twentieth centuries. However, by the mid-twentieth century, most mines in Park City had closed, the population had dwindled, and building activity nearly ceased. Though the few houses built during this period generally reflect the types and styles used in communities throughout Utah, they were constructed in a way that reinforces the settlement patterns of Park City's significant mining era. They are both modest in scale and tightly packed on the hillsides, contributing to the overall character of the community. This is one of the few extant houses to be constructed during the Great Depression.

2. Persons (Describe how the site is associated with the lives of persons who were of historic importance to the community or those who were significant in the history of the state, region, or nation):

Gordon Tessman (1899-1962) was a US Navy veteran of World War I; Park City Councilman from 1933-1937; commander of the Park City Post of the Veterans of Foreign Wars; a radio service and repairman; and custodian at the Park City Post Office in 1962.

Ernest De Jonghe (1904-1970) was born in Rouler, Belgium, but immigrated with his family to the United States in 1906. He was raised in Park City, beginning in 1908, attending local schools. He was a miner at the Spiro Tunnel, stationary engineer at the west end shaft of the Spiro Tunnel, and shift boss at the Silver King over the course of his mining career.

Frank Carpenter (1923-1972) was a member of the LDS Church, World War II Veteran, and owner and operator of Bill's Inc.

Julian Hibbert (1909-1990) had a long career with the Park City School District. In 1940, he was in the English Department at the Park City High School. He taught eighth grade in 1941, and was principal at the Marsac School in 1943.

3. Architecture (Describe how the site exemplifies noteworthy methods of construction, materials or craftsmanship used during the historic period or is the work of a master craftsman or notable architect):

At the time of this house's construction, Park City was suffering through the Great Depression and no construction was occurring, yet this house was built in the Colonial ranch style that was popularized after World War II. The style evolved from the more Traditional Cape Cod style homes. This style is epitomized by its one-story square or rectangular plan with a clipped side gable roof form. Colonial Revival Ranch styles are typically clad in brick or wood siding, and this house uses a wide-plank horizontal siding on the walls and vertical siding in the gables which was a typical treatment of the time period. The main entrance is located beneath a projecting gable dormer on the center of the roof. The bay window directly south of the main entrance highlights the location of the front door. Large rectangular divided-light windows are located on the corners of the house, typical of this era as well.

1302 Norfolk, Park City, Summit County, Utah

Historic Site Form—continuation sheet



1302 Norfolk Avenue. West Elevation. June 2016.



1302 Norfolk Avenue. Northwest oblique. June 2016.



1302 Norfolk Avenue. East Elevation. June 2016.



1302 Norfolk Avenue. South Elevation. June 2016.

Owners Name Park City
Location _____
Kind of Bldg Res St. No. 1302 Norfolk Ave
Class 4 Type 1 2 3 4. Cost \$ 5158 X 100%

Stories	Dimensions	Sq. Ft.	Factor	Totals	Totals
1	x x	1042	495	\$ 5158	\$
	x x				
	x x				

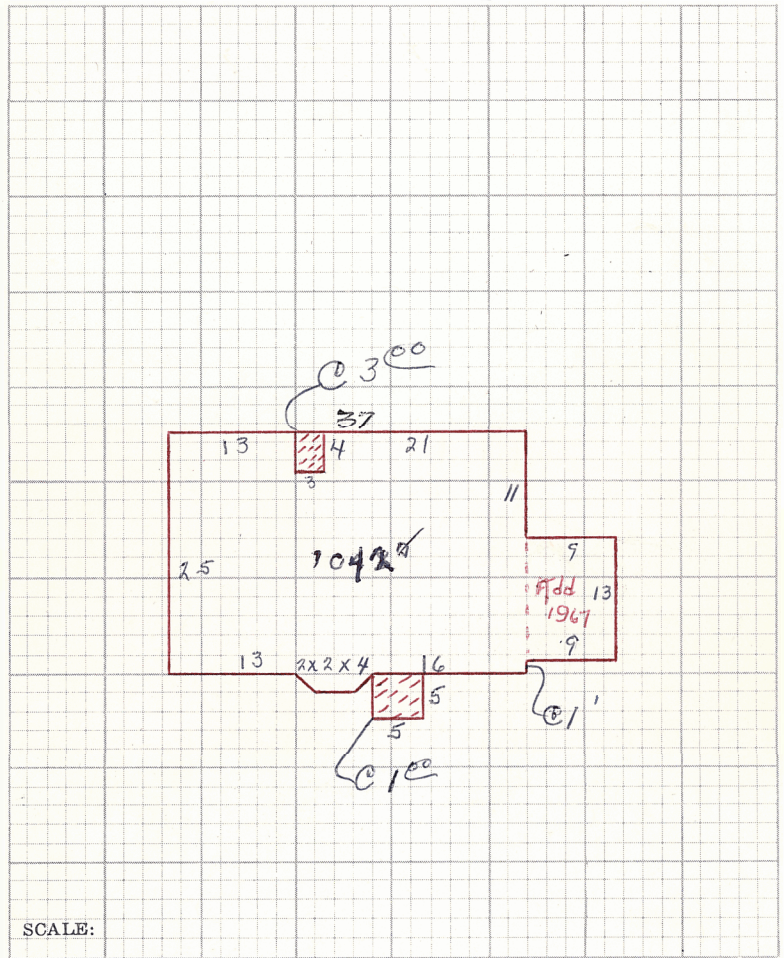
Att. Gar.—C.P. x Flr. _____ Walls _____ Cl. _____

Description of Buildings	Additions	Additions
Foundation—Stone _____ Conc. <u>✓</u> Sills _____		
Ext. Walls <u>Sho Shake over Siding</u>		
Roof Type <u>Clp Gable</u> Mtl. <u>Pat</u>		
Dormers—Small _____ Med. _____ Large _____		
Bays—Small <u>1</u> Med _____ Large <u>4</u>		
Porches—Front <u>5x5 25</u> @ <u>100</u>		
Rear <u>4x3 12</u> @ <u>300</u>		
Porch <u>12x5</u> @ <u>300</u>		
Planters _____ @ _____		
Ext. Base, Entry _____ @ _____		
Cellar-Bsmt. — $\frac{1}{4}$ $\frac{1}{8}$ $\frac{1}{2}$ $\frac{3}{4}$ Full _____ Floor _____		
Bsmt. Gar. _____		
Basement-Apt. _____ Rms. _____ Fin. Rms. _____		
Attic Rooms Fin. <u>3</u> Unfin. _____		
Plumbing { Class <u>1</u> Tub <u>1</u> Trays _____ Basin <u>1</u> Sink <u>1</u> Toilet <u>1</u> Wtr. Sfr. _____ Shr. St. _____ O.T. _____ Dishwasher _____ Garbage Disp. _____		
Heat—Stove _____ H.A. _____ FA <u>✓</u> HW _____ Stkr _____ Elec. _____		
Oil _____ Gas <u>✓</u> Coal _____ Pipeless _____ Radiant _____		
Air Cond. — Full _____ Zone _____		
Finish—Fir. _____ Hd. Wd. <u>1</u> Panel _____		
Floor—Fir. _____ Hd. Wd. _____ Other _____		
Cabinets _____ Mantels <u>1</u> <u>el 6</u>		
Tile—Walls _____ Wainscot <u>clv</u> Floors _____		
Storm Sash—Wood D. _____ S. _____; Metal D. <u>2</u> S. _____		
Awnings — Metal _____ Fiberglass _____		

Total Additions	1941	2209
Year Built <u>1932</u>	Avg. 1 <u>1941</u>	Replacement Cost <u>7347</u>
Age 2. <u>67</u>	Obsolence	
Inf. by <u>Owner</u> Tenant - _____	Adj. Bld. Value	
Neighbor - Record - Est.	Conv. Factor	x.47
Replacement Cost—1940 Base		
Depreciation Column <u>1</u> 2 3 4 5 6		
1940 Base Cost, Less Depreciation		
Total Value from reverse side <u>Ratio 4 gar</u>		223
Total Building Value		

Appraised ① 11-4 19 68 By 1587-6411
Appraised ② _____ 19 _____ By _____

JUL 11 1969
1328



SCALE:

RESIDENTIAL OUT BUILDINGS	Age	Size	Area	Factor	Cost	Conv. Fac.	Adj. Cost	Depr. Value
ATIO & BARBEQUE	1967	x	FLD	200	.47	.47		144
		x				.47		
		x				.47		
		x				.47		
		x				.47		
		x				.47		

Garage — Class 1 Depr. 2% 3%

Cars 14 Floor DIRT Walls BRK. TEX Roof RR Doors 14

Size 14 x 25 Age 35 Cost 3161 x 47% 1477

1940 Base Cost 25 % Depr. 79

Total 228

REMARKS Average Year of Construction Computation!

Year 1932 \$ 5413 = 73 % x 36 Year = 26.28

Year 1967 \$ 1954 = 27 % x 1 Year = 27

Average Year of Construction 1941

27 IN 68

TC-74 REV. 61
STATE OF UTAH — STATE TAX COMMISSION



Edwin K & Zelda A Marzec
1060 - 9th St. #4
Santa Monica, Calif
90403

SA 283
B1k 24
M37-19 0271
HQC23,415,420

Beg at SE Cor Blk 24 Snyders Addition
to Park City th N. $54^{\circ}01'$ E 45 ft; N.
 $35^{\circ}59'$ W. 80 ft; S. $54^{\circ}01'$ W. 45 ft; S.
 $35^{\circ}59'$ E. 80 ft to Beg 1302 Norfolk
M80-506

TC-541 (M-20) (URBAN LAND CARD)

PARCEL NO.	FRONTAGE OR AREA	DEPTH FACTOR	RATE	CORNER INFLU- ENCE	RATE	VALUE
	net		net			1880
TOTAL						1880
ASSESSED VALUE						375

Mr. Rydman Serial No. 5A 283
Bob Richardson

Location Block 24 SA

Kind of Bldg. RES. St. No. 1302, Norfolk Ave.

Class (4) Type 1 2 3 4. Cost \$ 2043 X — %

Stories	Dimensions	Cu. Ft.	Sq. Ft.	Factor	Totals
1	x x		900		\$ 2043
	x x				
	x x		900	521	4689

Gar.—Carport — x — Flr. — Walls — Cl. —

Description of Buildings	Additions
Foundation—Stone <u>—</u> Conc. <u>✓</u> None <u>—</u>	
Ext. Walls <u>Shy Shakes on Siding</u>	
Insulation—Floors <u>—</u> Walls <u>—</u> Clgs. <u>✓</u>	90 90
Roof Type <u>Asph/Gble</u> Mtl. <u>Rat</u>	
Dormers—Small <u>—</u> Med. <u>—</u> Large <u>—</u>	
Bays—Small <u>—</u> Med. <u>—</u> Large <u>—</u>	
Porches—Front <u>2x4</u> @ <u>4x1</u>	
Rear <u>—</u> @ <u>—</u>	
Porch <u>—</u> @ <u>—</u>	
Metal Awnings <u>—</u> Mtl. Rail <u>—</u>	
Basement Entr. <u>—</u> @ <u>—</u>	
Planters <u>—</u> @ <u>—</u>	
Cellar-Bsmt. — ¼ ½ ¾ Full <u>—</u> Floor <u>—</u>	
Bsmt. Apt. <u>—</u> Rooms Fin. <u>—</u> Unfin. <u>—</u>	
Attic Rooms Fin. <u>(3)</u> Unfin. <u>—</u>	483 725
Plumbing { Class <u>(1)</u> Tub <u>—</u> Trays <u>—</u> Basin <u>(1)</u> Sink <u>—</u> Toilet <u>—</u> Wtr. Sfr. <u>—</u> Shr. St. <u>—</u> O.T. <u>—</u> Dishwasher <u>—</u> Garbage Disp. <u>—</u>	350 550
Built-in-Appliances <u>—</u>	
Heat—Stove <u>H.A.</u> Steam <u>—</u> Stkr. <u>—</u> Blr. <u>(✓)</u>	283 606
Oil <u>—</u> Gas <u>✓</u> Coal <u>—</u> Pipeless <u>—</u> Radiant <u>—</u>	
Air Cond. <u>—</u>	
Finish—Fir <u>✓</u> Hd. Wd. <u>—</u>	
Floor—Fir <u>—</u> Hd. Wd. <u>—</u> Other <u>—</u>	30 20
Cabinets <u>—</u> Mantels <u>—</u> C. <u>—</u>	140 390
Tile—Walls <u>—</u> Wainseot <u>—</u> Floors <u>—</u>	
Storm Sash—Wood D. <u>—</u> S. <u>—</u> ; Metal D. <u>2</u> S. <u>—</u>	35 60
Total Additions	1351

Year Built <u>—</u>	Avg. Age <u>26</u>	Current Value	\$ 3394
Inf. by <u>Owner - Tenant -</u>	Age <u>26</u>	Commission Adj.	%
<u>Neighbor - Record - Est.</u>		Bldg. Value	
Remodel Year <u>—</u>	Est. Cost <u>—</u>	Depr. Col. 1 2 3 4 5 6 <u>61</u>	%
		Current Value Minus Depr.	\$ 2070

Garage—Class — Depr. 2% 3% Carport—Factor —

Cars — Floor — Walls — Roof RR Doors —

Size—14 x 20 Age 25 Cost 150 x 30 % 42

Other —

Total Building Value \$ 101 168

Appraised 4-21-58 By 1302

KIND OF BUILDING	1958	1959	1960	1961	1962	19	19	19	19	19
GARAGE	42	42	42	42	42					
RESIDENCE	2070	2036	2002	1969	1935					
TOTAL	2112	2078	2044	2011	1977					
ASSESSED VALUE	845	830	820	805	790					
KIND OF BUILDING	19	19	19	19	19	19	19	19	19	19
GARAGE										
RESIDENCE										
TOTAL										
ASSESSED VALUE										

RECORD OF ASSESSMENT OF IMPROVEMENTS

Summit COUNTY SERIAL NO SA-283

Form TC-74-B Rev. 12-57 30M
State Tax Commission of Utah

TITLE SEARCH FORM

[Obtain information from title abstract books at County Recorder's Office]

Address: 1302 Norfolk Avenue

Tax Number: SA-283

City: Park City, UT

Current Owner: 418 Centennial Circle, LLC

Address: 11610 Bellagio Road, Los Angeles, CA 90049

Legal Description (include acreage): BEG AT SE COR BLK 24 SNYDERS ADDITION TO
PARK CITY TH N 54*01' E 45 FT; N 35*59' W 80 FT; S
54*01' W 45 FT; S 35*59' E 80 FT TO BEG 1302
NORFOLK CONT

TRANSACTION DATES	GRANTOR (SELLER)	GRANTEE (BUYER)	TYPE OF TRANSACTION	DOLLAR AMOUNT	COMMENTS
8/7/2013	Zelda A. Marzec	418 Centennial Circle	Quit Claim	\$10.00	
12/21/2012	Edwin Marzec	Zelda A. Marzec	Quit Claim	\$10.00	
2/9/1984	PCMC	Edwin & Zelda Marzec	Warranty Deed		Book 290 Page 269
4/27/1982	Lowell A. Brown, Jr., Dan Clark, & Brent Gold	PCMC			
10/27/1981	Western Savings & Loan	Brown, Clark, & Gold			Entry No. 79742
5.31.1950	Julian & Alice Hibbert	Harold Taylor	Quit Claim	\$10.00	
1/13/1945	Frank & Dorothy Carpenter	Julian & Alice Hibbert	Quit Claim	\$10.00	
6/26/1944	Ernest De Jonghe	Frank Carpenter	Quit Claim		
8/31/1937	Gordon E. Tessman	Ernest De Jonghe			
8/14/1935	Ontario Silver Mining Co.	Gordon E. Tessman			



City Council Staff Report

Subject: LMC Amendments
Author: Anya Grahn, Historic Preservation Planner
Hannah Tyler, Planner II
Bruce Erickson, AICP, Planning Director
Department: Planning Department
Date: August 3, 2017
Type of Item: Legislative—Land Management Code Amendment

Summary Recommendation

Staff recommends City Council hold a public hearing and consider approving the proposed administrative and substantive amendments to the Land Management Code (LMC) regarding LMC Section 15-1-18 Appeals and Reconsideration Process, Title 15 Chapter 11 Section 10 Park City Historic Sites Inventory; LMC 15-11-11 Design Guidelines for Park City's Historic Districts and Historic Sites, and LMC 15-13 Design Guidelines.

Description

Project Name: LMC Amendments
Location: Citywide
Proposal: Administrative and substantive amendments to the Park City Development Code regarding Land Management Code Chapter 15 Section 1-18 Appeals and Reconsideration Process; Chapter 15 Section 11-10 Park City Historic Sites Inventory (legislatively adopting the list of designated properties on the Historic Inventory); Chapter 15 Section 11-11 Design Guidelines for Park City's Historic Districts and Historic Sites; and Chapter 15-13 Design Guidelines (adopting new chapter in the Land Management Code which codifies the existing guidelines)
Reason for Review: LMC Amendments require Planning Commission review and City Council review and action.

Executive Summary

Due to recent changes in the state law that went into effect on May 9, 2017, staff is proposing to amend the LMC in order to comply with State Code.

Acronyms

HPB Historic Preservation Board
HSI Historic Sites Inventory
LMC Land Management Code

Background

Due to recent changes in the state law that went into effect on May 9, 2017, staff is proposing to amend the LMC in order to comply with State Code. Staff is proposing to:

- **Amend Section 15-1-18 Appeals and Reconsideration Process** as the appellant now has the ability to choose for appeals on Historic Preservation related applications to be reviewed by either the Board of Adjustment (current appeal body) or City Council.
- **Amend Section 15-11-10 Park City Historic Sites Inventory**
- **Amend Section 15-11-11 Design Guidelines for Park City's Historic Districts and Historic Sites**
- **Adopt Chapter 15-13 Design Guidelines** as we propose inserting new chapter for the existing guidelines specifically into the Land Management Code

The Park City Planning Commission reviewed the LMC revisions on June 28, 2017. The Planning Commission unanimously forwarded a positive recommendation to City Council for the LMC changes with a four-to-zero vote; the Planning Commission Chair does not vote. [See [Planning Commission Report](#) (starting page 395) and [Minutes](#) (starting page 40).]

Analysis

1. Section 15-1-18 Appeals and Reconsideration Process

Based on the current state legislation which amended Utah Code 10-9a-701 that came into effect on May 9, 2017, the appellant now has the option to appeal any administrative decisions related to application of historic preservation regulations to either the Board of Adjustment (BOA) or the City Council. Thus, appeals of staff decisions on Historic District Design Review (HDDR) application for compliance with the Design Guidelines for Historic Districts and Historic Sites) and appeals of Historic Preservation Board decisions shall now go either to the BOA or City Council. In addition, Utah Code 10-9a-704 was amended which allows for 30 days to appeal Historic Preservation Board decisions. Lastly, Utah Code 10-9a-707 added language regarding interpretation of land use regulations by the appeal authority. Staff is proposing the following revisions to LMC 15-1-18:

15-1-18 Appeals And Reconsideration Process

- STAFF.** Any decision by either the Planning Director or Planning Staff regarding Application of this LMC to a Property may be appealed to the Planning Commission. Appeals of decisions regarding the Design Guidelines for Historic Districts and Historic Sites shall be reviewed by the Board of Adjustment or City Council at the request of the appellant. If the appellant chooses to have the City Council hear the appeal, the appellant must do so in writing at the time the appellant submits the appeal.
- HISTORIC PRESERVATION BOARD (HPB).** The City or any Person with standing adversely affected by any decision of the Historic Preservation Board

may be appealed to the Board of Adjustment or City Council at the request of the appellant.

...

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

...

- G. **BURDEN OF PROOF AND STANDARD OF REVIEW.** The appeal authority shall act in a quasi-judicial manner even if the appeal authority is the City Council. The appellant has the burden of proving that the land use authority erred. The appeal authority shall review factual matters de novo, without deference to the land use authority's determination of factual matters, and it The appeal authority shall determine the correctness of the decision of the land use authority in its interpretation and application of the land use ordinance land use authority's interpretation and application of the plain meaning of the land use regulations, and interpret and apply a land use regulation to favor a land use application unless the land use regulation plainly restricts the land use application. All appeals must be made in writing. Review of petitions of appeal shall include a public hearing and shall be limited to consideration of only those matters raised by the petition(s), unless the appeal authority grants either party approval to enlarge the scope of the appeal to accept information on other matters. New evidence may be received so long as it relates to the scope of the appeal. City Council, when acting as an appeal body for appeals of Historic Preservation decisions may exercise only administrative authority.

2. Chapter 15-11-10 Park City Historic Sites Inventory

Staff is proposing to codify the adoption of properties designated on the Historic Sites Inventory and the process by which determinations of significance are made. Staff is proposing the following revisions:

15-11-10 Park City Historic Sites Inventory

The ~~Historic Preservation Board~~ City Council may designate Sites to the Historic Sites Inventory as a means of providing recognition to and encouraging the Preservation of Historic Sites in the community. City Council shall make the final determination on all Determination of Significance applications considering the criteria below, with the recommendation of the Historic Preservation Board.

A. CRITERIA FOR DESIGNATING SITES TO THE PARK CITY HISTORIC SITES INVENTORY.

1. **LANDMARK SITE.** Any Buildings (main, attached, detached, or public), Accessory Buildings, and/or Structures may be designated to the Historic Sites Inventory as a Landmark Site if the City Council, with a recommendation from the Historic Preservation Board, finds it meets considers all the criteria listed below:

- a. It is at least fifty (50) years old or if the Site is of exceptional importance to the community; and
- b. It retains its Historic Integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the National Park Service for the National Register of Historic Places; and
- c. It is significant in local, regional or national history, architecture, engineering or culture associated with at least one (1) of the following:
 - 1. An era that has made a significant contribution to the broad patterns of our history; or
 - 2. The lives of Persons significant in the history of the community, state, region, or nation; or
 - 3. The distinctive characteristics of type, period, or method of construction or the work of a notable architect or master craftsman.

2. **SIGNIFICANT SITE.** Any Buildings (main, attached, detached or public), Accessory Buildings and/or Structures may be designated to the Historic Sites Inventory as a Significant Site if the City Council, with a recommendation from the Historic Preservation Board ~~finds it meets~~ considers all the criteria listed below:

- a. It is at least fifty (50) years old or the Site is of exceptional importance to the community; and
- b. It retains its Essential Historic Form as may be demonstrated but not limited by any of the following:
 - 1. It previously received a historic grant from the City; or
 - 2. It was previously listed on the Historic Sites Inventory; or
 - 3. It was listed as Significant on any reconnaissance or intensive level survey of historic resources; and
- c. It has one (1) or more of the following:
 - 1. It retains its historic scale, context, materials in a manner and degree which can be restored to its Essential Historic Form even if it has non-historic additions; or

2. It reflects the Historical or Architectural character of the site or district through design characteristics such as mass, scale, composition, materials, treatment, cornice, and/or other architectural features as are Visually Compatible to the Mining Era Residences National Register District even if it has non-historic additions; and
- d. It is important in local or regional history architecture, engineering, or culture associated with at least one (1) of the following:
 1. An era of Historic Importance to the community, or
 2. Lives of Persons who were of Historic importance to the community, or
 3. Noteworthy methods of construction, materials, or craftsmanship used during the Historic period.
3. **CONTRIBUTORY SITE.** Any Buildings (main, attached, detached or public), Accessory Buildings and/or Structures may be designated to the Historic Sites Inventory as a Contributory Site if the City Council, with a recommendation from the Planning Department ~~finds it meets~~ considers all the criteria listed below:
 - a. The structure is forty (40) years old or older (this includes buildings not historic to Park City that were relocated to prevent demolition); and
 - b. Meets one of the following:
 1. Expresses design characteristics such as mass, scale, composition, materials, treatment, cornice, and/or other architectural features as are Visually Compatible to the Mining Era Residences National Register District; or
 2. It is important in local or regional history, architecture, engineering, or culture associated with at least one (1) of the following:
 1. An era of Historic importance to the community; or
 2. Lives of Persons who were of Historic importance to the community, or
 3. Noteworthy methods of construction, materials, or craftsmanship used during the Historic Period
 - c. Contributory structures may be eligible for Historic District Grant funding. Contributory structures are eligible for demolition.
4. Any Development involving the Reassembly or Reconstruction of a Landmark Site or a Significant Site that is executed pursuant to Sections 15-11-14 or 15-11-15 of this code shall remain on the Park City Historic Sites Inventory. Following Reassembly or Reconstruction, the City Council, with a recommendation from the Historic Preservation Board will review the project to determine if the work has required a change in the site or structure's historic designation from Landmark to Significant.

B. PROCEDURE FOR DESIGNATING SITES TO THE PARK CITY HISTORIC SITES INVENTORY.

The Planning Department shall maintain an inventory of Historic Sites which reflects the Historic Sites Inventory adopted herein. It is hereby declared that all Buildings (main, attached, detached or public), Accessory Buildings, and/or Structures within Park City, which City Council considers to be in compliance with ~~comply with~~ the criteria found in Sections 15-11-10(A)(1) or 15-11-10(A)(2) are determined to be on the Park City Historic Sites Inventory.

Any Owner of a Building (main, attached, detached or public), Accessory Building, and/or Structure, may nominate it for listing in the Park City Historic Sites Inventory. The Planning Department may nominate a Building (main, attached, detached or public), Accessory Building, and/or Structure for listing in the Park City Historic Sites Inventory. The nomination and designation procedures are as follows:

1. **COMPLETE APPLICATION.** The Application shall be on forms as prescribed by the City and shall be filed with the Planning Department. Upon receiving a Complete Application for designation, the Planning staff shall schedule a hearing before the Historic Preservation Board within ninety (90) days.
2. **NOTICE.** Prior to taking action on the Application, the Planning staff shall provide public notice pursuant to Section 15-1-21 of this Code.
3. **HEARING AND DECISION.** The Historic Preservation Board will hold a public hearing and will review the Application for compliance with the "Criteria for Designating Historic Sites to the Park City Historic Sites Inventory." If the Historic Preservation Board finds that the Application complies with the criteria set forth in Section 15-11-10(A)(1) or Section 15-11-10(A)(2), the Building (main, attached, detached or public), Accessory Building, and/or Structure will be recommended to the City Council to be added to the Historic Sites Inventory.
~~a. The HPB shall forward a copy of its written findings to the Owner and/or Applicant.~~

C. REMOVAL OF A SITE FROM THE PARK CITY HISTORIC SITES INVENTORY.

The City Council, with a recommendation from the Historic Preservation Board may remove a Site from the Historic Sites Inventory. Any Owner of a Site listed on the Park City Historic Sites Inventory may submit an Application for the removal of his/her Site from the Park City Historic Sites Inventory. The Planning Department may submit an Application for the removal of a Site from the Park City Historic Sites Inventory. The criteria and procedures for removing a Site from the Park City Historic Sites Inventory are as follows:

1. **CRITERIA FOR REMOVAL.**

- a. The Site no longer meets the criteria set forth in Section 15-11-10(A)(1) or 15-11-10(A)(2) because the qualities that caused it to be originally designated have been lost or destroyed; or
- b. The Building (main, attached, detached, or public) Accessory Building, and/or Structure on the Site has been demolished and will not be reconstructed; or
- c. Additional information indicates that the Building, Accessory Building, and/or Structure on the Site do not comply with the criteria set forth in Section 15-11-10(A)(1) or 15-11-10(A)(2).

2. **PROCEDURE FOR REMOVAL.**

- a. **Complete Application.** The Application shall be on forms as prescribed by the City and shall be filed with the Planning Department. Upon receiving a Complete Application for removal, the Planning staff shall schedule a hearing before the Historic Preservation Board within ninety (90) days.
- b. **Notice.** Prior to taking action on the Application, the Planning staff shall provide public notice pursuant to Section 15-1-21 of this Code.
- c. **Hearing and Decision.** The Historic Preservation Board will hear testimony from the Applicant and public and will review the Application for compliance with the “Criteria for Designating Historic Sites to the Park City Historic Sites Inventory.” The HPB shall review the Application “de novo” giving no deference to the prior determination. The Applicant has the burden of proof in removing the Site from the inventory. The HPB will make a recommendation to City Council, #The HPB City Council will consider and determine whether the proposal complies finds that the Application does not ~~comply~~ with the criteria set forth in Section 15-11-10(A)(1) or Section 15-11-10(A)(2), the Building (main, attached, detached, or public) Accessory Building, and/or Structure to be removed from the Historic Sites Inventory. ~~The HPB shall forward a copy of its written findings to the Owner and/or Applicant.~~

D. Properties identified on the Historic Sites Inventory are hereby designated by Ordinance as Landmark or Significant. These properties include:
(Staff has included the full list of Landmark, Significant, and Contributory properties as part of Exhibit A—Attachment 2 .)

3. **Chapter 15-11-11 Design Guidelines for Park City’s Historic Districts and Historic Sites**

The state legislature has amended the State Code (10-9a-103 (28)) to clarify the definition of a “land use regulation” to includes any “rule that governs the use or development of land.” The State Code (10-9a-501) also now requires that only the City Council may enact a land use regulation. Therefore, staff has proposed

codifying the Design Guidelines in order to strengthen their enforceability through the land use code. Currently, the Design Guidelines for Historic Sites (Design Guidelines) are described generally in LMC 15-11-11. Staff is proposing relocating the Design Guidelines to Chapter 15-13, a new chapter that will specifically outline and adopt by Ordinance the Design Guidelines. The existing Design Guidelines were adopted by Resolution (23-09) by City Council in 2009.

Staff has been working with the Historic Preservation Board since 2016 to revise and reorganize the Design Guidelines, and bringing those changes to City Council for approval. At this time, the HPB has only reviewed and revised the Historic District Design Guidelines for Historic Commercial and Historic Residential Buildings. Staff began working on revisions to the Design Guidelines for new Infill Commercial and Infill Residential Buildings starting in 2017.

Staff proposes adopting the existing 2009 Design Guidelines as part of the LMC. Staff anticipates repealing and replacing these guidelines, based on the feedback of the HPB, Planning Commission, and City Council starting in fall 2017.

For now, staff recommends the following amendments to LMC 15-11-11:

15-11-11 Design Guidelines For Park City's Historic Districts And Historic Sites

The HPB shall promulgate and update as necessary Design Guidelines for Use in the Historic District zones and for Historic Sites which shall be reviewed by the City Council. These guidelines shall, upon adoption of the City Council, be used by the Planning Department staff in reviewing Historic District/Site design review Applications. The Design Guidelines for Park City's Historic Districts and Historic Sites shall address rehabilitation of existing Structures, additions to existing Structures, and the construction of new Structures. The Design Guidelines are incorporated into this Code **by reference in Chapter 15-13**. From time to time, the HPB may recommend changes in the Design Guidelines for Park City's Historic Districts and Historic Sites to Council, provided that no changes in the guidelines shall take effect until adopted by **a resolution an ordinance** of the City Council.

4. Chapter 15-13 Design Guidelines

This is also a new chapter proposed for the LMC. In response to changes in the State Code, staff proposes creating a new chapter that will specifically outline the Design Guidelines. Staff has been working with the HPB since January 2016 to update and revise the Design Guidelines. Staff anticipates completing this review in late-summer 2017. Staff will then repeal and replace this section with the new Design Guidelines.

Because the existing Design Guidelines were meant to be guidelines and not code, there may be some difficulties that occur when the guidelines become mandated as code. Staff has worked to revise these in our Design Guideline revisions; however,

in the meantime, staff finds that it would be appropriate for the Planning Director to make minor adjustments when issues arise.

Staff is proposing the following be included in this chapter:

15-13 Design Guidelines for Historic Districts and Historic Sites

15-13-1 Purpose and Policy

15-13-2 Design Guidelines for Historic Districts and Historic Sites

15-13-1 Policy and Purpose

The Design Guidelines for Park City's Historic Districts and Historic Sites (referred to throughout the document as the "Design Guidelines") is intended to fulfill the policy directives provided in the General Plan and the Land Management Code.

The goal of the Design Guidelines is to meet the needs of various interests in the community by providing guidance in determining the suitability and architectural compatibility of proposed projects, while at the same time allowing for reasonable changes to individual buildings to meet current needs. For property owners, design professionals, and contractors, it provides guidance in planning projects sympathetic to the unique architectural and cultural qualities of Park City. For the Planning Department staff and the Historic Preservation Board, it offers a framework for evaluating proposed projects to ensure that decisions are not arbitrary or based on personal taste. Finally, it affords residents the benefit of knowing what to expect when a project is proposed in their neighborhood.

The Design Guidelines are not intended to be used as a technical manual for rehabilitating or building a structure, nor are they an instruction booklet for completing the Historic District/Site Design Review Application. Instead, they provide applicants, staff, and the Historic Preservation Board with a foundation for making decisions and a framework for ensuring consistent procedures and fair deliberations.

15-2.25-2 Design Guidelines for Historic Districts and Historic Sites

The Design Guidelines for Historic Districts and Historic Sites are hereby adopted and incorporated herein.

Process

LMC amendments are processed according to LMC § 15-1-7. Amendments to the LMC require Planning Commission review and recommendation and City Council review and adoption. City Council final action may be appealed to a court of competent jurisdiction per LMC § 15-1-18. A public hearing is required by both the Planning Commission and City Council, with proper notice.

Notice

On Saturday, June 9, 2017 a legal notice was published in the Park Record and placed on the City's website as well as on the Utah Public Notice website.

Public Input

No public input has been received at the time of writing this report.

Alternatives

- The City Council may approve Amendments related to LMC Section 15-1-18 Appeals and Reconsideration Process, Title 15 Chapter 11 Section 10 Park City Historic Sites Inventory; LMC 15-11-11 Design Guidelines for Park City's Historic Districts and Historic Sites, and LMC 15-13 Design Guidelines; or
- The City Council may deny these Amendments; or
- The City Council may continue the public hearing and discussion to a date certain.

Significant Impacts

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

Consequences of Not Taking Recommended Action

The Land Management Code would not reflect the changes made by the

Summary Recommendation

Staff recommends City Council hold a public hearing and consider approving the proposed administrative and substantive amendments to the Land Management Code (LMC) regarding LMC Section 15-1-18 Appeals and Reconsideration Process, Title 15 Chapter 11 Section 10 Park City Historic Sites Inventory; LMC 15-11-11 Design Guidelines for Park City's Historic Districts and Historic Sites, and LMC 15-13 Design Guidelines.

Exhibits

Exhibit A – Draft Ordinance with corresponding Attachments

Attachment 1 – LMC Chapter 15-1-18 Appeals and Reconsideration Process

Attachment 2 – LMC Chapter 15-11-10 Park City Historic Sites Inventory

Attachment 3 – LMC Chapter 15-11-11 Design Guidelines for Park City's Historic Districts and Historic Sites

Attachment 4 – LMC Chapter 15-13 Design Guidelines

agreed that this item should be continued and they should bring back options for the site.

Council Member Matsumoto asked if other lots that faced Rossie Hill would request access. Grahn stated the BLM owned a major part of the land there. Council Member Henney stated this lot could have access from either Deer Valley Loop or Rossie Hill Drive. Harrington stated that Council approved the 2016 ordinance on this subdivision with access minimized for Rossie Hill. If continuance was desired, clarification should be obtained from the Planning Department on the circumstances around the subdivision approval last fall. A lot that met the requirements should be allowed to develop. Council should be more specific and couldn't ignore what was approved in 2016. If Council prohibited access to Rossie Hill Drive, then it would be necessary to revoke the former ordinance.

Council Member Henney moved to continue Ordinance No. 2017-41, an ordinance approving the Lilac Hill Subdivision-First Amended at 632 Deer Valley Loop pursuant to findings of fact, conclusions of law, and conditions of approval in a form approved by the City Attorney to a date uncertain and that a hyperlink be provided to the City Council minutes from 2016 when the original ordinance approving the subdivision was passed, with the hope of coming to a resolution that addresses the concerns of the neighbors, the Council and the applicant. Council Member Worel seconded the motion.

Council Member Matsumoto asked that neighbors on Deer Valley Loop be notified prior to the Council meeting so they would have a say on the proposed additional traffic on their street.

RESULT: CONTINUED TO A DATE UNCERTAIN

AYES: Council Members Beerman, Gerber, Henney, Matsumoto, and Worel

3. Consideration to Approve Ordinance 2017-42, an Ordinance Amending Park City Land Management Code (LMC) Title 15 Chapter 1, Section 18 Appeals and Reconsideration Process; Title 15 Chapter 11 Section 10 Park City Historic Sites Inventory; Title 15 Chapter 11, Section 11 Design Guidelines for Park City's Historic Districts and Historic Sites; and Title 15- Chapter 13 Design Guidelines:

Anya Grahn and Hannah Tyler, Planning Department, presented this item. Grahn stated this code amendment reflected historic preservation changes that were made to the State Code. They included giving an appellant the choice of appealing to the Board of Adjustment or to the City Council, the City Council would make the final determination on which sites to list on the Historic Site Inventory, with the recommendation of the HPB, and the Design Guidelines were now being codified.

Council Member Matsumoto asked if the State gave the appellant the choice and if the 30 day limit to appeal was longer than it used to be. Tyler stated these amendments

were all State mandated, and noted the appeal timeline used to be 10-14 days. Grahn clarified that if staff denied the request to remove the historic significance, the applicant could appeal to the Board of Adjustment or to the City Council. The decision could be appealed to the court from there.

Mayor Thomas opened the public hearing. No comments were given. Mayor Thomas closed the public hearing.

Council Member Beerman moved to approve Ordinance 2017-42, an ordinance amending Park City Land Management Code (LMC) Title 15 Chapter 1, Section 18 Appeals and Reconsideration Process; Title 15, Chapter 11 Section 10 Park City Historic Sites Inventory; Title 15 Chapter 11, Section 11 Design Guidelines for Park City's Historic Districts and Historic Sites; and Title 15- Chapter 13 Design Guidelines. Council Member Gerber seconded the motion.

RESULT: APPROVED

AYES: Council Members Beerman, Gerber, Henney, Matsumoto, and Worel

4. Consideration to Approve Park City Shot Ski Event – a Level Three Special Event, on Saturday, October 14, 2017:

Tommy Youngblood, Special Events, noted the event date was changed to October 14 since the following weekend was UEA weekend. He stated the Sunrise Chamber of Commerce requested to sponsor the activity and make it an annual event. HPCA recommended having more crossings on Main Street for pedestrians. It was noted that last year the event had 1091 participants. Youngblood stated the footprint would not be larger than last year since the route would include a U Turn.

Mayor Thomas opened the public hearing. No comments were given. Mayor Thomas closed the public hearing.

Council Member Matsumoto moved to approve Park City Shot Ski Event – a Level Three Special Event, on Saturday, October 14, 2017. Council Member Worel seconded the motion.

RESULT: APPROVED

AYES: Council Members Beerman, Gerber, Henney, Matsumoto, and Worel

5. Consideration to Continue an Ordinance Approving Woodside Park Subdivision - Phase I, Located at 1333 Park Avenue, 1353 Park Avenue, and 1364 Woodside Avenue to a Date Uncertain:

Mayor Thomas opened the public hearing. No comments were given. Mayor Thomas closed the public hearing.